DRAFT REPORT on the Access and Benefit Sharing (ABS) Workshop, ILRI, January 2019

1. Summary

A workshop was held for regulators and researchers in livestock genetics from several different African and European countries to look at the current state of implementation and the related challenges of national policy and/or regulation on Access and Benefit Sharing.

Most of the countries represented were at the early stages of implementing ABS for research with animal genetic resources for food and agriculture (AnGRFA).

The following key themes emerged as areas where there are needs for further capacity development, especially in term of trans- or supra-national action and support:

- Harmonisation and standardisation of policies, regulations and procedures internationally and/or between collaborating countries,
- Capacity development (local and national),
- Communication with and sensitisation of stakeholders at all levels,
- Ownership and benefit tracking,
- Digital sequence information,
- Web based information and process management,
- Integration of ABS into project planning form the start.

2. Background

The International Livestock Research Institute (ILRI) and the Centre for Tropical Livestock Genetics and Health (CTLGH) collaborated to run an international workshop to explore the issues related to the successful implementation of the Access and Benefit Sharing (ABS) elements of the Nagoya Protocol and related national ABS regulation with respect to livestock research. The workshop was also supported by the multi-donor ABS Capacity Development Initiative, hosted by the German Federal Ministry of Economic Cooperation and Development (BMZ) and implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

The aim of this workshop was to bring together leading researchers and national regulators from countries in which ILRI and CTLGH are accessing AnGRFA to address the following objectives:

- To establish a common understanding of the national ABS systems applicable for regulating access to (privately owned) AnGRFA and other GRFA not covered by the Multilateral System of the FAO International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)
- To support negotiations of effective ABS contracts

- To determine the current state of play in terms of institutional capacities to implement and to comply with such existing national ABS systems
- To identify possible gaps in the national ABS systems concerning access to (privately owned) AnGRFA and other genetic resources for food and agriculture which are not covered by the Multilateral System of the ITPGRFA
- To identify capacity building needs to work with or to improve existing national ABS systems
- To discuss an action plan for a collaborative approach to address capacity building needs
- To identify the sources of available support and how to access them

3. Workshop Description

Twenty-seven researchers, regulators and subject matter experts convened for a two-day workshop at ILRI in Nairobi, Kenya. There was formal representation from Kenya, Ethiopia, Tanzania, Uganda, Nigeria and Malawi with additional international input from researchers and experts supporting national approaches to ABS implementation. Appendix 1 lists the participants.

4. Levels of ABS Activity on Animal Genetic Resources for Food and Agriculture

In preparation, each participating country regulator was asked to fill out a form (Appendix 2) outlining the current position with regards to ABS activity related to AnGRFA.

• ABS for AnGRFA is regulated in 5 of the 6 countries present:

ET: ABS Proclamation and Regulations

KE: ABS Regulations

MW: ABS Regulations and other

NG: ABS Policy

UG: ABS Regulations and Animal Breeding Act

TZ: no ABS framework

- Across the five countries completing the form, there was a range of between zero and three AnGRFA-based ABS contracts having been negotiated. This indicates that it is early days for all of the countries and that there is a significant opportunity for the regulators to share experience to date, whilst also working together to refine processes and documentation. This would support the general desire for intercountry harmonisation of standards and processes.
- Four of the five countries are aiming for a maximum period 'from demand to permit' of 90 days. The fifth country is aiming at a period of 30 days.

5. Key Learning Points from the Workshop Table Sessions

This section draws out some of the highlights from the table sessions. (Appendix 3 contains the full feedback from the table session)

• Session 1: What are the issues for you that would be most helpful for you if they were resolved and priorities?

From a researcher perspective, the priorities focused on improving the understanding of ABS processes and ensuring donor organisations also understood them. Additionally, the need to standardise required documentation across provider countries and institutions was seen as desirable.

From a regulator perspective, key issues related to development a clear system for defining ownership (genetic resources and associated traditional knowledge) and tracking benefits, promoting awareness of the role of the ABS regulator and improving capacity both nationally and in local communities.

• Session 2: What are the key learning points, what remains unresolved? Do we already have any solutions?

