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Peruvian herbal medicines in the context of Nagoya Protocol; challenges and opportunities

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Introduction

It is estimated that the Peruvian Amazon holds more than 1000 plant species with commercial potential and the national sales of natural products derived from medicinal and aromatic plants have exceeded \$ 400 million per year. BioTrade companies such as the Takiwasi Laboratory have focused mainly on the collection, processing and marketing of products based on local biodiversity under sustainability criteria (UNCTAD, 2016). Research and development activities and collaborations are also carried out on the genetic and biochemical composition of the plants, which implies to abide by the national and international regulations, such as the Nagoya Protocol (NP). Despite this richness in terms of indigenous traditional knowledge and biodiversity, Peru, like many other countries, is struggling to update its administrative procedures and regulations in order to respond in a timely manner to researchers and private companies that request formal access to genetic resources.

Method

A global review on the application of the NP with a focus on Peru's situation was performed also through the use of tools such as the Access and Benefit-Sharing Clearing-House (ABSCH). A first-hand experience on the application of the protocol in Peru was also undertaken. Major publications including peer reviewed articles were recorded and discussed.

Results / Discussion / Conclusion

As of May 2019, there have been 440 Internationally Recognized Certificates of Compliance (IRCCs) granted in 16 countries, of the 116 that are party to the NP, that has entered into force in 2014. The main countries of origin are India (220), Spain (40), France (38), Kenya (38), South Africa (27), and Panama (19). That only leaves 58 for the rest of the countries. Peru has issued 3 IRCCs through the 2 identified National Authorities. All the certificates are for non-commercial purposes, although one of these has been signed with



a private company. In this last case the whole process, from initial application to the final access contract signed, lasted around 24 months.

Some of the difficulties observed have to do with the degree of effective implementation of the Access and Benefit-Sharing (ABS) system, the lack of clarity of the application process, and the wide gap between this formal system and what occurs informally outside of it. The most demand for access is concentrated on research, though one of the consequences of the NP seems that researchers from provider countries such as Peru experience increasing difficulties to connect with researchers in developed countries (Deplazes-Zemp et al., 2018). The ineffective application of the NP in Peru could also lead companies and researchers to move their interests to neighbouring countries that have a similar biodiversity and a less demanding regulatory framework, as is the case of Brazil. A further hurdle can often be the reluctance to embrace intellectual property rights, which hinders the essential open dialogue and cooperation between commercial partners and biodiversity-rich countries such as Peru (Heinrich & Hesketh, 2019).

These difficulties inhibit the dissemination of knowledge and genetic resources worldwide. In response to this, training and implementation projects are being launched thanks to international funds so that the Peruvian national framework could be further developed and substantiated according to the (good) spirit of the Nagoya Protocol.

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