



Consideration Digital Sequence Information in the CBD and other UN-fora

Global Webinar
18 April 2023

The ABS Initiative is funded by



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Agenda

Welcome by South Africa & Norway Partnership	
Overview	
<ul style="list-style-type: none">• Stock-taking on DSI-decisions and negotiations in international fora	Hartmut Meyer
Reflection panel with Q&A	
<ul style="list-style-type: none">• Kick-off exchange among panelists	Timothy Hodges Margo Bagley Daniel Kachelriess Suerie Moon Daniele Manzella
<ul style="list-style-type: none">• Questions from the Chat	
Further announcements (ABS Initiative)	
Closing remarks (ABS Initiative)	

Welcome



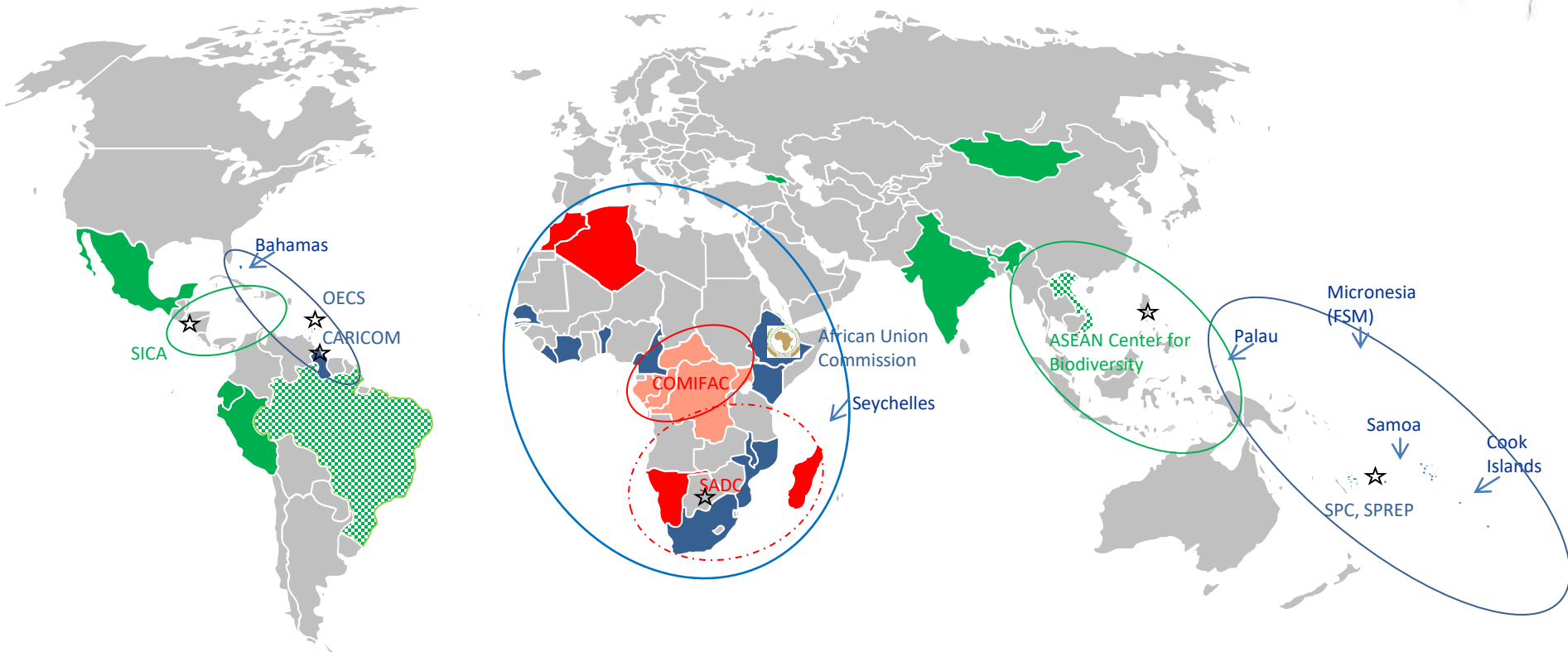
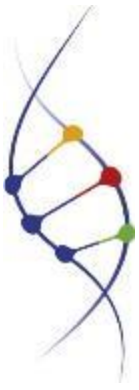
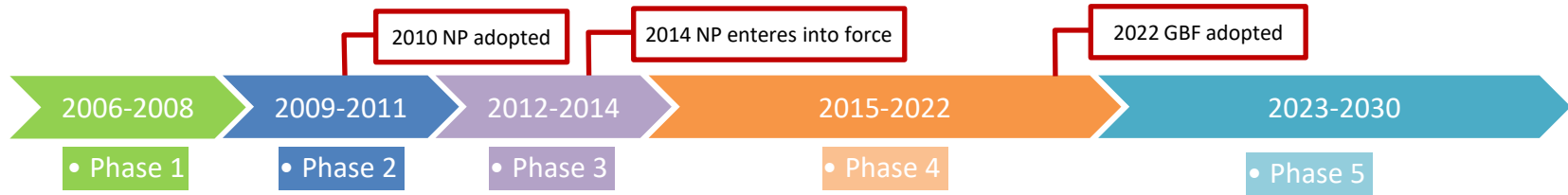
- **Gaute Voigt-Hanssen**
Ministry of Climate and Environment, Norway
- **Simon Malete**
Department of Forestry, Fisheries and the Environment, South Africa



