



Report of the Inception Workshop for the
project to support the Ratification and entry into
Force of the Nagoya Protocol on Access and
Benefit-Sharing (ABS)

7 – 10 MAY 2013

Addis Ababa, Ethiopia

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Common Abbreviations

ABS – Access and Benefit-Sharing
ACP – African, Caribbean and Pacific
CBD – Convention on Biological Diversity
COP – Convention of Parties
DELIC – Division of Environmental Law and Conventions
FSP – Full-sized Project
GMO – Genetically Modified Organism
GRs – Genetic Resources
IBC – Institute of Biodiversity Conservation
ILC – Indigenous Local Communities
IPR – Intellectual Property Rights
ITPGRFA – International Treaty on Plant Genetic Resources for Food and Agriculture
IT – International Treaties
MAT – Mutually Agreed Terms
MSP – Medium-sized Project
MP – Member(s) of Parliament
NP – Nagoya Protocol
PIC – Prior Informed Consent
TK – Traditional Knowledge
TRIPS – Agreement on Trade Related Aspects of Intellectual Property Rights
UNEP – United Nations Environment Programme
VCLT – Vienna Convention on the Law of Treaties
WIPO – World Intellectual Property Organization

Introduction

1. UNEP, in collaboration with the Institute of Biodiversity Conservation of Ethiopia, organized and conducted a three-day workshop to support countries toward the timely ratification of or accession to the Nagoya Protocol on ABS from 7 to 10 May 2013 in Addis Ababa, Ethiopia. Fifty participants, including ABS national focal points and officials from the Ministries of Foreign Affairs attended the workshop. The objective of the workshop was to provide countries with the necessary information and assistance they require in the ratification or accession process.

Opening of the Workshop

2. Ms. Kamar Yousuf, UNEP Representative, welcomed the participants and extended gratitude to the Government of Ethiopia for hosting this workshop and all the support UNEP received from the management of the Institute of Biodiversity Conservation. She stated that the emphasis of the workshop would be exchange of experiences, lessons learned on steps taken and progress made by countries towards the ratification of the Protocol. She highlighted that the workshop aims to enhance the capacity of participating countries to enable them ratify or accede to the Nagoya Protocol so it enters into force. Ms. Yousuf also stated that the workshop could serve as a platform to share information and provides opportunity to sensitize parliamentarians and other decision-makers on the potential benefits of ratifying the Nagoya Protocol.

3. Mr. Olivier Rukundo, Secretariat of the Convention on Biological Diversity (CBD) also delivered an opening statement on behalf of the Executive Secretary and highlighted that the Protocol is expected to enter into force on twelfth meeting of the Conference of the Parties (COP-12) to be hosted by the Republic of Korea in October 2014. He stressed that the entry into force of the Nagoya Protocol is of strategic importance as it will provide greater legal certainty and transparency for providers and users of genetic resources, creating a framework that promotes the use of genetic resources and associated traditional knowledge while strengthening the opportunities for fair and equitable sharing of benefits arising from their utilization. Mr. Rukundo encourage countries to expedite their national processes towards ratifying or acceding to the Protocol and thereby ensure that they will be able to sit as Parties during the first meeting of the Conference of the Parties serving as the first meeting of the Parties to the Nagoya Protocol (COP-MOP 1) and play an important role in influencing the decision making process for further development and implementation of the protocol.

4. Ms. Barbara Lassen also made a statement on behalf of the Manager of the ABS Capacity Development Initiative in which she stated that the ABS Capacity Development Initiative offers support at regional level through training, capacity building workshops and dialogue on specific issues, as well as provides support to African countries on ABS activities. In her statement, Ms. Lassen stressed that the ratification of the Nagoya Protocol is a crucial step towards the establishment of functioning international ABS system. However, she urged that beyond ratification, a number of steps have to be taken at the national level in order to take advantage of the system. This also involves a range of activities from passing legislation to communicating ABS to relevant stakeholders, from engaging in local communities on the traditional knowledge, as well as working with the private sector to valorize a country's genetic resources.

