

THE **ABS**
CAPACITY
DEVELOPMENT
INITIATIVE



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

Progress Report 2016

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THE ABS CAPACITY DEVELOPMENT INITIATIVE 2006-2016:
SUPPORTING THE IMPLEMENTATION OF ABS
ACCESS AND BENEFIT-SHARING



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1. Executive Summary

In 2016, the ABS Capacity Development Initiative (ABS Initiative) continued supporting partner and cooperation countries in implementing the Nagoya Protocol at national level, making a direct contribution to the implementation of the **Strategic Framework for Capacity-building and Development to Support the Effective Implementation of the Nagoya Protocol on Access and Benefit-sharing** of the CBD.

Since the unstable funding situation of 2015 continued in 2016, the management of the ABS Initiative needed to focus its expenditure in 2016 on core activities. These included supporting partner countries in the implementation of their national ABS roadmaps¹, conducting two sub-regional workshops for Anglophone and Francophone Africa, respectively, and, in order to ensure experience exchange between partner and cooperation countries, organizing a limited set of workshops and trainings with co-funding of co-organizers.

In particular, the Initiative continued to support 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.** Overview on progress against outcome indicators is provided in table 1, details in chapter 4.1.

With respect to ABS frameworks the ABS Initiative has supported Benin in drafting an interim regulatory framework for ABS, consisting of national "directives" for ABS and an inter-ministerial decree, which is expected to be adopted by the two ministries in charge in February 2017. In Namibia, the Initiative supported ABS stakeholders in conceptualizing a strategic ABS implementation framework and provided advice to develop ABS interim measures with a view to safeguard existing natural product value chains until the new ABS law and regulations are in force; in Kenya, the Initiative commented on the drafts of two post-Nagoya ABS regulations which were presented in public consultations. Experts of the Initiative also provided support to the elaboration of an ABS interim regulation in the form of a decree in Madagascar, adopted by cabinet which is meant to provide a workable framework to regulate ABS until a full-fledged ABS legislation comes into force.

In recognition of the role of indigenous peoples and local communities as providers of genetic resources and associated traditional knowledge, the ABS Initiative has supported the Endorois Welfare Council in Baringo County/Rift Valley in Kenya through technical support by the NGO 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. Through funding of the ABS Initiative, Natural Justice was also able to support the National Khoisan Council (NKS) in South Africa to finalise a rooibos tea-industry wide ABS agreement in 2016 after 3 years of negotiations.

Regarding the development of ABS agreements, the ABS Initiative established, among others, relations to small and medium enterprises in Kenya and Uganda with a view to support MAT negotiations. Moreover, advice was provided by the ABS Initiative to establish the research MAT for a second Cameroonian ABS agreement on *Mondia whitei*). Experts of the ABS Initiative also provided support to its partners in Algeria by promoting business and value chain development in compliance with ABS on selected vegetal oils. Together with the South African Department of Environmental Affairs the ABS Initiative has developed a framework for further developing and analyzing value chains with respect to ABS compliance.

In 2016, **established formats and tools developed by the ABS Initiative** once again proved to have great impact on ABS capacity development:

Two sub-regional workshops on ABS for participants from Anglophone and Francophone African countries, held in Kenya and Côte d'Ivoire, addressed options for the development of regulatory frameworks, the involvement of indigenous peoples and local communities (IPLCs) in ABS and

¹ following up on the 2015 ABS country assessments and implementation roadmaps



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.				
Status overview Benin: Draft interim legal framework submitted to the relevant ministries for approval Kenya: Revision process of pre-Nagoya legal framework ongoing: two draft regulations in public consultation South Africa: Process of revising post-Nagoya ABS regulations ongoing Uganda: Revision of pre-Nagoya ABS regulations is planned				
Overall progress in Y2 towards attaining indicator	<input checked="" type="checkbox"/> very good (almost) achieved	<input type="checkbox"/> good (on track)	<input type="checkbox"/> Problems (partially) delays in implementation	<input type="checkbox"/> Deficiencies (Risk to fail)
Outcome Indicator 2: In 4 partner countries of the ABS Initiative 10 new ABS agreements have been established. Baseline: <i>no baseline</i> - Target: <i>+10 ABS agreements in 4 countries</i>				
Status overview Benin: ABS agreement with support of ABS Initiative not yet established; preparatory process for ABS agreements started Kenya: ABS agreement with support of ABS Initiative not yet established, but involvement in development of an ABS agreement in the context of UNEP-GEF NPIF project South Africa: ABS agreement with support of ABS Initiative not yet established, but cases to support are being identified, framed by Biodiversity Economy Strategy Uganda: ABS agreement with support of ABS Initiative not yet established, but good potential for conclusion of ABS agreements (low-hanging fruits)				
Overall progress in Y2 towards attaining indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outcome Indicator 3: In X partner countries of the ABS Initiative Y ABS agreements are based on “Biocultural Community Protocols (BCPs) or comparable instruments (CI) and promote the inclusion and participation of women in benefit-sharing. Baseline: <i>no baseline</i> - Target: <i>Drafts for +7 ABS agreements in 4 countries</i>				
Status overview Benin: Facilitation of two BCP processes is ongoing; agreements based on BCPs or ‘conventions locales’ are yet to be developed Kenya: Process of developing a BCP by the Endorois Welfare Council in Baringo County ongoing South Africa: ABS agreement between National Khoisan Council and the South African Rooibos tea-industry Uganda: Agreements based on BCPs or CI are yet to be developed				
Overall progress in Y2 towards attaining indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Table 1 - Progress toward attaining outcome indicators.

explored possibilities for the legal protection of TK. They furthermore served as African coordination platforms for CBD MOP2.

Building on the experiences of the **Anglophone Practical Workshop on IP and GR, TK and Traditional Cultural Expressions**, which took place in Namibia in August 2015, the ABS Initiative co-organized with WIPO, the GIZ ACCN project and the Moroccan Ministry in charge of the Environment a



Francophone workshop for IPLCs and government officials in Marrakech in September 2016 with a view to raise awareness on IP principles, systems and tools and to discuss implications for the protection of TK.

The ABS Initiative also provided a forum for South-South exchange in November 2016 by organizing a **Technical Workshop on Monitoring and Compliance under the Nagoya Protocol** in Mexico City in collaboration with the Government of Mexico, the Secretariat of the CBD and the bilateral Mexican-German “Biodiversity Governance Project”. The workshop encouraged and supported an exchange among regions and countries that are developing policies and measures related to monitoring and compliance as foreseen by the Nagoya Protocol.

Further, **establishing partnerships with private enterprises** is an ongoing process supported by the Initiative. In 2016, the Initiative once again provided input at the annual UEBT “Beauty of Sourcing with Respect” Conference and accompanying events, including the “ABS Business Dialogue” which was organized jointly by the Initiative, the UEBT and the UNESCO Man and Biosphere Programme. These events were well received by the participants, who highlighted the great networking and exchange of perspectives, the usefulness of the practical information in the sessions and the continuing relevance of the topic of ABS.

In addition, the Initiative continued to meet the demand for **targeted and applicable communication and knowledge management**, strengthening its role as a knowledge broker on ABS. As requested by the Steering Committee members in March 2016, the ABS Initiative put a focus on enhanced knowledge generation and dissemination by producing a number of online and offline knowledge tools and channels (YouTube, Twitter and LinkedIn) and a significant amount of publications addressing ABS implementation (e.g. concept papers on national gap analysis, online permit systems, etc).

Finally, the Initiative attended a major global event in 2016 significant for its future tasks: **the CBD COP 13 and NP COP-MOP 2** in December 2016 in Cancun, Mexico, where it (co)-organized several technical and high level side events to present its work, exchange experiences with other organizations and experts and initiated new or reinforced existing partnerships. As in previous years, the ABS Initiative was recognized in a decision adopted by the Parties to the Protocol for its substantive contribution to ABS capacity-building and development. Moreover in the short term action plan for capacity building under the CBD, the ABS Initiative was identified as a key provider of capacity building measures for the implementation of the Nagoya Protocol until 2020. On the occasion of the **ABS Initiative’s tenth anniversary**, the Initiative invited partners and donors to look back at a decade of cooperation and look forward to future prospects during a very well received dinner reception at COP-MOP 2.

Overall, the ABS Initiative and its partners have achieved many visible successes in its second year of the 2015-2020 project implementation phase. Despite many achievements in the field of ABS however, further support, in particular for the development / revision of ABS legislative and regulatory frameworks and the negotiation of ABS agreements, is needed to ensure that the Nagoya Protocol becomes fully operational by 2020. This only can be ensured if adequate financial means were provided by the donors of the ABS Initiative, as encouraged by in a letter of the outgoing Executive Secretary of the CBD in the aftermath of CBD COP 13 / NP MOP 2 in Cancun, Mexico (see Annex A).

2. Background: Current status of ABS in Africa

Since the Nagoya Protocol’s adoption in 2010, African countries have been quick in advancing its ratification, thus contributing significantly to its entry into force in 2014. More than two years later, there are 38 ratifications of African countries among the total number of 95 worldwide (7 February, 2017).

While the African Group has managed to sustain its visibility and remains outspoken in negotiations at the international level, the actual implementation of the Nagoya Protocol at the national level remains a challenge for most countries. In the majority of countries, the development or revision of



ABS legislative and regulatory frameworks is still ongoing, requiring thorough assessments of existing pieces of legislation as well as time- and resource-intensive consultation processes across a wide range of government institutions and stakeholder groups. In that regard, only seven African countries have so far listed data on pre-Nagoya legislative, administrative or policy measures on the ABS Clearing House (ABS-CH). Even competent national authorities have only been designated appointed in nine countries. Similarly, information on ABS agreements in accordance with the Nagoya Protocol is still scarce. Only one African country – South Africa – has so far created its first internationally recognised certificate of compliance (IRCC).

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

In the context of developing a legal framework for the exchange of farm animal genetic resources (AnGR) in Africa, the African Union Inter-African Bureau for Animal Resources recognised that the same legal framework can also be used to regulate ABS around flows of material from African providers to users outside the region consistent and in harmony with the AU Guidelines on the Nagoya Protocol.

While most African countries are still struggling with the development of ABS measures and the ABS-CH is waiting to be populated, ABS legislations are being developed and becoming more and more operational in the so-called ‘user countries’. Users in these jurisdiction interested in African genetic resources and associated traditional knowledge are now required to comply with ABS legislation in the ‘provider countries’ and present evidence of PIC and MAT when utilising such materials or information. African national focal points are therefore increasingly receiving requests from users asking for information on domestic ABS procedures – or, in some cases, even asking for confirmation of their absence, as for example the EU regulation only requires compliance with its user measures in cases where GR were obtained from Nagoya Protocol Parties that have ABS legislation in place. This shows that the Nagoya Protocol’s international mechanism of compliance and monitoring already takes effect – but it also underlines the fact that action for its implementation is urgently needed at the national level, and that exchange of information via the ABS-CH is crucial for the functioning of ABS under the Nagoya Protocol.

Of course, even in the absence of legislation and clearly defined procedures, ABS contracts are already being negotiated in many African countries, both Parties and non-Parties, and with and without IPLC participation. Most of these contracts may not be fully compliant with the Nagoya Protocol yet. Nevertheless the processes leading to the conclusion of these agreements generate valuable experiences that can inform the development of domestic ABS measures and raise awareness of ABS and its implications with users.

3. Financial status and perspective

In 2015, the German Federal Ministry for Economic Cooperation and Development (**BMZ**) commissioned GIZ for another three years to implement the ABS Capacity Development Initiative (2 Mio Euro for 04/2015-03/2018). 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.



The *Arrangement on Delegated Cooperation* between BMZ and the **Norwegian Ministry of Foreign Affairs** regarding the support to the ABS Capacity Development Initiative covering 5 Mio NKR (as of December 2015 approx. 655,000 Euro) for expenditure in 2016 was signed in December 2015. Upon request, the period for expenditure was extended by MFA until 06/2017.

Remaining EU/ACP funding was available for expenditure until June 2015. New funding from the **EU/ACP European Development Fund** was approved by the relevant EU bodies in December 2016. As soon as the Commission and the ACP Secretariat have concluded the necessary financing agreements, a *Delegation Agreement* will be concluded between the Commission and GIZ. The second EU/ACP funding period will make 5 Mio Euro available to the ABS Initiative for expenditure until the end of 2021.

Under the current financing agreement between **AFD** and GIZ, 750,000 Euro were available for expenditure until 06/2016. Upon request, the period for expenditure was extended by AFD until 09/2016 to allow for finishing ongoing work under AFD funds. Possibilities for further support by AFD will be explored in 2017.

Under the current financing agreement between the **Danish Ministry of Foreign Affairs** and GIZ, 670,000 Euro were available for expenditure until 03/2016. Upon request, the period for expenditure was extended until 03/2017. Due to changes in political priorities of the Danish government no new funds have been committed to the ABS Initiative.

OIF/IFDD again contributed 85,000 Euro to the ABS Initiative for expenditure until 03/2017 and is planning to continue its support at a similar level at least until 03/2018.

Norway and BMZ contributed 65% of the expenditure in 2016. Figure 3 illustrates the donor contributions for 2016.

