
NAGOYA PROTOCOL ON ACCESS BENEFIT SHARING: IMPLICATIONS FOR HERBARIA AND SYSTEMATICS RESEARCH

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The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS) to the Convention on Biological Diversity is an international agreement which came into effect on 12 October 2014. It aims to ensure the sharing of benefits arising from the utilization of genetic resources in a fair and equitable way. It is a supplementary agreement to the Convention on Biological Diversity ratified by 111 countries, and has a strong legal framework.

Australia is a signatory to the Nagoya Protocol, but as yet has not yet ratified nor provided country-specific advice on interpretation and implementation of the protocol. The New Zealand Parliament is unlikely to become a signatory to the Nagoya Protocol due to a Treaty of Waitangi Claim (WAI 262) and subsequent 2011 Waitangi Tribunal Report "Ko Aotearoa tenei: a report into claims concerning New Zealand law and policy affecting Māori culture and identity". While the impacts on herbaria and botanical research are as yet unclear, what is certain is that herbarium specimens collected after 12 October 2014 fall under Nagoya Protocol regulations, and Australian and NZ herbaria are beginning to implement procedures in order to document the legal acquisition and use of specimens and their associated genetic resources. Documenting permit details, Prior Informed Consent and Mutually Agreed Terms for specimen collecting events, regardless of the immediate use of specimens for genetic research or non-commercial use, and the request for use of herbarium specimens for molecular destructive sampling, are beginning to come under scrutiny.

The Managers of Australasian Herbarium Collections (MAHC) will share their knowledge, the guidelines being developed, and community needs to help with understanding and need for conformity to the Nagoya Protocol and WAI 262 recommendations.



MIND THE GAP

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BOTANY SOCIETY
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