

# ABS Africa

## Access and Benefit Sharing (ABS) in Africa

Cases of bioprospecting and ABS legislation in Eastern and Southern Africa

**gtz**

Programme Implementing  
the Biodiversity Convention

commissioned by



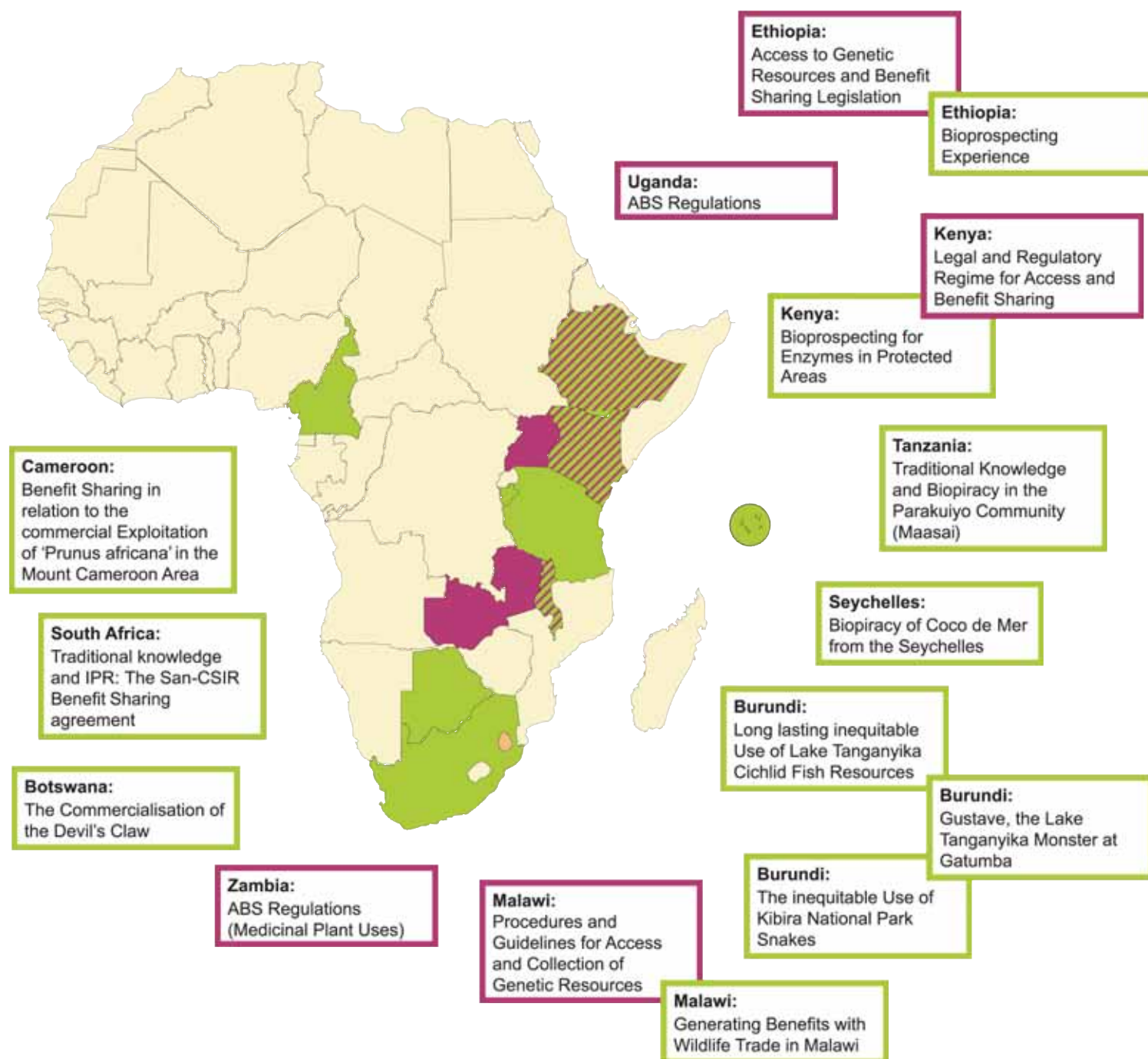
Federal Ministry  
for Economic Cooperation  
and Development



Buitenlandse Zaken  
**Ontwikkelings  
samenwerking**

## Cases presented at

Regional Access and Benefit Sharing Capacity-Building Workshop for Eastern and Southern Africa, held in Addis Ababa, Ethiopia, from October 2nd-6th 2005



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# Foreword

Since prehistorical times, humankind has been moving genetic resources around, particularly for food production and medicinal needs. As a result, people managed to survive and prosper. Nowadays, the exchange of genetic resources is more important than ever before: genetic resources have become a precious asset in modern industries. At the same time, we see that biodiversity is declining and potential resources for sustainable development are vanishing. Most biodiversity is found in developing countries, whereas demand for genetic resources comes predominantly from industrialised countries.

The World Summit on Sustainable Development asked the parties to the Convention on Biological Diversity (CBD) to elaborate and negotiate an international regime to ensure equitable sharing of benefits arising from the utilisation of genetic resources. In 2005, this challenge was taken up by the working group on access and benefit sharing (ABS). The process of developing such a regime will probably be time-consuming and will require trust among all stakeholders.

