

Geneva Biodiversity Conference Highlights: Thursday, 24 March 2022

The Geneva Biodiversity Conference continued its work on Thursday, with an SBI plenary meeting in the morning to address the review of the effectiveness of the processes under the Convention and its protocols. In the afternoon, a contact group under the Working Group on the post-2020 global biodiversity framework (WG2020) continued deliberations on digital sequence information (DSI) in a dense and sometimes heated session. In the evening, two SBI Contact Groups focused on the implementation plan and capacity-building action plan for the Cartagena Protocol; and mechanisms for reporting, assessment, and review of implementation.

This daily report includes the deliberations of the SBI plenary, the WG2020 contact group on DSI, and the discussions of the two contact groups that met in the evening on Wednesday, 23 March. The remaining two contact groups will be summarized in the Bulletin on Friday, 25 March.

SBI Plenary

SBI Chair Charlotta Sörqvist resumed the SBI plenary for its third session, taking stock of progress in contact group discussions.

Contact Group on Resource Mobilization and Financial Mechanism Co-Chair Shonisani Munzhezzi (South Africa) said that after nine meetings in total, four of which were held in person in Geneva, the group has completed its mandate and produced a CRP for consideration by SBI. He highlighted that a lot of work remains on issues regarding resource mobilization, in particular as relates to the GBF, and recommended that the group continue to consider this issue prior to COP15.

Camila Zepeda (Mexico) reported on behalf of the friends of the chair group mandated to discuss the gender plan of action. She noted that the group held two meetings reviewing the text and produced a CRP. She reported bracketed text on issues pending discussion under the WG2020. She highlighted agreement on new text on the use of FPIC consultation with women and girls from IPLCs. On the women delegates' fund, she reported agreement to replace the reference to such a fund, with a recommendation to parties to increase women representatives in their delegations to CBD meetings.

Effectiveness of processes: Chair Sörqvist resumed discussions on the section on experience with virtual meetings contained in CBD/SBI/3/CRP.10. She highlighted her proposal to delete contentious preambular text regarding limitations of virtual meetings. ARGENTINA suggested, and delegates agreed, retaining this text until agreement on the relevant operative paragraph is reached.

On a paragraph calling upon parties to remain flexible and to encourage their representatives to continue to participate in virtual

meetings as long as in-person meetings cannot be held as a result of the pandemic, the DOMINICAN REPUBLIC, opposed by BRAZIL, suggested reference to "other possible extraordinary circumstances." BELARUS and the RUSSIAN FEDERATION urged including "hybrid" meetings. BRAZIL, supported by UGANDA, EGYPT, and CAMEROON, said that language on "remaining flexible" is not sensitive to the challenges experienced by developing countries. BRAZIL, supported by SERBIA, added that the virtual session was decided through a consultative process and a COP Bureau decision, and a similar process should be followed when deciding on future virtual sessions. The EU agreed that virtual meetings should be decided following due process, and, supported by EGYPT and opposed by BRAZIL and ARGENTINA, suggested deleting "as long as in-person meetings cannot be held as a result of the pandemic situation."

The DEMOCRATIC REPUBLIC OF THE CONGO and GABON asked for bracketing the text, urging better reflection of concerns of developing countries regarding constraints to effective participation. PAKISTAN suggested including text recognizing the difficulties for developing countries.

ARGENTINA, supported by EGYPT, ZIMBABWE, MOROCCO, PAKISTAN, and others, proposed language encouraging enhancing capacities and making available technical and technological facilities that are necessary for their representatives to participate in virtual meetings effectively.

On a paragraph requesting the Secretariat to prepare an analysis of the experience gained and relevant studies available in conducting virtual meetings and options for such meetings to address exceptional circumstances for consideration at SBI-4, the RUSSIAN FEDERATION, supported by EGYPT, SOUTH AFRICA, SWITZERLAND, and MOROCCO, suggested also addressing hybrid meetings.

BRAZIL, supported by SOUTH AFRICA, MOROCCO, GABON, and ARGENTINA, proposed preparing a compilation of views from parties and relevant stakeholders on their experiences, taking into account the specific challenges faced by developing countries. MOROCCO and EGYPT proposed "compiling and analyzing" views of parties and stakeholders. BRAZIL noted that if the suggestion to "analyze" the compilation is added, language on "options for procedures of such meetings to address exceptional circumstances" should be deleted. Both references were bracketed, as well as the reference to the compilation of views, following a request by MOROCCO, EGYPT, and GHANA.

