

# ABS agreements for the previously deposited microbial strains

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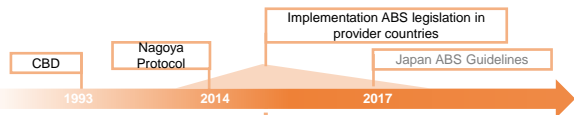
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## Background

Previously deposited strains are not the scope of the Nagoya Protocol, but do we leave them outside of ABS?



### Previously deposited strains

- Not the scope of the Nagoya Protocol.
- Excluded from ABS.

### Newly deposited strains

- Scope of the Nagoya Protocol.
- ABS compliance is confirmed when accept deposition

**ABS-like consideration is preferable to the previously deposited strains** because

- ABS is the third objective of the CBD and will contribute to conservation of biological diversity.
- PIC and MAT might be necessary after CBD, not after Nagoya Protocol.
- Some users care ABS clearness for the GR in *ex situ* collections.

Among a total of 4000 strains in NIES, ca 300 strains from 17 countries collected after CBD are **suspended from distribution and we try to make ABS arrangements to these strains.**

- |           |          |          |         |             |
|-----------|----------|----------|---------|-------------|
| Indonesia | Viet Nam | Palau    | Ireland | New Zealand |
| Cambodia  | Malaysia | Tanzania | Norway  | Australia   |
| Sri Lanka | Lao PDR  | Chile    | France  |             |
| Thailand  | China    | Brazil   |         |             |

## NIES' ABS Policies

NIES ABS Q

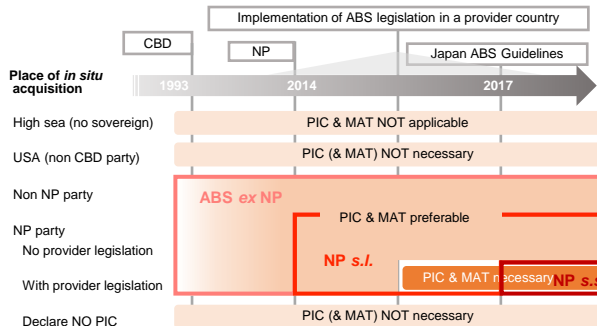
### Basic Policy (2017, rev. 2019)

- ... utilize genetic resources in accordance with CITIES, CBD, and NP by honoring their letter and spirit...

### Concepts and Guidelines (2019)

- ... aware that States have sovereign rights over their own biological ... and gives due consideration even ... to a country that has not implemented a legal framework related to ABS.
- For new utilization of a genetic resource currently in a third country that is not the country of its origin, NIES makes reasonable efforts towards best practices whenever appropriate and possible...

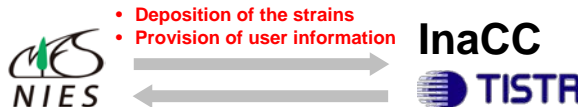
## Regional and Temporal Scopes



## Agreement

Indonesia (InaCC): Five strains collected between 1955 - 1999.

Thailand (TISTR): 221 strains collected between 1995 - 2019.



- Deposition of the strains
- Provision of user information

Endorsement to strain distribution from NIES

- NIES shall not exchange with other collections.
- NIES may distribute only for scientific purpose.
- For commercialization, users need agreements with Indonesian/Thai authority.

## Pros and Cons



1. The county of origin has a chance for benefit-sharing if the strains are used commercially.
2. The country of origin is able to trace the use of the strains.
3. Distribution for non-commercial purpose is secured.



4. Same strains are available from other collections (through past exchanges) with conventional conditions. Is the agreement just a self-satisfaction of NIES?
5. Needs much effort while not required by law.

## From Experience

- Almost no county has ABS legislation for the previously exported GR. PIC-like government permission is not possible.
- There is a country asking NIES to apply for PIC every distribution, which is not acceptable.
- BS (i.e., MAT) of ABS is more important than A (PIC), especially when legislation is not implemented.
- Government (public) *ex situ* collection is a realistic counterpart of such agreement, government authority is not appropriate.

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