

Meeting of the African Steering Committee 2015

28 February & 1 March 2015, Radisson Blu Hotel, Addis Ababa, Ethiopia

Participants

Members of the Steering Committee:

Boukar Attari, CNEEDD, Niger
 Samuel Diémé, Direction des Parcs Nationaux, Senegal
 Bente Herstad, Norad, Norway (Chair)
 Eva Juul Jensen, Ministry of Environment, Denmark
 Lucy Mulenkei, Indigenous Information Network (IIN)
 Chouaibou Nchoutpouen, COMIFAC
 Ntambudzeni Nepfumembe, Department of Water and Environmental Affairs, South Africa
 Pierre du Plessis, CRIAA-SADC
 Kauna Schroeder, Ministry of Environment and Tourism, Namibia
 Sophie Stützel, Federal Ministry for Economic Cooperation and Development (BMZ), Germany

Secretariat of the Initiative:

Suhel al-Janabi
 Andreas Drews
 Lena Fey (minutes)
 Hartmut Meyer
 Olivier Rukundo

Observers:

Gino Cocchiaro, Natural Justice
 Kent Nnadozie, ITPGRFA Secretariat
 Erie Tamale, CBD Secretariat
 Zeleke Tesfay, UNDP/GEF SGP, Ethiopia
 Mahlet Teshome, DHRST, AUC
 Morten Walløe Tvedt, FNI, Norway
 Kamar Yousuf, ROA, UNEP

Welcome and Introduction

Bente Herstad welcomed everyone as the chair of the meeting.

After a brief round of introduction, the meeting agenda was adopted.

Progress Report 2014 and Recap ABS Initiative 2012-2015

Andreas Drews and Suhel al-Janabi, supported by other members and partners of the ABS Initiative, provided an overview of the **Initiative's activities in Africa in 2014 and early 2015** (enclosed presentation “From Cotonou to Addis” – for more details, see enclosed Progress Report 2014).

Broadening the view to the entire programme phase 2012-2015 which is now nearing its end, Andreas Drews presented the **current status of the indicators** for the five outcomes outlined in the programme document 2012-2015 (see enclosed presentation “Status of Indicators”).

In the subsequent discussion, a number of minor amendments to the report were suggested:

- Indicate in the Progress Report: The ABS Initiative is explicitly mentioned in the **MOP-1 decision** on capacity building and development;

- Clarify the **methodology used to assess the status of indicators**;
- Specify: The “**lessons learnt**” in the Progress Report are lessons from the perspective of the Secretariat and are not binding for future decisions of the Steering Committee. In **future SC meetings**, a separate agenda point is to be scheduled for discussing lessons learnt from the reporting period;
- In the figures and tables depicting the **budget and expenditures**, specify which regions and time frame the numbers refer to. Accordingly, clarify the difference of money that was practically available in the reporting period and the basic commitment by each donor.

Looking back at the past three years, SC members emphasised the ABS Initiative’s significant role as a catalyst, raising awareness and integrating ABS as a topic in other sectors, organisations and processes. International partners pointed out that they benefited from capacities built earlier by the Initiative when implementing their own activities.

The Progress Report was adopted with the stated amendments.

The Secretariat is to circulate the amended Progress Report among the SC members by mid-March.

Programme Document 2015-2020

The Secretariat presented the core elements of the Initiative’s new Programme Document (see enclosed), covering the period from 2015 to 2020, as well as the related intervention processes and modes of delivery. It was clarified that the **text of the Programme Document** outlines the **general principles** of the Initiative’s work over the next five years. The **Annexes** add the technical and operational details; they are designed as “**living documents**” that can be changed if necessary, providing for sufficient flexibility.

Regarding the **text** and rationale of the Programme Document, the following points and amendments were discussed:

SC members asked the Secretariat to make the link between ABS and the **conservation and sustainable use of biodiversity** and its components (as stated in the CBD and the Nagoya Protocol) more explicit in the text. While the ABS Initiative cannot be held accountable for contributing to the first and second objective of the CBD, the document should still make clear that its **capacity development activities are designed to promote all three CBD objectives**.

SC members confirmed that the programme document successfully reflects the lesson learnt from the past years that **more support is required at country level**, providing support to national regulatory frameworks, value chain establishment and IPLC participation in a more coordinated way. It was noted that in line with this, the ABS Initiative is (and has been) slowly **withdrawing from coordinating the African preparation for international meetings**, in the future acting only upon request of the countries/negotiators in this regard.