Dutch development cooperation is interested in the link between poverty alleviation (access and benefit sharing) and the targets for conservation and sustainable use of biodiversity. Together with the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH and in cooperation with the Ethiopian Institute of Biodiversity Conservation (IBC), we organised the first Regional ABS Capacity-Building Workshop for Eastern and Southern Africa. The workshop allowed participants to exchange experiences gained in bioprospecting cases, to reflect on appropriate instruments for sharing benefits fairly and to discuss existing national approaches and mechanisms for implementation.

The workshop provided a platform for a real and effective multi-stakeholder dialogue in Eastern and Southern Africa. Participants made clear that this was the first time that representatives of local communities, NGOs, national legislation, science and politics had talked to each other and exchanged views on access and benefit sharing. A total of eleven bioprospecting cases from nine African countries were presented, covering a broad range of issues. The diversity of cases revealed and emphasised the different ethical, cultural and economic perspectives on biological and genetic resources of different stakeholder groups. The documentation of all these cases is a first step towards a common knowledge base on the reality of ABS on the African continent.



The workshop formulated a number of conclusions and recommendations covering a broad range of issues, reflecting the richness of the discussions. Most striking was the urgent need for national and regional ABS regulations and implementation piloting. Multi-stakeholder dialogues, like the one started during the workshop, proved to be crucial to drafting such regulations. The Addis workshop showed that diverse capacity and implementation gaps regarding ABS regulation exist in many Eastern and Southern African countries. Short- and medium-term strategies for capacity-building, advocacy and awareness raising are necessary to address these needs. Real life examples are absolutely essential to the further development of an international regime, and - as the workshop showed - Africans are committed to contribute.

Gerben de Jong

Director, Environment and Water Department  
Directorate-General for International Cooperation (DGIS)  
The Netherlands



Workshop group photo: Participants coming from 15 countries



## Background

In order to improve seed stock and livestock breeds, plants and animals have been transported from country to country and from continent to continent for centuries to be used outside their regions of origin, e.g. as crop plant or as medicinal plants. With modern techniques of biochemistry, molecular biology and particularly genetic engineering, there is a rapidly growing need for genetic information for the different fields of application.

In many cases, the providers of such genetic information are developing countries, which have an immense wealth of biological diversity. Meanwhile, their habitats are at risk and many species are threatened with extinction, whereas the potential uses of the vast majority of plants, animals and micro-organisms have barely been established scientifically yet.

The traditional knowledge of indigenous peoples and local communities about the applications of the biodiversity that surrounds them is an important resource, especially in the quest for new medicines. When biodiversity is lost, the knowledge of indigenous peoples and local communities about these biological resources often disappears too, since it is usually transmitted orally and not documented. This loss of traditional knowledge is exacerbated by the advancing transformation ('westernisation') of lifestyles.

In order to give all nations of the world an incentive to practise conservation and sustainable use of their biological diversity, the UN Convention on Biological Diversity (CBD) sets out an international regime for access to and sharing of genetic resources. The objective is to give the countries of origin an equitable share in the profits and technological progress from the use of genetic resources and associated traditional knowledge, and thus to provide a benefit in return for conserving these resources. This includes the transfer of the technology (including biotechnology) and know-how, which developing countries so urgently require, their participation in genetic resources research, and the generation of new sources of income in order to reduce poverty and improve their living conditions.

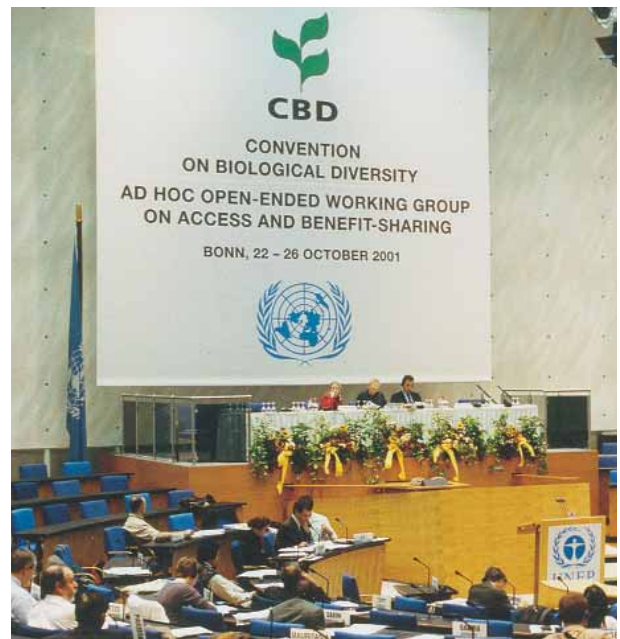


Fieldtrip: Experts discussing Traditional Knowledge in Wondo Genet Ex-Situ Conservation Gene Bank

## The regulatory framework of the Convention on Biological Diversity

The principles of the framework for international access to and sharing of genetic resources (ABS) are set out in Article 15 of the CBD. Access to genetic resources is contingent upon: (1) prior informed consent (PIC), (2) mutually agreed terms (MAT), (3) adherence to sustainable uses, and (4) fair and equitable sharing of the benefits arising from commercial, and other utilisation of genetic resources. The Contracting Parties are called upon to create an appropriate statutory framework by adapting existing relevant laws or adopting new legislation.

A significant step was the adoption of the Bonn Guidelines on ABS at the 6<sup>th</sup> Conference of the Parties (COP 6) in The Hague in March 2002. The Bonn Guidelines are intended to support the Contracting Parties and other relevant actors in shaping national policy, legislative and administrative frameworks on ABS and/or negotiating bioprospecting projects in line with the principles of the CBD.



