5th Regional ABS Workshop for the Pacific

10th - 13th November 2014 Sydney, Australia

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REPORT

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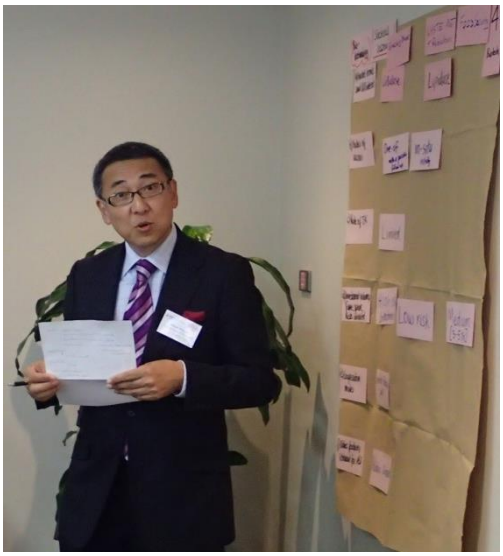

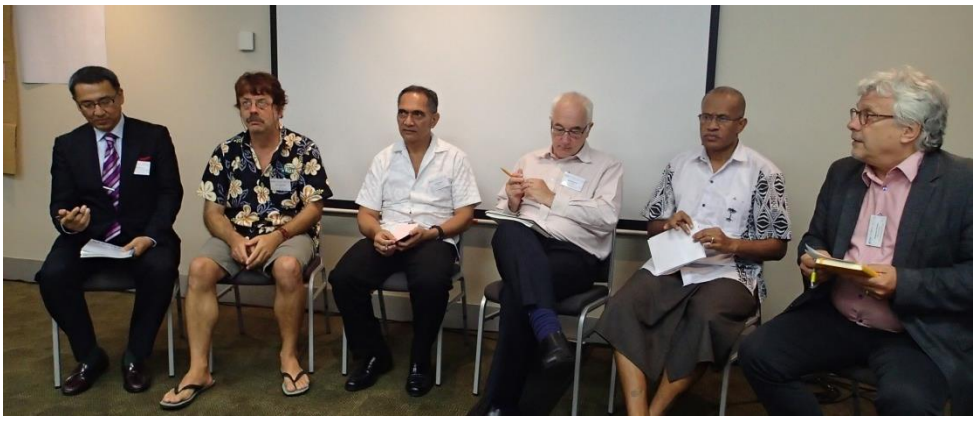

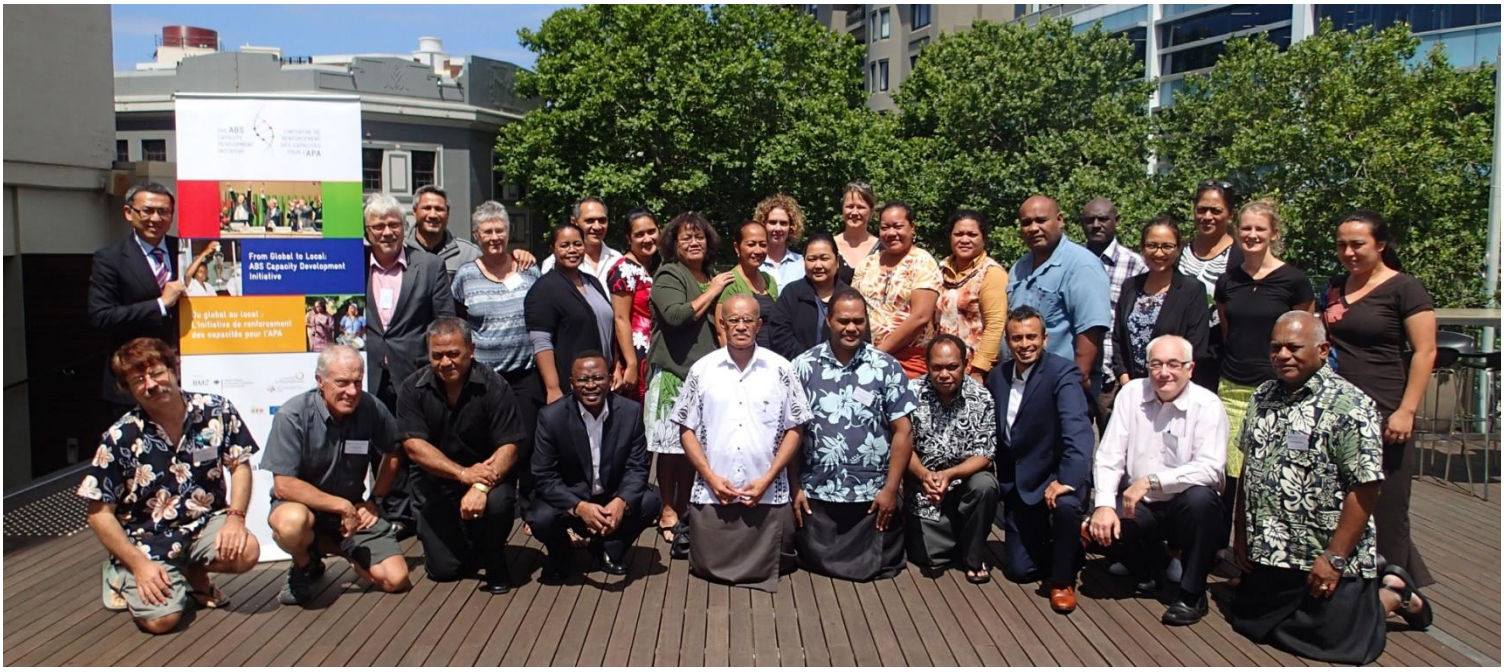

List of Acronyms

ABS	Access and Benefit Sharing
ABS Initiative	ABS Capacity Development Initiative
ABS CH	ABS Clearing House
BCH	Biosafety Clearing House
CH	Clearing House
CHM	Clearing House Mechanism
COP	Conference of Parties
DSM	Deep Sea Mining
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
GEF	Global Environment Facility
GEF-SGP	GEF Small Grants Programme
GIZ	Gesellschaft fuer Internationale Zusammenarbeit
GR	Genetic Resources
IRD	Institut de recherche pour le développement
IPR	Intellectual Property Rights
LMMA	Locally Managed Marine Areas
MAT	Mutually Agreed Terms
MNP	Marine Natural Products
MOP	Meeting of Parties
NP	Nagoya Protocol
PIC	Prior Informed Consent
PICRC	Palau International Coral Reef Centre
PICs	Pacific Island Countries
SCBD	Secretariat of the Convention on Biological Diversity
SIDS	Small Island Developing States
SPC	Secretariat of the Pacific Community
SPREP	Secretariat of the Pacific Regional Environment Programme
TK	Traditional Knowledge
UNEP	United Nations Environment Programme
USP	University of the South Pacific

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Background

The ABS Capacity Development Initiative – a multi-donor initiative hosted by the German Federal Ministry for Economic Cooperation and Development (BMZ) – has been implemented by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH since 2006. Following the adoption of the Nagoya Protocol in 2010, the European Union tasked and funded GIZ to expand the ABS Initiative beyond its focus on Africa to include the Caribbean and the Pacific countries of the ACP Group of States.

In partnership with the Secretariat of the Pacific Regional Environment Programme (SPREP), the ABS Initiative has convened four regional workshops and two training courses since 2012, contributing to capacity building to promote the implementation of the Nagoya Protocol on ABS in the Pacific region. The 5th workshop, co-organised by the ABS Capacity Development Initiative and SPREP in partnership with the Secretariat of the Convention on Biological Diversity (SCBD), was held in Sydney from 10 to 13 November 2014, back to back with the IUCN World Parks Congress. Building on the outcomes of previous workshops, a particular focus of this workshop was addressing the challenges of regulating marine bioprospecting when implementing the Nagoya Protocol at national level. Furthermore, the outcomes of COP-MOP 1 of the Nagoya Protocol was presented and discussed.

