

# **REPORT OF THE THIRD ABS DIALOGUE ON KEY CHALLENGES AND PRACTICAL WAYS FORWARD FOR THE FULL IMPLEMENTATION OF THE NAGOYA PROTOCOL AND ITS CONTRIBUTION TO THE 2030 SUSTAINABLE DEVELOPMENT AGENDA**

## **EXECUTIVE SUMMARY**

### **BACKGROUND**

In May 2018 the Government of Mexico hosted the *Third ABS Dialogue on Key Challenges and Practical Ways Forward for the full Implementation of the Nagoya Protocol and its contribution to the 2030 Sustainable Development Agenda* – an informal in-depth exchange amongst government representatives and relevant stakeholders in preparation for the third Meeting of the Parties to the Nagoya Protocol. The meeting was supported by the GEF-UNDP Project on Strengthening Capacities for the Implementation of the Nagoya Protocol in Mexico, the ABS Capacity Development Initiative (ABS Initiative), the GIZ Biodiversity Cluster in Mexico, the Central American Commission on Development and Environment (CCAD) and GIZ El Salvador. The meeting included sessions on:

- The state of implementation of the Nagoya Protocol
- Shared associated traditional knowledge
- Benefit sharing when accessing shared aTK
- ABS and IPLCs
- Understanding Digital Sequence Information on Genetic Resources
- The DSI AHTEG
- DSI applications in science and taxonomy
- DSI exchange and benefit sharing
- Multilateral benefit sharing approaches
- How ABS can contribute (better) to the implementation of the CBD and support attaining the SDGs/Agenda 2030

### **OPENING**

In his opening remarks Vice-Minister for Environmental Regulation and Promotion Mr. Jorge Carlos Hurtado Valdez recalled the Cancun agenda on mainstreaming of biodiversity and underscored the importance of involving the productive sectors to achieve the Sustainable Development Goals, other environmental targets, and the full implementation of the CBD and its Nagoya Protocol.

Ms. Valérie Normand of the CBD Secretariat identified some key issues to be addressed in forthcoming Nagoya Protocol meetings, including: digital sequence information (DSI) on genetic resources; first national assessments and the review of the Protocol; Article 10 on a global multilateral benefit sharing mechanism; and Article 4.4 on specialized international ABS instruments. She also flagged forthcoming

discussions on the post 2020 Global Biodiversity Framework to be adopted at COP 15 in China in 2020.

### **OVERVIEW OF IMPLEMENTATION**

Ms. Normand provided an overview of Nagoya implementation drawn from Interim National Reports, the ABS Clearing House (CH) and other sources of information. Findings include: there has been progress but it's too soon to assess effectiveness; ABS requires extensive time-consuming consultations at national level; identified needs include capacity building, raising awareness among actors, financial support and human resources. Many fundamental issues related to IPLCs and aTK still need to be resolved and there is a need to share more information on lessons learned, examples, measurements, capacity building and awareness experiences.

### **SHARED ASSOCIATED TRADITIONAL KNOWLEDGE**

Ms. B. Meenakumari, Chairperson National Biodiversity Authority India, presented experiences on protecting traditional knowledge under the India's Biological Diversity Act. She identified as challenges: mismatch between the IPR system and the nature of ATK; tracking origin of GR/ATK; public domain and TK; need for harmonization with international instruments; limited IPLC participation in decision-making processes; enforcement of customary law; dilemma around concessions vs. rights; and inadequate coordination of implementing agencies.

Ms. Marlé Aguilar Ponce, National ABS Focal Point, Honduras, presented the common agenda on friendly ABS formats, traditional knowledge and good practices for PIC and MAT being developed by the Regional Committee for ABS of Central America and the Dominican Republic (CR-ABS/CARD). She presented examples of emerging regional best practices related to aTK and identified the following challenges: IPLCs are not receiving a fair share of the benefits derived from their resources and aTK; a need to build alliances between IPLCs, afro-descended communities and states; inadequate frameworks for recognition and protection of traditional practices and knowledge; and strengthening social trust in aTK protection efforts.

