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OPEN-ENDED AD HOC INTERGOVERNMENTAL COMMITTEE FOR THE NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR UTILIZATION

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OVERVIEW OF EXPERIENCES AND INITIATIVES ON AWARENESS-RAISING ON ACCESS AND BENEFIT-SHARING AND UNDER DIFFERENT MULTILATERAL ENVIRONMENTAL AGREEMENTS

Note by the Executive Secretary

I. INTRODUCTION

1. In paragraph 3 of decision X/1, annex II, A, the Conference of the Parties decided that “measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues (Article 21)” should be considered by the Intergovernmental Committee for the Nagoya Protocol (ICNP) at its first meeting.

2. Article 21 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol) provides that:

“Each Party shall take measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues. Such measures may include, *inter alia*:

- (a) Promotion of this Protocol, including its objective;
- (b) Organization of meetings of indigenous and local communities and relevant stakeholders;
- (c) Establishment and maintenance of a help desk for indigenous and local communities and relevant stakeholders;
- (d) Information dissemination through a national clearing-house;
- (e) Promotion of voluntary codes of conduct, guidelines and best practices and/or standards in consultation with indigenous and local communities and relevant stakeholders;
- (f) Promotion of, as appropriate, domestic, regional and international exchanges of experience;

* UNEP/CBD/ICNP/1/1/Add.1.

- (g) Education and training of users and providers of genetic resources and traditional knowledge associated with genetic resources about their access and benefit-sharing obligations;
- (h) Involvement of indigenous and local communities and relevant stakeholders in the implementation of this Protocol; and
- (i) Awareness-raising of community protocols and procedures of indigenous and local communities.”

3. Through notifications 2010-216 and 2010-217 (ref. No. SCBD/ABS/VN/SG/74553), of 16 December 2010, Parties, international organizations, indigenous and local communities, and relevant stakeholders were invited to submit views on measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues and to submit information on existing guidelines and codes of conduct related to access and benefit-sharing.

4. As of 8 April 2011 views were received on this issue from the following: Argentina, Australia, Ecuador, the European Union, Japan, Mexico, Nigeria, Sri Lanka and Togo. In addition, information was received from the following observers: the European Seed Association (ESA), the Deutsche Forschungsgemeinschaft (DFG), the International Union for Conservation of Nature (IUCN), the Swiss Academy of Science, the World Federation for Culture Collections (WFCC), the World Intellectual Property Organization (WIPO), the Amazon Cooperation Network (REDCAM), the Assembly of First Nations (AFN) as well as the joint submission from the Maritime Aboriginal Peoples Council and IKANAWTIKET Environmental Incorporated, the Native Council of Nova Scotia, the Native Council of Prince Edward Island, the New Brunswick Aboriginal Peoples Council and the Congress of Aboriginal People. All submissions are available at www.cbd.int/icnp1/submissions/.

5. In order to assist the Intergovernmental Committee in the consideration of this issue, a draft awareness-raising strategy for the effective implementation of the Nagoya Protocol is proposed in document UNEP/CBD/ICNP/1/5.

6. The present note serves as a background to this draft awareness-raising strategy. Section II examines different experiences with respect to awareness-raising under different multilateral environmental agreements and processes. Section III provides an overview of existing initiatives and activities related to awareness-raising on access and benefit-sharing (ABS), including information drawn from submissions from Parties. Finally, section IV looks at lessons learned and draws some conclusions which form the basis for the draft awareness-raising strategy mentioned above.

II. OVERVIEW OF EXPERIENCES WITH RESPECT TO AWARENESS-RAISING UNDER DIFFERENT MULTILATERAL ENVIRONMENTAL AGREEMENTS AND PROCESSES

7. A number of multilateral environmental agreements (MEAs) have developed programmes of work or strategic plans to implement their provisions on awareness-raising. These include: the Convention on Biological Diversity, the Cartagena Protocol on Biosafety, the United Nations Framework Convention on Climate Change and the Ramsar Convention on Wetlands. This section provides an overview of the nature and scope of those programmes of work and strategic plans and of relevant experiences with their development and implementation.

A. *The Convention on Biological Diversity (CBD)*

1. *General implementation of Article 13 of the Convention*

8. Article 13 provides that Parties shall promote and encourage understanding of the conservation and sustainable use of biological diversity and develop education and public awareness programmes.

Moreover, the programme of work on Communication, Education and Public Awareness (CEPA) took shape as a result of decision VI/19, and was further elaborated in decisions VIII/6, IX/32 and X/18.

9. CEPA represents both a set of principles and a suite of actions that should be taken into account for the implementation of all programmes of work of the Convention. This includes the following:

(a) Communicating concepts such as the ecosystem approach, the value of biodiversity for human well-being, an understanding of biodiversity and its components, and outlining some of the actions that could be taken at various levels to ensure the conservation, sustainable use and equitable sharing of the benefits from the use of genetic resources;

(b) Mainstreaming biodiversity into education, including formal and informal contexts, and ensuring that it supports the methodologies and perspectives of Education for Sustainable Development (ESD);

(c) Ensuring that the general public and specialised audiences are aware of the role that biodiversity plays in their economic, social and cultural lives, through the use of appropriate and relevant messages and communication channels, including a variety of formats.

10. At its eighth meeting, the Conference of the Parties (COP) approved a short list of priority activities,¹ to provide structure and guidance to Parties in the development of their overall CEPA strategies. The list represented the foundations for communications work which, once implemented, would become the infrastructure for a variety of communications initiatives. The short list, while established for all issues under the Convention, could easily be applied to individual programmes of work of the Convention.

