

Submission of information and views in accordance with decision X/1 on Access and Benefit-sharing by the Deutsche Forschungsgemeinschaft (German Research Foundation, DFG)

Appreciating the notification for “Submission of information and views in accordance with decision X/1 on Access and Benefit-sharing” of the CBD Secretariat, the Deutsche Forschungsgemeinschaft (German Research Foundation, DFG) takes the liberty to provide herewith statements on the

- modalities of operation of an ABS-Clearing House Mechanism,
- benefit sharing in non-commercial biodiversity research,
- on its policy for funding research into biological diversity,
- on “facilitated access to genetic resources,
- on the issue of raising awareness of the importance of genetic resources,
- on mechanisms of promoting compliance with the Nagoya Protocol, and
- on model clauses for mutually agreed terms.

The German research Foundation (DFG) is the central self-governing research funding organization in Germany. In organizational terms, DFG is an association under private law. Its members are German universities, non-university research institutions, scientific associations, and the Academies of Science and the Humanities. The DFG receives the majority of its funds from the states and the Federal Government, which are represented in all Grant Committees. It supports primarily basic research in all disciplines: the humanities and social sciences, life sciences, as well as the natural and engineering sciences. Competence in matters of biodiversity research is based on the work of a “Commission on Biodiversity research” of the DFG Senate, as well as on the knowledge of numerous experts reviewing the respective research proposals. In this (biodiv.) field the DFG supports several collaborative research projects in Germany and in developing countries in addition to numerous individual projects and has accumulated considerable experience with their specific needs.

The modalities of operation of the Access and Benefit-sharing Clearing-House

Running an Access and Benefit-sharing Clearing-House in Germany is, from the viewpoint of research, a complex and multifaceted matter. This is due to the fact that in Germany non-commercial biodiversity research projects are funded by many agencies, including federal and state ministries as well as NGOs and are performed to a large extent in cooperation with the more than 100 German universities. The majority of the non-commercial biodiversity related research projects are performed in Germany and therefore do not require specific regulations for access to genetic resources. On the other hand, commercial biodiversity research is not only conducted by the industry, but by universities too, e.g. in the pharmaceutical departments.

While it appears technically feasible to record the projects run by associations, like the Max Planck Society or funded by agencies, like the German Research Foundation or the Federal Ministry of Education and Research, track keeping with all the biodiversity-related Bachelor, Masters and PhD theses going on in the German universities is extremely time-consuming and costly and in many cases appears simply not doable. Thus, only part of the required information will be made available to the ABS-CHM.

One of the major problems is the decision whether a research project is related to biodiversity issues or not. There are clear cases, but in ecosystem research, in particular so, if social and economic problems are tackled, such decision is not trivial.

For all these reasons the German Biodiversity Research Community, as far as it is represented by the German Research Foundation, will not be proactive with respect to the ABS-CHM, but will duly participate in the discussion of modalities when invited by the European Union through the relevant Federal Ministry for the Environment, Nature Conservation and Nuclear safety.

The German Research Foundation has produced “**Guidelines for funding proposals concerning research projects within the scope of the Convention on Biological Diversity (CBD)**” which must be considered in all applications for relevant projects (http://www.dfg.de/download/programme/sonstige/antragstellung/1_021_e/1_021e.pdf). These Guidelines address the problem of Benefit Sharing in detail and provide a list of potential benefits arising from non-commercial research which is in agreement with Annex 1 to the Nagoya Protocol. In that respect specific emphasis is attached to the capacity building sector of the projects, in particular when collaborating with scientist from developing countries. Funding collaborative research projects on ecosystem studies since decades, a wealth of experience has accumulated in the German Research Foundation and successful examples of **capacity building** in such projects have been published [Bendix et al. (2010) Benefit sharing by research, education and knowledge transfer – a success story of biodiversity research in southern Ecuador. <<http://www.cbd.int/wgabs9/events/se-abs9.shtml?tab=1>>] or mentioned in publications [Schindel D (2010) Biology without borders. Nature 467:779-781].

One major aspect associated with capacity building is brain drain. Frequently junior scientists from developing countries, after having received a doctoral degree in a western country tend to stay there, or their supervisors offer them a position in the academic community. This is capacity building in the wrong way. Developing countries need input of scientific knowledge by their own people and they need their connections with the scientific community. Therefore trainees must be encouraged to return to their country after having received their academic degrees.

Another issue of capacity building concerns the compilation of legal requirements on the part of provider countries for granting research permission. Article 8a commits provider countries to create conditions to encourage and promote non-commercial biodiversity research, but the mode of “**facilitated access**”, i.e. guidelines for the implementation of respective

regulations have not been proposed by the Nagoya Protocol. It is a particular requirement of basic/non-commercial research, that granting research permission is not delayed by bureaucratic processes because much of that kind of research is done by Master or PhD students who have only a limited time-span for their work. Therefore limitation of the facilitated granting process to 3 -4 months would be most desirable. The German Research Foundation will organize a workshop on that issue and invite stakeholders from the provider countries to participate in it.

Measures to raise awareness...

Germany has implemented its “National Strategy on Biological Diversity” in 2007, encompassing 330 goals and 430 measures. Recently, a program has been launched by the “Federal Ministry for the Environment, Nature Conservation and Nuclear Safety” for research into, and implementation, of such measures. Germany as a developed country must and can afford measures, costly or not, to protect and also restore its biological diversity. In contrast, biological diversity-related projects funded by the German Research Foundation in developing countries (Indonesia, Africa, South America) are confronted with a poor livelihood of the local, mostly rural population in the research areas where nature conservation ranges definitely after the needs of daily life. Therefore direct transformation of the measures for Germany to the tropical and subtropical countries is inappropriate. Most of the research projects include scenarios and ecological/economical models striving for improving livelihood of the local people by a better management of the natural resources. Educational measures in schools and through demonstration of measures and techniques in the field, and periodical reports in the media have proven promising.

Cooperative procedures and institutional mechanisms to promote compliance with the Protocol....

The key in that respect is the selection of the right partner for collaborative research which is the middleman between the researcher from the user country and the authorities/focal point in the provider country. It benefits the project to include the counterpart already in the application for research permit as well in the requested periodical reports. Joint performance of the research must be granted and the counterpart must take his part in responsibility for compliance with the mutually agreed terms.

The granting agency will not take any responsibility for compliance and the same holds for universities. There is no authority for continuously monitoring compliance in biodiversity issues in scientific institutions employing many academics. This may be different in museums with a comparatively small number of taxonomists.

Model clauses

The German Research Foundation is running a project on sectorial model clauses which have been discussed in detail and are now close to finish. On the other hand, from a practical viewpoint the proposal of the Swiss Academy (INFDoc 42 to COP10) which does

not provide model contracts may also be useful, as it explains the rationale behind agreements. This may help in special cases to find specific solutions. Having both at hand will be the best with regard to the above mentioned discomfort of many focal points with the facilitated granting procedure of research projects.

The German Research Foundation hopes that the above statements will bring some gain for the discussions in the **Open-ended Ad hoc Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of benefits from their Utilization to the Convention on Biological Diversity**. The DFG is interested in a fruitful exchange of ideas with the Secretariat of the CBD and welcomes reports of the meetings of the Intergovernmental Committee.