

## Programme Document 2012 - 2015

*A multi-donor initiative spanning nature conservation, poverty alleviation and governance*

### 1. Context and Summary

The overall goal of the ABS Initiative is to contribute – based on business partnerships between South and North at a “level playing field” – to poverty reduction, food security, technology transfer, social development including equity and rights, and biodiversity conservation through implementing the Nagoya Protocol (NP) on ABS and the third objective of the Convention on Biological Diversity (CBD) in its entirety:

*“The fair and equitable sharing of benefits arising from the utilisation of genetic/biological resources and of traditional knowledge associated with genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies taking into account all rights over those resources and to technologies, and by appropriate funding“*

In this context public and private ABS frameworks are regarded as possible building blocks for emerging low carbon development strategies as well as practical TEEB<sup>1</sup> examples where lessons may be drawn from for designing green economy concepts. Furthermore, ABS will contribute directly and indirectly to the achievement of the Millennium Development Goals (MDGs), specifically to MDGs 1, 3, 7 and 8.

**Target Groups:** All stakeholders involved in processes related to access to genetic resources from *Africa / the ACP countries*<sup>2</sup> and to the fair and equitable sharing of benefits arising from their utilisation. This includes (sub-)regional organisations responsible for policy coordination, economic cooperation research collaboration as well as relevant users of genetic resources in the academia and private sector.

**Beneficiaries:** Custodians of genetic resources and associated traditional knowledge, including indigenous and local communities, and national entrepreneurs as *final beneficiaries* as well as national competent authorities for ABS, public institutions in charge of natural resource management, public and private research institutions as *implementing beneficiaries* – in Africa / ACP countries.

**Objective:** Supporting partner countries in Africa and the ACP regions in timely ratification and participatory national translation of the Nagoya Protocol including creating ABS value chains in cooperation with the private sector – while expanding a partnership of supporters and developing appropriate ABS implementation concepts that are nationally and internationally co-ordinated (specific objectives see page 3).

**Main activities:** Design and organisation of a platform to initiate and facilitate the exchange among and between stakeholders on relevant ABS issues across the regions; thematic and/or stakeholder-focused training courses based on needs assessments; catalysing knowledge management by peer-to-peer knowledge transfer; development and systematisation of ABS best practices with the private sector; elaborating synergetic implementation approaches with other key processes related to land tenure and resource ownership (e.g. forest governance, protected area management); development of tools such as model contract clauses, codes of conduct, guidelines, standards and practices and outreach material for developing, implementing and communicating ABS policies and related matters as defined and agreed upon by the Steering Committee(s) of the ABS Initiative in its annual work plan and budget of the ABS Initiative.

<sup>1</sup> The Economics of Ecosystems and Biodiversity – see also *TEEB for Business report (chapter 5)*, which recognizes “ABS as an enabling framework to scale up biodiversity and ecosystem services as viable business opportunities”.

<sup>2</sup> Activities of the ABS Capacity Development Initiative may be conducted in and for the benefit of *all African countries* and members of the *African, Caribbean and Pacific (ACP) Group of States*. The ACP Group of States (currently 79 countries: 48 in Africa, 16 in the Caribbean and 15 in the Pacific regions) was created by the Georgetown Agreement in 1975 and is governed since 2000 by the Cotonou Agreement.

## 2. Background and Relevance

The topic of “access to genetic resources and benefit-sharing” was brought to the global negotiating table in 1992 during the Earth Summit in Rio. This is where the Convention on Biological Diversity (CBD) was opened for signature. The CBDs three objectives are:

- the conservation of biological diversity,
- its sustainable use, and
- the fair & equitable sharing of the benefits arising from the utilization of genetic resources (ABS) [...]

The third objective was very much pleaded by developing countries, where approximately 80% of the global genetic resources are found. Their wish is to establish a mechanism for marketing “their” genetic resources profitably in future – and to create through **ABS an economic incentive for the conservation and sustainable use** of local biodiversity. Hence, an operational link between the three CBD goals was established.

So far the potential for ABS mechanisms to contribute to **poverty alleviation** has rarely been utilised. The **Bonn Guidelines** – the CBD guidance from 2002 until 2010 for implementing ABS – have voluntary character. After intensive negotiations the **Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from the Utilization to the Convention on Biological Diversity (CBD)** was adopted in Japan, in October 2010, during the 10<sup>th</sup> COP of the CBD. This was a key achievement, as it represents an internationally agreed legally binding instrument creating – when ratified – obligations concerning the rules governing access to genetic resources (GR) and traditional knowledge associated with genetic resources (aTK) and the fair and equitable sharing of benefits arising from their utilization. The Protocol is seen as a clear contribution to development and poverty alleviation by creating incentives for conservation and sustainable use of biological diversity.

Specifically, it enhances legal certainty and transparency for users and providers, by:

- Creating more predictable conditions for accessing GR and aTK,
- Promoting adequate benefit-sharing where GR and aTK leave the territory of the provider country;
- Promoting measures to monitor compliance with mutually agreed terms.

Based on the provisions of the Nagoya Protocol, each country that has ratified the Protocol has to develop and adopt legislative, administrative and policy measures that suit its particular situation and govern access to GR and aTK under its authority.

Functioning ABS policies and regulatory frameworks at the national level are essential if ABS mechanisms are to have a positive impact on sustainable development, poverty alleviation and biodiversity conservation. Such legislations/regulations have to consider and should be linked to provisions on land and property rights, access to resources, national market mechanisms, profit sharing, technology transfer, capacity building as well as to the recognition of traditional knowledge (TK) and intellectual property (IP)<sup>3</sup>. Thus governments need to establish a **broad participatory process** to raise awareness and to ensure a balanced policy development and support of all stakeholders including the civil society the private sector. Such developments need to be linked with regional and international policy development and implementation activities.

**Enabling environments** for the fair and sustainable valorisation of genetic resources are a prerequisite to generate financial resources from the private sector for biodiversity conservation and poverty alleviation and need to be based on

- ABS policies and adequate regulatory frameworks providing legal certainty on the user side, and

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<sup>3</sup> Crucial aspects of TK and IP with regard to ABS implementation are currently negotiated under World Intellectual Property Organisation (WIPO) and the World Trade Organisation (WTO).

