

Cali, Colombia, 21 October–1 November 2024
Agenda item 9
Digital sequence information on genetic resources
Working Group I

Digital sequence information on genetic resources

Non-paper

Further development of the multilateral mechanism for benefit-sharing from the use of digital sequence information on genetic resources, including a global fund

[

The Conference of the Parties,

Recalling Decision 15/4 and 15/9

Noting recommendation 2/1 from the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources.

Noting the relevant discussions on digital sequence information on genetic resources and related issues in other UN bodies and a such as FAO, WHO, BBNJ,

[*Recognizing* the lack of accountability, transparency and inclusive governance in existing publicly accessible databases and data-sharing practices that do not respect the obligations established by the Convention and its Nagoya Protocol, which limits the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources, and acknowledging that insufficient national capacity in developing countries further constrains their ability to benefit fairly and equitably from the use of digital sequence information on genetic resources.]

[*Taking note* of the need to enhance the transparency and inclusive governance in existing databases and data sharing practices that allow appropriate alignment of international access and benefit sharing arrangements so as to ensure or facilitate the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources, and acknowledging that insufficient national capacity in developing countries has constrained their ability to benefit from those resources,]

Acknowledging the vital role of digital sequence information on genetic resources in advancing scientific research, biotechnology and sustainable development and its potential to contribute to global benefits in health, agriculture and food security,

Aiming to establish an enabling environment that facilitates the use of digital sequence information on genetic resources and promotes partnerships to drive innovation, conservation and sustainable use of biodiversity,

Recognizing the contributions of open access to scientific advancements and the need for accountability and effective mechanisms to share the benefits arising from open access fairly and equitably,

Recognizing the importance of clear guidance on the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources with support the achievement of Goal C and Target 13 of the Kunming-Montreal Global Biodiversity Framework,

Noting that the modalities of this mechanism are intended to guide users and providers of digital sequence information on genetic resources,

Recognizing the modalities do not affect the rights and obligations of any Party deriving from any existing international agreement.

Acknowledging the United Nations Declaration on the Rights of Indigenous Peoples,

1. Adopts the modalities for the multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources, including a global fund, as set out in the annex to the present decision;

2. Decides that the fund established by decision 15/9 shall be a dedicated fund under the authority of the Conference of the Parties for the purposes set out in the modalities.

[3. Requests the Executive Secretary to take the steps necessary to support the implementation of this Decision including its Annex, in particular with regard to the monetary contributions to the global fund from the use of digital sequence information on genetic resources;]

[4. *Requests* the Executive Secretary to establish before the 17th meeting of the Conference of the Parties an accountable, transparent and accessible database for digital sequence information on genetic resources under the clearing-house mechanism, to facilitate the fair and equitable sharing of benefits arising from the use of such information while acknowledging that all natural genetic information belongs to mother earth;][*Requests* the Executive Secretary to establish a dedicated platform within the clearing-house of the Convention on Biological Diversity to facilitate sharing information on the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources to support the operationalization of the mechanism.]

[5. *Decides* that the digital sequence information on genetic resources database shall:

(a) Enable a safe, secure, accountable and legitimate method of making digital sequence information on genetic resources [and associated traditional knowledge] publicly available in accordance with applicable national law, and with the prior and informed consent of the provider of the genetic material from which such information is generated, and to secure benefits in line with the present decision, [including its Annex];

(b) Provide to developing country Parties that lack capacities facilities to [generate], store, share and use digital sequence information on genetic resources, and to receive benefits from such use in accordance with their national access and benefit-sharing systems;

(c) Support non-monetary benefit-sharing by enabling inter alia capacity-building, technology transfer, training opportunities and information-sharing among all Parties, in particular developing country Parties;]

[6. *Decides* that the digital sequence information on genetic resources platform shall:

a) Enable a safe, transparent and countable platform to store and share information on the monetary and non-monetary benefits shared and received.

b) Encourage non-monetary benefit-sharing by enabling capacity-building, technology transfer and knowledge/information sharing among all Parties, in particular in developing country Parties;

c) Provide information on the needs identified by Parties for the frameworks for sharing non-monetary benefits to be developed as indicate in paragraph 5 of this decision.

d) Provide information on demand from Parties for capacity-building.

e) Allow the showcasing and voluntary reporting of ongoing monitory and non-monetary benefit-sharing

f) Provide examples of non-monetary cooperations efforts between users and parties aimed to the objectives of the Kunming-Montreal Global Biodiversity Framework.]

