

Summary of the 12th Meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions (WG8j-12) and the 1st Meeting of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources (WGDSI-1): 12-18 November 2023

Discussions in Geneva during the seven-day intersessional meeting of the Convention on Biological Diversity (CBD) have potentially laid the foundations for a new era for global biodiversity governance. The CBD will make a giant leap towards the implementation of its third objective, the fair and equitable sharing of benefits arising from genetic resources, if negotiations in the coming months on the critical issue of digital sequence information (DSI) on genetic resources are productive and can overcome the many challenges that persist and lead to a robust outcome.

The much-awaited first meeting of the Working Group on benefit-sharing from the use of DSI on genetic resources (WGDSI-1) took place in conjunction with the 12th meeting of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and related provisions (WG8j-12), bringing Indigenous Peoples and local communities (IPLCs) to the center of deliberations. IPLC-related issues are at the heart of WG8j deliberations, while simultaneously, IPLCs are envisaged to be among the main beneficiaries of the future DSI-related fund, linking the two lines of work.

Before the two meetings started, the biodiversity community expected a complex negotiation on DSI and a smooth one under the WG8j. These expectations did not materialize. WG8j-12 was challenging, in particular around terminology issues. Springing from a recommendation by the UN Permanent Forum on Indigenous Issues (UNPFII) to distinguish between Indigenous Peoples and local communities, delegates engaged in a difficult discussion on the issue, revealing fundamentally different opinions. Some underscored the years-long struggles of Indigenous Peoples for the recognition of their rights, lamenting that some states have denominated Indigenous Peoples as local communities to reduce those rights. Others highlighted the centuries-old role local communities have played, and will continue to play, in preserving biological resources and transmitting knowledge, stressing while Indigenous Peoples and local communities may be “different entities,” separating them is out of the question.

Biodiversity negotiations veterans emphasized that divergence of opinions on similar issues is neither new nor surprising, pointing to the 13th meeting of the Conference of the Parties (COP 13) in Cancun in 2016 and the challenging negotiations on the notion

of free, prior, and informed consent. While issues around IPLC terminology constitute a Gordian knot and may only be resolved in the long-term via genuine dialogue among and between Indigenous Peoples and local communities, a major concern is that these disagreements spilled over into other agenda items, “poisoning” the development of a new programme of work for WG8j and leading to many “bracketed” provisions that will have to be resolved at COP 16.

Despite these problems, WG8j-12 was able to find common ground on the remaining issues on its agenda, such as the knowledge management component of the Kunming-Montreal Global Biodiversity Framework (GBF), the joint programme of work on the links between biological and cultural diversity, and the role of Indigenous languages in the intergenerational transmission of traditional knowledge, innovations, and practices.

The long-expected WGDSI-1 deliberations largely took place in a cordial environment, a development welcomed by all who have been following the difficult and tangled road that these negotiations have taken since 2016, which eventually led to the establishment of the Working Group at COP 15 in December 2022. While many underscore that the jury is still out on the modalities of a multilateral mechanism on benefit-sharing from the use of DSI on genetic resources, including a global fund, the potential cannot be underestimated. The new mechanism may constitute a driver for the implementation of the third objective of the CBD, which has been lagging and has led to grievances, in particular from developing countries. If constructed properly, the mechanism may provide a meaningful contribution towards closing the biodiversity financing gap, which is estimated at around USD 700 billion annually. It

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may give a boost, through these funds, to biodiversity conservation and the sustainable use of its components, the CBD's other two objectives. It may further, through non-monetary measures, help to reduce the gap in capacity building and development, and technology transfer, between developed and developing countries, leading to the potential creation of direct benefits for the most vulnerable. The non-exhaustive list of possible elements of the multilateral mechanism, the main outcome of the session, will be key for intersessional work, moving forward during the second meeting of the working group in August 2024.

WG8j-12 and WGDSI-1 convened in Geneva, Switzerland, from 12-18 November 2023, attracting more than 400 participants for each meeting.

A Brief History of the Working Groups

The CBD was adopted on 22 May 1992 and entered into force on 29 December 1993. There are currently 196 parties to the Convention. The CBD aims to promote the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources.

Working Group on Article 8(j) and Related Provisions

The Convention recognizes the dependency of IPLCs on biodiversity and their unique role in conserving life on Earth. This recognition is enshrined in the preamble of the Convention and its provisions. Under Article 8(j) of the Convention, each party has undertaken to, “subject to its national legislation, respect, preserve and maintain knowledge, innovations, and practices of Indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, and promote their wider application with the approval and involvement of the holders of such knowledge, innovations, and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations, and practices.”

The WG8j was established through [Decision IV/9](#), adopted in Bratislava, Slovakia, in 1998. The programme of work to implement the commitments of CBD Article 8(j)—to enhance the role and involvement of IPLCs in the achievement of the objectives of the Convention—was adopted in Nairobi, Kenya, in 2000, through [Decision V/16](#). To support the WG8j, CBD parties have adopted several voluntary guidelines, including:

- the [Akwé: Kon Voluntary Guidelines](#) for the conduct of cultural, environmental, and social impact assessments regarding IPLCs, adopted through [Decision VII/16](#) at COP 7 in Kuala Lumpur, Malaysia, in 2004;
- the [Tkarihwaï:ri Code of Ethical Conduct](#) to ensure respect for the cultural and intellectual heritage of IPLCs, adopted through [Decision X/42](#) at COP 10 in Nagoya, Japan, in 2010;
- the [Mo'otz Kuxtal Voluntary Guidelines](#) for the development of mechanisms, legislation, or other appropriate initiatives to ensure the IPLCs' “prior and informed consent,” “free, prior and informed consent” or “approval and involvement,” as appropriate, adopted through [Decision XIII/18](#) at COP 13 in Cancun, Mexico, in 2016;
- the [Rutzolijirisaxik Voluntary Guidelines](#) for the repatriation of traditional knowledge relevant for the conservation and sustainable use of biodiversity, adopted through [Decision 14/12](#) at COP 14 in Sharm El-Sheikh, Egypt, in 2018; and

- the [Glossary of relevant key terms and concepts](#) within the context of Article 8(j) and related provisions, adopted through [Decision 14/13](#) at COP 14.

Recent WG8j Sessions: The 10th meeting of the Working Group was held from 13-16 December 2017, in Montreal, Canada. The meeting featured an in-depth dialogue on the contribution of traditional knowledge to the implementation of the 2030 Agenda for Sustainable Development. The WG8j forwarded six recommendations to COP 14 on: voluntary guidelines for the repatriation of traditional knowledge relevant for the conservation and sustainable use of biodiversity; glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions; future work for the full integration of Article 8(j) and provisions related to IPLCs in the work of the Convention and its Protocols, with full and effective participation of IPLCs; resource mobilization; recommendations from the UNPFII; and future in-depth dialogues.

The 11th meeting of the Working Group took place in Montreal, Canada, from 20-22 November 2019. The Working Group forwarded four recommendations to COP-15 on: future in-depth dialogues; development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to IPLCs; options for possible elements of work aimed at an integration of nature and culture in the post-2020 GBF; and recommendations from the UNPFII. The meeting also featured an in-depth dialogue on the “contribution of traditional knowledge, innovations, and practices of IPLCs, and cultural diversity to the GBF.”

Working Group on Benefit-sharing from the Use of DSI on Genetic Resources

COP 13, held in Cancun, Mexico, in 2016, adopted [Decision XIII/16](#) on DSI on genetic resources. Through the decision, parties established an Ad Hoc Technical Expert Group (AHTEG) on DSI on genetic resources in accordance with the terms of reference contained in its annex. The AHTEG met from 13-16 February 2018, in Montreal, Canada. The outcomes of the meeting were addressed by the 22nd meeting of the Subsidiary Body on Scientific, Technical, and Technological Advice (SBSTTA-22) held in Montreal, Canada, from 2-7 July 2018. Based on the AHTEG report, SBSTTA-22 adopted and forwarded to COP 14 [Recommendation 22/1](#) on DSI on genetic resources.

At COP 14 in 2018, CBD parties adopted [Decision 14/20](#) on DSI on genetic resources, by which an extended AHTEG was established, including the participation of IPLCs. Following [Decision 14/20](#), the extended AHTEG met virtually from 17-20 March 2020, and provided a report on how to address DSI on genetic resources in the context of the post-2020 GBF for the consideration of the Open-ended Working Group on the Post-2020 GBF (WG2020) at its third meeting.

The WG2020 held the first part of its third meeting virtually from 23 August to 3 September 2021. The Co-Chairs of the WG2020, Basile van Havre (Canada) and Francis Ogwal (Uganda), and the Executive Secretary of the Convention, Elizabeth Mrema, in consultations with the Bureau, established an Informal Co-Chairs' Advisory Group on DSI on genetic resources.