The unstable funding situation of 2015 continued in 2016. Discussions with AFD on further funding support was postponed by AFD until 2017. The approval process for the new EU funding took significantly longer than expected, so that EU funds could not yet be used, as originally envisaged, in late 2016. This prompted the management of the ABS Initiative to focus operational expenditure in

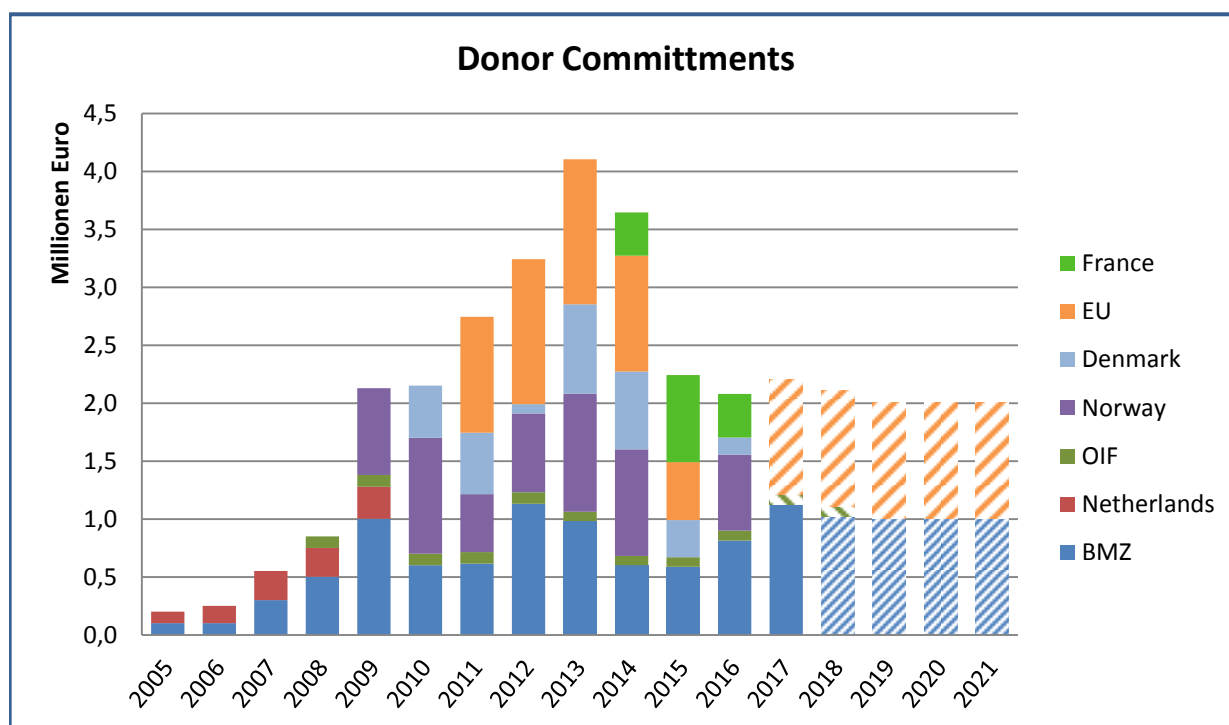


Figure 1: Yearly funding commitments of the donors to the ABS Capacity Development Initiative since 2005. Until 2013 BMZ funds indicate the actual expenditure, from 2014 onwards estimates of minimum expenditure based on current planning cycles. Funds of other donors are included once financing agreements are signed; future commitments still lacking signed financing agreements are ruled.



2016 on:

- core activities – i.e. supporting partner countries in the implementation of the national ABS roadmaps developed in 2015,
- two sub-regional workshops for Anglophone and Francophone Africa, respectively, to ensure experience exchange between partner and cooperation countries, and
- workshops and trainings with co-funding of co-organizers such as:
 - the yearly [Beauty of Sourcing with Respect Conference of the Union for Ethical BioTrade \(UEBT\)](#) where participation of African provider countries was co-funded by the BMZ-funded projects in the respective countries,
 - the Practical Workshop on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions/Folklore for teams of government officials and IPLCs on intellectual property rights (IPR) for Indigenous Peoples and Local Communities (IPLCs) from French speaking countries, co-funded by WIPO and the BMZ-funded Adaptation to Climate Change / Implementation of the Nagoya Protocol (ACCN) Project in Morocco,
 - the Technical Workshop on Monitoring and Compliance under the Nagoya Protocol, co-funded by the BMZ funded “Biodiversity Governance: Fair and equitable sharing of the benefits arising from the utilization and management of biological diversity” project in Mexico.

Other expenditures under the work plan and budget 2016/2017 were limited to the necessary minimum in order to maximise savings for utilisation in the budget 2017/2018.

Regarding the regional scope of expenditure in 2016, it must be highlighted that very limited funds (less than 30,000 Euro) were used to support ongoing processes in cooperation countries in the Caribbean (CARICOM) until new EU funding will be available. The utilised funds originated from BMZ.

The distribution of funds in 2016 clearly strengthened the core processes and national support:

- 39% of the expenditure directly contributed to national support to the development of institutional and regulatory frameworks, ABS agreements and IPLC involvement. i.e. the core processes of the ABS Initiative’s intervention logic. Funds were used to support partner countries in implementing the established national ABS road maps including providing funds to partners in delivery, such as the Union for Ethical BioTrade (UEBT), PhytoTrade Africa and

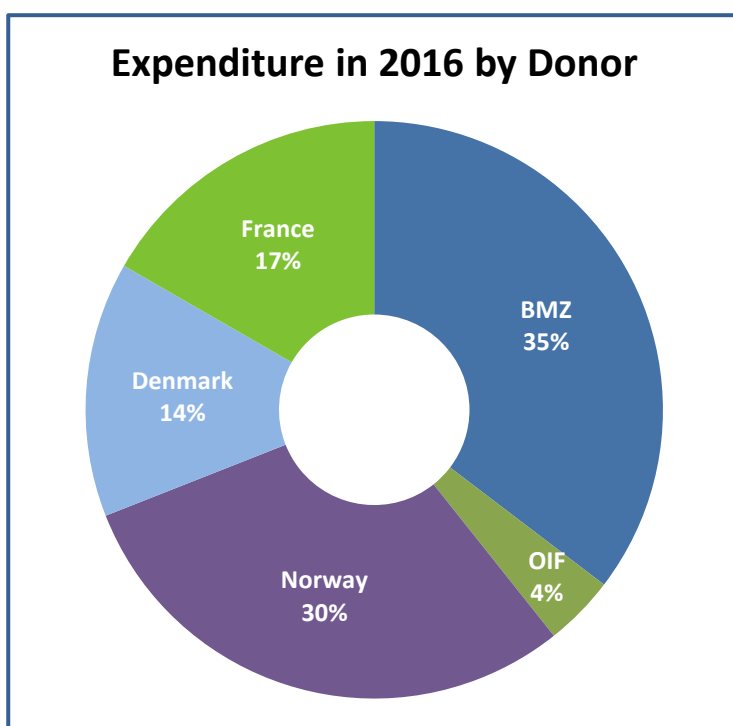


Figure 2: Expenditure by donor in 2016. The total expenditure of core funding was 2,149,837 Euro. In addition 219,879 Euro were made available by projects of German bilateral development cooperation (for details see Annex B).



Natural Justice.

- 47% of the expenditure was directed to the auxiliary processes, such as regional harmonisation and exchange, interfaces to international processes, knowledge generation and management and the development of human capacity development (HCD) tools. The higher share in 2016 as compared to the 30% in 2015 is due to the significant number of publications (guides, fact sheets, brochures) which was finalized and produced as well as the additional costs for participation in COP 13 /NP MOP 2 in December 2016 in Cancún, Mexico.
- 16% of the expenditure was used for the necessary **steering and guiding processes** as compared to 25% in 2015.

In an effort to complement the additional BMZ funds until 03/2018, the Secretariat of the Initiative engaged in further fund raising activities:

- In mid-2016, the ABS Initiative was approached by **UNEP** to discuss whether the ABS Initiative would be interested and willing to execute two GEF-funded ABS projects in Africa: (1) a regional medium-sized project in West Africa with Burkina Faso, Côte d'Ivoire and Niger as participating countries and (2) a national medium-sized project for DR Congo. The ABS Initiative agreed to develop, as a first step, the Project Identification Forms (PIFs) under a Small-Scale Funding Agreement for submission to the GEF in March 2017.
- In late 2016, the **Swiss State Secretariat for Economic Affairs (SECO)** approached the ABS Initiative to discuss the possibility of earmarked co-funding for a project focusing on support for ABS-compliant BioTrade value chains in South Africa, including support to the relevant government authorities for improving the necessary regulatory environment. It was agreed that the ABS Initiative would submit a concept proposal to SECO in early February 2017 as a basis for further discussions.

In order to efficiently address the capacity-building needs of the growing number of Parties to the Nagoya Protocol however, the outgoing Executive Secretary of the CBD, Braulio Ferreira de Souza Dias, encourages all donors to continue providing and ideally to upscale their funding support in

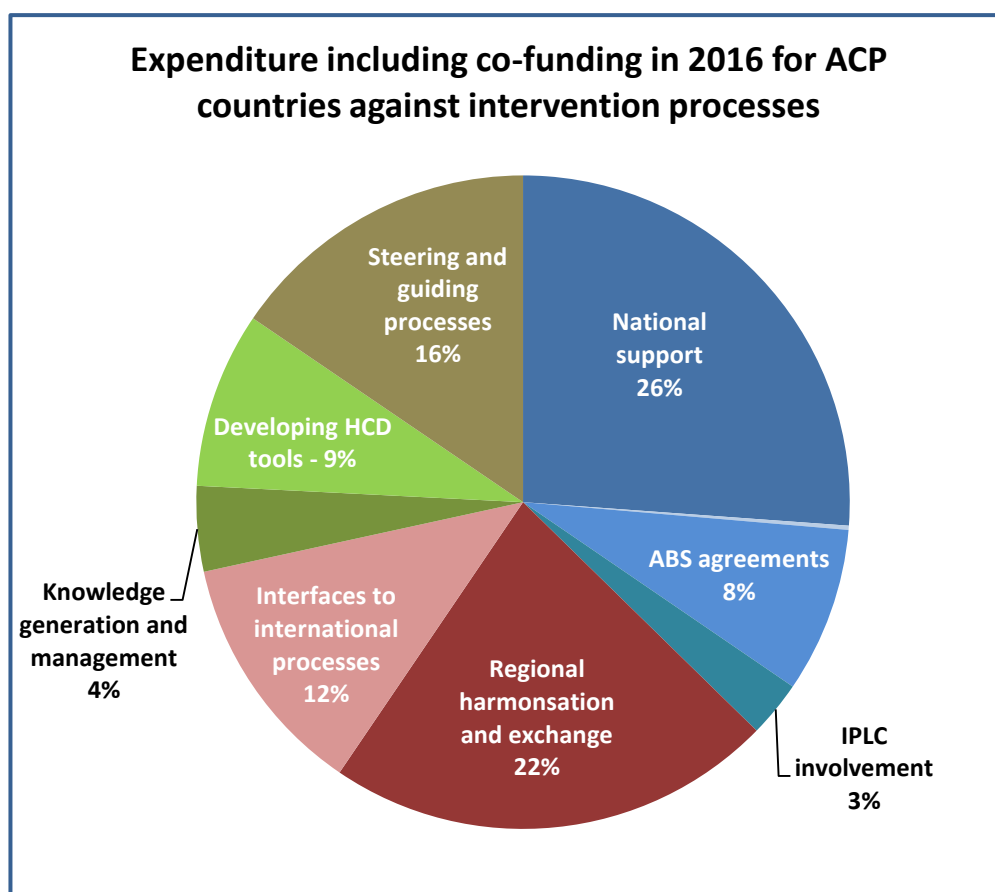


Figure 3: Expenditure including co-funding against intervention processes (for details see Annex B). In 2016 support for developing regulatory frameworks was provided exclusively through national support to CNAs and ABS NFPs.



2017-2018 (see Annex A).

4. Outcomes and outputs

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

Table 2 - Country specific work packages based on the national ABS road maps established based on the country diagnostics which had been conducted by the ABS Initiative in 2015.

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

In response to the sometimes diverging understanding and interpretation of technical terms in the ABS arena, the Steering Committee of the ABS Initiative discussed and clarified during its meeting in 2016 what should be counted and what does not qualify to be counted by the outcome indicators. For ease of reference, the relevant qualifications are provided in Annex C.

4.1 Support to ABS Initiative partner countries

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

Outcome Indicator 1: In 4 partner countries of the ABS Initiative ABS National Focal Points / Competent National Authorities have **submitted drafts to the relevant decision makers** for the institutional and legal framework of ABS on the national level.

Baseline: 3 drafts (2 pre- and 1 post-Nagoya)

Status overview - Outcome Indicator 1

Benin: Draft interim legal framework submitted to the relevant ministries for approval

Kenya: Revision process of pre-Nagoya legal framework ongoing: two draft regulations in public consultation

South Africa: Process of revising post-Nagoya ABS regulations ongoing

Uganda: Revision of pre-Nagoya ABS regulations is planned



Overall progress in Y2 towards attaining indicator	<input checked="" type="checkbox"/> very good (almost) achieved	<input type="checkbox"/> good (on track)	<input type="checkbox"/> Problems (partially) delays in implementation	<input type="checkbox"/> Deficiencies (Risk to fail)
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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>Status: 5 drafts (post-Nagoya) in 3 partner countries</p>	<p>Benin – Baseline: 0, Status: 2</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> Building on the findings of the country assessment and with financial and technical support of the ABS Initiative, Benin drafted an interim regulatory framework for ABS, consisting of national “directives” for ABS and an inter-ministerial decree making them legally binding. The two documents were validated with the ABS Committee (including technical representatives of nine ministries, local communities, research and the private sector) and additional representatives of the ministries from the legal and political levels in November 2016. The finalisation of both documents was done with on-site legal support of the ABS Initiative and, again, in collaboration with all relevant stakeholder groups. Since the interim framework is designed to implement both the Nagoya Protocol and the ITPGRFA in a mutually supportive way, experts from the ITPGRFA secretariat and Bioversity International were involved, too. The adoption of the interim legislation by the two ministries in charge (environment and agriculture) is expected in February 2017. The Initiative continued to provide financial and technical support to the development and finalisation of an access demand form and contract templates for commercial and non-commercial research which, along with the SMTA of the ITPGRFA, will constitute the annexes of the abovementioned “ABS directive”. <p>Kenya – Baseline: 1 (pre-Nagoya), Status: 2 (post-Nagoya)</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> Kenya appointed the Competent National Authority and check points for ABS. Due to the progress in institutional consultations and coordination after the planning workshop 2015, the idea to convene a national coordination forum was abandoned. Instead, the implementation of the concept for an IT based ABS application and monitoring system integrating the three major institutions National Environment Management Authority, Kenya Wildlife Service, and National Commission for Science, Technology and Innovation was started 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
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	<p>consultations; the Initiative and Natural Justice commented on the drafts.</p> <p>South Africa –Baseline: 1 (post-Nagoya), Status: 1 (revision of post-Nagoya)</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • During the country assessments of 2015 a methodological approach has been developed to inform and support DEA in revising South Africa’s ABS laws (National Environmental Management Biodiversity Act, 2004) and regulations (Bioprospecting, Access and Benefit Sharing Amendment Regulations) to ensure they are compatible with the Nagoya Protocol, supportive of its new national Biodiversity Economy Strategy (BES) and efficient with respect to transaction costs. • Based on a ministerial decision in 2016, the timeline for drafting amendments to the law and regulations has been moved forward to mid-2017. At the moment SA authorities and stakeholders have this process well in hand, however the Initiative is expected to offer upon request technical and legal support going forward. <p>Uganda –Baseline: 1 (pre-Nagoya), Status: 0</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • No progress on legal reform was reported
<p>A.2: Roadmaps for ABS implementation in partner countries and (sub-)regions include budget allocations</p> <p><i>Baseline: 1 partner country and 0 (sub-) regions</i></p> <p><i>Target: 4 partner countries and 2 (sub-) regions</i></p> <p>Status: 2 partner countries and 0 (sub-) regions</p>	<p>Benin – Baseline: 0, Status: 1</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • In September 2016, the Initiative provided a new, one-year local subsidy to the NGO CeSaReN. For the activities under this subsidy, a detailed work plan with budget allocations for the period September 2016 to August 2017 was developed, based on the road map that was elaborated in 2015. <p>Kenya – Baseline: 0, Status: 1</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • Workshop/meetings in April refined the 2015 work plan and budgets laying foundations for activities on BCPs and the IT monitoring system • Workshops/meetings in August and November specified content and procedures for implementing the IT monitoring system • Public calls for consultancy prepared in December <p>South Africa – Baseline: 0, Status: 1</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • A draft Letter of Intent between the Initiative and the S.A. Department of Environmental Affairs outlines potential clusters for collaboration and makes reference to resource allocations to further advance the implementation of the Nagoya Protocol. • In 2016, the Initiative and the Department of Environmental Affairs agreed to collaborate on a small number (3-5) of concrete ABS value chain "pilot cases", with the dual aim of: a)



