

Convention on Biological Diversity

13th session of the Conference of the Parties (COP13, COP/MOP8 and COP/MOP2)

Summary for policymakers



COP13-COPMOP8-COPMOP2
CANCUN, MEXICO 2016



MAINSTREAMING BIODIVERSITY FOR WELL-BEING
CONVENTION ON BIOLOGICAL DIVERSITY

4 - 17 December 2016
Cancun, Mexico

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A few words from the Director of the IFDD

Twenty-four years after the adoption of the *Convention on Biological Diversity* (CBD), Mexico is welcoming the 13th session of the Conference of the Parties (COP13) on 4-17 December 2016. It will be an occasion for the stakeholders to reflect on the way forward with the efforts towards equitable, efficient, sustainable and universal protection of the biodiversity.

There is still a great deal to be done to reverse the trends of the loss of biodiversity and the French-speaking countries intend to play their part.

By 2020 – the target year for the Aichi Targets – the planet will have seen a substantial reduction in world fauna and flora. Our production and consumption methods leave a damaging ecological footprint for future generations. The biodiversity, the social, cultural and economic foundation of all civilisations, gives the populations all the ecosystem services which are essential for them to survive. It guarantees the permanence of numerous key sectors – agriculture, fisheries, forestry, tourism, health and more – and yet its potential is still widely unknown and untapped. Guaranteeing and protecting the biodiversity is therefore essential given that the goods and services it brings are so vital. We must act urgently by combining our efforts; there is no other alternative.

The CBD's *Strategic Plan for Biodiversity 2011-2020* and the Aichi Targets are key global instruments which are designed to reverse these trends and contribute to sustainable development.

This 13th Conference of the Parties will therefore be an opportunity to welcome and assess progress made, including in the mainstreaming of biodiversity within and across sectors. Other crucial underlying points will be discussed: financing, the global multilateral benefit-sharing mechanism under the *Nagoya Protocol*, the review of the *Cartagena Protocol*, synergy with combating climate change, etc. All these and many other challenges facing the forthcoming negotiations are addressed in this Guide which has been prepared for you 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 International Organisation of La Francophonie (OIF)

Last year, the *Paris Agreement*, the 2030 Agenda for Sustainable Development and the Addis Ababa Agenda on Financing for Development showed that world leaders are ready to adopt a bolder, more ambitious vision for the next decades and take more concrete action for the conservation of biodiversity and the emergence of a sustainable world. In Cancun, the Parties to the CBD must therefore step up their efforts urgently to respond to the magnitude of the challenge and facilitate the achievement of the Aichi Targets.

The OIF, through IFDD, remains determined to support the French-speaking countries and the Secretariat of the Convention in accelerating the implementation of measures to protect the biodiversity, introducing a consistent policy with the key sectors (trade, tourism, transport, finance, etc.), promoting a more integrated approach between sectors and institutions and encouraging public awareness of the role of biodiversity for society and the economy.

The *Guide to the Negotiations* and this *Summary for Policymakers* which accompanies it, both of which are published by IFDD, are just one concrete example of the commitments listed above. I hope that these tools will provide useful clarifications about the agenda and the issues of the COP13 negotiations, so that you can work further or more effectively on protecting this biodiversity on which we all depend.

Excellent reading and every success for the negotiations!

Jean-Pierre Ndoutoum

Contents

1. Introduction.....	1
2. Overview of the <i>Convention on biological diversity</i>.....	5
3. Topics on the COP13 agenda.....	7
I. Assessment of progress made in the implementation and scaling up of the <i>Strategic Plan for Biodiversity 2011-2020</i>.....	7
3.1 Interim assessment of progress made in the implementation of the <i>Strategic Plan for Biodiversity 2011-2020</i> and the execution of the Aichi Biodiversity Targets and related implementation means (agenda item 9)	7
3.1.1 Progress made in the implementation of the Convention and the <i>Strategic Plan for Biodiversity 2011-2020</i> and the execution of the Aichi Biodiversity Targets.....	7
3.1.2 Tools to evaluate the effectiveness of general policy instruments for the implementation of the <i>Strategic Plan for Biodiversity 2011-2020</i>	9
3.1.3 Review of progress towards Aichi Biodiversity Target 16 on the <i>Nagoya Protocol</i>	10
3.2 Strategic actions to enhance the implementation of the <i>Strategic Plan for Biodiversity 2011-2020</i> and the achievement of the Aichi Biodiversity Targets, including with respect to mainstreaming of biodiversity within and across sectors (agenda item 10).....	10
3.2.1 Strategic actions to enhance the implementation of the Convention and <i>Strategic Plan for Biodiversity 2011-2020</i> , including the mainstreaming of biodiversity within and across sectors.....	10
3.2.2 Biodiversity and climate change.....	12
3.2.3 Progress towards achieving Aichi Biodiversity Targets 11 and 12	13
3.2.4 Ecosystem restoration: short term action plan.....	14
3.2.5 Forest biodiversity: role of international organisations in supporting the achievement of the Aichi Biodiversity Targets.....	15
3.2.6 Biological diversity and human health	16
3.3 The mobilisation of resources and the financial mechanism (item 11 of the agenda)	16

3.3.1	The mobilisation of resources (OSI 1/6)	16
3.3.2	Guidelines for the financial mechanism	18
3.4	Other means of implementation: improvement of capacity-strengthening, technical and scientific cooperation and other initiatives to improve the implementation (agenda item 12).....	18
	Improvement of capacity-strengthening, technical and scientific cooperation, technology transfer, and Clearing House.....	18
3.5	Cooperation with other international conventions and initiatives (agenda item 13)	19
	Options to strengthen synergies between conventions related to biodiversity	19
II.	Other questions arising from the convention's work programme	20
3.6	Article 8 (j) and related provisions (agenda item 14).....	20
3.6.1	Guidelines for the development of legislation or other mechanisms	20
3.6.2	Guidelines for the repatriation of traditional knowledge	20
3.6.3	Glossary of the main terms and concepts	21
3.6.4	Recommendations by the United Nations Permanent Forum on Indigenous Issues	21
3.6.5	In-depth dialogue on the thematic areas and other cross-cutting issues.....	22
3.7	Marine and coastal biological diversity (item 15 of the agenda)....	23
3.7.1	Ecologically or biologically significant marine areas	23
3.7.2	Specific work plan on biodiversity and acidification in cold water areas.....	24
3.7.3	Impact of marine waste and underwater noise pollution of anthropic origin on marine and coastal biodiversity.....	24
3.7.3.1	Underwater noise.....	24
3.7.3.2	Marine waste.....	24
3.7.4	Marine spatial planning and training initiatives	25
3.7.4.1	Marine spatial planning	25
3.7.4.2	Training initiatives	26
3.8	Invasive alien species (item 16 of the agenda)	26
3.8.1	Risks associated with the trade of wild fauna and flora.....	26
3.8.2	Risks associated with the e-commerce of invasive alien species	27
3.8.3	Biological controls of invasive alien species	28

3.8.4 Decision-making tools.....	28
3.8.5 Aichi Biodiversity Target 9.....	28
3.9 Other scientific and technical issues (agenda item 17)	29
3.9.1 Climate-related geoengineering.....	29
3.9.2 Synthetic biology.....	29
3.9.3 Implications of the IPBES assessment on pollinators, pollination and food production.....	31
3.9.4 Sustainable wildlife management	32
III. Modus operandi of the Convention	32
3.10 Effectiveness of structures and processes (agenda item 18)	32
3.10.1 Modus operandi of the Subsidiary Body on Implementation	32
3.10.2 Support mechanisms for the implementation review	33
3.10.2.1 Voluntary peer-review process for the NBSAPs	33
3.10.2.2 Decision-tracking.....	33
3.10.2.3 Other mechanisms.....	34
3.10.3 Ways to improve the effectiveness of meetings.....	34
3.10.4 Integration among the Convention and its Protocols	34
3.10.4.1 Integrated approach on issues concerning the Convention and the protocols.....	34
3.10.4.2 Concurrent meetings	34
3.10.4.3 Regional preparatory meetings.....	35
3.11 Sixth national reports, Global Biodiversity Outlook and indicators (agenda item 19)	35
3.11.1 Guidelines for the sixth national reports.....	35
3.11.2 Fifth edition of the Global Biodiversity Outlook.....	35
3.11.3 IPBES work: global assessment of biodiversity and ecosystem services	36
3.11.4 Indicators for the <i>Strategic Plan for Biodiversity 2011-2020</i> and the Aichi Biodiversity Targets	36
3.11.5 Scientific assessment of progress in achieving selected Aichi Biodiversity Targets	37
3.11.6 Key scientific and technical needs related to the implementation of the <i>Strategic Plan for Biodiversity</i> <i>2011-2020</i> and relative research.....	37
4. Eighth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol (COP/MOP8)	39

4.1 Report of the Compliance Committee (agenda item 4)	39
4.2 Report of the Subsidiary Body on Implementation (agenda item 5)	40
4.2.1 Modus operandi of the Subsidiary Body on Implementation	41
4.2.2 Integration of the Convention and its Protocols	41
4.2.3 Use of the terminology “indigenous peoples and local communities”	41
4.3 Capacity-building and roster of biosafety experts (agenda item 6)....	42
4.3.1 Report on progress in capacity-building for biosafety and analysis of the capacity-building framework and plan of action.....	42
4.3.2 Report on the use of the roster of biosafety experts	42
4.4 Operation and activities of the Biosafety Clearing House (agenda item 7)	42
4.5 Questions regarding the finance mechanism and financial resources (item 8 of the agenda)	43
4.6 Cooperation with other organisations, conventions and initiatives (item 9 of the agenda)	44
4.7 The Executive Secretary’s report on the administration of the Protocol and budgetary issues (item 10 of the agenda)	44
4.8 Risk assessment and risk management (point 11 of the agenda)	44
4.9 Unintentional transboundary movements and emergency measures (agenda item 12)	45
4.10 Transit and contained use of living modified organisms (agenda item 13)	45
4.11 Review of implementation and effectiveness of the Protocol (agenda item 14)	46
4.11.1 Monitoring and reporting	46
4.11.2 Third Assessment and review of the effectiveness of the <i>Cartagena Protocol</i> and mid-term evaluation of the <i>Strategic Plan</i>	46
4.12 Socio-economic considerations (agenda item 15)	48
4.13 <i>Nagoya–Kuala Lumpur Supplementary Protocol</i> on Liability and Redress (agenda item 16).....	48

Points to discuss at COP/MOP8.....	49
4.14 Public awareness, education and participation (agenda item 17)	49
5. Second meeting of the Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol (COP/MOP2)	51
The agenda of the COP/MOP2 to the <i>Nagoya Protocol</i>	51
5.1 Report of the Compliance committee (Article 30) (point 4 on the agenda).....	51
5.2 Report of the Subsidiary Body on Implementation (point 5 on the agenda)	52
5.2.1 Review of progress towards Aichi Biodiversity Target 16 (sub-point 5.1).....	52
5.2.2 Modus operandi of the Subsidiary Body on Implementation (sub-point 5.2).....	52
5.2.3 Integration among the Convention and its Protocols (sub-point 5.3).....	53
5.2.4 Organisation of work (sub-point 2.3).....	53
5.3 The Access and Benefit-Sharing Clearing House and Information Sharing (Article 14) (point 6 on the agenda)	53
5.4 Financial mechanisms and resources (Article 25) (agenda item 7)	54
5.4.1 Financial Mechanism	54
5.4.2 Resource mobilization.....	55
5.5 Cooperation with other international organizations, conventions and initiatives (agenda item 8)	56
5.6 Report of the Executive Secretary on the administration of the Protocol and on budgetary matters (agenda item 9)	56
5.7 Support measures for capacity-building and strengthening (Article 22) (agenda item 10)	56
5.8 Measures to raise awareness of the importance of the genetic resources and associated traditional knowledge (Article 21) (agenda item 11)	57
5.9 The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10) (agenda item 12).....	57
5.10 Evaluation of the effectiveness of the Protocol (Article 31) (agenda item 13)	58
5.11 Other issues (agenda item 14)	58

Annexes.....	59
Annex I: Technical sheets	59
Annex II: The Aichi Biodiversity Targets	66

1. Introduction

The town of Cancun, in Mexico, will welcome from 4th to 17th December, the 13th session of the Conference of the Parties to the *Convention on Biological Diversity* (COP13), the 8th meeting of the Conference of the Parties serving as the Meeting of the Parties to the *Cartagena Protocol* (COP/MOP8), as well as the 2nd session of the Conference of the Parties serving as the Meeting of the Parties to the *Nagoya Protocol* (COP/MOP2). The Cancun Conference will be an opportunity to do an interim review of the progress made in the implementation of the *Strategic Plan for Biodiversity 2011-2020* and of the fulfilment of the Aichi Targets for Biodiversity, as well as the associated means of implementation.

At the 12th COP, in Pyeongchang, the Conference of the Parties urged the Parties who had not yet done so, to update and revise their national biodiversity strategies and their action plans (NBSAPs) taking into account the *Strategic Plan for Biodiversity 2011-2020* and the Aichi Targets, and to adopt indicators at a national level, by October 2015 at the latest (decision XII/2 A, paragraph 4). It also urged Parties to submit their fifth national reports. At COP13, the progress review carried out will constitute an excellent barometer, not only for evaluating the progress of the implementation of the *Strategic Plan 2011-2020*, but also, and most importantly, to help Parties to bring about means of intensifying the implementation of the *Strategic Plan*. In fact, the COP could adopt a decision here planning strategic measures with the aim of implementing the *Strategic Plan for Biodiversity 2011-2020* and the fulfilment of the Aichi Biodiversity Targets.

Since the 10th meeting of the Conference of the Parties, most Parties have started revising their NBSAP, in response to Decision X/2. A total of 67 Parties met the deadline in 2015 and 24 others presented their NBSAPS before 18th July 2016, totalling 101 new strategies and action plans. Among these strategies, 13 are the first NBSAPs from their country, while 88 constitute revisions. This represents 52% of Parties at the Convention. The summary analysis that has been prepared by the Convention on the progress made in the implementation of the Aichi Targets was distributed on 20th July 2016.¹ It considers the fifth national reports and the revised or updated NBSAPs, which had been received by 18th July 2016. This analysis will be updated again before the Cancun COP if other NBSAP are received before 14 October 2016. It is on the basis of revised NBSAPs and released fifth national reports that the interim review will be carried out by COP13.

1. UNEP/CBD/COP/13/8/Add.2, 20 July 2016.

The lessons drawn from the progress review carried out into the implementation of the *Strategic Plan 2011-2020* will serve, for their part, as a basis for reflections and decisions of the COP13 bringing the means to intensify this implementation. That is how COP13 must urge a greater technical and scientific collaboration by way of the Convention in order to support the effective implementation of the *Strategic Plan 2011-2020* and the revised NBSAPs, and how it may developing country Parties and Parties with economies in transition, to make available the information on their technical and scientific needs and priorities and their needs of technology transfer, in particular through the Clearing House.

The mobilisation of resources will be, as always, one of the sensitive points that will be examined at COP13. Indeed, several previous decisions have marked out the tasks to accomplish at COP13, and have entrusted the preliminary analysis of certain aspects linked to this topic to the Subsidiary Body on Implementation (SBI).

Moreover, the topic of traditional knowledge (article 8 j) will also be on the agenda, following the latest work of the Working Group on Article 8(j) (WG8j). COP13 could invite the COP/MOP to the *Nagoya Protocol* to plan to make a decision to implement, *mutatis mutandis*, the decision XII/12 F from COP12. Bear in mind that in this decision, COP12 had decided to use the expression “native people and local communities” in future decisions and secondary documents coming within the competency of the Convention, as appropriate. COP12 had nonetheless reminded that the decision was taken on an exceptional basis, whilst recognising that the terminology used in the CBD is “native and local communities”.

Other topics will be approached at the Cancun Conference, in particular those surrounding issues relating to marine and coastal biological diversity, links between biodiversity and climate change, invasive exotic species, forest diversity and links between diversity and human health.

In Cancun, the Conference of the Parties could also adopt revised guidelines for the sixth national reports, consisting of a reporting template, such as can be found in the annex of recommendation 1/10 from the SBI, and encourage the Parties to submit their national reports before 31st December 2018. The Global Environment Facility (GEF) could be urged to provide adequate financing to DCs and to countries with economies in transition in order to enable the preparation of the sixth reports. Finally, COP13 will investigate recommendation 1/11 from the SBI. In paragraph 9 of this recommendation, the SBI recommends that the COP and the two COP-MOPs decide to investigate the experience of concurrent meeting organisation by means of the six specific criteria (see section 3.10.4.2).

Finally, the Cancun COP could adopt a decision on the mobilisation of resources, taking into account in particular the report of the international working group of technical experts on identification, access, compilation and merging of national and international investments linked to biodiversity and its effects², which

2. UNEP/CBD/SBI/1/INF/20.

was held in Mexico from 5th to 7th May 2015, and the report of the co-presidents of the dialogue workshop on the evaluation of the collective measures of native people and local communities regarding the conservation of biodiversity and the mobilisation of resources³, held in Panajachel (Guatemala), from 11th to 13th June 2015. COP13 could ask the Parties to identify their needs and priorities regarding financing in their national financing plans for the effective implementation of their NBSAPs, to report on this subject before 1st July 2017 and to encourage the Executive Secretary to make the financial reporting framework for the second cycle of the reporting system available⁴ on-line before 1st July 2017.

Finally, on the basis of a project devised by the secretariat of the Convention and by the GEF for the 7th replenishment of GEF resources, COP13 may adopt a decision providing for 1) a strengthened positioning project intended for the financing mechanism, including the quadrennial framework (2018-2022) for the programme's priorities and opinions received from conventions relating to biodiversity; 2) the report of the evaluation of needs for the seventh reconstitution of resources of the GEF Trust Fund, and an invitation made to the GEF to take into consideration all aspects of the report of the evaluation of needs that has been carried out by a team of experts regarding the financing level predicted for biodiversity in the process of the 7th replenishment; 3) the report from the Global Environment Facility Board; and 4) a draft mandate for the fifth review into the effectiveness of the financing mechanism.

