

# Programme Document 2015-2020

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# 1 Context and Summary

The overall objective of the ABS Initiative is to contribute – based on business partnerships between South and North at a “level playing field” – to poverty reduction, food security, technology transfer, social development including equity and rights, and biodiversity conservation through implementing the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (NP) and the third objective of the Convention on Biological Diversity (CBD) in its entirety:

*“The fair and equitable sharing of benefits arising from the utilisation of genetic/biological resources and of traditional knowledge associated with genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies taking into account all rights over those resources and to technologies, and by appropriate funding“*

In this context regulatory access and benefit sharing (ABS) frameworks and contractual ABS agreements are regarded as possible building blocks for emerging low carbon development strategies as well as practical TEEB<sup>1</sup> examples where lessons may be drawn from for designing green economy concepts. Furthermore, ABS contributes directly and indirectly to the achievement of the Millennium Development Goals (MDGs), specifically to MDGs 1, 3, 7 and 8. In addition, ABS features as one of the targets under the draft Sustainable Development Goal (SDG) 15 and will contribute directly and indirectly to other SDGs depending on the final formulation of their targets.

**Target Groups:** Key stakeholders involved in processes related to access to genetic resources from Africa / the ACP countries<sup>2</sup> and to the fair and equitable sharing of benefits arising from their utilisation. This includes (sub-)regional organisations responsible for policy coordination, economic cooperation, research collaboration as well as relevant users of genetic resources in the academia and private sector.

**Beneficiaries:** Owners and custodians of genetic resources (GR) and associated traditional knowledge (aTK), including indigenous peoples and local communities (IPLC), and entrepreneurs as well as national competent authorities for ABS, public institutions in charge of natural resource management, public and private research institutions – in Africa / ACP countries.

**Objective:** The fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding, supports national sustainable development, the livelihoods of rural people, the conservation of biological diversity and the sustainable use of its components.

**Outcome:** Stakeholders in partner and cooperation countries (governments, indigenous peoples and local communities, public research organizations, private sector and NGOs) as well as regional and international organizations use the contributions of the ABS Initiative for operationalizing access to genetic resources and the fair and equitable sharing of benefits arising from their utilization.

**Main activities:** Provide support to national ABS processes in selected partner countries based on a sound country diagnostic about the status quo in implementing the ABS principles of the CBD taking into account the demand of private and public users for GR and aTK from the country; provide platforms to facilitate the exchange among and between stakeholders on relevant ABS issues within and among countries (South-South exchange): thematic and/or stakeholder-focused training courses, knowledge management and peer-to-peer knowledge transfer. Support the development of ABS compliant value chains in cooperation with the private sector and systematise ABS best practices; elaborating synergetic implementation approaches with other key processes related to land tenure and resource ownership (e.g. forest governance, protected area management); development of tools such as model contract clauses, codes of conduct, guidelines, standards and practices and outreach

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<sup>1</sup> The Economics of Ecosystems and Biodiversity – see also TEEB for Business report (chapter 5), which recognizes “ABS as an enabling framework to scale up biodiversity and ecosystem services as viable business opportunities”.

<sup>2</sup> Activities of the ABS Capacity Development Initiative may be conducted in and for the benefit of *all African countries* and members of the *African, Caribbean and Pacific (ACP) Group of States*. The ACP Group of States (currently 79 countries: 48 in Africa, 16 in the Caribbean and 15 in the Pacific regions) was created by the Georgetown Agreement in 1975 and has been governed by the Cotonou Agreement since 2000.

material for developing, implementing and communicating ABS policies and related matters as defined and agreed upon by the Steering Committee(s) of the ABS Initiative.

## 2 Background

### 2.1 ABS – Contributing to sustainable development

By linking conservation and sustainable use of biodiversity with the fair and equitable sharing of benefits generated from its utilization, the Convention on Biological Diversity (CBD) added an economic incentive to its conservation related objectives, thus becoming the first biodiversity related international agreement with a sustainable development dimension. The need to address biodiversity as a key element of sustainable development in the post-2015 period has been widely recognised in a variety of ways. Consequently, ABS is referred to in the proposed **Sustainable Development Goals (SDGs)**<sup>3</sup> which will constitute the global reference system for future development efforts.

Based on (business and research) **partnerships between South and North**, the ABS Capacity Development Initiative contributes to poverty reduction, food security, technology transfer, social development including **equity** and rights, and **biodiversity conservation** through implementing the Nagoya Protocol on ABS and the third objective of the CBD in its entirety.

The unregulated exploitation of genetic resources jeopardizes the provision of essential resources such as food and medicine for marginalized populations. The protection and the sustainable use of biodiversity thus also have a direct impact on the compliance of **human rights** standards. The ABS Initiative supports a **broad participatory process** which strengthens the role of civil society and leads to improved transparency of the mandates of state institutions and an efficient cooperation with the private sector and public research organisations. The ABS Initiative supports **good governance**, e.g. through the promotion of indigenous populations' rights over their local resources.

The ABS Initiative aims at **gender equality** by giving special consideration to the participation of women in regard to the establishment of ABS regulations at the local level through biocultural community protocols or comparable instruments. When developing ABS agreements, the role of women as knowledge holders and providers of genetic resources is taken into account, increasing their social recognition and empowering them economically.

The conservation and sustainable use of biodiversity (including genetic resources in developing countries) is a pillar of fostering pro-poor growth in rural areas. Participation in the benefits from the utilisation of genetic resources, particularly when communities are actively involved in the value chains, contributes to **rural development** and **food security**. The management of – i.e. conservation, sustainable use and access to – plant as well as animal genetic resources for food and agriculture are also important in regard to addressing **climate change impacts and adaptation potentials**.

One of the major challenges when setting up national ABS policies and regulatory frameworks is the potential conflict of interest between the sovereign rights of states over their biological and genetic resources as reaffirmed by the CBD and the **interdependence of countries** being members of other international agreements with respect to **trade, intellectual property rights and agriculture**, such as

- the *International Treaty for Plant Genetic Resources for Food and Agriculture (ITPGRFA)* of the FAO and the *International Convention for the Protection of New Varieties of Plants* of the International Union for the Protection of New Varieties of Plants (UPOV),
- the *Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)* of the World Trade Organization (WTO), the *Patent Cooperation Treaty (PCT)* of the World Intellectual Property Organization (WIPO) and the work of WIPO's *Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore*, and
- *bilateral free trade agreements and product approval requirements*.

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<sup>3</sup> SDG 15.6: Ensure fair and equitable sharing of the benefits arising from the utilization of genetic resources, and promote appropriate access to genetic resources. See: "Full report of the Open Working Group of the General Assembly on Sustainable Development Goals" available at <http://undocs.org/A/68/970>.

In order to allow transferring parts of the product development and valorisation processes to the provider countries of genetic resources, it is a prerequisite to involve and to support public research institutions and the private sector in Africa/ACP countries (**development of national research capacities**). Then ABS may unfold its potential as a **TEEB instrument** and contribute to the **development of green economies** in provider countries and enable more countries to benefit from these new technological developments. **Enabling environments** for the sustainable valorisation of genetic resources are a prerequisite to generate financial resources from the private sector as a basis for fair and equitable sharing of benefits. They need to be based on ABS policies and adequate regulatory frameworks providing legal certainty on the user side, and technology and know-how transfer in order to facilitate the development and improvement of research capacities on the provider side for value addition to genetic resources. Special consideration must be given in relevant policies and regulatory frameworks to ensure that **benefits contribute to biodiversity conservation and poverty alleviation**.

In light of the **aid effectiveness** agenda led by OECD DAC and in particular led by the five partnership principles of the **Busan Partnership for Effective Development Co-operation** embracing traditional donors, South-South co-operators, the BRICS, civil society organizations and private funders, the ABS Capacity Development Initiative improves **donor coordination** on ABS capacity building. For instance, GIZ which has been commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) to implement the ABS Capacity Development Initiative is also acting as Lead Executing Agency for the UNEP/GEF funded capacity building project in six African countries (Cameroon, Kenya, Madagascar, Mozambique, Senegal, and South Africa) and further supports the implementation of the Nagoya Protocol on ABS through several BMZ funded regional and national bilateral development cooperation projects.

## 2.2 Entry into force of the NP and the ABS Initiative

The **entry into force of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS)** to the Convention on Biological Diversity represents a pivotal milestone and major step towards achieving Aichi Biodiversity Target 16, which states that “*by 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation*”. The NP enhances legal certainty and transparency for users and providers by creating more predictable conditions for accessing genetic resources (GR) and traditional knowledge associated with genetic resources (aTK), promoting fair and equitable sharing of benefits where GR and aTK leave the jurisdiction of the provider country, and promoting measures to monitor compliance and mutually agreed terms.