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- technology and know-how transfer in order to facilitate the development and improvement of research capacities on the provider side for value addition to genetic resources.

In order to allow transferring parts of the product development and valorisation processes to the provider countries of genetic resources it is a prerequisite to involve and to support research institutions and the private sector in Africa / ACP countries. Only then ABS may unfold its potential as a **TEEB instrument** and contribute to the development of **green economies** in provider countries.

One of the major challenges when setting up national ABS policies and regulatory frameworks is the potential conflict of interest between the sovereign rights of states over their biological and genetic resources and the interdependence of countries being member of international agreements. Particularly, if **food security** aspects are taken into account a **harmonized implementation** of the **Nagoya Protocol** and the **International Treaty for Plant Genetic Resources for Food and Agriculture (ITPGRFA)** of the FAO is indispensable. Only this will enable farmers and plant breeders to further exchange and develop seeds, crops and varieties – particularly those outside the “multilateral system” – to adapt to ever-changing conditions and to overcome constraints caused by pests, diseases and abiotic stresses caused by climate change.

Building on these insights already in 2005 African countries, like-minded donors and development agencies decided to establish the **ABS Capacity Development Initiative (the Initiative)** to build human and institutional capacity in developing countries to deal with the complex ABS issues.

Through capacity development measures, studies and communication activities the Initiative received broad international recognition for its broad conceptual capacity development approach and for its significant impacts on the preparedness of the African Group in the international ABS negotiations. Thus on one hand the *ABS Initiative* was particularly acknowledged by the parties to the CBD in Nagoya (COP 10 Decision X/6) as *initiative linking biodiversity, development and poverty eradication*, on the other hand – already during the negotiation phase of the protocol – African countries repeatedly requested to intensify the support provided by the Initiative to further prepare Africa for the implementation of it. Also in the Pacific and the Caribbean at initial ABS information meetings national CBD/ ABS focal points as well as regional organisations welcomed and requested capacity development support by the ABS initiative.

In light of the **aid effectiveness** agenda led by OECD DAC and in particular led by the five partnership principles of the **Busan Partnership for Effective Development Co-operation** embracing traditional donors, South-South co-operators, the BRICS, civil society organizations and private funders the ABS Capacity Development Initiative improves **donor coordination** on ABS capacity building. GIZ is not only commissioned by the donors represented in the steering committee(s) to implement the ABS Capacity Development Initiative - but also acts as Lead Executing Agency for the UNEP/GEF funded capacity building project in six African countries (Cameroon, Kenya, Madagascar, Mozambique, Senegal, and South Africa).

### 3. Objectives, processes and outcomes

With the adoption of the Nagoya Protocol the ABS Initiative is in a process of shifting from supporting the African Group in the negotiation process of the Nagoya Protocol on ABS towards supporting the **implementation of the Nagoya Protocol** in Africa and the Caribbean and Pacific countries. This shift from negotiations towards implementation requires re-focussing the efforts of capacity building and development not only of the ABS Initiative but also of other actors such as the SCBD, UNEP, the ITPGRFA and the GEF – desirably in a co-ordinated manner.

Within the ABS Initiative the implementation of the 3<sup>rd</sup> objective of the CBD and the Nagoya Protocol will be supported by interventions in order to attain following **objectives**:

- (1) ACP countries have **ratified the Nagoya Protocol** and benefit after its entry into force from its compliance mechanisms at the international as well as national levels

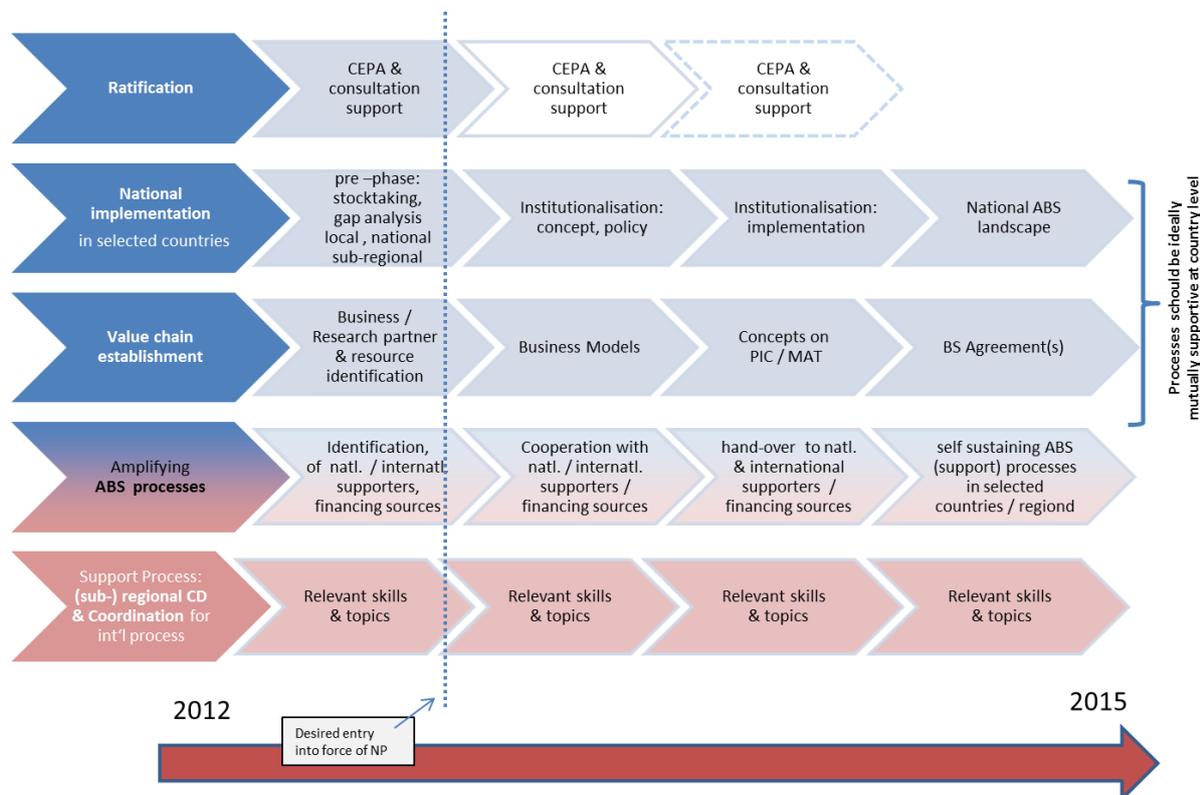
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- (2) Enabling, transparent and accountable **national ABS policies and regulatory frameworks** are developed and implemented which allow stakeholders of Africa and ACP countries to enter into equitable ABS partnerships with the research community and the private sector.
- (3) Valuation of genetic resources in provider countries is improved and **functioning ABS agreements** contribute to biodiversity conservation and livelihoods of rural populations.
- (4) National, bilateral and international **partners are supporting ABS implementation** at national and (sub-)regional level.
- (5) Approaches for implementing the Nagoya Protocol are **regionally coordinated and harmonized** with other processes and fora relevant to ABS<sup>4</sup> in order to increase transboundary cooperation and to address legal gaps.

