



Convention on
Biological Diversity

THE **ABS**
CAPACITY
DEVELOPMENT
INITIATIVE



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'**APA**

Hosted by the Ministry of Sustainable Development, Energy, Science and Technology, Saint Lucia in cooperation with the ABS Capacity Development Initiative, the Caribbean Community Secretariat and the Secretariat of the Convention on Biological Diversity

Regional Workshop

3rd Caribbean ABS Workshop

24th-27th November, 2014, Bay Gardens Hotel, Saint Lucia

REPORT



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Background

On 25-29 November 2013, the multi-donor ABS Capacity Development Initiative (ABS Initiative) implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in cooperation with the Caribbean Community Secretariat (CCS) and the Secretariat of the Convention on Biological Diversity (SCBD) convened the **Second Caribbean Workshop on Access and Benefit-Sharing (ABS)** in Kingston, Jamaica. The workshop was hosted by the Ministry of Water, Land, Environment and Climate Change of Jamaica and was attended by 44 participants from 13 Caribbean countries.

In cooperation with the University of the West Indies Mona Campus in Jamaica, participants were exposed to several case studies showing how medicinally relevant properties of genetic resources, especially from marine ecosystems, and local traditional knowledge are investigated in scientific research. The workshop adopted elements of a roadmap towards the ratification and national implementation of the Nagoya Protocol in the Caribbean Region, which was finalised by the subsequent meeting of the Caribbean ABS Steering Group.

The **Third Caribbean ABS Workshop** took place at a critical juncture in the life of the Nagoya Protocol, i.e. shortly after the Protocol entered into force on the 12th of October 2014 and after the successful conclusion of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP 1) held from the 13th to 17th of October 2014. Despite these significant milestones, concerted efforts are still needed globally to ensure that the Protocol is operational and consistent with national legislation by the end of 2015 to achieve the second part of Aichi Target 16.

In the light of these developments, there is a need to move forward with the establishment of appropriate ABS regimes in the Islands of the Caribbean Region to achieve the potential of the unique and rich biodiversity of the terrestrial and marine ecosystems of the Caribbean Islands as well as to conserve and protect these resources and the traditional knowledge associated with their use for the generations to come.

Objectives

Building on the previous workshop, the Third Caribbean ABS Workshop, hosted by the Ministry of Sustainable Development, Energy, Science and Technology of Saint Lucia in cooperation with the CCS, the SCBD and the ABS Initiative, was designed to further learn and share experiences with the on-going processes for ratification and implementation of the Nagoya Protocol. The specific objectives of the workshop were to:

- Share experiences and exchanges views on legal and institutional issues regarding the implementation of the Nagoya Protocol;
- Identify gaps, capacity needs and practical actions towards the development or amendment of national ABS legislative, administrative and policy frameworks;

- Discuss approaches for valuation of Caribbean genetic resources and overcome bottlenecks with respect to the transfer of Caribbean research results into the development and commercialisation phase;
- Elaborate on the various elements of ABS-compliant value chains, including the possibilities to negotiate benefits-sharing agreements for existing value-chains; and
- Further discuss possibilities to enhance regional cooperation.

Participants

The workshop brought together 50 participants from 17 Caribbean countries (Aruba, Belize, British Virgin Islands, Cuba, Dominican Republic, Guyana, Jamaica, Saba, St. Kitts and Nevis, St. Lucia, Suriname, The Bahamas). These participants included representatives from governments, indigenous people and local communities (ILCs), academia, non-governmental organisation (NGOs) and research institutions.

Outcomes

The **Third Caribbean ABS Workshop** provided a new opportunity for the states of the Caribbean to share relevant information, exchange views on legal and institutional issues and learn from each other's experiences regarding ABS national implementation. Through various presentations and group discussions, participants gained new knowledge and valuable insights on ABS while identifying priorities and concrete actions that will help enhance their efforts towards the effective implementation of the Nagoya Protocol in the Caribbean region.

Over the four-day workshop, participants were informed on the main developments at international and regional levels of relevance for the region and were introduced to partners and actors who will assist in building and developing countries' capacity to implement the Protocol through joint activities complementing the work of the ABS Initiative. The workshop also allowed the participants to reflect on and assess the current status of progress towards ratification and implementation of the Nagoya Protocol in their respective countries and discuss the different patterns and several examples of utilisation and commercialisation of genetic resources from the region by different sectors. Participants' attention was further drawn to key issues for consideration in the development of national ABS frameworks and key elements to consider for the effective negotiation of ABS agreements. Subsequently, participants had the opportunity to identify the type of support and training needed at national level. At the same time the participants were informed on how the ABS Initiative, the SCBD, the CCS and the International Union for the Conservation of Nature (IUCN) could assist them to move forward the implementation of the Nagoya Protocol in their countries. Finally, the various case studies presented and the examples of missed opportunities from the region provided the participants with a glimpse of the possibilities for valorisation of Caribbean genetic resources and the economic potential of the terrestrial and marine biodiversity in the region.

Proceedings of the workshop, including the fruitful discussions and group exercises, contributed to:

- A baseline assessment of the progress made towards the ratification and national implementation of the Nagoya Protocol and the updating of individual national ABS roadmaps and plans of actions;
- A better understanding of key issues to consider when developing national ABS regulatory frameworks;
- A better understanding of how different sectors use genetic resources;
- A better understanding of key issues for consideration when negotiating ABS agreements;
- A better understanding of ABS mechanisms and obligations under the Protocol related to access, benefit-sharing, compliance and monitoring and of the decisions taken by the Parties at the first COP-MOP;
- A better understanding of the measures and approaches considered by fellow countries and of views on the possible options to support a coherent approach for the implementation of the Nagoya Protocol across the Caribbean region;
- A list of suggestions for agenda items to be included in a forthcoming Caribbean conference on valuation of genetic resources and associated traditional knowledge; and
- A list of elements for a common Caribbean capacity-building strategy on ABS and elements that will serve the development of a Caribbean ABS Capacity Development Roadmap for 2015.

Process

Baseline Assessment

Introduction

The objectives of the first session were to inform the participants about the main developments at international and regional levels of relevance for/to the Caribbean region and to assess the progress made towards ratification and national implementation of the Nagoya Protocol since the 2nd Caribbean ABS workshop that took place in Jamaica in November 2013 through a baseline assessment exercise.

Developments since the 2nd Caribbean Workshop in Jamaica & Status of the National ABS Road Maps

Implementation of the 2014 ABS Roadmap

The opening presentation provided the participants with a brief overview of the activities undertaken or underway in some countries as well as upcoming activities resulting from the ABS Roadmap delineating activities and needs for support in the region developed during the Second Caribbean Workshop, which took place in Kingston, Jamaica. Activities undertaken included, *inter alia*, awareness raising at national and regional levels and the setting up of a regional ABS web page. The next main field of work carried out, and still on-going, was to provide support to the development of national legal frameworks to the Bahamas and Dominican Republic as well as to support a workshop on awareness-raising for representatives of indigenous peoples in Guyana. Finally, while the establishment of regional ABS guidelines, policies, model clauses, including training on Mutually Agreed Terms (MAT) were to be discussed during the workshop, the presentation highlighted how the support provided by the ABS Initiative to the development of the African Union Guidelines as well as the experience and lessons learnt from this process could be useful to the Caribbean.

2014 Regional ABS Roadmap: CARICOM Secretariat Update

The second presentation updated the participants on the various activities carried out by the CCS in order to fulfil the responsibilities and commitments taken at the last Caribbean ABS workshop. Although the CCS committed to developing awareness-raising material for general readership and an environmental law handbook, the focus shifted to provide legal ABS guidance and compile a list of legal drafters to the countries in the region. Further, the CCS organised a preparatory meeting for COP12 and COP-MOP1 that enabled representatives of the region to be briefed before attending both events. The CCS also co-organised with the SCBD a regional workshop in Guyana which allowed for the dissemination of valuable information and useful discussions on regional capacity building and complementary projects, national road maps for ratification and the implementation of the Nagoya Protocol and what the Nagoya Protocol can do for the Caribbean region through the presentation of useful national examples. The CCS reported encountering a few challenges with respect to the development of an online biodiversity forum due to the fact that CARICOM undertook to revamp its entire website in 2014. The setting up of such a platform is still on the agenda and should be undertaken in the near future. Participants were informed that upcoming related ABS activities within CARICOM also included plans for

the delivery of a MAT training workshop as part of the ACP-Multilateral Environmental Agreements 2015 work programme and the organisation of a South-South exchange on ABS and the implementation of the Nagoya Protocol in collaboration with the United Nations Environmental Programme (UNEP) and the South Pacific Regional Environment Programme (SPREP).

Outcomes of COP-MOP 1 of the Nagoya Protocol

Participants were provided with a short overview of the main outcomes of the COP-MOP 1 held in Pyeongchang, Republic of Korea in October 2014. The presentation highlighted the thirteen substantive decisions taken with respect to, among others, the rules of procedure, the ABS Clearing-House, monitoring and reporting, compliance procedures and mechanisms, financial mechanism, resources mobilisation, awareness-raising, capacity building and the global multilateral benefit-sharing mechanism. One of the main decisions was the adoption of the modalities of operation of the ABS Clearing House, which require governments, among other things, to designate a national representative who has the right to publish the official national records on the ABS Clearing-House. Other important decisions included adoption of guidelines and a format for national reporting, the establishment of a Compliance Committee and the election of its 15 members, as well as the adoption of a comprehensive strategic framework for capacity building and development.

Advancing the Nagoya Protocol in Countries of the Caribbean Region

This presentation gave a detailed overview of the Caribbean ABS GEF project being currently implemented in partnership UNEP and the IUCN in ten CARICOM countries namely Antigua & Barbuda, Barbados, Dominica, Guyana, Grenada, Jamaica, Saint Kitts & Nevis, Saint Lucia, Saint Vincent & the Grenadines and Trinidad & Tobago. The overall objective of the project is to seek to uptake the Nagoya Protocol and the implementation of key measures to make the Protocol operational in Caribbean countries. The project preparation work allowed assessing the extent of ABS implementation in these ten states. Participants were provided with a snap shot of the situation of each country concerned by the project in terms of ABS implementation, including detailed information on national policy, strategy and law on ABS as well as the sources of this information. The next steps will be to conduct a baseline analysis to identify common assets, issues and needs between countries and to advance the acceptance, ratification and implementation of the Nagoya Protocol by establishing an enabling environment for the harmonised implementation of basic provisions of the Protocol while fostering regional coordination, providing technical support and capacity development.