There is still a big gap in knowledge about how all of this actually translates into more and/or better conservation and sustainable use of biodiversity. The **Access and Benefit-sharing Capacity Development Initiative (ABS Initiative)**, launched in 2006 at COP 8 in Curitiba, Brazil, is so far the only initiative that broadly supports the implementation and operationalization of the Nagoya Protocol with the objective to link the three objective of the CBD. The ABS Initiative aims at supporting relevant stakeholders on the African continent and in the ACP countries in developing and implementing national ABS regulations, in particular to ratify and implement the Nagoya Protocol on ABS, as well as supporting the establishment of ABS compliant value chains.

During the **negotiation phase** of the Nagoya Protocol focus was put on **supporting the African Group** in the negotiation process. Through its capacity development measures, technical, legal and policy studies as well as communication activities the ABS Initiative received broad international recognition for its significant contribution to enhancing the preparedness of the African Group in the international ABS negotiations. Already during the negotiation phase, African countries repeatedly requested the Initiative to intensify its support to further prepare Africa for the implementation of the Protocol. The *ABS Initiative* was particularly acknowledged by the parties to the CBD in Nagoya (COP 10 Decision X/6) as an *initiative linking biodiversity, development and poverty eradication*. After the adoption of the Nagoya Protocol, also countries in the Pacific and the Caribbean as well as regional organizations welcomed and requested capacity development support by the ABS Initiative.

Following the **adoption of the Nagoya Protocol** at COP 10, the focus of the ABS Initiative's interventions shifted towards supporting **national implementation** by emphasising the increasing role of technical, legal and policy support to the relevant stake- and rightholders at national and subnational level. To this end, **8 fields of action**<sup>4</sup> were identified: (1) Ratification and implementation; (2) defining overall ABS policies/strategies; (3) putting in place domestic ABS legislation; (4) stakeholder identification and participation; (5) establishing institutional arrangements, including Competent National Authorities (CNAs); (6) dealing with traditional knowledge; (7) dealing with transboundary issues (traditional knowledge, genetic resources, research); and (8) developing a valorisation strategy. These fields of action – which are also reflected in the *Strategic Framework for Capacity-building and Development to Support the Effective Implementation of the Nagoya Protocol on Access and Benefit-sharing*<sup>5</sup> and in the *Biodiversity Strategy for GEF-6*<sup>6</sup> – are to be put into practice by the respective countries.

Further to the entry into force of the Nagoya Protocol on 12 October 2014, the main objective of the **upcoming phase** of the ABS Initiative is to support the achievement of the second component of Aichi Target 16, i.e. making the Nagoya Protocol fully operational consistent with national legislation. This includes support for:

- the development or revision of national ABS legislative and regulatory frameworks, in line with the Nagoya Protocol, and with the involvement of IPLCs
- support to the negotiation of fair and equitable ABS agreements, and the establishment of ABS compliant value chains

This requires increased **cooperation with the Secretariat of the Convention on Biological Diversity (SCBD)** with a view to ensuring cooperation and coordination among the different actors involved in the implementation of the NP *Strategic Framework for ABS Capacity-building and Development*. Furthermore, tools and products developed and used by the ABS Initiative for capacity development as well as experiences and lessons learned – as highlighted in COP-MOP decision I/8<sup>7</sup> – will be made available for scaling-up and utilisation by other relevant actors engaged in ABS capacity development.

### 3 Relevance and performance of the ABS Initiative

Since its launch in 2006, the ABS Initiative has officially been recognized at many occasions in COP decisions and through letters of acknowledgment for its substantive contribution to the capacity building of African negotiators leading to the adoption of the Nagoya Protocol in 2010. This successful work was continued after COP 10 with a focus slowly shifting towards providing support for national implementation of the Nagoya Protocol.

Major **achievements and milestones** on this path until the entry into force of the Nagoya Protocol in 2014 are:

- Adoption of the *African Union Policy Framework for the Coordinated Implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation* by the technical validation workshop in August 2014 to be

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<sup>4</sup> As presented and discussed at the 5th Pan-African ABS Workshop in Marrakech (2011) – see report at <http://www.abs-initiative.info/countries-and-regions/africa/morocco/5th-pan-african-abs-workshop>

<sup>5</sup> Adopted by the first meeting of the Parties to the Nagoya Protocol in decision I/8.

<sup>6</sup> Download at: <http://www.thegef.org/gef/pubs/GEF6-BD-strategy>

<sup>7</sup> *The Conference of the Parties serving as the meeting of the Parties to the Protocol,*

*Recognizing* the wealth of experiences and lessons learned as well as instruments and methodologies that have been developed under various ABS capacity development initiatives, **such as the ABS Capacity Development Initiative** that has expanded from Africa to other regions,

(a) *Adopts* the strategic framework for capacity-building and development in support of the effective implementation of the Protocol;

(b) *Invites* Parties, other Governments and relevant organizations to carry out capacity-building and development activities consistent with the strategic framework;

(c) *Invites* Parties, other Governments, international organizations, regional development banks and other financial institutions, to provide financial resources to support the implementation of the strategic framework.

presented to the upcoming meeting of the *African Ministerial Conference on the Environment (AMCEN)* in March 2015.

- Facilitation and establishment of an ABS agreement between a French flavours and fragrances company, local communities and the relevant government authorities in Cameroon.
- Development and launch of (sub-)regional trainings for ABS National Focal Points and other stakeholders on IPR and ABS: trainings conducted in Bujumbura, Burundi in 2012, Gaborone, Botswana and Addis Ababa, Ethiopia in 2013, Dakar, Senegal and Praia, Cape Verde in 2014); ABS contract negotiation training: pilot conducted in Nadi, Fiji in 2014.
- Establishment of bio-cultural community protocols (BCPs) as well recognized tool for engagement of IPLCs with potential users of genetic resources and associated traditional knowledge.
- Launch of a toolkit and a training for lawyers and legal drafters in 2014 in partnership with the International Development Law Organization (IDLO).

Besides these milestones, the ABS Initiative is actively supporting the development of regulatory frameworks and the establishment ABS compliant value chains in numerous countries, in some cases in partnership and/or collaboration with GEF funded projects and/or bilateral development cooperation projects. The following summarizes the findings of the **ex post evaluations** of the ABS Initiative covering the implementation period of 2011-2013, performed by denkmodell GmbH and the EU Results-oriented Monitoring<sup>8</sup>:

#### Relevance

- The ABS mechanism is perceived as **highly relevant**. It is a **potentially powerful instrument** to leverage tangible impacts in provider countries and thus foster biodiversity conservation, food security, social development and poverty reduction. A strong desire exists by stakeholders to become **active players** in it.
- The Initiative is highly appreciated for its **integrative approach** of facilitation, dialogue and capacity development on a subject that is highly complex. It clearly meets the **demand of a high number of countries** in this regard.
- Yet, the **successful implementation of ABS compliant value chains** is still to be proven and the **complexity of the topic** is seen as a risk.

#### Effectiveness

- The effectiveness of the ABS Initiative is rated as **satisfactory**, with the stakeholder survey and interviews revealing **high appreciation for the effectiveness of the ABS Initiative**.
  - At the time of the evaluations, 17 countries within the regional scope of the ABS Initiative had ratified the NP while another 25 had initiated ratification related consultation processes.
  - A large number of (sub)regional organizations view ABS as important and contribute to the coordinated development of ABS implementation concepts.
- The Initiative has achieved substantial progress in establishing a network of key stakeholders both at the national and regional level in the three regions.
- The ABS Initiative is the only organization worldwide which has the capacity to operationalize the NP in partner and cooperation countries financially and technically.
- **Room for improvement** of the effectiveness by:
  - Further support for national translation of the NP (strategies, regulations, institutions) and consequences of this on the Initiative's overall strategy and resource allocation to activities.
  - Further support of the development of ABS compliant value chains.
  - Strengthening virtual exchange and learning, particularly for countries with appropriate technological infrastructure.

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<sup>8</sup> The findings of the EU ROM exercise were integrated into the evaluation report of denkmodell GmbH – see <http://www.abs-initiative.info/about-us/approach/>

## Impact

- Assessing the impact of the programme phase 2012-2015 is **premature** since the NP entered into force only in October 2014. The realization of impact will require **investment and planning beyond 2015**.
- Important steps towards impact, i.e. ABS agreements contribute to biodiversity conservation and livelihoods of rural populations, have been achieved:
  - ACP countries have ratified the NP and benefit from its compliance mechanism.
  - National ABS policies and regulatory frameworks enable stakeholders to enter into equitable ABS partnerships.
  - Functioning ABS agreements are in place, contributing to conservation & livelihoods.
  - Partners are supporting ABS implementation.
  - Approaches for implementing the Nagoya Protocol are regionally coordinated and harmonized.

## Efficiency

- The ABS Initiative's efficiency is **satisfactory**.
- The ABS concept has been conveyed among key institutional stakeholders.
- **Room for improvement** of the efficiency by:
  - Facilitation of learning and exchange amongst practitioners (e.g. through webinars, virtual knowledge events).
  - Introducing a standardized monitoring system of the quality of activities (workshops, training courses).

