



Centre for
Tropical Livestock
Genetics and Health

Protecting, preserving and restoring African poultry biodiversity

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4th International Workshop on Regulatory Approaches for Agricultural Applications of Animal Biotechnologies

12-16 September 2022 – São Paulo, Brazil



TPGS
Tropical Poultry
Genetic Solutions





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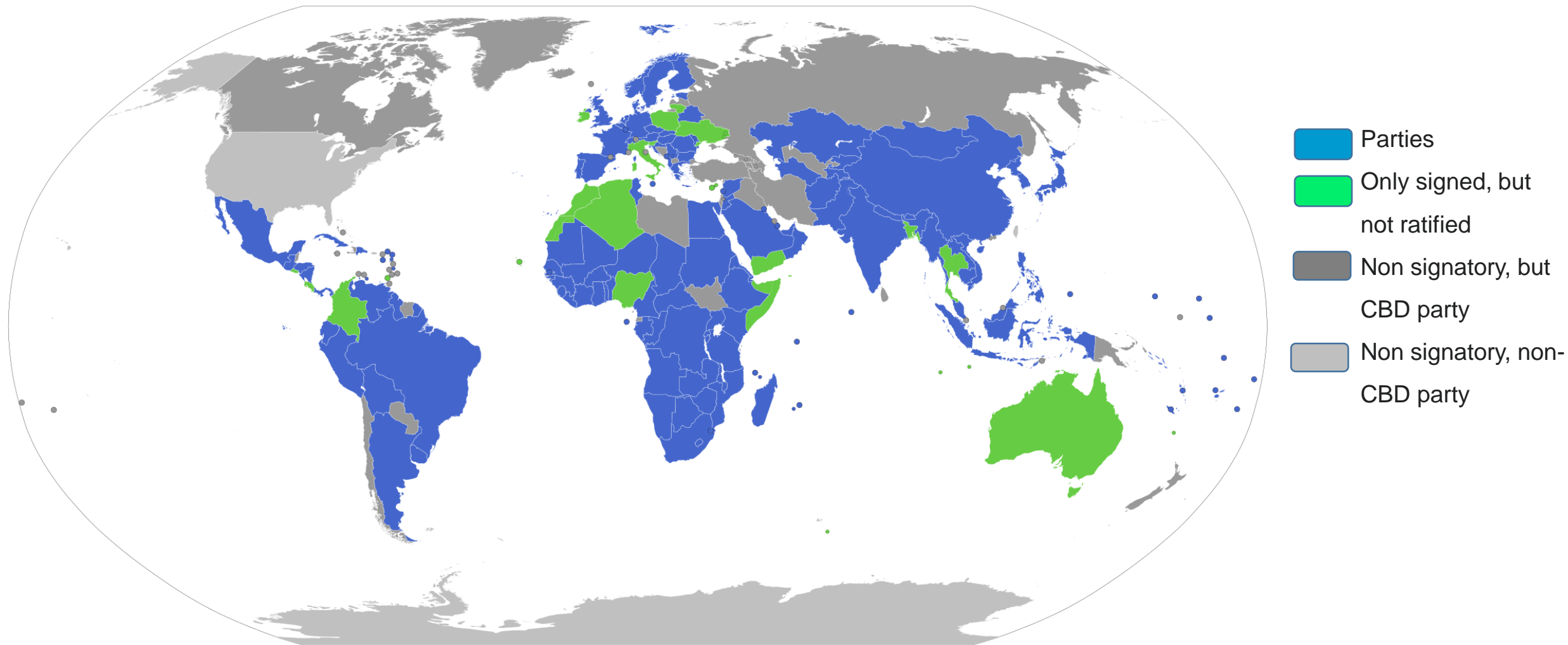
Headlines

1. The state of Africa's poultry biodiversity and threats
2. Biobanking cPGC and chimera production at CTLGH/ILRI
3. Restoration of poultry biodiversity and dissemination of potential elite lines using the DDX4 KO and iCaspase-9 surrogate technologies
4. Up Scaling potential of poultry conservation for better livelihoods
5. Compliance from local biodiversity to global animal biotechnology



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Regulation on ABS of the Nagoya Protocol for Protection of African poultry biodiversity





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**African Union
Practical Guidelines**

**for the Coordinated Implementation of the
Nagoya Protocol in Africa**

Asserting sovereign
rights of states and IPLC
rights over GR (DSI?) and
aTK



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Link between ABS, Sustainable Use and Conservation

