

Report of the Pacific Steering Committee Meeting 2012

21st November 2012, Eskitis Institute, Brisbane, Australia

Participants

Members of the Steering Committee

Alissa Takesy, FSM
Ben Phillips, Australia
Clark Peteru, SPREP
Elina Young, SPC
Elizabeth Munro, Cook Islands
Joseph Brider, Cook Islands
Patricia Parkinson, IUCN Oceania
Trinison Tari, Vanuatu
Ulamila Lutu, SPC

Secretariat of the Initiative

Andreas Drews, GIZ
Susanne Heitmüller, GeoMedia

Observers

Dominique Levy, New Caledonia
Johanna von Braun, Natural Justice / GEF SGP
Morten Walløe Tvedt, FNI

Welcome and Opening

Andreas Drews, Manager of the ABS Capacity Development Initiative, opened the meeting. He welcomed everyone and asked the participants to briefly introduce themselves.

Governance Structure of the ABS Initiative

Andreas Drews gave a short introduction to the role of the steering committees in the governance structure of the ABS Capacity Development Initiative. Donors – currently Germany, the *Organisation internationale de la Francophonie*, Denmark, Norway and the European Union – and appointed stakeholder representatives (government, indigenous and local communities, academia), as well as representatives of the implementing partners to the Initiative are represented in the three regional Steering Committees (one for Africa, the Caribbean and the Pacific region respectively). The Regional Steering Committees meet at least once annually to provide guidance to the Initiative's Secretariat, approve annual work plans and budgets, review implementation of the Initiative and assess its impact, and help raising additional resources. So far, only the African Steering committee has been operative. Regionally overarching matters, such as new memberships to the ABS Initiative or the further development of the programme document, will be discussed and decided by the Joint Steering Committee comprised of all members of the regional Steering Committees.

A General Meeting of the Joint Steering Committee and invited observers will meet at least bi-annually 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.

The main topics for discussion at the present meeting were:

- 1) How does the Pacific Steering Committee want to function?
- 2) What should be the work plan, i.e. what should be done in the next year for the available funding?

Andreas Drews explained that the existing African Steering Committee has taken a very informal approach so far, i.e. donors, members, as well as observers are allowed to actively take part in the discussions and no formal voting procedure applies. Further, he pointed out that in most cases donor representatives won't attend the meetings of the Pacific Steering Committee due to distance.

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Therefore, decisions need to be communicated to everyone to give the opportunity to comment and discuss in writing if necessary.

As the African Steering Committee is normally chaired by the host of the ABS Initiative, BMZ, Andreas Drews proposed that Ben Philips, DSEWPaC, Australia, representing a donor providing parallel funds to the activities of the ABS Initiative in the Pacific, to chair the present meeting. Ben Phillips accepted to be the Chair of the meeting on a provisional basis. The other members of the Steering Committee agreed, while highlighting that at a later state country representatives should take over, as the ABS Initiative is a country driven process.

Report back on 2012 by the Secretariat

Andreas Drews reported back on the processes and activities of the Initiative in the Pacific in 2012:

Regional Workshops

Three regional workshops, which were co-financed by Australia:

- South Pacific Nagoya Protocol Access and Benefit Sharing Capacity Building Workshop, SkyLodge Hotel, Namaka, Nadi, Fiji, 19 to 22 March 2012, which focused on
 - Capacity building needs;
 - development of elements of a road map for ABS implementation;
 - update on the ratification process.
- Pacific Access and Benefit Sharing Workshop, Vaisala, Samoa, 22-24 May 2012, which focused on
 - recent developments in relation to ABS at the international level and the relevance to Pacific Island Countries,
 - business models and presenting Pacific case studies and building understanding of the interaction between ABS and the Treaty for Plant Genetic Resources for Food and Agriculture,
 - status of ratification and implementation of the Nagoya Protocol in Pacific Island countries and to initiate the development of national road maps, including how regional organisations can support this work,
 - planning for regional coordination at ICNP 2, including the role of regional organizations.
- Oceania Biodiscovery Forum and Pacific Workshop on PIC and MAT, Eskitis Institute, Brisbane, Australia, 19 to 23 November 2012, which pursued a better understanding of the commercialisation process and benefits of biodiversity research and development, as well as a better understanding of the needs of those that provide genetic resources and associated traditional knowledge. Finally, a two days training is meant to help understand and design effective and efficient Prior informed consent (PIC) and mutually agreed terms (MAT) procedures and documents.

Supporting national processes

National dialogues with Palau, Samoa and Vanuatu took place. A country visit of the FSM unfortunately needed to be cancelled.

