



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

THE ABS
CAPACITY
DEVELOPMENT
INITIATIVE

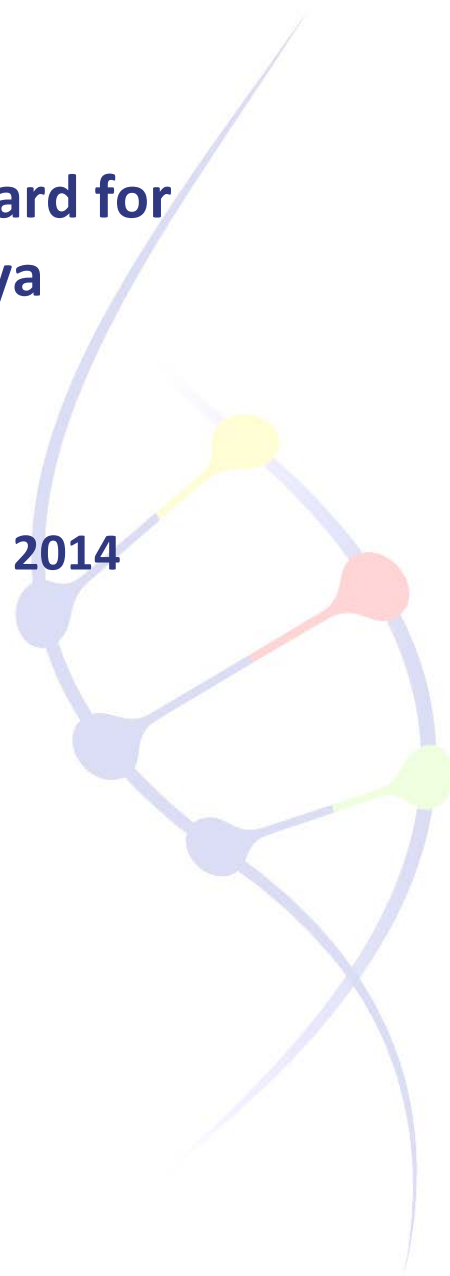


L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'APA

Dialogue on Practical Ways Forward for the Implementation of the Nagoya Protocol

Cape Town, South Africa, 30-31 January 2014

REPORT



funded by



DANISH MINISTRY
OF THE ENVIRONMENT



implemented by





Photo credits: Suhel al-Janabi, GeoMedia



Table of Content

Background.....	4
Outcomes	5
Process.....	6
Feedback.....	15
Presentations.....	16
Annotated Agenda.....	17
List of Participants	20
Contact	23



Background

The ABS Capacity Development Initiative (ABS Initiative) is supporting a series of activities to facilitate the exchange of experiences with Access and Benefit-Sharing (ABS) implementation and support the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from its Utilisation (Nagoya Protocol) adopted in 2010. In collaboration with the governments of Brazil, India and South Africa, the ABS Initiative commissioned national studies in each of these countries with a view to learn from their experience with past ABS implementation.

Against this background, a dialogue on practical ways forward for the implementation of the Nagoya Protocol was organised by the ABS Initiative and hosted by the Government of South Africa on 30th and 31st January 2014, in Cape Town, South Africa. This dialogue involved representatives from fourteen countries. It was preceded by an informal dialogue between India, Brazil and South Africa on 29th January 2014 to discuss the outcomes of their national studies. This report provides a synthesis of the contributions from presenters and the interactive discussions that followed.

Objectives

Taking into account the results of the national studies, the main objective of this dialogue was to provide an opportunity to:

- Exchange experiences and lessons learnt with respect to past ABS implementation; and
- Exchange views and discuss approaches and practical ways forward for the implementation of the Nagoya Protocol, in particular its compliance related provisions.

Like-minded megadiverse countries and important economic players such as Brazil, India and South Africa, which are both providers and users of genetic resources, can play a key role in promoting the implementation of the Nagoya Protocol internationally and in their respective regions through increased collaboration. Lessons learnt from their respective past experience in implementing ABS can usefully inform the revision or development of national ABS frameworks and measures and support the implementation of the Nagoya Protocol. In addition, exchange of information between these three countries on approaches being considered and/or developed to meet new obligations under the Nagoya Protocol may also favourably contribute to the promotion of a coherent approach to implementation.