Regarding the COP/MOP8 of the *Cartagena Protocol*, the COP/MOP could adopt a decision entitled “*Evaluation and review of the effectiveness of the Cartagena Protocol on Biosafety and mid-term evaluation of the Protocol's Strategic Plan*”. This decision could welcome the works of the SBI in respect of the third assessment and review of the effectiveness of the Protocol, and the midterm evaluation of the *Strategic Plan of the Cartagena Protocol on the prevention of biotechnological risks* for the period 2011-2020. It could also note with concern the fall in the rate of communication of the third national reports compared to the previous cycle of reports, and urge the Parties that have not yet returned their third national report to do so at the earliest opportunity. Finally, the COP-MOP8 could consider the requirement to produce orientations or to provide help to the Parties in their efforts to adopt and apply the additional *Nagoya Protocol – Kuala Lumpur*, in accordance with the work program of the meeting of the Parties to the *Cartagena Protocol* for the period 2012–2016 (annex II of decision BSV/16).

In the end, several points will be discussed at the COP/MOP2 on the *Nagoya Protocol*. As at 29 November 2016, 89 Parties (88 States and the European Union) had ratified the *Nagoya Protocol*. We must remember that since the 1st Meeting of the Parties on the *Nagoya Protocol* (COP/MOP1), held in 2014, the number of ratifications has gone from 56 to 89 (29 November 2016). An initial meeting of the

3. UNEP/CBD/SBI/1/INF/6.

4. Decision XII/3, Annex II, Part III.

Compliance Committee took place from 6 to 8 April 2016 in Montreal (Canada). In Annex II to its final report⁵, the Committee drafted a series of recommendations for the COP/MOP2. The Committee recommends, in particular, that the COP/MOP2 approve its draft rules of procedure. Moreover, the COP/MOP2 could encourage the Parties to include their challenges linked to the implementation of the Protocol in their interim national reports and to make the information accessible through the Access and Benefit-Sharing Clearing-House (ABSCH). The COP/MOP2 could also recommend that the COP invites the GEF to grant funds to eligible Parties for the preparation of their interim national reports in the framework of the *Nagoya Protocol*.

The COP/MOP2 could adopt a decision in which it would urge the Parties to the *Nagoya Protocol* to take additional measures to ensure the effective implementation of the *Nagoya Protocol* and to make all pertinent information available to the ABSCH. Finally, the Parties at the COP/MOP2 will continue the reflective work relating to the Access and Benefit-Sharing Clearing House (ABSCH). The COP/MOP2 must examine the report of the Executive Secretary concerning the progress made in the implementation and operating of the ABSCH⁶ in order to adopt a decision. Finally, concerning the necessity and the means of a global multilateral benefit-sharing mechanism (GMBSM, article 10 of the *Nagoya Protocol*), the COP/MOP2 will be called to examine the report of the meeting of experts on this subject, held in February 2016. Following the recommendation of these experts, the delegates gathered at the time of the COP/MOP2 could particularly underline that the information and experiences are still not sufficient to determine the necessity of a GMBSM, and encourage the States to promote the bilateral approach regarding ABS where possible.

5. Report of the first meeting of the Compliance Committee: UNEP/CBD/NP/COP-MOP/2/4.

6. UNEP/CBD/NP/COP-MOP/2/3.

2. Overview of the Convention on biological diversity



Convention on
Biological Diversity

The *Convention on Biological Diversity (CBD)*, adopted on 22nd May 1992 in Nairobi, was opened for signature on 5th June 1992, two days after the start of the United Nations Conference on Environment and Development (UNCED), known as the Rio Earth Summit. The Convention came into effect on 29th December 1993. On 1st October 2016, it includes 196 Parties, apart from the United States, who signed it on 4th June 1993 but have not ratified it. Nevertheless, they participate in its work as observers, pursuant to the possibility offered to them by article 32 of the CBD. The Holy See has never signed it.

The *conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources* are the three objectives of the CBD.⁷ The States Parties were given the means to manage to relieve their challenges by ratifying the *Convention on Biological Diversity* and by adopting three protocols in turn, which set out the States' obligations: the *Cartagena Protocol on the prevention of biotechnological risks relating to the Convention on Biological Diversity* and the *additional Nagoya-Kuala Lumpur Protocol on responsibility and reparation*, which deal with biosecurity; and the *Nagoya Protocol on access to genetic resources and fair and equal benefit-sharing resulting from their usage* (referred to under the acronym "ABS") *relating to the Convention on Biological Diversity*.

Biological diversity is of crucial importance for human societies because it supports several benefits called "ecosystem benefits" or "ecological benefits" on which societies depend. If the components of biological diversity disappear, the ecosystems will be less resilient and the benefits they give to mankind will be less

7. *CBD*, Article 1.

significant and of a lesser quality.⁸ The *Strategic Plan for Biological Diversity 2011-2020* recognises that special efforts must be made to safeguard and restore those ecosystems of particular importance to human well-being due to the benefits that they provide⁹. As natural as this statement may be, the vast challenge it poses requires us to tackle the causes of the decrease in biodiversity, which is not a small task as the causes fall within all sectors of our economy. That is, incidentally, why the theme of the next session of the Conference of the Parties will be that of mainstreaming biodiversity, that is to say the challenge of integrating biodiversity into all areas of activity and into all the decisions that are taken in regards to economic development. The OECD, which produced a report earlier this year that has had a big impact on the subject, reminds us of it, when it encourages the States to integrate biodiversity into all their sector-specific and cross-sector policies.¹⁰

The text of the CBD establishes three bodies: the Conference of the Parties (COP), the Secretariat (SCBD) and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA). In accordance with the CBD, the COP can establish, if it considers it necessary, other subsidiary systems, which it did recently, in 2014, by creating the Subsidiary Body on Implementation (SBI). It has also created Ad Hoc Open-ended Working Groups (WG), for the purpose of facilitating its implementation.

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8. For more on the complex issue of ecosystem benefits, payments for these benefits and the origin and impact of these concepts and their quantification, see: D. Pesche , P. Méral, M. Hrabanski and M. Bonnin, “Ecosystem Services and Payments for Environmental Services: Two Sides of the Same Coin?”, in R. Muradian and L. Rival (ed.), *Governing the provision of ecosystem services*, Springer, 2013, p. 67; E. Bulte, L. Lipper, R. Stringer and D. Zilberman, “Payments for ecosystem services and poverty reduction: concepts, issues, and empirical perspectives”, (2008) 13(3) *Environment and Development Economics*, pp. 245-254; J.-P. Chassany and J.-M. Salles, “Potentiels et limites des paiements pour services environnementaux dans les programmes de lutte contre la désertification”, (2012) 23 *Sécheresse*, pp. 177 to 184; S. Pagiola, A. Arcenas and G. Platais, “Can Payments for Environmental Services Help Reduce Poverty? An Exploration of the Issues and the Evidence to Date from Latin America”, (2005)33-2 *World Development* 237.
 9. Secretariat of the Convention for Biological Diversity, 4th ed., *Global Biodiversity Outlook*, Montreal, 2014, p 95 [Global Outlook].
 10. OECD (2015), “Conservation and sustainable use of biodiversity”, in *OECD Environmental Performance Reviews: Brazil 2015*, OECD Publishing, Paris.

3. Topics on the COP13 agenda

I Assessment of progress made in the implementation and scaling up of the *Strategic Plan for Biodiversity 2011-2020*



3.1 Interim assessment of progress made in the implementation of the *Strategic Plan for Biodiversity 2011-2020* and the execution of the Aichi Biodiversity Targets and related implementation means (agenda item 9)

3.1.1 Progress made in the implementation of the Convention and the *Strategic Plan for Biodiversity 2011-2020* and the execution of the Aichi Biodiversity Targets

Since the 10th meeting of the Conference of the Parties, most Parties have started revising their NBSAP, in response to Decision X/2. A total of 67 Parties met the 2015 deadline and 34 others submitted their national biodiversity strategies and action plans before 18 July 2016, for a total of 101 new NBSAP. Among these strategies, 13 are the first NBSAPs from their country, while 88 constitute revisions. This represents 52% of Parties at the Convention. The summary analysis prepared by the Convention on progress made in implementing the Aichi Targets was circulated on 20 July 2016 (document UNEP/CBD/COP/13/8/Add.2, 20 July 2016). It takes account of the 5th national reports and revised or updated NBSAP which had been received up to 18 July 2016. This analysis will be updated again before the Cancun COP if other NBSAP are received before 14 October 2016.

This assessment summarises the progress made in revising and implementing NBSAP and their national targets. It indicates that most revised NBSAP show substantial improvement over the previous ones which had been globally assessed in 2010. Overall, the majority of targets and/or national commitments contained in the NBSAP are below the Aichi Targets or do not address all their elements. As a rule, the national targets which have been updated are more general than the



Aichi Biodiversity Targets. Copyright BIP/SCBD - See complete description at Annex # 3 of this Guide.

Aichi Targets. With the NBSAP which will be received in the future (and there will be more of them), this overview table may nevertheless change again. Many countries have established targets or made commitments under other international processes beyond the *Convention on Biological Diversity* and several of these targets and commitments may be relevant to the Aichi Targets.

The overall conclusion of this assessment is similar to the outcome of the analysis made available during the first meeting of the Subsidiary Body on Implementation. The information from this analysis agrees broadly with the information in the fourth edition of the *Global Biodiversity Outlook* which concludes that, even if progress was made in meeting all the targets, it would not be enough to meet the Aichi Biodiversity Targets and that additional measures were required for the *Strategic Plan for Biodiversity 2011-2020* to stay on course.

In the light of the above and following SBI Recommendation 1/1, COP13 may adopt a partially bracketed decision, which underlines that [the majority] of NBSAP prepared or revised since 2010 contain targets linked to the Aichi Biodiversity Targets but also notes, however, that only [a minority of] (bracketed) Parties have set targets with comparable levels of ambition and scope to the Aichi Biodiversity Targets.

COP13 may also, based on the fact that Aichi Targets 17 and 10 were not met before the 2015 deadline and that there is a significant lack of progress in meeting Targets 18 and 19 and in incorporating Article 8(j), urge the Parties yet to do so to update their NBSAP using a participatory approach and to establish national and regional targets using the *Strategic Plan for Biodiversity 2011-2020* and its

Aichi Targets as a flexible work framework, in accordance with national priorities and capacities and resources provided under the resource mobilisation strategy. The COP may especially recommend that the Parties take account, as relevant, of indicators in the *Strategic Plan for Biodiversity 2011-2020* and, when available, indicators from the Sustainable Development Goals (SDG) when updating their NBSAP (SBSTTA recommendation XX/2).

In its decision, COP13 may encourage the Parties to ensure the full, effective participation of indigenous peoples and local communities, in line with their national circumstances, in executing and implementing their NBSAP. It may also encourage the Parties to support and strengthen initiatives to incorporate Article 8(j) and Article 10(c), including the plan of action on customary sustainable use of biological diversity¹¹, in preparing, updating and implementing NBSAP. COP13 may also request the financing mechanism and other donors in a position to do so to continue to provide aid to prepare and implement NBSAP, as per the needs expressed by the Parties.

Lastly, COP13 may invite the Parties, other governments, indigenous peoples, local communities and competent international organisations to communicate updated information, mainly on the use of indicators in the progress towards meeting the Aichi Biodiversity Targets, using the optional online communication tool, ideally before 31 December 2017. Compliance with this deadline will allow the Executive Secretary to produce the summary and make this information available to the SBI for review at its second meeting.

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

In its Recommendation XIS/3, the SBSTTA underlined the importance of assessing the effectiveness of measures to implement the *Strategic Plan for Biodiversity 2011-2020* to achieve continuous learning and improvement of efforts towards the full implementation of this plan and the achievement of the Aichi Biodiversity Targets by 2020. In this same document, the SBSTTA acknowledges that the regional and global assessments of the IPBES should include information on and analysis of the effectiveness of policy instruments and measures to implement the *Strategic Plan for Biodiversity 2011-2020*, but that it was necessary, in this regard, to avoid duplication of work.

COP13 may, in this regard:

- Encourage the Parties to assess the effectiveness of measures undertaken to implement the *Strategic Plan 2011-2020*, to document this experience, to identify lessons learned and to provide this information to the Executive Secretary, including through their sixth national report;

11. Annex to Decision XII/12 B.

- Request the Executive Secretary, subject to availability of resources, to compile and analyse this information provided by Parties and make it available for consideration by the SBSTTA and SBI.

3.1.3 Review of progress towards Aichi Biodiversity Target 16 on the Nagoya Protocol

In its Recommendation 1/2, the SBI noted with satisfaction that the first part of Aichi Biodiversity Target 16 had been achieved and requested the Executive Secretary to update the document on progress towards Aichi Target 16¹², to reflect any additional developments, and to make the document available for the information of COP13 and MOP2.

Based on SBI Recommendation 1/2, COP13 may adopt a decision which invites Parties to the Convention that have not yet done so to deposit their instrument of ratification, acceptance or approval or their instrument of accession to the *Nagoya Protocol* as soon as possible, and to take steps towards its implementation, mainly to take note of and to apply the *Elements to Facilitate Domestic Implementation of Access and Benefit-Sharing for Different Subsectors of Genetic Resources for Food and Agriculture*.¹³

The Cancun COP may also request the Executive Secretary to continue providing technical assistance for Parties to the Convention, subject to the availability of financial resources, with a view to supporting ratification and implementation of the *Nagoya Protocol*, in accordance with decision X/1, and to making relevant information available to the Access and Benefit-sharing Clearing-House.

3.2 Strategic actions to enhance the implementation of the *Strategic Plan for Biodiversity 2011-2020* and the achievement of the Aichi Biodiversity Targets, including with respect to mainstreaming of biodiversity within and across sectors (agenda item 10)

3.2.1 Strategic actions to enhance the implementation of the Convention and *Strategic Plan for Biodiversity 2011-2020*, including the mainstreaming of biodiversity within and across sectors

“Mainstreaming of biodiversity for well-being” is the central theme adopted by Mexico for COP13. This mainstreaming of biodiversity must be included in the plans, programmes within and across sectors, mainly in agriculture, forestry, fisheries and tourism, to reduce, prevent and mitigate the negative effects of these sectors on

12. UNEP/CBD/SBI/1/3.

13. Commission on Genetic Resources for Food and Agriculture, Food and Agriculture Organization of the United Nations, Rome, 2016.

the biodiversity. It is therefore essential to attack the causes of the reduction in the biodiversity, which is no mean task as they are present in all sectors of our economy. For this reason the theme of the next session of the Conference of the Parties is “mainstreaming” of biodiversity, in other words the challenge of integrating the biodiversity in all activity sectors and in all decisions taken on development.

To this end, and based on the Assessment of progress made in achieving each of the Aichi Biodiversity Targets, COP13 should consider the relevant conclusions and recommendations of its subsidiary bodies regarding the strategic actions for mainstreaming of biodiversity in the relevant sectors. On this topic, **two initiatives should see the light of day at the Cancun COP:**

- the adoption of a “Ministerial Cancun Declaration on mainstreaming the conservation and sustainable use of biodiversity for well-being” driven by the High-Level Segment scheduled for 2-3 December.
- the adoption by COP13, as per SBI Recommendation 1.4, **of a decision on the “strategic actions to enhance the implementation of the Convention and Strategic Plan for Biodiversity 2011-2020, including the mainstreaming of biodiversity within and across sectors”.**

SBI Recommendation 1/4 suggests that COP13 adopt a decision whereby it recognises especially the importance of enhancing the mainstream of biodiversity in the context of the relevant international processes. COP13 may, especially, in this decision:

- Urge Parties, when implementing the *2030 Agenda for Sustainable Development*, to mainstream biodiversity in the implementation of all SDG;
- Calls on the Parties to undertake further work on SDG indicators to take into account the work on indicators for biodiversity, so as to embed solidly biodiversity mainstreaming in the SDG reporting.
- Recognises the importance of strengthening the mainstreaming of biodiversity across sectors.

The COP may also, in its decision, urge the Parties, as appropriate, to reduce or reverse biodiversity loss, create and strengthen cross-sectoral coordination mechanisms that enable biodiversity mainstreaming across agriculture, forestry, fisheries and aquaculture, tourism and other sectors, establish milestones for the mainstreaming of biodiversity in national agendas and strengthen the monitoring the use of natural resources in all sectors.

This decision by COP13 should also include arrangements relating more specifically to the mainstreaming of biodiversity in policies of the agriculture, forestry, fisheries, aquaculture and tourism sectors.

In the agriculture sector, COP13 may especially: encourage the Parties to recognise the importance of the traditional knowledge of indigenous peoples and local communities for the sustainability of agriculture and to promote community and family farming, alongside agroecology; encourage the Parties to support agricultural

development models that are consistent with the Reviewed Strategic Framework 2010-2019 of the FAO¹⁴ and apply the voluntary principles for responsible investment in agriculture and food systems approved by the Committee on World Food Security in October 2014¹⁵. Other elements recommended by the SBI relating to agriculture are nevertheless bracketed and will merit more in-depth consideration at COP13. These relate especially to the encouragement of Parties to develop and/or enforce, as appropriate, clear legal frameworks for land use that secure conservation and use biodiversity and national habitats sustainably and the encouragement of Parties to develop policy frameworks for land use.

Regarding the forestry sector, COP13 may, especially, encourage the Parties: to give due consideration to biodiversity when implementing measures set out in Article 5 of the Paris Agreement¹⁶ of the *United Nations Framework Convention on Climate Change*; make use of the *United Nations Forest Instrument*¹⁷ and contribute to the preparation of the *2017-2030 Strategic Plan* of the international arrangement on forests under the United Nations Forum on Forests, ensuring that due consideration is given to biodiversity; and strengthen participation of indigenous peoples and local communities as part of a strategy for forest protection, sustainable use of biodiversity and improved welfare and livelihoods of these communities.

