

THE **ABS**
CAPACITY
DEVELOPMENT
INITIATIVE



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'**APA**

Progress Report 2017

funded by



implemented by



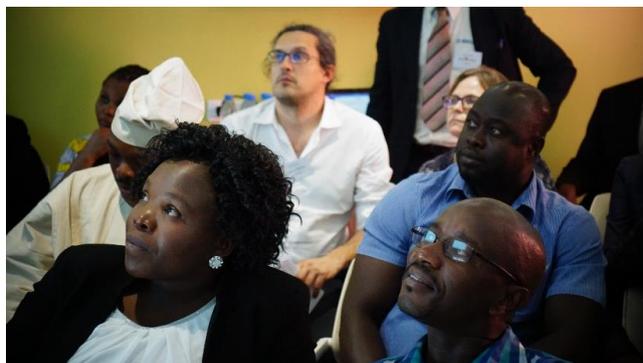




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1. Executive Summary

In 2017, the ABS Capacity Development Initiative (ABS Initiative) continued contributing to the establishment of functioning ABS agreements between providers and users and supported its partners in designing and implementing the required regulatory frameworks.

The unstable funding situation of 2015 and 2016 continued in 2017. This prompted the management of the ABS Initiative to focus operational expenditure in 2017 on supporting partner countries in the implementation of the national ABS roadmaps developed in 2015, the 10th Pan-African ABS Workshop, two regional trainings on ABS contracts for Southern and Eastern Africa, respectively, and in order to ensure experience exchange between partner and cooperation countries, organizing a limited set of workshops and trainings with co-funding of co-organizers.

As in the previous year, the Initiative provided supported to its partner countries along the three core processes of the ABS Initiative's intervention logic: **(1) national institutional and regulatory ABS frameworks, (2) effective participation of IPLCs based on BCPs or other relevant community procedures, and (3) development of ABS agreements.**

With respect to ABS frameworks, Benin adopted an interim legal framework for ABS in March 2017 which was developed in 2016 with the ABS Initiative's support. In Kenya, the Initiative commented on the drafts of two post-Nagoya ABS regulations which were presented in public consultations and further supported the establishment of a single window IT-based permitting and monitoring system which is expected to be implemented in 2018. The ABS Initiative also continued to accompany the elaboration of the interim ABS regulation in Madagascar (now adopted by Cabinet) by providing technical, strategic and legal backstopping. In Namibia, the Initiative has provided technical advice in the development of interim ABS measures and is currently providing support in the development of the regulations for the ABS Bill which was enacted in June 2017.

In recognition of the role of indigenous peoples and local communities as providers of genetic resources and associated traditional knowledge, the ABS Initiative supported the drafts of two BCPs in Benin currently under development. Through funding of the ABS Initiative, Natural Justice continued in 2017 to support developing a BCP for seven communities in Madagascar which was finalised and officially launched in December 2017. In Kenya, the process of developing a BCP by the Endorois Welfare Council in Baringo County with support of the ABS Initiative is almost finalised. The Initiative also provided technical advice which is thought to serve as a basis for political guidance regarding the legislative and regulatory process in Cameroon.

Regarding the development of ABS agreements, the ABS Initiative supported several universities and private sector companies in preparing for MAT negotiations with Kenyan government authorities. For the first time, also a monitoring visit of a provider country delegation (Cameroon) to an industrial facility (France) with respect to the commercially intended R&D of two plant species has been accompanied and advised. Together with the South African Department of Environmental Affairs the ABS Initiative has developed in 2016 a framework for further developing and analysing value chains with respect to ABS compliance. Based on this thinking, a SECO-financed sub-project of the ABS Initiative, supporting "ABS Compliant BioTrade in South(ern) Africa" has been developed and approved by SECO in 2017. Technical expertise was also sought by a German-Algerian ABS project. With support of the ABS Initiative, options for ABS collaboration and potential ABS agreements between Malagasy actors and private sector representatives were explored.

In 2017, established formats and tools developed by the ABS Initiative once again proved to have great impact on ABS capacity development:

- The **10th Pan-African ABS Workshop**, held March 2017 in Dakar, Senegal, encouraged the exchange of experiences on the national implementation of the Nagoya Protocol and peer-to-peer learning on the challenges and lessons learnt along the way among over 100 participants. The workshop also provided an opportunity for representatives of the African Group to initiate



<ul style="list-style-type: none"> Outcome: Stakeholders in partner and cooperation countries (governments, indigenous and local communities, public research organisations, private sector and NGOs) as well as regional and international organizations use the contributions of the ABS Initiative for operationalizing access to genetic resources and the fair and equitable sharing of benefits arising from their utilization. 				
<p>Outcome Indicator 1: In 4 partner countries of the ABS Initiative ABS National Focal Points / Competent National Authorities have submitted drafts to the relevant decision makers for the institutional and legal framework of ABS on the national level. Baseline: <i>3 drafts (2 pre- and 1 post-Nagoya)</i></p>				
<p>Status overview Benin: Draft interim legal framework adopted and in force Kenya: Revision process of pre-Nagoya legal framework ongoing; 2016: two draft regulations in public consultation; 2017: Establishment of a single-window IT-based permitting and monitoring system; Phase 1 concluded with a Business Requirements Document and the request by the Ministry of Environment and Natural Resources to implement the IT System in 2018 South Africa: Process of revising post-Nagoya ABS regulations based on extended consultations with key stakeholder groups ongoing, identification of key issues for amendment Uganda: No progress in implementing the road map</p>				
Overall progress in Y3 towards attaining indicator	<input checked="" type="checkbox"/> very good (almost) achieved	<input type="checkbox"/> good (on track)	<input type="checkbox"/> Problems (partially) delays in implementation	<input type="checkbox"/> Deficiencies (Risk to fail)
<p>Outcome Indicator 2: In 4 partner countries of the ABS Initiative 10 new ABS agreements have been established. Baseline: <i>no baseline</i> - Target: <i>+10 ABS agreements in 4 countries</i></p>				
<p>Status overview Benin: ABS agreement with support of ABS Initiative not yet established; preparatory process for ABS agreements started Kenya: ABS agreement with support of ABS Initiative not yet established, but involvement in development of an ABS agreement in the context of GEF/UNEP NPIF project as well as related to an access request by a French company. South Africa: ABS agreements with support of ABS Initiative established, conceptual approach to support selected value chains as well as the entire BioTrade sector at large in the context of sub-project on ABS compliant value chains developed. Uganda: ABS agreement with support of ABS Initiative not yet established; authorities were reluctant to engage in matchmaking activities with a national and a French user due to still unresolved issues in legal matters and resource sustainability.</p>				
Overall progress in Y3 towards attaining indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Outcome Indicator 3: In X partner countries of the ABS Initiative Y ABS agreements are based on “Biocultural Community Protocols (BCPs) or comparable instruments (CI) and promote the inclusion and participation of women in benefit-sharing. Baseline: <i>no baseline</i> - Target: <i>Drafts for +7 ABS agreements in 4 countries</i></p>				
<p>Status overview Benin: Facilitation of two BCP processes is ongoing; agreements based on BCPs or ‘conventions locales’ are yet to be developed Kenya: Process of developing a BCP by the Endorois Welfare Council in Baringo County almost finalized. South Africa: ABS agreement between National Khoisan Council and the South African Rooibos tea-industry; two further ABS agreements between National Khoisan Council and South African companies. Uganda: Agreements based on BCPs or CI are yet to be developed</p>				
Overall progress in Y3 towards attaining indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Table 1 – Status of achieving the outcome indicators of the ABS Initiative.



- discussions on an African common position submission for the assessment and review of the effectiveness of the Nagoya Protocol at COP 14 / COP MOP 3.
- **Two ABS contract trainings for participants from Eastern Anglophone and Southern Anglophone African countries**, held in Ethiopia and Namibia, focused on key elements of ABS contracts, relevant aspects of contract law and negotiation skills required for concluding successful ABS agreements. They furthermore provided a platform for dialogue where National Focal Points, lawyers and other representatives of relevant institutions who are likely to be involved in ABS contracts negotiations were able to discuss and share concrete experiences with ABS contracts and learn from each other.
- Within the established cooperation framework the ABS Initiative partnered also in 2017 with the **Union for Ethical Biotrade (UEBT)** in conducting the **Beauty of Sourcing with Respect' (BSR)** conference as well as related capacity building around the conference in Paris.

In 2017, the Initiative continued to make available a **wide range of publications focusing on ABS implementation in general and ABS agreements specifically** responding to the high demand for capacity development materials in partner and cooperation countries. The Initiative also worked on **knowledge management and tool development** in fields related to documenting ABS cases and best practices, understanding compliance and the ABS Clearing-House and national ABS permitting systems.

Further to the work undertaken in partner countries, the Initiative provided **ad hoc support to cooperation countries in Africa, the Caribbean and the Pacific as well as countries or projects in other regions.**

Despite visible progress in 2017, the ABS Initiative – or rather the implementation of the Nagoya Protocol - is still facing specific challenges. Due to **insufficient ABS and contract law capacities among legal experts**, countries face difficulties in the context of concluding ABS agreements. A key issue that also needs to be resolved is how to match **understaffed, insufficiently capacitated government agencies operating on the basis of new and often only partly functional ABS frameworks with the requirements from academia and the private sector.** Adding to that, a proper implementation of the Nagoya Protocol is limited through the fact that many countries with a functioning ABS system in place do not provide the relevant information on the ABS Clearing-House, making it difficult if not impossible for users to comply with ABS.

In light of the review of the effectiveness of the Nagoya Protocol in 2018, **emerging topics also urgently ought to be addressed in the context of the Protocol such as the issue of synthetic biology and digital sequence information and its relation to ABS**, which was brought to attention in particular by the African Group during CBD COP 13 / NP MOP 2.

In order to make the Nagoya Protocol fully functional with clear legislative and administrative systems established at the national level as well as functioning compliance and monitoring internationally, the continuation of targeted activities of the ABS Initiative and its partners in the coming year is unarguable necessary.

2. Background: Current status of ABS in ACP countries

Since its entry into force in October 2014, the number of parties to the Nagoya Protocol on ABS has more than doubled. 104 countries have ratified the Protocol as of 31 December 2017, and according to surveys of the CBD Secretariat (November 2017) at least 27 further countries are in the ratification process, and 30 countries are planning to ratify it. Against the background of this development, it is fair to state that the Nagoya Protocol is about to become a key environmental and economic treaty with almost global coverage.

With 80 ratifications, developing countries (according to OECD DAC classification) represent the vast majority (77%) of parties to the Protocol. This underscores the importance that the so-called 'provider countries' are attaching to the ABS mechanism.



	ACP Region			Total
	Africa	Caribbean	Pacific	
Parties	40	2	5	47
Ratified, not yet Party	1	0	0	1
Non-Party, signatory	8	1	1	10
Non-Parties	5	11	8	24
Total	54	14	14	82

Table 2 – Status of membership to the Nagoya Protocol on ABS among ACP countries (source: ABS-CH as of 31 December 2017).

It is noteworthy that in particular African countries have been quick in advancing the ratification of the Protocol, thus contributing significantly to its entry into force. Continuously supported by the ABS Initiative in its endeavours, Africa to date counts 40 out of 54 countries (i.e. 74% of all AU Member States), that are party to the Nagoya Protocol, also here there with an upward trend. This is a strong indication for Africa’s commitment as well as expectations towards ABS as an instrument to support national conservation and (sustainable) development agendas.

As table 2 shows Caribbean and Pacific countries are not that advanced yet in the ratification process. This can be attributed to “SIDS typical” human capacity challenges in administration, but is also due to the fact that – unlike in many African countries– having domestic legislation in place (on which a couple of C/P countries are busy working) is a prerequisite to accede international legal instruments.

While the African Group has managed to sustain its visibility and remains outspoken in negotiations at the international level, the actual implementation of the Nagoya Protocol at the national level remains a challenge for most countries. In the majority of countries, the development or revision of ABS legislative and regulatory frameworks is still ongoing, requiring thorough assessments of existing pieces of legislation as well as time- and resource-intensive consultation processes across a wide range of government institutions and stakeholder groups. However, as awareness of the monitoring and compliance system established by the Nagoya Protocol increases, 14 African and 1 Caribbean country (as of Jan 2018) have uploaded information on (mostly) pre-Nagoya legislative, administrative or policy measures on the ABS Clearing House (ABS-CH). The number of competent national authorities listed on the ABS-CH remains relatively low with 15 for Africa and 1 for the Caribbean. Similarly, and not surprisingly, information on ABS agreements in accordance with the Nagoya Protocol is still scarce. Only South Africa (9) and Kenya (5) – both partner countries of the ABS Initiative - have so far created first internationally recognised certificates of compliance (IRCC).

Data extracted from the Interim National Reports on the Nagoya Protocol published by the Secretariat of the CBD on the ABS Clearing House give a similar picture. The reports submitted online by 24 African countries reveal that 19 countries (79%) have taken legislative, administrative or policy measures at national level. According to these reports, all 24 countries have designated a national focal point for ABS. However, only 4 out of the 24 countries have designated checkpoints and 14 (58%) have designated a competent national authority. 75% of these countries have not yet submitted a permit or an equivalent document to the ABS Clearing House. Further information can be found in the Interim National Reports which are submitted by countries prior to the third meeting of COP-MOP, as called for under Article 29 of the Nagoya Protocol.

Such data indicate that progress is made compared to 2016, but it will still take a lot of effort, time and resources to make the Nagoya Protocol fully functional with clear legislative and administrative systems established at the national level as well as functioning compliance and monitoring internationally. In an attempt to support countries in the implementation of the Nagoya Protocol and to avoid a “race to the bottom” with regards to ABS measures in Africa, the African Union Commission developed its Strategic and Practical Guidelines for the Coordinated Implementation of the Nagoya Protocol in Africa, which were adopted by AMCEN and endorsed by the AU Assembly in 2015.



As national ABS implementation picks up speed, the interface between general ABS rules formulated under Nagoya and more sector-specific measures and practices (e.g. governing genetic resources for food and agriculture, aquatic resources, or pathogens) is increasingly emerging as an important issue. In most countries “general ABS”, deriving from the CBD and Nagoya as it does, is the responsibility of (relatively junior) environment ministries, while agricultural resources, aquatic resources and pathogens are the respective domains of the (usually more senior) agriculture, fisheries and health ministries. This necessitates long and sometimes complicated consultations between the authorities involved – a process for which many countries do not have appropriate institutional arrangements. To further complicate the picture, on-going international policy developments in all of these areas create a fluid and dynamic situation which can severely test the limits of national technical and legal capacity, sometimes resulting in legal uncertainty and/or institutional paralysis. The ABS Initiative has continued its collaboration with the African Union Commission to bring some coordination and coherence to African positions in the various international bodies.

While most ACP countries are still struggling with the development of ABS measures and the ABS-CH is waiting to be populated, ABS legislations implementing the compliance obligations under the Nagoya Protocol are being developed and will become more and more operational in the so-called ‘user countries’ (e.g. EU Member States, Norway, Switzerland). Users in these jurisdictions, interested in genetic resources and associated traditional knowledge, are now obliged to comply with ABS legislation in the ‘provider countries’ and to present evidence of PIC and MAT when utilising such materials or information. National focal points of ‘provider countries’ are therefore increasingly receiving requests from users asking for information on domestic ABS procedures – or, in some cases, even asking for confirmation of their absence, as for example the EU regulation only requires compliance with its user measures in cases where GR were obtained from Nagoya Protocol Parties that have ABS legislation in place. This shows that the Nagoya Protocol’s international mechanism of compliance and monitoring already takes effect. However, non-responsiveness by authorities and / or national focal points in ‘provider countries’ endangers the global momentum on ABS, causes frustration on the user side and has a negative effect on research cooperation. Upcoming business opportunities are thus in danger of not being realised and existing value chains contributing to biodiversity conservation, rural development and technology transfer are partly at risk because the legal status of ABS in many countries is uncertain. Action for the implementation of the Protocol is therefore urgently needed at the national level and exchange of information via the ABS Clearing House is crucial for the functioning of ABS under the Nagoya Protocol.

Of course, even in the absence of legislation and clearly defined procedures, ABS contracts for commercial and non-commercial purposes are already being negotiated in many ACP countries, both Parties and non-Parties, and with and without IPLC participation. Most of these contracts may not sufficiently or at all address the necessary contractual aspects to protect the interests of the providers of GR and/or aTK, nevertheless, the processes leading to the conclusion of these agreements generate valuable experiences that can inform the development of domestic ABS measures and raise awareness of ABS and its implications with users.

There is also, partly thanks to previous work by the ABS Initiative and its partners, a growing awareness among providers of the importance of strategic approaches to the valorisation of biodiversity and traditional knowledge. This has led to increasing demand for technical and legal support to valorisation-related work, such as value chain configuration, business planning and negotiating MAT (including critical strategic aspects such as technology transfer arrangements, intellectual property creation and management, partnership rights and responsibilities, ownership of downstream value-adding opportunities, and the commercialisation of R&D outputs). The growing demand for valorisation support has also prompted a debate among support institutions about how they can best deliver such support and while some best practices have been identified the matter is still far from resolved.

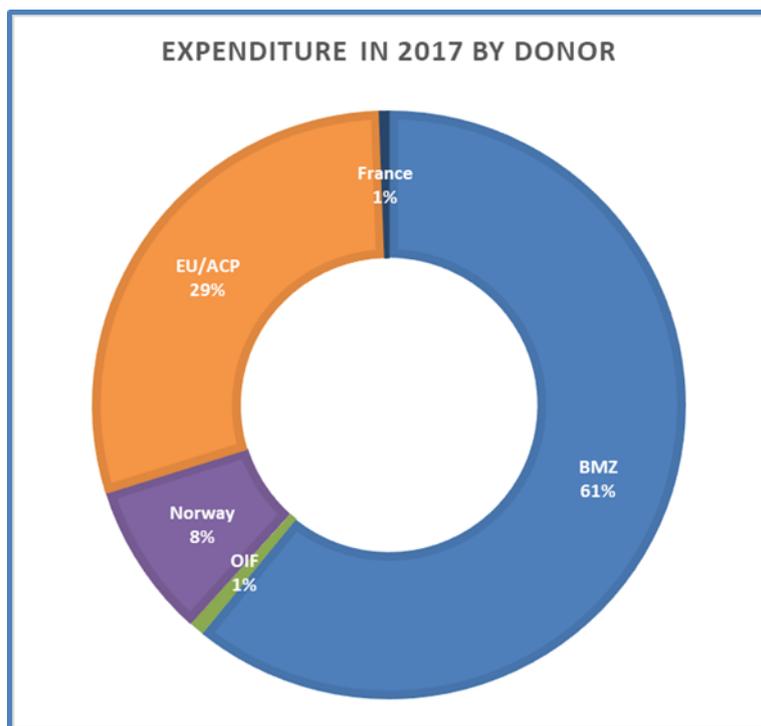


Figure 1- Donor contributions to the actual expenditure of 2,192,949 Euro in 2017.

