

*Opportunities for future development
of ABS norms re: agricultural
microbial genetic resources under
the International Regime/Protocol*

WG/ABS 9 (resumed)

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- The “microbial research commons” with
 - virtually linked culture collections
 - fully integrated information systems
 - traceability of identification of materials in research chains
 - standard legal instrument for all exchanges of materials ...

... cannot thrive without a supportive ABS policy environment

The importance of international governance

- Enormously important potential role
 - Create legal space and legal certainty
 - Develop and or endorse elements of the system (e.g. benefit sharing mechanisms)
 - Provide a forum for consideration/resolution of implementation challenges
 - Provide momentum, support

International governance

- Critically important in terms of supporting conservation and use of PGRFA
 - International Undertaking, 1983 -- international network of ex situ collections
 - FAO-CGIAR In Trust Agreements, 1994
 - International Treaty – MLS

Possible ABS agreements/arrangements under the Protocol to support of use of microbial genetic resources in agriculture

An international treaty

- (e.g. ITPGRFA)

Agreements between collections or countries and intergov body

- (e.g. International network of ex situ collections, FAO-CGIAR Centres In Trust Agreements)

Endorsement/adoption of MTA(s)

Possible ABS agreements/arrangements under the Protocol to support use of microbial genetic resources in agriculture

Some form of endorsement of novel arrangements between participating organizations/countries

Non-legally binding guidelines, codes of conduct
- (e.g. FAO International code of conduct for plant germplasm collecting and transfer, Bonn Guidelines)

Preserving flexibility

- More time is necessary to work through a number of related issues at the level of the governing body of the Protocol
- Impossible to say at this point at what level, and in how much detail, the governing body of the Protocol will want to engage the issue
- Governing body will need to consider this at early meetings
- Meanwhile, awareness raising and preliminary discussion of the issues is important