	<p>demonstrating through "proof of principle" that ABS can contribute to both economic development and biodiversity conservation; and b) documenting practical ABS lessons that can feed into the amendment of ABS laws and regulations.</p> <ul style="list-style-type: none"> • A support roadmap has been drafted and will be finalized once complementing activities to be implemented under the UNDP projects have been identified and agreed upon. <p>Uganda – Baseline: 0, Status: 0</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • A country visit in May 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. • NEMA agreed to the <i>Prunus</i> work plan and is planning to conduct first activities in 2017. • NEMA applied for a UNEP/GEF ABS project in which the ABS Initiative is an implementing partner.
<p>A.3: The drafts/concepts in partner countries include the feedback from IPLCs as well as other relevant stakeholders.</p> <p>Baseline: 1 drafts</p> <p>Target: <i>Concepts in 4 partner countries with feedback from stakeholders</i></p> <p>Status: Concepts in 3 partner countries with feedback from stakeholders</p>	<p>Benin – Baseline: 0, Status: 1</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • Representatives of IPLCs (traditional healers, CBOs, farmer organisations) as well as from academia and the private sector are members of the national ABS committee, which was involved in the validation and finalisation of the interim framework described above. <p>Kenya –Baseline: 0, Status: 1</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • The ABS Initiative and its partner Natural Justice commented on the two draft ABS regulations, Natural Justice participated in the public hearings in November 2016. <p>South Africa –Baseline: 1, Status: 1</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • IPLCs will be involved in developing ABS-related laws and regulations through direct consultations with government and the newly created Biodiversity Industry Forum. IPLCs have recently been invited to serve on this structure by DEA. <p>Uganda –Baseline: 0, Status: 0</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • -
<p>A.4: Concepts for ABS relevant measures are developed in sectors other than the environment sector (e.g. agriculture, forest, marine, IPR, TK)</p>	<p>Benin – Baseline: 0, Status: 1</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • The national ABS Committee, which was established with the help of the Initiative, regularly gathers representatives of nine Ministries to jointly discuss ABS-related activities and planning. • The newly developed interim ABS legislation is meant to implement both the Nagoya Protocol and the ITPGRFA in a



<p>Baseline: <i>1 draft</i> Target: <i>4 concepts with requirements for sectors other than environment</i> Status: <i>2 concepts with requirements for sectors other than environment</i></p>	<p>mutually supportive manner and is envisaged to be adopted through an inter-ministerial decree by the ministries of environment and agriculture. This process was partly supported through activities under the ongoing DFID-funded pilot project under the Darwin Initiative on mutually supportive implementation of the Nagoya Protocol and the ITPGRFA, executed by the Initiative and Bioversity International in collaboration with the AU Commission and the relevant ministries in Benin and Madagascar.</p> <ul style="list-style-type: none"> • With the financial support of the Initiative, a process was started in 2016 to set up an institution mandated to represent local communities in ABS-related matters at the national level. So far, discussions with relevant stakeholders have been initiated regarding the required level of decentralisation and the roles of local communities and municipalities, organisation at different levels, the legal status of the envisaged structure and its possible role as a competent national authority of IPLCs. • In September 2016, the ABS Initiative organised a workshop on the link between ABS, TK and intellectual property rights in collaboration with WIPO. From Benin, two IPLC representatives, the National ABS Focal Point and a representative of the IP Office participated in that workshop, triggering discussions among the two government institutions and TK holders on how to harmonise the national institutional frameworks related to TK, IPR and ABS. <p>Kenya - Baseline: 0, Status: 0 Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • no progress reported <p>South Africa – Baseline: 1, Status: 1 Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • The South-African multi-sectoral Biodiversity Economy Strategy (BES) is technically finalized and awaits approval by cabinet. That will trigger 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, will play a pivotal role. <p>Uganda – Baseline: 0, Status: 0 Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • No progress reported
<p>A.5: 4 new or updated strategy papers and/or guidelines for a coherent implementation of ABS at a (sub-) regional level are available. Baseline: <i>1 strategy</i></p>	<p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • AU ABS Guidelines endorsed by the AU Executive Council in June 2015. Print and dissemination of the Guidelines with AUC in 2016. • The CARICOM Secretariat prepared a regional framework for ABS capacity development integrating recommendations of the regional ABS workshops co-organised with the ABS Initiative since 2012; adoption of the framework by the Council for Trade



<p><i>papers and/or guidelines</i></p> <p>Target: 4 strategy papers and/or guidelines</p> <p>Status: 3 strategy papers and/or guidelines</p>	<p>and Economic Development (COTED) is foreseen for 2017².</p>
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Outcome Indicator 2: In 4 partner countries of the ABS Initiative 10 new ABS agreements have been established.

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

Status overview - Outcome Indicator 2

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

Kenya: ABS agreement with support of ABS Initiative not yet established, but involvement in development of an ABS agreement in the context of GEF/UNEP NPIF project

South Africa: ABS agreements with direct support of ABS Initiative not yet established, but cases to support are being identified, framed by the Biodiversity Economy Strategy

Uganda: ABS agreement with support of ABS Initiative not yet established, but good potential for conclusion of ABS agreements (low-hanging fruits)

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

<p>B.1: The development of 10 new ABS agreements with users from public research and/ or the private sector have been initiated.</p> <p>Baseline: <i>no baseline</i></p> <p>Target: <i>+10 new ABS agreements</i></p> <p>Status: 2 new ABS agreements initiated</p>	<p>Benin – Baseline: na, Status: +0</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> The ABS Initiative commissioned an expert study visit in May 2016 to assess Benin’s potential for the valorisation of genetic resources and associated TK and to provide advice on a way forward for a) the development of a valorisation strategy and b) for the establishment of pilot ABS contracts for selected existing cases of utilisation. With technical and financial support of the ABS Initiative, CeSaReN has initiated strategic discussions with national research institutions with a view to making existing research partnerships (with foreign research institutions as well as with IPLCs) ABS-compliant. The ABS Initiative supported mutual understanding of users and providers, and facilitated matchmaking between industry and provider countries (incl. 3 participants from Benin) in the framework of the jointly organized UEBT conference “The Beauty of Sourcing with Respect” and accompanying events in
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² The 65th COTED meeting planned for September 2016 was postponed by the CARICOM Secretariat (until 2017) due to the very low response rate from Member States at both the Officials and Ministerial levels and the resulting implications for achieving the quorum required for decision-making.



	<p>2015 and 2016.</p> <p>Kenya –Baseline: na, Status: +2</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • The ABS Initiative analysed and commented on an ABS agreement between Kenyan providers and users from the public and private sector in the context of the UNEP/GEF-NPIF Project. • The ABS Initiative supported mutual understanding of users and providers, and facilitated matchmaking between industry and provider countries (incl. 3 participants from Kenya) in the framework of the jointly organized UEBT conference “The Beauty of Sourcing with Respect” and accompanying events in 2015 and 2016. • The ABS Initiative supported a Kenyan SME in preparing for MAT negotiations with government authorities. • The ABS Initiative supported two German universities during their MAT negotiations with government authorities. <p>South Africa – Baseline: na, Status: +0</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • The country assessment resulted in a report investigating the capacity to enter into ABS agreements, the identification of valorisation opportunities and value chain development in South Africa. • A Biodiversity Economy Strategy (BES) was developed to support the effective implementation of the NP in South Africa, particularly in relation to promoting the conclusion of ABS agreements and partnerships. The ABS Initiative / partners participated in the presentation of the BES in Nov 2015 by providing inputs on how investment in capacity development could contribute to the transformation of the sector. • Separately, the ABS Initiative supported PhytoTrade Africa in 2016 to develop a concept on how industry best practices can be harnessed to simplify ABS permitting and compliance procedures. The resulting “certification after one point” concept was presented to the Bioprospecting Industry Forum on 25 January 2017 and received enthusiastic support from a wide range of official, IPLC and industry stakeholders, who indicated that they wanted to take this forward with the support of the ABS CDI. Although DEA are still considering how to proceed it seems likely that the ABS CDI will be asked to support further elaboration of this concept at national and industry sector level. • Furthermore, PhytoTrade Africa participated and presented practical ABS approaches in several relevant business fora in South Africa linking national and international users and providers of genetic resources with national regulators. • 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 and 2016.
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	<p>Uganda – Baseline: na, Status: +0</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • The ABS Initiative 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. • The ABS Initiative established relations to an Ugandan SME organising the <i>Prunus africana</i> harvest and export with the view to support MAT negotiations in 2017.
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Outcome Indicator 3: In 4 partner countries of the ABS Initiative Y ABS agreements are based on Biocultural Community Protocols (BCPs) or comparable instruments (CI) and promote the inclusion and participation of women in benefit-sharing.

Baseline: *no baseline* - Target: *Drafts for +7 ABS agreements in 4 countries*

Status overview - Outcome Indicator 3

Benin: Facilitation of two BCP processes is ongoing; agreements based on BCPs or ‘conventions locales’ are yet to be developed

Kenya: Process of developing a BCP by the Endorois Welfare Council in Baringo County ongoing

South Africa: ABS agreement between National Khoisan Council and the South African Rooibos tea-industry

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

Overall progress in Y2 towards attaining indicator	<input type="checkbox"/> very good (almost) achieved	<input type="checkbox"/> good (on track)	<input type="checkbox"/> Problems (partially) delays in implementation	<input type="checkbox"/> Deficiencies (Risk to fail)
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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.</p> <p>Baseline: <i>no baseline</i></p> <p>Target: <i>6 new BCPs in 4 countries for 6 IPLCs</i></p> <p>Status: 1 new BCPs in 1 partner country for 1 IPLCs</p>	<p>Benin – Baseline: na, Status Benin: + 0</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • With the support of the Initiative and Natural Justice, the local NGO CeSaReN continued facilitating a thorough BCP process around two sacred forests in the Ouémé region. In 2016, the activities of data collection and discussion have been finalised, the draft documents are envisaged to be available soon. Under the Darwin Initiative financed project on the mutually supportive implementation of the Nagoya Protocol and the ITPGRFA, complementary activities for the development of a local biodiversity register were continued as part of the BCP process. <p>Kenya – Baseline: na, Status: +1</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • The ABS Initiative supported the Endorois Welfare Council in Baringo County/Rift Valley through technical support by Natural Justice in developing a biocultural community protocol on ABS
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	<p>and finally integrating it into the legally binding biodiversity management plan of the Lake Baringo region.</p> <ul style="list-style-type: none"> • Conceptual exchanges on community procedures were initiated by Natural Justice with headmen in the Soda Lake and Maasai Region. <p>South Africa – Baseline: na, Status: +1</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • In the course of the country diagnostics approaches of scaling up the experiences of the two functioning BCPs (with respect to ABS relevant features) were considered. • Funded by the Initiative Natural Justice supported the National Khoisan Council (NKS) to finalise in 2016 after 3 years of negotiations a rooibos tea-industry wide ABS agreement. The negotiations were accompanied by trainings for the rooibos farming communities in the Cedarburg belt on the Nagoya Protocol and the respective South African national legislation. Furthermore, NKS is supported to develop benefit-sharing mechanisms for this as well as other upcoming ABS agreements. <p>Uganda – Baseline: na, Status: +0</p> <p>Key activities supporting achievement of the indicator:</p> <ul style="list-style-type: none"> • The ABS Initiative explored possibilities for collaboration with the World Bank-funded Pharm-Biotechnology and Traditional Medicine Centre (PHARMBIOTRACK) at the Mbarara University of Science and Technology (MUST) during its establishment in 2017. This collaboration will provide links to the National Council of Traditional Healers.
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4.2 Support to ABS Initiative partner countries with GIZ implemented projects addressing ABS

This section gives an overview of ABS related processes and achievements in countries supported by German DC projects. Since the ABS Initiative is acting as “service provider” to partner countries with GIZ implemented projects addressing ABS, progress made is reported against **ABS-relevant outcome and output indicators (deliverables)**, where available, and as defined by the GIZ implemented projects (Algeria, the COMIFAC region, Madagascar, Morocco and Namibia³).