3. Financial status and perspective

In 2015, the German Federal Ministry for Economic Cooperation and Development (**BMZ**) commissioned GIZ for another three years to implement the ABS Capacity Development Initiative (2 Mio Euro for 04/2015-03/2018). Early 2017, BMZ made an additional amount of 750,000 Euro available to the ABS Initiative for expenditure until 03/2018, allowing the Initiative to maintain a sufficient level of funding to address immediate needs for capacity development. In 2017, the necessary administrative process has been initiated to extend the current commission of BMZ for another 4 years (until 03/2022) with initially an additional amount of 2.4 Mio Euro.

A second round of funding was approved by the relevant EU bodies in December 2016 under the **11th European Development Fund (through the ACP-EU Partnership Agreement)**. After conclusion of the necessary agreements between the Commission and the ACP Secretariat a *Delegation Agreement* between the Commission and GIZ was established making 5 Mio Euro available to the ABS Initiative for expenditure until 03/2022.

The *Arrangement on Delegated Cooperation* between BMZ and the **Norwegian Ministry of Foreign Affairs (MFA)** regarding the support to the ABS Capacity Development Initiative covering 5 Mio NKR (as of December 2015 approx. 655,000 Euro) for expenditure in 2016 was signed in December 2015. Upon request, the period for expenditure was extended by MFA until 06/2017. Regrettably, in January 2018 the Norwegian Government informed the Secretariat of the ABS Initiative that currently due to shifting policy priorities no further funding support can be made available to the ABS Initiative.

OIF/IFDD again contributed 85,000 Euro to the ABS Initiative for expenditure until 03/2018 and is planning to continue its support at a similar level at least until 03/2019.

With this, the unstable funding situation of 2015 and 2016 continued in 2017. With 2,192,949 Euro total expenditure in 2017 was similar to 2016 with 2,149,837 Euro. As illustrated in Figure 1, BMZ and EU/ACP contributed in 2017 90% of the expenditure. With a view to maintain key processes and keep partnerships ongoing operational expenditure in 2017 was focused on:

- core activities – i.e. supporting partner countries in the implementation of the national ABS roadmaps developed in 2015,
- two sub-regional trainings on ABS contracts for Southern and Eastern Africa, respectively,
- workshops and trainings with co-funding of co-organizers such as:

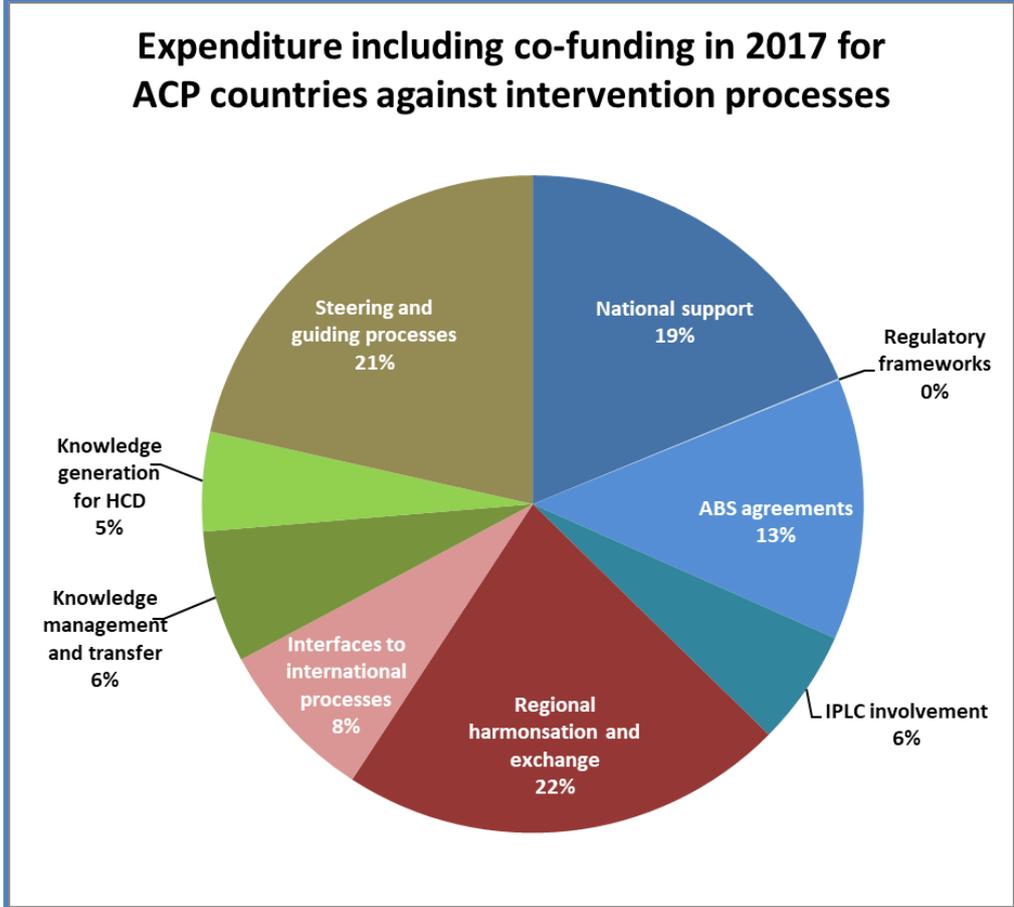


Figure 2: Expenditure including co-funding against intervention processes (for details see Annex A). In 2017 support for developing regulatory frameworks was provided exclusively through national support to CNAs and ABS NFPs.

- the yearly [Beauty of Sourcing with Respect Conference \(BSR\) of the Union for Ethical BioTrade \(UEBT\)](#) including technical dialogues sessions with the private sector where participation of African provider countries was largely co-funded by the BMZ-funded projects in the respective countries,
- the C2C exchange between African and Indian IPLC representatives to be co-funded by several potential partners.
- Knowledge management and tool development in the fields related to:
 - documenting ABS cases and best practices,
 - emerging issues relevant for ABS implementation (e.g. digital sequence information, implementation interfaces with other conventions/treaties)
 - understanding compliance and the ABS Clearinghouse
 - national ABS permitting systems

As in the year before, other expenditures under the actual work plan and budget had to be limited to the necessary minimum. With the renewed funding support from the European Development Fund support activities in the Caribbean and the Pacific could be intensified as compared to 2016.

The distribution of funds in 2017 clearly strengthened the core processes and national support:

- 38% (39% in 2016) of the expenditure directly contributed to national support to the development of institutional and regulatory frameworks, ABS agreements and IPLC involvement. i.e. the core processes of the ABS Initiative’s intervention logic. Funds were used to support partner countries in implementing the established national ABS road maps including providing funds to partners in delivery, such as the Union for Ethical BioTrade (UEBT), the Fridtjof-Nansen-Institute, Natural Justice and the University of New South Wales.
- 41% (47% in 2016) of the expenditure was directed to the auxiliary processes, such as regional harmonisation and exchange, interfaces to international processes, knowledge generation and management and the development of human capacity development (HCD) tools. The higher share in 2017 as compared to the 30% in 2015 is due to the significant number of publications



(guides, fact sheets, brochures) which was finalized and produced as well as the additional costs for participation in COP 13 /NP MOP 2 in December 2016 in Cancún, Mexico.

- 21% (16% in 2016 and 25% in 2015) of the expenditure was used for the necessary **steering and guiding processes**. The increase can largely be attributed to the finalization of the financing agreement with the EU as well as increased fund-raising efforts of the management of the ABS Initiative.

In an effort to broaden and thus improve the funding base of the ABS Initiative, the Secretariat of the Initiative engaged in further fund-raising activities:

- In mid-2016, the ABS Initiative was approached by **UNEP** to discuss whether the Initiative would be interested and willing to execute two GEF funded ABS projects in Africa. As a first step, two team members of the ABS Initiative, based on a consultancy contract with UNEP, supported the development of two Project Identification Forms (PIFs):
 - National medium-sized project for DR Congo: The PIF has been approved by the GEF and awaits now the Project Preparation Phase.
 - Regional medium-sized project in West Africa with Burkina Faso and Niger as participating countries: Although the PIF for the regional project was technically cleared, next steps are pending due budgetary allocation problems at the level of the benefitting countries.

Based on this initial experience the ABS Initiative and UNEP will explore possibilities for further collaboration.

- In late 2016, the **Swiss State Secretariat for Economic Affairs (SECO)** approached the ABS Initiative to discuss the possibility of earmarked co-funding for a project focusing on support for “ABS Compliant Biotrade in South(ern) Africa”, including support to the relevant government authorities for improving the necessary regulatory environment. The ABS Initiative submitted a concept proposal in early February 2017. The proposal was further developed in close coordination with SECO into a full project proposal under the ABS Initiative and approved by SECO in November 2017. The financing agreement, signed in December 2017 between SECO and GIZ is making 3 Mio CHF (appr. 2.5 Mio EUR) available for 3.5 years starting from February 2018.
- Discussions the Government of Canada (Environment Canada), ABS Canada – a NGO promoting Aboriginal-sensitive ABS in Canada – and the Centre for International Governance Innovation (CIGI) during a visit to Ottawa in September 2017 led to the identification of collaboration potentials:
 - Identifying, assessing and approaching Canadian users with a view to raise awareness on the Nagoya Protocol and to encourage engaging in ABS compliant sourcing.
 - South-North exchange of IPLC representatives on the national implementation of the Nagoya Protocol, e.g. by enabling Canadian Aboriginal representative to participate in future C2C exchange meetings.
 - Drawing on the specific expertise of CIGI in the field of IPR and aTK with respect to utilization of genetic resources, e.g. for advising on efficient and stringent policies (IP/TK/ABS), building up regulatory frameworks, and developing and supporting ABS contracts (see also chapter 4.4.2.3, page 39).
- An ABS briefing to **French governmental agencies** (Ministry of Foreign Affairs, Ministry of Environment, AFD, National History Museum), including an exchange on possibilities for further funding support by AFD was initiated in 2017 and will be continued in 2018.
- Based on initial contacts with the **Swedish Government** in 2016 at SBI 1 and COP/ MOP 13, discussions on co-operation with the ABS Initiative continued in 2017. During an ABS briefing at the Swedish Ministry of Environment it was agreed to explore options of occasional collaboration (e.g. advise / workshops related to concrete ABS cases with involvement of Swedish actors) as well as the possibility of a support to the ABS Initiative’s core budget.
- Through the partnership with the **University of New South Wales (UNSW)** in Sydney, Australia, parallel funding will be available as a research grant (568,796 AUD, appr. 360,000 EUR) has been awarded in 2017 to UNSW by the **Australian Research Council** for a 5-year project seeking to identify ways to protect biodiversity-related Indigenous knowledge. The project also

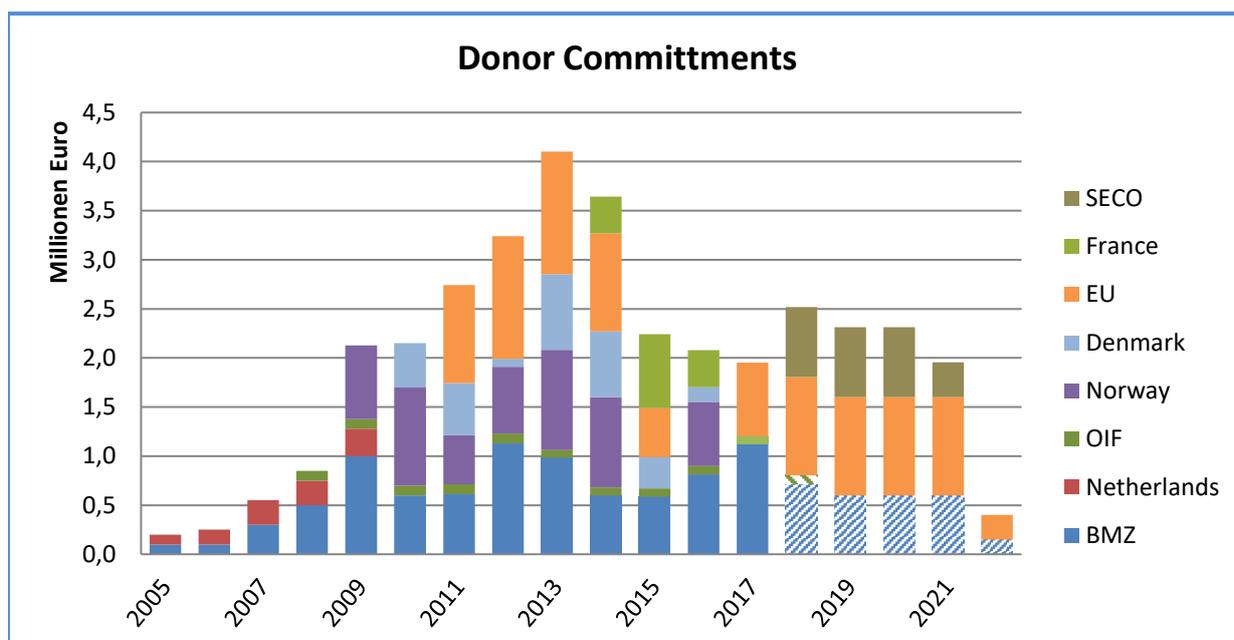


Figure 3 - Yearly funding commitments of the donors to the ABS Capacity Development Initiative since 2005. Until 2013 BMZ funds indicate the actual expenditure, from 2014 onwards estimates of minimum expenditure based on current planning cycles. Funds of other donors are included once financing agreements are signed; future commitments still lacking signed financing agreements are ruled.

aims to examine in Vanuatu, Cook Islands and Northern Australia customary laws regulating to Indigenous knowledge and bio-cultural diversity. The project will develop and test community protocols and related tools. The expected outcomes will assist custodians and other users of Indigenous knowledge to meet their obligations under the 2014 Nagoya Protocol to the Convention on Biodiversity, thus protecting and promoting Indigenous knowledge in Australia and the Pacific into the future.

Figure 3 illustrates that donor commitments to the core budget of the ABS Initiative continue to decrease despite increasing demands and requests for support. The funding commitment of the Swiss State Secretariat for Economic Affairs (SECO) from 2018 until 2021 is earmarked for support in South(ern) Africa and will be implemented as a sub-project of the ABS Initiative (for further details see below).

4. Outcomes and outputs

As outlined in the programme document, the focus of the Initiative’s activities in **Africa** is to support partner countries along the three core processes, following national ABS road maps elaborated in collaboration with the partners (see table 3). In African partner countries with GIZ-implemented partner projects, support is provided based on the respective operational planning of and upon request by the GIZ implemented project. A flexible budget is available for on-demand support to other African countries (cooperation countries).

Funding available for activities in the **Caribbean** and **Pacific** does not allow to engage in individual countries at a comparable level to the African partner countries. Therefore as general rule, support in the Caribbean will rather be delivered based on regional level activities, whereas in the Pacific due to considerably high intra-regional travel costs support will respond within the budgetary limits to specific requests from countries. In both regions, all support will be aligned as much as possible with the respective regional GEF/UNEP funded ABS projects and national GEF/UNDP funded ABS projects.

In response to the sometimes diverging understanding and interpretation of technical terms, the Steering Committee of the ABS Initiative discussed and clarified during its meeting in 2016 what should



Table 3 - Country specific work packages based on the national ABS road maps established following the country diagnostics which had been conducted by the ABS Initiative in 2015.

Work packages in African partner countries	Benin	Kenya	South Africa	Uganda
Interim ABS regulations	x			
Revision of existing ABS framework		x	x	x
Development of legal TK framework				x
Explore valorisation potentials	x	x	x	
Assess national R&D capacities	x			
ABS pilot valorisation cases	x		x	x
BCP development	x		x	
Transboundary guidelines			x	
Technical/legal trainings	x	x	x	x

be counted and what does not qualify to be counted by the outcome indicators of the ABS Initiative. For ease of reference, the relevant qualifications are provided in Annex B.

4.1 Support to African partner countries

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

Outcome Indicator 1: In 4 partner countries of the ABS Initiative ABS National Focal Points / Competent National Authorities have **submitted drafts to the relevant decision makers** for the institutional and legal framework of ABS on the national level.
Baseline: 3 drafts (2 pre- and 1 post-Nagoya)

Status overview - Outcome Indicator 1

Benin: Draft interim legal framework adopted and in force

Kenya: Revision process of pre-Nagoya legal framework ongoing:

2016: two draft regulations in public consultation

2017: Establishment of a single-window IT-based permitting and monitoring system; Phase 1 concluded with a Business Requirements Document and the request by the Ministry of Environment and Natural Resources to implement the IT System in 2018

South Africa: Process of revising post-Nagoya ABS regulations based on extended consultations with key stakeholder groups ongoing, identification of key issues for amendment

Uganda: No progress in implementing the road map

Overall progress in Y3 towards attaining indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	very good (almost) achieved	good (on track)	Problems (partially) delays in implementation	Deficiencies (Risk to fail)



Output A: Draft institutional and legal frameworks including roadmaps for ABS implementation at national and (sub-) regional level.

