



## Effective National Implementation of the Access and Benefit Sharing and Traditional Knowledge Regime in Niger in accordance with the Nagoya Protocol

### Part I: Project Information

**GEF ID**

**Project Type**

MSP

**Type of Trust Fund**

GET

**CBIT/NGI**

☐ CBIT

☐ NGI

**Project Title**

Effective National Implementation of the Access and Benefit Sharing and Traditional Knowledge Regime in Niger in accordance with the Nagoya Protocol

**Countries**

Niger

**Agency(ies)**

UNEP

**Other Executing Partner(s)**

**Executing Partner Type**

**Other Executing Partner(s)**

National Council for Environment and Sustainable Development (CNEDD)

**Executing Partner Type**

Government

**GEF Focal Area**

Biodiversity

**Taxonomy**

Focal Areas, Biodiversity, Supplementary Protocol to the CBD, Access to Genetic Resources Benefit Sharing, Influencing models, Demonstrate innovative approach, Convene multi-stakeholder alliances, Strengthen institutional capacity and decision-making, Transform policy and regulatory environments, Stakeholders, Communications, Awareness Raising, Education, Behavior change, Public Campaigns, Local Communities, Civil Society, Community Based Organization, Academia, Non-Governmental Organization, Indigenous Peoples, Beneficiaries, Type of Engagement, Participation, Consultation, Information Dissemination, Partnership, Gender Equality, Gender Mainstreaming, Women groups, Gender-sensitive indicators, Sex-disaggregated indicators, Gender results areas, Access and control over natural resources, Access to benefits and services, Knowledge Generation and Exchange, Participation and leadership, Capacity Development, Capacity, Knowledge and Research, Knowledge Generation, Knowledge Exchange, Targeted Research, Learning, Adaptive management, Theory of change, Indicators to measure change

**Rio Markers****Climate Change Mitigation**

Climate Change Mitigation 0

**Climate Change Adaptation**

Climate Change Adaptation 0

**Duration**

36 In Months

**Agency Fee(\$)**

82,420

**Submission Date**

11/18/2019

A. Indicative Focal/Non-Focal Area Elements

Programming Directions	Trust Fund	GEF Amount(\$)	Co-Fin Amount(\$)
BD-3-9	GET	867,580	635,000
	Total Project Cost (\$)	867,580	635,000

## B. Indicative Project description summary

### Project Objective

To create and apply the enabling conditions for the implementation of Nagoya Protocol on the Access and Benefit Sharing and Traditional Knowledge Regime in Niger.

Project Component	Financing Type	Project Outcomes	Project Outputs	Trust Fund	GEF Amount(\$)	Co-Fin Amount(\$)
1. Development of access and benefit-sharing legislative, regulatory, policy and institutional framework with a view to operationalizing the Nagoya Protocol	Technical Assistance	1.1. The Nagoya Protocol is operationalized in the Niger with institutions capable of discharging key functions.	1.1.1. Strategy and action plan developed for the full implementation of ABS measures in Niger  1.1.2 Legislative, regulatory, administrative, institutional and policy measures for the full operationalization of the Nagoya Protocol are developed in Niger  1.1.3 Functional technical ABS institutions are in place in Niger procedures appropriate to the Nagoya Protocol, and exchanging information through the ABS Clearing-House	GET	450,000	200,000

Project Component	Financing Type	Project Outcomes	Project Outputs	Trust Fund	GEF Amount(\$)	Co-Fin Amount(\$)
2. Awareness raising on the Nagoya Protocol and national ABS systems and capacity building for all relevant stakeholders in Niger	Technical Assistance	2.1 Relevant stakeholders in Niger are aware of the developed ABS legislative, regulatory and institutional frameworks and of potential business opportunities related to the use of high potential genetic resources and associated TK	2.1.1 A detailed ABS awareness raising strategy on the national ABS frameworks including materials tailored for specific stakeholder groups. (IPLC, civil society, researchers, private sector, government entities involved in ABS implementations.) are developed and rolled out in Niger  2.1.2. Training designed for specific stakeholder groups in Niger conducted on managing access to genetic resources on various aspects of valorization to develop business opportunities for resources of high potentials including traditional knowledge associated with these resources.	GET	338,709	400,000
Sub Total (\$)					788,709	600,000

