

THE ABS  
CAPACITY  
DEVELOPMENT  
INITIATIVE



L'INITIATIVE DE  
RENFORCEMENT  
DES CAPACITES  
POUR L'APA

# The ABS Capacity Development Initiative

Supporting the Implementation of the Nagoya Protocol  
*Experiences and Lessons Learned*

**Dr. Andreas Drews, Manager ABS Initiative**

**Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol  
15-17 June 2016, Montreal, Canada**

funded by



DANISH MINISTRY  
OF THE ENVIRONMENT



implemented by



# From 2005 to 2020

## 1. Pre Nagoya Protocol

**2005:** WG-ABS 3, Bangkok: African request for support

gtz

Programme implementing  
the Biodiversity Convention



commissioned by  
Federal Ministry  
for Economic Cooperation  
and Development

Implementing Action Plan  
Capacity Building ABS IV / 24 b

Buitenlandse Zaken  
Ontwikkelings  
samenwerking

**2006:** Launch of the Dutch-German  
ABS Capacity Development Initiative for Africa  
at COP 8 in Curitiba

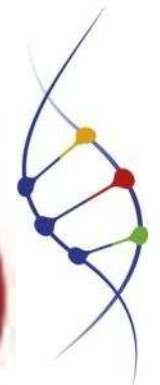
*Supporting the African Group in the negotiation  
process of the Nagoya Protocol*



## 2. Adoption of Nagoya Protocol

*Technical , legal and policy support of national implementation; Eight Fields of Action*

# From 2005 to 2020 (ctd.)



## 3. Entry into force of the Nagoya Protocol

### New phase 2015 – 2020

Support the achievement of the second component of Aichi Target 16

Lessons learned inform the implementation and further development of the *Strategic Framework for Capacity-building and Development*

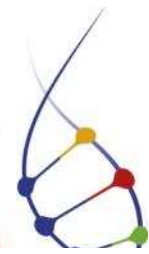
### Today's Donors (ACP Region):



