

United Nations Convention on Biological Diversity (CBD)



Convention on
Biological Diversity

Background

Mid- to late 1980s

IUCN's Commissions on Environmental Law and the IUCN Environmental Law Centre make policy and scientific recommendations on biological diversity

1987

UNEP Governing Council Decisions 14/26 (and 15/34 in 1989)

November 1988–Summer 1990

UNEP convenes a series of expert group meetings referred to as meetings of the Ad Hoc Working Group of Experts on Biological Diversity. Topics covered included in situ and ex situ conservation of wild and domesticated species; access to genetic resources and to technology, including biotechnology; new and additional financial support; and safety of release or experimentation on genetically modified organisms

Mid-1990–Feb 1991

UNEP's Ad Hoc Working Group of Legal and Technical Experts mandated to draft a legal instrument under the guidance of the Director

Feb 1991–May 1992

Intergovernmental Negotiating Committee (INC) meets four times and adopts final text of the Convention on Biological Diversity (CBD)

Jun 1992–Dec 1993

CBD opened for signature in Rio de Janeiro (WCED) and enters into force in the following year

Nov 1994

First Conference of the Parties (COP 1) meets in the Bahamas

Principles in the Rio Declaration covered by this CBD include:

- Conservation of biological diversity is a common concern of humankind (Principles 1, 7)
- States have sovereign rights over their own biological resources (Principle 2)
- Where there is a threat to significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Principle 15)
Recognises the close and traditional dependence of many indigenous and local communities on biological resources (Principle 22)
- Recognises the vital role of women in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels (Principle 20)
- Economic and social development and poverty eradication are the first and overriding priorities of developing countries (Principles 3 and 5)



Key Biodiversity Treaties

1992: United Nations Convention on Biological Diversity (UNCBD)

196 Parties to the Convention = Conference of the Parties (COP); entered into force in 1993; T&T ratified in 1996

2000: Cartagena Protocol on Biosafety

173 Parties to the Protocol = Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol (COP-MOP); entered into force in 2003; T&T acceded in 2003

2010: Nagoya Protocol on Access and Benefit Sharing (ABS)

131 Parties to the Protocol = Conference of the Parties serving as the Meeting of the Parties to the Protocol (COP-MOP); entered into force in 2014; T&T is not a Party

2010: Nagoya – Kuala Lumpur Supplementary Protocol to the Cartagena Protocol (on liability and redress)

49 Parties to the Supplementary Protocol = Conference of the Parties serving as the Meeting of the Parties to the Protocol (COP-MOP); entered into force in 2018; T&T is not a Party

CBD – 1992

The UNCBD has 3 main objectives:

1. The conservation of biological diversity
2. The sustainable use of the components of biological diversity
3. The fair and equitable sharing of the benefits arising out of the utilization of genetic resources

Key principle:

Recognises the sovereign right of States to exploit their own resources pursuant to their own laws BUT recognises the responsibility States have to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or areas beyond the limits of national jurisdiction

Party obligations, include:

- Cooperation with other Parties
- Develop national strategies, plans or programmes for the conservation and sustainable use of biodiversity, and conduct impact assessments
- Engage in *in-situ* (protected areas) and complementary ex-situ conservation measures
- Endeavour to facilitate access to genetic resources, subject to prior and informed consent
- Ensure the safe transfer, handling and use of living modified organisms
- Developed countries to support developing countries with implementation

Cartagena Protocol – 2000

Objective and scope

In accordance with the precautionary approach (Rio Principle 15), the objective of the Protocol is to contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms (LMOs) resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biodiversity, in particular as applied to the transboundary movement of LMOs, but pharmaceuticals are excluded.

Key provisions, include:

- Five-yearly assessment and review
- Procedures for LMOs intended for use as food, feed or for processing
- Risk assessment and management procedures
- The establishment of a Biosafety Clearing-house as a means of providing access to information relevant to the implementation of the Protocol
- The elaboration of international rules and procedures on liability and redress for associated damages (Supplementary Nagoya-Kuala Lumpur Protocol 2010)



Nagoya Protocol – 2010

Objective and scope

The objective of the Protocol is the fair and equitable sharing of the benefits arising from the use of genetic resources, including by their appropriate access and by appropriate the transfer of relevant technologies, taking into account all rights over those resources and technologies, and by appropriate funding.

