



THE ABS CAPACITY DEVELOPMENT INITIATIVE 2006-2016:

SUPPORTING THE IMPLEMENTATION OF
ACCESS AND BENEFIT-SHARING



A TENTH ANNIVERSARY PUBLICATION



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**"WE CONTINUE
OUR SUPPORT FOR
THE ABS INITIATIVE"**

The German Federal Ministry for Economic Cooperation and Development (BMZ) is proud to have hosted the ABS Capacity Development Initiative for its first decade. In fact, BMZ has been supporting for almost 20 years capacity development for implementation of the third objective of the Convention on Biological Diversity (CBD): access to genetic resources and the fair and equitable sharing of benefits arising out of their utilization – in short, Access and Benefit-sharing (ABS). In 2006, in response to requests from the African group, the Dutch and German governments founded the ABS Capacity Development Initiative to help build international ABS negotiation capacities in developing countries and to give continuity to the support in this area.



With the ABS Capacity Development Initiative's support, significant progress has been made. National implementation of ABS has increased and the Nagoya Protocol has made significant strides towards global ratifications. The Initiative facilitates concrete ABS agreements to the benefit of indigenous peoples and local communities, the private sector, academia and provider countries alike. At the same time, it supports the development of national regulatory frameworks based on the Nagoya Protocol standards, and continues to strengthen the position of the global South in ABS negotiations.

With ABS, the CBD added an economic incentive to its conservation-related objectives, thus becoming the first biodiversity-related international agreement with a sustainable development dimension. The need to address biodiversity as a key element of sustainable development has been widely recognized. Consequently, the Sustainable Development Goals (SDGs) directly reference ABS in targets

SDG 2 (on zero hunger) and SDG 15 (on life on land). In addition, the Nagoya Protocol supports targets of at least nine other SDGs indirectly. The success of the SDGs depends on substantial support by the political and business communities but also civil society worldwide. For ABS to take hold globally, governments must establish regulatory frameworks and national strategies which encourage solid ABS agreements between providers and users of genetic resources and associated traditional knowledge; the holders of traditional knowledge and the private sector need to be included on eye level. Many countries turn to the ABS Capacity Development Initiative and its network of partners for technical guidance during this multi-stakeholder process.

Germany, as one of the most dedicated donors in the field of biodiversity worldwide, is committed to continuing its support for the ABS Capacity Development Initiative. We invite all stakeholders to join us in this endeavour – let's bring implementation of the Nagoya Protocol to a new level, contributing to the attainment of all three CBD objectives and to the achievement of the 2030 Development Agenda.

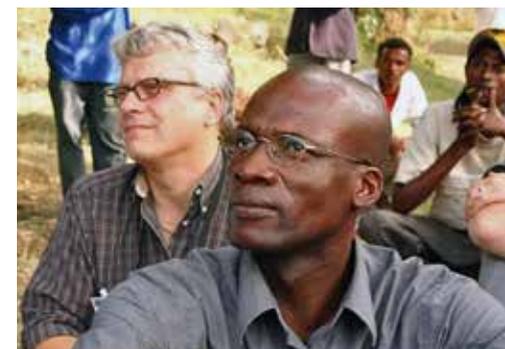
This publication does not only portray 10 years of ABS Capacity Development Initiative success stories. It also demonstrates challenges and lessons learned in order to serve as a resource for those involved or interested in ABS implementation processes. We think you will find it valuable.

Happy 10th anniversary,
ABS Capacity Development Initiative!

Dr. Tania Rödiger-Vorwerk
Deputy Director General
Environment and Infrastructure



Federal Ministry
for Economic Cooperation
and Development





"I AM GRATEFUL FOR THE FRUITFUL PARTNERSHIP WITH THE ABS INITIATIVE"

Over the past 10 years the ABS Capacity Development Initiative

has become a key player in supporting the implementation of one of the three objectives of the Convention on Biological Diversity: the fair and equitable sharing of benefits arising from the utilization of genetic resources – the equity dimension of the Convention. During this period, the focus of the ABS Initiative's work has shifted gradually from providing support to the negotiations leading up to the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization (Nagoya Protocol) to supporting its entry into force and implementation at the national level.



The adoption of the Nagoya Protocol in 2010 was a major achievement for the global community. The ABS Initiative contributed to this achievement by providing technical support to countries of the African Group during the negotiations. Since the adoption of the Nagoya Protocol, and particularly since its entry into force in 2014, efforts have been focusing on supporting the operationalization of the Nagoya Protocol at national level. The ABS Initiative is a vital partner in striving to achieve this goal. Through its multi-stakeholder approach, the Initiative is helping to make ABS a tangible reality on the ground by providing direct support to many countries in Africa, the Caribbean and the Pacific and by building bridges between governments, indigenous and local communities and relevant stakeholders, such as the scientific and business communities.

Ten years on, the ABS Initiative continues to be at the forefront of efforts to raise awareness, develop national and regional capacities, and build trust between users and providers of genetic resources and associated traditional knowledge, thereby contributing to an effective global framework for Access and Benefit-sharing.

As countries work towards the implementation of the Protocol and decide how to translate its provisions into national measures, the ABS Initiative's support is now more important than ever. With this in mind, I want to express my gratitude to donors – the German Federal Ministry for Economic Cooperation and Development (BMZ), the Directorate General for International Cooperation (DGIS) of the Netherlands Ministry of Foreign Affairs, the Institut de la Francophonie pour le développement durable, the Norwegian Ministry of Foreign Affairs, the Government of the Kingdom of Denmark, the European Union, and the Agence Française de Développement (AFD) – and encourage renewed support from donors to the ABS Initiative's ongoing programme of work.

I am grateful for the collaboration with the ABS Initiative in what has been a long-standing and fruitful partnership over the years. This publication is an opportunity to reflect on experiences gained, milestones achieved, and challenges faced in ABS implementation in the past decade. It also provides unique insight into the evolving work of the ABS Initiative, work which I hope to see sustained until the Protocol has become fully operational.

In the coming months, we count on many more countries to join the Nagoya Protocol and establish national ABS frameworks that provide legal certainty and transparency for both providers and users of genetic resources and associated traditional knowledge so that ABS can contribute to the three objectives of the Convention and to the Sustainable Development Goals.

I am very pleased to join the BMZ and other partners in celebrating the 10th anniversary of the ABS Capacity Development Initiative. Congratulations!

Dr. Bráulio Ferreira de Souza Dias
Executive Secretary to the
Convention on Biological Diversity





TEAM ABS INITIATIVE

2006-2016





FROM A SINGLE WORKSHOP TO THE CARIBBEAN AND PACIFIC, BY WAY OF AFRICA

As the needs of ABS stakeholders changed over the past 10 years, so did the instruments, methods and approaches of the ABS Capacity Development Initiative. Starting off in Africa with a focus on international ABS negotiations and sub-regional training, the ABS Initiative has extended its activities to the Caribbean and Pacific and gradually moved its main focus to implementation at the national level. Its history can be traced back to a single workshop in 2005 and has gone through three distinct phases.

2006 – 2010:

SUPPORT TO THE AFRICAN GROUP & THE EMERGENCE OF THE MULTI-DONOR INITIATIVE

In the pre-Nagoya era the ABS Initiative primarily supported the African Group as well as African indigenous peoples and local communities (IPLCs) in the international ABS negotiations. ABS implementation was supported in parallel through sub-regional trainings, facilitating multi-stakeholder processes and studies.

Responding to African requests to build their capacities for the international ABS negotiations, the Directorate-General for International Cooperation (DGIS) in the Ministry of Foreign Affairs of the Netherlands co-funded a sub-regional multi-stakeholder ABS capacity development workshop in October 2005 in Addis Ababa, Ethiopia, organized by the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH (now: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH). Encouraged by the substantive results and participants' positive feedback, DGIS and GTZ officially launched the Dutch-German ABS Capacity Development Initiative for Africa at the eighth meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD COP 8) in March 2006 in





◀
*Officials from Japan and the
 CBD Secretariat celebrating
 the adoption of the
 Nagoya Protocol 2010*

◀◀
*Awareness raising on
 bioprospection
 in the field, Antsiranana,
 Madagascar 2008*

Curitiba, Brazil. Since then, the host of the Initiative has been the German Federal Ministry for Economic Cooperation and Development (BMZ).

Following a request from African negotiators and other stakeholders to continue its support, the ABS Initiative attracted additional donors. The Institut de l'énergie et de l'environnement de la Francophonie (now: Institut de la Francophonie pour le développement durable IFDD) joined in 2008 to advance the integration of Francophone African countries into the Initiative's activities, followed by the Governments of Norway and Denmark in 2009, the European Union in 2011 and the Agence Française de Développement (AFD) in 2014, making the ABS Capacity Development Initiative a true multi-donor intervention.



◀
*African Group delegates
 coordinate during the
 6th meeting of the
 ABS Working Group, Ge-
 neva, Switzerland 2008*

◀◀
*Delegates at the
 7th meeting of the
 Working Group on ABS,
 Paris, France 2009*



▶
*The African inter-
 sessional coordinator
 and chief negotiator
 during the international
 ABS negotiations*

Berber woman
in Morocco 2010
grinding the seeds
of the Argan tree



Lunchbox: Taking a break from discussions
at the ABS Initiative's African Steering
Committee meeting, Paris, France 2016



2011 – 2014:

**SUPPORTING RATIFICATION, SPREADING
TO THE CARIBBEAN AND PACIFIC &
DEVELOPING A STRONGER NATIONAL FOCUS**

After the adoption of the Nagoya Protocol in 2010, the ABS Initiative and its implementing partners continued to back African coordination, added support for ratification processes and started helping government institutions to develop ABS strategies and regulations. In addition, the Initiative and its partners refined and implemented support instruments (e.g. Biocultural Community Protocols), facilitated

international ABS exchanges, created dialogue forums and strengthened political awareness on ABS. Targeted efforts were made to integrate IPLCs, the private sector and researchers into national and regional ABS processes.

EU funding for the ABS Initiative commenced in September 2011 and allowed broadening the regional scope of the ABS Initiative to the Caribbean and Pacific. This extension capitalized on the lessons learned in Africa.

2015 – 2020:

**FOCUS ON PARTNER COUNTRIES &
THREE CORE SUPPORT PROCESSES**

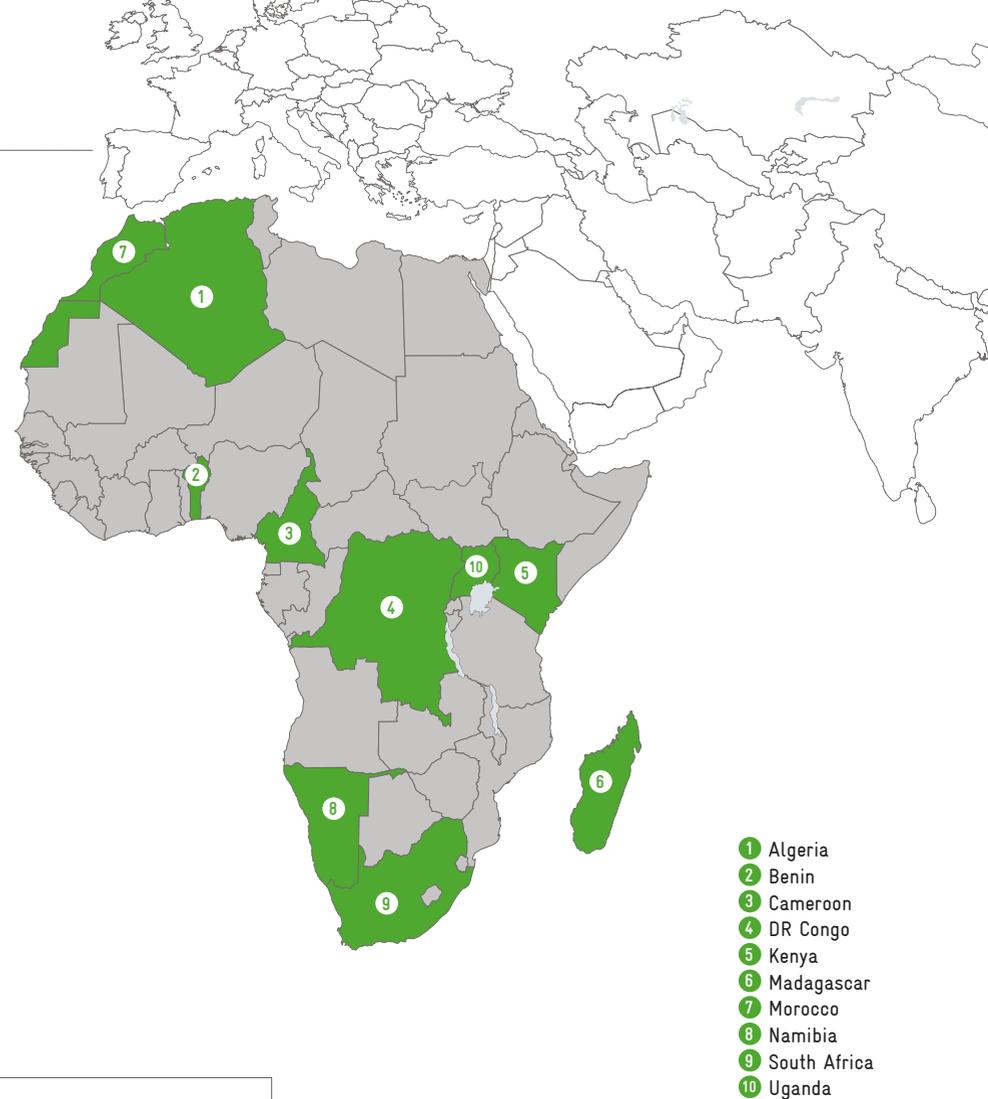
When the Nagoya Protocol entered into force in October 2014, the Initiative decided to intensify its support to national ABS implementation in 10 African partner countries. They were selected on the basis of overall (potential) interest of the private sector and public research in bioprospecting activities, existing ABS related efforts and capacities of governments and willingness to integrate IPLCs in ABS compliant value chains.

The Initiative supports three core processes in partner countries: developing and revising ABS regulatory frameworks, establishing fair and equitable ABS agreements and effectively integrating IPLCs in the respective regulatory and negotiation processes. The overall aim is to provide “proof of principle” that functioning ABS systems can generate incentives for biodiversity conservation while simultaneously alleviating rural poverty and stimulating national economic, scientific and technical development.

To ensure a sound basis for tailor-made support in partner countries, the Initiative conducted participatory assessments of their ABS implementation status. Based on the findings, national ABS roadmaps were refined or newly developed in close collaboration with national governments and other stakeholders.

Experiences and lessons learned are being scaled up and disseminated through regional and international exchange and dialogue forums with a view to supporting the “Strategic Framework for Capacity Building and Development for the Implementation of the Nagoya Protocol” under the Convention on Biological Diversity (CBD).

