A Performance Matrix
for Assessing Policy Options for DSI Benefit-Sharing

Global Webinar

8th June 2022, 12:00-14:00 UTC

I.   Official welcome remarks

Simon Malete, Department of Forestry, Fisheries and the Environment, South Africa

- The DSI negotiations are now at an advanced stage. However, the associated multicriteria analysis is not yet widely understood by many Parties and stakeholders. This webinar will help unpack the matrix methodology and its implications.

Gaute Voigt-Hanssen, Ministry of Climate and Environment, Norway

- The Global Dialogues on DSI under the South Africa & Norway bilateral partnership were established to foster informal exchanges, but also to increase the knowledge based on DSI.
- DSI is still regarded as a complicated and complex issue. It is very important that we are guided by science and knowledge when we make our political choices.
- We are now heading to Nairobi for the fourth session of the Open-Ended Working Group, where DSI is one of the topics to be discussed. This is a very timely webinar, where we will become more familiar with the multi-criteria assessment framework, which will help parties and stakeholders to address DSI in the context of the post-2020 Global Biodiversity Framework.

II.   Purpose and Process

The purpose of this webinar was to explore opportunities and challenges, benefits and limitations of using the multi-criteria performance matrix presented to the Open-Ended Working Group 3.

The focus of the event was on the matrix methodology – not the actual assessment of policy options. A panel of four international experts exchanged experiences and discussed insights from filling the matrix and sharing the results amongst each other. During the webinar, the panelists occasionally refered to specific criteria and/or options to illustrate points made, however the policy options themselves were not discussed in detail.

The panel was at the heart of the webinar. It was preceded by a presentation on the genesis and role of the matrix in the global DSI process, and interspersed with three short polls for the audience.

The overall agenda was as follows:

Welcome by South Africa & Norway Partnership	Simon Malete, Gaute Voigt-Hanssen
Introduction to the DSI multi-criteria performance matrix	Hartmut Meyer
Panel discussion • Amber Hartman Scholz • Georgina Catacora-Vargas • Henry de Novion • Sunil Archak	Panel facilitator • Timothy Hodges Panel interspersed with three polls
Closing remarks, take home messages (ABS Initiative)	Suhel al-Janabi

III.   Introduction to the DSI Multi-Criteria Performance Matrix

Hartmut Meyer, ABS Capacity Development Initiative (ABS CDI)

Background

- 7 policy options with suboptions to be assessed against 19 criteria (CBD/WG2020/3/4/Add.1)
  - Links to different language versions of the CBD paper: English – Français – Español
- Further information on the multi-criteria analysis methodology, including limitations on the method, policy options, criteria and scoring (CBD/WG2020/3/INF/8, section II, subsection A)
- Independent review and application of the framework for the assessment of the policy options using the performance matrix is on its way

Genesis of the policy options and performance matrix

ABS CDI: 1st Global Dialogue on DSI (Nov 2019, Pretoria)
- First set of 5 policy options for DSI benefit-sharing
- List of „points for consideration" for assessing the policy options

SCBD: Policy options for ABS and DSI (Feb 2021, Webinar)
- Presentation of 6 policy options derived from 13 international reports and publications, 7th policy option added after OEWG 3.1

SCBD: Criteria to consider for policy options on DSI (Apr 2021, Webinar)
- Presentation of the concept for a multi-criteria analysis

Informal Co-Chairs' Advisory Group on DSI (Nov 2021, Report)
- Discussions and further elaboration on the methodology

- Underlining the limits: not applicable to hybrid approaches, not enough data and evidence to allow full assessment

Recent steps towards developing a regime for DSI benefit-sharing

- Parties still disagree whether DSI is in the scope of the CBD or not
- Despite all differences, OEWG 3.2 in March 2022 Geneva recognized that a solution for fair and equitable benefit-sharing on DSI should, inter alia:
  - (a) Be efficient, feasible and practical;
  - (b) Generate more benefits, including both monetary and 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 indigenous peoples and local communities, including with respect to the traditional knowledge associated with genetic resources that they hold.

