

UN Biodiversity Conference Highlights: Thursday, 8 December 2022

As negotiations entered full speed, delegates witnessed the first signs of success. Working Group II reviewed a long series of items relevant to the Convention on Biological Diversity (CBD) and its Protocols, welcoming consensus reached in the contact group on risk assessment and risk management the previous night. The contact group on digital sequence information (DSI) held a general exchange of views in a constructive atmosphere before establishing a Friends of the Chair group. The contact group on the global biodiversity framework (GBF) achieved much-awaited progress on GBF Sections. Other contact groups addressed capacity building and synthetic biology. In the evening, contact group negotiations continued on the GBF, while other groups addressed resource mobilization, agriculture, and marine and coastal biodiversity. Friends of the Chair groups focused on the monitoring framework under the GBF and on climate change.

Working Group II

(CP) Risk Assessment and Risk Management: Contact group Co-Chair Ntakadzeni Tshidada (South Africa) reported that the contact group had a long night session and successfully produced a clean draft based on Recommendation 24/5 of the Subsidiary Body on Scientific, Technical, and Technological Advice (SBSTTA). A CRP will be prepared.

(CP) Financial Mechanism and Resources: The Secretariat introduced the relevant document (CBD/CP/MOP/10/6). The EU requested that the Secretariat provide outreach information to encourage parties eligible for Global Environment Facility (GEF) funding to present projects to support implementation of the Protocol. SOUTH AFRICA called for an invitation to GEF to make respective funding available. BRAZIL provided amendments to extend the scope of GEF funding, while IRAN called for complementary funding in addition to GEF funds. A CRP will be prepared.

(NP) Financial Mechanism and Resources: The Secretariat introduced the relevant document (CBD/NP/MOP/4/10). The EU and the UK expressed concern regarding the underutilization of GEF funds by eligible parties. A CRP will be prepared.

(CBD) Second Work Programme of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES): IPBES Executive Secretary Anne Larigauderie highlighted the role of IPBES assessments as the scientific basis for CBD work. She noted that requests, inputs, and suggestions to IPBES 10 are due by 1 January 2023. The Secretariat then introduced SBSTTA Recommendation 24/3. Many groups and parties welcomed the IPBES work, including a second global assessment to be concluded by 2029. ARGENTINA, BOLIVIA, and URUGUAY advocated against COP 15 determining the specific scope of the three fast-tracked assessments as proposed by the annex of the draft decision. BOSNIA AND HERZEGOVINA, CANADA, and the UK supported the proposed assessments, referring to their importance for addressing knowledge gaps. JAPAN cautioned against potential duplication of the assessment on pollution with other processes, while the AFRICAN GROUP

suggested a particular focus on GBF indicators and, supported by INDIA, including traditional knowledge of Indigenous Peoples and local communities (IPLCs) into the IPBES work programme. PERU and TÜRKIYE highlighted the importance of adequate regional and subregional representation in IPBES, and SWITZERLAND encouraged further cooperation between a country's national focal points of different fora. A contact group was established.

(CBD) Protected Areas: The AFRICAN GROUP noted that, rather than focusing on expansion of protected areas, qualitative aspects need to be addressed. Delegates took note of the document (CBD/COP/15/INF/3).

(CBD) Invasive Alien Species (IAS): The AFRICAN GROUP suggested including precautionary measures regarding the intentional introduction of IAS, further calling for financial support for national IAS strategies and capacity building. MOROCCO highlighted the forthcoming IPBES assessment on IAS and proposed establishing an open-ended online forum. Delegates established a Friends of the Chair group to finalize the draft decision based on SBSTTA Recommendation 24/8.

(CBD) Sustainable Wildlife Management: Chair Brown introduced SBSTTA Recommendation 23/3. SOUTH AFRICA highlighted key findings from the IPBES thematic assessment on the sustainable use of wild species. A CRP will be prepared.

(CBD) Biodiversity and Climate Change: The Secretariat introduced SBSTTA Recommendation 23/2. A Friends of the Chair group was established.

(CBD) Biodiversity and Agriculture: Chair Brown introduced SBSTTA Recommendation 24/6. A contact group was established.