Participants

This dialogue on practical ways forward for the implementation of the Nagoya Protocol was attended by 35 representatives of governments from Brazil, India, South Africa, Mexico, Ethiopia, Kenya, Namibia, Cameroon, Morocco, Malaysia, Canada, Germany, Netherlands and the European Union (EU), including some representatives from Indigenous and Local Communities (ILCs), national research institutes, universities, civil society and the private sector as well as industry experts.



Outcomes

This first dialogue on practical ways forward for the implementation of the Nagoya Protocol provided participants with a unique platform where they could share their country's respective experience in implementing ABS, learn from each other and discuss the different approaches developed to address the challenges of integrating the core obligations of the Nagoya Protocol in their national legislation. During the two-day dialogue, participants reviewed the results of three national studies on past ABS implementation in Brazil, India and South Africa respectively and discussed the key challenges identified by those three pioneering countries. Participants further assessed the merits and shortcomings of approaches, measures and mechanisms to implement ABS developed over the years in the other countries and reflected on how key lessons learnt from past ABS implementation could inform/provide practical guidance to the development or revision of ABS measures in conformity with the Nagoya Protocol. Finally participants examined in detail the key elements of the Nagoya Protocol, giving a special attention to the Protocol's compliance obligations. The various discussions revealed that most countries faced a number of similar issues and underlined the challenges in setting up comprehensive ABS systems that will address effectively the Protocol's new obligations. Such challenges could be divided into two general clusters: technical issues and processes on the one hand and capacity building and awareness-raising on the other hand.

Constructive discussions and group reflection contributed to:

- A better awareness of the similar challenges faced by countries with regard to ABS implementation and in particular with new obligations included in the Nagoya Protocol;
- A better knowledge and understanding of other countries' circumstances and of approaches adopted to implement ABS and adaptation strategies developed to address the Nagoya Protocol;
- A better awareness of their respective country's own area(s) of expertise/strengths that could be shared with other countries and that, if well-adapted, could provide solutions to address other countries' local realities; and
- A better understanding of the key obligations and innovative elements contained in the Nagoya Protocol, in particular its compliance related provisions.

In light of the above, participants:

- Identified key lessons learnt and common challenges, especially with respect to compliance measures, which could inform the development of tools and/or a roadmap with shared objectives towards the ratification and the effective national implementation of the Nagoya Protocol; and
- Underlined the usefulness of such a dialogue in order to learn from each other and build their own capacity to implement effective ABS systems that will contribute to economic growth and development in their respective countries.



Process

Reviewing Past Experiences with ABS Implementation

Overview of National Studies on Experiences with ABS Implementation: Brazil, India and South Africa

During the first session of this dialogue, Brazil, India and South Africa presented the results of their respective national studies on ABS implementation carried out with the support of the ABS Initiative. Government officials provided an overview of the national context in which ABS strategies were developed while explaining and commenting on their motivations for developing national ABS frameworks. Following the introduction of each country's specific legal and environmental circumstances, national consultants who conducted the studies provided an overview of the national systems in place and key lessons learnt from each country's experience with ABS implementation. Each country highlighted the rich and unique nature biodiversity found in their jurisdiction while emphasising how ABS and the coming into force of an internationally binding ABS framework such as the Nagoya Protocol were opening significant opportunities for socio-economic development. One major lesson learnt by all three countries was that ABS implementation was a 'learning by doing' process, which needed to happen within a broader sustainable use and conservation strategy. Other key lessons learnt included the fact that overly bureaucratic requirements and the lack of clear and user-friendly permit application systems were a disincentive to research and development at the national level for both academia and industry sectors. Further, the three countries emphasised the need for capacity building on ABS related issues at all levels and the importance of developing monitoring systems to record the utilisation of genetic resources and associated traditional knowledge. On the whole, the three countries, which have been implementing ABS for over ten years, observed that they faced a number of similar issues and common challenges to establish mechanisms that will make their ABS governance systems more effective to further integrate the core obligations of the Nagoya Protocol.