In accordance with Article 9 of the NP, AU Member States may consider potential mechanisms for linking the three objectives of the CBD including:

- a) Developing regional and national scientific capacity and promoting research geared towards conservation or sustainable use
- b) Directing some benefits arising from use of AnGR to conservation and better livelihoods
- c) Developing strategies for conservation and sustainable harvesting of AnGR
- d) Promoting and supporting traditional lifestyles relevant for the conservation of biodiversity and sustainable use of its component



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Challenges for Animal Biotechnology researchers and developers

- a) Centralization of decision in the hands of one administration with little attention to livestock agendas; or lack of coordination if multiple decision makers
- b) Lack of effective mechanism for the participation of communities in ABS;
- c) Generality and vagueness of the regulatory regime and lack of regulations and guidelines for the effective implementation of the regulatory regime,
- d) Poor drafting of ABS Agreements;
- e) Lack of effective enforcement and follow-up mechanisms for ABS Agreements.



ACCESS PERMIT PROCEDURE: e.g. from KENYA

PRE-ACCESS PROCEDURE

Identification
of Local
Partner

Negotiate terms and
conditions of the MOU
or CRA

www.nema.go.ke
www.oris.nacosti.go.ke or
www.nacosti.go.ke

Identification
of GR Provider

Lead agency,
individual or community
in a specified locality

Application for
Research
License from
NACOSTI

- Letter of Affiliation
- Partnership MOU/CRA
- Project proposal abstract.

Acquisition of
Researcher's
Pass

Apply for researcher's
pass (Departement of
Immigration Services:
Kenya Citizenship and
Immigration Act, 2011.

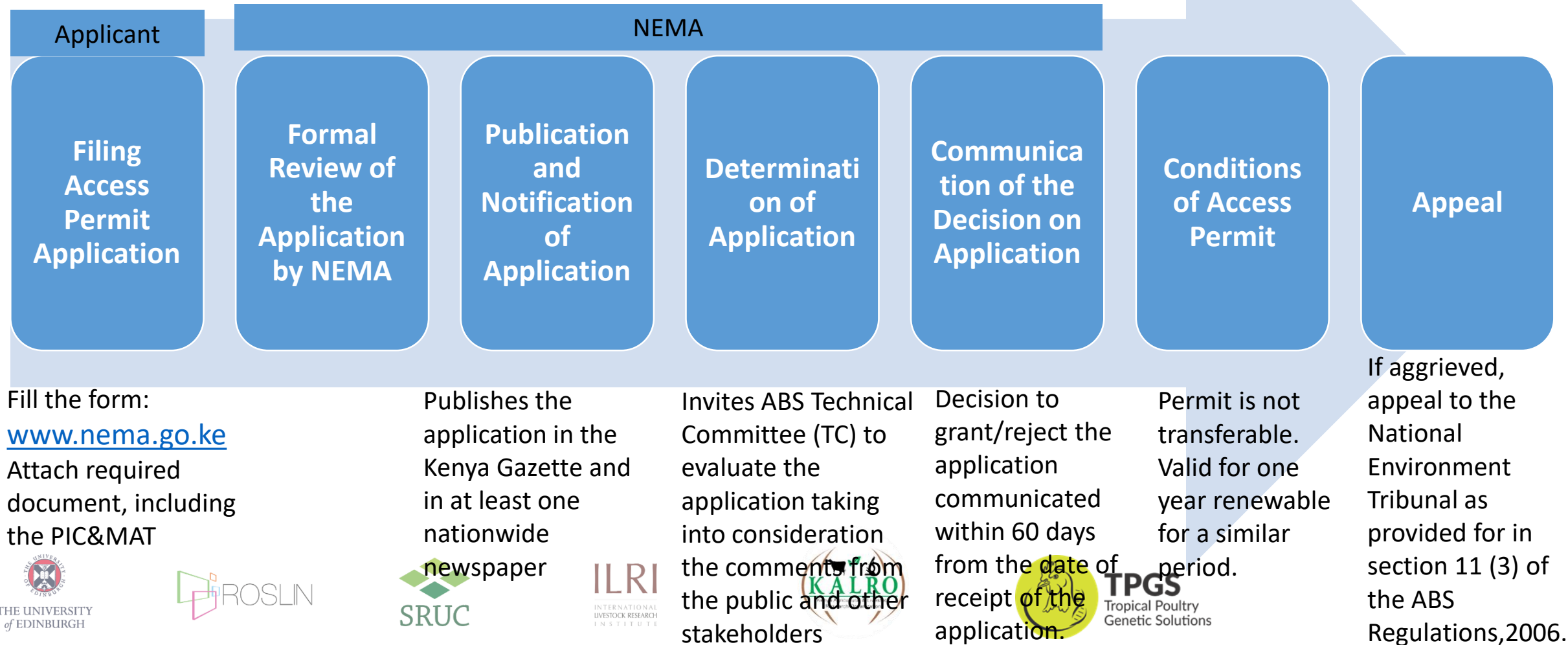
Acquisition of
Prior Informed
Consent and
Mutually
Agreed Terms