During the second part of the third meeting of the WG2020, held in Geneva, Switzerland, from 14-29 March 2022, the Working Group adopted [Recommendation 3/2](#) on DSI on genetic resources, requesting the Advisory Group on DSI on genetic resources to

continue its work on the assessment of consequences of potential policy approaches, options, or modalities for benefit-sharing arising out of the utilization of DSI on genetic resources.

At the fourth meeting of the WG2020, held in Nairobi, Kenya, from 21-26 June 2022, CBD parties adopted [Recommendation 4/2](#) on DSI on genetic resources, recommending that COP 15 adopt a decision drawing on the elements contained in the annex (elements for a decision and proposals for multilateral and hybrid approaches for benefit sharing from the use of DSI on genetic resources).

The fifth and final meeting of the WG2020, held in Montreal, Canada, from 3-5 December 2022, adopted [Recommendation 5/2](#), suggesting that COP 15, among other things, adopt a decision noting the work on DSI on genetic resources undertaken by the Advisory Group, and agree that benefits arising from the use of DSI on genetic resources shall be shared fairly and equitably. The recommendation included an annex with the proposed policy options on benefit-sharing from the use of DSI on genetic resources.

CBD COP 15, held in Montreal, Canada from 7-19 December 2022, adopted [Decision 15/9](#) on DSI on genetic resources. The decision, among other things, established: a multilateral mechanism for benefit-sharing from the use of DSI on genetic resources, including a global fund, as part of the GBF; a fair, transparent, inclusive, participatory, and time-bound process to further develop and operationalize the mechanism to be finalized at COP 16; and a WGDSI to undertake further development of the multilateral mechanism, including the elements identified in the annex (issues for further consideration), and to make recommendations to COP 16.

WG8j-12 Report

On Sunday, 12 November, Working Group Co-Chair Ning Liu (China), on behalf of COP 15 President Huang Runqiu, Minister of Ecology and Environment, China, opened the meeting, emphasizing the importance of supporting the collective and local actions of IPLCs in achieving the CBD's long-term vision of living in harmony with nature by 2050.

In a traditional blessing, Kenneth Atsenhainton Deer, Kahnawake Mohawk Territory, gave thanks to "Mother Earth, all living things, the four winds, and elements of the sky," noting the importance of such gatherings to consider all of creation before making important decisions.

David Cooper, CBD Acting Executive Secretary, noted this Working Group's role as a forum for rich cultural exchange. He called for protecting the planet's remaining biological, cultural, and linguistic diversity, and encouraged delegates to be ambitious, with discussions acting as a "catalyst for unity, transcending the polarization that has enveloped our world."

Organizational Matters

Election of Officers: On Sunday, June Rubis (Asia) was designated as Working Group Indigenous Co-Chair. Six IPLC representatives were designated as "Friends of the Bureau," representing the geo-cultural regions recognized by the UN Permanent Forum on Indigenous Issues (UNPFII): June Rubis (Asia); Lucy Mulenkei (Africa); Polina Shulbaeva (Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia); Christine Teresa Grant (Pacific); Yolanda Teran (Central and South America and the Caribbean); and Rochelle Diver (North America). No representative from the Arctic Region attended the meeting, thus none was appointed. Hlob'sile Sikhosana (Eswatini) was elected rapporteur.

Adoption of the Agenda and Organization of Work: Delegates adopted the provisional agenda ([CBD/WG8J/12/1/Rev.1](#)) and the organization of work ([CBD/WG8J/12/1/Add.1](#)).

In-depth Dialogue: The Role of Languages in the Intergenerational Transmission of Traditional Knowledge, Innovations and Practices

This agenda item was discussed in plenary on Sunday, Wednesday, and Thursday.

On [Sunday](#), the Secretariat introduced document [CBD/WG8J/12/2](#). An expert panel led by Darío Mejía, President, UNPFII; Yolanda Teran, Indigenous Women's Biodiversity Network; and Mohamed Handaine, Indigenous Peoples of Africa Coordinating Committee, set the stage for the dialogue.

Delegates and observers stressed the need to support the use and revitalization of Indigenous languages as part of the GBF. They highlighted Indigenous languages as providers of identity and belonging, safeguarding a close understanding with nature, and stressed the link with traditional knowledge.

On [Wednesday](#), Co-Chair Liu introduced a conference room paper (CRP) reflecting Sunday's discussions and suggestions (CBD/WG8J/12/CRP.4). Proposals to improve and clarify the preambular section converged on an outcome upholding principles of inclusivity and the objective of improving visibility on IPLCs' concepts, cosmovisions, and epistemologies, including their value within the CBD's work.

On [Thursday](#), Co-Chair Liu introduced the final recommendation, which were adopted with no objections.

Final Outcome: In the final outcome (CBD/WG8J/12/L.2), the Working Group recommends that COP 16: invite parties to fully acknowledge the role of languages of IPLCs in the intergenerational transmission of traditional knowledge, innovations, and practices; and decides the theme of the next in-depth dialogue will be: "Strategies for mobilizing resources to ensure the availability of and access to financial resources, and funding for capacity-building, development, and technical support for IPLCs to support the full implementation of the GBF."

Progress in the Implementation of the Priority Tasks of the Multi-Year Programme of Work

The Working Group addressed this agenda item in plenary on [Sunday](#). The Secretariat introduced the relevant documents ([CBD/WG8J/12/3](#) and [CBD/WG8J/12/INF/3](#)). Delegates and the International Indigenous Forum on Biodiversity (IIFB) welcomed progress in implementing the priority tasks and encouraged effective IPLC participation for achieving GBF targets.

Knowledge Management Component of the GBF

This agenda item was discussed in plenary on Sunday and Thursday.

On [Sunday](#), the Secretariat introduced document [CBD/WG8J/12/4](#). Many delegates and observers supported the updated knowledge management strategy draft, calling for effective IPLC participation, and emphasizing the safeguard of free, prior, and informed consent. They tabled suggestions to improve the draft, including incorporating a human rights-based approach, strengthening dialogues between different knowledge sources, and addressing asymmetries in the generation of data and knowledge.

On [Thursday](#), Co-Chair Liu introduced the relevant conference room paper (CRP) (CBD/WG8J/12/CRP.1/Rev.1), which was approved with no comments. In the afternoon, delegates adopted the final recommendation.

Final Outcome: In the final outcome (CBD/WG8J/12/L.4), the Working Group:

- requests the Secretariat, when updating the draft strategy, to add a biennial workplan with timelines for implementation up to 2030; and
- recommends that the fourth meeting of the Subsidiary Body on Implementation (SBI 4) and COP 16, in their review and finalization of the draft strategy, give particular attention to issues related to the traditional knowledge, innovations, and practices of IPLCs reflected in the annex.

The annex on the draft knowledge management strategy to support the implementation of the GBF contains seven sections: background and context; components; principles; purpose; outcomes; implementation; and monitoring, with the details of the nine strategic objectives, actions, and actors.

Development of a New Programme of Work and Institutional Arrangements

The development of a new programme of work and institutional arrangements for the Working Group were addressed in plenary on Sunday and Thursday. A contact group, co-facilitated by Matilda Wilhelm (Sweden) and Lucy Mulenkei (Indigenous Information Network), met to further discuss the issue on Monday, Tuesday, and Wednesday.

On [Sunday](#), the Secretariat introduced document [CBD/WG8J/12/5](#), drawing attention to the Ad Hoc Technical Expert Group's meeting in Manaus, Brazil, which elaborated possible elements, tasks, and *modus operandi* for a proposed subsidiary body.

Delegates offered amendments to improve the new programme of work. Some supported the establishment of a new subsidiary body, while others noted the need for further discussions, with some expressing concerns, including on budgetary implications. Observers highlighted the need for a human rights-based approach in implementation; women's participation, including Indigenous women and girls; and a stronger focus on intergenerational equity.

During the contact group deliberations on [Monday](#), delegates discussed, among other things: ways to improve the overall structure of the programme of work; framing collaboration with IPLCs to improve the outcomes of management actions; and topics to be addressed by guidelines, such as best practices identified on traditional lands and resource use, including the applicability of national legislation and international obligations when developing or implementing the guidelines.

On [Tuesday](#), contact group discussions focused on institutional arrangements, including whether to: establish a permanent subsidiary body; extend the Working Group; or work to fully integrate the new programme of work across the Convention.

On [Wednesday](#), participants in the contact group addressed a revised non-paper, which streamlined previous discussions, noting that some tasks need further improvement. Discussions focused on some elements of a new programme of work: knowledge and culture; strengthening implementation and monitoring progress; the full and effective participation of IPLCs; a human rights-based approach; and funding for IPLCs.

