

**Government of Canada Submission to the Secretariat of the Convention on Biological Diversity on a Global Multilateral Benefit Sharing Mechanism under Article 10 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization.**

Article 10 provides for Parties to consider the need for and the modalities of a global multilateral benefit sharing mechanism. To address the sharing of benefits from the utilization of genetic resources (GRs) or traditional knowledge associated with genetic resources (TKa) that occur in transboundary situation in which it is not possible to grant or obtain PIC. The benefits shall be used to support the conservation and sustainable use of biodiversity.

**Article 10. Global Multilateral Benefit-sharing Mechanism**

Parties shall consider the need for and modalities of a global multilateral benefit-sharing mechanism to address the fair and equitable sharing of benefits derived from the utilization of genetic resources and traditional knowledge associated with genetic resources that occur in transboundary situations or for which it is not possible to grant or obtain prior informed consent. The benefits shared by users of genetic resources and traditional knowledge associated with genetic resources through this mechanism shall be used to support the conservation of biological diversity and the sustainable use of its components globally.

**Need for a Multilateral Benefit Sharing Mechanism:**

Canada is of the view that Parties need to determine whether there are existing cases of accessing GRs or TKa in transboundary situations, or where it is not possible to obtain prior informed consent (PIC) and to establish mutually agreed terms (MAT), and if so, do these cases fall within the ambit of the Nagoya Protocol or are they better addressed under different mechanisms or procedures.

Two possible situations for which the current bilateral approach may not apply which Parties may consider are;

- 1) those transboundary accessions for which the GR is held by several Parties, but under the Nagoya Protocol access is only sought from one, and concurrently mutually agreed terms for benefit sharing is with only the provider and not with other authorities with jurisdiction over the same GR.
- 2) it is not possible to obtain PIC, and therefore establish MAT because:
  - i) the providing Party is not in compliance with the obligations under the Nagoya Protocol and has not established the policy, administrative or legislative measures requiring PIC and MAT, or
  - ii) GRs and or TKa were acquired prior to entry into force of the Protocol.
  - iii) GRs are accessed from locations outside national jurisdiction.

Canada believes that it is imperative for parties to consider and reach consensus on whether there are instances where GRs or TKA are accessed or have been accessed under these, or other, circumstances where it has not been possible to obtain PIC and establish MAT prior to discussion on the need for, or the modalities of, a Global Multilateral Benefit Sharing Mechanism.

Critical elements of the discussion should include the sovereign right of States to manage their genetic resources, the legal scope of the Nagoya Protocol and the Convention on Biological Diversity, the scope of other intergovernmental institutions.

### **Modalities for a Multilateral Benefit Sharing Mechanism:**

Regarding the modality of a Global Multilateral Benefit Sharing Mechanism, without prejudice to the outcome from discussion on the need for a Global Multilateral Benefit Sharing Mechanism, Canada is of the view that the following issues deserve consideration;

#### **A: Current benefit sharing mechanisms:**

Sharing benefits resulting from the utilization of GRs or TKA is currently addressed under the Nagoya Protocol, and the International Treaty on Plant Genetic Resources for Food and Agriculture. The mechanisms for benefit sharing under these two instruments differ in that:

1. Benefit sharing under the Nagoya Protocol is bilateral transactional in nature.
2. Benefit sharing under the ITPGRFA is non-transactional. The ITPGRFA uses a “global multilateral mechanism” including a fund.
3. Benefits under the ITPGRFA are directed toward conservation of PGRFA in developing countries, whereas under the Nagoya Protocol Parties are encouraged, but not required to direct the benefits to conservation and sustainable use.

#### **B: The nature, objective and scope of a Multilateral Benefit Sharing Mechanism;**

Issues to consider *inter alia* include specifically,

- 1, What is the nature of the Multilateral Benefit Sharing Mechanism?
2. Should the mechanism be established under the Nagoya Protocol?
3. Should administration of the mechanism include representation of entities other than Parties?
4. What is the objective of the Mechanism?
5. Should the Mechanisms identify and or restrict the type of benefits to be shared?

