

First Pan-African ABS Capacity Development

Workshop

Cape Town, South Africa, 19 - 24 November, 2006

R E P O R T

Objectives of the workshop

The strategic objectives for this initial workshop had been defined on in-depth discussions with African stakeholders at various meetings (Addis Ababa Workshop, side events in Granada and Curitiba), on specific demands in the field of ABS and a detailed ABS capacity-building needs assessment for Africa, carried out in February/March 2006.

Explore the experiences with bioprospecting cases in the region for the implementation of ABS regulations at the national and local level – new cases and follow-up on case studies discussed in Addis Ababa – to build broad and sound basis for the development of best practices for ABS in Africa.

Develop a strong vision for ABS in Africa based on trust and mutual understanding that enhances close cooperation and provides a profound basis for networking and outline the basic elements for this cooperation in order to gain a maximum benefit from the three year programme of the ABS Capacity-Building Initiative for Africa.

Recommendations for international law and policy making on one specific issue area based on participants preference: either gap analysis, practical solutions for regional cooperation or national requirements for certificates of origin.

Against this background the workshop specifically aimed at:

1. **Sharing of experiences:** Continuing and reinforcing the open exchange, which was initiated at the Addis Ababa Workshop between different stakeholders on case studies and experiences with ABS in order to draw lessons learnt and establish best practices in the different fields of ABS within the implementation period of the Initiative;
2. **Developing** basic elements for continuing **cooperation** and creating a strong and compelling vision for close cooperation on ABS throughout Africa with the aim to build a network of African ABS experts drawn from all relevant stakeholder groups.
3. **Training** of the participants (e.g. split in newcomers and experts) in various aspects relevant to ABS.
4. **Providing** “multi-stakeholder” **guidance** to elaborate a road map (including further steps and elements) of the capacity building initiative.

Workshop Review

World famous Kirstenbosch National Botanical Garden in Cape Town, South Africa, was the perfect venue to launch a milestone programme for **biodiversity conservation** and **poverty alleviation** on the African continent. In the superb Kirstenbosch conference facilities the South African Department of Environment and Tourism (DEAT) hosted the initial workshop of the Dutch-German ABS Capacity-Building Initiative for Africa, inaugurated with a high-level opening.

Facing the slopes of Table Mountain 59 participants from 18 African and 4 non-African countries gathered from 19th to 24th November 2006 to create a common vision for access and benefit-sharing on the African continent and to develop a roadmap for the three year initiative.

A set of recommendations, which were elaborated during an orientation workshop in Addis Ababa in October 2006, provided the basis for this multi-stakeholder dialogue. Actually the “hand-over” of these recommendations was easily done as roughly one third of the participants attended also the meeting in Ethiopia. Furthermore some participants already presented the Addis results to an international audience at the ABS Working Group meeting in Granada, Spain (Jan 2006), and at the Conference of the Parties to the CBD in Curitiba, Brazil (March 2006), – and were therefore able to give feedback to the participants.

In comparison to the meeting in Addis Ababa, which defined first cornerstones for ABS in Africa, some elements changed within the Cape Town workshop:

- For the first time African business joined the dialogue process with representatives from governmental institutions, civil society organizations, local communities and academia.
- The platform was broadened from a regional (Southern and Eastern Africa) to a continent-wide scope, now including participants from Central and West African countries.
- A first training on legal aspects of the CBD and other relevant treaties for the successful implementation of ABS was provided.
- Based on concrete endeavours a discussion on ABS project approaches was initiated.

Participants appreciated very much these new aspects, as well as the continuous exchange and discussion of case studies on African ABS legislation best practices and bioprospecting examples.

As such – besides a guided tour through the Kirstenbosch National Botanical Garden – the highlight of the week was the fieldtrip to !Kwa ttu, the San-Culture and Education Center, about 70 km north of Cape Town. At !Kwa ttu the group listened for almost an entire day to all stakeholders who are involved in the so called “Hoodia case”, a bioprospecting example from Southern Africa. Lively discussions followed.

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“ABS is everything but easy to manage - this was really eye-opening”, one participant from Central Africa stated, getting to know for the first time concrete experiences on ABS – including differing views from different stakeholder perspectives.

Doubtless, the trip to the San, having provided first-hand experiences of ABS reality in Africa, has played a key role to achieve one objective of the workshop: developing a strong, compelling vision for ABS in Africa.

The *Cape Town Vision* was created over several sessions in a stepwise approach involving all stakeholder groups. It aims at defining the desired state of ABS in Africa through a concrete description of how ABS should “look and feel like” in 2010. Based on an initial vision developed by a group of government representatives the text was handed over for refining to representatives of business and science and finally to those of local and indigenous communities. The vision text was then finalised by a group representing all stakeholders and approved by all participants.

The vision provided the basis for an initial *road map* to implement the 3-year initiative especially during its first year.

Workshop Products

- Lessons learnt and best practice on case studies presented by the participants - recommendations for future negotiations.
- Recommendations/Key elements of the subject chosen by expert participants (either on: gap analysis; practical solutions for regional cooperation or national level requirements for certificates of origin) to the international processes, such as the ABS Working Group of the CBD.
- A strong and compelling vision for ABS in Africa for holders of traditional knowledge and stakeholders of genetic resources as a basis for cooperation and networking.
- Basic elements for continuing cooperation.
- A report that will be transmitted to the CBD Secretariat for distribution as an information document for the 5th meeting of the Working Group on ABS.
- The workshop results will feed into a side event during one of the next meetings of the Working Group on ABS to present the recommendations to a broad audience in preparation for COP 9, Germany 2008.

Background

One objective of the workshop was to develop “a strong and compelling vision for ABS in Africa for holders of traditional knowledge and stakeholders of genetic resources as a basis for cooperation and networking”.

Over the course of several sessions the vision was created in a stepwise approach involving all stakeholder groups. For this purpose a methodology was chosen that defines the desired state of ABS in Africa through a concrete description of how ABS should “*look and feel like*” in 2010. Based on an initial vision developed by a group of government representatives the text was handed over to representatives of business and science and finally to those of local and indigenous communities. The text was finalised by a group representing all stakeholders and approved by all participants.

The vision was the basis for an initial road map to implement the Initiative especially during its first year.

The Vision

The awareness of the importance of the origin of natural products and the knowledge of the beneficial use of biological resources is ever growing. CEOs are no longer accepting to invest in biological resources in the absence of ABS regulation. Research companies are eager to gain access to biological resources and the new inclusion of rural communities in the negotiation process is generating benefits never previously shared.