SC members suggested considering to develop more **training formats in collaboration with universities**. The ABS Initiative has made several attempts in this regard in the past which showed that integrating ABS in university curricula is a difficult and time-consuming task. However, it was agreed that if a university is willing to cooperate in capacity building on ABS this opportunity should be taken. Also, universities should be kept in mind as a target group for the ABS Initiative’s materials on concrete ABS cases, lessons learnt and good practices.

As the discussion around the **SDGs** is not finished yet, all references to them are to be changed into references to the discussions in the Open Working Group on Sustainable Development Goals (or draft SDGs, where applicable) in the document.

Regarding the **Annexes**, the following amendments were discussed:

Results matrix (Annex 1)

- **Outcome indicator 3:** In order to promote **gender equality** while at the same time remaining sensitive to the gender roles in traditional African societies, the indicator on BCPs was slightly reworded to the following: “In X partner countries of the ABS Initiative Y ABS agreements are based on Biocultural Community Protocols (BCPs) or comparable instruments and **promote the inclusion and participation of women** in benefit-sharing”.
- **Outcome indicator 4:** In order to **include regional and international actors** as target groups more explicitly, the outcome indicator was reworded as follows: “Stakeholders in partner and cooperation countries **as well as regional and international organisations** rate their satisfaction level with and the usefulness of the outputs of the ABS Initiative on a scale from 1 to 6 with 4 or higher.”
- **Output A:** In order to increase partner countries’ **ownership** and also to enhance the **sustainability** of the project, SC members suggested adding the roadmaps jointly developed by country representatives and ABS Initiative team members in the process of the country diagnostic, and explicitly requiring countries to contribute own funds to the ABS Initiative’s activities. Output A and the related indicators were changed accordingly.
- **Output B:** The question was raised whether the **means of verification** stated in the matrix (communication documents such as e-mails, minutes, documentation of products as well as ABS agreements) will suffice to attribute the development of ABS agreements to the Initiative’s activities. This challenge will be addressed by the country diagnostics, which will define an accurate baseline for each country, and by due reporting on activities by the ABS Initiative and statements by ABS agreement partners.

Tools and instruments for capacity development (Annex 4 and 5)

- Stressing the **urgent need for capacity development as well as backstopping for negotiating MAT**, SC members suggested opening the training course on mutually agreed terms to participants from all African countries also in the short term, as far as possible. In this regard, the Initiative could develop an e-learning course that could be used online as well as offline. However, to provide the MAT training course to a broader audience, additional partners and budgets are required.
- SC members suggested developing a **training course similar to the IDLO lawyers' training for the national level**, addressing staff of Competent National Authorities in particular (and not only lawyers). Similarly, it was suggested developing an **“advanced level” version of the UCT basic training course** to further capacitate alumni of the existing training.

The Steering Committee adopted the Programme Document 2015-2020 with the stated amendments.

The Secretariat will circulate an amended version of the document, including annexes, among the SC members via e-mail by mid-March.

Partner Countries

In the coming programme phase, the ABS Initiative will provide more targeted support at the national level, focusing on a number of selected **partner countries**. The Steering Committee discussed the selection criteria suggested by the Secretariat (see enclosed document “Identification of Partner Countries”) and approved the chosen approach for the country assessment. In order to keep the continent unified while also allowing for achieving the project outcome, the SC decided not to simply select partner countries from the top of the list but to also **include countries which have made less progress** with ABS implementation so far; Furthermore, the **availability of support by other donors** is to be taken into account in the selection, too.

Considering the insecure budget and the limited amount of information available on the situation in the countries, a **preliminary list of partner countries** was agreed upon where a diagnostic process can be started in 2015. In order to keep the continent unified while also allowing for achieving the project outcome, four “**flagship” countries** were identified which provide particularly favourable conditions for creating success stories and good practice examples in the near future. These countries are **Benin, Kenya, South Africa and Uganda**.

Furthermore, seven countries were included in the selection which are already receiving support through **GIZ-implemented ABS projects**; here, the ABS Initiative will be present, but will largely provide support based on funds/assignments from these projects. Hence, these activities will **only to a small extent, if at all, affect the Initiative’s own budget**. These countries are **Algeria, Burundi, Cameroon, Democratic Republic of the Congo, Madagascar, Morocco and Namibia**. In the future, this list could be completed by countries receiving support in ABS by AFD / French development cooperation.