Plenary Discussion

Some participants offered to provide additional basic information to complement the GEF/UNEP/IUCN project baseline information. Others inquired whether any information about activities from pharmaceutical sector were collected and available while some other suggested doing an inventory of companies which were already bioprospecting in the region regardless of the sector of activities. Participants were explained that the project was in its early stage and that such information had not yet been collected. Nevertheless, the first consultations to start the gathering of information for the project had very positive outcomes. They not only provided the opportunity for most countries to advance ABS

processes as these meetings served to initiate a dialogue at national level between all the ministers concerned with ABS who had never talked to each other before, but also allowed strengthening ABS regional efforts through the exchange of information, learning from each other and keeping the momentum of building this knowledge and South-South capacity.

Status of Progress towards Ratification and Implementation of the Nagoya Protocol

National ABS Road Maps: Baseline Assessment

The approach of the ABS Initiative and the GEF/UNEP/IUCN ABS Caribbean Project with respect to advancing ABS implementation in the Caribbean Region are complementary. However, both need to assess where the various countries are at in setting up their ABS legislative framework and Nagoya Protocol ratification process in order to provide the most adequate support. Participants were therefore divided into country groups and asked to assess their national baseline and present it to the plenary. Each country group was encouraged to provide details about the process, challenges encountered and progress made so far with their ABS national implementation. The results of this country group exercise indicated that countries in the Caribbean Region were at different stages of ABS national implementation and are available in Annex 1.

GEF 6 Funding for the Nagoya Protocol

The presentation highlighted the different GEF financing options and opportunities to support the national implementation of the Nagoya Protocol. As a general principle, the GEF funds projects that result in global environmental benefits and requires co-financing by the beneficiary countries, which could be in form of non-monetary contributions. Under the System for Transparent Allocation of Resources (STAR) the GEF determines the amount of resources that a given country can access during each replenishment period. The Country Allocation is based on a number of factors such as the potential of a country to achieve global environmental benefits, the country's GDP and the country's performance against the GEF performance index. The presentation outlined the level of utilization of GEF-5 STAR allocations by the Caribbean countries and listed the GEF-6 country allocations. It was noted that as the GEF operates in funding cycles, any amount of the country allocation that is not used in the given circle is forgone. Some funds are also set aside for special activities such as the development of National Biodiversity Strategies and Action Plans (NBSAP) and preparation of national reports. Support for implementation of the Nagoya Protocol during GEF-6 will be provided under Programme 8 of the Biodiversity Focal Area Strategy. GEF 6 priorities in relation to this programme include, among others, technical support for the speedy ratification of the Nagoya Protocol; the development of ABS policy, legal and regulatory framework; and capacity building of stakeholders, including ILCS. All developing countries as well as countries with economies in transition which are Parties to the Nagoya Protocol are eligible to access GEF funding. Parties to the CBD that provide a clear political commitment towards becoming Parties to the Protocol are also eligible for up to four years after the entry into force of the Protocol. In order to make full use of GEF-6 resources, countries should prioritise ABS projects when programming their national allocation and also incorporate ABS activities into multi-focal area projects.

Plenary Discussion

Participants discussed the difficulties for small islands states to access GEF funding and to meet GEF co-financing requirements. They were advised to negotiate the best they can with the respective GEF Implementing Agencies and to consider in-kind contributions as a means for co-financing.

ABS Implementation

Introduction

The overall objective of this second session was to provide support for the implementation of the Nagoya Protocol and invite the participants to reflect on key issues to consider when developing national ABS frameworks or negotiating ABS agreements. The session also highlighted the importance of understanding how the different sectors use genetic resources in order to better negotiate MAT, benefit-sharing and guide policy makers in the development of effective national ABS systems.

National ABS Frameworks

The Development of National ABS Regulatory Frameworks: Key Issues for Consideration

The presentation examined key issues that countries need to consider at each step of the development process of a national ABS regulatory framework, including the initial stage of developing an ABS strategy and a regulatory approach. A particular emphasis was put on key issues for consideration in relation to:

- (i) Institutional arrangements: for example whether opting for a centralised or decentralised approach;
- (ii) Access: in relation to defining the scope of ABS measures or determining the ownership of genetic resources (public or private) and the procedure to involve ILCs in access to traditional knowledge or genetic resources over which they have rights, in negotiation of MAT and in relation to access for non-commercial research versus commercial research;
- (iii) Benefit-sharing: with respect to, among others, the role of the Competent National Authority in the negotiation of MAT, the types of benefits (monetary or non-monetary), the mechanisms for benefit-sharing and defining who the beneficiaries are (providers or state);
- (iv) Compliance and monitoring: for example reporting requirements in MAT or designating checkpoints (publications, funding agencies, Intellectual Property Rights (IPRs) Offices).

Plenary Discussion

During the plenary discussion that followed a variety of questions were raised by participants regarding different aspects of the development of national frameworks and the negotiation of MAT. The major issues were:

- The **need for MAT** to clearly establish for which purpose/utilisation genetic resources are being accessed in order to ensure that consent is granted **for any new uses** in future as well as the sharing of benefits;

- The question whether **differentiating access** for different types of users such as nationals or foreign users would be in compliance with the Nagoya Protocol. They were indicated that the Protocol specifies that rules and procedures should be fair and non-arbitrary. They would therefore need to be clear on the reason why access for national users are different from the ones for international users;
- Which different forums for **ABS dispute settlement** could be used by countries? They were informed that there was not currently any specific forum for ABS dispute settlement. Alternative dispute settlement mechanisms (e.g. conciliation, mediation, arbitration) may be a good way forward and further work is needed to explore the best dispute settlement mechanisms for ABS contracts;
- Clarifications regarding the need for countries, as users of genetic resources, to establish **checkpoints to monitor genetic resources used in their countries and accessed in a foreign country** with a view to ensure that users within their jurisdiction meet the ABS requirements of the provider country; and
- Discussions on the **two different approaches to access of the Nagoya Protocol and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)**, the latter using a standard agreement to address the need to ensure food security and genetic diversity of genetic resources for food and agriculture.

Discussion on National Examples

Cuba

This presentation provided a brief overview of the different Cuban laws, decrees and resolutions that are relevant to ABS. The presentation also elaborated on the approach used to identify key provisions in the various pieces of legislation with a direct or less direct relationship to the different aspects of ABS or that could be considered as managing such issues. The Constitution of the Republic of Cuba, Law 81 of 1997 “Law of the Environment”, a framework law which regulates specific spheres of environmental protection; Decree-Law 200 of 1999 “Environmental Contravention (Compliance) and Resolution 111 of 1996 “Regulations on Biological Diversity” constitute the main body of legislation with a direct relationship with ABS.

Access and Benefit-Sharing: Iwokrama’s Experience Iwokrama, Guyana

The Iwokrama programme was established to demonstrate how tropical forest biodiversity might be conserved and sustainably utilised for ecological, social and economic benefits. This presentation gave a comprehensive overview of the Iwokrama programme and its approach to the sustainable exploitation of genetic resources. A particular emphasis was placed on the Iwokrama International Centre for Rain Forest Conservation and Development Act of 1996 and Regulations (Iwokrama Act), which includes broad ABS measures. As such, these measures are not only limited to the use of genetic resources and traditional knowledge but also to any benefits generated through other activities undertaken under the auspices of the programme. The Iwokrama Act guarantees and protects the rights legally or traditionally possessed, exercised or enjoyed by any ILCs who have a particular connection with any area of land within or neighbouring the programme site (Section 6 (1)). Benefit-Sharing is core to Iwokrama’s

activities and related measures can be found in Article 1, Article 6 (1) (K), Article 8 (3) and Article 20 (7) of the Act. PIC related measures are explicitly stated in Section 6 (2) of the Act. Article 8 provides for the protection, recognition of the rights of ILCs over their intellectual knowledge through an appropriate Intellectual Property Rights System. The Iwokrama Research Guidelines reiterates PIC, MAT, benefit-sharing measures, including measures related to the protection of ILCs' intellectual property over their traditional knowledge associated with genetic resources and also includes guidance in relation to permit regulations, monitoring, reporting and evaluation. The Iwokrama Act is supplemented by the Environmental Protection Act of 1996 and the National Policy on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation developed in 2007. Guyana's further commitment to ABS is illustrated by its recent accession to the Nagoya Protocol and the development of Draft ABS Regulations under the Environmental Protection Act of 1996.

Key Elements of ABS Frameworks: European Union, France and Denmark

This presentation provided an overview of the emerging ABS system in the European Union (EU) through a comparative analysis of the European Union Regulation on Compliance Measures for Users from the Nagoya Protocol (EU ABS Regulation), the French Draft Bill on Biodiversity and Danish Act on Sharing Benefits Arising from the Utilisation of Genetic Resources. The EU ABS Regulation is a law of general application, adopted in 2014. It is binding in its entirety and directly applicable in all Member States. However, some measures at EU Member State level are necessary to supplement the EU ABS Regulation. Hence, although subsequent national legislation must be consistent with the EU ABS Regulation, some variations may be observed between countries as Member States may choose to adopt stricter or more provisions than the minimum requirements indicated in the EU ABS Regulation. The EU ABS Regulation does not cover access to genetic resources and associated traditional knowledge. EU Member States retain sovereign rights over regulating such access. While most Member States indicated not regulating access, specifically Mediterranean States declared their intention to do so. Thus, France requires a PIC to access genetic resources and associated traditional knowledge while Denmark maintains the concept of unregulated access.

Furthermore, the EU ABS Regulation focuses on compliance and due diligence obligation with no specific provision on benefit-sharing other than the fact that users within the European Union have to comply with ABS measures of the country of origin. It also specifies that its compliance rules only apply to the utilisation of genetic resources and associated traditional knowledge sourced in a Party to the Nagoya Protocol. The EU ABS Regulation does not deal with benefit-sharing related to the continued or new utilisation of genetic resources and associated traditional knowledge accessed before the entry into force of the Nagoya Protocol for the EU. The EU compliance rules also do not extend to the phase of commercialisation of the outcomes of research and development. In contrast, the Danish legislation aims to ensure the sharing of the benefits from the utilisation of genetic resources in the context of the Nagoya Protocol, including the development and marketing of products based on genetic resources. France, on the other hand, provides detailed benefit-sharing measures. These include the establishment of MAT and the transfer of benefit-sharing obligation to third party users. Benefits may either go to the French Agency for Biodiversity (to be established) or to the local community as the case may be.

Additionally, if a patent is applied for, information provided in PIC and MAT must be communicated to the National Industrial Property Institute.

With regard to illegal utilisation and fines, the EU ABS Regulation comprises a definition for illegal utilisation – not covering illegal commercialisation – but leaves any concrete measures and fines to the EU Member States. France for example applies civil and criminal law sanctions that include fine and imprisonment to any illegal utilisation and commercialisation. Denmark prohibits the utilisation of illegally acquired genetic resources and associated traditional knowledge.

