

# Progress Report 2011

## Table of Contents

1.	Formation of the ABS Initiative .....	3
2.	Finances: Budget and Expenditure in 2011 (see Annex D).....	5
3.	Implementation of the Work Plan 2011 .....	6
	APPROACH 1: Capacity development of relevant stakeholders.....	6
	Technical & legal trainings.....	6
	Regular Multi-Stakeholder Workshops .....	6
	ABS, Protected Areas Management and Forest Governance.....	7
	ABS in Biotrade Value Chains.....	7
	ABS and CEPA .....	8
	ABS, Traditional Knowledge and Intellectual Property Rights.....	9
	APPROACH 2: Preparation and follow-up of CBD meetings on ABS .....	9
	APPROACH 3: Support to national implementation.....	9
	Development of national ABS regulations .....	9
	Implementing ABS agreements & regulations .....	10
4.	Meetings of the Steering Committee.....	12
5.	Assessment of Impacts .....	12
6.	Lessons Learned.....	17
	Annex A: Letter of acknowledgement of Achim Steiner, Executive Director of UNEP .....	18
	Annex B: Letter of gratitude of Sem T. Shikongo, African Intersessional Coordinator and Chief Negotiator .....	19
	Annex C: Endorsement of the Regional ABS Strategy for Central Africa by the acting President of the COMIFAC Minister's council .....	21
	Annex D: Budget and actual expenditure for the implementation of the ABS Capacity Development Initiative for Africa in 2010 .....	22
	Annex E: List of workshops, trainings and conferences organized and attended by the ABS Initiative.....	23

## 1. Formation of the ABS Initiative

### 2005-2008: The Dutch-German ABS Capacity-Building Initiative for Africa

Conscious of the capacity development needs associated with negotiating and implementing an international regime on ABS, and in line with the draft elements for an Action Plan for capacity-building for ABS adopted by COP-6 in 2002, the Directorate-General for International Cooperation (DGIS) of the Netherlands Ministry of Foreign Affairs and GTZ<sup>1</sup> came together in 2005 to discuss the joint promotion of capacity development on ABS in Eastern and Southern Africa. As a result, DGIS co-funded GTZ's supra-regional programme "Implementing the Biodiversity Convention" in order to organize a regional ABS capacity development workshop. This multi-stakeholder workshop was held in October 2005 in Addis Ababa, Ethiopia. 50 participants from 15 different countries took stock of bioprospecting in Africa and assessed ABS capacity development needs. Participants in particular noted the following challenges:

- lack of awareness of the potential of ABS at the political level;
- insufficient functioning of national ABS regulations;
- inadequate implementation of existing regulations;
- insufficient awareness and exchange among relevant stakeholder groups;
- insufficient regional harmonisation;
- unavailability of inventories and information on the value of genetic resources;
- not adequately developed negotiation skills.

The workshop's results were presented at the 4<sup>th</sup> meeting of the CBD Ad Hoc Open-Ended Working Group on ABS.

Based on the substantive workshop results, participants' encouraging feedback and the overwhelming interest of stakeholders from all over Africa, DGIS and GTZ agreed to continue their cooperation until 2008 under the framework of the **Dutch-German ABS Capacity-Building Initiative for Africa**. Africa was retained as the priority region since by international comparison this region had the greatest need for capacity development. The Initiative was launched at CBD COP-8 in March 2006 in Curitiba, Brazil, with a view to offer strategic capacity development to African countries regarding both, the implementation of ABS measures at national and sub-regional level as well as the negotiation of the international ABS regime "on eye level" with other negotiation parties. Main instruments at that time were consultative meetings to support necessary Africa-wide multi-stakeholder processes, as well as ABS relevant thematically specific and/or regionally focused studies, workshops and trainings.

### 2008-2011: The ABS Capacity Development Initiative for Africa

The Initiative has besides kicking off initial national and regional ABS implementation processes in several African countries significantly contributed to the increased preparedness of African delegates in the negotiations of the international regime on ABS. Already at COP-9 in Bonn in May 2008, the African Group officially expressed its gratitude to the Initiative's assistance to the region, underlining the necessity for continuous support for ABS capacity development in Africa. Taking into account this request, the Initiative was prolonged until 2011 with increased assistance from additional donors and partners. The *Institut de l'énergie et de l'environnement de la Francophonie* (IEPF), for example, joined the Initiative that same year to advance the integration of Francophone African countries into the Initiative's activities by contributing 100.000 Euro per year for interpretation in pan-African meetings and workshops and translation of relevant documents and studies. With the commitment of IEPF – so far prolonged until 2014 – a first step was undertaken to develop the initially Dutch-German partnership into a multi-donor initiative for concerted ABS capacity development for Africa. As such,

---

<sup>1</sup> At 1 January 2011 the Deutscher Entwicklungsdienst (DED) gGmbH (German Development Service), the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH (German technical cooperation) and InWEnt – Capacity Building International, Germany merged to Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

## The ABS Capacity Development Initiative

the Initiative was renamed into the **ABS Capacity Development Initiative for Africa** and based on a core contribution of BMZ amounting to 500.000 to 850.000 Euro per year since 2008.

In 2009, the Norwegian Ministry of Foreign Affairs joined the Initiative committing 20 Mio NOK (~2.4 Mio Euro) to the budget of the Initiative for the period 2009 to 2011. As integral part of this contribution the renowned Norwegian think-tank **Fridtjof-Nansen-Institute (FNI)** is funded with 150.000 Euro per year to provide its expertise to the Initiative on ABS and related issues such as intellectual property rights, forest laws and linkages to relevant international instruments. Besides FNI the ABS Initiative co-operates closely with a further think-tank, the Montreal based **Centre for International Sustainable Development Law (CISDL)** which is kindly offering analytical legal elaborations and backstopping activities at special partnership rates.

Also in 2009, Denmark and the European Commission expressed their interest to become permanent members of the Initiative. To that effect the Danish Government contributed in a first step 3 Mio DKK (~450.000 Euro) to the Initiative for organising a pan-African Minister Conference on ABS in 2010 in partnership with the Namibian Government. With an additional 530.000 Euro contribution for 2010 and 2011 Denmark became acknowledged as full member of the ABS Initiative in 2010.

The EuropeAid Co-operation Office (AIDCO) started to develop a project proposal which included a contribution of 5 Mio Euro in five years to the Initiative. The Biodiversity and Protected Areas Management (BIOPAMA) project was finally approved by the European Commission in December 2010 as part of the Annual Action Programme 2010 in favour of Intra-ACP<sup>2</sup> Cooperation under the 10<sup>th</sup> European Development Fund. The corresponding financing agreement between the EU and the ACP Secretariat was signed in February 2011. With the signature of the delegation agreement between the EU and GIZ in September 2011 the EU became full member of the ABS Initiative and the regional scope of the ABS Initiative was extended to include beside Africa the Caribbean and Pacific member states of the Cotonou Agreement. As a consequence, the Initiative was again renamed into **ABS Capacity Development Initiative**.

Further, it should be noted that initial discussions on financial support for ABS capacity development activities in the Pacific Region with the Australian Ministry of the Environment and AusAID took place in late 2011. Early 2012 the Australian Government finally committed parallel funding amounting to 300.000 AUD (~250.000 Euro) for 2012 to the activities of the ABS Initiative in the Pacific.

As a multi-donor initiative, the ABS Capacity Development Initiative contributed to the implementation of some key aspects of the Paris Declaration and Accra Agenda for Action, notably to improve donor harmonization and aid effectiveness, and consequently to better valorising the potential for poverty alleviation at the interface of natural resources management, trade and governance. The Initiative is linked to relevant global biodiversity related environmental processes through established cooperation with the Secretariat of the Convention on Biological Diversity in Montreal and the United Nations Environmental Programme in Nairobi.

The importance of this regional capacity development initiative has officially been recognized at several occasions such as

- statements of the African Group at relevant CBD meetings since 2006 (WGABS 5, 6, 7, 8, 9 and COP 9, 10),
- letter of acknowledgement of the Executive Director of UNEP (see Annex A),
- letter of gratitude of the African chief negotiator (see Annex B), and
- COP 10 decision on the Integration of Biodiversity into Poverty Eradication and Development (COP decision X/6, para. 12).

---

<sup>2</sup> African, Caribbean and Pacific Group of States under the Cotonou Agreement of 2000

## The ABS Capacity Development Initiative

- the statement on the ABS Initiative in the SCBD report for ICNP-1 on ABS capacity building measures (UNEP/CBD/ICNP/1/4, para. 37): “Although limited to the African continent, this initiative constitutes the most comprehensive attempt to build capacity and awareness on ABS.”
- reporting of SCBD at the meeting of the Steering Committee, on 4-5 February 2012, held in Limbé, Cameroun, which re-affirmed the Initiative’s significant role in supporting the SCBD in its ABS capacity building workshops and being a key partner to promote ratifications of the Nagoya Protocol (see Minutes of the meeting).

