

**EU submission in response to CBD notification 2011-142
on awareness-raising and new issues to be addressed by the ICNP-2**

The EU and its Member States are pleased to share their views on the proposed elements of an awareness-raising strategy for the Nagoya Protocol as contained in the annex of recommendation 1/3 of ICNP-1 and to offer relevant information on awareness raising activities regarding the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues, including lessons learned from existing experience in this regard.

The EU and MS are also willing to share their views on new issues to be addressed by ICNP-2 and in particular on the provisions of Article 10 of the Nagoya Protocol on a global multilateral benefit-sharing mechanism.

A. Views and information on awareness-raising

- **EU and MS views on proposed elements of an awareness-raising strategy for the Nagoya Protocol on ABS as contained in the annex of the recommendation**

The EU would like to reiterate that measures to raise awareness of the importance of genetic resources are necessary for the effective implementation and compliance with the Protocol and for achieving the objectives of the Protocol and the Convention. Article 21 on awareness-raising has to be read in conjuncture with the objective of the Protocol and the Convention: i.e. the awareness of the importance of genetic resources and traditional knowledge associated with genetic resources should be understood in order to contribute to the conservation of biological diversity and the sustainable use of its components. In order to strengthen coherence, enhance efficiency and limit costs, existing programs, tools, structures and material either within SCBD (particularly CEPA) or other (UN) agencies and institutions should be used.

We reiterate our longstanding position that awareness-raising activities should primarily focus on a national level and request the GEF to include awareness-raising in its relevant funded activities and consider it in its funding strategy. We also stress the need of a bottom-up analysis of Parties' needs related to awareness-raising. In doing so the results of the clearing house pilot phase and the capacity-building needs assessment should be taken into account. For that reason we appreciate the guidance that has been given during ICNP-1.

In the establishment of an awareness-raising strategy the EU supports the idea of a needs-based awareness-raising strategy at national, regional or sub-regional level and the sharing of lessons learned among Parties facing similar situations. It is under this angle that we have analysed the proposed awareness-raising strategy assuming that, in parallel, necessary funding will be available either via the NP Implementation Fund or via the GEF's Trust Fund.

We consider it premature to discuss at this stage a specific global communication and outreach strategy for the Secretariat. It is our view that, during this post-Nagoya period, awareness-raising should first of all help individual CBD Parties to efficiently face the challenge of implementation. The CBD clearing house mechanism which includes the ABS clearing house should play an important role in distributing information and documentation related to awareness-raising strategy.

Concerning Priority activity 1 (Communication Situation Analysis), the EU agrees with the idea that the SCBD plays a key role in collecting, analyzing and exchanging the results of communication analysis, of lessons learned and of CEPA activities at the regional and national level. The SCBD should also play a key role in providing Parties with guidelines on how to conduct the national analysis and develop key messages and products.

Concerning Priority activity 2 (Create key messages, a suite of communication products and a media strategy), the EU believes that this will be an important step once sufficient experiences from regional activities are available but it is premature at this stage. This may be part of a future global communication strategy and outreach, when a certain level of awareness is reached that helps all stakeholders concerned to understand and share basic messages on the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues. In our view it is impossible at this stage to elaborate standard/global messages that address the needs of such a heterogeneous audience.

Concerning Priority activity 3 (Create ABS communication toolkit), the EU believes that such a toolkit is important as primary material to be used by Parties and stakeholders in customizing their own activities. We think that such tools should help to both raise awareness and at the same time reinforce the capacity of their users. For instance e-learning tools might be particularly helpful.

Concerning Priority activity 4 (Holding of workshops), the EU also agrees with the idea of helping trainers and local or regional media to create, use or communicate the appropriate messages to the public or to targeted audiences. In addition to activities at the national level, workshops at the regional or sub-regional level could be useful to interchange their experiences, tools and practices. However, to achieve the most effective and efficient use of resources, the organization of such workshops should take place on the basis of capacity needs assessments by the Parties. In analyzing those needs existing global, regional or sub-regional mechanisms, processes and tools should be fully taken into account.