Key Outcomes from the Informal Dialogue between Brazil, India and South Africa on 29th January

Some common challenges identified by Brazil, India and South Africa on the basis of their national studies were shared with other participants in the dialogue on 30-31 January, as follows:

- Awareness raising and capacity building with a view to build mutual understanding of:
 - Governments regarding the needs of users (science, private sector)
 - Industry to think beyond corporate social responsibility
 - Indigenous and local communities
- Ensuring the effectiveness of benefit-sharing through appropriate distribution of benefits, for example through:
 - The use of funds (South Africa)
 - Disclosure and tracking mechanism (India)
 - Clearly determining the ownership of genetic resources and traditional knowledge
- Identification of ILCs holders of traditional knowledge in public literature
- How to protect genetic information [independently from physical access to the resource] from misappropriation through national ABS systems?
 - How to regulate the use of the genetic information and secure benefit-sharing?
- Approaches to traditional knowledge protection and benefit-sharing from its utilisation:
 - Documenting traditional knowledge through national databases



- Fostering community protocols
- Improve existing national systems, in order to foster innovation, so that they are:
 - Simple and clear
 - Effective and efficient
 - User-friendly
 - Sector specific

Open Plenary Discussion on Past Experiences with ABS Implementation

Participants from other countries were invited to share their own experiences, thoughts, and comments in relation to the results of the national studies and the key challenges identified by Brazil, India and South Africa. The main issues discussed were the following:

- The recognition of ILCs, customary laws and practices in national laws and/or the constitution of a country;
- The necessity to simplify national ABS procedures and reduce bureaucracy as highlighted by the three countries;
- The need for clear definitions/use of terms and whether the scope and provisions of current national ABS laws would need to be aligned with the Nagoya Protocol;
- The distinction between biotrade and bioprospecting in ABS national laws;
- Access procedures involving traditional knowledge. For example, to be granted a permit that involves traditional knowledge, users have to demonstrate that they have obtained the consent of knowledge holders and established a benefit-sharing agreement with them;
- Access requirements for foreign users. For example, some countries indicated that foreign users would have to partner with a local legal entity and demonstrate their expertise in relevant fields and adequate infrastructure for handling genetic resources;
- The need for practical solutions to address the monitoring of the utilisation of genetic resources and associated traditional knowledge. For example, recording and documenting traditional knowledge in databases with the consent of knowledge holders and establishing rules of access;
- The establishment of benefit-sharing funds in provider countries for a transparent transfer of monetary benefits; and
- The need to revise and strengthen existing systems to comply with the Nagoya Protocol.

Drawing from Past Experiences to Address Current Challenges

Nagoya Protocol on Access to Genetic Resources and Benefit-Sharing: Status of Progress towards Ratification and Implementation

This second session was opened with a short presentation from the Secretariat of the Convention on Biological Diversity (CBD) on the status of ratifications and progress towards implementation of the Nagoya Protocol. Participants were informed that as of 24th of January 2014, 29 countries had ratified or acceded to the Protocol. The CBD Secretariat is anticipating more ratifications as many



countries are working on their implementation process. The presentation reported on the various support and sources of funding available to assist countries in their ratification and implementation process. Participants were also brought up-to-date with the latest development regarding the pilot phase of the ABS Clearing House and the important role it could play in contributing to clarity, transparency, legal certainty and in monitoring the movement of genetic resources. The next step is the third meeting of the Intergovernmental Committee for the Nagoya Protocol (ICNP-3) which will prepare the First Meeting of the Parties to the Protocol. It is hoped that the Nagoya Protocol will enter into force before the Twelfth Conference on the Parties to the CBD in October 2014 in Pyeongchang, Republic of Korea. The entry into force of the Nagoya Protocol would enable the achievement of Aichi Target 16.

Open Plenary Discussion

Participants were invited to look back on their past experience in implementing ABS and exchange their views on how to address the current challenges of implementing the new obligations of the Nagoya Protocol. To do so, participants were encouraged to provide details on how national strategies with respect to ABS implementation had evolved to address the necessary requirements to ratify and implement the Nagoya Protocol. What is the national process? Who are the key stakeholders involved in this process? What challenges are faced with respect to implementation? How are they facing these challenges?

All countries stressed that the adoption of the Nagoya Protocol brought about considerable changes as it required implementing new legally binding measures. Most countries reported that the ratification and implementation of the Nagoya Protocol were concurrent national processes which included all relevant ministries and stakeholders such as, among others, the private sector, research institutes, universities, ILCs, community-based organisations, industry experts; etc. A majority of countries indicated that existing measures/ABS mechanisms were being examined to assess if they addressed the new obligations of the Protocol. Some countries had carried out public consultations to explore the possible effects of the protocol and to gather concrete proposals on the practical challenges of its implementation. Other countries had established a committee constituted of various ministries and relevant stakeholders to make progress towards ratification and implementation. Some indicated that applications for access to genetic resources are made to the Ministry of Environment which takes advice from the committee to grant or refuse access. Some countries reported that they had conducted a legal gap analysis or a combination of the above while one country indicated it had commissioned an impact study and impact assessment to explore and select the best possible implementation option. A number of countries indicated that they would ratify once all the mechanisms would be in place.

