The status of DSI negotiations and the role of non-monetary benefit-sharing

DivSeek Workshop C
19 January 2022

Daniele Manzella
Secretariat of the International Treaty on PGRFA, Food and Agriculture Organization of the United Nations
## Convention on Biological Diversity

<table>
<thead>
<tr>
<th>Access regulated</th>
<th>PIC</th>
<th>MAT</th>
<th>Requires tracing of country of origin</th>
<th>Bilateral mechanism</th>
<th>Multilateral mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Access not regulated</strong></td>
<td>NO PIC</td>
<td>NO MAT</td>
<td>BS NOT linked to DSI data</td>
<td>BS NOT linked to DSI data</td>
<td>BS NOT require tracing of country of origin</td>
</tr>
</tbody>
</table>

### 0: Status quo
- Parties have not agreed on how to address ABS for DSI of GR

### 1: DSI Fully integrated
- **DSI Fully integrated** into approach of CBD & NP
- PIC and MAT (DSI= GR)

### 2.1
- No PIC. **Each country has Standard MAT**
- (benefit-sharing is triggered by use of DSI)

### 2.2
- No PIC. **Standard MAT at international level**
- (benefit-sharing is triggered by use of DSI)

### 3.1
- **Payment for access to DSI**. No PIC. No MAT

### 3.2
- **Other payments and contributions** (micro-levy, voluntary). No PIC. No MAT

### 4
- **Technical and scientific cooperation** – could be complementary to other options

### 5
- No PIC, No MAT. **No Benefit Sharing from DSI**.
- (DSI is not considered equal to GR)

Source: UNEP 2020
Convenion on Biological Diversity (2)

Proposed criteria framework

Effective in achieving Goals
1. Delivers fair and equitable benefits from DSI (associated with GR)
2. Facilitates access to DSI and does not disrupt R&D
3. Contributes to the conservation and sustainable use of biodiversity
4. Contributes to sustainable development

Efficient & Feasible to implement
5. Cost-efficient in achieving goals
6. Feasible and practical to implement
7. Easy to enforce

Enabling of good governance
8. Legally Sound
9. Just
10. Transparent

Comprehensive and coherent
11. Coherent
12. Comprehensive and/or compatible

Source: UNEP 2021
Goal C 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.

Milestone C.1 The share of monetary benefits received by providers, including holders of traditional knowledge, has increased.

Milestone C.2 Non-monetary benefits, such as the participation of providers, including holders of traditional knowledge, in research and development, has increased.
Convention on Biological Diversity (4)

**Living in harmony with nature by 2050**

- **Goal C** - 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.

**Indicators**

- **Indicator C.0.1** Monetary benefits received from utilization of genetic resources as a result of an ABS agreement, including traditional knowledge.
  - Monetary benefits from access to GR (USD)
  - Monetary benefits from access to TK (USD)

- **Indicator C.0.2** Number of research and development products from an ABS agreement.
  - Joint publications
  - Estimated share of benefits (%) directed to conservation and sustainable use

**Other targets including 4, 9, 14, 15, 20 and 21**

- **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.

**13.0.1 Indicators of operational legislative, administrative or policy frameworks which ensure fair and equitable sharing of benefits, including those based on PIC and MAT**

**Criteria** (e.g. ratification, institutionalization, legal certainty and clarity, fair and equitable benefit-sharing, monitoring, compliance) to be determined through further consultation.

**Source:** UNEP 2021
International Treaty

DSI was the major area of disagreement over the reform of the ABS rules (November 2019).

The terms of the discussions: a simplified subscription system for the genepool

with

revised benefit-sharing payment rates

with

expansion of crops in the genepool

with

exemptions

with

DSI into the genepool?
International Treaty (2)

• Advice by the Technical Committee on the Global Information System (April 2021)

The Committee noted that providing access to information is a form of benefit-sharing.

The Committee stressed that the forum for discussing DSI/GSD in relation to PGRFA and benefit-sharing should be the International Treaty through its Governing Body.

• Second informal consultation on the ABS reform (December 2021)
Experiences with NMBS

- NMBS arrangements under the Multilateral System are essentially of voluntary nature; models of NMBS should be rooted in current practices.

- What may be monetary at the aggregate level (e.g. a project cycle of the Benefit-Sharing Fund) might become non-monetary at the user level, in the form of generated goods and services. Conversely, aggregate NMBS initiatives (e.g. multi-stakeholder international platforms or consortia) may stimulate individual investments.

- The provisions of the International Treaty do not link NMBS to access, or to individual PGRFA accessed from the Multilateral System. Therefore, measures to enhance NMBS should not be focused only on the operation of the SMTA.

Considerations

• CBD processes may lead to quantifications and State commitments in relation to benefit-sharing.

• The International Treaty community has gathered significant experience with NMBS.

• A pathway of hierarchy and dependence vis-à-vis the CBD may limit future choices of Treaty stakeholders.
Thank you!

daniele.manzella@fao.org

Note
This presentation may include the views of its author, which are to be attributed neither to the FAO nor to the Secretariat of the ITPGRFA in particular.