

African ILC Preparatory Meeting on ABS and TK

14th – 17th September 2009

in partnership with the Indigenous Information Network

Venue: *African Insect Science for Food and Health, icipe
Duduville, Nairobi, Kenya*



Background

In discussing the relationship between traditional knowledge and genetic resources, the history of co-evolution of biological and cultural systems reinforces the inseparability of traditional knowledge and genetic resources. As a result of co-evolved, bio-cultural systems one can conclude that there is traditional knowledge which is highly specific and traditional knowledge which is of more general nature. Numerous examples show that human ecosystem management and traditional knowledge promote biological diversity including genetic diversity.

The Convention on Biological Diversity (CBD) reiterates in Article 15 the sovereignty of States over their genetic resources whereas Article 8(j) protects all traditional knowledge of indigenous and local communities, within the mandate of the CBD, including traditional knowledge associated with genetic resources. Despite the fact that not all uses of genetic resources are based on traditional knowledge it is obvious that traditional knowledge often provides the lead to genetic resources with specific properties.

The ongoing negotiation of an international regime on access to genetic resources and related benefit-sharing (ABS) which has to be concluded by the 10th Conference of the Parties (COP) of the CBD in October 2010 in Nagoya, Japan, will deal with the question of how to include traditional knowledge in the provisions of the International Regime on ABS for the first time in detail during the up-coming meeting of the CBD Working Group on ABS (WGABS-8) in November 2009 in Montreal, Canada.

Some key question for national and international governance need to be answered in this context, including:

- What is “associated traditional knowledge”?
- Who provides *prior informed consent* (PIC) for access to associated traditional knowledge?
- What procedures or mechanisms need to be established to allow for *free and prior informed consent* (FPIC) of traditional knowledge holders?

This workshop is part of the ABS Capacity Development Initiative for Africa. Detailed information about the Initiative and full documentation of previous workshops and events is provided on the Initiative's website www.abs-africa.info. The website was launched to provide a platform for information exchange and it is envisaged to develop it further into an ABS Clearinghouse for Africa.

The ABS Initiative has so far convened three pan-African workshops, as well as a number of trainings and workshops with a regional or issue-based focus. Themes covered so far have included the certificate of origin, ABS and biotrade, ABS and forest governance, as well as communication, education and public awareness.

Objectives of the workshop

Against this background, the objectives of the workshop are to

- Brief representatives of African indigenous peoples and local communities (ILC) about the negotiation of the International Regime on ABS with a special focus on the inclusion of traditional knowledge in the International Regime on ABS;
- Discuss the merits of and share experiences on biocultural / community protocols as a tool to ensure FPIC of ILC in the context of national PIC procedures for granting access to genetic/biological resources and associated traditional knowledge;
- Develop an ILC perspective on the African submission for the negotiation of the International Regime on ABS;

Programme overview

Building on the immediately preceding meeting of the African Indigenous Caucus which is planned to follow up on the outcomes of the CBD COP 9 in May 2008 in Bonn, Germany, the workshop will consist of the following elements of work:

A. Traditional knowledge and the international regime on ABS

So far reference to traditional knowledge is made in the negotiations of the International Regime on ABS in the so-called bricks and bullets which resulted from the work of WGABS-6 in January 2008, in Geneva, Switzerland (<http://www.cbd.int/doc/meetings/cop/cop-09/official/cop-09-06-en.pdf>). A number of the submissions of parties and stakeholder groups to WGABS-7 in April 2009 in Paris, France include statements relating to traditional knowledge or even proposals for operational text for the International Regime on ABS (<http://www.cbd.int/doc/meetings/abs/abswg-07/official/abswg-07-04-en.pdf> and the addenda 1 to 3 to this document). The focus of this part of the workshop program will be on a recent meeting of a COP-9 mandated *Group of Legal and Technical Experts on Traditional Knowledge* (GTLE-TK) in Hyderabad, India. The experts developed an extensive set of recommendations of how to include traditional knowledge in the International Regime on ABS (<http://www.cbd.int/doc/meetings/abs/abswg-08/official/abswg-08-02-en.pdf>).

B. Biocultural / community protocols as a tool to ensure *free and prior informed consent* (FPIC)

The GTLE-TK recommends biocultural protocols as a possibly useful and practical tool for ensuring FPIC. Several examples of biocultural or community protocols from eastern and southern Africa as well as India will be presented and discussed. One of the central questions is whether this approach can be applied throughout the ILCs in Africa and which conditions must be met at local and national level for biocultural protocols to provide for legitimacy and legal security.

C. Informing the negotiators of the African Group in their negotiation relating to traditional knowledge at WG8(j)-6 and WGABS-8

This part of the workshop provides the opportunity to reflect on the position of the African Group on traditional knowledge as submitted to WGABS-7 and develop an African indigenous peoples and local communities perspective for the upcoming negotiations. Specific recommendations could be addressed to the African negotiators on how to fully reflect African ILC perspectives in their position on traditional knowledge.

Products of the workshop

- Recommendations on the practicality of biocultural /community protocols as a tool to ensure *free and prior informed consent* (FPIC)
- Recommendations for the negotiators of the African Group in their negotiation on the International Regime on ABS

Participants

Up to 45 participants representing African indigenous peoples and local communities.

Simultaneous interpretation English/French/English will be available for the plenary sessions of the workshop.

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