

“Contrato Marco” or a Framework Contract: proposal for scientific research in Colombia

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**ABS contracts for non-commercial academic
research – two complementary models.
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Content

- Characteristics of scientific research on biodiversity
- The Object of access
- The Framework contract
- Critical issues
- Advantages of a Framework Contract

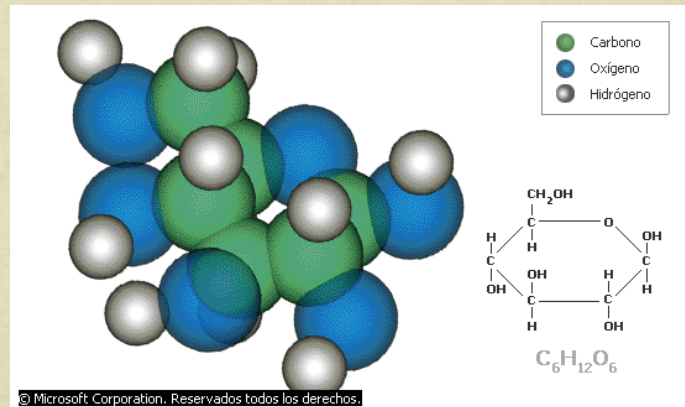
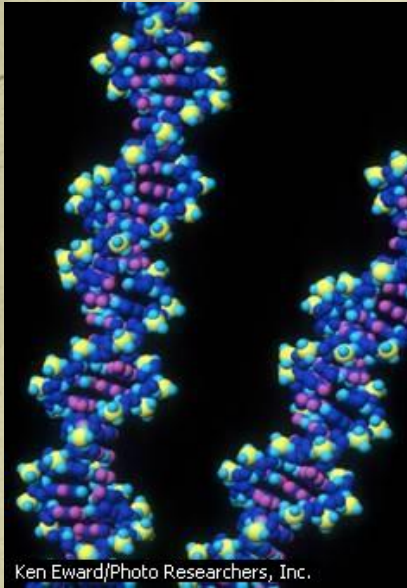
Continuity and redefinition

Non-commercial and commercial application of research results



Chuck O'Rear/Woodfin Camp and Associates, Inc.

Biological material : workable differences between biological and genetic resources?



Genetic Resources

- any biological material containing "*functional units of heredity*"
- all biological material that contain genetic information of value or of real or potential use.

By-products or derivatives

a molecule, a combination or mixture of natural molecules, including crude extracts of live or dead organisms of biological origin that come from the metabolism of living beings.