Plenary Discussion

Following this first round of presentations, participants raised the issue of biopiracy. The discussion pointed out that for example Peru was more proactive and very effective at revoking the granting of illegitimate patents. For example, experiences and lessons learnt from Peru, such as the development of legal frameworks and instruments to protect traditional knowledge and ensure that the social, cultural, economic and intellectual property interests of ILCs are safeguarded could be shared with the Caribbean countries. Looking at the experience on these issues in the region, participants learnt that The Bahamas plans to develop a system that allows the National Competent Authority to regularly check if patents on genetic resources and associated traditional knowledge accessed with a research permit have been granted. Guyana, on the other hand, decided to black list non-compliant researchers through a follow-up mechanism on research permits issued by the Competent National Authority or the ABS Focal Point. Finally, some participants cautioned their peers that only few national patent laws do require the disclosure of the source or even MAT.

The Development of National ABS Regulatory Frameworks: Group Work and Report to the Plenary

The overall objective of this group work was to assist participants to identify common policy objectives with respect to ABS despite the existence of various industry and stakeholder interests within any particular country. To do so, participants were divided into eight multi-country groups representing different stakeholder positions and interests in order to generate more fruitful discussions.

First, participants were asked to think individually about how the future of their country would look like in 30 or 40 years from today and how ABS could make a difference for them (for example, increased partnerships with foreign institutions to fully explore the value of genetic resources and their potential application, better conservation and sustainable use, development of genetic resources into high value commercial products). To help them in their task, participants were provided with a set of guiding questions. These were as follows:

- What will that successful future look like for you?
- What characteristics and/or outcomes would demonstrate this success?
- How would you envision the country and owners of the genetic resources and associated traditional knowledge benefiting from that success?

Second, participants were invited to share their vision and interests within their group.

Third, participants were asked to reconcile their different interests and perspectives to develop a common vision/strategy for ABS and to reflect on what would the key elements of that common vision/strategy be. Participants were invited to consider the following questions during their exchange:

- Do you wish to promote bioprospecting or do you wish to implement a protective approach to prevent misappropriation of GR?
- Do you wish to promote research and development at the national level? (e.g. the development of high tech research and development capacities)
- Do you wish to promote the use of your genetic resources for commercial purposes (for the development of products)?
- Do you wish to allow bioprospecting in protected areas? Do you wish to promote bioprospecting in marine areas?
- Do you wish to valorise your traditional knowledge?
- In light of existing institutions and legislative framework, and also in light of existing experience on ABS, do you wish to adopt a centralised or a de-centralised approach to ABS implementation?

The outcomes of the group discussions were shared in the plenary. The following is a highlight of the some elements of a common ABS policy/strategy identified by the different groups:

- Ratification of the Nagoya Protocol;
- Identification and cooperation of stakeholder groups involved in ABS;
- Development and enactment of laws and regulations specific to ABS and the Nagoya Protocol through an inclusive consultation process;
- Awareness-raising and capacity building on ABS related issues at all levels, especially specific training for ILCs on PIC & MAT;
- Preservation and conservation of genetic resources both at state and communities levels by ensuring that appropriate capacity is developed;
- Promotion of the utilisation and valorisation of genetic resources and associated traditional knowledge and commercialisation of end products;
- Establishment of legal mechanisms for benefit-sharing, compliance, monitoring and designation of checkpoints;
- Building research capacity and capability at national and regional levels;
- Establishment of national and regional databases for genetic resources and documenting traditional knowledge; and
- Regional collaboration (e.g. seed banks, research and development, monitoring the utilisation of genetic resources and associated traditional knowledge, legal capacity building in ABS, etc.).

More details on the results of this group exercise are available in Annex 2 of this report.

Plenary Discussion

Participants discussed further the results of the exercise. Some warned about the difficulty to do an inventory of plants or an inventory of any other organisms whether vertebrates, insects or bacteria, including microbes that could be of interest for ABS. As species are discovered continuously, such an undertaking would be an endless, time consuming and costly exercise. They suggested developing a more realistic and strategic approach to harness such potential. Some participants recommended that countries in the region should collaborate and share information. Others questioned the adoption of a centralised approach, whether such an approach was realistic and what were the advantages and the disadvantages to do so. A number of participants recommended other alternatives such as doing small inventories, which, despite obvious limitations, could be very valuable. Participants also discussed the issue of documenting traditional knowledge through the use of databases and the elaboration of rules to manage and access these data. Some highlighted that traditional knowledge databases would have to be handled very carefully and developed with the consent and participation of ILCs who need to clearly understand what documenting traditional knowledge means. Some records should be kept private while some others can be put in the public domain. Because such issues required some careful consideration, it was suggested that the GEF/UNEP/IUCN Project further explore this issue.

Sectorial Utilisation Patterns

Patterns of Utilisation and Commercialisation of Genetic Resources in Different Sectors

Genetic resources are used for research and development on genes and biochemicals in different ways and contexts. This presentation therefore aimed at providing an analysis of the utilisation and commercialisation of genetic resources by different sectors, namely the pharmaceutical, food, cosmetic and health industries and the relevance of the Nagoya Protocol with respect to each of these industries. These industries use genetic resources and associated traditional knowledge as well as derivatives. Genetic resources are generally accessed from private or public *ex situ* collections or from *in situ* collections. Access to genetic resource and associated traditional knowledge in the country of origin must be done according to national ABS legislation. Access to private *ex situ* collections, however, is not regulated in the majority of cases while access to public *ex situ* collections may be covered by national ABS legislation (as in the French ABS Bill). It is also important to consider the needs of plant breeding institutions and industry. Overlaps with different existing treaties, such as the ITPGRFA, the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), the United Nations Declaration on Indigenous Peoples Rights (UNDRIP) and the International Union for the Protection of New Varieties of Plants (UPOV), need careful attention when developing access regulation to such resources. Finally, although chemical synthesis and synthesised biochemicals derived from genetic resources are not covered by the Nagoya Protocol, they should be addressed in ABS contracts/agreements by developing benefit-sharing options for their use. National legislation could deal with such benefit sharing options as well.

Examples from the Region

Bioprospection, Utilisation and Commercialisation of Genetic Resources: Cuban Examples

This presentation provided the participants with examples on how bio-products obtained from genetic resources may be commercialised with a direct impact on the health and well being of local communities. Cuba is an archipelago with more than a thousand islands and high levels of biodiversity and endemism. This means that there is a great biological potential and an increasing demand for bioprospection. With this in mind, the presentation introduced three well-documented examples of bio-products obtained from Cuban genetic resources, Vitadox, Salvantioxi and Vimang, while at the same time providing hints and tips on what to take into account when undertaking bioprospecting activities. The successful commercialisation of these three products in foreign countries has generated benefits that have been used in health, education and food to improve the level of life of the Cuban people. Free medical treatments are also provided in hospitals to the people of Cuba. Providing a higher international price for these products than the one set for the domestic market is also a way to work out the sharing of the benefits.

Value Chain Development with Genetic Resources from The Bahamas

This presentation provided two examples of value chain developments based on marine genetic resources sourced in The Bahamas. The first example relates to the utilisation of *Salinipora tropica*, a marine actinomycete bacteria with potential anti-cancer agents, exclusively found in the marine sediments of The Bahamian coasts, by foreign research institutions and pharmaceutical companies and illustrates the series of missed opportunities by The Bahamas because no benefit-sharing agreements were negotiated. This situation was generally due to the lack of strategic approach towards the valorisation of national genetic resources of the country, the absence of a policy, law and/or regulations on ABS post-CBD and the absence of monitoring of the utilisation of the resources once it had left the country. The second example concerns the *Pseudopterogorgia elisabethae*, a soft coral with anti-inflammatory properties, essentially used by the cosmetic industry. In this case, a benefit-sharing agreement was eventually concluded on this resource between the Government of the Commonwealth of the Bahamas, the local company providing the resource and the foreign company supplier of the resources to cosmetic industries. Both cases exhibit many typical elements of bioprospecting and research and development that provider countries must learn to recognise in order to explore, exploit and maximise the potential of their biodiversity and possibly refer to in ABS agreements. These are among others, initial research by a public institution, transfer of the genetic resources and research results to a research-oriented company which is a sign of change of intent, a series of strategic patents, the involvement of another medical company at the stage of clinical trials and the involvement of more companies when a drug can be produced and marketed.

Medical Cannabis in the Caribbean: A Discussion of the Issues from the Viewpoint of the Nagoya Protocol

This presentation discussed the research done on the use of cannabis for medical purpose. Although usually considered as a narcotic and deemed illegal in most countries, cannabis has long been used for medicinal purposes. In recent years, scientific and clinical studies have progressively emphasised the

medical efficacy of cannabis, more particularly cannabis non-psychoactive compounds, in easing the symptoms of a wide range of conditions such as rheumatoid arthritis, diabetes, epilepsy to name a few while also exhibiting anti-cancer potential. In Jamaica, where it is also called ganja, cannabis is traditionally used to treat colds, flu, asthma, stomach problems, joint pains and to improve eyesight. For example, medicines such as Canasol used for the treatment of glaucoma and Asmasol to treat coughs, colds and bronchial asthma have been both certified as medical drugs in Jamaica in 1983 and in 1990 respectively. No patent exists on Canasol. Its formulation is protected as a trade secret. The Jamaican government is currently drafting a law to decriminalise marijuana for the possession of the substance for religious and medical use and possession of small amounts (up to two ounces) for recreational use. However, the regulatory framework needed for medical marijuana and scientific research industry in Jamaica is still being debated. Setting maximum limits on marijuana cultivation is not anticipated but the government wants to ensure that small farmers will not be excluded and that it does not just become something exclusively for major capital-intensive investors. There is therefore no formal system for the granting of permits to conduct research on ganja or for the sharing of benefits that could generate any research in Jamaica as yet. Nevertheless, reports on the subject tend to indicate that such industry will help boost the economy of the country and of the region as a whole.

Plenary Discussion

Referring to Vimang developed from mango and other examples from the region, participants reflected on the potential of their common resources and knowledge and on the various avenues to realise it. Some of the major issues discussed related to the need to build capacity in the region, train the trainers and access funds to be able to contract experts and consultants to help countries in this task as well as to organise training and workshops to exchange their experience and learn from each other.

ABS in Practice: An Introduction to the Negotiation of ABS Agreements

Overview of Key Elements for Consideration in ABS Agreements

This presentation aimed to provide the participants with a better understanding of key elements and legal challenges to consider when negotiating ABS Agreements. To do so, important provisions in the Nagoya Protocol were highlighted with a particular attention given to MAT related provisions, most of which are scattered throughout the text of the Protocol in Articles 5, 6 (3), 9, 17, and 18. The presentation then discussed in details the key elements for consideration to integrate in an ABS contracts. These are the following: parties to the agreement, the object and the purpose of the agreement, benefit-sharing, subsequent third party use, change of intent, confidentiality and exclusivity, reporting and dispute settlement. Participants were also strongly advised to consult existing supporting tools that have been developed such as the sectorial briefs published by the CBD, How (Not) to Negotiate Access and Benefit Agreements and the ABS Agreement: Key Elements and Commentary documents that are available on the ABS Initiative website, the ABS Management Tool available on the website of the Swiss Information System Biodiversity as well as the too often forgotten Bonn Guidelines.