[7. Requests the Executive Secretary to report on the progress of those actions at the eighteenth meeting of the Conference of the Parties;]

[8. Decides to develop specific frameworks for sharing non-monetary benefits for the sectors listed in enclosure A to the annex, on the basis of the needs identified by Parties;]

[9. Requests the Executive Secretary to facilitate the development of the frameworks, incorporating input from Parties and relevant stakeholders;]

[10. Invites Parties to submit their identified needs and relevant information by [specified date];]

[11. Requests that the draft frameworks be presented to the Subsidiary Body on Scientific, Technical and Technological Advice for review, with a view to having them adopted at the [XXth] meeting of the Conference of the Parties;]

[12. *Decides* that databases that operate in accordance in paragraph 4 shall be recognized as CBD databases by the Conference of the Parties. Parties shall take measures to ensure the sharing of sequence that parties intend to make publicly available are shared through these databases.]

[13. *Invites* Parties to align their national measures on access and benefit-sharing related to the use of digital sequence information on genetic resources with the multilateral mechanism.]

[14. *Recognizes* that nothing in this decision including its annex shall prevent parties from developing and implementing national access and benefit sharing system including national databases and repositories of digital sequence information on genetic resources and measures relating to use of digital sequence information on genetic resources, as well as specialized access and benefit sharing agreements.]

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Annex

Modalities for operationalizing the multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources, including a global fund

Co-chairs proposal for paragraphs 0-1:

0. The multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources addresses digital sequence on genetic resources:

- That is not subject to mutually agreed terms agreed to at the time of access to the GR from which the digital sequence information on genetic resources is derived,
- That is made publicly available, and
- For which the fair and equitable sharing of benefit on the use of digital sequence information on genetic resources is not provided for by other international agreements on access and benefit sharing, except if those instruments choose the multilateral mechanism for that purpose.

1. All users of digital sequence information on genetic resources under the multilateral mechanism [are encouraged to][should] share benefits arising from its use in a fair and equitable manner.

The co-chairs propose to reserve consideration of paragraph 2 until an option under paragraph 3 has been selected:

2. [Users of digital sequence information on genetic resources [in all countries]][in developed countries] that generate [monetary benefits][profits][revenue][turnover][sales] from its use [are encouraged to][will][should][shall] [share monetary benefits through][contribute] [mandatory] payments to the global fund [, *placeholder for a threshold/exemption*].

Co-chairs proposal on paragraph 3 remain unchanged in this version of the non-paper:

[3. The following options are proposed:

Option C. A contribution to the global fund of 1 per cent of the retail value of all products [and services] [that have been developed or created using][linked to the utilization of] [digital sequence information on genetic resources][biological resources].

Option D. Users of digital sequence information on genetic resources that actively use digital sequence information on genetic resources [are encouraged to][will][should][shall] contribute a portion of their [revenue][profit] to the global fund.

In addition, the following option emerged from discussions in the contact group, with some amendments by the Co-Chairs:

Option E. Users of digital sequence information on genetic resources in sectors that directly or indirectly benefit from the use of digital sequence information on genetic resources for the development of products and services placed on the market [are encouraged to][should] contribute to the global fund a proportion of their profits or revenue, according to their size*.

Large-sized entities [are encouraged to][should] contribute to the global fund [1-2] percent of their [profits] or [0.1-0.2] percent of their [revenue], [as an indicative rate].

In light of the first review of the mechanism at the eighteenth meeting of the Conference of the Parties, the Conference of the Parties may decide that medium or small and medium sized entities [be encouraged to][should] contribute to the global fund an agreed amount.

