

PAPER BY THE CO-LEADS OF THE CONTACT GROUP
ELEMENTS OF A DRAFT RECOMMENDATION ON DIGITAL SEQUENCE INFORMATION
(updated and re-numbered)

The Open-ended Working Group on the Post-2020 Global Biodiversity Framework *requests* the Co-Chairs of the Working Group on the post-2020 Global Biodiversity Framework

[.....]

[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 is not within the scope of the CBD because it is not within the meaning of GR in Art. 2 of the CBD 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, *CBD/COP/Decision/14/20*, paragraph 6, which distinguishes the utilization of genetic resources from the use of digital sequence information on genetic resources,]

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 digital sequence information on genetic resources 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];
- (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][*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 requires access to a physical genetic resources];

4. [*Recognizing* 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 application 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 on 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];

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

5alt2. [*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];

5alt3. *Recognizes* that any approach to address digital sequence information on genetic resources should not prevent access to digital sequence information, [but should support open access to data, and promote the open science model and should not negatively affect scientific research and innovation.][may include terms and conditions for benefit sharing on open access and other databases holding digital sequence information;]

5alt4. *Recognizes* that any approach to address digital sequence information on genetic resources should [provide for the special status of pathogens of pandemic potential;]

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 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 [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 should be realized through the collaboration with database platforms with the research institutions and digital sequence information on genetic resources holders from diverse data banks, is important to achieve traceability and to assure that this information is presented and it be public or available, when private digital sequence information on genetic resources holders][according to national circumstances];

8. [*Recognizes* that 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 sue of digital sequence information on genetic resources [through a global multilateral haring mechanism], resource mobilization and thereby contributes to conservation and sustainable use. When is possible, benefits should be shared directly with the providers of the genetic resources from which originated digital sequence information on genetic resources, 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. [*Further 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) Ensures that benefits generated will contribute to the conservation and sustainable use of biodiversity in support of the SDGs, ensures legal certainty, be future-proof to allow technological developments to be addressed;

(d) Be adaptable to the requirements of other ABS instruments, including possible future instruments.]

[any approach to further address digital sequence information on genetic resources needs to take into account in particular the following criteria:

1. The open access to digital sequence information on genetic resources in public databases
2. Legal certainty
3. Practicability
4. A multilateral approach
5. A favorable cost-benefit ratio
6. The support of innovation based on digital sequence information on genetic resources
7. 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 analyze 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 transfer knowledge in mutual collaboration, is necessary to be enhanced and facilitated.]

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

13alt2. *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]

14. [*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,]

15. [*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,]

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 back to the Conference of the Parties at its sixteenth meeting.]

ANNEX: 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>Goal C</p> <p>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</p> <p>The share of monetary benefits received by providers, including holders of traditional knowledge, has increased.</p> <p>Milestone C.2</p> <p>Non-monetary benefits, such as the participation of providers, including holders of traditional knowledge, in research and development, has increased.</p>	<p>Goal C</p> <p>The benefits from the utilization of biodiversity/biological resources (genetic resource, DSI and associated traditional knowledge) 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</p> <p>The share of monetary benefits received by providers of biodiversity/biological resources, genetic resources and DSI, including holders of traditional knowledge, has increased.</p> <p>Milestone C.2</p> <p>Non-monetary benefits, such as technical and scientific cooperation with the participation of providers of biodiversity/biological resources, genetic resources and DSI, 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 and informed consent.</p>	<p>Target 13. Measures at global and national level established and implemented in all countries to facilitate access to genetic resources and DSI and to ensure the fair and equitable sharing of benefits arising from the use of all biodiversity/biological resources, genetic resources, DSI and, as relevant, of associated traditional knowledge, including through mutually agreed terms and free prior informed consent in accordance with the provisions of the Nagoya Protocol and the CBD and other relevant international instruments.</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"> • Number of permits granted • Number of ABS Agreements in place • Trends in sharing of monetary and non-monetary benefits by users

- Establishment of global multilateral benefit sharing mechanism
 - Funds received and disbursed by the GMBSM
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