

## **BIA Technical Exchange Series - Session N°8:**

### **Communicating ABS systems – How BIA can support the elaboration of manuals and visualisations**

**Date:** 18.03.2021

**Time:** 13:00 – 14:30 CET

**Venue:** Video conference via MS Teams

#### **Content and concept**

Visualisations and manuals play an important role when it comes to translating complex administrative processes into practical and workable instructions. Due to its crosscutting intersectoral nature and the implication of actors ranging from local communities to global industry players, the translation of the Nagoya Protocol into national procedures has resulted in a variety of complex legal instruments outlining the respective procedures. It remains challenging for researchers and private sector companies, be it with national or international background, to clearly identify the individual steps to be taken in order to obtain an ABS permit for the respective activity. After having realized this challenge, the CBD Secretariat decided to add another category in the ABS-Clearing House (ABS-CH), namely the category “ABS Procedures”. The idea behind this new category is that countries can describe in a detailed manner the respective procedures for obtaining an ABS permit and to offer schematic overviews or visualisations of these procedures, allowing interested users to quickly grasp the procedures to be followed.

Output A of the BioInnovation Africa project aims at improving the efficiency of national ABS frameworks, notably by supporting the elaboration of sector-specific manuals to guide the ABS and permitting processes, which includes visualisations. In order to get started on this specific objective, this webinar aims at discussing different options for communicating ABS systems. The specific aim of this webinar is three-fold:

1. To introduce best practices from around the world regarding manuals and visualisations;
2. To discuss support options through BIA for the elaboration of such tools and their presentation on the ABS-CH;
3. To present and discuss first experiences made while elaborating examples

## Agenda

Moderation: Anja Teschner (BIA GIZ)

Time	Content	Presenter
13:00-13:05	Welcome and short introduction <ul style="list-style-type: none"> <li>• Component A of BIA</li> </ul>	Anja Teschner (BIA GIZ)
13:05-13:15	How do visualisations and manuals support the implementation of ABS?	Peter Schauerte (GeoMedia)
13:15-13:25	Best practices from around the world	Julia Oliva (UEBT)
13:25-13:45	Q&A session	All participants
13:45-14:00	Supporting the development of manuals and visualisations <ul style="list-style-type: none"> <li>• Potentials and limitations of BIA support</li> <li>• The role of the ABS-CH</li> <li>• First experiences made in Madagascar</li> </ul>	Peter Schauerte (GeoMedia) Lolona Ramamamonjisoa (NFP Madagascar)
14:00-14:20	Q&A session	All participants
14:20-14:30	Summary and way forward Information on the next session	Moderator

## Q&A session 1

**Question:** When sector-specific manuals shall be prepared, which sectors should be chosen, if considering the experience from other countries?

**Answers:**

- It could be helpful to consult the focal point on which sectors are most active at asking for advice on ABS and start with specific manuals for those sectors.
- Maybe there is already a study on the R&D sector in a given country, that may indicate the activities from various sectors. If not, an in-depth approach would be to conduct a study.
- The positive experience of Brazil was, that right after the approval of the legislation, some actors from different sectors (for instance Cosmetic, Microorganism collections) started to collaborate with the ministry in the development of manuals. If these sectors do not deliberately start such process, it could help to address national stakeholders in order to fasten the creation of manuals.
- A very interesting case is that of the EU Guidelines. They were started with the idea of sector-specific manuals and finished focusing on different types of utilization (supply chains, synthetization) because it turned out to make more sense.
- Not to be forgotten, the standard ways of accessing and using collections and botanical gardens, which are crucial for scientific research.
- (How to identify the user sectors?)
  - The ABS Initiative conducted analysis on the patent landscape in African countries, which could be an interesting tool to get an idea on who are the customers. (See for example: [Biodiversity in the Patent System: Cameroon](#) or

[Synthesis Economic potential and valorization opportunities for genetic resources in six African countries \)](#)

- All contributions to this question coincide with the idea that **the best starting point** for the formulation of sector-specific manuals **is to identify and focus on those who really seek access.**

**Question:** Is there a likelihood that Parties to the NP will move towards an agreement on the definition of key ABS aspects (such as access, utilization, genetic resources, etc.), and will this standardization lead to better communication?