[An indicative] list of sectors to which such users may belong, is contained in enclosure A.

*Large-sized entities are entities which on their balance sheet dates exceed at least two out of three of the following criteria, averaged over the preceding three years:

- a. Total assets: USD 20 million
- b. Sales: USD 50 million
- c. Profit: USD 5 million

*Medium-sized entities are those which on their balance sheet dates exceed at least two out of three of the following criteria, averaged over the preceding three years:

- a. Total assets: USD 5 million
- b. Sales: USD 10 million
- c. Profit: USD 1 million

*Entities that are neither large- nor medium-sized will be classed as small-sized entities.

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Paragraph 4 remains unchanged from the previous version of the non-paper:

4. Users active in the sectors listed in enclosure A that provide information to demonstrate that they do not directly or indirectly benefit from} the use of digital sequence information on genetic resources may be exempted from the provisions of paragraph 3.

Co-chairs' proposal for paragraph 5, 6, 7:

5. All users of digital sequence information on genetic resources, should share non-monetary benefits in a fair and equitable manner, as appropriate. Non-monetary benefit sharing is complimentary to the provisions regarding monetary benefit sharing included in these modalities.

6. NMBS should support should support self-identified capacity needs and priorities including, inter alia, capacity building for the generation of, access to and use and storage of digital sequence information on genetic resources, as well as the self-identified needs of indigenous peoples and local communities, and [people of African descent,¹] including women and youth within those communities. The sharing of non-monetary benefits builds on ongoing activities and will be facilitated through the long-term strategic framework of the Convention on Biological Diversity² for capacity-building and development and its mechanism to strengthen technical and scientific cooperation in support of the Kunming-Montreal Global Biodiversity Framework.

7. The sharing of non-monetary benefits will be facilitated through an existing clearing house under the Convention, which will primarily provide information on demand for capacity-building needs, knowledge exchange, and the showcasing and voluntary reporting of ongoing non-monetary benefit-sharing activities.

8. [Public Database and academic institutions are not expected to make monetary contributions to the global fund.]

¹ Terminology relating to indigenous peoples and local communities and the possible inclusion of references to people of African descent will be aligned throughout the document according to the decision on Article 8(j) and related provisions to be adopted at the sixteenth meeting of the Conference of the Parties.

² United Nations, *Treaty Series*, vol. 1760, No. 30619.

Paragraph 9 remains unchanged from the previous version of the non-paper:

9. Entities operating public databases [that make [information on] digital sequence information on genetic resources publicly [accessible][available]] on digital sequence information on genetic resources ~~[are invited to]~~[[will][should][shall]], as appropriate]:

(a) Make information on the multilateral mechanism [and its requirements][and procedures][and its modalities] for the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources available to those accessing their databases;

(a)bis. Underscore that generating monetary benefits from the use of digital sequence information on genetic resources accessed through the database may require sharing those benefits through the multilateral mechanism.³

(b) Inform those submitting data of the requirement to comply with applicable national and international access and benefit-sharing obligations [through clickwrap data access agreements];

(c) Require the provision of information on the country of origin of the genetic resources from which digital sequence information was derived, where known, as well as, when appropriate, biocultural metadata including indicating the use of traditional knowledge and its origin or source;

(d) Apply the principles of findability, accessibility, interoperability and reusability (FAIR), of collective benefits, authority to control, responsibility and ethics (CARE), and of transparency, responsibility, user-focus, sustainability and technology (TRUST) to data governance, as well the recommendations set out in [section III of] the United Nations Educational, Scientific and Cultural Organization *Recommendation on Open Science*;

[(e) Ensure that any new submissions of digital sequence information on genetic resources will only be accepted when accompanied by a verifiable document indicating permission for publication from the national authorities of the country of origin of the genetic resource from which the digital sequence information is derived, including the prior informed consent from any indigenous people and local communities in cases their genetic resources and traditional knowledge are involved.]

[(e) alt. Request that those submitting data indicate that the data submitted is not subject to any restrictions which would prohibit the sharing of data and provide proof of permission for publication from the national authorities from the country of origin from the genetic resource from which the digital sequence information is derived.]