A long road to implementation: The negotiations of the Bonn Guidelines in 2001

From the perspective of many developing countries, however, the Bonn Guidelines are not adequate to ensure that the benefits from the utilization of genetic resources are equitably apportioned between the countries of origin and the users of these resources, as the implementation of the

# ABS Capacity-Building needs in Africa

Guidelines is not binding. Consequently, the Group of Like-Minded Megadiverse Countries<sup>1</sup> called in their Cancun Declaration in 2002 to create an international regime to promote and safeguard the fair and equitable sharing of benefits from the use of biodiversity and its components. As elements of such a regime it stipulates: the certification of the legal provenance of biological materials, PIC and MAT for the transfer of genetic material, as requirements for the application and granting of patents on this material in strict accordance with the conditions of access agreed by the countries of origin.

Subsequently the Plan of Implementation of the World Summit on Sustainable Development (WSSD), held in Johannesburg in September 2002, calls to negotiate within the framework of the CBD, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilisation of genetic resources. In February 2004, COP 7 in Kuala Lumpur

- mandated the Ad Hoc Open Ended Working Group on Access and Benefit Sharing (ABS Working Group) to negotiate such an international ABS regime, and
- adopted the Action Plan on Capacity-Building for Access to Genetic Resources and Benefit Sharing, which is to facilitate and support the development and strengthening of capacities of individuals, institutions and communities for the effective implementation of the provisions of the Convention relating to access to genetic resources and benefit sharing, and in particular the Bonn Guidelines.

After two meetings of the ABS Working Group in Bangkok, Thailand (2005) und Granada, Spain (2006) the options for shaping an international regime along the mandate of the WSSD and COP 7 are on the table, and it is expected that substantial negotiations will start soon.

To enhance stakeholder awareness and capacity at all levels, the Dutch Directorate-General for International Cooperation (DGIS)<sup>2</sup> and the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH<sup>3</sup> in cooperation with the Ethiopian Institute of Biodiversity Conservation (IBC) organised the first Regional ABS Capacity-Building Workshop for Eastern and Southern Africa (2. - 6. 10. 2005, Addis Ababa, Ethiopia).

The workshop was seeking to exchange experiences gained in bioprospecting cases, to reflect on appropriate instruments of fair sharing of benefits and to discuss existing national approaches and mechanisms for the implementation of the ABS requirements of the CBD and the Bonn Guidelines respectively. Beside legal and institutional aspects at the national level, local participation in the prior informed consent (PIC) process as a prerequisite for achieving benefit sharing with local resource and/or knowledge providers played a key role in the discussion as a participatory approach directly contributes to poverty alleviation of local and indigenous communities.



Scientists, one of several stakeholder groups elaborating their perspective on ABS capacity-building needs

<sup>1</sup> African members of the Group of Like-Minded Megadiverse Countries: Democratic Republic of Congo, Kenya, Madagascar and South Africa.

<sup>2</sup> DGIS is one of four Directorates-General of The Netherlands Ministry of Foreign Affairs.

<sup>3</sup> GTZ co-organised this workshop on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ).

# Results of the Addis Workshop

The workshop was actively attended by 50 participants from 15 different countries, mainly from the region itself. The meeting provided a platform for a real and effective multi-stakeholder dialogue: as pointed out by many of the participants, this was the first time representatives of local communities, NGOs, national legislation, science and politics had the opportunity to talk to each other and exchanged different points of view about ABS and related issues.

Led in open discussions, the dialogue during the five workshop days was substantively targeted towards a common understanding of the actual and future bandwidth of what ABS covers (current state) or should cover (target state). In several working groups a broad range of first-hand cases of bioprospecting was presented by involved stakeholders of geographically widespread regions highlighting the diversity of ABS issues: from "core" ABS examples such as industrial utilisation of locally preserved genetic codes to the limits of today's cornerstones of the Bonn Guidelines, touching trade aspects of entire living species as exploitable genetic pools and possible common legal fields with other treaties such as the International Treaty on Plant Genetic Resources (ITPGR), the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

The diversity of presented cases revealed and emphasised the different ethical and cultural perspectives on biological and genetic resources, and associated property and use rights of different stakeholder groups – especially the differences between European influenced national legislation and traditional perspectives of local communities. Furthermore, drafted and already implemented legislations on ABS in Eastern and Southern Africa were not simply presented to the participants but also discussed and assessed by the different stakeholder groups in how far these very first examples match the requirements of the specific country's needs and to what extent they are nationally/regionally applicable.

In the course of these presentations and discussions it became obvious that many ministries and other key stakeholders, such as indigenous and local communities, environmental NGOs, as well as educational and scientific institutions, have a role to play in the successful implementation of the ABS regulations under the CBD. In order to use the specific strength and potential of the stakeholders to adequately implement the obligations under the CBD, there is a continuous need at all levels for institutional strengthening, capacity-building, and further financial support.



Cultural exchange: Burundian participant Wivine Ntamubano takes part in a traditional Oromo – one of the different Ethiopian ethnic groups – Coffe Ceremony at Hora Harsadi Lake, Bishoftus.



Practitioners on the Panel: Dr. Dorothy Balaba from the Ugandan NGO THETA stresses the value of medicinal plants for healthcare in Africa. On the left: Facilitator Kathrin Heidbrink (Germany) and Evans Sikinyi (Kenya)



# Bioprospecting Experiences in Africa - Examples

In the run-up to the Addis Workshop participants were asked by the organisers to present either a bioprospecting case from their country or experiences with either drafting or implementing relevant legislation. These cases and examples served as a basis for the workshop discussions.