Participants reported that the main challenges encountered were the following:

- The lack of political will and the lack of consensus between the various ministries involved which affected the ABS implementation process;
- The complexity of the ratification process;
- The lack of clarity of some of the terminology used in the Protocol and, as a result, the difficulty to implement them;
- The lack of practical experience, especially with regard to the needs of the different sectors and industries involved;



- The need to ensure that ABS regulations are evenly implemented across sectors and industries and that all relevant stakeholders are involved;
- The short timeline to meet Aichi Target 16 set by the CBD which stipulates that by 2015, the Nagoya Protocol is in force and operational, consistent with national legislation.
- The lack of awareness and understanding of what the Nagoya protocol is about and what it means for the various stakeholder groups;
- The difficulty to deal with countries that are not Parties to the Protocol or countries that still do not have an ABS system in place; and
- The lack of clarity and practicality of existing ABS systems. Applicants/users go through a difficult and tortuous administrative process to access genetic resources and/or associated traditional knowledge that is felt to be a real deterrent to any scientific research.

The Nagoya Protocol on Access and Benefit-Sharing: Key Innovations

This presentation provided a comprehensive overview of the innovative provisions of the Nagoya Protocol with the view to help participants to discuss steps taken to address these obligations at national level. The presentation therefore elaborated on the key innovations introduced by the Protocol in relation to the objectives, scope and use of terms, access, benefit-sharing, traditional knowledge associated with genetic resources, compliance and information-sharing. Participants were encouraged to exchange views in terms of the implications of these new obligations and their implementation at national level. For example, whether and how countries are thinking of amending the measures currently in place?

Open Plenary Discussion

Some participants highlighted that implementing the Nagoya Protocol was a substantial undertaking and inquired about whether some core obligations should be prioritised or whether they should all be addressed at the same time. Others suggested identifying priorities common to all countries instead. Generally, countries were contemplating two possible approaches: (i) to develop and implement a new law or (ii) to amend existing relevant laws. Some participants highlighted that the establishment of checkpoints was a major compliance obligation. However, this obligation, they noted, was fairly open and posed the question of how it could be best achieved. A number of participants expressed the opinion that the best way forward may be to adopt an ABS legislation that is flexible enough to not only allow for improvements and amendments along the way but also to accommodate the variety of industries and sectors utilising genetic resources. Such an approach should build on existing systems and use a bottom up approach. They further indicated that whatever the implementation approach was, it also had to be flexible enough to evolve while this new piece of national law was being developed. Some participants highlighted the fact that the Nagoya Protocol gives more confidence to users of genetic resources by offering clear and simple rules for the proper use of genetic resources. Finally, some participants pointed out the difficulties of dealing with traditional knowledge that was publicly available.



Measures Being Developed by Countries to Implement the Nagoya Protocol and Lessons Learnt from Implementing the Protocol

Panel Discussion on Progress in the implementation of the Nagoya Protocol and Lessons Learnt

The Panel was composed of representative of Mexico, Malaysia, Namibia and the EU and discussed their respective experience in taking measures in relation to the scope, access, benefit-sharing, traditional knowledge associated with genetic resources and compliance.

Key measures taken and lessons learnt shared by the panellists included the following:

- Conducting a legal gap analysis of the existing measures against the obligations contained in the Nagoya Protocol or a baseline information study. Such studies will highlight the different possible options to implement the Protocol keeping in consideration each country's reality and circumstances;
- Defining the scope of the legislation;
- Integrating a distinction between basic research and commercial research, developing clear procedures to obtain a permit that include obtaining PIC and MAT from holders of genetic resources and traditional knowledge and establishing national competent authorities to address access applications;
- Protecting traditional knowledge through relevant provisions;
- Involving all relevant actors in the legislation development process, especially ILCs;
- Allowing for the possibility to amend ABS legislation over time to address new developments;
- Sharing competencies on ABS matters at federal and state level;
- Regulating compliance as opposed to access maybe more relevant for some countries; and
- Adopting a due diligence approach to compliance establishing regular compliance checks and imposing compliance obligations on the user of genetic resources.