Objectives

This workshop aimed to support the ratification and implementation of the Nagoya Protocol in the Pacific region by providing an opportunity for exchange of experiences and learning among stakeholders from all Pacific countries. Participants were invited to discuss the processes and tools for the effective and efficient regulation of ABS at the regional, national and local levels. The objectives of the workshop were:

- Exchange of experiences and update on the status of ratification and implementation of the Nagoya Protocol;
- Enhance the understanding of the potentials marine bioprospecting and related challenges to address when developing national ABS frameworks;
- Increased understanding of the business models of relevant sectors engaged in marine bioprospecting and the implications for establishing PIC and MAT.

Outcomes

The expected outcomes were that after the workshop participants have gained increased understanding of following topics:

- Capacities to undertake activities towards the ratification and implementation of the Nagoya Protocol among Pacific stakeholders are further improved.
- Regional exchange of views and experiences among Pacific stakeholders on ABS is strengthened.
- Awareness and knowledge of stakeholders in relation to marine bioprospecting and the implications for developing national ABS frameworks in the Pacific region is enhanced.

Participants

Representatives of the Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu, Wallis and Futuna attended the training. Relevant resource persons from the Pacific Region and abroad, including Deutsche Gesellschaft fuer Internationale Zusammenarbeit (GIZ), Institut de Recherche pour le Développement (IRD) French Polynesia, Locally Managed Marine Areas network (LMMA), Nimura Genetic Solutions Co. LTD, Palau

International Coral Reef Centre (PICRC), The GEF Small Grants Programme (GEF-SGP), Secretariat of the Pacific Community (SPC), United Nations Environment Programme (UNEP) and the University of the South Pacific (USP), also participated.

Process

Day 1: Monday 10th of November 2014

Opening

The 5th ABS Workshop was opened with brief remarks by Clark Peteru on behalf of SPREP, followed with a prayer by one of the Fijian representatives. Welcome remarks from the Secretariat of the Convention on Biological Diversity (SCBD) was presented by Erie Tamale on behalf of Braulio Ferreira de Souza Dias (Executive Secretary for CBD) noting the great success of the Nagoya Protocol entering into force on the 12th of October (2014?). Mr. Tamale congratulated and thanked Fiji, Federated States of Micronesia, Samoa, and Vanuatu who were among the first 50 countries that ratified or acceded to the Protocol. He urged the other countries that have not ratified the Nagoya Protocol, to expedite their national processes towards becoming signatories. Furthermore, the SCBD stated that during the COP-MOP 1, 13 substantive decisions were adopted that provided a strong foundation for the full implementation of the provisions of the Protocol. These included, among others, the comprehensive strategic framework for capacity-building and development and an awareness-raising strategy for the Protocol. The Parties also adopted the modalities of operation for the ABS Clearing-House (CH) and a reporting format for interim national report under the Protocol. Most importantly, the Parties approved cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance, including the establishment of a Compliance Committee. Mr. Tamale stressed that a lot more work has to be done to support the effective implementation of the Nagoya Protocol and to ensure timely and full achievement of Aichi Biodiversity Target 16. Mr. Tamale expressed his thanks to the ABS Capacity Development Initiative, SPREP and other partners in assisting the Parties to build and develop their capacities to implement the Protocol, through joint activities such as this workshop. Andreas Drews also welcomed all participants on behalf of the ABS Capacity Development Initiative (ABS Initiative).

The 5th ABS Workshop was facilitated by Kathrin Heidbrink with assistance by Posa Skelton (SPREP).

Setting the scene

An overview of the agenda for the next four days was presented followed by participants' introductions.

From Suva to Sydney

This session provided a summary of the 4th Pacific Sub-regional ABS Workshop in Suva and what happened since then. An overview of the ABS Initiative activities was given including its work since 2006 in Africa, which was expanded in 2012 to the Caribbean and the Pacific ACP Countries - through the Biodiversity and Protected Area Management Project (BIOPAMA), which will conclude in 2015. Furthermore the ABS Initiative cooperates in the Pacific with SPC and SPREP. Core processes for implementing objectives are: ratification, national implementation (selected countries), value chain establishment (business/research partner and resource identification - business models), amplifying (identification of national and international supporters, financing sources) and support process - regional CD & coordination for international process (relevant skills and topics). The ABS Initiative has done country level support in Vanuatu, Samoa, Palau, FSM and the Cook Island and supported four workshops and two trainings in the Pacific region. Furthermore they held a special session about 'Introduction to ABS and the Nagoya Protocol' at the 9th Pacific Islands Conference on Nature Conservation and Protected Areas, 5 December 2013, Suva, Fiji and also worked with SPC at the implementation of the International Treaty for Plant Genetic Resources for Food and Agriculture. In

September 2014 they organised a side event at the 3rd UNSIDS Conference, Apia, Samoa, about ABS Capacity Development Needs in SIDS - Dimensions and Potentials of Marine Bioprospecting.

At the end of the presentation studies and guides from the ABS Initiative were demonstrated and presented. Although African Union Guidelines for the coordinated implementation of the Nagoya Protocol have not yet been politically endorsed by the relevant African bodies they can be useful for the Pacific as an example and for lessons learned. Furthermore the webpage from the ABS Initiative got updated (http://www.abs-initiative.info/) which included a communication and knowledge centre with more information and the opportunity to download all different reports and information from all regions. It includes also a weekly ABS News Digit and an ABS Calendar.

Outcomes of the Nagoya Protocol COP-MOP 1

This session highlighted outcomes from the Nagoya Protocol (NP) COP-MOP 1 meeting in Pyeongchang, Korea from 13th – 17th October 2014. The presenter stated that during this MOP the first President got elected which is India and gave a brief overview about the 13 substantive decisions which got adopted:

- I/1 - Rules of procedure
- I/2 - ABS Clearing-House (ABS CH)
- I/3 - Monitoring and Reporting
- I/4 - Compliance
- I/5 - Model Contractual Clauses, Voluntary Codes of Conduct, Guidelines & Best Practices and/or Standards
- I/6 - Financial Mechanism
- I/7 - Resource Mobilization
- I/8 - Capacity-building
- I/9 - Awareness-raising
- I/10 - Global Multilateral Benefit-sharing Mechanism
- I/11 - Concurrent COP and COP-MOP meetings
- I/12 - Subsidiary Body on Implementation
- I/13 - Programme Budget

Furthermore it got decided that CBD-COP and COP-MOP meetings will be held concurrently.

The COP-MOP was also discussed during the first week to invite non-Parties to come to the MOP 1. It got stressed the importance of the Clearing House and that online reporting will help a lot in future. Part of the MOP was to select a compliance committee with 15 members, 3 from each region, where Clark Peteru will be one of the representatives for the Pacific.

After the presentation, the following points were highlighted and questions discussed:

- It was recognised that the spirit was very positive at the COP and communities and indigenous groups felt more integrated than before. Observations that the side events focused more on legislation and policies than on the technical and capacity building side. Participants agreed that this should be an area to focus on in future side-events at COPs and MOPs.
- Participants noted that the organisation and structuring of these events is difficult due to tight schedules at meetings. They further noted that negotiation, discussions and decision making happened at side events which only run at very limited time. Participants agreed for the need to explore and understand the topics in advance of these meetings, as often the agenda is packed and that people rely on sharing notes and presentations.

- The ABS Clearing House can only have one publishing authority - this role is critical as that focal point is representing the Party or Government. Each party can have a national advisory group that can generate the information for publication. Any information must be approved by the designated publishing authority for uploading to the ABS-CH. It was noted that a password could be shared by two national agencies but that it gets difficult if there's a disagreement.
- Participants discussed the compliance committee, the scope of work, conflicts that could come up and how it will be facilitated.

