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### SYNTHESIS OF VIEWS OF PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY AND OBSERVERS ON THE POST-2020 PROCESS FOR THE CARTAGENA PROTOCOL

#### I. INTRODUCTION

1. In decision BS-V/16, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol adopted the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020. The Strategic Plan includes a vision and mission as well as a number of strategic objectives organized in different focal areas. Each focal area includes expected impacts, operational objectives, outcomes and indicators.
2. The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, at its ninth meeting, decided to develop a specific post-2020 Implementation Plan for the Cartagena Protocol on Biosafety (Implementation Plan) that is anchored in and complementary to the post-2020 global biodiversity framework.<sup>1</sup> The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol stressed the importance of including biosafety in the post-2020 global biodiversity framework (decision CP-9/7<sup>2</sup>).
3. The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, at its ninth meeting, also decided to develop a specific post-2020 action plan for capacity-building for implementation of the Cartagena Protocol and its Supplementary Protocol (post-2020 action plan for capacity-building) (decision CP-9/3<sup>3</sup>).
4. The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol invited Parties, other Governments, indigenous peoples and local communities and relevant organizations to provide 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; and (c) relevant elements of the biosafety component of the post-2020 global biodiversity framework, and to compile their submissions.
5. Accordingly, the Executive Secretary issued a notification inviting for the submission of views on the abovementioned issues.<sup>4</sup> A total of 28 submissions were received, of which 22 were from Parties, one from another Government, one from an organization representing indigenous peoples and local communities and four from other organizations. The submissions are available on the website of the Secretariat at: <http://bch.cbd.int/protocol/post2020/submissions.shtml>.

<sup>1</sup> The process for the development of the post-2020 global biodiversity framework was set out in decision 14/34, adopted by the Conference of the Parties, at its fourteenth meeting.

<sup>2</sup> Available at <https://www.cbd.int/doc/decisions/cp-mop-09/cp-mop-09-dec-07-en.pdf>

<sup>3</sup> Available at <https://www.cbd.int/doc/decisions/cp-mop-09/cp-mop-09-dec-03-en.pdf>

<sup>4</sup> Notification CBD-2019-027, dated 28 February 2019, available at <https://www.cbd.int/doc/notifications/2019/ntf-2019-027-bs-post2020-en.pdf>

6. The submissions will form the basis for the preparation of a draft Implementation Plan and inform the development of the post-2020 action plan for capacity-building, as well as the biosafety component of the post-2020 global biodiversity framework.

7. The present document provides a synthesis of the views submitted. Section II contains a synthesis of the views submitted on the structure and content of the Implementation Plan. Section III presents a synthesis of the views on possible elements of the post-2020 action plan for capacity-building. Section IV synthesizes the views on relevant elements of the biosafety component of the post-2020 global biodiversity framework.

## **II. SYNTHESIS OF VIEWS PROVIDED ON THE STRUCTURE AND CONTENT OF THE IMPLEMENTATION PLAN FOR THE CARTAGENA PROTOCOL ON BIOSAFETY POST-2020**

8. In the context of its decision to develop an Implementation Plan, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, in its decision CP-9/7, paragraph 6, decided that the Implementation Plan will:

- (a) Be developed as an implementation tool;
- (b) Reflect the elements of the Strategic Plan for the Cartagena Protocol for the period 2011-2020 that are still relevant;
- (c) Include new elements reflecting lessons learned and new developments relevant to biosafety;
- (d) Ensure sufficient flexibility to account for developments during the implementation period; and
- (e) Comprise indicators that are simple and easily measurable to facilitate the review of progress in the implementation of the Protocol.<sup>5</sup>

9. General views on the Implementation Plan are presented in subsection A, below. The specific views on the structure and elements of the Implementation Plan have been arranged following the criteria listed in decision CP-9/7, paragraph 6, in subsection B, below.

### **A. General views**

10. Most submissions were of the view that the Strategic Plan for the Cartagena Protocol for the period 2011-2020 (Strategic Plan 2011-2020) has been a useful tool and that most of its elements continue to be relevant as several elements have either been under-addressed or not achieved yet.

11. Several submissions highlighted the need to align the structure and content of the Implementation Plan with the scope of the Cartagena Protocol on Biosafety<sup>6</sup> (Protocol) and with the Sustainable Development Goals,<sup>7</sup> and to ensure the compatibility of the Implementation Plan with the post-2020 global biodiversity framework.<sup>8</sup>

12. Some contributions were of the view that the Implementation Plan should focus on a reduced number of achievable goals and that there is a redundancy in the Strategic Plan 2011-2020, especially as it relates to capacity-building, that needs to be addressed.<sup>9</sup>

13. One submission suggested that the knowledge and capacity gaps that prevent Parties from implementing the Protocol be assessed and addressed in the Implementation Plan.<sup>10</sup> Another submission emphasized that the implementation of activities in developing countries should be prioritized.<sup>11</sup>

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<sup>5</sup> CBD/CP/MOP/DEC/9/7, paragraph 6.

<sup>6</sup> Central African Republic, India, Iran (Islamic Republic of), United States of America.

<sup>7</sup> Brazil.

<sup>8</sup> South Africa.

<sup>9</sup> New Zealand.

14. One submission stressed the need to inform indigenous peoples and local communities of the Protocol's post-2020 processes and ensure their involvement therein.<sup>12</sup>

## **B. Views related to the elements in decision CP-9/7, paragraph 6**

### *Element (a): "be developed as an implementation tool"*

15. Among the different submissions, some explicitly reiterated that the Implementation Plan be developed as an implementation tool.<sup>13</sup> Others implicitly supported this idea.

16. Several submissions addressed the possible structure of the Implementation Plan. In general, submissions noted that the structure of the Strategic Plan 2011-2020 had been useful and supported keeping a tabular structure for the Implementation Plan that would accommodate a mission, vision, objectives/targets and indicators. Nevertheless, the submissions also shared the view that the structure of the Implementation Plan should focus more clearly on outstanding issues and avoid redundancies.

17. More specifically, one submission indicated that the Implementation Plan should have a vision, a mission, strategic objectives and operational objectives, similar to the Strategic Plan 2011-2020,<sup>14</sup> another submission suggested that the vision and mission be included in the post-2020 global biodiversity framework.<sup>15</sup> Some submissions argued that targets should be added,<sup>16</sup> and that there is a need for a mechanism to develop national biosafety targets.<sup>17</sup> One submission noted that while the vision and mission of the Strategic Plan 2011-2020 continue to be relevant, they might not be appropriate for inclusion in an implementation instrument.<sup>18</sup>

18. One submission suggested the development of a new structure, to allow a better focus on the main challenges Parties are facing, and to divide the Implementation Plan into the following three main areas: (a) implementation (addressing e.g. regulatory and policy aspects; monitoring and reporting, compliance); (b) technical aspects (covering e.g. risk assessment and risk management; socioeconomic considerations) and (c) enabling aspects (addressing e.g. capacity-building; cooperation; public awareness, education and participation).<sup>19</sup>

19. One submission was of the view that 2-yearly workplans should be developed,<sup>20</sup> several submissions called for a mid-term evaluation after 5 years.<sup>21</sup>

### *Element (b): "reflect the elements of the Strategic Plan for the Cartagena Protocol for the period 2011-2020 that are still relevant"*

20. Most submissions identified several elements of the Strategic Plan that they argued are of continuing relevance. These elements are listed below.

(a) *National Biosafety Frameworks (legal, policy and institutional aspects)*: A number of submissions emphasized the importance of developing and implementing regulatory biosafety frameworks at national level.<sup>22</sup> The importance of strengthening policy frameworks and mainstreaming biosafety, for

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<sup>10</sup> Global Industry Coalition.

<sup>11</sup> Mexico.

<sup>12</sup> Ruka Kimun Mapuche.

<sup>13</sup> New Zealand, Ruka Kimun Mapuche.

<sup>14</sup> Brazil.

<sup>15</sup> Egypt.

<sup>16</sup> Kenya, Regional Agricultural and Environmental Innovation Network – Africa.

<sup>17</sup> Regional Agricultural and Environmental Innovation Network – Africa.

<sup>18</sup> European Union and its Member States.

<sup>19</sup> European Union and its Member States.

<sup>20</sup> Brazil.

<sup>21</sup> Brazil, European Union and its Member States.

<sup>22</sup> Ethiopia, India, Madagascar, Nigeria, South Africa, Global Industry Coalition.

example into wider policies and programmes<sup>23</sup> and in national biodiversity strategies and action plans,<sup>24</sup> was stressed. Some submissions suggested that national biosafety targets and indicators be developed to facilitate the monitoring of implementation.<sup>25</sup> Several submissions were of the view that new technological developments would require appropriate legal, policy and governance responses.<sup>26</sup> A few submissions stressed the importance of raising political support for developing national biosafety frameworks,<sup>27</sup> including at the regional level.<sup>28</sup> Several submissions emphasized the importance of supporting Parties in giving effect to their existing national biosafety frameworks.<sup>29</sup> Regional cooperation and information exchange were mentioned in a number of submissions as means to strengthen the effectiveness of national biosafety frameworks.<sup>30</sup> A number of submissions stressed that institutional support and coordination, including across sectors, are important for strengthening national biosafety frameworks.<sup>31</sup> One submission emphasized that all agencies involved in the implementation of the Protocol should take into account the know-how of indigenous peoples and local communities;<sup>32</sup>

(b) *Transit, contained use, unintentional transboundary movements and emergency measures:* A number of submissions were of the view that transit, contained use as well as unintentional transboundary movement and emergency measures were areas where further work was needed;<sup>33</sup>

(c) *LMOs or traits that may have adverse effects:* One submission was of the view that there is a need for further work on identifying living modified organism or specific traits of living modified organisms that may have adverse effects on the conservation and sustainable use of biological diversity and suggested that this issue be included in the Implementation Plan;<sup>34</sup>

(d) *Risk assessment and risk management:* Several submissions were of the view that risk assessment and risk management are relevant element for the Implementation Plan.<sup>35</sup> Several submissions suggested the development of appropriate risk assessment procedures and tools to assess the potential effects on biodiversity from new living modified organisms, such as living modified organisms containing engineered gene drives and other possible LMOs developed through synthetic biology.<sup>36</sup> One submission expressed the view that risk assessment methodologies should be sufficiently flexible to be progressively adjusted to new technological developments. One submission suggested the development of guidelines to assess new organisms for which no previously developed risk assessment guidelines are available.<sup>37</sup> Two submissions indicated that the risk of an LMO should be considered in the context of the purpose of the Protocol, which these submissions argued is the creation of an enabling environment for the environmentally sound application of LMOs and realisation of potential benefits for biodiversity;<sup>38</sup>

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<sup>23</sup> India, Regional Agricultural and Environmental Innovation Network – Africa.

<sup>24</sup> Kenya, Malawi.

<sup>25</sup> European Union and its Member States, Nigeria.

<sup>26</sup> Ethiopia, Madagascar, Nigeria, Third World Network.

<sup>27</sup> Kenya, Malawi.