Case Studies

A couple of studies were carried out to look into cases of bioprospecting in the region. Daniel Robinson, who carried out those case studies and wrote the report, explained briefly the method and

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content of those studies. Four case studies from the Pacific were selected to be evaluated in the light of the Nagoya Protocol:

- Case 1: The International Cooperative Biodiversity Group (ICBG) 'Sustainable Use of Biodiversity in Papua New Guinea' Project
- Case 2: The Cook Islands CIMTECH – Koutu Nui Agreement
- Case 3: The Falealupo Covenant and R&D on Mamala, Samoa
- Case 4: The Santo 2006 Global Biodiversity Survey, Vanuatu

Key challenges and lessons were provided to each case study. Information was collected from publicly available sources, websites, requested from the researchers or parties to the agreement, government authorities and in some cases through the conduct of interviews with key stakeholders and field trips. The report is available on the ABS Initiative's website at <http://www.abs-initiative.info/609.html>.

Partners

Andreas Drews reported on the new collaboration of the ABS Initiative with the **GEF Small Grants Programme (GEF SGP)**. The secondment of Johanna von Braun to the Central Programme Management Team of GEF SGP, situated in headquarters in New York, is to integrate ABS as a topic into the SGP funded programmes and opens up many opportunities for ABS related projects in the region.

Further, he highlighted the renewed cooperation with the **Fridtjof Nansen Institute (FNI)**, based in Norway, which can provide great expertise on various ABS related issues. Overall 5 to 6 researchers work on the CBD, ABS and intellectual property (IP), traditional knowledge (including the WIPO process), FAO related issues (e.g. ITPGRFA, CGRFA), marine genetic resources and climate change. Morten Walløe Tvedt, who is one of them and who will be the entry point for concrete requests and who is ready to respond to any related questions, explained shortly his work.

Finally, Johanna von Braun presented the work of **Natural Justice**, an NGO, which deals with ABS related issues at community levels and tries to facilitate the full and effective participation of indigenous peoples and local communities in the development and implementation of biodiversity laws and policies by raising awareness and legal empowerment. One of the main instruments they help to promote and develop are the so-called Biocultural Community Protocols, which try to create a bridge between customary law and national law. Natural Justice also engages in new areas of work, such as Indigenous and Community Conserved Areas (ICCAs) and locally managed marine areas (LMMAs). There has been a long-standing partnership with the ABS Initiative to work together on these issues. Also, a colleague from Natural Justice has been the Legal Advisor to the African Group during the negotiations of the Nagoya Protocol.

Elements of the Work Plan and Budget 2013

Andreas Drews introduced briefly the subject matter, stressing the relevant key data, i.e. the available budget for 2013 is 250.000 Euros. There might be parallel funding from GEF SGP and significant additional funding from Australia. He asked everyone to think about what would be really key activities and what would be nice to have for the region. He highlighted that the ABS Initiative has already developed some training tools, such as a training course on multi-stakeholder processes, as well as training courses on ABS and IPR for ABS National Focal Points as well as ILCs.

Finally, he pointed out that country support is strictly demand driven and very much depends on where the country stands in the process of ratification and implementation of the Nagoya Protocol.

In the subsequent discussion the following issues and questions were raised:

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- Policy related support is one of the most urgent needs (e.g. in relation to marine areas & resources in the exclusive economic zones)

Comments:

- In Africa often provided through bilateral cooperation, but also by providing tailored briefing papers and supporting national experts
 - FNI has done some work related to marine issues and could engage in country case studies, seminars etc.
- Gap analysis – what is still needed to implement the Nagoya Protocol? Mapping exercise to identify what is still needed to improve and be in line with the Nagoya Protocol (good experiences in Palau and Vanuatu)

Comments:

- FNI has done similar work for Bhutan, i.e. necessary expertise is available; countries must request assistance though
- Situation of overseas territories difficult as they 'fall between the cracks'

Comments:

- The ABS Initiative formally receives funding only to support ACP countries, i.e. overseas territories are not included. However, donors are aware of the situation and representatives of overseas territories are welcome to participate in the regional events and processes. The ABS Initiative is though not in a position to directly offer in country support to the territories.

Before wanting to actually prioritize between possible trainings, regional workshops, introducing ABS into the agenda of high-level meetings etc., some of the participants pointed out that they were concerned about not being actually mandated by their governments to represent their country or the region on the Steering Committee. They felt that also other countries should be involved in the process and that a draft list with prioritized activities should be circulated and endorsed by everyone. In his response Andreas Drews clarified that the participants of the meeting do not represent their country, but take part in their personal capacity as a local expert on ABS, who is familiar with the international negotiation, as well as the national implementation process of the Nagoya Protocol. Their role is to provide guidance to the ABS Initiative to identify the core priorities of the region and draft a work plan, which is to be circulated to everyone in the beginning of 2013 for comments. Also, it is planned for the larger group of country representatives to the PIC and MAT workshop to reflect on the outcomes of this meeting on Friday at the end of the week.