Role of the performance matrix in developing a regime for DSI benefit-sharing (as seen by the ABS Initiative)

The Performance Matrix is NOT a tool which:
- replaces negotiations and solves all problems
- results will be negotiated
- is prescribed to be used by Parties and stakeholders
- given the current lack of data and evidence, automatically generates the most favorable policy options

The Performance Matrix is RATHER a tool which:
- is intended to bring an innovative approach to international negotiations
- should stimulate discussions amongst Parties and stakeholders
- should be filled in by the different stakeholders and Parties to support further consideration and development of positions for the DSI negotiations

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IV. Panel Exchange

Panelists

- Amber Hartman Scholz
- Georgina Catacora-Vargas
- Henry de Novion
- Sunil Archak

Panel facilitator

- Timothy Hodges

Panel procedure

A total of four questions were adressed to the panelists. In the four answering rounds, the panelists replied in alternating order. Please note that the numbering of panelists in the summary below (e.g. "Panelist 1") only refers to the order of answers in each round, not to any particular panelist.

Question 1: Could you please share with us your general experiences in filling out the matrix?
For example, what was easy, what was difficult, where did it help, where did it not? What was most noteworthy in your view?

Panelist 1
- Given the complex nature of the subject, it is helpful to look at the matrix several times in order to fully understand and make it easier to compile.
- It helps to keep in mind that some options are 'active' (requiring establishment of structures and procedures) while others are 'passive' (rather close to the status quo).
- Three criteria seem most important: no. 3 because everybody wants to know whether *access to public databases will remain open* for R&D; no. 8 on whether the option will be *legally clear and certain to implement*, which is important for both providers and users; and no. 19 wether the option will be *agile and adaptable to future technological and scientific development*.

Panelist 2
- The matrix can be overwhelming because of its complexity and the challenge posed by the methodology to give precise scores from 0 to 10.
- A good idea is to first do the exercise alone and then compare answers with colleagues. You will notice that the interpretation of questions and answers might be quite diverse.
- The meaning of the options will probably not be clear until they are further developed.
- The matrix is a first step, the outcomes cannot be perfect at this stage.
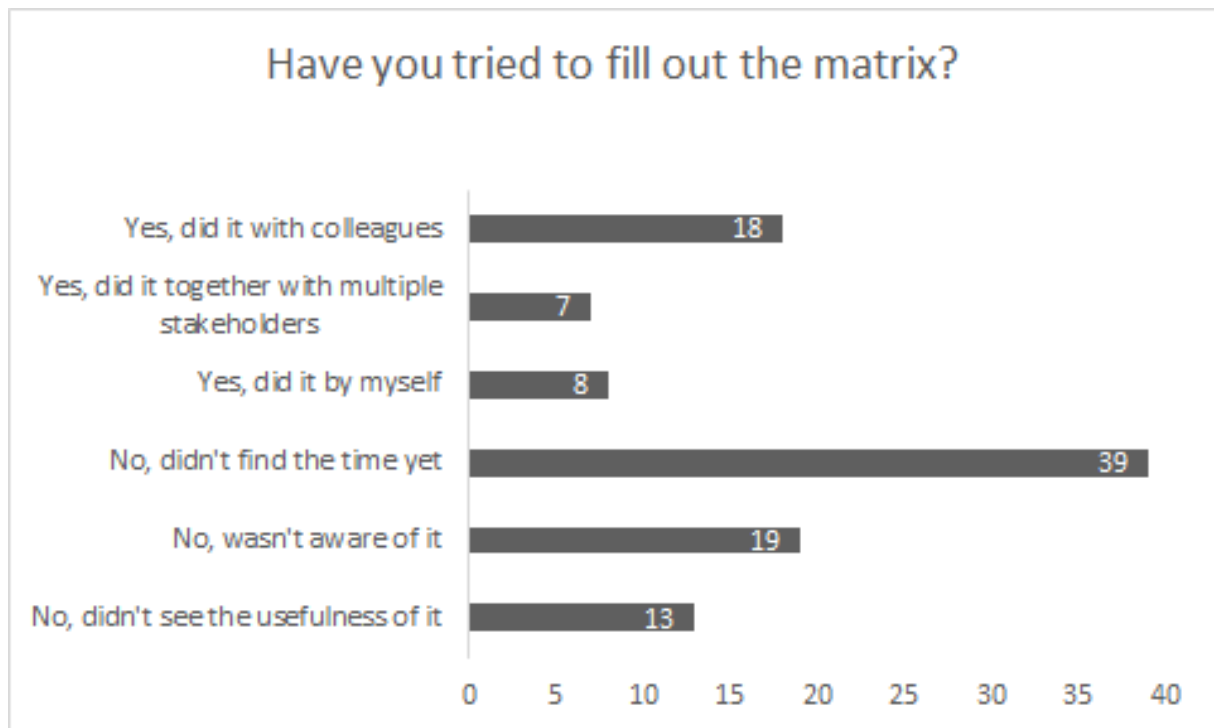
Panelist 3
- It is quite difficult to fill the matrix in an unbiased way. Depending on the personal background, preferences, experiences and context, not all criteria may be applicable.
- A key challenge is to take the broadest range of criteria into account when assessing the options, and not be restricted to only those that meet the context of a specific group.
- All the more, it is important to think of different realities when filling out the matrix, considering the effects of various options for a range of different stakeholders.
- Considering the economic context in developing countries, option 3.1 *Payment for access to DSI* may not facilitate research and development, as it could restrict access to published data for those unable to afford it.

