Item 16.3 of the Provisional Agenda

NINTH SESSION OF THE GOVERNING BODY

New Delhi, India, 19–24 September 2022

Report from the Secretariat of the Convention on Biological Diversity on Cooperation with the International Treaty

Note from the Secretary

This document contains the update on recent developments under the Convention on Biological Diversity (CBD) and the Nagoya Protocol on Access to Genetic Resources and Benefit-sharing (Nagoya Protocol), of relevance to the International Treaty, prepared by the Executive Secretary of the CBD for the information of the Governing Body. The Executive Secretary of the CBD brings to the attention of the Governing Body a number of outcomes from recent meetings that are of relevance to the International Treaty, in particular the ongoing negotiations for the development of the Post-2020 Global Biodiversity Framework. The report also provides an overview of the cooperative activities undertaken by the Secretariats of the Convention on Biological Diversity and the International Treaty, a brief update on the status of implementation of the Nagoya Protocol, and a list of planned meetings since the Eighth Session of the Governing Body. The report is given in the form and language in which it was received by the Secretariat.

FAO-ITPGRFA documents can be consulted at: www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1259571/
Report from the Secretariat of the Convention on Biological Diversity on Cooperation with the International Treaty

I. INTRODUCTION

1. The Executive Secretary of the Convention on Biological Diversity (CBD) is pleased to provide an update to the ninth session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) on relevant recent developments under the CBD and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Nagoya Protocol) as well as cooperative activities undertaken by the CBD Secretariat and the Secretariat of the ITPGRFA.

2. In Section II, this document updates on the development of the post-2020 global biodiversity framework and intersessional activities. In Section III, it reports on cooperation between the Secretariats of the International Treaty and the CBD during the current biennium. Section IV provides a brief update on the status of implementation of the Nagoya Protocol. Finally, Section V provides information on planned meetings and activities during the remaining intersessional period.

II. UPDATES ON THE DEVELOPMENT OF THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK AND RELEVANT INTERSESSIONAL ACTIVITIES

3. The fourteenth meeting of the Conference of the Parties (COP 14) to the CBD, the ninth meeting of COP serving as the Meeting of Parties (COP-MOP 9) to the Cartagena Protocol on Biosafety (Cartagena Protocol) and the 3rd meeting of COP serving as the Meeting of Parties (COP-MOP 3) to the Nagoya Protocol on Access and Beneft-sharing (Nagoya Protocol) were held in Sharm El-Sheikh, Egypt, between 17 and 29 November 2018. The meetings adopted a number of decisions of immediate relevance to the International Treaty, including decisions 14/6, 14/20, 14/30, NP-3/3, and NP-3/7, which relate to matters already addressed by the Governing Body through Resolution 9/2017 and were reported on the Governing Body meeting in 2019.

4. Due to the ongoing global pandemic, COP 15 to the Convention, COP-MOP 10 of the Cartagena Protocol and COP-MOP 4 of the Nagoya Protocol, originally scheduled to be held in October 2020 in Kunming, China, is to be held in two parts. The first part was held virtually starting on 11 October 2021 and the second part will be held in Montreal, Canada from the 5 to 17 December 2022, under the presidency of the People’s Republic of China. As a result, no new decisions of relevance to cooperation with the International Treaty have been adopted following the last report to the Governing Body in 2019. This section will provide updates under various topics of concern to the International Treaty and intersessional activities.

A. The Post-2020 Global Biodiversity Framework

5. During the second part the fifteenth meeting of the Conference of the Parties to the CBD will adopt a post-2020 global biodiversity framework as a stepping stone towards the 2050 Vision of "Living in harmony with nature". In its decision 14/34 the Conference of the Parties to the Convention on Biological Diversity adopted a comprehensive and participatory process for the preparation of the post-2020 global biodiversity framework. The negotiations to develop the post-2020 global biodiversity framework are being undertaken by a dedicated open-ended intersessional working group. The Open-Ended Working group on the Post-2020 Global Biodiversity Framework (“Working Group” hereinafter) has met four times, with a fifth meeting planned for 3 to 5 December 2022 just ahead of the second part of the COP 15. Furthermore, a Meeting of an Informal Group on the Post-2020 Global Biodiversity Framework has been convened from 26-30 September 2022 in Montreal, as requested by the Working Group at its fourth meeting. The outcomes of the Informal Group meeting will be
disseminated to Parties and stakeholders through an information webinar and will also be submitted to the fifth meeting of the Working Group1.