A total of eleven bioprospecting cases from nine African countries were presented covering, as mentioned above, a broad range of issues and aspects. Some of them initially even raised questions among the organisers whether they are sufficiently relevant in the context of ABS. But presentations and discussions of those cases revealed at least overlaps and interfaces with what a future ABS regime needs to deal with. Two examples:

- At a first glance selling videos about “Gustave”, the giant crocodile in Lake Tanganyika, Burundi, doesn't seem to be relevant in the context of ABS. But looking beyond the sometimes narrow focus of the CBD/TRIPS discussions, one realises that intellectual property rights and traditional knowledge are indeed playing an important role in this case: Without the knowledge of the local community about the hiding places of “Gustave”, the film team would at least have had a much harder time to get the scenes they needed to produce the film. Copyrights entitle the film-team to exclusive screenings and trigger earnings, which should be shared to a greater extent with the local community.
- The trade of the Roan Antelope from protected areas in Malawi to neighbouring countries seems to be much more relevant for CITES than for ABS discussions. But using the antelopes for restocking critically endangered populations of other protected areas means using them for “natural” breeding purposes, i.e. as genetic resources. Sharing the income generated by these sales between the involved government authorities and the local communities in and around the protected areas creates an incentive for these communities to accept and respect the protected areas.

Other cases highlighted interesting aspects, which ultimately need to be considered in the negotiations of the international regime, such as the cichlid fish trade from Lake Tanganyika to Europe, which is basically an issue of fair and socially responsible aquarium trade. However, when

exotic aquarium fishes are purchased in Europe by scientists for research purposes, questions must be raised whether such a change of use – from an ornamental fish to a scientific object – requires other permits and agreements to ensure benefit sharing with the ‘original providers’ from Lake Tanganyika.

The examples from Ethiopia on teff and from South Africa on hoodia demonstrate that even after access to genetic resources has taken place, benefit sharing agreements can be negotiated with either the competent authority as in the teff case or the holders of the traditional knowledge as the people of the San community in the hoodia case. Of course, in these cases there are unresolved issues as well, e.g. how to distribute the accrued benefits among the teff farmers in Ethiopia or how to prevent the sale of hoodia products, which are at best simple hoodia extracts, without having the PIC and MAT of the San.

The documentation of all these cases, examples of legislation as well as a short review of its outputs presented on the workshop website ([www.abs-africa.info](http://www.abs-africa.info)) are first steps towards common knowledge based on the reality of ABS on the African continent, which among others may

- identify needs and options for regulations at the local, national and international level,
- stimulate cross-boarder cooperation between (research) institutions, ministries, administration and stakeholder groups,
- help to clarify terms and definitions, and
- identify capacity-building and awareness raising needs for the different stakeholder groups.



Felix Hoogveld (DGIS) and the Dutch Ambassador Fons Hennekens listening to Dr. Tewolde Birhan Gebre Egziabher, Director General of the Environmental Protection Authority (EPA)



Lake Tanganyika – setting of two case studies from where biological or genetical resources have been commercialised

## Botswana: The commercialisation of the Devil's Claw

The devil's claw, which is native to the Kalahari Desert of South Africa, Namibia and Botswana, is a weedy perennial with a central taproot and secondary root tubers (storage roots) being exploited. The San people use it traditionally for digestive purposes, headaches and pain alleviation, fevers and allergies. Today the roots, with their anti-inflammatory properties, are used by numerous pharmaceutical companies in Europe and East Asia to produce different products for the treatment of diseases like rheumatism and arthritis.

The government regulations permit the extraction and trade of the devil's claw as follows: Traditional communities obtain the extraction permit, and local NGOs the right for trading the devil's claw locally and internationally. Although no ABS agreement has been obtained yet, at least rural incomes have increased and some diseases can be treated in local communities without expenses, as money is the only source of benefit for the involved parties.



Devil's claw in Botswana: Not a subject of ABS agreements

## Burundi: An atypical case of animal bioprospecting – the video filming of “Gustave, the Lake Tanganyika Monster” at Gatumba

A Burundi environmental association initiated the cinematographic exploitation of the Nile crocodile called “Gustave”, a specimen of outstanding size, discovered in a river near Gatumba village. In cooperation with a French filming association and a national institution in charge of environment and protected areas, they produced a documentary film about the crocodile “Gustave” for commercialisation on the national and international video market.

Agreed benefits (40 % of the revenues accrued from the video sales) to the national partner and hence to the Government of Burundi are all mainly of monetary nature – as e.g. for the few people who had been working together with the film team. The local population itself, whose livelihood depends on natural resources of their environment, has not really benefited from the filming due to the fact that there are no ABS policies and laws regulating such use of biological resources.

## Burundi: A case of animal bioprospecting – long-lasting inequitable use of Lake Tanganyika cichlid fishes

In cooperation with two Burundi ministries and a national institution in charge of the management of national environment and biodiversity resources, export companies and individuals are involved in the trade of cichlid fishes, of which 200 different species are endemic to Lake Tanganyika. The cichlids are collected by paid local divers from the lake and later on prepared for the export to Europe and America, where they are sold as ornamental fish for aquariums and more recently as ecological, taxonomic as well as biotechnological research objects in Europe.