Demonstration of the ABS Clearing House (ABS-CH)

In this session the ABS-CH got introduced to the workshop participants. The presentation focused on what is the Clearing House and its role, as well as how the goal can be reached and next steps after the ABS-CH became operational in October 2014. The ABS-CH has been established by the SCBD according to Article 14 of the Nagoya Protocol (NP) with the function to facilitate exchange of relevant information provided by the parties. This information includes: ABS measures, national focal points, competent national authorities, permits and their equivalents. The goal is to facilitate the implementation of the NP, exchange of relevant information and to have legal certainty, clarity, transparency, as well as fair and non-arbitrary rules and procedures and to have a monitoring process to ensure compliance. Participants were encouraged to get a password to access the ABS-CH to get familiar with it and to enter available information. The presentation concluded with a short demonstration of the ABS-CH. The ABS-CH can be accessed through following link: https://absch.cbd.int/

After the presentation and during the demonstration the following points were highlighted:

- Colour coding for easy identification e.g. party or non-party.
- There will be only one password for all three platforms (CHM, ABS-CH and B-CH).
- A search function will be available which searches for key words not only in the language the word was entered but also in other languages.
- Publishing authority has to be nominated and handed in to the CBD Secretariat. It is possible to appoint someone different than the National Focal Point. National Competent Authority and authorised users are official points of contacts between the Protocol and members.
- Check point (key to monitoring the use of genetic resources) - e.g. if someone submits something from Australia using material from Fiji - then the system will contact the national authority in Fiji to inform them.
- Acknowledged that this is work in progress and that it still requires live information/contributions from countries.

Status of ratification and implementation of NP in the Pacific

In this session the facilitators approached the participants with three questions:

- What is the country's status with regard to the Nagoya Protocol?
- What is the main challenge with regard to the Nagoya Protocol?
- What is a key step that you have done to address the challenge, or consider to address the main impediment to the Nagoya Protocol?

Outcome:

- Four countries have ratified the NP: Fiji, Federated States of Micronesia (not present), Samoa and Vanuatu. Marshall Islands is under accession.

- Most countries are in the process of signing the NP: Cook Islands, Tonga, Palau, Solomon Islands, Kiribati, Niue, and Tuvalu. In these countries the national processes still need to be sorted; as they discuss the ratification of the NP (National processes are the major impediments). There are opportunities for addressing the impediments and there will be also some funding opportunities and projects dealing with ABS.
- The territories of Tokelau and Wallis and Futuna are under compliance of New Zealand and France respectively, which both have not yet ratified.

Status of regional and national GEF funded ABS projects

This session started with a presentation from Fiji about their regional GEF ABS project which will help to discover active compounds for pharmaceutical and agrochemical uses from organisms in marine areas (scientific survey & transfer knowledge). Furthermore it will assist in operationalising ABS Agreements and Benefit Sharing along with increasing the capacity to fulfill Nagoya obligations (awareness program, administrative systems and procedures) and establish a database.

This presentation was followed by an update about the regional GEF ABS project where UNEP will be implementing agency and SPREP will be the executing agency. The project is GEF funded with 1.7 million US Dollars and will include all 14 Pacific islands countries and consist of 4 areas: (1) Baseline analysis to identify common asset, issues and needs between countries, (2) Ratification of the Nagoya Protocol, (3) Implementation of the Nagoya Protocol establishing an enabling environment for the implementation of basic provisions of the NP and (4) Regional coordination and technical support. The project document is being prepared by Geoff Burton and Kirsty McLean and will be handed to GEF Secretariat soon. Two Pacific island countries (Fiji and Cook Islands) could secure extra funding for their ABS work through GEF.

The consultants sent out a stakeholder survey (via email) in the morning and asked participants to fill this out as an exercise which will be helpful to close existing gaps in the project document.

Day 2: Tuesday 11th of November 2014

Day two was introduced by the facilitator through giving an overview of the day's program.

Potentials of marine bioprospecting

An introductory presentation about marine bioprospecting and the different sectors was given to provide a brief overview for the workshop participants. The importance of marine bioprospecting especially within national jurisdictions was highlighted as for Small Island Developing States (SIDS) the Exclusive Economic Zones (EEZ) is often much bigger than the terrestrial land area. Huge parts of deep-sea areas lying within the EEZ of SIDS which attracts deep-sea marine bioprospecting as hydrothermal vent fields and seamounts can be found in this area. International debates focus mainly on areas beyond national jurisdiction but it is very important to include bioprospecting within EEZs in the discussions as the majority of marine excursions are happening within EEZs whereas marine bioprospection happens in most cases within EEZs which would require prior informed consent (PIC) and Mutually Agreed Terms (MAT) based on the NP on ABS.

Pharmaceutical research and cosmetic industries show a high interest in marine natural products (MNP) for their product research as they exhibit a greater diversity and variability and more unique and diverse compounds than terrestrial organisms. In the pharmaceutical sector, marine genetic resources are of high interest for anti-cancer and anti-HIV drug development and because of the

diverse and specialized enzymes which organisms living on hydrothermal vents and other deep-sea areas often show. The interest of the cosmetic industry is the use of natural products requiring continuous access. Overexploitation is a high risk and is important to be included in a management plan (monetary/non-monetary benefits should support the protection of marine genetic resources). Following points were listed to be also considered: different business models, transfer to a third party, risk/incentive for sustainable use, role of traditional knowledge, seabed biodiversity and the NP on ABS.

The discussion after the presentation focused on:

- Example mentioned from University of California and the Bahamas and why they didn't enter into an agreement. The reason is unclear but probably, as the US is not party to CBD, they don't see the reason why they should enter into an agreement and they often argue with the point that they did the research and that the product is theirs.
- An example from Australia on Halaven (based on *Halichondria okadai*, a sponge) was mentioned where the study started in Japan, then went to Palau and finally to New Zealand where they did more research. In all countries different sponge species where used but they inhabited same microorganism.
- The question was raised if old cases get reviewed - this is often not the case but it is important to use these cases as examples and to learn from them for the future.

Examples and experiences

Four presentations were given to showcase examples and experience.

Melanesian Experience in Marine Drug Discovery at the University of the South Pacific

The first presentation was given by the University of the South Pacific (USP) and focused on the Melanesia Experiences in Marine Drug Discovery at University. The presentation gave some background about USP's research and processes involved in marine bioprospecting which is happening in Vanuatu, Solomon Islands and in Fiji. USP has recently collaborated with Georgia Tech and provided benefits to villages through education scholarships, and providing master projects for students. As USP is not expecting to have monetary benefits from the research they focus on training locals as a benefit for the region.

The presentation was followed by a discussion:

- Expectations of communities and what are immediate benefits available for them? Scholarships for students and education. No monetary benefits as incentive.
- Do you contact the communities directly or first the government before approaching a community? First Government through Fisheries Department in this case.
- Status of USP as a regional university with regards to patent and sharing benefits/royalties. Would they go back to the country where the sample was collected? No examples yet but it would be done on a national basis and not regional.
- With regard to benefit sharing – would it be possible to calculate the benefits into the costs of research and investments made? Proportional weight of sharing the cost of research at various stages.
- Noted that it is important to have a legal entity engaged in the signing of agreements and contracts.

Overview of PICRC's Research Programs and MTA

The second presentation was given by the Palau International Coral Reef Centre (PICRC) about its research program and MTAs. PICRC vision is to have people empowered with science and knowledge

for effective marine conservation and management. Resources in Palau are not owned by the Government but by the state or individuals. The government provides the support for the management of resources. There are 16 States in Palau and 15 have established a Protected Area (PA). PICRC is assessing the Marine PA effectiveness and doing baseline assessment, coral reef monitoring, grouper aggregation shish count, sea grass monitoring, sea cucumber monitoring as well as socio economic surveys. They are providing facilities for researcher but research is mainly done for management support not marine bioprospecting. The current research permit system does not take ABS issues into account but PICRC works with government to improve the system and also to become ABS and NP compliant.