The high recognition is further reflected by the interest of other relevant players at the international level to collaborate with the ABS Initiative in various forms. For example, representatives of FAO/ITPGRF, UNEP, UNU, IUCN, SCBD, SECCO, MNHN, or AusAID are pleased to participate in the various events of the Initiative and cooperate on relevant issues and projects. Further, the Initiative also received an invitation to advise the Brazilian government on ABS policies and capacity development.

### 2. Finances: Budget and Expenditure in 2011 (see Annex D)

Funding in 2011 included untied core-funding to the Initiative and funds allocated to specific activities.

The Government of Norway kindly agreed in May 2010 to transfer up to 250,000 Euro of its 2011 contribution already in 2010 to be able to cover for the unforeseen costs caused by the additional meetings to finalize the Nagoya Protocol by COP 10 in October 2010. Therefore, 250,000 Euro only were available for 2011.

The Government of Denmark amended the initial financing agreement of 2009 in several steps:

- November 2010 - contributing an additional 2.5 Mio DKK (~335,000 Euro) core funding.
- October 2011 - contributing an additional 4 Mio DKK (~536,000 Euro) core funding.
- December 2011 - contributing an additional 570,000 DKK (~76,000 Euro) earmarked funding for organizing a business dialogue forum on ABS in mid 2012 in Copenhagen.

The projected budget for planned activities in 2011 amounted to 3.07 Mio Euro whereas the actual expenditure amounted to a total of 1.95 Mio Euro, composed of the

- core funding contributions of Norway, Denmark and the EU
- earmarked funding contribution of IEPF for interpretation and translation,
- earmarked and core funding contributions of BMZ (705,145 Euro), and
- monetarised in-kind contributions of BMZ and other organisations.

All budget allocations for activities were managed by the Secretariat in accordance with the work plan 2011 endorsed by the Steering Committee during its meeting at 5 February 2011 in Marrakech, Morocco and as amended in August 2011 due to the new membership of the EU and the announced additional Danish contribution. Unforeseen delays in processing donor contributions resulted in delayed availability of funds for implementation of activities. This forced the Secretariat to delay the hiring of two additional staff members into 2012 and together with unstable political situations and government changes after elections in some African partner countries to reduced spending of funds as compared to the projected budget for 2011.

As in previous years, the SCBD contributed in-kind to the Initiative by actively participating in and contributing to a number of workshops, with logistical support in the context of the different negotiation rounds and providing substantive advice on technical documents being developed by the ABS Capacity Development Initiative for Africa.

### 3. Implementation of the Work Plan 2011

This part of the report provides an overview on the activities and highlights either key outcomes or the role of the respective activity in the capacity development process. All relevant details about the different activities are documented on the recently re-launched Initiative's website <http://www.abs-initiative.info>.

#### APPROACH 1: Capacity development of relevant stakeholders

Capacity development of relevant stakeholders on ABS is the core activity of the Initiative with a view to implement ABS as an instrument contributing to good governance, conservation and poverty alleviation. The workshops and trainings organised for African stakeholders in 2011 were focused **to build and strengthen capacities to prepare the implementation of the Nagoya Protocol at the national level**. Further, African negotiators were supported in their preparations for the 1<sup>st</sup> meeting of the Intergovernmental Committee of the Nagoya Protocol (ICNP) in June 2011.

In addition, in October 2011, an initial stock-taking mission to the Caribbean and the Pacific took place and one day workshops back-to-back with regional NBSAP workshops were organized jointly with SCBD to provide a planning basis for activities in 2012.

#### Technical & legal trainings

The “**Legal & Technical Skills Training Course**”, developed by the Environmental Evaluation Unit at the University of Cape Town (UCT), under the direction of Dr Rachel Wynberg in close cooperation with and support by the Initiative was held for the first time at the UCT Graduate School of Business in January 2010. It was held a second time in cooperation with Strathmore University in Nairobi in October 2011. The course's contents were updated to reflect the adoption of the Nagoya Protocol in October 2010 and adapted to reflect East African ABS experiences. Specific objectives were to strengthen the knowledge base and to provide participants with a wide range of tools that they can use, *inter alia*, to develop and implement ABS policies and laws in their respective countries. The encouraging feedback from participants of both courses and their superiors in their home countries confirmed that the training concept addresses the increasing needs of professionals in government institutions and NGOs facing the challenges of implementing ABS. Therefore, it is planned to establish the training course as a yearly event for the Anglophone African countries. Moreover, initial discussions with the Museum of Natural History in Paris took place to establish a similar course at the University of Libreville for the Francophone African countries.

The GIZ training course “**Management of Multi-stakeholder Processes**” was adapted to specifically **improve the skills of African ABS National Focal Points**. Courses were held in Addis Ababa, Ethiopia, in May (Anglophone) and in Douala, Cameroon in June (Francophone) 2011. The objective of the trainings was to improve the methodological skills of the trainees (12 Anglophone and 15 Francophone) to conceptualize and facilitate multi-stakeholder workshops in the ABS arena with a view to have local facilitators ready to support the national processes – starting in the six countries under the UNEP/GEF ABS project.

#### Regular Multi-Stakeholder Workshops

Taking into account existing sub-regional structures, processes and existing legal systems (common law and civil law) ABS capacity development at **sub-regional level** is at the heart of the activities of the ABS Initiative. In 2011 sub-regional multi-stakeholder workshops were held in October in Bamako, Mali, for West Africa and the Maghreb and in Mangochi, Malawi for Eastern and Southern Africa focussing on implementation and communications challenges at national level thus supporting NFPs in the on-going processes for signing and ratifying the Nagoya Protocol. These workshops build on the roadmap and outcomes of the Pan African Workshop in Marrakech, mainly in further developing and

## The ABS Capacity Development Initiative

defining the activities of the “8 fields of action” for national ABS implementation. The workshops also included field trips illustrating local value chains, as well as training sessions related to CEPA.

ABS capacity development in **Central Africa** is formally linked to the Biodiversity Working Group of Central Africa (GTBAC, *Groupe de travail sur la biodiversité en Afrique Centrale*), the advisory body of the Central African Commission on Forests (COMIFAC) where the elaboration of a co-operative and harmonized ABS implementation framework for all ten countries of the COMIFAC region is among the key tasks since 2009. A substantial and consultative process of developing such a regional ABS approach under GTBAC has successfully led to the development of a COMIFAC ABS strategy, endorsed by the 2010 Council of Central African Ministers for Forests and Environment, held in Kinshasa, DRC, from 10 to 11 November 2010. In 2011, GTBAC 11 (March 2011, Douala) and GTBAC 12 (May 2011, Douala) discussed mainly the implementation and financing opportunities of the outcomes of COP-10, in particular the ratification and implementation process of the Nagoya Protocol in the sub-region. In this context, Gabon, the country holding the chair of GTBAC, was the first CBD party to ratify the Nagoya Protocol.

Furthermore, the first meeting of the COMIFAC Working Group on Non Timber Forest Products (NTFPs) - held 25-28 July 2011 in Boali, Central African Republic with FAO support - elaborated on food security and domestic NTFP based commodity value chains. Based on this stimulus GTBAC established a specialized GTBAC NTFP task force to analyze NTFP utilization as utilization of genetic resources according to the definition of the Nagoya Protocol - in relation to ABS and traditional knowledge, as well as under FLEGT aspects.

The **6th Pan-African ABS Workshop** was postponed upon request of the African negotiators due to the many international meetings in 2011 and took place from 30 January to 3 February 2012 in Limbé, Cameroon. It offered the opportunity to engage in discussions on valorisation approaches and sustainable value chain development linking ABS, biotrade and scientific research on genetic resources. The field visit at the foot of Mount Cameroon allowed the participants to explore in greater detail the *Prunus africana* value chain. The last two days provided participants with the opportunity to exchange views and valuable experiences on African and international processes relevant for national, sub-regional and regional ABS implementation. Further, participants discussed, based on a gap analysis report on the African Union Model Law vis-à-vis the development in relevant international processes and specifically the Nagoya Protocol on ABS, the possibility of the development of practical guidelines for the implementation of the Nagoya Protocol in Africa. Finally, a proposal, coming from the expert workshop on ABS and Intellectual Property Rights in Addis Ababa, for the development of templates for Prior Informed Consent (PIC), Mutually Agreed Terms (MAT) and the International Certificate of Compliance formed the basis of further fruitful debates.

