

## The ABS Capacity Development Initiative

### A Multi-Donor-Initiative Focusing on Capacity Development for Access and Benefit-Sharing

May 2023

#### Promoting biodiversity conservation and sustainable development through fair and equitable benefit-sharing from the use of biological<sup>1</sup> resources

The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) estimates that two thirds of all land and almost 90 % of the oceans have been altered by humans, resulting in the loss of half of the world's plant biomass – endangering inter alia the global adaptation to climate change and CO<sub>2</sub> absorption potential. As more than a million plant and animal species are currently threatened by extinction, IPBES considers the Earth's sixth mass extinction a possible global scenario. Many of the hotspots of extinction are in developing countries where often, in a vicious circle, biodiversity loss is causing poverty - and poverty, in turn, is a root cause of biodiversity overexploitation.

The Global Biodiversity Framework (GBF) of the Convention on Biological Diversity (CBD) outlines what countries and stakeholders need to do over the next decade, individually and collectively, and sets targets for humanity to “live in harmony with nature” by 2050. From its outset the GBF was negotiated to directly support the Agenda 2030 and its Sustainable Development Goals (SDGs)<sup>2</sup>. However, in order to **successfully conserve** and **sustainably use biodiversity** further **pathways to mobilise the necessary resources** and to address questions of **equity and justice** need to be **developed, implemented and monitored**.

We need strong partnerships at all levels to spell the GBF out and put it into practice. The *whole of government* and *whole of society approach* for implementing the GBF<sup>3</sup> as well as the updated national and regional Biodiversity Strategies and Action Plans (R/NBSAPs)<sup>4</sup> offers a unique opportunity for **further integrating biodiversity goals into other sector policies and planning** – linked to and supporting national SDG processes.

#### ABS contributes to SDGs, conservation and sustainable use

ABS – the fair and equitable sharing of the benefits arising from the utilisation of genetic resources – facilitates access to those resources and is one of the three objectives of the CBD, further supported by the legally binding international instrument of the Nagoya Protocol. In the global 2030 Agenda for Sustainable Development this is explicitly anchored in the Sustainable Development Goal (SDG) 15 (Life on Land, sub-goal 15.6.). It is also found in SDG 2 (No Hunger, sub-goal 2.5) which provides for the conservation of the genetic diversity of cultivated

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<sup>1</sup> The ABS Initiative understands that fair and equitable benefit-sharing for the use of biological resources includes the specific term of genetic resources and the respective benefit-sharing obligations triggered by research and development under the Nagoya Protocol. Also, associated traditional knowledge is always taken into account, even if it is not stated explicitly.

<sup>2</sup> See decision [CBD/COP/14/34](#) establishing the OEWG 2030, Art. 12 and 13, specifically Art. 13(i): The links between biodiversity and the Sustainable Development Goals and the role of the 2030 Agenda for Sustainable Development in providing an enabling environment for addressing the drivers of biodiversity loss;

<sup>3</sup> GBF Art. 7c: **This is a framework for all - for the whole of government and the whole of society**. Its success requires political will and recognition at the highest level of government and relies on action and cooperation by all levels of government and by all actors of society;

<sup>4</sup> GBF Target 19 and Art. 16(a), 16(c) and 17 in Section J. “Responsibility and transparency”



plants as well as farm and domestic animals and their wild relatives as basis for **global food security** in times of climate change.

As laid out by the Initiative in its [policy paper](#) *How ABS and the Nagoya Protocol Contribute the Sustainable Development Agenda* the implementation of ABS can also contribute to other SDGs, such as 3 (Good Health and Well-Being), 8 (Decent Work and Economic Growth), 9 (Industry, Innovation and Infrastructure), 13 (Climate Action) and 17 (Partnerships for the Goals) but may, as [best practice analyses](#) show, also significantly support a wider array of SDGs depending on the respective partnership context.

At the core, sharing the benefits from the use of biological and genetic resources creates **incentives for the conservation of biodiversity and contributes to the creation of a fairer and more equitable economy that supports sustainable development**. Goal C of the GBF underlines the direct link between conservation and sustainable use of biodiversity and the benefits arising from the utilisation of genetic resources, digital sequence information on genetic resources (DSI), and traditional knowledge associated with genetic resources, while underlining the need to protect such traditional knowledge.

