

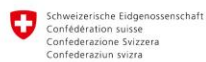
THE **ABS**  
CAPACITY  
DEVELOPMENT  
INITIATIVE



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

## Progress Report 2018

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## 1. Executive Summary

In 2018, 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, 2016 and 2017 continued in 2018. This prompted the management of the ABS Initiative to focus operational expenditure in 2018 on supporting partner countries in the implementation of the national ABS roadmaps developed and updated since 2015, trainings on ABS contracts for Francophone West African/Indian Ocean states and for the Pacific, the IDLO-SCBD blended legal training workshop, the community-to-community ABS-exchange between African, Indian and Canadian IPLC representatives, supporting technical preparation of African delegates for the implementation review process of the Nagoya Protocol at CBD COP14/MOP 3 and ensuring the meaningful exchange with commercial users through the participation of partner countries at the 2018 UEBT conference in Paris.

As in the previous year, the Initiative provided support 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 gazetted a decree adopting the interim legal framework for ABS in form of ABS guidelines, which were developed in 2016 with the ABS Initiative’s support. In

**Table 1 - Progress against outcome indicator 1 (regulatory ABS frameworks)**

**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)

<b>Status overview - Outcome Indicator 1</b>				
<b>Benin:</b> Interim legal framework adopted and in force; ad-hoc committee acting as Competent National Authority.				
<b>Kenya:</b> 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 2018: Developing the prototype of the IT System and on request by the Ministry of Environment and Natural Resources implementing it in the ABS-relevant institutions 2018: NACOSTI adopted the IT system for its research permits				
<b>South Africa:</b> Process of revising post-Nagoya ABS regulations based on extended consultations with key stakeholder groups ongoing to identify key issues for amendment; draft law (NEMBA) awaits cabinet comments and/or approval. If approved, public consultations are planned to take place in 2019; once the law is adopted, DEA will amend ABS regulations taking into account current and future stakeholder feedback.				
<b>Uganda:</b> First progress in implementing some elements the road map with a updated gap analysis and supporting the finalization of the GEF ABS project proposal				
<b>Overall progress in Y4 towards attaining indicator</b>	<input checked="" type="checkbox"/> <b>very good (almost) achieved</b>	<input type="checkbox"/> <b>good (on track)</b>	<input type="checkbox"/> <b>Problems (partially) delays in implementation</b>	<input type="checkbox"/> <b>Deficiencies (Risk to fail)</b>



Kenya, the establishment of a single window IT-based permitting and monitoring system was concluded and is currently awaiting implementation. After the adoption of the interim ABS regulation in Madagascar by Cabinet in 2017, the ABS Initiative is providing technical, strategic and legal backstopping support towards the development of “textes d’application” to guide the proper implementation of the decree. Also in Namibia the initiative supported the development of draft implementing regulations for the operationalization of the ABS bill in Namibia (2017) as a key field of activity. With regard to the experiences made in ABS contract trainings and negotiation support, specific advise should be given to countries to include provisions in the legal ABS framework documents on the consequences in case of breach of the ABS contract.

**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 elaboration of two BCPs in Benin that were both adopted in 2018. Through funding of the ABS Initiative, Natural Justice continued in 2018 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 was interrupted by a drought. The validation of the document is now foreseen for early 2019. In South Africa, the Initiative has been besides facilitating consultations between users and Indigenous knowledge holders,

**Table 2 - Progress against outcome indicator 1 (ABS agreements)**

**Outcome Indicator 2:** In 4 partner countries and at least 5 cooperation countries of the ABS Initiative 20 new ABS agreements have been established.

Baseline: *no baseline* - Target: *+20 ABS agreements* – Status: *+7 ABS agreements*

**Status overview – Partner countries:**

**Benin:** Preparatory process for engaging in ABS agreements is ongoing.

**Kenya:** Two ABS agreements with support of the ABS Initiative; the involvement in an access request by a French company is ongoing.

**South Africa:** Two ABS agreements with support of ABS Initiative established, conceptual approach developed to support selected value chains as well as the entire BioTrade sector at large in the context of the sub-project on ABS compliant value chains (ABioSA). ABioSA implementation phase started in September 2018.

**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.

**Status overview – African cooperation countries:**

**Algeria:** One ABS agreement between a forest authority in Europe and Algeria with support of the ABS Initiative in final negotiation stage

**Cameroon:** Two ABS agreements with support of the ABS Initiative established between a French fragrance company and a local community.

**Malawi:** Support to the negotiation of an ABS agreement with a German applied research foundation is ongoing since 2016; since 2017 the negotiation of five other ABS agreements is being supported. The ABS Initiative, FNI and Malawi are developing updated templates for ABS contracts on non-commercial utilization.

**Status overview – Pacific cooperation countries:**

**Vanuatu:** Support to the negotiation of an ABS agreement with a Spanish company for marine pharmaceutical bioprospecting provided since Oct. 2018.

<p><b>Overall progress in Y4 towards attaining indicator</b> (the rating “good” reflects the progress made so far in reaching 20 agreements in March 2022)</p>	<input type="checkbox"/> <b>very good (almost) achieved</b>	<input checked="" type="checkbox"/> <b>good (on track)</b>	<input type="checkbox"/> <b>Problems (partially) delays in implementation</b>	<input type="checkbox"/> <b>Deficiencies (Risk to fail)</b>
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supporting the National Khoisan Council (NKC) to finalise a rooibos tea-industry wide ABS agreement to be concluded in 2019 and the setting-up of an ABS trust fund.

**Regarding the development of ABS agreements**, the ABS Initiative convened a national MAT training in Kenya and supported the matchmaking and/or negotiation of ABS agreements between Kenyan providers and a variety of stakeholders (Kenyan public and private sector, two German universities, French company). MAT negotiations with one German university have been concluded in 2018, a commercially oriented PIC is in its final negotiations). In South Africa, the ABS Initiative supported negotiations between a South African SME and group of traditional herbal practitioners, which led to the granting of a biodiscovery permit for the South African SME. In collaboration with UEBT, an application for bioprospecting and biotrade has been jointly submitted by a cosmetic company and a fragrance house based in Europe, to be processes in 2019. The SECO-financed sub-project of the ABS Initiative, supporting “ABS Compliant BioTrade in South(ern) Africa” (ABioSA) has been launched in mid 2018 and started to be operational, e.g. with first technical trainings or grant provisioning for SME in the natural products sector. In Benin, existing access demands will be analysed aiming at identifying ABS cases to be supported by the ABS Initiative in 2019. 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 2018, established formats and tools developed by the ABS Initiative** once again proved to have great impact on ABS capacity development:

- The **11<sup>th</sup> Pan-African ABS Workshop**, held October 2018 in Addis Ababa, Ethiopia, provided a forum for National ABS Focal Points and other experts who were to be present at COP MOP 3. Substantial topics such as Digital Sequence Information and the Global Multilateral Benefit Sharing Mechanism as well as mechanisms for better information exchange and coordination

**Table 3 - Progress against outcome indicator 3 (ABS agreements based on BCPs)**

**Outcome Indicator 3:** In 4 partner countries and at least 3 cooperation countries of the ABS Initiative 12 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: *+12 ABS agreements* – Status: *+5 ABS agreements*

**Status overview – Partner countries:**

**Benin:** A BCP around two sacred forests in the municipality of Bonou (Ouémé region) has been finalized and is available in French and in the community’s local language Ouémé. 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. Two other ABS agreements benefit women.

**South Africa:** One ABS agreement between National Khoisan Council and the South African Rooibos industry and other companies; two further ABS agreements between the Cape Bush doctors and other companies.

**Uganda:** Agreements based on BCPs or CI are yet to be developed.

**Status overview – African cooperation countries:**

**Cameroon:** One ABS agreement based on intense exchanges with and amongst the providing community feeding into a national discussion on the establishment of BCP procedures has been finalized . More than 40% of beneficiaries in the supply chain of the resource are women.

**Malawi:** One ABS agreements between IPLCs and foreign users is finalised, a second one is currently under negotiation.

<p><b>Overall progress in Y4 towards attaining indicator</b> (the rating “good” reflects the progress made so far in reaching 12 agreements in March 2022)</p>	<p><input type="checkbox"/> <b>very good (almost) achieved</b></p>	<p><input checked="" type="checkbox"/> <b>good (on track)</b></p>	<p><input type="checkbox"/> <b>Problems (partially) delays in implementation</b></p>	<p><input type="checkbox"/> <b>Deficiencies (Risk to fail)</b></p>
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through the ABS Clearing-House and the internet-based communication platform for the African Group of Negotiators were discussed.

- **Two (sub-) regional ABS contract trainings for participants from** Francophone West African/Indian Ocean states and from the Pacific, as well as a national ABS contract training for Kenya, 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. One key outcome of the trainings was that the ABS Initiative will undertake an analysis of the range and potential/actual effectiveness various benefit sharing clauses. The lessons learnt will feed into the next courses and the ABS contract templates which are to be published in 2019.
- Within the established cooperation framework the ABS Initiative partnered also in 2018 with the **Union for Ethical Biotrade (UEBT)** in conducting the **Beauty of Sourcing with Respect' (BSR)** conference as well as related business dialogue elements around the conference in Paris.

In 2018, the Initiative and its partners responded to the high demand for guidance and published a range of publications focusing on ABS agreements. The ABS Initiative website incl. all documents and multimedia products were changed to reflect the new donor constellation and to include the ABioSA subproject. The Initiative continuously shifts from offline to online products, working also 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** – including advice on emerging ABS cases (Ethiopia, Malawi, Vanuatu and Zimbabwe).

Despite visible progress in 2018, the ABS Initiative – or rather the implementation of the Nagoya Protocol – is still facing specific challenges. Due to **still unclear procedures and 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 basis of new and often only partly functional ABS frameworks with the requirements of 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 and COP 14 / NP MOP 3 respectively.

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

As of 31 December 2018, 116 countries have ratified the Nagoya Protocol and according to information provided by the CBD Secretariat (January 2019), another 24 countries are in the ratification process, and 37 countries are planning to ratify. With this, the majority of the world's countries is integrating the principles of ABS in their national environmental and policy frameworks, making the Nagoya Protocol a key international treaty.



**Table 4 – Status of membership to the Nagoya Protocol on ABS among ACP countries**  
(source: ABS-CH as of 31 December 2018).

	ACP Region			Total
	Africa	Caribbean	Pacific	
Parties	43	5	7	55
Ratified, not yet Party	0	0	0	0
Non-Party, signatory	7	1	0	8
Non-Parties	4	10	8	22
Total	54	16	15	84

With 84 **ratifications**, developing countries (according to the OECD DAC classification) represent the vast majority (72%) of Parties to the Protocol. This underscores the importance that the so-called ‘provider countries’ are attaching to the ABS mechanism. Among them, Africa counts 43 Parties to the Protocol, which equals 80% of all AU member states. This underscores Africa’s strong commitment as well as expectations towards ABS as an instrument to support national conservation and sustainable development agendas. In line with this, the African Group continues to play a visible and active role in the negotiations at the international level. As table 4 shows, Caribbean and Pacific countries are less advanced in the ratification process, although progress can be observed in these regions, too. For instance, some C/P countries are still in the course of developing domestic legislation, which in many cases is a precondition for acceding to international instruments. Nevertheless, a major obstacle slowing down these processes especially in SIDS countries are the limited human capacities in administration.

Ratifications have thus been advancing considerably. Yet, the actual **implementation** of the Nagoya Protocol at the national level still bears challenges for most countries. While all ACP countries – Parties as well as non-Parties – have designated **national focal points**, only 17 African and four Caribbean countries have listed their **competent national authorities** on the ABS-CH, and only three ACP countries have designated **checkpoints**. In their Interim National Reports on the Implementation of the Nagoya Protocol submitted to the CBD Secretariat in 2017, 27 African and four Caribbean countries report that they have taken **legislative, administrative and policy measures** on ABS, with 20 ACP countries actually having listed such measures on the ABS-CH by the end of January 2019. A large portion of these measures date from before the Nagoya Protocol’s adoption, and in most ACP countries, policy development, the revision of existing legislation and/or the drafting of new measures as well as related consultation processes are still ongoing. Not surprisingly, information on ABS agreements in accordance with the Nagoya Protocol is still scarce. Only South Africa (27) and Kenya (5) – both partner countries of the ABS Initiative – and the Dominican Republic (2) have so far created **internationally recognised certificates of compliance (IRCCs)**. In their Interim National Reports, some further countries specify that they have granted a certain amount of **permits** and 24 state that **benefits** have been shared, but the respondents underline that many of these cases cannot be viewed as ABS cases in the narrow sense of the Nagoya Protocol.

As the interim national reports reveal (and the ABS Initiative’s experiences confirm), especially the Protocol’s **compliance system** is still insufficiently understood and addressed in many ACP countries. Yet, the so-called ‘**user measures**’ implemented by countries such as the EU member states, Switzerland and Japan are taking effect and thus help raise awareness of this issue in the ‘provider countries’. As the ABS Initiative’s partners confirm, users interested in genetic resources and/or associated TK are increasingly approaching national focal points and CNAs in ACP countries for information on their domestic measures, as they are now obliged to comply with these measures and provide evidence of PIC and MAT in the countries where the utilisation is taking place. At the same time, as the institutional setup is evolving, communication between CNAs of different (‘user’ and ‘provider’) countries across the world is slowly improving.





However, with legal frameworks and the related institutions not being (fully) operational yet, authorities in many ACP countries often feel uncomfortable to engage in ABS cases and do not always respond to users' requests. In the research and business communities, this causes frustration and has a negative effect on research cooperation. Upcoming business opportunities are in danger of not being realised, and even existing value chains contributing to biodiversity conservation, rural development and technology transfer are put at risk. Therefore, action for the implementation of the Protocol is still urgently needed at the national level and exchange of information via the ABS-CH is crucial for the functioning of ABS under the Nagoya Protocol.

Such challenges aside, the data summarized above also show that more and more countries are developing their national ABS systems and gaining first concrete experiences. With this, the **interfaces** between general ABS rules formulated under the Nagoya Protocol and **measures and practices in other sectors**, some of which are driven by international negotiations around instruments like WHO-PIP or UNCLOS, are increasingly emerging as important issues. In most countries, the implementation of ABS in the sense of the CBD and the Nagoya Protocol is the responsibility of the (often relatively junior) ministries of environment, while agricultural and forestry resources, marine resources and pathogens are the respective domains of the (usually more senior) ministries of agriculture, fisheries and health. The interim national reports submitted by ACP countries indicate that cooperation between these sectors is still weak and that specialised measures for basic research, genetic resources for food and agriculture or for pathogens, as required by Art. 8 of the Nagoya Protocol, have hardly been developed so far, which can have severe implications for international research e.g. in health and agriculture. At the same time, ACP countries are becoming increasingly aware of the implications that **digital sequence information (DSI)** – and the way it is addressed under the CBD – can have for ABS across all these sectors, with its relevance for taxonomy, basic and applied research as well as commercial applications. However, many countries lack the appropriate institutional arrangements necessary for the long and sometimes complicated consultations between different authorities required to adequately address issues like DSI. In all these cases, the dynamic situation at the international policy level can severely test the limits of national technical and legal capacity, sometimes resulting in legal uncertainty and/or institutional paralysis. **Supranational institutions** such as the African Union Commission, whose ABS Guidelines have been reaffirmed as the key coordinating instrument for ABS by the AU General Assembly in January 2019, can and should play a strong role to help countries coordinate their positions and find common solutions for these emerging issues.

All these developments in the political and institutional spheres of ABS are met with a steadily growing awareness among stakeholders in ACP countries that the **valorisation** of biodiversity and traditional knowledge can and should be approached in a pro-active and strategic manner. More and more actors of existing value chains, including from biotrade projects that do not necessarily involve research and development, are beginning to include ABS considerations in their activities, and political frameworks promoting biodiversity-based innovation and valorisation are increasingly linked with the emerging ABS frameworks. This has led to a growing demand for technical and legal support to valorisation-related work, such as value chain configuration, business planning and contract negotiation, across the ABS Initiative's partner and cooperation countries. This demand 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 being resolved.

Another recurring issue raised by both governments and local stakeholders in this context is the question of how ABS can be operationalised for the particular case of **traditional knowledge**, addressing matters of intellectual property as well as cooperation and benefit-sharing across country borders. In this regard, further practical experiences must be generated and shared, and regulatory arrangements are urgently needed to enhance legal certainty for both the holders and potential users of traditional knowledge.

All in all, the rich biological diversity and the related traditional knowledge and cultural practices across ACP countries bear enormous potential for the conservation and sustainable use of biodiversity, as well as for the development of local livelihoods. Stakeholders in these countries increasingly recognise this potential and start acting upon it, and slowly the respective regulatory and administrative frameworks are evolving. If these developments receive the required support at the international,



national as well as local levels, this prepares fruitful ground for benefits to be actually generated and shared in the spirit of ABS.

### 3. Financial status and perspective

In 2015, the German Federal Ministry for Economic Cooperation and Development (**BMZ**) commissioned GIZ for additional three years to implement the ABS Capacity Development Initiative (2 Mio Euro for 04/2015-03/2018). In 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 June 2018, the Ministry granted an additional amount of 2.4 Mio. Euro extending its commission to March 2022.

A second round of funding was approved by the relevant EU bodies in December 2016 under the **11<sup>th</sup> 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.

**OIF/IFDD** contributed 50,000 Euro to the ABS Initiative for expenditure until 12/2018 and is considering to continue its support in 2019.

In a financing agreement the **Swiss State Secretariat for Economic Affairs (SECO)** made available 3 Mio. CHF (approx. 2.5 Mio EUR) for 3.5 years to GIZ, earmarked for the project “ABS Compliant Biotrade in South(ern) Africa” (ABioSA). The project is focused on South Africa and the southern African region and started in February 2018. Annex D provides an overview on project objectives and components.

