

THE **ABS**  
CAPACITY  
DEVELOPMENT  
INITIATIVE



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

# Mainstreaming ABS / biotrade / the Nagoya Protocol

## What - Why - How -?

**Public-Private Sector Dialogue for an Enabling and Thriving  
Biodiversity Economy:, Johannesburg, South Africa**

**22.11.2024**

Funded by



Federal Ministry  
for Economic Cooperation  
and Development



NORWEGIAN MINISTRY  
OF FOREIGN AFFAIRS



Ministry of Land, Agriculture  
and Fisheries



Department  
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# GBF Goals

Reinforces the importance of sustainable use, ABS & protection of traditional knowledge and includes DSI in benefit-sharing



## 2050 Vision

Living in harmony with nature where: “By 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people.”

## 2050 Goals

### A

Integrity, connectivity, resilience of all **ecosystems** maintained, enhanced restored; **species** extinction rate and risk reduced; **genetic diversity** maintained

### B

**Biodiversity sustainably used & nature’s contributions to people** valued, maintained, enhanced, restored

### C

**Benefits from the utilization of genetic resources**, digital sequence information and traditional knowledge associated with genetic resources shared fairly and equitably

### D

**Adequate means of implementation** secured (financial resources, capacity-building, technical and scientific cooperation, access to and transfer of technology)

## 2030 Mission

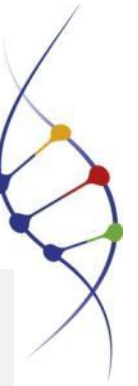
To take urgent action to halt and reverse biodiversity loss to put nature on a path to recovery for the benefit of people and planet by conserving and sustainably using biodiversity and ensuring the fair and equitable sharing of benefits from the use of genetic resources, while providing the necessary means of implementation.

-> KMGBF to be translated by CBD parties through NBSAP revision process

# GBF Target 13

## Increase Sharing of Benefits from Genetic Resources, DSI & Traditional Knowledge

Take **effective legal, policy, administrative and capacity-building measures at all levels**, as appropriate, to ensure the fair and equitable sharing of benefits that arise from the utilization of genetic resources and from digital sequence information on genetic resources, as well as traditional knowledge associated with genetic resources, and **facilitating appropriate access** to genetic resources, and by 2030 **facilitating a significant increase of the benefits shared**, in accordance with applicable **international access and benefit-sharing instruments**.