11. The short list includes the following activities:

- (a) Priority activity 1: Establish implementation structure or process for CEPA activities;
- (b) Priority activity 2: Assess the state of knowledge and awareness on biodiversity and determine capacity for communication;
- (c) Priority activity 3: Develop key messages;
- (d) Priority activity 4: Implement media relations strategy;
- (e) Priority activity 5: Elaborate toolkits for development and implementation of CEPA strategies;
- (f) Priority activity 6: Organize workshops for the articulation of CEPA strategies;
- (g) Priority activity 7: Develop infrastructure and support for a global network;
- (h) Priority activity 8: The International Day for Biological Diversity (IBD);
- (i) Priority activity 9: Raise profile of meetings of the Conference of the Parties and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA); and
- (j) Priority activity 10: Strengthen formal and informal education on biodiversity.

2. *Specific awareness-raising activities with respect to ABS*

12. The need to raise awareness and to build capacity with respect to access to genetic resources and benefit-sharing has been recognized by the Conference of the Parties on different occasions.² Among others, in decision IX/32 on Communication, Education and Public Awareness, paragraph 11, the Conference of the Parties requested the Executive Secretary to prepare and make available through the clearing-house mechanism of the Convention, simple summaries of issues and discussions on the

¹ <http://www.cbd.int/cepa/priority.shtml>.

² See decisions IX/12 and X/1.

negotiation and elaboration of the international regime on access and benefit-sharing with the view to assist Parties in communicating the issues to relevant target groups, including decision makers, policymakers and the general public. To this end, the Secretariat created an information portal related to the negotiations of the international regime on access and benefit-sharing, which has now been replaced with a portal on the Nagoya Protocol. The portal was officially launched at the seventh meeting of the Working Group on Access and Benefit-sharing, in Paris, 2-8 April 2009.

13. In paragraph 10 of the same decision, Parties were also invited:

in the context of the ongoing negotiations of an international regime on access to genetic resources and benefit-sharing, and further to the Action Plan on Capacity Building for Access and Benefit-sharing (decision VII/19, annex), to provide support to regional and subregional communication, education and public awareness activities related to access and benefit-sharing, including through, *inter alia*, the development of communication strategies and products designed to increase awareness among decision makers and relevant stakeholders.

14. Moreover, in paragraph 22 of decision IX/12 on access and benefit-sharing, the Conference of the Parties invited “United Nations Environment Programme (UNEP), Governments and relevant intergovernmental organizations, in close consultation with the Secretariat...to carry out capacity-development activities related to access and benefit-sharing and to contribute to raising awareness to the issue of access and benefit-sharing among decision makers, indigenous and local communities, and other relevant stakeholders...”.

15. Thanks to financial support of the Government of Germany, a generic information kit was developed to present the core issues of access and benefit-sharing in a simple and straightforward language. The information kit is available in the six official languages of the United Nations.³

16. In decision X/18, the Conference of the Parties acknowledged the importance of communication, education and public awareness in informing stakeholders on the importance of implementing the third objective of the Convention on Biological Diversity and its Nagoya Protocol and invited Parties to design and provide increased support for CEPA activities that strengthen capacity for the implementation of the Nagoya Protocol.

17. In decision X/1 the Conference of the Parties also requested the Executive Secretary to provide technical assistance to Parties with a view to supporting the early ratification and implementation of the Protocol (paragraph 13), and to carry out awareness-raising activities among relevant stakeholder groups, in collaboration with relevant organizations, to support the implementation of the Protocol (paragraph 15). Finally, in the same decision, the Conference of the Parties invited the Global Environmental Facility (GEF) to provide financial support to Parties to assist with the early ratification of the Nagoya Protocol and its implementation (paragraph 14).

18. As a result the Chief Executive Officer of the GEF has taken immediate action to adopt a medium sized project of 1 million US\$ implemented by UNEP and executed by the Secretariat for the early entry into force of the Nagoya Protocol. This project is operational since April 2011. The Secretariat is carrying out a series of awareness-raising and capacity-building activities to support the early ratification and entry into force of the Nagoya Protocol. These activities include:

(a) Briefing sessions for key partners and stakeholders including high ranking government officials, national-level legislators and relevant United Nations bodies;

³ The information kit can be downloaded at: <https://www.cbd.int/abs/awareness-raising/>. For more information see section III (D) of this document.

(b) Convening, in partnership with the United Nations Development Programme (UNDP), the Inter-Parliamentary Union and GLOBE International, briefings on the need for early ratification of the Nagoya Protocol in at least 100 parliaments of the world;

(c) Integration of an ABS component into regional and subregional national biodiversity strategies and actions plans (NBSAPs) workshops planned for 2011 and 2012; and

(d) Capacity-building workshops for ABS national focal points and indigenous and local communities organized back to back with the first and the second meetings of the Intergovernmental Committee and the seventh meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions. These workshops will be organized jointly with the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) with a view to support the implementation of the Nagoya Protocol and the ITPGRFA in a mutually supportive manner.

19. In addition, as announced at the high-level segment of the tenth meeting of the Conference of the Parties, the meeting Presidency has established a Japan Biodiversity Fund with an initial allocation of US\$ 10 million. Thanks to this fund, a number of capacity-building initiatives have been initiated through the convening of regional and subregional workshops on NBSAPs and the Nagoya Protocol.⁴ Under the Japan Biodiversity Fund also and in partnership with the tenth meeting of the Conference of the Parties Presidency, briefings on the Nagoya Protocol were made to the permanent missions at all United Nations chapters including New York, Geneva, Nairobi, Paris and Rome. Briefings will also be organized with the diplomatic representations at the headquarters of the United Nations Economic and Social Council (Bangkok, Beirut, Addis Abeba and Santiago de Chile).

