

THE ABS
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Introduction to ABS under the Nagoya Protocol

**Regional Capacity Building Workshop on TK and Customary
Sustainable Use under the CBD**

Nairobi, 26 January 2016

Lena Fey

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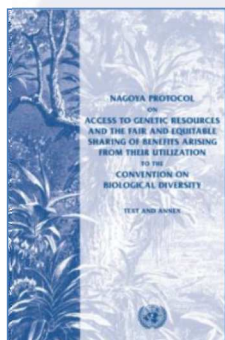
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2010:

Nagoya Protocol on ABS

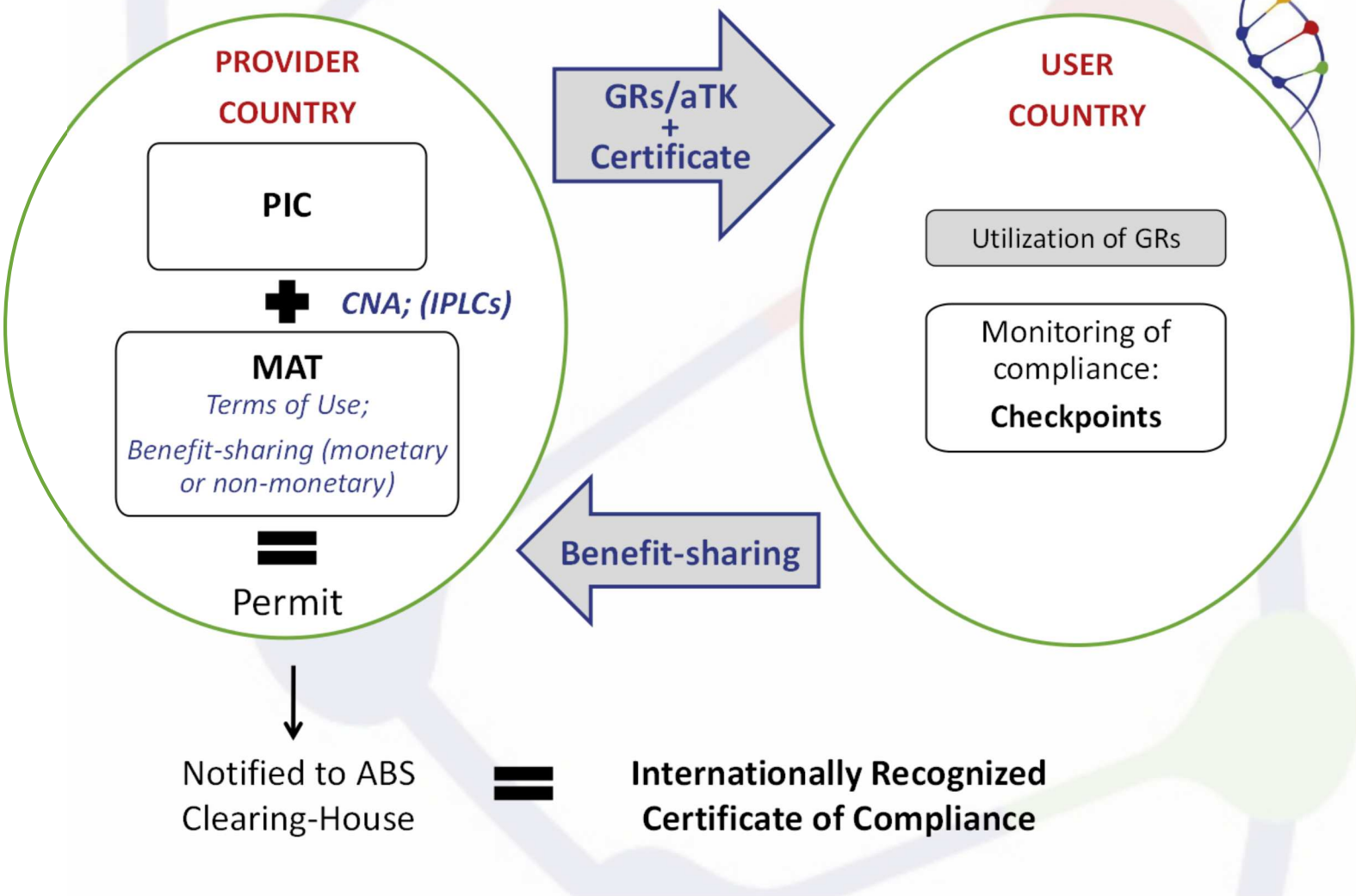


- Entered into force in **October 2014**
- Currently **70 Ratifications** (30 from Africa)

Legal certainty and transparency

- For **providers**: ensuring **benefit-sharing** once GR leave the provider country for utilization
- **Preventing misappropriation** of GR and associated traditional knowledge (aTK)
- For **users**: providing for **clear and transparent procedures for access** to GR and aTK

Nagoya Protocol: ABS mechanism



Indigenous Peoples and Local Communities and the Nagoya Protocol



Preamble

- Relevance of Article 8(j)
- Interrelationship between genetic resources and TK and their inseparable nature for IPLCs
- Importance of TK for the conservation and sustainable use of biodiversity, and for the sustainable livelihoods of IPLCs
- Diversity of circumstances in which TK is held or owned
- UN declaration on the Rights of Indigenous Peoples
- Nothing in Protocol should be construed to diminish or extinguish existing rights of IPLCs

Core Elements: TK and IPLCs



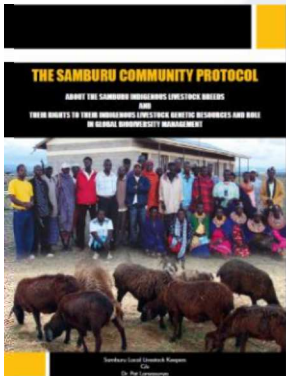
Art. 6 – Access to GR

- Shall be based on PIC, including PIC of IPLCs where they have established rights to grant access



Art. 7 – Access to TK associated with GR

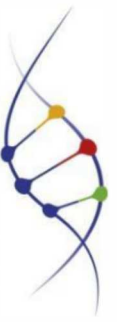
- Shall be based, in accordance with domestic law, on PIC or approval and involvement of IPLCs and on MAT



Art. 12.1 – Recognition of community protocols

- Parties shall, in accordance with domestic law, take into consideration IPLCs' customary laws, community protocols and procedures with respect to TK associated with GR.

Core Elements: TK and IPLCs



Art. 12.3 – Support to IPLCs

- Parties shall endeavour to support the development of
 - a) **Community protocols** for access to TK associated with GR and BS from the utilization of TK associated with GR
 - b) **Minimum requirements for MAT** to secure BS from the utilization of TK associated with GR
 - c) **Model contractual clauses for BS** from the utilization of TK associated with GR

Art. 12.4 – Customary use and exchange

Parties shall **not restrict the customary use and exchange** of GR and associated TK within and amongst IPLCs (including across borders)

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Thank you!

..more on ABS and the
ABS Capacity Development Initiative:

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