



Convention on Biological Diversity

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Advisory Committee on Resource Mobilization Third meeting

Montreal, Canada, 20–22 August 2024

Report of the Advisory Committee on Resource Mobilization on its third meeting

Item 1

Opening of the meeting

1. The third meeting of the Advisory Committee on Resource Mobilization commenced on 20 August 2024 at 9 a.m. in Montreal, Canada, with members participating in person and online. The meeting was opened by the Executive Secretary of the Convention on Biological Diversity, Astrid Schomaker.
2. The Executive Secretary of the Convention commended the significant work already carried out by the Advisory Committee in proposing elements for the alignment of the resource mobilization strategy, analysing the biodiversity financing landscape and advising on a potential new fund. She noted the important contribution expected from the Advisory Committee with regard to the outstanding element of its mandate, which related to digital sequence information on genetic resources and associated benefit-sharing, building on the outcomes of the work of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources, which had concluded its work on 16 August 2024.
3. The Co-Chairs of the Advisory Committee explained that the primary purpose of the meeting was to address the final pending issue within the Committee's mandate, namely, to consider whether and how either: (a) the Global Biodiversity Framework Fund, established in decision 15/15 of the Conference of the Parties to the Convention on Biological Diversity under the Global Environment Facility (GEF); (b) a dedicated financing mechanism for the Convention on Biological Diversity under the authority of the Conference of the Parties, which could be designated the global biodiversity fund; or (c) another alternative could serve as the adequate entity to receive and disburse the revenue generated by the mechanism established under decision 15/9 of the Conference of the Parties.
4. The Co-Chairs recalled that the Committee had already prepared its recommendations on the other elements of its mandate and that those recommendations had been further considered by the Subsidiary Body on Implementation at its fourth meeting. The Committee would now have to build upon the conclusions of the Working Group at its second and final meeting, focusing specifically on identifying the entity that could manage the digital sequence information (DSI) global fund, and provide recommendations for consideration by the sixteenth meeting of the Conference of the Parties to the Convention under its agenda item on digital sequence information on genetic resources.
5. During the meeting of the Advisory Committee, the president of the sixteenth meeting of the Conference of the Parties, Susana Muhamad, Minister of Environment and Sustainable Development of Colombia, paid a visit to the Committee to share her overall expectations and ambition for the

upcoming meeting of the Conference of the Parties. She underscored that making progress on the resource mobilization agenda was necessary to accelerate the implementation of the Convention and the Kunming-Montreal Global Biodiversity Framework.

Item 2

Organizational matters

Adoption of the agenda

6. The provisional agenda for the meeting was reviewed and adopted without modifications.

Organization of work

7. The Committee approved the proposed organization of work.

Item 3

Updates by the Co-Chairs of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources

8. The Co-Chairs of the Working Group provided an update on the discussions held at its second meeting. They indicated that the working group had discussed the operationalization of the multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources, including a DSI global fund. Key outcomes and areas of interest were highlighted, which informed the subsequent discussions of the Committee.. The discussion covered a wide range of topics, ranging from the potential financial contributions expected from the DSI global fund to the involvement of the private sector and the complexities of non-monetary benefit-sharing. In response, the Advisory Committee noted the need to build on previous decisions of the Conference of the Parties, in particular decision 15/9.

9. The Co-Chairs of the Working Group noted the active participation of the private sector in the process and the views conveyed by the private sector relating to the administrative requirements of and the need for clear and simple means of contribution to the global fund, with parsimonious administrative requirements, which would facilitate contributing with as few hurdles as possible. The Co-Chairs also noted that, while the private sector valued transparency regarding the use of funds, it might not wish to be involved in the decision-making process related to determining how the funds would ultimately be utilized. The question of how indigenous peoples and local communities would be able to access funds was a key focus of the discussion. Indigenous peoples and local communities should be recognized as beneficiaries of the global fund and their rights would need to be respected. Issues such as direct access to funds for indigenous peoples and local communities in both developed and developing countries was discussed in the Working Group.

10. The Co-Chairs of the Working Group recalled that the revenue generated from the use of digital sequence information on genetic resources related to access and benefit sharing, which was different in nature from official development assistance, without prejudice to obligations under the Convention.

Item 4

Consideration of options for the entity receive and disburse revenue generated by the multilateral mechanism established under decision 15/9

11. On the basis of the options currently included in brackets in the report of the Working Group (CBD/WGDSI/2/3)¹ and sent to the Conference of the Parties for its consideration, the Co-Chairs of the Committee delivered a presentation on the possible functions that the entity receiving and disbursing the revenue generated by the use of digital sequence information on genetic resources could be asked to perform. The Co-Chairs emphasized that the list of criteria and many of its elements should not be considered agreed yet and that the criteria identified were conditional upon the final decision

¹ Recommendation 2/1.

of the Conference of the Parties on a model for the DSI global fund. It would be necessary to consider all criteria from the report and analyse whether they could be fulfilled under particular arrangements so that the Conference of the Parties could have relevant information on possible implications under all contingencies. The list would therefore identify criteria that any entity might have to fulfil, depending on which path the Conference of the Parties ultimately decided upon. The list of criteria understood in that sense could then provide a useful foundation for the subsequent work of the Committee.

12. In that regard, some Committee members raised the matter of the potential relevance of annex III to the decision recommended for adoption by the Conference of the Parties in recommendation 4/3 of the Subsidiary Body on Implementation.