**PARTNER COUNTRIES OF
THE ABS INITIATIVE IN
AFRICA (AS OF JULY 2015)**

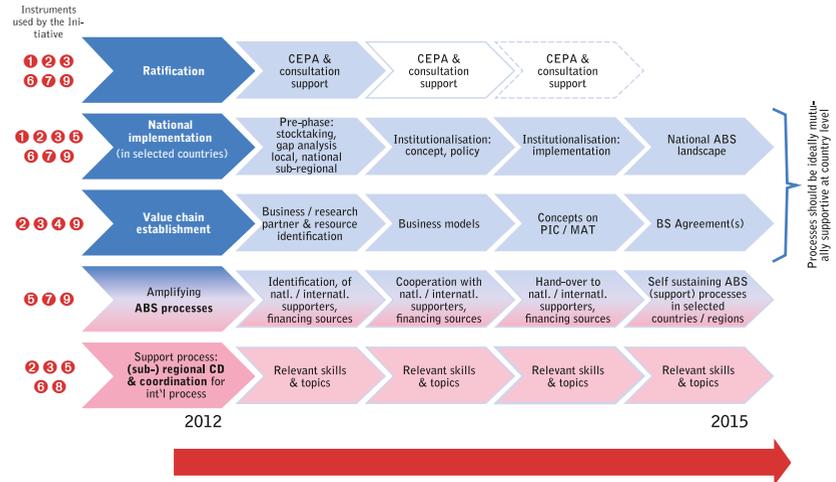


INTERVENTION LOGICS 2006–2016

2006-2015: THE ELEVATOR PRINCIPLE

Level of intervention	Preparation of national ABS authority	Other stakeholders	Main instruments
UN level	International negotiations	ABS authorities of other countries	<ul style="list-style-type: none"> ③ Stakeholder inputs on ABS to relevant meetings ④ Technical papers and studies ⑦ CEPA for ABS
(Sub-) Regional level	Harmonisation of regulatory frameworks	ABS authorities of other countries	<ul style="list-style-type: none"> ① Multistakeholder workshops ② Information exchange / CHM ⑤ Issue based trainings ⑥ Technical papers and studies ⑧ Best practices with research / private sector ⑦ CEPA for ABS ⑨ Targeted consultations
	Regional cooperation	Research Private sector Communities	<ul style="list-style-type: none"> ④ Best practices with research / private sector ⑦ CEPA for ABS ⑨ Targeted consultations
National level	Laws and regulations	Research Private sector Communities	<ul style="list-style-type: none"> ④ Targeted consultations ① Multistakeholder workshops ② Peer-to-peer knowledge exchange ③ Best practices with research / private sector ⑦ CEPA for ABS
Local level	Implementation and monitoring	Communities Research Private sector	<ul style="list-style-type: none"> ④ Best practices with research / private sector ⑤ Targeted consultations ② Peer-to-peer knowledge exchange ⑦ CEPA for ABS

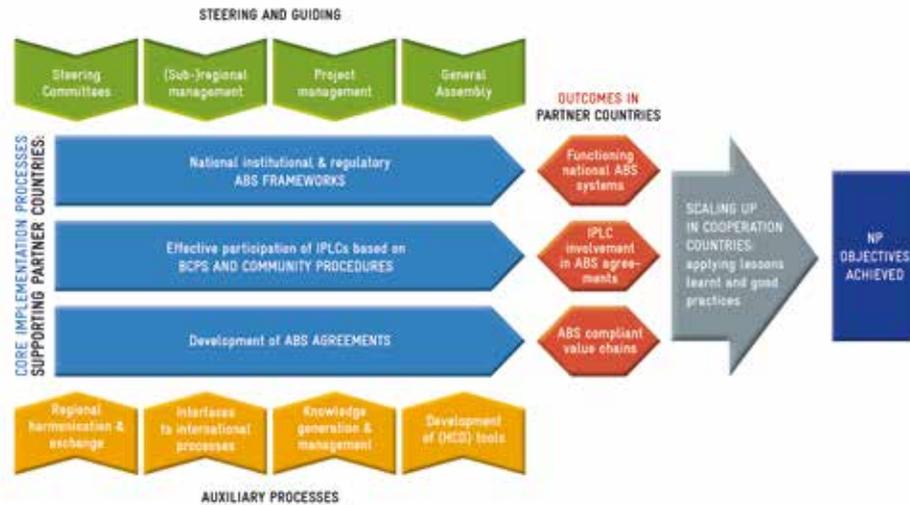
2012-2015: CORE PROCESSES ADDRESSED



Guided by the elevator principle, the ABS Initiative successfully targets its objectives by linking the local level with UN negotiations, promoting the broadest possible interaction of all relevant stakeholders.

- 1 **Multi-stakeholder workshops** to discuss emerging ABS issues using a participatory approach to define priorities for capacity development
- 2 **Thematic and/or stakeholder-focused training courses** to provide regionally tailored trainings on negotiation skills, legal issues, outreach, monitoring and project planning
- 3 **Peer-to-peer knowledge transfer** at national and local levels between partner countries as well as on a global level (e.g. through South-South-exchange), e.g. amongst administrators, private-sector representatives or decision-makers at the governmental level
- 4 **ABS best practices with the private sector**, including lessons learned in order to identify additional participants and potential investors with a view to initiate fair and equitable ABS business projects
- 5 **Information exchange and knowledge management** within the different stakeholder groups at the national level and on a regional/global level to e.g. develop a database on bioprospecting issues (incl. political and legal aspects)
- 6 **Technical papers and studies** to stimulate substantive discussion and give support to the decision making process
- 7 **Communication, Education and Public Awareness (CEPA)** for ABS with a view to developing strategies, tools and outreach materials for communication ABS to different target group
- 8 **Active participation of and/or substantial inputs** by partner country representatives to important **ABS meetings at UN level** – providing methodological guidance and thematic input to the international negotiation process through preparatory meetings and delegate’s briefings
- 9 **Targeted consultations with relevant stakeholders and gate keepers in ABS relevant decision making processes** at national and sub-regional levels

2015-2020: CORE IMPLEMENTATION PROCESSES



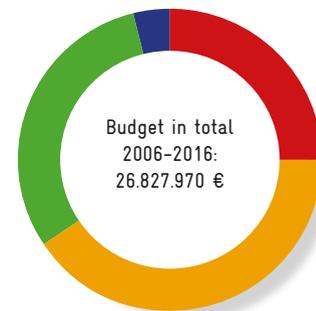
The ABS Initiative addresses the rising number of requests to support ABS implementation by assisting in three core processes: developing and revising ABS legislative and regulatory frameworks, negotiating fair and equitable ABS agreements and effectively integrating IPLCs in respective negotiation processes.

Lessons from the Initiative's activities will directly support the Secretariat of the Convention on Biological Diversity (SCBD) in the implementation and further development of the Strategic Framework for Capacity-building and Development to Support the Effective Implementation of the Nagoya Protocol.

BUDGET FIGURES 2006-2016

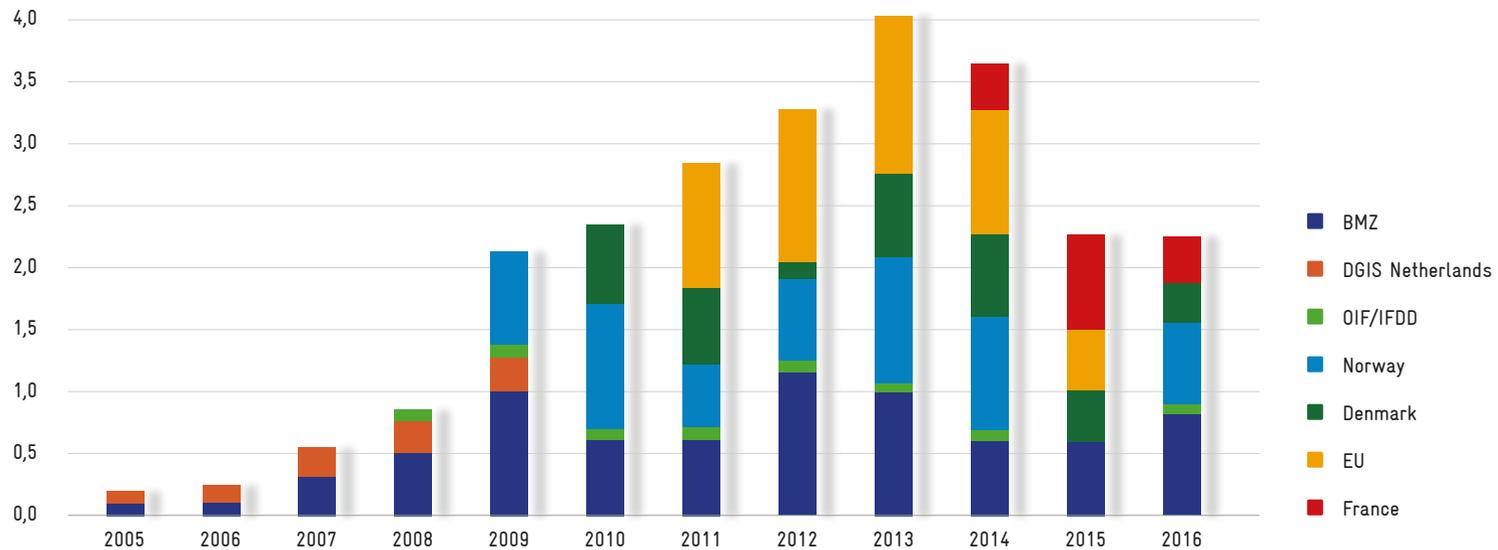
BUDGETS PER PHASE

- 2005-2007: 1.000.000 €
- 2008-2011: 8.170.778 €
- 2012-2014: 10.947.314 €
- 2015-2017: 6.709.878 €



DONOR COMMITMENTS

Millions in Euro





DONORS



Federal Ministry for Economic Cooperation and Development (BMZ), Bonn/Germany

Donor since 2005
Commitment: 7.323.212 Euro



Directorate General for International Cooperation (DGIS) of the Netherlands Ministry of Foreign Affairs, the Hague/the Netherlands

Donor from 2005–2009
Commitment: 1.027.778 Euro



Organisation Internationale de la Francophonie/Institut de la Francophonie pour le développement durable (OIF/IFDD), Quebec/Canada

Donor since 2008
Commitment: 745.000 Euro



Norwegian Ministry of Foreign Affairs, Oslo/Norway

Donor since 2009
Commitment: 5.520.108 Euro



Government of the Kingdom of Denmark, Copenhagen/Denmark

Donor from 2010–2016
Commitment: 3.505.206 Euro



European Union/African, Caribbean and Pacific Group of States (ACP) Secretariat, Brussels/Belgium

Donor since 2011
Commitment: 5.000.000 Euro



Agence Française de Développement (AFD)

Donor since 2014
Commitment: 2.250.000 Euro

Implemented by GIZ



DR. TANIA RÖDIGER-VORWERK
DEPUTY DIRECTOR GENERAL – ENVIRONMENT AND INFRASTRUCTURE
GERMAN FEDERAL MINISTRY FOR ECONOMIC COOPERATION AND DEVELOPMENT (BMZ)

What was your principal motivation to join and support the ABS Initiative?

Protection and sustainable use of biodiversity has been in the focus of BMZ's activities for many years because a rich and healthy biosphere is the foundation of human life on earth. ABS is a key element in this context since it adds an economic incentive to the conservation of biodiversity. Starting in the late 1990s BMZ funded several ABS capacity building and development projects. In the mid-2000s it was time to "scale up" the national approaches and, jointly with the Netherlands, we funded a sub-regional ABS capacity development workshop for Anglophone African stakeholders. As the feedback was very positive and the results convincing, we decided to host what came soon to be known as the ABS Capacity Development Initiative for Africa. A good investment we never regretted and decided to continue, with a view to promoting the implementation of the Nagoya Protocol.

What are, from your perspective, the most important accomplishments of the ABS Initiative?

Looking back over 10 years, there are certainly many highlights. Let me focus on two: Through targeted support the ABS Initiative helped to ensure that African interests are reflected in the Nagoya Protocol. From a global perspective this was the prerequisite to trigger ABS implementation on the continent. For national ABS implementation activities to be effective certain guidance on an international level is helpful. The Initiative therefore successfully provided assistance in the development of the African Union ABS Guidelines and the sub-regional ABS strategy under the Central African Forests Commission (COMIFAC).

What do you expect from ABS/the ABS Initiative in the future – with respect to your institution and the international development agenda?

ABS has great potential to contribute to the accomplishment of the SDGs, in particular Goal 2 and Goal 15. I expect the ABS Initiative to tap this potential by continuing its support "on the ground" and at policy level. Two examples: To support negotiations of ABS agreements for indigenous natural products, as these ABS cases not only serve as proof of concept but also motivate other stakeholders to enter into similar agreements. Further, it is essential that the Initiative and its partners continue their endeavours to ensure the harmonized implementation of the Nagoya Protocol and the International Plant Treaty, the ITPGRFA – a prerequisite to unleash the full potential of ABS to contribute to food security.





JEAN-PIERRE NDOUTOUM
 DIRECTOR INSTITUT DE LA FRANCOPHONIE POUR LE DÉVELOPPEMENT DURABLE (IFDD)
 ORGANISATION INTERNATIONALE DE LA FRANCOPHONIE



What was your principal motivation to join and support the ABS Initiative?

One of the IFDD's priorities is to support countries in international negotiations of the CBD. In this regard the ABS Initiative was the ideal partner in the pre-Nagoya era as it successfully supported the African Group and African indigenous peoples and local communities (IPLCs) in the negotiations of the Nagoya Protocol. Since its adoption we have continued our support to ensure that the Francophone countries are well integrated in all activities conducted by the Initiative.

What are, from your perspective, the most important accomplishments of the ABS Initiative?

The ABS Initiative has always ensured that African francophone countries were adequately integrated in regional and international ABS related processes, be it through translating technical documents or simultaneous interpretation into English and French during information sessions for delegates and coordination meetings. In addition, the Initiative actively contributed to our persisting efforts for raising awareness on ABS at high political levels, such as Rio +20.

What do you expect from ABS/the ABS Initiative in the future – with respect to your institution and the international development agenda?

Globally countries are developing or updating their frameworks for implementing the Nagoya Protocol. The ABS Initiative should consolidate and extend its efforts to additional countries, preferentially Francophone ones. Many of them are still severely lacking capacities and infrastructure to build up Nagoya required permitting systems and to engage in an effective and ABS compliant valorization of their biodiversity assets.



A woman digs terraces to stop soil erosion, Lushoto, Tanzania



WORKING WITH COMMERCIAL AND NON- COMMERCIAL USERS

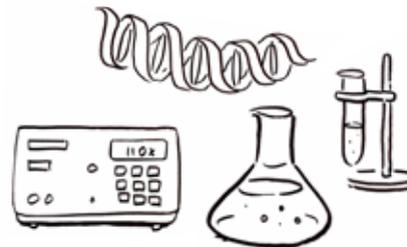
The CBD and its Nagoya Protocol set clear standards: when users from the private or public sector utilize genetic resources for research & development (R&D) purposes, the resulting benefits must be shared fairly and equitably with the provider.



The provider of a genetic resource – usually in the country where the plants, animals or microorganisms of interest for R&D are found – can for instance be a government institution, a research department from the academic sector, a representative of an indigenous community or even a private land owner.

For users and providers to engage in a Nagoya Protocol compliant relationship it is necessary to create an atmosphere of mutual trust and comprehension – something the ABS Initiative has supported through multiple exchange and learning formats for users and providers.

During the Nagoya Protocol negotiations the Initiative facilitated exchanges between African negotiators and the business community at the margins of different ABS Working Group meetings under the CBD.



*Centre National pour la Recherche Scientifique et Technique (CNRST),
National Center for Scientific and
Technical Research, Rabat, Morocco 2015*



One milestone was the 2009 Business Dialogue Forum on ABS held in South Africa, organized jointly with the Union for Ethical BioTrade (UEBT), PhytoTrade Africa (PTA) and the International Chamber of Commerce. This forum laid foundations for further exchanges by improving mutual understanding between the private sector and African negotiators, in particular on issues such as confidentiality requirements and disclosure of origin, e.g. in patent applications.

Follow-up formats included the ABS Business Dialogue series hosted annually in Copenhagen by the Danish Ministry of Environment since 2010, which encouraged the development of visions and concrete concepts for equitable



partnerships between North and South, ultimately aimed at functioning ABS agreements.

While dialogue is crucial for bringing the private sector into the ABS arena, technical support is equally important. This can include establishing contacts with government officials, NGOs and development projects in provider countries, or translating political ABS documents into business terms. To help providers gain better comprehension of the requirements of different types of users, the ABS Initiative, People and Plants International and the University of Cape Town (UCT)

developed infographic-based briefs covering the specificities, such as trends in markets and R&D approaches, of six industrial sectors using genetic resources.

ABS is high on the agenda worldwide. Private companies need to respond to this new reality. Confronted with a growing number of ABS regulations, they need to integrate ABS into their standard operating procedures. The ABS Initiative has been requested by enterprises and business associations to advise them in developing ABS compliant value chains based on "post-Nagoya" legal agreements.