On [Thursday](#), in plenary, Co-Chair Liu introduced the CRP (CBD/WG8J/12/CRP.5). Some delegates stressed the need for the CRP to better reflect the various discussions held on the programme of work in the contact group and the divergent views on the options for institutional arrangements, reiterating their suggestions. Some parties supported the establishment of a new permanent subsidiary body while a few opposed.

In the afternoon, delegates reviewed an updated CRP (CBD/WG8J/12/CRP.5/Rev.1). Following initial comments, Co-Chair Liu, acknowledging time constraints, proposed bracketing the contentious part of the document. Delegates offered additional suggestions and adopted the document with brackets.

Final Outcome: In the final outcome (CBD/WG8J/12/CRP.5/Rev.1), the Working Group recommends that COP 16:

- decide to adopt a programme of work on Article 8(j) and other provisions of the Convention related to IPLCs to 2030, as contained in the annex;
- request parties to report on progress in the implementation of the programme of work on Article 8(j);
- invite parties to increase the funding to the Voluntary Funding Mechanism to support the effective participation of IPLCs;
- urge parties to fully involve IPLCs in the preparation of national reports and in the revision, update and implementation of national biodiversity strategies and action plans; and
- request the Secretariat to support the mobilization of financial resources for IPLCs.

In a fully bracketed paragraph, the Working Group recommends that COP 16 also request the Secretariat, subject to the availability of resources, to:

- undertake studies on best practices on access and benefit-sharing and experiences of IPLCs, including the governance role of databanks and databases that contain data on the utilization and protection of genetic resources, traditional knowledge associated with genetic resources, and their associated information on geographical origin;
- strengthen and support a global network of national focal points on Article 8(j) and related provisions; and
- identify and promote good practices regarding funding and innovative financial mechanisms for collective actions on biodiversity conservation and sustainable use by IPLCs, including actions to be led by women and youth.

On institutional arrangements, with all paragraphs bracketed, the Working Group recommends that COP 16 decide to:

- establish a subsidiary body on Article 8(j) and related provisions;
- further integrate the work on IPLCs into the work of SBSTTA and the SBI; and
- address the need for sufficient time to be allocated to items on matters of relevance to IPLCs by allocating additional meeting time at each meeting of SBSTTA and SBI.

Annexed to the recommendations are the proposed new programme of work and the proposed *modus operandi* of a permanent subsidiary body. Some elements of the draft programme of work, including relevant actors, and the entire section on the *modus operandi* of the proposed permanent subsidiary body remain in brackets.

Joint Programme of Work on the Links between Biological and Cultural Diversity: Review and Update of the Four Adopted Traditional Knowledge Indicators

Delegates addressed this agenda item in plenary on Monday, Wednesday, and Thursday.

On [Monday](#), the Secretariat introduced document [CBD/WG8J/12/6/Rev.1](#), outlining the four indicators pertaining to traditional knowledge on the trends and status of: linguistic diversity and number of Indigenous language speakers; change in land-use and land tenure in IPLCs' traditional territories; practice of traditional occupations; and the degree to which traditional knowledge and practices are respected through full integration, participation, and safeguards in national implementation of the Strategic Plan. James Williams, Co-Chair of the AHTEG on Indicators, reported on work on the GBF monitoring framework.

Many delegates and observers supported the draft recommendation, emphasizing the significance of the four traditional knowledge indicators and GBF Targets 22 (participation, access to justice, and rights for IPLCs and other vulnerable groups) and 23 (ensure gender equality in the implementation through a gender-responsive approach) to the GBF monitoring framework. Some suggested amendments to the four traditional knowledge indicators; others called for the development of transparent, flexible, clear, and concise indicators.

On [Wednesday](#), delegates addressed the relevant CRP (CBD/WG8J/12/CRP.2). Some delegates raised doubts and concerns on the structure, wording, and substance of a paragraph on considering additional headline indicators. Discussions focused on a reference to trends in land-use change and land tenure in the traditional territories of IPLCs, with some noting that it might go beyond the scope of GBF Target 22, and others suggested retaining it. Delegates agreed not to refer to "headline" indicators in the chapeau, and to consider the development of indicators on trends in land-use change and land tenure as a standalone reference. On additional indicators, a lengthy debate took place over a reference to environmental human rights defenders. Delegates eventually agreed to include the need for additional indicators for monitoring funding to IPLCs, and to delete the reference to environmental human rights defenders.

On [Thursday](#), Co-Chair Liu introduced the final recommendation (CBD/WG8J/12/L.3). Following editorial amendments, and an unsuccessful attempt to include a reference to environmental human rights defenders, delegates adopted the document.

Final Outcome: In the final outcome ([CBD/WG8J/12/L.3](#)), the Working Group invites the AHTEG on Indicators and SBSTTA to:

- further develop the indicators, taking into account the submissions on traditional knowledge indicators;
- consider gaps in relation to Target 22, including on trends in the degree to which traditional knowledge and practices are respected through their full integration;
- consider the development of indicators on trends in land-use change and land tenure in the traditional territories of IPLCs;
- ensure that IPLCs, as well as their traditional knowledge, innovation, and practices, are well reflected in the component and complementary indicators; and
- consider the need for data disaggregation by sex for all the GBF indicators, including the four traditional knowledge indicators.

The Working Group also:

- encourages parties, IPLCs, women and youth, and relevant stakeholders to contribute to the online discussions, in particular,

to provide examples of community-based monitoring and information systems;

- requests the Secretariat to facilitate a scientific and technical review of the traditional knowledge indicators and suggested links to the indicators of the GBF monitoring framework, and to provide the results of that review to the AHTEG on Indicators in time for its second in-person meeting; and
- recommends that COP 16 encourage parties and relevant organizations and stakeholders to provide support for community-based monitoring and information systems.

Recommendations of the Permanent Forum on Indigenous Issues

The UNPFII recommendations from its 20th–22nd sessions were addressed in plenary on Monday, Wednesday, and Thursday.

On [Monday](#), Darío Mejía, President, UNPFII, reiterated, among other things, the position of the Special Rapporteur on the rights of Indigenous Peoples: that it is "unacceptable to undermine the status and standing of Indigenous Peoples by combining or equating them with non-Indigenous entities, such as minorities, vulnerable groups, or local communities."

Observers from Indigenous organizations welcomed UNPFII's recommendations. Some delegates, in particular from the African Group, stressed that IPLCs are one single and indivisible unit, and cautioned that separation would exacerbate problems between the two groups.

On [Wednesday](#), Co-Chair Liu introduced the CRP (CBD/WG8J/12/CRP.3) and some parties provided textual amendments.

On [Thursday](#), discussions on the CRP continued. Delegates tried unsuccessfully to reach a compromise on terminology, including by replacing the controversial provisions containing reference to Indigenous Peoples but not to local communities. In the afternoon, Co-Chair Liu introduced the final draft recommendation. Following an exchange of views on the exact placement of the brackets, delegates adopted an entirely bracketed recommendation.

Final Outcome: In the fully bracketed outcome (CBD/WG8J/12/L.5), the Working Group recommends that COP 16:

- take note of the observations and recommendations emanating from the 20th-22nd sessions of the UNPFII; and
- request the Secretariat to continue to inform the UNPFII of development of mutual interest and to provide information to the Forum about activities undertaken related to its observations and recommendations.

Other Matters

On Thursday, INDONESIA, on behalf of several members of the Organisation of Islamic Cooperation, including Pakistan, Türkiye, Iran, Algeria Egypt, Oman, and Jordan, stressed that Palestine represents the meeting point of three continents and many biogeographical zones, but lack of sovereignty and continued Israeli occupation harms the Palestinian environment and access to natural resources. He emphasized that "the illegal and barbaric attack and forced displacement of the IPLCs of Palestine must be stopped and Palestinian IPLCs' rights need to be protected, as stated by the CBD and the GBF," stressing that "the violence, which cannot be justified as self-defense, must end to prevent a worsening humanitarian catastrophe." He added "the crimes committed by the apartheid occupying power also caused severe destruction of the nature and biodiversity in Palestine, with long-term consequences for the whole world."

Adoption of the Report and Closure of the Meeting

On Thursday, Working Group Rapporteur Hlob'sile Sikhosana introduced the draft report of the meeting (CBD/WG8J/12/L.1). Delegates adopted the report with a minor amendment.

David Cooper, CBD Acting Executive Secretary, reviewed progress made during the Working Group's deliberations. He informed participants that the Second Committee of the UN General Assembly has approved a draft resolution on the CBD and its contribution to the Sustainable Development Goals that highlighted the important role played by IPLCs. Cooper drew attention to the discussions on the development of the new programme of work and institutional arrangements, emphasizing that negotiations will continue at COP 16.

IIFB expressed hope that parties will extend their support for language revitalization, while referring to the GBF, which recognizes the roles and rights of IPLCs for biodiversity conservation and sustainable use. She stressed that "the GBF will not happen without us" and urged parties to support the full and effective participation of IPLCs in GBF implementation and decision making.