The Protocol applies to the genetic resources within the scope of Article 15 of the CBD and to the benefits arising from their use. It also applies to traditional knowledge associated with genetic resources and to the benefits arising from the use of this knowledge

Key obligations and provisions include:

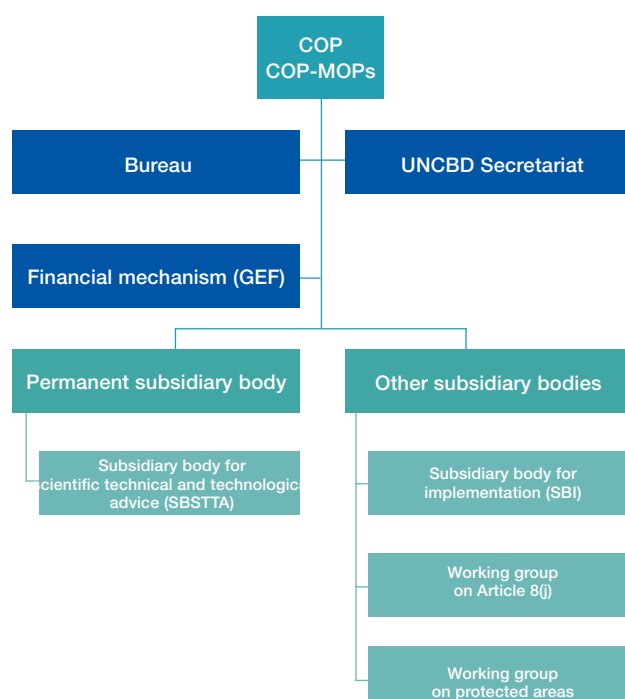
- Access and Benefit-sharing Clearing-House established to serve as a means for sharing of information related to ABS
- A regular assessment and review process
- Regular monitoring and review by Parties
- Legislation to be put in place domestically to comply with the obligations under the Protocol on both the ABS and traditional knowledge

Ratifying the CBD and its Protocols: reservations and declarations

Reservations upon ratification or accession to the CBD and its Protocols are not provided for – however, under international law, a country ratifying or acceding to a treaty may make a declaration where they express their understanding of some matter or the interpretation of a particular provision.

Unlike reservations, declarations merely clarify the country's position and do not modify the legal effect of a treaty. Usually, declarations are made at the time of ratification or signature.

Institutional structure(s) upporting the agreement



Parties to the agreement and stakeholder interests

- **Group of 77 and China (G77)** – 134 members, mainly developing countries
- **Least Developed Countries (LDCs)** – 46 countries categorized as ‘least developed’ according to UN criteria
- **Small Island Developing States (SIDS)** – 39 members from developing country island and low-lying coastal States
- **Africa Group of Negotiators (AGN)** – 54 countries
- **Like-Minded Megadiverse Countries (LMMCs)** ~19 country members collectively accounting for more than 70% of the world's biodiversity
- **European Union (EU)** – 27 members who generally speak as a group
- **JUSSCANZ** – a group of developed countries not members of the EU, generally includes Japan, the US (not a Party), Switzerland, Canada, Australia, Norway, New Zealand and others



Rules of procedure

The [rules of procedure](#) for the CBD apply to any meeting of the Conference of the Parties (COP) convened in accordance with article 23 of the Convention – which establishes and sets out the duties of the Conference of the Parties to the CBD.

Topics covered in the Rules of Procedure include:

- Place, date and quorum of meetings; (Rules 3–5)
- Governmental and non-governmental observers; (Rules 6–7)
- Preparation and timing of the dissemination of the agenda (Rules 8–15)
- Meeting officers; (Rules 21–25)
- Subsidiary bodies and the secretariat; (Rules 26–28)
- Conduct of business; (Rules 29–38)
- Voting; (Rules 39–51)
- Parties shall make every effort to reach agreement by consensus (Rule 40)
- As a last resort, decisions may be made by a two-thirds vote of Parties present and voting, with the proviso that on issues of process, only a majority vote is required (Rule 40)

NB: It should be noted that CBD Article 23, para 3 requires that the rules of procedure must be adopted by consensus, as well as financial rules governing the funding of the secretariat.

