

Fifth Pan-African ABS Workshop

hosted by

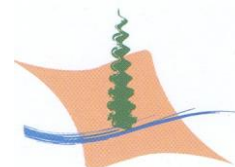
Secrétariat d'État chargé de l'Eau et de l'Environnement (SEE)

in partnership with

Haut Commissariat aux Eaux et Forêt et à la Lutte Contre la
Désertification

(HCEFLCD)

31th January to 4th February 2011, Marrakech, Morocco



Background

Since 2006, the ABS Initiative has convened four pan-African workshops, as well as a number of training courses and workshops with a regional or issue-based focus. The last pan-African workshop, which was held in Cairo in December 2009, dealt to a large extent with the negotiation of the operational text for the international ABS regime, provided the negotiators with the opportunity to prepare for WGABS-9, updated other participants about the status of the negotiation process and continued to solidify the African Group's position. In order to further ownership of the African Group's position at the high political level, the ABS Initiative, with the support of the Government of Denmark, organized in March 2010 an African Ministerial Conference on ABS in partnership with the Government of Namibia. At CBD COP 10 African Ministers assessed and welcomed the draft ABS Protocol as an international instrument highlighting however the need for comprehensive complementary national ABS measures.

Rationale

After ten years of negotiations, the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity* was adopted at the 10th Conference of the Parties to the CBD in Nagoya, Japan. In light of this outcome, the fifth pan-African workshop of the ABS Capacity Development Initiative for Africa will focus on the national implementation of the Nagoya Protocol on ABS. Hence African stakeholders need to discuss and identify ABS policies at the national, sub-regional and regional levels that may range from rather protective to market-oriented approaches for coherent and effective implementation of the protocol. The latter approach endeavours to create an enabling environment for the valorisation of genetic resources and associated traditional knowledge whereas a strictly protective approach focuses only on preventing biopiracy. Finding the right, sometimes-delicate balance is the key challenge for any successful ABS strategy – and this policy choice in turn determines which capacities, institutions and infrastructures need to be developed and established.

Key challenges for the implementation / domestication of the Nagoya Protocol on ABS are:

- Taking the necessary steps towards the prompt ratification of the Protocol
- Establishing a smooth, thorough and open process involving all relevant African stakeholders
- Identifying comparative (dis-)advantages of national, sub-regional and regional approaches, e.g. in addressing the transboundary nature of many genetic resources and traditional knowledge or specific ABS implementation activities

- Lacking interface(s) in many African countries between customary rights / community practices and formal law to ensure participation of indigenous and local communities in relevant processes.
- The unclear interface with the Intellectual Property Rights system, governed by different treaties of the World Intellectual Property Organisation (WIPO) and the World Trade Organization (WTO).
- Identifying linkages between ABS other cross-sectoral issues and the resulting requirements for updating and/or amending existing policies and legislation, e.g. on forests, agriculture, science, health.
- Identification of capacity building needs (at different levels and institutions) as well as the development of resource mobilisation strategies

Objectives of the workshop

Against this background, the fifth pan-African ABS workshop is designed to provide participants a forum to share national experiences in implementing ABS, to discuss the identified key challenges, and to explore national and regional concerns, capacity gaps and priority areas for action at the political and technical-administrative levels. Therefore, the objectives of the workshop are to:

- Identify and discuss the challenges for African States regarding the implementation / domestication of the Nagoya Protocol on ABS;
- Explore national and regional concerns, knowledge gaps and priority areas for action at the political and technical-administrative levels especially in regards to the interface between ABS and IPRs;
- Foster the development and implementation of ABS regulations at the national and local levels by drawing on the knowledge and experience of Moroccan bio-prospecting case; and
- Discuss and identify actual ABS related capacity development needs at the sub-regional and the national levels for the implementation of the ABS Protocol after COP 10.

Expected Outputs

- Assessment of capacity development needs in order to effectively implement the ABS Protocol in order to prepare an (African) submission as requested by COP decision X/43 para. 17 and to identify key areas for support by the ABS Initiative in and beyond 2011.
- Identification of challenges and determination of future work in relation to the linkages between ABS and other policy sectors including TK and IPRs,
- Contribution to the compilation of bio-prospecting case studies and experience reports.

Furthermore, the workshop will serve to identify capacity development related contributions for the planned second revised edition of the GTZ-Reader: "Triggering the Synergies between IPRs and Biodiversity".

Participants

Up to 80 participants including ABS National Focal Points, negotiators in the last meetings of the ABS Working Group, representatives of competent national authorities for ABS, representatives of relevant (sub-)regional and international institutions, NGO's, indigenous and local communities, as well as representatives of the private sector involved in bio-trade and bio-prospecting.

Simultaneous interpretation English/French/English will be available for the plenary sessions of the workshop.

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