Panelist 4
- The matrix is an interesting exercise to reflect on various criteria and to take different perspectives into account with regard to different policy options.
- It is also methodologically challenging because of certain underlying assumptions. For example, there are negatively worded criteria such as no. 4: *Does not hinder research and innovation*. Also, not all categories of criteria are comprehensively described, e.g. in category C "Good governance", participation and transparency are missing. Further, aspects of fairness and equity are not addressed. And, all categories and criteria are given equal importance, while some might be more relevant than others for implementing the third objective of the CBD and the Nagoya Protocol.

Have you tried to fill out the matrix?

Response	Count
Yes, did it with colleagues	18
Yes, did it together with multiple stakeholders	7
Yes, did it by myself	8
No, didn't find the time yet	39
No, wasn't aware of it	19
No, didn't see the usefulness of it	13

Question 2: When you compared your respective results with your fellow panelists, where did you find the strongest convergences and divergences? If you could provide one or two examples, that would be helpful illustrations for all of us. And let's remember that our focus is on understanding the reasons why there are convergences and divergences.

Panelist 1
- The idea of this mental exercise is to try to objectively quantify things. This showed clear areas of convergence, which is encouraging.
- Divergences seemed to arise because of different understanding and interpretation of options and criteria. For example, some panelists listed "unknown" for all criteria under option 3.2 *Other contributions*, which implies that the meaning of this option didn't seem to be clear to all. This makes it hard to evaluate common ground, but it does show us where more discussion is needed. With option 2.2 *Global MAT*, there seemed to be different interpretations of what this is about and how it would apply. For criterion no. 16 on *Jurisdiction shopping*, some of us found it clearly applied to some options, while others thought it does not apply.