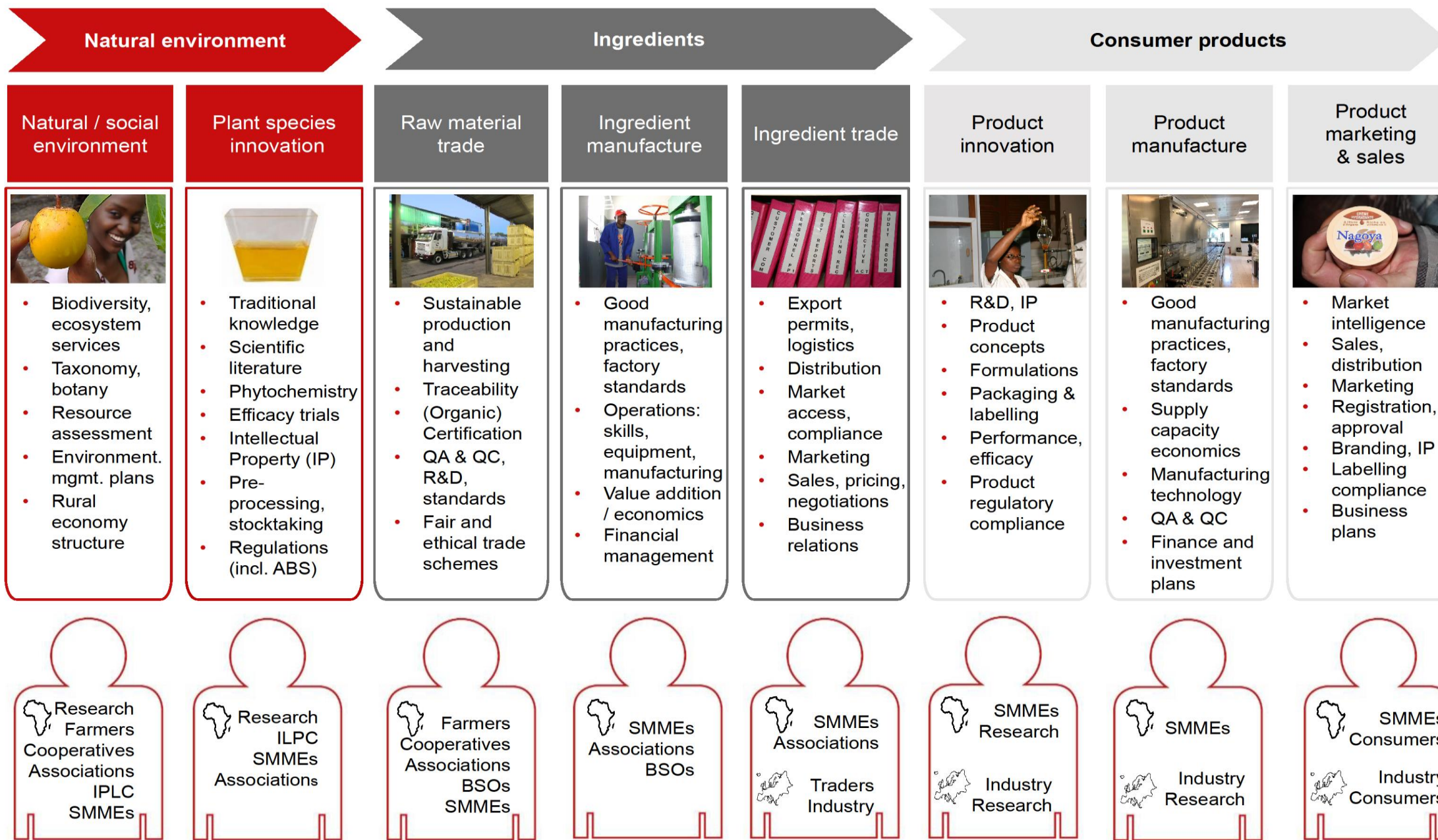


- ➔ ensures that ABS processes are **anchored** in the **variety of relevant policy areas** and become an integral **part of NBSAPs**.
- ➔ is the basis for creating **an enabling environment** to **facilitate a significant increase of the benefits shared**
- ➔ Can contribute to providing **legal certainty**; accelerated and harmonised **permitted processes**

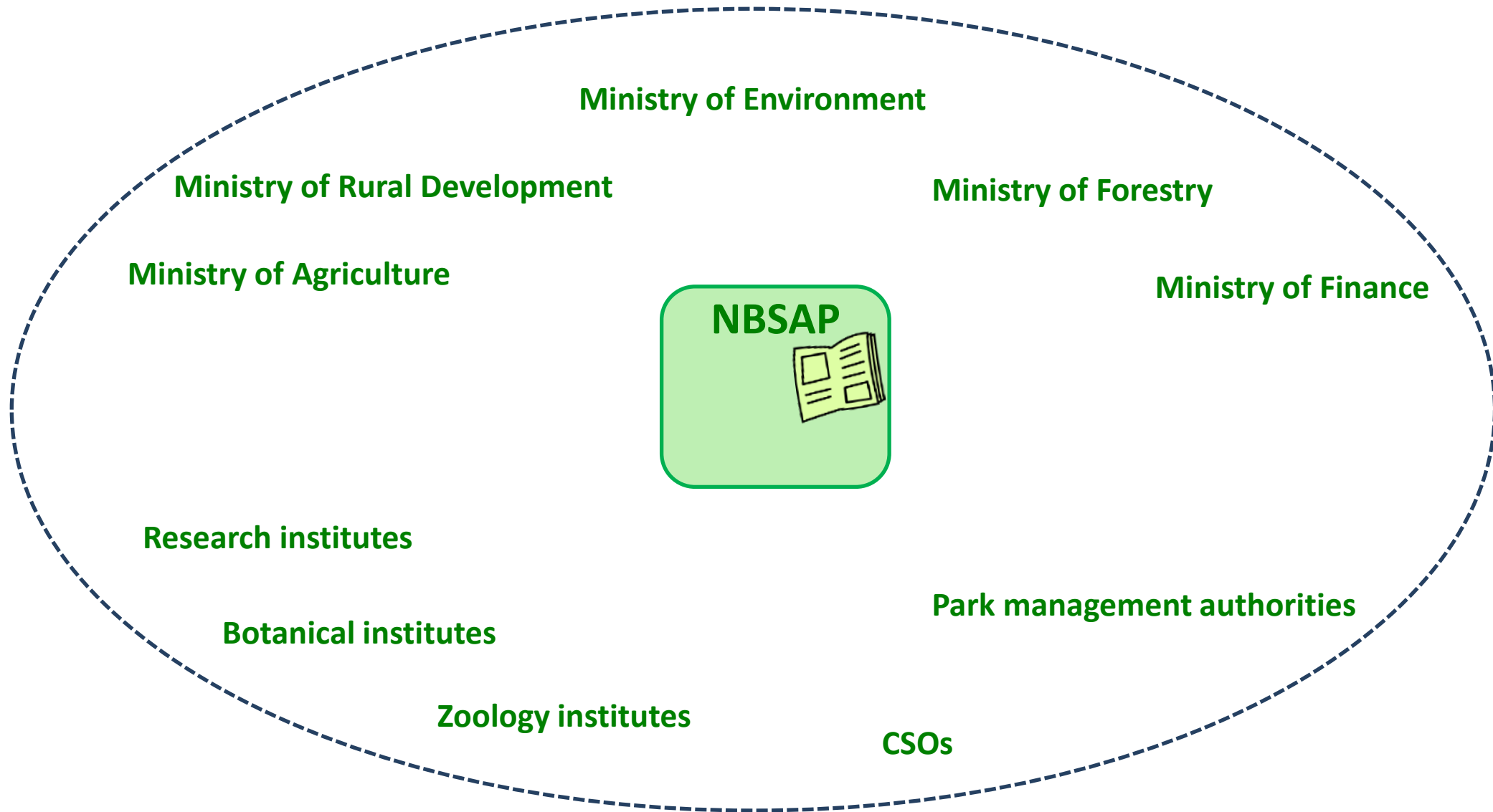
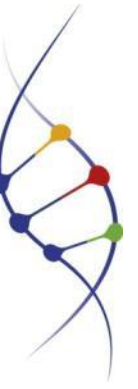


