
China Williams | Royal Botanic Gardens, Kew

The Nagoya Protocol on Access and Benefit Sharing (ABS) is a legally binding international instrument that came into force in October 2014. Like the CBD, the Nagoya Protocol recognises “the sovereign rights of countries over their genetic resources and their right to regulate how these resources are accessed and utilized by others.” It requires users to share benefits from the utilisation of genetic resources with the providers of those resources – with that aim that these benefits (money, capacity, and technology) will ultimately support, and provide an incentive for, the conservation of those same resources. The Nagoya Protocol also establishes a compliance regime that means penalties will be imposed if genetic resources are utilised illegally.
The Nagoya Protocol does not replace or negate existing laws, regulations, or agreements on access or benefit sharing that many countries already have in place. These may include legal collecting permits, permissions from landowners, CITES and other export permits, local legislation, rules on working with indigenous communities, permissions to collect endangered or threatened plants, plant health regulations etc. You still need to comply with all of these, as well as any additional legislation a country has to implement the Nagoya Protocol.

Botanic gardens are both users and suppliers of plant genetic material and it is therefore vital that they are aware of the new ABS framework being developed at the International, EU and national level.

The Royal Botanic Gardens Kew has developed a ‘toolkit’ to assist implementation, which includes a Policy on ABS, guidelines for staff and model agreements. This talk will provide a brief introduction to the ABS regime and will introduce the toolkit Kew has developed.

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**The Nagoya Protocol and Access and Benefit-Sharing:**
**More than Just Compliance – Seeking Opportunities to Save the Planet**

Chris Lyal | Natural History Museum

Under the CBD all organisms fall under the sovereign rights of the states in which they occur. For biologists this means that we cannot visit any country we chose, collect what we want and bring it back for research and deposition in our collections. Instead, we may be required to navigate a sometimes impenetrable forest of regulations and requirements and obtain a permit.

In October 2014 the legally-binding Nagoya Protocol on ABS came into force. This international regime requires all Parties to ensure organisms are obtained legally and research is in line with conditions set by the provider. The UK is now Party to the Protocol, and natural history collections and research are subject to a new set of legislation. However, the existence of these compliance mechanisms should help, reassuring providing countries that we will comply with benefit-sharing agreements, and lessening permits problems. The conditions on permits and similar documents include elements such as training, sharing information, joint publication, and return of specimens. Instead of being seen as annoying additional work they should be perceived as assisting countries manage their biodiversity sustainably. At the same time benefit provision should bring added value to our research, and provide an opportunity to make a real difference by improving the interface between academia and conservation. The implementation of the Nagoya Protocol has focussed attention on ABS, and gives us an opportunity to review how we work with other countries. What should we consider, and what models should we be pushing?
Brexit has many potential impacts and implications for ecology and environmental management professionals in the UK and further afield. However, these impacts and implications are somewhat unknown as they depend to a large extent on the trade relationship that the UK agrees with the EU. The majority of the UK’s legislation relating to the natural environment has been derived from the EU. Leaving the EU will mean the not insubstantial task of replacing this legislation in each of the devolved nations (as they have devolved competence). CIEEM advocates the need for all the UK countries to have bold and integrated long-term visions for the natural environment that can guide the evidence-based and scientific review, drafting and implementation of new legislation. We must also be mindful that how environmental management and protection is approached in Northern Ireland has profound implications in the Republic of Ireland and vice versa. The replacement of natural environment legislation will take many years and has implications at a wider scale, with consideration needed to maintain certainty for industry and investment. There are also wider considerations around international commitments, changes to working practices, changes to education and training, and resources and capacity in the sector.

Cultivated Plant Diversity and Biodiversity Legislation

John David | Royal Horticultural Society

A long horticultural tradition in the UK has brought a rich diversity of plants to our gardens which has arisen from extensive collecting, exchanging and rising of new plants and has depended on the flow of new plants from other countries. The recognition that this has had, and continues to have, impacts on our natural environment, on the survival of species in source countries, and the sustainability of source country economies has led to a range of biodiversity legislation at national and international levels. This talk will look at the significant implications for horticulture and how horticulture needs to respond, concentrating on the recently implemented Nagoya Protocol.

Reconciling the Nagoya Protocol Requirements with Natural Science Collections

Paolo Viscardi | Grant Museum of Zoology, UCL

Natural science collections have an important role to play in providing access to genetic resources (i.e. specimens) for utilisation in ways that may lead to benefits arising from those uses. Concerns over the implications of Nagoya for natural science collections have been
widespread, but somewhat misplaced. There is a fear that collections have historically not been well documented or properly provenanced, making compliance obligations of the Nagoya Protocol, which entered into force in the UK on 22nd May 2016, potentially difficult to meet. However, it should be noted that historical collections do not fall within the remit of the Nagoya implementation.

In recent decades professionalization of the museum sector has increased recognition of the importance of due diligence in the acquisition of specimens and implementation of appropriate standards of documentation associated with specimens. This means that for many collections there are collections management systems in place that will allow recording of appropriate data to conform to the requirements for genetic resources collected from the point when the Protocol came into force on 12th October 2015. Future acquisitions will require greater levels of due diligence and data management than were previously required, and awareness of this is important for holders of collections. There is also a requirement for users of collections to cite specimens appropriately in publications, to ensure that benefits arising from their use can be appropriately shared. This places a degree of responsibility on publishers, who should require full specimen citations to ensure implementation of benefit sharing.