

ABS ASPECTS OF THE MOOREA BIOCODE PROJECT

CASE STUDY - FRENCH POLYNESIA



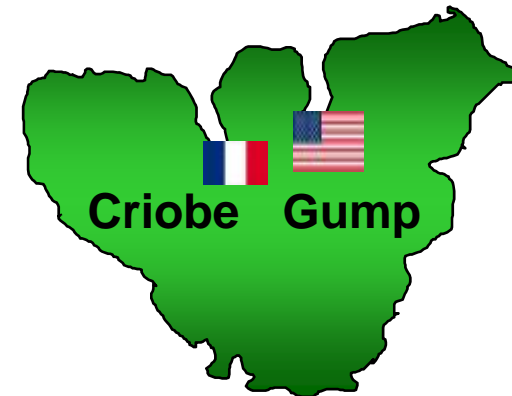
Sabine Brels

Legal analyst, R.B Gump research station (UCB)



Moorea Biocode Project (MBP)

- **What? Scientific research** program
- **Why? Exhaustive inventory** of Moorea's biodiversity
- **How? Genetic barcoding** approach
- **Where? Moorea Ecostation**
- **When? 3 years** until 2010, more?
- **Who? Biocode Consortium** – U.S & French partners

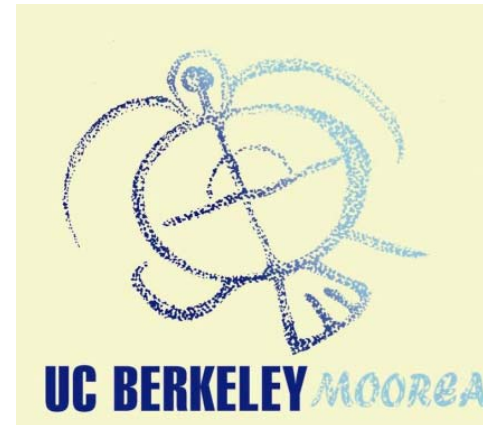


ABS considerations of Biocode

- 1- International: **Convention on Biological Diversity (CBD)**
+ *ABS international regime*

- 2- Local: **French Polynesia**
+ *ABS Law in FP*

- 3- Specific: **Biocode**
+ *ABS code of conduct for Research*



ABS aspects of the MBP

International Level

CBD provisions & futur ABS regime



**Convention on
Biological Diversity**

Biocode & CBD provisions on ABS

□ **Objective** (Art.1)

- Fair & equitable Benefit Sharing from genetic resources utilization
 - **Genetic studies!**

□ **Rights & Obligations** (Art.15)

- Sovereign rights of States = **BIG PBS!!!** Ownership, Money ect...
- Obligations to regulate ABS + not impose improper restrictions!
 - **Conservation activities!**

□ **Protection** (Art.8 j)

- *Indigenous & Local Communities (ILCs) related traditional knowledge*
 - **South Pacific!**

Biocode & the futur ABS regime

- **CBOL Workshop**: *ABS in Non-Commercial Research (Bonn, 2008)*

- *Distinction between commercial & non commercial research?*

- **Conclusions provided to the ABS Working Group of CBD**

✓ **Important to involve researchers !!!**

2010 ???

ABS aspects of the MBP

Local Level

FP implementation & futur ABS Law



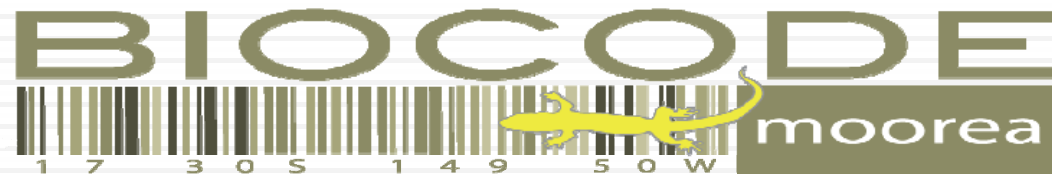
Biocode & ABS in French Polynesia

- **ABS implementation in FP** (France = State Party to the CBD)
- **FP 2004 Autonomous Status** : *Jurisdiction in environmental concerns*
- ✓ **Draft ABS Law** (2006) in suspense... **New hope!**
- ✓ **FP Strategy on Biodiversity** : Inventories = Urgent necessity!
- **Importance of scientific research & the MBP in FP!**