**Government of Canada Submission to the Secretariat of the Convention on Biological Diversity on Possible elements of an Awareness Raising Strategy for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization.**

Canada considers raising public awareness of the importance of genetic resources and traditional knowledge associated with genetic resources is an important activity, especially as it relates to the conservation and sustainable use of genetic resources.

A notable lack of awareness of access and benefit sharing (ABS) and domestic ABS measures has been an important gap practically since the entry into force of the Convention on Biological Diversity (CBD). Many stakeholders are not aware of access and benefit-sharing and even less so about domestic legal and institutional frameworks governing access to genetic resources and traditional knowledge associated with genetic resources, and the sharing of benefits arising from their utilization. It will be important for Parties to make significant efforts to promote and disseminate information on their domestic ABS legislative, administrative or policy frameworks and measures where they have one, as well as protocols for accessing traditional knowledge associated with genetic resources. Parties should also take steps to ensure that this information is easily accessible to potential users.

Lack of awareness could potentially contribute to non-compliance with domestic access and benefit-sharing requirements. Conversely, greater public awareness of the economic, social and cultural value of genetic resources provides an incentive for stakeholders to conserve and sustainably use domestic and global genetic resources.

Canada supports the development of an Awareness Raising Strategy for the Nagoya Protocol, but believes that a global strategy must be established at a very high level to accommodate the significant needs and priorities of individual Parties and their national representative communities and stakeholders. Awareness raising activities should be tailored to domestic circumstances, but some general principles could be useful to help establish a basis for domestic action.

The objectives of any public awareness strategy should be clearly identified. Parties should also reach agreement on the national, regional and global objectives of the strategy. These objectives may differ depending on the domestic context of each Party, but should have a common thread. Article 21 of the Nagoya Protocol provides for promoting the Protocol. Operational mechanisms relating to awareness-raising activities are also identified in the same Article.

Canada can support a recommendation to the Global Environment Facility (GEF) to provide financial resources for early action on Article 21. It should be noted that the newly established Nagoya Protocol Implementation Fund, established through the generous support of the Japanese government and managed by the GEF, will support activities related to raising public awareness arising from the regional workshops on awareness raising and capacity development supported through the GEF Global Project GEF ID 4415.

**Elements of a Proposed Strategy on Awareness Raising**

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The proposals build on actions commonly identified in decisions of the Conference of Parties (COP) on awareness raising, but adds a significant number of activities that would be managed by the Secretariat.

Many of the proposals are targeted directly to indigenous and local communities (ILCs) without the involvement of Parties. This may be problematic as the outcome must be on a Party basis.

### **Priority Activity 1: Communications Situation Analysis:**

In order to be effective and achieve the desired outcome Parties should identify, both individually and collectively, the target audiences and desired communication goals for any awareness raising strategy.

Audience analysis, identification of target groups and desired outcomes resulting from outreach activities should be conducted at the national level and thus should not be subject to a generalised approach. These activities should be conducted at national level, managed and directed by Parties.

Canada does not see the need to conduct two analyses, a national analysis and an on-line analysis of existing communication tools.

The establishment of an interagency task force for communication on the Nagoya Protocol as recommended under 1.4.3 should be internal to the CBD Secretariat using materials generated by the Parties. Canada does not see the relation between awareness arising by Parties and by agencies of the United Nations. There is no indication that Parties would be in a position to approve the messages, media strategy or other elements of the proposed interagency task force. Canada does not see this activity as a priority for Parties to the Protocol. UN agencies, including the Food and Agriculture Organization (FAO), and other international organizations should assist countries as appropriate at the national level.

Canada is of the view that this activity, if accepted as an element of the strategy, should be identified as a central component of the Convention's Programme of work on Communication, Education and Public Awareness (CEPA) and addressed under the appropriate decisions of the CBD, including costing and resources.

### **Priority Activity 2: Create key messages, a suite of communications products and a media strategy.**

Canada believes that these activities should be conducted at national level, managed and directed by Parties. Canada is of the view that Priority Activity 2, if accepted as an element of the strategy should be identified as a central component of the Convention's CEPA activity and addressed under the appropriate decision of the CBD, including costing and resources.