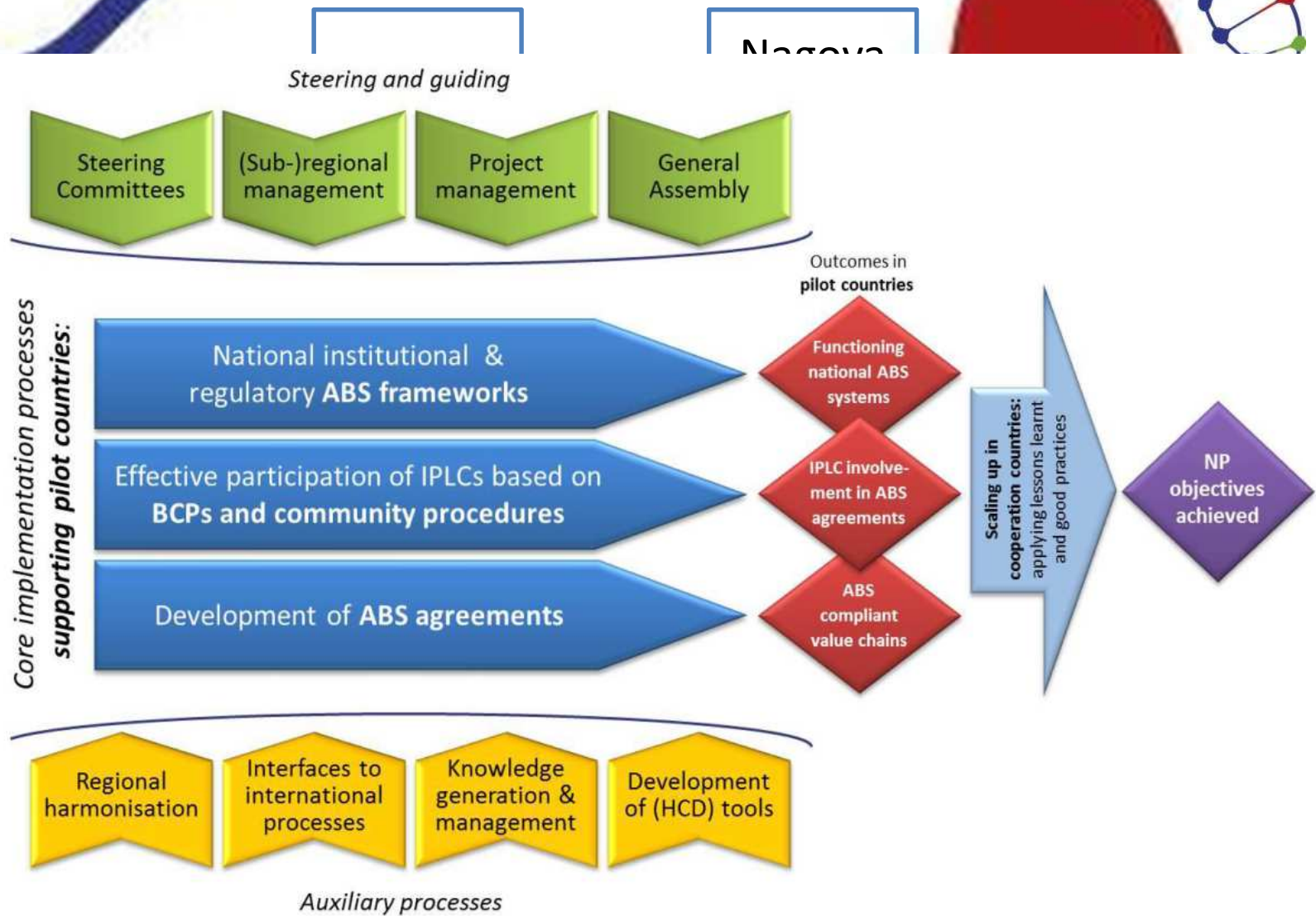
### Partners:



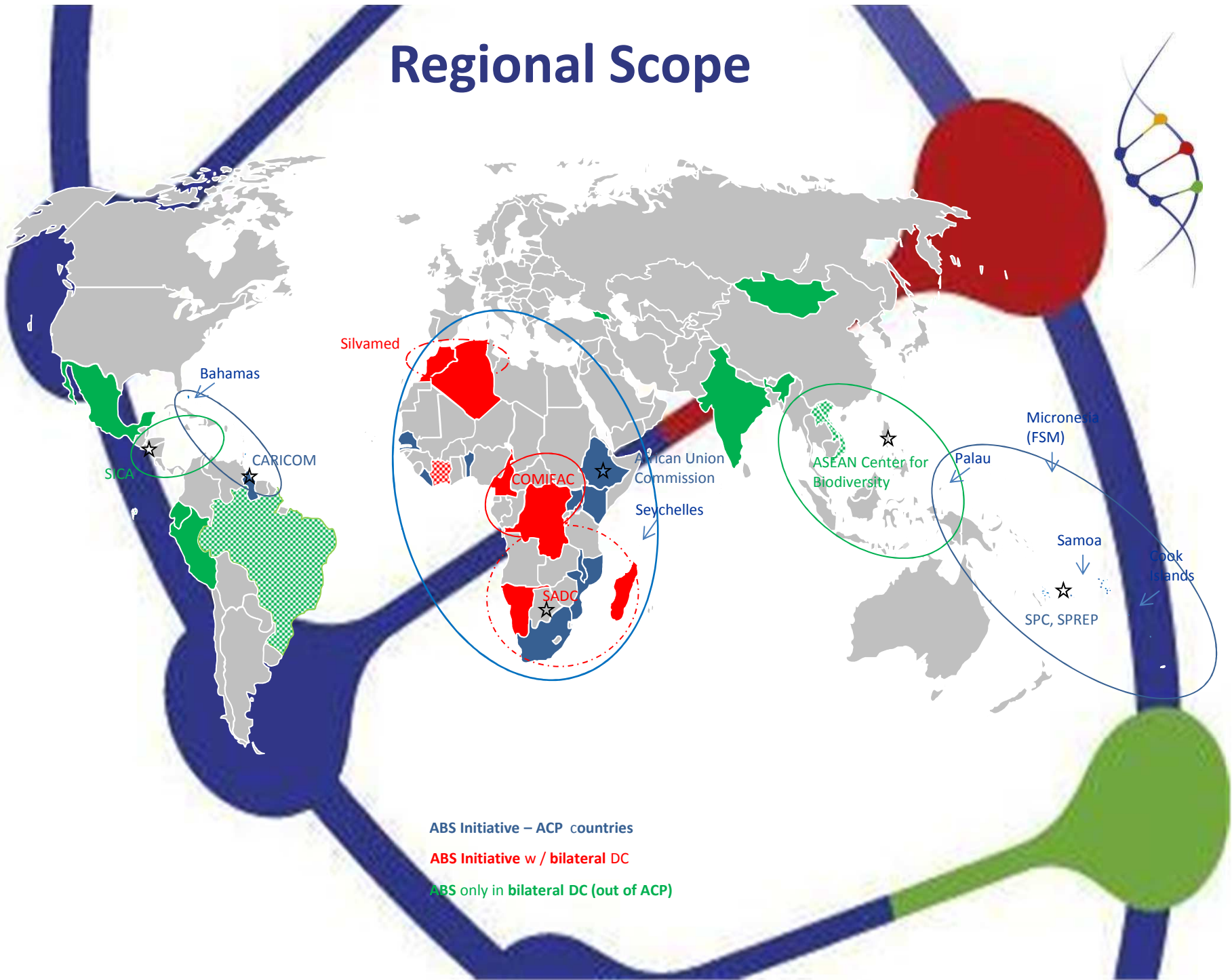
# Programming phases



2015-2020  
 2006 2007  
 Phase 1