13. Based on the analysis presented and the initial comments made by Committee members, the Co-Chairs presented a list of criteria, as a basis for discussion, which was further reviewed by the Committee. The final list served as the basis for the further work of the group and guided the structure of its report, as reflected below. In line with its mandate, provided under decision 15/7 on resource mobilization of the Conference of the Parties, the Advisory Committee considered whether and how any one of the following funding mechanisms could be the adequate entity to receive and disburse the revenue generated by the mechanism established under decision 15/9: (a) the Global Biodiversity Framework Fund, established in decision 15/15 under the Global Environment Facility; (b) a dedicated financing mechanism for the Convention on Biological Diversity under the authority of the Conference of the Parties, which could be designated the global biodiversity fund; or (c) another alternative.

1. Global Biodiversity Framework Fund and the Global Environment Facility family of funds

14. The Secretariat of the Global Environment Facility provided an overview of relevant arrangements related to the GEF family of funds, including the Global Biodiversity Framework Fund. The information provided in the presentation and the subsequent question-and answer-session is organized below according to the established list of criteria.

15. The presentation by the GEF Secretariat was followed by a discussion, in which divergent views were conveyed on the extent to which the information addressed different options emanating from the work of the Working Group. Those views are detailed in paragraphs 46-56 below. The GEF Secretariat stated that, given the stage of discussions, it was not possible to provide definitive options or answers on whether and how GEF would implement a request to host funding arrangements for the multilateral mechanism. The exact aim of the DSI global fund, beneficiaries, intended modalities, criteria for disbursement and governance needs were still under discussion. All of those elements would exert an impact on the different options that GEF could propose. The GEF Secretariat stated that it could be useful for Parties to clarify and agree on those foundational elements before it proceeded to offer details on whether and how it could operationalize such funding arrangements.

Fair, equitable, transparent, accountable and gender-responsive (general criterion)

16. The GEF Secretariat informed the meeting that those principles were embedded in GEF' policies and procedures and therefore applied to any funding arrangements within its family of funds.

Under the authority and guidance of and accountable to the Conference of the Parties (general criterion)

17. The GEF Secretariat stated that they fulfilled such a requirement, referencing the memorandum of understanding between the GEF Council and the Conference of the Parties contained in the annex to decision III/8 of the Conference of the Parties and pertinent provisions under the GEF Instrument for the Establishment of the Restructured Global Environment Facility.

Governance structure decided by the Conference of the Parties (general criterion)

18. A significant portion of the discussion revolved around the interaction between GEF and the Conference of the Parties. The GEF Secretariat noted that the Facility received guidance from the

Conference of the Parties on policies, programme priorities and eligibility criteria for the purposes of the Convention. The GEF Council was tasked with operationalizing that guidance and ensuring that it aligned with the objectives of the Convention and reported back to the Conference of the Parties at each subsequent meeting.

19. The GEF Secretariat noted that the governance structure of any fund within its family of funds was defined in the GEF instrument and that major changes to that governance structure would require an amendment to it through a decision by the GEF Assembly, on the basis of recommendations by the GEF Council. The Assembly meets every four years, while the Council meets twice a year. The next GEF Assembly is scheduled to be held in 2026.

20. The GEF Secretariat stated that proposals to amend the governance structure are usually discussed in the context of a replenishment process, which is dedicated to negotiating programming directions and main policy changes every four years, based on guidance from all of the conferences of the parties served by GEF. The results of the replenishment process are presented to the Council for endorsement. The next replenishment process, specifically the negotiations for the ninth replenishment of the GEF trust fund, will start in early 2025 and is expected to conclude in the second quarter of 2026.

21. The GEF Secretariat noted that adjustments to governance arrangements that did not affect the structure of the Council were possible through a Council decision. The GEF Secretariat stated, as an example, that that had been the case for the Global Biodiversity Framework Fund, which had expanded the representation of observers in the Council and created an auxiliary group and an advisory body.

Ensure the full and effective participation of indigenous peoples and local communities in the governance of the fund and have a robust social safeguards framework for respecting the rights of indigenous peoples and local communities (general criterion)

22. The GEF Secretariat informed the meeting that GEF Policy and Guidelines on Environmental and Social Safeguards as well as the GEF Principles and Guidelines for Engagement with Indigenous Peoples are in place and apply to all projects of all funds within the GEF family of funds. In the context of its role in supporting the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, GEF has already had experience with projects addressing traditional knowledge related to genetic resources.

23. The GEF Secretariat noted that specific governance arrangements could be created under specific projects or programmes dedicated to indigenous peoples and local communities, as demonstrated by the GEF Inclusive Conservation Initiative described in paragraphs 42–43 below.

Ability to receive and disburse funding soon after a decision of the Conference of the Parties at its sixteenth meeting (general criterion)

24. The GEF Secretariat informed the meeting that, if the Conference of the Parties decided that GEF should be the entity receiving and disbursing the revenue generated by the use of digital sequence information on genetic resources, an additional programme² under the Global Biodiversity Framework Fund could be added by its Council, allowing the Facility to perform those functions. It was recalled that the Global Biodiversity Framework Fund would expire in 2030 unless the Conference of the Parties decided otherwise. The GEF Secretariat informed the meeting that while, alternatively, a new fund within the family of funds under GEF could be established to receive and disburse, that option would demand more time than resorting to the Global Biodiversity Framework Fund.

² Pursuant to para. 28 of the document entitled "[Establishment of a new trust fund: Global Biodiversity Framework Fund](#)" (GEF/C.64/05/Rev.01) (Global Environment Facility, 29 June 2023).

