

Meeting of the Steering Committee 2009

5th December 2009, Semiramis Intercontinental Hotel, Cairo, Egypt

Report

Participants:

Members of the Steering Committee:

Bente Herstad, NORAD, Norway
Dagmar Krenz, BMZ, Germany
Léontine Crisson, MINLNV, The Netherlands
Chouaibou Nchoutpouen, COMIFAC
Kabir Bavikatte, Natural Justice, South Africa
Ossama El-Tayeb, EEAA, Egypt
Peter Munyi, ICIPE, Kenya
Pierre du Plessis, CRIAA-SADC, Namibia

Samuel Diemé, DPNS, Senegal
Valerie Normand, SCBD

Secretariat of the Initiative:

Andreas Drews, Manager ABS Initiative
Suhel al-Janabi, Co-manager ABS Initiative

Observer:

Søren Jensen, MIM, Denmark

The meeting was opened and chaired by Dagmar Krenz of the BMZ. The agenda for the meeting that was circulated amongst the members of the Steering Committee prior to the meeting was adopted soon after the opening.

Report back on 2009 by Andreas Drews and Suhel al-Janabi

The report back of the activities led to a review discussion that highlighted successes and valuable lessons.

1) Kenya National Workshop (Nairobi) 12.-13.02.2009:

The workshop highlighted the lack of coordination between the different government departments such as the Kenyan Wildlife Service and the National Environment Management Authority when addressing issues of ABS. The workshop facilitated the coordination between the different institutions while highlighting the limitations in the existing Kenyan law relating to ABS and identifying the possible opportunities for harmonization.

The discussion that ensued noted the lack of clarity for potential users of Kenyan genetic resources regarding who will be the provider and how to go about getting prior informed consent. It was estimated that it would take at least a year for a bioprospecting application to be processed.

**2) Preparatory Workshop for French Speaking Africa (Paris) 25.-27.02.2009
Preparatory Workshop for English Speaking Africa (Addis Ababa) 4.-6.03.2009**

The workshops were aimed at providing a coordinating opportunity for African negotiators in their preparations towards the 7th meeting of the WGABS and as a negotiation skills training exercise. However the workshops had mixed responses where some negotiators wanted to focus on coordination while others sought to benefit from the negotiation skills training.

In the discussion that followed it was highlighted by some of the Steering Committee members present at either of the two the workshops felt that while the negotiation skills training offered by UNITAR was excellent, such workshops should have one focus only and should be clearly advertised . It was noted that negotiations skills training is very important and the ABS Initiative should consider longer and more intensive training courses.

It was further suggested that the Initiative should move beyond a selected group of negotiators and include all delegates who are present in the negotiations. Since many ABS negotiators are not trained diplomats but technical experts, it would help to develop a manual which explains status, functioning and processes such as a working group, a contact group, a conference room paper, an L.-document. A similar manual was produced for the climate change negotiators in 2000 called "A Survival Guide for UN Negotiators" and this could be adapted to the CBD negotiations.

3) GTBAC 7 (Douala) 02.-04.03.09

The ABS Initiative provides support for the Working Group on Biodiversity in Central Africa (Groupe du Travail sur la Biodiversité en Afrique Centrale, GTBAC) through human resources and substance funded by the German and French support project for the COMIFAC. In the long run, the COMIFAC seeks to develop an environmental constitution for the Central African region, which is an attempt to ensure convergence of all forest related legislation in Central Africa. GTBAC meetings are attended by the CBD / ABS Focal points of the 10 countries and participants from science, civil society groups, NGO's, parliamentarians and donors. The group generally meets 3 to 4 times a year encompassing relevant and emerging issues regarding CBD strategies / implementation / negotiations in Central Africa. ABS is defined by GTBAC as the priority area of work

GTBAC 7 reviewed the terms of reference of a study which aims at identifying the core elements of a regional ABS strategy for Central Africa. The working group furthermore examined the documents of WGABS 7 and defined their position also regarding the pan-African submission to WGABS 7. Finally regional inputs for the ABS and CEPA workshop prepared.