Ms. Lucy Mullenkei, Indigenous Information Network, Africa, presented on aTK in East Africa and identified governance, transboundary IPLC issues and the need for capacity building on the Nagoya Protocol as priorities. Countries in the region need to work together to promote the full implementation of the Nagoya Protocol. Challenges include the need to recognize IPLC's role in conservation; development of regional legislation under a holistic approach; IPLC access to international economic resources; and mobilizing sufficient political will.

Ms. Alicja Kozłowska from the European Union Commission presented a users/regulators perspective. The EU approach to aTK reflects a restricted and pragmatic definition: the aTK associated with the use of GR must be included in MAT to be covered by EU compliance measures. Some EU Member States have

additional measures, since governance of aTK is a national competence that has not been delegated to the EU. Challenges include: users deciding not to access aTK due to complexity and uncertainty; industry uncertainty regarding whom to negotiate with, and how to avoid long processes that could harm business reputations; a lack of national legislation with clear procedures; and drafting adequate MATs.

### *Discussion*

Participants raised the following issues:

- (a) Identification and scoping of aTK at local and country level.
- (b) The linkages between aTK and GR and how both must be addressed at different moments.
- (c) Different regulations on aTK for different stakeholders and purposes, e.g. academic research and commercial development.
- (d) Lack of legal certainty on the origin of knowledge.
- (e) Ways to compensate IPLCs when aTK is interpreted as public information or public knowledge.
- (f) Transboundary aTK issues.
- (g) The promotion of community biocultural protocols before developing other agreements.

### **ABS AND IPLCS**

Mr. Alejandro Callejas, Project Coordinator of the GEF-UNDP project “Strengthening of National Capacities for the Implementation of the Nagoya Protocol”, Mexico, presented on strengthening institutional capacities, reforming the national legal framework and establishing measures that regulate ABS and aTK. The project is using participatory measures to develop six Biocultural Community Protocols and despite good progress has identified the following main challenges: the fact that there is no single recipe to develop a BCP – each community has its own on timing and expressions; there are only a few organizations with expertise on BCPs; and there are some IPLCs with fragile social cohesion.

Mr. Mukonki Kavaka Watai, Kenya Wildlife Service, presented on Kenya’s experience of ABS and TK implementation. The TK and Cultural Expressions Act (2016) explains how to access and utilize TK; IPLCs are part of the competent authorities; PIC and MAT govern access and benefits; various types of permits are available. Challenges include: lack of coordination and institutional agreements; lack of quantification of the contribution of TK, including TK associated with GR, in national development goals; lack of coordination among competent authorities; and lack of clarity about the interlinkages between IP and TK.

Mr. Nguyen Ba Tu, Biodiversity Conservation Agency, Ministry of Natural Resources and Environment, Vietnam, presented Vietnam’s regulations on ABS and IPLCs. The term “Ethnic Minority People” is used instead of IPLC and such peoples have rights to

ownership, autonomy, monitoring and social review, and to maintain and promote traditional cultural knowledge; these rights are based on civil, land and forest laws, and have not been addressed directly by the Biodiversity Law, which covers only access to GR, PIC, MAT, biotechnology, derivatives and requirements/ guidance on ABS. Challenges include: lack of regulations related to TK management system; weak provisions in the Biodiversity Law on the roles and rights of local communities in the ABS process; incompatibility between Biodiversity and IP laws; and a lack of recognition of the valuable roles of the communities, especially the ethnic minorities.

Mr. Manuel Ruíz Muller, Peruvian Society for Environmental Law, presented on implementation of ABS and the protection of traditional knowledge in the Andes-Amazon region, which pioneered legal frameworks on ABS and aTK in the 1990s. Despite diverse initiatives there are limited examples of ABS successes that include fairness and equity, frameworks effectiveness, and tangible benefits supporting biodiversity conservation and sustainable use. Changing this situation requires acknowledging that GR and TK are informational goods needing specialized tools from economics to value and protect them, as well as more flexible approaches on IP competition and protection. Discussions on a global multilateral benefit sharing regime offer an opportunity to revisit and update/reinterpret ABS frameworks and principles. Challenges include: changing paradigm from physical to informational goods; lack of knowledge/capacity to protect aTK; updating the CBD framework and principles of sovereignty, PIC and MAT; developing multilateral approaches to share monetary benefits; and developing new approaches and economic models on how to protect informational goods.

