

Extraordinary Meeting of the Conference of the Parties to the Convention on Biodiversity and the Meetings of the Parties to the Cartagena and Nagoya Protocols: 16-19 and 25-27 November 2020

The 2020 UN Biodiversity Conference was originally scheduled to take place in Kunming, China, in October 2020. But, like most multilateral meetings in 2020, the conference was postponed due to the COVID-19 pandemic. However, the Convention on Biological Diversity (CBD) still needed its parties to convene to pass an interim budget for 2021 since the current budget for the Secretariat runs out on 31 December 2020 and there is a pressing need to keep the Secretariat operating and enable parties to pay their dues in 2021.

Thus, the second extraordinary meeting of the CBD Conference of the Parties (ExCOP 2), the first extraordinary meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (CP ExCOP/MOP 1) and the first extraordinary meeting of the Conference of the Parties 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 (NP ExCOP/MOP 1) convened in a virtual setting.

The meeting was formally opened on Monday, 16 November 2020, by the presentation of the draft budget. Parties were given 72 hours to raise any objections in writing. If no objections were raised, the budget would be considered adopted. On Thursday, 19 November 2020, COP 14 President Yasmine Fouad, Minister of Environment, Egypt, announced a brief suspension of the meeting until 25 November 2020 for further consultations among parties to resolve a written objection. After another 48-hour “silence procedure,” on Friday, 27 November 2020, President Fouad announced the successful adoption of the budget and closed the ExCOP by written communication.

A Brief History of the Convention on Biological Diversity

The CBD was adopted on 22 May 1992 and opened for signature on 5 June 1992 at the UN Conference on Environment and Development (the Rio “Earth Summit”). The CBD entered into force on 29 December 1993. There are currently 196 parties to the Convention, which aims to promote the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources.

The COP is the governing body of the Convention, and there are currently four bodies meeting intersessionally: the Subsidiary Body on Scientific, Technical and Technological Advice

(SBSTTA); the Working Group on Article 8(j) and Related Provisions; the Subsidiary Body on Implementation (SBI); and the Open-ended Working Group (OEWG) on the post-2020 global biodiversity framework (GBF).

Key Turning Points

Three protocols have been adopted under the Convention. The Cartagena Protocol on Biosafety (January 2000, Montreal, Canada) addresses the safe transfer, handling, and use of living modified organisms (LMOs) that may have adverse effects on biodiversity, taking into account human health, with a specific focus on transboundary movements. It entered into force on 11 September 2003 and currently has 173 parties. The Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety (October 2010, Nagoya, Japan) provides for international rules and procedures on liability and redress for damage to biodiversity resulting from LMOs. It entered into force on 5 March 2018 and currently has 48 parties.

The Nagoya Protocol on Access and Benefit-sharing (October 2010, Nagoya) sets out an international framework for the fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources and transfer of relevant technologies, taking into account all rights over those resources and technologies, and by appropriate funding, thereby contributing to the conservation of biodiversity and the sustainable use of its components. It entered into force on 12 October 2014 and currently has 128 parties.

Other major decisions have included:

- the Jakarta Mandate on marine and coastal biodiversity (COP 2, November 1995, Jakarta, Indonesia);
- work programmes on agricultural and forest biodiversity (COP 3, November 1996, Buenos Aires, Argentina);

In this Issue

A Brief History of the Convention on Biological Diversity	1
ExCOP Report	3
Process for Adopting the Interim Budget for 2021	3
Decision on the Interim Budget for 2021	3
A Brief Analysis of the ExCOP	4
Upcoming Meetings	4
Glossary	4

- the Global Taxonomy Initiative (COP 4, May 1998, Bratislava, Slovakia);
- work programmes on Article 8(j), dry and sub-humid lands, and incentive measures (COP 5, May 2000, Nairobi, Kenya);
- the Bonn Guidelines on Access and Benefit-sharing and the Global Strategy for Plant Conservation (COP 6, April 2002, The Hague, the Netherlands);
- work programmes on mountain biodiversity, protected areas, and technology transfer, the Akwé: Kon Guidelines for cultural, environmental, and social impact assessments, and the Addis Ababa Principles and Guidelines for sustainable use (COP 7, February 2004, Kuala Lumpur, Malaysia);
- a work programme on island biodiversity (COP 8, March 2006, Curitiba, Brazil);
- a resource mobilization strategy, and scientific criteria and guidance for marine areas in need of protection (COP 9, May 2008, Bonn, Germany);
- the Strategic Plan for Biodiversity 2011–2020, including the Aichi Biodiversity Targets, and a decision on activities and indicators for the implementation of the resource mobilization strategy (COP 10, October 2010, Nagoya, Japan); and
- an interim target of doubling biodiversity-related international financial resource flows to developing countries by 2015, and at least maintaining this level until 2020, coupled with targets aiming to improve the robustness of baseline information (COP 11, October 2012, Hyderabad, India); and
- a plan of action on customary sustainable use of biodiversity as well as the “Pyeongchang Roadmap,” a package of decisions on resource mobilization, capacity building, and scientific and technical cooperation linking biodiversity and poverty eradication, and monitoring implementation of the Strategic Plan (COP 12, October 2014, Pyeongchang, South Korea).