The other day a pharmaceutical giant sent its buyer to Africa to access genetic resources. He was struck by the adverts for locally produced cosmetics using the same ingredients. In his hotel he encountered a regional buyer interested in medicinal components of the same plant.

He was surprised at how promptly the relevant information and regulations were furnished by the national competent authority, which then guided and introduced him to the community that owned and produced the ingredients.

Getting out of his car the buyer could hear school children reading a text in their own local language. The community received him warmly. They took pride in showing him their land, animals and other indigenous plants which have traditional uses. When he mentioned the names of the genetic resources he was interested in, the community immediately knew which plants he was referring to. They walked him through a well managed wild population of the actual plant and reached a new field where the plant is now cultivated, before he was shown the processing using modern technology.

During negotiation with several stakeholders, the buyer observed that the community was well informed and that their representative knew which knowledge to share and which one to protect. After a few days, the committee, composed of men and women and the buyer, signed a new Material Transfer Agreement for the ingredients and for research on a new plant with clear benefits to the community. They shook hands. He thanked the community. They replied “You are welcome” and they really meant it.

Background

The vision created by the workshop participants provides the underlying basis by representing the values and meanings how ABS should be implemented in Africa by 2010.

However, joined actions will be needed to achieve this vision. Thus ideas for national, regional and international actions for further ABS capacity-building and cooperation were discussed and noted in a structured way for each of the previously identified main fields of work requiring support:

Good practices for ABS – public private partnerships (PPP) and benefit-sharing with local communities

African knowledge network

Common African positions in ABS related negotiations

Personal and institutional capacity-building

Other initiatives

These tables provide a **roadmap** and serve as a guideline **for activities and support requirements** for ABS capacity-building in Africa. The authors of the ideas and proposals are invited to further elaborate their ideas using the form, which can be downloaded below. The filled forms will be linked to the ideas and proposals.

The roadmap thus serves as a **clearinghouse for ABS capacity-building activities** bringing together those who are providing support and those who are seeking support and collaboration for their proposals and ideas.

The roadmap will be revisited and updated during the next cross-regional ABS workshop late 2007.

[Proposal-AfricanABS-initiative.doc](#)



Download, fill in and submit this proposal form on African ABS
Capacity-building Activities

88
kB

Roadmap: Good Practices for ABS

Good practices for ABS/PPP and BS with local communities

| What? | Who? | Roles and contributions |
|--|---|--|
| Developing Best Practices on ABS | UNEP, GTZ, Phytotrade, Protimos | Development, testing, dissemination |
| Preparatory meeting/input into COP9 (IPS/local communities) | Indigenous information network (Chieha, Africa 2008) | Bringing the outcomes of the various work done Developing recommendations for COP9 |
| Training in negotiation skills for communities | IPACC and indigenous | |
| Planning meeting for communities and partners | IIN, Resource Africa, Africa Resource Trust, Africa 2000 (Chieha) | Prepare the community for the process Provide information |
| Assessment of the status of ABS in the regions (CHM) | IIN, Chieha | Coordinate Facilitate |
| Roundtable discussion on policies (CBD/ABS).between government and communities | Africa 2000,Africa Resources Trust, Resource Africa, GTZ | Create awareness LC issues Internal government Give information |
| Policy Dialogue with GUT/ Civil Society: local communities | THETA, IIN, CHIEHA | More understanding between local communities and government. Harmonizing society issues |
| Legal training on farmers- and breeder rights for communities | ECAZ, Africa resources Trust, GTZ, Resource Africa, Africa 2000 | Co-ordinate |
| Developing entrepreneurship skills local community / government | IIN, ARIPO, Africa 2000, private sector, ART | Training communities on economic skills, Alternative livelihoods |
| Training on ABS and IPR, bioprospecting, trade for communities | IIN, IPAC, THETA, Africa 2000 | Creating awareness on Instruments/ABS and IPR Capacity enhancement per negotiations on the use of instruments |

African Knowledge Network

| What? | Who? | Roles and contributions |
|---|--|--|
| Cameroon and South Africa Exchange of Experiences in process (capacity building, law making and enforcement) | BIODIV Focal Point, BDCPC (Cameleu), Protimos, San Council, IPACC; | <ul style="list-style-type: none"> - SAN council and Protimos working on SAN/Hoodia case study and workshops; - Cameroon Biodiversity focal point and BDCPC organise stakeholders and manage event - San Council and Protimos travel to Cameroon for info sharing workshops |
| ABS from the private sector viewpoint. Training module for SADC institutions Training module adaptable to different stakeholders e.g. Policy makers awareness building to Private Sector Communities and Civil Society | Phytotrade SADC Secretariat | As the proposed Centre of Excellence in the SADC region on private sector involvement on ABS we would like assistance with formulating the training module drawing on experience from other regions around the world so that all issues are covered |
| Traditional Knowledge Database | ARIPO SADC-SFCREI | Digitize the all public domain on existing knowledge and plants in Africa |
| Establish ABS Meta Database For Africa | | |
| East Africa Inter-university ABS Awareness training | Mbara University/ICIPE Inter-university/ARPPIS Council (Peter Munyi; Dominic Byarugaba) | Curricula review to incorporate ABS issues, techn. Contribution. |
| Traditional Knowledge Database in CEPGL countries | The Taritina San council IIN GBDI Global Biodiversity Institute | <ul style="list-style-type: none"> - Coordination - Mobilizing groups - Prepare a project - Collect all traditional knowledge associated to GR in those 3 countries |

Common African Posisitons in Negotiations

| Workshop on Congo Basin Common Position on ABS | COMIFAC (coordination) | |
|---|---|---|
| What? | Who? | Roles and contributions |
| Organise Preparatory meetings for COP 9 and ABS working group meetings | <ul style="list-style-type: none"> - Govts. To spearhead the process - All stakeholders to provide and exchange information (Top-down, bottom-up approach) | Policy dialogue with GUT/ Civil Society and local communities |
| NGO consultative workshops | | To harmonize ABS negotiation approaches |
| To develop guidelines for ABS regulations | | |
| Training workshop on negotiation on ABS issues for policy makers, government officials etc. and what to include in their national legislation | | |
| 1.a Awareness/regional workshop for EAC policy makers that leads to a common policy position on ABS | | |
| 1. b. National Awareness workshops => media | Govt. involving <ul style="list-style-type: none"> - Private sector - Research institutions and academia - Local communities CBO, NGO and media | |