### ABS, Protected Areas Management and Forest Governance

In light of the many linkages and similarities of governance challenges in the areas of ABS, Protected Areas Management and Forest Governance, a **preparatory expert meeting** on those issues took place in Bonn, Germany, in December 2011 to identify the key issues and topics for further analysis in the run-up to a larger meeting on the topic in 2012. The experts discussed, among others, the complementarity of the three frameworks at a conceptual level, stakeholder involvement, addressing common governance challenges, compliance with different access regimes to the resource(s), as well as “setting up systems”/“win-win-win” fields between the three areas.

### ABS in Biotrade Value Chains

In the framework of the ongoing DeveloPPP project with UEFT and PhytoTrade Africa, training courses are offered for member companies in Southern Africa and Europe to raise awareness and develop private sector capacities to analyse its supply and value chains whether ABS relevant utilization of genetic resources is taking place or not.

## The ABS Capacity Development Initiative

Further, at the UEBT Annual meeting 2011, ABS briefings for the body care industry have been conducted with the participation of providers and allowed for discussion on practical approaches on how to integrate ABS elements in current and future agreements. Finally, in the PPP context several tools are under development: (1) an undertaking for companies to use when sending samples of plants and plant parts and extracts which defines permitted uses and ensures eventual compliance with ABS along the supply chain. (2) an interpretative guide for Principle 3 of the Ethical BioTrade Standard, which explains how requirements linked to benefit sharing must be applied in different circumstances and at various stages along the supply chain; and (3) an ABS checklist, which companies can use to communicate progress on the ABS process to their clients. Moreover, contacts and sensitization of the private sector actors involved in the *Prunus africana* value chain sourcing in Cameroon (domestic and international) have been initialized. An analysis of the value chain and possible R&D components in the product development is also taking place to determine whether Biotrade or ABS is applicable here.

### ABS and CEPA

Supporting Communication, Education and Public Awareness (CEPA) on ABS is a centrepiece of the ABS Initiative from its beginning. Particularly in Africa, where formal and informal sectors, traditional and modern media, colonial and ethnic languages exist in parallel, special efforts have to be undertaken to communicate and embed a cross-societal and cross-sectoral development instrument such as ABS. Hence at all events of the ABS Initiative the entirety of African stakeholder groups identified CEPA activities on ABS as a key element of success for both finalizing the international regime and sustainable national implementation. They demanded greater institutional support for target oriented **CEPA** to address this **horizontal capacity building need**. Based on these insights the African Group aimed at institutionalizing CEPA in ABS implementation processes and negotiated successfully to reflect the ABS-CEPA link in the **Nagoya Protocol** and the related **COP decisions**.

- COP decision X/1: "Recognizing the importance of communication, education and public awareness for the successful implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity" (African Proposal).
- Nagoya Protocol Article 21: "Each Party shall take measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues. Such measures may include, *inter alia*: ..." (entire article based on African input).
- COP decision X/18: "Acknowledging the importance of communication, education and public awareness in informing stakeholders on the importance of implementing the third objective of the Convention on Biological Diversity and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization and to ensure their effective participation" (African Proposal).

Against this background, the Initiative produced in 2011 two films on ABS:

- 1) Production of "*ABS Simply Explained*" – a short, animated video (English / French / Spanish) which explains ABS and the Nagoya Protocol in 5 minutes. The film has been reviewed by the SCBD and has already being successfully used at various events, conferences and workshops.
- 2) Production of "*People, Plants and Profits - The Nagoya Protocol on Access and Benefit-Sharing in the context of three bioprospecting examples from Africa*"- a twenty minutes long film, which illustrates the basic principles of ABS in the context of the Nagoya Protocol, with the help of three African cases - Hoodia (South Africa), Argan (Morocco) and Teff (Ethiopia). The film was presented at the 6<sup>th</sup> Pan-African Workshop in Limbé, Cameroon, and received very positive feedback. The SCBD is involved in the review process. A French version of the film is in planning.

## The ABS Capacity Development Initiative

Finally, a CEPA guide for national implementation of ABS is under development. It picks up the 8 fields of action and the different communication situations in the respective fields. Further elements of the guide include an introduction into strategic communication, as well as a Communication and Multi-stakeholder Management Toolkit. The structure of the guide was presented and welcomed by participants at a side event at ICNP 1. The first edition of the modular guide is envisaged to be presented at ICNP 2.

### ABS, Traditional Knowledge and Intellectual Property Rights

In Addis Ababa, Ethiopia, from 5 to 9 September 2011, the ABS Capacity Development Initiative organized an Expert Meeting on „ABS and Intellectual Property Rights“. It was the first meeting discussing ABS implementation and its links to IPRs in an African context. The workshop provided a dialogue platform for representatives from African countries and international IPR experts to discuss the challenges of linking ABS and IPR in a coherent manner when implementing ABS at the national and sub-regional levels. Among other issues the participants examined in group work more closely the core tools presented in the Nagoya Protocol (prior informed consent (PIC), mutually agreed terms, (MAT) and access permit/international certificate of compliance) that are necessary to make the ABS system work. Key output of the workshop is the brainstormed information of that group work as a basis to support the draft of guidelines for Prior Informed Consent (PIC) and templates for Access Permits and MAT in line with the Nagoya Protocol for further analysis and elaboration by the ABS Initiative.

### APPROACH 2: Preparation and follow-up of CBD meetings on ABS

In Lysaker, Norway, in March 2011, the Fridtjof Nansen Institute hosted a first reflection meeting on the ‘global multilateral benefit sharing mechanism’ under the Nagoya Protocol. The idea to have such a meeting came directly from African delegates who approached and re-requested the Initiative, to cosponsor and co-organise this first discussion of the needs for and modalities of such a global mechanism.

Further, the Initiative supported a briefing for African delegates directly prior to ICNP-1 in Montreal, Canada.

The African ILC Preparatory Meeting, held in May 2011 back-to-back with the IIFB meeting in New York, provided a forum for a broad exchange of African indigenous and local communities (ILC) with ILC representatives from other regions on the traditional knowledge relevant provisions in the Nagoya Protocol on ABS and to prepare their positions for the discussions at ICNP-1 in June in Montreal.

Finally, the Initiative organized an initial information event for Caribbean and Pacific delegates at ICNP-1 on the EU funded BIOPAMA project and the included ABS component, providing an opportunity for South-South exchange with some African delegates.

### APPROACH 3: Support to national implementation

#### Development of national ABS regulations

**Benin:** Building on the momentum created by the first national ABS workshop in April 2010 which was supported by the ABS Initiative, a proposal for a project proposal was developed the national CBD focal point to build ABS related capacities of relevant stakeholders, to launch a national consultation process for developing a national ABS framework and to support the work of the Inter-ministerial Committee on ABS. A financing agreement with GIZ for implementation of the project is being drawn up.

**Liberia:** A financing agreement with the *Environmental Protection Authority (EPA)* of Liberia was concluded in 2009 to support the development of national ABS regulations. Based on the outcome of the initial survey in 2009 and the national consultative workshop in September 2009 the international African consultants drafted national ABS regulations and produced a detailed explanatory document

## The ABS Capacity Development Initiative

providing background and reasoning on the sections and individual articles in the draft regulations. The draft text has been subject of regional and national consultations during 2011 with a view to present the final draft to cabinet after the presidential election in early 2012.

**Malawi:** The ABS Initiative was approached by TreeCrops, a Malawi based exporter of plant materials and plant derived products on how to deal with requests of several European and US based research institutions for the delivery of plant material for basic research on plant compounds for use in pharmaceutical products and cosmetics. Discussions with the Environmental Affairs Department resulted in the understanding that the draft ABS regulations will be used to handle the pending requests and that resulting experiences will be used to adapt the draft regulations to fit to the requirements of the Nagoya Protocol. Further, it was agreed to jointly develop a GEF proposal to access the NPIF funds for establishing the first ABS agreements in Malawi.

**Morocco:** As a follow up to the 5<sup>th</sup> Pan-African ABS Workshop in Marrakech early 2011, the national ABS process gained considerable momentum. Technically and financially supported by the BMZ funded “Biodiversity and Adaptation to Climate Change Programme“, an ABS advisory group (governmental institutions, academia and civil society) developed the cornerstones of the national ABS roadmap. Its approach is based on the “eight fields of action” for national ABS implementation which was elaborated at the Pan-African Workshop in Marrakech. An explicit objective of the advisory group in supporting the development of a national regulatory ABS framework is to avoid negative impacts on existing “commodity” based supply chains (e.g. the Argan oil trade) while identifying / analyzing value chains where Moroccan genetic resources are being “utilized” with R&D measures in the sense of the definition of the Nagoya Protocol (e.g. Argan leaves and press cake).

