

ACCESS AND BENEFIT-SHARING MANAGEMENT TOOL IMPLEMENTATION MEETING

Summary Report from the Access and Benefits Sharing Working Dinner

October 9th, 2007
Delta Hotel
Montréal, QC, Canada

Prepared by:



and

Jorge Cabrera

On behalf of:



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Confederation

Federal Department of Economic Affairs FDEA
State Secretariat for Economic Affairs SECO

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1 Introduction

On October 9th 2007, the Swiss State Secretariat for Economic Affairs sponsored a working dinner in Montréal, Québec, Canada to introduce the revised Access and Benefit Sharing Management Tool (ABS-MT) and to build support for and engagement in its implementation.

Thirty individuals from international organizations, industry, research institutions, non-government organizations and government agencies attended the workshop. A list of attendees is provided in Appendix A.

The workshop was divided into two parts. The first part presented a brief summary of the ABS-MT project including an overview of the ABS-MT which had been developed in 2004 as a Working Draft. It had been thoroughly revised and finalized, based on the results of field tests, substantial outreach with stakeholders, review by a multi-interest ABS practitioners workshop held in Costa Rica in November 2006, and review by the project's International Advisory Committee.

The second part of the workshop focused on the proposed ABS Management Tool Implementation Support Program. The Project Team presented an overview of the major activities proposed for implementing the ABS-MT and Terms of Reference for a host institution. In response to the presentation, participants:

- reviewed and provided recommendations on effective use and elaborating additional content to maximize the usefulness of the ABS-MT as a practical, effective and efficient practice standard for implementing the Convention on Biological Diversity (CBD) ABS provisions and the Bonn Guidelines;
- discussed various options and alternatives for wider application of the ABS-MT; and,
- proposed possible partnership opportunities.

The workshop was chaired by Geoff Burton of Jean Shannon and Associates. Opening remarks were delivered by Tony Gross Adjunct Senior Fellow with the United Nations University Institute of Advanced Studies. The meeting rapporteurs were David Boyer of the International Institute for Sustainable Development and Michael Gullo of Stratos Inc. The working agenda is provided in Appendix B.

2 The Access and Benefit Sharing Project

The Project Team presented an overview of the ABS Project and the contents of the revised ABS-MT. A summary of the proposed Implementation Support Program was also provided.

2.1 Overview of the ABS-MT Project

The ABS-MT tool project has been delivered in two phases, beginning in 2003. Phase I, which was conducted throughout 2003, focussed on conducting research on access and benefit-sharing (ABS) and other biodiversity standards and development and dissemination of a Working Draft ABS Management Tool in 2004. Phase II involved field testing of the ABS-MT in five countries; outreach and stakeholder consultations; the preparation, revision, and completion of the final ABS-MT; and development of implementation options. The project was executed by the International Institute for Sustainable Development, Stratos Inc., and Jorge Cabrera.

The ABS-MT was finalized and published in September 2007. It is available in a field manual version and electronic version, which can viewed and downloaded online at: http://www.iisd.org/pdf/2007/abs_mt.pdf

2.2 Overview of the ABS-MT

The revised ABS-MT is a Best Practice Standard and a Handbook designed to provide voluntary guidance and tools on ABS practice to help companies, researchers, local and indigenous communities, and governments ensure compliance with the Bonn Guidelines and ABS requirements under the CBD. It provides users and providers of genetic resources with a structured process, and a fair and equitable means of participating in – and making decisions about – ABS negotiations and the implementation of ABS agreements for access to and agreed use of genetic resources.

The Best Practice Standard provides an overview of ABS and the ABS-MT and provides additional context for users and providers of genetic resources. It also includes a detailed description of the standard and key management processes to support its implementation. The Best Practice Standard consists of three core standards (i.e. Prior Informed Consent, Mutually Agreed Terms, and Benefit-sharing) and two additional standards (i.e. Traditional Knowledge; and Conservation and Sustainable Use).

The Handbook consists of three components to assist users and providers with implementing the Best Practice Standard. The first component provides a summary of good practice guidance for applying the Best Practice Standard. The second component includes supporting tools and examples for applying specific aspects of the ABS-MT (e.g. Model Contract Outlines). The final component presents case studies that provide additional guidance for applying the ABS-MT and draw attention to lessons learned from field tests of the Management Tool and other ABS negotiations.

The ABS-MT is intended to apply to all stages of genetic resource activity and is for use by providers and users of genetic resources including: companies and private enterprises, local communities, indigenous peoples, public and private research institutions, holders of *ex situ* collections, and commercial and public intermediaries.

2.3 The ABS-MT Implementation Support Program

The Project Team presented a forward-looking Implementation Support Program (ISP), intended to be managed by a host institution for promoting and supporting the uptake and use of the ABS-MT¹.