(CBD) Biodiversity and Health: Chair Brown introduced SBSTTA Recommendation 24/7. MONGOLIA emphasized biodiversity loss due to diseases, stressing the need for adequate financial resources, and support for a coordinated and intersectoral approach. A CRP will be prepared.

(CBD) Nature and Culture: Chair Brown introduced Recommendations 11/3 of the Working Group on Article 8(j) and 23/5 of SBSTTA. A CRP will be prepared following informal consultations to address outstanding issues.

(CBD) Multi-Year Programme of Work (MYPOW): Chair Brown presented the relevant document (CBD/COP/15/15). CANADA suggested bracketing, for the time being, any reference to elements under negotiation at COP 15. She proposed developing and adopting a preliminary MYPOW up to COP 16, subsequently revising it in light of the GBF. A CRP will be prepared.

(CP) Compliance: Delegates considered the recommendations of the Compliance Committee (CBD/CP/MOP/10/2). A CRP will be prepared.

(CP) Cooperation with Other Conventions: Delegates took note of the report (CBD/CP/MOP/10/8).

(CP) Socio-economic Considerations: The Secretariat introduced the relevant document (CBD/CP/MOP/9/10). Many welcomed the draft decision and continued work on the guidance on socio-economic considerations while also stressing its voluntary nature. The AFRICAN GROUP urged re-evaluating

the terms of reference of the *Ad Hoc* Technical Expert Group (AHTEG). A CRP will be prepared.

(CBD) Review of Effectiveness: The Secretariat introduced the relevant document (CBD/SBI/3/13). The EU urged a balanced decision, noting also the advantages of virtual meetings and, with MEXICO, adding a provision on hybrid ones. BRAZIL asked for support for the in-person presence of developing countries. A CRP will be prepared.

(NP) Compliance: Parties welcomed the report of the Compliance Committee (CBD/NP/MOP/4/2) and supported the draft decision. The EU expressed concern for the slow progress by parties in fulfilling their obligations under the Protocol and, with the UK, SWITZERLAND, and the REPUBLIC OF KOREA, urged parties to make available information on national ABS measures at the ABS Clearing-house. Many underscored the need for capacity building and resource mobilization to promote compliance. A CRP will be prepared.

(NP) Cooperation with Other Conventions: Parties took note of the report (CBD/NP/MOP/4/8).

(NP) Specialized International ABS Instruments: Chair Brown introduced Subsidiary Body on Implementation (SBI) Recommendation 3/16. Parties were divided on whether the Meeting of the Parties, or groups or parties themselves should determine the status of instruments as specialized international ABS instruments under specific criteria. The matter was referred to a Friends of the Chair group.

(NP) Global Multilateral Benefit-sharing Mechanism: Chair Brown introduced SBI Recommendation 3/17. It was agreed that the item will be discussed later in the negotiation process.

Contact Group on DSI

Co-chaired by Lactitia Tshitwamulomoni (South Africa) and Gaute Voigt-Hanssen (Norway), the contact group exchanged views on the recommendation developed by the fifth meeting of the Working Group on the GBF (CBD/WG2020/REC/5/2).

Many agreed that a solution on benefit-sharing from DSI should contribute to resource mobilization and support GBF implementation. Many developing countries expressed preference for a multilateral benefit-sharing mechanism financed through a 1% levy on all biodiversity-based products sold in developed countries. Several favored a hybrid approach, whereby a multilateral mechanism will be combined with a bilateral approach based on prior informed consent of the provider country and mutually agreed terms on the basis of national legislation. Many stressed the need for a strong capacity-building and technology transfer component, so that all parties benefit equitably from open access to DSI. Others noted that any solution should ensure benefits to IPLCs.

A number of developed countries questioned the feasibility of completing negotiations at this meeting of the Conference of the Parties (COP), urged focus on principles, and cautioned against subjecting DSI use to cumbersome legal procedures. Some stressed the need to assess the proposed policy options on the basis of industry and stakeholders' views, and to consider the legal feasibility of any solution on DSI under the CBD. Three parties reiterated their view that DSI falls outside the CBD scope and the definition of genetic material, with one stressing that any COP decision should note parties' divergence of views on whether DSI falls within the Convention's scope.