20. Awareness-raising and capacity-building material is being developed in support of these activities.

B. The Cartagena Protocol on Biosafety to the Convention on Biological Diversity

21. Article 23 of the Cartagena Protocol on Biosafety requires Parties, on their own and in cooperation with other States and international bodies, to promote and facilitate public awareness and education, regarding the safe transfer, handling and use of living modified organisms (LMOs). It also requires Parties to consult the public in the decision-making process, to make public the final decision taken and to inform public about the means of access to the Biosafety Clearing-House.

22. Prior to the first meeting of the Conference of the Parties serving as the Meeting of the Parties to the Protocol (COP-MOP) the Secretariat developed an outreach strategy for the Cartagena Protocol to guide its own efforts and foster an integrated approach to its communication and outreach work.⁵ This strategy was welcomed by the Parties, in decision BS-I/5, paragraph 17, and the Executive Secretary was asked to advance its implementation. A revised outreach strategy was adopted by the Parties to the Protocol at their fourth meeting.⁶

23. The purpose of the strategy is to guide the Secretariat's efforts in increasing the visibility and awareness of the Protocol, promoting sharing of information about the Protocol and engaging key stakeholders. Its main elements include guiding principles, target audiences, communications and outreach tools and strategies to be used (e.g., promotional materials, new web media, workshops and strategic partnerships and networks), a monitoring and evaluation framework, an implementation action plan, and the resources required to implement the strategy.

24. Moreover, at its first meeting, Parties to the Biosafety Protocol, in decision BS-I/12 on the medium-term programme of work, agreed to consider, at their second meeting, "...options for cooperation, as appropriate, with other States and international bodies, on the promotion and facilitation

⁴ The list of workshops is available at <https://www.cbd.int/abs/meetings/>.

⁵ The outreach strategy is available at <http://www.cbd.int/doc/meetings/bs/mop-01/information/mop-01-inf-16-en.pdf>.

⁶ The revised outreach strategy is available at <http://www.cbd.int/doc/external/mop-04/mop-04-inf-18-en.pdf>.

of public awareness, education and participation concerning the safe transfer, handling and use of modified living modified organisms...” (para. 1(a), Article 23).

25. In decision BS-II/13, Parties to the Biosafety Protocol, at their second meeting, encouraged Parties to develop and implement national programmes, to make effective use of the media and to leverage opportunities for cooperation in the promotion of public awareness, education and participation concerning the safe transfer, handling and use of LMOs. It invited them to support subregional and regional initiatives and share, through the Biosafety Clearing-House, information, awareness materials and case studies about their ongoing initiatives.

26. At their fourth meeting, Parties to the Protocol considered an interim report on the status of implementation of Article 23, and, in decision BS-IV/17, agreed to develop a programme of work on public awareness, education and participation concerning the safe transfer, handling and use of LMOs and invited Governments and relevant organizations to submit views on its possible elements. The Executive Secretary was requested to prepare a draft work programme, which was then adopted at by the Parties to the Protocol at their fifth meeting, in decision BS-V/13, to assist Parties in implementing Article 23 of the Protocol. The programme includes the following four elements: (i) capacity-building; (ii) public awareness and education; (iii) public access to information; and (iv) public participation.

27. The Secretariat is developing an implementation strategy for the programme of work to facilitate its implementation.

28. It is important to note, that in the context of the Cartagena Protocol, the issue of awareness-raising has an additional dimension, as it is closely linked to participation in decision-making processes regarding living modified organisms. The public needs to know and understand the issues and processes related to LMOs and to have access to relevant information in order to make informed choices and actions. Likewise, public participation in the decision-making process is crucial for facilitating transparency and accountability, and strengthening public support for the decisions taken regarding LMOs.

C. United Nations Framework Convention on Climate Change (UNFCCC)

29. Under Article 6 of the United Nations Framework Convention on Climate Change Parties are required to promote and facilitate: (i) education and public awareness programmes on climate change and its effects; (ii) public access to information; (iii) public participation in addressing climate change and its effects; and (iv) training of scientific, technical and managerial personnel. Parties are also required to cooperate in and promote: (i) the development and exchange of educational and public awareness materials; and (ii) the development and implementation of education and training programmes, including the strengthening of national institutions and the exchange or secondment of personnel to train experts in this field.

30. In 2002, the Parties adopted the five-year New Delhi work programme on Article 6 (decision 11/CP.8) which was amended in 2007 (decision 9/CP.13). A review of the implementation of this work programme provides a number of lessons learned which may be useful in informing the implementation of Article 21 of the Nagoya Protocol. It was recognised, *inter alia*, that:

(a) The success of the New Delhi work programme lies in its flexible and country-driven approach, which recognizes that no single strategy for raising awareness or building capacity is appropriate for all countries;

(b) To ensure continuity in building local capacities, some Parties have developed “training-of-trainer” programmes aimed at creating a pool of trainers and experts. Some universities already undertake climate change research and related training;

(c) It is important to evaluate existing tools and identify baseline indicators to monitor and evaluate the effectiveness of awareness and education activities, for example, to determine the extent to

which awareness has been raised among the target groups and the extent to which this has resulted in action;

(d) It is important for the awareness and education programmes to have defined time frames and milestones, specific references to the needs of target population groups, measurable indicators of the level of implementation, concrete elements to facilitate regional cooperation, and adequate financial and technical resources; and

(e) Regional cooperation can complement but not replace efforts at the national level, but promoting cooperation at the subregional and regional levels can help reduce operational costs, increase efficiency of resource use and improve access to technical assistance and experts.

