

15 April 2019

Global Industry Coalition

Submission of Information on “post-2020 process for the Cartagena Protocol on Biosafety”¹ and “Initial discussion document on the post-2020 global biodiversity framework”²

The Global Industry Coalition (GIC)³ is pleased to contribute to the work of the Parties to the Cartagena Protocol on Biosafety (Cartagena Protocol) to develop a specific post-2020 Implementation Plan that is anchored in and complementary to the post-2020 global biodiversity framework. The GIC supports the objectives of the Convention and its Protocols, and the adoption of a post-2020 global biodiversity framework as a step toward the 2050 Vision of “Living in harmony with nature”. We look forward to engaging further in the framework development process. Over the past twenty years, the GIC has engaged extensively in implementation efforts for the Convention and its Protocols. Based on this experience, the GIC cautions that targets for the 2050 vision must be balanced with achievable goals. As such, the GIC supports an overall focus for the post-2020 global biodiversity framework on implementation of existing requirements, as set out in the current strategic plans for the Convention and Cartagena Protocol, combined with an effective process and timeline for evaluation of this implementation.

What follows are the GIC’s views on the specific topics outlined in Notification 2019-027 addressing the post-2020 process for the Cartagena Protocol, as well as general comments on the Nagoya Protocol on Access and Benefit Sharing (Nagoya Protocol) and the overall post-2020 global biodiversity framework requested in Notification 2019-008. Thank you in advance for considering these perspectives.

¹ Ref.: SCBD/CPU/DC/KG/PD/PS/87928, Notification 2019-027 Dated 28 February 2019.

² Ref.: SCBD/OES/PPP/JMF/87868, Notification 2019-008 Dated 30 January 2019.

³ The Global Industry Coalition (GIC) for the Cartagena Protocol on Biosafety receives input and direction from trade associations representing thousands of companies from all over the world. Participants include associations representing and companies engaged in a variety of industrial sectors such as plant science, seeds, agricultural biotechnology, food production, animal agriculture, human and animal health care, and the environment.

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1. The structure and content of the Implementation Plan for the Cartagena Protocol on Biosafety post 2020

In providing views on this item, we have been asked to consider that the Implementation Plan for the Cartagena Protocol is to:

- (a) be developed as an implementation tool;
- (b) reflect the elements of the Strategic Plan for the Cartagena Protocol for the period 2011-2020 that are still relevant;
- (c) include new elements reflecting lessons learned and new developments relevant to biosafety;
- (d) ensure sufficient flexibility to account for developments during the implementation period; and
- (e) comprise indicators that are simple and easily measurable to facilitate the review of progress in the implementation of the Cartagena Protocol.

The GIC would first like to highlight the importance of learning from the successes and failures of the Strategic Plan for Biodiversity 2011-2020. This effort lends itself to a detailed and thorough analysis on the elements of that plan that remain applicable and important to the Parties' implementation efforts. The GIC therefore emphasizes its support for a focus on (b) above, namely, the need to reflect the elements of the Cartagena Protocol's 2011-2020 Strategic Plan that are still relevant.

When completing a stock-taking of the 2011-2020 Strategic Plan for the Cartagena Protocol, it is clear that important achievements have been made towards the implementation of the Cartagena Protocol, but that significant elements have not yet been achieved. There is more work to be done at the level of basic implementation. The GIC suggests that Parties should retain a focus on the elements of the 2011-2020 plan that remain relevant and are yet to be fully realized. For example, starting with Focal area 1 ("Facilitating the establishment and further development of effective biosafety systems for the implementation of the Protocol"), objective 1.1.1 ("Number of Parties, in particular centers of origin, that have in place national biosafety legislation and implementing guidelines not more than 6 years after accession to/ratification of the Protocol") has not yet been fully met. There remains significant knowledge and capacity gaps for many Parties that prevent their effective implementation of the Cartagena Protocol, and this should be the focus of any Cartagena Protocol Implementation Plan post-2020. Thus, Parties should retain a focus in the Implementation Plan for the post-2020 framework on the "basics" of Cartagena Protocol implementation, such as: performance of a risk assessment and management of risks in line with Cartagena Protocol requirements (operational objectives 1.3 and 2.2); adoption of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress (operational objectives 1.5 and 2.4); and, implementation of Cartagena Protocol requirements and COP-MOP decisions on identification and documentation requirements for living modified organisms (LMOs) (operational objective 1.6).

