



Report of the Meeting of the African Steering Committee 2017

11-12 March 2017, Novotel, Dakar, Senegal

Participants

Members of the Steering Committee:

Emmanuel Adonsou, UN Environment
Boukar Attari, SE/CNEDD, Niger
Ahmed Birouk, Université Rabat, Morocco
Natalie Feltman, DEA, South Africa
Lazarus Kairabeb, Nama Traditional Leaders
Association, Namibia
Chouaibou Nchoutpouen, COMIFAC
Valerie Normand, SCBD
Pierre du Plessis
Arona Soumare, IFDD, Canada

Secretariat of the Initiative:

Suhel al-Janabi
Andreas Drews
Eva Fenster (minutes)
Hartmut Meyer

Observers:

Barbara Lassen, Natural Justice
Maria Julia Oliva, UEFT
Véronique Rossow, PhytoTrade Africa
Morten Walløe Tvedt, FNI

Welcome and Introduction

Arona Soumare (IFDD) welcomed everyone as the chair of the meeting. Apologies were conveyed on behalf of those members that were not able to attend the meeting. Messages on behalf of the BMZ (Germany) and NORAD (Norway) were read out loud.

After an introduction of the participants, the meeting agenda was adopted.

Progress Report 2016

Andreas Drews, supported by other members and partners of the ABS Initiative, gave an overview of the Initiative's activities, process and achievements in Africa in 2016 (see presentation "ABS Initiative Progress Report" – for more details, see Progress Report 2016). In this context **key events organized** in the period from 04/2016 to 03/2017 and respective **publications** of the Initiative were presented:

Challenges and Need for Action

Despite visible progress in 2016, the implementation of the Nagoya Protocol is still a challenge. An emerging topic that ought to be addressed in the context of the Protocol is the issue of **synthetic biology and digital sequence information** and its relation to ABS, which was brought to attention in particular by the African Group during CBD COP 13 / NP MOP 2. Specifically, the use of digital sequence information on GR for the objective of the Nagoya Protocol and its potential implications need to be explored.

In his presentation, Andreas Drews emphasized the **continued need for tailored support at national level**. So far, there are still insufficient experiences in establishing and “administering” ABS agreements and in understanding R&D / IPR / business models and value chain development. In order to increase efficiency and effectiveness, the Initiative will continue to develop tools and standardized training formats in order to reach both partner and cooperation countries.

Andreas Drews also highlighted the need for **specific technical and legal advice** on a continuous basis. An increasing number of support requests from countries are coming in, while donor commitments are unsure and even decreasing since the entry into force of the Protocol. This necessitates an **engagement with new potential donors** for core and parallel funding. So far, the Initiative has started engaging with the Swiss State Secretariat for Economic Affairs (SECO), who is likely to provide earmarked funding for support of an ABS compliant biotrade project in South Africa, including some sub-regional support activities, as well as UNEP, the latter having requested support for specific ABS projects. Further, discussions on funding possibilities with Swedish counterparts have been initiated.

Instruments and Approaches to Address Common Needs

Instruments and approaches that could be used to address these common needs were also presented. These include, for example: (1) target group specific CEPA materials for regulators and IPLCs (easily adaptable to national circumstances and translatable into local languages), (2) digitized permit handling and registration systems for efficient and effective approval processes and monitoring, and (3) collaboration with the SCBD for improving the understanding of the role and functioning of the ABS Clearing-House in the provider-user-interface.

Development of Donor Commitments

With respect to the **financial situation of the ABS Initiative**, the unstable funding situation of 2015 continued, if not worsened in 2016. While Norway is considering whether and to which extent funding might be continued after June 2017, support by AFD and the Danish Ministry of Foreign Affairs has been fading out during the implementation period of the Work Plan 04/2016 to 03/2107. New funding from the EU/ACP European Development Fund amounting to 5 Mio Euro for expenditure until 03/2022 shall be made available to the Initiative shortly. OIF/IFDD is planning to continue its support at a similar level at least until 03/2018. The strong commitment from BMZ will allow the Secretariat to apply for new funding from 04/2018 onwards.

The total expenditure of core funding in 2016 was 2,149,837 Euro. In addition 219,879 Euro were made available by projects of German bilateral development cooperation. Very limited funds were used to support ongoing processes in cooperation countries in the Caribbean (CARICOM).

Andreas Drews drew attention to the fact that the currently available **budget of approximately 2 million Euros annually is insufficient** to address the manifold support needs for NP implementation at national level. **A budget of at least 3 million Euros** per year would be required to deliver the support required at country level and ensure sufficient upscaling to cooperation countries.

