Webinar Report:

"Non-Monetary Benefit-Sharing (NMBS) under the Convention on Biological Diversity (CBD) and other UN Fora"

Monday, 8 April 2024 – 12.00 to 14.00 UTC

Welcome and Introduction

Hartmut Meyer, ABS Capacity Development Initiative:

A warm welcome to panellists and participants of this global webinar.

The ABS Initiative is continuing its support – since COP 15, based on a common workplan with the Meridian Institute – to the informal process accompanying the DSI related negotiations under the CBD in close cooperation with the Secretariat of the CDB and the co-chairs of the various negotiation groups.

This webinar focuses on non-monetary benefits-sharing (NMBS), a topic that has so far not received much attention. To support the discussion around this topic the webinar is structured as follows:

- Welcome and introduction
- Background on NMBS and current status of discussion
- Kick-off remarks for the panel discussion and introduction of panellists
- Panel discussion
- Q&A and discussion between floor and panel
- Closing reflections from an IP&LC perspective

All panellists spoke exclusively in their personal capacity – not on behalf of any institution.

The webinar was held in English with simultaneous interpretation into French and Spanish. The chat was enabled for questions as well as technical and conceptual contributions by the participants. The latter are documented in an anonymised manner in the annex to this report.

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Background on NMBS and current status of discussion

Suhel al-Janabi, ABS Capacity Development Initiative:

The presentation (see annex 2 of the report) provides an overview of the evolution of deliberations on Digital Sequence Information (DSI) within the CBD framework, highlighting decisions and developments since 2016, including the establishment of a multilateral system for DSI benefit-sharing. It outlines the "9 + 1 criteria" guiding the establishment of the multilateral mechanism and identifies key issues for consideration, such as NMBS and capacity development. The need is emphasized for convergence on various aspects of NMBS, including addressing capacity gaps, considering self-identified needs of stakeholders, and aligning with broader CBD provisions on technical cooperation. Additionally, it underscores the importance of integrating NMBS into the Kunming Montreal Global Biodiversity Framework (KMGBF) and developing indicators to monitor its implementation effectively.

Amber Scholz, Leibniz Institute DSMZ – German Collection of Microorganisms and Cell Cultures

Amber Scholz conducted a study on ABS indicators commissioned by the SCBD. The study identifies three key messages regarding non-monetary benefits. Firstly, there's a shift from measuring policy implementation to measuring benefits shared between target 13 and Goal C. While tools exist to measure policy implementation, measuring benefits is challenging. Secondly, UN General Assembly Resolution 78/155 calls for aggregation across all environmental instruments, emphasizing the need for a core set of indicators common to all ABS instruments. Lastly, the study proposes five categories of non-monetary benefit sharing including relevant indicators for each category:

a. sharing of information and research results
b. scientific collaboration and or joint publication.
c. capacity building capacity development and/or training number
d. Access to and transfer of technology and
e. Sustainable development benefits

The study will be published and provided as an Information Document in advance of upcoming meetings of SBSTTA and AHTEG. A webinar for CBD parties and stakeholders is tentatively scheduled for 30 April 2024.

Kick-off remarks for the panel discussion and introduction of panellists

Timothy Hodges, Professor of Practice, Global Governance at McGill University, Montreal:

The term "non-monetary benefits" (NMBs) has been around for some time, particularly in agreements like the Nagoya Protocol and the Bonn Guidelines, yet global discussions on these benefits lack depth. Similarly, terms like capacity building and technology transfer lack specificity. There is a crucial need to enhance understanding of NMBS, including their approaches, volume, and value, to effectively support policy goals. Policy makers and negotiators must grasp practical implications for informed decision-making. Despite limited time between CBD COPs, it's imperative to invest in understanding NMBS.

The webinar offers an opportunity to delve into the concept. While categorizing NMBs has been proposed, no definitive system exists yet. NMBs, especially in non-commercial contexts, often revolve around relationships, emphasizing trust and collaboration. Moving forward, it's essential to carefully enhance current NMBS approaches to prevent unintended negative impacts on relationships and benefit-sharing.

Panel discussion

The panellists were requested to reflect in three rounds of specific questions to provide guidance and improve understanding as a basis for making progress at the relevant formal meetings later this year.

Hervé Kadjo, Deputy Head of the Department of Epidemic Viruses, Institut Pasteur, Côte d'Ivoire
Melchior Kuo, Manager, Innovation and Vaccine Policy, International Federation of Pharmaceutical Manufacturers and Associations (IFPMA)
Guilherme Oliveira, Scientific Director, Instituto Tecnológico Vale Sustainable Development (ITV SD), Belém, Brazil
Alan Paton, Head of Science Collections at the Royal Botanic Gardens, Kew, UK

Moderation: **Timothy Hodges**

Question 1: In your sector or institution what specific forms do non-monetary benefit-sharing take? Can you tell us about the range of activities constituting non-monetary benefit-sharing, and what the importance or magnitude non-monetary benefit-sharing is for your sector/institution?

