



**Food and Agriculture
Organization of the
United Nations**



**International Treaty
on Plant Genetic Resources
for Food and Agriculture**

Item 17.2 of the Provisional Agenda

TENTH SESSION OF THE GOVERNING BODY

Rome, Italy, 20–24 November 2023

**Consideration of “Digital Sequence Information / Genetic Sequence Data” on
Plant Genetic Resources for Food and Agriculture for the Objectives of the
International Treaty**

Executive Summary

At its Ninth Session, the Governing Body adopted Resolution 16/2022 on Digital Sequence Information / Genetic Sequence Data (DSI/GSD), through which it requested the Secretary to report to this Tenth Session on developments in other relevant international fora for consideration of the implications of those developments for the objectives and the functioning of the International Treaty. The Governing Body also requested the Secretary to compile information received from Contracting Parties and other stakeholders on capacity building needs for accessing and using DSI/GSD.

This document responds to these requests.

Guidance Sought

The Governing Body is invited to consider the report and the other information contained in this document, and provide further guidance on DSI/GSD, taking into account the draft elements for a Resolution that are contained in the *Annex*.

I. INTRODUCTION

1. At its Ninth Session, the Governing Body adopted Resolution 16/2022, *Consideration of Digital Sequence Information / Genetic Sequence Data” on Genetic Resources for the Objectives of the International Treaty*.¹
2. For this Tenth Session, the Multi-Year Programme of Work of the Governing Body contains a corresponding output / milestone, on Digital Sequence Information / Genetic Sequence Data (DSI/GSD).²
3. This document responds to requests made to the Secretary in Resolution 16/2022.
4. The Secretary has reported on the consideration of the possible impact of DSI/GSD on Farmers’ Rights, in document, IT/GB-10/23/13, *Report on the Implementation of Farmers’ Rights*.
5. The consideration of DSI/GSD in the process for enhancing the functioning of the Multilateral System, is included in document, IT/GB-10/23/9.2, *Checkpoint’s Report of the Co-Chairs of the Ad Hoc Open-Ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-Sharing*.

II. DEVELOPMENTS IN INTERNATIONAL FORA

6. In Resolution 16/2022, the Governing Body requested the Secretary to continue following the discussions on DSI in other fora and to continue coordinating with the Secretariats of the Convention on Biological Diversity and the FAO Commission on Genetic Resources for Food and Agriculture in any related activities, in order to ensure coherence and avoid duplication of work. The Governing Body further requested the Secretary to continue monitoring developments in all relevant international fora and to report to the Governing Body at this Tenth Session for consideration of the implications of those developments for the objectives and the functioning of the International Treaty.

Convention on Biological Diversity (CBD)

7. In Resolution 16/2022, the Governing Body took note of the latest deliberations of the Open-Ended Working Group on the Post-2020 Global Biodiversity Framework, and encouraged Parties to the CBD, in their consideration of potential decisions on a solution for fair and equitable benefit-sharing from the use of DSI on genetic resources, to bear in mind the need for the implementation of the International Treaty and of the CBD and its Nagoya Protocol to be mutually supportive.
8. The second part of the fifteenth meeting of the Conference of the Parties (COP-15) to the CBD, held in December 2022, adopted the “Kunming-Montreal Global Biodiversity Framework” (GBF), comprising four goals and 23 targets, to be achieved by 2030.³ Goal C and Target 13 of the GBF refer to DSI as follows:

Goal C

The monetary and non-monetary benefits from the utilization of genetic resources and digital sequence information on genetic resources, and of traditional knowledge associated with genetic resources, as applicable, are shared fairly and equitably, including, as appropriate with indigenous peoples and local communities, and substantially increased by 2050, while ensuring traditional knowledge associated with genetic resources is appropriately protected, thereby contributing to the conservation and sustainable use of biodiversity, in accordance with internationally agreed access and benefit-sharing instruments.

Target 13

Take effective legal, policy, administrative and capacity-building measures at all levels, as appropriate, to ensure the fair and equitable sharing of benefits that arise from the utilization of genetic resources and from digital sequence information on genetic resources, as well as traditional knowledge associated with genetic resources, and facilitating appropriate access to genetic resources, and by 2030, facilitating a significant

¹www.fao.org/3/nk641en/nk641en.pdf.

²www.fao.org/plant-treaty/overview/mypow/en/.

³www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf.

increase of the benefits shared, in accordance with applicable international access and benefit-sharing instruments.

9. The GBF recognizes that its Vision, Mission, Goals and Targets have to be implemented, reported and evaluated in accordance with relevant international obligations. The GBF stipulates that it should not be interpreted as an agreement to modify the rights and obligations of any Party under the Convention or any other international agreement. Furthermore, the GBF recognises, as one of its guiding principles, that enhanced collaboration, cooperation and synergies with other biodiversity-related conventions, relevant multilateral agreements and international organizations and processes, in line with their respective mandates, would contribute to and promote its implementation in a more efficient and effective manner.