Reaching the “core objectives” – (1), (2) and (3) – addressing ABS implementation with capacity development activities focussing at country and/or value chain level will be ensured by accomplishing the “support objectives” – (4) and (5) – addressing up-scaling, harmonization and coordination at the supra-national level<sup>5</sup>. Criteria for deciding on capacity development support for particular countries or value chains have been established (see Annex 3).

For attaining the objectives by the indicated process hierarchy the following **outcomes** need to be achieved through the support of the ABS Initiative<sup>6</sup>:

Figure 1 - Objectives and core processes for ABS capacity development 2012 to 2015



<sup>4</sup> CBD/NBSAPs, CGRFA, ITPGRFA, WIPO-IGC, WIPO-SCP, TEEB, REDD+; UNFF, protected area management, forest governance, business modelling, co-management etc.

<sup>5</sup> According to Capacity WORKS **core processes** are the essential inputs of a project to the development goal, are unique in nature and deliver a direct contribution toward achieving the project objectives. **Support processes** facilitate and enable the other processes to operate. Capacity WORKS is GIZ’s management model for sustainable development. It helps provide answers to the following questions: How do we make an effective contribution toward capacity development, and how do we help structure the management and steering of projects and programmes so that the results of capacity development are as effective and sustainable as possible?

<sup>6</sup> Numbering relates to the numbered objectives above.

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- (1.1) Partner countries of the Initiative have acquired the analytical and communication skills as well as the essential information necessary for the timely ratification of the Nagoya protocol (in close cooperation with SCBD).
- (2.1) Partner countries have created and improved the necessary political, legal and institutional environments through national and regional dialogue processes involving relevant stakeholders for the valorisation of genetic and biological resources (government, private sector, research, ILCs, etc.).
- (2.2) Stakeholder views are reflected in ABS related national strategies and/or policy documents.
- (3.1) Pilots and models for ABS partnerships between 'providers' and 'users' for specific value chains have been developed and disseminated.
- (3.2) Bio-cultural Protocols (BCPs) or equivalent community level procedures function as pilot interfaces between ILCs and bioprospectors acknowledging local level rights.
- (4.1) Government and non-government organizations including funding agencies have integrated ABS implementation in relevant sectors of their work programmes such as environment, agriculture, trade, governance, etc.
- (5.1) Concepts regarding the implementation of the NP are developed, experiences, lessons learned and best practices are exchanged.
- (5.2) Interfaces to ABS relevant processes are established at international and national level.
- (5.3) African countries follow a co-ordinated approach in implementing and further developing the international regime on ABS.

For achieving objectives and outcomes particular attention will be paid to the involvement of the relevant stakeholders with their varying prior understanding and interests. These processes require stakeholders – and in particular local and indigenous communities – to develop new capabilities and cooperation structures. In addition to capacity development of the relevant stakeholders the ABS Initiative will further pursue the existing approach of developing a critical mass of local or regional experts who can support the processes locally.

#### 4. Approaches and instruments

A **Project Progress Review** evaluated in Mai 2011 the previous implementation phase of the Initiative and highlighted that the outstanding strength of the ABS Capacity Development Initiative lies within its capabilities to

- mobilize technical expertise on ABS issues for the participating countries,
- facilitate and catalyse knowledge management, and
- act as an active broker between users and providers of genetic resources.

The following **principles of implementation** of the Initiative arise from the lessons learned during the previous phase and apply to the manner in which the outputs of the new phase are being delivered:

- Extensive flexibility.
- Continued cooperation with research institutes (think tanks) and other important stakeholders in developing and industrialised countries.
- Make even greater use of networks and work with partners outside politics to develop the national enabling environment together.
- Greater cooperation with bilateral and regional projects, including those of German and other countries' development cooperation and technical cooperation.
- Close cooperation with financial institutions and development of standard opportunities for support through these organisations, such as the GEF.
- Processing capacity development experiences for use by other stakeholders, potentially also in other processes.

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Figure 2: The elevator approach with related instruments of ABS Capacity building as guiding framework for conducting core and support processes-

Level of intervention	Preparation of national ABS authority	Other stakeholders	Main instruments
UN level	International negotiations	ABS authorities of other countries	<ul style="list-style-type: none"> <li>③ Stakeholder inputs on ABS to relevant meetings</li> <li>⑥ Technical papers and studies</li> <li>⑦ CEPA for ABS</li> </ul>
(Sub-) Regional level	Harmonization of regulatory frameworks	ABS authorities of other countries	<ul style="list-style-type: none"> <li>① Multistakeholder workshops</li> <li>⑤ Information exchange / CHM</li> <li>② Issue based trainings</li> <li>⑥ Technical papers and studies</li> <li>④ Best practices with research / private sector</li> <li>⑦ CEPA for ABS</li> <li>⑨ Targeted consultations</li> </ul>
	Regional cooperation	Research Private sector Communities	
National level	Laws and regulations	Research Private sector Communities	<ul style="list-style-type: none"> <li>⑨ Targeted consultations</li> <li>① Multistakeholder workshops</li> <li>③ Peer-to-peer knowledge exchange</li> <li>④ Best practices with research / private sector</li> <li>⑦ CEPA for ABS</li> </ul>
Local level	Implementing and monitoring	Communities Research Private sector	<ul style="list-style-type: none"> <li>④ Best practices with research / private sector</li> <li>⑨ Targeted consultations</li> <li>③ Peer-to-peer knowledge exchange</li> <li>⑦ CEPA for ABS</li> </ul>

