



## **Convention on Biological Diversity**

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### **Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources**

#### **First meeting**

Geneva, 14–18 November 2023

Agenda item 5

**Adoption of the report**

### **Report of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources on its first meeting**

#### *Summary*

The first meeting of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources was held in Geneva from 14 to 18 November 2023. The Working Group developed possible elements of a multilateral mechanism for benefit-sharing from the use of digital sequence information on genetic resources, including a global fund (see annex).

## **Account of proceedings**

### **Introduction**

1. The first meeting of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources was held in Geneva from 14 to 18 November 2023.

2. The following Parties to the Convention attended the meeting: Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Croatia, Cuba, Czechia, Côte d'Ivoire, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Egypt, Eswatini, Ethiopia, European Union, Fiji, Finland, France, Georgia, Germany, Guatemala, Haiti, Hungary, India, Indonesia, Ireland, Italy, Japan, Jordan, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Maldives, Mauritius, Morocco, Mozambique, Namibia, Nepal, Netherlands (Kingdom of the), New Zealand, Nicaragua, Nigeria, Norway, Oman, Philippines, Republic of Korea, Republic of Moldova, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Serbia, Seychelles, Somalia, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and Zimbabwe.

3. The following State not party to the Convention was also represented: United States of America.

4. The meeting was also attended by representatives of observers from United Nations bodies, specialized agencies, convention secretariats and other bodies and organizations.<sup>1</sup>

### **Item 1**

#### **Opening of the meeting**

5. The Chair, Liu Ning, representing the President of the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, Huang Runqiu, Minister of Ecology and Environment of China, welcomed representatives to the first meeting of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources. He recalled that goal C and target 13 of the Kunming-Montreal Global Biodiversity Framework, as well as associated decision 15/9, covered digital sequence information on genetic resources, making access and benefit-sharing a central issue of the Framework. The journey on digital sequence information had been long and challenging but productive thus far, and the Working Group now had the opportunity to make history by determining what the multilateral digital sequence information benefit-sharing mechanism would look like and ensuring that it responded to the principles agreed in Montreal. He expressed the hope that the Working Group would move forward at the present meeting with the ambitious spirit that had produced the Framework, and that its deliberations would yield substantial progress and a clear path toward a cost-effective, efficient and simple solution for digital sequence information, thus sending a clear signal to the world that the Framework and its associated decisions could deliver on its objective to bring true transformative change and a world living in harmony with nature.

6. Following his remarks, the Chair declared the meeting open at 10.15 a.m., on 14 November.

7. The Acting Executive Secretary of the Convention, David Cooper, delivered an opening statement.

8. The Acting Executive Secretary welcomed the representatives to the meeting and thanked the many donors whose contributions had supported the participation of delegates from developing countries and countries with economies in transition. Recalling decision 15/9, which had led to the establishment of a multilateral mechanism and global fund for benefit-sharing as part of the Kunming-

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<sup>1</sup> See CBD/WGDSI/1/3/Add.1 for the list of participants.

Montreal Global Biodiversity Framework, he noted that the Working Group's task was to further develop and operationalize the multilateral mechanism and global fund, particularly in relation to goal C and target 13 but also other goals and targets, including those on capacity-building and mobilization of financial resources. Thus, the Working Group would need to address how funds would be collected and disbursed, how non-monetary benefits would be facilitated, including through capacity-building and technology transfer, how the system and the fund itself would be governed, and how the system would relate to national systems on access and benefit-sharing developed under the Nagoya Protocol, as well as to other processes. It therefore had important work to do in a short time, and he urged the participants to use the time available in the two meetings of the Working Group to ensure that Parties had a practical system for sharing benefits fairly and equitably and supporting innovation and conservation – in short, for contributing to all three objectives of the Convention and to the wider sustainable development agenda.

9. Regional statements were made by the representatives of the following Parties: Argentina (on behalf of the Latin American and Caribbean States), Cambodia (on behalf of the Asia-Pacific States), Namibia (on behalf of the African States), Spain (on behalf of the European Union and its member States) and Switzerland (on behalf of Australia, Canada, Japan, New Zealand, Norway, Republic of Korea, United Kingdom and United States).

