

“Legal and Practical Issues in the Development, Negotiation and Implementation of an ABS Regime”

Wednesday night, 11 February 2004

The IUCN Environmental Law Centre, and its ABS Project,* presented a workshop aimed at identifying some of the key legal issues and concerns relevant to the implementation of the ABS concepts and commitments of the CBD. Experts Kent Nnadozie (SEAPLI, Kenya), Jose Carlos Fernandes (INE Mexico), and Jorge Cabrera (InBio, Costa Rica), as well as programme moderator Tomme Young (IUCN-ELC, Germany) presented a discussion of several key issues describing the reasons underlying the general lack of progress on ABS implementation. Four key issues that have been examined in detailed research during the first year of the project were presented:

- A comparative analytical study of existing national legislation on ABS, looking at a series of specific legal issues and questions on practical issues essential to effective implementation of ABS in national law, private contracts or other instruments or processes (Cabrera)
- an initial analysis of the various IPR issues and instruments and their relationship to the ABS regime (Nnadozie)
- an examination of recent detailed work addressing the practical issues relevant to the creation of a system of “certificates of origin” or “certificates of legal provenance” for genetic resources (Fernandes)
- a summary of key issues and options, directed at policy negotiators, regarding the legal issues that must be kept in mind to ensure that the current negotiations result in specific, practical provisions, that are (i) capable of being effectively implemented at the national level, or (ii) designed to provide practical mechanisms that will support the practical implementation at all levels. (Young)

Over 60 delegates participated in the session, in a wide ranging discussion in which many essential issues were raised and canvassed.

* (The ABS project is executed by the IUCN Environmental Law Centre, with funding from the German Federal Ministry for Development Co-operation (BMZ).)