

Access to Genetic Resources and Fair and Equitable Sharing of Benefits Resulting from their Use (ABS)

The Swiss Project on ABS for Academic Research

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Overview

- Starting Point
- Mandate and organisation of the project
- Method and procedure
- Present stage and planned activities
- Lessons learned
- Conclusions

Background I

Swiss policy on the implementation of the CBD

- Implementation of the Bonn Guidelines on the national level as one priority of the Swiss biodiversity policy
- Switzerland favours the voluntary implementation of the ABS principles

Background II

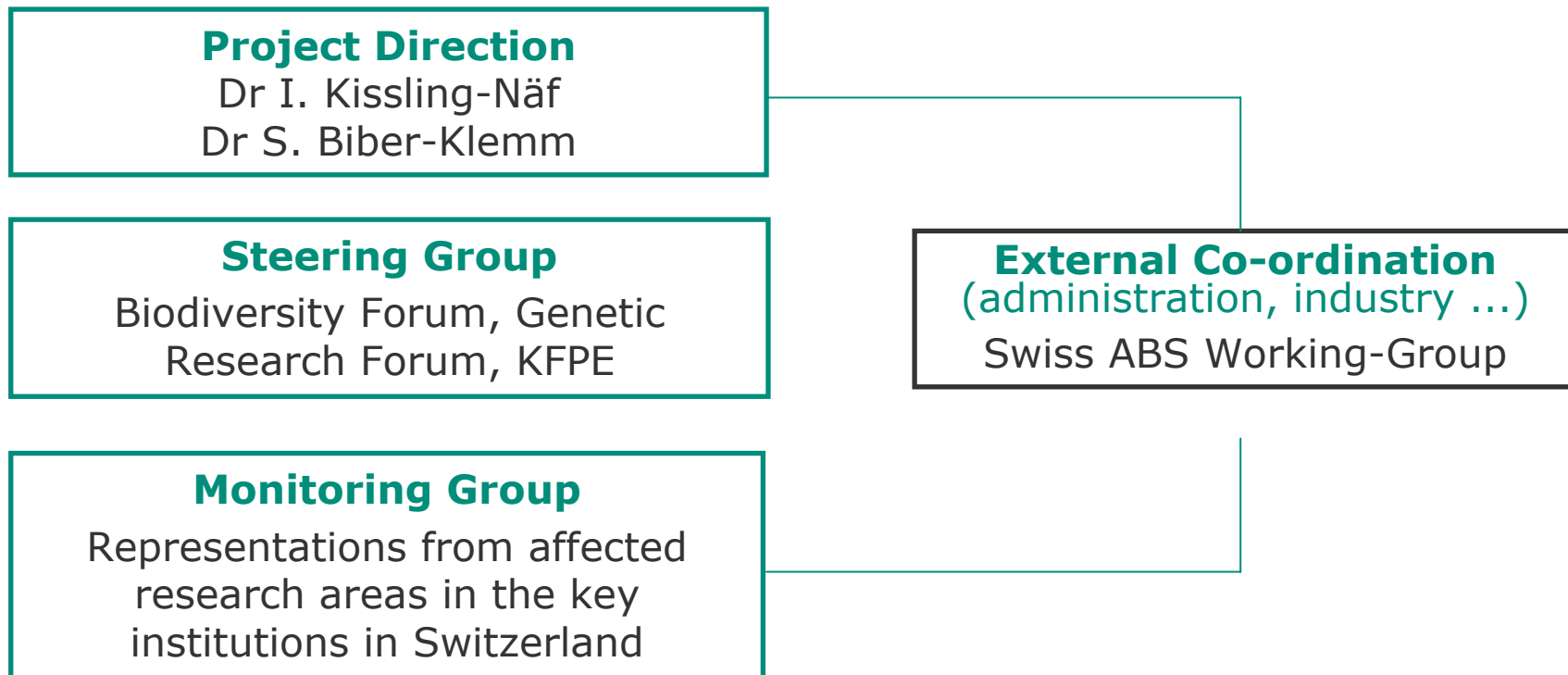


Mandate

To develop instruments for the voluntary implementation of the Bonn Guidelines by Swiss academic research

- Review of the ABS situation in academic research and analysis of existing problems
- Clarification of the requirements of the ABS system for academic research
- Stakeholder capacity-building through the creation of problem awareness and provision of information
- Creation of guidelines to support academic researchers in situations involving access to genetic resources