In the fisheries and aquaculture sectors, COP13 may, especially: encourage the Parties to use the instruments available to achieve Aichi Biodiversity Target 6 and improve synergies in managing pressures in marine and freshwater environments; urge the Parties to establish or strengthen existing mechanisms of governance of fisheries and take biodiversity considerations fully into account when designing and implementing policies for fishing capacity management and reduction.

Provisions relating to the mobilisation of key players (mobilisation of businesses, subnational or local governments, equality between men and women) to increase intergration are also included in SBI Recommendation 1/4 and may be included in the decision of COP13.

To examine item 10 on the COP13 agenda, the Conference of the Parties will also be called on, in Cancun, to consider the SBSTTA recommendations on the following issues:

3.2.2 Biodiversity and climate change

Following SBSTTA Recommendation XX/10, COP13 may adopt the decision “Biodiversity and climate change” which restates paragraph 8 of Decision X/33 and in which COP13 especially:

14. Thirty-eighth session of the Conference of the FAO, Rome, 15-22 June 2013, document C 2013/7.

15. <http://www.fao.org/3/a-ml291e.pdf>.

16. Twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate change 1/CP.21 (see document FCCC/CP/2015/10/Add.1).

17. See Resolution 70/199 of the United Nations General Assembly of 22 December 2015.

- Welcomes the Paris Agreement under the United Nations Framework Convention on Climate Change¹⁸, in particular the articles related to biodiversity¹⁹;
- Encourages the Parties to integrate ecosystem-based approaches to climate change adaptation and mitigation into their strategic planning in all sectors;
- Promotes platforms for the exchange of experiences and sharing of best practices;
- Requests the Executive Secretary to prepare guidelines for the design and effective implementation of ecosystem-based approaches to climate change adaptation and disaster risk reduction, for consideration by the SBSSTA prior to COP14 of the CBD.
- Requests the Executive Secretary to enhance further synergies between the work of the *Convention on Biological Diversity* (CBD) on ecosystem restoration, ecosystem-based approaches to climate change adaptation and mitigation and the work on land degradation neutrality and sustainable land management under the *United Nations Convention to Combat Desertification* (CDC) and ensure coherence between their approaches.

3.2.3 Progress towards achieving Aichi Biodiversity Targets 11 and 12

COP13 will pay special attention to Aichi Targets 11 and 12. Following SBSTTA Recommendation XX/1, the Conference of the Parties may adopt a decision that firstly recognises that the achievement of Aichi Biodiversity Target 11 will contribute to the implementation of other Aichi Biodiversity Targets, the Sendai Framework for Disaster Risk Reduction 2015-2030²⁰, relevant targets of the Sustainable Development Goals and Article 5 of the *Paris Agreement*²¹, as well as means for mitigation and adaptation to climate change.

This decision should also note the considerable gap in the conservation status assessment of most taxonomic groups and the general lack of information on species conservation plans and invite the Parties, depending on their circumstances to:

- undertake concerted efforts to implement actions identified in NBSAP and other relevant strategies and address gaps identified through regional capacity-building workshops on achieving Aichi Biodiversity Targets 11 and 12;

18. Decision 1/CP.21 of the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate change (see FCCC/CP/2015/10/Add.1).

19. The reference made to the importance of ensuring the integrity of all the ecosystems which figures in the preamble to the Paris Agreement; article 5, which calls upon the Parties to take action to protect and enhance the greenhouse gas sinks and reservoirs; Article 7, which recognises the role of adaptation in protecting livelihoods and ecosystems; Article 8 on loss and damage, including resilience of livelihoods, communities and ecosystems.

20. General Assembly Resolution 69/283, Annex II.

21. United Nations Framework Convention on Climate Change, Conference of the Parties, twenty-first session, Decision 1/CP. 21 (see FCCC/CP/2015/10/Add.1).

- pursue efforts to identify and explore options to protect areas of particular importance for biodiversity and ecosystem services, taking into account progress made in describing ecologically or biologically significant marine areas by the CBD and the Standards for the Identification of Key Biodiversity Areas adopted by the IUCN Council;
- undertake or participate in systematic protected area governance assessments with a view to promoting, recognizing and improving governance diversity, efficiency and equity in protected area systems.

The COP13 could especially request the Executive Secretary to organise a technical expert workshop to provide scientific and technical advice on definition, management approaches and identification of other effective area-based conservation measures and their role in achieving Aichi Biodiversity Target 11 and report on progress to the SBSTTA at a meeting held prior to COP14. COP13 may especially invite the GEF and its implementing agencies to facilitate the alignment of the development and implementation of protected area and other effective area-based conservation projects in its sixth and seventh replenishment cycles with the national actions identified in NBSAP and, as appropriate, through the regional workshops for the achievement of Targets 11 and 12.

3.2.4 Ecosystem restoration: short term action plan

Following SBSTTA Recommendation XX/12, COP13 could adopt a decision on ecosystem restoration which should mainly note that a large number of degraded ecosystems still have to be restored and underline that effective ecosystem restoration helps to achieve number Aichi Biodiversity Targets and several SDG²². The decision could inter alia recall the urgency to enhance efforts to achieve targets related to restoration by 2020.

The SBSTTA recommendation suggests that COP13 should **adopt the short-term action plan on ecosystem restoration**, which will be annexed to the decision, as a flexible framework and adaptable to national circumstances and legislation for **towards achieving Aichi Biodiversity Targets 5, 12, 14 and 15 and Targets 4 and 8 of the Global Strategy for Plant Conservation** and the NBSAP targets. The COP13 may be inspired by this short-term action plan on ecosystem restoration to:

- encourage the Parties to adopt actions plans for ecosystem restoration and take them into account in their NBSAP;
- encourage the Parties to consider ecosystem restoration in reef and coastal ecosystems in the action plans to ensure that marine environments are sustained;
- invite the Parties and relevant organisations to give due consideration to community-based initiatives on ecosystem restoration in the context of the Convention's *Plan of Action on Customary Sustainable Use of Biological Diversity*²³.

22. See Annex to Resolution 70/1 of the United Nations General Assembly.

23. Contained in the Annex to Decision XIII/12.

- request the Executive Secretary to communicate the present decision to the Secretariat of the IPBES so that it can be taken into account in the preparation of the deliverable 3(b)(i) on the “*thematic assessment on land degradation and restoration*”.
- request the Executive Secretary to support the capacity-building of Parties in using the short term action plan on ecosystem restoration, including by implementing the Forest Ecosystem Restoration Initiative in collaboration with the Forest and Landscape Restoration Mechanism of the FAO.

The overall objective of the **Short-term action plan on ecosystem restoration** is to promote restoration of “degraded natural and semi-natural ecosystems”, especially in urban environments²⁴. The purpose of the action plan is to help Parties, as well as any relevant organizations and initiatives, to accelerate and upscale activities on ecosystem restoration. It aims to support timely achievement of the *Strategic Plan for Biodiversity 2011-2020*, in particular Aichi Biodiversity Targets 14 and 15. The action plan can also contribute to the achievement of objectives and commitments under other conventions. This action plan is addressed to all relevant stakeholders, including national, sub-national and municipal governments, Parties to the Rio conventions and other multilateral environmental agreements and funding agencies.

3.2.5 Forest biodiversity: role of international organisations in supporting the achievement of the Aichi Biodiversity Targets

Following SBSTTA Recommendation XIX/8, COP13 may wish to adopt a decision that notes the need for greater congruence among the forest-related Aichi Biodiversity Targets, the four global objectives on forests, REDD+ activities and guidance²⁵ and the forest-related Sustainable Development Goals, mainly SDG 6 and 15. COP13 should emphasise that their achievement is important for the implementation of the 2050 vision of the *Strategic Plan for Biodiversity*, as well as for the *2030 Agenda for Sustainable Development*⁵⁴.

COP13 may invite the United Nations Forum on Forests, in developing the *Strategic Plan 2017-2030 of the international arrangement on forests*, to take into account the forest-related Aichi Targets, with a view to promoting a coordinated approach to the achievement of the forest-related multilateral commitments and goals. It may also invite the members of the Collaborative Partnership on Forests, in preparing the 2017-2030 work plan of the Partnership, to consider ways and means of further enhancing their individual and collective contributions to the Aichi Biodiversity

24. For further details, see: Action Plan, “Objectives and purpose”, Annex to SBSTTA Recommendation XX/12.

25. REDD+ is an abbreviation meaning “reduced emissions from deforestation and forest degradation, conservation, durable forestry management and development of forest carbon stocks in developing countries”, in accordance with paragraph 70 of Decision 1/CP.16 of the United Nations Framework Convention on Climate Change (UNFCCC). The REDD+ acronym is used for convenience only and makes no attempt to prejudice current or future negotiations under UNFCCC.

Targets and support a coordinated approach to the achievement of the forest-related multilateral commitments and goals. COP13 may also request the Executive Secretary to strengthen cooperation with all members of the Collaborative Partnership of Forests.

3.2.6 Biological diversity and human health

Following SBSTTA Recommendation XIX/6, COP13 may adopt a decision that, especially, recalls the memorandum of understanding signed between the CBD Secretariat and WHO and which takes note of key messages contained in the summary of the 2015 publication by WHO and CBD entitled “*Connecting Global Priorities: Biodiversity and Human Health, a State of Knowledge Review*”²⁶.

COP13 may especially invite the Parties to consider making use of the *State of Knowledge Review* and its key messages and of the information contained in the annex to its decision, given national circumstances. This annex is entitled “*Information on the links between human health and biodiversity*”.

COP13 may invite the Parties to carry out activities to facilitate dialogue between agencies responsible for biodiversity and those responsible for health and other relevant sectors, build up their national monitoring and data collection capacities and prepare multi-discipline programmes for education, training, capacity-building and research into health-biodiversity linkages. It may encourage the Parties and other relevant organisations and funding agencies to promote and support further research on health-biodiversity linkages and related socio-economic considerations, on various target issues.

Lastly, COP13 may decide to consider biodiversity and human health inter-linkages when addressing the follow-up to the *Strategic Plan for Biodiversity 2011–2020* and the Aichi Biodiversity Targets and request the Executive Secretary to collaborate with WHO to facilitate implementation of the present decision, including through wide dissemination of the *State of Knowledge Review* in the official languages of the United Nations COP13 may request the Executive Secretary to submit a report to the SBSTTA prior to COP14 on the biodiversity-health linkages, to ensure the monitoring of the decision taken at COP13 on this topic.

3.3 Mobilisation of resources and financing mechanism (point 11 of the agenda)

3.3.1 Mobilisation of resources

The lack of sufficient financial resources remains one of the main obstacles in achieving the three Convention targets and the twenty Aichi Targets. The Conference of the Parties reiterates this at each of its sessions (Decision XI/4 para 1). It also recalls that the national domestic resources of developing countries fill the needs for resource mobilisation in several developing countries (Decision XI/4, para. 9).

26. [Online: <https://www.cbd.int/health/stateofknowledge/>], page consulted on 1 November 2016.

At Cancun, the COP could adopt a decision on the mobilisation of resources, based on SBI Recommendation 1/6, which takes into account in particular the report of the international working group of technical experts on identification, access, compilation and merging of national and international investments linked to biodiversity and its effects²⁷, which was held in Mexico from 5th to 7th May 2015, and the report of the co-presidents of the dialogue workshop on the evaluation of the collective measures of native people and local communities regarding the conservation of biodiversity and the mobilisation of resources²⁸, held in Panajachel (Guatemala), from 11-13 June 2015.

The decision to mobilise the financial resources of COP13 could be divided into six sections that expand on the following themes: financial reporting, capacity strengthening and technical assistance; improving information systems on funding biological diversity; collective action by indigenous populations and local communities (IPLCs); the main steps to fully achieve Aichi Biodiversity Target 3; and security in the financial mechanisms.

On the issue of producing financial reports, COP13 could, in particular: ask Parties to identify their funding needs and priorities in the national financial plans for the effective implementation of their NBSAPs and to report on this issue before 1 July 2017 if possible; encourage the Executive Secretary to make available the financial report presentation framework for the second reporting cycle²⁹ online, before 1 July 2017, and to invite the Parties to report on their future contribution to the collective efforts deployed to reach the global resource mobilization targets, with respect to the reference level set, at the same time as their sixth national reports, before 31 December 2018 (in accordance with paragraphs 26 and 28 of decision XII/3).

Regarding capacity strengthening and technical assistance, COP13 could, in particular, invite the organizations and the initiatives involved, particularly the Biodiversity Finance Initiative (BIOFIN), to provide technical assistance (...) in relation to identifying financial needs, gaps and priorities, and in the development and implementation of national strategies for resource mobilisation and the drafting of financial plans.

As for the collective action of indigenous populations and local communities, COP13 could, in particular, welcome the *Guiding principles on assessing the contribution of collective action of indigenous peoples and local communities*, which is in Annex I of SBI recommendation 1/6.

Regarding the main stages of the full achievement of Aichi Biodiversity Target 3, COP13 could encourage Parties and other Governments to apply specific measures to ensure the full completion of Aichi Biodiversity Target 3, taking into account the main steps that COP12 adopted, and considering national socio-economic conditions.

27. UNEP/CBD/SBI/1/INF/20.

28. UNEP/CBD/SBI/1/INF/6.

29. Decision XII/3, Annex II, part III.

3.3.2 Guidelines for the financial mechanism

Based on a draft drawn up by the secretariat of the Convention and by the GEF for the 7th replenishment of the GEF resources, COP13 could adopt a decision on the following elements, based on SBI recommendation 1/7(5):

- A consolidated guidance draft intended for the financial mechanism, including, in particular, the four-year framework (2018-2022) for the programme priorities;
- The report of the evaluation of needs for the 7th replenishment of the GEF Trust Fund resources and an invitation extended to the GEF to duly consider all aspects of the needs assessment report drawn up by the expert team on biodiversity funding needs for the 7th replenishment period, and to report on the responses of the GEF on this issue;
- The report of the GEF Council;
- A draft mandate for the fifth assessment of the effectiveness of the financial mechanism.

3.4 Other means of implementation: improvement of capacity-strengthening, technical and scientific cooperation and other initiatives to improve the implementation (agenda item 12)

Improvement of capacity-strengthening, technical and scientific cooperation, technology transfer, and Clearing House

The SBI adopted a Short-Term Action Plan (2017-2020)³⁰ to support capacity-strengthening for Parties to implement the *Strategic Plan 2011-2020* of the Convention and the Aichi Targets. On 6 May 2016 in Montreal, SBI asked the Executive Secretary to simplify and further target the Short-Term Action Plan (2017-2020), emphasizing the most important needs in terms of capacity-strengthening that Parties have presented, and that their NBSAPs have identified, and to submit a draft Revised Short-Term Action Plan (2017-2020) in this sense to improve and support the capacity-strengthening which COP13 will examine.

According to recommendation 1/5 of the SBI, COP13 could adopt, approve, or simply take note of the Short-Term Action Plan (2017-2020) to improve and support the capacity-strengthening to support the implementation of the *Strategic Plan for Biodiversity 2011-2020* and its Aichi Biodiversity Targets. COP13 could also invite Parties, other Governments and relevant organisations to contribute to the implementation of this action plan.

30. UNEP/CBD/SBI/1/6/Add.1 and UNEP/CBD/SBI/1/INF/38.

COP13 could request the Executive Secretary to, in particular: continue the works aiming to promote a more integrated and coordinated approach to capacity strengthening and technical and scientific cooperation, via several partnerships; by the end of 2020, commission an independent assessment of the impact, results, and effectiveness of the short-term action plan (2017-2020) for the improvement of and support for the implementation of the *Strategic Plan for Biodiversity 2011-2020*, including recommendations for improvement, which will be submitted to the SBI for review; and continue efforts to facilitate activities that create capacity benefiting indigenous populations and local communities.

3.5 Cooperation with other international conventions and initiatives (agenda item 13)

Options to strengthen synergies between conventions related to biodiversity

A workshop on the synergies between conventions related to biodiversity took place in Geneva in February 2016,³¹ in response to the wish expressed in decision XII/6, which the Conference of the Parties adopted in Korea. In this workshop, several options were identified to increase the synergies between these conventions. The following are the problems and fields addressed, including the challenges, obstacles and opportunities that have been identified in particular:

- The NBSAPs constitute a potential entry point for the synergies;
- The participation of the stakeholders and indigenous populations and local communities;
- Better national coordination for the implementation of conventions related to biodiversity;
- Raising the awareness of national focal points on other relevant conventions relating to biodiversity.

The parties then had the opportunity to discuss and express their points of view on this subject, at the first SBI meeting. The delegates then issued recommendation 1/8 on this question.

On this matter, at its 13th meeting, the Conference of the Parties could adopt a decision that:

- will recognise the importance of the strategic plans of conventions, of the *Strategic Plan for Biodiversity 2011-2020* and of any monitoring processes for the 2030 Agenda for Sustainable Development³² and SDGs and related indicators;

31. UNEP/CBD/SBI/1/INF/21.

32. Resolution 70/1 of the United Nations General Assembly dated 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, Annex.

- will invite the governing bodies of the conventions relating to biodiversity to further strengthen global cooperation within their respective mandates and to continue their efforts to align their own strategies on the *Strategic Plan 2011-2020* and its Aichi Targets.
- will ask the Biodiversity Liaison Group, in close collaboration with UNEP, UNESCO, FAO and IUCN, to continue and strengthen their work to improve the coherence and cooperation between conventions relating to biological diversity, particularly in the framework of the *Strategic Plan for Biodiversity 2011-2020* and of any monitoring plan of this strategic plan, and will ask the Executive Secretary to provide information on the progress made at the 2nd SBI meeting and COP14.