Co-Chair Liu congratulated participants for making progress on all agenda items. He applauded the progress made despite differences in opinions. Co-Chair Liu concluded that this was achieved due to a sense of cooperation and compromise "as we march on the road to the implementation of the global biodiversity vision of living in harmony with nature by 2050." He gave the meeting to a close at 6:58 pm.

WGDSI-1 Report

On [Tuesday, 14 November](#), Chair Ning Liu, China, opened the inaugural meeting of WGDSI-1, highlighting the tasks at hand: to further develop and operationalize the multilateral mechanism for benefit-sharing from DSI, including a global fund. He encouraged delegates to grasp this "opportunity to make history together."

David Cooper, Acting Executive Secretary, CBD, emphasized that the multilateral mechanism and global fund are integral to the GBF. He expressed hope for deliberations to lay the foundations for a practical system, noting their relevance to other fora, including the World Health Organization and the International Treaty on Plant Genetic Resources for Food and Agriculture.

Regional groups and observers delivered opening statements.

Organizational Matters

On Tuesday, delegates adopted the provisional agenda ([CBD/WGDSI/1/1](#)) and organization of work ([CBD/WGDSI/1/1/Add.1](#)). Angela Lozan (Moldova) was elected rapporteur. Delegates established a Committee of the Whole (CoW), co-chaired by Martha Mphatso Kalemba (Malawi) and William Lockhart (UK), to guide discussions.

Issues for Further Consideration Set Out in the Annex to Decision 15/9

The main agenda item for WGDSI-1 was discussed in the CoW on Tuesday, Friday, and Saturday, and in a contact group, co-facilitated by Nneka Nicholas (Antigua and Barbuda) and Salima Kempnaer (Belgium), on Wednesday, Thursday, and Friday.

On [Tuesday](#), the Secretariat introduced document [CBD/WGDSI/1/2](#), outlining key points for consideration by the Working Group, and [CBD/WGDSI/1/2/Add.2/Rev.1](#), containing an executive

summary compiling lessons learned from other international funding mechanisms. She further highlighted the meeting of the Advisory Committee on Resource Mobilization in September 2023.

Delegates and observers initiated discussions based on five clusters, grouping together issues for further consideration, annexed to [CBD Decision 15/9](#) on DSI on genetic resources:

- contributions to the fund;
- disbursement of the fund;
- non-monetary benefit-sharing;
- governance; and
- relation to other approaches and systems.

On [Wednesday](#), the contact group started its deliberations on the basis of a non-paper summarizing main discussion points, including interventions from Tuesday's session of the CoW.

On [Thursday](#), the contact group addressed a revised non-paper, reflecting Wednesday's discussions. Co-facilitator Kempnaer stressed that the revised non-paper's content should be seen "as a list of elements and not as a draft decision."

On [Friday](#), delegates held discussions under the CoW throughout the day and in the contact group in the evening. CoW Co-Chairs Lockhart and Kalemba introduced a CRP (CBD/WGDSI/1/CRP.1), highlighting that it is structured around areas of potential convergence and those requiring further discussions. This session of the contact group was co-facilitated by the CoW Co-Chairs, and focused on the structure for further work through three steps: information sharing including webinars; setting up an informal advisory group to provide an opportunity for technical discussion among parties, IPLCs, and stakeholders; and informal consultations facilitated by the CoW Co-Chairs.

On Saturday, the CoW met throughout the day. In the morning, Co-Chair Lockhart invited delegates to resume outstanding discussions on elements on governance and on relation to other approaches and systems.

On **governance** (cluster D), delegates discussed an element noting that the operation of the multilateral mechanism should be monitored against the principles of paragraphs 9 and 10 of CBD Decision 15/9 on DSI on genetic resources. Following a suggestion by INDIA, supported by BRAZIL, COLOMBIA, and ARGENTINA, they agreed to highlight the entire Decision 15/9, with particular reference to the two relevant paragraphs.

CANADA, supported by JAPAN, the UK, and BRAZIL, suggested moving an element noting that the fund should be able to allocate funding to IPLCs in all regions, in particular in developing countries, to cluster B (disbursement of funds).

On a provision noting that the mechanism should operate in a way that is consistent with open access to data, SWITZERLAND, supported by the REPUBLIC OF KOREA and CANADA, suggested adding "in public databases."

On elements on data governance, BRAZIL, supported by the AFRICAN GROUP, the EU, COLOMBIA, and ARGENTINA, suggested moving them under elements for further discussion, stressing the need to discuss the implications of such provisions with the scientific community. The EU, supported by AUSTRALIA, CANADA, and the REPUBLIC OF KOREA, suggested deleting references linking the multilateral mechanism with data governance under various elements, noting that the mechanism is not a data repository.

Delegates eventually agreed to reformulate an element on data governance to include questions on: whether the multilateral mechanism has implications for data governance; how the

mechanism could operate in a way that is consistent with open access to data in public databases; and whether, and if so, the mechanism should operate in a way that does not affect the current operation of working practices of public databases. The element was placed under those requiring further discussions.

Similar discussions took place on an element noting that data governance of the multilateral mechanism must respect the rights of IPLCs. The EU, supported by NORWAY and BELARUS, reiterated the need to remove reference to data governance, reformulating the provision into a question on “how the multilateral mechanism would operate in a way that respects the rights of IPLCs,” and to place it under elements for further discussion. Regarding elements addressing data governance, IIFB emphasized the need for considering the principles and framework for open and responsible data governance.

GUATEMALA proposed referring to the third objective of the Convention (fair and equitable benefit-sharing) and agreed to place it under elements for further discussions. The REPUBLIC OF KOREA suggested exploring the linkages between traditional knowledge and genetic resources. UGANDA, underscoring that “everyone agrees that the mechanism should respect IPLCs’ rights,” urged for maintaining the element under areas of potential convergence.

Co-Chair Lockhart, supported by TOGO, CANADA, the REPUBLIC OF KOREA, NORWAY, and NAMIBIA, suggested splitting the element into two: one on the multilateral mechanism’s need to respect the rights of IPLCs over their traditional knowledge, traditional knowledge associated with genetic resources, and genetic resources, which remained under areas of potential convergence; and the other on how the mechanism would operate in a way that respects the rights of IPLCs over their traditional knowledge, which will require further discussions.

Regarding the elements on which there is a need for further discussion on governance, on the options for new or existing funds that could host the global fund, and the options for revisions to the operating modalities of the Global Environment Facility (GEF) or the GBF Fund, the EU, supported by SWITZERLAND, NORWAY, and the UK, drew attention to the links with the work under the Advisory Committee on Resource Mobilization. NORWAY suggested adding “use of existing modalities or” to the options for revision of the operating modalities.

Following the exchange, the EU, opposed by ARGENTINA and INDONESIA, proposed to address both elements in the chapeau: “taking into account the ongoing work of the Advisory Committee on Resource Mobilization.” BRAZIL accepted the chapeau, but opposed the proposal by Norway. ARGENTINA noted that a more general reference might be acceptable.

BRAZIL, supported by INDONESIA, proposed including a new element on how to ensure the global fund is consistent with principles of inclusivity and equity. NORWAY noted that other relevant principles might also be included. Co-Chair Lockhart invited delegates to discuss the EU and Brazil’s proposals in a small group.

TOGO suggested replacing the element addressing the difference, if any, between the governance of the mechanism as a whole and the governance of the fund with: “search for coherence in the functioning of the mechanism as a whole and the governance of the fund should be aligned with Decision 15/9.” The EU noted the proposal should be included as a new sub-element instead of replacing the existing one.

On the possibility of creating a family of linked databases under the mechanism, JAPAN suggested including: “and also the possibility of database segmentation.” The EU proposed to start the element with: “whether, and if so, how.”

The UK suggested simplifying the chapeau regarding monitoring the mechanism, starting the provision with: “whether the factor for monitoring the operation of the mechanism should include” a list of factors. INDIA suggested deleting “whether” and to include monitoring of the finances of the mechanism.

UGANDA proposed monitoring the mechanism’s performance rather than its operation and adding to the list of factors the ability to mobilize resources and how well the mechanism handles issues, including bilateral arrangements. The EU supported the first two proposals and opposed the third, noting it is not yet accepted if bilateral mechanisms are going to be part of the multilateral mechanism and, if so, the discussion should be under the hybrid mechanism.

NORWAY stated that listing factors “does not really make sense,” and that all could be covered by monitoring the mechanism’s systemic operation. BRAZIL, the EU, and INDONESIA noted that the provision on respecting the rights of IPLCs needs a new formulation. Co-Chair Lockhart stated that the list of factors will be removed.

Co-Chair Kalemba introduced two elements addressing the **relation to other approaches and systems** (cluster E) that were considered to have found convergence during contact group discussions.

