

UN Biodiversity Conference (CBD COP-15): What is in it for the Developing Countries?

Kariuki Muigua

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Abstract

This paper highlights the outcomes of the decisions made by the UN Biodiversity Conference (Fifteenth meeting of the Conference of the Parties (COP-15) to the Convention on Biological Diversity (CBD) held between 7th to 19th December 2022 in Montreal, Canada and offers a perspective on how these decisions may affect developing countries especially in Africa, as far as biodiversity resources use and conservation efforts are concerned.

1. Introduction

The Conference of the Parties (COP), which oversees the Convention on Biological Diversity, makes decisions that enhance implementation of the Convention during its recurrent sessions.¹ The Conference of the Parties had its regular meetings yearly from 1994 to 1996. Since then, these meetings have been conducted less regularly, and as of 2000, they will now be held every two years due to a change in the norms of procedure.² The fifteenth Conference of the Parties (COP 15) met in two locations: Kunming, China, and Montreal, Canada. Phase one was conducted virtually from October 11 to October 15, 2021, and it featured a High-Level Segment on October 12 and 13. Phase two took place in Montreal, Canada, from December 7 and December 19, 2022.³

This paper highlights the major outcomes of these events and their implications on developing countries.

**PhD in Law (Nrb), FCI Arb (Chartered Arbitrator), LL. B (Hons) Nrb, LL.M (Environmental Law) Nrb; Dip. In Law (KSL); FCPS (K); Dip. In Arbitration (UK); MKIM; Mediator; Consultant: Lead expert EIA/EA NEMA; BSI ISO/IEC 27001:2005 ISMS Lead Auditor/ Implementer; Advocate of the High Court of Kenya; Senior Lecturer at the University of Nairobi, Faculty of Law [February 2023].*

¹ Unit B, 'Conference of the Parties (COP)' <<https://www.cbd.int/cop/>> accessed 16 February 2023.

² Ibid.

³ Ibid.

2. UN Biodiversity Conference (Fifteenth meeting of the Conference of the Parties (COP-15) to the Convention on Biological Diversity (CBD): Outcomes

2.1. Adoption of the Monitoring Framework for the Kunming-Montreal Global Biodiversity Framework

The Kunming-Montreal Global Biodiversity Framework⁴, which supersedes the Convention on Biological Diversity's (CBD) Strategic Plan for Biodiversity 2011-2020 and its Aichi Objectives, was agreed by CBD Parties on December 19, 2022, after four years of development talks. The agreement was reached during the second session of the fifteenth Conference of Parties (COP-15), which was held in Montréal, Canada, from December 7–19, 2022, and was presided over by the People's Republic of China.⁵

The framework consists of four global 2050 objectives and twenty-three global 2030 targets, which are divided into four major categories to correspond to the goals. This comprises techniques and solutions for mainstreaming and implementation, biodiversity protection and restoration, the value of nature to humans, access and benefit sharing, and benefits sharing.⁶

The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Global Assessment Report of Biodiversity and Ecosystem Services, the fifth edition of the Global Biodiversity Outlook, and many other scientific publications provide ample evidence that, despite ongoing efforts, biodiversity is deteriorating globally at rates unprecedented in human history. The Kunming-Montreal Global Biodiversity Framework aims to respond to these documents.⁷

The Kunming-Montreal Global Biodiversity Framework outlines an ambitious plan to implement widespread action to transform our societies' relationship with biodiversity by 2030, in line with the 2030 Agenda for Sustainable Development and its Sustainable Development Goals. It builds on the Strategic Plan for Biodiversity 2011–2020, its achievements, gaps, and lessons learned, as

⁴ Agenda item 9A, 15/4, Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4, 19 December 2022.

⁵ 'A New Global Biodiversity Framework: Kunming-Montreal Global Biodiversity Framework - DCCEEW' <<https://www.dceew.gov.au/environment/biodiversity/international/un-convention-biological-diversity/global-biodiversity-framework>> accessed 20 February 2023.

⁶ Ibid.

⁷ Agenda item 9A, 15/4, Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4, 19 December 2022, Annex, Para. 2.

well as the experience and achievements of other pertinent multilateral environmental agreements.⁸

The Kunming-Montreal Global Biodiversity Framework aims to catalyse, enable, and galvanise urgent and transformative action by Governments, subnational and local authorities, with the involvement of all of society, to halt and reverse biodiversity loss and to achieve the outcomes it sets out in its Vision, Mission, Goals, and Targets. This will help to further the three goals of the Convention on Biological Diversity and its Protocols. The balanced execution of all three of the Convention's objectives is its main goal.⁹

The framework, which is action- and results-oriented, aims to direct and promote, at all levels, the revision, development, updating, and implementation of policies, goals, targets, and national biodiversity strategies and action plans. It also makes it easier to monitor and review progress at all levels in a more accountable and transparent way.¹⁰

While respecting their mandates, the framework encourages coherence, complementarity, and cooperation among parties to the Convention on Biological Diversity and its Protocols, other conventions related to biodiversity, and other pertinent multilateral agreements and international institutions. It also provides opportunities for collaboration and partnerships among various actors to improve the framework's implementation.¹¹

The Kunming-Montreal Global Biodiversity Framework, including its Vision, Mission, Goals and Targets, is to be understood, acted upon, implemented, reported and evaluated, consistent with the following: contribution and rights of indigenous peoples and local communities; different value systems; whole-of-government and whole-of-society approach; national circumstances, priorities and capabilities; collective effort towards the targets; right to development; human rights-based approach; gender; fulfilment of the three objectives of the convention and its protocols and their balanced implementation; consistency with international agreements or instruments; principles of the Rio Declaration; science and innovation; ecosystem approach; inter-generational equity;

⁸ Ibid, para. 3.