For further institutionalization of ABS the Moroccan Government has submitted in September 2011 an official note to BMZ requesting long term support for the national implementation of the Nagoya Protocol under the roof of the German Moroccan Adaptation to Climate Change Programme. Based on the positive response from BMZ (sent in December 2011) a feasibility mission / study is being planned for early 2012.

The **UNEP/GEF ABS Capacity-Building Project for Africa** provides support to the Governments of Cameroon, Kenya, Madagascar, Mozambique, Senegal and South Africa for the development and implementation of national ABS regulations. In 2010 the Secretariat of the ABS Initiative has been commissioned by UNEP as Lead Executing Agency for the project. The GEF Council approved the project in May 2010. As this was the first contract of this kind to be established between UNEP and GIZ as executing agency, it took until October 2010 to agree on the modalities and have the Project Cooperation Agreement signed by both sides. In the course of 2011, financing agreements were signed between GIZ and the six national implementing agencies. Implementation activities have begun in all but two countries, such as gap analyses of existing ABS frameworks, multi-stakeholder consultation workshops and targeted CEPA activities. Due to the late start in some of the countries, the completion date of the project (originally end of 2012) will likely be postponed to mid-2013.

### Implementing ABS agreements & regulations

With the financial support of the ABS Initiative the Cape Town based NGO *Natural Justice* continued its work on **developing and establishing biocultural community protocols (BCPs)** as a tool to link informal customary law and traditional decision making procedures with formal national law and administrative procedures when implementing the free and prior informed consent (FPIC) at the local level. Bridging the gap between these two levels was identified in many of the Initiative’s workshops as one of the key challenges for implementing ABS in Africa – especially if communities are meant to adequately participate in negotiating ABS agreements and if those agreements should also impact on

## The ABS Capacity Development Initiative

alleviating poverty at the local level. Therefore the African group negotiated effectively to reflect the innovative and farsighted tool of community protocols in the Nagoya Protocol<sup>3</sup>.

The **African BCP Initiative**, led by Natural Justice, ETC-COMPAS and the Ghanaian NGO CIKOD and supported by the ABS Initiative, is supporting further development of BCPs in Africa and working towards their legal recognition. The BCP Initiative is supporting pilot BCPs in South Africa, Kenya and Ghana. Communities and actors from Ethiopia, Namibia and Benin are involved through peer-to-peer exchanges. Activities to support legal recognition of BCPs were conducted in South Africa and Namibia.

A side-event to discuss and raise awareness on BCPs was held in collaboration with Natural Justice and other partners at the 7<sup>th</sup> meeting of the WG8(j) in November 2011 in Montréal, Canada and BCPs were presented at several regional and international meetings such as the workshop on “*ABS and Conservation*” at Conservation International, Washington DC, in October 2011. A website on Community Protocols was developed by Natural Justice: <http://www.community-protocols.org>.

After the conclusion of the Nagoya Protocol in October 2010, the Secretariat of the Initiative intensified its efforts **to engage the private sector in ABS implementation**. Based on approaches which were developed in the course of rich exchanges with business representatives and African stakeholders during the negotiation process of the Nagoya Protocol and the business dialogue fora of the ABS Initiative, two concrete projects on ABS have been launched in 2011:

- PPP-project with UEFT and PhytoTrade Africa to improve the business engagement for ethical sourcing of African biodiversity, through ABS and other mechanisms, and increase the understanding by relevant African policy makers.
- A joint Project of UEFT and Natural Justice explored the value of BCPs for Ethical BioTrade through pilots in Brazil, Peru and Madagascar. The results were evaluated and discussed at an experts meeting in March 2012. The project developed a set of recommendations on how to conduct “biocultural dialogues” between BioTrade Companies and local communities. These dialogues are defined as approaches to community engagement in Ethical BioTrade that recognize the broader social and cultural context of biodiversity-based activities. They incorporate elements of BCPs, and should be based on existing BCPs or other community procedures where these exist, while recognizing the constraints of companies, which are often not in the position to accompany a full-fledged BCP process.

Furthermore, the ABS Initiative was present at different meetings organized by user countries and the private sector to engage with relevant industry explaining its capacity development approach, as well as to present value chain cases and to promote engagement in ABS agreements in Africa (SUSCON, UEFT annual meeting, Swiss ABS kick off, etc.).

In the increasing co-operation with both, corporate private sector and business associations the Initiative is aiming at attaining the following strategic goals:

- communicating and advising the private sector on ABS requirements for **improved compliance** with emerging local, national, international ABS regulations (e.g. WELEDA, Pierre Fabre, International Chamber of Commerce, INDENA, EUROMED, LVHM, IHK Rhein Neckar, German Biotech Association, Danish Industry Association)
- examining current business and sourcing models to **identify elements** which may require specific types **of regulation at national level** in order to accomplish improved practicality, legal certainty and feasible benefit-sharing schemes (e.g. Cognis, TreeCrops Africa)
- monitoring and analysing existing value chains based genetic material / resources with a view to transform **Biotope into ABS schemes** where appropriate (e.g. Union for Ethical Biotope, TreeCrops Africa)

<sup>3</sup> See Nagoya Protocol Article 12.1 and 12.3(a)

## The ABS Capacity Development Initiative

- identifying potential “marketable” genetic resources and derivatives in order **to establish new ABS agreements and equitable value chains** – taking into consideration sector specific technology transfer and human resources training needs (e.g. Phytotrade Africa, TreeCrops Africa)

### 4. Meetings of the Steering Committee

A special meeting of the Steering Committee was held in Wendake, Quebec, Canada, in June 2011 back-to-back with ICNP-1 to discuss the governance issues resulting from broadening the regional scope of the ABS Initiative to the Caribbean and the Pacific as well as key aspects for programming the new phase of the ABS Initiative from 2012 to 2015. Based on the discussions, the Secretariat developed a discussion paper on the capacity development processes and phases for the new phase and a proposal for a new governance structure for final discussion and approval by the next annual meeting.

The annual meeting of the Steering Committee (SC) took place 4 and 5 February 2011 in Limbé back-to-back with the 6<sup>th</sup> Pan-African ABS Workshop. As in previous years donor representatives used the opportunity to participate for at least a few days in the 6<sup>th</sup> Pan-African ABS Workshop and to intensify their exchange with African stakeholders and to get first hand impression and feedback on the capacity development needs.

The discussions during the meeting focused on (1) the role of the different donors in the different regions, (2) the need for a more elaborated monitoring framework, (3) the role of the ABS Initiative and criteria for the engagement with the private sector, and (4) the need to support early ratification of the Nagoya Protocol. Regarding the governance structure the SC agreed to establish three regional steering committees with the option to call a joint meeting. After the meeting the Programme Document 2012-2015, the Workplan 2012 and the Budget 2012 were revised by the Secretariat of the Initiative accordingly and approved by the SC via email.

### 5. Assessment of Impacts

Project impacts achieved until the end of 2011 are reported against the outcome indicators as listed in the Programme Document 2009-2011.

Outcome	Indicator	Means of verification
<b>1. ABS is on the agenda of African, national, sub-regional and international policy.</b>	1.1. A common African ABS position is formulated.	Submission(s) of the African Group included in the official negotiation documents; Decisions of relevant ministerial meetings;
	1.2. At least one African sub-regional organization develops ABS related policy recommendations.	Policy documents
	1.3. Stakeholder views are reflected in the African position and ABS related policies.	Interviews with stakeholder representatives (e.g. ILC, private sector, academia, negotiators, legislators)
	1.4. High African level decision makers (Ministers, Sec. of State, etc.) are acquainted with the topic and support the development of national and international ABS schemes.	Declarations / reports of Ministerial meetings; Interviews

Indicator 1.1. *achieved* – In preparation for the 7<sup>th</sup> and 8<sup>th</sup> meeting of the ABS Working Group in Paris (April 2009) and Montreal (November 2009) respectively the African Group prepared a coordinated

submission on the relevant topics under negotiation at the specific meetings. The **submission of Namibia on behalf of the African Group** is contained in documents UNEP/CBD/WG-ABS/7/4 and UNEP/CBD/WG-ABS/8/3. Preparing for the final phase of the ABS negotiations a regional coordination meeting was held in March 2010 in Windhoek, Namibia to reflect the African Group's positions against the progress achieved so far and discuss the open issues for WGABS 9 (March 2010) and COP 10 (October 2010). Ministers and high government officials of 38 African countries discussed and endorsed the African position during the African Minister Conference on ABS, which was held back-to-back with the regional coordination meeting in Windhoek<sup>4</sup>. Against the outcome of WGABS 9 the African Ministerial Conference on the Environment (AMCEN) re-endorsed the African position during its 13<sup>th</sup> session in June 2010 in Bamako, Mali (Decision 13/8 African common position on the international regime on access and benefit-sharing<sup>5</sup>). Following the adoption of the Nagoya Protocol, the African Union Assembly took a decision in 2011 (Assembly/AU/Dec.352(XVI)) to include biodiversity work amongst its priorities and programmes and encouraged its members to become Parties to international agreements on biodiversity, including the Nagoya Protocol. Many African countries have since signed the Nagoya Protocol (30 out of 92 signatories) and Gabon was the first country to ratify it.