- **Submission of information on awareness-raising activities regarding the importance of GR and TK associated with GR and related ABS issues, including lessons learned from existing experience in this regard is contained in the Annex 1.**

B. New issues to be addressed by the second meeting of the Intergovernmental Committee

- **EU and MS views on elaboration of guidance for the financial mechanism (Article 25)**

The Article 25 of the Nagoya Protocol states that the financial mechanism of the Convention shall be the financial mechanism for the Protocol. The Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol (COP/MOP) should develop guidance to the financial mechanism relating to access to genetic resources and benefit-sharing, including in the implementation of the Nagoya Protocol, for consideration by the Conference of the Parties (COP).

The guidance from the COP/MOP with respect to the financial mechanism should provide instructions to the GEF for making financial resources available to eligible Parties to support the implementation of the Nagoya Protocol.

This guidance is furthermore sent to COP to be an integral part of the consolidated guidance of the Conference of the Parties to the financial mechanism of the Convention (cfr. the Cartagena Protocol).

- **EU and MS views on elaboration of guidance for resources mobilization for the implementation of the Protocol**

The Strategy for Resource Mobilization should support the achievement of the three objectives of the Convention as adopted by decision IX/11 B, and further elaborated in decision X/3, part A. (Concrete activities and initiatives including measurable targets and/or indicators to achieve the strategic goals contained in the strategy for resource mobilization and on indicators to monitor the implementation of the Strategy). The Strategy already addresses access to genetic resources and benefit-sharing arising from the utilisation of these resources.

The Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol (COP/MOP) should review the relevant elements of the Strategy on Resource Mobilization and identify the specific needs related to resource mobilization for the implementation of the Nagoya Protocol. The COP/MOP should furthermore develop guidance to the COP on how to address those specific needs in the COP's decision on Resource Mobilization.

- **EU and MS views on the need for and modalities for a global multi-lateral benefit-sharing mechanism (Article 10)**

The COP10 X/1 Decision *endorsed a* work plan for the Intergovernmental Committee for the Nagoya Protocol (ICNP) as contained in annex II. Its second meeting will take place from 23 to 27 April 2012 and Article 10 of the Nagoya Protocol is one of the items on the agenda. Therefore, the EU and its MS are looking forward to a productive exploratory discussion at ICNP-2 that will help us to reflect on the need for and the modalities of a global multilateral benefit-sharing mechanism (GBSM) and to prepare the further discussions between Parties to the Nagoya Protocol, after its entry into force. At the same time we would like to underline that any decisions on Art 10 can only be taken after the entry into force of the Nagoya Protocol by the Parties to the Protocol.

A discussion at the ICNP-2 of the following could help to explore whether there is a common understanding on the need for a GBSM:

- 1) the situations that could be covered under the mechanism
- 2) the implications for users and providers

If agreement is established on these issues next step would be to, determine the modalities (practicalities).

This will allow the establishment of a process that will provide a good basis for the formal consideration of this issue after the entry into force of the Nagoya Protocol. We consider that this process should aim at providing the technical and factual basis for a concrete discussion among Parties to the Nagoya Protocol.

We therefore first need to focus on identifying which genetic resources and traditional knowledge could be covered by the potential GBSM and reaching a common understanding of the situations where a GBSM might actually be of added value in the future. Identifying such situations will allow Parties to discuss if there is a *need* for a GBSM based on a list of concrete situation (including implications for users and providers) and not in an abstract manner. We further believe that if these questions are addressed and agreed upon we should then discuss a range of possible modalities in relation to each of the identified situations.

When considering these modalities of the GBSM it will be important to take into account how such a mechanism could best contribute to the conservation of biological diversity and sustainable use of its components globally.

When considering possible situations where there could be a need for a GBSM, it will also be important to bear in mind other relevant articles of the Nagoya Protocol, notably Article 4 which deals with the relationship of the Nagoya Protocol with other international agreements and instruments such as the FAO ITPGRFA and other specialized existing or potential access and benefit sharing agreements and instruments provided that they are supportive of and do not run counter to the objectives of the CBD and the Nagoya Protocol and the cooperation principle of Article 11, on transboundary cooperation regarding genetic resources *in situ* and traditional knowledge.