Plenary Discussion

Following the presentation, participants inquired or request further clarification on the following issues:

- *Dealing with uncertainty/unpredictability with respect of research results:* Generally speaking, the outcomes of research and development are highly uncertain and unpredictable. This aspect must be taken into account during ABS agreements negotiation process, especially when negotiating MAT. At the time of access it is often impossible to foresee the results, the type of derivatives used and commercialised as well as any profits arising ten years down the line. One solution is to create certainty on how to deal with future developments by, for example, including a renegotiation clause in case of successful outcomes in the initial research, which will lead to commercialisation.
- *Identifying user(s):* It is essential to identify who the user is i.e. an individual, a research institution or a private company and who is authorised to sign the contract. A direct contract with an individual must be avoided because the results of the research will belong to the private or public research institution where the researcher works. It will be very difficult if not impossible to enforce the terms of a contract with an individual when it comes to IPRs and monetary benefit-sharing. Provider countries must therefore sign any agreement with the authorised legal representative of the research institution in question. Information requirements on users can be included in the application form. Details of the information collected can then be annexed to the agreement.
- *Dealing with change of intent and third party transfer:* Change of intent and transfer of material or its derivative to a third party must be included in any ABS agreement. In case of change of intent, ABS terms should be renegotiated. In case of transfer to third parties, a pre-condition should be a renegotiation of ABS terms or transfer of the obligations in the initial MAT to the third party. This can also be made a requirement in ABS national regulatory frameworks and research application forms. Clear clauses in contracts will give a better legal basis for enforcement and/or recourse. It is suggested that generally national ABS frameworks should set out the key elements to be addressed in an ABS agreement, including benefit-sharing, transfer to third parties and change of intent.
- *Dealing with communities after an agreement is signed:* ILCs are bound to the terms of an ABS agreement they negotiated. For example, if a contract comes with exclusive utilisation rights by the other party, no agreement covering the same utilisation can be concluded with a third party. Both parties of a contract have obligations so they must be sure they want to enter in such agreement. ILCs must understand what the agreement they get themselves into is about. They may also choose not to provide access to their genetic resources or associated traditional knowledge. It is therefore critical to raise awareness of ILCs in matters related to ABS and build their capacity. The Nagoya Protocol also includes the development of community protocols, which aim to establish measures on how to deal with access requests by foreign parties in order to ensure fair and equitable sharing of benefits.

- *Dealing with reporting requirement and dispute settlement:* Reporting requirements are key elements that must be included in ABS national regulatory framework. Reporting on the terms of use is also an important clause to be included in a contract. Furthermore, a contract must provide for good dispute settlement mechanism. Enforcement of contracts in foreign jurisdictions or of judgments in a foreign country is a difficult matter. Hence, clear dispute settlement clauses should be included in contracts. These may provide for alternative dispute settlement mechanisms (e.g. conciliation, mediation, arbitration), which may be more efficient and less costly. Considering the complexity of ABS, it is paramount to obtain sound and comprehensive legal counsel in the negotiation of ABS agreements.
- *Dealing with the use of commodities within the context of ABS:* It is one of the major issues that countries are struggling with. Most genetic resources are found in commodities, which are traded every day. One solution that has been proposed is to have a declaration stating that commodities traded will not be used to carry out research and/or development on their genetic resources. Nevertheless, it will be very difficult to monitor such a use once the resource has left the provider country. This is the reason why checkpoints are important. For example, if a disclosure obligation is imposed at IPR offices in user countries (as a possible checkpoint), a user who is interested in patenting a product based on a genetic resource, for example, would have the obligation to disclose the origin or source of this resource. This would hence contribute to monitoring the utilisation of genetic resources. This is also the reason why user measures such as due diligence developed by Switzerland and the EU are important.
- *Considering monetary and non-monetary benefits:* Negotiating the sharing of future monetary benefits can be done at the time of access if the user is likely to gain any profits (monetary benefits). Negotiating upfront payments can also be done at this point, if appropriate. They are independent from future profits. However, while non-monetary benefits and upfront payments can materialise and are predictable at an early stage, the possibility to generate monetary benefits from the commercialisation of a product based on a genetic resource is highly speculative at the beginning of the research and development process. Provider countries therefore need to find the right moment to re-negotiate monetary benefits and IPRs in the event and before research leads to commercialisation.
- *Dealing with legal certainty:* The above points show that providing legal certainty by developing clear, simple and efficient rules at national level and clear requirements in ABS contract is essential. For provider countries that are not yet Parties to the Nagoya Protocol but are Parties to the CBD, it is also important to note that the CBD does include ABS related provisions that already impose ABS obligations on CBD Parties. The Nagoya Protocol further builds on the provisions of the CBD dealing with ABS.

Field Trip

Introduction to the Field Trip

Terrestrial Research Permits in Saint Lucia

Prior to the site visit, participants were provided with a brief overview of the current systems to obtain a research permit for terrestrial and marine resources in Saint Lucia. Permits for research on terrestrial resources are delivered by the Forestry Department. The number of national requests for research permit has so far been very small. The bulk of the demand comes from international organisations or research institutions. The current procedure involves the establishment of a Memorandum of Understanding between the Forestry department and the researcher. An export permit is provided if the researcher requests some samples to take overseas. Such request may involve additional permit authorisations. For example, if the species in question is listed in CITES Appendices, the Forestry Department will also issue a CITES permit. This permit system should be reviewed in the near future.

Marine Research Permits in Saint Lucia

Permits for research on marine resources are granted by the Fisheries Department. Research applications must provide contact details, background information on the research, a thorough description of objectives of the research and the reasons for any specific data collection, including biological samples where relevant, the description of how the data will be collected, details on the expected results of the research and the method as well as the timeframe of reporting on the use of the data/samples collected. If a research permit is granted, a research contract is established. Any collection or no collection of samples will be specified in the contract. A CITES permit must be applied to where appropriate. The contract establishes a number of conditions such as the duration of the research on site, the provision of detailed information on the persons interviewed for the research and the research questionnaire, the submission to the Department of the preliminary findings of the research and the final results of the research, including drafts and the final paper. No researcher is allowed to publish the results of his/her research without the authorisation of the Fisheries Department. In 2014, the Fisheries Department received three research demands. There is no fee associated with the permit. The Department facilitates any research and accompanies any research that relates to biological diversity. The Department keeps records of any data collected and research paper. Benefit-sharing aspects are going to be looked at carefully from now on.

Case study

The Lansan Tree

The field trip to the Barre de L'Islet Forest Reserve provided the participants with the opportunity to familiarise themselves with the Lansan Tree Project funded by Flora and Fauna International, in collaboration with the Global Tree Campaign and the Ministry of Agriculture, Lands, Fisheries and Forestry of Saint Lucia. The Lansan Tree, *Protium attenuatum*, is both culturally and economically important on the island. Its resin is a highly prized commodity, which has long been used locally as an insect repellent and for medicinal purpose in the relief of sinus congestion and arthritis. It is also most

commonly used as slow-burning incense in churches and traded internationally. The Lansan Tree is endemic to the Lesser Antilles and listed as 'Data Deficient' on the IUCN Red List of Threatened Species. Unregulated tapping and destructive harvesting practices of the resin have led to the decimation of the tree across the East Caribbean, with the exception of Saint Lucia where the population of Lansan trees still persists. A 2009 inventory found that the Lansan Tree was the sixth common species in the forests of the island, confirming the fact that the tree may be able to recover if sustainably managed. The Lansan Tree Project, launched in 2010, enabled the development of a harvesting technique that is harmless to the trees while allowing high yield of the resin. Since 2012, the Forestry Department has developed a sustainable management plan for the Lansan Tree and is training local communities to use the sustainable harvesting method while monitoring on-going impacts on the trees. The incense is currently sold on average \$2 per 5 grammes, although the added value component of the incense is not fully exploited. It is also envisaged to apply for a geographic indication in the next few years.

The second stop was at the Superior Broom Producers at La Pointe, Mon Repos. This grass-root initiative involving growers of the Lantanyé palm and broom makers was registered in 2005. The group engages in conserving the genetic resource as well as maintaining and promoting traditional knowledge and use of the palm products. The production of brooms is continuing well over the years and exports target some of the Caribbean islands. The group plans to increase exports through a marketing initiative.

Plenary Discussion

Participants noted that despite the fact that no scientific research in the meaning of the Nagoya Protocol has been undertaken with the Lansan Tree yet, a strategy promoting the different and traditional uses of the resin of the Lansan Tree may be developed to attract scientific interest and considered in the country ABS policy. Another important result of such a strategy, along with the current sustainable exploitation method of the Lansan Tree, would be the generation of small entrepreneurs and local employment. The discussion also emphasised that a country may define which types of uses fall under ABS. For example, the Indian Biodiversity Act considers "research, commercial utilisation, bio-survey and bio-utilisation" as triggers to apply for PIC and negotiate MAT when accessing genetic resources.

Regional Capacity Development Strategy

Introduction

The objectives of this session were two folds. First, provide participants with an overview of the current projects unfolding in the region in relation to ABS implementation and suggest the development of a common approach to maximise the intended impacts of these projects in terms of building capacity and advancing the ratification and the implementation of the Nagoya Protocol in the Caribbean. Second, provide an opportunity for the participants to identify the type of support needed at national level in order for the ABS Initiative, IUCN and CARICOM to use this information to build the next roadmap and prioritise some activities over others.

Suggestions for a Regional Capacity Development Strategy

A Collaboration Approach to Make the Most of On-going Capacity Building Efforts

The presentation informed the participants about the three regional efforts taking place in the region namely the GEF/UNEP/IUCN ABS project, the CARICOM MEAs project and the next phase of the ABS Initiative's programme. Developing a common objective and approach in implementing these three initiatives was strongly recommended. Further recommendations included addressing national needs derived from country roadmaps by using regional processes and activities when this is cost effective and ensuring that the three projects work plans are aligned with each other to avoid "workshop overkill" and duplication of activities in order to maximise funds. The presentation concluded by providing the list of regional workshops and training activities on ABS-related issues planned for 2015 by the ABS Initiative, the SCBD and CCS.

Group Work

Regional Capacity Development Needs

Participants reconvened in country groups and reflected on the kind of support they needed in terms of activities, tools, training and capacity development activities at country and regional levels. Participants were invited to indicate, where possible, a timeline and what their priorities were. Participants were also invited to indicate which of the workshops or training presented in the first part of the session they were interested in. The primary results of this group exercise showed that a majority of countries emphasised, among others, the need for some legal training for local lawyers and some legal support with respect to negotiating of ABS agreements. Further details on the results of this group exercise are available in Annex 3 of this document.

