



**CONVENTION ON
BIOLOGICAL
DIVERSITY**

Distr.
GENERAL

UNEP/CBD/WG-ABS/5/INF/8
29 September 2007

ENGLISH ONLY

AD HOC OPEN-ENDED WORKING GROUP ON
ACCESS AND BENEFIT-SHARING
Fifth meeting
Montreal, 8-12 October 2007
Item 3 of the provisional agenda*

**REPORT OF THE FIRST CAPACITY DEVELOPMENT WORKSHOP ON ACCESS AND
BENEFIT-SHARING FOR AFRICA**

Note by the Executive Secretary

1. At the request of the Government of Germany, the Executive Secretary is circulating herewith, the report of the first Capacity Development Workshop on Access and Benefit-sharing for Africa received from the German Federal Ministry for Economic Cooperation and Development (BMZ). The workshop was held at the Kirstenbosch National Botanical Garden in Cape Town, from 19 to 24 November 2006, in the context of the Dutch-German ABS Capacity Development Initiative for Africa.
2. The document is reproduced in the form and language in which it was provided to the Secretariat.

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**Access
and
Benefit
Sharing**

**The Dutch-German
ABS Capacity Development Initiative
for Africa**

**Report of the first
ABS Capacity Development Workshop for Africa**

**Kirstenbosch National Botanical Garden
Cape Town, South Africa
19 to 24 November 2006**

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1. The Dutch-German Capacity Development Initiative for ABS in Africa

1.1 ABS – an unresolved issue

“The fair and equitable sharing of the benefits arising from the utilization of genetic resources” is one of the three objectives of the Convention on Biological Diversity (CBD).

This objective was included in the CBD at the insistence of developing countries, where approximately 80% of global genetic resources are found and benefit-sharing was especially envisaged to happen between the suppliers of genetic resources in the South and the users of these resources in the North. The aim was to establish a mechanism that puts developing countries in a position to market their genetic resources profitably in future and thus to provide an economic incentive for the sustainable use of local biodiversity.

Since the CBD's adoption, ABS issues have been raised and discussed primarily at political level at venues including the sessions of the Conference of the Parties (COP), CBD working groups and workshops in developed and developing countries. So far, however, the potential for ABS mechanisms to contribute to poverty alleviation has barely been realized, also because the only guidelines for a functioning mechanism, known as the Bonn Guidelines have no binding force. Without national legislation there is no framework on which local communities in rural areas, where poverty is most prevalent can base claims - for their equitable share of benefits arising from the utilization of genetic resources, be it from national governments or from the private sector.

So far, only few and sometimes even incoherent recommendations have been elaborated based on the outcomes of international workshops dealing with issues such as the cross-border transfer of genetic resources, disclosure of information, participation and cooperation among all stakeholders, and the preservation of traditional knowledge.

By resolution of the last COP in Curitiba, Brazil in 2006, negotiations for an international ABS regime, which may range from voluntary commitments to a protocol to the CBD, have to be concluded by 2010. If ABS mechanisms are to contribute to poverty reduction, enforceable ABS regulations at national, regional and international level are essential. This includes provisions on land and property rights, access to resources, national and international market mechanisms and profit sharing, as well as the recognition of traditional knowledge and intellectual property, and disclosure obligations in the countries utilizing genetic resources. How far regulations are to be legally binding should be decided based on the specific context.

1.2 The Dutch-German ABS Capacity Development Initiative for Africa

Building on these insights, the Directorate General for International Cooperation (DGIS) of the Netherlands Ministry of Foreign Affairs and Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH (the latter acting on behalf of the German Federal Ministry for Economic Cooperation and Development, BMZ) have joined forces to build human and institutional capacity in developing countries to deal with complex ABS issues. The focus has been set on Africa – where the need for capacity development by international comparison is greatest and demand has been articulated by several countries: from supporting national and regional legislative processes to strengthening African positions on ABS at the relevant international negotiations under the CBD, WTO and WIPO.

In cooperation with the Ethiopian Institute for Biodiversity Conservation, DGIS and GTZ held an orientation workshop in Addis Ababa in 2005. Building on this workshop, recommendations were presented at several meetings of the CBD Working Group on ABS in Spain in January and at a joint information session at the 8th COP in Brazil in March 2006. Furthermore, an ABS Capacity-Building Needs Assessment was carried out to develop the possible instruments for an effective capacity development programme for Africa.

Based on these experiences and on the positive feedback from African partners, the joint *Dutch-German ABS Capacity Development Initiative for Africa* was launched. On basis of regular steering group meetings, DGIS and the supra-regional GTZ programme “People & Biodiversity – Implementing the Biodiversity Convention” are responsible for the concept and implementation of the Initiative until 2010.

