

CONVENTION ON BIOLOGICAL DIVERSITY

Submission of views in preparation for the Expert Meeting on the need for and modalities of a global multilateral benefit-sharing mechanism and the first meeting of the Compliance Committee of the Nagoya Protocol

NEW ZEALAND SUBMISSION

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Please find below New Zealand's submission in response to Notification 2015-049.

New Zealand notes that Article 10 of the Protocol does not specify a deadline for consideration of this issue, or require that a global mechanism be established. New Zealand considers that more experience is needed in the implementation of the Nagoya Protocol in order to identify situations that are not adequately covered by the existing bilateral approach to benefit-sharing. In New Zealand's view it is not yet clear what situations within the scope of the Protocol cannot be addressed by the bilateral system and would instead require a global mechanism.

New Zealand recalls in this regard that the Protocol applies to genetic resources and associated traditional knowledge in areas within national jurisdiction, and that it does not affect rights and obligations deriving from pre-existing international agreements or apply retroactively.

New Zealand's preference at this early stage remains to allow the bilateral system under the Protocol time to be developed and tested, and that states continue to gather information so that any gaps that Article 10 might address become more evident. New Zealand remains interested to learn of instances which are within the scope of the Protocol where genetic resources and associated traditional knowledge occur in transboundary situations, and/or where it has not been possible to grant or obtain prior informed consent.

Given the inherent complexities and technical issues associated with such a mechanism, the issue merits thorough examination. The discussions so far have been helpful, but they have served to underline that there is as yet little concrete experience to draw on, and no specific instance that has been convincingly put forward that demonstrates an urgent requirement for such a mechanism.

In New Zealand's view, therefore, further deliberation in the future, including consideration of relevant case studies, would be both welcome and necessary before any decision is taken on whether to establish a mechanism.