Open Exchange between the Panel and the Plenary

The following is a summary of the discussions in relation to:

- *The scope*: Some countries indicated that their legislation will cover bioprospecting activities and will exclude past activities while others stated that the scope of their regulation will only apply to material accessed after the coming into force of the Nagoya Protocol. Some participants advised that a balance must be found with regard to the temporal scope of the Protocol to encourage user countries to partner with providers countries and in doing so unlock the potential of biodiversity for the benefits of the latter. Some participants also enquired whether the scope of any national legislation covered electronic information about genetic sequences and their synthetic replication or use.
- *Access*: Some participants clarified that access legislation is a non-obligatory requirement. Access, as per the Nagoya Protocol, is subject to domestic legislation and regulatory requirements of provider countries. PIC and MAT are therefore access requirements to be established by countries as providers. Others advised to clearly indicate in permit applications the different access requirements (i.e. type of research, description of the



collection technique, the object of the research, timeline, etc.) Similarly, issued permits must clearly specify important details such as the type of research, the name of the resource, the expiration date, etc. The Indian decentralised process which provides access at local level was viewed as an interesting bottom-up model that builds the capacity of the communities while empowering them to make decisions.

- *Benefit-Sharing*: Most participants emphasised that benefits should go to providers of genetic resources and holders of traditional knowledge but mentioned that governments could consider using a percentage of benefits for conservation purposes.
- *Traditional knowledge associated with genetic resources*: Some participants pointed out the importance of reflecting the collective nature of traditional knowledge in national law. Various participants reiterated their concerns in relation to the protection of traditional knowledge and in dealing with traditional knowledge already made available in the public domain. Other participants highlighted the important role of documentation to protect traditional knowledge from misappropriation and in order to prevent its loss.
- *Compliance*: Most participants stated that checkpoints were the best practical way to monitor the use of genetic resources and traditional knowledge while others highlighted the efficiency and cost effective aspects of the due diligence approach to compliance.
- *Other point discussed - Dealing with non-parties*: Some participants suggested including ABS elements in bilateral and multilateral trade agreements with non-parties to ensure that ABS national law and regulations are complied with. States are to encourage non-Parties to adhere to the Protocol. Some participants pointed out that non-parties who wish to access genetic resources of Member States Parties to the Protocol must abide by national laws of these countries. It is therefore critical to have appropriate ABS measures in place and refer to them in any agreement.

Approaches towards Compliance

Participants were divided into four groups composed of representatives of different countries and asked to reflect on the two following questions related to compliance:

- What are the questions and challenges that countries encounter in developing their compliance measures (compliance with domestic legislation, MAT, monitoring, etc.)?
- What options do participants see to deal with these questions and challenges?

Presentation of Group Results

The results of each group are summarised in the tables below.



Group 1: Questions and Challenges	Options
Who are the users? For example, users who conduct research and development on genetic resources are not the same people who commercialise the results.	Capacity building Involve all relevant stakeholders from beginning of process to implement the Nagoya Protocol.
New uses of genetic resources in <i>ex situ</i> collection.	Involve stakeholders also in the implementation of ABS national systems (for example, governmental committees, depository system, local community management, etc.).
Lack of comprehensive understanding of the Nagoya Protocol at various levels and in different sectors.	Community systems for managing natural resources.
Now that the Nagoya Protocol creates internationally accepted compliance mechanisms, how do you design a national system to facilitate access and use and achieve environmental objectives at the same time?	Incorporate ABS components in customary law.
How to harmonise systems for issuing permits and monitoring uses of genetic resource?	
What are the different policy options for implementing Art 15, 16 and 17 of the Nagoya Protocol?	
Lack of funds	

Group 2: Questions and Challenges	Options
Ongoing discussions but approaches still not developed (for example, definitions, offenses, penalties, etc.).	Request information on source. Focus on traceability.
Significant need for awareness-raising among commercial and non-commercial users and providers of different backgrounds.	Promote/use internationally recognised certificate of compliance.
No definition of what/how internationally recognised certificates will work.	Awareness-raising among providers and users.
Public provider versus private user can pose compliance problems.	Support ABS Clearing House.
Who has responsibility for compliance (issue of intermediaries)?	Build on experiences and involve stakeholders.
Interpreting (enforcement) of foreign laws.	Designated repositories/registered providers w/ABS compliance
Importance of balancing user-provider aspects in same country.	Use voluntary norms, best practices to guide and facilitate compliance.
Key to use prior experiences and involve stakeholders	Reporting requirements.