<p>A.1: Drafts / concepts for the institutional and legal ABS framework at national level are formulated by partner countries.</p> <p>Baseline: <i>3 drafts (2 pre- and 1 post-Nagoya)</i></p> <p>Target: <i>post-Nagoya drafts in 4 partner countries</i></p> <p>Status: 5 drafts (post-Nagoya) in 3 partner countries</p>	<p>Key activities supporting achievement of the indicator:</p> <p>Benin – Baseline: 0, Status: 2</p> <ul style="list-style-type: none"> • The interim legal framework for ABS, which was developed in 2016 with the ABS Initiative’s support, was adopted in March 2017. The national “directives” define the obligations of users and providers of genetic resources and associated traditional knowledge in the ABS process and provide templates for access demand forms and elements of mutually agreed terms. The “directives” are meant to implement the ABS systems of both the Nagoya Protocol and the ITPGRFA in a mutually supportive manner. They were therefore made legally binding by an inter-ministerial decree of the two ministries in charge (environment and agriculture). • A Competent National Authority still remains to be designated. In the meantime, its role is assumed by an ad hoc committee composed of representatives of the ministries relevant to the respective access requests, which has already started working. • Now that an interim system is in place, Benin envisages developing a fully-fledged ABS law in the coming years. <p>Kenya – Baseline: 1 (pre-Nagoya), Status: 3 (post-Nagoya)</p> <ul style="list-style-type: none"> • Kenya appointed the Competent National Authority and check points for ABS. • Due to the progress in institutional consultations and coordination after the planning workshop 2015, the idea to convene a national coordination forum was abandoned. • Instead, the Phase 1 of the establishment of a single-window IT based ABS permitting and monitoring system integrating five major institutions National Environment Management Authority, Kenya Wildlife Service, National Commission for Science, Technology and Innovation, Kenya Forest Service, and Kenya Plant Health Service was undertaken. • The Ministry of Environment and Natural Resources, backed by 20 national institutions, endorsed the results of Phase 1 and asked for the implementation of the suggested IT System • Kenyan Wildlife Service drafted two post-Nagoya ABS regulations: The Wildlife Conservation and Management (Access, Incentives and Benefits Sharing) Regulations, 2016 and the Wildlife Conservation and Management (Bio-prospecting) Regulations, 2016, which were presented in public consultations; the Initiative and Natural Justice commented on the drafts. <p>South Africa –Baseline: 1 (post-Nagoya), Status: 1 (revision of post-Nagoya)</p> <ul style="list-style-type: none"> • During the country assessments of 2015 a methodological approach has been developed to inform and support DEA in revising South Africa’s ABS laws (National Environmental Management Biodiversity Act, 2004) and regulations (Bioprospecting, Access and Benefit Sharing Amendment Regulations) to ensure they are compatible with the Nagoya Protocol, supportive of its
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	<p>new national Biodiversity Economy Strategy (BES) and efficient with respect to transaction costs.</p> <ul style="list-style-type: none"> Based on a ministerial decision the law and regulations should be amended based on a draft, to be developed by mid / end 2018. During 2017 SA authorities and stakeholders held a variety of stakeholder fora and convened meetings of the NEMBA review task team in order to identify and elaborate on elements that would require modification. The ABS Initiative has provided input and support to several of those consultations and also accompanied and advised the process at the level of the DEA. <p>Uganda –Baseline: 1 (pre-Nagoya), Status: 0</p> <ul style="list-style-type: none"> No progress on legal reform was reported
<p>A.2: Roadmaps for ABS implementation in partner countries and (sub-)regions include budget allocations Baseline: <i>1 partner country and 0 (sub-) regions</i> Target: <i>4 partner countries and 2 (sub-) regions</i> Status: 3 partner countries and 0 (sub-) regions</p>	<p>Key activities supporting achievement of the indicator:</p> <p>Benin – Baseline: 0, Status: 1</p> <ul style="list-style-type: none"> In December 2017, the Initiative provided a new, one-year local subsidy to the NGO CeSaReN (which had been foreseen to start in September, but was delayed for GIZ-internal administrative reasons). For the activities under this subsidy, a detailed work plan with budget allocations for the period September 2017 to March 2018 was developed, based on the road map that was elaborated in 2015. <p>Kenya – Baseline: 0, Status: 1</p> <ul style="list-style-type: none"> Workshop/meetings in April refined the 2015 work plan and budgets laying foundations for activities on BCPs and the IT monitoring system. Workshops/meetings in August and November 2016 specified content and procedures for implementing the IT monitoring system. Phase 1 for the establishment of the IT System convened from February to December 2017 in a highly integrative manner involving five core and up to 15 other national institutions with five technical workshops and two workshops for the CEOs of the involved institutions (May and December 2017). <p>South Africa – Baseline: 0, Status: 1</p> <ul style="list-style-type: none"> A Letter of Intent between the Initiative and the S.A. Department of Environmental Affairs has been signed, outlining potential clusters for collaboration and making reference to resource allocations to further advance the implementation of the national ABS system.. A variety of ABS stakeholder meetings such as the quarterly Bioprospecting Forum, further ABS consultations and sub national awareness raising campaigns were financed by SA government, as part of DEA / other agencies budget allocations. <p>Uganda – Baseline: 0, Status: 0</p> <ul style="list-style-type: none"> A country visit in May 2016 resulted in the development of a work plan to bring the harvest and export of <i>Prunus africana</i> bark under



	<p>an ABS contract, including an electronic identity preservation system and measures to deal with the relevant CITES restrictions.</p> <ul style="list-style-type: none"> • NEMA agreed to the <i>Prunus</i> work plan in general, but did not follow up the necessary steps for its implementation. • NEMA’s application for a GEF-UNEP ABS project was only brought to the GEF Council in late 2017, the ABS Initiative was not listed as partner any longer because the UNEP project would only be operational after the current funding phase of the ABS Initiative.
<p>A.3: The drafts/concepts in partner countries include the feedback from IPLCs as well as other relevant stakeholders. Baseline: <i>1 drafts</i> Target: <i>Concepts in 4 partner countries with feedback from stakeholders</i> Status: Concepts in 3 partner countries with feedback from stakeholders</p>	<p>Key activities supporting achievement of the indicator:</p> <p>Benin – Baseline: 0, Status: 1</p> <ul style="list-style-type: none"> • Representatives of IPLCs (traditional healers, CBOs, farmer organisations) as well as from academia and the private sector are members of the national ABS committee, which was involved in the validation and finalisation of the interim framework described above. • Benin’s interim legislation recognises the right of communities to their traditional knowledge and provides that rules stipulated in biocultural community protocols must be respected. • In the course of the community-level activities supported by the ABS Initiative, the partners piloted a community PIC & MAT for the transfer of genetic resources. <p>Kenya –Baseline: 0, Status: 1</p> <ul style="list-style-type: none"> • The ABS Initiative and its partner Natural Justice commented on the two draft ABS regulations, Natural Justice participated in the public hearings in November 2016. Based on generally negative feedback by stakeholders, the drafts have been withdrawn in 2017. <p>South Africa –Baseline: 1, Status: 1</p> <ul style="list-style-type: none"> • Representatives of IPLCs, industry, including SMEs, and academia are involved in developing ABS-related laws and regulations through direct consultations with government, the NEMA revision task force and the Bioprospecting Forum. <p>Uganda –Baseline: 0, Status: 0</p> <ul style="list-style-type: none"> • none
<p>A.4: Concepts for ABS relevant measures are developed in sectors other than the environment sector (e.g. agriculture, forest, marine, IPR, TK) Baseline: <i>1 draft</i> Target: <i>4 concepts with requirements for sectors other than environment</i> Status: 2 concepts with requirements for</p>	<p>Key activities supporting achievement of the indicator:</p> <p>Benin – Baseline: 0, Status: 1</p> <ul style="list-style-type: none"> • The national ABS Committee, which was established with the help of the Initiative, regularly gathers representatives of nine Ministries to jointly discuss ABS-related activities and planning. • The newly developed interim ABS legislation is meant to implement both the Nagoya Protocol and the ITPGRFA in a mutually supportive manner and was adopted through an inter-ministerial decree by the ministries of environment and agriculture. This process was partly supported through activities under the ongoing DFID-funded pilot project under the Darwin Initiative on mutually supportive implementation of the Nagoya Protocol and the ITPGRFA, executed by the Initiative and Bioversity International in collaboration with



<p>sectors other than environment</p>	<p>the AU Commission and the relevant ministries in Benin and Madagascar.</p> <ul style="list-style-type: none"> With the financial support of the Initiative, a process was started in 2016 to identify structures at the national, regional and local levels that are mandated to represent local communities in ABS-related matters. In a dialogue process with relevant stakeholders, appropriate structures were defined, but still remain to be implemented. Furthermore, it was decided that the <i>Association Nationale d'Accès et de Partage des Avantages</i> (ANAPA), to be established at national level, will act as IPLC competent national authority. <p>Kenya - Baseline: 0, Status: 0</p> <ul style="list-style-type: none"> no progress reported <p>South Africa – Baseline: 1, Status: 1</p> <ul style="list-style-type: none"> The South-African multi-sectoral Biodiversity Economy Strategy (BES), gazetted in October 2015, is triggering the elaboration of complementary approaches in other sectors of relevance to the BES implementation. In particularly the Department of Science and Technology (DST), having already developed a Bio-Economy Strategy and being in charge of issues related to Traditional Knowledge, as well as the Department of Trade and Industry (DTI) will play key roles: Following an intense 14 day lasting close consultation in 2016 (Biodiversity Delivery Lab), in 2017, as a cross-sectoral nationwide approach, the BioProducts Advancement Network South Africa (BioPANZA) has been established. BioPANZA is launched at the South African Biodiversity Economy Indaba, focussing on national and international Investments in Biodiversity in March 2018. <p>Uganda – Baseline: 0, Status: 0</p> <ul style="list-style-type: none"> No progress reported
<p>A.5: 4 new or updated strategy papers and/or guidelines for a coherent implementation of ABS at a (sub-) regional level are available.</p> <p>Baseline: 1 strategy papers and/or guidelines</p> <p>Target: 4 strategy papers and/or guidelines</p> <p>Status: 3 strategy papers and/or guidelines</p>	<p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> AU ABS Guidelines endorsed by the AU Executive Council in June 2015. Print and dissemination of the Guidelines with AUC in 2016. In 2015, the CARICOM Secretariat prepared a regional framework for ABS capacity development integrating recommendations of the regional ABS workshops co-organised with the ABS Initiative since 2012; adoption of the framework by the Council for Trade and Economic Development (COTED) was not possible until the end of 2017 because meetings did not take place resp. could not take decisions due to the low attendance of Member States. The ABS Initiative took part in workshops of the CGIAR Centers to discuss ABS issues and institutional approaches as well as commented on draft ABS Guidelines for the CGIAR Centers The ABS Initiative supported ILRI and the Center for Tropical Livestock Genomics and Health in establishing ABS compliance approaches in accessing African animal GR and utilising them in the EU. In October 2017, ILRI's Institutional Research Ethics Committee adopted an ABS protocol that needs to be followed by all ILRI



	researchers when accessing GR and aTK. The protocol is to be developed into institutional guidelines in 2018.
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Outcome Indicator 2: In 4 partner countries of the ABS Initiative 10 new ABS agreements have been established.

Baseline: *no baseline* - Target: *+10 ABS agreements in 4 countries*

Status overview - Outcome Indicator 4

Benin: ABS agreement with support of ABS Initiative not yet established; preparatory process for ABS agreements started.

Kenya: ABS agreement with support of ABS Initiative not yet established, but involvement in development of an ABS agreement in the context of GEF/UNEP NPIF project as well as related to an access request by a French company.

South Africa: ABS agreements with support of ABS Initiative established, conceptual approach to support selected value chains as well as the entire BioTrade sector at large in the context of sub-project on ABS compliant value chains developed.

Uganda: ABS agreement with support of ABS Initiative not yet established; authorities were reluctant to engage in matchmaking activities with a national and a French user due to still unresolved issues in legal matters and resource sustainability.

Overall progress in Y2 towards attaining indicator	<input type="checkbox"/> very good (almost) achieved	<input checked="" type="checkbox"/> good (on track)	<input type="checkbox"/> Problems (partially) delays in implementation	<input type="checkbox"/> Deficiencies (Risk to fail)
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Output B: Draft ABS agreements with users of the public research and private sector.

<p>B.1: The development of 10 new ABS agreements with users from public research and/ or the private sector have been initiated.</p> <p>Baseline: <i>no baseline</i> Target: <i>+10 new ABS agreements</i> Status: 4 new ABS agreements initiated</p>	<p>Key activities supporting achievement of the indicator:</p> <p>Benin – Baseline: na, Status: +0</p> <ul style="list-style-type: none"> • With the financial support of the ABS Initiative and in collaboration with the ABS Focal Point, CeSaReN has been conducting capacity building activities among researchers in Benin about how to obtain access permits in line with the interim framework. The aim of these activities is to make their partnerships with other (research) institutions and with communities ABS-compliant. Two participants of these activities have subsequently filed access demands that are currently being assessed by the relevant ministries. In addition, the authorities report to be working on two more access requests from foreign users. • The ABS Initiative supported mutual understanding of users and providers, and facilitated matchmaking between industry and provider countries (incl. 3 participants from Benin) on the occasion of the jointly organized UEBT conference “The Beauty of Sourcing with Respect” and accompanying events in 2015, 2016 and 2017. <p>Kenya –Baseline: na, Status: +3</p> <ul style="list-style-type: none"> • The ABS Initiative analysed and commented on an ABS agreement between Kenyan providers and users from the public and private sector in the context of the UNEP/GEF-NPIF Project.
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- The ABS Initiative supported mutual understanding of users and providers, and facilitated matchmaking between industry and provider countries (incl. 2 participants from Kenya) in the framework of the jointly organized UEBT conference “The Beauty of Sourcing with Respect” and accompanying events in 2017. On this occasion, an information exchange and mutual learning between the Kenyan and Cameroonian delegation and a private sector representative concerning the value chain *Mondia* took place.
- The ABS Initiative supported a Kenyan SME in preparing for MAT negotiations with government authorities.
- The ABS Initiative supported two German universities during their MAT negotiations with government authorities, one of the MAT negotiations is facing conclusion, the other was stopped because the GR was accessed in a country without ABS framework.
- The ABS Initiative supported a French company in preparing for MAT negotiations, which will take place in early 2018.

South Africa– Baseline: na, Status: +1

- The 2015 country assessment resulted in a report investigating the capacity to enter into ABS agreements, the identification of valorisation opportunities and value chain development in South Africa in light of supporting the Biodiversity Economy Strategy (BES)
- Based on the agreed roadmap with DEA, the ABS Initiative, through its partner PhytoTrade Africa supported the development of a concept on how industry best practices can be harnessed to simplify ABS permitting and compliance procedures. The resulting “certification after one point” concept was presented to the Bioprospecting Industry Forum in 2017 and received – as an approach to make the SA ABS system more practical – broad support from basically all SA stakeholders, including IPLC.
- In 2016, the Initiative and DEA agreed to collaborate on a limited number (3-5) concrete ABS value chain "pilot cases", with the dual aim of: a) demonstrating through "proof of principle" that ABS can contribute to both economic development and biodiversity conservation; and b) documenting practical ABS lessons that can feed into the amendment of ABS laws and regulations. With a view to scaling up this approach with capacity building and financial support components for the benefit of the national and regional BioTrade sector, the ABS Initiative developed the sub-project “ABS compliant BioTrade in Southern Africa” which was approved by SECO for co-financing in December 2017.
- The ABS Initiative supported discussions between a South African company, Parceval (Pty) Ltd, and a group of traditional herbal practitioners, the Cape Bush Doctors, regarding their potential collaboration with a large commercial partner based in Germany who was interested in doing R&D on GR that Parceval could supply, with the Cape Bush Doctors sharing in the benefits as holders of aTK. Since the research was long-term and uncertain to yield commercial benefits an agreement was reached that Parceval would submit an application for an ABS permit to supply the German user, who would make an upfront payment to the Cape Bush Doctors to sustain their institutional momentum and support further work with their members on sustainable harvesting and



	<p>conservation of indigenous medicinal plants, as well as the conservation of indigenous knowledge.</p> <ul style="list-style-type: none"> At international level the ABS Initiative supported mutual understanding of users and providers, and facilitated matchmaking between industry and provider countries (incl. South Africa) in the framework of the jointly organized UEFT conference “The Beauty of Sourcing with Respect” and accompanying events in 2015, 2016 and 2017. In the last year’s conference a business focus on navigating the SA ABS regulations was set. <p>Uganda – Baseline: na, Status: +0</p> <ul style="list-style-type: none"> The ABS Initiative supported mutual understanding of users and providers, and facilitated matchmaking between industry and provider countries (incl. 2 participants from Uganda) in the framework of the jointly organized UEFT conference “The Beauty of Sourcing with Respect” and accompanying events. The ABS Initiative established relations to an Ugandan SME organising the <i>Prunus africana</i> harvest and export , but MAT negotiations were not started. The ABS Initiative supported a French company in preparing for MAT negotiations.
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Outcome Indicator 3: In 4 partner countries of the ABS Initiative 6 ABS agreements are based on Biocultural Community Protocols (BCPs) or comparable instruments (CI) and promote the inclusion and participation of women in benefit-sharing.
 Baseline: *no baseline* - Target: *Drafts for +7 ABS agreements in 4 countries*

Status overview - Outcome Indicator 3				
Benin: Facilitation of two BCP processes is almost finalised; agreements based on BCPs or ‘conventions locales’ are yet to be developed				
Kenya: Process of developing a BCP by the Endorois Welfare Council in Baringo County almost finalized.				
South Africa: ABS agreement between National Khoisan Council and the South African Rooibos tea-industry; two further ABS agreements between National Khoisan Council and South African companies.				
Uganda: Agreements based on BCPs or CI are yet to be developed				
Overall progress in Y2 towards attaining indicator	<input type="checkbox"/> very good <i>(almost) achieved</i>	<input type="checkbox"/> good <i>(on track)</i>	<input type="checkbox"/> Problems <i>(partially) delays</i> <i>in implementation</i>	<input type="checkbox"/> Deficiencies <i>(Risk to fail)</i>

Output C: Biocultural Community Protocols (BCPs) or comparable instruments as basis for the negotiation of ABS agreements involving IPLCs.

<p>C.1: In 4 partner countries 6 IPLCs have developed BCPs or similar instruments as basis for the negotiation of ABS agreements. Baseline: <i>no baseline</i></p>	<p>Key activities supporting achievement of the indicator:</p> <p>Benin – Baseline: na, Status Benin: + 0</p> <ul style="list-style-type: none"> With the support of the Initiative and Natural Justice, the local NGO CeSaReN continued facilitating a thorough BCP process around two sacred forests in the Ouémé region. In 2017, the data collection and
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<p>Target: 6 new BCPs in 4 countries for 6 IPLCs</p> <p>Status: 2 new BCPs in 2 partner countries for 2 IPLCs</p>	<p>identification of the contents of the BCP have been finalised, the drafts of two BCPs are currently under development.</p> <ul style="list-style-type: none"> • With technical and financial support of the ABS Initiative and the partners to the Darwin Initiative project mentioned above, additional activities were conducted to integrate aspects on access to and exchange of plant genetic resources for food and agriculture in the BCPs. In that context, local landraces were exchanged with another community in Benin based on a newly developed “community PIC and MAT”. <p>Kenya – Baseline: na, Status: +1</p> <ul style="list-style-type: none"> • The ABS Initiative supported the Endorois Welfare Council in Baringo County/Rift Valley through technical support by Natural Justice in developing a biocultural community protocol on ABS and finally integrating it into the legally binding biodiversity management plan of the Lake Baringo region. The final validation workshop of the BCP is planned for February 2018. <p>South Africa – Baseline: na, Status: +1</p> <ul style="list-style-type: none"> • In the course of the country diagnostics approaches of scaling up the experiences of the two functioning BCPs (with respect to ABS relevant features) were considered. • Funded by the ABS Initiative Natural Justice supported the National Khoisan Council (NKS) to finalise in 2016 after 3 years of negotiations a rooibos tea-industry wide ABS agreement. The negotiations were accompanied by trainings for the rooibos farming communities in the Cedarburg belt on the Nagoya Protocol and the respective South African national legislation. Furthermore, NKS is supported to develop benefit-sharing mechanisms for this as well as other upcoming ABS agreements. • Furthermore, Natural Justice supported in 2017 the conclusion of two additional ABS agreements of the NKS with Parceval Pty on three plant species and with VMR Organics International Pty on Hoodia. Both companies will now proceed with their permitting application. <p>Uganda – Baseline: na, Status: +0</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • The ABS Initiative was invited to collaborate with the World Bank-funded Pharm-Biotechnology and Traditional Medicine Centre (PHARMBIOTRACK) at the Mbarara University of Science and Technology (MUST). Due to the low interest of the authorities to implement the work plan, the cooperation with PHARMBIOTRACK was not started as the only activity of the ABS Initiative in Uganda considering the financial situation in 2017.
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4.2 Support to African countries with GIZ implemented projects addressing ABS

This section gives an overview of ABS related processes and achievements in countries supported by German DC projects. Since the ABS Initiative is acting as “service provider” to partner countries with



GIZ implemented projects addressing ABS, progress made is reported against **ABS-relevant outcome and output indicators (deliverables)**, where available, and as defined by the GIZ implemented projects (Algeria, the COMIFAC region, Madagascar, Morocco and Namibia¹).

