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BIODIVERSITY FOCAL AREA STUDY

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Abbreviations and Acronyms

ABS	Access to genetic resources and equitable sharing of the benefits arising from their utilization (access and benefit-sharing)
ABS-CH	Access and Benefit-sharing Clearinghouse, established under the NP
ATK	Traditional knowledge associated with genetic resources (Associated Traditional Knowledge)
BCP	Bio-Cultural Protocol (sometimes “community protocol”)
BMUB	German Federal Ministry for Environment, Nature Conservation, Building and Nuclear Safety
CBD	Convention on Biological Diversity
CBD-COP	CBD Conference of Parties
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
EU	European Union
FWS	United States Fish and Wildlife Service
FAS	Focal Area Set-Aside
GEF	Global Environment Facility
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit, GMBH
GR	Genetic Resources
GWP	Global Wildlife Program
ICCF	International Conservation Caucus Foundation
ICCWC	International Consortium on Combating Wildlife Crime
ILC	Indigenous and local communities
INL	U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs
IPR	Intellectual property rights
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
IUCN	International Union for the Conservation of Nature
IWT	Illegal Wildlife Trade
KIs	Key Informants
MAT	Mutually Agreed Terms

METT	Management Effectiveness Tracking Tool
MIKE	Monitoring the Illegal Killing of Elephants
MLAT	Mutual legal assistance treaty
MTE	Mid-term evaluation
NGO	Non-Governmental Organization
NP	Nagoya Protocol
NP-COP/MOP	CBD-COP serving as a Meeting of the Parties to the NP
NPIF	Nagoya Protocol Implementation Fund
PFD	Program Framework Document
PIC	Prior Informed Consent
PIR	Project Inception Report
SADC	Southern African Development Community
SCBD	Secretariat of the Convention on Biological Diversity
SME	Small-To-Medium Enterprises
STAR	System for Transparent Allocation of Resources
TK	Traditional Knowledge
TOC	Theory of Change
TOR	Terms of Reference
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
UNODC	United Nations Office on Drugs and Crime
WBG	World Bank Group
WCI	Wildlife Crime Initiative
WCO	World Customs Organization
WCS	Wildlife Conservation Society
WWF	World Wildlife Fund

EXECUTIVE SUMMARY

1. As part of OPS6, the IEO has undertaken two studies in the Biodiversity Focal Area – a) an evaluation of the GEF funded projects on Access and benefit sharing (ABS) and the Nagoya Protocol(NP), and b) a study to assess GEF support to address illegal wildlife trade(IWT) through the GEF Global Wildlife Program(GWP). These two studies are the first conducted by the IEO on these themes. The Impact Evaluation of the GEF Support to Protected Areas (PAs) and PA Systems was completed in October 2015. The Evaluation of GEF support to Biodiversity mainstreaming will be presented to the GEF Council in June 2018.

Access and benefit sharing and the Nagoya Protocol

2. This study is part of the Biodiversity focal area study undertaken by the IEO to assess the relevance, ex-ante quality of monitoring and evaluation, and the design aspects of GEF projects on access and benefits sharing (ABS).

3. The GEF provided assistance to promote Nagoya Protocol's (NP) early entry into force and supported the development and coordination of international infrastructure and mechanisms for its implementation. Although the target date for entry into force was not met, the NP entered into force quite rapidly as compared to other international instruments. One of the most important, innovative and effective aspects of GEF support to ABS projects, is its work toward enabling and supporting the development of the ability and willingness of provider-side countries to identify and develop promising Genetic Resources(GR) or elements of Associated Traditional Knowledge (ATK). Many of these projects are active at the local level, helping to establish domestic-level partnerships or farmers' alliances and to build capacity that will enable them to represent ILCs in negotiations with users. Gender considerations were directly addressed in all project preparatory documents and approvals, however, in several projects, these issues have not been tracked.

The main conclusions are:

4. **Project designs may be “overpacked.”** Virtually every project includes activities and/or outcomes for each of the three elements of the GEF's ABS strategy. An effective ABS strategy includes steps for legislative development, domestic research and development (R&D) and compound identification, development of national ABS contracts, and protection of and benefit sharing for indigenous and local communities, which need to be implemented progressively. While activities such as awareness raising may be done in parallel, a clear legislative framework is a precondition for other interventions to yield effective ABS.

5. **Issues with capacity building.** The most effective institutional/professional capacity-building happens where properly chosen national counterparts are active in the framework development and agreement notification processes, and this does not happen in practice owing to lack of availability of expertise.

6. **Complexity and individual uniqueness of each ABS situation.** The complexity and individual uniqueness of each ABS situation is sometimes not sufficiently recognized. When countries with less advanced national ABS frameworks attempt to use examples from countries with highly developed national ABS frameworks as models, they have found that the draft instruments and procedures prepared are not consistent with their legislative and administrative requirements for adoption.

The main recommendations are:

7. **Address practical sustainability questions more directly.** The goal of project sustainability – nationally sustainable governmental ABS frameworks and the capacity to implement them domestically- relies on attention to the key factors directing national support. It will be essential for national government legislators to recognize the need for a budget allocation to run the processes associated with the implementation of the Nagoya Protocol. Monetary and non-monetary benefits accrued by private or public entities could be supporting activities not associated with the administrative process, including technology transfer and public awareness. Notable progress toward proving sustainability in this way has been achieved in some projects which are focusing on direct development of national capacities to utilize and add value to domestic genetic resources and associated traditional knowledge. This approach can be effectively scaled to each country's needs and capabilities, and to building on that country's capacities. Project designs should include plans for future sustainability.

8. **Focus on technical and professional capacity-building in addition to increasing general and generic awareness.** The building of "true" capacity, within the relevant governments and participating users at technical and professional levels needs to be sufficient that those parties will rarely need to seek further external assistance. In this connection, it is necessary to ensure that activities reach the intended audience in a form and at a level that they can absorb and use; that designated "capacity-building" activities do not ultimately become generic awareness raising; and that, where awareness raising is conducted, it is carefully targeted to address present needs with regard to project sustainability (parliamentary and minister-levels), and project activities (specific communities involved in the project) The above-mentioned trend in building national capacity to directly utilize domestic GR and ATK clearly points the way in this recommendation as well.

9. **Adopt a tailored country-specific approach in projects.** Interventions and the timing for their implementation should be tailored to be consistent with the national importance, relevance and capacities for ABS. The inclusion of too many interventions into a single project could undermine or minimize the long-term value of premature work done on interventions that are required at a later stage.

10. **Maximize the earliest possible availability of project lessons, experiences and outputs.** Evaluation planning and implementation should place greater emphasis on earlier evaluation components, such as, for example, reviewing and challenging PIRs and other internally developed reports more closely, providing clearer reporting/data standards, and calling for and

executing externally conducted mid-term reviews more often. Such timely collected information made more readily available, as soon as possible, as a guide for other projects and future project design. Where possible, project outputs should be accessible, to maximize the body of ABS related technical information available.

Addressing illegal wildlife trade through the GEF Global Wildlife Program

11. This study formatively assesses GEF’s effort to combat IWT through the Global Wildlife Program, and the 20 country-specific “child projects” associated with that program.

12. The GWP, launched in 2015, is the GEF’s first concerted effort to address illegal wildlife trade in a coordinated and comprehensive manner. The GWP is multifocal and involves four GEF Agencies— the Asian Development Bank, the United Nations Development Programme (UNDP), the UN Environment, and the World Bank (as lead) across 19 countries in Asia and Africa. Funding sources include participating countries’ STAR allocations and a sustainable forest management set-aside. Designed to be implemented over a period of seven years, the \$131 million GWP aims to address supply, trafficking, and demand of illegal wildlife products through 20 child projects in Asia and Africa, including one global coordination and knowledge management grant.

Following are the main conclusions of this review:

13. **The GWP is relevant to GEF-6 Biodiversity Strategy priorities.** The program aims at preventing the extinction of known threatened species by focusing on reducing the rates of poaching of rhinos, elephants, and other threatened species, and increasing arrest and conviction rates within participating countries. It also caters to other biodiversity programs and objectives, such as those related to protected areas, sustainable use and biodiversity mainstreaming efforts. Through country-led child projects, the program responds to the objectives of other focal areas such as land degradation, climate change and sustainable forest management. The program is relevant to advancing core goals of the Convention on Biological Diversity – including the Aichi Targets, and the goals of CITES.

14. **Gaps in geographic and species coverage remain; focus is mainly on single country projects.** No countries from the Latin America and the Caribbean region have been included so far, even though substantial illegal wildlife trade occurs within the region. The gaps in coverage reflect the fact that the GWP emerged from concerns focused on the plight of charismatic megafauna—specifically the trafficking of elephant ivory, rhinoceros horn, and large cats. With the exception of the global grant, all the child projects under the GWP are for a single country. Cross-boundary issues must be addressed, as illegal wildlife trade is by nature international, and the techniques that are effective in combating the trafficking of other illicit goods must be employed.

15. **The GWP has an appropriately comprehensive theory of change to address illegal wildlife trade; most GWP funding is focused on addressing IWT at source.** The theory of change, set out in the GWP’s PFD, emphasizes addressing each stage in the illegal wildlife trade

supply chain, namely the source of wildlife traded illegally, the shipment and transportation of wildlife and wildlife products, and the market demand for those products. Despite the comprehensive theory of change, most GWP funding is focused on activities to fight illegal wildlife trade at the source, with 68.3 percent of the GEF's funding allocated to this component. Demand constitutes the smallest portion of the funding allocated: \$2.4 million, or approximately 1.8 percent of total GWP funding. The skewed allocation of GEF funds in supply, transit and demand countries is the reflection of a program composed of country-lead projects following the participating countries' priorities.

16. There are structural limitations on the extent to which GWP child projects can be expected to fully realize the PFD because of the current funding mechanism. Most of the funding available for child projects under the program is from STAR allocations. While the STAR is beneficial in that it ensures that country recipients have adequate buy-in with respect to their country priorities on illegal wildlife issues, it is also a constraint because there is minimal leverage the GEF can exert over countries in directing their funding to the program. Moreover, issues of illegal wildlife trade need cross-boundary coordination, which will require incentivizing countries to participate in combating these issues at a regional scale.

17. Political will and corruption are not explicitly and directly addressed in projects. Eleven of the 20 country-specific projects describe corruption as an issue but only 6 projects mention anti-corruption measures as part of their objectives. Furthermore, the GWP does not mandate reporting of indicator data on arrests, prosecutions, and convictions for all projects, instead requiring this information only insofar as it is relevant to an individual project.

18. The M&E framework for child projects is simplified and more relevant to the program. The three chief GWP indicators track the broad theory of change of the program, capturing number of law enforcement and judicial activities, number of people supported by GWP activities, and number of target species poached. This framework is simpler than those applied to other GEF programs, but it is not clear whether this simplified M&E framework will be able to capture the uniqueness of the child projects as well as overall program accomplishment.

19. The GWP global coordination grant is accomplishing more than expected with the available funding. The global grant is an innovative design element of the program and its contributions to date have been recognized by program participants. It coordinates actions and build capacity, learning, and knowledge management to address the issue of illegal wildlife trade across the entire supply chain with implementing partners, donors, and international organizations—some of which are not GEF Agencies. To accomplish these manifold objectives, the global grant receives only 5 percent of total GWP funding.

The main recommendations are:

20. The GEF has an important role to play in combating illegal wildlife trade, and the ongoing illegal wildlife trade crisis warrants scaling up of GEF's work. Given the scale of the problem, additional efforts are required to combat illegal wildlife trade. As an intergovernmental organization with an established track record in addressing a range of

biodiversity-related issues, the GEF has distinct advantages. With its mandate and expertise, it brings together multilateral agencies and national governments to develop and implement effective programs on the ground. Scaling up the GEF's work requires increased funding under the GEF-7 replenishment cycle and a sharper focus on illegal wildlife trade.

21. Further integration of bottom-up, country-driven approaches with top-down, strategic approaches is necessary. Such integration is essential to both developing effective IWT programming and maintaining ownership and buy-in of individual countries in their projects. Adjustments to the funding mechanism for GEF IWT activities could facilitate integration of these approaches. Rather than relying solely on STAR allocation funding as under GEF-6—with the exception of funding under the global coordination grant it would be desirable to support the program with non-STAR funds to carry-out activities in transit- and demand- countries where investing GEF resources may not accrue Global Environmental Benefits for the participating countries. Additional non-STAR resources would benefit activities across international borders in supply countries where STAR funding may not be sufficient to cover both the domestic as well as trans-boundary activities. Private sector funding could be leveraged to address wildlife trafficking and demand issues.

22. With respect to the scope of the GEF's illegal wildlife trade funding, there should be a strategic expansion to other species, countries, and regions. Specifically, the program should expand to cover Latin America and the Caribbean, which pose particular issues with respect to the pet trade. To protect biodiversity more broadly, it would also be beneficial to expand strategically to cover other wildlife, moving beyond elephants, rhinos, and big cats.

23. In addition to country-led national projects, stronger regional and global programming is important. Projects at both scales—country-specific projects and those at a broader scale—are important to the success of the program. Because illegal wildlife trade is ultimately an international issue, the program can be more cohesive if cross-border connections are designed as a core part of the program. This could be achieved by supporting activities across international borders with non-STAR resources. In addition, the GEF ought to consider how to engage other countries that are not yet participants in the Global Wildlife Program but are part of the larger system of illegal wildlife trade—whether they are eligible GEF recipients, like China, or non-recipients, like the United States, Europe, or Japan. The communication initiated with major international donors and their agencies should continue.

24. Political will and corruption should be explicitly and directly addressed in all IWT projects. A robust and coordinated focus on political will and corruption will ultimately help achieve the increases in arrests, prosecutions, and convictions that the GEF-6 Biodiversity Strategy prescribes. Participating countries in future GEF funded projects on poaching and illegal wildlife trade, should be encouraged to invest some financial resources in addressing corruption issues. An alternative would be for the GEF to support third parties like the ICCWC to engage with countries to pursue this part of the agenda as is being done in *some countries*.

25. Continue to use the simplified but relevant measures for tracking overall Program performance while reflecting the uniqueness of child projects. As is the GWP tracking tools are

used, the GEF should continue to assess that experience to ensure that it matches the current expectations regarding its benefits. The lessons that emerge should then be integrated into the tracking tool and evaluation frameworks going forward. Monitoring and evaluation of all IWT projects should include the tracking of arrests, prosecutions, convictions, and penalties as appropriate. Collecting data for these sub-indicators for *all* projects would enable a more thorough assessment of the effectiveness of the projects, as well as the impact of corruption and political will on efforts to combat IWT. Doing so would contribute to realizing the priority set under Program 3 of the GEF-6 Biodiversity Strategy of increasing arrest and conviction rates for poaching of threatened species.

26. Create links between other international activities regarding demand and GEF-supported efforts. As with trafficking, it important to acknowledge a critical portion of the supply chain with respect to demand occurs in the United States and in Europe, which are not eligible GEF recipients. While this problem is, in part, outside of the scope of the GEF's activities, it must be acknowledged in working to solve this global problem on a global scale. In addition, the GEF can foster linked between demand countries and GEF-eligible countries, such as the partnership created between Mozambique and Vietnam regarding illegal wildlife trade.

27. Sustainability of Knowledge sharing components needs to be established. *The* knowledge sharing components of the Global Wildlife Program will facilitate the Program's further evolution. Fostering connections between experts and in-country staff, in addition to the relationships with the implementing agency technical staff, will enable the continual improvement of the programs at the ground level. The connections between countries fostered by these coordinating and knowledge sharing activities run by the WB with the coordination grant, can also facilitate the development of projects to combat illegal wildlife trade that reach across borders.

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I. INTRODUCTION

1. The GEF serves as the financial mechanism to the Convention on Biological Diversity (CBD) and provides financial and technical resources for developing countries and countries with economies in transition to implement the CBD. The GEF through its biodiversity focal area supports interventions to improve sustainability of protected areas (PAs) and PA systems, reduce threats to biodiversity, mainstream biodiversity into production landscapes/seascapes and sectors; supports initiatives on biosafety; and access to genetic resources and benefit sharing.

2. As part of OPS6, the IEO has undertaken two studies of the biodiversity focal area – a) an evaluation of the GEF funded projects on Access and benefit sharing (ABS) and the Nagoya Protocol, and b) a study to assess GEF support to address illegal wildlife trade through the GEF Global Wildlife Program. These two studies are the first conducted by the IEO on these themes. The Impact Evaluation of the GEF Support to Protected Areas (PAs) and PA Systems completed in October 2015. The Evaluation of GEF support to Biodiversity mainstreaming, will be presented to the Council in June 2018.

II. ACCESS AND BENEFIT SHARING AND THE NAGOYA PROTOCOL

3. This study assesses the relevance, ex-ante quality of monitoring and evaluation, and the design aspects of GEF projects on access and benefits sharing (ABS).

4. Since the term “access to genetic resources and equitable sharing of the benefits arising from their utilization” was initially coined (in Articles 3 and 15 of the 1992 Convention on Biological Diversity (CBD), it has been legally and practically challenging. Although national efforts to implement ABS commenced even before the CBD’s rapid entry into force, few countries were able to determine how to implement the concept at all. Two countries (Costa Rica and the Philippines) and one region (the Andean Pact) made well publicized efforts to adopt ABS legislative measures. Early on, these were publicized as major examples of ABS success. Within a few years, however, national ABS focal points from those countries and region stated in meetings and wrote in articles that their initial efforts had not succeeded in producing a functional ABS system.

5. On 29 October 2010, seeking to ensure that achievement of the ABS objective would not fall behind the achievement of the other two primary CBD objectives (conservation of biological diversity and the sustainable use of its components), the CBD Parties adopted the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising From Their Utilization to the Convention on Biological Diversity (NP).¹ The NP entered into force are included within that number, and numerous non-signatory countries are implementing it, suggesting that it may eventually achieve a much higher level of global coverage.

¹ unep/cbd/cop/dec/x/1 (“access to genetic resources and the fair and equitable sharing of benefits arising from their utilization”). available online at <https://www.cbd.int/decision/cop/default.shtml?id=12267>.

6. Beginning with the third CBD Conference of Parties (CBD COP) in 1996, the CBD Parties have provided guidance to the GEF on ABS implementation.² When the Nagoya Protocol (NP) entered into force in 2012, this process evolved, and the NP Parties began to provide more detailed guidance directed specifically at ABS issues and implementation. Given the level of controversy surrounding ABS, as well as the differences in interpretation and other factors, these guidance-to-the-GEF decisions have been the subject of detailed negotiation.

7. In addition, the Secretariat, COP Committees, Working Groups and Expert Groups, as well as Parties and experts have submitted a range of studies that have considered and addressed the opportunities as well as the challenges and obstacles embodied in the objective of developing and implementing an ABS regime that is functional and effective at all levels from global to community. As evidenced by this large body of ABS literature, national and sectoral perceptions of ABS were greatly varied and no unified view of the concept appeared to be coalescing.

8. With only 39 approved or submitted projects at this date, this study has been able to examine available documents on nearly all projects (excluding only the two most recently submitted projects.)³ The projects reviewed date back to GEF-4. Only eight of them have been externally evaluated to date. The study also includes the results of interviews, of a range of GEF Secretariat and Implementing Agency focal points, project managers and government counterparts, eventually receiving specific information on seven GEF- and/or NPIF-funded projects that are now either complete or near completion; as well as responses to a brief survey, which was prepared and circulated to a global list of eminent ABS Specialists.

9. This report focused on identifying the manner in which ABS projects are functioning, some emerging lessons from a review of the activities and interventions to date, and some concerns and indications of potential areas for improvement or further development in future.

10. *Limitations.* As noted above, the GEF's ABS portfolio is relatively new, and most of the projects in it are in early or pre-implementation stages. Of the executory projects, relatively few have as yet been independently reviewed. Accordingly, this evaluation focuses almost exclusively on planned interventions in a subject area (ABS), which is generally unlike other project areas in many essential ways and that relies on the expectations of new innovations for progress. A further limitation arises from the fact that this is a desk study, with no site visits and only telephonic interviews. As noted in II.3 (F), it is not advisable to assume representativeness in any aspect of a topic that is as highly complex as ABS, and on which there are such a large number or potentially different perspectives. Although efforts have been made to broaden the base of information, it may not be sufficiently representative of all relevant perspectives.

²Discussed in I.C., *infra*.

³Included are a total of 68 documents, including Requests for CEO Approval/ Endorsement where available, and in some cases other project documents and evaluation reports.

1. ABS and the GEF ABS Strategy

11. Over the first six replenishment phases, the GEF's strategy on ABS has evolved significantly. The GEF's work on ABS is undertaken within a sphere that is at times highly charged and controversial. The inherent complexity and ambiguity of the ABS concept as internationally developed, combined with the complexities encountered in national, regional and global efforts to implement has created this level of controversy, which is directly played out in ABS assistance projects. Accordingly, the GEF Strategy's evolution in this area has been closely linked to the evolution in the "guidance to the financial mechanism" on this point, as provided by the Parties to the CBD. (Annex 6 provides a more detailed summary of the dovetailing evolution of the ABS aspects of the GEF's strategy and the CBD-COP's guidance to the financial mechanism).

A. The ABS Concept

12. The concept of ABS was initiated as a mechanism for linking issues of conservation with those of social welfare and domestic development. It was described as the "great bargain" by which countries and companies with the present capacity to utilize Genetic Resources (GR) for commercial and non-commercial benefits would agree to share those benefits in return for access to those GR and the right to so utilize them. As such, it would contribute to the conservation and sustainable use objectives by providing a direct financial benefit linked to conserved species and ecosystems and through it a long-term incentive for continued conservation and sustainable use of biodiversity as an investment in the future. In light of the immense potential for commercial and other value of GR, the ABS concept was built upon the idea that it would operate primarily through direct use of private sector mechanisms, such as contracts, permits and licenses.

13. The NP responds to the integrated nature of biological diversity, and the potential within GRs and ATK to provide an equitable approach to the interlinked concepts of ownership, utilization, access to technology, and rights to know of and participate in key decisions regarding access, equitable benefit sharing, prior informed consent, mutually agreed on terms, and the range of protocols procedures and instruments by which ABS is implemented. All this is integrated with an understanding that national and community situations and contexts differ broadly and each should be properly reflected in ABS implementation.

B. ABS and Indigenous Communities

14. Since the adoption of the NP, ABS has been of particular relevance to indigenous and local communities (ILCs). Not all the ABS principles and objectives as described above applicable to the GR over which ILCs have established rights, but since the NP's adoption the same principles and processes are to apply to that portion of their "traditional knowledge" that is "associated with genetic resources" (their ATK). The NP has specifically noted that the CBD's specific recognition of ILC's rights and roles with regards to GR and ATK, and to ensure that their customary use of these resources is not impaired. In conjunction with the adoption of the UN Declaration on the rights of indigenous peoples (2007), the CBD and NP embody a major

step in broader adoption and recognition of indigenous rights and strengthening the ability of ILCs to benefit from the use of their knowledge, innovations, and practices.

C. Strategy-related Instruments

15. As shown in Annex 6, there is a high degree of coherence among the various strategic and guidance documents relevant to the GEF's ABS interventions. Over the course of this study, it has become clear that the GEF supported ABS projects have worked well within the mandate of these various guiding instruments, producing a balance among key objectives.

GEF-6 Strategy Regarding ABS Interventions

16. Building capacity and national measures on ABS have been specifically stated as part of the GEF's biodiversity focal area strategy since at least GEF-4 (2006-2010).⁴ Like all parts of the GEF- biodiversity strategy, the components addressing ABS issues are closely coordinated with ABS elements of the CBD-COP's decisions providing guidance to the GEF. The current strategy also coordinates with the Aichi Targets.

17. With regard to ABS, the GEF-6 program statement noted that the "incipient nature of the [ABS] thematic area, and the importance that the COP has placed on ABS both in the way guidance is presented to the GEF and the strong emphasis that has been given on capacity building at this stage" leading to the present ABS initiatives supported by the GEF "as a discrete and important element of the GEF biodiversity strategy [that merits its own program of support." It goes on to state a broad focus within the ABS arena, stating that projects could be supported for:

- (a) stocktaking/assessment addressing "gap analysis of ABS provisions in existing policies, laws and regulations, stakeholder identification, user rights and intellectual property rights, and assess institutional capacity including research organizations."
- (b) "development of a strategy and action plan for implementation of ABS measures (e.g. policy, legal, and regulatory frameworks governing ABS, National Focal Point, Competent National Authority, Institutional agreements, administrative procedures for Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT), monitoring of use of genetic resources, compliance with legislation and cooperation on trans-boundary issues)"; and
- (c) "Building capacity among stakeholders ... to negotiate between providers and users of genetic resources."

⁴ As reported in the GEF website, the GEF developed its first targeted biodiversity strategy in GEF-3. That strategy incorporated principles directed at achieving lasting biodiversity conservation and sustainable use, emphasizing a) sustainability of results and the potential for replication; and b) the strengthening of national "enabling environments (policy and regulatory frameworks, institutional capacity building, science and information, awareness)"; c) the mainstreaming of biodiversity conservation and sustainable use in the wider economic development context; and (d) increasing support for sustainable use and benefit sharing. (Based on 4 in "Draft GEF-5 Focal Area Strategies" Doc GEF/C.35/Inf.13; May 28, 2009.)

18. It added, with regard to technical capacity, that “countries may consider institutional capacity-building to carry out research and development to add value to their own genetic resources and traditional knowledge associated with genetic resources.” It also committed to support participation in the ABS Clearing-House mechanism and to enhance national implementation of the Nagoya Protocol through regional collaboration.

NPIF Strategy

19. The NPIF (initially funded in 2011 by Japan, Norway, Switzerland, the UK and France) is defined as “additional to the STAR.” Its strategy declares two levels of priorities – one for national projects and a second for international. With regard to country-based work, it states three priorities: to “pursue opportunities leading to actual ABS agreements between users and providers”; “promote technology transfer and private sector engagement”; and “Allow countries to gain information to review capacities and needs on ABS with focus on existing policies, laws and regulations.” Globally, its priority is to “support the ratification and implementation of the NP,” and its primary objective was “to facilitate early entry into force of the Protocol and create enabling conditions at national and regional levels for its implementation.”⁵

20. In its May 2014 Council Meeting, the GEF Council, as Trustee of the NPIF, came to some critical decisions with regard to the NPIF. It decided to extend the operation of the NPIF to December 31, 2020 for operational reasons to allow continuation of project preparation for and implementation of already approved projects. Consistent with the May 2011 GEF Council decision on the NPIF, however, the Council decided that would not approve any new PIFs under the NPIF after 30 June 2014.⁶ Thus, new ABS projects proposed after June 2014 are funded from the GEF Trust Fund, either based on STAR allocations or applying FAS.

CBD-COP Guidance to the GEF’s Work on ABS

21. Since COP-3 in 1995, every CBD COP has adopted at least one decision providing guidance to the GEF, as the “financial mechanism of the Convention. Since COP-11, these decisions were supplemented, often in detail, by comparable decisions of the NP COP/MOPs. COP-13’s guidance decision annexes two key documents: the COP’s recommendations for the “Four-Year Framework of Program Priorities for the Seventh Replenishment Period (2018-2022) of the Global Environment Facility Trust Fund” and a new “Consolidated Previous Guidance to the Financial Mechanism.” In general, this document identifies. The evolution of these decisions over this 22 year period indicates that the perceived needs identified by COP-3 continue to be priority concerns of the COP. In particular, the current guidance reiterates the COP-3 statement of the need for an increase in the “number of countries that have adopted legislative, administrative or policy measures on access and benefit-sharing.”

22. ABS issues individually are most directly discussed in Article 15, paragraph 23 which lists nine major areas of intervention and seven sub-areas. In addition, the Consolidated Previous

⁵ As described in the *GEF-6 Biodiversity Strategy* at page 22.

⁶*Ibid.* at page 21, note 21.

Guidance addresses ATK issues separately, as part of “Article 8(j) and related provisions” in paragraph 17, emphasizing the “Inclusion of perspectives of [ILCs]... in the financing of biodiversity and ecosystem services,” and generally strengthening their involvement in conservation and the promotion of customary sustainable use of biodiversity. Other parts of the consolidated guidance that are apparently relevant to ABS include Articles 11 (“Development and implementation of innovative measures, including in the field of economic incentives and those which assist developing countries to address situations where opportunity costs are incurred by local communities and to identify ways and means by which these can be compensated”); 16 (“Access to and transfer of technology”), 18 (“technical and scientific cooperation”), 20 (“Development and implementation of country-specific resource mobilization strategies.”), 12 (“Research and training,”) and 13 (“Public education and awareness”).

23. In light of the complexity and controversy surrounding ABS and the basic correlation between it and the GEF strategy documents, the GEF supported ABS projects have appropriately viewed the CBD and NP guidance to the financial mechanism as a primary source of guidance to its work.

Other CBD Sources of Strategic Guidance – The Aichi Biodiversity Targets

24. The CBD’s Parties have also adopted another source of guidance that touches on the ABS family of issues. The Aichi Targets were adopted in CBD-COP-10. They are grouped around five “strategic goals”. Genetic diversity, traditional knowledge and the Nagoya Protocol are directly mentioned in three targets, each linked to a different strategic goal:

- (a) Target 16: that the NP be in force and operational “consistent with national legislation” by 2015.
- (b) Target 18: that “the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected..., and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels” by 2020; and
- (c) Target 13: that “the genetic diversity of cultivated plants and farmed and domesticated animals and of wild relatives ... is maintained, and strategies have been developed and implemented for minimizing genetic erosion and safeguarding their genetic diversity” by 2020.

25. Although Target 16 was not achieved by 2015, the “in force” requirement has been met. The requirement that it be “operational consistent with national legislation,” however, has proven a much higher bar, and does not appear to have yet been achieved.

26. Regarding Target 18, some interpretation of the word “respected” may be necessary. However, the primary measure of achievement will again be the adoption of national implementing legislation and its integration with/reflection in “the implementation of the Convention.” The fact that this target does not mention or name ABS and/or the Nagoya

Protocol is emblematic of a very important message – that the rights of indigenous and local communities, and the issue of “traditional knowledge” are much broader than the NP, so that appropriate measures to address “traditional knowledge associated with genetic resources” (herein ATK) alone do not necessarily address the full range of traditional knowledge concerns. The NP includes separate provisions that discuss the “genetic resources that are held by indigenous and local communities,” however, these provisions address only a portion of the resources to which ILCs may have legal rights.

27. Target 13 is linked to ABS in light of the original intention of the ABS concept – that it provide a motivation and incentive for conservation. As numerous commentators and legal analysts have noted, the ABS concept’s complexities and ambiguities have made this linkage very difficult, troublesome and time-consuming to implement.⁷

Synthesis

28. In synthesizing the available strategies and guidance, it is useful to look at how they have evolved (Annex 5). Annex 6 provides a comparative listing of the current range of elements that are included in the CBD Consolidated Guidance and Aichi Targets, and how they integrate with the GEF-6 ABS strategy and the NPIF strategy. Twenty-two years of priority-based support efforts (both non-GEF and GEF-funded) have produced a great volume of useful information, but have not produced significant progress on the initial priority areas relating to ABS. Instead review of the COP guidance documents indicates only an expanded range of perceived needs. It seems clear that some aspect(s) of the support strategy and Parties’ priorities may have been overlooked,⁸ and that the enhanced achievement of the GEF’s and the Parties’ objectives may depend on examination of that underlying issue.

