

THE ABS
CAPACITY
DEVELOPMENT
INITIATIVE



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'APA



**WELCOME !
BIENVENU !**

**Series of Webinar
on indigenous peoples and local communities' involvement in
ABS implementation**

**Série de webinaires
sur la participation des peuples autochtones et des
communautés locales à la mise en œuvre de l'APA**



THE **ABS**
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Access and Benefit Sharing



Text : (The solutions are in nature)

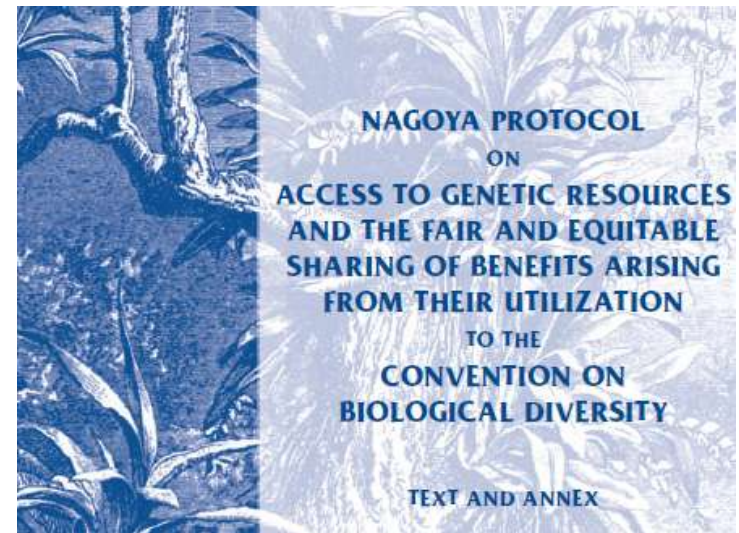
(Use of the resources of nature for the development of product : pharmaceutical medicines, food, cosmetics, etc.)

(Use of Traditional Knowledge to know the resources and their virtues)

(But before : appropriation without giving something in return – case of Peruvêche de Madagascar, also of several traditional knowledge...)

Nagoya Protocol on ABS

- **Set of rules and principles for access and use** of resources and associated traditional knowledge
- Adopted in 2010 in Nagoya
- 126 Parties (CBD Secretariat, 2020)
- Legally-binding, subject to national implementation



Respect, take and give back
for people and biodiversity

ABS is about...

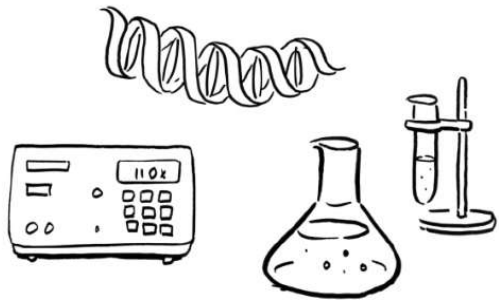


genetic resources

and/or



associated traditional
knowledge



that are "used"

to develop

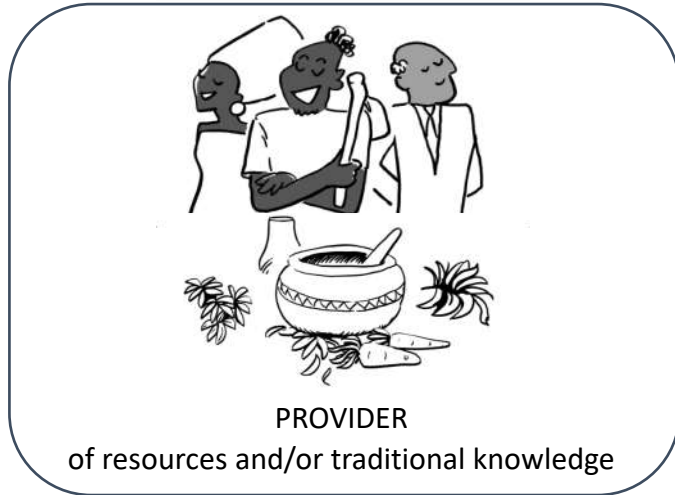


new knowledges and/or products

ABS – Key principles



Rights to
establish
national rules



USER
of resources and/or traditional knowledge



COMMUNITIES RIGHTS AND COMMUNITY PROTOCOLS



Rights of communities

Art. 6.2 – Access to resources

Based on the prior informed consent or approval and involvement of indigenous and local communities where they have the established right to grant access

Art. 7 – Access to associated traditional knowledge

Based on the prior informed consent or approval and involvement of indigenous and local communities



Primary custodian of resources



Holder of traditional knowledge

Challenges in community involvement in ABS

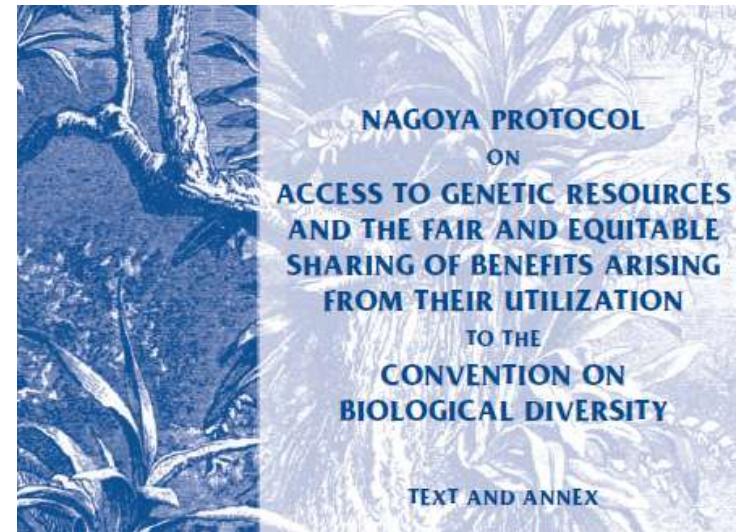
- **Knowledge** of communities of their **rights**
- **Prior consent** : to be requested from which structure?
Representativeness of communities? ...
- **Customary laws and institutions**: how to integrate them into the dialogue?...
- **Benefit-sharing negotiation** : who should participate?
Negotiating skills?...
- ...