## Sustainability

- At this point it is **too early to fully assess** the sustainability of the Initiative's effects.
- ABS Initiative funding is ensured by a pool funding mechanism: the level of funding defines to some extent the level of ambitions of the Initiative.
- The **capacity development approach endangers sustainability prospects**: focus should be put on building up of national and/or regional trainers and consolidating these capacities in various organizations rather than in individuals. Support the development of successful examples – go beyond “capacity to do” towards “actually doing”.
- Building up capacities across different groups of stakeholders by the Initiative is highly appreciated.
- **Room for improvement** of the sustainability by:
  - Intensify support for the formation of **interdisciplinary multi-stakeholder groups on ABS** at national level (aim: broader consolidation of ABS knowledge and its dissemination in targeted countries).
  - Develop an exit strategy.

## Cross-cutting issues

- **Stake- and rights-holder participation** is a key characteristic of the Initiative and highly appreciated.
- **Desirable**: Exchange with the private sector and IPLC stakeholders in workshops and trainings as well as a broader involvement of stakeholders of different professions.
- **Establish** criteria for the selection of a) participants of workshops and trainings, and b) countries for further support at national level.
- **Gender equality** could be given a more prominent role, especially in the implementation of ABS compliant value chains (e.g. argan oil or shea butter). Traditional natural resource management practices are highly gendered which is an opportunity to reinforce existing good practices/empower the (women) custodians.
- The initiative implies **good governance** and **human rights** through the promotion of indigenous populations' rights over their local resources.

## 4 Resulting challenges

The successful achievement of the goals of the CBD and NP requires a **change in behaviour** of providers (response to access requests, transaction costs) and users (transparency, willingness to share benefits) of genetic resources. Therefore, besides increasing the technical and legal knowledge of all relevant actors and supporting the development of efficient processes for the assessment and approval of access requests, it is essential to create an **environment of trust** between providers and users, accompanied by transparent and efficient monitoring mechanisms.

Based on the findings of the evaluation and the *Strategic Framework for Capacity-building and Development to Support the Effective Implementation of the Nagoya Protocol*, a number of **key challenges relevant for the future work of the ABS Initiative** can be identified:

### Substantive challenges

- Support the national translation of the Nagoya Protocol for all concerned stakeholders (governments, IPLCs, public research, private sector, NGOs). This includes the development of ABS policies as well as regulatory and institutional frameworks.
- Support the development of ABS compliant value chains more effectively; development of supply chains and the negotiation of fair and equitable ABS agreements.
- Offer stakeholders a basic understanding of the business models of all relevant sectors (e.g. pharmaceuticals, cosmetics, biotechnology and plant breeding).
- Strengthen the role of gender equality especially in the implementation of ABS compliant value chains (e.g. argan oil or shea butter).
- Provide training to users of genetic resources with regard to the conclusion of user agreements that are compliant with ABS.
- Put more attention on the potential of non-monetary benefits as a vehicle for development and focus less on hypothetical monetary benefits.

### Process based challenges

- Support the development of successful examples – go beyond “capacity to do” towards “actually doing”.
- Improve the facilitation of learning and information exchange amongst practitioners and strengthen virtual exchange and learning.
- Build capacities of national and regional trainers and consolidate these capacities in various organizations.
- Intensify support for the formation of interdisciplinary multi-stakeholder groups on ABS at national level for the broader consolidation of ABS knowledge and its dissemination in targeted countries.
- Promote the exchange with the private sector and IPLC stakeholders in workshops and trainings and ensure a broader involvement of stakeholders of different professions.
- Introduce a standardized monitoring system of the quality of activities (workshops, training courses).
- Develop an exit strategy.

### Administrative challenges

- Establish criteria for the selection of
  - a) participants of workshops and trainings, and
  - b) countries for further support at national level.
- Develop procedures for the participation of IPLCs (e.g. biocultural community protocols or comparable instruments).
- Address funding uncertainty by the donor community.

## 5 Intervention logic

The intervention logic of the ABS Initiative is visualized as a results model which shows a progressive sequence of interdependent positive results that are intended to contribute to the achievement of the project outcome and objective. The results model provides the conceptual basis for results-based monitoring and represents the project's strategic approach with the underlying hypotheses.

In line with the recommendation of the external evaluation of the ABS Initiative, which took place between 10/2013 and 02/2014, the **results model** (Figure 1) differentiates between the results which can be clearly attributed to the interventions of the ABS Initiative and those results that were reached with interventions of additional actors. The results model is the conceptual basis for results-based monitoring and represents the project's strategic approach with the underlying hypotheses.

**Outcome:** Stakeholders in partner and cooperation countries (governments, indigenous peoples and local communities, public research organisations, private sector and NGOs) as well as regional and international organizations use the contributions of the ABS Initiative for operationalizing access to genetic resources and the fair and equitable sharing of benefits arising from their utilization.

**Objective:** The fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding, supports national sustainable development, the livelihoods of rural people, the conservation of biological diversity and the sustainable use of its components.

Outputs/results and key activities leading to the outcome are transferred to a results matrix which provides, together with identified assumptions and risks, the basis for project evaluation and the monitoring framework of the project (see Annex 1).

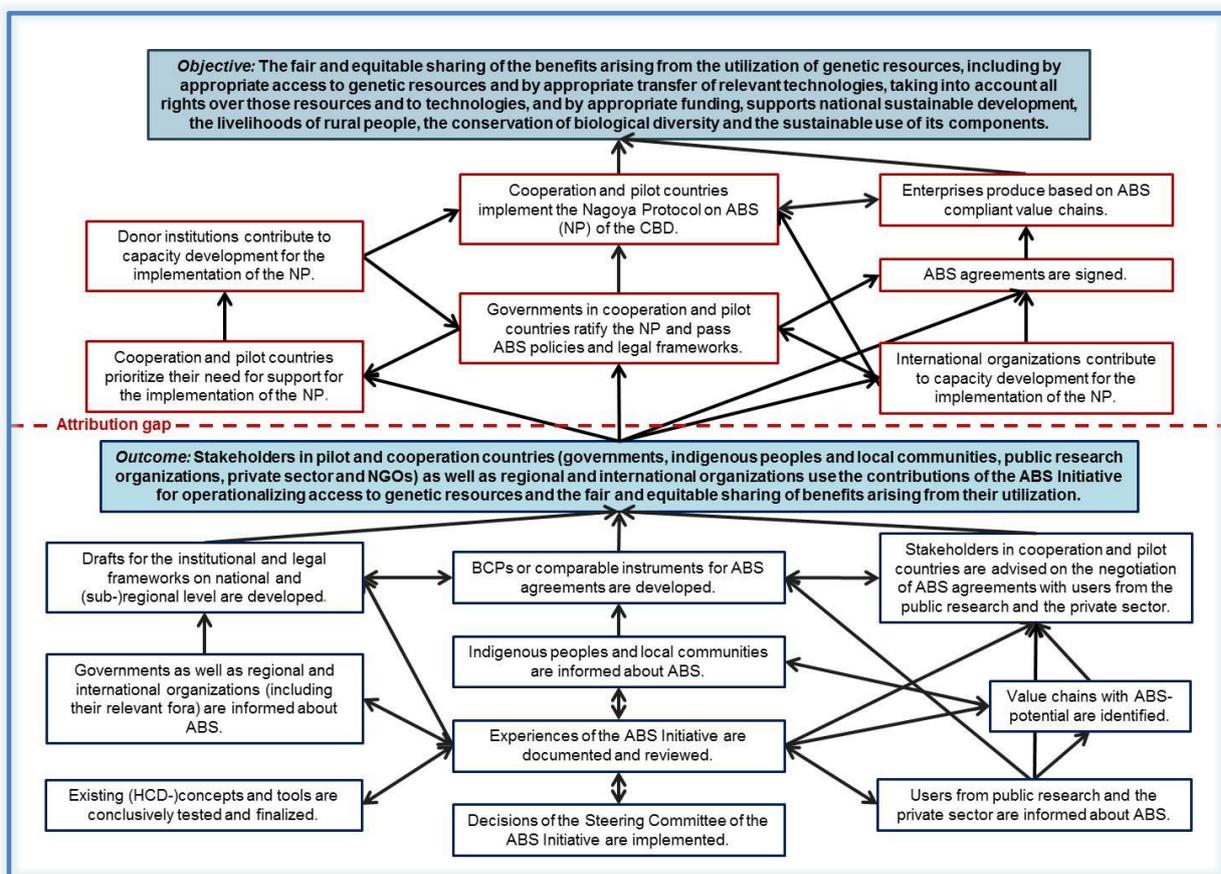


Figure 1. Results model for the ABS Capacity Development Initiative showing a progressive sequence of causally interdependent positive results that are intended to contribute towards achieving the objective of the programme.