Biological Resources

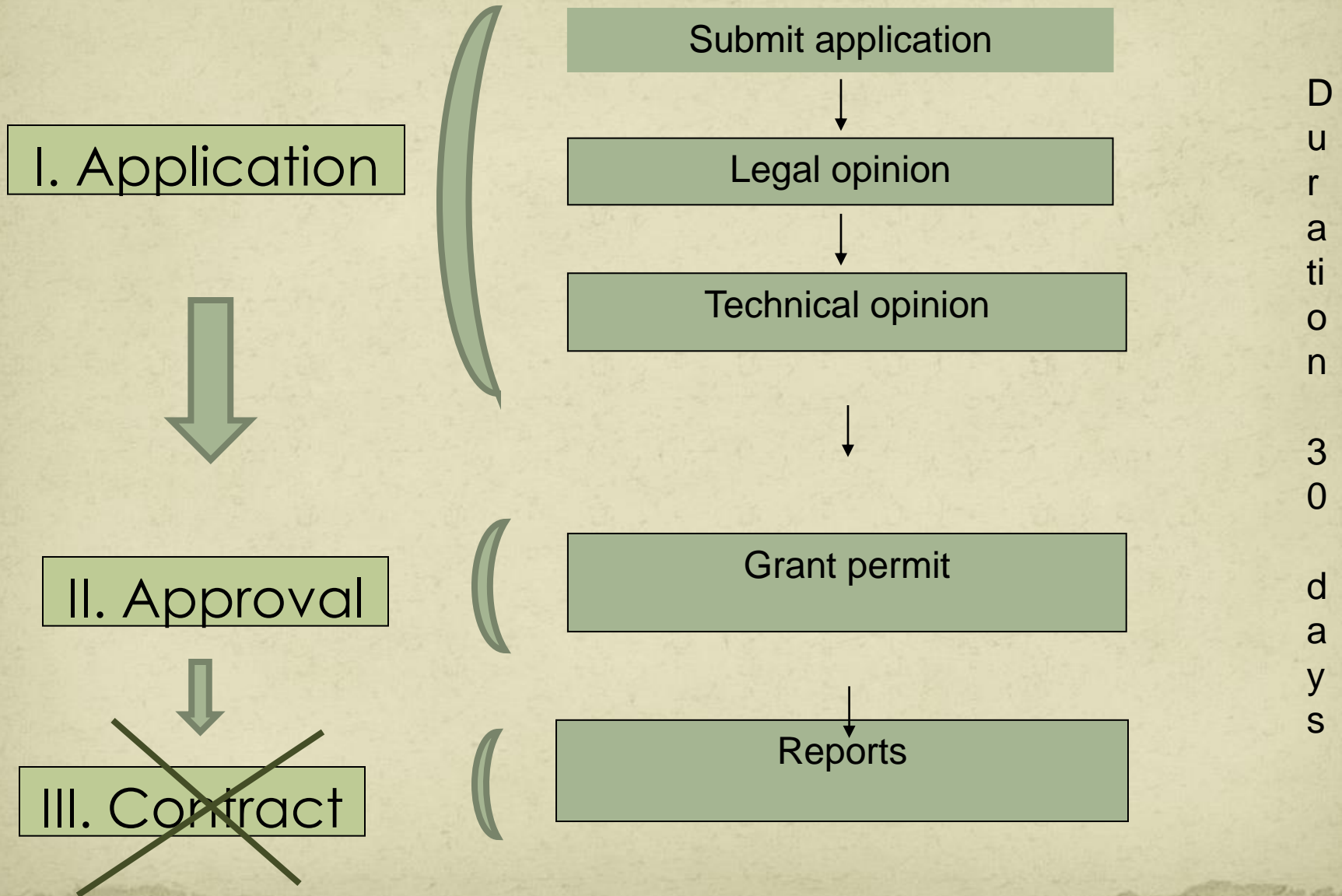
individuals, organisms or parts of them, populations or any biotic component of value or of real or potential use that contains a genetic resource or its by-products.

Parallel regimes: PEFIC and AGR

Research permit for Biological Resources (PEFIC)

- Permits for scientific research on biological diversity
 - Activities:
 - Collection,
 - capture,
 - hunting,
 - fishing,
 - mobilization of specimens,
 - among others

Permit Procedure (PEFIC)



Access to Genetic Resources (**AGR**)

the obtaining and use of genetic resources conserved *in situ* and *ex situ*, of their by-products and, if applicable, of their intangible components,

