



GEORGETOWN UNIVERSITY
Georgetown University Medical Center
Center for Global Health Science and Security

Access and Benefit-Sharing: Implications for Accessing Biological Samples for UNSGM Investigations

**Georgetown University Center for Global Health Science and Security
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Mr. Chair, thank you for this opportunity to address the Meeting of States Parties. We are honoured to be participating and thankful for the continued opportunity for civil society, and academia in particular, to contribute to this forum.

The Georgetown University Center for Global Health Science and Security, along with our collaborators from around the world, have a robust research agenda supporting issues related to the Biological Weapons Convention. We have, for instance, created an online tool to identify stakeholders and mandates involved in response to deliberate biological events, identified pathways and model forms for requests for assistance under Article VII, and conducted scenario-based exercises to test legal and policy questions related to Article VII.

Today, I would like to discuss a new project that is based on almost two decades of research. Working with our colleague from Griffith University in Australia, we have been assessing the international regime on access and benefit-sharing created by the United Nations' Convention on Biological Diversity and its Nagoya Protocol, as well as national implementing legislation. This regime encompasses the many physical and biomedical samples that may be required during a United Nations Secretary General Mechanism investigation into the alleged use of biological or toxin weapons.

Parties to the CBD and Nagoya Protocol are at various stages of implementing domestic laws that require potential users of genetic resources to obtain prior informed consent and reach mutually agreed terms for the use of those resources. These laws may require UNSGM investigation teams to negotiate terms for accessing and using the physical and biomedical samples required to conduct their investigation. Mutually agreed terms may include a commitment to analyze the samples at certain laboratories, for the UNSGM to provide duplicate samples to the State of origin, to destroy samples after a certain time and may even require the UNSGM to provide monetary or non-monetary benefits (like training and equipment) to the State of origin. The negotiation of such terms on a case-by-case basis could create delays to accessing vital samples, impose additional costs on an investigation and create an expectation that the UNSGM investigation team engage in capacity building activities outside of their primary mandate.

We have identified a series of recommendations for potential paths forward, including the development of a model material transfer agreement for UNSGM investigations, and are working with our colleague from the University of Missouri Law School to create a draft agreement.

With feedback from multiple experts at a Wilton Park meeting organized by the Governments of Canada, the United States and the United Kingdom in October, we produced a white paper that we are excited to share with Members States here today. We will also be holding a side event on Wednesday at 9am in Room XXIII to discuss our research and findings, as well as answer any questions delegates might have about the impact of access and benefit-sharing on UNSGM investigations or the role of material transfer agreements.

Thank you for your time and we wish you a successful meeting.