II Other questions arising from the workplan of the convention

3.6 Article 8 (j) and related provisions (agenda item 14)

3.6.1 Guidelines for the development of legislation and other mechanisms

At WG8j-9 in Montreal (Canada) from 4 to 7 November 2015, the delegates addressed this issue and adopted recommendation 9/1, in which it asked COP13 to adopt voluntary guidelines annexed to the recommendation. In particular, they recommend COP13 to invite Parties and other Governments to use and make these guidelines known. Subsequent to this WG8j-9 recommendation, COP13 could also invite the Parties to report back on their experience of using the voluntary guidelines through national reports. However, note that several terms and passages in these draft voluntary guidelines are still in square brackets, so that the delegates at COP13 can clarify these guidelines before adopting them, especially regarding the “voluntary” or “free” nature of the PIC of the ILCs, as well as the involvement of the ILCs in creating laws or mechanisms.

3.6.2 Guidelines for the repatriation of traditional knowledge

In decision XII/12 C, COP12 decided to convene a meeting bringing together experts from all regions, tasked with developing a draft of voluntary guidelines for the repatriation of traditional knowledge relevant to the conservation and sustainable use of biodiversity. This project was to be assessed by WG8j at its ninth meeting. The expert meeting was held in Panajachel (Guatemala) from 14 to 15 June 2015. The experts adopted a partial draft of voluntary guidelines there.

Following recommendation 9/2 of WG8j, COP13 will be asked to adopt a decision that, in particular, takes note of the progress made in developing the *Rutzolojparxik* voluntary guidelines, and to request the Executive Secretary to prepare a complete draft of the *Rutzolojparxik voluntary guidelines for the repatriation of traditional knowledge relevant to the conservation and sustainable use of biodiversity*, considering, in particular, the report of the expert meeting, the partial draft of the guidelines developed at this meeting, as well as the information that the Parties have received on the best practices and measures taken at various levels to repatriate traditional knowledge. Furthermore, WG8j-9 recommends that COP13 request WG8j, at its tenth meeting, to finalise draft guidelines for review and adoption at COP14.

3.6.3 Glossary of the main terms and concepts

Recommendation 9/3 of WG8j requests the Executive Secretary to revise the glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions³³, to develop a comprehensive glossary, taking into account the comments made at WG8j-9, as well as relevant terms used in other agreements and by other international organizations, and to submit the revised glossary³⁴ for review at COP13. In the same recommendation, the delegates recommend COP13 to adopt a decision in which it welcomes the glossary as contained in the note of the Executive Secretary. The paragraph of the recommendation that suggests that COP13 invite Parties and other Governments to use the glossary in their development and implementation of relevant national measures, and the paragraph in which the recommendation requests WG8j to use the glossary as a reference in its future work, remain in square brackets.

3.6.4 Recommendations from the United Nations Permanent Forum on Indigenous Issues

At its 9th meeting, WG8j examined the recommendations from the thirteenth and fourteenth sessions (New York, May 2014 and April-May 2015) of the United Nations Permanent Forum on Indigenous Issues (UNPFII). None of the recommendations from these sessions is specifically addressed to the Parties to the *Convention on Biological Diversity*. Nevertheless, in recommendation 9/4, the delegates who met at WG8j-9 recommend that COP13 take note of the recommendations in paragraphs 26 and 27 of the report of the tenth session of UNPFII³⁵, invite the

33. The glossary in the annex of the note of the Executive Secretary dated 25 September 2015 (UNEP/CBD/WG8j/9/2/Add.1) and presented at WG8j-9 in November 2015.

34. A revised glossary will be published in the UNEP/CBD/COP/13/17 document.

35. The recommendations of paragraphs 26 and 27 of the UNPFII report relate to the use of the term “indigenous populations” and the importance of recognising the status of “population” of indigenous populations so that their rights are fully respected and protected. There was thus the wish to change the name “indigenous and local communities” to “indigenous populations and local communities” in the future.



Fernanda Baumhardt

Simanjiro District, Tanzania, May 2014. Members of different Massaï communities.

COP/MOP to the *Nagoya Protocol* to consider making a decision to apply, *mutatis mutandis*, decision XII/12 F of COP12. Bear in mind that in this decision, COP12 had decided to use the expression “indigenous populations and local communities” in future decisions and secondary documents coming within the competency of the Convention, as appropriate. COP12 nonetheless reminded that the decision was taken on an exceptional basis, whilst recognising that the terminology used in the CBD is “indigenous and local communities”. Furthermore, WG8j recommends that COP13 take note of the recommendations that the UNPFII submits at its thirteenth and fourteenth sessions, and that it request the Executive Secretary to keep the permanent forum informed of developments in their common interest.

T O P I C S O N T H E C O P 1 3 a g e n d a

3.6.5 In-depth dialogue on thematic areas and other cross-cutting issues

In its recommendation 9/5 on this subject, WG8j recommends that COP13 encourage Parties, IPLCs and relevant organisations to request the Executive Secretary to consider the discussions that came out of the dialogue which are annexed to the report of WG8j-9³⁶, during the execution of work relevant to the CBD, including tasks 7, 10, 12 and 15 of the workplan on Article 8 (j) and related provisions. Under the recommendation of WG8j-9, COP13 could decide that the in-depth dialogue that will take place at WG8j-10, if the time and agenda allow for it, should be on the following theme: Contribution of the traditional knowledge of IPLCs to the implementation of the 2030 Agenda for Sustainable Development, insisting in particular on the conservation and sustainable use of biological diversity.

36. UNEP/CBD/COP/13/3.

3.7 Marine and coastal biodiversity (agenda item 15)

Marine and coastal biodiversity is difficult to address under the CBD, as the mandate of the convention is restricted to living organisms and areas falling under national jurisdiction, whereas successful action in conserving marine and coastal biodiversity also depends on areas beyond national jurisdictions (ABNJ). It is therefore essential to coordinate measures taken within and beyond areas of national jurisdiction. These international areas fall under the United Nations General Assembly (UNGA), which set up the Ad Hoc Working Group on the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction, which could potentially negotiate an international agreement as part of the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation of biological diversity on the high seas. The CBD could support the work of this special Work Group by providing guidelines for identifying marine and coastal areas of particular interest in terms of biodiversity.

3.7.1 Ecologically or biologically significant marine areas

Following its twentieth meeting (Montreal, Canada; April 2016), SBSTTA formulated recommendation XX/3 in which it recommended that COP13 adopt a decision in which it request the Executive Secretary to continue to facilitate the description of the areas that fulfil the EBSA criteria, by organizing additional regional or subregional workshops in places that the Parties have selected. SBSTTA also recommends that COP13 welcome the training manual on the use of traditional knowledge in the application of the criteria for EBSAs, and requests the Executive Secretary to use this training manual in organizing training activities, in collaboration with Parties, IPLCs and other Governments and relevant organizations³⁷. Paragraphs 7 and 8 of recommendation XX/3 concern practical options for improving scientific methodologies and approaches for the description of areas meeting the EBSA criteria remain in square brackets.

Note that in its recommendation XX/3, SBSTTA asked the Executive Secretary to further develop these options and to have the COP review them later. These options that are reviewed³⁸ will be made available to the Parties for COP13 to examine.

37. Recall that in paragraph 15 of decision XII/22, the Executive Secretary was asked to facilitate the participation of indigenous and local communities (ILCs) in regional and subregional workshops, and to incorporate the use of traditional knowledge in the training material.

38. UNEP/CBD/COP/13/18.

3.7.2 Specific workplan on biodiversity and acidification in cold-water areas

Following recommendation XX/4 of SBSTTA 20, COP13 could, in particular, adopt the *Voluntary specific workplan on biodiversity in cold-water areas within the jurisdictional scope of the Convention*, which is in Annex I of the SBSTTA recommendation, as a supplement to the marine and coastal biodiversity workplan, and which may be used as a flexible and voluntary framework. Furthermore, SBSTTA recommends that COP13 note the ecological importance and vulnerability of cold-water habitats such as sponge fields and cold-water corals, which play important functional biological and ecological roles, and support rich communities of fish as well as suspension-feeding organisms that are often subject to multiple stressors, such as ocean acidification. Furthermore, SBSTTA would like COP13 to welcome the scientific information document on biodiversity and acidification in cold-water areas, and to take note of the main conclusions of this synthesis, as summarized in Annex I of the recommendation. COP13 could also encourage Parties, other Governments and relevant organizations to carry out the activities in the workplan, and request the Executive Secretary to work with the Parties to facilitate, promote, and support the implementation of the workplan.

3.7.3 Impact of marine waste and anthropogenic underwater noise on marine and coastal biodiversity

3.7.3.1 Underwater noise

In recommendation XX/5, SBSTTA advised COP13 to take note of the updated report on the scientific review of the impacts of underwater noise on the biodiversity of marine and coastal habitats and to invite the Parties, the organizations involved and other Governments to use, if required, the information in it. Following this same recommendation, COP13 could also invite Parties, other Governments, relevant organizations, other relevant stakeholders, and IPLCs to consolidate their collaboration and share their experiences in implementing measures to avoid, minimize and mitigate the impacts of anthropogenic underwater noise on marine and coastal biodiversity, including the measures specified in paragraph 3 of decision XII/23. Furthermore, SBSTTA suggests that COP13 request the Executive Secretary to continue its compilation, synthesis and sharing of these experiences, and to develop and share, in collaboration with the Parties, other Governments, and relevant organizations, practical advice and tools on measures aiming to reduce these impacts, and to make this information, as well as the directives and tools developed, available to SBSTTA for review at the next meeting prior to COP14.

3.7.3.2 Marine waste

COP11 asked the Executive Secretary to organize an expert meeting aiming to develop practical guidance on avoiding and mitigating the significant adverse impacts of marine waste on biological diversity and on marine and coastal habitats.



Jérôme Perit

Moorea

Following this request, an expert workshop was held in Baltimore (United States) from 2 to 4 December 2014. Following recommendation XX/5 of SBSTTA 20, COP13 could adopt a decision that takes note of the report of this expert workshop, as well as the ongoing work in virtue of the United Nations Environmental Assembly on marine waste and microplastics.

COP13 could also take note of the *Voluntary Practical Guidance on Preventing and Mitigating the Impacts of Marine Debris on Marine and Coastal Biodiversity and Habitats*, annexed to the SBSTTA recommendation. Furthermore, in particular, SBSTTA recommends that COP13 encourage Parties to take appropriate measures to avoid and mitigate the potential significant adverse impacts of marine debris on marine and coastal biodiversity and habitats, incorporating voluntary practical guidelines which are in the annex.

3.7.4 Marine spatial planning and training initiatives

3.7.4.1 Marine spatial planning

In its decision XI/18, COP11 requested the Executive Secretary to organize an expert workshop aiming to provide consolidated practical guidance and a toolbox for marine spatial planning. Following this request, an expert workshop was organised in Montreal (Canada), from 9 to 11 September 2014. Following recommendation XX/6 of SBSTTA 20, COP13 could welcome the report of this expert workshop. COP13 should also encourage the Parties to apply the marine spatial planning in the marine and coastal areas of their territory, or to improve the existing marine spatial planning initiatives, and to incorporate the report of the expert workshop mentioned above, and other technical guidelines available in marine spatial planning.

COP13 could also request the Executive Secretary and invite the relevant organizations to support the implementation of marine spatial planning at the national level. In its decision, COP13 could also ask the Executive Secretary to report on the progress accomplished in the collaboration with Parties, other relevant stakeholders and sectors, as well as IPLCs, to develop and implement marine spatial planning at an SBSTTA meeting that will be held prior to COP14.

COP13 could also request the Executive Secretary to organize an expert workshop to consolidate scientific and technical information on various approaches for assessing the contribution to the achievement of Aichi Biodiversity Target 11 and other effective area-based conservation measures as well as their integration into the wider landscapes and seascapes, also considering the implementation of target 5 of Sustainable Development Goal 14. The workshop also seeks to verify the efficacy of these different approaches in evaluating the contribution of the conservation measures in achieving Aichi Target 11.

3.7.4.2 Training initiatives

Recommendation XX/6 of SBSTTA recommends that COP13 welcome the capacity-building and partnership activities being facilitated by the Executive Secretary through the Sustainable Ocean Initiative at the national, regional and global levels in collaboration with Parties and relevant organizations, and express its gratitude to the relevant Governments for providing financial and technical support for the implementation of activities related to the Sustainable Ocean Initiative. COP13 could also invite Parties and other Governments to cooperate for the effective implementation of capacity-building activities through the Sustainable Ocean Initiative.

3.8 Invasive alien species (agenda item 16)

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.

3.8.1 Risks associated with the trade of wild fauna and flora

In its recommendation XX/7 on IAS, SBSTTA recommends, in particular, that COP13 adopt a decision in which it encourages Parties, other Governments and relevant organizations, as well as consumers and traders to make use of the *Voluntary guidance on the design and implementation of specific measures to address the risks associated with introducing invasive species as pets, aquarium and terrarium species, or as live bait and live food*, adopted by COP12 to manage, *mutatis mutandis*, the risks associated with the wildlife trade. SBSTTA also recommends that COP13 encourage actors in trade and industry to apply the voluntary measures indicated in the Guidance. COP13 could also make a decision that requests the Executive



Giant Hogweed (MDDELCC, Québec)

Secretary to collaborate with member organizations of the inter-agency liaison group on invasive alien species to prepare draft supplemental guidance to incorporate unintentional introductions in the existing Guidance. This supplemental guidance should be submitted to SBSTTA for review at a meeting that will take place prior to COP14.

3.8.2 Risks associated with the trade in IAS sold via e-commerce

Following SBSTTA recommendation XX/7, and in order to reduce the risks associated with the trade in IAS sold via e-commerce, COP13 could, in particular, encourage Parties to develop guidance and measures aiming to reduce the risks of introducing IAS, in accordance with international regulations in force. COP13 could also encourage Parties to collaborate with online traders in developing the new measures required to reduce the risks of introducing potential IAS arising from e-commerce. Furthermore, COP could ask the Executive Secretary to explore, with the World Customs Organization and organizations that are part of the Inter-Agency Liaison Group on IAS, whether it would be useful for Parties to have tools or guidance that can assist national customs authorities in verifying live alien species sold via e-commerce, and to develop these tools or guidance, as appropriate. SBSTTA also recommends that COP13 request the Executive Secretary to report on the progress made in developing these tools or this guidance at an SBSTTA meeting prior to COP14.

3.8.3 Biological control against IAS

Following SBSTTA recommendation XX/7, COP13 could adopt a decision in which it recognizes that classical biological control can be an effective measure for IAS management, but that the use of biological control agents could also present risks to non-target organisms and ecosystems, and that the precautionary approach should be applied in managing these risks, in line with the preamble of the CBD and the appropriate procedures. COP13 could, in particular, encourage Parties, relevant organizations, and other Governments, when using classical biological control to manage already established IAS, to apply the precautionary principle and run an appropriate risk analysis, taking into account the *Summary of technical considerations for the use of biological control agents to manage invasive alien species*, annexed to the recommendation.

Furthermore, COP13 could, in particular, invite Parties, other Governments and standard-setting bodies recognized by the World Trade Organization (WTO), and other relevant organizations, to adapt, optimise, or create tools, including decision support tools, to facilitate the development and implementation of biological control programmes against IAS. COP13 could request the Executive Secretary to further collaborate, in particular, with the Inter-Agency Liaison Group on IAS and other relevant organizations, in order to identify options for supplementing risk assessment and risk management standards for the use of biological control agents against IAS, including in aquatic environments, and to report on progress to the SBSTTA prior to COP14.

3.8.4 Decision-making tools

In accordance with SBSTTA recommendation XX/7, COP13 could adopt a decision in which it requests the Executive Secretary to prepare technical guidance for performing cost-benefit and cost-effectiveness analysis for IAS management, for SBSTTA to examine prior to COP14. Following this same recommendation, COP13 could also request the Executive Secretary to draw up IAS management guidelines by considering the impact of climate change, natural disasters and land-use change on biological invasion management. COP13 could also request the Executive Secretary to continue to develop or compile, and to prolong the life of the decision support tools, in coordination with IPBES, and by using the scoping report for the IAS thematic assessment to facilitate the implementation, and also to offer these tools via the CBD Clearing House.

3.8.5 Aichi Biodiversity Target 9

Following recommendation XX/7 of SBSTTA, COP13 could “welcome” the work done by this group of experts to develop methodologies for prioritizing the pathways of introduction of IAS, invite Parties and other Governments to apply these methods, and invite IUCN to complete its work on developing these methodologies, and present them to a future meeting of SBSTTA. Furthermore, in particular, COP13 could invite Parties, the scientific community, and other governments to continue developing strategies and to take actions to achieve Aichi Biodiversity Target 9,

and to continue investing resources in the development and circulation of new knowledge on alien species and pathways of introduction. COP13 could also invite Parties to submit information on their experiences, best practices and lessons learned in their work, and on gaps in achieving Aichi Biodiversity Target 9. COP13 could also request the Executive Secretary to make this information available through the Clearing-House mechanism in particular, and to report on progress to SBSTTA at a meeting held prior to COP14.

3.9 Other scientific and technical issues (agenda item 17)

3.9.1 Climate-related geoengineering

At the 19th SBSTTA meeting, held in November 2015, the delegates took note of an updated report on climate-related geoengineering³⁹, and put forward recommendation XIX/7 for the COP. In this recommendation, SBSTTA recommends that COP13 adopt a decision in which it recalls paragraph 11 of decision XI/20, in which COP11 notes that the application of the precautionary approach as well as customary international law may be relevant for geoengineering activities, but would still form an incomplete basis for global regulation in this area. In particular, SBSTTA recommends that COP13 take note that very few Parties responded to the invitation to provide information on measures they have undertaken in accordance with decision X/33, paragraph 8(w), and to reiterate the invitation to other Parties, where relevant, to provide such information.