Ability to receive contributions from the private sector (contribution criterion)

25. The Global Biodiversity Framework Fund has been established with the ability to receive non-sovereign contributions, including from the private sector. The acceptance of private sector contributions is contingent upon the successful completion of a due diligence process conducted by the Trustee (World Bank), in which each potential private donor is examined and factors such as the purpose of the contribution, the reputation of the entity, potential or perceived conflicts of interest and any benefits or unfair advantages that the contribution might provide to the entity are carefully evaluated.

26. The GEF Secretariat informed the meeting that, in instances of mandatory contributions, the Trustee might waive the due diligence process but that such a decision would be dependent on the specific entity involved and the circumstances surrounding the contribution. Such a decision would require a thorough legal, policy, risk management and accounting analysis. It was recalled that any waiver would require clearance from the senior management of the World Bank.

27. The GEF Secretariat presented the possibility of resorting to a separate platform for receiving revenue derived from benefit-sharing arising from the use of digital sequence information on genetic resources, which would then be forwarded to the Global Biodiversity Framework Fund, as detailed in paragraphs 32–33 below.

28. The GEF Secretariat informed the meeting that it had been continuously strengthening its collaboration and relationship with the private sector throughout its family of funds. The private sector engagement strategy had been approved in 2020 and the GEF Secretariat reported annually to the GEF Council on its implementation. GEF highlighted its ongoing blended finance programme under the GEF trust fund, particularly the non-grant instrument window whose projects are generating extensive co-financing: in the eighth replenishment of the GEF trust fund so far, non-grant instrument co-financing has achieved a ratio of 26:1. The GEF Secretariat noted that five blended finance projects approved during the first half of the eighth replenishment made direct contributions to the Kunming-Montreal Global Biodiversity Framework, collectively leveraging \$1.614 billion of co-finance with a 20:1 co-financing ratio. In the GBFF Council, the private sector has two observer seats and the opportunity to join the Advisory Group of non-sovereign participants to provide advice and recommendations to the GBFF Council .

Simple and effective process for contributions by private sector (contribution criterion)

29. The GEF Secretariat noted that the establishment of the Global Biodiversity Framework Fund demonstrated the responsiveness of GEF to guidance of the Conference of the Parties, including by streamlining the policy cycle and waiving the co-finance requirement.

30. The GEF Secretariat confirmed that it charges 3.5 per cent, which covers the expenses of Secretariat, the Scientific and Technical Advisory Panel, the GEF independent evaluation office and the Trustee (World Bank). Trustee services, which include the collection of contributions, account for about 0.3 per cent out of the 3.5 per cent of the overall corporate budget. The implementing agencies, which provide a variety of services such as supporting the design of projects, carrying out oversight and ensuring that fiduciary standards and environmental and social safeguards are fully implemented, charge 9 to 9.5 per cent.

Ability to issue receipts and certificates (contribution criteria)

31. The GEF Secretariat informed the meeting that the Trustee always issues a letter of acknowledgement when a contribution is received. If the requirements set by the Conference of the Parties for certificates were to extend beyond a simple acknowledgement of receipt of funds, a more thorough analysis would be required to confirm the ability to provide such certificates.

Ability to receive amounts from a large number of sources (contribution criterion)

32. The GEF Secretariat noted that trust funds managed by the World Bank as a Trustee are not typically designed to directly receive “small” contributions from a “large” number of entities. If a

significant number of private sector entities are expected to make small contributions relating to the use of digital sequence information on genetic resources, direct contributions from those sources may not be practically feasible for GEF.

33. The GEF Secretariat added that, in such cases, those contributions could be channelled either through national Governments or through a dedicated platform specifically mandated or established for that purpose. For example, the Adaptation Fund has an agreement with the United Nations Foundation that allows for donations to the Adaptation Fund trust fund. The United Nations Foundation collects donations from various sources through a dedicated crowdfunding platform and transfers those contributions to the Trustee. When contributions are funnelled through such a platform or through a national public entity, the Trustee would not be required to perform the due diligence process.

Able to accept any additional or voluntary contribution without legal obligation (contribution criterion)

34. The GEF Secretariat stated that it would be able to accept any additional or voluntary contribution without legal obligation.

Ability to disburse to developing countries (disbursement criterion)

35. GEF has the ability to disburse to developing countries.

Ability to disburse to developed countries (disbursement criterion)

36. The GEF Secretariat stated that the GEF instrument provided sufficient legal flexibility for GEF to be able to disburse funding to developed countries if so guided by the Conference of the Parties.

Ability to operate a project-based process (§20, option A) (disbursement criterion)

37. The GEF Secretariat introduced two potential options for hosting arrangements of a DSI global fund if Parties wished for that fund to operate on a project-based process. The first option involves leveraging the Global Biodiversity Framework Fund, which was established by GEF in response to decision 15/7 of the Conference of the Parties. The Global Biodiversity Framework Fund is now operational, with projects already approved in various stages of development. GEF noted that a new programme³ could be added to the Global Biodiversity Framework Fund specifically for the disbursement of the revenue generated by the use of digital sequence information on genetic resources. Such a new programme could have its own programming directions and resource allocation systems and, potentially, other dedicated policies and contributions could be earmarked to it. GEF highlighted the benefits of that approach, including the ability to minimize fragmentation within the biodiversity finance landscape, reduce administrative costs, and create synergies with other funding opportunities available through the Global Biodiversity Framework Fund.