for purposes of

research,

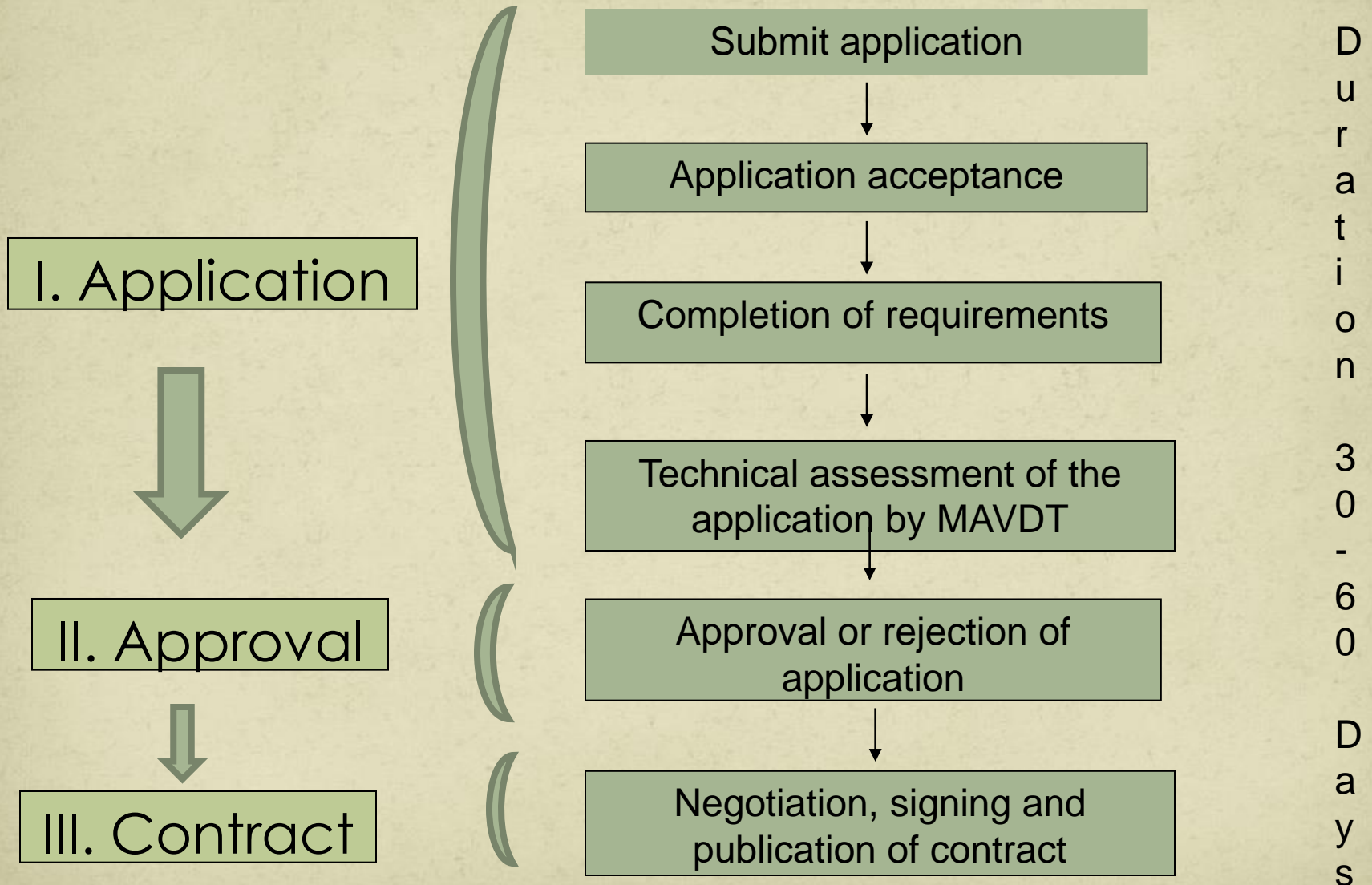
biological prospecting,

conservation,

industrial application and commercial use,

etc.

Access Procedure (**ARG**)



