

UN Biodiversity Conference Highlights: Wednesday, 28 November 2018

On Wednesday, Working Groups (WG) met in morning and evening sessions. WG I addressed, among other issues, enhancing integration regarding biosafety and access and benefit-sharing (ABS); resource mobilization and the financial mechanism; and digital sequence information (DSI). WG II addressed, among other issues, synthetic biology, and marine and coastal biodiversity. In the afternoon, plenary considered scenarios for the 2050 vision and the post-2020 preparatory process.

Contact groups and Friends of the Chair groups met throughout the day to address: DSI; the budget; the post-2020 preparatory process; marine and coastal biodiversity, including ecologically or biologically significant marine areas (EBSAs); and resource mobilization and the financial mechanism.

Working Group I

Reports from contact groups: Delegates heard reports on: DSI, noting the group will meet once more to finalize two CRPs; resource mobilization and the financial mechanism, noting they have finalized a CRP on the financial mechanism, but still have to finalize specific text regarding resource mobilization; and a global multilateral benefit-sharing mechanism under Nagoya Protocol Article 10, noting they have developed a CRP containing bracketed text.

Enhancing integration regarding biosafety and ABS (CBD, CP, NP): On a CRP under the Convention, regarding a paragraph on capacity building, PERU, supported by MEXICO and ECUADOR, proposed including reference to countries that are centers of origin for genetic resources. The EU opposed, and delegates agreed to delete reference to developing countries and refer to general capacity-building needs. Delegates agreed to welcome the efforts made by parties in implementing the Nagoya Protocol, as well as efforts toward its ratification, and the CRP was approved as amended.

Delegates then approved two CRPs on integrating biosafety and ABS, under the Cartagena and the Nagoya Protocols respectively, without amendments.

Conflicts of interest in expert groups (CBD, CP, NP): Following a report from the Friends of the Chair group, delegates approved three CRPs under the Convention and the Protocols with minor amendments.

Resource mobilization and the financial mechanism (CBD): Delegates addressed two CRPs resulting from contact group deliberations, both containing bracketed text.

On a CRP on the financial mechanism, with regard to contracting a team of experts to assess the funding necessary to implement the Convention from 2022 to 2026, JAPAN suggested,

and delegates agreed, to add “subject to the availability of resources,” pending the outcome of budget discussions. The CRP was approved with this amendment.

On a CRP on resource mobilization, Chair Haanstra drew attention to bracketed language regarding: whether to invite parties, developed countries, or parties in accordance with their capabilities to provide financial resources; a reference to the importance of developing resource mobilization strategies “at all levels”; and alternatives on the task of an expert panel to estimate the resources needed for different scenarios of the post-2020 framework’s implementation, or to provide elements of such an estimation to the Working Group on the post-2020 process, or a high-level panel. KENYA indicated that all contact group members, except one party, preferred the first alternative. SWITZERLAND, supported by LIECHTENSTEIN, noted that such a task is beyond the capacities of a small expert panel. Informal consultations continued into the night.

Digital sequence information (CBD, NP): BOLIVIA reported on contact group deliberations, noting brackets remain on a number of issues. SWITZERLAND, supported by the EU, proposed requesting the Secretariat to cooperate with other intergovernmental organizations to inform them on the process and to take into account their work approaches and outcomes. Informal consultations continued into the night.

Working Group II

Marine and coastal biodiversity (CBD): Chair Nina announced that consultations continue in a Friends of the Chair group. SEYCHELLES lamented that, despite four meetings of the contact group and informal consultations, no consensus could be reached, and urged parties to seek compromise “for the sake of the EBSA process and for the sake of biodiversity.” TURKEY noted that the discussion deviates from biodiversity-related considerations into issues related to national jurisdiction. ARGENTINA stressed that the disagreement is not strictly related to the CBD and marine biodiversity, but encompasses issues outside the CBD framework. EGYPT, ICELAND, SINGAPORE, and SOUTH AFRICA urged reaching a consensus, underscoring the importance of the issue.

Risk assessment and risk management (CP): Delegates approved the CRP developed by the contact group without amendment.

Socio-economic considerations (CP): Delegates approved the CRP developed by the contact group without amendment.

Synthetic biology (CBD): Delegates considered a CRP developed by the contact group, with brackets remaining on references to genome editing. BOLIVIA reported on an emerging compromise in the contact group regarding removing the reference to genome editing from operative language, while retaining it in

the annexed terms of reference for the *Ad Hoc* Technical Expert Group (AHTEG). BRAZIL, MEXICO, ARGENTINA, JAPAN, and HONDURAS preferred deleting all references to genome editing, questioning why a specific issue should be singled out. Ghana, for the AFRICAN GROUP, opposed emphasis on genome editing, which could be harnessed for socio-economic development. GRENADA, VENEZUELA, CUBA, and BOLIVIA urged retaining references to genome editing.

COLOMBIA and BRAZIL questioned a reference to ensuring the full and effective participation of indigenous peoples and local communities (IPLCs) in the discussions and “decision making,” and delegates agreed to refer to discussions and “work” on synthetic biology under the Convention. Noting that IPLCs may have to live with the unintended consequences of synthetic biology, the INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY regretted that international human rights standards on free, prior, and informed consent are not adequately reflected in the document.