In line with Target 13 of the GBF, which calls for facilitating an increase in benefit-sharing as well as access to genetic resources, this requires countries that provide and use genetic resources and associated traditional knowledge to create (more) ABS enabling environments, to adopt appropriate cost-effective measures, and to ensure that these measures are applied. However, as both Goal C and Target 13 refer to all 'applicable international benefit-sharing instruments'; harmonized and complementing approaches are required for the various multilateral benefit-sharing frameworks that are under negotiation in different international fora, such as the FAO, WHO, BBNJ, and the CBD.

#### **Needed: Behavioural change, capacities, trust, monitoring, engagement and ownership**

The fulfilment of these objectives of the CBD, the Nagoya Protocol and the GBF, including related supportive COP 15 decisions<sup>5</sup>, requires not only commitment but also **behavioural change**<sup>6</sup> on the part of genetic resource providers and users. Besides awareness raising (e.g., on the ABS-SDG link or the shortcomings of the Nagoya Protocol implementation so far) there is a need to further develop the technical and legal capacity of relevant actors. Initial priorities have been identified in the Annex to CBD MOP decision NP-4/7<sup>7</sup>, which will be considered in the revision of the NP CB&D-framework until NP/MOP/5. Three further conditions need to be met to improve, for instance, the consideration of NP Art. 8 on facilitating access in relation to non-commercial research, food security and health emergencies, enhancing compliance with domestic legislation, supporting the participation of IPLCs, and measuring and reporting of both monetary and non-monetary benefits:

1. building on best practice cases and networks to promote an **environment of trust** between providers and users;
2. institutionalising transparent and efficient **monitoring mechanisms**, based on the initial guidance on ABS related indicators of the GBF<sup>8</sup> ; and
3. furthering the integration of stakeholders in policy processes to ensure their **engagement and ownership** of the benefit-sharing processes.

The increasing application of methods of genetic engineering and modern biotechnology in research, development and commercialisation of products in various sectors highlights the importance of developing **endogenous research and development capacities, including the use of digital sequence information (DSI)**.

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<sup>5</sup> See decisions listed in paragraph 2 of COP decision 15/4 on the GBF

<sup>6</sup> GBF Art. 22 in Section K. "Communication, education, awareness and uptake"

<sup>7</sup> For details see MOP decision NP-4/7 "Measures to assist in capacity-building and development (Article 22) and awareness-raising (Article 21)"

<sup>8</sup> See headline and complementary indicators for Goal C in Annex I of COP 15 decision 5 "Monitoring framework for the Kunming-Montreal Global Biodiversity Framework"



During the COVID-19 pandemic developing countries underlined that despite open access to virus genetic sequences there is no international system for benefit-sharing, e.g. to make vaccines available in developing countries under preferential conditions<sup>9</sup>. The same is true with reference to other tropical diseases. Increased research capacities in providing countries would foster international collaborative research and development projects, for instance on treatments against 'neglected diseases', on identifying ingredients for commercial products in emerging markets, such as natural cosmetics and novel food, or simply in the realm of academic research on taxonomy or ecosystem functionalities. Harmonised and complementary national and multilateral benefit-sharing frameworks will be essential to achieve this goal.

So far, examples of bioprospecting with successful benefit-sharing have only been occasionally analysed<sup>10</sup> and are not systematically used as learning experiences. However, the existing, non-formalised ABS expert networks and training institutes provide a basis to analyse and address capacity development needs on the ground.

In light of the *whole of government* and *whole of society approach* for implementing the GBF there is a need for new dynamics that promote long-term partnerships and conducive enabling financial, technical and regulatory environments for research and valorisation of biological resources - **away from restrictive control of the use of genetic resources, towards incentives and the use of potentials.**

### The ABS Initiative and its partners

*The ABS Initiative aims at improving the capacity and conditions for successful cooperation between providers and users of biological resources for the fair sharing of benefits for biodiversity conservation, sustainable use, and local livelihoods.*

The **ABS Capacity Development Initiative (ABS Initiative)** was launched in 2006 at CBD COP 8 in Curitiba, Brazil. It is a multi-donor initiative that supports the implementation of a globally harmonised and mutually supportive ABS system, with the Nagoya Protocol and third objective of the CBD as centrepieces. The intention is to support the vision of human beings *living in harmony with nature* by making use of the benefit-sharing mechanism to achieve conservation and sustainable use of biodiversity and the respective GBF goals.