ALGERIA
<p>Project title: Environmental Governance and Biodiversity Programme (GENBI)</p> <p>Project duration: 08/2014-01/2018</p>
<p>Outcome Indicator</p> <p>The income generated from a selected product chain on the basis of the ABS principles recognised under the CBD has increased for the involved stakeholders - , which include x % of women - to z % of the original income</p>

³ The numbering of the indicators related to the respective GIZ projects does not necessarily follow the numbering in the project documents. Information is provided in an aggregated manner. ABS Initiative’s support activities may contribute to more than one outcome / output.



<p><u>Baseline:</u> x (determination of the baseline for product chain and proportion of women) occurs 6 months after project start)</p> <p><u>Target value:</u> income increased by z%, x% women are involved in the value chain.</p> <p>Status:</p>	
<p>Output 1: Ministry of Environment, Min. of Agriculture / Forestry Ministry and relevant research sponsors use 2 instruments in a coordinated way to promote applied participatory research or R&D in the field of (agro-)biodiversity (e.g. exchange and matchmaking events, promotion of international research partnerships, promotion of partnerships in industry, research and civil society. <u>Baseline:</u> 0 <u>Target:</u> 2</p>	<p>The following activities are supporting the achievement of output indicator 1:</p> <ul style="list-style-type: none"> • A study on the scientific landscape for ABS in Algeria was published by the ABS Initiative and presented to Algerian stakeholders in the framework of the country diagnostic in 2015. • An analysis of relevant R&D actors and key research areas in Algeria was developed by the ABS Initiative and used during the country diagnostic in 2015. • Building on the above, the ABS Initiative conducted a national capacity-building workshop, organized by GENBI in Algiers in August 2016, aimed at raising awareness on ABS and the valorisation of GR and aTK, in particular for 2 vegetal oils that GENBI is focusing on. • Further, the ABS Initiative prepared a discussion paper on the economic benefits of a national strategy for the valorisation of GR and aTK.
<p>Output 2: The potential value –added of biodiversity while ensuring equitable access and equitable use of biological and genetic resources is analysed for 3 product chains <u>Baseline:</u> 0 <u>Target:</u> 3</p>	<p>The following activities are supporting the achievement of output indicator 2:</p> <ul style="list-style-type: none"> • The country diagnostic in 2015 resulted in a report investigating the capacity to enter into ABS agreements, the identification of valorisation opportunities and value chain development in Algeria, including an analysis on relevant R&D actors and key research areas in Algeria. • The ABS Initiative is informing the development of ABS compliant value chains, for instance by identifying topics for discussion during an Aromatic and Medicinal Plants trade and scientific fair in Algiers in order to raise awareness of the potential local partners for GENBI. • The ABS Initiative is supporting GENBI in promoting business and value chain development on mastic and prickly pear seed oil in compliance with ABS, among others by developing a proposal for further priority measures to be carried out by GENBI. • At CBD COP 12 / NP MOP 2 exchanges between the Algerian ABS focal point and private sector with a view to kicking off ABS compliant supply chains based on Algerian genetic resources were initiated and



	facilitated.
<p>Output 3: Preparatory documents to the Conference of the Parties of the CBD and the meetings of subsidiary bodies (current state of affairs, explanations of conference documents, compiled national experiences concerning protection, sustainable use and assessment of biodiversity and the implementation of the Nagoya Protocol) are made available to the responsible political representatives (in particular Focal Points) <u>Baseline:</u> (Determining the baseline takes place 6 months after project start) <u>Target:</u> Documents for selected meetings of the CBD (is specified with the partners approx. 6 months after project start)</p>	<p>The following activities are supporting the achievement of output indicator 3:</p> <ul style="list-style-type: none"> • The country assessment involved in-depth discussions with the ABS National Focal Point and other relevant stakeholders with respect to Nagoya Protocol implementation. • During CBD COP12 / Nagoya MOP 2 both, the former as well as the current Algerian ABS focal points were – on demand – technically supported by the ABS Initiative on negotiation related issues.
<p>Further information / comments:</p> <ul style="list-style-type: none"> • In November 2016, experts of the ABS Initiative provided substantial input at a kick-off meeting of a national GEF/UNDP ABS project which focuses its support on the development of the national regulatory framework, interfacing closely with the GENBI project. 	

COMIFAC
<p>Project title: Implementation of the Access and Benefit Sharing (ABS) process in the COMIFAC member countries</p> <p>Project duration: 05/2014 – 04/2018</p>
<p>Outcome Indicator 1 The number of COMIFAC member countries that have ratified the Nagoya Protocol increases by 5 to 7. <u>Baseline:</u> 2 COMIFAC member countries have ratified the Nagoya Protocol and 7 have signed. <u>Target:</u> 7 COMIFAC member countries have ratified the Nagoya Protocol. Status: 6 COMIFAC member countries have ratified the Nagoya Protocol.</p>
<ul style="list-style-type: none"> • Regional and international activities with active implication of the ABS Initiative helped to keep up the political will necessary for a timely ratification of the NP by COMIFAC member countries. Currently, six COMIFAC member countries (Burundi, Cameroon, DR Congo, Gabon, Republic of Congo, and Rwanda) have acceded to or ratified the Nagoya Protocol and others are at various stages of the process leading to ratification.
<p>Outcome Indicator 2 COMIFAC guidelines for national implementation 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. Status: No regional guidelines exist.</p>



- In 2016 COMIFAC decided at the political level not to elaborate regional ABS guidelines. Instead, it is now foreseen to update, while drawing on the content of the AU guidelines on ABS, the existing regional COMIFAC ABS strategy. Outcome indicator 2 will be adapted accordingly and the Initiative will provide technical backstopping upon request. Due to operational shortcomings of the regional GIZ ABS project, very few activities at the national level have taken place and support from the ABS Initiative has not been requested yet.
- With regards to the development of ABS regulations, the Cameroonian Minister for Environment announced during CBD COP in Mexico in late 2016, that instead of further pursuing the adoption of the already advanced interim decree, Cameroon will start the development of a specific ABS law in 2017. As requested by the GIZ project, the ABS Initiative will provide strategic and legal backstopping during this process.

Outcome Indicator 3:

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

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

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

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

- During the 2015 strategic planning workshop for the COMIFAC ABS project by GIZ, the elaboration of a draft stakeholder map for the entire COMIFAC region was supported and served as a tool for the strategic planning. At national level, by 2016, three countries have elaborated stakeholder maps (Cameroon, DR Congo, and Gabon) while the Republic of Congo has planned to finalize its stakeholder mapping in early 2017. First awareness raising measures for the identified stakeholders have taken place in 2016.

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.
- 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 2016 (2 participants from Cameroon and 1 participant from DRC) and the respective jointly organized ABS dialogue between users and providers that is taking place back-to-back with the UEBT conference.

Further information / comments:

- While the GIZ projects in Algeria, Madagascar, Morocco and Namibia have individual components oriented towards ABS, the COMIFAC-project is entirely oriented towards ABS.



Reporting against all relevant output indicators would thus go too much into details and, since the project has not yet defined output indicators, is currently impossible to do. Reporting against the outcome indicators thus provides all information necessary to measure the contribution of the ABS Initiative's work to the project indicators in the COMIFAC region.

- Due to reasons independent of the ABS Initiative, the COMIFAC ABS project by GIZ is still not fully operational. The support for the project's implementation through the ABS Initiative has thus been 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). A contractual basis has been laid for an intensified collaboration between the project and the ABS Initiative. But with the project not yet fully implementing the foreseen activities, support from the ABS Initiative has so far only punctually been requested. Due to overall cash flow restrictions at GIZ since 2016, it is unlikely that substantial support of the Initiative will increase in 2017. Nevertheless, 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.

MADAGASCAR	
Project title: Environmental Management Support Programme (PAGE)	
Project duration: 2004 – 2016	
Outcome Indicator The income of YY participating households from 5 climate-sensitive value chains based on the use of biological / genetic resources (including wood and non-wood products, agriculture, ecotourism) in the three intervention areas in and around selected protected areas (and natural forests with transferred rights of use) has increased to YY% of total income (underlying Z in 2015). <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 <u>Target:</u> 5 value chains lead to an increase of YY % of the total income in XX households (baseline 2015) Status:	
Output 1: The contractual terms for the use of Malagasy genetic resources in two value chains in two intervention areas are jointly agreed on with relevant local and national stakeholders, universities, research institutions and the private sector in compliance with the recognized ABS principles under the CBD / Nagoya Protocol. <u>Baseline (2015):</u> 0 value chains in the intervention areas <u>Target (2016):</u> contractual	Following activities are supporting achievement of output indicator 1: <ul style="list-style-type: none"> • In 2015, a study on the scientific landscape for ABS in Madagascar was published by the ABS Initiative and presented to Malagasy stakeholders in the framework of the country diagnostic. In addition a report was developed to support the valorisation of genetic resources and to inform the development of national ABS frameworks in Madagascar in 2016. • The ABS Initiative supported mutual understanding of users and providers, and facilitated matchmaking 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 and 2016. • In order to increase capacities with respect to R&D processes, value chain development based on genetic resources and ABS compliance, the ABS Initiative conducted two training sessions in April 2016, one for



terms for 2 product chains in 2 intervention areas.	<p>Malagasy regulators and one for actors in potential value chains, including IPLCs, research and private sector.</p> <ul style="list-style-type: none"> Natural Justice provided in 2016 continuous support for a Pilot BCP in the Boeny region, framing the essential oil supply chain development of <i>Cinnamosma fragrans</i>. Finalization of the BCP is expected for early 2017.
<p>Output 2: National planning and / or regulation instruments in the sectors Forest and Environment / Biodiversity (e.g. national REDD + / FLEGT / ABS strategies, draft laws / decrees, ABS interim standards), coordinated among relevant stakeholders of various sectors (forest, environment, mining, energy, agriculture) at national and regional level are developed. <u>Baseline 2015: 0</u> <u>Target 2016: 4</u></p>	<p>Following activities are supporting achievement of output indicator 2:</p> <ul style="list-style-type: none"> In November 2015, the country team workshop on the mutually supportive implementation of the Plant Treaty (ITPGRFA) and the Nagoya Protocol in the context of broader development goals was attended by representatives from Madagascar. Emerging from this activity in 2016 two BCP processes have been facilitated in this context – particularly taking into account farmer’s rights related issues. In 2016, the ABS Initiative continued to accompany the elaboration of the interim ABS regulation by providing technical, strategic and legal backstopping to the inter-ministerial committee responsible for overseeing the process. The ABS decree has been adopted by the Cabinet and the Initiative has been requested to continue to provide support towards the development of “textes d’application” to guide the proper implementation of the Regulations. The Initiative was again requested to participate and provide provided technical briefings in two meetings of the committee in 2015 and one meeting held 2016. The aim was to assist the committee’s discussions on technical issues that have arisen in the process of the work on the draft regulation.
<p>Further information / comments:</p> <ul style="list-style-type: none"> Madagascar is at an advanced stage in the elaboration of ABS interim regulation in the form of a decree (adoption by cabinet) The interim regulation is meant to provide a workable framework to regulate ABS until a full-fledged ABS legislation is elaborated, validated and in force (a process which can take up to five years to complete). Further to the work on the decree progress has been made in the following aspects relevant for the NP implementation: draft access demand form, definition of standard BCP content, ABS stakeholder communication and capacity building of concerned actors. 	

MOROCCO	
<p>Project title: Adaptation to Climate Change and Implementation of the Nagoya Protocol (ACCN) Project</p> <p>Project duration: 2013-2016</p>	
<p>Outcome Indicator 1 The legal and institutional framework for the implementation of ABS in Morocco is defined in a draft legislation or decree.</p>	
<p>Output 1 A legal and institutional framework for ABS is defined.</p>	<p>Following activities are supporting achievement of output indicator 1:</p> <ul style="list-style-type: none"> During 2015, the ABS Initiative supported the development of the Moroccan draft ABS law by providing legal and



	<p>backstopping advice at the level of the German-Moroccan GIZ –Project ACCN.</p> <ul style="list-style-type: none"> In late 2016 a draft of the ABS law was finalized by MEEE and handed over for internal / external review and scrutiny to the Governments General Secretariat.
<p>Outcome Indicator 2</p> <p>The implementation of business plans for 3 value chains with potential increases in income for women of x% and a contribution to enhancing resilience of vulnerable populations against the effects of climate change has begun.</p>	
<p>Output 2</p> <p>Pilot activities for valorization of biological and genetic diversity as well as for the management of climate risks at regional and local level are planned and carried out cross-sectorally</p>	<p>Following activities are supporting achievement of output indicator 2:</p> <ul style="list-style-type: none"> In 2015 the ABS Initiative co-organized a community-to-community exchange on ABS, TK and related issues for IPLC representatives and TK holders from Africa (incl. Morocco), India and Central Asia which provided the foundation for several international partnerships and initiatives for TK documentation. The ABS Initiative supported mutual understanding of users and providers, and facilitated matchmaking between industry and provider countries (incl. Morocco) in the framework of the jointly organized UEBT conference “The Beauty of Sourcing with Respect” and accompanying events in 2015 and 2016.
<p>Output 3</p> <p>Nature-based value chains and examples to clarify and secure the property rights and the distribution of profits in the use of biological and genetic resources generate benefits</p>	<p>Following activities are supporting achievement of output indicator 3:</p> <ul style="list-style-type: none"> The ABS Initiative gave input to the 2015 IOCD International Symposium: “The Plant Kingdom – source of drugs, nutraceuticals and cosmetics” in Marrakech, updating participants from academia, public health agencies and industry on the Nagoya Protocol and ABS. In October 2016, the ABS Initiative co-organized together with WIPO, ACCN and MEMEE in Marrakech an African francophone multistakeholder workshop on the interface between the Nagoya Protocol, Traditional Knowledge aspects and intellectual property rights. Staff and partners of ACCN and Moroccan Partners participated in the workshop and will make use of the learnings in further project and national ABS implementation.
<p>Further information / comments:</p> <ul style="list-style-type: none"> The German-Moroccan ACCN project was successfully concluded in December 2016. All ABS related output indicators were met or exceeded the requirements (submission of draft ABS legislation; income increase in value chains; conclusion of several provider–user agreements). Many of the project outcomes have been presented at CBD COP12 / Nagoya MOP2 – partially in cooperation with the ABS Initiative. In subsequence to the ACCN project, aspects of ABS implementation in Morocco are further supported by the new project on Environmental and Climate Governance (GIZ ProGEC) which commenced January 2016. Experiences of the ABS Initiative fed into the design of the Nagoya related part of ProGEC. In its implementation, the ABS Initiative is asked to support, among other ProGEC activities, the development of a national valorisation strategy for genetic resources. 	



