

Orphan Genetic Resources: Modalities for International Recognition of Benefit-sharing under Protocol Article 10 and the ABS CHM



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Scope of Presentation

- The Paper's Goal: to inform discussion by Party's on the opportunity presented by Article 10
- Provide an overview of the Paper's Content



Scope of Presentation

- Outline a proposal for a mechanism under Article 10 to enable benefit-sharing agreements for the utilization of genetic resources of unknown or transboundary origin to be internationally recognized as compliant with the Nagoya Protocol



Orphan GR-What do we mean?

Genetic Resources:

- of unknown origin or provenance
 - Eg where collection records lost
- that occur in transboundary situations
 - Eg Marine organisms that go with the currents, spores on the wind, bacteria
- Where PIC and MAT is not possible
- eg from the high seas, or pre-CBD, or where country has given up sovereignty over GR



Need for Global Multilateral B/S Mechanism

- Existence of GR outside the NP ABS System devalues biodiversity within national sovereignty
- Creates opportunity to ‘free ride’ on biodiversity use – with no obligation to contribute to its conservation or sustainable use



Have we been here before?

- Botanic Gardens Community – *Common Policy Guidelines*
- Clause 9.1.2 treat pre and post CBD GR the same re B/S obligations
 - reduce Admin costs
 - Good faith or ethical action
 - Create trust
 - Avoid biopirate label
 - Contribute to conservation and sustainable use



Consequence?

- Example: Australian National Botanic Gardens
- 12 years experience
- No adverse affects
- Allows adoption of standard transfer agreement and reduces admin cost
- Encourages collaboration, builds trust
- Benefits go to biodiversity conservation



Why a mechanism for International Recognition where no PIC and MAT possible ?

- Unilateral action – credibility problem
- Pre-empt accusations of biopiracy
- Encourage contribution to biodiversity conservation and sustainable use
- Encourage benefit sharing
- Platform for recognition of right action
- Enhance reputation - build trust



Validation methodology

- Small Panel of Experts established by the NP MOP
- Ex-situ body and user decides to provide B/S agreement to Panel for validation
- Panel determines if B/S is consistent with Art 10 and contributes to CBD Objectives and Article 1 of the NP



Panel Validation Decision

- Panel Decision integrated into machinery for Certificates of Compliance
- Given international recognition by inclusion on the ABS CHM
- Copy of B/S Agreement published on ABS CHM together with minimum data consistent with Art17(4)



Consequences

- Creates credibility for provider and user of the GR
- Shows evidence of contribution to conservation and sustainable use
- Promotes biodiversity conservation
- Closes loophole for GR excluded from NP ABS system because of temporal, geographic or provenance issues
- Creates new ethical norm



Consequences

- Encourages R & D on institutions' historic GR and GR acquired outside of national sovereignty
- Improves Public Sector scientific institutions ability to compete with private sector bodies also holding GR
- Maximizes opportunities for collaborative research
- Builds trust and community support



Conclusion

For limited outlay this suggested modality:

- Strengthens both the CBD and NP
- Contributes to biodiversity conservation
- Builds trust in scientific research, and
- Showcases public and private sector right action

Thank you