**Whole-of-government and  
whole-of-society approach**

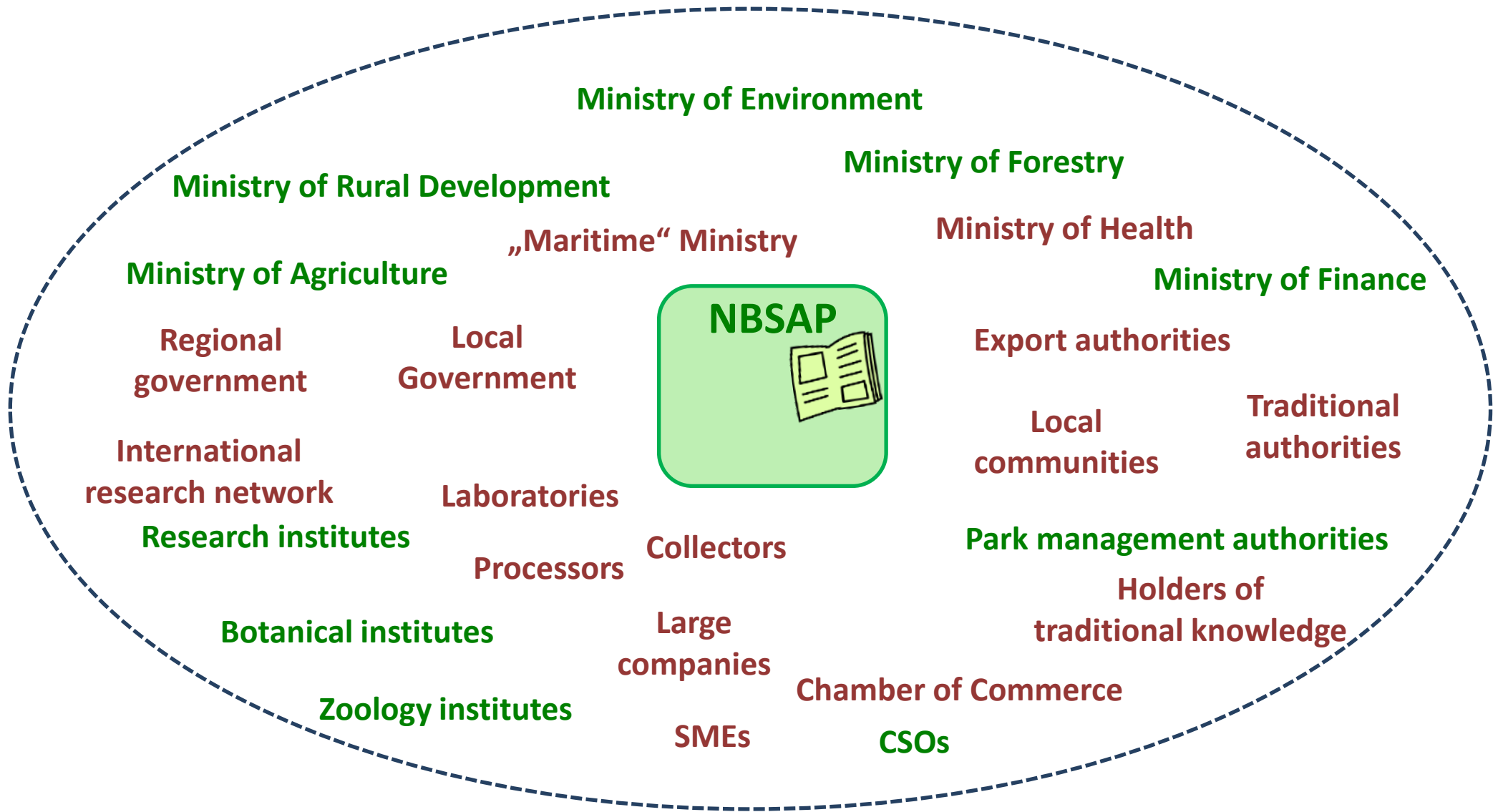
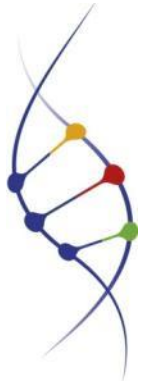