## 5.1 Achieving the project's objective

To achieve the objective, countries must actively engage to ratify and implement the NP at national level. Capacity development needs must be further identified; funding needs must be addressed and sufficiently prioritized in development assistance negotiations. International and (sub-)regional organisations must further engage in capacity development and support countries in implementing the NP. Public research and businesses must utilize genetic resources and associated traditional knowledge based on mutually agreed terms with the respective providers of such resources. Only when

- a sufficiently large number of countries become parties to the Nagoya Protocol,
- parties develop and implement regulatory frameworks at national and subnational level, as required, and
- public research and the private sector establish functioning ABS agreements with providers of genetic resources and associated traditional knowledge that are transparent with clear benefit-sharing arrangements,

will the project's overall objective, i.e. **the objective of the NP**

*"[...] the fair and equitable sharing of benefits arising from the utilization of genetic resources [...] thereby contributing to the conservation of biological diversity and the sustainable use of its components."*

**and the improvement of livelihoods of rural populations** be achieved. Directly targeted activities of the ABS Initiative in **partner countries** and specific auxiliary activities (see Chapters 5.2 and 5.3) to scale up experiences to **cooperation countries** within the regional scope of the ABS Initiative will support stakeholders and relevant actors in their efforts to design and implement functioning national ABS frameworks. However, assessing the extent to which the achievement of these results can be attributed to the ABS Initiative is difficult, if not impossible.

## 5.2 Achieving the project's outcome

For achieving the project's outcome, the ABS Initiative will in its new phase clearly differentiate between **partner and cooperation countries**: **Partner countries** will receive direct support by the ABS Initiative and its partners for implementing the Nagoya Protocol. Comprehensive support packages will be tailored to countries' needs depending on the significantly varying status of ABS implementation and available financial and ABS relevant technical support by other agencies, such as GEF funded projects or bilateral development cooperation projects.

Dependent on the available funding, a number of selected partner countries will be determined for supporting the development of their regulatory ABS framework at national and (sub-)national level, as required, and to negotiate functioning ABS agreements with public research organizations and businesses. Criteria for selecting partner countries as well as efficient and effective modes of delivery are detailed in Chapter 6, Annex 2 and Annex 5.

**Cooperation countries** will benefit through regional trainings and experience exchange as well as the documentation of lessons learned and best practices.

The ABS Initiative focuses its interventions to contribute, ultimately, to the establishment of functioning ABS agreements between providers and users. Thus, two of the five **outcome indicators** refer to the establishment of ABS agreements, whereas one addresses the establishment of regulatory frameworks as an underlying requirement:

1. In X partner countries of the ABS Initiative ABS National Focal Points have **submitted drafts to the relevant decision makers** for the institutional and legal framework of ABS at the **national level**.
2. In X partner countries of the ABS Initiative **Y ABS agreements have been established**.
3. In X partner countries of the ABS Initiative **Y ABS agreements are based on "Biocultural Community Protocols (BCPs) or comparable instruments** and explicitly include the **participation of women** in benefit-sharing.

4. **Stakeholders in partner and cooperation countries rate their satisfaction level with and the usefulness of the outputs** of the ABS Initiative on a scale from 1 to 6 with 4 or higher.
5. The **Steering Committee of the ABS Initiative rates its satisfaction level** in regard to the contributions of the Secretariat of the Initiative for steering the Initiative on a scale from 1 to 6 with 4 or higher.

Outcome indicator 3 further includes the gender perspective by requiring that women receive a fair and equitable share of the benefits generated from the utilization of genetic resources and/or associated traditional knowledge.

The outcome indicators 1 to 3 intentionally do not address the quality of the outcomes as establishing a universal scale of “good” and “bad” regulatory ABS frameworks or ABS agreements will be difficult, if not impossible for any evaluation team. An ex-post evaluation five or even ten or more years after the establishment of such an ABS framework might be able to come up with a sound assessment why a national regulatory ABS framework was functioning or failed. The same applies to ABS agreements, where the ultimate goal is to assess whether they contributed with monetary and nonmonetary benefit-sharing to conservation, improved livelihoods and sustainable development.

As a proxy for assessing the short-term quality of outcome indicator 1 to 3, indicator 4 has been provided essentially to establish whether stakeholders are satisfied with the outputs of the ABS Initiative and whether they find the outputs useful.

The last outcome indicator refers to the governance structure of the ABS Initiative (see Chapter 7), addressing the working relationship between the steering committees and the GIZ implemented Secretariat of the ABS Initiative.

Respective baselines, targets and means of verification for the outcome indicators are detailed in Annex 1. Targets will be adapted by decisions of the Steering Committee as additional co-funding contributions by donors become available to the ABS Initiative.

Outputs contributing to achieve the outcome are as follows:

- Output A:** *Draft institutional and legal frameworks as well as roadmaps for ABS implementation at national and (sub-) regional level.*
- Output B:** *Draft ABS agreements with users of the public research and private sector.*
- Output C:** *Biocultural Community Protocols (BCP) or comparable instruments as basis for the negotiation of ABS agreements involving IPLCs*
- Output D:** *Instruments and tools (check lists, manuals, guidelines, etc.) for supporting stakeholders in partner and cooperation countries in implementing ABS*
- Output E:** *Necessary information for the Steering Committee of the ABS initiative*

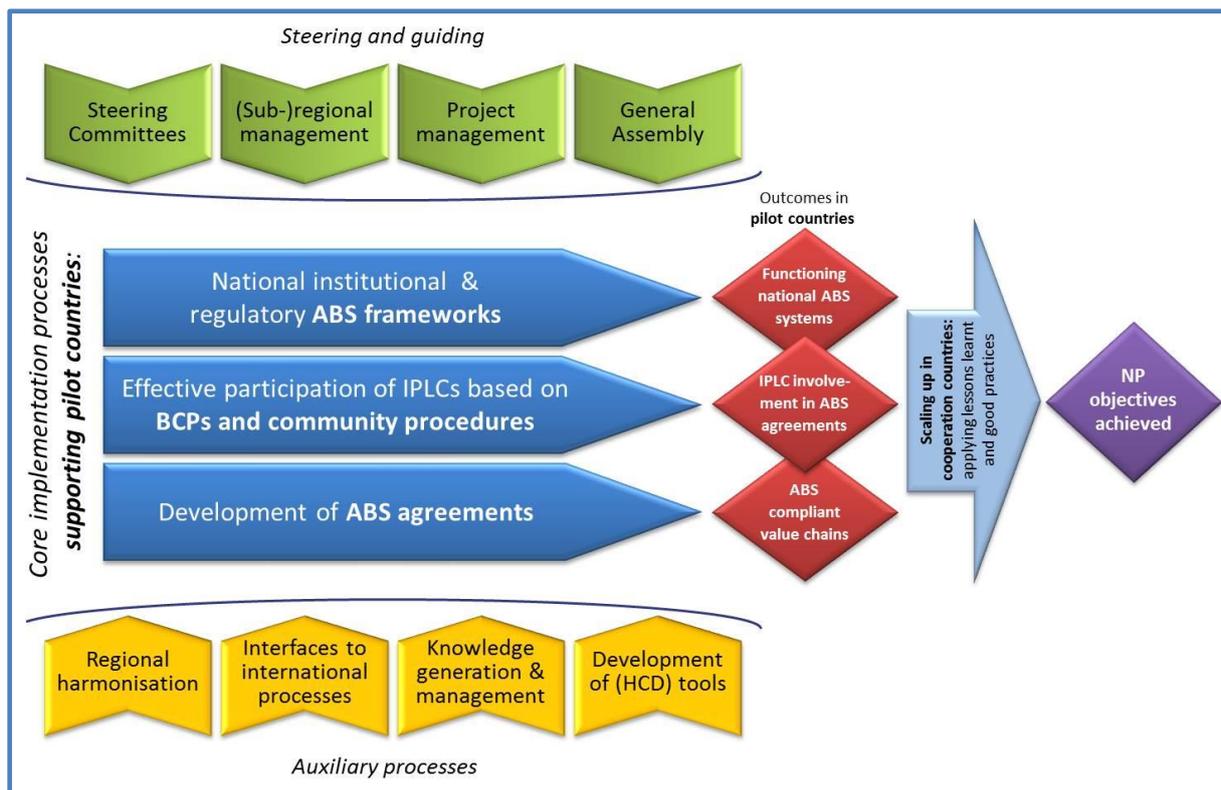
Respective output indicators with baselines, targets and means of verification as well as an indicative list of relevant activities contributing to the achievement of the outputs are listed in Annex 1.

The necessary support builds on the experiences of and lessons learned by the ABS Initiative during the last years with a view to develop targeted tools and methodologies for human capacity development (HCD) and awareness raising. Such tools provide the basis for scaling-up the number of partner countries as additional co-financing becomes available to the ABS Initiative as well as establishing ABS capacity building and development capacities at regional and sub-regional level.

