

AIR Trust Feedback on issues for further consideration (reproduced from the Annex to decision 15/9)

(a) Governance of the fund;

- The fund must be governed by IPLC.
 - *Governance decisions should be made by IPLC's themselves. This includes priority-setting, accountability measures, and formulation of criteria for funding applications.*
 - *Global regions should each be fairly represented.*
- IPLC are capable of determining the allocation of benefits
 - *Allocations around benefit sharing should be made by IPLC's themselves.*
- Funds must be fairly distributed.
 - *This includes remote, rural and urban IPLC communities.*

(b) Triggering points for benefit-sharing;

- Potential options:
 - Depositing open DSI: payment for DSI datasets relevant to IPLC lands and resources to enable open access (like publications model) made to the Multilateral fund. Otherwise data accessed by permission (of researcher / community).
 - Use of DSI for Research and Development activities: use licenced and payments made towards the Multilateral fund.
 - For products generated from DSI: a royalty or fee to be paid into the Multilateral fund..
 - *Payees incentivised through formally recognized and ability to use a label on their product (ie. Fair Trade Label).*
 - Registration of patents based on DSI: a royalty or fee to be paid into the Multilateral fund.
 - *Payees incentivised through formally recognized and ability to use a label on their product (ie. Fair Trade Label).*

(c) Contributions to the fund;

- DSI Repositories will need to either accept or recognise payments associated with datasets.

- *Functions for contributions will need to be built into all sources where payments are required.*
- Reliance should not be purely on state party contributions.

(d) Potential to voluntarily extend the multilateral mechanism to genetic resources or biological diversity;

- There is potential to extend the multilateral system if it increases the amount of genetic resources contributing towards benefit sharing, over and above that which is occurring through the bilateral mechanism in the Nagoya Protocol.
 - *If this becomes a mechanism for researchers to bypass the bilateral system then it will be disempowering for IPLCs.*
- The voluntary nature of the extension is unclear.
 - *Who is volunteering to include genetic resources in a multilateral mechanism, IPLC's or researchers?*
 - *When that decision is made by researchers, this is disempowering for IPLCs as it removes their authority and self-determination.*
- Provision should be made to opt-in to Bilateral agreements for DSI when provenance information is clearly identifiable.

(e) Disbursement of monetary benefits, including information on geographical origin as one of the criteria;

- Disbursements should be governed by IPLC's.
- Priority for disbursements should reflect both the geographical origin/provenance of the funds, and the places where IPLC's feel the greatest impact can be made.
 - *Monetary benefits should be distributed in a way that creates the best impact possible for communities and does not centre on one particular community only.*
 - *Provenance information supports the appropriate allocation of the Multilateral fund.*
- Other criteria could involve consideration of aspects such as vulnerability and the level of risk.

(f) Non-monetary benefit-sharing, including information on geographical origin as one of the criteria;

- Non-monetary benefits need to be measurable, quantified and specific.

- *Non-monetary benefit-sharing often requires ancillary financial input.*
- Provenance information is necessary to support appropriate recognition of non-monetary benefits relevant to IPLC's within relevant geographic areas.

(g) Other policy options for the sharing of benefits from the use of digital sequence information on genetic resources, including as identified through further analysis as referred to in paragraphs 6 and 7 of decision 15/9;

- Criteria 9(i) should have primacy over the other identified criteria.
 - *A key purpose of 15/9 is to support benefit sharing to IPLC.*

(h) Capacity development and technology transfer;

- Capacity development and technology transfer for IPLC's will support greater engagement and participation in research.
- These elements should be supported independently of the Multilateral Fund.
 - *It is key not to divert funds from the opportunity to create key biodiversity impacts.*

(i) Monitoring and evaluation and review of effectiveness;

- Monetary and non-Monetary benefits need to be subject to monitoring, evaluation and review.
 - *Criteria for receiving funding should be regularly reviewed and updated to be inclusive, and ensure key targets and objectives are being met, especially as priorities and needs shift over time.*

(j) Adaptability of the mechanism to other resource mobilisation instruments or funds;

- Multilateral instrument could be used for distributing other funds.
 - *However this needs to clearly delineate which funding has arisen from the use of DSI and that which is from other sources.*

(k) Interface between national systems and the multilateral mechanism on benefit-sharing;

- National systems should support effective bilateral benefit sharing mechanisms where possible.

- National systems should support effective provenance tracking and recognition of IPLC's.
- These should enhance IPLC decision-making around the Multilateral Fund.

(l) Relationship with the Nagoya Protocol;

- The Multilateral Fund should not impede on the Nagoya Protocol's ability to operate
 - *Especially regarding its bilateral mechanism in relation to genetic resources.*
- There should be the ability for researchers to voluntarily include DSI under the provisions of the Nagoya Protocol and utilise its bilateral mechanism.

(m) Role, rights and interests of indigenous peoples and local communities, including associated traditional knowledge;

- As asserted under (a), the fund must be governed by IPLC.
- IPLC should be the primary beneficiaries of the fund, in recognition of their key positive efforts in relation to biodiversity.
 - *This also recognises the historical inequities that IPLC have faced, and their connection to lands, waters, flora, fauna and their associated biodiversity.*
- Recognition of IPLC rights in water, land, territories and resources increases IPLC ability to assert custodianship.

(n) Role and interests of industry and academia;

- Need clarity between depositor and repository responsibilities.

(o) Linkages between research and technology and the multilateral mechanism on on benefit-sharing;

- Please see points covered under (b) to (d).

(p) Principles of data governance.

- FAIR and CARE must be implemented in order to be consistent with the DSI framework that came out of COP15
 - <https://www.cbd.int/doc/c/c181/12cf/d29ef8c3f6bd4ec701699d9d/cop-15-l-30-en.pdf>
- OCAP also key for data governance
 - <https://fnigc.ca/ocap-training/>

- To give effect to the above principles, it is important to pilot practical data governance initiatives including provenance tracking tools such as the Local Contexts Biocultural (BC) Labels.

- <https://localcontexts.org/labels/biocultural-labels/>