

## Position paper for the 14th meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD) from 17-29 November 2018 in Sharm El Sheikh, Egypt

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This position paper is addressed to the German and EU delegations to the 14th meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD COP 14), the third meeting of the Parties to the Nagoya Protocol (COP-MOP 3) and the ninth meeting of the Parties to the Cartagena Protocol (COP-MOP 9), which will be held from 17-29 November 2018. It forms the joint input from the Biological Diversity working group of the German NGO Forum on Environment and Development, in which BUND (Friends of the Earth Germany), NABU (BirdLife Germany), Heinrich Böll Foundation, WWF Germany, Ecoropa, Deutsche Umwelthilfe (Environmental Action Germany) and FDCL (Centre for Research and Documentation Chile-Latin America) collaborate.

The paper is primarily based on the draft decisions for the COP 14 as outlined in the document CBD/COP/14/2. We hope that our concerns will be addressed by the official EU delegation and supported in the process.

### Introduction

Biodiversity is declining rapidly worldwide, numerous ecosystems are degrading at an unprecedented rate, and with ongoing climate change certain ecosystems, such as coral reefs, will be almost completely destroyed by 2050, as was concluded for the 2°C scenario described in the recently published IPCC report.

The **achievement** of the existing Aichi Biodiversity Targets in and by the EU and its Member States still has priority. In spite of the EU Biodiversity Strategy, only a few of the Aichi Targets have been achieved in the EU. This situation is much the same in most other countries. **This is why Item 8 of the draft decisions (document CBD/COP/14/2), which calls upon all Parties to the CBD to significantly accelerate their efforts to implement the Strategic Plan for Biodiversity by the deadline of 2020, is of fundamental and central importance.**

A key issue will be the **long-term strategic direction of the CBD** (successor framework to the current Strategic Plan for Biodiversity 2011-2020), and, although no discussion on the content itself has been included on the agenda of the COP 14 as of yet, the first steps will be taken at the meeting. For example, the draft decision on the 2050 Vision outlines a number of points on which we provide several comments (Item 17), and the individual steps in the preparatory process for the post-2020 framework will be determined on the sidelines of the COP. For us, it is of utmost importance that the process be comprehensive and transparent and allow for the broad participation of experts, stakeholders and parties to the CBD, both in the collection of ideas and through opportunities to comment on future draft documents.

**In terms of content, the new plan should build upon the previous Aichi Targets**, due to the fact that they have yet to be achieved and in order to ensure that continuity and comparability can be maintained. From the very beginning, the negotiations should aim to establish a **high level of ambition**, provide for a **mandatory peer-review or compliance mechanism** and ensure **sufficient financial resources** for the implementation of the new strategic plan.

The gaps in achieving the Aichi Targets are due less to the targets themselves than to the insufficient

political will and the Convention's lack of compliance and review mechanisms. In this context, Item 12 is of particular importance, even though more far-reaching approaches are necessary. What is needed is not only a systematic assessment and review system that makes it possible to identify the problems both globally and for each individual country in order to offer targeted help and manage countermeasures, but also a compliance mechanism (e.g. as has been adopted under the Aarhus Convention).

Other important issues are the **mainstreaming of biodiversity** (Item 22), which should include concrete sector-specific measures and should not be kept at a voluntary level, for example in the sense of sector-specific, multi-year work programmes. Also important is the adoption and implementation of the **International Initiative for the Conservation and Sustainable Use of Pollinators** (Item 23) taking into account all elements, including the reduction and elimination of pesticides, and the issue of **synthetic biology** (Item 27), which is a form of genetic engineering and should be subject to the same precautionary measures as the other forms of genetic engineering to date. Closely associated with synthetic biology is **digital sequence information** (DSI, Item 18), whose use should not be allowed to undermine the Nagoya Protocol.

We have also provided comments on Item 15 (**conflict of interest procedure**), Item 17 (**2050 Vision**) and Item 9 (**adequate financial resources**). Our input is structured in the order of the items outlined in the document CBD/COP/14/2.