Project Structure



Composition of the Monitoring Group

▪ Disciplines

- Systematic botany
- Phytopharmacology
- Zoology
- Tropical medicine
- Biotechnology
- Food and development economics
- Experimental biology
- Ethnopharmacology
- Agriculture (ETH and universities)
- Technology transfer

▪ Organizations/Institutions

- Universities, technical universities and colleges
- Botanical gardens
- Institute of Tropical Studies
- Indo-Swiss Collaboration in Biotechnology
- Swiss Centre for International Agriculture
- Network for International Development and Cooperation
- National Center for Competence in Research North-South
- Swiss Agency for Development and Cooperation
- NGOs
- Industry (pharmaceuticals, seeds)

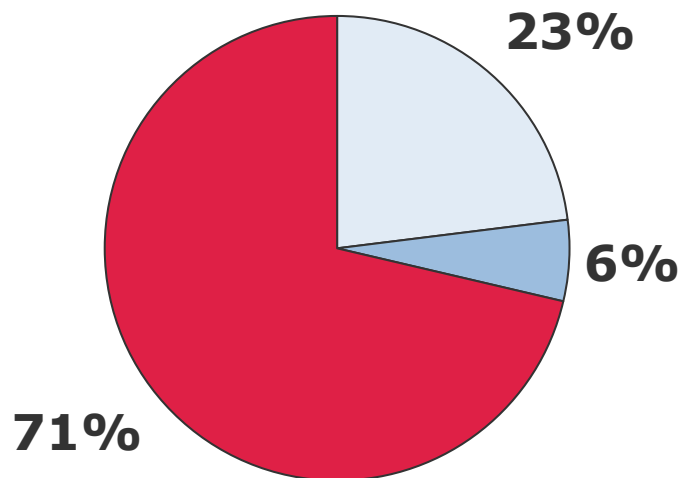
Procedures und Methods

- Principle
Participatory approach
- Situation analysis
Survey, partly-standardized interviews, document analysis
- Development of the instrument
Analysis of standardized access situations
Analysis of existing examples
- Evaluation
Swiss academic research
Donor countries

ABS survey among academia in 2003/04

- **175 institutions contacted** : universities, technical universities, universities of applied sciences, museums & collections, etc. (anthropology, agriculture, biology, chemistry, vet, food, etc.)
- 1 questionnaire: to sum up institute's general research activities
- 1 questionnaire for each ongoing ABS related research project
- **73 answers received** → rate of return: 42%
- **54 institutes with ABS experience** (19 institutes without)
- **87 ABS related research projects reported**