- ① **Multi-stakeholder workshops** to discuss emerging ABS issues using a participatory approach to define priorities for capacity development
- ② **Thematic and/or stakeholder-focused training** courses to provide regionally tailored trainings on negotiation skills, legal issues, outreach, monitoring and project planning
- ③ **Peer-to-peer knowledge transfer** at national and local levels between partner countries as well as on a global level (e.g. through South-South-exchange), e.g. amongst administrators, private-sector representatives or decision-makers at the governmental level
- ④ **ABS best practices with the private sector**, including lessons learned in order to identify additional participants and potential investors with a view to initiate fair and equitable ABS business projects
- ⑤ **Information exchange and knowledge management** within the different stakeholder groups at the national level and on a regional / global level to e.g. develop a database on bioprospecting issues (incl. political and legal aspects)
- ⑥ **Technical papers and studies** to stimulate substantive discussion and give support to the decision making process.
- ⑦ **Communication, Education and Public Awareness (CEPA)** for ABS with a view to developing strategies, tools and outreach materials for communicating ABS to different target groups.
- ⑧ Active participation of and/or substantial **inputs** by partner country representatives to important **ABS meetings at UN level** - providing methodological guidance and thematic input to the international negotiation process through preparatory meetings and delegate's briefings.
- ⑨ **Technical consultations** with relevant stakeholders and gate keepers in **ABS relevant decision making** processes at national and (sub-)regional levels.

Guided by the **elevator principle** the ABS Capacity Development Initiative successfully targets its objectives by linking the local level with UN negotiations using regional and sub-regional activities as kick-off platforms. Until 2008 the Initiative established **in Africa three sub-regional platforms** taking into account different levels of ABS implementation, language barriers and legal systems: (1) Eastern and Southern Africa, (2) Central Africa, and (3) West Africa, Maghreb and Indian Ocean Islands. The Central African part of the Initiative so far draws on the financial contributions of the BMZ to the

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COMIFAC (Central African Forest Commission) convergence plan for biodiversity relevant policy and legislation for the 10 COMIFAC countries.

Based on the EU funding contribution to the ABS Initiative and building on the experiences from Africa two further processes have been initiated for the **Caribbean and the Pacific countries** in 2011 and will be further developed during the new phase of the ABS Initiative. Collaboration with the other implementing partners of the **BIOPAMA**<sup>7</sup> project – the International Union for Conservation of Nature (IUCN) and the Joint Research Centre of the European Commission (JRC) – will provide opportunities to further study the linkages between ABS and protected areas management, specifically regarding the potential contribution of ABS to PA funding and commonalities with respect to local governance challenges (e.g. benefit-sharing mechanisms, co-management / PIC). With the regional expansion of the ABS Initiative considerable potential is at hand for substantial **South-South exchange** on ABS implementation.

It is obvious that the ABS Initiative will only be able to support a limited number of countries and/or cases due to limited financial and human resources. The ABS Initiative therefore focuses its efforts to support the development of an enabling environment for the implementation of ABS partnerships with the private sector in “**pilot projects**” which can serve as best practices for others who are engaging in ABS capacity development. The ABS Initiative, i.e. the Secretariat of the Initiative including its partners and extended team of experts, therefore is **acting as “catalyst” and “amplifier”** to generate and upscale best practices for ABS implementation. Embedded in this partnership the ABS Initiative covers to a large extent also the function of an ABS related “**think tank**” and “**policy development supporter**”, however, also assumes other functions, such as “**broker/networker**” i.e. to create necessary cross-institutional momentum for particular activities (further explanations on functions of the ABS initiative see Annex 2).

The **Secretariat of the CBD** (SCBD) will continue its support through active participation and providing expertise, based on a formal *Memorandum of Understanding* with the BMZ since 2007. The **United Nations Environment Programme** (UNEP) offered to host from 2009 onwards a number of workshops and provide technical and outreach support to the Initiative. The **Fridtjof-Nansen-Institute** (FNI) and the **Centre for International Sustainable Development Law** (CISDL) provide their legal and analytical expertise for preparing national and regional background studies and conceptual papers. The South Africa based international NGO **Natural Justice** is key in testing and further developing the concept of “biocultural community protocols” as a link between customary and formal governance and legal systems. The **Union for Ethical BioTrade** (UEBT) and **PhytoTrade Africa**, a trade association of the natural products industry in Southern Africa, are important partners when engaging with the private sector and developing ABS relevant instruments and business models especially in the cosmetics and food ingredients sectors.

To which extent regional and sub-regional organisations will have to take active roles in ABS implementation has still to be seen and may vary between regions. The ABS Initiative will support – based on an *Memorandum of Cooperation / Letter of Intent* (under development) - the **African Union Commission** (AUC) to take in line with its mandate the lead in facilitating the coordination of the African Group in the international ABS process and contribute to a continent-wide harmonised implementation of the Nagoya Protocol. Sub-regional organisations can take more or less important roles for harmonized implementation as e.g. the adoption of a regional ABS strategy as basis for national implementation for the **COMIFAC** in February 2011 and the mere call for national implementation in the current Regional Biodiversity Strategy of the **SADC** highlight.

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<sup>7</sup> The EU funding contribution to the ABS Initiative is part of the Biodiversity and Protected Areas Management Project (BIOPAMA) project.

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In the Caribbean and the Pacific regional organisations will be key partners for the ABS Initiative in delivering capacity development. Roles and responsibilities of the various organisations in implementing the Nagoya Protocol still need to be clarified and discussed:

- In the Pacific a key role is with the **Secretariat of the Pacific Regional Environment Programme** (SPREP). However, the regional agricultural gene bank is hosted by the **Secretariat of the Pacific Commission** (SPC), and the **Pacific Island Forum** (PIF) is in charge for providing political guidance on traditional knowledge.
- In the Caribbean the **Secretariat of the Caribbean Community** (CARICOM) has been requested by the regional Ministers of Environment Council to further explore the necessity of a standing CARICOM engagement with regard to (further) developing a regional Biotech / ABS strategy and to support countries in national implementation.