Thorough technical preparation and analysis would help Parties to the Nagoya Protocol in their consideration of the need for and the modalities of a possible GBSM. A broad web-based consultation of Parties, stakeholders and ILCs could be organized by the CBD Secretariat, the result of which could provide the basis for an in-depth discussion among experts. Any such technical preparation should be based on a series of well-defined questions that would help to determine the scope of discussions among Parties.

The CBD Secretariat would be asked to compile and synthesize the answers received in the public consultation. Based on the outcome of the public consultation the EU and its MS would be ready to consider the feasibility and added value of convening an expert group to discuss the results the initial exploratory discussions at INCP-2 as well as the outcome of the public consultation.

The results of such work could then provide a very useful basis for an informed discussion among Parties to the Nagoya Protocol.

ANNEX 1

Information on awareness-raising activities regarding the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues, including lessons learned from existing experience in this regard

Awareness -Raising German activities

The multi-donor **ABS Capacity Development Initiative**, funded by the governments of Germany, Norway, Denmark, the European Union (Commission) and the Institute of Energy and the Environment of the Francophone, has taken a communications and dialogue-oriented approach since its inception in 2005.

Tailored messages and awareness raising are a crucial part of any capacity building and development activities. At the same time, dedicated ABS communication approaches and skills need to be developed in order to enable experts in charge of ABS to “bring” the ABS message successfully across to the stakeholders concerned.

Therefore, a large number of the Initiative's activities are in fact CEPA-related – even if they are not always labeled as such. For example:

Workshops for dialogue and joint learning:

- Yearly pan-African and sub-regional capacity development workshops, which have enabled African ABS focal points and other stakeholders to, e.g.,
 - learn from exchanging national-level experiences with ABS cases and implementation
 - receive expert input and training on a variety of issues
 - develop joint recommendations for the African group in international negotiations
- Thematic workshops at the pan-African level to explore ABS interfaces, e.g.,
 - ABS and Communication (with ABS focal points and communication experts)
 - ABS and Forests (with ABS focal points, national forest administrators and other forestry experts)
 - Business Dialogue (with participation of ABS focal points and user-country business representatives)
 - ABS and Intellectual Property Rights (with ABS focal points and IP experts)

Specific CEPA-related Trainings:

- Negotiation skills for ABS. Target group: African ABS focal points and negotiators (5 days, pre-Nagoya)
- Short training session on (i) Influencing skills, (ii) Communicating with the Media, and (iii) Strategic communication. Target group: African focal points (3 hrs each, in the scope of a larger CEPA workshop, pre-Nagoya)
- Advanced facilitation skills for large-group and/or multi-stakeholder workshops. Target group: African facilitators (5 days, post-Nagoya)
- Designing and implementing multi-stakeholder dialogue processes. Target group: African ABS focal points (3 days, post-Nagoya)

CEPA Products:

- **"ABS spoken here?"**, a paper outlining some key questions and hypotheses, designed to help ABS focal points and others to be aware of the challenges of ABS CEPA
- **"ABS simply explained"**, a five minute animated film that explains core ABS concepts and the Nagoya Protocol in straightforward language (en, fr, sp)
- Forthcoming: **"Strategic communication of ABS"**, a guide for national focal points and others who are in charge of implementing ABS at the national level. An outline of the guide, which is focusing on communication challenges / situation in particular fields of action of implementing the Nagoya protocol, was presented at a Side Event of ICNP1 in Montreal.

All workshops, trainings and products of the ABS Capacity Development Initiative are documented and available at www.abs-africa.info, in order to ensure accessibility for a wider audience. The Initiative is available and will be happy to share further information about its work and experience, and to further develop concepts and approaches together with and in close coordination with SCBD.

Awareness-Raising activities in France

France engaged several awareness-raising events during the negotiation process of the Nagoya Protocol and continues to do so since its adoption. A study on the "Relevance and feasibility of legal and institutional ABS frameworks within French territories overseas" (September 2010) has been initiated by the Ministry of Ecology and conducted by the French Foundation for Biodiversity Research. Proposals on an ABS framework were made by a panel of independent experts. At this stage, those proposals are discussed internally among Ministries concerned and do not preclude any option that might be taken by the French Government at a later stage. For more information on the results of the study, please refer to: <http://www.developpement-durable.gouv.fr/Pertinence-et-faisabilite-de.html> (document in French only).