Crowning of the President of Mane Americas, before the validation of mutually agreed terms (MAT) with the Kingdom of Magha-Bamumbu, Cameroon 2015



1st Business Dialogue, Hammanskraal, South Africa 2009





The Nagoya Protocol also applies to non-commercial research and the ABS Initiative therefore fosters exchanges with academic research institutions, such as natural history museums, botanic gardens, culture collections and research foundations. This cooperation helps the ABS Initiative to better inform and appropriately advise national ABS implementation based on sectorial requirements and approaches.

Numerous invitations to provide input into user-related events – organized for instance by the SCBD, the Global Environment Facility (GEF), the Cosmetic Valley Industry Network or the Brazilian Chamber of Industry and Commerce – show that stakeholders value the ABS Initiative's role as a facilitator and knowledge broker when it comes to integrating business into the ABS system.



Biochemical research on active molecules, Porto Novo, Benin 2009

The road to ABS agreements can be challenging but with joint effort you won't get stuck: On the way to Echinops MAT negotiations, Magha-Bamumbu, Cameroon 2015





ECHINOPS IN CAMEROON – TRYING TO DO ABS RIGHT

In Cameroon, the ABS Initiative supported mutually agreed terms (MAT) negotiations between the French flavor and fragrance company V. Mane Fils and the Kingdom of Magha-Bamumbu.

The process started in 2012 when Mane became interested in the commercial potential of *Echinops giganteus*, an herbaceous perennial plant from the thistle family found at high altitudes in Cameroon. Since a great part of Mane's business depends on natural resources, the company was already aware of the Nagoya Protocol. Mane decided to turn *Echinops* exploitation into the company's first ABS compliant value chain, including MAT.



Based on the results of a survey conducted by the Cameroonian NGO Environment and Rural Development (ERUDEF) Mane had chosen the Kingdom of Magha-Bamumbu as its local partner, mainly because in this particular area *Echinops* is widely disseminated and easily accessible.

The ABS Initiative, jointly with the project "Regional Support for the Central African Forests Commission

(COMIFAC)" – commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by GIZ – provided support for the MAT negotiations and the development of interim ABS legislation via a ministerial decree.

Eventually, in May 2014, Mane and the Cameroonian Ministry for Environment, Nature Protection and Sustainable Development (MINEPDED) signed a Memorandum of Understanding on *Echinops* covering ABS during the initial research phase.

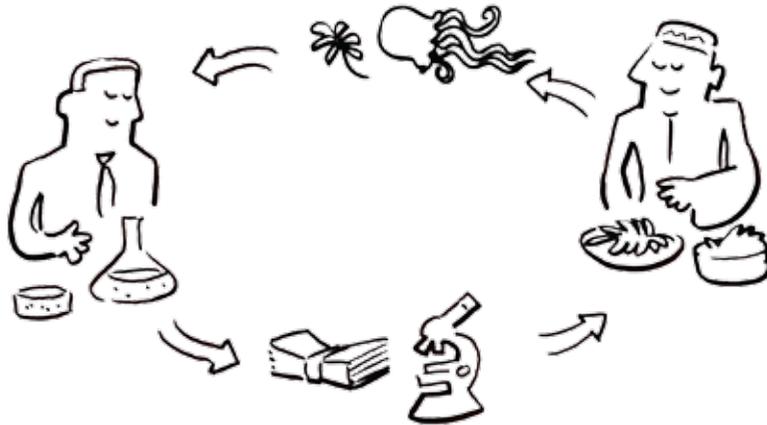
In January 2015, the Ministry granted Mane permission to start the commercialization phase. This was the signal to negotiate the first Cameroonian MAT. The negotiations were backed by the ABS Initiative and took place in Cameroon's capital Yaoundé and in the Kingdom of Magha-Bamumbu, 2700 meters up Mount Cameroon. The King of Bamumbu, the Minister in charge of MINEPDED and Mane formally signed the MAT on 2 April 2015.

The Kingdom of Bamumbu has formed a cooperative and built drying stations for *Echinops*, all paid for with initial funding from Mane. Shortly after the signing of the agreement, one ton of fresh *Echinops* root was made available by the cooperative to Mane.

Motivated by these good experiences it is likely that Cameroon will soon develop interim ABS regulations and ratify the Nagoya Protocol. Mane in turn has already entered the commercialization phase and started negotiations on other interesting species, looking to continue the collaboration with Cameroon. COMIFAC has integrated a new module on the implementation of ABS in Central Africa which can help to carry the Cameroonian experience into the region.

A STRATEGIC PARTNERSHIP TO MAKE ABS WORK

In 2015, the ABS Initiative entered into a partnership with PhytoTrade Africa (PTA) and the Union for Ethical BioTrade (UEBT) to form an alliance dedicated to “making ABS work for you” – providing specific support to stakeholders in managing ABS challenges they might face. The three organizations cover different sections of value chains which are to be in compliance with ABS: the ABS Initiative focuses mainly on national authorities and IPLC, while PTA and UEBT have better access to other value chain actors, in particular private sector operators. From small African cooperatives to medium sized businesses in export markets to multinational industries, enterprises need to comprehend and consider ABS regulations, reacting to changing market demands, such as consumers increasingly basing their buying decisions on ethical criteria.



ABS BUSINESS DIALOGUES



>
4th Business Dialogue, Copenhagen, Denmark 2015



>
3rd Business Dialogue, Copenhagen, Denmark 2013



Visit of L'ORÉAL Research and Innovation Center & of WELEDA concept store after the BSR conference, Paris, France 2016



Four ABS Business Dialogues, hosted by the Danish Ministry of Environment and organized by the ABS Initiative, have brought together representatives from the private and public sectors to strengthen their cooperation in implementing ABS compliant value chains. The thematic focus differed from dialogue to dialogue. For instance, participants discussed distinct access and R&D patterns in different user sectors. The high level segment with the Danish Ministry of Environment was a fixed element of the dialogue. Participants of this segment developed recommendations to be included in relevant political fora. By fostering the active engagement of the private sector in the implementation of the Nagoya Protocol the dialogues encouraged the development of visions and concrete concepts for equitable partnerships between North and South.



UEBT BEAUTY OF SOURCING WITH RESPECT CONFERENCE

Since 2013, the ABS Initiative has been a partner to the annual Beauty of Sourcing with Respect (BSR) Conference organized by UEBT. The conference brings together an international mix of representatives from business, government and NGOs involved in or affected by biodiversity-based innovation. Participants have an opportunity to meet leading experts and learn about market trends and (inter-)national compliance standards. Back-to-back with the BSR conference, UEBT and the ABS Initiative regularly organize technical exchanges for providers and users from the cosmetic, nutrition and phytopharmaceutical sectors to discuss on a very practical level how bioprospecting and value chains can be made ABS compliant.



VIDAR HELGESEN
NORWEGIAN MINISTER OF
CLIMATE AND ENVIRONMENT

What was your principal motivation to join and support the ABS Initiative?

Norway has a longstanding tradition for conservation and sustainable use of biodiversity and for engaging in activities that support both environment and development. The ABS Initiative was an opportunity for us to join forces with other donors to build capacity in developing countries and to promote implementation of the Nagoya Protocol. Cooperation with the ABS Initiative is an efficient way to pursue the objectives of the Convention on Biological Diversity and the Nagoya Protocol.

What are, from your perspective, the most important accomplishments of the ABS Initiative?

The Initiative has been successful in many regards. I want to underline its contribution to building both human and institutional capacity in the often quite complex field of ABS, especially in supporting the African countries in their efforts to ratify and implement the Nagoya Protocol.

What do you expect from ABS/the ABS Initiative in the future – with respect to your institution and the international development agenda?

From a Norwegian perspective we trust the Initiative to continue to be a source of experience and expertise in the field of implementation with regard to ABS. However, it must be made evident that Nagoya implementation is not an end in itself – but that it can contribute to the Agenda 2030. Keep up the good work!



*A hand full of Marula fruit
Eudafano Women's Co-operative,
Namibia 2011*



ESBEN LUNDE LARSEN
DANISH MINISTER
FOR ENVIRONMENT AND FOOD



What was your principal motivation to join and support the ABS Initiative?

From the outset, the focus of the Danish support has been to create legal certainty for users of genetic resources and aTK – and ultimately ABS compliant value chains. For us, the ABS Initiative was the right partner to unfold the numerous potentials of the ABS mechanism as a market based instrument that can contribute to ending poverty. To highlight this, our first collaborative activity with the ABS Initiative was to support an exchange between African and European Ministers in the direct run-up to Nagoya.

What are, from your perspective, the most important accomplishments of the ABS Initiative?

I believe that dialogue matters. Denmark has already been hosting the “Copenhagen Dialogues” – four times so far. Thanks to the ABS initiative, these four international ABS Business Dialogues meetings have contributed substantially to promoting a common understanding of the challenges that the Nagoya Protocol raises for both users and providers of genetic resources.

What do you expect from ABS/the ABS Initiative in the future – with respect to your institution and the international development agenda?

It is my sincere hope that the ABS Protocol will be successfully implemented in practice and that a number of concrete ABS agreements between users and providers of genetic resources will soon be established. I expect that the ABS Initiative will continue to create an enabling environment – founded on trust between countries possessing interesting biodiversity and companies with a demand for new resources to innovate. To highlight this, the ABS Initiative can play an important role in facilitating how the ABS mechanism will contribute to implementing the Sustainable Development Goals.

WORKING WITH PROVIDERS AND CUSTODIANS

The ABS Initiative supports African, Caribbean and Pacific countries – many providing genetic resources – in their national implementation of ABS and the Nagoya Protocol. Political decision makers and legislators are advised on ABS policy options, legal implications and technical requirements for national ABS laws and regulations. National authorities receive technical support, for instance in processing access applications or facilitating ABS partnerships. Indigenous peoples and local communities (IPLC) as custodians of genetic resources and holders of associated traditional knowledge (aTK) receive support to strengthen their positions in ABS agreement negotiations and define their role in emerging value chains.





THE UNEP/GEF-4 CAPACITY BUILDING PROJECT FOR AFRICA

In 2014, the ABS Initiative successfully completed the execution of a regional Capacity Building Project for Africa commissioned by UNEP/GEF 4. As part of this four-year project the Initiative supported the development of ABS strategies and regulations in Cameroon, Kenya, Madagascar, Senegal and South Africa. In addition, a series of interlinked studies was initiated to assess the economic potential of the utilization of genetic resources in the countries. The final report also provides an understanding of the national actor landscapes, different bioprospecting patterns, intellectual property instruments, custody chains and R&D approaches of the relevant sectors utilizing genetic resources.

Activities under this project were implemented through financing agreements between GIZ and national executing agencies. The ABS Initiative primarily administrated the GEF funds and responded to the countries' requests for conceptual and technical advice. The next page presents a successful example from Madagascar, which had requested the Initiative's support even before the UNEP/GEF-4 project.



Women explaining how they produce soap based on the shea fruit, Mali 2011

MADAGASCAR: SUPPORTING A NATIONAL ABS STRATEGY

One of the first steps taken in Madagascar was to assess the existing laws and regulations relevant for implementing a national ABS system. The results served as basis for discussions in a series of workshops on a national ABS strategy for Madagascar. At the same time, communication material on ABS was developed and stakeholder training courses, including special formats for IPLCs, were conducted. Unfortunately, this promising process was halted by a period of political instability. In 2014, the ABS Initiative re-engaged in Madagascar building on the outcomes of the GEF-4 project and, for example, organized a national ABS round table with over 80 participants. In 2015, an inter-ministerial committee was established to steer and oversee the development of an interim ABS regulation. The Initiative provided legal and technical support to the committee's activities.

In collaboration with UEBT and GIZ PAGE the Initiative organized a business round table on the *Centella asiatica* value chain. Representatives from companies, local producers and the government discussed ways to promote equitable benefit-sharing at the local level.

The ABS Initiative worked closely with Natural Justice to support the development of Biocultural Community Protocols (BCPs) by *Cinnamosma fragrans* provider communities in the Boeny region. These experiences are also feeding into the development of the Malagasy ABS system.



▲
Trip to Centella asiatica fields within the frame of a business dialogue, Madagascar 2016

▼
Community visit, Madagascar 2015



INTERNATIONAL DIALOGUE ON NATIONAL ABS IMPLEMENTATION

In 2014, the ABS Initiative organized two international dialogues on national experiences with ABS implementation. Participants included government representatives from Brazil, Cameroon, Ethiopia, Germany, Kenya, India, Malaysia, Mexico, Morocco, Namibia, the Netherlands, South Africa and the European Union Commission (EU), as well as representatives from IPLCs, research institutes and the private sector. Participants identified key challenges faced and discussed legal and policy instruments for implementation. In collaboration with the Governments of Brazil, India and South Africa, the ABS Initiative commissioned national studies to review each country's ABS experiences with a view to making lessons learned available to other countries challenged with the implementation of the Nagoya Protocol.



>
*1st ABS Dialogue,
Cape Town,
South Africa 2014*



^
*2nd ABS Dialogue,
Goa, India 2014*



<
*1st ABS Dialogue,
Cape Town,
South Africa 2014*

APPROACHES TO MANAGING ABS PROCESSES

National ABS processes involve stakeholders who have very different views, interests and levels of knowledge. Some might understand the ABS mechanism very well, some will at least be aware of key features, and to others ABS will be totally new. Managing such multi-stakeholder processes requires specialist tools and approaches.

Training in multi-stakeholder processes

Building on ample GIZ experiences, the ABS Initiative has developed training modules on facilitating multi-stakeholder processes through which divergent ABS actors can be engaged in productive interaction. Specific skills and methods are conveyed and tested. Target groups for such training include government agencies, scientists, private sector representatives and indigenous peoples and local communities.

ABS strategy development in Benin: an example of successful multi-stakeholder intervention

In 2013, the ABS Initiative designed and facilitated a workshop in Benin to initiate a multi-stakeholder process for the development of a national ABS strategy. A visioning approach was used to help stakeholders develop a shared understanding of the issues and reach agreement on specific objectives of a national ABS implementation strategy. This method can also be applied in other countries with small and large groups of ABS stakeholders, from policy makers to IPLCs.

ABS Negotiation Training, organized in collaboration with the United Nations Institute for Training and Research (UNITAR), Addis Ababa, Ethiopia 2009





GENERATING LEGAL EXPERTISE

Sound legal skills are indispensable for successful national ABS implementation. The ABS Initiative is collaborating with the International Development Law Organization (IDLO), SCBD, Fridtjof Nansen Institute (FNI) and the Centre for International Sustainable Development Law (CISDL) to develop national legal capacity on ABS.

Based on a series of country studies about pre-Nagoya ABS implementation experiences, a curriculum for a legal training course was developed. The course introduces participants to the essential requirements of the Nagoya Protocol, key technical resources available, and the latest research on country experiences with relevant legal frameworks. Participants learn how to build the capacities of national actors to develop legal tools for ratification and implementation of the Protocol. The training combines the best elements of experiential learning with online information technology and global networking, for instance e-learning, discussion forums, expert presentations, and interactive exercises.

The course was piloted with selected lawyers from 16 ACP countries in July 2014 at IDLO headquarters in Italy. After participants provided encouraging feedback on methods and content it was further refined by IDLO with the support of the Japan Biodiversity Fund to increase ABS legal expertise on a global scale. In 2016 several regional training courses were held including one for Anglophone African countries. Based on the insights taken from the training course and with input from the ABS Initiative, IDLO created several online modules complementing the “physical” course as part of a blended learning tool.

In partnership with FNI the ABS Initiative developed and piloted a specific training course on negotiation skills for mutually agreed terms (MAT) in Nadi, Fiji in August 2014. National focal points (NFP) and competent national authorities (CNA) representatives from almost all Pacific island countries and territories were introduced to key elements of ABS agreements, relevant aspects of contract law and negotiation strategies for successful ABS agreements.