Project Management Cost (PMC)

GET	78,871	35,000
Sub Total(\$)	78,871	35,000
Total Project Cost(\$)	867,580	635,000

**C. Indicative sources of Co-financing for the Project by name and by type**

<b>Sources of Co-financing</b>	<b>Name of Co-financier</b>	<b>Type of Co-financing</b>	<b>Investment Mobilized</b>	<b>Amount(\$)</b>
Government	National Council of Environment and Sustainable Development (CNEDD), Niger	In-kind	Recurrent expenditures	300,000
Government	Ministry of Environment and Sustainable Development	In-kind	Recurrent expenditures	240,000
Donor Agency	CHM – Belgian Cooperation, Niger	Grant	Investment mobilized	15,000
Beneficiaries	Regional Governors Offices	In-kind	Recurrent expenditures	80,000
			<b>Total Project Cost(\$)</b>	<b>635,000</b>

**Describe how any "Investment Mobilized" was identified**

The Belgian Royal Institute of Natural Sciences (IRSNB) is presently supporting Niger with the organization of information workshops with members of the Association of Traditional Medicine Practitioners (ATPN) on the CBD and Nagoya Protocol.

D. Indicative Trust Fund Resources Requested by Agency(ies), Country(ies), Focal Area and the Programming of Funds

Agency	Trust Fund	Country	Focal Area	Programming of Funds	Amount(\$)	Fee(\$)	Total(\$)
UNEP	GET	Niger	Biodiversity	BD STAR Allocation	867,580	82,420	950,000
Total GEF Resources(\$)					867,580	82,420	950,000



E. Project Preparation Grant (PPG)

PPG Amount (\$)

45,662

PPG Agency Fee (\$)

4,338

Agency	Trust Fund	Country	Focal Area	Programming of Funds	Amount(\$)	Fee(\$)	Total(\$)
UNEP	GET	Niger	Biodiversity	BD STAR Allocation	45,662	4,338	50,000
Total Project Costs(\$)					45,662	4,338	50,000

## Core Indicators

### Indicator 11 Number of direct beneficiaries disaggregated by gender as co-benefit of GEF investment

	Number (Expected at PIF)	Number (Expected at CEO Endorsement)	Number (Achieved at MTR)	Number (Achieved at TE)
Female	7,000			
Male	13,000			
Total	20000	0	0	0

Provide additional explanation on targets, other methodologies used, and other focal area specifics (i.e., Aichi targets in BD) including justification where core indicator targets are not provided

**Project Contribution to Aichi Targets:** The project will directly support the achievement of Aichi Target 16 : “By 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation ” and Aichi Target 18 “By 2020, 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, subject to national legislation and relevant international obligations, 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”.

## Part II. Project Justification

### 1a. Project Description

Niger (“Project Country”) is located in sub-Saharan West Africa, a region facing significant development challenges stemming from population growth, climate change and environmental degradation. The country is ranked in the 10 least developed countries in the Human Development Index.[1]<sup>1</sup> The major ecotypes of the country are the South Saharan Steppe and Woodlands[2]<sup>2</sup>, Sahelian Acacia Savanna,[3]<sup>3</sup> and West Sudanian Savanna[4]<sup>4</sup>. The West Saharan Montane Xeric Woodland is also found in Niger.[5]<sup>5</sup> Due to strong trends of environmental degradation and deterioration from human and natural factors, WWF indicates that their status ranges from “Vulnerable” (Saharan and Sahelian) to “Critical/Endangered” (West Sudanian). Although the West Saharan Montane Xeric Woodland is considered stable, the small portion contained in Niger is on the List of World Heritage Sites in Danger.[6]<sup>6</sup> Niger also share the transboundary W-Arly-Pendjari (WAP) transboundary biosphere reserve with Benin, an invaluable ecosystem that supports a plethora of large mammals, hundreds of bird species and fish, but is increasingly under pressure.[7]<sup>7</sup>