With regard to (c) above, we note that there are numerous elements from the 2011-2020 Strategic Plan that have not yet been achieved, and significant gaps remain in Parties' capacity to effectively implement the Cartagena Protocol. Thus, we recommend that the development of "new elements reflecting lessons learned" should assist Parties with the implementation of the existing strategic plan that do not require additional investment of resources. For example, and to further support the goals of reducing the number of targets and retaining a focus on achievable goals and the objectives of the Cartagena Protocol, the GIC recommends Parties consider including in the Cartagena Protocol Implementation Plan a new operational objective around LMOs or traits that are *unlikely* to have adverse effects. The vast majority of products that currently fit within the Cartagena Protocol's definition of LMO have a proven environmental and food safety records, having been cultivated for

more than 20 years and eaten by billions of people worldwide without one single documented health problem. To support the goals of improved implementation and efficiency, the GIC suggests that identifying those LMOs or traits that are *unlikely* to have adverse effects allows for a focus on areas of greatest need in the Implementation Plan for the Cartagena Protocol post-2020. The Cartagena Protocol is and should be concerned with LMOs that *are* likely to have adverse effects. Thus, the requirements of Parties can be reduced for commercialized LMOs that have been assessed by several other Parties and have extensive histories of safe use.

With regard to (c) above, the GIC cautions against a disproportionate focus and expansion of the elements of the implementation plan for “new developments” when the objectives related to the overarching field of modern biotechnology remain incomplete. The GIC emphasizes that the Cartagena Protocol continues to apply to and be appropriate for the developing field of “modern biotechnology” and the resulting types of “living modified organisms”, and that “new developments” do not automatically present risks that cannot be managed under the existing framework. Such assumptions have recently steered the debate away from more pragmatic and meaningful assessments of Parties’ actual needs and problems in regard to Cartagena Protocol implementation.

Lastly, the GIC states its clear support for (e) above. Toward this end, the GIC strongly supports a framework that includes specific, measurable, attainable, realistic and time bound (SMART) targets that are limited in number, clearly communicated to all stakeholders, and allow for progress to be tracked. SMART targets are also extensively supported by the many Parties and observers that provided views on the process for developing the post-2020 global biodiversity framework.

2. Possible elements of a specific action plan for capacity-building on biosafety, covering the Cartagena Protocol and its Supplementary Protocol

The GIC supports the need to align the capacity building plan with the Implementation Plan for the Cartagena Protocol on Biosafety post-2020. We are of the view that it must be complementary to the long-term strategic framework for capacity-building beyond 2020 under the Convention. In addition, we suggest that Parties pay significant attention to allocating the limited resources of the Convention and its Protocols to the areas of greatest need, which can primarily be found at the level of “basic” implementation (see section (1) above.) In our experience as an active observer to Convention and Protocol implementation efforts, it is clear that there are typically more activities proposed than receive commitments of funding. Again, Parties should be targeting these limited resources to the areas of greatest need, rather than the areas of emerging interest. For example, over the past several years, the GIC has provided targeted funds towards the support Parties need in the area of sampling and detection, liability and redress, and Biosafety Clearing-House information requirements – all directly in line with operational objectives from the 2011-2020 Strategic Plan for the Cartagena Protocol.

3. Relevant elements of the biosafety component of the post-2020 global biodiversity framework

In providing its views on this item, the GIC has considered the initial discussion document⁴ on the post-2020 global biodiversity framework provided via notification 2019-008 dated 30 January 2019. We note that Decision CP-9/7 of the Conference of the Parties serving as the meeting of the Parties to

⁴ CBD/POST2020/PREP/1/1.

the Cartagena Protocol on Biosafety stresses that biosafety should be reflected in the post-2020 global biodiversity framework, and we support efforts to ensure that relevant biosafety components are included. To that end, we provide views below:

a. Biosafety Components:

- i. As outlined in section (1) above, the GIC supports development of commitments on biosafety that reflect the need for Parties to complete basic implementation of Cartagena Protocol provisions. We are concerned that discussions during the last several Conferences of the Parties serving as the meeting of the Parties to the Protocol moved toward identifying additional tasks and areas of focus, some of which were beyond the scope of the Cartagena Protocol. Again, significant knowledge and capacity gaps remain for many Parties that are preventing them from achieving full Cartagena Protocol implementation at the national level. Therefore, the GIC strongly supports a post-2020 global biodiversity framework that reflects this concern and focuses Cartagena Protocol commitments and targets on full Cartagena Protocol implementation.

b. Overall post-2020 framework:

- i. Business engagement: In order to build the much needed inclusive and transparent process, all stakeholders should be invited to contribute in the process. In the Cancun Business and Biodiversity Pledge, business expressed its support for the objectives of this Convention and its strategic plan, and highlighted the important contribution it can make towards their achievement. The development of the post-2020 global biodiversity framework requires an inclusive, transparent, multi-stakeholder preparatory process that raises awareness and fosters broad participation, and promotes strong commitment to its implementation. Toward this, the GIC invites a more proactive approach to providing opportunities for their full engagement in the framework development process, and for an ongoing dialogue during its implementation. In addition, the GIC supports a more considered and deliberate engagement effort with the business community focused on how this stakeholder group can be engaged in supporting fulfillment of the post-2020 targets.
- ii. Strategic timelines/review: Though this concept applies to the entirety of the post-2020 global biodiversity framework, the GIC wishes in particular to highlight the need to establish clear milestones for each target – in particular those related to biosafety - along with associated steps to be reached at certain points in time, thus creating a review system that would allow for “check ins” to determine implementation success rates. The GIC is of the view that that innovation is key element to realizing the objectives of the Convention, and this should be fostered in the post-2020 global biodiversity framework. We strongly support proposals made in the development process thus far for a basis in the best available scientific evidence. We also support proposals for the inclusion of SMART targets, as outlined above, as these will clarify expectations and promote efficient, results-oriented implementation and the tracking of progress. We note also that examples of how the private sector can contribute to the realization of the framework have been provided, and wish to highlight that the GIC has long been engaged in voluntary activities, individually or collaboration with

governments and/or other private entities, that are directly relevant to the objectives of the Convention and its Protocols, and their strategic plans. These activities also contribute to the United Nations Sustainable Development Goals, which are incorporated into the corporate strategies and reporting requirements of many companies. Every target should be measurable and have a specific indicator to track progress, and targets and their associated indicators should be identified at the same time the goal is adopted.

4. Relevant elements of the Access and Benefit Sharing component of the post-2020 global biodiversity framework

The considerations set out above apply equally to all Protocols to the Convention, including the Nagoya Protocol. A holistic approach to the Convention and its Protocols requires that these all share and work towards the same ultimate goals.

New SMART targets should also therefore be directly linked to the objectives of the Nagoya Protocol, and its ultimate aim of “contributing to the conservation of biological diversity and the sustainable use of its components”. This would facilitate assessment of whether the current systems and mechanisms under the Nagoya Protocol are effective in achieving both its goals, and the goals of the Convention.

The GIC highlights that the post-2020 framework should provide for the Nagoya Protocol to support the public and private research and development activities, information exchange, and scientific collaborations that are necessary to foster innovation that contributes to achieving the objectives of the Convention, as well as the United Nations Sustainable Development Goals, in keeping with the trend towards open science and open data. The latter fits with the exchange of information to support conservation, protection and sustainable use of biodiversity, as explicitly encouraged under Article 17 of the Convention, which is essential to deal with key societal issues, like human, animal and plant health, food security and the environment. The post-2020 framework should also further reinforce the well-established and functioning international framework including users and global databases supporting open science and open data consistent with established principles of ethical and responsible scientific research that are foundational for the advancement of science.

As with other biodiversity policies and regulations, it is important to ensure closer collaboration between policymakers and relevant stakeholders, including the business community, on the design and implementation of access and benefit sharing related policies and regulations. Taking into account the experience and best practices of the business community will help ensure that policies and regulations having due regard to relevant information and practical realities and increase their chances of being effective in practice.