6. Furthermore, Ministers and other heads of delegations met in person or remotely on 12 and 13 October 2021, during the first part of COP 15, for the High-Level Segment of the UN Biodiversity Conference 2020 and wrote the Kunming Declaration where they committed to “Ensure the development, adoption and implementation of an effective post-2020 global biodiversity framework, that includes provision of the necessary means of implementation, in line with the Convention, and appropriate mechanisms for monitoring, reporting and review, to reverse the current loss of biodiversity and ensure that biodiversity is put on a path to recovery by 2030 at the latest, towards the full realization of the 2050 Vision of “Living in Harmony with Nature”. Ministers and other heads of delegations also expressed their commitment to step up their efforts “to ensure, through the Convention, the Nagoya Protocol and other agreements as appropriate, the fair and equitable benefit-sharing from the use of genetic resources, including associated traditional knowledge, taking into account the context of digital sequence information on genetic resources”. ² 

7. The current draft of the post-2020 global biodiversity framework³ contains numerous elements, including goals, targets and means of implementation, which are relevant to the work of the International Treaty.

B. Digital Sequence Information on Genetic Resources

8. COP 14 and Nagoya Protocol COP-MOP 3 adopted, respectively, decisions 14/20 and NP-3/12 on digital sequence information (DSI) on genetic resources. In paragraph 6 of decision 14/20, the Conference of the Parties noted that, as there is a divergence of views among Parties regarding benefit-sharing from the use of digital sequence information on genetic resources, Parties commit to work towards resolving this divergence through the process established in the decision, with the aim of strengthening the fulfilment of the third objective of the Convention and Article 15, paragraph 7, without prejudice to the circumstances to which this article applies.

9. To this end, the decision established a science and policy-based process, which included the convening of an Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources from 17 to 20 March 2020 (online) and a call for submission of views and information on digital sequence information on genetic resources (notifications 2019-012 of 5 February 2019⁴ and 2021-063 of 2 September 2021⁵). The outcomes of this process are to be considered by the open-ended working group on the post-2020 global biodiversity framework established under decision 14/34 of the COP.

10. During the extended inter-sessional period, a number of formal and informal processes took place leading to the development of policy options on digital sequence information on genetic resources. The Co-Chairs of Working Group on the Post-2020 Global Biodiversity Framework, supported by the CBD Secretariat, organized a series of webinars⁶ and an online forum⁷, both held between December 2020 and April 2021, to facilitate informal information exchange ahead of the third meeting of the Working Group, which included an agenda item on DSI.

11. At the first part of its third meeting held online, the Working Group established a regionally balanced informal Co-Chairs’ Advisory Group (IAG) comprised of Party and IPLC representatives, and later stakeholders’ representatives, to provide advice and feedback to the Co-Chairs of the Working Group and the Executive Secretary on a number of areas. At the second part of its third meeting, the

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⁵ https://www.cbd.int/notifications/2021-063
⁷ https://www.cbd.int/dsi-gr/forum.shtml
Working Group adopted recommendation 3/2\(^8\) on DSI, setting out some principles regarding benefit-sharing from DSI. At its fourth meeting, the Working Group adopted recommendation 4/2\(^9\) containing, in Annex, elements of a draft COP decision. The draft decision will further be considered by the fifth meeting of the working group and then at COP 15.

**C. Synergies Among the Biodiversity-Related Conventions**

12. The Executive Secretary submitted a report on cooperation with other conventions, international organizations and initiatives to the Subsidiary Body on Implementation (SBI) at its third meeting.\(^10\) The SBI was also provided for its consideration: a report of activities concerning cooperation with other conventions, international organizations and initiatives;\(^11\) a progress report on implementation of actions to enhance synergies among the biodiversity-related conventions at the international level during the period 2017 to 2020;\(^12\) and the report of the Second Consultation Workshop of Biodiversity related Conventions on the Post-2020 Global Biodiversity Framework (Bern II).\(^13\) The Subsidiary Body prepared a recommendation on cooperation for the consideration of the fifteenth meeting of the Conference of the Parties.\(^14\)

13. The Secretariat continued to work with the Food and Agriculture Organization of the United Nations (FAO), and its Commission on Genetic Resources for Food and Agriculture (CGRFA), to promote mainstreaming biodiversity in the agriculture, forestry and fisheries sectors. The Secretariat collaborated with FAO in relation to fisheries and aquaculture (including under the CBD Sustainable Ocean Initiative), ecosystem restoration, forest (including with the FAO Global Forest Resource Assessment team\(^9\)), soil biodiversity (as reported above) and biodiversity mainstreaming, including in the context of the Revised 2021-2023 Action Plan for the Implementation of the FAO Strategy on Mainstreaming Biodiversity across Agricultural Sectors. Cooperation with the Commission includes work on ABS and DSI. The report submitted by the CBD Secretariat to the eighteenth regular session of the commission on Genetic Resources for Food and Agriculture (CGRFA) is available among the documents of that meeting.\(^15\)

14. As members of the Liaison Group of Biodiversity-related Conventions,\(^16\) the Secretariats of the International Plant Protection Convention (IPPC), International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and CBD collaborated on issues of common interest and in support of the preparation of the post-2020 global biodiversity framework.\(^17\) IPPC and ITPGRFA Party representatives and Secretariats participated in the Bern workshops among biodiversity-related conventions on the post-2020 global biodiversity framework held in June 2019 and January 2021. In line with the mandated relationship between ITPGRFA and CBD, the Secretariats continued to cooperate closely to support Contracting Parties in implementing the International Treaty and the CBD

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\(^8\) [https://www.cbd.int/recommendations/wg2020/?m=wg2020-03](https://www.cbd.int/recommendations/wg2020/?m=wg2020-03)


\(^10\) CBD/SBI/3/10


\(^12\) CBD/SBI/3/INF/32.