38. The second option presented by GEF was the creation of a new, separate fund within the GEF family of funds, specifically dedicated to digital sequence information on genetic resources. While GEF acknowledged that it would have the capacity to establish and manage such a fund, as demonstrated by the rapid establishment of the Global Biodiversity Framework Fund following the fifteenth meeting of the Conference of the Parties, that approach would likely introduce additional administrative costs and could contribute to further fragmentation of the biodiversity funding landscape. It was mentioned that if that path were chosen, it would require countries to navigate multiple funds to address their biodiversity priorities, potentially complicating access to resources.

Ability to disburse through direct allocation (§20, option B) (disbursement criterion)

39. The GEF Secretariat noted that whatever the modality, the GEF mandate and minimum international standards, including environmental and social safeguards, would need to be ensured. The GEF Secretariat recalled that the Facility operates under a project modality and stated that, while it

³ Ibid.

could not prejudge what the GEF Council would decide if asked to implement a disbursement modality that did not involve project submissions, the GEF Secretariat did not itself consider implementation of the direct allocation modality currently drafted in option B a viable option. The GEF Secretariat reminded the Committee that GEF does not possess a legal personality and operates on the basis of collaboration and partnership among the implementing agencies, as reflected in the GEF instrument.

Ability to apply a simple and effective process to disburse funds (disbursement criterion)

40. The GEF Secretariat informed the meeting that, in response to guidance of the Conference of the Parties, a significantly simplified project cycle had been designed for the Global Biodiversity Framework Fund. The modalities had already enabled 4 projects to be fully developed and approved and 18 additional projects to receive their project preparation grants less than 20 months after the fifteenth meeting of the Conference of the Parties and less than 6 months after the first meeting of the Council of the Global Biodiversity Framework Fund.

Approve project without co-financing (disbursement criterion)

41. The GEF Secretariat confirmed that the GEF trust fund has a 1:7 target for co-finance at a portfolio level, that is to say, on average, \$1 of GEF investment should be met by \$7 in co-finance. While co-finance is required at the project level for most projects in the GEF trust fund, the 1:7 target ratio does not apply at the project level but only at the portfolio level. There is no co-finance requirement for enabling activities under the GEF trust fund, for example, support to the development of national biodiversity strategies and action plans and reporting under the Convention on Biological Diversity. Further to the request of the Conference of the Parties at its fifteenth meeting to the Global Environment Facility “to design and implement a project cycle...providing easy and efficient access to resources”, that requirement was waived in the Global Biodiversity Framework Fund, under which co-financing is encouraged but not required.

Provide direct access to indigenous peoples and local communities (disbursement criterion)

42. GEF stated that it had been structured to operate through implementing agencies, which play a key role in, inter alia., supporting the design of projects, carrying out oversight and ensuring that fiduciary standards and environmental and social safeguards are fully implemented. Over time, the GEF partnership has expanded: it now includes 18 GEF agencies. Within this institutional structure, the GEF has set up dedicated means of supporting indigenous peoples and local communities. Most notably, the GEF Inclusive Conservation Initiative was specifically designed to support the leadership of indigenous peoples and local communities in stewarding biodiversity. The Inclusive Conservation Initiative benefited from a \$25 million grant under the seventh replenishment of the GEF trust fund and a second tranche of \$25 million is planned under the eighth replenishment.

43. The GEF Secretariat explained that the Inclusive Conservation Initiative allocates financial resources to indigenous peoples and local communities for projects that they design, which are selected through a competitive process managed by an indigenous peoples and local communities - led steering committee. The funds are channelled from GEF to the implementing agencies of the Initiative, which are currently Conservation International and the International Union for Conservation of Nature, and directly to organizations representing indigenous peoples and local communities. The GEF Secretariat stated that access to Inclusive Conservation Initiative grants is straightforward for organizations representing indigenous peoples and local communities: they respond to an international call for proposals led by representatives of indigenous peoples and local communities and, if selected, receive funding from the GEF agencies managing the initiative. This structure enables GEF to provide funding to indigenous peoples and local communities efficiently without a burdensome accreditation process, while ensuring that international standards and safeguards are upheld.

Provide direct access for indigenous peoples and local communities in developed countries (disbursement criterion)

44. The GEF Secretariat stated that it would be able to apply any eligibility criteria approved by the Conference of the Parties, including providing access to indigenous peoples and local communities in developed countries.

Able to interact with other relevant processes, access and benefit-sharing mechanisms or related funds (general criterion)

45. The GEF Secretariat addressed the importance of ensuring compatibility and collaboration with other international mechanisms and their respective funds. GEF referred to its experience in that area, particularly in the context of its role as the financial mechanism for the Nagoya Protocol and other biodiversity-related agreements. GEF stated that it was well positioned to facilitate cooperation with other benefit-sharing mechanisms, thereby ensuring a coordinated approach to biodiversity finance.

Views expressed during the discussion

46. The presentation by the GEF Secretariat was followed by a question-and-answer period, triggering a discussion that revealed differing opinions on whether and how GEF could implement the various options developed by the Working Group. Key points arising from the discussion among Committee members included the following:

47. Regarding “fairness, equity, transparency, accountability and gender-responsiveness”, while the GEF stated that those principles were integral to the functioning of the GEF family of funds, including the Global Biodiversity Framework Fund, and while some Committee members agreed with that assessment, others disagreed with it, mentioning, inter alia, a discriminatory approach to some Parties to the Convention and expressing the view that additional measures were still required.

