Establishing an ABS Clearing House

Overview of the Expert Meeting's Issues Paper

UNITED NATIONS
UNIVERSITY

UNU-IAS
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Scope of Presentation

- The Paper's Goal: to inform discussion by Participants on the establishment and operation of the ABS Clearing-House

- Provide an overview of the Paper's Content

The Paper

- Divided into 7 Sections

- Geoff will talk to Sections 1 & 2

- Kirsty will talk to the remaining sections

- We are happy to take questions at the end or to respond to queries raised with us informally during the meeting

Section 2- Role of the ABS C-H Subsections: A – I

- A: Relationship of the ABS C-H with the Convention's Clearing house:
  - Indentifies the COP decision requirements and processes
  - makes it clear that the ABS-CH is part of the CBD CH
  - CBD CoP gives the ABS-CH five key characteristics
  - CBD Dec X/15 sets out broader role of the CBD CH over the next 10 years

Subsection B – Information sharing obligations

Protocol Article 14, Parties obliged to provide information on:

- ABS legislative, policy and admin measures

- National focal points and national competent authorities (and respective responsibilities)

- Permits as evidence of PIC and MAT

- ILC Competent Authorities, model clauses and best practices and codes of conduct

Subsection B – Information sharing obligations and opportunities

- Other information:
  - TK: Information on development of ILC requirements for MAT, Community Protocols and model clauses (Art 12)
  - awareness raising of ILC ABS TK initiatives and user obligations (Art 21)
  - Information collected by checkpoints (Art 17(a)
  - capacity building initiatives (Art 22)

Subsection C – Internationally Recognised Certificates of Compliance

- A Key function of the C-H

- Provides evidence of legal certainty and refutes 'biopiracy' allegations

- ABS C-H operationalises this initiative

- Article 17 establishes minimum information to be reported and disclosed by the ABS C-H

- Certificates of Compliance are evidence of PIC and MAT

Subsection D – More detail on possible additional information

- Governing Body Decisions
- Tools developed by ILCs
- Role in Awareness raising of, tools, obligations and opportunities
- Promulgation of Standards and Best Practice Guidelines, Codes of Conduct

Subsection E - Confidentiality

- ABS C-H **NOT** a source of confidential information

Subsection F – Traditional Knowledge

- ABS C-M informs users of obligations to TK holders

- Opportunity for ILCs holding TK related to Genetic Resources to decide on level of detail of process and procedures for access to TK and sharing benefits to be passed to the ABS C-H

Subsection G – Monitoring and Tracking

- Value of the Certificates in monitoring and tracking use of GRs
- Role of 'due diligence'
- Provision of legal certainty
- Risk management
- Evidence of good faith action

Subsection H – Amending Certificates – increasing their utility

- Explains issue
- Identifies benefits
- Deals with unidentified species issue
- Disclosure of permit obligations met
- Disclosure of MAT obligations met
- Value to regulators in 3rd countries
- Flexibility at design stage

Subsection I – Contribution of non-Parties

■ Consistent with Art 24 non-Parties may contribute information to the ABS C-H as much as if they were Parties and should be encouraged to do so.
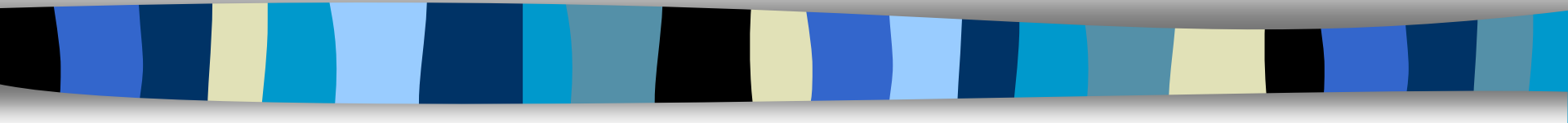
I now hand over to Kirsty

THANK YOU

Geoff Burton

III. Overview of existing activities

3A. National ABS 'databases'