D. Convention on Wetlands of International Importance (Ramsar Convention)

31. The Convention on Wetlands of International Importance adopted its first programme of actions for promoting communication, education and public awareness (CEPA) in 1999 (Resolution VII.9). After a review process, based on the National Reports from Parties, an updated five-year CEPA programme (2003-2008) was adopted in November 2002 and subsequently the third CEPA Programme (2009-2015) was adopted at 10th Meeting of the Conference of the Parties in November 2008 in Nairobi. The third CEPA programme aims at:

(a) Effectively using CEPA to promote the value of wetlands, including through: sustained national and subnational campaigns, programmes and projects, and integration of CEPA into relevant policies, plans and work programmes to implement the Convention;

(b) Establishing an enabling environment for the effective implementation of CEPA by putting in place mechanisms such as national CEPA frameworks and action plans, CEPA focal points, CEPA Task Forces and networks for exchange of information, expertise and resources; and

(c) Using the CEPA framework and its tools to motivate and enable new actors to be actively involved in the implementation of the Convention, including through: training and capacity-building of individuals and key groups to effectively participate and developing mechanisms to ensure multi-stakeholder participation.

E. Conclusions from experiences with respect to awareness-raising under different multilateral environmental agreements and processes

32. The different processes show that early action on awareness-raising is necessary. Moreover, a coordinated approach is needed, giving flexibility to the different actors involved and allowing for countries and/or different stakeholder groups to adapt to their specific needs and circumstances. It was also recognized under the different multilateral environmental agreements and processes, that enabling environments (infrastructure, technical and substantive capacity) are a necessary prerequisite for an effective implementation of awareness-raising activities. Furthermore, awareness-raising activities should be mainstreamed into the different substantive issues/programmes of work and should have defined time frames and milestones. They should also target specific audiences and include clear and measurable indicators of level of implementation; as well as foresee adequate and predictable financial and technical resources.

33. The above overview illustrates further that there have already been some concrete awareness-raising activities under the Convention on Biological Diversity with respect to ABS to support the negotiations of the international regime. Now that the Nagoya Protocol has been adopted, it will be important to build on these efforts in order to develop a coherent approach to support the effective and successful implementation of the Protocol. The Secretariat of the Convention on Biological Diversity, is uniquely placed to facilitate such a coherent approach at the international level. To date, the lack of financial resources made available for outreach and awareness-raising has limited this potential role.

III. OVERVIEW OF EXISTING INITIATIVES AND ACTIVITIES RELATED TO AWARENESS-RAISING ON ACCESS AND BENEFIT-SHARING

34. This section provides an overview of various initiatives, measures and activities carried out to raise awareness to ABS issues before the adoption of the Nagoya Protocol. The overview focuses on those activities carried out which relate to the measures identified in Article 21 of the Nagoya Protocol. It includes information on voluntary codes of conduct, guidelines etc. (see Article 21 (e)), on information dissemination through a national clearing-house (see Article 21 (d)), on educational activities, such as workshops, dialogues, consultations or exchange of experiences (see Article 21 (b), (f) and (g)), as well as on specific activities related to traditional knowledge and indigenous and local communities (see Article 21 (b), (c), (h) and (i)). Finally, this section also refers to existing educational and information material on ABS.

35. An overview of earlier regional and national activities related to access and benefit-sharing including awareness-raising activities is included in document UNEP/CBD/WG-ABS/5/4.⁷

A. *Voluntary codes of conduct, guidelines and others*

36. A number of voluntary codes of conduct and guidelines have been developed by organizations, such as botanic gardens, culture collections, the academic research community and professional associations. These codes of conduct and guidelines were generally developed to assist with the implementation of the access and benefit-sharing provisions of the Convention by responding to the particular needs of their constituents.

1. *Agricultural sector*

37. The International Code of Conduct for Plant Germplasm Collecting and Transfer⁸ aims to promote the rational collection and sustainable use of genetic resources, to prevent genetic erosion, and to protect the interests of both donors and collectors of germplasm. Among other elements, it sets out minimum responsibilities of collectors, sponsors, curators and users of collected germplasm, in the collection and transfer of plant germplasm. The Code is addressed primarily to Governments and is to be implemented in harmony with the Convention on Biological Diversity and other legal instruments protecting biological diversity or parts of it. The Code was adopted by the FAO Conference in 1993 and negotiated through what is now the Commission on Genetic Resources for Food and Agriculture, which also has the responsibility to oversee its implementation and review.

2. *Botanic gardens*

38. The Royal Botanic Gardens Kew, the International Plant Exchange Network (IPEN) and Botanic Gardens Conservation International (BGCI) developed an online resource for access and benefit sharing between botanic gardens around the world.⁹ The site contains, among other things, information on how to develop an ABS policy, features the Principles on Access to Genetic Resources and Benefit-sharing for Participating Institutions developed by a number of botanic gardens and herbaria, as well as other useful resources such as case-studies.

39. Twenty-eight botanic gardens and herbaria from 21 countries developed a common approach on access and benefit-sharing that includes Principles on Access to Genetic Resources and Benefit-sharing for Participating Institutions and Common Policy Guidelines.¹⁰ The Principles promote the sharing of

⁷ See <http://www.cbd.int/doc/meetings/abs/abswg-05/official/abswg-05-04-en.pdf> , paragraphs 38-52.

⁸ See

<http://www.fao.org/docrep/x5586E/x5586e0k.htm#xiv.%20appendix%20e%20%20international%20code%20of%20conduct%20for%20plant%20germplasm%20collecting%20a>.

⁹ See <http://www.bgci.org/index.php?id=84>.

¹⁰ See http://www.bgci.org/resources/abs_principles/.

benefits arising from the use of genetic resources acquired prior to the entry into force of the Convention, in the same manner as for those acquired thereafter.

