Webinar Report:

"Governance issues related to the role of IPLCs

in the future DSI multilateral system"

Wednesday, 5 July 2023 – 12.00 to 14.00 UCT

Introduction

Suhel al-Janabi, ABS Capacity Development Initiative:

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

COP 15 adopted the Kunming-Montreal Global Biodiversity Framework (GBF), which includes the fair and equitable sharing of benefits from the use of DSI, genetic resources and associated traditional knowledge and emphasises **the pivotal role of indigenous peoples (IPs) and local communities (LCs) as custodians of biodiversity and beneficiaries**. Benefits should support the conservation and sustainable use of biological diversity. A global multilateral mechanism (MLS) for benefit-sharing from the use of DSI is to be set up and is to include a global fund. Draft modalities of this MLS are to be developed by COP 16 in 2024.

To support the discussion around these topics the webinar was structured as follows:

- Official Welcome
- Short reflection on timeliness of this webinar
- Panel 1 on governance related questions
    - Data governance
    - Governance of the Multilateral DSI System
    - IPLC governance 'on the ground'
- Panel 2 as a sounding board on the inputs from the first set of panellists
- A final round of reflections by all panellists

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.

Official welcome

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

DSI cuts across sectors and instruments. Cooperation and coordination are therefore necessary to bring about the desired results. The global DSI dialogue, supported by the South African-Norway Bilateral Partnership, will continue promote knowledge creation on DSI, support trust building and enable discussions around DSI on the road to COP 16 in Turkey in October 2024. The ABS Capacity Development Initiative is kindly offering its expertise and facilitation skills on this journey.

The IPBES global assessment puts IPs and LCs in the centre of conservation efforts, underlining the crucial role of indigenous peoples as stewards of biodiversity. This is why COP 15 requested the GEF to establish a new Trust Fund. The annex to COP decision 15/9 points to important considerations related to IPs and LCs in the future development of the global mechanism. Therefore, it is crucial to discuss what the mechanism and fund will look like in relation to IPs and LCs.

Why is the webinar timely?

Preston Hardison, *pro bono* policy advisor for the Tebtebba Foundation, Philippines:

With the upcoming first meeting of the Ad Hoc Open-ended Working Group on DSI (November 2023) organisation of this webinar is very timely. IPs and LCs are targeted as the main beneficiaries of the benefit-sharing mechanism during much of the negotiations. They are also the only explicitly named beneficiaries in para. 10 of the COP decision on DSI (CBD/COP/DEC/15/9), which otherwise provides an open-ended list of beneficiaries. However, the annex to the decision contains numerous issues that have not yet been dealt with. These include governance of the fund, triggers for benefit-sharing, mechanisms for generating funds and dispersing them generically, targeted to geographic regions or according to other unspecified criteria. Some principles of data governance are included for further consideration. The twin issues of, on one hand, the transfer of data from genetic resources covered under the Nagoya Protocol into digital sequences and, on the other hand, the governance of these sequences once they have entered into the public databases are at the core of open and responsible data governance. FAIR[1] and CARE[2] principles are mentioned in the preamble of the decision as a potential source.

Solutions will likely need to incorporate specific principles in targeted ways to achieve consensus at COP 16. Global principles do not rule out voluntary side agreements. There are substantive challenges in developing a strict governance regime for digital sequences that are widespread among all forms of life, and DSI issues do not fit the classical biopiracy model as wild species and genes move and disperse on their own into and out of national as well as IPs and LCs territories. Also, besides legal challenges for many IPs and LCs, there is a lineal and spiritual relationship to genetic information derived from genetic resources under their custody.

Panel 1: Thematic Inputs

The panellists were requested to reflect on specific topics to provide guidance and improve understanding as a basis for making progress at the relevant formal meetings later this year.

