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72 *Emissions Gap Report 2018*, *ibid*. See also Global Carbon Project. 2018. "Global CO₂ emissions rise again in 2018 according to latest data". Online at https://www.globalcarbonproject.org/carbonbudget/18/files/Norway_CICERO_GCPBudget2018.pdf.

73 Stefanini, S. and Mathiesen, K. 2018. "Climate science on 1.5C erased at UN talks as US and Saudis step in". *Climate Home*, 8 December. Available at <https://www.climatechangenews.com/2018/12/08/climate-science-1-5c-erased-un-talks-us-saudis-step/>.

74 UNFCCC, Decision 1/CP.24. "Preparations for the implementation of the Paris Agreement and the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement". At para. 26. In UN Doc FCCC/CP/2018/10/Add.1.

75 See <https://talanoadialogue.com/>.

76 Decision 1/CP.24, *supra*, note 74. At para. 37.

77 This loose grouping of developed and developing countries includes the EU, Canada, New Zealand, Norway, Argentina, Costa Rica and Mexico.

78 High Ambition Coalition. 2018. "Statement on Stepping Up Climate Ambition". Press Statement, 12 December. Available at https://ec.europa.eu/clima/sites/clima/files/news/20181211_statement_en.pdf.

79 Allan *et al.*, *supra*, note 38, at 33. The Secretary-General's remarks were delivered by UNFCCC Executive Secretary Patricia Espinosa.

80 The summit, which will be held on 23 September 2019, aims to bring together government, business and civil society leaders with a view to increasing climate ambition and action. See <http://www.un.org/en/climatechange/un-climate-summit-2019.shtml>.

81 "Greta Thunberg full speech at UN Climate Change COP24 Conference". Available at <https://www.youtube.com/watch?v=VFkQSGyeCWg>, from 2:10.



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Convention on Biological Diversity

The 2018 UN Biodiversity Conference

by Elsa Tsioumani¹

Held from 17–29 November 2018, in Sharm El-Sheikh, Egypt, the UN Biodiversity Conference gathered more than 3,800 participants, who attended the 14th meeting of the Conference of the Parties (COP-14) to the Convention on Biological Diversity (CBD);¹ the ninth meeting of the COP serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (COP/MOP-9);² the third meeting of the COP serving as the Meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization (COP/MOP-3);³ and several parallel meetings and side-events.⁴ The African Ministerial Summit on Biodiversity was held on 13 November, and a High-level Segment on 14–15 November.

The conference theme was "Investing in Biodiversity for People and Planet". The lion's share of attention focused on the review of implementation of the Aichi targets of the Strategic Plan for Biodiversity 2011–2020 and preparations for the process to develop the post-2020 global biodiversity framework, together with issues related to the governance of new and emerging technologies. On these and other strategic, administrative, financial, cross-cutting and ecosystem-related matters, COP-14 adopted a series of decisions of relevance to the implementation of the Convention and its Protocols.

The Conference's other tangible outcomes sought to promote integration of the Convention's processes, and assist in national implementation. These outcomes include:

- procedures for avoiding or managing conflicts of interest in expert groups;
- voluntary guidance on the integration of protected areas and other effective area-based conservation measures into wider land- and seascapes;

- voluntary guidance on effective governance models for equitable management of protected areas;
- scientific and technical advice on other effective area-based conservation measures;
- voluntary guidelines for the design and effective implementation of ecosystem-based approaches to climate change adaptation and disaster-risk reduction;
- an updated plan of action 2018–2030 for the International Initiative on the Conservation and Sustainable Use of Pollinators;
- voluntary guidance for the sustainable wild meat sector; and
- the "Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge of Indigenous Peoples and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity".

This report will address selected developments of relevance to international environmental law and policy, focusing on the main outcomes as outlined above.

Assessment of Progress Towards Selected Aichi Targets

The Strategic Plan for Biodiversity 2011–2020 (October 2010, Nagoya, Japan) included 20 targets (the Aichi targets) organised under five strategic goals: addressing the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society; reducing the direct pressures on biodiversity and promoting sustainable use; improving the status of biodiversity by safeguarding ecosystems, species and genetic diversity; enhancing the benefits to all from biodiversity and ecosystem services; and enhancing implementation through participatory planning, knowledge management and capacity building.