On the element addressing other approaches that the multilateral mechanism could benefit from, depending on the final model adopted, the EU, the REPUBLIC OF KOREA, SWITZERLAND, NORWAY, SOUTH AFRICA, Namibia for the AFRICAN GROUP, MOROCCO, and others, noted the lack of clarity and convergence on the “number of approaches under the Nagoya Protocol” that the multilateral mechanism could benefit from, and, supported by CANADA, proposed moving this text to the section requiring further discussions.

The REPUBLIC OF KOREA further queried the suitability of text on “community protocols.” Namibia, for the AFRICAN GROUP, ARGENTINA, IIFB, and the CBD WOMEN’S CAUCUS stressed the need to retain reference to “community protocols.”

COLOMBIA, CANADA, TOGO, and INDIA noted experiences from the implementation of the Nagoya Protocol could still provide useful lessons learned for the multilateral mechanism. COLOMBIA further suggested language to acknowledge that other protocols alongside the Nagoya Protocol could provide such lessons.

The EU, supported by COLOMBIA, proposed maintaining the text on “listing of examples of non-monetary benefits” in the section of elements of potential convergence. A proposal by BRAZIL to also include examples of monetary benefits was supported by the REPUBLIC OF KOREA, the EU, Namibia for the AFRICAN GROUP, TOGO, MOROCCO, INDONESIA, CUBA, and others.

BRAZIL, supported by CUBA, requested re-inclusion of two elements that were discussed in the contact group but not included in the CRP:

- the fair and equitable sharing of benefits from the use of DSI on genetic resources is without prejudice to national access and benefit-sharing measure; and
- the multilateral mechanism should not undermine the rights and responsibilities that exist under the Protocol.

SWITZERLAND opposed reference to any national measures. The EU opposed reincluding these two elements, noting earlier deliberations found no convergence, and were subject to further discussion.

On the element addressing the need for ongoing coordination with relevant work of other fora, CHILE, COLOMBIA, CANADA, SWITZERLAND, and NORWAY proposed additional text to align with language from CBD Decision 15/9, whereby the aims of the ongoing cooperation or coordination with other fora would be to “ensure legal clarity, and enable the multilateral mechanism to be mutually supportive of, and adaptable to, other instruments, while recognizing that other fora may develop specialized approaches.”

BRAZIL, supported by CUBA, proposed alternative language to the end of the element’s text, clarifying the objectives “to ensure legal clarity and mutual supportiveness, respecting existing mandates and the obligations set out in CBD Article 15 (access to genetic resources) and Article 5 of the Nagoya Protocol (fair and equitable benefit-sharing).”

References to the Nagoya Protocol and its specific articles were opposed by the UK, CANADA, JAPAN, and the REPUBLIC OF KOREA, with SWITZERLAND, NORWAY, SOUTH AFRICA, and the EU also opposing reference to specific CBD articles. SOUTH AFRICA further underscored that any reference to the Nagoya Protocol and its bilateral provisions should be moved to further discussions.

INDONESIA, ARGENTINA, INDIA, CUBA, TOGO, UGANDA, and others noted that CBD Decision 15/9 specifically refers to the Nagoya Protocol.

ARGENTINA, supported by CHILE, the EU, BRAZIL, CANADA, INDONESIA, IIFB, and others, proposed including the World Intellectual Property Organization (WIPO) in the list of other fora that are considering benefit-sharing from the use of DSI on genetic resources. NORWAY sought clarification on WIPO’s non-inclusion, and SWITZERLAND suggested widening the scope of relevant work being considered.

The EU, supported by the UK, TOGO, JAPAN, INDIA, and others, suggested removing the reference to the UN Educational, Scientific and Cultural Organization (UNESCO) in the list of fora, querying its relevance.

COLOMBIA, CHINA, UGANDA, and IIFB supported retaining the reference to UNESCO, with IIFB stressing the importance of its inclusion in the list, and CHINA clarifying the relevant ongoing work.

The UK, supported by SWITZERLAND, Namibia for the AFRICAN GROUP, JAPAN, COLOMBIA, and CHINA, further suggested streamlining language on the fora, with the UK noting her preference for reference to fora instead to specific agreements within those fora.

CHILE, supported by the EU, COLOMBIA, the UK, INDIA, and others, further proposed replacing “coordination” with “cooperation,” and deleting text referring to fora considering “a solution on” benefit-sharing from the use of DSI. SOUTH AFRICA, supported by Namibia for the AFRICAN GROUP, TOGO, and others, emphasized the importance of coordination and proposed retaining both “coordination and cooperation.”

Following extensive deliberations on the elements considered to have reached potential convergence, Co-Chair Kalemba noted the element on the approaches that could benefit the multilateral mechanism would be moved to areas for further consideration.

On the element addressing needs for ongoing coordination or collaboration with other fora, she urged parties to engage in informal discussions with a view to find convergence, and moved this element to those requiring further discussions.

On Saturday afternoon, Co-Chair Kalemba introduced a revised CRP (CBD/WGDSI/1/CRP.2).

On **contributions to the fund** (cluster A), BRAZIL proposed, as a compromise and to “avoid giving the impression that the Nagoya Protocol is not relevant” to benefit-sharing from the use of DSI on genetic resources, deleting a provision noting that the framework for the work of the WGDSI is provided by the CBD, the GBF, and CBD Decision 15/9. The EU, supported by NORWAY, opposed the deletion. ARGENTINA suggested a compromise by referring to Decision 4/6 of the Nagoya Protocol, which requests the WGDSI to report back to the fifth meeting of the Conference of the Parties serving as the Meeting of the Parties (COP/MOP 5) of the Nagoya Protocol. Despite efforts by the Co-Chairs to find a way forward, differences persisted, and the provision was deleted.

Regarding **disbursement of the fund** (cluster B), on how IPLCs should access funds, and whether they should be able to access them directly, INDONESIA suggested including “or indirectly” to prevent prejudging the outcome.

On whether the funding allocations should be based at least in part on the geographical origin, BRAZIL, supported by CHILE and INDONESIA, proposed deleting “noting that there are only incomplete data available on geographical origin in databases and that at this time, most of the data that is tagged is tagged as derived from the Global North,” which JAPAN and SWITZERLAND opposed. NORWAY proposed clarifying that the statement is what “current studies suggest,” which was accepted.

On **non-monetary benefit-sharing** (cluster C), AUSTRALIA proposed adding a reference to the use of genetic resources in biodiversity conservation, to which delegates agreed. JAPAN suggested adding the need to properly evaluate and measure non-monetary benefits, which the EU, the UK, and UGANDA opposed.

Regarding a possible non-monetary benefit, “making the product available in the public domain, without protection by intellectual property rights or technological restrictions,” SWITZERLAND proposed replacing the second part with “by taking into account all rights over the products or technologies.” CHILE opposed, pointing out that the proposal changes the element’s meaning. Co-Chair Kalemba, supported by CHILE, INDONESIA, and SWITZERLAND, noted this element is among those needing further discussion and suggested shortening the text to: “making the product available in the public domain.”

On the possible criteria for sharing non-monetary benefits, Algeria, on behalf of the AFRICAN GROUP, noting lack of clarity on “who the stakeholders are,” requested moving the provision to the elements requiring further discussion.

TOGO, supported by Algeria for the AFRICAN GROUP, suggesting replacing “genetic heritage” with “genetic resources,” for coherence. UGANDA suggested including “women and youth” among the actors listed in relation to projects that could be included for non-monetary benefits. Algeria, on behalf of the AFRICAN GROUP, suggested deleting the element “how to achieve equity in research relationships.”

On Saturday afternoon, Co-Chair Lockhart introduced another revised CRP (CBD/WGDSI/1/CRP.3), containing elements on governance and on relation to other approaches and systems.

On **governance** (cluster D), regarding an element addressing the need for the multilateral mechanism to respect the rights of IPLCs over their traditional knowledge and genetic resources, BELARUS suggested, with agreement from the CoW, to add “and data related to these genetic resources.”

On areas for further discussion on governance, BRAZIL, supported by NORWAY, proposed adding that the global fund should be consistent with the principle of “transparency” alongside inclusivity and equity.

NORWAY suggested a new provision on: “whether, and if so how, the work of the relevant advisory committees and advisory groups under the CBD could be taken into account in the work of the WGDSI, and vice versa.”

On the **relation to other approaches and systems** (cluster E), delegates considered a list of other fora on a provision on coordination and cooperation with those considering benefit-sharing from the use of DSI on genetic resources. CHILE suggested including WIPO and the Commission on Genetic Resources for Food and Agriculture (CGRFA). BRAZIL supported including WIPO. SWITZERLAND, JAPAN, and the REPUBLIC OF KOREA noted WIPO does not address benefit-sharing, with SWITZERLAND suggesting, if it is listed, to add “or related issues.” Delegates agreed to refer to “benefit-sharing or related issues” and add references to WIPO and CGRFA.