Furthermore, based on the same SBSTTA recommendation, COP13 could take note that more in-depth research and knowledge sharing amongst relevant institutions are essential to better understand the implications of climate-related geoengineering on biological diversity and the functions of ecosystem services, socioeconomic, cultural, and ethical issues, and regulatory options. In particular, COP13 could recognise the importance of considering the experience and opinions of IPLCs with respect to climate-related engineering and the protection of biodiversity.

3.9.2 Synthetic biology

Synthetic biology was a topic of concern of the Parties six years ago, at COP10. In decision XII/24, COP12 also recognized that this is a relevant issue for the CBD, but concluded that there is currently insufficient information available to decide whether or not this is a new and emerging issue related to the conservation and the sustainable use of biodiversity. COP12 thus decided to form an ad hoc technical expert group (AHTEG) and requested the Executive Secretary to convene an open-ended online forum to support the work of the AHTEG. The AHTEG discussions took place from 21 to 25 September 2015 and were able to produce an operational definition of synthetic biology and to agree on using the terms “component” and “product”⁴⁰.

39. UNEP/CBD/SBSTTA/19/INF/2.

40. The main results of the AHTEG meeting are discussed at the beginning of SBSTTA recommendation XX/8.



Synthetic biology is a complex subject from both a scientific and political point of view. Its complexity made it the most controversial issue at SBSTTA 20 in April 2016. In recommendation XX/8, SBSTTA took note of the information and conclusions from the AHTEG on synthetic biology and of the information submitted by Parties, other Governments, relevant organizations and the concerned stakeholders, as well as of the results of the online forum on synthetic biology, and comments from the peer-review process. SBSTTA recommends COP13 to welcome the conclusions and recommendations of the AHTEG as a basis for further discussion, and to reaffirm decision XII/24, which urges Parties to take a precautionary approach.

In particular, COP13 could also decide to extend the mandate of the current AHTEG on synthetic biology in accordance with the terms of reference in the annex of the recommendation, and to contribute to the completion of the robust analysis that should lead to the decision concerning whether or not synthetic biology constitutes a new and emerging issue which should be put onto the SBSTTA agenda. COP13 could decide to extend the open-ended online forum to support the AHTEG work and request SBSTTA to examine the AHTEG recommendations. SBSTTA also recommends that COP13 welcome the decision that the COP/MOP7 to the Cartagena formulated concerning a coordinated approach with the CBD COP on the issue of synthetic biology⁴¹. COP13 could also invite the COP/MOP to the *Cartagena Protocol* to consider the relevant information from the CBD work in its future discussions.

Recommendation XX/8 of SBSTTA on synthetic biology has a few square brackets. Regarding the operational definition of synthetic biology that the AHTEG has chosen, SBSTTA offers COP13 two options: simply being aware of the definition and noting that additional work is required, or considering that it is advisable to use it to facilitate scientific and technological discussions held under the Convention and Protocols.

41. Decision BS-VII/12.

Furthermore, note that in recommendation XX/14 on new and emerging issues, SBSTTA recommends that the COP decide to not add a new and emerging question to the SBSTTA agenda.

3.9.3 Implications of the IPBES assessment on pollinators, pollination and food production

SBSTTA 20 welcomed the IPBES thematic assessment of pollinators, pollination and food production,⁴² and formulated recommendation XX/9 for the COP on the implications for the work of the CBD. In its recommendation, SBSTTA requested the Executive Secretary to prepare a regional report for Africa on pollination and pollinators, in cooperation with IPBES and the Food and Agriculture Organization (FAO) of the United Nations. This report must be based on this IPBES assessment and on relevant work that has been led as part of the International Pollinators Initiative⁴³. The findings must be made available for peer review prior to COP13. This report will thus be made available in an information document.

Regarding the recommendations addressed to COP13, SBSTTA recommends that it adopt a decision in which it recognises the essential role of the abundance and diversity of pollinators for food production, nutrition and human well-being, and the need to address threats to pollinators and pollination. SBSTTA thus recommends that COP13 welcome the Summary for Policymakers of the thematic assessment on pollinators, pollination and food production, as well as the full assessment report, and approve its main messages.

COP13 could also encourage Parties and other stakeholders to use this assessment to help guide their efforts to improve conservation and management of pollinators. Furthermore, COP13 could welcome the tools and guidance prepared by FAO and its partners as part of the International Initiative for the Conservation and Sustainable Use of Pollinators, and encourage businesses involved in the development, manufacturing and sale of pesticides to take into account the findings of the assessment in their activities, and to apply the precautionary approach. Based on the SBSTTA recommendation, COP13 could encourage Parties and invite other Governments and relevant organizations and stakeholders to implement different measures that encourage conservation and the sustainable use of pollinators.

COP13 could, in particular, request the Executive Secretary to prepare an updated and simplified draft action plan that is based on the IPBES assessment and that includes the most recent knowledge, for SBSTTA to review prior to

42. The Summary for Policymakers is available on: <http://www.ipbes.net/work-programme/pollination>.

43. The International Initiative for the Conservation and Sustainable Use of Pollinators (or the International Pollinators Initiative) was established in 2000 by COP5 to the CBD as a cross-cutting initiative within its work on agricultural biodiversity (decision V/5, section II). The WFP coordinates the initiative (for further information: www.fao.org/biodiversity/composantes/pollinisateurs/fr/).

COP14. COP13 could also request the Executive Secretary to identify and develop proposals to build capacity relating to pollinators and pollination, and additional regional assessments.

3.9.4 Sustainable wildlife management

The sustainable use of wildlife, in particular bushmeat hunting in tropical and subtropical countries, is an increasingly urgent concern and a complex issue.

In recommendation XX/11 addressed to COP13, SBSTTA particularly proposes that COP13 encourage Parties, relevant organizations, and other Governments to consider and to apply the roadmap⁴⁴ for better governance of the bushmeat sector, presented at the XIV World Forestry Congress in September 2015 Durban (South Africa), and invites the Parties to refer to this roadmap to develop their National Biodiversity Strategies and Action Plans (NBSAPs). Upon the recommendation of SBSTTA 20, COP13 could also invite the Parties, in their sixth national reports, to include information on the use of rights-based management systems and on transferring these rights and the management associated with IPLCs in terms of sustainable wildlife management.

SBSTTA 20 also recommends that COP13 request the Executive Secretary to collaborate with other members of the Collaborative Partnership on Sustainable Wildlife Management to, in particular, develop technical guidance that encourages a more sustainable bushmeat sector, building on the roadmap mentioned above, and organize a Wildlife Forum whose objective is to examine and determine the priorities for the work to be conducted on sustainable wildlife use and management.

III Modus operandi of the convention

3.10 Effectiveness of structures and processes (agenda item 18)

3.10.1 Modus operandi of the Subsidiary Body on Implementation

COP12 created the Subsidiary Body on Implementation (SBI) in 2014 (decision XII/26). It replaces the Ad Hoc Open-Ended Working Group on the Review of Implementation of the Convention (WGRI), and also provides guidance on the implementation of the *Cartagena Protocol* and the *Nagoya Protocol*.

On this point, COP13 will examine SBI recommendation 1/9. The SBI recommends that COP13 adopt the modus operandi of the Subsidiary Body for Implementation as per the annex of the recommendation.

44. Robert Nasi and John E. Fa. “The role of bushmeat in food security and nutrition”, a document presented at the XIV World Forestry Congress in Durban (South Africa), from 7 to 11 September 2015.



L-R: Deputy Executive Director, UNEP; CEO and Chairperson, Global Environment Facility (GEF); COP 12 President; Prime Minister, Republic of Korea; Administrator, UNDP; Governor, Gangwon Province, Republic of Korea; and CBD Executive Secretary - High Level Segment - COP 12. (© IISD, 2014)

3.10.2 Support mechanisms for the implementation review

3.10.2.1 Voluntary peer-review process for the NBSAPs

COP12 requested the Executive Secretary to develop a methodology for an optional peer review process for NBSAPs and present it for the SBI to review. In its recommendation 1/9, the SBI requested the Executive Secretary to facilitate the continuation of work on this methodology project, and to submit a revised draft text at COP13.

In the same recommendation, the SBI recommends that COP13 facilitate the further testing and development of the methodology of the voluntary peer review mechanism, particularly by applying it through a pilot phase and reporting on progress to the SBI at its second meeting.

3.10.2.2 Decision-tracking

COP12 requested the Executive Secretary to implement the online decision-tracking tool on a pilot basis and to use it to review the COP8 and COP9 decisions. At its first meeting, the SBI took note of the results of using the tool on an experimental basis to examine the COP8 and COP9 decisions. Based on SBI recommendation 1/9, COP13 could request the Executive Secretary to complete the decision-tracking tool to continue to examine the COP decisions, from COP1 to COP7, as well as the COP10 and COP11 decisions, and present an update at SBI 2.

3.10.3 Ways to improve the effectiveness of meetings

A preliminary report on the progress of work on this issue will be presented for examination by COP13. The SBI did not formulate any recommendation on this issue.

3.10.4 Integration among the Convention and its Protocols

3.10.4.1 Integrated approach on issues concerning the Convention and the protocols

In its recommendation 1/11, the SBI recommends that COP13 request the Executive Secretary to prepare a note on the potential resources for promoting integrated approaches on biosafety measures in both the *Cartagena Protocol* and the Convention, considering article 8 (g) and paragraph 4 of Article 19 of the CBD⁴⁵, and other issues that are of interest to both the Convention and the *Cartagena Protocol*. This note should be submitted to the SBI for examination at its 2nd meeting, as well as to COP14.

Furthermore, the SBI also recommends that COP13 request the Executive Secretary to continue using integrated approaches when it requests that items to be added to the agenda, in organizing work, preparing documents, and planning and executing intersession activities, and particularly regarding the management of shared transversal questions.

3.10.4.2 Concurrent meetings

In recommendation 1/11, the SBI recommends that COP13 decide to use a list of criteria with six elements to examine the experience of organizing concurrent meetings, at COP14 and COP15. The following six criteria are in this list: full and effective participation of representatives of DCs and of 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. The SBI also recommends that COP13 request the Executive Secretary to prepare a preliminary review of the experience in concurrent meetings, using the criteria referred to above, for consideration by SBI 2.

45. Article 8 (g) refers to the regulation and management of risks related to the use and field release of living modified organisms derived from biotechnology and that could have unfavourable impacts on the environment. Article 19 (4) addresses the issue of communicating information relating to the management of biotechnology and its potential unfavourable impacts.

3.10.4.3 Regional preparatory meetings

Observing the existing collaboration between the secretariats of the CBD and the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) in organizing regional meetings to prepare for CBD COP13 and CITES COP17, recommendation 1/11 of the SBI recommends COP13 to request its Executive Secretary to enhance similar collaboration with other conventions, and invites donors to make a further financial contribution to enable the organization of such regional preparatory meetings.

3.11 Sixth national reports, Global Biodiversity Outlook and indicators (agenda item 19)

3.11.1 Guidelines for the sixth national reports

The SBI took note of the draft guidelines developed by the Executive Secretary, including a draft report presentation template. In its recommendation 1/10, it requested the Executive Secretary to arrange for peer review by Parties and to revise the draft reporting guidelines, in light of the comments received, and taking into account suggestions from other biodiversity-related conventions.

In its draft decision on national reports, the SBI recommended that COP13 adopt the revised guidelines for the sixth national reports, including report templates, as specified in the annex to SBI recommendation 1/10. For informational purposes, a draft resource manual for national reports will also be made available to COP13. Based on the SBI recommendation, COP13 could also request the Executive Secretary to make the guidelines available to Parties no later than 31 March 2017, particularly through the Clearing-House Mechanism and the voluntary online reporting tool, and to further develop this electronic tool. The Executive Secretary could also be asked to finalize the resource manual for the sixth national reports and to make it available to the Parties via the Clearing House and via other means. This reference manual will need to account for relevant information provided by the secretariats of other biodiversity-related conventions and by the Liaison Group that brings together the latter.

Furthermore, COP13 could encourage the Parties to submit their sixth national reports by 31 December 2018, and to submit elements of the report as soon as they are ready, through the voluntary online reporting tool. The Global Environment Facility (GEF) could be requested to provide adequate funding for report preparation for DCs and countries with economies in transition. In particular, COP13 could request the Executive Secretary to organize capacity-building activities to support DCs as well as Parties with economies in transition, in the preparation of their sixth national reports.

3.11.2 Fifth edition of the Global Biodiversity Outlook

The *Global Biodiversity Outlook* (GBO) is the flagship publication of the CBD. It is a periodic report that contains the most recent data on the status and evolution of biodiversity. Based on recommendation XIX/5 of SBSTTA, COP13 could, in particular, decide to launch the preparation work for a fifth edition of the GBO,

and invite the IPBES secretariats and other conventions relating to biodiversity to work together to develop a joint communication strategy for the 5th edition of the GBO and the relevant IPBES deliverables.

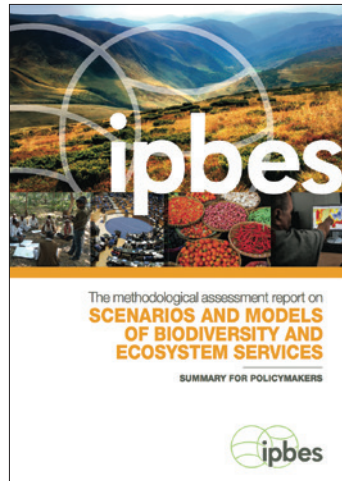
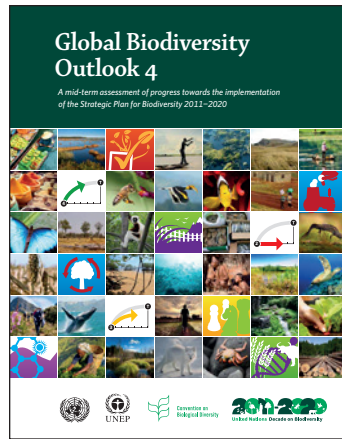
3.11.3 IPBES work: global assessment of biodiversity and ecosystem services

At its fourth plenary session in February 2016, IPBES decided to undertake a global assessment of biodiversity and ecosystem services, which should be completed by May 2019. IPBES also approved the Summary for Policymakers of the methodological assessment of scenarios and models of biodiversity and ecosystem services.⁴⁶

Following recommendation XX/13 of SBSTTA, COP13 could welcome the IPBES decision to undertake this global assessment, and while acknowledging how important this global assessment is for the GBO 5, welcome the completion and acceptance of the methodological assessment of scenarios and models of biodiversity and ecosystem services, and its Summary for Policy Makers. COP13 could also encourage Parties to further develop and use scenarios and models to support decision-making and the evaluation of policies, and to contribute to the development of scenarios and models as described in the IPBES Summary for Policymakers.

3.11.4 Indicators for the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets

Recommendation XX/13 of SBSTTA invites COP13 to take note of the AHTEG report on Indicators for the *Strategic Plan for Biodiversity 2011-2020*, and to approve the updated list of Indicators for the *Strategic Plan* which is in the annex to the draft decision. Furthermore, COP13 could decide that it is appropriate to periodically review this list of indicators to, in particular, incorporate other relevant indicators in the future, and note that the indicators may be used for a variety



46. This report for policymakers is available on: www.ipbes.net/publication/methodological-assessment-scenarios-and-models-biodiversity-and-ecosystem-services.

of purposes at the national, regional and global levels. SBSTTA 20 recommends that COP13 encourage the Parties to use a variety of approaches, according to national circumstances, in conducting in-depth assessment of progress towards the national implementation of the *Strategic Plan for Biodiversity 2011-2020*, and to consider using a small sub-set of indicators drawn from the global list.

3.11.5 Scientific assessment of progress in achieving selected Aichi Biodiversity Targets

In its recommendation XX/2, SBSTTA recommends that COP13 adopt a decision whereby it recalls that, despite encouraging progress regarding some aspects, further urgent and effective action must be taken to achieve the Aichi Targets, reduce the pressures on biodiversity and prevent its continued decline. COP13 may note that such actions can be based on a scientific assessment of progress towards the targets. Following these observations, COP13 may request the Executive Secretary to prepare, in collaboration with members of the Biodiversity Indicators Partnership and other relevant partners, updated scientific assessments of progress towards Aichi Biodiversity Targets. These assessments should focus on the targets in which the least progress has been made and be based on the available data and the indicators listed in SBSTTA recommendation XX/13.

3.11.6 Key scientific and technical needs related to the implementation of the *Strategic Plan for Biodiversity 2011-2020* and related research

In its Recommendation XIX/2, SBSTTA welcomed the establishment of the Future Earth programme⁴⁷ and invited its Scientific Committee to consider the *Strategic Plan for Biodiversity 2011-2020* when preparing and implementing its research programme. In the same recommendation, SBSTTA prepared a draft decision with regard to the COP13, in which it recommends it to invite the Parties and relevant organisation to further encourage open access to biodiversity-related data and transparency in developing derived metrics. For this purpose, COP13 may also invite the Parties to consider the “optional guidelines for improving access to biodiversity-related data and information” found in the annex to the recommendation.

COP13 may also particularly encourage Parties to: work further to identify their biodiversity monitoring, assessment, project implementation and research needs at the national level; consolidate national efforts to increase the synergies between science and policy; and increase national, regional and global efforts related to the promotion of research programmes related to the objectives of the CBD.

47. This initiative, launched in 2015, is a major international research platform. For further details: www.futureearth.org.

4. Eighth meeting of the Conference of the Parties serving as the Meeting of the Parties to the *Cartagena Protocol* (COP/MOP8)

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 (GMOs), in particular those that are destined to be introduced into the environment, such as genetically modified seeds. The *Cartagena Protocol on Biosafety* (hereafter the “*Cartagena Protocol*”) was adopted on 29 January 2000. It entered into force on 11 September 2003 and has 170 States Parties as of 3 November 2016. This Protocol regulates the international trade, transit, handling and use of GMOs that could have negative effects on the environment.