Data governance: **Paul Oldham**, One World Analytics, Lancaster, UK
Governance of the Multilateral DSI System: **Pierre du Plessis**, currently member of the Namibian delegation in the WHO pandemic treaty negotiations
IPLC governance 'on the ground': **Terence Hay-Edie**, Global ICCA Support Initiative (GSI) delivered by the UNDP implemented GEF Small Grants Programme (SGP)

Moderation: **Timothy Hodges**

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[1] Findable, Accessible, Interoperable, and Reusable, and their respective sub-principles
[2] Collective benefit, Authority to control, Responsibility, and Ethics, and their respective sub-principles

Paul Oldham:

The reference to *principles for data governance* is an important feature of the COP 15 decision on DSI. The the annex of the COP 15 decision makes reference to principles of data governance and the recently concluded BBNJ Treaty to *open* and *responsible data governance* at various points where:

- *open* means that data can be shared openly;
- *responsible* means that those involved in data sharing have responsibilities to each other;
- *governance* means that there is a transparent framework in which those involved in data sharing can participate in decision making.

An underlying assumption of the existing discussion seems to be that there is some form of agreed international settlement on data sharing and governance for DSI. In reality, however, two main models for data sharing for DSI currently co-exist.

The **first model** treats DSI as a **de facto part of the public domain** – as a sort of free for all. This model has its origins in the Human Genome Project and is embodied in the policies and practices of the *International Nucleotide Sequence Database Collaboration* (INSDC). It is an attractive model for researchers and industry, as it is quite frictionless. There are no responsibilities or obligations towards providers and this system has real strengths. But it is reasonable to say, albeit provocative, that INSDC governance is also quite untransparent. It is unclear why developing countries or IPs and LCs would want to share their resources or data through such a system. What is the benefit to them? This is the obvious question and there is no obvious answer.

The **second model** can be called a **closed commons** and is represented by the *Global Initiative on Sharing All Influenza Data* (GISAID). GISAID emerged in response to the perceived inadequacies of the INSDC data sharing model, notably in recognition of researchers and benefit-sharing. GISAID users are required to comply with terms and conditions that recognise contributions and make best efforts for collaboration between users and providers. But GISAID has recently been plunged into crisis by allegations – in Science magazine in May 2023 and in other areas of the scientific press – that its governance is lacking transparency, that it is arbitrary and capricious.

Against this background, the concept of **open and responsible data governance** came out of a discussion at COP 15 between the *International Indigenous Forum on Biodiversity* (IIFB) and a group of young researchers known as the *Interdisciplinary Digital Sequence Information Group* (iDSI). The concept is reflected in the COP decision on DSI with its reference to the FAIR and CARE principles, and to the [UNESCO Recommendation on Open Science](#) and in the [OECD recommendation on Enhancing Access to and Sharing of Data](#).

The aim of the 2021 OECD recommendation is to set out general principles and policy guidance on how governments can maximise the benefits of enhancing data access and sharing, while protecting and respecting the rights of those involved. There are three pillars: (1) reinforcing trust across the data ecosystem, (2) stimulating investment, incentivizing data access and sharing, and (3) effective and responsible data access and sharing across society. These elements are important because they provide a framework for navigating the middle ground in the debates related to the rights of IPs and LCs as well as of other stakeholders and parties. The OECD recommendation emphasises that data is as open as possible to maximise their benefits of data sharing and as closed as necessary to protect legitimate public and private interests.

The BBNJ Treaty builds on the COP 15 decision and the OECD recommendation. It is an important step forward in that negotiators recognised that existing scientific practices, such as the use of the BBNJ Standardised Identifier and data management plans provide technical keys that could actually unlock the adoption of the legal agreement by creating conditions of trust.

Pierre du Plessis:

The demand from IPs and LCs for full and effective participation is now widely recognised. There is also widespread, albeit not quite universal yet, recognition that they should be the primary or at least the

major beneficiaries of the DSI multilateral mechanism. IPs and LCs are acknowledged as the most effective stewards of biodiversity. However, they are also owners of the biodiversity that occurs in their territories and they are rights' holders over associated traditional knowledge. This leads to several questions:

(1) Which of these characteristics should be prioritised in their governance role?
(2) Which role or roles underlies their participation in the governing system?
(3) Are the benefits to be distributed to the people who hold the traditional knowledge and/or manage the resources – or should the distribution be designed to maximise the conservation and sustainable use impact of the funding?