NAMIBIA
Project title: Biodiversity and Climate Change (BMCC) Project
Project duration: 2013-2016
Outcome Indicator 2: Three new sources of biodiversity- and ecosystem services-based income for cooperating local resource user communities are opened up; these take gender equality into account Baseline: 0 / Target:3 Status:
<ul style="list-style-type: none"> • In 2015, the ABS Initiative provided input to a feasibility study of a R&D facility (auspices Ministry of Environment and Tourism) and conceptual advice with respect to ABS-compliance in the context of intended value chain development in the cosmetics sector as well as to the elaboration of the Namibian IP approach with respect to Genetic Resources (Ministry of Industrialization, Trade, and SME Development). • Bringing together representatives of indigenous peoples and local communities (IPLCs) and key government agencies from six African countries (incl. Namibia), the workshop (co-organized with WIPO in August 2015) on “Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions” sketched out options for reinforcing national policy dialogues and processes around the interface between intellectual properties and genetic resources, traditional knowledge, and traditional cultural expressions. • In 2015, the ABS Initiative supported a community-to-community exchange on ABS, TK and related issues for IPLC representatives and TK holders from Africa (incl. Namibia), India and Central Asia which provided the foundation for several international partnerships and initiatives for TK documentation. • 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 and 2016. • In 2015, the ABS Initiative partner PhytoTrade Africa assessed market potentials and opportunities for value chain development for the ABS compliant valorisation of different plants indigenous to Namibia. • In 2016 the ABS Initiative supported Namibian ABS stakeholders to conceptualise interim ABS measures that could be applied to safeguard existing natural product value chains until the new ABS law and regulations are in force. This included work on the potential work flow between offices currently issuing various relevant permits.
Outcome Indicator 4: Two innovative policy approaches for mainstreaming biodiversity and climate change adaptation (e.g. a concept on environmental fiscal reform for natural resource management or on land-use/development planning, including the integration of community-based natural resource management and climate change adaptation) are implemented in part Baseline: 0 / Target:2 Status:
<ul style="list-style-type: none"> • The ABS Initiative supported the Department of Environmental Affairs (DEA) in the planning, organizing and conducting of a national workshop to develop a strategic and implementation framework for ABS in Namibia, including an adapted ABS diagnostic. The outcomes of the workshop held in February 2010 directly fed into the ongoing parliamentary approval process of the Namibian ABS bill. In 2015 and 2016, experts of the ABS Initiative provided technical and legal support during the elaboration of Bill but also and during all the various review rounds / request for comments arising from the parliamentary consultation process. To what extent the ABS CDI will be involved in the drafting of the Regulations remains to be seen, as the DEA has indicated that it wants this



process to be largely internally driven.

- The ABS Initiative also provided technical support in the development of interim Access and Benefit Sharing (ABS) measures. These interim measures were intended to provide an interim ABS framework until Namibia's ABS Bill has been enacted and implementing Regulations have been developed and promulgated. Furthermore, the interim measures are designed to provide a basis for implementation of the ABS system foreseen in the ABS Bill but are without prejudice to its future design. Now that the Bill is close to becoming law it is uncertain to what extent the interim measures will actually be implemented, or whether the focus will shift to quickly finalizing the Regulations.
- The ABS Initiative has also been requested to continue supporting Namibia in the development of a national Biodiversity Economy Strategy. There have been some exploratory activities and following recent clear expressions of support from MET management a more focused effort is expected in February 2017, with the aim of getting an advanced concept note endorsed at the Ministry's annual planning meeting.

Further information / comments:

- Namibia is at advanced stage in the elaboration of an ABS Bill. The objective of this Bill is to regulate access to genetic resources and associated traditional knowledge; to protect the rights of the local communities over genetic resources and associated traditional knowledge and technologies; to provide for a fair and equitable mechanism for benefit sharing; and to establish the necessary administrative structures and processes for the implementation and enforcement of such principles. The Bill was first tabled in Parliament in November 2015 for its first reading and was subsequently referred to a Parliamentary Standing Committee on Natural Resources for further scrutiny. The Standing Committee conducted extensive national consultations and has completed its report. The modified Bill will be introduced in the National Council on 15 February 2017. After it has been approved by the National Council it will be sent to the President for his signature. The Namibian government chose to pass enabling legislation, because it is easier to amend implementing regulations – which can simply be done by the Minister publishing a notice in the Government Gazette – than it is to amend legislation. The process of drafting implementing ABS Regulations was started in January 2017.
- No outcome indicator with direct reference to ABS exists within the framework of the BMCC project. However, in response to a request from the Namibian Ministry for Environment and Tourism (MET) and indirectly covered by two (see above) of the four outcome indicators, the drafting of an ABS-bill and related activities were supported by the Initiative (see above). An ABS component with ABS relevant indicators is part of the new BMCC project, starting in 2017.

4.3 Support to non-partner countries, including cooperation countries

Upon request by relevant stakeholders or project managers, the ABS Initiative is providing *ad hoc* support to cooperation countries in Africa, the Caribbean and the Pacific⁴ as well as countries or projects in other regions⁵.

4.3.1 Africa (cooperation countries)

Botswana: The Initiative was approached by the Government of Botswana to review a set of Guidelines entitled "Guidelines for Applications for Environmental Research, Filming and Photography Permits". The aim was to identify to what extent these guidelines were relevant to ABS

⁴ Costs can be covered by the 'flexible' budget line for national support of the ABS Initiative.

⁵ Costs must be covered by the country or project requesting support by the ABS Initiative.



specifically in relation to designing an ABS permitting system in Botswana. General comments and recommendations have been provided.

Côte d'Ivoire: Strategic advice to the Focal Point on the advancement of ABS implementation, including the discussion of financing options. Subsequently, the Initiative has been asked to support the elaboration of a regional UNEP/GEF MSP on ABS, in which Côte d'Ivoire will be one of three benefitting countries. In addition, further support in the communication with a German research institution requesting access to Ivorian genetic resources has been provided.

Ethiopia: In 2015, the ABS Initiative was requested by Botanic Gardens Conservation International (BGCI) to provide comments on a project proposal to the UK Darwin Initiative focusing on stakeholder platforms for non-commercial access and utilisation and making recommendations for simplified ABS measures for non-commercial users. The proposal was approved in March 2016 and, upon request of BGCI, the ABS Initiative is member of the project's Steering Committee, which met for the first time in December 2016 in Cancún to discuss the work plan 2017.

Malawi: The Initiative was requested by the ABS NFP to review and provide general comments on a draft agreement currently under negotiation between the Government of Malawi and an institute of a private German research foundation. General comments have been provided and the Initiative has indicated that it is prepared to provide further technical advice and backstopping to the actual negotiations of the agreement, also with a view to drawing lessons about how it can support MAT negotiations in countries that are not partner countries.

Togo: Representatives of an NGO from Togo requested the ABS Initiative to review a project proposal for the implementation of the Nagoya Protocol at community level in Togo. The Initiative provided broad and general comments.

4.3.2 Caribbean (cooperation countries)

The Bahamas: Since 2014, the ABS Initiative has delivered substantive support to the Bahamas Environment, Science and Technology (BEST) Commission in setting up a national GEF/UNEP MSP on drafting ABS regulations, developing and implementing 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 in October 2016 on planning the ABS Pilot Cases had to be postponed to 2017 due to hurricane Matthew.

Trinidad and Tobago: Back to back with the regional workshop of the UNEP GEF ABS project "Advancing the Nagoya protocol in countries of the Caribbean Region" for CARICOM Member States in April 2016, the ABS Initiative took part in the national workshop for the government of Trinidad and Tobago. The Initiative informed about its previous regional work (Trinidad and Tobago never participated in the previous regional workshops), informed specifically about marine ABS issues and supported the development of the national work plan under the regional project.

4.3.3 Asia

India: Since 2014, staff of the ABS Initiative is engaged by the German-Indo Cooperation to support the development of the BMZ funded ABS Partnership Project, implemented by GIZ until 2020. In June 2016, meetings with the National Biodiversity Authority in Chennai were conducted to bring together State Biodiversity Boards of selected federal states and to introduce the two newly engaged team leaders into their work. The workshop contributed to establishing an "ABS baseline" for the project and identifying major fields of future cooperation between the respective Indian state authorities and the project. In the following months, the ABS Initiative closely collaborated with the new staff in developing a draft program of work until COP MOP 2 and preparing an successful operational planning workshop in November 2016. A major component of the work in 2017 will be the implementation of an IT based monitoring system that should complement the already existing IT based application system developed by the National Biodiversity Authority in 2016.



Pakistan: Upon request of the ABS National Focal Point, the GIZ implemented project "Biodiversity in Khyber Pakhtunkhwa" (BKP), together with the Ministry of Climate Change, organized a workshop on "Implementing the Nagoya Protocol for Access and Benefit Sharing" from 18 to 20 May 2016 in Islamabad. Experts of the ABS Initiative provided conceptual support and participated in the workshop as moderator and resource person. Pakistan has been drafting an ABS law since 2012 and ratified the Nagoya protocol in 2016. The workshop was the first opportunity for representatives from different authorities and sectors to exchange ideas for ABS. The participants were given an overview of the global ABS system, the relevant international and national processes and discussed possible steps for the national implementation of ABS. Challenges in Pakistan are capacity bottlenecks and resource shortages among the relevant government authorities and institutions.

4.3.4 Latin America

Mexico: Within the context of the "Technical Workshop on Monitoring and Compliance under the Nagoya Protocol", organized by the ABS Initiative in collaboration with the Government of Mexico, the Secretariat of the CBD and the bilateral GIZ implemented "Biodiversity Governance Project" in Mexico (3-4 November 2016), representatives of relevant Mexican line Ministries were informed on approaches taken by Parties in relation to monitoring and compliance under the Nagoya Protocol. The workshop was of great relevance for the Mexican government, particularly given the fact that a Draft General Law on Biodiversity, that includes a specific chapter on ABS, was being discussed in Congress. The results obtained at the workshop have fed into deliberations at national level.

SICA: In late 2015, a first technical exchange took place in Bonn, Germany, between the ABS Initiative and representatives from eight member countries of the Central American Integration System (SICA). With the SICA supporting GIZ project now being fully operational, services offered by the ABS Initiative have been communicated and will, upon request, be delivered in the near future.

4.4 Support at (sub-)regional and international level

This chapter provides information about

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

4.4.1 Core implementation processes

Date	Events	Core processes		
		ABS frameworks	IPLC participation	ABS agreements
25-27.05.16	Public-private learning on ABS Implementation: (company visits, UEBT BSR Conference, Making ABS work dialogue) , Paris, France	(✓)		✓
05.-08.09.16	Practical Workshop on IP and GR, TK and Traditional Cultural Expressions, Marrakesh, Morocco	(✓)	✓	(✓)
26.-30.09.16	Sub-regional Workshop on ABS for Anglophone African Countries, Nairobi, Kenya	✓	✓	✓



Date	Events	Core processes		
		ABS frameworks	IPLC participation	ABS agreements
24.-28.10.16	Sub-regional Workshop on ABS for Francophone African Countries, Abidjan, Côte d'Ivoire	✓	✓	✓
03.-04.11.16	Technical Workshop on Monitoring and Compliance under the NP, Mexico City, Mexico	✓		✓

Public-Private learning on ABS Implementation, 27-29 May 2016, Paris, France

Within the established cooperation framework the ABS Initiative partnered also in 2016 with the *Union for Ethical Biotrade* (UEBT) in conducting the [‘Beauty of Sourcing with Respect’ \(BSR\) conference](#) as well as related capacity building around the conference in Paris. Based on requests by African stakeholders to intensify exchanges with users in the body care and/or the pharmaceutical sector – emanating from their participation in the 2015 BSR event – a tailor made 3-day programme was developed. It included besides attending the BSR conference itself (28 May 2016) – having a focus on ABS implementation – a visit of the L’Oreal R&D department for hair and skin care, exchanges at the WELEDA concept store on sourcing and benefit sharing standards at 27 May 2016, and the participation in a provider-user dialogue “making ABS work” at 29 May 2016 at UNESCO, hosted by the MAB programme, working conjointly on ABS compliant value chain scenarios. In cooperation with and co-funded by the respective GIZ implemented programmes the ABS Initiative enabled over 28 government, research and NGO representatives from Algeria, Morocco, Benin, Cameroon, DR Congo, Namibia, South Africa, Madagascar, Kenya and Uganda to be part of the BSR conference and the accompanying events. Exchanges with private sector representatives 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.

Practical Workshop on IP and GR, TK and Traditional Cultural Expressions

5-8 September 2016, Marrakesh, Morocco

Discussions with the **Traditional Knowledge Division of WIPO** about joint capacity development activities started off in 2013. A significant step was the agreement to **co-organise two ABS and IPR workshops for indigenous peoples and local communities (IPLCs)** and government officials with a particular focus on traditional knowledge – one each in Anglophone and Francophone Africa. Building on the experiences of the Anglophone workshop which took place in August 2015 in Namibia the Francophone workshop was held in September 2016 in Marrakesh, Morocco. The ABS Initiative co-organized with WIPO, the GIZ ACCN project and the Moroccan Ministry in charge of Environment this workshop, gathering teams from six countries – Algeria, Benin, Côte d’Ivoire, Madagascar, Morocco and Senegal. It brought together representatives of IPLCs, National Focal Points for ABS, and representatives of national IP Offices as well as national development planning authorities.

The workshop aimed to raise awareness on IP principles, systems and tools, discussed implications for the protection of TK and explored the role they can play in ABS agreements to create development opportunities for IPLCs and governments. Participants were given ample opportunity to meet in their national teams and informally reflect on, improve and conceptualise future work in their respective countries. The workshop was very well-received. The report of the workshop is available for download [here](#).