The Secretariat of the CBD (SCBD) and the French Development Cooperation (Coopération française) are supporting partners of this Initiative.

The goal of the Capacity Development Initiative is to inform and support stakeholder groups in Africa focusing on the development and pilot implementation of ABS regulations. The involvement of the private sector is considered as a key success factor for the Initiative. Measures and activities carried out by the Initiative are based on needs assessments and practical experiences of bioprospecting case studies in all regions of Africa:

- **Multi-stakeholder workshops** to identify priorities for ABS capacity development in a participatory manner with different stakeholder groups;
- Thematically and/or stakeholder-focused **training courses** on the basis of needs analyses;
- **Peer-to-peer knowledge transfer** both at national and at local levels within different African countries, as well as internationally, e.g. between private-sector and governmental decision-makers;
- **ABS best practices with the private sector** including lessons learned in order to identify additional participants and potential investors for the utilization of resources;
- **Knowledge management** and information transfer within the different stakeholder groups at national level and on a pan-African and international basis;
- Regional **background studies** in order to set priorities and identify needs or to explore issues in greater depth;
- Active **inputs** by African representatives to ABS meetings at **UN level**.

With these measures the Initiative will not only **strengthen the knowledge** of all relevant stakeholders on ABS relevant matters and **build a network** of African ABS experts drawn from all relevant stakeholder groups, but will also implement the CBD *Action Plan on Capacity-Building for Access to Genetic Resources and Benefit-Sharing*, which was adopted by COP 7 in February 2004, in a tailor-made manner to the African needs. In the long run the Initiative can be considered as an iterative process that supports the vision of ABS as a powerful instrument to reduce poverty in Africa positively impacting on:

- **increased awareness** of African policy makers and legislators on ABS matters, especially their cross sectoral nature and their potential for poverty alleviation.
- a meaningful **participation of all relevant stakeholders** at all stages of the negotiation, development and implementation of ABS regulations – at the international, national and local level.
- to improved **regional cooperation** on ABS issues among African countries
- development of **partnerships for business opportunities**

By achieving these direct impacts the initiative will contribute in the long-term indirectly to achieving food security and the MDGs via the fair and equitable sharing of benefits generated from the use of biological/genetic resources.

For further information on the Initiative, please visit: www.abs-africa.info

2. Workshop Review

World famous Kirstenbosch National Botanical Garden in Cape Town, South Africa, was the perfect venue to launch a milestone programme for **biodiversity conservation** and **poverty alleviation** on the African continent. In the Kirstenbosch conference facilities the South African Department of Environment and Tourism (DEAT) hosted the initial workshop of the Dutch-German ABS Capacity-Building Initiative for Africa, inaugurated with a high-level opening. Facing the slopes of Table Mountain 59 participants from 18 African and 4 non-African countries gathered from 19th to 24th November 2006 to create a common vision for access and benefit-sharing on the African continent and to develop a roadmap for the three year initiative.

A set of recommendations, which were elaborated during an orientation workshop in Addis Ababa in October 2006, provided the basis for this multi-stakeholder dialogue. Actually the “hand-over” of these recommendations was easily done as roughly one third of the participants attended also the meeting in Ethiopia. Furthermore some participants already presented the Addis results to an international audience at the ABS Working Group meeting in Granada, Spain (Jan 2006), and at the Conference of the Parties to the CBD in Curitiba, Brazil (March 2006), – and were therefore able to give feedback to the participants.

In comparison to the meeting in Addis Ababa, which defined first cornerstones for ABS in Africa, some elements changed within the Cape Town workshop: For the first time African business joined the dialogue process with representatives from governmental institutions, civil society organizations, local communities and academia.

The platform was broadened from a regional (Southern and Eastern Africa) to a continent-wide scope, now including participants from Central and West African countries.

A first training on legal aspects of the CBD and other relevant treaties for the successful implementation of ABS was provided.

Based on concrete endeavours a discussion on ABS project approaches was initiated.

Participants appreciated very much these new aspects, as well as the continuous exchange and discussion of case studies on African ABS legislation best practices and bioprospecting examples.

As such – besides a guided tour through the Kirstenbosch National Botanical Garden – the highlight of the week was the fieldtrip to !Kwa ttu, the San Culture and Education Center, about 70 km north of Cape Town. At !Kwa ttu the group listened for almost half a day to all stakeholders who are involved in the so called “Hoodia case”, a bioprospecting example from Southern Africa. Lively discussions followed. “*ABS is everything but easy to manage - this was really eye-opening*”, one participant from Central Africa stated, getting to know for the first time concrete experiences on ABS – including differing views from different stakeholder perspectives. Doubtless, the trip to the San, having provided first-hand experiences of ABS reality in Africa, has played a key role to achieve one objective of the workshop: developing a strong, compelling vision for ABS in Africa.