Indicator 1.2. *achieved* – For the Central African Forest Commission (**COMIFAC**) approaches for harmonized regional ABS policies have been the focus during a couple of GTBAC meetings. A study on possible elements for a common COMIFAC ABS strategy for all ten member countries was presented in October 2009 to the National Focal Points of the region as well as to the COMIFAC Executive Secretariat. Based on this study a sub-regional ABS strategy serving as a binding framework for the development of national rules and regulations was developed with a couple of technical feedback loops and finally approved by the Central African Minister's Council in November 2010 (see Annex C). Besides providing the framework for developing national ABS regulations the strategy emphasizes the role of local and indigenous communities in the ABS context as well as the necessity to develop structures for enhanced research and development on valorising genetic resources in the region. Against this background in 2011 GTBAC was mainly working on key technical aspects (NTFP, R&D definition, ABS and protected areas, etc.) relevant to consider in a regional implementation approach of the Nagoya Protocol

At the Economic Community of West African States (**ECOWAS**) ABS is receiving more attention requiring at least discussions at the level of sub-regional organisations. A representative of the ECOWAS Secretariat attended the ABS Workshop for West Africa and the Maghreb in September 2009. In 2010 the ECOWAS Secretariat requested the ABS Initiative to co-operate in a regional process to develop an ABS Strategy for West Africa after the adoption of the Nagoya Protocol. The follow-up process on this request is moving slowly due to lack of human resources on both sides.

Indicator 1.3. *achieved* – Views of African ILC are well reflected in the submissions of the African Group. ILC representatives participated in most of the workshops organized by the ABS Initiative as well as in the African ILC preparatory meetings in September 2009 in Nairobi, Kenya, and in August 2010 in Cape Town, South Africa, where recommendations were developed and forwarded to the African negotiators for consideration during their final preparation for WGABS 8 (UNEP/CBD/WG-ABS/8/INF/5) and COP 10 respectively.

In May 2011 a workshop was organized jointly with Conservation International, the Indigenous Information Network (IIN) and the Indigenous Peoples of Africa Coordinating Committee (IPACC) back to back with the UN Permanent Forum on Indigenous Issues to inform ILC representatives about the provisions of the Nagoya Protocol, enable discussions between ILC delegates from Africa, Latin-America and Asia and prepare delegates for ICNP 1. ILC representatives regarded the inclusion of a reference to "community protocols" in the Nagoya Protocol – which was supported by the African

<sup>4</sup> See [http://www.abs-africa.info/windhoek\\_min\\_03-10\\_04.html](http://www.abs-africa.info/windhoek_min_03-10_04.html)

<sup>5</sup> See [http://www.unep.org/roa/Amcen/Amcen\\_Events/13th\\_Session/Docs/Compilation\\_decisions.pdf](http://www.unep.org/roa/Amcen/Amcen_Events/13th_Session/Docs/Compilation_decisions.pdf)

## The ABS Capacity Development Initiative

Group – a key achievement. The ABS Initiative worked in partnership with Natural Justice to generate experiences on biocultural protocols in Africa and to raise awareness on this issue at relevant CBD meetings.

Indicator 1.4. *achieved* – The technical briefings during the ministerial segment of the special session on climate change of the African Ministerial Conference on the Environment (AMCEN) at 28<sup>th</sup> May 2009 in Nairobi included an input by Dr Balakrishna Pisupati, Division for Environmental Law and Conventions of UNEP, on behalf of the ABS Initiative highlighting the importance of biodiversity in the context of adaptation and the need for fair and equitable benefit-sharing from the utilization of biological and genetic resources (see Annex V, para 14 of the Report of the ministerial segment of the special session on climate change of the African Ministerial Conference on the Environment<sup>6</sup>).

ABS was on the agenda of the ministerial segment of the 13<sup>th</sup> AMCEN session in June 2010 in Bamako, Mali and a number of statements highlighted the importance of the issue for African countries<sup>7</sup>. The increasing importance of ABS is also reflected in the mounting number of requests for support in implementing ABS at the national level as well as the development of a regional ABS strategy for the COMIFAC.

Outcome	Indicator	Means of verification
<b>2. African positions are as much as possible reflected in the international ABS regime.</b>	2.1. African negotiators participate substantively in the international ABS negotiations.	Attendance in preparatory meetings and negotiations; Interviews with negotiators
	2.2. African policy makers are supporting the African position(s) in the High Level Sections of negotiations / elsewhere.	Statements and reports

Indicator 2.1. *achieved* – The attendance of African negotiators in all preparatory meetings which were organized by the Initiative and the negotiations itself was high and significant, i.e. key negotiators were present. The high recognition of the substantive preparedness of the African Group is also reflected in the fact that two of six contact group co-chairs were appointed from the African Group at WGABS 7. During COP 10, as well as during the ICNP-1, (June 2011, Montreal) the African Group played a very active role. Particularly at ICNP1 – based on the African submissions supported by the ABS Initiative – African representatives engaged in a technical debate on the compliance logic of the Nagoya Protocol, the ABS CHM and underlined the need of ongoing capacity development support for the region. Furthermore, the two African ICNP Bureau Members as well as the African participants to the CBD Expert's meetings on the CHM and on compliance benefitted from their participation in various meetings of the ABS Capacity Development Initiative.

Indicator 2.2. *achieved* – In the run-up to COP 10 the African negotiation position on the ABS protocol was the core working document at African preparatory ministerial meetings (Windhoek, March 2010 and Bamako, June 2010). At both meetings the position has been endorsed by the African Ministers accompanied with guidance to the negotiators which elements of the position can be further negotiated technically and which elements have to be dealt with at the political level. Based on this, at the Nagoya High Level Segment, African Ministers took up the remaining open issues of the African Position which required a political solution (e.g. scope and compliance related positions) and negotiated them successfully in close exchange with the African key negotiators in parallel to the technical Interregional Negotiation Group (ING).

<sup>6</sup> See [http://www.unep.org/roa/Amcen/Amcen\\_Events/3rd\\_ss/Docs/MinisterialSegmentReport.pdf](http://www.unep.org/roa/Amcen/Amcen_Events/3rd_ss/Docs/MinisterialSegmentReport.pdf)

<sup>7</sup> See [http://www.unep.org/roa/amcen/Amcen\\_Events/13th\\_Session/Docs/AMCEN-13-10\\_ENG.pdf](http://www.unep.org/roa/amcen/Amcen_Events/13th_Session/Docs/AMCEN-13-10_ENG.pdf)

## The ABS Capacity Development Initiative

Outcome	Indicator	Means of verification
3. African countries develop ABS regulations at the national level.	3.1. At least 15 countries have ABS related draft policies formulated.	Published policy
	3.2. At least 10 countries have ABS regulations enacted.	Gazetted ABS regulations
	3.3. At least 5 countries implement ABS regulations.	Commercial and non-commercial bioprospecting agreements under negotiation and/or signed

The development and implementation of national ABS regulation is still at the beginning in Africa. Only a limited number of countries so far have either begun to draft relevant policies or to develop or enact legislation. Considering the length of such policy development and legislation processes it is too early for a significant quantification of the three indicators under this outcome. Currently, based on the momentum created by the adoption of the Nagoya Protocol, we are observing an increasing interest and demand for support to national processes.

Indicator 3.1 *partially achieved* – The approved COMIFAC sub-regional ABS strategy covers the ten countries of the Central African Forest Commission and is thus formulating the ABS policy cornerstones for Burundi, Cameroon, Central African Republic, Chad, Congo, DR Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tomé & Príncipe. Together with the provisions of the international regime on ABS this strategy will provide the framework for national regulations in the countries of the region. Further activities to support the development of ABS policies are taking place with ECOWAS and SADC at sub regional and with Morocco and Namibia at the national level.

