

AU GUIDELINES FOR A COORDINATED IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ABS: AN UPDATE

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PREMISE

- 2001 OAU Model Law for the Protection of Rights of Local Communities, farmers and breeders and for the regulation of access to biological resources-
 - developed in the absence of current legally binding international regimes (NP, ITPGRFA) and regional initiatives (ARIPO, OAPI); gaps and variances exist
- 2010 Adoption of Nagoya Protocol on ABS
- Lack of clear coordination in matters of biodiversity and ABS at the continental level
- Jan 2011 AU Assembly decision to include biodiversity in the priorities of the AU

PREMISE

- 2012 Agreement to develop a gap analysis report
 - reiterated that Model Law was still useful as it mainstreams the priority needs of African countries
- Need to develop a tool to assist MS in domestication and implementation of the NP on ABS
- 2013 AU Guidelines for the coordinated implementation of NP

MOVE FROM TECHNICAL TO POLITICAL

- September 2012: AMCEN adopted a decision on the establishment of a coordination mechanism for negotiations on Biodiversity (Model of the UNFCCC)
- AMCEN further endorsed the ongoing work on the development of the AU Implementation Guidelines
- Jan 2013: AU Assembly of Heads of State and Government adopted the AMCEN report including the process on the development of the Guidelines and the TOR for the AGN on Biodiversity
- Sept 2014-anticipated adoption of Draft Guidelines by AMCEN
- 2015- anticipated endorsement by the AU Assembly

STRUCTURE

Part One: Policy Framework

- A) 'Principles' of the envisaged 'Coordination'
- B) 'Policy Guidance'-on direction to AU Member States on national implementation against a harmonized regional standard proposed by the AU Guidelines

Part Two: Step-by-step Guide

- Hands on tool for implementers of the Nagoya Protocol i.e., National Competent Authorities and related bodies of Member States

TOWARDS VALIDATION

- Oct 28-30, 2013, (AUC) Addis Ababa-Workshop on Draft AU Guidelines:

Composition: ABS-NFPs, CSO, AUC, RECs, Academia, resource persons

- discussed and agreed on Draft Policy Framework and made recommendations among which were:
 - ✓ to ensure that the Draft Policy Framework and the step-by-step guidelines are submitted as one document to the AU Policy organs
 - ✓ Request the ABS Capacity Development Initiative to support the AUC in the facilitation of the finalization of the step-by-step guidelines;
 - ✓ Request the RECs and relevant regional initiatives to work closely with the AUC on their initiatives related to ABS in a complementary manner

October 28-30, 2013
African Union Head Quarters
Addis Ababa, Ethiopia



TOWARDS VALIDATION

- **Feb 5-7, 2014 (AUC) Addis Ababa: Experts/Peer Reviewers Meeting on Draft AU Guidelines:**
 - **Composition** (*based on individual capacities*):
 - ✓ National ABS focal points ,
 - ✓ Experts in charge of regional initiatives on ABS in Africa
 - ✓ Experts from RECs engaged in ABS issues
 - ✓ Experts from the Secretariats of the Convention and related treaty (ITPGRFA)
 - ✓ Lawyers who supported the African group during the Nagoya Protocol negotiations
 - ✓ Experts from research and academic institutions who supported the African Group and the ABS Initiative in matters of ABS in Africa
 - ✓ Experts from indigenous and local community initiatives who had supported the African Group during the negotiations and are active on ABS issues
 - ✓ Experts from the African Union Commission coordinating ABS issues through this dedicated program

TOWARDS VALIDATION...cont'd

- Feb 2014 Experts Meeting: deliberated on Policy Framework and Step-by-step guidelines and expert's inputs on each section was received. A set of recommendations were made amongst which were on:
 - ✓ The objectives (as it relates to users of GR)
 - ✓ Roles of various actors in implementing the Policy Framework
 - ✓ Communication strategy on the AU Guideline
 - ✓ Assignment of tasks and timeline for completion of outstanding elements
 - ✓ As per its TOR Experts Group Chairs will present the revised Draft to the **African Validation workshop in July 2014** (AUC Addis Ababa)

February 5-7, 2014

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NEED FOR FURTHER ACTIONS

1. Notify Competent National Authorities of AU Member States on the development of regional guidelines
2. Solicit inputs from CNAs as applicable
3. Alert Ministers of Environment of MS on the guidelines and its content in preparation of AMCEN endorsement