The presentation was followed by a discussion:

- Level of awareness from PICRC and Palau Government on what happens to specimens that's been taken out? No follow up on specimens which were taken out.
- Through which authorities does someone need to go to get a research permit in Palau? Depending where you want to collect the samples but they need to go first to the authority (fisheries, terrestrial/agriculture, and/or culture) and then you need approval from the government/state which will communicate with the communities.
- Legal provision, does it address 3rd Party issues in the contract? Yes it is included and it is hoped they stick to it.
- Role of communities? Each state has their own rules but do traditional leaders from communities have same power as the governmental leaders?
- How would Palau deal with ABS policy/agreement? Which steps would be involved? Need to work with national level, state level and traditional leaders.

Reality in Bioprospecting business, Marine, Rainforest and Highland

The third presentation provided some insights from the private sector. Nimura Genetics Solutions Co. Ltd. (NGS), is a small bioprospecting company in Japan which was established in 2000 and works so far in Bhutan and Malaysia. NGS has the principles to carry out as much research as possible in the provider country with technology transfer and co-ownership of intellectual property rights (IPR). Provider countries need to be well prepared for working with the industry. NGS works in marine, rainforest and highland bioprospecting and has had several successes. From the perspective of the private sector NGS recommends to balance regulation, scientific and business requirements; further providers should know and understand users' demands.

The presentation was followed by a discussion:

- Noted that 3rd party was involved and that royalties are shared with the provider country.
- Business model of a smaller company – should not look only for one molecule as this is very hard to find. Support is required for national research institutes to establish extraction facilities which can draw attention of pharmaceutical institutes. Most countries have research companies but they need to attract pharmaceutical research institutes.
- Constructing a local laboratory with trained and employed local scientists.

From Coral Sea to the Central Pacific for marine natural products

The fourth presentation was given by IRD Tahiti (natural products team) on their work in the Solomon Islands, Vanuatu and Fiji. All projects followed the same structure - after ABS negotiation the bioprospecting is happening. Collected voucher of the different organisms (sponges) are deposited at the Queensland museum, where they are freely available for inspection. Research is done with involvement of young local people which ensures capacity building. At the end the results are shared with the stakeholders who also can get access through a database.

The presentation was followed by a discussion:

- Noted that database is only accessible for stakeholders, funding agencies and funding partners but e.g. sponges can be obtained from University of Queensland.
- IRD is a French Institute in around 30 countries globally - devoted to social, economic and global change sciences.
- It is not very clear who owns marine benthic resources as this could be the community (within internal and territorial waters) or the state.
- 3rd party transfer/agreements: in case of further development of a result, the expertise and consulting department of the head offices of IRD is in charge of further benefit sharing agreements.

Stakeholder perspectives in coastal areas

Management and Governance of Coastal Areas in the Pacific: Considerations for ABS

This session was about the perspectives of stakeholders presented by the Locally Managed Marine Areas Network (LMMA). In the Pacific, most of land and sea is customary owned and people depend very much on marine resources for their livelihood. Dual governance systems are in place where the government is making science-based decisions and communities make decisions about the traditional structure and local management practices. There are many social-ecological connections such as spiritual beliefs, traditional knowledge and ecosystem based management practices. All countries where LMMA is working have the same vision to have food security, sustainable fisheries, biodiversity conservation and strengthened livelihoods through resilient, vibrant, and empowered communities. LMMAs approach is adaptive and they come to communities if they request help. It has tried to use ABS principals as prior inform consent, involving communities in decisions, sharing information and setting conditions for this etc. At the end of the presentation gaps in ABS from the perspective from LMMA got discussed which are: no mechanism to protect indigenous/traditional knowledge, research permits need to have ABS provisions, need to establish some community level mechanism for ABS and need to tailor made ABS principles and mechanism to Pacific Island Countries.

The presentation was followed by a discussion:

- Community protocols/Community plans in the context of traditional knowledge and ABS frameworks which exist in other parts of the world could be reviewed from a Pacific context. Communities may need to look at 'common-pooling of their resources and knowledge' to allow for more beneficial arrangements for communities.
- This is an opportunity (gaps identified in the presentation) through the GEF process.

Issues for consideration in deep sea areas

Deep Sea Environments and Seafloor Mining: An ABS relevant issue?

This session given by SPC provided the participants with an overview about deep sea minerals and mining (DSM). Pacific Island countries are getting help through a SPC-EU DSM project (4.4 million Euro) to improve the governance and management of their deep-sea minerals resources in accordance with international law, with particular attendance to the protection of the marine environment and securing equitable finance arrangements. Activities including: the development of a regional legal and regulatory framework, assistance with domestic policy and legislation, training,

workshops, and publications. Background knowledge about deep sea minerals, associate fauna, and sampling techniques was explained. Furthermore a roadmap to policy and law issues for states considering engagement with DSM got develop under the project. At the moment Pacific island countries are in various stages with regards to DSM policy development, legislation and mineral potential and licenses status, which need to be taken into consideration in regard to bioprospecting. More information can be accessed here: http://www.sopac.org/dsm/

Comment from SPREP:
SPREP stressed that CROP agencies have distinctive mandates and that SPREP's mandate is looking at impact to the environment as a result of deep sea mining. A lot of interests being generated in the region on this issue and SPREP provides input on environmental impact assessment (EIA) and parts of the regulatory framework and will also provide input towards a template in DSM. The history (experience) based on EIA on terrestrial environment has not been good and it is important that we learn from that to have a better approach.

The presentation was followed by a discussion:

- What is the status of the regulatory framework? SPC is providing a guide for countries to use.
- Danger for small Islands is that proponents may seek incentives like e.g. access to sites, wharfage, etc.
- Some countries have opted not to put their reports online.
- Assessment of exploration companies! SPC can provide advice in assessing company reports but does not have capacity to monitor companies.
- Collaboration between ABS and DSM? The companies currently looking at exploration are not interested in bioprospecting but there are possibilities to consider for joint-ventures; SPC is looking at the new round of funding for EU on continuing this work; explorations done by companies will be required to collect biological specimens; countries can utilise these specimens for further research (would be a waste if no research would be done) which will necessitate an ABS agreement; marine bioprospecting is possible.
- One of the requirements recommended is that government observers are present on the vessels.
- Regional project on international waters? Global Oceans Programme provides an opportunity for a sub-project which is an opportunity for the Pacific.
- Cook Islands experience: a buy-in from the Government at the highest level. Ministers look at the DSM as an option; DSM Authority in Cook Islands whose role is focusing on this issue.
- How big is the industry, and what do they do with it? Use in computers, batteries, screen, monitors, etc. China controls a lot of the rare elements (which is now being found in the seafloor), they have some deep sea minerals themselves but they want to secure other areas for the future.
- What are rehabilitation plans? Fake/artificial vents, relocate animals, etc.

Day 3: Wednesday 12th of November

Day three was introduced by the facilitator through giving an overview of the day's program.

Business models of relevant sectors

A presentation was given by the ABS Initiative to provide an introduction and overview about business models of ABS relevant sectors as this will be later essential for the group work. The idea of access regulations is that "resource-rich" countries shall facilitate the access to GR and the "technology-rich" countries shall share benefits arising from GR; facilitate access to technologies and means important for conservation. Both will be regulated through PIC and MATs and supported though the strategic framework for capacity building and development to support effective implementation of the Nagoya Protocol. The four main sectors are pharmaceuticals, cosmetics, food & beverage, and biotechnology. Biotechnology has a market turnover of around $75 billion annually. It is a fairly young industry and provides material to feed into other industries; e.g. identifying enzymes to be used in biofuels (B2B - business to business approach as opposed to business to consumer). Food & beverages has a turnover of 11.6 trillion and shows a significant growth. It focuses mainly on health benefits and uses often traditional knowledge. The level of research and development (R&D) is rather low but innovation is increasing as well as the interest in natural products which makes ABS a more relevant topic in the food and health sector. Cosmetics have a special interest in natural products ($26.3 billion) as this is beneficial for promoting the company/brand which involves cultivation and sustainable management of ingredients. Interest in GR and TK is increasing. Patents are not common as products have often a short life and it is not beneficial for the company. The pharmaceutical industry has a turnover of $955,5 billion annually. Companies do a lot of research to prove activity of products but due to high costs often in collaboration with other companies. Development of a new active is often through synthetic chemistry or biotechnology and the need of accessing "fresh GR" (microorganism or marine organism) is limited as only a very little amount of the resource is needed. Patents are often developed and the science and technology is very advanced.
The time frame from proposal development until a product reaches the market takes often many years and it can take up from a few years to 20 to 30 years. In average it can be said that the pre-access phase takes up to one year, research and development from one to 15 years, it can take one to three years until the business plan is developed and another three to 15 years until a new product goes into production. Not every research is having a successful product as result but it is important to have a MAT and PIC in place before the research starts but also renew these agreements when the research was successful and production will start.