Carrying the bark of '*Prunus africana*'

The only rule followed by the initiators of the cichlid trade is - where possible - the application of some kind of obsolete export directives. The benefits arising out of this long-lasting trade industry are shared only between people directly involved in the traffic as e.g. local divers. So far, returns to the local population around Lake Tanganyika and the Burundian Government, which owns the resources "by law", are negligible. Neither are Burundian scientists associated with the extensive research being done in some of the user countries.

### **Burundi: A case of bioprospecting – inequitable use of Kibira National Park snakes**

Kibira snakes are native to the Kibira forest located in high altitude and rich in biodiversity. National and international trade agencies are selling these snakes to zoos and museums as well as to laboratories and individuals abroad, involving a local environmental and herpetological association (AHEB).

The local community of the Batwa, who live in and around this national park, know the hiding-places of these snakes and how to capture them alive without the highly venomous animals harming them. They use the snakes for traditional medicine and their skins for ornamental purposes. Although 10% of the generated income through the sales by AHEB is shared with the Batwa, the key development needs of the Batwa community (education, employment, health) are not satisfied due to lacking ABS regulations as well as nonexistent public information and involvement.

### **Cameroon: *Prunus africana* as a genetic resource**

'*Prunus africana*' is one of the most popular medicinal plants used in the Mount Cameroon area. Traditionally, prunus products like leaves and bark are used in many different ways, e.g. in the treatment of malaria, regulation of blood pressure, stomach ache and fever. Apart from its medicinal use, the bark has a high value as it is used e.g. by farmers to make axes and hoe handles, as firewood as well as in the fuel production. During the last decade, the major actors involved in prunus exploitation were rural communities organised in harvesters' unions, a commercial company, the local forestry administration and a biodiversity conservation project.

With assistance of these actors, the company signed two ABS agreements for the harvest and supply of prunus products with the community-based organisations in 1997. These agreements improved community benefits from prunus exploitation including monetary and non-monetary benefits, and contributed significantly to sustainable exploitation of prunus in the area. The income from prunus improved the livelihood of community members and helped them to realise some rural development projects.



Unsustainable use of '*Prunus africana*' in Cameroon



## Ethiopia: Benefit sharing in the teff case – a success story?

'Eragrostis tef' is a cereal crop of Ethiopian origin, which is rich in iron and gluten free. Traditionally, teff is, amongst other things, used for pancakes, the famous injera, bread, beer, cracker and pudding.

The Ethiopian Institute of Agricultural Research (EIAR) runs research on teff to increase productivity and drought resistance. Internationally, the institute works together in co-operation with a Dutch commercial plant breeder. In 2004 the Dutch company obtained a research permission on teff, which was modified one year later into a formal ABS-Agreement with the Ethiopian Institute for Biological Conservation (IBC). The agreement covers access to twelve specific varieties of teff for further breeding and developing and is not transferable to other parties without consent of the provider. Annual royalties of the net profit of any kind of teff-based products (seeds, new varieties) are shared, as well as research results and technologies. The regulation of access as well as the benefit sharing of teff products are based on internationally applicable laws (CBD, ITPGR) and monitored annually.



Ethiopian woman preparing injera, the traditional gluten free teff-pancake

## Kenya: Bioprospecting for enzymes in protected areas

Industrially useful enzymes from soil and water samples are collected from protected areas in Kenya. A national wildlife organisation and an international research institute, in cooperation with other partners, are involved in this process. The enzymes as a genetic resource are analysed to be used in various ways - some collections have even shown potential activity. Unfortunately, there is no traditional knowledge in use so far.

Some ABS like agreements have been formulated, resulting in agreed benefits both of monetary and non-monetary types. Monetary benefits realised to date are e.g. annual fees, royalties and salaries, while non-monetary benefits include the purchase of new equipment and the choice of further education. The commercialisation of the enzymes offers the local population opportunities for employment and the acquisition of skills, a direct contribution to poverty alleviation.



ABS – already an issue to be raised in the press

## Malawi: Generating benefits with wildlife trade in Malawi

The Roan Antelope, a rare wild species of game is one of Africa's most attractive antelopes. In Malawi, these appealing animals are found in Nyika National Park in the northern part of the country. An environmental association, the Malawi wildlife department and a conservation trust initiated the commercial use (sightseeing and selling) of antelopes belonging to the National Park.

Under the benefit sharing arrangement between the Malawi wildlife department and the environmental association, the association banked the resulting financial benefits in a Community Fund. Among the agreed benefits, the sharing of the generated income between these two actors involved in the process has to be mentioned. To date, interest accrued from the fund has supported local people and communities, for example with the construction of clinics and new school equipment – thus contributing directly to developing essential community services and improving living conditions for rural people.



The Roan Antelope – a species to generate benefits for providers

## Bioprospecting of coco de mer from the Seychelles

Coco de mer, the “sea coconut”, is a giant palm found mainly in the Seychelles. Its seed provides intensively hydrating and skin-softening oil. The only source capable of sustaining commercial extraction of the nuts can be found on these islands. The main actor involved in the commercialisation is an English home spa and skin care company that has used the kernel of the nuts as an ingredient in the cosmetic industry, particularly in a skin lotion manufactured by this company. Unfortunately there is no recorded involvement of Seychellois partners or institutions.

To date, the cosmetic company is using coco de mer without sharing its benefit with the local communities and accordingly does not contribute to poverty alleviation. ABS legislation for the Seychelles is under ratification.