In the ensuing discussion, the following key points were made:

- The Secretariat was advised to explore ways to better integrate ABS in national development agendas in partner and cooperation countries. Public awareness on **ABS as a cross-cutting issue** and a **trigger for development and the achievement of the SDGs** needs to be raised.
- To address the increasing demand for ABS support at national level, while taking account of decreasing donor commitments, **fund-raising options** were considered. The SC members

discussed possibilities of collaboration with other organizations (e.g. AfDB and foundations) as well as opportunities for the mobilization of GEF funds. Other funding windows for Nagoya Protocol implementation (e.g. by using climate change projects as entry points) were also mentioned.

- The ongoing need for documenting lessons learnt from partner countries was emphasized. Further reflection with respect to developing effective transfer mechanisms for knowledge dissemination is required.

Following the discussions, the Progress Report was adopted.

Status of implementation of the Nagoya Protocol on ABS

Valérie Normand (SCBD) presented on the **status of ratifications and implementation of the Nagoya Protocol on ABS**. As of now, the Nagoya Protocol has been ratified by 96 Parties, with African countries being the largest regional group. Looking at actual implementation, many countries are currently developing or reviewing ABS measures. While Valérie Normand highlighted the key work of the ABS Initiative in this regard, she underlined that a lot of capacity-building remains to be done.

In her presentation, she also referred to the **Strategic Framework for Capacity-Building to support the implementation of the Nagoya Protocol** and the role of the **Informal Advisory Committee (IAC)**. In this context, she provided an overview of ABS capacity-building projects. Valérie Normand emphasized that the SCBD continues to support the implementation of the Strategic Framework and encourages countries to make information available on the ABS Clearing-House (ABS-CH). Finally, she gave an overview of the SCBD's future activities regarding NP implementation.

The subsequent discussion revolved around the **ABS-CH mechanism**. The ABS-CH is a key instrument for connecting users and providers of GR and aTK. It provides transparency on procedures for access, and for monitoring the utilization of GR along the value chain, including through the internationally recognized certificate of compliance. In general, only few ABS actors experience **technical difficulties** when making use of this tool. The low population of the ABS-CH with information is rather attributed to factors such as the inexistence ABS national measures, the lack of availability of ABS related information at national level and difficulties of appointing publishing authorities who are responsible for transmitting information on the ABS-CH. The advantages provided by a populated ABS-CH (certainty and transparency) are still not properly understood by many stakeholders. Therefore, the ABS-CH needs to be further integrated in capacity-building measures.

Key MOP 2 decisions and their implications for ABS capacity building and development

Hartmut Meyer gave a short overview of the Short-Term Action Plan (2017-2020) to enhance and support Capacity-building for the Implementation of the Convention and Its Protocols, adopted by CBD COP Decision XIII/23 on Capacity-building, technical and scientific cooperation, technology transfer and the clearing-house mechanism.

The Action Plan provides a compilation of **all capacity development-relevant COP and MOP decisions and activities derived from these decisions**. COP 13 requested the Executive Secretary, subject to the availability of resources, to support, facilitate or coordinate with other partners the implementation of 110 activities in total. Further, COP 13 invited Parties, other Governments and relevant organizations to contribute to the implementation of the action plan. Four activities (89¹,

¹ Support implementation of strategic framework

90², 92³ and 95⁴) in the Action Plan directly mention the ABS Initiative. The ABS Initiative aims to support the SCBD in the implementation of the Action Plan, but this may be challenging due to the previously discussed budget limitations.

The subsequent discussion stressed that **more efficient approaches to scaling-up** are needed to address the unstable funding situation. It was once again clarified that **remuneration from the private sector** for activities by the Initiative is not acceptable. **Cooperation with other initiatives** was considered.

Future focus of UN Environment's support

Emmanuel Adonsou provided the members of the SC with an overview of UN Environment projects financed by the GEF in Africa. UN Environment is supporting the implementation of the Nagoya Protocol through a number of projects: the UN Environment Global Project, a Sub-regional Project (COMIFAC), and two national projects (Kenya, Gabon).

With respect to its future focus, as GEF implementing agency, UN Environment stands ready to support African countries that have ratified the NP in its implementations⁵. It further stands ready to support African countries that have not yet ratified to expedite their national processes towards ratifying and implementing the Protocol⁶. The organization also aims to work with partners to compile best practice examples and lessons learned.

ABS in the context of the SDGs and national development agendas

The SDGs process was closely followed by the Initiative and analyzed with respect to interfaces.

Suhel al-Janabi informed SC members about links to ABS in the SDGs and their targets⁷, making reference to a policy paper published by the ABS Initiative in 2016⁸ and a high-level side-event on the linkages of ABS and the SDGs held during COP 13 / MOP 2⁹ in December last year. He emphasized the merit in aligning the work of the Initiative related to the Nagoya Protocol with the implementation of the SDGs.