There was considerable congruence across the country groups for there to be improved communication of ABS principles and practice to both national and local stakeholders. This also extended to the desire for increased 'trans-boundary' harmonisation. Additionally, there was the desire for there to be sufficient funding to support 'ABS service' delivery and capacity development

Session 3: How to mainstream ABS?

This session focused on how to incorporate ABS into daily operations rather than it being a discrete business process. The suggestions ranged from training all staff in ABS and/or having subject matter experts on hand to act as an institutional "help desk". A key proposal was for ABS and its attendant costs to be incorporated into project proposals and planning from an early stage.

• Session 4a: What has been the learning relevant for your country/institution?

In addition to general awareness raising, regularly expressed was the desire to move to a web-based PIC, MAT and ABS permit support service and for countries to harmonise their national laws with international ABS law. There was recognition of the need for partnership working, not just between research institutions and regulators, but also between countries.

Session 4b: What should be done supra-nationally?

In this session teams were asked to nominate issues that they felt should be addressed on a trans-national basis. A vote was held in order to achieve a collective understanding of priorities. The issues deemed to have the highest priority for international action were as follows:

- a) Capacity building for all important stakeholders (providers, users, interested parties, regulators) & transfer of technology and knowledge at country institutional level from international experts
- b) Countries to collaborate on multilateral agreements & multilateral benefit sharing mechanisms

- c) Development of Digital Sequence Information (DSI) recommendations and guidelines
- d) Resource mobilisation at international, regional, national, institutional & community level

6. Feedback from Post-Workshop Survey & Implications for Future Events

One of the primary issues raised has been the need to ensure that focus is broadened beyond just the 'access' issues to include 'benefit identification and tracking'. This may be an indication that many organisations and jurisdictions are still coming to grips with the basics of implementing procedures to support the PIC/MAT and permit processes and that active monitoring of benefits has not yet been addressed.

The following gives an indication of issues to be taken into account for any future workshops. (The full results are presented in Appendix 5)

What topics would you like to see • addressed at any future events?

- Would be interesting to follow-up whether this workshop resulted in any change in practice (at both scientists and national partner level)
- Any practical ABS related activity as a model to be presented. what challenges it went through and how they were overcome
- More on digital sequence information
- Emerging issues: Digital Sequence Information & ABS
 Need to know Emerging issues in Livestock Sector
- National flow-charts on Nagoya positive and negative feedback from researchers and national officers on MAT which have been submitted. What can we learn from each other
- Categories of ABS permits e.g. does a commercial oriented project need same ABS permit as one only for research
- Identification of beneficiaries
- Approaches for harmonisation and implementation of ABS

How could similar events be improved in the future?

- Have more time for discussions
- Have more participants from sectors that play an active role in ABS compliance issues
- To include Field Survey in line with classroom workshop
- Include more African countries National coordinators and a few researchers from each country
- It is always advisable to find a location where the participants cannot go to their offices...
- It will be good to borrow a leaf or two from the plant research teams, please invite more
- Include more country experiences
- Space for one on one discussion about current applications for access could be given to researchers and regulators.
- a simulation (from scientists, legal authorities as well as from farmers and local communities) on how to incorporate the ABS and the related protocols and legal issues in the design of a research proposal

Appendix 1: Workshop Participants

Family Name	First Name	Title	Work Title	Organisation	Base Country
Achando	Jane	Ms	Legal Counsel	African Agricultural Technology Foundation (AATF)	Kenya
Akampurira	Innocent	Mr	Science Officer, ABS Lead	Uganda National Council for Science and Technology (UNCST)	Uganda
Crooijmans	Richard	Dr	Assistant Professor	Wageningen University & Research	Netherlands
Djikeng	Appolinaire	Prof.	Director	CTLGH	Kenya/UK
Gluecks	Ilona	Dr	Research Farm Manager	ILRI	Kenya
Hailu	Abebe	Mr	Animal Biodiversity	Ethiopian Biodiversity Institute (EBI)	Ethiopia
Hanotte	Olivier	Dr	Principal Scientist	ILRI	ILRI
Kalemba	Martha	Ms	Principal Environmental Officer (Biodiversity)	Environmental Affairs Department	Malawi
Kanyama- Chikoti	Judith	Ms	Head of Livestock & Pastures	Chitedze Research Station	Malawi
Kemp	Steve	Prof.	Livestock Genetics Program	ILRI	Kenya
Khaemba	Ephy	Ms	Manager, Research Compliance and Environment Health and Safety	ILRI	Kenya
Kitavi	Mercy	Dr	Post Doc Researcher	International Potato Center (CIP)	Kenya
Lagu	Charles	Dr	Executive Director	National Animal Genetics Resources Centre and Data Bank	Uganda
Lopez Noriega	Isabel	Ms	Policy Specialist	Bioversity (CGIAR)	CGIAR

