

15 August 2017

**Submission of Information Requested in Notification 2017-054:
Invitation to provide relevant information and views related to the proposals
for new and emerging issues**

Views of the Global Industry Coalition (GIC)¹

Notification 2017-054 invited Parties and relevant organizations to submit views on the process for the identification of new and emerging issues laid out as additional elements to the consolidated *modus operandi* for the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)² taking into account the questions contained in paragraph 5 of the Annex to the notification. The GIC is pleased to share its views both on the topic in general and on the specific questions raised on the process for the identification of new and emerging issues as outlined below.

Firstly, the GIC wishes to highlight that both paragraphs 11 and 12 of decision IX/29 are equally important and relevant to this discussion. Paragraph 11 outlines the information that should accompany proposals for emerging issues.³ For emerging issues to warrant the time and resources of the Parties, it is important that they are raised within the framework of the requirements of paragraph 11 to provide the context that justifies why a certain proposal for an emerging issue is being made. The language of paragraph 11 serves as a framework under which such proposals may be raised, and importantly, includes the background context (relevant articles indicating impact on the objectives on the Convention on Biological Diversity; work already underway in other fora; credible sources of information, preferably from peer-reviewed articles) necessary for Parties to make informed decisions on whether to pursue it as a new and emerging issue.

With respect to paragraph 12, it is the GIC's view that these criteria must be considered collectively, with no one criterion alone sufficient to identify a new and emerging issue. Each criterion is equally important to the Parties' ability to thoroughly consider whether their time and resources should be diverted from their important ongoing Convention implementation efforts. The GIC shares the concerns of some Parties that new and substantial work programs have been established for proposed new and emerging issues in the absence of such thorough consideration and identification of an issue. Synthetic biology, which has become a major Convention issue, is an example of this.

Lastly, the GIC encourages Parties to strictly apply both paragraphs 11 and 12 and follow the appropriate process and steps to identify and agree that something qualifies as a new and emerging issue. As stated in decision IX/29, the rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity (Convention) shall apply, *mutatis mutandis*, in accordance with rule 26, paragraph 5, to the proceedings of the SBSTTA. These rules specifically reference how decisions are made, and the GIC wishes to emphasize Rule 40⁴ which indicates that Parties shall make every effort to reach agreement on all matters of substance by consensus. This rule clearly outlines the goal of having a clear consensus decision by all the Parties present on whether an issue is a new and emerging issue.

¹ The Global Industry Coalition (GIC) for the Cartagena Protocol on Biosafety receives input and direction from trade associations representing thousands of companies from all over the world. Participants include associations representing and companies engaged in a variety of industrial sectors such as plant science, seeds, agricultural biotechnology, food production, animal agriculture, human and animal health care, and the environment.

² Section II of decision IX/29: <https://www.cbd.int/decision/cop/default.shtml?id=11672>.

³ 11. Decides that proposals for emerging issues should, where possible, be accompanied with information on: (a) Why the issue needs urgent attention by the Subsidiary Body on Scientific, Technical and Technological Advice (including how it impacts biodiversity); (b) How it affects the attainment of the objectives of the Convention (citing relevant articles); (c) Thematic programmes of work and/or cross-cutting issues that could contribute to the resolution of the issue; (d) Work already under way by relevant organizations addressing the issue; and (e) Credible sources of information, preferably from peer-reviewed articles;

⁴ <https://www.cbd.int/convention/rules.shtml>

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The GIC's views on the specific questions in Notification 2017-054 are as follows:

(a) Should paragraph 12 of decision IX/29⁵ be understood as implying that an issue qualifies only if all seven criteria are fulfilled or can it qualify if some of these criteria are fulfilled?

The GIC is of the view that all seven of the criteria should be addressed, with credible information, in order for an issue to be considered as a "new and emerging issue". The Parties have before them a substantial number of outstanding issues to negotiate further, with a very significant and busy work plan already established. For an issue to warrant additional attention and take time away from these outstanding issues, it is imperative that all seven criteria be met.

(b) Should paragraph 12 of decision IX/29 be understood as implying that an issue qualifies only if it has potential negative consequences for the conservation and sustainable use of biodiversity (risk, impact) or can it qualify if it focuses on opportunities to advance the conservation and sustainable use of biodiversity?

[With the understanding that this question is asking whether proposals for a new and emerging issue may also be made if that issue focuses on opportunities to advance the conservation and sustainable use of biodiversity, in the GIC's view, it is important to recognize both positive and negative impacts on the conservation and sustainable use of biological diversity under the Convention and its subsidiary protocols. If there are issues that meet the paragraph 12 criteria as new and emerging issues that will contribute to biodiversity conservation and sustainable use, they should be raised for consideration by the Parties.

(c) Are there adjustments to the criteria that should be considered?

The GIC believes that the criteria should be maintained as currently stated, and that this process of review should serve as an opportunity to reinforce the criteria with Parties and remind them of the established process in place that governs whether and how issues are determined to be new and emerging issues under the Convention.

(d) Are there additional criteria that should be added to the ones listed in paragraph 12 of decision IX/29?

The GIC does not have any recommendations for additional criteria at this time.

⁵ Paragraph 12 states, "Further decides that the following criteria should be used for identifying new and emerging issues related to the conservation and sustainable use of biodiversity: (a) Relevance of the issue to the implementation of the objectives of the Convention and its existing programmes of work; (b) New evidence of unexpected and significant impacts on biodiversity; (c) Urgency of addressing the issue/imminence of the risk caused by the issue to the effective implementation of the Convention as well as the magnitude of actual and potential impact on biodiversity; (d) Actual geographic coverage and potential spread, including rate of spread, of the identified issue relating to the conservation and sustainable use of biodiversity; (e) Evidence of the absence or limited availability of tools to limit or mitigate the negative impacts of the identified issue on the conservation and sustainable use of biodiversity; (f) Magnitude of actual and potential impact of the identified issue on human well-being; (g) Magnitude of actual and potential impact of the identified issue on productive sectors and economic well-being as related to the conservation and sustainable use of biodiversity;"