

CBD WG2020 Highlights: Monday, 5 December 2022

On the last day of the Working Group meeting, text-based negotiations continued on various sections, goals, and targets of the draft global biodiversity framework (GBF), as well as on a draft decision on digital sequence information (DSI). Positions remained polarized on most elements of the draft GBF and, as a result, no significant progress was achieved, passing the burden of completion to the fifteenth meeting of the Conference of the Parties (COP 15). On DSI, an entirely bracketed non-paper containing building blocks for a potential decision was forwarded to COP 15. An evening plenary reviewed the conference room papers (CRPs) developed by the contact groups and forwarded them to COP 15.

Contact Groups

Goals: A contact group co-led by Xiang Gao (China) and Norbert Baerlocher (Switzerland) addressed the GBF goals.

Goal C (Benefit-sharing): Negotiations proceeded on the basis of the informal group's text. One party requested referring to "benefits" rather than "monetary and non-monetary benefits." Several objected, drawing attention to language in the Nagoya Protocol on access and benefit-sharing (ABS). Delegates remained divided on whether the goal should refer to sharing "substantially increased" benefits and on whether to include sharing of benefits from derivatives of genetic resources. One group suggested alternative language for the goal: "biodiversity generates benefits that, when shared fairly and equitably, incentivize sustainable use and result in good conservation outcomes." The text was bracketed. Delegates then debated whether the goal should be "in accordance with internationally agreed ABS instruments." Despite a lengthy debate and alternative formulations proposed, no agreement was reached.

Goal B (Sustainable Use): Negotiations proceeded on the basis of the informal group's text. Delegates agreed to state that "biodiversity is sustainably used and managed," with a delegate further requesting reference to conservation. Delegates agreed to state that nature's contributions to people, including ecosystem functions and services, are maintained and enhanced, and those currently in decline are restored. A reference to valuation of nature's contributions to people and a timeline for restoration by 2030, supported by many, remained in brackets. Without reaching agreement, delegates also discussed references to reduction of ecological footprint and to the right to a clean, healthy, and sustainable environment. A note listing issues to be revisited in light of the entire GBF includes references to: conservation; multiple biodiversity values; the rights of present and future generations; and the right to a clean environment.

Goal A (Conservation): Delegates debated on which of two text options to base negotiations: the informal group's text; or a proposal submitted but not negotiated at the fourth meeting of the Working Group (WG2020-4). Some preferred the first option, noting it is more comprehensive and structured. Others preferred the more aspirational and concise second one, with the addition of numerical values contained in the first option. Co-lead Baerlocher announced that, due to lack of time, he would recommend

that COP 15 discusses the goal based on the second option, as supported by most parties. One group requested a note in the meeting report that this was not a consensus decision.

Targets (Reducing Threats): A contact group co-led by Teona Karchava (Georgia) and Rosemary Paterson (New Zealand) resumed deliberations on GBF targets on reducing threats to biodiversity.

Target 5 (Species Overexploitation): Delegates engaged in a lengthy discussion which revealed persistent points of divergence. They disagreed on whether to refer to "exploitation," "harvesting," or a combination thereof, with further divergent opinions on whether such exploitation/harvesting should be "effectively regulated" and "traceable," in addition to "sustainable, safe, and legal," on which parties agreed. Delegates disagreed on whether to "respect" or "protect" customary sustainable use. Further points that require discussion are references to: application of ecosystem-based approaches; prevention and elimination of biopiracy, and other forms of illegal access to and transfer of genetic resources and associated traditional knowledge; and prevention of overexploitation. Co-lead Paterson noted that the text, including a number of brackets, will be forwarded to plenary.

Target 1 (Spatial Planning): A friends of the co-leads group did not achieve much progress on finalizing the draft text. Negotiations continued in the contact group, but no agreement was reached, despite mediation efforts by the friends of the co-leads group facilitator Reinhard Schnidrig (Switzerland) and SBSTTA Chair Hesiquio Benítez Díaz (Mexico). Parties insisted on their options with regard to the scope (reference to "all areas" or leaving the scope open), outcome ("retaining ecosystems" or "bringing loss as close to zero as possible"), and other aspects of the target. A draft with three parts including five options was forwarded to plenary.

