

REPORT

8th Meeting of the German Nagoya Protocol HuB Network (8. GNP HuB Stammtisch)

International policy updates on ABS.

19.October 2022, 3:00-5:00 pm (online meeting)

The 8th Stammtisch of the GNP HuB network took place online on October 19th, 2022. The event was divided into two main blocks; the first block consisted of updates on various international fora in the context of access and benefit-sharing (ABS) and the second on non-monetary benefit sharing (NMBS) and how it could be quantified. The event was open to the public, with more than 55 registrations (36 attendees).

Welcome and project update

A short introduction to the Agenda was given by Melania Muñoz. She announced that the HuB team welcomes suggestions by network members on topics for future events. As this event was open to the public, she also extended the invitation to join the HuB network to those working at German institutions.

Over the past half year, the HuB has participated in various events, both presenting the project objectives and goals as well as through awareness raising campaigns about ABS at research institutions. The HuB also had its planning meeting (with project partners) and workshop (with network members) in July (reports here).

The HuB team will attend the Conference of the Parties (COP15) in Montreal in December and follow current discussions regarding ABS and DSI. The project will participate in a workshop planned by the ABS Clearing House website team and also during the fair on experiences and best practices in Communication, Education and Public Awareness (CEPA Fair). As we are building this relationship with the ABS CH team we are also starting to update HuB material (i.e. infographics) into the ABS CH website.

The HuB website continues to be updated and a new interactive infographic will be available soon.

But the biggest news is the extension of the project for another 5 years, from 2023-2027 with 2 full-time positions, based at DSMZ. The extension of the project will be financed by the "Allianz der Wissenschaften" with one position that will continue to focus on HuB activities (i.e. content development for website, awareness raising, help desk) and the second position with a stronger focus on following policy discussions at different fora (i.e. Plant Treaty, World Health Organization, Biodiversity Beyond National Jurisdiction, etc).

Block 1: Current Policy Discussions

ABS under the BBNJ-Negotiations by Vincent Schnell from Forschungszentrum Jülich GmbH

This presentation focused on Biodiversity Beyond National Jurisdiction (BBNJ) and the progress of the current negotiations. The United Nations Convention on the Law of the Sea (UNCLOS) or “Constitution of the Ocean” from 1982, includes the spatial approach which introduces the different zones in the ocean. Within a Country’s exclusive economic zone (EEZ) the Nagoya Protocol is applicable and everything beyond that would be under UNCLOS. The only problem about UNCLOS is that it does not provide specific provisions on environmental protection in areas beyond national jurisdiction (ABNJ). So far 5 intergovernmental conferences (IGC) on the issue have taken place, but nothing has been agreed upon.

Main points of discussion revolve around definitions. Although most definitions are copied from the Convention on Biological Diversity (CBD) and the Nagoya Protocol (NP), there is (also) controversy about Digital Sequence Information (DSI), access *ex situ*, utilization, etc. The ideal would be to have an organization that would be analog to the sea bed authority that would grant access and permits. However, there are still discussions about whether a permit to collect/access materials would be needed or only a notification system of pre and post cruise reporting. There are ongoing discussions about what utilization means. Would utilization trigger the notification-requirement? Also including basic research? This might imply a huge load for the system if notifications have to be for every single step of research.

In regards to benefit sharing, both monetary and non-monetary have been discussed with 3 main pillars. Information contained in the notification of utilization by users would count towards the non-monetary benefit sharing component. As for monetary, there can be a special fund which Parties would pay to. Under the monetary pillar, you would also see a trigger once commercialization comes into play. Third pillar would be a voluntary payment system. These would be the issues of discussion for the upcoming IGC as this was not agreed upon at the last meeting.

International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) ABS and DSI discussions by Marliese von der Driesch from Federal Office for Agriculture and Food

The Plant Treaty is considered a small CBD just covering plants for food and agriculture, with currently 149 contracting Parties. In the Plant Treaty, a multilateral system (MLS) facilitates access to plant genetic resources through a standard material transfer agreement. Access to the plant resources is already considered a non-monetary benefit-sharing requirement. Transfer of technology and capacity building also counts towards the NMBS system.

Discussions to enhance the functioning of the MLS already started in 2013 and up to 2019 there have been 9 working group meetings. In 2017, a subscription system was introduced to enhance the MLS, but DSI became a difficult issue to resolve and it is unclear how to treat it. In 2019, DSI was one of the deal breakers and the enhancement process was stopped. In the latest meeting, in 2022, it was decided that the process will continue to enhance the MLS and 2025 was established as a deadline to develop the process.

ABS within the Global Biodiversity Framework (GBF) by Konstantin Wussmann from German Federal Agency for Nature Conservation

The Global Biodiversity Framework (GBF) is the new strategic plan for biodiversity for the 2020-2030 period. It should be a milestone for the implementation of the CBD vision *living in harmony with nature*. Four overarching goals, with 24 targets covering urgent action are under discussion to be included in the framework. Since ABS is covered in the third objective of the CBD it's a bit component of the GBF.

One of the four goals of GBF is on ABS (goal C) which contains a lot of text that has not been agreed upon amongst Parties. One problematic aspect is about utilization scope. Moreover, the text on Target 13 about ABS has become quite contentious and much longer than it was before Nairobi in June 2022. Points that are critical remain to be: scope, 'substantial increase', facilitated access, among others. There are many points in which a compromise needs to be found in order to agree on a framework. Still many questions remain open regarding ABS in the GBF and even more challenges (such as the monitoring framework, measuring the achievement of reaching goals and targets of the GBF).

In the Q&A session, it was discussed that increased capacity building should also make access easier.

Block 2: how could benefit-sharing from research be quantified?

