

REPORT

10th Meeting of the German Nagoya Protocol HuB Network (10. GNP HuB Stammtisch)

ABS in Africa

Wednesday, June 28th, 09:00-11:00 am (CEST), ZOOM

Co-host: ABS Capacity Development Initiative

Users of genetic resources from Germany and other countries had requested the GNP-HuB project for country-specific information on ABS measures. We decided to start with the African region, so we co-hosted this Stammtisch with the ABS Capacity Building Initiative, which has been very active in a number of African countries over the last decade. We got an update of their work and future collaboration opportunities. Moreover, we had the valuable 'learning from experience' session where compliance officers from various institutions in Germany shared real-life cases on ABS in Africa, its challenges and a lively discussion.

Welcome and project update

Melania Muñoz recapped the events on ABS and the Nagoya Protocol held by the GNP-HuB project, including the course *Basics of the Nagoya Protocol: from policy to practice*, co-hosted by DECHEMA and in collaboration with BfN. Free spots for this course were offered to HuB Network members. It is important to keep in mind the GNP-HuB project can organize ABS information sessions on request. The most interesting Held Desk inquiries were shared, reminding the participants the HuB project is here to help, from general to specific questions.

The efforts and activities to make ABS easy to understand and the work with the ABS compliance officers were also presented. Some of the key elements are the on-going development of country-specific ABS measures fact sheets, including FAQs from the researcher's point of view and the organization of a workshop on ABS at the institutional level in fall 2023. The participation of the academic community in the Informal Advisory Committee (IAC) on Capacity Building for the implementation of the Nagoya Protocol (organized by the Convention on Biological Diversity) was also shared.

Impulse presentation:

ABS Capacity Development Initiative: update on work with ABS in African countries and future collaboration opportunities. By Hartmut Meyer & Suhel Al-Janabi.

The ABS Initiative have been supporting African countries since 2006, at the beginning with the Nagoya Protocol negotiations and then with different levels of its implementation: to develop their ABS frameworks and ABS agreements, and also supporting the effective participation of the Indigenous People and Local Communities (IPLCs) in all ABS related processes. The ABS Initiative has also worked with countries in other regions like Latin America, Asia and the Pacific Islands.

During these years, they have also found important implementation challenges. Among others, the governance and tenure structures vary among countries, it can be at the national, provincial or local

levels, sometimes with full legal recognition of IPLCS, others with no previous involvement of them. Furthermore, insufficient capacities and experiences on ABS-specific topics like negotiation of ABS agreements, developing valorization strategies for genetic resources and traditional knowledge; and other topics related to the market of natural products like understanding the research and development processes, intellectual property rights and value chains. In the line ministries there are always few employees working on Nagoya Protocol related issues, adding to that, they also have other major responsibilities, sometimes they have a background in biology but not on genetics or business.

On the other hand, the ABS principle is included in the Global Biodiversity Framework (GBF). Goal C and target 13 directly reflect ABS and established that benefits shared have to increase. Also target 15 includes that businesses have to report on compliance with ABS regulations. This guides the new face of the ABS Initiative, among others to support the implementation of simplified measures and to establish multi-stakeholder partnerships between providers and users (e.g. the scientific community and the business sector).

During the discussion, some challenges for researchers were stressed: the potential changes in the use of digital sequences (under the digital sequence information discussions); the bureaucracy, complexity and length of the ABS processes delay non-commercial research; how the facilitated access could be encouraged? The ABS Initiative highlighted they are looking for multi-actor research partnership examples.

Discussion. Learning from experience: real-life cases on ABS in Africa.

In this section, users of genetic resources shared their experience with ABS processes in African countries. They summarized the procedures, highlighted the key challenges and gave some tips to the participants. During the Q&A, the ABS Initiative also guided the attendees and clarified doubts.

-Obtaining Nagoya-documents from Benin and Madagascar – by Karin Groten, Max Planck Institute for Chemical Ecology

The case in Benin was a retroactive application for an invasive moth species. It took 13 months to obtain the permit. The procedures were well-described in the website, but they had to translate all documents and also participated in a meeting in French. The take-home message is that involving a local partner is key during the process, they obtained faster replies and the communication was much more fluent.