The agenda of COP/MOP8 to the *Cartagena Protocol*

4.1 Report of the Compliance Committee (agenda item 4)

The Compliance Committee met twice during the intersession period after COP/MOP7. It held its 12th meeting from 13 to 15 May 2015, and its 13th meeting from 24 to 26 February 2016. The Committee issued a list of recommendations for COP/MOP8, annexed to its report dated 12 September 2016 which will be submitted to COP/MOP8.⁴⁸

Regarding the general issues, COP/MOP8 could urge Parties that have not yet done so to set up legal, administrative, and other measures to comply with their commitments by virtue of the Protocol. Regarding the operation and activities of the Biosafety Clearing House, COP/MOP8 could urge Parties that have not done so to make available all the information that the Biosafety Clearing House needs, and keep the files updated. The Committee also recommends that COP/MOP8 adopt operational definitions of the terms “unintentional transboundary movements” and “illegal transboundary movements”, with corresponding explanatory notes. Regarding the monitoring and reporting, and based on the recommendations of the Committee, COP/MOP8 could, in particular, encourage Parties which have not submitted their 3rd national report to do so as soon as possible.

48. See the annex of the UNEP/CBD/BS/COP-MOP/8/2 document.



Regarding the third evaluation and review of the effectiveness of the *Cartagena Protocol*, and the mid-term evaluation of the *Strategic Plan*, COP/MOP8 could “welcome” the contribution of the Committee to the evaluation and review, and to the mid-term evaluation; request the Committee to continue its contribution until the final evaluation of the *Strategic Plan*; and welcome the role that the Committee has played by providing support, in accordance with decision BS-V/1.

COP/MOP8 will also be invited to elect new members to the Compliance Committee for a four-year term to replace 10 members, i.e. two in each of the five regions whose term expires at the end of 2016.

4.2 Report of the Subsidiary Body on Implementation (agenda item 5)

The COP/MOP to the *Cartagena Protocol* decided that the Subsidiary Body on Implementation of the Convention (SBI) would also serve as the Subsidiary Body on Implementation of the *Cartagena Protocol* and also agreed that the mandate of the Subsidiary Body on Implementation should apply, *mutatis mutandis*, to the SBI serving under the Protocol (Decision BS-VII/9, Part B, paras. 1 and 2). The first meeting of the SBI was held in Montreal (Canada) from 2 to 6 May 2016.

A report will be submitted to COP/MOP8 by the SBI (UNEP/CBD/COP/13/6). Four recommendations in this report contain draft decisions for the Meeting of the Parties to the *Cartagena Protocol*:

- Recommendation 1/3 on the third assessment and review of the effectiveness of the *Cartagena Protocol* and mid-term evaluation of the *Strategic Plan* for the Protocol;
- Recommendation 1/9 on the modus operandi of the SBI;
- Recommendation 1/11 on the integration among the Convention and its Protocols;
- Recommendation 1/12 on the use of the terminology “indigenous peoples and local communities”.

4.2.1 Modus operandi of the Subsidiary Body on Implementation

The Conference of the Parties should adopt a decision adopting the draft modus operandi proposed by the Subsidiary Body on Implementation (see UNEP/CBD/COP/13/6, Recommendation 1/9, paragraph 4). The SBI also recommended that the COP/MOP to the *Cartagena Protocol* endorse the *modus operandi* adopted by the Conference of the Parties and decide that this modus operandi should apply *mutatis mutandis* when the SBI serves the *Cartagena Protocol* (Recommendation 1/9, paragraph 5). COP/MOP8 will therefore consider this recommendation.

4.2.2 Integration among the Convention and its Protocols

The COP/MOP to the *Cartagena Protocol* decided to establish criteria for considering, at its 9th meeting, the experience in holding concurrent meetings, and to complete this review at its tenth meeting in 2020 (Decision BS-VII/9, paragraph 4). Using criteria suggested by the SBI, COP/MOP8 will review the experience of concurrent meetings. The Meeting of the Parties will perhaps also wish to consider the recommendation of the Subsidiary Body on the question of contributions to the relevant special allocation funds, to ensure the full and effective participation in these concurrent meetings, of representatives of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition.

4.2.3 Use of the terminology “indigenous peoples and local communities”

COP12 decided to use the terminology “indigenous peoples and local communities” in its future decisions and documents (Decision XII/12 F). In the light of this decision, the SBI recommended that COP/MOP8 consider the possibility of applying, *mutatis mutandis*, decision XII/12 F of the COP on the use of the terminology “indigenous peoples and local communities” (see UNEP/CBD/COP/13/6, Recommendation 1/12). The Meeting of the Parties to the *Cartagena Protocol* will perhaps wish to consider this question in Cancun.

4.3 Capacity-building and roster of biosafety experts (agenda item 6)

4.3.1 Report on progress in biosafety capacity-building and analysis of the capacity-building framework and action plan

At its 6th meeting, COP/MOP adopted the framework and action plan for capacity-building for the effective implementation on the *Cartagena Protocol* (BS-VI/3, Annex 1). COP/MOP6 requested the Executive Secretary to prepare reports on the state of progress in implementing this Framework, based on communications submitted by the Parties. To facilitate the discussions, the meeting attendees will consider a note of the Executive Secretary (UNEP/CBD/COP-MOP/8/3) containing a summary report of progress towards implementing the Framework and action plan.

COP/MOP8 will consider the framework and action plan at the same time as the mid-term evaluation of the *Strategic Plan* for the Protocol and the third assessment of the effectiveness of the Protocol. It will consider the elements and the progress towards implementing the Framework and action plan. It will need to decide on the necessary modifications to its content and will provide further guidance on the measures to improve its implementation and effectiveness, by helping the Parties to prepare, produce and assess capacity-building initiatives.

4.3.2 Report on the use of the roster of biosafety experts

At COP/MOP8, the Executive Secretary will produce a note containing the report on the status and operation of the roster of experts (UNEP/CBD/BS/COP-MOP/8/3/Add.1). This note will include the recommendations of the Informal Advisory Committee on the Biosafety Clearing House regarding the operation of the roster of experts and a report on the current status and use of the Voluntary Fund for the Roster of Experts.

4.4 Operation and activities of the Biosafety Clearing House (agenda item 7)

The Protocol also enabled the creation of a Biosafety Clearing House (BCH) to facilitate information exchange between countries, in virtue of Article 20. The Protocol establishes the Biosafety Clearing House (BCH) to facilitate the exchange of information and experiences on living modified organisms between countries, and to help Parties to apply the Protocol.

For COP13, the Executive Secretary will publish an activity report of the programme elements identified in the multi-year workplan in the annex of decision BS-II/2. The Executive Secretary will also produce an assessment of the Clearing House based on the indicators stated in the *Strategic Plan* of the Protocol, using the information in the 3rd national reports (UNEP/CBD/BS/COP-MOP/8/4).



L-R: CBD Executive; CBD Secretariat; COP/MOP 7 Chair; CBD Secretariat; and Secretary of the Meeting - 7th Meeting of the Parties to the Cartagena Protocol on Biosafety (COP/MOP 7). (© IISD, 2014)

A note containing the results of the 10th meeting of the Informal Consultative Committee on the BCH will also be made available as an information document (UNEP/CBD/BS/COP-MOP/8/INF/1). The Parties to the *Cartagena Protocol* may also like to take note of the activity report and offer other guidelines regarding the function and the activities of the Clearing House.

4.5 Questions regarding the financial mechanism and financial resources (agenda item 8)

The Parties to the *Cartagena Protocol* will review the progress made in implementing the guidance for the financial mechanism related to biosafety which the Meeting of the Parties adopted at its 7th session (decision BS-VII/5). COP/MOP8 should also assess the progress on decision BS-VII/5 regarding the mobilisation of additional resources to support the application of the *Cartagena Protocol*, and should also assess the need to develop other guidelines.

The Executive Secretary will publish a summary report on the progress made in the implementation of the above guidelines on the biosafety financial mechanism. This note, presented on the basis of information communicated by the Parties, the GEF Secretariat, the GEF enforcement agencies and the SBI (UNEP/CBD/BS/COP-MOP/8/5), will allow the financial requirements for the application of the *Cartagena Protocol* to be highlighted, for the 7th replenishment of the GEM Trust Fund. COP/MOP8 will also be called upon to examine the report that the GEF Council will present at COP13, on the progress in implementing the guidance for the financial mechanism, especially in terms of biosafety guidance (UNEP/CBD/COP/13/14/Add.1).

4.6 Cooperation with other international organizations, conventions and initiatives (agenda item 9)

At COP/MOP8, the Executive Secretary will provide an update of the cooperation activities between the Secretariat and other organizations, conventions and initiatives (UNEP/CBD/BS/COP-MOP/8/6), particularly the Green Customs Initiative, FAO, OECD and the *International Plant Protection Convention*. The COP/MOP8 participants may want to provide other guidance on the cooperation and include the current cooperation activities in the examination of the agenda items.

4.7 Report of the Executive Secretary on the administration of the Protocol and on budgetary matters (agenda item 10)

In its decision BS-VII/7, COP/MOP7 adopted a programme budget for the service costs of the Secretariat, as well as the biosafety workplan for the biennium 2015-2016. In this decision (par. 24), the Parties requested the Executive Secretary to submit to COP/MOP8 a programme budget for the secretariat services and biosafety work programme, for the biennium 2017-2018.

When the Parties will examine this agenda item, the participants of the COP/MOP8 to the *Cartagena Protocol* will be called upon to review the following documents, for examination and appropriate decisions and guidance:

- Note by the Executive Secretary on the administration of the Convention and its Protocols (UNEP/CBD/BS/COP-MOP/8/7);
- Note by the Executive Secretary on Budgetary Matters (UNEP/CBD/BS/COP-MOP/8/7/Add.1);
- Final Report on the Functional Review of the Secretariat (UNEP/CBD/BS/COP-MOP/8/7/Add.2).

Lastly, it is planned that COP13, the COP/MOP8 to the *Cartagena Protocol* and the COP/MOP2 to the *Nagoya Protocol* form a contact group on the workplan budgets of the Convention and its Protocols for the biennium 2017-2018, to review this agenda item.

4.8 Risk assessment and risk management (agenda item 11)

In its decision BS-VII/12, COP/MOP7 welcomed the results of the testing of the *Guidance on Risk Assessment of Living Modified Organisms*. COP/MOP7 also welcomed the adoption of the “package” that aligns the Guidance and Training Manual on Risk Assessment of Living Modified Organisms. COP/MOP7 invited Parties, other Governments and relevant organizations to test or use the Guidance and “package” in actual cases of risk assessment.

To facilitate the discussions on this point, the participants at the 8th Meeting of the Parties to the *Cartagena Protocol* will be called upon to review the following documents:

- a note by the Executive Secretary on Risk Assessment and Risk Management (UNEP/CBD/BS/COP-MOP/8/8);
- the revised version of the Guidance on Risk Assessment of Living Modified Organisms and Monitoring in the Context of Risk Assessment resulting from the work of the Online Forum and Ad Hoc Technical Expert Group (UNEP/CBD/BS/COP-MOP/8/8/Add.1);
- a brief description of the guidance on risk assessment of genetically modified fish (UNEP/CBD/BS/COP-MOP/8/8/Add.2);
- a brief description of the guidance on risk assessment of living modified organisms developed through synthetic biology (UNEP/CBD/BS/COP-MOP/8/8/Add.3).

4.9 Unintentional transboundary movements and emergency measures (agenda item 12)

To facilitate the review of this item, the Executive Secretary will publish a note on *Unintentional transboundary movements (Article 17) and the detection and identification of living modified organisms* (UNEP/CBD/BS/COP-MOP/8/9/Rev.1), which contains a draft decision for COP/MOP8.

Based on this draft decision, COP/MOP8 could, in particular: adopt the operational definitions of the terms “unintentional transboundary movement” and “illegal transboundary movement”, with a corresponding explanatory note as recommended by the Compliance Committee; welcome the draft training manual on the detection and identification of LMOs; encourage Parties to establish, support and participate in regional and subregional LMO detection networks. COP/MOP8 could request the Executive Secretary to, in particular, finalize the training manual and make it available for capacity-building workshops on the sampling, detection and identification of LMOs; and to commission a study on the adoption of emergency measures in the event of unintentional transboundary movements of LMOs, aiming to analyse possible gaps in existing standards, methods and guidance, and to make this study available for COP/MOP9 to review.

4.10 Transit and contained use of living modified organisms (agenda item 13)

At COP/MOP8, the Executive Secretary will publish a note containing analysis of the progress towards applying the provisions of the Protocol and decisions made by the Parties relating to the transit of living modified organisms. It will also publish a synthesis of information submitted by the Parties on the contained use of living modified organisms (UNEP/CBD/BS/COP-MOP/8/10).

Focusing on this report, COP/MOP8 should consider the rights and obligations of States and progress towards applying the provisions of the Protocol and any decision made by the Parties regarding the transit of living modified organisms. This review will take place as provided for in the 2012-2016 workplan, which is in the annex to decision BS-V/16, in paragraph 6(1) of decision BS-V/10, and operational objective 1.8 of the *Strategic Plan of the Cartagena Protocol*.

4.11 Review of implementation and effectiveness of the Protocol (agenda item 14)

4.11.1 Monitoring and Reporting

The *Cartagena Protocol* provides for each Party to report periodically on measures that it has taken to implement its provisions (Art. 33). At COP/MOP7, the Parties to the *Cartagena Protocol* considered and approved the model for the 3rd national report.

The information contained in the 3rd national reports is used as the main data source for the mid-term review of the implementation of the *Strategic Plan of the Cartagena Protocol* and for the 3rd evaluation of the application of the Protocol. COP/MOP8 will consider both of these evaluations based on a note from the Executive Secretary on the trends and gaps identified from the 3rd national reports received prior to 31 August 2016 (UNEP/CBD/BS/COP-MOP/8/11), and an analysis of the information contained in the 3rd national reports, question by question (UNEP/CBD/BS/COP-MOP/8/11/Add.1).

COP/MOP8 will be invited to consider the reports submitted and to provide guidance on monitoring measures, including on how to draw up the 4th national reports, which should coincide with the final review of the implementation of the *Strategic Plan*, which will be conducted at COP/MOP10. COP/MOP8 will also be invited to consider recommendation 1/10 of the SBI regarding the establishment of national reports. It will then be a question of focusing on the harmonisation of the establishment of national reports under the Convention and its Protocols and to report on this topic to the SBI, at its second meeting.

4.11.2 Third assessment and review of the effectiveness of the Cartagena Protocol and mid-term evaluation of the Strategic Plan

Article 35 of the *Cartagena Protocol* requires that the COP/MOP to the Protocol undertakes, every five years, an assessment of its procedures and annexes. In accordance with this requirement, the first assessment took place during COP/MOP4 in 2008. The second assessment of the effectiveness of the Protocol took place at its 6th meeting, in 2012. The third assessment and review, and a mid-term review of the *Strategic Plan 2011-2020* of the Protocol is planned for the 8th Meeting of the Parties.⁴⁹

49. The *Strategic Plan 2011-2020* of the Protocol was adopted in Nagoya in 2010 (decision BS-V/16).



COP/MOP 7 Chair Inho Lee presiding over closing plenary. (© IISD, 2014)

Based on recommendation 1/3 of the SBI, COP/MOP8 should adopt a decision entitled “*Evaluation and review of the effectiveness of the Cartagena Protocol on Biosafety and mid-term evaluation of the Protocol’s Strategic Plan*”. This decision could, in particular:

- welcome the works of the SBI in respect of the third assessment and review of the effectiveness of the *Cartagena Protocol on Biosafety* and mid-term evaluation of the *Strategic Plan for the Cartagena Protocol* for the 2011-2020 period;
- urge the Parties which have not yet done so to present their 3rd national report as soon as possible;
- note the absence of clear linkages between some of the outcomes and indicators in the current *Strategic Plan*, and note that, in the follow-up to the current *Strategic Plan*, indicators should be simplified, streamlined and made easily measurable;
- urge Parties that have not already done so to put in place their national biosafety frameworks, and urge Parties to undertake targeted capacity-building activities on biosafety;
- encourage those Parties that have not yet done so to become Party to the *Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress* as soon as possible;
- request the Secretary General to undertake various activities to build capacity, particularly regional and subregional workshops, to promote the integration of biosafety considerations in the revised NBSAPs, national development plans and national strategies to achieve the SDGs.

4.12 Socio-economic considerations (agenda item 15)

COP/MOP6 formed an ad hoc technical expert group tasked with shedding light on socioeconomic considerations. This Ad Hoc Technical Expert Group (AHTEG) on Socio-economic Considerations wrote the “elements of a framework for conceptual clarity on socio-economic considerations” for review, and submitted its report to the seventh meeting of the Parties to the *Cartagena Protocol*. At COP/MOP7, the decision was made to broaden this Group and to conduct work on: the further development of conceptual clarity on socio-economic considerations in the light of the “elements of a framework” and improving them; and on developing an outline for guidance with a view to making progress towards achieving operational objective 1.7 of the *Strategic Plan* and its outcomes.⁵⁰

The Executive Secretary convened online discussion groups from 30 March to 6 May 2015 to better define the elements of such a framework. The Secretariat compiled information on the definitions of socio-economic considerations and practical applications of the socio-economic considerations in making decisions relating to living modified organisms. The Secretariat then published a summary of the points of view and the observations submitted on the “elements of a framework”. COP/MOP8 will review a note published by the Secretariat that contains a description of the intersession activities on socio-economic considerations, as well as the outcome of the online discussion of the Ad Hoc Technical Expert Group on this issue (UNEP/CBD/BS/COP-MOP/8/13).