The Way Forward

Introduction

The aim of this last session was to recap the several elements, suggestions, priorities and needs for the way forward discussed during the workshop and inform the participants with information on the type of support the ABS Initiative as well as the SCBD, the IUCN, the CCS, the Organisation of Eastern Caribbean States (OECS) could provide to carry on building the legal capacity of the Caribbean countries while pursuing the development of a coherent approach to the implementation of the Nagoya Protocol in the region.

How to Build Awareness of Decision-Makers?

The CCS emphasised that it was important to properly identify the different groups of stakeholders in order to develop more efficient awareness-raising methods and targeted messaging. The CCS further highlighted that, at this point in time, decision makers at different levels needed to be convinced and that there was therefore a real need to develop persuasive messaging and communication. Such messaging could be evidence-based persuasion in the form of successful case studies or missed

opportunities such as the example of the Bahamas. Proper information on the scale of bioprospecting activity in the region, analysing best practices from other regions and clarifying the costs and benefits of ABS could help convince decision makers of the significance of ratifying and implementing the Nagoya Protocol for the countries of the region. The CCS informed the participants that the Secretariat needed a clear mandate from the countries to push forward ABS related matters and encouraged them to urge decision makers in their respective countries to request this mandate.

The OECS informed the participants that it was reviewing its regional integration strategy so that its Member States could work together more efficiently and become more economically competitive. In order to achieve the economic potential of ABS, the OECS will increase its commitment to the implementation of the Nagoya Protocol in the region by putting in place the corresponding architecture and regulatory framework and support the people involved in this process to move to the next level. The OECS is looking forward to collaborate closely with ABS related activities in the Caribbean in order to maximise the potential of the biodiversity of its Member States and to create niche opportunities for the export of high value products.

Capacity Development and Training Needs

The ABS Initiative informed the participants that it could facilitate the presence of one delegate per British and Dutch Overseas Countries and Territories Caribbean ABS workshops in order to share experiences with them and support the development of their ABS systems. The ABS Initiative also established first contacts with the French Overseas Departments in the region. Since these departments belong to the EU, the participation of delegates cannot be supported financially by the Initiative. The ABS Initiative also emphasised the need for more case studies to be exposed to have more opportunities for exploring further critical ABS issues in the region, including negative experiences and missed opportunities. The mapping of such missed opportunities in the various countries during the last decades could help supporting the argument to the decision makers to move ABS up on their agenda. It is therefore important that the participants keep being well informed on the subject in order to be in a good position to explain the benefits to pursue ABS. The baseline studies might reveal other ABS cases in the region. The participants were then informed that the CCS and the ABS Initiative are planning to assist countries to strengthen their permit system with the addition of ABS clauses to permits while their national ABS framework is being development. The ABS Initiative will also support regional and/or national work during the next phase of its programme, starting in April 2015. Participants were encouraged to share with the Initiative any suggestion for support with respect of ABS Implementation. Finally, the GEF/UNEP/IUCN project, which inception workshop will take place in 2015, will carry out additional awareness-raising activities in the region and complement the work of the Initiative.

Resources and Capacity Development for Implementing the National Roadmaps

The CBD Secretariat informed the participants that capacity building is a process. It is therefore essential to reflect strategically on how the Caribbean countries are going to sustain such a process themselves and avoid the dependency on external funding. This can be done by identifying capacity building needs in the short, medium and longer term and plan realistic targets a country can achieve, for example in terms

of research capacity, legal support, science, human resources, etc. Because resources available might not be sufficient to cover all the activities included in national roadmaps, each country needs to reflect and assess their priorities and determine how they can finance some of these activities on their own. It is therefore essential that countries use the capacity building opportunities such as the ones presented during this workshop and maximise knowledge and skills acquired in their respective countries.

Plenary Discussion

During this last plenary discussion of the workshop, participants highlighted the need to continue such exchange and sharing their experiences with each other while at the same time pushing their governments to address ABS issues. Some participants emphasised the need to raise awareness on the importance of understanding the implications of the requirements and the user measures of EU ABS Regulation, as they will affect provider countries around the world. Finally, the ABS Initiative clarified that its mandate did not imply the funding of national processes as per se. Processes such as the GEF/UNEP/IUCN project are therefore very important for the countries in the region and complementary to the programme of work of the ABS Initiative.

Closure

Feedback

The participants were asked to evaluate the workshop by noting those elements that they saw as positive or negative and to make suggestions for improvements. Overall, participants gave a variety of positive responses on how the workshop was organised, the content and usefulness of the presentations and the possibilities to interact and build networks. But several participants also noted that the sessions were too long and too much information was provided during the workshop. Some participants wished to have more free time to explore the island. The conclusions the team based on the evaluation and the suggestions for improvement are in terms of:

Information Sharing

- Send out basic information before workshop
- Inform participants in advance about level of the workshop
- Distribute electronic copies of the presentations of the day

Format of the Workshop

- Review the timeframes of the workshop sessions and days

Medium Term Tasks for the ABS Initiative

- Develop more case studies
- Produce fact sheet on scope of the Nagoya Protocol (e.g. what is in and what is out)
- Develop a flow chart or decision tree to illustrate the scope

Steering Committee

- Inform SC members on regional and international ABS matters on a regular basis
- Invite SC members well in advance to guarantee the extension of flight tickets

Presentations

The full list of presentations made during the workshop is available [here](#) for download.

Day 1

[Third Regional ABS Workshop for the Caribbean Programme](#) – Valérie Normand, ABS Capacity Development Initiative

[2014 ABS Roadmap](#) – Hartmut Meyer, ABS Capacity Development Initiative

[2014 Regional ABS Roadmap: CARICOM Secretariat Update](#) – Thérèse Yarde, Caribbean Community Secretariat (CCS)

[COP-MOP 1 for the Nagoya Protocol: Main Outcomes](#) – Erie Tamale, Secretariat of the Convention on Biological Diversity (SCBD)

[Advancing the Nagoya Protocol in Countries of the Caribbean Region](#) – Noel D Jacobs, International Union for the Conservation of Nature, Regional Office for Mexico, Central America and the Caribbean (IUCN-ORMACC)

[ABS Baseline Assessment](#) – Hartmut Meyer, ABS Capacity Development Initiative

[GEF-6 Funding for the Nagoya Protocol](#) – Erie Tamale, Secretariat of the Convention on Biological Diversity (SCBD)

Day 2

[The Development of National ABS Framework: Key Issues for Consideration](#) – Valérie Normand, ABS Capacity Development Initiative

[Cuban Legal Framework with Relevance for Access to Genetic Resources and Benefit-Sharing](#) – Miguel A. Vales García, Ministry of Science, Technology and Environment, Cuba

[Access and Benefit-Sharing: Iwokrama's Experience](#) – Anne-Marie Ford, Iwokrama International Centre for Rain Forest Conservation and Development, Guyana

[Key Elements of ABS Frameworks: European Union, France and Denmark](#) – Hartmut Meyer, ABS Capacity Development Initiative

[Sector Analysis on ABS: Relevance](#) – Hartmut Meyer, ABS Capacity Development Initiative

[Utilisation, Commercialisation and Bioprospecting of Genetic Resources: Cuban Examples](#) – Miguel A. Vales García, Ministry of Sciences, Technology and Environment, Cuba

[Value Chain Development with Genetic Resources from The Bahamas](#) – Hartmut Meyer, ABS Capacity Development Initiative

Medicinal Cannabis in the Caribbean: A Discussion of the Issues from the Viewpoint of the Nagoya Protocol – Sylvia Mitchell, University of the West Indies, Jamaica

Suggestions for a Regional Capacity Building Strategy – Téa García Huidobro, International Union for Conservation of Nature, Regional Office for Mexico, Central America and the Caribbean (IUCN-ORMACC)

Day 3

Research Permit for Terrestrial Environment – Jannel Gabriel, Ministry of Sustainable Development, Energy, Science and Technology, Saint Lucia

Marine Research Applications – Shanna Emmanuel, Department of Fisheries, Ministry of Agriculture, Saint Lucia

Day 4

The Negotiation of ABS Agreements: Some Key Considerations – Valérie Normand, ABS Capacity Development Initiative

Annotated Agenda

Monday, 24 November 2014: Opening & Baseline Assessment	
08.00	Registration
09.00	Opening Session National Anthem Prayer Opening Statement <i>Sen. Hon. Dr. James Louis Fletcher</i> <i>Ministry of Sustainable Development, Energy, Science and Technology</i>
09.20	Remarks Representative from CARICOM Secretariat <i>Thérèse Yarde</i>
09.30	Performance: "Nou Tout Kay Ganyen" - "We all will Win" <i>Tiyéta Savann</i>
09.40	Remarks Representative of CBD Secretariat <i>Erie Tamale</i> Representative of ABS Initiative <i>Hartmut Meyer</i>
09.50	Vote of Thanks <i>Francillia Solomon</i>
10.00	Objectives and agenda of this third ABS workshop <i>Valérie Normand, ABS Capacity Development Initiative</i> Getting to know each other <i>Ulrike Krauss, Facilitator</i>
10.30	Coffee / tea
11.00	Developments since the 2nd Regional ABS workshop in Jamaica & Status of the National ABS Road Maps Implementation of the 2014 ABS Road Map <i>Hartmut Meyer, ABS Capacity Development Initiative</i> <i>Thérèse Yarde, CARICOM Secretariat</i> COP-MOP-1 Outcomes and Implications for the Region <i>Erie Tamale, Secretariat of the CBD</i> Caribbean GEF ABS Project <i>Noel Jacobs, GEF/UNEP/IUCN ABS Caribbean Project</i> Discussion
12.30	Lunch

14.00	Status of progress towards ratification and implementation of the Nagoya Protocol National ABS Road Maps - Baseline Assessment <i>Hartmut Meyer & Valérie Normand, ABS Capacity Development Initiative</i>
15.30	Coffee / tea
16.00	Status of progress towards ratification and implementation of the Nagoya Protocol <i>continued</i> How to make use of GEF 6 funding to support implementation of the Nagoya Protocol? <i>Erie Tamale, Secretariat of the CBD</i>
17.30	End of program
18.00	Reception

