

UN Biodiversity Conference Highlights: Thursday, 15 December 2022

Ministers and heads of international organizations lined up for the opening of the high-level segment, while text-based negotiations continued unabated. Contact group deliberations focused on the global biodiversity framework (GBF), the financial mechanism, mainstreaming, resource mobilization, and capacity building and technical and scientific cooperation. Other groups addressed the budget as well as items related to climate change, the monitoring framework of the GBF, and specialized international access and benefit-sharing (ABS) agreements under the Nagoya Protocol. In the evening, negotiations continued on the GBF, capacity building, and digital sequence information (DSI).

High-Level Segment

Huang Runqiu, Minister of Ecology and Environment of China, announced the participation of 126 ministers and 77 deputy ministerial representatives from 140 parties as well as 60 heads of international organizations. Together with many dignitaries, he urged participants to show leadership and decisiveness for an ambitious, practical, and transformative GBF. Steven Gilbeault, Minister of Environment and Climate Change of Canada, advocated for conservation of 30% of land and sea areas by 2030 (30x30 target) and increased funding, and referred to Canada's recent announcements to fund Indigenous-led and international action for biodiversity, and to protect the world's largest remaining ecologically intact watershed in Manitoba.

Several heads and high-level representatives of international organizations and conventions underlined their commitment and readiness to help finalize and implement a robust GBF. Dalton Emani Makamau Tagelagi, Premier of Niue, deplored the climate emergency in the Pacific islands and the high species extinction rate of islands. He urged for meaningful benchmarks and funding to address the triple planetary crisis holistically.

Contact Groups

Financial Mechanism: Co-Chairs Greg Filyk (Canada) and Laura Bermudez (Colombia) introduced a draft decision based on Recommendation 3/7 of the Subsidiary Body on Implementation (SBI) and initiated discussions on its annexes.

Delegates focused on the terms of reference (TOR) for a full assessment of the funds needed for the implementation of the Convention and its Protocols for the 9th replenishment period of the Global Environment Facility (GEF-9). They addressed sections on the objective, scope, methodology, procedures for implementation, and the consultation process, making suggestions,

particularly on the elements of the assessment report. They left a limited number of brackets in the text, including on a suggested reference to GBF target 19.1 (resource mobilization). Delegates also considered an annex containing consolidated previous guidance on the financial mechanism, suggesting minor amendments. They then addressed the draft decision. On a request to the Secretariat to collaborate with the GEF, a suggestion to "develop a GEF GBF fast-track replenishment window for implementation and reporting to COP 16" remained bracketed. Discussions will continue.

Capacity Building and Technical and Scientific

Cooperation: Delegates considered a non-paper, starting with Annex II, which was renamed to "mechanisms" to strengthen technical and scientific cooperation. Delegates debated whether a provision on technology horizon scanning is of general application or relates to synthetic biology, with those suggesting the latter requesting deletion. The provision remained bracketed. Agreement could also not be reached on references to: precaution, with some arguing it is too vague; and liability and redress, with some pointing to the limited number of parties to the Nagoya-Kuala Lumpur Supplementary Protocol.

Delegates then discussed the draft decision. They agreed to establish an informal advisory group on technical and scientific cooperation, and removed brackets regarding its TOR contained in Annex III. Discussion then focused on a mechanism comprising a network of regional and/or subregional technical and scientific cooperation support centers to be coordinated at the global level. Many supported reference to a global coordination body, noting it will not have the same functions as the regional centers. Delegates then addressed the functions of the mechanism, with added paragraphs remaining in brackets pending further consultations.

Mainstreaming: Delegates addressed a draft decision and an annexed long-term strategic approach for mainstreaming biodiversity. Co-Chairs Carlos Albuquerque (Portugal) and Stanislas Stephen Mouba (Gabon) reminded delegates that the text was developed by the Informal Advisory Group on mainstreaming biodiversity, further incorporating comments from parties and observers.

Delegates expressed divergent views on whether to adopt, take note of, or welcome, the strategic approach as an important contribution to the GBF. They agreed on "taking note of" it "with appreciation," noting that it is still under development. Parties also agreed to refer to the approach as "voluntary" and "interim," and to recognize that further work is necessary for its conclusion before it can be adopted. One party suggested an additional

paragraph mentioning that the approach provides a flexible framework to support mainstreaming actions. The paragraph remains bracketed for further negotiation.

Parties agreed that the strategic approach can contribute to GBF implementation and highlighted that the decision takes into account consensus reached in the language of the related GBF target 14 on mainstreaming. Some objected to a paragraph inviting parties to reflect their mainstreaming actions in the national biodiversity strategies and action plans (NBSAPs). Instead, they agreed to invite parties to consider the mainstreaming action plan when revising and updating their NBSAPs. Parties agreed that the *Ad hoc* Technical Expert Group on biodiversity mainstreaming would be tasked with developing further elements of the voluntary strategic approach and its complementary action plan, for consideration at SBI 4 and adoption by COP 16. Discussions will continue.