Establish contact with
appropriate GR
provider through the
public administration to
commence the process
of acquiring PIC&MAT



ACCESS PERMIT PROCEDURE: e.g. from KENYA

PROCESS FOR ACQUIRING ACCESS PERMIT





ACCESS PERMIT PROCEDURE: e.g. from KENYA

POST ACCESS

Execution of Material Transfer Agreement

1. Engage the relevant lead and initiate negotiation of terms of transfer of the GRs and/or aTK
2. Negotiate and complete MTA customize it appropriately to suit the GR
3. Ensure the agreement is signed and dated by legally authorized persons in both contracting parties
4. Submit a copy of the executed MTA to NEMA for further information.

Application for Export Permit

- * Phyto-sanitary Certificate
- * Animal Health Certificate

- Apply for and obtain an export permit from the relevant lead agency
- Attach the animal health clearance certificate from DVS



ACCESS PERMIT PROCEDURE

TRANS-BOUNDARY MEASURES

- If the same AnGR or aTK are found **in situ** within many countries (eg: Kenya, Uganda, Tanzania, Ethiopia, etc.) the Government will endeavour to cooperate with them and involve IPLC concerned, where applicable, with a view to implementing PIC, MAT and other ABS Agreements and the objectives of the Nagoya Protocol.



ACCESS PERMIT PROCEDURE

INTERNATIONALLY RECOGNIZED CERTIFICATE OF COMPLIANCE (IRCC)

- The access permit issued in accordance with ABS Regulations is submitted to the CBD ABS- CH to constitute an IRCC.
- The IRCC serves as evidence that the genetic resource has been accessed in accordance with PIC&MAT, as required by the National ABS regulatory requirements.



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Implications of non-compliance: **Biopiracy**

Non-compliance (*Regulation EU (No) 511/2014*) meaning failure to:

- Comply with the ABS laws of the provider country
- Comply with your benefit-sharing agreement as in PIC&MAT
- Comply with the AU Regulation
- Fulfill your due diligence obligations, including SKT information failing to declare due diligence;
- Stop utilization if information becomes available that you need ABS documentation for your research material and you don't have it; or
- Support a user check by the Nature Protection Agencies .



Action against non-compliant researchers and institutions:

1. Remedial orders

- ✓ Prohibits further utilization and transfer of the material;
- ✓ Prohibits the publication or sharing of any results of utilization