10. In addition to the GBF, COP-15 approved a decision on DSI on genetic resources.⁴ In the decision, COP-15 recognized that:

- DSI on genetic resources is under consideration in other United Nations bodies and instruments;
- any solution for the fair and equitable sharing of benefits from the use of DSI on genetic resources should be mutually supportive of and adaptable to other instruments;
- other fora may develop specialized approaches.

11. In the COP-15 decision, it is acknowledged that the generation of, access to, and use of DSI on genetic resources together with the fair and equitable sharing of benefits arising from its use would support research and innovation and contribute to achieving the three objectives of the CBD and sustainable development.

12. In agreeing that the benefits from the use of DSI should be shared fairly and equitably, COP-15 decided to develop a solution for the sharing of benefits that should:

- Be effective, efficient, feasible, and practical;
- Generate more benefits than costs;
- Provide certainty and legal clarity for providers and users;
- Not hinder research and innovation, and be consistent with open access to data;
- Not be incompatible with international legal obligations;
- Be mutually supportive of other access and benefit-sharing instruments; and
- Take into account the rights of indigenous peoples and local communities.

13. In the decision, COP 15 recognized that the monetary and non-monetary benefits arising from the use of DSI should, in particular, be used to support conservation and sustainable use of biological diversity and, inter alia, benefit indigenous peoples and local communities.

14. COP-15 also agreed that the approach to fair and equitable benefit-sharing from the use of DSI set out in the decision does not affect existing rights and obligations under the CBD and the Nagoya Protocol, and is without prejudice to national access and benefit-sharing measures.

15. COP-15 decided to establish, as part of the GBF, a multilateral mechanism for benefit-sharing from the use of DSI on genetic resources, including a global fund, to be finalized at COP-16 in 2024. To further develop and operationalize the mechanism, COP-15 decided to establish the Ad Hoc Open-Ended Working Group on Benefit-Sharing from the Use of Digital Sequence Information on Genetic Resources.

16. The term “Digital Sequence Information” was not defined within the GBF or in any other COP-15 decision. In this regard, the Governing Body may recall that, in Resolution 16/2022, it noted that it had not yet decided on the official terminology for digital sequence information / genetic sequence data and therefore used “DSI/GSD” until new terminology would be agreed.

FAO Commission on Genetic Resources for Food and Agriculture (the Commission)

17. At its Nineteenth Regular Session, held in July 2023, the Commission considered an agenda item on DSI on genetic resources for food and agriculture (GRFA).

18. The Commission requested its Secretariat to finalize the *Draft Study on the Role of Digital Sequence Information for the Conservation and Sustainable Use of Genetic Resources for Food and Agriculture*:

⁴www.cbd.int/doc/decisions/cop-15/cop-15-dec-09-en.pdf.

Opportunities and Challenges, and bring it to the attention of the Open-Ended Working Group on the enhancement of the Multilateral System.

19. The Commission noted that there is still no internationally agreed definition of DSI nor agreement on the term to be used. It took note of recent developments on DSI in other fora and welcomed the COP-15 decision to establish a multilateral mechanism for benefit-sharing from the use of DSI on genetic resources, including a global fund.

20. The Commission recommended that the FAO Council request FAO to assist countries in building the necessary capacities to make use of DSI in research and development. Furthermore, it welcomed initiatives that support engagement at the international level on the work of DSI.

21. The Commission requested its Secretariat, building on previous work and avoiding duplication, to invite Members to submit information on domestic access and benefit-sharing (ABS) measures applying to DSI and their actual or potential implications for the conservation and sustainable use of GRFA. It encouraged its Members to coordinate future work on DSI, including ABS for DSI, among relevant sectors, with a view to ensuring consistency and mutual supportiveness of the ongoing processes in different fora.

22. The Commission further requested its Secretariat to continue monitoring developments regarding DSI in other fora, and participate where relevant, with a view to considering their implications, including potential opportunities and challenges for the Commission and its Members. It further requested its Secretariat to closely engage with the unfolding processes under the CBD, as well as in other bodies, to ensure that the distinctive features of GRFA requiring distinctive solutions for ABS are appropriately reflected in the development of relevant rules and mechanisms for the sharing of benefits from the use of DSI on genetic resources.

23. The Commission requested its Secretariat to continue to hold, subject to the availability of resources, in collaboration with the Secretariats of the CBD, the International Treaty and other relevant international organizations, virtual and/or in-person open-ended workshops on DSI with a view to sharing information about gaps in knowledge and technical capacity building needs and activities related to DSI on GRFA.

Other fora

24. On 19 June 2023, the Intergovernmental Conference under the auspices of the United Nations adopted 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.⁵

25. Several provisions in the Agreement refer to “digital sequence information on marine genetic resources of areas beyond national jurisdiction.” The term has not been defined in the Agreement. In particular, Article 14, under Part II, focuses on the fair and equitable sharing of benefits, both non-monetary and monetary, arising from activities with respect to marine genetic resources and DSI.