5. As the host of the inception workshop, H.E. Mr. Sileshi Getahun, State Minister, Ministry of Agriculture of Ethiopia, opened the workshop. In his opening remark, Mr. Getahun shared his country's activities towards conserving biological resources which include upgrading of its former plant genetic resources center to the Institute of Biodiversity Conservation (IBC) and issuance of a national policy on the conservation and research of biological resources, as well as updating of national biodiversity strategy and action plans. He underscored the need to establish more predictable conditions within the framework of the Nagoya Protocol's provisions on access to traditional knowledge held by indigenous and local communities to strengthen the ability of these communities to benefit from the use of their knowledge, innovations and practices. Concluding his remarks Mr. Getahun stressed that the Protocol is the turning point for proper implementation of the access and benefit-sharing agreements and follow up in Ethiopia and elsewhere.

II. Presentations

Nagoya Protocol and International Law

6. Mr. Alphonse Kambu, UNEP Division of Environmental Law and Conventions (DEL/C) made a presentation entitled: 'Nagoya Protocol and International Law: Substantive and Procedural Issues'. In the first part of his presentation, he elaborated on procedural matters as it relates to ratification or accession to the Nagoya Protocol. He also explained the numerous terminologies including ratification, accession, acceptance and approval and their implications within the context of the UN Treaty System and in particular the 1969 Vienna Convention on the Law of Treaties. He also provided an explanation of the steps to be taken in the ratification or accession process and where and how the instruments of ratification or accession should be deposited. Model forms were used to illustrate the processes.

7. The second part of Mr. Kambu's presentation focused on substantive issues, especially the links with other similar/related treaties and processes including the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA); Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS); the United Nations Convention on the Law of the Sea (UNCLOS); the Antarctic Treaty System (ATS); and the Intergovernmental Process under the World Intellectual Property Organization (WIPO). He reiterated that in the development of national legal and policy frameworks these treaties and processes must be considered to avoid inconsistencies. During discussions, a number of issues were raised related to the need for further clarification of the complications and the issue of compliance between the provisions of the Nagoya Protocol and those of other related international treaties.

8. Following this presentation, a 25-minute documentary Film on People, Plants and Profit was shown. The Film illustrated sectors using genetic resources, turnovers and possible benefits where three plants from three countries in Africa were demonstrated as examples of indigenous genetic resources that are now gaining wider international utilization. *Teff* from Ethiopia, *Hoodia* from South Africa and *Argan* from Morocco were shown as a few examples of the immense genetic resources Africa has to offer the world for their diverse benefits for food, medicinal, as well as other values. The documentary Film emphasizes the adoption of the Nagoya Protocol as an instrument to safeguard and ensure the rightful benefits of owners and providers of such

genetic resources (governments, local communities, NGOs, private sector, etc.) within the provisions of international legal frameworks.

Introduction to Access and Benefit Sharing

9. Mr. David Hafashimana from Uganda made a presentation on pre-Nagoya Protocol process and an overview of the features and obligations under the Nagoya Protocol on ABS. In his detailed presentation, Mr. Hafashimana reviewed ABS in the pre-CBD era and the development of the CBD in Rio in 1992. He explained key issues of the Nagoya Protocol including the preamble, access to genetic resources and fair and equitable sharing of benefits. He cited some articles of the Protocol, particularly critical issues, such as the Global Multilateral Benefit-Sharing Mechanism, compliance and monitoring.

10. Questions related to this presentation included possible contradictions between the Nagoya Protocol and other international treaties, the presenter reiterated that specific provisions need to be put in place for what purposes the genetic resources are to be used, especially when it comes to the access and benefit-sharing of genetic resources for food and agriculture. Due to the unique nature of these genetic resources, proper national policy and guidelines need to be developed to cater for their accessibility and have equitable share of the benefits arising thereof.

