



Access and Benefit-Sharing in Namibia: A Factsheet

Background

The United Nations Convention on Biological Diversity came into effect in 1993 and was ratified by Namibia in 1997. It has three main objectives:

1. The conservation of biological diversity;
2. The sustainable use of its components; and
3. The fair and equitable sharing of the benefits arising

ABS, a new approach to conducting trade in genetic resources, seeks to jointly achieve these three objectives.

Access and Benefit Sharing: What is it?

Access and benefit-sharing refers to the way in which genetic resources may be accessed and how the benefits that result from their use are shared. In particular it is an attempt by countries providing genetic resources to be included in the financial profits and non-monetary benefits of products derived from their natural resources.

In the case of ABS, genetic resources refer to all living organisms (animal, plant and microbes), which contain genetic material that is potentially useful to humans.

The concept of ABS stems mainly from Article 15 of the UNCBD which calls for systems to be put in place to facilitate access to genetic resources for environmentally-sound purposes and for fair and equitable benefit-sharing resulting from their use.

Article 8 (j) is also highly relevant to ABS. It calls on Parties to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities; promote their wider application with their holder's approval and involvement; and encourage the equitable sharing of the benefits arising from their utilization.

ABS: A case of providers and users..

ABS is often explained in terms of a user and provider scenario...

“Using” genetic resources refers to the “process” of researching their beneficial properties and using them to increase scientific knowledge and understanding, or to develop commercial products. Thus users are typically private companies and research related institutions.

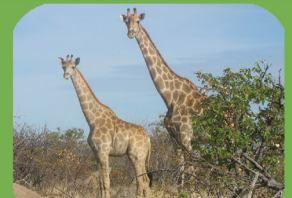
Providers of genetic resources are likely to include communities and private land owners, who are entitled to provide access to the genetic resources and to share the benefits resulting from their use. However government and civil society bodies may also be or represent the providers depending on the case.

How does it work in practice?

ABS is based on prior informed consent (PIC) being granted by a provider to a user and negotiations between both parties to develop mutually agreed terms (MAT) for the use of the resource.

Prior informed consent (PIC): is the permission given by the Competent National Authority (CNA) of a provider country to a user prior to them accessing the genetic resources.

Photos courtesy of:
Integrated Rural Development and Nature Conservation (IRDNC)
German International Cooperation (GIZ)
Country Pilot Partnership for Integrated Sustainable Land Management (CPP)





Mutually agreed terms (MAT): is an agreement reached between the providers of genetic resources and users on the conditions of access and use of the resources, and the benefits to be shared between both parties.

The national level CNA should be available to support communities in ABS-related negotiations with the external parties.

The case for ABS in Namibia?

Namibia's unique national circumstances make ABS very attractive for Namibia:

- It is home to a remarkable variety of plants, animals, fungi, micro-organisms and marine organisms.
- Namibia's high level of biodiversity is not only a national and global asset, but also serves as the livelihood basis for most of the rural population.
- Namibia has a highly multi-cultural society with a high level of traditional knowledge about wild foods, medicinal plants and other resources.
- If greater benefits can accrue to our communities from their natural resources, then this should create a fairer and more equitable society and provide further incentives for the conservation and sustainable use of biodiversity.

ABS in Namibia: What is the current situation?

Namibia has been working on a draft ABS bill since 1998. The draft bill was put on hold in 2006, until international legislation on ABS was finalized so that the bill could be harmonized with the provisions of this legislation.

With the agreement of the Nagoya Protocol in late 2010, work resumed on Namibia's domestic ABS bill. The MET hosted regional and national consultations throughout 2011 and inputs from the consultations are currently being fed into the bill. It is envisaged that the bill will become an act during 2012.

Meanwhile an Interim Bioprospecting Committee, established by a Cabinet decision in 2007, has served to regulate and facilitate access to genetic resources in Namibia. It is likely that this committee will become transformed to become the permanent CNA on ABS in Namibia.

A number of ABS-related agreements have already been negotiated for Namibian producers of natural resources including for:

- Commiphora resin between the Kunene Commiphora Conservancies Association and the South African cosmetics company Afriplex Ltd.
- Maruline, an active ingredient in marula, for which a patent was granted in 2006, that is co-owned by marula growers in SADC and the French cosmetics company Aldivia.
- Hoodia between San growers associations in Southern Africa and the South African-based Council for Scientific and Industrial Research.

Way Forward for ABS in Namibia

- Finalization of domestic ABS legislation
- Establishment of national level CNA on ABS
- Awareness campaign popularizing ABS among rural communities and community level representatives
- Negotiation of further ABS agreements for Namibian producers

Photos courtesy of:
Integrated Rural Development and Nature Conservation (IRDNC)
German International Cooperation (GIZ)
Country Pilot Partnership for Integrated Sustainable Land Management (CPP)