An ABS legislation on the Seychelles is under way – also to cover the utilization of coco de mer



## South Africa: Traditional knowledge and intellectual property rights – The San & Hoodia

P57 is a bioactive compound derived from the hoodia plant based on the traditional knowledge of the San people. Hoodia is a succulent plant endemic to the deserts of Southern Africa. Involved in the process of exploitation are the Council for Scientific and Industrial Research (CSIR) as holder of the patent, a UK based biotechnological company, a global consumer products company and the NGO "Southern African San Council". The NGO served as an umbrella organisation for the San people - an indigenous community of the region (South Africa, Botswana, Namibia) -, which used the hoodia plant for generations as e.g. an appetite and thirst suppressant on hunting expeditions.

In the absence of national ASB legislation and also recognising the traditional knowledge of the San, the CSIR and the San negotiated a formal benefit sharing agreement, securing a share of all monetary benefits accruing to CSIR for the San. To date, the San have already received about 100,000 USD, and it is anticipated that the amount of income will increase as soon as sales of hoodia products based on the P57 patent start.



A San bushman collecting hoodia



The flowering plant

## Tanzania: Traditional Knowledge and Biopiracy in the Parakuiyo Community (Maasai)

The medicinal plant Engokirkir (in Maasai language) is found in semi-arid and arid lands. It grows up vertically in either open or bushy areas, and maintains its greenish colour throughout the year. The Engokirkir plant is traditionally used by the Parakuiyo pastoralists for medicine, e.g. against stomach ache, as a food supply and for blessing and peace rituals.

An unknown company based in Dar es Salaam City hires pickers to collect the roots of the plant in rural areas of the Handeni district in Tanga. It is believed that the Company uses the roots to produce perfumes and pills. Local community members who help in identifying and gathering the roots of the plant are hardly considered in the distribution of resulting benefits due to the lack of ABS regulations/agreements.



Adam Kuleit of the Parakuiyo community in Tanzania investigates about the commercialisation of Engokirkir

# Situation of ABS regulation in Eastern and Southern Africa

The workshop has shown that although initial efforts have been made by a couple of countries, ABS legislation in Eastern and Southern Africa is still in its infancy. However, it is growing slowly – like almost everywhere in the world.

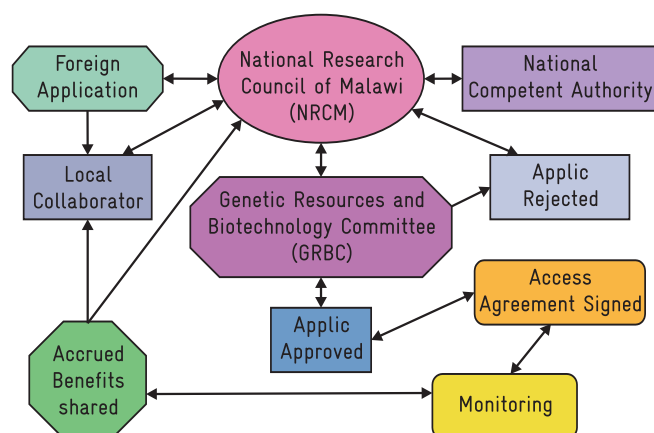
Malawi enacted legislation regulating the collection and export of genetic resources already in 1996. Uganda has been implementing its new ABS regulations since 2005, while South Africa's new provisions on ABS, which entered into force at the beginning of 2006, still require implementing regulations to become effective.

Ethiopia, Kenya, and the Seychelles all have draft ABS laws or regulations that are set to be enacted in the coming months.

It has become clear that implementation experience with ABS legislation is still lacking and that implementation is a major challenge. The different presentations highlighted the following issues:

- Responsibilities between the different institutions at the national level involved in the approval process of bio-prospecting activities are not clearly defined.
- Consultation processes with relevant stakeholders, including indigenous and local communities, are often marginal in the drafting process of ABS regulations.

THE MALAWI ABS SCHEME



The Malawi ABS scheme has been introduced by one of it's fathers, Prof. James Seyani.



Anne Angwenyi of the National Environment Management Authority explains the Kenyan approach: Defining what's excluded – and not which taxa are included in the ABS legislation

- Even though participation of local stakeholders is part of some of the regulations, processes required to get prior informed consent (PIC) are not in place or not clearly defined.
- Traditional knowledge as an intangible part of many biological resources is not at all sufficiently regulated and hence protected in most of the countries.
- Ownership and use rights of biological and genetic resources are not clear in many countries.
- Regional harmonisation is required due to the many cross-border resources. One presentation highlighted that regional harmonisation can be achieved by looking into the relevant legislation of neighbouring countries and picking as many suitable pieces as possible.
- Respect for national (ABS) legislation by foreign individuals and institutions is a major problem for many countries due to the lacking enforcement and monitoring capabilities in the country, even more if genetic resources or traditional knowledge are being used abroad.

The participants of the workshop considered transparency of decision-making processes and accountability of national institutions as central elements of ABS legislation and regulations to ensure that the custodians of most of the biological resources in African countries receive fair and equitable benefits.

Considerable capacity-building gaps at local and national level became obvious regarding the protection of traditional knowledge, the elaboration of ABS strategies and policies, and suitable measures for the provision of information and transparency in societies where the majority of the population still have no or only very limited access to the internet.