ALGERIA	
Project title: Environmental Governance and Biodiversity Programme (GENBI)	
Project duration: 08/2014-01/2018	
<p>Outcome Indicator The income generated from a selected product chain on the basis of the ABS principles recognised under the CBD has increased for the involved stakeholders - which include x % of women - to z % of the original income. <u>Baseline:</u> x (determination of the baseline for product chain and proportion of women) occurs 6 months after project start) <u>Target value:</u> income increased by z%, x% women are involved in the value chain. Status:</p>	
<p>Output 1: Ministry of Environment, Min. of Agriculture / Forestry Ministry and relevant research sponsors use 2 instruments in a coordinated way to promote applied participatory research or R&D in the field of (agro-)biodiversity (e.g. exchange and matchmaking events, promotion of international research partnerships, promotion of partnerships in industry, research and civil society. <u>Baseline:</u> 0 <u>Target:</u> 2</p>	<p>The following activities are supporting the achievement of output indicator 1:</p> <ul style="list-style-type: none"> • In 2015 and 2016, the ABS Initiative supported GENBI in capacity-building and awareness-raising activities on ABS, by e.g. undertaking an analysis of relevant R&D actors and key research areas in Algeria and organizing a national workshop on ABS and the valorization of GR and aTK. • The ABS Initiative supported mutual understanding of users and providers, and facilitated matchmaking between industry and provider countries (incl. Algeria) in the framework of the annual UEFT conference “The Beauty of Sourcing with Respect” and the respective jointly organized ABS Dialogue between users and providers that is taking place back-to-back with the UEFT conference.
<p>Output 2: The potential value –added of biodiversity while ensuring equitable access and equitable use of biological and genetic resources is analysed for 3 product chains <u>Baseline:</u> 0 <u>Target:</u> 3</p>	<p>The following activities are supporting the achievement of output indicator 2:</p> <ul style="list-style-type: none"> • In 2015 and 2016, the ABS Initiative supported GENBI in capacity-building and awareness-raising activities on ABS, among others by identifying valorisation opportunities and informing the development of ABS compliant value chains in Algeria. The Initiative also facilitated exchanges between Algerian stakeholders and private sector at CBD COP 12 / NP MOP 2 with a view to kicking off ABS compliant supply chains based on Algerian genetic resources. • In 2017, the ABS Initiative supported GENBI in facilitating a German-Algerian research project between the Bavarian Office for Forest Seeding

¹ The numbering of the indicators related to the respective GIZ projects does not necessarily follow the numbering in the project documents. Information is provided in an aggregated manner. ABS Initiative’s support activities may contribute to more than one outcome / output.



	<p>and Planting and the Directorate General of Forests under the Algerian Ministry of Agriculture, Rural Development and Fisheries concerning the suitability for cultivation of provenances of the Algerian Atlas cedar in Germany. The Initiative provided technical advice on the framework agreement for a technical and scientific partnership.</p>
<p>Output 3: Preparatory documents to the Conference of the Parties of the CBD and the meetings of subsidiary bodies (current state of affairs, explanations of conference documents, compiled national experiences concerning protection, sustainable use and assessment of biodiversity and the implementation of the Nagoya Protocol) are made available to the responsible political representatives (in particular Focal Points) <u>Baseline:</u> (Determining the baseline takes place 6 months after project start) <u>Target:</u> Documents for selected meetings of the CBD (is specified with the partners approx. 6 months after project start)</p>	<p>The following activities are supporting the achievement of output indicator 3:</p> <ul style="list-style-type: none"> • No ABS Initiative support in 2017
<p>Further information / comments:</p> <ul style="list-style-type: none"> • In November 2016, experts of the ABS Initiative provided substantial input at a kick-off meeting of a national GEF/UNDP ABS project which focuses its support on the development of the national regulatory framework, interfacing closely with the GENBI project. 	

COMIFAC
<p>Project title: Implementation of the Access and Benefit Sharing (ABS) process in the COMIFAC member countries</p>
<p>Project duration: 05/2014 – 04/2018</p>
<p>Outcome Indicator 1 The number of COMIFAC member countries that have ratified the Nagoya Protocol increases by 5 to 7. <u>Baseline:</u> 2 COMIFAC member countries have ratified the Nagoya Protocol and 7 have signed. <u>Target:</u> 7 COMIFAC member countries have ratified the Nagoya Protocol. Status: 8 COMIFAC member countries have ratified the Nagoya Protocol.</p>
<ul style="list-style-type: none"> • Regional and international activities with active implication of the ABS Initiative helped to keep up the political will necessary for a timely ratification of the NP by COMIFAC member countries. Currently, eight COMIFAC member countries (Burundi, Cameroon, Chad, DR Congo, Gabon, Republic of Congo, Rwanda, and Sao Tomé and Príncipe) have acceded to or ratified the Nagoya Protocol.



Outcome Indicator 2

COMIFAC **guidelines for national implementation** of the Protocol are applied in 3 COMIFAC countries.

Baseline: A regional ABS strategy exists, but there are no regional guidelines.

Target: Regional guidelines will be implemented in 3 countries.

Status: No regional guidelines exist.

- In 2016 COMIFAC decided at the political level not to elaborate regional ABS guidelines. With the replacement of the COMIFAC Executive Secretariat statutory staff in January 2017, this decision has been questioned once more and it is currently being discussed whether regional ABS guidelines might nevertheless be developed. Currently, four countries (Cameroon, Gabon, Burundi and the Republic of Congo) have translated the regional COMIFAC ABS strategy into national ABS strategies. The former operational shortcomings of the regional GIZ ABS project have been overcome for the most part but support from the ABS Initiative has only been requested for the elaboration of the annual progress report of the regional GIZ project and for the elaboration of a model research collaboration agreement.
- With regards to the development of ABS regulations, the Cameroonian Minister for Environment announced during CBD COP in Mexico in late 2016, that instead of further pursuing the adoption of the already advanced interim decree, Cameroon will start the development of a specific ABS law in 2017. In late 2017 an international consultant in this regard has been contracted by UNDP and the work is still ongoing. Unfortunately, the process seems not to be set up in a participatory manner, which might lead to problems further down the road. Financed by the national GIZ project ProPFE, the co-manager of the Initiative conducted a mission to Cameroon laying out different implementation options of ABS in Cameroon, that are thought to serve as a basis for defining political guidance for the ongoing elaboration of a draft ABS law for Cameroon. Currently it is not possible to foresee whether the given guidance will be incorporated into the process or not. If requested by the GIZ projects, the ABS Initiative will provide strategic and legal backstopping during this process.
- With support of the regional COMIFAC ABS project of UNEP/GEF, two ministerial decrees regarding the creation of an inter-ministerial ABS-committee and regarding the national measures for access to GR in the Republic of Congo have been validated on the technical level. Support of the ABS Initiative has not been requested.

Outcome Indicator 3:

In 8 countries the **identified key players in the ABS process**, including representatives of civil society, are **informed** regarding their participatory opportunities in shaping the political, legal and administrative **ABS processes**.

Baseline: Analysis of key players and relevant awareness raising activities have so far only taken place in 2 countries (Gabon and Cameroon).

Target: In 8 countries the ABS stakeholder landscape is identified, and awareness-raising activities have occurred.

Status: In 3 countries the ABS stakeholder landscape is identified, and awareness-raising activities have occurred.

- During the 2015 strategic planning workshop for the COMIFAC ABS project by GIZ, the elaboration of a draft stakeholder map for the entire COMIFAC region was supported and served as a tool for the strategic planning. At national level, by 2017, five countries have elaborated stakeholder maps (Burundi, Cameroon, DR Congo, Gabon, and the Republic of Congo) while Sao Tomé and Príncipe has planned to finalize its stakeholder mapping in early 2018. As of beginning 2018 a total of 16 awareness-raising activities have been supported by the regional GIZ project that reached approximately 600 relevant actors and informed them about the respective ABS processes in the different countries and about their participatory opportunities in shaping the political, legal and administrative ABS processes.

**Outcome Indicator 4:**

3 exemplary **value chains of genetic / biological resources** or the evaluation of the commercial potential of biological resources (bioprospecting), including considerations of benefit-sharing for indigenous peoples and local communities as well as women, **are based on rules and regulations relevant for ABS.**

Baseline: 0 value chains and 0 bioprospecting projects are ABS-compliant.

Target: In 3 of the value chains or bioprospecting activities exemplary for the region, ABS-compliant agreements have been concluded (done in the first progress report).

Status: 1 value chain (*Echinops giganteus*) is based on an ABS compliant agreement.

- The negotiation and signature of the first Cameroonian ABS-agreement (*Echinops giganteus*) was facilitated through the ABS Initiative in 2015. In 2016, the research MAT for a second Cameroonian ABS-agreement (*Mondia whitei*) was supported from distance by the ABS Initiative. Until now, the commercialization MAT for *Mondia* has not been signed.
- At an international level, the ABS Initiative supported mutual understanding of users and providers and facilitated matchmaking between industry and provider countries in the framework of the annual UEBT conference “The Beauty of Sourcing with Respect” in 2017 (3 participants from Cameroon, 2 participants from Gabon and the respective jointly organized ABS dialogue between users and providers that is taking place back-to-back with the UEBT conference. On this occasion, an information exchange and mutual learning between the Kenyan and Cameroonian delegation and a private sector representative concerning the value chain *Mondia* took place.

Further information / comments:

- While the GIZ projects in Algeria, Madagascar, Morocco and Namibia have individual components oriented towards ABS, the COMIFAC-project is entirely oriented towards ABS. Reporting against all relevant output indicators would thus go too much into details and, since the project has not yet defined output indicators, is currently impossible to do. Reporting against the outcome indicators thus provides all information necessary to measure the contribution of the ABS Initiative’s work to the project indicators in the COMIFAC region.
- Due to reasons independent of the ABS Initiative, the COMIFAC ABS project by GIZ has until early 2017 not been fully operational. The support for the project’s implementation through the ABS Initiative has thus been and still is punctual and oriented towards specific needs by the project and its partners (e.g. strategic planning, support to a specific value chain, progress report 2016 and 2017). While the GIZ project management has indicated that support from the ABS Initiative will be requested more substantially from early 2018 onwards, it remains to be seen whether this will also be implemented. In March 2018 an appraisal mission for the new phase of the regional GIZ project will be conducted with support of experts of the ABS Initiative. It is possible that a potential new set-up of the regional project will help to overcome the pertaining challenges of collaboration between the GIZ project and the ABS Initiative. Nevertheless and until now, the Initiative’s activities on a regional and international level have continuously included representatives from COMIFAC member countries (see above) and thus contributed to the overall advancement of ABS in these countries.
- In 2017 the ABS Initiative has commenced also technical collaboration with the national GIZ project in Cameroon ProPFE, mainly providing advice on political, technical and institutional implementation options of the Nagoya protocol. For 2018 a more comprehensive work package is foreseen, covering inter alia an assessment of the economic potential of ABS for Cameroon and the support to developing value chains with R&D components in compliance with ABS.



MADAGASCAR	
Project title: Environmental Management Support Programme (PAGE)	
Project duration: 2015 – 2020	
<p>Outcome Indicator</p> <p>The income of YY participating households from 5 climate-sensitive value chains based on the use of biological / genetic resources (including wood and non-wood products, agriculture, ecotourism) in the three intervention areas in and around selected protected areas (and natural forests with transferred rights of use) has increased to YY% of total income (underlying Z in 2015).</p> <p><u>Baseline (2015):</u> 0 value chains implemented, number XX of participating households, the level and composition of the total income at household level (baseline ZZ in 2015) will take place in the areas of intervention by representative survey 6 months after the project start</p> <p><u>Target:</u> 5 value chains lead to an increase of YY % of the total income in XX households (baseline 2015)</p> <p>Status:</p>	
<p>Output 1:</p> <p>The contractual terms for the use of Malagasy genetic resources in two value chains in two intervention areas are jointly agreed on with relevant local and national stakeholders, universities, research institutions and the private sector in compliance with the recognized ABS principles under the CBD / Nagoya Protocol.</p> <p><u>Baseline (2015):</u> 0 value chains in the intervention areas</p> <p><u>Target (2016):</u> contractual terms for 2 product chains in 2 intervention areas.</p>	<p>Following activities are supporting achievement of output indicator 1:</p> <ul style="list-style-type: none"> • In 2015, a study on the scientific landscape for ABS in Madagascar was published by the ABS Initiative and presented to Malagasy stakeholders in the framework of the country diagnostic. In addition a report was developed to support the valorisation of genetic resources and to inform the development of national ABS frameworks in Madagascar in 2016. • In order to increase capacities with respect to R&D processes, value chain development based on genetic resources and ABS compliance, the ABS Initiative conducted two training sessions in April 2016, one for Malagasy regulators and one for actors in potential value chains, including IPLCs, research and private sector. • The ABS Initiative supported mutual understanding of users and providers, and facilitated discussions between industry and provider countries (incl. Madagascar) in the framework of the jointly organized UEBT conference “The Beauty of Sourcing with Respect” and accompanying events in 2015, 2016 and 2017 The meeting provided an occasion for talks among Malagasy actors and private sector representatives. In particular bilateral exchanges with cosmetic / body care industry, and initial steps of negotiating ABS permits / agreements were accompanied technically and legally by the ABS initiative. • Natural Justice continued in 2017 to support developing a BCP for seven communities in the Boeny region, framing the essential oil supply chain development including <i>Cinnamosma fragrans</i>. The BCP was finalised and officially launched in November 2017 and has received the signature of all relevant administrative authorities at regional, communal and local level.
<p>Output 2:</p> <p>National planning and / or regulation instruments in the sectors Forest and</p>	<p>Following activities are supporting achievement of output indicator 2:</p> <ul style="list-style-type: none"> • Like Benin, Madagascar is participating in the project on mutually supportive implementation of the Nagoya Protocol and the ITPGRFA, funded by the Darwin Initiative and run by



<p>Environment / Biodiversity (e.g. national REDD + / FLEGT / ABS strategies, draft laws / decrees, ABS interim standards), coordinated among relevant stakeholders of various sectors (forest, environment, mining, energy, agriculture) at national and regional level are developed. <u>Baseline 2015: 0</u> <u>Target 2016: 4</u></p>	<p>Bioversity International and the ABS Initiative in collaboration with partners from the two countries and with the secretariats of the two treaties. In the context of that project, and with additional financial and technical support of the ABS Initiative through Natural Justice, two BCPs have been developed in two Malagasy communities (Analavory and Ampangalatsary) that include specific aspects regarding plant genetic resources for food and agriculture and farmers rights. Both BCPs are available in draft in Malagasy and French and await to be finalised and adopted by the communities by February 2018.</p> <ul style="list-style-type: none"> In 2017, the ABS Initiative continued to accompany the elaboration of the interim ABS regulation by providing technical, strategic and legal backstopping to the inter-ministerial committee responsible for overseeing the process. The ABS decree has been adopted by the Cabinet and the Initiative has been requested to continue to provide support towards the development of “textes d’application” to guide the proper implementation of the Decree. The Initiative was again requested to participate and provide provided technical briefings in two meetings of the committee in 2015 and one meeting held 2016. The aim was to assist the committee’s discussions on technical issues that have arisen in the process of the work on the draft regulation.
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<p>Further information / comments:</p> <ul style="list-style-type: none"> Madagascar is at an advanced stage in the elaboration of ABS interim regulation in the form of a decree (adoption by cabinet). The interim regulation is meant to provide a workable framework to regulate ABS until a full-fledged ABS legislation is elaborated, validated and in force (a process which can take up to five years to complete). Further to the work on the decree progress has been made in the following aspects relevant for the NP implementation: draft access demand form, definition of elements for the protection of TK including through BCPs, access provisions/ modalities for commercial and non-commercial research, roles and responsibilities for the competent national authority and other institutional functions. In late 2017 GIZ PAGE and the ABS initiative started defining a larger support package for 2018/19 covering (a) the legal framework and implementation tools, (b) partnerships with the private sector, (c) Biocultural Community Protocols, and d) capacity building of key stakeholder groups.
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MOROCCO	
Project title: Environmental and Climate Governance in Morocco (ProGEC)	
Project duration: 01/2016 – 12/2018	
<p>Outcome 4 A national platform has been set up to coordinate the implementation of the valorization strategy for genetic resources on the basis of the Nagoya Protocol Baseline: 0 Target: 1 coordination platform</p>	
Output D: First elements of the Nagoya Protocol have been implemented.	
Output D.1	Following activities are supporting achievement of output indicator D.1:



<p>A national strategy for the valorization of genetic resources based on the requirements of the Nagoya Protocol has been submitted to the responsible institutions for decision</p> <p>Baseline: 0 Target: 1 strategy for the valorization of genetic resources</p>	<ul style="list-style-type: none"> • In 2015 the ABS Initiative co-organized a community-to-community exchange on ABS, TK and related issues for IPLC representatives and TK holders from Africa (incl. Morocco), India and Central Asia which provided the foundation for several international partnerships and initiatives for TK documentation, protection and valorisation. • In October 2016, the ABS Initiative co-organized together with WIPO, ACCN and MEMEE in Marrakech an African francophone multi-stakeholder workshop on the interface between the Nagoya Protocol, Traditional Knowledge aspects and intellectual property rights. Staff and partners of ACCN and Moroccan Partners participated in the workshop. Outcomes and learnings of the workshop fed into the crafting of the national valorisation strategy and further ABS implementation. • With Morocco re-joining the African Union Commission, the Ministry in charge of the Environment – through the ProGEC project - requested the ABS Initiative to conduct a workshop on the AU Guidelines for the harmonized implementation of the Nagoya Protocol in Africa. The workshop design developed by the Initiative aimed at informing on the structure / content of the guidelines as well as elaborating on linkages to the Moroccan draft law and valorisation strategy. Due to budgetary constraints at ProGEC the workshop could not be executed.
<p>Output D.2. 3 new ABS contracts have been concluded as pilots.</p> <p>Baseline: 0 contracts have been concluded Target: 3</p>	<p>Following activities are supporting achievement of output indicator 3:</p> <ul style="list-style-type: none"> • The ABS Initiative supported mutual understanding of users and providers, and facilitated matchmaking between industry and provider countries (incl. Morocco) in the framework of the jointly organized UEFT conference “The Beauty of Sourcing with Respect” and accompanying events in 2015, 2016 and 2017. • The ABS Initiative gave input to the 2015 IOCD International Symposium: “The Plant Kingdom – source of drugs, nutraceuticals and cosmetics” in Marrakech, updating participants from academia, public health agencies and industry on the Nagoya Protocol and ABS as well as on user industry sectoral patterns.
<p>Further Information / comments:</p> <ul style="list-style-type: none"> • The German-Moroccan ACCN project was successfully concluded in December 2016. All ABS related output indicators were met or exceeded the requirements (submission of draft ABS legislation; income increase in value chains; conclusion of several provider–user agreements). Many of the project outcomes have been presented at CBD COP 12 / Nagoya MOP 2 – partially in cooperation with the ABS Initiative. • Experiences of the ABS Initiative fed into the design of the subsequent GIZ project Environmental and Climate Governance (GIZ ProGEC) which commenced January 2016. Little support has been requested by the ProGEC GIZ / GOPA consulting team which terminated already all ABS related activities by end of 2017, having obviously met all objectives related to output D. 	