<sup>28</sup> India.

<sup>29</sup> Antigua and Barbuda, India, Kenya, South Africa.

<sup>30</sup> Cameroon.

<sup>31</sup> Cameroon, Ethiopia, Ghana, Kenya, Madagascar, Malawi, Food and Agriculture Organization of the United Nations (FAO).

<sup>32</sup> Ruka Kimun Mapuche.

<sup>33</sup> Belarus, Mexico, Ruka Kimun Mapuche, Third World Network.

<sup>34</sup> Belarus.

<sup>35</sup> Belarus, Ethiopia, Mexico, Republic of Moldova, Nigeria, South Africa, Global Industry Coalition, Third World Network.

<sup>36</sup> Mexico, Republic of Moldova, Norway, Third World Network.

<sup>37</sup> Belarus.

<sup>38</sup> New Zealand, Global Industry Coalition.

(e) *Detection and identification*: Several submissions suggested that detection and identification be included in the Implementation Plan.<sup>39</sup> In this context, some submissions specified the importance of monitoring and surveillance, including of LMOs developed through new technologies,<sup>40</sup> while another submission also raised the importance of documentation of LMOs in this context.<sup>41</sup> Another submission identified “labelling” as a focus area.<sup>42</sup> One submission highlighted the need to develop methodologies for detection and identification for which no previously developed methodologies exist.<sup>43</sup> One submission proposed to include as an indicator the number of Parties having elaborated validated detection techniques, including for LMOs developed through synthetic biology for monitoring purposes;<sup>44</sup>

(f) *Information sharing*: In a number of submissions reference was made to the need to maintain in the Implementation Plan a focus on the provision of information to the Biosafety Clearing-House (BCH).<sup>45</sup> One submission encouraged the further development of tools to facilitate reporting through the BCH.<sup>46</sup> Another submission was of the view that strengthening GMO-related information systems is a priority.<sup>47</sup> One submission suggested to strengthen data exchange of food safety assessments of relevance to biosafety;<sup>48</sup>

(g) *Capacity-Building*: Several submissions suggested the inclusion of capacity-building in the Implementation Plan.<sup>49</sup> One submission was of the view that there is a great deal of redundancy in the existing Strategic Plan 2011-2020, and that much of it is linked to capacity-building.<sup>50</sup> One of the submissions highlighted the usefulness of online capacity-building.<sup>51</sup> One submission suggested that knowledge and capacity gaps that prevent Parties from implementing the Protocol be assessed and incorporated into the Implementation Plan.<sup>52</sup> Other submissions referred to capacity-building in the context of their views on possible elements for the post-2020 action plan for capacity-building;<sup>53</sup>

(h) *Public awareness, education and participation*: Several submissions stressed the importance of addressing public awareness, education and participation in the Implementation Plan.<sup>54</sup> One submission identified awareness raising on the regulation of biosafety as a priority,<sup>55</sup> while another submission considered mainstreaming biosafety in educational programmes an area of focus.<sup>56</sup> One submission underlined the need for education in the context of public participation,<sup>57</sup> while another submission stressed the importance of raising public awareness on the safe and beneficial use of LMOs.<sup>58</sup>

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<sup>39</sup> Belarus, Ethiopia, Mexico, South Africa, Global Industry Coalition, Third World Network.

<sup>40</sup> Mexico, South Africa, Third World Network.

<sup>41</sup> Global Industry Coalition.

<sup>42</sup> Antigua and Barbuda.

<sup>43</sup> Belarus.

<sup>44</sup> Belarus.

<sup>45</sup> Brazil, European Union and its Member States, Republic of Moldova,

<sup>46</sup> New Zealand.

<sup>47</sup> Madagascar.

<sup>48</sup> FAO.

<sup>49</sup> Brazil, Ethiopia, European Union and its Member States, New Zealand.

<sup>50</sup> New Zealand.

<sup>51</sup> Brazil.

<sup>52</sup> Global Industry Coalition.

<sup>53</sup> Views on possible elements of the post-2020 capacity-building action plan are presented in section III, below.

<sup>54</sup> Central African Republic, Ethiopia, European Union and its Member States, Kenya, Madagascar, Malawi, Nigeria, South Africa, Regional Agricultural and Environmental Innovation Network – Africa, Third World Network.

<sup>55</sup> Nigeria.

<sup>56</sup> Regional Agricultural and Environmental Innovation Network – Africa.

<sup>57</sup> Mexico.

<sup>58</sup> United States.

One submission stressed that indigenous peoples and local communities need to be involved in discussions regarding transboundary movements of LMOs;<sup>59</sup>

(i) *Socioeconomic considerations*: Several submissions were of the view that socioeconomic considerations be included in the Implementation Plan.<sup>60</sup> One submission stressed the need for establishing a mechanism for the continuing updating of guidelines regarding socioeconomic considerations of living modified organisms, in particular those of relevance to indigenous peoples and local communities;<sup>61</sup>

(j) *Liability and redress*: Among the different submissions that were of the view that liability and redress be included as an area of focus in the Implementation Plan,<sup>62</sup> several reiterated the importance of ratifying and implementing the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety.<sup>63</sup> One submission identified civil liability as well as governance, legal and regulatory issues in relation to organisms containing engineered gene drives as priority areas for this element in the Implementation Plan.<sup>64</sup> Furthermore, this submission suggested that a study on financial security be undertaken as a matter of urgency and it underlined the importance of reviewing the effectiveness of the provisions of the Supplementary Protocol on financial security and civil liability, in accordance with Article 13, five years after the entry into force of the Supplementary Protocol. This submission also highlighted the importance of considering arrangements for additional and supplementary compensation measures applying to cases where the costs of compensation measures are not covered, in the context of decision BS-V/11, paragraphs 7 and 8;

(k) *Compliance with the Protocol*: Some submissions referred to compliance as an issue of continuing importance.<sup>65</sup> One submission proposed to strengthen the mechanisms for achieving compliance by encouraging Parties to help each other meet reporting requirements;<sup>66</sup>

(l) *Assessment and review, including monitoring and reporting*: One submission supported the inclusion of monitoring and reporting in the Implementation Plan.<sup>67</sup> Another submission stressed the need for Parties to help other Parties that do not have the resources to fulfil their reporting requirements and to refine the reporting tools in the BCH;<sup>68</sup>

(m) *Cooperation*: Several submissions identified cooperation as an element of continuing importance, including regional cooperation,<sup>69</sup> and cooperation on technical and scientific issues.<sup>70</sup> Some submissions stressed the importance of involving relevant partners and stakeholders,<sup>71</sup> such as industry and NGOs.<sup>72</sup>

*Element (c): “include new elements reflecting lessons learned and new developments relevant to biosafety”*

21. Several submissions reiterated that in addition to including relevant elements of the Strategic Plan 2011-2020, also new elements should be introduced in the Implementation Plan, reflecting lessons learned

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<sup>59</sup> Ruka Kimun Mapuche.

<sup>60</sup> Belarus, Ethiopia, Mexico, Republic of Moldova, South Africa, Third World Network.

<sup>61</sup> Mexico.

<sup>62</sup> Belarus, Ethiopia, Mexico, Nigeria, South Africa, Global Industry Coalition, Third World Network.

<sup>63</sup> Nigeria, Global Industry Coalition, Third World Network.

<sup>64</sup> Third World Network.

<sup>65</sup> European Union and its Member States, New Zealand.

<sup>66</sup> New Zealand.

<sup>67</sup> European Union and its Member States.

<sup>68</sup> New Zealand.

<sup>69</sup> India.

<sup>70</sup> Brazil, Cameroon.

<sup>71</sup> South Africa.

<sup>72</sup> Kenya, Malawi, South Africa, Regional Agricultural and Environmental Innovation Network – Africa.

and new developments relevant to biosafety, to assist Parties with the implementation of the Protocol.<sup>73</sup> Suggested new elements were as follows:

(a) Several submissions emphasized the importance of identifying LMOs that have had no adverse effects and have successfully undergone a risk assessment, in the context of Article 7, paragraph 4 of the Protocol.<sup>74</sup> One submission suggested to establish a working group to identify such LMOs.<sup>75</sup> Some submissions suggested to simplify the regulatory burden, especially on smaller countries, when using LMOs that have no adverse effects, referring to Articles 7, 13 and 14 of the Protocol.<sup>76</sup> Some submissions were of the view that there is a need to share experiences on the safe and beneficial uses of biotechnology to better inform the implementation of the Protocol and to raise public awareness on the experiences with these LMOs;<sup>77</sup>

(b) One submission suggested to analyse the similarities of LMOs and organisms obtained through synthetic biology and the use of risk assessment and risk assessment approaches and tools in this regard;<sup>78</sup>

(c) Several submissions were of the view that horizon-scanning, monitoring and assessing of the most recent technological developments is needed for reviewing new information regarding the potential positive and potential negative impacts of synthetic biology vis-à-vis the three objectives of the Convention and the Protocol, and provide guidance, as appropriate.<sup>79</sup> In this context, submissions referred to a range of new biotechnologies and synthetic biology, genome editing and genetically engineered gene drives. One submission warned against a disproportionate focus on such new developments;<sup>80</sup>

(d) Several submissions stressed the importance of including resource mobilization in the Implementation Plan to enable Parties to implement their obligations under the Protocol,<sup>81</sup> with one submission proposing the establishment of a Global Biosafety Fund to which Parties would contribute a certain percentage of their Gross Domestic Product and to which voluntary contributions can be made;<sup>82</sup>

(e) Two submissions suggested to add tools to ensure the engagement of indigenous peoples and local communities in the implementation of the Protocol.<sup>83</sup>

*Element (d): “ensure sufficient flexibility to account for developments during the implementation period”*

22. Several submissions reiterated the importance of ensuring sufficient flexibility in the Implementation Plan to account for developments during its implementation period and suggested the inclusion of 5-year milestones,<sup>84</sup> and to ensure that new milestones can be added, as necessary, during the implementation period.<sup>85</sup>

<sup>73</sup> New Zealand, Global Industry Coalition.

<sup>74</sup> Brazil, Iran (Islamic Republic of), Paraguay.

<sup>75</sup> Paraguay.

<sup>76</sup> United States.

<sup>77</sup> United States.

<sup>78</sup> Brazil.

<sup>79</sup> Antigua and Barbuda, Belarus, Republic of Moldova, South Africa, Third World Network.

<sup>80</sup> Global Industry Coalition.

<sup>81</sup> Egypt, Ethiopia, Ghana, Kenya, Malawi.

<sup>82</sup> Kenya.

<sup>83</sup> Kenya, Ruka Kimun Mapuche.

<sup>84</sup> European Union and its Member States, New Zealand.

<sup>85</sup> European Union and its Member States.