The presentation was followed by a discussion:

- Would these models apply also for GMOs and what is with biosafety issues? GMOs are relevant in the food sector, so yes it would apply but it depends on the modified resource. Biosafety Protocol and Nagoya Protocol are two separate protocols and should be treaded separately.
- How does this relate to Intellectual Property rights (WIPO and WTO)? There are some regulations within WIPO and WTO - patents can be a trigger point to inform in ABS process. ABS contracts are often private.

- The value of these industries sounds very big (e.g. trillion and billions) - what can country expect out of ABS given the values being touted? The expectations raised following the CBD coming into force were not realised. There are cases (e.g. NGS in Sarawak) where there are benefits to governments - but these are not common. For countries it is better if they set up legislation and policy to engage. Noted there are monetary and non-monetary benefits. Further noted that realistic expectations should be more non-monetary (rather than monetary) e.g. infrastructure development, capacity building, etc.

Implementation for negotiating ABS agreements in the different sectors

Participants were introduced to the group work which consists of four different case studies. The exercise should encourage participant to think and consider the benefits that they would get and how to do smart ABS. The exercise was divided into two parts: Sectoral lessons and process lessons. Sectoral lessons assess different points based on the participant's knowledge of this sector and the case study at hand regarding:

- Market trends and related R&D interests
- Modes of access: in-situ vs. ex-situ; one off vs. continuous access
- Role of traditional knowledge
- Typical investment volumes; R&D time spans; and risks involved
- Cooperation modes in R&D
- Any other features that may be relevant for ABS.

Process lesions evaluate what participants have learned from this case regarding the process of negotiating ABS agreement.

There was one case study for each sector:

1. Food and Beverage
2. Cosmetics
3. Pharmaceuticals
4. Biotechnology

Report back on the group work

Group 1: Food and Beverages

Summary of case

Institute for Biodiversity Conservation (IBC) in Ethiopia entered into an ABS agreement with a Dutch company called High Performance Food International (HPFI) who wanted to use teff genetic resources to produce nutria supplements for people who are allergic to gluten. Initially it was agreed that HPFI uses only a small amount as they wanted to develop a variety that can grow in the Netherlands. This failed and HPFI depended on teff grain from Ethiopia to meet the demand of their product. At the same time due to food shortages in Ethiopia, the government banned the export of teff. This and other factors led to problems in the relationship between the parties, as reports were submitted in Dutch and IBC raised concerns that they had not received any benefits but HPFI claimed that they had deposit money into a trust fund.

Market trends and R&D interests	• Strong interest in functional food with health benefits (driven by a company that wanted to deliver a new product) • Market differentiation by new products • R & D required to validate health benefits

Modes of access	• ABS Agreement • Continuous in-situ access • Direct contract with farmers (there should be a contract between farmers and exporters but no information about that)
Role of TK	• TK used to identify new products • TK for in-situ production (more knowledge from Ethiopians might have led to a positive result for growing teff in the Netherlands)

Investment volumes; time spans, risk involved	• Limited investment volume
	• Short development time span
	• Interruption of supply though drought in Ethiopia and ban of teff export
	• Other risks:
	  • Cultural differences
	  • Uncertainties from farmers and company about delayed income
	  • Miscommunication
	  • Climate Change - drought
	  • Failure of identifying other opportunities, e.g. selling the Dutch product in the own country

Cooperation modes	• Reliance on written communication/reports as their where written and provided in Dutch
Other features relevant for ABS	• Access to dispute resolution • Transparency of payment
Process lessons from the case	• Effective communication is key to success – documentation in all different languages of the parties • Contract limitation – no adaptation of contract after HPFI failed to grow teff themselves and relied on export • Documentation in languages of all parties • Transparency of process • Stakeholder engagement plan • Sector needs to understand agricultural risk trade • Research institution needs to understand business risk • All parties needs to identify risks and need to understand the risk of others and each other's position • Companies need to understand farmers needs • Contract must provide accessible dispute resolution • Trust is as important as contract • Licensing process for developing countries markets – would have been beneficial to give out a licence to Ethiopian market to sell product from Dutch company • To value TK in food production process • Cultural differences must be understood
Discussion	• What is the role of both governments in the monitoring process? • Ethiopian government banned export to the Netherlands because of draught. If they had known that they would make a good income and gained income through benefits from HPFI then they possibly would have made an exception.

Group 2: Cosmetics

Summary of case

The Institute for Traditional Medicine (ITM) began ABS negotiations with a large French cosmetic company for the use of TK relating to clear skin. The main interest was in natural exotic genetic resources (unique combination of seaweed) and associated TK to meet the demands of the rapidly changing fashions of the cosmetic market. The company also sought access to the traditional knowledge and the genetic resources from ITM, because ITM had a good reputation for ethical sourcing and good benefit sharing partnerships with communities to whom the traditional knowledge belonged and who harvested the seaweed. The French company was planning to get a continual supply of seaweed and also to involve ITM for their initial research. The initial consultations with the scientist from the French company and ITM went very well but at a later stage of the negotiations the company sends their country manager and lawyers to discuss the benefit sharing agreement which were directed to ensure that the agreement is beneficial to the company. In the course of the negotiations, ITM increasingly felt that the new negotiators neither represented the enthusiasm of their predecessors (the scientists) and the new negotiators, in turn, felt they were only doing their job to protect the interests of the company and said that it was company policy that a contracted research organization could not co-own any intellectual property rights. ITM felt that they had been misled about the motives of the company and the negotiations broke down after a year of hard work.

Market trends and R&D interests	• High demand for the product • Competing R&D interest from other companies
Modes of access	• Ex-situ initially and steady in-situ access

Role of TK	• TK was very central to all parties
	  • Company
	  • Government (ITM)
	  • Communities
	• TK critical to all stages of value chain

Investment volumes; time spans, risk involved	• Potentially high investment volume • Short to medium term time span on R&D • Risk to company: Medium • Risk to Community: high
Cooperation modes	• Agreement co-operative 'spirit' • Contradictory: two different expectations from company and ITM • Scientist looked at having a collaboration between company and ITM • Manager/lawyers looked at havening ITM as a contractor
Other features relevant for ABS	
Process lessons from the case	• Need to clarify expectations and interests from the start • Benefit sharing aspect was only negotiated at the end but should have been discussed upfront

	• Mode of engagement (co-operation) must be clearly ascertain • Having all relevant stakeholder involved from the beginning • Importance of government guidelines for negotiation of agreements • Broad consultation with relevant stakeholders • Transparency – scientists started in a good way but this changed when lawyers came in • What are the roles of scientists in the negotiation?
Discussion	• Is it a high risk if ITM are negotiating for communities? • Yes as communities might do not have the needed knowledge to understand all the negotiations. But the risk is that the TK was with the community and the scientist could have taken it and do the research somewhere else.

Group 3: Pharmaceuticals

Summary of case

An international pharmaceutical company in collaboration with a domestic research company sought access to small quantities of a microorganism from an East Asian country for research on its medicinal properties. As the company was still in the research stage benefits were unable to be identified, the company also stressed that all needed is one-off access to the microorganism and that they were not interested in accessing any traditional knowledge. The National Biodiversity Unit (NBU) representing the country knew that they would need to provide access to the resource to be able to gain any benefits and proposed to enter into a research agreement with the pharmaceutical company that would enable the company to conduct research on the genetic resource which would be time bound and would not require any monetary benefit sharing. A deposit of an agreed sum of money would be paid into a trust fund and returned at conclusion of research agreement and further benefit sharing agreements would need to be discussed if research was positive. During the research stage non-monetary benefits (training, technology transfer) to the national university are provided by the pharmaceutical company.