Stock-taking on DSI-decisions and negotiations in international fora

- **Hartmut Meyer**
ABS Capacity Development Initiative,
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

ABS Capacity Development Initiative



ABS Initiative working directly in ACP countries

ABS Initiative working in the context of German bilateral development cooperation in ACP countries

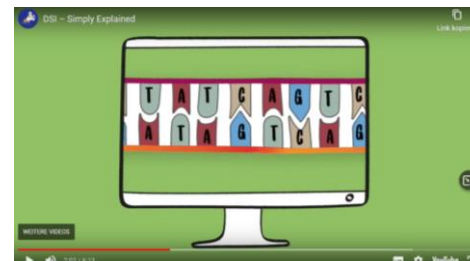
ABS Initiative advising German bilateral development cooperation on ABS outside of ACP

ABS Capacity Development Initiative



DSI-activities in the CBD informal process

- **DSI Introductory Guide** (Aug 2019)
- **Studies:** Fairness, equity and efficiency for CBD / NP incl. case studies (Nov 2021); national approaches to DSI (Feb 2022)
- **Video** DSI Simply Explained (Dec 2020)
- **10 Webinars** (with SCBD, AUC) on the outcomes of the formal DSI process, the role of IPLC, DSI capacity development, commercial uses of DSI (Dec 2020 – Jul 2022)
- **1st Global DSI Dialogue** identifying five options for DSI benefit-sharing and points for consideration with regards to assessing them (Nov 2019)
- **2nd Global DSI Dialogue** describing the convergences and remaining divergences with regard to DSI benefit-sharing options (Jun – Jul 2021)
- **Informal Global DSI Retreat** discussing main features of DSI benefit-sharing before COP 15 (Nov 2022)



International DSI Process

CBD / Nagoya Protocol



- COP 13 2016: the big “DSI bang” with decision on information gathering and studies on general issues
- COP 14 2018: negotiations with decision on “how to address DSI in the context of the post-2020 GBF” and studies on specific topics
- AHTEG 2 2020: options for operational terms and identification of key areas for capacity-building
- COP 15 2022: Decision on multilateral system for DSI benefit-sharing

Other Fora

- WIPO standard on DSI in patent applications
- UNCLOS BBNJ agreement on marine GR and DSI benefit-sharing
- WHO Pandemic Treaty (negotiations on pathogene and genomic data benefit-sharing)
- FAO ITPGRFA and CGRFA (studies, proposal for inclusion of DSI in the SMTA of the IT)

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- **FAO ITPGRFA and CGRFA (studies, proposal for inclusion of DSI in the SMTA of the IT, further work on DSI until the 10th Meeting of the IT Governing Body in 2023)**

DSI-Agreements



CBD, UNCLOS & WHO on objectives & definition of DSI

CBD DSI	UNCLOS BBNJ	WHO CA+
<p><u>No objective</u> but agreement on:</p> <ul style="list-style-type: none"> • fair and equitable sharing of benefits arising from the use of DSI • benefit-sharing should support conservation and sustainable use of biological diversity and ... benefit indigenous peoples and local communities 	<ul style="list-style-type: none"> • fair and equitable sharing of benefits arising from activities with respect to MGR and DSI • capacity building and development • generation of knowledge, scientific understanding and technological innovation • development and transfer of marine technology 	<ul style="list-style-type: none"> • prevent pandemics, save lives, reduce disease burden and protect livelihoods • multilateral, fair, equitable and timely system for sharing of ... pathogens with pandemic potential and genomic sequences, and benefits arising therefrom
No definition of DSI	No definition of DSI	<p>“genomic sequences” means the order of nucleotides identified in a molecule of DNA or RNA. They contain the full genetic information that determines the biological characteristics of an organism or a virus;</p>