Challenges of Ratification and Implementation of Treaties

11. Mr. Robert Wabunoha, UNEP-DELIC, made a presentation on national and international challenges of ratification and implementation of treaties along with the possible measures to be taken to address these challenges. This presentation highlighted the concept of ratification and the steps in the ratification process; issues of national ratification; domestication of international legislation; and approaches to the national implementation of treaties. Overall, the presentation illustrated that there are far more challenges of ratification at the national level than at the international level. Some of the major domestic challenges include weak high level political support, weak lobbying mechanism, unclear benefits or costs, low awareness and communication mechanisms and inadequate funding. A few challenges in implementation were also discussed. Possible solutions to these challenges are: (i) assessment of national position and needs; (ii) awareness creation among all stakeholders; (iii) coordination between technical and legal ministries and those responsible for ratification; and (iv) developing ratification and implementation strategy.

12. During the discussion, some participants pointed out that change in political leadership as an additional country-level challenge that often disrupts all prior work done in the area leaving efforts to begin all over again. Executive powers of most African leaders to hire and fire people in position has been cited as yet another challenge that creates vacuum in terms of level of awareness and passion of people who hold key positions at different times. Overlapping and sometimes conflicting mandates of different executive organs were also mentioned as a problem. Another participant stressed the need to adopt national legislation to encompass provisions of the Nagoya Protocol. The presenter responded to these concerns by recalling the four proposed solutions outlined above.

Overview of the features and key obligations under the Nagoya Protocol on ABS

13. Mr. Olivier Rukundo, made a presentation on the key features and obligations under the Protocol in relation to access, benefit sharing, compliance and traditional knowledge associated with genetic resources. The presentation also focused on the various institutional arrangements that Parties have to put in place in fulfilling their obligations under the Nagoya Protocol. The presentation was followed by a question and answered session in which questions and comments mainly focused on requests for clarification in relation to the following points:

- The role of traditional knowledge associated with genetic resources in the Nagoya Protocol;
- Compliance obligations under the Nagoya Protocol in relation to the internationally recognised certificate of compliance and checkpoints;
- Modalities and procedures in the Nagoya Protocol in relation to obtaining and granting Prior Informed Consent;
- The relationship between the Nagoya Protocol and other international agreements and instruments such as the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA);
- The scope of the Nagoya Protocol; and
- Procedures and requirements for acceding/ ratifying the Protocol.

Presentation on the Outcome of the Questionnaires

14. This presentation was made by Mr. Uli Piest, the Project Consultant, on the outcomes of the questionnaire that had been sent out to countries to evaluate their respective status and progress towards the ratification of the Nagoya Protocol on ABS. Mr. Piest reported that all participating countries had responded to the questionnaire. He explained that Angola, Burkina Faso, Congo DR, Cote d'Ivoire, Egypt, Guinea Bissau, Mauritania, Niger, Nigeria and Togo signed the Nagoya Protocol, but none of these countries ratified it to-date. Three of these countries reported not yet having taken any further steps toward ratification or accession.

15. In his presentation, Mr. Piest highlighted that legal processes toward the ratification are similar in most countries as the draft document is prepared by Ministry of Environment and launched by Ministry of Foreign Affairs or both. Then the draft is passed on to government or Council of Ministers which will then send it for approval to parliament or national assembly before the President or the Prime Minister finally signs it. The Ministry of Foreign Affairs then sends the instrument of ratification or accession to the UN Secretary-General who is the Depository. For some countries, the document is required to be available for public consultation and agreement as an additional step toward the process of ratifying the Protocol.

16. Some countries (e.g. Belarus and Burundi) require analysis from their ABS team on the advantages of becoming party to the Nagoya Protocol. Accordingly, ABS teams in such countries have produced cabinet paper while others are waiting approval by their governments or parliament. Countries like Guinea Bissau have got the approval of their parliaments. Mr. Piest said that there was a clear indication that the process is seen as complicated since it involves various stakeholders and interests that have to be balanced and taken into account. Nearly no

country has registry database for traditional knowledge; Sierra Leone and Zimbabwe being exceptional. Among the constraints identified include awareness raising and documentation for decision makers in the parliament and constraints on awareness and information provisions for relevant stakeholders. Areas of assistance include national consultation processes; awareness raising and sensitization for stakeholders; amendment of laws and policies; as well as experience sharing and funding.