Key External Partnerships

Since its inception, Parties to the CBD have recognised the role that outside organisations and stakeholders play in helping to implement the provisions of the CBD.

Goal 4 of the Strategic Plan seeks broader engagement across society in the implementation of the CBD and is supported by Objective 4.4: “key actors and stakeholders, including the private sector, are engaged in partnership to implement the Convention and are integrating biodiversity concerns into their relevant sectoral and cross-sectoral plans, programmes, and policies.”

The list of relevant organisations and stakeholder groups partners is organised by:

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|--|--|
| ▪ UN and other Intergovernmental organisations | ▪ Scientific and technical assessment bodies |
| ▪ NGOs and civil society | ▪ Industry and the private sector |
| ▪ Indigenous organisations | ▪ Children and youth organisations |

Thematic Programmes

The CBD COP established seven thematic programmes of work (listed below) which correspond to some of the major biomes on the planet. Each programme establishes a vision for, and basic principles to guide future work. They also set out key issues for consideration, identify potential outputs, and suggest a timetable and means for achieving these. Implementation of the work programmes depends on contributions from Parties, the secretariat, relevant intergovernmental and other organisations. Periodically, the COP and the SBSTTA review the state of implementation of the work programmes:

- | | |
|--|-----------------------------------|
| ▪ Agricultural Biodiversity | ▪ Island Biodiversity |
| ▪ Dry and Sub-humid Lands Biodiversity | ▪ Marine and Coastal Biodiversity |
| ▪ Forest Biodiversity | ▪ Mountain Biodiversity |
| ▪ Inland Waters Biodiversity | |



Cross-cutting Issues

The COP also initiated work on key matters of relevance to all thematic areas. These cross-cutting issues correspond to the issues addressed in the Convention's substantive provisions in Articles 6-20 and provide bridges and links between the thematic programmes.

Some cross cutting initiatives directly support work under thematic programmes, for example, the work on indicators provides information on the status and trends of biodiversity for all biomes.

Others develop discrete products quite separate from the thematic programmes. The work done for these cross-cutting issues has led to a number of principles, guidelines, and other tools to facilitate the implementation of the Convention and the achievement of biodiversity targets:

- Biodiversity for Development
- Capacity Building
- Climate Change and Biodiversity
- Communication, Education and Public Awareness
- Digital sequence information on genetic resources
- Economics, Trade and Incentive Measures
- Ecosystem Approach
- Ecosystem Restoration
- Gender and Biodiversity
- Aichi Biodiversity Targets
- Access to Genetic Resources and Benefit-sharing
- Biological and Cultural Diversity
- Impact Assessment
- Identification, Monitoring, Indicators and Assessments
- Invasive Alien Species
- Liability and Redress – Art. 14(2)
- New & Emerging Issues
- Peace and Biodiversity Dialogue Initiative
- Protected Areas
- Sustainable Use of Biodiversity
- Sustainable Wildlife Management
- Global Strategy for Plant Conservation
- Global Taxonomy Initiative
- Health and Biodiversity
- Traditional Knowledge, Innovations and Practices – Article 8(j)

Strategic Plans

Roughly every ten years Parties to the CBD agree to a Strategic Plan which contains a set of specific goals and sets a ten-year framework of action for Parties, stakeholders and other organisations.

First Strategic Plan (2002 – 2010)

- Parties commit to a more effective and coherent implementation of the three objectives of the CBD
- Achieve by 2010 a significant reduction in the rate of biodiversity loss at all levels

Second Strategic Plan (2011–2020)

Vision: Living in harmony with nature by 2050

- Mission:**
- Take urgent action to halt the loss of biodiversity
 - Secure the planet's variety of life
 - Reduce pressures on biodiversity

- Embeds the five strategic goals of the Aichi biodiversity targets to set an overarching global plan with a flexible framework for national implementation
- Implementation: primarily at the national and subnational levels with regional and global support
- Monitoring and review
 - **Reports:** Parties report on how they are implementing national commitments to implement the Strategic Plan
 - **Review:** COP and CBD bodies, especially the SBI, to review progress