The ABS Initiative is hosted by the German Federal Ministry for Economic Cooperation and Development (BMZ) and funded by several governments and international organisations. In light of the aid effectiveness agenda led by OECD DAC, the ABS Initiative improves the exchange and cooperation on ABS capacity development. Former and current donors of the Initiative are the governments of Denmark, France, Germany, Norway, Switzerland, and The Netherlands, the Organisation Internationale de la Francophonie, and the European Union.

The Secretariat of the ABS Initiative was awarded to the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. It serves as focal point for member and partner relations and is responsible for managing and implementing activities. Regional steering committees constitute the main decision-making body of the ABS Initiative and provide strategic guidance as well as conceptual advice to the Secretariat on the capacity development processes and implementation in the respective regions. Committee members include representatives of donor organisations and appointed government and stakeholder representatives from South and North.

At the global level, based on a Memorandum of Understanding, the **Secretariat of the Convention on Biological Diversity (SCBD)** is the Initiative's core collaboration and advisory partner. For instance, based on its experiences the ABS Initiative provides best practice examples, analyses and tools to the SCBD and the CBD's Informal Advisory Committee on

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<sup>9</sup> In December 2021 the World Health Assembly established the International Negotiation Body (WHO INB) to negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response ("WHO CA+"). The current [Zero draft of the WHO CA+](#) outlines in Art. 10 the potential WHO Pathogen Access and Benefit-Sharing System (PABS).

<sup>10</sup> Here are a few examples: [the rooibos case](#), [the Clanwilliam cedar case](#), [the dandelion case](#)



Capacity-building for the Implementation of the Nagoya Protocol<sup>11</sup>, whereas the SCBD, as appropriate, provides orientation to the ABS Initiative on specific technical capacity development and conceptual or dialogue needs – as was the case in 2020 regarding support for the science and policy-based process on DSI.

The African Union Commission and UN organisations such as UNCTAD, UNEP, WIPO and the FAO / the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) are partnering with the ABS Initiative to support capacity development with a view to regional integration, the development of biodiversity-based economy strategies and the implementation of the GBF and related COP decisions in Africa and other regions.

Other relevant partners and stakeholders are companies involved in biodiversity-based value chains and their associations and support structures, such as the Union for Ethical BioTrade (UEBT), as well as public research and civil society organisations (International Indigenous Forum on Biodiversity, Natural Justice, Consortium of European Taxonomic Facilities (CETAF), and Bioversity International).

Considering the focus on capacity development emerging from the GBF and related COP decisions, further collaborative partnerships may be established, for example with the UNEP World Conservation Monitoring Centre (WCMC), the Leibniz-Institute German Collection of Microorganisms and Cell Cultures (DSZM) or the DSI Scientific Network.

Partner countries of the ABS Initiative will be selected based on a range of criteria to identify cases that demonstrate benefit-sharing potential for R&D cooperation, for commercial ABS contracts or more broadly for biotrade and related incentives. Donors' regional or bilateral funding priorities will also be taken into account.

On the ground, activities have so far been successfully implemented in collaboration with GEF funded projects (e.g. in Cameroon, Kenya, India, Madagascar, Morocco) and bilateral development cooperation projects funded by the Government of Germany (e.g. in Brazil, Ethiopia, India, Namibia, COMIFAC, SICA).

## How we work

*The **ABS Capacity Development Initiative** contributes to **poverty reduction, food security, technology transfer, social development including equity and rights, and biodiversity conservation** through implementing the Nagoya Protocol on ABS and the third objective of the CBD.*

Despite substantial efforts to promote and support ABS implementation, the conditions for successful cooperation between providers (states, indigenous peoples and local communities (IPLCs)) and users (companies, academia) of biological resources and associated traditional knowledge are not yet sufficiently developed and face a lot of obstacles. Reinforced and more focussed efforts are required to improve the mechanisms for fair and equitable sharing so that generated benefits will be invested for conservation and sustainable use of biodiversity.