4.13 Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress (agenda item 16)

The *Cartagena Protocol* went into force on 11 September 2003. The first COP/MOP meeting took place in the city of Kuala Lumpur in Malaysia in February 2004. The process provided for in Article 27 started thanks to the work of two different working groups⁵¹ which met several times between 2005 and 2010. The *Nagoya–Kuala Lumpur Supplementary Protocol*⁵² was adopted on 15 October 2010 at the fifth meeting of the COP in Nagoya, in Japan. The Parties to the *Cartagena Protocol* were invited to sign it⁵³ between 7 March 2011 and 6 March 2012. As of 1 June 2012, 51 Countries have signed it, and 2 ratified it, Latvia and the Czech Republic.⁵⁴

50. Decision BS-VIII/13.

51. The ad hoc open-ended group composed of legal and technical experts on liability and redress and the Group of the Friends of the Co-Chairs. A report of their meeting is available online on: [cdb.int https://bch.cbd.int/protocol/cpb_art27_infos.html](https://bch.cbd.int/protocol/cpb_art27_infos.html).

52. *Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety*, 15 October 2010, UNEP/CBD/BS/COP-MOP/5/17, dated 15 October 2010, (not in force).

53. Decision BS-V/11.

54. Status of the signatures and ratifications, online: http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-8-c&chapter=27&lang=fr.

Points to discuss at COP/MOP8

The Executive Secretary will publish an update on the progress of the Supplementary Protocol and the activities undertaken that relate to it (UNEP/CBD/BS/COP-MOP/8/14). According to the programme of work of the meeting of the Parties to the *Cartagena Protocol* for the 2012–2016 period, (Annex II to decision BS-V/16), COP/MOP8 will review the need to draw up guidance or provide assistance to Parties in their efforts to adopt and apply the *Nagoya–Kuala Lumpur Supplementary Protocol*. This issue will be considered in the context of decision BS-V/11, and of decision BS-I/11 and decision BS VII/11 which were adopted afterwards, and which call for the development of complementary capacity-building measures and guidance, and for public awareness raising, for example.

4.14 Public awareness, education and participation (agenda item 17)

The Parties to the *Cartagena Protocol* adopted a workplan on public awareness, education and participation concerning the safe transfer, handling, and use of living modified organisms (paragraph 4 of decision BS-V/13).

COP/MOP8 will examine the progress made in the implementation of this workplan, in the light of the experience that the Parties have acquired. COP/MOP8 may then, as appropriate, decide on the future needs and/or revisions required to the elements of this programme, and decide on measures to improve its application and effectiveness, to help the Parties.

To facilitate the discussions, the meeting participants will be called upon to examine a note from the Executive Secretary containing a summary report on the progress made in the workplan implementation and a synthesis of views and suggestions for the revision or potential improvement of its components, submitted by the Parties (UNEP/CBD/COP-MOP/8/15).

This note will also include elements from recommendation 1/3 of the Subsidiary Body on Implementation for public awareness, education and participation, as part of the third assessment of the effectiveness of the *Cartagena Protocol* and the mid-term assessment of the *Strategic Plan*.

5. Second meeting of the Conference of the Parties serving as the Meeting of the Parties to the *Nagoya Protocol* (COP/MOP2)

The fair and equitable sharing of benefits arising from the utilisation of genetic resources is the third central objective of the CBD. 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*, adopted at COP10, is the instrument that has been selected to implement this objective. It came into effect on 12 October 2014. Given the substantial economic interests at stake, access and benefit-sharing are still sensitive points of the CBD. Since the 1st Meeting of the Parties on the *Nagoya Protocol* (COP/MOP1), held in 2014, the number of ratifications has gone from 56 to 89 (29 November 2016). The Secretariat of the *Convention on Biological Diversity* (CBD) set itself the target of collecting 100 ratifications by COP13.

The agenda of the COP/MOP2 to the *Nagoya Protocol*

5.1 Report of the Compliance Committee (Article 30) (agenda item 4)

In its decision NP-1/4, COP/MOP1 adopted cooperative procedures and institutional mechanisms to promote compliance with the provisions of the *Nagoya Protocol* and to address cases of non-compliance, and decided to form a Compliance Committee. An initial meeting of the Compliance Committee took place from 6 to 8 April 2016 in Montreal (Canada). In Annex II of its final report,⁵⁵ the Committee drafted a series of recommendations for COP/MOP2. In particular, the Committee recommends that COP/MOP2 approve its draft rules of procedure, in Annex I of the report. The Committee also asked COP/MOP2 to note that the implementation of the Protocol is still in its early stages and that, therefore, the need for and modalities of support to tackle the challenges of implementation can not be fully examined yet. Accordingly, it recommends that the delegates present at COP/MOP2 task the Compliance Committee with reassessing the need for and modalities of support at a future meeting in the light of the experience gained by the Committee and its further developments.

55. Report of the first meeting of the Compliance Committee: UNEP/CBD/NP/COP-MOP/2/4.

Besides the examination of the report and recommendations of the Compliance committee with a view to adopting a decision, the COP/MOP2 participants will also be asked to choose members of the Committee for a mandate of four years, to replace the five members, representing each of the five regions, whose mandates would expire half-way through the term, at the end of 2016.

5.2 Report of the Subsidiary Body on Implementation (agenda item 5)

Under this agenda item, the COP/MOP2 will be called upon to examine the report of the first meeting of the SBI, which was held in Montreal (Canada) from 2 to 6 May 2016, and should consider the recommendations made by the Subsidiary Body concerning the sub-points which will be addressed below.

5.2.1 Review of progress towards Aichi Biodiversity Target 16 (sub-point 5.1)

Aichi Biodiversity Target 16 states that “by 2015, the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization* is in force and operational, consistent with national legislation”. Under this agenda item, the COP/MOP2 will be invited to examine the updated document prepared by the Executive Secretary⁵⁶ on progress towards Aichi Biodiversity Target 16, and recommendation 1/2 of the SBI. In its recommendation, the SBI suggests that COP/MOP2 adopt a decision urging Parties to the *Nagoya Protocol* to take further measures towards the effective implementation of the *Nagoya Protocol* and to make all relevant information available to the ABSCH. In particular, the SBI suggests that COP/MOP2 adopt a decision that recalls the need for capacity-building and capacity-strengthening activities. The SBI also recommends that COP/MOP2 invite Parties and other Governments to implement the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the *Nagoya Protocol* in a mutually supportive manner.

5.2.2 Modus operandi of the Subsidiary Body on Implementation (sub-point 5.2)

The Parties to the *Nagoya Protocol* will be called upon to consider recommendation 1/9 of the SBI, which recommends that COP/MOP2 approve the modus operandi of the SBI, which should be adopted by COP13; and which decides that the modus operandi of the SBI should apply, with any necessary amendments, when the Subsidiary Body serves the *Nagoya Protocol*.

56. UNEP/CBD/NP/COP-MOP/2/2.



5.2.3 Integration among the Convention and its Protocols (sub-point 5.3)

COP/MOP2 should examine recommendation 1/11 of the SBI. In paragraph 9 of this recommendation, the SBI recommends that COP/MOP2 adopt a decision in which it decides to use six evaluation criteria for reviewing the experience of organising concurrent meetings at its fifth meeting. The recommendation also suggests that COP/MOP2 call upon Parties to increase their contributions to the relevant voluntary trust funds in order to ensure the full and effective participation in the concurrent meetings of representatives of DCs and Parties with economies in transition.

5.2.4 Organization of work (sub-point 2.3)

The COP/MOP2 participants will be invited to consider and adopt the preliminary organization of work proposed in Annex II of the UNEP/CBD/NP/COP-MOP/2/1/Add.2 document. This annex was prepared in the light of recommendation 1/11 of the SBI and in accordance with the process established in paragraph 4 of decision XII/27.

5.3 The Access and Benefit-Sharing Clearing House and Information Sharing (Article 14) (agenda item 6)

At COP11, a pilot phase of the ABS Clearing-House (ABSCH) was established. In decision NP-1/2, COP/MOP1 decided to establish an IAC in order to assist the Executive Secretary in the implementation of the ABSCH and to provide technical

guidance with respect to the ongoing development of the Clearing House. The ABS IAC met twice in Montreal (Canada), from 28 to 30 October 2015 and from 20 to 22 June 2016.⁵⁷ In addition, the delegates who met during COP/MOP1 adopted the modalities of operation of the ABSCH, which are included as an annex to the decision.

The COP/MOP2 should examine the report prepared by the Executive Secretary on the progress made on the implementation and operation of the ABSCH⁵⁸ with a view to adopting a decision. The report should also contain proposals for refining the modalities of operation of the Clearing House and for reviewing the intervals for examining the implementation and operation of the ABSCH. These proposals will take into account the advice from the IAC. Although the report of the Executive Secretary which COP/MOP2 must examine is not yet available, it is very likely that its recommendations for COP/MOP2 will be in line with the advice from the ABS IAC following its second meeting.

In the final report of its 2nd meeting, the ABS IAC considers that there is no need to further refine the modalities of operation of the ABSCH and suggests, in particular, that the Executive Secretary further refine these modalities in the light of experience acquired with the implementation of the ABSCH over the next two years, with a view to their consideration during COP/MOP3. Regarding the intervals of the review of the ABSCH implementation and operation, which COP/MOP2 must address, the IAC supports the proposal from the Secretariat, for the review of the ABSCH implementation and operation to be an integral part of the process of evaluating and reviewing the effectiveness of the Protocol, established by Article 31 of the Protocol. In accordance with this article, COP/MOP3 should carry out the first evaluation of the effectiveness of the Protocol and then establish the intervals for the subsequent evaluations.

5.4 Financial mechanisms and resources (Article 25) (agenda item 7)

5.4.1 Financial Mechanism

The Executive Secretary will publish a note on issues related to the financial mechanism,⁵⁹ in order to stimulate the discussions on this issue on the agenda. This note will also report on the funding requirements for the implementation of the *Nagoya Protocol*, in anticipation of the seventh replenishment of the GEF Trust Fund. COP/MOP2 will thus be invited to examine the information in this note

57. The reports of the work of the IAC will be made available to COP/MOP2 in the information documents UNEP/CBD/NP/COP-MOP/2/INF/2 and UNEP/CBD/NP/COP-MOP/2/INF/3.

58. UNEP/CBD/NP/COP-MOP/2/3.

59. UNEP/CBD/NP/COP-MOP/2/5



L-R: Nagoya Protocol COP/MOP1 Chair, Hem Pande, and CBD COP12 President, Seongkyu Yoon, jointly gavelled the concurrent meetings to a close at 8:43 pm, on Friday, 17 October 2014. (© IISD, 2014)

and to adopt a decision on the issues related to the financial mechanism, especially by formulating a recommendation for the COP on guidance for the financial mechanism, as needed. Based on the draft decision in this note, COP/MOP2 could recommend that COP13 include some elements of its decision on the financial mechanism, particularly the elements for inclusion in the four-year framework (2018-2022) of programme priorities for the 7th replenishment of the GEF resources, including the fact that the number of ratifications of the *Nagoya Protocol* increased, as well as the number of countries that have adopted legislative, administrative or policy measures on access and benefit-sharing to implement the Protocol.

5.4.2 Resource mobilization

In its decision NP-1/7, COP/MOP1 requested, in particular, the Executive Secretary to present a report on the status and trends in funding for the Parties to review at COP/MOP2. Furthermore, in accordance with Article 29 of the *Nagoya Protocol*, decision NP-1/3 on monitoring and reporting states that the intermediary national report, which includes information on resource mobilization in particular, must be submitted by the Parties twelve months prior to COP/MOP3. Thus the synthesis of this information and the overview of the status and trends in funding that decision NP-1/7 requests from the Executive Secretary will be published and made available to Parties at COP/MOP3.

5.5 Cooperation with other international organizations, conventions and initiatives (agenda item 8)

Article 4 of the *Nagoya Protocol* covers the relationship of the Protocol with other international agreements, instruments, organizations, and international processes relating to ABS. According to this article, the Protocol is implemented “in a mutually supportive manner with other international instruments relevant to this Protocol”. The *Nagoya Protocol* fosters relations and collaborates at different levels with several international organizations, conventions, and initiatives. COP/MOP1 did not make any decisions on this issue. With a view to COP/MOP2, the Executive Secretary will publish a note⁶⁰ summarizing the relevant cooperative activities. COP/MOP2 will be invited to take note of this information.

5.6 Report of the Executive Secretary on the administration of the Protocol and on budgetary matters (agenda item 9)

In its decision NP-1/13, COP/MOP1 requested the Executive Secretary to develop a programme budget for the biennium 2017-2018, including a distinction between the costs of the Secretariat and that of the programme. During the review of this agenda item, COP/MOP2 will be called upon to examine the following three documents, for review and decision adoption:

- Note by the Executive Secretary on the administration of the CBD and its Protocols,⁶¹
- Note by the Executive Secretary on budgetary matters;⁶² and
- Final report on the functional review of the Secretariat.⁶³

Furthermore, COP/MOP2 could hope to send the budget review of its 2017-2018 workplan to the contact group which COP13 should establish to consider the budget issues for the Convention workplan for the 2017-2018 biennium.

5.7 Support measures for capacity-building and strengthening (Article 22) (agenda item 10)

In its decision NP-1/8, COP/MOP1, the Parties, adopted a *strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol* (Annex I of the decision). An Informal Advisory Committee (IAC) on capacity-building was also established. Until COP/MOP3, this committee is

60. UNEP/CBD/NP/COP-MOP/2/6.

61. UNEP/CBD/NP/COP-MOP/2/7.

62. UNEP/CBD/NP/COP-MOP/2/7/Add.1.

63. UNEP/CBD/NP/COP-MOP/2/7/Add.2.

responsible for providing advice to the Executive Secretary on matters of relevance to the assessment of the effectiveness of the Strategic Framework, whose assessment is planned for 2020. Two meetings of the IAC on capacity-building took place in Montreal (Canada) from 15 to 17 September 2015, and from 15 to 17 June 2016. To facilitate discussions regarding this agenda item, COP/MOP2 will review a note from the Executive Secretary summarizing the progress made in the implementation of the Strategic Framework.⁶⁴ The reports of the two IAC meetings⁶⁵ will also be made available to the Parties to the *Nagoya Protocol* as information documents. COP/MOP2 will be invited to decide on additional guidance to be provided, as appropriate.

5.8 Measures to raise awareness of the importance of the genetic resources and associated traditional knowledge (Article 21) (agenda item 11)

In decision NP-1/9, COP/MOP1 adopted the *Awareness-raising Strategy for the Nagoya Protocol*, annexed to the decision, which identifies four priority activities. On this agenda item, COP/MOP2 will be asked to examine the report of the Executive Secretary concerning the progress made in implementing the awareness-raising strategy and in making a decision on the future guidance to provide.

5.9 The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10) (agenda item 12)

Noting that it may be complex to share the advantages of using genetic resources and the related traditional knowledge concerning these resources, Article 10 of the *Nagoya Protocol* stipulates that the Parties will consider the need for and modalities of a global multilateral benefit-sharing mechanism (GMBSM).

In its decision NP-1/10, COP/MOP1 requested the Executive Secretary to convene a meeting of an expert group on Article 10 of the *Nagoya Protocol* which will review the synthesis of views submitted by the Parties and the findings of the study commissioned by the Executive Secretary on the experience acquired in developing and implementing the *Nagoya Protocol* and other multilateral mechanisms. This expert group must agree on the areas that are related to GMBSM that require a more in-depth review, and submit the outcome of its work at COP/MOP2.

The expert meeting took place in Montreal (Canada) from 1 to 3 February 2016. At the end of this meeting, the experts who met identified findings and potential next steps which will be submitted and reviewed by COP/MOP2. COP/

64. UNEP/CBD/NP/COP-MOP2/8.

65. UNEP/CBD/NP/COP-MOP2/INF/4 and UNEP/CBD/NP/COP-MOP2/INF/5.

MOP2 will be called upon to examine the report of the group of experts⁶⁶ and to adopt a decision in the light of the conclusions and the potential measures to take in this report. In this report, the experts recommend, in particular, that COP/MOP2 recall the sovereign right of States over their genetic resources and, as a result, highlighted the importance of respecting the bilateral approach to ABS when possible (a potential GMBSM would thus have a narrow application), and that COP/MOP2 note that there is insufficient information and experience to determine whether a GMBSM is required.

5.10 Evaluation of the effectiveness of the Protocol (Article 31) (agenda item 13)

Article 31 of the *Nagoya Protocol* stipulates that COP/MOP must undertake an evaluation of the effectiveness of this Protocol four years after the entry into force of this Protocol, and thereafter at intervals determined by the COP/MOP. An initial evaluation should thus take place at COP/MOP3 in 2018. The Executive Secretary will publish a note to support COP/MOP2 in the review and adoption of a decision concerning the methodology and procedure for completing the first evaluation of the effectiveness of the Protocol.

5.11 Other issues (agenda item 14)

Regarding this agenda item, COP/MOP2 could want to review other issues, particularly regarding a recommendation from WG8j and a recommendation from SBSTTA on synthetic biology.

Recommendation 9/4 of WG8j suggests that COP13 invite the COP/MOP to the *Nagoya Protocol* to consider making a decision on the use of the expression “indigenous populations and local communities” (IPLCs), to replace the previously used expression, “indigenous and local communities” (ILCs), in future decisions and documents. If COP13 adopts the decision proposed by WG8j, COP/MOP2 will be asked to express itself and to make a decision on this issue.

Furthermore, SBSTTA adopted recommendation XX/8 on synthetic biology, which includes a draft decision for COP13 to review that has a proposal in square brackets, requesting COP13 to invite the COP/MOP to specify whether, and in what way, the use of digital genetic sequence information is related to ABS. Discussions on the issue will probably take place at COP13, and the Parties should agree on whether to maintain, modify, or abandon this proposal. Depending on the outcome of these discussions, COP/MOP2 could be asked to make a decision on this issue.