### *Discussion*

Participants raised the following issues:

- (a) The need to strengthen communities and improve legislation in order to address the challenges presented during the session.
- (b) BCPs should be shared through the ABSCH, to spread lessons learnt.
- (c) The need to address ABS and aTK from both ethical and biodiversity perspectives.
- (d) The need to share experiences and harmonize political orientation.
- (e) The need to collaborate on ABS and aTK transboundary issues from local to global levels.
- (f) Local experiences might provide examples of transboundary approaches developed by local communities.

### **BENEFIT SHARING WHEN ACCESSING SHARED ATK**

Dr. Oluwatobiloba (Tobi) Moody, Center for International Governance Innovation (CIGI), Canada, provided an overview of CIGI's TK project, which focuses on key issues regarding the NP, challenging ABS issues in general, best practices and IPLC/stakeholder engagement. Shared TK is more the norm than the exception and as TK moves around it comes to be considered part of the public domain, even when

it is feasible to identify its origin. Challenges include: proper representation (who is the legitimate representative speaking on behalf of IPLCs); clashing worldviews and different perspectives on ABS from IPLCs, governments, and users; lack of awareness, therefore the need of capacity building initiatives; uncertainty for industry; and regulatory loopholes in ABS regulations. Potential solutions include: Article 10 of the NP, other multilateral mechanisms or compensation funds; Biocultural Protocols; IP and data-registries; tiered approaches and mechanisms based on communities' customary laws and procedures.

Ms. Maria Julia Oliva. Union for Ethical Biotrade (UEBT), the Netherlands, pointed out that there is no single rule about aTK, which could be held by various IPLC groups and across jurisdictions. Private industries need legal certainty in negotiations with aTK providers, however difficult it is to identify holders and differentiate kinds of utilization. Industry is uncertain with whom to negotiate, fearful about the consequences of inadvertently using aTK, and uncertain about the value of good ABS practices. Additional challenges include: doubts about aTK and about ABS being the right tool to compensate aTK; geopolitical boundaries; lack of reliable information sources; specialized uses of aTK (taxonomic classification, field of use, specific use or property); definitions and limitations of aTK; compliance vs. good actions; valuation of aTK; and the use of other financial mechanisms (taxes vs. incentives).

Ms. Natalie Feltman, Department of Environmental Affairs, South Africa, explained South Africa's ABS framework and its policy objectives: addressing social and economic injustices of the past through benefit sharing; providing a regulating framework, provide obligatory requirements to seek permission to access/collect indigenous biological resources; and implement the CBD and the Nagoya Protocol. Efforts to regulate bioprospecting through various permits are supplemented with measures to promote ecologically sustainable social and economic development in areas where resources and knowledge are accessed. To identify TK holders a National Recordal System was developed; ethnobotanical studies have been conducted in specific cases to clarify ownership of aTK, followed by government facilitating engagement with industries – a long process that has yielded some good outcomes. Challenges include: limited awareness among communities of ABS legislation; identification of aTK holders; designing benefit sharing models; partnerships among industries and communities; and linking policy to implementation.

### *Discussion*

Participants raised the following issues:

- (a) Who should calculate monetary compensation for the use of aTK?
- (b) How to reconcile the perception that industries make very high revenues from aTK utilization with the low monetary benefits shared?
- (c) How to establish fair royalties?
- (d) Safeguards for aATK.

- (e) The relationship between users and providers.
- (f) Graduated rights based on the nature of the aTK involved (sacred – exclusive – public).
- (g) The interface with other international agreements, including at WTO and FAO.
- (h) Compliance with the ABS provisions of the CBD (for Nagoya non-Parties).
- (i) Identifying the rightful holders of aTK.
- (j) Reconciling aTK and national users.
- (k) Who should engage with whom about transboundary ATK, and how?

### **UNDERSTANDING DIGITAL SEQUENCE INFORMATION (DSI)**

Mr. Moises Cortés Cruz, National Center for Genetic Resources, INIFAP, Mexico, introduced the topic of DSI by pointing out that it is the result of GR being utilized for genome sequencing, exome sequencing, transcriptome sequencing and expression profiling sequencing. Utilization of genetic information stored on international open-access databases has increased over time. DSI is particularly useful for plant characterization (genetic diversity studies, varietal characterization etc.) and developing new plant varieties. Challenges for DSI governance include: its complexity; its importance for conservation and sustainable use of biodiversity; its wide utilization (food, medicinal, etc.); rules on access and use of information freely available on databases; how to handle different technical capabilities among countries; and understanding functions of coding regions for different purposes and IP applications.