The EU, supported by ARGENTINA, noted that many challenges related to virtual meetings were common for all parties, suggesting not limiting them the reference to developing countries. ARGENTINA, supported by MOROCCO, the DEMOCRATIC REPUBLIC OF THE CONGO, and CÔTE D'IVOIRE, suggested reference to problems experienced by delegations with internet connectivity problems, in particular by developing country parties,

as well as by IPLCs and observers, and by those delegations from countries where meetings were scheduled at difficult times. ISRAEL proposed adding to the compilation and analysis the relevant studies available within the UN system.

NAMIBIA suggested that the compilation and analysis address issues of equity, participation, and legitimacy. ISRAEL requested bracketing the proposal.

CANADA, supported by COSTA RICA and CAMEROON, suggested an additional paragraph addressing broader issues of effectiveness in CBD meetings, requesting the Secretariat to prepare, in consultation with parties, partners, stakeholders, and relevant external experts, an analysis of options to further improve the effectiveness of CBD meetings, including, *inter alia*, options to improve negotiating processes, to better follow up on previous decisions, to benefit from innovations in decision-making methods and technologies, to improve the engagement of observers in CBD processes, and to submit such analysis of options to SBI-4 for consideration. The proposal was bracketed due to lack of time for further consideration.

The CRP was approved with these amendments and brackets. An L document will be developed for further consideration.

Biodiversity mainstreaming: Chair Sörqvist opened the floor on engagement with subnational governments, cities, and other local authorities (CBD/SBI/3/CRP.8).

BOLIVIA made a general statement to the effect that they would not be in a position to approve the long-term strategic approach to mainstreaming biodiversity, as the current strategy moves towards a commodification of nature.

BRAZIL, supported by ARGENTINA and opposed by FRANCE, proposed “taking note” rather than “welcoming” the contributions of the consultative Edinburgh Process for subnational governments, cities, and other local authorities to the GBF. COLOMBIA requested that “biodiversity objectives” be replaced with “CBD objectives.”

The EU requested an additional preambular paragraph inviting parties to promote subscription to the Edinburgh declaration, ideally before COP-15. BRAZIL and CAMEROON opposed. AUSTRALIA recommended “encouraging” parties,” while COLOMBIA recommended that parties promote the “endorsement” of the declaration.

On the recommendation of SBI to the COP, MEXICO, supported by UK and the EU, requested adding language on ensuring representation of subnational governments, cities, and other local authorities.

In a paragraph on a multi-stakeholder mechanism to support the GBF, BRAZIL called for deletion of language referring to long-term approaches to mainstreaming and other related strategies. The EU, COLOMBIA, and ARGENTINA called to retain the text. The paragraph was bracketed.

The EU, supported by COLOMBIA, requested the reinsertion of a paragraph on the role of subnational governments in “the post-COVID-19 world.” BRAZIL requested deletion of language on green recovery and responses, preferring “sustainable, inclusive, and resilient actions.” He further requested additional text on the “unique and modern development challenges for developing countries.”

COLOMBIA suggested new preambular text “recalling principle 2 of the ecosystem approach as adopted in CBD Decision 5/6.” The EU requested bracketing the proposal.

The AFRICAN GROUP requested addition of a preambular paragraph recalling the 2011-2020 Plan of Action on Subnational Governments, Cities, and Other Local Authorities for Biodiversity under the Convention, and welcoming progress in its implementation.

On operational paragraphs of the draft recommendation, delegates discussed whether to “adopt” or “take note of” the

updated plan of action on subnational governments, cities, and other local authorities.

CANADA withdrew their earlier suggestion to “take note” of the plan, suggesting adoption by SBI-4. The PHILIPPINES supported adopting the updated plan of action, while SOUTH AFRICA preferred “endorsing” it. ARGENTINA noted that it is premature to agree on any option prior to reaching consensus on the updated plan of action. All three options remain in brackets.

On a paragraph inviting “parties and other relevant organizations, as appropriate, to facilitate, as appropriate, the implementation of the updated plan of action according to national legislation,” the EU suggested deleting the first “as appropriate” reference, regarding the invitation to parties and other relevant organizations. SOUTH AFRICA suggested “urging parties and inviting other governments.”

Discussions will continue.

SBI Contact Group on Resource Mobilization and the Financial Mechanism

Co-Chairs Ines Verleye (Belgium) and Shonisani Munzhezdi (South Africa) guided the discussions, which took place on the evening of Wednesday, 23 March focusing on the financial mechanism. Delegates addressed a non-paper on a draft recommendation on a draft four-year outcome-oriented framework of programme priorities for GEF-8.