In 2018, the expenditure was similar to the two previous year with about 2.5 Mio. Euro in total. With a view to maintaining key processes and keeping partnerships ongoing, operational expenditure in 2018 was focused on:

- core activities – i.e. supporting partner countries in the implementation of the national ABS roadmaps developed and updated since 2015,

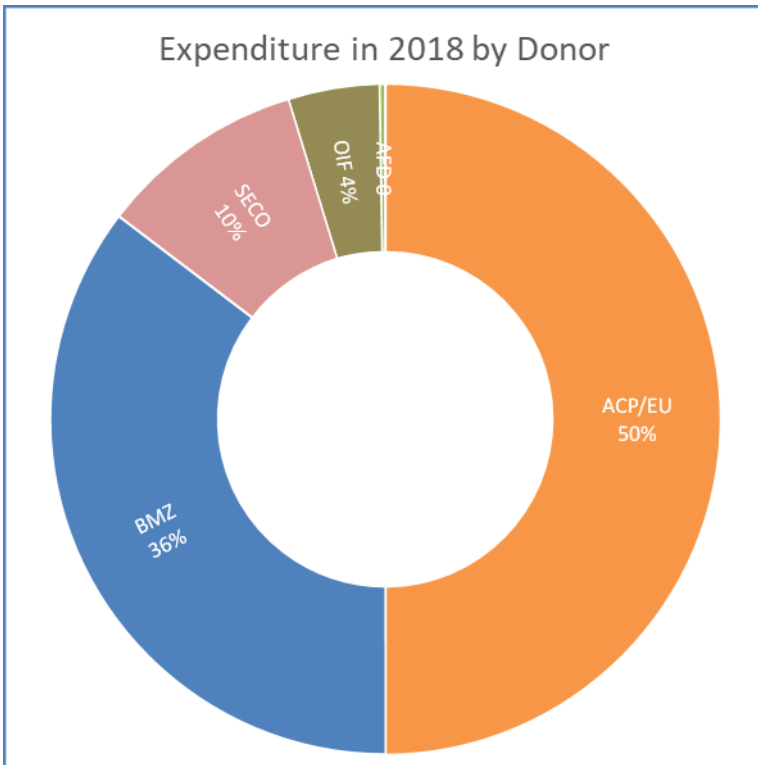
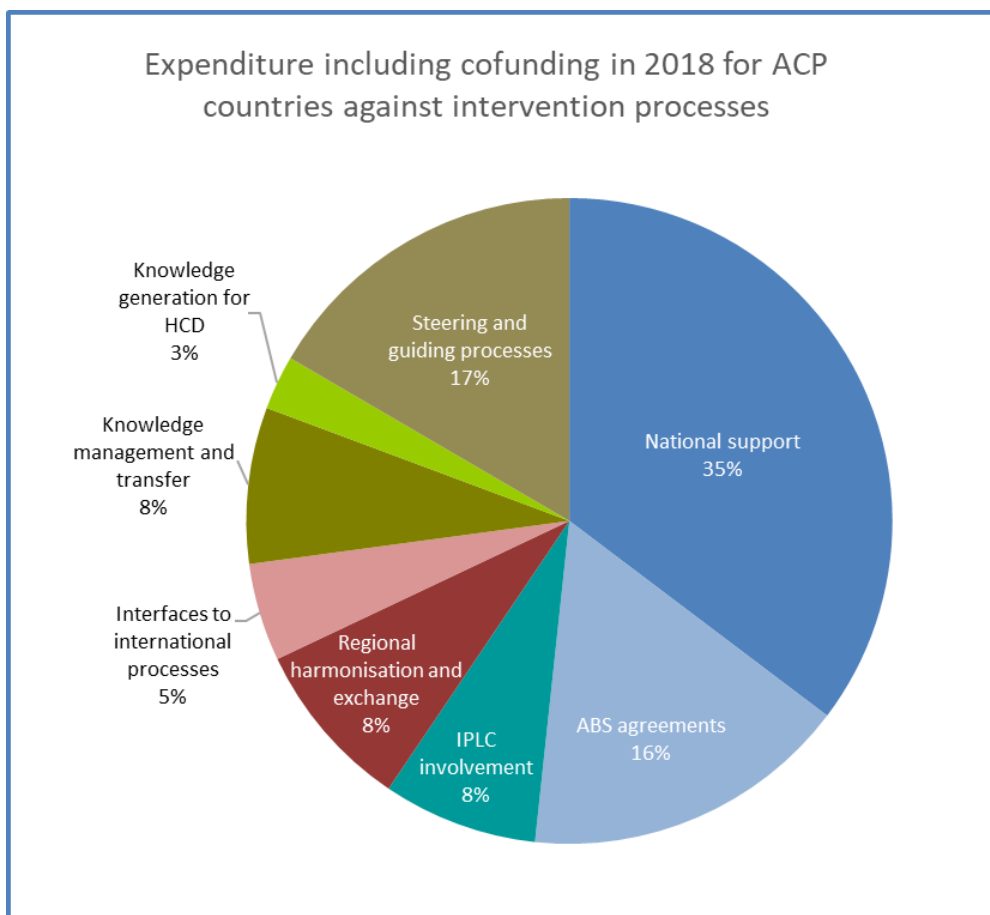


Figure 1- Donor contributions to the actual expenditure of 2,564,182 Euro in 2018. AFD, Denmark and Norway did not contribute to operational funding, however, closing of contracts from previous years resulted in the entry of minor amounts (see Annex A).



**Figure 2: Expenditure including co-funding against intervention processes (for details see Annex A). In 2018 support for developing regulatory frameworks was provided exclusively through national support to CNAs and ABS NFPs.**

- a sub-regional training on ABS contracts for Francophone West African and Indian Ocean states, and a regional one for the Pacific,
- the IDLO-SCBD blended legal training workshop where the ABS Initiative funded the travel costs of the African participants,
- workshops and trainings with co-funding of co-organizers such as:
  - 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 community-to-community exchange between African, Indian and Canadian IPLC representatives, co-funded by The Christensen Fund, several GIZ-implemented projects funded by BMZ, as well as ABS Canada.
- Knowledge management and tool development in the fields related to:
  - documenting ABS cases and best practices,
  - CEPA tools for IPLCs,
  - emerging issues relevant for ABS implementation (e.g. digital sequence information, implementation interfaces with other conventions/treaties)
  - understanding compliance and the ABS Clearing-House
  - national ABS permitting systems

The distribution of funds across the different areas of work clearly strengthened in 2018 the core processes and specifically national support:

- 59% (38% in 2017, 39% in 2016 and 45% in 2015) 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. The significant increase has to be partly attributed to the SECO co-funding for the ABioSA project. Funds of the ABS Initiative core budget were used to support partner and cooperation countries in implementing the established national ABS road maps including providing funds

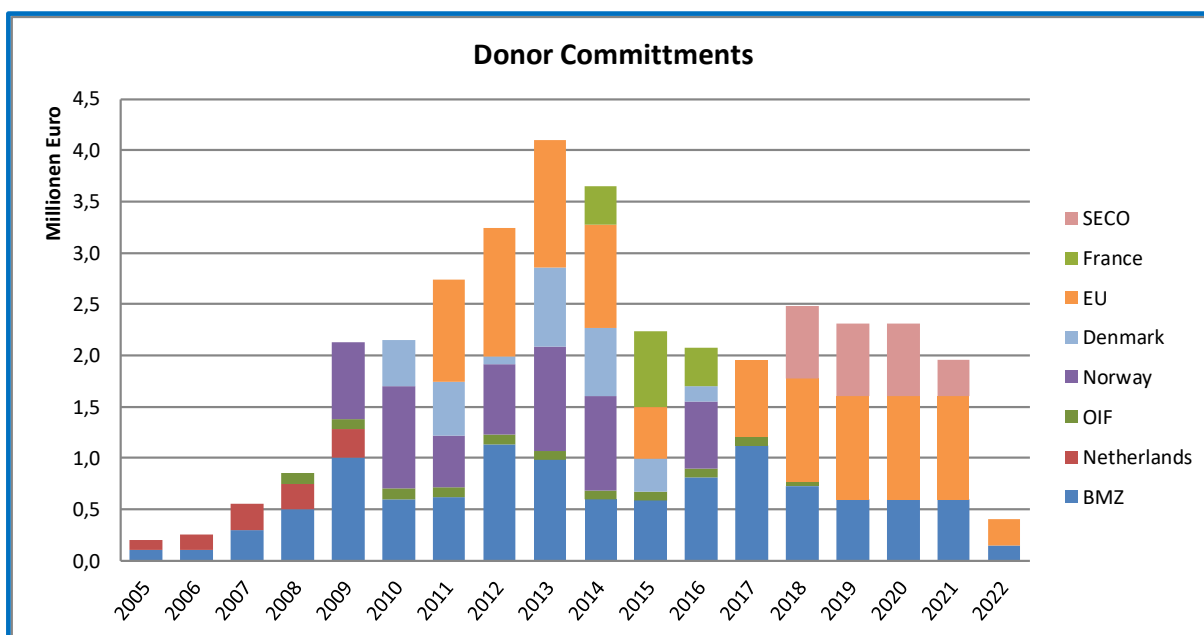


Figure 3 - Yearly funding commitments of the donors to the ABS Capacity Development Initiative since 2005. Until 2013 BMZ funds indicate the actual expenditure, from 2014 onwards estimates of minimum expenditure based on current planning cycles. Funds of other donors are included once financing agreements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

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.

- 24% (41% in 2017, 47% in 2016 and 30% in 2015) 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 significantly lower share in 2018 as compared to the two previous years responds to the much stronger focus on implementation-oriented work in 2018.
- 17% (21% in 2017, 16% in 2016 and 25% in 2015) of the expenditure was used for the necessary steering and guiding processes.

Through the partnership with the **University of New South Wales (UNSW)** in Sydney, Australia, parallel funding is available through a research grant (568,796 AUD, appr. 360,000 EUR) that was 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 in Vanuatu, Cook Islands and Northern Australia.

In an effort to broaden and thus improve the funding base of the ABS Initiative, the Secretariat of the Initiative continued its 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 to budgetary allocation problems at the level of the benefitting countries.

The PIF of the ABS project for the Congo successfully lead 2018 into project preparation. Here a possible role of the ABS initiative in the execution of the project will be explored. The regional PIF for Burkina Faso and Niger unfortunately did not lead into a project preparation phase due to financial reallocations.



- Discussions with the Government of **Canada** (Environment Canada), ABS Canada – an 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 raising awareness on the Nagoya Protocol and to encourage engaging in ABS compliant sourcing – ToR for a scoping study to be funded by Environment Canada on Canadian users were established in late 2018.
  - South-North exchange of IPLC representatives on the national implementation of the Nagoya Protocol, i.e. a Canadian Aboriginal representative participated in the community-to-community exchange workshop in South Africa in September 2018 (see chapter 4.3).
  - 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 4.3.2.3, page 43) – common side events, e.g. on ABS related IP aspects, Multilateral Benefit Sharing Mechanism and DSI, but also financial coverage of advisors to the African Group on those issues.
- As a follow up to the Initiative’s input to the Symposium on Law and Governance of Marine and Plant Genetic Resources at the Fridtjof Nansen Institute (FNI) in Oslo in August 2018, as series of exchanges with the **Norwegian Ministry of Foreign Affairs** took place in order to explore to re-engage in a partnership with the ABS Initiative. Topics of interest for capacity development and experience exchanges were (a) application and governance options for DSI, (b) marine genetic resources and marine collections, (c) ABS contributions to forest landscape restoration and rehabilitation and (d) role of ABS in the CBD post-2020 agenda.
- 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).

**Table 5 – Country-specific work packages based on the national ABS road maps, established following the country diagnostics conducted by the ABS Initiative in 2015.**

<b>Work packages in African partner countries</b>	<b>Benin</b>	<b>Kenya</b>	<b>South Africa</b>	<b>Uganda</b>
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 valorisation cases	x	X	x	x
BCP development	x		x	
Transboundary guidelines			x	
Technical/legal trainings	x	X	x	x



## 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). Support in South Africa has been up-scaled significantly in 2018 due to starting implementation of the **ABioSA sub-project**, which contributes to the outcome indicators 2 and 3 of the ABS Initiative on the number of ABS agreements and ABS agreements based on BCPs. For a description of the project component and its objective, see Annex D.

In African cooperation countries with GIZ-implemented partner projects, support is provided based on the respective operational planning of and upon request by the GIZ-implemented projects. 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 the ABS Initiative to engage in individual countries at a comparable level to the African partner countries. Therefore, as a 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 activities are responding within the budgetary limits to specific requests from countries. In both regions, all support is 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, during its meeting in 2016, the Steering Committee of the ABS Initiative discussed and clarified what should 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. To better reflect and account for the support provided to cooperation countries especially in the Caribbean and the Pacific, but also in Africa (funded through the "flexible country budget"), the Steering Committee decided in its meeting in 2017 to amend outcome indicators 2 and 3 to include progress in cooperation countries, too. The team was requested to propose target values to the Steering Committee for decision at COP 14 in November 2018, also taking into account the ABioSA sub-project. The approved values are provided in the respective tables below.

### 4.1 Support to partner countries (Africa) and cooperation countries (ACP-wide)

**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:** Interim legal framework adopted and in force; ad-hoc committee acting as Competent National Authority.

**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

2018: Developing the prototype of the IT System and on request by the Ministry of Environment and Natural Resources implementing it in the ABS-relevant institutions



2018: NACOSTI adopted the IT system for its research permits

**South Africa:** Process of revising post-Nagoya ABS regulations based on extended consultations with key stakeholder groups ongoing to identify key issues for amendment; draft law (NEMBA) awaits cabinet comments and/or approval. If approved, public consultations are planned to take place in 2019; once the law is adopted, DEA will amend ABS regulations taking into account current and future stakeholder feedback.

**Uganda:** First progress in implementing some elements the road map with a updated gap analysis and supporting the finalization of the GEF ABS project proposal

<b>Overall progress in Y4 towards attaining indicator</b>	<input checked="" type="checkbox"/> <b>very good (almost achieved)</b>	<input type="checkbox"/> <b>good (on track)</b>	<input type="checkbox"/> <b>Problems (partially) delays in implementation</b>	<input type="checkbox"/> <b>Deficiencies (Risk to fail)</b>
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**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><b>Status: 5 drafts (post-Nagoya) in 3 partner countries</b></p>	<p>Key activities supporting achievement of the indicator:</p> <p><b>Benin – Baseline: 0, Status: 2</b></p> <ul style="list-style-type: none"> <li>• The interim legal framework for ABS, which was developed in 2016 with the ABS Initiative’s support, was adopted in March 2017. The national <i>Directives</i> 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 <i>Directives</i> 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), which was signed by the President in September 2018.</li> <li>• As long as ABS is implemented through the interim framework, the role of a Competent National Authority is assumed by an ad-hoc committee composed of representatives of the ministries relevant to the respective access requests. The committee is coordinated by the ABS focal point and has already started working with the Initiative’s financial support.</li> <li>• Now that an interim system is in place, Benin envisages developing a fully-fledged ABS law in the coming years.</li> </ul> <p><b>Kenya – Baseline: 1 (pre-Nagoya), Status: 3 (post-Nagoya)</b></p> <ul style="list-style-type: none"> <li>• Kenya appointed the Competent National Authority and check points for ABS.</li> <li>• Due to the progress in institutional consultations and coordination after the planning workshop 2015, the idea to convene a national coordination forum was abandoned.</li> <li>• Instead, Phases 1 and 2 of the establishment of a single-window IT based ABS application, 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.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The Ministry of Environment and Natural Resources, backed by 20 national institutions, endorsed the results of Phases 1 and 2 and is planning for a hand-over in 2019</li> <li>• 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.</li> </ul> <p><b>South Africa –Baseline: 1 (post-Nagoya), Status: 1 (revision of post-Nagoya)</b></p> <ul style="list-style-type: none"> <li>• 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 new national Biodiversity Economy Strategy (BES) and efficient with respect to transaction costs.</li> <li>• Based on a ministerial decision the law and regulations should be amended based on a draft, to be developed by mid / end 2018. During 2017SA 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. A draft amendment has been established in 2018 and is currently at cabinet level circulated for comments. Approval of the draft bill for parliament adoption is expected for late 2019.</li> <li>• Once the amended NEMBA will be in force also the ABS regulations (BABS) will be amended accordingly, taking into account feedback from past and future stakeholder consultations as well as other considerations considerations,(e.g. related to the monitoring and permitting processes, developments at CBD level, etc.).</li> <li>• The ABS Initiative is proving input and support to several consultations related to the revision of the ABS framework and also accompanied and advised the process at the level of the DEA.</li> </ul> <p><b>Uganda –Baseline: 1 (pre-Nagoya), Status: 0</b></p> <ul style="list-style-type: none"> <li>• No progress on legal reform was reported</li> </ul>
<p>A.2: Roadmaps for ABS implementation in partner countries and (sub-)regions include budget allocations Baseline: 1 partner country and 0 (sub-) regions Target: 4 partner countries and 2 (sub-) regions</p>	<p>Key activities supporting achievement of the indicator:</p> <p><b>Benin – Baseline: 0, Status: 1</b></p> <ul style="list-style-type: none"> <li>• The ABS Initiative will continue its support to the NGO CeSaReN through a grant agreement which is currently in preparation. The respective proposal contains a detailed work plan with budget allocations for the period from February 2019 to April 2020, based on the outcomes of past activities and the road map that was elaborated in 2015.</li> </ul> <p><b>Kenya – Baseline: 0, Status: 1</b></p>