40. The International Plant Exchange Network (IPEN)¹¹ was established by European botanic gardens in order to comply with the access and benefit-sharing provisions of the Convention on Biological Diversity. It covers the non-commercial exchange of plant material between botanic gardens. Botanic gardens that want to join the network must adopt the IPEN Code of Conduct¹² and use its common documents for plant material transfer. It covers acquisition, maintenance and supply of living plant material by the gardens as well as benefit-sharing.¹³

3. *Micro-organisms culture collections*

41. With respect to microbial genetic resources, the Micro-organisms Sustainable Use and Access Regulation International Code of Conduct (MOSAICC)¹⁴ was developed by the Belgian Co-ordinated Collections of Micro-organisms (BCCM) in 1997, with the support of the European Commission. It is a voluntary code of conduct which covers the terms of access to microbial genetic resources, including the terms of agreement on benefit-sharing, access to and transfer of technology, scientific and technical cooperation as well as technology transfer.¹⁵

4. *Academic research community*

42. The "Guidelines for funding proposals concerning research projects within the scope of the CBD"¹⁶ were drafted by the ABS-Working Group of the Deutsche Forschungsgemeinschaft (DFG). These guidelines aim to enable scientists to comply with the principles of the Convention on Biological Diversity when designing research projects in order to avoid problems later during implementation, as well as to promote transparency and trust. Since 2008, adherence to these guidelines is a prerequisite for DFG funding.¹⁷

43. In 2006, the Swiss Academy of Sciences published a brochure to create awareness among the academic research community to the access and benefit-sharing provisions of the Convention on Biological Diversity entitled "Access and Benefit-sharing - Good Practice for academic research on genetic resources".¹⁸ The brochure contains information on the ABS system, case studies and step-by-step procedures. The brochure is available in English, French and Spanish. It can be downloaded at the ABS website of the Swiss Academy of Science. The site also offers checklists, and updates on current international policy developments.¹⁹

5. *Professional societies or organizations*

44. A number of professional research societies in fields such as anthropology, ethnobiology, pharmacognosy and ecology have developed documents to articulate ethical values embedded in research and set standards for best practice. These documents are variously referred to as codes of ethics, voluntary codes, codes of practice, statements on ethics, guidelines and research protocols. Elements of these codes of ethics and research guidelines generally address, *inter alia*, prior informed consent, research behaviour

¹¹ See <http://www.bgci.org/resources/ipen/>.

¹² See <http://www.bgci.org/files/ABS/IPEN/ipencodeofconduct.doc>.

¹³ See submission by the European Union available from <https://www.cbd.int/icnp1/submissions/>.

¹⁴ See <http://www.belspo.be/bccm/mosaicc>.

¹⁵ See submission by the World Federation for Culture Collection and the European Union available from <https://www.cbd.int/icnp1/submissions/>

¹⁶ See http://www.dfg.de/download/formulare/1_021_e/1_021e_rtf.rtf.

¹⁷ See submission by the Deutsche Forschungsgemeinschaft (DFG) available from <https://www.cbd.int/icnp1/submissions/>.

¹⁸ See <http://abs.scnat.ch/>.

¹⁹ See submission by the Swiss Academy of Sciences available from <https://www.cbd.int/icnp1/submissions/>.

including benefit-sharing and the publication and distribution of data, as well as the interaction with indigenous and local communities. Examples of these include: the Society for Economic Botany (SEB) and its Guidelines of Professional Ethics,²⁰ the International Society of Ethnobiology (ISE) and its Code of Ethics²¹ and the Society for Applied Anthropology (SfAA) and its Ethical and Professional Responsibilities.²²

6. *Private sector*

45. The Guidelines for Biotechnology Industry Organization (BIO) Members Engaging in Bioprospecting²³ are a set of general principles and practices that BIO believes are appropriate to follow when an entity engages in bioprospecting activities. They identify certain "best practices" that can be followed by companies that elect to engage in these activities. They also direct BIO members to identify any applicable requirements to follow in any specific jurisdiction in which they engage in bioprospecting.

46. The International Federation of Pharmaceutical Manufacturers and Associations (IFPMA) is a non-profit, non-governmental organization representing national industry associations and research-based pharmaceutical, biotech and vaccine companies from both developed and developing countries. Its Guidelines on Access to Genetic Resources and Equitable Sharing of Benefits Arising out of their Utilization²⁴ lists certain "best practices" to be followed by companies engaging in the acquisition and use of genetic resources.²⁵

47. The Natural Resources Stewardship Circle of the Beauty, Cosmetics, Fragrance and Flavourings Industries adopted in 2010 guidelines to support the objectives of the Convention on Biological Diversity as regards biodiversity conservation, sustainable use of its elements, fair and equitable sharing of benefits resulting from use of those elements, and, more broadly, determined to strive for improvement in the standard of living of indigenous and local communities and more generally of stakeholders in biological resource supply chains. As an example of self-regulation by the private sector it is a useful guide that may be taken into account in access and benefit-sharing arrangements.

B. *National clearing-house mechanisms*

48. The following Parties to the Convention provide ABS related information on their governmental websites (i.e., have established national web-portals dedicated to ABS): Australia,²⁶ Austria,²⁷ Canada,²⁸ Costa Rica,²⁹ Czech Republic,³⁰ Denmark,³¹ EC,³² Finland,³³ France,³⁴ Germany,³⁵ Hungary,³⁶ the

²⁰ See http://www.econbot.org/pdf/SEB_professional_ethics.pdf.

²¹ See <http://www.ethnobiology.net/ethics.php>.

²² See <http://www.sfaa.net/sfaaethic.html>.

²³ See <http://bio.org/ip/international/200507guide.asp>. Also see links for the Memo for Bioprospecting Guidelines at <http://bio.org/ip/international/200507memo.asp> and BIO's Model MTA at http://bio.org/ip/international/BIO_Model_MTA.pdf.