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## **Recommendations pertaining to individual agenda items of the CBD COP 14**

### Item 5. Date and venue of future meetings of the Conference of the Parties.

The member organisations of the Forum on Environment and Development are concerned that the costs for participants from countries of the South will be too high if, as hitherto, the COPs continue to be held at luxury holiday resorts (Sharm el Sheikh, Cancun Moon Palace etc.). We would suggest that the future COPs take place in countries where fundamental human rights (freedom of the press, freedom of assembly etc.) are respected and the venues are easy to reach. In addition, the Forum's environmental NGOs hope that another CBD COP will soon be held in (Western) Europe, where the event is likely to attract more media attention.

### Item 8. Review of progress in the implementation of the Convention and the Strategic Plan for Biodiversity 2011-2020. (CBD/COP/14/2, p. 9 ff.)

The review of progress concluded that most of the Aichi Biodiversity Targets have not been met to date and will not be met without significant action to scale up implementation. The same conclusions were reached by the SBSTTA-22 and SBI-2. The text of the draft recommendations is an important and urgent call for countries to do everything in their power in the next two years to achieve at least some of the Aichi Targets by the 2020 deadline. The environmental NGOs fully support the text and call upon the EU to express its support for adopting the draft decision as it stands, without watering it down. The following passages in particular are of great importance:

The Conference of the Parties, [...]

*Deeply concerned* that, despite many positive actions by Parties and others, most of the Aichi Biodiversity Targets are not on track to be achieved by 2020, which, in the absence of further significant progress, will jeopardize the achievement of the mission and vision of the Strategic Plan for Biodiversity 2011-2020 and the Sustainable Development Goals, [...]

5. *Recognizes* the efforts made by Parties to translate the Aichi Biodiversity Targets into national commitments and actions, but *notes with concern* the findings of the updated assessment of progress towards the achievement of the Aichi Biodiversity Targets, in particular:

(a) For most of the Aichi Biodiversity Targets, there has been limited progress, and, for some Targets, no overall progress;

(b) Only a minority of Parties have adopted their national biodiversity strategies and action plans as whole-of-government policy instruments;

(c) Only a minority of national biodiversity strategies and action plans contain resource mobilization strategies, communication and public awareness strategies, or capacity development strategies, as the guidance for national biodiversity strategies and action plans suggests;

(d) Only a minority of national biodiversity strategies and action plans demonstrate that biodiversity is being mainstreamed significantly into cross-sectoral plans and policies, poverty eradication policies, and/or sustainable development plans; [...]

8. *Urges* Parties to significantly accelerate their efforts to implement the Strategic Plan for Biodiversity 2011-2020, in particular by addressing any gaps between the aspirations included in their national biodiversity strategies and action plans and the actions taken to implement them; [...]

14. *Urges* Parties and *invites* other Governments, in accordance with national circumstances, and *invites* relevant organizations, indigenous peoples and local communities and stakeholders to take urgent action by 2020 on those Aichi Biodiversity Targets, or elements thereof, for which progress needs to be accelerated, by carrying out, among other things, the following actions, as appropriate: [...]

18. *Requests* the Executive Secretary to communicate through the United Nations system, including the High-level Political Forum on Sustainable Development and relevant multilateral environmental agreements, that failing to achieve the Strategic Plan for Biodiversity 2011-2020 jeopardizes the attainment of the 2030 Agenda for Sustainable Development and, therefore, urgent action is required to achieve the Aichi Biodiversity Targets; [...]

#### Annex

In addition, the text should ideally mention the fact that Aichi Target 5 applies to not only forests, but also other ecosystems. To this end, we are proposing the following amendment (highlighted):

14. (c) For Target 5, noting that while the annual rate of net forest loss has been halved, further efforts to address regional forest degradation and deforestation are needed, **and that further efforts are needed to reduce the loss of other ecosystems such as peat bogs and semi-natural grasslands**; [...]

#### Item 9. Resource mobilization and the financial mechanism. (CBD/COP/14/2, p.15 f)

The NGOs welcome the draft text on the whole. Without reliable financing mechanisms, it will not be possible to achieve the objectives of the Convention. With this in mind, and in light of the lengthy discussions that took place at the beginning of this decade on the amount of biodiversity financing, the NGOs are particularly pleased to see the affirmation that resource mobilisation should remain an important part of the CBD framework after 2020 and that the respective preparations should be initiated at an early stage in the framework-development process (Art. 13):

13. *Affirms* that resource mobilization will be an integral part of the post-2020 global biodiversity framework to be adopted by the Conference of the Parties to the Convention at its fifteenth meeting, and decides to initiate preparations on this component at an early stage in the process of developing the framework, in full coherence and coordination with the overall process for the post-2020 framework as agreed in decision 14/--;

From our perspective, this means that the preparations should be initiated at the COP 14 so that a proposal can be put forward to the COP 15 for approval.