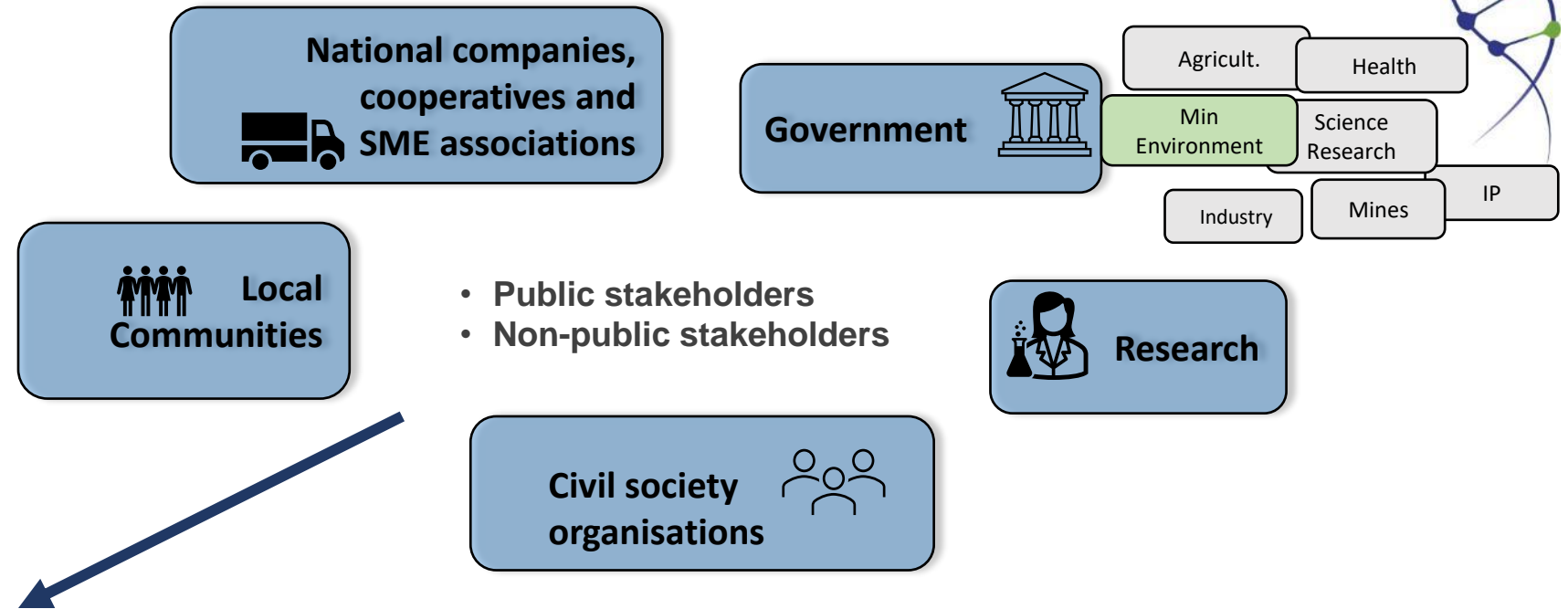
# NBSAP players: „the usual suspects“



# NBSAP stakeholders: consideration Goal C, target 13



# “Facilitate a significant increase in benefits shared”



Approaches and ways  
to create an  
enabling environment  
in the NBSAP and  
other policies

**Cooperate** to link and support the different  
actors and stages of the value chain **in a  
whole of government / whole of society approach.**



# Workshop on ABS Mainstreaming

Bonn, 26. - 27.09.2024

## Objectives

- develop ideas on how to integrate ABS into national economic and trade policies, as well into the NBSAP review processes,
- Reflect on national approaches for monitoring ABS
- identify challenges, best practices and solutions for mainstreaming and monitoring ABS in exchange with peers

## Participants

- ABS National Focal Points, CBD National Focal Points, NBSAP coordinators
- South Africa, Namibia, Cameroon, Madagascar, Côte d'Ivoire





# Workshop on ABS Mainstreaming

Bonn, 26. - 27.09.2024



## Identify priority mainstreaming measures and first steps for each country

- Mapping of relevant sectors, their policies and touchpoints as key first step in several countries
- Measures and steps for South Africa:

### Priority measures

- Legal level: NEMBA review in terms of DSI, agriculture, health, Marine
- Technical level: **Mapping of touchpoints** & **relevant department objectives**

### Steps

- **Engagement with relevant departments**
- Community/industry association engagement
- Establish task team
- Co-create ABS advocacy strategy -> link with NBSAP