In both regions the regional universities – **University of the West Indies** and **University of the South Pacific** – are actively involved in large bioprospecting programmes of especially marine genetic resources.

### 5. Governance of the ABS Initiative

The ABS Initiative is hosted by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the Secretariat of the ABS Initiative, which is commissioned by BMZ to the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

Donors – currently Germany, the "*Organisation internationale de la Francophonie*", Denmark, Norway and the EU – and appointed stakeholder representatives are members of three regional Steering Committees (one for Africa, the Caribbean and the Pacific each) which provide strategic guidance to the Secretariat and approval of yearly work plans and budgets. Relevant partner organizations which support attaining the outcomes and objectives of the ABS Initiative are invited as observers to the respective steering committees.

Regionally overarching matters, such as new memberships to the ABS Initiative or further development of the Programme Document, will be decided by the Joint Steering Committee comprised by all members of the regional Steering Committees.

A General Meeting of the Joint Steering Committee and invited observers will meet at least biannually back-to-back with the CBD Conference of the Parties to ensure South-South exchange about ABS implementation under the ABS Capacity Development Initiative and to provide recommendations to the regional Steering Committees based on lessons learned and best practices developed.

Further details on the governance structure and decision making are provided in the document "Governance of the ABS Capacity Development Initiative" currently under development and once approved in its latest approved version by the Joint Steering Committee.

### 6. Budget

Annex 4 outlines budget requirements for the period 2012 to 2015 which should be available to the ABS Initiative for attaining the objectives as outlined in this Programme Document. If less funding is available priorities must be discussed in and decided by the regional steering committees.

Yearly budgets for the coming years will be developed by the Secretariat based on the available funding and presented to the respective Regional Steering Committee of the ABS Initiative in due time for approval.

### 7. Important risks and assumptions

The importance of biodiversity and the three objectives of the CBD is in many potential partner countries low as compared to other topics. Furthermore, ministries in charge of implementing the CBD are often

less powerful than ministries in charge for trade, agriculture, forestry and fisheries. This can negatively influence the priority of developing and implementing regulatory ABS frameworks as well as creating new or adapting existing institutional arrangements at the national level.

The successful implementation of regulatory frameworks for ABS and the willingness to create enabling environments for ABS partnerships with the private sector and the international research community depends to a large extent on the entering into force of the Nagoya Protocol as well as the design of the national and international compliance mechanisms foreseen in the Nagoya Protocol.

Both risks are considered as medium and can be addressed in the first case by selecting appropriate countries - i.e. countries where commitment and interest to engage on ABS comes also from other stakeholder than the CBD implementing ministry - as pilot countries for support by the ABS Initiative. In the second case possibilities to influence the ratification process are rather small. Targeted consultation with selected stakeholders and gatekeeper may be able to influence decision making positively at national level.

Annex 1 – Monitoring Framework

<b>Overall Goal</b>			
Contribute – based on level playing field (business) partnerships between South and North – to poverty reduction, food security, technology transfer, social development including equity and rights, and biodiversity conservation through implementing the Nagoya Protocol (NP) on ABS and the third objective of the Convention on Biological Diversity (CBD) in its entirety.			
<b>Objectives</b>	<b>Outcomes</b>	<b>Indicators and Means of Verification (MoV)</b>	<b>Instruments</b>
1. ACP countries have ratified the Nagoya Protocol and benefit after its entry into force from its compliance mechanisms at the international as well as national levels	1.1 Partner countries of the Initiative have acquired the analytical and communication skills as well as the essential information necessary for the timely ratification of the Nagoya protocol (in close cooperation with SCBD)	At least 8 African and 2 CP countries are using the CEPA material including the CEPA toolkit developed by the ABS Initiative. <i>MoV: Reports of meetings; Interviews</i>	1, 2, 3, 6, 7, 9
		At least 20 African and 6 CP countries have initiated ratification related consultation processes until 12/2013. <i>MoV: Number of ratifications</i>	
2. Enabling, transparent and accountable national ABS policies and regulatory frameworks are developed and implemented which allow stakeholders of Africa and ACP countries to enter into equitable ABS partnerships with the research community and the private sector.	2.1 Partner countries have created and improved the necessary political, legal and institutional environments through national and regional dialogue processes involving relevant stakeholders for the valorisation of genetic and biological resources (government, private sector, research, ILCs, etc.).	At least 20 African and 6 CP countries have ABS related draft policies formulated. <i>MoV: Published policy</i>	1, 2, 3, 5, 6, 7, 9
		At least 15 African and 4 CP countries have ABS regulations enacted. <i>MoV: Gazetted ABS regulations</i>	
		At least 8 African and 2 CP countries are implementing ABS regulations. <i>MoV: Commercial and non-commercial bioprospecting agreements under negotiation and/or signed</i>	
	At least 5 African and 2 CP (sub-)regional organizations or networks have developed ABS related strategies / policies recommendations. <i>MoV: Policy documents</i>		
2.2 Stakeholder views are reflected in ABS related national strategies and/or policy documents.	2.2 Stakeholder views are reflected in ABS related national strategies and/or policy documents.	BCPs or equivalent community level procedures are recognized in ABS regulatory frameworks in at least 5 African / 2 CP countries. <i>MoV: Regulatory frameworks</i>	1, 2, 3, 6, 7, 9
		Interests of national research organisations, academia and the private sector are reflected in ABS regulatory frameworks in at least 5 African and 2 CP countries. <i>MoV: Interviews with stakeholder representatives (e.g. ILC, private sector, academia, negotiators, legislators)</i>	
3. Valuation of genetic resources in provider countries is improved and functioning ABS agreements contribute to biodiversity conservation and livelihoods of rural populations.	3.1 Pilots and models for ABS partnerships between 'providers' and 'users' for specific value chains have been developed and disseminated.	ABS agreements are in place in at least in 5 African and 2 CP countries. <i>MoV: Commercial and non-commercial bioprospecting agreements</i>	2, 3, 4, 9
	3.2 BCPs or equivalent community level procedures function as pilot interfaces between ILCs and bio prospectors acknowledging local level rights.	ABS relevant BCPs or equivalent community level procedures are in place in at least 5 African and 2 CP countries. <i>MoV: Signed BCP Documents</i>	

