



# CAPACITY-BUILDING WORKSHOP ON THE NEGOTIATION OF MUTUALLY AGREED TERMS FOR ACCESS TO GENETIC RESOURCES, TO SUPPORT EFFECTIVE IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT SHARING

*hosted by the*

*Caribbean Community Secretariat*

*in cooperation with the*

*ABS Capacity Development Initiative and the Government of Suriname*

*30 November – 04 December 2015, Paramaribo, Suriname*

## OUTLINE

With the entry into force 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 revising existing ABS regulatory frameworks for implementing the Protocol.

In light of the central role of Mutually Agreed Terms (MAT) in any functioning ABS system, understanding main 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. Development of the understanding of main elements of ABS contracts as well as negotiation skills have been mentioned at many occasions as key capacity building needs.

### Objectives

Against this background, the training aims at providing in-depth understanding of key elements of ABS contracts with respect to content as well as negotiation process. The objectives 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;

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- Develop negotiation skills to conclude optimal and mutually beneficial ABS agreements;
- 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:

- Key elements of ABS agreements;
- Relevant aspects of contract law;
- Negotiation skills required for concluding successful ABS agreements.

### **Workshop Methodology**

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

### **Participants**

Up to 40 participants, including representatives of the National Focal Point agencies for the Nagoya Protocol, legal officers, and representatives of indigenous and local communities from CARICOM Member States, likely to be involved in negotiating ABS agreements.

The workshop will be held in English.

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