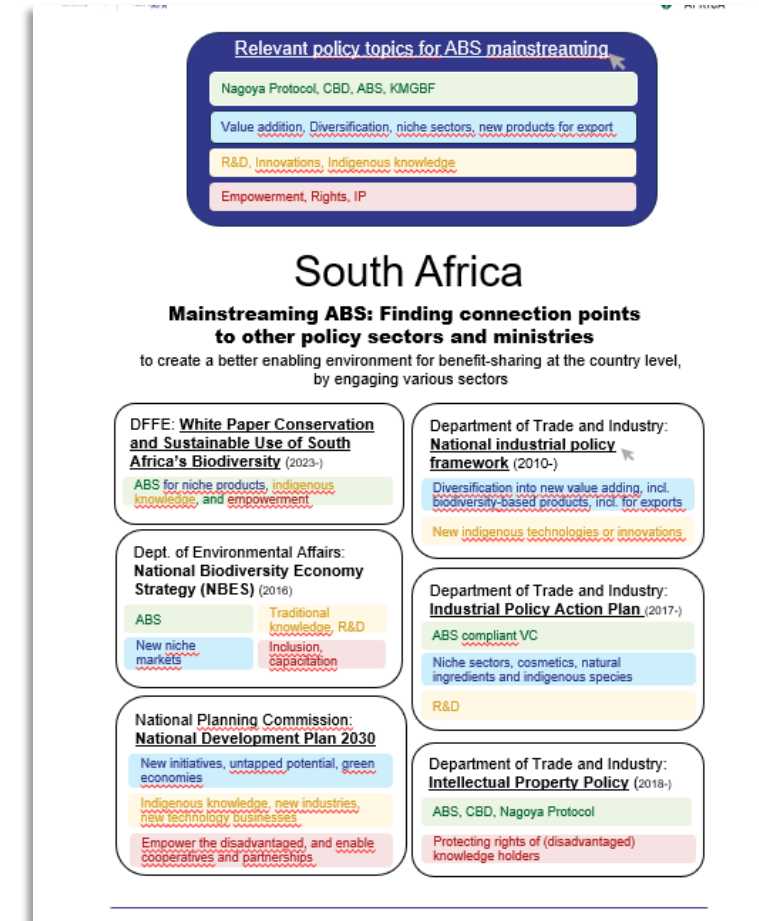
# Follow-up on Mainstreaming Workshop



## Analysis of policies and strategies in relevant departments/sectors

### Background

- Based on the identified need for mapping of sectors and policies
- Desk research of relevant policies in the sectors identified in the workshop, analysis based on key terms
- Analysis of biodiversity, bioeconomy, natural resource strategies
- Present touchpoints to other sectors
- Initial guidance, no claim to be exhaustive
- „Conversation tool“



# Follow-up on Mainstreaming Workshop

## Analysis of policies and strategies in relevant departments/sectors

### Structure

- Potential touchpoints in each policy/strategy document structured in four topic clusters: a) **NP/CBD, ABS, KMGBF** b) **Value addition, diversification, product development**, c) **R&D, Innovations, Indigenous Knowledge**, d) **Empowerment, Rights, IP**
- Overview of all documents analysed and topics mentioned
- For each document:
  - Summary of findings per cluster
  - Key direct quotes from document
  - Color coding of quotes if several topics are identified
- Explanation of topic clusters



### National Planning Commission: **National Development Plan 2030**

Our future – make it work

#### • **New initiatives, untapped potential, green economies**

The Plan mentions pathways related to agriculture, green economy and conservation, where ABS may become relevant if linked to indigenous resources, knowledge and practices.

New initiatives, such as those to do with agriculture in the green economy and conservation efforts, can potentially create new employment opportunities in rural areas.

p. 33

These [innovation centres and programmes] should be in South Africa's areas of comparative and competitive advantage, including indigenous knowledge systems.

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#### • **Indigenous knowledge for innovations:**

Whenever indigenous knowledge is used, ABS can come into place to assure the inclusion of traditional knowledge holders in generated benefits.

#### • **Integration of disadvantaged, enable cooperatives and partnerships**

The Plan has a focus on SMMEs and how to integrate them and other disadvantaged into existing market systems. Their empowerment can also be strengthened by including ABS in the discourse. ABS is especially effective in cooperations (cooperatives and partnerships) involving a sector or value chains.

Opportunities exist in higher-value, higher-volume external markets, both national and beyond. To take full advantage of these opportunities, smaller and poorer producers need to adopt cooperative strategies that give them greater collective market power in accessing value chains and regarding minimum supply volumes. Together, smaller producers can negotiate improved levels of market access and better terms of participation. They can also gather and share information for the benefit of the collective. Developing partnerships with other commercial players in the value chain is another potential strategy.

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Disclaimer:

*This working document is based on desk research  
and does not claim to be exhaustive.*

## South Africa

### **Mainstreaming ABS: Finding connection points to other policy sectors and ministries**

to create a better enabling environment for benefit-sharing at the country level,  
by engaging various sectors

This document originated from the ABS Mainstreaming Webinar  
and Workshop organized by the ABS Capacity Development  
Initiative and BioInnovation Africa projects in September 2024.

Participants discussed about the importance and ways to  
mainstream Access and Benefit Sharing (ABS) into their countries'  
policies and strategies. This document serves as a first guidance to  
inspire ABS mainstreaming into relevant policies and strategies.

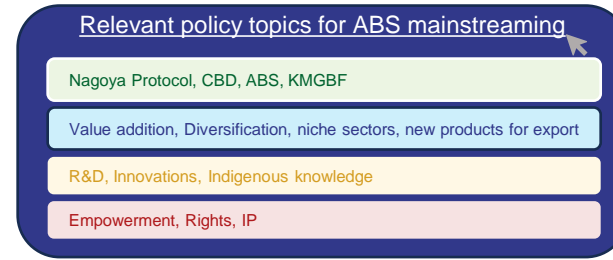
#### About the structure of the document:

The main page of the document provides an overview  
of the findings, followed by explanations of recurring  
relevant policy topics. The remaining pages, arranged  
by responsible ministries/government bodies, present  
the potential connection points in individual policies to  
understand mainstreaming possibilities. Click on  
underlined text to get to the respective contents.