NAMIBIA
<p>Project title: Biodiversity management and climate change in Namibia (BMCC II)</p> <p>Project duration: 01/2017 – 12/2020</p>
<p>Outcomes with particular relevance for ABS</p> <ul style="list-style-type: none"> <p>A total of three implementation guidelines have been prepared by DEA for the new or revised implementation regulations in the Environmental Management Act (EMA) and the Access and Benefit Sharing (ABS) Act.</p> <p><u>Baseline:</u> 0 guidelines on the Strategic Environmental Assessment (SEA), the Environmental Impact Assessment (EIA) and ABS.</p> <p><u>Target:</u> 3 guidelines for SEA, EIA (for the EMA implementation directives) and ABS (for the ABS implementation regulations) (one set of guidelines for each directive).</p> <p>A results-monitoring system set up by MET and coordinated with other sector ministries confirms the successful implementation by relevant sector ministries of 3 local pilot measures relating to synergies between the three Rio Conventions.</p> <p><u>Baseline:</u> 0 jointly developed and DEA-coordinated local pilot measures that simultaneously contribute to biodiversity conservation, adaptation to climate change and sustainable land management.</p> <p><u>Target:</u> 3 jointly developed local pilot measures coordinated by DEA.</p>
<ul style="list-style-type: none"> <p>In 2016 the ABS Initiative supported Namibian ABS stakeholders to conceptualise interim ABS measures that could be applied to safeguard existing natural product value chains until the new ABS law and regulations are in force. This included work on the potential work flow between offices currently issuing various relevant permits.</p> <p>The ABS Initiative supported the Department of Environmental Affairs (DEA) in the planning, organizing and conducting of a national workshop to develop a strategic and implementation framework for ABS in Namibia, including an adapted ABS diagnostic. The outcomes of the workshop held in February 2016 directly fed into the ongoing parliamentary approval process of the Namibian ABS bill. During 2015-2017, experts of the ABS Initiative provided technical and legal support during the elaboration of Bill but also and during all the various review rounds / request for comments arising from the parliamentary consultation process. Namibia enacted the ABS Bill, the “Access to Biological and Genetic Resources and Associated Traditional Knowledge Act” in June 2017. It will enter into force on a date to be determined, once implementing regulations have been promulgated.</p> <p>After the gazetting of the Bill on the Use of Biological and Genetic Resources (“Access and Benefit Sharing (ABS) Bill”), the Ministry of Environment and Tourism with support from the ABS Initiative and BMCC II in July 2017 brought together key stakeholders for initial consultations to discuss and inform the future implementation of the Bill. The consultations’ aim was to better understand the current permitting landscape in Namibia as far as the use of biological and genetic resources is concerned. Colleagues from sectors such as agriculture, fisheries, forestry and research exchanged information about the different existing permit granting authorities in the country and about procedures, such as forest, research and export permits. In order to harmonise and simplify permitting processes, the ABS Initiative presented the concept of an online permitting system. It focuses on the creation of an online permit and monitoring system that makes it easier to administer e.g. research permit applications involving genetic resources. In this model, the application is lodged in the online system and the relevant authorities and applicants communicate inside an electronic hub. Based on discussions, it was agreed to work on a joint protocol for information exchange among relevant line Ministries and elaborate flow charts to outline procedures in place in different permit granting authorities, also to identify possible overlaps or contradictions. In general, participants showed support for a “one stop shop” solution, and identified the online permitting system as a useful tool to enhance processes and increase transparency.</p>



<p>Output C: Legal, regulatory and institutional requirements of the Access and Benefit Sharing (ABS) Act have been implemented</p>	
<p>Output C1: In the MET, the Office of Biological and Genetic Resources and Associated Traditional Knowledge is operational (own and trained staff, budget and operational plan, function and job descriptions for staff) Baseline: 0 (no Directorate) Target: 1</p>	<p>Following activities are supporting achievement of output indicator C1:</p> <ul style="list-style-type: none"> • The ABS Initiative assisted DEA in 2017 with the initial conceptualization of a plan for operationalizing the Office of Biological and Genetic Resources and Associated Traditional Knowledge.
<p>Output C2: Two signed contracts exist between private foreign companies or scientific institutions and the Namibian Government for the ABS-compliant commercial use of biological resources Baseline: 0 (contracts) Target: 2 (signed contracts)</p>	<p>Following activities are supporting achievement of output indicator C2:</p> <ul style="list-style-type: none"> • In 2015, the ABS Initiative provided input to a feasibility study of a R&D facility (auspices Ministry of Environment and Tourism) and conceptual advice with respect to ABS-compliance in the context of intended value chain development in the cosmetics sector as well as to the elaboration of the Namibian IP approach with respect to Genetic Resources (Ministry of Industrialization, Trade, and SME Development). • In 2015, the ABS Initiative partner PhytoTrade Africa assessed market potentials and opportunities for value chain development for the ABS compliant valorisation of different plants indigenous to Namibia • The ABS Initiative supported mutual understanding of users and providers, and facilitated matchmaking between industry and provider countries (incl. Namibia) in the framework of the jointly organized UEBT conference “The Beauty of Sourcing with Respect” and accompanying events in 2015, 2016, and 2017. • In April 2017 the ABS Initiative organized a mission of Danish Industry representatives (cosmetic and detergent sector) to Namibia in order to explore partnerships for developing ABS compliant value chains based on Namibian plant genetic resources. Government institutions, NGOs, cooperatives and further SMEs in Windhoek as well as in North Namibia were visited and led to individual follow ups.
<p>Output C3: Four campaigns or events through which the new Office of Biological and Genetic Resources and Associated Traditional Knowledge complies with its legal obligations to provide information on the new ABS Act and its guidelines as well as on the ABS implementation process in a target-group</p>	<p>Following activities are supporting achievement of output indicator C3:</p> <ul style="list-style-type: none"> • The ABS initiative assisted the DEA in 2017 in the initial prioritization of target groups for information sharing.



<p>specific manner have been carried out Baseline: 0 Target: 4 campaigns or events</p>	
<p>Output C4: DEA provides training for 4 indigenous peoples and local communities (IPLCs) which is made possible through the ABS Act with a view to increase the IPLC’s capacity to negotiate with foreign companies regarding access to and use of their traditional resources Baseline: 0 Target: Trainings for 4 IPLCs</p>	<p>Following activities are supporting achievement of output indicator C4:</p> <ul style="list-style-type: none"> • The BMCC project with technical advice from the ABS Initiative has in 2017 supported the process of engaging resident communities in the Bwabwata National Park in developing a Biocultural Community Protocol for the governance of biological and genetic resources and to provide training to increase the communities’ negotiation capacities in the context of the implementation of the ABS Bill. Initial training activities and concrete project development activities are planned and in preparation for February 2018.
<p>Further information / comments:</p> <ul style="list-style-type: none"> • Namibia enacted the ABS Bill, the “Access to Biological and Genetic Resources and Associated Traditional Knowledge Act, 2017”. The objectives of this Act are to regulate access to genetic resources and associated traditional knowledge; to protect the rights of the IPLCs over genetic resources and associated traditional knowledge and technologies including recognising BCPs as instrument for achieving community PIC; to provide for a fair and equitable mechanism for benefit sharing; and to establish the necessary administrative structures and processes for the implementation and enforcement of such principles. The Bill was first tabled in Parliament in November 2015 for its first reading and was subsequently referred to a Parliamentary Standing Committee on Natural Resources for further scrutiny. The Standing Committee conducted extensive national consultations. The Namibian government chose to pass enabling legislation, because it is easier to amend implementing regulations – which can simply be done by the Minister publishing a notice in the Government Gazette – than it is to amend legislation. The process of drafting implementing ABS Regulations was started in January 2017 with support of the ABS initiative. • No outcome indicator with direct reference to ABS existed within the framework of the BMCC I project (2013-2016). However, in response to a request from the Namibian Ministry for Environment and Tourism (MET) the drafting of an ABS-bill and related activities were supported by the Initiative. An ABS component with ABS relevant indicators is part of the new BMCC II project, which started in in 2017 (see above). 	

4.3 Support to non-partner countries, including cooperation countries

Upon request by relevant stakeholders or project managers, the ABS Initiative is providing *ad hoc* support to cooperation countries in Africa, the Caribbean and the Pacific² as well as countries or projects in other regions³.

² Costs can be covered by the ‘flexible’ budget line for national support of the ABS Initiative.

³ Costs must be covered by the country or project requesting support by the ABS Initiative.



4.3.1 Africa (cooperation countries)

Côte d'Ivoire: Strategic advice to the Focal Point on the advancement of ABS implementation, including the discussion of financing options.. In addition, further support in the communication with a German research institution requesting access to Ivorian genetic resources has been provided.

Ethiopia: In 2015, the ABS Initiative was requested by Botanic Gardens Conservation International (BGCI) to provide comments on a project proposal to the UK Darwin Initiative focusing on stakeholder platforms for non-commercial access and utilisation and making recommendations for simplified ABS measures for non-commercial users. The proposal was approved in March 2016 and, upon request of BGCI, the ABS Initiative is member of the project's Steering Committee. The ABS Initiative participated in its first meeting in December 2016 in Cancun and follow-up discussions. The Darwin Project considers the application of the IT-based monitoring system as developed by the ABS Initiative.

The ABS Initiative supported the GIZ implemented public-private partnership (PPP) programme "develoPPP.de" in matters of ABS compliance with regard to a PPP project with a German pharmaceutical SME sourcing raw material in Ethiopia. Both partners, develoPPP.de and the SME, were not aware that the planned activities fall under the Ethiopian ABS regulations. The ABS Initiative facilitated the contact between the Ethiopian Biodiversity Institute and the German partners to start MAT negotiations in late 2017.

The ABS Initiative raised awareness in the Ministry of Environment of incompatibilities of the Ethiopian ABS regulations with the compliance system in the EU and suggested adapting the Ethiopian regulations to the compliance system of the Nagoya Protocol. Apart from that also procedural advice was provided to the Ministry of Environment and other actors responding to their wish to re-address the unsatisfactory situation of tef utilization in the EU – with respect to ABS, IPR and patent issues.

Malawi: In 2016, the Initiative was requested by the ABS NFP to review and provide general comments on a draft agreement currently under negotiation between the Government of Malawi and an institute of a private German research foundation. Having provided general comments in 2016, two country visits to Malawi took place in 2017 by the ABS Initiative partner FNI. The first visit followed the request by the ABS NFP to provide a contract training including concrete advice on the draft contract between the Government of Malawi and two German partners, a research institute and a German research foundation. The contract training was supported by NORAD directly to the FNI and the Initiative provided the travel costs. The training was set up as to provide general training for Malawi on contracts in ABS and by discussing the concrete case – the draft contract. In October, the second country visit took place with intensive work on the research contract, other ABS draft contracts, and initial work on an ABS policy and the guidelines. Between the visits and after the second visit the Initiative through FNI has provided further support to Malawi on existing draft ABS contracts.

In the context of the contract training it became obvious that Malawi urgently needs to develop an ABS policy and ABS guidelines. The ABS NFP requested support from the Initiative for this work together with support on the drafting of other ABS contracts. The training disclosed a huge potential for ABS in Malawi by a very engaged group working on ABS. Malawi is a candidate for more support as partner country.

4.3.2 Caribbean (cooperation countries)

The Bahamas: Since 2014, the ABS Initiative has delivered substantive support to the Bahamas Environment, Science and Technology (BEST) Commission in the project preparation phase for GEF/UNEP MSP. The support has focused on the development and implementation of an IT based ABS application and monitoring system as well as developing ABS Pilot Cases. The ABS Initiative supported the BEST Commission in conducting the inception workshop of the national GEF ABS project in June 2016. At this workshop, the concept of the IT system was presented to a larger audience for the first time. A second workshop on planning the ABS Pilot Cases was cancelled twice in October 2016 and April 2017. Due to changes in government, the work of the UNEP ABS project was reconvened in late 2017, the second planning workshop is scheduled for the 2nd quarter of 2018.



Antigua and Barbados: In October 2017, the ABS Initiative participated in the national workshop for the government of Antigua and Barbuda. The main discussions focused on the drafting of a national ABS bill.

4.3.3 Pacific (cooperation countries)

Fiji: Fiji has acceded to the Nagoya Protocol on 24 October 2012. The GEF-NPIF UNDP funded ABS national project for Fiji has made limited progress since 2015 due to staffing and coordination issues between Department of Environment and Ministry of iTaukei Affairs⁴ and has been extended until April 2018, when funds will expire.

ABS legislation or regulations have not been developed since the ratification of the Nagoya Protocol. A basic ABS policy and administrative processes are in place and administered by the Ministry of iTaukei Affairs. These are based on pre-Nagoya concepts of ABS and need significant revision. A Traditional Knowledge and Expressions of Culture Bill is in the final stages of drafting with a Fijian legal expert based in Geneva.

The University of the South Pacific (USP) has an active Centre for Drug Discovery that has been involved in bioprospecting mainly with US research institutes, including previous agreements. They are currently undertaking PIC with 3 communities in Fiji under the GEF UNDP ABS project. They are waiting for permissions to undertake collection activities from Ministry of iTaukei Affairs. USP offered to share their PIC processes to help improve their ABS compliance, and possibly also some of their research partnership agreements, e.g. with a research centre of the German Helmholtz Association.

The health research institute of the Fiji National University is seeking external partners to help with investigation and validation of traditional medicines relating to dengue fever and other diseases. They request assistance to ensure ABS compliance of existing and future MoUs with research partners.

Palau: Palau signed the Nagoya Protocol in 2011 but has not yet ratified. A draft ABS Bill was presented for the first reading by the national Parliament in November 2017. Further to this, the Initiative was asked to provide comments to the Bill before the second reading which took place in December. The Initiative will continue, upon request, to provide backstopping and technical advice to support this process.

Vanuatu: Vanuatu ratified the Nagoya Protocol on 1 July 2014. Already provided for by the Environmental Protection and Conservation Act of 2002, and as amended 2006 and 2011, DEPC has since established the Biodiversity Advisory Committee (BAC) which reviews permit applications that come into Vanuatu relating to biodiversity and associated TK. The EPC Act has a section on bioprospecting containing pre-Nagoya Protocol ABS provisions that need to be updated to ensure compliance with the Nagoya Protocol.

Consultations on a draft TK Bill are still ongoing. It is likely to be tabled in March or April 2018. The intention is not to duplicate authorities, and so the TK Bill will not address ABS and PIC for GRs. The bill has been developed with WIPO support based on the TK/TCE negotiations in the WIPO Intergovernmental Committee. The law is likely to have a disclosure requirement.

Kava exporters are selling bulk quantities of powdered kava to US companies that are creating phytopharmaceutical products, some of them patented, highlighting that there may be ABS relevant 'utilization' of kava in the US or other countries, requiring PIC and MAT in Vanuatu. Tebakor Island Products also supplies bulk quantities of noni juice (derived from the fruit of *Morinda citrifolia*), tamanu oil (pressed from nuts of either *Calophyllum inophyllum* (usually) or *Calophyllum tacamahaca*) and nangai oil (pressed from nuts of *Canarium indicum*) to China, and the US respectively. Concentrated Aloe Company (CAC) in the US is a buyer of nangai oil and tamanu oil. CAC does basic R&D on the oil and sells nangai oil on to e.g. the French cosmetic company Aveda, who has recently requested ABS compliance checks from CAC.

⁴ Since 2010 'iTaukei' is the official term for the indigenous people of Fiji constituting 56.8% of the Fijian population. Other significant groups of Fijians are Indian (37.5%), Rotuman (1.2%), European, part-European, Chinese and other Pacific Islanders (together >4.5%). Source: <https://www.cia.gov/library/publications/the-world-factbook/fields/2075.html>, accessed at 10.01.2018



The Customary Land Management Act of 2002, revised several times until 2014, recognizes the local community via the ‘nakamal’ (traditional meeting place) as the custom owner of land and its natural resources, i.e. communities make decisions according to the local custom at their nakamal. Local custom varies from island to island and at larger islands from community to community. This is important for ABS because local permissions for access to TK and GRs would need to recognise the custom owners. It may be important to explicitly describe this local PIC process in the EPC Act when it is amended.

4.3.4 Asia

India: Since 2014, staff of the ABS Initiative is engaged by the German-Indo Cooperation to support the development of the BMZ funded ABS Partnership Project, implemented by GIZ until 2020. In June 2016, meetings with the National Biodiversity Authority in Chennai were conducted to bring together State Biodiversity Boards of selected federal states and to introduce the two newly engaged team leaders into their work. In the following months, the ABS Initiative closely collaborated with the new staff in developing a draft program of work until COP MOP 2 and preparing a successful operational planning workshop in November 2016. Due to delays in signing the implementation agreement on various projects between the Indian and German government, the Indian ABS project could only start with substantial activities in late 2017. The ABS Initiative supported the Indian project in finalising the operational planning and drafting ToR for the consultants who should develop an IT based monitoring system complementing the already existing IT based application system developed by the National Biodiversity Authority.

Further, in April 2017 the ABS Initiative supported the German-Indo Cooperation project in ABS related mainstreaming presentations at the 19th Commonwealth Forestry Conference in Dehradun and conducted a one day training with staff from the National Biodiversity Authority and several representatives of State Biodiversity Boards.

4.3.5 Latin America

SICA: In late 2015, a first technical exchange took place in Bonn, Germany, between the ABS Initiative and representatives from eight member countries of the Central American Integration System (SICA). With the SICA supporting GIZ project now being fully operational, services offered by the ABS Initiative have been communicated and exchanges and meetings with the staff were undertaken.

4.4 Support at (sub-)regional and international level

This chapter provides information about

- regional activities supporting stakeholders in partner and cooperation countries in achieving national objectives of ABS implementation and/or facilitating exchange between stakeholders of partner countries with stakeholders of other (African) countries, and
- key activities and results in relation to the auxiliary processes of the ABS Initiative’s intervention logic (see [Programme Document 2015-2020](#), page 12 and Annex 1).

4.4.1 Core implementation processes

Date	Events	Core processes		
		ABS frameworks	IPLC participation	ABS agreements
6 - 10 March 2017	10 th Pan-African ABS Workshop Dakar, Senegal	✓	✓	✓
31 May - 2 June 2017	Public-private learning on ABS Implementation: (company visits, UEET BSR Conference, Making ABS work	✓	(✓)	✓



Date	Events	Core processes		
		ABS frameworks	IPLC participation	ABS agreements
	dialogue), Paris, France			
2 - 6 Oct. 17	ABS contract training for Southern African Anglophone countries, Windhoek, Namibia			✓
9-13 Oct 17	ABS contract training for Eastern African Anglophone countries, Addis Ababa, Ethiopia			✓

10th Pan-African ABS Workshop

6-10 March 2017, Dakar, Senegal

The 10th Pan-African ABS Workshop was specifically designed to encourage the exchange of experiences on the national implementation of the Nagoya Protocol and peer-to-peer learning on the challenges and lessons learnt along the way. It was hosted by the Senegalese *Direction des Parcs Nationaux* and gathered 103 participants, including national focal points and other government officials as well as representatives of IPLCs, international organisations, research institutions and the private sector. Complementing the elements of mutual learning, the workshop addressed the interplay between providers and users as well as the basic elements and core provisions of the Nagoya Protocol, notably PIC, MAT, permit, and compliance. Participants discussed options of how to establish efficient and effective measures to implement the Nagoya Protocol and reflected on the role of TK holders in the provider-user interplay. The discussions further highlighted the key role of the ABS Clearing-House in facilitating the implementation of the Protocol and helping to ensure compliance with ABS measures and transparency in monitoring the utilisation of genetic resources along the value chain. Tutorial sessions provided participants with new insights on the links between intellectual property and ABS as well as on how to negotiate and establish successful ABS contracts. Finally, case studies from Senegal allowed participants to discuss new issues for policy development, such as digital sequence information on genetic resources (DSI) or pathogens, and initiate reflections on an African common position submission for the assessment and review of the effectiveness of the Nagoya Protocol at COP 14 / COP MOP 3. The meeting report, as well as other materials, is available [here](#).

