

**Botanic Gardens Conservation International**  
*The world's largest plant conservation network*



**BGCI**

*Plants for the Planet*

# Module 5: Developing a Checklist/Toolkit for your Garden



# Preparing for the Nagoya Protocol

To prepare your garden for compliance with your country's Access and Benefit-Sharing (ABS) legislation and provider countries' ABS legislation, you will need:

- knowledge of all of your garden's collections, activities, partnerships and current procedures
- understanding of essential Nagoya Protocol provisions
- an 'ABS toolkit' of policy and procedural measures to help you comply with ABS requirements

# Preparing a checklist for gardens

Gardens will need to consider key areas and activities to ensure compliance with national and international laws relating to the Nagoya Protocol.

## Collections

- What kinds of collections does your garden hold (e.g. living collections, herbarium, DNA and tissue cultures, seed bank, traditional knowledge or artefacts)?
- What kind of research does your garden conduct (e.g. systematics, ethnobotany, phytochemistry)?

## Fieldwork

- Do you do fieldwork abroad?
- Do you have partnerships in other countries?

## Partnerships

- Do you have links to universities? How do you accept/supply material?
- Do you have links to industry?  
(Pharmaceutical/botanicals/agricultural/horticultural?)
- How do you accept/supply material?

# Preparing a checklist for gardens (2)

## Commercial activity

- Do you have plant sales? What kinds of plants do you sell?
- Are you involved in any natural product development
- What sort of funded work do you do? Do you provide paid services (identification, naming, provision of material)

## Benefit-sharing

- What types of benefits do you share? How? With whom?
- Do you share benefits equally for material acquired pre- and post-CBD (before and after 29 Dec. 1993)?

# Preparation questions for gardens – tracking and monitoring



## Data management resources

- Do you database all/some of your specimens? If so, which ones?
- Specimen flow: how many transfers in and out? (Loans/donations/samples)
- Who decides/handles what comes in and what goes out?
- Do you track transfers? How?
- How do you keep track of permits and special terms on specimens?
- Do you assign/use unique identifiers to track specimens (e.g. IPEN numbers)

## Policy development

- Do you currently have a set policy/procedure on access, use and supply of genetic resources?
- Do you use Material Transfer Agreements?
- Do you have policies for visiting researchers?
- Do you have a policy that distinguishes material acquired pre or post the CBD (1993)?



# Suggested ABS Toolkit

To be fully prepared for ABS, consider these elements for an 'ABS toolkit':

- A general policy on ABS - including acquisition, use, supply and benefit-sharing
- At least one member of staff to deal with ABS
- A data management system to keep track of material, provider, PIC and other permits, MAT (including restrictions), uses, transfers within and outside the garden, links to publications and other outputs, benefits, any unique identifiers
- Regular training for staff and an accessible guide to in-house ABS policy and procedures
- A procedure for overseas fieldwork, including advance planning and follow-up

# Suggested ABS Toolkit (2)

- Policies for visiting researchers in all departments
- Policies for DNA data, images and information harvesting
- Policy on commercialisation and supply to commercial third parties/change of use and intent
- Standard /model documents:
  - Material Transfer Agreements
  - Model letters and clauses for various situations
  - Long-term ABS agreements for partnerships
  - Procedures for change of use
  - Loan agreement (for herbarium specimens)

# ABS actions for gardens

- Acquire material legally (with PIC, MAT and following national law) and ethically (if working with communities, follow available customary laws/protocols/codes of conduct)
- Negotiate mutually agreed terms (MAT) for use and benefit-sharing, and set out in a written agreement – can use model agreements and clauses
- Use Material Transfer Agreements or donation letters when acquiring from other ex situ collections or donors, to establish legal certainty and terms of use
- Ensure distinction between commercial and non-commercial use is clear
- Comply with any terms of use and share benefits; renegotiate PIC if intended use changes
- Enable the tracking and monitoring of specimens, terms and conditions, and benefit-sharing - use single data management system across your institution, or ensure information can be transferred between databases
- Keep any unique identifiers associated with the material, and ensure they are also applied appropriately to samples, progeny etc.
- Supply using Material Transfer Agreements, according to original terms of use
- Work with other collections to develop common access standards for online information/databases etc. and to share information on ABS policies and procedures
- Prepare a strategy for possible rise in interest in our collections from commercial sector
- Work with partners to look at developing and introducing simplified access measures



# Sectoral codes of conduct, guidelines, model contracts and clauses



Several codes of conduct, guidelines, model contracts and clauses for/relevant to the botanic garden and non-commercial research sector are available from the ABS Clearing House website and BGCI ABS webpages, including:

- Principles on ABS and Common Policy Guidelines
- International Plant Exchange Network (IPEN)
- Consortium of European Taxonomic Facilities (CETAF) Code of Conduct
- ABS Management Tool
- Access and Benefit Sharing: Good practice for academic research on genetic resources
- Union of Ethical Biobanking Standard
- FairWild Standard



**BGCI**  
*Plants for the Planet*

**End of Module Five  
(Checklist for your Garden)  
Why not try the [quick quiz?](#)**

**Then, please go to [Module Six](#)  
(Developing Model Contracts and  
Agreements)**



**BGCI**

*Plants for the Planet*

---

*Connecting People • Sharing Knowledge • Saving Plants*

Our Mission is to mobilise botanic gardens and engage partners in securing plant diversity for the well-being of people and the planet

*Descanso House, 199 Kew Road, Richmond, Surrey, TW9 3BW, UK*

[www.bgci.org](http://www.bgci.org)

 @bgci