On the elements of the four-year framework, delegates addressed a paragraph on the implementation support mechanisms associated with the GBF. They discussed whether mobilization of sufficient resources should be from all sources, and agreed that such mobilization should be towards implementing the GBF and achieving its goals. They further agreed that the mechanisms for planning, reporting, assessment and review of the implementation of the GBF should also include stocktaking. Delegates agreed to refer to capacity building and development rather than capacity development.

On additional strategic considerations, parties discussed a paragraph noting that the GEF-8 biodiversity strategy and programming directions should support the implementation of the GBF. A reference to GEF support “by contributing to resource mobilization from all sources” remains bracketed. Delegates further discussed language around increased GEF funding, with suggestions including that it should be adequate, predictable, sustainable, timely, and accessible to IPLCs.

On a paragraph noting that the GEF-8 biodiversity strategy and programming directions should recognize the contributions of multi-country, transboundary, and global projects, a delegate suggested adding regional projects. Delegates further suggested recognizing contributions to the implementation of global initiatives adopted under the protocols, in addition to those under the Convention; and to refer to global initiatives that leverage contributions from biodiversity-related conventions, in addition to multi-country ones.

Discussions continued into the night.

WG2020 Contact Group on DSI

Co-Lead Lactitia Tshitwamulomoni (South Africa) underscored the constructive discussion during the first meeting of the Contact Group. She opened the floor on a paragraph of the non-paper which addresses key points of potential convergence on potential foundational criteria.

On a provision noting that access to DSI in public databases should remain open as per current international and national practices and standards, some parties suggested that open access should address challenges for fair and equitable sharing of benefits, further requesting deleting “as necessary and appropriate.” A delegate stressed that access should remain open “and unrestricted.” Others requested deleting “as per current

international and national practices,” while some proposed deleting reference to international “standards,” as none exist. A non-party proposed “norms” rather than “standards.”

On a paragraph recognizing capacity building and technology transfer as integral parts of the solution on DSI, some parties requested that these should be directed to developing countries as well as a reference to “research.” A party requested clarifying that technology includes biotechnology, adding that capacity building and technology transfer to developing countries should be “provided and/or facilitated under fair and most favorable terms, including on concessional and preferential terms when mutually agreed.”

Regarding a list of items that should be included in a solution on DSI, some parties noted that a solution is sought on the fair and equitable sharing of benefits arising from genetic resources in the context of DSI, rather than DSI per se. Some delegates suggested referring to the “way forward” rather than a “solution.”

On the list of items, delegates suggested including references to, *inter alia*: “responsible” research and innovation; traditional small-scale farmers; effectiveness in ensuring fair and equitable sharing of benefits; recognition that open access does not mean free and unrestricted access; environmental and ethical principles; capacity building and technology transfer being subject to mutually agreed terms, further adding that non-monetary benefits based on an open-access regime are an integral part of the solution on DSI; “respecting” the role and rights of IPLCs in addressing DSI; “not hindering” rather than “supporting” research and innovation; a “positive” rather than “favorable” cost-benefit ratio; potential risks to biodiversity from the use of DSI, in addition to contribution to conservation and sustainable use; and providing legal clarity “for providers and users of DSI.”

A regional group suggested keeping issues of access and benefit-sharing separate, and stressed that traceability is impractical; not cost-effective; and difficult in terms of technical feasibility.

On a paragraph recognizing the range of views regarding modalities and methodologies for realizing a potential solution on DSI, some parties suggested explicitly referring to a potential solution “on the fair and equitable sharing of benefits arising from the utilization of DSI on genetic resources.” A party suggested recognizing “areas of apparent divergence regarding access to DSI and whether access should be free, restricted or unrestricted, regulated or unregulated, subject to FPIC for at least some groups or not, permitted at all, and the options, approaches, and modalities to address the range of views.”

Several interventions were made on a paragraph on endorsing the recommendation of the co-leads for a step-by-step approach, to help gradually narrow in on the elements needed to move the discussion forward. Some parties proposed deleting “gradually” and referring to a transformative global arrangement on DSI. One party objected, saying that adopting a step-by-step approach necessitates a gradual narrowing in on elements. Several agreed to involve academic and research groups, and representatives of databases and the private sector in the advisory group.

