

Meeting of the Steering Committee 2010

5th February 2011, Kenzi Farah Hotel, Marrakesh, Morocco

Participants:

Members of the Steering Committee:

Bente Herstad, NORAD, Norway
Chouaibou Nchoutpouen, COMIFAC
Heiko Warnken, BMZ, Germany
Kabir Bavikatte, Natural Justice
Kamar Yousuf, UNEP
Mathambo Ngakaeaja, WIMSA
Morten Walløe Tvedt, FNI
Olivier Rukundo, CISDL
Rajae Chafil, IEPF/OIF
Samuel Diemé, DPNS, Senegal

Sem T. Shikongo, Namibia
Søren Mark Jensen, MIM, Denmark

Secretariat of the Initiative:

Andreas Drews, Manager ABS Initiative
Suhel al-Janabi, Co-manager ABS Initiative

Observer:

Simon Le Grand, European Commission

The meeting was opened and chaired by Heiko Warnken of the BMZ. After a short discussion the agenda for the meeting that had been sent to the members of the Steering Committee (SC) prior to the meeting was adopted, with a modification accommodating the fact that one member of the SC had to leave the meeting already at 13.00hs. Thus lunch break was postponed to 13:00 and the discussion of the topic "Workplan and budget 2011 as a first reflection round to 12:00 hours."

Report back on 2010 by Andreas Drews and Suhel al-Janabi

The meeting opened with a presentation by the Secretariat of the ABS Capacity Development Initiative for Africa (Secretariat) of the list of meetings and activities that the Secretariat organized, supported or participated in, in the year 2010 (please refer to the annexed list of meetings).

The SC commented on the significant impact of the Initiative especially its **successes in interfacing the different stakeholders** – i.e. governments, indigenous and local communities, research and the private sector – and making the necessary **linkages between the relevant international processes** for ABS implementation, e.g. CBD and WIPO.

Furthermore, the SC noted that it would be important to **assess the impact** of this rather enormous amount of meetings and activities in the year 2010. The Secretariat responded that it is currently working on the **narrative report** highlighting the impacts achieved so far. The report will be sent to the SC before the end of March.

The following interventions led immediately into the discussion of the mid-term perspective of the ABS Initiative and the need to **shift its focus towards supporting national implementation** of the Nagoya Protocol on ABS.

From negotiation to national implementation – implications for the ABS Initiative:

Discussion

The Programme Document 2009-2011 is basis for the implementation of the ABS Initiative. **2011 was planned as a strategic transition year** shifting the focus of the Initiative after the then expected end of the international negotiations of the international ABS regime towards supporting national implementation

of whatever would be agreed at COP 10. With the Nagoya Protocol on ABS now in place the programming of the coming phase of the ABS Initiative (2012 to 2015) can indeed **focus much more** than on the past **on supporting national implementation**.

The intensive discussion revealed a number of considerations, suggestions and ideas which are summarized in the below bullet points. These serve as a basis for more detailed concept paper or draft programme document which the Secretariat will distribute to the SC before mid April 2011 for further reflection and discussion.