29 percent of research is taxonomic in nature

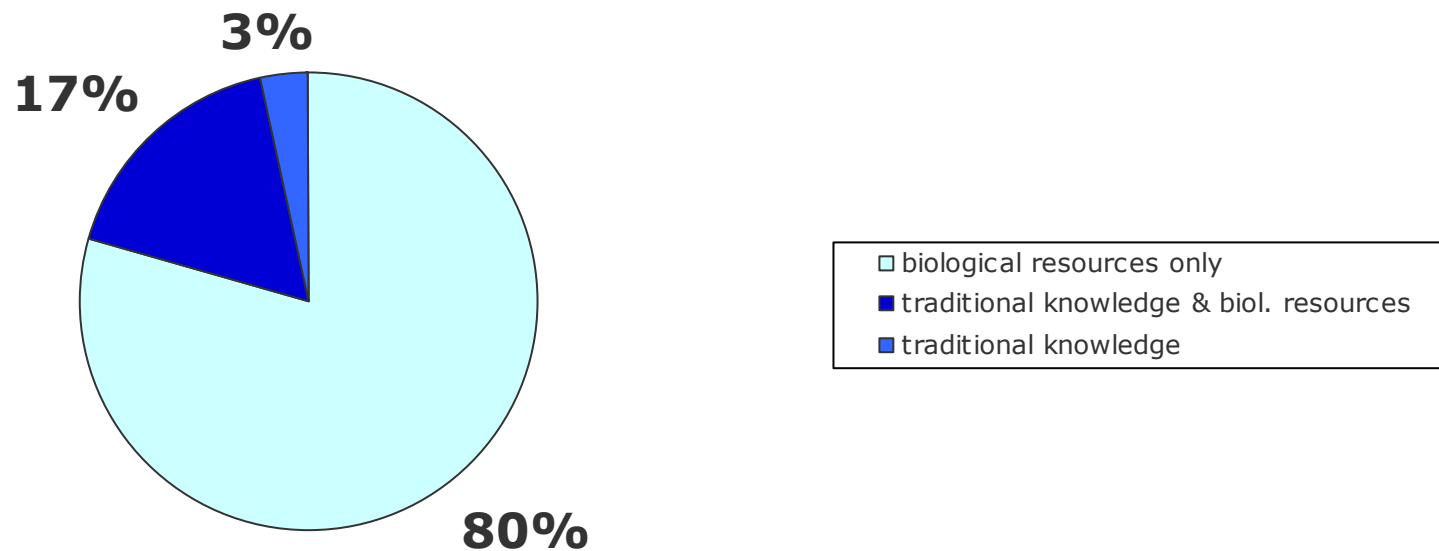


- taxonomy & systematics & inventory
- taxonomy & trad. knowledge
- no taxon. research

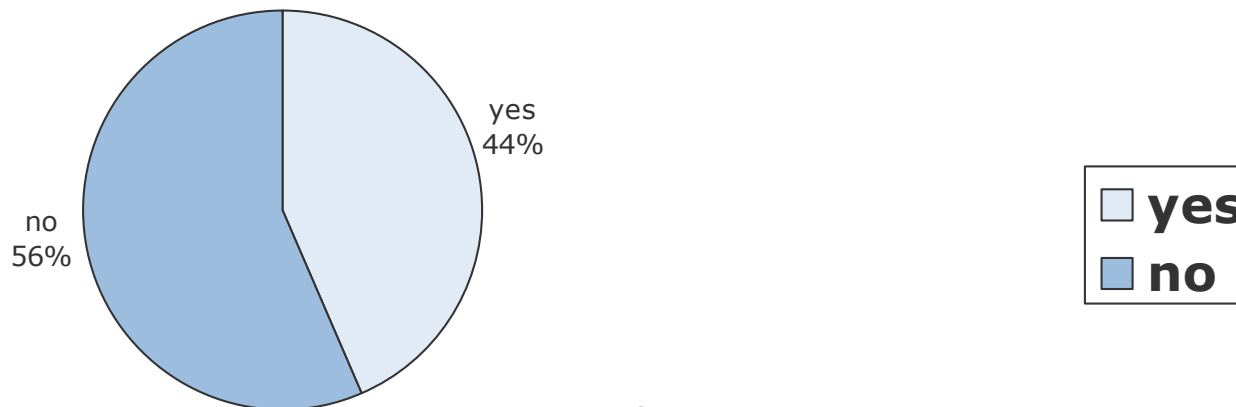
n=87

If we include another 30 non-specified projects from the Geneva Herbarium this proportion increases to 47% (n=117)