# Regional Scope

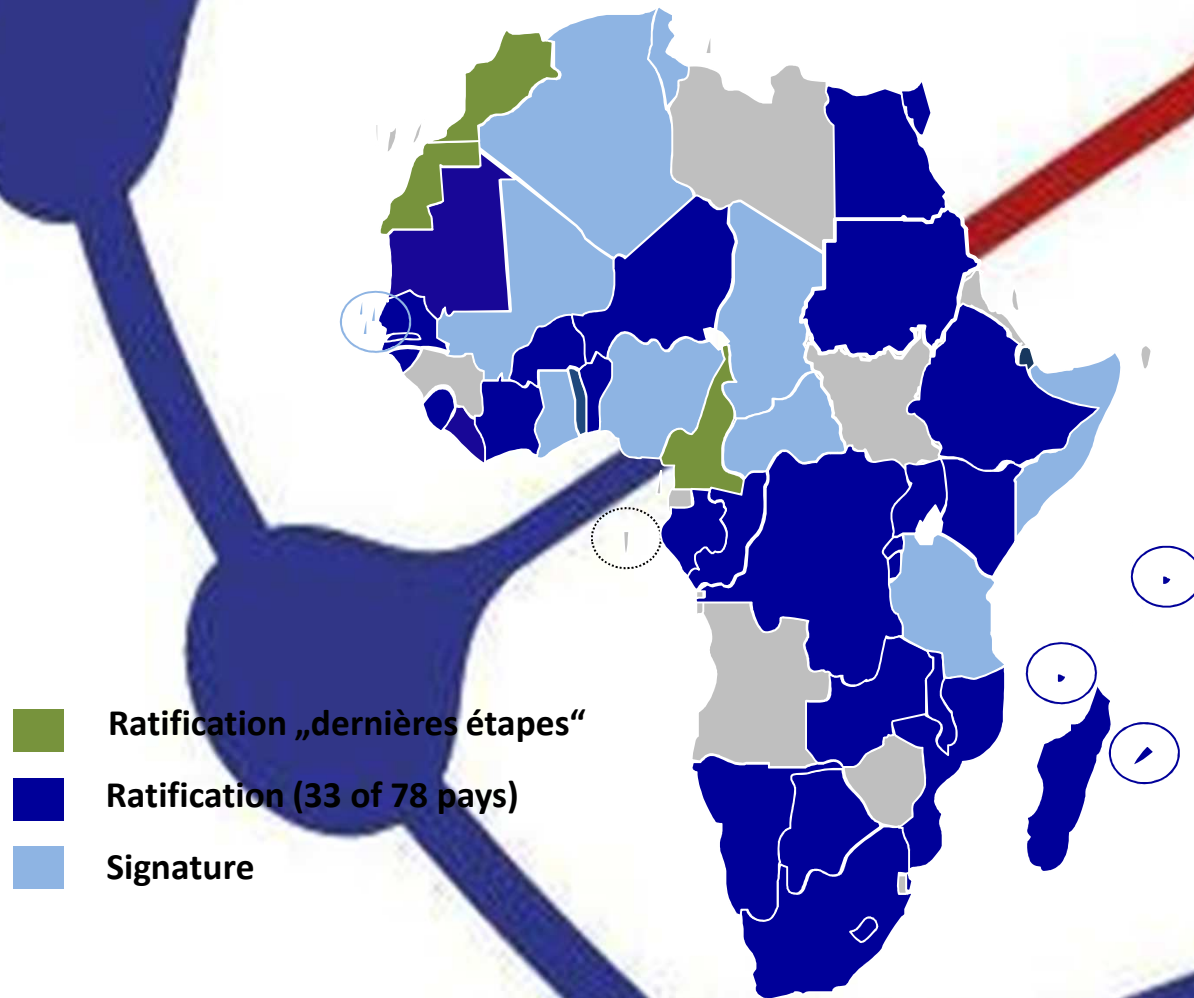
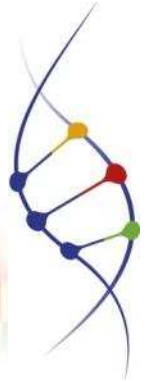