COP 13 (December 2016, Cancún, Mexico) considered: issues related to operations of the Convention, including integration among the Convention and its Protocols; progress towards implementation of the Strategic Plan and the achievement of the Aichi Targets, and related means of implementation; strategic actions to enhance the implementation of the Strategic Plan and achievement of the Aichi Targets, including with respect to mainstreaming biodiversity within and across sectors, particularly in agriculture, fisheries, tourism, and forestry; and biodiversity and human health interlinkages. It also launched consideration of a series of items on emerging technologies, including synthetic biology, gene drives, and digital sequence information (DSI).

COP 14 (November 2018, Sharm El-Sheikh, Egypt) set up an intersessional OEWG on the post-2020 GBF, and established an intersessional process, including an *Ad Hoc* Technical Expert Group to continue work on DSI on genetic resources under the Convention and the Nagoya Protocol. COP 14 further adopted the Rutzolijirisaxik voluntary guidelines for the repatriation of traditional knowledge relevant for the conservation and sustainable use of biological diversity as well as voluntary guidelines and guidance: on the integration of protected areas and other effective area-based conservation measures into wider land- and seascapes; on effective governance models for management of protected areas, including equity; for the design and effective implementation of ecosystem-based approaches to climate change adaptation and disaster risk reduction; for a sustainable wild meat sector; and for avoiding unintentional introductions of invasive alien species associated with trade in live organisms.

Towards a Post-2020 Global Biodiversity Framework

At COP 14, parties adopted decision 14/34, which set forth a comprehensive and participatory process to update the Convention’s Strategic Plan, and established an Open-ended Intersessional Working Group on the Post-2020 Global Biodiversity Framework to update the Strategic Plan and develop a new post-2020 GBF. This Working Group (WG) is tasked with advancing preparations for the development of the framework to be adopted at the postponed COP 15. Francis Ogwal (Uganda) and Basile van Havre (Canada) are the Co-Chairs. The framework is expected to set global goals and targets to reverse the negative trend of biodiversity loss.

The first meeting of the WG on the GBF, which took place from 27–30 August 2019 in Nairobi, Kenya, deliberated on the structure of the framework and the future work of the WG. The WG adopted conclusions of the meeting compiled by Co-Chairs Ogwal and van Havre and the Report of the Meeting, which reflects decisions made by the WG including agreement on:

- a non-paper on possible elements of the GBF;
- the preliminary list of meetings, consultations, and workshops for the development of the GBF;
- the dates and venue of the second and third meetings of the WG;
- submissions on the structure of the GBF to be submitted to the Secretariat;
- the provision of a zero-draft text of the GBF six weeks before the second meeting of the WG;
- a detailed workplan to be prepared by the Co-Chairs and the Secretariat, to be presented at the informal briefing of the Co-Chairs during SBSTTA-23; and
- a request to SBSTTA to provide guidance on specific goals, targets, indicators, baselines, and monitoring frameworks related to the drivers of biodiversity loss for achieving transformative change, within the scope of the three objectives of the Convention.

The second meeting took place from 24–29 February 2020 in Rome, Italy. Participants commented on the zero draft of the GBF that was released in January 2020 and approved the final recommendation of the meeting compiled by the Co-Chairs. In the recommendation, the WG, *inter alia*:

- notes the progress made during its second meeting, as reflected in the text annexed to the report of the meeting;
- invites SBSTTA-24 to provide elements for the development of the GBF for consideration by the third WG meeting;
- invites SBSTTA to provide a scientific and technical review of updated goals and targets, and related indicators and baselines;
- requests the WG Co-Chairs and the Secretariat to prepare a document, updating the elements of the draft framework that were reviewed by the second WG, and to update the tables in the appendices to the draft framework;
- requests the Secretariat to provide scientific and technical information to support the SBSTTA’s review, including an analysis of linkages with the Sustainable Development Goals (SDGs); and
- requests the WG Co-Chairs and the Secretariat to prepare a first draft of the GBF.