Ms. Emelia Hernández Priego, Mexican Institute of Industrial Property, presented on DSI and Intellectual Property. Defining biotechnological inventions as inventions relating to a product made of or containing biological material (material that contains genetic information, including living organisms and DNA), patentability of biological sequences (DNA, RNA, proteins and amino acids) is justified when novel applications are discovered to solve problems. Patents give owners exclusive right for use in research and development. Gene patents on isolated gene sequences raise questions about who owns the genes. In Mexico a gene sequence can be protected by a patent if it is sequenced for the first time and its biological role, application and function are described and claimed for a particular use.

### ***Discussion***

Participants raised the following issues:

- (a) DSI is important for several types of use and for patenting, but there are many applications that still require access to physical materials.
- (b) DSI can be used for academic and commercial purposes.
- (c) DSI technology used to be very expensive but has become much more affordable.

- (d) Who enjoys access to DSI when the information is available from open databases?
- (e) How to ensure that provider countries and their IP authorities are aware of new biotechnological inventions?

## **THE AD HOC TECHNICAL EXPERT GROUP MEETING ON DSI**

Ms. Alejandra Barrios, Technical Officer to Nagoya Protocol Focal Point, SEMARNAT, Mexico and Co-chair of the DSI AHTEG, recalled that DSI was first addressed in the context of Synthetic Biology with a focus on the clarification of DSI ABS measures. COP 13 and COP-MOP 2 outlined a process to consider the potential implications of the use of DSI for the three objectives of the CBD, as well as the objective of the Nagoya Protocol. This process resulted in a synthesis of views and information, a fact-finding and scoping study on the use of DSI in the context of the CBD and the Nagoya Protocol, and the DSI AHTEG meeting in February 2018. The AHTEG discussed: terminology; potential implication for conservation and sustainable use; and potential implication for fair and equitable benefit sharing. Outcomes included: discussions on alternative terminology like “natural information”, “genetic resource information”, “genetic sequence data” and others, followed by a consensus that “DSI” is not the most appropriate terminology (but will be retained as a place holder); agreement that it would be undesirable to restrict the use of GR sequence already available from databases; recognition that different kinds of information may be relevant to the utilization of GR; the need find a balance between rapidly developing technology and the slower pace of legislation; general recognition that DSI is relevant to the sustainable use and conservation of biological diversity; acceptance of the need to monitor DSI utilization and include it in reports; the need to be aware that DSI can be used to bypass ABS procedures; the potential of DSI to bring transformational change to the use of GR and the generation of benefits; the need to consider DSI discussions in other fora, e.g. the WHO PIP Framework; and preliminary discussions on potential multilateral approaches to ensure sharing of benefits arising from DSI utilisation.



### *Discussion*

Participants raised the following issues:

- (a) Use of DSI as a placeholder and possible reconsideration of terminology.
- (b) The need to take into account raw data and added value in considering IP issues.
- (c) Opinions against including DSI in the scope of the Nagoya Protocol, to safeguard research: some countries have a simplified ABS regime for basic research and are considering approaches based on traceability and monitoring.
- (d) The need for balance and tradeoffs between use of DSI and benefit sharing requirements.

### **DSI APPLICATIONS IN BASIC SCIENCE AND TAXONOMY**

Dr. Chris Lyle, Natural History Museum, United Kingdom, interrupted a family holiday to present via Skype. The CBD has repeatedly requested taxonomy to support implementation; DSI is used for species identification, description and phylogenetic analysis; taxonomists obtain molecular sequence information from GR accessed with PIC and MAT, but also from collections, in-house databases, and public databases; they use DSI non-commercially for identification of endangered, invasive or unknown species, and for environmental management; this use delivers non-monetary benefits such as capacity building, taxonomic information and collaboration. No country holds sequence data for all its known biodiversity, hence the need for freely available global databases. DSI is increasingly valuable to taxonomists globally; its use can directly support implementation of the CBD and national priorities. A key challenge is to build the capacity of the Parties to make better use of data and information shared through a global system.

