



# WILL ACCESS AND BENEFIT SHARING PROCEDURES IMPEDE BIOLOGICAL CONTROL?

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Convention on  
Biological Diversity

Access and Benefit Sharing



# OUTLINE

**Objectives and purpose of the CBD**

**Bonn Guidelines and Nagoya  
Protocol on ABS**

**Consequences for biocontrol**

**The IOBC response**



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# OBJECTIVES OF THE CBD



The CBD objectives:

- conservation of biological diversity
- sustainable use of its components (genetic resources GR)
- **fair and equitable sharing of the benefits**

The CBD recognizes:

- the **sovereign rights** of States over their natural resources
- the authority to determine access to GR rests with the national governments and is subject to national legislation
- that access to GR shall be **on mutually agreed terms (MAT)** and subject to **prior informed consent (PIC)** of the party providing GR



# EXAMPLES OF EXPLOITATION



**“Brazilian pit viper venom was used to develop a blockbuster hypertension drug, but Brazil didn’t profit. A new treaty gives countries a stake in the use of their resources.”**

Science: 330: November 2010

**The pharmaceutical company that patented neem argued that traditional Indian knowledge of its properties had never been published so was not previously existing knowledge. The patent was eventually overturned.**



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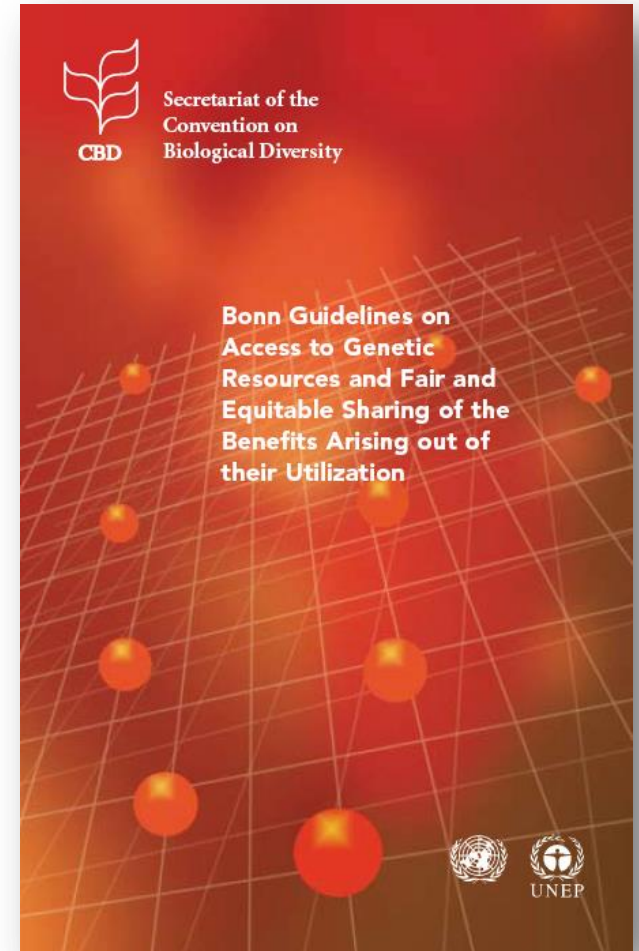
The IOBC response





Adopted in 2002 to facilitate the implementation of the principle of ABS:

- Each country must designate a **competent national authority**
- Access to GR is subject to **PIC**
- Access is granted subject to **MAT**





