

“Material” progress on sequence information

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Sequences: What's the problem?

- New avenues of access and use of genetic resources by many possible means, including:
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 - Copies: Material X \rightarrow Sequence X \rightarrow Material X
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 - Hybrids: Material X \rightarrow Sequence X \rightarrow Material XY (e.g. by gene editing)
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 - Inspiration: Sequences A, B, C, D, etc., especially in conjunction with associable “big data” used to inform design / breeding / transformation of material Z.

But Wait!

- 1. The problem is context dependent
- 2. The aim is to prevent access and use without benefit sharing.
- 3. The way is to insure that access and use of sequences occurs within a (multilateral) framework.
- 4. For this Treaty, that means respect for Farmers' Rights and application of Benefit Sharing obligations

- So it depends on the conditions under which sequences are generated, distributed, & used.
- And here the real problems are:
 - 1. No strings attached sharing (e.g. Genbank, IRRI rice genomes, many projects underway).
 - “Publicly accessible” cannot be synonymous with “no user responsibilities”.
 - Must also address difference between “equal” access and equitability.
 - 2. Private sequence collections, sequence hoarding. (Already a problem several years ago in health.)
 - Creating the next “ex-situ collections” problem?
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Sequences are everywhere

- That is, the sequence information (SI) issue is appearing everywhere genetic resources are relevant:
 - → ITPGRFA
 - → CBD
 - → CGRFA
 - → PIP Framework (WHO)
 - → WHO R&D Blueprint / Biobanking
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- But in some senses not all discussions are equal.
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Physical Material and Sequences Have Merged into One

- 1. Degree of complexity in trying to prop up an (artificial) distinction between these “formats” is increasing (in a functional ABS system).
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- 2. We have not made more progress to date bringing them together is, to an extent, the newness of the issue but perhaps more because those with the greatest data capacities are benefiting from regulatory inaction.
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What now?

- A formal decision to treat them the same way.
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- Practically, at the Treaty, this means lifting the sequence information (SI) issue out of the MLS Working Group and into a place where decision(s) will result.
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- Need for coherence / harmony with CBD, CGRFA

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