

UN Biodiversity Conference Highlights: Tuesday, 13 December 2022

As the conference entered its second and final week, negotiation streams multiplied. Working Group II continued its work on conference room papers (CRPs), while a Friends of the Chair group focused on biodiversity and climate change. Negotiations intensified on the global biodiversity framework (GBF), with the contact group and several informal groups addressing various parts of the draft as well as the interlinked item of resource mobilization. The Friends of the Chair group on digital sequence information (DSI) considered a revised non-paper on benefit-sharing from DSI use, including options on establishment of a global benefit-sharing mechanism and/or a process for its establishment or operationalization. In the evening, contact groups continued work on resource mobilization, synthetic biology, and monitoring, reporting, and review.

Working Group II

Delegates heard reports from contact groups. SEYCHELLES reported broad consensus on the conservation and sustainable use of **marine and coastal biodiversity**, with a small number of brackets remaining. On **ecologically or biologically significant marine areas (EBSAs)**, CANADA referred to the remaining differences and explained two alternative options relating to modifying EBSA descriptions and describing new EBSAs. HUNGARY lauded the production of clean text in the **implementation plan and capacity-building action plan** of the Cartagena Protocol on Biosafety, but highlighted a number of remaining differences linked to ongoing negotiations on the financial mechanism and resources. GERMANY reported agreement on the programme of work of the **Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)**, with the assistance of IPBES Executive Secretary Anne Larigauderie. As the facilitator of a Friends of the Chair group, BOSNIA AND HERZEGOVINA reported agreement on the draft decision on **invasive alien species (IAS)**.

Delegates approved without substantial amendments the following CRPs under the Convention: **IAS (CBD/COP/15/WG/2/CRP.5)**; and **IPBES programme of work (CBD/COP/15/WG/2/CRP.7)**.

(CBD) Biodiversity and Agriculture: Chair Brown introduced a CRP (CBD/COP/15/WG/2/CRP.6). Parties agreed to retain a reference to “other managed ecosystems” in a paragraph encouraging parties to integrate the conservation, restoration, and sustainable use of soil biodiversity into agricultural systems. Following a lengthy deliberation and informal discussions, delegates reached agreement on urging parties, in accordance with CBD Article 20 (financial resources), and inviting other governments and organizations in a position to do so, to provide

financial and technical support, as appropriate, to enable developing countries, in particular least developed countries, small island developing states, as well as countries with economies in transition to promote the research, technology transfer, monitoring, and assessment of soil biodiversity. On the annex containing the plan of action, a reference to nature-based solutions or ecosystem-based approaches remains bracketed. The CRP was approved with these and other minor amendments, with a remaining bracket.

(CBD) Marine and Coastal Biodiversity: Delegates approved a CRP on **EBSAs in the North-East Atlantic Ocean and adjacent areas (CBD/COP/15/WG/2/CRP.1)** with one addition by ICELAND regarding area 16 (Southern Reykjanes Ridge) to note that it is situated partly on its continental shelf. The EU reiterated that the descriptions of EBSAs are geographic and do not reflect on the jurisdiction of parties, and the UK tabled a statement about the designation of EBSAs, both of which will be reflected in the report of the meeting.

Delegates approved a CRP on **conservation and sustainable use (CBD/COP/15/WG/2/CRP.9)** after a lengthy discussion, with a remaining bracket. For the preambular paragraph about strengthening cooperation with competent international organizations, delegates agreed to note that some can have “competence in areas beyond national jurisdiction.” They also agreed to refer to the precautionary approach with a footnote that some parties consider it a principle. Parties also reached compromise on: highlighting the need for area-based marine conservation as set out in the GBF targets; referring to access to and benefit-sharing from the use of marine genetic resources; noting the role of the Food and Agriculture Organization of the UN; and linking the GBF to current negotiations relating to marine biodiversity of areas beyond national jurisdiction and to plastic pollution. In relation to cooperation with global and regional organizations including the UN Framework Convention on Climate Change, delegates did not agree on including a reference to nature-based solutions alongside ecosystem-based approaches, and the reference remains bracketed.

Delegates then addressed a CRP on **further work on EBSAs (CBD/COP/15/WG/2/CRP.8)**. On a preambular paragraph on the UN Convention on the Law of the Sea (UNCLOS), parties agreed to use language from CBD Decision 14/9 (EBSAs), noting the concerns of Türkiye, Venezuela, and Colombia as non-parties to UNCLOS. Regarding modalities for modifying descriptions of EBSAs and for describing new areas, parties agreed to request the Secretariat, subject to available resources, to convene expert workshops to review the technical aspects of, and legal issues pertaining to, such modalities for consideration by a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice and/or Subsidiary Body on Implementation with a view of adopting the modalities at COP 16. Parties further

agreed to note in the report that sufficient time should be allocated for deliberations during the subsidiary body meetings and COP 16. The CRP was approved with these and other, minor amendments.

(CP) Financial Mechanism and Resources: Chair Brown introduced a CRP (CBD/COP/15/WG/2/CRP.10). A lengthy discussion took place on a paragraph on invitations to the Global Environment Facility (GEF), initiated by a proposal by the African Group. Following deliberations in the Working Group and informally, parties agreed to invite the GEF to “improve and simplify the modalities for access to its funding for the Cartagena Protocol to support the eligible parties in implementation of the Protocol, for its implementation plan and the capacity-building action plan.” Delegates further agreed to request: the GEF Council to examine the possibility to create a finance window specifically for the Cartagena Protocol; and the Secretariat to analyze the effectiveness of the financial mechanism for implementation of the Protocol, while considering the relevance and process of creating a standalone window for biosafety, for consideration by MOP 11. The CRP was approved with these and other, minor amendments.