Hervé Kadjo:

The Institut Pasteur in Côte d'Ivoire faces limited capacity for producing DSI, with only two or three laboratories possessing this capability. Despite this, the country holds significant biological resources, often sent abroad for diagnostics, enabling genomic analysis. In the case of influenza, a cooperative mechanism has been established over two decades, involving global data sharing for surveillance and vaccine strain identification. Through agreements with organizations like the Centers for Disease Control and Prevention (CDC) and WHO, capacity building and support for activities related to influenza and respiratory diseases are facilitated.

Alan Paton:

Botanical collections focus on basic research for conservation and evolution and partnerships are often project-driven but also include longer institutional collaborations. NMBS falls into three main categories: people, data, and infrastructure. Regarding people, NMBS involves training, both formal and informal, and supporting methods and skills development. Collaboration includes joint publications, facilitating visits, accessing collections, and fundraising. Relationships often start on a personal level before expanding institutionally. For data, NMBS includes open access, training in data use, and packaging sequence data for specific tools, like genetic identification. Regarding infrastructure, NMBS involves jointly creating facilities, providing technical advice, and materials for conservation purposes. NMBS is crucial in collaborative science, particularly as commercial benefit sharing is rare in this sector focused on basic research and conservation.

Guilherme Oliveira:

The private nonprofit research institution is involved in a large-scale genomics and genetics study focused on Brazilian biodiversity, particularly in the Amazon. The project aims to determine genetic characteristics for conservation and inform the local bioeconomy, as well as monitor species extraction and utilize environmental DNA for biodiversity monitoring. The collaboration with the Mendez Institute for Conservation of Biodiversity (ICMBio) facilitates engagement with IP&LCs, who express a desire for integral involvement in the project. Efforts are underway to include IP&LCs not just for consultation but as active participants, enabling mutual learning and respect. The institution emphasizes a relational model of NMBS to address legal considerations and incorporate IP&LC perspectives and interests. Local infrastructure is established to facilitate collaborative research, both domestically and internationally, acknowledging the importance of local resources and perspectives in addressing relevant issues and research gaps.

Melchior Kuo:

NMBS encompasses various elements such as capacity building, technology transfer, and product value, particularly significant in the commercial sector for its societal impact through products like vaccines and medicines. In the realm of DSI, open access to data is a crucial form of NMBS. Beyond CBD regulations, businesses engage in NMBS as part of responsible practice, with numerous initiatives independent of formal frameworks. Examples include collaborations like Astra Zeneca and Griffith University, as well as Merck and InBio. While much industry research isn't directly linked to genetic resources captured under the CBD there are a over 300 documented examples of initiatives that provide some form of NBMS (www.globalhealthprogress.org). These efforts often involve partnerships, and range from vaccine donations to health system strengthening and technology transfer agreements, showcasing sector-specific NMBS activities.

Question 2: Based on your deep experience and knowledge, are there any specific improvements in your sector/institution that could be made to NMBS activities, whether in terms of seeking alternative approaches or modifying current structures or procedures?

Alan Paton:

The current challenge lies in the short-term and project-based nature of science funding, leading to limitations in sustaining collaborations beyond typical research cycles. Training students and collaborators in techniques and DSI during projects often doesn't translate into long-term capacity building due to inadequate facilities and high-performance computing resources in their home countries. Initial personal connections may be insufficient to address these broader capacity-building needs beyond technical expertise areas like conservation seed banking. To overcome these limitations, collaborations need to evolve beyond initial access to genetic resources to encompass broader skill sets and infrastructure development, fostering a more empowering and sustainable legacy in the collaborating countries.

Guilherme Oliveira:

While there's optimism about training opportunities, the lack of action on infrastructure development in biodiversity-rich developing countries remains a concern. Collaboration among such countries, like Peru, Colombia, and Brazil, is underutilized, with potential for multilateral cooperation. Emphasizing the importance of local infrastructure, it's noted that without it, data from biodiversity-rich areas won't be utilized, hindering progress even with advanced tools like AI. Long-term projects are deemed essential for enabling biodiversity-based product development, requiring sustained funding and infrastructure establishment. The speaker's institute prioritizes long-term funding, local infrastructure establishment, and collaboration with IP&LCs to co-develop research initiatives.

Melchior Kuo:

From a commercial standpoint, effective NMBS requires a supportive ecosystem and infrastructure to ensure sustainable markets for products. Different types of NMBS, such as capacity building, health system strengthening, and product donation, have specific requirements tailored to community, country, sector, and actors involved. It's clear that NMBS isn't one-size-fits-all and must be adapted to the context. Companies excel in certain areas, like pharmaceuticals in medicine production, and aligning NMBS efforts with their expertise can maximize benefits. While conceptualizing NMBS within a multilateral system poses challenges, it's worthwhile to continue exploring ways to tailor NMBS to various contexts and sectors.

Hervé Kadjo:

Training, collaboration, and support for efficient NMBS in genomics and disease surveillance are essential. A recent collaboration between the Institut Pasteur and the Robert Koch Institute highlighted the need for proper training and infrastructure in developing countries to contribute

effectively, stressing the benefits of a legal framework for genomic surveillance. However, finding a multilateral approach to NMBS is challenging due to its diversity.