29. The strategic guidance available to the GEF Secretariat with regard to support for ABS and for NP implementation is abundant covering a broad swath of potential areas of action. As the Key Informants (KIs) pointed out, however, it sends a clear message that the Parties view the area as both important and controversial. Thus, the volume of guidance fulfills two objectives: It provides fixed priorities, on which to justify project activities; and it enables country-driven projects to identify their particular highly individualized needs and concerns from within the broad range of specified priorities.

D. Application of GEF-6 and COP-13 Strategic Priorities in the GEF supported ABS projects

30. In reviewing key project documents of 37 existing and proposed ABS projects, an effort was made to break down the projects according to particular categories of activities. For various reasons, the following nine categories were used:

a. Legislation

⁷ If the goal of the system were solely one of financial development, an entirely different type of framework would have been mandated. Accordingly, it is generally believed that ABS development should result in a system that provides a motivation for conservation and that such a motivation will be generated when communities begin to see benefits from the utilization of their GR or ATK.

⁸ See II.4 (B), below.

- b. Building governmental capacity for legislative development and implementation
- c. Support to the discovery of “promising compounds” and/or the negotiation/implementation of “pilot” ABS contracts
- d. Building “Stakeholder capacity” and technical capacity in the provider country
- e. Increasing awareness of stakeholders (i.e. persons not directly involved in the implementation of ABS frameworks)
- f. support for ILCs and the protection of ATK
- g. Regional cooperation
- h. Developing a database of GR and/or ATK
- i. Other

31. The results of that analyses demonstrate that the GEF’s ABS portfolio is carefully adhering to the priorities set out in the applicable strategy and guidance documents. The projects show a balanced and broad coverage of all objectives stated in the GEF and NPIF strategies, and there is more than one project activity on every issue identified in the list of ABS priorities found in CBD-COP-13’s “Consolidated Guidance.” All but one of the projects in the portfolio includes either or both of categories 1 and 2, which address the priority focus on the development of ABS measures. The exception is a proposed fund to finance entrepreneurial activities of stakeholders to add value to GR (e.g., identification and development of promising compounds). All 37 projects include at least one of the capacity/awareness development categories (items 3, 4, 5 and 6, above). Predictably, the categories found in the fewest projects are database and regional development, which are often thought to be the activities that most countries are not yet ready (or in some cases willing) to undertake.

32. Within the GEF ABS portfolio, the NPIF funded 13 projects – 1 global, 2 regional and 10 national. Two of these – one global and one national – stated the NPIF’s first priority issue (ratification of the NP) as their objective.⁹ With regard to the NPIF’s other priorities, all thirteen included some element of national legislative development and/or implementation; 62% (8 projects) included elements of the development of stakeholder capacity, including research and technical capacity, and 69% (9 projects) specifically included one or more elements relating to the negotiation of ABS agreements or the identification of promising compounds for purposes of promoting future agreements.

⁹ GEF Council Decision adopting the document “Outstanding Issues Related to the Nagoya Protocol Implementation Fund” GEF/C.40/11/Rev.1, (“the NPIF will give priority to projects directly related to the countries’ ability to ratify the Protocol.”)

2. The GEF's ABS Portfolio

A. Resourcing

33. GEF financial resources in support of the Ratification and Implementation of the Nagoya Protocol have come from two sources: the NPIF and the GEF Trust. Prior to GEF-5, the GEF Trust Fund had supported five UNEP-implemented projects on ABS. Half of the 26 projects funded under GEF-5 were funded by the NPIF, and the other half by the GEF Trust Fund. The fund terminated according to its terms with the end of GEF-5. As noted above, in May 2014, the GEF Council that no new PIFs would be approved under the NPIF after 30 June 2014.¹⁰

The Nagoya Protocol Implementation Fund

34. Thirteen GEF biodiversity projects have been funded by the Nagoya Protocol Implementation Fund (NPIF) and all of them are GEF-5 projects. A total of \$15.7 million was approved for NPIF projects, with \$36.95 million of co-financing. Overall, for every dollar the NPIF projects spend, another \$2.57 in co-financing is acquired.

35. **Project Status and Project Size:** According to GEF records, of the 13 projects, one has been completed, one is currently under implementation, and the other 11 (85%) have completed their GEF approval process and are ready to start implementation.¹¹ All 13 are medium-sized projects.

36. **Implementing Agencies and Executing Agencies.** As shown in Figure 1, all NPIF projects are implemented by UNDP (62%) and UNEP (38%). Sixty-two percent of the projects (8 projects) are executed by the governments as executing agencies/partners. Another 15% (2 projects) are by multilateral organizations, one project by an institute, and the remaining 15% (2 projects) are being implemented by others (Figure 2).

¹⁰ At page 21, note 21, the GEF 6 Biodiversity Strategic Plan notes, that "at its May 2014 Council Meeting, the GEF Council decided to extend the operation of the NPIF to December 31, 2020 for operational reasons to allow continuation of project preparation for and implementation of already approved projects. Consistent with the May 2011 GEF Council decision on the NPIF, the Council will not approve new PIFs under the NPIF after 30 June 2014."

¹¹ Projects which are CEO Approved or CEO Endorsed are considered to have completed their GEF Approval process and to be ready to start implementation

Figure 1: Number of projects, by Implementing Agency and by Executing Agency Types (NPIF only)

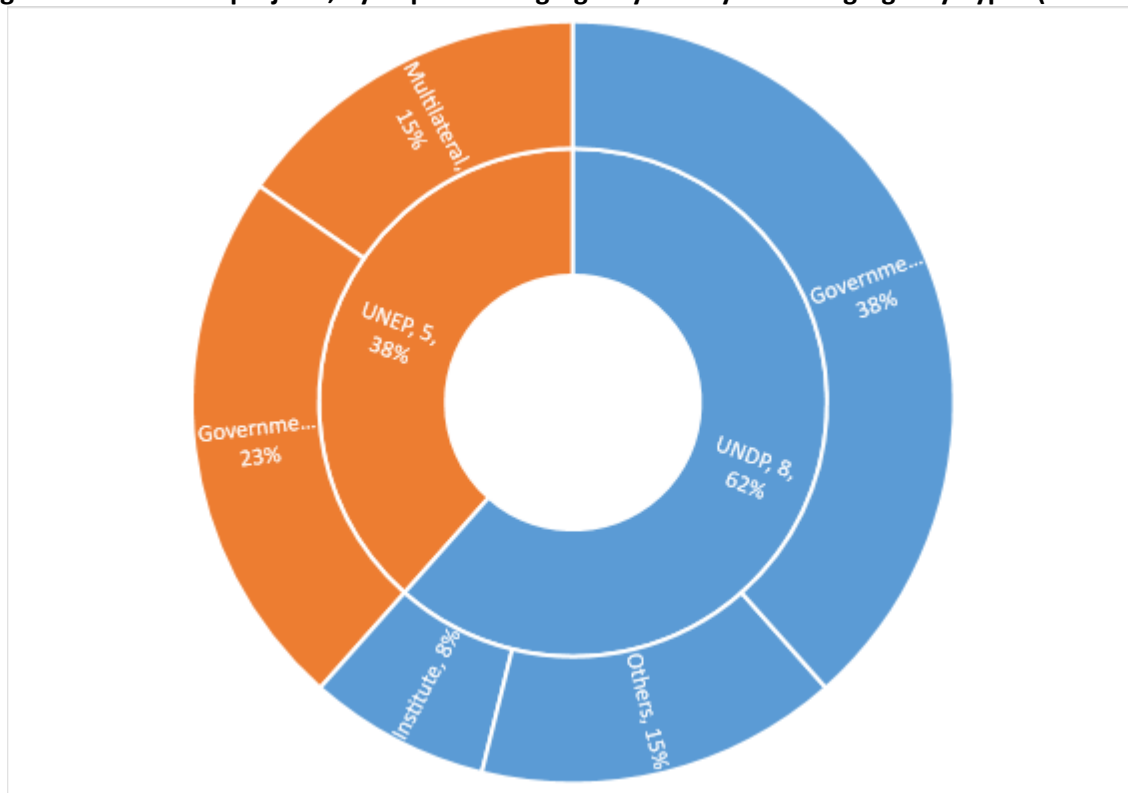
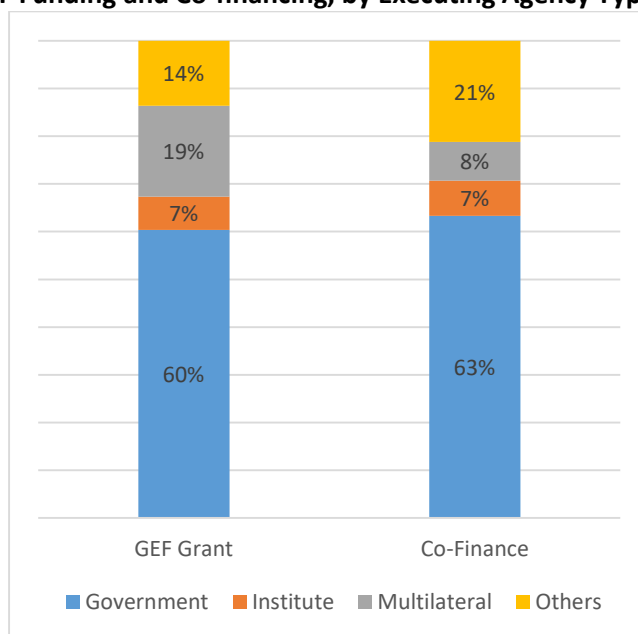


Figure 2: GEF Funding and Co-financing, by Executing Agency Types (NPIF only)



GEF Trust Funding

37. There are three avenues for use of the GEF Trust Fund:

- (a) allocation of funds to individual countries through the System of Transparent Allocation of Resources (STAR).
- (b) the “Biodiversity Set Aside” funds.
- (c) a project funded via the “Non-Grant Instrument”

38. The GEF ABS staff reports that STAR funds were used with regard to all country-based projects supported by GEF-5.

39. Under the “focal area set-aside” (FAS) in the GEF-5 biodiversity strategy, FAS funds currently not earmarked were to be used to address supra-national strategic priorities or to incentivize countries to make substantive changes in the state of biodiversity at the national level through participation in global, regional or multi-country projects. GEF records show that three of the ABS global projects have been funded under the FAS.¹² One of these provided global workshops for countries regarding the ratification of the protocol, and also enabled the SCBD (its implementing agency) to prepare the global level implementation processes. Under another global project, 24 countries received individual assistance with national ABS framework development and implementation. Biodiversity FAS funds were also used in support of six regional projects.¹³ One regional project was funded under GEF-6 via a non-grant instrument.¹⁴

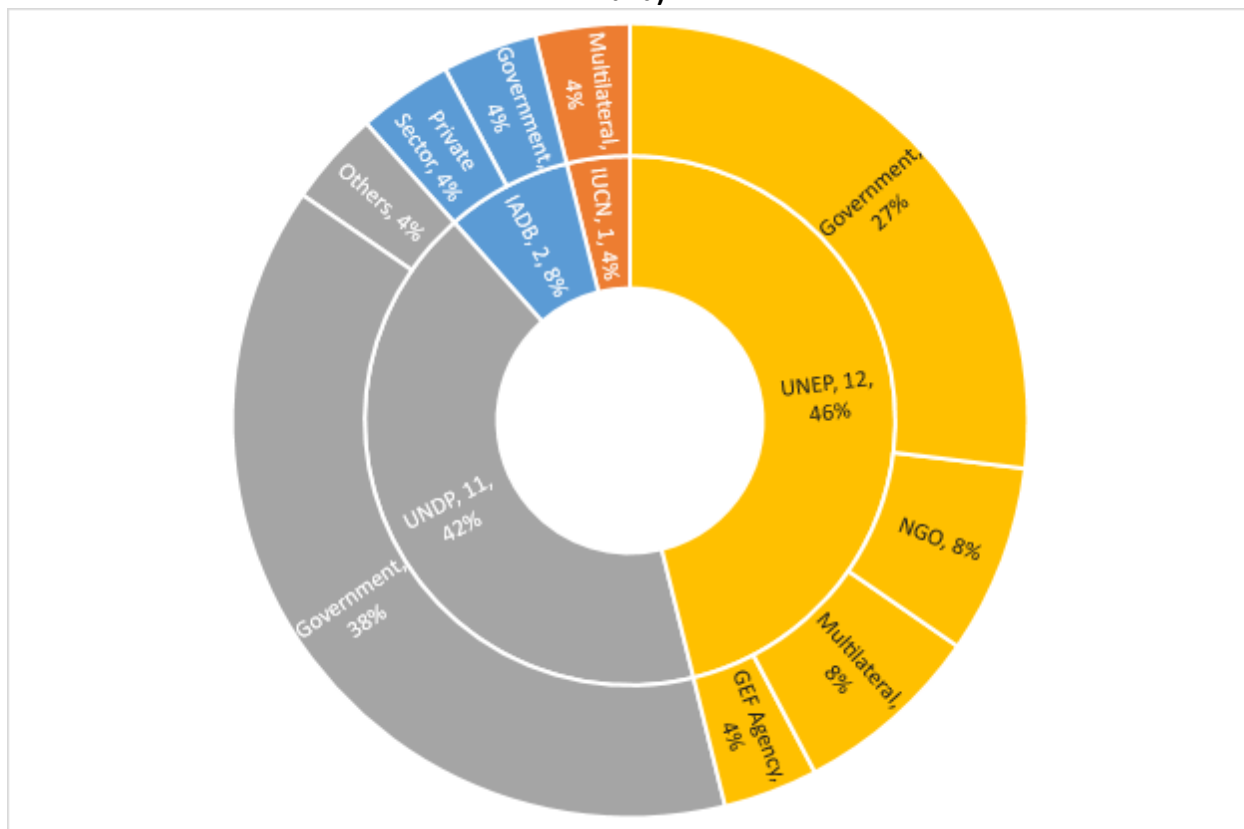
40. As the time statistics are being developed for this component of the analysis (June 2017), the portfolio identifies 26 trust-fund biodiversity projects in support of the Access and Benefit Sharing (ABS) since GEF 4 (Figure 3). A total of \$82.8 million has been approved for ABS-related projects, with \$227.7 million of co-financing. The amount of GEF Grant invested in ABS projects increased from GEF-4 (\$9.4 million) to GEF-5 (\$42.7 million). To date, \$30.79 million has been allocated to the 8 ABS projects in GEF-6. Overall, for every dollar the GEF spends on ABS projects, another \$2.8 in co-financing is acquired. The co-financing leverage ratio for ABS projects has improved from GEF-4 to GEF-6.

¹² PMIS no 4415 and 5731.

¹³ PMIS no. 5774.

¹⁴ PMIS no 9058.

Figure 3: Number of projects, by Implementing Agency and by Executing Agency Types (GEF Trust Fund)



B. Objectives, Activities and Interventions

41. The following briefly summarizes an overview of the activities and interventions undertaken or proposed under the 39 ABS projects (through the NPIF or GEF Trust Fund).

Project scope and participation

42. The 39 projects include 29 individual country projects, 7 regional projects, and three global projects. Figure 4 graphically demonstrates regional representation. Since many countries participated in 2 or 3 of the projects, it appears that approximately 75 countries were represented in 36 projects that listed participants. Forty-six of those countries participated only through regional (and possibly global) projects. As discussed below, most of the projects are in early or pre-implementation stages (See Figure5).¹⁵

¹⁵ GEF PMIS records available did not appear complete on this topic. This study does not systematically update them only noting that, according to other information more projects appear complete and/or in implementation.

Figure 4: Regional representation (all projects)

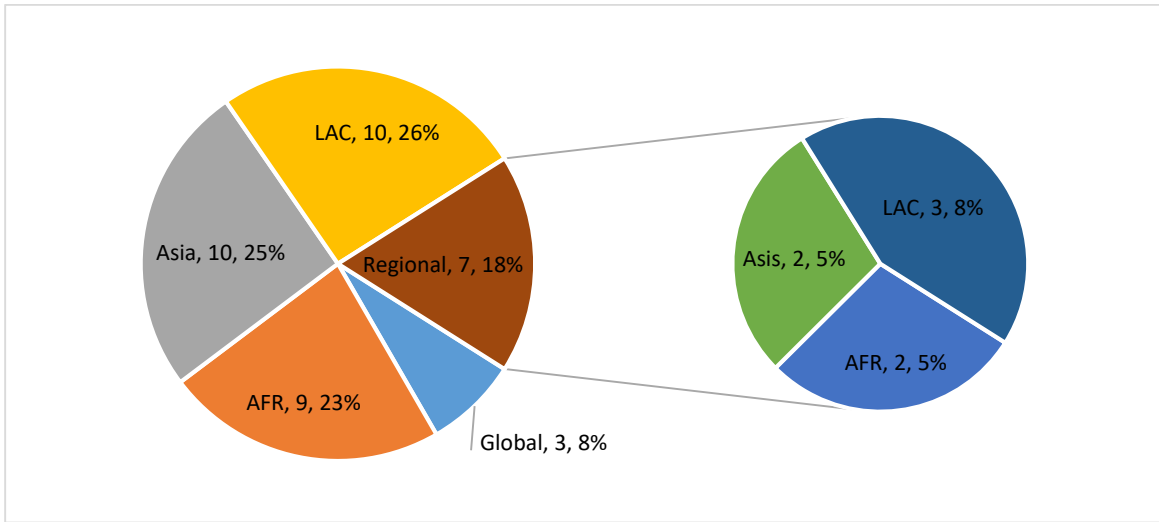
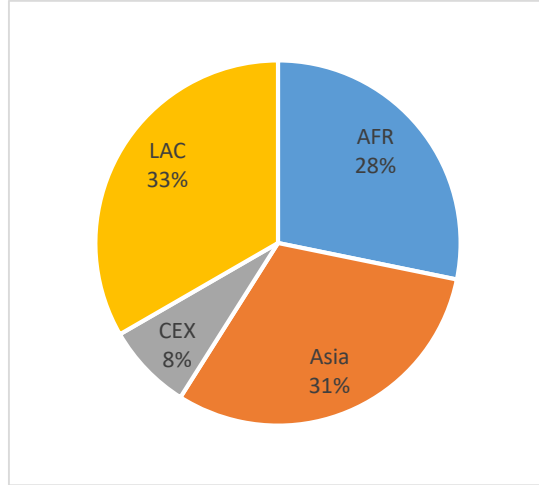
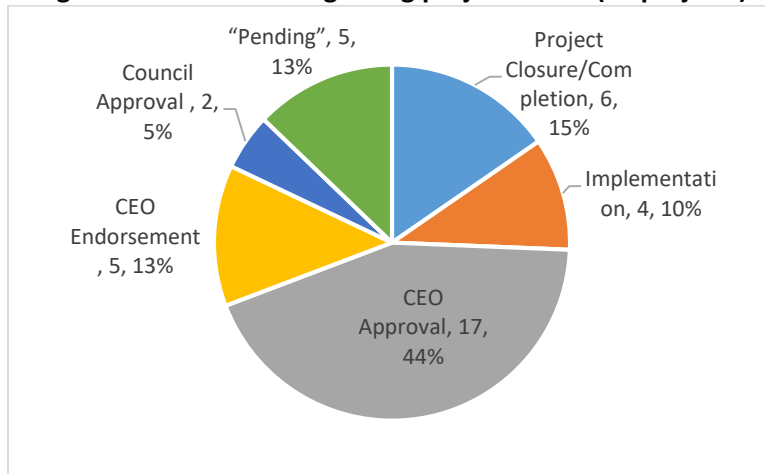


Figure 5: GEF records regarding project status (all projects)

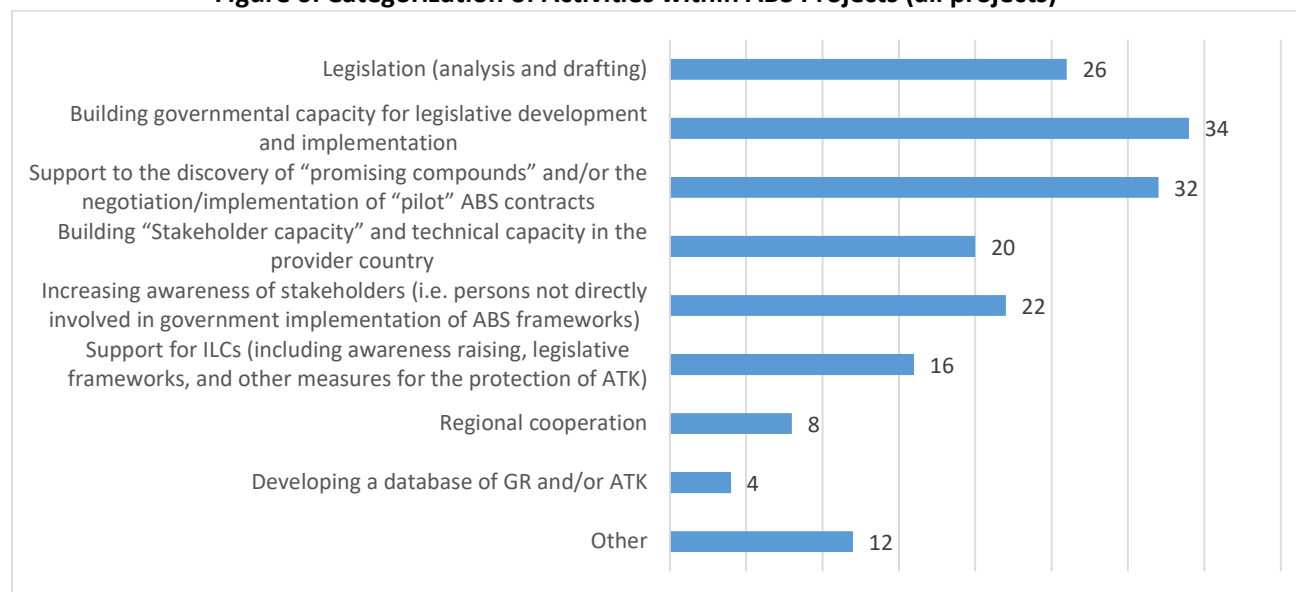


Project Activities and Interventions

43. Within the 37 projects and proposals reviewed, activities cover a very broad range of strategic options, including more than one project working on every issue identified in the list of ABS priorities found in CBD-COP-13's "Consolidated Guidance."

44. **Priority Outcome Areas:** In considering the scope of activities represented by the 37 projects, each project was initially examined to determine what types of ABS activity were covered within the project. As a recognition of the fact that the GEF and NPIF strategic statements on ABS identify only a few general areas, while the CBD/NP's "consolidated guidance" identifies a larger and more specific list, this analysis divided project activities into the following categories. Figure 6 notes the number of projects that included at least one activity in a particular category.

Figure 6: Categorization of Activities within ABS Projects (all projects)



45. These results demonstrate that each of the projects was clearly focused on at least one of the priority strategic areas governing the GEF's support to ABS. Only one of the 37 projects did not include a specific element addressing the assessment, development, adoption or implementation of the national legislative framework (the first two categories), and that exception was a project directed at the establishment of a SME development fund in connection with ABS businesses. In addition, 90% of the national projects (26 of 29) include elements in support of an objective related to of direct commercial involvement (category 3).

46. Half of the 10 regional and global projects do not include any element of commercial enhancement, perhaps reflecting the fact that national commercial developments are felt to be both individual and confidential.

47. Predictably, the categories found in the fewest projects are database and regional development (categories 7 and 8), which are often thought to be the activities that most

countries are not yet ready (or in some cases willing) to undertake. Most of the regional/global efforts relating to commercial aspects of ABS appear to be focused on ABS contract issues.¹⁶

48. **Engagement of Indigenous Peoples:** Engagement of ILCs is an important element of the GEF and CBD Strategy instruments discussed above. GEF projects have recorded particular achievement in this area, as discussed in Part II.3 (A), below. Statistically, a GEF review of all ABS projects funded pursuant to GEF-4 and GEF-5 indicated moderate success with regard to the engagement of indigenous peoples. All projects recorded some level of engagement, with 71% of projects rated at moderate or significant levels of achievement.

49. **Gender and Equality:** Gender issues are also of particular strategic priority in the GEF. GEF ABS projects have made strong efforts to support this issue, and as a result, gender considerations were directly addressed in all project preparatory documents and approvals. It appears, however, that in several projects these issues have not been tracked. This was apparently expected, as those projects had not set gender disaggregated targets and indicators. Genetic resources and traditional knowledge are often considered as areas in which the women hold a dominant role, so it is possible that the lack of specific indicators reflects the expectation that gender-representation will not present a problem.

3. Project Results to Date

50. This section begins with an identification of several areas of particular effectiveness and positive contribution, followed by a summary of the M&E processes and their results, then turning to effectiveness questions regarding the links between interventions and strategic results.

A. Significant Progress

Provider-side Motivation and the Development of GR/ATK industries

51. One of the most important, innovative and effective aspects of GEF support to ABS projects, is its work toward enabling and supporting the development of the ability and willingness of provider-side countries to identify and develop promising genetic resources or elements of ATK. Demonstration of clear, sufficient and achievable (monetary or non-monetary) benefit arising out of the ABS framework is critical to the sustainability of the results of each ABS project, and of the global ABS regime. A range of projects have evolved that appear very effective in this direction. Several of the GEF ABS projects have interpreted the focus on developing ABS contracts to focus on the goal of making those relationships sustainable and building the commercial and technical aspects through the traditional mechanisms by which all commercial-technical development happens – that is, by helping appropriate persons (entrepreneurs, sectoral groups such as farmers' alliances, and ILC-development committees, etc.) to see the opportunity and move forward through the steps for grasping and developing it. Given that ABS is still in its inception, and that it is quite different

¹⁶ In some countries all ABS contracts are to be negotiated by designated government agencies, with local residents participating particularly in the granting of PIC but also in the establishment of MAT. Both groups are included in regional/global project elements addressing ABS negotiations.

from other sources of commercial opportunity, these projects have found a wide range of areas, including both ABS elements and commercial elements, in which GEF assistance can provide kinds of support and capacity that might be otherwise unavailable for those seeking to enter the ABS world as a sector of activity. These projects are perceived as a major innovation in approach to ABS implementation. At present the most effective ones are undertaken in countries that have already developed and adopted detailed ABS legislation.¹⁷

52. In some of these projects, the promising resources have been identified before the project begins, and the project focuses on additional R&D, development of programs for agricultural multiplication of the resource (to help eliminate the environmental damage attendant on widespread collection in the wild), value addition, and providing assistance, partnership and guidance in developing markets for the substance, arranging long-term supply chains, etc. Serious thought has been focused on the question of how these projects are distinguished from “bio-trade”, producing the view that, where a project includes a bioprospecting and/or R&D component regarding the potential useful properties of the resource, it is ABS; whereas where it is focused on a new or improved supply chain for a known biological material with a known use, it will be considered bio-trade.¹⁸ In another approach, some of these projects begin with support to processes such as bioprospecting and R&D, to identify promising resources. The project then includes processes for identification and negotiation with users and other resource-related activities, based on the assumption that the initial processes are bound to identify promising compounds.

53. These specific projects enable concrete results in addition to contractually committed benefit-sharing. In some, the work focuses on the development of local industries, including both direct users of the resource and industrial processes to add value to it, and increase the up-front income produced. As a result, local employment, training and other benefits from the resources are generated and realized immediately. For these projects, a key result is the development of the project participants contractual relationships with marketing and other experts able to help develop the resource’s market, help identify potential users, and help guide the country in investing in its market and the industries that will grow from it. Projects have also provided assistance with establishing local companies that can enter into contracts and partnerships with commercial institutions, distributing the funds received to local growers (as the price of their crop), to local communities as “benefit-sharing” and in other ways.

54. Although clearly providing useful experience for the officials involved in the project, as well as for those in the community in which the resources are being harvested and developed, many of these projects are not viewed as “pilots,” being seen primarily as “learn-by-doing” assistance to companies and others in organically developing the necessary operational experience and appropriate relationships, which will in turn make it potentially less of a challenge to pursue the next such option when it arises. Others are emphatically described as “pilot projects,” indicating that the goal of the project is to shortcut the organic process and create guidance to the next project in as much detail as possible, based on the pilot activity.

¹⁷ Including Brazil, Colombia, Costa Rica and Panama.

¹⁸ There are specific funding sources for bio trade in other GEF programs, so the distinction only provides a basis for limiting the ABS portfolio, but not to filter other worthy projects away from funding opportunities.

While the organic approach's results may sometimes be taught, its advantage is in its success. A second wave of companies will normally use their own talents to find ways to pattern their own development on the basis of the example they see before them.

55. This approach has been scaled to meet existing and developing capabilities, spanning the range from various forms of value addition (bio collection and processing) to and including direct R&D and implementation by the provider country or companies and institutions within it. Projects also look at other methods for making the GR's role in local livelihoods valuable and sustainable, including the development of supply chain contracts and relationships and technology and training for value addition.

56. This trend is very important and should be encouraged and emulated. As such, experiences and lessons of such projects should share to the extent possible with other project designers. Care should be taken to identify key issues, elements and needs that are found in the advance countries that are currently achieving so much through these project, which appear to be critical to this success, so that less advanced countries can be properly "prepared" in advance of such projects.

Linking ABS to Key CBD Objectives

57. GEF support to ABS initiatives have made major contributions to the linkage between ABS and conservation and that linkage the equitable rights, welfare, resources and needs of ILCs. These linkages are a critical part of the overall ABS picture. Numerous commentators have noted that, while it is clear that the ABS system must function legally and commercially in order to be meaningful, the conservation and social welfare/equity linkages are essential. In the words of one speaker at CBD COP-13, "If the goal of ABS had been simply to create a new market in biodiversity-related resources, there are hundreds of options which would not have been anywhere near this difficult."¹⁹ Indisputably, the objective of ABS is inextricably linked to the CBD's objectives in these areas.

58. **Conservation:** A number of projects included direct linkage between ABS and conservation activities, including for example,

- (a) a project that included significant activities designed to conduct and promote conservation of medicinal plants;
- (b) a project focused on application of ABS principles and national frameworks to support conservation of threatened or endangered amphibians and their ecosystems (other projects propose similar efforts targeting other species or genera);
- (c) a project that includes a specific element addressing the nature of efforts to ensure that ABS supports conservation objectives;

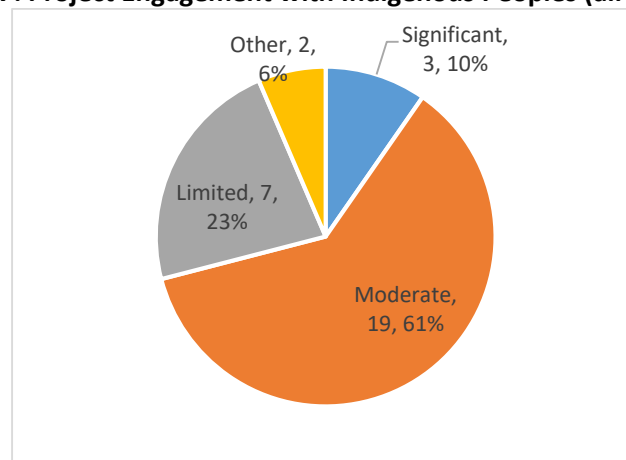
¹⁹ Verbatim notes from a side-event on protected area certification at COP-13.

- (d) projects expressing the intention to work directly with national park authorities, as the nationally designated beneficiaries of ABS agreements relating to genetic resources collected from the national park;
- (e) Specific work focusing on ensuring that bio-collection does not lead to environmental/ecosystem damage or unduly deplete the wild populations of the target species.