Examining trends in non-monetary benefit sharing (ET-NMBS project) by Genuar Núñez from DSMZ

The project presented by Genuar focuses on the non-monetary side of benefit sharing (NMBS) in the context of the post 2020 GBF and on methods to quantifying NMBS from the utilization of genetic resources. The project started in June 2022 and it's a 3 years project. The project is divided into 5 work packages (WP): the first focuses on quantifying NMBS (through publications, research results and international collaborations) from ABS cases. WP2 wants to indirectly measure NMBS at a global scale while WP3 aims at measuring the impact value of NMBS on providing countries, not only scientific publications but also what sort of information is shared with the country providing the resource. WP4 aims at proposing concrete and simplified ABS measures to improve NMBS quantification and improve the way ABS permits are disclosed in research articles. WP5 focuses on working closely with stakeholders involved with ABS issues and NMBS and engaged directly or indirectly with international CBD processes. Preliminary results from WP1 show that only a small proportion (18%) of Parties have uploaded an ABS permit to the ABS CH website making it difficult to quantify the flow of NMBS from ABS permits. Machine learning models will be used to improve mining of information and patterns on how ABS permits are being reported in publications.

Reporting Benefit-Sharing in Scientific Journals by Prof. Loren Rieseberg from University of British Columbia (UBC), Chief Editor of Molecular Ecology

Prof. Rieseberg talked about how benefit-sharing is being reported at Molecular Ecology, a journal where he is chief editor. Molecular Ecology encourages authors to include a benefit-sharing (BS) statement within their data accessibility and benefit-sharing section. The BS statement should disclose how benefits generated commensurate with the Nagoya Protocol. Rationale behind this was there was

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little awareness among policy makers and the general public that scientific researchers regularly incorporate BS into their research. Reporting on this might help general public and policy makers to better understand what researchers are doing, understand best practices in the research community as well as the value of such research for biodiversity conservation and capacity building. For the publications submitted to Molecular Biology, approx. 20% of submitted manuscripts include a BS statement although the majority of submissions reply to YES of whether they are respecting an ABS process, more than 90% of papers reporting BS included authors from the country or countries providing the samples and around 30% of authors declare that the Nagoya Protocol is not applicable to their work.

Question and Answers – moderation by Amber H. Scholz

In the short Q and A round, it was pointed out that many scientists believe that the Nagoya Protocol does not apply to them. Especially in countries that are not Party of the Nagoya Protocol, this is a common phenomenon (e.g. USA). In some cases, this is even an issue in institutions in those countries (non-Parties), as they refuse to sign contracts with clauses that state they must abide to rules set in international treaties to which they are not Party to. This is a big misconception, they might not be Party to the international convention but they still have to respect the national laws of the country that will be providing the resource.

Wrap-up - Amber H. Scholz

We hope these talks gave the audience an overall idea of what the current stand of the various international ABS processes is and to keep our network members up to date on what the discussions will be around in the upcoming negotiations in Montreal.

Due to the nature of the presentations, this Stammtisch was less dynamic than previous ones so we thank the participants for their patience and understanding.

Amber followed up on Genuar's presentation by pointing out that if you, or any of your colleagues, work on any of the grey countries in the map (figure 1) feel free to reach out to the HuB team so we could fill the gaps. The map highlights research projects with ABS permits.

The next Stammtisch event will most likely be at the end of January or beginning of February, we will inform you accordingly.



Distribution of 487 permits from 19 countries

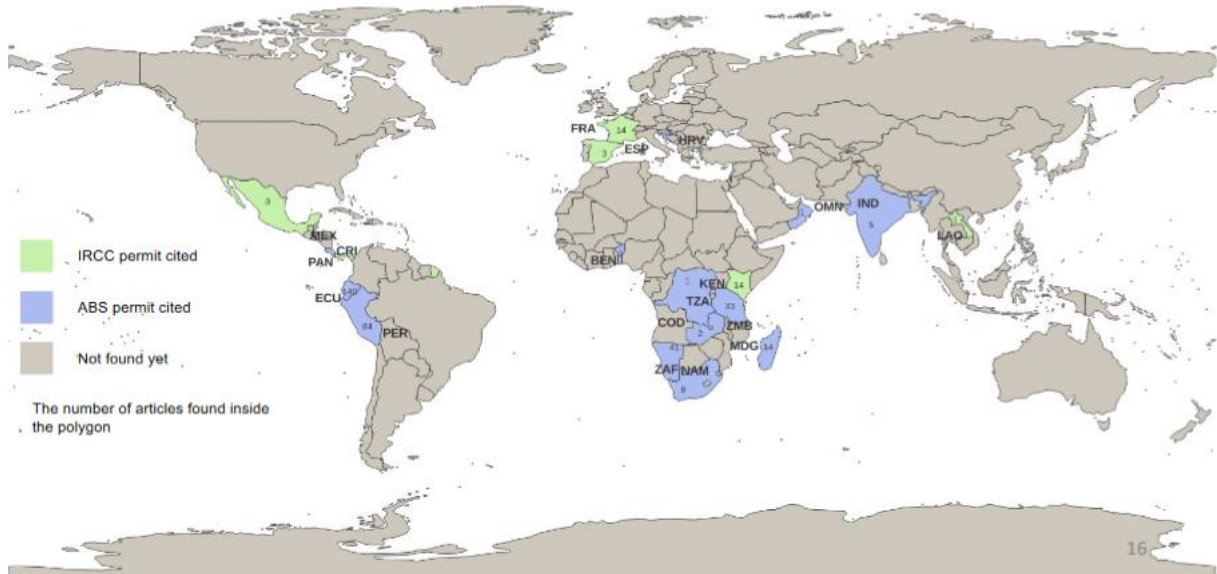


Figure 1: Countries which ABS permits have been cited in scientific papers