

THE ABS
CAPACITY
DEVELOPMENT
INITIATIVE



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'APA

Developing ABS Measures

10th Pan-African Workshop on Access and Benefit Sharing
06-10 March 2017, Dakar, Senegal

Pierre du Plessis

funded by



DANISH MINISTRY
OF THE ENVIRONMENT



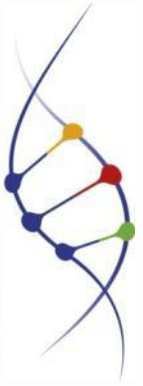
implemented by



No ABS Measures = Free Access!

No ABS Measures = No Protection!

No ABS Measures = No Compliance!

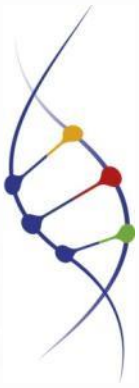


BUT

Some Benefit Sharing is possible even without ABS Measures, if agreed in a contract.

**HOW TO GET USERS TO ENTER INTO
BENEFIT SHARING CONTRACTS ???**

The legal origins of ABS



UN Charter and principles of international law (CBD Art 3):

... *States have the sovereign right to exploit their own resources pursuant to their own environmental policies...*

CBD Art 15: ... *authority to determine access rests with national governments and is subject to national legislation...*

Nagoya Art 6.1: ... *subject to domestic ABS legislation or regulatory requirements, access to GR for their utilization shall be subject to the PIC of the Party providing such resources...*

Nagoya Articles 6.2 and 7 (GR owned by IPLCs, and aTK): ... *take measures as appropriate in accordance with domestic law ...*

AU Guidelines and ABS Clearing House



A: Africa's highest decision-making organ – the AU Assembly of Heads of State and Government – has decided that PIC is required for access to African GR and aTK – even in countries with no ABS laws or regulations in place >>

B: The surest way to prevent an assumption of free access in a country is to put a notification of PIC requirements on the ABS CH >>

C: Nagoya Art 24 encourages even non-Parties to contribute appropriate information to the ABS CH >>

THEREFORE the first and most basic ABS Measure is to put a notice on the ABS CH that your country requires PIC and MAT

Other ABS Measures

Authorities

Application process

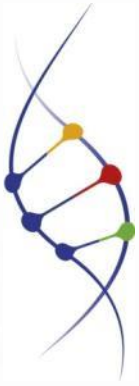
Contracts – key with or without laws

- **Material Transfer Agreements**
- **Mutually Agreed Terms**
- **Benefit Sharing Agreements**

IPLC measures

- **BCPs**
- **Traditional Authorities**
- **Customary Laws**

National Valorisation Strategies to avoid being „user-driven“





Thank You!