⁹ Agenda item 9A, 15/4, Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4, 19 December 2022, Annex, Para. 4.

¹⁰ Ibid, para. 5.

¹¹ Ibid, para. 6.

formal and informal education; access to financial resources; cooperation and synergies; and biodiversity and health.¹²

A step towards achieving the goals of the 2030 Agenda for Sustainable Development is the Kunming-Montreal global biodiversity framework. In order to provide the circumstances essential for realising the goals and targets of the framework, progress towards the Sustainable Development Goals and the attainment of sustainable development in all of its three dimensions—environmental, social, and economic—are required. Recognizing the significant connections between biological and cultural diversity, it will place biodiversity, its conservation, the sustainable use of its components, and the fair and equitable sharing of the benefits resulting from the utilisation of genetic resources at the centre of the sustainable development agenda.¹³

2.2. Informing the scientific and technical evidence base for the Kunming-Montreal Global Biodiversity Framework

The Conference of the Parties welcomed the Global Assessment Report on Biodiversity and Ecosystem Services issued by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services¹⁴ and the related regional and thematic assessments.¹⁵ The COP also commended the Intergovernmental Panel on Climate Change's (IPCC) special reports on the effects of global warming of 1.5°C above pre-industrial levels and associated global greenhouse gas emission pathways, as well as on the ocean and cryosphere in a changing climate, climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems.¹⁶

¹² Ibid, paras.7-25.

¹³ Agenda item 9A, 15/4, Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4, 19 December 2022, Annex, Para. 26.

¹⁴ Secretariat, 'Global Assessment Report on Biodiversity and Ecosystem Services | IPBES Secretariat' (17 May 2019) <<https://ipbes.net/node/35274>> accessed 16 February 2023.

The general objective of the assessment is to evaluate the state of biodiversity and ecosystem services, their trends, their effects on human well-being, and the efficacy of available interventions, including the Strategic Plan and its Aichi Biodiversity Targets. The process for evaluating and renewing the Strategic Plan for Biodiversity and its Aichi Biodiversity Targets is predicted to benefit from this deliverable.

¹⁵ Decision Adopted by The Conference of the Parties to The Convention On Biological Diversity, CBD/COP/DEC/15/2, 19 December 2022, para. 1.

¹⁶ Ibid, para. 2.

In addition, COP took note of the following: the fifth edition of the Global Biodiversity Outlook, including its summary for policymakers, as well as the second edition of the Local Biodiversity Outlooks and the 2020 Plant Conservation Report; the general conclusions from the fifth edition of the Global Biodiversity Outlook; and the lessons learned from the implementation of the Strategic Plan for Biodiversity 2011–2020¹⁷ identified in the fifth edition of the Global Biodiversity Outlook.¹⁸

The COP also urged Parties, and invited other Governments, local, and subnational governments, as well as pertinent organisations, to use the reports and to take actions to widely disseminate their findings, including by translating the reports into local languages and by creating other suitable communication products for various stakeholders, as well as to use the reports when putting the Kunming-Montreal Global Biodiversity Framework into practice.¹⁹

The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services' Global Assessment identified a number of factors that contribute to biodiversity loss, including climate change and land degradation. The COP urged Parties to address these factors urgently in order to address biodiversity loss in a coordinated manner.²⁰

2.3. Review of progress in the implementation of the Convention and the Strategic Plan for Biodiversity 2011-2020 and the achievement of the Aichi Biodiversity Targets

A revised and updated Strategic Plan for Biodiversity, including the Aichi Biodiversity Targets, for the years 2011 to 2020 was adopted by the Conference of the Parties at its tenth meeting, which took place from October 18 to October 29, 2010, in Nagoya, Aichi Prefecture, Japan. This decision is known as decision X/2. This Plan offered a comprehensive framework for biodiversity management and policy development for the whole United Nations organisation as well as the treaties that dealt with biodiversity.²¹

¹⁷ Unit B, 'Strategic Plan for Biodiversity 2011-2020, Including Aichi Biodiversity Targets' (21 January 2020) <<https://www.cbd.int/sp/>> accessed 17 February 2023.

¹⁸ Decision Adopted by The Conference of the Parties to The Convention On Biological Diversity, CBD/COP/DEC/15/2, 19 December 2022, paras.3,5&6.

¹⁹ Ibid, para. 7.

²⁰ Ibid, para. 8.

²¹ Unit B, 'Strategic Plan for Biodiversity 2011-2020, Including Aichi Biodiversity Targets' (21 January 2020) <<https://www.cbd.int/sp/>> accessed 17 February 2023.

Parties concurred that it would take two years to convert this broad international framework into revised and updated national biodiversity policies and action plans.