59. In this connection, many of the private sector/provider-side projects mentioned above, in their quest to promote value addition programs have developed for agricultural cultivation of the target in environmental conditions that help ensure that its valuable genetic properties are replicated. Such programs are critical for preventing the use or sampling of these species from damaging ecosystems or threatening/endangering species survival.

60. **Indigenous People Involvement:** The study has found that the GEF ABS projects evidence strong support for indigenous peoples. Statistical analysis indicates a moderate level of success in engaging with ILCs. GEF records analyzed the 31 projects approved under GEF-4 and GEF-5, with regard to their level of involvement of Indigenous Peoples, producing the following result as illustrated in Figure7.

Figure 7: Project Engagement with Indigenous Peoples (all projects)



61. Definition of qualitative categories:

- a. Significant: Projects designed exclusively to benefit indigenous peoples or in which the executing and/or implementing agency was an indigenous organization.
- b. Moderate: Distinct project components and/or sub-projects are focused on benefiting indigenous peoples.
- c. Limited: Indigenous peoples participated in a few project activities.
- d. Others: Projects identified ethnic/religious minorities, marginalized populations or faith-based organizations as local stakeholders, but did not use term “indigenous peoples”.

62. This statistic represents a high level of involvement, when one remembers that national strategic priorities regarding ABS continue to identify the development and implementation of functional, adoptable national ABS legislative frameworks as the first mentioned necessity. Given that, in general, countries have not yet surmounted this hurdle for basic ABS, it may be unsurprising that national implementing projects have not yet considered it timely to turn to the next question – developing frameworks on ATK and the GR held by ILCs. That said, however, evidence of success in ILC engagement is clear in the fact that nearly half of all projects include specific provisions addressing the development of ABS for ILCs, including the following:

- (a) The development of national/subnational legislative procedures by which ABS implementation will be addressed differently where it involves GR held by ILCs and/or traditional knowledge of those peoples or communities;
- (b) Assistance to one or more ILCs in the development of community procedures and plans relevant to GR and ATK (including biodiversity protocol development or other ABS activities and training); and
- (c) Specific assistance with identification, development and/or negotiations regarding promising GR or ATK

63. In this vein, many of the projects mentioned above under “Provider-side Motivation” are active at the local level, helping to establish domestic-level partnerships or farmers’ alliances and to build capacity that will enable them to represent ILCs in negotiations with users. Some of the projects have also integrated ILC elements with critical aspects focused on conservation, as well.

Entry into Force and the International Infrastructure for ABS

64. The GEF support to ABS initiatives also logged significant assistance to global-level activities, including in particular efforts to promote the NP’s early entry into force, and support to the development and coordination of international infrastructure and mechanisms for its implementation. Although the target date for entry into force was not met, the NP entered into force quite rapidly as compared to other international instruments. The project noted that at least one representative from each of 84% of the first 50 countries to ratify the NP attended the workshops directed at this objective. While not absolute proof of impact, this statistic may be significant.

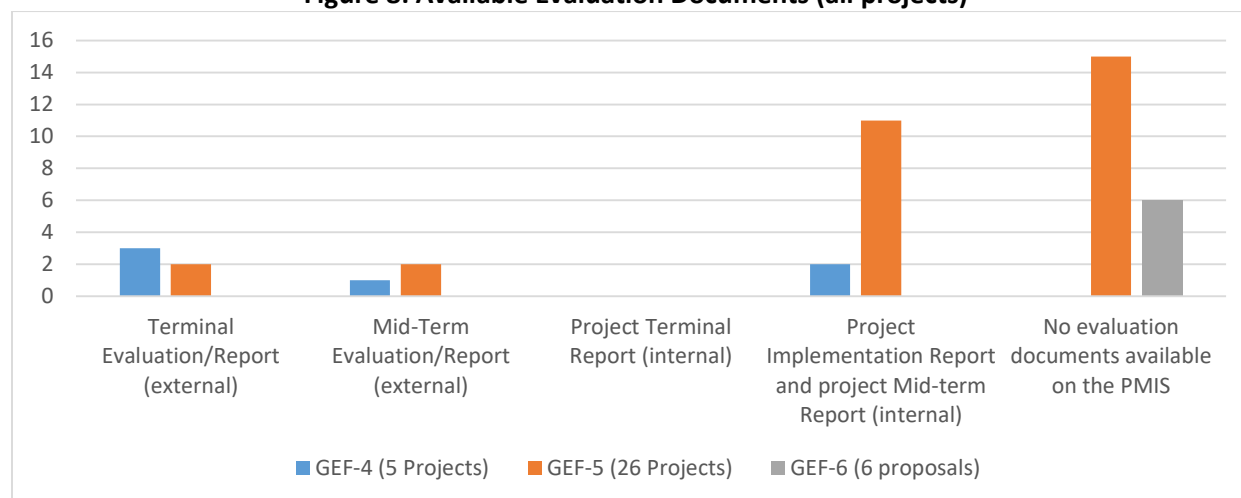
65. These interventions were also able to support the development of key international infrastructure for the implementation of the NP. Among these, for example was the development of an online portal on the Nagoya Protocol on ABS for dissemination of relevant information related to the Protocol and its implementation. This portal is in place.

B. General Evaluative Results and Challenges

66. Evaluations conducted, although relatively few in number, indicate a high level of project success. At present, 21% of the projects that have been approved or submitted from

GEF-4 to the present projects have progressed to a point at which their M&E plan has necessitated an external evaluation. More than half of the projects studied would be considered “program inception” projects. Three of these projects are focused on “inception” of the ABS process at various levels. Two of these focused on NP ratification. It therefore seems premature to come to particular conclusions about project results in general. Hence, this section provides only a brief overview of early evaluation results and the link between project results and interventions. Figure 8 provides information on the available evaluation materials.

Figure 8: Available Evaluation Documents (all projects)



67. In considering results to date, this study focuses primarily on the eight external project evaluations (five terminal evaluations and three mid-term evaluations) within the GEF ABS portfolio. In addition, project teams have submitted 13 Project Implementation Reports (PIRs) regarding seven other projects. Although also reviewed, the study noted that Project Implementation Reports and other internal reporting was generally spotty and inconsistent, both in content and in compliance, by comparison to the external evaluations, which were very well done.

Evaluations

68. The external evaluations reviewed were all conducted by Implementing Agencies (5 by UNEP and 3 by UNDP). Their findings and conclusions appeared to be based on sound evidence and analysis, verified from different sources, and clearly documented. Quite properly, in terms of their mandate, all external evaluations addressed their evaluative criteria²⁰ in terms of whether and to what extent the project completed documents and other outputs, measuring

²⁰ E.g. “Strategic relevance... Effectiveness... Likelihood of impact (based on the project’s “theory of Change) ... [and] Efficiency”; “Achievement of direct outcomes... [and] Achievement of direct outcomes”; “Sustainability and replication” (through five sub-criteria: financial; socio-political; institutional framework; environmental; and catalytic role and replication); preparation and readiness; project implementation and management; stakeholder participation and public awareness; country ownership and driven-ness; gender and equity; financial planning and management; IA supervision and backstopping; and monitoring and evaluation.

its interventions against indicators and targets, and casting an evaluative eye over the question of whether those targets and indicators were SMART.²¹

M&E Planning and Sharing

69. Many evaluations noted challenges relating to the projects' M&E plans and their implementation. In light of the well recognized the incipient nature of ABS (*i.e.*, that it is a new concept at the intersection of conservation and legal measures), there is a lack of generally accepted solution to the numerous problems to be addressed through project assistance. Although project documents and their approval processes clearly evidence careful thought about approaches and implementation, the current interventions place insufficient emphasis on the need to double-check progress and consider other projects' experiences, from an early point, and on a regular basis thereafter. To date, the lessons learned in evaluated projects have not yet been widely shared, although the external evaluations contain findings and recommendations that could be of particular value to projects that are currently being implemented, and those that have not yet begun implementation.

70. Strengthening project M&E, and placing greater insistence on early competent data collection/review, and timely and complete compliance with M&E requirements could return rewards not only for projects that are able to reorient their own work on the basis of a MTE or PIR, but for other projects, including those not funded by the GEF, that could learn from shared experiences.

Statistical Information on Evaluation Results

71. With regard to performance and outputs, reviewed projects were generally found to have achieved a satisfactory or highly satisfactory level of performance.(Table 1)

Table -1 Project Performance Ratings in the first 8 External Evaluations

Issue	# of evaluations	Avg rating
Strategic Relevance	7	4.9
Achievement of Outputs	6	4.6
Timeliness	1	2.0
quality and usefulness of the project's outputs to date	1	5.0
Progress	8	4.0
Effectiveness (Likelihood of Achieving outcomes)	6	3.5
Sustainability	8	4.3
Catalytic Role and replication	5	4.2
Efficiency	7	4.4
Preparation and readiness	7	3.6
Project implementation and management	7	4.5
Stakeholder participation and public awareness	7	4.5
Country ownership and driven-ness	7	4.5
Gender and Equality	5	3.6
Financial planning and management	7	4.3
Implementing Agency Supervision, guidance and technical backstopping	7	4.7

²¹ "Specific, Measurable, Achievable, Relevant and Time-bound."

M&E	6	3.8
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Ratings used a 6 point standard: 6=Highly Satisfactory; 5=Satisfactory; 4= Moderately Satisfactory; 3= Moderately Unsatisfactory; 2= Unsatisfactory; 1=Highly Unsatisfactory

72. Ratings of “unsatisfactory” and “moderately unsatisfactory” appeared rarely. Where used, they may have drawn down the overall averages somewhat inappropriately, given that these were primarily “do-better” ratings, found in mid-term evaluations. There were two exceptions. Terminal evaluation ratings below satisfactory occurred only twice: once where unaddressed political processes in participating countries prevented most project activities planned for that country, and the other where country-driven ness was doubted because “the project had no institutional ownership” beyond certain officials.

73. As noted above although targets and indicators were “SMART”, they leave room for doubts regarding what, exactly they indicate and how they relate to the project outcomes, particularly where regional and global projects operated through workshops. Other challenges, especially relating to how evaluations addressed sustainability, are further discussed in Part II.4 (A), below.

C. Project Relevance

74. The projects in the GEF’s ABS portfolio are very relevant to the GEF and NPIF strategic priorities, as well as the priorities identified in the CBD’s consolidated guidance on ABS. In addition, project documents and evaluation materials demonstrate that the projects are also relevant to national priorities with regard to ABS. Relevance is more difficult to assess with regard to regional and global projects, where the alignment and similarity among participating countries is unclear. Given that many such projects involved a relatively small amount of work at national level, the evaluation of relevance was often expressed in terms of particular national participants’ commitment to ABS. Even in this context, however, global and regional projects appear very relevant to both GEF/NPIF strategic priorities and CBD/NP priorities.

75. This alignment of national and international ABS priorities is particularly noteworthy given the earlier finding that at least 75 countries had been direct participants in one or more of the GEF ABS projects.

D. Framework Development

76. Nearly every project or proposal includes specific elements directed at the assessment, revision, drafting and or institutional implementation of ABS measures, in keeping with the fact that this has been a top priority of both the CBD guidance and the GEF Strategy since 1995. The targets and indicators used with regard to this element are increasingly “SMART.” For example, recognizing that actual government enactment or adoption of framework elements may take years and be manifestly unpredictable, relatively few projects incorporated “enactment,” “adoption” or “implementation” of ABS measures as an expected output, instead focusing on what the project can provably complete – specifically, the completion of a draft instrument or, in one regional project, of a “national roadmap” to framework development for each country.

77. Challenges relating to framework development activities arose in three primary areas:

- (a) **Funding and budgeting challenges:** The scaling back of project targets appears to have led to some confusion. Questioning the funding amounts for a national project that proposed to develop specific framework elements identified by the country as major needs, the project approval process cited a regional project which also declared a framework objective – noting that it achieved its objective on a much smaller allocation per country. That regional project’s framework target, however, had been the development of a national roadmap with the agreement of project counterparts – a much lesser achievement. In this connection, it is notable that nearly 70% of interviewees noted that the amount of project funding they received for framework development was relatively small in comparison to the task (to put it mildly). One project manager stated that the amount allocated for this outcome area was at most enough to hold one meeting of relevant government officials already in town for initial discussions. Some project staff described such funding as “seed money,” expressing the hope that other donors would more adequately support legislative work. Others were less sanguine, believing that sufficient funding for national ABS legislative development will never be provided. Still others simply acknowledge that they will have to (i) hold meetings with lower level staff, (ii) hire fewer consultants who are both and less expensive and less experienced, and (iii) accept the fact that ABS projects will not produce useful progress toward legislative framework development.
- (b) **Unadopted Drafts:** In a large number of projects, the country already had draft measures, often prepared by a former project, that have never been adopted. This fact may give rise to sustainability concerns as discussed below. Such situations may arise from a number of causes, however, the large number of them is suggestive of the possibility that ABS frameworks pose particular challenges not addressed by previous projects. None of the GEF project documents reviewed addressed the reasons the previous project’s output had not succeeded, nor what processes the current project proposed to avoid these pitfalls.²²
- (c) **Templates and national participation:** The offering of templates, based on one or a few existing national frameworks was also mentioned as problematic. Although the idea (a model document that can be adopted with at most a bit of “tweaking” by national experts) appeals initially, the attempts to use such templates have produced the majority of the un-adopted legislation in national desk drawers.²³ In GEF projects, templates and generic advice were rarely provided, except by project non-GEF partners or consultants.

²² A review of available documents acquired during previous consultancies that produced these drafts showed that they assumed the same risks and needs as had the relevant GEF project.

²³ In addition to project documents (*ibid*), the study noted that the GEF’s 2005 Biosafety Capacity-building Program applied this “template assumption,” having convened a team of academics to prepare the templates (model laws and administrative documents). Few of the 148 countries within the Program have yet adopted legislation although nearly all projects submitted drafts based on these templates.

- (d) Tied to the templates challenge, however, is a problem identified by a number of questionnaire respondents – the need to clarify the roles of international and national consultants and advisors. Although project designs appear to call for the hiring of global and/or regional legislative advisors as well as local experts, project implementation often neither requires nor enables direct collaborative work between the two, in part as a result of the diminishing amount of actual funding available. Increasingly, national counterparts are appointed as “in-kind” contributions, and are often relatively low-level employees of the government or partner institution with full portfolios who are given the counterpart responsibility as an additional uncompensated task. This may convert international consultants/advisors into draftsmen who never have the in-country opportunity to talk to legislative and parliamentary personnel who can provide the guidance needed to maximize the draft framework’s acceptability. As a result, many such consultants, lacking the necessary tools, turn to available “templates” and produce documents that may not ever be acceptable to the relevant officials. The current approach to national counterpart selection also decreases the counterpart’s ability to serve as a post-project expert on and legislative/administrative champion for project outputs.
- (e) These three factors are acknowledged to have been found in previous and non-GEF projects. Given the nature of this desk study, it is not possible to determine whether these factors are generally present in the reviewed projects. In interviews and questionnaire responses, all three have been suggested with regard to particular individual projects, as noted above.

E. Promising Resource Identification, Utilization and Development

78. As noted in Part II.3(A), above, one of the early crowning achievements has been its work in the area of building capacity for, and direct assistance with, the identification of promising GR and ATK, adding value to it prior to transaction, as well as negotiating for (or itself undertaking) the utilization and development of such resources. This work is strongly relevant to the various strategic mandates of the GEF ABS initiatives, as described in Part I, above, including the GEF/NBIF strategy and the CBD guidance. All project proposals included some direct aspect of work on this aspect of ABS arrangements, ranging from preparation of the government and other stakeholders to participate in the negotiation of contract, permits, PIC and MAT, through to direct assistance with actual ongoing negotiations and/or R&D.

F. Capacity, Awareness and the Use of Workshops

79. Capacity building is the third major element of all of the strategic priority sources mandating the program’s work. As such it is intensely important. Indeed, the development of “actual durable domestic ABS framework implementation capacity” in provider countries is recognized as the most important key need, in order for the ABS regime to exist and function without ongoing external support. For purposes of project (and international regime) sustainability, it is essential that, once each project is finished, the country will have sufficient domestic ABS capacity that it will no longer need to rely on externally supported (foreign/international) expertise or other support for its system. Evaluations and other input

also bear out the conclusion indicate that in many projects, stated capacity-building objectives were not met by the project, although **often**, “capacity self-assessment” **in connection with those projects** apparently indicated that capacity and awareness have increased over project baselines.²⁴

80. As discussed above, this study has identified projects that have taken a positive step toward the development of long-term capacity, through the development of local value addition or direct domestic utilization of GR and/or ATK through a local or parastatal company. In such projects, “organic” capacity is built through mechanisms familiar in other enterprise development contexts. Project participants will either branch out providing market examples to be emulated or directly share expertise with other ventures. These projects have also emphasized the establishment of durable contacts between the enterprise and foreign ventures and experts, who could, in the future, provide similar services by contract.

81. The GEF ABS portfolio has effectively included capacity-building elements in all projects, however, interviews and other input received suggest that the (often unstated) objective of actual, durable professional capacity-building may not be adequately achieved through the implementation of these project elements.

82. The study came to several specific findings in this area, indicating six particular areas of potential challenge:

Achievement of Project Outputs is Sometimes Prioritized Over Capacity-Building Aspects

83. Several project participants indicated their expectation that, they will seek and obtain external help in the event that future ABS projects are proposed and negotiated in the future, despite the project goal that the country would be able to handle such situations for itself following project completion. Similarly, even where the national counterparts believed that the project had produced “adoptable” national ABS legislation, most of them stated that future international assistance would be needed to prepare regulations, forms, guidelines and procedures for its implementation, and to address challenges and questions, in addition to the expectation of foreign assistance with the negotiation of ABS agreements and MAT. In several countries where a project provided support for a country’s negotiation of “pilot” ABS contracts and MAT, national counterparts again indicated that they do not feel prepared to undertaking these tasks in future. One possible factor to be considered was mentioned in two interviews: the fact that national actors whose professional capacity to take responsible for ABS activities in future were sometimes not included in project activities. As one interviewee noted, “Most of the work was done when my colleagues and I were not even present.”

Inappropriate Emphasis on “Simplification”

84. ABS is clearly a complex issue, not well understood. National project participants sometimes complain that project proponents appear to expect the country to eliminate its complexities by fiat – placing heavy emphasis on the requirement that consultants and counterparts produce legislation, contracts, forms, guidelines and other materials that are

expressed in “simplified terms” and translated into local languages. Regrettably, however, one cannot convert a difficult concept into a simple one simply by declaring that it must be “simplified.” No matter what is done to “simplify” national ABS frameworks of the provider country, the simplified documents and descriptions will, at best, hide, but will not eliminate, the complex challenges of ABS implementation. Thus, the order to simplify the framework will usually exacerbate, rather than eliminate the capacity challenge.

Workshop Challenges

85. External evaluations, interviews and questionnaire responses have all suggested the need to reconsider the manner in which workshops have been used in ABS project work. This issue is closely linked to the need for projects to disambiguate “capacity building” and “awareness raising.”

86. **Blurred Distinction Between Capacity-Building and Awareness-Raising:** Input from a range of sources indicates that there is a significant need to disambiguate the concepts of “capacity-building” and “awareness-raising” for purposes of project implementation,²⁵ particularly with regard to workshops. In general, when addressing the subject of capacity, many interviewees and other respondents characterized project provided “capacity-building” (especially where provided through partner non-GEF projects’ workshops) as “really not useful – just more awareness raising.

87. Some project documents support the allegation that “awareness” has come to be misunderstood as a kind of capacity, and awareness-raising activities have come to be viewed as ways to satisfy capacity-building objectives. In most, however, a priority for building “true” domestic capacity is clearly evident, suggesting that the reported blurring of the distinction is tactical (a product of implementation factors), rather than strategic. Evaluations indicate that there may be other forces at work converting capacity-building into “mere” awareness raising. For example, projects which are designed around a series of staged capacity-building workshops are thwarted by the fact that national representatives are selected by official processes that send a different person to each of the subsequent workshops, rather than sending the person who participated in the first workshop, and who is thus prepared to participate in the more specialized second workshop in the series.

88. This challenge is closely tied to the importance of determining whether one’s goal is awareness-raising or capacity-building. At the highest level, participation in a workshop or other side-event might enable the enhancement of awareness of the ABS concept for targeted groups such as ministers and parliamentarians. Given the need to build national support for ABS, this work is important, but difficult. High-level officials rarely have time for even a half-day workshop on ABS. Unless the issue can be brought before them at another international event attracting the participation of high-level officials from a great many countries, such officials are normally available only for in-office meetings.

²⁵ Most of the interviewees and others who raised this issue were quick to note that the problem was not created by the GEF, but first arose in other international ABS projects and has become more general.

89. Projects within the GEF ABS portfolio include capacity development in four categories – building durable ABS implementation capacity; targeted awareness raising, building the necessary capacity for specific project implementation; and general awareness raising.²⁶ Given limited funds and manpower, coupled with the fact that GEF ABS projects are conducted over 5 years or less, projects are designed to give the greatest attention to the first of these, leaving generic awareness raising as a post-project responsibility of national officials whose capacity has been built.

90. **Questions about Cost-effectiveness and Economies of Scale:** Evaluations, interviews and other inputs indicated some questions about the effectiveness of workshops in ABS projects, particularly where conducted at the global or regional level, or when a workshop is intended to bring together selected individuals from locations and institutions throughout the country. Similarly, the use of workshops as “economies of scale” has been unsuccessful, particularly where the various participating countries and entities are at varying levels of ABS advancement. Evaluations have noted (and interview results support) that even workshops that are too basic to provide useful guidance and ideas for their more advanced participating countries have been pitched at a level that is beyond what less advanced participants can absorb or use.

Views of “Representativeness”

91. One question frequently arose relates to the “representativeness” of project activities, participants, outcomes and outputs. It arose most prominently in discussions of workshops and the “economies-of-scale” approach. The goal of broadening the coverage of ABS activities often conflicts with more practical concerns, as projects are squeezed by budgets that limited the size of workshops, expert groups and other activities. With the goals of “reaching out to a significant range of people ... broadening everyone’s understanding of ABS, and doing it in a relatively short period of time,” projects sought cost-effective options – especially tracking the number of each “type” of stakeholder participating in project activities. Inevitably, this focus appears to have led to an invitation process designed to insure that every type of stakeholder was represented in each particular event or meeting. Unfortunately, despite the organizers perception of them as representing this group, such “representatives” usually do not (may not be able to for numerous practical reasons) make any attempt to investigate the views of other members of the group, nor any serious attempt to pass along knowledge and perspectives from the meeting to the groups they purportedly represent. Such representative approaches result in only one or a few persons representing all indigenous peoples, or representing all ABS-related officials and agencies in their country or subnational jurisdiction.²⁷

²⁶ The SCBD has produced a detailed (and distressingly long) “taxonomy of ABS capacity-building needs”, which specifically includes awareness raising as one category of capacity-building, but emphasized the importance of the other three types of capacity-building mentioned.

²⁷ It should be noted that every person who mentioned this concern noted that the problem is not limited to GEF projects and was in fact more acute in ABS projects sponsored by non-GEF donors, which are sometimes thought to be promoting a particular agenda that may be at odds with the views of some stakeholders. The interviewees appealed to the GEF’s intention of impartiality in these matters.

92. The impacts of presumed representativeness are extensive and to some degree invisible. For example, many project consultants are contracted to prepare documents and reports solely on the basis of desk study. As such, the workshop recordings or notes take on a major importance as a substitute for the necessary consultation of experts in the country to identify critical challenges as well as the posture of the country with regard to ABS. This suggests that the entire tenor of the project's outcomes may be affected by a non-representative selection of stakeholders.²⁸

93. Another aspect of the "representativeness" challenge relates to project activities that may be considered "representative." For example, many ABS projects propose "pilot" activities on the basis of their representativeness, presumably assuming that the documents and experience of one of these will create a more effective model for similar activities. For example, one project proposed to support the negotiation of four representative ABS arrangements: one involving "non-commercial: conservation," one involving a "commercial use (biotrade)," one involving a "commercial use (value chain) and one involving the "merger of scientific and traditional knowledge." These activities were expected to produce, in addition to the four final agreements "informative material and cross sharing events to disseminate lessons learned in the demo pilots." Here also, the assumption that one non-commercial use negotiation will produce an appropriate template for others, etc., essentially ignores the representativeness challenges posed by other facts (for example, the possibility that the user in the next non-commercial transaction, even a similar type of user,²⁹ may have other intentions, such as pre-commercial screening.)

Capacity-building Efforts

94. With regard to the need for durable institutional capacity to implement national ABS frameworks, some information (evaluation, interviews and document review), indicates a particular problem arising from prematurely undertaking particular kinds of capacity-building efforts. These concerns were most emphatic where, for example, projects propose or have undertaken capacity-building on the implement of project-drafted framework documents that have not been formally adopted by the legislative or administrative body with that responsibility. Given the time and process involved, it is quite likely that any such documents will be drastically altered before adoption, so that premature training may have instructed participants to take actions that are not required, or even that are specifically excluded. In addition, as noted above, the experience of previous projects suggests that there is at best no guarantee that project-drafted documents will ever leave the desk of the national project counterpart.

²⁸ Project documents and evaluations also note that workshops serve a reverse purpose, as enabling mechanisms for improved project targeting: "Meeting large groups of country representatives during workshops allowed project management to identify and understand trends in countries' thinking, to identify interventions that could help to unlock processes in individual countries, and to develop a framework and the networks necessary for effective follow-up." Representativeness problems affect this aspect of workshops too.

²⁹ It is generally believed that research by university students is "non-commercial," however, some universities have begun to supplement their research budgets by offering access to student collected material, at a price.

95. In addition, as noted above, interviewees have also noted that the most effective institutional/professional capacity-building happens where properly chosen national counterparts are active in the framework development and agreement notification processes – something which often does not happen in practice owing to a variety of factors.

Availability of Expertise

96. A potentially serious ABS capacity challenge raised by a few commenters, arises out of the need for a range of separate and relatively distinct types of expertise, including, for example experts in market analysis and development; strategic contract negotiation trainers; economics, resource valuation and value addition; scientific issues and R&D systems; industrial engineers and technology transfer; development of policy and legislation; and community development. Although projects' capacity building elements are designed around the provision of these types of expertise, in practice the selection of experts is more influenced by limited budgets and the project's ability to find a single expert who will agree to advise on all of these aspects. Such choices may be defeating the efficacy of those project designs.

G. Other General Performance Challenges

97. Other particular challenges at the performance level have been identified, particularly by evaluations. In these areas, this report notes or reiterates three basic challenges that could, if addressed directly, provide a basis for significant assistance to the designers and implementing staff of future projects: timeliness; national ownership/commitment and participation.

Timeliness

98. Evaluations noted both project and political factors that impact project time schedules. One recurrent comment indicates that some timeliness challenges arise due to changes in attitudes, priorities and personnel between the initial project design meetings and the actual commencement of the project. Evaluators suggest that project schedules should include formal "project design and inception" phase, described as a thorough post-approval reassessment of the participating countries' and agencies' capacity and readiness to implement the project, specifically including, based on in-depth consultations with potential participating countries and other partners in order for the project team to gain a clear understanding of the capacities and needs involved. Beyond this, virtually every project report or evaluation and most interviewees have noted that projects have generally gotten off to slow starts.

99. Some of these challenges arose out of faulty chronological predictions used in the design of most ABS projects have proven to be a challenge. Nearly all evaluative documents, including PIRs have indicated, for example, that the project design assumed that a legislative drafting and/or adoption component could be completed within the projects term. Project designers (presumably not legislative experts) assume that the drafting of ABS measures is a relatively simple matter of following the examples of other countries, and that once a draft policy, law, regulation or other document is submitted, national adoption will occur post-haste,

so long as the country's legislators have proper awareness of ABS. These assumptions are often not justified.³⁰

Commitment

Another challenge relates to political shifts that lead to impacts on the level of national commitment to the project. Even where an implementing agency expressed fervent support in the preparation stage, that same agency later began to back-pedal, especially on timing, stating that the legislative/ regulatory process "has taken longer than expected because this would be the agency's first access to genetic resources contract for commercial purposes." Political assurances may shift and are apparently always more time consuming to obtain than was originally promised. These factors have frequently arisen in the projects evaluated to date.

Participation

100. As noted above, the range of stakeholders potentially impacted by ABS/NP implementation is extremely broad – spanning the gambit from multinational corporations, foreign governments and institutions through numerous government officials and agencies to local communities and indigenous peoples with little contact beyond their neighbors. ABS is a classic example of a purportedly unifying issue that gives rise to a broad range of differing perspectives, as every stakeholder group, and every person or community within that group, may have a completely different view of the key ABS concepts, objectives and issues.

4. Project Design Challenges

101. All of the projects reviewed appear to have been very carefully crafted. A number of them have demonstrated positive approaches and appear to be on track to deliver important and valuable contributions to the overall goal of establishing a functional ABS framework in each country and internationally. A number of factors appear to be pressuring project designers, leading to three potential areas of challenge: sustainability; the interlinkage among project activities; and the reliance on catalytic effects, expectations of "economies of scale."

A. Project Sustainability

102. Project design and evaluation may not be interpreting the issue of project sustainability in an appropriate way. Built on the basis of identified "risk factors," these documents properly indicate that sustainability is linked to governmental acceptance and support for the ABS concept. (*E.g.*, "The long term solution is the establishment of a comprehensive national legal, political, regulatory and institutional framework coupled with targeted capacity building and awareness raising interventions to foster an environment in which access and benefit sharing can be given effect.") They then suggest that sustainability will turn on framework adoption,

³⁰ First, the particular needs and methods involved in the drafting of ABS legislative instruments are not generally agreed. Few, if any, developing countries are willing to declare that their national ABS frameworks have solved the ABS legislative conundrums that have prevented many countries from adopting any ABS legislation at all. Second, by nature, legislative development consultancies are nearly always the beginning of a multi-year legislative process, involving detailed consideration of the "enactability" of the draft, as well as the political impact of the options chosen in it.

implying that this necessitates a lobbying/follow-up process “to make sure that the framework is adopted.” Nearly every project includes a statement that, IF a framework is created, capacity is built and benefit-sharing occurs, THEN the country will functionally implemented ABS.³¹

103. A key element mentioned by many is the fact that a project produces benefit-sharing. These documents do not generally identify a basic component of the GEF’s approach to project sustainability – the *expectation* that each country will have financial responsibility for whatever post-project implementation occurs. The GEF is not expected to provide operating funds for long-term framework implementation.

104. After a framework development project, then, the national parliamentary body has two options – (i) to adopt and provide budgetary allocation for the implementation of a framework or (ii) to leave the framework unadopted. The factors in this decision are overwhelmingly financial. If the framework has been developed in a way that makes it cost-free or self-supporting to implement, it will stand a good chance of adoption. This happens if the fees connected with the relevant processes appear sufficient to cover the administrative costs.³² Where the law’s implementation will require additional funding, then a key factor in parliament’s decision is not simply whether the framework will produce benefits, but whether those benefits will clearly be sufficient in amount or nature, to justify the necessary budgetary allocation. Such statements must do more than echo rhetoric that has been reiterated continually since about 1992 and is losing credibility.³³ National projects need to not only show a benefit, but show that the benefit is significant. Until recently, this has been problematic – ABS contracts have generally produced minimal benefits, sometimes described as “pocket change.”