IDLO Capacity Building Course for Lawyers from the African, Caribbean and Pacific Region, Rome, Italy 2014

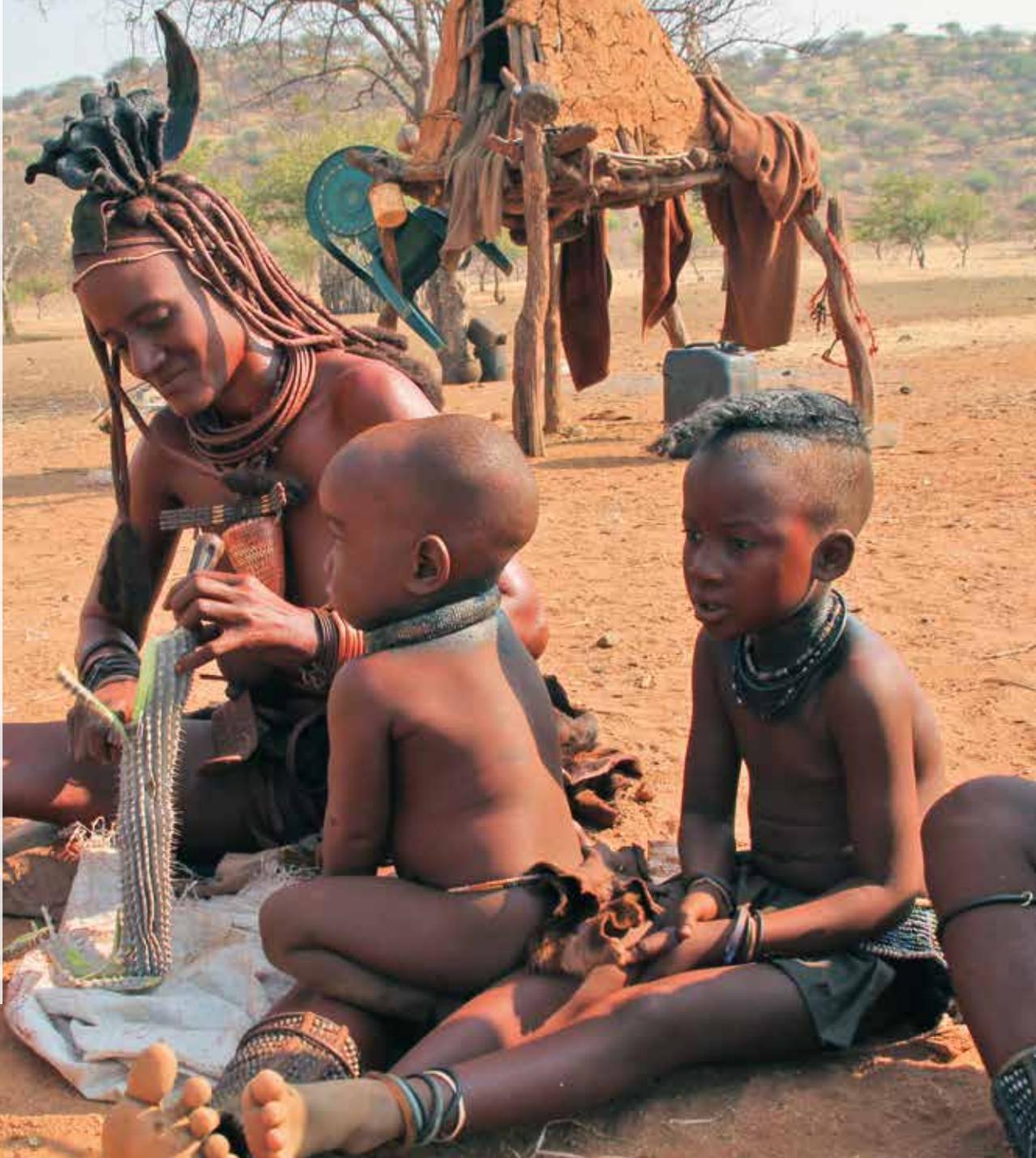


INDIGENOUS PEOPLES AND LOCAL COMMUNITIES: CUSTODIANS OF GENETIC RESOURCES AND HOLDERS OF ASSOCIATED TRADITIONAL KNOWLEDGE

IPLCs have developed complex systems of traditional knowledge and customary practices to use their local resources sustainably. Traditional knowledge associated with genetic resources (aTK) can provide truly valuable benefits to both the custodians of that knowledge and wider society, contributing to the conservation and sustainable use of biodiversity and the integration of IPLCs into markets. Several industrial sectors, from pharmaceuticals to cosmetics, combine aTK with modern science to develop new products for global markets.

For many years the ABS Initiative has raised stakeholders' awareness of the challenges involved in TK protection, documentation and valorization. Support at community level is an essential part of the ABS Initiative's activities with the intention of integrating TK associated with genetic resources into national ABS frameworks.

*Himba woman
slicing a hoodia plant,
Namibia 2013*





BIOCULTURAL COMMUNITY PROTOCOLS

Before entering into ABS agreements communities should be aware of their rights deriving from customary, national and international laws and policies. Creating Biocultural Community Protocols (BCPs) allows IPLCs to reflect on their way of life and linkages to the legal and political environments. Some of the questions are: What constitutes the community, and who represents the community? How are their customs integrated into the legal system? Are customary rights recognized by state law? How can they best defend their customary rights? What are options to participate in policy making processes? In the BCP process, IPLCs develop and express a joint understanding of their rights, rules, institutions and decision making processes.

The ABS Initiative sees BCPs or similar approaches as a crucial tool for including IPLCs in emerging value chains and their compliance with ABS principles. For this reason the Initiative supported the African Bio-cultural Community Protocol Initiative (BCPI), implemented by Natural Justice, ETC Compas and the Centre for Indigenous Knowledge and Organizational Development (CIKOD). The BCPI explored ways to ensure that community protocols are recognized as useful tools to secure community rights and to strengthen the position of IPLCs during ABS agreement negotiations. Target groups were primarily African community based organizations but also legal experts and government representatives. As of 2012, BCPI activities were taken up with community partners in five countries: Ethiopia, Ghana, Kenya, Namibia and South Africa. Outcomes included:

In **South Africa**, the Kukula Traditional Healers Association of Bushbuckridge, Mpumalanga is using its BCP in negotiations with Kruger National Park authorities to regain access to traditional harvesting areas of medicinal plants. At national level, the Khoi-San Council, authorized by the government to negotiate on behalf of its

member communities, is using the BCP process to earn a locally legitimized mandate for this leadership. One ABS agreement has been signed on the use of buchu (*Agathosma spp.*) between the Council and a national business, Cape Kingdom. A second agreement is being negotiated on rooibos (*Aspalathus linearis*) with Nestlé.

In **Kenya**, several BCP processes have evolved around government recognition of community lands and land tenure. For instance, the Kivulini Trust and Life Africa Trust are developing BCPs to secure the rights of the Borana and Samburu pastoralists to their resources and knowledge.

In **Namibia**, the **Khwe communities** in the Bwabwata National Park have mapped their resources and aTK as part of their BCP process and are exploring the possibilities of ABS agreements based on this aTK.

The four-year BCPI project officially ended in 2015. The ABS Initiative and Natural Justice continue their partnership to support BCP processes in several partner countries and sharing experiences and lessons learned in relevant regional and international forums.

In **Benin**, the NGO Cercle pour la Sauvegarde des Ressources Naturelles (CeSaReN) and Natural Justice are facilitating a BCP process around the conservation and management of two sacred forests in the Ouémé region. The two communities are defining local management and representation rules, including rules on access to local resources (for example medicinal plants) and traditional knowledge. The process is embedded in other project activities involving a partnership with a national research laboratory conducting non-toxicity tests on traditional medicines as well as research on the active components of several medicinal plants. The BCP process is also meant to inform the emerging national ABS framework concerning the role of local communities.



BCP process
in Lamu,
Kenya 2011



COMMUNITY-TO-COMMUNITY EXCHANGE

A very promising method – a Community-to-Community Exchange (C2C) and Capacity Building Workshop for Traditional Knowledge Holders – has been tested in partnership with the Biodiversity and Community Health Initiative (BaCH Initiative), coordinated by the United Nations University Institute of Advanced Studies (UNU-IAS) and the Indian Foundation for the Revitalization of Local Health Traditions (FRLHT). With the support of the ABS Initiative this format was applied for the first time in the field of ABS in India in September/October 2015. Unlike other formats of South-South cooperation and exchange, this event brought together local-level actors from two continents. IPLC representatives, traditional knowledge holders and farmers from India, Central Asia and several African countries spent one week exchanging experiences on ABS, the preservation and use of aTK, and local approaches to valorizing biodiversity. The core of the workshop was a three-day field visit that created a very practical basis for the subsequent discussions. In three federal states of South India, participants explored local initiatives, companies basing their business on biodiversity and aTK, and government authorities in charge of ABS issues. The remaining four days were dedicated to sharing experiences from other countries and discussing practical examples.

The momentum generated at this true South-South exchange gave rise to several international partnerships and initiatives for TK documentation. Furthermore, African participants issued a declaration expressing their commitment to promote awareness of the Nagoya Protocol and ABS in their communities and home countries. The ABS Initiative and its partners hope to organize a follow-up meeting of this kind in Africa soon. Additional support provided by the UNDP-hosted Equator Initiative, Bioversity International and The Christensen Fund helped to fund several participants to attend the meeting.

➤
C2C and Capacity
Building Workshop
for TK Holders,
Andhra Pradesh,
India 2015





ROBERTO RIDOLFI
DIRECTOR FOR SUSTAINABLE GROWTH AND DEVELOPMENT
DG DEVELOPMENT AND COOPERATION – EUROPEAID (DEVCO), EUROPEAN COMMISSION

What was your principal motivation to join and support the ABS Initiative?

The ABS Initiative has provided a strong support to Africa for the negotiation on the adoption of the Nagoya Protocol. It directly addressed the challenges to set up regulatory frameworks enabling and encouraging Nagoya Protocol compliant ABS agreements – on a technical, conceptual and procedural level. This and the intention to expand the related activities to the Caribbean and Pacific regions were the main reasons why the EU/ACP European Development Fund decided to co-fund the Initiative.

What are, from your perspective, the most important accomplishments of the ABS Initiative?

The ABS initiative can take part of the credit of the early entry into force of the Protocol. In addition, the Initiative's support of regional and national briefings of decision makers and parliamentarians, often in collaboration with the SCBD, has helped to establish ABS awareness and consideration in the relevant policy arenas. Moreover, by strengthening women as custodians of traditional seeds and traditional knowledge through legislative and educational activities, ensure their participation in decision making in ABS issues and involve them in ABS compliant value chains and benefit-sharing, the initiative is contributing to gender equity.

What do you expect from ABS/the ABS Initiative in the future – with respect to your institution and the international development agenda?

Facilitating the Nagoya Protocol implementation process in the member states of the ACP Group should remain a priority with the purpose to enhance inter-regional experience exchange. One topic could be marine bioprospecting as the vast majority of all Small Island Development States are ACP members. In addition, the Initiative should continue to build bridges between user and provider countries thereby contributing to better cooperation between relevant ABS stakeholders from the North and South.



*Cracking Argan kernels,
Morocco, 2011*





LAURENCE BRETON-MOYET
DIRECTOR OF OPERATIONS
AGENCE FRANÇAISE DE DÉVELOPPEMENT (AFD)



What was your principal motivation to join and support the ABS Initiative?

France is part of the CBD and it ratified the Nagoya Protocol in August 2016. The aim of the actions financed by the French Development Agency (AFD) is to contribute to more sustainable and shared economic growth, improve living conditions in the poorest regions and countries, contribute to preserving the planet and help stabilize fragile or post-conflict countries.

Aware of the various challenges that the Nagoya Protocol is facing to become operational, AFD decided in 2014 to join the ABS Initiative. Its principal motivation was to encourage concrete ABS agreements and create ABS compliant value chains in Africa. AFD indeed believes that it is one of the ways to follow in order to reinforce the interest of the stakeholders towards the Nagoya Protocol and to ensure its long term impacts.

What are, from your perspective, the most important accomplishments of the ABS Initiative?

Over the past decade the ABS Initiative and its partners have been trying to advise governments to build the necessary legal environment for the development of ABS agreements. They have brought together the different stakeholders, created platforms for productive dialogues, provided expertise and advised negotiation processes on the ground. Despite of the difficulties, these activities bore fruits as benefit-sharing agreements have been signed in several African countries, through direct and indirect impact of the Initiative.

What do you expect from ABS/the ABS Initiative in the future – with respect to your institution and the international development agenda?

Of course, we want to see tangible results to ensure that our partners are benefiting from the Initiative and more broadly from the Nagoya Protocol dynamic. A lot still has to be done. We believe that governments, donors as well as NGOs and private firms have to work together to really make the Nagoya Protocol become a leverage of sustainable development.

THE TRI-REGIONAL APPROACH

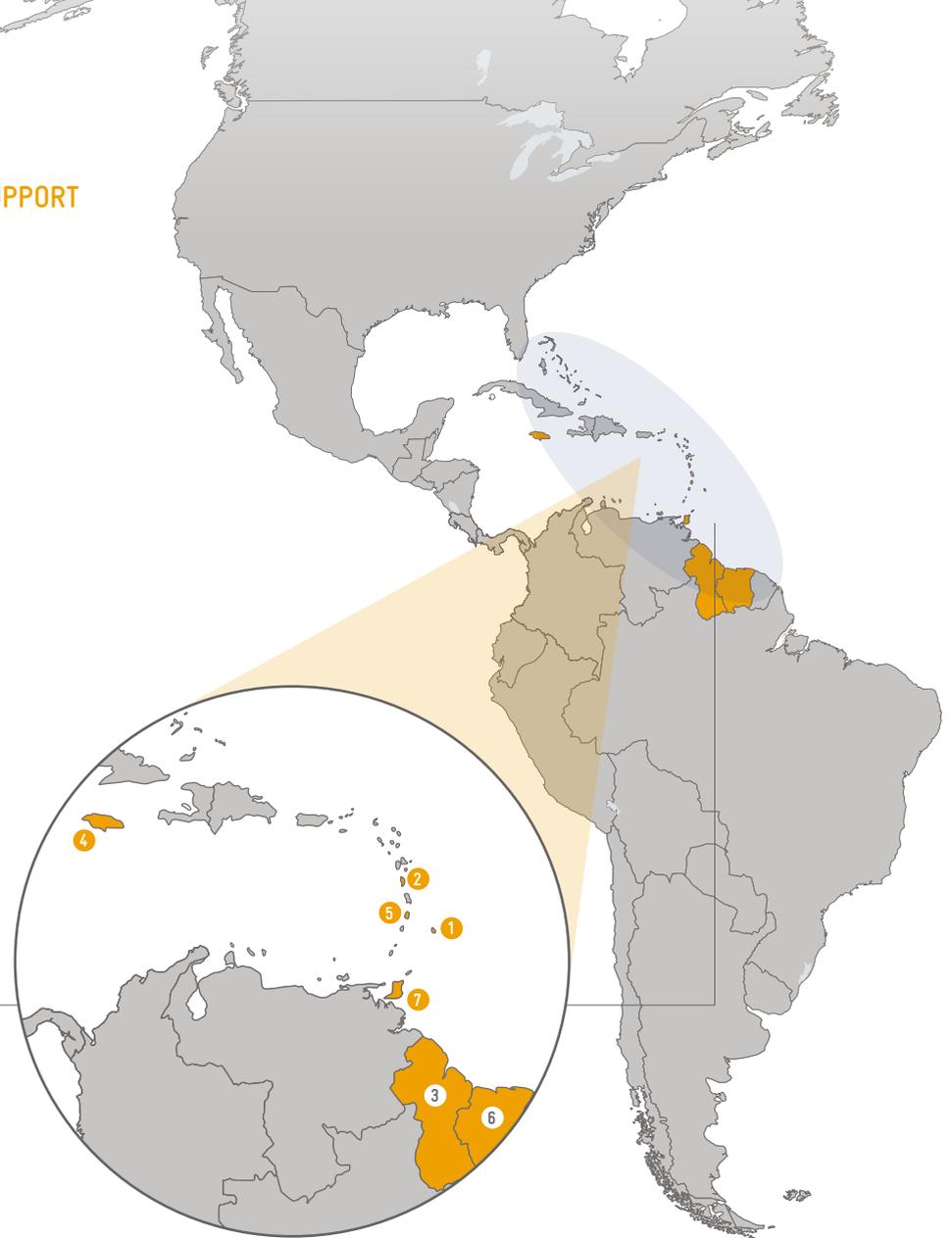
The ABS Initiative has been active on the African continent since its inception in 2006. When the EU within its ACP support program joined the Initiative as a donor in 2011 the regional scope was extended to include the Caribbean and Pacific. But why work on regional and sub-regional level, when implementing ABS is a national concern? The ABS Initiative's answer is the so-called "elevator approach": (sub-)regional guidelines and strategies provide benchmarks for implementation processes of member states at national and local level. At the same time they may serve as examples for other regions: experiences and lessons learned in Africa feed into the Caribbean and the Pacific and vice versa.