It is proposed that the Swiss State Secretariat of Economic Affairs, (SECO) which has funded the development and testing of the ABS-Management Tool, identify a host institution that will take on responsibility for management of the Implementation Support Program of ABS-MT, and carry out strategic functions such as identifying and establishing partnerships with key stakeholders, conducting activities to secure funding for the ABS-MT, and providing governance and oversight functions for the ABS-MT's activities. Key ABS-MT activities include:

- Broad use of the ABS-MT as an ABS Best Practice Standard, and as neutral source of guidance to ABS practice;
- Capacity building for users and providers; and
- Technical support to users and providers of genetic resources in order to improve ABS practices and processes.

A draft Terms of Reference and criteria for screening and selecting the host institution were presented by the Project Team.

Four internationally recognized organizations with experience in ABS activities had been initially identified as possible hosts for the ABS-MT office:

- IUCN – The World Conservation Union;
- UNCTAD BioTrade Program;
- United Nations University – Institute for Advanced Studies; and
- The International Development Research Centre.

Possible approaches for developing partnerships and pursuing potential donors were also presented by the Project Team and discussed by the meeting participants.

3 Key Messages

The presentations were interactive and allowed the meeting participants to provide comments on an ongoing basis. Many meeting participants commented that the ABS-MT is suitable for immediate use by the ABS community and is a practical tool to help users and providers of genetic resources ensure compliance with the Bonn Guidelines and ABS requirements under the CBD. Participants from a number of international organizations,

¹ The Implementation Support Program is detailed in the working document titled "Implementation Strategy: Access and Benefit Sharing Support Program" (October 2007). This document is provided in Appendix C.

bilateral and multi-lateral development organizations, industry associations and international NGOs stated their interest in developing partnerships with the Project Team for the use of the ABS-MT, to apply it in their own specific projects and programs.

The Project Team committed to sending copies of the ABS-MT to these organizations and to initiating dialogue on partnerships for its use.

Below is a summary of the key points raised by participants in response to the presentations by the Project Team.

Use of the ABS-Management Tool

International and Development Organizations

The World Conservation Union (IUCN) expressed an interest to partner in the use of the ABS-MT host institution, and is ready to start using the ABS-MT in its field projects to provide support and guidance to their activities. The United Nations University – Institute for Advanced Studies (IAS) stated its strong interest in serving as host institution, including in partnership with other organizations. The International Development Research Centre (IDRC) stated its interest in developing partnerships that will introduce and apply the ABS-MT to their ongoing activities on genetic resources in Peru, Nepal, China and Jordan, including for agricultural genetic resources.

Similarly, interest was expressed by the Germany Ministry of Environment (BMU) to use the ABS – MT in discussions with German industry, and by the German Development Corporation (GTZ) in the Germany/Netherlands capacity building initiatives in Western Africa. A representative of the Government of South Africa expressed interest in the possible use of the ABS-MT.

Industry

Representatives from the biotechnology and other industry associations expressed an interest in following and participating the implementation of the ABS-MT. The Japan Bioindustry Association (JBA) saw the ABS-MT as a complement its own ABS guidelines for genetic resource users. The Biotechnology Industry Association (BIO) indicated its interest to introduce the ABS-MT to their member companies. The American Bioindustry Alliance (ABA) stated the importance of having the ABS-MT disseminated and supported by an organization which understands and is trusted by industry. The International Seed Federation expressed interest in exploring options for applying the ABS-MT to plant genetic resources.

The Implementation Support Program

A Partnership approach to hosting implementation the ABS-MT

Participants stated that the various aspects of implementation for the ABS-MT, including different types of ABS actors (e.g. industry, governments, communities), and different

activities (e.g. capacity building, technical support) would best be done by organizations with different capabilities and expertise. This led participants to propose the idea of a partnership among a small number of organizations from the broad ABS stakeholder community to agree on and provide a joint venture approach to managing and disseminating the ABS-MT. It was highlighted that different institutions can better serve as access points to their respective audiences and increase the overall profile and recognition of the ABS-MT. Furthermore, collaborating among a small number of organizations can add value to the ABS-MT through bringing their particular areas of strength to the table, and by adding multiple perspectives on key issues and challenges.

The ABS-MT is important to apply to academic research on genetic resources

Several participants stated that the ABS-MT should be applied to provide guidance on genetic resource activities pursued by the research and academic communities. In many cases, the results of basic research undertaken by the academic research community are taken on and used for commercial development purposes by companies. The Project Team should make a targeted effort to engage members of the research and academic community and should explore the possibilities of developing partnerships with them.