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At COP-14, delegates expressed deep concern that most of the Aichi targets are not on track to be achieved by 2020. In the absence of further significant progress, this failure will also jeopardise the achievement of the Sustainable Development Goals (SDGs) and ultimately the planet's life-support systems. It urged Parties to accelerate significantly their efforts to implement the Strategic Plan and to consider undertaking national assessments of biodiversity and ecosystem functions and services. It also requested that the Secretariat communicate through the UN system, including the High-Level Political Forum on Sustainable Development and relevant multilateral environmental agreements, that failing to achieve the Strategic Plan jeopardises the attainment of the 2030 Agenda for Sustainable Development.

In a decision⁵ that began by noting the need to enhance political, technical and financial support, technology transfer, and capacity building, the COP urged Parties to take urgent action by 2020 on those Aichi targets for which progress needs to be accelerated. The following are a few highlights among the actions that Parties and others are urged and invited to undertake:

- Target 1 (awareness of the values of biodiversity and possible steps to conserve and use it sustainably): to develop communication strategies and tools for education and awareness raising as a means to promote behavioural change for the conservation and sustainable use of biodiversity.
- Target 3 (incentives and subsidies): to eliminate, phase out or reform perverse incentives that contribute to biodiversity degradation and to apply positive incentives that reward the adoption of sustainable practices.
- Target 5 (loss, degradation and fragmentation of natural habitats, including forests): to take further efforts to address regional forest degradation and deforestation, and to reduce the loss and degradation of other ecosystems.
- Target 7 (sustainable management of agricultural areas): to promote the conservation and sustainable use of soil biodiversity and to improve enforcement and monitoring of sustainable forest management and the sustainability of the timber trade.
- Targets 11 (protected areas conservation) and 12 (species conservation): to “focus on the protection, management and conservation of the most significant areas for biodiversity, ... through protected areas, other effective area-based conservation measures and specific species conservation measures”.
- For Target 13 (genetic diversity): to “avoid further reduction in genetic variation among breeds of farmed and domesticated animals, and promote *in-situ* conservation in centres of origin and genetic diversity”.
- For Target 19 (biodiversity-related knowledge): to “further promote and facilitate the mobilization of open-access biodiversity-related data and information, considering the voluntary guidance to improve the accessibility of biodiversity data and information adopted at COP-13”.⁶

Over the next two years, the international community will review successes and failures in the context of the implementation of the Strategic Plan and negotiate a global biodiversity framework for the post-2020 era, while continuing to address the impacts of new technologies on biodiversity conservation and sustainable use, and fair and equitable benefit sharing. An intersessional open-ended working group will deliberate on the post-2020 global biodiversity framework, taking into consideration a wealth of scientific assessments and related knowledge as well as other global commitments including the SDGs. In addition, as discussed in more detail below, expert groups will continue work on synthetic biology and on digital sequence information (DSI) on genetic resources.

Review Mechanisms

The Convention's “multidimensional review approach” with regard to implementation is built around the voluntary peer review of Parties' national implementation efforts, in an effort to promote international dialogue on national implementation approaches with focus on peer learning, and sharing of experiences and challenges. It is not tied to any sort of process for examination of compliance.

In its decision on review mechanisms,⁷ the COP reasserted the goal of the voluntary peer-review process – to help Parties improve their individual and collective capacities to implement the Convention more effectively. It formally decided “to include the voluntary peer review as an element of the multidimensional review approach under the Convention”, and requested the Executive Secretary to facilitate its operationalisation to include this process as an element of the multidimensional review approach. Specifically, and subject to the availability of resources, the Secretariat was asked to take the following actions, in conjunction with the Subsidiary Body on Implementation (SBI):

- further develop options to enhance review mechanisms, including an analysis of strengths and weaknesses and an indication of possible costs, benefits and burdens;
- prepare for, and organise, the testing of a Party-led review process through an open-ended forum, including by developing guidance for the voluntary delivery of review reports; and
- invite voluntary submission of review reports for testing the open-ended forum.

The decision also called for further consultation with Parties and other stakeholders as well as the open-ended inter-sessional working group on “possible modalities for applying approaches to enhancing the review of implementation in the process for the development of the post-2020 global biodiversity framework” and to submit to the SBI at its third meeting, a report that includes a list of candidates nominated to serve on the review teams.

Conflicts of Interest

Concluding a multi-session discussion, COP-14 adopted a procedure for avoiding or managing conflicts

of interest, which aims to enhance transparency and to contribute to ensuring the scientific integrity and independence of the work of expert groups.⁸ As used in the decision, “conflict of interest” refers to “any current circumstances or interest that could lead a person to reasonably believe that an individual’s objectivity in carrying out his or her duties and responsibilities for a specific expert group may be in question or that an unfair advantage may be created for any person or organization” and is differentiated from “bias”.⁹ The procedure is of particular interest to the work of the Convention and its Protocols on technological innovation, such as modern biotechnology, synthetic biology, and DSI, due to the strong interest of industry and academia in such technological applications.