The answers to the first two questions depend to a certain extent on the answers to the questions posed by Paul Oldham, i.e., will there be, for example, day-to-day decisions made about access to data or will it be a simple self-operating open system?

The potential involvement of IPs and LCs in the multilateral mechanism can be broadly characterised at two different levels:

- One is an initial and potentially ongoing role in developing the norms and criteria for the mechanism. The aim would be to ensure that indigenous values are taken into account in the design of the mechanism, and also kept prominent in its evolution and adaptation as lessons are learned from implementation and presumably improve practises. This is in line with the underlying architecture of the GBF as a learn-replan-redo-improve framework.
- A much more practical day-to-day management role would be, for example, an ongoing rotating representation of IPs and LCs on the board or some other decision making body. This would be an active role in making decisions, collectively with other stakeholders, about resource mobilisation and distribution.

So the question is whether it is a full and effective or rather an advisory role – or maybe both.

Considering that the GEF Council has just agreed to create the Global Biodiversity Framework Fund, another issue is whether the GEF rules and procedures could limit IPs and LCs involvement in governance, and if so, how this could be addressed during the ongoing DSI negotiations.

Further questions emanating from this would be: How would IP and LC representatives be chosen? By whom? Would there be a need for regional balance? Is there an issue around the relatively different rights and privileges and international recognition of IPs on the one hand and of LCs on the other hand? Would this affect the governance of the mechanism? Is there a role for the *United Nations Permanent Forum on Indigenous Issues* to consider the management and governance of the mechanism? How to avoid potential perceptions of conflicting interest in decision making about resource allocation? For example, if it's a rotational representation, one could suggest that in any particular funding cycle, there will be no rewards to groups who are represented on the decision making board in that particular funding cycle.

A wider question is whether a few IP and LC representatives really ensure that resources are channelled to where they are most needed for conservation and sustainable use. And how would this funding be channelled to ecosystem restoration activities which might need to take place outside the territories of indigenous peoples and, hopefully, with the involvement of local communities? This would quite often involve a much more central role for the state and other stakeholders.

Finally, there are questions around the role of science and the interaction between science and indigenous wisdom, as well as around the need for subsidiary institutions at regional, national or local level to think in a connected, relational way – thus applying indigenous world views to the situation and making ecosystem management decisions at a much more local level.

Terence Hay-Edie:

Thirty years ago, in Rio, it is worth recalling that there was a very strong push from IPs and CSOs to have access to the GEF. Looking back today, the growth of the UNDP-implemented GEF Small Grants

Programme (SGP) provides a lot of lessons, both in terms of the governance and in terms of access to finance. The SGP reflects about 4% of the GEF replenishment and the GEF CEO would like this to increase to 10% by the year 2030. Last week, with the establishment of the GBF Fund (GBFF) at the GEF Council meeting in Brazil, an aspirational target of providing 20% of all GBFF funds to IPs and LCs was set.

Key lessons from the SGP have included the importance of decentralising governance and decision-making to the national level. Whilst the SGP grants are provided directly to civil society organisations as well as IPs and LCs, there is a multi-stakeholder National Steering Committee (NSC) in each country where the government jointly shares the decision making about the approval of grants at the national level with civil society representatives. Echoing what Pierre said about working with customary governance institutions at the local level, the NSC builds on national capacities and partners with a deep appreciation of the cultural context in each country to deliver the national grant making strategies. Over the last three decades, the SGP has grown to about 132 countries with some 28,000 small grants totalling about a billion dollars. In the process, there has been a lot of experimentation in the ways to use local and vernacular languages, flexible formats such as oral proposals, and involvement of indigenous peoples' fellows can be used in the monitoring of projects. Some of these operational lessons are available in the SGP publication launched in 2020 'Small Grants Programme: 25 Years of Engagement with Indigenous Peoples'.