On elements for further discussion, the EU suggested: reformulating a provision to “whether, and if so how, to establish an inter-forum body or process on access and benefit-sharing for DSI on genetic resources”; and simplifying another to read “whether arrangements would need to be put in place to prevent jurisdiction shopping.” JAPAN noted that “jurisdiction shopping” is a casual term.

On a provision querying how to ensure that the multilateral mechanism is consistent with CBD Article 15.1 (on recognizing the sovereign rights of states over their natural resources), JAPAN suggested adding Article 15.7 (on legislative, administrative, or policy measures with the aim of sharing in a fair and equitable way the results of research and development, and the benefits arising from the commercial and other utilization of genetic resources with the party providing such resources under mutually agreed terms). The REPUBLIC OF KOREA proposed deleting reference to Article 15.1. A compromise proposal to refer to “whether and how” the multilateral mechanism is consistent with Article 15.1 met strong opposition from BRAZIL, noting sovereign rights of states on genetic resources are not negotiable. Following a lengthy discussion, delegates agreed on “how to ensure that the multilateral mechanism does not run counter to CBD Articles 15.1 and 15.7.”

NORWAY suggested a provision on how to ensure the mechanism is “future proofed and captures, *inter alia*, the results of artificial intelligence applied to DSI.”

On a provision addressing potential discussion points for models where the multilateral mechanism operates alongside bilateral arrangements for access and benefit sharing on DSI on genetic resources, SWITZERLAND suggested including whether any such models could be designed.

Following lengthy deliberations, delegates agreed on a provision on “whether it would be appropriate for parties that do, and those that do not, operate national access and benefit-sharing measures on DSI on genetic resources to benefit from the multilateral mechanism to the same extent.”

Co-Chair Kalemba described **modalities for intersessional work**, as discussed in the contact group, including: information sharing; an informal advisory group; and informal consultations to be facilitated by the CoW Co-Chairs.

The CoW approved the document and Co-Chairs Kalemba and Lockhart gave the CoW to a close at 7:25 pm.

Discussions continued in plenary on Saturday evening.

Working Group Chair Ning Liu congratulated delegates on their collective perseverance over the last week, emphasizing that without participants’ tireless work and guidance, “we could not have come this far.” CoW Co-Chair Kalemba reported on the work of the CoW, covering its six sessions.

Chair Liu submitted the final document (CBD/WGDSI/1/L.2) for adoption. With minor corrections provided by SWITZERLAND and BRAZIL, the document was adopted.

CoW Co-Chair Lockhart reported on the outcomes of the contact group’s discussions on a plan for intersessional work, which had been reported to, and endorsed by, the final session of the CoW, and suggested that a description of the work be included in the report of the meeting. He outlined the three main steps that were agreed:

- information sharing, including through webinars;
- setting up an informal advisory group (IAG) to provide opportunity for technical discussion among parties, IPLCs, and stakeholders, building up from the positive experience of the previous IAG on DSI; and
- informal consultations to be facilitated by CoW Co-Chairs Kalemba and Lockhart, including regional online consultations to facilitate exchange of views.

Lockhart noted that the Co-Chairs would report the outcomes of this intersessional work to the second meeting of the Working Group, scheduled for August 2024.

Final Outcome: In the final outcome (CBD/WGDSI/1/L.2), the Working Group, noting in a footnote that the elements outlined provide a non-exhaustive list that parties may wish to consider as a priority in future work, retaining the right to raise and consider additional elements and that the order of the listed elements is not intended to set a hierarchy or precedence among the items, lists the possible elements identified under each cluster:

On the **contributions to the fund** (cluster A), the element on which there is potential convergence is that the fund should contribute to the achievement of Target 19 (level of financial resources) and Goal D (means of implementation) of the GBF without changing the existing international obligations of all parties to the Convention. The triggers that could meet the criteria, potential contributors and donors, and scale of contributions, among others, are listed under elements that need further discussion.

On the **disbursement of the fund** (cluster B), elements of potential convergence include: the strategic priorities and disbursement criteria to be decided by the COP; directing funding towards activities that support the conservation and sustainable use of biodiversity; allocating funding in a fair, equitable, transparent, accountable and gender-responsive manner; and allocating funding for IPLCs, are among the elements with potential convergence. Elements in need of further discussion include: how IPLCs should access the fund; whether funding should be disbursed according to country allocations; and whether funding allocations should be based on geographical origin.

On **non-monetary benefit-sharing** (cluster C), the elements on which there is potential convergence include: criteria for sharing non-monetary benefits; and target beneficiaries of capacity building

and development. Elements that need further discussion include: the need for a new platform or facility; ways, activities, and modalities that could be included for non-monetary benefits; and the use of DSI on genetic resources as a trigger for non-monetary benefit-sharing.

On **governance** (cluster D), there is potential convergence, among other elements, on: having a governing body including CBD parties' representatives; and monitoring, evaluating, and reviewing the mechanism's operation. Elements needing further discussion include: options for new or existing funds—including the GEF or the GBF Fund—that could host the global fund; consistency with principles of inclusivity, equity, and transparency; factors to be considered in the regular monitoring of the operation and performance of the mechanism; and implications for data governance, among others.

On the **relation to other approaches and systems** (cluster E), there is potential convergence on learning from existing approaches and systems, and the need for ongoing coordination and cooperation with other relevant fora. Among the elements on which there is a need for further discussion: models where the multilateral mechanism operates alongside bilateral arrangements; the scope of the multilateral mechanism; possible conflicts with mutually agreed terms on access and benefit-sharing under the Nagoya Protocol that include DSI on genetic resources; and future-proofing the mechanism.

Other Matters

INDONESIA, supported by EGYPT, JORDAN, and ALGERIA, encouraged parties and especially IPLC representatives to support the IPLCs of Palestine, noting that the death toll in Gaza Strip has risen to more than 11,500 people, including almost 8,000 women and children. He stressed “the crimes and atrocities committed by the apartheid occupying power also caused severe destruction of the nature and biodiversity in Palestine with long-term consequences for the whole world.” He urged parties and IPLC representatives to call for a ceasefire, stressing that “these crimes and atrocities must stop, it would be inhumane to let this situation persist.”

NORWAY announced that Norway and the Bezos Earth Fund will provide financial support for DSI-related intersessional work towards COP 16, to enable broad and inclusive work, including regional consultations.

Adoption of the Report and Closure of the Meeting

Rapporteur Angela Lozan introduced the draft report of the meeting (CBD/WGDSI/1/L.1), which was approved with minor amendments by BRAZIL, INDONESIA, SWITZERLAND, and AUSTRALIA.

In closing remarks, CoW Co-Chairs Kalemba and Lockhart stressed that this is an “extraordinary opportunity to make progress on a mechanism and a global fund that can play a crucial role in generating resources for nature.” They called for “overcoming our differences and building a stronger foundation so we do not miss this historic opportunity,” and urged for the same spirit of collaboration moving forward to “be able to fulfil our mandate and our responsibilities to take care of Mother Earth.”

David Cooper, CBD Acting Executive Secretary, highlighted points of convergence on how to operationalize the mechanism on DSI and the fund, living up to the high ambition set in Montreal at COP 15. He expressed hope that delegates will use these ideas and mutual understanding to further reflect and consult, stressing that the process on the revision of national biodiversity strategies and action

plans provides a good opportunity for stakeholder consultation. Cooper underscored the importance of intersessional work for building the foundations for creative solutions. He stressed that the decision on DSI at COP 15 was a landmark agreement, but, with this process, “We have the potential to develop a transformative mechanism that will make a difference to all the objectives and goals of the GBF.”

Emphasizing that DSI cannot be decoupled from genetic resources, Trinidad and Tobago, on behalf of the LATIN AMERICAN AND CARIBBEAN GROUP (GRULAC), highlighted GRULAC's full recognition of DSI on genetic resources as within the scope of CBD and Nagoya Protocol. She shared the expectation for a strong mechanism that recognizes developing countries' specific circumstances, priorities, and needs. She reiterated the need to ensure the inclusion and active participation of developing countries, women, and youth.

SWITZERLAND, for Australia, Canada, Japan, New Zealand, Norway, the Republic of Korea, the UK, and the US (JUSSCANNZ), noting the approach taken by the Co-Chairs as useful and positive, considered the outcome of the meeting “a good basis for further discussions.” He stressed JUSSCANNZ's commitment to support and contribute to inclusive, transparent, and open intersessional work.

Eswatini, on behalf of the AFRICAN GROUP, pointed out the need to initiate work on the overall structure of the mechanism, and that this Working Group should focus on discussing the sharing of benefits rather than the management of databases. She noted the need to link the work of the mechanism with all processes under the Convention and to ensure the effective participation of developing countries.

