

# Certificates of Origin, Source and or Legal Provenance and the Scientific Collections Process

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# Certificates

- Practicality
  - Do they do what they are intended to do in a clear and simple fashion?
    - Show compliance with national access processes
- Feasibility
  - Do our bureaucratic and our use structures accommodate the concept
    - Is there an agency which has the rights to issue such a certificate
    - The multiplicity of research and collections organizations
    - How do certificates “live” over time and space
    - Parts and derivatives—physical and digital
      - How do you trace information?
    - How to differentiate between covered and not-covered genetic resources and traditional knowledge?
- Costs
  - What are they, who will bear them, will they be worth the marginal increase in benefits
    - Costs of setting up systems
    - Bureaucratic infighting over roles and responsibilities
    - Costs of maintenance of system
    - Cost of lost opportunities
    - Ability to pass on the costs to consumers or not
    - Compliance and enforcement costs—will they go down or up?

# Bedeviling Questions

- What are genetic resources?
  - What is the universe we are trying to regulate
    - 90-95% of access for non-commercial use
    - Less than .1 of 1% of commercial access moves towards actual commercialization
  - Differences between obligations towards genetic resources, biological resources, and traditional knowledge
    - Object and information
    - Commodity transformation and processes
- What are the differences between sovereignty, control, regulation, and ownership over genetic resources?
  - Different national answers
  - Problems of shared resources and knowledge
- Will the benefits outweigh the costs?
  - Which benefits are attributable to the biodiversity and/or traditional knowledge and how to effectively capture them?
  - National accounting for benefit-sharing
  - Likely highly unequal commercial returns to nations
- What will be the unintended consequences?
  - To contract law
  - To science and discovery
  - To capacity building

# Volumes, fragmentation of samples, in perpetuity





# Unintended consequences

- Increased paperwork and costs without opportunities for increased funding/income to pay for this
- Criminalization of science
- Increased taxonomic impediment
- Reduction of collaboration



# PIC & MAT Deconstructed

- Research permits
  - Equipment import permits
  - Collecting permits
  - Export permits
  - Material Transfer Agreements (MTAs)-- Use permits/agreements
  - Phyto- and/or zoo- sanitary permits
  - Contracts
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- Multiple Ministries, multiple entry points, different in each country



# Biodiversity Policy: PIC and MAT

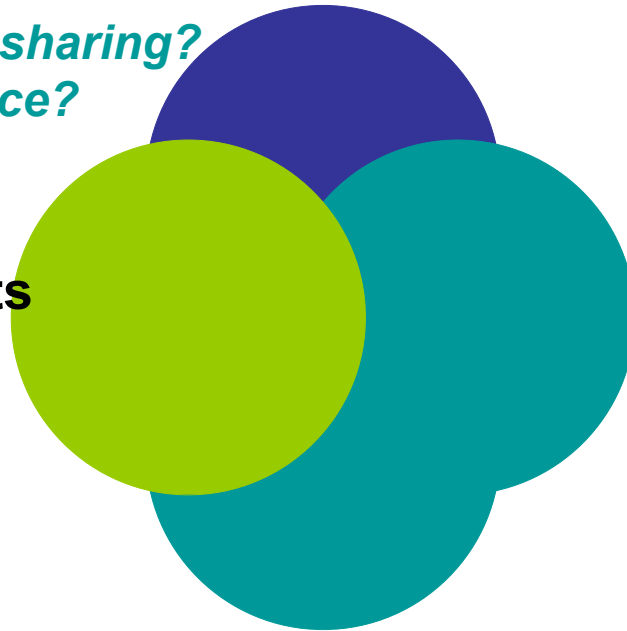
**Research Permits**

*Who decides on benefit sharing?  
Who oversees compliance?*

**Collection Permits**

**Use Permits  
Contracts**

**Movement (internal, external and 3<sup>rd</sup> party) Permits**



# T=3T

Trust = traceability, transparency, tractability

## **T**raceability

- Collecting through use
  - Certificates?

## • **T**ransparency

- Rules, transfers, uses

## • **T**ractability

- Procedures and reporting that are non-onerous

# Thank you