In Niger, biodiversity loss has accelerated over the past three decades due to repeated droughts and human impacts, including habitat degradation or destruction, overexploitation, reduction of protected areas, poor management of protected areas, and the limited role of local communities in natural resource management.[8]<sup>8</sup>

It has been estimated that 80 per cent of Africa’s rural population rely on traditional medicines (WHO 2009) such as the oils of cedar, cypress, licorice, myrrh and poppy (Chivian and Bernstein 2008). In addition, the variety of fruits, vegetables, honey, spices, oils, bush meat, fish, edible worms and mushrooms found in Africa’s ecosystems contribute to food and nutrition security on the continent. Genetic diversity also offers important opportunities for crop and livestock improvements, especially in enabling breeding varieties that are resistant to drought, pests and diseases that are projected to increase with climate change, as well as opportunities for the development of pharmaceutical products that can yield both health and financial benefits for local populations. Among the key drivers of the threats to biodiversity in the region are the negative impacts of armed conflict, inadequate knowledge of biodiversity species, weak cooperation initiatives / joint management of transboundary ecosystems in the region, poor knowledge of the real contribution

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of environmental goods and services to the national economy, and particularly their contribution to the livelihood systems of grassroots communities, and ineffective enforcement of existing policy and legislative measures and equitable benefit sharing regimes for communities whose livelihoods and by extension health depend on ecosystem services.[9]<sup>9</sup>

To understand the background scenario in relation to biodiversity and access to genetic resources in Niger, the legal and institutional contexts are described below:

- ***Legal context***

In 1998, Niger adopted a framework *Law on Environmental Management*[10]<sup>10</sup> that provides a basis for implementing texts on biodiversity, and defines the general terms of access to genetic resources and benefit sharing resulting from their use. Article 6 of the law establishes that natural resources, namely water, forests, fauna, flora, fisheries and the environment generally are the common heritage of the nation; holds that the State exercises sovereign rights over genetic resources found in the national territory; and provides that access is subject to its prior informed consent. Article 6(3) stipulates that the State will take appropriate legislative and regulatory measures in order to ensure the equitable sharing of the results of research on genetic resources, of their valorisation, as well as the benefits resulting from their commercial use. This provides the legal basis for the development of an ABS regulation. From this perspective, Article 6 of the framework law can provide an anchor for the Nagoya Protocol, but the necessary implementing regulation remains to be developed. However, the framework law does not enunciate any principles relating to the sustainable use and conservation of biodiversity. It also remains unclear on scientific research, which will also require further regulatory measures. The 2004 *Framework Law on Animal Husbandry*[11]<sup>11</sup> indicates that access, utilization and exploitation of livestock genetic resources by international institutions for scientific purposes will be regulated.

- ***Institutional Context***

In 2004, Niger adopted an updated regulation on the creation, make up and attributes of the Technical Committee on Biodiversity (CTDB)[12]<sup>12</sup>, establishing the committee as part of the executive secretariat of the National Council on the Environment for Sustainable Development (SE/CNEDD). The CNEDD reports to the Prime Minister and is made up of government and civil society representatives who are tasked with coordinating, and following up on, national environmental and sustainable development policy. The goal of the CTDB is to support the executive secretary in elaborating a national policy on biodiversity, and to follow up and evaluate the policy's implementation. It is a transversal, multisectoral and multi-disciplinary structure bringing together over 50 members from key government structures, civil society, the private sector, and researchers and educators in

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biodiversity. The 2004 regulation does not address ABS, but a revised draft of the regulation has been prepared. Also, Niger's revised NBSAP indicates that SE/CNEDD is responsible for elaborating legislation on ABS. An ABS National Focal Point based at CNEDD was named in 2015.

