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GLOBAL CONSULTATION WORKSHOP ON
THE POST-2020 GLOBAL BIODIVERSITY
FRAMEWORK, BIOSAFETY AND THE
CARTAGENA PROTOCOL

Nairobi, 25 August 2019

BIOSAFETY WITHIN THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

Note by the Executive Secretary

INTRODUCTION

1. In its decision [14/34](#), the Conference of the Parties decided on a process for the development of a post-2020 global biodiversity framework. It noted that the effectiveness of the process for the development of the post-2020 global biodiversity framework depended on the active participation of all Parties to the Convention and the Protocols, and it formulated a number of guiding principles for the process for the development of the post-2020 global biodiversity framework that underpin this notion.
2. In its decision [CP-9/7](#), the Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol (COP-MOP) welcomed decision 14/34 and took note of the preparatory process for the development of the post-2020 global biodiversity framework. It stressed the importance of including biosafety in the post-2020 global biodiversity framework as well as the necessity of developing a specific post-2020 Implementation Plan for the Cartagena Protocol on Biosafety. It noted the importance of the active involvement of biosafety experts, including those with expertise on the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress, in the development of the post-2020 global biodiversity framework and requested the Executive Secretary to convene dedicated sessions to discuss biosafety matters during global and regional consultation workshops referred to in decision 14/34.
3. The Global Consultation Workshop on the post-2020 Global Biodiversity Framework, Biosafety and the Cartagena Protocol was organized to facilitate a discussion on addressing biosafety within the post-2020 global biodiversity framework. The present document has been developed to support the consideration of this matter.
4. The Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol outlined a process for the development of a draft of the biosafety component in the post-2020 global biodiversity framework, the development of a post-2020 implementation plan for the Cartagena Protocol, and the preparation of a Protocol-specific post-2020 capacity-building action plan. These processes are intertwined, and an overview of the different steps, as set out by the Parties to the Protocol, is provided in section I of the present document.
5. Section II provides an overview of views on big picture linkages between biosafety and the post-2020 global biodiversity framework, while section III presents possible elements of the biosafety component within the post-2020 global biodiversity framework.

I. POST-2020 PROCESSES UNDER THE CARTAGENA PROTOCOL

6. In its decision [BS-V/16](#), the Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol adopted the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020 (Strategic Plan), setting out objectives to be achieved by the year 2020. In its decision [BS-VI/3](#),

in 2012, the Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol adopted the Framework and Action Plan for Capacity-Building for the Effective Implementation of the Cartagena Protocol on Biosafety, to support Parties in their efforts to give effect to the Strategic Plan and to support the implementation of the Protocol. These plans come to an end in 2020.

7. In this light, the Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol, at its ninth meeting, decided to develop follow-up documents covering the period beyond 2020 and agreed to processes for the development of the following:

(a) A specific post-2020 Implementation Plan for the Cartagena Protocol on Biosafety (Implementation Plan);

(b) A specific action plan for capacity-building for implementation of the Cartagena Protocol and the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress (post-2020 Capacity-Building Action Plan);

(c) A biosafety component for the post-2020 global biodiversity framework.

8. An overview of the steps in these processes is set out in sub-section A below. Sub-section B summarizes the current status of these processes. Table 1 below also summarizes the different steps in these processes.

A. Overview of the post-2020 processes under the Cartagena Protocol

1. Biosafety component of the post-2020 framework

9. Of most relevance for the consultation is the work towards the biosafety component for the post-2020 global biodiversity framework. In its decision CP-9/7, the Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol stressed the importance of including biosafety in the post-2020 global biodiversity framework.

10. The Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol invited Parties, other Governments, indigenous peoples and local communities and relevant organizations to provide views on the relevant elements of the biosafety component of the post-2020 global biodiversity framework.

11. The Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol requested the Executive Secretary to convene a face-to-face meeting of the Liaison Group for the Cartagena Protocol, to be held in 2019, to prepare a draft of the biosafety component in the post-2020 global biodiversity framework. This meeting of the Liaison Group is tentatively planned for 22-25 October 2019.

12. The Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol also requested the Executive Secretary to work with the co-chairs of the Liaison Group and the Co-Chairs of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework to develop clear complementary timelines with regard to the contribution of the Parties to the Protocol on the relevant elements for the post-2020 global biodiversity framework.

2. Post-2020 implementation plan for the Cartagena Protocol

13. In its decision CP-9/7, the Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol decided to develop a post-2020 implementation plan for the Cartagena Protocol that is anchored in and complementary to the post-2020 global biodiversity framework and outlined a process for its development.