2.4. Biodiversity and health

Regarding the relationship between biodiversity and health, the COP 15 encouraged Parties and their subnational and local governments, and invited other Governments, in accordance with national circumstances and priorities, where appropriate, and relevant stakeholders: (a) to take steps towards a long-term and inclusive recovery from the COVID-19 pandemic that support biodiversity preservation and sustainable usage, hence reducing the danger of zoonotic illnesses in the future, while also taking the One Health²² concept into consideration, among other holistic methods;²³ (b) to assist the implementation of the Kunming-Montreal Global Biodiversity Framework by further integrating the One Health approach—among other holistic approaches—into their national biodiversity policies and action plans, as well as national health programmes, if necessary;²⁴ (c) to further support capacity-building and development for mainstreaming biodiversity and health linkages into the implementation of the Kunming-Montreal Global Biodiversity Framework;²⁵ and (d) to strengthen compliance with international and national provisions on access and benefit-sharing, in order to enhance the fair and equitable sharing of benefits arising from the utilization of genetic resources, as well as the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources, in the relevant health sectors.²⁶

COP 15 also invited the Quadripartite for One Health, the One Health High-Level Expert Panel, and other relevant expert groups and initiatives:²⁷ (a) to consider in their work the connections between health and biodiversity, the need for the One Health approach, among other holistic approaches, in accordance with decisions XIII/6 and 14/4, as well as equity and solidarity, and

²² One Health is an integrated, unifying strategy with the goal of optimising the wellbeing of humans, animals, and ecosystems in a sustainable manner. It acknowledges the interconnectedness and interdependence of human health, that of domestic and wild animals, plants, and the larger environment (including ecosystems) < ‘One Health’ <<https://www.who.int/health-topics/one-health>> accessed 17 February 2023.

²³ 15/29. Biodiversity and health, CBD/COP/DEC/15/29, 19 December 2022, para. 1(a).

²⁴ Ibid, para. 1(b).

²⁵ Ibid, para. 1(c).

²⁶ Ibid 1(d).

²⁷ 15/29. Biodiversity and health, CBD/COP/DEC/15/29, 19 December 2022, para. 2.

social determinants of health and socioeconomic inequalities between developing and developed countries;²⁸ (b) to contribute with guidance, interdisciplinary education and training, to the implementation of health-related elements and the application of the One Health approach, among other holistic approaches, in the Kunming-Montreal Global Biodiversity Framework;²⁹ (c) To contribute to the development of, and reporting on, health-related indicators of the monitoring framework for the Kunming-Montreal Global Biodiversity Framework;³⁰ and (d) to collaborate with the Executive Secretary in providing Parties with capacity-building, technology transfer, and resource mobilization opportunities for mainstreaming biodiversity and health linkages.³¹

The COP 15 further invited the Global Environment Facility, in accordance with its mandate, as appropriate, to consider providing technical and financial support for mainstreaming biodiversity and health linkages.³² It also invited Parties, other Governments, and all relevant donors and funding organizations in a position to do so, to consider providing technical support and mobilizing resources for mainstreaming biodiversity and health linkages.³³

COP 15 further requested the Executive Secretary, subject to the availability of resources, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice, and in collaboration with the World Health Organization and the Quadripartite for One Health, to complete the work pursuant to decision 14/4, paragraph 13 (b) and (c) on targeted messages and a draft global action plan, drawing on the deliberations of the resumed session of the twenty-fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, as follows: (a) to produce an updated version of the draft global action plan and targeted messages based on the inputs received from Parties, other Governments, indigenous peoples and local communities, women, youth, and other relevant stakeholders, recognizing the issues of equity, including through the fair and equitable sharing of benefits arising from the utilization of genetic resources as well as the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources and traditional knowledge associated with genetic

²⁸ Ibid, 2(a).

²⁹ Ibid (2(b).

³⁰ Ibid 2(c).

³¹ Ibid, 2(d).

³² Ibid, para. 3.

³³ Ibid, para. 4.

resources; (b) to invite Parties, other Governments, indigenous peoples and local communities, women, youth, and other relevant stakeholders to review the updated version of the draft global action plan; (c) to make the outcomes of this work available for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice at a future meeting, with a view to making recommendations to the Conference of the Parties at its sixteenth meeting.³⁴

2.5. Biodiversity and climate change

In respect of biodiversity and climate, the Conference of the Parties requested Parties, and invited other Governments and international organizations, to submit their views and information on biodiversity and climate change.³⁵ The COP also requested the Executive Secretary to compile these views and information and to make the compilation available to the Subsidiary Body on Scientific, Technical and Technological Advice.³⁶

It also requested the Subsidiary Body on Scientific, Technical and Technological Advice to further review the item on biodiversity and climate change on the basis of views and information from Parties, other Governments and international organizations, as referred to in paragraph 1 above, as well as relevant scientific and technical information on biodiversity and climate change, at its meeting to be held prior to the sixteenth meeting of the Conference of the Parties.³⁷

These decisions were reached based on the decisions VII/15, IX/16, X/33, XI/19, XII/20, XIII/4, and 14/5, and, in particular, the critical role of biodiversity and ecosystem functions and services for climate change adaptation, mitigation and disaster risk reduction.³⁸

2.6. Recommendations from the United Nations Permanent Forum on Indigenous Issues to the Convention on Biological Diversity

The Conference of the Parties, took note of the recommendations emanating from the seventeenth and eighteenth sessions of the United Nations Permanent Forum on Indigenous Issues, and

³⁴ Ibid, para. 5.

³⁵ Agenda item 23, 15/30. Biodiversity and climate change, CBD/COP/DEC/15/30, 19 December 2022, para. 1.

³⁶ Ibid, para. 2.

³⁷ Ibid, para. 3.

