

The ABS Capacity Development Initiative

Report of the African Steering Committee Meeting 2013

2 to 3 March 2013, Hans Merensky Hotel and Spa, Phalaborwa, South Africa

Participants

Members of the Steering Committee

Bente Herstad, NORAD, Norway
Carina Malherbe, DEA, South Africa
Christian Glass, BMZ, Germany
Kabir Bavikatte, Natural Justice
Lucy Mullenkei, Indigenous Information Network
Pierre du Plessis, CRIAA-SA/DC, Namibia
Prudence Galega, MINEPDED, Cameroon
Samuel Diémé, DPNS, Senegal
Søren Mark Jensen, MIM, Denmark

Secretariat of the Initiative

Andreas Drews
Suhel al-Janabi
Valerie Normand

Observers

Frederic Perron-Welch, CISDL
Jaime Cavalier, Secretariat of the GEF
Kent Nnadozi, Secretariat of the ITPGRFA
Mahlet Teshome, AU Commission
Morten Walløe Tvedt, FNI
Naïg Cozannet, AFD, France
Olivier Rukundo, Secretariat of the CBD

Objectives

- Provide the SC an overview on activities and outcomes achieved in 2012
- Discuss and provide guidance to the Secretariat of the Initiative on several emerging issues
- Discuss the membership proposal of the Agence Française de Développement (AFD)
- Discuss and agree on the Work Plan and Budget for 2013.

Welcome, objectives, programme

Mr Christian Glass who chaired the meeting welcomed the participants and outlined the objective of the meeting. He then asked the participants to briefly introduce themselves.

On behalf of Ms Rajae Chafil, *Institut de la Francophonie pour le développement durable* (IFDD), a welcome message was read out highlighting the commitment of IFDD to continue supporting the work of the ABS Initiative despite of budgetary constraints of IFDD.

Update on the international ABS process

Olivier Rukundo on behalf of the Executive Secretary of the CBD highlighted the excellent and successful collaboration with the ABS Initiative in 2012 supporting the ratification of the Nagoya Protocol and re-affirmed the need for close collaboration between the SCBD and the ABS Initiative as key partners promoting ratification and implementation of the Nagoya Protocol. He further noted that it is critical that donors and partners continue to support the Initiative in its work since there are a very few organizations globally that are skilled and engaged in this kind of important work.

A message of Ms Kamar Yousuf, UNEP Division of Environmental Law and Conventions, was read out acknowledging the Initiative's extensive experience in ABS capacity development and expressing interest in collaborating with the ABS Capacity Development Initiative in the implementation of GEF-funded projects to support countries in ratifying/acceding to the Nagoya Protocol on ABS and in this regard specifically inviting the ABS Initiative to join the steering committee of the new MSP. Furthermore, she highlighted in her message that UNEP is one of the implementing agencies of the Benefit-sharing Fund (BSF) of the ITPGRFA, also promoting linkages between the ITPGRFA and the Nagoya Protocol and supporting their implementation in a mutually supportive manner. This is another area where UNEP and the ABS Initiative could collaborate.

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Report back on 2012

Andreas Drews and Suhel al-Janabi provided feedback on the participants' evaluation of the 7th Pan-African ABS Workshop that was held during the week preceding the meeting of the SC:

- Participants greatly appreciated the newly introduced format of parallel sessions on thematic issues in the programme of the workshop highlighting the benefit of "small groups" and "in-depth discussions", the "eye-opening" character, the "interactive nature" as well as the "quality of presentations". Many suggested even extending the available time for this format in future meetings.
- Furthermore, the usefulness of the field trip illustrating the South African ABS case on *Lippia javanensis* and the possibility to engage directly with all stakeholders concerned in the case was highlighted by many.

Andreas Drews and Suhel al-Janabi further presented on the processes, activities and achievements of the Initiative in 2012 in Africa based on the presentation "From Limbé to Phalaborwa" including a brief report on the work of the Initiative in the Caribbean and the Pacific.

SC members highlighted the necessity to have a first draft of the annual report available in due time before the SC meeting for consultations with relevant colleagues in capitals and other SC members before the meeting.

The following discussion contributed to a better understanding of the SC members how the Secretariat is delivering its services. *Donor representatives reaffirmed that the written report should be based on the monitoring framework as agreed in the Programme Document 2012-2015 and further highlighted that the report needs to clearly separate and flag funding / staff time allocated to the different activities in the three ACP regions as well as the parallel funds of the UNEP/GEF project in Africa.*

Emerging Issues

Cooperation with the GEF (NPIF and STAR); co-financing by the ABS Initiative; cooperation with GEF SGP country programmes

Mr Jaime Cavalier updated the SC members about the status of GEF funded ABS projects. Furthermore, he highlighted the outstanding experience and impact of the ABS Capacity Development Initiative and proposed to engage in a discussion to what extent the Initiative could act as Executing Agency for GEF-6 funded ABS projects.