### **Priority Activity 3: Create ABS Communications toolkit**

Canada can support the development of an ABS Communications toolkit, e-learning and OER approaches for the toolkit, and the establishment of a "help desk" for ILCs and relevant

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stakeholders in the context of Art.21(c) of the Protocol. The SCBD should provide a detailed breakdown of costs, and comparison with existing resources within the Secretariat.

The toolkit should be restricted to the methodologies, spreadsheets and other descriptive materials that can assist Parties in developing domestic communications processes. Canada is of the view that regional level ready-to-use materials should be developed by Parties,

The development of ILC-specific messages, developed in isolation from Parties, to address ILC issues may not be the most appropriate approach, especially at the regional level, as ILC issues are likely to be state-specific in nature.

The selection of organizations to be engaged in the development of toolkits appears to be very wide. Canada believes the toolkits must be developed and adopted by Parties

Canada does not believe that the toolkit should include specific messaging as each situation will be different and tied to domestic approaches to the Protocol and the issue of access and benefit sharing.

#### **Priority Activity 4: Holding of Regional Workshops.**

Regional workshops on public awareness raising and communications workshops can be of value, with the caveat for the need for these to be developed and managed by Parties, and to be held subject to the availability of financial resources, .

Canada can support an outcome of regional customization of toolkits, but notes that a regional approach may not be of value to all individual Parties.

A global communications framework developed through regional workshops could limit individual Parties and give rise to conflicting messages.

Briefing representative collections of media from the Parties of the region in question by national representatives can be of value. If the Secretariat briefs regional media it should speak for the Secretariat.

Canada seeks to understand the role of International Union for Conservation of Nature, the United Nations University, UNESCO and United Nations Information Centres in regional workshops. Each of these organizations has media training and messaging appropriate to itself.

**AN AWARENESS-RAISING STRATEGY FOR THE NAGOYA PROTOCOL ON ACCESS AND  
BENEFIT-SHARING (2012 -2016)**

<b>Priority Activity 1:</b>	
<b>Communications Situation Analysis</b>	
<b>1.1. Operational objectives</b>	
<ul style="list-style-type: none"> <li>a) Conduct analysis of communications goals, target groups and existing communication products.</li> <li>b) For target groups, identify desired outcomes of communications efforts.</li> <li>c) Evaluate effectiveness of existing tools, messages and activities.</li> <li>d) Provide indicative costs for implementation of different activities.</li> </ul>	
<b>1.2. Expected Outcomes</b>	
<ul style="list-style-type: none"> <li>a) List of target groups at global, regional and national levels.</li> <li>b) List of desired communication goals.</li> <li>c) Gap analysis of tools and identification of required products.</li> <li>d) Evaluation of possible costs needed.</li> </ul>	
<b>1.3. Indicators</b>	
<ul style="list-style-type: none"> <li>a) List of target groups and behaviour changes.</li> <li>b) List of existing products and their use.</li> </ul>	
<b>1.4. Suggested activities</b>	<b>1.5 Actors</b>
<p>1.4.1 Conduct audience analysis, including identification of key target groups and desired outcomes of communication activities. Include a focus on communications with indigenous and local communities.</p> <p>1.4.2 Using online surveys and focus groups, conduct analysis of existing communication tools at global and regional levels.</p> <p>1.4.3 Establish an inter-agency task force for communication on the Nagoya Protocol, and include the participation of relevant agencies</p>	<p>SCBD with input from the department of Public Information of the United Nations as well as other relevant international organizations including UNU, UNEP, CEC of IUCN, representatives of regions, indigenous and local communities and key national actors. Include expertise from media and communication experts.</p>
<p>1.4.4. Circulate results of analysis through the ABS Clearing-House, as well as make methodology available through the ABS Clearing-House, for use and adaptation by regions.</p>	<p>SCBD</p>
<p>1.4.5 On basis of the established methodology made available through the ABS Clearing-House, Parties will conduct national communication analyses.</p>	<p>Parties and indigenous and local communities</p>
<b>1.6. Time frame</b>	
Begin following COP-MOP 1 and report to COP-MOP 2	

### 1.7. Estimated cost

Establishment of position for a communications officer, and consultancy to support situation analysis 35,000 USD

## Priority Activity 2: Create key messages, a suite of communication products and a media strategy

### 2.1. Operational objectives

- a) Develop core messages for different target groups.
- b) Develop key principles for the future development of additional messages.
- c) Create core suite of communication products to deliver messages.
- d) Create media strategy for delivery of messages.