Panelist 2
- One convergence was on option 4 *Enhanced TSC and CB*, which seems to a permanent cross-cutting objective rather than a stand-alone option.
- What should guide the assessment is the conservation and sustainable use of biodiversity in a balanced regulatory environment, which converges different stakeholders' expectations.
- It would be challenging to find common ground if every stakeholder filled the matrix based only on the objectives and interests of their own sector. Rather, common interests guided by an appreciation of 'otherness' should be the focus when seeking to identify the option that brings us closer to all three objectives of the CBD.
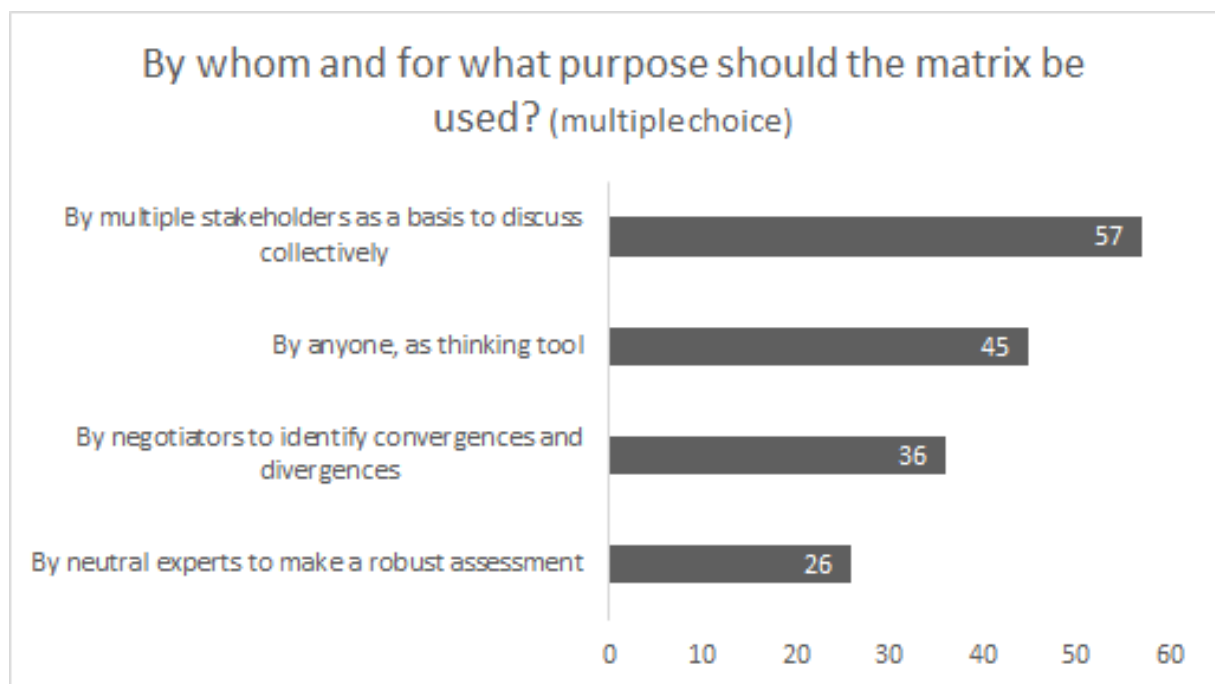
Panelist 3

- The range of values given to some criteria indicated convergence among the panelists, such as for criterion 2: *Potential to deliver predictable non-monetary benefits*.
- On divergences, it was interesting to see that some panelists used quantitative scores while others used qualitative ones. There seem to be different approaches to the matrix that depend on factors such as availability of information, level of uncertainty, etc.
- In some cases criteria were qualified as "uncertain" or "unclear", for example no. 10: *Implementable in an efficient and timely manner*, no. 17: *Facilitates the sharing of benefits with IPLC*, or no. 3: *Access to public databases remains open*. This points to a need for more information on some of the criteria.
- Where panelists marked cells as "non-applicable", this could indicate that the existing options may lack some important criteria, confirming the importance to include the widest possible range of criteria to cover the broadest possible range of interests.
- A multi-actor, transdisciplinary approach when evaluating the matrix may be the most convenient, in order to include a wide range of perspectives to the answers.