10. Statements were also made by representatives of the following organizations on behalf of major groups and stakeholders: CBD Women's Caucus, DSI Scientific Network, International Chamber of Commerce, International Indigenous Forum on Biodiversity and Third World Network (on behalf of the CBD Alliance members represented at the meeting).

## **Item 2**

### **Organizational matters**

#### *Election of officers*

11. In accordance with rule 26 of the rules of procedure for meetings of the Conference of the Parties to the Convention, the Bureau of the Conference of the Parties acted as the Bureau of the Working Group.

12. The Bureau designated Angela Lozan (Moldova) to act as Rapporteur of the meeting.

#### *Adoption of the agenda*

13. At its 1st plenary session, on 14 November 2023, the Working Group adopted the following agenda on the basis of the provisional agenda prepared by the Secretariat:<sup>2</sup>

1. Opening of the meeting.
2. Organizational matters.
3. Issues for further consideration set out in the annex to decision 15/9.
4. Other matters.
5. Adoption of the report.
6. Closure of the meeting.

#### *Organization of work*

14. At the same session, the Working Group approved the proposed organization of work set out in annex I to the annotated agenda.<sup>3</sup>

15. It also agreed to establish a Committee of the Whole to consider agenda item 3, and elected Mphatso Kalemba (Malawi) and William Lockhart (United Kingdom) to serve as the Co-Chairs of the

<sup>2</sup> CBD/WGDSI/1/1.

<sup>3</sup> CBD/WGDSI/1/1/Add.1.

Committee. It further agreed that the Co-Chairs would continue their responsibilities at the second meeting of the Working Group and guide any intersessional work that might be required.

**Item 3**

**Issues for further consideration set out in the annex to decision 15/9**

16. The Co-Chairs of the Committee of the Whole opened the meeting of the Committee at 11.30 a.m. on 14 November.

17. The Committee began its consideration of agenda item 3 at its 1st session. It had before it a note by the Secretariat on information gathered further to decision 15/9 and key points for consideration by the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources,<sup>4</sup> as well as three addenda to that document: a synthesis of views pursuant to decision 15/9,<sup>5</sup> an executive summary of the compilation of lessons learned from other international funding mechanisms<sup>6</sup> and initial information from the commissioned studies.<sup>7</sup> The full compilation of lessons learned from other international funding mechanisms was also made available to the Working Group as an information document.<sup>8</sup>

18. A representative of the Secretariat made a presentation on ongoing work on benefit-sharing from the use of digital sequence information being done in other intergovernmental forums.

19. Another representative of the Secretariat made a presentation on the work of the Advisory Committee on Resource Mobilization, established by the Conference of the Parties in decision 15/7.

20. Statements were made by representatives of the following Parties: Argentina, Australia, Brazil, Canada, China, Côte d'Ivoire, Egypt, Eswatini, India, Indonesia, Japan, Jordan, Kuwait, Malawi, Morocco, Namibia (on behalf of the African States), Norway, Republic of Korea, Saudi Arabia, Serbia, South Africa, Switzerland, Uganda, United Kingdom and Zimbabwe.

21. The Committee continued its consideration of the item at its 2nd session, on 14 November.

22. Statements were made by representatives of the following Parties: Benin, Colombia, Democratic Republic of the Congo, Fiji, Guatemala, Maldives, Mauritius, New Zealand, Oman, Sudan and United Arab Emirates.

23. A statement was also made by the representative of the United States.

24. Further statements were made by representatives of the International Indigenous Forum on Biodiversity, the Indigenous Women's Biodiversity Network from Latin America and the Caribbean and the Third World Network (also on behalf of the Southeast Asia Regional Initiative for Community Empowerment).

25. Following the exchange of views, the Committee agreed to establish a contact group, co-chaired by Salima Kempenaer (Belgium) and Nneka Nicholas (Antigua and Barbuda), to discuss the issues for further consideration listed in the annex to decision 15/9. It also agreed that the contact group would consider the issues in clusters, in accordance with the grouping set out in the table in document CBD/WGDSI/1/2.

*Consideration of draft text*

26. At its 3rd session, on 17 November, the Committee considered a draft text, submitted by the Co-Chairs on the basis of the discussions in the contact group, on possible elements of a multilateral mechanism for benefit-sharing from the use of digital sequence information on genetic resources, including a global fund. The Committee agreed to consider the elements of the draft text by cluster.