National Experiences in the Ratification and Implementation of the Nagoya Protocol

17. This session was dedicated to presentations on national experiences in the ratification process. It was organized with the aim of facilitating experience sharing by countries that have already ratified or acceded to the Protocol, such as Ethiopia and Rwanda, to discuss the steps taken. Both countries cited that strong political support particularly the involvement of key decision makers triggered the process.

Ethiopia's Experience on ABS

18. Presenting Ethiopia's experience in acceding to the Nagoya Protocol on ABS, Dr. Gemedo Dalle, Director-General of the Institute of Biodiversity Conservation outlined that Ethiopia is one of the few African countries that took practical actions in implementing the three objectives of CBD, even prior to the adoption of the Nagoya Protocol on ABS; namely, the conservation of biological diversity; the sustainable use of its components; and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. He further noted that Ethiopia had identified a competent national authority for the Nagoya Protocol. The country has put in place a proclamation on Access to Genetic Resources and Community Knowledge, as well as community rights with the view to ensuring fair and equitable sharing of benefits arising for the use of genetic resources.

19. Under the Proclamation, access to genetic resources is subjected to Prior Informed Consent and foreigners are expected to produce a letter from an authorized organ in their country to get access to genetic resources in Ethiopia. Any researcher who wants to conduct research on genetic resources in Ethiopia can only conduct the research inside the country with an intention to transfer knowledge and build the capacity of local researchers. The collection of genetic resources by foreigners should be with the knowledge of staff of the Institute of Biodiversity Conservation. Ethiopia has legislation that clearly differentiates commercial and non-commercial research, setting procedures requiring applicants to present application to publish information sources on-line. Furthermore, Dr. Dalle stated that new definitions and derivatives have been incorporated into the legislation to make it clear and understandable to the local community, as well as avoid confusion and misinterpretation.

20. The issue of property right of Ethiopian grain "teff" which was linked to a Dutch company was raised and was learnt that the case, which was considered as a breach of contract, is still under scrutiny at ministerial level. Commenting on possible shortcuts to accession to the Protocol, Dr. Dalle said that informal means like personal contact with high level officials was essential. Sometimes the ABS issue falls under different ministries or authorities in different countries, which has resulted in delay in the negotiation, accession and ratification process.

Rwanda's Experience on ABS

21. Mr. Jean R. Gapusi, national ABS focal point for Rwanda, presented the experience of Rwanda, which is the third country to ratify the Nagoya Protocol. He stated that Rwanda is intensively working and increasing the number of protected areas and began domesticating the Nagoya Protocol through the development of an enabling regulatory framework and capacity building. Depletion of natural resources and biodiversity caused by population density, land use change, destruction of habitat, climate change, poverty and associated factors were mentioned as some of the reasons to come up with the new policy to swiftly ratify the Protocol. The policy principles include harmonizing biodiversity conservation with the country's economic blueprint Vision 2020 and the Economic Development and Poverty Reduction Strategy.

22. The Nagoya Protocol had to be mainstreamed with biodiversity considerations into the national development planning, budgeting and decision-making processes in Rwanda. The country has developed and strengthened the policy, institutional, legal and human resource frameworks for sustainable biodiversity management and for the provision of a framework for the country's genetic resources including their equitable share and benefits arising from their utilization. Mr. Gapusi indicated that concerned bodies were brought together to create consensus, sensitize and promote the benefit of ratifying the Protocol.

23. Low level of awareness on the Nagoya Protocol, lack of technical, legal and financial resources were some of the challenges Rwanda is experiencing in the process of implementing the Protocol. Responding to questions about what factors contributed for Rwanda to ratify the Protocol, Mr. Gapusi stated that there was a strong political support particularly from key decision-makers within the government of Rwanda

National Experience Sharing: Group breakouts

24. Discussion groups were established to discuss and exchange their experiences on the steps taken and progress made at the national level towards the ratification or accession to the Nagoya Protocol. The results of the discussion groups are presented in Annex 1 of the document. The groups discussed the issues and collated their group reports which they presented through a group rapporteur. They shared experiences and learnt which stage each country is at towards ratifying or acceding to the Protocol. Common and individual challenges were identified and followed by exchange of views and ideas on measures to be taken.