Panelist 4

- Some degree of convergence between the evaluations of the panelists across the criteria have been on no. 3 *Access to public databases remains open*, no. 8 *Legally clear and certain to implement*, no. 12 *Cost of set-up and implementation* as well as no. 19 *Agile and adaptable to future technological and scientific development*.
- However, it became clear that there is a correlation between the evaluation of the first criterion and the answers on subsequent criteria. Evaluators should be aware of this and try to avoid copying the way of thinking on one criterion to the other criteria.
- We need to reflect our own bias before doing the evaluation, in order to try to hold back this bias and try out different perspectives.

Poll 2 for the audience

By whom and for what purpose should the matrix be used? (multiple choice)

By multiple stakeholders as a basis to discuss collectively	57
By anyone, as thinking tool	45
By negotiators to identify convergences and divergences	36
By neutral experts to make a robust assessment	26

Question 3: In your view, what are the implications if a criterion scores very high or very low for any policy option? This may sound like a simple question to some, but I think it is in fact a crucial question – not just for the panelists but globally for governments, Indigenous Peoples and stakeholders alike. It would be helpful if you could provide examples drawn from the exercise of filling in the matrix and comparing notes with your fellow panelists.

Panelist 1
- Options that fail to score in each of the four categories, or that even fail to obtain a minimal rating in fundamental criteria – such as no. 4 *Facilitates research and innovation* or no. 5 *Potential to contribute to the conservation* – should be eliminated.
- Options that favour international agreement and multilateral implementation seem to be better balanced than extreme or status quo options.
- Overall, the highest scores were given to those options that seem the most realistic and are described in most detail, such as option 2.2 and 6, which both suggest a global MAT for DSI use, enforced through a global monitoring system, allowing IPLC to directly access benefits from commercial use of DSI to promote biodiversity conservation.
- We should find a balance while finetuning the ABS instrument for DSI: If only the string of open access is stretched, it may break confidence in the ABS system. Whereas if the benefit-sharing string is not stretched enough, it could prevent playing those ABS notes that intone trust and sing the music of biodiversity conservation.

Panelist 2
- The matrix is a tool to analyse different options for DSI, not so much one to provide answers on specific policy options.
- We should use a variety of tools collectively to analyse the different DSI policy options, in light of the objectives of the CBD and the Nagoya Protocol.
- The analysis of the different options should be a multi-actor, multi-sector and transdisciplinary exercise, allowing to be more inclusive.
- That process should consider the national context and priorities to understand whether the DSI policy options are applicable, and from there scale-up their implementation.

Panelist 3
- The more one knows about one specific area, the more this exercise will be subjectively biased towards policy options that favour that particular area, with a tendency to cause high score in some and low scores for other options.
- High overall scores on option 6 (*1% levy on retail sales of GR*) implies a transfer of responsibility for sharing benefits from DSI use to the fund manager. Less need to worry about where the trigger for ABS is would give us more time to actually work in research.

Panelist 4
- One particularly surprising criterion was no. 2 *Potential to deliver predictable non-monetary benefits*, where there were many question marks and "non-applicable" answers from all panelists. There is a need to talk about non-monetary options and DSI.
- Open-access databases could actually be considered to be a form of non-monetary benefit-sharing mechanism. But yet they represent a separate criterion in the matrix.
- Another trend was on option 1: *DSI treated as GR*, which was rather weakly scored by all panelists. There seemed to be a common understanding that information cannot be treated in the same way as genetic resources.

Question 4: What conclusions do you draw from this exercise regarding your own preferred model – be one of the "pure options" in the matrix, a "hybrid" model combining different options, or an entirely different model you believe might be best suited for dealing with DSI?

Panelist 1

- A pure policy option sounds interesting, although it is perhaps not really feasible. The complexity of DSI requires us to combine different options, in order to arrive at a flexible, feasible, effective and fair policy option.
- The matrix is an interesting exercise, a tool for reflection, that will benefit from the different views, but it is not a decision-making tool.
- Not all categories and criteria have the same relevance for different countries and actors. This is why decision-making would benefit from the use of additional tools to fully understand the options on DSI policies regarding the third objective of the CBD.