4) Pan-African Workshop on ABS and CEPA (Nairobi) 09.-12.03.2009 Follow up Task Force Meeting on ABS and CEPA (Bonn) 18.-19.6.2009

The workshop in Nairobi was co-hosted with UNEP and brought together a group of 60 participants who included journalists, advertising people, communicators and other ABS multi-stakeholders. The workshop was perceived as very useful for learning about communication tools required to reach different stakeholders on complex issues.

The task force which was created in Nairobi met in June 2009 in Bonn. The meeting resulted in the drawing up of a CEPA for ABS Action Plan. It was noted that the SCBD is currently developing an ABS CEPA toolkit, which will be available in January 2010. Within the framework of the MoU between the SCBD and BMZ on "Biodiversity and Development" the ABS Initiative is working closely with the SCBD on activities relating to CEPA.

The Steering Committee felt that a follow-up meeting would be useful to get into the details of how we communicate with the various actors within the national processes. Timing however will be crucial to avoid that such workshop is held just prior to negotiation meetings and delegates should rather focus to prepare for the negotiations instead to focus on CEPA issues.

5) African Delegates Briefing at WGABS 7 (Paris) 30.-31.3.2009 WGABS 7 (Paris) 2.-8.4.09 including side events on CEPA, Wikiblog, BCPs

It has become regular practice prior to every negotiation of the WGABS that an African delegates briefing and coordination with simultaneous interpretation is organized by the ABS Initiative. With the support of the Initiative a team of resource persons has been established to provide technical support for the African coordination meetings. In the discussion it was highlighted that this is extremely useful for the African negotiators who have full time jobs and need to focus on a number of other issues besides ABS.

While there was an effort to develop an interactive website for the documentation of bioprospecting cases (Wikiblog) there hasn't been enough time and financial resources in 2009 to follow through on it.

6) GTLE Traditional Knowledge (Hyderabad) 16.-19.6.09

Members of the ABS Initiative family represented ILCs and NGOs at the expert meeting on TK and they managed to provide the expert group with inputs that have been developed through Initiative's workshops in Africa.

However, it was highlighted that African focal points are not nominating enough individuals with the necessary expertise for these meetings. In Hyderabad was only one African government nominated expert present who was relatively new and had a limited understanding of the issues. The discussion that followed raised the question of whether the Initiative could consider supporting specific African experts to attend such expert meetings such as this. On the other hand it was noted that country nominated experts are invariably funded by the Secretariat of the CBD and the real problem is a dire need for coordination within the African Group to create a roster of African experts from which national ABS focal points can nominate the relevant expert for such meetings.

7) Pan-African workshop on ABS and Forests (Nairobi), 22.-25.06.2009. SSC on sustainable forest management (Montreal) 06.-08.07.2009 World Forestry Congress (Buenos Aires), 17.-18.10.2009

There are a number of overlaps between management of forests and ABS and the results of ABS and Sustainable Forest Management studies were included in the documentation for WGABS 8.

Increasingly there is a need to develop interlinkages between ABS and other areas, forests being one of them. The ABS Initiative pioneered in discussing these two linked areas of work for the first time conjointly with ABS and UNFF focal points.

In the discussion it was noted that workshops such as this are very important for the Congo basin. The Nairobi workshop provided a space for national ABS experts to interact with national forest experts resulting in increased understanding and coordination between the two sectors. This workshop has resulted in a committee in Cameroon that coordinates between forest and ABS processes. The Nairobi workshop has come up with important recommendations that need to be followed up.

At the level of the SCBD attempts are being made to integrate briefings through the different program officers of the linkages between the different conventions. The CISDL study on ABS and forests will be the first step to further analyse the linkages between ABS and forests.

It was further highlighted to support more coordination meetings between negotiators/focal points dealing with forests, ABS, climate change, WIPO/IGC etc. The Initiative should also look at ways in which it can bring together the different strands of the negotiations web and facilitate coordination in the African context.

8) GTBAC 8 (Douala) 20.-24.7.2009

During this meeting mainly aspects of the future mandate, the objectives and the organisation of the GTBAC were discussed based on a study carried out by IUCN Central Africa. In this context the group expressed their view that ABS should remain a priority for GTBAC in the long run. Also the status of the study on the regional ABS strategy was examined and further recommendations were expressed.