²⁴ See at <http://www.ifpma.org/Issues/CBD> and http://www.ifpma.org/Issues/fileadmin/templates/ifpmaissues/pdfs/2008_05_22_Guidelines_Genetic_Resources_EN.pdf

²⁵ See submission by the European Union available from <https://www.cbd.int/icnp1/submissions/>.

²⁶ See <http://www.environment.gov.au/biodiversity/science/access/index.html>.

²⁷ See <http://www.biologischesvielfalt.at/hot-topics/zugang-zu-genetischen-ressourcen/>.

²⁸ See <http://www.ec.gc.ca/apa-abs/>.

²⁹ See <http://www.conagebio.go.cr/>.

³⁰ See <http://chm.nature.cz/network/fo1405373>.

³¹ See <http://www.dk-chm.dk/network/F1087458521>.

³² See <http://biodiversity-chm.eea.europa.eu/information/F1046684686/> and <http://abs.eea.europa.eu/>.

³³ See <http://www.environment.fi/default.asp?node=8254&lan=EN>.

Netherlands,³⁷ New Zealand (The Ministry of Foreign Affairs³⁸ and Ministry of Economic Development and Trade³⁹) and Spain.⁴⁰

49. These different portals are used to disseminate information relevant to the implementation of access and benefit-sharing obligations in the Convention on Biological Diversity and of the Bonn Guidelines to different stakeholders, including governments, research institutes, private companies and NGOs.

C. *Educational activities, workshops, dialogues, consultations and exchange of experiences*

50. Educational activities and workshops etc. for governmental representatives and/or with stakeholders have been organized in a number of countries in order to increase awareness of the ongoing negotiations of an international regime on ABS, as well as to the provisions on access and benefit-sharing of the Convention on Biological Diversity and the Bonn Guidelines and also to assess the existing level of awareness amongst potential users and stakeholders and increase their involvement in activities related to access and benefit-sharing.

51. Specific activities have included the following:

(a) In December 2010, an International Technical Expert Workshop on “Exploring the need for specific measures for Access and Benefit-Sharing of Animal Genetic Resources for Food and Agriculture” was held in Wageningen, the Netherlands and organized by the Centre for Genetic Resources (CGN) and Wageningen University and Research Centre. The expert workshop aimed to assess the need for specific ABS measures for animal genetic resources for food and agriculture, taking into account the recently adopted Nagoya Protocol and the ongoing work of the FAO Commission on Genetic Resources for Food and Agriculture;⁴¹

(b) An ABS awareness-campaign was carried out by the Swiss Academy of Sciences, during the period 2003-2010. The campaign included lectures and seminars integrated into university courses and poster presentations at scientific conferences;⁴²

(c) The Ministry of Economy, Trade and Industry of Japan has carried out several awareness-raising activities implemented by the Japan Bioindustry Association (JBA), including the translation and dissemination of the Bonn Guidelines through public seminars;⁴³

(d) Australia has established several consultative forums to represent the views of government, industry and scientific community: (i) the Biodiscovery Working Group includes officials from all jurisdictions and provides a forum for the exchange of views, (ii) the Biodiscovery Industry Panel is a forum that includes representatives of universities, research institutions and private sector firms and provides an insight into the practical issues associated with biodiscovery research, and (iii) through direct consultation with other key stakeholders.⁴⁴

³⁴ See <http://www.brg.prd.fr/>.

³⁵ See <http://www.abs.biodiv-chm.de/>.

³⁶ See http://biodiv.kvvm.hu/convention/other_conv/fol638350.

³⁷ See <http://www.absfocalpoint.wur.nl/UK/>.

³⁸ See <http://www.mfat.govt.nz/Foreign-Relations/1-Global-Issues/Environment/7-Species-Conservation/geneticres.php>.

³⁹ See http://www.med.govt.nz/templates/StandardSummary___46.aspx.

⁴⁰ See <http://www.marm.es/es/biodiversidad/temas/recursos-geneticos-en-el-cdb/default.aspx>.

⁴¹ See submission by the European Union available at: <https://www.cbd.int/icnp1/submissions/> and see also [http://www.cgn.wur.nl/UK/CGN General Information/Education and information/Seminars/](http://www.cgn.wur.nl/UK/CGN%20General%20Information/Education%20and%20information/Seminars/).

⁴² See submission by the Swiss Academy of Science available at <https://www.cbd.int/icnp1/submissions/>.

⁴³ See submission by Japan available at <https://www.cbd.int/icnp1/submissions/>.

⁴⁴ See submission by Australia available at <https://www.cbd.int/icnp1/submissions/>.

52. Moreover, activities of the ABS Capacity Development Initiative for Africa, of which Secretariat of the Convention on Biological Diversity is a partner, have provided the foundation for additional communication products. The regional workshop on ABS, co-organized by the United Nations Environment Programme (UNEP) and held on 9-12 March 2009, provided an assessment of the communication needs for a variety of target groups, and identified gaps requiring capacity-development for the region. The methodology of the workshop was sufficiently generic, such that it could be replicated in other regions.

53. As a follow-up to this regional workshop on CEPA and ABS, the Secretariat participated as a member of the CEPA-ABS task force for the ABS Capacity-Building Initiative for Africa, at its first meeting held in Bonn on 18 and 19 June 2009. The task force was mandated to identify concrete information products and activities that could be implemented in the short and medium term that would support decisions of the Conference of the Parties on CEPA and ABS and contribute to capacity-building. The results of the workshop (i.e. detailed guidance on the products and communications campaigns required to raise awareness of ABS issues) were communicated to 5th Conference of the Parties Bureau meeting, held in Strömstad, Sweden, from 9 to 10 September 2009 and can provide the basis for further activities.