Paragraph 10 remains unchanged from the previous non-paper:

[10. Parties funding, sponsoring or hosting sequence databases shall ensure that entities operating such databases will take measures to ensure the effective implementation of the present decision and other relevant future decisions of the Conference of the Parties.]

[10.bis Other governments funding, sponsoring or hosting sequence databases are encouraged to ensure that entities operating such databases will take measures to ensure the effective implementation of the present decision and other relevant future decisions of the Conference of the Parties.]

Co-chairs proposal on paragraph 11-17:

³ Paragraph 9 and 9(a) were negotiated in the fifth meeting of the contact group, and the changes made in that session are reflected here.

11. Parties and non-Parties [are invited to][should] take administrative, policy or legislative measures, consistent with national legislation, to [incentivize][ensure] contributions from users in their jurisdiction to the global fund in line with the modalities of the multilateral mechanism.

12. [obsolete]

13. Contributions to the global fund are expected to be made directly, but may be made through a national authority. Receipts will be issued at the point of contribution to the global fund.

14. For each year that users make monetary contributions to the fund in line with the modalities of the multilateral mechanism, they are considered to have fairly and equitably shared monetary benefits arising from the use of digital sequence information on genetic resources under the multilateral mechanism and will receive a certificate accordingly.

15. [obsolete]

16. Contributions to the global fund additional to those provided for in the paragraphs above are encouraged.

17. Funding in the global fund should be allocated in a fair, equitable, transparent, accountable and gender-responsive manner.

Paragraph 18 remains unchanged from the previous version of the non-paper:

18. Funding should support the realization of the objectives of the Convention, in particular the conservation and sustainable use of biodiversity, including through the delivery of activities described in national biodiversity strategies and action plans, contribute to scientific research on biodiversity, benefit indigenous peoples and local communities, including women and youth within those communities, and support the building of capacity and technology transfer, consistent with the Convention, to generate, access, use, analyse and store digital sequence information on genetic resources according to capacity needs. In the event that any other intergovernmental fora decide to make use of the multilateral mechanism to share the benefits from the use of digital sequence information on genetic resources, the funding should also support the realization of their objectives.

Paragraph 19 remains unchanged from the previous version of the non-paper:

19. At least half of the global fund will be set aside to support the self-identified needs of indigenous peoples and local communities, including women and youth within those communities [in all countries, recognising the particular needs of indigenous peoples and local communities in][, especially] developing countries, in particular least developed countries, small island developing states and economies in transition, [through direct payments through institutions identified by indigenous peoples and local communities or through government, according to national circumstances]. [In addition, up to [10] per cent of the fund may be specifically set aside by the Conference of the Parties to support [technology transfer and] technical development, ensuring that all Parties, in particular developing country Parties, have access to the tools and expertise necessary to fully participate and benefit from digital sequence information on genetic resources.]

[19. bis Funding will be allocated taking into account the overall level of funding available in the global fund and an indicative list of criteria, as set out in enclosure B. A formula will be determined by the Conference of the Parties at its seventeenth meeting on the basis of the work of a group established with the terms of reference provided in enclosure C.]

[19. bis ALT. Funding will be allocated taking into account the overall level of funding available in the global fund and an initial formula, as set out in enclosure B. A new formula will be determined by the Conference of the Parties at its seventeenth meeting on the basis of the work of a group established with the terms of reference provided in enclosure C.]

Paragraph 20 remains unchanged from the previous version of the non-paper:

20. [With regard to disbursement, the following options are proposed:

Option A. Funding will be disbursed on the basis of projects developed through a country-driven or community-driven process, as appropriate, that meet criteria that may be established by the Conference of the Parties, taking into account indicative allocations, as described in paragraph 19.

Option B. Funding will be disbursed through direct allocations to countries, as described in paragraph 19. Each recipient Party is invited to designate or establish, as appropriate, a national entity, such as a national biodiversity fund, to receive funds and distribute them to support the activities set out in paragraph 18. Such entities should [operate according to internationally accepted fiduciary standards and] provide [annual] reports through national focal points on the activities supported by the funds [and be audited by the international entity]. Recipient Parties, at their own discretion, may alternatively designate an international, regional or subregional entity to fulfil those functions.]