(CP) Implementation Plan and Capacity-Building Action Plan: Delegates approved two CRPs (CBD/COP/15/WG/2/CRP.11 and CRP.12) in accordance with the CRP on financial mechanism and resources. They agreed to merely reference the latter in the preambular text and delete any substantial content on this aspect.

Contact Groups

GBF: Co-chaired by Basile van Havre (Canada) and Francis Ogwal (Uganda), the group heard reports from Friends of the Co-Chairs groups. ESWATINI said that discussions continue on Goal A on elements of ecosystem, species, and genetic diversity. SWITZERLAND reported that the group on Target 7 on plastic pollution had agreed to “preventing, reducing, and working towards eliminating plastic pollution” and to exclude mention of eliminating discharge of plastic and electronic waste.

On **target 18 (harmful incentives)**, parties expressed mixed reactions regarding the milestone year 2025 for identifying incentives harmful to biodiversity. Some said the milestone adds to the target’s ambition while others warned that it increases complexity. The year remained bracketed, together with the numerical figure of incentive reductions by at least USD 500 billion per year, for ministerial negotiations. Despite intense discussions, a reference to “eliminate,” reform, or phase out harmful incentives, including subsidies, also remained bracketed. Delegates agreed that such action should be done “in a just, fair, effective, and equitable way.” They deleted reference to: national socio-economic conditions, noting they are covered in Section B bis (considerations for the framework’s implementation); redirecting harmful incentives to nature-positive activities; and the World Trade Organization, in the context of relevant international obligations.

On a reference specifying fisheries and agricultural subsidies, some noted these sectors’ significant impact on biodiversity, while others suggested that each country should identify the sectors with the most serious impact. Following a lengthy discussion, delegates deleted the reference, noting the general need to start with the most harmful incentives. They further agreed on language on scaling up positive incentives, and noting the important role of Indigenous Peoples and local communities.

The group then initiated deliberations on **target 19.1 (financial resources)**, with focus on language on increasing the level of financial resources.

Regarding **target 14 (mainstreaming)**, debate focused on whether to include a list of sectors and, if so, whether it should just refer to sectors mentioned in previous CBD decisions on

mainstreaming, or to include others such as biotechnology. Many opposed including a list, noting that it will not be exhaustive, and delegates agreed to refer to full integration of the sectors, in particular those with significant impact on biodiversity, and then include the list in the glossary.

Regarding **target 15 (responsibilities of businesses)**, delegates debated whether it should apply to all businesses and financial institutions, or only large and transnational companies; and agreed to apply it more broadly. In turn, the subparagraph on monitoring, assessing, and transparently disclosing risks to biodiversity limits the mandatory requirements to large and transnational companies and financial institutions. One delegate requested that this be subject to taking into account relevant international reporting frameworks to be developed. The subparagraph remained in brackets, along with a related one requiring compliance and reporting on access and benefit-sharing. Options relating to whether negative impacts on biodiversity should be reduced “by half” or “significantly” remain in brackets along with a reference to circular economy.

Resource Mobilization: Co-chaired by Ines Verleye (Belgium) and Shonisani Munzhezdi (South Africa), the contact group negotiated on a revised Co-Chairs’ non-paper. New preambular text was suggested, reflecting COP 14 affirmation that resource mobilization is an integral part of the GBF, and recognizing the urgency of matching the ambition of the GBF with adequate, predictable, and new financial resources, and other means of implementation. Parties agreed to new preambular paragraphs recalling that effective implementation of the GBF by developing countries will depend on the effective implementation of CBD commitments on financial resources and technology transfer by developed countries. Regarding new funding arrangements to address the funding target for the GBF, one group called for specifying that the funding gap of USD 700 billion relates to USD 500 billion annual reduction of harmful subsidies and USD 200 billion new and additional funding. A party requested referring to the impacts of global trade and consumption in developed countries as being responsible for 50% of biodiversity loss in developing countries. Others noted the need to mention the achievement of doubling total biodiversity-related international finance flows to developing countries for the Aichi Targets. Parties added references to the Kunming Biodiversity Fund and the Japan Biodiversity Fund among initiatives to support GBF implementation. Discussions will continue.

In The Corridors

Negotiations resumed on Tuesday following “a break that was not a real break,” as an observer commented, referring to the multiple consultations held on Monday on various parts of the GBF, DSI, resource mobilization, and technical and scientific cooperation, to mention but a few. With most participants recognizing by now that these topics are the main building blocks of a successful outcome, many lamented the late initiation of deliberations on resource mobilization. Still, “the final countdown may provide the necessary impetus,” one remarked, wondering what the result could be if the drafts are not in decent enough shape before the ministers arrive on Thursday. “A President’s text? Who knows?” she mused.

To keep negative thinking at bay, participants looked for inspiration outside the official negotiating rooms. The Nature and Culture Summit and the Summit for subnational governments and cities that ran over the “break” provided several outstanding examples of Indigenous, local, and community-based biodiversity governance. “Notwithstanding the outcome of this conference, these initiatives need to be supported to blossom and multiply,” an observer noted. “Although obviously, this support will be more effective with a strong GBF!”