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|---|--|--|
| 1.c. Regional harmonisation workshops on ABS | | |
| Technical, regional workshops on ABS for EA | | |
| | | |
| Common African Group Positions Exchange between negotiation of WIPO, WTO and CBD | | |

Personal/Institutional Capacity Building

| What? | Who? | Roles and contributions |
|---|---------------|--|
| Alternative commercial strategies for biological resources in a southern African workshop. | Phytotrade | <ul style="list-style-type: none"> - IP Strategy IP cases for ABS Non-IP strategies dealing with Traditional knowledge - MTA Agreements - Guideline contract agreement - Regulatory issues |
| Training workshop on negotiation on ABS issues on policy matters, Gov. officials etc. and what to include in their national legislation | ARIPO SADC | Focal Point ARIPO |
| Training workshop for community leaders, researchers, some officials who handle ABS issues. => on negotiations PRS issues, Pic and MTA | ARIPO SADC | |

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|--|---|---|
| ABS workshop West/Central Africa | Govt. Private Sector Local Community Civil Society BDCP_LEAD (Cameroon) Legislators Partners (GTZ_LEAD, UNEP/GEF, COMIFAC, CEMAC, UNDP, NEPAD, ECOWAS, ITTO, | - BDCP- liase with regional organisations and partners - Initiate program and coordinate activities - Legislators- participation partners |
| Organise training workshop on BIOTRADE negotiation for the sub-regions | SABSP-PMU Phytotrade | ID of Experts facilitation |
| Development of ABS legislative frame in the country | - Freddy (SWD) Magagula - Prof Ekpere - Richard Lungu (Zambia) | - Organisation Planning - Implementation (Prof. Ekpere) |

Other initiatives

| What? | Who? | Roles and Contributions |
|--|--|---|
| Harmonisation of legislation/regulations on ABS in different sub-regions | SADC secretariat SABSP PMU (Dr. Shumba) | - Development and implementation (NGO/CBSOs) |
| Considering transboundary nature of Resources | | - Facilitation and endorsement of Har. Strategy (REG, GZ) - Develop and endorse harmonised Strategy (Government) |

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| Regional workshop on the use of biological resources (vs. genetic) and ABS | Phytotrade Biotrade | <ul style="list-style-type: none"> - Differences in legal commercial frameworks - Conservation issues - Alternative commercial strategies - Practical lessons - guidelines |
| UNEP/GEF Project on Implementing ABS Policies in Africa- Cameroon, South Africa, Kenya, Senegal, Madagascar, Mozambique | UNEP will work with GTZ to ensure coordination and collaboration on both Initiatives | Facilitation and Coordination |
| Capacity building for policy makers, business and CSO | GTZ, Ametu, Phytotrade | |
| Policy dialogue on genetic resources With persons on farmers rights, ABS, IT, iP. | GTZ, (Annette Prof) | |
| Workshop for private sector companies and associations to present their practices on the RRD, use and commercialisation of gentic and biological resources | Phytotrade (LEAD) CBD Cooperation Biotrade | <ul style="list-style-type: none"> - What is existing business practice - The fit with ABS |

Programme Overview

Sunday, 19th November 2006

Monday, 20th November 2006

Tuesday, 21th November 2006

Wednesday, 22nd November 2006

Thursday, 23rd November 2006

Friday, 24th November 2006

The Workshop consisted of the following elements of work:

Case studies: Bioprospecting in the region

Participants were invited to present case studies on ABS in their country or region such as concrete cases of bioprospecting or biopiracy as well as experiences with the development and/or implementation of ABS regulations. Participants who took part in the Addis Ababa workshop were invited to inform the group on new developments regarding the case studies presented and discussed in Addis Ababa (www.abs-africa.info/addis_contributions.html).

Develop a Vision for ABS in Africa

One of the major obstacles in the fair and equitable sharing of benefits arising out of genetic resources and the use of traditional knowledge in countries of origin is the lack of knowledge, training and cooperation between holders of traditional knowledge and the various stakeholders of genetic and biological resources. Only if they join forces, biopiracy, cheap buy-out and corruption can be contained. Fair and equitable sharing of benefits needs strong cooperation based on good will and trust by stakeholders on the provider side. Hence one of the major outcomes that the three year programme of the ABS Capacity Building Initiative for Africa aims at achieving is a greater cooperation and networking amongst those stakeholders. Cooperation and networking is based on trust, mutual understanding and first and foremost a joint vision to work together towards a common future that is promising for all those involved.

The workshop invited the participants to develop such a strong vision on ABS in Africa. Over the course of several sessions, participants were invited to create a strong and powerful vision, based on the life reality in their countries and their region.

Legal and political requirements

Two workshop streams were held in parallel, one for those participants not yet very familiar with the ABS issue and its context, and one for those who are already experts in their field. Participants were requested to indicate their choice upon registration for the workshop.

(1) Basic Training: Legal and Political Basics of the CBD and ABS

Those relatively new to the CBD process and access and benefit-sharing were trained in the basics of this issue area: international legal and political framework of biological diversity and genetic resources (CBD, WTO, FAO, WIPO, ILO 169), three pillars of the CBD, relevance of

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ABS in the context of poverty alleviation, conservation and sustainable use, MAT and PIC, equitable sharing of benefits, holders of traditional knowledge, chain of production of bio-chemical products, national and regional legislation.

(2) Expert Discussion: three alternative themes to choose from

On basis of the topics relevant in the next meetings for the negotiation of the international ABS regime (Meeting of the Group of Technical Experts on an Internationally Recognized Certificate of Origin/Source/Legal Provenance and the 5th Meeting of the ABS Working Group) and the recommendations of the Addis Ababa workshop the following three topics for discussion were offered to choose from:

Certificate of Origin : Nominated experts are tasked to explore and elaborate late 2006 or early 2007 the possible options for the form, intent and functioning of an internationally recognised certificate of origin/source/legal provenance and analyse its practicality, feasibility, costs and benefits. It might be useful to discuss these issues, especially national level requirements, in the African context with a view to develop an African perspective and position.

Gap analysis : The discussion of the gap analysis is still a pending issue (decision VIII/4 paras. 2(b), 8, 9). So far none of the African Parties or other stakeholder groups has submitted such an analysis. As the issue will most probably on the agenda of the 5th Meeting of the ABS Working Group it might be appropriate to analyse to what extent the African perspective is covered in the synthesis document ([UNEP/CBD/WG-ABS/4/3](#)) compiled by the SCBD.