### ***Barriers***

The long-term solution to biodiversity loss in Niger is to promote sustainable development and reduce poverty so that direct pressures on ecosystems are reduced. Implementation of ABS in the Project Country can help provide new value to genetic resources and traditional knowledge, generating additional revenue for communities and enabling and incentivizing them to conserve and sustainably use biodiversity. Key barriers to achieving fair and equitable benefit sharing from access to genetic resources and traditional knowledge that supports conservation and sustainable use of biodiversity include the following:

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Barrier 1: Inadequate access and benefit-sharing legislative, regulatory, policy and institutional frameworks for operationalizing the Nagoya Protocol: Four years after entry into force of the Nagoya Protocol, ABS legal systems remain to be completed in Niger to meet the obligations set out by the Nagoya Protocol. Niger obtained initial support in the context of UNEP-GEF Project 5172: *Global Support for the Entry into Force of the Nagoya Protocol on Access and Benefit Sharing* for the rapid entry into force of the Nagoya Protocol in the lead-up to COP-MOP 1,<sup>[13]</sup><sup>13</sup> but the country has a long way to go in order to establish complete and functional ABS legislative, regulatory and institutional frameworks, including for example implementing regulations to make legislation clear, practically enforceable, and comprehensive in its coverage (i.e. in establishing clear principles on the sustainable use and conservation of biodiversity or on the role of scientific research with regard to genetic resources). Other important barriers include corruption and the weak enforcement of laws, policies and agreements related to natural resources; inadequate capacity at national and local levels for effective planning and management of natural resources; and a lack of knowledge and experience in the executive, legislative and judicial branches of government in creating a functional ABS legal system or monitoring and enforcing compliance of laws and regulations developed under such a system. Niger also have very limited experience or capacity in managing transboundary ecosystems, which creates conflicts over the use of land and natural resources (including genetic resources) and frequently leads to the development of policies and regulations that disregard what is occurring across the political border even though the resources are the same and are often subject to the same pressures.<sup>[14]</sup><sup>14</sup>, <sup>[15]</sup><sup>15</sup>

Barrier 2: Lack of national awareness & capacity to promote negotiation between providers and initiatives that add value to genetic resources and associated traditional knowledge: Institutional and technical capacities to create and manage an ABS system are insufficient in Niger. Among the key barriers in this regard are inadequate information on biological resources and genetic resources (both in-situ and in ex-situ) as well as associated traditional knowledge; the undervaluation of goods and services provided by genetic resources (and the ecosystems that harbour them), resulting in development programs and business practices that do not adequately consider environmental impacts; the lack of capacity to identify, assert and protect different forms of intellectual property rights relating to genetic resources; and the extremely limited experience in Niger with ABS related approaches to the management of genetic resources and associated traditional knowledge. These capacity barriers are exacerbated by the very limited communication,

education and public awareness regarding ABS in the country; the lack of experience in promoting the use of genetic resources and traditional knowledge and communicating its importance for socio-economic development to policy makers and the general public; and the absence of any structures or experiences for exchange of experiences and/or cooperation at the regional level.

## **2) The baseline scenario and any associated baseline projects**

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Due to the fact that ABS issues have not yet entered in the national development model, partly because the Nagoya Protocol is relatively new, there are limited typical baseline initiatives for this project in Niger. The present situation, however, justifies the GEF increment as without GEF the protocol implementation will experience very little progress. The proposed project will build upon some preliminary steps already taken by the country towards the development of ABS frameworks. The main progress so far relates to stocktaking, assessment, and awareness raising amongst a select group of stakeholders (e.g. parliamentarians, secretary generals of key ministries) in relation to the ratification of the Nagoya Protocol. As early ratifiers, the country has shown its determination to advance the implementation of ABS, but awareness raising and capacity building is now needed for a broader range of stakeholder (e.g. researchers, entrepreneurs, bureaucrats, indigenous peoples and local communities) relevant to the implementation and operationalization of the Protocol.