48. On the matter of whether or not GEF was “under the authority” of the Conference of the Parties, some members were of the opinion that the memorandum of understanding between the GEF Council and the Conference of the Parties, contained in the annex to decision III/8 of the Conference of the Parties, provided the necessary requirements. Other members were of the opinion that this was not the case and noted that there were no legal assurances that GEF decisions would adequately reflect the guidance of the Conference of the Parties, a concern that could be exacerbated in light of the governance structure and decision-making process of the GEF Council. Some members noted differences between the Conference of the Parties and the GEF Council in that regard.

49. On the matter of the ability of the Global Biodiversity Framework Fund to receive non-sovereign contributions, including from the private sector, some members noted that it had so far received no direct contributions from the private sector.

50. With respect to the statement of GEF that it did not consider itself a viable alternative for the implementation of disbursement through a direct allocation, some members were of the view that selection of GEF could therefore not be considered an option if the Conference of the Parties ultimately decided in favour of such a disbursement modality. Other members argued that, as there was some ambiguity regarding the role of implementing agencies in the proposal outlined under option B, further consultation with them would be necessary to assess the ability of GEF to perform within the context of that disbursement modality.

51. The GEF Secretariat noted that adjustments to governance arrangements that did not affect the structure of the Council were possible through a Council decision and highlighted the example of the establishment of an auxiliary group and an advisory body within the framework of the Council of the Global Biodiversity Framework Fund, as well as the example of observer representation in the Council. Some Committee members agreed with that assessment, while other members were of the opinion that those measures fell short of establishing the equitable governance structure envisaged for the Global Biodiversity Framework Fund by the Conference of the Parties at its fifteenth meeting. Some members noted the asymmetries within the current Global Biodiversity Framework Fund

governance structure and, in that regard, mentioned, inter alia, the difference between the Fund and the Conference of the Parties to the Convention.

52. While the GEF Secretariat stated that the GEF instrument provided sufficient legal flexibility to enable GEF to disburse funding to developed countries, including to indigenous peoples and local communities in developed countries, if such eligibility criteria were to be established by the Conference of the Parties, some members argued that Article 21 of the Convention might present an obstacle for such a decision by the Conference of the Parties. Other members argued that Article 21 would not be relevant for issues relating to access and benefit-sharing.

53. Some members suggested that the efficiency of the GEF implementing agencies should be considered when evaluating the ability of GEF to disburse efficiently.

54. Members representing indigenous peoples and local communities disagreed that the Inclusive Conservation Initiative provided funding in an efficient and straightforward manner and they did not consider the Initiative as providing direct access to indigenous peoples and local communities. They called for a more inclusive governance structure which would allow indigenous peoples and local communities to play a direct role in project design, ensuring that projects were aligned with specific local needs, and to be included in decision-making processes. Some members noted the lack of clear criteria for the Global Biodiversity Framework Fund's aspirational target of allocating 20 per cent of funds to indigenous peoples and local communities, making it difficult to assess whether that goal was being met.

55. Regarding the ability of GEF to accept additional or voluntary contributions without legal obligations and its capability to interact with other relevant processes, some Committee members expressed concerns regarding the flexibility and responsiveness of GEF to emerging challenges and opportunities.

56. In the course of the discussion, some members expressed the view that the funds made available to GEF and the Global Biodiversity Framework Fund were insufficient to adequately support developing countries in the implementation of the Convention and the Kunming-Montreal Global Biodiversity Framework and voiced concerns regarding double counting. Other members disagreed with those assessments.

2. Dedicated financing mechanism under the authority of the Conference of the Parties: global instrument for biodiversity finance (decision 15/7 of the Conference of the Parties, para. 42)

57. Some members of the Committee noted that, if the Conference of the Parties decided to establish a global instrument for biodiversity finance, it could be designed in such a way as to meet all criteria required from an entity receiving and disbursing revenue from the use of digital sequence information on genetic resources. It was noted that, if such a decision was taken by the Conference of the Parties at its sixteenth meeting, it would take time before such a global instrument became operational. It was also noted that the administrative cost was unknown.

58. Some members noted that many of the criteria potentially required for the entity receiving and disbursing revenue from the use of digital sequence information on genetic resources might overlap with the elements for discussion on a possible dedicated global instrument for biodiversity finance, as contained in annex III to the decision recommended for adoption by the Conference of the Parties in recommendation 4/3 of the Subsidiary Body on Implementation, yet to be discussed by the Conference of the Parties. It was noted in particular that annex III contains a placeholder (para. 1 (r)), currently bracketed, relating to the decision on digital sequence information on genetic resources to be taken at the sixteenth meeting of the Conference of the Parties. Some members recalled that annex III had not been agreed upon by the Committee or the Subsidiary Body on Implementation.

3. Other alternatives

59. The Committee was also able to consider, to some extent, a few potentially relevant options within a United Nations context, namely: a possible Convention on Biological Diversity trust fund

arrangement; arrangements possible under the Multi-Partner Trust Fund Office ; and, as a concrete existing example for analysis on what is feasible in terms of possible arrangements, the Benefit-sharing Fund of the International Treaty on Plant Genetic Resources for Food and Agriculture.

60. The Committee, however, had only limited information on those alternatives and was not able to assess fully their relevance as an adequate entity to receive and disburse revenue from the use of digital sequence information on genetic resources. Although preliminary reflections were shared, the Committee agreed that further details on those alternatives, assessed against the criteria mentioned above, would be useful in providing the sixteenth meeting of the Conference of the Parties with the best possible information.