ABS Initiative – ACP countries

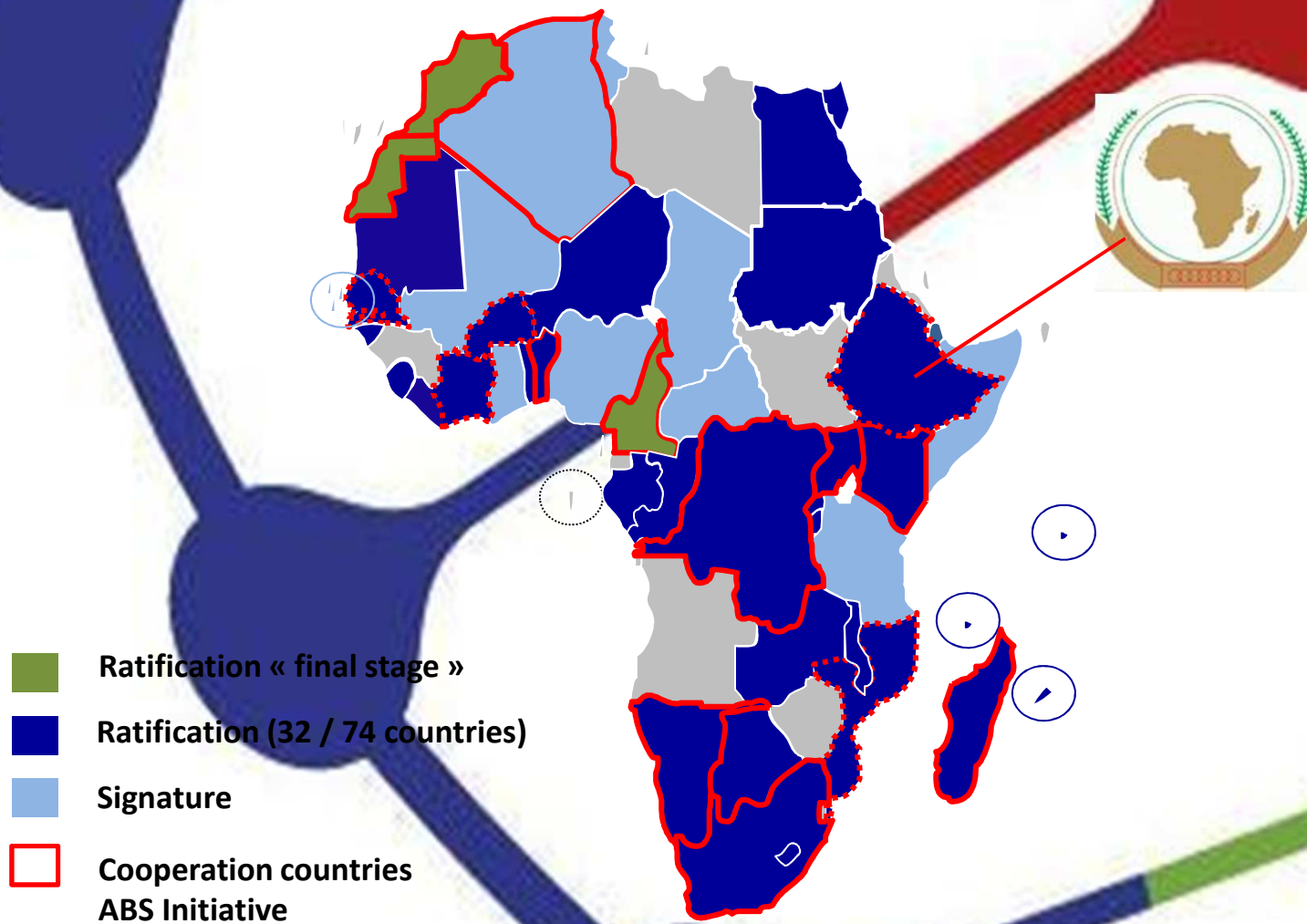
ABS Initiative w / bilateral DC

ABS only in bilateral DC (out of ACP)

# The Nagoya Protocol in Africa



# Cooperation countries



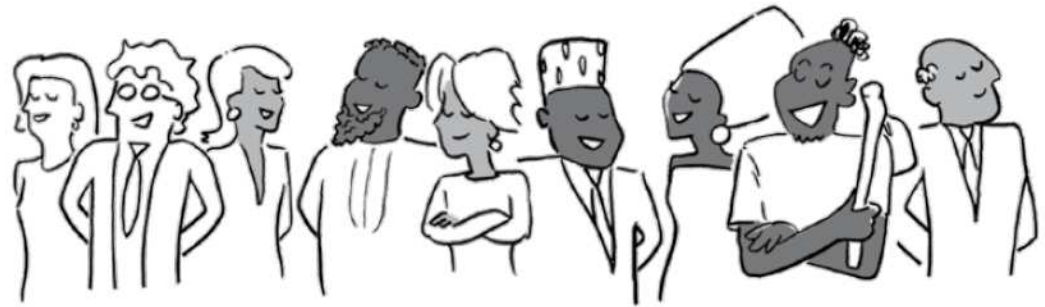
# Country diagnostics

## Completed:

- **Algeria:** October 2015
- **Benin:** September 2015
- **Kenya:** September 2015
- **Madagascar:** July 2015
- **Morocco:** May 2015
- **Namibia:** February 2016
- **South Africa:** August 2015
- **Uganda:** July 2015