The vision provided the basis for an initial *road map* to implement the 3-year initiative especially during its first year

3. Objectives of the workshop

The strategic objectives for this initial workshop had been defined on in-depth discussions with African stakeholders at various meetings.¹

- Explore the experiences with bioprospecting cases in the region for the implementation of ABS regulations at the national and local level – new cases and follow-up on case studies discussed in Addis Ababa – to build broad and sound basis for the development of best practices for ABS in Africa.
- Develop a strong vision for ABS in Africa based on trust and mutual understanding that enhances close cooperation and provides a profound basis for networking and outline the basic elements for this cooperation in order to gain a maximum benefit from the three year programme of the ABS Capacity-Building Initiative for Africa.
- Recommendations for international law and policy making on one specific issue area based on participants preference: either gap analysis, practical solutions for regional cooperation or national requirements for certificates of origin.

Against this background the workshop specifically aimed at:

- **Sharing of experiences:** Continuing and reinforcing the open exchange, which was initiated at the Addis Ababa Workshop between different stakeholders on case studies and experiences with ABS in order to draw lessons learnt and establish best practices in the different fields of ABS within the implementation period of the Initiative;
- **Developing** basic elements for continuing **cooperation** and creating a strong and compelling vision for close cooperation on ABS throughout Africa with the aim to build a network of African ABS experts drawn from all relevant stakeholder groups.
- **Training** of the participants (e.g. split in newcomers and experts) in various aspects relevant to ABS.
- **Providing** “multi-stakeholder” **guidance** to elaborate a road map (including further steps and elements) of the capacity building initiative.

4. Elements of work

a. Case studies: Bioprospecting in the region

Participants were invited to present case studies on ABS in their country or region such as concrete cases of bioprospecting or biopiracy as well as experiences with the development and/or implementation of ABS regulations. Participants who took part in the Addis Ababa workshop were invited to inform the group on new developments regarding the case studies presented and discussed in Addis Ababa.²

b. Develop a Vision for ABS in Africa

One of the major obstacles in the fair and equitable sharing of benefits arising out of genetic resources and the use of traditional knowledge in countries of origin is the lack of knowledge, training and cooperation between holders of traditional knowledge and the various stakeholders of genetic and biological resources. Only if they join forces, biopiracy, cheap buy-out and corruption can be contained. Fair and equitable sharing of benefits needs strong cooperation based on good will and trust by stakeholders on the provider side. Hence one of the major outcomes that the three-year programme of the ABS Capacity Building Initiative for Africa aims at achieving is a greater cooperation and networking

¹ During the workshop in Addis Ababa 2005 and the side events in Granada (ABS-WG 4) as well as at the COP8 in Curitiba, Brazil specific demands in the field of ABS and a detailed ABS capacity building needs assessment for Africa have been carried out in February/March 2006.

² For more information, please see: www.abs-africa.info/addis_contributions.html

amongst those stakeholders. Cooperation and networking is based on trust, mutual understanding and first and foremost a joint vision to work together towards a common future that is promising for all those involved.

The workshop invited the participants to develop such a strong vision on ABS in Africa. Over the course of several sessions, participants were invited to create a strong and powerful vision, based on the life reality in their countries and their region.

c. Legal and political requirements

Two workshop streams were held in parallel, one for those participants not yet very familiar with the ABS issue and its context, and one for those who are already experts in their field. Participants were requested to indicate their choice upon registration for the workshop.

(1) Basic Training: Legal and Political Basics of the CBD and ABS

Those relatively new to the CBD process and access and benefit-sharing were trained in the basics of this issue area: international legal and political framework of biological diversity and genetic resources (CBD, WTO, FAO, WIPO, ILO 169), three pillars of the CBD, relevance of ABS in the context of poverty alleviation, conservation and sustainable use, MAT and PIC, equitable sharing of benefits, holders of traditional knowledge, chain of production of bio-chemical products, national and regional legislation.