Every fifth research project involved traditional knowledge

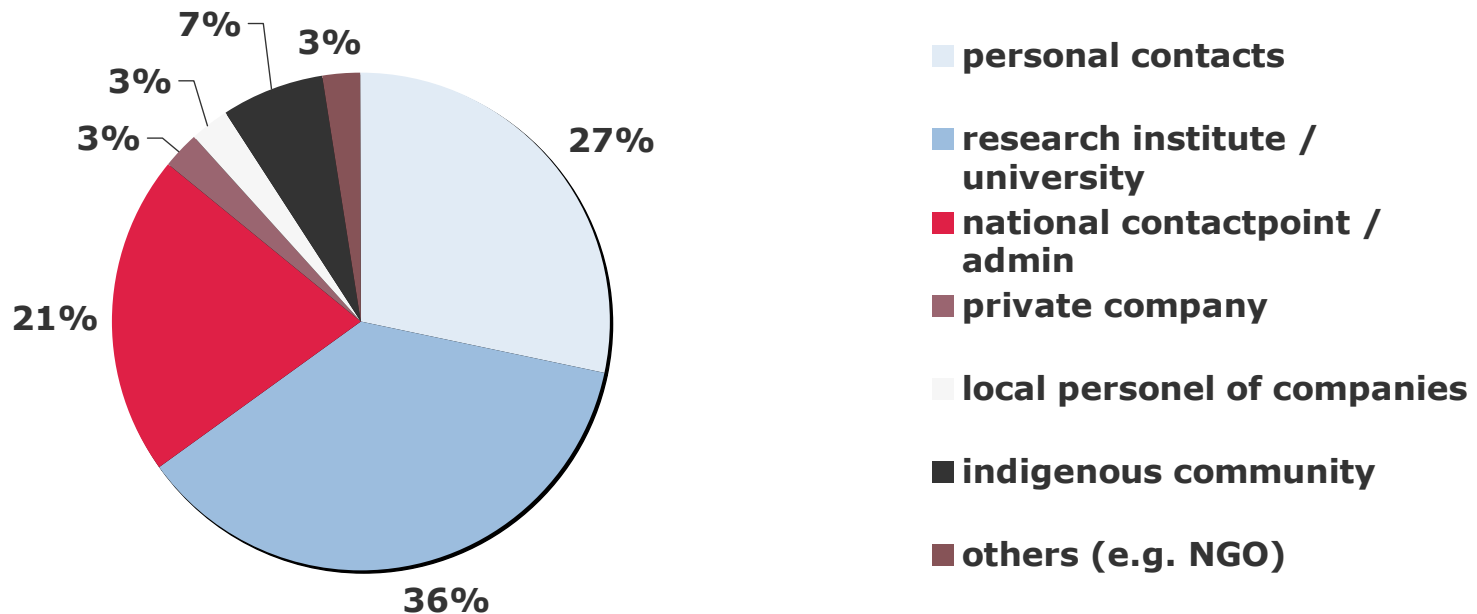


Did you encounter difficulties when accessing genetic resources?



Comment from questionnaire:
There were no problems, but we did not observe all of the rules.

Access partners in third countries are mostly personal contacts and research institutes