The ABS-MT can assist countries to develop national frameworks

Participants noted that the content of the ABS-MT can assist countries which do not have well developed ABS legal and policy framework to begin developing national frameworks for managing the access to and harvesting of genetic resources.

The ABS-MT can provide support to the CBD

Participants commented that the ABS-MT is a tool that can help promote compliance with the Bonn Guidelines and CBD requirements and that it could evolve and support an international regime.

The ABS-MT can play a meaningful role with capacity building

Participants emphasized that the ABS-MT can complement existing or assist with the development of ABS capacity building initiatives. The ABS-MT is viewed as an effective tool for explaining ABS and the requirements stipulated in the Convention of Biological Diversity and in the Bonn Guidelines. In this way, it is believed that the ABS-MT can assist governments, research institutions, industry, and local communities to develop their capacities to ensure compliance with the CBD and Bonn Guidelines. Participants proposed the development of training modules, targeted to different ABS audiences, to support capacity building.

Use of the ABS-MT

Publish the ABS-MT in more languages and consider alternative formats

Participants emphasized that the ABS-MT should be translated into more languages, particularly French and Portuguese, to enhance its reach a wider audience and to

increase its use. Publishing the tool online and in a CD format for use where web-access is difficult, were also proposed.

Elaborate the ABS-MT's content for providers

Several participants commented that the ABS-MT focuses on providing a best practice standard and guidance to users of genetic resources, although the Handbook includes guidance for providers as well. The Project Team was encouraged to prepare additional information specifically for providers of genetic resources in using the ABS-MT. One possibility would be to add an additional chapter or annex that is specifically for providers.

4 Conclusions

In summary, the participants at the meeting demonstrated that the ABS-Management Tool is a useful product for guiding improved access and benefit sharing practices, and that a range of international, national and private organizations are ready to use the ABS-MT in their activities. Participants encouraged the Project Team to focus on establishing partnerships with the institutions that have expressed an interest to use the ABS-MT and to develop a "partnership host institution" approach to managing ABS-MT implementation activities.

A formal launch of the ABS-MT will take place at a side event during the ABS Working Group 6 Meeting in Geneva from January 21 -25, 2008. The Project Team will convene a meeting of international organizations, government, industry, indigenous people and community, and NGO representatives, to begin establishing formal partnerships for implementation of the ABS – Management Tool.

Appendix A – Participant List

	Title	Organization	Email Address	Region
Geoff Burton (Chair)	Principal Consultant	Jean Shannon and Associates	geoff@jeanshannon.com	Australia
International Organizations				
Olivier Jalbert	Principal Officer	Secretariat of the Convention on Biological Diversity	Olivier.jalbert@cbd.int	Canada
Tim Hodges	ABS Focal Point for Canada; Co-Chair Open Ended Working Group on ABS	Environment Canada	tim.hodges@ec.gc.ca	Canada
Tony Gross	Adjunct Senior Fellow	United Nations University – Institute of Advanced Studies	gross@ias.unu.edu	Brazil
Ronnie Vernooy	Senior Program Specialist	International Development Research Centre	rvernooy@idrc.ca	Canada
Ximena Buitron	ABS Coordinator, Regional Office for South America	The World Conservation Union	ximena.buitron@sur.iucn.org	Ecuador
Government				
Robert Lamb	Senior Policy Advisor, and CBD Focal Point	Federal Office for the Environment	Robert.Lamb@bafu.admin.ch	Switzerland
Marco D'Alessandro	Scientific Officer	Federal Office for the Environment	Marco.dalessandro@bafu.admin.ch	Switzerland
Marc Auer	Environmental Engineer	Federal Ministry for the Environment, Nature Conservation and Nuclear Safety	marc.auer@bmu.bund.de	Germany
François Pythoud	Senior Policy Advisor	Office fédéral de l'agriculture	francois.pythoud@blw.admin.ch	Switzerland

Benjamin Phillips	Director, Genetic Resources Management Policy	Department of Environment	Benjamin.Phillips@environment.gov.au	Australia
Hugo-Maria Schally	Head	Directorate-General Environment	hugo-maria.schally@ec.europa.eu	Belgium
Andreas Drews	Co-ordinator of the Dutch-German ABS Capacity Development Initiative for Africa	Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH	andreas.drews@gtz.de	Germany
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Maria Mbengashe	Chief Director: Biodiversity & Marine International Cooperation	Department of Environmental Affairs and Tourism	mmbengashe@deat.gov.za	South Africa
Industry				
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Michelle Lopez	Intellectual Property Manager	CropLife International	michelle@croplife.org	Belgium
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Research				

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NGO				
Tomme Young	ABS Legal Advisor	Independent	Tomme.Young@gmail.com	Germany
Project Team				
David Boyer	Project Manager	International Institute for Sustainable Development	dboyer@iisd.ca	USA
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Michael Gullo	Consultant	Stratos Inc.	mgullo@stratos-sts.com	Canada
Jorge Cabrera	ABS Specialist	Independent	jacmed@racsa.co.cr	Costa Rica

APPENDIX B – Meeting Agenda

Access and Benefit Sharing Management Tool (ABS – MT) Implementation Meeting - Agenda

October 9, 2007
18h00 – 21h00

Delta Hotel, Concerto Room
475 President Kennedy Avenue
Montreal, Quebec H3A 1J7

Dinner will be served

Sponsored by SECO

Organized by IISD and Stratos Inc.

