

Royaume du Maroc

Secrétariat d'Etat auprès du Ministre de l'Energie,
Des Mines, et du Développement Durable
Chargé du Développement Durable



BIO-BRIDGE INITIATIVE REPORT :

Morocco project: the African Legal Experts network and the ABS Legal Leadership Programme

June 2018



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Resilient nations.



1) Detail the activities implemented during the project.

The main activities implemented during the project were the organization of a workshop for ABS legal experts from ten French-speaking African countries, in order to exchange experiences in implementing legal aspects of the Nagoya Protocol. The second activity implemented during the project was the development of a new project proposal, developed jointly by UNDP, IDLO and the Moroccan government, for a new capacity-building programme, the “ABS Legal leadership Programme” on legal aspects of ABS. The ten participating countries are to benefit from this new capacity-building programme, which could be extended to other countries and regions.

2) What are the main outcomes of the project? How these results impact the state of the biodiversity? How this project generated social and economic benefits? Please annex any written relevant document.

The main outcomes of the project were the creation of a new network of ABS legal experts from French-speaking African countries that will promote and facilitate knowledge-sharing and technical cooperation (at a South-South level) on implementing legal aspects of the Nagoya Protocol such as developing new ABS laws, negotiating ABS contracts and general regulatory processes along ABS value chains for the use of genetic resources. Another main outcome was the identification, through the participating countries, of the priority areas for the new capacity building programme on legal aspects of ABS and the Nagoya Protocol.

Since the Nagoya Protocol encourages the regulation of access and benefit-sharing from the utilization of genetic resources, on a fair and equitable basis, especially for local communities, this has important social impact consequences in Africa in general. Most of the genetic resources and associated traditional knowledge are handled and owned by local populations, especially in Africa, hence the importance of setting strong legal frameworks on ABS to ensure that these populations receive the benefits arising from the use of genetic resources and associated traditional knowledge. Also, since the participating countries align with the Protocol’s view that part of the benefits from the use of genetic resources should be used for the conservation and preservation of these genetic resources, and their ecosystems in general, there is also an important positive impact on biodiversity.

By exchanging on best practices, learning from each other’s mistakes and success stories, participating countries in the network of ABS legal experts will ensure that such benefits can be initiated and grown over time, with positive impacts from a social, economic and environmental standpoint.

3) What has been the role of the National Focal Points of the CBD of the different Parties involved in the project?

CBD National Focal Points, especially ABS National Focal Points, were involved in the early stages of the project, in order to provide feedback on the objectives and necessity of an African ABS legal experts network, and help identify who, in their respective countries, would best represent their country within the network. Through a thorough selection process, ABS NFPs helped UNDP and IDLO identify the best representatives from each country and the first workshop of the newly created ABS legal experts network benefited from the presence of highly experienced jurors, magistrates, environmental lawyers and seasoned legal experts. In addition, two ABS NFPs participated in the workshop through their own costs, in order to provide views from their governments, and support their legal expert representative’s participation.

During the workshop, the legal experts agreed that there should be a continuous involvement from ABS NFPs on all activities to be performed by the experts' network, in order to ensure continuity with government activities implementing the Nagoya Protocol in their respective countries, and to ensure that, as part of the new capacity building initiative objectives, participating governments will be able to replicate that capacity building at a local level, with the support of the ABS legal experts network.

Finally, ABS NFPs have provided formal government backing for the new capacity building programme, through official support letters that have been added to the project proposal document.

4) Describe how the project enhanced the Technical and Scientific Cooperation (TSC) between the Parties and organizations involved in the project.

The present ABS legal experts from the ten participating countries each provided an insight on how legal aspects of the Nagoya Protocol were being implemented at the national level, taking turns to present to all those present during the workshop. During the two days of the workshop, participants were invited to ask questions to one another on their experiences, providing further details when necessary, and how obstacles were overcome. At the end of each day, a "wrapping up" session ensures the main outcomes of the day were identified. Also, by providing important information on which areas to prioritize in developing the new capacity building programme, the ABS legal experts contributed to outline the main objectives of that programme, that reflected the common needs of all participating countries, through open and positive exchanges. Such feedback and involvement were considered very valuable by IDLO and UNDP, the partner organizations who will develop the new capacity-building programme.

5) Which activity or approach efficiently succeeded to foster sustained TSC and why?

The idea to create an ABS legal experts network proved very popular and successful in making sure that participating governments, through their respective ABS NFPs, can rely on a professional source of information when developing and undertaking key activities in implementing legal aspects of the Nagoya Protocol. Since the network will continue to operate through its members, who will maintain continuous communication and cooperation from a technical standpoint, with the support of the partner organizations, governments (and other stakeholders) can benefit from new perspectives, innovative ideas, success stories and best practices that the network will identify through their cooperation.

6) Which activities or approaches would be done differently, now that you have experienced them, and why?