Targets 2 (Ecosystem Restoration), 3 (Protected Areas), 6 (Invasive Alien Species), 7 (Pollution), and 8 (Climate Change): Due to the lack of time, the contact group merely discussed which text to recommend to COP as the starting point for further negotiations. After lengthy discussions, the group agreed to recommend the informal group's text as a basis for negotiating targets 2, 7, and 8, with the understanding that elements from the WG2020-4 outcome can be reintroduced. For target 6, the group recommended one of the options (Alt.1) from the WG2020-4 outcome as a starting point, under the same understanding. For target 3, delegates did not reach consensus on which text to use, and co-lead Paterson concluded she will consult with the WG2020 Co-Chairs on the way to proceed.

Targets (Meeting People's Needs): A contact group co-led by Gabriele Obermayr (Austria) and Gillian Guthrie (Jamaica) considered targets on meeting people's needs through sustainable use and benefit-sharing.

Target 9 (Sustainable Use of Wild Species): The often heated discussion focused on the promotion of sustainable biodiversity-based products and services. Many parties highlighted that such products are key for Indigenous Peoples and local communities (IPLCs) as sources for livelihoods. Others noted that increasing production, even if sustainable, has implications on resource use. Despite many compromise suggestions, consensus could not be reached and the reference remained bracketed. Further debate

was generated by a reference to sustainable trophy hunting, which remained bracketed. Controversy around “promoting” or “respecting” customary sustainable use by IPLCs was resolved with delegates reaching consensus on “protecting and encouraging customary sustainable use by IPLCs.” The text with the remaining brackets was forwarded to plenary.

Target 10 (Biodiversity Mainstreaming): Negotiations based on the informal group’s text led to a better understanding of positions, albeit not convergence. The main divergences remained around which productive areas biodiversity mainstreaming should apply to, and whether the outcome of the target should lead to not only resilient, but also efficient and productive production systems. Five elements from the WG2020-4 text were earmarked for potential reintroduction by the COP, including concepts such as agroecological principles and sustainable intensification. Agreement was reached on the outcome to maintain nature’s contributions to people including its ecosystem services and functions.

Target 11 (Nature’s Contributions to People): The contact group agreed to negotiating based on the informal group’s text, which was then amended with almost all the bracketed elements from the WG2020-4 text. It remained contested how to restore, maintain, and enhance nature’s contributions to people, for example through nature-based solutions, ecosystem-based approaches, and/or payments for environmental services. One aspect the contact group could resolve was accepting soil health as an element included under ecosystem functions and services.

Target 13 (ABS): Due to lack of time, the contact group only agreed to recommend the informal group’s text as a basis for negotiations, with the understanding that elements from the text forwarded by WG2020-4 could be reintroduced.

Sections: Delegates continued negotiations guided by co-leads Marie-May Muzunguile (Seychelles) and Carolina Caceres (Canada). The contact group first discussed a package on principles, approaches, and enabling conditions, to be forwarded to plenary, which would include the informal group’s text on Section B bis (fundamental premises) and elements from the WG2020-4 outcome on the One Health approach, intergenerational equity, rights of Mother Earth, and principles from Decision 14/34 (GBF preparatory process).

Section I (Enabling Conditions): Co-lead Muzunguile reported an agreement at WG2020-4 to incorporate this section into Section B bis. Delegates agreed to maintain the section for more substantive negotiation before deciding whether to merge with B bis. They made text proposals on, among other issues: financial resources for implementation; economic and social development and poverty eradication as priorities of developing countries; and the need to create opportunities for sustainable bio-based products and services. The section was forwarded to plenary alongside the package of pending work from the contact group.

DSI: A contact group co-led by Lactitia Tshitwamulomoni (South Africa) and Gaute Voigt-Hanssen (Norway) resumed discussions on DSI on the basis of a revised non-paper containing elements of a draft COP decision, produced by the co-leads. The contact group heard a report from the friends for the co-leads group, which was tasked to discuss building blocks for a draft decision on benefit-sharing from the use of DSI on genetic resources, noting many areas of convergence and necessary next steps. Co-lead Tshitwamulomoni explained that the non-paper has not been negotiated and is bracketed in its entirety. Noting the right of parties to reopen the text during the COP, she suggested transmitting the non-paper to plenary as a CRP.

