

# IMPLEMENTING ACCESS & BENEFIT-SHARING (ABS)

& Ensuring Academic Non-Commercial Research for the Conservation & Sustainable Use of Biodiversity

Messages from a pilot science-policy dialogue in Latin America and the Caribbean



The ABS project in Latin America and the Caribbean of DIVERSITAS, ICSU-ROLAC, SCNAT and IUBS, in collaboration with the GEF ABS LAC Project/IUCN-Sur and the University of Bonn, provided a pilot experience in initiating a dialogue between academic researchers and policy-makers. This document compiles its key messages.

## The Convention on Biological Diversity (CBD) and the Nagoya Protocol (NP), an international regulatory framework for ABS

Biodiversity is essential for the survival of mankind. Yet it is being lost at an alarming and accelerating rate. To halt this loss, the CBD signposts as one of its objectives “the fair and equitable sharing of the benefits arising from the utilization of genetic resources”. This ABS obligation is specified in the NP, a supplementary agreement to the CBD. Its **Article 8(a)** asks for

establishing simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research.

*An important player in ABS is non-commercial biodiversity research.*

## Academic research: a lever for valuing genetic resources and associated traditional knowledge

Academic research contributes in different ways to the CBD’s objectives. Firstly, it provides the necessary knowledge for taking sound measures and informing decisions on conservation and sustainable use of biodiversity. Secondly, it provides a vast array of non-monetary benefits that stretch from mere exchanges between scientists to sharing results with local communities up to providing research infrastructures and related capacity-building to local institutions. Thirdly, it provides a foundation for research and development since some of its results might be of interest for further investigation for commercial ends.

## Why simplified access for non-commercial research?

To operate, academic research needs access to biological resources and associated traditional knowledge, but lacks the financial, organisational or time resources for long-lasting negotiations. Hence, implementing the NP provides an **opportunity** to simplify access procedures for non-commercial research.

*ABS is a cross-cutting issue involving different governmental agencies and stakeholder groups.*

## Favourable conditions to facilitate the implementation of ABS regulations

### 🔄 SCIENCE-POLICY DIALOGUE

- Because academic researchers and governmental officials act in different “worlds”, bridges built between these worlds help create mutual **understanding** of their respective concerns on ABS issues.

### 🔄 STRATEGIC FRAMEWORK AND INTER-AGENCY COORDINATION

- A holistic, integrative ABS policy framework is a prerequisite to capture the cross-cutting nature of ABS issues.
- The development of an integrative model depends on the allocation of appropriate economic means whose return on investment will be the benefits generated by a sound and effective ABS system aligned with the NP requirements.

- Considerations of international cooperation and benefit-sharing into national ABS frameworks will help create synergies between national and international activities.

### ➔ AWARENESS RAISING AND CAPACITY-BUILDING

- All stakeholders have to be capacitated to comply with ABS legislation.
- The authorities involved in the ABS procedures should acquire a working understanding of the goals and mechanisms of academic research.
- Focal points have to provide guidance to researchers on how to comply with access regulations.

### ➔ ADAPTED LEGISLATION AND SIMPLIFIED ADMINISTRATION

- It is of key importance that differing ABS procedures for non-commercial and for commercial research are established, as well as procedures for a change of intent.
- It is essential to develop sui-generis regimens for the protection of traditional knowledge.
- The legislation needs to be supplemented by transparent, sound and efficient application procedures that take into

account the “reality” of what research is about. These procedures need to address permits’ issuing, access to resources stored *ex situ*, and exchange between collections (including on the international level).

- Application procedures should be streamlined by coordinating the roles of the different agencies involved.

*A multi-stakeholder approach is necessary to capture all constraints and opportunities and build the mutual trust needed to develop and implement a sound ABS system.*

### ➔ CHANGE OF INTENT AND MONITORING

- Change of intent increases the potential to obtain economic benefits from results produced by academic research.
- In legislation, the triggers for notification of a change of intent need to be defined and the corresponding administrative procedures clarified.
- When defining rules for a change of intent it should be ensured that they do not increase the complexity of access for academic non-commercial research.
- It is advantageous to streamline procedures for negotiation of Mutually Agreed Terms.
- Instruments to monitor and control commercialisation should be established through effective checkpoints done by patent offices, sanitary authorities, authorities for market admission, etc.

### ➔ INSTITUTIONAL ARRANGEMENTS

- Research institutions and universities need to build awareness on their ABS obligations. In the case of big institutions the requirements may include the implementation of institutional policies, the designation of a body or office in charge of ABS negotiations and the adoption of good practices for their researchers.
- Agencies of technology transfer might prove helpful to provide support in the negotiations between university, governmental agencies and industry in cases of change of intent.

- The administrative facilitation for access to and exchange of *ex-situ* resources can be complemented by toolkits for access to collections and uniform Material Transfer Agreements.

### ➔ STRATEGIC RESEARCH PARTNERSHIPS

- ABS procedures should not encumber regional or international research partnerships since they can prove highly beneficial to enhance biodiversity knowledge and capacities.
- It is important to support capacity-building for negotiation of projects and contracts, and to strengthen cross-cultural and cross-institutional collaboration between regions and countries.

### ➔ COOPERATION WITH INDIGENOUS AND LOCAL COMMUNITIES (ILCS)

- When operating with ILCs and local authorities, it is essential to avoid breaking trust by malpractices or by generating false expectations regarding potential economic benefits of academic research.
- There is a need for researchers and ILCs to mutually understand the complexity and principles of their respective knowledge systems.
- Researchers could empower ILCs by having them participate in some of the project activities when undertaking *in-situ* research on ILCs’ territories.
- Prior Informed Consent should provide for protecting the rights of holders of associated traditional knowledge, including when traditional knowledge is published in academic publications.

*There is an enormous opportunity of non-monetary benefit-sharing arising from non-commercial academic research.*

### ➔ COMMUNICATION SKILLS

- Academic researchers should be aware of their obligation to share benefits of research findings.
- They should publicise concrete, positive examples of benefits shared in non-technical language for policy-makers, governments and the private sector.
- Researchers should improve their capacity to provide scientific input to decision-makers and stakeholders in the appropriate language and format.

*By working together, governments and academic institutions can create favourable conditions for ABS.*

#### MORE INFORMATION

on the CBD website [www.cbd.int/abs/](http://www.cbd.int/abs/) and the ABS portal of IUCN-Sur [www.portalces.org/](http://www.portalces.org/)

**THE FULL DOCUMENT** of this summary is available at [www.diversitas-international.org/activities/policy/cbd-1/access-and-benefits-sharing-abs](http://www.diversitas-international.org/activities/policy/cbd-1/access-and-benefits-sharing-abs)