ABS aspects of the MBP

Specific Level

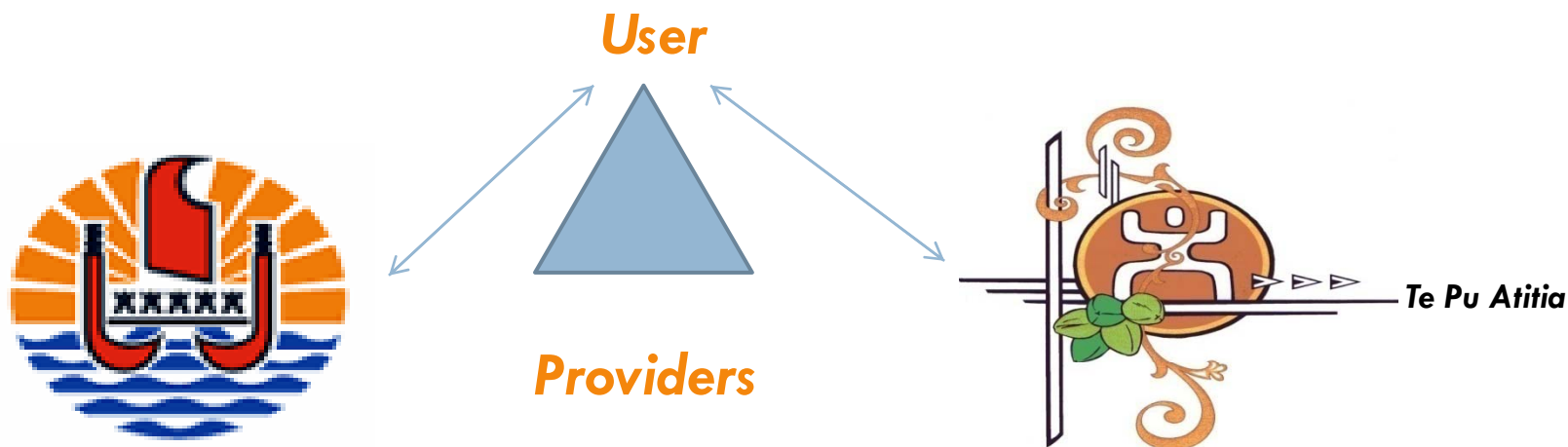
Biocode agreements



MBP Cooperation agreements in FP



University of California Berkeley (Gump Station)



French Polynesia (State)

Community based Organisation (ILCs)

➤ **Prior Informed Consent - Access?**

MBP & Memorandum of Understanding

□ **Biocode Consortium: French & American partners**

Moorea Ecostation (UCB, CNRS – EPHE)

+ **Paris, Florida & California Museums** (MNHN; FLMNH; BNHM)

+ **Scientific Research Institutions** (SI; IRD)

- **Code of conduct** under discussion with FP – Rights respected!

✓ **Future model Material Transfert Agreement (MTA) for non-commercial research on genetic resources...**

➤ **Mutually Agreed Terms - Benefits Sharing?**

ABS implementation frame of the MBP

For the moment...

International: CBD but **NO** ABS regime (binding?)

Regional: **NO** ABS strategy in the Pacific

National: **NO** French legislation

Local: **NO** ABS legislation in FP

➤ **Voluntary** compliance of CBD obligations!

MBP exemplary compliance & contributions regarding ABS requirements

□ 1- International scale:

- *In line with* **CBD** objectives
- *Helping the* **Working Group** with the futur ABS regime

□ 2- Local scale:

- *In line with the* **FP Strategy** on Biodiversity
- *Helping* **FP Government** with its ABS Law

□ 3- Specific scale:

- *In line with* **FP & ILCs rights** recognized by the CBD
- *Helping the* **Research Community** to develop a model MTA

Conclusions on Biocode & ABS

- **Crucial tool** for biodiversity protection in French Polynesia
- **Voluntary & exemplary** approach on ABS compliance
- **Paving the way** for future model code of conduct on ABS
- **Active involvement** for everybody's benefits (Govt, ILC, researchers)

➤ **For future ABS legal instruments ADAPTED**

to better protect Biodiversity & Traditional knowledge in FP!

Thank You
Very Much!