Family Name	First Name	Title	Work Title	Organisation	Base Country
Manson	Nick	Dr	Facilitator	Change Through Partnership (UK) Ltd	UK
Marshall	Karen	Dr	Scientist, Animal Breeding and Genetics	ILRI	Kenya
Meyer	Hartmut	Dr	Advisor, ABS Capacity Development Initiative	GIZ	Germany
Motbaynor	Manaye Misganaw	Mr	Zoologist	Ethiopian Biodiversity Institute (EBI)	Ethiopia
Mucheru	Muthoni	Ms	Legal Officer	ILRI	Kenya
Mutungi	Priscillar	MS	Lead on ABS	Kenyan Wildlife Service (KWS)	Kenya
Nash	Oyekanmi	Prof.	Director, Genetics, Genomics and Bioinformatics Department	National Biotechnology Development Agency (NABDA)	Nigeria
Nyandika	Jane	Ms	Head, ABS Unit	National Environment Management Authority (NEMA)	Kenya
Ochodo	Charles	Dr	Deputy Director Veterinary Services	Department for Veterinary Services (DVS)	Kenya
Okon	William Etim	Mr	Assistant Director, Conservation	Federal Ministry of the Environment	Nigeria
Shirima	Eligy Lamussa	Dr	Director General	Tanzania Livestock Research Institute (TALIRI)	Tanzania
Tiambo	Tiambo	Dr	Post-Doctoral Scientist – Livestock Genetics/Genomics	BecA-ILRI Hub	Kenya
Yue	Yao Jing	Dr	Post Doc Researcher	ILRI/CTLGH	Kenya

Appendix 2: Country Access Profile Form

Access profile AnGRFA for <country name>

Criteria	Acquired information	Comments	Source
Party Nagoya Protocol	yes / no		
Signatory Nagoya Protocol	yes / no		
Party FAO	yes / no		
National Focal Point ABS	name and contact data		
National Focal Point AnGRFA	name and contact data		
Competent National Authority ABS	name and contact data		
Competent National Authority AnGRFa	name and contact data		
CNA ABS Deputy	name and contact data		
CNA AnGRFA Deputy	name and contact data		
ABS law	yes / no / no information	link to ABSCH or other web pages or attach copy	
Access to AnGRFA is covered by ABS law	yes / no / no information	link to ABSCH or other web pages or attach copy	
Specific access procedures for AnGRFA under ABS law	yes / no / no information	link to ABSCH or other web pages or attach copy	
Access to AnGRFA is covered by other legal framework	yes / no / no information	link to ABSCH or other web pages or attach copy	
Specific access procedures for AnGRFA under other legal framework	yes / no / no information	link to ABSCH or other web pages or attach copy	
English translation for users	yes / no / no information		

Criteria	Acquired information	Comments	Source
Visualization of ABS procedure for AnGRFA (e.g. flow chart)	yes / no / no information	link to ABSCH or other web pages or attach copy	
Information on access procedure / regulations for AnGRFA accessible through web- link	yes / no / no information	link to ABSCH or other web pages	
Access application form for AnGRFA available	yes / no / no information	link to ABSCH or other web pages or attach copy	
Specific access precedures for commercial / non-commercial purposes	yes / no / no information	link to ABSCH or other web pages or attach copy of forms / flow charts	
Specific access precedures for private / public AnGRFA	yes / no / no information	link to ABSCH or other web pages or attach copy of forms / flow charts	
Online application system	yes / no	link	
Compulsory documents for access application	yes / no / no information	list of compulsory documents	
Submission of access application at	Name of institution / No information		
Access fees	yes / no / no information	amount	
Other permits prerequisite to obtain access to AnGRFA	yes / no / no information	list of permits	
Have permit(s) to access AnGRFA been issued in the country?	yes / no / no information	list of permits	

