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

Fourth meeting

Nairobi, 21-26 June 2022

Item 5 of the provisional agenda*

DIGITAL SEQUENCE INFORMATION ON GENETIC RESOURCES

Note by the Executive Secretary

I. BACKGROUND

1. The Conference of the Parties to the Convention on Biological Diversity at its fourteenth meeting considered any potential implications of the use of digital sequence information on genetic resources (DSI) for the three objectives of the Convention and adopted decision 14/20. Through this decision, the Conference of the Parties committed to working towards resolving the divergence of views among Parties regarding benefit-sharing from the use of DSI through a process, comprising the submission of views and information by Parties, the commissioning of a number of studies, and the convening of an ad hoc technical expert group (AHTEG). The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting also considered any potential implications for the objective of the Nagoya Protocol and adopted decision NP-3/12 on digital sequence information on genetic resources. According to decisions 14/20 and NP-3/12, the Open-ended Working Group on the Post-2020 Global Biodiversity Framework was to consider the outcomes of the AHTEG and to make recommendations to the Conference of the Parties at its fifteenth meeting on how to address DSI in the context of the post-2020 global biodiversity framework, and also to submit its outcomes to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its fourth meeting.

2. At part II of its third meeting, held in Geneva from 14 to 29 March 2022, the Working Group adopted [recommendation 3/2](#) on digital sequence information on genetic resources.¹ Among other things, the recommendation recognized a number of elements for a solution for fair and equitable benefit-sharing on digital sequence information on genetic resources (paras. 5 and 6). The recommendation acknowledged that the Co-Chairs of the Working Group on the Post-2020 Global Biodiversity Framework had requested the Executive Secretary to commission an independent review and application of the framework for the assessment of the policy options using the performance matrix from the report of the work of the Informal Advisory Group (also reproduced in document CBD/WG2020/3/4/Add.1, annex III).

3. In the recommendation, the Working Group requested the Informal Co-Chairs' Advisory Group on digital sequence information to continue its work including to provide advice on a number of areas, and to invite to the discussion representatives of the scientific research community, private sector, civil society organizations and databases, in a regionally-balanced way (para. 11). An annex to the recommendation

* CBD/WG2020/4/1.

¹ As noted in the report of the meeting, the recommendation is intended to facilitate the further process on digital sequence information on genetic resources and does not prejudge the definition of or views on the parameters and principles governing a final solution.

contained a draft decision for consideration by the fifteenth meeting of the Conference of the Parties to the Convention.

4. In its recommendation 3/3, the Open-ended Working Group on the Post-2020 Global Biodiversity Framework decided to convene a fourth meeting to continue negotiations on the post-2020 global biodiversity framework and on digital sequence information on genetic resources, building on the work of its third meeting, and the intersessional work of the informal advisory group on digital sequence information.

5. Further to the request from recommendation 3/2, the Informal Advisory Group on digital sequence information continued its work between April and June 2022 to consider the topics listed in paragraph 12 of the recommendation. As requested in paragraph 11 of the recommendation, representatives of different stakeholders were invited to the discussions.

6. This document aims at facilitating and informing deliberations on DSI at the fourth meeting of the Working Group by providing information on the work that has been done since the third meeting of the Working Group met in Geneva, building upon recommendation 3/2. It includes the key points from the co-leads' report on the work of the Informal Advisory Group, a progress report on the preparation of the assessment of the policy options by the independent consultant and suggestions for a recommendation. The full co-leads' report on the work of the Informal Advisory Group is available as document CBD/WG2020/4/INF/4.

II. KEY POINTS FROM THE COLEADS' REPORT ON THE WORK OF THE INFORMAL COCHAIRS' ADVISORY GROUP

7. As requested in paragraph 12 of [recommendation 3/2](#), the co-leads of the Advisory Group invited representatives from the scientific research community, private sector, civil society organizations and databases by calling to the group members to nominate people. One member of the Advisory Group left the group, and more countries joined to finalize the regional balance of the Party representatives. The final list of participants can be found in annex II of CBD/WG2020/4/INF/4.

8. Paragraph 12 of [recommendation 3/2](#) requested the Informal Co-Chairs' Advisory Group on digital sequence information on genetic resources to continue its work on the assessment of consequences of potential policy approaches, options or modalities for benefit-sharing arising out of the utilization of digital sequence information on genetic resources, based on the elements referred to in paragraphs 5 and 6 of the recommendation, and in addition to provide advice on the following areas:

- (a) Hybrid approaches, options or modalities;
- (b) The findings from the assessment of policy options, as they become available;
- (c) Elements of a definition for digital sequence information on genetic resources, based on the work of the Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources and any other relevant information;
- (d) Legal feasibility;
- (e) Tracking and tracing, and their implications for the potential policy approaches, options or modalities;
- (f) The next steps in the approach that should be considered on the way forward to finding a solution on the fair and equitable sharing of the benefits arising out of the utilization of digital sequence information on genetic resources in the context of the post-2020 global biodiversity framework;
- (g) The role, rights and interests of indigenous peoples and local communities, and the need to take these into account in considering potential policy approaches, options or modalities;

(h) The roles and interests of, and implications for, the scientific research community, private sector, civil society organizations, and databases dealing with digital sequence information on genetic resources.