November 2024

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## South Africa

### Mainstreaming ABS: Finding connection points to other policy sectors and ministries

to create a better enabling environment for benefit-sharing at the country level, by engaging various sectors

#### DFPE: White Paper Conservation and Sustainable Use of South Africa's Biodiversity (2023-)

ABS for niche products, indigenous knowledge, and empowerment

#### Department of Trade and Industry: National industrial policy framework (2010-)

Diversification into new value adding, incl. biodiversity-based products, incl. for exports  
New indigenous technologies or innovations

#### Dept. of Environmental Affairs: National Biodiversity Economy Strategy (NBES) (2016)

ABS  
New niche markets  
Traditional knowledge, R&D  
Inclusion, capacitation

#### Department of Trade and Industry: Industrial Policy Action Plan

ABS compliant VC  
Niche sectors, cosmetics, natural ingredients and indigenous species  
R&D

#### National Planning Commission: National Development Plan 2030

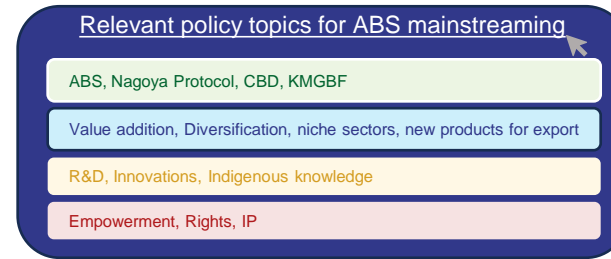
New initiatives, untapped potential, green economies  
Indigenous knowledge, new industries, new technology businesses  
Empower the disadvantaged, and enable cooperatives and partnerships

#### Department of Trade and Industry: Intellectual Property Policy (2018-)

ABS, CBD, Nagoya Protocol  
Protecting rights of (disadvantaged) knowledge holders

- **Front page: Overview of topics for ABS Mainstreaming and Overview of Policy Documents / Ministries (country-specific)**
- **Page 2: Explanations to topics for ABS Mainstreaming (general)**
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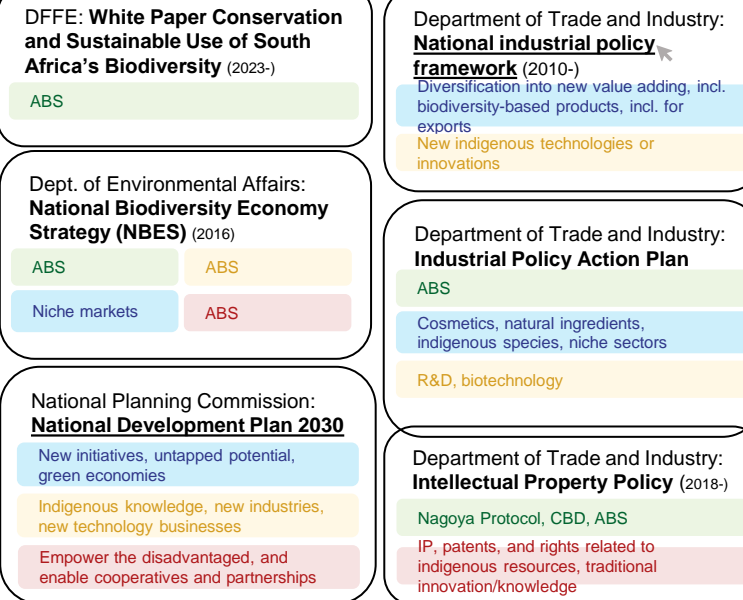




## South Africa

### Mainstreaming ABS: Finding connection points to other policy sectors and ministries

to create a better enabling environment for benefit-sharing at the country level, by engaging various sectors



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## Relevant policy topics for ABS mainstreaming

### ABS, Nagoya Protocol, CBD, KMGBF:

In relevant ministries, ABS is already mentioned in policies, linked to topics such as the Nagoya protocol, CBD, and the KMGBF. The interpretations and foci of ABS vary (e.g., focussing more on access or on benefits), and may already be connected with other topics, e.g.:

- Benefit sharing in Biotrade
- Equal access to information and knowledge and benefit sharing
- Participation of the disadvantaged through ABS



### Value addition, diversification, niche sectors, new products for export:

Policies about economic development and industrialization often focus on value capture – through value addition within the country, valorization and new (niche and export) products. Whenever these value-added, niche, new products for export are based on indigenous knowledge and biodiversity, ABS mechanisms become relevant and can enter the discourse. Relevant sectors include traditional agriculture/foods, cosmetics, pharmaceuticals, non-timber forest products, biotechnology. These topics can often be found in ministry-overarching strategic bodies and in ministries that deal with industry, trade, commerce etc., where ABS mainstreaming can happen.



### R&D, Innovations, Indigenous knowledge:

Advancing knowledge and innovations as base for development is a returning policy topic. Indigenous knowledge (although sometimes overlooked or only related to conservation and sustainable practices) is a complementary innovation source which feeds into the development of niche, new products and processes. Research and product or process development (based on indigenous knowledge) offer a connection point for mainstreaming ABS, in ministry-overarching strategic bodies and in ministries that deal with economic development.