Tuesday, 25 November 2014: National ABS Frameworks & Sectorial Utilisation Patterns	
9.00	The Development of National ABS Regulatory Frameworks Key issues for consideration in the development of national ABS regulatory frameworks <i>Valérie Normand, ABS Capacity Development Initiative</i> Roundtable Discussion on National Examples <i>Cuba: Miguel Á. Vales García</i> <i>EU (incl. France & Denmark): Hartmut Meyer, ABS Capacity Development Initiative</i> <i>Iwokrama Act & Regulations (Guyana): Anne-Marie Ford, Iwokrama Centre</i> <i>Ulrike Krauss, Facilitator</i> Discussion
11.00	Coffee / tea
11.30	The Development of National ABS Regulatory Frameworks (continued) Group Work and Reports to Plenary <i>Ulrike Krauss, Facilitator</i>
13.00	Lunch
14.30	Utilisation and Commercialisation of Genetic Resources by Different Sectors Examples and Patterns from Different Sectors <i>Hartmut Meyer, ABS Capacity Development Initiative</i> Examples from the Region <i>Cuba: Miguel Á. Vales García</i> <i>The Bahamas: Hartmut Meyer, ABS Capacity Development Initiative</i> <i>Jamaica: Sylvia Mitchell, University of the West Indies</i> <i>Q & A</i>
15.30	Coffee / tea
16.00	Utilisation and Commercialisation of Genetic Resources by Different Sectors (continued) Discussion
16.45	Suggestions for a Regional Capacity Development Strategy Input by <i>Tea García Huidobro, GEF/UNEP/IUCN ABS Caribbean Project</i> Discussion
17.30	End of program

Wednesday, 26 November 2014: Field Trip
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8.30	Overview about Saint Lucia's Research Permit System Research Permits for Terrestrial Ecosystems <i>Jannel Gabriel, Ministry of Sustainable Development, Energy, Science and Technology, Saint Lucia</i> Marine Research Applications 9:30 <i>Shanna Emmanuel, Department of Fisheries, Ministry of Agriculture, Saint Lucia</i> Field Trip Lansam Tree Project, Barre de L'Islet Forest Reserve Latanye Palm & Superior Broom Producers, Mon Repos
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Thursday, 27 November 2014: Approaches for MAT Training & Way Forward	
9.00	ABS in Practice: An Introduction to the Negotiation of ABS Agreements Overview of key elements for consideration in ABS agreements <i>Valérie Normand, ABS Capacity Development Initiative</i> Questions and Answers - Discussion
10.30	Coffee / tea
11.00	Suggestions for a Regional Capacity Development Strategy (continued) Group Work and Reports to Plenary <i>Ulrike Krauss, Facilitator</i>
12.30	Lunch
14.00	The Way Forward How to Build Awareness of Decision-Makers? <i>Thérèse Yarde, CARICOM Secretariat</i> Capacity Development and Training Needs <i>Hartmut Meyer, ABS Capacity Development Initiative</i> Resources and Capacity Development for Implementing the National Road Maps <i>Erie Tamale, Secretariat of the CBD</i> OECS Opportunities Supporting the Implementation of the Nagoya Protocol <i>Didacus Jules, Director-General of OECS</i> Discussion
15.30	Coffee / tea
16.00	The Way Forward Summary and Next Steps Evaluation <i>Ulrike Krauss, Facilitator</i> Closure
17.30	End of programme

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Annex 1: National ABS Roadmap Baseline Assessments

Cuba	
Consultations held?	The Directions of de Ministry Sciences, Technology and Environment Cuban Office Industrial property The Biotechnical Frete Office of Environmental Regulation and Nuclear Security Foreign International Ministry External Board of Trade and Collaboration Ministry Agriculture Deputies of the National Assembly National Association Farmer (ANAP) Universities
Awareness-raising at decision-makers' level?	Ministerio de Ciencia, Tecnología y Medio Ambiente and National Assembly and the President of the Republic.
Process of ratification	The ratification process is advancing. It was approved by the Minister of Foreign Affairs. It is now in the Office of President of the Republic.
ABS strategy	National Strategy Biodiversity
ABS legislation/regulations	Resolution 111/96 of Ministry Sciences, Technology and Environment
ABS Institutional framework	Ministry Sciences, Technology and Environment

Haiti	
Consultations held?	Ministry of Agriculture and Ministry of Health. However, the political situation is preventing any further action.
Awareness-raising at decision-makers' level?	Still in the Ministry of the Environment.
Process of ratification	The Nagoya Protocol has not been signed/ ratified but the President may pass an act in January.
ABS strategy	Consultations with Civil Society, Parliament, Private Sector. Sensitisation and plan of actions to encourage the Government to ratify the Nagoya Protocol.
ABS legislation/regulations	Yes, in relation/linked to the National Action Plan (the Book for the Environment).
ABS Institutional framework	n/a.

Trinidad and Tobago – from the perspective of the Caribbean Agricultural Research & Development Institute (CARDI)	
Consultations held?	Unaware of any consultations being held but Eighty per cent certainty that none were held.
Awareness-raising at decision-makers' level?	Not able to report on this.
Process of ratification	Not aware of the status of ratification.
ABS strategy	Not able to report on this.
ABS legislation/regulations	Not able to report on this.
ABS Institutional framework	Not able to report on this.
Remarks	CARDI is always involved in the utilisation of genetic resource and traditional knowledge. We ourselves therefore have the opportunity as users, to implement our own ABS guidelines which could put us in a position to persuade the national system(s) in the process to arrive at ratification.

The British Virgin Islands	
Consultations held?	No consultations have been held.
Awareness-raising at decision-makers' level?	No awareness-raising measures have been taken.
Process of ratification	The British Virgin Islands is a dependent territory of the United Kingdom which deals

	with most international relations on behalf of the Territory. The Nagoya Protocol has not yet been ratified by the United Kingdom. Hence, the British Virgin Islands have not ratified the Protocol either. However, they have made infant steps towards at least trying to include ABS in our legislation.
ABS strategy	The British Virgin Islands are currently working on a tangible strategy which would include the development of guidelines, an application process to include PIC, MAT and a permit system.
ABS legislation/regulations	Currently reviewing existing legislation and the possibility of including ABS measures within it – review process aims to assess where ABS can be included.
ABS Institutional framework	No legislation addressing ABS is in place as yet. However, the most plausible legislation which is currently under review would be the Environmental Management and Conservation of Biodiversity Bill which deals with an integrated environmental management system.

Saint Vincent and the Grenadines	
Consultations held?	No.
Awareness-raising at decision-makers' level?	No.
Process of ratification	The process has been raised and considered by the Environmental management department in terms of driving the process further.
ABS strategy	None – however ABS is “hinted” not specific in the NBSAP.
ABS legislation/regulations	None.
ABS Institutional framework	ABS Focal Point.

Saint Kitts and Nevis	
Consultations held?	Yes, one. Saint Kitts and Nevis gets a small number of requests for research. EMP drafted but not cabinet.
Awareness-raising at decision-makers' level?	n/a.
Process of ratification	n/a.
ABS strategy	None.
ABS legislation/regulations	No – there is no legislation for implementing the Nagoya Protocol.
ABS Institutional framework	No – Saint Kitts and Nevis wish to start undertaking an inventory of the genetic resources which need to be protected.

Guyana	
There is no national government representative from Guyana participating in this workshop.	
Consultations held?	At least one consultation/workshop was held, facilitated by the Justice Institute for key stakeholders including indigenous people, the National Toshihaos Council (Leaders of the indigenous communities, NGOs and national agencies).
Awareness-raising at decision-makers' level?	We are not sure of anything has been done.
Process of ratification	Guyana has acceded to the Nagoya Protocol.
ABS strategy	Guyana has a national policy on ABS. The National Biodiversity Action plan also refers to ABS.
ABS legislation/regulations	The Environmental Protection Act of 1996 deals with ABS, there are draft regulations specific to ABS under this Act. A number of other national legislations cover areas of ABS e.g. the Forestry Act, the Amerindian Act.
ABS Institutional framework	The Environmental Protection Agency is the National Authority on ABS. Key stakeholders include the Ministry of Natural Resources and the Environment, the Ministry of Amerindian Affairs, Protected Areas Commission and NGOs etc.

Bonaire, Sint Eustatius and Saba (BES Islands) which are municipalities of the Netherlands	
Consultations held?	No.
Awareness-raising at decision-makers' level?	This has happened, the Dutch Government informed the BES Islands about the on-going ratification process and plans to implement the Nagoya Protocol with special provisions for the BES Islands, and also for Aruba, Curacao and Sint Maarten, details are not worked out yet.
Process of ratification	Under work in Den Haag.
ABS strategy	No.
ABS legislation/regulations	First consideration on their ways in Den Haag.
ABS Institutional framework	No.

Belize	
Consultations held?	No consultation specifically on ABS has been done in the country.
Awareness-raising at decision-makers' level?	No awareness-raising initiative has been done for decision makers to date. The Government has not made a move toward ratification of the Nagoya Protocol.
Process of ratification	To ratify the Nagoya Protocol, it is important for Belize to first have a clear understanding of the benefits the country stands to gain from ratification versus the responsibilities and commitments. What are the social, cultural, economic, scientific implications for ratifying?
ABS strategy	ABS has not been included in the National Biodiversity Strategy and Action Plan To follow-up on this workshop, a report will be submitted to the CBD focal point with recommendations on the way forward.
ABS legislation/regulations	No legal instrument has been developed for the implementation of the Nagoya Protocol.
ABS Institutional framework	The focal point for the Nagoya Protocol is housed within the Forest Department under the Ministry of Forestry, Fisheries and Sustainable Development who is responsible for the implementation of the CBD. Other supporting structures and institutions are yet to be established.

Saint Lucia	
Consultations held?	No formal consultations, but: <ul style="list-style-type: none"> ■ Consultations on the Management plan for the Fer de Lance 2009 & 2012 World Intellectual Property Rights Organisation met locally – regional framework for protection of traditional knowledge and genetic resources. ■ Forestry Department and GEF small grants and Millet community consultations on Agouti ranching. ■ La Tanye and Mauby community consultations. ■ Business plan for Timber and non-timber products. ■ Ti Colon Barre St Joseph community consultations on essential oils. ■ Iyanola Project will look at social legal and economic aspects of Biodiversity use. ■ Green Economy consultations. ■ Management plan for white breasted Thrasher (threatened and endemic) after consultations with Trust for Management of Rivers.
Awareness-raising at decision-makers' level?	Minister speech on Green Economy. Investors Forum Minister made mention of access to genetic resources. Allied Health council is putting together MOU Taiwan Christian Hospital: wording mentions sharing traditional knowledge. CFL and the Minister of Agriculture television programme on value of root crops and tubers.
Process of ratification	Not ratified.
ABS strategy	GEF Country Programme support ABS initiatives in Saint Lucia.
ABS legislation/regulations	Draft Biodiversity Bill with ABS provisions, must include Nagoya Protocol including PIC MAT and checkpoints

ABS Institutional framework	Policy papers being presented to CARICOM, draft legal document on IPRs, traditional knowledge and genetic resources. Establishment of the Ministry of Sustainable Development which will serve as the national focal point.
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Jamaica	
Consultations held?	Yes, some level of consultations has been held with relevant stakeholders. Although these consultations were not specific to ABS but under the CBD, they do run parallel to ABS principles. Coming out of these consultations, we recognise that additional stakeholders would need to be consulted so consultations are still on-going.
Awareness-raising at decision-makers' level?	Jamaica is not where we need to be. We need to get the interest at the Executive level. This is the first step on our National Roadmap.
Process of ratification	Jamaica is at the initial stage. The advice from the Attorney General's Chambers is that Jamaica need to be in a position to comply with the provisions of the Protocol before ratification.
ABS strategy	There is an ABS Working Group which was set up to implement the national workshop and oversees the implementation of the Protocol. There is a National Biological Diversity Strategy Action Plan in which ABS is specifically included.
ABS legislation/regulations	There are existing legislations and regulations but these do not specifically address ABS and they are not comprehensive. There is a need to create and expand legislations and regulations to cover ABS Protocol.
ABS Institutional framework	We have a designated focal point which is the National Environment and Planning Agency (NEPA).