- In order to sustain the high success rate of the Initiative it is crucial to **identify its niche** amidst the growing complexity of activities and funding post the Nagoya Protocol. At the same time there is need to balance the Initiatives support to national implementation and the continuing need for support to international negotiations and activities. Therefore, it is necessary to prioritize, narrow down and focus.
- The issue of **ABS is still highly volatile** and we are still at an exploratory stage. At this juncture it's not obvious yet which implementation approaches and (business-)partnerships may have the highest impact. **The Initiative has to focus, but may not forget to see the big picture**.
- As a part of the UNEP/GEF project, the Initiative is working with six African countries to develop, amend or streamline existing ABS legislation. The Initiative is also working with a few other countries with the same objective. These experiences could serve as best practices for **scaling up ABS implementation** in the context of Danish, Dutch, German and Norwegian programs of bilateral development cooperation. ABS needs to be integrated into the existing work programs such as governance, small and medium business development and forestry. Ultimately the Initiative could be seen not as an implementing organization but rather as an organization **facilitating implementation**.
- One of the important advantages of the Initiative is its **flexibility** and therefore its ability to respond to fast changing situations both during the negotiations and now during the implementation phase. This flexibility should be maintained. However, the question at hand is what will be the Initiative's role in supporting African implementation in 2011. Should this be done through **bilateral processes** or in partnership with **regional organizations** like the AU or NEPAD ?
- It is useful to build on the Initiative's strength which is running a **pan-African process** rather than getting too involved at the country level. Countries should do the implementation themselves through the capacity they derive from the pan-African process. Thus the Initiative can also get local NGOs and businesses involved into the larger process while **linking up with other institutions** like the IUCN and UNEP.
- One question is to which extent the Initiative wants to get involved in supporting African countries in **other international processes**? Accepting that the **WIPO** process has an impact on ABS it would help to send a few people from the Initiative's extended team to keep abreast of the process and report back to the African ABS Group, whereas seriously engaging in the WIPO process involves a different degree of commitment which is not possible at this stage.
- While ABS can be the central hub or anchor of the Initiative's work, it may be useful to facilitate an **interface with African negotiators involved in the other processes** where these processes are relevant to the implementation of the Nagoya Protocol (e.g. at CBD, WIPO, WTO, ITPGRFA and UNFCCC) and where the lessons of the ABS processes can be effectively transposed into the other processes. For e.g. the use of **BCPs in FPIC** processes under the **REDD+** process.
- Whereas ratification of the Nagoya Protocol was seen as an important step towards national implementation, it was highlighted that **other inter-governmental organizations are supporting**

ratification and to some extent also implementation. For e.g. the SCBD is actively embarking on a process to support countries to ratify the Nagoya Protocol and UNEP is also involved in the similar activities through its AMCEN process. The ABS Initiative should complement these endeavours – not duplicate them:

- There is a need to consider the role of the Initiative in **supporting African countries to access GEF grants**. For national implementation there is a need to **involve the private sector** as they could be the drivers of the ABS process and without their involvement any ABS legislation will be an empty shell.
- The strength of the Initiative is being an **interface organization** that has developed an **extensive network within Africa** by building an **enormous amount of trust and credibility** as an honest broker.
- Now after the Nagoya Protocol **other international organizations are getting involved in ABS**. Therefore, it may be useful for the Initiative to consider how it can take its innovative tradition to the implementation phase while having an **exit strategy in areas where other organizations are getting on the stage** now – such as assisting the AU Commission to support the African Group in the preparation of the ABS international processes.
- Care needs to be exercised in how the **Initiative positions itself in the implementation phase**. With the increasing involvement of the AU and the UNEP through AMCEN in the implementation phase of the Nagoya Protocol, and the limited experience of these organizations, the **Initiative should take the lead in assisting African countries in implementation** of the Nagoya Protocol and **developing a more coordinated African** approach.
- The outcomes of the **implementation needs and capacity developments needs assessment**, which was done during the 5th Pan-African ABS Workshop will **inform the implementation of the Initiatives work plan for 2011** and even more the programme **beyond 2011**.
- With the coming into place of the **EU funding** and the resulting need for the Initiative to begin **project implementation in the Caribbean and the Pacific**, the question of the structure of the Initiative becomes pertinent. This discussion on **structure and work plan** that could extend beyond Africa will also have implications for the current donors who are supporting the African program.
- The **unique selling point of the Initiative is its catalyzing** role. It catalyzes national, regional and international processes through effective interfacing and facilitation of experience exchange.

Workplan and budget 2011 by Andreas Drews and Suhel al-Janabi *Presentation and discussion*

The Secretariat presented the work plan for the year 2011. Various comments/suggestions were made by the Steering Committee members on different aspects of the work plan:

On the issue of the interface between the ABS African negotiators with different international processes: While the work of interfacing the African ABS negotiators with WIPO is important it is also important to begin interfacing with other international processes too such as the WTO, UNFCCC etc. However, what exactly does this interfacing mean? Is it sufficient to send one individual from the ABS African Group to these negotiations or should the effort be more concerted. A useful way for the Initiative to proceed could be to organize coordination processes between the African key negotiators in the relevant international processes at periodic intervals. These coordination meetings are likely to also have a beneficial impact on the Rio+20 plans.