Given the short timeframe for preparations, and although the workshop was generally quite successful, two shortcomings were identified by the organizers and international partners. Firstly, no potential donors were involved in the workshop, although their presence was discussed by the organizing team, due to a lack of availability since invitations were sent too late. Representatives from governments of France, Canada and the Francophonie Sustainable Development Institute, who have interests in potentially supporting activities in the Francophone African region, could not attend. Secondly, given that the first IDLO-CDB capacity development programme on ABS is still ongoing, there

was a lack of information on impact assessment results from the current programme, in order to better prepare the new capacity development programme, based on current results.

7) How this project could be pursued to maintain or scale up the positive results obtained?

The newly created network of ABS legal experts will continue operating through active online networking hosted by IDLO (facebook group and forum) in order to continue the exchange of best practices and experiences, while there was an agreement from participating countries to use international gatherings (CDB events, Party meetings, etc) to organize meetings for the ABS legal experts of the network alongside those meetings. In addition, the new capacity-building project proposal provides for coordination of the network in its implication of the future regional training of trainers for the “ABS Legal Leadership Programme”. Each country expert and NFP will be providing input for the organization of the Training of trainers (ToT) as well as provide IDLO with input on the programme’s training content. Given that further countries from the region could join the experts network and benefit from the ToTs, there is good potential of the project being scaled up at the regional level. Also, since participating countries will pledge to organize local workshop with the “trained trainers” on ABS legal matters of their national implementation of the Nagoya Protocol, the capacity-development will continue at the local level, through the participant countries’ local ABS projects. Trained ABS legal experts will help adapt the training content to their own needs at the national level.

8) How this project could be replicated in other regions?

During the May workshop in Rabat, the present experts agreed that this approach could be easily replicated in other regions, especially given IDLO’s experience in Eastern Africa and Asia. UNDP’s Global ABS project also has a region-based approach, and both the international partners involvement on this project would make it very possible to replicate in other regions, through a series of ToTs followed by national workshops on ABS implementation. The project partners also discussed the possibility of created other regional ABS legal experts’ networks, depending on the countries interests.

9) Describe the in-kind contribution of the different stakeholders involved in the project and how this type of contribution could be increased in future projects.

The project was mainly financed by the SCDB through its Bio-Bridge initiative, and UNDP through the GEF-UNDP national ABS implementation programme of Morocco. In addition to the funding, the Morocco government provided in-kind contribution through the support for the organization of the workshop, coordination with other participating countries’ NFPs, and assisted in organizational matters such as the facilitation of visas for foreign participants, coordination with IDLO and UNDP for the organization of the workshop and providing input for the drafting of the project proposal for the “ABS Legal Leadership Programme”. UNDP and IDLO provided further in-kind contribution by coordinated the project with the Moroccan government, drafting the proposal project document and overseeing the selection process for the ABS elgal experts who participated to the workshop in Rabat.

10) If the project included a participation of major groups like business, subnational and local authorities, NGOs, youth, women, indigenous peoples and local communities, what would be your advices to engage efficiently this specific group?

For this particular project, only local authorities were involved, albeit in a small scale, with the participation of two ABS NFPs in the workshop. NGOs were involved as international partners who organized the project, such as IDLO. More participation will be required from the local NFPs for the continuation of the project, especially for the organization of future ToTs of the “ABS Legal Leadership Programme” and national workshops, which will rely on active involvement of local authorities. With regards to the implementation of said workshops, the participation of other NGOs, such as the ABS Initiative, could also be possible.

11) Propose a summary of the project in 250 words to be published on the Bio-Bridge web portal.

“The Bio-Bridge Initiative (BBI) Morocco project builds upon Morocco’s GEF-UNDP project “APA Nagoya” for Morocco’s national implementation of the Nagoya Protocol, piloted by the Moroccan State Secretariat for Sustainable Development. Following Morocco’s proposition to expend the project to other countries in the African region, UNDP partnered with the International Development Law Organization (IDLO) to develop a training programme on legal aspects of ABS, in a training-of-trainers (ToT) format, that would strongly complement the upcoming capacity development activities under the CDB-IDLO programme by ensuring the workshops and materials planned are led by a highly qualified ABS legal expert with the knowledge, skills and networks needed to provide targeted solutions. Initially, the programme will target primarily French-speaking African countries would be also involved in order to expand the pool of ABS legal expertise available to support national and regional capacity building programs. The programme content will be developed by IDLO with support from UNDP as well as the newly created African network of ABS legal experts involving 10 French-speaking African countries, through the Bio-Bridge Initiative. The project launched through the organization, on May 10-11 2018, of the first meeting of the African ABS Legal Experts Network, hosted by Morocco in Rabat, that saw the participation of Algeria, Benin, Cameroon, Comoros, Côte d’Ivoire, Democratic Republic of Congo, Madagascar, Morocco, the Republic of Congo and Niger. Together, their experts set the objectives and structure of the newly created network and identified priority areas of the new capacity-development project: “the ABS Legal Leadership Programme”.”