Workshop Objectives	
1. To launch the ABS Management Tool	
Agenda	
Management Tool	
18h00 – 18h15	1. Welcome and Introductions <ul style="list-style-type: none"> • Tony Gross UNU-IAS • Geoff Burton (Chair)
18h15-18h45	2. Presentation of the ABS – Management Tool (Jorge Cabrera) <ul style="list-style-type: none"> • Handbook version • Demonstration of web-based version
18h45–20h00	3. Presentation and Discussion of Implementation Plan (George Greene) <ul style="list-style-type: none"> • Key activities for Initial Implementation • Fundraising • Partnerships • Governance and host institution
20h00-20h30	4. Factors for Successful Implementation (Geoff Burton) <ul style="list-style-type: none"> • Authoritative endorsement • Widely distributed • Adopted and applied • Feasible plan in place
20h30 – 21h00	5. Initiating the Implementation Phase (Geoff Burton)

APPENDIX C – IMPLEMENTATION SUPPORT PROGRAM

ABS Management Tool **Implementation Strategy** **Access and Benefit Sharing Support Program**

1. ABS Management Tool Background and Identified ABS Needs for Implementation

The Access and Benefit Sharing Management Tool (ABS-MT) is a joint project by the International Institute for Sustainable Development (IISD), Stratos Inc. and Jorge Cabrera undertaken on behalf of the Swiss State Secretariat for Economic Affairs (SECO). Over two phases involving ABS – MT development (2003 - 2004) and ABS – MT testing and consultations (2005 – 2007), the ABS-MT has developed as a useful and neutral instrument for facilitating ABS processes between the providers and users of genetic resources. The ABS – MT provides a best practice standard and a handbook on ABS practice to help companies, researchers, local and indigenous communities and governments ensure compliance with the Bonn Guidelines and ABS requirements under the Convention on Biological Diversity; and to work to ABS good practices. It provides users and providers of genetic resources a structured process for ABS negotiations and implementation of ABS agreements to allow access and agreed use of genetic resources on fair and equitable terms.

As part of the development of the ABS-MT, the project team conducted several activities including:

- field testing in Australia, Bolivia (in progress), Cameroon, Malaysia, and Tanzania;
- ongoing engagements with an international Advisory Committee of ABS experts; and
- substantive and ongoing consultations with industry, research, government, and non-government institutions informally and through the development of a feedback questionnaire on the project website.

This phase of the project also provided information on what types of ABS services and information are needed by those who access and those who provide genetic resources.

In addition to the activities referenced above, a network of ABS practitioners from a range of stakeholder groups met in Costa Rica in November 2006 to review a revised draft of the ABS-MT prior to its finalization, and discuss approaches for effective implementation. The highlighted a number of gaps in uptake on ABS information and the need to support advancing ABS activities including:

- 1) research institutions and universities which access genetic resources;

- 2) potential providers including governments with no or weak ABS frameworks, and Indigenous and local communities with little experience in ABS activities;
- 3) small to medium enterprises (SME) and entrepreneurial biotechnology companies accessing or wanting to access genetic resources but having little information or systems in place to undertake ABS good practice and comply with the Bonn Guidelines; and
- 4) larger companies which have compliance procedures in place but have a need to strengthen their ABS policies, procedures and practices to reflect good or best practices.

It was agreed that uptake and use of the ABS-MT and of ABS practices more widely, could be enabled through a "One Stop" ABS - MT program "host" or ABS-MT Office where ABS information and support in using the ABS-MT could be accessed by prospective and current providers and users of genetic resources. An ABS – MT Office would serve as a neutral broker of information and provider or coordinator of support services for ABS implementation.

While ABS is an important issue for research on and development of genetic resources, the volume of ABS agreements entered into each year, and the number of countries engaging in development of ABS legislation does not warrant a full scale dedicated organisation. Thus an ABS-MT Office would best be housed in an existing organization. Four neutral and internationally recognized organizations have been identified as possible hosts for an ABS-MT Office:

- 1) IUCN – The World Conservation Union (IUCN);
- 2) the UNCTAD BioTrade program;;
- 3) the United Nations University – Institute for Advanced Studies (UNU/IAS) and,
- 4) the International Development Research Centre (IDRC).