(a) Funds under United Nations arrangements: Convention on Biological Diversity trust fund and Multi-Partner Trust Fund Office fund

61. The Deputy Executive Secretary, David Cooper, provided an overview of possible trust fund arrangements under the Convention or other entities under the United Nations. Given that the Convention is being administered by the United Nations Environment Programme (UNEP), he focused on the establishment of a new trust fund under the Convention, which would be administered by UNEP, as one option and referred to the Japan Biodiversity Fund as an example. Another option could be to establish a new trust fund under the Multi-Partner Trust Fund Office, managed by the United Nations Development Programme (UNDP) with the Convention Secretariat possibly acting as the substantive secretariat. The recently established Kunming Biodiversity Fund, sponsored by the Government of China, had been established under the Multi-Partner Trust Fund Office.

62. A representative of the Multi-Partner Trust Fund Office delivered a presentation outlining the possible modalities for establishing a trust fund under the Trust Fund Office.

63. The information provided in the presentations and the subsequent question-and-answer period is organized below according to the list of criteria. In a number of instances, the Advisory Committee identified a need for further research in order to obtain the best possible information, which is indicated accordingly.

Fair, equitable, transparent, accountable and gender-responsive (general criterion)

64. Trust funds of the Convention and Multi-Partner Trust Fund Office trust funds are governed by relevant United Nations policies and standards and accountability frameworks.

Under the authority and guidance of and accountable to the Conference of the Parties (general criterion)

65. The Convention trust fund could operate under the authority and guidance of and be accountable to the Conference of the Parties. Multi-Partner Trust Fund Office funds are guided by their own specific terms of reference, as set out in the administrative arrangement between the founding United Nations entities and the Multi-Partner Trust Fund Office. The terms of reference of such a fund describes its programmatic and governance framework as well as the different roles of the fund's participating organizations. The Multi-Partner Trust Fund Office funds are United Nations trust funds under a pass through mechanism, with each participating organization conducting implementation under its rules, regulations, policies and procedures. A substantive secretariat could be established and hosted, for instance, by the Convention Secretariat and function under the authority and guidance of and be accountable to the Conference of the Parties.

Governance structure decided by the Conference of the Parties (general criterion)

66. In principle, the governance arrangements for a Convention trust fund could be decided by the Conference of the Parties in accordance with relevant United Nations rules and regulations. The establishment of a Multi-Partner Trust Fund Office fund could lead to the establishment of a steering committee which provides overall management, takes allocation decisions and has an inclusive composition encompassing, for example, United Nations organizations, Governments, contributors,

the private sector and civil society. A substantive secretariat can be established and hosted, for instance, by the Convention on Biological Diversity Secretariat.

Ensure the full and effective participation of indigenous peoples and local communities in the governance of the fund and have a robust social safeguards framework for respecting rights of indigenous peoples and local communities (general criterion)

67. Convention trust funds and Multi-Partner Trust Fund Office funds are governed by relevant United Nations policies and standards. Specific provisions could ensure the full and effective representation of indigenous peoples and local communities in the governing structure of the fund.

Have cost-efficient, effective and timely operations (general criterion)

68. The administration of a Convention trust fund by the Secretariat of the Convention requires building the requisite capacity which would require some time, although this would be dependent on the disbursement option (see paras. 79 and 80). For Multi-Partner Trust Fund Office funds, setting up a substantial secretariat, if needed, would require some time as well; however, inasmuch as the Multi-Partner Trust Fund Office, as the administrative agent, has had 20 years of experience in administration of funds held in trust on behalf of the United Nations system, this could contribute positively to the fulfilment of this criterion.

Ability to receive and disburse funding soon after a decision of the Conference of the Parties at its sixteenth session (general criterion)

69. In addition to considerations presented in the previous paragraph, Multi-Partner Trust Fund Office funds can in principle be established relatively quickly, although further research is needed on time frame implications. The manner in which the Multi-Partner Trust Fund Office can receive contributions and allocate funds is standardized and agreed by United Nations Member States, allowing for efficiency and speed in allocating funds.

Ability to receive contributions from the private sector (contribution criterion)

70. Both Convention trust funds and Multi-Partner Trust Fund Office funds can receive contributions from the private sector. Several Multi-Partner Trust Fund Office funds receive private sector contributions, such as the former Lion's Share Fund established by UNDP, UNEP and the United Nations Office for Project Services. United Nations and UNEP due diligence requirements apply to Convention trust funds. UNDP due diligence requirements apply to Multi-Partner Trust Fund Office funds.

Simple and effective process for contributions by the private sector (contribution criterion)

71. For both Convention trust funds and Multi-Partner Trust Fund Office funds, the contribution modalities will have implications for the capacity required to make the process frictionless, simple and effective (see the considerations provided under the "ability to receive amounts from a large number of sources" contribution criterion below). While the considerable experience of the Multi-Partner Trust Fund Office may have a positive impact, further research is needed on time frame implications, including administrative cost implications.

Ability to issue receipts or certificates (contribution criterion)

72. Any United Nations trust fund is able to issue receipts. The ability to issue certificates would depend on the requirements for such certificates set in the terms of references of the fund.

Ability to receive amounts from a large number of sources (contribution criterion)

73. Both for Convention trust funds and for Multi-Partner Trust Fund Office funds, capacity implications and other limitations would need to be further explored, as well as mitigating arrangements, for instance, the channelling of contributions through national or international collecting entities.

Ability to receive revenue from the use of digital sequence information on genetic resources without an international obligation (contribution criterion)

74. Both Convention trust funds and Multi-Partner Trust Fund Office funds are able to receive funds without an international obligation. Regarding Multi-Partner Trust Fund Office funds, the former Lion's Share Fund received voluntary contributions from the private sector. Further research is needed on possible due diligence requirements and their implications.