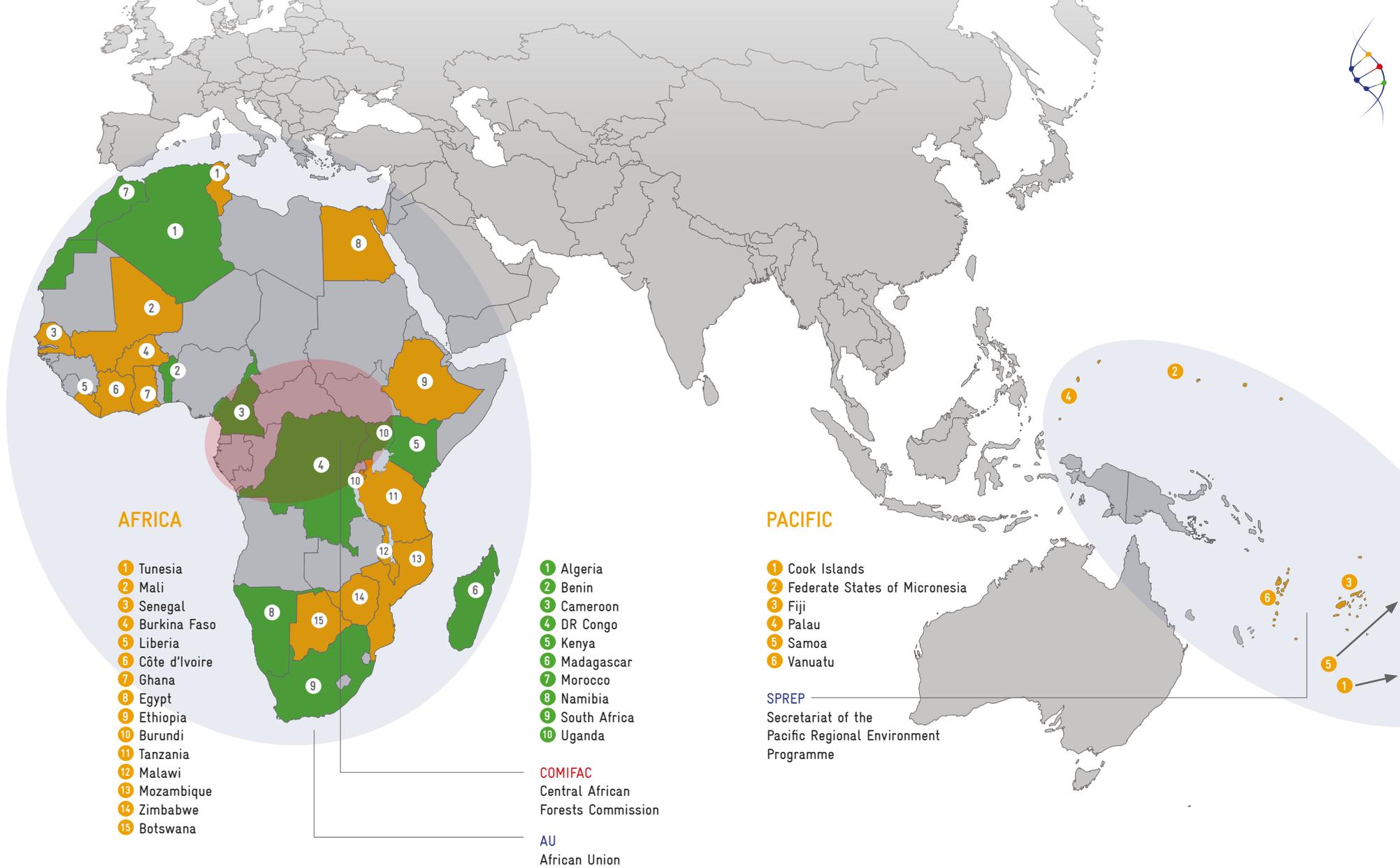
ABS CAPACITY DEVELOPMENT SUPPORT

CARIBBEAN

- 1 Barbados
- 2 Dominica
- 3 Guyana
- 4 Jamaica
- 5 St. Lucia
- 6 Suriname
- 7 Trinidad and Tobago

CARICOM
Secretariat of the
Caribbean Community





Countries with ABS Initiative activities

Partner countries

The focus of the current phase to date is on selected African partner countries. Lessons learned will inform developments in other countries.

BIO-PAMA



*BIOPAMA Inception Workshop
with participation of the ABS Initiative,
Switzerland 2012*



DEVELOPING CAPACITY FOR A PROTECTED PLANET

Terrestrial and marine protected areas are treasure boxes of biodiversity – highly attractive for bioprospectors looking for active substances in plant, animal and microbial genetic resources. Integrating Access and Benefits Sharing (ABS) into protected area policies and management is therefore essential.

The Biodiversity and Protected Areas Management Programme (BIOPAMA) – an initiative of the ACP (Africa, Caribbean and Pacific) Group of States financed through the 10th European Development Fund (EDF) of the European Union – provides a platform to improve the understanding of the interface between ABS and protected areas management and to integrate ABS into capacity development programmes for protected area managers.

The Programme consists of two main parts, a protected area component, jointly implemented by the International Union for Conservation of Nature (IUCN) and the Joint Research Centre of the European Commission (EC-JRC), and an ABS component implemented by the ABS Initiative.

The goal of the ABS component is in line with the general objective of the BIOPAMA Programme to improve the long-term conservation of biodiversity in Africa, Caribbean and Pacific regions and reduce the poverty of populations in and around protected areas. It also serves the specific objective of the BIOPAMA Programme to enhance existing institutions and networks by building their capacity to strengthen policy and to implement well informed decisions on biodiversity conservation and protected areas management, and access to genetic resources and benefit-sharing.

The ABS Initiative triggered thinking and discussion about the linkages between ABS and protected areas management and specifically the potential of ABS as a financing instrument for protected areas as early as 2008. When the EU contribution to the BIOPAMA Programme started in 2011, the regional scope of the ABS Initiative was broadened from its focus on Africa to include the Caribbean and Pacific Group of States.

Based on this collaboration, the ABS Initiative participated in several BIOPAMA related events in all three regions. BIOPAMA inception workshops for Africa were held in South

Africa and Senegal in 2012 and 2013 respectively and in 2013 in Fiji for the Pacific and Barbados for the Caribbean. These workshops highlighted, inter alia, the potential of ABS as a funding mechanism for protected areas. In addition, possibilities for collaboration between the ABS and protected area components of BIOPAMA were explored.

Also in 2012, the ABS Initiative convened an expert workshop to share experiences and further explore interfaces between protected areas management, forest governance and ABS. Participants, included IUCN, UNEP, Convention on Biological Diversity's Secretariat (SCBD), the Secretariat of the Pacific Regional Environment Programme (SPREP), the Central African Forests Commission (COMIFAC), the World Wildlife Fund (WWF) and other relevant actors. They identified common governance challenges, such as the distinction between utilization and ownership rights, potential conflicts between statutory and customary law/governance as well as transboundary situations. The challenges have been addressed in the consecutive work of the partners.

Compared to the land territories exclusive economic (marine) zones of the majority of the island states not only in the Caribbean and the Pacific but also in the Indian Ocean are vast. The ABS Initiative therefore produced a well-received fact sheet on marine bioprospecting highlighting the huge innovation potential of coastal and deep-sea marine genetic resources.

Thanks to the contribution of the BIOPAMA programme, many stakeholders from ACP countries, such as national competent authorities for ABS and public institutions in charge of natural resource management, research institutions, private sector representatives as well as indigenous peoples and local communities including traditional authorities, have benefitted from the work undertaken so far.

Well designed and effectively managed systems of protected areas supported by ABS mechanisms will continue to play a vital role for biodiversity conservation and for maintaining ecosystem services. They also provide opportunities for enhancing the livelihoods of local communities, thus having a possible role to play in reducing poverty and ultimately contributing to the SDGs.



AFRICA

To harmonize national ABS implementation the Initiative has supported the development of two important documents on the continent: the African Union Guidelines for the Coordinated Implementation of the Nagoya Protocol in Africa and the ABS Strategy of the Central African Forests Commission (COMIFAC).



▲
African Ministers Conference on ABS, Windhoek, Namibia 2010



African Union Practical Guidelines for the Coordinated Implementation of the Nagoya Protocol in Africa

AFRICAN UNION ABS GUIDELINES

The African Union Commission (AUC) is tasked with coordinating biodiversity-related negotiations and supporting the implementation of the CBD and its protocols in AU member states. The Department of Human Resources, Science and Technology (DHRST) of the AUC works to mainstream ABS in AUC policy and national development agendas.

After the adoption of the Nagoya Protocol in 2010 DHRST decided to develop guidance for the coordinated implementation of the Protocol in African Union member states, in synergy with agreed African positions and international instruments, including the 2001 African Union Model Law for the Protection of the Rights of the Local Communities, Farmers and Breeders and for the Regulation of Access to Biological Resources ("AU Model Law") and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

With support from the ABS Initiative DHRST commissioned a team of African experts to conduct a gap analysis of the AU Model Law in 2011. One of the team's recommendations was to "prepare a complementary guideline document" for the coordinated implementation of the Nagoya Protocol in Africa. In 2012, DHRST requested the ABS Initiative to support the drafting of policy and technical guidelines for the coordinated implementation of the Nagoya Protocol in Africa.

Responding to member states' needs, the African Ministers Conference on the Environment (AMCEN) encouraged "the African Union Commission to continue its ongoing work in the development of guidelines to support the coordinated implementation of the Nagoya Protocol on access and benefit-sharing in Africa".

The guidelines went through several review steps and validation workshops before being adopted by AMCEN and finally endorsed by the 27th Ordinary Session of the Executive Council of the AU in 2015. The two parts, strategic guidelines for policy makers and more technical step-by-step guidance and tools for implementation, are available in the official AU languages.



SUPPORT OF ABS STRATEGIES IN THE FOREST CONTEXT

Forest genetic resources play a key role in the production of goods and services, particularly in the fields of nutrition, health and body care. ABS mechanisms help actualize the economic value of these genetic resources while still protecting them – provided that forest governance and ABS policies and regulations are attuned to each other.

The ABS Initiative has done pioneering work to raise awareness and support ABS strategies in the forest sector. Results to date include a regional ABS strategy for member states of the Central African Forests Commission (COMIFAC) and facilitation of two concrete ABS agreements in Cameroon.

The first major step in this direction was taken in 2009 when COMIFAC commissioned a study on possible core elements of an ABS strategy for all ten COMIFAC member states, which was technically supported by the ABS Capacity Development Initiative. The study results were well received by the member states and the commission's Executive Secretariat, becoming the basis for a sub-regional ABS strategy which was adopted in 2010.

Besides providing a framework for developing national ABS regulations the strategy emphasizes the role of indigenous peoples and local communities in the ABS context. It also underscores the need to develop structures for enhanced research and development in valorizing genetic resources in the region. Since 2011, the Initiative has been helping to turn the regional strategy into national ABS



implementation. Since 2009, all COMIFAC-related activities have been conducted as part of the GIZ-implemented COMIFAC Support Programme. A specialized ABS component of this Programme was designed with advice from the ABS Initiative and since 2015 it has been supporting the COMIFAC Secretariat and member states in the national implementation of the Nagoya Protocol.



*A villager harvesting bark from a *Prunus africana* tree, Mount Cameroon community forest, Cameroon 2012*

➤
Sub-regional ABS workshop for West and Central Africa, Douala, Cameroon 2007



THE EXAMPLE OF CAMEROON

Among COMIFAC member states Cameroon is well advanced in its national ABS implementation process. Responding to requests from the government, the ABS Initiative supported a series of stakeholder consultations and ABS-related studies. The outcomes fed into a national ABS strategy adopted in 2012. Certainly the 2012 Pan-African ABS Workshop in Limbé, co-organized with the Ministry for the Environment, Conservation of Nature and Sustainable Development (MINEPDED), helped to push the national ABS agenda forward and create political momentum. To support on-going interest in Cameroonian genetic resources, the ABS Initiative technically assists ABS compliance in selected cases alongside drafting and adoption of an interim ABS regulation. Based on groundwork by the ABS Initiative, the national GIZ-implemented project Programme Forêts-Environnement (ProPFE) has integrated ABS into its work plan and a national GEF/UNDP ABS project has been launched to support specific value chains.

◀
*Field trip during 6th meeting of the Working Group on Biodiversity in Central Africa (GTBAC): Export of *Gnetum africanum* leaves to Nigeria Edenu, West Cameroon 2008*



TRAINING COURSES FOR YOUNG PROFESSIONALS

Working with the Environmental Evaluation Unit at the University of Cape Town, ABS training courses for young professionals in Africa have been developed as another successful format for capacity development. Delivered four times since 2010, in South Africa, Kenya, Botswana and Tanzania but with regional participation from all over Africa, these training courses prepare participants to better regulate and manage ABS in their countries.

The training comprises a mix of lectures, group and pair work, role-playing exercises, discussions and practical sessions. At the

end of each day, a short questionnaire tests participants' knowledge. A one-day field trip complements the theoretical part of the programme. The training approach and activities are constantly reviewed and modified. While the principal content of the training stays the same, the thematic focus may differ.

This training is of crucial importance for the national implementation process as it educates a new generation of ABS stakeholders in Africa who are also the future partners of the ABS Initiative.



>
*Field trip during
Basic ABS Training
Course, Harare,
Zimbabwe 2015*



PAN-AFRICAN ABS WORKSHOPS

In collaboration with host governments the ABS Initiative has been organizing yearly Pan-African ABS workshops since 2006, moving to a biannual cycle after 2015. These workshops typically bring together more than a hundred African participants, complemented by international experts and development partners. As a general rule, representatives from all African countries are invited, including the ABS national focal points. Updates are provided on latest international processes relevant to national ABS implementation, experiences and case studies are shared, ABS training is provided and cooperation between ABS stakeholders strengthened.

Participants reflect the ABS actors' landscape in Africa and include ABS national focal points, representatives of competent national authorities, research institutions, NGOs, IPLCs and the private sector. Representatives from the Initiative's donors stay on for a Steering Committee meeting the following day.

These workshops are an opportunity to understand the changing needs of ABS stakeholders and get a sense of the general atmosphere: are we on the right track towards national ABS implementation? Did we miss something? Should we shift the focus of our activities? In turn, the participants can address the Initiative directly with their requests as well as criticism.

For instance, in 2014 at the 8th Pan-African ABS workshop in Benin participants explored national valorization strategies and implementation of sustainable ABS compliant value chains. The results fed directly into the ABS Initiative's programme for 2015-2020 as one of the three core processes. The year after, in

Ethiopia, the presentation of the draft AU Guidelines generated fruitful and stimulating discussions on the different options for a coordinated approach to ABS in Africa.

Field trips are an essential part of Pan-African workshops. They introduce participants to real or potential ABS cases and turn ABS into something tangible. In 2013, for example, the field visit to the *Lippia javanica* cultivation, distillation and oil-extraction community-based project in Giyani, Limpopo, South Africa, allowed participants to explore in great detail a successful case of benefit-sharing through scientific innovation and traditional knowledge.