Niger is a member of the West African Economic and Monetary Union (UEMOA) and Economic Community of West African States (ECOWAS). These regional agreements seek, in part, to coordinate sectoral policies and harmonize the laws of member states. UEMOA and ECOWAS adopted concurrent environmental policies in 2008 with the UEMOA Common Policy for Environmental Improvement (PCEI)[16]<sup>16</sup> and ECOWAS Environmental Policy.[17]<sup>17</sup> The country is Party to the 1968 *African Convention on the Conservation of Nature and Natural Resources* (Algiers Convention), ratified the 2003 *Revised African Convention on the Conservation of Nature and Natural Resources* (Maputo Convention — not yet in force).[18]<sup>18</sup> Niger became Party to the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing to the Convention on Biological Diversity (Nagoya Protocol) upon its entry into force on 12 October 2014. The country became a Party to the International Treaty on Plant Genetic Resources for Food and Agriculture in 2004. Lastly, the country is Party to the Convention on the Conservation of Migratory Species of Wild Animals (CMS), Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), Ramsar Convention on Wetlands of International Importance.

Niger participated in a June 2015 regional capacity-building workshop held in Burkina Faso for the development of harmonized national ABS frameworks for the CBD. The main objective of the workshop, which was initiated by the ABS Initiative and funded by the New Partnership for Africa's Development (NEPAD) Climate Change Fund, was to discuss strategies and action plans to promote the coordinated implementation of the Nagoya Protocol in the West African sub-region. One of the workshop's key outcomes was the adoption of a resolution calling on ECOWAS to facilitate coordination amongst its member states in the implementation of the Protocol, taking into account the African Union Guidelines for the Coordinated Implementation of the Nagoya Protocol on Access and Benefit Sharing (AU Guidelines).

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Preparatory steps on implementing the Nagoya Protocol in Niger were carried out with the support of some GEF-funded projects, including UNEP-GEF Project 5172 *Global Support for the Entry into Force of the Nagoya Protocol on Access and Benefit Sharing*, and UNEP-GEF Project 4623: *Support to GEF Eligible Parties (LDCs & SIDS) for the Revision of the NBSAPs and Development of Fifth National Report to the CBD—Phase II*. In addition, between 2013 and 2015, Niger received capacity building support through two UNDP-GEF-SGP projects, one on the valorisation of traditional knowledge in the framework of the Nagoya Protocol<sup>[19]</sup><sup>19</sup>, and the other on strengthening the capacity of stakeholders in research, civil society and experts in GEF focal areas to implement the Nagoya Protocol.<sup>[20]</sup><sup>20</sup> In addition, a national NGO and an association of the holders of traditional knowledge, with financial support from the GEF SGP and technical support from the executive secretariat of the CNEDD, carried out studies on inventory and analyse of regulatory measures on access to genetic resources and traditional knowledge associated with biological/genetic resources in Niger. The two studies drew out needs as well as gaps in relation to ABS, the management of traditional knowledge, and research.

The baseline related to the national investment, include the establishment of policy priorities and planning frameworks for ABS-related issues for the coming years. Niger's revised NBSAP has tasked the National Council for the Environment for Sustainable Development (CNEDD) with tasks on ABS, but national follow-up activities from 2017-2020 have limited funds allocated. The available funds are allocated to inventorying and valorising traditional knowledge and practices that are favourable to the conservation and sustainable use of biodiversity.

The only concrete baseline project in line with Nagoya Protocol implementation is the initiative in the context of cooperation between the Clearing House Mechanisms of Belgium and Niger. Within this cooperation, the Belgian Royal Institute of Natural Sciences (IRSNB) is presently supporting Niger with the organization of information workshops with members of the Association of Traditional Medicine Practitioners (ATPN) on the CBD and Nagoya Protocol.

### **3) The Proposed Alternative Scenario with a description of expected outcomes and components of the project**

The fair and equitable sharing of benefits is an important incentive to direct resources and efforts to conservation and sustainable use of biodiversity, the CBD's first and second objectives. The successful implementation of ABS in Niger has the potential to make considerable contributions to the conservation and sustainable use of biodiversity in Niger, and contribute to the conservation and sustainable use of transboundary ecosystems in the West African region, such as the W-Arly-Pendjari transboundary biosphere reserve, and the Sahelian Acacia Savanna and West Sudanian Savanna generally.

