

Material acquisition agreement between CGN and the Government of Sierra Leone

This agreement is in accordance with the rules contained in the International Code of Conduct for Plant Germplasm Collection and Transfer of the FAO Global System on Plant Genetic Resources for Food and Agriculture, and with the provisions of the Convention on Biological Diversity and the International Treaty on Plant Genetic Resources for Food and Agriculture. These international agreements recognize the sovereignty of states regarding their genetic resources and offer the framework for the international exchange of germplasm.

In accordance with this code, the following conditions will be observed under this agreement:

1. The Government of Sierra Leone (GOSL), through the Ministry of Agriculture and Food Security (MOAFS), grants permission to the Centre for Genetic Resources, The Netherlands (CGN) to conduct collecting exercises of plant genetic resources for food and agriculture within Sierra Leone. The germplasm being collected is defined in the attached list, which forms part of this agreement (annex 1).
2. MOAFS further grants permission to CGN to maintain the genetic material in its gene bank, under the mandate of the Netherlands government and as part of the public domain.
3. CGN will make no claim of ownership over the germplasm collected in Sierra Leone, and will seek no intellectual property rights over the materials or related information. CGN will further pass on the same obligations to all future recipients of the germplasm.
4. CGN will hold the collected germplasm in trust under this agreement and will store it in its facilities. In addition, it will select for incorporation in the CGN collections those materials that add to the coverage of the genepool, it will periodically regenerate those materials incorporated in its collections, and duplicate them for security reasons, when needed. Furthermore, CGN may characterize and evaluate all stored materials under this agreement according to its needs.
5. As far as incorporated in its collections, CGN will be allowed to make the germplasm, and related information, and its progeny upon regeneration available to any third party for the purpose of utilization and conservation for research, breeding and training for food and agriculture. Germplasm shall be provided under a Material Transfer Agreement (MTA), with terms intended to prevent the recipient from obtaining intellectual property rights on the material itself or over material that is essentially derived from the germplasm received, and to require similar commitments from any further recipients.
6. CGN adheres to its policy of unrestricted availability of germplasm held in its gene bank, but shall inform MOAFS of any of the materials, and release the identity of the third party, and the intended use of the materials.
7. To contribute to enhancing local skills in genetic resources conservation, CGN commits itself to seeking options for training research staff of MOAFS in the conservation of PGRFA, and for farmers in Sierra Leone, through Farmer Field Schools as provided.
8. CGN guarantees continued availability and the option of repatriation of the materials and associated information upon request of MOAFS.

9. CGN, acting as intermediary between Sierra Leone and any user of the collected germplasm commits itself to requesting the potential user to get into contract with MOAFS on agreements including benefit sharing derived from the use of the germplasm upon commercialization of the products of research and breeding that include the said germplasm. MOAFS shall have the right to set conditions on benefit sharing regarding the germplasm under this agreement. Such conditions shall be agreed upon through an agreement between MOAFS and the third party and cover the commercialization of research and breeding products.

The Undersigned authority on behalf of the Ministry of Agriculture and Food Security in Sierra Leone warrants that it is legally qualified to provide the germplasm to CGN, and that all necessary permissions to provide the germplasm to CGN have been obtained from other parties in government.

Representative of the Ministry of Agriculture and Food Security

Name:.....

Position in Government:.....

Full Address:.....

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Signature:..... Date:.....

Representative Centre for Genetic Resources Netherlands

Name:.....

Position:.....

Full Address:.....

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Signature:..... Date:.....

Annex 1:

Germplasm of the following crops shall be collected:

1. *Capsicum species* (pepper)
2. *Cucumis sativus* (cucumber)
3. *Solanum melongena* (egg plant – jagto)
4. *Lycopersicon esculentum* (tomato)