*Element (e): “comprise indicators that are simple and easily measurable to facilitate the review of progress in the implementation of the Protocol”*

23. Several submissions reiterated that the Implementation Plan should comprise indicators that are simple and easily measurable to facilitate the review of progress in the implementation of the Protocol.<sup>86</sup> Some submissions specified that indicators should be specific, measurable, attainable, realistic and time bound (SMART).<sup>87</sup> One submission stressed that the indicators should be designed to measure progress and that the national reporting format should be updated to reflect these indicators.<sup>88</sup>

24. One submission suggested text for indicators related to LMOs developed through synthetic biology and detection methods for LMOs.<sup>89</sup>

### **III. SYNTHESIS OF VIEWS PROVIDED ON POSSIBLE ELEMENTS OF A SPECIFIC ACTION PLAN FOR CAPACITY-BUILDING ON BIOSAFETY, COVERING THE CARTAGENA PROTOCOL AND ITS SUPPLEMENTARY PROTOCOL**

25. The meeting of the Parties acknowledged, in decision CP-9/3, the need for a specific action plan for capacity-building for the implementation of the Cartagena Protocol and its Supplementary Protocol that would be aligned with the post-2020 Implementation Plan and complementary to the long-term strategic framework for capacity-building beyond 2020.<sup>90</sup>

26. A synthesis of the views on possible elements of the post-2020 action plan for capacity-building is presented below. General views are summarized in subsection A, while subsection B provides views on specific elements for consideration in the development of the post-2020 action plan for capacity-building.

#### **A. General views**

27. Several submissions reiterated that the post-2020 action plan for capacity-building needs to be aligned with the operational objectives of the Implementation Plan,<sup>91</sup> and that it should be complementary to the long-term strategic framework for capacity-building beyond 2020.<sup>92</sup>

28. One submission was of the view that the post-2020 action plan for capacity-building should define outcomes, specific outputs and possible activities, but that indicators would not be needed, as these would be provided in the Implementation Plan.<sup>93</sup> Another submission considered the short-term action plan (2017-2020)<sup>94</sup> to be still valid and proposed to extend it beyond 2020.<sup>95</sup>

29. One submission was of the view that certain sections<sup>96</sup> of the Framework and Action Plan for Capacity-Building for the Effective Implementation of the Cartagena Protocol on Biosafety (2012-2020),<sup>97</sup>

<sup>86</sup> Brazil, Malawi, New Zealand.

<sup>87</sup> South Africa, Global Industry Coalition.

<sup>88</sup> European Union and its Member States.

<sup>89</sup> Belarus.

<sup>90</sup> The process for the development of the long-term strategic framework for capacity-building beyond 2020 was set out in decision COP-14/24.

<sup>91</sup> Belarus, European Union and its Member States, Kenya, Nigeria, South Africa, Global Industry Coalition.

<sup>92</sup> South Africa, Global Industry Coalition.

<sup>93</sup> European Union and its Member States.

<sup>94</sup> Short-term action plan (2017-2020) to enhance and support capacity-building for the implementation of the Convention and the Protocols (Conference of the Parties decision XIII/23, annex).

<sup>95</sup> Egypt.

<sup>96</sup> Sections 3.2 (“objectives”), 3.4 (“focal areas for capacity-building”), 4.3 (“resources for implementation”) and 4.4 (“monitoring and implementation”)

<sup>97</sup> Framework and Action Plan for Capacity-Building for the Effective Implementation of the Cartagena Protocol on Biosafety (2012-2020), decision BS-VI/3, Annex.



be maintained within the post-2020 action plan for capacity-building and suggested that other sections<sup>98</sup> may be moved to the long-term strategic framework for capacity-building beyond 2020.<sup>99</sup>

30. Two submissions emphasized the importance of identifying biosafety capacity-building needs and priorities in countries, including those of indigenous peoples and local communities and to develop capacity-building activities accordingly.<sup>100</sup> One of these submissions referred to decision BS-I/5<sup>101</sup> in this context.

31. Several submissions emphasized the importance of conducting trainings,<sup>102</sup> including training of trainers,<sup>103</sup> and expert trainings,<sup>104</sup> to increase knowledge sharing at the national level. Other submissions highlighted other types of capacity-building including online capacity-building activities,<sup>105</sup> the establishment of centres of excellence in the African subregions<sup>106</sup> and providing training to indigenous peoples and local communities, including to strengthen relationships between different stakeholders.<sup>107</sup>

32. Some submissions were of the view that technical and scientific cooperation<sup>108</sup> and information-sharing, including at the bilateral, subregional and regional levels,<sup>109</sup> are important for facilitating capacity-building by Parties. One submission emphasized the importance of cooperation with indigenous peoples and local communities, especially through information-sharing.<sup>110</sup>

## **B. Specific views on possible elements of the post-2020 action plan for capacity-building**

33. In this subsection, specific views on possible elements of the post-2020 action plan for capacity-building are presented. The views have been grouped together, according to the technical topic to which they most relate.

(a) *National Biosafety Frameworks (legal, policy and institutional aspects)*: Several submissions stressed the importance of capacity building for the further development and implementation of national biosafety frameworks.<sup>111</sup> Some submissions suggested the inclusion of support to mainstreaming biosafety into national programmes and work plans, as this would contribute to avoiding delivery of capacity-building activities in an ad hoc and piecemeal manner.<sup>112</sup> One submission proposed to follow a regional approach for the implementation of biosafety frameworks, to enable the consideration of region-specific contexts, and to ensure the harmonisation of tools and share resources and expertise.<sup>113</sup> One submission noted the challenges of supporting Parties in developing domestic legislation.<sup>114</sup> Several submissions specifically suggested the strengthening of support for the regulation of new and emerging

<sup>98</sup> Section 3.3 (“guiding principles”), section 3.5 (“strategic actions”), section 3.6 (“strategic approaches to capacity-building”), section 3.7 (“sustainability strategies and measures”).

<sup>99</sup> European Union and its Member States.

<sup>100</sup> Cameroon, Ruka Kimun Mapuche.

<sup>101</sup> Ruka Kimun Mapuche.

<sup>102</sup> Nigeria.

<sup>103</sup> Malawi, Nigeria.

<sup>104</sup> Ethiopia.

<sup>105</sup> Brazil.

<sup>106</sup> Ethiopia.

<sup>107</sup> Ruka Kimun Mapuche.

<sup>108</sup> Brazil, Egypt, Kenya.

<sup>109</sup> Brazil.

<sup>110</sup> Ruka Kimun Mapuche.

<sup>111</sup> Antigua and Barbuda, Kenya, Regional Agricultural and Environmental Innovation Network - Africa.

<sup>112</sup> India, Kenya.

<sup>113</sup> Regional Agricultural and Environmental Innovation Network - Africa.

<sup>114</sup> New Zealand.

technologies.<sup>115</sup> In this context, one submission proposed to establish a scientific expert group to advise on the national and international regulation of LMOs developed through synthetic biology;<sup>116</sup>

(b) *Simplified procedure*: One submission suggested support for the development of a list of practical examples to support Parties in implementing the simplified procedure, as set out in Article 13 of the Protocol, and called for the use of relevant environmental reviews carried out in other countries, in this context;<sup>117</sup>

(c) *Risk assessment and risk management*: Several submissions were of the view that capacity-building in the area of risk assessment and risk management would be an important element within the post-2020 action plan for capacity-building.<sup>118</sup> Some submissions were of the view that training on risk assessment and risk management, especially targeting risk assessors,<sup>119</sup> is of prime importance.<sup>120</sup> One submission suggested that such training be preferably delivered online.<sup>121</sup> One submission emphasized that in addition to training, access to risk assessments carried out by other Parties and to primary scientific literature should be facilitated.<sup>122</sup> One submission recommended the strengthening of risk assessment and risk management guidelines, giving due attention to socioeconomic considerations, especially in relation to countries that are also centres of origin.<sup>123</sup> One submission considered the development of technical guidelines on risk assessment and risk management to be superfluous.<sup>124</sup> One submission suggested that comparative analyses between organisms developed through synthetic biology and other LMOs be undertaken and of the use of the know-how obtained on risk assessment and risk management under the Protocol in this regard.<sup>125</sup> Another submission suggested that support be provided for the development of a mechanism for horizon-scanning of synthetic biology developments, while also proposing the establishment of a database containing relevant literature and research projects;<sup>126</sup>

(d) *Handling, transport, packaging and identification*: Several submissions were of the view that capacity-building on the detection and identification of LMOs is needed,<sup>127</sup> including possibly through the strengthening of technical and scientific capacities to detect and identify GMOs<sup>128</sup> and training of technicians and researchers, and for adequate equipment, to improve the quality of detection labs.<sup>129</sup> To enforce the implementation of the Protocol's requirements related to handling, transport, packaging and identification of LMOs, several submissions suggested to strengthen training programmes targeting customs/border officials,<sup>130</sup> and include training on domestic legal frameworks in this regard,<sup>131</sup> and to strengthen collaboration in this field.<sup>132</sup> One submission called for support to establish a mechanism to

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<sup>115</sup> Kenya, Madagascar.

<sup>116</sup> Madagascar.

<sup>117</sup> United States.

<sup>118</sup> Belarus, Brazil, Central African Republic, Egypt, Kenya, Madagascar, Malawi, Mexico, Republic of Moldova, New Zealand, Nigeria.

<sup>119</sup> New Zealand.

<sup>120</sup> Brazil, New Zealand.

<sup>121</sup> Brazil.

<sup>122</sup> New Zealand.

<sup>123</sup> Mexico.

<sup>124</sup> New Zealand.

<sup>125</sup> Brazil.

<sup>126</sup> Belarus.

<sup>127</sup> Belarus, Brazil, Egypt, Kenya, Madagascar, Malawi, Mexico, Republic of Moldova, Global Industry Coalition.

<sup>128</sup> Madagascar.

<sup>129</sup> Ethiopia.

<sup>130</sup> Kenya, New Zealand.

<sup>131</sup> New Zealand.

<sup>132</sup> Malawi.

continuously update detection and identification protocols regarding LMOs developed through new technologies;<sup>133</sup>

(e) *Information sharing*: Several submissions suggested that capacity-building for sharing information through the BCH should be prioritized,<sup>134</sup> as it facilitates informed decision-taking.<sup>135</sup> One submission expressed the need for BCH training, including at the regional level.<sup>136</sup> To sustain national biosafety clearing house portals, one submission suggested a focus on building capacities on developing adequate financial mechanisms.<sup>137</sup> Another submission recommended that the Codex Alimentarius and GM food and feed safety assessments be better integrated into capacity development activities concerning the BCH and that further technical assistance would be required to this end;<sup>138</sup>

(f) *Public awareness, education and participation*: Several submissions were of the view that capacity-building in awareness raising, education and public participation should be strengthened,<sup>139</sup> with one submission recommending that science-based information be shared with the public and consumers.<sup>140</sup> A few submissions considered essential the provision of support for mainstreaming biosafety into education systems;<sup>141</sup>

(g) *Socioeconomic considerations*: Several submissions called for strengthening capacity-building efforts to support Parties in taking into account socioeconomic considerations, in the context of Article 26 of the Protocol;<sup>142</sup>

(h) *Liability and redress*: Several submissions considered capacity-building on liability and redress important.<sup>143</sup> Some submissions encouraged the inclusion of capacity-building activities to implement the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety,<sup>144</sup> including by focusing on training of key stakeholders;<sup>145</sup>

(i) *Biotechnologies and biosafety*: One submission was of the view that the strengthening of national capacities on biosafety, genetic engineering and biotechnologies in general be strengthened.<sup>146</sup> Another submission considered there is a need for capacity-building on new and emerging technologies,<sup>147</sup> and on analysing the benefits and adverse effects on biodiversity of new technologies, including of organisms developed through synthetic biology.<sup>148</sup> A number of submissions indicated the need for training courses and workshops on genetic engineering, including on the development of LMOs,<sup>149</sup> and on applications of new technological developments<sup>150</sup> and their possible adverse effects.<sup>151</sup> One submission

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<sup>133</sup> Mexico.