## **RECONCILING GENETIC-INFORMATION EXCHANGE PRACTICES WITH EXPECTATIONS OF BENEFIT SHARING**

Mr. Pierre du Plessis, technical advisor to the African Union Commission, pointed out that genetic information is key to understanding genetic diversity. Open databases were created when genetic information was scarce and expensive, but recent advances in sequencing technology combine with “big data” computing power to create powerful incentives for privatization of genetic information through IP rights; the extent of privately held genetic data is unknown. Public science highly values open access to genetic data; applying bilateral PIC and MAT models of ABS to DSI would drastically impact public availability of such information, but this is unavoidable as long as providing conditional access remains the only way to secure benefit sharing, because providers will not give up their claims to benefits. The CBD and NP should acknowledge that technological developments around DSI are making bilateral PIC and MAT models of ABS obsolete and start negotiating multilateral ABS solutions, as has also been proposed at FAO and WHO.

### *Discussion*

Participants raised the following issues:

- (a) Who should ensure that obligations for sharing benefits are in place, and how?
- (b) Contributions of IPLCs and small farmers should be recognised and benefits shared with them.
- (c) After 25 years there is a need to renegotiate CBD concepts.
- (d) There is a lot of uncertainty and addressing DSI issues is urgent.
- (e) Policy objectives must be upgraded as part of addressing DSI issues.
- (f) DSI use for science, research and other innovation purposes should not be restricted.
- (g) How to include “origin” of DSI in the open databases to appropriately share benefits?
- (h) The lack of information on how DSI is being used.
- (i) Additional funds are needed, e.g. special GEF funding on ABS whether this topic is included or not as national priority.
- (j) Guidelines are needed on DSI management, good practices, and codes of ethical conduct.
- (k) How should the creation and distribution of DSI be regulated when physical access to GR is needed?
- (l) Do not decouple DSI from traditional knowledge.
- (m) There is no intention of completely abandoning bilateral agreements and approaches in favour of multilateral solutions.
- (n) Multilateral agreements and approaches might help to secure benefit sharing under open-access arrangements.
- (o) Information exchange between countries must be improved.
- (p) CBD must upgrade discussions on ABS and DSI, as these are global matters that UNGA should be addressing.

- (q) Regulators need capacity building to understand ABS related topics including DSI.

**MULTILATERAL BENEFIT SHARING APPROACHES: POSSIBILITIES AND CHALLENGES UNDER THE NAGOYA PROTOCOL.**

Prof. Timothy Hodges, McGill University, Montreal, Canada, noted that “panacea” proposals intended as solutions for a host of policy challenges often go nowhere. The Global Multilateral Benefit-Sharing Mechanism (GMBSM) foreseen in Article 10 of the Nagoya Protocol was a late-hour proposal and little substantive discussion or negotiation took place on the issue prior to the Protocol’s adoption; it will take time to clarify the value and application of the concept; further discussion is strongly advised to address concerns among some Parties, governments and stakeholders regarding the GMBSM, including practicalities, costs vs. benefits, and aspects of potential de facto retroactivity. Launching such a mechanism could detract from implementing the Protocol, which is in a relatively early stage. Submissions on the issue have not raised significant transboundary concerns.

Nevertheless, the approach to Nagoya Protocol implementation taken in some countries appears to be pushing researchers away from in-country/in-situ access and towards ex-situ access, in turn strengthening arguments for multilateral benefit-sharing approaches. The rationale for considering a GMBSM may be growing stronger as technologies evolve (e.g. DSI) and where the bilateral/transactional user-provider concept appears unfit for purpose. ATK issues may also be bolstering arguments for multilateral benefit sharing approaches. It remains unclear what will motivate people to use such a mechanism and without clear incentives it could prove difficult to convince governments and stakeholders of its merit and to fashion a workable model with necessary global buy-in. The mechanism could have utility at the confluence of technological advancement, genetic resources and associated traditional knowledge. Without prejudice to the crucial on-going work of implementing the Nagoya Protocol, further discussion and analyses on the GMBSM are merited, given the objectives of the Protocol and the CBD and the need to ensure fairness and equity.