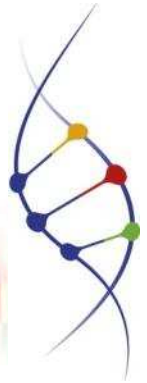
## Pending:

- **Cameroon**
- **DR Congo**





# Country diagnostics (cont'd)



## Objectives

Needs assessment: status quo of implementation of the ABS mechanism

Planning guide for national ABS related capacity building processes:

## Methodology



## Questionnaires

Teams of 3-4 experts (legal, valorisation, IPLCs) plus NFPs

Restitution workshop: agree on **key elements of national ABS roadmap**

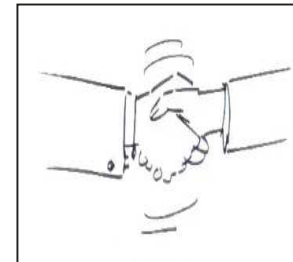
**Country reports: Annex to ABS Initiative Progress Report 2015**

# Support tailored to country needs

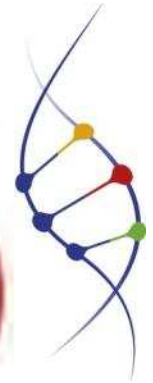
Development of national institutional and regulatory frameworks



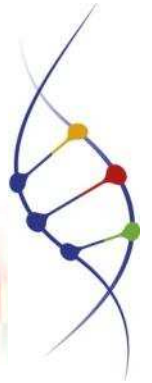
Promoting the development of ABS agreements



Promoting the effective participation of IPLCs based on BCPs and / or comparable CPs



# Needs & support options



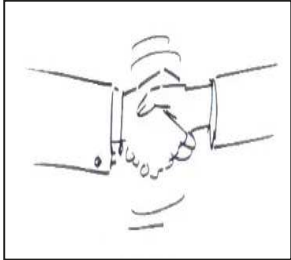
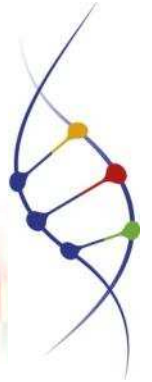
## Needs

- No ABS laws
- Pre-Nagoya and/or overlapping ABS related laws
- Bureaucratic and inconsistent permitting system

## Support options

- Review of ABS relevant regulations (gap analysis, material and/or geographic scope, transaction costs)
- Technical support and backstopping to the development of regulatory framework and permitting system
- Build ABS capacity of domestic lawyers (legal trainings, exchange of best practices)
- Build capacity on legal and IPR matters

## Needs & support options (cont'd)



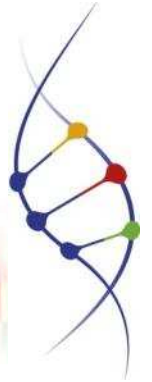
### Needs

- Limited connection between stakeholders
- Few experience of public research actors in R&D and partnership with the private sector
- Insufficient knowledge of markets, IP and user business models
- Limited expertise in ABS contracts and negotiations
- Absence of formal and transparent agreements

### Support options

- Provide advice on valorization strategy
- Study on the nature and type of access permits
- Train Ministries' officials on user and provider R&D challenges
- Train on negotiating ABS agreements
- Support "Models of ABS agreements"

## Needs & support options (cont'd)



### Needs

- No or weak representation of TK custodians
- Lack of legal recognition of IPLC rights and TK protection
- IP system not adapted to TK holders' needs
- No capacity to lead ABS agreement negotiations with users

### Support options

- Initiate dialogues with users and governments
- Facilitate country-specific BCP processes
- aTK inventories
- Build capacity on legal and IPR matters
- Train on MAT negotiations