### Empowerment, Rights, IP:

Empowerment of disadvantaged persons (indigenous people, local communities, PDIs, small producers, etc.) through inclusion, fostering of participation in economic activities, access to land and resources etc. is an important topic throughout many policies. Their rights are increasingly being formalized, as is the right to their intellectual property (IP). ABS fits into this discourse as it aims at benefitting traditional knowledge holders.



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## Department of Forestry, Fisheries and the Environment

(formerly Department of Environmental  
Affairs)

White Paper Conservation and  
Sustainable Use of South Africa's  
Biodiversity, 2023

National Biodiversity Economy Strategy  
(NBES), 2016



Department of Forestry, Fisheries and the Environment, 2023:  
**White Paper on the Conservation and Sustainable Use of South Africa's Biodiversity**

- **ABS, KMGBF:**

The Paper's Framework is loosely based on the KMGBF, especially Goal 3 on ABS. ABS also appears in combination with the other topics of this analysis, presented in the following.

[Expected Output:] Streamlined and simplified legislation, regulations, and guidelines promote access to all indigenous genetic and biological resources for bioprospecting and biotrade, ensure **fair and equitable sharing of benefits arising from the use and development of indigenous genetic and biological resources, their information and data, and their associated traditional or indigenous knowledge.**

p. 36

- **Niche products for export in the ABS context:**

Biotrade and its international demand is directly linked to indigenous knowledge & ABS.

- **Local and indigenous knowledge and ABS:**

The use of local/indigenous knowledge is encouraged under the premise that knowledge holders benefit from sharing it. This includes knowledge and practices for sustainable use and conservation.

As one of the world's megadiverse countries, South Africa has high levels of endemism and biodiversity, with a **comprehensive local or indigenous knowledge base about the fauna and flora**. In this regard, such indigenous and local knowledge of the benefits that can be derived from the use of natural resources **needs to be protected and commercialised where possible so that knowledge holders derive benefit from sharing such knowledge...** Biotrade combines the local and indigenous knowledge of communities with **modern manufacturing and the emerging market demand of consumer economies.**

p. 25

- **Empowerment, Inclusion through ABS:**

Disadvantaged people are included in biodiversity-based value chains and benefit through ABS implementation.

Mechanisms for **local community and PDI entrepreneurship**, to ensure **meaningful participation**, and their **entry into local biodiversity-based value chains...** Improved livelihoods and well-being of **previously disadvantaged communities**, through **meaningful participation and increased access and benefit sharing.**

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## Department of Environmental Affairs, 2016: National Biodiversity Economy Strategy (NBES)

### • **ABS:**

ABS appears implicitly in the NBES, often focusing on the sharing of access to information and less on sharing of benefits.

NBES encourages and facilitates the **sharing and dissemination of information** and dialogues at all levels in the biodiversity economy to ensure balanced negotiations with communities and traditional knowledge holders. Access to information is crucial for balanced negotiations as stakeholders need to be **well-informed about the production and commercialisation process to assess their contribution to the value chain and market.**

p. 6

### • **Traditional knowledge, R&D, incubator:**

The NBES underlines the importance of knowledge and R&D for the development of the sector. This can be linked more to ABS.

Opportunity: Utilise the **existing traditional knowledge** to develop new products.

p. 37

Growth of the bioprospecting/ biotrade sector of the country is fundamentally linked to a strong **R&D** focus to the sector.

p. 50

Establish high-tech business **incubators, knowledge hubs and science parks**, especially in the value-adding activities of the bioprospecting sub-sector value chain

p. 44

### • **Inclusion, capacitation of the marginalised:**

The NBES focuses on strengthening traditional knowledge holders and the marginalised through integrating them in the market. ABS is not mentioned here.

This Strategy will also play a major role in the transformation of the economy by **motivating marginalised individuals** to start their own biodiversity based enterprises.

p. iv

### • **Formalized sector, create new niche markets:**

ABS can be included to seize economic opportunities equitably.

This transformation needs to be underpinned by the **markets being more inclusive and welcoming to all stakeholders, focussed on including and supporting rural and marginalised participants**, ... Successfully implementing this strategy will fundamentally transform the local Biodiversity Economy and create **new niche markets** which sustainably utilise South Africa's indigenous biological/genetic resources for economic development and poverty alleviation.

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## National Planning Commission

National Development Plan 2030



# National Planning Commission: **National Development Plan 2030**

Our future – make it work

- **New initiatives, untapped potential, green economies**

The Plan mentions pathways related to agriculture, green economy and conservation, where ABS may become relevant if linked to indigenous resources, knowledge and practices.

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## Department of Trade and Industry

A National industrial policy framework,  
2010

Industrial Policy Action Plan, 2017

Intellectual Property Policy, 2018



## Department of Trade and Industry, 2010: A National industrial policy framework

- **Diversification into new value adding, including biodiversity-based products, also for exports:**

The framework mentions agricultural possibilities, biodiversity, and plant resources which can be opportunities for value-addition and diversification, especially following global trends. Whenever based on traditional knowledge and/or on indigenous species for new products, ABS becomes relevant, making this an important anchor point.