The following discussion focused on the value added of an additional actor – such as the ABS Initiative – between the GEF and the executing national or regional authority. It was argued that most countries intend to execute their GEF projects themselves and that the ABS Initiative should rather act as an advisor to or backstopper of the process than as an executing agency. In this context the Cameroonian SC member highlighted the current setup of the UNEP/GEF-4 project as an effective and positive example. In particular, the ABS Initiative would bring in added value only for regional projects where regional organizations do not have sufficient experience and/or capacity. However, it was also mentioned to keep the administrative burdens in mind and it was brought to the discussion by the Secretariat that one further option of co-operating with the GEF in ABS implementation projects is to act as a co-funding entity.

It was concluded that for the time being decisions on co-funding GEF projects should be taken on a case-to-case basis in consultation with the SC members.

Andreas Drews briefed the participants about the emerging GEF SGP funded country projects with ABS components in Africa and the Pacific, initiated by Mrs Johanna von Braun being (part time) seconded to the GEF SGP headquarters since April 2012 by Natural Justice with funding support of the ABS Initiative.

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Coherent national implementation of ITPGRFA and NP; joint projects with *Bioversity International*

The Secretariat briefed the participants on the discussions and outcomes of the expert workshop on the linkages between the Nagoya Protocol and the International Treaty for Plant Genetic Resources for Food and Agriculture which took place at the headquarter of *Bioversity International* in Rome in January 2013. The outcomes – joint capacity building efforts by Bioversity and the ABS Initiative in Rwanda and the Pacific, "tandem" workshop for ITPGRFA and NP focal points in order to strive towards harmonized implementation of the two treaties at national level – were welcomed by the SC members.

The need to attend and coordinate African participants in the relevant processes under the ITPGRFA and the Commission for Genetic Resources for Food and Agriculture of the FAO was highlighted by the African SC members. Ms Mahlet Teshome pointed out that a coordination mechanism directed by the AUC could only be designed and become operational after the next AMCEN meeting in 2014.

Subject to available funding, Mr Pierre du Plessis and Mr Morten Tvedt pointed out that they will be following the discussions in the relevant fora and inform the relevant African stakeholders about the specific discussions.

Engagement at the local level: PIC and MAT with ILCs

With the increasing focus on supporting national processes it was anticipated by the Secretariat that perspectives of governments and ILC may be conflicting regarding the national implementation of PIC and MAT requirements under the Nagoya Protocol. African SC members pointed out that it is important to engage with governments in the context of ILCs only when there is receptiveness from the host government. It was further noted that the Initiative will have very little influence and control even when it comes to domestic legislation that may conflict with provisions of the Nagoya Protocol. Hence, the focus of the work of the Initiative in this context should be to create conditions (capacity development, awareness, support etc.) that will facilitate and support effective compliance with the Nagoya Protocol.

It was strongly suggested that if there was a particular problematic situation where in the context of the work of the Initiative a government is clearly in contravention of the rights of ILCs, then the secretariat should bring the matter up at the Steering Committee for further discussion.

Engagement with the private sector: Understanding of business models

The Secretariat highlighted the need to further intensify the collaboration with the private sector, e.g. to integrate the commercial application of IP licensing into the IP related capacity development work of the Initiative by making use of the expertise of IP specialists working with or for the private sector. SC members pointed out that the support of the Initiative to the private sector should be informed by learning from actual examples and abstracting the lessons learned. Key is to develop support around topics that are of interest to business and may serve as entry points for private sector engagement in pilot ABS agreements facilitated by the ABS Initiative. It was also noted that a specific advantage of the ABS Initiative is its capacity to facilitate dialogues between business and other stakeholders like governments and ILCs. In this context the SC members agreed that the ABS Initiative should – also based on the articulated requests from many participants of the 7th Pan-African ABS Workshop – to intensity learning and capacity development on R&D and business models related to the utilization on genetic resources.

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Potential new funding members: AFD

Ms Naïg Cozannet thanked for the opportunity to present the interest of AFD to become a member of the ABS Capacity Development Initiative and initially contribute for 2014 and 2015 up to 1 Mio Euro¹ to the budget of the Initiative with the priority on ABS compliant value chain development in Africa.