Criteria	Acquired information	Comments	Source
Do these permits contain specific benefit sharing provisions?	yes / no / no information	list of permits	
Have specific ABS contracts (MAT) for AnGRFA been negotiated?	yes / no / no information	list of contracts	
Average timeline (from access demand to permit)	timeline defined / timeline not defined / no information	number of days	
Standard clauses for ABS contracts	yes/no/no information	list of clauses	

Appendix 3: Table Session Flipcharts

Table Session 1

Purpose

• To highlight shared issues and priorities

- Split up into regulators and researchers.
- What are the issues for you that would be most helpful for you if they were resolved and priorities?

Researchers: Chart 1	Priority	Regulators: Chart 1	Priority	Regulators: Chart 2	Priority
1. Clear documentation of process	***	1. Ownership of Genetic resources	***	6. Lack of capacity to draft &	***
2. Time limit of issue of permits	**	and Traditional Knowledge		negotiate PICs & MATs by local	
3. National Focal Points &	*	2. Legal framework not	***	communities	
Institutional Focal Points		comprehensive & well articulated		7. Company mergers – legal entity	**
4. Awareness of stakeholders	-	3. Lack of compliance/weak	**	changes	
5. Donor 'education'	***	enforcement mechanisms		8. Curbing biopiracy	***
6. Local 'authority' acting on	**	4. Interpretation of ABS contracts /	**	9. Determining actual beneficiaries	**
behalf of providers/farmers		MTAs including legal		& unforeseen benefits	
7. New use of Samples	*	aspects/clauses		10. Change of intent & use	**
8. Institutional agreements:	***	5. Tracking beneftis/monitoring	***	11. Awareness of ABS regulator	***
standard MOUs		utilisation (esp. from provider			
9. Harmonisation	*	country perspective)			
10. Countries with no ABS	*				

Table Session 2

Purpose

• Output: List of open issues and where learning/material already available

- Break out into country groups (X5) with others sitting in.
- What issues have been addressed and which have not?
- What's common; what' not?
- What are the key learning points, what remains unresolved?
- Do we already have any solutions?

Issues	Solutions
 Country 1: Research and commercial benefits that can be shared need to be clarified If capacity building is the benefit, what kind of capacity DSI ownership and value of DSI? 	 Discussion Capacity building at local level Type of capacity has to be in line with the project Awareness (formal and informal) Benefits to be budgeted in the project by design
 Country 2: Process is very long & complicated with various authorities and experts involved Negotiation (incl. face-to-face meeting) when possible is included in all applications, incl. for research purposes Legal Unit is the main bottleneck Since the Protocol cam in force (2014) no permit has been issued ABS not yet ratified so people are not engaging 	 Workshop on genomics is going to eb organised by ILRI for Nigerian authorities. Legal Unit to be invited Put more pressure on Legal Unit Possibility to construct a system for online application and processing

Country 3:	
 Learning how other countries are handling Nagoya Protocol implementation 	Clean, precise, accountable, trustable means of communication – online application system
Transboundary resources and movement (within Africa)	Needs to develop in-country capacity
No AGT (Animal genetic resource international treaty)	Next COP: Conference of the Parties
No clear understanding of who owns what	Bilateral country agreements
Country 4:	
ABS is flexible system:	Harmonisation of ABS system at regional and national levels
 No uniform package 	(access, procedures, establishment)
 No establishment 	
 Use of the protocols 	
Human Resources and knowledge dispensation on ABS practices	National ABS awareness training programmes
and uses	
Level of ownership of ABS practices at various institutions	Institutionalise ABS practices/uses in various ministries,
	departments, Local governments, Associations
Development of clear, feasible contract content	Harmonised contract template and MAT
Timelines for getting ABS clearance from the country	Need for range of time for getting the clearance/Categories of
a Description for ADC activities	the terms
Resource mobilisation for ABS activities	Mobilise budget and integrate the budgets in MDAs and donor funded projects for support ABS integration.
Traccability of banefits and interventions of the ADC projects	funded projects for support ABS integration
 Traceability of benefits and interventions of the ABS projects Country 5: 	Mechanism to track benefits and sharing arrangements
Agreeing on PIC/MAT & MTA terms	Clarification of expectations and awareness creation
 Agreeing on Pic/MAT & MTA terms Transboundary issue – how to determine provider? 	Continue creating awareness (e.g. include GPS coordinates)
 Differences in guidelines on ABS implementation 	User should be proactive in obtaining information
 Clarity on parties involved – provider/user/recipient? 	Follow Nagoya Protocol terms
Clarity on parties involved – provider/user/recipient:	• Fullow Nagoya Protocol territs

Table Session 3

Purpose

• How to reflect ABS In future projects?

