

THE ABS
CAPACITY
DEVELOPMENT
INITIATIVE



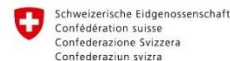
L'INITIATIVE DE
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DES CAPACITES
POUR L'APA

Access and Benefit-sharing: the Concept

Community-to-Community Exchange on ABS and TK
Pretoria, South Africa, 3 September 2018

Lena Fey, ABS Initiative

funded by



Swiss Confederation

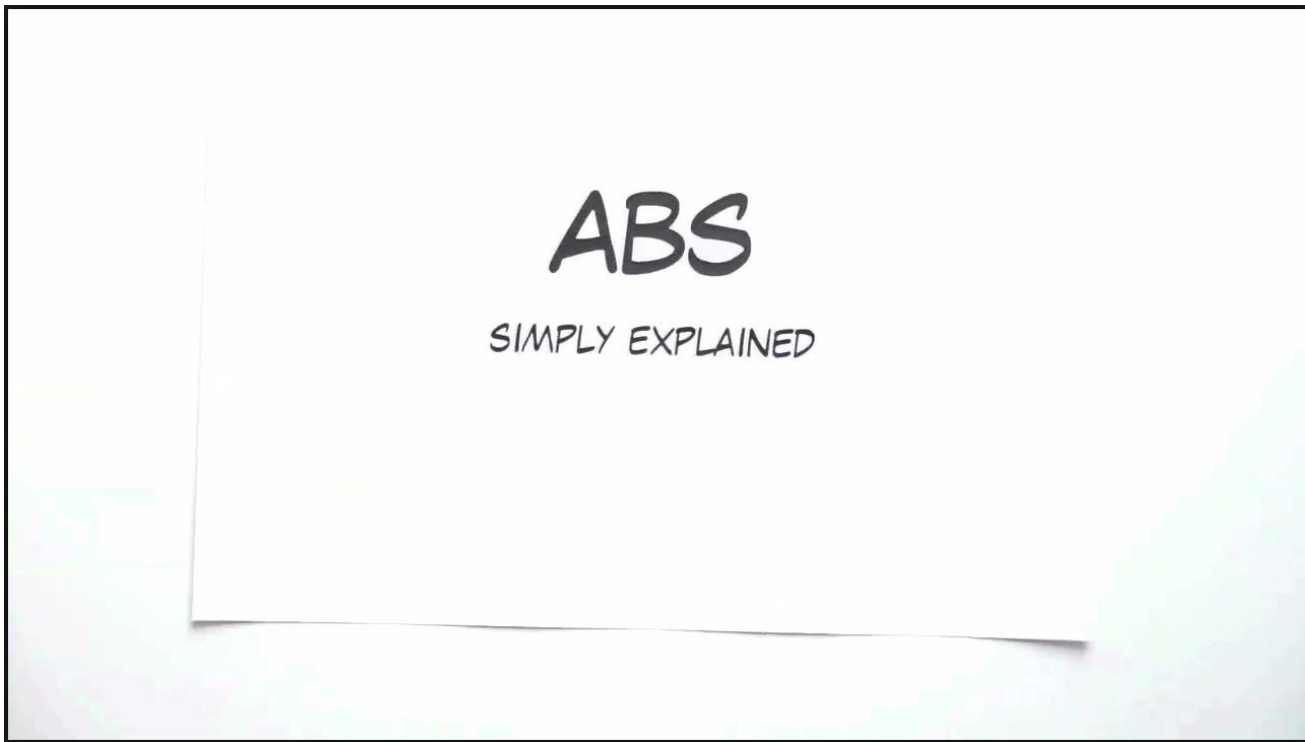
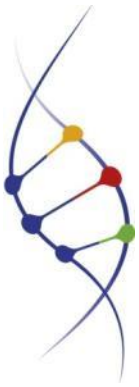
Federal Department of Economic Affairs,
Education and Research EAER
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implemented by



The concept:

Short film: ABS Simply Explained

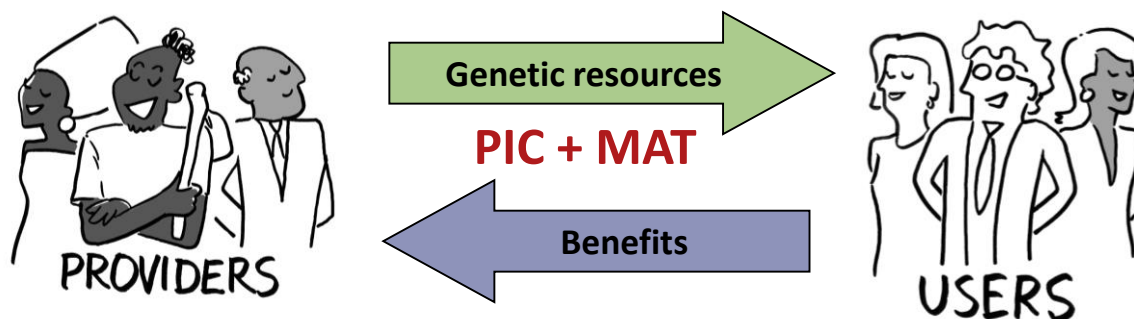


Core Principles of ABS: Art. 15 CBD



Convention on
Biological Diversity

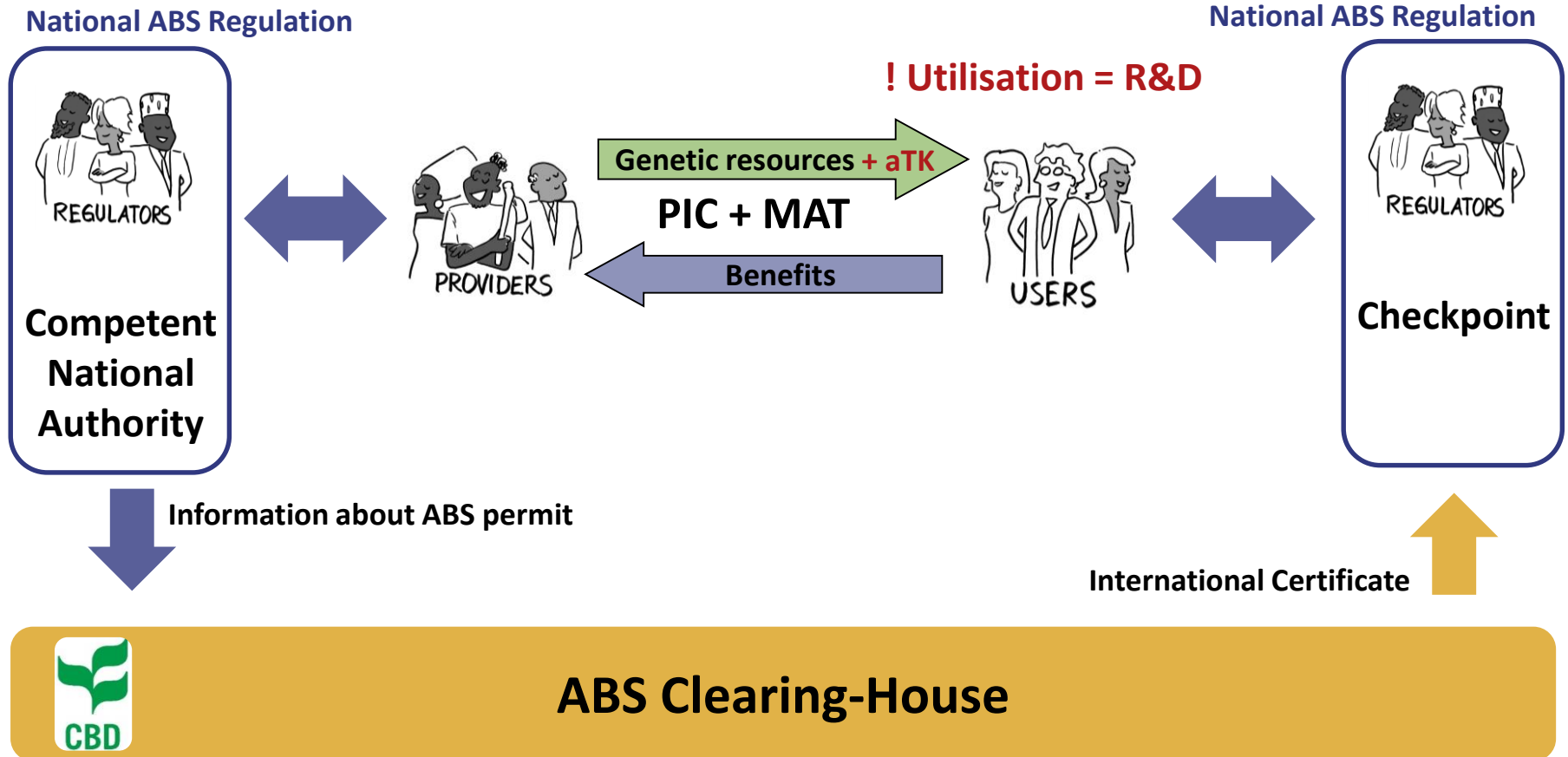
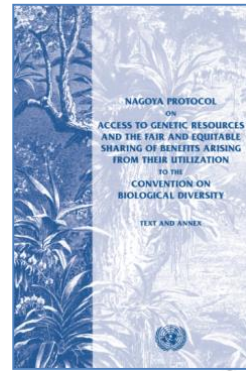
“resource-rich” countries facilitate
access to genetic resources



