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Sent: November 16, 2017 3:35 AM

To: secretariat; nagoya-CNA@BFN.de

Subject: CDB Notification 2017-094

Dear CBD-Team,

I am the curator for a Myriapoda collection at the Zoological Research Museum Bonn, Germany (ZFMK). We mainly do basic research (taxonomy and systematics). I do not think anything we do will ever be commercially utilized (which was the original purpose of NAGOYA) - unfortunately the Nagoya protocol in its current form really stops us from doing biodiversity research in some countries, such as India and Indonesia, in which it seems to be impossible to get a PIC or MAT without visiting them personally. E.g., we have visitors from India who cannot work on species from India in Germany because of Nagoya.

You asked for practical experiences in which it is not possible to obtain prior informed consent in relation to ex situ genetic resources.

Background:

According to the Nagoya protocol and German law, we mark the specimens in our collection as the following:

(a) country of origin has not ratified the Nagoya protocol when the specimens came in our possession; OR the specimens came in our possession before GERMANY ratified the Nagoya protocol as a law (30.6.2016 became a Law, in theory September 2014 Germany has ratified it) => we do not need any permission and can extract DNA;
or (b) country of origin has ratified the Nagoya protocol, and the specimens were recently collected => we are not allowed to extract DNA without obtaining "prior informed consent".

One example case: Myriapoda juveniles and females are almost impossible to identify. Sometimes we receive specimens where the country of origin is unknown. One example was an unknown female millipede in an IKEA flower pot. To identify it, we had to extract DNA to genetically Barcode the specimen. The Barcode revealed it is an Indian species. In theory, we would have needed a PIC from India, which we could not get because we had no idea the specimen came from India...

Another problem is that it is sometimes impossible to receive a reply if asking for a PIC agreement from countries (e.g. Italy). We had to wait sometimes 6 months or longer until we received a reply. This is very impractical for research projects. Many countries do not seem to have the necessary structures yet to handle "Nagoya permits".

For practical reasons, if I have research projects spanning the biogeography of many countries, I now mainly work with older material, or with project partners who do the sequencing in countries like the US, Japan or Brazil, which did not sign Nagoya.

With kind regards,

-Thomas Wesener

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