Indicator 3.2 *partially achieved* – The Initiative provided or is still providing support to developing / implementing national regulations to

- **Benin** for launching a consultative process by organising a national multi-stakeholder workshop in April 2010 with the aim to raise awareness for the need to formulate a national policy and regulations on ABS. Based on the momentum of the adoption of the Nagoya Protocol, a project proposal was developed by the ABS NFP and submitted to the ABS Initiative in 2011 for consideration.
- **Cameroon** for improving the coordination of ABS and forest related policies through a series of analytical studies which the Fridtjof Nansen Institute (FNI) conducted in 2010<sup>8</sup>. In the context of the German funded ProPSFE (*Programme d'Appui au Programme Sectoriel Forêt et Environnement*) supporting both, the Ministries of Forests and of the Environment the dialogue process on ABS was reinforced in 2011 and an approach of harmonizing forest legislation and ABS regulations is being developed.
- the **Ivory Coast** for drafting national ABS regulations: the process was stalled due to the political situation after the presidential elections in November 2010 until late 2011 when discussions on possible ways forward were taken up again by the ABS National Focal Point and the ABS Initiative.
- **Kenya** for launching a revision process of existing but dysfunctional ABS regulations by organizing a stakeholder workshop in January 2009 in partnership with the National Environment Management Authority (NEMA) and the Research Centre for European Environmental Law (FEU) of the University of Bremen.
- **Liberia** for drafting national ABS regulations and an explanatory document, which were finalized after COP 10. The draft text was reviewed in regional (March 2011) and national (May 2011) consultations with a view to present the final draft to cabinet after the presidential election in early 2012.
- **Madagascar** for drafting national ABS regulations: further support at the government level was cancelled after the coup d'état in March 2009 and will be taken up again in 2012.

<sup>8</sup> See <http://www.fni.no/ABS/publications.html>

## The ABS Capacity Development Initiative

- **Malawi** for developing functioning ABS agreements with the private sector and refining the existing draft ABS regulations based on the lessons learned during the negotiation process.
- **Morocco** for formulating an ABS policy and developing the regulatory framework without destroying the existing valorization of Argan oil.

In a number of other countries (e.g. Benin, Cameroon, Madagascar, Morocco) the interest in regulating ABS was stimulated at the political level by actively involving relevant national institutions in the organisation of Pan-African or regional ABS workshops and trainings.

Indicator 3.3 *not yet achieved* – Until the adoption of the Nagoya Protocol most African countries have been reluctant to engage in legislative and administrative processes to develop regulatory frameworks for ABS. Therefore, regulatory frameworks are implemented only in those countries which either had ABS legislation already in place before 2010 (e.g. Ethiopia, Kenya, South Africa, Uganda) or draft legislation on which basis ABS agreements were processed based on presidential or cabinet decisions (e.g. Namibia). With the support of the ABS Initiative regulatory frameworks in Kenya and South Africa are being revised to take on board lessons learned as well as the new provisions of the Nagoya Protocol.

Outcome	Indicator	Means of verification
4. African stakeholders enter into equitable ABS partnerships with the private sector.	4.1. Resource providers receive monetary and/or non-monetary benefits.	Commercial and non-commercial bioprospecting agreements
	4.2. Dialogue processes at the national, sub-regional and international level are taking place.	Workshop reports; joint recommendations

Indicator 4.1 *achieved* – A new ABS agreement in Namibia, the so called "Commiphora resin Agreement" was signed in April 2010 between the Kunene Conservancies Commiphora Association (KCCA) and the South African company Afriplex Ltd. In this context, the ABS Summer School, organized by the Initiative in Cape Town in January 2010, played an important role, since the relevant actors acquired there in advance the necessary expertise and negotiation skills for such a process. The agreement marks a significant milestone in the ABS process and contributes significantly to the actual implementation at the ABS concept in Namibia.

Indicator 4.2. *achieved* – The readiness of African negotiators to actively engage in discussions with representatives of different business sector increased over time. Building on a brief initial exchange during WGABS 7 in Paris the Initiative organized in cooperation with the *Union of Ethical BioTrade (UEBT)*, *PhytoTrade Africa* and the *International Chamber of Commerce (ICC)* a Business Dialogue Forum on ABS in September 2009 providing an opportunity for some African negotiators and a small group of business and commercial research representatives to enter into a moderated dialogue about the interests behind the different negotiation positions. The open and constructive atmosphere of the dialogue forum set a solid foundation for further exchange meetings which took place at the margins of the different negotiation meetings in 2009, 2010 and 2011.

For example, a dialogue between African administrators and users on ABS implementation was stimulated and initiated through the participation of research and business representatives in activities of the ABS initiative, e.g. in West Africa with CIRAD and Sama Bioconsult, in Malawi with TreeCrops and PhytoTrade Africa, in Morocco with French cosmetic enterprises such as L'Oréal.

Further, in partnership with the Danish Ministry of Environment the Initiative organized in September 2010 in Copenhagen, Denmark, a 2<sup>nd</sup> Business Dialogue Forum to discuss with some African key negotiators and representatives European business and development agencies about the challenges of ABS in practice and which role public-private-partnerships could take in creating enabling environments for successful partnerships in sourcing of genetic resources and product development in provider countries. A follow-up meeting is planned for mid 2012.

Finally, building on the established trust, the Secretariat of the Initiative engaged in intensive discussion with private sector partners such as PhytoTrade Africa and UEBT to develop qualified project proposals addressing some of the identified challenges with a view to support the implementation of the Nagoya Protocol on the ground. As presented earlier, a PPP-project with UEBT and PhytoTrade Africa to improve the business engagement for ethical sourcing of African biodiversity, through ABS and other mechanisms, as well as the project of UEBT and Natural Justice to explore the value of BCPs for BioTrade are operating successfully.

## **6. Lessons Learned**

The multi-stakeholder approach was useful to develop a common understanding and create an open, productive and bridge building learning environment. With national implementation now in the focus this approach has to be supplemented by specific training elements, building the relevant management and technical skills at the personal and institutional levels. Links to other relevant topics are becoming more relevant requiring analytical work and knowledge generation.

Awareness on ABS at the high political level is significantly higher as compared to the beginning of the Initiative. However, political instability in some countries has delayed ABS implementation. The AUC is seeking to take a stronger role in political coordination and guidance for harmonized implementation.

The engagement with the private sector is slowly developing to a point, where the ABS Initiative is accepted as honest broker in the negotiation process for concrete ABS agreements and to facilitate the public-private dialogue on regulating and implementing ABS.

National ABS processes are slow and require considerable backstopping, in particular, supporting the ratification of the Nagoya Protocol. New and inexperienced actors in this matter, for example, representatives of Foreign Affairs, Treasuries or Parliamentarians, which are involved in the relevant decision-making processes, need to be briefed and informed accordingly. This entails long consultation and decision making processes in the development phase of ABS frameworks, which makes it often difficult for the private sector to engage effectively.

Annex A: Letter of acknowledgement of Achim Steiner, Executive  
Director of UNEP



UNITED NATIONS ENVIRONMENT PROGRAMME

Programme des Nations Unies pour l'environnement    Programa de las Naciones Unidas para el Medio Ambiente  
البرنامج الإقليمي للبيئة    联合国环境规划署



Our Ref: DELC/GTZ//BP/nm

Date: 6 May 2009

Dear Mr. Drews,

I wish to inform you that we are entering a critical and crucial phase of negotiations related to finalizing the International Regime on Access and Benefit Sharing (IR-ABS) under the Convention on Biological Diversity.

National and regional capacities need to be strengthened where available and be built where needed to ensure that there is equitable participation of all regions and stakeholders in the negotiation processes. It is heartening to note substantive changes in the preparatory processes in Africa due to the multi-donor "ABS Capacity Development Initiative for Africa" which obviously has positive impact, not just in the way Africa is preparing for the negotiations, but also providing the needed capacities for governments and stakeholders in formalizing inputs into ABS discussions and processes as well as drafting and implementing ABS regulations at the national and regional level.

In light of the need to support such a process and initiative for Africa as well as other regions, UNEP is partnering with the multi-donor initiative and calls upon the Initiative, its donors and partners to continue with these efforts and look at ways and means of expanding to other regions for which the Initiative will require additional support from other donors.

UNEP is keen to continue its engagement with this Initiative and looks forward to further strengthening the programme and its reach.

Yours sincerely

Achim Steiner  
Executive Director

Mr. Andreas Drews  
Co-ordinator of the ABS Capacity Development Initiative for Africa  
Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH  
Postfach 5180  
65760 Eschborn  
Germany

Email: [Andreas.Drews@gtz.de](mailto:Andreas.Drews@gtz.de)

Executive Office

P. O. Box 30552, Nairobi, Kenya • Tel: (254 20) 762 3080/3180/3652 • Fax: (254 20) 762 4276 / 4608 • E-mail: [executiveoffice@unep.org](mailto:executiveoffice@unep.org)

[www.unep.org](http://www.unep.org)

Annex B: Letter of gratitude of Sem T. Shikongo, African  
Intersessional Coordinator and Chief Negotiator



REPUBLIC OF NAMIBIA

MINISTRY OF ENVIRONMENT AND TOURISM

Directorate of Tourism  
Private Bag 13306, Windhoek, Namibia

Tel. +264-61-2842178/2330  
Fax +264-61-236692

sts@met.na/s\_shikongo@hotmail.com  
Our ref: N 24 /

Enquiries: S. T. Shikongo

10/11/10

Dear Andreas, Suhel and Colleagues,

**SUBJECT: THANK YOU**

I hope that by now you have all settled back into the normal life without the ABS negotiations. I would like to take this opportunity to thank you on behalf of myself and my country, Namibia for the support that you have provided not only to me as African Chief Negotiator but to the entire African continent through the Initiative. I have been involved in numerous negotiating processes both within the CBD and other related Convention and I am happy to testify that the Initiative indeed did change the way African Negotiators prepare and engage in negotiations. This change was in a positive direction and made the African Group a formidable negotiation block.