The rationale for these organizations are is briefly discussed in the next section. Other candidates for host institution can also be considered.

No one institution can provide all the services and expertise needed to support the needs of genetic resource providers and users or the subset of users of the ABS-MT. Thus the ABS – MT Office would fill the following roles:

- Serve as the international node for dissemination of information on and use of the ABS-MT;
- Coordinate and facilitate working relationships and partnerships with other ABS expert institutions, biological resource organisations, trade associations, and different sponsors. This could enable useful uptake and use of the ABS – MT and other information and tools to address the variety of needs which users and providers of genetic material face in reaching ABS research and commercial agreements; and
- Provide support services to organizations using the ABS-MT and undertaking ABS activities.

A strong working relationship with the Secretariat of the Convention on Biological Diversity (SCBD) is important. The ABS-MT provides one means of support for implementation of the Bonn Guidelines, and of the International ABS regime as it develops. Such a relationship between an independently-housed ABS-MT Office and the SCBD would also help to further legitimize the ABS-MT. Acknowledgement of the ABS-MT as one instrument, or the signing of a Memorandum of Understanding (MoU) between the SCBD and the host organization for the ABS-MT office, may be a useful step. A proposed Terms of Reference for the Access and Benefit Sharing Support Program is found in Annex I.

The IISD ABS-MT project team has developed a forward-looking implementation strategy which a host organization may consider as a basis for promoting and supporting uptake and use of the ABS-MT. The program involves operation of an ABS-MT Implementation Office in two stages:

- Stage 1 – establishment of the office, wide dissemination of the ABS-MT, and establishment of insitutional partnerships; and,
- Stage 2 – provision of technical assistance and capacity building services for use of the ABS-MT and to meet broader ABS needs.

2. Approach and Governance Program

The purpose of the ABS-MT implementation program is to facilitate broad use of the ABS-MT as a neutral source of guidance to ABS practice; and adoption of the ABS- MT as a recognized ABS best practice standard. This will be achieved through establishment and operation of an ABS – MT Office, housed in an existing institution. Working in partnerships and collaboration with other institutions and technical experts. The office will support and promote the use of the ABS-MT and will provide access to ABS information, capacity building and training for the ABS-MT, and technical assistance to users and providers of genetic resources.

Host Institution

It is recognized that there are a number of possible international organizations which may have the interest and capacity to host the support program. Organizations suggested by stakeholders, and known by the ABS project team as organisations that could consider being the host institution for the ABS-MT, or could cooperate on ABS-MT implementation include:

- IUCN – The World Conservation Union has core knowledge of ABS and wider issues of sustainable use of genetic and biological resources; has a strong scientific and practitioners network and national or regional offices in all continents that could support outreach, dissemination and capacity building;
- UNCTAD BioTrade currently works on responsible practices for trade in and use of biological resources; the addition of genetic resources as a distinct sub-set of biological resources, which are governed by the ABS provisions of the CBD, could provide a single

umbrella institution/management structure under which ABS activities could be a distinct element;

- United Nations University, Institute for Advanced Studies has substantial experience in reviewing ABS practices and in developing new approaches for implementation; it has international standing and reach;
- International Development Research Centre has worked for a number of years on genetic resources issues, and on supporting national-level research and policy making for genetic resources. It has regional offices in Asia, Africa, Latin America and the Middle East.

Annex I is a Terms of Reference for the host institution.

Partnerships

The host institution will identify key partner institutions with which to establish cooperative agreements, joint ventures, or contracted activities to support the implementation of the ABS-MT. The ABS-MT Office will establish working relationships or partnership agreements with a variety of organizations active in ABS and related work. These could include:

- Trade associations active on ABS such as the Japan Bioindustry Association (JBA), the Biotechnology Industry Organization (BIO), and EuropaBio) and more broadly the World Business Council on Sustainable Development;
- Organizations promoting the use of related standards such as the Guidelines for Equitable Sharing of Benefits of Biological Resources in Biotrade Activities of the BioTrade Facilitation Program (BTFP); and the IUCN/WWF/BfN International Standard for Sustainable Wild Collection of Medicinal and Aromatic Plants (ISSC-MAP);
- International organizations such as FAO and UNCTAD;
- IUCN (in the event that IUCN is not the host institution) – the World Conservation Union through its regional and county offices and expert resources such as the IUCN Environmental Law Centre;
- Foundations such as the Packard Foundation and the Rockefeller Foundation; and
- Professional societies.