<sup>134</sup> Mexico, Republic of Moldova, Global Industry Coalition.

<sup>135</sup> Republic of Moldova.

<sup>136</sup> Nigeria.

<sup>137</sup> Cameroon.

<sup>138</sup> FAO.

<sup>139</sup> Brazil, Central African Republic, Egypt, Ethiopia.

<sup>140</sup> Brazil.

<sup>141</sup> Cameroon, Nigeria.

<sup>142</sup> Belarus, Egypt, Kenya, Madagascar, Republic of Moldova.

<sup>143</sup> Kenya, Republic of Moldova, Nigeria, Global Industry Coalition.

<sup>144</sup> Cameroon, Madagascar, Nigeria.

<sup>145</sup> Cameroon, Nigeria.

<sup>146</sup> Central African Republic.

<sup>147</sup> Cameroon.

<sup>148</sup> Brazil

<sup>149</sup> Iran (Islamic Republic of).

<sup>150</sup> Nigeria.

<sup>151</sup> Mexico.

called for the use of the FAO Biosafety Resource Book in biosafety trainings to facilitate the safe use of GMOs in food and agriculture.<sup>152</sup> Some submissions stressed the importance of improving capacity-building on the use and development of new technologies for the production of LMOs.<sup>153</sup>

#### **IV. SYNTHESIS OF VIEWS PROVIDED ON POSSIBLE RELEVANT ELEMENTS OF THE BIOSAFETY COMPONENT OF THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK**

34. The Conference of the Parties serving as meeting of the Parties to the Cartagena Protocol, in its decision CP-9/7, stressed the importance of including biosafety in the post-2020 global biodiversity framework.

35. A synthesis of the views and suggestions on relevant elements of the biosafety component in the post-2020 global biodiversity framework is presented below. General views are summarized in subsection A, while subsection B provides views on specific elements to be considered in the development of the post-2020 global biodiversity framework.

36. In addition, the Secretariat has also invited the submission of views on the post-2020 global biodiversity framework in the context of decision 14/34.<sup>154</sup> A number of the submissions received in response also touch on biosafety and the Protocol. The annex to the present document contains a compilation of the relevant parts of these views.

##### **A. General views**

37. The submissions generally expressed support for including biosafety in the post-2020 global biodiversity framework.<sup>155</sup> Some submissions suggested that including biosafety enables the sustainable use of biological diversity and is therefore closely connected to the objectives of the Convention on Biological Diversity.<sup>156</sup>

38. Several submissions suggested the inclusion of biosafety targets and indicators in the post-2020 global biodiversity framework.<sup>157</sup> One submission suggested to develop SMART biosafety targets, and proposed an indicator by way of example: “by 2030, measures to safeguard biodiversity from the adverse effects that may arise from LMOs developed through modern technologies are in place”.<sup>158</sup> Another submission suggested the inclusion of specific and simple biosafety indicators.

39. One submission stressed the importance of establishing an effective process and timeline for the evaluation of the implementation of the biosafety component in the post-2020 global diversity framework.<sup>159</sup>

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<sup>152</sup> FAO.

<sup>153</sup> Brazil, Egypt, Madagascar.

<sup>154</sup> Through notification 2019-008, views were invited on the post-2020 global biodiversity framework and are available here <https://www.cbd.int/conferences/post2020/submissions/2019-008>. The views have been synthesized in document CBD/POST2020/PREP/1/INF/2.

<sup>155</sup> Belarus, Brazil, Central African Republic, Egypt, European Union and its Member States, India, Iran (Islamic Republic of), Kenya, Malawi, Mexico, Republic of Moldova, New Zealand, Nigeria, Norway, Paraguay, South Africa, Turkmenistan, United States, Global Industry Coalition, Regional Agricultural and Environmental Innovation Network – Africa, Ruka Kimun Mapuche, Third World Network.

<sup>156</sup> South Africa, Regional Agricultural and Environmental Innovation Network – Africa.

<sup>157</sup> Egypt, India, Malawi, South Africa.

<sup>158</sup> South Africa.

<sup>159</sup> Global Industry Coalition.

## **B. Views related to the possible elements of a biosafety component in the post-2020 global biodiversity framework**

40. Some submissions were of the view that the biosafety component needs to be developed in light of Article 8(g) of the Convention on Biological Diversity, which requires Parties to the Convention to, as far as possible and as appropriate, 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.<sup>160</sup> The following wording of the biosafety component was proposed: “By 2030 all Parties have in place means to regulate, manage or control the risks associated with the use and release of LMOs 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, one of them being important is the Cartagena Protocol on Biosafety and its specific Implementation Plan.”<sup>161</sup>

41. Most submissions were of the view that there is a need to address new and emerging technologies in the post-2020 global biodiversity framework,<sup>162</sup> for example in view of their (potential) importance to sustainable agricultural development (e.g. bioremediation and pest management),<sup>163</sup> livelihoods and the environment.<sup>164</sup> In this context, several submissions suggested that a review of the scope of application of the Protocol may be needed.<sup>165</sup> One submission called for the development of a definition of the term “synthetic biology” for inclusion in the Protocol terminology.<sup>166</sup> One submission expressed the need to incorporate horizon scanning of new developments, including of LMOs developed through synthetic biology.<sup>167</sup> Another submission proposed to address the use of LMOs developed through synthetic biology for the conservation of biodiversity, and to undertake capacity-building activities in this field.<sup>168</sup>

42. In a number of submissions, reference was made to specific elements of the biosafety component within the post-2020 global biodiversity framework, as summarized below:

(a) *Legal and regulatory frameworks*: One submission mentioned that the biosafety component within the post-2020 global biodiversity framework should address national legal frameworks relevant to biosafety, and their review.<sup>169</sup> In light of new and emerging technologies, including engineered gene drives,<sup>170</sup> several submissions considered reviewing and updating legal and regulatory frameworks a priority area,<sup>171</sup> with one submission suggesting there is a need to enhance regulation of emerging technologies with potential adverse effects on biodiversity;<sup>172</sup>

(b) *Effects of LMOs on biological diversity*: Several submissions recommended that reference be made to LMOs or traits that may have adverse effects,<sup>173</sup> with one submission specifically calling for retrospective analyses of the effects of LMOs used so far on biodiversity, health and socioeconomic

<sup>160</sup> European Union and its Member States, South Africa.

<sup>161</sup> European Union and its Member States, South Africa.

<sup>162</sup> Belarus, Brazil, Egypt, Paraguay, Third World Network.

<sup>163</sup> Belarus.

<sup>164</sup> Paraguay.

<sup>165</sup> Kenya, Malawi, Republic of Moldova.

<sup>166</sup> Belarus.

<sup>167</sup> Belarus.

<sup>168</sup> Belarus.

<sup>169</sup> Central African Republic.

<sup>170</sup> Third World Network.

<sup>171</sup> Nigeria, Regional Agricultural and Environmental Innovation Network – Africa, Third World Network.

<sup>172</sup> Nigeria.

<sup>173</sup> Mexico, Turkmenistan.

considerations.<sup>174</sup> In this context, a submission suggested that more discussion is needed on the impacts on biodiversity of engineered gene drives;<sup>175</sup>

(c) *Risk assessment and risk management*: Most submissions suggested that risk assessment and risk management of emerging technologies be reflected in the post-2020 global biodiversity framework.<sup>176</sup> Some submissions were of the view that the development of methodologies to assess and manage health and environmental risks associated with new technologies, including of LMOs developed through synthetic biology be addressed in the biosafety component;<sup>177</sup>

(d) *Identification and detection*: Several submissions considered important the inclusion within the biosafety component of the post-2020 global biodiversity framework the strengthening of national capacities on the identification and detection of LMOs,<sup>178</sup> in particular of those LMOs that cannot be detected with existing methods.<sup>179</sup> One submission suggested that there is a need for further discussion on the addressing organisms that fall outside the scope of the Protocol;<sup>180</sup>

(e) *Information sharing*: Some submissions emphasized the importance of including technology transfer and access to technology, as well as information sharing, in the biosafety component,<sup>181</sup> with one submission referring to the essential role of the BCH in this regard;<sup>182</sup>

(f) *Liability and redress*: One submission considered liability and redress, financial security and civil liability key elements of the biosafety component of the post-2020 global biodiversity framework.<sup>183</sup>

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<sup>174</sup> Mexico.

<sup>175</sup> Brazil.

<sup>176</sup> Belarus, Brazil, Central African Republic, Egypt, Kenya, Mexico, South Africa.

<sup>177</sup> Belarus, Central African Republic.

<sup>178</sup> Belarus, Brazil, Central African Republic.

<sup>179</sup> Belarus.

<sup>180</sup> Brazil.

<sup>181</sup> Egypt, Mexico, Paraguay, Ruka Kimun Mapuche.

<sup>182</sup> Mexico.

<sup>183</sup> Third World Network.

*Annex***COMPILATION OF BIOSAFETY-RELATED VIEWS EXTRACTED FROM SUBMISSIONS BY PARTIES AND OBSERVERS ON THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK****TABLE OF CONTENTS**

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## **I. INTRODUCTION**

1. In decision 14/34,<sup>184</sup> the Conference of the Parties to the Convention on Biological Diversity adopted a comprehensive and participatory process for the preparation of the post-2020 global biodiversity framework. The process required that an initial discussion document, summarizing and analysing the views of Parties and observers, be made available in January 2019.
2. In line with this request, the Executive Secretary, with the guidance of the Co-Chairs of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework, prepared the initial discussion document and made it available for review.<sup>185</sup>
3. Through notification 2019-008,<sup>186</sup> the Executive Secretary subsequently encouraged Parties and observers to provide further views on the post-2020 global biodiversity framework. The views have been synthesized in document CBD/POST2020/PREP/1/INF/2.
4. The present annex contains, in section II, text from the section on ‘relationship between the Convention and the Protocols’ in the synthesis document referred to in the preceding paragraph. The annex also presents a compilation of the biosafety related sections of the views submitted, unedited and in the language in which they were received, and arranged in alphabetical order by Parties (section III), other Governments (section IV) and observers (section V).

## **II. SYNTHESIS OF VIEWS ON BIOSAFETY AND THE CARTAGENA PROTOCOL FROM THE SUBMISSIONS ON THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK**

5. The relevant parts of section O of the synthesis document are provided here, in their unedited format:

### **O. Relationship between the Convention and the Protocols**

[...]