Public-Private learning on ABS Implementation,

31 May - 2 June 2017, Paris, France

Within the established cooperation framework the ABS Initiative partnered also in 2017 with the *Union for Ethical Biotrade* (UEBT) in conducting the [Beauty of Sourcing with Respect' \(BSR\) conference](#) as well as related capacity building around the conference in Paris. Based on requests by African stakeholders to intensify exchanges with users in the body care and/or the pharmaceutical sector – emanating from their participation in the 2016 BSR event – a tailor made 3-day programme was developed. It included besides attending the BSR conference itself (1 June 2017) – having a focus on ABS implementation – a visit to the LVMH research and development facility on 31 May 2017 and the participation in a provider-user dialogue “making ABS work” on 2 June 2017 focusing on procedures to access genetic resources and associated traditional knowledge. This dialogue involved several activities, including discussions in small groups on the permitting procedures for ABS in countries such as Brazil, France, Madagascar, Morocco, Panama and South Africa. The groups provided participants with insights into requirements for access and utilization of genetic resources in those countries.

The ABS Dialogue was followed by an informal exchange addressing strategies for promoting business engagement in biodiversity-based R&D. In cooperation with and co-funded by the respective GIZ implemented programmes the ABS Initiative enabled over 26 government, research and NGO representatives from Algeria, Morocco, Benin, Cameroon, DR Congo, Namibia, South Africa,



Madagascar, Kenya, Uganda, Gabon and the Republic of Congo to be part of the BSR conference and the accompanying events. Exchanges with private sector representatives and National Focal Points for the Nagoya Protocol held within and around the official programme allowed to clarify issues, e.g. with respect to existing access demands, or to explore possibilities of future ABS compliant R&D and sourcing.

ABS contract trainings for

- **Southern African countries:** 2-6 October 2017, Windhoek, Namibia
- **Eastern African countries:** 9-13 October 2017, Addis Ababa, Ethiopia

After an update by the Fridtjof-Nansen-Institute the contract training, two of originally planned four training courses were organized in 2017, targeting ABS Focal Points, representatives of CNAs and other relevant government representatives as well as lawyers who will likely be involved in the negotiation and drafting of ABS agreements. They cover procedural aspects of negotiating ABS agreements as well as substantive issues related to the content of such agreements.

The first contract training, hosted by the Namibian Ministry of Environment and Tourism, was organized in Windhoek from 2 to 6 October 2017. It brought together 22 participants from 9 Southern African Anglophone countries (Botswana, Lesotho, Malawi, Namibia, Seychelles, Swaziland, South Africa, Zambia and Zimbabwe). The same training was held from 9 to 13 October, 2017 in Addis Ababa, Ethiopia to support Eastern and Western African Anglophone countries in the development of ABS agreements. The workshop was hosted by the Ethiopian Biodiversity Institute, bringing together 17 participants from 8 countries (Ethiopia, Gambia, Kenya, Nigeria, Rwanda, South Sudan, Sudan and Uganda).

Focussing on key elements of ABS contracts with respect to content as well as negotiation process the trainings provided participants with an in-depth understanding of key elements of ABS contracts, relevant aspects of contract law and negotiation skills for concluding successful ABS agreements. They contributed to a better understanding of the overall role of mutually agreed terms in the context of ABS and the building blocks of ABS contracts, including object and purpose of the contract, third-party transfer and change of intent, benefit-sharing clauses, intellectual property rights, compliance and enforcement among others. It comprised presentations and group activities, including a wide variety of practical exercises based on real and fictional ABS cases.

Both trainings provided a platform for dialogue where national focal points, lawyers and other representatives of relevant institutions who are likely to be involved in ABS contracts negotiations were able to discuss and share concrete experiences with ABS contracts and learn from each other.

The Francophone training course for West Africa and Indian Ocean island states will be held from 19 to 23 March 2018 in Marrakesh, Morocco. Scheduling of the course for the Central African countries depends on the planning of the regional ABS project of the COMIFAC.

IDLO-SCBD legal training courses for Francophone African countries

Due to the lack of necessary co-funding as well as organizational reasons the two courses planned for 2017 had to be rescheduled into 2018. The course for the Central African countries is scheduled for 9 to 13 April and will be organized without the involvement of the ABS Initiative. The course for West Africa and Indian Ocean island states is planned for 17 to 22 September 2018 in Dakar, Senegal. More detailed information about the courses is available at the [IDLO website](#).

Third ABS Dialogue on Key Challenges and Practical Ways forward for the Implementation of the Nagoya Protocol, Mexico

Due to potential clashes with other international exchange formats on ABS (Isle of Vilm, Germany, August 2017; Brussels, Belgium, November 2017, see Annex C) the meeting planned for September 2017 had to be rescheduled into April 2018. Substantial and logistical preparations with the Government of Mexico, the CBD Secretariat, UNDP and the respective GIZ projects in Mexico started in December 2017.



4.4.2 Auxiliary processes

4.4.2.1 Regional harmonization and exchange

The **10th Pan-African ABS Workshop** (see Section 4.4.1) allowed African stakeholders from both partner and cooperation countries to exchange their experiences in implementing ABS at the national level. Furthermore, at the workshop participants formed a voluntary group to conceptualize a process for the African Group to initiate discussions on a African common positions at COP 14 / COP MOP 3, in particular a submission related to the assessment and review of the effectiveness of the Nagoya Protocol Subsequent communications between the voluntary group, the African Union Commission and the ABS Initiative resulted in an agreement to support the establishment of an online communication system for coordinating African negotiating positions, initially for ABS but with the potential to be duplicated for other biodiversity-related negotiations and later even for other multilateral environmental agreements. Terms of reference are being developed for technical support and training to establish a pilot system, which will be tested in the run-up to COP-MOP 3.

The ABS Initiative was appointed by the European Commission as a member of **the ABS Consultation Forum** established by Art. 15 of the EU ABS Regulation. The current task of the Consultation Forum is the drafting of a guidance supporting the implementation of the EU ABS Regulation. The Initiative delivered final comments on several sectoral guidance documents as well as initial comments on the two upstream guidance documents for non-commercial users and users in collections. It also participated in the third meeting of the Forum in December 2017 in Brussels.

The ABS Initiative is member of the Steering Committee of the **GEF UNEP ABS project "Advancing the Nagoya protocol in countries of the Caribbean Region"** which is executed by IUCN. The Initiative participated in two Steering Committee meetings and regional workshops in April 2016 in Trinidad and Tobago and in October 2017 in Antigua and Barbuda. Various comments on public awareness material, legislative documents and the project's mid-term review were given. With the availability of new funding for its work in the Caribbean region in 2018, the Initiative started consultations with the IUCN project on cooperative and complementing activities to be conducted in 2018. Training and templates for ABS contracts emerged as one of the main issues for the future work.

Furthermore, with a view to facilitate coordination and synergies between the GEF UNEP Pacific Regional ABS Project which is executed by the Secretariat of the Pacific Regional Environment Programme (SPREP) and the work of the ABS Initiative in the region a **Joint Regional Steering Committee (JRSC) for the Pacific** was created for the two projects.

4.4.2.2 Interfaces to international processes

Addressing the interface to the ITPGRFA, the ABS Initiative continued to provide **in-kind support** to the project "Mutually supportive implementation of the Nagoya Protocol and Plant Treaty" under the UK-funded Darwin Initiative. Partner countries are Benin and Madagascar, and the project is funded with £ 290,502 (approx. 375,000 Euros) for 3 years (April 2015 to March 2018). The project is jointly executed by Bioversity International, the ABS Initiative and the ministries of environment and agriculture in Benin and Madagascar and further accompanied by the AU Commission and the Secretariats of the CBD and the ITPGRFA, thus facilitating scaling up of experiences and lessons learned to other countries and regions. In 2017, the project provided technical and financial support to:

- Awareness raising and capacity building activities on the new interim legal framework in Benin among government officials and representatives of the research and private sector;
- Facilitation of two BCPs in Madagascar and one in Benin, two of which are available in draft form by December 2017;
- Finalisation of the community biodiversity registers in the participating communities in both countries;
- Regular discussions of the expert guidance committee (EGC; one physical meeting in Rome, April 2017, and several meetings on Skype), focusing, among others, on the following issues:
 - Development of a law implementing the ITPGRFA in Madagascar;



- Way forward on the implementation and application of the interim legal frameworks developed in both countries;
- The question of how to best integrate ITPGRFA aspects in BCPs.

Detailed information on the project and related activities is available [here](#). Apart from the Darwin Initiative project, the ABS Initiative continued its **collaboration with Bioversity International** in the following fields:

- The Initiative provided technical expertise at a **tandem workshop for national focal points for the ITPGRFA and the Nagoya Protocol** from Asian countries (27 to 30 March 2017, Los Baños, Philippines).
- The Initiative contributed to the development of a series of **fact sheets on the mutually supportive implementation of the ITPGRFA and the Nagoya Protocol**, which was published on the occasion of the 7th meeting of the Governing Body of the ITPGRFA from 30 Oct to 3 Nov 2017 in Kigali, Rwanda.
- Bioversity International invited a resource person from the ABS Initiative to attend a **workshop on genetic resources policies for Francophone scientists from CGIAR centres** (Rabat, November 2017).

Responding to the SCBD's call for contributions to the Assessment and Review of the Effectiveness of the Nagoya Protocol, Natural Justice and the ABS Initiative jointly submitted an evaluation of the BCP and other community processes they contributed to over the last years. The submission is available at <http://naturaljustice.org/publication/first-assessment-review-effectiveness-nagoya-protocol-cbd/>.

The ABS Initiative is member of the **Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol**. In 2017, no meeting was convened. The third meeting of the Committee is scheduled for March 2018.

Triggered by the interest the 2014 study on ABS and animal genetic resources raised amongst African stakeholders and the recent interest of R&D projects in animal breeding using traditional "climate-resistant" farm animal breeds, the ABS Initiative signed a Letter of Intent with the **International Livestock Research Institute (ILRI)** in Nairobi in order to cooperate in institutional ABS issues. The partnership will contribute to the implementation of the AU ABS Guidelines, support ABS-compliance of ILRI with applicable national ABS frameworks and enable ABS-compliant research and breeding activities by ILRI and its project partners. In the context of this partnership, the Initiative participated at two international meetings:

- In January 2017, the Initiative participated in the **16th Meeting of the FAO Commission on Genetic Resources for Food and Agriculture** in Rome. The Initiative in cooperation with the League of Pastoralist Peoples convened a side event on the connection between ABS, biocultural community protocols and sustainable use of animal genetic resources by pastoralist communities.
- The Initiative was further invited by the **Centre for Tropical Livestock Genetics and Health (CTLGH)** to participate in the annual project meeting in September 2017 in Edinburgh and to present about CTLGH-related issues of ABS compliance in provider and user countries. The CTLGH is focussing on cattle and chicken genomics, health genetics, reproductive technologies and informatics to improve the health and productivity of farmed animals in the tropics with funding of 16 Mio USD by the Gates Foundation. Project partners are the Roslin Institute at the University of Edinburgh, Scotland's Rural College (SRUC) and ILRI. CTLGH is accessing cattle and chicken samples in 13 African countries, amongst them Kenya and Ethiopia, which have ABS regulations, and is undertaking R&D with these samples in Edinburgh, thus triggering the ABS compliance rules of the EU. The ABS Initiative met with ILRI and the Ethiopian Biodiversity Institute in Addis in Nov 2017 to discuss and evaluate PIC and MAT for sampling chicken blood in Ethiopia.

Due to the engagement with Bioversity and ILRI, the ABS Initiative was invited by the **CGIAR Centers** to present on ABS issues and participate in the policy discussions at two workshops: Workshop on Genetic Resources Policies for CGIAR Center IP Focal Points (June 2017, Rome) and Capacity building workshop on genetic resource policies for CGIAR francophone scientists and close partners (November



2017, Rabat). The workshops were elements of a process establishing ABS guidelines for the CGIAR Centers, both for plant genetic resources in the Multilateral System of the ITPGRFA and for all other GRFA. The Initiative commented on the Draft ABS Guidelines for CGIAR Centers in December 2017.

As in previous years, the Initiative collaborated with the AUC to provide **technical and strategic support to African Group negotiators** at the FAO CGRFA, ITPGRFA and WIPO IGC. This support helped Africa to develop more coherent negotiating positions across various fora, offsetting to an extent the inherent disadvantage embodied in multilateral bodies sponsoring only one technical delegate per country (or even fewer). As a result, Africa has been able to effectively safeguard its interests in these negotiations, and in some cases to move multilateral ABS processes forward in a constructive manner:

- On request of core negotiators of the African Group the Initiative provided legal advice during the 7th meeting of the Governing Body of the ITPGRFA from 30 Oct to 3 Nov 2017 in Kigali, Rwanda on the ongoing re-negotiation of the **Standard Material Transfer Agreement (SMTA) of the Multilateral System under the ITPGRFA**. The Initiative through FNI provided such advice based on the recent monography “Drafting Successful Access and Benefit-sharing Contracts” by Young and Tvedt (see below). The FNI shared a draft study of contractual challenges of the current SMTA and organized a side event putting contractual challenges for the SMTA and the Multilateral System on the spot.
- Specific support was given to the African Group in support of the coming international discussions on the effects of **Digital Sequence Information (DSI)** on the objective of the Nagoya Protocol, namely benefit sharing. In June 2017 at the 34th Meeting of the WIPO IGC, the Initiative established contacts to Prof Margo Bagley (USA) who is appointed by the government of Mozambique as member of its delegation at the WPO IGC and who published recently on DSI and ABS. The Initiative and Prof Bagley agreed to join forces in supporting the African Group in the DSI discussions. In August 2017, the Initiative nominated Prof Bagley as expert for the AHTEG on DSI, which is to meet in February 2018. In Sep 2017, the Initiative commented on the African Submission on DSI for the AHTEG.

To provide an input on capacities, views and concerns of ‘provider countries’ (and Africa in particular) on DSI, the ABS Initiative was invited to the German Round Table on ABS, organized by the German Agency for the Conservation of Nature in Bonn, November 2017.

4.4.2.3 Knowledge generation for human capacity development (HCD)

In 2017, the ABS Initiative not only solidified its role as a globally significant knowledge broker and communicator on ABS. As in previous years, stakeholders from other regions than Africa, the Caribbean and the Pacific asked for the Initiative’s support.

Responding to the high demand for capacity development materials in partner and cooperation countries, the Initiative continued to make available a wide range of **publications focusing on ABS implementation in general and ABS agreements specifically**. They were distributed at workshops, trainings and other events:

- A series of scenarios “**Mutually supportive implementation of the Nagoya Protocol and the Plant Treaty: Scenarios for consideration by national focal points and other interested stakeholders**” were jointly developed by the Secretariats of the CBD and the ITPGRFA Bioversity International and the ABS Initiative with a view to provide guidance through the so-called “grey areas” between the regulatory ABS frameworks established by the Nagoya Protocol and the ITPGRFA. The scenarios are available in English and French and will be translated into Spanish and Arabic.
- Natural Justice and the ABS Initiative jointly prepared a **submission to the CBD Secretariat** entitled “[Experiences and Lessons Learned from the Development and Implementation of Community Protocols and Procedures Contribution to the first Assessment and Review of the Effectiveness of the Nagoya Protocol](#)”. The document summarizes examples and lessons learned from the development of community protocols drawing on six examples of community protocols that Natural Justice supported in Africa over the last years in the context of ABS – in Benin, Kenya, Madagascar, Namibia and South Africa.



- In December 2017 FNI published the long awaited monography “**Drafting Successful Access and Benefit-sharing Contracts**” by Tomme Young and Morten Walløe Tvedt. The book has been supported by the Initiative and has also received large co-funds from projects funded from the Norwegian Research Council. The monography responds to the request from the Initiative and African countries of better understanding how to draft functional and enforceable ABS contracts. The book will be distributed to partners to make its insights available for the persons negotiating ABS contracts and will serve as a source book for future ABS contract training courses organized by the ABS Initiative in partnership with the FNI.
- Building on experiences and conclusions drawn from the pilot phase of the MAT negotiation training in 2014 and 2015 and complementing two already existing guides from 2014, the Initiative, jointly with FNI, published an “**Introduction to Drafting Successful Access and Benefit-Sharing Agreements (EN)**”. The **Introduction** provides in line with the above mentioned ABS contract book a summary of essential aspects to consider when entering into an ABS agreement. The **French version** will be available by February 2018, along with the French version of the manual “How (not) to Negotiate Access and Benefit-sharing Agreements”.
- The ABS Initiative participated substantially in the review team of the UNCTAD publication “[BioTrade and Access and Benefit Sharing: From concept to practice - A handbook for policymakers and regulators](#)”. This handbook seeks to orient policymakers and regulators in the development and implementation of BioTrade and national ABS measures consistent with the Nagoya Protocol.
- The Initiative cooperated with the Traditional Knowledge Division of WIPO in the writing of a **Handbook on IPR Elements in ABS Contracts** which should give practical guidance for providers of genetic resources and complement a respective WIPO policy document. Due to restrictions in working capacity within WIPO, the Handbook could not be published in 2017, but will be launched at the IGC meeting in March 2018.

In addition to these documents supporting knowledge transfer in trainings and workshops, the Initiative started partnering with the **Intellectual Property Law and Innovation International Law Research Program** of the Canada-based **Centre for International Governance Innovation (CIGI)**. Initial knowledge products to be developed under this new partnership are a menu of options and provisions for aTK in the context of national IP strategies and a practical guide on TK promotion and protection based on CIGI case studies. Side events at WIPO IGC, SBI, and COP-MOP will serve to jointly present final products stimulating discussion among negotiators and experts.

4.4.2.4 Knowledge management and dissemination

A number of online and offline knowledge tools and channels have been produced for the effective management and dissemination of the Initiative’s products:

- The ABS Initiative website has been revamped technically and is currently fed with new content. The preparations for COP MOP 2, the 10th anniversary of the ABS Initiative, the implementation of the new social media channels and the production of substantive publications have absorbed a great amount of resources in 2016. As highly successful and necessary these activities were, they caused the launch of the revamped website to be delayed to February 2017.
- The number of recipients of the ABS News Digest has grown slowly since 2015 staying at a high level of more than 1,130 recipients. The number has declined from 1,300 recipients within 12 months. Main reasons are the surprisingly high number of invalid email addresses and – due to the 9 months absence of the communication specialist – the lack of promotion to counterbalance this trend.
- The YouTube channel hosts a selection of videos from the Initiative, its partners and other external organizations on ABS and the Nagoya Protocol. The videos were viewed more than 1,900 times, with the English version of ABS Simply Explained being viewed more than 1,100 times. This is a significant number that can still be improved in 2018.
- In September 2016, the Initiative also started a Twitter and a LinkedIn channel: Since its launch, the Twitter channel has generated over 170 Followers. This increase of 70% within 12 months



is surprisingly high considering that – again due to the communication specialist’s absence – only 40 Tweets were posted in 2017. The LinkedIn page continued to be the weak part of the social media activities with only 34 Followers.