66. UNEP/CBD/NP/COP-MOP/2/10.

Annexes

Annex I: Technical sheets

Sheet 1

Convention on Biological Diversity (CBD)

Adoption: 22 May 1992

Entry into force: 29 December 1993

Ratification status: 196 Parties, including the European Union⁶⁷

Governing body: Conference of the Parties

Secretariat: Montreal (UNEP)

Other bodies Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) • Subsidiary Body on Implementation (SBI) • Working Group on the Review of Implementation (WGRI) • Working Group on Article 8(j) (WG8j) • Working Group on Protected Areas (WGPA)

Protocols: *Nagoya Protocol* on ABS • *Cartagena Protocol* on Biosafety • *Additional Protocol of Nagoya-Kuala Lumpur*

67. Note that the United States is not Party to the CBD.

Although the idea of a global convention on the conservation of living resources was proposed by the International Union for the Conservation of Nature (IUCN) in the early 1980s, formal negotiations only started at the turn of the decade and terminated in 1992, slightly before the Rio Earth Summit, where the *Convention on Biological Diversity* was opened for signature. The three objectives of the CBD are the conservation of the biodiversity, the sustainable use of its elements and the fair and equitable sharing of benefits arising from their utilisation.

In terms of conservation, the Parties must prepare measures (Art. 6) and identify the components of the biodiversity that are significant for its conservation and sustainable use (Art. 7). They must also establish a system of protected areas and encourage the protection of ecosystems and natural habitats for the conservation *in situ* (Art. 8). The Parties must also adopt measures to conserve *ex situ* components of the biodiversity, for example in museums, botanical gardens and zoos, seed or gene banks. (Art. 9).

However, the CBD is not just a convention on conservation and also covers the sustainable use of the biodiversity. By virtue of its Article 10, the Parties must, in particular, adopt measures to prevent or mitigate the unfavourable effects of exploiting biological resources and encourage their customary uses.

Articles 15, 16 and 19 address the complex questions of access to genetic resources and the transfer and management of biotechnologies, which led to the adoption of the *Cartagena Protocol on Biosafety* and the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits*.

In addition, the developed countries undertake to provide new and additional financial resource⁷ so that the developing countries can face up to all the extra costs forced on them by the implementation of measures required by the CBD. To this end, the COP requested the Global Environment Facility (GEF) to act as the financial mechanism of the CBD.

Site: www.cbd.int

Text of the Convention: www.cbd.int/doc/legal/cbd-fr.pdf

List of the CBD articles

Article 1	Objectives	Article 23	The Conference of the Parties
Article 2	Use of Terms	Article 24	Secretariat
Article 3	Principle	Article 25	Subsidiary Body on Scientific, Technical and Technological Advice
Article 4	Jurisdictional Scope	Article 26	Reports
Article 5	Cooperation	Article 27	Settlement of Disputes
Article 6	General Measures for Conservation and Sustainable use	Article 28	Adoption of Protocols
Article 7	Identification and Monitoring	Article 29	Amendment of the Convention or Protocol
Article 8	In-situ Conservation	Article 30	Adoption and Amendment of Annexes
Article 9	Ex-situ Conservation	Article 31	Right to Vote
Article 10	Sustainable Use of the Components of Biological Diversity	Article 32	Relationship between this Convention and its Protocols
Article 11	Incentive measures	Article 33	Signature
Article 12	Research and Training	Article 34	Ratification, Acceptance or Approval
Article 13	Public Education and Awareness	Article 35	Accession
Article 14	Impact Assessment and Minimising Adverse Impacts	Article 36	Entry into Force
Article 15	Access to Genetic Resources	Article 37	Reservations
Article 16	Access to and Transfer of Technology	Article 38	Withdrawals
Article 17	Exchange of Information	Article 39	Financial Interim Arrangements
Article 18	Technical and Scientific Cooperation	Article 40	Secretariat Interim Arrangements
Article 19	Handling of Biotechnology and Distribution of its Benefits	Article 41	Depository
Article 20	Financial Resources	Article 42	Authentic texts
Article 21	Financial Mechanism	Annex I	Identification and Monitoring
Article 22	Relationship with Other International Conventions	Annex II	Arbitration and Conciliation

Sheet 2

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the CBD

Adoption: 29 October 2010

Entry into force: 12 October 2014

Ratification status: 84 States Parties (89 ratifications)

Governing body: Conference of the Parties serving as the Meeting of the Parties (COP/MOP)

Secretariat: UNEP (Montreal)

Other bodies: N/A

Protocols: N/A

To establish the rules and procedures for implementing the third objective of the *Convention on Biological Diversity* (CBD), the COP10 adopted the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation to the CBD*. The *Nagoya Protocol* entered into force ninety days after the fiftieth instrument of ratification or accession was deposited. Some of its provisions are however vague so that the COP10 decided to create an Ad Hoc Open-ended Intergovernmental Committee for the *Nagoya Protocol* (ICNP) entrusted with preparing the COP/MOP1 by looking into the questions left pending.

By virtue of the *Nagoya Protocol*, access to genetic resources must be subject to prior informed consent of the Party providing these resources under the national legislation for ABS (Art. 6) and the benefits resulting from their use must be shared with it, according to the mutually-agreed terms (Art. 5). The Protocol also provides for a potential global benefit-sharing multilateral mechanism (Art. 10), an ABS clearing house (Art. 14), a financial mechanism (Art. 25) and a provision compliance mechanism (Art. 30). It also includes measures for development and capacity building (Art. 22), awareness-raising (Art. 21) and transfer of technologies (Art. 23) and also provisions relating to traditional knowledge and access to it which must also be subject to the mutually-agreed terms (Arts. 7 and 12).

Site: www.cbd.int/abs

Text of the Protocol: www.cbd.int/abs/doc/protocol/nagoya-protocol-fr.pdf

List of the *Nagoya Protocol* articles

Article 1	Objectives	Article 20	Codes of Conduct, Guidelines and Best Practices and/or Standards
Article 2	Use of Terms	Article 21	Awareness-raising
Article 3	Jurisdictional Scope	Article 22	Capacity
Article 4	Relationship with International Agreements and Instruments	Article 23	Technology Transfer, Collaboration and Cooperation
Article 5	Fair and Equitable Benefit Sharing	Article 24	Non-Parties
Article 6	Access to Genetic Resources	Article 25	Financial Mechanism and Resources
Article 7	Access to Traditional Knowledge associated with Genetic Resources	Article 26	Conference of the Parties serving as the Meeting of the Parties to this Protocol
Article 8	Special Considerations	Article 27	Subsidiary Bodies
Article 9	Contribution to Conservation and Sustainable Use	Article 28	Secretariat
Article 10	Global benefit-sharing multilateral mechanism	Article 29	Monitoring and Reporting
Article 11	Transboundary Cooperation	Article 30	Procedures and Mechanisms to Promote Compliance with this Protocol
Article 12	Traditional Knowledge associated with Genetic Resources	Article 31	Assessment and Review
Article 13	National Focal Points and Competent National Authorities	Article 32	Signature
Article 14	The Access and Benefit-Sharing Clearing House and Information Sharing	Article 33	Entry into Force
Article 15	Compliance with Domestic Legislation or Regulatory Requirements on Access and Benefit Sharing	Article 34	Reservations
Article 16	Compliance with Domestic Legislation or Regulatory Requirements on Access and Benefit sharing for Traditional Knowledge Associated with Genetic Resources	Article 35	Withdrawals
Article 17	Monitoring the Utilisation of Genetic Resources	Article 36	Authentic texts
Article 18	Compliance with Mutually-agreed Terms	Annex	Monetary and non-monetary benefits
Article 19	Model Contractual Clauses		

Sheet 3

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

Adoption: 29 January 2000

Entry into force: 11 September 2003

Ratification status: 170 Parties, including the European Union

Governing body: Conference of the Parties serving as the Meeting of the Parties (COP/MOP)

Secretariat: Montreal (UNEP)

Protocols: *Nagoya-Kuala Lumpur Additional Protocol*

The risks from introducing genetically modified organisms (GMO), that the CBD describes as “modified living organisms” (MLO) were already raising some questions when the Convention was being negotiated. Faced with the complexity of issues and given the very short negotiating times, the delegates preferred to negotiate later any commitments in framework of a protocol that would define the appropriate procedures in the transfer, handling and safe use of MLO with a potential negative impact on the conservation and sustainable use of the biodiversity (Article 19 of the CBD).

After several years of intense negotiations, the *Cartagena Protocol on Biosafety* was finally adopted in Montreal in 2000 (Decision EM-1/3). The Protocol aims to protect the biodiversity from potential risks posed by the modified living organisms resulting from modern biotechnologies and restates the precautionary (or prudent) approach enshrined in Principle 15 of the *Rio Declaration* (Art. 1). Having said that, it opposes free exchange, advocated by GMO-producing countries and import controls, advocated by the importing countries¹. To guarantee the transparency of exchanges, the importing countries must be in possession of all the relevant information before allowing this type of organism onto their territory. It thus set up a procedure of prior informed consent (Arts. 7-10 and 12) and created a biosafety clearing house (Art. 20).

Following its entry into force, the COP/MOP3 (Curitiba, 2006) determined how to identify the MLO intended for human and animal consumption or processing, by adopting the list of components required for their documentation and identification. Subsequently, the COP/MOP5 (Nagoya, 2010) adopted the *Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety* which defines the rules procedures for liability and redress.

Site: <http://bch.cbd.int/protocol>

Text of the Protocol: <http://bch.cbd.int/protocol/publications/cartagena-protocol-fr.pdf>

Sheet 4

Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety

Adoption: 15 October 2010

Entry into force: N/A

Ratification status: 37 ratifications

Governing body: COP/MOP to the *Cartagena Protocol*

Secretariat: Montreal (UNEP)

Other bodies: N/A

Protocols: N/A

The *Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress* was adopted by the 5th Conference of the Parties serving as the Meeting of the Parties to the *Cartagena Protocol* of the CBD (Nagoya, October 2010). It will enter into force once the fortieth instrument of ratification has been deposited.

The aim of the additional Protocol is to contribute to the conservation and sustainable use of the biodiversity, whilst taking account of risks for human health and provided international rules and procedures in terms of liability and redress linked to the modified living organisms (MLO) (Art. 1). It applies to damage resulting from cross-border movements of MLO intended for human or animal consumption, the use in a confined environment or the intentional introduction into the environment (Art. 3). It stipulates that a causal link must be established between the damage and the targeted MLO, in accordance with national legislation (Art. 4). Once this causality has been checked, the additional Protocol provides for intervention measures to be implemented by one or more operators under conditions laid down by the competent authority (Art. 5). There are provisions for the Parties to insert exemptions, delays or financial limits to the measures provided for by the additional Protocol in their national legislation (Arts. 6 to 8). Other articles outline, especially, the right to recourse, financial safety and implementation of the additional Protocol linked to civil liability and provide for its assessment, review and institutional operation.

Site: <http://bch.cbd.int/protocol/supplementary>

Text of the Protocol: http://bch.cbd.int/protocol/NKL_text.shtml

Annex II: The Aichi Biodiversity Targets

The Aichi Biodiversity Targets

Strategic Goal A: Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society



By 2020, at the latest, people are aware of the values of biodiversity and the steps they can take to conserve and use it sustainably.



By 2020, at the latest, biodiversity values have been integrated into national and local development and poverty reduction strategies and planning processes and are being incorporated into national accounting, as appropriate, and reporting systems.



By 2020, at the latest, incentives, including subsidies, harmful to biodiversity are eliminated, phased out or reformed in order to minimize 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.



By 2020, at the latest, Governments, business and stakeholders at all levels have taken steps to achieve or have implemented plans for sustainable production and consumption and have kept the impacts of use of natural resources well within safe ecological limits.

Strategic Goal B: Reduce the direct pressures on biodiversity and promote sustainable use



By 2020, the rate of loss of all natural habitats, including forests, is at least halved and where feasible brought close to zero, and degradation and fragmentation is significantly reduced.



By 2020 all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits.



By 2020 areas under agriculture, aquaculture and forestry are managed sustainably, ensuring conservation of biodiversity.



By 2020, pollution, including from excess nutrients, has been brought to levels that are not detrimental to ecosystem function and biodiversity.



By 2020, invasive alien species and pathways are identified and prioritized, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment.



By 2015, the multiple anthropogenic pressures on coral reefs, and other vulnerable ecosystems impacted by climate change or ocean acidification are minimized, so as to maintain their integrity and functioning.

Strategic Goal C: Improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity



By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent 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 landscape and seascapes.



By 2020 the extinction of known threatened species has been prevented and their conservation status, particularly of those most in decline, has been improved and sustained.



By 2020, the genetic diversity of cultivated plants and farmed and domesticated animals and of wild relatives, including other socio-economically as well as culturally valuable species, is maintained, and strategies have been developed and implemented for minimizing genetic erosion and safeguarding their genetic diversity.

Strategic Goal D: Enhance the benefits to all from biodiversity and ecosystem services.



By 2020, ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded, taking into account the needs of women, indigenous and local communities, and the poor and vulnerable.



By 2020, ecosystem resilience and the contribution of biodiversity to carbon stocks has been enhanced, through conservation and restoration, including restoration of at least 15 per cent of degraded ecosystems, thereby contributing to climate change mitigation and adaptation and to combating desertification.



By 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation.

Strategic Goal E: Enhance implementation through participatory planning, knowledge management and capacity building



By 2015 each Party has developed, adopted as a policy instrument, and has commenced implementing an effective, participatory and updated national biodiversity strategy and action plan.



By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.



By 2020, knowledge, the science base and technologies relating to biodiversity, its values functioning, status and trends, and the consequences of its loss, are improved, widely shared and transferred, and applied.



By 2020, at the latest, the mobilization of financial resources for effectively implementing the Strategic Plan 2011-2020 from all sources and in accordance with the consolidated and agreed process in the Strategy for Resource Mobilization should increase substantially from the current levels. This target will be subject to changes contingent to resources needs assessments to be developed and reported by Parties.

Please feel free to use the Aichi Biodiversity Targets icons in your own materials. More details at www.cbd.int/sp



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She is a researcher at the Quebec Centre for Biodiversity Science (QCBS), an inter-university centre with 122 researchers whose headquarters are located at McGill University in Montreal. She also belongs to the Environment, Development and Society (EDS) Institute and sits on its Scientific Committee. She is a researcher at the International and Transnational Law Centre at Laval University and at the Institute of Higher International Studies). She is also a member of the Ecosystems & Biodiversity Committee (ECO-BIO) of the Ouranos climate change research consortium. The Faculty of Law at Université Laval, where she teaches and carries out her research, offers a master's programme in environmental, sustainable development and food security law. Courses are available in international and national biodiversity law.

Lila Gagnon Brambilla achieved a baccalaureate in biology-ecology at Université de Sherbrooke before finishing off her academic training with a master's degree in international studies from the Université de Montréal. She has undertaken several international cooperation projects in environmental matters in Latin America, one of which resulted in her co-founding and chairing an environmental awareness NGO in Peru. She worked for several years as a Research Assistant for Environment Canada and three years as an editor for the magazine Objectif Terre (Objective Earth), which was at the time edited by the IHQEDS of Université Laval. This is the third time she has been involved in writing the Guide to Negotiations of the Convention on Biological Diversity.

The *Institut de la Francophonie pour le développement durable (IFDD – Institute of the French-speaking world for Sustainable Development)* is a subsidiary body of the Organisation internationale de la Francophonie (OIF – International Organisation of the Francophonie) and its headquarters are in Quebec City.

Under its original name of *Institut de l'Énergie des Pays ayant en commun l'usage du Français* (IEPF – Energy Institute for Countries with French as a common language), the IFDD came into being in 1988 following the 11th Summit of the Francophonie held in Quebec in 1987. It was created in the wake of the global energy crises and from a desire of Heads of State and Government for cooperative action to develop the energy sector in member countries. In 1996, the Institute took the resolutions of the Rio Earth Summit 1992 as the major guide for its action and became the *Institut de l'énergie et de l'environnement de la Francophonie* (Energy and Environment Institute of the French-speaking World) And in 2013, following the Rio+20 Conference, it was renamed *Institut de la Francophonie pour le développement durable* (IFDD – Institute of the French-speaking world for Sustainable Development).

Its mission is to contribute to:

- training and capacity-building in sustainable development of various categories of development players in French-speaking countries in the energy and environment sectors;
- support for development players in initiatives to prepare and implement sustainable development programmes;
- the promotion of the sustainable development approach in French-speaking countries;
- the development of partnerships in the various economic and social development sectors, mainly environment and energy, for sustainable development.

IFDD action falls under the Strategic Framework of the Francophonie, within mission D “Sustainable development, economy and solidarity” and Strategic Objective 7 “Contribute to the preparation and implementation of the post-2015 development programme and sustainable development goals”.

The Institute is in particular lead partner in the following two programmes under the OIF 2015-2018 schedule, implemented in partnership with other OIF units:

- Increase the capacities of target countries to develop and implement national, regional and local sustainable development strategies which are inclusive, participative and results-based;
- Build up the capacities of French-speaking players to allow active participation in international negotiations and decisions on the economic, environment and sustainable development, and their implementation.

The International Organisation of La Francophonie (OIF) is an institution founded on sharing a language – French – and common values. It currently groups 80 States and governments, including 57 members and 23 observers. The 2014 Report on the French language worldwide sets the number of French speakers at 274 million.

The OIF carries out political and cooperation actions on all five continents in the following priority areas: French language and cultural and linguistic diversity; peace, democracy and human rights; education and training; sustainable development and solidarity. OIF pays special attention in all its actions to young people and women and to access to information and communication technologies.

The Secretary General runs the political action of the Francophonie as its international spokesman and official representative. Mrs Michaëlle Jean has been the Secretary General of the Francophonie since January 2015.

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23 observers

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This *Summary for policymakers* and the *Guide to the negotiations of the 13th session of the Conference of the Parties to the Convention on the Biological Diversity* are addressed to the delegates to the thirteenth session of the Conference of the Parties (COP 13) as well as to observers following the multilateral negotiations on the environment who wish to follow the talks taking place in Cancun (Mexico) on 4-17 December 2016.



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