

Expert Meeting on ABS and Intellectual Property Rights
5th to 9th September 2011
Addis Ababa, Ethiopia

Details of the Workshop

Day Five, 9th September 2011

1. Summary

During the last day of the meeting, participants discussed the results of the previous day group work on PIC, MAT and Access Permits and agreed on a roadmap to develop draft guidance documents on PIC, MAT, Access Permit and the International Certificate of Compliance. As a last exercise, participants elaborated a calendar of key events to the 11th Conference of the Parties to CBD which will serve as a draft activities plan for the ABS Initiative.

2. Prior Informed Consent, Mutually Agreed Terms, Access Permit and the International Certificate Guidelines Proposal Discussion – Summary of Plenary Discussion on these Issues



Mr Pierre du Plessis from the African Group proposed to merge the outputs of the last group work and use them to develop a draft guidelines document for PIC, MAT, Access Permits and the International Certificate of Compliance and circulate it around for comments.

The ABS Initiative (Suhel al-Janabi and Dr Reyes-Knoche) suggested that the consolidation work could be done by a consultant and result in an indicative list of guidelines for review and that some IP experts could offer their support. They then asked the participants what were their feelings on this proposition.

Mr du Plessis drew the attention to the fact that some results were either guidelines or check list while others were points related to specific contexts. He recommended that the terms of reference for the consultant take these aspects into consideration and be very clear on them due to political sensitivity.

After some deliberations, it was agreed that the draft guidance document on PIC, MAT, Access Permits and the International Certificate of Compliance will be a five phase process:

- Development of the terms of reference for the consultant with legal expertise by the participants;

- Preparatory work and results consolidation into a draft document by the appointed consultant;
- Peer review from the participants and IPRs experts;
- Presentation of the indicative checklists in regard to PIC, MAT, Access Permit and the International Certificate of Compliance at the 6th Pan-African Meeting of the ABS Capacity Development Initiative in January 2012; and
- Presentation of the results of this expert meeting as well as the work in process regarding the indicative checklists in regard to PIC, MAT, Access Permit and the International Certificate of Compliance at the WIPO-IGC meeting on Genetic Resources scheduled for February 2012.

A last point was raised in relation to governance, resource ownership and loopholes regarding private ownership of lands and its related implications. Comments from the audience on these issues were as follows:



- Such issues have to be dealt with at national level. For example, in Namibia the law said that everything that is not legally privately owned belongs to the state. Communal lands are governed by traditional authorities but belong to the state.
- Protected areas are also facing the same issues. There is a strong link here. It will be very useful to discuss with protected areas experts and the communities that are involved in the management of protected areas.
- As just already mentioned, such issues depend on the national situation in each country. In Benin, for instance, customary laws applied. There are two management systems, the national management and traditional management. However, not all ethnic groups have the same management arrangements. Guidelines will be therefore useful for Africa in this regard.

3. Guidance for the ABS Initiative

The participants elaborated a calendar of events to CBD COP 11 which will serve as a draft activities plan. While building the calendar, participants discussed the following:

- To present the results of this expert meeting at the 6th Pan African meeting of the ABS Initiative in January 2012 and at the WIPO-IGC meeting on GRs scheduled for February 2012, in particular the indicative check list with regard to PIC, MAT, Access Permits and the International Certificate of Compliance.
- To have an email conference regarding the guidance document on PIC, MAT, Access Permit and International Certificate
- To consider how many meetings can the Initiative manage

- To hold African preparation meetings ahead of the following meetings: CBD 8j, WIPO IGC on GRs/TK, the second Intergovernmental Committee for the Nagoya Protocol on ABS (ICNP 2) and CBD COP 11.
- To hold a coordination meeting two days earlier the WIPO IGC on GRs and bring few ABS experts to provide effective ABS inputs in this meeting.
- To send an invitation to ministers to be briefed by ABS Experts prior relevant meetings.
- Regarding Article 8j, to have the ABS Initiative's support to get few members of the African Group in the meetings as it would be important to send people to report on the contents of these workshops.
- To have a preparatory meeting for CBD 8j as there was a lot of expectations from many people.