³⁸ Agenda item 23, 15/30. Biodiversity and climate change, CBD/COP/DEC/15/30, 19 December 2022, preamble.

requests the Executive Secretary to continue to inform the Permanent Forum of developments of mutual interest.³⁹

It also welcomed the invitations of the Forum to the Secretariat of the Convention on Biological Diversity to contribute to: (a) a study on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity; (b) a set of actions and commitments in relation to conservation and human rights in the context of the Kunming-Montreal Global Biodiversity Framework; and (c) a comparative legal study that analyses the rights of indigenous peoples and the emerging rights of local communities.⁴⁰

Thirdly, the COP decided to take the results of these activities under consideration in the development of its new programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities from the perspective of the relevance of the knowledge innovations and practices of indigenous peoples and local communities relevant to the conservation and sustainable use of biodiversity, particularly in the Kunming-Montreal Global Biodiversity Framework.⁴¹

Finally, the COP requested the Executive Secretary, subject to the availability of resources, to contribute to the above-mentioned activities, to provide information to the Forum about these and other relevant activities of the Convention, and to carry out commitments to indigenous peoples, in accordance with the Secretary General's system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples.⁴²

2.7. Programme of work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services

As far as the Programme of work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services is concerned, the Conference of Parties welcomed the rolling work programme of the Platform up to 2030, adopted by the Plenary of the Intergovernmental

³⁹ Agenda item 10C, 15/21. Recommendations from the United Nations Permanent Forum on Indigenous Issues to the Convention on Biological Diversity, CBD/COP/DEC/15/21, 19 December 2022, para. 1.

⁴⁰ Ibid, para. 2.

⁴¹ Ibid, para. 3.

⁴² Ibid, para. 4.

Science-Policy Platform on Biodiversity and Ecosystem Services in its decision IPBES-7/1, noting with appreciation that the request of the Conference of the Parties set out in decision 14/36 has been met, and that work under the six objectives, including the assessments set out in the work programme, is expected to contribute to and be essential for the implementation of the Kunming-Montreal Global Biodiversity Framework.⁴³

The COP also welcomed the ground-breaking efforts of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services to advance the inclusion of indigenous and local knowledge and diverse knowledge systems in all its assessments and other functions through the implementation of its approach to recognizing and working with indigenous and local knowledge in the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services set out in annex II to decision IPBES-5/1, as well as its engagement with self-organized networks and organizations of indigenous peoples and local communities and stakeholders through the implementation of its stakeholder engagement strategy set out in annex II to decision IPBES-3/4, and invites the Intergovernmental Science- Policy Platform on Biodiversity and Ecosystem Services to continue to strengthen these efforts in the implementation of the relevant objectives of the 2030 work programme.⁴⁴

The COP further welcomed the fact that the rolling work programme up to 2030 of the Platform includes objectives related to each of the four functions of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, as well as strengthening communication and engagement of Governments and stakeholders and improvement of the effectiveness of the Platform, implemented in a manner whereby the objectives are mutually supportive.⁴⁵

It also welcomed the approval by the Plenary of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, at its eighth session, to undertake thematic assessments on the interlinkages among biodiversity, water, food and health (“the nexus assessment”), and on the underlying causes of biodiversity loss and the determinants of transformative change and options for achieving the 2050 vision (“the transformative change assessment”), and, at its ninth session, to undertake a methodological assessment of the impact and dependence of business on

⁴³ Agenda item 15A, 15/19. Programme of work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, CBD/COP/DEC/15/19, 19 December 2022, para. 1.

⁴⁴ Agenda item 15A, 15/19. Programme of work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, CBD/COP/DEC/15/19, 19 December 2022, para. 2.

⁴⁵ Ibid, para. 3.

biodiversity and nature's contributions to people ("the business and biodiversity assessment"), as outlined in the respective scoping reports, as well as the important scientific contribution of these assessments for the implementation of the Kunming-Montreal Global Biodiversity Framework.⁴⁶

The COP 15 also invited Parties and relevant organizations to participate in the assessments referred to in paragraph 4 above, through the formal review processes.⁴⁷

It also welcomed the approval by the Plenary of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, at its ninth session, of the summaries for policymakers of the Methodological Assessment Report on the Diverse Values and Valuation of Nature, and of the Thematic Assessment of the Sustainable Use of Wild Species, and the acceptance of the chapters of the respective assessments including their executive summaries, and takes note of the progress made in the preparation of the thematic assessment of invasive alien species and their control.⁴⁸

The COP 15 also requested the Subsidiary Body on Scientific, Technical and Technological Advice to consider the findings of the assessments referred to in paragraph 6 above, and to provide recommendations relating to the implementation of the Convention and, in particular, of the Kunming-Montreal Global Biodiversity Framework, for consideration by the Conference of the Parties at its sixteenth meeting.⁴⁹

The COP 15 also took note of the report of the expert workshop convened by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services on biodiversity and pandemics, and notes its relevance for the work of the Convention, including the Kunming-Montreal Global Biodiversity Framework, as well as to the work carried out under the Convention on the interlinkages between biodiversity and health.⁵⁰

It also welcomed the cooperation between the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and the Intergovernmental Panel on Climate Change; took note of the report of the co-sponsored workshop on biodiversity and climate change, noting the conclusions therein; and encouraged the two bodies to continue and further strengthen their

⁴⁶ Ibid, para. 4.

⁴⁷ Agenda item 15A, 15/19. Programme of work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, CBD/COP/DEC/15/19, 19 December 2022, para. 5.

⁴⁸ Ibid, para. 6.

⁴⁹ Ibid, para.7.