### 5.3 Supporting the implementation of the NP Strategic Framework for Capacity-building and Development

The *Strategic Framework for Capacity-building and Development to Support the Effective Implementation of the Nagoya Protocol on Access and Benefit-sharing* identifies five key areas for capacity-building and development:

1. Capacity to implement and to comply with the **obligations of the Protocol**;
2. Capacity to develop, implement and enforce **domestic legislative, administrative or policy measures** on access and benefit-sharing;
3. Capacity to **negotiate mutually agreed terms**;



**Figure 2. Process landscape of the ABS Initiative differentiating steering and guiding processes and auxiliary processes from core processes leading towards the intended outcomes and objective.**

4. Capacity of **indigenous peoples and local communities** and **relevant stakeholders**, including the business sector and the research community, in relation to the implementation of the Protocol;
5. Capacity of countries to develop **endogenous research capabilities** to add value to their own genetic resources.

Transferring the above described results model and results matrix of the ABS Initiative to the strategic process management level (see Figure 2) allows to clearly identify the overlap and thus the direct contribution of the ABS Initiative to the implementation of the *NP Strategic Framework for ABS Capacity-building and Development*. Furthermore, guidance on resource allocation is provided by identifying the core processes relevant for achieving the desired outcomes.

Three **core processes** – (1) national institutional and regulatory framework, (2) effective participation of IPLCs based on BCPs or other relevant community procedures, and (3) development of ABS agreements – support partner countries in implementing the Nagoya Protocol at national level.

**Auxiliary processes** such as support for regional harmonization, input and feedback to relevant fora of international processes (e.g. CBD, WIPO, FAO) will link the national implementation efforts to relevant processes at regional and international level. Knowledge generation and management, as well as the development and institutionalization of tools and trainings for human capacity development (HCD) facilitate scaling-up and improve effectiveness of the work of the ABS Initiative. The results of the monitoring framework together with reflections on relevant developments at the regional and international level feed into the **steering processes** thus ensuring adaptive management towards achieving the desired outcomes of the project.

The first four key areas of the *NP Strategic Framework for ABS Capacity-building and Development* addressing national implementation, involvement of stakeholders and negotiating ABS agreements are directly supported by the core implementation processes of the ABS Initiative. In this regard, increased **cooperation with the SCBD** will contribute to improved cooperation and coordination among the different actors involved in the implementation of the *Strategic Framework*. Furthermore, tools and products developed and used by the ABS Initiative for capacity development as well as

experiences and lessons learned will be made available for scaling-up and utilisation by other relevant actors engaged in ABS capacity development.

Developing endogenous research capabilities requires, besides adequate national science and research policies, appropriate intellectual property regimes at national level and also significant investment in physical research infrastructure. Such investments are beyond the capabilities of the ABS Initiative and need to be addressed by specific investment programmes of bilateral or multilateral donors. The ABS Initiative though may play a catalysing and facilitating role.

## 5.4 Important assumptions and risks

Awareness of the value and importance of GR and aTK and the three objectives of the CBD is quite low among policymakers and the public in many **cooperation countries** as compared to other topics. Furthermore, ministries in charge of implementing the CBD and its Nagoya Protocol are often less powerful than ministries in charge of trade, agriculture, forestry and fisheries. This can negatively influence the priority given to developing and implementing ABS regulatory frameworks as well as creating new or adapting existing institutional arrangements at the national level.

**By focusing** the interventions of the ABS Initiative at national and local level **in partner countries it is assumed** that

- ABS National Focal Points develop ownership for the draft regulatory frameworks and pass them on to the relevant decision makers or decision making bodies,
- stakeholder and representatives of other sectors are interested in and have the capacities to participate in the formulation of ABS agreements,
- public research institutions and enterprises can be motivated to participate in ABS mechanisms, and
- providers and users of GR and aTK sufficiently trust the national and international ABS process under the Nagoya Protocol that they actually enter into ABS agreements .

**Changes of government constitute a risk in some partner countries.** Political priorities of the new governments might change resulting in less support for the implementation of the Nagoya Protocol at national level. The only remedy to distribute risks is engaging in a sufficiently large number of partner countries for the objectives of the ABS Initiative to be achieved.

**High transaction costs** (fees, bureaucracy, and inadequate partner structures) for negotiating ABS agreements and getting access permits may lower or stall interest of potential users to seek access and negotiate MAT in provider countries. In consequence, potential users may opt for product development based on genetic resources from other countries and/or sources.

Establishing national regulatory frameworks for the implementation of the Nagoya Protocol or negotiating ABS agreements with IPLCs **involves the risk that legitimate representation of those individuals involved might be challenged by other IPLCs or even within the community.** The development and establishment of BCPs or equivalent community procedures target to overcome the latter whereas disputes between communities within countries need to be addressed by the relevant national policy processes. The establishment of BCPs and/or the conclusion of ABS agreements might thus be delayed or blocked.

**All risks are considered as medium** and can be addressed by carefully selecting partner countries where commitment and interest to engage on ABS and implement the Nagoya Protocol comes also from stakeholders other than just the CBD implementing ministry. Targeted consultation with selected stakeholders and gatekeepers may be able to positively influence decision making at national level.

## 6 Approaches and Modes of Delivery

As described above, in order to support the implementation of the Nagoya Protocol during the period 2015-2020, the ABS Initiative will support as a priority the development of national ABS frameworks as well as the establishment of functioning ABS agreements involving governments, IPLCs and other relevant stakeholders, with a view to building sustainable ABS partnerships.

In pursuing this goal, a step-by-step approach is suggested for the period from 2015 to 2020 in order to achieve progress in ABS implementation while recognizing that the needs of countries and stakeholders will evolve over time and that they can learn from each other.

While it is envisaged that the Initiative will continue to carry out activities at the national, regional and international levels, the focus of activities in the short term will be on providing support at the national level. Once some progress has been achieved, the experience gathered will be shared through regional activities, and activities at the international level could contribute to ensuring coherent implementation of the Nagoya Protocol across all regions.

One success factor of the Initiative has been its flexibility in adapting to changing demand and new developments. Recognising the need for continued flexibility, the approach and delivery mechanisms are to be assessed on a regular basis to respond to the changing needs of countries and stakeholders in ABS implementation over time as progress is achieved.

## 6.1 Approach

Based on the logic of the *NP Strategic Framework for ABS Capacity-building and Development* (as detailed in Annex 1 and 2 of the Framework), the ABS Initiative will follow a flexible approach in the context of this 5 year programme (2015-2020) to address the specific needs of countries and stakeholders in the short (approx. 1-2 years), medium (approx. 3 years) and/or long term (approx. 4-5 years), through various activities and delivery mechanisms at the national, regional and international levels.

The approach is further to take into account the need to build capacity at the regional level to support national processes and diminish reliance on international expertise over time. In this regard, the Initiative will explore possible approaches to ABS capacity development through national/regional institutions based on domestic human capacity in the medium to long term.

### 6.1.1 Short term (1-2 years)

The focus of the Initiative in the short term will be on providing support to the implementation of the Nagoya Protocol in selected countries. Lessons learned from these partner countries can then inform developments in other countries (cooperation countries) which can benefit from the same type of support in a second round in the medium term.

#### *National level activities*

The following step-by-step approach is suggested to support the implementation of the Nagoya Protocol in partner countries:

- Identification of a minimum of X partner countries<sup>9</sup>, based on the criteria listed in Annex 2.
- A country level diagnostic for each partner country selected is to be based on an assessment of their national situation against the criteria listed in Annex 3.
- Development of a national roadmap and related timeframe/milestones for the development of a national ABS framework (including strategy, institutional responsibilities and administrative processes, relevant legal and regulatory frameworks) and/or establishment of ABS agreements.
- Identification of appropriate delivery mechanisms to support the implementation of the roadmap based on the type of support needed and a menu of options as further described in Annex 4.
- Establishment of a country support team (comprising ABS Initiative staff, experts and partners) and a capacity building plan based on identified needs and timeframe.
- Capacity development activities/support provided by ABS Initiative, including the building of institutional and human capacities at national and regional level (with a view to building regional training capacities for future training in the region).
- Regular monitoring of progress made at the country level
  - Follow-up every 3-4 months (e.g. electronically, country visit)

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<sup>9</sup> The number of countries may vary depending on the level of funding available.

- Assessment of progress carried out once a year – based on targets established in roadmap and established timeframe.

#### ***Regional level activities:***

- Specific capacity development activities, such as trainings, at regional/sub-regional level with a view to share experiences between partner countries and scale up experiences to cooperation countries.
- Developing regional technical and skill oriented training capacities.
- Establish “blended learning” fora for participants of trainings and courses to support long-term learning including from experienced peers with a view to support exchange of ABS knowledge and practices among ACP countries.
- Support to coordinated approaches of implementation, e.g. continued support to development of regional guidelines (e.g. AU Guidelines, COMIFAC Strategy) and support to similar processes in the Caribbean and the Pacific.