7th Pan-African workshop, Phalaborwa, South Africa 2013



>
Field trip to
!Khwa ttu,
cultural center of
the San people
during the 1st
Pan-African
ABS workshop,
Cape Town,
South Africa 2006



<
8th Pan-African
ABS workshop,
Cotonou,
Benin 2014

>
2nd Pan-African
ABS workshop,
Nairobi,
Kenya 2007



>
6th Pan-African ABS workshop, Limbé, Cameroon 2012

THE CARIBBEAN

The progress the ABS Initiative and its partners have made with regard to national ABS implementation and region-wide ABS capacity building in the Caribbean is rooted in continuously engaging at regional level, being equipped with the right political mandate and choosing the right partners.

In April 2012, the Caribbean Community (CARICOM) Council for Trade and Economic Development (COTED) encouraged its member states to ratify the Nagoya Protocol and requested the CARICOM Secretariat to collaborate with the ABS Initiative. Based on this solid political mandate, the Initiative and the CARICOM Secretariat started work on awareness raising and supporting the development of national ABS frameworks. Five regional ABS workshops have been organized in cooperation with CARICOM, which functions as the regional hub of the EU-funded project "Capacity Building Related to the Implementation of Multilateral Environmental Agreements (MEAs) in African, Caribbean and Pacific (ACP) Countries".

These workshops provided the basis for the CARICOM Capacity Development Framework submitted to COTED in 2016. An IUCN executed

UNEP/GEF ABS project for CARICOM member states is contributing to the implementation of this framework in cooperation with the ABS Initiative. In 2016, the number of ratifications has risen to three compared to only one country (Guyana) when the ABS Initiative started its regional work in 2012.

The Caribbean region is a hotspot for access to marine genetic resources. Analysis by the ABS Initiative showed that almost the entire Caribbean marine area is covered by Exclusive Economic Zones (EEZ) granting the states exclusive rights to determine access to the genetic resources and to negotiate benefit-sharing agreements. Seventy-four percent of this marine area is even classified as deep-sea with depths greater than 1.000 m. A marine bioprospecting case with roots in the 1980s originating in The Bahamas is a prime example of the high scientific and commercial interest in genetic resources. The case also demonstrates how one single presentation at a workshop can bring momentum to an ABS implementation process in a country.





3rd Caribbean
ABS Workshop,
St. Lucia 2014



Training: Capacity Building on the Negotiation of MAT for Access to
Genetic Resources to Support Effective Implementation of the Nagoya Protocol,
Paramaribo, Suriname 2015

THE PSEUDOPTEROSIN CASE

In 1983, Professor Bill Fenical of the University of California San Diego (UC San Diego) analyzed a specific sea fan collected off The Bahamas. From this soft coral (*Antillogorgia elisabethae*, previously *Pseudopterogorgia*) he isolated an agent that acted as an anti-inflammatory in humans. The substance, known as pseudopterosin, was patented by the university in 1988 and the rights to use it in skin-care products were licenced to Estée Lauder. In fiscal year 1994–95, the compound was among the UC system’s top 10 patent royalty earners, bringing in USD 680.000. It was no small breakthrough. “Here, for the first time, was a scientifically proven marine product,” Fenical says. In a scientific publication from 1986 Fenical states that “the expedition of the research Vessel Calanus (University of Miami) took place in the central Bahama Island in June 1982. [...]”, and more importantly: “We acknowledge the government of the Bahama Islands for the kind permission to conduct research in their territorial waters.” While the geographic origin and the legality of access were documented in the publication, no benefit-sharing agreements were negotiated at that time. The corals are harvested and used in cosmetic products until today.

Antillogorgia elisabethae in its natural habitat



The story above was part of a presentation by the ABS Initiative on the use of marine genetic resources delivered at the 2013 BIOPAMA inception workshop for the Caribbean in Barbados. This soft coral bioprospecting greatly interested representatives of The Bahamas, who had not been aware of this case. The government realized that its well-structured and functional research permit system nevertheless did not take into account ABS issues such as contractual benefit-sharing clauses. This is particularly serious because The Bahamas seem to be an access hot spot for R&D. Up to 100 research permits are

issued per year and new R&D partnerships are fostered by the government in cooperation mainly with US universities.

The 2013 workshop created considerable momentum for change. The Bahamian Environment, Science and Technology (BEST) Commission decided to apply for GEF funding for a national ABS project. A subsequent planning workshop in January 2014 revealed a surprising fact: one participant reported that after the Rio Summit, while working as legal advisor to the government, he tried to interest the University of California in a benefit-sharing agreement. His attempts remained unsuccessful as the university argued that access in 1982 and a first patent in 1988 were pre-CBD and thus did not fall within its scope. Finally, in 2001, a Memorandum of Understanding was signed between the harvesters of the corals and the US vendor who produces the cosmetic extract. Monetary benefit-sharing to date has amounted to almost USD 1 million. GEF has since granted USD 1.9 million for an ABS project in the Bahamas with the overall goal of strengthening the national ABS system.

The long record of research permits in The Bahamas and an existing text-mining tool developed by One World Analytics, a data analysis partner of the ABS Initiative, triggered the idea to develop an innovative instrument supporting implementation of the Nagoya Protocol. The available software is to be adapted to screen publication databanks and patent databanks for keywords and other relevant text passages such as the names of applicants and their institutions, or genetic resource accessed through an online application system. Such an automated IT-based permit application and utilization monitoring system is planned to be developed during the GEF project and will eventually be made available to other countries. The ABS Initiative will also support The Bahamas in compiling ABS pilot cases.



▣ ▲
Training: Capacity Building on the Negotiation of MAT for Access to Genetic Resources to Support Effective Implementation of the Nagoya Protocol, Paramaribo, Suriname 2015

◀
Dominica - left the Caribbean sea, right the North Atlantic Ocean 2013

THE PACIFIC

In the Pacific region the ABS Initiative cooperates closely with the Secretariat of the Pacific Community (SPC) and the Secretariat of the Pacific Regional Environment Programme (SPREP). Like the Caribbean, the Pacific region consists of many widely scattered small-island developing states (SIDS) with small populations (approximately two million people distributed among 14 island states) and extremely lean administrations. Or as Joseph Brider of the Cook Islands National Environment Service phrased it: "In the Pacific region we are in need not only of capacity development but also of capacity supplementation."

The ABS Initiative reacted to this reality by co-organizing a series of regional ABS workshops to raise political awareness, resulting in a high number of Nagoya Protocol ratifications by Pacific island states. With its limited funds but targeted capacity building activities and technical advice, the ABS Initiative was able to leverage substantial resources for the implementation of the Nagoya Protocol from different GEF budget lines. Particularly noteworthy milestones include close collaboration between the ABS Initiative and the GEF Small Grants Programme, which led to a strategic project for awareness raising and capacity development of indigenous peoples and local communities (IPLCs) in Vanuatu, support to national processes resulting in ABS policy documents and first steps towards regulatory frameworks in Micronesia, Palau, Samoa and Vanuatu, as well as funding from the GEF Nagoya Protocol Implementation Fund (NPIF) for a project in the Cook Islands (see page 55). The ABS Initiative has been invited to serve as a member of the Steering Committee of the SPREP-executed regional GEF/UNEP project on ABS capacity building in this region.

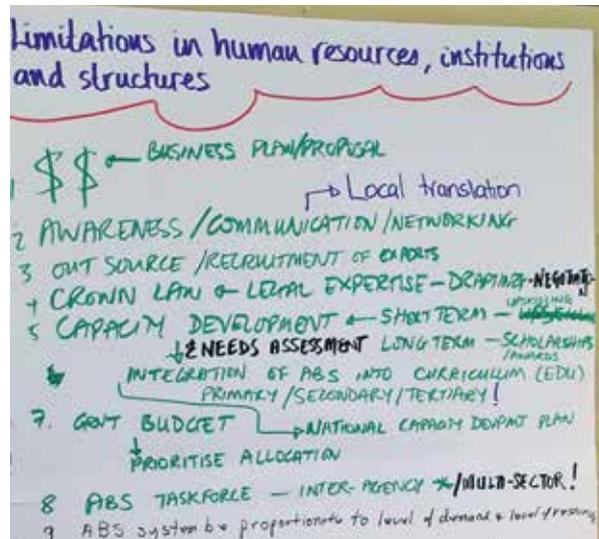


*Demonstration of medicinal plants,
Efate island, Vanuatu 2012*





Training: Mutually Agreed Terms - Contracts to Make ABS Functional, Nadi, Fiji 2014



COOK ISLANDS

After initial discussions at the margins of the Oceania Biodiscovery Forum in November 2012, the Cook Islands asked the ABS Initiative for technical advice in preparing for a GEF NPIF project to adapt the draft 2006 "Biological Research and Benefits Bill" to the provisions of the Nagoya Protocol. The project proposal focused on concrete bioprospecting experiences in the country and was approved in 2014. To a great extent the adaptation of the bill is based on the lessons learned from an ABS agreement negotiated between the private company Cook Islands Medical Technologies (CIMTECH) Pty Ltd and the Koutu Nui, the legally recognized assembly of traditional leaders and healers. In November 2013, the Initiative also supported consultations to inform stakeholders about the Nagoya Protocol and identify gaps in the proposed access and PIC procedures.



5th Pacific Sub-regional Workshop on Access and Benefit-Sharing, Sydney, Australia 2014



Relaxed ABS experts after a side event on ABS and marine bioprospecting at UN Conference on Small Island Developing States (SIDS), Apia, Samoa 2014



FEDERATED STATES OF MICRONESIA

After the Federated States of Micronesia (FSM) ratified the Nagoya Protocol in January 2013 its Department of Resources and Development conducted national stakeholder consultations and a gap analysis on the implementation of the Protocol. In parallel, the NFP received technical support by the ABS Initiative for formulating an ABS policy and a roadmap for developing the federal and state level regulatory ABS frameworks. In the same year, with financial and technical support of the ABS Initiative, the FSM Department of Resources and Development organized a national ABS Capacity and Policy Development workshop in Pohnpei. Workshops at state level for drafting an ABS policy were held with the support of the Initiative in November 2013 in Chuuk and in September 2014 in Pohnpei.



Exchange about the biodiscovery process of "prostratin" from the mamala tree (Homalanthus nutans), Fatealupo Rainforest Reserve, Samoa 2012



SELECTION OF PRESS CLIPPINGS

Huitième Atelier Panafricain APA Cotonou, capitale de questionnement sur la gestion durable des ressources génétiques en Afrique

Marie-Péridès de Gomé.

Le lundi 10 mars 2014, l'atelier panafricain sur l'accès et le partage juste et équitable des bénéfices découlant de l'utilisation des ressources génétiques



La biodiversité joue un rôle crucial dans le développement durable. L'occasion est ainsi saisie pour rappeler les leçons de la mise en œuvre du protocole de Nagoya. En effet, ce protocole offre une clarté juridique internationale par rapport à l'accès aux ressources génétiques et aux connaissances traditionnelles.

Les Nations Unies ont commencé à travailler sur le Protocole de Nagoya en 2002. L'objectif est de garantir un accès durable, le Danemark et l'Union européenne.

Madame Rajae CHAFIL, au nom de l'Organisation internationale de la Francophonie (OIF) a annoncé des activités visant l'encouragement et la mise en œuvre de la Convention pour la Diversité Biologique et le Protocole de Nagoya. Ainsi, courant 2014, dix Ecoles d'été seront organisées au profit des pays en développement.

Green Loot Who owns our biological heritage?

Benin is a small state with big plans—to make bio-pirates pay up. They are taking on the multinational corporations who have been exploiting the country's biogenetic resources to develop profitable drugs and cosmetics. New international regulations to share profits from such products with the country of origin are under discussion at a conference in India this month.



Eigene genetische Ressourcen sichern

Angewandte Biologie der afrikanischen Experten in Westland – Biodiversität nutzen und erhalten

Westland ist ein kleines Land mit großen Plänen – die Bio-Piraten zu zahlen. Sie kämpfen gegen die multinationalen Konzerne, die das Land ausbeuten, um profitablere Medikamente und Kosmetika zu entwickeln. Neue internationale Regelungen zum fairen Aufteilung der Gewinne aus solchen Produkten mit dem Land der Herkunft sind im Gespräch. In diesem Monat wird in Indien eine Konferenz über dieses Thema abgehalten.



Bei der offiziellen Eröffnung der Beratungen der afrikanischen und internationalen Netzwerke in Westland werden der Geschäftsführer der ABS-Verbindungsstelle Dr. Ablaia, Dr. Antoine Brous (links), Westlands Umweltminister Antoine Brous (Mitte) und der Programmleiter von Biodiversität der Afrikanischen Union Prof. Dr. Jean-Claude Béné (rechts) im Gespräch.

PROFITS FROM MEDICINAL PLANTS YET TO REACH VILLAGES



Medicinal plants are a source of income for many people in rural areas, but the benefits are often not shared equitably.

business .2020

A MAGAZINE ON BUSINESS & BIODIVERSITY

July 9

SPECIAL FOCUS ON ACCESS AND BENEFIT-SHARING

Helping businesses implement the Nagoya Protocol
COLLABORATING TOGETHER TO BUILD MUTUAL TRUST

Nagoya Protocol and ABS regulation in Brazil: The view of Brazilian industry
NEW LEGISLATION BOOSTS SUSTAINABLE USE OF BIODIVERSITY

Community protocols: Bridging the stakeholder divide
ENABLING FAIR AND EQUITABLE ACCESS TO GENETIC RESOURCES

Allgemeine

Älteste Tageszeitung Namibias - Nachrichten

NEUHEIT im Markt

Tourismus



ITB BERLIN

Mitglieder in Berlin für die 175. Jahrestagung der IATA

Justiz intern

Ausbeutung der Vorteile für ländliche Gemeinschaften

Schon viel zu lange werden genetische Ressourcen ausgebeutet, ohne dass die Ursprungsgemeinschaften oder Länder, aus denen sie kommen, einen Vorteil daraus ziehen konnten. Es sollten nicht nur die Erzeugnisse der Züchtung und der Veredelung, sondern auch die Eigentumsrechte freigelegt werden.



Ressourcen genetische au Burkina Faso. Des députés s'approprient les avantages du protocole de Nagoya

Le ministère de l'Environnement et du développement a organisé le 8 août 2012 à Komsilassi, dans la province du Bougbo, un atelier d'appropriation du protocole de Nagoya sur l'accès aux ressources génétiques. L'objectif est de partager les informations sur le protocole, ainsi que ses avantages pour le Burkina Faso.



Le ministre de l'Environnement et du Développement, Ousmane Niang, a déclaré que le Burkina Faso a besoin de mettre en œuvre le protocole de Nagoya pour profiter des avantages qu'il offre.

Le Burkina Faso a rejoint le protocole de Nagoya en 2012. Cela signifie que le pays a le droit d'être consulté avant que des entreprises étrangères ne commencent à exploiter ses ressources génétiques. Cependant, le Burkina Faso a également le droit de bénéficier des avantages du protocole, tels que l'accès à de nouvelles technologies et à de nouveaux marchés.



INTERFACES TO INTERNATIONAL PROCESSES

Other international legal frameworks also need to be considered when implementing the Nagoya Protocol, in particular those dealing with intellectual property (IP) and agriculture. Patents and other forms of IP protection can be used for the benefit of providers of genetic resources and associated traditional knowledge (aTK) but IP is far too often seen as a threat rather than an opportunity. Through workshops and training the ABS Initiative increases stakeholder awareness and in-depth understanding of the linkages between intellectual property rights (IPRs) and the related institutional landscape. Primary target groups are the ABS National focal points and IPLCs.

Taking into account the importance of agricultural biodiversity for food security, the Nagoya Protocol and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) need to be implemented in mutually supportive ways to make ABS fully functional. In both cases – IP and agriculture – the ABS Initiative and its partners work on the relevant interfaces to facilitate integrated and cohesive implementation processes at national level.

INTELLECTUAL PROPERTY RIGHTS

Successful research and development based on genetic resources and aTK often leads to IPRs such as patents. National ABS frameworks need to be aligned with national IP policies and take into account international IP instruments under the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO). Furthermore, ABS contracts must include clauses on IP ownership and IP licensing to avoid later conflicts about benefit-sharing.