9) Liberia national WS (Monrovia) 7.-11.09.2009

The ABS Initiative supports the development of ABS legislation in Liberia with the support of two African ABS experts (Rachel Wynberg and Peter Munyi). During the national multi-stakeholder workshop a gap analysis regarding ABS regulations in Liberia was presented. Key output was the establishment of an inter-institutional committee to address coordination issues for developing ABS legislation.

The discussion that ensued asked why there was a rush to develop ABS legislation and why not wait until the international regime is developed and why choose a post conflict country. It was answered that the Initiative offers national support upon demand and Liberia requested for it already in 2008. It would however take some time for it to be developed, so it may well happen that the legislation is only

finalized after COP 10. Furthermore, in Liberia as a post-conflict country all legislation is being reviewed and this creates the possibility of legal coordination across the relevant sectors.

While there is no short list of countries that will be supported to develop national legislation, the Initiative will start supporting the national implementation in 2010 through the UNEP/GEF ABS Capacity Building Project for Africa in six countries: Cameroon, Kenya, Madagascar, Mozambique, Senegal and South Africa.

10) ILC preparatory meeting (Kenya) 14.-17.9.2009

The African ILC position on protection of traditional knowledge was developed at this meeting, which was organized in partnership with the Nairobi based Indigenous Information Network (IIN) and brought together representatives from 39 ILC organisations from all African sub-regions. The agreed recommendations were transmitted to the African negotiators at their coordination meeting in Windhoek to support their preparations to negotiate the traditional knowledge component of the international regime at WGABS 8 and were submitted to WGABS8 as an Inf.-doc in English and French.

11) Sub-regional multi-stakeholder WS's 28.9.-2.10.2009 West Africa and Maghreb (Cotonou) and Southern Africa (Addis Ababa)

The Cotonou meeting was the third meeting for this subgroup and it was an excellent meeting with a focus on CEPA. It highlighted a huge information deficit. A group of traditional healers was met who have little or no information on ABS despite having entered into contracts relating to the use of medicinal plants.

In the Addis meeting, the head of the African Regional Intellectual Property Organization was present marking the beginning of increasing coordination between ABS and IP related issues.

The opportunity and challenge at this stage is the development of two streams - one with a group of experienced stakeholders and one with groups, which are at the initial stages of engagement with the ABS process.

12) African ABS and Business Dialogue (Hamanskraal, South Africa) 7.-9.10.2009

The dialogue was co-organised with the Union for Ethical Biotrader, Phytotrader Africa and the International Chamber of Commerce and was undertaken under Chatham House rules. It was the first time that business and African negotiators spoke to each other with such frankness. After the meeting there was a much better rapport between the groups and a clearer understanding of each other's position. Both groups found that there was a considerable amount of unfounded mistrust and common ground on some issues could be reached. Business explained that it is not a uniform block and many businesses see the advantage of an international regime.

13) GTBAC 9 (Douala) 20.-24.10.2009

GTBAC 9 mainly served as a preparatory meeting for the upcoming WG8(j) as well as for WGABS 8. The current (African) positions on different elements of the international ABS regime (capacity building, compliance, traditional knowledge) were presented and discussed in order to define a Central African negotiation position. As a second topic GTBAC worked initially on a common Central African input to the new Strategic Plan of the CBD to be adopted in at COP 10 in Nagoya.

14) African regional consultation for WGABS-8 (Windhoek) 12.-14.10.2009 African delegates briefing at WGABS-8 (Montreal), 6.-7.11.2009 WGABS-8 (Montreal) 9.-15.11.2009, incl. 2 side events

The Initiative organized a few side events and partners of the Initiative such as Natural Justice are also increasingly organizing side events presenting their work that has been supported by the Initiative.

15) Meeting of African WIPO/IGC and ABS negotiators (Nairobi, Kenya) 1.-2.12

This meeting was organized by the International Development Law Organization (IDLO) in partnership with Natural Justice and the ABS Initiative to discuss among a few key negotiators in each of the processes coordination needs in light of the recently renewed mandate of the WIPO/IGC. The ABS Initiative and IDLO were requested to further support and facilitate such coordination between the two groups.

16) ASEAN Regional CEPA Workshop and UNU ABS, Business and Science Conference (Jakarta) 30.12.-3.12.2009

The CEPA Capacity Building Workshop for CBD Focal Points as well as media representatives of the ASEAN member states (organized by SCBD) was held back to back with the ABS, Business and Science Conference (organized by the United Nations University) was held back to back.

