



Ministry of Environment and
Tourism

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National Circumstance





INTRODUCTION/BACKGROUND

Article 144 of Namibian Constitution (“general rules of...international agreements binding upon Namibia...shall form part of the law of Namibia”)

Under Article 95 of the Namibian Constitution states the following: “The State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at the maintenance of ecosystems, essential ecological processes and biological diversity for the benefit of all Namibians, both present and future.”



INTRODUCTION/BACKGROUND

- 2006 draft ABS bill
- Interim Bio-prospecting Committee (IBPC) - 2007
 - to regulate access to Namibia's genetic resources and traditional knowledge,
 - Permits for research, collection and the export of biological resources continues to be conducted by a range of ministries
 - ✓ MET (botanical, wildlife, reptiles and birds-related),
 - ✓ MAWF (livestock and breeding stock-related) and
 - ✓ MFMR (fisheries and marine resources-related).



National Legislation related to ABS

Draft Bill on Access to Genetic Resources and Associated Traditional Knowledge (2006): currently being fully revised and aligned with the Nagoya Protocol.

Environmental Management Act (Act 7 of 2007):

- promotes community involvement in the management of natural resources and community sharing in the benefits from these resources.
- Mandates the establishment of a Sustainable Development Advisory Council to advise the minister on how to conserve biological diversity, on the sustainable use of environmental resources, and on access to genetic resources.

ABS Legislative Framework



- Draft ABS bill in 2006, put on hold until finalization of the Nagoya Protocol
- In the meantime, an Interim Bioprospecting Committee (IBPC) was put in place to regulate access to genetic resources
- After agreement of the Nagoya Protocol at CoP 10, have taken steps to revise and update the draft bill of 2006
- Regional consultations and inputs were incorporate into the bill and it is now ready to be tabled to parliament having been approved at the technical level

