

# CONVENTION ON BIOLOGICAL DIVERSITY

CBD/WG2020/3/CRP.1  
31 August 2021

ORIGINAL: ENGLISH

OPEN ENDED WORKING GROUP  
ON THE POST-2020 GLOBAL  
BIODIVERSITY FRAMEWORK

Third meeting

Online, 23 August – 3 September 2021

Item 5 of the provisional agenda\*

## Digital sequence information on genetic resources

*Potential elements of a draft recommendation to the Conference of the Parties*

*\*\*Note that the text below has not been negotiated or agreed. It represents, rather, a collection of views formulated by Parties, indigenous peoples and local communities and observers*

[[The Open-ended Working Group on the Post-2020 Global Biodiversity Framework recommends that the Conference of the Parties at its fifteenth meeting adopt a decision along the following lines:

*The Conference of the Parties,*]

*Recalling* [relevant elements] of decisions XIII/16 and 14/20, [recognizing that digital sequence information on genetic resources arises out of the utilization of genetic resources and is directly and highly relevant to Articles 16.1 and 17 of the Convention],

[*Recognizing* that digital sequence information on genetic resources is not within the scope of the Convention on Biological Diversity because it is not within the meaning of genetic resources in Article 2 of the Convention and therefore requires an innovative approach for its solution,

*Recalling* that the term “digital sequence information on genetic resources” is not appropriate and therefore requires an appropriate alternative term,

*Recalling* decision [14/20](#), paragraph 6, in which the Conference of the Parties distinguished the utilization of genetic resources from the use of digital sequence information on genetic resources,]

[*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 post-2020 global biodiversity framework,]

[*Also determining* 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,]

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 to the note by the Executive Secretary,<sup>1</sup> [while *recognizing* the need to continue working on those aspects that [could] link digital sequence information on genetic resources with associated traditional knowledge];

2. [*Takes note* of the information summarized in annexes II and III of the note by the Executive Secretary,<sup>1</sup> 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;

---

\* CBD/WG2020/3/1.

<sup>1</sup> CBD/WG2020/3/4.

- (b) The listing of potential criteria for assessing policy options;
- (c) The range of views made during the informal online consultation];
- (d) [The scope and options for terminology to describe digital sequence information on genetic resources.]

3. [*Recognizes* the intrinsic relation between genetic resources and digital sequence information on genetic resources [as well as the scope of bioinformatic tools in the design and creation of new digital sequence information on genetic resources elements that are created artificially]] [*Recognizes* that digital sequence information on genetic resources are an intrinsic part of genetic resources.] [*Recognizes* that digital sequence information on genetic resources are not genetic resources as defined in the Convention on Biological Diversity and in the Nagoya Protocol] [*Recognizes* that digital sequence information on genetic resources [forms part of genetic resources and] requires access to a physical genetic resources [initially]];

4. [*Recognizes* that access to and utilization of digital sequence information on genetic resources is useful for research relating to conservation and sustainable use of biodiversity, food security, health and other important sectors, including commercial applications resulting in commercial products;] [*Recognizes* that the generation of, access to, analysis and use of digital sequence information on genetic resources can have a positive effect on the conservation and sustainable use of biodiversity, human, animal and plant health and food security;]

5. *Recognizes* that any approach to digital sequence information on genetic resources [which mechanism has been agreed by Parties] [must be based on modalities of access following regulations, limits and in the context of rights-based approaches, in particular the rights of Mother Earth and the rights of indigenous peoples and local communities]] [should [facilitate access to digital sequence information on genetic resources and support scientific research and innovation based on digital sequence information on genetic resources]] [support open access to digital sequence information on genetic resources and facilitate scientific research and innovation;] not [prevent]] [restrict free and open] access to digital sequence information or [significantly] hinder scientific research and innovation];

5 alt./5quinquies [*Recognizes* the need for a global standard or policy approach that [regulates access to digital sequence information on genetic resources]] [encourages open [but not necessarily free] access to digital sequence information on genetic resources] and promotes significant scientific research and innovation related to digital sequence information on genetic resources] [taking into account reasonable limitations, precautionary measures and safeguards];

5 alt2. *Recognizes* that any approach to address digital sequence information on genetic resources should not prevent access to digital sequence information;]

5 alt3/5sexies [*Recognizes* that any approach to address digital sequence information on genetic resources should support open access to data, and promote the open science model and should not negatively affect scientific research and innovation;]

5 alt4. *Recognizes* that any approach to address digital sequence information on genetic resources [[may]] [must] include terms and conditions for benefit-sharing on open access and other databases holding digital sequence information;]

5 alt5. *Recognizes* that any approach to address digital sequence information on genetic resources should [provide for the special status of pathogens of pandemic potential;]

5 bis. [*Recognizes* that open access to digital sequence information on genetic resources in public databases constitutes a benefit for all stakeholders;]

5 ter. [*Recognizes* that any approach to further address digital sequence information on genetic resources needs in principle to lay within the legal framework of the Convention on Biological Diversity.