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<sup>4</sup> CBD/WGDSI/1/2.

<sup>5</sup> CBD/WGDSI/1/2/Add.1.

<sup>6</sup> CBD/WGDSI/1/2/Add.2/Rev.1.

<sup>7</sup> CBD/WGDSI/1/2/Add.3.

<sup>8</sup> CBD/WGDSI/1/INF/1.

27. Statements on cluster A were made by representatives of the following Parties: Algeria, Argentina, Australia, Brazil (also on behalf of the Latin American and Caribbean States), Canada, Chile, Colombia, Democratic Republic of the Congo, Egypt, European Union and its member States, India, Indonesia, Japan, Morocco, New Zealand, Norway, Philippines, South Africa (on behalf of the African States), Switzerland, Togo, Uganda, United Kingdom and Zimbabwe.

28. Statements on cluster B were made by representatives of the following Parties: Australia, Brazil, Canada, Côte d'Ivoire, European Union and its member States, Japan, Jordan, Namibia and Switzerland.

29. At its 4th session, on 17 November, the Committee continued its consideration of the draft text on possible elements of the multilateral mechanism.

30. Additional statements on cluster B were made by representatives of the following Parties: Algeria, Brazil, Canada, Colombia, Cuba, Egypt, European Union and its member States, India, Jordan, Maldives, Mauritius, Morocco, Norway, Switzerland, Togo, Uganda and Zimbabwe.

31. Statements on cluster C were made by representatives of the following Parties: Algeria (on behalf of the African States), Argentina, Australia, Brazil, Burkina Faso, Canada, Chile, Colombia, Côte d'Ivoire, Egypt, European Union and its member States, India, Indonesia, Japan, Norway, Philippines, Russian Federation, Switzerland, Togo, Uganda and United Kingdom.

32. Statements were also made by representative of the DSI Scientific Network and the International Indigenous Forum on Biodiversity.

33. Statements on cluster D were made by representatives of the following Parties: Argentina, Australia, Brazil, Burkina Faso, Canada, Democratic Republic of the Congo, European Union and its member States, India, Indonesia, Japan, Norway, Switzerland, Uganda and United Kingdom.

34. The Committee established a contact group, to be chaired by the Co-Chairs of the Committee of the Whole, to discuss proposals for intersessional work.

35. At its 5th session, on 18 November, the Committee continued its consideration of the draft text on possible elements of the multilateral mechanism.

36. Additional statements on cluster D were made by representatives of the following Parties: Argentina, Australia, Belarus, Brazil, Canada, Chile, Colombia, European Union and its member States, Guatemala, India, Indonesia, Japan, Namibia (on behalf of the African States), Norway, Republic of Korea, South Africa, Switzerland, Togo, Uganda and United Kingdom.

37. Statements were also made by representatives of the International Indigenous Forum on Biodiversity and Third World Network.

38. Statements on cluster E were made by representatives of the following Parties: Argentina, Brazil, Canada, Chile, China, Colombia, Cuba, Democratic Republic of the Congo, European Union and its member States, India, Indonesia, Japan, Morocco, Namibia (on behalf of the African States), Norway, Republic of Korea, South Africa, Switzerland, Togo, Uganda and United Kingdom.

39. Statements were also made by representatives of the CBD Women's Caucus and the International Indigenous Forum on Biodiversity.

*Review of revised draft texts and proposal for intersessional work*

40. At its 6th session, on 18 November, the Committee considered revised draft texts for the elements of the multilateral mechanism, submitted by the Co-Chairs, and a proposal from the Co-Chairs for intersessional work.

41. Statements on the revised draft texts were made by representatives of the following Parties: Algeria, Argentina, Australia, Belarus, Brazil, Canada, Chile, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, European Union and its member States, India, Indonesia, Japan, Morocco, Norway, Republic of Korea, South Africa, Switzerland, Togo, Uganda and United Kingdom.

42. The Co-Chairs stated that they would prepare a revised text on the basis of the statements made and submit it to the Working Group for adoption.