Group 3: Questions and Challenges	Options
Involving all stakeholders in the dialogue of drafting legislation.	Learning by doing (pilot project) generating more case studies.
Monitoring the use of genetic resources throughout the development of the value chain and beyond.	Development of national databases of genetic resources and traditional knowledge.
How to identify the holder(s) of traditional knowledge.	Development of traceability systems and strong cooperation between countries as well as bilateral cooperation between a provider and a user country.
Draft clear and user friendly guidelines.	Holding widespread consultations.
Draft/pass legislation & regulations that incentivise resource users into compliance	Develop campaign and create incentives for research and development on genetic resources and traditional knowledge.

Group 4: Questions and Challenges	Options
Identification of potential checkpoints (who and when).	Listing potential checkpoints.
Elements to be checked (what).	Analysing roles along the value chain from access to commercialisation.
Procedures to be established (how).	Building capacity (checkpoints and users of genetic resources).
Dealing with non-compliance	Enhancing awareness (checkpoints and users of genetic resources).

Conclusion and Way Forward

Participants highlighted the usefulness of such a dialogue format, which creates a unique and practical platform where countries can exchange, learn from each other and collaborate in order to support the implementation of the Nagoya Protocol. All conveyed their willingness to reiterate this experience. India proposed to move this initiative forward by organising and hosting the same type of dialogue with the support of the ABS Initiative. Participants also expressed their gratitude to their peers for their willingness to discuss each other's experience so openly and thanked India for the invitation.

Participants were informed that:

- A side-event would be organised at ICNP 3 to present the key outcomes of the dialogue and participants in the dialogue would be invited to participate.
- The national studies for Brazil, India and South Africa will be revised and made available along with a comparative study. The next Conference of the Parties to the CBD and the first COP-MOP of the Nagoya Protocol would be an opportunity to further disseminate these products.



- Considering the enthusiasm generated in this dialogue and the wish of participants to see this experience renewed, the ABS Initiative will support the reiteration of the format of this dialogue in partnership with other host countries.
- There was a strong possibility for more partners to join the dialogue as a number of government representatives had expressed interest in participating in such a dialogue but had not been enabled to join the meeting due to other commitments.

Closure



Feedback

The general feeling was that this dialogue was a valuable initiative that allowed countries to exchange ideas and see how ABS implementation in general and the implementation of the Nagoya Protocol, in particular compliance obligations, are dealt with by other countries. In this regard, it was hoped that the examples of experience with compliance could help other countries to come up with their own solution. Some participants felt very encouraged by the content of the discussions and looked forward to receiving the final version of the national study on ABS Implementation in Brazil, India and South Africa as well as the subsequent comparative study. On the whole, countries were very keen to further share their experience with each other and thanked the host country and the ABS Initiative for organising this event.



Presentations

The full list of presentations made during the workshop is listed here for download.

Dialogue on Practical Ways Forward for the Implementation of the Nagoya Protocol – Suhel al-Janabi, ABS Capacity Development Initiative, Germany

Brazilian ABS Legislation – Eliana Fontes, Ministry of Environment, Department of Genetic Patrimony, Brazil

National ABS Framework Brazil – Tony Gross, Independent Consultant, Brazil

An Overview of ABS Initiatives in Respect of Biological Resources & Associated Traditional Knowledge in India – Hem Pande, Ministry of Environment & Forests, India

Implementation of Access and Benefit-Sharing Regime in India – Biswajit Dhar & TC James, Research and Information System for Developing Countries (RIS), India

National Context: ABS Strategy & Motivation for the Development of ABS Framework – Preshanthie Naicker, Department of Environmental Affairs, South Africa and Xolani Dlamini, Sustento Development Services, South Africa

The Nagoya Protocol on Access to Genetic Resources and Benefit-Sharing: Status of Progress towards Ratification and Implementation – Kathryn Garforth, Convention on Biological Diversity, Canada

The Nagoya Protocol on Access and Benefit-Sharing: Key Innovations – Valérie Normand, ABS Capacity Development Initiative, Canada