Examples of potential cooperative arrangements include with BioTrade for use of the ABS-MT when BioTrade projects involve genetic resources; or with BIO or JBA for the ABS-MT to provide more detailed guidance to elaborate the guidelines used by company members of these industry associations.

Functions of the ABS-MT Office

The ABS-MT Office will be responsible for providing a number of functions including:

- Develop an interactive web-based version of the ABS-MT, and host an information website for ABS users and providers;

- Distribute print versions of ABS-MT standard and handbook to governments, industry, research, local and indigenous community and NGO users;
 - Actively promote and provide outreach on use of the ABS-MT through guidance on its use, and neutral ABS information to users and providers of genetic material;
 - Provide capacity building and training for providers and users of genetic resources, using the ABS-MT as a basis so they may have greater understanding of ABS and are prepared to enter into ABS processes;
 - Facilitate access to ABS expertise for the development of ABS agreements, legislation, or needed technical assistance through partnerships with other organizations and technical experts in ABS; and
 - Animate the best practice network of ABS practitioners, building on the members of the ABS-MT Advisory Committee and the participants from the Costa Rica workshop.
- Activities for Implementation

The activities of this ABS – MT Office will centre on outreach and marketing of the ABS-MT, and providing supporting information and technical assistance on use of the ABS-MT and the negotiation of ABS agreements. The Office will also provide, or facilitate through partner institutions, the provision of training and broader capacity building activities to, among others:

- Governments in support of ABS policy and law development;
- Indigenous and local communities to prepare for access to genetic resources requests and participate in ABS negotiations; and
- Companies to develop ABS policies and procedures for bioprospecting activities or transfer of genetic resources in a way which complies with the Bonn Guidelines.

The nature of ABS agreements, capacity building and technical assistance support will often be opportunistic as the ABS Office receives referrals, or through outreach to private sector users, communities and governmental organisations working within ABS-related areas.

Governance of the ABS Implementation Program

Adoption and wide use of the ABS-MT will require international support and endorsement. This is needed to ensure that the ABS-MT:

- Is endorsed by a range of governmental and non-governmental interests as an authoritative voluntary instrument for implementation of the Bonn Guidelines; and
- Is implemented in a manner in which it remains a neutral instrument, both accessible to, and serving the needs of a wide range of providers and users of genetic resources.

Therefore, the ABS Implementation Support Program may benefit from a governance structure which brings together the key interests with a stake in the successful application of the ABS-MT. Possible elements of such a governance structure could include:

- 1) An International Steering Committee – with representation or individual membership from a regionally balanced set of interests – government, Indigenous and communities, industry, research community and NGOs;

- 2) An Advisory Committee comprising of experts from a variety of disciplines and aspects of ABS practice; and
 - 3) A network of ABS practitioners to ensure that the ABS MT remains up-to-date in its application, informed by experience and best practices around the world.
3. Activities for selecting a host institution and advancing the ABS Implementation Program

Stage 1 Activities

Select the host institution

The ABS-MT project team, in conjunction with SECO will begin informal discussions with potential host institutions. The project team has developed a draft Terms of Reference for the Host Institution for the ABS-MT Implementation Support Program which SECO can use for:

- issuing a tender to interested institutions who may submit proposals to house the ABS-MT Implementation Support Program, or
- Reviewing and discussing with candidate organizations with its selection to be based on interest, willingness and capacities.

Identify and cultivate sponsors of the ABS-MT and partners

The Project Team will identify a balanced group of potential sponsors for the Implementation Support Program – from industry, governments, NGOs, international organizations and Indigenous peoples groups. Sponsors are broader in purpose and intent than donors (see below). Sponsors are important to provide credibility, knowledge, access to networks, technical support, project joint ventures opportunities and identification of funding sources.

Potential sponsor groups to cultivate are the IUCN, UNU/IAS, Seeds and Genetic Resources Services, FAO, Secretariat of the Convention on Biological Diversity and UNCTAD/BioTrade. It may be noted that sponsors, who are willing to put their general support behind the ABS-MT, may also become partners with specific involvement in the ABS Implementation Support Program.

Identify donors

Funding for the ABS-MT development and testing over the two phases has come from SECO, a key promoter and supporter of the project. It is hoped that SECO will continue to support the implementation phase of the project. However, in order to move into the implementation phase and reach a variety of audiences globally and ensure an active, ongoing, and supportive role from ABS partners and sponsors, there is the need to develop a multi-donor strategy for the ABS-MT Implementation Support Program. A diversity of potential donors will be identified including foundations, bilateral donors, multilateral donors and industry. The project team will take responsibility for identifying the interests of each donor, dividing responsibilities for approaching them and developing sound funding proposals.