The NGOs are also extremely pleased by the focus on Aichi Target 3 on the elimination, phase out or reform of incentives that are harmful for biodiversity (**Milestones..., Articles 7-12**).

#### Item 12. Mechanisms for national reporting, assessment and review. (CBD/COP/14/2, p. 29)

The environmental organisations welcome the draft texts on this issue, in particular the texts on the **“Process for aligning national reporting, assessment and review”** and **“Review mechanisms”**. A clear reporting mechanism that provides accurate information on not only the status of biodiversity in the individual Contracting States, but also the progress being made towards the Aichi Targets and the main obstacles to their achievement, is of central importance. To date, it has been common practice for individual states to issue reports praising their own activities. Unfortunately, such reports are not very helpful. A special point to bear in mind in this context is that the purpose of the proposed reporting mechanisms should not be to “name and shame”, but instead to create an objective basis that allows for the implementation of targeted measures and the offering of assistance (including mutual assistance).

However, what is needed is not only a systematic assessment and review system that makes it possible to identify the problems both globally and for each individual country in order to offer targeted help and manage countermeasures, but also a compliance mechanism like the one that has been implemented under the **Aarhus Convention** (UN/ECE/MP.PP/2/Add.8). This mechanism includes the establishment of a Compliance Committee that reviews all reasonable communications that are submitted on alleged cases of non-compliance with the Convention and reports its findings and recommendations to the Meeting of the Parties. Members of the public can also submit communications concerning a Party’s non-compliance, and the processes are completely transparent. For the applicability to the CBD, decisions, objectives and rules would have to be formulated as clearly and unambiguously as possible.

#### **Process for aligning national reporting, assessment and review**

We are pleased with the proposal to ask the Executive Secretary to take additional steps towards harmonising the user interface and the design of national reporting (Article 3b). In our understanding, this process includes not only harmonisation with the reporting of the various Protocols and the other Rio Conventions (3e) and with other multilateral processes like the SDGs (Art. 3f), but also – and above all – a CBD reporting format that is uniform for all countries in order to allow for the comparison of information between the CBD Parties.

#### **Review mechanisms**

We support the voluntary peer-review mechanism and the proposal in the draft decision to include it as an element of the review approach and call on Parties to further enhance these mechanisms and/or make them mandatory – in particular Article 4, in which the Executive Secretary is asked to explore options for strengthening the approach and to facilitate further peer reviews.

Item 15. Review of the effectiveness of processes under the Convention and its Protocols –  
Procedure for avoiding or managing conflicts of interest in expert groups. (CBD/COP/14/2, p. 44ff)

Unsustainable human activities represent a key driver of biodiversity loss. In particular, the extensive and large-scale activities of big multinational companies constitute a major threat to biodiversity. At the same time, we have observed a growing presence of representatives from these multinationals at the CBD COPs and in COP committees in recent years.

With this in mind, the approval of a conflict of interest (CoI) procedure is vitally important. As early as December 2017 ten non-governmental organisations wrote a letter to CBD Executive Secretary Dr Cristiana Paşca Palmer, expressing their concerns.<sup>1</sup> We are pleased that a conflict of interest procedure has now been presented in the draft decisions. However, the proposed procedure does not fully address the concerns raised by the NGOs.

In our opinion, the following fundamental problems remain:

The proposal so far only addresses potential conflicts of interest in expert groups that operate under the CBD. However, the influence of industry-friendly groups also extends to online discussion forums and all subsidiary bodies that are convened by the CBD and its Protocols. A conflict of interest procedure needs to address this proactively and be applied to all groups and forums.