A substantive discussion took place about where and how to position ABS and the Initiative in the context of the SDGs and national development agendas. The importance of **mainstreaming ABS into national development agendas** was highlighted. Further, the SC members encouraged the Secretariat to **collect and publish concrete case examples to illustrate the ABS-SDG links** to further support consideration of ABS in national development agendas. This could aid in alleviating the image of ABS as an issue of regulatory affairs and bring back into focus the sustainability dimension of ABS. In this context, SC members stressed the need for reframing ABS as a tool for local

² Extend the training workshops organized jointly with IDLO

³ Continue to contribute to capacity-building activities for implementation of the NP in a mutually supportive manner with the ITPGRFA

⁴ Train communicators and disseminate the ABS awareness-raising toolkit

⁵ Angola, Djibouti, Guinea Bissau, Lesotho, Liberia, Malawi, Mali, Mauritania, Nigeria, Sierra Leone, Swaziland, Togo, Zimbabwe

⁶ Ghana, Cape Verde, South Sudan, Tanzania

⁷ There are many direct (Target 2.5, 15.6) and indirect references (SDGs 1, 3, 8, 9, 13, 14, 15, 16 and 17) made to ABS in several SDG targets.

⁸ Policy paper: "How ABS and the Nagoya Protocol contribute to the Sustainable Development Agenda" (ABS Initiative, February 2016)

⁹ High Level side event: "Contribution of the Nagoya Protocol to the Sustainable Development Goals", 5 December 2016, COP 13 / MOP 2, Cancun, Mexico

development and to reconnect ABS to its origins: as a driver of sustainable development and a green economy.

It was decided that conceptual work on this topic will be continued.

Establishing an ABS Implementation Helpdesk

Andreas Drews briefly presented the objectives, scope of work and organization of an “ABS Implementation Helpdesk (formerly called “Legal Helpdesk”).

The specific objectives of the Helpdesk are to support (1) the development and revision of regulatory ABS frameworks and (2) the establishment of fair and equitable MAT. It was clarified that the scope of work is to **provide orientation and guidance only** on the development and / or revision of regulatory ABS frameworks and MAT.

Given the budgetary constraints of the Initiative and other technical issues, the SC concluded that for the time being the ABS Helpdesk will not be formally launched. It was agreed that the Initiative will continue providing support to cooperation countries on demand.

African (Group) preparations for COP-MOP 3 in 2018

Ahmed Birouk, who co-chaired this meeting, invited the SC members to briefly report back on the outcomes of the **African working group meeting**, held by African representatives after the 10th Pan-African ABS Workshop.

In their discussion, the representatives of the African Group agreed that a sub-committee is to work on the **development of an action plan** in order to prepare for the development of an African regional position for COP-MOP 3. A need for preparation at different levels became evident. There was recognition that expert teams need to be composed to address the key issues such as a **global multilateral benefit-sharing mechanism** (Art. 10 NP) and **digital sequence information**. Further, there was recognition that the African Union Commission (AUC) does not currently have the budget to support the African Group in the elaboration of a regional position. However, it was considered of great value for the AUC to take the lead in organizing meetings for the African Group representatives. Initial talks with representatives of AfDB on funding and support from their end were held by ABS Initiative members in October 2016. A follow-up by the Secretariat is foreseen.

In the resulting discussion, the SCBD put forward the idea for the African Group **to further provide input to the intersessional process**, as both the Subsidiary Body on Implementation (SBI) and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) will feed into COP-MOP 3. It was highlighted that stakeholders will be invited to submit views on the way forward with respect to the global multilateral benefit-sharing mechanism. Further, there will be a **Ad Hoc Technical Expert Group** to address the issue of digital sequence information which the African Group may wish to consult with in order to ensure participation of key stakeholders from the region. The outcomes of the Technical Expert Group meetings will feed into SBSTTA 22 and possibly SBI 2.

Regarding the **review of the Protocol** in 2018, the SCBD emphasized the need for Parties to submit national reports on measures taken for the implementation of the Protocol in the fourth quarter of 2017. The available format for the national reports could be useful for ABS actors to ensure they have covered all obligations of the Nagoya Protocol. Beyond that, the Initiative could make use of the format as a “checklist” tool to see whether all obligations of the NP in its partner countries have been responded to. The potential role of the ABS Initiative in providing national support to countries for filling out the reports was also considered.

As **next practical steps**, the African working group aims to compile relevant issues identified during the discussions. Further, it will inform the AUC (ideally the Commissioner) on the establishment of the Working Group which is dedicated to the development of an African regional position for COP/MOP 3. High value was placed on a meeting that would bring together all relevant stakeholders with a view to forming an African common position on key issues relating to the implementation of the Protocol.