Panelist 2

- Option 4 on *enhancing technical and scientific support and capacity building* should be part of all other options, as it represents a transversal and crucial topic, not an option on its own.
- When difficulties arise in international negotiations to find a decision, trying to identify a one size fits all approach may not be the best way forward.
- Rather one could propose, for example, three options and work on those to find a convergent combination of different options that take different technical and scientific developments and a broad range of criteria into account.
- When deciding, for example, between options 2.1 *Country MAT* and 2.2 *Global MAT*, an approach that gives people both options might be preferable, depending on the nature of the biological resource – considering, for example, whether the resource is endemic to that particular country or present in multiple countries.
- What needs to be agreed is the trigger point of ABS for DSI; from there, contracting parties should have different options depending on the particular agreement.
- We can learn from WTO, where there are bilateral, multilateral and regional agreements.
- The idea should be to arrive at a functional and fair agreement, not some 'ideal' but unrealistic model. This makes it necessary to think out of the box and be flexible.
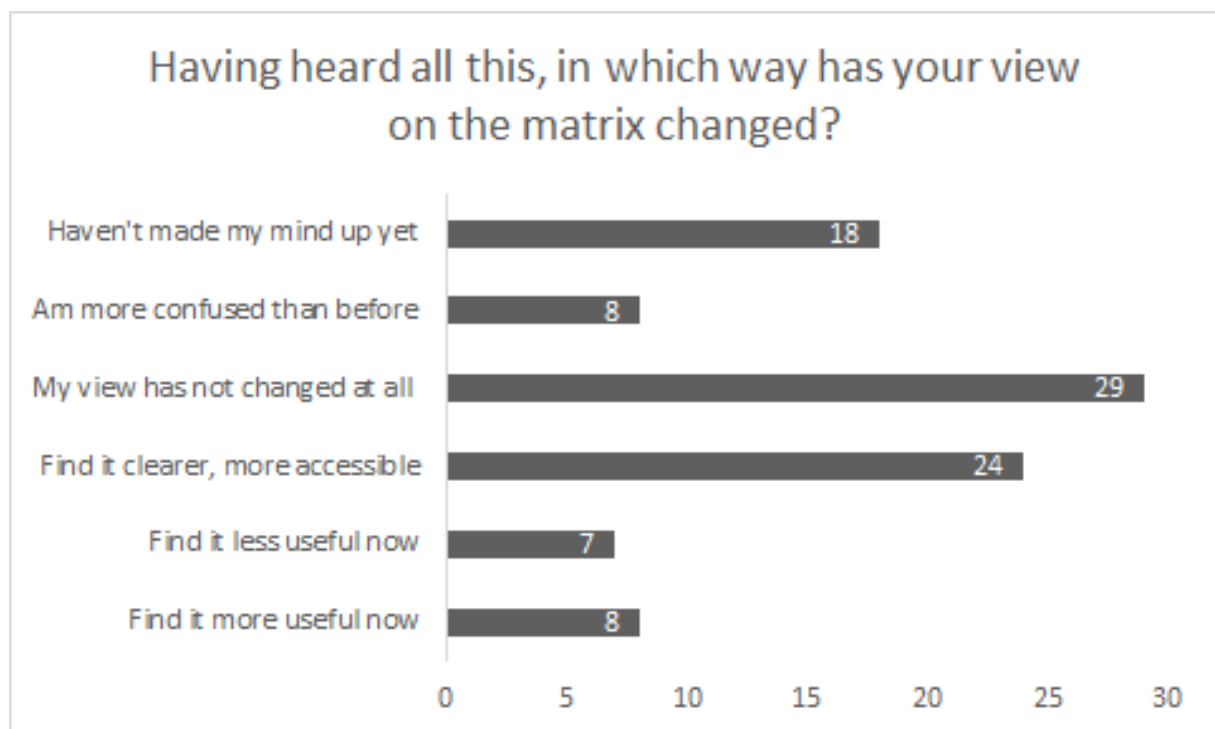
Panelist 3