Some parties noted that the text contains multiple unresolved issues, highlighting that it does not represent consensus. Other parties requested that their submissions, including on suggested solutions for DSI-related benefit-sharing, be included in the document to be forwarded to plenary. A regional group underscored that the document did not include any guidance to the COP on how to include DSI in the GBF and made relevant suggestions, reminding delegates that including DSI in the GBF is a red line in negotiations for the group.

Following a lengthy discussion, the contact group decided to forward to plenary a CRP, containing a draft recommendation for the COP to take into account the building blocks included in the revised, non-negotiated, bracketed non-paper. Annexed

to the recommendation are proposed policy options on benefit-sharing from the use of DSI on genetic resources, including: policy options as developed in WG2020-3 (CBD/WG2020/3/4/Add.1 Annex I); a proposal for the establishment of a multilateral benefit-sharing mechanism; possible approaches and a proposal for a hybrid solution; and a proposal for how to address DSI in the GBF.

Plenary

Delegates heard reports from the contact groups and reviewed the respective CRPs. On GBF goals, plenary approved the CRP (CBD/WG2020/5/CRP.1) and confirmed that an African proposal on goal C (benefit-sharing) could be resubmitted at the COP. On targets on reducing threats to biodiversity, plenary approved the CRP (CBD/WG2020/5/CRP.2), with a number of footnotes specifying text that could be taken into account on targets not discussed at the meeting.

On targets on meeting people’s needs, plenary approved the CRP (CBD/WG2020/5/CRP.3) with minor amendments. On targets on tools and solutions for implementation and mainstreaming, NORWAY noted for the report of the meeting that their proposal related to target 14 (biodiversity mainstreaming) does not constitute new text. After a lengthy discussion, plenary approved a request by the RUSSIAN FEDERATION to bracket a reference to a gender “responsive” approach in the clean text of target 22 (gender), as their delegation did not participate in contact group discussions due to visas not being granted in time. Plenary approved the CRP (CBD/WG2020/5/CRP.4) as amended.

On GBF Sections, plenary approved the CRP (CBD/WG2020/5/CRP.5), accepting a request by Bolivia to incorporate the definition of Mother Earth from the WG2020-4 outcome and with other minor amendments. The plenary further approved a procedural recommendation (CBD/WG2020/5/CRP.6), transmitting the draft GBF to the COP.

On DSI, plenary approved the CRP (CBD/WG2020/5/CRP.7), with an amendment suggested by COLOMBIA to modify its proposal for a hybrid benefit-sharing mechanism. Additional comments from parties were reflected in the meeting’s report.

Rapporteur Eugenia Arguedas Montezuma (Costa Rica) then presented the report of the meeting (CBD/WG2020/5/L.1), which was adopted with no amendments.

Elizabeth Maruma Mrema, CBD Executive Secretary, highlighted a remarkable registration of with almost 18,000 participants from 193 countries for COP 15, a signal of global commitment to the GBF. She encouraged focusing to the end goal to achieve a GBF that is easy to communicate yet rooted in science.

WG2020 Co-Chair Ogwal urged parties to be more strategic and gavelled the meeting to a close at 11:18 pm Montreal time.

In The Corridors

Delegates were struggling to keep the momentum going on the third and final day of WG2020. The streamlined draft GBF text offered by the informal group was, to the dismay of many, continuously burdened with further brackets. After some timid successes on the first day, one seasoned participant observed, “our morale has been spiraling downwards.” The one thing that remained constant, another one remarked, is “the steadfast stubbornness with which parties held to positions, leading to the usual tug of war, with a higher possibility of snapping the rope than changing positions.” The result could only be a package of heavily bracketed provisions forwarded to the COP.

The outcome on DSI was somewhat different. Progress was made on building blocks for a COP decision, but the document is entirely bracketed and includes a compilation of ideas as annexes. “We have all the ideas necessary for a successful result,” many participants agreed, while noting that a lot of work is still needed for a consensus decision.

As the contact groups wound up their work, any sense of accomplishment felt distant in the face of the pending work. “All is not lost though,” one participant offered, looking at the CRPs tabled for plenary: “now comes the COP, and the formal countdown may be what we need to complete and adopt a renewed framework.”