Group One

25. Group One consisted of Angola, Armenia, Kyrgyz Republic, Uganda and Zimbabwe. The outcome of the group discussion was presented by a Zimbabwean participant who stated that Armenia is at its pre-negotiation stage, but has not yet decided whether or not to ratify. For Kyrgyz Republic, the state agency had already been convinced of ratifying the Protocol, but the participants believe that their Government would have further discussions with stakeholders and the intellectual property rights authorities. In Zimbabwe, a statutory instrument is in place to deal with ABS issues and they are in the process of ratifying the Protocol. In Uganda, a cabinet paper was prepared on the underlying benefits of ratifying the Protocol and was sent to the Cabinet. Angola has also prepared a cabinet paper and explanatory note in Portuguese which were signed by the President. Angola was reported to be the most advanced member of Group One. In terms

of outcomes, the countries are at varying stages towards the ratification of or accession to the Protocol. For most countries, participation in CBD COP-10 was the major step to consider the Nagoya Protocol. Ministers and technical people who attended the CBD COP-10 have good knowledge of biodiversity issues and the Nagoya Protocol and are reportedly pushing the issue of ABS in their respective countries.

26. With regard to challenges, each of the Group members explained that political situation delayed early ratification. In the case of Uganda, the Ministers who participated in CBD COP-10 have left their Ministries on a transfer to other Ministries and this created a vacuum for some time. For Angola, there was a national election after the COP-10 and ratification was no more a priority. Zimbabwe is also preparing for election and thus channeling its resources towards that direction. It was also noted that there was some sort of disparities between the countries; for example, while the Ministers in Uganda left, the focal person for CBD in Angola has fortunately now become Secretary of State for biodiversity. For Armenia and Kyrgyz Republic, they have challenges of funding and technical support to organize consultative meetings with key stakeholders and decision-makers. The Group's suggested solutions to these problems include awareness raising at all levels, fundraising or organizing other forms of soliciting fund and technical support.

Group Two

27. Belarus, Ethiopia, Sierra Leone and Swaziland made up Group Two. In these countries, there are Ministries of Environment responsible to sensitize, create awareness on the ABS issue and work toward ratification. Awareness creation activities are done through different media outlets and distribution of leaflets or other means. The Group has emphasized that there is a need for creating coordination with the other various ministries though these ministries are not directly related to ABS. These include ministries of justice and foreign affairs. In the case of Sierra Leone, there is a cabinet committee that takes up the issues to cabinet discussions. In some of the countries in Group Two, when the environmental agency or government structure has direct link with the President's office, the ABS issue receives speedy response because the President's office can easily pronounce to anyone to take up the matter even faster than it could happen in other ministerial levels.

28. Some of the countries stressed that concerned bodies on ABS have to convince different government agencies on the need to ratify the Protocol before it is presented to the Council of Ministers or to the Parliament. The common point for all the countries in the Group was that all organized public consultations with NGOs, local communities, the private sector and research institutions to enhance public awareness.

Group Three

29. Group Three included Bosnia and Herzegovina, Egypt, Lesotho, Nigeria, and Rwanda. The Group was further divided into three categories in terms of the stage at which each country is in the ratification process. Thus, one country (Rwanda) has already ratified the Protocol; two (Nigeria and Egypt) have signed the Protocol, but ratification is in process; and two others (Lesotho and Bosnia Herzegovina) have neither signed nor ratified the Protocol and will be acceding to it. In many of the countries, the ratification process is started by the Ministry in

charge of the environment but there are key ministries which always involve in the process, such as Ministry of Foreign Affairs, Ministry of Justice, and the Executive Council of Ministers. In most countries, the challenges in the ratification process involve lack of strong political support, and lack of political awareness, except for Rwanda. In terms of the next steps, Rwanda seeks to implement the Protocol after finalizing the ABS Law within the coming weeks. For the rest of the countries, there is a need to build capacity, create awareness and prepare national ABS legislation. In Egypt, the draft Law has to be in parallel with the ratification process; Nigeria has to draft ABS Law which needs financial and human resources; and Lesotho and Bosnia and Herzegovina need technical assistance apart from the funding for awareness creation and capacity building for ABS policy and law after ratification.