105. In this connection, the projects described in described in Part II.3 (A), above. Under the heading “Provider-side Motivation and the Development of GR/ATK industries” show great promise to provide credible examples of ABS implementation that justifies national budgetary commitment. Some of these projects are developing nationally based operations for bio-prospecting, biocollection, agricultural multiplication, value addition and/or direct utilization of genetic resources, with the goal of finding a way to ensure that ABS generates sufficient concrete benefits (including jobs, training and monetary benefits) to justify national commitment of funds and personnel to its implementation. Although they have not stated it as a goal, these projects may help address the sustainability challenge.

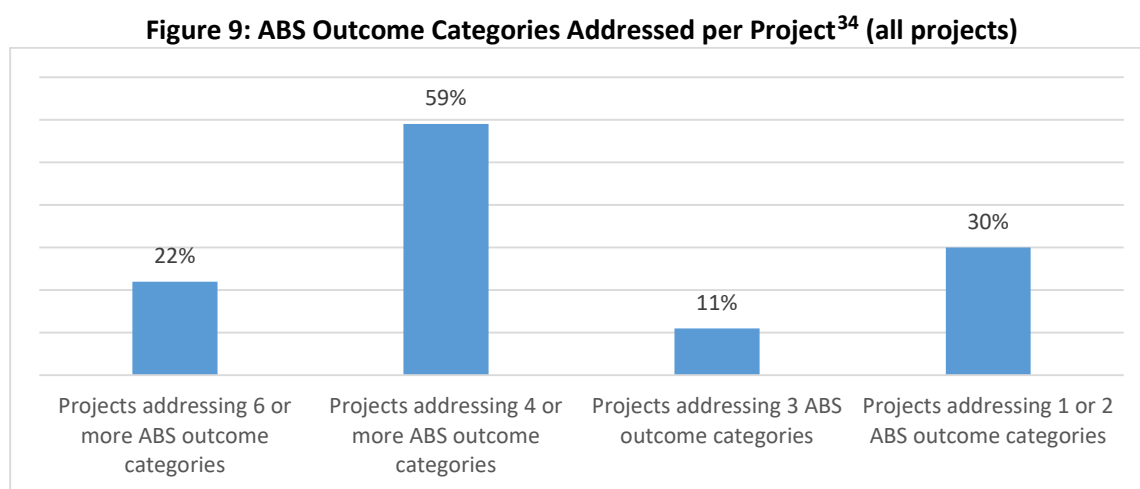
³¹ This seems unrealistic, in light of the relatively uniform commitment to the NP and its implementation expressed by developing countries. When coupled with the fact noted above that most project countries appear to have at least one un adopted ABS framework, there are still only 34 countries that have submitted ABS frameworks³¹ to the ABS-CH and only 16 that have established checkpoints (another requirement of the NP).

³² This factor depends on a realistic indication that some applications will actually be submitted, since every framework implementation process incurs administrative costs before any application has been received.

³³ In the words of one interviewee, governments and communities are expected to believe “pie-in-the-sky” promises that future benefit-sharing will materialize and that the amounts received will be substantial. Faced with 25 years of “someday soon,” governments have proven a bit skeptical and need more convincing before adopting and deciding to implement an ABS framework.

B. Project Activities Preconditioned on One Another

106. One of the problems arising in the vast majority of projects is the countries' desire to pack projects, so that they include many if not all possible steps identified in the GEF and NPIF strategies as well as in the CBD Consolidated Guidance. The design challenge here is a balance between opposing forces. On one hand, ABS advocates, uncertain that the country will ever include another ABS project in its STAR allocation decision. On the other hand, as noted in the preceding section, ABS advocates generally feel that the ABS concept will gain national support only if and when it is shown to produce benefits. Taken together, these factors create pressure to design a project by which the country will get everything it will ever need in order to implement ABS – including the receipt of benefits – within a single project. Figure 9 shows the level of packing encountered in some projects.



For purposes of this figure “ABS Outcome Categories” are the 9 categories listed in Figure 6, above.

107. For example, one project, included the following category outputs:

- (a) Work toward for the development of national ABS laws,
- (b) Implementing regulations for those laws,
- (c) *Sui generis* legislation to address and implement the protection of ATK and the rights of indigenous and local communities,
- (d) funding mechanisms,
- (e) the coordination of the adoption of BCPs by ILCs,
- (f) ethical codes relating to bio-prospecting and ABS,
- (g) R&D/utilization of GR/ATK,

³⁴ Will not add up to 100%; projects can be in multiple categories

- (h) monitoring procedures,
- (i) checkpoints, and
- (j) forms and model instruments to better enable implementation of the foregoing list.

108. Any of these 9 items might, alone, be a challenging task for a single project. In the above project, they are joint by with several other activities in other categories.

109. The consequences of heavily packed projects are more serious than the relatively benign ones of increased possibility of not completing all tasks or running over time:

- (a) Projects may identify broad objectives, but include relatively minimal performances in each area. When subsequent projects are proposed, their funding is requested based on the previous project's expansive objectives, addressed in more countries for little cost.
- (b) Challenges relating to the sufficiency of funding for key activities may be enhanced, where the project has committed to achieving a large number of tasks.
- (c) In order to complete a large number of activities in a relatively short time, projects may commence "later steps" before the previous steps have been completed, or even well started (e.g., commencing the development of regulatory procedures, and even capacity building for their implementation – activities that are premature until the primary framework legislation has been formally enacted or adopted – before that legislation has been drafted, or even outlined.) These activities waste project resources, in order to meet project deadlines.
- (d) Producing inconsistent outputs that cannot all be adopted, sometimes leading national officials to decide not to adopt any of them.

C. Economies of Scale and Return Projects

110. One challenge noted in the review of projects and confirmed in interviews related to the use of regional and global projects under which the project will work to create national frameworks in many countries. In addition to their regional or global elements, such projects generally include a primary focus on national NP implementation in participating countries. Upon closer examination, however, the decision to undertake nationally oriented activities through a multi-country project is not clearly understood. In all cases, the project countries span a wide range from a high level of ABS implementation and experience to virtually none. Participants in these projects note that the higher-level countries are expected to influence the

others by sharing experience. It is not clear which, if any, of the project countries benefits from this interaction.³⁵

5. Sharing Lessons

111. The GEF ABS initiatives, possibly in coordination with the SCBD, may be well placed to advocate and support the broad sharing of lessons and outputs that can be of significant assistance to all efforts to implement the NP. Examination of the sharing of experiences among countries and projects indicates that this is an area in which there may be room for improvement. While external evaluations have identified some important lessons, those evaluations have been delayed and thus far have not been shared. In some cases, they have not even been available to the GEF-IEO. Although a few project participants and staff interviewed for this study noted having received shared outputs from other projects, both GEF projects and non-GEF projects (GEF Partner projects),³⁶ others indicated that they received no such offers of shared information and lessons.

A. Pursuing Replicability: Templates, Models and Pilots

112. The concept of developing project outcomes into templates and models for future projects may be premature at this point. Within the GEF ABS projects, this issue arises under the heading of “replicability.” Many ABS projects and proposals for inter-country sharing of lessons are built around the idea that a project’s outcomes will be recast as “templates” or “models” for future development of similar outcomes, and “pilots” to guide future similar projects. ABS officials and commentators, however, are quick to note the number of national programs that were developed modeled closely on the legislation of early-lionized “model” countries (such as Costa Rica and the Philippines). Most such model-based legislation is either un-adopted or non-functional today. Similarly, in the past a few companies have publicly touted their ABS agreements with developing countries or indigenous communities, however, these contracts are now generally recognized as having failed rather dramatically.³⁷ Several projects clearly state their intention that some project’s elements will be developed into replicable models for use throughout the country, and in some cases for sharing with other countries. A frequent example of this thinking arises in the context of BCPs addressing ABS elements. Investigating these, the study was not able to unearth any specific examples of proven success with regard to the application of BCPs in ABS negotiations, but is aware of failures.

³⁵ Evaluations indicated that regional project design did not recognize “the significant disparity in the capacities of the participating countries to absorb project inputs and actually deliver outputs.” As one evaluation noted, “it was difficult for a regional project to even develop a work plan that was appropriate for all participating countries because the differences among them with respect to understanding of ABS and capacity for implementing it were so great.”

³⁶ Primarily, the GIZ’s “ABS Initiative,” established in 2006 and originally focused on Africa, has been a direct participant in several GEF ABS projects, has also undertaken projects under other support from a variety of countries and agencies. That project has operated numerous multi-country projects, and developed questionnaires and summaries, designed to serve as ABS models and working tools in all countries. Many of those documents have been provided to some of the GEF projects.

³⁷ See, e.g., the Teff Agreement with Ethiopia, and the Hoodia contracts with the San people in southern Africa

B. Regional and Other Inter-governmental Cooperation

113. Sixteen percent of projects (6 of 37) include an element of regional and inter-governmental collaboration. Several others specifically mentioned the desire to open discussions and share information at the regional level. Few of these regional activities were directed at formally negotiating regional measures and agreements. Rather, nearly all focused on mutually supportive information-sharing and other cooperation. Most project documents recognize the need to avoid the “race to the bottom” that will result if States do not emphasize cooperation. As noted before, the GEF ABS initiatives have also had a major influence on international cooperation, through NPIF (and other) projects that focused on, *inter alia*, supporting the development of an ABS capacity-building portal and other international cooperation mechanisms.

6. Conclusions and Recommendations

The main conclusions are:

114. **Project designs may be “overpacked.”** Virtually every project includes activities and/or outcomes for each of the three elements of the GEF’s ABS strategy. An effective ABS strategy includes steps for legislative development, domestic research and development (R&D) and compound identification, development of national ABS contracts, and protection of and benefit sharing for indigenous and local communities, which need to be implemented progressively. While activities such as awareness raising may be done in parallel, a clear legislative framework is a precondition for other interventions to yield effective ABS.

115. **Issues with capacity building.** The most effective institutional/professional capacity-building happens where properly chosen national counterparts are active in the framework development and agreement notification processes, and this does not happen in practice owing to lack of availability of expertise.

116. **Complexity and individual uniqueness of each ABS situation.** The complexity and individual uniqueness of each ABS situation is sometimes not sufficiently recognized. When countries with less advanced national ABS frameworks attempt to use examples from countries with highly developed national ABS frameworks as models, they have found that the draft instruments and procedures prepared are not consistent with their legislative and administrative requirements for adoption.

117. **Justification and scope for collective work through global, regional and multi-country projects and workshops.** Multi-country projects that link countries with little regulatory or objective similarity, should reconsider the scope and justification for collective work. Where some element of the project is focusing on assistance for each participant country’s national implementation, the plan of this element should consider the differences in regulatory system, national needs, level of advancement in ABS implementation, etc., with the goal of increasing both the ability of less advanced countries to absorb the concepts and information provided, and the ability of more advanced countries to get some input of value for their, still not inconsiderable, needs. In all projects (global, regional, multi-country, and single-country) the

use of models based on a single country's experience, a single pilot, etc., should be reconsidered. Similarly, projects' reliance on "representatives" (one or a few persons to represent all of a country's (or subnational jurisdiction's) national framework agencies, stakeholder classes or other groups) should be reconsidered, and mechanisms applied to convert it into true "representation."

The main recommendations are:

118. Address practical sustainability questions more directly. The goal of project sustainability – nationally sustainable governmental ABS frameworks and the capacity to implement them domestically- relies on attention to the key factors directing national support. It will be essential for national government legislators to recognize the need of a budget allocation to run the processes associated with the implementation of the Nagoya Protocol. Monetary and non-monetary benefits accrued by private or public entities could be supporting activities not associated with the administrative process, including technology transfer and public awareness. Notable progress toward proving sustainability in this way has been achieved in some projects which are focusing on direct development of national capacities to utilize and add value to domestic GR and ATK. This approach can be effectively scaled to each country's needs and capabilities, and to building on that country's capacities. Project designs should include plans for future sustainability.

119. Focus on technical and professional capacity-building in addition to increasing general and generic awareness. The building of "true" capacity, within the relevant governments and participating users at technical and professional levels needs to be sufficient that those parties will rarely need to seek further external assistance. In this connection, it is necessary to ensure that activities reach the intended audience in a form and at a level that they can absorb and use; that designated "capacity-building" activities do not ultimately become generic awareness raising; and that, where awareness raising is conducted, it is carefully targeted to address present needs with regard to project sustainability (parliamentary and minister-levels), and project activities (specific communities involved in the project) The above-mentioned trend in building national capacity to directly utilize domestic GR and ATK clearly points the way in this recommendation as well.

120. Adopt a tailored country-specific approach in projects. Interventions and the timing for their implementation should be tailored to be consistent with the national importance, relevance and capacities for ABS. The inclusion of too many interventions into a single project could undermine or minimize the long-term value of premature work done on interventions that are required at a later stage.

121. Maximize the earliest possible availability of project lessons, experiences and outputs. Evaluation planning and implementation should place greater emphasis on earlier evaluation components, such as, for example, reviewing and challenging PIRs and other internally developed reports more closely, providing clearer reporting/data standards, and calling for and executing externally conducted mid-term reviews more often. Such timely collected information made more readily available, as soon as possible, as a guide for other projects and

future project design. Where possible, project outputs should be accessible, to maximize the body of ABS related technical information available.

III. ADDRESSING ILLEGAL WILDLIFE TRADE THROUGH THE GEF GLOBAL WILDLIFE PROGRAM

122. This study assesses GEF’s effort to combat IWT through the Global Wildlife Program,³⁸ formally known as the Global Partnership on Wildlife Conservation and Crime Prevention for Sustainable Development, and the 20 country-specific “child projects” associated with that program. The GWP, launched in 2015, is the GEF’s first concerted effort to address illegal wildlife trade in a coordinated and comprehensive manner. The data used for this study is based on the information available till July 2017. The program is still under implementation.

123. The GWP is multifocal and involves four GEF Agencies— the Asian Development Bank, the United Nations Development Programme (UNDP), the UN Environment and the World Bank (as lead) across 19 countries in Asia and Africa. Funding comes from participating countries’ STAR allocations and a sustainable forest management set-aside. Designed to be implemented over a period of seven years, the \$131 million GWP aims to address supply, trafficking, and demand of illegal wildlife products through 20 child projects in Asia and Africa, including one global coordination and knowledge management grant.

124. This study includes both desk reviews and interviews with key informants. Key background materials on illegal wildlife trade and international efforts to combat it, GWP’s Program Framework Document (PFD), approved child project documents, and mid-term and terminal evaluations of prior GEF biodiversity conservation projects were reviewed. Interviews were conducted with key sources, including experts associated with the Global Wildlife Program and with other officials at governmental institutions and non-governmental organizations (NGOs) engaged in fighting illegal wildlife trade. A full list of the projects reviewed and sources interviewed can be found in Annex 8 and Annex 9, respectively.

125. This study has four sections. The background section describes the nature and scope of the global illegal wildlife problem. It presents former and current efforts by the GEF to address illegal wildlife trade and places these efforts in the context of international efforts to combat illegal wildlife trade. The report then shifts to assessing the relevance and design of GEF’s efforts to address illegal wildlife. The last section highlights the recommendations for the GEF to guide future activities.

³⁸ This evaluation will refer to the overall program approved by the GEF Council as the “Global Wildlife Program,” which is formally known as the “Global Partnership on Wildlife Conservation and Crime Prevention for Sustainable Development.” The Global Wildlife Program is framed in the Program Framework Document and encompasses 21 child projects, including 20 country-specific projects. The final child project has a global scope and is titled “Coordinate Action and Learning to Combat Wildlife Crime.” The evaluation will refer to this project as the “Global Grant.”

1. Background

A. The Illegal Wildlife Trade Problem

126. Illegal wildlife trade is one of the leading threats to biodiversity globally, pushing certain species toward extinction. About 350 million plants and animals are sold on the black market annually, with an estimated value of US\$7 billion to \$23 billion.³⁹ The trade in certain charismatic species has skyrocketed in the 21st century. The Great Elephant Census concluded that, between 2007 and 2014, the African savanna elephant population declined by an estimated 144,000 to a current estimated population of 352,271, representing a decline of approximately 30 percent.⁴⁰ Rhinoceroses are also under serious threat. In South Africa, the number of rhinos killed for their horns rose from about 10 per year a decade ago to more than 1,000 per year today.⁴¹

127. IWT is driven, in part, by growing demand for illegal wildlife products, particularly from expanding economies in Asia. For example, the Great Elephant Census concluded that the major driver of population declines among savannah elephants was illegal ivory trade.⁴² It is also driven, on the supply side, by increased poaching in source countries due to poverty and the absence of options for sustainable livelihoods. International IWT is facilitated by transnational criminal networks, which also illegally trade in timber, weapons, drugs, and humans.

128. Given the complex nature of this global problem, competing visions exist about how to address the problem. Some interviewed experts^{7,43} emphasize the importance of sustainable livelihoods in source countries to reducing incentives for poaching; this is often accompanied by a decreased emphasis on deterring criminal activity *per se*. While others¹⁶, emphasize law enforcement efforts to fight poaching and trafficking in source countries, to deter poaching activities directly. Still, others emphasize the importance of fighting the transportation of wildlife through global commercial networks and the importance of targeting international criminal networks that facilitate the wildlife trade. Moreover, others focus on the demand for wildlife products throughout the world.

129. This evaluation is based on the theory of change presented in the Program Framework Document of the Global Wildlife Program. Accordingly, the evaluation is framed around illegal wildlife trade rather than around broader conservation goals.

B. GEF Efforts to Combat IWT

130. Due to the ongoing wildlife crisis in the 21st century—particularly poaching of elephants and rhinos—the GEF began a concerted effort to fund activities addressing illegal wildlife trade. At the same time, the CBD developed its Strategic Plan for Biodiversity 2011-2020 and the Aichi

³⁹ Goyenechea and Indenbaum (2015).

⁴⁰ Chase *et al.* (2016).

⁴¹ Scanlon (2015).

⁴² Chase *et al.* (2016).

⁴³ All interviewees are anonymized.

Targets. Critically, Aichi Target 12 provides that “[b]y 2020 the extinction of known threatened species has been prevented and their conservation status, particularly of those most in decline, has been improved and sustained.”⁴⁴ In light of these developments, the GEF adopted the GEF-6 Biodiversity Strategy to serve as a framework for GEF biodiversity funding under the sixth replenishment cycle.⁴⁵ This unified strategy seeks to increase the coordination and coherence among the many biodiversity projects funded by the GEF. Under this strategy, the GEF introduced Program 3: Preventing the Extinction of Known Threatened Species, which responds directly to the Target 12.⁴⁶ In this program, the GEF set out a framework to guide the funding of activities pertaining to avoiding biodiversity loss generally and to combat illegal wildlife trade specifically. The GEF then began implementing this strategy and shifting to a more coordinated approach to combating illegal wildlife trade through two medium-sized projects (GEF PMIS# 5439 and 5821).

131. To further facilitate coordination of activities pertaining to combatting illegal wildlife trade, the Global Partnership on Wildlife Conservation and Crime Prevention for Sustainable Development (known as the Global Wildlife Program) was developed during GEF-6. As described further below, that Program features an overarching vision and theory of change approved by the GEF Council, and it now includes 21 child projects. Those child projects include 20 country-specific projects and a global grant. At the time of the study, the Global coordination grant is the only child project to have begun to be implemented; the first of the country-specific child projects have only recently received approval and are now beginning implementation as this evaluation is being completed. Accordingly, this study focuses on the design elements of the projects.

Funding Mechanism for GEF IWT Activities

132. In GEF-5 and GEF-6, the vast majority of funding for the biodiversity, climate change, and land degradation focal areas—which encompass the GEF combatting IWT activities—was distributed through the STAR allocation framework (System for Transparent Allocation of Resources).⁴⁷ These funds are then allocated to three focal areas: climate change, biodiversity, land degradation and some are also entitled to SFM funding.⁴⁸ Each country has a high degree of control in choosing how to use funding allocated to it under this framework.

133. Under the STAR allocation framework, so far more countries have addressed illegal wildlife trade in the Global Wildlife Program in circumstances where they are the source of the illegally traded wildlife rather than where they are on transit routes or are destinations for the use of the wildlife or wildlife products. Accordingly, the bulk of IWT funding allocated under the GWP thus far has been allocated to issues most prominent in source countries. Under the

⁴⁴ UNEP/CBD/COP/DEC/X/2, ¶ 12 (Target 12).

⁴⁵ CBD Strategic Plan for Biodiversity 2011-2020.

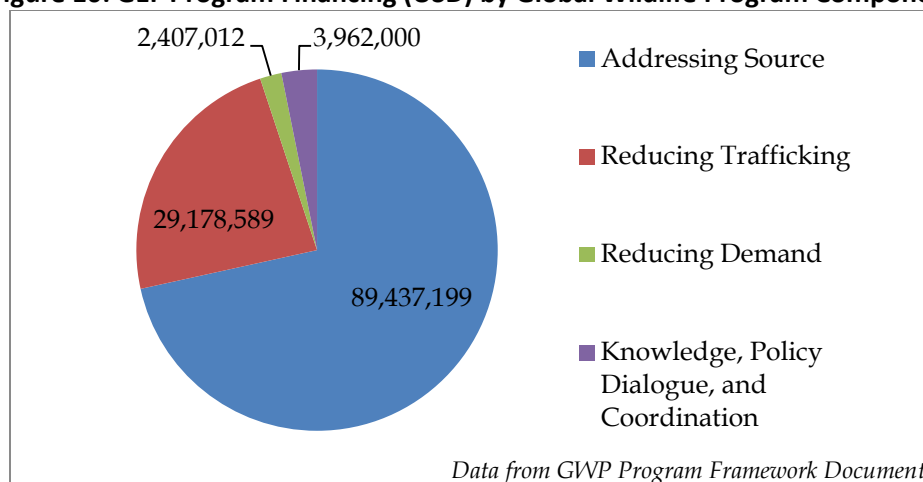
⁴⁶ GEF-6 Biodiversity Strategy, at 14 (2014).

⁴⁷ Under this framework, each country is allocated a level of funding based on formula established in advance by the GEF Council, which is based on the biodiversity GEF benefits index, the GEF performance index, and the GDP-based index.

⁴⁸ The system provides for flexibility in re-allocating funding from one focal area to another. The extent of the flexibility varies by individual country in light of factors including the total GEF STAR funding allocation. GEF (2013).

revised PFD, approved in 2016, US\$89.4 million was allocated to reducing poaching and improving community benefits and management, as shown in Figure 10. By contrast, US\$29.2 million was allocated to reducing wildlife trafficking, and US\$2.4 million to reducing demand.⁴⁹ In other words, 68.3% is dedicated to source issues; 22.3% is dedicated to trafficking issues; and 1.8% is dedicated to reducing demand.

Figure 10: GEF Program Financing (USD) by Global Wildlife Program Component



Predecessor projects to address illegal wildlife trade

134. Prior to the adoption of GEF6-Program 3, numerous GEF-funded projects included components related to combatting illegal wildlife trade. As part of the analysis conducted for the World Bank-authored Analysis of International Funding to Tackle Illegal Wildlife Trade, the GEF identified 79 projects that involved, at least in part, efforts to tackle illegal wildlife trade in Africa and Asia between 2010 and 2016.⁵⁰ It should be noted that while these projects included some elements addressing illegal wildlife trade, they were not designed primarily to address wildlife trade issues. Of these, 58 projects were developed and approved prior to the development of the Global Wildlife Program, and 21 of them are “child projects” that are associated with the Global Wildlife Program. The 58 projects that preceded the Global Wildlife Program cover a range of activities, including policy and legislation; law enforcement; protected areas management; community and awareness; promoting sustainable land use and alternative livelihoods; and research and assessment. These activities also feature in the child projects within the GWP. Of these projects, only one has a terminal evaluation—a small grants program in Pakistan—and only four other projects have a mid-term evaluation—two projects in China, a project in Uganda, and a project in Mongolia. The brief descriptions of the results of those mid-term and terminal evaluations, highlighting lessons applicable to the Global Wildlife Program are included in Box 1.

⁴⁹ An additional US\$3.96 million is allocated for knowledge building, policy dialogue, and coordination through the Global Grant. In addition, there is US\$5.94 million in Project Management Costs for all of the child projects, for a total funding amount of US\$130.9 million under the Global Wildlife Program.

⁵⁰ World Bank (2016). Since the conclusion of the World Bank report, the GEF has identified one more project, bringing the total to 80.

135. These projects illustrate the nature of the earlier GEF-funded projects: they are primarily biodiversity projects. For most of these projects, the connections to illegal wildlife trade are indirect, such as support for protected areas management and for improving livelihoods that may, ultimately, discourage aspects of illegal wildlife trade. Most were not conceived as tools to combat illegal wildlife trade and were not structured with it as a primary goal. Some projects did include components more directly aimed at combating illegal wildlife trade, such the Uganda project addressing human-wildlife conflict.

Box 1: Results from Evaluations with Lessons for the Global Wildlife Program

Pakistan: Fifth Operational Phase of the GEF Small Grants Program in Pakistan (GEF Proj. #4380, UNDP).

This project aims to improve livelihoods through community-based actions to address biodiversity conservation, including building capacity and supporting knowledge management. The evaluation **recommended stronger linkages and coordination between government and other stakeholders at the national and sub-national levels**. Some of the efforts in support of conservation include *ecotourism, training, raising awareness, development local conservation plans*, and developing support for conservation among youth. The project did not directly focus on illegal wildlife trade, but rather focused on *mainstreaming biodiversity management and mitigating climate change*. The terminal evaluation found that the focus on biodiversity and species conservation needed to be **“retained and sharpened.”**

Uganda: Conservation and Sustainable Use of the Threatened Savanna Woodland in the Kidepo Critical Landscape in North Eastern Uganda (GEF Proj. #4456, UNDP). According to the mid-term evaluation, this was a well-designed project, but poorly managed and implemented, resulting in many setbacks and delays. The project has two components: (1) strengthening management of eight protected areas, and (2) integrating protected area management into landscape-wide planning. The evaluation concluded that it was important to learn the lessons from past projects and to utilize outside expertise to maximize project effectiveness. This project was explicitly designed to combat illegal wildlife trade, seeking to reduce poaching levels and to ensure that required security equipment has been obtained. However, the evaluation observed that **“there is almost no understanding of wildlife issues and how to tackle them in a meaningful and sustainable way.”** It also noted that human-wildlife conflict is a complex issue to address and requires an expenditure of time and resources over the long term to address it effectively.

Mongolia: Network of Managed Resource Protected Areas (GEF Proj. #4562, UNDP). The project aims to catalyze the strategic expansion of Mongolia’s protected areas through institutional capacity development. The mid-term evaluation concluded that the project should have pursued support from banks and other private entities. **The evaluation praised the engagement of stakeholders in the project, ultimately enhancing popular awareness of conservation priorities and ensuring that hunting revenue would be dedicated to local communities.** However, the evaluation urged further inclusion of **science-oriented conservation NGOs** in project activities to ensure the soundness of measures adopted, including the use of robust monitoring techniques.

China: Strengthening the Management Effectiveness of the Sub-system of Wetland Protected Areas for Conservation of Globally Significant Biodiversity (GEF Proj. #4655, UNDP). Focusing on design questions, the mid-term review concluded that the project is aligned with national priorities and that it supported increasing public awareness of the importance of wetlands. This project focuses directly on wetland conservation and management and is **only indirectly related to illegal wildlife trade.**

China: Strengthening the Management Effectiveness of the Wetland Protected Area System in Hainan for Conservation of Globally Significant Biodiversity (GEF Proj. #4811, UNDP). This project supports diversity by strengthening the system of wetland protected areas. The mid-term review concluded that increased involvement of stakeholders, including local communities, is important. It also noted that a focus on “improved livelihoods” would be more realistic and sustainable than one on “alternative livelihoods,” in part because some of the purported alternative livelihood activities would be hard to scale up. In addition, community co-management would increase support and viability for eco-tourism projects. This project is directly related to wetland protected area strategies, and only indirectly connected to combating illegal wildlife trade.

Transitional Medium-Sized Projects

136. Two Medium-Sized Projects funded by the GEF were precursors to the coordinated program known as the Global Wildlife Program. These two projects provided an opportunity for the GEF, its implementing agencies, and partners to test more coordinated approaches to combating illegal wildlife trade (Source: Interviews).⁵¹

137. The first project, “Fighting against Wildlife Poaching and Illegal Trade in Africa—The Case of African Elephants” (GEF PMIS #5439, World Bank), included three components: (1) support for studies and development of regional strategies, (2) building alliances and political will, particularly by building alliances among parliamentarians within and among countries, and (3) supporting program development activities that supported the creation of the Global Wildlife Program. As part of the development of the GWP under this Medium-Sized Project, lessons were drawn from the institutional experience on implementing similar programs (Source: stakeholder interviews). One such lesson was that having a small but effective team can enable the program to work and evolve more quickly than a large, slow-moving program management group; that lesson has been borne out in the case of the GWP so far. Another important lesson from this Medium-Sized Project, was the importance of building political support to facilitate country-level project efforts, which can be achieved by convening conferences and engaging with political leaders (Source: Interviews). This was subsequently applied to the GWP—the benefit of front-loading knowledge management activities, such as the monthly virtual knowledge exchange series in order to maximize their impact on project design and implementation.

138. The second project, “Engaging Policy Makers and the Judiciary to Address Poaching and Illegal Wildlife Trade in Africa” (GEF PMIS#5821, UNEP), uses conservation caucuses to create support for efforts to combat illegal wildlife trade. This project was primarily executed by the International Conservation Caucus Foundation (ICCF).⁵² This project helped build political will and action for combating IWT and to foster connections among neighboring countries in the pursuit of conservation goals. These two projects were critical steps in the engagement of the GEF with illegal wildlife trade issues. As the first deliberate steps in enhancing coordination among GEF IWT activities, they are critical precursors to the Global Wildlife Program.

Global Wildlife Program

139. According to the PFD (July 2015), the program included 12 child projects (11 country-specific projects and the Global Grant). In 2016 the program was expanded to include nine additional country-specific child projects and a revised PFD including encompassing those projects was approved by the GEF Council in July 2016. The theory of change presented in the PFD is framed as follows:

⁵¹ The project “Engaging Policy Makers and the Judiciary to Address Poaching and Illegal Wildlife Trade in Africa” (GEF PMIS#5821, UNEP) had not been identified as part of the 2016 global analysis of donor funding conducted by the World Bank Group; they were subsequently identified by the GEF Independent Evaluation Office and the GEF Secretariat.

⁵² An international organization devoted to developing and supporting international conservation caucuses (i.e., groups parliamentarians committed to learning about and supporting wildlife conservation) around the globe.