2. Confiscation

- ✓ The BfN is authorized to confiscate material or research results

3. Fines

- ✓ Regulation (EU) No 511/2014: **€50,000**

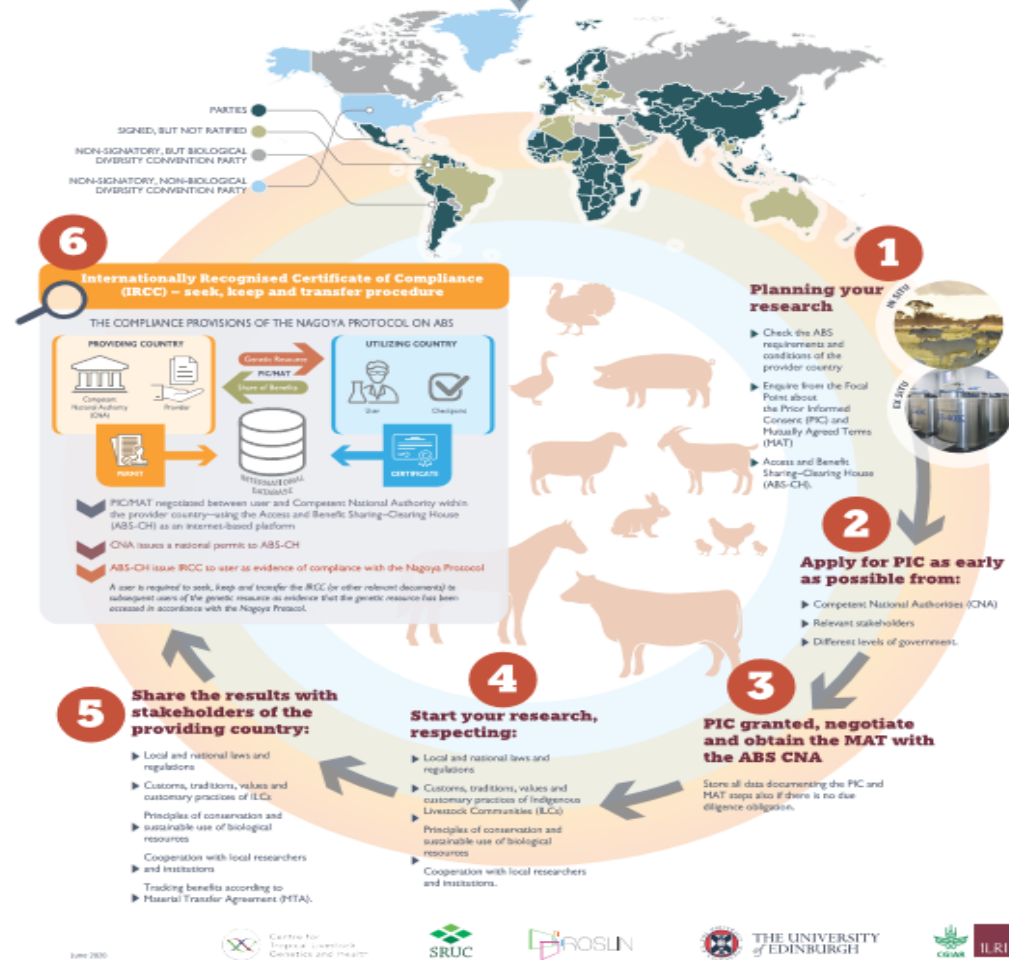
4. Reputation loss

5. Blacklisting

6. Publication retracted

7. Refusal to deposit

Access and Benefit-Sharing (ABS) and compliance for Animal Genetic Resources (AnGR)



Actions' flow for Access and Benefit Sharing (ABS)

1 Initial planning stage

While drafting your proposal

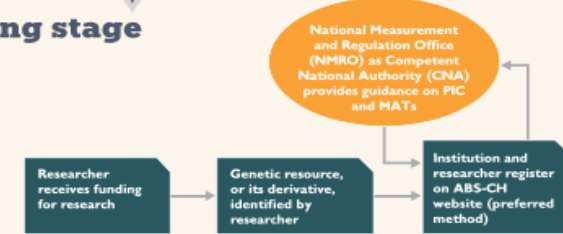
Check all the Access and Benefit Sharing (ABS) requirements and conditions of the provider country.

Enquire about the Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) from the national ABS Focal Point and Competent National Authority (CNA).

Engage the local researchers and institutions.

Consult the Access and Benefit Sharing-Clearing House (ABS-CH).

Make provision for ABS in the budget.



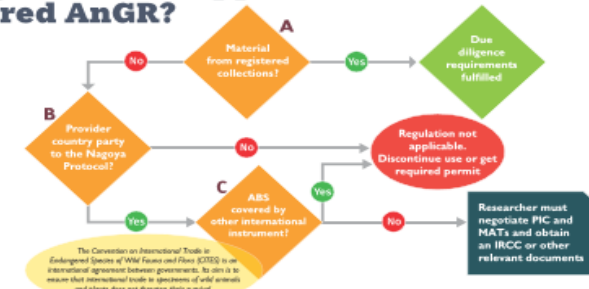
2 Is the Nagoya Protocol applicable to the required AnGR?

Is the Nagoya Protocol (NP) applicable to the required Animal Genetic Resources (AnGR)?

A If the AnGR is obtained from a registered collection established in accordance with national or regional regulations, check requirements relating to due diligence are fulfilled.

B Check if the country is party to the NP.

C Some countries are proposing to implement legal frameworks encompassing the ABS provisions of Nagoya, with assumption that these will be accepted as an alternative to ABS.



