

Talking Points for the Nagoya Protocol

Information/Background on The Nagoya Protocol on Access & Benefit-Sharing (ABS)

- A legally binding supplementary agreement to the Convention on Biological Diversity (CBD)
- Affirms that country holds sovereign rights over their biological resources
- Outlines obligations for genetic resources (everything living or dead that contains DNA) and traditional knowledge (ABCs of ABS):
 - Access to genetic resources and traditional knowledge requires *Prior Informed Consent* (PIC; e.g., collection permit) from providing country
 - Benefits from use must be determined using *Mutually Agreed Terms* (MAT; e.g., benefit-sharing agreement) between provider and user
 - Compliance measures are required by Signatory Parties
- Applies to genetic resources and traditional knowledge acquired since 12 October 2014 or later (when country became Party and established ABS measures)
 - Note: Some countries established national access legislation prior and use earlier dates
- Applies to all research (commercial and non-commercial)
- Applies to all researchers (even those from non-signatory countries), requiring compliance with legislation in the countries of origin
- May apply to digital sequence data associated with genetic resources (under discussion; <https://www.cbd.int/abs/dsi-gr/ahteg.shtml>)

Take Home Messages for Researchers

- Determine country-specific permitting requirements (ABS Clearing-House; <https://absch.cbd.int>), including obtaining PIC and establishing MAT before collecting specimens
- Apply for PIC and negotiating MAT as far in advance as possible
- Apply for PIC with broadest scope so renegotiation is not needed with change in research
- Consider collaboration with in-country partners (e.g., fieldwork, authorship)
- Articulate how research can benefit providing countries in permit applications and benefit-sharing agreements (e.g., monetary benefits, non-monetary benefits)
- Ensure agreements reviewed and signed by designated institutional representative
- Transfer all relevant compliance documentation (e.g., PIC/MAT) with specimens to collections/museums
- Renegotiate PIC/MAT if there are changes in utilization (e.g., non-commercial to commercial)

Take Home Messages for Collections/Museums

- Obligated to implement procedures to share benefits with providing country as negotiated
- Implement restrictions/requirements arising from MAT (e.g., use restrictions, third party transfer, data sharing, data use)
- Find digital solutions for tracking compliance with Nagoya Protocol for easy retrieval in addition to physical documentation
 - Keep digital records of all compliance documentation (e.g., permits, certificates, agreements)
 - Keep digital records of all transactions (e.g., accessions, loans, borrows, gifts, exchanges)
 - Keep digital records of byproducts of use (e.g., publications, sequence accessions)