54. Finally, the Access and Benefit Sharing Knowledge Hub,⁴⁵ a platform hosted by UNEP Division for Environmental Law and Conventions, functions as an information and experience-sharing hub with close cooperation with people who have relevant experience on ABS and those who seek to benefit from such experience.

D. Educational and information material on ABS

1. Information kits and fact sheets

55. As mentioned above in section II, paragraph 15, the Secretariat developed an information kit that presents the core issues of access and benefit-sharing in a simple and straightforward language. It contains a brochure and factsheets on (i) access and benefit-sharing; (ii) uses of genetic resources; (iii) traditional knowledge; (iv) the Bonn Guidelines; and (v) national implementation. This information tool is intended for use by a variety of actors, including Parties and stakeholders, in their efforts to raise awareness on access and benefit-sharing within their constituencies. A hard copy of the kit was sent to all Convention on Biological Diversity and ABS National Focal Points by mail.⁴⁶

56. Moreover, the Secretariat produced a series of fact sheets on ABS regarding frequently asked questions (FAQs), as well as the negotiation process of the Nagoya Protocol to provide concise and neutral information on the issues and process during the negotiations to, among others, Parties, stakeholders, as well as media. In addition, after the adoption of the Nagoya Protocol, the Secretariat produced an additional fact sheet on the Nagoya Protocol explaining, among other things, its objective, scope and core obligations, and revised the existing ones.

2. Case-studies

57. Existing ABS arrangements and case-studies on access and benefit-sharing are a valuable source of information to provide a better understanding of access and benefit-sharing in practice. Under various decisions of the Conference of the Parties, Governments, international agencies, research institutions, representatives of indigenous and local communities and non-governmental organizations were invited to submit case-studies to the Executive Secretary, *inter alia*, on access to and sharing of benefits arising from the use of genetic resources. The information was compiled and made available on the ABS

⁴⁵ See <http://abshub.helpserve.com/index.php>.

⁴⁶ The information kit is available electronically at www.cbd.int/abs/

programme webpages⁴⁷ where references to additional resources for case-studies, such as the World Intellectual Property Organization (WIPO) Contracts Database,⁴⁸ the United Nations University of Advanced Studies (UNU-IAS) Bioprospecting Information resource and the ABS Capacity Development Initiative for Africa are also available.

58. Moreover, the Secretariat published CBD Technical Series #38: Access and Benefit-sharing in Practice: Trends in Partnerships across Sectors,⁴⁹ which combines two studies that had been commissioned by the Secretariat. Whereas the first study examines the commercial use of biodiversity, in particular the demand for genetic resources and market trends, the second study examines access and benefit-sharing arrangements in different sectors based on recent literature, the analysis of ABS contracts and agreements and interviews with representatives from industry, government, NGOs, international agencies, and research institutions. In addition, seven case-studies were selected for detailed analysis.

3. *Other tools applicable across sectors*

59. The ABS Management Tool (ABS-MT)⁵⁰ is a best practice standard and a handbook that provides guidance and tools on ABS practice to help companies, researchers, local and indigenous communities, and governments ensure compliance with the Bonn Guidelines and ABS requirements under the Convention on Biological Diversity. It provides users and providers of genetic resources with a structured process for participating in – and making decisions about – ABS negotiations and the implementation of ABS agreements for access to and agreed use of genetic resources.

4. *Guides*

60. The International Union for Conservation of Nature (IUCN) is developing an explanatory guide to the Nagoya Protocol to strengthen the understanding of the legal provisions and obligations as well as implications for implementation of each specific article. The guide will be published in English and translated into Spanish and French.⁵¹

E. Specific activities related to traditional knowledge and indigenous and local communities (ILCs)

1. Organization of meetings of indigenous and local communities and relevant stakeholders

61. A number of briefings and awareness-raising activities were held for ILCs throughout the negotiations of the international regime in order to ensure that representatives of ILCs were well informed and effectively participated in the negotiation process. For example, an International Indigenous and Local Community Consultation on Access and Benefit-sharing and the Development of an International Regime, facilitated by the Secretariat of the Convention on Biological Diversity thanks to the generosity of the Government of Spain, was held in Montreal, from 19 to 21 September 2007.⁵² Further to the adoption of the Nagoya Protocol, workshops are being organized to support the implementation of the Nagoya Protocol, including by indigenous and local communities.

62. Finally, the Secretariat entered into a Memorandum of Understanding (MOU) with the Indigenous Women's Biodiversity Network to deliver a series of subregional workshops throughout the Latin America and the Caribbean region from 2009-2011. Each subregional workshop was facilitated in

⁴⁷ See <http://www.cbd.int/abs/casestudies/>.

⁴⁸ See submission by the World Intellectual Property Organization (WIPO) available at <https://www.cbd.int/icnp1/submissions/>

⁴⁹ See <http://www.cbd.int/doc/publications/cbd-ts-38-en.pdf>.

⁵⁰ See <http://www.iisd.org/abs/>.

⁵¹ See submission by the International Union for Conservation of Nature (IUCN) available at <https://www.cbd.int/icnp1/submissions/>.

⁵² For the report, see <http://www.cbd.int/doc/meetings/abs/abswg-05/information/abswg-05-inf-09-en.pdf>.

partnership with a local indigenous or non-governmental organization and included a major component on ABS.

2. *Activities related to awareness-raising of community protocols and procedures of indigenous and local communities*

63. Natural Justice, the not-for-profit organization, is working with communities to develop their legal capacity to demand social and environmental justice. As part of this work, the organization is promoting the legal concept of community protocols. Natural Justice held consultations with ILCS, NGOs and users of genetic resources, as well as addressed the issue at side events at several meetings of the Working Group on Access and Benefit-sharing and released several relevant publications.⁵³

3. *The Traditional Knowledge Portal*

64. The Traditional Knowledge Information Portal has been developed by the Secretariat of the Convention on Biological Diversity in order to promote awareness and enhance access by indigenous and local communities and other interested parties to information on traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity.⁵⁴

4. *Other relevant tools and instruments*

65. Paragraph 7 of decision X/40 B, invites “Parties to consider designating national focal points for Article 8(j) and related provisions in support of national focal points, to facilitate communications with indigenous and local community organizations and to promote the effective development and implementation of the programme of work on Article 8(j) and related provisions.”

