

Convention on Biological Diversity - COP 15

Report on Week 1 of COP-15 negotiations, 6-11 December

The first week of negotiations of COP-15 was marked by scene-setting statements and discussions on process but made limited progress on the key issues - the Global Biodiversity Framework, DSI and resource mobilisation - although clearer paths for negotiation were charted on the last two issues.

Work is divided between Working Group I and Working Group II, with the first of those having a full agenda that includes the GBF, DSI, and resource mobilisation, among others. The basis for all discussions is document [CBD/COP/15/2](#) Draft decisions for the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity.

Global Biodiversity Framework (GBF)

Despite an intense meeting schedule and very firm chairmanship, the Contact Group on the GBF only managed to discuss the introductory sections (A-D), the vision and mission (E) and Targets 1-7. Discussion on the Goals (F) was postponed till after discussion on the targets. The negotiations were hampered by differences on whether the official Nairobi text, or the streamlined text proposed by the Informal Group on the GBF, should be used as a basis for negotiations.

Discussions on The One Health proposal took place under the Section B bis discussion. A group had been created by the chairs to propose a text to bring to the floor. The new text proposed was opposed by Namibia when presented to the CG arguing that the One Health Approach is not sufficiently defined and that its inclusion in the GBF would establish a “global surveillance system” collecting sequence data readily available to industry bypassing benefit-sharing obligations. After bilateral discussion between the UK and Namibia, a new version emerged which lists the One Health Approach “among other” frameworks and “recognizes concerns” on ABS related to it. The EU objected to the new language introduced and the discussion was closed with a new call for an informal discussion with EU, UK, Namibia, Japan, Liberia, Switzerland, Chile and Brazil.

- Target 7 – Pollution

The CG did not get to Target 7 until late in the evening on Saturday. The negotiations started off slowly with questions around whether to retain language on light and noise pollution in the chapeau. Parties eventually agreed on removing references to specific types of pollution in the chapeau, recognizing that this is better dealt with later in the text.

Discussions moved on to whether the target should retain its reference to “human health”. Japan supported the removal of this language, stating that its outside the scope of the CBD and there is no clear scientific link between pollution and human health. Switzerland

expressed support for keeping the language, while admitting that they were not clear on whether it is in the scope of the CBD, and that it will depend on the definition in the proposed Target 23 on “One Health”. Brazil expressed support for Japan and others in wanting this target focused on biodiversity and ecosystem functions, bringing up other multilateral agreements, such as the Rotterdam Convention, and the Stockholm Convention on Persistent Organic Pollutants, as examples where pollution impact on human health is better addressed. After lengthy discussions, parties agreed to compromise and accept that human health can be implied in ecosystems functions and services, and therefore removed explicit language on human health.

The session ended with a lengthy and heated debate on whether to remove references to pesticides and only retain language on “hazardous chemicals”. Russia supported retaining “pesticides”. India made an intervention wanting to keep references to hazardous chemicals, but not pesticides as it is then implied. Brazil eventually pointed out that T7 is getting far too prescriptive, and that specific products should not be called out – it would not allow enough flexibility for countries. Some delegates supported keeping both “pesticides” and “hazardous chemicals” in the text. Argentina, India, Uruguay, and Brazil all supported deleting “pesticides, with Canada, Switzerland and the EU being against this proposal. EU further preferred calling out “chemical pesticides”. Both Brazil and Iran made comments on how pesticides are needed to ensure global food security. After lengthy discussions, Australia proposed that this target should be about risk, and that “hazardous” is not appropriate terminology as pesticides do not become hazardous to biodiversity until they are misused, arguing that the focus should be on risk. Canada proposed a focus on impact and not use, mentioning that the science brief is very clear on risk vs volume.

Parties failed to reach agreement on how to refer to chemicals and pesticides in the target, with negotiations scheduled to continue on the morning session of Monday. Other outstanding topics include the question of how to reference plastic pollution in the target.

Digital Sequence Information

DSI was mentioned both in the opening plenary session and in the first session of Working Group I before a contact group was created. During the Working Group I session on Tuesday, Brazil took the floor to indicate that they would submit a revised shorter version of their non-paper on hybrid options with “no fundamental shifts” in their positions which is now available [here on the CBD website](#).

The basis of the negotiations in Contact Group on DSI was recommendation [CBD/WG2020-5/2 w](#)hich most parties agreed was a good basis for negotiation, while maintaining that this had not been negotiated and remained a mere collection of views.

Following the discussions of OEWG-5, not much progress was made in the Contact Group on DSI during week 1. Opening statements in the Contact Group indicated more support for hybrid solutions with GRULAC countries supporting this (e.g., Mexico, Argentina, Brazil), as well as Kenya, Turkey and India. New Zealand and Canada also expressed concerns that a multilateral solution might not take into account IPLC rights. The EU and the African Union pushed for a multilateral option. Other countries indicated the need to address distribution of resources without specifically mentioning hybrid solutions, while Colombia and South Africa proposed to proceed with a multilateral mechanism, and working out how to distribute resources and potential bilateral components later. The EU mentioned that the question of the inclusion of DSI on the GBF is far from being resolved. The EU delegation also mentioned that elements of the AU proposal could be useful and expressed concern with solutions that would lead to track and trace, superposition of frameworks and cumbersome procedures, stressing the importance of assessing options against the criteria agreed.