# Workshop Recommendations

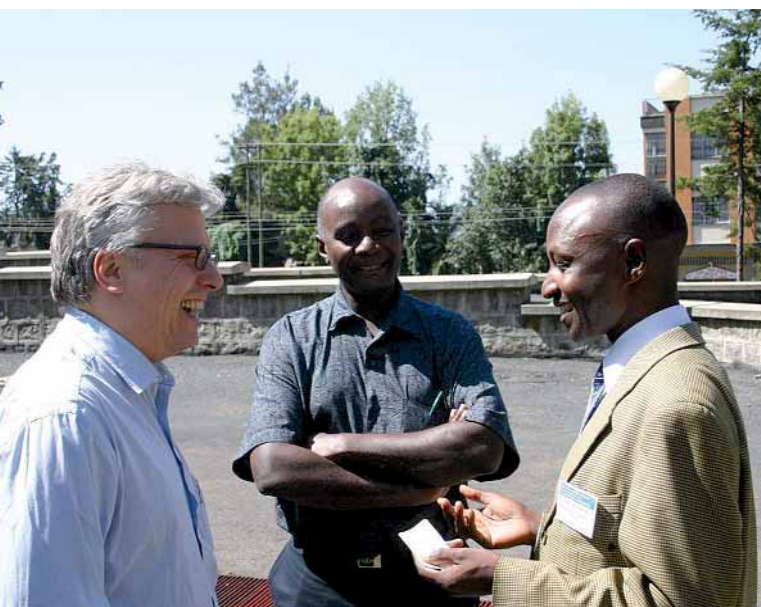
Based on the lessons learned of all these bioprospecting cases and examples of legislation, a drafting team nominated by the participants prepared draft workshop recommendations, which were initially presented and broadly discussed with the plenary and guests, among whom was H.E. Fons Hennekens, the Ambassador of The Netherlands. Subsequently, the participants entered into a “silent discussion” giving written comments on the recommendations, which were displayed on boards. The comments were again discussed in plenary and based on consensus incorporated in the recommendations. After final editing, the group approved the recommendations via email.

The recommendations cover a broad range of issues, such as:

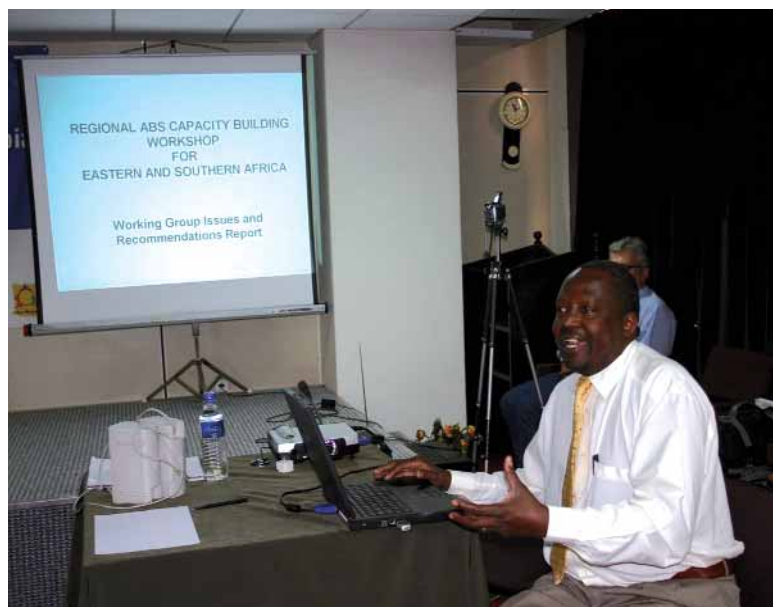
- the need for national ABS-regulations and support for drafting as well as implementing;
- cross-border resources requiring regional harmonisation and coordination;
- the need for clear definitions;
- the importance of stakeholder participation and benefit sharing;

- the need for transparency and accountability including codes of conduct / ethics;
- the relationship between traditional knowledge and science;
- capacity-building needs at local, national and regional level;
- the need for cooperation among stakeholders in capacity-building;
- information needs regarding the status of biological resources and resource accounting gaps;
- the role of NGOs in the commercialisation of biological/genetic resources;
- the link between civil war situations and the loss of biodiversity as well as bioprospecting.

Furthermore, the participants of the workshop highlighted the responsibility of countries regarding users of genetic resources under their jurisdiction: The implementation of measures to prevent misappropriation of genetic resources and disrespect of foreign legislation play a key role for functioning and efficient national ABS regimes in provider countries.



Getting to know each other (left to right): Dr. Andreas Drews (GTZ), Evans Sikiny (Kenya) and Dr. Dominic Byarugaba (Uganda)



Lovemore Simwanda from Zimbabwe presents the recommendations, elaborated in a series of drafting team sessions.



# The Dutch-German ABS Capacity-Building Initiative for Africa

The Addis Workshop has shown that diverse capacity and implementation gaps regarding ABS regulation exist in many Eastern and Southern African Countries. Short- and medium-term strategies for capacity-building, advocacy and awareness raising are necessary to address these needs.

In this context, the side event "Needs and Options for ABS Implementation in Africa" to review and discuss the Addis Workshop was organised on 30 January 2006 by DGIS and GTZ during the 4th meeting of the Ad Hoc Open-ended Working Group on Access and Benefit Sharing (ABS) in Granada, Spain. The main emphasis was put on presenting and later on discussing the results and recommendations elaborated in Addis giving an overview of structures, mechanisms and problems identified. The discussion generally gave a positive feedback on the Addis Workshop. Specific issues raised were inter alia to broaden the initiative to a participation of West African countries, and to actively involve other partners such as industry.