Antigua and Barbuda	
Consultations held?	Informal consultations with some stakeholders identified as Competent National Authorities (Fisheries Division, Forestry Unit, Plant Protection Unit, and Environment Division). Future Consultations with a more formal structure for Competent National Authorities to be inclusive of Train the Trainer Workshops and the development of a Standard Training Manual. Competent National Authorities – <ul style="list-style-type: none"> ■ Plant Protection Unit ■ Forestry Unit ■ NGO's – Environmental Awareness Group ■ Fisheries Division (Similar to the institutional arrangement for CITES)
Awareness-raising at decision-makers' level?	Our Environmental Management and Protection Bill 2014 had its first reading in October of this year. The second reading will occur this month and it is expected to be passed into law before the end of the year. There is a section within the legislation that addresses ABS and it is in this regard that the executive members of government are aware. Consultation with the Minister of Foreign Affairs, Minister of Agriculture Lands, Fisheries and Barbuda Affairs, Ministry of Health and the Environment specifically.
Process of ratification	Ratification is dependent upon the passage of the Environmental Management and Protection Bill. ABS legislation is part of the Environment Bill.
ABS strategy	Objective 10 in the NBSAP. – To ensure equitable biodiversity access and benefit sharing. Goals outlined as – <ul style="list-style-type: none"> ■ Identify entities that are involved in granting access to biodiversity and traditional knowledge and create a database to store this information. ■ Clearly delineate the responsibilities of relevant national actors for biodiversity access, ■ Create an inventory of local/traditional innovations and technologies. ■ Creation of conditions to facilitate access to genetic resources for environmentally sound uses only.

	<ul style="list-style-type: none"> Creation of conditions and policies to facilitate equitable benefit sharing for access.
ABS legislation/regulations	Awaiting passage of Bill. Regulations to be developed after.
ABS Institutional framework	<p>Environment Division identified as the National Focal Point Competent National Authorities identified:</p> <ul style="list-style-type: none"> Fisheries Division Forestry Unit Plant Protection Unit NGO's – Environmental Awareness Group.

The Bahamas	
Consultations held?	Yes.
Awareness-raising at decision-makers' level?	Yes.
Process of ratification	Start of project preparation grants; conducting baseline assessments of capacity to ratify Nagoya Protocol.
ABS strategy	No.
ABS legislation/regulations	Not yet started.
ABS Institutional framework	Bahamas Environmental, Science and Technology (BEST) Commission is the ABS NFP

Surinam	
Consultations held?	Initial consultation held in February 2012.
Awareness-raising at decision-makers' level?	<p>Presentation for the Directorate of Environment on ABS and the concept roadmap on awareness developed in the Second Caribbean ABS Workshop in Jamaica.</p> <p>Reporting to villages through village meetings</p> <p>Presentation of ABS Protocol to the Cabinet of the President and selected experts.</p>
Process of ratification	Government is waiting on legal and institutional assessment results that will be done by NIMOS. There will be elections in May 2015. This will most likely put policy issues on ABS on hold until the end of 2015.
ABS strategy	<p>There are two draft roadmaps (Jamaica 2013 & Guyana 2014) compile into one roadmap.</p> <p>Legal and institutional assessment conducted to assist in the implementation.</p>
ABS legislation/regulations	<p>No specific legislation on ABS.</p> <p>General legislation on nature conservation, CITES and forestry.</p>
ABS Institutional framework	In transition to new institutional structure.

Dominican Republic	
Consultations held?	Consultations were held with local communities but there no indigenous peoples in the Dominican Republic.
Awareness-raising at decision-makers' level?	Awareness is happening. Anything that has to do with biodiversity has to be done in a participatory manner.
Process of ratification	Yes, the Nagoya Protocol was ratified in the National Congress, approved by the Executive through Resolution 200-14 and was sent to the Ministry of Foreign Affairs to be deposited in the United Nations Headquarters in New York.
ABS strategy	No.
ABS legislation/regulations	<p>Nevertheless, there is a project for sectoral law in the National Congress pending of approval. It will be the legal basis for the Regulation of Access to Genetic Resources.</p> <p>The National Biodiversity Strategy and Action Plan (NBSAP) states in its targets 13, 16 and 18 the recognition of the Genetic Resources and traditional knowledge. There are no regulations for this subject.</p>
ABS Institutional framework	The designated National Focal Point and Competent National Authority is the Ministry of Environment and Natural Resources.

Annex 2: Development of Common Policy

Group n°1

Vision
<ul style="list-style-type: none"> Promote bioprospecting as a revenue stream and diversify economies Legally constituted partnerships between foreign institutions and local companies Develop marketable products without blocking access to local use Conserve natural and genetic resources
Outcomes
<ul style="list-style-type: none"> Develop local research capacity Increase exports of genetic material and value added products Database of documented traditional knowledge
Benefits
<ul style="list-style-type: none"> Higher standard of living with healthier population Population more knowledgeable about genetic resources Increased number of local research institutions and trained scientists

Group n°2

Various Interests
<ul style="list-style-type: none"> The Caribbean is a net exporter of knowledge of biodiversity products Our Government(s) and people recognise the value of the natural and cultural heritage AND are benefiting optimally through RD +I , use of traditional knowledge in the creation of sustainable communities and economies in the Caribbean region
Elements of the Strategy
<ul style="list-style-type: none"> Robust policy capable of transcending political change National Legal Framework Economic political integration Public education, cultural pride and “conscientisation” Specialisation by country e.g. Cuba and Haiti user/provider; smaller countries create green sector Manipulation of genetic resources for patenting

Group n°3

Common Vision
<ul style="list-style-type: none"> Biodiversity, genetic resources and traditional knowledge are contributing significantly to social and economic prosperity building on principles of responsible access and equitable distribution of benefits.
Strategic Steps & Needs
<ul style="list-style-type: none"> Policy and legal framework Institutional framework Management regime Awareness and consultations Monitoring framework Knowledge acquisition and knowledge transfer National research capacity building

Group n°4

Common Vision
<ul style="list-style-type: none"> Genetic resources conserved and managed for the benefit of the community, with special consideration for local community to enhance socio-economic opportunities.
Elements of the Common Vision
<ul style="list-style-type: none"> Inventory of the genetic resources established and consistently updated Full cooperation and identification (formalisation) of stakeholder groups Awareness, legislation and enforcement of ABS Regional cooperation National research and conservation introduced and strengthened

Group n°5

Common Vision
<ul style="list-style-type: none"> Capacity building and awareness <ul style="list-style-type: none"> ➤ Training in scientific utilisation and commercialisation of traditional knowledge and genetic resources ➤ Training for local communities and checkpoints (PIC & MAT) Clearer procedure for access to traditional knowledge and genetic resources Development and enactment of laws specific to ABS and the Nagoya Protocol Ratification of the Nagoya Protocol Collaboration between regional countries <ul style="list-style-type: none"> ➤ Regional multi-lateral benefit-sharing mechanism Improved human well-being/GDP and community empowerment Consistent level of good practices in the region Strong compliance and monitoring process (local, regional and international) <ul style="list-style-type: none"> ➤ Checkpoints Sustainable commercialisation <ul style="list-style-type: none"> ➤ Seed banks Standardised financial remuneration for traditional knowledge Centralised approach for : <ul style="list-style-type: none"> ➤ Monitoring ➤ Community support and empowerment Collaboration between regional countries <ul style="list-style-type: none"> ➤ Regional multi-lateral benefit-sharing mechanism

Group n°6

Our Common Vision
<ul style="list-style-type: none"> Development of a digital library of the country's genetic resources. Id resources and develop inventory, valuation and use of these Genetic Resources in our countries Development of a mechanism for the country to move away from primary production to include production along the value chain (not just to exclude parties from outside but also to level playing field)

- Develop a robust mechanism to protect Genetic Resources and local knowledge entering and leaving the countries.
- For example: Regional Collaboration - Develop a mechanism where persons can be blacklisted once they are not in compliance with a country's ABS legislation
- Capacity Building:
- Promotion of research and development at the national level
- Promotion of the use of genetic resources for commercial use. However resources must be handled in a sustainable manner
- Development of research and training centres.
- Opportunity to give accreditation to locals for their traditional knowledge
- Decentralise but collaborative approach for the implementation of ABS
- Information, system channel (robust) where all stakeholders can be sufficiently aware

Group n°7

Our Common Vision	
Relationship between countries strengthened	<ul style="list-style-type: none"> • Better relationship between owners of GR and TK and the focal point – government and local owners • Better collaboration between key stakeholders
New Industry & Branding	<ul style="list-style-type: none"> • Develop a New pillar for the country – for profitable outcome • Country branding – by having a high-cost product • Work better in island to face outside – be stronger
Central Working Regulatory System	<ul style="list-style-type: none"> • Regulatory framework to define the process – no doubt on contents to unique resources • Access to GR will be in agreement to all stakeholders, government and local communities and National Committee of Biodiversity • Legal instruments – laws and regulations – clear, transparent, will solve local controversy • Legal structure that clarifies all the issues – any controversy no one person • Technical advisory committee = National Committee of Biodiversity– to advise and recommend procedures, laws, regulations • Issues – the courts will decide
Facilitate Local R&D	<ul style="list-style-type: none"> • Facilitate research where partners have a lot of money but need regulations before they are ready to invest. • Better guidelines for ethnobotany projects • Establish a research / resource centre – provide training to local personnel. Since we live among the trees, plants and forest. • Benefits produce a fund for R&D
Bioprospecting	<ul style="list-style-type: none"> • Will be regulated • In protected areas only in some countries and tightly regulated • Repatriation of all knowledge on local GR and TK • Repository of bioprospecting written reports
Biodiversity & Communities Protected	<ul style="list-style-type: none"> • Will promote the use of your genetic resources for commercial purposes but not at the cost of destruction of environment and local people (no exploitation) • Identify GR – tangible biodiversity list • Flora with pictures and taxonomic identification e.g. Jamaica has no Flora book with pictures. Flora books are outdated. • Better sustainable conservation and management of natural resources • That all indigenous villages and settlements benefit financially • Preservation of the natural way of living • MAT – clearly negotiated – so biodiversity is protected • Communities and Researchers benefit • Protected areas – special case to benefit communities nearby • Local communities to benefit • Marine protected areas