Therefore, we propose the following amendments to Article 1.2 of the Annex:

1.2 This procedure applies to experts nominated by Parties, other Governments, observers to the Convention and its Protocols and any body or agency, whether governmental or non-governmental, to serve as an expert member of an ad hoc technical expert group or other technical expert group. It ~~does not~~ **also applies to participants of online forums and to representatives non-state** members of **Party delegations** or observers in intergovernmental meetings or in meetings of other bodies constituted with members representing Parties or observers.

- There is no clear **definition** of CoI and no specification as to what level of involvement is considered acceptable/significant.

We have several proposals pertaining to the definition of a relevant CoI:

- Are to be considered as having a conflict of interest:
  - having publicly and in a documented way produced opinions that go against the objectives of the Convention, its Protocols and/or the Rio Principles.
  - having **private** and **vested** interests (financial, work opportunities or other means of personal benefit) in the outcome of the expert working group for which they are applying.
  - If the outcome of the expert group can potentially impact – either positively or negatively – financial, commercial or other interests of the company or other for-profit organisations to which an expert is related, for example as an employee, as a member of their board or as a significant shareholder or otherwise benefactor.
- Should not be considered as a conflict of interest in their own right:
  - work and opinions contributing to the objectives of the Convention, and to the Rio Principles.

<sup>1</sup> <http://genedrivefiles.synbiowatch.org/2017/12/01/conflict-of-interest-cbd/>

- personal interests, e.g. intellectual interests, personal preferences etc.
- being part of organisations that promote **public interest**, the environmental good and/or objectives related to the goals and targets of the Convention and/or the Rio Principles.
- The current wording of Article 4.4 is problematic in that it allows the participation of experts with a clear conflict of interest as long as there is a “balance” of interests in the respective group.
- Above all, there are no **procedural** rules for handling conflicts of interest.
- In our view, the Secretariat could also identify specific areas where the risk of CoI is higher in order to illustrate the CoI that may arise with industry-funded groups.

These points should be integrated into the appropriate sections of the Annex (e.g. Art. 4).

Item 17. Long-term strategic directions to the 2050 Vision for Biodiversity, approaches to living in harmony with nature and preparation for the post-2020 global biodiversity framework.

The environmental NGOs favour a new “**Global Nature-based Solutions Fund**” that would also accept contributions from non-state actors. Clear criteria as to how the Fund would operate would have to be defined by the Parties to the CBD. The Fund would be used for supporting developing countries and countries with economies in transition in the implementation of projects and programmes aimed at protecting natural infrastructures (e.g. mangrove forests, coral reefs and protective forests) from natural hazards and climate change.

Fundamentally, we support the draft decision and Annex. However, we propose that an ex-post evaluation/analysis of the strategic plan and its implementation be added to the list of issues to be considered in the development of scenarios (Paragraph 2). It is absolutely essential that the “lessons learned” from the process to date – including the reasons for the lack of progress – be taken into account in the development of scenarios for the 2050 Vision.

This is why we are proposing the addition of two new points under Paragraph 2:

The COP [...]

2. *Invites* the scientific and other relevant communities working on scenarios and related assessments to take into account the following issues which are relevant to the development of the post-2020 global biodiversity framework:

**(a) Lessons learned from the implementation of the Convention and the Strategic Plan for Biodiversity 2011-2020;**

**(b) The possible reasons for the varying levels of progress towards the Aichi Biodiversity Targets;**  
[...]<sup>2</sup>

Paragraph 2 of the Annex would have to be amended as follows:

Annex

CONCLUSIONS OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE REGARDING SCENARIOS FOR THE 2050 VISION FOR BIODIVERSITY

<sup>2</sup> Report of the European Expert Meeting in Preparation of SBSTTA-21, 1–3 November 2017, p. 11 bottom

2. Current trends, or “business-as-usual” scenarios, show ~~continued~~ **accelerated** loss of biodiversity, with ~~major~~ **extreme** negative consequences for human well-being, including changes that may be irreversible **and deeply disruptive**. Urgent action on biodiversity therefore remains ~~a~~ **the** pressing global societal issue **that requires attention of Heads of State and wide-ranging action beyond ministries directly responsible for conservation**.

The 2030 Agenda and the measures for achieving the 2050 Vision are mutually supportive. This fact should be emphasised. Article 8 of the Annex should therefore be supported:

8. *The 2050 Vision is consistent with the 2030 Agenda for Sustainable Development and other international goals.* Progress towards the 2030 Agenda for Sustainable Development would help to address many drivers of biodiversity loss and also support biodiversity objectives by creating a favourable enabling environment.

