

HOW TO COP: biodiversity loss

The Convention on Biological Diversity and the multilateral negotiation process

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The Convention on Biological Diversity (**CBD**) is the global agreement, aimed at the conservation of biological diversity, the sustainable use of its components, and sharing the benefits arising from the utilization of genetic resources in a fair and equitable way.

The Convention was opened for signature on 5 June 1992 at the United Nations Conference on Environment and Development (UNCED or the Earth Summit) in Rio de Janeiro and entered into force in 1993. To date, the Convention has almost universal participation, covering 195 countries and the European Union.¹

In addition to the CBD, another fundamental international treaty was adopted in Rio de Janeiro – the UN Framework Convention on Climate Change, while the final decision of the Earth Summit initiated the development of the UN Convention to Combat Desertification. These three treaties later became known as the “Rio Conventions” which address concerns related to similar environmental and developmental issues.

The Convention places a particular emphasis on conservation *in situ* (within the natural habitat) and *ex situ* (outside the natural habitat).² For instance, the Parties agree to establish a system of protected areas, conserve ecosystems and natural habitats, and create the necessary legislation to safeguard species and populations, including those that are endangered. Monitoring the implementation of the Convention and the effectiveness of measures taken at the national level will be carried out through national reporting.

The CBD has a wide range of jurisdiction as it applies to both areas within the national jurisdiction of a state and beyond it.

With regard to the components of biodiversity³ the Convention applies within the limits of national jurisdiction. However, with regard to processes and activities carried out under the control of a country, the Convention applies both within and beyond national jurisdiction, regardless of where the effects of such processes occur. In addition, this means that countries should prevent damage to biodiversity both in areas under their jurisdiction, for instance, on the continental shelf, and by carrying out activities on the high seas or on the seabed outside the continental shelf.⁴

Additional agreements

Two protocols have been adopted to the Convention, which relate to the use of genetically modified organisms and the use of genetic resources.

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¹ All UN member states participate in the Convention, with the exception of the United States, which signed it but did not ratify. The Russian Federation ratified the Convention in 1995.

² The *ex situ* conservation method involves the maintenance and breeding of organisms in specialized facilities such as nurseries, zoos, and botanical gardens. In contrast, *in situ* conservation aims to preserve organisms in their natural habitats.

³ Biological diversity – or biodiversity – is the term given to the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

⁴ In 2023, the Agreement on Marine Biodiversity of Areas beyond National Jurisdiction (BBNJ Treaty) was adopted under the UN Convention on the Law of the Sea. The Agreement and the CBD complement each other, acting through a common goal – the conservation and sustainable use of biodiversity. Read more about the agreement in the material of the Center. [URL](#)

In 2000, the Parties adopted **the Cartagena Protocol on Biosafety**.⁵ The Protocol regulates the safe use and cross-border movement of living modified organisms resulting from the use of modern biotechnologies.⁶ The Protocol established a biosafety clearing-house mechanism to assist in the exchange of information on living modified organisms. The Protocol also established a procedure for Advanced Informed Agreement, ensuring that the Parties are provided with the information necessary to make decisions on consent to import such organisms into their territory.

The Nagoya Protocol on Access and Benefit-Sharing was adopted 10 years later at COP10.⁷ The Protocol provides a legal framework for the effective implementation of one of the three objectives of the CBD, which is the fair and equitable sharing of benefits from the use of genetic resources. Genetic materials are extensively utilized for commercial purposes, including the development of pharmaceuticals, agricultural production, manufacturing of specialized chemicals, and other activities.

In 2022, **the Kunming-Montreal Global Biodiversity Framework** was adopted at COP15. The Framework is not an international treaty, but it outlines the action plan for the countries that are Parties to the CBD in relation to biodiversity. The Framework has specific goals and targets to halt and reverse biodiversity loss by 2030, and sets a pathway to a world living in harmony with nature by 2050.⁸

Institutional framework and governance

The decision-making body within the CBD is the **Conference of the Parties** (or COP), which has been convened regularly every two years since 1994 to review Parties' progress in implementing the Convention, adopt work programs, voluntary guidelines, achieve its objectives and provide policy guidance on a variety of issues related to the Convention.

In conjunction with the regular meetings of the Conference of the Parties to the CBD, Meetings of the Parties to the existing Protocols to the CBD (COP-MOP) are also held.⁹ The sessions of the three governing bodies result in separate decisions for each treaty.

The President of the COP is usually the Minister of the Environment of the host Government.¹⁰ He acts in this capacity as an official of the meeting and does not participate in the meeting as a representative of his Government. The President opens and closes the meeting, determines the order of speakers, rules on points of order, and exercises his powers before a new chairman of the regular meeting is appointed.

The President works in close consultation with the **Bureau**, supported by the CBD Secretariat, and relies on the Bureau's assistance in guiding the meeting. The Bureau consists of the President and his ten deputies (two from each UN regional group). The Bureau is the governing body for the Convention and its protocols. If a representative of a state that is not a Party to one or both protocols is elected to the Bureau, an alternative Bureau member from a country in the region that is a Party to the protocol is selected for the representative of such a country.

⁵ It entered into force in 2003. As of 2024, 173 Parties have joined the Protocol. In 2010, the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety was adopted. The Russian Federation has not joined the Protocols.

⁶ In everyday usage, living modified organisms are usually considered to be the same as GMOs (genetically modified organisms), however, the interpretation of the terms differs.