Annex 3: Suggestions for a Regional Capacity Development Strategy

Belize

Capacity Support Required/ Funding to:	For which audience	Scope: Regional / National
Support to catalogue our biodiversity (Inventory)	Government and private	National
Capacity Building in negotiation (MAT)	Government, communities, lawyers and owners of the resources	National
An awareness campaign to 'socialise' ABS and the Nagoya Protocol	Government officials and public	National
National Focal Point	Government	National

Saint Kitts & Nevis

Capacity Support Required	For whom (audience)	Scope: Regional / National
Model legislation, establish an environmental management plan with a section dedicated to ABS, policy on ABS,	Government, focal point, legal drafters	Regional & national
Training on ABS Legal training on ABS Training on negotiating ABS Agreements	for all relevant stakeholders, legal drafters	Regional & national 'OECS to get involved at regional level)
Inventory of marine and terrestrial species	Government and relevant stakeholders	Regional and national
National ABS policy/law	Government and national legal institution	Regional/National
Training of the inclusion of reporting requirements in ABS agreements	Government, private sector, research institutions and academia, ILCs, and all relevant stakeholders.	National
Public awareness on ABS	Communities, local government (department of Planning)	National

Saint Vincent and the Grenadines

Capacity Support Required	For whom (audience)	Scope: Regional / National
National legal drafters training on ABS & intellectual property	Attorney general's office, environmental ministry	National
National inventory developers for terrestrial and marine resources	Country (multi-stakeholders)	National
Negotiating & MAT Training	Foreign Affairs, Legal Affairs, Environment and Trade Ministries and ILCs	National
Training in the identification & classification of general resources and traditional knowledge	ILCs, CBD Focal Point and Legal Affairs Ministry	National
Development of ABS Policy Makers Handbook	Foreign Affairs and Environment Ministries and Attorney general's Office	Regional

Development of public awareness materials	General public	National
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Haiti

Capacity Support Required	By whom (audience)	Scope: Regional / National
BOTANIST	To help in the identification of all species available, all GR and/or those who have some uses in our culture.	National
COURSE	Medicinal Plant, Users of GR by providers about different uses of GR andshare knowledge.	National Regional
WORKSHOP	By stakeholders on rules and laws in relation to ABS, to clear all about access and benefit.	National Regional
TRAINING BY EXPERTS/CAPACITY BUILDING	For providers to know how they must do, how to conserve the GR and traditional knowledge	Local, National Regional
CONSULTANT	To help to elaborate and establish strategies, to facilitate the negotiations between Providers and Users.	National, Regional
PUBLIC AWARENESS	To providers and local communities and people the value of the PLANTS, especially Medicinal Plants and the people with traditional knowledge.	Local Regional

People in Haiti use a lot Medicinal Plant, and in some yards, they have some part for their culture. Some families take a cup of "bush tea" each morning.

The Bahamas

Capacity support required	For whom (audience)	Scope: Regional / National
ABS Consultant to help with developing and conducting baseline survey of capacity needs	Government of The Bahamas	National
Training and consultancy on drafting national ABS legal framework	Attorney General's Office	National
Examples of ABS frameworks and documents from other countries		Regional
Help with public education and awareness plans		Regional
Help with setting up a monitoring system for ABS permits	Government of The Bahamas	National

Caribbean Agricultural Research and Development Institute (CARDI)

Capacity support required	By whom (audience) – for whom	Scope: Regional / National
Awareness	Executive Directorship Country Representatives Professionals/Researchers	Regional
Integration with the national	Executive Directorship	National

systems/ focal point- this could best be done with the support of CARICOM, since CARICOM is critical in the development of the work programme of CARDI.	Country Representatives Professionals/Researchers	
Training- with support from the ABS team. For e.g. Legislation, implementation	Lawyer(s) Researchers Scientist(s)- training of trainers	Regional

Dominican Republic

Capacity support required	By whom (audience)	Scope: Regional / National
Courses	Technical personnel, authorities, judges, attorneys, prosecutors and local communities owners of the T traditional knowledge	National
Training and capacity building	Providers (Depositories of the traditional knowledge). Possible users of Genetic resources and traditional knowledge. The audience will be the local Communities.	Sub-national
Workshop on legal Frame	Rule and adaptation of existing legal mechanisms for the application of biodiversity law and the ABS initiative. These activities will be conducted for Lawyers.	National
Consultants	To study the different groups that at national level are working with and using traditional Knowledge. The purpose is to establish a strategy for organize, provide capacity and quantify those groups. It will be conducted for local people.	National
Advisories	Advisory and support for elaborate and negotiate the contracts. The advisories will be conducted for authorities of the Ministry of environment and natural resources, and also for potential users.	Sub- national
Public Awareness	Awareness the group evolves in possible use of genetic resources under the Nagoya Protocol (ABS Initiative) and for the General Public.	National

Suriname

Capacity support required	By whom (audience)	Scope: Regional / National
Technical. assistance for implementation of legal assessment (stakeholder consultations)	Nimos / Gov't / ABS work group / stakeholders	National
Technical assistance on best practices for awareness on local communities. Media, website, theatre, internet options and radio	CBOs, NGOs, Government	National / local / grassroots
Assistance on specific focus groups (lawyers, technical, local)	Trainers, Research institutions (herbarium, fisheries, zoological collection, university)	National
Assistance on awareness for IPRs and traditional knowledge at government and local level	Intellectual Property bureau, ILCs, Government	National / local

Toolkits for MAT negotiations	Lawyers, government officials, NGOs, CBOs	National, Local and Grassroots
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National Toshao's Council/Indigenous People's Commission (Guyana)

Capacity support required	By whom (audience)	Timeline	Scope: Regional / National
Additional Capacity Building on the Basics of ABS e.g. what is ABS? Benefit Sharing etc.	We would like to target all the communities. In reality: Training of Trainers Workshops which should have a wider reach.	2015/2016	National
Specific Training in Negotiation and Elements of Benefit Sharing. This should include Role of Providers and Users	Village Councils and Leaders of Communities.	2016/2017	National
Training for Legal Person on the Indigenous People's Commission – To build capacity in the preparation of ABS Agreements.	Lawyer on the Indigenous People's Commission. (legal person could attend regional training activities)	2015	Regional
Development of an effective mechanism for information sharing between the National Focal Point to the local communities, e.g. public meetings and publications.	All communities in Guyana (stakeholders)	Continuous starting 2015	National
Facilitating collaboration with Indigenous communities of other countries e.g. Suriname, Belize and Brazil to share experiences and lessons learned.	Indigenous communities of the region.	Continuous Starting 2016	Regional

Jamaica

Capacity support required	By whom (audience)	Support requested - (to be confirmed regarding specificity)	Timeline	Scope: Regional / National
Expand stakeholder networks – to hold at least 4 face-to-face meetings	Learning and R&D Institutions Communities General Public Government	Technical and financial support	Q1 - 2015	National
Development of public awareness products e.g. radio, TV, newspaper, manual, briefs, pamphlets, fliers, internet, twitter	Small working group working with national stakeholder network	Consultancy for small working group and media company for production of specific products	Q2 - 2015	National
Public Awareness Program using products developed	Professionals (e.g. Academia, Lawyers), Communities, General	Financial support	Q3 or Q4 - 2015	National

	Public, government			
Capacity Building Training (train the trainers, training material)	Academics, Media, Drafters, Lawyers, Communities	Trainers and meeting support	Q3 to Q4 - 2015	National
Biodiversity, GR and TK and other IP inventory – (to publish Flora of Jamaica with pictures, database of associated traditional knowledge)	Botanist Academics/Institutions Communities Researchers	Consultancy – asking GIZ/ABS help with finding these funds maybe IUCN, CI etc.?	Q1 to Q4 - 2015	National

Saint Lucia

Capacity support required	By whom (audience)	Scope: Regional / National
Legal Assistance: review of relevant, related existing legislation, Case law and established precedent considering British legal system Contract law experts, Patent law and intellectual property Negotiation skills UNCITRAL (United Nations Commission on International Trade Law) Utilise ABS contact templates IDLO training	Legal officers from the different ministries (MOA, MSDEST, Attorney General, External Trade Commerce) officers from Forestry, Fisheries, Biodiversity, Attorney General Communities (through train the trainer schemes) OECS and CARICOM for shared or common resources	Regional Regional
INSTITUTIONAL (Administrative procedures, negotiating , conflict resolution) National Steering Committee (Including reps for Competent National Authority Focal Point Research Monitoring Inventories and Information Management Checkpoint responsibilities IT Support National ABS Strategy and Action Plan	Ministry of Agriculture, MSDEST, Biodiversity CARDI, UWI, CDF, FRC, IICA, CRFM, OECS, CARICOM SALCC, St Georges, OTN (Office of Trade Negotiations) TRAMIL CAPSICUM, Caribbean Credit Union League, CARFAN Cuban Institutes Quarantine, Veterinary Department, Forestry, Fisheries, Intellectual Property Department of Registration)	National Regional
Benefit Sharing: 'Incentivisation' for owners of traditional Knowledge so they are recognised Manuals for negotiating MAT and PIC	Local practitioners	
Public Awareness: pre Nagoya, Post Nagoya	Policy makers Government officials Community members	

British Virgin Islands

Capacity support required	By whom (audience)	Scope: Regional / National
Training in Public Awareness in ABS requirements through the use of case studies/projects completed; Benefit-Sharing; Developing a Territory wide Campaign/Workshop on ABS	Ministry of Natural Resources and Labour Conservation and Fisheries National Parks Trust Checking Points establishments Local Communities/Stakeholders/NGOs	National
Training on Checking Points Procedures	As above	National
Training in developing a tangible ABS legal framework (since country is not ratified)	As above	National
Training in Public Awareness on Negotiating Procedures	Ministry of Natural Resources and Labour Conservation and Fisheries Departments National Parks Trust	National
Training in clear/transparent contract and MAT development and any supporting guidelines	Ministry of Natural Resources and Labour Conservation and Fisheries National Parks Trust	National

Antigua and Barbuda

Capacity support required	By whom (audience)	Scope: Regional / National
Consultations and training sessions with agencies, Competent national authorities and checkpoints	C.N.A members, National Coordinators	National
Train the trainer Workshops (training of local professionals) by professionals within the ABS Initiative who have experience with ABS procedures	National Coordinator and C.N.A members	National
Publications <ul style="list-style-type: none"> Standard training manual ABS public service material Public Service Announcements on radio, tv, newspaper 	General Public	National
Consultations with stakeholders	C.N.A., Legal Affairs, Tradesmen who utilise traditional knowledge & genetic resources	National
Create an inventory of genetic resources and associated Traditional Knowledge which would involve the establishment of a gene and seed bank	Local consultants Environment Division	National