Question 3: From your personal expert perspective what, concretely, could be done to enhance or bolster NMBS to further support the CBD objectives and current implementation commitments – including those under the KMGBF such as the Multilateral Mechanism for Benefit-Sharing?

Guilherme Oliveira:

Brazil's position at the recent COP has shifted towards favouring a multilateral mechanism for benefit sharing. However, there are challenges in implementing such a mechanism due to the complexity of modern research and computational tools. It's crucial to address the governance of benefit-sharing, ensuring equal distribution of funds and enabling countries with rich biodiversity to conduct research and participate in product development. Merely distributing funds won't suffice; efforts must empower countries to utilize technology and transition to a new economy aligned with biodiversity conservation. Failure to do so risks widening the gap between rich and poor countries.

Melchior Kuo:

Initially surprised by the lack of examples of ABS in the pharma sector, the speaker later realized that numerous initiatives classified as NMBS already exist, albeit through different mechanisms and partnerships outside the CBD framework. Many member companies collaborate with UNICEF, WHO, Unitaid, and other UN institutions, highlighting substantial ongoing efforts that may not be visible in the CBD space. The speaker urges caution against overly prescriptive approaches to mandating NMBS, emphasizing the personal and sector-specific nature of such initiatives. Instead, they advocate for incentivizing good examples of NMBS through reputation enhancement and facilitating projects, recognizing the organic development of such practices in many situations.

Hervé Kadjo:

Flexibility is crucial in utilizing benefits derived from activities, as countries may have differing priorities. Benefits should be transferable between sectors to accommodate varying needs effectively. It's important to strike a balance to ensure that research isn't stifled, allowing for benefits to be distributed equitably among organizations and researchers. This ensures that all parties involved benefit from the arrangements, preventing scenarios where only institutions benefit while researchers are left without rewards.

Alan Paton:

The current small-scale relationship model faces challenges in building sufficient capacity for complex analysis of DSI, thus hindering the full benefit potential of DSI. Accessible infrastructure is essential to inspire new research questions beyond initial motivations. Extending relationships to include overseas interests is crucial for developing a bioinformatic infrastructure capable of addressing a broader range of inquiries. However, achieving this requires coordination and wider relationships to provide adequate infrastructure and training. Immediate action is necessary, and learning from experience is vital. Conducting small-scale case studies to explore flexible and sustainable infrastructure models for working with DSI in biodiverse countries could be beneficial. A more multilateral system of benefit-sharing, not solely tied to initial access events, may facilitate the extension and coordination of relationships to build necessary infrastructures.

Q&A and discussion between floor and panel

Discussions in the chat focused on issues mentioned by the panellists in their statements (a chat summary is provided in Annex 1.

1st question from the chat: Considering that NMBs are primarily shared in a bilateral context, can you imagine that an international mechanism would be suitable for solving the confusion regarding how non-monetary benefits could be shared in the context of a multilateral system?

Alan Paton:

An international body could play a role in addressing the challenges, but it would be important to incorporate regional or country input to tailor solutions effectively. The approach should be practical and non-bureaucratic, with collaboration being essential. There's uncertainty regarding the optimal level of coordination – whether regional or global – to ensure proximity to stakeholders. Exploring various options is worthwhile, but there's concern about potential remoteness from end-users. Establishing a system closer to end-users, either at the country or regional level, may be more effective than solely global coordination.

Guilherme Oliveira:

The potential benefit of an international resource for addressing the issue is at hand. However, it is essential to involve local people deeply in the governance of such facilities or instances. Without local involvement, it will be perceived as an external source rather than being integrated into regional practices addressing local needs and issues.

Melchior Kuo:

The focus on incentivizing is right but there is a risk of excessive bureaucracy and rigidity. A more flexible approach, perhaps through a matchmaking platform, to create awareness and visibility around ongoing initiatives would be beneficial. Such a lighter approach can be beneficial for both to create visibility around the good things are being done or can be done.

2nd question from the chat: In which ways could the needs, the voices, the desires of IP&LCs be accommodated in a new multilateral benefit sharing system?

Guilherme Oliveira:

In a recent conversation with an indigenous woman, the speaker was reminded that the approach to species in ecosystems often fails to fully account for the perspectives of IP&LCs. They emphasize the importance of considering IP&LC perspectives from the outset, rather than solely relying on a legalistic approach. A collaborative relationship is essential, where IP&LCs co-create approaches to benefit-sharing. Involving IP&LCs from the beginning, with respect and accountability, in scientific endeavours will be a good starting point.

Alan Paton:

The question is how the needs of IP&LCs are expressed to access available funding. There has to be a light-touch governance at the in-country level to facilitate the translation of central multilateral fund resources into accessible formats. This process must be adapted to different contexts and kept simple to avoid excessive legal and administrative complexities.

Timothy Hodges:

It is important to consider the perspectives and needs of IP&LCs from the outset of decision-making processes, rather than as an afterthought. The complexity introduced by multiple layers of governance, including international, national, and central government levels, can hinder direct understanding and effective action for IP&LCs. This complexity can unintentionally impede IP&LCs' pursuit of well-being, conservation, and sustainable development.