**Answers:**

- Starting with the clarification of the basic definitions and the scope of the NP should be resolved internationally.
- However, there is no trend towards this desirable objective. More to the opposite, terms are further broadened and different views are appearing. For example, for what concerns genetic resources, with the debate on DSI it becomes even more complex.
- There is still disagreement on Art.10 of the NP regarding a “global multilateral benefit-sharing mechanism”. Perhaps, generally, the scope is not explained enough but the idea of the NP is that ABS is mostly a matter of implementation.
- As an example on unifying the definition of key ABS aspects, the EU regulation No 511/2014 ([EUR-Lex - 32014R0511 - EN - EUR-Lex \(europa.eu\)](#)) implements the Nagoya Protocol rules that govern user compliance — i.e. what users of genetic resources in Europe have to do in order to comply with the rules on access and benefit-sharing (ABS) established by the countries providing genetic resources. Following consultations with stakeholders and Member States, it was decided that certain aspects of the EU ABS Regulation needed further clarification. The European Commission, in consultation with stakeholders and Member States, prepared and recently updated a guidance document on the scope of application and core obligations of the EU ABS rules. This guidance document ([index.cfm \(europa.eu\)](#)) is not legally binding, but it provides useful parameters for understand the practical implications of ABS-related terms and obligations.

**Question:** There is a certain obligation to provide visualization. Considering that reality is much more complex than what can be represented in visualizations, are they really helpful and used?

- If there is no clarity in the system, a visualization will not help the procedure to function better. It is important to remember that it is not about how appealing such a visualization is, but if it reflects and contributes to the functionality of the system.
- On the other hand, precisely when the legal system is not fully implemented, the process of formulating a visualization can help raising questions and search for specific answers by contributing to a national understanding of the ABS procedure. BIA can support such a process.

- Developing visualizations and manuals helps to improve actors' comprehension and starts in-depths reflections, and this again will help the implementation of ABS...ideally.

## Q&A session 2

**Question:** Participant asks the Focal Point of Madagascar if she could give some examples on her experience.

**Answers:**

- The Focal Point stated that the most interesting thing about the work at visualizations is that you need to think various scenarios and take different perspectives.
- During the visualization process in Madagascar, the Focal Point remembered that there is an additional way to the official procedure that was not reflected in the official procedure at the beginning. An informal way of starting the access demand with her before submitting the documentation helps a lot both users and the institution and was thus included to the visualization.

**Question:** Sometimes not having other permits can block the ABS process. What about those other permits in the visualization?

**Answers:**

- In Cameroon research permits for instance can be difficult to get and block the ABS process.
- It is important to look at all other permits (for instance research permits), so it would be ideal to include the whole overview that depicts the interrelation between ABS and other permits, as well as “post-access” permits.
- The best case would be if one application was simply transferred to all other permits that are necessary for entrance in the country.
- Due to the diversity of business models in the ABS realm, it is essential that regulators have a clear standard operating procedure.

**Question:** How do we deal with a situation when the CNA thinks the information loaded on the ABS CH is largely sufficient to address information needs of Users? Any ideas on how to trigger further reflections on the development of manuals in such a situation?

- The process to do manuals cannot be enforced.
- However, a starting point can be to look at the existing visualization together with the partner and reflect if it is comprehensive.
- Namibia for example is currently at the beginning of the journey on manuals and the visualization is planned to take place at the end of the stocktaking.
- An interesting example is that of South Africa, where the process was conceived to update guidelines with three different categories of actors: providers, regulators and

users ([DEA Guidelines June 2012 for print.indd \(environment.gov.za\)](#)). It took quite some time to finalize the process, but especially the regulators perspective turned out to be extremely useful.