

# *Implementation of the Nagoya Protocol by the botanic garden community*

**IPEN, the easiest way for botanic gardens to comply with the new EU law**

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# The botanic garden community:

Europe:  $\pm$  550 botanic gardens

Worldwide: 3,000 botanic gardens



IPEN promotes the implementation of the CBD within the botanic garden community

The Convention

The Protocol

Programmes

Mechanisms

Information

Secretariat



190 States and the European Community are party to the Convention on Biological Diversity. [More »](#)

### Highlights

For Parties & National Focal Points

For Indigenous & Local Communities

### What's New

3 June 2009

Statement by Mr. Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity, on the occasion of the First Global Biodiversity Outlook 2008.



Negotiations of the International Regime on



Access and Benefit Sharing

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# Scope of the CBD challenge for botanic gardens within the EU and worldwide



Flight map of Europe; not unlike the exchanges of genetic resources between botanic gardens

# An example: scope of annual seeds exchange by German botanic gardens (2004)

**receipt of seeds: 79.983**

(based on data from  
Germany, 2004)

**supply of seeds: 260.010**

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**326.000 transactions; 3.400 per garden**

**EU: perhaps 2,000,000 exchanges annually (extrapolation).**

**→ BG's depend extensively on regular access from ex-situ-collections to maintain their plant collections**

# Why this huge exchange annually?

- replace losses; the more challenging and unknown the species, the higher the losses.
- increase the quality of the plants maintained, a.o. for conservation purposes
- Gradual change of focus of collections (e.g. education, public information regarding biodiversity issues)

Without this intensive exchange, collections will gradually impoverish and lose their function.

# Most botanic gardens have limited staff capacity and financial resources



**Bonn Botanic Gardens:**

**13.5 ha**

**10,200 species**

**1 scientist (= all-round manager)**

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# Current situation regarding implementation of the CBD via IPEN

IPEN membership:

- currently 160; 138 from EU, 22 from AR, CH, HR, IS, NZ, US
- Membership by signing a Code of Conduct, and screening by national network
- Exchange for non-commercial use only (for practical reasons)
- Tracking of GR via unique IPEN-number that stays with the GR



# Exchange-types in relation to the NP

1 Exchange between botanic gardens via the Index Seminum system, or plants, on *ad hoc* basis

In the past multi-lateral benefit-sharing

- PIC and MAT implicit due to provider-driven Index Seminum system



# Exchange-types in relation to the NP

2 Collecting in a country of origin (expeditions, as part of floristic inventorying, etc.

- Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) to be negotiated
- Bilateral benefit sharing (MAT)

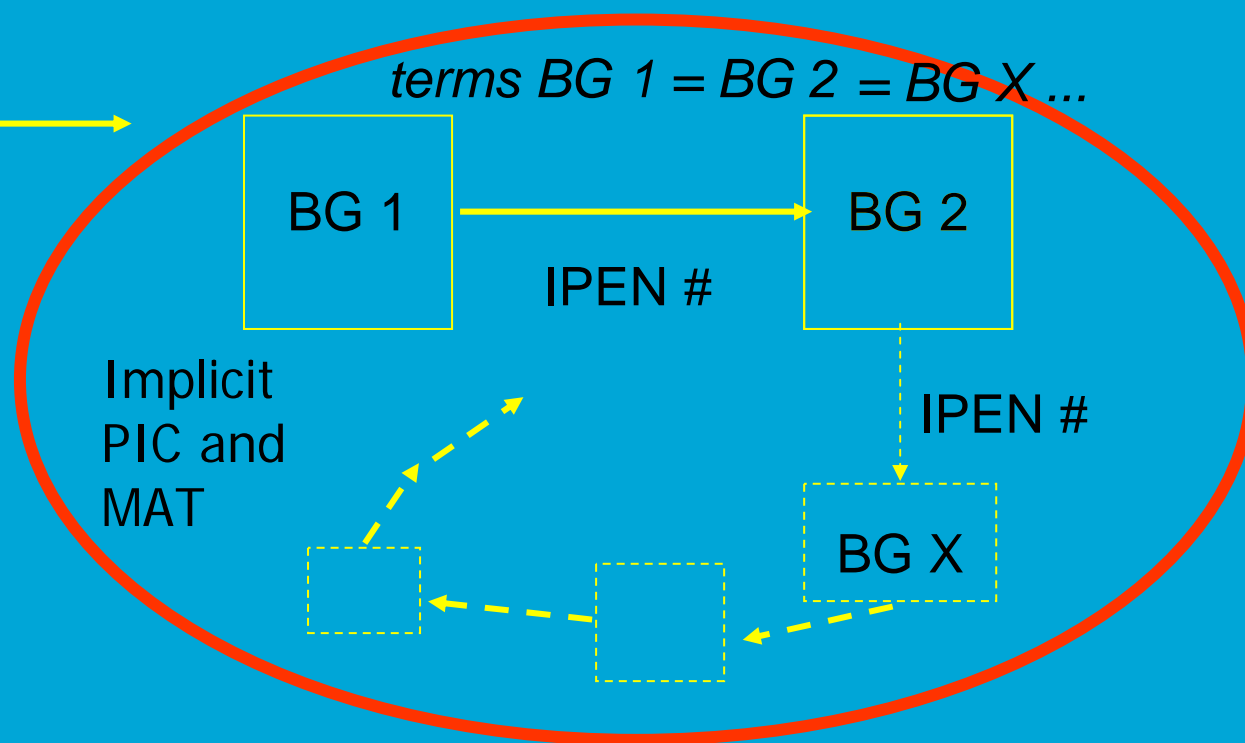
Reality: collecting in a country of origin now very difficult to negotiate, for various reasons