14. The Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol invited Parties, other Governments, indigenous peoples and local communities and relevant organizations to submit views on the structure and content of the Implementation Plan. It requested the Secretariat to develop a draft implementation plan and to convene open-ended online discussions to consider the draft.

The Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol requested the Liaison Group for the Cartagena Protocol to review the draft implementation plan at its thirteenth meeting and requested the Executive Secretary to conduct a peer review of the implementation plan and submit it for consideration by the Subsidiary Body on Implementation, at its third meeting.

3. *Post-2020 Capacity-Building Action Plan*

15. In its decision CP-9/3, the Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol acknowledged the need for a specific action plan for capacity-building for implementation of the Cartagena Protocol and its Supplementary Protocol that is aligned with the post-2020 Implementation Plan and complementary to the long-term strategic framework for capacity-building beyond 2020 and welcomed an indicative schedule of activities for the development of the specific action plan. The Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol also took note of decision 14/24, in which the Conference of the Parties decided on a process for the development of the long-term strategic framework for capacity-building beyond 2020.

16. The Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol invited Parties, indigenous peoples and local communities and relevant organizations to provide the Executive Secretary with views and suggestions on: (a) possible elements of the long-term strategic framework for capacity-building beyond 2020; and (b) possible elements of a specific action plan for capacity-building on biosafety, covering the Cartagena Protocol and its Supplementary Protocol.

17. The Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol requested the Liaison Group at its thirteenth meeting to contribute to the development of (a) the draft action plan for capacity building for implementation of the Cartagena Protocol and its Supplementary Protocol and (b) the draft long-term strategic framework for capacity-building beyond 2020, as appropriate, and, at its fourteenth meeting, to review the final draft of the action plan for capacity-building on biosafety, taking into account information provided in the fourth national reports under the Cartagena Protocol.

18. The Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol requested the Executive Secretary to submit a draft action plan for capacity-building for consideration by the Subsidiary Body on Implementation at its third meeting.

B. Status of the post-2020 processes with relevance to the Cartagena Protocol

19. The Executive Secretary, through notification 2019-027, invited Parties, other Governments, indigenous peoples and local communities and relevant organizations to submit views on:

(a) The structure and content of the post-2020 implementation plan for the Cartagena Protocol on Biosafety;

(b) Possible elements of a specific action plan for capacity-building on biosafety, covering the Cartagena Protocol and its Supplementary Protocol;

(c) Relevant elements of the biosafety component of the post-2020 global biodiversity framework.

20. A total of 28 submissions were received.¹ The views presented have been synthesized in document CBD/CP/LG/2019/1/INF/1, an information document for the thirteenth meeting of the Liaison Group, which will also be made available for the Consultation. Section IV of the document contains a synthesis of the views on the relevant elements of the biosafety component of the post-2020 global biodiversity framework. The Consultation will be the first occasion dedicated specifically to considering the biosafety component of the post-2020 global biodiversity framework. The Liaison Group at its thirteenth meeting is expected to address this issue further.

¹ The full text of the submissions is available at: <http://bch.cbd.int/protocol/post2020/submissions.shtml>.

21. The submissions made in response to notification 2019-027, on the structure and content of the implementation plan, formed the basis for the preparation of a draft implementation plan by the Secretariat, which was discussed from 8 to 19 July 2019 through online discussions of Parties and other stakeholders. The draft implementation plan will be further discussed at the thirteenth meeting of the Liaison Group for the Cartagena Protocol.

22. The submissions on possible elements of a specific action plan for capacity-building on biosafety will be used to develop a draft of the action plan which will also be considered at the thirteenth meeting of the Liaison Group for the Cartagena Protocol.

Table 1. Overview of post-2020 processes under the Cartagena Protocol

| Implementation Plan Cartagena Protocol | Capacity-Building Action Plan Cartagena Protocol | Biosafety input post-2020 global BD framework | Biosafety input long-term capacity-building framework post 2020 |
|--|--|---|---|
| Submissions (April 2019) | Submissions (April 2019) | Submissions (April 2019) | |
| Online discussions (July 2019) | | | |
| | | Global Consultation (25 August 2019) | |
| LG-13 (October 2019) | LG-13 (October 2019) | LG-13 (October 2019) | LG-13 (October 2019) |
| | | Online discussions LG (as needed) | |
| | LG-14 (Feb/Mar 2020) | | LG-14 (Feb/Mar 2020) |
| Peer review | Review process | | |
| SBI-3 | SBI-3 | WG2020 (coordination with Co-Chairs WG2020) | Convention-led process |
| COP-MOP-10 | COP-MOP-10 | | |

23. Following decision 14/34, an initial discussion document on the post-2020 global biodiversity framework was issued, and the Executive Secretary, through notification 2019-008, invited the submission of views on the document. The submissions received address, among other things, the relation between the Convention and the Protocol. A synthesis of the views has been made available for consideration at the first meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework.² The annex to document CBD/CP/LG/2019/1/INF/1 contains the relevant part of the synthesis and compilation of views, to the extent that they relate to biosafety or the Protocol.³

² CBD/POST2020/PREP/1/INF/1 and 2.