66. Moreover, the Parties to the Convention adopted at its tenth meeting: “The Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities”⁵⁵ and invited Parties and Governments to make use of its elements to guide the developments of models of codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge, innovations and practices for the conservation and sustainable use of biological diversity. The code is intended to provide guidance in activities/interactions with indigenous and local communities and for the development of local, national, or regional codes of ethical conduct, with the aim of promoting respect, preservation and maintenance of traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biodiversity. In particular, it provides guidance to researchers concerning traditional knowledge and as such may be relevant and useful for ABS arrangements.

F. Others

67. The Ministry of Economy, Trade and Industry (METI) from Japan in cooperation with the Japan Bioindustry Association (JBA) have developed the “Japan’s ABS Guidelines for users” on the basis of the Bonn Guidelines but with a user-specific and user-friendly perspective. A number of tools were developed, subsequently, to support users of genetic resources and the implementation of the Guidelines:

- (a) Dissemination of the Guidelines through seminars in major cities across the country;
- (b) Bilateral workshops and meetings with Convention on Biological Diversity officials from providing countries to provide partnership between users and providers of genetic resources and to raise awareness of provider countries’ ABS framework;

⁵³ See for details and further references

http://www.naturaljustice.org/index.php?option=com_content&task=view&id=54&Itemid=93.

⁵⁴ See <http://www.cbd.int/tk/>.

⁵⁵ See decision X/42 at <http://www.cbd.int/decision/cop/?id=12308>.

(c) JBA's specialized website for ABS-related information on providing countries;

(d) JBA's help desk to advice on ABS to those potential users in Japan who have questions or problems, free of charge and on a confidential basis. Since 2005 the JBA has conducted more than 300 cases of individual consultations.⁵⁶

G. *Conclusions from existing initiatives and activities related to awareness-raising on access and benefit-sharing (ABS)*

68. Section III illustrates clearly the variety and richness of existing initiatives and activities related to awareness-raising on ABS issues. There is also an understandable focus on the implementation of the ABS provisions of the Convention on Biological Diversity and support to the negotiations of the Nagoya Protocol. A coherent approach though is missing and, at numerous occasions, it has been acknowledged that barriers to an effective communication with respect to ABS remain and hamper outreach and awareness-raising efforts.

IV. LESSONS LEARNED AND CONCLUSIONS

69. Although a number of initiatives have been taken to raise awareness to ABS issues prior to the adoption of the Nagoya Protocol, now that the Nagoya Protocol has been adopted a more coherent approach to awareness-raising will be needed to assist Parties with the implementation of Article 21 of the Protocol.

70. Important first steps in improving communication on access and benefit-sharing issues have been achieved. A wide range of tools and instruments has been developed already.

71. However, an overall communications framework which outlines the priorities for communication in terms of target groups, behaviour change and modes of communication has not been developed. Therefore the collection of information products that exist do not seem to fit into a coherent whole and distinctions between the communications needs of different groups are not understood.

72. Much work on communication was focused on securing support for the negotiations of the Protocol. Now that the Nagoya Protocol has been adopted, communication efforts will need to focus on support of its implementation. Communication efforts will need to support the different dimensions of implementation and seek to build bridges with groups that have various levels of awareness of the benefits of the Protocol. As the Protocol will require the establishment of dialogue and negotiation between groups with very different modes of communication and stakes in ABS relationships, the issue of inter-group and even intercultural communication will be an important element.

73. Some key successful lessons learned from the outreach strategies of the Secretariat of the Convention on Biological Diversity and CEPA was based on a system of outreach activities based on clear objectives. One of them is the strategy for the International Year of Biodiversity. Overall, successful activities were based on targeted audiences and messaging as well as the following: first, awareness-raising and communication; secondly education; and finally, engaging and working with key partners. Another key point was to provide effective communication tools in a timely manner.

74. The need for cohesive and focused action was also recognized in the context of the Cartagena Protocol, as well as the United Nations Framework Convention on Climate Change.

75. Efforts need to be made to identify key target groups, the behavioural changes that are required to secure full and effective implementation of the Protocol, and the communication channels and messages that can help to bring about these changes.

⁵⁶ See submission by Japan available at <https://www.cbd.int/icnp1/submissions/>.

76. It is also important to integrate communication of the role of the Protocol in the overall implementation of the Convention, including the strategic plan of the Convention on Biological Diversity and the process to revise NBSAPs.

77. Awareness-raising efforts should be developed and implemented in a manner that capitalizes, where appropriate, on other outreach and awareness-raising programmes and activities undertaken by the Secretariat and the Parties. Particular attention will need to be paid to integrating and complementing the awareness-raising strategy with the overall messages and outreach campaign of the United Nations Decade on Biodiversity.

78. The Secretariat of the Nagoya Protocol is uniquely placed to facilitate such a coherent approach at the international level. To date, the lack of financial resources made available for outreach and awareness-raising has limited this potential role.

79. A possible way forward in this context is the development of a coherent draft awareness-raising strategy that would assist Parties to implement Article 21 of the Nagoya Protocol, as well as guide the Secretariat and other actors to raise awareness with respect to the Nagoya Protocol and related access and benefit-sharing issues. Such a draft strategy is presented in detail in document UNEP/CBD/ICNP/1/5.