9. The advisory group met for one kickoff meeting, and four working meetings (see annex I to CBD/WG2020/4/INF/4).

10. Some major points of convergence were reinforced throughout the different topics addressed in the Advisory Group:

(a) It is important to acknowledge the views of indigenous peoples and local communities on the sacred essence of life, which DSI is connected to and in relation to their contribution to the shaping of the diversity of life through their close evolutionary association with it over time and space. Also, traditional knowledge, as well as the rights of indigenous peoples and local communities over the genetic resources from which DSI is extracted, should be taken into account in development of any solution on DSI;

(b) As a cross cutting issue, the maintenance of open access to data is of high importance in a solution on DSI. Although open data in itself is not a means to ensure benefit-sharing, it is essential to research and innovation;

(c) Capacity-building and technology transfer should be an integral part of a solution on DSI;

(d) The benefits from the use of DSI should contribute to the conservation and sustainable use of biological diversity;

(e) Legal clarity, certainty, and simplicity are desirable for all parties and stakeholders involved, as well as collaboration and support with other instruments dealing with DSI;

(f) Broad stakeholder participation in a policy formulation process for a complex issue such as DSI is critical to allow for pragmatic understanding of the range of views, perspectives and interests so as to move closer to a potentially pragmatic policy solution taking into account the interest of those affected. Continued multistakeholder dialogue will also be important for the effective implementation of any solution.

11. Some new points emerged from the discussions of the Advisory Group; further discussion of these points may lead to further convergence:

(a) Tracking and tracing could be used for a limited specialized subset of DSI but is currently not feasible technically or financially at a large scale;

(b) A solution on DSI is likely to include a multilateral mechanism (for example, a multilateral fund). There are various views regarding the benefits of a solely multilateral system versus a hybrid system (i.e. multilateral with limited bilateral exceptions) and regarding the need for mixed models of funding or governance for such systems;

(c) The pooling of data benefits research and innovation and brings mutual benefits to the research and database communities. Both the public database INSDC and smaller and more specialized databases are desirable for research and innovation and their compatibility and connectivity is important to their utility for DSI;

(d) The future-proofing of a solution on DSI could be achieved through a combination of legal simplicity, a well-considered scope of DSI (including synthetic biology, for example), the feasibility and practicality the solution in the face of future technology changes, a flexible system of governance, and/or the priorities and modalities for benefit-sharing;

(e) Technical and operational feasibility of the policy solution needs further consideration;

(f) The Convention on Biological Diversity provides a good framework for a solution on DSI given that it is near-universal and several of its provisions could be leveraged to support a solution.

III. UPDATE ON THE PREPARATION OF THE INDEPENDENT ASSESSMENT

12. The independent consultant hired by the Secretariat is working on the review of the framework developed by the Informal Co-Chair's Advisory Group during the inter-sessional period between the first and second parts of the third meeting of the Working Group and is expected to provide suggestions for potential revisions for the framework. Additionally, the consultant is expected to apply weights to the criteria in light of the goals the solution on DSI is trying to achieve. In parallel, the consultant will apply the framework to the policy options by seeking existing data, and a series of recommendations for criteria where data is not available. The consultant will conduct a series of consultations with Parties and stakeholders starting shortly after the fourth meeting of the Working Group in Nairobi. Representatives of Parties and stakeholders will be encouraged to make themselves available for such consultations so that all points of view, interests, perspectives, and information on and around the policy options can be taken into account in the independent assessment.

13. The final report on the application of the framework to assess policy options is expected to be available in September 2022.

IV. SUGGESTIONS FOR THE RECOMMENDATION

14. As noted above, in line with the mandate from decision 14/20, the Working Group on the Post-2020 Global Biodiversity Framework is due to make recommendations to the Conference of the Parties at its fifteenth meeting on how to address digital sequence information on genetic resources in the context of the post-2020 global biodiversity framework. At its third meeting, the Working Group decided that, at its fourth meeting, it would continue negotiations on digital sequence information on genetic resources, building on the work of its third meeting, and the intersessional work of the Informal Advisory Group on digital sequence information. Accordingly, the Working Group may wish to continue its work on the draft decision contained in recommendation 3/2, in light of the other elements of that recommendation, and taking into account the work of the Informal Advisory Group, including the points summarized in section II above and as reflected in the report of the co-leads (CBD/WG2020/4/INF/4).