Vision for South Africa's industrialisation trajectory is:  
To facilitate **diversification beyond our current reliance on traditional commodities** and non-tradable services. This requires the promotion of increased value-addition per capita characterised particularly by **movement into non-traditional tradable goods** and services that compete in export markets as well as against imports.

p. 2

South Africa has an **abundance of mineral and plant resources**... New value-adding opportunities may arise through new primary activities such as mining or **agriculture as well as the further processing of our resource base.**

p. 36

- **New indigenous technologies or innovations:**

The framework explains the importance of research and development to develop indigenous innovations. The use of traditional knowledge or indigenous resources can serve as a base and is therefore relevant for ABS.

Domestic **research and development** generates indigenous technologies. This is the most difficult but also potentially the most rewarding form of innovation and technology that a country can engage in due to its risky nature and the long-term time horizons involved in investment in **new technologies or innovations.**

p. 16

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## Department of Trade and Industry, 2018: Industrial Policy Action Plan IPAP 2018/19-2020/21

Economic sectors, employment and infrastructure development cluster

- **ABS compliant VC:**

The IPAP explicitly mentions ABS-compliant value chains, but does not elaborate on it. An explanation would advance the mainstreaming of the ABS concept.

The South African natural ingredients sector has strong potential to produce natural ingredients, making the sector attractive to invest in...The South African Natural Ingredients Export Strategy encourages production of ingredients that comply with international market requirements and stimulate local value-addition in the production of "organic"/natural cosmetics products in a business-enabling environment. dti efforts to expand support for the sector are being carried out in partnership with international and national stakeholders, the Department of Environmental Affairs' Biodiversity Economy Strategy, the DST's Bio-economy Strategy, the CSIR, tertiary institutions and the Cosmetic Export Council of South Africa's (CECOSA). Expected Outcomes: ... Increased trade volumes of sustainably produced bio-trade products from South Africa that will result in creation of new seasonal and permanent jobs within ABS-compliant value chains.

p. 157f

Development of **National and Regional Niche Sectors**. South Africa has a huge diversity of underused indigenous plants that represent an enormous wealth of agro-biodiversity and have the potential to contribute to improved incomes, job creation and local economic development. The Bio-economy Agriculture Sector Implementation Plan identified **new or underdeveloped crops that have the potential be developed into new and special commercial products**. This programme is two-fold: firstly, it takes a long-term view of **research and development with an eye to producing new cultivars and varieties of niche indigenous plants**; secondly, it focuses on aggressive **commercialisation of the niche products**.

p. 130

Plastics, Pharmaceuticals, Chemicals, Cosmetics ... Testing capacity will support the health and safety of consumers of **traditional African herbal medicines**. Key milestones 2018/19 Q3: Establish testing capability for common contaminants and residues in traditional African herbal medicines.

p. 76f

- **Niche sectors, cosmetics, natural ingredients and indigenous species:**

The development of niche sectors and natural ingredients, especially the cosmetics sector, based on indigenous plants is relevant for ABS, as it uses traditional knowledge.

- **R&D:**

Research and Development including testing is needed to understand traditional knowledge and the potential of indigenous plants – ABS helps to ensure equitable sharing of the resulting benefits.

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## Department of Trade and Industry, 2018: Intellectual Property Policy of the Republic of South Africa Phase I

- **ABS, CBD, Nagoya Protocol:**

The IPP explains and integrates ABS and its frame in detail.

### 7.2.1.3 Convention on Biological Diversity (CBD)

South Africa is considered to be the third most diverse country on the planet, boasting a significant biological diversity, housing 10% of the world's plants, 7% of the world's reptiles, birds and mammals, 15% of known coastal marine species, and one entire floral kingdom within its borders. To preserve this diversity, the Department of Environmental Affairs (DEA) promulgated and administers the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA or Biodiversity Act) and the Bioprospecting, Access and Benefit Sharing (BABS) Amendment Regulations of 2015.

The objectives of the Act include, among other measures, conservation of South Africa's biodiversity within the framework of the National Environmental Management Act, 1998; the protection of species and ecosystems that warrant National protection; the sustainable use of indigenous biological resources; and the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources.

The Act also seeks to give effect to the ratified international agreements relating to biodiversity which are binding on the Republic, such as the CBD and its two protocols, i.e., the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and Benefit Sharing as well as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Biodiversity Act regulates bioprospecting involving indigenous biological resources and the export from the Republic of indigenous biological resources for the purpose of bioprospecting or any other kind of research. The Act also provides for a fair and equitable sharing by stakeholders in benefits arising from bioprospecting involving indigenous biological resources.

p. 208

- **Protecting rights of (disadvantaged) knowledge holders:**

Patents empower, protect disadvantaged knowledge holders

A coordinated approach to creating awareness about IP among South Africans, so as to protect nationally-owned IP that is related to indigenous resources, traditional innovation and traditional knowledge.

p. 140

IP in agriculture; IP and biotechnology, genetic resources, and genomic sovereignty:...

- How to reconcile provisions mandated by TRIPS and the CBD, especially as it pertains to “**access and benefit-sharing**” clauses that seek to give control of a region's natural heritage to residents of that region;
- **Supporting efforts at developing indigenous and international biotechnology**, without endangering access to agricultural products and/or limiting plant variety diversity;
- Ensuring farmers' rights, as well as implementing constitutional obligations to protect genomic sovereignty within the state

p. 215f

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