3rd question from the chat: From an industry perspective, are there additional efforts or new money – in line with the CBD understanding of benefits accruing to a specific user – going into this benefit sharing mechanism beside the societal benefits resulting from R&D?

Melchior Kuo:

Various industries engage in activities that constitute NMBS which may not fall under the CBD framework. These activities, such as vaccine donations and building manufacturing facilities, contribute to capacity building, technology transfer, and more. It would be illogical for other UN institutions and local communities to receive benefits from such actions while expecting additional contributions under the CBD for conservation and sustainable use. The importance of recognizing the diverse contributions of different sectors and actors to NMBS must be recognised and uniform requirements for NMBS across sectors may not be sensible. Instead, policies should consider the broader global ecosystem and acknowledge the various ways in which different actors can contribute.

4th question from the chat: Given your experience, should the focus of NMBS in the first place be on infrastructure or on capacity development?

Guilherme Oliveira:

There is a connection between training people and ramping up infrastructure. Simply training individuals without providing opportunities to apply their skills results in the quick loss of the training's benefits. Instead, creating training opportunities and simultaneously improving infrastructure ensures that newly acquired skills can be effectively utilized.

Alan Paton:

The speaker agrees and acknowledges that in his sector, issues extend beyond the initial access to resources. One of the challenge is how to provide high-performance computing infrastructure in universities to enable individuals to utilize their acquired skills effectively. Initiatives like visiting fellowships or partnerships with companies already using such infrastructure might be useful to mentor and support the development of local infrastructure. Without addressing these challenges capacity-building efforts may not lead to sustainable infrastructure development.

5th question from the chat: If monetary benefit-sharing into a fund will be mandatory under a multilateral system, should NMBS also be mandatory under a multilateral system?

Melchior Kuo:

A mandatory NMBS system wouldn't work, due to its inherent complexity and variability based on factors such as the type of NMBS, the involved communities, the context of giving, and the specific needs. The diverse and nuanced nature of NMBS would make establishing a mandatory system exceedingly challenging.

Alan Paton:

While a mandatory system for NMBS may have a place in the future, taking voluntary action now could provide valuable progress. However, inaction is not appropriate. Voluntary efforts are needed to gather case studies and learn valuable lessons in the meantime.

6th question from the chat: If there is training and capacity development connected with sharing data, there might be issues regarding intellectual property rights and proprietary claims?

Alan Paton:

The current process of obtaining Prior Informed Consent (PIC) for basic work and renegotiating PIC for any commercial opportunities that arise later is resulting in the key challenge of ensuring that benefits from commercial developments using DSI return to the source of the material, necessitates a multilateral system. Transparency in commercial enterprises and the involvement

of organizations like WIPO could facilitate the implementation of a system where benefits are shared appropriately.

Guilherme Oliveira:

Intellectual property concerns should only arise when a company generates revenue from a product. A multilateral system could be established to facilitate contributions from companies once they have developed products. It will be important to negotiate agreements with indigenous communities or countries at the outset of accessing biodiversity to address issues related to data usage and dissemination.

Closing reflections from an IP&LC perspective

Preston Hardison, Co-lead negotiator in DSI, International Indigenous Forum on Biodiversity (IIFB):

The speaker discusses the proposal of five categories of NMBS and expresses concerns about the adequacy of these categories, particularly in supporting IP&LCs. IPLCs' need to be involved in developing these categories to address concerns of epistemological violence and to ensure their data sovereignty. It is important to decide about the categories before proposing international standards. NMBS should directly target conservation and sustainable use of biodiversity, linking it to broader frameworks of the KMGBF. The distinction between bilateral and multilateral benefit sharing systems highlights the need for trackable mandatory systems alongside voluntary ones. It is important to distinguish between actor benefits, project benefits, and benefits from the Global Fund. IP&LCs are interested in matchmaking, governance, and responsible data governance as forms of benefit sharing. Numerous examples of NMBS in the literature stress the importance of reducing harms and pressures as part of NMBS efforts.

Closing

Hartmut Meyer, ABS Capacity Development Initiative:

- A big thank you to the panellists, the moderator and the participants for the extremely useful contributions providing food for thought for all and guidance to the ABS Initiative regarding the topics for further capacity development and exchange.
- The video of the webinar in all three languages and the report will be available on the ABS Initiative website (ABS Biotrade: Digital Sequence Information on Genetic Resources (abs-biotrade.info)).
- A big thank you to the new donors who came in recently. Apart from the Government s of Norway and of Germany, the Government of the United Kingdom and The Netherlands are supporting the ABS Initiative.

Annex 1: Chat contributions clustered by topics

Chat contributions listed as bullet points are direct responses of participants to questions or comments from other participants.

NMBS in the context of the CBD

Tools to measure benefit sharing that certify fair and equity need to developed urgently.

Tim Hodges as always provides a lot of clarity to guide our thinking - how do we ensure that measures and meeting of commitments under the CBD objectives on conservation and sustainable utilisation are not mixed up with non-monetary benefit sharing?