Taken into consideration the fact that the baseline is almost nul, the GEF increment will support the country to create an enabling environment for the deployment of ABS in the country. The project components include:

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**Component 1. Development of access and benefit-sharing legislative, regulatory, policy, administrative and institutional framework with a view to operationalize the Nagoya Protocol**

Under this component, the project will focus on establishing efficient and integrated national ABS systems, operating in a coordinated manner, based on full compliance and integration of functions of governing entities, national authorities and institutions with competence on the matter. A strategy and action plan for the implementation of ABS measures (e.g. policy, legal, and regulatory frameworks) will be developed and implemented in the country in order to operationalize the Nagoya Protocol. Legislative, regulatory, administrative and policy measures for the full operationalization of the Nagoya Protocol will be developed in Niger for consideration and validation by national authority. For example, legislative and regulatory measures that establish transparent and functional access regulations will be developed and submitted to the national government for final consideration.

At the institutional level, the project will also seek to ensure that ABS national institutions framework is developed. The developed framework operates in a coordinated manner, following unified criteria and taking into account monitoring and supervision for compliance. For this purpose, it will be necessary to elaborate tailor made guidelines towards unified criteria, improvement of administrative procedures, and participatory construction, and/or adaptation of already existing tools for management procedures to be aligned with the Nagoya Protocol (forms, models, guides, model contractual clauses, etc.). Government officials, researchers, universities and indigenous organizations and local communities will gain valuable experience in building strategic alliances for research and bioprospecting of genetic resources and applying national access regulations. This would help envision future actions to promote public and private participation, national and foreign, to further development of biotechnology, prioritizing use of identified strategic genetic resources.

**Component 2: Awareness raising on the Nagoya Protocol and national ABS systems and capacity building for all relevant stakeholders in Niger**

The level of awareness of the Nagoya Protocol in Niger is very low; previous awareness raising activities have been limited mainly to decision makers involved in ratification, and focused on generating a general understanding of the nature of the Protocol and why becoming Parties made sense. Activities under this component will seek to raise awareness among relevant stakeholders on the newly established ABS systems so as to define their respective roles, responsibilities and effective involvement in national implementation. In this perspective, the first output of this component will be a detailed ABS communication strategy. Targeted communication materials (flyers, posters, web-applications, films etc.) tailored to the needs of the different stakeholder groups (government officials, academics, researchers, innovators, entrepreneurs and indigenous peoples and local communities) will be developed accordingly. These activities will be designed to increase general awareness understanding of the Nagoya Protocol among a wider group of government stakeholders (including key public sector and national authorities) in Niger, and to build capacity in specific areas such as the procedures and mechanisms of the national ABS system and the use of the ABS Clearing-House (ABS-CH). The focus will be to also build the capacity of national institutions to create a better understanding of the value of native genetic resources and associated traditional knowledge, and the project will work with national partners to better document GR and associated TK with high economic / scientific potential. Strengthened national institutions to carry out research and development alongside local communities and traditional practitioners can lead to new research and development partnerships that are compliant with national ABS legislation. A focus on enhancing the negotiation skills of regulators and providers and providing improved criteria, procedures and tools will permit, for example, a clear identification of the roles of the parties, the type and size of the entrepreneurs or researchers concerned in the negotiation, or the value of the GR and associated TK being accessed, amongst others. The purpose is to strengthen legal capacity and institutional capabilities in Niger to



guarantee legal certainty in negotiation between users and providers throughout the access chain for research and development, including: granting of prior informed consent (PIC), mutually agreed terms (MAT) for product negotiation, granting of permits for access, internationally recognized certificates of compliance (IRCC), establishing verification points, ensuring fair benefit sharing. More broadly, the project will work to strengthen capacity amongst all relevant stakeholders (e.g. public, private, academic, scientific, technical, society, and indigenous people) to negotiate PIC and MAT between providers and users of genetic resources and traditional knowledge.