Misappropriation of genetic resources and traditional knowledge through patents has led to many providers of genetic resources to perceive IPRs as allowing users to gain ownership over something that is not theirs. However, IPRs such as patents, trademarks, geographical indications and copyright can also offer protection against misuse of genetic resources and aTK, ultimately supporting the economic aspirations of provider countries and IPLC. Through workshops and training courses the ABS Initiative increases awareness and understanding of opportunities offered by different IP instruments and how these can contribute to functioning ABS systems and strong ABS contracts. Target groups include national ABS focal points, IPLC and representatives of national IP authorities.



*TK documentation provides
a basis for future innovation*

From 2011 to 2014, the ABS Initiative and FNI organized a number of training sessions on the relevance of IPRs for ABS in Africa and the Pacific. The training combined theoretical learning with practical group exercises.

Discussions with the Traditional Knowledge Division of WIPO about joint capacity development activities started in 2013, leading to two ABS and IPR workshops with a particular focus on TK and the role of IPLCs. With the support of the Namibian Ministry of Environment and Tourism and the GIZ-implemented Biodiversity Management and Climate Change (BMCC) project, the Anglophone workshop took place in August 2015 in Namibia. The event provided a unique opportunity to informally reinforce national policy dialogues around TK, IPR and ABS and to conceptualize future work in the six countries represented. The Francophone workshop took place in Morocco in September 2016, supported by the Moroccan IP Office, the Ministry of Environment and the GIZ-implemented Environmental Governance project (GEC).

BIODIVERSITY IN THE PATENT SYSTEM – COUNTRY STUDIES OF GENETIC RESOURCES AND TRADITIONAL KNOWLEDGE IN THE PATENT SYSTEMS

Patents and patent applications are important indicators of investment in research and development (R&D) that could lead to commercial products and as such can demonstrate to governments the commercial potential they might miss by not considering ABS in their policy making process. With this in mind, in 2011, the ABS Initiative commissioned One World Analytics, a UK based company specialized in biodiversity and economic data analysis, to conduct a study on ABS-related patent activity based on genetic resources originating in Cameroon, Kenya, Madagascar, Mozambique, Namibia, Senegal and South Africa. By identifying R&D sectors and patterns involving species from these countries the study demonstrated potential opportunities for economic development in support of biodiversity conservation, raising substantial interest at country level. At the request of governments, the ABS Initiative commissioned One World Analytics to conduct similar studies for the COMIFAC member countries and Morocco, supported by the Moroccan IP Office, the Ministry of Environment and the GEC project of GIZ.

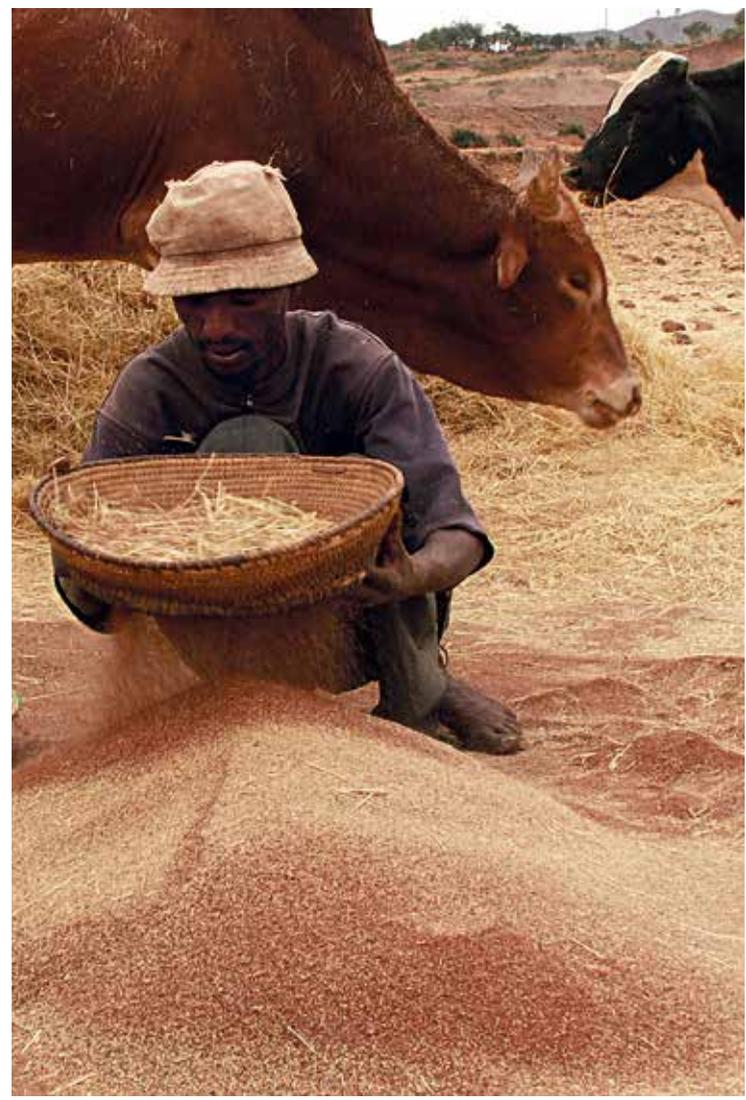




>
 Agenda of training:
 ABS and IPRs for national
 ABS focal points from
 Francophone African countries,
 Dakar, Senegal 2014



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 Farmer sifting
 teff grains,
 Axum, Ethiopia 2006



>
 Training: ABS and
 IPR for national
 ABS focal points,
 Gaborone,
 Botswana 2013



TK DOCUMENTATION

The rights of TK holders to decide if and how their knowledge is utilized and to a share in the benefits derived from its utilization are recognized in the Nagoya Protocol. Sometimes the actual owners or custodians of TK can be difficult to determine, especially if the TK is communicated informally and not properly documented.

Given these challenges, in February 2013, the Initiative supported a group of researchers and IPLC representatives to attend a workshop in Bengaluru, India on TK Documentation for African Countries, organized by the National Biodiversity Authority of India. The workshop raised many questions and the ABS Initiative subsequently funded the French Muséum National d'Histoire Naturelle (MNHN) to carry out a study on the documentation of aTK. The Initiative then joined up with the South African Department for Science and Technology (DST), the Intellectual Property Law and Policy Research Unit of the University of Cape Town and Natural Justice to organize a technical exchange on TK Documentation and its relation to IPRs,

which took place in Cape Town in December 2013. As an outcome of this meeting, participants developed recommendations on how to better integrate TK considerations into the implementation of the Nagoya Protocol. This workshop also sparked the collaboration between United Nations University Institute for the Advanced Study of Sustainability (UNU-IAS), the Indian Foundation for the Revitalization of Local Health Traditions (FRLHT) and the ABS Initiative, which resulted in the Community to Community Exchange and Capacity Development Workshop for Traditional Knowledge Holders in 2015 (see page 36).

Inspired by the MNHN study and the Cape Town meeting, the ABS Initiative's partners in Benin have recently started a process to develop a TK documentation strategy as part of their ABS implementation process. With the support of the Initiative and Natural Justice, the Beninese NGO CeSaReN worked with the Ministry of Environment and the ABS national focal point to launch a communication process with stakeholders from research and traditional medicine to lay the foundation for this strategy.



*Eudafano Women's
Cooperative members,
with forestry
extension workers,
Namibia 2013*



Farmer in front
of bags with
teff cereal,
Ethiopia 2007



AGRICULTURE

The ITPGRFA (also known as the Plant Treaty) reaffirms the sovereign rights of countries to their plant genetic resources for food and agriculture. It establishes a multilateral system of ABS to facilitate worldwide exchange of 64 common crops and forages listed in its Annex 1, provided the material is used only for the purposes of research, breeding and training for food and agriculture. Plant genetic resources for food and agriculture that are used for other purposes or not included in the multilateral system can be regulated on national level under Nagoya Protocol rules.

In some countries that are parties to both instruments uncertainties about how to address the interface between Nagoya and the Plant Treaty have delayed national ABS processes.

The ABS Initiative is working in partnership with Bioversity International, the Secretariats of the CBD and the ITPGRFA, and the African Union Commission to support consistent and mutually supportive implementation of both international frameworks through on the ground support and international policy workshops. The CBD and the ITPGRFA have



Germplasm of taro – Centre for Pacific Crops and Trees (CePaCT), the regional genebank for the Pacific, Fiji



The ABS Initiative's moderators guide participants through the programmes of our events – workshop: Embedding Mutually Supportive Implementation of the Plant Treaty and the Nagoya Protocol in the Context of Broader National Policy Goals, Addis Ababa, Ethiopia 2015

repeatedly recognized the relevance of this partnership for a harmonized implementation of the two ABS instruments, in support of agricultural development and climate change adaptation.

The collaboration between the ABS Initiative, Bioversity and the two Secretariats started in 2013 with an experts' workshop in Rome addressing challenges and options for mutually supportive implementation. One year later a "tandem workshop" for the first time brought together ABS national focal points and Plant Treaty focal points of over 20 countries. The workshop resulted in a "primer" to help policy makers and regulators achieve mutually supportive implementation of both instruments.

The tandem workshop highlighted the critical importance of integrating ABS policy making and implementation with other national development objectives and planning processes, such as biodiversity conservation, food security and poverty alleviation. In response the five partners organized another workshop in Addis Ababa in 2015 to promote cross-fertilization in national planning and policy processes where ABS can contribute. This event was unique in that only

interdisciplinary country teams were allowed to attend, consisting of the Nagoya Protocol focal point, the ITPGRFA focal point, a government official in charge of climate change adaptation in agriculture, a development planning or finance expert and the GEF operational focal point. The AU Commission and the AU Permanent Representatives Committee hosted a special session at which the 11 participating country teams could explore options for coordinating ABS implementation under the Nagoya Protocol and the ITPGRFA at the AU level.

At national and local levels the partnership has also started a pilot project, "Mutually supportive implementation of the Nagoya Protocol and Plant Treaty in Benin and Madagascar", funded by the UK Government's Darwin Initiative. The project supports development of harmonized national regulatory frameworks alongside concrete activities in four local communities. Its aim is to assist in the negotiation of ABS contracts under the Nagoya Protocol and promote the exchange of seed varieties for climate change adaptation through the multilateral system of the Treaty. Experiences and lessons learned from the three-year process will be scaled up to other countries and regions.





BROADENING ABS HORIZONS

Some topics and processes are essential for successful ABS implementation but are not yet accorded the significance in capacity development that they deserve. When the ABS Initiative identifies such topics it seeks to integrate them into national and global ABS agendas – through research on conceptual and practical ABS links. Work on marine biodiversity and animal genetic resources are two examples of this approach.

MARINE BIOPROSPECTING

The ABS Capacity Development Initiative's expansion into the Pacific and Caribbean regions revealed the importance of marine bioprospecting and related ABS measures. The underwater world contains a vast diversity of genetic resources, some of which are already being utilized for pharmaceutical, cosmetic, food or biotechnological purposes. Around 36% of the global marine surface is under national jurisdiction and most bioprospecting takes place in national waters, making the Nagoya Protocol and national ABS regimes highly relevant for marine bioprospecting.

In 2014 the ABS Initiative published a factsheet condensing and analyzing relevant scientific information from the fields of drug discovery, enzymes and cosmetics to “support evidence-based discussions between governments, parliaments and stakeholders when drafting national ABS legislation in coastal states and to inform the debate about ABS issues in ABNJ” (areas beyond national jurisdiction). Displayed at national and international events, the factsheet, which includes concrete marine ABS cases, attracted considerable attention from a range of governments. For instance, at the 2013 BIOPAMA Caribbean inception workshop the Initiative provided background information on marine bioprospecting and the continuing use of coral extracts from The Bahamas in cosmetics worldwide. This information stimulated the interest of the Bahamas Government and resulted in a USD 3 million GEF-funded national ABS project.

ANIMAL GENETIC RESOURCES

Farm animal genetic resources (FAnGR) are owned, accessed, used and exchanged in sector-specific ways that are very different from plant genetic resources. To date there has been relatively little work done on ABS for FAnGR, which nevertheless fall under the ABS rules of the CBD and the Nagoya Protocol. Whether and how FAnGR are treated in ABS systems depends on national level implementation. Traditional livestock breeds raise complicated issues about the ownership of collective aTK embodied in animals owned by individual farmers.



*Samburu cattle
herder, Kenya 2009*

As a contribution to the ongoing Intergovernmental Technical Working Group on Animal Genetic Resources (ITWG-AnGR) under the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA) the ABS Initiative funded and, jointly with the League for Pastoral and Endogenous Livestock Development, conducted a study about the significance of the Nagoya Protocol for the conservation and sustainable use of animal genetic resources (Access and Benefit-sharing of Animal Genetic Resources). The study was first presented in April 2015 at an expert meeting of the AU Inter-African Bureau for Animal Resources (AU-IBAR). Based on the interest raised, the ABS Initiative is preparing for cooperation with the International Livestock Research Institute (ILRI) including developing institutional ABS guidance and awareness raising material for research projects that involve access to animal genetic resources.



GENERATING KNOWLEDGE

The ABS Initiative is, per its mandate, a dedicated collector, creator and curator of knowledge about ABS and with its partners publishes a significant number of studies, assessments, analyses and guides. Topics range from national implementation to regional elaboration of ABS guidelines to specific ABS case assessments. Here are a few examples:

Sustainable forest management and ABS

A 2012 publication on the "Interface between Sustainable Forest Management and ABS" analyzes the links between forests and ABS at the international policy level and assesses exemplary national legislation on forest management and ABS. It proposes that national forest and ABS legislation be designed in a harmonized and mutually supportive manner. The authors conclude that community forestry and joint forest management combined with a strong international ABS instrument have "great potential for strengthening local communities and inducting environmentally sound and economically viable use of forest products and services".



*Marking of a Gaboon tree,
Gabon 2006*



Pacific ABS case studies

In 2012 the Australian Department of Sustainability, Environment, Water, Population and Communities commissioned the University of New South Wales to conduct a study on best practice ABS cases in the Pacific region. The publication was supported by the ABS Initiative. Drawing on four concrete cases it identified essential lessons learned and challenges faced by stakeholders in seeking fair and equitable sharing of benefits. The study serves as a regional reference for biodiscovery researchers seeking to comply with the Nagoya Protocol.

Briefs on different sectors utilizing genetic resources

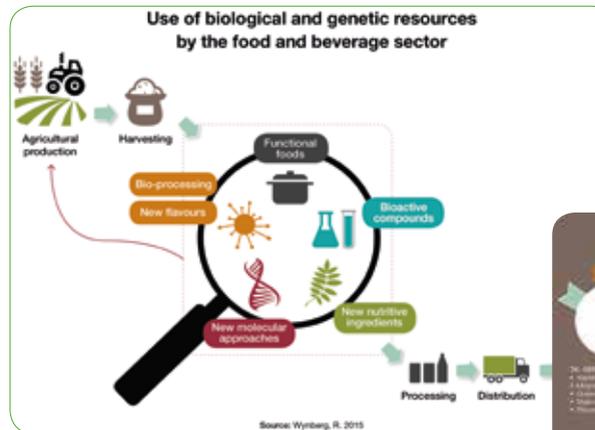
Working with the University of Cape Town (UCT) and Peoples and Plants International (PPI) the ABS Initiative produced six briefs on economic sectors related to ABS: pharmaceuticals, agriculture, industrial biotech, botanicals or phytomedicines, cosmetics, and food and beverage. The briefs outline and flag key differences and similarities between the sectors and demonstrate how and to what extent ABS is relevant to them. The briefs are a combination of graphics and text and provide valuable and easily digestible information on

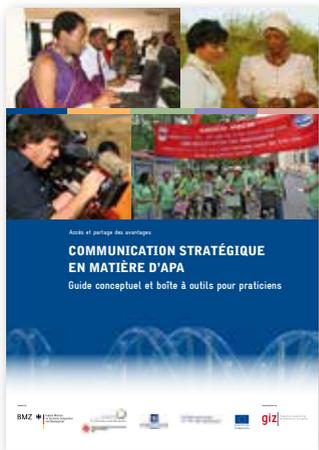
the drivers, interests and methods of these sectors. Specifically directed at NFPs and law or policy makers, the briefs are a valuable resource for all stakeholders engaged in establishing ABS compliant value chains.