Group Four

30. Group Four composed of Burkina Faso, Cote d'Ivoire, Mauritania and Togo. It was reported that Burkina Faso is at the final stage of the ratification process, whereas the rest of the countries in Group Four are in beginning of the process. Limited knowledge of the Protocol and the potential benefits of ratifying it by communities, lack of resources were mentioned as challenges in the countries that have not ratified the Protocol. The need to participate all stakeholders in the process was also emphasized. Limited financial resources and lack of commitment, as well as change of government officials and parliament members and non-allocation of budget for ABS issues were mentioned as common challenges faced by the countries in this Group. For many countries, ABS doesn't seem to be a priority. The Group recommended on the need to prepare national legislation and establish strong communication tools and means to create public awareness and convince decision makers. It also emphasized on the need to organize workshops at community level to discuss the advantages of ratifying the Protocol in the minds of the wider communities. The Group also stressed the need to document valuable genetic resources and adopt or update relevant legislations. Furthermore, the Group stressed that efforts should be made at national and international levels to gain the necessary financial resources to sensitize and build the capacity of key decision-makers.

Group Five

31. Group Five included Burundi, DR Congo, Guinea-Bissau, and, Niger. It was reported that Guinea-Bissau is in the final stage of the ratification process. For Niger, the document for ratification is not ready. The challenges the countries in this Group are facing include institutional instability, administrative problems mainly related to delay in decision making as a number of documents before the Parliament require involvement of various ministries, lack of knowledge of the Nagoya Protocol by the community at large, the need for sensitization on the Protocol among stakeholders like NGOs, and financial constrains faced by all the members of the Group.

Challenges

32. Some of the challenges participating countries face include the lengthy time it takes to review and harmonize ABS legislation before ratification and other national procedures due to administrative bottlenecks. Sometimes relevant ministries prioritize their issues other than ABS

due to internal procedures. Moreover, awareness raising and outreach activities require funding and resource mobilization. There might be a problem to get funding and it might also take time to convince fellow government agencies to get the fund. Although some countries reported that there is internal funding, other countries stated that it was not possible for them to have internal funding for such exercises because of prioritization of other issues within the Finance Ministry.

Areas of Commonality

33. In all participating countries, the compilation of data and information to justify ratification include organizing scientific and regulatory instruments. Some countries have to compile data and information on ABS issues in general to present to their Parliament. The compilation process starts from identification of the person or institution that can handle the job very well to compile and make relevant information available for all stakeholders. For some countries, there is a need to review and harmonize the existing national legislations before ratification. Most of the countries have not done the harmonization and would do it when they get funding. Furthermore, it was noted that there is a need to create awareness among concerned groups like members of parliament, cabinet members and government ministers about the monetary and non-monetary benefits of the Nagoya Protocol on ABS.

Eight Fields of Action in ABS Implementation and Strategic Communication

34. In her presentation, Ms. Barbara Lassen, ABS Capacity Development Initiative, explained the “Eight Fields of Action” in the process of ratifying the Nagoya Protocol. She stated that the Eight Fields of Action are not sequential, but can be implemented in parallel. The first step has to do with defining overall ABS policies and programs, and putting in place domestic ABS legislation. She also stressed that trans-boundary issues have to be considered and countries have to define the objectives of ratifying the Nagoya Protocol.

35. Ms. Lassen emphasized that traditional knowledge of local and indigenous communities should be given much attention. She also underscored that countries should identify and devise cooperation mechanisms in their national institutions to deal with trans-boundary issues, as this is important to curb resource based conflicts between countries. Another important aspect is to see the link between the Nagoya Protocol and the national biodiversity conservation regulations, national development policy and a number of other ABS related regulations. The presentation elaborated the following topics, among others:

Institutional Arrangement

36. A national focal point should be created to follow up the establishment of a national ABS committee or council to ensure that concerned ministries, such as environment, agriculture, and health, are on the same boat to move things forward. A national competent authority is important to negotiate access to natural resources and it is organized with the national committee or with focal point or separately as one entity.