# The Focus

Tailored to countries' needs – along roadmap

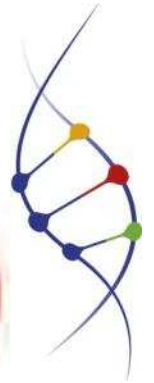
Guidance on **developing and implementing national institutional and legislative frameworks**, including permitting systems and administrative processes

ABS relevant **technical trainings**, for example on user sectors or intellectual property rights

Trainings on the **negotiation of MAT clauses**, including benefit-sharing, information on monitoring and compliance systems in user countries as well as on relevant market standards

Setting up of **exchange fora with ABS stakeholders** Identification of cooperation partners and innovation opportunities leading to ABS agreements

**Specific awareness raising** on ABS among relevant stakeholders such as policy makers, public administration, academia, private sector and IPLCs



# T-based permit and monitoring system

A single electronic permit system

- easy for users to apply for ABS permits
- multiple government authorities to review and approve applications,
- monitor compliance
- report on the implementation of the Nagoya Protocol.

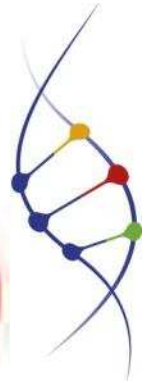
A cost effective monitoring system

- for scientific publications,
- patents and
- products

arising from research and development involving GR and/or aTK.

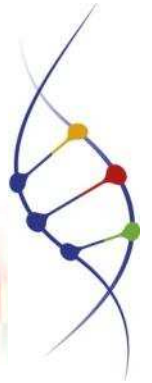
Developed under GEF ABS Project of The Bahamas by

One World Analytics (Paul Oldham) as a practical model that is robust and flexible enough to respond to the different circumstances and needs of Parties to the Protocol (e.g. Uganda)



## The system is supporting:

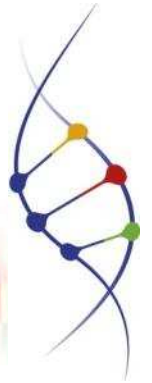
- 1) Decision making whether access to GR and aTK falls under the domestic ABS framework  
*implementing NP Art. 2 Use of Terms, specifically “utilisation” and NP Art. 3 Scope*
- 2) Decision making about the nature of intended utilisation and the related elements of mutually agreed terms in ABS contracts  
*implementing NP Art. 8 Special Considerations, specifically Art. 8(a)*
- 3) Clear and transparent measures and procedures of the domestic access system  
*implementing NP Art. 6 Access to Genetic Resources, specifically Art. 6.3*