<p><b>Status: 3 partner countries and 0 (sub-) regions</b></p>	<ul style="list-style-type: none"> <li>• Workshop/meetings in April refined the 2015 work plan and budgets laying foundations for activities on BCPs and the IT monitoring system.</li> <li>• Workshops/meetings in August and November 2016 specified content and procedures for implementing the IT monitoring system.</li> <li>• Phases 1 and 2 for the establishment of the IT System convened from February to December 2018 in a highly integrative manner involving five core and up to 15 other national institutions with seven technical workshops and three workshops for the CEOs of the involved institutions (May and December 2017, May 2018).</li> <li>• The Workplan 2018-2022, developed through a stakeholder workshop in May 2018, focuses on supporting Kenyan pilot counties in ABS issues, ensuring IPLC participation and establishing a science-business-forum to foster ABS compliant biodiversity-based value chains.</li> </ul> <p><b>South Africa – Baseline: 0, Status: 1</b></p> <ul style="list-style-type: none"> <li>• 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. Taking into account the enlarged partnership between the GIZ / the ABS Initiative and DEA under the ABioSA project (which started in June 2018) and the BioInnovation project (to start in July 2019) a new cooperation agreement is currently being framed and developed.</li> <li>• Besides a variety of ABS stakeholder meetings (such as the half yearly Bioprospecting Forum), further consultation support at community level for Benefit-sharing agreements (such as in the Rooibos case), as well as sub national awareness raising campaigns two major events in 2018 (Biodiversity Economy Indaba in March, Biodiversity Economy Operation Phakisa in August) were financed by SA government, as part of DEA / other agencies budget allocations.</li> </ul> <p><b>Uganda – Baseline: 0, Status: 0</b></p> <ul style="list-style-type: none"> <li>• 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 an ABS contract, including an electronic identity preservation system and measures to deal with the relevant CITES restrictions.</li> <li>• NEMA agreed to the <i>Prunus</i> work plan in general but did not follow up the necessary steps for its implementation.</li> <li>• Cooperation with NEMA to finalise the application for a GEF-UNEP ABS project as basis for its further engagement in ABS activities in Uganda as a cooperation country.</li> </ul>
<p>A.3: The drafts/concepts in partner countries include the feedback from IPLCs as well as other relevant stakeholders.</p>	<p>Key activities supporting achievement of the indicator:</p> <p><b>Benin – Baseline: 0, Status: 1</b></p> <ul style="list-style-type: none"> <li>• 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</li> </ul>



<p>Baseline: <i>1 drafts</i>  Target: <i>Concepts in 4 partner countries with feedback from stakeholders</i>  <b>Status: Concepts in 3 partner countries with feedback from stakeholders</b></p>	<p>validation and finalisation of the interim framework described above.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• In the course of the community-level activities supported by the ABS Initiative, the partners piloted a community PIC &amp; MAT for the transfer of genetic resources.</li> </ul> <p><b>Kenya –Baseline: 0, Status: 1</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The Workplan 2018–2022, developed through a stakeholder workshop including representatives from Counties and IPLCs in May 2018, focuses on supporting Kenyan pilot counties in ABS issues, ensuring IPLC participation and establishing a science-business-forum to foster ABS compliant biodiversity based value-chains.</li> </ul> <p><b>South Africa –Baseline: 1, Status: 1</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• In September 2018, South Africa hosted an international community-to-community exchange addressing the participation of IPLCs in the governance of genetic resources and their role in ABS agreements (see also chapter 4.4.2.3). As the workshop focused on examples from South Africa, feedback was given to the national Department of Environmental Affairs with respect to lessons learnt and good practices.</li> </ul> <p><b>Uganda –Baseline: 0, Status: 0</b></p> <ul style="list-style-type: none"> <li>• none</li> </ul>
<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>  <b>Status: 2 concepts with requirements for sectors other than environment</b></p>	<p>Key activities supporting achievement of the indicator:</p> <p><b>Benin – Baseline: 0, Status: 1</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The 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 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 the AU Commission and the relevant ministries in Benin and Madagascar. This project was concluded in June 2018.</li> </ul>



	<ul style="list-style-type: none"> <li>• 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. Internal statutes and rules for these structures were developed and validated in 2018.</li> <li>• With the financial support of the ABS Initiative, CeSaReN supported the development of a template for community PIC that will document the involvement of the local level in ABS cases.</li> <li>• Benin intends to continue its work on traditional knowledge and its documentation, which started in 2015 but was put on hold in recent years due to a lack of funding. In 2018, CeSaReN commissioned a study on the existing legal and scientific framework for the documentation of GR and aTK in Benin with a view to developing guidance for documentation efforts.</li> </ul> <p><b>Kenya - Baseline: 0, Status: 0</b></p> <ul style="list-style-type: none"> <li>• no progress reported</li> </ul> <p><b>South Africa – Baseline: 1, Status: 1</b></p> <ul style="list-style-type: none"> <li>• 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 particular 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:</li> <li>• 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 which is currently in the process of being formalized.</li> <li>• The ABS Initiative participated in the South African Biodiversity Economy Indaba in March 2018, focusing on national and international investments in biodiversity e.g. presenting together with DEA the outline of the ABioSA project (see Annex D) to stakeholders from different sectors.</li> </ul> <p><b>Uganda – Baseline: 0, Status: 0</b></p> <ul style="list-style-type: none"> <li>• No progress reported</li> </ul>
<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>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> <li>• The ABS Initiative supported ILRI and the Center for Tropical Livestock Genomics and Health (CTLGH) in establishing ABS compliance approaches in accessing African animal GR and utilising them in the EU. In October 2017, the ABS Initiative presented on compliance issues at the annual meeting of the CTLGH and, based on the common work, ILRI's Institutional Research Ethics Committee</li> </ul>



<p>Baseline: <i>1 strategy papers and/or guidelines</i></p> <p>Target: <i>4 strategy papers and/or guidelines</i></p> <p>Status: <b>3 strategy papers and/or guidelines</b></p>	<p>adopted an ABS protocol that needs to be followed by all ILRI researchers when accessing GR and aTK. In 2018, ILRI was supported in developing institutional guidelines; a related ABS compliance workshop was postponed to Jan. 2019.</p> <ul style="list-style-type: none"> <li>In Jan. 2018, the ABS Initiative participated in a CGIAR ABS workshop and contributed to the development of explanatory elements for national implementation of the Nagoya Protocol with regard to animal genetic resources for food and agriculture.</li> </ul>
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**Outcome Indicator 2:** In 4 partner countries and at least 5 cooperation countries of the ABS Initiative 20 new ABS agreements have been established.

Baseline: *no baseline* - Target: *+20 ABS agreements* – Status: *+7 ABS agreements*

**Status overview – Partner countries:**

**Benin:** Preparatory process for engaging in ABS agreements is ongoing.

**Kenya:** Two ABS agreements with support of the ABS Initiative; the involvement in an access request by a French company is ongoing.

**South Africa:** Two ABS agreements with support of ABS Initiative established, conceptual approach developed to support selected value chains as well as the entire BioTrade sector at large in the context of the sub-project on ABS compliant value chains (ABioSA). ABioSA implementation phase started in September 2018.

**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.

**Status overview – African cooperation countries:**

**Algeria:** One ABS agreement between a Forest Authority in Europe and Algeria with support of the ABS Initiative in final negotiation stage

**Cameroon:** Two ABS agreements with support of the ABS Initiative established between a French fragrance company and a local community.

**Malawi:** Support to the negotiation of an ABS agreement with a German applied research foundation is ongoing since 2016; since 2017 the negotiation of five other ABS agreements is being supported. The ABS Initiative, FNI and Malawi are developing updated templates for ABS contracts on non-commercial utilization.

**Status overview – Pacific cooperation countries:**

**Vanuatu:** Support to the negotiation of an ABS agreement with a Spanish company for marine pharmaceutical bioprospecting provided since Oct. 2018.

<p><b>Overall progress in Y4 towards attaining indicator</b> (the rating “good” reflects the progress made so far in reaching 20 agreements in March 2022)</p>	<input type="checkbox"/> <b>very good (almost) achieved</b>	<input type="checkbox"/> <b>good (on track)</b>	<input type="checkbox"/> <b>Problems (partially) delays in implementation</b>	<input type="checkbox"/> <b>Deficiencies (Risk to fail)</b>
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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</p>	<p>Key activities supporting achievement of the indicator:</p> <p><b>Benin – Baseline: na, Status: +0</b></p>
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<p>sector have been initiated.</p> <p>Baseline: <i>no baseline</i></p> <p>Target: <i>+10 new ABS agreements</i></p> <p><b>Status: 4 new ABS agreements initiated</b></p>	<ul style="list-style-type: none"><li>• With the financial and technical support of the ABS Initiative and in collaboration with the ABS Focal Point, CeSaReN has been continuing its capacity building activities among users of GR and aTK in Benin about how to obtain access permits in line with the interim framework. Furthermore, the ABS Initiative continued its financial support to the ad-hoc committee acting as Competent National Authority under the interim legal framework. Several access demands were assessed in the reporting period, mostly for non-commercial research, but the ABS Initiative has not been directly involved in these cases so far. Currently, the partners are in the course of identifying ABS cases that will be supported by the ABS Initiative in 2019.</li><li>• As in previous years, in 2018 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.</li></ul> <p><b>Kenya –Baseline: na, Status: +3</b></p> <ul style="list-style-type: none"><li>• The ABS Initiative convened a national ABS contract training in cooperation with KWS in Dec 2017.</li><li>• The ABS Initiative analysed and commented on an ABS agreement which was concluded between Kenyan providers and users from the public and private sector in the context of the UNEP/GEF-NPIF Project.</li><li>• 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 and 2018. On this occasion, an information exchange and mutual learning between the Kenyan and Cameroonian delegation and a private sector representative concerning the value chain <i>Mondia</i> took place.</li><li>• The ABS Initiative supported a Kenyan SME in preparing for MAT negotiations with government authorities.</li><li>• The ABS Initiative supported two German universities during their MAT negotiations with government authorities, one of the MAT negotiations was concluded, the other was stopped because the GR was accessed in a country without ABS framework.</li><li>• The ABS Initiative supported a French company in preparing for MAT negotiations, which started in 2018 and should be concluded in Q1 2019.</li><li>• The ABS Initiative initiated contacts with providers in Kenyan pilot counties who received access requests; negotiations will start in 2019.</li></ul> <p><b>South Africa <sup>1</sup> – Baseline: na, Status: +1</b></p> <ul style="list-style-type: none"><li>• 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</li></ul>
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<sup>1</sup> Including ABioSA activities from September 2018 onwards



	<p>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 is now implementing the SECO co-funded sub-project “ABS compliant BioTrade in Southern Africa” which concluded its orientation phase mid-2018. Implementation activities such as commercial briefings and technical trainings or grant allocations for SME in order to support value chains based on Southern African indigenous plants have started.</p> <ul style="list-style-type: none"><li>• The ABS Initiative supported 2017 negotiations between a South African company, Parceval (Pty) Ltd, and a group of traditional herbal practitioners, the Cape Bush Doctors (CBD) , regarding their potential collaboration with a large commercial partner based in Germany who was interested in doing R&amp;D on GR that Parceval could supply, with the Cape Bush Doctors sharing in the benefits as holders of aTK. In 2018 specific benefit sharing terms were elaborated and a permit for the biodiscovery phase was granted by DEA. Further clarification is to be sought with the CBD and the San/Khoisan regarding the ownership of the traditional knowledge before a full bioprospecting permit is issued. Parceval in the meantime has engaged in exchanges with the San/Khoisan.</li><li>• As 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 conservation of indigenous medicinal plants, as well as the conservation of indigenous knowledge.</li><li>• With the support of UEBT, as an ABS Initiative implementation partner, an application for bioprospecting and biotrade has been jointly submitted by a cosmetic company and a fragrance house based in Europe. This application is supported by a benefit sharing agreement that foresees projects for conserving endangered flora and promoting local livelihoods in the Western Cape. These projects were identified by the local communities involved and will be implemented by local organisations. The application has already gone through the bioprospecting committee and is expected to be approved by the Minister in 2019.</li><li>• 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 UEBT conference “The Beauty of Sourcing with Respect” and accompanying events in 2015, 2016, 2017 and 2018.</li></ul> <p><b>Uganda – Baseline: na, Status: +0</b></p> <ul style="list-style-type: none"><li>• 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 UEBT conference “The Beauty of Sourcing with Respect” and accompanying events in 2017 and 2018.</li></ul>
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	<ul style="list-style-type: none"> <li>• The ABS Initiative established relations to a Ugandan SME organising the <i>Prunus africana</i> harvest and export, but MAT negotiations were not started.</li> <li>• The ABS Initiative supported a French company in preparing for MAT negotiations, which were not started due to still unresolved issues in legal matters and resource sustainability.</li> </ul>
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**Outcome Indicator 3:** In 4 partner countries and at least 3 cooperation countries of the ABS Initiative 12 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: *+12 ABS agreements* – Status: *+5 ABS agreements*

**Status overview – Partner countries:**  
**Benin:** A BCP around two sacred forests in the municipality of Bonou (Ouémé region) has been finalized and is available in French and in the community’s local language Ouémé. 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. Two other ABS agreements benefit women.  
**South Africa:** One ABS agreement between National Khoisan Council and the South African Rooibos industry and other companies; two further ABS agreements between the Cape Bush doctors and other companies.  
**Uganda:** Agreements based on BCPs or CI are yet to be developed.

**Status overview – African cooperation countries:**  
**Cameroon:** One ABS agreement based on intense exchanges with and amongst the providing community feeding into a national discussion on the establishment of BCP procedures has been finalised. More than 40% of beneficiaries in the supply chain of the resource are women.  
**Malawi:** One ABS agreements between IPLCs and foreign users is finalised, a second one is currently under negotiation.

<p><b>Overall progress in Y4 towards attaining indicator</b>          (the rating “good” reflects the progress made so far in reaching 12 agreements in March 2022)</p>	<input type="checkbox"/> <b>very good (almost) achieved</b>	<input checked="" type="checkbox"/> <b>good (on track)</b>	<input type="checkbox"/> <b>Problems (partially) delays in implementation</b>	<input type="checkbox"/> <b>Deficiencies (Risk to fail)</b>
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**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>          Target: <i>6 new BCPs in 4 countries for 6 IPLCs</i>  <b>Status: 2 new BCPs in 2 partner countries for 2 IPLCs</b></p>	<p>Key activities supporting achievement of the indicator:</p> <p><b>Benin – Baseline: na, Status Benin: + 0</b></p> <ul style="list-style-type: none"> <li>• With the support of the Initiative and Natural Justice, the local NGO CeSaReN facilitated a thorough BCP process around two sacred forests in the municipality of Bonou (Ouémé region). In 2018, the BCP was finalised and is now available in French and in the local language Ouémé.</li> <li>• 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 the context of that project, a second BCP process was facilitated in the community of Tori Bosito. The two communities</li> </ul>
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	<p>exchanged local landraces based on a newly developed “community PIC and MAT”. This document served as basis for the community PIC template, developed in 2018 (see Output A.4 above).</p> <p><b>Kenya – Baseline: na, Status: +1</b></p> <ul style="list-style-type: none"><li>• 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 work was interrupted by a critical local situation due to extended drought periods and armed violence as well as by the 7-month spanning national election campaigns. The final validation workshop of the BCP is planned for February 2019.</li></ul> <p><b>South Africa – Baseline: na, Status: +1</b></p> <ul style="list-style-type: none"><li>• Funded by the ABS Initiative Natural Justice supported the National Khoisan Council (NKC) to finalise after several years of negotiations a rooibos tea-industry wide ABS agreement to be concluded in 2019. The negotiations are being accompanied by trainings for the rooibos farming communities in the Cedarberg belt on the Nagoya Protocol and the respective South African national legislation. Furthermore, NKC is being supported to set up an ABS trust fund for this as well as other upcoming ABS agreements and in the development of guidelines for the distribution of benefits.</li><li>• After the general community protocol of the NKC proved to broad, and after the involvement of Rooibos farming communities in the negotiation process, it was decided to develop a specific BCP for the Rooibos resource. Natural Justice is currently working with the communities to finalize this BCP.</li><li>• Furthermore, Natural Justice supported in 2017 the conclusion of two additional ABS agreements of the NKC with Parceval Pty on three plant species and with VMR Organics International Pty on Hoodia. Both companies will now proceed with their application for a permit.</li></ul> <p><b>Uganda – Baseline: na, Status: +0</b></p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"><li>• 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 in 2017. In cooperation with the African Institute for Capacity Development (AICAD), an ABS training at MUST should be developed in 2019.</li></ul>
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## 4.2 Support to 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 Pacific<sup>2</sup> as well as to countries or projects in other regions<sup>3</sup>.

### 4.2.1 African cooperation 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 ongoing GIZ-implemented projects in Africa (Algeria, the COMIFAC region, Madagascar and Namibia<sup>4</sup>).

<b>ALGERIA</b>	
<b>Project title:</b> Environmental Governance and Biodiversity Programme (GENBI)	
<b>Project duration:</b> 11/2014-12/2019	
<p><b>Outcome Indicator</b>            The income generated from a selected <b>product chain</b> on the <b>basis of the ABS principles</b> 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.  <b>Status:</b></p>	
<p><b>Output 1:</b>            Ministry of Environment, Min. of Agriculture / Forestry Ministry and relevant research sponsors <b>use 2 instruments</b> in a coordinated way to promote <b>applied participatory research or R&amp;D in the field of (agro-)biodiversity</b> (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"> <li>• 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 UEBT 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 UEBT conference. Algeria participated in 2018 with a multi sectoral team, which included besides a number of private sector representatives also researchers and staff of the ministry of Ministry of Water and Environment and the General Directorate of Forests.</li> <li>• During the annual planning meeting of the UNDP ABS project to Algeria in December 2018 which</li> </ul>

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

<sup>3</sup> Costs must be covered by the country or project requesting support by the ABS Initiative.

<sup>4</sup> 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. The ABS Initiative’s support activities may contribute to more than one outcome / output.



	<p>convened more than 120 actors from administration, research and business the ABS Initiative provided an overview on valorization approaches related to genetic resources including the trigger points for the Nagoya protocol. In this context the Initiative also participated in and advised working groups on a Algerian national R&amp;D strategy on genetic resources.</p>
<p><b>Output 2:</b>  <b>The potential value –added of biodiversity</b> while ensuring equitable access and equitable use of <b>biological and genetic resources</b> is <b>analysed for 3 product chains</b>  <u>Baseline: 0</u>  <u>Target: 3</u></p>	<p>The following activities are supporting the achievement of output indicator 2:</p> <ul style="list-style-type: none"> <li>• In 2017, the ABS Initiative supported GENBI in facilitating a German-Algerian research project between the Bavarian Office for Forest Seeding 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 is providing ongoing advice on the further elaboration of this framework agreement for a technical and scientific partnership.</li> <li>• Based on the analysis of patent and scientific literature reviews, a training on the valorisation potential of Algerian genetic and biological resources was conceptualized in 2018. The concept also includes understanding the business, R&amp;D and IP models of the respective user sectors as well as related contractual considerations. The training is planned to take place in the first half of 2019.</li> </ul>
<p><b>Output 3:</b>          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"> <li>• The Algerian National Focal Point on ABS as well as other senior public servants participated actively in the ABS Initiative’s Pan African ABS Workshop in Addis Ababa (Oct 2018) which focussed on the preparation on of CBD COP 13 / MOP 3, informing delegations on relevant topics and processes related to the negotiations with respect to the Convention and the Nagoya Protocol.</li> </ul>
<p><b>Further information / comments:</b></p>	



- Support is being provided to MEER and GENBI with respect to the visit of Algerian delegations to trade fairs such as BioFach or conceptualizing international exchange workshops on the interface of NP implementation and forest policies and administration.