⁵⁰ Ibid, para. 8.

collaboration in a transparent and participatory manner, with a view to increasing coherence while avoiding duplication of work.⁵¹

Furthermore, it invited Parties to coordinate their work with the national focal points for the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and the Intergovernmental Panel on Climate Change in relation to assessments on biodiversity and climate change.⁵²

COP 15 further noted that the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, at its tenth session, will consider requests, inputs and suggestions received in time for consideration at that session, including for a second global assessment of biodiversity and ecosystem services and for an assessment on ecological connectivity, as well as potential additional fast track assessments.⁵³

It also invited the Platform to consider the requests contained in the annex to the present decision.⁵⁴

COP 15 also requested the Executive Secretary to regularly and systematically assess and report to the Subsidiary Body on Scientific, Technical and Technological Advice on how to consider deliverables from all functions and processes of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services for the implementation of the Convention, including a forward schedule and regular agenda item in meetings of the Subsidiary Body.⁵⁵

The COP also requested the Executive Secretary to identify views from Parties on how the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services could, within its defined functions of producing further assessments, building capacity, strengthening knowledge

⁵¹ Ibid, para. 9.

⁵² Agenda item 15A, 15/19. Programme of work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, CBD/COP/DEC/15/19, 19 December 2022, para.10.

⁵³ Ibid, para. 11.

⁵⁴ Ibid, para. 12.

Annex:

Requests From The Convention On Biological Diversity For Consideration By The Plenary Of The Intergovernmental Science-Policy Platform On Biodiversity And Ecosystem Services At Its Tenth Session- Request from the Convention on Biological Diversity regarding a second global assessment on biodiversity and ecosystem services.

⁵⁵ Agenda item 15A, 15/19. Programme of work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, CBD/COP/DEC/15/19, 19 December 2022, para. 13.

and supporting policy, contribute to the review and monitoring process of the Kunming-Montreal Global Biodiversity Framework.⁵⁶

Furthermore, it invited the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services to contribute to the work of the Ad Hoc Technical Expert Group on Indicators for the Kunming-Montreal Global Biodiversity Framework.⁵⁷

The COP 15 also encouraged all Parties and other Governments, as well as subnational governments, to carry out national or subnational assessments, with the full engagement of indigenous peoples and local communities, women, youth, civil society, academia and business, adapting the process of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services to the local contexts, so that these national or subnational assessments can be used as potential input to the rolling work programme of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and for the implementation of the Kunming-Montreal Global Biodiversity Framework, and urges Parties, and invites other Governments and organizations in a position to do so, to provide technical assistance, capacity-building and financial support, as appropriate.⁵⁸

2.8. Long-Term Strategic Approach to Mainstreaming Biodiversity Within and Across Sectors

The Conference of the Parties, in the preamble to this decision, recalled Article 6 (b) of the Convention, which requires Parties to integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies; reiterated the critical importance of mainstreaming biodiversity across government and society in order to achieve the objectives of the Convention, and the urgent need to mainstream biodiversity in line with the Kunming-Montreal Global Biodiversity Framework; and emphasized the importance of intensified mainstreaming action to achieve the transformational change needed in order to attain the 2050 vision, while acknowledging the

⁵⁶ Ibid, para. 14.

⁵⁷ Agenda item 15A, 15/19. Programme of work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, CBD/COP/DEC/15/19, 19 December 2022, para. 16.

⁵⁸ Ibid, para. 17.

specific challenges faced by developing countries in supporting mainstreaming policies and the need for adequate means of implementation and enhanced international cooperation.⁵⁹

It went on to welcome the work of the Informal Advisory Group on Mainstreaming of Biodiversity, as reflected in the progress report of the Executive Secretary to the Subsidiary Body on Implementation at its third meeting as well as the new submissions as compiled in documents CBD/COP/15/INF/10, 11 and 12.⁶⁰ The COP 15 also requested Parties, and invited other Governments, international organizations and relevant stakeholders to submit their views on the draft long-term approach and associated action plan, and to identify ways forward to support implementation of the Kunming-Montreal Global Biodiversity Framework.⁶¹ Furthermore, it requested the Executive Secretary to organize an open-ended online forum through the clearing-house mechanism, to facilitate further views on the reports and outcomes as mentioned in paragraphs 1 and 2 above, and to compile these views in a report, including on an interim process, for consideration by the Subsidiary Body on Implementation at its fourth meeting.⁶²

2.9. Development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities

The Conference of the Parties, decided to develop a new programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities aligned with the Kunming-Montreal Global Biodiversity Framework, with the full and effective participation of indigenous peoples and local communities, on the basis of annexes I and II5 to the present decision.⁶³

It also decided to keep under review the programme of work on Article 8(j) and related provisions, as needed, and to reprioritize elements and tasks in order to ensure a programme of work supportive of a human rights approach and coherent with the priorities of the Kunming-

⁵⁹ Agenda item 16A, 15/17. Long-term strategic approach to mainstreaming biodiversity within and across sectors, CBD/COP/DEC/15/17, 19 December 2022, Preamble.

⁶⁰ Agenda item 16A, 15/17. Long-term strategic approach to mainstreaming biodiversity within and across sectors, CBD/COP/DEC/15/17, 19 December 2022, para. 1.

⁶¹ Ibid, para. 2.

⁶² Ibid, para. 3.

⁶³ Agenda item 10A, 15/10. Development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, CBD/COP/DEC/15/10, 19 December 2022, para. 1.