128. As noted above, many submissions have noted that the post-2020 global biodiversity framework should address the three objectives of the Convention in a balanced manner. However, several submissions have pointed out that as the two Protocols do not have the same membership as the Convention, care needs to be given to ensure that the post-2020 global biodiversity framework addresses general issues related to biosafety and access and benefit-sharing and not be focused specifically on the Protocols themselves. Relatedly, it was noted that the two Protocols are separate legal instruments which support the objectives of the Convention and therefore any decisions regarding standalone strategies for the Protocols can only be made by their respective Parties. However, it was also suggested that any targets, strategies or indicators developed under the Protocols should be supportive of the post-2020 global biodiversity framework and contribute to integration and greater cooperation between the Convention and Protocols. Others suggested that the post-2020 global biodiversity framework should help to support the further ratification of the Protocols.

129. A number of submissions suggested that issues related to biosafety and access and benefit-sharing could be addressed through the development of specific targets related to these issues (see

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<sup>184</sup> Available at: <https://www.cbd.int/doc/decisions/cop-14/cop-14-dec-34-en.pdf>

<sup>185</sup> The document is available at: <https://www.cbd.int/post2020/>. Please note, the section numbering in the English version of the discussion paper differs from the numbering in the other language versions.

<sup>186</sup> Available at: <https://www.cbd.int/conferences/post2020/submissions/2019-008>



the sub-sections below). However, it was also suggested that a general target which refers to the approaches adopted under the Protocols could also be developed.

#### Biosafety

130. There appears to be general support for reflecting biosafety issues in the post-2020 global biodiversity framework. Most submissions suggest that this could be done by developing a target related to biosafety. One general view is that any targets related to biosafety should focus on Parties commitments under the Convention. For example, some have suggested the post-2020 global biodiversity framework should focus on issues addressed in the Articles of the Convention, including Article 8 (In-situ Conservation) and Article 19 (Handling of biotechnology and distribution of its benefits). In this light, it was suggested that a biosafety target for the post-2020 global biodiversity framework could be “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.” Others suggested that a target could focus on the need for further ratification of the Cartagena Protocol, including ratification of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress.

131. More generally, some submissions have suggested that issues related to the integration of the work of the Convention and the Cartagena Protocol should be reflected in the post-2020 global biodiversity framework. Other suggestions were for the future framework to promote developing country participation in biotechnology research, as well as promoting access, on mutually agreed terms, to the results and benefits arising from biotechnologies through the post-2020 global biodiversity framework. Further, a number of submissions addressed issues related to emerging technologies, including synthetic biology and gene editing, and the degree to which they are or are not covered under the Convention and the Cartagena Protocol. Some suggested that the post-2020 global biodiversity framework should take such innovations into account.

132. As noted above, decision CP-9/7 sets out steps towards the preparation of the biosafety component of the post-2020 framework and a process for developing a specific Implementation Plan for the Cartagena Protocol on Biosafety as a follow-up to the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020. In response to this decision a notification was issued inviting comments on possible relevant elements of the biosafety component of the post-2020 global biodiversity framework, the structure and content of the Implementation Plan for the Cartagena Protocol on Biosafety post-2020 and possible elements of a specific action plan for capacity-building on biosafety, covering the Cartagena Protocol and its Supplementary Protocol. Based on the submissions received a document has been prepared to further explore these issues and it may help to inform the discussions on the scope and content of the post-2020 global biodiversity framework.<sup>187</sup>

[...]

#### *Summary*

136. Submissions were generally in agreement that biosafety and access and benefit-sharing should be reflected in the post-2020 global biodiversity framework. Numerous submissions suggested that this should be done through one or several targets. Most submissions suggested that the targets that should focus on general issues related to biosafety and access and benefit-sharing rather than focusing on specific issues related to the Protocols. However, some submissions suggested that the focus should be on further operationalizing the Protocols. It was also suggested that issues related to biosafety and access and benefit-sharing should be reflected in the post-2020 global biodiversity framework in a more general

<sup>187</sup> The document is accessible from <https://bch.cbd.int/protocol/post2020/#>

manner. Several submissions noted the relevance of digital sequence information and synthetic biology to the discussion on the relation between the Convention and its Protocols in the post-2020 global biodiversity framework.

### **III. COMPILATION OF BIOSAFETY-RELATED PARTS OF SUBMISSIONS BY PARTIES TO THE CONVENTION**

#### **Argentina**

Con relación al vínculo entre los distintos Tratados internacionales relacionados a la Biodiversidad, Argentina reafirma que tanto el Convenio, como los Protocolos de Cartagena y Nagoya, constituyen instrumentos jurídicamente vinculantes entre sus Miembros, por lo tanto, el alcance de los derechos y obligaciones en ellos contenidos, como las estrategias que los Miembros establezcan en sus respectivas COP-MOPs deben circunscribirse a los Miembros.

#### **Brazil**

##### *Emphasis on means of implementation*

The Post-2020 Global Biodiversity Framework needs to be linked to an ambitious and effective funding strategy, including the scaling up of mobilization of financial resources and developing alternative mechanisms. The Global Environment Facility should continue to support projects to implement the objectives of the Convention and its Protocols. However, it is desirable that other mechanisms be linked to the future post-2020 Framework, especially funding projects aimed at implementing specific targets.

##### *Protocols - Consideration of peer review, SBSTTA and SBI*

It is fundamental that specific plans, goals, targets or objectives related to Cartagena and Nagoya Protocols within the post-2020 agenda are submitted to Parties for peer reviews as well as to the consideration of SBSTTA 24 and SBI-3 prior to the final submission for COP-15.

#### **Canada**

##### *P. Relationship between the Convention and the Protocols*

*What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 GBF?*

It should be noted that not all Parties to the CBD are Parties to its Cartagena Protocol. As such, care should be taken to ensure that any target related to biosafety should focus on Parties related commitments under the Convention. A post-2020 target related to biosafety should focus on CBD Parties' commitments and policies more generically, rather than on the implementation of the Cartagena Protocol, so that it applies to all CBD Parties.

##### *Possible Thematic Groups / Meetings needed during the post-2020 process:*

Canada proposes the following preliminary views and ideas regarding possible thematic meetings and technical groups that might be required to further develop elements of the post2020 global biodiversity framework:

[...]

- In terms of possible thematic groups:
  - Accountability: It is a cross-cutting theme that most Parties seem to agree with, but more thought is needed on “how” to enhance accountability. This thematic group could develop a stronger CBD review package, including some standard guidance on how every target could be more measurable, better alignment of NBSAPs, and possible review mechanisms.
  - It is likely not feasible or efficient to have 20 thematic groups. Key thematic areas could be created for experts that are in closely-related fields. This could be organized as follows:

- Conservation and restoration of ecosystems (targets 5, 11, 14 and 15)
- Species diversity (targets 12 and 13)
- Sustainable use (targets 2, 4, 6, 7, 16)
- Threats to biodiversity (targets 8, 9, 10 + Biosafety)

## Chile

### *P. Integración de perspectivas diversas*

En muchas comunicaciones, se señaló que la elaboración e implementación del marco mundial de la diversidad biológica posterior a 2020 requerirán un enfoque que “abarque a toda la sociedad”. La necesidad de contar con una mayor participación de algunos grupos específicos se subrayó reiteradamente en las comunicaciones, por ejemplo:

[...]

f) Sector privado: en varias de las comunicaciones, se señaló que se requiere una mayor participación del sector privado en relación con las cuestiones de diversidad biológica.

*Pregunta: ¿De qué manera deberían incluirse las cuestiones relacionadas con la participación del sector privado en el alcance y el contenido del marco mundial de la diversidad biológica posterior a 2020?*

Respuesta: Consideramos que hay que integrar más explícitamente al sector privado en el marco mundial post 2020. Las comunidades locales e indígenas a través del Art. 8j, con todas las brechas que aún puedan existir, han sido un actor relevante de la CDB y sus Protocolos. Sin embargo, el sector privado es un actor relativamente secundario en los mensajes, objetivos y metas, excepto en los últimos años. El Plan Estratégico al 2020 los relevó, pero para el nuevo marco mundial, debe haber un mensaje más claro, de incorporación como un actor relevante y con compromisos más concretos (Empresas productivas y de servicios); transnacionales, gremios, entre otros.

## Côte d'Ivoire

### *I. Rapport avec le Plan stratégique actuel*

*Un grand nombre de communications notent que le cadre mondial de la biodiversité pour l'après 2020 devrait s'appuyer sur le Plan stratégique pour la diversité biologique 2011-2020.*

*Question : quels enseignements peut-on tirer de la mise en œuvre du Plan stratégique actuel ? Comment la transition de la décennie actuelle au cadre de l'après-2020 peut-elle éviter davantage de retards dans la mise en œuvre et dans quel domaine faudrait-il accorder plus d'attention ?*

Les enseignements :

- plusieurs objectifs doivent faire l'objet d'action accélérée, et cela à travers des approches régionales ;
- mobiliser des ressources pour le renforcement des capacités, le soutien financier et le transfert de technologie ;
- problèmes de mobilisation de ressources pour le financement des actions identifiées.

Domaines :

- restauration des écosystèmes ;
- lutte contre les espèces exotiques envahissantes ;
- Mise en œuvre de protocoles de Nagoya et de Cartagena.

### *O. Rapport entre la Convention et les protocoles*

*Question : quelles sont les questions associées à la prévention des risques biotechnologiques au titre de la Convention et quelles sont les conséquences pour le cadre mondial de la biodiversité pour l'après-2020 ?*

La participation et l'implication des peuples autochtones et des communautés locales doit être transversale à tous les objectifs du cadre post 2020. Le cadre post 2020 doit faire de la participation et l'implication des

peuples autochtones et des communautés locales des conditions pour la mise en œuvre, l'atteinte et l'évaluation des différents objectifs.

En outre, les Parties doivent être invitées dans la mise en œuvre des objectifs post 2020 à intégrer les connaissances, innovations et pratiques traditionnelles, y compris celles sur l'utilisation coutumière durable de la diversité biologique, avec la participation pleine et effective des peuples autochtones et des communautés locales et avec leur consentement préalable en connaissance de cause ou consentement préalable donné librement.

### **European Union and its Member States**

*E. Questions (paragraph 15) on biodiversity targets*

*b) How should the set of targets in the post-2020 global biodiversity framework relate to existing Aichi Biodiversity Targets?*

Post-2020 targets should build on the current Aichi Targets, making them more specific, measurable and time bound where feasible and realistic. They should be easy to communicate. The presentation of the targets needs to be structured differently and, without over-complicating the framework, take into account the outcomes from the IPBES assessments, e.g. as regards the ranking of drivers.

Further consideration needs to be given to how some emerging issues and possible gaps, such as pollinators, health, biotechnologies, climate change, biodiversity in urban areas, and plastics, could be addressed.