In order to have a significant impact in preventing the extinction of known threatened species by curtailing poaching and the illegal wildlife trade, and promoting the sustainable use of wildlife resources, the Program was designed following a theory of change that would address key distortions and weaknesses across the illegal wildlife value chain.⁵³

140. The theory of change involved short-term and long-term interventions, as well as “a series of interventions along the value chain from source to transit to demand.”⁵⁴ The PFD then articulated approaches for achieving change along the wildlife supply chain. Among the child projects is a single global grant that includes four components implemented by the World Bank and one component implemented by UNDP:

- (a) **Component 1: Program Coordination and Communication (World Bank).** This component entails facilitating coordination among program stakeholders, including a Program Steering Committee and among donors, and communicating the Program’s activities to others.
- (b) **Component 2: Monitoring and Evaluation (World Bank).** This component entails developing and implementing a monitoring and evaluation framework for the country-specific projects, as well as technological system to facilitate the use of this framework.
- (c) **Component 3: Knowledge Management (World Bank).** This component involves organizing knowledge exchange events in which program participants can learn from experts and from peers. It also entails establishing a system for the sharing of documents showing good practices and lessons learned from other projects.
- (d) **Component 4: Reducing Maritime Trafficking between Africa and Asia (UNDP).** This component involves various regional efforts to reduce trafficking, including developing an anti-trafficking system for ports, training for cooperation within and among countries, awareness campaigns about the harms caused by wildlife trafficking, anti-corruption measures, and other activities to strengthen the capacity of port officials to combat maritime trafficking.
- (e) **Component 5: Strengthen Institutions (World Bank).** This component primarily entails support for ICCWC, including the deployment of the ICCWC Toolkit in additional countries in order to assess threats from illegal wildlife trade.

141. The 20 country-specific child projects under the Global Wildlife Program are being implemented in 19 countries in Africa and Asia: Afghanistan, Botswana, Cameroon, Republic of Congo (2 projects), Ethiopia, Gabon, India, Indonesia, Kenya, Malawi, Mali, Mozambique,

⁵³ Program Framework Document, Global Partnership on Wildlife Conservation and Crime Prevention for Sustainable Development, GEF Id. No. 9439, at 24-25, ¶ 30.

⁵⁴ *Id.* at 25, ¶ 31.

Philippines, South Africa, Tanzania, Thailand, Vietnam, Zambia, and Zimbabwe. Of these country-specific projects, 9 received CEO Endorsement from the GEF but only three projects have received both CEO endorsement and final implementing agency approval: Gabon, Zambia, and one of the two projects in the Republic of Congo.⁵⁵

142. As per the interviews, these projects were informed by the expertise of on-the-ground personnel and GEF implementing agency staff. Accordingly, lessons were drawn from previous projects, but they are often based on staff experience and not necessarily explicitly reflected in the PFD or in formal project documentation.

C. Combatting Illegal Wildlife Trade in the International Context

143. International Law and Policy Frameworks. The global legal and policy frameworks for addressing illegal wildlife trade and other international efforts to combat illegal wildlife trade provide the broader context for the GEF's efforts towards combatting IWT. The international legal framework for addressing illegal wildlife trade rests primarily on the broad mandates within the Convention on Biological Diversity (CBD)—and the accompanying Aichi Targets—and the specific mandates of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

144. The CBD has as one of its primary objectives “the conservation of biological diversity.”⁵⁶ In October 2010, the Conference of the Parties to the CBD adopted the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets. The mission of the Strategic Plan is, in essence, “to take effective and urgent action to halt the loss of biodiversity in order to ensure that by 2020 ecosystems are resilient and continue to provide essential services.”⁵⁷ Target 12 provides that “[b]y 2020 the extinction of known threatened species has been prevented and their conservation status, particularly of those most in decline, has been improved and sustained.”⁵⁸

145. CITES is the primary international accord governing international trade in wildlife, currently with 183 States Parties. CITES governs the international trade in approximately 35,000 listed species of animals and plants.⁵⁹ For certain species, international trade is barred except for exceptional circumstances; for others, trade controls are implemented to avoid threats to their viability; and for others, a system of export and import permits prevents trade in species obtained in violation of national laws requesting such controls.⁶⁰ While CITES is not one of the several international conventions that the GEF directly supports, due to shared interest in combating illegal wildlife trade, the GEF has worked closely with CITES.

⁵⁵ Two projects in the Republic of Congo are included in the Global Wildlife Program, one to be implemented by the World Bank and one to be implemented by UNDP. The World Bank project was endorsed and approved so far.

⁵⁶ Convention on Biological Diversity, Art. 1 (Objectives).

⁵⁷ UNEP/CBD/COP/DEC/X/2, ¶ 12.

⁵⁸ *Id.* at 9 (Target 12).

⁵⁹ CITES (2017b).

⁶⁰ CITES (1973), Art. II (Fundamental Principles), ¶¶ 1-3; *id.*, Art. III (Regulation of Trade in Specimens of Species Included in Appendix I); *id.*, Art. IV (Regulation of Trade in Specimens of Species Included in Appendix II).

146. Finally, goal fifteen of the Sustainable Development Goals adopted at the United Nations Sustainable Development Summit in 2015 is relevant to the fight against illegal wildlife trade. It seeks to “protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.” Two of the targets under goal fifteen have particular relevance:

- (a) 15.7 Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products.
- (b) 15. c Enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities.⁶¹

Donor Context

147. This section reviews five programs on combating illegal wildlife trade by governmental and nongovernmental organizations in greater depth and presents lessons for the Global Wildlife Program: The United States, the European Commission, Germany, the Wildlife Conservation Society, and World Wildlife Fund / TRAFFIC International.⁶²

148. **United States.** Beginning in 2013, the efforts of the U.S. government regarding combatting illegal wildlife trade have been coordinated through the Presidential Task Force on Wildlife Trafficking, an interagency group that involves representatives of 17 departments and agencies. As part of this effort, the United States unveiled its National Strategy for Combating Illegal Wildlife Trade, which organizes U.S. efforts around three major goals: strengthening enforcement, reducing demand, and increasing international cooperation.⁶³ Among other agencies, the Fish and Wildlife Service, the Department of Justice, USAID, and the Department of State play critical roles in pursuing these goals. The experience in the United States **confirms that coordination among agencies and projects is important to a successful program.** It also confirms that different agencies have institutional advantages in pursuing different types of projects and that it is useful to leverage these varying capacities in a coordinated scheme addressing IWT.

149. **European Union (EU).** The EU has a broad approach to addressing IWT, supporting a large number of governance, conservation, and biodiversity-related projects, with a particular focus on Central Africa.⁶⁴ The EU Enforcement Group is the primary EU body to coordinate efforts to combat illegal wildlife trade, bringing together law enforcement officers from EU Member States, Europol, Eurojust, Interpol, the World Customs Organization, and the CITES Secretariat.⁶⁵ Periodic in-person meetings are important to meaningful coordination among these organizations. The 2016 EU Action Plan against Wildlife Trafficking targets the entire IWT

⁶¹ UN (2017). *See also* CITES (2015).

⁶² More complete profiles of these organizations are presented in Annex 12.

⁶³ United States (2014).

⁶⁴ EC (2015).

⁶⁵ EC (2016b).

supply chain, from source to transit to end consumer.⁶⁶ The breadth of the Action Plan confirms the GWP's theory of change, which also addresses the entire supply chain.

150. **Germany.** Germany's efforts to combat illegal wildlife trade are characterized by cooperation between several ministries of the German government, which coordinate through the "Polifund." Although each ministry had previously pursued its own agenda largely independently, the Polifund consolidated IWT efforts and generated a more effective working atmosphere. Despite initial concerns about each agency receiving credit, the cooperation ultimately increased visibility for all agencies involved. This experience can serve as a model for other efforts to address IWT: cooperation and coordination is essential for addressing IWT, and it can improve agency's public image along the way. The German approach also fostered cooperation among countries. Germany works directly with the Southern African Development Community, using CITES as a model for enhancing regional cooperation and building institutions. More recently, Germany has promoted partnerships between individual source and demand countries, fostering, for example, an agreement between Mozambique and Vietnam on reducing rhino horn trade.

151. **Wildlife Conservation Society.** The Wildlife Conservation Society (WCS) aims to conserve wildlife and their habitat "through science, global conservation, education and the management of the world's largest system of urban wildlife parks."⁶⁷ The organization prioritizes the conservation of elephants, apes, big cats, sharks and rays, whales and dolphins, and tortoises and fresh-water turtles, and it focuses on major wildlife trade routes in Asia and Africa.⁶⁸ With respect to elephants, WCS launched a three-year program in 2014 in nine Central and East African countries—that are, together, home to 45,000 elephants—to "scale up the law enforcement in key protected areas."⁶⁹ This anti-poaching effort supports park guards through equipment improvement, monitoring, training, and intelligence gathering.

152. **World Wildlife Fund and TRAFFIC International.** The central initiative of the World Wildlife Fund (WWF) and TRAFFIC International to address illegal wildlife trade is their joint Wildlife Crime Initiative (WCI).⁷⁰ It has four key thematic pillars: (1) poaching, publishing ranger surveys and using them to advocate for better working conditions; (2) trafficking, with a focus on the transport sector; (3) buying, including support for behavior change in demand markets; and (4) policy, with a focus on corruption.⁷¹ This initiative has focused almost entirely on Asia and Africa.

153. The review of the existing programs to address IWT around the globe yields several lessons for GEF IWT programming:

⁶⁶ The first steps leading to establishing the Plan date back to 2014 when the EC adopted a [communication](http://data.consilium.europa.eu/doc/document/ST-10512-2016-INIT/en/pdf) on approaches to illegal wildlife trade within the European Union. See <http://data.consilium.europa.eu/doc/document/ST-10512-2016-INIT/en/pdf>.

⁶⁷ WCS (2013).

⁶⁸ WCS (2017b).

⁶⁹ Clinton Foundation (2017).

⁷⁰ TRAFFIC was established in 1976 as a partnership between WWF and the International Union for the Conservation of Nature (IUCN), with the mission of ensuring that trade in wild plants and animals is not a threat to the conservation of nature.

⁷¹ WCI (2016).

- (a) No one organization can solve this global problem. Different entities have varying institutional capacities, and contributions by numerous countries, multi-lateral organizations, NGOs, and other donors are all essential to addressing this complex global problem.
- (b) Given the number of entities involved in combating illegal wildlife trade, even within a single country, coordination among those entities is critical.
- (c) Some flexibility to allow the use of funds to address changing and urgent situations is important.
- (d) It is important for the GEF to address the entire illegal wildlife trade supply trade—source, trafficking, and demand.

2. Findings

A. Relevance

154. The GWP is relevant to GEF-6 Biodiversity Strategic priorities. The program aims at preventing the extinction of known threatened species by focusing on reducing the rates of poaching of rhinos, elephants, and other threatened species, and increasing arrest and conviction rates within participating countries. The design of the GWP exhibits a high degree of alignment with this goal, and even with the strategy's emphasis on certain charismatic species; 18 of the 20 country-specific child projects include elephants and rhinos. In addition to being aligned with Program 3 of the GEF-6 Biodiversity Strategy, it also caters to other biodiversity programs and objectives, such as those related to protected areas, sustainable use and biodiversity mainstreaming efforts. Through country-led child projects, the program responds to the objectives of other focal areas such as land degradation, climate change and sustainable forest management.

155. The Global Wildlife Program is a relevant and important response to address the issue of illegal wildlife trade. Illegal wildlife trade is a threat to global biodiversity. The Global Wildlife Program addresses these threats and, therefore, is relevant to advancing core goals of the Convention on Biological Diversity. It is also relevant to the goals of CITES, although that treaty is not formally one of the treaties the GEF animating the GEF's work.

156. The Global Wildlife Program is evolving from a set of projects focused largely on biodiversity and conservation with elements related (directly or indirectly) to illegal wildlife trade to projects that more directly and by design address illegal wildlife trade issues. Nevertheless, there remain competing visions for the scope and focus of the program. Key informants advocated for a broader focus on threats to wildlife more generally. Others focused on the importance of addressing illegal wildlife trade itself and indicated that the GEF's focus on source-related issues is appropriate, given the activities of other organizations, and given the GEF's structure and its institutional capacities and advantages. Specifically, those respondents suggested it was proper for the GEF to focus on communities and sustainable livelihoods

because other organizations focus on “hard core” law enforcement activities.⁷² By contrast, others argued that GEF should address law enforcement activities because those activities have the potential for a more direct impact on reducing illegal wildlife trade than the fostering of alternative sustainable livelihoods.

157. The GWP has an appropriately comprehensive theory of change to address illegal wildlife trade. The theory of change, set out in the GWP’s PFD, emphasizes addressing each stage in the illegal wildlife trade supply chain, namely the source of wildlife traded illegally, the shipment and transportation of wildlife and wildlife products, and the market demand for those products. Furthermore, the theory of change encompasses both short and long-term interventions to address illegal wildlife trade and ensure that wildlife resources are sustainably used. Short-term interventions as laid out in the PFD include activities to tackle wildlife crimes through anti-poaching and intelligence operations. Long-term measures include sustainable livelihoods and integrated landscape management to address underlying issues related to poverty and a lack of benefits to local communities from conservation of wildlife resources. Despite the comprehensive theory of change, most GWP funding is focused on activities to fight illegal wildlife trade at the source, with 68.3 percent of the GEF’s funding allocated to this component. Trafficking and demand—the two other illegal wildlife trade dimensions embodied in the theory of change—receive 22.3 percent and 1.8 percent of the funding, respectively. Demand constitutes the smallest portion of the funding allocated: \$2.4 million, or approximately 1.8 percent of total GWP funding, with activities proposed in the Philippines, Thailand, and Vietnam.

158. Efforts in addressing illegal wildlife trade through the GWP is a relevant and necessary response, but gaps in geographic and species coverage remain. For example, no countries from the Latin America and the Caribbean region have been included so far, even though substantial illegal wildlife trade occurs within the region. The gaps in coverage reflect the fact that the GWP emerged from concerns focused on the plight of charismatic megafauna—specifically the trafficking of elephant ivory, rhinoceros horn, and large cats (*see Annex 10*).⁷³ These concerns were heightened as a result of a pronounced spike in the poaching of elephants and rhinoceroses beginning around 2007.

159. There is potential for improved program–child project coherence in recent child projects. At the time of the evaluation (July 2017), 11 of the 20 child projects had been CEO endorsed and/or GEF Agency approved. The child projects are being approved in two groups. The first group of projects, which were included in the PFD first approved in July 2015—were already under development as the PFD was being written. The program was thus framed around projects whose objectives and methodologies were already set, rather than on

⁷² One such organization is the International Consortium on Combating Wildlife Crime (ICWC), which seeks “to strengthen criminal justice systems and provide coordinated support at national, regional and international level to combat wildlife and forest crime.” CITES website, <https://cites.org/eng/prog/icwc.php>. ICWC is a collaboration between five organizations: CITES, INTERPOL, the United Nations Offices on Drugs and Crime (UNODC), the World Bank, and the World Customs Organization (WCO).

⁷³ See GEF (2016), ¶ 28 (“The Global Environment Objective of the Program is to promote wildlife conservation, wildlife crime prevention and sustainable development to reduce impacts to known threatened species from poaching and illegal trade.”).

developing projects around the theory of change to address illegal wildlife trade. The aim was to combine the projects developed in individual countries into a more coherent global program. This approach sought to leverage connections among countries, enabling projects to benefit from lessons learned from projects in other countries. For the projects in the second group, which have been added to the revised PFD, there is an opportunity to closely align them with the broader program.

160. There are structural limitations on the extent to which GWP child projects can be expected to fully realize the PFD because of the current funding mechanism. Most of the funding available for child projects under the program is from STAR allocations. While the STAR is beneficial in that it ensures that country recipients have adequate buy-in with respect to their country priorities on illegal wildlife issues, it is also a constraint because there is minimal leverage the GEF can exert over countries in directing their funding to the program. Moreover, issues of illegal wildlife trade need cross-boundary coordination, which will require incentivizing countries to participate in combating these issues at a regional scale.

B. Design

Addressing Source

161. Most of the GWP funding is focused on fighting IWT at the source. As noted above, 68.3% of the GEF's funding under the Global Wildlife Program is allocated to issue pertaining to the source of illegal wildlife trade. The activities within the Global Wildlife Program addressing source issues include strengthening support for protected areas, supporting law enforcement efforts, creating opportunities for local communities to benefit from conserved wildlife (rather than wildlife that has been poached or traded), and development of alternatives for sustainable livelihoods for local communities generally.

162. The child projects under the Global Wildlife Program that have received GEF CEO endorsement so far have included several of these components. For example, in Gabon, the Wildlife and Human-Elephant Conflicts Management Project, approved on September 2, 2016, is focused on threats to elephants and the ivory trade.⁷⁴ Its activities address incentives for local communities to impede illegal wildlife trafficking. It also includes tools for understanding and combating illegal wildlife trafficking at the source. Some argue that instilling a sense of ownership over the wildlife by local communities will serve as the best form of protection for the wildlife. Respondents also emphasized that ultimately the problem of illegal wildlife trafficking—and the associated broader threats to biodiversity—must be tackled at the source. Activities that enable local communities to directly benefit from wildlife, through ecotourism, for example, contribute to this goal, as do activities to minimize human-wildlife conflict, such as creating barriers to provide crop destruction by elephants.

163. There are substantial needs to provide better benefits to rangers and others engaged in high-risk, on-the-ground efforts to protect wildlife from poaching. Experts in significant experience in anti-trafficking work, emphasized these needs. They emphasized that basic benefits such as disability and life insurance and adequate housing will increase the ability of

⁷⁴ See World Bank (2016).

rangers to fulfill their dangerous duties without fear of depriving their families of a livelihood. This type of support was perceived as more important than sophisticated technologies such as night-vision goggles. Providing these benefits has the added advantage of reducing rangers' susceptibility to the corrupting influence of illegal operatives. World Wildlife Fund surveys have confirmed these needs, and also have revealed that many rangers—some 45% of those it surveyed in African and Asian countries—lack adequate training, with large proportions also reporting a lack of necessities as basic as boots.⁷⁵ Many efforts to combat illegal wildlife trade in source countries are situated, for strategic or thematic reasons, within broader biodiversity conservation goals. However, the links to combating illegal wildlife trade are not as clearly articulated in those projects.

Addressing Trafficking

164. Wildlife trafficking is defined as “taking, trading, exploiting or possessing” wild fauna and flora in ways that violate the national and international laws.⁷⁶ The second stage of the supply chain for illegal wildlife trade is trafficking—the illegal transportation of products from a source location to a consumption location. Trafficking will necessarily include transportation through countries in which the product is sourced (source countries) and through countries the product is used (demand countries), as well as often through other countries that serve as conduits for illegal trade (transit countries).⁷⁷ While products is also transported directly from Africa to Asia—although often through multiple countries--the European Union is an important transit region between Africa and Asia.⁷⁸

165. As one of the most valuable categories of items traded illegally, wildlife products are often trafficked with other illicit commodities, such as drugs and guns. They are often trafficked by the same international criminal organizations via similar routes. KIs noted that these organizations rely on interconnected logistics and transport networks including land, air, and sea carriers for smuggling. They are also enabled by similar factors: the failure of customs officials to ensure that items traveling in international trade are legal and the prevalence of bribery to grease the wheels of trafficking schemes. Wildlife traffickers also apply a number of strategies to bring illegally traded wildlife into the legitimate supply chain in order to sell the products under the guise of apparent legality.⁷⁹

166. With the exception of the global coordination grant, all the child projects under the GWP are for a single country. More than 90% GWP funding for anti-trafficking activities consists of country-specific child projects that include trafficking components. Country-specific projects addressing trafficking are in both African and Asian countries, including Botswana, Cameroon,

⁷⁵ McLellan and Allan (2016).

⁷⁶ Kaaria and Muchiri (2011).

⁷⁷ A country can be both a source country and a transit country with respect to illegal wildlife products. For example, under the country-specific concept notes attached to the Program Framework Document, Botswana is considered a transit country while it has the world's largest elephant population. Indonesia is a key source country in region for trade of wildlife products—legally and illegally. It is also becoming a significant transit point for transnational wildlife trafficking, such as African ivory from Africa to East Asia. The Philippines is a transshipment point, as well as a destination for some of the wildlife products (poached elephant tusks and rhino horns, as well as pangolins).

⁷⁸ Banos Ruiz (2017).

⁷⁹ UNODC (2016).

Ethiopia, Indonesia, Kenya, Mozambique, the Philippines, South Africa, Thailand, and Vietnam. Notably, however, only few of these have received GEF CEO endorsement (June 2017), and therefore the materials available on those projects are still tentative.⁸⁰ Because illegal wildlife trade is by nature international, it is important to address cross-boundary issues.

Notwithstanding, cross-boundary issues must be addressed, as illegal wildlife trade is by nature international, and the techniques that are effective in combating the trafficking of other illicit goods must be employed. These techniques include training customs officials to better identify illegally traded wildlife, cross-border cooperation between countries and with international organizations such as INTERPOL and the International Consortium on Combating Wildlife Crime, and mutual legal assistance treaties to facilitate international cooperation in addressing cross-border criminal activity. Transportation and logistics sectors such as shipping lines, airlines, freight forwarders, and express couriers all play a critical role in combating wildlife trafficking. In addition, the Global Coordinating Grant includes a component managed by UNDP that aims to reduce maritime trafficking between Africa and Asia. This US\$2 million project is less than 10% of the GEF funding addressing trafficking. This component includes the following sub-components:

- (a) Building capacity and encouraging high performance at ports, including supporting technological development and development best practice scheme;
- (b) Changing behavior among industry stakeholders, particularly by raising awareness and implementing anti-corruption activities;
- (c) Strengthening South-South and inter-agency cooperation, including enabling cooperation throughout the IWT supply chain and providing funding for emergency law enforcement operations; and
- (d) Knowledge management, including the development of a best practices toolkit and training materials and continued engagement with local officials.

167. These components address key issues pertaining to trafficking. However, this \$2 million project is a relatively small source of funding given the scale of the problem.

168. Currently, GWP funding is generally limited to source countries. The Program funding component is insufficient to address an important piece of the illegal wildlife trade supply chain highlighted in the PFD's theory of change: transit countries. By focusing on source countries, there is a risk in ignoring trafficking in species that originate outside a country. Many other organizations address trafficking in addition to the GEF, such as the WWF/Traffic joint Wildlife Crime Initiative. Given the limited funding available the GWP coordinating grant is focusing on enabling the adoption of e-permitting, supporting ICCWC, and facilitating regional cooperation.

⁸⁰ 11 projects have been CEO endorsed, 9 are still in the approval process (pending, PM recommended, PPG approved [4 projects]); 2 more have just come in (June 2017) and are also still in the approval process - India, Indonesia, Botswana, Cameroon, Ethiopia, Mozambique, Congo, Zambia, Congo 9148, 9150, 9154, 9155, 9157, 9158, 9159, 9213, 9700

Addressing Demand

169. Demand constitutes the smallest portion of the funding allocated through the Global Wildlife Program thus far with only US\$2.4 million, representing approximately 1.8% of the total. This includes proposed demand-reduction activities in the Philippines, Thailand, and Vietnam. As these projects were not finalized at the time of the evaluation, it is difficult to assess their design, let alone implementation. This analysis is based on the preliminary descriptions of the projects.

170. Respondents have provided a range of perspectives on demand. While some, emphasized that demand reduction efforts are essential because, without reduction in demand, trade in wildlife will continue unabated regardless of other activities. Another suggested that demand activities are ancillary to the variety of interventions necessary at the wildlife source to ensure that the wildlife persists sustainably in those habitats. Another emphasized the importance of evidence-based approaches to ensure that demand reduction efforts are truly effective—and raised questions about whether prevailing approaches to addressing demand are based on evidence. Ultimately, these comments support the Global Wildlife Program’s stated theory of change—that it is necessary to address the entirety of the illegal wildlife trade supply chain. Moreover, while others are engaging in demand reduction activities now, these efforts are insufficient as evidenced by the continuing high level of demand for illegal wildlife products.

171. Wildlife trafficking is substantially driven by market demand in Asia, especially for ivory and rhino horn.⁸¹ Much of this wildlife originates in Africa. Likewise, EU countries are a source and final destination for some endangered species. Therefore, EU plays an important role in combating wildlife trafficking as a global issue. Moreover, the United States is also one of the world’s major hubs for illegal wildlife trade.⁸² One notable absence from the Global Wildlife Program is China, particularly because China has been one of the primary destinations for wildlife products worldwide, including rhino horn, elephant ivory, and pangolin products.⁸³ Few KIs argued that China’s absence is problematic because of the size of the market, the role of Chinese consumption of illegally traded wildlife, and its global influence. Furthermore, as the Global Wildlife Program evolves to include further capacity to share knowledge and support the adoption of international good practice, Chinese participation in the program could yield benefits for China’s own efforts to combat illegal wildlife trade and other conservation goals, as well as for the international fight against IWT. The respondents presenting this perspective argued that, for a subsequent iteration of the Global Wildlife Program, it would be important to encourage China to participate. However, others argued that China’s absence, while notable, was not problematic because of separately financed activities China has been taking to reduce illegal wildlife trade. Of note, these efforts include China’s decision in December, 2016, to shut down its domestic ivory markets by the close of 2017.⁸⁴ During the development of the Global Wildlife Program, efforts were made to engage China. China expressed its preference to utilize its STAR allocation to address other needs. These respondents emphasized that GEF funding

⁸¹ Pires and Moreto (2016).

⁸² Indenbaum (2015).

⁸³ Pires and Moreto (2016).

⁸⁴ Bale (2017); Actman (2016).

need not encompass all aspects of illegal wildlife trade and should complement efforts by national governments and other entities addressing wildlife issues outside of the GEF framework.

C. Cross-Cutting Issues

172. Several cross-cutting issues apply across all stages of the illegal wildlife trade supply chain: coordination, monitoring and evaluation, political will and corruption, and adaptability. They are considered here.

Knowledge Management and Coordination Activities

173. One of the World Bank's tasks under the Global Grant is to coordinate among the various country-specific programs. Notably, the funding level for the Global Grant was set based on the 11 country-specific child projects included in the Program Framework Document that was initially approved in July 2015. When nine additional projects were added to the revised Program Framework Document, approved in July 2016, no additional funds were available to support any additional effort that would be necessitated by the expansion of the program.

174. The GWP global coordination grant is accomplishing more than expected with the available funding. The global coordination grant is an innovative design element of the program. It seeks to coordinate actions and build capacity, learning, and knowledge management to address the issue of illegal wildlife trade across the entire supply chain with implementing partners, donors, and international organizations—some of which are not GEF Agencies. To accomplish these manifold objectives, the global coordination grant receives only 5 percent of total GWP funding. Nonetheless, the activities undertaken by the global grant to facilitate cooperation and knowledge exchange, foster interagency cooperation, and disseminate good practices and lessons have been uniformly praised by informants familiar with the work, based on its efficiency, relevance, accessibility, and helpfulness.

175. As part of these activities, the World Bank has designed different learning and knowledge management initiatives and activities across multiple country-specific child projects. The activities include in-person and web-based knowledge sharing experiences where country-based participants can learn about a particular topic through the contributions of peers and experts. An implementing agency representative from a country office, indicated that the discussion topics have been useful, including the discussion of how to engage local communities in projects. In addition, through these in-person sessions national officials form relationships with counterparts and experts who can help to inform project development and implementation outside of formal conduits. The in-person sessions are supplemented by online sessions to share lessons among peers and other experts. Other project implementing representatives deemed these programs to be useful to the project teams for the country-specific projects. While it is always a challenge to integrate the knowledge gained in such sessions into the design of projects, the program managers seem to be aware of this challenge, and are actively exploring strategies to facilitate the application of the knowledge gained on the ground.

176. For a topic that generates so many competing perspectives, priorities, and visions, the universal agreement on the value added of the knowledge sharing and coordination component of the Global Wildlife Program is particularly striking. It is widely perceived to add value to the country-specific programs. Respondents also noted that World Bank team managing the knowledge sharing activities has been helpful and accessible. It was furthermore noted that the learning and knowledge sharing components are integrated into the Global Wildlife Program in a way that enables child projects to learn about international good practices, informing the final designs of the projects in discrete ways.⁸⁵ Ultimately, the value added by these programs was perceived by some respondents as one of the incentives for countries to participate in the Global Wildlife Program and to direct their STAR-allocated funding to that end.

177. Another striking aspect of the coordination activities is the collaborative relationship that has developed between UNDP and the World Bank. Together the two organizations serve as the implementing agencies for the vast majority of the child projects, with UNDP serving as the implementing agency for the majority of projects. In addition, the World Bank serves various program-wide functions through its roles under the coordinating grant. Both the World Bank and UNDP have been commended on the collaborative relationship that has developed, which is particularly notable given that there historically has been a competitive relationship between the agencies in seeking GEF funding.

178. Under the current procedures for the Global Wildlife Program and the GEF, there are certain opportunities for review and comment on projects, but these are generally by the implementing agency, not necessarily by the team performing the global coordination functions. A number of interviewees advocated for more and earlier opportunities for both formal and informal review and comment on projects. For example, the World Bank Global Wildlife Program personnel had opportunities to comment informally on certain UNDP-implemented projects, when invited. An implementing agency representative, indicated that the GWP Team provided helpful feedback during the pre-approval stage of the project.

Monitoring and Evaluation

179. *The M&E framework for child projects is simplified and more relevant to the program.* The program M&E framework is limited to three key measures, with several sub indicators under each. The three main GWP indicators track the broad theory of change of the program, capturing data on the number of law enforcement and judicial activities, number of people supported by GWP activities, and number of target species poached. This framework is simpler than those applied to other GEF programs and includes a streamlined set of core indicators for other focal areas, as well as a Management Effectiveness Tracking Tool (METT) applicable for all GEF projects with a protected area component. In addition, rather than requiring project teams to use multiple tracking tools, as necessary, respondents noted that the monitoring and evaluation system under the Global Wildlife Program is easier to use because there are “fewer hoops to jump through” and that, as a result, it is more attractive to users. Similarly, an in-

⁸⁵ The success of the learning component of the Global Wildlife Program builds on previous successful approaches designed to share learning across projects. One such example is the GEF-World Bank South-South Knowledge Exchange Project.” GEFIEO (2013).

country implementing agency representative, appreciated the evaluation framework because of its simplicity and flexibility, only requiring reporting on relevant issues. However, it is not clear whether this simplified M&E framework will be able to capture the uniqueness of the child projects as well as overall accomplishment of the GWP.

180. Respondents also emphasized that is useful to follow up immediately after an activity such as a training event and then 6 or 12 months afterwards in order to assess whether the training has had lasting effects. They also suggested that long-term monitoring is necessary in order to assess the effectiveness of efforts to combat illegal wildlife trade, which is a complex problem where incremental changes are part of the solution.

181. One of the key indicators in the GWP M&E and evaluation framework is the number of law enforcement and judicial activities. Sub-indicators under this heading include the number of patrols, arrests, and prosecutions. However, the individual sub-indicators are required only insofar as they are relevant to the individual project. One of the frequent concerns expressed about national IWT efforts is a lack of political will to actually prosecute violations. A simple measure of this would be keep track of some basic elements: arrests, prosecutions, convictions, and sentences, in addition to seizures of contraband goods as appropriate. These metrics yield a better picture of whether traffickers are being held to account. Similarly, without these measures, it is difficult to know whether the justice system is adequate to the task of deterring and punishing wildlife crime. These metrics also shed light on whether corruption is a problem—as it often is linked to illegal wildlife trade. Moreover, with sufficient man-power and resources, these basic statistics are should be relatively easy to collect and report on an annual basis.

Corruption and Political Will

182. It is widely recognized that political will and corruption are integrally linked to illegal wildlife trade. Without political will, a country will not take the actions required to deal with illegal wildlife trade. Corruption constitutes a breakdown in the rule of law such that officials do not enforce the laws consistently but instead act for their pecuniary benefit, allowing illegal wildlife trade to flourish. While these challenges go far beyond illegal wildlife trade, it is also widely recognized that it is necessary to address them in order for anti-IWT efforts to be effective.