Co-chairs' alternative formulation of option C:

[*Option C.* Funding will be disbursed through direct allocations to countries, as described in paragraph 19. Each recipient Party is invited to designate or establish, as appropriate, a national entity, such as a national biodiversity fund, to receive funds and to distribute them in a transparent way to support the activities described in paragraph 18. Such entities may allocate resources on the basis of projects developed through a country-driven or community-driven process and should be accountable for ensuring the funds are used for the purposes for which they are distributed, should operate according to internationally accepted fiduciary standards, and provide reports on the activities undertaken by the fund and their impacts. Recipient Parties, at their own discretion, may alternatively designate an international, regional or subregional entity to fulfil those functions.]

Paragraph 21 remains unchanged from the previous version of the non-paper:

21. The fund will be administered by [the Global Biodiversity Framework Fund under the Global Environment Facility][a dedicated financing mechanism under the authority of the Conference of the Parties as discussed in decision 15/7 paragraph 42][the United Nations through the United Nations Multi-Partner Trust Fund Office] [, in accordance with decisions of the Conference of Parties, and under the authority of and accountable to the Conference of Parties].

Co-chairs proposal on paragraph 22-25:

22. The multilateral mechanism and its fund will operate according to the principles of inclusivity, equity and transparency.

23. The multilateral mechanism must respect the rights of indigenous peoples and local communities⁴, including women and youth within these communities, including over their traditional knowledge relevant for the conservation and sustainable use of biodiversity, traditional knowledge associated with genetic resources, and genetic resources that they hold, which should only be provided with their free prior informed consent.

24. Where Parties put in place national measures on access and benefit-sharing from digital sequence information on genetic resources, the measures should be in alignment with the multilateral mechanism, and not result in a duplication of obligations to share the benefits arising from the use of digital sequence information on genetic resources under the multilateral mechanism.

[25. The multilateral mechanism will be implemented in a way that is mutually supportive of and adaptive to other international ABS instruments on digital sequence information on genetic resources, to avoid the stacking of obligations and, where appropriate, to streamline processes. Other international access and benefit-sharing instruments are invited to collaborate with the multilateral

⁴ See footnote 10 regarding terminology related to “indigenous peoples and local communities”.

mechanism and where appropriate, to streamline processes. The provisions of the mechanism will not affect the rights and obligations of any Party deriving from any existing international agreement.

Paragraph 26 remains unchanged from the previous version of the non-paper:

26. The multilateral mechanism, including the global fund, will operate under the authority and guidance of and be accountable to the Conference of the Parties.

The co-chairs note that the following text is contingent on the eventual choice of fund host:

To support the Conference of the Parties in its role as the governing body of the mechanism, a steering committee is established with the terms of reference and composition in Enclosure X, under the guidance of the Conference of the Parties. A Secretariat with the terms of reference in Enclosure Y is established to serve the steering committee and to support the functioning of the mechanism. The operations of the multilateral mechanism will be financed by the global fund.

Co-chairs proposal on paragraph 27-29:

27. The effectiveness of the multilateral mechanism, including the global fund, will be reviewed by the Conference of the Parties at its eighteenth meeting and at its every second subsequent meeting against the principles established in decision 15/9, taking into consideration the factors set out in enclosure D and a methodology to be adopted by the Conference of the Parties at its seventeenth meeting, noting also the relevance of the review[s] of the Framework as a whole due to be conducted for the seventeenth and nineteenth meetings of the Conference of the Parties further to decision 15/6.

28. The review will also be informed by the relevant indicators of the monitoring framework for the Kunming-Montreal Global Biodiversity Framework, including the headline indicators for Goal C and Target 13 and a [binary] indicator for Target 13.

29. In the light of the review described in paragraph 27, the Conference of the Parties will consider at its eighteenth meeting any adjustments necessary to improve the effectiveness [and efficiency] of the multilateral mechanism, including the global fund, with respect to the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources.