*O. Question (paragraph 25): What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

The biosafety provisions of the Convention are only partially covered by the Cartagena Protocol and are outlined in particular in Article 8 of the Convention: "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". A possible target of the post-2020 global biodiversity framework in the area of biosafety could therefore be that 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. The discussion should also take into account the input from the Parties to the Cartagena Protocol.

### **India**

The post-2020 framework must appropriately address all the three objectives of the Convention in a balanced manner. Further, the post-2020 global biodiversity framework must integrate the targets for the two protocols of CBD as well.

### **Mexico**

*Sobre el Convenio y sus Protocolos*

Es necesario definir metas generales y específicas para cada Protocolo.

Los Planes, estrategias y programas de los Protocolos deben alinearse al Marco del Convenio y de conformidad con el Objetivo al que abonen.

El vínculo entre los procesos, acciones y resultados del Convenio y sus protocolos es prioritario.

Las políticas y programas para el cumplimiento de los Protocolos deben construirse en forma integral, incluyente, e interinstitucional para fortalecer sus resultados.

Se sugiere incluir en los instrumentos de planeación temas relacionados con nuevas técnicas de biotecnología, ya que la velocidad de los avances tecnológicos rebasa a los marcos regulatorios.

Se sugiere que los temas relacionados con nuevas técnicas de biotecnología consideren las cadenas de proceso de liberación al ambiente completas: evaluación de riesgo-inspección y vigilancia-monitoreo.

Es necesario que los instrumentos de planeación consideren incluir al Protocolo Suplementario de Nagoya-Kuala Lumpur, particularmente en el desarrollo de esquemas de capacitación y espacios de diálogo para alcanzar acuerdos conceptuales como la definición del concepto de “daño”.

Deben tomar en consideración las experiencias de sus propios marcos de planeación (planes estratégicos u hojas de ruta), incluyendo aquellos de creación de capacidades dado el grado de avance en su implementación.

## **Norway**

### *Integration of Biosafety as a part of the Post 2020 Global Biodiversity Framework*

In Norway's view biosafety should be integrated as part of the framework. We refer to our separate submission on this topic.

## **Oman**

### *Capacity-building*

Capacity-building of developing countries parties shall be raised through bridging information and science gap especially in issues that use state-of-art techniques in implementation of the Convention or its protocols.

## **South Africa**

### *E. Biodiversity Targets*

*b) How should the set of targets in the post-2020 global biodiversity framework relate to existing Aichi Biodiversity Targets?*

[...]

The set of targets should build up on the current process. However certain target would require a fresh look in order to contribute to the mission. That will include the integration to target or targets that are linked to the implementation of the Cartagena protocol and the new and emerging issues under the Convention.

### *O. Relationship between the Convention and the Protocols*

The post-2020 framework should consider the three objectives of CBD in a balanced manner with equal emphasis on all three objectives

The 2 (+ 1) Protocols are separate legal instruments that support the objectives of the Convention

Standalone strategic plans are required for the protocols with specific cross cutting indicators that are linked to the post2020 strategic plan

The protocols provide important contributions to the sustainable use and equitable sharing of benefits objectives of the convention and specific elements may be incorporated to balance the framework

The operational nature of the Protocols mean that they provide important elements that complement the SDGs and contribute to their achievement (food security, health)

The plan would need to sufficiently integrate the work of the two protocols as this will provide the convention with a more direct link with the SDG agenda.

Recalling that the Convention on Biological Diversity requires under Article 8 (g) requires Parties to “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” it is important to ensure that Protocol aspects are incorporated into the Post 2020 global biodiversity framework.

In addition, the Cartagena Protocol on Biosafety plays an important role in providing global risk assessment and risk management frameworks for emerging technologies. It is therefore recommended that specific elements on integrating the work of the Convention and its protocols on responding to emerging technologies be incorporated. There have been many developments in the science of modern biotechnology since the entry into force of the Cartagena Protocol on Biosafety. In this regard, it may be prudent to consider undertaking a specific review aimed at considering the appropriateness of the scope of the current legal instrument to respond to developments in the technology.

### **Switzerland**

#### *P. Relationship between the Convention and the Protocols*

*What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

*What are the issues associated with access and benefit-sharing under the Convention and what are the implications for the post-2020 global biodiversity framework?*

The post-2020 global biodiversity framework will be the overarching, global framework for the conservation and sustainable use of biodiversity and the fair and equitable sharing of benefits arising from the utilization of genetic resources. Parts of it will be specific to the Convention. A decision will have to be made under each multilateral biodiversity-related instrument whether additional, more specific strategic instruments need to be designed or whether a programme of work or something similar can be used to specify the post-2020 global biodiversity framework.

The development of the post-2020 global biodiversity framework should address both biosafety and access and benefit-sharing issues, which at least are partly under the domain of the respective protocols.

The Cartagena protocol and its supplementary protocol (Nagoya Kuala Lumpur) on liability and redress, are the only specific instruments under the Convention to address the risks resulting from the use of organisms issued from modern biotechnology through the application of the precautionary approach. The speed of technical development in modern biotechnologies and in synthetic biology is increasing. This is challenging the risk discussion, both recalling a precautionary approach. Therefore, biosafety issues are highly relevant with the post-2020 global biodiversity framework.

[...]

Cartagena and Nagoya protocols being specific instruments to address these important issues, their ratification should be promoted and the resulting obligations should be met by all parties. The framework should provide the necessary and long-term support for that.

### **Uganda**

*What are the lessons learned from the implementation of the current Strategic Plan?*

*And how can the transition from the current decade to the post-2020 framework avoid further delays in implementation and where should additional attention be focused?*

*A number of lessons were learned from implementation of NBSAP (2002-2012). The NBSAP was effective in addressing various biodiversity concerns in the country such as:*

[...]

c) Addressing a number of Articles of the Convention such as the CBD programme of Work on Protected Areas (PAs), formulation of Regulations on Access to Genetic Resources and Benefit-Sharing, establishment of a Biodiversity Information sharing mechanism, preparation of a National Invasive Species

Strategy and Action Plan, promotion of public awareness on biodiversity as well as support to relevant areas of biotechnology and biosafety.

*What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

- Biosafety is underfunded
- More funding is needed during the post-2020 process

#### **IV. COMPILATION OF BIOSAFETY-RELATED PARTS OF SUBMISSIONS BY NON-PARTIES**

##### **United States of America**

*What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

We suggest the Convention work to advance the objectives described in paragraphs one and two of Article 19. We believe that there is still progress to be made in promoting developing country participation in biotechnological research, as well as promoting access, on mutually agreed terms, to the results and benefits arising from biotechnologies. In our view, the safe use of biotechnology can contribute to the achievement of the Convention's objectives and the SDGs. We consider that progress can be made on these objectives by acknowledging the history of safe use of LMOs and recognizing the vast experience that exists within the international community regarding risk assessment.

#### **V. COMPILATION OF BIOSAFETY-RELATED PARTS OF SUBMISSIONS BY OBSERVERS**

##### **CBD-Alliance**

Proposals for technological manipulation of the Earth's ecosystems, such as geoengineering, engineering of populations and ecosystems (through gene drives and other technologies), present unacceptable risks for biological diversity and therefore, should not be deployed. CBD should incorporate the issue of synthetic biology as an issue that should be constantly reviewed in the CBD framework rather than just in their Protocols, given that synthetic biology applications, including genomic editing and gene drives, have multiple potential impacts on the three objectives of the Convention at socioeconomic level but also regarding the way in which indigenous, peasant and local communities live, which are not covered by their protocols.

##### **EcoNexus**

*Question: What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

Biosafety must be included in the post-2020 global biodiversity framework, especially since at times of crisis (the biodiversity and climate emergency) technological solutions are all too often promoted as the answer. When they ignore root causes and the interactive complexities of biological, ecological, and cultural systems, technological 'solutions' have the sad track record of either deepening the problem, creating new problems or shifting the symptoms elsewhere. The strongly promoted and intensive application of pesticides to monoculture crops is just one example, with detrimental consequences for biodiversity, resilience and ultimately the productivity of farming systems. It is important to learn from history.

We have all heard the claim that genetic modification is needed to feed the world, and gene drives to fight agricultural pests or to protect biodiversity, and it is likely that the promotion of new applications and developments in modern biotechnology will further intensify as the crisis deepens.

Thus, it is a priority to have both a **process and the capacity necessary for horizon scanning and also a process for developing CBD/biodiversity specific guidance for risk assessment and risk management** (including using online forums and AHTEGs).

Additionally, it will be crucial to be able to ascertain if claims made for novel technologies, techniques or applications are justified and can bring the benefits projected, and also if there the underlying problems or the specifics. These include approaches such as increasing agricultural diversity and beneficial insects and micro-organisms for enhancing resilience and, where required, productivity. Whilst the latter aspect is not directly a CPB issue it is strongly linked – especially as it addresses the issue of “need”, i.e. whether there is a need for the applications of modern biotechnology proposed to address the problem.

All this requires a **good, up-to-date and easy to use website**, and the people necessary to carry out these tasks. It also requires a dedicated biosafety team with sufficient capacity assigned to the work required. **This must include the Biosafety Clearing House website (BCH)**, which also requires its own funding to collect the information and stay up-to-date with all the different products. A database should be developed where Parties can go and find out about new developments that could affect their biodiversity. All genome edited organisms should be registered with the BCH.

Furthermore, all aspects of the biosafety work as set out in the 2011-20 CPB strategic plan that are still relevant need to be included in the post-2020 framework.

There must be a close link between the CPB and CBD on synthetic biology – and insofar as synbio products are LMOs, the CPB needs to address them, especially gene drives, alongside them being addressed by the CBD.

Finally, there is not enough reference to the Protocols to the CBD in the post-2020 framework so far. The strength of the CBD is undermined if its protocols are not well supported.

*Questions relating to how issues relating to gender, women, youth, civil society, indigenous peoples and local communities, subnational governments, cities and other local authorities can be reflected in the scope and content of the post-2020 global biodiversity framework and how their involvement can be facilitated*

We need the involvement of all these sectors of society. This means that a priority for post 2020 is to develop processes that are genuinely participatory, truly inclusive and that and also involve ongoing, genuine consultation.

*Citizen assemblies on biodiversity issues*

We have worked on public dialogues, including the United Kingdom’s Synthetic Biology Dialogue and also GM Nation, which, although not perfect, showed clearly how wise members of the public can be when given access to good information, the opportunity to question key people such as regulators and time to deliberate. We **believe that the post-2020 framework should contain provisions for Parties to establish citizen assemblies** as a priority to discuss how to respond effectively to the biodiversity crisis in their particular region or country. These could be an excellent way to facilitate the involvement of the wider society.

However, they must not replace any processes already in place, for example those established by Indigenous Peoples and ICCAs, “**territories and areas conserved by indigenous peoples and local communities**” or “**territories of life**”. These already have their own governance structures and processes. In fact, there is much that the rest of society could learn from them. It is possible therefore that citizen assemblies will be most relevant in the global north and in urban areas.

