

## PAPER BY THE CO-LEADS OF THE CONTACT GROUP

### I. ORGANIZATION OF THE WORK OF THE CONTACT GROUP ON AGENDA ITEM 5

The contact group was established by the Co-Chairs of the Working Group on the Post-2020 Global Biodiversity Framework at the end of the plenary session on item 5 on Tuesday 24 August 2021. The contact group on digital sequence information on genetic resources will be co-chaired by Ms. Lactitia Tshitwamulomoni (South Africa) and Mr. Gaute Voigt-Hanssen (Norway).

#### *Mandate*

1. The initial mandate of the contact group is to develop a draft recommendation on how to address digital sequence information on genetic resources in the context of the post-2020 global biodiversity framework. To do so, the contact group sessions on August 25, 26 and 27 will listen, gather and reflect the various opinions, positions and interests of the Parties on DSI in one working document without prejudice to the of the process for now. It is intended to serve as a basis for future discussions and draft recommendations.

#### *Documentation*

2. In accordance with the mandate stated above, the co-leads of the contact group are making the present document available. This document contains 4 parts:

- (a) A note by the co-leads on the organization of the work on the contact group on agenda item 5: digital sequence information on genetic resources (section I);
- (b) Draft recommendation based on the ‘elements of a recommendation’ of the pre-session document on DSI (section IV of CBD/WG2020/3/4). The proposals made during the plenary session have been reflected in this document in track changes (section II);
- (c) Text proposals related to DSI in the post-2020 global biodiversity framework (section III);
- (d) Other related text proposals (section IV).

#### *Proposed organization of work*

3. The contact group has a total of three sessions planned for three hours each during the first part of the third meeting of the Working Group on the Post-2020 Global Biodiversity Framework. The sessions are scheduled to take place on 25, 26 and 27 August from 11:00 a.m. to 2:00 pm EST (Montreal time).

4. The organization of the work will follow a stepwise approach as follows:

- (a) During the first session of the contact group, the co-leads will invite Parties to a round of reflection on the present working document;
- (b) Subsequently, the Parties will discuss part II of this document, ensuring that their views and suggestions have been reflected. Furthermore, Parties which did not provide specific text proposals during the plenary session will be invited to do so on the basis of their statement.

5. As needed, an updated version of the present working document will be made available prior to the second and/or third session of the contact group.

6. Depending on the outcome of the discussion, next steps will be suggested with a focus on identifying areas of convergence and agree on proposed text and documenting areas where a divergence of views remains and where more work or more information would be needed.

7. The co-leads would like to remind Parties of the following modalities:

- (a) Delegates are encouraged to make short and targeted interventions and as much as possible, provide concrete textual proposals addressing their point;
- (b) Proposals made by observers need to be supported by at least one Party in order to be further considered. This support can be voiced in the chat of the platform.

## II. ELEMENTS OF A DRAFT RECOMMENDATION ON DIGITAL SEQUENCE INFORMATION

*The Open-ended Working Group on the Post-2020 Global Biodiversity Framework,*

*Recalling [relevant elements] of decisions XIII/16 and 14/20,*

1. *[Welcomes][Takes note of] the outcomes of the meeting of the Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources as contained in annex I of CBD/WG2020/3/4 [while recognizing the need to continue working on those aspects that link DSI with associated traditional knowledge];*

2. *[Takes note of the information summarized in annexes II and III of CBD/WG2020/3/4, arising from the informal activities on digital sequence information on genetic resources carried out at the request of the Co-Chairs of the Working Group, including:*

- (a) *The listing of potential policy options;*
- (b) *The listing of potential criteria for assessing policy options;*
- (c) *The range of views made during the informal online consultation];*

3. *[Recognizes the intrinsic relation between genetic resources and DSI];*

4. *Recognizes that any approach on digital sequence information on genetic resources [which mechanism has been agreed by Parties] should not [prevent][restrict free and open] access to digital sequence information or [significantly] hinder scientific research and innovation;*

*4bis. Recognizes that any approach to address digital sequence information on genetic resources should support open access to DSI and facilitate scientific research and innovation;*

*4ter. Recognizes the need for a global standard or policy approach that encourages open access to DSI and promotes significant scientific research and innovation related to DSI;*

5. *Recognizes that benefits arising from the use of digital sequence information on genetic resources should be shared fairly and equitably [with the countries that provide the genetic resource from which the digital sequence originated, and recognizes that the free and prior informed consent of indigenous peoples and local communities is relevant to access to digital sequence information on genetic resources in equal conditions];*

*5bis. Recognizes that sharing of the benefits arising from the use of DSI through a global multilateral benefit-sharing mechanism can make a significant contribution to resource mobilization and thereby contribute to conservation and sustainable use;*

*5ter. Decides to further review the efficiency and efficacy of the current modality including how digital sequence information on genetic resources is currently used, and further considers the concept and scope of digital sequence information on genetic resources and who are the main beneficiaries from its use;*

6. *Considers that there are several possible [modalities][approaches] for benefit-sharing;*

7. *Acknowledges that capacity-building is relevant and necessary for addressing DSI [and must deliver against the needs identified]. [In addition, the implementation capacity-building, including through transfer knowledge in mutual collaboration, is necessary to be enhanced and facilitated.]*