Practical approaches for regional cooperation : This has been highlighted as an important issue in the discussions of the Addis Ababa workshop. Considering the transboundary ranges of many biological and genetic resources as well as the associated traditional knowledge regional cooperation and harmonisation are an asset for all stakeholders as competition for the lowest standards and buy-outs can be avoided or at least minimised. The [AU Model Law](#) is a first approach, which seems to have little impact.

Together with the registrations the participants made the following choices:

10 participants: Basic Training

10 participants: Practical approaches for regional cooperation

9 participants: Certificate of Origin

2 participants: Gap analysis

Consequently the organizers decided that the advanced group would discuss practical approaches of regional cooperation to improve ABS in Africa. A discussion of the Certificate of Origin should take place only after the results of the [Meeting of the Group of Technical Experts on an Internationally Recognized Certificate of Origin/Source/Legal Provenance](#) in January 2007 in Lima, Peru.

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Basic elements for continuing cooperation

Based on the lessons learnt from the case studies, the deliberations of the expert workshop and the vision developed by the participants, the workshop was closed with developing the basic elements for the continuing cooperation.

Excursion

The excursion to **!Khwa ttu**, the only San owned cultural and education centre in the Western Cape, exposed the participants of the workshop to the world of the San people and their ABS case with the commercial exploitation of the Hoodia plant.

Through a visit of the photo gallery, a guided tour through the countryside and a barbecue with the San People in the evening, the workshop participants were introduced to the rich indigenous knowledge of this fascinating culture on fauna and flora. Further presentations from different stakeholders on the formal negotiated benefit sharing agreement between the Council for Scientific and Industrial Research (CSIR) and the NGO "Southern African San Council" on an biological compound derived from the Hoodia plant, illustrated to the participants how the ABS approach of the Convention of Biological Diversity (CBD) can benefit this community in practice.

For further information please visit www.khwattu.org.

Workshop Programme

[ProgrammeCapeTownFirstABS.doc](#)

75 kB

Workshop Programme 19 to 24 Nov. 2006





Sunday, 19th November 2005

Opening reception:

Moderated by Maria Mbengashe, Chief Director Biodiversity and Heritage, Department of Environmental Affairs and Tourism (DEAT), South Africa.

Key notes:

- Mrs. Rejoice Mabudafhasi, Deputy Minister of Environmental Affairs and Tourism, Republic of South Africa
- Mr. Harro Adt, Ambassador of the Federal Republic of Germany
- Prof. Nico Visser, Agricultural Counsellor South Africa and Zambia, Royal Netherlands Embassy
- Dr. Andreas Drews, Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH

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|---|--|--------|
|  | Speech-Mabudafhasi-SouthAfrica.doc | 46 kB |
|  | Speech-Adt-Germany.doc | 209 kB |
|  | Speech-Visser-Netherlands.doc | 32 kB |
|  | SpeakingPoints-Drews-Germany.doc | 38 kB |

Monday, 20th November 2006

09.00 – 09.10

Welcome

Dr. Andreas Drews, Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH, Germany

Short formal opening of the workshop, welcome of the participants and introduction of the facilitators Esther Mwaura-Muiru, Gudrun Henne and Dirk Jung.

09.10 - 09.40

Where do we come from?



Where do we come from?
What has happened on the way?
Who are we?
Where are we now?
Where do we want to go together?

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Facilitator: Esther Mwaura-Muiru

Andreas Drews, Anne Angwenyi and Lovemore Simwanda were interviewed about the history of the ABS Capacity-Building Initiative for Africa including participants reports about the Addis Ababa Workshop in 2005 and the side events at the 4th meeting of the ABS Working Group in Granada as well as at COP 7 in Curitiba where the options and needs of an ABS initiative for Africa was assessed.

09.40 -10.10

Regions, stakeholders, fields of work, self-presentation

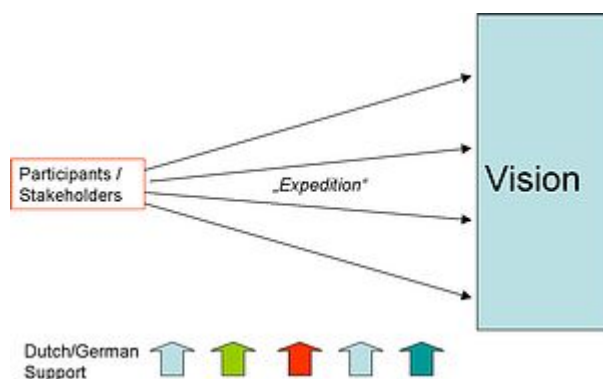
Facilitator: Dirk Jung

10.10 – 10.30

Introduction to the process and spirit of the workshop

Facilitator: Dirk Jung

The major aim of the workshop was to formulate a common vision of all stakeholders on ABS in Africa in 2010, when the negotiations of the international ABS regime should be finalized. The three-year Dutch-German ABS Capacity-Building Initiative for Africa is offering a variety of instruments to support the stakeholders and actors along the path from today to the vision.



Therefore should, by the end of the workshop a roadmap be created which will identify possible next steps of action until the next ABS Capacity-Building Workshop for Africa in late 2007.

As an initial brainstorming the following question was put before the participants: “If in four years from now a journalist would ask you: “What has changed in the field of ABS in Africa since 2006?” – What would you like to answer?”

Each participant formulated one or two elements that he or she would like to see included in a vision.