43. The Co-Chairs reported on the discussions of the contact group on intersessional work and presented their proposal for such work, which would be carried out during the period between the first and second meetings of the Working Group and would comprise:

(a) Information-sharing activities by the Co-Chairs and the Secretariat, as needed and as appropriate;

(b) An open-ended informal advisory group , which would build on the experience of the previous informal advisory group on digital sequence information that met between September 2021 and October 2022, be inclusive, flexible, agile and considerate of the burden of time differences for Parties, and focus on the technical issues contained in the elements requiring further work, working through online discussions among Parties, indigenous peoples and local communities and stakeholders;

(c) Online informal regional consultations facilitated by the Co-Chairs, as well as an informal exchanges to support the peer review of the draft reports for the commissioned studies referred to in paragraphs 22 (b) and (c) of decision 15/9;

(d) Preparation, by the Co-Chairs, of a report on the outcomes of the intersessional work, based on the reporting methodology used by the previous informal advisory group on digital sequence information.

44. The Committee endorsed the Co-Chairs' proposal for intersessional work as presented.

#### *Conclusion*

45. At its 2nd plenary session, on 18 November, the Working Group heard a report from the Co-Chairs of the Committee of the Whole on the work of the Committee and adopted document CBD/WGDSI/1/L.2, as orally amended (see annex), to be used as the basis for further discussions. It further agreed to the proposal for intersessional work as endorsed by the Committee of the Whole.

#### **Item 4**

##### **Other matters**

46. At the 2nd plenary session of the meeting, statements were made by representatives of the following Parties: Algeria, Egypt, Indonesia, Jordan and Norway.

47. The representative of Indonesia, requesting that his statement be reflected in the report, drew attention to the situation in the State of Palestine and urged countries to call for a ceasefire.

48. The representative of Norway, in his statement, announced funding for informal work to be carried out on digital sequence information during the period leading up to the sixteenth meeting of the Conference of the Parties.

#### **Item 5**

##### **Adoption of the report**

49. At its 2nd plenary session, the Working Group adopted the present report, as orally amended, on the basis of the draft prepared by the Rapporteur (CBD/WGDSI/1/L.1).

50. During the adoption of the report, the representative of Brazil requested that future presentations on ongoing work on benefit-sharing from the use of digital sequence information being done in other intergovernmental forums include information on work being done under the World Intellectual Property Organization.

**Item 6**

**Closure of the meeting**

51. Following the customary exchange of courtesies, the Chair declared the first meeting of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources closed at 9.55 p.m. on 18 November 2023.

## Annex

# Possible elements of a multilateral mechanism for benefit-sharing from the use of digital sequence information on genetic resources, including a global fund\*

## Overall considerations

1. In decision 15/9, the Conference of the Parties to the Convention on Biological Diversity decided to establish a fair, transparent, inclusive, participatory and time-bound process to undertake further development of the multilateral mechanism.
2. The multilateral mechanism should contribute to the achievement of Target 13 and Goal C of the Framework.

## A. Contributions to the fund

### *Elements on which there is potential convergence*

3. The global fund should contribute to the achievement of Target 19 and Goal D of the Framework without changing the existing international obligations of all Parties to the Convention, including under Article 20, and can contribute to mobilizing new and additional means of implementation.

### *Elements on which there is a need for further discussion, also taking into account the studies commissioned under paragraph 22 of decision 15/9 of the Conference of the Parties:*

4. Whether the following triggers could meet the criteria in paragraphs 9 and 10 of decision 15/9 and mobilize timely and predictable funding at the intended scale:
  - (a) Access to digital sequence information on genetic resources;
  - (b) Use of digital sequence information on genetic resources;
  - (c) Generation of revenue arising from the use of digital sequence information on genetic resources;
  - (d) Commercialization of products derived from the use of digital sequence information on genetic resources;
  - (e) Any other triggers already identified or to be identified.
5. Whether in the case of a voluntary system, a trigger is needed.
6. Whether all users of digital sequence information on genetic resources could be potential contributors to the mechanism.
7. Whether donors, including Governments, should contribute to the fund, for example in its start-up phase to ensure sufficient initial capitalization, or make contributions on an ad hoc or regular basis.
8. Identification of possible effective incentives for voluntary contributions to the fund.
9. How obligations for sharing the benefits from the use of digital sequence information on genetic resources in the multilateral mechanism can be created; whether this would facilitate a predictable level of contributions and fairness among potential contributors; and whether this

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\* The elements outlined in the present document provide a non-exhaustive list that Parties may wish to consider as a priority in future work. Parties retain the right to raise and consider additional elements in line with the annex to decision 15/9. Where lists are presented, the order is not intended to set a hierarchy or precedence among the items.

could be done through a legally binding instrument or a non-legally binding framework and the timelines associated with these options.