The alternative scenario resulting from the activities described above will be Niger has ABS legal and institutional frameworks and the capacity to effectively implement these systems.

#### **4) Alignment with GEF focal area and/Impact Program strategies**

The proposed project alternative is in line with the BD-3-9 Further development of biodiversity policy and institutional frameworks through the Implementation of the Nagoya Protocol on Access and benefit sharing of the GEF 7 Biodiversity Focal area strategy. The project specifically supports (i) Development and implementation of a strategy and action plan for the implementation of ABS measures. (e.g. monitoring of use of genetic resources, compliance with legislation and cooperation on trans-boundary issues); and (b) Awareness raising and building capacity among stakeholders (including indigenous and local communities, especially women) to negotiate between providers and users of genetic resources.

#### **5) The incremental/additional cost reasoning and expected contributions from the baseline, the GEFTE, LDCF/SCCF and co-financing**

Without GEF support, the ability of the local and national authorities in Niger to effectively address all the issues related to ensuring proper access to genetic resources and fair and equitable distribution of their derived benefits is very limited. The existing capacities of the national Government and related institutions are insufficient to ensure a harmonized application of ABS measures at the national level or to build capacity and increase awareness among a broad range of stakeholders to reach a wider target audience. Support received so far in Niger has focused on promoting ratification of the Nagoya Protocol and has not contributed to building the capacities in the country to develop and implement functional national ABS systems. In order to address these key elements of implementing the Nagoya Protocol and establishing an ABS regime in Niger, incremental financial support from the GEF is necessary. Steps taken so far by Niger have not been sufficient in addressing the lack of capacity to design and develop functional ABS systems and to raise awareness among the concerned stakeholders on key implementation issues. GEF support will thus complement the national efforts and will allow the country to increase its capacity to deal with ABS related matters in alignment to the Nagoya Protocol. The added value of the proposed project will be clear coherent legal and institutional frameworks for ABS are established in Niger to the Nagoya Protocol; although initial work has been carried out on ABS in the country. There is no guarantee that the baseline

processes will conclude in a timely or conclusive manner without GEF support, and at the very least the lack of GEF support would significantly delay the adoption of measures to support the implementation of the Nagoya Protocol. Further, without GEF support, the delay will in the long term prevent the country from leveraging potential benefits that may be gained thereof. The GEF project is expected to build on already support provided to the country mainly by GEF, ensuring a cost-effective approach and a coherent intervention strategy to maximize the possibility of accomplishing the identified outcomes. This experience could eventually benefit other African countries where neighbouring countries share similar difficulties and challenges, and the experience and results from this project will be disseminated in regional forums (AU, ECOWAS, UEMOA) where ABS issues are discussed.

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#### **6) Global environmental benefits (GEFTE, NPIF) and/or adaptation benefits (LDCF/SCCF)**

Well-implemented ABS mechanisms create incentives to conserve and sustainably use genetic resources, thereby enhancing the contribution of biodiversity to development and human well-being. An effective and efficient access regime for genetic resources and traditional knowledge will provide impetus for biodiversity conservation, research, and sustainable use of biological and genetic resources, helping to maintain and preserve biodiversity in a region where biodiversity is in critical need of support. Making the value of genetic resources visible through a functional ABS regime is a key way to effectively link access, use and benefit sharing based on these resources to conservation, in particular by demonstrating the social and economic value of conserving genetic resources. In addition, by establishing a fair and equitable system for generating value from genetic resources through a variety of activities and industries, ranging from agriculture to pharmaceuticals to cosmetics, the project can help to create considerable economic value based on the ecosystem goods and services required for the survival of biodiversity.