Most existing national sites are not searchable databases

Most are developed countries

A range of available information

3A. Regional ABS databases

Currently few in number

European Community ABS Portal is being developed further
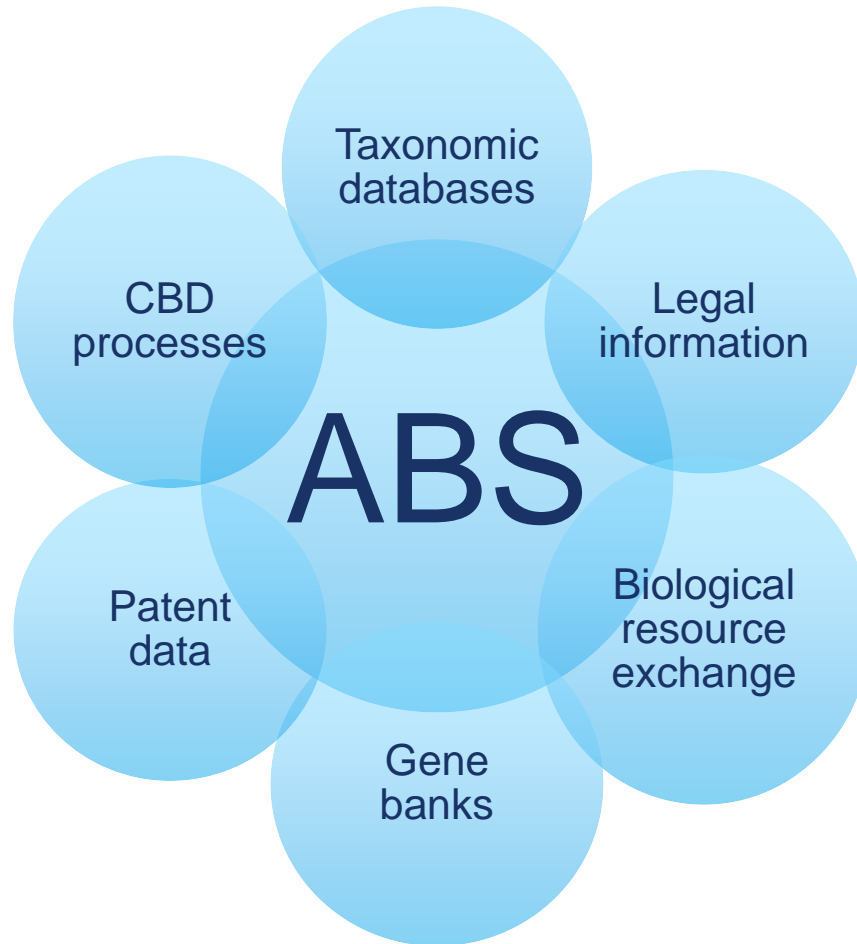
3A. International systems
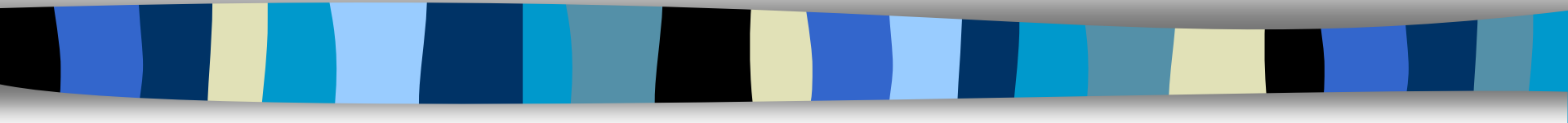
ITPGRFA
Plant Treaty

WIPO
IP focus
ABS agreements

CITES
Trade,
E-permits

UNU/UNEP
Bioprospecting

3B. Networking Opportunities

Diagram showing "ABS" in the center surrounded by: Taxonomic databases, Legal information, Biological resource exchange, Gene banks, Patent data, CBD processes.

IV. Considerations for Establishment ("Lessons Learned")

4A. Biosafety Clearing-House

- Centralised vs distributed information
- Common formats
- Common language
- Metadata
- Controlled vocabularies
- Reporting constraints

4B. Unique identifier

ISBN
(books)

UIDs
(genetically
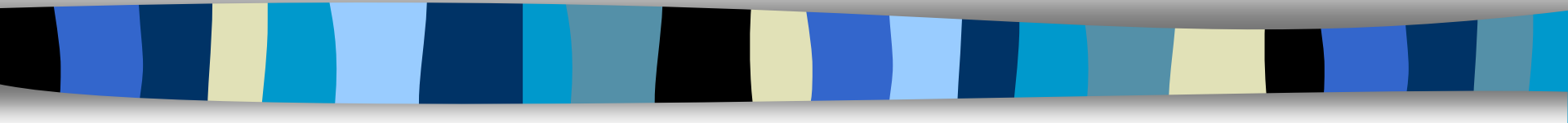modified
organisms)