#### ***International level activities:***

- Establish a legal support team for partner countries, so that follow up can be done cost-effectively, continuously and in a coherent manner (making use of supra regional experiences).
- Continue to coordinate activities with other relevant organisations and partners at international level in order to follow international developments and ensure a coordinated approach to ABS capacity building with relevant partners.
- Continue to support dialogue between providers and users to contribute to mutual understanding and the development of ABS partnerships.

### **6.1.2 Medium term: (3 years)**

#### ***National level activities***

- Ongoing support to partner countries and assessment of progress made against milestones established in country roadmaps.
- Preparation of country reports/case studies.
- Identification of remaining challenges in partner countries and identification of lessons learned.
- Identification of new/additional partner countries for national support.
- Assessment of delivery mechanisms, in particular tools and trainings to determine whether they need to be adapted to changing needs in light of progress/developments made.
- Continued support to national level capacity building.

#### ***Regional level activities***

- Exchange of experiences at regional level between partner countries and cooperation countries based on progress made in partner countries, through regional workshops or other appropriate formats.
- Recognition of regional champions:
  - As a locomotive to promote ABS implementation in the region;
  - As actors in the further development of capacity at the regional level.

#### ***International level activities***

- International dialogue, involving exchange of experiences with countries and stakeholders from other regions, to support coherent implementation of the NP with a particular view to the interaction with other relevant global and regional regimes.

### **6.1.3 Long term (4 - 5 years)**

- Assessment of progress made/achievements in partner countries, with respect to the following:
  - ABS national strategies;
  - ABS legislative and regulatory frameworks;
  - Institutional and human capacities;
  - Establishment of ABS agreements and ABS compliant value chains.

- Dissemination of this information through relevant mechanisms to other countries from ACP regions and other regions (e.g. country reports/case studies, workshops).
- Development of ABS best practices on the basis of the lessons learned and experience acquired.
- Identification of next steps for capacity building on the basis of developments and changing needs of countries.

## 6.2 Delivery mechanisms

### 6.2.1 What type of support to deliver?

Support is to be provided through the following delivery mechanisms, which will be adapted over the years, as needed, to respond to the changing needs of countries and stakeholders and take into account lessons learned:

- Direct country support:
  - Identification of national country teams (composed of ABS Initiative staff, experts and partners) for providing guidance/support in the development of national ABS frameworks and the establishment of ABS compliant value chains (2-3 people per team/country);
  - Country teams to provide support/guidance throughout the process, ensure continuity and propose tools/mechanisms needed at different steps of the process (please refer to Annex 4);
  - Legal support team to assist stakeholders in partner countries on regulatory and contractual matters;
  - Monitoring progress and drawing lessons learned to inform developments in other countries.
- Tools/products:
  - A list of tools/products already available or being development under the current work plan (2012-2015) and those suggested to be developed as part of the future work programme (2015-2020) is provided in Annex 5.
- Trainings/workshops:
  - A list of trainings/workshops already available and those to be developed is included in Annex 5.

Establishing a critical mass of ABS trained individuals at country level is essential for making the system work, both in terms of making the system robust to staff change and to create an enabling ABS implementation environment. Therefore, some trainings could be carried out at regional level and involve 2-3 participants from partner countries (e.g. 15 participants from 5 countries) in order to facilitate the development of capacity of a core group of experts at national level, while also supporting exchange of experiences between countries. Trainings should be easily replicable by different trainers and not rely on individual expertise.

In the medium term, based on lessons learned during the first short-term phase, different formats could be used to support the exchange of experiences between countries and stakeholders (e.g. dialogues, workshops, peer to peer exchanges, country reports).

In the medium to long term, developments at country level with respect to the implementation of national ABS frameworks and the establishment of ABS compliant value chains are to be assessed, documented and made available to other countries and stakeholders through various means:

- National country reports/case studies
- Best practices
- Exchange of experiences in dialogues/regional workshops

At the international level, the Initiative is to continue to support a coordinated approach to capacity building, sharing of experiences amongst ACP countries, with other regions and in relevant international forums with a view to support a coherent implementation of the Nagoya Protocol across regions and in different sectors.

## 6.2.2 Who is to provide support?

### *Role of the ABS Initiative*

- Role of coordinator of capacity development activities in partner countries:
  - Lead for each country team to ensure continuity, oversight, and respond to demand and changing needs over time.
  - To coordinate and monitor the work of partners in order to ensure policy coordination, coherence and consistency in delivery of ABS capacity building by the Initiative across countries and regions.
- To act as broker/networker to facilitate partnerships between providers and users promoting the establishment of ABS agreements / ABS compliant value chains.
- To provide policy guidance and support on the basis of existing tools (e.g. AU Guidelines).
- To assess/monitor progress on the basis of agreed indicators.
- Role of incubator to initiate (innovative) processes with respect to improved ABS implementation.
- Role of amplifier by sharing lessons learned and contributing to the development of best practices.

### *Role of partners*

**Partners in delivery:** Partners in the delivery of capacity development support will be called upon to intervene based on their specific area of expertise, responding to particular needs of countries or stakeholders. Partners may be involved in delivering national support or in other types of activities (e.g. development of products, trainings) to be determined on a case-by-case basis. Annex 6 provides a list of existing partners and their key areas of work with the ABS Initiative which may need to be adapted in future to reflect new developments. Further partners in delivery may be included as the need arises and as appropriate.

**Regional organisations:** Regional organizations support the implementation of the Nagoya Protocol in their respective regions in the light of their respective mandates and capacities. These organizations include the African Union Commission and the COMIFAC in Africa; SPREP, SPC and PIC in the Pacific; and the CARICOM Secretariat for Caribbean countries. The ABS Initiative will continue to collaborate with them in organising regional experience-sharing opportunities and the development of regional ABS policies and guidelines upon request.

**International organisations:** Close coordination and collaboration with international partners involved in ABS project development and implementation, such as the SCBD and the Secretariat of the ITPGRFA, the GEF Secretariat, UNDP, UNEP and IUCN, is to be maintained in order to ensure a coherent approach to the implementation of the *NP Strategic Framework for Capacity-building and Development* and avoid duplication of work. This can be attained by the participation of the ABS Initiative in the Informal Advisory Committee on Capacity-Building, established by the COP-MOP in decision I/8.

Experiences of the ABS Initiative in supporting national ABS processes and engaging with the private sector can contribute to (further) conceptualizing GEF funded projects from the international down to the local level. To this effect, the ABS Initiative will maintain close communication with the GEF Secretariat and the GEF Agencies to ensure that the coordination of interventions and investments take place at the concept note stage (Project Identification Form or PIF) and during the project development of Medium- and Full-Sized Projects. This coordination will help to further substantiate the role of the ABS Initiative in supporting the execution of GEF funded projects.

## 7 Governance of the ABS Initiative

The ABS Initiative is hosted by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the Secretariat of the ABS Initiative, which is commissioned by BMZ to Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

**Representatives of donors** – currently the governments of Germany, Denmark, Norway, France, the EU and the *Institut de la Francophonie pour le développement durable* –, the **Secretariat of the Convention on Biological Diversity (SCBD)** and **appointed stakeholder representatives** are members of three regional Steering Committees (one for Africa, the Caribbean and the Pacific each) which provide strategic guidance to the Secretariat and approval of yearly work plans and budgets. Relevant partner organizations which support attaining the outcomes and objectives of the ABS Initiative as well as stakeholders from the regions are invited as observers to the respective steering committees.

Regionally overarching matters, such as new memberships to the ABS Initiative or further development of the Programme Document, will be decided by the Joint Steering Committee comprising all members of the regional steering committees.

A General Assembly of the Joint Steering Committee and invited observers will meet at least biannually back-to-back with the CBD Conference of the Parties to ensure South-South exchange about ABS implementation under the ABS Capacity Development Initiative and to provide recommendations to the regional steering committees based on lessons learned and best practices developed.

## 8 Budget

Annex 7 outlines budget requirements for the period 2015 to 2020 which should be available to the ABS Initiative for attaining the objectives as outlined in this Programme Document. If significantly less or more funding is available, priorities must be discussed and decided by the regional steering committees.

Yearly budgets for the coming years will be developed by the Secretariat based on the available funding and presented to the respective Regional Steering Committee of the ABS Initiative in due time for approval.

## Annex 1 : Results matrix

The results matrix is based on the results model<sup>10</sup> and serves as basis for the results-based monitoring.

All indicator baselines will be provided based on the Progress Report 2014 of the ABS Initiative and the partner country assessments which will be conducted during the first six months of project implementation. Baselines will be approved the latest by the meeting of the Steering Committee in early 2016. Indicator targets will be provided accordingly and updated upon availability of additional co-financing contributions. Targets will be approved by the yearly meetings of the Steering Committee.

