



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

SOUTH AFRICA'S NEGOTIATING MANDATE FOR THE 16TH MEETING OF THE CONFERENCE OF PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD COP 16) AND MEETINGS OF ITS PROTOCOLS, TO BE HELD IN CALI, COLOMBIA FROM 21 OCTOBER TO 1 NOVEMBER 2024.

1. BACKGROUND

- 1.1 South Africa is party to the Convention on Biological Diversity (CBD) since 1996 and its two Protocols, namely the Cartagena Protocol on Biosafety (since 2003) and the Nagoya protocol on Access and benefit-sharing (since 2014). The objectives of the CBD are the conservation of biological diversity, sustainable use of its components, and fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. The Conference of the Parties (COP) and the Meetings of the Parties (MOPs) to the Protocols are the supreme bodies that make decisions to promote effective implementation. The COPs and MOPs meet biennially.
- 1.2 COP 16 will be held from 21 October to 1 November 2024 in Cali, Colombia, concurrently with MOP 11 to the Cartagena Protocol and MOP 5 to the Nagoya Protocol. Given that COP 16 will be the first Biodiversity COP since the adoption of the GBF, governments will review the state of implementation of the GBF. The negotiating mandate presented in this Cabinet memorandum is informed by outcomes of intersessional meetings of subsidiary bodies and is broadly aligned with the African Common Positions.
- 1.3 A High-Level Segment of Ministers will be held on 29 to 30 October 2024 to provide an opportunity for Ministers to deliberate on initiatives to enhance momentum for the implementation and support the final stages of the negotiations.
- 1.4 The Memorandum was tabled at meeting of Global and Continental Affairs Committee (GCAC) on 15 August 2024. GCAC requested emphasis on the alignment of the negotiating mandate with the Africa position. The Memorandum was updated to effect this change in paragraph 3.2 where it is indicated that the negotiating mandate is broadly aligned with the African Common Positions.

1.5 The Memorandum was also tabled at the meeting of International Cooperation, Trade and Security (ICTS) Cluster on 5 September 2024. ICTS requested articulation of implications or impact of Resource Mobilization decisions on South Africa. This was addressed in paragraph 5.1.2.1 where it is indicated that South Africa will update the national biodiversity finance plan to facilitate mobilization of international and domestic, public and private financial resources for the effective implementation of the Kunming-Montreal Global Biodiversity Framework (GBF). ICTS also indicated the need for harmonized regional standards for digital sequence information on genetic resources. This was addressed in paragraph 5.1.3.2 where it is indicated that South African National Biodiversity Institute (SANBI) as one of the five sub-regional support centres in Africa for the implementation of the GBF will promote and facilitate technical and scientific cooperation and technology transfer, including developing harmonized regional standards for digital sequence information on genetic resources.

2. DISCUSSION

The Conference of Parties will consider the following issues of strategic importance to South Africa.

Resource mobilization and financial mechanism

The financing gap to halt and reverse biodiversity loss by 2030 from all sources is \$200 billion annually, including \$30 billion through international finance. In its decision 15/7, COP 15 adopted the interim strategy for resource mobilization up to 2025. COP 15 further established a monetary multilateral mechanism for benefit-sharing from the use of digital sequence information on genetic resources (DSI), including the Ad Hoc Open-ended Working Group on Benefit-sharing from the use of DSI to undertake further development of the mechanism. COP 16 is expected to (i) adopt or welcome the revised strategy for resource mobilization for the GBF (2025–2030); (ii) assess efficiency, effectiveness, gaps and overlaps in the biodiversity finance landscape and also take a decision on global instrument on biodiversity finance, including whether to establish a dedicated Global Biodiversity Fund for biodiversity finance under the authority the COP or continue under the Global Environment Facility (GEF).

Further, in decision 15/15, COP 15 decided to adopt, at COP16, a four-year outcome-oriented framework of programme priorities for the implementation of the Convention and its Protocols to inform the ninth replenishment period of the GEF Trust Fund (2026–2030). It also adopted terms of reference for a full assessment of the amount of funds needed for the implementation of the

Convention and its Protocols for the ninth replenishment period and for the sixth review of the effectiveness of the financial mechanism. This also includes considering the relevance and process of creating a stand-alone window for biosafety under the Cartagena Protocol and guidelines on safeguards in respect of the Nagoya Protocol.

Subsequent to this decision GEF established Global Biodiversity Framework Fund (GBFF) as a special trust fund to support the implementation of the GBF as an interim measure. The COP further established an Advisory Committee on Resource Mobilization to operationalize decision.

Recommended position: South Africa will advocate for the operationalisation of a dedicated Global Biodiversity Fund under the authority of the COP since GEF is an interim financial mechanism of the COP and is not accountable to the COP. South Africa will also align its position with Africa and other developing country parties and urge developed countries to fulfil their commitments under the Article 20 of the Convention in respect of financial resources and technology transfer to fully support developing countries Parties to effectively implement their commitments.

South Africa will consider supporting the adoption of the revised strategy for resource mobilization 2025–2030 for the GBF only with clear indication of how developing countries will benefit from digital sequence information of their biological resources. South Africa will update the national biodiversity finance plan to facilitate mobilization of international and domestic, public and private financial resources for the effective implementation of the GBF.