26. In December 2021, Member States of the World Health Organization (WHO) decided to establish an intergovernmental negotiating body to draft and negotiate a WHO convention, agreement, or other international instrument on pandemic prevention, preparedness and response (WHO CA+). The Bureau’s text of the WHO CA+ that was issued in June 2023 provides options for access and benefit-sharing for biological materials with epidemic and pandemic potential, which, in different textual formulations, may include genetic sequence data / digital sequence information / genomic sequences (Article 12).⁶

III. CAPACITY BUILDING NEEDS

27. In Resolution 16/2022, the Governing Body requested the Secretary to:

- invite Contracting Parties and stakeholders to provide information about their capacity building needs for accessing and using DSI/GSD and to share their experiences in this regard;
- compile the information provided, for consideration of the Governing Body at its Tenth Session.

⁵ [A/CONF.232/2023/4](#).

⁶ [apps.who.int/gb/inb/pdf_files/inb5/A_INB5_6-en.pdf](#).

28. In Resolution 16/2022, the Governing Body also called on Contracting Parties and other donors, with the capacity to do so, to promote the provision of financial resources and technical assistance to reduce the existing gap on capacity regarding DSI/GSD between developed and developing countries.

29. In May 2023, the Secretary issued a notification to Contracting Parties and relevant stakeholders, calling for submission of information and received, at the date of publication of this document, twenty submissions.⁷ The compilation of submissions, as received, is in the document, GB-10/23/17.2/Inf.1. Should more submissions be received before the commencement of the Tenth Session of the Governing Body, the Secretary will add them to the compilation.

IV. GUIDANCE SOUGHT

30. The Governing Body is invited to consider the report on developments in relevant international fora and provide guidance as to the implications of such developments for the objectives and functioning of the International Treaty.

31. The Governing Body is also invited to consider the submissions of information by Contracting Parties and other stakeholders regarding capacity building needs for accessing and using DSI/GSD, and provide guidance as to possible further actions in that regard.

32. Elements for a possible Resolution are provided for the consideration of the Governing Body in the *Annex* to this document.

⁷www.fao.org/plant-treaty/notifications/detail-events/en/c/1640903/.

DRAFT ELEMENTS FOR A RESOLUTION **/2023

CONSIDERATION OF DIGITAL SEQUENCE INFORMATION / GENETIC SEQUENCE DATA ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE FOR THE OBJECTIVES OF THE INTERNATIONAL TREATY

THE GOVERNING BODY,

Recalling that, in Resolution 16/2022, it requested the Secretary to report at this Tenth Session on developments in all relevant international fora regarding digital sequence information (DSI)/Genetic Sequence Data (GSD), for the consideration of the implications of those developments for the objectives and the functioning of the International Treaty;

Noting the various recent developments in other relevant international fora regarding DSI/GSD since the Ninth Session;

1. **Acknowledges** that there is not yet an agreed definition of, or official terminology for, digital sequence information / genetic sequence data (DSI/GSD) and, therefore, uses “DSI/GSD” until a terminology is agreed;
2. **Thanks** those Contracting Parties and stakeholders that provided information about their capacity building needs for accessing and using DSI/GSD;
3. **Welcomes** Decision 15/9 of the Conference of the Parties to the Convention on Biological Diversity (CBD) to establish, as part of the Kunming-Montreal Global Biodiversity Framework, a multilateral mechanism for benefit-sharing from the use of DSI on genetic resources, including a global fund;
4. **Encourages** Parties to the CBD, in further developing a solution for the sharing of benefits from the use of DSI on genetic resources, to take into account the need for the implementation of the International Treaty, and of the CBD and its Nagoya Protocol to be mutually supportive;
5. **Requests** the Secretary to continue monitoring developments in all relevant international fora with regard to DSI/GSD and to report to the Governing Body at its Eleventh Session, for the continuous consideration by the Governing Body of the implications of those developments for the objectives and the functioning of the International Treaty;
6. **Further requests** the Secretary to continue coordinating with the Secretariats of the CBD and the Commission on Genetic Resources for Food and Agriculture in any activities related to DSI/GSD, in order to ensure coherence and avoid duplication of work;
7. **Acknowledges** that aspects of DSI/GSD are among the matters under consideration by the Open-Ended Working Group on the Enhancement of the Functioning of the Multilateral System of Access and Benefit-Sharing;
8. **Reiterates the call** on Contracting Parties and other stakeholders, with the capacity to do so, to promote the provision of financial resources and technical assistance to reduce the existing gap on capacity regarding “DSI/GSD” between developed and developing countries and facilitate collaborations, as appropriate, and **invites** Contracting Parties and other stakeholders to provide information on activities to reduce the existing gap and facilitate collaborations;
9. **Requests** the Secretary to compile the information provided, for the consideration of the Governing Body at its Eleventh Session.