*7bis. Acknowledges that capacity-building is relevant and necessary for addressing DSI [and recognizes the relevance of associated traditional knowledge related with the utilization of genetic resources and DSI, as well as the importance of indigenous peoples and local communities in the preservation, maintenance and generation of these resources].*

### III. TEXT PROPOSALS RELATED TO DSI IN THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

*Text proposals related to document CBD/WG2020/3/3 - First draft of the post-2020 global biodiversity framework*

<i>CBD/WG2020/3/3, p. 5-7</i>	<i>Text proposals and amendments</i>
<p><b>Goal C</b> The benefits from the utilization of genetic resources are shared fairly and equitably, with a substantial increase in both monetary and non-monetary benefits shared, including for the conservation and sustainable use of biodiversity.</p> <p>Milestone C.1 The share of monetary benefits received by providers, including holders of traditional knowledge, has increased.</p> <p>Milestone C.2 Non-monetary benefits, such as the participation of providers, including holders of traditional knowledge, in research and development, has increased.</p>	<p><b>Goal C</b> The benefits from the utilization of <b>biodiversity/biological resources (genetic resource, DSI and associated traditional knowledge)</b> are shared fairly and equitably, with a substantial increase in both monetary and non-monetary benefits shared, including for the conservation and sustainable use of biodiversity.</p> <p>Milestone C.1 The share of monetary benefits received by providers <b>of biodiversity/biological resources, genetic resources and DSI</b>, including holders of traditional knowledge, has increased.</p> <p>Milestone C.2 Non-monetary benefits, such as <b>technical and scientific cooperation with</b> the participation of providers <b>of biodiversity/biological resources, genetic resources and DSI</b>, including holders of traditional knowledge, in research and development, has increased.</p>
<p>Target 13. Implement measures at global level and in all countries to facilitate access to genetic resources and to ensure the fair and equitable sharing of benefits arising from the use of genetic resources, and as relevant, of associated traditional knowledge, including through mutually agreed terms and prior informed consent.</p>	<p>Target 13. Measures at global <b>and national level established and implemented</b> in all countries to facilitate access to genetic resources <b>and DSI and</b> to ensure the fair and equitable sharing of benefits arising from the use of <b>all biodiversity/biological resources, genetic resources, DSI and</b>, as relevant, of associated traditional knowledge, including through mutually agreed terms and <b>free</b> prior informed consent <b>in accordance with the provisions of the Nagoya Protocol and the CBD and other relevant international instruments.</b></p>

*Text proposals related to document CBD/WG2020/3/INF/2 - Proposed monitoring approach and headline, component and complementary indicators for the post-2020 global biodiversity framework*

<i>CBD/WG2020/3/INF/2, p. 12</i>	<i>Text proposals and amendments</i>
<p>13.1.1. Number of permits or their equivalents for genetic resources (including those related to traditional knowledge) by type of permit</p>	<ul style="list-style-type: none"> <li>• <b>Number of permits granted</b></li> <li>• <b>Number of ABS Agreements in place</b></li> <li>• <b>Trends in sharing of monetary and non-monetary benefits by users</b></li> <li>• <b>Establishment of global multilateral benefit sharing mechanism</b></li> <li>• <b>Funds received and disbursed by the GMBSM</b></li> </ul>

#### IV. OTHER RELATED TEXT PROPOSAL

*The Conference of the Parties,*

[Determined to enhance access and benefit-sharing provisions and systems in order to contribute to [create] an ambitious and transformative resource mobilization strategy for the post2020 global biodiversity framework,]

[Further determined to create a practical system to ensure fair and equitable sharing of the benefits arising from the use of digital sequence information on genetic resources and associated traditional knowledge,]

[Decides, in the exercise of their sovereign rights over genetic resources, to establish a multilateral benefit-sharing mechanism, to operate as follows:

(a) Each developed country Party shall, in accordance with Articles 20 and 15.7 of the Convention, take legislative, administrative or policy measures, as appropriate, to ensure that 1 per cent of the retail price of all commercial income resulting from all utilization of genetic resources, traditional knowledge associated with genetic resources or digital sequence information on genetic resources is shared through the multilateral benefit-sharing mechanism to support the conservation and sustainable use of biological diversity, unless such benefits are otherwise being shared on mutually agreed terms established under the bilateral system;

(b) All monetary benefits shared under the multilateral benefit-sharing mechanism shall be deposited in a global biodiversity fund operated by the Global Environment Facility, as the financial mechanism of the Convention, and this global fund shall also be open for voluntary contributions from all sources;

(c) The global biodiversity fund shall be used, in an open, competitive, project-based manner, to support on the ground activities aimed at the conservation of biological diversity and the sustainable use of its components, in line with the ecosystem-based approach, carried out by indigenous peoples, local communities and others, in pursuit of spending priorities identified from time to time by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services through scientific assessments;]

[Requests the Executive Secretary, in consultation with all Parties and the Global Environment Facility, to prepare options for national legislative, administrative or policy measures to implement the multilateral benefit-sharing system and to report back to the Conference of the Parties at its sixteenth meeting.]

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