Summary	Indicators	Means of verification
<p><b>Objective:</b>  <i>The fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding, supports national sustainable development, the livelihoods of rural people, the conservation of biological diversity and the sustainable use of its components.</i></p>		
<p><b>Outcome</b>  <i>Stakeholders in partner and cooperation countries (governments, indigenous and local communities, public research organisations, private sector and NGOs) as well as regional and international organizations use the contributions of the ABS Initiative for operationalizing access to genetic resources and the fair and equitable sharing of benefits arising from their utilization.</i></p>	<ol style="list-style-type: none"> <li>In X partner countries of the ABS Initiative ABS National Focal Points / Competent National Authorities have <b>submitted drafts to the relevant decision makers</b> for the institutional and legal framework of ABS on the <b>national level</b>.            Baseline: <i>Drafts in Y partner countries</i>            Target: <i>Drafts in X partner countries</i></li> <li>In X partner countries of the ABS Initiative <b>Y ABS agreements have been established</b>.            Baseline: <i>Z ABS agreements in X countries</i>            Target: <i>Y ABS agreements in X countries</i></li> <li>In X partner countries of the ABS Initiative <b>Y ABS agreements are based on “Biocultural Community Protocols (BCPs) or comparable instruments and promote the inclusion and participation of women in benefit-sharing</b>.            Baseline: <i>Z ABS agreements in X countries</i>            Target: <i>Drafts for Y ABS agreements in X countries</i></li> <li><b>Stakeholders in partner and cooperation countries as well as regional and international organisations rate their satisfaction level with and the usefulness of the outputs of the ABS Initiative on a scale from 1 to 6 with 4 or higher.</b>            Baseline: <i>No separate assessment of satisfaction so far</i>            Target: <i>Rating 4 to 6</i></li> <li>The <b>Steering Committee of the ABS Initiative rates its satisfaction level</b> in regard to the contributions of the Secretariat of the Initiative for steering the Initiative on a scale from 1 to 6 with 4 or higher.            Baseline: <i>No separate assessment of satisfaction so far</i>            Target: <i>Rating 4 to 6</i></li> </ol>	<p><i>Documents of the drafts, documentation of notification to decision-makers</i></p> <p><i>Signed ABS agreements and/or permit at ABS-CH</i></p> <p><i>Signed ABS agreements and/or permit at ABS-CH</i></p> <p><i>Survey of stakeholders</i></p> <p><i>Survey of the members of the Steering Committee</i></p>

<sup>10</sup> See Chapter 0 for further explanations on the intervention logic.

Summary	Indicators	Means of verification
<p><b>Output A</b> <i>Draft institutional and legal frameworks including roadmaps for ABS implementation at national and (sub-) regional level.</i></p>	<p>A.1: Drafts / concepts for the institutional and legal ABS framework at national level are formulated by X partner countries. Baseline: Y drafts Target: X drafts</p> <p>A.2: Roadmaps for ABS implementation in X partner countries and Y (sub-)regions include budget allocations Baseline: Z partner countries and Z1 (sub-) regions Target: X partner countries and Y regions</p> <p>A.2: The drafts/ concepts in X partner countries include the feedback from IPLCs as well as other relevant stakeholders. Baseline: Y drafts Target: X concepts with feedback from stakeholders</p> <p>A.3: X concepts for ABS relevant measures are developed in sectors other than the environment sector (e.g. agriculture, forest, marine, IPR, TK) Baseline: Y drafts Target: X concepts with requirements for sectors other than environment</p> <p>A.4: X new or updated strategy papers and/or guidelines for a coherent implementation of ABS at a (sub-) regional level are available. Baseline: Y strategy papers and/or guidelines Target: Y strategy papers and/or guidelines</p>	<p><i>Drafts / Concept papers</i></p> <p><i>Revised and/or new roadmaps</i></p> <p><i>Comparison of drafts / concept papers with comments from stakeholders, survey of relevant stakeholders</i></p> <p><i>Analysis of the draft concept papers</i></p> <p><i>Adopted strategy papers or guidelines</i></p>
<p><b>Output B</b> <i>Draft ABS agreements with users of the public research and private sector.</i></p>	<p>B.1: The development of X new ABS agreements with users from public research and and/ or the private sector have been initiated. Baseline: Y ABS agreements exist Target: X new ABS agreements</p>	<p><i>Documentation of communication with users (companies) (e.g. emails, minutes from workshops or other meetings), documentation of identified products (e.g. scientific publications, studies, websites);</i> <i>ABS agreements</i></p>
<p><b>Output C</b> <i>Biocultural Community Protocols (BCPs) or comparable instruments as basis for the negotiation of ABS agreements involving IPLCs.</i></p>	<p>C.1: In X partner countries Y IPLCs have developed BCPs or similar instruments as basis for the negotiation of ABS agreements. Baseline: Z ABS-relevant BCPs are available Target: BCPs in X countries for Y IPLCs</p>	<p><i>Signed BCPs or comparable instruments</i></p>
<p><b>Output D</b> <i>Instruments and tools (check lists, manuals, guidelines, etc.) for supporting stakeholders in partner and cooperation countries in implementing ABS.</i></p>	<p>D.1: Relevant and practical instruments and tools are developed by the ABS Initiative. Baseline: List of instruments and tools developed by the ABS Initiative Target: Additional instruments and tools are available to stakeholders</p>	<p><i>Documentation of instruments and tools on ABS Initiative website; survey among stakeholders about use of instruments and tools</i></p>
<p><b>Output E</b> <i>Necessary information for the Steering Committee of the ABS initiative.</i></p>	<p>E.1: All requested documents (mainly work plans, annual reports, discussion papers, decision papers/decision proposals) are submitted by the Secretariat of the ABS Initiative in a timely manner. Baseline: So far no documentation of the supportive work of the Secretariat Target: All documents on time</p>	<p><i>Documentation of the requirements (mainly minutes of the Steering Committee, emails to the Secretariat of the ABS Initiative), documentation of the documents provided by the Secretariat</i></p>

## Indicative list of (important) activities

### Activities for output A

- Coordinating and, where applicable, jointly implementing activities to promote competence of relevant stakeholders with the Secretariat of the Convention on Biological Diversity (SCBD), the Secretariat of the International Treaty for Plant Genetic Resources for Food and Agriculture (Treaty Secretariat) and/or other relevant actors
- Coordinating and, where applicable, jointly preparing materials for capacity development and awareness raising with the SCBD, the Treaty Secretariat and/or other relevant actors
- Developing technical and financial support packages for and with partner institutions for the implementation of measures for the national and local implementation of ABS
- Analysing and presenting interfaces with other sectors, such as agriculture, forestry, fisheries, research etc.
- Analysing and presenting value chain models in different business sectors
- Conceptualising, implementing and financing workshops, trainings and discussion fora at national and (sub-) regional level, where applicable in cooperation with SCBD, the Treaty Secretariat and/or other relevant actors
- Supporting the preparation and coordination of (sub-)regional strategies and guidelines

### Activities for output B

- Conceptualising and implementing dialogue forums, where applicable in cooperation with the SCBD
- Commenting on drafts for ABS agreements
- Implementing negotiation and contract trainings for relevant stakeholders

### Activities for output C

- Identifying and financially supporting NGOs and other partners for competence promotion of IPLCs
- Conceptualising, implementing and financing workshops and trainings for IPLC representatives, where applicable in cooperation with SCBD, the Treaty Secretariat and/or other relevant actors

### Activities for output D

- Further developing the ABS Initiative's website ([www.abs-initiative.info](http://www.abs-initiative.info)) as knowledge management platform on ABS
- Developing appropriate training and capacity development formats and curricula for the relevant stakeholder groups
- Developing generic awareness raising material to facilitate the production of such materials in different languages
- Developing and producing manuals, guidelines and checklists etc. for developing regulatory ABS frameworks and negotiating ABS agreements

### Activities for output E

- Developing annual progress and financial reports
- Developing annual work plans and budgets
- Developing further requested decision proposals

## Annex 2: Criteria for the identification of partner countries

For the identification of partner countries a careful selection process will be applied. Building on previous guidance by the Steering Committee and the practical experiences of the ABS Initiative in supporting specific countries during the last years the following criteria will provide the basis for decision making by the Steering Committee:

- Regional/sub-regional balance, i.e. X number of countries per region (1 or 2 countries per region/sub region)
- Countries at different levels of ABS implementation
- Demand based
- Demonstrated level of engagement
- Countries with NFP, CNA or at minimum clear contact point<sup>11</sup>
- Countries presenting interesting prospects for ABS (e.g. demand for GR and aTK by users, ongoing bioprospecting activities, interest of national actors in valorising GR and aTK)
- Countries that can be used as a model for scaling up/model for others
- Selection based on coordination with and/or sharing labour with other actors such as GEF funded projects, bilateral development cooperation projects

<sup>11</sup> Although countries may not have established an official NFP or competent national authority, a clear contact point in the country should be established to support the project.