Please provide in the future the authority in the UN Charter for CBD to create biodiversity markets.

Capacity building, research cooperation in the countries where biodiversity is located, technology transfer are all distinct obligations in the CBD. It is important to maintain the integrity of fair and equitable benefit sharing - in this case a multilateral mechanism for DSI ABS.

How can CBD, with DSI and other invasive protocols, avoid the human rights violations caused by monopolies in the conservation market that the UN created with CITES?

Is it that the non monetary benefits could be cultural & spiritual?

Decision-making and government capacity was used to protect biodiversity and now CBD takes away decision-making and government capacity to protect biodiversity through components of its framework, such as DSI. How can decision-making and government capacity NMB, which pre-existed the CBD framework, be restored so we can document new NMBs from biodiversity?

CBD was agreed on decades ago for these purposes, but leading UN Member States abdicated their responsibilities. Now we hear that CBD framework will continue to increase disparities in wealth and technological development by granting access to DSI to governments that have led in biodiversity destruction. How can CBD increase access to justice at all levels for the purpose of protecting biologically diverse species and specimens in situ?

I wonder if it is possible to distinguish NMB sharing under Nagoya Protocol and DSI multilateral mechanism.

Yes, Aichi Target 2 failures impeded Aichi Target 16. Lack of implementation of core international instruments that provided for realization of Rio Declarations, UN Declaration on the Rights of Indigenous Peoples, and ILO 169 prevented CBD fulfilment that would support decision-making and government capacities to continue while external entities seek to access DSI with money and technology.

Elements of a multilateral mechanism

An example of NMBS linked to a global fund: https://www.biocarbonfund-isfl.org/sites/default/files/2020-10/Benefit%20Sharing%20Note_August%202020_English_.pdf

Understanding the concept sustainable mutually beneficial partnerships in this DSI is key.

Hello all, thank you for the opportunity to comment. In my humble opinion , the best way to value and enable a good non-monetary benefit sharing mechanism should be based on incentives for international cooperation between users and providers of genetic resources. These will only be fair and equitable if the agreements are guided and established through a mechanism that is transparent and open to all providers and users. Taking into account that benefits will be shared through a multilateral mechanism for DSI, an international platform should be developed specifically oriented to manage the incentive mechanism for cooperation and a general framework for non-monetary benefit sharing should be settle up. This platform

could also be used voluntarily by those users and providers for their bilateral agreements under the Nagoya Protocol.

- I agree to tailor made processes, as indeed the needs and benefits are very varied.

Thank you XXX. Could you elaborate more about platform that you mentioned in your comment? Does it facilitate the mutually agreed term on non-monetary benefit sharing/capacity building?

- To develop a new platform, it may first be necessary to establish the principles that would guide non-monetary benefit-sharing arrangements, perhaps then develop guidelines to guide cooperative ventures. This is one of the first approaches that comes to mind. Thank you Hartmut and the speakers for taking my comment.

Additional layers of obligations/mandates for non-monetary benefits can be both a challenge and risk in terms of detrimental effects on existing collaborations between institutions. Existing experience with ABS and multiple legal instruments demonstrates the limitations of adding rules and frameworks.

- I agree, but the current negotiations have shown that it is an unprecedented issue and that the scope and development of the initiatives currently developed and active can be taken into account. DSI, will require its own mechanism and BNM in particular.
- I am not sure I fully grasp what is exactly "unprecedented". My point is, incentivize what already works well or reasonably well in NBS, but not over regulate which seems to be a trend when, looking at the efforts concerning DSI regulation. Again, three decades of ABS can provide very useful lessons and enable negotiators avoid some of the pitfalls which have been experienced already.

The question we need to address is how do we design a legal policy and governance structure which will ensure legal certainty of obligations to share non-monetary benefits "arising from the utilization of the DSI" fairly and equitably to the providers of the genetic materials, because in the context of the CBD, a multilateral ABS mechanism is being pressed into service, without a sector specific objectives like WHO and FAO. In CBD mechanism, we are talking about all DSI which States are willing to make available open, not about DSI shared for any specific purpose.

Decentralization can support effective governance for biodiversity.

Could funding infrastructure (in addition to training) not be made an integral and intentional part of benefit sharing rather than leave same entirety to biodiverse countries as desirable as that may be. This is more so when benefit sharing is now a cross-cutting subject matter and an imperative across multilateral fora. Deliberately partnering with mega-biodiverse countries in infrastructure funding may serve as the desired motivation for those countries to take infrastructure seriously. This is in response to the great point make by Oliveira.

There has been a lot of discussion about the "voluntary vs mandatory" contribution to the mechanism in regards to MB and NMB, if the idea is to strengthen existing relationships and creating new ones, which one could be better?

- But CBD and NP require obligatory NMBS. This is where the proposal from XXX becomes important.

Stakeholder involvement

Policy decisions have already been made on DSI, as shown in categories, indicators, etc. who has been making DSI policy so far? How have financiers, data managers influenced DSI policy decisions to date?

Continuing the question, have industry stakeholders been included?