**The ABS Initiative is committed to:**

- provide impulses to help shape the international discussion about new concepts for and effective implementation of benefit-sharing from the use of biological resources in the context of the GBF and related COP decisions, specifically COP decision 15/9 regarding the development of a distinctive solution, possibly a multilateral approach, for the sharing of benefits from the use of DSI.
- foster and accompany the establishment of multi-stakeholder partnerships between providers and users of biological resources.

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<sup>11</sup> MOP decision NP-4/7 "Measures to assist in capacity-building and development (Article 22) and awareness-raising (Article 21)" extended in Art. 5 the mandate of the Informal Advisory Committee until NP-MOP 5 for 'supporting the revision and updating of the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol'.



- support national and regional actors to foster the integration of research & development, BioTrade, the sustainable use of biological resources and fair benefit-sharing into national trade, economic and conservation policies.
- promote active participation of indigenous peoples and local communities (IPLC) in the negotiation of benefit-sharing agreements and the management of sustainable biodiversity-based value chains, strengthen the negotiation capacities of IPLC as rights holders in ABS processes, and help strengthen their rights and role in national GBF implementation in the partner countries.

To fulfil this commitment **the ABS Initiative will focus on** (see figure 1 below):

- supporting the **further development of concepts** for the **effective integration of ABS** elements on both facilitated access (e.g., as stipulated by Nagoya Protocol Art. 8) and effective, conservation-oriented benefit-sharing in line with the **GBF and related COP 15 decisions**.
- supporting African partner countries in developing **national systems for monitoring and reporting on benefits** received under ABS and DSI frameworks in line with the GBF monitoring framework, particularly regarding Goal C.
- supporting the **intersessional process on DSI through technical briefs, information sessions, exchange and dialogues** (virtual and physical) between stakeholders and negotiators in the relevant UN fora, to raise awareness and increase technical understanding of the modalities of possible solutions for benefit-sharing from the use of DSI.
- supporting South-North and South-South business and research partnerships, including partnerships using DSI, thus contributing to GBF Target 20.
- helping to **mobilise the private sector** for the further development and application of binding and voluntary monetary and non-monetary **benefit-sharing instruments and mechanisms** between providers and users, including reporting on compliance with ABS measures in line with GBF Target 15.
- improving the business and research environment and targeted **support for micro, small and medium enterprises (MSMEs)** in the R&D and biotrade sector, including the sustainable management and use of wild species and the protection of customary sustainable use by IPLC (GBF Target 9).
- developing **sector-wide ABS approaches**<sup>12</sup> that help to reduce transaction costs for individual research institutions and businesses, leading to the up-scaling of positive economic, social and environmental impacts at the individual provider/producer or research institution/company level.
- supporting capacity development of national and regional actors to **integrate** research and development, BioTrade and the use of biological resources and fair benefit-sharing **into national trade, economic and conservation policies** using the entry points offered by the upcoming alignment of Biodiversity Strategies and Action Plans with the GBF and existing national SDG implementation processes.
- promoting the **empowerment and participation of IPLCs** with a view to reinforcing their active involvement in political processes and securing their rights on biological resources and traditional knowledge in line with COP decision 15/10 Annex II.

The ABS Initiative's approach is guided by a broad participatory process, good governance principles and gender equality in line with COP decision 15/4 Art. 4, GBF Targets 21, 22 and 23, and the CBD Gender Action Plan (COP decision 15/11).

Physical and virtual knowledge management and sharing as well as ABS mainstreaming, e.g. during the development of GBF NBSAPs or national SDG agendas, remain important crosscutting topics (c.p. GBF Target 19 and Section J. 'Responsibility and transparency').