On the issue of the meeting jointly organized by the Initiative and the FNI in March 2011 to discuss the Global Multilateral Benefit Sharing Mechanism under the Nagoya Protocol:

This meeting will be co-hosted with the FNI. The Steering Committee suggested that prior to the meeting the FNI will in collaboration with the Initiative develop and circulate a think piece on the Global Multilateral Benefit Sharing Mechanism to stimulate discussions.

On the issue of the July meeting with the 'Working Group on Biodiversity of the COMIFAC (GTBAC 12) in Douala: It is important to invite some of the donors to the sub-regional workshops so as to ensure that they are then able to connect this with the national programs which they are already running in these countries. Furthermore, it was suggested to run the GTBAC 12 workshop back to back with the Francophone training course in Douala late May.

On the issue of the summit of the COMIFAC heads of state in Kinshasa in June: The Initiative should have a side event on ABS at this summit to support awareness raising of the Nagoya Protocol and its implementation amongst the COMIFAC heads of state.

On the issue of the 2nd Pan-African ABS and Forest Workshop: It is an important to start making the links at this meeting not just between the ABS focal points and the foresters but also to link ABS to the Program of Work on Protected Areas, issues of free and prior informed consent being currently discussed in the context of indigenous and community conserved areas (ICCAs) and REDD+. The EU would also want to ensure that other partners like the IUCN supported by the EU to work on protected areas are involved in this meeting.

On the issue of the IEPF summer school for negotiators: It would be useful to send two ABS experts from the Initiative to attend this summer school as resource persons. It would further greatly help if the ABS Initiative could support two or three francophone ABS NFPs to attend this summer school.

On the issue of the IEPF negotiation guide: IEPF is planning to develop a negotiation guide and is requesting the Initiative to contribute a chapter on ABS negotiations along with providing financial support to translate the book into English, Spanish and Portuguese. A zero draft will be presented by IEPF by mid 2010 on which the the SC of the ABS Initiative will decide which further steps to take.

On the UNEP/GEF ABS Capacity Building Programme for Africa: There is an overlap between one of the countries listed in the UNEP/GEF capacity development work and those listed in the 'Support to National Implementation'- namely Madagascar. But the focus of the work will be different.

On the work with the private sector / commercial research involvement and R&D infrastructure development: Challenges were identified in involving pharmaceutical companies while stressing on the importance of including them in the project goals: the biotech / pharmaceutical sector's interest is rather in Asia than in Africa due to Asia's good R&D infrastructure. There are however efforts to engage with Novartis, Schwabe, Weleda, Novozymes and others. The focus at this point in time is more to access the "low hanging fruit" in an African context which is the industry using directly natural products - and hence the collaboration with the UEFT and Phytotrade Africa.

Regarding the budget for the year 2011: The current work plan is with a deficit of 800,000 Euros requiring to prioritize activities. However, the budget is written in a manner where the deficit is clearly noted and which activities are covered by the available budget. In any case the work plan can be taken up again in the June meeting of the Steering Committee when we will have a better understanding of the budget based on the EU contribution.

Based on this discussion Budget and Workplan 2011 were approved by the Steering Committee.

AOB

The SC welcomed the interest of the AU Commission to work together with the Initiative and requested the Secretariat to invite in the medium-term the AU Commission as a partner to the Initiative.

Potential partners for the future: Finland, France and Netherlands (rejoining after a funding crunch).

Finland wants a focus on forests and France wants to focus on valorization strategies for GR and TK along with an emphasis on compliance issue, particularly in French speaking countries.

Regarding the request of the AU to join the Steering Committee, this issue would need to be relooked at the extraordinary meeting of the Steering Committee in June (back to back with ABS ICNP-1) since this would also be relevant to the structure of the Initiative especially if there is a decision taken to get involved in projects in the Caribbean and the Pacific countries as a result of the EU funding. The EU may require a separate steering committee for the Caribbean and Pacific work since there is an existing ACP steering committee already, that will play a role.