Post-2020 Global Biodiversity Framework

A steppingstone toward the 2050 Vision of Living in harmony with nature



Aichi Targets

Five strategic goals with underlying targets:

- **Strategic Goal A:** Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society
 - Four targets for 2020 focusing on raising awareness of the value of biodiversity, eliminating perverse incentives, and ensuring that resource use is within ecological limits
- **Strategic Goal B:** Reduce the direct pressures on biodiversity and promote sustainable use
 - Six targets for 2015 / 2020 focusing on habitat loss, sustainable food systems, controlling invasive species, and safeguarding habitats from ocean acidification
- **Strategic Goal C:** To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity
 - Three targets for 2020 focusing on effective management of inland and coastal water habitats, preventing species extinction, strategies for safeguarding genetic diversity
- **Strategic Goal D:** Enhance the benefits to all from biodiversity and ecosystem services
 - Three targets for 2015 / 2020 focusing on restoring vital ecosystems, enhancing the contribution of biodiversity to carbon reduction, and implementation of the Nagoya Protocol
- **Strategic Goal E:** Enhance implementation through participatory planning, knowledge management and capacity building
 - Four targets for 2015 / 2020 focusing on participatory planning, the integration of traditional knowledge, including the best available science and technologies in national implementation and ensuring that sufficient financial resources are made available to implement the Strategic Plan (2011–2020)

The Clearinghouse Mechanisms

CBD's clearing-house mechanism (CHM)

- Established by Article 18.3 of the Convention and consists of a global site and national-level clearing-houses
- Three major goals:
 - Provide effective global information services to facilitate the implementation of the Strategic Plan for Biodiversity 2011-2020.
 - Provide effective information services to facilitate the implementation of the national biodiversity strategies and action plans.
 - Partners significantly expand the clearing-house mechanism network and services

Biosafety clearing-house (BCH)

- A mechanism set up by the Cartagena Protocol on Biosafety to facilitate the exchange of information on LMOs and assist the Parties to better comply with their obligations under the Protocol
- Global access to a variety of scientific, technical, environmental, legal and capacity building information is provided in the six official UN languages

ABS clearing-house (ABSCH)

- Tool for facilitating the implementation of the Nagoya Protocol, by enhancing legal certainty and transparency on procedures for ABS and for monitoring the utilization of genetic resources along the value chain, including through the internationally recognised certificate of compliance
- Makes relevant information available regarding ABS to facilitate and increase opportunities for users and providers of genetic resources and associated traditional knowledge to connect and create fair and equitable ABS agreements



Party Reporting Obligations

National biodiversity strategies and action plans (NBSAPs)

- CBD Article 6(a) requires all Parties to develop or adapt national strategies, plans or programmes for the conservation and sustainable use of biodiversity
- NBSAPs are the key national-level instrument for implementing the CBD, and the 2011–2020 Strategic Plan to revise and update their NBSAPs to incorporate its goals and set out national plans for implementing them
- 192 of the 196 Parties have submitted NBSAPs; however, only 175 Parties have revised them to be consistent with the 2011–2020 Strategic Plan

Biodiversity mainstreaming

- CBD Article 6(b) to integrate, where possible and appropriate, the conservation and sustainable use of biodiversity into relevant sectoral or cross-sectoral plans, programmes and policies

National reports

- CBD Article 26 requires all Parties to submit reports on measures taken for the implementation of the provisions of the Convention and their effectiveness in meeting its objectives
- The COP has determined the requirements around the frequency of submissions and has Parties to time submissions to coincide with the relevant strategic plan, one toward the mid-term and one toward the end of the strategic plan period, to facilitate a review of implementation of the plans themselves
- These reports also serve as a basis for the periodically published Global Biodiversity Outlook (GBO)
- The sixth national report (6NR) was due at the end of 2018 with an online reporting tool available on the CHM along with reporting guidelines and guidance ~100 6NR reports have been submitted