The EU expressed satisfaction with progress made and improved mutual understanding of issues under discussion. He noted the challenges associated with operationalizing the mechanism and the short time prior to COP 16. He underscored key points that: any identification of modalities for the mechanism must be in line with paragraphs 9 and 10 of CBD Decision 15/9; and obligations under a multilateral approach apply to all users of DSI, stressing the need to ensure a level-playing field for all actors.

Fiji, for ASIA-PACIFIC, applauded the significant progress made during the meeting. She emphasized that distribution of benefits should be fair and equitable, based on transparency, accountability, and sustainability, and be directed to developing countries, including least developed countries and small island developing states. She stressed the need to strengthen capacity building and development, and technology transfer. She highlighted the importance of intersessional work, including regional consultations.

IIFB, supported by the THIRD WORLD NETWORK (TWN), stressed the need for full and effective participation of Indigenous Peoples in the deliberations of the Working Group, expressing concern over the extended list of potential beneficiaries and the introduction of incentives. He underscored the contributions of IPLCs in biodiversity conservation, pointing to assessments by the Intergovernmental Science-Policy Panel on Biodiversity and Ecosystem Services (IPBES). He highlighted the good will of parties to work with Indigenous Peoples and consider their views, expressing support for ongoing work in the Working Group.

TWN further expressed appreciation to delegates for their “flexibility and goodwill” that advanced progress during the meeting, and for the consideration given to examining current practices in DSI sharing. She underscored that DSI is a relevant

issue under both the CBD and the Nagoya Protocol, and urged parties to comprehensively address the issue of accountability of databases, to strengthen trust in the multilateral mechanism.

The INTERNATIONAL CHAMBER OF COMMERCE called on parties to ensure that the design of the multilateral benefit-sharing mechanism is aligned with scientific and business realities, and that the mechanism will be “simple, workable, and affordable,” underscoring that legal certainty is an essential prerequisite for any system to work on the ground.

The INTERDISCIPLINARY RESEARCHERS WORKING ON DSI noted academia and research already operate under many guiding principles and ethical research practices. She urged for clear and commonly accepted principles to facilitate academia and research, “while ensuring the quality of science.” She encouraged integrating the Open and Responsible Data Governance principles in further deliberations related to DSI and existing rights and obligations, highlighting other fora and agreements that have done so.

Working Group Chair Ning Liu highlighted that the meeting sent a strong, positive signal of ambition for enabling truly transformative change through the GBF and the DSI mechanism, and stressed fairness, transparency, inclusiveness, and a spirit of compromise as key for the way forward towards the CBD Vision of living in harmony with nature by 2050. Noting that much work has to be done in little time, he emphasized that “On Tuesday, nothing looked easy, now the task looks a bit easier, but it is not time to relax.” Chair Liu thanked delegates and participants for their hard work and spirit of cooperation that allowed for some progress and gavelled the meeting of the Working Group to a close at 9:54 pm.

A Brief Analysis of the Meetings

How are genetic resources related to human rights? What is the link between languages and nature? And how is the Convention on Biological Diversity (CBD) navigating these linkages?

Two Working Groups of the CBD met in Geneva in November, each one addressing very distinct mandates at first glance: one, the twelfth meeting of the Working Group on Article 8(j) (WG8j-12), discussed the ways to respect and protect the roles and contributions of Indigenous Peoples and local communities (IPLCs) towards the conservation and sustainable use of biodiversity; the other, the Working Group on benefit-sharing from the use of digital sequence information on genetic resources (WGDSI-1), met for the first time. Although they appear distinct, the issues under the two Working Groups’ consideration are interrelated in more ways than one. Both are developing ways forward to implement actions towards the achievement of targets and goals of the landmark Kunming-Montreal Global Biodiversity Framework (GBF), which was adopted at the 15th meeting of the Conference of the Parties (COP 15) to the CBD in December 2022, and both address issues of fair and equitable participation and sharing of benefits in relation to biodiversity, its use, and its custodians.

This brief analysis will explore the issues deliberated in the two meetings and how they are connected, providing insight on how the outcomes lay the foundation for the road ahead.

The Importance of Languages and Who Speaks Them

The CBD has long acknowledged the roles played by Indigenous Peoples and by local communities relevant for the conservation and sustainable use of biodiversity, as well as the need for parties

to respect, preserve, and maintain their knowledge, innovations, and practices. It further acknowledges the link between biological and cultural diversity, notably through the traditional knowledge indicators within the GBF monitoring framework.

One part of the WG8j’s objectives is to strengthen the participation of IPLCs within the Convention’s discussions, decision-making, and intersessional and implementation work. An audible step in this strengthening pursuit was giving IPLC representatives the right to speak ahead of parties—a change to the usual process that most welcomed, with only a couple of parties voicing some discontent.

Discussions converged on the common understanding that areas with greater linguistic diversity are directly correlated to those with higher biodiversity, and that the areas under IPLC custodianship have significantly slower rates of biodiversity decline than any other conservation areas. Nonetheless, IPLCs still needed to make their voices heard loud and clear across both Working Groups, advocating for their rights and participation, while engaging in a brief lesson explaining why language such as “knowledge systems” is deeply inadequate for covering the distinct and important dimensions of IPLCs’ epistemologies (ways of knowing), cosmovisions (overall vision of the past, present, and future), and concepts (understanding of the world).

The deliberations looked to take action on widening the types of knowledge and worldviews considered in guiding the Convention’s implementation. One IPLC representative noted the difficulties in rightfully acknowledging the “expert” value and role of IPLC worldviews in biodiversity conservation and use, when focus remains on the greater value of “Western expertise” compared to traditional knowledge.

All Together Now

In an unexpected turn of events, WG8j-12 had its fair share of heated debates on two matters: the term “IPLCs”; and on what type of institutional arrangements will carry the WG8j’s work forward. The first, to many participants’ dismay, was seen to have “poisoned” the deliberations on other agenda items, in particular the new programme of work.

Regarding the debate on the term “IPLC,” several observers understood this to be a fundamental disagreement, stemming from a combination of different understandings, histories, and priorities. Since COP 12, the Convention has consistently referred to Indigenous Peoples and local communities together throughout its documents and decisions, and the WG8j’s mandate addresses issues on these groups jointly.

The two key concerns at hand are whether grouping the two implies any diminishment of Indigenous Peoples’ rights, and whether their separation means removing a seat at the table for the countries for whom, in the absence of Indigenous Peoples, see local communities as a key group. This divide was visible at a continental level, and may be in part attributed to different histories with colonialism, migration, and even language. Only 90 countries officially recognize Indigenous Peoples, with many of them in Latin America and the Caribbean, while most African countries focus more on local communities. One delegate from the African Group stressed that many have provisions in their national laws on the rights and roles of local communities, including land tenure and governance. He expressed concern that the local communities relevant for biodiversity will be left out of the WG8j, and that a regional imbalance will be unavoidable. On the other

hand, separating the term is a clear reminder of the distinct rights of Indigenous Peoples, and would be in line with recommendations from the UN Permanent Forum on Indigenous Issues and the Special Rapporteur to do so across UN entities and states.

Despite lengthy deliberations in plenary, WG8j-12 could not reach consensus and negotiations resulted in a stalemate. Dialogue will be key, both within the Convention and beyond, including by regional groups and stakeholders, to develop mutual understanding and allow for a way forward to be carved on this work.

Mapping the Genome of Biodiversity

How will the Convention create a multilateral mechanism that not only addresses past and current issues surrounding a rapidly evolving scientific and technological sector, but also ensures that the negotiated outcome is forward-thinking enough to cover innovations and advances that do not even exist yet?

The week's discussions under WGDSI-1 saw concerns and priorities voiced from parties and IPLCs, as well as academia and research, non-governmental organizations (NGOs), and business and industry. Decisions with such a wide scope require all hands on deck, and the conference rooms and corridors saw many exchanges on lessons learned and what best practices to apply in developing the new DSI system. Considering the long, winding, and frequently challenging road to even establish this Working Group, the amicable and largely forward-thinking environment that surrounded these exchanges already had some participants breathing a small sigh of relief, as they took a step forward together on an issue that has caused divisions in the past.

Work on DSI exists well beyond the boundaries of the Convention. Numerous processes and fora are either conducting parallel discussions on relevant issues or awaiting final outcomes of negotiations under the CBD, as these will influence their development. While references to the Nagoya Protocol under the Convention generated some controversy, with some systematically resisting any provisions referencing the Protocol, discussions on relations with other processes are much wider. Despite the differences in focus and objectives, these processes, including but not limited to the International Treaty on Plant Genetic Resources for Food and Agriculture, the World Intellectual Property Organization, and the UN Educational, Scientific and Cultural Organization, are important pieces of the overall puzzle that will have to fall in place for a holistic, robust, and future-proof mechanism.

