



General Assembly

ABS Capacity Development Initiative

18 October 2014, Pyeongchang, South Korea

Participants: Please see attached list.

1. Welcome and Opening

Opening by Christian Glass (BMZ)

2. Adoption of the Agenda

3. Introduction of participants

- Olivier Rukundo (ABS CDI) reads statement of the SCBD
- Welcome by Andreas Drews (ABS CDI)

4. Reflections on the outcomes of NP COP-MOP 1

Hartmut Meyer (ABS CDI) presents overview on COP-MOP-1 decisions on capacity development and awareness raising.

4.1. Open discussion

The key areas for MOP-decision overlap with the areas of work of the ABS CDI. Participants saw the continuous presence of experts and partners of the Initiative during development of this decision as a decisive factor for this overlap. The work of the Initiative since the Pan-African workshop 2011 in Marrakesh bears fruits. The fact that one key area for capacity building under the NP refers to the development of endogenous research capabilities recognises that the successful implementation of the NP requires comprehensive knowledge about the utilisation and commercialisation of genetic resources and derived products, including associated traditional knowledge.

The participants of the General Assembly welcomed the indirect and direct recognition of the ABS CDI in this decision document. The Initiative need to be equipped with the necessary resources and means to deliver effective support for MAT negotiations, including contract and IP lawyers. One new element of future work should be the analysis of the implication of existing user measures and their implications on provider countries. The work on communication and outreach needs to be further strengthened and refined.

5. Draft Programme Document 2015-2015 for the ABS Initiative

Andreas Drews explained that from April 1 2015, the Initiative will be, pending approval by BMZ, implemented by GIZ as a project of its own, not any longer as an component of the BMZ

funded by

BMZ



implemented by

giz

Programme Implementing the Biodiversity Convention

commissioned program “Implementation of the Biodiversity Convention”. This change of status within GIZ will have no effects on the governance structure of the Initiative but will facilitate the management work.

5.1. Recap of the findings of the external evaluation

Andreas Drews presents the outcomes of the evaluation conducted in 2013/14 (Annex 7).

5.2. Resulting challenges

The overall design of the new project phase needs to address specifically the attribution gap (too ambitious outcomes) shown revealed by the evaluation. The methodology and formats of the planning process of the new phase follow the GIZ planning tools. The new result matrix presenting an outcome that is regarded as realistic: “Stakeholders in pilot countries (governments, indigenous and local communities, public research, private sector and NGOs) as well as regional and international organisations use the project contributions to operationalise the ABS mechanism of the Nagoya Protocol”.

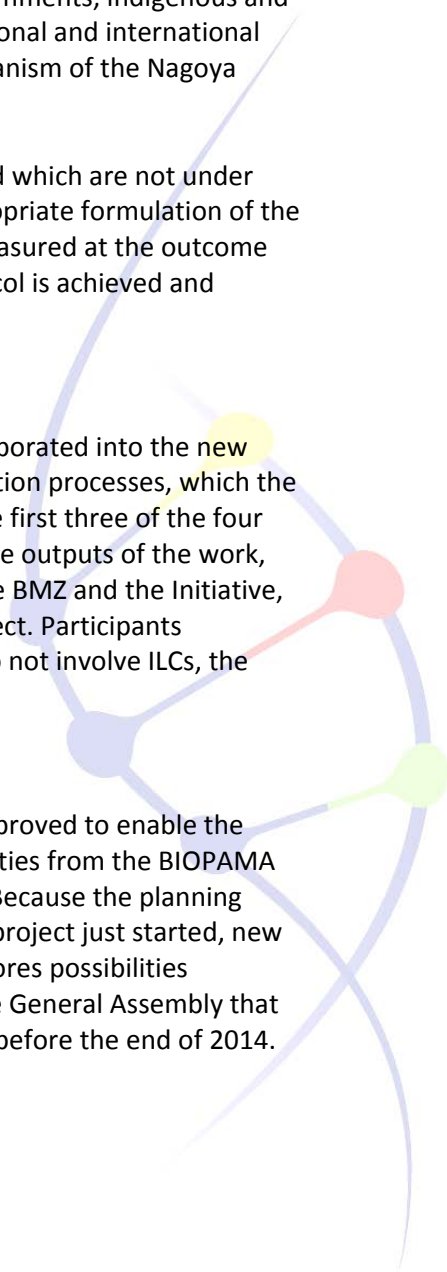
Further outcomes to which the ABS CDI but also other actors contribute and which are not under control of the ABS CDI are positioned beyond the attribution gap. The appropriate formulation of the project outcome is essential because the success of the Initiative will be measured at the outcome level. The objective of the new phase is “The objective of the Nagoya Protocol is achieved and livelihoods of rural populations are improved”.

