

2014 PYEONGCHANG MEETINGS OF THE CONVENTION ON BIOLOGICAL DIVERSITY AND ITS PROTOCOLS: 29 SEPTEMBER – 17 OCTOBER 2014

The twelfth meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD COP 12) will be held from 6-17 October 2014 in Pyeongchang, Gangwon Province, Republic of Korea. It is preceded by the seventh meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (Cartagena Protocol COP/MOP 7). The first meeting of the Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS) (Nagoya Protocol COP/MOP 1) will be held during the second week of CBD COP 12, from 13-17 October 2014.

Cartagena Protocol COP/MOP 7 will address: handling, transport, packaging and identification (HTPI) of living modified organisms (LMOs); the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress; risk assessment and risk management; socio-economic considerations; monitoring and reporting; the second assessment and review of the Protocol's effectiveness; unintentional transboundary movements and emergency measures; and contained use of LMOs. The meeting will also convene a special session on implementation focusing on ways to improve the integration of biosafety into relevant national development plans and mobilize additional resources for implementation.

CBD COP 12 will consider a series of strategic, substantive, administrative and budgetary issues. Among other items, the meeting is expected to conduct a mid-term review of progress towards the goals of the Strategic Plan for Biodiversity 2011-2020 and its Aichi Targets and review progress towards implementation. COP 12 will also address issues related to: biodiversity and sustainable development; marine and coastal biodiversity; biodiversity and climate change; biofuels; Article 8(j) (traditional knowledge); sustainable wildlife management; invasive alien species (IAS); synthetic biology; and ecosystem conservation and restoration.

Nagoya Protocol COP/MOP 1 will consider the status of the ratification and implementation of the Nagoya Protocol on ABS and address items related to: the ABS Clearing-house and information-sharing; monitoring and reporting; compliance; model contractual clauses and other voluntary instruments; capacity building; awareness-raising; the need for, and modalities of, a global multilateral benefit-sharing mechanism; and organizational, financial and budgetary matters.

A series of parallel meetings will also convene, including: the Communication, Education and Public Awareness (CEPA) Fair; the Rio Conventions Pavilion; the COP 12 High-level segment

under the theme "Biodiversity for Sustainable Development" (15-17 October 2014); the Biodiversity Summit for cities and sub-national governments (12-14 October 2014); and several exhibitions and side-events.

A BRIEF HISTORY OF THE CBD AND ITS PROTOCOLS

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

Three protocols have been adopted under the Convention: the Cartagena Protocol on Biosafety (Extraordinary Meeting of the COP, January 2000, Montreal, Canada); the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety (Cartagena Protocol COP/MOP 5, October 2010, Nagoya, Japan); and the Nagoya Protocol on ABS (COP 10, October 2010, Nagoya). The COP, as the governing body of the Convention, has also adopted:

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

COP 11 (October 2012, Hyderabad, India) adopted a set of decisions including on ecosystem restoration, marine and coastal biodiversity, and customary sustainable use with a focus on implementation at the national and local level. It also adopted



an interim target of doubling biodiversity-related international financial resource flows to developing countries by 2015, and at least maintaining this level until 2020, coupled with targets on baseline information, and a preliminary reporting framework for monitoring resource mobilization.

CARTAGENA PROTOCOL ON BIOSAFETY: Adopted in January 2000, the Cartagena Protocol on Biosafety addresses the safe transfer, handling and use of LMOs that may have adverse effects on biodiversity, taking into account human health, with a specific focus on transboundary movements of LMOs. It introduces an advance informed agreement (AIA) procedure for imports of LMOs for intentional introduction into the environment and incorporates the precautionary approach and mechanisms for risk assessment and risk management. The Protocol establishes a Biosafety Clearing-house (BCH) to facilitate information exchange, and contains provisions on capacity building and financial resources, with special attention to developing countries and those without domestic regulatory systems. It entered into force on 11 September 2003 and currently has 168 parties. The Protocol's governing body is its COP/MOP, which has held six meetings so far. The major highlight in the Protocol's operations is the adoption of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress, as well as:

- establishment of the Compliance Committee and agreement on documentation requirements for LMOs destined for direct introduction into the environment (COP/MOP 1, February 2004, Kuala Lumpur);
- establishment of an *Ad Hoc* Technical Expert Group (AHTEG) on risk assessment and risk management (COP/MOP 2, May-June 2005, Montreal);
- adoption of requirements for documentation and identification of LMOs for food, feed or for processing (COP/MOP 3, March 2006, Curitiba); and
- establishment of an AHTEG on socio-economic considerations (COP/MOP 5, October 2012, Hyderabad).