Sub-regional Workshops on ABS for

- **Anglophone African Countries:** 26-30 September 2016, Nairobi, Kenya
- **Francophone African Countries:** 24-28 October 2016, Abidjan, Côte d’Ivoire



In September and October 2016, the Initiative organised two sub-regional workshops on ABS for participants from Anglophone and Francophone African countries, respectively. The programme of the workshops was almost identical, addressing options for the development of regulatory frameworks, discussing strategic options for the valorisation of genetic resources and providing an introduction to contracts in ABS. Furthermore, participants discussed approaches to the involvement of IPLCs in ABS and possibilities for the legal protection of TK, using the examples of the recent Kenyan TK Act and a database of traditional healers and their products developed by the Ivorian Ministry of Health. At both workshops, a one-day excursion complemented the theoretical sessions by presenting concrete, practical examples of ABS-relevant cases from the two host countries. In Nairobi, during a visit at the Jomo Kenyatta University of Agriculture and Technology, a current ABS case with IPLC involvement was presented and discussed with representatives of all concerned stakeholder groups. In Côte d'Ivoire, participants visited two enterprises valorising Ivorian genetic resources and traditional knowledge for health and nutrition purposes, which served as good examples of GR and aTK utilisation within so-called provider countries and triggered insightful discussions on the implications of such cases for national ABS frameworks and valorisation strategies. Acknowledging the fact that more and more countries in Africa dispose of considerable experiences and lessons learnt in the implementation of ABS and the Nagoya Protocol, the two meetings put a particular methodological focus on innovative interactive formats that created room for experience sharing, mutual learning and discussion among participants, including opportunities for discussing entirely self-chosen topics in small groups. They furthermore served as African coordination platforms for NP MOP 2.

Technical Workshop on Monitoring and Compliance under the NP

03-04 November 2016, Mexico City, Mexico

In collaboration with the Government of Mexico, the Secretariat of the CBD and the bilateral GIZ implemented “Biodiversity Governance Project” in Mexico the ABS Initiative organized a **Technical Workshop on Monitoring & Compliance under the Nagoya Protocol** on 3-4 November 2016 in Mexico City. Bringing together international experts and technical specialists in charge of establishing ABS monitoring systems, the workshop’s objective was to encourage and support a technical dialogue among countries that are developing policies and measures related to monitoring and compliance as foreseen by the Nagoya Protocol.

The two-day workshop was a good opportunity for participants to get a better understanding of the different approaches taken by Parties in implementing their compliance and monitoring obligations and to identify emerging practices and opportunities for collaboration with respect to monitoring the utilization of GR and aTK. Inputs from countries and institutions currently setting up monitoring systems provided first-hand experience to the discussions. The outcomes of the workshop informed delegations at COP 13 / MOP 2.

4.4.2 Auxiliary processes

4.4.2.1 Regional harmonization and exchange

Apart from the abovementioned Technical Workshop on Monitoring and Compliance under the NP in Mexico City providing a forum for South-South exchange, the two Sub-regional ABS Workshops allowed African stakeholders to exchange experiences and learn from each other how to address challenges when implementing the Nagoya Protocol at national level. The ABS Focal Points also used the opportunity of these two workshops to discuss topic for COP 13 / COP MOP 2 and work on draft positions of the African Group. Based on these drafts, AUC Directorate DHRST prepared African positions for COP 13 / COP MOP 2, presented them at the one-day preparatory African Union Coordination Meeting in Cancun at 1 December 2016 and supported the African Group during COP-MOP 2 in Cancun. The ABS Initiative in cooperation with the GIZ implemented project “Combating Poaching and the Illegal Wildlife Trade (Ivory, Rhino Horn) in Africa and Asia” financed the African Union Coordination Meeting as well as the participation of 4 African ABS experts at COP MOP 2 in Cancun in order to strengthen the negotiation capacity of the African Group.



The African Union Inter-African Bureau for Animal Resources is executing an EU-funded project with significant ABS components, including the development of a legal framework for the exchange of AnGR in Africa. While the impetus for this work originally came from the need to legally regulate deposits of animal genetic materials into regional gene banks it has been recognised that the same legal framework can also be used to regulate ABS around flows of material from African providers to users outside the region. At the same time there is a need to ensure that this new instrument is consistent and in harmony with the AU Guidelines on the Nagoya Protocol. The Initiative has offered legal and technical advice to AU-IBAR to finalise the draft of this legal instrument.

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 Initiative participated in two meetings in January and October 2016 in Brussels. The main task of the Consultation Forum is the drafting of a guidance supporting the implementation of the EU ABS Regulation. The ABS Initiative commented substantially on the Scope Guidance and argued during the January workshop successfully for e.g. a broad understanding of the term “research and development” and the inclusion of R&D on traded commodities if utilized as GR under the compliance provisions which would require PIC and MAT for such activities. After the finalisation of the Scope Guidance, the Initiative was appointed as member of the working group of the horizontal guidance on the understanding of utilisation in the pharmaceutical sector. A first draft was finalised before the October workshop, the second draft is due in February 2017.

The ABS Initiative took part at the first Steering Committee meeting and the first regional workshop of the regional GEF/UNEP ABS project "Advancing the Nagoya protocol in countries of the Caribbean Region" for CARICOM Member States, executed by IUCN, in April 2016 in Trinidad and Tobago. The Initiative contributed to the development of the project's work plan and presented its possibilities to support the countries in the region in ABS issues.

4.4.2.2 Interfaces to international processes

Addressing the interface to the ITPGRFA, the ABS Initiative continued to provide **in-kind support** to the project “Mutually supportive implementation of the Nagoya Protocol and Plant Treaty” under the UK-funded Darwin Initiative. Partner countries are Benin and Madagascar, and the project is funded with £ 290,502 (approx. 375,000 Euros) for 3 years (April 2015 to March 2018). The project is jointly executed by Bioversity International, the ABS Initiative and the ministries of environment and agriculture in Benin and Madagascar and further accompanied by the AU Commission and the Secretariats of the CBD and the ITPGRFA, thus facilitating scaling up of experiences and lessons learned to other countries and regions. In 2016, the project provided technical and financial support to:

- the development of draft interim legislation for the implementation of the two instruments in both countries;
- decision-making processes on the institutional setup for ABS under both instruments;
- awareness raising and capacity building activities on the ITPGRFA and the Nagoya Protocol at the national and community levels;
- decision-making processes and initial activities in the four pilot communities towards the development of community biodiversity registers, biocultural community protocols and community biodiversity conservation investment plans.

Detailed information on the project and related activities can be found at <https://www.bioversityinternational.org/news/detail/mutually-supportive-implementation-of-the-plant-treaty-and-the-nagoya-protocol-in-benin-and-madagascar>.

In June 2015, the ABS Initiative was invited to participate at the **Second meeting of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol** in Montreal. The meeting exchanged experiences and lessons learnt from capacity development activities, reviewed capacity development tools and resources and discussed how to best facilitate the matching of capacity building needs of Parties. The ABS Initiative reported on its ongoing activities and contributed to the discussions on the identified needs of Parties and gaps in addressing



specific stakeholder groups, such the private sector, the scientific community and IPLCs (beyond the development of BCPs).

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 started consultation with the **International Livestock Research Institute (ILRI)** in Nairobi in order to establish a partnership. The signing of a Letter of Intent and first common activities are foreseen for the first quarter of 2017. 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 breeding activities by ILRI and the involved National Agriculture Research Organisations (NAROs).

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, for example by getting the issue of the use of digital sequence information on genetic resources on to the work programmes of the CBD, Nagoya and the FAO CGRFA.

Prior to and during **CBD COP 13 / NP-MOP 2** in December 2016 in Cancun, Mexico the ABS Initiative co-organized several technical and high level side events to present its work, exchange experiences with other organizations and experts and initiated new or reinforced existing partnerships (see Annex E). Among others, the Initiative provided support to a coordination meeting of the African Group through the provisioning of simultaneous interpretation and technical briefing papers (see also chapter 4.4.2.1)

As at previous meetings, several country interventions as well as MOP decisions (see [CBD/NP/MOP/DEC/2/1](#)) recognized the specific contribution of the ABS Initiative to capacity-building and awareness-raising.

To address shortcomings and delays in the implementation of the Strategic Plan for Biodiversity 2011-2020 and its Aichi Targets, a Short-term Action Plan (2017-2020) to enhance and support capacity-building for the implementation of the Convention and its Protocols was adopted. While the Initiative is encouraged to play an important role as implementation partner in all of the listed capacity-building fields for NP implementation (see [CBD/COP/DEC/XIII/23](#)), it is explicitly mentioned as a support partner in the following fields of action: in the context of the strategic framework for capacity-building (activity 89); in relation to training workshops organized jointly with IDLO (activity 90); concerning capacity-building activities for implementation of the NP in mutually supportive manner with the ITPGRFA (activity 92), and finally in the context of ABS awareness-raising activities (activity 95).

However, on the basis of currently available resources, a global and comprehensive commitment by the ABS Initiative will not be possible. A need for clarification of the role of the ABS Initiative in relation to the SCBD, the Steering Committee and donors to the ABS Initiative is therefore urgently required.

Finally, the continuous involvement of the Initiative and its importance with regard to making progress towards the implementation of the Nagoya Protocol, was highlighted by the outgoing Executive Secretary of the CBD, Braulio Ferreira de Souza Dias following the events (see Annex A).

4.4.2.3 Knowledge generation for human capacity development (HCD)

In the year of its 10th anniversary, the ABS Initiative not only solidified its role as a globally significant knowledge broker and communicator on ABS. An increasing number of stakeholders from other regions than Africa, the Caribbean and the Pacific asked for the Initiative’s support.

The Initiative updated the **poster** presenting its aims and approaches, based on the already existing brochure on the 2015-2020 program phase. The classic and ever successful animated video “**ABS**



Simply Explained” has been updated in the English, French and Spanish versions and posted on the new ABS Initiative YouTube channel.

Responding to the high demand for capacity development materials in partner and cooperation countries, the Initiative developed and made available a wide range of **publications focusing on ABS implementation in general and ABS agreements specifically**. They were distributed at the sub-regional African ABS workshops and in Cancun, Mexico, during the meetings of the CBD and its Protocols at the CEPA Fair, the side events and other designated places on the conference venue. The focus of the various publications in relation to the core implementation processes of the work of the ABS Initiative is listed below:

National institutional & regulatory ABS frameworks

- The Initiative’s policy paper on **How ABS and the Nagoya Protocol Contribute to the Sustainable Development Agenda (EN & FR)** details the links to ABS in the SDGs and the Protocol’s indirect support of the SDGs. This policy paper is the first international publication of its kind and highly sought after.
- The **Conceptual Guide and Toolkit for Practitioners on Strategic Communication for ABS (EN, FR, ES & PT)** was updated from its 2012 version. Due to its unique approach and content and the availability in four languages, this guide has become a flagship publication of the ABS Initiative.
- A concept paper on an **Online Permit and Monitoring System Supporting National Implementation of the Nagoya Protocol (EN)** sets out the model for an online ABS permit and monitoring system to facilitate national implementation of the access, benefit-sharing, monitoring and reporting provisions of the Nagoya Protocol. The concept is currently implemented by the ABS Initiative in Kenya, by the bilateral German-Indo cooperation in India and by a UNEP GEF project in The Bahamas and was presented in Cancun to a highly interested audience.
- The **Concept for National ABS Gap Analysis (EN & FR)** is the basis for the country diagnostics the Initiative conducted in 2015. The concept explains the background and aims of country diagnostics and provides extensive questionnaires to set up baselines with regard to the three core implementation processes of the Initiative. Since most other ABS projects divide their activities in comparable processes, the concept could be used widely by other organisations and stakeholders.
- The Initiative designed and printed the **African Union Strategic and Practical Guidelines for the Coordinated Implementation of the Nagoya Protocol on ABS (EN & FR)**, endorsed by the 27th Ordinary Session of the Executive Council of the AU in June 2015. The documents should guide African regulators in shaping the national ABS frameworks and ensure a certain level of harmonization throughout the continent.
- In cooperation with the AU Commission, the ABS Initiative wrote an **AU ABS Factsheet (EN & FR)** summarizing the AU ABS Guidelines. The factsheet was produced to support the AUC in promoting the AU ABS Guidelines.
- **Six briefs on ABS relevant industry sectors (EN & FR)** have been produced and published jointly with People & Plants International and the University of Cape Town. Based on infographics, the briefs provide comprehensive information on the approaches of the various sectors in accessing and utilizing genetic resources and associated traditional knowledge, primarily relevant to ABS regulators with regard to appropriate development of ABS frameworks.

Effective participation of IPLCs based on BCPs and community procedures

- **Concept for National ABS Gap Analysis (EN & FR)**, see above

Development of ABS agreements

- **Concept for National ABS Gap Analysis (EN & FR)**, see above
- 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) and an analysis of **Existing ABS Arrangement in Selected CARICOM Member States (EN)**. The **Introduction** provides a summary of essential aspects to consider when entering into an ABS agreement, based on a comprehensive book on ABS contracts to be published by FNI in 2017⁶. The **Analysis** was written as a result of the regional MAT training for CARICOM Member States in December 2015. Several NFPs submitted research and ABS permits to be scrutinized whether their contractual provisions are effective and enforceable. The analysis is still to be endorsed by the COTED conference of CARICOM in 2017. Both documents can be used by providers and stakeholders to revise and improve their research and ABS permits and negotiate effective and enforceable ABS contracts.

In addition to these documents supporting knowledge transfer in trainings and workshops, the Initiative produced the anniversary publication [The ABS Capacity Development Initiative 2006 – 2016 \(EN & FR\)](#). The publications, together with a [multimedia video](#) presenting many key and long-term partners, were launched at the [10th Anniversary Reception & Dinner](#) in Cancún, Mexico.