Citizen assemblies in brief:



- A citizens' assembly is formed of a quasi-random selection of citizens from a country, region, or city
- They can be selected to represent or weighted towards particular groups where appropriate, eg: women, youth, indigenous peoples and local communities
- They may meet for one weekend a month for a year, or every weekend for a few months – or just a few times
- They provide answers to selected questions through discussion
- They can also call for information and experts to question
- They typically go through three phases: learning; consultation; deliberation and discussion.
- They will usually make recommendations at the end of this phase
- Their proposals may then be put to a referendum, but this is not essential.

### **EcoHealth Alliance and the Future Earth oneHEALTH Global Research Project**

#### *P. Relationship between the Convention and the Protocols*

*What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

CBD should work closely with CITES to ensure the rapid sharing of emergency diagnostic specimens to protect the health of wild species

### **Environment and conservation organisations of NZ Inc**

#### *Relationship between the Convention and the Protocols*

*Decision CP-9/7 provides that biosafety should be reflected in the post-2020 global biodiversity framework and sets out steps towards the preparation of the biosafety component of the post-2020 framework. The decision also sets out a process for developing a specific Implementation Plan for the Cartagena Protocol on Biosafety as a follow-up to the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020.*

*Question: What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

Modified organisms control should operate not only in relation to the precautionary principle but also it should shift the single purpose commercial and short term benefits attitude to longer term considerations and effects on natural biodiversity and ecosystems.

### **FIAN International**

#### *P. Relationship between the Convention and the Protocols*

*Question: What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

Current biotechnologies and new technologies that are at different stages of development have major impacts on biodiversity. One example is the so-called gene drive technology, which is intentionally developed as a means to reduce, or even extinguish certain populations and species. FIAN considers that the post-2020 global biodiversity framework should provide guidance on what kind of innovation and technology are required to achieve the set targets, as well as the core

5 principles of the CBD. At the same time, it should also set a framework with criteria to identify those technologies and innovations that are not conducive to protecting biodiversity. The monitoring framework of the post-2020 global biodiversity framework (including the indicators) needs to assess Parties' actions regarding the monitoring and regulation of technologies that may have adverse impacts on biodiversity.

### **Friends of the Earth International**

#### *A. Structure of the post-2020 global biodiversity framework*

##### • Objectives and Implementation

FoEI considers the framework to consist of 2 main parts: the **objectives** to be achieved on the one hand, starting from the objectives of the Convention and its protocols, the mission, the vision and of course the

targets, and, on the other hand, the **means and mechanisms** to obtain them: principles, implementation mechanisms, a review mechanism, and a compliance mechanism.

As has been stated by many parties, experts and stakeholders, the main reason of not achieving the current strategic plan lies not in its targets which are in essence indispensable if we want to reach the Convention's three objectives. In our view, the focus of the reflections on the post - 2020 debate should therefore be on improving the implementation mechanisms (graph, right side). This is key for reaching any objectives.

- **Objectives**

The three objectives of the Convention need to be held at the core of the Framework.

The convention text is an obvious core to any framework within the Convention. However, there are many articles which call for direct implementation within the convention, and which are often overlooked. We make a plea for bringing the Convention - and its objectives- to the heart of the implementation again.

Also, the objectives of the Protocols need to be fully honoured in the upcoming strategic plan.

*P. Relationship between the Convention and the Protocols*

Protocols are legally binding and have been agreed upon as important steps towards the full implementation of the Convention. Not implementing them, and not integrating their further development and implementation in the post-2020 framework would violate the principle of non-regression. FoEI expresses its worry that so far, this has by far not received sufficient attention.

It is important that all Parties who have not done so yet, urgently ratify the Cartagena and Nagoya Protocol. Otherwise different rules apply for the same issues which are agreed by the convention, objective 3 (Access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation) and Article 19 (3) and (4) on trading LMOs.

**Forest Peoples Programme and Natural Justice**

The post-2020 biodiversity framework should include an effective, regular process of reviewing the alignment of national biodiversity targets with the targets stipulated in the post-2020 biodiversity framework, including a limited number of clearly defined interim milestones [...] Such a review process should feed into more effective compliance mechanisms under the CBD and its Protocols. The review process should also cover resource mobilization related targets, including a target on the mobilization of new and additional public financial resources.

**International Planning Committee (IPC) for Food Sovereignty**

*D. Mission*

*Question: What would be the elements and content of an actionable 2030 mission statement for the post-2020 global biodiversity framework?*

- Prohibition of any exclusive appropriation of elements of biodiversity (such as patents) and any action likely to irreversibly disrupt ecosystem balances (such as: terminator genes, gene drive, synthetic biology, massive destocking of carbon, and massive destruction of biomass)
- Protected access to global genetic resources and their information, to be developed with Indigenous Peoples and Local Communities.
- An effective Free Prior and Informed Consent mechanism, to be developed with Indigenous Peoples and Local Communities.
- Fair and sustainable food production, supporting small-scale agroecological farmers and those who improve biodiversity.

*O. Relationship between the Convention and the Protocols*

*Question: What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

- The post-2020 global biodiversity framework should also take in consideration the innovations that are going against the implementation of the post 2020 targets. This means that the Protocol of Cartagena must follow the objectives and scope of the post-2020 global biodiversity framework.
- New biotechnologies, such as synthetic biology and gene editing have to be considered as part of the regulation process of the Cartagena Protocol.
- Moratorium on any use of the gene drive in an open environment.

### **International Union for Conservation of Nature (IUCN)**

#### *P. Relationship between the Convention and the Protocols*

*(a) What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

1. The Nagoya Protocol relates to one of the three objectives of the CBD and links to implementation of the other two, and it is also the subject of Aichi Target 16. As such it is important that its operations are brought into the post-2020 global biodiversity framework.
2. The provisions of access and benefit-sharing under the Nagoya Protocol should be applied and integrated across the global biodiversity framework, as should the provisions of the Cartagena Protocol. This relates to both the process of preparation of the post-2020 global biodiversity framework as well as its actual content and design.
3. The fact that the Open-Ended Working Group (OEWG) on the Post-2020 process will consider the outcome of the Ad Hoc Technical Expert Group on Digital Sequence Information is positive and will help consideration of this issue in a more holistic way in the design of the post-2020 global biodiversity framework.
4. As these issues are considered it will be important to eventually clarify the degree to which the issues of Synthetic Biology and Digital Sequence Information (extremely difficult issues both technically and politically) are already addressed under existing CBD mechanisms (specifically, the degree to which synthetic biology is addressed under the Cartagena Protocol, and the degree to which DSI is addressed under the Nagoya Protocol).
5. Such discussion will help determine how the Strategic Plan for the Cartagena Protocol and the Nagoya Protocol can be included (or linked to) in a post-2020 global biodiversity framework.
6. Ongoing IUCN work, based on the IUCN assessment of the subject, can help guide the way forward in consideration of both the positive and the negative interactions between biodiversity conservation and synthetic biology. Note that IUCN is developing a policy on synthetic biology to be discussed and voted upon by IUCN's Membership in the 2020 Marseille World Conservation Congress.
7. Despite the intent of the Nagoya Protocol, illegal access to genetic resources continues. The post-2020 global biodiversity framework must continue to shine a light on compliance with the ABS provisions of the Convention in general as well as with the Nagoya Protocol in particular.

### **NatureServe**

This platform would also address the following key elements highlighted in the January 30th, 2019 Discussion Document reflecting upon key Decisions from the 14th Conference of the Parties and broad-based input from the consultation to date:

[...]

Decision 14/27 highlighted the need for a process for aligning national reporting under the Convention and its Protocols and Decision 14/28 focused on the evaluation of the effectiveness of policy measures. Both of these needs can be addressed, in part, through the establishment of an online indicator visualization platform that streamlines national reporting and allows flexible and scalable access to evidence-based indicators for conducting counter-factual policy evaluation.

### **Organisation for Economic Co-operation and Development (OECD)**

OECD International Expert Workshop: The Post-2020 Biodiversity Framework: Targets, indicators and measurability implications at global and national level, held on 26 February 2019 at OECD Headquarters, Paris, France.

### **Session 1 Lessons from the Aichi Biodiversity Targets and indicators - and potential structures for the post-2020 targets**

[...] Francis Ogwal (Co-Chair, OEWG on the post-2020 biodiversity framework) addressing the participants remotely via video conference, noted the issues that have hampered progress under the Aichi targets and re-enforced the need for SMARTer targets under the post-2020 framework, including close linkages between the targets and the indicators. He further noted how the political nature of the negotiations leading up to the current framework had resulted in a mission statement that is too long to be communicated easily and the need for the post-2020 framework to integrate the Nagoya and Cartagena Protocols.

### **Third World Network**

To move beyond 2020, a clear understanding of the failure to arrest the biodiversity crisis to date is necessary. In this submission, we will focus on structural governance issues in the post-2020 global biodiversity framework.

The Rio Declaration on Environment and Development (1992) established the principle of “common but differentiated responsibilities” (CBDR) in relation to developed countries’ obligations to take action and to provide the necessary means of implementation – finance and technology – to developing countries for them to take action. CBDR has also been reaffirmed in the 2030 Agenda for Sustainable Development.

[...]

5) The CBD’s three objectives are 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. The last objective has now been operationalized by the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization. The Cartagena Protocol on Biosafety operationalised the CBD’s provisions on living modified organisms (LMOs) resulting from biotechnology. Additionally, the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety was adopted to deal with potential damage from LMOs.

[...]

7) In conclusion, the following are some key governance cornerstones for the post-2020 framework:

- Binding targets and implementation commitments for Parties, in accordance with common but differentiated responsibilities
- Contributions by other actors must be supplemental to, and not replace, commitments by Parties
- Rigorous safeguards for private sector involvement, and ensuring corporate accountability at all levels
- Implementation of the principle of common but differentiated responsibilities for financial flows and technology transfer

- Mobilization of new and additional financial resources from developed country Parties, with robust safeguards in place for biodiversity financing mechanisms
- Building upon and ensuring implementation of existing obligations, including under the thematic programmes of work, cross-cutting issues and the Protocols to the CBD
- Coherence with other relevant international agreements and processes that are supportive of the CBD's objectives
- Strengthening and protecting the rights of indigenous peoples and local communities
- Recognizing and incentivizing community-based solutions, including indigenous peoples and community conserved areas
- Establishing structures for bottom-up governance

These three additional legal instruments now form part of the CBD's scope of work. The issues safeguarded by these instruments and their implementation must remain central, and not be side-lined in the negotiations and outcome of the post-2020 framework.

### **UNCTAD BioTrade, CITES Secretariat, CAF, PromPerú, UEBT and FLEDGE**

UNCTAD and other BioTrade partners contribute to the development of biodiversity-based sectors through value chain, livelihood, adaptive management and ecosystem approaches. They also support and engage in biodiversity-based innovation in line with access and benefit-sharing (ABS) rules and principles. BioTrade thus has proven to be an effective model for advancing all three objectives of the CBD and further the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the CBD, also known as the Nagoya Protocol. Given the recent CBD COP decisions calling for enhancing synergies between the Convention and its Protocols, BioTrade offers a good example that bridges the work programmes related to the Convention (for example sustainable use), the Cartagena Protocol (in relation to work on synthetic biology and the related) and the Nagoya Protocol (on ABS issues). Finally, BioTrade also plays a role in addressing the need to engage businesses in achieving CBD objectives.