Regarding Madagascar, a permit request was made following the application procedure, but no reply despite several attempts.

-ABS experiences with Namibia - by Daniela Schmitt and Jan Dierking, GEOMAR Helmholtz Centre for Ocean Research Kiel

During the “METEOR-Cruise M187 “ReSEAt” project, it is necessary to sample microbial communities from the EEZ for taxonomic determination, analysis of genes and metabolites. Namibia’s ABS legislation includes an ““Exemption from the access permit application for non-commercial research promoting the sustainable use of biodiversity”, so ABS permit was not needed in this case, but an approval for that exemption is necessary. Besides that, a Material Transfer Agreement (MTA) and a research permit are required. The three necessary documents are granted by three different

authorities. From the experience the process is lengthy (7 months so far and the permit has not been granted yet), the MTA and research permit applications are very extensive (26 pages) and thus time consuming, and regular reminders are needed to try to advance the process. On the positive side, the classification of the project as “non-commercial” was fast (aprox 2 months) and the ABS Office upon request organized a Zoom meeting, which was very helpful, and the ABS Office is responsive in e-mail communication (though at times only after sending reminders). The biggest challenge is that the process is complicated and time-consuming, mainly because of the interaction with different offices. Besides that, the MTA is valid for just one year, so it will be necessary to repeat the process several times over the project duration. During the Q&A, the usefulness of sending reminders was emphasized.

Moreover, one experience by another institute with cheetahs was shared during the discussion. In this case, some restrictions for publications were mentioned and a CITES permit is a requirement for the ABS permit, the problem is that the former is valid just for 6 months, and when the latter is granted the former is already expired.

-Experiences with the ABS procedures in Kenya – by Achim Meyer, Leibniz Centre for Tropical Marine Research

A very clear explanation of the Kenyan ABS procedures was given. Researchers need 4 documents granted by different authorities: 1. Research license, granted by NACOSTI. For this a Kenyan partner and register the research institution are necessary to start the process. 2. PIC and MAT (and MoU) from the resource provider, which could be KWS, KFS, KeFS or the local communities). The focal point provided templates but DFG templates were also allowed. 3. Access permit, granted by NEMA. For this you can apply online and the research permit, PIC and MAT are required. 4. Export license, also granted by the resource provider. The approved import permission from Germany and the sanitary certificates (or clearance letter from the *ex-situ* collection) are requirements if samples are to be exported.

Take-home messages: the process is very clear but it takes time, and a local partner is necessary.

-ABS experiences with South Africa – by Scarlett Sett, Kiel University and Rebecca Aepfler, Alfred Wegener Institute

The presentation started with simple steps on how it's supposed to work (1. request the suitable application form, 2. send the form for research and export permit, 3. request IRCC and 4. ask for an extension annually), but then how it actually works. The main challenge is steps 1 and 2 can take from weeks to years, according to the experience, and it is because according to the type or research and species involved (terrestrial vs marine), you will be transferred to the appropriate office. There are simplified measures for non-commercial research but no process in place yet.

For marine samples, the application has no cost; there is an annual call for applications (early November) with few exceptions just in special circumstances; an MoU or research agreement is required if the applicant is not a local; and an affidavit is needed from the local partner (which is mandatory). In comparison, for terrestrial samples the permit has a cost (around 2.5 euro), permits are issued according to regions and different authorities are involved and a local research partner is not mandatory.

The main challenges have been: the information on the focal point is not updated in the ABS-CH; the scope in South Africa differs from the EU ABS Regulation, taxonomic and behavioral studies as well as food web reconstructions are within the scope; permits must be renewed annually (including research reports); IRCCs can't be retroactive; and the permits (ABS and others) are issued by different offices and the communication among each other is deficient. Take-home message: having a local research partner requesting the permit on his/her name is recommended.

Reflection and wrap up

The discussion on real-life case studies in Africa was very useful to understand the context, the differences and the main challenges. It is a high priority for users to have better and clearer information about ABS measures and procedures in the provider countries. There are great collaboration opportunities between the GNP-HuB project and the ABS Initiative to develop a multi-stakeholder partnership in this sense.