\(^13\) CBD/SBI/3/INF/29.

\(^14\) CBD/SBI/REC/3/12


\(^17\) Detailed information on collaborative activities is provided in CBD/SBI/3/10 and CBD/SBI/3/INF/31
and its Nagoya Protocol in a harmonious and mutually supportive manner, including through capacity building.

15. Furthermore, on 17 March 2021 the Secretariat made a presentation at a webinar organized by the Southern African Development Community (SADC) Plant Genetic Resources Centre (SPGRC). The theme of the Webinar was "Creating a harmonious plant genetic resources conservation and utilization policy environment for enhanced agriculture development in Southern Africa." The purpose of the webinar was to make the SADC Member States aware of the existing multilateral instruments designed to ensure that they promote plant genetic resources conservation so that they play their role in conforming to these instruments. The CBD Secretariat and the Secretariats of the World Intellectual Property Organization (WIPO) and the International Treaty were invited to make presentations on the interface of the Nagoya Protocol and the Treaty as well as the linkages of all this to intellectual property.

16. Over the intersessional period the Secretariat and the International Treaty also held consultations with the International Union for the Protection of New Varieties of Plants (UPOV) to collaborate on a draft FAQ on the complementarity between the three organizations.

III. COOPERATION BETWEEN THE TWO SECRETARIATS

17. The secretariats of the International Treaty and the Convention renewed their Memorandum of Cooperation on 9 July 2018. It identifies four areas for collaboration: (1) Support to the ratification and implementation of the Nagoya Protocol in harmony with the International Treaty and its Multilateral System of Access and Benefit-sharing; (2) Development of synergies between the Global Information System and the ABS Clearing-House; (3) Joint initiative for on-farm conservation, sustainable use of plant genetic resources for food and agriculture (PGRFA) and protected areas; and (4) Promotion of the importance of biodiversity and PGRFA for food security and nutrition under a changing climate. Furthermore, since the last session of the Governing Body, the Secretariat have exchanged information and experience on information systems and knowledge management and participated in discussions on a joint programme on biodiversity and agriculture.

A. Information systems and knowledge management

18. The Secretariat continues to share experience and raise awareness with the Plant Treaty related to the ABS Clearing-House by participating in discussions and exploring collaboration.

19. At the fourth meeting of the Scientific Advisory Committee on the Global Information System (SAC-GLIS-4) of Article 17 of the International Treaty, held remotely on 20 and 21 April 2021, the Secretariat delivered a presentation on the operation of the ABS Clearing-House. The Secretariat shared updates and experiences of interest to the International Treaty, such as the issuance of Internationally Recognized Certificate of Compliance (IRCCs) related to crops.

B. Participation in discussions on a Joint Programme on Biodiversity in Agriculture

20. Since October 2021, the CBD Secretariat has participated in the Ad hoc Technical Committee on Conservation and Sustainable Use of PGRFA (ACSU), and has contributed to the preparation of a draft concept note of the Joint Programme on Biodiversity in Agriculture for Sustainable Use of Plant Genetic Resources for Food and Agriculture, for further consideration before the Ninth Session of the Governing Body.

IV. STATUS OF THE NAGOYA PROTOCOL

21. The Nagoya Protocol has received 138 instruments of ratification, accession, approval or acceptance to date (22 August 2022) and additional ratifications are expected in the coming months as countries finalize their national processes.

22. By 13 September 2022, 4147 internationally recognized certificates of compliance have been constituted through the ABS Clearing-House and 71 checkpoint communiqués have been issued by 7 countries. The Secretariat provides technical assistance to countries and stakeholders to facilitate the use of the ABS Clearing-House and is also continuing to implement an outreach and engagement campaign to encourage countries to publish information in the ABS Clearing-House.

V. REMAINING ACTIVITIES FOR OF CURRENT INTER-SESSIONAL PERIOD 2019-2022

23. The following meetings will take place in the remaining, extended intersessional period:

(i) Meeting of the Informal Group on the Post-2020 Global Biodiversity Framework from 26 to 30 September 2022;

(ii) Fifth meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework, from 3 to 5 December 2022;

(iii) Part two of the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, the ninth meeting of the COP-MOP to the Cartagena Protocol on Biosafety and the fourth meeting of the COP-MOP to the Nagoya Protocol will be held concurrently from 7 to 19 December 2022 in Montreal, Canada.