5.3. Intervention logic

The insights gained from the evaluation and recommendations were incorporated into the new project plan. Slide 17 of the presentation shows the three core implementation processes, which the Initiative will support in pilot countries. The General Assembly discussed the first three of the four indicators for the outcome (slide 18). While there are more indicators for the outputs of the work, only these for outcome indicators will be formally agreed upon between the BMZ and the Initiative, any adjustment during the project phase required a re-approval of the project. Participants suggested that indicator 3 should explicitly mention that the agreements do not involve ILCs, the sequence of indicators 2 and 3 should be reverted.

5.4. Resources / status of funding

The financial situation with regard to the new project phase needs to be improved to enable the Initiative to plan and work effectively. The EU plans to detach the ABS activities from the BIOPAMA project and integrate them in the ACP MEA capacity development project. Because the planning phase of the new European Development Fund that includes the ACP MEA project just started, new EU money is not expected to come in before mid of 2016. The ABS CDI explores possibilities alternatives to cover this funding gap. Bente Herstad (NORAD) informed the General Assembly that NO considers to support the new phase financially, a decision will be taken before the end of 2014.





Agreed and pending financial support for the project phase 2015 - 2018

Donor Commitments (Euro)	2015/04-12)	2016	2017	2018/01-03)	total
BMZ, DE	500.000	666.667	666.667	166.667	2.000.000
AFD, FR	750.000	750.000	750.000		2.250.000
DANIDA, DK	670000 a)	670.000	670.000		1.340.000
MFA, NO	600.000	800.000	800.000	200.000	2.400.000
ACP/EU	500000 a)	500.000	1.000.000	250.000	1.750.000
OIF/IFDD	80.000	80.000	80.000		240.000
Total	1.930.000	3.466.667	3.966.667	616.667	9.980.000

a) only these two numbers represent financial contributions agreed upon by the donors, all other numbers are preliminary pending approval by the donors

6. Feedback from participants and discussion

The General Assembly discussed five main issues

6.1. Scope of the ABS CDI

Should the scope of the project be the NP only or should it go beyond, including CBD Art. 15 and ITPGRFA (the international ABS regime as established by WSSD 2002). Main discussion points were:

- The scope of the phase should go beyond the NP because e.g. CBD and IT bring in more aspects, the initiative would be limited in its activities otherwise
- The scope should be the NP because this is the treaty that triggers all future ABS activities and it brings much more than the CBD (compliance, PIC/MAT of ILC, etc), countries need to ratify it, all project activities have to be in line with the NP
- The focus on NP might render evaluation of impact again premature because the next years will see a hybrid approach of CBD, IT and NP
- The project must not concentrate on access only but also include benefit sharing, cooperation with companies brings access aspects in the main focus of activities
- The exact scope of NP is unclear, who will undertake the interpretation, EU or Africa, and which effects on activity level does the interpretation unfold? How to integrate e.g. IPR aspects?

The General Assembly had a thorough discussion and finally concluded that there is an artificial separation of issues when it comes to planning activities under the Initiative. When implementing the NP, the Initiative must look at related issues as IPR, IT, WIPO, resource rights of ILCs etc. Otherwise the implementation of the NP would remain partial and ineffective. The Initiative already works on IPR, IT, value chain issues (see the many workshops) with the full approval of all donors and partners. It is not expected that a focus on the NP in the program document would change significantly or limit the activities foreseen in the next phase.

Pilot countries

The General Assembly suggested to introduce the terms “phase 1 country” and “phase 2 country” to characterise the difference partner countries and selected pilot countries. The Initiative should also work in countries that conduct NPIF or other GEF ABS projects. Endorsement letters of the NFP will be sought in any case.



Safeguards

The General Assembly suggested that safeguards that relate to the implementation of the project activities should be developed (e.g. partnering users in ABS value chains must have received PIC, value chains must not deplete the resource). The Initiative should look into the COP decision on the financial mechanism (L.x), which contains safeguards, which could be adapted.

Capacitating ILCs

The General assembly discussed how the Initiative could engage with ILCs. Since its work needs to be demand-driven, can ILC directly address the Initiative for support? Or would cooperating governments select ILCs to receive capacity building? No recommendation could be given. In any case, the Initiative needs to receive a cooperation agreement by the NFP that would cover ILCs, if they partner with the Initiative.

Giving advice on contracts

The General Assembly discussed whether the Initiative should give advice on legal text as draft regulations or ABS contracts. The Initiative was asked for such advice several times and supported the partner respectively. Matters of formal qualification, certification, accountability, and liability were discussed. The General Assembly recommended that illustrated examples are needed to be able to base the discussion on real situations. The discussion will be continued when such examples are ready.

