

## “Unpacking ‘Digital Sequence Information on Genetic Resources’: Scaffolding of Errors to Preserve a Category Mistake”

Simultaneous submission of English original and Spanish translation in response to Decision XIII/16  
“Digital Sequence Information on Genetic Resources” according to its Paragraph 1

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The neologism “digital sequence information on genetic resources” frustrates cross-cutting solutions that could achieve the three objectives of the 1992 UN Convention on Biological Diversity, viz. conservation, sustainable use and the fair and equitable sharing of benefits that arise from utilization of genetic resources, commonly known as ABS. The encumbered wording isolates only one of many scenarios that could be grouped under the class “natural information”. “Digital sequence information on genetic resources” also opens opportunities for the lawful avoidance of ABS.

Unpacking the neologism exposes a scaffolding of errors and the latent risks therein.

**Digital:** The adjective implies that anything not “digital” is not included in whatever policy emerges. So, a sequence which is first accessed through the print medium would not be within the scope of “digital sequence information on genetic resources”;

**Sequence:** The noun “sequence” as an adjective in “digital sequence information” does not cover expressions of natural information other than nucleic acids and amino acids. For example, molecular structures, biomimicry and animal behavior would not be within the scope of the neologism. “Sequence” would thereby require future duplicative approaches for the sharing of benefits when molecular structures, etc. are utilized;

**Information:** By not modifying the noun “information” with either “natural” or “artificial”, “digital sequence information on genetic resources” does not distinguish the provenance of the sequence. The noun “information”, so unmodified, extends the scope of ABS to that which could be artificial in origin.

**On:** Prepositions are the bane in the mastery of any language. Only three prepositions are possible alternatives to “on” in “digital sequence information on genetic resources”: “from”, “of” or “about”. The usage of “from” or “of” would imply a degree of separability between “digital sequence information” and “genetic resource” that is not connoted with the chosen usage of “on”. Inasmuch as both “from” and “of” read more fluently than does “on”, inseparability was probably intended. At least one stakeholder has asserted that information is a property of a genetic resource rather than something itself (see, for example, d’Alessandro, CBD Secretariat (2013b)). Any such position ignores the reason for Decision XIII/16, viz., much natural information has already been separated from the material medium. Lastly, substitution of “about”

for “on” in “digital sequence information on genetic resources” would also read more fluently than does “on”, but would imply a generality that undercuts the need for conservation in the first objective of the Convention (Answers 1&2, English Language & Usage 2017).

Genetic Resources: By not grappling with the category mistake of Article 2 of the CBD, which classifies “genetic resources” as “material”, “digital sequence information on genetic resources” preserves the mistake and allows lawful avoidance of ABS and the selection of non-genetic-material media for transmission of natural information. Both risks are elaborated by the Peruvian Society for Environmental Law (2017) in its submission to “Proposals for new and emerging issues for SBSTTA-21 and COP-14” (SCBD/OIC/DC/RH/84326).

Inasmuch as Decision XIII/16 (CBD Secretariat 2016) calls for the Executive Secretary to “commission a fact-finding and scoping study... to clarify terminology and concepts and to assess the extent and the terms and conditions of the use of digital sequence information on genetic resources”, rejection of the neologism for the aforementioned reasons is not only merited but imperative. The alternative to “digital sequence information on genetic resources” is “natural information”. An economics literature exists which details a policy for “natural information” that could achieve the first two objectives of the CBD, conservation and sustainable use, through the third, ABS (Ruiz Muller, 2015, Vogel et al 2018).

## References

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