Annotated Agenda

30th Thursday 2014

Opening

8h30 Arrival and registration

9h00 Welcoming remarks and introduction to the dialogue

*Lactitia Tshitwamulomoni, Department of Environmental Affairs, South Africa
Suhel al-Janabi, ABS Capacity Development Initiative, Germany
Valérie Normand, ABS Capacity Development Initiative, Canada*

Reviewing Past Experiences with ABS Implementation

9h20 Overview of national studies on experiences with ABS Implementation: Brazil, India and South Africa

*Summary presentations by representatives of national governments and consultants
Eliana Fontes, Ministry of Environment, Department of Genetic Patrimony, Brazil and
Tony gross, Independent Consultant, Brazil*

*Hem Pande, Ministry of Environment & Forests, India; Biswajit Dhar & TC James,
Research and Information System for Developing Countries (RIS), India*

*Lactitia Tshitwamulomoni, Department of Environmental Affairs, South Africa and
Xolani Londa, Sustento Development Services, South Africa*

10h50 Coffee break

11h20 Key outcomes from the preceding dialogue between Brazil, India and South Africa

*Summary of the key challenges identified by the pilot countries the previous day
Larissa Maria Lima Costa, Ministry of Foreign Affairs, Brazil*

11h30 Open plenary discussion on past experiences with ABS implementation

*Key lessons learnt by participants from other countries with respect to their own past
experience with ABS implementation*

12h30 Lunch

Drawing from Past Experiences to Address Current Challenges

14h00 Status of progress towards ratification and implementation of the Nagoya Protocol
Kathryn Garforth, Secretariat of the Convention on Biological Diversity, Canada



- 14h15 Open plenary discussion around the following issues:
- With a view to adopting and implementing the Nagoya Protocol, how have national strategies to ABS implementation evolved?
 - What is the national process? Who is involved in this process (e.g. key stakeholders)?
 - What challenges are countries facing with respect to implementation? How are they facing these challenges?
- 15h30 Coffee/Tea
- 16h00 Overview of the innovative provisions of the Nagoya Protocol
Valérie Normand, ABS Capacity Development Initiative, Canada
- 16h15 Open plenary discussion around the following issues:
- How are countries responding to the innovative provisions of the Nagoya Protocol?
 - Which needs for revision of existing national ANS measures (policies, legislation, regulations) have been identified in different countries?
 - How are countries going about these revisions
- 17h30 End of Day One

31st Thursday 2014

Measures Being Developed by Countries to Implement the Nagoya Protocol and Lessons Learnt from Implementing the Protocol

- 9h00 Progress in the implementation of the Nagoya Protocol and lessons learnt: Panel Discussion with four country examples in relation to measures regarding:
- Scope
 - Access
 - Benefit-Sharing
 - Traditional Knowledge associated with genetic resources
 - Compliance
- 10h00 Coffee/Tea
- 10h30 Open exchange between the panel and the plenary
- 12h30 Lunch
- 14h00 Approaches towards compliance

Group work around the following Questions:



- What are the questions and challenges that countries encounter in developing their compliance measures (compliance with domestic legislation, MAT, monitoring, etc.)?
- What options do participants see to deal with these questions and challenges?

15h30 Coffee/Tea

16h00 Presentation of group results and plenary discussion around further implications for dealing with compliance

Closure

17h00 Wrap-up and way forward
Closing remarks

17h30 End of Dialogue



List of Participants

Name	First name	Institution	Country	Email
Arora	Sujata	Ministry of Environment and Forests	India	sujata@nic.in
Banse	Heidi	European Commission	European Union	Heidi.BANSE@ec.europa.eu
Bareetseng	Sechaba	CSIR	South Africa	SBareetseng@csir.co.za
Beukes	Winston	University of Stellenbosch	South Africa	wabeukes@sun.ac.za
Chirra	Achalender Reddy	National Biodiversity Authority	India	secretary@nbaindia.org
De Oliveira	Ana Gita	Instituto do Patrimonio Historico e Artístico Nacional	Brazil	ana.gita@iphan.gov.br
De Sa Marques	Rafael	Ministerio do Desenvolvimento Industria e Comercio Exterior	Brazil	rafael.marques@mdic.gov.br
Debebe	Bruk Lemma	IBC	Ethiopia	bruk_lemma@yahoo.com
Dhar	Biswajit	Research and Information System for Developing Countries	India	bisjit@gmail.com
Dlamini	Xolani Londa	Sustento Development Services	South Africa	xdlamini@sustento.co.za
Ebben	Thomas	Federal Ministry of the Environment	Germany	thomas.ebben@bmu.bund.de
Feiter	Ulrich	Parceval Pty	South Africa	ulrich.feiter@parceval.co.za
Fontes	Eliana	Ministry of Environment	Brazil	eliana.fontes@mma.gov.br
Garcia Galindo	Rodrigo	Unidad Coordinadora de Asuntos Jurídicos - SEMARNAT	Mexico	rodrigo.galindo@semarnat.gob.mx
Garforth	Kathryn	SCBD	Canada	kathryn.garforth@cbd.int
Gross	Tony	Consultant	Brazil	tony139@gmail.com
Huerta Ocampo	Elleli	National Commission for the Knowledge and Use of Biodiversity	Mexico	elleli.huerta@cnabio.gob.mx; ehuerta@conabio.gob.mx
Ibanez de Novion	Henry-Philippe	Ministry of Environment	Brazil	henry.novion@mma.gov.br