Enclosure A

[

Indicative list of sectors-that directly or indirectly benefit from the use of digital sequence information on genetic resources

1. Sectors that directly or indirectly benefit from-the use of digital sequence information on genetic resources include:
 - (a) Pharmaceuticals;
 - [(b) Nutraceuticals (food and health supplements);
 - (c) Cosmetics;
 - (d) Plant and animal breeding;
 - (e) Biotechnology;
 - (f) Laboratory equipment associated with the sequencing and use of digital sequence information on genetic resources, including reagents and supplies;
 - (g) Information, scientific and technical services related to digital sequence information on genetic resources including artificial intelligence.
2. The present list will be kept under review, taking particular note of the International Standard Industrial Classification of all Economic Activities (ISIC), Central Product Classification (CPC) and corresponding regional or national codes.

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[Enclosure B

In the case of 19bis:

- Biodiversity richness, and other biodiversity-related criteria for which data is readily available at the national level
- The geographical origin of the genetic resources from which digital sequence information in the database was derived (noting that this data is currently often incomplete or unrepresentative)
- Level of national development and capacity needs for the conservation and sustainable use of biodiversity, taking into account the circumstances of developing countries, in particular the least developed countries and small island developing States and those with economies in transition, and of indigenous peoples and local communities

In the case of 19bis alt:

- Adopt an updated version of the existing global benefits index for biodiversity, for example with any adjustments to component weightings, and the incorporation of additional existing available biodiversity datasets to include freshwater data and a freshwater realm weighting.

[Enclosure C

Terms of reference for the [Ad-hoc Technical Expert Group][Working Group] Group on Allocation Methodology

1. The Group on Allocation Methodology is to provide technical advice and guidance on remaining and unresolved issues relating to the disbursement of funds from the global fund established in decision 15/9 (para. 16) and on the basis of paragraph [xx] of decision 16/--. In particular, the Group will develop an allocation methodology for disbursing funding from the global fund for [consideration][review] by the Conference of the Parties at its seventeenth meeting.
- [2. The Group will comprise 10 technical experts nominated by Parties, 7 experts nominated by representatives of indigenous peoples and local communities from the seven sociocultural regions and 4 experts from relevant organizations. The Executive Secretary, in consultation with the Bureau, will select experts on the basis of nominations received from Parties, taking gender and the relevant technical expertise of the candidates into account and applying the procedure for avoiding or managing conflicts of interest set out in decision 14/33.]
3. The Group may draw on existing expertise and liaise with relevant organizations, as appropriate, in the execution of its mandate.
4. Subject to the availability of financial resources, the Group will meet, as needed, to ensure the timely provision of advice and will, wherever possible, meet back-to-back with other relevant meetings. Where possible, the Secretariat will use available means of electronic communication to reduce the need for in-person meetings.]

Enclosure X: Terms of Reference of the Steering Committee**Functions of the Steering Committee**

- Provide oversight of the operations of the Fund host, ensuring that the fund disburses monies according to the Modalities established by Conference of the Parties at its 16th meeting.
- Guide the operations of the secretariat of the multilateral mechanism.
- Report to and, and provide advice to, the Conference of the Parties.
- Develop a methodology [for review by Subsidiary Body for Implementation and] to be adopted by the Conference of the Parties at its 17th meeting for the review of the effectiveness of the multilateral mechanism, including the global fund, with indicators, where appropriate, for the factors to be considered in the review as described in Enclosure D, taking account of the relevant indicators of the monitoring framework of the Kunming-Montreal Global Biodiversity Framework.

Composition of the Steering Committee

The oversight body would comprise

- Representatives of Parties, with equal geographical representation of the UN regions,
- Representatives of indigenous peoples and local communities,
- Representatives of stakeholders from civil society, academia/entities operating public databases, and the private sector.
- Representatives of UN organizations

An option for the composition of the group is provided in the table below.