Market trends and R&D interests	• R&D Phase: Discovery and development • Setting the right conditions/screening • Identified microorganisms already but need access
Modes of access	• One off • In-situ
Role of TK	• Non
Investment volumes; time spans, risk involved	• 1. Stage: risk low, investment low • Security deposit would be needed to get paid • Capacity development at national level • Risk increased with research development (higher investment) • Usefulness of microorganism • First research stage ca. 5 years • Until product 15 to 20 years
Cooperation modes	• Technology transfer • Capacity building

	• Training of national researchers • Enforcement of ABS Framework
Other features relevant for ABS	• Existence of competent authority – enforcement of ABS • Legal framework for ABS on national level
Process lessons from the case	• Look for creative solutions • Invention and negotiation skills • Considers different scenarios • Includes combination of monetary and non monetary benefits • Mutually agreed terms (incl. benefits) • Knowledge of other arrangements useful • Agreement must be broad and inclusive • To access: compliance with national ABS framework is critical

Discussion	• Why has TK not a role?
	  • Normally yes, but not in this case as it is only about the micro-organism. Company stated that they don't need access to TK.
	  • TK is important but is it also seems as complicated and companies/industries try to stay out of it.

Group 4: Biotechnology

Summary of case

Biotech industries are interested in novel microorganisms, especially from extreme environments. This industry is accessing most resources through gene-banks or one-off access. The bacterium Alkaliphilic occurs in lake of Kenya's Rift Valley and was collected by a Kenyan student doing research at the University of Leicester. The research resulted in a patent to a product called Indiage and led to another product called Puradax. The two companies that developed the product (Genencor International Inc. (USA) and Gist Brocades (Netherlands)) did this without an ABS agreement but when the Kenyan Wildlife service where informed that the collection of the bacteria took place in the lake they sought to enter into an ABS agreement with the University and the two companies. The negotiations are still underway.

Market trends and R&D interests	• Energy related industry is making a lot of investment in this field • Waste management and food security is also related to this field
Modes of access	• One-off (once they collected they don't need to come back to collect same microorganism again. They might come back to find better one) • In-situ
Role of TK	• Very limited role of TK
Investment volumes; time spans, risk involved	• High risk of investment as they put a lot of money in research without getting many results • The risk is lower for just collecting a resource (waste management) • Medium risk for food security (3-5 years)
Cooperation modes	• Limited participants of communities/resource country people.

Other features relevant for ABS	• Public outreach
Process lessons from the case	• Need of protocols (University needs to check with student if he follows protocols) • Need of ABS framework • Need to have a network • Outreach/public awareness
Discussion	• Not always bad behaviour or bad attention - they maybe just didn't know and where doing it without having any intention. • Conduct of university in country depends on the law in country - if there is no law, then there isn't any good management.

General discussion and question about exercise:

- How do you protect and increase the value of your resource?
  - It reduces the risk if companies must disclose where they have the sample from. This is a discussion of WIPO at the moment.
- Article 8J of CBD is the link from TK and GR.
- Big companies stay away from TK and invest in expensive prescription products to avoid these debates.
- You need to keep in mind and think about what kind of company is approaching you.
- Example of Cook Islands: cosmetic company is working with traditional leaders; benefits will go to tradition leader to help communities with conservation.
- One of the advantages of being associated with TK is when it comes to the name giving of the product. People trust in traditional products.
- Sectors differ so much from each other and are very much driven by the market and who is buying the products and on the investment and risk.
  Countries should develop business models and invest in the research infrastructure in the countries.
- Important for countries go out of comfort zone and understand how the industry works.

Implementations for designing national ABS frameworks

Panel Discussion

The panel discussion was moderated by Andreas Drews from the ABS Initiative and the panel guests were
Klaus Feussner (USP), Clark Peteru (SPREP), Geoff Burton (UNU-IAS), Satoshi Nimura (NGS), and Sele N Tagivuni (Fiji – ABS Focal Point)

Some guidance for countries on how to develop their national ABS framework - policies and legislation

- Encourage countries to ratify the Protocol. Noted that the Protocol does provide guidance on how to address many issues of concern to countries. Further noting that the Clearing House mechanism provides another avenue for assistance to countries.
- Highlighted that the Nagoya Protocol is now putting the onus on developed countries to be more accountable with the conduct of companies within their jurisdictions. This has been an issue for many of the small island countries due to the amount of procedural issues that they have to work on. Much of these procedural matters have been passed on to developed countries.

- Noting that those countries, not parties to the Protocol, will have a good amount of work to content with.
- Noted that coordination of the Pacific as a region is an opportunity and would allow collaborative research. Challenges in other regions are civil unrest, health and governance which are not present in the Pacific. Elements of common culture and legal system as great biodiversity provide opportunities and comparative advantages compare to other countries. With limited resources as in the Pacific it makes sense to work together.
- With the Nagoya protocol countries can regulate and check on the behaviour of their citizens - how does USP deal with this issue? USP serves 12 island nations and sees themselves taking the lead in research in marine bioprospecting. USP has the facilities to accommodate large collections and the space will increase if there's an interest by other member countries to be part of the research. But human resources/capacity is a challenge for USP with additional countries and this will become a challenge. USP could provide also monitoring aside from the research.
- In Fiji more than 95% of land is owned by communities. Fiji is fortunate to have USP. The local tertiary institution works under Fiji rules. In terms of monitoring there is a process but the challenge is capacity and resources. Fortunate there are institutional structures in the government and it is critical to create an enabling environment to help guide the stakeholders (iTaukei, rural, maritime, environment) to coordinate and mainstream the issue. Fully understand that ABS is an issue needs to be discussed by these institutions, recognising that national institutions are not in a position to monitor ABS. Little steps are key at this stage and there is the need for policy and institutional arrangement.
- What would be a private sector and an intermediary party relevant to biotechnology and what would be a recommendation to Fiji? It has to be clear and simple (doesn't mean less). Some countries have own regulations which are too detailed and complicated (some of the people charged with enforcing these don't even understand the regulation). This makes things very difficult and it is best to keep it simple. Security is also important from the private sector and assurance from community or country is the security needed by the private sector. If certain conditions are not provided the private sector won't want to participate. Negotiations and investment (time and dollar) is a big issue for the private sector as they do not want to be accused of being bio-pirates.
- What would SPREP recommend to countries in engaging with the ABS policy and development of regulatory framework? Most of these have been covered in previous discussions, a regulatory framework is important and there is the need for a cooperative and business model - is a win-win situation. The regulatory burden for countries has shifted to developed countries. SPREP as a regional organisation will focus on helping countries to take same/similar approach. Genetic resources are different from county to country and some may not be able to approach in this approach. And vision/idea would be to make Island hopping possible, this would be a dream for researcher - if you would need to have one ticket/permit and it allows you to move from one country to the other. This will require countries to think outside of the box. But it has to be noted that some countries will not benefit equally due to biodiversity of countries but there are still some equitable benefits for such an arrangement. This will require also some laws to be flexible.
- Collaborative research vs. contractual research: what are benefits for USP (non-monetary)? For the work with Atlanta the research return is huge and students can be educated at higher degrees. The benefits are more on the side of the students rather than waiting for 'gold' from bioactive compounds. One village in Fiji has established a community research based on the work of bio-prospector where there's potential of improving reef health. USP is a collaborator.
- Imbalance in negotiation between private sector and governments/communities? If a company approaches for example FLMMA with who would the company dealing with? This should be the Ministry of Environment and the iTaukei Department and also USP (working

with FLMMA) as the first contact point. Need to have competent negotiators, which is the role of governments. Fiji will be looking at developing a system that will make it easy and simple to allow the private sector to engage better.