<b>COMIFAC</b>
<p><b>Project title:</b> Implementation of the Access and Benefit Sharing (ABS) process in the COMIFAC member countries</p> <p><b>Project duration:</b> 05/2014 – 04/2018</p>
<p><b>Outcome Indicator 1</b> The number of COMIFAC member <b>countries that have ratified the Nagoya Protocol</b> 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. <b>Status:</b> 9 COMIFAC member countries have ratified the Nagoya Protocol.</p>
<ul style="list-style-type: none"> <li>• 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, nine COMIFAC member countries (Burundi, Cameroon, Central African Republic, Chad, DR Congo, Gabon, Republic of Congo, Rwanda, and Sao Tomé and Príncipe) have acceded to or ratified the Nagoya Protocol.</li> </ul>
<p><b>Outcome Indicator 2</b> COMIFAC <b>guidelines for national implementation</b> of the Protocol are applied in 3 COMIFAC countries. <u>Baseline:</u> A regional ABS strategy exists, but there are no regional guidelines. <u>Target:</u> Regional guidelines will be implemented in 3 countries. <b>Status:</b> No regional guidelines exist.</p>
<ul style="list-style-type: none"> <li>• 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. In 2018, an ABS Communication Strategy has been elaborated for DRC and has been validated for Cameroon. Support from the ABS Initiative has only been requested for the elaboration of the annual progress report of the regional GIZ project.</li> <li>• With regard to the development of ABS regulations, three countries (Cameroon, DRC and Republic of Congo) have elaborated laws and/or interim texts in form of decrees regulating access to genetic resources and creating CNAs that are awaiting political validation. Two countries (Rwanda and Burundi) have already created CNAs and posted the respective information on the ABS Clearing-House. Financed by the national GIZ project PropFE, the Initiative conducted a mission to Cameroon in 2017 laying out different implementation options of ABS that served as a basis for defining political guidance for the ongoing elaboration of the draft ABS law for Cameroon. If requested by the GIZ projects, the ABS Initiative will provide strategic and legal backstopping during the respective processes.</li> <li>• 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.</li> </ul>



### 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 all ten COMIFAC countries, the ABS stakeholder landscape is identified and awareness-raising activities have occurred on the regional and national (six countries) level.

- 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 2018, all ten countries have elaborated stakeholder maps. At the end of 2018, a total of 26 awareness-raising activities, using different ABS communication material of the ABS Initiative, have been supported by the regional GIZ project that reached approximately 1.000 relevant actors. Stakeholders were informed about the respective ABS processes in the different countries and about their participatory opportunities in shaping the political, legal and administrative ABS processes.
- The ABS Initiative provided DRC advice and technical support for the elaboration of a concept note for a national GEF project proposal.

### 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 2018 (2 participants from COMIFAC, 3 from Cameroon, 3 from Sao Tome and Principe, 3 from CAR, 3 from Republic of Congo) 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 and during COP 14 in Egypt, 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 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. However, reporting against the outcome indicators 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, 2017 and 2018). In March 2018, an appraisal mission for the new phase of the regional GIZ project took place with support of an expert of the ABS Initiative. The single standing regional ABS COMIFAC project has ended in October 2018 and ABS will become a component in the new phase of the overall COMIFAC support project from January 2019 onwards. It remains to be seen whether the new set-up 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 also commenced technical collaboration with the national GIZ project ProPFE in Cameroon, mainly providing advice on political, technical and institutional implementation options of the Nagoya Protocol. Options for an intensified collaboration between ProPFE and the ABS Initiative are currently being discussed with the new project leader of ProPFE.

<b>MADAGASCAR</b>	
<b>Project title:</b> Environmental Management Support Programme (PAGE)	
<b>Project duration:</b> 2015 – 2020	
<p><b>Outcome Indicator</b>            The <b>income</b> of YY participating households from 5 climate-sensitive <b>value chains</b> based on the use of <b>biological / genetic resources</b> (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><b>Status:</b></p>	
<p><b>Output 1:</b>            The <b>contractual terms</b> for the use of <b>Malagasy genetic resources in two value chains</b> in two intervention areas are <b>jointly agreed</b> 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>Following activities are supporting achievement of output indicator 1:</p> <ul style="list-style-type: none"> <li>• 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, 2017 and 2018. 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.</li> <li>• Natural Justice continued to support developing a BCP for seven communities in the Boeny region, framing the essential oil supply chain development including <i>Cinnamosma</i></li> </ul>



<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><i>fragrans</i>. The BCP was finalised and officially launched in November 2017 and has received in 2018 the signature of all relevant administrative authorities at regional, communal and local level.</p>
<p><b>Output 2:</b> National planning and / or <b>regulation instruments</b> in the sectors Forest and Environment / Biodiversity (e.g. national REDD + / FLEGT / ABS strategies, draft laws / decrees, <b>ABS interim standards</b>), coordinated among relevant stakeholders of various sectors (forest, environment, mining, energy, agriculture) at national and regional level are developed.</p> <p><u>Baseline 2015:</u> 0</p> <p><u>Target 2016:</u> 4</p>	<p>Following activities are supporting achievement of output indicator 2:</p> <ul style="list-style-type: none"> <li>• Like Benin, Madagascar participated in the project on mutually supportive implementation of the Nagoya Protocol and the ITPGRFA, funded by the Darwin Initiative and run by Bioversity International and the ABS Initiative in collaboration with partners from the two countries and with the secretariats of the two treaties. The project was concluded in June 2018. In the context of that project, and with additional financial and technical support of the ABS Initiative through Natural Justice, two BCPs were 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 were finalised and adopted by the communities in 2018 and are available in Malagasy and French.</li> <li>• Over the last years, the ABS Initiative accompanied 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 was 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. This support (technical, legal backstopping and strategic backstopping) was started in 2018.</li> </ul>
<p><b>Further information / comments:</b></p> <ul style="list-style-type: none"> <li>• Madagascar has developed and formally adopted an 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). The interim ABS regulation contains a number of provisions which need to be detailed through specific “textes d’application” to ensure the effective implementation of the regulation (e.g. modalities for access, the mode of operation/ specific functions and composition of the interim National Competent Authority, benefit sharing modalities etc.).</li> <li>• 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. This work will inform the elaboration of the “textes d’application”.</li> <li>• 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.</li> </ul>	



<b>NAMIBIA</b>	
<b>Project title:</b> Biodiversity management and climate change in Namibia (BMCC II)	
<b>Project duration:</b> 01/2017 – 12/2020	
<b>Outcomes with particular relevance for ABS</b>	
<ul style="list-style-type: none"> <li>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.  <u>Baseline:</u> 0 guidelines on the Strategic Environmental Assessment (SEA), the Environmental Impact Assessment (EIA) and ABS.  <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).</li> <li>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.  <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.  <u>Target:</u> 3 jointly developed local pilot measures coordinated by DEA.</li> </ul>	
<p>From 2015-2017, experts of the ABS Initiative provided technical and legal support during the elaboration of the Namibian Bill including the parliamentary consultation process. The Bill, the “Access to Biological and Genetic Resources and Associated Traditional Knowledge Act” was enacted in June 2017. It will enter into force on a date to be determined, once implementing regulations have been promulgated.</p> <ul style="list-style-type: none"> <li>In 2018 the ABS Initiative has been providing technical and legal backstopping to the process of developing the ABS Regulations: Comments and inputs to the different stages of draft regulations including at various stakeholder consultations.</li> <li>In the second half of 2018 a revised and simplified version of the draft ABS Regulations was provisionally approved by the MET Management Committee. It is currently going through a process of legal review to prepare it for gazetting.</li> </ul>	
<b>Output C:</b> Legal, regulatory and institutional requirements of the Access and Benefit Sharing (ABS) Act have been implemented	
<p><b>Output C1:</b>            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"> <li>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.</li> </ul>
<p><b>Output C2:</b>            Two signed contracts exist between private foreign companies or scientific institutions and</p>	<p>Following activities are supporting achievement of output indicator C2:</p> <ul style="list-style-type: none"> <li>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</li> </ul>



<p>the Namibian Government for the ABS-compliant commercial use of biological resources Baseline: 0 (contracts) Target: 2 (signed contracts)</p>	<p>resources. Government institutions, NGOs, cooperatives and further SMEs in Windhoek as well as in North Namibia were visited. Individual follow ups were taking place in 2018.</p> <ul style="list-style-type: none"> <li>• 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, 2017 and 2018.</li> </ul>
<p><b>Output C3:</b> 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 specific manner have been carried out Baseline: 0 Target: 4 campaigns or events</p>	<p>Following activities are supporting achievement of output indicator C3:</p> <ul style="list-style-type: none"> <li>• The ABS Initiative assisted the DEA in 2017 in the initial prioritization of target groups for information sharing.</li> </ul>
<p><b>Output C4:</b> 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"> <li>• The BMCC project with technical advice from the ABS Initiative / Natural Justice supported in 2017 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. Taking into account the current process of the development of the ABS implementing regulations – further engagement into BCP development in Namibia has been put on halt in 2018 and may be picked up again in 2019.</li> </ul>
<p><b>Further information / comments:</b></p> <ul style="list-style-type: none"> <li>• 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</li> </ul>	





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 ABS Initiative is currently supporting the process towards the finalisation of the ABS Regulations.

#### 4.2.2 African cooperation countries without GIZ-implemented projects addressing ABS

**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:** Since March 2016 the ABS Initiative is member of the Steering Committee of a project implemented by the Botanic Gardens Conservation International (BGCI) and funded by the UK Darwin Initiative. The project’s focus is on stakeholder platforms for non-commercial access and utilization and recommendations for simplified ABS measures for non-commercial users. The ABS Initiative provided input for the final policy recommendations and considers participation in the closing workshop planned for the first quarter 2019.

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 the German pharmaceutical SME Repha sourcing myrrh in Ethiopia for one of their medicinal products. Repha plans to source high-quality myrrh in Ethiopia instead of relying on the widely varying quality of myrrh available through common trade channels. The project aims at developing a sustainable management plan together with the national authorities and marginalized South Ethiopian communities, guaranteeing relatively high prices for the raw material. Both partners, develoPPP.de and Repha, 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 conduct MAT negotiations during 2018.

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, 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 two research institutes, one 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; whereas the support was provided in 2018 remotely. Advice was also provided on five other ABS contracts, two of which are IPLCs partners in Malawi with foreign users.

#### 4.2.3 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. After changes in government, the work of the UNEP ABS project was reconvened in late



2017. The second planning workshop was scheduled for the 2<sup>nd</sup> quarter of 2018 but could not be convened due to competing obligations of key experts.

#### 4.2.4 Pacific (cooperation countries)

Beside national support (see below) a regional training on ABS contracts was conducted from 30 July to 3 August in Nadi, Fiji led by FNI in close collaboration with SPREP (for details see below 4.4 and 4.4.1).

**Cook Islands:** In December 2018, a national consultation was undertaken in Cook Islands with the Initiative's support. Cook Islands has developed a draft ABS policy under its UNDP-GEF ABS project. The policy is likely to be submitted to cabinet early in 2019. To support this process and raise further awareness, a national workshop was held in Rarotonga. SPREP introduced drafting instructions for ABS legislation in this workshop. In addition, the ABS Initiative has identified communities from several islands that are interested in the development of community protocols, which would assist with the implementation of the TK Act. Awareness raising was also held on the island of Aitutaki with the mayor and island council and traditional healers' networks, including women's networks.

**Fiji:** After phasing out of the national UNDP-GEF NPIF ABS project, executed by the Fijian Government in collaboration with the University of the South Pacific since 2015, the ABS Initiative undertook a country mission in August 2018, following the regional ABS Contract training (see below). During this mission, the ABS Initiative advised the Ministry of iTaukei Affairs (indigenous affairs) on their PIC process for engaging with local communities on ABS-relevant issues. Upon request by the Department of Environment, the ABS Initiative offered through a formal letter technical support for further developing the draft ABS policy and supporting awareness raising among stakeholders. During meetings at the side lines of COP 14 in Egypt, we were informed that due to the restructuring of the ministry a response to our letter may take some more time.

**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. The Initiative provided comments to the Bill before the second reading which took place in December 2018. The Initiative will continue, upon request, to provide backstopping and technical advice to support this process.

**Papua New Guinea:** A national consultation visit was undertaken by A/Prof Robinson in May 2018 in his role as Academic Lead for the UNSW Institute for Global Development (IGD) in Port Moresby and at surrounding universities. Relevant meetings were held with the Conservation and Environmental Protection Authority (CEPA), the National Science and Technology Office and the University of PNG. CEPA sought advice on their national roadmap towards Nagoya Protocol ratification, including consultations in government and in provincial centres, followed by the development of a planned ABS policy in the coming year. CEPA has requested further support in future with the policy development and national workshops, as well as potential provincial workshops. An MOU has now been developed between CEPA and ABS Initiative, and as agreed during meetings at the side lines of COP 14 in Egypt, a draft roadmap towards an ABS policy and Nagoya Protocol Ratification has been shared with the ABS Initiative in December 2018.

**Solomon Islands:** A national consultation was undertaken in April-May 2018 by UNSW of behalf of the ABS Initiative in collaboration with SPREP. Several meetings were held with key government and NGO stakeholders, followed by a national ABS awareness-raising workshop, in Honiara. Solomon Islands were provided with advice about the Nagoya Protocol ratification process and have now reported that they have lodged an instrument of ratification. Additional advice was provided about the permitting process, the environmental/biodiversity and other research permit process and the need to clarify the ABS-relevant provisions in the Protected Areas Act in order to become Nagoya Protocol-compliant. Further support will be provided in the next year, including potential provincial-level awareness raising workshops. A TK Bill is also being developed and will be shared with the ABS Initiative for comments when the government is ready.

**Vanuatu:** In 2018, a country visit was undertaken to meet with biotrade companies on Espiritu Santo in February 2018. In addition, educational materials were commissioned, including 2 posters and some translation work into the local language – Bislama (see below).



Furthermore, a national consultation was conducted in August 2018 with the Department of Environmental Protection and Conservation in conjunction with the Ministry of Trade. In addition, several local and provincial workshops were held with communities on the islands Malekula and Espiritu Santo to raise awareness about ABS, permit processes, to analyse biotrade value chains for ABS relevance, and to gauge interest in community protocols.

The meetings with DEPC and other agencies highlighted the need for clearer local prior informed consent processes and clarity around biotrade activities that are selling to overseas companies doing research within the scope of the Nagoya Protocol. Some revision of the Environmental Management Act is likely to be needed, including the possibility of an environmental trust fund for receiving benefits, as well as development of model mutually agreed terms (MAT).

There is currently one ABS agreement with a European company under negotiation on which FNI is providing comments as requested by DEPC.

#### 4.2.5 Asia

**India:** Since 2014, staff of the ABS Initiative has been engaged by the German-Indo Cooperation to support the development of the BMZ-funded ABS Partnership Project, implemented by GIZ until 2020.

During 2018, the ABS Initiative supported the strategic discussions and technical work of the project. In February 2018, the ABS Initiative participated in the planning workshop for amending the existing IT-based ABS application system of NBA by the monitoring elements developed in the context of the work on the IT-system in Kenya. The workshop initiated a cooperation with the highly skilled Indian governmental institution for IT-systems with the aim to develop machine-learning approaches for the ABS monitoring system.

Furthermore, the ABS Initiative is supporting the project in establishing the Indian ABS Communication Strategy. The Initiative helped conceptualize, prepare and facilitate a multi-stakeholder kick-off workshop that was held in May 2018 in Chennai, to assess communication needs of key ABS actors in India, outline communication objectives and draft main messages. In follow-up, the workshop outcomes were further developed into a communication strategy outline, which was summarized in an 8-page brochure and presented to COP 14 in Egypt. Definition of specific communication products for different target groups, and design of a roll-out plan for the overall strategy, are envisaged for 2019.

#### 4.2.6 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 GIZ project supporting SICA becoming fully operational, services offered by the ABS Initiative were communicated and exchanges and meetings with the staff were undertaken until the end of the project in Dec 2018.

### 4.3 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).



**Table 6 - (Sub-)regional workshops and trainings supporting the core processes of the ABS Initiative.**

Date	Events	Core processes		
		ABS frameworks	IPLC participation	ABS agreements
29 Jan. - 1 Feb. 2018	Expert Workshop: Developing ABS Communication Materials for Indigenous Peoples and Local Communities Limuru, Kenya		✓	
19-23 March 2018	ABS contract training for Francophone West African and Indian Ocean states, Marrakesh, Morocco			✓
19-21 June 2018	Public-private learning on ABS Implementation: company visits, UEBS BSR Conference, ABS exchange, Paris, France	✓	(✓)	✓
30 July - 3 Aug. 2018	ABS contract training for the Pacific region, Nadi, Fiji			✓
3-8 Sept. 2018	Community-to-Community Exchange on ABS and Traditional Knowledge Pretoria, South Africa	(✓)	✓	(✓)
17-21 Sept. 2018	IDLO-SCBD legal training course for Francophone West African countries and Indian Ocean island states, Dakar, Senegal	✓	(✓)	
1-5 Oct. 2018	11 <sup>th</sup> Pan-African ABS Workshop Addis Ababa, Ethiopia	✓	✓	✓

### 4.3.1 Core implementation processes

#### **Expert Workshop: Developing ABS Communication Materials for Indigenous Peoples and Local Communities**

*29 January to 1 February 2018, Limuru, Kenya*

This expert workshop was held by the ABS Initiative and Natural Justice with the objective to provide guidance for the development of CEPA tools on ABS that specifically target IPLCs. The 16 participants were representatives of IPLCs and non-governmental organisations, experts in communication, research and value chains as well as government officials from a range of African countries. In a four-day systematic process, the group discussed relevant existing concepts and materials, identified target groups, contents and key messages and defined appropriate products to be developed. In the end, initial concepts for four selected products were drafted, which are serving as a basis for the ABS Initiative's and Natural Justice's further work on CEPA materials for IPLC target groups. Further details on the workshop and its outcomes can be found [here](#).