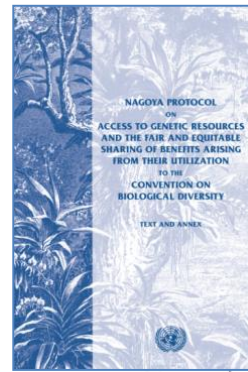
“technology-rich” countries share benefits arising
from GR; facilitate access to technologies and means
important for conservation and sustainable use

The Nagoya Protocol:

Traditional Knowledge; International Compliance Mechanism



Indigenous Peoples and Local Communities and the Nagoya Protocol



- Acknowledgement of the **interrelationship between GR and TK**
- Reference to **CBD Art. 8j** & UN Declaration on the Rights of Indigenous Peoples (**UNDRIP**)
- IPLCs shall have the **right to grant PIC and negotiate MAT** when aTK is accessed – and also when GR are accessed, if they have the respective rights
- Recognition of IPLCs' **customary laws, community protocols and procedures** with respect to aTK
- **Support to IPLCs** in development of community protocols, minimum requirements for MAT, and model contractual clauses for benefit-sharing
- **No restriction to customary use and exchange** of GR and aTK among IPLCs (including across borders)

Indigenous Peoples and Local Communities in the AU Guidelines



African Union
Strategic Guidelines
for the Coordinated Implementation of the
Nagoya Protocol on
Access to Genetic Resources and the
Fair and Equitable Sharing of
Benefits Arising from their Utilisation

- AU Guidelines **objective**: Establish a framework for coordinated ABS implementation in Africa while avoiding a “race to the bottom”
- Strong support for IPLC-related measures in the Nagoya Protocol
- Governments’ role is to **support IPLCs in negotiating MAT** with users
- Encourages African states to **strengthen the legal rights** of IPLCs over their GR and aTK
- Emphasis on **capacity development** for IPLCs to engage in ABS for livelihoods

When can ABS become relevant for IPLCs?



Framework development

- The Nagoya Protocol provides guidance, but how ABS is implemented is decided at the **national level** → IPLCs are usually involved in this process, active engagement is a chance to ensure that your rights are recognized!

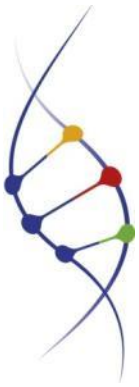
User interest

- A user is interested in a resource or TK and is **requesting access**

Community interest

- You are already part of a **value chain** and would like to make it ABS-compliant
- You have resources and / or TK that you would like to valorize in a sustainable and beneficial manner

Take-home messages



- **Nagoya Protocol & AU Guidelines** provide orientation, but how ABS is implemented is decided by the **national framework**
 - The scope can differ
 - IPLCs' rights and roles can differ
- The **recognition of IPLC rights** in the Nagoya Protocol and the AU guidelines can serve as a strong lever for IPLCs that play an active role in the **development of national ABS frameworks**
- ABS can provide **opportunities** for IPLCs to strengthen their **rights** over GR and TK and to **benefit** from their resources and knowledge
- Waiting for the “jackpot” vs. establishing partnerships and setting up value chains proactively

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Thank you!

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