

15 August 2017

**Views of Japan Bioindustry Association (JBA)  
on the proposals for new and emerging issues**

Dear Ms. Cristiana Paşca Palmer, PhD  
Executive Secretary of the Convention of Biological Diversity

Concerning the notification 2017-054 (SCBD/OES/DC/RH/84326) of 20 June 2017, Japan Bioindustry Association (JBA) greatly appreciates the opportunity for submission of our views related to the proposals for new and emerging issues, as a stakeholder in relation to the Convention of Biological Diversity (hereafter the CBD).

We would be most grateful if the Executive Secretary would take into consideration our views given below, in the process of preparing documentation on the related agenda item for the twenty-first meeting of the Subsidiary Body on Scientific, Technical and Technology Advice (SBSTTA 21).

**1. The views of JBA related to the proposals for new and emerging issues:**

**1) JBA's views:**

On the basis of the reasons given below, JBA has so far been unable to identify concrete reasons where any of the four proposals should be taken as the agenda item(s) for the SBSTTA 21.

Therefore, JBA fully supports the recommendations by Australia, Canada and the European Union, that there is “No new and emerging issue for consideration by SBSTTA at this time”.

**2) JBA's comments for each proposal**

**(1) [Environmental and social consequences of forced migration](#) (Iraq)**

This proposal calls upon SBSTTA to develop tools for the identification and quantification of the environmental consequences of involuntary migration and to compile and share information on adaptation strategy and governance models, because there is the evidence of the absence or limited availability of tools to limit or mitigate the negative impacts of the identified issue on the conservation and sustainable use of biodiversity.

Therefore, this issue should be dealt with not under the function (d) of SBSTTA decided in Appendix A of Annex III of UNEP/CBD/COP/DEC/VIII/10, that is “(d) Identify new and emerging issues relating to the conservation and sustainable use of biodiversity”, but under the function of “(e) Provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity.”

**(2) [Lawful Avoidance of ABS: Jurisdiction Shopping and Selection of non-Genetic-Material](#)**

Media for Transmission (Peruvian Society for Environmental Law)

The premise for this proposal is that access and benefit-sharing (ABS) requirements should be built on the concept of “natural information”, instead of genetic resources. However, through extensive discussion in the negotiations of the CBD and the Nagoya Protocol, it is now established that the ABS requirement shall be based on “genetic resources (i.e. genetic material of actual or potential value)”, but not on information. This is a settled matter. Therefore, it is not appropriate to consider the proposal.

This proposal refers to the issues of transboundary situations and involvement of Non-Party for ABS on the basis of “natural information”. For the same reason as the one given above, it is not appropriate to consider the proposal.

Therefore, it is not necessary to take this proposal as an agenda item for the SBSTTA 21.

(3) Legislative and regulatory frameworks to govern bioprospecting and use of digital sequence information (Center for Drug Discovery and Conservation of the University of the South Pacific)

This proposal refers to a number of the activities of particular relevance to Pacific island States, including the development of related legislative and regulatory frameworks to govern bioprospecting and use of digital sequence information in support of national activities in the context the sustainable management of marine and terrestrial genetic resources.

However, these activities can be dealt with and supported under the Article 22 “CAPACITY” and the Article 25 “FINANCIAL MECHANISM AND RESOURCES” under the Nagoya Protocol.

Additionally, this proposal refers to use of digital sequence information. However, this issue is supposed to be considered in due course under the CBD and the Nagoya Protocol. Therefore, it is not appropriate to propose it as a new and emerging issue.

On the other hand, it would be up to the decisions of any Parties or regional entities to conduct such activities at the level of their countries or regions as their own initiative.

Therefore, it is not necessary to take this proposal as an agenda item for the SBSTTA 21.

(4) Marine Dust from the Sahara Desert in Africa Nourishing the Mighty Amazon Rainforest of South America (Babagana Abubakar)

This proposal was submitted by an individual and therefore it does not comply with the decision IX, section II, paragraph 8.

**2. JBA's views on the process for the identification of new and emerging issue**

- (a) Should paragraph 12 of decision IX/29 be understood as implying that an issue qualifies only if all seven criteria are fulfilled or can it qualify if some of these criteria are fulfilled?

In principle, all seven criteria should be fulfilled because these criteria are mutually independent and important.

But even if some of these criteria are not fulfilled, such an issue should be qualified discreetly by considering positive effects in case of qualifying and adverse effects in case of not qualifying as a new and emerging issue on the conservation and sustainable use of biodiversity.

- (b) Should paragraph 12 of decision IX/29 be understood as implying that an issue qualifies only if it has potential negative consequences for the conservation and sustainable use of biodiversity (risk, impact) or can it qualify if it focuses on opportunities to advance the conservation and sustainable use of biodiversity?

The paragraph 12 of decision IX/29 should be understood as implying coverage of both cases where an issue has potential negative consequences for the conservation and sustainable use of biodiversity (risk, impact) and it has opportunities to advance the conservation and sustainable use of biodiversity.

- (c) Are there adjustments to the criteria that should be considered?

JBA thinks that adjustments to the criteria should be considered.

In some cases, an issue should be qualified discreetly by adjusting the priorities and importance of the seven criteria based on the consideration regarding potential positive effects in case of qualifying and potential adverse effects in case of not qualifying as a new and emerging issue on the conservation and sustainable use of biodiversity.

- (d) Are there additional criteria that should be added to the ones listed in paragraph 12 of decision IX/29?

JBA thinks that further experiences will be necessary to judge whether additional criteria should be added to the ones listed in paragraph 12 of decision IX/29, because we understand that there has been no case in which SBSTTA identified new and emerging issue relating to the conservation and sustainable use of biodiversity based on the present seven criteria.

Sincerely yours,



Yoshiaki TSUKAMOTO  
Executive Director  
Japan Bioindustry Association