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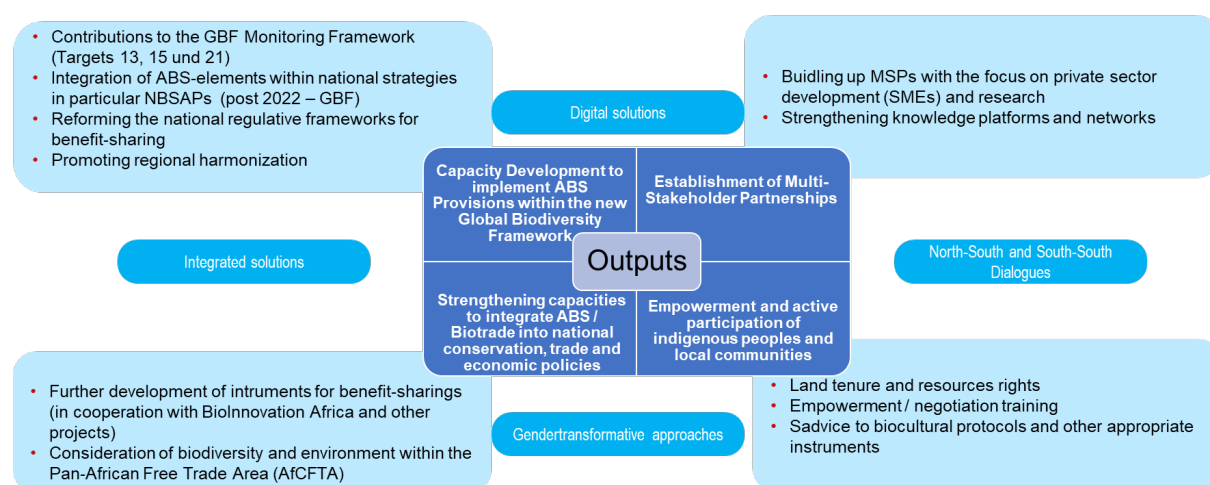
<sup>12</sup> Sector wide ABS implementation approaches may cover: specific objectives of R&D (basic research, food security, health issues in accordance with Nagoya Protocol Art 8), country wide framework ABS agreements on specific resources / resource clusters (as in the case of Rooibos in South Africa or streamlined ABS approaches for specific industry sectors with standardised or model benefit sharing clauses in MAT (in accordance with Nagoya Protocol Art 18).



**The implementation builds on more than a decade of experience, good practices collected and lessons learned by the ABS Initiative.** The development of targeted tools and methodologies for awareness raising and capacity development are the basis for the necessary reinforcement of ABS implementation skills of regulators and actors in more partner countries as well as at the subregional and regional levels.

**The ABS Initiative generates hands-on examples and best practices** relating to the defined outputs (see figure below), which in turn support the scaling up to global impacts, e.g. through international or regional partners. The scope of the Initiative for conceptual advice and on-the-ground action is global. Nonetheless, the extension to additional global regions other than Africa and, within Africa, the currently selected focus countries (Benin, Côte d'Ivoire, Kenya, South Africa) depends on available financial resources and the corresponding needs of partners.

Figure 1: The ABS Initiative concept



## What we've achieved so far

Access to genetic resources and the sharing of benefits arising from their utilisation, including that of associated traditional knowledge, deliver economic and development opportunities, thereby contributing to biodiversity conservation. Established in 2006, the ABS Initiative supports the creation of enabling environments in which these resources are utilised in a sustainable way.

**During the negotiation of the Nagoya Protocol in the early 2000s, the Initiative supported key African stakeholders** by organising preparatory meetings, high-level events and (sub-)regional multi-stakeholder workshops and trainings. As a result, the “African Group” was able to effectively participate with one voice in the negotiation of the Nagoya Protocol, which was adopted on 29 October 2010 in Nagoya, Japan.

Throughout the years, the ABS Initiative has been supporting the **development of regulatory frameworks** in African and Pacific partner countries, such as Algeria, Benin, Cote d'Ivoire, Cameroon, Madagascar, Micronesia, Morocco, Namibia, Palau and Samoa. The initiative also provided assistance for the development of the African Union [Strategic Guidelines and Practical Guidelines](#) for the Coordinated Implementation of the Nagoya Protocol as well as for the sub-regional ABS strategy for Central Africa.



**The ABS Initiative has also supported the establishment of ABS agreements** for several natural ingredients/products through capacity building of local providers and regulators as well as by facilitating the negotiations that led to the signing of ABS agreements, e.g. in Cameroon, Namibia and South Africa.

#### Key phases of ABS Capacity Development

During the **negotiation phase** of the Nagoya Protocol the ABS Initiative mainly focused on **supporting the African Group** in the negotiation process.

Following the **adoption of the Nagoya Protocol** at COP 10, the activities shifted towards supporting **national implementation** by emphasising the increasing role of technical, legal and policy support to the relevant stake- and rightsholders at national and subnational level.