n=120

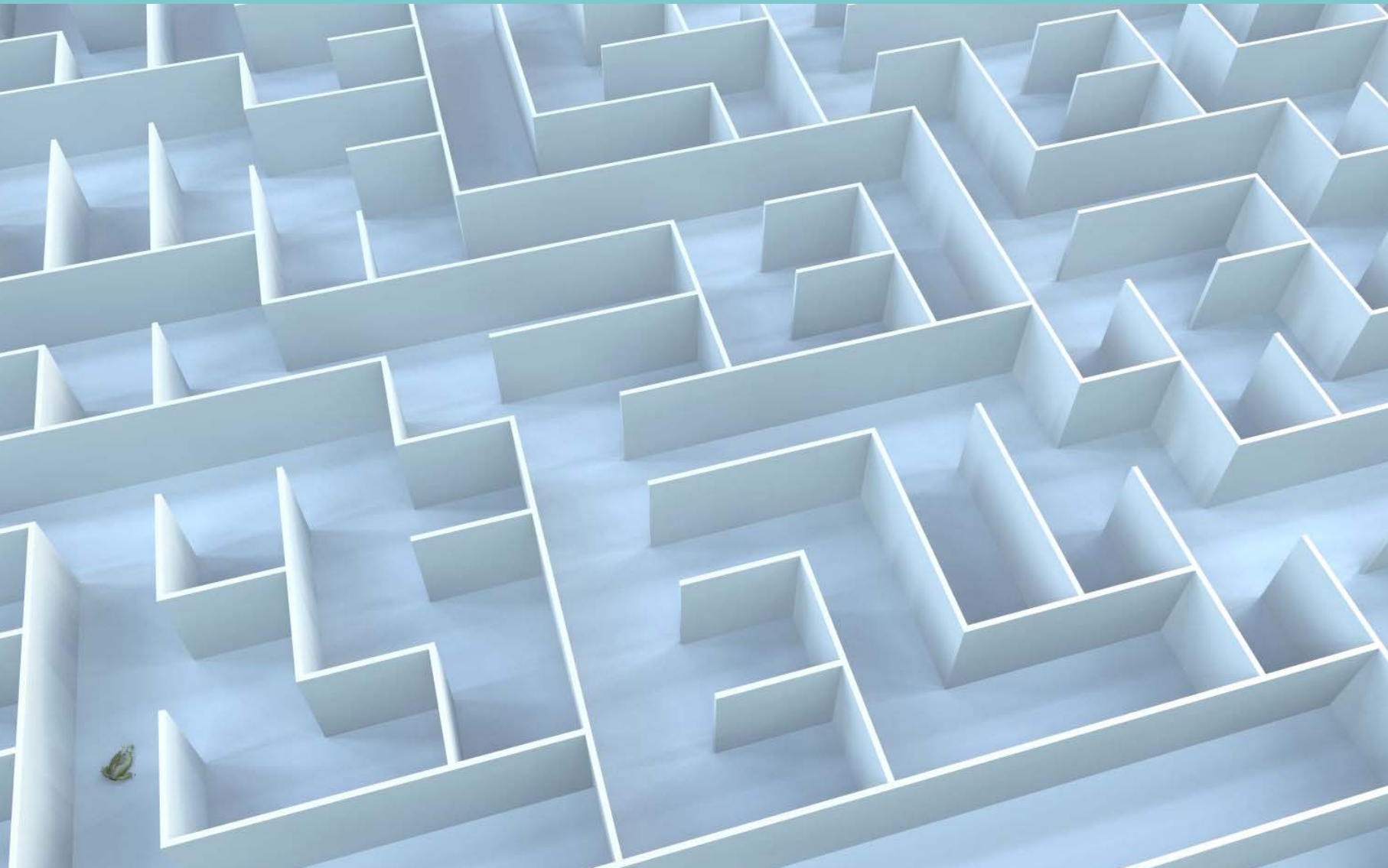
Position of Scientists

Survey and Good Practice

- Level of information on ABS requirements is low
- Negative reactions regarding (additional) bureaucratic burden
- Problem of additional time needed for preparatory process
- Insecurity as to the negotiation of contracts
- Critique as to financial requests of provider countries

Meeting „Megascience in Focus“ CBD/COP/8/INF/46

- Basic sciences suffer particularly from the uncertainties of ABS as no commercial benefits can be offered
- Biological sciences lack the necessary administrative and legal capacities to go through complex access procedures
- Countries are encouraged to review their processes for permits on research, collection, import, and export of specimens
- Countries are encouraged to streamline the ABS process. Rules and regulations need to be practicable



Resulting Criteria for the Manual

- Present information in a inviting, motivating way
- Easy access to the information of specific interest
- Motivation of researchers to implement the system
- Simple and clear cut information on a step by step basis
- Include a minimum of clearly specified obligations
- Examples and case studies



Access and Benefit Sharing

Good practice for academic
research on genetic resources

sc | nat 

Swiss Academy of Sciences
Akademie der Naturwissenschaften
Accademia di scienze naturali
Académie des sciences naturelles

Awareness and Capacity Building

Information and Capacity Building:

Principle: inform multipliers

Instruments:

- Manual
- Website
- Presentations (PPT, Poster)
- Texts for publications in relevant journals
- Information of Key institutions

Contacts and Coaching

Instruments:

- Contact and information centre
- Consulting in specific questions
- ABS project consultancy

Background Work

Analysis of and input into international processes on ABS

Analysis and publication of inquiry

Lessons learned

- ABS is a politically very sensitive issue, both in the South and in (the academic community of) the North
- The academic community is rather sceptical about the ABS system;
- Capacity building is necessary for researchers and institutions in general (i.e. not only for “northern” researchers).
- Complicated or restrictive and costly access procedures are difficult for academic researchers to cope with
- The lack of profile/definition of key concepts makes the clear communication of the ABS system difficult.

Specifics of Academic Research

- In most cases academic research involves basic research
- The goal is to generate background knowledge
- In terms of genetic resources, a considerable proportion of academic research targets the assessment of biodiversity (inventorization)
- The generation of economic benefits is not an objective of academic research.
- It aims to generate results that will benefit the welfare of global society
- It is publicly funded, thus its finances are “bound and closely monitored”
- Research is tied to the time-tables defined by the sponsoring agencies; milestones and intermediary results must be attained within a defined schedule
- Researchers are primarily interested in doing their research and are not experienced in the conclusion of contracts



PRIOR INFORMED CONSENT (PIC)	4. Contact the national ABS Focal Point (see sources p. 56).
	5. If there is no national focal point, inquire with SAEFL for the identification of an entry point and the competent authority.
MUTUALLY AGREED TERMS (MAT)	6. Apply for PIC: submit the necessary information (see PIC elements p. 44) to the identified entry points and stakeholders.
	7. Negotiate and agree on contract of Mutually Agreed Terms (see MAT elements p. 46 and 47).
BENEFIT SHARING	8. Before starting work acquire PIC and agree on MAT, including benefit sharing.
	9. Adhere to agreed research plan; if this is not possible, renegotiate PIC and MAT.
	*This applies to both resources acquired <i>in-situ</i> and from an intermediary institution.
	10. Further research steps must be covered by PIC and MAT.
	11. If not, obtain new PIC from the provider of the resource.
	12. If you transfer resources to a third party, ensure that this is covered by PIC and that the conditions of the initial MAT will be respected.
	13. Ensure that R&D with view to the commercialization of research results is covered by PIC and included in the MAT.
	14. If the findings lead to essential changes in the project, obtain new consent (PIC and MAT).
	15. If you transfer rights or processed research material to another institution, ensure that this transfer is covered by the PIC and that the specified conditions are met (MAT).
	16. Share any economic and/or academic benefits resulting from the valorization of the research findings.