**ABS contract training for Francophone West African and Indian Ocean states,**  
*19-23 March 2018, Marrakesh, Morocco*

After an update of the curriculum of the contract training by the Fridtjof-Nansen-Institute, two of the originally planned four training courses were organized in 2017 and one in 2018, 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.

In March 2018, the first Francophone training course was convened in Marrakesh, Morocco in cooperation with the Direction du Contrôle, de l'Evaluation Environnementale et des Affaires Juridiques du Secrétariat d'Etat chargé du Développement Durable. The workshop brought together 35 participants from 8 countries: Algeria, Benin, Côte d'Ivoire, Madagascar, Morocco, Niger, Senegal and Togo.

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.

The 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 fourth course for the remaining francophone countries is scheduled for the last quarter of 2019.

**Public-Private learning on ABS Implementation,**  
*31 May - 2 June 2018, Paris, France*

Within the established cooperation framework, the ABS Initiative partnered also in 2018 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 2018, participants discussed special topics such as new rules on how to research and develop substances from nature, including how businesses share benefits with countries, local communities and indigenous peoples.

One session of the BSR conference was dedicated specifically to access and benefit-sharing. A focus was put on the strategic importance of ABS and ethical sourcing of biodiversity and understanding ABS rules in the evolving global development agenda. Traditional knowledge holders, such as the National Khoi-San Council and the South African San Council, were invited to share perspectives and experiences.

The ABS exchange that followed the conference focused on ABS and its contribution to the Sustainable Development Goals. It also provided participants with updates on ABS laws and regulations in India, Viet Nam, China and Madagascar. Moreover, participants gained insight into trends in R&D and implications for biodiversity and ABS.

In cooperation with and co-funded by the respective GIZ-implemented programmes, the ABS Initiative enabled over 45 government, research and NGO representatives from Algeria, Benin, Cameroon, the Central African Republic, Ethiopia, Kenya, Madagascar, Namibia, the Republic of the Congo, Sao Tomé, South Africa and Uganda 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 training for the Pacific region,**

*30 July - 3 Aug. 2018, Nadi, Fiji*

Back-to-back with the regional IDLO-SCBD legal training course for the Pacific, the ABS Initiative and FNI organized in close cooperation with SPREP the ABS contract training for the Pacific region, thus saving on travel costs due to considerable overlap of participants in both courses.

The training course was very well attended by 31 participants from 8 Pacific islands states (Cook Islands, Fiji, Kiribati, Micronesia, Samoa, Tonga, Tuvalu and Vanuatu) and relevant experts from regional and international organisations (SPC, SPREP, USP and UNDP). Regarding the content of the course, please refer to the elaboration above on the course for Francophone African countries. With a view to broadening the regional advisory expertise on ABS contracts, the team of lecturers included beside the FNI expert contract and IP experts of the University of New South Wales, the University of Technology Sydney and the Griffith University in Brisbane.

### **IDLO-SCBD legal training course for Francophone West African and Indian Ocean island states**

*17-21 September 2018, Dakar, Senegal*

The course is designed in a blended learning approach with 6-week e-learning phase, a 5-day face-to-face workshop and access to the Global Network on ABS Law established by IDLO. The face-to-face workshop for West Africa and Indian Ocean island states brought together 30 participants – mainly lawyers and policy officers actively involved in designing and implementing domestic frameworks or advising on national processes to implement the Nagoya Protocol – from 12 African countries (Benin, Burkina Faso, Central African Republic, Comoros, Côte d'Ivoire, Democratic Republic of Congo, Guinea-Bissau, Madagascar, Morocco, Niger, Senegal and Togo). Logistics and participants were funded by the ABS Initiative, while funding for the trainer team was provided by the Japan Biodiversity Fund through the SCBD and IDLO. Participants were introduced to the core requirements of the Nagoya Protocol, key considerations for the design and implementation of ABS frameworks and the options available based on country experiences and lessons learned to date. More detailed information about the blended learning courses is available at the [IDLO website](#).

### **11<sup>th</sup> Pan-African ABS Workshop**

*1-5 October 2018, Addis Ababa, Ethiopia*

The 11<sup>th</sup> Pan African ABS workshop was specifically designed to review the relevant outcomes of recent meetings of the Nagoya Protocol and the CBD and to support African countries in their preparation and coordination in the run-up to COP-MOP 3 of the Nagoya Protocol and related events in November 2018 in Egypt. It was hosted by the African Union Commission – Department of Human Resources, Science and Technology - and gathered 60 participants from 43 countries, including national ABS focal points or other biodiversity-related focal points who were to participate in the negotiations of COP-MOP 3 of the Nagoya Protocol in Sharm El Sheik.

One focus of the workshop was to revisit the NP's bilateral approach to ABS as well as the user-provider interface and core provisions of the NP, such as PIC, MAT and compliance. Based on an analysis of the Interim National Reports submitted by African countries to the SCBD, participants explored options for improving the reporting format in preparation of the assessment and review of the effectiveness of the NP at COP-MOP 3. Furthermore, participants were updated on international and regional ABS processes and related fields, including on the outcomes of SBSTTA 22 and SBI 2. They were also provided with an introduction to the African online coordination tool with a view to intensifying the continental exchange and strengthening networks within the region. A session on the post-2020 agenda gave participants new insights on the links between ABS and the Sustainable Development Goals (SDGs).

The workshop also addressed new issues for policy development such as digital sequence information (DSI) and their relevance for ABS implementation as well as the need for a global multilateral benefit-sharing mechanism under Article 10. The discussions further highlighted the key role of the ABS



Clearing-House in facilitating the implementation of the NP and helping to ensure compliance with ABS measures and transparency in monitoring the utilisation of genetic resources along the value chain.

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

*24-25 May 2018, Mexico City, Mexico*

In preparation for COP-MOP 3, the Government of Mexico – supported by the GEF-UNDP Project on Strengthening Capacities for the Implementation of the Nagoya Protocol in Mexico, the ABS Initiative, the GIZ Biodiversity Cluster in Mexico, the Central American Commission on Development and Environment (CCAD) and GIZ El Salvador – organized a dialogue meeting on 24-25 May in Mexico City, Mexico, to facilitate an exchange of experiences in ABS implementation.

After two successful meetings of this kind, hosted by the Governments of South Africa and India in 2014, the objective of this dialogue was to provide an opportunity for in-depth exchange amongst government representatives and relevant stakeholders from all global regions, including GRULAC, on the full implementation of the Nagoya Protocol. The meeting included sessions on benefit-sharing, including the consideration of associated TK as well as multilateral benefit-sharing approaches, and Digital Sequence Information. Furthermore, the Dialogue addressed the potential contribution of ABS to the 2030 Agenda and its SDGs.

The report of the dialogue served as an information document for SBSTTA 22 and SBI 2 on key challenges and practical ways forward for the full implementation of the Nagoya Protocol and can be found [here](#).

## **4.3.2 Auxiliary processes**

### **4.3.2.1 Regional harmonization and exchange**

**The African Union Commission’s Department of Human Resources, Science and Technology (DHRST)** was supported to develop an **online system for coordinating African biodiversity negotiators**, with an initial focus on ABS matters. The aim of this intervention was to make innovative use of freely available communication technologies to overcome the perennial problem of insufficient resources for face-to-face coordination. A South African SME, Social Weaver, was contracted to design the system and support its initial roll out. After a small pilot phase during SBSTTA 22 and SBI 2 the system was used more extensively during COP 14 and COP-MOP 3 in Egypt, where it allowed the AUC Secretariat to communicate easily with large numbers of participants and proved especially valuable for agreeing text-based interventions. Based on experiences to date the online system will be further refined in 2019 and more training for users will be initiated. The idea is to eventually replicate and expand the system to cover other biodiversity-related and even broader environmental negotiations, contributing to coordinated African negotiating positions across international instruments and coherent national implementation of ABS in Africa.

The **11<sup>th</sup> Pan-African ABS Workshop** (see Section 4.4.1) allowed African stakeholders from both partner and cooperation countries to effectively coordinate for COP-MOP 3 of the Nagoya Protocol and related events in November 2018 in Egypt. At the workshop, participants formed groups with a view to further developing common African positions in coordination with the African Union Commission. Furthermore, participants were updated on international and regional processes in ABS and related fields, including on the outcomes of the AHTEG on Digital Sequence Information, SBSTTA 22 and SBI 2. The workshop was a good opportunity for participants to intensify the continental exchange and strengthen their networks.

### **Community-to-Community Exchange on ABS and Traditional Knowledge**

*3 to 8 September 2018, Pretoria, South Africa*

The second community-to-community exchange on ABS and TK was organised by the ABS Initiative in collaboration with Natural Justice and the Indigenous Information Network (with co-funding from The Christensen Fund). Hosted by the South African Department of Environmental Affairs, it was designed



as a follow-up event to the first community exchange on ABS held in Bangalore in 2015. The workshop facilitated experience exchange and mutual learning between community members from different continents involved in ABS cases or related issues, such as the valorisation and / or documentation of biodiversity or traditional knowledge. After an introduction to the South African regulatory framework for ABS and traditional knowledge, participants were divided into three groups that went on a two-day field visit to different regions of South Africa, visiting projects and local initiatives in the Northern and Western Cape as well as in Mpumalanga. After the field visits, all participants gathered in Pretoria for three more workshop days with further discussions and group work addressing ABS agreements, local valorisation, TK documentation and biocultural community protocols.

The meeting was attended by 69 TK holders, representatives of IPLCs and civil society organisations from 15 African countries as well as from India and Canada. Participants highly appreciated the special format that allowed for hands-on learning and eye-level exchange between communities from the Global South and North. IPLC participants also highly appreciated the opportunity to form round tables and enter into in-depth discussions with the South African DEA. Several follow-up activities, e.g. regular exchanges through a newly founded healers' network or joint work on a project proposal for TK documentation, were initiated at this event.

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 guidance material supporting the implementation of the EU ABS Regulation. The Initiative delivered final comments on several sectoral guidance documents as well as comments on the two upstream guidance documents for non-commercial users and users in collections. It also participated in the fourth meeting of the Forum in December 2018 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 follow-up activities to be conducted in 2019 and building on the results of the IUCN project. Training and templates for ABS contracts emerged as one of the main issues for the future work.

In the context of the above-mentioned Caribbean ABS project, the ABS Initiative established contacts with the **Organisation for Eastern Caribbean Countries (OECS)** to become a cooperating partner in the coming activities in 2019-2022. A concept for collaboration describing the main fields of activities was approved and an MoU is in preparation. It is expected to be signed at the final workshop of the IUCN project in January 2019 in Trinidad. In November 2018, the Initiative held a meeting with the Caribbean countries present at COP 14 in Sharm el-Sheikh to discuss and finalise the concept for collaboration.

Furthermore, with a view to facilitating 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 in June 2017 for the two projects. Support to countries is well coordinated and several country missions have been done jointly since then. The next meeting of the JRSC is scheduled for mid-February 2019.

#### **4.3.2.2 Interfaces to international processes**

The ABS Initiative is member of the **Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol**. It participated in the third meeting in March 2018, which mainly worked on developing elements for the coming evaluation of the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol.

On the occasion of the **High-level Political Forum (HLPF) 2018**, the ABS Initiative co-organised in partnership with UNCTAD BioTrade Initiative two events:

- Better Trade 4 the SDGs: using trade as a motor for achieving the SDGs (13 July 2018):





During the four interactive sessions, concrete channels were discussed through which trade contributes to the SDGs 12 and 15. Such channels include:

- National Green Export Reviews for strategizing "green" export promotion;
  - Sustainability Standards and Trade for assessing the power of sustainability standards (e.g. eco-labels) to progress on SDGs 8 and 12; and
  - BioTrade Initiative for increasing synergetic reaction between bio-diversity conservation and inclusive trade growth.
- **BioTrade and Access and Benefit-Sharing (ABS) in Support of the SDGs (16 July 2018)**  
This event was organised with the financial support of the Swiss State Secretariat for Economic Affairs (SECO) and the German Federal Ministry for Economic Cooperation and Development (BMZ). The event aimed at providing a critical analysis on how trade, BioTrade, and ABS can be used as incentives for the attainment of key SDGs. The ABS initiative made presentations on how ABS plays a role in providing incentives to safeguard biodiversity, create livelihoods, and foster a biodiversity-friendly economic growth for countries.

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**. The project was concluded in June 2018. Partner countries were Benin and Madagascar, and the project was funded with £ 290,502 (approx. 375,000 Euros) for 3 years (April 2015 to March 2018). The project was 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.

Key achievements of the project were:

- Establishing structures for regular exchange and collaboration between the ministries in charge of the Nagoya Protocol and the ITPGRFA, respectively;
- Support to the development of the two countries’ interim legal frameworks implementing the Nagoya Protocol and the ITPGRFA;
- Support to the facilitation of two BCPs in each country, as well as to the development of community biodiversity registers;
- Support to the exchange of plant genetic material between the two countries (through the ITPGRFA’s multilateral system) and between the participating communities (based on community agreements)

Further 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 during the preparatory process for a **tandem workshop for national focal points for the ITPGRFA and the Nagoya Protocol** from Latin American and Caribbean countries (25 to 28 September 2018, Lima, Peru).
- The partners jointly organised a side event at COP 14 / MOP 3 presenting on their collaboration, especially on the outcomes of the Darwin Initiative project mentioned above

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 Letter of Intent was renewed and updated to cover the project period from 2018-2022. 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 in the following activities:

- The ABS Initiative continued its support to negotiations between the **Centre for Tropical Livestock Genetics and Health (CTLGH)** – a partner of ILRI – and African provider countries on the utilisation of cattle and chicken blood samples.



- In January 2018, the Initiative participated in the International Workshop on Access and Benefit Sharing for Genetic Resources for Food and Agriculture in Rome. The workshop elaborated a guide for the implementation of the “Elements to Facilitate Domestic Implementation of ABS for Different Subsectors of Genetic Resources for Food and Agriculture” of the FAO endorsed in 2015. The Initiative and ILRI brought in their experiences on ABS issues with regard to animal genetic resources.
- Throughout 2018, the Initiative was cooperating with ILRI to prepare and organise an ABS Compliance Workshop to present their common work and to invite regulators and scientists from the key provider countries of ILRI’s R&D projects. The aim of the workshop is to create a better mutual understanding between providers and users of animal genetic resources for food and agriculture to enable a smooth and effective implementation of existing ABS rules. The workshop should also further the work on the institutional ABS guidance. Due to incompatibilities in calendars, the workshop was postponed to January 2019 and will be attended by other CGIAR institutions.

Initiated through ILRI, the ABS Initiative started a discussion with the **Global Alliance for Livestock Veterinary Medicines (GALVmed)** in Edinburgh (UK) to support their work on ABS issues. GALVmed is a non-profit organisation cooperating with academia, public research institutes and the commercial pharmaceutical sector to develop vaccines, medicines and diagnostics for the major livestock diseases impacting smallholders. GALVmed functions as a Product Development Partnership (PDP), it is the only veterinary PDP in existence. The result of GALVmed’s [product development work](#) will be a comprehensive portfolio of animal health products for smallholders, mainly vaccines. GALVmed received its vaccine genetic resources and digital sequence information from ILRI and other partners. In Dec 2018, a MoU was signed to support GALVmed in ABS compliance issues, specifically in the field of DSI. GALVmed might also be an interesting pre-commercial partner in the upcoming discussion on DSI in the African context.

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 7<sup>th</sup> 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 draft study of contractual challenges of the current SMTA shared by FNI during GB 7 is being finalized for the purpose of providing negotiation support for African countries at GB 8 planned for the 2<sup>nd</sup> week of November 2019 in Rome. In addition, the ABS Initiative will consider convening preparatory workshops with African ABS NFPs prior to future meetings of the ITPGRFA.
- In 2018, the ABS Initiative continued to support African negotiators participating in the Ad-hoc Working Group to Enhance the Functioning of the Multilateral System of ABS of the ITPGRFA, as well as related processes under the auspices of the Ad-Hoc Committee for the Funding Strategy and Resource Mobilisation. This support will be continued in 2019, leading up to GB 8.
- 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 34<sup>th</sup> 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. The Initiative nominated Prof Bagley as expert for the



AHTEG on DSI, which met in February 2018. The Initiative also decided, to devote the 11<sup>th</sup> Pan-African ABS Workshop to the preparation of COP 14 and COP-MOP 3, with a specific focus on multilateral benefit-sharing mechanisms and DSI. Prof Bagley was invited to attend the workshop to continue her work on DSI with the African Group. The FNI is working on the development of standard contract clauses that can include DSI in ABS contracts. In 2018, one such draft was presented and discussed at an international ABS workshop in Bremen.

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 6<sup>th</sup> German Round Table on ABS, organized by the German Agency for the Conservation of Nature in Bonn, October 2018.

#### 4.3.2.3 Knowledge generation for human capacity development (HCD)

In 2018, the ABS Initiative 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:

- Building on the contents of their 2017 CBD submission, in 2018, Natural Justice and the ABS Initiative coproduced a new publication entitled “[Community Protocols in Africa: Lessons learned for ABS implementation](#)”, which was launched during a side event at COP 14 / MOP 3. The publication presents BCP processes in the ABS context in five African countries (Benin, Kenya, Madagascar, South Africa and Namibia), draws lessons from these experiences and gives recommendations regarding the support and recognition of BCPs for ABS. The publication draws on several years of support to BCPs in these countries, facilitated by Natural Justice with the support of the ABS Initiative. The publication can be downloaded [here](#).
- 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** was made 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 at a side-event at the 35<sup>th</sup> session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore in March 2018 in Geneva. The Initiative also presented the Guide at a side event during COP 14 and COP MOP 3 in November 2018 in Sharm el-Sheikh.
- The ABS Initiative initiated an in-depth analysis of three utilization cases with genetic resources (sea hare *Dolabella auricularia*, Mauritius, for cancer drugs; sea whip *Pseudopterogorgia elisabethae*, The Bahamas, for cosmetics; Mamala tree (*Homalanthus nutans*), Samoa, for R&D in HIV drugs). The two first cases resulted in established products in the medicinal and cosmetic market. The active ingredients isolated from the sea hare are still element of many R&D projects worldwide. Based on the analysis and the ABS contract templates, the legal team



of the Initiative will develop ex-post ABS contracts that are drafted to cover the critical steps of utilisation – but also demonstrate the limits of contractual solutions, reflecting about effective provisions necessary in national ABS compliance frameworks to ensure benefit sharing.