The Financial Mechanism

- CBD Articles 20 (Financial Resources) and 21 (Financial Mechanism) address the need for financial resources to implement the Convention
 - **Article 20.1** asks each Party to provide financial support for national activities pursuant to achieving the objectives of the Convention BUT
 - **Article 20.2** requires developed country Parties to provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs of implementing measures to meet their obligations under the Convention
 - The implementation of developed country Parties commitments must consider the need for adequacy, predictability and timely flow of funds and the extent to which developing country Parties will effectively implement their obligations is dependent upon receipt of these financial resources
 - **Article 20.6** requires Parties to take into consideration the special conditions resulting from the dependence on, distribution and location of, biodiversity, in particular in small island States
 - **Article 21.1** establishes a mechanism for the provision of financial resources under the authority and guidance of and to be accountable to the COP. The Convention leaves the choice of entity, policy, strategy, programme priorities and eligibility criteria up to the COP
- At COP 1, the Global Environment Facility (GEF) was appointed interim operating entity for the financial mechanism, an arrangement that was later made permanent at COP 3



The New Subsidiary Body on Implementation

- At CBD COP 12 (2014), the SBI to replace the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, with the terms of reference contained in the annex to decision XII/26
- The SBI drafted its own *modus operandi*, which was agreed at CBD COP 13 (2016), and lists the following four functions and core areas of work:
 - review of progress in implementation;
 - strengthening means of implementation;
 - strategic actions to enhance implementation; and
 - operations of the convention and the Protocols.
- To date, the SBI has met three times, the last time being virtually in May–June 2021. The agenda for this meeting, included the following topics:
 - Review of progress in the implementation of the Convention and the Strategic Plan (2011–2020)
 - Assessment and review of the effectiveness of the Cartagena Protocol
 - Post-2020 Global Biodiversity Framework
 - Resource mobilisation and financial mechanism
 - Mainstreaming of biodiversity within and across sectors and other strategic actions to enhance implementation

Post-2020 Global Biodiversity Framework

- This is the new framework for biodiversity to pick up where the Strategic Plan 2011–2020 left off and achieve the vision of living in harmony with nature by 2050
- The Framework was meant to be completed and agreed at COP 15, originally scheduled for October 2020, but postponed due to the global pandemic and now scheduled for October 2021 in Kunming, China
- Preparation of the Framework was mandated by the COP to an open-ended intersessional working group
- The open-ended working group has met three times, twice in person in 2019 and early 2020 and a virtual meeting is planned for August 2021
- The SBI was requested to contribute to its development and to complement it with elements related to support and review implementation of matters related to the Cartagena Protocol, the Nagoya Protocol and the Working Group on Article 8(j) (indigenous peoples and local communities)
- Regional consultations have been held (including GRULAC) and Party and observer submissions on specific relevant issues are available
- The first draft of the Framework was issued in mid-July 2021 and will undergo further refinement at the virtual meeting in August, in preparation for adoption at Cop 15 in October 2021

The Framework includes 21 targets for 2030 that call for, among other things:

- At least 30% of land and sea areas global (especially areas of particular importance for biodiversity and its contributions to people) conserved through effective, equitably managed, ecologically representative and well-connected systems of protected areas (and other effective area-based conservation measures)
- A 50% or greater reduction in the rate of introduction of invasive alien species, and controls or eradication of such species to eliminate or reduce their impacts
- Reducing nutrients lost to the environment by at least half, and pesticides by at least two thirds, and eliminating the discharge of plastic waste
- Nature-based contributions to global climate change mitigation efforts of least 10 GtCO₂e per year, and that all mitigation and adaptation efforts avoid negative impacts on biodiversity
- Redirecting, repurposing, reforming or eliminating incentives harmful for biodiversity, in a just and equitable way, reducing them by at least USD 500 billion per year
- A USD 200 billion increase in international financial flows from all sources to developing countries
- There are overarching milestones set to be reached 2030; and the Framework is meant to contribute to the implementation of the 2030 Agenda for Sustainable Development. At the same time, progress towards the Sustainable Development Goals will help to provide the conditions necessary to implement the framework.

This factsheet on [United Nations Convention on Biological Diversity \(CBD\)](#) features on pages 6–13 of the compilation report on [Multilateral Environmental Agreements \(MEAs\)](#).

UNITED NATIONS CONVENTION ON BIOLOGICAL DIVERSITY • CBD