Sharing is Caring

Calls for upholding the principles of fairness and equity were widely heard over the week, not only to ensure everyone has a seat at the table, but also to set out provisions for fair and equitable benefit-sharing from the use of DSI on genetic resources. This is particularly crucial for the countries and stakeholders that have insufficient capacity and technology for developing, storing, and accessing DSI, but who nonetheless play a historic and current role in preserving the biodiversity that provides the building blocks for DSI.

There are three overarching dimensions to the benefits that can come out of a robust system on DSI on genetic resources.

The first is that the monetary benefits, set to contribute to the envisaged global fund under the multilateral mechanism, will be directed proportionately towards the conservation and sustainable use of biodiversity. This share of the benefits will, in the short-term

at least, be mainly generated by the Global North that currently has greater capacity, alongside companies from emerging economies. This means a flow of funds to where biodiversity exists, and to the custodians of biodiversity. As many speakers stressed during the week, IPLCs are among the groups that will need to be prioritized within the list of beneficiaries of any revenue generated from the use of DSI on genetic resources.

Furthermore, the early-day figures being discussed are in the billions of USD annually. While this may not compare to the scale of revenue generation in industry at large, these numbers can be a game-changer for biodiversity and have the potential to start bridging the estimated USD 700 billion funding gap for restoring nature.

Secondly, many hope the non-monetary benefits arising from the use of DSI on genetic resources will be directed towards closing the capacity-building and development and technology gaps faced by developing countries, emerging economies, and key stakeholders. The WGDSI-1's sessions hosted long exchanges with delegates calling for these gap-closing actions to be undertaken in ways that uphold equitable partnerships, meet the recipient's actual needs, and are mindful of absorptive capacity.

Last, but not least, the combined potential of these shared monetary and non-monetary benefits will, for the first time, move the needle on progress towards the Convention's third objective: the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. If successful, this will spur much-needed progress on the other two objectives (the conservation and the sustainable use of biodiversity), by directing generated funds towards them and, as many delegates emphasized, "lay the foundations" for a more equitable world, where developing countries do not only have to wait for benefits to be shared with them, but can generate their own.

Points of Convergence and the Work Ahead

Progress across the board was slow, but steady. A delegate from the Democratic Republic of the Congo, sharing wisdom during the week in the form of proverbs, remarked that "A dog has four legs, but can only take one path," reflecting the many options for consideration in deciding where to steer the WG8j and the DSI multilateral mechanism and fund. Despite some speakers' frustration with the often detail-oriented approach the deliberations took, many emphasized that the careful consideration given to the wealth of possible elements and actions was a sign of how important it is to get this right.

The WGDSI has a limited amount of time to lay the foundation for a pivotal moment in the CBD's history. At the beginning of the week, only one other Working Group session was scheduled for August 2024, prior to the deadline for presenting recommendations to COP 16 on the model to implement benefit-sharing from the use of DSI on genetic resources. By the end of the week, delegates agreed on taking three main steps forward for intersessional work, which many believe will keep ambitions high and sustain the momentum for creating a fair, simple, and effective system.

With the stakes high and time running out, an exhausted delegate, on his way out of Geneva's International Conference Centre after seven long days of negotiations, offered his final reflections: "We have already come a long way since the launch of discussions on DSI. We need to overcome all remaining obstacles," including the challenges of taking into account competing national priorities and interests. Looking ahead, "there will be bumps in the road, but after

all, who said that such a big leap for the Convention was going to be easy?" While the tentative progress achieved looks promising, another delegate added that "a final leap of faith may be needed" to move towards living in harmony with nature.

Upcoming Meetings

2023 UN Climate Change Conference: The Conference will feature the 28th session of the Conference of the Parties (COP 28) to the UN Framework Convention on Climate Change (UNFCCC), the 18th session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP 18), and the fifth session of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA 5), convening along with meetings of the UNFCCC subsidiary bodies. The first Global Stocktake of the implementation of the Paris Agreement will conclude at the meeting. **dates:** 30 November - 12 December 2023 **location:** Dubai, United Arab Emirates **www:** unfccc.int/cop28

Barcelona Convention COP23: The 23rd Meeting of the Contracting Parties to the Convention will address protection of the marine environment and the coastal region of the Mediterranean. It will convene under the theme "From decisions to actions." **dates:** 4-8 December 2023 **location:** Portorož, Slovenia **www:** unep.org/unepmap/meetings/calendar

Bern III Conference on Cooperation among the Biodiversity-related Conventions for the implementation of the Kunming-Montreal GBF: The Conference aims to contribute to the efficient and effective implementation of the GBF by identifying opportunities to drive and coordinate an inclusive collaborative approach towards implementation of the framework, while respecting the respective mandates of biodiversity-related conventions and other relevant multilateral agreements and the UN. **dates:** 23-25 January 2024 **location:** Bern, Switzerland **www:** unep.org/events/conference/bern-iii-conference-cooperation-among-biodiversity-related-conventions

CMS COP 14: The 14th meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) will convene to review implementation of the Convention. CMS, also known as the Bonn Convention, recognizes states must be the protectors of migratory species that live within or pass through their national jurisdiction aiming to conserve terrestrial, marine, and avian migratory species throughout their ranges. This meeting will, among other things, discuss the proposed inclusion of species, including the Peruvian pelican and the sand tiger shark, in the Convention's appendices. **dates:** 12-17 February 2024 **location:** Samarkand, Uzbekistan **www:** cms.int/en/meeting/fourteenth-meeting-conference-parties-cms

UNEA-6: Preceded by the sixth meeting of the Open-ended Committee of Permanent Representatives, which will take place from 19-23 February 2023, the sixth meeting of the UN Environment Assembly (UNEA) will convene under the theme "Effective, inclusive and sustainable multilateral actions to tackle climate change, biodiversity loss, and pollution." **dates:** 26 February – 1 March 2024 **location:** Nairobi, Kenya **www:** unep.org/environmentassembly/unea6

SBSTTA 26: The 26th meeting of the CBD Subsidiary Body on Scientific, Technical, and Technological Advice will continue deliberations in advance of CBD COP 16. **dates:** 13-18 May 2024 **location:** Nairobi, Kenya **www:** cbd.int/meetings

SBI 4: The fourth meeting of the CBD Subsidiary Body on Implementation will meet to review CBD implementation related issues in advance of CBD COP 16. **dates:** 21-29 May 2024 **location:** Nairobi, Kenya **www:** cbd.int/meetings

Fourth International Conference on Small Island Developing States (SIDS4): SIDS4 will bring together leaders to assess the ability of SIDS to achieve the 2030 Agenda for Sustainable Development and its SDGs and discuss a new programme of action for SIDS. The Conference will convene under the theme "Charting the Course Toward Resilient Prosperity." **dates:** 27-30 May 2024 **location:** Saint John's, Antigua and Barbuda **www:** sdgs.un.org/smallislands

2024 UN High-level Political Forum on Sustainable Development (HLPF): The 12th session of the HLPF will take place under the auspices of the UN Economic and Social Council under the theme "Reinforcing the 2030 Agenda for Sustainable Development and eradicating poverty in times of multiple crises: The effective delivery of sustainable, resilient and innovative solutions." It will include an in-depth review of SDG 1 (no poverty), SDG 2 (zero hunger), SDG 13 (climate action), SDG 16 (peace, justice, and strong institutions), and SDG 17 (partnerships for the Goals). **dates:** 8-18 July 2024 **location:** UN Headquarters, New York **www:** hlpf.un.org/2024

Second meeting of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of DSI on Genetic Resources: Parties will continue discussing the development and operationalization of a multilateral mechanism, including a global fund, for the sharing of benefits from the use of DSI on genetic resources, set to be finalized by CBD COP 16 in 2024. The Ad Hoc Open-ended Working Group will further discuss and make recommendations for consideration and adoption at COP 16. **dates:** 12-16 August 2024 **location:** Montreal, Canada **www:** cbd.int/meetings

For additional meetings, see sdg.iisd.org

Glossary

AHTEG	Ad hoc Technical Expert Group
CBD	Convention on Biological Diversity
COP	Conference of the Parties
CoW	Committee of the Whole
CRP	Conference room paper
DSI	Digital sequence information
GBF	Kunming-Montreal Global Biodiversity Framework
GEF	Global Environment Facility
IIFB	International Indigenous Forum on Biodiversity
IPLCs	Indigenous Peoples and local communities
SBI	Subsidiary Body on Implementation
SBSTTA	Subsidiary Body on Scientific, Technical, and Technological Advice
UNPFII	UN Permanent Forum on Indigenous Issues
WGDSI	Working Group on benefit-sharing from the use of digital sequence information on genetic resources
WG8j	Ad Hoc Open-ended Working Group on Article 8(j) and related provisions
WIPO	World Intellectual Property Organization