183. The link between corruption and illegal wildlife trade was highlighted by the PFD establishing the Global Wildlife Program. The PFD addresses corruption in the context of illegal wildlife trade in discussion wildlife crime generally, weak governance and institutions, and the need to strengthen efforts to stop trafficking at all levels, including the military, the police, other wildlife enforcement entities, and local communities. It then argues that “building credible institutions with transparent and inclusive governance to implement wildlife laws” mitigates the risk of corruption and “elite capture.”⁸⁶

184. Eleven of the 20 country-specific projects describe corruption as a problem in their project documentation, but only 6 projects mention anti-corruption measures as part of their

⁸⁶ PFD, ¶ 69.

objectives. Gabon is only country that explicitly addresses corruption issues as part of its project (June 2017). That project includes an investigation of the role of corruption in ivory smuggling. Moreover, Gabon is now developing an evidence-based program for improving the activities of law enforcement, the judiciary, and the prosecutorial agencies and using the ICCWC Analytic Toolkit. A robust and coordinated focus on political will and corruption will ultimately help achieve the increases in arrests, prosecutions, and convictions the GEF-6 Biodiversity Strategy prescribes.

185. With respect to political will, the GEF has a particular niche as a global intergovernmental organization that can bring together leaders of countries across the IWT supply chain. Bringing together such leaders is not limited to GEF funding recipients, but includes non-recipients and donors like the United States and Europe. It can also support global gatherings, such as the 2014 London Conference on Illegal Wildlife Trade, that often lead to prominent declarations by world leaders. While some might be tempted to dismiss such gatherings as mere words, several respondents emphasized that these gatherings help to build and sustain political will. By supporting such gatherings, the GEF can help sustain the long-term high level political support for taking action to combat illegal wildlife trade.

186. In addition to supporting global gatherings, the GEF has funded at least one project specifically designed to build political will around illegal wildlife trade through the Medium-Sized Project that funded activities by the International Conservation Caucus Foundation (ICCF). ICCF seeks to build political support for conservation matters by supporting the creation of parliamentary caucuses in countries across the world to address conservation, these includes many GEF and GWP countries. It then supports the activities of those caucuses, including the passage and implementation of legislation on conservation issues, and facilitates learning and knowledge sharing opportunities among caucuses around the world, including the United States. With GEF funding, ICCF expanded its caucus work in Africa, working to create new caucuses and to support the expanded activities of existing caucuses, primarily in Southern and Eastern Africa as well as in Gabon. Under the same GEF-funded project, ICCF created regional workshops for judges and prosecutors, not only confined to wildlife or environment, to develop their capacity to prosecute and sentence wildlife crimes and other environmental crimes. These workshops had the additional benefit of creating relationships among prosecutors and judges in different countries within the same region. In addition, these workshops were structured to facilitate connections between members of parliaments and the judicial system to build greater knowledge and foster more informed decision-making. As implemented by ICCF, the caucus model provides one valuable model for building political will around issues pertaining to illegal wildlife trade. Continued support for this model, as well increasing attention to issues of political will and corruption, will help facilitate the success of future GEF efforts combat illegal wildlife trade.

3. Conclusions and Recommendations

Following are the main conclusions from this review:

187. **The GWP is relevant to GEF-6 Biodiversity Strategy priorities.** The program aims at preventing the extinction of known threatened species by focusing on reducing the rates of

poaching of rhinos, elephants, and other threatened species, and increasing arrest and conviction rates within participating countries. It also caters to other biodiversity programs and objectives, such as those related to protected areas, sustainable use and biodiversity mainstreaming efforts. Through country-led child projects, the program responds to the objectives of other focal areas such as land degradation, climate change and sustainable forest management. The program is relevant to advancing core goals of the Convention on Biological Diversity – including the Aichi Targets, and the goals of CITES.

188. Gaps in geographic and species coverage remain; focus is mainly on single country projects. No countries from the Latin America and the Caribbean region have been included so far, even though substantial illegal wildlife trade occurs within the region. The gaps in coverage reflect the fact that the GWP emerged from concerns focused on the plight of charismatic megafauna—specifically the trafficking of elephant ivory, rhinoceros horn, and large cats. With the exception of the global coordination grant, all the child projects under the GWP are for a single country. Cross-boundary issues must be addressed, as illegal wildlife trade is by nature international, and the techniques that are effective in combating the trafficking of other illicit goods must be employed.

189. The GWP has an appropriately comprehensive theory of change to address illegal wildlife trade; most GWP funding is focused on addressing IWT at source. The theory of change, set out in the GWP's PFD, emphasizes addressing each stage in the illegal wildlife trade supply chain, namely the source of wildlife traded illegally, the shipment and transportation of wildlife and wildlife products, and the market demand for those products. Despite the comprehensive theory of change, most GWP funding is focused on activities to fight illegal wildlife trade at the source, with 68.3 percent of the GEF's funding allocated to this component. Demand constitutes the smallest portion of the funding allocated: \$2.4 million, or approximately 1.8 percent of total GWP funding. The skewed allocation of GEF funds in supply, transit and demand countries is the reflection of a program composed of country-lead projects following the participating countries' priorities.

190. There are structural limitations on the extent to which GWP child projects can be expected to fully realize the PFD because of the current funding mechanism. Most of the funding available for child projects under the program is from STAR allocations. While the STAR is beneficial in that it ensures that country recipients have adequate buy-in with respect to their country priorities on illegal wildlife issues, it is also a constraint because there is minimal leverage the GEF can exert over countries in directing their funding to the program. Moreover, issues of illegal wildlife trade need cross-boundary coordination, which will require incentivizing countries to participate in combating these issues at a regional scale.

191. Political will and corruption are not explicitly and directly addressed in projects. Eleven of the 20 country-specific projects describe corruption as an issue but only 6 projects mention anti-corruption measures as part of their objectives. Furthermore, the GWP does not mandate reporting of indicator data on arrests, prosecutions, and convictions for all projects, instead requiring this information only insofar as it is relevant to an individual project.

192. **The M&E framework for child projects is simplified and more relevant to the program.** The three chief GWP indicators track the broad theory of change of the program, capturing number of law enforcement and judicial activities, number of people supported by GWP activities, and number of target species poached. This framework is simpler than those applied to other GEF programs, but it is not clear whether this simplified M&E framework will be able to capture the uniqueness of the child projects as well as overall program accomplishment.

193. **The GWP global coordination grant is accomplishing more than expected with the available funding.** The global grant is an innovative design element of the program and its contributions to date have been recognized by program participants. It coordinates actions and build capacity, learning, and knowledge management to address the issue of illegal wildlife trade across the entire supply chain with implementing partners, donors, and international organizations—some of which are not GEF Agencies. To accomplish these manifold objectives, the global grant receives only 5 percent of total GWP funding.

The main recommendations are:

194. **The GEF has an important role to play in combating illegal wildlife trade, and the ongoing illegal wildlife trade crisis warrants scaling up of GEF's work.** Given the scale of the problem, additional efforts are required to combat illegal wildlife trade. As an intergovernmental organization with an established track record in addressing a range of biodiversity-related issues, the GEF has distinct advantages. With its mandate and expertise, it brings together multilateral agencies and national governments to develop and implement effective programs on the ground. Scaling up the GEF's work requires increased funding under the GEF-7 replenishment cycle and a sharper focus on illegal wildlife trade.

195. **Further integration of bottom-up, country-driven approaches with top-down, strategic approaches is necessary.** Such integration is essential to both developing effective IWT programming and maintaining ownership and buy-in of individual countries in their projects. Adjustments to the funding mechanism for GEF IWT activities could facilitate integration of these approaches. Rather than relying solely on STAR allocation funding as under GEF-6—with the exception of funding under the global coordination grant it would be desirable to support the program with non-STAR funds to carry-out activities in transit- and demand- countries where investing GEF resources may not accrue Global Environmental Benefits for the participating countries. Additional non-STAR resources would benefit activities across international borders in supply countries where STAR funding may not be sufficient to cover both the domestic as well as trans-boundary activities. Private sector funding could be leveraged to address wildlife trafficking and demand issues.

196. **With respect to the scope of the GEF's illegal wildlife trade funding, there should be a strategic expansion to other species, countries, and regions.** Specifically, the program should expand to cover Latin America and the Caribbean, which pose particular issues with respect to the pet trade. To protect biodiversity more broadly, it would also be beneficial to expand strategically to cover other wildlife, moving beyond elephants, rhinos, and big cats.

197. **In addition to country-led national projects, stronger regional and global programming is important.** Projects at both scales—country-specific projects and those at a broader scale—

are important to the success of the program. Because illegal wildlife trade is ultimately an international issue, the program can be more cohesive if cross-border connections are designed as a core part of the program. This could be achieved by supporting activities across international borders with non-STAR resources. In addition, the GEF ought to consider how to engage other countries that are not yet participants in the Global Wildlife Program but are part of the larger system of illegal wildlife trade—whether they are eligible GEF recipients, like China, or non-recipients, like the United States, Europe, or Japan. The communication initiated with major international donors and their agencies should continue.

198. Political will and corruption should be explicitly and directly addressed in all IWT projects. A robust and coordinated focus on political will and corruption will ultimately help achieve the increases in arrests, prosecutions, and convictions that the GEF-6 Biodiversity Strategy prescribes. Participating countries in future GEF funded projects on poaching and illegal wildlife trade, should be encouraged to invest some financial resources in addressing corruption issues. An alternative would be for the GEF to support third parties like the ICCWC to engage with countries to pursue this part of the agenda as is being done in *some countries*.

199. Continue to use the simplified but relevant measures for tracking overall Program performance while reflecting the uniqueness of child projects. As is the GWP tracking tools are used, the GEF should continue to assess that experience to ensure that it matches the current expectations regarding its benefits. The lessons that emerge should then be integrated into the tracking tool and evaluation frameworks going forward. Monitoring and evaluation of all IWT projects should include the tracking of arrests, prosecutions, convictions, and penalties as appropriate. Collecting data for these sub-indicators for *all* projects would enable a more thorough assessment of the effectiveness of the projects, as well as the impact of corruption and political will on efforts to combat IWT. Doing so would contribute to realizing the priority set under Program 3 of the GEF-6 Biodiversity Strategy of increasing arrest and conviction rates for poaching of threatened species.

200. Create links between other international activities regarding demand and GEF-supported efforts. As with trafficking, it important to acknowledge a critical portion of the supply chain with respect to demand occurs in the United States and in Europe, which are not eligible GEF recipients. While this problem is, in part, outside of the scope of the GEF's activities, it must be acknowledged in working to solve this global problem on a global scale. In addition, the GEF can foster linked between demand countries and GEF-eligible countries, such as the partnership created between Mozambique and Vietnam regarding illegal wildlife trade.

201. Sustainability of Knowledge sharing components needs to be established. *The* knowledge sharing components of the Global Wildlife Program will facilitate the Program's further evolution. Fostering connections between experts and in-country staff, in addition to the relationships with the implementing agency technical staff, will enable the continual improvement of the programs at the ground level. The connections between countries fostered by these coordinating and knowledge sharing activities run by the WB with the coordination grant, can also facilitate the development of projects to combat illegal wildlife trade that reach across borders.

Annex 1: Persons interviewed for the study on abs and Nagoya protocol

1. Anita Fiori, Team Leader, PIMS 9058, IADB
2. Balakrishna Pisupati, Vice Chancellor, TransDisciplinary University, Bengaluru, India
3. Chencho Dorji, Research Officer, Ministry of Agriculture and Forests, Government of Bhutan
4. Flávio Teodoro Chaves, Especialista Técnico GEF CSD/RND, IADB
5. Jaime Cavelier, Senior Biodiversity Specialist
6. Jigme Dorji, Portfolio Analyst, Economic Integration and Innovation, UNDP-Bhutan
7. Johan Robinson, Chief, Biodiversity Unit UNEP-DEPI
8. Marianela Araya-Quesada, UNEP Programme officer, Regional Office for Latin America and the Caribbean
9. Mark Zimsky, GEF Biodiversity Focal Area Coordinator and Regional Coordinator for Latin America
10. Matthew Talvacchia, Co-Team Leader, PIMS 9058, IADB
11. Mohamed Sessay, Former Chief, Biodiversity Unit, UNEP-DEPI
12. Mukonyi Kavaka Watai, Head, Bioprospecting, Kenya Wildlife Service
13. Santiago Carrizosa, Global Advisor on ABS, UNDP
14. Valérie Normand, Senior Programme Officer, Access & Benefit Sharing, Secretariat of the Convention on Biological Diversity

Annex 2: Questionnaire Circulated Among Global ABS Expert Group

1. Which of the following best describes your position?
2. What is your area of expertise?
3. Regional affiliation: In answering this question, which regional perspective are you applying?
4. ABS Outlook: Which of the following defines your outlook on ABS issues?
5. Mention the country/organisation name (Optional)?
6. Participation in ABS Project(s)? [Have you participated in any GEF ABS Project(s)]
7. Participation in ABS Project(s)? [Have you participated in some other (non-GEF) donor funded project(s) to implement, apply or build capacity in ABS?]
8. If Yes to either of the options in question 6, in what capacity did you participate?
9. What was the main focus of the GEF ABS project?

10. Do you think that the GEF ABS project focused on the priority issues for the country or region in which it worked?
11. Have the GEF ABS projects you have known been successful in: [Promoting functional and effective implementation of the Nagoya Protocol?]
12. Have the GEF ABS projects you have known been successful in: [Promoting functional commercial ABS contracts or other user/provider relationships]
13. Have the GEF ABS projects you have known been successful in: [Creating intra-governmental coordination/cooperation on ABS issues?]
14. Have you participated in a regional or global GEF ABS project?
15. If YES to the question 11, please answer the following: [All countries and/or organizations were able to benefit from shared experiences of other countries in the project.]
16. If YES to the question 11, please answer the following: [The project promoted the development of regional agreements or global mechanisms.]
17. If YES to the question 11, please answer the following: [The project addressed the concerns of all stakeholder groups.]
18. Based on your knowledge of the GEF Project do you think the project benefited from knowledge sharing or information exchange from other GEF ABS projects?
19. Based on your knowledge of the GEF Project outcomes, do you think the project will achieve functional and effective ABS: [In your country]
20. Based on your knowledge of the GEF Project outcomes, do you think the project will achieve functional and effective ABS: [In your region]
21. Based on your knowledge of the GEF Project outcomes, do you think the project will achieve functional and effective ABS: [Globally]
22. What are the most important outcomes that you have known from the GEF ABS projects?
23. What do you think are the greatest challenges that needs to be addressed in future GEF ABS projects?
24. Please provide any suggestions for improving GEF ABS projects?
25. Please provide your email, if you willing to be contacted for a follow-up discussion regarding this survey(Optional)?
26. Please provide your Full Name and Institutional affiliation if you would like to be acknowledged in the report(Optional).

Annex 3: Persons Submitting Survey Responses

The surveys were sent to a group of eminent experts in ABS policy, law, science and implementation. Fifteen persons responded. The following is a list of the respondents who indicated that they wished their name to be acknowledged in this Report.

1. Lisa Benjamin, The University of The Bahamas
2. Christopher Cosslett, Environment Strategies International
3. Andreas Gettkant GIZ Program Director
4. Monica Ribadeneira Sarmiento
5. Manuel Ruiz Muller, Peruvian Society for Environmental Law
6. TRAN Trang, Legal Associates

Annex 4: Documents Reviewed for this Evaluation

A. GEF-4, 5 and 6, Strategic Documents Relating to ABS

1. GEF, Undated, 'Biodiversity Focal Area Strategy and Strategic Programming for GEF-4'
2. GEF, January 2011, *GEF-5 Focal Area Strategies*
3. GEF, September 2014, *Biodiversity Focal Area Strategy and Strategic Programming for GEF-4*
4. "Outstanding Issues Related To The Nagoya Protocol Implementation Fund"; Doc. GEF/C.40/11/Rev.1; May 26, 2011.

B. CBD-COP and NP-COP/MOP decisions on guidance to the GEF (all available from CBD website at <https://www.cbd.int/decisions/>)

1. CBD COP 1 Decision I/2 ("Financial resources and mechanism"),
2. CBD COP 2 Decision II/6 ("Financial Resources and Mechanism")
3. CBD COP 3 Decision III/5 ("Additional guidance to the financial mechanism")
4. CBD COP 4 Decision IV/13 ("Additional guidance to the financial mechanism")
5. CBD COP 5 Decision V/13 ("Further guidance to the financial mechanism")
6. CBD COP 6 Decision VI/17 ("Financial mechanism under the Convention")
7. CBD COP 7 Decision VII/20 ("Further guidance to the financial mechanism")
8. CBD COP 8 Decision VIII/18 ("Guidance to the financial mechanism")
9. CBD COP 9 Decision IX/31 ("Financial mechanism")
10. CBD COP 10 Decision X/24 ("Review of guidance to the financial mechanism")
11. CBD COP 11 Decision XI/5 ("The financial mechanism")
12. ICNP 2 Recommendation 2/1 ("Elaboration of guidance for the financial mechanism")
13. CBD COP 12 Decision XII/30 ("Financial mechanism")
14. NP COP/MOP 1 Decision NP-1/6 ("Matters related to the financial mechanism")
15. CBD COP 13 Decisions:

- Decision XIII/21 (“The financial mechanism”), CBD/COP/DEC/XIII/21, 17 December 2016
 - Decision XIII/20 (“Resource mobilization”), CBD/COP/DEC/XIII/20, 15 December 2016
 - Decision XIII/28 (“Indicators for the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets”), CBD/COP/DEC/XIII/21, 17 December 2016
16. NP COP/MOP 2 Decision 2/6 (“Financial mechanism and resources (Article 25)”)
 17. Aichi Biodiversity Targets, CBD-COP-10 Decision X/2 (“The Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets”); also available online at <https://www.cbd.int/sp/targets/>.

C. GEF Project Documents and Evaluative Materials

a. Projects funded by the NPIF

1. **PROJECT NO:** 4780; **COUNTRY:** Panamá; **PROJECT TITLE:** “Promoting the application of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in Panama”
 - Request For CEO Approval; 9 December 2011
 - Fonseca, M. “Final Report Evaluation: ‘Promoting the application in Panama of the Nagoya Protocol on Access to Genetic Resources and the fair and equitable sharing of the benefits arising from their use.’” December 2015.
2. **PROJECT NO:** 5160; **COUNTRY:** Colombia; **PROJECT TITLE:** “Development and production of natural dyes in the Chocó Region of Colombia for the food, cosmetics and personal care industries under the provisions of the Nagoya Protocol”
 - Request For CEO Approval; 27 September 2013
 - 2016 Project Implementation Review, 15 July 2017
 - Maria del Pilar Pardo Fajardo, “Midterm Review: Development and Production in the Chocó, Colombia Region of Natural Dyes for the Food, Cosmetic, and Personal Care Industries under the Nagoya Protocol”; February, 2016
3. **PROJECT NO:** 5170; **COUNTRY:** Fiji; **PROJECT TITLE:** “Discovering nature-based products and building capacities for the application of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing (ABS) in Fiji”
 - Project Document (Undated. From GEF website)⁸⁷
 - 2016 Project Implementation Review, 16 July 2017
4. **PROJECT NO:** 5172; **COUNTRIES:** Global (no listing provided, other reading indicates Belarus, Bosnia/Herzegovina Burkina Faso; Cote d’Ivoire, Djibouti, Guinea Bissau, Kazakhstan,

⁸⁷ CEO Request not available online.

Kyrgyzstan, Lesotho, Liberia, Malawi, Mauritania, Niger, Togo, Uganda, Zimbabwe and four other countries)

PROJECT TITLE: “Global support for the ratification and entry into force of the Nagoya Protocol on Access and Benefit Sharing”

- Request For CEO Approval; 29 September 2012
- UNEP GEF PIR Fiscal Year 16 (1 July 2015 to 30 June 2016);

5. **PROJECT NO:** 5420; **COUNTRY:** Costa Rica; **PROJECT TITLE:** “Promoting the application of the Nagoya Protocol through the development of naturebased products, benefit-sharing and biodiversity conservation in Costa Rica”

- Request for CEO Approval, 16 April 2014
- 2016 Project Implementation Review (PIR), 16 July 2017

6. **PROJECT NO:** 5448; **COUNTRY:** Bhutan; **PROJECT TITLE:** “Implementing the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in Bhutan”

- Request For CEO Approval; August 8, 2014
- 2016 Project Implementation Review (PIR) Of PIMS 5239 NPf - Promoting the Application of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in Bhutan
- Mani Ram Moktan; “Mid-Term Review Report: Implementation of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in Bhutan”; 31 January 2017

7. **PROJECT NO:** 5454; **COUNTRIES:** Regional – COMIFAC (Participating countries: Burundi, Cameroon, Chad, Central African Republic, Democratic Republic of Congo, Equatorial Guinea, Gabon, Republic of Congo, Rwanda and San Tome & Principe)

PROJECT TITLE: “Ratification and Implementation of the Nagoya Protocol on Access and Benefit Sharing (ABS) for the member countries of the Central African Forests Commission (COMIFAC)”

- Request for CEO Endorsement, 13 October 2014
- UNEP GEF PIR Fiscal Year 2016 (1 July 2015 to 30 June 2016)

8. **PROJECT NO:** 5613; **COUNTRY:** Cook Islands; **PROJECT TITLE:** “Strengthening the Implementation of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in the Cook Islands”

- Project Identification Form (PIF), 6 December 2013

9. **PROJECT NO:** 5626; **COUNTRY:** Kenya; **PROJECT TITLE:** “Developing the microbial biotechnology industry from Kenya’s soda lakes in line with the Nagoya Protocol”

- Request for CEO Approval, 28 October 2013
- UNEP GEF PIR Fiscal Year 16 (1 July 2015 to 30 June 2016)
- Report of the “High Level Segment/policy makers meeting Resolutions and Recommendations on 21st January 2015”
- Kenya Soda Lakes Presentation at CBD COP-13: “Contribution of the Nagoya Protocol to the Sustainable Development Goals: Case of Kenya’s Soda Lakes Microbial Bioprospecting Project”

10. **PROJECT NO:** 5634; **COUNTRIES:** Regional (SPREP) (Participating Countries: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu)
PROJECT TITLE: “Ratification and implementation of the Nagoya Protocol in the countries of the Pacific”
 - Request for CEO Endorsement, 19 April 2016
11. **PROJECT NO:** 5796; **COUNTRY:** Cameroon; **PROJECT TITLE:** “A bottom-up approach to ABS: Community level capacity development for successful engagement in ABS value chains in Cameroon (*Echinops giganteus* and *Mondia whitei*)”
 - Request for CEO Endorsement, 24 May 2016
12. **PROJECT NO:** 5820; **COUNTRY:** Argentina; **PROJECT TITLE:** “Promoting the Application of the Nagoya Protocol on ABS in Argentina”
 - PROJECT DOCUMENT Promoting the application of the Nagoya Protocol on ABS in Argentina”
13. **PROJECT NO:** 5882; **COUNTRY:** Gabon; **PROJECT TITLE:** “Gabon - Implementation of national strategy and action plan on access to genetic resources and the fair and equitable sharing of benefits accruing from their utilization”
 - Request for CEO Approval, undated

b. GEF Trust Fund Projects

14. **PROJECT NO:** 2820; **COUNTRIES:** Regional Africa (**Error! Not a valid bookmark self-reference.**); **PROJECT TITLE:** “Supporting the Development and Implementation of Access and Benefit Sharing Policies in Africa” (FSP)
 - Request For CEO Endorsement/Approval; March 31, 2009
 - UNEP GEF PIR Fiscal Year 15 (1 July 2014 to 30 June 2015)
 - Attere, F., “Project Terminal Evaluation of the UN Environment Project ‘Supporting the Development and Implementation of Access Supporting the Development and Implementation of Access Supporting the Development and Implementation of Access and Benefit Sharing Policies in Africa’”; June 2017
15. **PROJECT NO:** 3801; **COUNTRY:** India; **PROJECT TITLE:** “Strengthening the implementation of the Biological Diversity Act and Rules with focus on its Access and Benefit Sharing Provisions” (FSP)
 - Request For CEO Endorsement/Approval; 1 February 2011
 - Moore, P., “Mid-Term Evaluation Report of the project: ‘Strengthening the Implementation of the Biological Diversity Act and Rules with Focus on its Access and Benefit Sharing Provisions (India ABS Project)’”; November 2015
16. **PROJECT NO:** 3853; **COUNTRIES:** Regional ASEAN (Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Thailand, Viet Nam and Timor Leste (plus Brunei Darussalam and

Singapore, self-funded); **PROJECT TITLE:** “Building capacity for regionally harmonized national processes for implementing CBD provisions on access to genetic resources and sharing of benefits”

- Request For CEO Endorsement/Approval; February 23, 2011
- Moore, P. “Terminal Evaluation Report of the project ‘Building capacity for regionally harmonized national processes for implementing CBD provisions on access to genetic resources and sharing benefits (ASEAN ABS Project)’”; December 2015.

17. **PROJECT NO:** 3855; **COUNTRIES:** Regional LAC (Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guyana, Panama, Peru) ; **PROJECT TITLE:** “LAC ABS: Strengthening the implementation of ABS regimes in Latin America and the Caribbean”

- Request For CEO Endorsement/Approval; November 15, 2010
- Escobedo, M. “Terminal Evaluation Report of the project Strengthening the implementation of access to genetic resources and benefit-sharing regimes in Latin America and the Caribbean (ABS LAC)” ; September, 2016

18. **PROJECT NO:** 4091; **COUNTRY:** Ethiopia; **PROJECT TITLE:** “Capacity Building for Access and Benefit Sharing and Conservation and Sustainable Use of Medicinal Plants (Ethiopia ABS CSUMP)

- Request For CEO Endorsement/Approval; March 1, 2012
- UNEP GEF PIR Fiscal Year 16 (1 July 2015 to 30 June 2016)

19. **PROJECT NO:** 4415; **COUNTRIES:** Global (50 eligible CBD Parties); **PROJECT TITLE:** “Capacity building for the early entry into force of the Protocol on Access and Benefit Sharing” (MSP)

- Request For CEO Endorsement/Approval; 31 January 2011
- UNEP GEF PIR Fiscal Year 11 (30 June 2012 to 30 June 2013)
- Moore, P. “Terminal Evaluation of UN Environment Project: ‘Capacity Building for the Early Entry Into Force of the Protocol on Access and Benefit Sharing’”; February 2017

20. **PROJECT NO:** 4618; **COUNTRY:** Guatemala; **PROJECT TITLE:** “ABS Guatemala: Access to and Benefit Sharing and Protection of Traditional Knowledge to Promote Biodiversity Conservation and Sustainable Use”

- Request For CEO Endorsement/Approval; 22 April 2013
- Araya-Quesada, M. “Mid-term Review of the Project: ‘Access to and Benefit Sharing and Protection of Traditional Knowledge to Promote Biodiversity Conservation and Sustainable Use in Guatemala’”; November 2015

21. **PROJECT NO:** 5533; **COUNTRY:** China ; **PROJECT TITLE:** “Developing and Implementing the National Framework on Access to and Benefit Sharing of Genetic Resources and Associated Traditional Knowledge”

- Project Document (undated)

22. **PROJECT NO:** 5534; **COUNTRY:** Ecuador ; **PROJECT TITLE:** “Conservation of Ecuadorian Amphibian Diversity and Sustainable Use of its Genetic Resources”
- Request for CEO Endorsement, 19 May 2015
23. **PROJECT NO:** 5593; **COUNTRY:** Malaysia; **PROJECT TITLE:** “Developing and Implementing a National Access and Benefit Sharing Framework in Malaysia”
- Request for MSP Approval (1-Step Procedure), 30 August 2013
 - 2016 Project Implementation Review (PIR) of PIMS 5191 Malaysia Access and Benefit Sharing; 16 July 2017
24. **PROJECT NO:** 5653; **COUNTRY:** Viet Nam; **PROJECT TITLE:** “Capacity Building for the Implementation of the Nagoya Protocol on Access and Benefit Sharing”
- Request for CEO Endorsement, 11 August 2015
25. **PROJECT NO:** 5605; **COUNTRY:** Morocco ; **PROJECT TITLE:** “Developing a national framework on access to and benefit-sharing of genetic resources and traditional knowledge as a strategy to contribute to the conservation and sustainable use of biodiversity in Morocco”
- Request For CEO Approval; 20 April 2015
26. **PROJECT NO:** 5731; **COUNTRIES:** Global. (Participating countries: Albania, Belarus, Botswana, Colombia, Comoros, Dominican Republic, Ecuador, Egypt, Ethiopia, Honduras, India, Jordan, Kazakhstan, Kenya, Mongolia, Myanmar, Panama, Rwanda, Samoa, Seychelles, South Africa, Sudan, Tajikistan and Uruguay)
- PROJECT TITLE:** “Strengthening human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol” (FSP)
- Request For CEO Endorsement/Approval; 16 March 2016
27. **PROJECT NO:** 5738; **COUNTRY:** Mexico; **PROJECT TITLE:** “Strengthening of National Capacities for the implementation of the “Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity”
- Request for CEO Endorsement, 1 December 2015
28. **PROJECT NO:** 5744; **COUNTRY:** Bahamas; **PROJECT TITLE:** “Strengthening Access and Benefit Sharing (ABS) in the Bahamas”
- Request for CEO Endorsement, 2 February 2016
29. **PROJECT NO:** 5760; **COUNTRY:** Brazil; **PROJECT TITLE:** “Capacity Building and Institutional Strengthening on the National Framework for Access and Benefit Sharing under the Nagoya Protocol”
- Request for CEO Endorsement, 18 October 2016

30. **PROJECT NO:** 5774; **COUNTRY:** Regional (participating countries: Antigua & Barbuda, Barbados, Dominica, Grenada, Guyana, Jamaica, St. Lucia, St. Vincent & the Grenadines, St. Kitts & Nevis, Trinidad & Tobago)
PROJECT TITLE: “Advancing the Nagoya Protocol in Countries of the Caribbean Region”
- Project Identification Form (PIF), 2 February 2016
 - Request for CEO Endorsement, 18 October 2016
 - Project Document
31. **PROJECT NO:** 5796; **COUNTRY:** Cameroon; **PROJECT TITLE:** “A bottom-up approach to ABS: Community level capacity development for successful engagement in ABS value chains in Cameroon (*Echinops giganteus* and *Mondia whitei*)”
- Request for CEO Endorsement, 24 May 2016
32. **PROJECT NO:** 5808; **COUNTRY:** Algeria; **PROJECT TITLE:** “Developing a national strategy and legal and institutional framework on access to genetic resources and related benefit sharing and traditional knowledge in line with the CBD and its Nagoya Protocol in Algeria”
- Request for CEO Approval, 5 June 2015
33. **PROJECT NO:** 8025; **COUNTRY:** Peru; **PROJECT TITLE:** “Effective Implementation of the Access and Benefit Sharing and Traditional Knowledge Regime in Peru in accordance with the Nagoya Protocol”
- Request for CEO Approval, 4 May 2017
 - Updated Project Document: Effective Implementation of the Access and Benefit Sharing and Traditional Knowledge Regime in Peru in accordance with the Nagoya Protocol; apparently submitted 26 April 2017
 - GEF Secretariat Review for Full/Medium-Sized Projects, undated
34. **PROJECT NO:** 9058; **COUNTRIES:** Regional (LAC) No listed parties (fund development)
PROJECT TITLE: “Impact Investment in Support of the Implementation of the Nagoya Protocol on Access and Benefit Sharing”
- Document of the Inter-American Development Bank Multilateral Investment Fund “Ecoenterprises Bio Diversity Fund to Support the Nagoya Protocol Through Impact Investing -- Donors Commitment Memorandum”; 2 December 2016
 - GEF-6 Project Identification Form (PIF), 12 March, 2015
 - GEF-6 GEF Secretariat Review for Full-Sized/Medium-Sized Projects
 - STAP Scientific and Technical screening of the Project Identification Form (PIF); May 04, 2015
35. **PROJECT NO:** 9255; **COUNTRIES:** South Africa; **PROJECT TITLE:** “Development of Value Chains for Products derived from Genetic Resources in Compliance with the Nagoya Protocol on Access and Benefit Sharing and the National Biodiversity Economy Strategy”
- GEF-6 Project Identification Form (PIF), 26 August 2015
 - GEF-6 GEF Secretariat Review for Full-Sized/Medium-Sized Projects: the GEF/LDCF/SCCF Trust Fund

36. **PROJECT NO:** 9352 (misfiled as “9052”); **COUNTRIES:** Nepal ; **PROJECT TITLE:** “Strengthening Capacities for Implementation of the Nagoya Protocol in Nepal”

- GEF-6 Request for One-step Medium-sized Project Approval, 17 February 2016
- Untitled IUCN Project Document, Undated

37. **PROJECT NO:** 9481; **COUNTRIES:** Uganda ; **PROJECT TITLE:** “Institutional Capacity Strengthening for Implementation of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in Uganda”

- GEF-6 Project Identification Form (PIF), 26 April 2016
- GEF-6 GEF Secretariat Review for Full-Sized/Medium-Sized Projects

38. **PROJECT NO:** 9941; **COUNTRIES:** Cambodia; **PROJECT TITLE:** “Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol”

- GEF-6 Project Identification Form (PIF), 10 March 2016
- GEF-6 GEF Secretariat Review for Full-Sized/Medium-Sized Projects

[No documents were yet available on proposals submitted with regard to Timor Leste (GEF #9703) and Lesotho (GEF # 9799)]

c. Other Relevant Documents

39. The Convention on Biological Diversity

40. The Nagoya Protocol on Access and Benefit-sharing

41. CBD-COP Decision X-1 (“Access to genetic resources and the fair and equitable sharing of benefits arising from their utilization”), UN Doc UNEP/CBD/COP/DEC/X/1; 29 October 2010

42. Moore, P.; UNEP Evaluation Office, “Evaluation of the Portfolio of five GEF funded UN Environment projects on Access and Benefit Sharing: Synthesis Report”; June 2017.