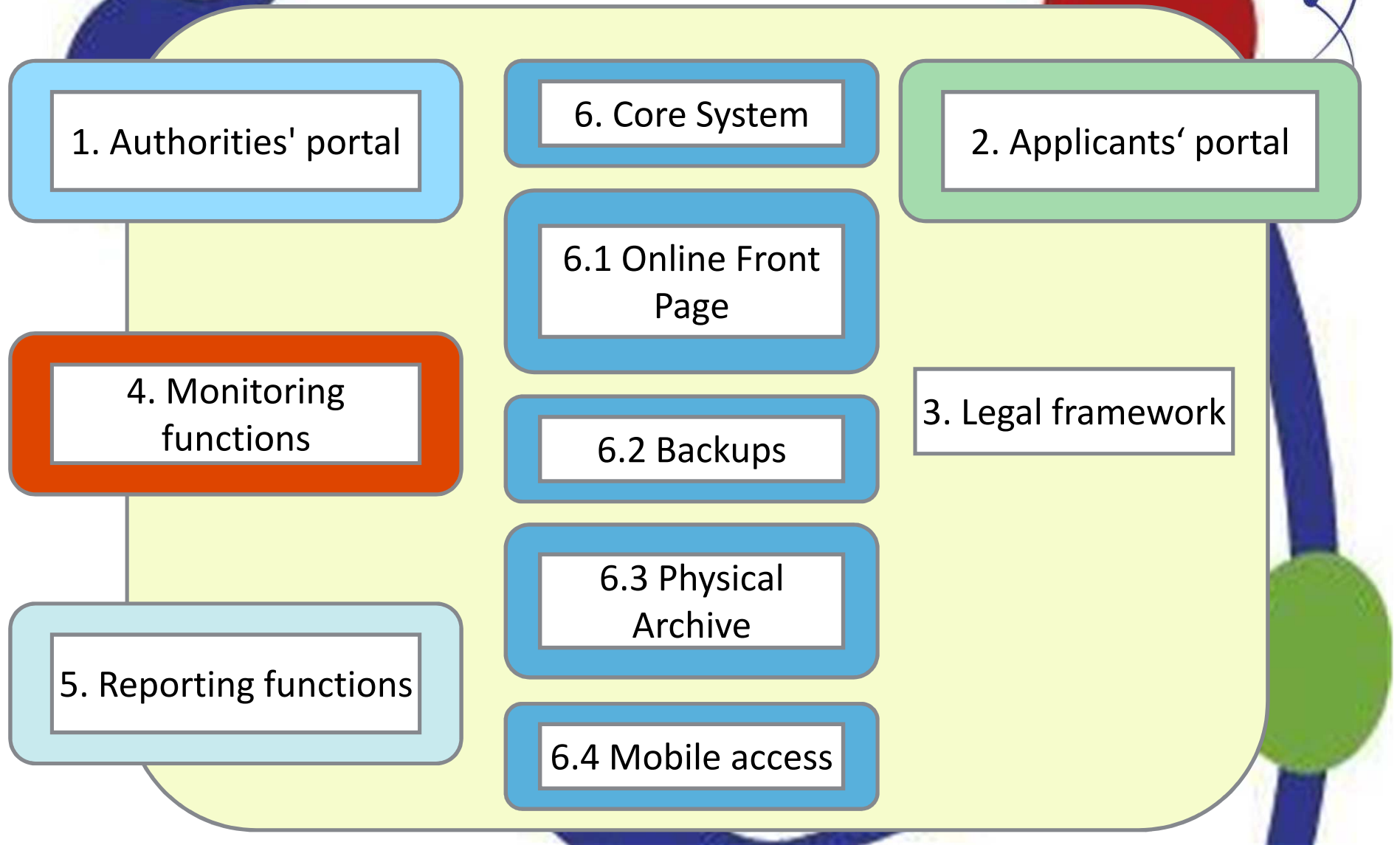


## The system is supporting:

- 4) Submitting information to the ABS Clearing-House  
*implementing NP Art. 14 The Access and Benefit-sharing Clearing-House and Information-sharing, specifically Art. 14.2(c)*
- 5) Monitoring of utilisation of GR and aTK and and commercialisation of derived products  
*implementing NP Art. 15 Monitoring the Utilization of Genetic Resources*
- 6) Reporting to the COP-MOP on the status of implementation of the Nagoya Protocol  
*implementing NP Art. 29 Monitoring and Reporting*



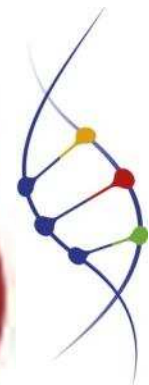
# Structure of the system



# Beneficiaries and benefits

The ABS Initiative's support benefits relevant ABS stakeholders in specific ways.

Beneficiaries	Benefits
Decision makers & legislators	Policy options, legal implications, technical requirements
National authorities	Processing access applications, issuing permits, facilitating ABS partnerships
Indigenous Peoples and Local Communities (IPLCs)	Managing natural resources, interaction with government and users
ABS cooperation partners	Conceptual, technical and legal advice; establishing ABS compliant value chains
Users	Domestic regulatory context, (non-)governmental actors, national particularities, PPP options



Thank you

.....more on ABS and the  
ABS Capacity Development Initiative

[www.abs-initiative.info](http://www.abs-initiative.info)

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