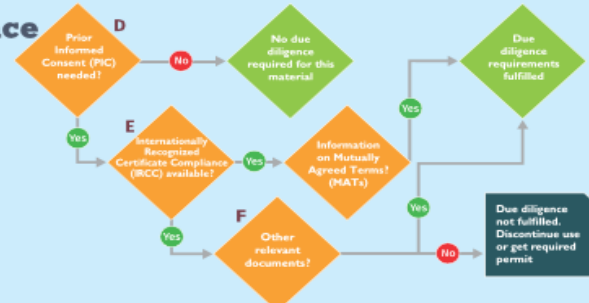
3 Due Diligence

Due Diligence

D Parties may implement international agreements which removes the need to obtain Prior Informed Consent (PIC) - provided the agreements do not run counter to the objectives of the Protocol.

E An Internationally Recognized Certificate of Compliance (IRCC) comprising information on PIC and MATs can be used as evidence that the AnGR has been accessed in accordance with the Protocol. This information can be used as part of the Seek, Keep and Transfer procedure and must be kept for 20+ years after the end of utilization of the AnGR.

F If an IRCC is not yet available, the researcher must seek, keep and transfer other relevant documents related to the AnGR.

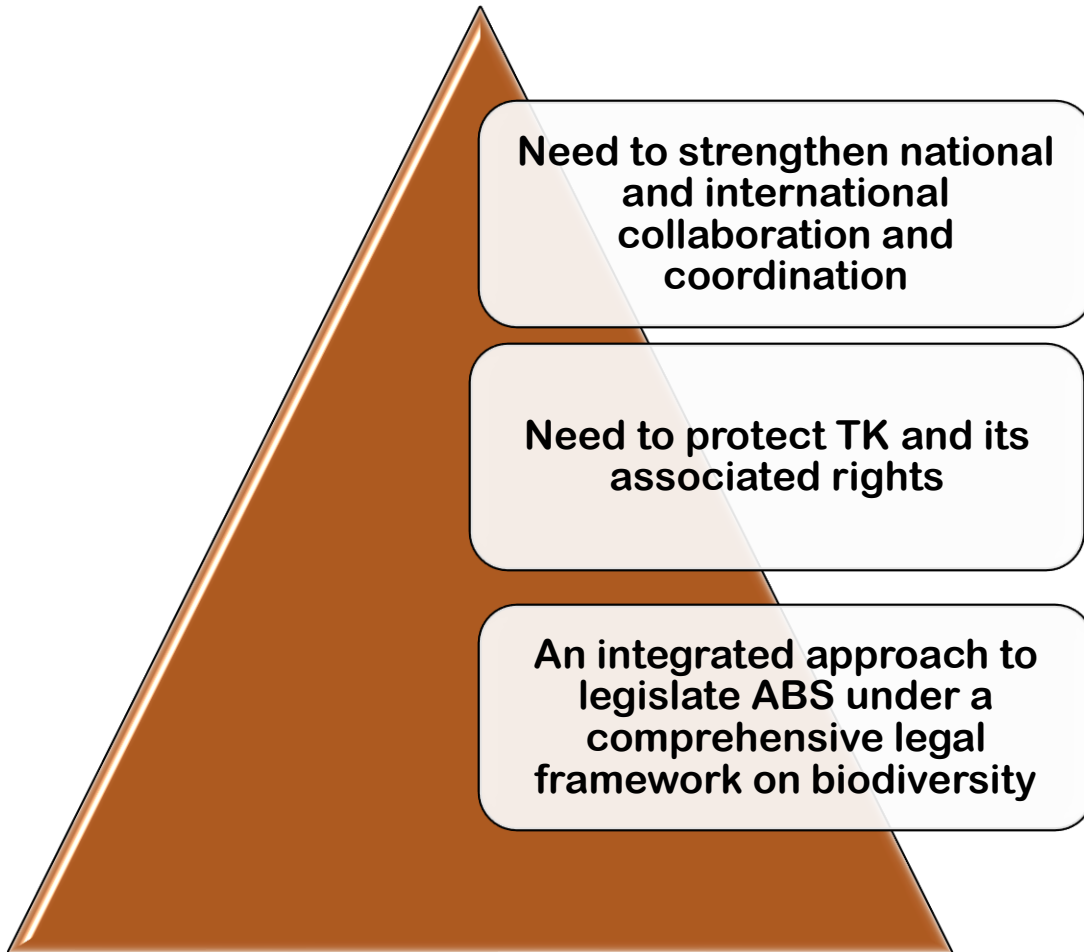


<https://cgspace.cgiar.org/handle/10568/108987>

<https://cgspace.cgiar.org/handle/10568/108988>



Lessons Learnt & Solutions



• CTLGH/LiveGene - ILRI APPROACH





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Thank you

www.ctlgh.org

CTLGH Funders

BILL & MELINDA
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