Calls for caution on a rushed decision came from Switzerland and Canada. Japan, Korea and Switzerland continued to question the legal feasibility of any decision on DSI under the legal mandate of the CBD convention, supported by Australia, who has not been vocal on this issue in the past.

An [intervention was made by ICC](#) warning parties against hybrid options which would require tracking and tracing of all sequences, leading to legal uncertainty and cumbersome procedures that could be avoided with a multilateral approach.

The UK warned against unnecessary detailed discussions on the definition of DSI and Namibia added that the definition of DSI is immaterial to the sharing of benefits deriving from its utilization and called for an early agreement for inclusion of benefit-sharing on DSI in the GBF.

The US supported language recognising the importance of access to and exchange of pathogens for health emergencies and IFPMA proposed text on this point, supported by the UK.

Following this initial meeting of the contact group, the chairs created a Friends of the Chair Group which met several times and is currently [discussing a non-paper](#).

Resource Mobilisation & the Financial Mechanism

A contact group was created for this subject in Working Group I. Throughout the meetings of the contact group the co-leads endeavored to first decide on a path forward after gridlock in OEWG-5 discussions, and second, take the discussion away from the text prepared at OEWG-5 and instead guide discussions with a synthesized version of the points contained in that text.

On the first session of this contact group, the co-leads opened discussion with a two-step proposal for consideration by the parties:

- An interim strategy for resource mobilization for the 2022 to 2024 period.
- A strategy for resource mobilization 2024-2030 to be adopted at its 16th meeting which would be based on the agreed GBF.

Parties were generally supportive of this approach and there was almost unanimous agreement that a final strategy would likely not be decided by the end of COP15. The only party to directly question this approach was the UK, which supported working towards a final strategy in two different phases.

Discussions then turned into what would be included in the interim strategy. Colombia and Namibia made statements in support of an interim strategy that already contains elements of the 2024-2030 strategy. Namibia specifically requested for the inclusion of direct resource mobilization to developing countries using public funds.

On the second session of this contact group, the co-leads focused on which instruments would be needed to quick start mobilization and which would be necessary to ensure mobilisation of all resources needed by 2030. The discussion was based on a summary of the elements in the OEWG5 text. The elements presented in the co-leads' slides include, among many others: Global Environment Facility (GEF), a new Global Biodiversity Fund, National Biodiversity Finance Plans, Payments for Environmental Services, Consumer-based approaches (including % of retail sales), Multilateral Benefit-Sharing Mechanism, and others. Parties were then asked to identify which instruments are available for a quick-start resource mobilization.

The discussions mainly centered around whether the existing Global Environment Facility (GEF) would be sufficient or if a new Global Biodiversity Fund, dedicated to biodiversity, should be created. The main arguments against the GEF were that it had to serve several environmental priorities, had cumbersome procedures, and could only accept government funding, while a new fund could overcome those issues. Brazil took a leading role in these discussions, strongly defending the proposal for a Global Biodiversity Fund. They were joined by several countries, including Argentina and the Democratic Republic of Congo. Brazil was also a vocal opponent to reliance on the Global Environment Facility (GEF) as the main tool for resource mobilization calling it "not fit for purpose" and questioning its governance, mandate, and capabilities. Other parties defended the use of the GEF, arguing that it can be reformed as needed and that it can respond faster to the needs of the GBF than the creation of a new fund.

Sources of funding other than Official Development Assistance (ODA) were mentioned repeatedly. This included DSI and payment for environmental services in interventions by Brazil. The Democratic Republic of Congo was particularly vocal throughout the session and provided a long list of alternative sources of funding, including direct public spending, philanthropy, payments for environmental services, among many others.

Nagoya Protocol Article 10 – Specialized Instruments

Working Group II opened discussion on specialized ABS instruments stating that a significant amount of text is still in brackets. Brazil made a brief intervention calling for the ITPGRFA to be recognized and for the “Prior and informed consent” language to be followed by “as appropriate”.

Switzerland stated that they do not support the inclusion of carve-outs for specialized instruments in the GBF and stated that this should be up to each country. Namibia called for the requirements for selection of specialized instruments to be strict, joined by Mexico in calling for avoiding the fragmentation of ABS obligations.

A Friends of the Co-chairs group was created shortly after the discussion was opened in the working group. The chairs proposed to delay discussion of Article 10 of the Nagoya Protocol until other groups had finished related discussions.

Outside the negotiations

A very active [parallel programme of events](#) took place on the margins of the negotiations, many of which related to business. These included a [side event](#) organized by ICC on the enabling environment for developing a bio-economy which was well attended and received. A group of investors [launched Nature Action 100](#), a new global engagement initiative of investors to work on ensuring that companies in systemically important sectors are taking timely and necessary actions to protect and restore nature and ecosystems.