## **UN ENVIRONMENT**

### *1. Structure of the post-2020 global biodiversity framework*

*Question: What could constitute an effective structure for the post-2020 global biodiversity framework, what should its different elements be, and how should they be organized?*

The structure and language of the post-2020 global biodiversity framework should be designed with three related aims in mind:

- a) To clearly set out what needs to be done in order to get on the pathway for achieving the 2050 vision of 'living in harmony with nature'
- b) To provide a mechanism that relates this to delivering the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs)
- c) To facilitate and support the necessary action by all key players for delivering the post-2020 global biodiversity framework

There are various ways in which this can be done, both in terms of structure and language, but in doing so it will be important to build on the *Strategic Plan for Biodiversity 2011-2020* and make the relationship to the current Aichi Biodiversity Targets clear, given the efforts at national and international levels that have already been made to align with these targets (including by other MEAs). The links to the 2030 Agenda and SDGs are also vital because of ways in which these have already become embedded into national and international policies and actions, and the recognition already being given to the importance of biodiversity

and ecosystem services in delivering the SDGs. Finally, it is important to demonstrate how this draws on the evidence base available, and in particular the assessments produced by IPBES and others.

Formal and informal discussion on the post-2020 global biodiversity framework has already led to consideration of various concerns and possible options for addressing them, as is apparent from the synthesis of initial views of Parties and observers. Some of the issues under discussion relate directly to the mandate of the CBD, others do not. Some are aspirational about what we want to achieve, others are more about promoting specific types of action based on what might be needed. In order to more clearly respond to concerns about mandates, and what the Convention might and might not consider directly, targets and associated actions might be considered in several different categories, which may require different approaches to language and target setting. These might fall into four categories, as follows:

- a) Aspirational targets on what that Convention and its Protocols are trying to achieve with respect to biodiversity and ecosystem services, relating to directly to milestones on the way to achieving the 2050 vision for biodiversity.
- b) Targets and milestones focused on actions that the biodiversity community itself is able to undertake as it already has the mandate to do so (for example with respect to protected areas and other effective area-based conservation measures, wildlife management, ecosystem restoration, access and benefit-sharing, addressing invasive alien species, and so on).
- c) Targets, milestones and actions that relate to influence on other sectors, and interactions with other agendas, addressing drivers of change that might be considered to be beyond the direct mandate of the Convention and its Protocols, and where additional approaches and partnerships will be needed to encourage change, and to foster synergies and coherence with related agendas and processes.
- d) Enabling activities relating to resource mobilization, capacity building, technology transfer, information for decision making, and so on, which are essential for underpinning action to achieve other targets and milestones.

For simplified communications it might also be useful to somehow categorize targets, milestones and actions in a cross-cutting manner into: (a) those that are addressing the causes of biodiversity loss; (b) those that will make up for existing degradation of biodiversity (through restoration action); (c) those that will ensure the conservation and sustainable use of remaining biodiversity (for example through expansion of area-based conservation and efforts on management of species, populations and genetic resources); and (d) those that contribute to the sharing of benefits derived from the use of biodiversity and ecosystem services.

## *2. Ambition of the post-2020 global biodiversity framework*

*Question: In the context of the post-2020 global biodiversity framework, what would “ambitious” specifically mean?*

[...]

And there are two other issues that will need to be addressed in order to achieve increased ambition:

- e) Specify the constituency of change agents (such as governments, local governments and cities, parliamentarians, United Nations bodies, businesses, the finance community, international organizations, non-governmental organizations and civil society, educational institutions, citizens, environmental rights defenders) that need to be involved in delivering the 2050 Vision for Biodiversity, and develop specific actions that would be expected of each of these groups to ‘bend the curve’ of biodiversity loss over the next 10 years, and better enable them to take such actions. For example, what is it that we expect the private sector, or cities, to do, and how do we provide sufficient encouragement?

f) Better understand how to effectively address the drivers of biodiversity loss that fall with constituents and in sectors beyond the perceived mandate of the Convention and its Protocols, but which are impacting on biodiversity and ecosystem services. This will include effectively addressing issues such as the following: promotion and integration of nature-based solutions in addressing climate change and land degradation; promotion and integration of sustainable consumption and production (for example through sustainable public procurement); promotion and integration of sustainable agricultural practices, and biodiversity-positive commodity supply chains; promotion and integration of circular economy with reduced resource requirements, and waste; promotion and integration of a sustainable bio-economy for example through expanding the uptake of natural capital accounting; promotion of sound chemicals management; promotion and integration of a rapid transition to renewable energy; etc. It will also include encouraging and facilitating increased engagement with other sectors when developing, revising and implementing NBSAPs.

#### 4. Mission

*Question: What would be the elements and content of an actionable 2030 mission statement for the post-2020 global biodiversity framework?*

The mission should set the stage for what will be achieved by 2030, on the road to delivery of the 2050 vision. In doing so it should:

a) Be relevant to all aspects of the Convention and its Protocols, including all three objectives of the Convention, and all components of biodiversity and ecosystem services, but also going beyond this to be relevant to delivery of all the biodiversity-related conventions. [...]

#### 9. Relationship with the current Strategic Plan

*Question: What are the lessons learned from the implementation of the current Strategic Plan?*

[...] Aichi Biodiversity Target 17 and support for NBSAP revision led to the updating of most countries NBSAPs, and there was a strong attention to costing of actions and resource mobilisation. However, there remains a general lack of national and international attention on implementation of NBSAPs and resources for this. This situation has been exacerbated by the attention now being given on developing the post-2020 global biodiversity framework. Much more attention needs to be paid to building national institutions and coordination mechanisms to support implementation of the Convention and its Protocols, including the provision of information on biodiversity and ecosystem services for effective decision-making.

As mentioned in the synthesis paper (chapter VII) there are a number of gaps in the *Strategic Plan for Biodiversity 2011-2020*, and there are opportunities to rectify this in the post-2020 global biodiversity framework. Some of these are specific topics or cross-cutting issues and could be considered when it comes to the definition of specific targets and indicators in alignment with the SDG framework and other processes. Issues that are insufficiently addressed include, for example, specific ecosystems (such as mountain ecosystems), biosafety, and migratory species.

#### 15. Relationship between the Convention and the Protocols

*Question: What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

When developing any wording relating to biosafety in the post-2020 global biodiversity framework it will be important to recognise that not all Parties to the Convention are Parties to the Protocol. In order to avoid any potential conflicts, it would be appropriate to draw on the wording of the Convention (in particular Article 19) rather than the wording of the Protocol, then recognising that the Protocol is one possible means of addressing the concern. It will also be useful to encourage further ratification, including ratification of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress.

#### 18. Additional views on the scope and content of the post-2020 global biodiversity framework

The evidence from scenario analysis and modelling tells us that the 2050 Vision for Biodiversity is achievable, but that achieving it will require very significant transformational changes across various

sectors of the economy and society – and unless such changes are implemented in the very near future, the loss of biodiversity will continue well beyond 2030.<sup>7</sup> The implication of this is that the following will need to be addressed.

a) Better understand how to effectively address the drivers of biodiversity loss that fall with constituents and in sectors beyond the perceived mandate of the Convention and its Protocols, but which are impacting on biodiversity and ecosystem services, so that issues such as the following can be successfully addressed: promotion of nature-based solutions in addressing climate change and land degradation; promotion of sustainable consumption and production for example through sustainable public procurement; promotion of sustainable agricultural practices, and biodiversity-positive commodity supply chains; promotion of circular economy with reduced resource requirements, and waste; promotion of a sustainable bio-economy for example through expanding the uptake of natural capital accounting; promotion of sound chemicals management; promotion of a rapid transition to renewable energy; etc.

### UNEP/MAP Task Force

O. *Relationship between the Convention and the Protocols*

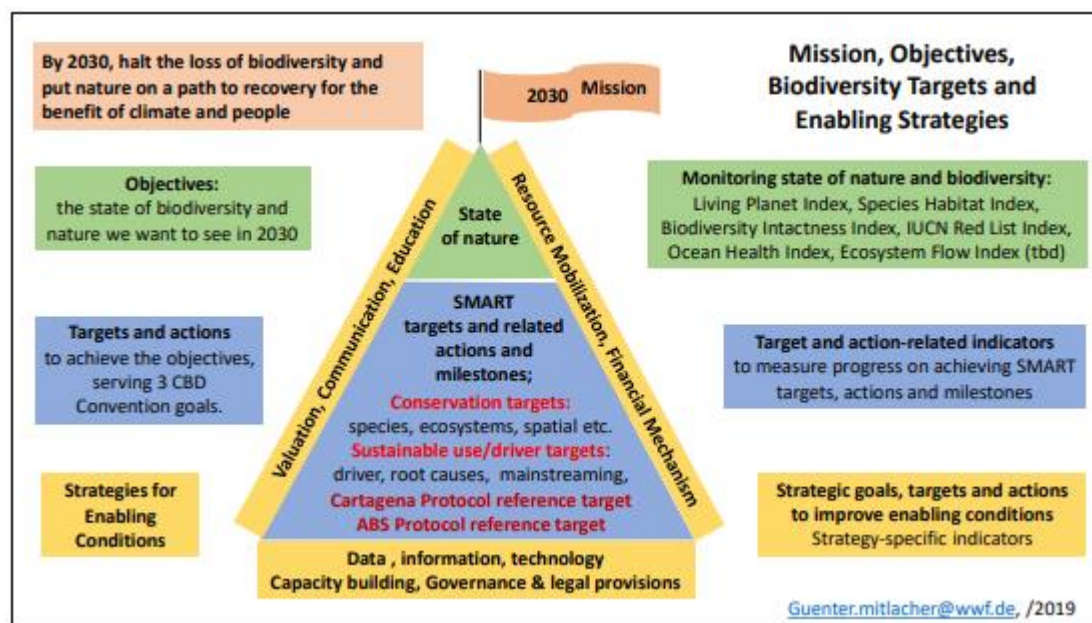
*What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*

A lawyers/planners/scientist think tank is needed to analyse this.

### WWF-Germany

A. *Structure of the post-2020 global biodiversity framework*

*Question: What could constitute an effective structure for the post-2020 global biodiversity framework, what should its different elements be, and how should they be organized?*



See figure page 2 of the submission, available at: <https://www.cbd.int/api/v2013/documents/F72D4284-FD90-175D-FEBA-40A4A6469A24/attachments/WWF-Germany.pdf>

P. *Relationship between the Convention and its Protocols*

*Question: What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?*



*Question: What are the issues associated with access and benefit-sharing under the Convention and what are the implications for the post-2020 global biodiversity framework?*

The two protocols should be reflected in the post-2020 global biodiversity framework by

- (i) Including a general target into the Biodiversity Targets with a reference to the strategic approaches of the two protocols until 2030,
  - (ii) Including a link to the implementation objectives and plans of the protocols.
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