Among other requirements, each expert is expected to disclose any situations, financial or otherwise, that might be perceived as affecting the objectivity and independence of their contribution. When any person is nominated for membership to an expert group, the nomination must be accompanied by that person’s “interest disclosure form”. The Secretariat will review the information provided, with the mandates to identify potential conflicts of interest and clarify the steps the nominee proposes to take to manage the potential conflict. At this point, the Secretariat may seek further information from any nominated expert or from the Party or observer that made the nomination, if needed, then submit all such information to the relevant Bureau, which shall make the final decision.¹⁰

Preparation of the Post-2020 Global Biodiversity Framework

The COP adopted a preparatory process for the development of the post-2020 framework and established an open-ended intersessional Working Group, co-chaired by Francis Ogwal (Uganda) and Basile van Harve (Canada). This Working Group will negotiate the post-2020 framework, taking into consideration input from a variety of sources, including for instance national reports, the *Global Biodiversity Outlook*, and contributions from indigenous peoples and local communities, as well as the recommendations of SBSTTA, SBI and the Working Group on Article 8(j). It will also consider the outcomes of the *ad hoc* technical expert group (AHTEG) established by the COP to address DSI (discussed below).

In its decision on the preparatory process,¹¹ the COP urges Parties and invites others to provide timely financial contributions and other support, including by offering to host global, regional, sectoral or thematic consultations. It also invites Parties and encourages indigenous peoples and local communities and stakeholders to consider developing biodiversity commitments that contribute to the achievement of the three CBD objectives and to an effective post-2020 framework. It further invites the UN General Assembly to convene a high-level biodiversity summit in 2020, to raise the political visibility of biodiversity and its contribution to the 2030 Agenda for Sustainable Development.

The document outlining the preparatory process, annexed to the decision, specifically discusses the overarching principles guiding the process; the organisation of its work; the consultation process; documentation; key information sources; communication and outreach; and resource and logistic requirements. It envisages at least two sessions of the Working Group, with possible additional meetings, subject to available funding.

Digital Sequence Information on Genetic Resources

The question of whether the Nagoya Protocol on Access and Benefit Sharing (ABS), as well as other relevant CBD provisions, apply to DSI on genetic resources has emerged as a major topic of deliberations in the CBD processes and in the processes of the International Treaty on Plant Genetic Resources for Food and Agriculture.¹²

The discussions on DSI emerged upon the realisation that, as a result of rapid developments in bioinformatics and sequencing technology in recent years, genetic material is increasingly sequenced and stored in publicly available databases, to be used for research and development purposes. Access to such sequences can often replace access to the physical genetic resources from which the sequences were originally obtained. The main question is thus whether benefits arising from the use of DSI should be shared according to the provisions of CBD Article 15 and the Nagoya Protocol.

The issue of DSI is expected to hold a central position also in the negotiations on the post-2020 framework, as many developing country Parties argue that use of DSI may result in bypassing the benefit-sharing obligations enshrined in the Nagoya Protocol. Some developed countries counter that DSI falls outside the scope of the Nagoya Protocol, which addresses utilisation of physical genetic resources containing “functional units of heredity”. Developing countries call for a dynamic interpretation of the Protocol’s scope, arguing that unless DSI is addressed, there is a risk of the Protocol (adopted in 2010) already becoming obsolete. Others argue more directly that the sequencing process and the use of its products may qualify as “utilization” of genetic resources and/or their derivatives, which triggers the Nagoya Protocol’s benefit-sharing obligation.

Deliberations at the meeting addressed this issue as a longer-term process, discussing the need for future work. The COP noted the divergence of views among Parties and decided to establish a science and policy-based process for further deliberations.¹³ It began that process by formally inviting governments and others to submit their views and information to clarify the concept, including on such matters as:

- relevant terminology and scope;
- if and how domestic ABS measures and benefit-sharing arrangements already consider DSI; and
- capacity-building needs.

It also established an extended AHTEG on DSI and called on the Secretariat, in addition to compiling and

synthesising the views and information submitted, to commission a range of “science-based peer-reviewed fact-finding studies”, including basic discussions of:

- the current state of the concept and scope of DSI;
- on-going developments in the field of traceability through databases;
- public and private databases of DSI; and
- how domestic law already addresses benefit sharing arising from commercial and non-commercial use of DSI on genetic resources.