DSI-Agreements



CBD, UNCLOS & WHO on sharing of non-monetary and monetary benefits

CBD DSI	UNCLOS BBNJ	WHO CA+
Non monetary BS: to be discussed	<ul style="list-style-type: none"> Governed by ABS Committee Access to samples, DSI and scientific data Transfer of marine technology Capacity-building, including by financing research programmes and partnerships Increased technical and scientific cooperation 	<ul style="list-style-type: none"> Governed by Standard MTA access by WHO to 20% of the production of pandemic-related products, as diagnostics, vaccines etc 10% as a donation and 10% at affordable prices to WHO distribution, in particular to developing countries, according to public health risk and need and national plans that identify priority populations
Monetary BS: to be discussed	<ul style="list-style-type: none"> Contributions by Member States Milestone payment contribution based on commercialization of products, including percentages of revenues from product sales 	Not mentioned

DSI-Agreements



CBD, UNCLOS & WHO on funds and further process

CBD DSI	UNCLOS BBNJ	WHO CA+
<ul style="list-style-type: none">• Establishment of a global fund• Details to be discussed	<ul style="list-style-type: none">• Establishment of a funding mechanism, incl. a special fund receiving monetary benefits	<ul style="list-style-type: none">• No provisions
<ul style="list-style-type: none">• Open-ended working group on DSI benefit-sharing and advisory committee on resource mobilization make recommendations on modalities of DSI fund until COP 16 in late 2024	<ul style="list-style-type: none">• Agreement still needs to be adopted• Entry into force after 60th ratification	<ul style="list-style-type: none">• Agreement under negotiation• Adoption at 77th World Health Assembly, May 2024• Entry into force after 30th ratification

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The panel



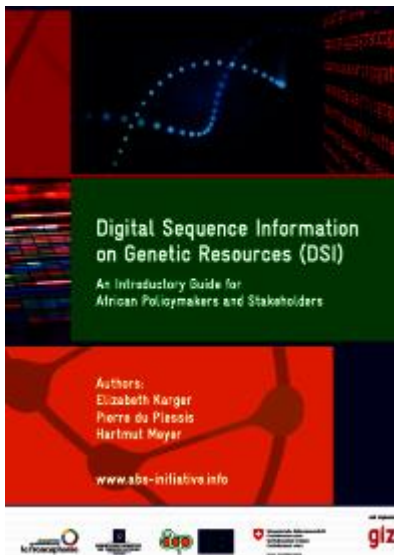
- **Margo Bagley** - *Emory University School of Law, Atlanta*
- **Daniel Kachelriess** - *Expert on oceans, fisheries, wildlife law and policy, Vienna*
- **Suerie Moon** - *Graduate Institute of International and Development Studies, Geneva*
- **Daniele Manzella** - *Food and Agriculture Organization, Rome*

Facilitation:

Timothy Hodges, *Mc Gill University, Montreal*

Evaluation and further reading

- Before you leave, please help us improving our work and participate in the short evaluation of this webinar
- We digested a collection of useful newcomer / expert material dealing with DSI in the CBD and other for a which will be shared with participants via e-mail.





Thank you!

Further information can be found on our website:
www.abs-biotrade.info

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GloBe - Department Sector and Global Programmes

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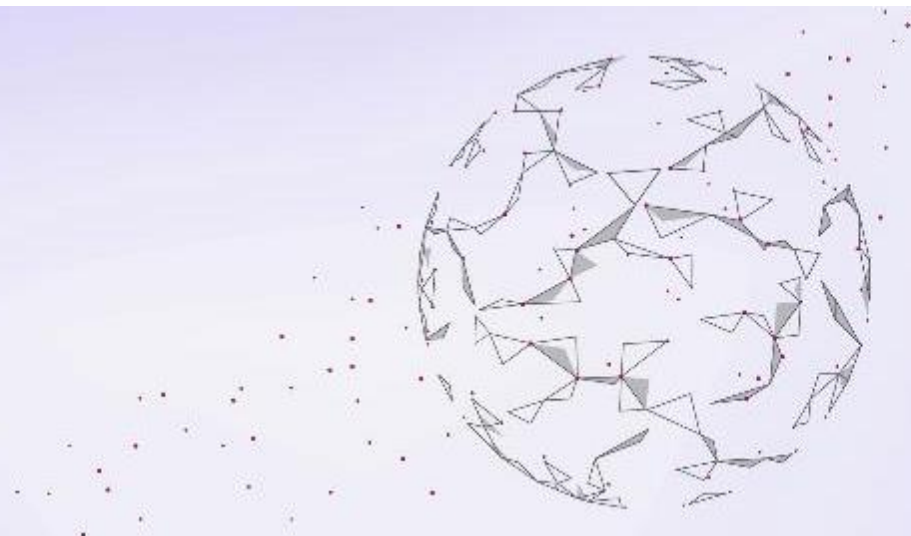
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Pathogen- and Benefit-Sharing in the Pandemic Instrument