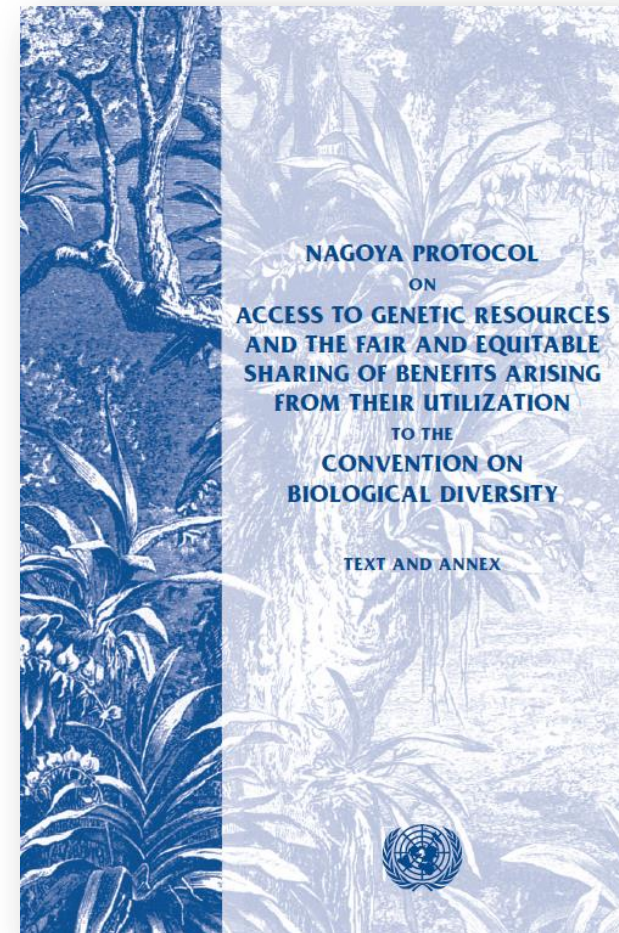
# THE NAGOYA PROTOCOL



Adopted in 2010 - the Nagoya Protocol is the **instrument** for the **implementation** of the ABS provisions of the CBD

It provides:

- a **legal framework** for the implementation of fair and equitable sharing of benefits from utilization of GRs
- greater legal **certainty and transparency** for providers and users of GR
- covers **traditional knowledge** associated with GR and the benefits arising from its utilization







## Many countries have seen ABS as:

- “*a panacea against rampant biopiracy*”
- GR seen as the key to economic success in the future
- GR will become the **GREEN GOLD**



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# THE CONSEQUENCES FOR BC

**If ABS measures are implemented unilaterally, it could mean that for every BC initiative we would have to negotiate:**

- **PIC on MAT**
- **financial benefit-sharing mechanisms**

**Bureaucratic, expensive, time-consuming, retrograde step for BC**



# THE CONSEQUENCES FOR BC



**Some countries already making exploration for BCAs very difficult:**

- **Sri Lanka refused to allow export of BCA for mango fruit fly to Africa**
- **Peru blocked access to BCA for pea leaf miner in Europe**
- **Australia unable to send potential BCAs for *Acacia* from India to British Museum for taxonomic ID**





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**IOBC established a 'Commission on BC and ABS'  
(Nov 2008)**

**Invited and funded by 'FAO Commission on GR for  
Food and Agriculture'**

**Strong support from CABI**

**Purpose to provide scientific advice on an ABS  
regime that was practical, effective, acceptable to  
all parties**

# IOBC COMMISSION



## Meeting of IOBC Commission Mar 2009 Zurich

**Franz Bigler, Matthew Cock, Fernando Consoli, Jacques Brodeur, Barbara Barratt, Fabian Hass, Kim Tempelman (FAO), Joop van Lenteren, Alvaro Toledo (FAO), Peter Mason**

**Inset: José Roberto Parra, Karel Bolckmans**

# REPORT PRESENTED TO FAO (JUN 2009)



BACKGROUND STUDY PAPER NO. 47

October 2009

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منظمة الأغذية  
والزراعة  
للأمم المتحدة

联合国  
粮食及  
农业组织

Food  
and  
Agriculture  
Organization  
of  
the  
United  
Nations

Organisation  
des  
Nations  
Unies  
pour  
l'alimentation  
et  
l'agriculture