[VisionCards-201106.ppt](#)



0.9 MB

Slide show of participants vision elements

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11.00 – 12.30

Parallel training workshops

12.30 – 14.00

Lunch break

14.00 – 15.30

Continuation of the parallel workshops

Workshop 1: Basic legal training on CBD, ABS, IPR

Moderation by Dr. Gudrun Henne

Presentations by:

- Dr. Gudrun Henne, Lawyer, Zeit und Leben, Germany
The Convention on Biological Diversity and ABS – An Introduction
- Valérie Normand, Programme Officer, Secretariat of the Convention on Biological Diversity
The Negotiation Process of ABS under the CBD
- Laura Birkman, Department of International Affairs, Ministry of Agriculture, Nature and Food Quality, The Netherlands
ABS Negotiation Positions – Steps into the future



[Henne-CBD-Introduction.pdf](#)

1.0 MB



[Normand-CBD-ABS-Basics.ppt](#)

531 kB



[Birkmann-ABS-Negotiation-Positions.doc](#)

31 kB

Issue areas covered by the basic legal training

- History of the international debate on genetic resources since 1972
- Articles of the CBD relevant for ABS: Art. 1, 15, 16, 19, 8(j)
- Decision-making structure in the CBD
- Double target 2010 adopted by the Johannesburg Summit and the COP: bring biodiversity loss to a halt; develop an international regime on ABS
- International negotiations on the regime of ABS 1992-2006, including Bonn Guidelines
- Stakeholders on ABS issues
- Positions by governments and regional groups in the negotiations of the international regime on genetic resources, including Like-minded Group of Megadiverse Countries
- Other instruments of the CBD touching on ABS: Cartagena Protocol on Biosafety; Working Group on Article 8(j)
- International fora and processes relevant for ABS (covered only briefly):

International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR); World Intellectual Property Organisation (WIPO); World Trade Organisation (WTO)

Main topics discussed by participants

- Terminology: “genetic resources”, “biological resources”, “biochemical resources”, “traditional knowledge” as provided for in the text of the CBD.
- International negotiation positions: the role of different regions; the dynamics of the negotiations.
- Intellectual property rights and the Agreement on Trade Related Intellectual Property Rights (TRIPs) of WTO: How do patents work? What is meant by a sui generis regime in Art. 27 of TRIPs? How can traditional knowledge be protected?
- Relationship ABS and the Cartagena Protocol.
- Benefits arising out of genetic resources: What types of benefits are useful? What type of benefits are feasible?

Workshop 2: Practical Approaches for Regional Cooperation

Moderation by Dr. Andreas Drews

Presentations by:

- Dr. Andreas Drews, Programme Officer, Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH, Germany
Regional Cooperation on ABS in the Andean Community and the ASEAN
- Flora K. Mpanju, Patent Examiner, ARIPO, Zimbabwe
ARIPO's Initiative on Traditional Knowledge and Access and Benefit-Sharing
- Prof. Johnson A. Ekpere, Lawyer, Consultant, Nigeria
Approaches to ABS and Traditional Knowledge – The Role of the AU (OAU) Model Law



[Drews-RegionalCooperation.ppt](#)

1.2 MB



[Mpanju-ARIPO-InitiativeTK_ABS.ppt](#)

4.4 MB



[Ekpere-AU-ModellLaw.ppt](#)

33 kB

Key issues covered in the presentations:

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The ANDean approach

- Decision 391 substitutes national legislation
- Over-regulatory

The ASEAN approach

- Regional ABS clearinghouse mechanism
- Common biodiversity trust fund to finance the regional initiative
- Capacities of the region to complete the process in the case of medicinal case research up to product formulation

ARIPO: African arm of WIPO located in Harare, Zimbabwe:

- Need to differentiate between uncoded traditional knowledge and codified traditional knowledge
- Intends to establish a TK database for Africa

AU Model Law has considerable gaps regarding awareness and better understanding by all stakeholders.

- Need to develop a core of competent implementation staff.
- Mass production and circulation of the Model Law
- Development and funding of a concise implementation strategy

What can be learned from existing regional agreements?

Existing frameworks provide important lessons – though none of the existing frameworks can be seen as a ‘model’ for ABS cooperation in Africa. The question is whether there is a third way – an African way?

The question was asked how relevant existing legislation and regulations can be used, strengthened and coordinated to effectively address ABS at the regional level. Specifically the need to build on the AU model law was noted. A final but critical point was the need for regional cooperation to be ‘bottom-up’ – that is, to be based on strong national processes and legislation, as well as an inclusive and participatory discussion at the local and national levels.

Where is capacity-building needed?

Capacity-building was highlighted as a fundamental and cross-cutting concern and potential objective for regional cooperation. Examples given during presentations such as the establishment of regional centres of excellence were noted. Further needs identified included sensitizing national government representatives to ensure that they adequately reflect national and regional positions, supporting the inventory and evaluation of biological resources and developing MTAs and other best practices.

Coffee break

16.00 – 16.30

Talk show: Lessons learnt in the two parallel workshop streams

Facilitator: Ester Mwaura-Muiru

- Actors urged to keep in mind the role of ABS – sustainable use of biological resources to benefit the local communities.
- First national laws needed, then work on scaling up.
- Consolidation of laws – some laws very outdated and may conflict with ABS.
- Regional vision is also required.
- African countries need to decide what regional bodies they want to be part of. Simultaneous membership in two regional bodies with the same general objectives might create policy conflicts.
- Approaches to regional cooperation can be very different, as evidenced by the Andean Community Decision 391 and the ASEAN Framework Agreement on ABS.
- AU model law contains many good ideas addressing the situation of local communities but needs revision.

16.30 – 17.00

Introduction of the vision building process

Facilitators: Dirk Jung and Dr. Gudrun Henne

Brief explanation of the term ‘vision’ (as opposed to ‘vision statement’)

A vision is:

not a dream
not a forecast
not an objective

A vision is:

precise and concrete
as if it would be real
sensual (hear, see, fee)
attractive and motivating
holistic

Vision building as a step by step process with task forces of all stakeholder groups:

governments

private sector and academia

NGOs and local and indigenous community representatives

Every evening of Monday, Tuesday and Wednesday, a task force representing one stakeholder group was invited to (further) develop the vision in the evening. This text was then presented and discussed with all participants in the next morning and handed over to the next task force. On Thursday evening a mixed group was formed to give a finishing touch to the vision developed so far.

Three members for each of the task forces were preselected. One „open chair“ was nominated by the entire group of participants. All members of the mixed task force were selected by the plenary.

The final vision was presented and discussed on Friday morning and – after minor changes – adopted by all participants.

Catch of the Day

Raising awareness at all levels on ABS.

Regional cooperation

- Approaches of regional cooperation can be very different, from loose to over-regulatory.
- AU Model law has appropriate elements but requires revision/update.
- ARIPO has useful instruments to facilitate regional cooperation
 - Precondition: Recognition of all Parties' interest!
- Strong national processes can foster regional harmonisation
- To strengthen international negotiation positions AU must play a stronger role
- For implementation more regional approaches seem to be effective.

Development/Sharing of ABS regulations

Better understanding of international processes

ABS can contribute to achieve the MDGs

Unpacking benefit sharing

Translating ABS into practice

Tuesday, 21st November 2006

9.00 – 9.45

Presentation of the “draft vision” by Task Force 1 (government)

Facilitator: Dr. Gudrun Henne

Comments by participants and handing over to Task Force 2 (private sector and academia)

9.45 – 10.00

Elevator Talks

Short introduction of the case studies by the presenters to enable the participants to decide, which of the two case study streams they want to attend.