- To have another meeting/training on ABS and IP possibly around July 2012. And depending on the ABS Initiative's capacity, to increase the number of participants. The ABS will continue the discussion on this with Lucy Mullenkei and do its best for such a training to happen.

- To add on the calendar the OAPI meeting in December 2011 in parallel with the ARIPO meeting in Guinea.

- ARIPO to write and liaise

with OAPI to disseminate the outcomes of these workshops.

- Regarding ARIPO Capacity Building Initiative: to include an ABS module in the ARIPO academy on IP. OAPI is believed to plan a similar initiative.
- To plan negotiation skills and drafting skills training.
- To reorganise the date of the ABS French Capacity Building in Cameroun for French speaking countries to train focal points in West Africa as it coincides with other events organised by the CBD. However, it was indicated that the sub regional workshop in Mali will manage time in the Agenda for training.
- To arrange a coordination meeting back to back to the 6th Pan African ABS Workshop in January 2012 (cost effectiveness) with key IP experts from Geneva in order to prepare African representatives/negotiators for ICNP 2 in April 2012.
- To organise training on MAT instrument after ICNP2 in July or August 2012. (UNCTAD training series starting around April 2012)
- To take note of the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) Meeting in Nairobi early October 2011.
- To repeat Addis side event before ICNP 2.

Notes on other Training/Courses related to ABS

- ARIPO and OAPI Academies offer modules on ABS especially TK and GRs

- UNCTAD Training Series (Starting around April 2012)
- Strathmore University in Kenya, Nairobi will host a short course on ABS (10 -14 October 2012) in collaboration with the ABS Initiative and the Environmental Evaluation Unit of the University of Cape Town, South Africa.

4. Clarifying the Way Forward

Suhel al-Janabi informed the participants that the ABS Initiative will take a little step back so that other institutions such as the AU have a more coordination role on ABS related activities. He went on to say that the ABS Initiative will keep providing its support but it was important that the AU was seen as a more active actor and take the lead on these issues. He explained that this meant that, for example, invitations, agenda and contents of meetings will be coming from the AU while the ABS Initiative will provide expert and technical support. The ABS Initiative will also be happy to provide support to other African partners such as, for instance, ARIPO and/or others.

5. Meeting Evaluation

6. Thanks and Closure

End of Day Five and End of Workshop

Visit of the Ethiopian Institute of Biodiversity Conservation



	Sep 11	Oct 11	Nov 11	Dec 11	Jan 12	Feb 12	Mars 12	April 12	May 12	Jun 12	July 12	Aug 12	Sep 12	Oct 12
ABS Related	Sub Regional ABS WS (French)	Sub Regional ABS WS (English)	AMCEN (Tanzania)		6 th Pan African ABS –WS			ICNP 2		RIO +20				CBD COP 11
		IPBES Meeting Nairobi	CBD 8j WG											
IP Related		TRIPs Council Meeting	ARIPO Ministers Meeting (Guidelines on ABS)	OAPI Meeting		WIPO/IGC on GRs		WIPO/IGC on TK (Prep Mtg)			WIPO/ IGC on TCE		WIPO GA	
			SBSTTA											
Prep/ Coord Meetings			Afr Prp Mtg before CBD 8j WG		Key Negotiators Planning Mtg (+IP)	Afr Prep Mtg on WIPO/IGC on GRs		Afr Prep Mtg on ICNP2					Afr Prep Mtg	
						Side Event on Addis W/S		Repeat Addis side Event						
Inputs/ Docs	Report Back from IP Meeting	Report Back from ABS WS (French & English)	Draft PIC, MAT instruments from Addis (before AMCEN)		Revised PIC + MAT instruments									
		African Submission on Art 10 to ICNP2			Report Back on 6 th Pan African ABS WS									
Specific Trainings		Africa Submission on NP Compliance (Art 33)												
			Ministers to Consult ABS Experts before ARIPO Meeting							Training in use of PIC + MAT Instruments		Training for ILCs in IP Issues	Training on basics of IP	

Yellow: ABS Initiative will take the lead to organise the activities/Meetings; **Orange:** IP – Representatives in ABS Meetings; **Green:** ABS – Representatives in IP Meetings
Pink: AU takes the lead (with the support of the ABS Initiative)