4.4.2.4 Knowledge management and dissemination

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

- The ABS Initiative website has been revamped technically and is currently fed with new content. The preparations for COP MOP 2, the 10th anniversary, the implementation of the new social media channels and the production of substantive publications have absorbed a great amount of resources in 2016. As highly successful and necessary these activities were, they caused the launch of the revamped website to be delayed to February 2017.
- The number of recipients of the ABS News Digest has grown slowly since 2015 staying at a high level of over 1300 recipients.
- The newly created YouTube channel hosts a selection of videos from the Initiative, its partners and other external organizations on ABS and the Nagoya Protocol.
- In September 2016, the Initiative also started a Twitter and a LinkedIn channel: Since its launch, the Twitter channel has generated over 100 Followers as well as 162 Likes and 172 Re-Tweets of a total of 231 Tweets posted by the ABS Initiative. The LinkedIn channel has 25 Followers with only three articles posted so far. The numbers indicate the success of Twitter and the need to improve LinkedIn activities significantly.
- The website as well as the News Digest have been interlinked with the Initiative's new social media channels.

4.5 Steering and guiding processes

4.5.1 Steering Committee

The Steering Committee for Africa met on 2-3 March 2016 in Paris. The report of the meeting is available for download on the ABS Initiative's [website](#). Regarding the Progress Report 2015, the Steering Committee requested the Secretariat to provide an addendum to the revised Progress Report 2015 against the outcome indicators for the 4 partner countries (Benin, Kenya, South Africa and Uganda) and the respective projects' ABS relevant indicators for the partner countries with GIZ implemented projects (Algeria, COMIFAC, Madagascar, Morocco and Namibia). The revised report incl. the addendum was approved by silence procedure.

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

- Overview reports of the country diagnostics will be shared with the SCBD and put on the Initiative's website after approval and with consent by partner countries – online as of 24 February 2017.

⁶ In 2013 and 2014, the ABS Initiative provided some initial funding support to FNI for the development of the contract book.



- Detailed reporting on progress made in countries supported by the Initiative (partner countries) is to be made available to other African countries (cooperation countries) for up scaling and to support exchange learning; e.g. through feedback into the Pan-African workshop and knowledge sharing formats – see website pages on the sub-regional workshops for [Anglophone](#) and [Francophone](#) countries (reports to be finalized by end of February 2017). In order to sustain the ABS Initiative as unique capacity development hub, the Steering Committee requested the Secretariat to revive fund raising activities which had been reduced since the respective SC request in 2013 – see details in chapter ‘3. Financial status’.
- The Steering Committee requested the Secretariat to illustrate the ABS-SDG links with concrete examples to further support consideration of ABS in national development agendas – based on the structure of the presented ABS-SDG policy paper, an information collection format was developed and used as basis for the country examples presented during a [high-level side event](#) at MOP 2 in Cancún, Mexico. Conceptual work will be continued.

Meetings of the Steering Committees for the Caribbean and the Pacific were put on hold until substantial funding will be available again for these regions.

4.5.2 General Assembly

The General Assembly met during COP-MOP 2 on 11 December 2016 in Cancún, Mexico. The discussion focused on key challenges for national ABS implementation:

- Establishing functioning ABS systems: the role and relationship of PIC, MAT and permit
- Challenges for populating the ABS-CH: National processes and institutional setup

Participants emphasized that countries and other ABS relevant actors lack a comprehensive understanding of the roles and relationship of PIC, MAT, ABS permits and the Internationally Recognised Certificate of Compliance as essential components of the provider-user interface of the international ABS system. In relation to the ABS-CH, it was concluded that countries still need to better understand its functions, the types of information and documents to be provided, who may be authorized to do so on a national level, and the technical approach to the database.

4.5.3 Project management

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

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

4.5.4 (Sub-)regional management

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

5. Challenges and need for action

An emerging topic that ought to be addressed in the context of the Nagoya Protocol is the issue of **synthetic biology and digital sequence information** and its relation to ABS, which was brought to attention in particular by the African Group during CBD COP 13 / NP MOP 2. Specifically, the use of



digital sequence information on genetic resources for the objective of the Nagoya Protocol and its potential implications needs to be explored. This involves resolving the question of the application of ABS requirements (PIC, MAT, benefit-sharing, etc.) and the relation of Article 10 NP to digital sequence information.

As more and more countries take steps to implement the Nagoya Protocol, and, in light of the review of the effectiveness of the Protocol in 2018, a substantive discussion including awareness-raising and capacity building on this topic among relevant ABS actors is key.

5.1 Implementation challenges (in Africa)

Africa is rich with genetic resources and associated traditional knowledge, there is significant interest among users, there are practical experiences, and regional organisations such as the AU are aware and willing to provide support and guidance – these are, in fact, favourable preconditions to tackle the challenges of designing fair and functioning ABS systems across the continent.

Despite visible progress in 2016, the ABS Initiative – or rather the implementation of the Nagoya Protocol in Africa – is still facing several challenges.

As highlighted by the ABS diagnostics in 2015 and the subsequent development of national ABS road maps, countries require – in varying degrees – support for the development of legal and institutional frameworks, ABS agreements and the participation of IPLCs in ABS processes – the three core processes of the ABS Initiative in its current phase. Custom-fit support remains a prerequisite for effective ABS implementation due to the considerable diversity of ABS related processes and levels of progress made at national level.

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

Successful overall capacity development and tailored support in this context requires specific technical and legal advice in a continuous manner – and thus more human and financial resources as compared to the regional support activities which the ABS Initiative focused on in its previous programme phases. Unfortunately, donor commitments are unsure and even decreasing since the entering into force of the Nagoya Protocol while on the other hand more countries (not only) in Africa are asking for technical support by the ABS Initiative. Maintaining the Initiative’s delivery format supporting the national level in the identified partner countries remains a key challenge while ensuring experience exchange and scaling-up to the cooperation countries. Therefore, the ABS Initiative is developing tools and standardizing training formats in order to reach the Initiative’s cooperation countries and even beyond. Furthermore, the Initiative is engaging with potential donors who will, if at all, provide ear-marked funding, such as the GEF and the Swiss State Secretariat of Economic Affairs (SECO).

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



valorisation. At the same time, sector ministries that are crucial for ABS implementation (planning, agriculture, research, trade/economy, rural development) typically still only have limited comprehension of the Nagoya Protocol and how its implementation could benefit the countries and their sectoral development objectives. Experiences presented by a number of countries during a high-level side event at COP 13 / MOP 2 in Cancún⁷ showcased how ABS can contribute to achieving national development goals and particular SDGs. The examples presented at the side event provide a basis for further work on enriching the policy paper on the ABS-SDG links, developed by the ABS Initiative in 2015, with concrete experiences how successful ABS implementation contributes to attaining the SDGs and implementing the Agenda 2030. This would highly contribute to a common understanding of ABS implementation among all relevant stakeholders and generate political buy-in from the respective ministries for developing a coherent ABS approach at country level.

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

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

5.2 Instruments and approaches to address common needs

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

- Awareness raising on ABS among relevant stakeholders (government institutions, IPLCs, academia and private sector) – e-learning tools, videos, comics, posters and generic templates for target group specific CEPA materials which can be easily translated into local languages. In its first meeting, the ABS Initiative CEPA Task Force identified ABS regulators and IPLCs as primary target groups for developing standardized public awareness and communication tools that are easily adaptable to specific national contexts. Among others, these include an “ABS – Simply Explained” targeting specifically IPLCs and, for regulators, a building block kit demonstrating all potential components, actors and processes of ABS compliant value chains.
- Digitised permit registration enabling efficient and effective monitoring of GR and aTK utilization: Pilot development and implementation in Kenya has been launched in collaboration with One World Analytics. The IT concept will also be implemented – largely through alternative funding – in India and The Bahamas.
- Inventories of medicinal plants and related TK – potential collaboration with
 - the South African Department of Science and Technology which developed the National Recordal System (NRS) for documenting traditional knowledge and practices, and
 - the Indian Foundation for the Revitalization of Local Health Traditions (FRLHT) which developed community based and centralised databases for the documentation of traditional medicinal knowledge.
 - the Ivorian Ministry of Health which developed a database of traditional healers and their particular medicines as part of a national programme for the protection of traditional medicine funded by the West African Health Organisation, a specialized institution of ECOWAS.

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



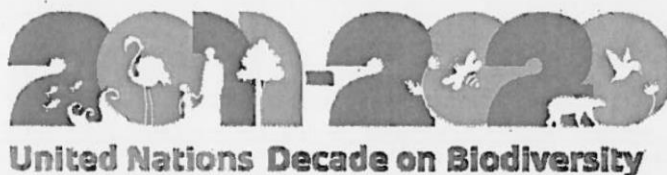
- Understanding and supporting utilisation and valorisation of GR and aTK – collaboration with PhytoTrade Africa and UEBT to engage with the private sector:
 - UEBT developed a training module on the practical implications and business perspectives on ABS. The training is organised in four modules that could be used in training government or other public sector representatives to increase their understanding of how biodiversity is used as a source of innovation and how to approach ABS in a way that is more practical and effective. This training material is available in English and French.
 - Based on an analysis of transactions costs in ABS compliant biotrade value chains in South Africa, PhytoTrade Africa developed elements for biotrade-industry best practices and compliance with the Nagoya Protocol proposing a model to simplify the benefit-sharing system as currently required by the South African ABS system. Once successfully tested in South Africa, the model could be used to for designing ABS regulatory frameworks in other countries which would facilitate the development of ABS compliant biotrade value chains.

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

- The provider-user interface is building at national level on PIC, MAT and the ABS permit. Once uploaded at the ABS-CH the permit turns into the Internationally Recognised Certificate of Compliance, serving at the international level as basis for monitoring compliance of users with user country regulations. This mechanism – from establishing PIC in a provider country to monitoring compliance by the checkpoints in a user country – is still poorly understood by many stakeholders. In close collaboration with the SCBD, the ABS Initiative has engaged to understand the problems stakeholders have and to raise awareness and provide trainings to the relevant government representatives.
- ABS Focal Points have repeatedly requested support from the legal team of the ABS Initiative for negotiating ABS agreements with commercial users as well as applied and academic research institutions. Legal advice in the form of comments and explanations is being provided upon email request. Establishing a legal helpdesk which can be accessed via the website of the ABS Initiative was already envisaged in the Initiative's work plan for 2016/17. Liability matters of participating legal advisers have been clarified; however, continued funding constraints prevent to officially launch such a helpdesk.



Annex A: Letter of the Executive Secretary of the SCBD



Ref.: SCBD/SPS/VN/jh/86270

8 February 2017

Dear Mr. Drews,

Following the successful United Nations Biodiversity Conference held from 2 to 17 December 2016 in Cancun, Mexico, I wish to thank the ABS Capacity-Development Initiative for its ongoing contribution to the implementation of the Nagoya Protocol and encourage its continued support during this new biennium (2017-2018) at this critical time in the life of the Protocol.

In decision NP-2/1, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (COP-MOP 2) urged Parties to take further steps towards the effective implementation of the Nagoya Protocol, including by establishing institutional structures and legislative, administrative or policy measures for implementing the Nagoya Protocol and to make all relevant information available to the ABS Clearing-House, in accordance with the Protocol. In the same decision, Parties also reiterated the need for capacity-building and development activities, including technical training and support, as for example provided by the ABS Capacity-Development Initiative, as well as financial resources to support the implementation of the Nagoya Protocol.

Furthermore, decisions NP-2/8 and NP-2/9 on capacity-building and awareness-raising, respectively recognized the contribution of the ABS Capacity-Development Initiative to capacity-building and awareness-raising and welcomed its continued involvement. COP-MOP 2 also invited relevant organizations to expand their efforts to implement the strategic framework on capacity-building to support the implementation of the Nagoya Protocol which was adopted by the first meeting of the Parties to the Protocol.

Against this background, I wish to thank the ABS Initiative for its key role in supporting the implementation of the Nagoya Protocol. In particular, useful tools and publications have been developed over the past years as well as innovative workshop formats, such as tandem workshops, country team workshops and international dialogues which have facilitated the development of national ABS frameworks as well as the exchange of experience amongst countries with respect to the implementation of the Nagoya Protocol.

In addition, the multi-stakeholder approach adopted by the ABS Initiative, which brings together not only governments, but also indigenous peoples and local communities, as well as the business and scientific communities is contributing to the development of ABS partnerships and to making ABS a reality on the ground.

I also wish to thank the Initiative for its active contribution to the Informal Advisory Committee established by COP-MOP 1 and to the ABS Clearing-House regarding capacity-building projects and materials.

Mr. Andreas Drews
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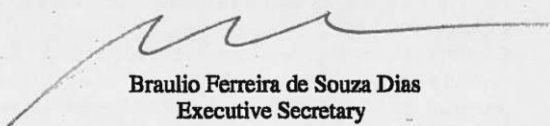


The Secretariat counts on the continued support of the ABS Initiative to Parties in making significant progress towards the implementation of the Protocol and looks forward to our continued fruitful collaboration in this regard.

I also wish to express my gratitude to the governments and organizations which have provided financial support to the ABS Initiative thus far in its activities in Africa, the Caribbean and the Pacific. I encourage all donors to continue providing and ideally to upscale their funding support in 2017-2018, in order to address the capacity-building needs of the growing number of Parties to the Nagoya Protocol.

Finally, as you know, I am completing the end of my mandate as Executive Secretary to the Convention on Biological Diversity and wish to thank you for our fruitful collaboration over these past five years. I am confident that the constructive partnership between the ABS Capacity-Development Initiative and the Secretariat will continue under the leadership of my successor, Ms. Cristiana Paşca Palmer.