Approaches that go beyond the legal framework of the Convention would first require a mandate for its revision;]

5 *quater* [Recognizes that the technical capacity to generate, access and use digital sequence information on genetic resources is still low in most developing countries and therefore the “benefits of having open-access” are not fairly or equitably available to all;]

6 [Recognizes that open access does not necessarily means free and unrestricted access and that it is needed legal certainty for the fair and equitable sharing of benefits arising out the utilization of digital sequence information on genetic resources;]

7. Recognizes that benefits arising from the use of digital sequence information on genetic resources should be shared fairly and equitably [considering modalities of access based on regulations, limits and rights-based approaches, in particular the rights of Mother Earth and the rights of indigenous peoples and local communities] [with the countries that [initially][originally] provide the genetic resource from which the digital sequence was obtained, and recognizes that the free, prior informed consent of indigenous peoples and local communities is relevant to access to digital sequence information on genetic resources [where they have the established right to grant access to digital sequence information on genetic resources] in equal conditions] [tagging genetic resources with the information of the country of origin of the resource used to obtain the digital sequence information on genetic resources is fundamental, this being realized through the collaboration with database platforms with the research institutions and digital sequence information on genetic resource holders from diverse data banks, and it being important to achieve traceability and to assure that this information is presented and that it be public or available, when private digital sequence information on genetic resources holders][according to national circumstances];

8. [Recognizes that the sharing of the benefits arising from the use of digital sequence information on genetic resources through a [clear] global multilateral benefit-sharing mechanism can make a significant contribution to resource mobilization and thereby contribute to conservation and sustainable use;] [Recognizes that the global multilateral benefit-sharing mechanism, complementary to the bilateral one, can make a significant contribution to share benefits from the use of digital sequence information on genetic resources [through a global multilateral sharing mechanism], resource mobilization and thereby contribute to conservation and sustainable use, with benefits being shared directly with the providers of the genetic resources from which the digital sequence information on genetic resources originated, including indigenous peoples and local communities;]

9. [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 [that traceability of digital sequence information on genetic resources] and who are the main beneficiaries from its use;] [including relations to derivatives, biological resources and traditional knowledge;]

10. Considers that [there are several possible [modalities][approaches] for [access and] benefit-sharing [and it is necessary to continue with the analysis of the implications of each of them]

11. [Also considers that all possible modalities should:

(a) Preserve open access to digital sequence information on genetic resources from databases;  
(b) Be practical, easily implementable, efficient and cost-effective, i.e., it should generate more benefits than costs;

(c) Ensure that benefits generated will contribute to the conservation and sustainable use of biodiversity in support of the sustainable development goals;

(d) Ensure legal certainty;

(e) Be future-proof to allow technological developments to be addressed;

(f) Be adaptable to the requirements of other access and benefit-sharing instruments, including possible future instruments;]

(g) [Respect the rights of Mother Earth and the rights of indigenous peoples and local communities;]

(h) [Ensure that the socioeconomic and digital divide between developed and developing countries is not increased;]

11 *alt.* [Further considers that any approach to further address digital sequence information on genetic resources needs to take into account in particular the following criteria:

(a) The open access to digital sequence information on genetic resources in public databases;

(b) Legal certainty;

(c) Practicability;

(d) A multilateral approach;

(e) A favourable cost-benefit ratio;

(f) The support of innovation based on digital sequence information on genetic resources;

(g) The contribution to sustainable use and conservation of biodiversity];

12. [Recognizes that indigenous peoples and local communities should be the primary beneficiaries of financial benefit-sharing for digital sequence information on genetic resources because of their pivotal role in conservation and sustainable use of biodiversity;]

13. *Acknowledges* that capacity-building [and technology support] is relevant and [further capacity to access, use, generate and analyse digital sequence information on genetic resources is needed in many countries][necessary for addressing digital sequence information on genetic resources] [and must deliver against the needs identified][and *recognizes* the relevance of associated traditional knowledge related with the utilization of genetic resources and digital sequence information on genetic resources, as well as the importance of indigenous peoples and local communities in the preservation, maintenance and generation of these resources] [, including culturally appropriate capacity-building for indigenous peoples and local communities, women, and youth and all stakeholders]. [In addition, the implementation capacity-building, including through technology transfer in mutual collaboration, is necessary to be enhanced and facilitated. This, could take the form of research collaboration including further research and/or development and innovation involving digital sequence information on genetic resources, training, knowledge platform, technology co-development and more;]

13 *alt.* *Acknowledges* that [the provision of financial resources, technology transfer and capacity-building are relevant and necessary for addressing digital sequence information on genetic resources;]

13 *alt2* *Acknowledges* that [technical and scientific cooperation and] capacity-building [is][are] relevant and necessary for addressing digital sequence information on genetic resources [and recognizes the relevance of associated traditional knowledge related with the utilization of genetic resources and digital sequence information on genetic resources, as well as the importance of indigenous peoples and local communities in the preservation, maintenance and generation of these resources];

16. [*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 [at least] 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;]

17. [*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 to the Conference of the Parties at its sixteenth meeting.]]

---