10.00 – 10:30

Coffee Break

10.30 – 13.00

Presentation of six case studies in two parallel streams of case studies

Case Study Stream 1

Facilitator: Esther Mwaura-Muiru

Presentations by:

- David Harrower and Dr. Maureen Wolfson, South African National Biodiversity Institute (SANBI), South Africa
The SANBI/BALL Horticultural Agreement
- Dr. Maureen Wolfson, South African National Biodiversity Institute (SANBI), South Africa
Anti-Malaria Consortium
- Lovemore Simwanda, Technical Advisor, Environmental Conservation Association of Zambia (ECAZ), Zambia
Biopiracy on Zambian Medicinal Plants



[Harrower-BallHorticulture-SouthAfrica.ppt](#)

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[Wolfson-BallHorticulture-SouthAfrica.ppt](#)

824 kB



[Wolfson-MedicinalPlants-SouthAfrica.ppt](#)

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[Simwanda-TraditionalMedicine-Zambia.ppt](#)

74 kB

Case Study Stream 2

Facilitator: Dirk Jung

Presentations by:

- Wivine Ntamubano, Lecturer / Researcher, Faculty of Sciences, University of Burundi
Collecting and Exporting a Medicinal Herb
- Peter Munyi, Chief Legal Officer, Southern Environmental and Agricultural Policy Research Institute (SEAPRI), International Centre of Insect Physiology and Ecology (ICIPE), Kenya
Sustainable Commercialisation of *Mjidea zanduebarica* (mgambo)
- Joyce Katjirua, Project Assistant, Directorate of Environmental Affairs, Ministry of Environment and Tourism, Namibia
Shared Ownership of Property Right for Maruline



[Ntamubano-EnseteVentricosum-Burundi.ppt](#)

2.7 MB



[Munyi-MajideaZanguebarica-Kenya.ppt](#)

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[Katjirua-Maruline-Namibia.ppt](#)

55 kB

13.00 – 15.00

Lunch break and guided tour through the Kirstenbosch National Botanical Garden

The participants heard many interesting stories, such as:

- The estate or conservation area covers 528 hectares of the eastern slopes of Table Mountain and that it offers a vast variety of vegetation types from relic Afro-montane forest to typical Fynbos.
- The Kenyan President visited Kirstenbosch in 1992 on his way to the Earth Summit in Rio de Janeiro and planted an African wild olive tree as a symbol for African peace and brotherhood.
- Twigs of mpephu (*Helichrysum petiolare*) are taken to the South African parliament every year to chase away bad spirits and encourage wise decisions.
- The medicinal plant buchu is highly endangered, due to its high value and unprotected access.
- South African fragrance plants are the focus of many cosmetic companies that come to the Kirstenbosch Gardens to bioprospect for new fragrances.

15.00 – 15.30

Fish bowl discussion: Reflections on the case studies

Facilitator: Dirk Jung

- Case studies of stream 1 were still at a research level and not many benefits were realized.
- Generally benefits were not shared with all important stakeholders.

Role of government:

- Legislation is important, but ABS can also be happening parallel with legislation establishment process (Namibia case).
- Legislation is important to transmit the new concept of benefit sharing to African communities.
- Control that all stakeholders in the ABS agreement are included., so that benefits are created and shared in a transparent way.

Capacity building:

Civil Society and NGO's carry an important role to transmit ABS legislation from the government to the communities.

15.30- 16.00

Coffee break

16.00 – 17.00

Panel discussion on the implementation of ABS regulations in five countries

Facilitator: Esther Mwaura-Muiru

On the panel:

Dr. Rachel Wynberg, Trustee, Biowatch South Africa

Freddy Magagula, Fisheries Officer, Ministry of Agriculture and Cooperatives, Swaziland

Anne Angwenyi, Acting Director Legal Services, National Environment Management Authority (NEMA), Kenya

Lovemore Simwanda, Technical Advisor, Environmental Conservation Association of Zambia (ECAZ), Zambia

Gladman Chibememe, Coordinator GLTP Rural Communities Network Programme Chibememe Earth Healing Association (CHIEHA), Zimbabwe

Lessons learned:

- Difficult to distinguish legally between bio prospecting for research and for commercialisation.

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- Definition of ownership of resources very difficult.
- Definitions such as what is a genetic resource or biological resource etc. is also very difficult.
- ABS being an inter-disciplinary issue necessitates a synchronization of different departments with their legally binding policies.
- All processes need to be participatory, as even though legal Acts on access benefit sharing will still develop; it raises awareness in different stakeholder groups.
- All processes are still in the early stages; South Africa passed the amendments to the Biodiversity Act whereas Swaziland only started negotiations in June this year. Thus experience on implementation and policymaking are still sparse or missing altogether.
- Networking and exchanging of experiences would be very beneficial.

Catch of the Day

ABS is not new to Africa

ABS can be regulated by appropriate ABS legislation

Effective implementation of ABS legislation depends on:

- good governance
- strong civil society

A blue print for successful ABS does exist

Many different methods for effective benefit-sharing

Lessons learned

- Consider multiple ABS agreements as opposed to exclusive agreements
- Define the scope of an ABS agreement clearly
- Approach actively potential partners
- Multidisciplinary approach can yield benefits
- Consider early involvement of business
- Need for clear and strong national legislation
- Traceability of the further use of genetic resources very important

Wednesday, 22nd November 2006

9.00 – 9.45

Presentation of the “draft vision” by Task Force 2 (private sector and academia)

Comments by participants and handing over to Task Force 3 (local communities and civil society)

9.45 – 10.30

Private sector perspective on ABS

Facilitator: Dirk Jung

Presentation by

Jonathan Landrey, New Business Manager. Phytotrade Africa, South Africa
PhytoTrade: Africa's Approach to ABS



[Landrey_Phytotrade.ppt](#)

10.30 – 10.45

Preparation for the excursion to !Khoa ttu

Facilitator: Esther Mwaura-Muiru

Research questions were handed out to the participants – one question for each table group. The groups were tasked to find answers during the excursion to the !Khoa ttu San Culture and Education Center, where presentations and an in-depth discussion of the so-called San-Hoodia case took place. The answers should be presented by the groups on the next day.