43. GEF-IEO, 2004-2006, *Final Evaluation of the UNEP-GEF, UNDP and World Bank Biosafety Capacity-building Projects* (6 programs, encompassing projects in 148 countries.)

44. GEF, September 2014, *Building Capacity to Implement the Nagoya Protocol: a review of GEF Support*

Annex 5: Description of the Evolution of the GEF ABS Strategy and CBD-COP Guidance

Over the first six replenishment phases, the GEF’s strategy on ABS has evolved significantly. This evolutionary process has been expressly impacted by the expansion of issues identified in direct guidance to the GEF from the CBD Conference of Parties (COP), and more recently from the COP serving as a Meeting of Parties to the NP (COP/MOP).

The inherent complexity and ambiguity of the ABS concept as internationally developed, coupled with the resultant complexities encountered in national, regional and global efforts to implement it have combined to place the GEF’s work on ABS within a sphere that is at times highly charged and controversial. As such, the GEF’s implementation activities are sometimes narrowly scrutinized with an eye to their potential impact on the basic concept, which is still evolving

internationally through the development of national ABS implementation, international mechanisms and evolving standards.

Accordingly, the GEF Strategy's evolution in this area has been closely linked to the evolution in the "guidance to the financial mechanism" on this point, as provided by the Parties to the CBD and later by the Parties to the NP. These guidance documents are often the subject of detailed and intensive negotiations.

A. GEF Strategic Documents Regarding ABS Interventions

Building capacity on ABS has been specifically stated as part of the GEF's biodiversity focal area strategy since at least GEF-4 (2006-2010).⁸⁸

1. GEF-4

At that time, the Strategy specifically identified the ABS objective as a measure supported by the GEF in order to address "overexploitation" of biodiversity – one of the three primary drivers of biodiversity loss.⁸⁹ The Strategy stated its objectives with regard to ABS very succinctly. It began by noting key factors contributing to the sluggishness of progress with regard to ABS: "[t]he complexities associated with the implementation of the third objective of the CBD and the lack of capacity of most key stakeholder groups to deal with these complexities, including lack of capacity in most countries to deal with legitimate, but often conflicting, interests of providers and users of genetic resources and the associated traditional knowledge of indigenous and local communities." It went on to state goals of

- supporting "capacity building of governments for meeting their obligations under Article 15 of the CBD,
- building capacity within key stakeholder groups, including indigenous and local communities, and the scientific community.
- support[ing] the establishment of measures that promote concrete access and benefit-sharing agreements that recognize the core ABS principles of Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) including the fair and equitable sharing of benefits.

In addition, it specifically stated that "Projects in this strategic program should be consistent with the Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising

⁸⁸ As reported in the GEF website (no copy of the GEF-3 strategy being accessible to the consultant), the GEF developed its first targeted biodiversity strategy in GEF-3. That strategy incorporated principles directed at achieving lasting biodiversity conservation and sustainable use, emphasizing a) sustainability of results and the potential for replication; and b) the strengthening of national "enabling environments (policy and regulatory frameworks, institutional capacity building, science and information, awareness)"; c) the mainstreaming of biodiversity conservation and sustainable use in the wider economic development context; and (d) increasing support for sustainable use and benefit sharing. Based on ¶ 4 in "Draft GEF-5 Focal Area Strategies" Doc GEF/C.35/Inf.13; May 28, 2009

⁸⁹ The Strategy declared that "[t]he long-term impact of the GEF biodiversity program will be measured by GEF's contribution to a significant reduction of the current rate of globally-significant biodiversity loss in GEF-supported countries as per country reporting to the CBD on the 2010 target." Biodiversity Focal Area Strategy and Strategic Programming for GEF-4 at ¶ 42.

out of their Utilization and the related action plan on capacity building for ABS, adopted under the Convention.”⁹⁰ The Bonn Guidelines had been adopted by CBD-COP-6 in 2002, and are generally considered one of the primary forerunners of the NP negotiations.⁹¹

2. GEF-5

Published after the adoption of the NP, but before its entry into force, the Biodiversity Strategy for GEF-5 (2011-2015), had the advantage of knowing that countries would place a new emphasis on ABS, but only an initial indication as to the nature of that emphasis. Accordingly, its Objective Four followed along the lines of GEF-4’s strategy, emphasizing the need to build capacity on ABS, reiterating the rationale used previously, and emphasizing the difficulties encountered in attempting to establish common understandings between providers and users of genetic resources (GR) and of the associated traditional knowledge (ATK) held by indigenous and local communities (ILCs).⁹²

Objective Four listed similar outcomes to the GEF-3 strategy’s ABS clause (national legal/regulatory frameworks and administrative procedures, measures that promote concrete access and benefit-sharing agreements) and again identified PIC, MAT and fair and equitable benefit-sharing as the core ABS principles. This strategy provided foreknowledge of the NPIF, noting that Japan had committed to supporting this objective.

3. GEF-6

By the time the GEF-6 Biodiversity Strategy was adopted, the GEF had before it the general CBD COP Guidance to the Financial Mechanism, the Aichi Targets and the Nagoya Protocol International Negotiating Committee’s (NP-INC’s) first set of ABS-specific Guidance to the Financial Mechanism. Evolving to fit the current situation, Program 8 (“Implementing the Nagoya Protocol on Access and Benefit Sharing”) under GEF-6’s third objective (BD-3 – “Sustainably Use Biodiversity”), is described in terms of the new protocol and other new developments, including the NPIF and the Aichi targets. The program statement notes the “incipient nature of the thematic area, and the importance that the COP has placed on ABS both in the way guidance is presented to the GEF and the strong emphasis that has been given on capacity building at this stage” which has led to its presentation of the ABS program “as a discrete and important element of the GEF biodiversity strategy [that merits its own program of support.”

It went on to state a broad focus within the ABS arena:

[ABS] Projects funded under the GEF Trust Fund will support national and regional implementation of the Nagoya Protocol and, if still required, targeted capacity building to facilitate ratification and entry into force of the Protocol. As such, the GEF will support the following core activities to comply with the provisions of the Nagoya Protocol: ■ Stocktaking and assessment...; ■ Development and implementation of a strategy and action plan for the implementation of ABS measures. ...; and

⁹⁰ *Ibid*, at 36-37. Available online at https://www.thegef.org/sites/default/files/council-meeting-documents/GEF_4_strategy_BD_Oct_2007_1.pdf.

⁹¹ The Bonn Guidelines were adopted by and annexed to CBD-COP Decision VI/24 (“Access and benefit-sharing as related to genetic resources.”)

⁹² Global Environment Facility. GEF-5 Focal Areas Strategies, p. 7. Available online at https://www.thegef.org/sites/default/files/documents/GEF-5_FOCAL_AREA_STRATEGIES.pdf.

- Building capacity among stakeholders (including indigenous and local communities, especially women) to negotiate between providers and users of genetic resources....

With regard to technical capacity, it noted that “[c]ountries may consider institutional capacity-building to carry out research and development to add value to their own genetic resources and traditional knowledge associated with genetic resources.” It also committed to support participation in the ABS Clearing-House mechanism and to enhance national implementation of the Nagoya Protocol through regional collaboration.

All three of these key focus areas (stocktaking/strategy for implementation of ABS measures, capacity-building for stakeholders) broadly encompass many particular items that have been enumerated in the guidance to the GEF as provided by the CBD and NP Parties, as discussed below.

Connected to this strategy, in 2014 the NPIF converted its focus from approving new projects to completing those already approved.

4. NPIF Strategy

The NPIF, initially funded in 2011 by Japan, Norway, Switzerland, the UK and France, is defined as “additional too the STAR.” Its strategy declares two levels of priorities – one for national projects and a second for international. With regard to country-based work, the priorities are to

- “Pursue opportunities leading to actual ABS agreements between users and providers of genetic resources...;
- Promote technology transfer and private sector engagement...; and
- Allow countries to gain information to review capacities and needs on ABS with focus on existing policies, laws and regulations.”

Globally, its priority is to “support the ratification and implementation of the NP.”

As noted in the GEF-6 Biodiversity Strategy, The primary objective of the NPIF was “to facilitate early entry into force of the Protocol and create enabling conditions at national and regional levels for its implementation. The NPIF will support opportunities leading to the development and implementation of ABS agreements between providers and users of genetic resources that actively inform national implementation of the Nagoya Protocol. Providers would include Parties to the CBD as well as those stakeholders providing access to resources on the ground, including indigenous peoples and local communities. Users can include Parties of the CBD as well as those interested in the resources including, for example, sectors like the pharmaceutical industry, biotechnology, ornamental horticulture, natural personal care and cosmetics, and museums.”⁹³

⁹³ *The GEF-6 Biodiversity Strategy*, Third Objective, Program 8, “Implementing the Nagoya Protocol on Access and Benefit Sharing.” See also GEF Council Decision adopting the document “Outstanding Issues Related to the Nagoya Protocol Implementation Fund” GEF/C.40/11/Rev.1

In 2012, CBD-COP-11's guidance to the financial mechanism (see below) specifically discussed the NPIF, supporting these priorities, and also recommending that the GEF "expedite and facilitate procedures for access to funds from the NPIF."

The GEF-6 strategy also noted that, in its May 2014 Council Meeting, the GEF Council decided to extend the operation of the NPIF to December 31, 2020 for operational reasons to allow continuation of project preparation for and implementation of already approved projects. Consistent with the May 2011 GEF Council decision on the NPIF, the Council will not approve new PIFs under the NPIF after 30 June 2014.⁹⁴

Thus, new ABS projects proposed after June 2014 are funded from the GEF Trust Fund, either based on STAR allocations or applying focal area set-asides.

The NPIF funded 13 projects – 1 global, 2 regional and 10 national. In terms of application of this strategy, two of these – one global and one national – directly addressed the NPIF's first priority issue of ratification of the NP.⁹⁵ With regard to the fund's other priorities, it is notable that all thirteen projects included some element of national legislative development and/or implementation; eight included elements of stakeholder capacity, including research and technical capacity, and nine specifically included one or more elements relating to the negotiation of ABS agreements or the identification of promising compounds for purposes of promoting future agreements.

B. CBD and NP Parties' Guidance to the GEF's Work on ABS

Most of the CBD COP decisions providing guidance to the GEF, as well as the comparable decisions of the NP COP/MOPs have addressed ABS, often in detail. Those decisions have evolved over the years. In light of the high level of controversy that remains at the international level regarding the nature of ABS and its various concepts, the ABS programme has wisely viewed the "guidance to the Financial Mechanism" resolutions negotiated and adopted by the NP-COP/MOPs as a primary source of guidance to its work.

1. Guidance from CBD-COP-3

The first time ABS was directly mentioned in the GEF was the guidance provided by CBD-COP-3 in 1996.⁹⁶ At that point, the practical and legal complexities of ABS had already been recognized as challenges, so paragraph 7 of the guidance requested collaboration between the SCBD and the GEF "in preparing, for consideration by the Conference of the Parties at its fourth meeting, a proposal on the means to address the fair and equitable sharing of the benefits arising out of genetic resources including assistance to developing country Parties."

In addition, at paragraph 4, the COP asked that the GEF join with governments and various national and international organizations "to support human and institutional capacity-building

⁹⁴ *Ibid.* GEF-6 Strategy, p.21.

⁹⁵ As described in the *GEF-6 Biodiversity Strategy* at page 22 "the NPIF will give priority to projects directly related to the countries' ability to ratify the Protocol." See also GEF Council Decision adopting the document "Outstanding Issues Related to the Nagoya Protocol Implementation Fund" GEF/C.40/11/Rev.1

⁹⁶ This decision, cited in Annex 4, was the first time the COP's GEF guidance decision went beyond providing guidance on eligibility and other issues to ensure that the parties in need of assistance would have appropriate access to GEF funding

programmes for Governments, non-governmental organizations and local and indigenous communities, as appropriate, to promote the successful development and implementation of legislative, administrative and policy measures and guidances on access to genetic resources, including scientific, technical, business, legal and management skills and capacities.” Paragraph 5 makes a similar request with regard to the broad category traditional knowledge – including no limitation to, nor mention of, ABS issues.

2. Guidance from CBD-COP-4

In 1998, CBD-COP-4 further elucidated on the Parties’ ABS needs, calling on the GEF to provide support for a broad range of activities, specifically stock-taking, including assessment of legislative, administrative and policy measures on ABS; development of national, subregional and regional ABS mechanisms, including for monitoring, assessment, and incentives; building national capacity to develop ABS measures and to come to appropriate economic valuation of GR.

In a provision calling for “support for other initiatives”, This decision included the first indication that GEF support might be used to facilitate entrepreneurial activities, in this case limited to such activities of ILCs, as well as “financial sustainability ..., and appropriate targeted research components.”

3. Guidance from CBD-COP-5

By COP-5 (2000), as CBD Parties began the process that produced the Bonn Guideline, as the overall range of issues for which GEF assistance was sought appeared to be expanding. Although the COP’s guidance was less specific with regard to ABS, three of the overall areas listed appeared directly relevant. One of these specifically mentioned the need for support “For projects that will address the issue of access and benefit-sharing.” The next referred to “projects that incorporate incentive measures that promote the development and implementation of social, economic and legal incentive measures for the conservation and sustainable use of biological diversity,” which had initially been stated as the role of ABS in the GEF strategy. The third called for the “implementation of the priority activities identified in the programme of work on Article 8(j) (protection of traditional knowledge) and related provisions.”

4. Guidance from CBD-COP-6

By COP-6 (2002) the issue of ABS had reached a relatively high level of controversy, but much optimism was expressed, based on the COP’s adoption of the Bonn Guidelines on ABS, and, some relatively detailed “Draft Elements for an Action Plan for Capacity-Building for Access to Genetic Resources and Benefit-Sharing.”⁹⁷ Although the COP’s guidance to the GEF is stated at a generic level, similar to the COP-5 guidance, it became more specific by linking to the “Action Plan,” which was to be adopted by a SCBD-organized Workshop.

To this day, the “Draft Elements” remain an important milestone in the identification of ABS needs. They have called for the facilitation of and support to “the development and strengthening of capacities for the effective implementation of the provisions of the Convention relating to [ABS] at

⁹⁷ COP 6 Decision VI/24, (“Access and benefit-sharing as related to genetic resources”) The Bonn Guidelines are contained in the first Annex to that decision, and the “Draft Elements for an Action Plan for Capacity-Building for Access to Genetic Resources and Benefit-Sharing” are annexed to the second.

local, national, subregional, regional and international levels,” and to this end, prioritized capacity-building initiatives in virtually every aspect of ABS implementation:

a. Strengthening of relevant institutions; b. Assessment, inventory and monitoring of biological resources and traditional knowledge, including taxonomic capacity...y; c. Valuation of genetic resources and market information, including production and marketing strategies; d. Inventory and case-studies of existing legislative measures and development of appropriate legislation; e. ... [I]nformation management and exchange...; f. Development and strengthening capacities of indigenous and local communities for participation in decision making and implementation; g. Public education and awareness focusing on relevant stakeholders; h. Human resources development and training at all levels, including legal drafting skills ...; i. Funding and resource management; j. Contract negotiation skills for all relevant stakeholders, in particular indigenous and local communities; k. Means for the protection of traditional knowledge associated with genetic resources; l. Scientific and technical areas, including technology transfer ...; m. Development of instruments, tools, and indicators to monitor and assess the implementation of capacity-building for access to genetic resources and benefit-sharing at all stages.

In addition to these direct priorities, it identified the needs for awareness-raising, capacity needs assessment at the local, national, sub-regional, and regional levels; coordination with ABS capacity-building initiatives, both public and private; and establishing indicators for monitoring of the Action Plan’s implementation. The Draft elements also noted some intra-national the challenges, including the need for integration of ABS capacity-building in national biodiversity strategies and prioritization of these issues at the local, national, and regional levels . It also discussed the role of intellectual property rights in ABS implementation, especially tracking, calling for further discussion and information, particularly with regard to “the disclosure of the country of origin of genetic resources [later also referring to ATK] in applications for intellectual property rights, where the subject matter of the application concerns or makes use of genetic resources in its development.” At the time numerous international negotiations were ongoing in relation to this issue.

The decision adopting the draft elements noted the variety of approaches that may be needed, recognizing that “a package of measures may be necessary to address the different needs of Parties and stakeholders in the implementation of access and benefit-sharing arrangements.” It also specifically acknowledged a key challenge, which still exists, but has not been mentioned in later guidance: “the need for the sequencing of actions, including timelines for the operation of capacity-building for access to genetic resources and benefit-sharing.”

5. Guidance from CBD-COPs 7 through 9

COPs 7 through 9 were held during the ongoing negotiations that eventually led to the adoption of the NP. The guidance clauses on ABS were relatively succinct, or, in the case of COP-8, omitted entirely. In general they focused on country-drivenness, and reasserted the importance of the Action Plan adopted after COP-6. The COP-7 guidance, in keeping with the fact that “technology transfer” was one of its focal issues, specifically called for support for “capacity-building regarding the transfer of technologies which enables providers to fully appreciate and actively participate in benefit-sharing arrangements at the stage of granting access permits.” The COP-9 guidance specifically identified ABS as its 5th Priority area, and prefaced the text relating to this area with a footnote stating that they were adopted “[w]ithout prejudging the relevant decision of the Conference of the Parties on the international regime on access and benefit sharing.” It also reiterated COP-3’s call to promote

national ABS legislative development, including “measures to encourage the fair and equitable sharing of benefits, on mutually agreed terms.” As this document demonstrates, even on the verge of adopting the NP, the lack of “national systems on ABS” was a major concern of the Parties.

6. Guidance from CBD-COP-10

In 2010, with the adoption of the NP and the Aichi Targets (described below), the COP’s concerns about ABS reached another crest. COP-10’s guidance decision included a detailed “consolidated guidance” document, which enunciated a lengthy list of recommendations on ABS that echoes the COP-6 Action Plan almost word-for-word, also incorporating earlier references to monitoring, assessment, incentive measures, economic valuation of GR and entrepreneurial development by ILCs. An important point in this document was its brief reassertion of concerns regarding “facilitation of financial sustainability of projects promoting the sustainable use of genetic resources, and appropriate targeted research components.”

7. Guidance from CBD-COP-11 and ICNP-2

At COP-11, the CBD Parties had access to input from the Second meeting of the ICNP, but that input was directed to the first NP-COP/MOP, rather than COP-11. Given that the NP was not yet in force, the information was generally inserted in an Appendix (entitled “Guidance to the financial mechanism on programme priorities to support the implementation of the Nagoya Protocol on Access and Benefit-sharing”) to an Annex to the Decision. That Annex tracks (with carefully negotiated adjustments) the Action Plan adopted in COP-10. That decision also discusses the NPIF, recommending “that funds from the NPIF be used to support projects which will assist the early entry into force of the Nagoya Protocol and create enabling conditions at the national and regional levels for its effective implementation.” It emphasized that ratification and other assistance would be needed “prior to the entry into force of the Nagoya Protocol.”

In light of the STAR allocation system, the COP also used this decision as a forum in which to call on GEF operational focal points to “carefully consider the urgent need to finance activities related to access and benefit-sharing and the Nagoya Protocol when consulting national stakeholders on the distribution of the ... allocation.” It also instructed that GEF funds “be used for access to and utilization of GR only when such activities have been approved by appropriate government authorities and endorsed through the GEF operational focal point.”

8. Guidance from CBD-COP-12, and from NP-COP/MOP-1

CBD-COP-12 left the primary work of providing ABS guidance to the NP COP/MOP. It specifically cited the COP-10 “consolidated guidance” on ABS as well as the Appendix to the Annex to the COP-11 guidance, as bases for the recommendations and various priority adjustments put forward. In addition to priorities indicated in the previous CBD-COP guidance decisions, the NP COP/MOP-1 decision also includes a call for assistance to “eligible Parties in preparing their national reports.”

9. Guidance from CBD-COP-13, and from NP-COP/MOP-2

Demonstrating the continued existence of the framework development problem first mentioned in the CBD-COP-3 guidance, the NP COP/MOP-2 decision includes as its expected outcome the recurring call for an increase in the “number of countries that have adopted legislative, administrative or policy measures on access and benefit-sharing.” It also includes a call for “inter alia and as appropriate, measures for mutual implementation with other relevant international agreements, coordination in transboundary genetic resources and associated traditional knowledge, and/or procedures to issue internationally recognized certificates of compliance.” Importantly, it also annexes both the COP’s recommendations for the “Four-Year Framework of Programme Priorities for the Seventh Replenishment Period (2018-2022) of the Global Environment Facility Trust Fund” and a new “Consolidated Previous Guidance to the Financial Mechanism.” ABS issues are addressed in the former, primarily⁹⁸ as part of Priority Cluster III (“Further develop biodiversity policy and institutional framework”), which focuses on increasing the number of ratifications/accessions to the Protocol, and increasing the number of countries that have adopted ABS legislative frameworks.⁹⁹

The Consolidated Previous Guidance addresses ATK issues as part of “Article 8(j) and related provisions” in paragraph 17, emphasizing the “Inclusion of perspectives of [ILCs]... in the financing of biodiversity and ecosystem services,” and generally strengthening their involvement in conservation and the promotion of customary sustainable use of biodiversity. ABS issues individually in are most directly discussed in Article 15, paragraph 23 which lists nine major areas of intervention and seven sub-areas.

Other parts of the consolidated guidance that are apparently relevant to ABS include Article 11, paragraph 20, “Development and implementation of innovative measures, including in the field of economic incentives and those which assist developing countries to address situations where opportunity costs are incurred by local communities and to identify ways and means by which these can be compensated”; and Articles 16 (“Access to and transfer of technology”), 18 (“technical and scientific cooperation”), 20 (“Development and implementation of country-specific resource mobilization strategies.”), 12 (“Research and training,”) and 13 (“Public education and awareness”).

10. Other CBD Sources of Strategic Guidance – The Aichi Biodiversity Targets

The CBD’s Parties have also adopted another source of guidance, that touches on the ABS family of issues. The Aichi Targets were adopted in CBD-COP-10. They are grouped around five “strategic goals”. Genetic diversity, traditional knowledge and the Nagoya Protocol are directly mentioned in three targets, each linked to a different strategic goal:

- (a) Target 16 (under Strategic Goal D: “Enhance the benefits to all from biodiversity and ecosystem services”), is that the NP be in force and operational “consistent with national legislation” by 2015.

⁹⁸ Given that the Aichi Targets specifically address ABS, Priority Cluster I also includes ABS less directly. Similarly, the initial insertion of ABS in the COP’s guidance in COP-3 recognized that ABS is intended as a tool for species/ecosystem conservation, suggesting that ABS is also indirectly included in Priority Cluster II

⁹⁹ For purposes of this report, the author uses the term “legislative framework” to include the full range of legislatively relevant measures, including policies, laws, regulations, rules, procedures and other measures.

- (b) Target 18 (under Strategic Goal E: “Enhance implementation through participatory planning, knowledge management and capacity building”) was that “the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected..., and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels” by 2020; and
- (c) Target 13 (under Strategic Goal C: “To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity”) was that “the genetic diversity of cultivated plants and farmed and domesticated animals and of wild relatives, ... is maintained, and strategies have been developed and implemented for minimizing genetic erosion and safeguarding their genetic diversity” by 2020.

Although Target 16 was not achieved by 2015, the “in force” requirement has been met. As noted below, however, the requirement that it be “operational consistent with national legislation” has proven a much higher bar, and does not appear to have yet been achieved.

In considering the achievement of Target 18, some interpretation may be necessary regarding the word “respected,” however, the primary measure of achievement will again be the adoption of national implementing legislation and its integration with/reflection in “the implementation of the Convention.” The fact that this target does not mention or name ABS and/or the Nagoya Protocol is emblematic of a very important message – that the rights of indigenous and local communities, and the issue of “traditional knowledge” are much broader than the NP, so that appropriate measures to address “traditional knowledge associated with genetic resources” (referred to herein as ATK) alone do not necessarily address the full range of traditional knowledge concerns. Similarly, although the NP includes separate provisions that discuss the “genetic resources that are held by indigenous and local communities” address only a portion of the resources to which ILCs may have legal rights.

Target 13 is linked to ABS in light of the original intention of the ABS concept – that it provide a motivation and incentive for conservation. As numerous commentators and legal analysts have noted, the ABS concept’s complexities and ambiguities have made it very difficult, troublesome and time-consuming to implement. If the goal of the system were solely one of financial development, another framework would have been mandated before now. Accordingly, it is generally believed that ABS development should result in a system that provides a motivation for conservation – generally believed to be generated when communities begin to see benefits from the utilization of their GR or ATK.

C. Synthesis

The abundance of strategic guidance available to the GEF Secretariat with regard to support for ABS and for NP implementation may constitute an embarrassment of riches, in the sense that there is presently so much guidance, covering such a broad swath of potential areas of action, that the net effect may be the same as not having any guidance at all. As the GEF Secretariat’s ABS team pointed out, however, one clear message from this volume of guidance is that the area is perceived as both important and controversial. Thus, the volume of guidance fulfils two objectives: It provides fixed priorities, on which to justify project activities; and it enables country-driven projects to identify their

particular highly individualized needs and concerns from within the broad range of specified priorities.

In synthesizing the available strategies and guidance, it is useful to look at how they have evolved. For this, it is helpful to note first the static elements, which have been a primary priority since the earliest guidance and strategies on ABS, and then consider the range of additional elements that have been added over the years.

1. Static elements

Several elements of the current consolidated guidance from the CBD and the current GEF strategy on ABS have been consistently indicated as critical needs since the first CBD guidance at COP-3:

Legislative frameworks and institutional capacity. It is perhaps disheartening, particularly for those who have long been involved in the implementation of policies and law on genetic-resource-related issues, to note that the first two listed priorities since the earliest strategic and guidance documents on ABS remain the same – the needs for effective legislative frameworks for the implementation of the ABS concepts, and to build national capacity for their implementation. While a growing number of projects have sought to address these needs over the years, formal ABS legislative measures have been adopted and considered functional in only a few more countries, in addition to those who already had adopted ABS frameworks in the 1990s.

Reasons for the continuing prominence of the need for legislative and institutional development and governmental capacity-building have been variously indicated, based on survey results and subsequent contacts with survey respondents, as follows:

- The NP, CBD Article 15, and the ITPGRFA are all relatively vague, often excluding any clarifying definition where the parties were unable to agree on one. As a result, a large number of policy-oriented choices remain to be made by each country, prior to adopting its national legislation;
- Even if all countries came to the same policy choices, developing countries that have adopted national ABS frameworks rarely offer them as examples of ABS framework success. Virtually all are engaged in processes to remedy perceived deficiencies that have prevented effective ABS implementation;
- Similarly, even if policy choices of two countries are identical, national legislation is highly individualized from country to country, so that implementation is not simply a matter of applying a model. Each country must adopt legislation in the way and with the provisions that enable it to satisfy national constitutional and interpretation requirements, and to integrate with a broad range of other national legislative frameworks;¹⁰⁰
- Most project-created draft ABS frameworks have been developed by academics with limited understanding of the special concerns of legislative drafting, and have not been subject to

¹⁰⁰ ABS implementation impacts on (and must coordinate with) environmental/conservation law; EIR requirements; contract/commercial law, trade/customs law; and all elements of the law of property, given that GR has elements of both physical and intangible property, may be part of the national patrimony or other “crown lands” and is often supposed to have the potential to be protected under intellectual property law.

detailed input from more legislatively experienced in-country experts. As a result, the draft legislation often requires relatively high levels of person-time, training and other institutional costs, creating a potential budgetary challenge, as countries seek funding for such operations;

- As in all areas of international support, governmental employees with ABS training and understanding are often rotated out of their jobs, leaving their former agency as bereft of expertise as it had been before the employee was trained. This problem is exacerbated by the fact that few ABS transactions have occurred, so that there has been little opportunity for the trained official to share his knowledge more widely before being transferred.

As a result, numerous projects that have sought to build national frameworks collectively in many countries through a single project, or have attempted to develop a country's framework by using another framework as a model have often resulted in a project output that sits "on the shelf," as neither the national experts nor international donors are willing to expend the time and expense of resolving its insufficiencies. As noted, many countries thought to be in the forefront of ABS implementation are participating in projects that include a component of revising existing legislation to address challenges that have arisen.

Economic valuation. Another issue that continues to appear near the top of current priorities, as it did in the earliest guidance is the economic valuation of genetic resources. This is another area in which significant work has not led to notable progress. It is possible that this lack of progress is attributable to the contractual provisions calling for secrecy regarding the terms of the ABS contracts. Normally, the commercial value of an asset in a contract is relatively easily determined by considering other transactions involving similar assets. Currently ABS valuation efforts are stymied by rumors regarding the terms of other ABS contracts and various parties' level of willingness or unwillingness to believe those rumors.

Transfer of technology. The complexity of ABS necessitates that relatively specialized expertise must be developed to enable its implementation in developing countries. Needed expertise areas range from bio-collection and GR/ATK research through market assessment/development and contractual negotiation to entrepreneurial skills, value addition and product development. These are not necessarily skills that can be taught in a series of project workshops, and no single individual should be expected to master them.

