

WGDSI-2, 12 August 2024, Item 3 – NGO: Third World Network for the CBD Alliance

Thank you Co-Chair,
For giving me the floor.

I speak on behalf of Third World Network and Ecoropa, members of the CBD Alliance. The concerns we raise here are also shared by the 65 Civil Society Organisations who sent a joint letter to the Executive Secretary, the working group co-chairs, and the Parties this morning.

We have several concerns about the proposed elements in the Annex.

First, the proposed elements do not ensure the **obligation** to share benefits on the users of DSI. The Multilateral Mechanism relies on measures that **might** be taken up by parties in future. A MLM system which does not generate the **obligation** to share benefits is not an ABS mechanism at all. Benefit sharing should not be confused with charity.

Second, the proposed elements explicitly ask Parties to refrain from setting up national ABS measures for the use of DSI from public databases - at least when DSI has been deposited in a public database. But we are concerned about the lack of databases that would respect the Parties' rights under the Convention, and that would only upload DSI in accordance with the Parties' national laws and with the prior informed consent of the genetic material provider.

Third, the proposed elements are inconsistent with the unanimously adopted UNESCO Recommendation on Open Science and would promote inequitable extraction of DSI, in particular from developing countries that lack national capacities, to unaccountable institutions and non-Parties.

The following five components therefore need to be included in the development of the MLM:

First, recognize the **lack** of **accountable** public databases consistent with UNESCO Recommendation on Open Science, as a major challenge in securing fair and equitable benefit sharing obligations from the use of DSI;

Second, call upon Parties sponsoring or hosting sequence databases to ensure that these databases do not frustrate the rights of the Parties recognized under the Convention.

Third, establish a **safe**, **secure**, and **accountable** database for providing access to DSI from **legitimate** sources to all without discrimination, provided that the users undertake obligations to

share both monetary and non-monetary benefits, including products and technologies arising from the use of DSI - fairly and equitably.

Fourth, provide additional facilities for those developing countries that lack national capacities, to store and share DSI that would fall under their national ABS laws and thereby allow Parties to make meaningful choices on how, when and why to share DSI.

Finally, set up a governing body inclusive of all Parties to the Multilateral Mechanism to look into the effective implementation of the decision which we will adopt at COP16.

Thank you, and we invite Party support for these recommendations.