Research questions:

- Who owns Hoodia, who owns the associated knowledge?
- Who provides Hoodia?
- How is Hoodia being used and how is value added by whom?
- What are the mechanisms for benefit sharing?
- What are the benefits being realized today, for how and for whom?
- Which stakeholders are actively involved and what is their role and relation?
- What kind of capacity building do the different stakeholders need?

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10.45 – 12.00

Coffee break and travel to !Khwa ttu

12.00 – 13.30

Lunch break and photo exhibition about the SAN culture

13.30 – 14.30

Talk by the hosts about the SAN culture and the !Khwa ttu project

14.30 – 16.30

Discussion of the San-Hoodia case

Facilitator: Esther Mwaura-Muiru

Presentations by:

Rachel Wynberg, Trustee, Biowatch South Africa

Policy and commercialisation frameworks for benefit Sharing, Trade and Use of Hoodia.



[Wynberg-SanHoodiaOverview-Nov06_reducedsize.ppt](#)

2.4 MB

Anetta Bok, Indigenous Peoples of Africa Co-ordinating Committee (IPACC), South Africa

Formation of the San Council

- Other ethnic groups interested on heritage sights on the Hoodia (also the Koi, Nama etc.)
- Foundation of the San Council in 2000!
- San Council made an agreement with the CSIR
- Establishment of the Hoodia Trust who receives money from CSIR and then contributes this money to applications from the San communities
- Doubt whether the agreement with the CSIR was correct and fair
- Necessity that the government builds the capacities of indigenous communities to handle ABS situations

Formation of the Southern African Hoodia Association

- Foundation of the Cape Ethno Botanical Growers Association in 2005 due to threat of the Hoodia becoming extinct and thus the market for exporting Hoodia would be lost:
2005: 25 tonnes of dried Hoodia were CITES issued to be exported
2006: 500 tonnes of dried Hoodia were CITES issued to be exported
 - Hoodia is only allowed to be legally harvested in the Western Cape where it is impossible to harvest 500 tonnes of dried Hoodia.
- Only 2% of the exported dried Hoodia is from cultivation, as only two years ago cultivation started
- 2006 an agreement between this organisation and the Southern African Hoodia Growers Association was reached to merge to one organisation, which also should include Hoodia cultivators from Namibia and Botswana.
- The newly formed Southern African Hoodia Association commits itself to benefit-sharing with the SAN community from the successful cultivation and commercialisation of Hoodia.
- New harvesting permit system should help to sustain the harvesting of the wild Hoodia till the cultivated Hoodia can take over the market.

Kabir Bavikatte, Regional Director, Protimos Africa Trust, South Africa

Experiences with ABS Capacity-building



[Bavikatte-ABS Capacity building-power point.ppt](#)

41 kB

16.30 – 21.00

Guided walk to a SAN village and subsequent barbeque overlooking !Khwatla and the Atlantic coast

Thursday, 23rd November 2006

9.00 – 9.30

Presentation of the “Draft Vision” of Task Force 3 (local communities and civil society)

Facilitator: Dr. Gudrun Henne

Comments by participants and handing over to the mixed stakeholder group.

9.30 – 10.30

Presentations of the answers on the research questions about the San-Hoodia case

1. Who owns Hoodia, who owns the associated knowledge?

Biological resource

- country's sovereignty held in trust
- ownership depends on land ownership too

Genetic Resource

- CSIR patent on P57

Knowledge

- from a legal perspective (public domain)
- on the basis of CBD and equity principles and customary practice- belongs to SAN people
- But two other groups are claiming customary ownership.

2. Who provides Hoodia?

Landowners: with permits

- harvesting permits
- export licenses

Illegal collectors

- without harvesting permits

Phytopharm cultivating Hoodia

Other private co-ownership

3. How is Hoodia being used and how is value added by whom?

Uses

- Appetite suppressant
- Weight loss
- In fighting obesity

Value added by whom

- CSIR does research and development (identify, innovations)
- Pharmaceutical companies
e.g. Unilever uses it in dietary foods

Comments:

Value added should be designed to improve peoples' (San community) needs not just profits.

Traditional knowledge concerning the hoodia is only focused as an appetite suppressant and will not be protected if tomorrow it will be commercialised as a cosmetic product.

4. What are the mechanisms for benefit-sharing?

San share:

- San gets 6% of royalties
- 8% of milestone income

Procedure:

- Money is paid into SAN Trust => no individual benefits

Characteristics of the agreement:

- IPR remains exclusive to CSIR
- Prohibited to enter other arrangements with 3rd parties
- Commit to conserve Biodiversity and Best practice => non-monetary benefits

Comments:

Royalty is paid to CSIR for using the patent in commercial activities.

Milestone payments can be understood as certain stages that if reached, e.g. P57 discovery and isolation, benefits will be paid to the San community independent whether or not the company has made any viable profits.

5. What are the benefits being realized today, for how and for whom?

Networking among countries

- South Africa
- Angola
- Namibia

Learned the skills for negotiation

Education and enlightenment

Learning process has been established

The communities are more organised to negotiate their rights

Through collaboration and cooperation with the partners

Comments:

The monetary benefit should be added: 200.000 R for the SAN community in South Africa.

6. Which stakeholders are actively involved and what is their role and relation?

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Phytofarm, Unilever, Pfizer

Role: Commercialisation

- Brings product to Market
- Pays royalties to CSIR

CSIR

Role: Patent holder

- Pay 6% of royalties to the Trust
- Trustees for the fund

Hoodia San Trust

Role: Administration of the Trust Fund

San Council, San community

Role: Beneficiaries

- Owners of the knowledge
- Trustees for the Fund

Southern African Hoodia Growers Association

Role: Providers of Hoodia

Comments:

The relationship with WIMSA and all the other SAN related organisations.

New declaration of the San people from September will perhaps move them in their importance as a stakeholder up.

In the council each regional group of San is represented.

WIMSA is the umbrella organisation that unifies all the SAN people.

7. What kind of capacity building do the different stakeholders need?

San Communities

- Training in negotiation skills
- Resource Management and Mobilisation
- Interpreneurship skills training
- Commodification: IPR & PR

San Council

- financial traceability
- training in procedures required to spend the money

Government

- Address CBD and national ABS legislation
- Negotiation Skills
- Public Private Partnerships

Private Sectors

(CSIR, Phytofarm, donor community, Southern African Hoodia Growers Association)

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- The value of traditional knowledge
- The CBD provision especially on ABS issues
- Following national legislation
- Networking: Skills and equipment

10.30 – 11.00

Coffee Break

11.00 – 13.00

Presentation of the Tai National Park Project, Ivory Coast

Facilitator: Esther Mwaura-Muiru

Presentation by:

Suhel al-Janabi, GeoMedia Consult, Germany

ABS-plus Agreements – A Potential for Sustainable Funding of Protected Area Management?