A lengthy discussion took place on the requests to the Informal Co-Chairs’ Advisory Group regarding its further work. On a request regarding “the exploration of potential modalities that would help to further elucidate a common understanding on what fair and equitable benefit sharing would entail,” several agreed that the content of potential modalities would depend on the agreed principles and approaches under key points of potential convergence, which may lead to foundational criteria that are still under discussion. Some requested replacing “modalities,” with “approaches.” Others supported inclusion of hybrid modalities/approaches. Yet others urged including legal terms in addition to practical terms. A party called for including the elaboration

of model contractual clauses for potential bilateral, blended, and multilateral modalities. Another proposed including issues on intellectual property rights.

On a request for further work on modalities to help IPLCs with solutions in regard to DSI, one party proposed establishing “protocols for the traceability of DSI in order to achieve full and effective participation in benefit-sharing onto IPLCs and parties.” One party preferred including “respecting the rights of IPLCs,” and others supported ensuring FPIC and PIC. An observer group objected to using the tripartite formulation for PIC, saying the guidelines from the COP decision refer to traditional knowledge and do not cover DSI.

On a request to continue working on the potential timetable for the development and implementation of any solution on DSI in the context of the GBF, and any implications of that timetable, one party proposed replacing “solution” with “way forward.”

On a request to study the potential options for the traceability of DSI, some parties preferred disclosure of “origin” rather than “source.” A delegate supported including the use of location tags for new submissions to public databases.

One delegation introduced a new request for further analysis to “explore mechanisms that make IPLCs primary beneficiaries of financial benefit-sharing for DSI on genetic resources due to their pivotal role in conservation and sustainable use of biodiversity.” Others requested bracketing the proposal.

On a paragraph related to the Informal Co-Chairs’ Advisory Group’s report on the outcomes of its discussions, one developed party group, supported by many, proposed requesting that the WG2020 Co-Chairs report on the informal group’s work. A developing party agreed and, opposed by another, proposed that the report make recommendations for inclusion in the draft COP decision. One party, opposed by another, suggested an additional paragraph recommending that the AHTEG continue work established under Decision 14/20, to discuss the diversity of issues in relation to DSI.

On a paragraph concerning the independent review and implementation of the framework for the assessment of policy options, one developed country group, supported by many parties, proposed requesting that the Secretariat ensure the review and implementation be undertaken, including a cost-benefit analysis. One party did not support the cost-benefit analysis, while an observer suggested including “socioeconomic and environmental analysis.” A developing country party recommended “taking note” of the review. One party asked for clarity on the role of the Secretariat, as well as on who would perform the independent review and implement the assessment.

On a paragraph regarding making the preliminary outcomes of the assessment available to the COP, one country argued for the deletion of “preliminary.” One party, opposed by another, requested that the outcomes be available to the Informal Co-Chairs’ Advisory Group. Co-Lead Voight-Hanssen suggested compromise text sending the outcomes to both the WG2020 Co-Chairs and the informal advisory group, in addition to the COP.

In the draft recommendation to the COP, one party requested a footnote on “epigenetic modifications,” while another requested including language on traditional knowledge. Another party recommended referring to “DSI on genetic resources.” Another recommended saying that DSI is composed of “sequences” rather than “information.”

One developed party group recommended an alternate paragraph wherein the COP would agree to define the scope of DSI after the multi-stakeholder dialogue. A developing party strongly opposed. They compromised by suggesting that the definition of DSI be based on the work of the AHTEG. The compromise text was well-supported.

One observer proposed an alternative definition of DSI on genetic resources, namely “genetic sequence data that describe the order of nucleotides in DNA or RNA in genetic resources.” Another observer recommended including reference to human rights and the SDGs in the preamble.

Delegates thereafter discussed the draft recommendation to COP.

On a paragraph positing that DSI is constituted of information on DNA, RNA, proteins, epigenetic modifications, metabolites, and other macromolecules, and recognizes the relevance of associated information, some proposed adding derivatives, and chemical structures to the list.

Some proposed deleting a paragraph on the need to develop a practical approach to ensuring the fair and equitable sharing of the benefits arising from the use of DSI, with a view to identifying a solution to DSI in line with key points from the GBF. One party said the recommendation should also encourage facilitated access to DSI. One group objected, saying the recommendation is about fair and equitable sharing of benefits, adding that access to DSI is ongoing and not under discussion.

A lengthy discussion took place regarding recognizing that the practical approach to be proposed may include the establishment of a multilateral benefit-sharing mechanism. One party suggested referencing resource mobilization. Another called for a stronger decision, proposing alternative requesting the UN General Assembly to set an intergovernmental committee to negotiate a legally-binding instrument governing access to and benefit-sharing for DSI.