Options for the election or selection of the Committee are as follows:

Option A: The Chair and members of the body will be elected by the Conference of the Parties

Option B: The Steering Committees is established by the Conference of the Parties. Members of the Steering Committee will be selected according to established procedures on the basis of nominations from Parties and observer groups. The Chair of the Group will be designated from among the members of the Committee representing Parties to the Convention.

The Steering Committee would meet in person and virtually as necessary. Decision making of the oversight body would be through consensus of the members.

Option for the composition of the Steering Committee:

Members (25)	Chair (appointed from among Parties)	1	
	Parties (regional representative)	15	3 per region
	Indigenous peoples and local communities	7	1 per sociocultural region
	UN organizations*	2	
Observers (6)	Civil society, scientific institutions, private sector	6	2 per category

*Note, in case the MPTF is designated as the host entity, a minimum of two UN agencies are required in the establishment of the fund, as per the MPTFO standard operating procedures.

Enclosure Y: Function of the Secretariat

The Secretariat of the Multilateral Mechanism supports the functioning of the multilateral mechanism, including the global fund, in line with decisions of the Conference of the Parties as the governing body of the mechanism, and as guided by the Steering Committee. Specifically, the Secretariat would:

- Prepare periodic reports and analysis on the contributions to the global fund on the basis of information provided by the host institution of the Fund
- Prepare periodic reports and analysis on the use of the fund, on the basis of information provided by recipient entities
- Service meetings of the Steering Committee
- Undertake any other tasks as determined by the Conference of the Parties, as the governing body of the mechanism

[Enclosure D

[Indicative factors][Factors] to be considered in the review:

- (a) Amount of funds mobilized through the global fund, in total and disaggregated by contributors and recipients (countries, and indigenous peoples and local communities, and women and youth within these communities);
- (b) The indicative list of sectors, as provided in enclosure A, taking the experience of the multilateral mechanism and new technical and commercial developments into account;
- (c) Summary information on the activities supported by the fund [, inter alia effectiveness, evaluation of each project];
- (d) Assessment of the scope of the non-monetary benefits facilitated by the multilateral mechanism and its alignment with the self-identified needs of beneficiaries;
- (e) An assessment of the efficiency of the multilateral mechanism, including the global fund, taking into account the costs of its operations and the suitability of the trigger for monetary contributions;
- (f) An assessment of the contribution of the multilateral mechanism to the realization of the three objectives of the Convention on Biological Diversity – and the implementation of the relevant goals and targets, and cross-cutting considerations⁵ of the Kunming-Montreal Global Biodiversity Framework, and cross-cutting considerations;
- (g) An assessment of the effectiveness of the multilateral mechanism in providing legal certainty to providers and users of digital sequence information on genetic resources;
- (h) Information on any interactions between the multilateral mechanism and benefits from the utilization of genetic resources under the Convention and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization;
- (i) Any available information on monetary benefits shared through the multilateral mechanism and under national access and benefit-sharing measures;
- (j) Information on any implications of the operation of the multilateral mechanism on the rights of indigenous peoples and local communities, including women and youth within these communities. ;
- (k) Information on any implications of the operation of the multilateral mechanism on the operations of public databases on digital sequence information on genetic resources, in particular with respect to open access, as well as any implications on research and innovation, including potential implications for data governance *including indigenous data governance*
- (l) Information on the interactions and any synergies between the operation of the multilateral mechanism and other multilateral access and benefit-sharing instruments;
- (m) A review of the interaction between the multilateral mechanism and any existing national measures for access and benefit-sharing on digital sequence information on genetic resources;
- [(n) The possibility of the voluntary extension of the multilateral mechanism to genetic resources in future;]
- (o) Information on new and emerging technologies that are relevant to the operation of the multilateral mechanism;
- (p) Information on any implications of the operation of the multilateral mechanism on the operation of public databases on digital sequence information on genetic resources, including

⁵ Section C

potential implications for data governance and measures taken by entities operating such databases pursuant to paragraph 9 of the annex;

- (q) Information on the measures taken by Parties pursuant to paragraph 10 of the annex.
- (r) Information on the functioning of the allocation formula.