- A hybrid option would significantly increase the complexity, because it would mean trying to operate at least two different systems in parallel and deal with the regulatory complexity that will ensue.
- The existing options are not yet sufficiently developed and described. However, more fully describing them will take a lot of effort, so we likely need to narrow them down first.
- The next step is about making difficult decisions. Ultimately we cannot have all the toys from the store. We should choose the one which gives us most pleasure for the longest period of time. Keeping all the toys in the box indefinitely will lead to more confusion and potential conflict.
- The intellectual effort and subsequent complexity of the negotiations that follow the choice of one option is huge. It will increase significantly if multiple options are kept in place in parallel. The discipline needed from the international community will be to focus on one solution and develop it thoughtfully and constructively as soon as possible.
- Considering the different panelists' results of the matrix exercise, options 6 (*1% levy on retail sales of GR*), 2.2 (*Global MAT*) and 3.2.(*Other contributions*, with interesting under-developed options in there) appear to be the most attractive.

Panelist 4

- A transparent and democratic system of governance is the prerequisite for the choice of one or a combination of options, to be able to include and engage stakeholders in its implementation, so as to subject their different expectations to the same reality check.
- The notion of 'otherness' is fundamental to lead to an effective policy that includes different expectations. A multilateral mechanism seems to be the most attractive.
- Option 2.2, a single, standardised *Global MAT* for DSI use and benefit sharing for commercial use, seems to be a very good option, too, as it ensures simplicity, coherence, adaptability to cover sectorial and non-jurisdictional DSI use, also in cases where the origin of the information is known and channelled to a multilateral fund.
- A multilateral governance approach, i.e. a multi-stakeholder approach for decision-making, supports transparency, legal certainty and confidence.
- A common decision, taken by lowering expectations towards ABS and DSI from all parties (and non-parties), should be guided by the urgency of biodiversity loss.
- Decision-makers should remember that access to data is as necessary as access to funding to support IPLC conservation efforts and that both need simplified procedures based on trust and an appreciation of 'otherness'.

Poll 3 for the audience

Having heard all this, in which way has your view on the matrix changed?

Haven't made my mind up yet	18
Am more confused than before	8
My view has not changed at all	29
Find it clearer, more accessible	24
Find it less useful now	7
Find it more useful now	8

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V.   Closing remarks

Suhel al-Janabi, ABS Capacity Development Initiative (ABS CDI)

Thank you for a very insightful discussion and interesting poll results. On the polls
- A key outcome of poll 2 was that a majority of participants said that the matrix should be used as a tool to support multi-stakeholder discussions and to think through different options. As ABS CDI we consider it now a task for us to provide space for stakeholders to discuss using the matrix as a new tool. A majority of participants did see its usefulness.
- In poll 3 the majority said that their opinion on the matrix has not changed after listening to the discussion. If we add that to those who now find it more accessible, we may take this as an encouragement to provide more discussion space on the various matrix elements.

Highlights that I personally take from the panel discussion:
- One way to approach the matrix is to pre-classify criteria that you find most important.
- Some said: depending on which option and criteria you start, it may also influence your thinking on others. Overall, thinking and reflecting was an important word in this event.
- How can one tackle the subject in an unbiased way? Taking different perspectives into account, and attempting to look at it from a common view might be one avenue.
- Technically one of the challenging aspects is how to deal with monetary versus non-monetary benefits. This needs to be further adressed in multi-stakeholder exchanges.
- At one point Tim, the panel facilitator, raised the idea of discussing the policy options and criteria in role plays, where people take other stakeholders' perspectives. I much liked that idea and we will consider to use it!
- I also liked the guitar analogy: There is a need to find a balance between stretching and loosening the different strings to bring out the full ABS/DSI music.
- Finally, one question raised on the panel might help us gain sight of the forest again before we get lost in the trees: Which of the option(s) bring(s) us the most pleasure for the longest amount of time?