Furthermore, shape and structure of further workshops and trainings of the Dutch-German ABS Capacity-Building Initiative for Africa, which was announced for the first time by DGIS and GTZ, were briefly discussed. This discussion had a follow-up during the coordination meeting of the African Group on 2 February 2006, where the initiative was presented to all African delegates.



At a side event in Granada: Explaining the outcomes of the gathering in Ethiopia. (l to r : Dr. Girma Balcha, Felix Hoogveld, Dr. Andreas Drews, Prof. James Seyani, Anne Angwenyi)

Based on the workshop recommendations and the results of the ABS capacity-building needs assessment, which was initiated in Granada, the Dutch-German ABS Capacity-Building Initiative for Africa will be developed into a demand-driven approach involving:

- regional multi-stakeholder workshops to exchange experiences and views, and to build networks among different stakeholders;
- focussed trainings on specific issues for either specific or multi-stakeholder groups;
- identification of innovative ways of hands-on knowledge exchange on ABS at and between all levels;
- development of a website serving as a platform for regional information exchange (including facilitated discussion forum), linked to CBD ABS Portal;
- gathering and analysing relevant information to be used in workshops and trainings.

More about the Addis Ababa Workshop (including the agenda, cases presented, participant's list, images) and the Dutch-German ABS Capacity-Building Initiative for Africa at:

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

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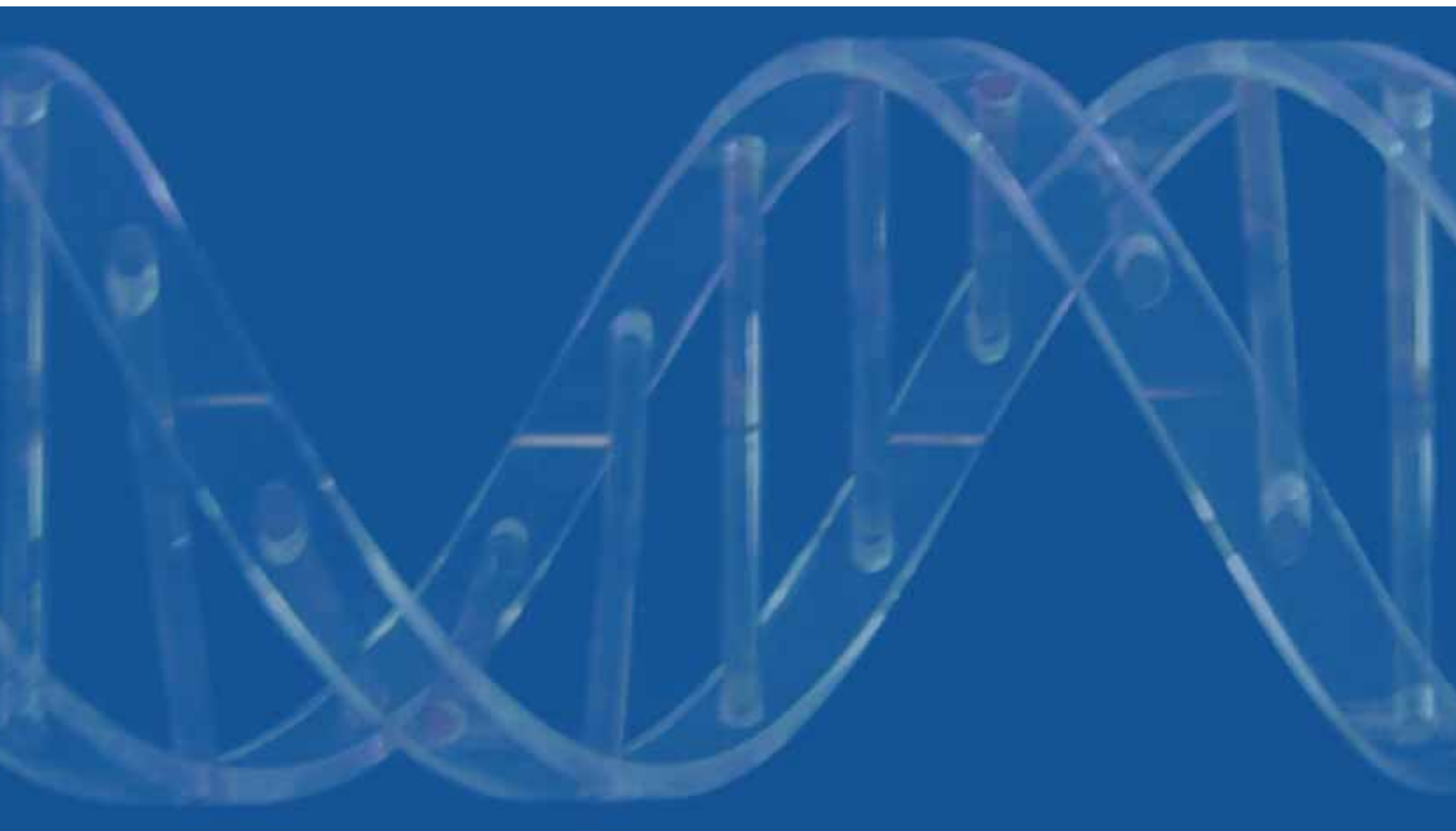
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