³ The Cartagena Protocol on Biosafety and 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. A complete synthesis of the views is available in CBD/POST2020/PREP/1/INF/2.

II. BIOSAFETY IN THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK: THE BIG PICTURE

24. This section provides a summary of views submitted in response to notification 2019-008, on the post-2020 global biodiversity framework, and in response to notification 2019-027, on the post-2020 process under the Cartagena Protocol, that touch on fundamental linkages between biosafety and biodiversity.

25. While biosafety is relevant to several of its Strategic Goals and Targets, the Strategic Plan for Biodiversity 2011-2020 does not explicitly refer to biosafety. Rather, a specific instrument was dedicated to biosafety in the form of the Strategic Plan for the Cartagena Protocol 2011-2020.

26. Similarly, no specific reference to biosafety is included in the Sustainable Development Goals.⁴ That said, biosafety is of relevance to a number of the Sustainable Development Goals and their targets and the implementation of the Cartagena Protocol can contribute to the attainment of these Goals and Targets.

27. The submissions generally underscored the importance of ensuring that the post-2020 global biodiversity framework is aligned with the Sustainable Development Goals and referred in this context to the contribution of biosafety and the Protocol to areas such as food security and health.

28. The submissions suggested that biosafety is inextricably linked with the objectives of the Convention, in particular for its contribution to conservation and sustainable use of biological diversity, and that for this reason biosafety should be included in the post-2020 global biodiversity framework.

29. It was suggested that any target related to biosafety should focus on commitments of Parties under the Convention. In this context, reference was made to focusing on issues addressed in the Articles of the Convention related to biosafety, in particular to Article 8(g) and Article 19 of the Convention. The text of Article 8(g) and Article 19 is reproduced in the annex below.

30. Including biosafety in the post-2020 global biodiversity framework was considered to contribute to the integration of the work under the Convention and the Protocols. Suggestions were made that targets and indicators developed under the Protocol should be supportive of the post-2020 global biodiversity framework and that this would contribute to integration and greater contribution of the Protocol to the achievement of the objectives of the Convention. The submissions generally highlighted the need to develop simple and specific, or SMART,⁵ biosafety indicators in the post-2020 global biodiversity framework.

31. Several submissions stressed the importance of considering new and emerging technologies, including synthetic biology and gene editing, in the development of the post-2020 global biodiversity framework and its biosafety component.

32. It was suggested that addressing biosafety within the post-2020 global biodiversity framework would facilitate participation by developing countries in biotechnology research, as well as access, on mutually agreed terms, to the results and benefits arising from biotechnologies.

33. It was also suggested that a biosafety target should focus on advancement of the number of Parties having ratified the Cartagena Protocol and the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress.

34. In session 3 of the Consultation, participants may wish to further expand on the issues set out above and on how biosafety contributes to achieving the objectives of the Convention and the 2050 vision of living in harmony with nature.

⁴ In contrast, biodiversity and access and benefit-sharing are reflected explicitly. Goal 15 relates, among other things, to halting biodiversity loss, and several related targets address biodiversity. Both target 5 under Goal 2 and target 6 under Goal 15 are dedicated specifically to the promotion of access to genetic resources and fair and equitable sharing of benefits arising from the utilization of genetic resources.

⁵ Specific, measurable, attainable, realistic and timely.

III. POSSIBLE BIOSAFETY ELEMENTS OF THE BIOSAFETY COMPONENT OF THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

35. The views synthesized in document CBD/CP/LG/2019/1/INF/1 identified a number of elements and broader issues and thematic areas for which biosafety may be of relevance. These have been summarized in subsection A below. The specific elements of the biosafety component of the post-2020 global biodiversity framework are presented below. The broader issues and other thematic areas that may be addressed in the post-2020 global biodiversity framework and to which biosafety may be of relevance are provided in subsection B. Subsection C suggests an approach for considering and further expanding on the views during the Consultation.