Продовольственная и  
сельскохозяйственная  
организация  
Объединенных  
Наций

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

## COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

### THE USE AND EXCHANGE OF BIOLOGICAL CONTROL AGENTS FOR FOOD AND AGRICULTURE

by

Matthew J.W. Cock, Joop C. van Lenteren, Jacques Brodeur, Barbara I.P. Barratt, Franz Bigler,  
Karel Bolckmans, Fernando L. Cònsoli, Fabian Haas, Peter G. Mason, José Roberto P. Parra<sup>1</sup>

This document has been prepared at the request of the Secretariat of the Commission on Genetic Resources for Food and Agriculture by the Global Commission on Biological Control and Access and Benefit-Sharing of the International Organisation for Biological Control of Noxious Animals and Plants (IOBC), as a contribution to the cross-sectoral theme, *Consideration of policies and arrangements for access and benefit-sharing for genetic resources for food and agriculture*, which the Commission will consider at its Twelfth Regular Session.

**FAO promoted our report and recommendations to the ABS  
working group of CBD**



# IOBC RECOMMENDATIONS



**ABS regulations should recognise the specific features of BC:**

- **Countries providing BC agents are themselves also users of this technology**
- **BCAs have little recoverable monetary value, and cannot be patented**
- **BC information is mostly publicly shared**
- **Benefits are social – environmental from reduction in pesticide use**
- **Most use of BC relates to food and agriculture**



# RECENT DEVELOPMENTS



**2014: FAO invited IOBC Global to develop a document on **voluntary codes of conduct, guidelines and best practices** in relation to ABS for BC**

***‘Best Practices for the use and exchange of biological control genetic resources relevant for food and agriculture’***

**This has gone to FAOs ‘GR Team of Technical and Legal Experts on Access and Benefit-Sharing (TTLE)’**

**Contribute to FAO document ‘Elements to Facilitate Domestic Implementation of ABS for **Subsectors** of GR for Food and Agriculture’**

**IOBC Commission is now planning to collect and make available information on ‘experiences’ of biocontrol workers with countries that have already implemented ABS laws**

# AUSTRALIA



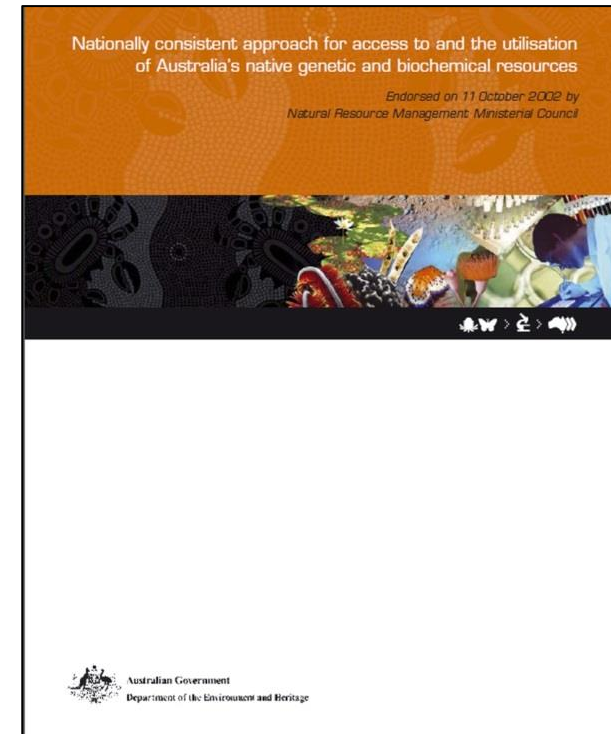
**Australia made progress on this early on (2002)**