10. How the scale of contributions to the fund could be determined.
11. Whether contributions to the fund should be proportionate to the revenue generated from the use of digital sequence information on genetic resources.
12. The scale and sectors of the industries that use digital sequence information on genetic resources, including information on, for example, turnover, profit, people employed, countries of operation and reliance on digital sequence information on genetic resources.
13. Which elements of the modality for assessing contributions would need to be agreed by the Conference of the Parties, and which could be left to the governing body of the fund.
14. Whether and how possible criteria for the scale of contributions could include:
  - (a) 1 per cent of the retail price of all commercial income net revenue from products resulting from all utilization of digital sequence information on genetic resources;
  - (b) The profits or revenue generated from the use of digital sequence information on genetic resources.

## B. Disbursement from the fund

*Elements on which there is potential convergence*

15. The strategic priorities and disbursement criteria of the fund should be decided by the Conference of the Parties.
16. Funding should be directed towards activities that support the conservation and sustainable use of biodiversity and the implementation of national biodiversity strategies and action plans, especially in developing countries, in particular the least developed countries and small island developing States, as well as countries with economies in transition.
17. Funding could be directed towards other biodiversity-related priorities, including the relevant Sustainable Development Goals.
18. Funding should be allocated in a fair, equitable, transparent, accountable and gender-responsive manner.
19. The fund should allow for the allocation of funding to indigenous peoples and local communities in all regions, in particular in developing countries.
20. Various factors could be used to determine the level of funding allocated, including:
  - (a) The self-identified needs of indigenous peoples and local communities, women and youth, taking into account their major contribution to the conservation and sustainable use of biodiversity;
  - (b) The biodiversity, ecological or ecosystemic richness of the country;
  - (c) The capacity needs of countries, in particular with regard to digital sequence information on genetic resources;
  - (d) Regional balance and particular consideration of the needs of developing countries;
  - (e) Capacity needs with respect to conservation and sustainable use.

*Elements on which there is a need for further discussion*

21. How indigenous peoples and local communities should access funds, whether they should be able to access the funds directly and/or indirectly and how they can be involved in the decision-making.

22. Whether or not countries that require, through national legislation, benefit-sharing from the use of digital sequence information on genetic resources in international public databases should also receive benefits from the multilateral mechanism.
23. Whether funding should be disbursed according to country allocations, on a project basis, a combination thereof, or another modality altogether.
24. Whether the level of development of the country should be considered or assessed when allocating funding.
25. Whether the level of funding disbursed should always be on the basis of a needs assessment.
26. Whether funding allocations should be based, at least in part, on the geographical origin of the genetic resources from which the digital sequence information on genetic resources is derived, noting that current studies suggest there are only incomplete data available on geographical origin in databases.

## **C. Non-monetary benefit-sharing**

*Elements on which there is potential convergence*

27. Criteria for the sharing of non-monetary benefits could include:
  - (a) The need for additional capacity for the purposes of conservation and sustainable use;
  - (b) The capacity gap, especially between developed and developing countries, and in particular with respect to the ability to generate, access, use, analyse and store digital sequence information on genetic resources;
  - (c) The self-identified needs of indigenous peoples and local communities, women and youth taking into account their major contributions to the conservation and sustainable use of biodiversity;
  - (d) The needs of national agencies and institutions, including research and academic institutions.
28. Work to facilitate capacity-building and development and technology transfer and development on digital sequence information on genetic resources should contribute to the implementation of the relevant provisions on technical and scientific cooperation and technology transfer and development under the Convention, building on, *inter alia*, the ongoing work under the Convention, including pursuant to decision 15/8 of the Conference of the Parties on capacity-building and development and technical and scientific cooperation, needs assessments, national biodiversity strategies and action plans, and the regional and/or subregional technical and scientific support centres;
29. The work to facilitate capacity-building and development, technical and scientific cooperation and technology transfer and development on digital sequence information on genetic resources for use in the conservation and sustainable use of biological diversity would have the high-level goals of:
  - (a) Improving the ability to manage and conserve biodiversity and use it sustainably;
  - (b) Closing the gap in capacity to generate, access, use, analyse and store digital sequence information on genetic resources, in particular between developed and developing countries;
  - (c) Delivering national priorities for capacity-building and development, scientific and technical cooperation and technology transfer and development by building and developing individual, organizational and enabling capacity, as well as research infrastructure;