Regarding access to finance and the relationship between NGO intermediaries and community groups on the ground, there are a broad array of organisations with a varying levels of capacity related to technical areas such as the Nagoya Protocol, as well as in their financial literacy and ability to apply for projects. For grants to flow to IPs, SGP staff at the national level will assist in building the capacity of IPs and LCs to write proposals, as well in how to open a bank account for their first project. Over time there has been a progressive increase of the direct access to funds for IPs (meaning not through intermediary NGOs), although there are some disparities between regions. With the upcoming GEF Assembly in August 2023 there will be opportunities to further explore the current debate on DSI, including with the *Indigenous Peoples Advisory Group* and the GEF Civil Society Organisations network.

Panel 2: Sounding board

Serving as a sounding board, the panellists were requested to react to the questions and issues they had heard from the first set of speakers related to data governance, governance 'on the ground' and the governance of the multilateral DSI system.

Ann McCartney, University of California Santa Cruz, CA, USA
Chidi Oguamanam, University of Ottawa, Canada
Ronnie Dempers, Namibian Development Trust, Windhoek, Namibia

Moderation: **Timothy Hodges**

Ann McCartney:

Both Preston and Paul spoke about the "why" in their introductory remarks. When conversing about biodiversity it is important to keep in mind why this candid dialogue surrounding data governance is necessary and what it means for IPs and LCs: There is a history of colonial, unjust and inequitable practices associated with the collection of species for scientific research and biodiversity conservation, including research that produces DSI. These practices have had, and continue to have, a disproportionately negative impact on IPs and LC's worldwide. IPs and LCs are the stewards of over 80% of the world's remaining biodiversity but have yet to receive their fair share of benefits from the access and use of them. As a result, there is rightful distrust amongst many IPs and LCs concerning the extraction of samples and data from their lands. Only through mutual understanding of these facts and a commitment to develop and build the necessary trust with IPs and LCs can we together, safely and cautiously navigate the middle ground to save Earth's biodiversity. We can only proceed at the speed of trust.

The topic of **open versus conditioned DSI access** tends to dominate the narrative in this space when the concept of indigenous data governance is brought to the table. It is too often presented as Western scientists being pro **open access** versus IPs and LCs being pro **conditioned access**, and this too often is conflated with IPs and LCs being anti science or anti progress. However, this is far from the truth as IPs and LCs have been scientists since time immemorial and are not anti science, but rather are anti extraction, anti exploitation, and anti misappropriation. By pitching access systems against each other in this way it is not constructive, it stagnates discussions, and results in stalemates. It is important to position the conditioned data access and use dialogue in a broader and more accurate context, as this is a shared concern across many with an interest in DSI, particularly those with commercial interests.

Researchers are in the midst of a transformative change by scaling, standardising, coordinating, communicating and collaborating across institutions, countries and continents. As global DSI producers, researchers have a huge responsibility to construct a gold standard DSI database for all of the Earth's known species. But they are also accountable to the next generation of researchers who will access and use these data into perpetuity. Entering the global stage brings many cultural, ethical, political and legal challenges, and science cannot and should not proceed outside of those.

More and more IPs and LCs are being trained in data science programmes like SING, the *Summer Internship for Indigenous Genomics*, and *IndigiData*, a regular one-week indigenous data science education workshop. This is necessary to develop novel ways for operationalising indigenous data governance that are interoperable with standard DSI practises and pose minimal disruption to the infrastructure and systems already in place. But this is only possible when IPs and LCs are considered equal collaborators in the DSI innovation process and not seen as passive recipients of information.