- The website as well as the News Digest have been interlinked with the Initiative’s new social media channels.

4.5 Steering and guiding processes

4.5.1 Steering Committee

The **Steering Committee for Africa** met on 11-12 March 2017 in Dakar. The report of the meeting is available for download on the ABS Initiative’s [website](#).

Besides the discussion and approval of the new work plan and budget, the following key decisions were taken:

- Given the budgetary constraints of the Initiative and other technical issues, the SC concluded that for the time being the ABS Helpdesk will not be formally launched. It was agreed that the Initiative will continue providing support to cooperation countries on demand.
- The ABS Initiative will only engage in supporting coordination of the African Group for COP-MOP 3 in 2018 upon guidance of the taskforce appointed at the 10th Pan-African workshop of and/or the African Union Commission. In response, the DHRST Commissioner sent a request letter to the ABS Initiative outlining several technical and political fields of support for 2017 and 2018 (see Annex C).
- The Steering Committee requested the Secretariat to illustrate the ABS-SDG links with concrete examples to further support consideration of ABS in national development agendas – based on the structure of the presented ABS-SDG policy paper, an information collection format was developed and used as basis for the country examples presented during a [high-level side event](#) at MOP 2 in Cancún, Mexico. As a first step partners from research, NGO, business and IGOs agreed to help identifying and documenting elements of ABS cases demonstrating impact in relation to individual SDGs. In November 2017 a taskforce of key players was established and met for a first time.

Relevant stakeholders who met during a regional workshop of the GEF/UNEP Regional ABS Project in October 2017 in Antigua & Barbuda suggested that the **Regional Steering Committee for the Caribbean** for the ABS Initiative should meet in 2018.

As proposed by the ABS Initiative during the inception meeting of GEF/UNEP Pacific Regional ABS Project which is executed by the Secretariat of the Pacific Regional Environment Programme (SPREP) a **Joint Regional Steering Committee (JRSC) for the Pacific** was created for facilitating coordination and synergies between the GEF/UNEP project and the ABS Initiative’s work in the region.

A first meeting took place back-to-back with the inception workshop at 29 June 2017 in Apia, Samoa, discussing an initial draft for ToR for the JRSC, the draft budgeted work plan of the GEF/UNEP Project and the planned activities of the ABS Initiative until March 2018. A second virtual meeting at 14 December 2017 approved the ToR for the JRSC with minor modifications as well as the budgeted work plan of the GEF/UNEP Project.

4.5.2 General Assembly

During the reporting period the General Assembly did not meet. The next meeting is due in November 2018 back-to-back with COP-MOP 3 in Sharm El-Sheikh, Egypt.

4.5.3 Project management

Regular physical team meetings – GIZ team (twice a month), core team, i.e. GIZ and GeoMedia staff (monthly) – and team meeting via skype – extended team (monthly) – ensure consistent exchange of information within the ABS Initiative team, updates on the implementation of (national) activities and coordination for joint (sub-)regional and international activities.



Furthermore, an extended team meeting was organised back-to-back with the Pan-African ABS Workshop in Dakar focusing on valorisation strategies for GR and aTK. FNI provided a seminar on key issues to consider when negotiating ABS contract.

In order to address identified capacity gaps and implementation challenges, thematic task teams were established in 2015 to develop, as far as possible, standardised capacity building approaches, tools and instruments to be used for national level support (for details see chapter '4.4.2.3 Knowledge generation for human capacity development (HCD)'). The developed tools and instruments are utilised in the workshops and trainings of the ABS Initiative and are being made available to the ABS-CH for informing and supporting the implementation of the Strategic Framework under the CBD.

4.5.4 (Sub-)regional management

Appointed team members are responsible for coordinating support to partner and cooperation countries as well as the relevant (sub-)regional organisations in Africa and the Caribbean

With a view to avoid unnecessary travel costs and to facilitate communication with stakeholders and partners in the Pacific, a financing agreement was concluded with the University of New South Wales (UNSW) in Sydney, Australia under which A/Prof Dr Daniel Robinson is acting as regional coordinator for the ABS Initiative's activities in the region. Mr Robinson has been collaborating and working as consultant to the ABS Initiative since 2012 and will be instrumental for accessing additional funds from Australian funding agencies (see chapter 3, page 9).

5. Challenges and need for action

As pointed out in section 2 of this report, the process of ratification of the Nagoya Protocol by countries using and providing genetic resources is well under way and thus the ABS mechanism is about to become a globally accepted instrument in the research and industry sectors concerned. However besides legal, technical, financial, institutional and governance challenges at the level of national implementation (see below, 5.1), also important conceptual questions are arising. Thus, a topic that ought to be addressed in the context of the Nagoya Protocol is the issue of **synthetic biology and digital sequence information** and its relation to ABS, which was brought to attention in particular by the African Group during CBD-COP 13 / NP-MOP 2. Specifically, the potential implications of using digital sequence information on genetic resources with regards to the objective of the Nagoya Protocol and the third objective of the CBD need to be explored. Currently in many different fora, particularly in user countries, discussions reflect on the application of ABS requirements (PIC, MAT, benefit-sharing, etc.) – including the relevance of multilateral approaches (incl. Article 10 NP) to digital sequence information – if information on genetic resources for R&D purposes is accessed in a non-material way from national or international data bases which is about to become *state of the art* in many research (co-)operations.

As more and more countries take steps to implement the Nagoya Protocol, and, in light of the review of the effectiveness of the Protocol at COP-MOP 2 in November 2018, a substantive discussion including awareness-raising and capacity building on this topic among relevant ABS actors is key. The quite diverging submissions by parties and stakeholders to the CBD (for detailed information see [CDB website](#)) as well as the outcomes of the meeting of the AHTEG on DSI in February 2018 in Montreal would need to be taken into consideration for an informed debate on the topic.

5.1 Implementation challenges

Although the ABS Initiative directed its work in 2017 towards addressing the challenges referred to already in previous progress reports, given the limited financial and human resources available, several obstacles for an efficient and effective ABS implementation process still need to be addressed in a targeted way. Many building blocks and encouraging developments exist, such as:



- The abundant biodiversity, genetic resources and associated traditional knowledge of Africa, the Caribbean and the Pacific is targeted by academia and industry for R&D with basic/scientific and applied/commercial research intent.
- There is increasing demand for end consumer products based on natural ingredients.
- User knowledge, acceptance and compliance towards ABS has increased due to the EU regulations and their increasing national implementation since October 2014.
- Practical experiences from ABS cases are being generated and documented.
- Regional organisations (e.g. the AU, CARICOM, SPREP) are aware and willing to provide support and guidance on ABS implementation.
- A slowly but steadily increasing number of governments (provider and user countries), as well as users in research and industry are identifying ABS as an instrument to support attaining national or corporate sustainability objectives as well as the Agenda 2030 as a whole.

Yet, despite such visible progress in 2017, the ABS Initiative – or rather the implementation of the Nagoya Protocol – is still facing several challenges.

Diversity of the national implementation status

The national ABS diagnostics in 2015 in African partner countries and the subsequent implementation support undertaken by the Initiative show clearly that (partner) countries require substantively varying degrees of support with respect to the development of legal and institutional frameworks, ABS agreements and the participation of IPLCs in ABS processes – i.e. the three core processes of the ABS Initiative in its current phase. Short assessments for two Pacific island states confirmed these findings and custom-fit support remains a prerequisite for effective ABS implementation due to the considerable diversity of ABS-related processes and levels of progress made at national level.

For instance, levels of ABS implementation range from drafting interim regulations in order to have a minimum framework to create and operate in legal certainty (e.g. Benin and Madagascar; Fiji) to revising existing ABS laws and regulations incl. developing online permitting schemes in order to increase effectiveness and efficiency of ABS systems (e.g. South Africa, Kenya and Uganda; Vanuatu). This broad range from “setting up” to “adapting” ABS frameworks mirrors the different but generally still insufficient experiences that countries have gained in (a) establishing and administrating ABS agreements and (b) understanding R&D/IP/business models and value chain development – all prerequisites for negotiating fair and equitable ABS agreements and developing commercially viable valorisation strategies for biological and genetic resources. Furthermore, governance structures at national and local level, including the role and involvement of IPLCs in ABS processes, differ enormously between countries – ranging from no legal provisions for IPLCs participation at all (e.g. Algeria and Morocco) to full constitutional recognition of IPLCs rights (e.g. Kenya; most Pacific island states).

Permits and ABS contracts

Against this general background, specific challenges were identified during our support to partner and cooperation countries in 2017:

- Attribution of functional core ABS “mandates” (granting PIC, establishing MAT, issuing permits) to government institutions and/or specific constituencies and rights holders.
- Aligning, streamlining and facilitating permitting processes indispensable to establishing research cooperation and GR based value chains (e.g. permits for research, collection, export, phytosanitary issues, etc.)
- The challenges countries face in the context of concluding ABS agreements, such as insufficient ABS and contract law capacities among legal experts, and insufficient access to legal expertise in general (rationale: contract trainings and on-demand legal support are urgently needed).
- The question of how to match often understaffed and insufficiently capacitated government agencies operating on the basis of new and often only partly functional ABS frameworks with the requirements, timelines and limitations of users from academia and the private sector.

Community procedures



Adding to that, the question of how to align long-term community processes, e.g. for establishing a BCP, with short-term private sector processes: We need to think beyond BCPs, find more ways to accompany community-user processes that allow the conclusion of agreements in an efficient and effective manner (rationale: more conceptual thinking is needed on community tools and processes). Successful overall capacity development and tailored support in this context requires specific technical and legal advice in a continuous manner – and thus more human and financial resources as compared to the regional support activities which the ABS Initiative focused on in its previous programme phases. Unfortunately, further donor commitments have not been secured and the existing level of support has even decreased since the entry into force of the Nagoya Protocol. This is happening despite more ACP countries and from other regions are asking for enhanced technical support by the ABS Initiative. Maintaining the Initiative’s delivery format supporting the national level in the identified African partner countries remains a key challenge while ensuring experience exchange and scaling-up to the cooperation countries. Therefore, the ABS Initiative is developing tools and standardizing training formats in order to reach the Initiative’s cooperation countries and even beyond.

National focal points and line ministries

While in many countries the key ABS process drivers at national level (mainly ABS national focal points in the ministries / departments of environment) have attained a general understanding of the Nagoya Protocol and its mechanisms through the support of the ABS Initiative, there still exists a severe knowledge gap with respect to understanding the utilization of genetic resources and associated traditional knowledge in different industry sectors and how to develop strategic approaches to valorisation.

At the same time, sector ministries that are crucial for ABS implementation (planning, agriculture, research, trade/economy, rural development) typically still only have limited understanding of the Nagoya Protocol and how its implementation could benefit the countries and their sectoral development objectives.

Staff and time uncertainties

Another challenge encountered already during the country diagnostics is that the ABS Initiative is now – being involved in national processes – rather bound to (sometimes changing) implementation timelines of partner authorities at national level. This may result in ad hoc changes to national work plans of the Initiative, possible delays and knock-on effects for other countries regarding ABS activities.

5.2 Instruments and approaches to address common needs

The common needs that were identified during the country diagnostics in 2015 and addressed – within the budget limitations – in 2016 by the ABS Initiative and its partners remain valid for our work in 2017:

- Awareness raising on ABS among relevant stakeholders (government institutions, IPLCs, academia and private sector) – e-learning tools, videos, comics, posters and generic templates for target group-specific CEPA materials which can be easily translated into local languages. In 2016 and the beginning of 2017 first steps were taken to move relevant activities forward, including the translation of publications and films as well as starting the conceptualization of a blended-learning tool for ABS contracts.
- Furthermore, the Initiative has started a process in late 2017 with relevant stakeholders in Africa to identify contents and formats that would best fit the needs of the relevant IPLC target groups, which will serve as basis for the development of new CEPA tools for IPLCs. An expert meeting is planned for January 2018 in Nairobi, Kenya.
- The specific functions as well as the interplay between key elements relevant for the monitoring the utilisation of GR under the Nagoya Protocol (access permit, CNA, IRCC, checkpoint, ABS-CH, checkpoint communiqué, etc.) are still not fully understood by many actors and stakeholders. To address this comprehension gap – existing in both, provider and user countries – the ABS Initiative is developing in close collaboration with the CBD Secretariat an explanatory video “ABS monitoring simply explained”, to be launched at SBI 2 in July 2018 in Montreal. Furthermore, together with partners from CNAs in provider and user countries,



research, industry and the Secretariat of the CBD, it is planning to conduct a “dummy test run” of the entire system – from an ABS permit to the checkpoint communiqué. Comprehension problems and technical hurdles would be recorded, serving as a basis for the development of possible capacity building tools.

- Building on previous work of the ABS Initiative on policy and implementation options for ABS regulatory frameworks, the Initiative is planning to develop an explanatory guide referencing existing examples of the manifold options for national and subnational implementation. In addition, specifically for regulators, the Initiative intends to develop a building block kit demonstrating all potential components, actors and processes of ABS compliant value chains.
- The practical value of inventories of TK associated with GR still needs to be evaluated. A first concrete possibility within the proposed work plan of the ABS Initiative might evolve in collaboration with the South African CSIR which is planning to utilise the National Recordal System (NRS) developed by the South African Department of Science and Technology for identifying promising uses of IPLC used indigenous plants.
- Understanding and supporting utilisation and valorisation of GR and aTK remains a challenge. The general collaboration with PhytoTrade Africa and UEFT to engage with the private sector and to bring business and government representatives together will be continued. The SECO co-funded subproject “ABS Complaint Value Chains in South(ern) Africa” is focussing to improve this link and to create a functioning regulatory ABS framework in South Africa that ensures on the one hand benefit-sharing with the providers of GR and aTK while on the other hand BioTrade based on Southern African GR and aTK is increasing and thus contributing to improved livelihoods and sustainable use of indigenous biodiversity.

In addition, important topics emerged during the last months requiring more support to ensure that the Nagoya Protocol becomes fully operational by 2020:

- The provider-user interface is building at national level on PIC, MAT and the ABS permit. Information on the ABS permit uploaded at the ABS-CH constitutes an Internationally Recognised Certificate of Compliance, serving at the international level as basis for monitoring compliance of users with user country regulations. This mechanism – from establishing PIC in a provider country to monitoring compliance by the checkpoints in a user country – is still poorly understood by many stakeholders. In close collaboration with the SCBD, the ABS Initiative has engaged to understand the problems stakeholders have and to raise awareness and provide trainings to the relevant government representatives.
- ABS Focal Points have repeatedly requested **support from the legal team of the ABS Initiative** for negotiating ABS agreements with commercial users as well as applied and academic research institutions. Establishing a legal helpdesk which can be accessed via the website of the ABS Initiative was already envisaged in the Initiative’s work plan for 2016/17. Liability matters of participating legal advisers have been clarified; however, continued funding constraints prevent to officially launch such a helpdesk and will not be considered if the funding constraints remain as they are. Instead, FNI developed a methodology for taking such requests – usually in the format of a draft contract – as examples for commenting and exercising during the contract training courses. This provides concrete advice that can be applied by the participants along with general building of competence on drafting better contracts. The approach of using draft contracts as examples in training courses is currently the preferred methodology of the ABS Initiative and its partners.
- A severe lack of information about all aspects of benefit-sharing – reasonable expectations, industry-specific rates, scheduling of milestones, upfront payments vs profit shares, effective ways to use non-monetary benefit sharing measures etc. – is leading to institutional paralysis on the part of providers, who do not feel sufficiently knowledgeable to confidently propose, consider, evaluate, negotiate and conclude MAT. The fact that in most cases much of this information is commercially confidential exacerbates the problem. Creative ways of aggregating such figures and making the results available as reference points (without compromising commercial confidentiality) would go a long way towards instilling NCAs and other decision makers with the confidence needed to act.



In order to further inform international processes relevant to ABS implementation (under CBD/Nagoya, FAO ITPGRFA, WIPO IGC, WHO PIP) and other capacity development initiatives, challenges in implementation and possible ways to address them will be compiled, analysed and documented by the ABS Initiative based on the national reports submitted by ACP countries. These findings will finally feed into the discussions on the review of the Nagoya Protocol at COP/MOP 3 in 2018.

Experiences presented by a number of ‘ABS-advanced’ countries, including partner countries of the ABS Initiative, at a high-level side event at COP 13 / MOP 2 in Cancún⁵ showcased **how ABS can support the national development agenda and contribute to achieving numerous SDGs**. As many countries are now in the process of setting up or revising their national sustainable development strategies, it is now timely to collect and present ‘hands-on’ how concrete ABS cases – or specific elements of them – impacted positively on specific targets of the Agenda 2030. Amending the policy paper on the ABS-SDG links, developed by the ABS Initiative in 2015, will help to (re-)contextualize how ABS mechanisms, and in particular the Nagoya Protocol can be effective instruments to support sustainable development in both, provider and user countries. Indirectly such a “case compendium” will contribute to a common understanding of ABS implementation among relevant stakeholders and generate political buy-in from the respective (line) ministries for developing a coherent ABS approach at country level.

⁵ 05.12.16 – High-level Side Event: Contribution of the Nagoya Protocol on the Sustainable Development Goals (organized by UNDP in collaboration with the ABS Initiative, SCBD and further supporting partners)



Annex A: Expenditure Report 2017

The following table provides an overview on the expenditure for running the ABS Initiative Secretariat. Expenditure is attributed to implementation and management related activities based on time sheets of all staff members at GIZ and GeoMedia. Total cost for salaries of GIZ staff and remuneration of GeoMedia staff is split between 'implementation' and 'management' according to the time sheets. The resulting average percentage for GIZ staff is applied to split office related costs at GIZ headquarters. Travel cost which cannot be attributed to any other activity are assumed to be 100% 'management' related.

No.	Cost category	Costs	Implementation		Management	
			%	€	%	€
0.1	Core Staff GIZ					
0.1.1	Manager (100%)	157.934	51	80.576	49	77.358
0.1.2	Project Officers (2 x 100%, 1 x 70%)	239.673	69	165.178	31	74.495
0.1.3	Travel and Workshop Manager (2 x 100%)	165.679	59	98.428	41	67.251
0.1.4	Finance administrator (100%)	72.502	1	600	99	71.902
0.1.6	Income service requests	-132.548	64	-85.430	36	-47.118
	Sub-total: Core Staff GIZ	503.240	52	259.352	48	243.888
0.2	Consultants					
0.2.1	Core Staff GeoMedia	239.606	72	172.613	28	66.993
	Sub-total: Consultants	239.606		172.613		66.993
0.3	Other costs					
0.3.1	Office rent, communication, ...	54.787	52	28.235	48	26.552
0.3.2	Travel secretariat staff	971	0	0	100	971
0.3.3	Office equipment (server, computer..)	5.843	52	3.011	48	2.832
	Sub-total: Other costs	61.601	51	31.246	49	30.354
0	Sum Secretariat Costs	804.447	58	463.211	42	341.235

Income from GIZ internal service requests from other projects **not directly** related to the ABS Initiative work is significantly higher (more than 100%) than in previous years, as the knowledge and communications manager of the ABS Initiative serviced in 2017 during several months the BMZ/GIZ preparations for side events and exhibitions during UNFCCC-COP 23 in November 2017 in Bonn, Germany.