As I mentioned during the side event on the Initiative in Nagoya the Initiative had numerous positive impacts on the African negotiating team I would like to re-state some of those positive interventions here again as follows:

- The preparatory meetings contributed to African team building as well as ensuring that all negotiators are brought quickly and efficiently to the same level of understanding of the negotiating position of Africa
- Simultaneous interpretation bridges gap between Francophone and Anglophone countries it also enhanced the inter-regional consultation process and minimised time spend on interpretation.
- Technical inputs of international experts provided background information and contribute to informed discussions.
- Allowed for consultation and internal coordination of the African Group prior to the official CBD meetings

## The ABS Capacity Development Initiative

- Allow refinement and update of the official African Group's position in the negotiations on ABS

The significance of the work carried out by the Initiative became very clear to me in Nagoya when a limited number of ABS negotiators could participate in the COP thanks to the support of the Initiative. Despite the fact that some ABS negotiators had to follow the COP proper the small team that remained focused on the ABS negotiation continued to negotiate effectively until the end of the negotiations.

In no small way the Initiative have made the above possible. We are also grateful for the support provided to Mr. Rukondo and Mr. Bavikate who become a crucial part of the African Group Negotiating team.

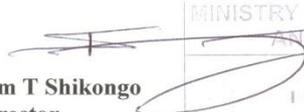
I hope the Initiative will continue its support to Africa especially now when many African countries will embark on the process of implementing the ABS Protocol as well as developing their own national ABS legislative instruments.

I, as the Chief Negotiator for Africa, am indebted to the Initiative and to all the donor countries that have made the Initiative possible, and hereby would also like to extend my appreciation and thanks to them through you on behalf of the African Group.

I cannot but also especially thank you, Andreas and Suhel, for your dedication, commitment and guidance to the Initiative. Without your contribution it would not have been possible to achieve so much. I know that it came at a sacrifice. Many times you were away from your families in order for you to be with us and assist us. For this we are grateful.

It has been an honor and privilege to work with both of you and your team and I can now walk away knowing that together we made a difference not only for Africa but also for the rest of the developing world.

I salute you on behalf of Africa!

  
**Sem T Shikongo**  
**Director**

**Former African ABS Intersessional Coordinator and Chief Negotiator**



Annex C: Endorsement of the Regional ABS Strategy for Central Africa  
by the acting President of the COMIFAC Minister's council



*Commission des Forêts d'Afrique Centrale*  
**COMIFAC**

**DECISION N° 004/COMIFAC/Pr/CM/CO.ORD/VI/11**

*Portant adoption de la Stratégie des pays de l'espace COMIFAC relative à l'Accès aux ressources biologiques/génétiques et au Partage juste et équitable des Avantages découlant de leur utilisation (APA)*

**LE PRESIDENT EN EXERCICE DE LA COMIFAC ;**

**Vu** la Déclaration des Chefs d'Etat d'Afrique Centrale du 17 mars 1999 sur la conservation et la gestion durable des forêts tropicales, dite « Déclaration de Yaoundé » ;

**Vu** le Traité du 05 février 2005 relatif à la Conservation et à la gestion durable des écosystèmes forestiers et instituant la Commission des Forêts d'Afrique Centrale, notamment ses articles 9 et 10 ;

**Vu** le Plan de Convergence de la Commission des Forêts d'Afrique Centrale relatif à la conservation et à la gestion durable des écosystèmes forestiers d'Afrique Centrale adopté le 05 février 2005 par les Chefs d'Etat d'Afrique Centrale ;

**Vu** le Plan d'Opérations triennal 2009-2011 du Plan de Convergence de la COMIFAC validé en juillet 2009 par les Ministres en charge des forêts et de l'environnement des pays d'Afrique Centrale ;

**Vu** les décisions et recommandations adoptées par la 6<sup>ème</sup> Session ordinaire du Conseil des Ministres en charge des Forêts et de l'Environnement des pays d'Afrique Centrale tenue à Kinshasa les 10 et 11 novembre 2010 ;

**DECIDE**

**ARTICLE 1<sup>ER</sup> :**

Est adoptée la Stratégie des pays de l'espace COMIFAC relative à l'Accès aux ressources biologiques/génétiques et au Partage juste et équitable des Avantages découlant de leur utilisation (APA) ;

**ARTICLE 2 :**

1. Le Secrétariat Général de la CEEAC est invité à appuyer la mise en œuvre de la stratégie dans les pays à travers un programme régional de valorisation des ressources biologiques/génétiques.
2. Le Secrétariat Exécutif de la COMIFAC est chargé d'élaborer un projet de cadre d'appui légal en matière d'APA en vue d'appuyer les pays membres de la COMIFAC à se doter de législations harmonisées sur APA.

**ARTICLE 3 :**

La présente décision prend effet à compter de la date de sa signature et sera communiquée partout où besoin sera.

Fait à Kinshasa, le

12 5 JAN 2011

**Le Président en Exercice,**

**Jose E. B. ENDUNDO**

Ministre de l'Environnement, Conservation  
de la Nature et Tourisme de la  
République Démocratique du Congo

# The ABS Capacity Development Initiative

## Annex D: Budget and actual expenditure for the implementation of the ABS Capacity Development Initiative for Africa in 2010