- We need to see representatives from seed industry and also from the algae industry in the panel in future.

- I second the comment on the international seed sector.

Rights and roles of IP&LC

Benefits are policy. How do Indigenous Peoples communicate with the UN about this?

Indigenous Peoples developed governments that lead the worlds' human governments to protect and promote biodiversity. How is CBD's framework protecting biodiversity? How will CBD negotiate with Indigenous Peoples' governments on its invasive protocols, such as DSI?

- According to YYY, but also beyond, how, we are at this moment, in the, when, indigenous peoples and local communities, in the most immediate and expeditious way.

We are hearing that there is not equal access to DSI. Please correct us if we misunderstand. How do governments that developed the infrastructure and institutions to protect biodiversity most effectively manage DSI? Is violence the only means of communicating? Is peaceful dispute resolution on DSI or other invasive CBD protocols possible?

Access to justice at all levels will increase opportunities for Indigenous Peoples' governments to communicate with those implementing invasive UN protocols.

One of the panelists (I think it was Oliveira) mentioned the need to learn from IPLCs, but it strikes me that we first of all need to understand how DSI and related science can be best understood from IPLCs' world views as the foundational basis for engagement before any other steps

Just an observation, not necessarily a critique - I note that Indigenous Peoples often are at the fringe of the dialogue and, where time needs to be cut, it is the time of Indigenous peoples which is cut. You may wish to consider making Preston a panelist in the future to avoid perpetuating these structural barriers to hearing the perspectives of Indigenous Peoples.

Categories of NMBS

Pour Mr Melchior qui travaille dans le secteur pharmaceutique, quelle différence faites vous entre avantages non monétaires et responsabilité sociétale d'entreprise (RSE)? (DeepL translation: For Mr Melchior, who works in the pharmaceutical sector, what difference do you make between non-monetary benefits and corporate social responsibility (CSR)?)

One observation: we should distinguish between "in-kind" benefits that cost money, like infrastructure or sequencing equipment or training people, and "free" benefits that can be created without much money, like sharing information/data and research results and IP ownership and creating R&D collaborations.

- I agree. Much of the discussion has addressed high-cost elements of capacity building that may well involve government support, such as infrastructure which could support both academic and commercial activities in country. Such activities may well come from use of the multilateral fund supported by monetary benefit-sharing. However, the information and data sharing and R&D collaborations are much more in the realm of many research and commercial actors.

Other topics:

How a national plant genebank could get support in DSI development and ABS from this.

Thank you Mr Paton. when you say native population, do you mean indigenous species?

- Not necessarily, species are variable and become adapted to local conditions in different places. I was trying to convey this variation in local populations of a species and that such populations may have interesting characteristics not found throughout a species range. – *Answer provided after the webinar*.

If sharing / training techniques to sequence etc for sharing data is to be regarded as a NMB, how do we reconcile this with subsequent proprietary claims over the products that are developed

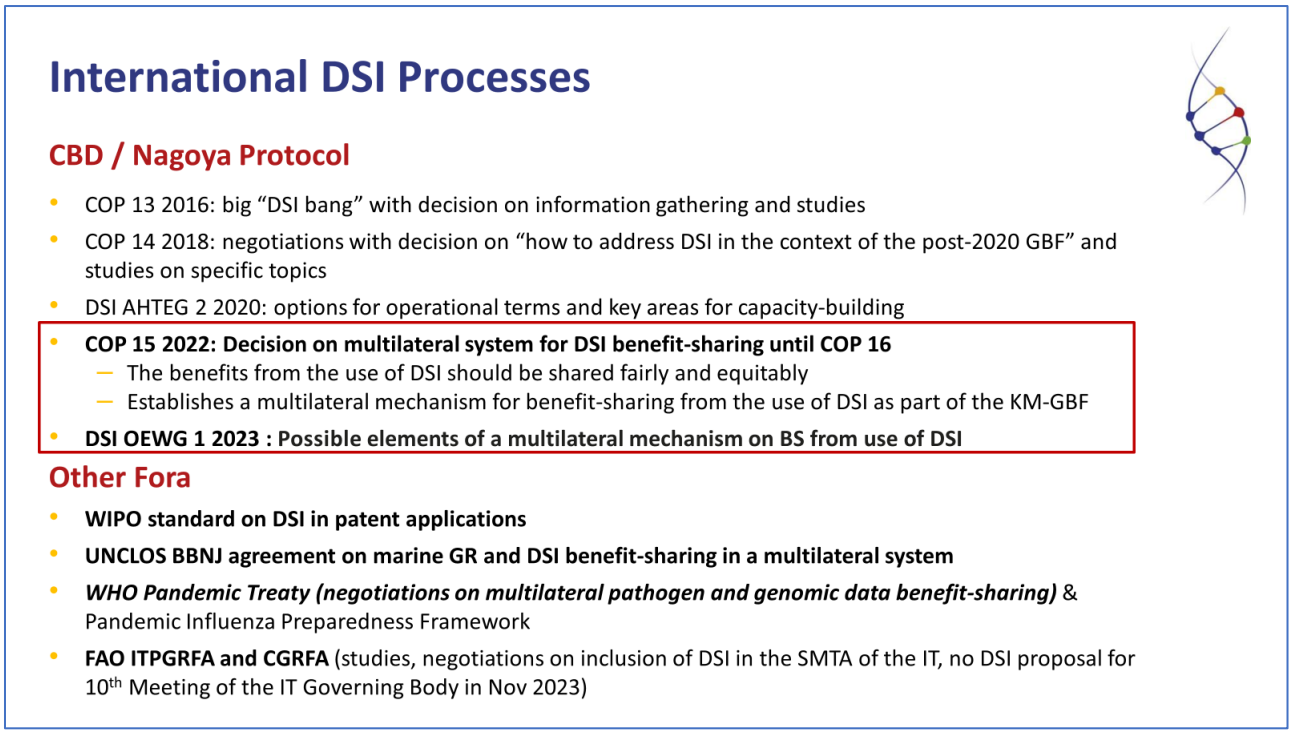
from the utilisation of the data? The impasse at the WHO pandemic instrument negotiations is a stark reminder.