Ability to receive payments based on national legislation (contribution criterion)

75. Both Convention trust funds and Multi-Partner Trust Fund Office funds are able to receive payments based on national legislation.

Ability to disburse to developing countries (disbursement criterion)

76. Both Convention trust funds and Multi-Partner Trust Fund Office funds are able to disburse to developing countries.

Ability to disburse to developed countries (disbursement criterion)

77. While both Convention trust funds and Multi-Partner Trust Fund Office funds may be able to disburse to developed countries, further research is needed.

Able to apply a simple and effective process for disbursing funds (disbursement criterion)

78. Both for Convention trust funds and for Multi-Partner Trust Fund Office funds, the disbursement modalities will have implications for the capacity required to make the process frictionless, simple and effective (see the considerations under the two criteria directly below).

Ability to operate a project-based process (§20, option A) (disbursement criterion)

79. In the case of a Convention trust fund, capacity will have to be built. In the case of a Multi-Partner Trust Fund Office fund, while the capacity of the United Nations partner organizations may exert a positive impact, further research would be needed on time frame implications.

Ability to disburse through direct allocation (§20, option B) (disbursement criterion)

80. Both Convention trust funds and Multi-Partner Trust Fund Office funds would be able to disburse funds through direct allocation. Capacity requirements are seemingly lower for this option compared with the project-based process. For a Multi-Partner Trust Fund Office fund, the role of the United Nations partner organizations would need to be further clarified.

Ability to approve project without co-financing (disbursement criterion)

81. Both Convention trust funds and Multi-Partner Trust Fund Office funds would be able to disburse funds without co-financing obligations.

Direct access for indigenous peoples and local communities (disbursement criterion)

82. Both Convention trust funds and Multi-Partner Trust Fund Office funds would be able to provide direct access to indigenous peoples and local communities.

Direct access for indigenous peoples and local communities in developed countries (disbursement criterion)

83. Both Convention trust funds and Multi-Partner Trust Fund Office funds are able to provide direct access to financing for indigenous peoples and local communities in developed countries through an intermediary entity.

Able to interact with other relevant processes, access and benefit-sharing mechanisms or related funds (general criterion)

84. This particular issue was not raised in detail in either the information provided by the Convention Secretariat or the Multi-Partner Trust Fund Office presentation.

(b) Benefit-sharing Fund of the International Treaty on Plant Genetic Resources for Food and Agriculture

85. The representative of the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture provided an overview of the Benefit-sharing Fund. The information was captured below and matched against the established list of criteria used during the meeting.

86. The representative explained that the Benefit-sharing Fund had been established to implement the third objective of the International Treaty and thus supports projects in developing countries to enable small-scale farmers to improve livelihoods, food security and adaptation to climate change. This is achieved by enhancing the conservation, management and improvement of plant genetic diversity and supporting farmers and local communities in conserving and sustainably using plant genetic materials and related knowledge.

87. Established by the Governing Body of the International Treaty and operational since 2009, the Benefit-sharing Fund has supported actions in developing countries through five project cycles, with each cycle building on lessons learned and good practices derived from the previous ones. The Fund is the mechanism for receiving, utilizing and sharing the monetary benefits arising from the Multilateral System of Access and Benefit-Sharing under the Treaty, as specified in article 19, paragraph (3) (f), of the Treaty.

88. The information provided in the presentations and the subsequent question-and-answer period is organized below according to the established list of criteria. However, as the Benefit-sharing Fund as an existing fund was considered for an analysis based on what is feasible in terms of possible arrangements, several criteria that would not be applicable to the Benefit-sharing Fund were omitted from the summary below.

Fair, equitable, transparent, accountable and gender-responsive (general criterion)

89. The operational procedures of the Benefit-sharing Fund are based on the following principles: (a) transparency and impartiality; (b) simplicity and accessibility; (c) efficiency and effectiveness; and (d) quality and technical merit.

90. Members of the independent panel of experts (see para. 92) act in their personal capacity and can be drawn for their expertise from a broad range of stakeholders. Other stakeholders may attend the meetings of the Standing Committee on the Funding Strategy and Resource Mobilization as observers. The independent panel of experts works without remuneration and with resources provided under the core administrative budget of the International Treaty to cover the direct costs of its work. The terms of reference of the panel are public.

Under the authority and guidance of and accountable to the Conference of the Parties/ governance structure decided by the Conference of the Parties (general criterion)

91. The Benefit-sharing Fund is under direct control of the Governing Body of the Treaty, which has delegates the oversight of the operations of the Benefit-sharing Fund during intersessional periods to the Standing Committee on the Funding Strategy and Resource Mobilization. The Funding Committee is composed of up to three representatives from each region.

92. The Benefit-sharing Fund was established by the Governing Body of the Treaty and as such it decided its governance structure. The Funding Committee is assisted by an independent panel of experts, which undertakes the screening of pre-proposals and conducts the final review of full project proposals. The panel consists of two experts from each region that are designated from a roster by the Bureau in consultation with the regions.

Ability to receive contributions from the private sector (general criterion)

93. Funding for the Benefit-sharing Fund is received from two principal sources: (a) user-based income from the multilateral system; and (b) voluntary contributions from contracting parties and others, which may include States that are not yet contracting parties to the Treaty; philanthropic

organizations; the private sector, including the food processing industry; and relevant international mechanisms.