The Secretariat will then convene a meeting of the AHTEG, which will submit its outcomes for consideration by the open-ended intersessional Working Group on the Post-2020 Global Biodiversity Framework, discussed above, for incorporation into the draft framework, which will be deliberated and adopted at COP-15.

Traditional Knowledge: The *Rutzolijirisaxik* Voluntary Guidelines

A major step in the Conference was the COP’s adoption of the *Rutzolijirisaxik* Voluntary Guidelines for the repatriation of traditional knowledge, as developed and negotiated by the Working Group on Article 8(j). Following adoption, two delegations made formal statements regarding the legal impact of the guidelines. The delegation of the Republic of Korea, noting first that the Korean people hold traditional knowledge for medicinal and other purposes, stated that, while not objecting to the guidelines, the country cannot fully apply them, especially provisions on publicly available traditional knowledge and benefit sharing. Switzerland also stated that the guidelines go beyond their legal system especially in regard to retroactivity of provisions, which would lead to legal uncertainty and that they would not be able to apply them.¹⁴

The COP decision,¹⁵ therefore, invited Parties and others to use the guidelines, as appropriate, in their efforts to repatriate and restore traditional knowledge to the original knowledge holders, and, where applicable, to facilitate the equitable sharing of benefits arising from its use, in particular through mutually agreed terms.

The objective of the *Rutzolijirisaxik* Voluntary Guidelines is to facilitate the repatriation of the traditional knowledge of indigenous peoples and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biodiversity, without limiting or restricting its on-going use and access, unless under mutually agreed terms. “Repatriation” in this context means “the return of knowledge, innovations and practices of indigenous peoples and local communities to where it originated or was obtained for the recovery, revitalization, and protection of knowledge on biological diversity”. The decision adopting them included a series of examples of good practices and actions to repatriate traditional knowledge, as advice to institutions and entities where traditional knowledge and related information may be held, including, *inter alia*, government departments, international organisations, museums, botanical gardens, databases, gene banks, libraries,

private collections and information services. Mechanisms that may aid in the repatriation of traditional knowledge include community-to-community exchanges and knowledge-sharing platforms.

Sustainable Wildlife Management

The COP adopted another decision containing voluntary guidance, in this case addressing “sustainable wildlife management for a sustainable wild meat sector”.¹⁶ The decision noted that the adopted guidance “can contribute to improving integrated wildlife management aspects reflected in Sustainable Development Goals 2 and 15” and suggested that it could enhance policy coherence across biodiversity-related conventions and other conservation agreements.

The annexed guidance itself is aimed at enhancing governance for a sustainable, participatory and inclusive wild meat sector in the tropics and subtropics. It presents interventions specific to rural, urban and international contexts, with the goal of helping reduce the loss of biodiversity (particularly wild species used for food), and improving the sustainable use of wild meat. It supports the work of the Parties and relevant organisations and initiatives that seek to ensure that the supply of wild meat is sustainably and legally managed at the source; reduce demand for unsustainably managed and/or illegal wild meat in towns and cities; and create an enabling environment for the sustainable management of wild meat.

It includes suggestions on the review of existing policies and legal frameworks; strengthening law enforcement capacity; and developing and strengthening participation of indigenous peoples and local communities, non-governmental organisations, the private sector and other relevant stakeholders. In addition to other mitigation measures, it suggests steps for reducing demand for unsustainably managed and/or illegal wild meat in cities and towns, in the form of demand-reduction strategies for unsustainably managed wildlife; an increase in the availability of sustainably produced and sustainably harvested substitutes; and the promotion of responsible consumption through certification of sustainably-sourced wild meat. It also calls for increased international collaboration; acknowledgement of the legitimate role of wild meat; and creation of regional and national monitoring frameworks for wild meat to inform policy and legal interventions.