Good afternoon all! For those parties that do not have research centers for digital genome sequencing, what risks do these countries run for their resources?
What can be done to preserve genetic information?

Good afternoon. How can NMBS in DSI relate to ensuring a gender-responsive approach? (since successful implementation of all three goals of the Kunming-Montreal Global Biodiversity Framework depend on ensuring gender equality and empowerment of women and girls, and on reducing inequalities) Would the panellists have any examples? Thank you!

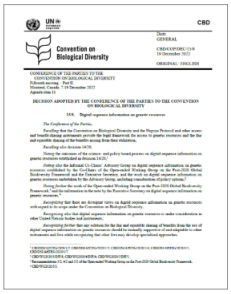
Data governance is growing in all multilateral spaces the discussion. Broad IP claims can inhibit research - the US Federal Trade Commission has raised this concern

Annex 2: Presentation "Setting the Scene" by Suhel al-Janabi



CBD/COP/DEC/15/9

Benefits from use of DSI should be shared fairly and equitably, solution to be developed; 9 + 1 criteria



(a) Be **efficient, feasible and practical**;

(b) Generate **more benefits**, incl. monetary / non-monetary, **than costs**;

(c) Be **effective**;

(d) Provide **certainty and legal clarity** for providers and users of DSI;

(e) Not hinder **research and innovation**;

(f) Be consistent with **open access to data**;

(g) Not be **incompatible** with international legal obligations;

(h) Be **mutually supportive** of other access and benefit-sharing instruments;

(i) Take into account the **rights of IPLC** including with respect to TK associated with GR that they hold

Monetary / non-monetary benefits to be used to support conservation and sustainable use of biodiversity; and inter alia IP&LCs

Issues for Further Consideration

(a) Governance of the fund;

(b) Triggering points for benefit-sharing;

(c) Contributions to the fund;

(d) Potential to ***voluntarily extend*** the MLM to GR or biological diversity;

(e) Disbursement of **monetary benefits**, incl. information on *geographical origin* as a criteria;

(f) Non-monetary benefit-sharing, including information on *geographical origin* as a criteria;

(g) Other policy options for BS from the use of DSI, incl. as identified through further analysis;

(h) Capacity development and **technology transfer**

(i) Monitoring and evaluation and **review of effectiveness**;

(j) Adaptability of the mechanism to **other resource mobilization instruments** or funds;

(k) Interface between **national systems** and the **multilateral mechanism** on benefit-sharing;

(l) Relationship with the **Nagoya Protocol**;

(m) Role, rights and interests of **IPLC,** including associated traditional knowledge;

(n) Role and interests of **industry** and **academia;**

(o) Linkages between **research** and technology and the MLM on benefit-sharing;

(p) Principles of **data governance**.

On the road to COP 16

Ad Hoc Open-ended Working Group Geneva 14–18 November 2023

Annex: Possible elements of a Multilateral mechanism or benefit-sharing from the use of DSI, including a global fund

a. Contributions to the fund
b. Disburesment from the fund
c. **Non-monetary benefit-sharing**
d. Governance
e. Relation to other approaches and systems

All of the above split into:

- *Elements on which there is potential convergence*
- *Elements on which there is a need for further discussion*

On the road to COP 16

Ad Hoc Open-ended Working Group Geneva 14–18 November 2023

NMBS - Elements on which there is a *need for further discussion*

- **need for a new platform or facility; modalities ?**
- **needs of stakeholders a criterion ?**
- **whether NMBS** should **include:**
  - Projects for the **conservation or sustainable use of biodiversity**
  - Protection / maintenance of **TK, innovations or practices of IPLC,** traditional farmers, women, in the **country of origin of GR**
  - **Technology transfer / - development ?**
  - Making the **product available in** the **public domain**
  - **Licensing** of products **free of charge**;
  - **Training** on the **conservation and sustainable** use of genetic diversity or **aTK** ;
  - **Free distribution of products** in social interest programmes;
  - Establishment of **national databases**;
  - Promoting **joint research-partnerships**;
  - **Joint ventures**
- taking into account the **outcomes of 2020 AHTEG on DSI** re. key areas for capacity-building and development.
- **use of DSI trigger for NMBS ?**