Income from GIZ internal service requests from other projects **directly** related to ABS implementation – specifically in Africa, but also in other regions – is listed as co-funding in the table below which provides detail about the implementation related expenditure in Africa, the Caribbean and the Pacific. 'Management' related expenditure is listed under the heading '3 Steering and Guiding Processes'. The related sub-total is split between the three ACP regions according to the region-specific implementation expenditure. Adding the region-specific expenditure for 'steering and guiding' to the respective expenditure for 'implementation' provides the total expenditure per region.



No.	Activity	Country	ABS Initiative core funds: Expenditure by donor						Cofunding
			BMZ	OIF	Norway	Denmark	EU	France	
1	Supporting Partner Countries								
1.0	National support		996		0		1.052		2.047
1.0.1	Ongoing processes, roadmap & implement.	Algeria	5.558				3.217		8.775
1.0.2	Ongoing processes, roadmap & implement.	Benin	4.770		8.086	3	22.335		35.193
1.0.6	Ongoing processes, roadmap & implement.	Kenya	59.417		21.810	208	20.850		102.285
1.0.7	Ongoing processes, roadmap & implement.	Madagascar	1.793				1.471		3.265
1.0.8	Ongoing processes, roadmap & implement.	Morocco	576		500	-5.423	738		-3.609
1.0.9	Ongoing processes, roadmap & implement.	Namibia	8.660			-22.492	5.210		-8.622
1.0.10	Ongoing processes, roadmap & implement.	South Africa	30.909			510	42.102		73.521
1.0.11	Ongoing processes, roadmap & implement.	Uganda	619				541		1.160
1.0.12	Flexible budget for country support		4.511			41	3.679		8.231
1.0.13	Ongoing processes, roadmap & implement.	COMIFAC	44.418			-5.423	2.471		41.466
1.1	National Institutional and Regulatory ABS Frameworks		235		0		83		318
1.1.1	IDLO Legal Training		814				276		1.090
1.1.2	Legal Helpdesk		25				9		33
1.2	Effective Participation of IPLCs		1.279		0		434		1.713
1.2.1	Natural Justice: Engaging with IPLC		712		36.041	20.081	55.622		112.457
1.3	Development of ABS Agreements		6.974		0		5.204		12.178
1.3.1a	Contract Training EN	Namibia	23.346		2.250		35.859		61.455
1.3.1b	Contract Training FR	Morocco	5.036				1.830		6.866
1.3.1c	Contract Training EN	Ethiopia	16.953		2.250		5.408		24.610
1.3.2a	UEBT: Support to ABS compl. value chains		97.552	8.235	19.794		16.202		141.783
1.3.2b	PTA: Support to ABS compl. value chains		1.832			5.865	2.045		9.742
1	Sub-Total		316.984	8.235	122.311	-6.629	226.638		635.959
2	Auxiliary Processes								
2.1	Regional Harmonisation and Exchange		65		0		237		302
2.1.1	Participation in regional fora		3.603			-3.362	2.830		3.070
2.1.2	Final WS UNEP/GEF 4	Kenya	258				229		487
2.1.3	Basic ABS course (UCT)	Zimbabwe	20.696					18.240	38.936
2.1.5	WS ABS implement. for IPLC	Morocco	44.371				15.651		60.022
2.1.6	Pan-African ABS Workshop		249.918		5.600	-29.443	4.131		230.205
2.1.7	AU Coordination		11.489				10.071		21.560
2.1.8	Sub-regional EN	Kenya	10.587		14.889		3.651		29.127
2.1.9	Sub-regional FR	Côte d'Ivoire			14.151				14.151
2.2	Interfaces to International Processes		20.406		0		7.486		27.892
2.2.1	Participation in international fora		57.283			-26.366	13.031		43.948
2.2.2	WIPO WS on IPR for IPLC EN	Namibia	677				239		916
2.2.3	WIPO WS on IPR for IPLC FR	Morocco	166		10.996		56		11.219
2.2.4	Tandem WS ITPGRFA and NP	Ethiopia	18.846				15.504		34.350
2.2.6	TW Monitoring & Compliance	Mexico			-4.708				-4.708
2.2.7	3rd global ABS dialogue	Mexico	148			420	357		925
2.2.8	C2C exchange	South Africa	10.295				3.453		13.748
2.2.9	Cooperation with ILRI		6.328				2.149		8.477
2.2.10	Global ABS workshop with CGRFA	Italy	122				42		164
2.3	Knowledge Management and Transfer		8.649		0		3.492		12.141
2.3.1	Support by FNI						69.400		69.400
2.3.3	Equator Initiative: ABS Equator Award		1.894				668		2.562
2.3.4	Knowledge management		1.957						1.957
2.3.5	Updating knowledge management and transfer tools		13.435		10.435	9.700	5.017		38.587
2.4	Knowledge Generation for HCD Tools		427		4.050		237		4.715
2.4.2	Concept for blended learning tool on ABS contracts		21.960				7.721		29.681
2.4.3	Expert WS CEPA tools for IPLCs	Kenya	20.903		2.000		10.632		33.535
2.4.4	Inputs to COP MOP 3		22.718				253		22.972
2	Sub-Total		547.201		57.413	-49.052	176.539	18.240	750.341
Africa: Expenditure Implementation			864.184	8.235	179.724	-55.681	403.177	18.240	1.417.879

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Africa: Expenditure Implementation			864.184	8.235	179.724	-55.681	403.177	18.240	1.417.879	
Africa: Expenditure Implementation and Management			1.164.553	8.235	180.345	-54.155	505.431	18.783	1.823.191	
3	Steering and Guiding Processes									
3.0.4	Administration (GIZ/BMZ internal)		15.850		1.347	512	5.966		23.674	
3.0.5	Staff training		12.068			109	140		12.316	
0	Secretariat Cost - Management		244.065		-1.726	-236	99.132		341.235	
3.1	Steering Committee				0					
3.1.1	Steering Committee		15.608		1.000	1.142	5.691	543	23.985	
3.2	Project Management									
3.2.1	Team Meeting		22.405				9.604		32.009	
3	Sub-Total		309.997		621	1.526	120.532	543	433.219	
	- share of Africa		300.368		621	1.526	102.254	543	405.312	
	- share of Caribbean (funded by BMZ and EU)		1.535				1.517		3.052	
	- share of Pacific (funded by BMZ and EU)		8.094				16.761		24.855	
Africa: Expenditure Implementation and Management			1.164.553	8.235	180.345	-54.155	505.431	18.783	1.823.191	
4	Caribbean									
4.1	National support									
4.1.1	Bahamas		245				83		328	
4.2	Regional support		2.788		0	0	5.368		8.156	
4.2.1	Marine Conference Jamaica 11/2015		1.383				531		1.914	
4	Sum Implementation		4.415				5.982		10.397	
Caribbean: Expenditure Implementation and Management			5.950				7.499		13.449	
5	Pacific									
5.1	National support (Fiji, Vanuatu, Palau)		12.743		0	0	32.551		45.294	
5.2	Regional support		10.545		0	0	20.285		30.830	
5.3	Knowledge Management and Transfer						6.000		6.000	
5.4	Knowledge Generation for HCD						7.250		7.250	
5	Sum Implementation		23.288				66.086		89.374	
Pacific: Expenditure Implementation and Management			31.382				82.847		114.229	
6	Asia									
6.1	National support									
6.1.1	Support to the Indo-German ABS Partnership Project	India							7.815	
6.2	Regional support									
6.2.1	ASEAN Tandem WS	Philippines							9.360	
6	Sub-Total								17.175	
							0			
Sum			1.201.884	8.235	180.345	-54.155	595.777	18.783	1.950.869	108.253
Total overhead costs			219.845	1.235	17.825	-42.987	89.470	-11.472	273.917	
Project costs			1.421.730	9.470	198.170	-97.142	685.247	7.311	2.224.786	108.253



Annex B: Definitions for indicators as provided in the "Progress Report 2015 – Addendum"

Deriving from the country assessments in 2015 questions arose with respect to measuring the impact of the ABS initiative's work, i.e. what (and what not to) account for in the results matrix with respect to **legal and institutional frameworks, ABS agreements and BCPs** (see Programme Document 2015-2020, Annex 1). Following a discussion in the Steering Committee at its meeting in March 2016 in Paris, it was decided that:

- Due to limited influence of the Initiative in steering / managing ABS capacity development processes in countries where the Initiative works on the basis of GIZ internal job orders, the outcome indicators of the **ABS Initiative will only count achievements in non-GIZ supported countries**⁶.
- ABS related achievements in German DC supported countries will be reported against ABS relevant outcome indicators defined by the GIZ implemented projects⁷, in particular on those that are similar / comparable with the Initiative's indicators.
- Progress made in African cooperation countries, i.e. countries that are not directly benefitting from the Initiative's support (see Chapter 7.3), will be flagged in narrative reporting.

With respect to the relevant outcome indicators 1-3 of the Programme Document, it was agreed that:

- **Outcome indicator 1** counts the number of drafts submitted by ABS National Focal Points / Competent National Authorities to relevant decision makers for institutional and legal ABS frameworks at national level.
- The **baseline** will ascertain pre-and post-Nagoya drafts in the four (non GIZ supported) partner countries⁸ whereas the **target for outcome indicator 1** will count post-Nagoya drafts in partner countries. Here the target now reads: **in 4 (non GIZ supported) partner countries [...] drafts [...] have been submitted**. Further, it was clarified that separate drafts for the institutional and legal framework in a particular country will be counted as one draft.
- **Outcome indicators 2 and 3** count the number of ABS agreements in the four (non GIZ supported) partner countries which can be attributed to the support for capacity development provided by the Initiative and its partners to the various stakeholders.
- It was agreed that only ABS agreements
 - ❖ with a benefit-sharing component
 - ❖ that have been supported by the Initiative and its partners
 - ❖ and that are in accordance with national regulations or a defined process and / or approved by a Competent National Authority (which is defined in national regulations or a defined process) will count.
- Based on discussions in the SC, outcome indicators 2 and 3 will not be quantified with a baseline figure. The target for outcome indicator 2 now reads: + 10 ABS agreements in the 4 partner countries⁴; the target for outcome indicator 3 now reads: +7 ABS agreements in the 4 (non GIZ supported) countries⁵.

⁶ Benin, Kenya, South Africa, Uganda

⁷ Algeria, Madagascar, Morocco, Namibia and COMIFAC

⁸ Legal and institutional ABS frameworks/enacted bills exist in 3 countries: Kenya; Uganda, South Africa. So far only South Africa has developed a (revised) regulation in the "post-Nagoya" period.

Annex C: Letter of the Commissioner Human Resources, Science and Technology Department, African Union Commission



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SUBJECT: Funds for African Coordination

I would like to acknowledge both the technical and financial support that the ABS Capacity Development Initiative is extending to the African countries and the Commission. I am also pleased with your commitment to continue supporting the preparation and coordination of the African Group towards CBD COP 14 and Nagoya COP-MOP 3.

Taking into consideration funds availability and taking into account the outcome of the Steering Committee meeting in March 2017 in Dakar, the African Union Commission agrees with the following activities:

1. Year 2017

- *Support the development of a common African approach/position to guide the coordinated preparation by African countries of their National Reports on NP implementation due by 1 November 2017.*
- *Commission an analysis and synthesis report of the African National Reports submitted by 1 November 2017, which could be submitted as Information Document to the 2nd meeting of the Subsidiary Body on Implementation of the CBD in July 2018 in Montreal, Canada, to enrich discussion about NP implementation with a specific African perspective (AUC Frameworks for Biodiversity, bio-safety and Bioethics)*
- *Support the development of a common African position on the relevance of Digital Sequence Information, which can be submitted as part of the compilation of views that will inform the meeting of the Ad Hoc Technical Expert Group on Digital*

m.e.



Sequence Information on Genetic Resources in February 2018 in Montreal, Canada.

- *Further support the development of a common African position on Nagoya Article 10, the Global Multilateral Benefit Sharing Mechanism.*

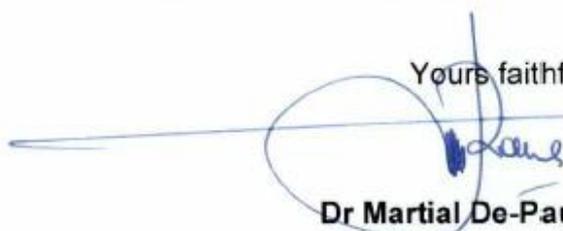
2. Year 2018

We further propose for 2018, the implementation of strategies for sustainable use of Biodiversity, Biosafety and Access and Benefit Sharing of Genetic Resources with a **total budget of USD301, 340** along the following broad activities:

- Implementation of complementary policy on biodiversity including biosafety and access and benefit sharing
- African Common positions on international negotiations of the CBD and its Protocols
- Coordinated support of regional and continental networks of GMO detection laboratories
- Support engagement of the Continental Coordination Committee (on biodiversity, biosafety and ABS) - (For this activity the Commission is defending a budget of \$31,560 to be funded from Member States).

Let me once again, thank you for supporting this programme.

Yours faithfully,


Dr Martial De-Paul Ikounga
Commissioner
Human Resources, Science and Technology Department.





Annex D: List of workshops, trainings and conferences organized, (co-)financed and attended by the ABS Initiative

Events not organized and financed by the Initiative are listed in italics.

- 28 Jan-3 Feb 17 *FAO CGRFA 16, Rome, Italy*
1 Feb: Side event “Access and Benefit-Sharing of animal genetic resources: Community protocols and other perspective” coorganised with the League for Pastoral Peoples and Endogenous Livestock Development (LPP)
- 20-24 Feb 17 *Forum International Afrique et Beauté (FIAB), Lomé, Togo*
- 06-10 Mar 17 [10th Pan-African ABS Workshop, Dakar, Senegal](#)
- 13-17 Mar 17 *6th meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-sharing (OWG-EFMLS-6), Rome, Italy*
- 18 Mar 17 *Special Event on the Enhancement of the Funding Strategy of the International Treaty, Rome, Italy*
- 20-21 Mar 17 *8th meeting of the Ad Hoc Advisory Committee on the Funding Strategy (ACFS-8), Rome, Italy*
- 23 Mar 17 *Dialogforum 2017 "Unternehmen Biologische Vielfalt 2020", Biodiversity in Good Company Initiative e.V., Berlin, Germany*
- 27-30 Mar 17 *Tandem Workshop for Nagoya Protocol and Plant Treaty National Focal Points in South and Southeast Asia, Los Baños, Philippines*
- 3-7 Mar 17 *Meeting of the Expert Guidance Group of the Darwin Initiative project “Mutually Supportive Implementation of the Nagoya Protocol and the International Treaty in Benin and Madagascar”, Rome, Italy*
- 5 Apr 17 *GIZ Special Session “Scope and Challenges in Implementing ABS in India” at the XIX Commonwealth Forestry Conference (CFC), 03.-07.04.17, Dehradun, India*
- 2-6 May 17 *SNRD Conference, Pretoria, South Africa*
- 16 May 2017 *CEO Workshop on the Establishment of a Single-Window IT-Based ABS Permitting and Monitoring System for Kenya, Nairobi, Kenya*
- 31 May - 2 Jun 17 “Beauty of Sourcing with Respect – Biodiversity for Sustainable Development for Beauty, Health & Food” Conference organized by the Union for Ethical BioTrade (UEBT), Paris, France and accompanying events, see below:
31 May: Company visit to LVMH
1 June: UEBT Conference “Beauty of Sourcing with Respect”
2 June: “Making ABS work: A public-private dialogue”
- 12-16 Jun 17 *Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC): Thirty-Fourth Session, WIPO, Geneva, Switzerland*
12 June: Side Event “Capacity-building on Intellectual Property (IP) and Access and Benefit-Sharing (ABS)”, WIPO Traditional Knowledge Division and ABS Initiative
- 13-15 Jun 17 *National ABS contract training, Lilongwe, Malawi*
- 26-30 Jun 17 *Inception workshop of the SPREP executed GEF-5/UN Environment medium-sized project “Ratification and Implementation of the Nagoya Protocol in the Countries of the Pacific Region”, Apia, Samoa*



- 6-7 Jul 17 *Workshops on the development of sectoral guidance documents under the EU ABS Regulation, European Commission, Brussels, Belgium*
6 July: Collection holders
7 July: Research institutions
- 24-28 Jul 17 *International Conference on Science and Society 2017: “Phytomedicine and Biopiracy”, Mainz, Germany*
- 27 Jul 17 *Business Roundtable: Sourcing of Plant Materials & the Nagoya Protocol on ABS - Focus: Sourcing from Madagascar, Chamber of Commerce Karlsruhe, Karlsruhe, Germany*
- 28-30 Aug 17 *“Vilm ABS Dialogue – Informing about Domestic Measures for Access to Genetic Resources”, Federal Agency for Nature Conservation, Division I 1.4 - Competent National Authority for the Nagoya Protocol, Isle of Vilm, Germany*
- 26-29 Sep 17 *Annual Project Workshop of the Centre for Tropical Livestock Genetics and Health (CTLGH), Edinburgh, UK*
- 2-6 Oct 17 *ABS contract training for Southern African countries, Windhoek, Namibia*
- 9-13 Oct 17 *ABS contract training for Eastern African countries, Addis Ababa, Ethiopia*
- 23-25 Oct 17 *Steering Committee Meeting of the IUCN UNEP GEF ABS Project for CARICOM countries and national ABS workshop for Antigua & Barbuda, St. John, Antigua & Barbuda*
- 18-19 Oct 17 *“The Nagoya Protocol on ABS - Practical implications for the cosmetic sector”, ABS Initiative / UEFT presentation at the Cosmetic360° conference, Paris, France*
- 31 Oct 17 *“A Contract Law Look at the SMTA of the Multilateral System”, side event organised by FNI at the 7th meeting of the Governing Body of the ITPGRFA, Kigali, Rwanda*
- 21-23 Nov 17 *“Advancing implementation of the Nagoya Protocol – An international exchange on key challenges and practical ways forward”, European Commission, Brussels, Belgium*
- 22 Nov 17 *National ABS Workshop, Port Vila, Vanuatu*
- 27-30 Nov 17 *“Capacity building workshop on genetic resource policies for francophone CGIAR scientists and close partners”, International Center for Agricultural Research in the Dry Areas (ICARDA), Rabat, Morocco*
- 29 Nov 18 *„6. Runder Tisch zum Thema Access and Benefit-Sharing (ABS) - Internationaler Prozess zu digitalen Sequenzinformationen (6th Round Table on ABS - International process on digital sequence information)“, Federal Ministry for Environment, Nature Conservation, Building and Nuclear Safety, Bonn, Germany*
- 4-5 Dec 17 *National ABS WS, UNDP, Nairobi, Kenya*
- 7 Dec 2017 *Second CEO Workshop on the Establishment of a Single-Window IT-Based ABS Permitting and Monitoring System in Kenya, Nairobi, Kenya*
- 18 Dec 17 *“3rd Stakeholder Consultation Forum on ABS - Sectoral guidance documents under the EU ABS Regulation”, European Commission, Brussels, Belgium*