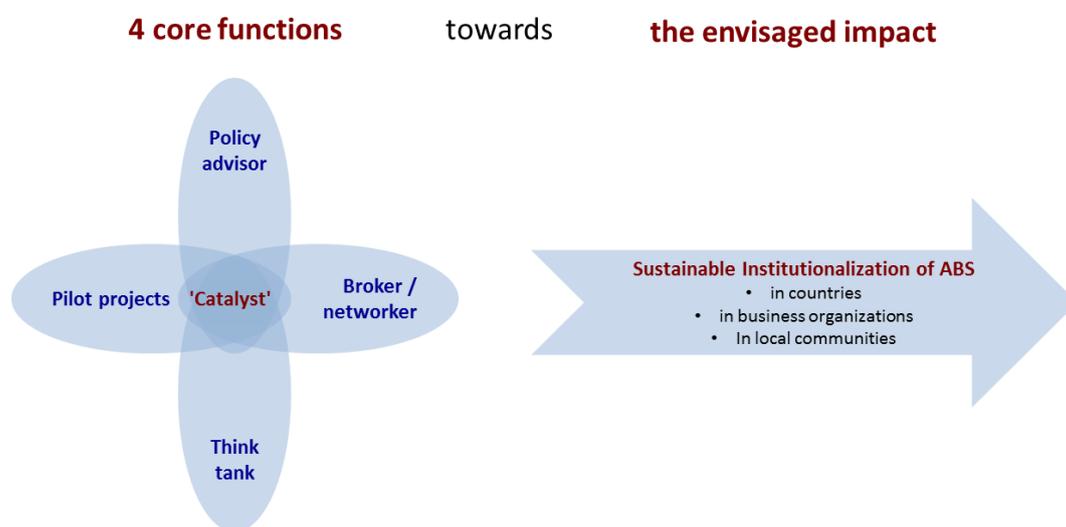
Objectives	Outcomes	Indicators and Means of Verification (MoV)	Instruments
4. National, bilateral and international partners are supporting ABS implementation at national and (sub-) regional level.	4.1 Government and non-government organizations including funding agencies have integrated ABS implementation in relevant sectors of their work programmes such as environment, agriculture, trade, governance, etc.	X institutions / organisations recognize ABS as an opportunity for (supporting) sustainable development. <i>MoV: Statements, integration in policy documents and concept notes, websites, etc</i>	5, 7, 9
		x institutions / organisations conduct support activities for ABS implementation <i>MoV: Reports</i>	
		x institutions / organisations are cooperating with the ABS initiative <i>MoV: Written agreements for cooperation, co-funding and/or parallel funding</i>	
5. Approaches for implementing the Nagoya Protocol are regionally coordinated and harmonized with other processes and fora relevant to ABS <sup>8</sup> in order to increase transboundary cooperation and to address legal gaps.	5.1 Concepts regarding the implementation of the NP are developed, experiences, lessons learned and best practices are exchanged.	Policy briefs on at least 5 ABS relevant topics. <i>MoV: Policy briefs published and disseminated</i>	1, 2, 3, 5, 6
		At least 3 ABS relevant analyses and background studies. <i>MoV: Analyses published and disseminated</i>	
		Stakeholders are capacitated on ABS relevant topics. <i>MoV: Workshop evaluations</i>	
	5.2 Interfaces to ABS relevant processes are established at international and national level	Joint training programmes are established with at least 2 ABS relevant international organisations. <i>MoV: Training reports</i>	2, 3, 5, 6
		Coordination meetings are taking place between negotiators of relevant fora. <i>MoV: Meeting reports</i>	
		Approaches for the design and implementation of regulatory frameworks among relevant sectors at national level are developed. <i>MoV: Studies, policy papers, meeting reports</i>	
5.3 African countries follow a co-ordinated approach in implementing and further developing the international regime on ABS.	Guidelines for a regionally harmonized approach approved by relevant regional bodies. <i>MoV: Meeting reports</i>	3, 5, 6, 8	
	Strategies for coordinated implementation of the NP are developed by relevant national institutions/organisations. <i>MoV: Strategy documents</i>		
	Joint positions are developed and articulated in relevant fora. <i>MoV: Submissions and interventions by the African Group</i>		

<sup>8</sup> See footnote 4

# The ABS Capacity Development Initiative

## Annex 2 – Catalyst functions of the ABS Capacity Development Initiative

**The 4+1 function bundle:** unique selling proposition and “sparking” capacity development niche of the ABS Initiative – as discussed at the ABS Initiative’s extra-ordinary Steering Committee Meeting in Wendake, Canada (June 2012)



Functions	Examples
<p><b>Policy Advisor / Policy Development Support</b><sup>9</sup> Provides technical advisory services to representatives of public and private partners, stakeholders and donors, and supports coordination of decision-making processes.</p>	<ul style="list-style-type: none"> <li>• Legal frameworks and IP</li> <li>• Establishment of CNAs</li> <li>• Transboundary policy coherence</li> <li>• National, regional and international policy dialogue</li> </ul>
<p><b>Broker/ Networker</b> Supports stakeholders in identifying cooperation partners, and helps to create networks for joint learning and exchange of experiences.</p>	<ul style="list-style-type: none"> <li>• Cooperation management of business, communities and government organizations</li> <li>• Cross-sectoral and cross-regional dialogue</li> </ul>
<p><b>Think Tank / Concept Developer</b><sup>10</sup> Initiates and provides conceptual inputs on key ABS issues, and develops methodological approaches and tools to support implementation.</p>	<ul style="list-style-type: none"> <li>• PIC and MAT</li> <li>• biocultural community protocols (BCP)</li> <li>• CEPA</li> </ul>
<p><b>Pilot Projects / scaling up</b><sup>11</sup> Cooperates with stakeholders and partners to develop and implement pilot projects, and supports processing of experiences for shared learning and knowledge management.</p>	<ul style="list-style-type: none"> <li>• National ABS system(s)</li> <li>• Local ABS agreement(s)</li> <li>• Trust fund(s)</li> </ul>

