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Contribution to the first Assessment and Review of the Effectiveness of the Nagoya Protocol

Thematic area: Access to Genetic Resources and Benefit-sharing

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Dear Dr Paşca Palmer,

We are pleased to provide information on the publication of two new publications in relation to Access & Benefit Sharing and the Nagoya Protocol. They have been elaborated for the academic research community:

Utilization of genetic resources and associated traditional knowledge in academic research. A good practice guide for access and benefit-sharing

This publication explains Access to Genetic Resources and Benefit-sharing (ABS) and its implications for academic research. The guide offers comprehensive information to assist scientists and research institutions in planning and performing research projects that use genetic resources and associated



traditional knowledge from abroad. The goal of this manual is to enable researchers to act in conformity with the regulatory requirements of the Convention on Biological Diversity, its Nagoya Protocol and the International Treaty on Plant Genetic Resources for Food and Agriculture. The Good Practice Guide includes graphic illustrations outlining the steps to be taken when accessing genetic resources for research purposes, in-situ in the provider country, or ex-situ in public collections, within a research institution, or from third persons. It illustrates benefit-sharing opportunities to be included in the Mutually Agreed Terms from a non-commercial research perspective.

Switzerland has ratified the CBD, the Nagoya Protocol and the International Treaty. The Good Practice Guide informs about the corresponding Swiss legal obligations of academic researchers.

Authors: Susette Biber-Klemm, Sylvia I. Martinez

Swiss Academies Reports, 2016, vol. 11, no 4, Bern, Switzerland. (70 pages)

Download, for free: <http://abs.scnat.ch>

Agreement on Access and Benefit-sharing for Academic Research: A toolbox for drafting Mutually Agreed Terms for access to Genetic Resources and to Associated Traditional Knowledge and Benefit-sharing

This manual contains a set of model clauses for the negotiation of Access and Benefit-sharing (ABS) contracts and easy to understand explanations for non-lawyers. The toolbox enables users and



providers of genetic resources and associated traditional knowledge to set up an agreement that is adapted to the individual academic research situation. If mutually negotiated and agreed upon by the involved partners it can yield a "Mutually Agreed Terms" ABS contract. The toolbox provides sectoral model contractual clauses for academic research in the sense of article 19.1. of the Nagoya Protocol.

The Agreement serves as a template and can be applied to fill the gap where no national tools are available or in cases where agreements focus on commercial activities and are not applicable to academic research. The proposed text may also be used as a checklist for items that need to be agreed upon when negotiating access to genetic resources and benefit-sharing for academic research, or as inspiration for providers that draft standard contracts.

The toolkit Agreement on Access and Benefit-sharing for Non-Commercial Research is made available free of charge as a text document. Users may adapt it to their needs, reproduce or share the original or the adapted version, under the condition that there is no monetary advantage linked to the transfer, and that the recipient is bound to the same conditions (Creative Commons License 4.0).

Authors: Susette Biber-Klemm, Sylvia I. Martinez, Anne Jacob, Ana Jevtic
Swiss Academies Reports, 2016, vol. 11, no 3, Bern, Switzerland. 45 pages.
Download, for free: <http://abs.scnat.ch>

Both publications have also been uploaded onto the CBD ABS Clearing-House.

It is with great pleasure that the Swiss Academy of Sciences makes this information available to the CBD secretariat. Our wish is to contribute to fruitful cooperations between providers and users for their mutual benefit and for the benefit of biodiversity.

Sincerely yours,

Dr. Jürg Pfister
Secretary General

Dr. Daniela Pauli
Chief Science Officer Swiss Biodiversity Forum