Process

- Users and providers mixed
- How to build ABS into operational safeguarding system?
- How to mainstream ABS?
- 1. Having annual/biannual training sessions at institutional level
- 2. Strengthening Desk Office dealing with research compliance on ABS processes
- 3. The Desk Office develop a one-pager guideline on country requirements and make available to researchers
- 4. Continued regional ABS coordination meetings
- 5. ABS national focal point to publish clear guidelines on ABS on the/a website to guide researchers

- 6. Establish a platform of trained ABS experts from relevant sectors (both technical and legal)
- 7. Curriculum of universities (module under Bio-Ethics)
- 8. Embedded in list of considerations in project design
- 9. Reflect timelines of ABS on project design

- 10. Institutional Help desk produces: flyers, posters, FAQ, training, ICT
- 11. Designed into project budgets
- 12. An "awareness community"

- 13. Countries to provide timelines for the ABS process
- 14. Capacity at the national office on ABS processes
- 15. Awareness and sensitisation at national level
- 16. ABS issues at project conception at institute level (research, private)
- 17. Involvement of local institutions and staff in guidance development

Table Session 4a

Purpose

• What has been the learning relevant for your country/institution?

- Split up into country pairs and other institutional groups
- What are the key learning points?
- What will you do as a result of this workshop?

Key Learning Points	Actions to be taken	
Table A:		
 Need for more effective and efficient ABS process Important to build capacity at all levels with a diversity of 	 Sensitise scientists at government agricultural research centre Establish ABS platform (web) 	
stakeholders (legal, scientists, etc)	Upload ABS guidelines onto ABS Clearing House	
 Need to understand the user projects (players involved and complexities) 	 Identify & train ABS desk officers at relevant institutions Identify and mobilise resources of implementing these actions 	
 Need to understand the processes of other countries and continuously share experiences 	 Develop Centre for Environmental Policy and Advocacy short term plan 	
Need of effective communication approaches for ABS	Develop FAQs and checklist for MAT & PIC	
The discussion to end NOT at access but at benefits sharing	Disseminate ABS guidelines	
	Application system (online?)	
	Livestock genebank for country use	

Table B:

- Online access application systems should be used for, e.g., MTA, ownership etc
- Awareness creation on ABS documents
- Prepare clear and practicable guidelines for users
- · Harmonise country law with international law
- Dissemination of information to concerned bodies in good time
- Prepare terms of reference with regard to ethics for providers and users

- Refer country rules and regulations from country biodiversity institute and ABS clearing house websites
- Share ideas with others
- Develop negotiation with country government
- Communicate institutionally
- Countries must cooperate on multilateral agreements

Table C:

- Need for better communication on ABS
- Wider publicity to a range of stakeholders (awareness creation and sensitisation)
- · Capacity building for range of stakeholders
- Need for transparency in the ABS process
- Inclusion of AnGR in the national ABS debates & interventions
- Planning and design of implementation projects to include ABS principles
- Resource mobilisation and budget provision to support ABS activities
- DSI is an emerging issue for institutional consideration

- Organise awareness campaigns at institutional level
- Establishment of ABS desk at various institutions
- Communication linkages with researchers and institutional links at national level
- Create a communication protocol on ABS
- Include AnGR aspects in the proposed ABS capacity building projects & activities

Table D:	
 Need to talk to our neighbours (networking) Have feedback mechansims to our institutional heads and administrators Learn negotiation skills ABS is an integrated process with research and NOT standalone (providers and users) ABS implementation needs political support and to be politically embedded. There are different perceptions of ABS 	 Keep in touch with contact from this workshop for follow-up The national ABS institutions to sensitise the research organisations in their country Benchmark with other or neighbouring countries Be open to compliance assistance
Table E: (Research Institute)	
•	Engage with partners and regulators Train and regulators
	Train our people with the help of partners and regulators Many most income between we and regulators.
	More meetings between us and regulators Online interpret for institute exicutives.
	Online intranet for institute scientists
	Increase internal capacity.