Montreal Global Biodiversity Framework, and one which takes into account developments in other relevant international forums and organizations.⁶⁴

The COP 15 also encouraged Parties, according to national legislation and international obligations, to increase efforts to facilitate the full and effective participation of indigenous peoples and local communities as on-the-ground partners in the implementation of the Convention, including by recognizing, supporting and valuing their customary laws, collective actions, cosmocentric worldviews and diverse values, including the efforts of indigenous peoples and local communities to protect and conserve lands and waters that they traditionally occupy or use towards the goals of the Convention, and engaging them, as appropriate, in the preparation of national reports, in the revision and implementation of national biodiversity strategies and action plans, and in the process for implementing the Kunming-Montreal Global Biodiversity Framework.⁶⁵

It also requested Parties and other Governments to report on the implementation of the current programme of work on Article 8(j) and related provisions, and once adopted, of the new programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, as well as on the application of the various voluntary guidelines and standards developed under the aegis of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions and adopted by the Conference of the Parties, as appropriate, through national reports, and to relevant subsidiary bodies, in order to determine progress made.⁶⁶

It further invited Parties, as per decision X/40 B, paragraph 7, to consider designating national focal points for Article 8(j) and related provisions in support of existing national focal points, to facilitate and disseminate culturally appropriate communications with indigenous peoples and local community organizations, and to promote the effective development and implementation of the programme of work on Article 8(j) and related provisions.⁶⁷

⁶⁴ Ibid, para. 2.

⁶⁵ Agenda item 10A, 15/10. Development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, CBD/COP/DEC/15/10, 19 December 2022, para. 3.

⁶⁶ Ibid, para. 4.

⁶⁷ Ibid, para. 5.

COP 15 also requested the Executive Secretary, subject to the availability of resources, to strengthen and support the network of national focal points for Article 8(j) and related provisions, as well as of the national focal points to the Convention on Biological Diversity, enabling them to play a key role at the national level in such areas as (a) national and subnational arrangements for the full and effective participation of indigenous peoples and local communities, (b) national arrangements for the protection, preservation and promotion of traditional knowledge and customary sustainable use, with the free, prior and informed consent of the holders of that knowledge, (c) facilitating the input of indigenous peoples and local communities into the drafting of national reports, and (d) promoting capacity-building and development for indigenous peoples and local communities at the national and local levels, on issues related to the Convention.⁶⁸

The COP also requested the Executive Secretary to convene an ad hoc technical expert group on indigenous peoples and local communities, and the Kunming-Montreal Global Biodiversity Framework, subject to availability of financial resources, which should meet prior to the twelfth meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, with terms of reference as contained in annex III to the present decision, to provide advice on the further elaboration of the new programme of work on, and the possible institutional arrangements for, Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, including the future modus operandi for the implementation of Article 8(j), considering the possible establishment of a subsidiary body, continuing the working group, or other arrangements.⁶⁹

2.10. Capacity-Building and Development and Technical and Scientific Cooperation

The Conference of the Parties recognised that many Parties, in particular developing country Parties, might not yet have the necessary capacities to fully implement the Kunming-Montreal global biodiversity framework and related decisions taken by the Conference of the Parties at its fifteenth meeting, and further highlighted the need for enhanced cooperation to address these

⁶⁸ Agenda item 10A, 15/10. Development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, CBD/COP/DEC/15/10, 19 December 2022, para. 6.

⁶⁹ Ibid, para. 7.

capacity gaps.⁷⁰ In addition, it took that the Kunming-Montreal global biodiversity framework and related decisions are to be implemented in accordance with national priorities and capabilities, and also took into account the specific needs of developing country Parties, in particular the least developed countries and small island developing states, and countries with economies in transition, also taking into consideration the special situation of those that are most environmentally vulnerable, such as those with arid and semi-arid zones, coastal and mountainous areas, as well as indigenous peoples and local communities, women and youth.⁷¹

The COP 15 thus adopted the long-term strategic framework for capacity-building and development to support priorities determined by Parties in their national biodiversity strategies and action plans for the implementation of the Kunming-Montreal global biodiversity framework, contained in annex I to the present decision.⁷²

It also urged Parties and invited other Governments, indigenous peoples and local communities, women and youth, the capacity-building task force of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, relevant organizations and other stakeholders, to use the long-term strategic framework for capacity-building and development referred to in paragraph 1 above, as a flexible framework in the design, implementation, monitoring and evaluation of their capacity-building and development initiatives and programmes supporting the achievement of the vision, mission, goals and targets of the Kunming-Montreal global biodiversity framework.⁷³

COP 15 also urged Parties and invited other Governments to identify and prioritize capacity-building and development needs, in partnership with indigenous peoples and local communities, and with the participation of women and youth and other relevant stakeholders, to integrate capacity-building and development components in their national biodiversity strategies and action plans while updating them in line with the Kunming-Montreal global biodiversity framework,

⁷⁰ Agenda item 13A, 15/8. Capacity-building and development and technical and scientific cooperation, CBD/COP/DEC/15/8, 19 December 2022, Preamble.

⁷¹ Agenda item 13A, 15/8. Capacity-building and development and technical and scientific cooperation, CBD/COP/DEC/15/8, 19 December 2022, Preamble.

⁷² *Ibid*, para. 1.