James	T.C.	Research and Information System for Developing Countries	India	jamesthnickan@gmail.com
Kairabeb	Lazarus	Nama Traditional Leaders Association	Namibia	kairabeb@iway.na
Kanime	Ndapanda	MET	Namibia	nahenda2010@gmail.com
Lima Costa	Larissa Maria	Ministry of Foreign Affairs	Brazil	larissa.costa@itamaraty.gov.br
Marumo	Moscow	Department of Environmental Affairs	South Africa	mmarumo@environment.gov.za
Mohd	Wan Hasmah Wan	Ministry of Natural Resources and Environment	Malaysia	hasmah.nre@1govuc.gov.my cc: rahmah@nre.gov.my
Moroka	Tshidi	CSIR	South Africa	MMoroka@csir.co.za
Mukonyi	Kavala Watai	Kenya Wildlife Service	Kenya	mukonyi2000@yahoo.com
Naicker	Preshanthie	Department of Environmental Affairs	South Africa	PNaicker@environment.gov.za
Nghishidi	Jonas	MET	Namibia	jnghishidi@gmail.com
Oliva	Maria Julia	Union for Ethical Biotrade	The Netherlands	julia@ethicalbiotrade.org
Palouma		Ministry of Environment, Protection of Nature and Sustainable Development	Cameroon	joelfouka@yahoo.fr
Pande	Hem	Ministry of Environment and Forests	India	hempande@nic.in
Sbaï	Larbi	Marine Fisheries Department	Morocco	sbai@mpm.gov.ma
Takagaki Yamaguishi	Ana	Ministry of the Environment	Brazil	ana.yamaguishi@mma.gov.br
Tiu Kok Moi	Therese	Ministry of Natural Resources and Environment	Malaysia	therese@nre.gov.my
<u>Tshitwamulomoni</u>	<u>Lactitia</u>	<u>Department of Environmental Affairs</u>	<u>South Africa</u>	<u>Imabadahane@environment.gov.za</u>



ABS Team

Name	First name	Institution	Country	Email
al-Janabi	Suhel	ABS Initiative	Namibia	s.aljanabi@geo-media.de
Heidbrink	Kathrin	Facilitator	Germany	kathrin.heidbrink@web.de
Heitmüller	Susanne	ABS Initiative	Germany	s.heitmueller@geo-media.de
Normand	Valérie	ABS Initiative	Germany	valerie.normand05@gmail.com
Pauly	Nadine	ABS Initiative	Germany	nadine.pauly@giz.de
Zajderman	Sabine	ABS Initiative	South Africa	sabinezajderman@gmail.com



Contact

For questions and comments on the workshop please contact the organisers

Valérie Normand

ABS Capacity Development Initiative
Deutsche Gesellschaft für Internationale
Zusammenarbeit (GIZ) GmbH
Postfach 5180
65726 Eschborn
Germany
E valerie.normand05@gmail.com
I www.abs-initiative.info

Suhel al-Janabi

ABS Capacity Development Initiative
Deutsche Gesellschaft für Internationale
Zusammenarbeit (GIZ) GmbH
Postfach 5180
65726 Eschborn
Germany
E s.aljanabi@geo-media.de
I www.abs-initiative.info

For questions and comments on the ABS Capacity Development Initiative or the topic of Access and Benefit-Sharing, please contact:

ABS Capacity Development Initiative

Email: abs-initiative@giz.de