Biodiversity and Climate Change Adaptation

Following lengthy negotiations, the COP adopted a decision which began by expressing deep concern regarding the risk to many species and ecosystems, if countries fail to hold the global temperature increase to less than 2°C above pre-industrial levels. They noted concerns regarding escalating destruction, degradation, destabilisation and fragmentation of ecosystems, which would reduce their capacity to store carbon, leading to increases in greenhouse gas emissions and reduced resilience.¹⁷

It went on to adopt “Voluntary Guidelines for the Design and Effective Implementation of Ecosystem-Based Approaches to Climate Change Adaptation and Disaster Risk Reduction”, which included the following main headings: “Principles and safeguards”; “Overarching considerations for [ecosystem-based adaptation] and [ecosystem-based disaster risk reduction] design and implementation” and “Stepwise approach to design and implementation of effective [ecosystem-based adaptation] and [ecosystem-based disaster risk reduction]”. These guidelines state that ecosystem-based approaches to climate change adaptation and disaster risk reduction are holistic approaches that use biodiversity, and ecosystem functions and services, to manage the risks of climate-related impacts and disasters. Using biodiversity and ecosystem functions and services as part of an overall adaptation strategy contributes to the wellbeing of societies, including indigenous peoples and local communities, and helps people adapt to the adverse effects of climate change. It aims to maintain and increase the resilience and reduce the vulnerability of ecosystems and people in the face of the adverse effects of climate change. Ecosystem-based disaster risk reduction is the holistic, sustainable management, conservation and restoration of ecosystems to reduce disaster risk, with the aim of achieving sustainable and resilient development.

Conservation and Sustainable Use of Pollinators

The COP adopted an updated “Plan of Action 2018–2030 for the International Initiative for the Conservation and Sustainable Use of Pollinators”. In this decision,¹⁸ the COP urged Parties to address the drivers behind the decline of wild and managed pollinators in all ecosystems, and invited the UN Food and Agriculture Organization to facilitate the implementation of the Plan of Action.

The overall objective of this Plan of Action is to promote coordinated action worldwide to safeguard wild and managed pollinators and promote the sustainable use of pollination functions and services, which is a recognised vital ecosystem service for agriculture and for the functioning and health of ecosystems. Suggested activities address the integration of pollinator-related policies into broader sustainable development agendas; the implementation of effective pesticide regulation; control of the trade and movement of managed pollinators; co-design (with farmers, beekeepers and others) and implementation of pollinator-friendly practices in farms, grasslands and urban areas; promotion of connectivity, conservation, management and restoration of pollinator habitats; public awareness actions; and business and supply-chain engagement.

Protected Areas and Other Effective Area-Based Conservation Measures

Another COP decision¹⁹ adopted a series of instruments on protected areas, and “other effective area-based conservation measures”. The latter term was used

to refer to geographically defined areas other than protected areas, which are “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”. This decision adopted and annexed, *inter alia*, three guidance documents, two of which are specifically called “voluntary guidance”:

- “Voluntary Guidance on the Integration of Protected Areas and Other Effective Area-Based Conservation Measures into Wider Land- and Seascapes and Mainstreaming Across Sectors to Contribute, *inter alia*, to the Sustainable Development Goals”;
- “Voluntary Guidance on Effective Governance Models for Management of Protected Areas, Including Equity, Taking into Account Work Being Undertaken under Article 8(j) and Related Provisions”;
- and
- “Scientific and Technical Advice on other Effective Area-Based Conservation Measures”.

The first of these includes suggested steps for enhancing and supporting integration, and suggested steps for enhancing and supporting mainstreaming; the second on governance diversity, and effective and equitable governance models; and the third contains two components: a set of “Guiding Principles and Common Characteristics” of other effective area-based conservation measures, and lists of criteria for identification of such measures that may apply to a particular area or conservation objective.

The decision also includes a fourth Annex, listing “Considerations in Achieving Aichi Target 11 in Marine and Coastal Areas”. This annex breaks out the main types of area-based conservation measures in marine and coastal areas; and lists potential approaches for accelerating the progress of the achievement of conservation targets with respect to marine/coastal ecosystems.

Synthetic Biology

Like the deliberations on DSI, those on synthetic biology focused on process and future work in the context of the Convention and its Protocols. The decision adopted includes the terms of reference of the AHTEG and specifically refers to gene drives and genome editing.²⁰ In particular, the COP noted the need for “broad and regular horizon scanning, monitoring, and assessing of the most recent technological developments” on the impacts of synthetic biology *vis-à-vis* the objectives of the Convention and of the Cartagena and Nagoya Protocols. In light of “current uncertainties regarding engineered gene drives”, its decision called for a precautionary approach, asking that Parties and others only consider introducing organisms containing engineered gene drives into the environment following scientifically sound case-by-case risk assessments and with the inclusion of risk management measures. It also called for “prior and informed consent” (PIC), “free

PIC” or “approval and involvement” of potentially affected indigenous peoples and local communities, as appropriate, and where appropriate. Operative measures in the decision extended the AHTEG, with new terms of reference that include within the scope of its consideration, *inter alia*, “concrete applications of genome editing if they relate to synthetic biology, in order to support a broad and regular horizon scanning process”.