In respect of GEF, South Africa will support continuation of the biodiversity GEF funding window and the continuous liaison with other conventions to look at synergies in enhancing the implementation of the activities in GBF. South Africa will welcome the eighth replenishment of the Trust Fund to also support standalone window for Cartagena Protocol and support the operationalisation of the sub-regional centres.

Technical and scientific cooperation and technology transfer

In decision 15/8, COP 15 established a mechanism comprising a network of regional and/or subregional technical and scientific cooperation support centres to be coordinated by a global coordination entity. COP 16 will decide on the modalities for operationalization of the global coordination entity.

In line with the above-mentioned decision, after expression of interest, 18 regional/subregional support centres were selected, and South African National Biodiversity Institute (SANBI) was

selected as one of the five support sub-regional support centres in Africa. SANBI, as the subregional centre will promote and facilitate technical and scientific cooperation and technology transfer, including developing standards for digital sequence information on genetic resources.

Recommended position: South Africa will support hosting of the global coordination entity for technical and scientific cooperation mechanism by the Secretariat complemented by an international organization considering the time lag remaining to 2030.

Proposal to eliminate the use of the term “local communities” in conjunction with indigenous peoples and endorse language relating to People of African descent

Colombia as the host Government of COP 16 is proposing that the COP endorse language relating to People of African descent to be added to the term "Indigenous Peoples" as opposed to local communities in the declaration on World Coalition for Peace with Nature to be signed by Heads of States. The CBD does not use the term “indigenous peoples,” but refers to them as “indigenous and local communities embodying traditional lifestyles” relevant for the conservation and sustainable use of biological diversity. Within the scope of the CBD, local communities are understood as traditional ones, showing that behaviour, rather than location or size, delineates the contours of the concept which is little more than indigenous communities from which it removed the connotation of self-determination.

Recommended Position: The United Nations Declaration on the Rights of Indigenous Peoples, and the mandate for the Permanent Forum on Indigenous Issues or any of the other United Nations bodies does not provide a standalone definition for indigenous people. South Africa will thus not support the elimination of the use of the term “local communities” in conjunction with indigenous peoples and will also not support the inclusion of “People of African descent”.

Cartagena Protocol on Biosafety (CPB)- Synthetic biology

In its decision 15/31, established a process for broad and regular horizon scanning, monitoring and assessment of the most recent technological developments in synthetic biology and agreed to start its work for one intersessional period. COP16, MOP 11 and MOP 5 will consider the outcomes of the first cycle of the process for broad and regular horizon scanning, monitoring and assessment of the most recent technological developments in synthetic biology undertaken by the multidisciplinary ad hoc technical expert group (MAHTEG).

Recommended Position: South Africa will support the continuation of a broad and regular horizon scanning, monitoring and assessment that aims to fill gaps in risk assessment. South Africa is of the view that the process should consider high risk organisms that are not considered Living Modified Organisms (LMOs) as defined under the CPB, such as organisms produced de novo (from scratch) as these do not have natural comparators or counterparts and would present a challenge when undertaking risk assessments. Furthermore South Africa will not support any attempts to open a debate on the definition for synthetic biology as the current operational definition for synthetic biology is very broad and, in some instances, inclusive of LMOs.

South Africa will further support establishment of a new Ad Hoc Technical Expert Group with adequate expertise and regional representation.

Nagoya Protocol (NP)- Digital sequence information on genetic resources (DSI)

As a megadiverse country, South Africa is home to a variety of biological resources and has a dual responsibility of promoting scientific progress while safeguarding natural heritage. A significant concern is the unauthorized sequencing of South African genetic resources and their subsequent inclusion in public databases. South Africa is one of the countries of origin from which DSI is generated and should benefit from its commercialisation. Major international databases are hosted by Japan, EU and USA (which is not a party to the CBD) with minimal access.

Recommended position: South Africa will support that users of digital sequence information on genetic resources that directly or indirectly benefit from the use of digital sequence information on genetic resources in their commercial activities should be obliged to contribute [X] per cent of their revenue to the global fund.

Regarding access to the DSI databases, South Africa will support the African Proposal for a CBD DSI database to complement existing databases which will act as a checkpoint, to include a field for cross-referencing permit records to enable authorized access and enhance traceability, accountability and ensure greater oversight by interested and affected parties. Additionally, the database will serve to channel non-monetary benefits effectively.

Biodiversity and climate change

In decision 15/30, COP 15 requested the Subsidiary Body on Scientific, Technical and Technological Advice to develop the recommendations for COP 16 on synergies, taking into account the results of the Sixth Assessment Report of the Intergovernmental Panel on Climate Change.

Recommended position: South Africa will support implementation of strong social and environmental safeguards when implementing targets 8 and 11 of the GBF, where appropriate, as informed by science and experience from implementation of projects and will explore synergies with other relevant multilateral environmental agreements such as United Nations Framework Convention on Climate Change and other biodiversity-related multilateral environmental agreements. This includes integration and promotion, where appropriate, nature-based solutions and/or ecosystem-based approaches to climate change adaptation and mitigation and disaster risk reduction and the promotion of synergies with other national planning processes.