Traditional knowledge

37. It is important to determine what traditional knowledge is available in the country in order to document them because some traditional healers are reluctant to reveal their knowledge fearing they would lose it once they have shared it. Moreover, countries are expected to enhance the awareness of local and indigenous communities as to their roles and significance in accessing traditional knowledge. Some countries do this as part of their ABS legislation and others do it as extra guidelines.

Trans-boundary issues

38. Key points to consider is take stock of existing arrangements between regions on how they use biodiversity and natural resources in order to establish cooperation contracts between countries and regions. One possible common arrangement is to set up joint research facilities that work on biodiversity and natural resources of the regions and to establish information sharing mechanism. These will help to facilitate smooth flow of information between the two countries, regions or partners to use the information for common purposes at trans-boundary areas.

39. Following the presentation, a number of questions and comments were forwarded which have been summarized as follows:

- Practical examples as to how countries go into trans-boundary agreements;
- Some benefits of ratifying the Protocol;
- The issue of state ownership of land and the rights of communities; and
- Prioritization of activities for the ratification of the Protocol.

40. In her response to these queries, Ms. Lassen said trans-boundary issues can be resolved with mutual consent between the neighboring states. She mentioned the example of the Masai tribe of Kenya who often crosses the border into Tanzania and that this existing practice could be developed into more formal and productive agreement in a legal way. Articles 10 and 11 of the Protocol clearly explain trans-boundary issues related to biodiversity resources. Yet, the provisions are very general and are not specific. However, the Protocol encourages cooperation among countries in developing and sharing resources amongst themselves in situations where biodiversity resources are better managed in cooperation. To this end, institutional arrangement, research or other cooperation mechanisms could be put in place.

Strategic Communication for Access and Benefit-Sharing

41. In her presentation on the strategic communication, she recalled the Eight Fields of Action for ABS implementation; namely, ratification; defining overall ABS policies/strategies; putting in place domestic ABS legislation; establishing institutional arrangements; dealing with traditional knowledge; dealing with trans-boundary issues; valorization strategy; and the cross-cutting issue of stakeholder involvement. She stressed on the fact that communication can help in all these fields of action by playing different roles in each of them depending on the objective sought and the target audience. This will be done by clearly identifying the needs, interests and knowledge of the target group for each objective and stakeholder group.

Group Exercise

42. After thoroughly discussing the Strategic Communication Cycle that broadly involves Assessment, Planning, Production, Action and Reflection stages along with the sub-topics under each, the presenter called on the participants to break into their previous working groups to do (1) their country-level primary and secondary stakeholder identification; and (2) define the Knowledge, Attitudes and Practices that they want to achieve for one or two stakeholders they have identified.

43. Some of the participant inquired if this communication strategy is only used for the ratification/accession stage and the presenter underscored that the communication strategy can be applied to all the eight fields of action including implementation. The presenter also stated that some of the exercises done at the ratification stage (e.g. stakeholder identification and analysis of existing legislation) can in fact be ground work for the implementation stage and that ratification and implementation stages should not be separated.

44. The five working groups then produced their analysis based on a pre-designed template and received useful feedback. Following their presentations, some concerns were raised on integration of the Protocol into national strategies, as it will entail too much work for the relevant government bodies by adding to their existing responsibilities and priorities. In response to this, it was emphasized that the advantages of ratifying the Protocol and the disadvantages of not doing so must clearly be communicated to the concerned authorities, so that the issue is given proper attention. Inter-sectoral nature of ratifying the Protocol should also be taken into account. The second question asked for clarification on the cost-benefit analysis approach suggested by Group One, that said they should analyze and forward the cost implications of ratifying the Nagoya Protocol to parliament or cabinet. It was made clear to the participants that cost implications of the ratification process must properly be communicated to the concerned Finance Ministry, but more importantly the long term benefits of ratifying the Protocol should be given proper emphasis.