Yours sincerely,



Bráulio Ferreira de Souza Dias
Executive Secretary



Annex B: Expenditure Report 2016

No.	Activity	Country	ABS Initiative core funds: Expenditure by donor						Cofunding
			BMZ	OIF	Norway	Denmark	France	Sum	
1	Core Implementation Processes								
1.0	Supporting Partner Countries								
1.0.1	Ongoing processes, roadmap & implement.	Algeria	6.391			6.423	17.856	30.670	33.021
1.0.2	Ongoing processes, roadmap & implement.	Benin	8.575		26.439	8.481	70.768	114.264	
1.0.6	Ongoing processes, roadmap & implement.	Kenya	16.192		446	14.911	16.452	48.001	
1.0.7	Ongoing processes, roadmap & implement.	Madagascar	2.543	6.442	15.784	6.877	21.061	52.707	16.297
1.0.8	Ongoing processes, roadmap & implement.	Morocco	6.001					6.001	6.176
1.0.9	Ongoing processes, roadmap & implement.	Namibia	420		5.122	21.241	9.624	36.407	61.211
1.0.10	Ongoing processes, roadmap & implement.	South Africa	644		8.113	4.483	14.778	28.018	
1.0.11	Ongoing processes, roadmap & implement.	Uganda	11.446			70	30.968	42.484	
1.0.12	Flexible budget for country support		6.482		2.345	1.048	8.772	18.647	
1.0.13	Ongoing processes, roadmap & implement.	COMIFAC	1.594		-22.513	9.000	987	-10.932	56.340
1.1	National Institutional and Regulatory ABS Frameworks				287	195		482	
1.1.1	IDLO Legal Training	Senegal	2.285		165			2.451	
1.1.2	FNI Legal Helpdesk		1.313		455	195		1.963	
1.2	Effective Participation of IPLCs		0						
1.2.1	Natural Justice: Engaging with IPLC		1.110		58.188	-10.485	10.061	58.873	
1.3	Development of ABS Agreements		2.263		9.091	4.037		15.391	
1.3.1a	Contract Training EN	South Africa	170		809			979	
1.3.1b	Contract Training FR	Morocco	57		147		140	344	
1.3.2a	UEBT: Support to ABS compl. value chains		10.110		49.154	4.081	30.535	93.880	
1.3.2b	PTA: Support to ABS compl. value chains		865		1.360	55.747	4.865	62.838	
1	Sub-Total		78.460	6.442	155.392	126.304	236.869	603.467	173.044
2	Auxiliary Processes								
2.1	Regional Harmonisation and Exchange		77		458	140		675	
2.1.1	Participation in regional fora		16.621		656	8.898		28.809	
2.1.2	Final WS UNEP/GEF 4	Kenya	301		873	70		1.525	
2.1.3	Basic ABS course (UCT)	Zimbabwe						467	
2.1.4	C2C exchange	India	280		102.368	-89.814	2.176	15.010	
2.1.6	pan-african ABS WS	Dakar	26.927			45.648		72.575	
2.1.7	AU Coordination		2.722		6.250	3.808	2.700	15.480	19.697
2.1.8	Sub-regional EN	Kenya	39.808		107.963	2.806		150.578	
2.1.9	Sub-regional FR	Côte d'Ivoire	38.104	44.269	78.337	2.409		163.118	
2.2	Interfaces to International Processes		286		1.854	834	27	3.001	
2.2.1	Participation in international fora		60.539		27.452	52.689	9.054	149.734	
2.2.2	WIPO WS on IPR for IPLC EN	Namibia	311		290	7.110	1.261	8.973	
2.2.3	WIPO WS on IPR for IPLC FR	Morocco	18.655	18.164	9.915	9.539	561	56.835	
2.2.4	Tandem WS ITPGRFA and NP	Ethiopia	3.546		52	20.511		24.108	
2.2.5	Integrating ABS in GEF SGP					41		41	
2.2.7	TW Monitoring & Compliance	Mexico	81		4.708	8.576		13.365	14.670
2.3	Knowledge Generation and Management		537		-6.132	349	2.250	-2.996	
2.3.1	Support by FNI		525				14	539	
2.3.2	Support by CISDL		3.758			-13.500	11.475	1.733	
2.3.3	Equator Initiative: ABS Equator Award		105					105	
2.3.4	Knowledge management		38.436		3.814	9.506		51.755	
2.3.5	Knowledge generation		4.305		7.786	5.821	7.862	25.774	12.469
2.4	Developing HCD Tools					70	1.711	1.781	
2.4.2	Blended learning tools for ABS		1.125				0	1.125	
2.4.3	CEPA tools		59.480	5.845	32.370	50.276	33.635	181.607	
2	Sub-Total		316.529	68.278	379.016	125.786	76.107	965.715	46.835
Total Costs - Implementation			394.989	74.720	534.408	252.090	312.976	1.569.183	219.879



No.	Activity	Country	ABS Initiative core funds: Expenditure by donor						Cofunding
			BMZ	OIF	Norway	Denmark	France	Sum	
3	Steering and Guiding Processes							0	
3.1	Steering Committee								
3.1.1	Steering Committee	Namibia	4.694		21.807	25.522	4.729	56.752	
3.1.2	General Assembly	Mexico	3.424					3.424	
3.2	Project Management								
0	Secretariat Cost - Management		220.768	268		2.802		223.837	
3.2.1	Team Meeting	Germany	13.645		12.490	9.308	8.589	44.033	
3	Sub-Total		242.530	268	34.297	37.633	13.318	328.046	0
4	Caribbean		12.314					12.314	
4.1	National support								
4.1.1	Bahamas		10.455					10.455	
4.1.2	Trinidad & Tobago		4.048					4.048	
4.2	Regional support		1.608					1.608	
4	Sub-Total		28.425	0	0	0	0	28.425	0
5	Pacific								
5.1	National support								
5.2	Regional support								
5	Sub-Total		0	0	0	0	0	0	0
6	Asia								
6.1	National support								
6.1.1	Support to the Indo-German ABS Partnership Project	India							16.647
6.1.2	National ABS Workshop	Pakistan							20.703
6.2	Regional support								
6	Sub-Total		0	0	0	0	0	0	37.350
Sum			665.944	74.987	568.705	289.723	326.294	1.925.653	219.879
Total overhead costs			94.005	10.138	70.053	17.486	32.501	224.184	
Project costs			759.949	85.126	638.759	307.209	358.795	2.149.837	219.879



Annex C: 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**⁸.
- ABS related achievements in German DC supported countries will be reported against ABS relevant outcome indicators defined by the GIZ implemented projects⁹, 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 countries¹⁰ 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 nat. regulations or a defined process) will count.
- Based on discussions in the SC, outcome indicators 2 and 3 will not be quantified with a baseline figure. The target for outcome indicator 2 now reads: + 10 ABS agreements in the 4 partner countries⁴; the target for outcome indicator 3 now reads: +7 ABS agreements in the 4 (non GIZ supported) countries⁵.

⁸ Benin, Kenya, South Africa, Uganda

⁹ Algeria, Madagascar, Morocco, Namibia and COMIFAC

¹⁰ 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 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.

- 21.01.16 *Meeting of the ABS Consultation Forum discussing the ABS Guidance on Scope and Definitions of the EU ABS Regulation, Brussels, Belgium*
- 28.01.16 *Workshop „Nagoya-Protokoll zu Access & Benefit-Sharing (ABS): Umsetzung in sammlungs-basierten Forschungseinrichtungen“, ABS Workshop for German non-commercial users, Frankfurt, Germany*
- 17.-19.02.16 *29th Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) of WIPO, Geneva, Switzerland*
- 25.-29.01.16 *Regional Capacity-Building Workshop for the African Region on Traditional Knowledge and Customary Sustainable Use under the Convention on Biological Diversity, Nairobi, Kenya*
- 03-05.02.16 *Developing a strategic and implementation framework on Access and Benefit-Sharing (ABS) for Namibia. National Workshop, Windhoek, Namibia*
- 25.-26.02.16 *EU Workshop on Access to Genetic Resources for Food and Agriculture in the European Union, London, UK*
- 01.-02.03.16 *Workshop "Access & Benefit-Sharing in Deutschland" for German commercial and non-commercial users, Berlin, Germany*
- 01.-04.03.16 *GLZ Sector Network Rural Development (SNRD) Africa, Working Group Agribusiness and Food Security Meeting: Shaping Rural Transformation: Innovations for Inclusive Economic Growth and Higher Food and Nutrition Security Today, Lomé, Togo*
- 07.-12.04.16 *Workshops and consultations on national ABS work plan, Nairobi, Kenya*
- 18.-21.04.16 *Meeting of the Expert Guidance Group of the Darwin Initiative Project "Mutually Supportive Implementation of the Nagoya Protocol and the International Treaty in Benin and Madagascar", Addis Ababa, Ethiopia*
- 25.-26.04.16 *Inception Workshop of the regional UNEP GEF ABS project "Advancing the Nagoya protocol in countries of the Caribbean Region" for CARICOM Member States, Port of Spain, Trinidad and Tobago*
- 27.04.16 *Steering Committee meeting of the regional UNEP GEF ABS project "Advancing the Nagoya protocol in countries of the Caribbean Region" for CARICOM Member States, Port of Spain, Trinidad and Tobago*
- 28.-29.04.16 *Trinidad and Tobago National Workshop of the regional UNEP GEF ABS project "Advancing the Nagoya protocol in countries of the Caribbean Region" for CARICOM Member States, Port of Spain, Trinidad and Tobago*
- 02.-06.05.15 *1st meeting of the Subsidiary Body on Implementation, Montreal, Canada*
- 18.-26.05.16 *Excursion in Western districts of Uganda and workshop on ABS for *Prunus africana*, Kampala, Uganda*
- 25.-26.05.16 *"Beauty of Sourcing with Respect – Biodiversity for Sustainable Development for Beauty, Health & Food" Conference, organized by the Union for Ethical BioTrade (UEBT), Paris, France and accompanying events:
25 May: Company visit to L'Oreal; visit to Weleda concept store (Espace Weleda)
26 May: UEBT Beauty of Sourcing with Respect Conference*
- 27.05.16 *"Making ABS work: A public-private dialogue on the opportunities and challenges of implementing access to genetic resources and fair and equitable benefit-sharing (ABS Initiative, UEBT, UNESCO MAB), Paris, France*



- 15.-17.06.16 *2nd meeting of the Informal Advisory Committee on Capacity Building for the Implementation of the Nagoya Protocol, Montreal, Canada*
- 20.-23.06.16 *ABS Inception Workshop of the national UNEP GEF ABS project, Nassau, The Bahamas*
- 28.-29.07.16 *Meeting of the Informal Advisory Committee on Communication, Education and Public Awareness, Montreal, Canada*
- 3.-5.08.16 Two workshops and consultations on developing the IT based permit and monitoring system, Nairobi, Kenya
- 15.-18.08.16 Workshop "ABS and Biotech: How (not) to become a biopirate" at the GIZ "Fachtagung Wald, Biodiversität, Klima und Umweltpolitik", Bonn, Germany
- 29.-31.08.16 National workshop on ABS and the Valorisation of Genetic Resources, Algiers, Algeria
- 05.-08.09.16 Practical Workshop on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions, Marrakech, Morocco
- 26.-30.09.16 Sub-regional Workshop on Access and Benefit-sharing for Anglophone African Countries, Nairobi, Kenya
- 24.-28.10.16 Sub-regional Workshop on Access and Benefit-sharing for Francophone African Countries, Abidjan, Côte d'Ivoire
- 26.10.16 *Meeting of the ABS Consultation Forum discussing the EU ABS guidance on utilisation in the context of the pharmaceutical sector, Brussels, Belgium*
- 01.-03.11.16 Workshop and consultations on developing the IT based permit and monitoring system, Nairobi, Kenya
- 03.-04.11.16 Technical Workshop on Monitoring and Compliance under the Nagoya Protocol, Mexico City, Mexico
- 14.-15.11.16 *Kick-off Meeting of the national UNDP/GEF ABS Project, Algiers, Algeria*
- 22.-24.11.16 *1st International Pacific Cosmetopoeia Conference, Punaauia, Tahiti, French Polynesia*
- 02.-17.12.16 Side and parallel events at CBD COP 13 / NP COP-MOP 2, Cancun, Mexico:
- 02.12.16 *Session at 3rd Science for Biodiversity Forum: Contribution of Academia to Mainstreaming of ABS (moderated by the ABS Initiative)*
- 02.12.16 *Panel on ABS at the Business and Biodiversity Forum: Presentation of French-Cameroonian ABS Case (panellist)*
- 05.12.16 High-level Side Event: Contribution of the Nagoya Protocol on the Sustainable Development Goals (organized by UNDP in collaboration with the ABS Initiative, SCBD and further supporting partners)
- 06.12.16 Mutually Supportive Implementation of the Nagoya Protocol and the Plant Treaty (organized by Bioversity International in collaboration with the ABS Initiative, SCBD and the Secretariat of the ITPGRFA)
- 06.12.16 10th Anniversary Reception & Dinner (organized by the ABS Initiative)
- 07.12.16 Considering Intellectual Property in the Implementation of the Nagoya Protocol (organized by WIPO and the ABS Initiative)
- 07.12.16 *Strengthening and Aligning Policies and Practices in Health and Biodiversity (organised by UNU-IAS, FRLHT and further collaborating partners with input from the ABS Initiative)*
- 07.12.16 *A Model Electronic Research Permit and Monitoring System for National Implementation of the Nagoya Protocol (organized by UNU-IAS, BEST Commission of The Bahamas, with input from the ABS Initiative)*



- 08.12.16 Mainstreaming Biodiversity with Social Media (*organized by SCBD and the ABS Initiative*)
- 08.12.16 Insights into National ABS Capacity Building Needs – Tools, Measures and (Regional) Approaches to Address Them (*organized by the ABS Initiative*)
- 08.12.16 *Mise en œuvre de l'Initiative africaine pour l'APA dans l'espace francophone (organised by the Institut de le Francophone pour le développement durable with inputs from the ABS Initiative)*
- 09.12.16 *GEF Support to Building Capacity for Implementation of the Nagoya Protocol*
- 12.12.16 *Progress in the implementation of the Nagoya Protocol on ABS in Central Africa: Challenges, Opportunities and Prospects (organised by the COMIFAC Secretariat and further supporting partners with input from the ABS Initiative)*
- 14.12.16 *ABS Good Practices and Lessons Learnt from India (organized by the National Biodiversity Authority, the Ministry of Environment, Forests and Climate Change and further supporting partners with input from the ABS Initiative)*
- 14.12.16 *Diverging ABS laws in North and South – what are the consequences? (organised by Natural Justice and Public Eye with input from the ABS Initiative)*
- 16.12.16 *Progress in the Implementation of the Nagoya Protocol on ABS in Central Africa: Challenges, Opportunities and Prospects (organized by the COMIFAC Secretariat moderated by and with inputs from the ABS Initiative)*