Further to the **entry into force of the Nagoya Protocol** on 12 October 2014, the main objective of the ABS Initiative shifted in 2015 to supporting the achievement of the second component of Aichi Target 16 in Africa and other world regions, i.e. making the Nagoya Protocol fully operational and consistent with national legislations. This included support for the development or revision of national ABS legislative and regulatory frameworks, and support for the negotiation of fair and equitable ABS agreements.

Since 2019, following the **COP 14 mandate** to conduct a **science-policy process on DSI**, the ABS Initiative has organised, in the context of the Norway-South Africa partnership and in close coordination with the SCBD, a series of technical webinars, physical and virtual dialogue and exchange events involving negotiators and stakeholders representing IPLCs, academia and the private sector.

#### **Some significant milestones of the Initiative and its partners**

- The ABS Initiative was acknowledged by the Parties to the CBD in Nagoya (COP 10 Decision X/6) for linking biodiversity, development, and poverty eradication.
- Substantive **contributions to the capacity building** of African negotiators leading to the adoption of the Nagoya Protocol in 2010.
- Support for **national implementation** of the Nagoya Protocol:
  - By the end of the previous implementation phase of the ABS Initiative, 59 out of 85 countries of the ACP region, including Northern Africa, had become Parties to the Nagoya Protocol, of which most have been supported directly or indirectly by the ABS Initiative (based on final progress report).
  - Facilitation and establishment of more than 40 ABS agreements, of which more than 30 include IPLCs, between African providers and European users.
  - Jointly with the Cape Town based NGO Natural Justice establishment of a sector-wide benefit-sharing agreement of the South African rooibos industry with the Khoi-San communities in Southern Africa.
  - Development and launch of (sub-)regional trainings for ABS National Focal Points and other stakeholders on intellectual property rights and ABS, ABS contract negotiations and valorisation strategies<sup>13</sup>.
  - Establishment of [bio-cultural community protocols \(BCPs\)](#) as a recognised tool for engaging IPLCs with potential users of genetic resources and associated traditional knowledge.
  - Support in the establishment of [ABS compliant value chains](#) in numerous countries, e.g., in the Pacific (ngali nut), Namibia (marula) and South Africa (buchu, *Agathosma* spp.)

<sup>13</sup> Most of the trainings can be found [here](#).



- Formal cooperation with the **African Union Commission** became instrumental for the development of regionally coherent support to African partners and cooperation countries.
- **Tools and knowledge products** developed and used by the ABS Initiative for capacity development as well as experiences and lessons learned – as highlighted in COP-MOP decision I/8<sup>14</sup> – have been **made available through the ABS Clearing House**. These products range from policy papers, technical implementation guides, industry sector briefs and legal work-aids for ABS contracts to explanatory videos and webinars on specific ABS related themes.
- Facilitation of **regional and international dialogues** on emerging topics such as the Nagoya Protocol compliance mechanism (open exchanges) or potential benefit sharing options on the use of DSI (dialogues under the Chatham House Rule) have led to improved mutual understanding and convergence of views among stakeholders and negotiators of 'providing' and 'using' CBD parties. In this regard, possible landing zones ensuring **free/unrestricted access to DSI for R&D** as well as **benefit-sharing from the use of DSI** have been identified.

## Contact

Further information on the ABS Initiative's activities so far: [www.abs-biotrade.info](http://www.abs-biotrade.info)

Kindly contact [Andreas Gettkant](#) (Manager) or [Suhel al-Janabi](#) (Co-Manager) to learn more about the ABS Initiative's setup, possible pathways to collaboration and modes of partnership.

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<sup>14</sup> *The Conference of the Parties serving as the meeting of the Parties to the Protocol,*

*Recognizing the wealth of experiences and lessons learned as well as instruments and methodologies that have been developed under various ABS capacity development initiatives, **such as the ABS Capacity Development Initiative** that has expanded from Africa to other regions,*

*(a) Adopts the strategic framework for capacity-building and development in support of the effective implementation of the Protocol;*

*(b) Invites Parties, other Governments and relevant organizations to carry out capacity-building and development activities consistent with the strategic framework;*

*(c) Invites Parties, other Governments, international organizations, regional development banks and other financial institutions, to provide financial resources to support the implementation of the strategic framework.*