One example of indigenous innovation in data governance are the CARE principles of indigenous data governance developed by the Global Indigenous Data Alliance (GIDA). These are exemplars of what good data governance is and how to do it. They are a set of four broad principles (Collective Benefit, Authority to Control, Responsibility and Ethics) that can be seen as the Rosetta Stone in terms of indigenous state of governance. The CARE principles are intentionally people centric and were developed as a complement to the FAIR principles, which are more data centric. They are quickly becoming adopted by the research community, as one can see them being frequently cited in publications and in a plethora of DSI policies.

Proceeding with accountability, transparency and trust is the only way to ensure that we do not recapitulate past missteps and rather learn from them as we traverse the path toward building an equitable multilateral solution for the sharing of benefits from DSI that is responsive to the needs of IPs and LCs.

Ronnie Dempers:

It can take quite a long time to build trust. In the context of the Namibian Community Based Natural Resource Management (CBNRM) Programme one can see the benefits of investing into a process that ensures that government, communities, the private sector, and the traditional authorities can work together. One of the lessons learned from the CBNRM Programme is that with a joint partnership understanding shortcomings in coordination can be addressed, thus contributing to continuously strengthen collaboration.

In the DSI discussions communities must represent themselves. Regional and even national structures, e.g., a national association, facilitate participation in national and international platforms and discussions. Strengthening such mechanisms would ensure that community voices are not only heard, but that the benefit-sharing frameworks under development at global level will cascade down, benefitting communities on the ground and where the resources matter the most.

Regarding the funding mechanisms, the UNDP SGP implementation in Namibia is a positive example that could be scaled up for future interventions: Communities were at the centre of the whole process determining their needs – in terms of what they want and how they want it – leading to a tripartite agreement between UNDP SGP, the Namibian Development Trust and the supported communities.

Community-based organisations have been set up to exercise downward accountability, enabling them to engage with their members. Any funding mechanism should be structured in a way that strengthens the ability to practice and implement downward accountability. But unfortunately, some of the models that have been put in place are forcing communities to engage into upward accountability mechanisms, where a lot of emphasis is put on how to meet the donor's requirements.

There is a need for integrating capacity building in future interventions to strengthen the ability of national associations, thus enabling IPs and LCs to have the necessary information and to advance their agendas.

Chidi Oguamanam:

There is a need to discuss the **dichotomy between IPs and LCs** in the DSI context. Many other debates are referring to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIPS). But when it comes to the context of benefit-sharing in DSI and emerging technologies, there is a significant part of LCs that are engaged in a profoundly serious way, as Ronnie mentioned before. The question is: Is there a merit to this dichotomization and how do we carefully navigate it in the DSI debate? Some IPs are drawing distinctions between them and LCs, whereas the CBD and the environmental regime process have been able to activate the concept of LCs. Some detractors take a literal meaning of LCs, but the expression got a meaning of his own, that is unique to its own self and context.

This is a good opportunity to begin to reconcile these concepts for the purpose of ABS, while recognising the divergences in specific national contexts. There are 476,000,000 IPs globally. Who can actually say what is the number of LCs in the context of this debate? It is necessary to speak purposely to activate the real issues that engage the interests of LCs as well as IPs.

Another important question that has not been adequately addressed is: Can the FAIR and CARE principles, which were developed in the context of data sovereignty, coexist with open access to and benefit-sharing from DSI? And if so, how can they coexist beyond political correctness?

Timothy Hodges: For the second round of the panel the moderator requested the panellists to provide some concrete advice in terms of models, action and decisions, resources, financing, or even politics.

Ann McCartney:

To create a planetary database of sustainable referenced DSI resources for all known species would cost roughly 3,000 million U.S. dollars, or more simply 26,500 U.S. dollars per species. A sustainable reference DSI resource for a species is one that provides

(1) a complete DNA sequence of the genome of an individual that can act as a reference for the entire species group,
(2) a complete gene annotation for the genome,
(3) an associated set of comprehensive and culturally appropriate metadata,
(4) a physical sample (voucher specimen) in a permanent museum collection that can be associated to the species the DSI was produced from, and
(5) a cryopreserved sample for each species that is to be placed in a biobank.