On the road to COP 16

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NMBS - Elements on which there is potential *convergence*

- additional **capacity** for the purposes **of conservation and sustainable use**;
- **capacity gap** (esp. between **developed and developing countries**, re. generate, access, use, analyse and store DSI)
- **self-identified *needs* of IPLC**, **women, youth**, major contributions to the conservation and sust. use
- ***needs* of national agencies / institutions**, including research and academic institutions
- facilitate **CB/CD, TT on DSI** to **contribute to implementation/ongoing work of CBD provisions on technical/scientific cooperation and TT**, **incl. 15/8** of CBD on CB/CD, tech./scient. cooperation, needs assessments, NBSAPS, (sub)regional support centres;
- High level **goals of CB/CD, TT on DSI** for conservation and sustainable use;
  - Improving the ability to manage and conserve biodiversity and use it sustainably;
  - Closing the gap in particular between developed and developing countries;
  - Delivering national priorities for CB/CD scientific/technical cooperation, TT by building and developing individual, organizational and enabling capacity, as well as research infrastructure
  - Beneficiaries of CB/CD IPLC, women, youth, as well as Governments and researchers.
- There are **many ways** in which **NMB are already being shared** ; **future sharing of NMB** should take into account **lessons learned**

THE BIODIVERSITY PLAN
For Life on Earth

KMGBF and Benefit-Sharing on GR / DSI

Goal C

*The monetary and non-monetary benefits from the utilization of genetic resources, **and digital sequence information** on genetic resources, and of traditional knowledge associated with genetic resources, as applicable, are shared fairly and equitably, including, as appropriate with indigenous peoples and local communities, and substantially increased by 2050, while ensuring traditional knowledge associated with genetic resources is appropriately protected, thereby contributing to the conservation and sustainable use of biodiversity, **in accordance with internationally agreed access and benefit-sharing instruments**.*

Target 13

*Take effective legal, policy, administrative and capacity-building measures at all levels, as appropriate, to ensure the fair and equitable sharing of benefits that arise from the utilization of genetic resources **and from digital sequence information** on genetic resources, as well as traditional knowledge associated with genetic resources, and facilitating appropriate access to genetic resources, and by 2030, facilitating a significant increase of the benefits shared, **in accordance with applicable international access and benefit-sharing instruments.***

NMBS (on DSI?) also integral part of the KMGBF monitoring framework

	Headline Indicator	Component, indicator	Complementary Indicator
Goal C[b]	C.1 Indicator on monetary benefits received* **C.2 Indicator on non-monetary benefits***	NA	*User information to checkpoints; No of IRCCs on ABSCH ; No of Checkpoint communiqués, No of on-commercial IRCC; integration in ntl. Accounting / reporting systems*
Target 13	C.1 Indicator on monetary benefits received* **C.2 Indicator on non-monetary benefits***	Number of permits / equivalents for GR (incl. related to TK) by type of permit	*No of ITPGRFA MLS transfers, No. of access permits; No of IRCC on ABSCH; No of countries on ABSCH: PIC / measures / procedures / frameworks; % of BS for conservation / sust.use*

SCBD commissioned study: Access and Benefit-sharing Indicators for the KMGBF

Proposed new headline indicators in the ABS indicator study (to be considered by SBSTTA/COP16)

	Headline indicator	Component indicator	Complementary indicator
Goal C[b]	C.1 ~~Indicator on m~~Monetary benefits received in accordance with applicable internationally agreed ABS instruments C.2 ~~Indicator on n~~Non-monetary benefits arising from applicable internationally agreed ABS instruments	~~NA~~	Number of users that have provided information relevant to the utilization of genetic resources to designated checkpoints Total number of internationally recognized certificate of compliance (IRCC) published in the ABS Clearing-House Number of checkpoint communiqués published [illegible]se Number of internationally recog[illegible] commercial purposes Integration of biodiversity into na[illegible] defined as implementation of the System of Environmental Economi[illegible]
Target 13	C.1 ~~Indicator on m~~Monetary benefits received in accordance with applicable internationally agreed ABS instruments C.2 ~~Indicator on n~~Non-monetary benefits arising from applicable internationally agreed ABS instruments	Number of permits or their equivalents for genetic resources (including those related to traditional knowledge) by type of permit	Total number of transfers of crop m[illegible]he International Treaty on Plant Genetic Resources for Food and Agri[illegible] Total number of permits, or their equ[illegible]ources Total number of internationally recogn[illegible]d in the ABS Clearing-House Number of countries that require prior [illegible]gislative, administrative or policy measures on access and benefit-sharing [illegible] Number of countries that require prior in[illegible]rmation on access and benefit-sharing procedures in the ABS Clearing-Ho[illegible] Number of countries that have adopted legislative, administrative and policy frameworks to ensure fair and equitable sharing of benefits Estimated percentage of monetary and non-monetary benefits directed towards conservation and sustainable use of biodiversity