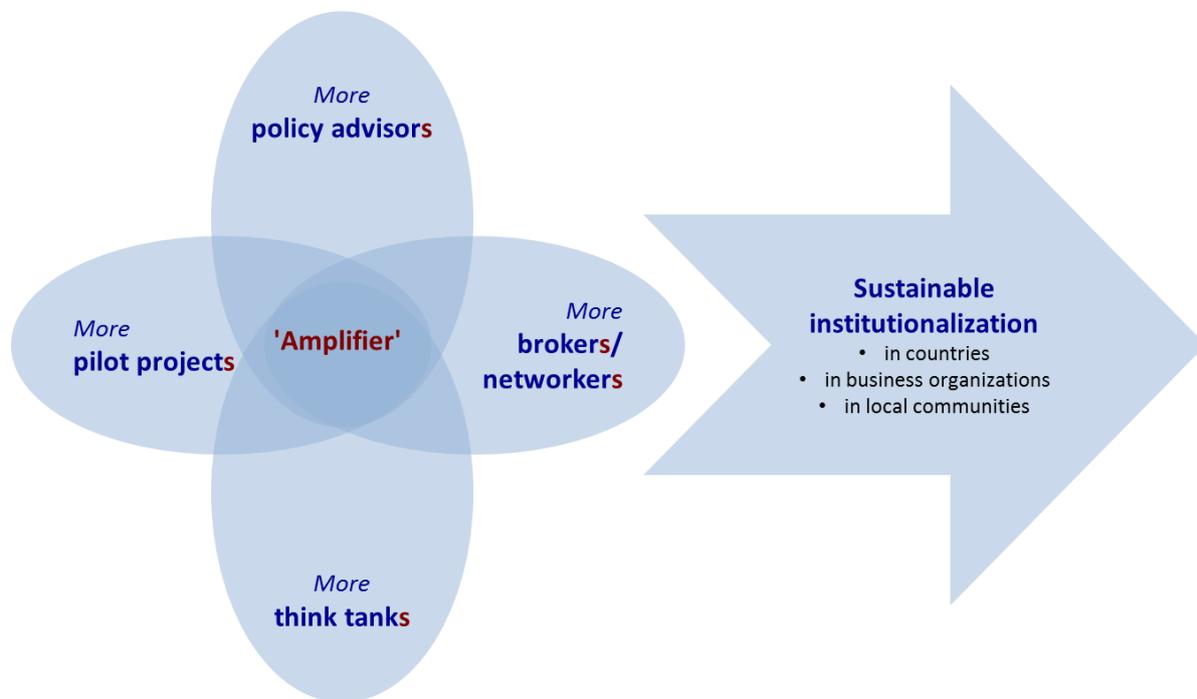
<sup>9/10/11</sup> There was consensus among the members of the Steering Committee on the description of the functions of the Initiative, however, some participants proposed alternative titles (see wording in italics).

plus ...

1 additional function

to

reinforce impact



**Function**

**Examples**

**Amplifier**

Identifies and involves new partners in public, private and non-government organizations who are willing to assume one or more 'catalyst' functions to support ABS implementation.

- Mainstreaming ABS in international cooperation
  - Donors/ donor agencies
  - International NGOs
  - International foundations; etc.
- Strengthening local/ regional consulting capacities
  - Training and train-the-trainer (e.g., IP, facilitation skills, stakeholder dialogues)
  - Mentoring for local consultants

**Annex 3 – Criteria for ABS Country Capacity and ABS value chain development**

Countries	Value Chain Development
<p><u>Key criteria:</u></p> <ul style="list-style-type: none"> <li>✓ Active ABS Focal Point</li> <li>✓ Political will / noticeable national engagement for ABS</li> <li>✓ Enabling administrative / governance environment</li> <li>✓ Willingness of institutions to engage in multi-stakeholder processes</li> <li>✓ At least one potential ABS case (bioprospecting company active in-country, existing biotrade value chain, research project on use of genetic resources, or other biodiscovery activities)</li> </ul>	<p><u>Key criteria:</u></p> <ul style="list-style-type: none"> <li>✓ Genetic resource of commercial / research interest</li> <li>✓ No harm to biodiversity (e.g. overexploitation)</li> <li>✓ Transparency of actors, their functions and R&amp;D steps along the supply / value chain</li> <li>✓ Willingness to engage in partnership and between provider, user and intermediaries</li> <li>✓ Consideration of ILCs in ABS process (e.g. in granting PIC, benefit-sharing) by provider governments and users where appropriate</li> <li>✓ Private sector In cash / kind contributions</li> <li>✓ Provider country bearing / developing ABS regulatory framework</li> </ul>
<p><u>Additional criteria:</u></p> <ul style="list-style-type: none"> <li>✓ Available information on ABS projects/funds by other donors (e.g. GEF)</li> <li>✓ Related GIZ bilateral programmes or projects by other partners on the ground</li> <li>✓ Replicability</li> </ul>	<p><u>Additional criteria:</u></p> <ul style="list-style-type: none"> <li>✓ Socially and ecologically active user (e.g. CSR policy, applying of eco labels, following particular standards)</li> <li>✓ Upfront benefits from user (e.g, technology transfer or contributions for conservation)</li> <li>✓ Replicability</li> </ul>