It was decided that unless the Secretariat receives guidance from the designated African subgroups, the Initiative will neither engage directly on this issue with the AUC nor with the AfDB. Further, Egypt's potential role as a coordinator of the African Group is to be managed by the African representatives.

Finally, a brief feedback on the **role of sub-regional organizations** was given by Suhel al-Janabi. The Secretariat will contact the AUC to gain information of planned activities and potential funding opportunities at sub-regional level. The Secretariat agreed to inform the ABS National Focal Points before engaging in substantive discussions with relevant sub-regional organizations.

Work plan and indicative budget 04/2017 to 03/2018

An overview of the **work plan and the indicative budget allocations** for the timeframe 04/2016 – 03/2017 was presented by Andreas Drews (see *Work Plan 04/2017-03/2018 for Africa* for further details).

The resulting discussion highlighted the difficulty of prioritizing ABS related capacity building activities in light of limited funds. The Steering Committee identified **support to the preparatory process of the African Group during the coming 12 months for COP-MOP 3** as key. Possibilities for reducing costs were discussed: Some SC members advised the Secretariat to reallocate funds that were foreseen for the **annual UEBT “Beauty of Sourcing with Respect” Conference and accompanying events**. Some SC members suggested for the Initiative to focus on a selected number of ABS cases in order to deliver proof of principle by 2020.

Other members considered the conference to be a unique occasion for African stakeholders to intensify exchanges with private sector representatives, allowing them to explore possibilities of future ABS-compliant value chains. As the UEBT events are considered to be of great value by African ABS actors and the majority of travel costs for the participation of African delegates are being covered through bilateral GIZ projects, the Steering Committee agreed not to reduce the budget.

Based on the discussions the following key decisions were taken:

- **Support to African Group:** Supporting the preparatory process of the African Group during the coming 12 months for COP-MOP 3 was identified as a priority. To this end, the ABS Initiative will increase the budget for AU Coordination and preparations of COP-MOP 3 processes by allocating budget from other budget lines (e.g. ABS Implementation Helpdesk; Extended Team Meeting). The “reserved” budget will become available subject to a proposal on support needs prepared by the African Group by end of May 2017.
- **Cancellation of the Extended Team Meeting:** Due to budgetary constraints of the Initiative, the extended team meeting planned for November 2017 will be cancelled. This budget will be used to support the preparatory process of the African Group.
- **No official launch of ABS Implementation Helpdesk:** The budget initially foreseen for the implementation of the ABS Implementation Helpdesk will be allocated to support the preparatory process of the African Group.

- **Support to cooperation countries (flexible budget line):** A budget for flexible country support (budget line 1.0.12) will be reintroduced to cater for requests from cooperation countries.
- **IDLO-SCBD legal trainings:** Regarding the SCBD-IDLO Legal Training for Francophone countries (excluding COMIFAC countries), the ABS Initiative stands ready to fund venue and participants costs assuming that IFDD will provide the same amount of funding to the ABS Initiative as in previous years. It is desirable that the SCBD and IDLO are able to raise sufficient funds from the Japan Biodiversity Fund or other sources to cover the IDLO costs for this training.
- **Reports of partners in delivery:** The reports of the Initiative's partners in delivery (e.g. PhytoTrade Africa) shall be made available on the website of the Initiative while preserving confidentiality.

The Secretariat will revise the Work Plan and budget according to the decisions and circulate it among the SC members via email the latest by 24 March 2017. The SC is to adopt the amended version via silence procedure.

The African Group is to provide written guidance to the Secretariat for the preparatory process of the African Group during the coming 12 months for COP-MOP 3 by 31 May 2017. If the Secretariat does not receive guidance from the African Group until end of May, the reserved budget will be reallocated to other activities.

Any other Business

Steering Committee composition: It was brought to attention that many African SC members no longer work in the ABS arena. With a view to maintain expertise from the African side in the SC, the need for **replacement of African SC members** was considered. The composition of the SC will remain open for discussion for the next SC meeting.

Prior to next year's meeting, the Secretariat is to ask SC members in writing whether they are willing to continue serving on the Steering Committee and in which capacity (personal or institutional).

Performance of the Secretariat: Finally, Suhel al-Janabi thanked the SC members for their trust and engagement. He asked the SC members for a feedback concerning the work of the Management of the ABS Initiative and whether changes and adjustments in its composition shall be undertaken. No complaints were voiced by the SC members in this regard; instead the Secretariat received approval by acclamation.

Closure

Andreas Drews thanked the SC members for their frankness and engagement in the discussions and highlighted that the Secretariat will report back to the donors on the discussions held in this meeting.