	Budgeted Costs (€)	Actual expenditure (in Euro)					
		Total	BMZ	IEPF	Norway	Denmark	EU
<b>0 Secretariat and co-ordination</b>							
<b>0.1 Staff costs:</b>							
0.1.1 Manager (100%)	98.400	100.518	100.518				
0.1.3 Project Officers (2 x 50%)	158.600	76.385	66.981		9.404		
0.1.4 Travel and Workshop Manager (2 x 100%)	110.400	125.227			86.071		39.155
0.1.5 Finance administrator (50%)	27.600	27.465	27.465				
<b>Sub-totals</b>	<b>395.000</b>	<b>329.594</b>	<b>194.964</b>	<b>0</b>	<b>95.475</b>	<b>0</b>	<b>39.155</b>
<b>0.2 Consultants</b>							
0.2.1 Co-Manager	120.000	103.197				19.000	84.197
0.2.2 Advice to African Group, reporting, translations etc.	120.000	23.457				4.383	19.074
0.2.3 General support to national implementation	60.000	19.747					19.747
0.2.4 Capacity assessment Caribbean and Pacific regions	30.000	12.461					12.461
<b>Sub-totals</b>	<b>330.000</b>	<b>158.863</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>23.383</b>	<b>135.480</b>
<b>0.3 Running costs:</b>							
0.3.1 Office rent, communication,...(month)	15.600	22.848	22.848				
<b>Sub-totals</b>	<b>15.600</b>	<b>22.848</b>	<b>22.848</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>0.4 Travel secretariat:</b>							
0.4.1 Tickets secretariat staff	40.000	30.657				4.107	26.550
0.4.2 Travel secretariat-staff (days)	15.000	14.584		2.584			12.000
<b>Sub-totals</b>	<b>55.000</b>	<b>45.241</b>	<b>0</b>	<b>2.584</b>	<b>0</b>	<b>4.107</b>	<b>38.550</b>
<b>0.5 Procurement:</b>							
0.5.1 Office equipment (server, computer...)	10.000	860	860				
<b>Sub-totals</b>	<b>10.000</b>	<b>860</b>	<b>860</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>0 Sub-total (I) Secretariat and co-ordination</b>	<b>805.600</b>	<b>557.406</b>	<b>218.671</b>	<b>2.584</b>	<b>95.475</b>	<b>27.490</b>	<b>213.186</b>
<b>1 APPROACH 1: Capacity development of relevant stakeholders</b>							
<b>1.1 Technical &amp; legal trainings</b>							
1.1.1 Legal & technical skills training: Kenya	60.000	84.350					84.350
1.1.2 Training: Managing multistakeholder processes (b)	50.000	49.255				49.255	
1.1.4 Pan-African WS on Forests	115.000	664					664
1.1.5 Pan-African WS on IPR and TK	70.000	72.499	48.790	23.709			
1.1.6 UEBT / PhytoTrade SA Trainings and Briefings (a)	100.000	131.981	128.981			3.000	
1.1.7 Technical and political studies and papers	200.000	95.059		11.243	83.816		
<b>Sub-totals</b>	<b>595.000</b>	<b>433.807</b>	<b>177.771</b>	<b>34.952</b>	<b>83.816</b>	<b>52.255</b>	<b>85.014</b>
<b>1.2 Multi-stakeholder WS</b>							
1.2.1 Subregional annual WS (e)	300.000	233.697	29.909				203.788
1.2.2 Business Dialogue Forum	60.000	4.052				4.052	
1.2.3 Africa-wide annual WS	220.000	202.882		17.450		171.550	13.882
<b>Sub-totals</b>	<b>580.000</b>	<b>440.631</b>	<b>29.909</b>	<b>17.450</b>	<b>0</b>	<b>175.602</b>	<b>217.670</b>
<b>1.3 CEPA</b>							
1.3.1 Production of awareness raising film	30.000	1.750					1.750
1.3.2 Publications & brochures	45.000	4.046				1.690	2.356
1.3.3 Workshop on National CEPA Strategies	20.000	1.262				1.262	
1.3.4 Documentation of ABS cases	10.000	0					
1.3.5 Web site maintenance & update	12.000	12.500				500	12.000
<b>Sub-totals</b>	<b>117.000</b>	<b>19.558</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3.453</b>	<b>16.106</b>
<b>Sub-total (II) Approach 1</b>	<b>1.292.000</b>	<b>893.996</b>	<b>207.680</b>	<b>52.401</b>	<b>83.816</b>	<b>231.310</b>	<b>318.789</b>
<b>2 APPROACH 2: Preparation and follow-up of ABS relevant negotiation processes</b>							
<b>2.1 Delegates preparation</b>							
African briefing ING + COP10		12.500				12.500	
2.1.3 Article 10 Exploratory Meeting	60.000	40.650			40.650		
2.1.4 ILC coordination prior to ABS ICNP-1	15.000	16.700				16.700	
2.1.5 African briefing ABS ICNP-1	20.000	29.521		1.673		27.848	
2.1.6 African briefings for WIPO meetings	30.000	0					
2.1.7 African coordination meeting preparing for ICNP-2	50.000	0					
2.1.8 Caribbean and Pacific information events at ICNP-1 and WG8(j)	10.000	14.652					14.652
<b>Sub-totals</b>	<b>185.000</b>	<b>114.023</b>	<b>0</b>	<b>1.673</b>	<b>40.650</b>	<b>57.048</b>	<b>14.652</b>
<b>Sub-total (III) Approach 2</b>	<b>185.000</b>	<b>114.023</b>	<b>0</b>	<b>1.673</b>	<b>40.650</b>	<b>57.048</b>	<b>14.652</b>
<b>3 APPROACH 3: Support to national implementation</b>							
<b>3.1 Development of national ABS regulations</b>							
3.1.1 Benin	50.000	0					
3.1.2 Ivory Coast	50.000	0					
3.1.3 Liberia	40.000	2.237					2.237
3.1.4 Nigeria	60.000	0					
<b>Sub-totals</b>	<b>200.000</b>	<b>2.237</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2.237</b>
<b>3.2 Implementing ABS agreements &amp; regulations</b>							
3.2.1 Development of BCPs for ABS (Natural Justice)	100.000	54.854	54.854				
3.2.2 COMIFAC (10 countries)	100.000	59.460	59.460				
<b>Sub-totals</b>	<b>200.000</b>	<b>114.314</b>	<b>114.314</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>3.3 Private sector involvement</b>							
3.3.1 UEBT / Natural Justice BCP project (c)	30.000	82.695	82.695				
<b>Sub-totals</b>	<b>30.000</b>	<b>82.695</b>	<b>82.695</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sub-total (IV) Approach 3</b>	<b>430.000</b>	<b>199.246</b>	<b>197.009</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2.237</b>
<b>Costs of projekt activities (Subtotals I+II+III+IV)</b>	<b>2.712.600</b>	<b>1.764.671</b>	<b>623.360</b>	<b>56.658</b>	<b>219.941</b>	<b>315.848</b>	<b>548.864</b>
<b>GRZ overhead costs (up to 13%)</b>	<b>352.638</b>	<b>182.058</b>	<b>81.785</b>	<b>7.247</b>	<b>16.357</b>	<b>38.249</b>	<b>38.420</b>
<b>Total project costs and donor contributions</b>	<b>3.065.238</b>	<b>1.946.729</b>	<b>705.145</b>	<b>63.905</b>	<b>236.298</b>	<b>354.097</b>	<b>587.285</b>

- (a) parallel funds of BMZ through the Africa Facility of the Public-Private-Partnership programme  
 (b) 80.000 USD parallel funding by the GTZ implemented UNEP/GEF ABS Capacity Building Project for Africa  
 (c) One third of total project cost in 2011 (MAD / BRA + PER)

## The ABS Capacity Development Initiative

### Annex E: List of workshops, trainings and conferences organized and attended by the ABS Initiative

*Events not organized by the Initiative are listed in blue italics.*

- 19.-20.01.11 *GEF ABS Expert Meeting, Washington D.C.*
- 31.01.-4.02.11 5<sup>th</sup> Pan-African ABS Workshop, Marrakech
- 14.-15.02.11 *Biofach, Nuremberg*
- 21.-25.02.11 *Global Biodiversity Research Centre Network, Nairobi*
- 23.02.11 *Side event at 26<sup>th</sup> UNEP Governing Council, Nairobi*
- 28.02.-04.03.11 *WIPO IWG Genetic Resources, Geneva*
- 28.02.-04.03.11 *GTBAC 11, Douala*
- 04.-07.03.11 Inception meeting of the pilot project “BCPs in Ethical Biotrade” with UEBT and Natural Justice, Geneva
- 21.-22.03.11 CEPA for ABS – Expert Meeting, Bonn
- 24.-25.03.11 Art.10 Consultation Meeting, Lysaker
- 11.-13.04.11 Inception Meeting of the African BCP Initiative with COMPAS, Natural Justice and CIKOD, !Khwa-ttu, South Africa
- 03.-06.05.11 1<sup>st</sup> Lusophone ABS Workshop, Maputo
- 04.-06.05.11 Anglophone Training Course “Managing Multistakeholder Processes”, Addis Ababa
- 21.-22.05.11 Preparatory Meeting of ILC Representatives for ICNP-1, New York
- 24.-27.05.11 Francophone Training Course “Managing Multistakeholder Processes”, Douala
- 03.06.11 Preparatory Meeting of African Negotiators at ICNP-1, Montreal
- 04.-05.06.11 *SCBD ABS Capacity Development Workshop, Montreal*
- 06.-10.06.11 *ICNP-1, Montreal*
- 13.-14.06.11 *Workshop on Access to Genetic Heritage and Benefit-Sharing by the Ministry of Environment of Brazil, Brasilia*
- 06.-08.07.11 *Expert Meeting on ABS and Protected Areas, Gland*
- 25.08.11 National Validation Workshop of the Liberian ABS Bill, Monrovia
- 05.-09.09.11 Expert Meeting on ABS and IPR, Addis Ababa
- 15.-16.09.11 *International ABS Workshop “Common Pools of Genetic Resources. Improving Effectiveness, Justice and Public Research in ABS”, Bremen*
- 20.-23.09.11 *IEPF Summer School, Libreville*
- 26.09.-01.10.11 Regional ABS Workshop for West Africa, the Maghreb and the Indian Ocean Island, Bamako
- 3.-7.10.11 *CBD Pacific Regional WS on Review of the NBSAP, Nadi*
- 08.10.11 Stock-taking ABS Workshop for the Pacific, Nadi
- 10.-14.10.11 Training Course “Basics of ABS and TK”, Nairobi
- 17.-22.10.11 Regional ABS Workshop for Eastern and Southern Africa, Mangochi

## The ABS Capacity Development Initiative

- 17.-21.10.11 *CBD Caribbean Regional WS on Review of the NBSAP, Georgetown*
- 22.10.11 Stock-taking ABS Workshop for the Caribbean, Georgetown
- 25.-26.10.11 *Regional (ASEAN) ABS Workshop: Understanding the Nagoya Protocol, Manila*
- 26.-27.10.11 *Conservation International Workshop “ABS and Conservation: Opportunities and Challenges for the Future”, Washington D.C.*
- 31.10.-04.11.11 *Seventh meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, Montréal*
- 07.12.11 Preparatory experts meeting on the “Interfaces between ABS, Protected Areas Management and Forest Governance”, Bonn
- 13.-17.12.11 *GTBAC 13, Douala*