A number of SC members raised the concern that such earmarking would limit the flexibility, which is an important factor for the success of the Initiative, and increase the reporting burden at the cost of implementing capacities on the side of the Secretariat of the Initiative. It was understood by the SC members that currently the only available AFD budget line for a contribution to the ABS Initiative relates to strengthening the commercial capacity of African countries.

SC members agreed that ABS compliant value chain development is a fairly large focal area involving various aspects and is not just restricted to supporting the private sector stakeholders. In this sense SC members and Ms Cozannet agreed that the future contribution of AFD – aiming at improved value chain development – would be to the multi-donor basket and does not imply earmarking of funds or singled out reporting requirements. Further pointing out that decisions on the work plan for Africa are taken by the African Steering Committee SC members welcomed the interest of AFD and mandated the Secretariat to finalize the discussion with AFD if possible before the end of the year in order to ensure planning security for 2014 and 2015.

African stakeholder representation in the SC

Andreas Drews informed the SC members that

- Prof Ossama el-Tayeb (Professor emeritus at the Cairo University Faculty of Pharmacy) representing research and
- Mr David Hafashimana (Uganda) as African ICNP Bureau member

are not able to attend the meetings of the African SC due to health reasons and change of job responsibilities respectively.

After some discussions about suitable candidates considering sectoral and regional representation, expertise, engagement with the ABS Initiative and availability, it was agreed that the Secretariat should invite

- Prof Ahmed Birouk (Laboratoire Phylogénétique et Biotech. Végétale Hassan II Université, Rabat), representing research and
- Mr Moscow Marumo (DEA, South Africa) representing a Competent National Authority

as members of the African Steering Committee of the ABS Capacity Development Initiative. In addition SC members requested the Secretariat to prepare a short paper outlining the criteria for SC membership.

Furthermore, it was suggested that a representative of the country hosting the African SC meeting should be invited to the meeting.

Workplan and Budget 2013

Andreas Drews and Suhel al-Janabi presented the workplan and budget attributing activities against the indicators of the monitoring framework of the ABS Initiative. This approach was appreciated by the SC members and should be set as standard in further reporting. Some SC members flagged that particular indicators may have been already achieved and that a revision of some indicators might be necessary.

¹ Update: after the SC meeting the Secretariat of the Initiative has received an email from MS Cozannet stating that the envisaged AFD contribution to the initiative for 2014 / 2015 would be 1.5 Mio € instead of 1 Mio €.

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The Secretariat pointed out that the monitoring framework is part of the Programme Document 2012-2015 and that any changes will require approval of the Joint Steering Committee, i.e. all members of the three Regional SCs.

To address possible modifications of the work of the ABS Initiative and to provide a profound basis for the conceptualization and planning of a next phase of the Initiative beyond 2015 the SC agreed to a mid-term evaluation to take place late 2013 / early 2014. In order to further discuss the progress of the Initiative and to define terms of reference for the mid-term evaluation it was proposed that BMZ as host of the Initiative will invite to a meeting of the donors in summer 2013.

During the discussion of the Workplan 2013 specific questions relating to individual activities were answered and clarified by the Secretariat. As a result of this discussion

- the study proposed by FNI about the implications of the draft EU regulations for the implementation of the Nagoya Protocol was postponed to a later stage,
- the study proposed by FNI on the Australian experiences in regulation ABS should ideally contribute to a comparative analysis of the regulatory frameworks of e.g. South Africa, India and Brazil and thus feed into a South-South exchange forum focussing on compliance measures under the Nagoya Protocol which the Initiative plans to organize towards the end of 2013.
- Info-graphics and other suitable communication tools should be designed and used to communicate the outcomes of the various studies to the different stakeholder groups in an appropriate and user-friendly manner.
- The planned ILC workshop will address the functioning and use of IPR tools for protecting and commercializing traditional knowledge.

Other topics

The **next meeting of the SC** is planned to take place back-to-back with the 8th Pan-African ABS Workshop. The workshop is expected to be scheduled end of February or early March 2014 – at least three weeks after the 3rd meeting of the ICNP in Montreal.

The ABS Initiative is frequently referred to by outsiders as the “GIZ Initiative” and as such not reflecting the unique multi-donor partnership approach of the ABS Initiative. The Secretariat will work on an improved corporate branding and design of its communications and outreach materials and inform the SC accordingly about the results.

15 April 2013 – Andreas Drews and Suhel al-Janabi

Co-Managers of the ABS Capacity Development Initiative