⁷³ *Ibid*, para. 4.

and/or develop dedicated biodiversity capacity-building and development action plans, and programmes, as appropriate.⁷⁴

Notably, it also invited universities and other academic institutions to develop and integrate into their curricula specialized and transdisciplinary academic courses and programmes and/or expand and strengthen existing ones, generate and share new knowledge, and implement continuing education programmes to support the Kunming-Montreal global biodiversity framework with the full and effective participation of indigenous peoples and local communities, women and youth.⁷⁵ COP 15 also urged Parties and invited other Governments and relevant organizations to recognize the important role of, and promote science, technology, innovation and other knowledge systems in supporting the implementation of the goals and targets of the Kunming-Montreal global biodiversity framework towards achieving the 2050 Vision of “living in harmony with nature”.⁷⁶

In order to support the priorities established by Parties in their national biodiversity strategies and action plans for the implementation of the Kunming-Montreal global biodiversity framework, the long-term strategic framework for capacity-building and development is intended to serve as a roadmap for the capacity-building and development efforts of government and non-government actors, including indigenous peoples and local communities.⁷⁷ By promoting coherence, efficiency, and effectiveness of capacity-building and development efforts at all levels through strategic, coordinated, and harmonized approaches, it seeks to catalyse institutionalized capacity-building and development interventions that are robust, coordinated, and delivered in a holistic and complementary manner.⁷⁸

According to this strategic framework, capacity is defined as "the ability of people, organisations, and societies as a whole to achieve the biodiversity-related goals and action targets," and capacity-building and development is understood as "the process by which people, organisations, and society as a whole unleash, strengthen, create, adapt, and maintain capacity over time to achieve

⁷⁴ Ibid, para. 9.

⁷⁵ Agenda item 13A, 15/8. Capacity-building and development and technical and scientific cooperation, CBD/COP/DEC/15/8, 19 December 2022, Para. 12.

⁷⁶ Ibid, para. 17.

⁷⁷ Annex 1, para. 1, Agenda item 13A, 15/8. Capacity-building and development and technical and scientific cooperation, CBD/COP/DEC/15/8, 19 December 2022.

⁷⁸ Ibid.

positive biodiversity results." The enabling environment, the organisational level, and the person level are all taken into consideration when discussing capacity-building and growth.⁷⁹

2.11. Resource mobilization

Using Article 20 of the Convention as the basis for providing and mobilizing resources from all Sources, the Conference of the Parties emphasized the importance of urgently increasing the mobilization of financial resources from all sources, domestic and international, public and private, with a view to closing the biodiversity financing gap and making adequate and predictable resources available in a timely manner for the effective implementation of the Kunming-Montreal Global Biodiversity Framework.⁸⁰

The COP thus, among other things, acknowledged the pledges made to finance the implementation of the global biodiversity framework, recognized that further efforts are needed, and encouraged developed country Parties, other donors, and financial institutions to facilitate efficient access to these resources through multilateral and bilateral channels.⁸¹

Furthermore, it recognised efforts by other relevant instruments and institutions to integrate biodiversity in their financing and programming decisions and further encourages them to align their financing with the goals and targets of the global biodiversity framework.⁸² It also recognised the ongoing need of developing countries for other means of implementation, including technical and financial support and capacity-building, including to undertake domestic action to mobilize resources and monitor and report thereon.⁸³

It further encouraged Parties and invites other Governments, organizations, the private sector and other major stakeholder groups to take the strategy for resource mobilization into consideration as a flexible framework guiding implementation of the targets of the Kunming-Montreal Global Biodiversity Framework related to resource mobilization, in accordance with national circumstances.⁸⁴

⁷⁹ Annex 1, para. 3.

⁸⁰ Agenda item 12A, 15/7. Resource mobilization, CBD/COP/DEC/15/7, 19 December 2022, Preamble.

⁸¹ Ibid, para. 6.

⁸² Ibid, para. 9.

⁸³ Ibid, para. 10.

⁸⁴ Ibid, para. 13.

3. Implications of the COP 15 Outcomes on the Developing Countries: Challenges and Prospects

The COP15 Agreement has received criticism for its watered-down ambitions, weak language, and stagnation in important areas such as reducing extinction of plants and animals, protecting intact ecosystems, and combating unsustainable production and consumption. Nevertheless, it reflects successes in paving the way for resource mobilization and monitoring frameworks.⁸⁵

States agreed to a deal known as "30 by 30," which became an often contested goal throughout discussions, to protect 30% of land, inland water, coastal, and marine resources by 2030. While local and indigenous people worked hard over the last two years to ensure that their lands and rights were acknowledged and protected in the objectives, many NGOs also regarded 30 by 30 as a lifeline for species languishing in the midst of the biodiversity catastrophe. Today, 17% of the planet's land area is protected, more than double the Aichi objectives' aims, and more than triple the 10% target for marine conservation.⁸⁶

Despite fierce opposition from developed nations, developing nations steadfastly defended the fundamental idea of common but differentiated responsibilities (CBDR) when addressing the connected issue of "Biodiversity and Climate Change" at the UN Convention on Biological Diversity's fifteenth Conference of the Parties (COP15).⁸⁷

Very diverse perspectives between developed and developing nations caused the impasse over whether or not to keep the CBDR concept, which was in square brackets (not agreed/unresolved) throughout the progress of the negotiation texts. The former refused to acknowledge it as a Fundamental tenet. The latter emphasised that it is a general idea that is incorporated in Principle 7 of the 1992 Rio Declaration on Environment and Development and, as a result, pertains to the CBD. Moreover, it was noted that Article 20 explicitly references it (on financial resources).⁸⁸

A long-running contentious issue, in addition to the CBDR principle, was the use of the contentious term "nature-based solutions" (NbS) throughout the negotiating texts, not just for the biodiversity

⁸⁵ 'Nations Adopt Kunming-Montreal Global Biodiversity Framework' (*Mongabay Environmental News*, 20 December 2022) <<https://news.mongabay.com/2022/12/nations-adopt-kunming-montreal-global-biodiversity-framework/>> accessed 20 February 2023.

⁸⁶ Ibid.

⁸⁷ 'CBD COP15: Developing Countries Defend Principle of Common but Differentiated Responsibilities' <<https://www.twn.my/title2/biotk/2023/btk230101.htm>> accessed 20 February 2023.