#### Item 18. Digital sequence information on genetic resources. (CBD/COP/14/2, pp. 57-60)

Digital sequence information (DSI) makes it possible to store, replicate and transmit complete genetic sequences without a physical genetic resource. With the help of synthetic biology, entire organisms can be resynthesised using DSI with no need for an original sample of biological genetic material. For this reason, DSI has the potential to circumvent the agreements on access and benefit-sharing (ABS) and thereby undermine the Nagoya Protocol.

Therefore, an **agreement** on the use of digital sequence information is **unavoidable** – after all, ABS and the Nagoya Protocol constitute one of the three pillars of the Convention on Biological Diversity and of its “package deal”, without which it would be nearly impossible to maintain the global South’s approval of and interest in the two other main goals of the Convention (the conservation of biological diversity and the sustainable use of its components).

The NGOs are calling for the following:

- A **provision on the fair and equitable sharing of benefits** arising from the use of DSI for commercial purposes, on the same level as that of physical genetic resources, should be adopted.
- The proposal from the countries of the South for a **simplified system of access** should be taken seriously and discussed; their aim is not to stop the understandable interest of researchers.<sup>3</sup>
- **An open-ended working group** should be established in order to search for additional solution approaches.

The needs of researchers can only be met if, in the spirit of a fair agreement, terms can also be agreed that recognise the sovereign rights of countries over their genetic resources, also in the context of DSI. We are calling upon the EU to work towards a solution and take the concerns of the countries of the South seriously.

Currently, the majority of the text under this section of the draft decision (CBD/COP/14/2, pp. 57-60) is in brackets as a reaction to the unconstructive attitude of the industrialised countries. In the

<sup>3</sup> The options associated with blockchain-based solutions should be explored.

<https://www.economist.com/science-and-technology/2018/01/23/sequencing-the-world>

opinion of the NGOs, most of these brackets should be removed. Article 7 is of particular importance in this context:

[7. Notes that the creation of digital sequence information requires initial access to a physical genetic resource, and that, therefore, a benefit arising from the utilization of digital sequence information should be shared fairly and equitably in accordance with the third objective of the Convention, the objective of the Nagoya Protocol and Article 5(1) of the Nagoya Protocol and in a way that directly benefits indigenous peoples and local communities conserving biological diversity so that it serves as an incentive for conservation and sustainable use;]

which explains the need for regulation in the spirit of access and benefit-sharing and corresponds to our first demand; accordingly, the brackets should also be removed from Articles 9-13.

Article 14 reflects our second demand, on **simplified access**:

[14. Acknowledges also that, according to Article 15.2 of the Convention and Article 8 of the Nagoya Protocol, the use of digital sequence information on genetic resources for non-commercial research and development should be subject to simplified measures according to domestic legislation, [taking into account the need to address a change of intent for such research highlighting that it is the sovereign right of a Party on how they wish to create conditions to promote and encourage research];]

Our third demand, the establishment of an open-ended working group or (less desirable alternative!) AHTEG, is included in Articles 18 and 19; their findings should be considered by the SBSTTA in accordance with Article 21, and a recommendation should be made for COP 15.

## Item 22. Mainstreaming of biodiversity within and across sectors. (CBD/COP/14/2, p. 114 ff.)

In general, mainstreaming – which refers to the integration of biodiversity into economic activities – is a very important opportunity for making use of biodiversity and therefore a concretisation of the second goal of the Convention, the sustainable use of biodiversity. However, the existing draft as a whole is weak and does not go nearly as far as the SBSTTA-21 recommendation (CBD/SBSTTA/XXI/4) (relevant passages highlighted for emphasis):

*The Subsidiary Body on Scientific, Technical and Technological Advice [...]*

2. Notes that mainstreaming is a critical approach to assist Parties in the implementation of the Convention, and that **transformational change is required in the conservation, use and management of biodiversity and ecosystems, including changes in behaviour and decision-making at all levels, for the achievement of the 2050 Vision for biodiversity and the Strategic Plan for Biodiversity 2011-2020<sup>[5]</sup>** and its Aichi Biodiversity Targets;