At the first meeting, based on the experiences in developing communication strategies in Africa the ABS Initiative together with SCBD elaborated a highly appreciated presentation / working session on ABS and CEPA. At the ABS Business and Science Conference, which analysed the status of the current ABS negotiations (focus Montreal Annex) with a special focus on the resulting implementation challenges, the Initiative was represented by its Co-manager and Pierre du Plessis (Namibia).

17) Steering Committee ABS Initiative (Cairo) 05.12.2009

Pan-African multi stakeholder workshop (Cairo) 6.-10.12.2009

Inception Meeting UNEP-GEF ABS Capacity Building Project for Africa (Cairo) 11.12.2009

Workplan and budget 2010 by Andreas Drews

Key points that emerged in the discussion that followed:

- It is crucial to include a component on genetic resources (GR) in the workshop on TK and IPRs that is scheduled for June 2010 especially since the mandate of the WIPO/IGC also includes GR. The aim should be to make this an expert level meeting.
- There is a need to increasingly establish and discuss the connections between conventions and processes such as REDD, CGRFA, WIPO IGC, UNFF etc. More linkages between ABS and climate change need to be made. It was mentioned that FNI is currently developing a negotiations web of the different negotiation processes and how they link to each other.
- The African Group needs long-term negotiation skills training - but this needs more planning in terms of strategy and timing of such skills training
- There is a need for greater clarity on how much funding goes to the studies being commissioned, so that this can be visualized in the budget. It was noted that some of the studies are being done under the CEPA component.
- Concerns about whether the San-Hoodia-Trust fund should continue to be funded considering that there is such little work done on it after Unilever pulled out. It was noted however that this title is more a 'placeholder' in the budget line and effectively this money is used for Natural Justice's activities of capacity development of ILCs in Africa
- Focus and objectives of the sub-regional workshops need to be clarified, especially considering the availability for and roles of ABS focal points in these workshops. The Initiative has now managed to develop capacity of a set of African stakeholders to the point that it is important to begin to break up capacity development workshops into split sessions for the different expertise levels and where the more advanced ones are able to engage with issues that they need to deal with at the level of the international negotiations and national implementations and where the beginners have a chance to focus on learning. For the West African and Maghreb Region Samuel Djemé, NFP from Senegal, kindly offered to co-operate with the Secretariat of the Initiative how and whom to invite for future workshops in this sub-region.

- In order to leverage the political awareness and backing for the CBD / ABS focal points to attend future meetings and workshops of the Initiative the steering committee recommended to copy the respective ministers in charge to the invitations that will be sent out to the NFPs.

AOB

1) Human resources requirements for the Initiative

There is a dire need for the Initiative to expand the human resource base considering the increasing work undertaken: The Initiative requires

- one more logistics coordinator to ensure smooth organization and logistics of the many workshop and events it is organizing
- two more professional staff to cover the new topics and take over conceptual responsibility for the relevant workshops and trainings

The Initiative therefore needs the consent of the Steering Committee to hire this additional staff. The costs of this are included in the budget. The Steering Committee agreed to this request by the Initiative. The attached budget is revised accordingly.

In this context the members of the Steering Committee expressed their trust in the Secretariat of the Initiative and requested the Co-Managers Dr. Andreas Drews and Suhel al-Janabi to continue with their successful work in implementing the ABS Capacity Development Initiative.

Norway and Denmark specifically noted that their funding commitments are not earmarked for specific activities, and that the Co-Managers of the Initiative should decide on how to use the funds to ensure efficient capacity development for ABS. The BMZ informed the Steering Committee that it will look into whether BMZ can provide additional funding to increase the Initiative's staff.

2) Per diem payments

A decision was taken to increase the per diems for the participants of the capacity development workshops and trainings:

- If the Initiative covers half or full board accommodation, funded participants are entitled to receive a lump sum for incidental costs equivalent to the country specific half board rate of the GTZ travel regulations additionally to the due per diem payments and reimbursement of other travel costs according to the GTZ travel regulations.

22.12.2009 Andreas Drews and Suhel al-Janabi
 Co-Managers of the ABS Capacity Development Initiative