## Annex 3: Key elements for consideration in the country diagnostic

More detailed checklists will be developed for individual elements to ensure consistence and comparability of the country diagnostics:

- Political awareness of ABS (decision-makers)
- Existence of national strategy (NBSAP, bio-economy etc.)
- Financial support provided by the government itself
- Institutional set up and administrative processes
- Legal and regulatory framework, incl. availability of information at the ABS-CH
- Enabling environment in relation to business and public research
- Human capacities
- Demand for access to GR and aTK (e.g. by public research and private sector), for which types of GR and/or aTK and from which sectors
- Involvement of IPLCs
- Past ABS experience
- ABS related activities of other implementing agencies in the country

## Annex 4: Menu of options for partner countries

Appropriate delivery mechanisms for partner countries are to be determined, on a case-by-case basis, based on the menu of options available, including the following:

- Direct support needed
  - To build awareness of decision-makers
  - To develop capacity of relevant institutions
  - To develop human capacity (including government, IPLCs and other stakeholders)
  - To support the development of legislative/regulatory framework, administrative processes and community procedures
  - To support the establishment of ABS partnerships
- Tools/products to draw from based on national situation, such as:
  - CEPA guide
  - Briefs on specific sectors
  - Legal toolkit
- Types of training/workshop needed, such as:
  - General ABS training
  - Training on development of legislative/regulatory frameworks
  - ABS contract training
  - Multi-stakeholder workshop to support development of national ABS strategy

## Annex 5: Delivery mechanisms: tools, products and formats

### Tools and products:

Tools and products already available or to be developed under the current work plan (2012-2015):

- Films (e.g. ABS, on TK, on utilization of GR)
- CEPA Guide
- Regional guidelines: AU Guidelines provide policy framework for regional coordination
- IDLO toolkit for the development of national ABS legal frameworks
- Briefs on different sectors utilizing GR
- Posters illustrating ABS cases in different sectors
- Synthesis of ABS practices in different sectors
- Compendium of ABS agreements
- Handbook for ABS contract negotiations

Tools and products to be developed under the new work programme (2015-2020):

- Films on how different sectors use GR
- Handbook for ABS contract negotiations
- (Sub-)Regional guidelines
- Online versions of posters explaining ABS cases in different sectors
- Training material to be developed for each training (e.g. training modules)
- Blended learning/discussion forums
- Guidelines that can also be used in other countries

### **Trainings/workshops**

Available trainings/workshops

- General ABS training
- Training for the development of national ABS legislative and regulatory frameworks
- ABS and IPR
- ABS contract training (process and content)
- Multi-stakeholder workshops to support the development of a national ABS strategy

Trainings to be developed:

- IPLC training for support to ABS implementation
- Sectoral utilization of genetic resources (R&D and business models)

## **Annex 6: Partners in delivery**

The following provides an overview of the current key partners in delivery and their key areas of work with the ABS Initiative. Further partners in delivery may be taken on board as appropriate for improved implementation of the programme document:

### **Natural Justice:**

- Assist in building the ABS capacity of IPLCs and in particular the development of ABS community procedures (e.g. BCP). NJ could be called upon to intervene at country level to support IPLCs.

### **University of Cape Town (UCT), Environmental Evaluation Unit:**

- Continued implementation of general ABS training for young professionals

### **Fridtjof Nansen Institute (FNI):**

- Country level support in the development of national legal frameworks including on-the-job training of involved lawyers and reporting on progress in these countries (e.g. country studies).
- Analyses of future questions for functional implementation, especially the coherent implementation of ABS in relation to other relevant international instruments.
- Continuous development of the methodology and content of the regional trainings on ABS / IPR and ABS contract trainings, carrying them out in collaboration with other partners and individuals.

### **International Development Law Organization (IDLO) in partnership with Center for International Sustainable Development Law (CISDL):**

- To continue examining developments in countries in the implementation of ABS legislative and regulatory frameworks in order to regularly update the toolkit.
- Regional trainings to be organized in partner countries and cooperation countries to build the ABS expertise of lawyers to be involved in the development of national legal frameworks.

### **Union for Ethical BioTrade (UEBT) and PhytoTrade Africa:**

- To continue support to the establishment of ABS partnerships/ABS compliant value chains between users and providers.
- To be called upon on a case-by-case basis to support developments in partner countries.

**Peoples and Plants International:**

- To continue to provide conceptual work and develop appropriate tools to support awareness-raising with respect to ABS practices of different sectors and properly address these in ABS agreements.

**Biodiversity International:**

- To provide country level support to the coherent implementation of the Nagoya Protocol and ITPGRFA and contribute to the development of best practices.

## **Annex 7 : Indicative Budget for Project Period 2015-2020**

The indicative budget outlines the costing of the ABS Initiative for the period 2015 to 2020 which is required for attaining the objective as outlined in this Programme Document. For further details please refer to chapter 5.3.

The planned mid-term review in 2017 may lead to adjustments between the budget lines.

Budget category		2015	2016	2017	2018	2019	2020	Total
<b>1</b>	<b>AFRICA</b>							
1.1	Core process: National institutional & regulatory ABS frameworks	400.000	400.000	400.000	400.000	400.000	400.000	2.400.000
1.2	Core process: Effective participation of IPLCs based on BCPs and community procedures	400.000	400.000	400.000	400.000	400.000	400.000	2.400.000
1.3	Core process: Development of ABS agreements	400.000	400.000	400.000	400.000	400.000	400.000	2.400.000
1.4	Steering and guiding processes (SCs, project management, (sub)regional management, and General Assembly)	700.000	700.000	700.000	700.000	700.000	700.000	4.200.000
1.5	Auxiliary processes (reg. harmonisation, interf. to int. processes, know l. mangmt & communic., dev. of HCD tools)	800.000	800.000	800.000	800.000	800.000	800.000	4.800.000
<b>Sub total: AFRICA</b>		<b>2.700.000</b>	<b>2.700.000</b>	<b>2.700.000</b>	<b>2.700.000</b>	<b>2.700.000</b>	<b>2.700.000</b>	<b>16.200.000</b>
<b>2</b>	<b>CARIBBEAN</b>							
2.1	Core process: National institutional & regulatory ABS frameworks	100.000	100.000	100.000	100.000	100.000	100.000	600.000
2.2	Core process: Effective participation	75.000	75.000	75.000	75.000	75.000	75.000	450.000
2.3	Core process: Development of ABS	75.000	75.000	75.000	75.000	75.000	75.000	450.000
2.4	Steering and guiding processes (SCs, project management, (sub)regional management, and General Assembly)	125.000	125.000	125.000	125.000	125.000	125.000	750.000
2.5	Auxiliary processes (reg. harmonisation, interf. to int. processes, know l. mangmt & communic., dev. of HCD tools)	150.000	150.000	150.000	150.000	150.000	150.000	900.000
<b>Sub total: CARIBBEAN</b>		<b>525.000</b>	<b>525.000</b>	<b>525.000</b>	<b>525.000</b>	<b>525.000</b>	<b>525.000</b>	<b>3.150.000</b>
<b>3</b>	<b>PACIFIC</b>							
3.1	Core process: National institutional & regulatory ABS framework	100.000	100.000	100.000	100.000	100.000	100.000	600.000
3.2	Core process: Effective participation of IPLCs based on BCPs and community procedures	75.000	75.000	75.000	75.000	75.000	75.000	450.000
3.3	Core process: Development of ABS agreements	75.000	75.000	75.000	75.000	75.000	75.000	450.000
3.4	Steering and guiding processes (SCs, project management, (sub)regional management, and General Assembly)	125.000	125.000	125.000	125.000	125.000	125.000	750.000
3.5	Auxiliary processes (reg. harmonisation, interf. to int. processes, know l. mangmt & communic., dev. of HCD tools)	150.000	150.000	150.000	150.000	150.000	150.000	900.000
<b>Sub total: PACIFIC</b>		<b>525.000</b>	<b>525.000</b>	<b>525.000</b>	<b>525.000</b>	<b>525.000</b>	<b>525.000</b>	<b>3.150.000</b>
<b>4</b>	<b>Supra-regional: South-South exchange</b>	<b>150.000</b>	<b>150.000</b>	<b>150.000</b>	<b>150.000</b>	<b>150.000</b>	<b>150.000</b>	<b>900.000</b>
<b>Costs of projekt activities</b>		<b>3.900.000</b>	<b>3.900.000</b>	<b>3.900.000</b>	<b>3.900.000</b>	<b>3.900.000</b>	<b>3.900.000</b>	<b>23.400.000</b>
<b>GIZ overhead costs (up to 15%)</b>		<b>585.000</b>	<b>585.000</b>	<b>585.000</b>	<b>585.000</b>	<b>585.000</b>	<b>585.000</b>	<b>3.510.000</b>
<b>Total project costs</b>		<b>4.485.000</b>	<b>4.485.000</b>	<b>4.485.000</b>	<b>4.485.000</b>	<b>4.485.000</b>	<b>4.485.000</b>	<b>26.910.000</b>