This important point is missing in the draft decision. It is not enough to greenwash activities that are harmful to biodiversity and minimise their effects. It must also be questioned whether at least some activities should in fact even be approved at all (first step in the mitigation hierarchy: avoidance). Economic developments like transport growth and the associated need for roads and aviation fuels, with all of their negative environmental impacts, are simply accepted instead of addressing the necessary lifestyle changes. Systemic change is needed. Currently, Europe is consuming

approximately three times more resources than it can produce, and there is a broad consensus that the consumption patterns and drivers of biodiversity loss must change. SDG 12 is one of the goals with the greatest need for action. **Therefore, we suggest adopting the aforementioned SBSTTA Article into the COP decision.**

**Most of the Articles (1-9) do not contain any recommendations for action so far. The main focus is on information sharing. However, there is also a need**

1. for a balanced summary of the background information in the decision itself, based on the supporting documents of the SBSTTA decision,
2. for the clear message that the economic system must be changed (systemic change) – see above,
3. for individual analyses for each sector, identifying the obstacles and gaps, along with the factors that have hindered mainstreaming to date (para 75 (f) (i) of the Vilm report 2017 on the issue, p. 33) and
4. for a programmatic approach to mainstreaming – meaning, one or more sector-specific work programmes under the CBD – this point was addressed in Annex I and supported by us (see below).

A second fundamental problem of the draft decision is that all of the sectors (energy, mining, infrastructure, manufacturing, processing and health) are dealt with together in spite of the major differences between them, and that the recommendations are therefore not specific enough to be truly effective.

Furthermore, we would like to make the following concrete proposals for improving the draft:

Article 10 refers to previous COP decisions on the issue. **These decisions (at least the most important ones) should also be listed.**

Article 11 contains a list of recommended actions, but most of them would be carried out on a voluntary basis (best practice, encourage etc.) and would therefore have only a minimal impact.

In our opinion, the following passages are particularly helpful:

(b) To include approaches to conserve, enhance and sustainably use biodiversity and ecosystem functions and services in upstream decisions on investments in these sectors, through such available tools **as strategic environmental assessments and integrated spatial planning, including the evaluation of alternatives to such investments<sup>4</sup>;**

(c) To apply best practices on environmental impact assessments<sup>[1]</sup> and biodiversity mainstreaming to decisions, including those of public and private financial institutions, related to the approval of projects and investments in these sectors;

(d) To apply the mitigation hierarchy when planning and designing new projects and plans, **stressing the priority for avoiding negative impacts of these; and avoiding perverse incentives by advocating for offsetting<sup>5</sup>;**

(e) To review and, as appropriate, update legal frameworks, policies and practices to foster the mainstreaming of biodiversity [...] –

We consider this to be an important role of the Parties – also the actions specified in (i) [...].

<sup>4</sup> bold: important additions proposed by our organisations

<sup>5</sup> bold: important additions proposed by our organisations

(m) To integrate biodiversity and ecosystems functions and services in the planning and development of cities, including approaches to conserving, enhancing, restoring and sustainably using biodiversity and ecosystem functions and services in spatial planning across cities, landscapes and seascapes;

(n) To work with indigenous peoples and local communities and all relevant stakeholders across the public, private and civil society sectors in order to establish and strengthen coordination mechanisms to facilitate addressing the **underlying causes of biodiversity loss and foster biodiversity mainstreaming** across all sectors;

**[1] Including the voluntary guidelines on biodiversity-inclusive impact assessment adopted by the Conference of the Parties in its decision VIII/28.**

In the current draft, the NGOs represented by the WG Biological Diversity of the German NGO Forum on Environment and Development welcome in particular the mention of **undertaking a long-term strategic approach to mainstreaming biodiversity**, e.g. by **integrating this work into the development of the post-2020 global biodiversity framework** (Article 16), whereby we think that this should be done less by changing the Aichi targets than by decisions on improving implementation. The NGOs also welcome the establishment of the **Informal Advisory Group** and endorse its role as an advisory body in the development of a **long-term strategic approach to mainstreaming of biodiversity**.