Barcode of Life
(DNA bar-
coding)
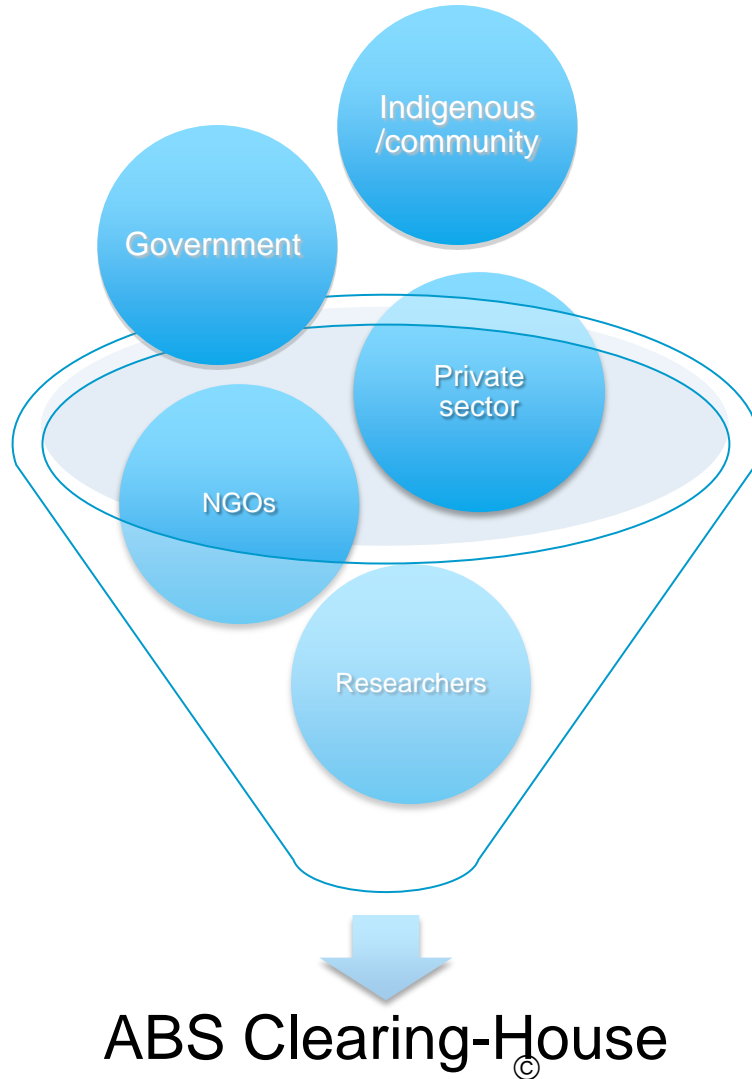
Catalogue of Life
(species
database)

4C. ABS Measures Database

■ National, sub-national, regional strategies
■ Policies, legislation, regulations
■ Overview of main ABS elements
  – NFP
  – CNA
  – Scope
  – PIC
  – MATs
  – Compliance
  – TK

V. Assessment of Needs

5A. Audience

Indigenous/community

Government

Private sector

NGOs

Researchers

ABS Clearing-House ©

- Priorities
  - How to contact decision makers
  - Access to legal and policy measures
- Checkpoints

5B. Special Needs

Data

- Improve capacity to collect and manage data

Human resources

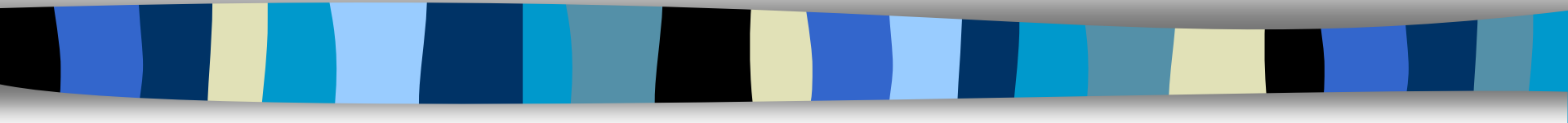- Strengthen human resources

Infrastructure

- Establish and maintain infrastructure

5C. Traditional Knowledge

- Identify rightful holders
- Identify indigenous competent authorities
- Relationship between competent authorities and NCAs

VI. Priorities

6A. Phased development

Experience	Feedback	Preparation	Capacity
Build up functions with experience	Provide feedback on development	Prepare for later incorporation of functions	Identify and address capacity needs

6B. Priority information

- Legislative, administrative, policy measures
- Contact information and responsibilities of focal points and national authorities
- Permits
- Links to existing databases (national, regional, international)

6C. Who to submit information

National Focal Points

Other authorized users

6D. Information Management

- Common formats
- Search mechanisms
  - Controlled vocabularies
- Non-electronic information sharing
- Language

6E. Networking

- Identify partners
- Criteria for partnership
- Mechanisms to assist sharing information

6F. Capacity-building

Analysis of user needs

- Surveys, regional meetings

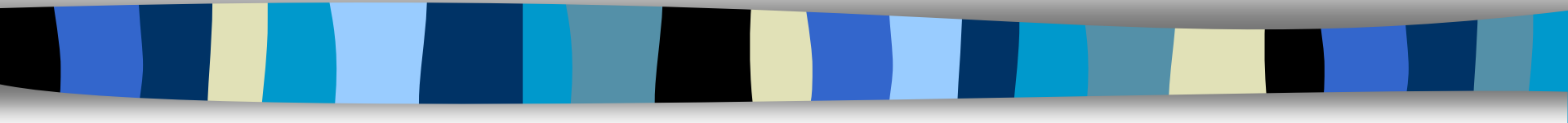Information to support implementation

- Model contracts, monitoring tools, codes of conduct

6G. Reporting / metrics

- Number and regional distribution of records
- Number of compliance certificates
- Number of visitors
- Availability of information in languages
- Partnership arrangements
- User surveys or other feedback

VII. Issues for Consideration

7. Key Issues

- Pilot phase considerations
- Review and submission of information
- Common formats
- Controlled vocabularies

- Non-electronic information
- Languages
- Partnerships
- Capacity-building needs
- Timeline

Thank you