- The FNI has been developing a commented guide for model clauses in ABS contracts that will be published in 2019. This guide will first be published for non-commercial ABS contracts and will then be developed to suit commercial contract models and one standard contract for utilization of GR by students.
- The FNI also prepared a legal analysis of the current Multilateral System of the ITPGRFA focusing on the characteristics of the SMTA and its effectiveness and enforceability as an international contract (“Options and obstacles for the SMTA of the Plant Treaty to work as a contract”). The analysis will be published in a scientific journal in 2019. A second study developed is a contract analysis with a view to improving knowledge of contract negotiations (currently under review).
- 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 conceptualized 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. As part of the cooperation the two organizations, in cooperation with the McGill University organized a very well attended [side event at COP 14](#) on “assessing pathways towards a global multilateral benefit-sharing mechanism” discussing non-bilateral options around DSI and aTK related benefit sharing challenges.

#### 4.3.2.4 Knowledge management and dissemination

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

- The ABS Initiative’s website was restructured to incorporate some changes in its work emphases, in particular the strong link between ABS and BioTrade. The ABioSA project as well as the topic on ABS compliant BioTrade value chains received [subsites](#), including the report on “Economic potential and valorization opportunities of genetic resources under the Nagoya Protocol in Africa” (see above chapter 4.4.2.3.).
- As a consequence of the General Data Protection Regulation (GDPR) of the European Union and subsequent legal obligations, the Initiative had to stop using MailChimp and instead switch to the GIZ-managed MailWork as the online platform to publish the ABS News Digest. Also owed to the GDPR, the 1,200 recipients could not just be transferred but needed to agree via a “double opt-in” procedure to continue receiving the News Digest. Unfortunately, the response rate was very low leaving the Initiative with only 300 recipients, a decrease by about 75%. Through event participants lists, specific emails and other means, the Initiative tries to bring the number back to the original level.
- All publications and the multimedia material produced by the ABS Initiative were revamped. These changes included the new donor and partner country constellation (logos, boiler plate, maps) as well as some text modifications.
- A new short video on ABS Monitoring in the tradition of “Simply Explained ...” was produced and published together with the SCBD. Officially launched at COP-14 in Sharm El-Sheikh, the [video](#) is available in English, French, Spanish and Arabic. So far, the video was well received and regarded as very helpful. China e.g. has requested the ABS Initiative to collaborate on a Chinese version of the video
- The social media channels of the ABS Initiative are growing in numbers steadily. Over 300 users follow us on [Twitter](#), over 50 on [LinkedIn](#). More than 2,300 users watched the ABS Initiative’s [videos](#) in 2018, an increase of 400 users compared to 2017. In 2019, there will be an even greater focus on social media, possibly including additional channels.



- For ABioSA, the Initiative produced some public awareness material, among them a [brochure](#) with the basic information on the project. The brochure was widely used in the inception period and beyond.
- The Initiative created its own community space on “ABS & biotrade” as part of the Integrated Digital Application (IDA), a new digital GIZ platform for collaboration and exchange. The purpose of the community is threefold: engage GIZ staff in charge of or involved in ABS and/or biotrade in discussions; ensure mutual update on recent developments; initiate and sustain networks. The community will officially start in February 2019.
- Responding to repeated requests from stakeholders in governments, communities and NGOs, the ABS Initiative and Natural Justice have initiated the development of ABS CEPA tools specifically designed for rural audiences with limited levels of formal education. The objective is to develop materials that can easily be combined and adapted to a particular local context and that build on the technical equipment usually available in rural Africa. Based on the outcomes of the expert workshop described above, the partners have decided to prioritise the development of two CEPA tools for IPLC target groups:
  - Picture cards that can be used for capacity building in local communities directly involved in ABS cases (currently under development).
  - Elements for radio programmes conveying the basics of ABS to rural communities, to be adapted and used in community radio stations for awareness raising (currently under development).
- The ‘ABS simply explained’ film was translated and dubbed into Bislama and two posters were developed for use at the provincial level and community level in Vanuatu. The film has also now been shared with PNG and will be sent to Solomon Islands where it may be useful – the local languages are similar to Bislama.
- In 2018, work was conducted on the development of the Blended Learning Tool on ABS contracts. This tool will progress further into 2019 and a pilot will be used in connection with trainings planned for last quarter 2019 and the first quarter of 2020.

## 4.4 Steering and guiding processes

### 4.4.1 Steering Committee

The **Steering Committee for Africa** met on 6-7 March 2018 in Brussels. The minutes of the meeting are 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:

- The Initiative will focus on activities supporting the implementation of the NP and documenting lessons learnt in partner countries and provide opportunities for sharing these lessons with cooperation countries. Among others, the Initiative will develop a paper on “NP implementation options” with a view to helping interested countries to put the process of elaborating national ABS measures on good track from the start, or at relevant junctures of the implementation process.
- More capacity-building activities are needed to address the limited understanding concerning basic ABS processes (PIC, MAT, etc.) among relevant ABS actors in partner / cooperation countries. A simply explained video on “monitoring and compliance”, which was launched at the meeting of the Subsidiary Body on Implementation (SBI), is expected to contribute to a better understanding of the compliance system under the Protocol.
- Given that many cooperation countries have received targeted support by the Initiative (e.g. Ethiopia, Malawi), it was agreed that the work of the Initiative in its cooperation countries shall be reflected in the measurement of the indicators.
- The question of attributability with respect to the indicators needs to be further discussed with the extended team members of the Initiative and the Steering Committee.

The **Regional Steering Committee for the Caribbean** for the ABS Initiative will be re-established during the first regional ABS workshop in the context of the cooperation with the OECS in Q2 2019.



The **Joint Regional Steering Committee for the Pacific**, which was established in June 2017, did not meet in 2018. The third meeting is scheduled for mid-February 2019.

#### 4.4.2 General Assembly

During the reporting period, the General Assembly did not meet. The meeting due in November 2018 back-to-back with COP-MOP 3 in Sharm El-Sheikh, Egypt was cancelled due to an extremely dense meeting calendar in Egypt stretching already over three weeks for most of the African SC members.

#### 4.4.3 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.

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 ‘4.3.2.3 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.

#### 4.4.4 (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.

In order 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 a consultant to the ABS Initiative since 2012 and will be instrumental for accessing additional funds from Australian funding agencies (see chapter 3, page 11).

## 5. Challenges, the momentum, instruments & approaches

A one-size-fits-all approach for capacity development focused on national ABS implementation of the Nagoya Protocol does not exist. Situations in countries differ significantly as do the opportunities and constraints stakeholders are confronted with. In short: ABS capacity development needs to be very targeted and specific.

While being consistent in its approach, the ABS Initiative monitors the changes in the institutional and processual environment concerning ABS, assesses the challenges and opportunities, and ultimately comes up with targeted solutions.

This chapter contains three main components:

1. **Challenges:** Key impediments to and weaknesses in the implementation of the Nagoya Protocol based on experience gained through past and current support of stakeholders and partner countries as well as experience gained at a regional and global level.
2. **Momentum:** Important developments and arising opportunities for more effective and efficient ABS implementation.
3. **Approaches and instruments:** developed and applied by the ABS Initiative in cooperation with diverse partners in order to address the challenges and make use of the momentum.



## 5.1 Key challenges for ABS implementation (support)

**ABS systems / regulatory frameworks:** The lion's share of ACP countries have only started the development and implementation of ABS measures after the entry into force of the Nagoya Protocol in 2014. Others were pre-Nagoya "early movers" developing ABS frameworks based on the ABS provisions of the CBD itself. As a consequence, the current scope of national activities ranges from drafting skeleton (interim) regulations in order to create the bare minimum of legal certainty (e.g., Benin, Madagascar, Fiji) to revising existing ABS frameworks for increased workability and efficiency (e.g., South Africa, Kenya, Vanuatu).

This range, of course, causes specific challenges for ABS capacity development: finding the right link to existing national ABS processes, and thus tailor-made support schemes, is one of the most common. In addition, almost all countries struggle with the following key ABS implementation points:

**Regulations and procedures:** Despite having basic ABS measures in place, many countries have not yet defined ABS regulations and/or clear procedures to process ABS applications. In some cases, procedures might be defined within the administration but are not at all or at least not sufficiently communicated to other stakeholders and applicants. Consequently, neither resource holders nor users know exactly where and when PIC is to be obtained, who the respective MAT negotiation partner may be or which permits are to be issued by which authority in order to be compliant with national ABS measures. Clearly defined PIC/MAT/permitting procedures are of particular relevance in cases where local SMEs and IPLCs – important linking elements in the value chain – are transferring and adding value to biological and genetic resources. Here, also the relation of permits and benefit sharing arrangements along one value chain, i.e. between resource providers and local SMEs on the one hand, and between those SMEs and international industry on the other hand remains a major challenge. This includes also the definition of cut-off points for benefit sharing.

In the absence of guidance, some desperate users have defined their procedures and documents according to their discretion and interpretation of the Nagoya Protocol (e.g., community-PIC, pre-PIC, ABS collaboration accords), in order to have some evidence of ABS compliance if the issue came into question later.

**Scope of ABS requirements:** Many ABS laws and regulations do not clearly define which specific resources and types of utilization would fall under the national scope. Are seeds or non-indigenous resources included? Would taxonomic research trigger ABS obligations? What if the resources are used for the extraction of oils or in formulations? What about export thereof? International users often delegate the responsibility to provide necessary permits or the proof that the resource in question is outside the ABS scope to the resource providers, manufacturing SMEs or exporters in the providing countries. Unfortunately, many regulators cannot provide guidance on related inquiries. As a result, business opportunities from genetic/biological resource valorization are missed out on, and even existing supply chains are threatened to collapse due to legal uncertainties. Particularly EU users being required to proof due diligence abstain from further engagement. In addition, such unclear scope of ABS requirements negatively impacts research cooperation with EU countries where proof of ABS compliance is a prerequisite for research funding.

**Digital Sequence Information (DSI):** DSI was probably the most controversially discussed topic during CBD-COP 14/NP-MOP 2. Nevertheless, many regulators and relevant ABS stakeholders do not fully comprehend the nature and types of applications of DSI as well as its potential implications on ABS implementation, both in the research and commercial arena.

These knowledge gaps are not only impacting the negotiations at international level. They also have the potential to slow down the regulatory process nationally as it is unclear how to cover the issue in domestic ABS frameworks

**Indigenous peoples, local communities and governance:** Governance structures and tenure provisions differ between countries but also at national, provincial or local level. While in some countries legal provisions for IPLC participation do not exist at all (e.g. Algeria and Morocco), they are fully recognized in others (e.g. Kenya; most Pacific island states). In countries like Ethiopia, the state represents local communities. Of course, the diversity of governance structures demands distinct



(legal) approaches to enable effective participation of IPLCs in ABS processes, including PIC. These different structures are equally challenging for foreign users.

- **IPLC governance and aTK:** Land tenure and resource tenure issues are often not sufficiently defined in providing countries. Due to the inexistence of inventories the precise attribution of a genetic resource or respective aTK to indigenous people or local communities remains a key implementation challenge for ABS regulators and users. However, even if the community was identified, the question of representation arises: Who is responsible within the community? Who provides PIC? Who may negotiate?
- **(Non-)utilization of aTK:** In many cases, aTK can help identify potential leads to be taken up by basic or commercial R&D. In some industry sectors, for instance nutraceuticals, the proof of traditional uses of a resource as foodstuff can help to pass consumer safety standards such as the EU Novel Food regulation. However, this potential is barely used as the majority of users tries to avoid conducting R&D or building products on aTK for following reasons: the legal status of aTK is often unclear, for instance if it is publicly available or in the public domain (e.g. scientific literature); aTK right holders may not have been identified; aTK is shared and may be disputed between communities; obtaining ABS permits based on aTK, PIC is very difficult and time consuming, if not impossible.

**ABS compliant value chain development:** Various industry sectors use genetic resources in different ways but all benefit from the Nagoya Protocol as it provides clear and transparent procedures for ABS. These procedures are the backbone of ABS-compliant value chains. They link the private sector, stakeholders from R&D, governments and IPLCs. In many countries, institutional and procedural challenges slow down the emergence of ABS compliant value chains or make them merely impossible.

- **Negotiations and clauses of ABS contracts:** In most countries, access to ABS and contract law expertise is insufficient. This has a negative impact on the quality and enforceability of ABS agreements. In the worst case, ABS contracts are legally void. In particular but not exclusively IPLCs often do not have the legal and technical support to participate in ABS negotiations at eye level. In contrast, the user side – industry and academia – avails of the necessary legal support at command.
- **Interplay with other key permits:** Generally, obtaining only an ABS permit/IRCC is not sufficient to “start business” on biological and genetic resources. Additional permits, for instance regarding research, collection of material, export or phytosanitary obligations, are necessary to undertake R&D abroad and build a supply chain. At the same time, clear guidance on complementary permits for specific ABS applications are lacking. A typical question that arises: In which order are different permits to be obtained, for instance, is an ABS permit the prerequisite for a research permit or is it the other way round?
- **R&D and business models:** The “what and how” of the utilization of genetic resources and aTK in different industry sectors as well as respective compliance regimes are still largely unknown to key ABS actors, such as policy makers, regulators and resource providers. Subsequently, it is almost impossible for providers to develop effective strategic and technical valorisation approaches in close conjunction with the business world. Major knowledge deficiencies can be experienced on (IP) rights in international commercial partnerships, R&D requirements and opportunities in user sectors, regulatory compliance/product approval and the definition of appropriate monetary and non-monetary benefits.
- **National valorisation strategies:** Countries have way better chances to exploit the valorisation potential of their biological and genetic resources and aTK if they develop a national strategy. In most cases, these endeavours do not move beyond the early stage as the required in-depth understanding of the commercial potential, availability and management of national bio-resources, the national R&D landscape, and the “value adding actors” in private sector and academia is only slowly developing. Moreover, budget allocation for effective support schemes and collaboration between sectoral ministries, e.g. environment, commerce/trade and education/research, is hard to find in the ACP region.
- **Top-down vs. bottom-up:** Also due to the lack of adequate understanding of user sectors and strategic valorisation approaches many providing countries remain rather “ABS reactive”, waiting for foreign bio-prospectors to come and request access to genetic and biological





resources. Rarely, they take first steps of commercially oriented value addition and R&D, which would allow them to approach proactively international industry as potential users. In addition, African SME generally do not receive the financial and technical support necessary to access global markets with their natural ingredients and pre-processed goods.

- **Essential information on benefit sharing schemes:** A severe lack of information about essential 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 resulting in institutional paralysis on the part of the providers. They 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 and thus prevents learning from good (or bad) examples exacerbates the problem.

**Structural challenges:** Besides challenges that can be directly related to the three core processes of the ABS Initiative (see above), there are also more structural problems affecting the pace and quality of ABS implementation in Africa and the ACP region.

- **Institutional deficiencies:** As the key processes drivers ABS NFPs and staff of initial CNAs have attained a quite good understanding of the Nagoya Protocol and its mechanism. However, the concept, role and process of monitoring, compliance, the ABS Clearing-house and checkpoints is often not yet understood properly. Insufficient knowledge of valorization steps, value chains and where ABS would be triggered often leads to misconceptions and misunderstandings with users.

More principal comprehension deficits regarding the ABS mechanism and implementation requirements of the Nagoya protocol prevail in most line authorities (planning, agriculture, research, health, trade/economy, rural development). Further, officers are often overcharged with other work (e.g., being in charge of several Conventions or Protocols), suffer from inadequate IT infrastructure, including unstable internet connection, and change positions too frequently in order to adequately push ABS implementation in their countries or respond to access investigations from users. In addition, the hierarchical set-up of administrations results in long decision-making processes.

- **Public-private sector cooperation:** Cooperation between the public and the private sector is new territory in environmental ministries of most providing countries. Both sectors differ in pace and principles of decision-making. In the private sector the consideration of transaction costs, including (non-productive) waiting-time is key and entrepreneurial risks are an unavoidable part of business, whereas regulators in the public sector will hardly provide guidance to a user or approve applications if processes are not clearly defined or decisions are not brought into agreement with the own hierarchy or other departments/committees in charge. As meetings for ABS decision making or of advisory bodies are often held irregularly and travel expenses cannot be reimbursed, the process is slowed down further. Finally yet importantly, commercial legal expertise is mostly stronger in the private sector.

## 5.2 Momentum and opportunities

**Global (market) trends for the ABS compliant BioTrade sector:** The consumer interest in natural products is rising, partly linked to increasing demand by aging societies and increasing levels of allergic diseases, and partly linked to changing lifestyles in which natural ways of medical treatment and cosmetic applications are high on the list of priorities. The private sector detected the stories behind sustainable sourcing and fair deals in supply chains as a marketing asset.

Another trend becomes evident: The market does not only exist on the global scale. National and regional markets are emerging. BioTrade companies from so-called “providing countries” start producing for national customers and target regional markets. To a certain degree the dichotomy between user and provider countries is dissolving.



Further, many user countries are following the Leitmotiv of Bio- and circular economies. For instance, the replacement of synthetics requires identification of suitable natural/degradable resources and specific agents, through biotech applications (mainly one-off access).

On the other hand the booming natural cosmetic, medicine and nutraceuticals sector rely on constant access to raw materials for their specific value chains. This requires long-term investments upstream the supply chain in infrastructure, capacity and resource sustainability – which are long-term development benefits for providing countries

**ABS (value chain) link to the SDGs and Agenda 2030:** An increasing number of governments in user and providing countries as well as the research and industry sectors identify ABS as an instrument to support the sustainability objectives and the Agenda 2030 as a whole. For the contribution of ABS compliant value chains to the SDGs please see [here](#). For instance, triggered by global market trends cooperation is emerging between African cooperatives/SMEs and international industry. If this type of cooperation is embedded in ABS compliant value chains, it contributes to socio-economic development (governance, empowerment, employment, know-how/technology transfer, taxes etc.) and, ultimately, to the fulfillment of the 2<sup>nd</sup> and 3<sup>rd</sup> objective of the CBD. Benefits flow into conservation projects – and biological/genetic resources necessary for the value chains are sustainably used in order to keep them available. On a global political level, the interplay between the three objectives of the CBD, in particular in the post-2020 discussion, becomes more relevant. ABS, and in particular ABS compliant value chains at a commercial and non-commercial level, have the potential to contribute to both: conservation and sustainable use. This interrelation was also increasingly recognized during COP 14.

