

## NON-PAPER

### DIGITAL SEQUENCE INFORMATION ON GENETIC RESOURCES

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

*Recalling* decisions XIII/16 and 14/20,

*Recalling also* that the term “digital sequence information” may not be the most appropriate term and it is used as a placeholder until an alternative term is agreed,

*Recognizing* that some Parties have adopted domestic measures that regulate the access to and use of digital sequence information on genetic resources as part of their access and benefit-sharing frameworks,

*Recognizing* the sacred nature of Mother Earth to indigenous peoples and local communities,

1. *Takes note* of the outcomes of the meeting of the Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources;<sup>1</sup>

2. *Also takes note* of the co-leads’ report on the work of the Informal Co-Chairs’ Advisory Group on digital sequence information on genetic resources, including the co-leads’ conclusions and recommendations from the discussions of the Informal Co-Chairs’ Advisory Group on digital sequence information on genetic resources to the Open-ended Working Group,<sup>2</sup> which advances the work outlined in CBD/WG2020/3/5, annex V, section A;

3. *Further takes note* of the range of views presented during the informal online consultation<sup>3</sup> as well as the views and information submitted following part I of the third meeting of the Open-ended Working Group;<sup>4</sup>

4. *Takes note* of the following information developed through the informal activities on digital sequence information on genetic resources carried out at the request of the Co-Chairs of the Working Group:

(a) The listing of potential policy options/archetypes contained in annex I to the note by the Executive Secretary, noting also the possibility of hybrid options;<sup>5</sup>

(b) The listing of potential criteria for assessing policy options/archetypes contained in annex II to the note by the Executive Secretary.<sup>6</sup>

5. *Recognizes* the following key points of potential convergence which may lead to foundational criteria for a solution on digital sequence information on genetic resources in the post-2020 global biodiversity framework:

(a) Benefits, which can include non-monetary or monetary benefits as appropriate, from the use of digital sequence information on genetic resources should be shared in a fair and equitable way and solutions should be found on how to share such benefits;

(b) Access to digital sequence information on genetic resources in public databases remains open as per current international and national practices and standards, subject to provisions to protect traditional knowledge, as necessary and appropriate;

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<sup>1</sup> <https://www.cbd.int/meetings/DSI-AHTEG-2020-01>.

<sup>2</sup> Section V of CBD/WG2020/3/INF/8.

<sup>3</sup> <https://www.cbd.int/dsi-gr/forum.shtml>.

<sup>4</sup> <https://www.cbd.int/notifications/2021-063>

<sup>5</sup> CBD/WG2020/3/4/Rev.1.

<sup>6</sup> Ibid.

(c) Indigenous peoples and local communities are stewards of biological, biocultural and genetic diversity and holders of traditional knowledge and their role and rights should be duly taken into account in addressing digital sequence information on genetic resources;

(d) Capacity-building and technology transfer are integral parts of the solution on digital sequence information on genetic resources;

(e) Use of digital sequence information on genetic resources contributes to conservation and sustainable use of biological diversity;

(f) A solution on digital sequence information on genetic resources should:

(i) Be supportive of research and innovation;

(ii) Provide legal clarity and certainty;

(iii) Be efficient, feasible and practicable, with a favourable cost-benefit ratio; and

(iv) Be consistent with international rights and obligations.

6. *Also recognizes* the range of views regarding modalities and methodologies for realizing a potential solution on digital sequence information on genetic resources;

7. *Endorses* the recommendation of the co-leads for a step-by-step approach, to help gradually narrow in on the elements needed to move the discussion forward and *requests* the Informal Co-Chairs' Advisory Group to continue its work, in particular to advance the following areas while ensuring ongoing consultation with Parties, other Governments, indigenous peoples and local communities and stakeholders:

(a) The exploration of potential modalities that would help to further elucidate a common understanding on what fair and equitable benefit sharing would entail in practical terms in this context;

(b) The possible modalities that would help consider indigenous peoples and local communities in a solution on digital sequence information on genetic resources with their full and effective participation;

(c) The potential timetable for the development and implementation of any solution on digital sequence information on genetic resources in the context of the post-2020 global biodiversity framework, and any implications of that timetable;

(d) The potential options for the traceability of digital sequence information, including consideration of their feasibility.

8. *Requests* the Informal Co-Chairs' Advisory Group to report on the outcomes of the discussions of the group to the Conference of the Parties at its fifteenth meeting;

9. *Acknowledges* the independent review and implementation of the framework for the assessment of the policy options/archetypes using the performance matrix in annex III of document CBD/WG2020/3/4/Add.1 requested by the Co-Chairs of the Open-ended Working Group and being supported by the Executive Secretary;<sup>7</sup>

10. *Requests* the preliminary outcomes of the assessment to be made available to the Conference of the Parties at its fifteenth meeting;

11. *Recommends* that the Conference of the Parties at its fifteenth meeting adopt a decision along the following lines:

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<sup>7</sup> CBD/WG2020/3/INF/8, section III.C.(b).

*The Conference of the Parties,*

*Taking into account* the need to agree on the scope of “digital sequence information” and the appropriate terminology,

1. *Agrees* that “digital sequence information” is constituted of information on DNA, RNA, proteins, epigenetic modifications, metabolites, and other macromolecules, and *recognizes* the relevance of associated information;

2. *Recognizes* the need to develop, in a timely manner, a practical approach to ensuring the fair and equitable sharing of the benefits arising from the use of digital sequence information on genetic resources with a view to identifying a solution to digital sequence information on genetic resources in line with the key points in paragraph 5 of recommendation 3/-- of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework;

3. *Also recognizes* that the practical approach referred to in paragraph 2 above may include the establishment of a multilateral benefit-sharing mechanism as described in the annex to this decision;

4. *Decides* to establish a multi-stakeholder dialogue for cross-sectoral coordination on matters related to digital sequence information on genetic resources with relevant international organizations associated with digital sequence information, with a view to promoting consistency including on terminologies, as appropriate, across relevant treaty bodies and international legal norms, while keeping within the bounds of the respective mandates and instruments of each organization;

12. *Recommends* that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its fourth meeting:

(a) Consider this recommendation as well as any decision prepared by Conference of the Parties at its fifteenth meeting with a view to fulfilling Article 10 of the Nagoya Protocol;

(b) Consider this matter in the context of the next assessment and review of the effectiveness of the Protocol in accordance with Article 31 of the Protocol and decision NP-3/1.

*Annex to the decision recommended to the fifteenth meeting of the Conference of the Parties*

**PROPOSAL FOR THE ESTABLISHMENT OF A MULTILATERAL BENEFIT-SHARING MECHANISM**

1. A multilateral benefit-sharing-mechanism may 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.

2. The Executive Secretary would be requested, in consultation with all Parties and the Global Environment Facility, to prepare options for national legislative, administrative or policy measures to implement a multilateral benefit-sharing system and to report to the Conference of the Parties at its sixteenth meeting;

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