Climate Change: Debates continued on references to common but differentiated responsibilities and to nature-based solutions. No consensus was reached.

GBF: On **target 15** (responsibilities of businesses), some parties noted that inclusion of a mandatory requirement for businesses to regularly monitor, assess, and transparently disclose their risks, dependencies, and impacts on biodiversity is unsuitable for the target. They argued that mandatory requirements can lead to an increase of measures in developed countries that deny market access to developing country businesses. Several others supported mandatory requirements, noting the need to assist parties with regulating impacts of the sector. The target remained unresolved.

On **target 17** (biotechnology), delegates debated whether to implement “science-based” measures to prevent, manage, and control potential impacts of biotechnology. Some preferred referring to “appropriate” measures, drawing attention to other measures in addition to science-based ones, including cultural or socio-economic. Heated debate ensued on the scope of the target, with some suggesting that the focus should be on living modified organisms under the Cartagena Protocol on Biosafety. Opposing inclusion of synthetic biology in the target, some referred to agreement reached in the contact group on synthetic biology that current work should not set a precedent regarding synthetic biology as a permanent item under the Convention. Others noted the need to embrace technological developments since the coming into force of the Convention and the Protocol. Another delegate highlighted that the target’s focus should be on capacity building regarding these technologies, which would allow developing countries benefit from their use. An informal group was tasked to discuss the scope and craft suitable text for the target.

On a **new target on health**, the UK presented its proposal, explaining that it focuses on the importance of One Health approaches as a means of addressing the risk of the emergence and transmission of zoonotic diseases, as well as links to the health of humans, species, and ecosystems. Parties appreciated the intent of the target, but noted that the concept was not adequately mature for inclusion as a GBF target. They agreed to address the matter under section B bis (considerations for GBF implementation), with the UK providing text. NAMIBIA then withdrew the proposed additional **target on fair and equitable benefits from pandemic pathogens**, explaining that it was intended to complement the One Health approaches target.

Parties attempted to simplify **Section H** (implementation and support mechanism). One party provided a simplified paragraph stating that the implementation of the framework and

the achievement of its goals and targets will be facilitated and enhanced through support mechanisms and strategies under the CBD and its protocols, to be followed by a list of mechanisms and strategies. Parties agreed to this approach and discussions will continue.

Resource Mobilization: The contact group continued deliberations on a revised non-paper. Regarding Annex II on the TOR for the advisory committee on resource mobilization, delegates debated whether it is necessary to distinguish between short-term work on quick-starting resource mobilization and longer-term resource mobilization.

Developing countries tabled language on preparing the institutional arrangements, modalities, structure, governance, and TOR for a global biodiversity fund to be adopted at COP 16. Many stressed that it should be separate from the GEF and other possible new financial instruments, and the provisions were structured accordingly.

Delegates then considered Annex III on the TOR for the expert working group on financial reporting, with the first provision addressing its mandate and the remainder the institutional arrangements and the information to be taken into account in the group’s work. Delegates suggested additional sources of information while also urging for standardization of reporting.

(NP) Specialized International ABS Instruments: Delegates continued discussions on the contentious item of specialized international ABS instruments. Divergent opinions were expressed on whether the Meeting of the Parties (MOP) shall act as the authority to determine the status of any instrument as a specialized ABS instrument in the context of Article 4.4 of the Nagoya Protocol based on a set of agreed criteria provided. Many developing countries reiterated that the MOP should be the relevant ultimate authority, stressing the risk of proliferation of ABS instruments. Many developed countries expressed legal concerns, stressing the need not to create a hierarchy between the Nagoya Protocol and other international instruments, as provided for in Article 4. Despite lengthy discussions and an attempt by the co-facilitators to table a compromise proposal envisaging a role for the compliance committee, consensus could not be reached. Discussions will continue in the Working Group.

In The Corridors

The day was marked by a letter from the COP President circulated in participants’ mailboxes, setting out a path for informal ministerial-level negotiations on the well-known most controversial items, including the GBF, resource mobilization, DSI, monitoring, and capacity building. The letter was considered a ray of hope by some participants. “There seems to be a Plan B,” one noted, expressing hope that ministers can push agreement over the finish line. Others, however, were less optimistic. “Ministers will need magic powers to navigate the maze we’ve created,” one was heard commenting on another day of painstaking text-based negotiations on the GBF, “there are so many decisions to be made and time is running out.”

The high-level segment on the other hand was marked by repeated calls for an ambitious and robust GBF. Leaving the room, a participant could not help but remark the gap between high-level rhetoric and the realities of negotiations. Pointing to agreement to move a potential target on biodiversity and health under the section on considerations for GBF implementation also known as parking lot, “that’s the place where good ideas go to die,” she said, while still expressing hope that the ministers “will indeed push for action, our credibility is increasingly at stake.”