Informal, intersessional briefing on Access and benefit sharing in the context of strengthening pandemic prevention, preparedness and response

22 March 2023

Suerie Moon, MPA PhD

Co-Director, Global Health Centre & Professor of Practice, International Relations & Political Science
Graduate Institute of International and Development Studies, Geneva

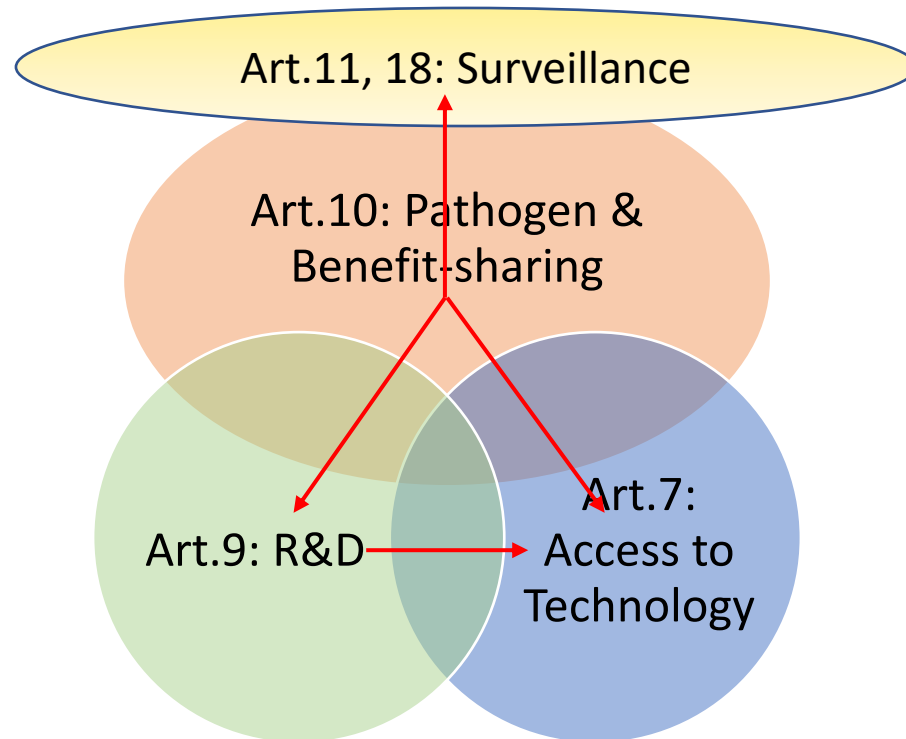
ABS: Lessons from Covid-19, Ebola & Zika

- 15 million sequences shared
→ informal scientific norms for sharing
- Preference for data ownership protections (Table 1)
- Increased sequencing capacity, but more needed
- Inadequate arrangements for benefit-sharing
- No clear obligations for sharing pathogens, GSD or benefits
- Recent political/legal progress: CBD & BBNJ

Table 1. Proportion of Countries within an Income Level Submitting any Sequences, January 1, 2020 – March 18, 2023

	GISAID	GenBank
Total	183/191 (95.81%)	110/191 (57.59%)
High Income	57/58 (98.27%)	42/58 (72.41%)
Upper Middle	50/53 (94.34%)	32/53 (60.38%)
Lower Middle	51/52 (98.08%)	25/49 (51.02%)
Low Income	25/28 (89.29%)	11/28 (39.29%)