We are proposing several amendments to the following paragraphs under Item 17:

<p>Page 115</p>	<p>5. <i>Recognizes</i> that, while policies and tools exist to address the conservation and sustainable use of biodiversity, there are still <b>ample</b> opportunities to mainstream biodiversity in the sectors of energy and mining, infrastructure, manufacturing and processing, including in relation to strategic planning, decision-making and economy-wide and sector-wide policies <b>as well as to revise subsidies</b>;</p>
<p>Page 116</p>	<p>6. <i>Also recognizes</i> that opportunities exist for the wider application of biodiversity-inclusive impact assessments and the integration of biodiversity considerations in risk assessments and risk communication, in particular strategic environmental assessment of policies, plans and programmes and the use of spatial planning at the national and regional levels, <b>as well as for adjusting legal frameworks so that all financial institutions are required to assess and disclose the financial impacts of biodiversity loss on their assets and portfolios and the methods that were used for calculating these financial impacts</b>;</p>

	<p>11. <i>Encourages</i> Parties, and other Governments and relevant stakeholders, notably public and private entities engaged in the energy and mining, infrastructure, manufacturing and processing sectors: <del>as relevant, in accordance with their national capacities and circumstances, priorities and regulations;</del></p> <p>(a) To <del>monitor of the trends</del>–within respective sectors regarding their potential impacts and dependencies on biodiversity with a view to identifying opportunities for mainstreaming biodiversity;</p>
Page 117	<p>(g) To promote and <b>put in place incentives and appropriate governance mechanisms that strengthen best practices and best available techniques</b> on sustainable consumption and production implemented in the energy and mining, infrastructure, manufacturing and processing, and other sectors <del>that favour conservation and sustainable use of biodiversity;</del></p>

Item 23. Conservation and sustainable use of pollinators. (CBD/COP/14/2, p. 121 ff.)

Through the findings of the IPBES Assessment Report on Pollinators, Pollination and Food Production, along with the results on the development of entomofauna in protected areas and a series of other impulses, the issue has developed a new dynamic that is very encouraging. One result of this development is that the International Initiative for the Conservation and Sustainable Use of Pollinators (FAO, SCBD and others) has presented a Plan of Action that addresses the variety and multiplicity of threats to pollinators and contains a very comprehensive bouquet of political and practical measures for ensuring their protection. These include an appropriate policy framework, practical measures, awareness-raising, monitoring and research. The important areas of pesticide regulation (A1.2) and the introduction of pollinator-friendly practices in farms and grasslands (A2.1) are provided for, along with practical actions for the public and measures for promoting bee health. The adoption of the (unchanged!) Annex by the CBD COP is of great significance, and Article 1 is the most important in the draft decision:

1. *Adopts* the Plan of Action 2018-2030 for the International Initiative for the Conservation and Sustainable Use of Pollinators as contained in annex I to the present decision, for implementation according to national circumstances;

We fully support this, as well as the rest of the draft decision, including Article 6, which calls on Parties to implement various measures. We also welcome the reference to wild pollinators in Articles 4 and 5.

However, we are concerned about the fact that measures related to a responsible approach to pesticide use and its reduction/avoidance whenever possible, unlike other measures from the Plan of Action, are not mentioned at all in the text of the decision itself. As is shown by recent findings from the Rhineland and numerous other studies, pesticide use plays a significant role in pollinator declines. The failure to mention this “elephant in the room” in the decision creates an imbalance in the text; as a result, the issue may not be sufficiently addressed. Therefore, we are proposing that the role of pesticides be mentioned as a separate point (a) or (e) under Paragraph 6, for example:

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6. *Encourages* Parties and *invites* other Governments:

(a) **To adopt the necessary regulations, strategies and incentives to avoid the registration and application of pesticides and other agricultural chemicals that are especially harmful to pollinators, and bring the use of others to levels that are non-detrimental to pollinators;**

(b) To encourage the private sector to take into consideration the activities listed in the Plan of Action and to work towards the achievement of more sustainable production and consumption systems;

Item 24. Spatial planning, protected areas and other effective area-based conservation measures. (CBD/COP/14/2, p. 134 ff.)