Prof. Hodges encouraged workshop participants to go beyond polemics and focus on identifying the core questions that must be sufficiently addressed if the GMBSM is to find ‘traction’ and sceptics are to be convinced of potential synergies.

***WORKING GROUPS***

Participants were divided into working groups to discuss the following questions:

1. What specific challenges related to ATK and DSI would a multilateral benefit-sharing approach potentially help address? How, specifically, would the approach support conservation and sustainable use?

2. What are possible specific advantages for users, providers, regulators if a multilateral mechanism was in place?

3. How could a GMBSM complement/support the bilateral ABS approach?

After the reportbacks from the groups it was clarified that this exercise was intended to identify issues to inform further discussions, not to prejudge in any way the conclusions that might eventually be reached.

### ***Reportbacks from working groups***

Regarding ***specific challenges related to ATK and DSI that a multilateral benefit sharing approach would help to address***, participants reported discussing:

- (a) Shared, commonly distributed ATK.
- (b) Common approaches to addressing shared GR and/or ATK, between neighboring countries or communities.
- (c) Contribution of ATK differs case to case.
- (d) Legitimate representation and participation of IPLCs.
- (e) Legitimate and appropriate consultation of IPLCs.
- (f) Difficulty for all holders of the GRs/aTK - not easy to identify holders.
- (g) Instances of accessing knowledge in the public domain/publicly available.
- (h) Technical support / capacity building.
- (i) Increased fairness and equity in benefit sharing for widely dispersed ATK.
- (j) Global distribution of benefits.
- (k) The possibility of assisting in implementing benefit sharing under Nagoya Protocol, including domestically and transboundary contexts, and addressing different capacities.
- (l) Sovereign rights vs. property rights.
- (m) *Ex situ* collections. When GR accessed prior to Nagoya Protocol.
- (n) Lack of clarity.
- (o) Shared, commonly distributed DSI.
- (p) Availability of databases.
- (q) Paradigm of access to open databases.
- (r) Difference between raw + annotated data.
- (s) Difficulty of tracking information.
- (t) Variations in benefit sharing could be standardized by multilateral approach.
- (u) Mechanism could ultimately help address failure of bilateral approach.
- (v) Lowering transaction costs for ATK and DSI.
- (w) Transaction cost of bilateralism.

On the question of ***how, specifically, a GMBSM would support conservation and sustainable use of GR***, participants' discussion focused on:

- (a) The global distribution of benefits to providers.
- (b) The establishment of common goals.
- (c) The feasibility of establishing a common fund.

2. On the possible ***specific advantages for users, providers and regulators*** if a multilateral mechanism was in place, participants raised the following:

**For regulators:**

- (a) Level-paying field (support for governments).
- (b) No race to bottom or jurisdiction shopping.
- (c) Lower/higher costs?
- (d) Reducing the tracking and tracing cost for regulators and users.
- (e) Assisting traceability and/or monitoring once GRs have left the provider country.
- (f) Enforcement of sovereign rights.
- (g) Help regulators focus on clear bilateral cases by allowing the multilateral system to capture others.
- (h) Close loopholes in the present system ensuring benefits are shared.

**For providers:**

- (a) Fair and equitable conditions.
- (b) More options for providers – can choose bilateral or multilateral options as appropriate.
- (c) Discourage providers from outside the communities.
- (d) Increased sense of respect from other sectors.
- (e) Might be simpler than case by case approach.
- (f) No direct involvement or engagement in the ABS process.
- (g) A more systematic inclusion of IPLCs perspectives in the international processes is needed.
- (h) Currently no recognition of support for identity and culture.

**For users:**

- (a) Facilitated access for users mainly for *in-situ* access.
- (b) Increased availability of DSI.
- (c) Harmonized and new rules.
- (d) An additional layer of compliance?
- (e) Legal certainty.
- (f) Lower or higher costs?
- (g) Losing the link to IPLCs.
- (h) Easier for ethical users to share benefits.
- (i) Incentives for persons outside the communities to follow the same rules.