- A key issue is to include communities, they should be encouraged to engage with governments and other experts to assist with negotiations
- SPREP's perspective on developing regional guidelines and ABS framework? This is a common approach for the countries. SPREP will be pushing for a common vision to allow for countries to benefit, similar to what has been done for the fisheries sector. There are existing examples and guidelines that could be used for ABS - e.g. model legislation, etc. A challenge could be posed by the territories vs. countries?

Open discussions with all participants:

- Legal Framework should be simple and flexible. Noting that this is also a learning case for many of us and also noting that once it is in the law it is often a challenge to change. It is recommended to design laws that will allow for developing regulations.
- Recommendation to USP to have a comprehensive strategy to deal with capacity issue (at the national and regional levels) and to think in the longer (10 year) timeframe.
- The regional guideline is a new concept and welcomed. Would like to have this to help guide countries as this will allow countries to align or adapt for the national level. Asked SPREP to help with that. At the country level government and lawyers need to be with communities during negotiations. Awareness is also very important as many companies go directly to community and it would allow communities to participate effectively.
- In regards to countries that have not ratified yet, what can they do to protect themselves? Nothing is stopping countries to take actions (administrative) to deal with ABS issues. There's nothing inconsistent between Article 8j and CBD. Administrative measure is relative quick compared to regulatory measures and these can be tagged into existing policies and permits.
- From a community perspective it felt very assured. Best practice tool for consideration is to e.g. collecting samples in areas that are already under some sort of community management.
- How the Private Sector/Research does deal with working/collecting resources in areas that are managed/vs. non-managed in regard to sustainably harvesting and communities? Private sector prefers to work with areas where there is a community presence so that they are able to sort out agreements. Prefer this than areas where there is likely to be a conflict now or in the future.

Wrap up: recommendations on what is urgent (priority):

- UNU-IAS: contextual - countries that have yet to think about what to do they should take some time for their consideration; for others that have thought and consider about ABS they should put ABS in their NBSAP for Aichi Targets, etc. Prompt ratification. Developing regulations/administrative processes in the interim.
- Private sector: discuss and negotiate with Private Sector. Encourage countries to learn about the Private Sector and what the company is doing before getting into an agreement.
- SPREP: Government needs to be comfortable before taking the next step.
- ABS Focal Point: Fiji plan to be visionary. Have issues with NGOs and beneficiary which they are working on.
- ABS Initiative: policy or regulations? Both as they work parallel. Experience in other regions: It is always important to know/understand what you want to achieve with regulations/legislation. Useful to work on practical examples and to set up process through experience/practical understanding.

Day 4: Thursday 13th of November 2014

Day four was introduced by the facilitator through giving an overview of the days program. It was noted that there is a steering committee meeting in the afternoon and all participants are invited to attend if interested.

Designing national ABS frameworks

In this session a presentation was held about strategic options towards ABS regulatory frameworks that are responsive to sectorial needs. It talked about what normally happens when ABS regulations are developed and what is needed for ABS to be sector responsive which means to be flexible and interactive, integrating ABS into existing sectorial laws and policies and to have a decentralized approach. The response from the sector can be beneficial in many different ways and also be used as a financing mechanism for biodiversity conservation. Furthermore it was talked about different approaches to sector adaptability. A key lesson for ABS Framework is that it needs to be: Simplicity, effectiveness and cost-efficiency. Noting that there are many 'windows' (procedures or multiplicity of ownership, control over PIC and benefits while outsourcing administrative burdens) that needs to be combined to one window. Common pooling of research capabilities (regional/sub regional approach) to have an ABS related research platform responding to local needs and to be capable of international collaboration would be one approach but would require resource mobilization (risk sharing, benefit sharing, administrative costs) to cover costs of regulating ABS.

The presentation was followed by a discussion:

- Regional networks: pooling capacity, capability and resources
- Pool database (e.g. TK and GR) in the region. This will allow investors/companies to guide them on who to contact, etc.
- Outsourcing administrative operations e.g. similar to PPPO.
- Pool benefits -> everyone wins.
- Regional project: expectations from the project are to reduce the burden on establishing ABS framework.

Identifying next steps and capacity needs

This group work was done to find out needs and ideas of how to start and what needs to be done in future. Four stations where arranged with different topics:

1. Multiplicity in resource ownership of genetic resources and traditional knowledge
2. Limitations in human resources, institutions and structures
3. Internal and external resource mobilization
4. Arriving at simple, effective and cost-efficient frameworks

Task of each group was to brainstorm and note down ideas on a sheet and check what the previous groups have done and indicate if you do not understand an idea (?), if you disagree (X) or if you find and idea particular important (!) that got mentioned by a group.

Results from the Stations

1. Multiplicity in resource ownership of genetic resources and traditional knowledge

- National competent authority validates local access decisions, e.g. local community decides on access agreement, then state or national government supports community by checking that agreement is fair (!!)
- Centralised database/inventory of TK and GR (?)

- Validation process – authentic source (prior to granting access)
- Dispute resolution body on multiple ownerships (!) (NCA?)
- Status of state land e.g. national parks (!)
- PIC form/MOU with local communities

2. Limitations in human resources, institutions and structures

- Money (business plan/proposal
- Awareness/communication (local translation)/networking
- Outsource/recruitment of experts
- Crown law ←legal expertise – drafting – negotiation
- Capacity development ← short term – up skilling – long term – scholarships/awards
- Integration of ABS into curriculum (Education) Primary/secondary/tertiary (!)
- National capacity development plan
- Government budget – prioritise allocation
- ABS taskforce – inter-agency / Multi sector (!)
- ABS system be proportional to level of demand and level of resources
- Regional approach – common standards and documents
- Use existing laws and processes
- Role of SPREP to provide support and technical advice and co-ordination
- Better national coordination e.g. Agencies co-operate
- Delegate to regional/national to negotiate on behalf of state, territory or community
- Capacity building mandatory licensing
- Succession planning of expertise
- National research institute e.g. Scientific Research Organisation of Samoa (SROS)
- Secondment researches to country
- Strengthening of focal points

3. Internal and external resource mobilization

- Benefit sharing from business sector (Money -> focal point -> conservation/communities
- Clear guidelines/proper contract/documentation
- Financial/TT/personnel/training
- How to write proposals/access funds e.g. GEF (!)/NPIF (?)/private companies
- Include ABS in business plan to get governmental commitments
- Cost recovery through fees/permits (but don't discourage)
- Transboundary network e.g. research/expertise/information (!)
- Training (?)
- Environnement/ABS Trust fund (legal doc., clear guideline)
- Green Tax (?)
- Environmental levy on arrival (tourists (?))
- Pooling human resources at regional level
- Make country attractive to research e.g. desirable destination (mainstream)
- Encourage long research projects
- Enabling environment e.g. simple, clear, etc. ABS System
- Collaboration in other existing industries e.g. DSM, Fisheries
- Environment bond

4. Arriving at simple, effective and cost-efficient frameworks

- Involve key stakeholder in the development of frameworks (?)
- Review/study existing effective frameworks from other countries (?)
- Collaborate with other countries within the region to share development costs (? Regional or national)
- Review local existing laws
- "One stop shop" structure concept (!)
- Internal assessments/capability
- Develop standard form of permits/guidelines
- Simple online application form
- Clear policy e.g. food & beverage, biotech, etc.
- Self-financing
- Framework or umbrella law → details in regulation, not too bureaucratic
- Regional legal framework (adopted at country level)
- Internal structure guidelines on ABS process and procedure
- Clarity who makes final decision on access
- Adopt best practice
- Model clauses in agreements and contracts
- System reflect input from identified stakeholder concerns and interests
- Review systems to improve them with experience

Engaging with the World Parks Congress

A short summery about events happening at the IUCN World Parks Congress and engagement from the ABS Initiative and SPREP was presented.