Parties also called for including capacity building and technology transfer to establish a multi-stakeholder dialogue for cross-sectoral coordination on matters related to DSI with relevant international organizations associated with DSI. Some called for including academic institutions, scientific communities, and industries.

Following disagreements, a party cautioned that no solution can be reached on the GBF without addressing DSI. He suggested adding a draft recommendation encouraging parties to safeguard their sovereign rights over genetic resources by explicitly including measures to control access to DSI in their national-level, administrative, and policy measures taken pursuant to CBD Article 3 (principle), and Nagoya Protocol Article 15 (access to genetic resources)

A friends of the co-leads group was mandated to work on refining text and cleaning brackets. The Contact Group will reconvene on Sunday, 27 March.

SBSTTA Contact Group on GBF Monitoring

Co-Chairs Andrew Stott (UK) and Alfred Oteng-Yeboah (Ghana) guided the discussions, which took place in the evening of Wednesday, 23 March. Delegates resumed discussions on the headline indicators related to the remaining goals and the introductory paragraphs of the proposed monitoring framework for the GBF.

Regarding indicator B.0.1 (national environmental economic accounts of ecosystem services), one delegate noted that while the goal currently refers to ecosystem services, it may change to NCPs. They requested, supported by some, to split the indicator into two to address monetary and biophysical contributions. A few countries opposed the indicator, noting that they do not have national economic accounts. A number of delegates raised concerns about their ability to collect such information and the cost implications. Some delegates asked to add an indicator on the ecological footprint. Delegates supported a proposal to measure national and local implementation of the action plan on sustainable use.

A number of delegates said indicators C.0.1 (monetary benefits received) and C.0.2 (non-monetary benefits) require further

development and that obtaining information will be costly. Some supported alternative indicators on the amount of monetary and non-monetary benefits received under ABS agreements. One delegate asked to include DSI-related considerations; another to measure the involvement of knowledge holders in decision making regarding the utilization of genetic resources. Another suggested adding the number of community protocols established and registered by IPLCs.

Regarding indicators D.0.1 (funding for GBF implementation) and D.0.2 (aligned with Target 19), a number of delegates welcomed the alignment of all financial flows. Delegates also proposed to include: reduction of incentives harmful to biodiversity; measuring private financial flows; and measuring directly accessible financial resources for IPLCs, women, and youth.

Regarding the introductory paragraphs to the annex containing the proposed GBF monitoring framework, one delegate asked to set out that indicators can be used to inform strategic planning actions in order to most efficiently support outcomes.

Regarding a paragraph listing the three groups of indicators (headline, component, and complementary) included in the framework, some delegates, opposed by others, asked to add a fourth category related to national indicators. One party proposed to refer to national indicators which are part of the monitoring framework, but maintained at the national level. One delegate asked to include references to subnational governments throughout the paragraph, which others asked to bracket.

On a subparagraph on headline indicators, one delegation asked to include a detailed description from a later provision, which other delegates amended, including that headline indicators would allow for consistent, standardized, and scalable tracking of global goals and targets. Delegates agreed to a shortened reference that headline indicators: can be used for tracking progress and for communication purposes; and that nationally relevant indicators can be used at the global and regional levels.

On subparagraphs on component and complementary indicators, delegates agreed to indicate that these are optional, and kept references to their multi-dimensional nature and use at subnational levels in brackets.

Rather than having a subparagraph on national indicators, delegates agreed to a closing sentence indicating that the monitoring framework be supplemented by national indicators.

Discussions on the remaining introductory paragraphs continued into the night.

In the Corridors

How long can a train keep going before it runs out of steam? The question seems apt, considering the rhythm and outcomes of Thursday’s negotiations. That morning, the session on mainstreaming covered less than half of its intended work, moving at what some considered a “glacial” pace. Meanwhile, the afternoon session on DSI heard accusations of “kicking the can down the road.”

“At this point, some of these non-papers are starting to look like camels—that is, horses built by a committee,” someone wryly observed. “Hardly the clean text they asked us to produce.”

Many are now grimly resigned to lengthy final plenaries for both SBSTTA and SBI. “It’s official,” one delegate sighed while taking a break outside the venue. We are going to wind up with some late nights.”

As if fatigue in the conference halls was not enough, delegates traveling by tram were met with targeted advertisements reminding them the world is watching. “Dear CBD delegates,” they said, “don’t miss the train.” A strong reminder to expedite their work so as to reach the station on time.