This impedes sustainable use, ex-situ conservation capacity, and generation of benefits

# International Plant Exchange Network (IPEN)

**UNIFIED POLICY (Code of Conduct) for all participating gardens:**

Collection in  
Country of  
Origin:  
bilateral PIC  
and MAT to  
be agreed



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All seeds exchanged must have an IPEN number. The IPEN number helps to:

- track where seeds are sent to worldwide.
- identify seeds of identical gene pool
- show which garden introduced certain seeds into IPEN
- Show if limiting conditions apply (by MAT)

IPEN numbers are used more and more in seed lists now.

IPEN number: an example from Delft Botanic Garden

*Canna flaccida*:

IPEN number: XX-0-DELF-1980GR03018

known wild origin: 2-digit country code:  
(e.g. GY-0-U-1989GR00092)

XX: no known wild origin

0 no restrictions in further dissemination  
1 if restrictions apply

DELF garden acronym (BGCI)

1980GR03018= garden accession number



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# Scope of the IPEN Code of Conduct

1. Acquisition of plant material (garden as user)
  2. Garden as supplier: plant material from an IPEN garden to:
    - > IPEN gardens: simplified exchange
    - > non-IPEN gardens: Material Transfer Agreement (MTA)
- IPEN number to maintain link between provider country and GR
  - Benefit Sharing
  - Unified policy for botanic gardens; strength

## 2013 Himalayan Seed Collecting Expedition

YOU COULD SOON BE GROWING WONDERFUL



By paying for a share of the seed collected by Chris Chadwell during his expedition to Borderlands of Central Tibet you will be part of an exciting opportunity to grow rarely available seed and help support Chris' on-going plant conservation and scientific projects

THERE IS STILL TIME TO SUBSCRIBE

A copy of the full expedition prospectus, which provides more detailed information, is available in pdf format from:

### Seed collecting expedition

garden

garden

# Current weaknesses of IPEN

- Only for non-commercial use; in case of commercial interest: party is referred to country of origin to negotiate PIC and MAT
- Supply from botanic gardens only to other botanic gardens
- Benefit-sharing therefore only in relation to non-commercial use

Underlying reason: majority of botanic gardens have no capacity to negotiate commercial use incl. MAT.



# Possible solution

- Development of standardized MAT's for commercial use
- IPEN Task Force in contact with EC to develop sector-specific implementation mechanisms

# Can we take the solution a step further?

- Standardized “all-inclusive” MAT’s, covering:
  - Collecting phase
  - Phase of storage in BG collection, and further distribution within network of botanic gardens
  - Research phase
  - Commercial phase
  - The “all-inclusive” MAT to cover the conditions for each of the four phases
  - Too difficult unless available as a standard agreement

# Potential role of collections

- Collections as shopping window of biodiversity for countries of origin
  1. Easier access potentially for all types of use, including commercial use
  2. If standard (“all-inclusive”) MAT’s are available, conditions will be transparent for all types of use, including commercial use:
    - > increased chance of development of commercial use
    - > increased chance of benefits from use of biodiversity

## IPEN must adapt to EU regulation (“Due Diligence”?)

- Improve required Tracking (IPEN numbers?)
- Improve required Tracing (CHM)?
- Advise on collection administration changes to include information on legal provenance of accessions
- Suggest or require a collections policy from members, to include communication of EU regulation to all staff?
- New version of IPEN, IPEN-2??
- **Also**, IPEN also needs to be as simple as possible for botanic gardens!

## Suggestions for plant collection administration to show legal provenance of plants

- Consider to keep and/or record:
- Date of acquisition of new plants
- Seeds lists
- Expedition reports / forms
- Official documents (permits, phytosanitary certificates, etc.)
- Invoices / receipts for plants bought from nurseries
- If necessary, take electronic photographs (dated!)



Plants bought from a nursery, photographed as part of the evidence

- When the Nagoya Protocol and the EU regulation come into force, our daily collection administration routine must change, in order to comply with the EU law.

- Thank you for your attention