**Interest: Academia and Industry turn towards biodiversity:** The trend is clear: There is a constantly increasing interest by industry and academia to use genetic resources, including from Africa, the Caribbean and the Pacific, for basic and applied research with scientific and commercial intent.

**Political support: Regional organizations become active:** Besides national governments, also regional organizations (e.g., AU, CARICOM, COMIFAC, SADC, SPREP) are aware and willing to provide support and guidance on ABS implementation. Examples are the COMIFAC ABS coordination expert group and the [AU guidelines on a harmonized implementation of the Nagoya Protocol](#).

**Trigger: EU regulations:** In the EU member states, the 2014 EU regulations trigger ABS implementation with respect to user measures and, at the same time, amplify user knowledge, acceptance and compliance towards ABS. They demonstrate that regulatory frameworks in providing countries alone are not sufficient. Countries that use genetic resources need to have them as well to ensure monitoring and compliance. In this regard, the EU regulations (but also the Swiss, Norwegian and Japanese ABS measures) were a game changer.

**Industry integrating ABS:** Certainly, also given a push by the EU regulations, ABS is now integrated in standard operational procedures (SOP) of several industry sectors, next to other compliance procedures. Although there are still lots of open questions, ABS is being institutionalized. This often already manifests in the definition of internal ABS “checkpoints” in relevant company sections, for instance sourcing, R&D and product approval.

Further, in many companies, ABS is not only seen as a compliance issue but instead as a possible investment in sustainability and, ultimately, in corporate social responsibility (CSR). In fact, CSR becomes increasingly important as part of the brand itself and ABS elements can play a significant role in this regard.

**Research co-operations:** Although the situation to obtain the necessary ABS permits for research is difficult and confusing in many countries, co-operation between universities and research institutions in North and South prevails – or expands due to new research fields and (communication) technologies. For example, programmes such as *Sud Experts Plantes Developpement Durable (SEP2D)* are particularly fostering the engagement of researchers and CNAs from providing countries for applied biodiversity-based research, such as in natural cosmetics and medicine.



### 5.3 Approaches and instruments

The ABS Initiative is trying to meet many of the challenges listed, at the same time using the momentum on the global-political and economic scale mentioned above. Some instruments and approaches were already developed in the past and will be continued and applied. Others were recently developed.

**Awareness raising and informing:** Although awareness of the potential of ABS and the Nagoya Protocol is significantly higher than years ago, the gap of awareness and knowledge is still evident among key stakeholders, in particular with regard to the functional elements of the Nagoya Protocol. The ABS Initiative will therefore continue to use its existing multimedia products (videos, interactive graphics, posters etc.) complemented by, for instance, a **blended learning tool for ABS contracts and targeted IPLC CEPA tools**. The Initiative will make intensified use of the existing **ABS monitoring video** and produce a **short video on ABS and DSI – “simply explained”**. A new compilation of ABS (related) cases is in the making following the existing approach to showcase the value added by implementing the Nagoya Protocol.

**Guide on policy and implementation options:** The ABS Initiative is planning to develop an explanatory guide referencing existing examples of the manifold options for national and sub-national implementation. The guide will also address relevant issues related to the implementation of regulations currently an obstacle for many parties, which already have initial measures in place or under development. The guide will also try to answer procedural questions on permitting landscapes, one stop-shop options, advisory and decision-making structures. By covering topics such as pre- and post-Nagoya frameworks, procedural obligations and the scope of ABS requirements through examples, the guide will make the complex regulatory settings more tangible and comprehensible.

**Contract support:** Already in the work plan for 2016/2017, the ABS Initiative envisaged an ABS contract help desk accessible on the Initiative’s website. While liability concerns of participating legal advisers have been clarified, funding constraints prevented to officially launch such a help desk. Nevertheless, the ABS Initiative is **advising and commenting on legal contract questions from partner and cooperation countries** upon request – in particular, in cases where there is growing evidence that ABS agreements can be concluded. To use these and other **agreements as examples is currently the preferred methodology in the contract training courses** conducted by the ABS Initiative and FNI. In a blended learning approach, these face-to-face courses will be complemented by an online learning format, which will improve the learning effect in four respects: better understanding of ABS contracts; easier sharing of draft contracts; make sources available in the long term and encourage peer-to-peer exchange. As IPLCs are increasingly expressing their need for capacity building, the ABS Initiative intends to develop a **contract-training format specifically for community lawyers**.

**Training kit on ABS compliant value chains:** With a focus on regulators but also resource providers, SMEs and applied research, the Initiative has started to develop a building block kit including potential components, actors and processes with respect to R&D elements, value chain development and market access related to genetic resources. Primarily, the kit will demonstrate where ABS procedures would kick in at the level of access in the providing country and with respect to monitoring and compliance issues in the user country. In addition, considering the different sectoral business models, IP and R&D patterns the kit will identify the points alongside the value chain, which are important for benefit sharing discussions.

**Support of utilization and valorization of GR and aTK:** The collaboration with business support organizations, in particular with UEFT will be continued to better assess and promote the valorization potential of GR, aTK and processed ingredients from the ABS Initiative’s partner and cooperation countries at the international users level. Supported by targeted matchmaking facilitation, e.g., at international trade conferences and fairs, this will lead to the practical identification of mutual business opportunities and ultimately to the implementation of ABS compliant value chains. With respect to knowledge management of the ABS Initiative, the ABioSA project will play an amplifying role in the southern African region.



**Table 7 - How tools and instruments of the ABS Initiative relate to the ABS implementation challenges**

Schematic overview on key instruments & approaches addressing ABS implementation challenges - excluding experience exchange formats, such as Pan-African or subregional workshops	ABS Implementation Challenges													
	Regulations & procedures	Scope of ABS requirements	Digital Sequence Information	IPLC Governance Information (DSI)	Non-utilization of aTK	Negotiations and clauses of aTK	Interplay with other key permits	R&D and business models	National valorisation strategies	Top-down vs. bottom up	Essential information on BS schemes	Institutional deficiencies	Public-private sector co-operation	
Video: DSI	Yellow	Yellow	Green					Yellow	Yellow					
Video: Monitoring & Compliance	Green	Yellow						Yellow						Yellow
“Dummy test”: Monitoring system	Green					Yellow					Yellow			Yellow
Compilation: ABS (relevant) cases	Green	Green		Yellow		Yellow			Yellow					Yellow
CEPA Tools: IPLC	Yellow	Yellow		Green	Yellow				Yellow					
Guide: BCP				Green	Green	Yellow			Yellow				Yellow	
Guide: Policy and implementation options	Green	Green				Green			Yellow					Yellow
Advice & comments on ABS contracts upon request	Yellow		Yellow			Green	Yellow				Green			
(Blended) Contract training incl. IPLC lawyers	Yellow					Green					Yellow			
Training kit: ABS compliant value chains		Yellow				Yellow	Yellow	Green	Green	Yellow				Yellow
Support: Utilization/valorization of GR and aTK				Green	Yellow			Yellow	Green	Yellow				Green
aTK tenure and inventories	Yellow	Yellow		Green	Green			Yellow	Yellow				Yellow	
“Case compendium”: ABS-SDG link and post-2020					Yellow			Yellow	Green	Yellow				Green
Inform international processes/AU	Green	Green	Yellow	Green		Yellow		Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow

**“Dummy test” of the monitoring system:** As mentioned in the challenge section, the functions and the interplay between key elements of monitoring the utilization 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 knowledge gap, the ABS Initiative, together with partners from CNAs, research, industry and the SCBD, will run a “dummy test” through the entire monitoring system – from an ABS permit to the checkpoint communiqué. Comprehension problems and technical hurdles would be recorded and serve as a basis for the development of possible capacity building tools. In close collaboration with the SCBD, the ABS Initiative will continue to explore and apply new tools and approaches to raise awareness and provide trainings to the relevant government representatives.

**aTK tenure and inventories:** Using aTK in the context of R&D and product development based on genetic resources constitutes a challenge due to several levels of open questions both holders and (potential) users of aTK are confronted with. In close cooperation with partners (e.g., CIGI) and relevant government units, the ABS Initiative will analyze “tenure” patterns and legal status of traditional/indigenous knowledge in its partner and selected cooperation countries. In particular, the practical value and the objectives of inventories of aTK (preservation, protection, valorization) and possible trade-offs will be evaluated. A first concrete point of departure within the proposed work plan is the collaboration with the South African CSIR. The Council is planning to utilize the National Recordal System (NRS) developed by the South African Department of Science and Technology for identifying promising uses of IPLC used indigenous plants.

**Guide on BCPs:** Based on their experiences with BCPs as an instrument to support the effective implementation of ABS, Natural Justice and the ABS Initiative intend to develop guidelines for communities, supporting organisations and governments in the facilitation and implementation of BCPs or comparable instruments.

**“Case compendium” for ABS-SDG link and post-2020:** As many countries are now in the process of setting up or revising their national sustainable development strategies, it is now time to collect and present “hands-on” how concrete ABS cases – or specific elements of them – positively impact specific



targets of the Agenda 2030. A “case compendium” based on the [ABS Initiative policy paper on the ABS-SDG link](#) from 2016 will provide concrete input to the CBD post-2020 strategy and contribute to a common understanding of ABS implementation among relevant stakeholders. It will also generate political buy-in from the respective (line) ministries for developing a coherent ABS approach at country level. Whereas the collection and analysis of cases at the level of projects, countries and implementation partners will be ongoing in 2019/20, further emphasis will be put on exploring and compiling industry experiences.

**Inform international processes/AU:** Considering the many international fora and processes directly or indirectly related to ABS, it is crucial to find effective ways to ensure information exchange and, possibly, mutually supportive approaches and ways of implementation. The ABS Initiative will therefore continue to compile, analyse and document the different developments relevant to the implementation of ABS under the CBD/Nagoya Protocol, FAO ITPGRFA, WIPO IGC, and WHO PIP. The Initiative will help developing conceptual approaches to address resulting challenges, and support partner countries and organisations to feed them back into the fora. In this regard, the AUC and the African national focal points play a key role for not only coordinated inputs to relevant international fora but also with respect to harmonized national implementation of ABS in Africa. Closely cooperating with the AU Continental Coordination Committee (CCC) for biodiversity matters, the ABS initiative will promote further the intensified use of the AU online-coordination tool, which was launched in 2018.



## Annex A: Expenditure Report 2018

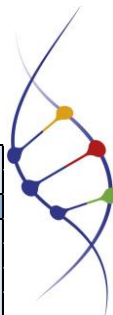
The following table provides an overview on the expenditure for running the ABS Initiative Secretariat. Expenditure is attributed to implementation and management related activities based on time sheets of all staff members at GIZ and GeoMedia. Total cost for salaries of GIZ staff and remuneration of 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	
			%	€	%	€
<b>0.1</b>	<b>Core Staff GIZ</b>					
0.1.1	Manager (100%)	144.413	70	101.223	30	43.191
0.1.2	Project Officers (2 x 100%, 1 x 70%)	268.324	78	210.287	22	58.037
0.1.3	Travel and Workshop Manager (2 x 100%)	129.378	60	78.243	40	51.135
0.1.4	Finance administrator (100%)	89.434	6	5.499	94	83.935
0.1.5	Interns	4.509	95	4.283	5	225
	<b>Sub-total: Core Staff GIZ</b>	<b>636.058</b>	<b>63</b>	<b>399.535</b>	<b>37</b>	<b>236.523</b>
<b>0.3</b>	<b>Other costs</b>					
0.3.1	Office rent, communication, ...	57.832	63	36.327	37	21.505
0.3.2	Travel secretariat staff	5.585	0	0	100	5.585
0.3.3	Office equipment (server, computer..)	13.676	63	8.590	37	5.085
	<b>Sub-total: Other costs</b>	<b>77.094</b>	<b>58</b>	<b>44.917</b>	<b>42</b>	<b>32.176</b>
	<b>Sub-total: Secretariat GIZ</b>	<b>713.152</b>	<b>62</b>	<b>444.452</b>	<b>38</b>	<b>268.699</b>
<b>0.2</b>	<b>Consultants</b>					
0.2.1	Core Staff GeoMedia	285.595	81	230.481	19	55.114
	<b>Sub-total: Consultants</b>	<b>285.595</b>		<b>230.481</b>		<b>55.114</b>
<b>0</b>	<b>Sum Secretariat Costs</b>	<b>998.747</b>	<b>68</b>	<b>674.933</b>	<b>32</b>	<b>323.813</b>

Income from GIZ internal service requests from other projects **not directly** related to the ABS Initiative work e.g. ABS related support to the biodiversity program in India, is directly deducted from the staff cost in the table above.

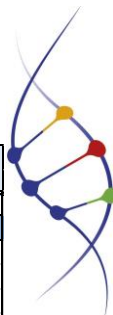
Taking into account the extremely high income generated by GIZ internal service requests not directly related to ABS Initiative in 2017 (132.548 EURO) secretariat costs remained stable with a clear shift back towards implementation oriented work as compared to 2017 with 58% implementation oriented work in 2017 versus 68% implementation oriented work in 2018.

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							Co-funding	
			BMZ	OIF	Norway	Denmark	ACP/EU	SECO	AFD		Sum
<b>0</b>	<b>Secretariat Cost GIZ</b>		<b>367.113</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>316.048</b>	<b>29.991</b>	<b>0</b>	<b>713.152</b>	
	<b>Secretariat Cost - Implementation</b>		<b>228.793</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>197.682</b>	<b>18.691</b>	<b>0</b>	<b>445.166</b>	
	- share of Africa		230.161	0	0	0	178.508	18.691	0	427.360	
	- share of Caribbean (funded by BMZ and EU)		192	0	0	0	-6	0	0	185	
	- share of Pacific (funded by BMZ and EU)		-1.560	0	0	0	19.180	0	0	17.620	
	<b>Secretariat Cost - Management</b>		<b>138.320</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>119.080</b>	<b>11.300</b>	<b>0</b>	<b>268.699</b>	
	- share of Africa		139.147	0	0	0	107.530	11.300	0	257.977	
	- share of Caribbean (funded by BMZ and EU)		116	0	0	0	-4	0	0	112	
	- share of Pacific (funded by BMZ and EU)		-943	0	0	0	11.554	0	0	10.611	
<b>1</b>	<b>Supporting Partner Countries</b>										
<b>1.0</b>	<b>National Support</b>		<b>1.506</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>576</b>	<b>0</b>	<b>0</b>	<b>2.082</b>	
1.0.1	Ongoing processes, roadmap & implement.	Algeria	319	0	0	0	-3.123	0	0	-2.804	11.533
1.0.2	Ongoing processes, roadmap & implement.	Benin	-17.019	28.804	0	0	44.788	0	0	56.573	
1.0.3	Ongoing processes, roadmap & implement.	Burundi	0	0	0	0	-22	0	0	-22	
1.0.4	Ongoing processes, roadmap & implement.	Cameroon	4.464	0	0	0	-47	0	0	4.417	20.543
1.0.5	Ongoing processes, roadmap & implement.	DRC	0	0	0	0	-48	0	0	-48	
1.0.6	Ongoing processes, roadmap & implement.	Kenya	43.215	0	0	0	108.933	0	0	152.148	
1.0.7	Ongoing processes, roadmap & implement.	Madagascar	1.878	1.730	-500	0	-256	0	0	2.852	
1.0.8	Ongoing processes, roadmap & implement.	Morocco	1.699	2.325	0	0	-433	0	0	3.591	
1.0.9	Ongoing processes, roadmap & implement.	Namibia	5.784	0	0	0	-4.295	0	0	1.489	55.160
1.0.10	Ongoing processes, roadmap & implement.	South Africa	39.235	0	0	0	6.765	193.438	0	239.439	
1.0.11	Ongoing processes, roadmap & implement.	Uganda	366	0	0	0	847	0	0	1.213	
1.0.12	Flexible budget for country support		547	2.070	0	0	38.350	0	0	40.966	4.435
1.0.13	Ongoing processes, roadmap & implement.	COMIFAC	59	0	0	0	-2.003	0	0	-1.944	15.769
<b>1.1</b>	<b>National Institutional and Regulatory ABS Frameworks</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>42</b>	<b>0</b>	<b>0</b>	<b>42</b>	
1.1.1	IDLO Legal Training		0	16.650	0	0	25.990	0	0	42.641	
1.1.2	Legal Helpdesk		0	0	0	0	16.991	0	0	16.991	
<b>1.2</b>	<b>Effective Participation of IPLCs</b>		<b>159</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>159</b>	
1.2.1	Natural Justice: Engaging with IPLC		0	0	-5.265	0	47.235	0	0	41.970	
<b>1.3</b>	<b>Development of ABS Agreements</b>		<b>5.283</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>704</b>	<b>0</b>	<b>0</b>	<b>5.988</b>	
1.3.1a	Contract Training EN	Namibia	1.899	0	5.000	0	13.502	0	0	20.401	
1.3.1b	Contract Training FR	Morocco	15.685	10.246	0	0	43.693	0	259	69.882	
1.3.1c	Contract Training EN	Ethiopia	0	0	0	0	18.240	0	0	18.240	
1.3.2a	UEBT: Support to ABS compl. value chains		44.402	0	0	0	108.793	0	0	153.195	
1.3.2b	PTA: Support to ABS compl. value chains		-750	0	0	0	2.559	0	0	1.809	
<b>1</b>	<b>Sub-Total</b>		<b>148.730</b>	<b>61.825</b>	<b>-765</b>	<b>0</b>	<b>467.783</b>	<b>193.438</b>	<b>259</b>	<b>871.270</b>	<b>107.440</b>
<b>2</b>	<b>Auxiliary Processes</b>										
<b>2.1</b>	<b>Regional Harmonisation and Exchange</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-109</b>	<b>0</b>	<b>0</b>	<b>-109</b>	
2.1.1	Participation in regional fora		9.566	0	0	0	3.652	0	0	13.218	
2.1.2	Final WS UNEP/GEF 4	Kenya	0	0	0	0	258	0	0	258	
2.1.4	C2C exchange	South Africa	325	22.849	-3.500	0	70.626	0	0	90.300	
2.1.5	WS ABS implement. for IPLC	Morocco	0	0	0	0	-15.651	0	0	-15.651	
2.1.6	Pan-african WS	South Africa	298	0	0	0	-1.288	0	0	-990	
2.1.7	AU Coordination		-3.841	0	-7.000	0	45.557	0	0	34.716	
2.1.8	Pan-african WS	Ethiopia	24.568	78	0	0	92.022	0	0	116.668	
2.1.9	Sub-regional WS FR	Abidjan	73	0	0	0	0	0	0	73	
<b>2.2</b>	<b>Interfaces to International Processes</b>		<b>1.284</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-6.942</b>	<b>0</b>	<b>0</b>	<b>-5.659</b>	
2.2.1	Participation in international fora		36.150	0	0	0	11.308	0	0	47.459	
2.2.2	WIPO WS on IPR for IPLC EN	Namibia	0	0	0	0	-239	0	0	-239	
2.2.4	Mutually supportive implementation NP & ITPGRFA		-764	0	0	0	8.765	0	0	8.001	
2.2.7	3rd Global ABS Dialogue	Mexico	11.719	0	0	0	8.202	0	0	19.922	3.348
2.2.8	C2C exchange	South Africa	0	0	0	0	-12	0	0	-12	
<b>2.3</b>	<b>Knowledge Management &amp; Transfer</b>		<b>2.432</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5.252</b>	<b>0</b>	<b>0</b>	<b>7.684</b>	
2.3.1	Support by FNI		1.296	0	0	0	11.841	0	0	13.137	
2.3.3	Equator Initiative: ABS Equator Award		0	0	0	0	-668	0	0	-668	
2.3.4	Knowledge management		60	0	0	0	-690	0	0	-630	
2.3.5	Updating knowledge management and transfer tools		4.930	15.129	0	0	22.898	0	0	42.957	
2.3.7	Publication: ABS contributions to SDGs		748	0	0	0	0	0	0	748	
<b>2.4</b>	<b>Knowledge Generation for HCD Tools</b>		<b>12.665</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3.969</b>	<b>0</b>	<b>0</b>	<b>16.634</b>	
2.4.2	Blended learning tools for ABS	Italy	0	0	0	0	2.012	0	0	2.012	
2.4.3	Expert WS CEPA Tools for IPLCs	Kenya	510	0	0	0	13.596	0	0	14.106	
2.4.4	Inputs to COP MOP 3		802	0	0	0	627	0	0	1.429	
2.4.5	ABS contract templates		778	0	0	0	0	0	0	778	
2.4.7	NP implementation options		921	0	0	0	0	0	0	921	
2.4.8	ABS process simulation		81	0	0	0	0	0	0	81	
<b>2</b>	<b>Sub-Total</b>		<b>104.601</b>	<b>38.055</b>	<b>-10.500</b>	<b>0</b>	<b>274.987</b>	<b>0</b>	<b>0</b>	<b>407.143</b>	<b>3.348</b>

