



Training on Mutually Agreed Terms (MAT)

- Contracts for making ABS functional -

Organized by the

ABS Capacity Development Initiative

and in collaboration with the

Secretariat of the Pacific Regional Environment Programme (SPREP)

5 to 8 August 2014, Nadi, Fiji

Background

With the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Nagoya Protocol), many countries are in the process of developing new or are revising their existing ABS regulatory frameworks for its implementation.

In light of the central role of MAT in any functioning ABS system, understanding key elements of ABS contracts and contract law is key for the conclusion of fair and equitable access and benefit-sharing arrangements and long-term trustful relationships between providers and users of genetic resources and associated traditional knowledge.

However, practice reveals that negotiating partners are often not equally empowered to negotiate at eye level. The development of an understanding of key elements for inclusion in ABS contracts, as well as negotiation skills has been mentioned at many occasions as one of the key capacity building needs in the context of ABS.

Objectives

Against this background, this training aims at providing a more in-depth understanding of key elements of ABS contracts with respect to content, as well as negotiation process. In more detail the objectives of the training are to:

- Gain an understanding of the overall role of mutually agreed terms in the context of ABS;

- Identify and understand the various actors involved in ABS agreements and their differing interests and practices;
- Learn how to find and understand the interest of your counterpart in ABS negotiations;
- Comprehend the building blocks of ABS contracts, including object and purpose of the contract, third-party transfer and change of intent, benefit-sharing clauses, intellectual property rights (IPRs), compliance and enforcement;
- Develop negotiation skills to conclude optimal and mutually beneficial ABS agreements;
- to provide a platform for dialogue where national focal points and other representatives of relevant institutions potentially involved in ABS contracts negotiations can discuss and share concrete and practical experiences with ABS contracts and learn from each other

Expected Outcomes

It is expected that after the workshop, participants come away with a sound understanding of:

- i) Key elements of ABS agreements
- ii) Relevant aspects of contract law
- iii) Negotiation skills required to conclude successful ABS agreements

Workshop Methodology

The workshop will comprise presentations, films and group activities, including a wide variety of practical exercises based on real life and fictional cases. Participants will be expected to be actively involved in the discussions and group work.

Materials will be circulated to the participants before the training as required reading.

Participants

Up to 40 participants including National Focal Points of the Nagoya Protocol and representatives from the Competent National Authorities of countries in the Pacific region likely to be involved in negotiating ABS agreements.

The workshop will be held in English.

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