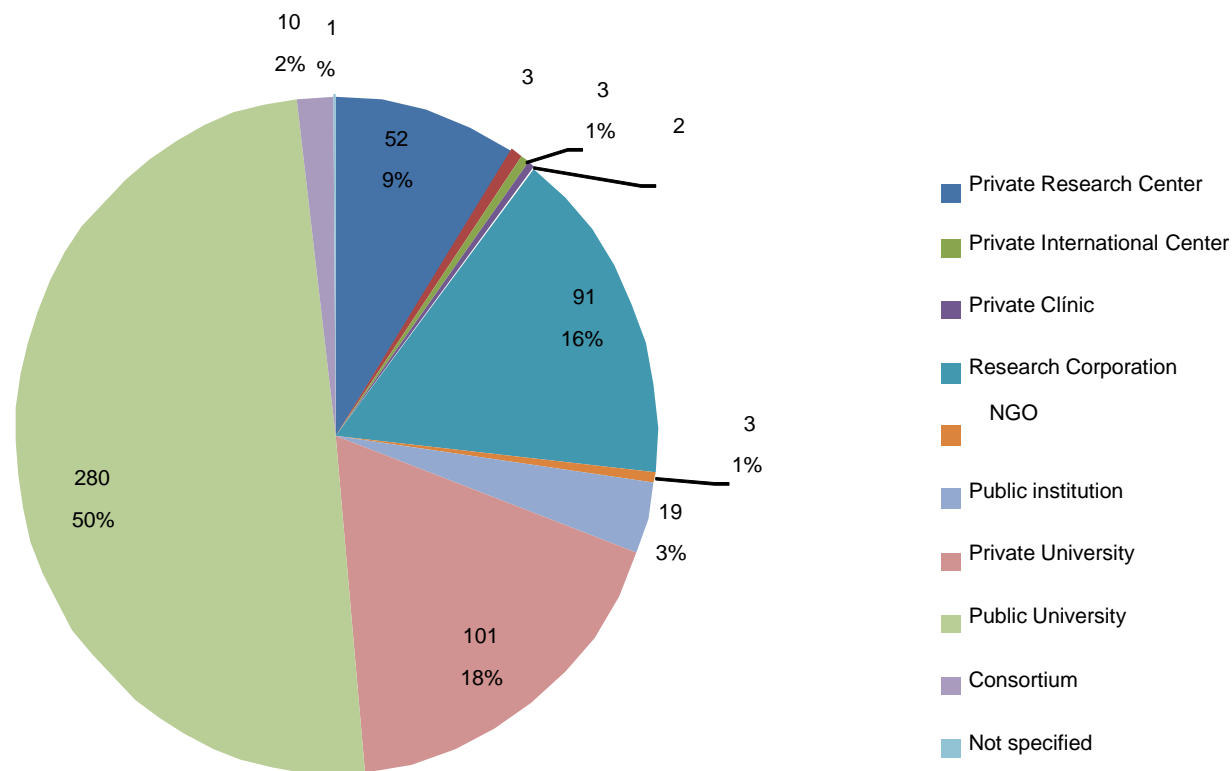
Research on genetic diversity 2008

ACCESS TO GENETIC RESOURCES OUTSIDE THE LAW				
	In situ	Ex situ	Both	Not specified
Groups ScienTI	404 (61%)	214 (33%)	0	38 (6%)
Institutes SINA	26 (93%)	2 (7%)		
CENIRED	4 (7%)	55 (93%)		
CIAT	5 (12%)	11 (26%)	27 (62%)	
Agriculture Ministry	27 (25%)	44 (40%)	39 (35%)	

Adapted from Nemogá, et. al, Sections 1.1; 1,2; 1.3, La investigación sobre Biodiversidad en Colombia. National University of Colombia 2010. Bogotá.

Colombian System in Science and Technology (GrupLAC)

RESEARCH PROJECTS BY TYPE OF INSTITUTIONS



Source: Fig 7. Chaparro, et. al, Chapter 1, pag. 29, En La investigación sobre Biodiversidad en Colombia. National University of Colombia 2010. Bogotá.

Modalities of Access contracts (non-commercial use)

Individual Access Contract

- Individual researcher, institution or company, national or foreign
- Non-national individuals:
 - National Support Institution (research co-coordination).

Framework contract (several projects)

Dec 391 .Article 36.- The Competent National Authority may enter into access contracts with universities, research centers or well-known researchers to support the execution of several projects, as provided for in this Decision and in keeping with the national legislation of each Member Country.

Building National Capacities & Draft protocol (art. 5, a,)

- CDB Sovereignty rights of countries of origin
- Participation of nationals for capacity building
- **Arbitrary rules and procedures?**
 - India The Biological Diversity Act 2002, Chapter II, art 3 (2)
 - Costa Rica Law 7788, Chapter 1, transitory article
 - Andean Decision 391. National Support Institution (Institución Nacional de Apoyo)

Framework Access Contract (several projects)

- Universities and research institutions.
(Research programs)
- Authorization to granted institutions for including new projects (Research program)
- The authority has the power for monitoring and following up new projects included within the “Contrato Marco” (information system)
- Exclude access contract for commercial use of resources or results

How it will work?

- Mutual trust
- Monitoring system by authorities
- Periodical and final reports
- Obligation to report research results with potential commercial application
- Proposal on ABS

Critical issues and clauses

- Distinction of biological and genetic resources
- Special conditions for nationals – capacity building
- Defining the scope (examples)
 - UNC Program in marine organisms
 - GeBix Bioprospecting on extremophiles
- Time frame
 - Unlimited, subject to periodical renewall
 - 5 years, subject to renewall
- Inclusion of New projects

Advantages or benefits

- Reduce administrative and bureaucratic load
- Researchers with institutional support and responsibility
- Building up common trust
- Increasing knowledge on biodiversity
- Viable international alliances or partnerships
- It solves at least 80% of research access projects
- Guarantees PIC and MAT

Previous Consultation

(Law 21 of 1991, Decree 1320 of 1998)

Procedure:

1. Initial contact
2. Preliminary meeting to establish potential social, economic, cultural, and environmental impacts
3. Following up meeting
4. Final meeting of previous consultation with the participation of:

Representatives of research institution

Officials from the Ministry of Environment

Official from the Ministry of Interior

Authorities of regional environmental organizations

Indigenous authorities

Representatives from Indigenous organizations

Members of the community

Advisors



Thank you
Gracias

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