On 30 September 2020, a Biodiversity Summit was held virtually at UN Headquarters in New York with statements by 48 Heads of State and Government and Ministers. Participants focused on the theme “Urgent Action on Biodiversity for Sustainable Development,” to highlight the urgency of action at the highest levels in support of a post-2020 GBF that contributes to the 2030 Agenda for Sustainable Development and places the

global community on a path towards realizing the 2050 Vision for Biodiversity, “Living in harmony with nature.”

The third meeting of the WG on the GBF, which is expected to develop a text of the framework for consideration at COP 15, has been postponed until 2021.

ExCOP Report

To ensure that both the operations of the CBD Secretariat and the meetings of CBD bodies can continue beyond 2020, the COP Bureau reviewed the situation, considered different scenarios, and recommended convening an extraordinary meeting of the COP to agree on an interim budget for 2021. This proposal was supported by 93 parties to the CBD (including 85 parties to the Cartagena Protocol and 65 parties to the Nagoya Protocol), which represented the necessary quorum of at least one-third of the parties (rule 4.3 of the rules of procedure for meetings of the COP).

Since the COVID-19 pandemic prevented meeting in person, the parties agreed to approve the interim budget through the “silence procedure,” also known as “written procedure” or “no objection procedure,” which is only feasible after prior consultations or negotiations.

An informal budget group of representatives of parties was formed and held five consultations between 12 October and 12 November 2020 via teleconference. Consultations were based on a working document prepared by CBD Executive Secretary Elizabeth Mrema (CBD/ExCOP/2/2, CBD/CP/ExMOP/1/2, and CBD/NP/ExMOP/1/2). The informal group was chaired by Spencer Thomas (Grenada). The COP Bureau conducted consultations with parties in their respective regions to identify representatives of parties to the CBD who would take part in the informal group.

It is understood that when COP 15 convenes it will consider the full budget for the 2021-2022 biennium, or for any other period as the COP may decide, in line with the Financial Rules.

The annotated provisional agenda for the ExCOP (CBD/ExCOP/2/1/Add.1, CBD/CP/ExMOP/1/1/Add.1, and CBD/NP/ExMOP/1/1/Add.1) was prepared in agreement with COP 14 President Fouad in line with rules 8 and 13 of the rules of procedure, while parties, organizations, and other stakeholders were notified in accordance with rules 6 and 7.

Process for Adopting the Interim Budget for 2021

On Monday, 16 November, at 7:00 am Montreal time (UTC-5), COP 14 President Fouad circulated draft decisions on the budget for a period of 72 hours (CBD/ExCOP/2/L.2, CBD/CP/ExMOP/1/L.2, and CBD/NP/ExMOP/1/L.2). The Annex to the President’s Opening Communication (CBD/ExCOP/2/L.3, CBD/CP/ExMOP/1/L.3, and CBD/NP/ExMOP/1/L.3) described the applicable procedure in detail and made clear that if the silence was not broken by a registered representative of a party during the given timeframe, the ExCOP decision would be considered adopted.

As agreed by the parties, the adoption of the agenda by each body was considered to have occurred at the time when the Opening Communication was released. On Thursday, 19 November 2020, after the 72 hours of the silence procedure had expired, President Fouad announced that a comment submitted by the Government of Brazil seeking the insertion of footnotes in the draft budget decisions constituted an objection, which meant that the ExCOP needed to be suspended for six days to enable further consultations among parties (CBD/ExCOP/2/L.4, CBD/CP/ExMOP/1/L.4, and CBD/NP/ExMOP/1/L.4).

The objection by Brazil related to a concern that the approval of the budget could prejudice the format and organization of work of the SBSTTA and SBI meetings, noting an absence of consensus among parties on the convenience and feasibility of holding formal virtual meetings and negotiations under the CBD. It is understood that the format of future biodiversity-related meetings had already been the main subject of discussion in the informal budget group meetings held prior to the ExCOP.