⁸⁸ 'CBD COP15: Developing Countries Defend Principle of Common but Differentiated Responsibilities' <<https://www.twn.my/title2/biotk/2023/btk230101.htm>> accessed 20 February 2023.

and climate change agenda item but also for other agenda items, such as the Kunming-Montreal Global Biodiversity Framework. Most poor nations disagreed with this idea, arguing that NbS has not yet been approved by the CBD and instead preferring to refer to the previously approved strategy of "ecosystem-based approaches" (EBAs). Yet, poor nations finally made significant compromises in order to secure an agreement on keeping "nature-based solutions and/or ecosystem-based methods" in the name of "compromise" and moving forward with adoption of a decision on the agenda item. It is now acceptable to use this formulation.⁸⁹

The CBDR principle, which was referred to in Paragraph 8 of the conference room paper on the biodiversity and climate change agenda item (CRP.12), which stated that global strategies adopted to address biodiversity and climate change must take into account common but differentiated responsibilities and respect, was not reciprocated by developed countries despite developing countries exercising the most flexibility on the NbS issue. A proposed decision wording was being considered for approval together with the CRP.12 document.⁹⁰

Notably, the Framework urges countries to set biodiversity objectives and to submit, at least every five years, updates on their progress in the form of national biodiversity plans, even though it is not legally obligatory (violations of the Framework do not have stringent legal repercussions). These strategies will resemble "nationally defined contributions," which are the papers created by countries in accordance with the Paris Agreement outlining their climate change objectives. Although there is no immediate need for states to report on biodiversity, they will still be required to closely monitor any changes in biodiversity and make sure that their domestic policies are in line with the Framework's goals.⁹¹

In addition to the Paris Climate Accord, this agreement offers a solid framework for global biodiversity action, laying the groundwork for a resilient, climate-neutral, and nature-friendly society by 2050.⁹²

⁸⁹ 'CBD COP15: Developing Countries Defend Principle of Common but Differentiated Responsibilities' <<https://www.twn.my/title2/biotk/2023/btk230101.htm>> accessed 20 February 2023.

⁹⁰ Ibid.

⁹¹ Harper KR Claudia, 'COP15: Outcome of Global Biodiversity Summit' (*Passle*, 22 December 2022) <<https://sustainablefutures.linklaters.com/post/102i42g/cop15-outcome-of-global-biodiversity-summit>> accessed 20 February 2023.

⁹² 'Historic Outcome at COP15 - a Chance to Keep Our Planet Livable for Generations to Come! | EEAS Website' <https://www.eeas.europa.eu/eeas/historic-outcome-cop15-chance-keep-our-planet-livable-generations-come_en> accessed 20 February 2023.

Contrary to COP27, poor nations were unable to accomplish their goal of creating a separate fund supported by wealthier nations. To assist poor nations, who are frequently the most biodiversity-rich, in achieving the global goals set forth by the new framework, the African group, in particular, argued for the creation of a "Global Biodiversity Fund" that is separate from climate finance and development aid. African nations and other developing nations demanded that rich nations mobilise \$100 billion annually for biodiversity. Instead, the final language establishes a target of \$200 billion per year from all sources, including the public and commercial sectors, by 2030. According to the document, rich nations must provide at least \$30 billion annually by 2030 and \$20 billion annually by 2025. (including official development assistance).⁹³

One thing that is clear from the outcomes of the UN Biodiversity COP 15 is that some good progress was made in supporting developing world efforts in biodiversity conservation, some funding mechanisms were established and the recognition of the role of indigenous communities in biodiversity conservation have a better chance now thanks to these outcomes. It is important that African countries keep pursuing the ambitious targets set out in COP 15 because, as it has been pointed out, biodiversity conservation and climate change mitigation all play a major role in achievement of socio-economic rights of citizens as envisaged under the 2030 Agenda or Sustainable Development Goals. Each country should adopt these outcomes based on their own unique domestic needs as well as available resources.

4. Conclusion

The primary objective of COP15 was for countries to come to an agreement on a post-2020 global biodiversity framework with goals and initiatives to combat nature and biodiversity loss. The Kunming-Montreal Global Biodiversity Framework (the "Framework") and 23 objectives to be accomplished by 2030 were both officially endorsed by the states during COP15.⁹⁴ These

⁹³ Gita Briel, 'Trade-related Outcomes From the UN Biodiversity Conference (COP15),' 23 Dec 2022 <https://www.tralac.org/blog/article/15852-trade-related-outcomes-from-the-un-biodiversity-conference-cop15.html> accessed 20 February 2023.

⁹⁴ Harper KR Claudia, 'COP15: Outcome of Global Biodiversity Summit' (*Passle*, 22 December 2022) <<https://sustainablefutures.linklaters.com/post/102i42g/cop15-outcome-of-global-biodiversity-summit>> accessed 20 February 2023; 'COP15: Nations Adopt Four Goals, 23 Targets for 2030 In Landmark UN Biodiversity Agreement' (*Convention on Biological Diversity*) <<https://www.cbd.int/article/cop15-cbd-press-release-final-19dec2022>> accessed 20 February 2023.

outcomes portend hope for the reversal of biodiversity loss across the world and form a good basis for governments to work closely with other stakeholders, including communities, in conservation efforts. COP 15 laid a lot of emphasis on the role of communities in conservation efforts, and governments should pursue this further in order to achieve biodiversity conservation, and using the envisaged funding mechanisms, empower these communities as a way of combating poverty, as this will enhance fight against environmental degradation due to diversified sources of livelihoods.

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