**The NCA sets general principles on ABS including:**

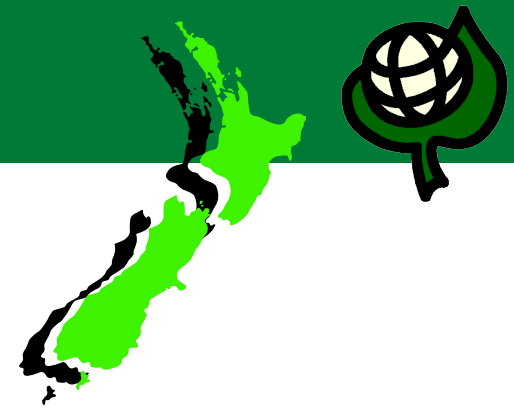
- **certainty, transparency and accountability for facilitating biodiscovery**
- **sustainable use of biological resources**
- **equitable sharing of benefits**

**Those seeking access to GR must apply to the Department of the Environment, Water, Heritage and the Arts (DEWHA) for a permit**

- **If for commercial use, benefit-sharing must be negotiated**



# NEW ZEALAND



**NZ not a signatory to the Nagoya Protocol**

**No formal National Authority (MFAT)**

**Traditional knowledge is a feature in constructing an ABS regime**

- **Progress on ABS has been stalled because of the Wai 262 “Flora, Fauna and Cultural Intellectual Property” claim**
- **Little progress on ABS until agreement reached**





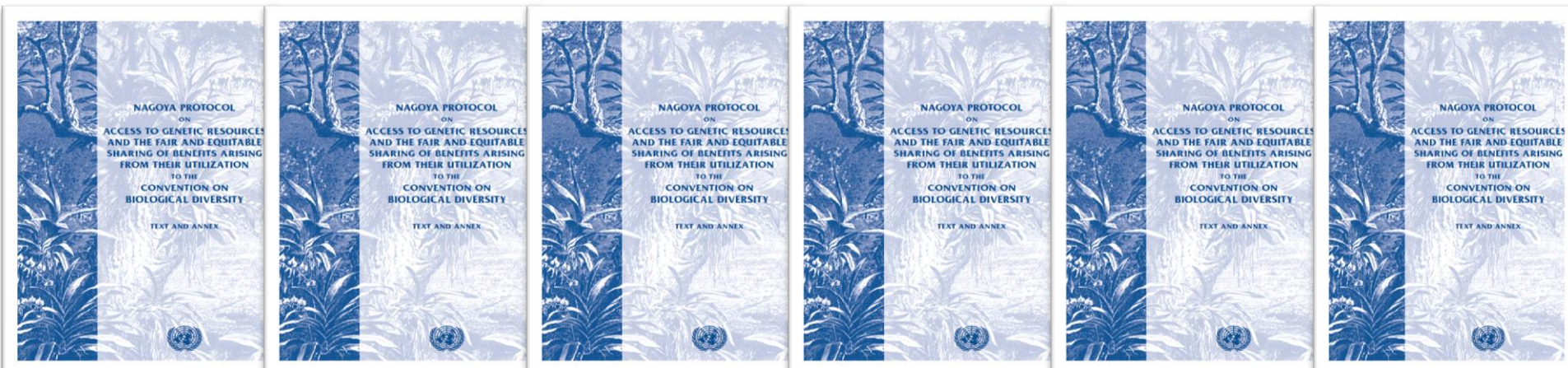
# WHAT NEXT?



**Nagoya Protocol will come into force on 12 October 2014**

**The parties will meet in Korea 13-17 October**

**The IOBC Commission will continue to advocate for 'freedom to operate' in biological control**



# ACKNOWLEDGEMENTS

**Our colleagues on the IOBC Commission:**

**Matthew Cock – CABI Switzerland**

**Joop van Lenteren – Wageningen University**

**Franz Bigler – Agroscope, Zurich**

**Karel Bolkmans – Koppert**

**Fabian Haas – Icipe, Kenya**

**Peter Mason – Agriculture and Agri-Food, Canada**

**Jose Roberto Parra – Brazil**

**Fernando Consoli – ESAL/USP, Brazil**

**Funding:**

**FAO, CABI**

**IOBC Global**



**<http://www.iobc-global.org/>**