Responsible DSI production in an open environment thus requires intentionally sustaining relationships across all the actors involved in the DSI resource production life cycle. Maintaining relationships across these actors guarantees that any DSI that becomes part of the publicly available planetary database can be traced back to a physical specimen in a museum, a sample in a biobank, but also to the IPs and LCs if relevant and where appropriate. It is technically possible through **accurate metadata disclosure**, if implemented correctly important information on provenance and attribution can be easily maintained across the data ecosystem and value chain, spanning from the species collection right through to the upload of the DSI into a public database.

As DSI production for the purposes of biodiversity research is increasing, the DSI production infrastructures are continuously improving in response and so the DSI production system in place now is a departure from how research involving DSI was typically conducted. For example, just 13% of DSI

within the INSDC has spaciotemporal information associated with it. Just 4% can be linked back to a physical genetic resource. However, through iterative improvements, the DSI system is progressively being changed and improved to support the transformative change required to create an open but responsible system for DSI access and use.

Enabling IPs and LCs to govern their data is possible through the power of metadata within metadata records. Space can be created to **include Traditional Knowledge and Biocultural Labels and Notices**. These are machine and human readable digital tags that can be associated with both genetic resources and DSI. As they are extra legal, they can live within Open Access data repositories. There are already Labels and Notices in use on almost 700,000 materials, and they have also been applied to peer reviewed publications. The Labels would be a wonderful first step in thinking about how to operationalise indigenous data governance and the CARE principles. They provide the sustainable disclosure of indigenous rights and interests across the data ecosystem and support equity throughout the DSI value chain. They provide FAIR attribution, access and agency to IPs and LCs over their data, so it can be used for their own community priorities and nation building. They promote open and responsible data access and use by the next generation of data scientists. And finally, they provide a mechanism for transparency and accountability, a step towards developing and building trust with IPs and LCs.

It would be naive to think that this is going to work perfectly on the first try. A better approach would be to identify milestones for iterative reflections, so that adjustments can be made when and if required. From a technical DSI standpoint, indigenous data governance is not a departure from DSI scientific best practises, but rather a part of fully realising it.

Ronny Dempers:

There is a need to relook at the funding mechanisms that are used to support IPs and LCs and to move towards more intentional funding that has clear objectives as well as integrated capacity building measures. Building a knowledge management depository might be useful to document lessons about what has worked, what is not working, and what can be scaled up to maximise the benefits from the funds provided?

Chidi Oguamanam:

International treaties usually refer to capacity building in developing countries, countries with economies in transition and small island countries. This is consistent with the pattern of development support provided by Western countries to developing countries. However, in the context of DSI and ABS, and with regards to IPs and LCs, this is not the development support model that is required here.

Instead, capacity building should focus on governance models of IPs and LCs. Nowadays all the protocols and cultural practices in which IPs and LCs are engaged are being drawn into the global space to engage with these new frameworks that are being built. But how can IPs and LCs be supported to communicate their own governance models and scrutinise how these models can feed into the new framework for DSI and ABS? If one cared enough to invest in the transformation of indigenous knowledge frameworks, then one should be able to have an informed conversation about that. The initial question is then: How can available governance regimes of IPs and LCs be modelled to adjust to the new expectations, which are now imposed upon them to participate in new and strange spaces? And, are data available about governance models and how successful have the governance models been?

There is a need for creating awareness of how IPs and LCs can participate in these new technological spaces without necessarily being framed as providers, but also as users and multiple sectoral actors. We need to ask: Do IPs and LCs have capacity to participate as core knowledge creators or co-creators of knowledge? What have been the partnership models and existing protocols that IPs and LCs have used, and how can we adapt or adjust them to DSI in the context of genetic resources?