### 2.2. Expected Outcomes

- a) List of core messages developed for different audiences.
- b) Information products created including, *inter alia* brochures, promotional videos, public service announcements, radio scripts, and others.
- c) Story ideas and messages created for engagement with the media.

### 2.3 Indicators

- a) Products
- b) List of messages

### 2.4 Suggested activities

### 2.5 Actors

2.4.1 On basis of Priority Activity 1 create communications and messaging guide, including:

- a) Core messages;
- b) Communication products for print, television and radio diffusion including a brochure, a video and public service announcement, and a radio spot in United Nations languages; and
- c) Media engagement strategy, including story lines for media organizations.

SCBD in collaboration with UNU, UNESCO, CEC of IUCN, Inter Press Services, Biodiversity Media Alliance, and indigenous and local communities

2.4.2 Make products available through the ABS Clearing-House.  
2.4.3 Ensure that products are disseminated to United Nations Information Centres (UNICs).

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### 2.6. Time Frame

Begin following COP-MOP 1 and report to COP-MOP 2

### 2.7. Estimated cost

Consultancy to support development of key message, products and media strategy 50,000 USD  
Development of brochure, video and radio spots 150,000 USD

**Priority Activity 3:  
Create ABS Communication Toolkit**

**3.1 Operational objectives**

- a) Create resources that allow Parties to hold capacity-development activities to build communication strategies around ABS.
- b) Build modules for media relations.
- c) Develop online community to share experiences.
- d) Parties develop customized communication toolkits.

**3.2 Expected Outcomes**

- a) A toolkit is created that allows Parties to develop custom campaigns and communication tools for desired target audiences.
- b) Parties have appropriate communication tools and resources.

**3.3 Indicators**

- a) Downloads of the toolkit from the Clearing-House.
- b) Use of the toolkit in workshops.

**3.4 Suggested activities**

**3.5 Actors**

3.4.1 On basis of all previous messaging experience, create a communications toolkit that contains methodologies, worksheets and ready to use materials for communication activities.  
 3.4.2 Ensure that e-learning modules are available.  
 3.4.3 Develop toolkit as an Open Educational Resource (OER) that allows for creation of custom materials.  
 3.4.4 Create online support mechanisms including a “help desk” and support for building of a community of practice, through the CHM, that allows for follow up and customization of the kit.

- a) Global level: SCBD, UNU, UNEP, CEC of IUCN, UNESCO and CI.
- b) Regional level: regional organizations, ILCs.
- c) National level: governments, academic.

3.4.5 Translate toolkit into local languages

National governments.

3.4.6 Create communications toolkit specifically directed to issues involving communication of ABS issues with indigenous and local communities.  
 3.7 Ensure that kit is created with appropriate delivery mechanisms for a variety of communities.

SCBD in collaboration with ILCS from different regions.

**3.6 Time Frame**

Begin following COP- MOP 2 and report to COP-MOP 3

### 3.7 Estimated cost

Development of toolkit in United Nations languages, including e-learning components: 250,000 USD

## Priority Activity 4: Holding of Workshops

### 4.1 Operational objectives

- a) Develop capacity for communication at regional levels using the ABS communication toolkit.
- b) Develop communications training capacity for Parties using the ABS communication toolkit.
- c) Provide opportunities for development of custom ABS communication modules and products.
- d) Provide opportunities to brief regional media on the messages of ABS communication
- e) Create the basis for a community of practice around ABS communication.