In further informal consultations, facilitated by the Presidency and the Bureau, parties tentatively agreed that Brazil’s concern should be reflected in the ExCOP report rather than in the budget decisions (CBD/ExCOP/2/L.5, CBD/CP/ExMOP/1/L.5, and CBD/NP/ExMOP/1/L.5).

The ExCOP resumed for another 48-hour silence period on Wednesday, 25 November, and the draft decisions on the interim budget for 2021 were resubmitted with no change. On Friday, 27 November 2020, a written Closing Communication by President Fouad announced that no objections had been made, confirmed the adoption of the interim budget for 2021, and closed the ExCOP (CBD/ExCOP/2/L.6, CBD/CP/ExMOP/1/L.6, and CBD/NP/ExMOP/1/L.6). The draft meeting report (CBD/ExCOP/2/L.1, CBD/CP/ExMOP/1/L.1, and CBD/NP/ExMOP/1/L.1) was published at the same time, to be completed and issued after the meeting under the guidance of the President.

Decision on the Interim Budget for 2021

The interim budget for 2021 (CBD/ExCOP/2/L.2, CBD/CP/ExMOP/1/L.2, and CBD/NP/ExMOP/1/L.2) consists of “old” and “new” monies. Relating to old monies, the ExCOP extended the validity of funds allocated in the 2019-2020 budget associated with the costs of the meetings of the COP and its subsidiary bodies that are postponed from the biennium 2019-2020, and authorized the carry-over of these funds, estimated at USD 3,804,900 to be spent in 2021 for all bodies under the CBD and its Protocols. This decision extends the funds up to 31 December 2021, or, in the case that COP 15 is not held in 2021, until the end of the month following the closure of COP 15.

Relating to new monies, the ExCOP approved, on an exceptional basis, a core 2021 programme budget of USD 16,772,626 for the CBD and its Protocols, with a split of 74:15:11 for sharing the costs for secretariat services among the Convention, the Cartagena Protocol, and the Nagoya Protocol.

The ExCOP also expressed appreciation to the Government of Canada as the host country and the Province of Quebec for their renewed support to the Secretariat and welcomed their contribution of CAD 2,072,000 for 2021.

Secretariat staffing remains unchanged between 2020 and 2021, albeit with a request to the United Nations Environment Programme (UNEP) Executive Director to provide information relevant to a review of the post of Deputy Executive Secretary for COP 15, for consideration in the context of the overall staffing needs of the Secretariat.

The ExCOP agreed to allow the use of up to USD 395,500 from the reserves for the third meeting of the Working Group on the Post-2020 Global Biodiversity Framework if voluntary finance is not found by 31 December 2020. This decision was made on an exceptional basis due to the pandemic, as it deviates from decision 14/37 that stipulates that any additional meetings (i.e., after the first and second meetings) of the Working Group would need to be funded from voluntary contributions. The reassessment was necessary by the move of the second Working Group meeting in February 2020 from Kunming, China, to Rome, Italy, with the consequence that it was funded from the

core budget instead of by China. For the third meeting, the Governments of Colombia and Norway may renew their offer to hold the meeting in Colombia and cover the incremental cost.

The ExCOP decision further notes with concern that a number of parties have not paid their contributions to the core budgets for 2020 and prior years, including parties that have never paid their contributions, and emphasized the urgency for the Secretariat to find additional savings to conduct operations amid uncertain circumstances.

A Brief Analysis of the ExCOP

In September at the UN Biodiversity Summit, the message was loud and clear. “Humanity is waging war on nature,” stated UN Secretary-General António Guterres. “Kunming must do for biodiversity what Paris did for climate change in 2015,” urged President of the UN General Assembly Volkan Bozkir. It is also clear that all of the 2010-2020 Aichi Biodiversity Targets have been missed, making it even more important to ramp up collective ambition and willingness to do better in defining and implementing goals and targets for the next decade.

The task is achievable, and considerable progress has been made, despite the delay due to the COVID-19 pandemic. GBF Working Group Co-Chairs Francis Ogwal and Basile van Havre have worked tirelessly during and outside working group meetings, special virtual sessions, and other engagements to ensure parties are in the best possible position to agree on a new strategic plan at the delayed fifteenth meeting of the Conference of the Parties (COP 15).