The donors in the Steering Committee (Germany, Denmark, Norway and IEPF) expressed their willingness to support the ABS Initiative financially also in 2012 and beyond. The Secretariat requested the donors to indicate in due time before the extraordinary SC meeting in June 2011 a ballpark figure of the possible “after 2011 contribution” (yearly amount and duration of support) as this would allow the Secretariat to develop a realistic draft programme document (2012-2015), The donors of the Initiative further commit to putting the Secretariat in touch with their African country offices / embassies to ensure greater integration of ABS in the ongoing bilateral development cooperation projects.

Sem Shikongo announced that he will be resigning from the Steering Committee to take on the tourism portfolio in the Namibian government. The SC members thanked him for his engagement and guidance.

17.02.2011 Andreas Drews and Suhel al-Janabi
 Co-Managers of the ABS Capacity Development Initiative

Annex: List of workshops, trainings and conferences organized and attended by the ABS Initiative

Events not organized by the Initiative are listed in blue italics.

- 25.-29.01.10 ABS and TK Training Course, Cape Town, South Africa
- 04.-06.03.10 African Regional Consultations for WGABS-9, Windhoek, Namibia
- 08.-10.03.10 African Minister Conference on ABS, Windhoek, Namibia
- 16.-18.03.10 Inter-Regional Informal ABS Consultations, Cali, Colombia*
- 20.-21.03.10 African Regional Consultations prior to WGABS-9, Cali, Colombia
- 22.-28.03.10 WGABS 9, Cali, Colombia*
- Side event: ABS and Forests (integrated in Natural Justice side event on BCPs)
- 12.-16.04.10 Anglophone Facilitator Training, Bonn, Germany
- 16.04.10 UEBT Annual Meeting, Paris, France*
- 13.-17.04.10 1st National ABS Workshop Benin, Cotonou, Benin
- 03.-07.05.10 Francophone Facilitator Training, Bonn, Germany
- 08.-10.05.10 African WIPO-ABS Coordination, Geneva, Switzerland*
- 17.-21.05.10 SBSTTA 14, Nairobi, Kenya*
- 24.-28.05.10 WGRI 3, Nairobi, Kenya*
- 10.-11.06.10 Conference on Biological and Cultural Diversity, Montreal, Canada*
- 15.-16.06.10 SusCon 2010 - International Conference on Sustainable Business and Consumption, Nürnberg, Germany*
- 21.-25.06.10 13th African Ministerial Conference on the Environment, Bamako, Mali*
- 06.-07.07.10 Preparatory Meeting of African Negotiators, Montreal, Canada
- 08.-09.07.10 African Regional Consultations, Montreal, Canada*
- 10.-16.07.10 WGABS 9bis / Interregional Negotiation Group (ING), Montreal, Canada*
- 20.-23.07.10 IEPF Summer School, Bamako, Mali*
- 26.-31.07.10 GTBAC 10, Douala, Cameroon
- 30.08.-01.09.10 African ILC Preparatory Meeting prior to COP 10, Cape Town, South Africa
- 02.-03.09.10 African BCP Network Meeting, Cape Town, South Africa
- 07.-08.09.10 CBD Academy of the German Research Network, Wiesenfelden, Germany*
- 17.09.10 Inter-regional Consultations prior to ING 2, Montreal; Canada*
- 18.-21.09.10 ING 2, Montreal, Canada*
- 28.-29.09.10 Business Dialogue, Copenhagen, Denmark
- 13.-15.10.10 ING 3, Nagoya, Japan*
- 16.10.10 WGABS 9ter, Nagoya, Japan*

18.-29.10.10 *COP 10 / ING, Nagoya, Japan*

- Side event (with UNEP and SCBD): ABS Capacity Development in Africa -- achievements of the ABS Initiative 2009 and 2010
- Contribution to several side events as speakers (e.g. GEF, UNEP)

01.12.10 *Global Compact Network Germany Annual Meeting, Berlin, Germany*

06.-10.12-10 *WIPO IGC 17, Geneva, Switzerland*