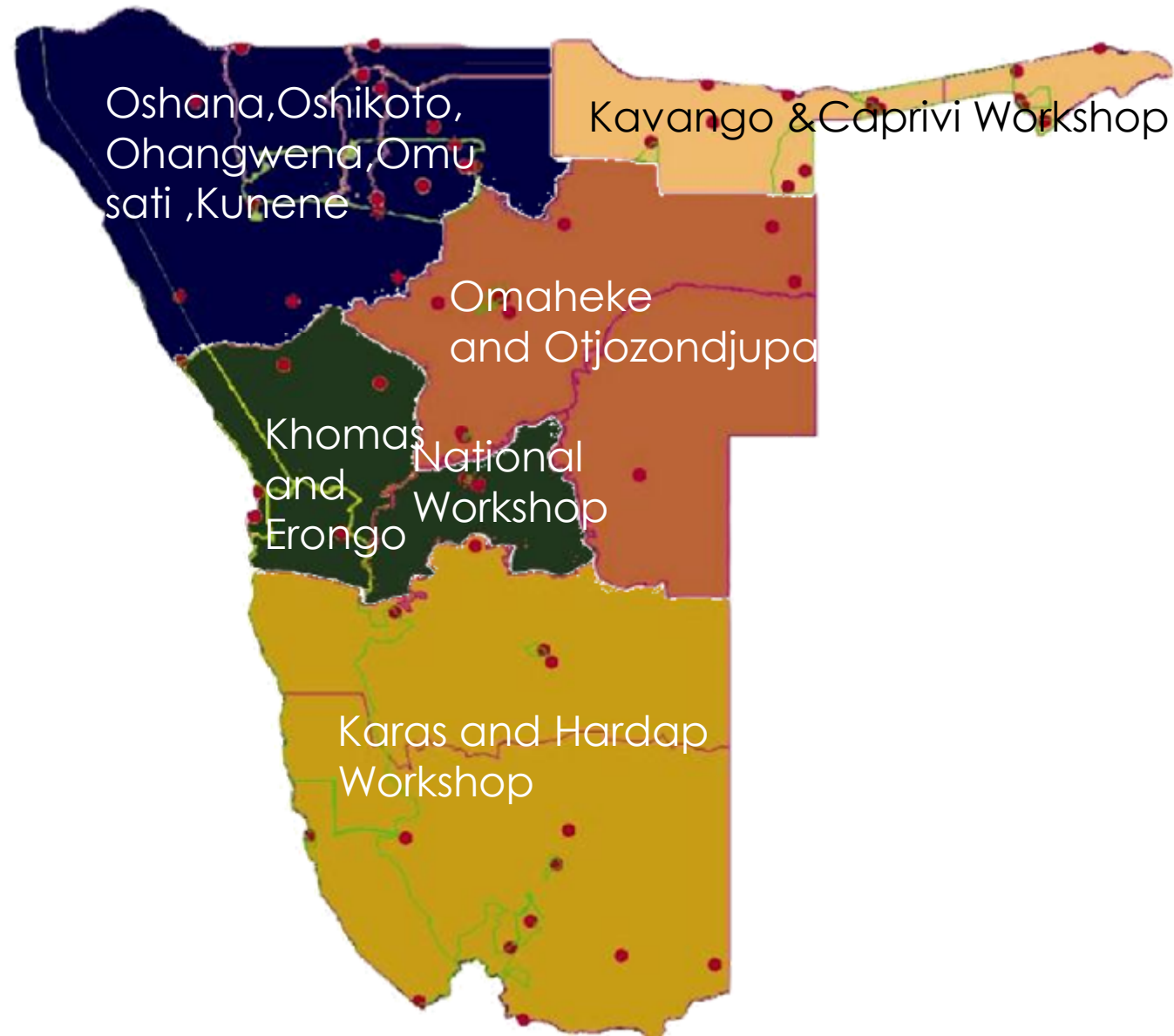
ABS Legislative Framework



Objective of the revised bill:

- To regulate access to genetic resources and associated traditional knowledge based upon prior informed consent;
 - to protect local communities' rights over and traditional knowledge in respect thereof;
 - to promote a fair and equitable mechanism for benefit sharing;
 - to establish the necessary administrative structures and processes to implement and enforce such principles
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- A new dedicated genetic resources and traditional knowledge unit within MET is envisaged to replace the existing IBPC

ABS PROCESS AND DRAFT BILL CONSULTATIONS IN NAMIBIA (2011)





WAY FORWARD FOR ABS AS ENVISAGED BY MET:

- ☐ Gazetting of ABS Act and regulations
- ☐ Establishment of Competent National Authority (CNA) on ABS and Traditional Knowledge within MET
- ☐ Define the functioning mechanism of the CNA. Decentralized unit, make-up of committee and involvement of communities and TAs etc?
- ☐ Development of various ABS material and mass awareness and capacity building programme on ABS, sustainable harvesting and value addition, particularly targeting rural communities
- ☐ Develop a mechanism for protecting traditional knowledge while at the same time making it available to identify new commercial and research opportunities
- ☐ Improve research and development into Namibia's indigenous genetic resources

ABS: The Challenges and Opportunities Possible Areas for Cooperation



- ❑ Lack of an institutional set up to coordinate ABS in Namibia. Need to establish a competent national authority on ABS within the MET
- ❑ Lack of awareness and knowledge of ABS, particularly at community and traditional authority level. Need for a comprehensive awareness programme.
- ❑ Build capacity for ABS among community members; Regional Councils, Local Authorities and TAs; line ministries; NGOs; research institutions; Community-based Organisations; Youth organisations.
- ❑ Traditional Authorities unable to promote the conservation and sustainable use of genetic resources. Identify areas of conflict between customary and common law and strengthen the role of TAs in environmental governance.
- ❑ The value of TK is not recognized as a valuable asset unique to Namibia. How can this be reversed? How can we improve the transfer of TK between elders and young generations and add value/employment?
- ❑ How to improve research and development of our indigenous resources by national level institutions



Conserve

Nature.

Conserve Nature...

Conserve Nature...

Tangi uunene

...Ensure

...Ensure Development

Development

...Ensure
Development