⁷ It came into force in 2014. As of 2024, 142 Parties have joined the Protocol. The Russian Federation is not a Party to the Nagoya Protocol.

⁸ Read more about the Framework in the material of the Center. [URL](#)

⁹ The governing body of the Cartagena Protocol is the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol (CP-MOP, or Biosafety COP-MOP). The governing body of the Nagoya Protocol is the Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol (NP-MOP or ABS COP-MOP).

¹⁰ Learn more about the Presidency of the Conference of the Parties. [URL](#)

The CBD Secretariat is located in Montreal, Canada. Its main function is to assist Governments in the implementation of the CBD and its work programs, organize meetings, prepare draft documents, and coordinate work with other international organizations.

In accordance with article 25 of the CBD, **the Subsidiary Body for Scientific, Technical and Technological Advice** (SBSTTA) has been established. SBSTTA is responsible for providing recommendations to the Conference of the Parties on the scientific and technical aspects of the CBD implementation.¹¹

Another body of the CBD is **the Subsidiary Body for Implementation** (SBI), established in accordance with the decision of the Conference of the Parties to the Convention in 2014.¹² The purpose of the SBI is to review progress in the implementation of the Convention and identify strategic actions to enhance implementation, including ways to strengthen it. It also addresses matters related to the operation of the Convention and its protocols.

Meetings of the two permanent subsidiary bodies take place before the beginning of each ordinary meeting of the Conference of the Parties. The subsidiary bodies make recommendations to the Conference of the Parties on issues of the Convention and protocols within a defined mandate.

The Conference of the Parties also carries out its work with the help of other bodies, **including working and informal consultative groups**, which are established by a COP decision for a certain period of time (usually for an inter-sessional period between two Conferences of the Parties). In the period from 2022 to 2024, among others, the following groups are active:

- The Ad Hoc Open-ended Working Group on Access and Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources, which was established in 2022 to further develop and put into effect an appropriate multilateral mechanism.¹³
- The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions,¹⁴ which examines issues of traditional knowledge of indigenous peoples and local communities that are relevant to the conservation and sustainable use of biodiversity. The Working Group consists of Parties and observers, including representatives of indigenous and local communities that adhere to traditional lifestyles. At its meetings, the Working Group makes recommendations to the Conference of the Parties.
- Informal Advisory Group on Ecologically or Biologically Significant Marine Areas, which was established in 2016 to provide scientific and technical recommendations on the revision and further development of existing scientific guidelines, in particular, on data collection and quality control based on criteria of ecologically or biologically significant marine areas.¹⁵ The Advisory Group includes 30 experts from among the Parties, indigenous peoples, local communities, relevant organizations.

Scientific basis

To achieve the objectives of the Convention, the Parties rely on scientific evidence. In making science-based decisions, the Conference of the Parties is guided not only by the recommendations of its subsidiary body for science, the SBSTTA, but also by the scientific support of **the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services** (IPBES), the leading intergovernmental body for assessing the state of the planet's biodiversity and its

¹¹ For more information about the activities of the SBSTTA, see the material of the Center. [URL](#)

¹² Decision XII/26 of the Conference of the Parties to the CBD.

¹³ The Working Group was established by decision 15/9 of the Conference of the Parties to the CBD. The mentioned mechanism was created within the framework of the Kunming-Montreal Global Framework Program. The Ad hoc Working Group is tasked with developing recommendations on the implementation of a mechanism for their adoption at COP16.

¹⁴ Established by decision IV/9 of the Conference of the Parties to the CBD in 1998.

¹⁵ Established by decision XII/12 of the Conference of the Parties to the CBD.

ecosystems.¹⁶ IPBES regularly issues comprehensive assessment reports related to the state of biodiversity and ecosystem services. The Platform is not a body of the Convention, but works closely with it through the SBSTTA and other cooperation mechanisms.

Negotiation process

Each Party to the Convention and its protocols is represented at the negotiations by national delegations consisting of officials authorized to represent the interests of the country.

The CBD negotiation process is open to a wide range of observers. Any State that is not a Party to the CBD, specialized UN agencies, any other organizations, governmental or non-governmental, with experience in areas related to the conservation and sustainable use of biological diversity, may be represented at meetings as observers. Accreditation is provided by the CBD Secretariat and gives the right to participate in meetings, unless one third of the Parties object to the presence of observers.

As part of the negotiations on the CBD, countries may also speak through informal negotiating coalitions. For instance, the Megadiverse Country Group, established in 2002, represents approximately 20 countries¹⁷ where the majority of biological diversity (up to 70% of global biodiversity) resides.

Key negotiation topics

The multilateral negotiations under the CBD include negotiating thematic tracks, each focusing on a different aspect of biodiversity management. The key issues are organized mainly around the three objectives of the Convention and correlate with the provisions of Articles 6-20 of the CBD: digital sequence information on genetic resources, sustainable wildlife management, liability and redress, traditional knowledge of indigenous and local communities, scientific and technical cooperation, and others.

The 2022-2024 agenda also includes assessing progress of the Kunming-Montreal Global Framework, the interrelationship of biodiversity and climate change, conservation of marine biodiversity, and funding, including the launch of a benefit-sharing mechanism for digital sequence information on genetic resources.

¹⁶ More information about the work of the IPBES in the material of the Center. [URL](#)

¹⁷ The coalition includes Brazil, China, Colombia, India, Indonesia, Malaysia, South Africa, Kenya and others.