Some examples of possible funding sources are:

- Foundations: Rockefeller, MacArthur, Ford, Mott, Heinrich Böll, The Christensen Fund.
- Bilateral donors: SECO, Norway, Denmark, Germany GTZ and BmZ, Netherlands, USAID, Sweden.
- Multilateral donors:) GEF/UNEP capacity building program, regional development banks (e.g. ADB, AfDB, IDB).

The selected host institution will review possible funding options and develop a more comprehensive funding strategy based on this review. A base proposal will be developed by the host to support funding of the ABS Support Program.

Stage 2 Activities:

Establish the ABS-MT Office to support dissemination of the ABS-MT and to make tools available for partners and the ABS best practice network.

Once the host institution has been identified and a threshold level of funding secured, the ABS-MT Office will be established. It will comprise a small staff to manage and coordinate activities and will draw on partner institutions and members of the Best Practices Network to provide the expertise to deliver the ABS-MT Implementation Support Program.

Provide training, capacity building and technical assistance to genetic resource providers and users for use of the ABS-MT.

The purpose of this activity is to encourage the wide and active use of the MT and to promote networks of informed providers and users. Industry trade associations such as BIO and JBA are potential important partners in utilising the ABS-MT. Companies such as Novozyme A/S have shown interest in training for their research staff, and other industry associations and corporations are likely partners for use of the ABS-MT.

Communities and NGOs that support community providers are another partner group to develop. These may include Asia Indigenous Peoples Pact Foundation, Sociedad Peruana de Derecho Ambiental, Coordinadora de las Organizaciones Indigenas de la Cuenca Amazonica, among others.

Governments and their support institutions are important partners, both to promote the ABS-MT and as an audience for training, capacity building and use of ABS to support national legislation. Some examples are:

- South African National Biodiversity Institute (SANBI);
- India National Botanical Research Institute;
- Tanzania Department of Environment;

- Plant Genetic Resources Development Section;
- Ministry of Agriculture and Marine Resources (Seychelles);
- Department of Justice and Attorney General, Papua New Guinea;
- Environment Australia;
- Other government agencies with ABS legislation or wishing to develop ABS legislation, including regional groups such as Association of Southeast Asian Nations (ASEAN) which is developing a regional agreement on ABS; and
- Lastly, academic research institutions are another niche user of genetic resources which would benefit from training on, and use of, the ABS-MT.

Risks and Limitations of the ABS-MT Implementation Support Program

Approach

Two foreseeable risk for advancing the Implementation Program are:

- Effort required to secure sponsors and partners may require an substantial amount of front time before host institution can function as intended; and
- Insufficient interest from industry, community and research organization and other users of the ABS-MT to justify a host institution.

Indicators of Success for the Project

The project team has identified four key indicators of success for implementing the ABS-MT. These indicators include:

- 1) The ABS – MT must be authoritatively endorsed by a diversity of interests and governments;
- 2) It must be distributed widely;
- 3) It must be adopted and applied by a range of prospective and existing users and providers of genetic resources;
- 4) A clear and resourced plan is in place to enable the above three factors to be acted upon.

ANNEX I: Terms of Reference for ABS - MT Implementation Support Program Host Institution

Background

The Access and Benefit Sharing Management Tool (ABS-MT) is a joint project by the International Institute for Sustainable Development (IISD), Stratos Inc. and Jorge Cabrera for the Swiss State Secretariat for Economic Affairs (SECO). The ABS-MT provides a best practice standard and a handbook on ABS practice to help companies, researchers; local and indigenous communities and governments ensure compliance with the Bonn Guidelines, and ABS requirements under the Convention on Biological Diversity; and to work to ABS good practices.

The ABS-MT has been developed over a 4-year period which involved research on best practices, development and dissemination of a Working Draft Management Tool and User Guide, dialogue and outreach with a wide range of ABS stakeholders, and field testing of the Management Tool. The final ABS Management Tool is being released in October 2007. Its development has been guided by an International Advisory Committee, and by a network of ABS practitioners from a range of stakeholder groups which met in Costa Rica in November 2006 to review a revised draft of the Management Tool and to discuss approaches for its implementation as a voluntary ABS standard and handbook on good practices.

Through the course of the project and specifically in the outcomes of the Costa Rica meeting, a number of needs for support in implementing ABS activities by users and providers of genetic resources have been identified:

- 1) research institutions and universities which access genetic resources;
- 2) potential providers including governments with no or weak ABS frameworks, and Indigenous and local communities with little experience in ABS activities;
- 3) small to medium enterprises (SME) and entrepreneurial biotechnology companies accessing or wanting to access genetic resources but having little information or systems in place to undertake ABS good practice and comply with the Bonn Guidelines; and;
- 4) larger companies which have compliance procedures in place but have a need to strengthen their ABS policies, procedures and practices to reflect good or best practices.