(2) Expert Discussion: three alternative themes to choose from

On basis of the topics relevant in the next meetings for the negotiation of the international ABS regime (Meeting of the Group of Technical Experts on an Internationally Recognized Certificate of Origin/Source/Legal Provenance and the 5th Meeting of the ABS Working Group) and the recommendations of the Addis Ababa workshop the following three topics for discussion were offered to choose from:

- **Certificate of Origin:** Nominated experts are tasked to explore and elaborate late 2006 or early 2007 the possible options for the form, intent and functioning of an internationally recognised certificate of origin/source/legal provenance and analyse its practicality, feasibility, costs and benefits. It might be useful to discuss these issues, especially national level requirements, in the African context with a view to develop an African perspective and position.
- **Gap analysis:** The discussion of the gap analysis is still a pending issue (decision VIII/4 paragr. 2(b), 8, 9). So far none of the African Parties or other stakeholder groups has submitted such an analysis. As the issue will most probably on the agenda of the 5th Meeting of the ABS Working Group it might be appropriate to analyse to what extent the African perspective is covered in the synthesis document (UNEP/CBD/WG-ABS/4/3) compiled by the SCBD.
- **Practical approaches for regional cooperation:** This has been highlighted as an important issue in the discussions of the Addis Ababa workshop. Considering the transboundary ranges of many biological and genetic resources as well as the associated traditional knowledge regional cooperation and harmonisation are an asset for all stakeholders as competition for the lowest standards and buy-outs can be avoided or at least minimised. The AU Model Law³ is a first approach, which seems to have little impact.

³ For more details, please see: <http://www.grain.org/brl/?docid=798&lawid=2132>

Together with the registrations the participants made the following choices:

- 10 participants: Basic Training
- 10 participants: Practical approaches for regional cooperation
- 9 participants: Certificate of Origin
- 2 participants: Gap analysis

Consequently the organizers decided that the advanced group would discuss practical approaches of regional cooperation to improve ABS in Africa. A discussion of the Certificate of Origin took place after the results of the Meeting of the Group of Technical Experts (GTE) on an Internationally Recognized Certificate of Origin/Source/Legal Provenance in January in January 2007 in Lima, Peru.

As such, from March 28th – 30th 2007, a workshop under the Dutch-German ABS Initiative was held in Addis Ababa to discuss and analyse the results of the GTE in relation to the African points of view⁴.

d. Basic elements for continuing cooperation

Based on the lessons learnt from the case studies, the deliberations of the expert workshop and the vision developed by the participants, the workshop was closed with developing the basic elements for the continuing cooperation.

e. Excursion

The excursion to **!Khwa ttu**, the only San owned cultural and education centre in the Western Cape, exposed the participants of the workshop to the world of the San people and their ABS case with the commercial exploitation of the Hoodia plant.

Through a visit of the photo gallery, a guided tour through the countryside and a barbecue with the San People in the evening, the workshop participants were introduced to the rich indigenous knowledge of this fascinating culture on fauna and flora. Further presentations from different stakeholders on the formal negotiated benefit sharing agreement between the Council for Scientific and Industrial Research (CSIR) and the NGO “Southern African San Council” on a biological compound derived from the Hoodia plant, illustrated to the participants how the ABS approach of the Convention of Biological Diversity (CBD) can benefit this community in practice.

⁴ For further information, please see: http://www.abs-africa.info/addis0307_index.html

5. Workshop Programme⁵

Sunday, 19th

- 05.00 pm. Registration
06.00 pm Cocktail Reception

Monday, 20th

- 08.30 am Registration
09.00 am Words of Welcome by Dr. Andreas Drews (GTZ)
History and important stakeholders of the project
Presentation of the participants as a group
Introduction to the programme and the methodology of the workshop
Introduction to the training workshops for “Beginners” and “Advanced”
10:30 am Coffee Break
11.00 am Parallel workshops for Beginners and Advanced:
Basic legal training on CBD, ABS, IPR
Practical approaches for regional cooperation
12.30 am Lunch Break
02.00 pm Continuation of the parallel workshops
03.30 pm Coffee Break
04.00 pm Panel: What did we learn in the parallel workshops?
04.30 pm Towards a common vision for ABS (Step 1)
05.00 pm Summary of the day

Tuesday, 21st

- 09.00 am Presentation and feedback to the 1st draft of the ABS vision statement
Introduction to the ABS case studies
10.00 am Coffee Break
10.30 am 6 ABS case studies from 5 countries (Burundi, Kenya, Namibia, South Africa, Zambia) in two parallel sessions
01.00 pm “Brown Bag Lunch” and guided tour through Kirstenbosch National Botanical Garden
03.00 pm Reflection on the ABS case studies – panel and plenary discussion
03.30 pm Coffee Break
04.00 pm Experiences with ABS regulations in 5 countries (Kenya, South Africa, Swaziland, Zambia, Zimbabwe) – talk show with plenary discussion

⁵ For further programme details: <http://www.abs-africa.info/111.html?&L=0>

05.00 pm Summary of the day

Wednesday, 22nd

09.00 am Presentation and feedback to the 2nd draft of the ABS vision statement

09.30 am Preparation to the excursion: What do we want to know?