Another issue relates to monetary and non-monetary benefits. This is now a wonderful opportunity to rethink and take stock of what has already happened in the Nagoya space, what could possibly happen in the DSI space, and how can we learn from that?

Timothy Hodges: Before moving to questions from the chat the moderator requested the speakers of the first panel to briefly reflect on what they heard from the second set of panellists.

Paul Oldham:

We need to hear a lot more from indigenous researchers and scientists and those involved in genomics research and their collaborators. Indigenous nations in North America, including Canada, and elsewhere have been involved in the governance of genomics for many years, and it is necessary to hear more about these experiences and initiatives.

One of the big concerns expressed by the IIFB at COP 15 and in its subsequent submission on DSI was the issue of direct funding for IPs from developed countries mentioned by Chidi. This has also come up in the chat. At present, a GEF focused mechanism would preclude the possibility of IPs in developed countries receiving direct finance.

Terence Hay-Edie:

Echoing the comments around the co-creation of knowledge in terms of Western science and indigenous knowledge: Indigenous knowledge has often revealed that Western taxonomists have not been able to see the differences between species.

With regards to governance, investing in capacity building of international institutions to understand indigenous governance systems should be part of the process. For example, the SGP invested heavily in territorial governance mechanisms regarding some of the Aichi targets and continues to focus on that under the GBF.

Regarding Ronnie's point about long term mechanisms, a trusted working relationship based on reciprocal relations is absolutely critical.

Pierre du Plessis:

A very big part of the problem is the result of colonialism, of a dominating culture that violently took over people's lands, disrupted the relationship between people and nature, and turned that into a system of virtue which undermined indigenous knowledge. Part of the solution is to go back and integrate those relational, respectful and networked relationships that IPs still have with nature, bring that wisdom back to the rest of the world and actually make it part of the multilateral approach to run the planet sustainably. In doing that, all of the issues mentioned by the other speakers need to be addressed, like capacity development, culturally appropriate dialogues, and respect for the people who still hold that knowledge and, in many cases, also take care of the biodiversity.

Questions from the chat

Discussions in the chat focused on issues mentioned by the panellists in their statements (a chat summary is provided in the annex):

- Should IPs and LCs that are not in developing countries be eligible to receive funds from the DSI MLS?
- How to build trust, which then could lead to efficiency and equity, or what are ways to get into a more collaborative and trustworthy mode?

Preston Hardison:

It is a misunderstanding that the tribes and First Nations and indigenous peoples of North America are rich and wealthy and can afford all of the things they need. It's not really true. They are actually, as it used to be said, the Third World of the First, meaning they have their own development issues. Getting tribal hard dollars to engage in research and these kinds of initiatives is oftentimes very difficult. There

is also a need for capacity building, both on data governance and on the operation of the global mechanism.

Paul Oldham:

One could imagine the constitution of a global fund being nationally or regionally focused on nature, where monies, however they might be derived, are collected, and made available nationally, in accordance with agreed priorities. IPs and LCs in all participating countries would gain direct access through that route. But that would require a much bigger discussion.

Chidi Oguamanam:

There is a need for designing a changing framework over time, responding to the progress of science and knowledge as well as to the global ecological changes, such as the melting Arctic. A formula for benefit-sharing based on existing dynamics, regions and sustainability issues should be designed. It should take all actors into consideration, those more directly engaged and those who are not directly engaged but are relevant in the evolution of knowledge systems. The design will need to be revisited periodically because knowledge evolves, ecosystems change, and people develop new insights and ideas. At the current foundational stage, we need to ask critical questions to be able to design such a framework.

Pierre du Plessis:

We need to finally start sharing some benefits so that people can see the logic of the CBD in action. Without the flow of benefits, there will be no sustainable use and no conservation.

Closing reflections

Preston Hardison:

Relationality is at the core of everything, and we need to build relationality into our future work. Panellists have said it very well: There is need for full and effective participation, and Pierre raised the question of whether it's going to be observation or actual participation in governance. Building trust to engage IPs and LCs throughout and focussing on the processes that we need in the experimentation over time.