The successful adoption of the interim budget for 2021 is an indispensable step towards a post-2020 framework. It provides financial certainty for a new year that will still be marked by the uncertainty brought on by the COVID-19 pandemic. The process of the small informal budget group demonstrates that it is possible to negotiate and agree on sensitive matters in a virtual setting, with a balanced representation by parties from all five UN regions, and with the support of all actors including the COP Presidency, Bureau, Secretariat, and an experienced Chair. While the silence procedure was a success, despite the need for additional consultations, it was apparent that an entire meeting of the CBD COP and its Protocols could not be held in a similar fashion. But it was an encouraging sign that progress on some issues can be achieved despite the odds of a global pandemic.

2020 was initially meant to be a “super year” for biodiversity. Meetings and conferences throughout the year would lead into the UN Biodiversity Summit, which was expected to build momentum towards the adoption of an ambitious post-2020 GBF at COP 15, originally scheduled for October 2020. No one anticipated a global pandemic would effectively shut down multilateral environmental negotiations for an extended time. The adoption of the interim CBD budget, however, shows that despite the adversity, multilateralism is alive and well. And as 2020 comes to a close and COVID-19 vaccines are starting to be rolled out, there is cautious optimism that face-to-face negotiations in some form will resume in the new year. Regardless of the format, equitable representation by parties, organizations, and other stakeholders will have to be ensured to give the post-2020 GBF the greatest possible legitimation and impact.

Upcoming Meetings

Second Global Thematic Dialogue for Indigenous Peoples and Local Communities (IPLCs) on the Post-2020 Global Biodiversity Framework: The dialogue will focus on key

messages from IPLCs on the post-2020 global biodiversity framework. **dates:** 1-3 December 2020 **location:** virtual **www:** <https://www.cbd.int/meetings/POST2020-WS-2020-05>

11th meeting of the Informal Advisory Committee on the Biosafety Clearing-House (BCH): The meeting will discuss the functionality of the BCH central portal and its migration to a new platform. **dates:** 1-4 December 2020 **location:** virtual **www:** <https://www.cbd.int/meetings/BCH-IAC-11>

Global Taxonomy Initiative Forum 2020: The Forum will consider the state of advancement in taxonomy and related deliverables to provide inputs for the development of the post-2020 GBF for the goal of removing the taxonomic impediment for all citizens. **dates:** 2-4 December 2020 **location:** virtual **www:** <https://www.cbd.int/meetings/GTI-OM-2020-01>

Fifth Session of the UN Environment Assembly (UNEA-5) Part I: UNEA-5 is expected to adopt a “two-step” approach that will convene virtually in February 2021 with a revised and streamlined agenda. This session will be complemented by a second component in the form of a resumed UNEA-5 to be held in person in Nairobi in February 2022 in a format to be defined and agreed upon. **dates:** 22-26 February 2021 (TBC) **location:** virtual **www:** <http://web.unep.org/environmentassembly/>

24th meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA): SBSTTA-24 is expected to address the post-2020 GBF, synthetic biology, marine and coastal biodiversity, biodiversity and agriculture, biodiversity and health, invasive alien species, and other issues in advance of COP 15. **dates:** first quarter of 2021 (TBC) **location:** Canada **www:** <https://www.cbd.int/meetings/SBSTTA-24>

Third meeting of the Subsidiary Body on Implementation (SBI): SBI-3 will address issues surrounding the effective implementation of the CBD in advance of COP 15. **dates:** first quarter of 2021 (TBC) **location:** Canada **www:** <https://www.cbd.int/meetings/SBI-03>

Third meeting of the CBD Working Group on the Post-2020 Global Biodiversity Framework: The third and final meeting of the working group is expected to develop the text of the post-2020 GBF for consideration at COP 15. **dates:** second quarter of 2021 (TBC) **location:** to be determined **www:** <https://www.cbd.int/meetings/WG2020-03>

15th meeting of the COP to the CBD (COP 15/CP 10/NP 4): CBD COP 15 will review the achievement and delivery of the CBD’s Strategic Plan for Biodiversity 2011-2020. It is also anticipated that the final decision on the post-2020 GBF will be taken, together with decisions on related topics including capacity building and resource mobilization. **dates:** second quarter of 2021 (TBC) **location:** Kunming, China **www:** <https://www.cbd.int/meetings/>

For additional meetings, see <http://sdg.iisd.org>

Glossary

CBD	Convention on Biological Diversity
COP	Conference of the Parties
CP	Cartagena Protocol
ExCOP	Extraordinary meeting of the Conference of the Parties
GBF	Global biodiversity framework
NP	Nagoya Protocol
OEWG	Open-ended Working Group
SBI	Subsidiary Body on Implementation
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
WG	Working Group