The way forward

ABS Initiative informed participants that there will be some changes in the next year as they get independent from the other CBD project which means that they will be a self-standing project in GIZ. The EU funding will be depleting next year and at the moment they try to get interim funding. It would be important that all getting in touch with their ACP contact to push for ABS (Nagoya Protocol) and how important it is. ABS is becoming a standalone issue and it is important to raise awareness of your ambassadors in Brussels. All participants got invited to join the Steering Committee meeting which will be held in the afternoon.

SPREP mentioned the great success this year with the Nagoya Protocol entering into force and the GEF projects which will start next year. This is only limited funding but SPREP will try and secure more funding but countries should also keep their GEF 6 allocation in mind. Also the GEF Small Grants Programme funding is available (up to $150k) and governments should write proposals to apply for the funding (for more information contact Katarina (UNDP-GEF Small Grants)

Closing

SCBD: Pleased to have had the workshop and to participate. Opportunities were identified to be utilized as we move forward, e.g. GEF project is coming. We have the tools and information and the resources are in the process. Now we need to use these to move forward to have the Protocol operational. SCBD is willing to provide support and encourages to use the ABS CH. SCBD is pleased to work together with ABS Initiative and SPREP and the MoU which will be signed with SPREP will allow for further collaboration and work with the countries.

ABS Initiative: The 5th workshop was at a very important point as the Nagoya Protocol just entered into force. The challenge is now for the four countries that are parties to put measures in place to comply with the Protocol, some are not too hard to put in place. ABS Initiative thanked the SCBD for attending the workshop and providing inside information from the COP meetings but also contributing to the content. Furthermore, they thank the resource people for taking the time to attend the workshop and their useful contributions, and especially the private sector giving good insight in how ABS could work in the private sector. Thanked also SPREP for organising all the logistic and the help with the facilitation and of course all the countries for the great engagement and pushing forward with the agenda on the Nagoya Protocol.

SPREP: thanked all and highlighted their appreciation to Andreas and the ABS Initiative for making this workshop possible including the past workshops. Without the assistance we would not be possible to provide the needed support to the countries. Thanked also SCBD for the support from the Secretariat which is always helpful and welcomed. SPREP also wants to thank the country representatives, CROP agencies and institutional partner, Kabir, SPREP Team and the facilitator for this very successful and productive workshop.

Participants: Savenaca was talking on behalf of all participants and thanked ABS Initiative, SCBD, SPREP for their assistance during the last days. Acknowledged all the information and proposals they have got and which they will take back to the countries. Also thanked all other participants and he hopes to meet next year to report back what happened since today.

Presentations

The full list of presentations made during the workshop is listed here for download.

Day 1

From Suva to Sydney – Andreas Drews, ABS Capacity Development Initiative

Outcomes of the Nagoya Protocol COP-MOP1 – Erie Tamale, Secretariat of the Convention on Biological Diversity and Clark Peteru, Secretariat of the Pacific Regional Environment Programme

Demonstration of ABS-CH – Erie Tamale, Secretariat of the Convention on Biological Diversity

Fiji GEF Project: Access Benefit Sharing – Savenaca Kaunisela, Permanent Secretary of iTaukei Affairs Ministry of iTaukei Affairs, Fiji

Day 2

Potentials of marine bioprospection: Introduction and Overview – Andreas Drews, ABS Capacity Development Initiative

Melanesian Experiences in Marine Drug Discovery at the University of the South Pacific

Melanesian Experiences in Marine Drug Discovery at the University of the South Pacific – Extra Information – Klaus Feussner, University of the South Pacific

Overview of PICRC's Research Programs and its MTA – Geraldine Rengiil, Palau International Coral Reef Centre (PICRC)

Reality in Bioprospecting business, Marine, Rainforest and Highland – Satoshi Nimura, Nimura Genetic Solutions (NGS)

From the Coral Sea to the Central Pacific for marine natural products – Cecile Debitus, IRD French Polynesia

Management and Governance of Coastal Areas in the Pacific: Considerations for ABS – Alifereti Tawake, Indo-Pacific LMMA Network

Deep Sea Environments and Seafloor Mining: An ABS relevant issue? – Alison Swaddling, Secretariat of the Pacific Community

Day 3

Business models of relevant sectors: Introduction and Overview – Andreas Drews, ABS Capacity Development Initiative

Day 4

Designing national ABS frameworks – Kabir Bavikatte, ABS Capacity Development Initiative

Annotated Agenda

Monday, 10 November 2014	
08:30	**Registration**
09:00	**Opening** • SPREP, SCBD, ABS Capacity Development Initiative
09:30	**Setting the scene** • Introduction of participants • Workshop programme **From Suva to Sydney** *Andreas Drews & Kabir Bavikatte (ABS Initiative)*
10:30	**Coffee/tea**
11:00	**Outcomes of the Nagoya Protocol COP-MOP 1** *Erie Tamale (SCBD) and Clark Peteru (SPREP)* • Presentation – Discussion
12:30	**Lunch**
14:00	**Demonstration of the ABS-CH** *Erie Tamale (SCBD)* • Presentation – Questions & Answers
14:45	**Status of ratification and implementation of the NP in the Pacific** • Short updates by participants
15:30	**Coffee/tea**
16:00	**Status of regional and national GEF funded ABS projects** *Clark Peteru and Easter Galuvao (SPREP), Geoff Burton (UNU-IAS), Greg Sherley (UNEP)* • Presentation – Discussion
17:30	**End of day 1**

Tuesday, 11 November 2014	
09:00	**Potentials of marine bioprospecting** • Introduction and Overview Andreas Drews (ABS Initiative) **Examples and experiences** – Presentations and discussion – • Melanesian Experiences in Marine Drug Discovery at the University of the South Pacific *Klaus Feussner, University of the South Pacific (USP)*
10:30	**Coffee/tea**
11:00	• Overview of PICRC's Research Programs and its MTA *Geraldine Rengiil, Palau International Coral Reef Center (PICRC)* • Reality in Bioprospecting business, Marine, Rainforest and Highland *Satoshi Nimura, Nimura Genetic Solutions (NGS)*
12:30	**Lunch**
14:00	• From the Coral Sea to the Central Pacific for marine natural products *Cécile Debitus, IRD French Polynesia* **Stakeholder perspectives in coastal areas** – Presentation and discussion – • Management and Governance of Coastal Areas in the Pacific: Considerations for ABS *Alifereti Tawake, Indo-Pacific LMMA Network*
15:30	**Coffee/tea**
16:00	**Issues for consideration in deep sea areas** – Presentation and discussion – • Deep Sea Environments and Seafloor Mining: An ABS relevant issue? *Alison Swaddling (SPC)*
17:30	**End of day 2**

Wednesday, 12 November 2014	
09:00	**Business models of relevant sectors** – Presentation and Q & A – • Introduction and Overview *Andreas Drews (ABS Initiative)* **Implications for negotiating ABS agreements in the different sectors** Introduction of group work
10:30	**Coffee/tea**
11:00	– Group work –
12:30	**Lunch**
14:00	– Report back and plenary discussion –
15:30	**Coffee/tea**
16:00	**Implications for designing national ABS frameworks** – Panel discussion, *moderated by Andreas Drews (ABS Initiative)* – Klaus Feussner (USP), Clark Peteru (SPREP), Geoff Burton (UNU-IAS), Satoshi Nimura (NGS), *et al. tbd./tbc.*
17:30	**End of day 3**

Thursday, 13 November 2014	
09:00	**Designing national ABS frameworks** *Identifying next steps and capacity needs* – Short input and group work –
10:30	**Coffee/tea**
11:00	– Plenary discussion –
12:00	**Engaging with the World Parks Congress (WPC)** *Clark Peteru & Easter Galuvao (SPREP), Andreas Drews (ABS Initiative)* **The way forward** *Clark Peteru & Easter Galuvao (SPREP), Andreas Drews (ABS Initiative)* **Closing** *Clark Peteru (SPREP), Erie Tamale (SCBD), Andreas Drews (ABS Initiative)*
13:00	**Lunch and end of workshop**

List of Participants

Countries

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