# The ABS Capacity Development Initiative

## Annex 4 – Indicative budget 2012-2015

	2012	2013	2014	2015	Total
<b>0 Secretariat / Management</b>	<b>800.000</b>	<b>800.000</b>	<b>800.000</b>	<b>800.000</b>	<b>3.200.000</b>
<b>1 AFRICA</b>					
1.1 Support to ratification	500.000	500.000	200.000	100.000	1.300.000
1.2 National / regional implementation	500.000	500.000	500.000	500.000	2.000.000
1.3 Value chain establishment	150.000	150.000	300.000	500.000	1.100.000
1.4 Amplifying ABS processes	200.000	200.000	200.000	200.000	800.000
1.5 (Sub-)Regional capacity development and coordination for relevant international processes	1.000.000	1.000.000	1.000.000	1.000.000	4.000.000
<b>Sub total: AFRICA</b>	<b>2.350.000</b>	<b>2.350.000</b>	<b>2.200.000</b>	<b>2.300.000</b>	<b>9.200.000</b>
<b>2 CARIBBEAN</b>					
2.1 Support to ratification	5.000	100.000	50.000	25.000	180.000
2.2 National / regional implementation	50.000	100.000	100.000	100.000	350.000
2.3 Value chain establishment	50.000	50.000	100.000	100.000	300.000
2.4 Amplifying ABS processes		50.000	50.000	50.000	150.000
2.5 (Sub-)Regional capacity development and coordination for relevant international processes	100.000	200.000	200.000	200.000	700.000
<b>Sub total: CARIBBEAN</b>	<b>205.000</b>	<b>500.000</b>	<b>500.000</b>	<b>475.000</b>	<b>1.680.000</b>
<b>3 PACIFIC</b>					
3.1 Support to ratification	5.000	100.000	50.000	25.000	180.000
3.2 National / regional implementation	50.000	100.000	100.000	100.000	350.000
3.3 Value chain establishment	25.000	50.000	100.000	100.000	275.000
3.4 Amplifying ABS processes		50.000	50.000	50.000	150.000
3.5 (Sub-)Regional capacity development and coordination for relevant international processes	120.000	200.000	200.000	200.000	720.000
<b>Sub total: PACIFIC</b>	<b>200.000</b>	<b>500.000</b>	<b>500.000</b>	<b>475.000</b>	<b>1.675.000</b>
<b>4 Supra-regional (AFRICA, CARIBBEAN, PACIFIC)</b>					
4.1 Value chain establishment	100.000	100.000	100.000	100.000	400.000
4.2 Amplifying ABS processes	15.000	25.000	50.000	25.000	115.000
4.4 (Sub-)Regional capacity development and coordination for relevant international processes	250.000	250.000	250.000	250.000	1.000.000
<b>Sub total: Supra-regional (AFRICA, CARIBBEAN, PACIFIC)</b>	<b>365.000</b>	<b>375.000</b>	<b>400.000</b>	<b>375.000</b>	<b>1.515.000</b>
Costs of project activities	3.920.000	4.525.000	4.400.000	4.425.000	17.270.000
GIZ overhead costs (up to 15%)	588.000	678.750	660.000	663.750	2.590.500
<b>Total project costs</b>	<b>4.508.000</b>	<b>5.203.750</b>	<b>5.060.000</b>	<b>5.088.750</b>	<b>19.860.500</b>

The co-funding contributions of the various donors to the ABS Initiative as firmly committed by February 2012 amount to a total available budget of 6,43 Mio Euro for the implementation of the ABS Initiative during the period 2012-2015.

### Co-funding contributions in EUR by the various donors to the ABS Initiative (as of 02/2012).

Year	BMZ	OIF / IEPF	Norway	Denmark*	EU	Total (EUR)
2012	600.000	100.000	<i>considering to continue support</i>	80.000	1.200.000	1.980.000
2013	600.000	100.000			1.000.000	1.700.000
2014	600.000				1.000.000	1.600.000
2015	150.000				1.000.000	1.150.000
<b>2012-15</b>	<b>1.950.000</b>	<b>200.000</b>	<b>0</b>	<b>80.000</b>	<b>4.200.000</b>	<b>6.430.000</b>

\* Denmark is considering to contribute at least 600.000 Euro per year during the next three years

## The ABS Capacity Development Initiative

Funding by **Denmark and Norway** for 2012 and onwards is currently being considered based on

- the outcomes of the Project Progress Review of the ABS Initiative which was undertaken in May/June 2011 as part of the project progress review of the GIZ implemented BMZ Programme “Implementing the Biodiversity Convention”, and
- the results of the Steering Committee meeting at 4 and 5 February 2012 in Limbé, Cameroon.

**Australia** committed to provide in 2012 up to 300.000 AUD (~ 245.000 €) for ABS capacity development in the Pacific region as parallel funds to the Initiative.

Annex 5 – List of Abbreviations

ABS	Access and Benefit-Sharing
ACP	Africa, Caribbean and Pacific Group of States
aTK	traditional knowledge associated with genetic resources
AUC	African Union Commission
BCP	biocultural community protocols
BIOPAMA	Biodiversity and Protected Areas Management
BMZ	German Federal Ministry for Economic Cooperation and Development
BRICS	Brazil, Russia, India, China and South Africa
CARICOM	Caribbean Community
CBD	Convention on Biological Diversity
CEPA	communication, education and public awareness
CGRFA	Commission on Genetic Resources for Food and Agriculture
CHM	Clearing-House Mechanism
CISDL	Centre for International Sustainable Development Law
CNA	competent national authority
COMIFAC	Central African Forest Commission
COP	Conference of the Parties
CP	Caribbean and Pacific
CSR	Corporate Social Responsibility
DAC	Development Assistance Committee
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FNI	Fridtjof-Nansen-Institute
GEF	Global Environment Facility
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
GR	genetic resources
IGC	WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore
ILC	indigenous and local communities
IP	intellectual property
IPR	intellectual property rights
ITPGRFA	International Treaty for Plant Genetic Resources for Food and Agriculture
IUCN	International Union for Conservation of Nature
JRC	Joint Research Centre of the European Commission
MAT	mutually agreed terms
MDG	Millennium Development Goal
MoV	means of verification
NBSAP	National Biodiversity Strategies and Action Plan
NGO	non-governmental organisation
NP	Nagoya Protocol
OECD	Organisation for Economic Co-operation and Development
PA	protected area
PIC	prior informed consent
PIF	Pacific Island Forum
R&D	research and development
REDD	Reducing Emissions from Deforestation and Forest Degradation
SADC	Southern African Development Community
SCBD	Secretariat of the Convention on Biological Diversity
SCP	WIPO Standing Committee on the Law of Patents

SPC	Secretariat of the Pacific Commission
SPREP	Secretariat of the Pacific Regional Environment Programme
TEEB	The Economics of Ecosystems and Biodiversity
TK	traditional knowledge
UEBT	Union for Ethical BioTrade
UNEP	United Nations Environment Programme
UNFF	United Nations Forum on Forests
WIPO	World Intellectual Property Organization