^
Practical Workshop on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions Windhoek, Namibia 2015

National studies on ABS implementation

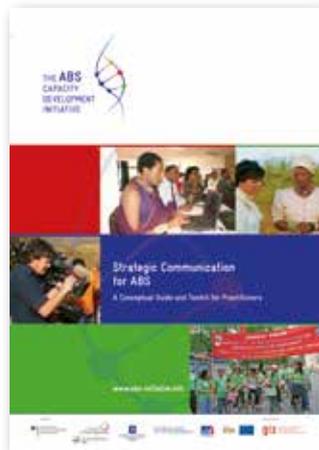
In collaboration with the Governments of Brazil, India and South Africa the Initiative commissioned national studies to review each country's experiences with ABS. Comparative tables highlighting key elements of national ABS frameworks in each country were prepared. Lessons learned from these national experiences are intended to inform the global implementation of the Nagoya Protocol. These studies provided background information in preparation for the two international dialogues held in 2014 in South Africa and India on Practical Ways Forward for the Implementation of the Nagoya Protocol.





Strategic Communication on ABS

The 2012 “Strategic Communication for ABS – a Conceptual Guide and Toolkit for Practitioners” is considered a classic among ABS tools for CEPA (Communication, Education and Public Awareness). It offers advice about the role, relevance and use of communication in designing and implementing national ABS systems at the national level and provides an overview of communication considerations, approaches and methods for the different phases of ABS implementation. The guide is available in English, French, Portuguese and Spanish. Specifically targeted at ABS national focal points it is also useful for all actors involved in managing ABS-related multi-stakeholder processes.



ABS agreements and contracts

A training course on “Mutually Agreed Terms (MAT) – Contracts to Make ABS Functional” targets actors involved in negotiating and drafting ABS agreements, specifically ABS national focal points and representatives of Competent National Authorities (CNAs). The training course is supplemented by three guides. “The ABS Agreement Key Elements and Commentary” and “Introduction to Drafting Successful Access and Benefit-Sharing Contracts” explain the basics of drafting ABS contracts and the most important elements that must be included in the contract to ensure a functional and enforceable legal relationship between provider and user. The guide “How (Not) to Negotiate an ABS Agreement” offers a hands-on approach to negotiating ABS agreements. Real cases and scenarios tease out lessons to be learned from the authors’ experiences. The training materials, published jointly with FNI, are aimed at providers and users of genetic resources as well as ABS regulators.



◀ Stocktaking and Discussion of BCP implementation, Kukula Traditional Health Practitioners, South Africa 2012

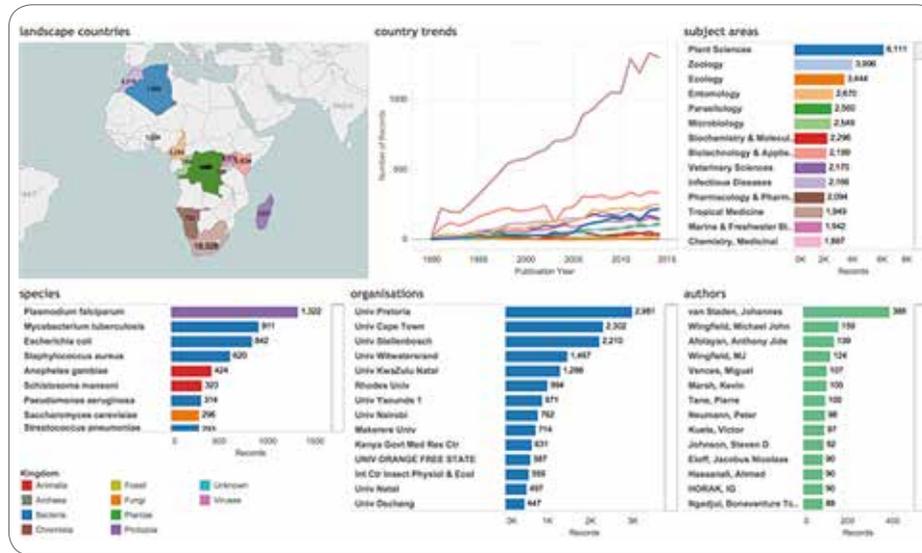


▶ Nomen est omen?



ANALYTICAL TOOLS

The ABS Initiative's approaches and activities are rooted in systematic assessments of national ABS environments. New methods and digital tools were developed and used to supplement traditional meeting formats. These tools are available to interested organizations, governments and businesses.



Identification of academic users of genetic resources

A text mining and analytical tool developed and adapted by One World Analytics as commissioned by the ABS Initiative can be used to map key actors engaged in scientific research and development (R&D) and even specific R&D topics. Researchers and research institutions publishing articles in scientific journals on the genetic resources from specific countries can be identified. It provides a comprehensive overview of research activity and of individuals, organizations and networks involved in researching a country's genetic resources and traditional knowledge. This information is very useful for the Initiative's support activities on national ABS implementation.

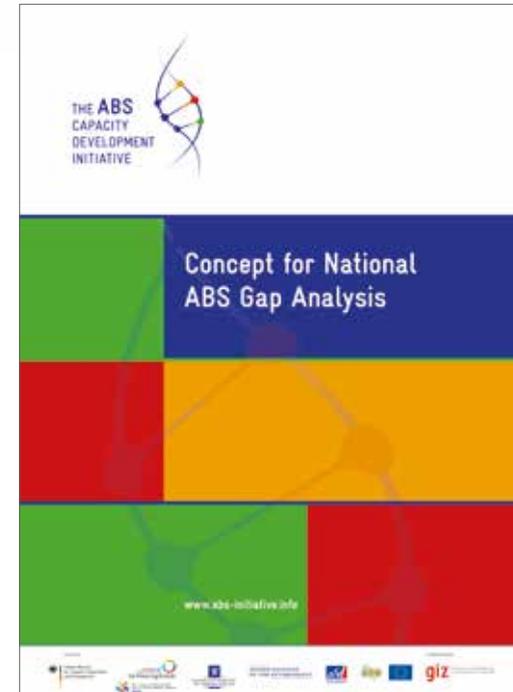
Representation of national biodiversity in the international patent system

In 2013 One World Analytics developed a methodology for analyzing patent activity involving genetic resources and traditional knowledge from specific countries. The methodology has been used for several African countries and COMIFAC (see page 34).



Country diagnostic: the Status Quo of ABS/Nagoya Protocol implementation

Starting in April 2015, the ABS Initiative conducted country diagnostics of the status quo of ABS/Nagoya Protocol implementation with on-site visits in six countries: Algeria, Benin, Kenya, Madagascar, Namibia, South Africa and Uganda. The findings are collected in a standardized reporting format and key findings are reflected on the ABS Initiative's website. The diagnostics were supplemented with desktop research to provide a basis to develop country roadmaps for national ABS implementation support.



In line with general digital progress the communication tools used by the Initiative have become more interactive over time. An example is the Initiative's interactive sector graphics, which allow users to click through a progression of specific ABS cases and learn about the impact the Nagoya Protocol made or could have made.

It is fair to say that the Initiative's weekly ABS News Digest with an audience of around 1.300 has become a globally established source of up-to-date information on ABS.

Two films produced by the ABS Initiative – the five-minute animation "ABS – Simply Explained" and the 25-minute "People, Plants & Profit" – have proved to be very useful as curtain raisers for diverse events and are widely used to give tangible introductions to ABS, especially to audiences who are new to the subject. Both films are also largely used outside of ACP countries and made available on the SCBD website.

On office walls all over African, Caribbean or Pacific countries one can still find annual ABS Initiative wall calendars meant not only for decoration but also for easily digestible information on ABS-related topics.



➤
Media coverage of the Initiative's events is an essential part of the communication approach





The ABS Initiative did not use any social media channels before 2016 because it was not yet the right time: the Initiative's network and the broader ABS audience were primarily used to on-site workshops and training courses and, in the online environment, to classic channels, such as websites and blogs. This has changed significantly in recent years, in particular among younger ABS stakeholders who are taking on more responsibility. ABS Initiative YouTube, Twitter, Flickr, and LinkedIn accounts are now online. An ABS app for mobile devices? Watch this space...

The ABS Initiative and its partners will go on with their knowledge management work and continue to offer communication tools, methods and guidance to provide the right knowledge at the right time in the right place to the right people – with a view to supporting the effective implementation of ABS.



ABS Capacity Development Initiative

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Film ABS simply explained English Version
40 views · 4 months ago

The ABS Initiative has produced a short animated video clip to explain ABS and the Nagoya Protocol within 5 minutes. It is meant to be screened as a curtain raiser at meetings, conferences and workshops - for example national ABS kick-offs - to a larger audience. Of course the video can also be forwarded to colleagues that are interested in the ABS or should get to know about it.
[Read more](#)

ABS simply explained

Twitter

ABS Initiative
Supporting the implementation of the #NagoyaProtocol on Access and #BenefitSharing (ABS) - LinkedIn: [be.ly/2t6t66c](#); YouTube: [yt.be/2t6t66c](#)
Presented on the scene (Germany) / abs-initiative.de
75 Mitglieder · Juni 2016

Tweets | **Tweets & Antworten** | **Medien**

ABS Initiative (@absinitiative) · 19. Juli
#IndigenousPeoplesRight @FIC and #NGOs launch a manual for project managers on Free Prior and Informed Consent (FPIC).
[absinitiative.com](#)

ABS Initiative (@absinitiative) · 19. Juli
#Syrta #WoodSpiral moved away from #water access #genes book available @CAROLINA_CUSAR @CBOnews @Innovate4all
[de.ly/2WUWZJ8](#)

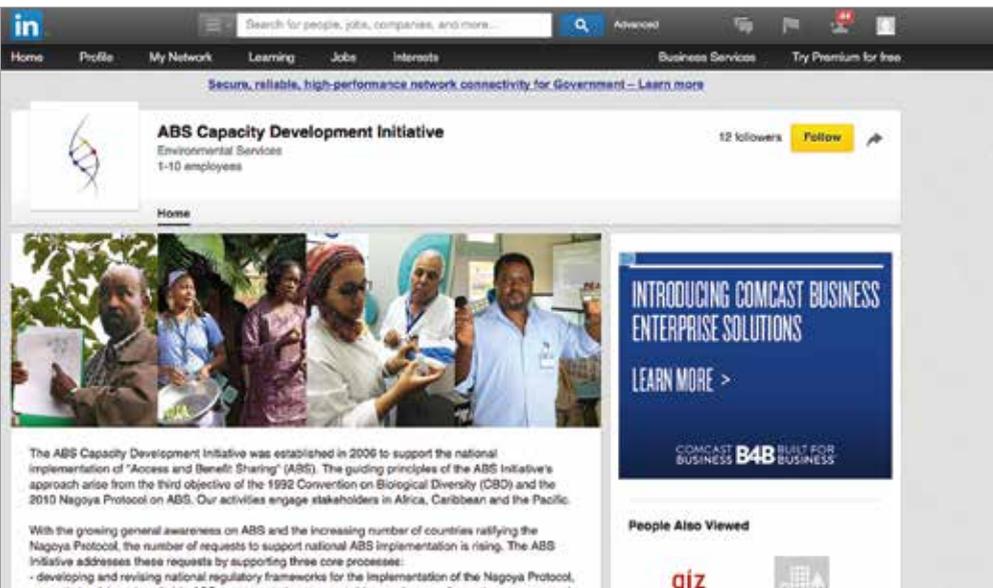
Nach dem Twitter?
#NagoyaProtocol
#ABSInitiative
#SyrtaWoodSpiral
#Innovate4all



EVENT MANAGEMENT

Over the past decade the ABS Initiative and its partners have organized a considerable number of events. In addition, team members of the Initiative were invited to attend and present on numerous occasions worldwide. Our event management team has always ensured that everyone arrives safely at the right place, at the right time. Be it from Oslo to Ouagadougou, from Frankfurt to Suva or from Windhoek to Bangalore. Visa, flights, insurance, the appropriate venue, food... they are taking care of it. It might therefore not come as a surprise that they often receive standing ovations at the end of the events. Since the adoption of the Nagoya Protocol in October 2010 the Initiative has managed

10.800 PARTICIPANT DAYS.



IMPRINT

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Suhel al-Janabi, Gino Cocchiario, Dr. Andreas Drews,
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Responsible:

Dr. Andreas Drews
ABS Capacity Development Initiative
Deutsche Gesellschaft für Internationale
Zusammenarbeit (GIZ) GmbH
Bonn and Eschborn
Dag-Hammarskjöld-Weg 1–5
65760 Eschborn
Germany
T +49 6196 79-1363
F +49 6196 79-801363
E abs-initiative@giz.de

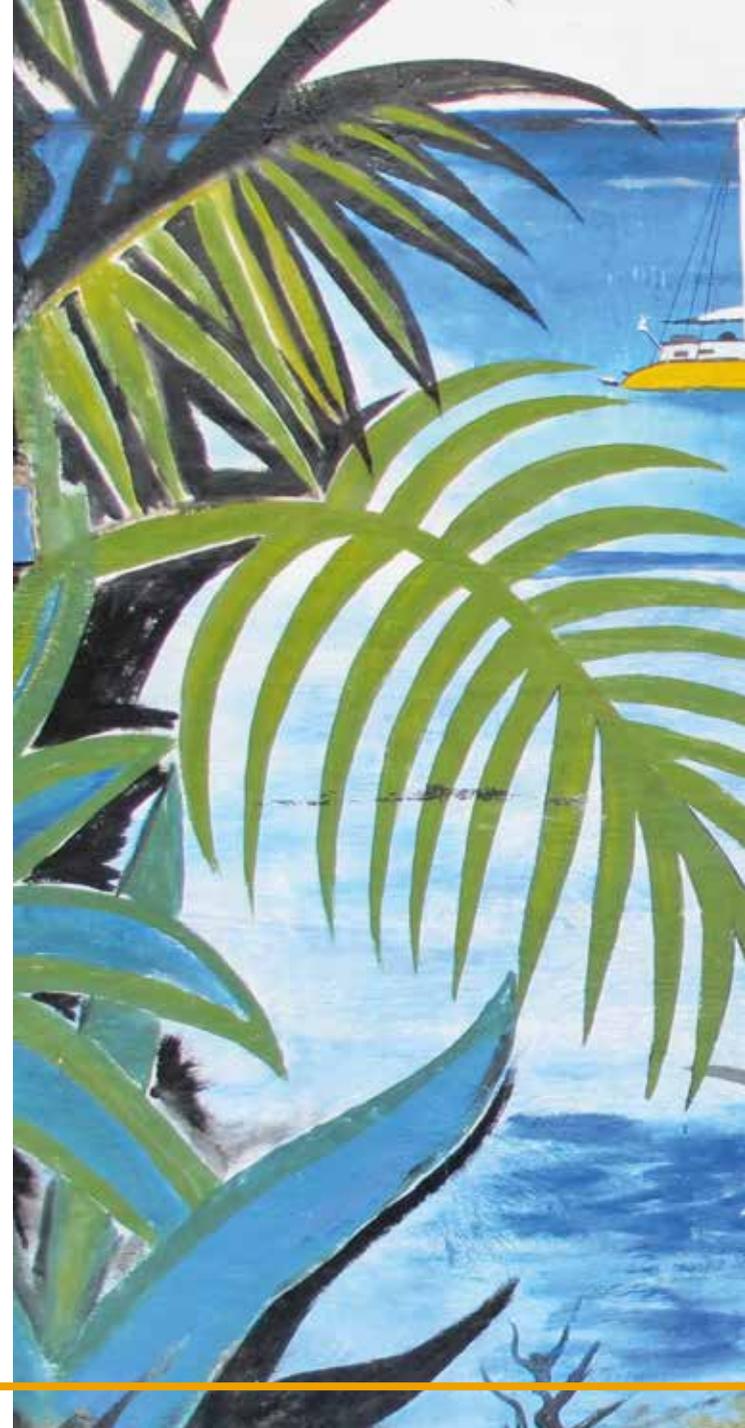
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Biodiversity International (66)
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Ensuring a healthy environment for
our kids through the three objectives
of the CBD







2006

2007

2008



THE **ABS**
CAPACITY
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