30. Target beneficiaries of capacity-building and development include indigenous peoples and local communities, women, youth, as well as Governments and researchers.
31. There are many ways in which non-monetary benefits are already being shared and the future sharing of non-monetary benefits should take into account lessons learned from those experiences.

*Elements on which there is a need for further discussion*

32. Whether there is a need for a new platform or facility for sharing non-monetary benefits, such as technologies and capacities that are developed using digital sequence information on genetic resources and what the potential modalities would be.
33. Whether the needs of stakeholders could be a criterion for the sharing of non-monetary benefits, and if so, which stakeholders;
34. Whether non-monetary benefits from the use of digital sequence information on genetic resources could include the following:
  - (a) Projects for the conservation or sustainable use of biodiversity or for the protection and maintenance of knowledge, innovations or practices of indigenous peoples and local communities, traditional farmers, women and youth preferably in the country of origin of the genetic resource that gave rise to the digital sequence information, when identifiable;
  - (b) Technology transfer and technology development;
  - (c) Making the product available in the public domain;
  - (d) Licensing of products free of charge;
  - (e) Training of human resources in topics related to the conservation and sustainable use of genetic diversity or associated traditional knowledge;
  - (f) Free distribution of products in social interest programmes;
  - (g) Establishment of national databases;
  - (h) Promoting joint research-partnerships;
  - (i) Joint ventures.
35. Whether the discussion on non-monetary benefit-sharing should take into account the outcomes of the meeting held in 2020 by the Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources with regard to key areas for capacity-building and development.<sup>1</sup>
36. Whether the use of digital sequence information on genetic resources could serve as a trigger for non-monetary benefit-sharing.

## **D. Governance**

*Elements on which there is potential convergence*

37. The multilateral mechanism will be guided by strategic principles set out by the Parties to the Convention, including those in decision 15/9, in particular paragraphs 9 and 10;
38. The global fund should operate under the supervision and guidance of the Conference of the Parties;
39. There should be a governing body for the global fund, and it should operate in a transparent way;

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<sup>1</sup> See [CBD/DSI/AHTEG/2020/1/7](#), annex I, sect. III.

40. The governing body of the fund should include Party representatives;
41. The private sector and other contributors should be able to contribute to the fund without significant administrative burden;
42. The fund should be able to receive and disburse funding soon after a decision is taken by the Conference of the Parties at its sixteenth meeting;
43. The operation of the multilateral mechanism should be monitored against the principles set out in decision 15/9, in particular paragraphs 9 and 10;
44. The monitoring and evaluation framework for the fund could be developed in coordination with the monitoring framework for the Kunming-Montreal Global Biodiversity Framework, and in particular for Target 13 and Goal C, and a system and associated capacity should be established for regular review;
45. The multilateral mechanism should be evaluated and reviewed in accordance with an agreed methodology in a transparent manner;
46. The multilateral mechanism must respect the rights of indigenous peoples and local communities over their traditional knowledge, traditional knowledge associated with genetic resources, and genetic resources and data related to them.