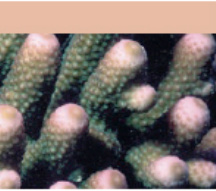
ABS Trigger points

- Planned research
- Kind of samples
- Analysis local or abroad
- Transfer to third party
 - For basic research
 - For applied research
 - For research and development

Recommendations

- MAT and PIC for first stage of research
- Make sure that transfer of ex-situ resource is covered by PIC

3. Benefits arising from academic research



Sharing of academic benefits

- Provide access to scientific data resulting from the research, including the necessary infrastructure
- Provide access to *ex situ* facilities
- Integrate partners into the reviewing process
- Co-publish research findings with research partners
- Support the academic careers of research partners
- Maintain institutional and professional relationships

Capacity building, scientific cooperation, participation, technology transfer

- Train local researchers in the field and in the laboratory
- Share samples
- Secure finance for maintenance of collections
- Provide research infrastructure (e.g. laboratory equipment)
- Provide communication infrastructure
- Integrate local researchers into scientific and practical work
- Integrate local assistants into practical work
- Implement research on a cooperative basis: cooperative project design; cooperative project implementation (see Sources: Guidelines for Research in Partnership with Developing Countries p. 57)

Increased availability of information and knowledge

- Provide ongoing information about research, progress and expected results



- Inform all stakeholders involved about results in a form that is adapted to suit the target audience
- Maintain contact with (local) representatives of administration, government agencies and research institutes

Application, R&D, commercialization of results

- Develop research directed at the practical needs and problems of the providing country
- Promote participation in product development; product development in the providing country
- Establish joint ownership of relevant intellectual property rights based on the level of contribution
- Share economic benefits

Useful tips

- ▶ Benefits should be aimed at the conservation and the sustainable use of biological diversity (BGL 48).
- ▶ Benefits should be shared fairly and equitably between all those who have contributed to the resource management and scientific and/or commercial process (BGL 48).
- ▶ Differences exist in benefit-sharing options between basic research, applied research and R&D for commercial uses.
- ▶ It may be necessary to explain carefully that academic research does not lead to economic benefits in most cases.
- ▶ A large part of the sharing of benefits may have to be carried out during the research itself.
- ▶ Benefits also exist, that must be implemented once research in itself has been accomplished.

But what is new for science?

Contracts needed for access to genetic resources, research on genetic resources and their transfer abroad, outside the ABS system:

- Research permit (issued by the competent governmental agency, based on the research project)
- Collection permission
- Contract on cooperation with local research institute
- Permit for exportation of specimens

What is the Goal of a Certificate of Origin?

From the point of view of providers:

- Control of the legitimate use of the resources, i.e.
- Prevention of illegitimate use, in particular in a commercial context
- Illegitimate use:
 - Use not conform to the PIC and the MAT
 - Use without PIC and MAT
 - In particular in view of benefit sharing
 - In particular in view of conditions, restrictions on use.

From the point of view of the users:

- Legal security on legitimate uses and agreed conditions

And where are the loopholes?

- Academic research aiming at a marketable product is not declared as such
- Specimen accessible for third parties, or transferred to third parties without information as to possible restrictions to use
- (No agreement at all)

Arguments for streamlined procedures for academic research

- Administrative burden also for provider countries
- Very few academic research projects look for marketable products
- Benefits accrue during or immediately after the research
- Supportive to the Global Taxonomic Initiative
- Less „black sheep“ among the researchers

Recommendation SC-Nat

- 1) the thorough evaluation of the option of a simple, formalized and generally recognized certificate for basic research which incorporates the mandatory condition that the acquisition of the corresponding PIC from the owner of the resource be sought (in accordance with the provisions of the applicable national laws and/or to international agreements/guidelines) for the transfer to third parties for R&D for commercial purposes or the implementation of such research in the same institution.
- 2) the integration of academic researchers/point of view of academic research as an important stakeholder group into the process for the development of a certificate of origin/source/legal provenance and an international regime on access and benefit sharing.



Thank you