[al-Janabi-TAI-CoteIvoire.pdf](#)

868 kB

Participants were asked to exchange ideas in groups and to propose approaches on how an ABS-plus Agreement could become a funding source for the management of the Tai National Park:

| What | Who | Roles and contributions | When | Special Support |
|--------------------------------------|--|--|------------|-------------------|
| Finalize ABS legislation | Government Local communities Park management authority | Policy guidelines to contribute to the development process | April 2007 | Technical Funding |
| Awareness rising of all stakeholders | | Look for funds and implementation | | |

| | | | | |
|---------------------|--------------------------------|----------------------------------|----------------------------------|--------------------------------|
| Resource evaluation | Government Local scientists | Government: spearhead process | Within 6 months once fees and | Funding Technical expertise |
|---------------------|--------------------------------|----------------------------------|----------------------------------|--------------------------------|

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| | | | | |
|---|---|---|-------------------------|---|
| | Local communities International cooperation partners | Local scientists carry out ground evaluation of resources Local communities: provide knowledge | funds become available. | awareness raising to obtain community buy-in to process |
| Resource valuation and knowledge associated with vitilization | | To look for funds and implementation | | |
| Consider alternative management options | | | | |

13.00 – 13.45

Lunch Break

13.45 – 14.30

Vision Building as a Management Tool”

Facilitator: Dr. Gudrun Henne



[Henne-VisionNeurologicalLevels.ppt](#)

876 kB

14.30 – 16.00

“Vision Work” – exploring further ideas on the vision by using objects that were brought by each participant.

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Friday, 24th November 2006

9.00 – 9.30

Presentation of the “Final Vision”

Facilitator: Dr. Gudrun Henne

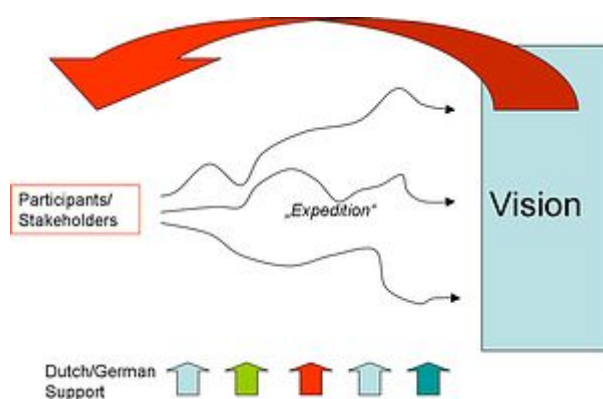
The final vision as formulated by the mixed stakeholder group was presented and discussed and – after minor changes – adopted by all participants.

9.30 – 10.00

Identification of the main fields of work for the ABS initiative

Facilitator: Dirk Jung

Having just finalised the vision, participants were reminded that the vision to become reality, action needs to be taken: There are many different paths to get closer to this vision. These paths are usually not straight forward. As guidance it is only important to keep the vision in mind.



The Dutch-German ABS Capacity-Building Initiative as well as others, such as UNEP, UNDP and UNCTAD Biotrade, is offering support on this "expedition". The following main fields for support have been identified:

- Good practices for ABS – public private partnerships (PPP) and benefit-sharing with local communities
- African knowledge network
- Common African positions in ABS related negotiations
- Personal and institutional capacity-building
- Other initiatives

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Participants were requested to brainstorm and liaise with others to formulate first activities as well as the specific support requirements. To structure the output and build a roadmap, tables were provided for each of the main fields of work using the same headings as on Thursday morning in the brainstorming for the “ABS plus” project scenario for the Thai National Park.

10.00 – 12.30

Coffee Break and outlining the roadmap by filling the tables

12.30 – 13.30

Lunch

13.30 – 14.30

Presentation of the roadmap and feedback on the support possibilities

Facilitator: Esther Mwaura-Muiru

After reading through the tables and clarifying some of the contents Andreas Drews highlighted the wealth of ideas and proposals for bringing the implementation of ABS in Africa closer towards the formulated vision. He expressed his confidence that quite a number of the proposals on this roadmap will find support by either the Dutch-German Initiative or provide useful input to the ongoing or just beginning ABS capacity-building processes, i.e.

- the UNDP/GEF Biodiversity Support Program for SADC implemented by IUCN,
- the UNEP/GEF program about to take off in six African countries (Cameroon, Kenya, Madagascar, Mozambique, Senegal and South Africa),
- the UNCTAD Biotrade program implemented in Uganda and by Phytopharm in SADC, and
- the GTZ/ADF supported COMIFAC Initiative to harmonise ABS implementation within the region, which is closely collaborating with the Dutch-German ABS Capacity-Building Initiative for Africa.

The roadmap and further suggestions for its use can be found under [Workshop Products](#).

14.30 – 15.30

Evaluation of the workshop and coffee break

Facilitator: Dirk Jung

Participants were requested to tick on a scale of 1 to 4 their satisfaction with key elements of the workshop and to write on cards

- what they liked most and
- what they disliked or requires improvement.

15.30 – 16.00 Words of farewell!

Participants

The 59 participants include ABS National Focal Points and representatives of Competent National Authorities for ABS, negotiators in the last meeting of the ABS Working Group and COP 8, staff of national research and development institutions, NGOs from the local, national and regional level, staff of international institutions, as well as relevant private sector representatives:

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Workshop preparation

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The South African Department of Environmental Affairs and Tourism

www.environment.gov.za



Dutch Ministry of Foreign Affairs

www.minbuza.nl/english

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More than a billion people worldwide are living on less than a dollar a day. About a billion people have no access to safe drinking water. Such figures show that greater efforts are needed to combat poverty. Development is a global task. The Dutch Minister for Development Cooperation is fully committed to the Millennium Development Goals (MDG's). The Directorate general for Development Cooperation (DGIS) has the responsibility for the effectiveness and efficiency of the Dutch contribution towards the achievement of the MDG's. Poverty reduction and environment are seen as two sides of the same coin. The poor are the first to suffer from environmental degradation and natural resources are an important asset for pro poor development.

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