Discussion then focused on two bracketed options in the annexed terms of reference for the AHTEG on synthetic biology regarding taking stock of new developments in synthetic biology in order to support a regular horizon scanning process. The first option referred to considering whether specific organisms developed through genome editing should be included in the exercise, and the second one referred to taking into account that the exercise may include some applications of genome editing.

NEW ZEALAND, ARGENTINA, CANADA, MEXICO, SOUTH AFRICA, and the PHILIPPINES preferred the first option. The EU, EGYPT, URUGUAY, CUBA, and VENEZUELA supported the second option. NORWAY presented compromise language, referring to considering whether applications of genome editing should be included in the stock-taking exercise, in order to support a broad and regular horizon scanning process. The EU further proposed considering, “*inter alia*, applications of genome editing, which relate to synthetic biology.”

Following deliberations in the Friends of the Chair group, delegates agreed to: remove reference to genome editing in the operative paragraph agreeing that broad and regular horizon scanning, monitoring, and assessing of the most recent technological developments is needed for reviewing new information regarding the potential positive and potential negative impacts of synthetic biology vis-à-vis the three objectives of the Convention; and request the AHTEG to take stock of new technological developments in synthetic biology since its last meeting, “including to consider, *inter alia*, concrete applications of genome editing if they relate to synthetic biology, in order to support a regular horizon scanning process.” With these amendments, the CRP was approved.

Marine and coastal biodiversity (CBD): Deliberations continued into the night, pending consultation with capitals.

Plenary

Scenarios for the 2050 vision (CBD): Delegates addressed a CRP. MEXICO reported on small group deliberations, noting agreement to: “welcome” SBSTTA conclusions regarding scenarios for a 2050 vision; “take note of” information in Secretariat and information documents; retain the original formulation on scenario analyses on fair and equitable sharing of benefits from genetic resources; and a revised formulation regarding “technology developments, such as advances in data analytics, DSI on genetic resources, new kinds of living modified organisms and synthetic biology, and potential positive or negative impacts on the three objectives of the Convention, as well as on lifestyles and traditional knowledge of IPLCs.” The CRP was approved without further amendments.

Post-2020 process (CBD): Plenary addressed a CRP under the Convention developed by the contact group. Delegates debated the relationship between paragraphs on the development of voluntary biodiversity commitments that contribute to an effective post-2020 framework, and on the establishment of a process for considering benefit-sharing from DSI on genetic resources. BRAZIL, and Malaysia, for the LIKE-MINDED MEGADIVERSE COUNTRIES (LMMC), emphasized that the provisions need to be considered as a package. SWITZERLAND, CANADA, and JAPAN opposed. BRAZIL said she will not accept text on biodiversity commitments until text addressing DSI is accepted.

SWITZERLAND stated that DSI is outside the scope of the CBD and the Nagoya Protocol, and opposed establishing a process for considering benefit-sharing from DSI use, noting the issue can be addressed by the envisaged Working Group on the post-2020 framework. The LMMC stated that use of DSI without benefit-sharing would result in misappropriation of genetic resources and would not be in line with the Convention’s objectives.

The EU proposed language requesting the Secretariat to provide an overview of relevant COP 14 decisions to the Working Group Co-Chairs, and the COP and SBSTTA Bureaus. Regarding documentation that will provide the basis for further discussion, delegates agreed to include: reference to measurable and time-bound targets; a separate entry on the potential role and modalities of voluntary commitments; references to the Paris Agreement adopted under the UNFCCC, and the need to reverse the trend of biodiversity loss and achieve transformational change, with regard to the scientific underpinning of actions necessary for progress; and reference to production and consumption patterns, with regard to global trends that may impact biodiversity and ecosystems.

Plenary decided to revisit outstanding paragraphs following the finalization of deliberations on DSI.

Post-2020 process (CP): The CRP was approved without amendments.

Post-2020 process (NP): Delegates debated a bracketed reference to a specific plan for the Nagoya Protocol as part of the post-2020 framework. MEXICO, with SOUTH AFRICA, ARGENTINA, and PERU, proposed developing a specific implementation or work plan with relevant elements on ABS. SWITZERLAND, JAPAN, and the EU opposed, considering it premature. Informal consultations continue.

In the Corridors

As the Biodiversity Conference entered its final stretch, the focus narrowed down to the “big five” items, where consensus was elusive until late on Wednesday. Regarding synthetic biology, persisting divergence of views on references to genome editing was resolved through careful wordsmithing, allowing for further consideration in the *Ad Hoc* Technical Expert Group. Meanwhile, according to one participant, discussions on marine and coastal biodiversity came close to collapsing. Awaiting the final verdict, following the formation of a Friends of the Chair group, a veteran opined that most of the disagreements are rooted in archetypal differences among states regarding national jurisdiction issues and the role of the UN Convention on the Law of the Sea in governing oceanic activities. Elsewhere, the contact group on digital sequence information worked late into the night, with little shift in the fundamental fractures over the issue. With the clock ticking, and an agreement still pending on the budget and the post-2020 process, delegates will have to dig deep to find, and harness, the trust, resilience, and creativity needed for innovative solutions that, in the words of a delegate, “leave us all either equally happy or equally unhappy.”

The *Earth Negotiations Bulletin* summary and analysis of the UN Biodiversity Conference will be available on Sunday, 2 December 2018 at <http://enb.iisd.org/biodiv/cop14/enb/>