

The Nagoya Protocol and our Seed Exchange.

This was presented by John Mitchell as David Rankin was not available for the meeting. David had prepared a slide presentation which was shown to the meeting.

(The information in the normal font comes from the slide presentation, that in italics from John Mitchell who provided explanations and further information).

*David had gone to Wisley on behalf of the Meconopsis Group to a Conference on how it would affect Societies, groups and other people.
These are not my words because I have to think of the Botanic garden*

Nagoya only applies to wild collected plant material. It came into fruition in 2014. Before that was the Convention on Biological Diversity (CBD) which was agreed in Rio in June 1992.

CBD still runs today. CBD and Nagoya run together. CBD means you have to have permission from the country to bring material back. Nagoya is talking about slightly different things but they do marry together.

Nagoya has to be from signatory countries.

Briefly the Nagoya Protocol applies to signatory countries including Nepal and India but not China.

*In China you still have to get permission to collect material.
It is possible to get memorandums of understanding with Botanic Gardens to collect material which then means it is legal to bring back material.*

It is legally binding in the EU including the UK.

It restricts utilization unless there is written permission

Utilization includes the production of new drugs etc.

CBD did this as well. It was to try to stop people going into countries, collecting material, bringing it back, perhaps finding a cure for an ailment, for example cancer, and nothing going back to the country.

Nagoya is another level of paperwork trying to change things slightly.

It does NOT include cultivation, privately or commercially.
BUT it does include development of new named cultivars and hybrids

To comply we need to tell recipients about the 'no utilization' restriction
This also applies to descendants of raised plants – **for ever!**

Plant societies have taken a common approach.

We have to protect ourselves. The most important thing is to get the plant material out to people who can grow it and grow it well and conserve it. Once it has flowered we can store such seed in the seed banks so we have that data or gene pool for the future.

We give recipients this paragraph, applying to wild seed

Genetic material collected from the wild since October 12th 2014 is covered by the Nagoya Protocol, which is legally binding in the EU, including the UK. For material from signatory countries, unless there is written consent from the country of origin, 'utilization' is not permitted. This includes development of new named cultivars and hybrids as well as production of new drugs and other products. Cultivation, privately or commercially, is permitted. Unless explicitly stated otherwise, you should assume that seeds in this list do not have consent for utilization, as described above.

Botanic gardens have to have documentation for everything. We can exchange with other Botanic Gardens. We need to have a paper trail all the way through.

Collecting wild seed

This is nothing to do with Nagoya
Its legality depends on the place of collection
(I think if you are collecting anywhere, you need to have permission from the country you are collecting from)
There has been bad publicity in a couple of cases
Import to the UK is normally permitted

We also give recipients this paragraph

The Meconopsis Group has sought assurances that all wild-collected seed offered in this list has been collected in accordance with the laws of the source countries and that its distribution is allowed under the terms of any permits to collect the seed.

Donors need to know the consequences of distributing illegally collected wild seed. They receive the following paragraph.

The reputation of the Meconopsis Group is a risk if we offer seed that has been collected illegally, or that does not have permission for distribution. This could do harm to future attempts to people who want to collect legitimately. The Meconopsis Group is not able to check every seed submission, so please do not submit seed that would put our reputation at risk.

Nagoya for Botanic Gardens and CBD has limited the type of material we can get into Botanic Gardens

Questions

If I have some seed which came in from the wild what can I do?

If you have grown it for a while, it is no longer classed as wild origin. After the first year it is classed as garden origin. If it is monocarpic you can collect the seeds and grow it on. It is then of garden origin.

What happens if we leave the EU?

I would think that we would continue to comply with the agreement. Botanic Gardens will most likely keep to the agreement.

Nagoya applies to development. How does it apply to cultivation? The effect on Botanic Gardens?

Societies should not make commercial gains from the material. Botanic Gardens have to play by the rules. They should not make financial gains from the plant material. Botanic gardens have to have a paper trail.

A comment concerning distributing seeds informally between members of society and a company profiting from such material by finding a miracle cure are two different things.

We need to protect the groups so we need to have something in writing showing that we know about Nagoya and CBD.

Are there straight forward methods of knowing you can collect some limited plant material from a signatory country?

The best way is to team up with a Botanic garden so there is a memorandum saying that you want to bring back a small sample of material for a herbarium etc etc.