NAGOYA-KUALA LUMPUR SUPPLEMENTARY PROTOCOL: Adopted in October 2010, the Supplementary Protocol provides international rules and procedures on liability and redress for damage to biodiversity resulting from LMOs. The Supplementary Protocol takes an "administrative approach," whereby the operator (person or entity in control of the LMO), or the competent authority if the operator is unable to, is required to take response measures in the event of damage, or sufficient likelihood of damage, to biodiversity associated with transboundary movements of LMOs. Countries can provide for civil liability in their domestic law.

The Supplementary Protocol was opened for signature on 7 March 2011. With 26 ratifications to date, it will enter into force 90 days after receipt of the 40th instrument of ratification.

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

Negotiations spanned six years. Major controversial issues included: the scope of the instrument; derivatives and the concept of utilization; the relationship with other instruments; measures to support compliance, including with domestic ABS requirements; measures to monitor the utilization of genetic resources; traditional knowledge-related issues; and

considerations regarding health emergencies and food security. COP 10 adopted the Nagoya Protocol as part of a "package" including the Strategic Plan and a decision on implementation of the resource mobilization strategy. It also established the Intergovernmental Committee for the Nagoya Protocol (ICNP) to undertake the preparations for COP/MOP 1, which held three meetings during 2011-2013.

The Protocol opened for signature on 2 February 2011. With 53 ratifications to date, it will enter into force on 12 October 2014.

INTERSESSIONAL HIGHLIGHTS

WORKING GROUP ON ARTICLE 8(j): At its eighth meeting (October 2013, Montreal), the CBD Working Group on Article 8(j) developed a draft action plan on customary sustainable use; and recommended developing guidelines on repatriation, and on prior informed approval by indigenous and local communities for access to, benefit-sharing from, and reporting and prevention of unlawful appropriation of, traditional knowledge.

SBSTTA 17: At its seventeenth meeting (October 2013, Montreal), the Convention's Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) addressed scientific and technical needs for implementing the Strategic Plan; new and emerging issues; and contributions to the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES).

ICNP 3: At its third meeting (February 2014, Pyeongchang), the Intergovernmental Committee for the Nagoya Protocol (ICNP) addressed: the COP/MOP rules of procedure and the COP/MOP 1 agenda; monitoring and reporting; capacity building; the ABS Clearing-house; model contractual clauses and other voluntary instruments; a global multilateral benefit-sharing mechanism; and procedures and mechanisms on compliance.

SOCIO-ECONOMIC CONSIDERATIONS: Drawing on a series of regional real-time online consultations, the first meeting of the AHTEG on socio-economic considerations regarding decisions on LMOs under the Cartagena Protocol (February 2014, Seoul, Republic of Korea) examined the material gathered to present a framework that aims to identify the potential socio-economic impacts of LMOs in accordance with the Protocol's scope and objectives.

WGRI 5: The fifth meeting of the CBD Working Group on the Review of Implementation (June 2014, Montreal) adopted recommendations on consolidation of proceedings for subsequent meetings of the CBD COP and COP/MOPs of its Protocols, and the Chennai guidance, which aims to integrate biodiversity in sustainable development and poverty eradication programmes. It also reviewed progress in updating and implementing national biodiversity strategies and action plans (NBSAPs), and in providing support for implementation. The meeting could not reach agreement on setting final targets for resource mobilization.

SBSTTA 18: SBSTTA 18 (June 2014, Montreal) addressed a series of items related to the scientific base required for implementing the Strategic Plan and its Aichi Targets. It welcomed the draft Fourth Global Biodiversity Outlook (GBO-4) and the underlying technical reports; approved a summary report containing scientific and technical evaluation of information describing ecologically or biologically significant marine areas for transmission to countries and the UN General Assembly, as well as priority actions to address the pressures on coral reefs; and approved voluntary guidance on measures to address risks associated with the introduction of alien species as pets, aquarium and terrarium species, and as live bait and live food.

RISK ASSESSMENT AND RISK MANAGEMENT: Supported by the Open-ended Online Expert Forum, the fifth meeting of the AHTEG on Risk Assessment and Risk Management under the Cartagena Protocol (June 2014, Bonn) developed recommendations on further guidance on specific topics of risk assessment and a process for updating the guidance on risk assessment of LMOs.