A. Specific biosafety elements identified in the submissions

36. The views submitted suggested the inclusion of specific biosafety elements in the post-2020 global biodiversity framework, in particular: the development of legal and administrative frameworks; risk assessment and risk management, including in relation to new technologies; and detection and identification of living modified organisms, in particular of those living modified organisms that cannot be detected with existing methods. Other specific areas that were suggested to be included in the biosafety component relate to: (a) analysis of the effects of living modified organisms on the conservation and sustainable use of biological diversity, including of organisms developed through new technologies; (b) information sharing; and (c) liability and redress.

37. In addition, some submissions suggested specific wording for a biosafety target, as follows:

(a) “All Parties possess and maintain the regulatory framework and the capacity to regulate, manage or control the risks associated with the use and release of living modified organisms which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health”;

(b) “By 2030, all Parties have in place means to regulate, manage or control the risks associated with the use and release of living modified organisms which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health. This can be achieved by implementing different approaches and modalities, an important one being the Cartagena Protocol on Biosafety and its specific Implementation Plan.”

B. Issues and thematic areas of relevance to biosafety identified in the submissions

38. The submissions in response to notification 2019-008 recognized that biosafety is of relevance to several issues and thematic areas that may be included in the post-2020 global biodiversity framework. The submissions indicated that biosafety contributes to the attainment of the objectives of the Convention and to wider frameworks, such as the Sustainable Development Goals (see also paras. 26-27 above).

39. The importance of biosafety in the context of conservation of biological diversity and for the sustainable use of its components was brought up in many submissions. Several underlined the importance of biosafety for sustainable agricultural development. Some submissions noted the importance of biosafety for increasing agricultural diversity and for enhancing resilience and productivity. Furthermore, biosafety in connection with the further development and application of new technologies was considered by some to contribute to sustainable agriculture, development of livelihoods and the conservation of the environment.

40. The relevance of biosafety for its role in providing global risk assessment and risk management frameworks for emerging technologies was also underlined.

C. Suggested approach for the Consultation to consider and expand on the views submitted

41. In session 4 of the Consultation, participants may wish to reflect on the suggestions made for a biosafety target within the post-2020 global biodiversity framework and discuss whether the suggested

wording for a possible biosafety target within the post-2020 global biodiversity framework, reflected in paragraph 37 above, broadly covers the elements of the biosafety component. It must be noted that any discussion on specific wording of the biosafety component may be subject to further changes in future negotiations, including in the Open-ended Working Group on the Post-2020 Global Biodiversity Framework. Identifying elements of the biosafety component contributes to understanding *how* biosafety can be addressed within the post-2020 global biodiversity framework.

42. While the elements of the post-2020 global biodiversity framework have not yet been determined, many of the submissions on the post-2020 global biodiversity framework⁶ emphasized that the starting point for targets should be those in the Strategic Plan for Biodiversity 2011-2020 and that issues addressed in the current Strategic Plan for Biodiversity remain relevant and should be reflected in some way in the post-2020 global biodiversity framework. Furthermore, in session 4, the Consultation may also wish to reflect on whether any of the issues addressed in the current Strategic Plan for Biodiversity and the Aichi Targets would have relevance for biosafety and whether addressing biosafety within these issues in the post-2020 global biodiversity framework would be beneficial.

43. In addition, the Consultation may also wish to reflect on whether any additional issues suggested for inclusion in the post-2020 global biodiversity framework would have relevance for biosafety and whether addressing biosafety within these issues in the post-2020 global biodiversity framework would be beneficial. These additional issues were raised in the views submitted in response to notification 2019-008 and have been reflected in CBD/POST2020/PREP/1/INF/2, paragraphs 57 and 88.

44. The discussions referred to in paragraphs 42 and 43 above could be relevant to clarifying *where* biosafety could be addressed within the post-2020 global biodiversity framework.

⁶ Submitted following notification 2019-008. See also paragraph 23 above.

Annex

SELECTED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY

Article 8. In situ conservation

Each Contracting Party shall, as far as possible and as appropriate:

[...]

(g) Establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health;

[...]

Article 19. Handling of biotechnology and distribution of its benefits

1. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, to provide for the effective participation in biotechnological research activities by those Contracting Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties.

2. Each Contracting Party shall take all practicable measures to promote and advance priority access on a fair and equitable basis by Contracting Parties, especially developing countries, to the results and benefits arising from biotechnologies based upon genetic resources provided by those Contracting Parties. Such access shall be on mutually agreed terms.

3. The Parties shall consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity.

4. Each Contracting Party shall, directly or by requiring any natural or legal person under its jurisdiction providing the organisms referred to in paragraph 3 above, provide any available information about the use and safety regulations required by that Contracting Party in handling such organisms, as well as any available information on the potential adverse impact of the specific organisms concerned to the Contracting Party into which those organisms are to be introduced.