After this clarification, everyone felt comfortable to continue the discussions and the following observations were made and priorities identified:

- 1) **Regional Workshop** back to back with the 9th Pacific Island Conference on Nature Conservation and Protected Areas, November 2013, Fiji (ca. 40.000 Euros + travel costs of ABS Initiative and consultants/resource persons)

A regional workshop to be held back to back with the SPREP Conservation Conference was identified as one of the top priorities. Though it is very costly, a regional workshop was considered the best way to get everyone together and disseminate effectively the relevant information and allow for a comprehensive exchange.

- 2) **Training on ABS and IPRs:** 2 participants per country: ABS NFP and a government representative in charge for IPR (ca. 80.000 Euros)

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Participants were wondering if policy development at the regional level could be subject of training. Regional draft policy/legislation, however, proved to be often ineffective, so that any support for policy development should take place at country level. Finally, IPR related issues in MAT were considered to be an important matter. As there is a need for related capacity development in the region and the ABS Initiative has already done trainings on this issue, training on ABS and IPRs was identified as a second priority.

- 3) **Country support:** Stocktaking and gap analysis and policy development in two selected countries (ca. 30.000 Euro)

Morton Tvedt presented in this context FNI's work in Bhutan, where they advise in cooperation with Natural Justice, on new ABS legislation (including workshops with relevant stakeholders, in country consultation processes, training course for government representatives, concrete advice on ABS arrangements in the country etc.). Further, Ben Philips and Andreas Drews described their activities in assessing Palau's status with respect to ABS. Ministerial meetings took place, as well as institutions issuing relevant permits, NGOs, chiefs etc. were visited and interviewed to get an overall picture of the situation and be able to identify existing gaps and required actions.

During the discussions it became clear that there was a great interest for in country support to carry out a gap analysis, provide training, help with awareness raising and policy development. In the light of limited funds, Andreas Drews reminded everyone that a prioritization is needed, but that also national GEF STAR 5 allocations may be still available for ABS related in country support. Also, two additional funding opportunities were identified:

- Johanna von Braun mentioned the so called 'strategic projects' of GEF SGP, which can make funds up to 150.000 USD available and which represent a great opportunity for capacity development on ABS for communities. Here is a national process required, i.e. countries have to apply to access those funds (see <http://sgp.undp.org/index.php>).
- Further, Daniel Robinson presented shortly on possible Australian co-funding through the Australian Research Council and its so-called Linkage Projects (see http://www.arc.gov.au/ncgp/lp/lp_default.htm) and its Discovery Project (see http://www.arc.gov.au/ncgp/dp/dp_default.htm).

Finally, it was agreed that, in the beginning, the ABS Initiative should focus on two selected countries.

- 4) **General awareness raising measures**, including production of targeted briefing material for different occasions (e.g. Pacific Leaders Forum 2013 or Meeting of the Heads of Agriculture and Forestry Services), adaptation of ABS film for the Pacific context etc. (ca. 50.000 Euros)

During the discussions participants stressed the importance to raise awareness on ABS issues among policy and decision makers. The Pacific Leaders Forum, which will be hosted by the Marshall Islands in 2013, was identified as one good occasion to try to get ABS on the agenda and receive a broad political buy in. As the organization of the Forum lies with the President's office, Warwick Harris was identified as the entry point/first contact for further action.

- 5) South-South exchange, including representation at each others meetings, information sharing etc. (ca. 20.000 Euros)

Finally, South-South exchange, i.e. the exchange of experiences and lessons learnt between the ACP regions was considered to be of great value. Everybody agreed that it should also in the future be possible for respective representatives to take part in each other's events and activities.

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Furthermore, some additional ideas were discussed. An **intern at the SPREP Secretariat** (approx. 2.000 Euro/month) to help with ABS related activities was considered to be an asset. Furthermore, participants discussed the possibility to fund training for ILCs on ABS and IPRs back to back with the Network Conference 27 May to 31 May 2013 of the Indigenous Peoples and Local Communities Land and Sea Managers Network.

Finally, it was highlighted by Patricia Parkinson that in the context of the BIOPAMA Project, IUCN Oceania will support some ABS related projects at country level. Andreas Drews pointed out that it would be good to identify jointly with the ABS Initiative some pilot countries to add on funds and further develop the ABS related policy agenda in the respective countries.

31 January 2013 – Andreas Drews / Susanne Heitmüller