

# An Overview of the San Hoodia ABS Experience



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# Orientation



## Some Demography

- 100 to 120,000 San with click languages in Southern Africa.
- WIMSA, SASI and SASC: San organisations which supported the San through ABS negotiations.

# The Hoodia

- Dessert succulent.
- Thirst and hunger suppressant due to P57.
- Used by San hunters and gatherers.
- No commercial product on market yet based on P57 patent of CSIR.



# Background

- CSIR started work on the patent in 1964.
  - Patent Went through in 1996.
  - WIMSA learns about the patent through though news paper in 1997.
  - 1998, ABS Negotiations start.
  - 2002: ABS agreement is signed by SASC
- The ABS Agreements
    1. CSIR
      - Royalties (2 payments so far)
      - Milestone (pending)
    2. Hoodia Growers Association (RSA).
      - Royalties from proceeds on Hoodia sales

# Some Dynamics

- The battle between the various indigenous peoples' groups and other local community groups.
- The negotiations among the San themselves.
- The reluctance of the parastatal and the corporate world to enter in to ABS.
- The immense interest suddenly generated by; research institutes, media, governments, the corporate, local communities and individuals.
- Challenging to prioritise and balance the immense interest.

# lessons on ABS from the San

- Equitable Partnerships are crucial for meaningful and effective ABS agreements.
- ABS agreements are reactionary in form. This Puts TK holders in a difficult negotiation position
- Benefit sharing discussions locally tend to be resolved through compromise by the locals.
- Value addition to TK can pose biodiversity challenges due to high demand of the biodiversity resource.
- NGO support is important.
- ABS Agreement negotiations may be complex and lengthy.
- Domestic legislation on CBD enhances ABS efficiency. User countries need domestic legislation to regulate trade on bio-products. eg **Hoodia sales in Europe and USA.**
- Spectrum of stake holders can be large.
- International ABS Regime and Harmonization necessary.
- Capacity building is inevitable for Indigenous Peoples' and Local Peoples to negotiate as equal partners.