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No.	Activity	Country	ABS Initiative core funds: Expenditure by donor							Cofunding	
			BMZ	OIF	Norway	Denmark	ACP/EU	SECO	AFD		Sum
<b>3</b>	<b>Steering and Guiding Processes</b>		<b>2.456</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>980</b>	<b>0</b>	<b>0</b>	<b>3.436</b>	
3.0.1	Coord. & technical work with partners		7.778	0	0	0	4.839	0	0	12.616	
3.0.2	Financial management		2.100	0	0	6.181	13.225	0	0	21.505	
3.0.3	Concept./subst. Work (not listed above)		25.198	0	0	0	3.198	0	0	28.396	
3.0.4	Administration (GIZ/BMZ internal)		7.763	32	93	0	7.367	0	0	15.254	
3.0.5	Staff training		2.954	0	0	0	639	0	0	3.593	
3.1.1	Steering Committee		17.825	0	0	0	10.193	0	0	28.018	
3.2.1	Extended Team Meeting		548	0	0	0	-3.493	0	0	-2.945	
3.2.2	Team Meeting	Germany	15.774	0	-500	0	10.976	0	0	26.250	
<b>3</b>	<b>Sub-Total</b>		<b>82.394</b>	<b>32</b>	<b>-407</b>	<b>6.181</b>	<b>47.923</b>	<b>0</b>	<b>0</b>	<b>136.122</b>	
	- share of Africa		82.887	32	-407	6.181	43.274	0	0	131.966	
	- share of Caribbean (funded by BMZ and EU)		69	0	0	0	-2	0	0	68	
	- share of Pacific (funded by BMZ and EU)		-562	0	0	0	4.650	0	0	4.088	
<b>Africa Expenditure Implementation</b>			<b>253.331</b>	<b>99.881</b>	<b>-11.265</b>	<b>0</b>	<b>742.770</b>	<b>193.438</b>	<b>259</b>	<b>1.278.414</b>	<b>110.787</b>
<b>Africa Expenditure Implementation and Management</b>			<b>705.526</b>	<b>99.912</b>	<b>-11.672</b>	<b>6.181</b>	<b>1.072.083</b>	<b>223.429</b>	<b>259</b>	<b>2.095.717</b>	
<b>4</b>	<b>Caribbean</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>10</b>	
4.1	National support		0	0	0	0	0	0	0	0	
4.2	Regional support		211	0	0	0	0	0	0	211	
4.2.1	Marine conference Jamaica 11-2015		0	0	0	0	-36	0	0	-36	
4	Sum Implementation		211	0	0	0	-26	0	0	185	
<b>Caribbean: Expenditure Implementation and Management</b>			<b>588</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-38</b>	<b>0</b>	<b>0</b>	<b>550</b>	
<b>5</b>	<b>Pacific</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
5.1	National support		0	0	0	0	975	0	0	975	
5.1.1	Fiji		0	0	0	0	1.092	0	0	1.092	
5.1.2	Vanuatu		0	0	0	0	9.207	0	0	9.207	
5.2	Regional support		-1.717	0	0	0	2.279	0	0	563	
5.2.1	ABS contract training		0	0	0	0	66.253	0	0	66.253	
5	Sum Implementation		-1.717	0	0	0	79.807	0	0	78.091	
<b>Pacific: Expenditure Implementation and Management</b>			<b>-4.781</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>115.191</b>	<b>0</b>	<b>0</b>	<b>110.410</b>	
<b>Sum</b>			<b>701.333</b>	<b>99.912</b>	<b>-11.672</b>	<b>6.181</b>	<b>1.186.521</b>	<b>223.429</b>	<b>259</b>	<b>2.205.963</b>	<b>110.787</b>
<b>Total overhead costs</b>			<b>168.531</b>	<b>13.532</b>	<b>-3.263</b>	<b>886</b>	<b>145.085</b>	<b>32.149</b>	<b>37</b>	<b>356.957</b>	
<b>VAT</b>			<b>117</b>				<b>345</b>	<b>1.514</b>		<b>1.977</b>	
<b>Non eligible expenditures</b>			<b>42.273</b>				<b>-42.273</b>			<b>0</b>	
<b>Project costs</b>			<b>912.255</b>	<b>113.444</b>	<b>-14.935</b>	<b>7.066</b>	<b>1.289.678</b>	<b>257.093</b>	<b>296</b>	<b>2.564.896</b>	<b>110.787</b>





## 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**<sup>5</sup>.
- ABS related achievements in German DC supported countries will be reported against ABS relevant outcome indicators defined by the GIZ implemented projects<sup>6</sup>, 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 countries<sup>7</sup> 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 countries<sup>4</sup>; the target for outcome indicator 3 now reads: +7 ABS agreements in the 4 (non GIZ supported) countries<sup>5</sup>.

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<sup>5</sup> Benin, Kenya, South Africa, Uganda

<sup>6</sup> Algeria, Madagascar, Morocco, Namibia and COMIFAC

<sup>7</sup> 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



Reference: HRST/ST/8/1191/06.17 *M.O*  
Date: 26<sup>th</sup> June 2017

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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 2<sup>nd</sup> 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: Outline of the ABioSA sub-project

### Project Summary:

Title: ABS Compliant Biotrade in South(ern) Africa

Timeframe: 3.5 years commencing Q1 2018, 6 months inception

Amount: CHF 3 million

Country focus: South Africa with support to regional sector (70:30)

Management: GIZ ABS Capacity Development Initiative contracting local expert/institution

Governance: ABS CDI Steering committee plus investment committee

Status: Inception phase started 2 / 2017

### Objective:

In line with the objectives of the Nagoya Protocol on ABS a high-growth, jobs-rich, innovative biotrade sector compliant with national ABS regulations supports sustainable development goals and contributes to livelihoods of rural people and the sustainable use of South(ern) Africa's plant biodiversity.

### Project Components:

Components	Outcomes
<p><i>Component 1:</i> Provides <b>technical assistance</b> to South African and regional ABS compliant value chains including supporting new market access by addressing selected non-tariff barriers that bottleneck the growth of the sector, supporting the strategic and constructive role of IPLCs in these value chains, and assisting SMEs to improve their investment readiness through improved financial and business planning</p> <p><i>Sub-component 1.1: Market access and development</i></p> <p><i>Sub-component 1.2: Supporting the role of IPLCs in biotrade value chains</i></p> <p><i>Sub-component 1.3: Business planning support to SMEs</i></p>	<p><i>Outcome 1:</i> SMEs access new global markets for biotrade products based on national and transboundary value chains with strong participation of IPLCs.</p>
<p><i>Component 2:</i> Provides <b>financial assistance</b> to SMEs for <b>innovation and growth</b> through the establishment of a dedicated biotrade grant funding facility that works in coherence with, but effectively independently of, other relevant incentive schemes, and ensures financial, technical and human resources engagement by the SMEs, and will be governed with the support of an Investment Committee.</p> <p><i>Sub-component 2.1: Facility design and set up</i></p> <p><i>Sub-component 2.2: Operation of facility</i></p>	<p><i>Outcome 2:</i> SMEs use financial assistance designed specifically for biotrade innovation and growth whilst leveraging own resources and/or government incentive schemes.</p>
<p><i>Component 3:</i> Supports the <b>development of an enabling regulatory environment through policy advice and technical support</b> to the DEA for the revision of NEMBA and BABS, supports sector organisations to develop and implement industry best practices related to ABS, and knowledge management and sharing of best practices and lessons learned at a regional and global level including through cooperation with UNCTAD BioTrade.</p> <p><i>Sub-component 3.1: Policy improvement through NEMBA and BABS amendments</i></p> <p><i>Sub-component 3.2: Industry/sector organisation best practices and alignment</i></p> <p><i>Sub-component 3.3: Knowledge management and sharing</i></p>	<p><i>Outcome 3:</i> Improved ABS implementation framework supports the biotrade sector development in South Africa and the (sub-) region.</p>



## Annex E: 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.

- 10.-12.01.2018 *International Workshop on Access and Benefit Sharing for Genetic Resources for Food and Agriculture, Rome, Italy*
- 29.-31.01.2018 Expert Workshop: Developing ABS Communication Materials for IPLCs, Limuru, Kenya
- 13.-15.02.2018 *Meeting of the Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources, Montreal, Canada*
- 20.02.2018 Meeting of the Bioprospecting Forum South Africa, Pretoria, South Africa
- 08.-10.03.2018 *Biodiversity Economy Indaba, East London, South Africa*
- 19.-23.03.2018 ABS contract training for Francophone countries, Marrakesh, Morocco
- 20.-22.03.2018 *Informal Advisory Committee for capacity building under the Nagoya Protocol, Montreal, Canada*
- 19.-23.03.2018 *35th session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, Geneva, Switzerland*
- 23.-24.04.2018 *Continental Coordination Committee, African Union Commission, Addis Ababa, Ethiopia*
- 03.05.2018 National ABS Workshop, Honiara, Solomon Islands
- 16.05.2018 Value Chain Selection Workshop, Pretoria, South Africa
- 17.-18.05.2018 *1<sup>st</sup> meeting of the Strategic Steering Committee of the UNCTAD Biotrade Platform, Geneva, Switzerland*
- 21.-25.05.2018 *Pacific Regional Training Workshop on National Arrangements on Traditional Knowledge for Achieving Aichi Biodiversity Target 18 and Contributing to Aichi Biodiversity Target 16 of the Strategic Plan for Biodiversity 2011-2020, Whangarei, New Zealand*
- 24.-25.05.2018 3<sup>rd</sup> ABS Dialogue on Key Challenges and Practical Ways Forward for the Full Implementation of the Nagoya Protocol and Its Contribution to the 2030 Sustainable Development Agenda, Mexico City, Mexico (ABS Initiative, CONABIO/SEMARNAT, GEF-UNDP, GIZ Biodiversity Cluster Mexico, Central American Commission on Development and Environment and GIZ El Salvador)
- 28.05.-01.06.2018 CEO Workshop on the Implementation of the IT ABS System & National Project Planning Workshop, Nairobi, Kenya
- 18.-21.06.2018 *GIZ Fachtagung Biodiversität, Wald, Klima, Umweltpolitik (FATA), Bad Neuenahr, Germany*
- 18.06.18 Workshop: “ABS and BioTrade – thematic exchange and inception of a community of practice”
- 19.-20.06.2018 10<sup>th</sup> Annual UEBT Conference on Beauty of Sourcing with Respect and ABS Exchange, Paris, France
- 28.06.2018 *Launch and roundtable discussion on the new guide “A Guide to Intellectual Property Issues in Access and Benefit- Sharing Agreements”, WIPO Headquarters, Geneva*

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- 9.-18.07.2018 *High Level Political Forum 2018, BioTrade and ABS mainstreaming, UN Secretariat Headquarters, New York, USA*
- 13.07.18 Side Event: Better Trade 4 the SDGs: using trade as a motor for achieving the SDGs
- 16.07.18 Side Event: BioTrade and Access and Benefit-Sharing (ABS) in Support of the SDGs
- 10.07.2018 Side-Event at the Second meeting of the Subsidiary Body on Implementation "Capacity Development for the Implementation of the Nagoya Protocol - Achievements and Challenges", Montreal, Canada
- 22.-27.07.2018 *Vilm Seminar "Human Rights and Equity", Isle of Vilm, Germany*
- 30.07.-03.08.2018 Regional training on mutually agreed terms (MAT) for access to genetic resources supporting the effective implementation of the CBD and the Nagoya Protocol on access and benefit-sharing, Nadi, Fiji
- 13.08.2018 Sanma Provincial ABS Workshop, Lakatoro, Vanuatu
- 21.08.2018 *ABS presentation at kick-off meeting of the EU project "Microbe induced resistance against agricultural pests", Schnega, Germany*
- 28.08.-06.09.2018 High-level opening meeting for activities in Laikipia County, Kenya
- 03.-8.09.2018 Community-to-Community Exchange on ABS and Traditional Knowledge, Pretoria, South Africa
- 10.-14.09.2018 *Second "Vilm ABS Dialogue: Informing about Domestic Measures for Access to Genetic Resources", Isle of Vilm, Germany*
- 17.09.2018 *6<sup>th</sup> National ABS Round Table, Bonn, Germany*
- 19.09.2018 *ABS Awareness Workshop, Chamber of Commerce of Lower-Saxony, Hannover, Germany*
- 17.-21.09.2018 IDLO-SCBD Training Course: Establishing Legal Frameworks to Implement the Nagoya Protocol for Francophone participants from West Africa and Indian Ocean island states, Dakar, Senegal
- 24.09.2018 *2<sup>nd</sup> ABS Expert Meeting of the Leibniz-Gemeinschaft, Berlin, Germany*
- 25.-27.09.2018 *Indigenous Knowledge Systems International Conference, Protea Hotel Fire and Ice, Pretoria, South Africa (video message)*
- 01.-05.10.2018 11th Pan-African Workshop on Access and Benefit-Sharing, Addis Ababa, Ethiopia
- 13.-29.11.2018 Side and parallel events at CBD COP 14 / NP COP-MOP 3, Sharm El Sheikh, Egypt:
- 15.11.18 Session at Global Business and Biodiversity Forum: ABS and BioTrade for SDGs and post-2020 agenda (session jointly organized by UNCTAD, SCBD, ABS Initiative & UEBT)
- 18.11.18 Capacity Development for the Implementation of the Nagoya Protocol (organized by ABS Initiative & SCBD)
- 18.11.18 Mutually Supportive Implementation of the Nagoya Protocol and the Plant Treaty (organized by Bioversity International, SCBD, ITPGRFA & ABS Initiative)
- 20.11.18 *Cooperation between Nagoya Protocol CNAs – Why is it important? And what can be done to promote implementation of the Protocol? (panellist)*

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- 20.11.18 *How is intellectual property relevant to traditional knowledge and genetic resources? – WIPO Secretariat's recent practical resources (panellist)*
- 21.11.18 Does Everyone Need to Know Everything"? - Demystifying Communication on Access and Benefit-sharing (ABS) (jointly organized by ABS Initiative & SCBD)
- 21.11.18 Online System for ABS Applications, Permits and Tracking Utilization of Genetic Resources (organized by National Environment Management Authority (NEMA) of Kenya & ABS Initiative)
- 21.11.18 *Genetic Resources, Justice and Reconciliation: Canada and Global Access and Benefit-sharing (organized by ABS Canada, McGill University & ABS Initiative)*
- 22.11.18 Community Exchanges: an Empowering Approach to Disseminating ABS Learning (organized by Indigenous Information Network (IIN), UNU-IAS, Natural Justice & ABS Initiative)
- 26.11.18 *Assessing Pathways Towards a Global Multilateral Benefit Sharing Mechanism (organized by Centre for International Governance Innovation (CIGI), McGill University & ABS Initiative)*
- 26.11.18 Community Protocols - Lessons learned for ABS and launching of the BCP Guidelines (organized by Natural Justice, League for Pastoral Peoples and Endogenous Livestock Development (LPP) & ABS Initiative)
- 03.-05.12.2018 Capacity Development Workshop for SMEs (grant applicants to the innovation fund of ABioSA), Pretoria, South Africa