Nagoya Protocol on Community protocols:



- Take into consideration communities' customary laws, **community protocols** and procedures in implementing their obligations (Article 12.1)
- Support communities in the development of **community protocols** (Article 12.3)

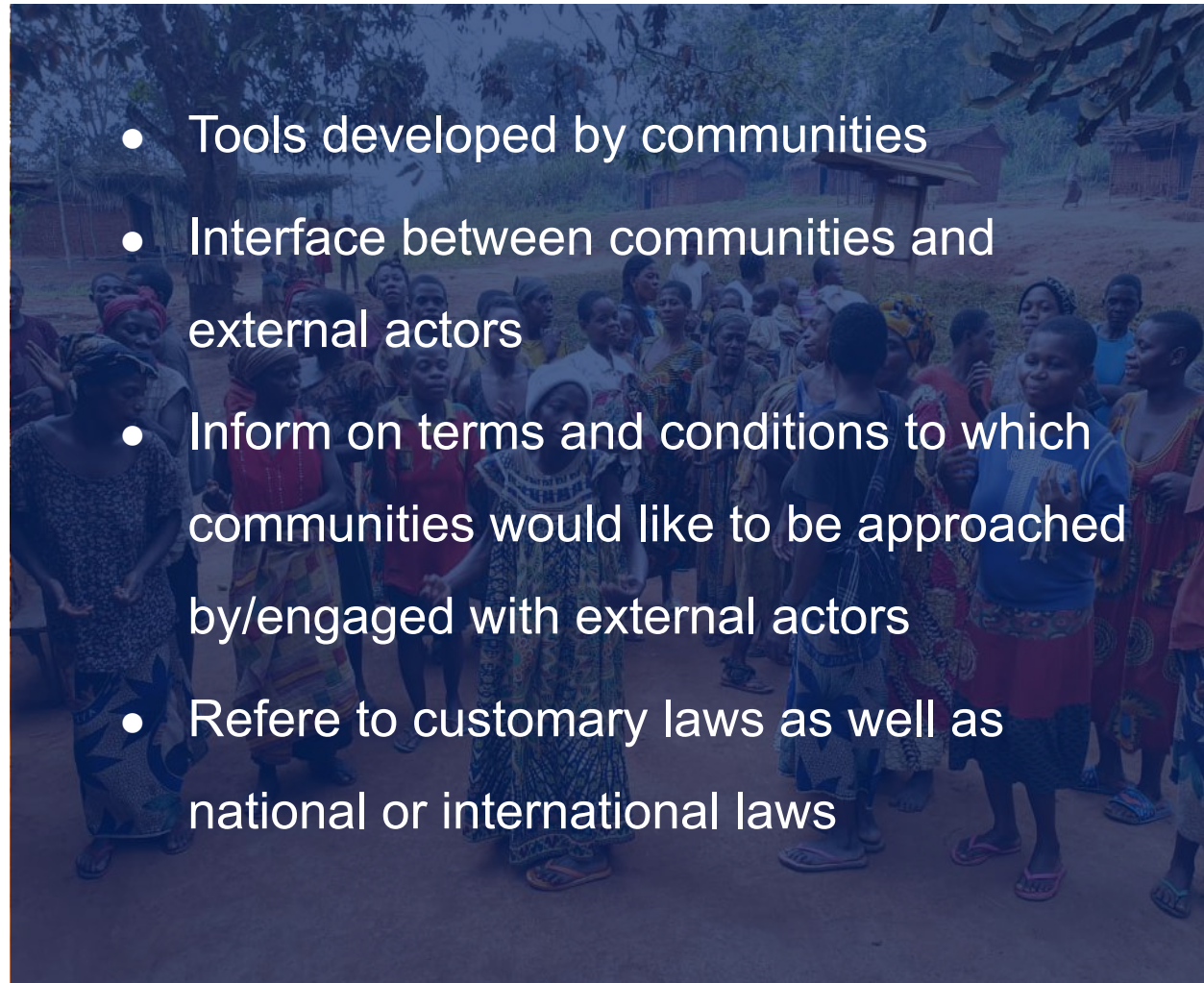


Respect, take and give back
for people and biodiversity

Community protocols



Not necessarily a written document



- Tools developed by communities
- Interface between communities and external actors
- Inform on terms and conditions to which communities would like to be approached by/engaged with external actors
- Refer to customary laws as well as national or international laws

The Mo'otz Kuxtal Voluntary Guidelines, adopted by the 13th Conference of the Parties to the Convention on Biological Diversity

May include items like...



- Definition of the **community**;
- Leadership and **decision-making** processes
- Natural resource management systems, **TK, innovations, and practices**
- Ways of life, links between **culture, spirituality, and customary laws and values**
- **Rights and responsibilities** according to customary, national, and international law
- Conditions for **granting access to TK, resources, land etc. such as FPIC, MAT**
- **Challenges faced by the community and calls** to stakeholders to engage on issues
- ...



MERCI
THANK YOU