Closing

Suhel al-Janabi, 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)).

Annex: Chat contributions clustered by topics

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

Data governance

On data sharing and governance the following was mentioned by Tim and may be of interest: independent study for the European Commission 'Sharing Digital Sequence Information' by Paul Oldham and Jasmine Kindness https://doi.org/10.5281/zenodo.6557191.

A recent piece that may provide some ideas for the discussion: https://www.nature.com/articles/s44185-023-00013-7.

Many thanks for mentioning the importance of biobanks for the cryopreservation of samples/vouchers from biodiversity representatives in this context of DSI and IPLCs.

Governance of the MLS

Interested to hear thoughts/views on how the mechanism could/should involve and benefit (the many, diverse) Indigenous peoples in developed countries - not currently able to receive funds via the GEF.

- As mentioned by the Chair Tim, the GEF Assembly in Vancouver in Aug will engage actively with First Nations in Canada and explore possible triangular exchange of experiences in the GEF, which may be relevant for DSI in the MLS.
- That's a very good conversation to have in Vancouver.
- Thanks also on the info on indigenous peoples and access to finance in developed countries. That has been a big concern within the IIFB for example in its submissions to the CBD on DSI.
- I guess the details of how to monetize DSI will be one of the things to be negotiated. The African proposal is to collect 1% of the retail price of all products derived from biodiversity (or, for the sake of simplicity, 1% of all retail sales) and channel that to support on the ground sustainable use and conservation activities.
- What would be the link between the product that is ultimately derived from DSI and the source of the genetic resource? How would this be established?

Agree @Ronny that long-term funding mechanisms are critical which builds upon trusted relationships with IPs and LCs, including sequential follow-on grants to build capacity according to increasing needs over time.

- Merci pour cet excellent webinar mais je voudrais svp comprendre comment mettre en avant la confiance alors qu'on parle de partage et d'échange de séquences génétiques numériques. (*Thank you for this excellent webinar, but I'd like to understand how to promote trust when we're talking about sharing and exchanging digital genetic sequences*.)
- A troubling truism which comes from this discussion is the legacy of colonialism, which persists in populations across the world, whether in developing or developed countries.

Governance "on the ground"

Well put Ann and Ronnie!

I wanted to complement Terence and Ronny by mentioning a set of guidelines on direct finance for indigenous peoples that were published by indigenous peoples organisations last year and launched at COP15. You can find them here: https://fimi-iiwf.org/wp-content/uploads/2023/02/iplc_doc_eng.pdf.

Another set of principles on access to finance (prepared in the context of the UNFCCC Glasgow commitment to IPs and LCs) is available here: Directing-Funds-to-Rights-Full-report.pdf (charapa.dk).

Other topics:

Thank you for the interesting and informative webinar. My question is more practical. In the context of the CBD, ABS and DSI as a system, what are three weakest points in the system which should be prioritized for strategic focus in order to build trust, efficiency and equity, that is, to implement and actualize the goals of the CBD: conservation, utilization and shared benefits?

- Thanks, we will take this up in the closing rounds.
- My answer to that would be that the three weakest points are 1) mobilising benefits, including substantial monetary benefits. 2) distributing those benefits to people who live with and care for biodiversity, and 3) ensuring that this benefit sharing serves as an incentive for sustainable use, which is key to conservation.
- What is the multilateral mechanism of monetization of DSI which would then facilitate benefit sharing?
- In my view the only way to make the system work is to delink access and benefit sharing - collect the money where it is made (retail sales) and apply it where it is needed (on the ground sustainable use and conservation). Trying to connect origin and distribution of benefits will be a nightmare of inefficiency, with limited benefits for everyone involved. It also won't help to make a significant dent in the USD 200 billion per year funding gap we need to fill (whereas 1% of all retail will raise around 200 billion a year)
- Tracing does seem like a daunting endeavour … doesn't it?