



## Ethics in Building Trust between the Providers and Users of Genetic Resources

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Certainty and transparency in communication between countries providing genetic resources and biotechnologies and the states that use them are achieved through written contractual relations based on prior informed consent and are supplemented by voluntary compliance with a Code of Conduct the presence of which facilitates management and control of a situation in general. International negotiations in the framework of the Convention on Biological Diversity resulted in the development of documents of ethical significance, including Akwé: Kon Guidelines [1], Addis Ababa Principles and Guidelines [2] and the Tkarihwaié:ri Code of Ethical Conduct [3], ensuring respect for the cultural and intellectual heritage of indigenous and local communities related to the conservation and sustainable use of biological diversity. However, this document takes into account the equal partnership of providers and users when the latter are indigenous peoples and local communities, but when it comes to the States in which natural resources are of the public domain status then the Code is not applicable [3].

Article 20 of the Nagoya Protocol states that each Party shall encourage, as appropriate, the development, update and use of voluntary Codes of Conduct, Guidelines and Best Practices and/or standards in relation to access and benefit-sharing [4]. In the Republic of Belarus, there is a practice of developing and applying Codes of Conduct in various branches, which are subject to approval either by professional associations or government bodies. Now, a Code of Medical Ethics, a Code of Professional Activity of a journalist, a customs officer, a lawyer, etc. are operational. The Rules of

Medical Ethics and Deontology approved by the Ministry of Health of the Republic of Belarus (Decree of August 7, 2018 No. 64) serve as an example of consolidated behavioral norms. The Decree allows for the legislative regulation of ethical and deontology issues in the healthcare system and integration of related moral and ethical standards into the duties of medical personnel.

A document that would contain moral and ethical standards of behavior in the communication of the providers and users of genetic resources and traditional knowledge associated with them has not been developed in the Republic of Belarus yet. One of the objectives of the UNDP-GEF Global Project “Strengthening of human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol in the Republic of Belarus” implemented in our country is the development of a draft Code of Ethics. The Conference of the Parties to the Convention on Biological Diversity has invited its Parties and Governments to use the elements of the Tkarihwaié:ri Code of Ethical Conduct as guidelines in developing the models of national Codes of Ethics for research, access, use, exchange and management of information regarding genetic resources and traditional knowledge associated with them.

Normally, such documents constitute a set of rules regulating behavior, and they consist of two parts: ideological and standard, that is, normative. Solidarity, a sense of duty and responsibility for the fortune and prosperity of the country, care for preserving of a reputation, honor and dignity are those key values that should determine the moral imperatives and precepts of the behavior and activities of all interacting individuals when accessing genetic resources and sharing of benefits.

The standard part of the Code of Ethics may include the following principles: the providers should provide genetic resources and/or traditional knowledge in cases where they have a corresponding right; show respect for recipients, allow no arbitrary restrictions on access to genetic resources. Holders should be informed properly and in advance about the nature, scope and purpose of any proposed activities and interactions by others, which may involve their traditional knowledge, innovations and practices related to the conservation and sustainable use of biodiversity. A right of providers to preserve and develop their cultural heritage, traditional knowledge, etc. should be respected.

Any activities and interactions in the likewise format realized on the lands traditionally occupied or used by local communities should be carried out with binding prior informed consent and the involvement of local communities, as well as their subsequent receipt of an equal share of benefits (**kind**: access fees, license fees, salary, scientific research financing; **in-kind**: access to genetic resources’ objects, joint research, professional training, etc.). Any adverse effects on local residents, communities and lands traditionally occupied or used by them should be avoided. Otherwise, appropriate restitution or compensation should be ensured in accordance with legislation and related international commitments.

Persons interacting with provider’s representatives must respect the integrity, moral standards and spiritual principles of cultures and traditions, avoiding imposed external concepts, standards and subjective assessments. Recipients should not allow the misappropriation of genetic resources and associated traditional knowledge of their holders. The most common form of registering “mutually agreed terms” is contracts and agreements. Terms shall be established by all Parties involved in the process during their conclusion. A degree of responsibility for violation of bioethical principles can be determined by the bioethics commission/committee and the instruction of related organizations.

Pursuant to Article 23, the scope of the Nagoya Protocol also includes biotechnologies [4], and therefore scientific research. In this regard, it is possible to include a section of ethical norms related to scientific research [5] in the area of natural resources and traditional knowledge associated with them in the draft Code:

*- In the study of genetic resources, sustainable existence of a biological species in the natural habitat should be prioritized in all cases;*

*- During research, socio-economic, biological, environmental, religious and cultural characteristics that can influence their behavior should be taken into account;*

- *It is necessary to observe high standards of intellectual honesty and avoid violations of ethical standards such as falsification of scientific data, plagiarism, non-recognition of authorship and/or significant contribution to scientific work, non-compliance with prior consent terms, as well as mutually agreed terms related to the utilization of genetic resources and traditional knowledge for scientific purposes;*

- *Respect and equality should be considered as capstone principles;*

- *A scientist must be aware of his or her social responsibility and strive to anticipate possible undesirable effects potentially embedded in the results of his or her research;*

- *Researchers need to strive for active cooperation with the holders of traditional knowledge and practices, facilitate the establishment of international relations and information sharing;*

- *Education and awareness of local people and communities in managing biodiversity and the utilization of genetic resources should be enhanced. Any information related to this issue should be disseminated in a form understandable to local communities and decision makers;*

- *Involving people in academic pursuits as test persons is possible only upon informed consent from them, recognized private autonomy and human right to solve all issues concerning his or her body, psyche, and emotional status themselves;*

- *Use of animals in scientific experiments is possible only where accepted standards of humane research are complied with and are pursuant to the international legislation in this area.*

Ethical norms of behavior, no matter how good they are, are guidelines for communicating participants only and a real benefit that can be derived from a Code of Ethics is the creation of a professional environment in which deception, violation of the law, and unprofessional behavior are unacceptable.

## References

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2. Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity. CBD Guidelines. Secretariat of the Convention on Biological Diversity, Montreal. <https://www.cbd.int/doc/publications/addis-gdl-en.pdf>
3. Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities. CBD Guidelines. Secretariat of the Convention on Biological Diversity, Montreal. <https://www.cbd.int/traditional/code/ethicalconduct-brochure-en.pdf>
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5. Declaration of Ethical Principles in the area of Scientific Activities. Adopted at the 37th Plenary Session of the Inter-Parliamentary Assembly of the CIS Member States (Resolution of May 17, 2012 No. 37-6) // <http://www.pravoby.info/bel/16/153.htm>

*\*Non-binding translation*