Able to interact with other relevant processes, access and benefit-sharing mechanisms or related funds (general criterion)

94. The Benefit-sharing Fund, which has received funds and partnered with the International Fund for Agricultural Development, is open to partnership and collaboration with a broad range of funds and mechanisms that share similar goals and objectives.

95. The Benefit-sharing Fund is an evolving mechanism which improves continuously through regular reviews of the decision-making processes, operational modalities, reporting, monitoring and learning. The Governing Body of the Treaty has regularly reviewed and enhanced the governance and operations of the Benefit-sharing Fund since its establishment, including through strengthening the programmatic approach of the Benefit-sharing Fund and promoting synergies between the Benefit-sharing Fund and the overall funding strategy of the Treaty. The Governing Body adopted a monitoring, evaluation and learning framework for the continuous development and enhancement of the operations of the Benefit-sharing Fund.

Ability to receive amounts from a large number of sources (contribution criterion)

96. The Benefit-sharing Fund is a trust fund established under the Food and Agriculture Organization of the United Nations, into which funds are deposited through a dedicated bank account, the details of which are provided in the Standard Material Transfer Agreement. Funds are paid directly into this account with minimum administrative requirements and transaction costs, making it possible to receive funds from multiple sources and with no minimum or maximum limits.

Ability to operate a project-based process (disbursement criterion)

97. The Benefit-sharing Fund operates under a project-based disbursement modality.

Direct access for indigenous peoples and local communities (disbursement criterion)

98. Project proposals and applications for funding may be submitted by local communities, farmers' organizations, civil society organizations and other legal or natural persons, either through national focal points or national authorities.

99. Further information on the benefit-sharing fund is available at the Treaty's website⁴ and in the document containing its views on issues for further consideration for digital sequence information on genetic resources, submitted by the Treaty Secretariat to the Convention.⁵

Ability to receive revenue from the use of digital sequence information on genetic resources without an international obligation

100. The Fund can receive revenue from the use of digital sequence information on genetic resources without an international obligation. The Standard Material Transfer Agreement is the basis for user-based payments and functions as a private contract.

Ability to receive payments based on national legislation

101. The Fund can receive payments based on national legislation. There is the example of a party with an established national policy that pays a percentage of the total value of seed sales in the country into the Fund annually.

Ability to disburse to developing countries

102. Disbursements are made exclusively to developing countries.

Approve project without co-financing

⁴ www.fao.org/plant-treaty/areas-of-work/benefit-sharing-fund/landingsbf/en/.

⁵ See www.cbd.int/notifications/2023-003.

103. This is desirable but not required.

Ability to issue receipts or certificates

104. Receipts are issues upon request.

Ensure the full and effective participation of indigenous peoples and local communities in the governance of the fund and have a robust social safeguards framework for respecting the rights of indigenous peoples and local communities (general criterion)

105. This is a fundamental principle that all international regimes and processes are expected to uphold. There have been suggestions, however, that this criterion be reframed as “effective participation of indigenous peoples and local communities”. If agreed, the answer would be yes.

Recommendations regarding the adequate entity to receive and disburse the revenue to be generated by the mechanism established under decision 15/9

106. In decision 15/7, the Advisory Committee was mandated to develop recommendations regarding the adequate entity to receive and disburse the revenue to be generated by the mechanism established under decision 15/9. Specifically, it was tasked to explore whether and how those functions could be assigned to: (a) a dedicated financing mechanism for the Convention under the authority of the Conference of the Parties; (b) the Global Biodiversity Framework Fund established under the Global Environment Facility; or (c) another alternative.

107. The Advisory Committee considers that form should follow function. The identification of the adequate entity to receive and disburse the revenue to be generated from the use of digital sequence information on genetic resources, as mandated in decision 15/7, should therefore be determined, *inter alia*, by the functions that the Conference of the Parties may decide to attribute to the fund.

108. In its recommendation 2/1, the Working Group put forward several options regarding how the revenue to be generated from the use of digital sequence information on genetic resources could be received and disbursed. It will be for the Conference of the Parties to decide among these options or on a combination of them.

109. Using the draft report of the Working Group on its second meeting as a basis, the Advisory Committee, at its third meeting, reflected on possible criteria that might need to be met by any potential entity for the digital sequence information on genetic resources fund for each possible combination of collection and disbursement options. While the members of the Advisory Committee did not reach a consensual recommendation regarding which specific entity would be the most adequate to receive and disburse the revenue to be generated from the use of digital sequence information on genetic resources, the information that was provided to it and the rich exchanges among experts, which are reflected in the present report, may help to inform discussions under agenda item 9.

110. The Advisory Committee underscores that, owing to significant time constraints and the large number of options contained in recommendation 2/1 of the Working Group, it could not examine all possible combinations in depth. The Advisory Committee considers that further discussions by the Conference of the Parties under agenda item 9 regarding the adequate entity for the digital sequence information on genetic resources fund could benefit from additional information.

Item 5 Other matters

111. Committee members were invited to raise any additional issues relevant to the meeting. No such matters were raised.

Item 6

Adoption of the report

112. The Advisory Committee reviewed the draft report of the meeting, making amendments where necessary, but did not have time for a complete review and approval. The Co-Chairs were mandated to finalize the report after the meeting, in coordination with Committee members and with the assistance of the Secretariat, to ensure that it accurately reflected the content of the discussions and the decisions made.

Item 7

Closure of the Meeting

113. The meeting was closed at 5 p.m. on 22 August 2024. The Co-Chairs and a representative of the Secretariat delivered closing remarks.

Annex

List of participants

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**Co-Chairs of the Committee of the Whole
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Information on Genetic Resources**

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