Based on funds becoming available in the course of the year and available time, the Secretariat is free to start a country diagnostic in **up to four additional countries** that will be proposed to the SC and agreed upon via e-mail. This selection will especially favour countries which are lacking additional support from other sources.

Given that more information about the pre-selected countries as well as about the available budget will be available next year, the **next SC meeting will consolidate the list** of partner countries, providing also an opportunity to add more countries to the list.

Cooperation countries

African countries which have not been selected as partner countries can still receive targeted support upon request, based on available funding and time. The work plan will contain a **non-allocated budget line** which will allow the Secretariat to serve requests for **limited, on-demand support** from cooperation countries. Countries contributing own funds from other sources will be more likely to receive support.

Requests from cooperation countries that **require little time and funding** to attend to can be served without consulting the Steering Committee.

Collaboration and Modes of Engagement with Users / Private Sector

The Steering Committee discussed suggestions for a vision and guidance (see enclosed document) regarding the Initiative’s modes of engagement with the private sector which could be developed into a code of conduct:

The **vision** was generally viewed as positive by the SC. However, there were suggestions to reword it more strongly, e.g. turn it into a purpose. Furthermore, it was decided that a **basic statement** be added that the Initiative should always support negotiating ABS agreements in favour of African provider countries and communities, ultimately supporting the conservation and sustainable use of biodiversity and enhancing rural people’s livelihoods.

The question of how far the Initiative’s involvement in the **development of ABS agreements** and **MAT negotiations** should go was seen as crucial; the Initiative could provide direct advice to providers in contract negotiations or keep its support at a more distanced, general level. It was pointed out that working on actual ABS agreements would provide an opportunity for **on-the-job learning** for both the providers and for the Initiative which would feed into the Initiative’s capacity development tools.

Regarding **non-disclosure agreements**, it was emphasised that they can be hardly avoided when dealing with the private sector. However, they may also bind the Initiative, keeping it from providing beneficial advice if a company wants to negotiate a second agreement over the same resource with

another provider. Furthermore, the question was discussed whether non-disclosure agreements could keep the Initiative from using lessons from MAT negotiations for their **capacity development activities**. An option could be to add a **clause** to the agreements addressing the extent to which their content can be used in training. Generally, it was also pointed out that even without such a clause, lessons from MAT negotiations could still be used for training as **aggregated information**. All in all, the Initiative must make sure not to be **liable** when supporting MAT negotiations. Therefore it was decided that the document should make clear that ABS Initiative staff will only provide technical and procedural assistance (*backstopping*), and not spell out case-specific legal or commercial recommendations (*advice*). Generally, as these issues cannot be solved entirely, the Secretariat should provide **specific reports** on cases where conflicts or critical lines were experienced. The SC is always to be asked for guidance if in doubt.

The wording of the Initiative acting as an “honest broker” was criticised by the SC, as the word may have connotations that contradict the Initiative’s role and objectives. It was decided that the word “broker” be replaced by “**facilitator**”.

The SC members agreed that **remuneration** for the ABS Initiative’s activities from the private sector should be **inacceptable** in any case. Similarly, in order to avoid any potential conflicts of interest, it was decided that the ABS Initiative should by no means accept **membership in decision making or advisory bodies of the private sector**.

It was further pointed out that the necessary **guidance – especially advising on MAT** – might differ **for the Initiative’s partners in delivery** (e.g. Natural Justice); *this issue will remain open for discussion for the next SC meeting*.

The African members of the SC generally approved the vision, but stated that they could not provide guidance on a code of conduct without **consulting their colleagues in the African Group**.

It was therefore decided that *the Secretariat prepare an explanatory note on the background of the discussed issue, including the amended document as a basis for consultation. The African SC members will consult their colleagues via e-mail and get back to the Secretariat with one compiled feedback, ideally by 27 March 2015.*

Work Plan and Indicative Budget 2015/2016

The work plan and indicative budget for 2015/2016 (see enclosed document) was briefly discussed in the Steering Committee. The following questions and comments were raised:

Pan-African and sub-regional workshops

It was agreed that in the future, the **pan-African workshop** will only take place every other year, **following COP-MOP**. For the other years, the Initiative will organise **sub-regional workshops** providing an opportunity for partner and cooperation countries of the same region to share experiences and allowing for more focused and cost-effective exchange.