*Elements on which there is a need for further discussion*

47. Whether and how the governance of the fund should include the participation of representatives of:
  - (a) Indigenous peoples and local communities;
  - (b) The private sector;
  - (c) Civil society;
  - (d) Youth;
  - (e) Women;
  - (f) Academia;
  - (g) Non-Parties;
  - (h) Infrastructure and database providers;
  - (i) Other access and benefit-sharing instruments.
48. Options for new or existing funds which could host the global fund, including how quickly they could be operational;
49. Options for revisions to the operating modalities of the Global Environment Facility or the Global Biodiversity Framework Fund, under request from the Conference of the Parties, to enable them to serve as the host of the global fund;
50. Whether, and if so how, the work of the relevant advisory committees and advisory groups under the Convention could be taken into account in the work of the Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources, and vice versa;
51. How to ensure the global fund is consistent with principles of inclusivity, equity and transparency;
52. The difference, if any, between governance of the mechanism as a whole and governance of the fund and the need for coherence between them;
53. Whether and, if so, how, a family of linked databases under the mechanism should be created and any potential implications of this, such as the possible fragmentation of databases;

- 54. The factors to be considered in the regular monitoring of the operation and performance of the mechanism;
- 55. Whether the multilateral mechanism has implications for data governance;
- 56. How the mechanism could operate in a way that is consistent with open access to data in public databases;
- 57. Whether and, if so, how, the multilateral mechanism should operate in a way that does not affect the current operations or working practices of public databases;
- 58. Whether the mechanism should agree to, and encourage the use of, data governance guidelines that encourage the application of the findability, accessibility, interoperability and reusability (FAIR) principles and the collective benefits, authority to control, responsibility, ethics (CARE) principles in an integrated and balanced way;
- 59. How the multilateral mechanism will operate in a way that respects the rights of indigenous peoples and local communities over their traditional knowledge, traditional knowledge associated with genetic resources and genetic resources;

## **E. Relation to other approaches and systems**

### *Elements on which there is potential convergence*

- 60. Depending on its final form, the multilateral mechanism could learn from a number of existing approaches and systems, such as community protocols and examples of monetary and non-monetary benefits;
- 61. There needs to be ongoing coordination and cooperation with the other forums that are considering benefit-sharing from the use of digital sequence information on genetic resources or related issues (e.g. the International Treaty on Plant Genetic Resources for Food and Agriculture, the Commission on Genetic Resources for Food and Agriculture of the Food and Agriculture Organization of the United Nations, the World Health Organization, the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, and the World Intellectual Property Organization) to ensure legal clarity and enable the multilateral mechanism to be mutually supportive of and adaptable to the other instruments while recognizing that other forums may develop specialized approaches;

### *Elements on which there is a need for further discussion*

- 62. Whether and if so, how an inter-forum body or process on access and benefit-sharing for digital sequence information on genetic resources could facilitate coordination among the forums considering digital sequence information on genetic resources;
- 63. For models where the multilateral mechanism operates alongside bilateral arrangements for access and benefit-sharing on digital sequence information on genetic resources, issues for further discussion include:
  - (a) Whether and how any such models could be designed in such a way to meet the criteria set out in paragraphs 6 to 10 of decision 15/9 and the mandate set out for the Ad Hoc Open-Ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources;
  - (b) The practical means of implementing these models;
  - (c) Whether the risk of double payment is significant or problematic;
  - (d) Whether arrangements would need to be put in place to prevent jurisdiction shopping;
  - (e) The advantages and disadvantages of using such models on a time-limited basis;

- (f) Whether it would be appropriate for Parties that do and those that do not operate national access and benefit-sharing measures on digital sequence information on genetic resources to benefit from the multilateral mechanism to the same extent.
- 64. How to ensure that the multilateral mechanism does not run counter to Articles 15.1 and 15.7 of the Convention.
- 65. Whether the scope of the multilateral mechanism, either initially or in future, should be extended to include genetic resources;
- 66. Whether the multilateral mechanism could conflict with mutually agreed terms on access and benefit-sharing under the Nagoya Protocol that include digital sequence information on genetic resources and, if so, how they could be reconciled.
- 67. Whether the multilateral mechanism could learn from approaches under the Nagoya Protocol, such as customary laws, community protocols and procedures.
- 68. How the multilateral mechanism could be designed so as not to undermine the rights and responsibilities that exist under the Protocol and to be without prejudice to national access and benefit-sharing measures.
- 69. Whether any coordination and cooperation with other forums should also include the United Nations Educational, Scientific and Cultural Organization and possibly others.
- 70. How to ensure the mechanism is future proof and captures, *inter alia*, the results of artificial intelligence applied to digital sequence information on genetic resources.

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