### 4.2 Expected Outcomes

- a) Global communications framework and toolkits are customized for regional experiences.
- b) ABS communication practitioners share experiences.
- c) Regional media are briefed on the significance of ABS communication

### 4.3 Indicators

- a) Participation in workshops.
- b) Products developed at workshops.
- c) Personnel trained at workshops.
- d) Media engagement in ABS issues

### 4.4 Suggested activities

### 4.5 Actors

- 4.4.1 Using ABS toolkit, and in collaboration with the ABS Clearing-House, hold regional ABS communication workshops, which:
- a) Explain and train communicators in the use of the toolkit;
  - b) Provide opportunities for the creation of custom modules and products for National contexts;
  - c) In collaboration with UNICs, hold media briefing sessions at regional workshops, and involve local communicators; and
  - d) Create the basis for communities of practice on ABS communication. Include the participation of indigenous and local communities.

- a) Global level: SCBD, UNU, UNEP, CEC of IUCN, UNESCO, CI; UNICs
- b) Regional level: regional organizations, ILCs
- c) National level: governments, academic
- d) Media representatives

### 4.6 Time Frame

Begin following COP-MOP 2 and complete one workshop in each region in advance of COP-MOP 3.

### 4.7 Estimated cost

100,000 USD per workshop – 5 regions

**Government of Canada Submission to the Secretariat of the Convention on  
Biological Diversity on the Elaboration of Guidance for the Financial Mechanism  
for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable  
Sharing of Benefits arising from their Utilization (Article 25)**

Potential additional guidance to the financial mechanism should first consider the existing guidance already provided by CBD Parties to the financial mechanism in regards to capacity-building for access and benefit sharing of genetic resources (ABS).

We note that the guidance provided thus far by the CBD COP regarding ABS, as per consolidated guidance from Decision X/24, Annex, is as follows:

The Global Environment Facility should provide financial resources to developing country Parties, taking into account the special needs of the least developed countries and the small island developing States, as well as Parties with economies in transition, for country-driven activities and programmes, consistent with national priorities and objectives and in accordance with the following programme priorities, recognizing that economic and social development and poverty eradication are the first and overriding priorities of developing countries, and taking fully into consideration all relevant decisions from the Conference of the Parties.

Access to genetic resources (Article 15)

- (a) Stock-taking activities, such as, for example, assessments of current legislative, administrative and policy measures on access to genetic resources and benefit-sharing, evaluation of the strengths and weaknesses of a country's institutional and human capacity, and promotion of consensus-building among the different stakeholders;
- (b) Capacity-building:
  - (i) To promote the successful development and implementation of legislative, administrative and policy measures and guidances on access to genetic resources, including scientific, technical, business, legal and management skills and capacities;
  - (ii) On measures on access to genetic resources and sharing of benefits, including capacity-building on economic valuation of genetic resources;
  - (iii) Regarding the transfer of technologies which enables providers to fully appreciate and actively participate in benefit-sharing arrangements at the stage of granting access permits;
- (c) Projects that assist with the implementation of the Action Plan on Capacity-building for Access and Benefit-sharing in support of the implementation of the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefit Arising out of their Utilization;

(d) Formulation of access and benefit-sharing mechanisms at the national, subregional and regional levels, including monitoring, assessment, and incentive measures;

(e) Within biodiversity projects, other specific benefit-sharing initiatives such as support for entrepreneurial developments by local and indigenous communities, facilitation of financial sustainability of projects promoting the sustainable use of genetic resources, and appropriate targeted research components.

Further guidance could be recommended by the Nagoya Protocol MOP if it considered that insufficient or inadequate guidance has been provided so far.

Should it be decided that further guidance is needed, discussions on potential new guidance to the financial mechanism should focus on activities required by Parties to comply with the Nagoya Protocol, based on Parties specific obligations under the Nagoya Protocol.

Any additional guidance to the financial mechanism should focus on areas that need additional support, and that therefore need to be prioritized. Detailed analyses of countries' current contexts, past and current support provided for ABS, and their needs to implement their obligations under the Nagoya Protocol, will be required in order to define where the largest gaps in assistance lie and, therefore, where the financial mechanism should focus its efforts.

In conclusion, the elaboration of new guidance to the financial mechanism recommended by the Nagoya Protocol MOP, should depend on carrying out work on two fronts: a) whether or not Parties identify inadequacies in guidance already provided to the financial mechanism on ABS capacity-building; and b) the consolidation of country needs assessments to comply with the obligations of the Nagoya Protocol and what remaining gaps exist that require priority assistance.