The NGOs support the move to finally provide a definition for the phrase “other effective area-based conservation measures” (OECM) from Aichi Target 11. In this context, it is important to recognise the areas managed by indigenous people, local communities or conservation organisations and include them in the protected-area target of Aichi Target 11 owing to the fact that they, like the officially defined areas, make a substantial contribution to the conservation of biological diversity and therefore should be differentiated from other area categories like natural parks, whose primary purpose is to make the respective area more attractive to tourists. In this context, the draft decision includes a list of criteria (Annex III B) for the identification of other effective area-based conservation measures. It is also important that the areas are able to provide biodiversity conservation in the long-term, not only to ensure that they can serve their purpose reliably and exhibit the respective sets of species and habitats, but also to take into account the fact that some habitats take decades or centuries to achieve their typical character.

We are **proposing an amendment** to Annex III of the draft decision on p. 145 in order to ensure that only areas that meet the criteria specified here will be identified as OECMs in the context of Aichi Target 11:

2. Role in achieving Aichi Biodiversity Target 11

(a) By definition, other effective area-based conservation measures **that fulfil the criteria in section B** contribute to both quantitative (i.e. the 17% and 10% coverage elements) and qualitative elements (i.e. representability, coverage of areas important for biodiversity, connectivity and integration in wider landscapes and seascapes, management effectiveness and equity) of Aichi Biodiversity Target 11;

In addition, the following passages are particularly important for us (highlighted for emphasis):

p. 134:

2. *Adopts* the following definition of “other effective area-based conservation measures”:

“Other effective area-based conservation measure” means “a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained **long-term** outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio–economic, and other locally relevant values”; [...]

8. *Invites* the International Union for Conservation of Nature and the World Conservation Monitoring Centre to expand the World Database on Protected Areas by providing a section on other effective area-based conservation measures; [...]

p. 143 ff, Annex III B (table)

Managed - Relevant authorities and stakeholders are identified and involved in management

In situ conservation of biological diversity - Recognition of other effective area-based conservation measures is expected to include the identification of the range of biodiversity attributes for which the site is considered important (e.g. communities of rare, threatened or endangered species, representative natural ecosystems, range restricted species, key biodiversity areas, areas providing critical ecosystem functions and services, areas for ecological connectivity).

#### Item 27. Synthetic biology.

The term synthetic biology refers to new genetic engineering technologies, such as CRISPR/Cas genome editing, with which it is possible to make even more radical changes to genomes than in the past. In spite of the obvious fact that the methodology, aim and issues include those of “classic” genetic engineering and although these technologies are also used for directly manipulating the genome of living organisms, industry claims that these technologies should no longer be regulated as genetic engineering. This would essentially soften the definition of genetic engineering!

Therefore, the NGOs feel that the Cartagena Protocol and the corresponding provisions, namely the precautionary principle, should be applied even more strictly than with classic genetic engineering. The organisations support the text of the draft decisions, **including the texts in brackets**. In Paragraph 3 it should be made clear that the text applies to developments in the field of genome editing, and Paragraph 4 specifies that new developments should be monitored on a regular basis to ensure consistency with the goals of the Convention:

3. *Agrees* that horizon scanning, monitoring and assessing of developments in the field of synthetic biology, **including those that result from genome editing,** 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 those of its Protocols;

**{4. *Decides* to establish a process and modalities for regular horizon scanning, monitoring and assessment of new developments in the field of synthetic biology, and also decides to establish a mechanism for regularly reporting the outcomes to the Subsidiary Body on Scientific, Technical and Technological Advice, the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.}**

Furthermore, we attach particular importance to Articles 10-12. Article 10 refers to the current uncertainties regarding engineered gene drives and calls upon all governments to apply a precautionary approach and refrain from the release of such organisms – at least for the time being. To keep this demand, the brackets would have to be removed from “**and refrain from**”, and the alternative version “with regard to” would have to be deleted:

10. *Calls upon* Parties and other Governments, taking into account the current uncertainties regarding engineered gene drives, **to apply a precautionary approach,**[1] in accordance with the



objectives of the Convention, ~~[with regard to]~~ **and refrain from** the release, including experimental release, of organisms containing engineered gene drives;

In Article 12 the principle of the FPIC must be preserved, and Article 13 calls upon the Parties to take all necessary precautionary measures to prevent contamination. Both paragraphs are important and should be adopted.

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[1] See decision XIII/17.

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