An observer urged ensuring rapid access to sequence data for health emergencies. Another noted that IPLCs should be involved in setting priorities during the development of a multilateral mechanism, drawing attention to the FAIR and CARE principles for data governance. A Friends of the Co-Chairs group will proceed with text-based negotiations.

Contact Group on the GBF

Co-Chairs Basile van Havre (Canada) and Francis Ogwal (Uganda) cautioned against introducing new text and brackets.

Section A (Background): On the paragraph highlighting biodiversity as fundamental to human well-being and a healthy planet, delegates agreed to refer to economic prosperity. Delegates debated references to multiple worldviews and Mother Earth, without reaching consensus. Regarding the paragraph on the IPBES Global Assessment, delegates agreed to retain the quotes

from the report, with only those related to direct and indirect drivers of biodiversity loss remaining bracketed.

Section B (Purpose): Delegates resolved paragraphs on the aim to halt and reverse biodiversity loss, promote policies at all levels, and promote cooperation with other agreements.

Section B bis (Fundamental Premises): Delegates agreed to refer to the UN Declaration on the Rights of Indigenous Peoples; and the UN Declaration on the Rights of Peasants. Reference to local communities was bracketed.

Delegates agreed on paragraphs on different value systems and on the whole-of-government and whole-of-society approach. An informal group was tasked with addressing a paragraph on national circumstances, priorities, and capabilities, as well as other outstanding issues. Contact group deliberations continued in the evening.

Contact Group on Capacity Building

Co-chaired by Haike Jan Haanstra (Netherlands) and Laura Camila Bermudez Wilches (Colombia), the contact group addressed the terms of reference of the proposed informal advisory group on technical and scientific cooperation (SBI Recommendation 3/8, Annex III). Delegates acknowledged divergent positions on options for institutional mechanisms and modalities for enhanced cooperation (Section IV of Annex II), including: a global support center working in collaboration with technical assistance providers; regional and/or subregional support centers designated by the COP; initiatives coordinated by the CBD Secretariat in collaboration with partners; and combinations of them. Delegates then addressed the part of the draft decision on the long-term strategic framework for capacity building and development. Deliberations will continue in a Friends of the Chair group and informal consultations.

Contact Group on Synthetic Biology

Co-Chairs Ntakadzeni Tshidada (South Africa) and Werner Schenkel (Germany) guided the session. Following a lengthy discussion, delegates opposed a suggestion to postpone discussion to COP 16. The contact group agreed on the proposed process for broad and regular horizon scanning, monitoring, and assessment of the most recent technological developments in synthetic biology, and compromised to "start this work for an intersessional period," which enabled lifting multiple consecutive brackets. Participants also managed to agree that no further analysis should be undertaken on whether synthetic biology is a new and emerging issue, leaving this question open instead. They reached consensus on details of the agreed process in the annex of the draft decision; and further addressed the terms of reference for the AHTEG that will support the horizon scanning process, without reaching agreement due to lack of time. Discussions will continue.

In The Corridors

After the sobering outcome of the fifth meeting of the Working Group on the GBF only three days ago, the first two days of COP 15 gave reason to timidly raise hopes. Working Group II progressed through items quickly, moving straight to the development of conference room papers (CRPs) for those items already satisfactorily discussed in subsidiary bodies. Those pending were also expedited into contact groups and Friends of the Chair groups for finalization. In particular, items relating to new technologies including synthetic biology and gene drives made progress: "This could be a reflection of increased awareness about the risks which come with the technological breakthroughs," one seasoned delegate offered.

Contact groups set up by Working Group I met to tackle, among other items, what some referred to as the "COP 15 main course: the GBF and DSI." The Co-Chairs of the GBF took on the challenge of tackling the heavily bracketed text with a sternness, discouraging parties that attempted including new language or brackets. Doubts on whether this approach would hold were briefly assuaged when completion of the section on the purpose of the framework drew applause and relief from many. One delegate was heard whispering, "that was tough but fair." In the evening however, forging compromises became more challenging, which left another delegate wondering whether "we ever see some light at the end of the tunnel."