

Do You Conduct International Research? What You Need to Know About Access, Benefit-Sharing, and the Nagoya Protocol

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Conducting research in other countries and collaborating with colleagues internationally can enrich the careers of ecologists and give them opportunities to contribute to important questions in environmental policy and conservation. However, researchers working internationally must comply with a variety of requirements of both international agreements and local laws. The Nagoya Protocol, part of the Convention on Biological Diversity (CBD), an international agreement that calls for sharing of benefits from the use of genetic resources, came into force on 12 October 2014 and aims to ensure that countries and indigenous peoples share in the nonmonetary and monetary benefits of biological research on their lands and waters, promoting conservation and sustainable use of biodiversity.

The Protocol calls upon each country to establish its own requirements governing access to genetic resources and to traditional knowledge associated with those resources. Key to these requirements is the need for researchers to obtain *Prior Informed Consent* (PIC) under *Mutually Agreed Terms* (MAT) for each country where they work. The CBD (2010) defines PIC as “the permission given by the competent national authority of a provider country to a user prior to accessing genetic resources, in line with an appropriate national legal and institutional framework” and MAT as “an agreement reached between the providers of genetic resources and users on the conditions of access and use of the resources, and the benefits to be shared between both parties.”

The Protocol defines *benefits* broadly in both monetary and nonmonetary terms. Examples of monetary benefits listed in the Annex to the Protocol include access fees for samples, up-front payments, royalties, research funding, and joint ownership of intellectual property rights. Examples of nonmonetary benefits include sharing of research and development results, collaboration in research, education, and training programs and access to scientific information relevant to conservation and sustainable use of biodiversity. Nonmonetary benefits are particularly relevant to ecological research, which does not typically produce marketable products such as new drugs. For example, ecologists can provide these benefits by collaborating with scientists in the countries where they are conducting research, involving students and local citizens in field work, contributing to education and training programs, and making the results of their research available to government agencies and organizations involved in biodiversity conservation and sustainability efforts.

Though the United States is not a Party to the Protocol, U.S. researchers working in other countries must comply with the Protocol’s requirements. Each country has developed its own process for obtaining PIC and MAT, so it is essential to be aware of requirements in the specific country where you work. Although the prospect of meeting multiple different requirements in different countries may be daunting, resources are available to assist all parties, including researchers, in complying with the Protocol. The CBD’s Access and Benefit Sharing Clearinghouse (ABSCH, <https://absch.cbd.int/>) provides a wide variety of information, including country-specific requirements and contact points, model contractual

clauses for PIC and MAT documents, and announcements of relevant meetings. We strongly recommend that researchers:

- use the Clearinghouse to identify local requirements and contact the National Focal Point (NFP) early when planning work in other countries,
- request assistance from colleagues in those countries, who can also help identify ways to provide nonmonetary benefits,
- in your research planning, be prepared for the additional time and funding that compliance may require,
- determine any additional rules or regulations that your university or funding agency may have regarding Nagoya compliance,
- document your efforts to comply with the Nagoya Protocol's requirements, and
- document your approach to benefit-sharing, especially when nonmonetary benefits are concerned.

It is not just about compliance with new requirements—ecologists can also take advantage of opportunities to actively participate in the process for implementing the CBD and the Nagoya Protocol. The CBD needs and actively solicits participation by scientists. For example, you can register as an observer at meetings of the CBD's Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), which advises the CBD on implementation of the Convention's requirements. You can participate in side meetings at the SBSTTA meetings and can respond to input requests from the CBD, for example, peer reviews of ecological studies. A calendar of meetings can be found at <https://www.cbd.int/meetings/>, and information about the SBSTTA is at <https://www.cbd.int/sbstta/>.

It is imperative that ecologists become familiar with the implications of the Nagoya Protocol for their research. Depending on the country, noncompliance can result in loss of access to genetic resources and traditional knowledge, revocation of permits and research funding, and/or criminal penalties. Conversely, fully incorporating the Nagoya Protocol into research planning can help ecologists form new collaborations, contribute to the conservation of the biodiversity on which their work depends, and enrich the lives of the indigenous people who live in the countries where they conduct research.

Those interested in further exploring the implications of the Nagoya Protocol should consider attending ESA's 2018 Annual Meeting Special Session, "Navigating the Shifting Landscape of International Research and Collaboration: Access, Benefit-Sharing, and the Nagoya Protocol" on Monday, 6 August, 10:15 to 11:30 am.

Literature Cited

Secretariat of the Convention on Biological Diversity (CBD). 2010. Introduction to access and benefit-sharing. Montreal, Quebec, Canada. Available at www.cbd.int/abs