Global Support for the Ratification and Entry into force of the Nagoya Protocol on ABS

45. Ms. Kamar Yousuf made a presentation on the medium-sized project (MSP) supporting the ratification and entry into force of the Nagoya Protocol on ABS. She explained that the project is funded by the Global Environment Facility (GEF) under the Nagoya Protocol Implementation Fund and its objective to help 30 beneficiary countries in their endeavor towards ratifying the Protocol. To achieve this objective, the project has three components with different activities: *Capacity assessment and awareness-raising*; *Stakeholder engagement and mapping*; and *Monitoring and evaluation*. Ms. Yousuf outlined that this project is the start of a staged process to support countries in ratifying/acceding to the Protocol and preparing its implementation. Furthermore, MSP prepares the ground for stocktaking and ratification/accession and it will also provide insight into key areas where countries need further support to be provided by UNEP and the GEF Secretariat. Therefore, the outcomes of the MSP

will lead to the development of one or more full-sized projects to foster implementation measures at national levels.

46. Following Ms. Yousuf's presentation, a number of questions were raised from participants. These questions included how many countries will benefit from the funding, for what types of activities, how much the funding will be, what the conditions are for eligibility, the timeline for submitting proposals for funding, and how those countries which have already ratified the Nagoya Protocol could benefit from the funding.

47. This session generated a long debate especially on the issue of how much funding could be made available for each country. The presenter responded to these questions by noting the following:

- the total funding available for this project is US\$1 million;
- the life span of this project is only 24 months as of this inception workshop;
- the types of activities to be funded are: capacity needs assessment; awareness raising; and stakeholder engagement;
- the funding will be made on the needs that countries identify and activities that trigger the ratification process;
- the funding for this project is too limited to provide financing for the whole range of activities, so there is a need to focus on those activities that are geared towards ratification/accession;
- this MSP mainly aims at helping countries towards ratification and the majority of countries haven't ratified the Protocol yet. But the countries which have already ratified Nagoya Protocol could go to the next step by developing a full-sized project for the implementation of the Nagoya Protocol;
- it is important to synergize and align the activities for ratification with other relevant initiatives so that countries could be more efficient in resource mobilization and reduction of duplication of efforts.
- any request for additional technical support and relevant documents will be made widely available including online to help countries with their undertakings. Based on the nature of specific requests, the ABS Capacity Development Initiative will also try to provide regional or sub-regional technical support in the form of conducting awareness raising workshops and trainings for key stakeholders.

Way forward: developing country roadmaps towards the ratification/accession

48. The focus of the final session of the workshop was for individual countries to develop their national action plans for the ratification of/accession to the Protocol. The Project Consultant, Mr. Uli Piest, gave participants the skeleton and framework for developing the roadmap. This exercise involved identifying specific activities and the time-line to carry them out between May 2013 and July 2014 in the following five action fields:

- a. Identification of relevant institutions, policies, laws and regulations.
- b. Analysis of policy and legal gaps and opportunities of becoming Party to the Nagoya Protocol
- c. Roadmap for the development of a National ABS Strategy and amendment of the existing legal framework to include Nagoya Protocol obligations.
- d. Strategy for ABS outreach and information sharing, including stakeholder mapping.
- e. Establishing National ratification timeline and procedures.

III. Workshop Evaluation

49. Participants were asked to provide a formal written feedback about the workshop on areas including how beneficial the workshop was; the effectiveness of the discussion methods; the presentations; how useful the various sessions were; and they were called on to forward any recommendations.

IV. Closure of the workshop

50. The workshop was officially closed by the guest of honor, H.E. Mr. Mehammed Abdosh, Chairperson of the Agricultural Affairs Standing Committee of the House of Peoples Representatives of Ethiopia. In his closing remarks, Mr. Abdosh underlined the importance of the Nagoya Protocol as a tool to create greater legal certainty and transparency for both providers and users of genetic resources by establishing more predictable conditions for access to genetic resources, while also helping to ensure benefit-sharing. He finally reiterated that Africa should stand united in implementing the Nagoya Protocol on ABS and that the first legal and practical step is to ratify or accede to the Protocol. The workshop was officially declared closed at 5:00 p.m. on Thursday, 9 May 2013.

51. On 10th May, participants were invited to a field trip showcasing ABS related activity in Sheno area, an aloe harvest site. The aim of the trip was to show how communities are harvesting *Aloe debrana* and how Aloe Jell is processed and used in a fiber factory that provides jute for packaging coffee bean.