Indigenous and Local Communities. Another issue that has appeared in all relevant guidance and strategies to date is the need to address the concerns of ILCs. Since the adoption of the NP, it has been clarified that these needs include participation in two categories of ABS transactions -- those relating to genetic resources over which they have established rights; and those relating to ATK.

2. Evolving Priorities

Over the years, as the Parties have increased their understanding of the challenges of implementation of the ABS concept, the range of priorities for ABS support has expanded. Having been present in the negotiation of CBD-COP and NP-COP/MOP guidance to the GEF on this issue since CBD-COP-5 (with one exception¹⁰¹), the author believes that enhancements to the guidance have generally been based

¹⁰¹ The author did not attend CBD-COP-11 (Hyderabad).

on one or more of the Parties' particular experiences with ABS or ABS implementation, which they identified in the CBD or NP decision as an area in which support is needed. Thus, over time, a number of additional areas of support have been added; however, apart from the call to promote the NP's rapid entry into force, none of the stated priorities of earlier years appear to have been deleted from the Parties' list of areas in which support is needed.

The following are the additional priority issues and elements that have been added, generally shown in time order with regard to their appearance in the list:

- Entrepreneurial development;
- Financial sustainability of ABS frameworks;
- Institutional strengthening;
- Inventories of GR and ATK;
- Raising public awareness;
- Human resource development, including building capacity to develop market tools, legislation, implementation agencies and protocols, etc.;
- Funding/resource management and mechanism development;
- Contract negotiation skills ("capacity to negotiate MAT" and to grant PIC, in an equitable manner);
- Monitoring and tracking;
- Regional and sub-regional coordination;
- Intellectual property rights;
- Individualization of national implementing efforts;
- Support to the preparation of national reports;
- Facilitating access to relevant proprietary technologies;
- Providing financial and non-financial incentives for the diffusion of relevant technologies
- Improving the capacity of national research institutions;
- Facilitating "South-South cooperation and South-South joint development of new technologies"
- Building the capacity of Parties to implement and enforce domestic ABS frameworks;
- Establishment of ways to address transboundary issues;
- support for the establishment of check points;
- Improving the capacity of Parties to add value to their own GR and ATK;
- Enabling Parties' active participation in the ABS-CH and other "communication tools and Internet-based systems";
- Increasing the number of NP ratifications (accessions);
- Developing legislative measures for "mutual implementation with other relevant international agreements":
- Developing measures for "coordination in transboundary genetic resources and associated traditional knowledge"
- Developing procedures for the issuance of internationally recognized certificates of compliance"

All of these elements are present in the Consolidated Previous Guidance document adopted by CBD-COP-13.

As applied in GEF ABS projects, all of these elements appear to fit within the shorter list of strategic elements of the GEF strategy and the NPIF strategy. The general manner in which they do this is shown in Annex 6 to this report.

Annex 6: NPIF and GEF Strategies as compared to SCBD Consolidated Guidance

NPIF Strategic Elements ¹⁰² :	GEF-6 – ABS – Strategic Elements:	CBD-COP: “Consolidated Guidance on ABS” and Relevant “Aichi Targets”	Included in at least on GEF ABS project?
PROGRAM STATEMENTS ON ABS			
<i>The primary objective of the NPIF is to facilitate early entry into force and create enabling conditions at national and regional levels for implementation of the Protocol.</i>	<i>...incipient nature of the [ABS] thematic area, and the importance that the COP has placed on ABS both in the way guidance is presented to the GEF and the strong emphasis that has been given on capacity building at this stage</i>		X
	<i>Program Establishment: “...as a discrete and important element of the GEF biodiversity strategy [that merits its own program of support].</i>		X
GLOBAL ELEMENTS			
<i>The primary objective of the NPIF is to facilitate early entry into force</i>	<i>if still required, targeted capacity building to facilitate ratification and entry into force of the Protocol</i>	<i>¶23(a): Projects that support the ratification and implementation of the Nagoya Protocol on access to genetic resources and benefit sharing;</i>	X
	<i>The GEF will also support the participation in the ABS Clearing-House mechanism as soon as the Clearinghouse is operational, including in its piloting</i>	<i>¶23(f):Enabling Parties to actively participate in the Access and Benefit-sharing Clearing-House and use the best available communication tools and Internet-based systems for access and benefit-sharing;</i>	X
<i>The primary objective of the NPIF is to... create enabling conditions at ... regional levels for implementation of the Protocol.</i>	<i>The GEF will also enhance national implementation of the Nagoya Protocol through regional collaboration.</i>	<i>¶23(b)(iv):Establishment of ways to address transboundary issues;</i>	X
NATIONAL ELEMENTS			
<i>Allow countries to gain information to review capacities and needs on ABS with focus on existing policies, laws and regulations.</i>	<i>Stocktaking and assessment. The GEF will support gap analysis of ABS provisions in existing policies, laws and regulations, stakeholder identification, user rights and intellectual property rights, and assess institutional capacity including research organizations.</i>	<i>¶23(b):Building the capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing, thereby contributing to the conservation of biological diversity and sustainable use of its components, including through:</i>	X
		<i>¶23(b)(i):Identification of relevant actors and existing legal and institutional expertise for the implementation of the Nagoya</i>	X

¹⁰² As stated in the GEF-6 Biodiversity Strategy

NPIF Strategic Elements ¹⁰² :	GEF-6 – ABS – Strategic Elements:	CBD-COP: “Consolidated Guidance on ABS” and Relevant “Aichi Targets”	Included in at least on GEF ABS project?
		<i>Protocol on Access to Genetic Resources and the Fair and Equitable of Benefits Arising from their Utilization;</i>	
		<i>¶23(b)(ii):Taking stock of domestic measures relevant to access and benefit-sharing in light of the obligations of the Nagoya Protocol;</i>	X
		<i>¶23(i):Supporting the implementation of the strategic framework for capacity-building and development in support of the implementation of the Protocol.</i>	X
		<i>¶23(b)(iii):Development and/or amendment of access and benefit-sharing legislative, administrative or policy measures with a view to implementing their obligations under the Nagoya Protocol;</i>	X
	<i>Development and implementation of a strategy and action plan for the implementation of ABS measures. (e.g. policy, legal, and regulatory frameworks governing ABS, National Focal Point, Competent National Authority, Institutional agreements, administrative procedures for Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT), monitoring of use of genetic resources, compliance with legislation and cooperation on trans-boundary issues);</i>	<i>¶23(b)(v):Establishment of institutional arrangements and administrative systems to provide access to genetic resources, ensure benefit-sharing, support compliance with prior informed consent and mutually agreed terms and monitor the utilization of genetic resources and traditional knowledge associated with genetic resources, including support for the establishment of check points;</i>	X
<i>Promote technology transfer and private sector engagement...;</i>	<i>Countries may consider institutional capacity-building to carry out research and development to add value to their own genetic resources and traditional knowledge associated</i>	<i>¶23(d):Building the capacity of Parties to develop their endogenous research capabilities to add value to their own genetic resources and traditional knowledge associated with genetic resources through, inter alia, technology transfer; bioprospecting and associated research and taxonomic studies; and the development and use of valuation methods;</i>	X

NPIF Strategic Elements ¹⁰² :	GEF-6 – ABS – Strategic Elements:	CBD-COP: “Consolidated Guidance on ABS” and Relevant “Aichi Targets”	Included in at least on GEF ABS project?
<i>The NPIF will support opportunities leading to the development and implementation of ABS agreements between providers and users of genetic resources that actively inform national implementation of the Nagoya Protocol.</i> <i>Providers would include Parties to the CBD as well as those stakeholders providing access to resources on the ground, including indigenous peoples and local communities. Users can include Parties of the CBD as well as those interested in the resources including, for example, sectors like the pharmaceutical industry, biotechnology, ornamental horticulture, natural personal care and cosmetics, and museums.</i>	<i>Building capacity among stakeholders (including indigenous and local communities, especially women) to negotiate between providers and users of genetic resources.</i>	¶23(c):Building the capacity to negotiate mutually agreed terms to promote equity and fairness in negotiations in the development and implementation of access and benefit-sharing agreements, including through enhanced understanding of business models and intellectual property rights;	X
		¶23(e):Addressing the capacity needs and priorities of indigenous peoples and local communities and relevant stakeholders; in particular projects that would:	X
		¶23(e)(i):Encourage their participation in legal, policy and decision-making processes;	X
		¶23(e)(ii):Assist in building their capacity related to genetic resources and traditional knowledge associated with genetic resources, such as through the development of community protocols, model contractual clauses and minimum requirements for mutually agreed terms to secure the fair and equitable sharing of benefits;	X
		¶23(g):Raising-awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit sharing issues, notably through the development and implementation of national and regional awareness-raising strategies;	X
		¶23(j):Making financial resources available to assist Parties in preparing their national report	

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Annex 8: List of Projects and Programs Examined (Addressing IWT)

A. Programs

- European Commission
- Germany
- International Conservation Caucus Foundation
- United States
- Wildlife Conservation Society
- WWF/TRAFFIC

B. Projects

1. GEF Project ID #4655- China: Strengthening the Management Effectiveness of the Sub-system of Wetland Protected Areas for Conservation of Globally Significant Biodiversity

2. GEF Project ID #4811 - China: Strengthening the Management Effectiveness of the Wetland Protected Area System in Hainan for Conservation of Globally Significant Biodiversity
3. GEF Project ID #5821- Engaging Policy Makers and the Judiciary to Address Poaching and Illegal Wildlife Trade in Africa
4. GEF Project ID #4380 - Fifth Operational Phase of the GEF Small Grants Program in Pakistan
5. GEF Project ID #5439 - Fighting Against Wildlife Poaching and Illegal Trade in Africa—The Case of African Elephants
6. Global Wildlife Program's 21 Child Projects
7. GEF Project ID #4562 - Mongolia: Network of Managed Resource Protected Areas
8. GEF Project ID #4456 - Uganda: Conservation and Sustainable Use of the Threatened Savanna Woodland in the Kidepo Critical Landscape in North Eastern Uganda

Annex 9: List of Interview Subjects (Addressing IWT)

#	Name	Title, Affiliation
1	Frank Barsch	Division N13 (Species Conservation) German Federal Ministry for Environment, Nature Conservation, Building and Nuclear Safety (BMUB)
2	Hasita Bhammar	Wildlife Conservation Analyst, World Bank
3	Jaime Cavelier	Senior Biodiversity Specialist, Global Environment Facility
4	Brian Child	Adviser on Biodiversity, GEF Scientific and Technical Advisory Panel
5	Bob Dreher	Senior VP of Conservation Programs, Defenders of Wildlife
6	Virginia Gorsevski	Programme Management Officer for Biodiversity UNEP/GEF Scientific and Technical Advisory Panel
7	Paul Harrison	Technical Adviser; Lead for Illegal Wildlife Trade, UNDP
8	Janeiro Avelino Janeiro	Climate Change Adviser / Programme Specialist (Mozambique), UNDP
9	Sue Lieberman	VP for International Policy, Wildlife Conservation Society
10	Susan Lylis	Vice President, International Conservation Caucus Foundation
11	Adam Masurovsky	Senior Programs Officer, Africa International Conservation Caucus Foundation
12	Brian Parham	Project Coordinator International Conservation Caucus Foundation
13	Midori Paxton	Senior Technical Advisor, UNDP
14	Simon Robertson	Senior Governance Specialist, World Bank
15	Richard Ruggiero	Chief of Division of International Conservation US Fish and Wildlife Service
16	John Scanlon	Secretary-General, CITES Secretariat
17	Claudia Sobrevila	Program Manager for the Global Wildlife Program World Bank
18	Ahmad Jamshed Khoshbeen	Programme Analyst, UNDP Afghanistan
19	Juan Carlos Vasquez	Chief of Legal Affairs & Compliance, CITES Secretariat
20	Elisson Wright	Program Coordinator, World Bank

Annex 10: List of Priority Species Addressed by GWP Country-Specific Projects¹⁰³

Country & Child Project Title	Priority Species				Other Species
	Elephant	Rhino	Big Cat	Pango-lin	
Afghanistan: Establishing integrated models for protected areas and their co-management in Afghanistan			X		Marco Polo sheep, Ovis ammon polii, Wolves, Lynx, Brown Bears, Stone Martens, Pallas's Cat, Ibex, Red Foxes
Botswana: Managing the Human-Wildlife Interface to Sustain the Flow of Agro-Ecosystem Services and Present Illegal Wildlife Trafficking in the Kgalagadi and Gantsi Drylands	X		X (Lions, Cheetahs)		African Wildlife Dogs, Hyenas, Buffalo, Giraffes
Cameroon: Integrated and Transboundary Conservation of Biodiversity in the Basins in the Republic of Cameroon	X			X	Gorillas, Chimpanzees, Fisheries
Congo (WB): Strengthening the Management of Wildlife Populations and Improving Livelihoods in Northern Republic of Congo Projects	X		X (Leopards)		Gorillas, Chimpanzees, Bongo, Buffalo, Antelope
Congo (UNDP): Integrated and Transboundary Conservation of Biodiversity in the Basins in the Republic of Congo	X			X	Buffalo, Gorillas, Chimpanzees
Ethiopia: Enhanced Management and Enforcement of Ethiopia's Pas Estate	X	X			Zebras, African Wild Dogs, Important Wild Plants
Gabon: Wildlife and Human-elephant Conflicts Management in the South of Gabon	X		X (Leopards)		Gorillas, Hippopotamus, Chimpanzees
India: Securing Livelihoods Conservation, Sustainable Use and Restoration of high Range Himalayan Ecosystem (Secure-Himalayas)			X (Snow Leopards)		
Indonesia: Combating Illegal and Unsustainable Trade in Endangered Species in Indonesia	X	X	X	X	
Kenya: Combating Poaching and IWT in Kenya through an Integrated Approach	X	X			

¹⁰³ GEF-6 Program Framework Document, March 2016 (Table 1), at 28. The listing taken from the PFD without any additional assessment of whether specific projects address the species listed.

Country & Child Project Title	Priority Species				Other Species
	Elephant	Rhino	Big Cat	Pango-lin	
Malawi : Strengthening Landscape Connectivity and Management to Improve Livelihoods Conservancy Key Biodiversity Areas in Malawi	X				Wild Dogs, Fisheries
Mali: Community-based Natural Resource Management throughout the Elephant Range	X				
Mozambique: Strengthening the Conservation of Globally Threatened Species in Mozambique through Improving Biodiversity Enforcement and Expanding Community Conservancy around PAs	X	X	X (Leopards)	X	
Philippines: Combating Environmental Organized Crime in the Philippines	X			X	Birds, Turtles, Reptiles
South Africa: Strengthening Institutions, Information Management and Monitoring to Reduce the Rate of IWT in SA	X	X	X (Lions)	X	
Tanzania: Combating Poaching and IWT in Tanzania through an Integrated Approach	X	X	X (Lions, Cheetahs, Leopards)		
Thailand: Combating IWT Focusing on Ivory, Rhino Horns, Tiger and Pangolins in Thailand	X	X	X (Tigers)	X	
Vietnam: Strengthening Partnerships to Protect Globally Significant Endangered Species in Vietnam	X	X	X (Tigers)	X	
Zambia: Zambia Integrated Forest Landscape Project	X	X	X (Lions)		African Wild Dogs
Zimbabwe: Strengthening Biodiversity and Ecosystem Management and Climate Smart Landscapes in the Mid to Lower Region	X		X (Lions)		Hippos

Annex 11: GEF IWT Projects Addressing Corruption

PROJECT	Mentions Corruption as Problem (in PFD or PAD)	Explicitly Addresses Corruption (in PFD or PAD)
Afghanistan		
Botswana		
Cameroon	X	
Congo, Republic of (UNDP)	X	X
Congo, Republic of (World Bank)	X	
Ethiopia		
Gabon	X	X
India		
Indonesia	X	X
Kenya	X	X
Malawi		
Mali	X	
Mozambique		
Philippines	X	X
South Africa	X	
Tanzania	X	
Thailand		
Vietnam	X	X
Zambia		
Zimbabwe		

Annex 12: Profiles of Select International IWT Programs

1) United States

Several agencies within the U.S. federal government are involved with efforts to combat illegal wildlife trade, including the Fish and Wildlife Service, the Department of State, and the Department of Justice. Beginning in 2013, the efforts of the U.S. government regarding illegal wildlife trade have been coordinated through the Presidential Task Force on Wildlife Trafficking, an interagency group. The Task Force consists of representatives of 17 departments and agencies, with the Department of State, Department of the Interior, and the Department of Justice acting as co-chairs. In February 2014, the United States unveiled a coordinated National Strategy for Combating Illegal Wildlife Trade.¹⁰⁴ The goal of the National Strategy is to organize U.S. efforts, through the Task Force, around three major goals: strengthening enforcement, reducing demand, and increasing international cooperation.¹⁰⁵ The Task Force is charged with implementing the END Wildlife Trafficking Act of 2016, which further institutionalizes U.S. government support for efforts to combat wildlife trafficking.¹⁰⁶ In the context of this framework, this review briefly discusses the activities of several U.S. government agencies addressing illegal wildlife trade.

The U.S. Fish and Wildlife Service (FWS) International Affairs Office prioritizes strengthening enforcement mechanisms and enhancing cooperation in its efforts to stop IWT. FWS awarded over US\$50 million to 141 IWT-related projects in 2015.¹⁰⁷ In addition, FWS targets trafficking directly by deploying special agents that use investigative techniques comparable to those employed in narcotics enforcement.¹⁰⁸ The Service works with the U.S. Department of Justice Environment and Natural Resources Division to prosecute traffickers, with a priority on pursuing transporters and consumers in order to ultimately prosecute suppliers.¹⁰⁹ FWS IWT programs cover timber trafficking, as well as efforts to traffic animals and animal products.¹¹⁰

In Fiscal Year 2015, USAID spent over US\$67 million—a significant increase over the previous 3 years—fighting poaching, improving enforcement, disrupting transit pathways, and reducing demand.¹¹¹ USAID concentrates on Africa and Asia and administers multiple programs on this topic addressing different specific issues, such as technology.¹¹² Because USAID’s work is generally linked with ending poverty and strengthening democratic societies, its work on illegal wildlife trade tends to address sustainable livelihoods rather than conservation. By contrast, the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL) focuses on improving legislative frameworks, improving anti-poaching activities, strengthening investigations, building prosecutorial/judicial capacity, and improving prosecution and punishment for traffickers.¹¹³

¹⁰⁴ White House (2014).

¹⁰⁵ White House (2014).

¹⁰⁶ U.S. Library of Congress (2016). *See also* H.R. 2494: Eliminate, Neutralize, and Disrupt “END” Wildlife Trafficking Act, Section-by-Section Summary, available at <https://foreignaffairs.house.gov/wp-content/uploads/2016/09/END-Wildlife-Trafficking-Act-Section-by-Section-1.pdf> (last visited June 2, 2017).

¹⁰⁷ Hickey et al. (2016).

¹⁰⁸ US DOJ ENRD (2017).

¹⁰⁹ US DOJ ENRD (2017).

¹¹⁰ USFWS (2017).

¹¹¹ Hickey et al. (2016).

¹¹² USAID (2017).

¹¹³ Hickey et al. (2016).

2) European Union

The European Union (EU) has supported a large number of governance, conservation, and biodiversity-related projects all over the continent with a particular focus on Central Africa.¹¹⁴ The EU Enforcement Group is the primary EU body to coordinate efforts to combat illegal wildlife trade across the EU; twice a year, it brings together law enforcement officers from all EU Member States, as well as Europol, Eurojust, Interpol, the World Customs Organization, and the CITES Secretariat.¹¹⁵ Since 2001, the EU has been the main financial supporter of the MIKE (Monitoring the Illegal Killing of Elephants) program, with an overall contribution to the CITES Secretariat of EUR 12 million covering 71 sites in Africa and Asia.¹¹⁶ The EU is a significant donor to the International Consortium on Combating Wildlife Crime (ICWC), a partnership among CITES, Interpol, United Nations Office of Drugs and Crime (UNODC), World Bank, and the World Customs Organization, allocating EUR 1.73 million for ICWC beginning in 2012.¹¹⁷

To tackle illegal cross-border wildlife trade, the EU Action Plan against Wildlife Trafficking was adopted in 2016.¹¹⁸ The Action Plan will be implemented jointly by the EU and its Member States through 32 measures to be accomplished by 2020. Those measures fall into three main priority areas: prevention, enforcement, and global partnership.¹¹⁹ The Action Plan targets the entire IWT supply chain, from source to transit to end consumer. Under this rubric, approximately EUR 700 million has already been committed for the period 2014-2020 for activities related to African wildlife conservation. This funding combines a broad range of instruments, aimed at assisting developing countries in preserving natural resources and wildlife while creating direct benefits for people living in biodiversity hotspots.¹²⁰

3) Germany

Germany's efforts to combat illegal wildlife trade are characterized by cooperation between several ministries of the German government, which coordinate through the "Polifund": the fund for cross-cutting political cooperation on issues related to illegal wildlife trade. The key financing partner is the Federal Ministry for Economic Cooperation and Development (BMZ), which has an extensive (approximately €290 million) portfolio of projects with IWT as a key component. Although most of this funding is oriented toward protected area management, promoting sustainable tourism, and other efforts that do not focus specifically on combating IWT, a growing share of funding goes specifically to anti-poaching efforts. In contrast, the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB) has only a small pool of money for project funding, but allocates approximately €3 million annually to efforts specifically designed to target IWT. It has worked with the BMZ to develop efforts to address all stages of the IWT supply chain. The German Corporation for International Cooperation (GIZ) is contracted to implement these BMUB-designed projects, focusing on equipping rangers in Africa and reducing demand in Asia.

Although in the past each ministry largely had pursued its own agenda independently, the Polifund consolidated efforts on IWT and created a more effective working atmosphere—one that its constituents hope will be a useful model for other partners and donors. Although some had expressed concerns

¹¹⁴ EC (2015).

¹¹⁵ EC (2016b).

¹¹⁶ EC (2016b).

¹¹⁷ EC (2016a).

¹¹⁸ The first steps leading to establishing the Plan date back to 2014 when the EC adopted a [communication](http://data.consilium.europa.eu/doc/document/ST-10512-2016-INIT/en/pdf) on approaches to illegal wildlife trade within the European Union. See <http://data.consilium.europa.eu/doc/document/ST-10512-2016-INIT/en/pdf>.

¹¹⁹ EC (2016b).

¹²⁰ EC (2016a).

about each participating ministry receiving due credit in the public eye, the cooperation had a synergistic effect on visibility, such that all parties involved experienced greater visibility for the effort than they would have experienced alone. The realization that cooperation can actually enhance the credit each agency receives for its efforts can be a meaningful incentive for multi-sectoral political and private leadership to work together to combat illegal wildlife trade.

The German approach does not involve issuing calls for project proposals; instead, it is a top-down approach that steers funds to places where good bases for success already exist. It is also atypical for its emphasis on both intra- and inter-regional cooperation. Germany works directly with the Southern African Development Community (SADC), using CITES as a model for enhancing regional cooperation and building institutions. More recently, Germany has sought to promote partnerships between individual source and demand countries. For example, it has helped promote consensus between Mozambique and Vietnam on targets for reducing rhino horn trade. Whereas the nature of the two countries' relationship on the issue was once characterized more by finger pointing, the dialogue that has emerged as a result of German facilitation has refocused the countries' sights on collaborative action.

Demand reduction is a cornerstone of the German anti-IWT strategy. Yet interviewees noted that it is difficult to understand and predict the economics and social dynamics of demand reduction. This reality complicates demand reduction strategy, as well as program assessment. Still, observers have confidence in a few particularly appealing strategies. One Polifund project involves educating leaders in Chinese industry, politics, trade, and high society about IWT. In turn, they are able to take actions and produce messages that are more effective with their respective groups than would be a monolithic German-designed communications strategy. Although this approach is a long-term one, German officials hope that the outcomes will be more durable than a comparatively simple public awareness campaign.

4) Wildlife Conservation Society

The Wildlife Conservation Society (WCS) aims to conserve wildlife and their habitat “through science, global conservation, education and the management of the world’s largest system of urban wildlife parks.”¹²¹ Among other activities, WCS maintains approximately 500 field conservation projects in 65 countries.¹²² WCS has established long-term conservation efforts in the 15 priority regions across the world.¹²³ The organization prioritizes the conservation elephants, apes, big cats, sharks and rays, whales and dolphins, and tortoises and fresh-water turtles, and it focuses on major wildlife trade routes in Asia and Africa.¹²⁴ From the total US\$271.6 million WCS expenses in 2016, US\$106.1 million was allocated to its Global Conservation Program. The Africa program received the largest funding allocation, among the world’s regions, with US\$35.9 million, with continued significant support from U.S. government funding sources. Over US\$20 million was allocated to Asia, followed by US\$19 million to North America and Latin America.¹²⁵

Specifically with respect to elephants, WCS launched a three-year, US\$23 million program in 2014 (in partnership with the Frankfurt Zoological Society) in nine Central and East African countries—Cameroon, Congo, Gabon, Mozambique, Nigeria, South Sudan, Tanzania, Uganda, and Zimbabwe—home to 45,000 elephants, to “scale up the law enforcement in key protected areas” on elephant

¹²¹ WCS (2013).

¹²² WCS (2017c).

¹²³ WCS (2017d).

¹²⁴ These prioritizations are part of the organization’s 2020 Strategy. WCS (2017b).

¹²⁵ WCS (2017a). p. 67.

poaching and illegal trafficking.¹²⁶ This anti-poaching effort supports park guards through equipment improvement, monitoring, training, and intelligence gathering.

5) World Wildlife Fund and TRAFFIC International

The central initiative of the World Wildlife Fund (WWF) and TRAFFIC International to address illegal wildlife trade is their Wildlife Crime Initiative (WCI), started in 2014 as a partnership between the two organizations. It is intended to halve the impact of wildlife crime on conservation targets by 2024.¹²⁷ The Initiative has four key thematic pillars: (1) poaching, in which WCI published ranger surveys and used them to advocate for better working conditions; (2) trafficking, with a focus on the transport sector; (3) buying, including support for behavior change in demand markets; and (4) policy, with a focus on corruption.¹²⁸ WCI has a US\$9.4 million grant from USAID to disrupt wildlife traffickers' ability to use legal supply chains, by improving data capabilities, engaging corporate leaders, working with transportation personnel, incorporating anti-IWT measures into industry protocols, and raising passenger and client awareness of IWT. For demand reduction, the WCI worked with Tencent, a major Chinese internet and technology company, to address IWT on its platforms, which include a popular chat service. This initiative has focused almost entirely on Asia and Africa.

TRAFFIC was established in 1976 as a partnership between WWF and the International Union for the Conservation of Nature (IUCN), with the mission of ensuring that trade in wild plants and animals is not a threat to the conservation of nature. It specializes in research on IWT trends, impacts, and drivers; informing and encouraging private sector and governmental implementation and enforcement efforts; and evidence-based demand reduction campaigns.¹²⁹ TRAFFIC prioritizes both combating illegal wildlife trade and promoting benefits from sustainable and legal wildlife trade in order to incentivize responsible practices. TRAFFIC works in collaboration with the CITES Secretariat. While its work has a global scope, it focuses on Asia and Africa.¹³⁰

¹²⁶ Clinton Foundation (2017).

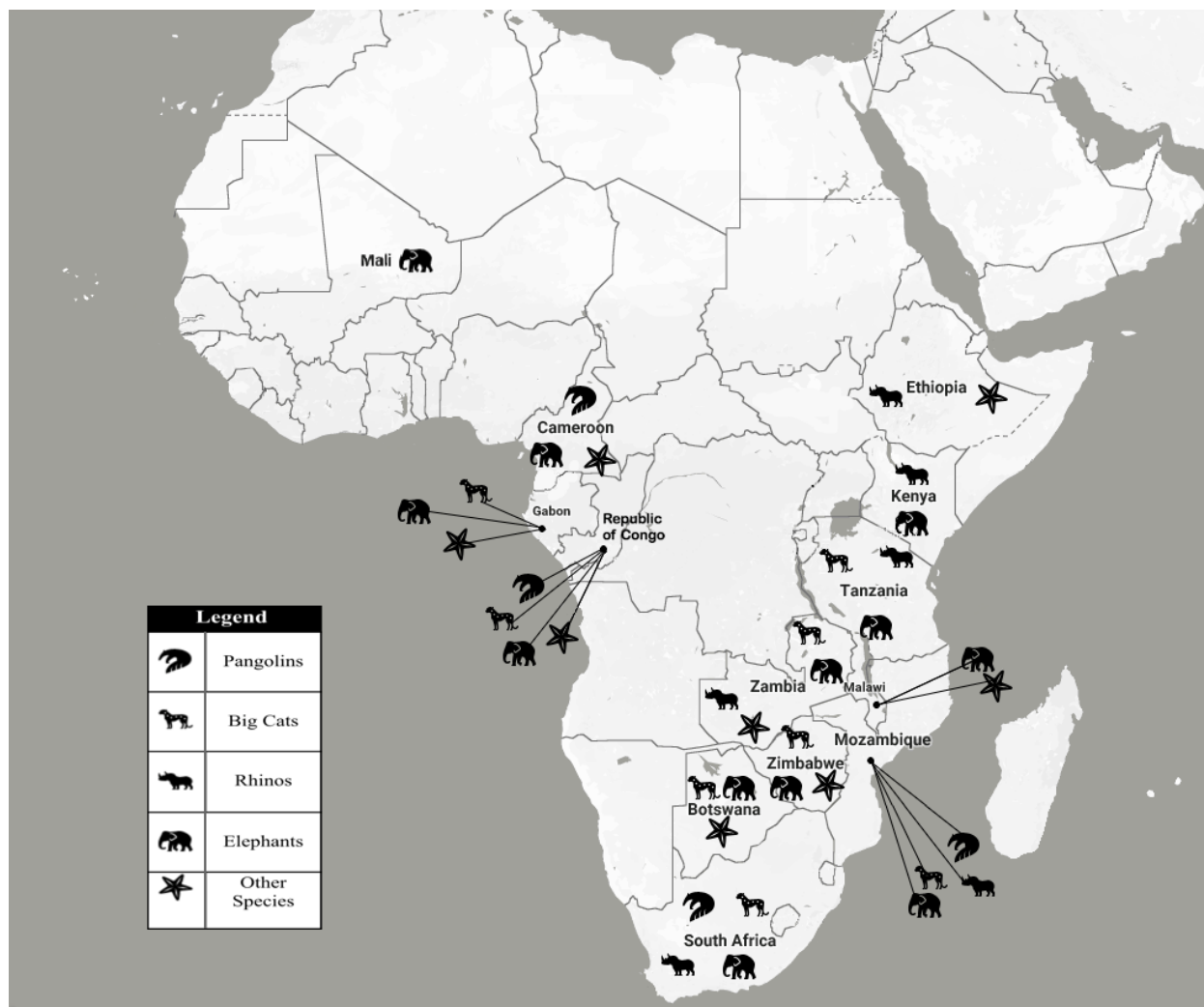
¹²⁷ WWF (2017).

¹²⁸ McLellan and Allan (2016).

¹²⁹ TRAFFIC (2017).

¹³⁰ TRAFFIC (2016).

Annex 13: Maps of Species Addressed by GWP¹³¹



¹³¹ Maps produced using Maptive (<https://www.maptive.com/>). Icons courtesy of IconShock (www.icons shock.com).