3. On ***how a GMBSM could complement and/or support the bilateral ABS approach***, participants commented on:

- (a) The lack of guarantee of synergies between bilateral or multilateral approaches.
- (b) The possibility of Parties optionally choosing between bilateral or multilateral approaches.
- (c) How a multilateral approach could:

- a. encourage countries to establish ABS measures, thus preventing sourcing from countries without ABS measures?
  - b. facilitate compliance and monitoring?
  - c. complement/support, but not replace, national ABS measures?
  - d. provide benefits to communities providing GR/ATK?
  - e. reduce potential conflicts amongst IPLCs and between Parties?
  - f. help remove uncertainty from ABS cases that are not clearly bilateral?
- (d) The possibility of using a multilateral approach for ABS related to shared GR or ATK, while the bilateral approach is used for ABS with endemic species.
- (e) The feasibility of the multilateral approach to address public health emergencies.
- (f) That regarding DSI, the multilateral approach could displace the bilateral approach.

### **HOW CAN ABS CONTRIBUTE (BETTER) TO THE IMPLEMENTATION OF CBD AND SUPPORT ATTAINING THE SDGS/AGENDA 2030?**

Mr. Suhel al-Janabi, ABS Capacity Development Initiative, presented on how ABS supports Agenda 2030 implementation and potentially contributes to attaining its SDGs. Contributions made during the dialogue provide clear examples of the relationship between ABS and Agenda 2030 and the elements that tie the SDGs together – “peace, people, planet, prosperity and partnerships” – are to a large extent the same as ABS targets.

Ms. Edda Fernández, Nagoya Protocol National Focal Point, SEMARNAT, Mexico, focused on why and how to establish linkages between ABS and the 2030 Agenda and its SDGs. The novelty of Agenda 2030 is its multidimensional approach, e.g. linking economic development to ending hunger, which is linked to changing production and consumption patterns, which links to how food is produced, what kind of food and how food is consumed; which is linked to ever increasing demand for food due to population growth while one-third of the food produced worldwide is lost and/or wasted. All SDGs involve recognition, value and inclusiveness, which are also components of the Nagoya Protocol. Agenda 2030 recognises that development is not only a matter of making money, but also making a better society with common goals that will make it possible to leave no one behind; it values innovation, partnerships and equity, which are also main drivers of the NP; and being inclusive recognizes the value of GR and ATK, as well as the value of the cosmovision of IPLCs and other ways to understand the universe. Communication is needed to provide clear information to decision and policy makers; ABS require a broader language to communicate properly not only to governments or science but also to businesses and society in general; clarity and focus in language may create and strengthen mutual understanding regarding complex topics related to GR, ATK and ABS; communicating a clear message also provides added opportunities to include ABS as an enabling tool for sustainable development in broader agendas and initiatives.

Ms. Fernandez invited participants to think outside the box and explore new ways to mobilise political will, through adequate language, the numbers needed for business planning, building capacities amongst decision makers and not disregarding the power of collective impact; this will enable boldly moving forward towards the full implementation of the NP.

### *Discussion*

Participants shared the following thoughts on ABS and the SDGs:

- In South Africa, biodiversity is part of the economic strategy and ABS is the way to make this happen.
- Namibia used linkages between ABS and the SDGs to motivate parliamentarians when its ABS bill was being considered.
- Canada has worked on economic and conservation benefits of the SDGs but mostly from a governmental perspective – the concerns of IPLCs are not taken into consideration to the same extent.
- The linkages between ABS and business are crucial to achieving the SDG, sustainability and social commitments made by business are always related to SDGs and more private sector engagement is needed.
- ABS is included in national policies and strategies in Costa Rica, showcasing country compliance with international frameworks.

### **CLOSING REMARKS**

After thanking the participants for their rich contributions and active exchange of ideas and proposals for moving forward on the full implementation of the Nagoya Protocol – a priority for Mexico and clearly for many of the countries as reflected by many of the participants in the Dialogue – Ms. Fernandez, Mexican National Focal Point for the Nagoya Protocol, thanked the sponsors and organizers and urged everyone present to continue their efforts in support of full implementation of the Nagoya Protocol.

## **PRESENTATIONS**

Presentations can be downloaded here:

<https://wetransfer.com/downloads/edc463e07a7a212168ceeaab126da04a20180627084320/e35ddd7701adc7bf635981c7bab18c220180627084320/97450a>