Other French awareness raising-activities have been initiated towards specific entities, such as cosmetics and pharmaceutical industries, research, as well as civil society representatives.

The Ministry of Ecology, jointly with the Ministry of Foreign Affairs, organised a one day workshop that took place in March 2010. Its aim was to widely inform stakeholders about potential implications of the ABS Protocol and to exchange views with the actors concerned by future obligations.

A second one day workshop organised by the Ministry of Ecology jointly with the Ministry of Foreign Affairs, took place in February 2011, after the adoption of the Nagoya Protocol. Its aim was to give industries and research representatives a first interpretation of the obligations arising from the Nagoya Protocol. More than 50 participants expressed their interest and actively participated to that event. At this occasion, a synthesis on the Nagoya Protocol was distributed (in French) by the Ministry (<http://www.developpement-durable.gouv.fr/IMG/pdf/1-MEDDTL-Synthese-Protocole-Nagoya.pdf>).

Since the adoption of the Protocol, many French industries and research federations are organizing seminars on awareness raising on ABS. For instance :

- One seminar was organized in October 2011 by the French federation of pharmaceutical industries, to inform member companies on ABS Protocol.
- One seminar on management of genetic resources was organized by the Foundation on Biodiversity Research in September 2011: one round table was dedicated to ABS (discussions about provisions within CBD and FAO).
- The ABS Protocol was discussed during a recent meeting in September 2011 of the EU Task force of botanic gardens.

Given its administrative organisation specificities, the Ministry of Ecology and the Ministry in charge of Overseas Territories jointly organised a one day Conference dedicated to ABS within the French overseas territories in June 2011. Slideshows of the conference can be viewed on the Ministry of Ecology website at: <http://www.developpement-durable.gouv.fr/Suites-de-la-conference-sur-les.html>; the introductory film of the conference, "Key Players on ABS" can also be seen at: http://www.developpement-durable.gouv.fr/Acces-aux-ressources-genetiques-et_23403.html

Through its Environment Fund - Fonds français pour l'environnement (FFEM) , France aims at providing financial support to a regional african ABS project (initiated by PhytoTrade and covering a number of African countries) with a view to develop pathways of genetic resources and traditional knowledge common to the countries of Southern Africa.

Belgian awareness-raising activities

The Federal Public Service Health, Food Chain Safety and Environment will organize biodiversity training sessions for four target groups concerned with the implementation of the sections 'economy' and 'transport' of the Federal Plan for the integration of biodiversity in four key sectors. One of these target groups is the Federal Ministry of Economy, in particular DG market regulation, *inter alia* people dealing with intellectual property issues. The training sessions for this specific target group will deal with the concept of access and benefit sharing and provide information on the Nagoya protocol and its implications in Belgium. The training sessions will take place in the course of 2012.

Since the adoption of the Nagoya Protocol Belgium informed and consulted the different relevant administrations and stakeholders on the implications of the Nagoya Protocol through contact group sessions and stakeholder consultations. Belgium will continue and step up these efforts, amongst other in the framework of its impact study on the implementation of the Nagoya Protocol. As part of this impact study two stakeholder workshops will be organised during the first half of 2012. The aim of the workshops is to identify the wide range of stakeholders concerned with the implementation of the Nagoya Protocol in Belgium, to make them aware of the content of the Protocol and its obligations, and to give stakeholders the possibility to explain how they think the implementation of the Protocol will affect them. The terms of reference of the Belgian impact study can be accessed through the following link: <https://enot.publicprocurement.be/enot-war/preViewNotice.do?noticeId=104152>

Over the last 15 years Belgium made quite some efforts in raising the awareness of the importance of autochthone genetic resources of bushes and trees. The Flemish Agency for Nature and Forests organized conferences, workshops and study material for different government agencies, local administrations and forest owners on the importance of autochthone genetic bush and tree material, and on possible measures and initiatives to protect these. (link: http://www.vbv.be/projecten/plantvanhier/Vademecum_PlantVanHier_web.pdf).