Table Session 4b

Purpose

• What has been the learning relevant for your country/institution?

- Split up into country pairs and other institutional groups
- What should be done supra-nationally? (Includes vote on priority areas: Each delegate given 5 votes to assign as desired)

Issue for Supra-national Action	Votes			
Adapt in country rules and regulations from ABS Clearing House website	2			
2. Countries to collaborate on multilateral agreements	6			
3. Resource mobilisation at international, regional, national, institutional & community levels	14			
4. Capacity building for all important stakeholders (providers, users, interested parties, regulators)	13			
5. Timely and systematic communication to all including sharing successes, lessons and experiences	3			
6. DSI integration for all institutions (Digital Sequence Information)	4			
7. Open communication channels (continuous engagement and collaboration)	1			
8. Leading institutions (e.g. ILRI) to provide annual newsletters on ABS projects and progress)	7			
9. Multilateral benefits sharing mechanisms	7			
10. Continuous capacity building	1			
11. Transfer of Technology and knowledge at country institutional level from international experts 15				
12. Participate in negotiations at all level				
13. Development of Digital Sequence Information (DSI) Recommendations and guidelines	20			
14. Simplification and harmonisation of ABS	7			
15. Institutional Agreements	9			
Consolidation of Priorities (votes)				
Multilateral/Bilateral international harmonisation of ABS guidelines				
• Resources				
Capacity building				
DSI guidance				

Appendix 4: Sources of Information and Support

Plenary Session

Purpose

- List favourite sources of information, knowledge and support
- GIZ- ABS Initiative
- ABS Clearing House
- ILRI
- FAO
- WHO
- CGIAR (Bioversity)
- CTLGH (Centre for Tropical Livestock Genetics & Health)
- IDLO (International Development Law Organization)
- CBD Secretariat (Convention on Biological Diversity)

Appendix 5: Post Workshop Survey Results

A survey was sent to all participants. There were 11 responses. The results are presented below:

Qι	iestion	Responses
1.	Overall how would you rate the workshop (1-5 Stars)? (n=11)	2 X *** 5 X **** 4 X ****
	Were you happy with the design of the workshop? (n=11)	5 X Satisfied 6 X Very satisfied
3.	Did the workshop meet your personal objectives? (n=10)	7 X Agree 2 X Strongly Agree
4.	How could similar events be improved in the future?	 Have more time for discussions Have more participants from sectors that play an active role in ABS compliance issues To include Field Survey in line with classroom workshop Include more African countries National coordinators and a few researchers from each country It is always advisable to find a location where the participants cannot go to their offices It will be good to borrow a leaf or two from the plant research teams, please invite more Include more country experiences Space for one on one discussion about current applications for access could be given to researchers and regulators. a simulation (from scientists, legal authorities as well as from farmers and local communities) on how to incorporate the ABS and the related protocols and legal issues in the design of a research proposal
5.	How would you rate the organisation of the event? (n=10)	2 X Satisfied 8 X Very satisfied
6.	How would you rate the facilitation? (n=10)	3 X **** 7 X ****

Question	Responses
7. What topics would you like to see addressed at any future events?	 Would be interesting to follow-up whether this workshop resulted in any change in practice (at both scientists and national partner level) Any practical ABS related activity as a model to be presented. what challenges it went through and how they were overcome More on digital sequence information Emerging issues: Digital Sequence Information & ABS Need to know Emerging issues in Livestock Sector National flow-charts on Nagoya - positive and negative feedback form researchers and national officers on MAT which have been submitted. What can we learn from each other Categories of ABS permits e.g does a commercial oriented project need same ABS permit as one only for research Identification of beneficiaries Approaches for harmonisation and implementation of ABS
8. Do you have any other comments?	 I congratulate the organizers and the facilitators for the well done workshop organization. We can think to conduct the next workshop in the UK or Netherlands where they are more advanced than African countries Would like to attend more workshops of this nature to be able to help my organization do things right Well done Thanks for the invitation