11.00 am Excursion to !Khwa ttu the San Culture and Education Centre

12.30 am Lunch Break

Visit of the San Culture and Education Centre

Presentation and discussion of the San-Hoodia case

Guided tour to the San world

07.00 pm „Campfire Dinner“

09.30 pm Return to Cape Town

Thursday, 23rd

09.00 am Presentation and feedback to the 3rd draft of the ABS vision statement

09.30 am Processing of the information gathered during the excursion (group work and presentations in the plenary)

10.30 am Coffee Break

11.00 am Presentation of the Tai National Park Project, Ivory Coast: Elaboration of ideas and proposals for the future design of this project (group work and plenary)

12.30 am Lunch Break

02.00 pm Preparing the final version of a joint vision for ABS

04.00 pm Summary of the day

Friday, 24rd

09.00 am Presentation of the final version of the vision

“Between vision and presence” – A reality check

10.00 am Coffee Break

10.30 am Definition of fields of regional cooperation and common actions: Who is going to do what, when and how? What kind of external support is needed and possible?

12.00 am Lunch Break

01.30 pm Presentation and discussion of the common actions and regional cooperation projects. Comments from the different stakeholder groups.

03.00 pm Coffee Break

03.30 pm Time line for the coming 2-3 years

Looking forward to the next Regional ABS workshop

04.00 pm Farewell

6. The Vision

6.1 Background

One objective of the workshop was to develop “a strong and compelling vision for ABS in Africa for holders of traditional knowledge and stakeholders of genetic resources as a basis for cooperation and networking”.

Over the course of several sessions the vision was created in a stepwise approach involving all stakeholder groups. For this purpose a methodology was chosen that defines the desired state of ABS in Africa through a concrete description of how ABS should “*look and feel like*” in 2010. Based on an initial vision developed by a group of government representatives the text was handed over to representatives of business and science and finally to those of local and indigenous communities. The text was finalised by a group representing all stakeholders and approved by all participants.

The vision was the basis for an initial road map to implement the Initiative especially during its first year.

6.2 Vision's text

The awareness of the importance of the origin of natural products and the knowledge of the beneficial use of biological resources is ever growing. CEOs are no longer accepting to invest in biological resources in the absence of ABS regulation. Research companies are eager to gain access to biological resources and the new inclusion of rural communities in the negotiation process is generating benefits never previously shared.

The other day a pharmaceutical giant sent its buyer to Africa to access genetic resources. He was struck by the adverts for locally produced cosmetics using the same ingredients. In his hotel he encountered a regional buyer interested in medicinal components of the same plant.

He was surprised at how promptly the relevant information and regulations were furnished by the national competent authority, which then guided and introduced him to the community that owned and produced the ingredients.

Getting out of his car the buyer could hear school children reading a text in their own local language. The community received him warmly. They took pride in showing him their land, animals and other indigenous plants, which have traditional uses. When he mentioned the names of the genetic resources he was interested in, the community immediately knew which plants he was referring to. They walked him through a well managed wild population of the actual plant and reached a new field where the plant is now cultivated, before he was shown the processing using modern technology.

During negotiation with several stakeholders, the buyer observed that the community was well informed and that their representative knew which knowledge to share and which one to protect. After a few days, the committee composed of men and women and the buyer, signed a new Material Transfer Agreement for the ingredients and for research on a new plant with clear benefits to the community.

They shook hands. He thanked the community. They replied “You are welcome” and they really meant it.

7. ABS Roadmap⁶

The vision created by the workshop participants provides the underlying basis by representing the values and meanings how ABS should be implemented in Africa by 2010.

However, joined actions will be needed to achieve this vision. Thus ideas for national, regional and international actions for further ABS capacity-building and cooperation were discussed and noted in tables for each of the previously identified main fields of work requiring support, such as:

- Good practices for ABS – public private partnerships (PPP) and benefit-sharing with local communities
- African knowledge network
- Common African positions in ABS related negotiations
- Personal and institutional capacity-building
- Other initiatives

The results provide a **roadmap** and serve as a guideline **for activities and support requirements** for ABS capacity-building in Africa.

The roadmap thus serves as a **clearinghouse for ABS capacity-building activities** bringing together those who are providing support and those who are seeking support and collaboration for their proposals and ideas. The roadmap will be revisited and updated during the next cross-regional ABS workshop late 2007.

⁶ For further details please see: http://www.abs-africa.info/capetown_roadmap.html?&L=0