Uptake of the ABS-Management Tool as an instrument to support ABS activities could be enabled through a "One Stop" ABS Support Program developed around the ABS – Management Tool, with an "ABS-MT Office as the node where ABS information and support in using the ABS MT could be accessed by providers and users of genetic resources. An ABS – MT Office would serve as a neutral provider of information and support services for ABS implementation. While ABS is an important issue for research on and development of genetic resources, the volume of ABS agreements entered into each year, and countries engaging in development of ABS legislation does not warrant a full scale dedicated organisation. No one institution can provide all the services and expertise needed to support the needs of genetic resource providers and users. Thus an

ABS-MT Office would best be housed in an existing organization. Such an ABS – MT Office, within an existing institution,, will serve to facilitate working relationships and partnerships with other ABS expert institutions, biological resource organisations, trade associations, and different sponsors, which would enable useful uptake and use of the ABS – MT and other information and tools to address the variety of needs users and providers of genetic material face in developing ABS relationships and reaching research and commercial agreements.

Functions and Activities of the “Host” Organisation

The ABS Office will fill the following roles:

- Serve as the international node for dissemination of information on and use of the ABS-MT
- Coordinate and facilitate working relationships and partnerships with other ABS expert institutions, biological resource organisations, trade associations, and different sponsors
- Provide support services to organizations using the ABS-MT and undertaking ABS activities.

Key activities of the ABS MT Office within the Host Organization

The activities of this ABS – MT Office will centre on outreach and marketing of the ABS MT, providing supporting information, and technical assistance and capacity building for use of the ABS MT and for the negotiation of ABS agreements. Specific activities will include:

- Identify key partner institutions with which to establish cooperative agreements, joint ventures, or contracted activities to support the implementation of the ABS-MT. The ABS-MT Office will establish working relationships or partnership agreements with a variety of organizations active on ABS and related work;
- Create an active ABS website with an interactive version of the ABS MT;
- Actively promote and provide outreach on use of the ABS-MT through provision of guidance on its use, and neutral ABS information to users and providers of genetic material;
- Provide, as well as facilitate, capacity building and training for providers and users of genetic resources, using the ABS-MT as a basis so they may be have greater understanding of ABS and are prepared to enter into ABS negotiations and arrangements;
- Facilitate access to ABS expertise for development of ABS agreements, or needed technical assistance through partnerships with other organizations and technical experts in ABS;
- Liaison with the CBD Secretariat and represent the ABS MT at key international and national meetings related to access and benefit sharing of genetic material;
- Animate the best practice network of ABS practitioners, building on the members and contacts from the ABS-MT project; and
- Identify funding sources and submit proposals for on-going funding to support ABS functions and activities.

The Office will also provide, or facilitate through partner institutions, the provision of training and broader capacity building activities to, among others:

- Governments in support of ABS policy development ;
- Indigenous and local communities to prepare for access to genetic resources requests and participate in ABS negotiations; and
- Companies to develop ABS policies and procedures in a way which complies with the Bonn Guidelines.

The nature of ABS agreements, capacity building and technical assistance support will often be opportunistic as the ABS Office receives referrals, or through outreach to private sector users, indigenous peoples, communities and governmental organisations working within ABS-related areas.

Criteria for Selection for the Host Institution

The organisation selected should have the following capacities and characteristics.

- Interest and willingness to serve as host institution;
- Knowledge of the Convention on Biological Diversity and more specifically with Access and Benefit Sharing issues, practices and the application of the Bonn Guidelines;
- Perceived as neutral by private sector, research institutions, Indigenous peoples, government and civil society, and experienced in working with these interests;
- Experience working in developing countries and in cross-cultural environments;
- Existing relationships with organisations and individuals which can contribute to outreach, capacity building and ABS technical support.
- Strong communication platforms in the organisation that can reach a broad spectrum of ABS stakeholders using a variety of communications tools including web-based platforms;
- Organisational management capacity to under-take functions and activities

It is preferred that the organisation has an existing working relationship with the Secretariat of the Convention on Biological Diversity (SCBD). This will provide one means for the Convention on Biological Diversity to support implementation of the Bonn Guidelines, and of the International ABS regime as it develops.

Process for Selection

The Swiss State Secretariat for Economic Affairs (SECO) has supported the development, testing and consultation phases of the ABS-MT activities as a project. It would now like to see an implementation phase put into place. It will select a Host Institution through one of two processes:

- issuing a tender to interested institutions which may submit proposals to house the ABS-MT Implementation Support Programme, or
- Reviewing and discussing with candidate organizations the best fit with the selection criteria.

It is expected that a decision will be made by the end of 2007 or early in 2008.