Grants/Budgets for partners in delivery

Donor representatives asked the *Secretariat to*

- *prepare for the next SC meeting a note on the background of its partnership with partners such as UEBT, PTA, CISDL or FNI*, providing more information on their exact role and
- *specify their deliverables in the Work Plan* to better comprehend the reasoning behind their budget allocations.

African coordination and participation of African stakeholders in international meetings

African SC members asked the donors to consider the **possibility of providing additional funds to the African Union**, funding a **position to coordinate the implementation of the AU Guidelines** and institutionalise ABS within the AU Commission, including related capacity development. It was

further suggested that this position should include accredited **participation in international negotiation forums** as outlined in the Work Plan under 2.2.1, ensuring that ABS related information relevant for Africa is disseminated across these forums. The **African SC members** were asked to **discuss possible approaches** within the African Group and **suggest up to two people** who would be willing to accompany Pierre du Plessis, who is participating on behalf of the Initiative, as observers at least over the next three years.

IPLC involvement

With a view to future work plans, African SC members asked for more activities specifically targeting IPLCs. Generally, they emphasised that the Initiative should aim to involve them more strongly also in existing workshop and training formats, especially the sub-regional workshops.

FNI studies: call for relevant emerging topics

Morten Tvedt asked SC members to provide ideas on which topics FNI should focus on in its future studies; Suggestions should be prepared for the next SC meeting.

The Secretariat will revise the Work Plan and budget according to the amendments made, including the earlier decisions on the Programme Document and partner country selection, and circulate it among the SC members via e-mail by Friday, 13 March 2015. The SC is to adopt the amended version via silence procedure by 20 March 2015.

Kauna Schroeder and the other African SC members will prepare a suggestion for a position under the African Union Commission for the coordination of ABS implementation in Africa, including participation in international negotiation forums. This suggestion is to be circulated among the SC members at least one month ahead of the next meeting.

Steering Committee: Membership and Modus Operandi

In preparation for the next meeting, the Steering Committee discussed the following matters regarding its composition:

The **African science sector** has not been represented at the SC over the last years. Based on a *note to be prepared by the Secretariat, the African SC members, in consultation with colleagues from the African group, will propose a number of potential members via e-mail*. The SC will decide via e-mail so that the new representative will be present at the next SC meeting.

Pierre du Plessis resigned as a representative of the **African business sector, producers and cooperatives** and proposed that the SC appoint **Cyril Lombard of PhytoTrade Africa** to fill this position. It was agreed that Cyril Lombard will be invited as an **observer**, given that PhytoTrade Africa is among the Initiative's partners in delivery. *SC members and the Secretariat will suggest possible candidates for an according member position well ahead of the next SC meeting to be appointed by the SC via e-mail.*

du Plessis was asked, and agreed, to still remain in the SC in his personal capacity, contributing his experiences from the field of **ABS policy and international negotiations**.

The **African SC members** announced that they would prepare a **suggestion for the regional and national government representatives among them to be replaced** by other colleagues from the African Group after the 2016 SC meeting. Lucy Mulenkei will remain as the representative of the IPLCs. *The according suggestions are to be made available for the next SC meeting.*

In this context it was highlighted by the Secretariat that according to the **Terms of Reference for the Regional SCs**, stakeholder representatives are appointed by the SC in their personal capacities based on their function, specialist knowledge and ability to represent the interests of stakeholders.

It was decided that from 2016 on, SC meetings will be **co-chaired** by a donor representative and an African SC member.

When discussing new members, the next SC meeting will also address the question how the perspectives of the Initiative's **partner and cooperation countries** are to be reflected in the Committee.

AOB

The Secretariat will prepare a **final report on the entire programme phase 2012-2015**, providing an overview of the related activities and outcomes in a more condensed and reader-friendly manner than the annual reports. This report will be published in printing.

The Secretariat will prepare a first draft and circulate it among the SC members via e-mail by June/July.

Enclosures

- Presentation: From Cotonou to Addis
- Document: Progress Report 2014
- Presentation: Status of Indicators
- Document: Programme Document 2015-2020
- Document: Identification of Partner Countries
- Presentation: Collaboration and Modes of Engagement with the Private Sector – Vision and Guidance
- Document: Work Plan and Indicative Budget 2015/2016