The COP/MOPs

Deliberations by the Protocols’ respective COP/MOPs focused mainly on future work:

- The Cartagena Protocol on Biosafety established an AHTEG on risk assessment and risk management.
- The Nagoya Protocol COP/MOP
 - recognised that cooperation with the World Health Organization and the relationship of the Protocol with the Pandemic Influenza Preparedness (PIP) Framework has emerged as a crucial issue with regard to exchange of pathogens and linkages between ABS requirements and public health issues; and
 - determined that intersessional work will continue on two implementation issues: “specialized” international ABS instruments as mentioned in Article 4(4) of the Protocol, and the establishment of a global multilateral benefit-sharing mechanism as set forth in Article 10.

Outlook

All intersessional work in the biennium is expected to converge on the development of the post-2020 global biodiversity framework. All options are still open on its structure and content, suggesting a range of questions. Will it be another strategic plan with new targets? Will it integrate voluntary commitments, and how? Will it address new and emerging technologies? Will it embrace novel governance models? The next COP and COP/MOP meetings will be in 2020. It is expected that the UN Biodiversity Conference will be held in October 2020 in Kunming, China.

Notes

- 1 The CBD was adopted on 22 May 1992, opened for signature on 5 June 1992 at the UN Conference on Environment and Development in Rio de Janeiro, Brazil, and entered into force on 29 December 1993. It currently has 196 Parties. The COP is its governing body and it has three other subsidiary bodies: the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA); the Working Group on Article 8(j) (traditional knowledge) and related provisions; and the Subsidiary Body on Implementation (SBI).
- 2 The Cartagena Protocol on Biosafety (January 2000, Montreal, Canada) entered into force on 11 September 2003 and currently has 171 Parties. It is supported by the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety (October 2010, Nagoya, Japan), which entered into force on 5 March 2018 and currently has 42 Parties.
- 3 The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization (October 2010, Nagoya) entered into force on 12 October 2014 and currently has 116 Parties.
- 4 The decisions of CBD COP-14 are available at <https://www.cbd.int/decisions/cop/?m=cop-14>; and the decisions of Nagoya Protocol COP/MOP-3 are available at <https://www.cbd.int/decisions/cop/?m=np-mop-03>. The IISD Reporting Services summary report of the meeting (Tsioumani, E., Appleton, A., Finnegan, L., Rude, A., Schabus, N. and Tsioumanis, A. 2018. “Summary of the UN Biodiversity Conference: 13-29 November 2018”. *Earth Negotiations Bulletin* 9(725)) is available at <http://enb.iisd.org/download/pdf/enb09725e.pdf>. Except as specifically noted, all decisions and reports cited below are accessible from the above websites. In addition, the daily IISD reports from the meeting are available at <http://enb.iisd.org/biodiv/cop14/enb/>; and the decisions of Cartagena Protocol COP/MOP-9 are available at <https://www.cbd.int/decisions/cop/?m=cp-mop-09>.
- 5 COP Decision 14/1.
- 6 The guideline referred to in that clause, “Voluntary Guidance to Improve the Accessibility of Biodiversity Related Data and Information” is contained in the Annex to COP Decision XIII/31. Available at <https://www.cbd.int/decisions/cop/?m=cop-13>.
- 7 COP Decision 14/29.
- 8 COP Decision 14/33.
- 9 As set out in clause 1.4 of the “Procedure for Avoiding or Managing Conflicts of Interest”, annexed to Decision 14/33, *ibid.*, “[b]ias” refers to a point of view or perspective that is strongly held regarding a particular issue or set of issues. Holding a view that one believes to be correct but that one does not stand to gain from personally, does not necessarily constitute a conflict of interest but may be a bias”.
- 10 The COP, both COP/MOPs, SBSTTA and the SBI each is overseen by an elected Bureau.
- 11 COP Decision 14/34.
- 12 The International Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Thirty-First Session of the Conference of the Food and Agriculture Organization of the United Nations on 3 November 2001. The Treaty text, as well as reports, documents and decisions of its Governing Body, are online at <http://www.fao.org/plant-treaty/overview/en/>.
- 13 COP Decision 14/20; NP COP/MOP Decision 3/12.
- 14 IISD Summary report, *supra*, note 4.
- 15 COP Decision 14/12.
- 16 COP Decision 14/7.
- 17 COP Decision 14/5.
- 18 COP Decision 14/6.
- 19 COP Decision 14/8.
- 20 COP Decision 14/19.



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