Source: With thanks to Anna Bezruki (Georgetown University) for data & analysis

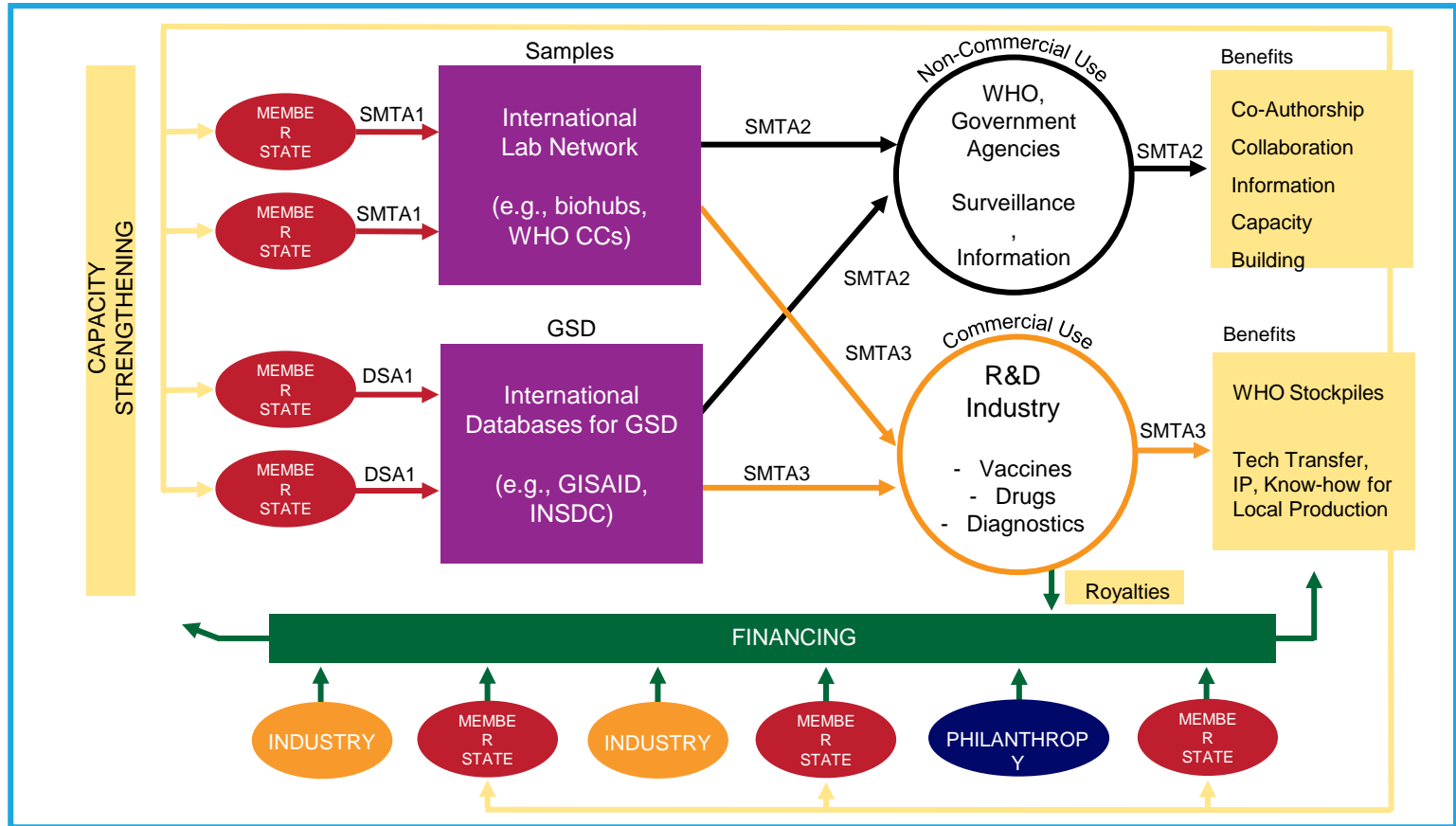


Pathogen- and Benefit-sharing in the CA+

- Useful
 - Inclusion of pathogen and benefit-sharing on equal footing; open science approach; obligation for all MS to share samples, GSD and benefits; some limits on IP
- Areas for improvement:
 - Benefits to include possibility of **technology transfer** (not only 20% product sales/donation to WHO)
 - Member State **Benefits Committee** could negotiate benefits for commercial use case-by-case, not leave options to sample/data-user only
 - Limits on ability to claim IP very **narrow**
 - More clarity and emphasis on **transparency** of system, **capacity-building**, and **financing**
 - **Scope** to include animal, plant, environmental pathogens (**OneHealth**)

Legally-Binding Member State Commitments (Pandemic Instrument and/or IHR)

Commitment to Transparency



Commitment to Finance and Strengthen Capacity

Commitment
to Share
Benefits