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#### **7) Innovativeness, sustainability and potential for scaling up**

The proposed project constitutes the first attempt in Niger to meet the requirements of the Nagoya Protocol and implement an ABS regime. The project also will be the first initiative in the region to use the African Union Strategic and Practical Guidelines for the Coordinated Implementation of the Nagoya Protocol on ABS (AU Guidelines), which were adopted in 2015 by the African Ministerial Conference on the Environment (AMCEN) and endorsed by the AU Summit. By supporting Niger in developing a Strategy and Action Plan for ABS implementation, and by supporting capacity building of a broader range of stakeholders beyond those who were relevant for getting the country to become a party to the Nagoya Protocol, the project will greatly expand the technical capacities and therefore the institutional sustainability of the country with regard to ABS regimes. In terms of financial sustainability, the Strategy and Action Plan in the country will be a tool to leverage the resources of national and international partners to implement ABS.

Even though the project will be focusing national implementation, the experiences and lessons learned it will provide examples for scaling up the implementation of the Protocol in accordance with the AU Guidelines. It will be particularly useful in providing know-how for the implementation processes in neighbouring UEMOA States and throughout francophone Africa. If necessary, the project will be supported by the ABS Capacity Development Initiative, which has a decade of experience in Africa and played a key role in developing the AU Guidelines, which will help ensure sustainability beyond the life of the project. The project will help to: build the capacity of the country to add value to genetic resources and associated traditional knowledge and avoid duplication of regulatory mechanisms; address the financial and human resource constraints faced by small or least developed countries like Niger through sharing regulatory and scientific resources.

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- [1] UNDP Human Development Index 2015: Niger: 188/188.
- [2] South Saharan Steppe and Woodlands, <http://www.worldwildlife.org/ecoregions/pa1329>
- [3] Sahelian Acacia Savanna, <http://www.worldwildlife.org/ecoregions/at0713>
- [4] West Sudanian Savanna, <https://www.worldwildlife.org/ecoregions/at0722>
- [5] West Saharan Montane Xeric Woodland, <https://www.worldwildlife.org/ecoregions/pa1332>
- [6] World Heritage List, Air and Ténéré Natural Reserves, <http://whc.unesco.org/en/list/573>
- [7] Case Study: W-Arly-Pendjari Transboundary Biosphere Reserve, <https://eros.usgs.gov/westafrica/case-study/w-arly-pendjari-transboundary-biosphere-reserve>
- [8] Niger, 5<sup>th</sup> National Report, p. 16.
- [9] USAID, West Africa Environmental Threats and Opportunities Assessment, April 2013. IUCN/ECOWAS/UEMOA, West Africa Environmental Policy Brief, [https://www.iucn.org/sites/dev/files/content/documents/policy\\_brief\\_wa\\_environmnetal\\_policy.pdf](https://www.iucn.org/sites/dev/files/content/documents/policy_brief_wa_environmnetal_policy.pdf); Africa Environment Outlook 3, <http://staging.unep.org/pdf/aeo3.pdf>
- [10] Loi N° 98-56 du 29 Décembre 1998 portant Loi-Cadre relative à la Gestion de l'Environnement.
- [11] Loi N° 2004-048 du 30 juin 2004 portant loi cadre relative à l'Elevage
- [12] Arrêté n° 46/PM/SE/CNEDD du 23 avril 2004, modifiant et complétant l'arrêté n° 53/PM/SE/CNEDD du 21 juillet 1997, portant création, composition et attributions de la commission technique sur la diversité biologique (CTDB).
- [13] <https://www.thegef.org/project/global-support-entry-force-nagoya-protocol-access-and-benefit-sharing>
- [14] USAID, West Africa Environmental Threats and Opportunities Assessment, p. 41.
- [15] IUCN/ECOWAS/UEMOA, West Africa Environmental Policy Brief, [https://www.iucn.org/sites/dev/files/content/documents/policy\\_brief\\_wa\\_environmnetal\\_policy.pdf](https://www.iucn.org/sites/dev/files/content/documents/policy_brief_wa_environmnetal_policy.pdf); UNEP, Africa Environment Outlook 3; USAID, West Africa Environmental Threats and Opportunities Assessment, April 2013, p. 31.
- [16] <http://droit-afrique.com/upload/doc/uemoa/UEMOA-Acte-additionnel-2008-01-PCAE.pdf>
- [17] [http://www.ecowrex.org/system/files/repository/2008\\_ecowas\\_environmental\\_policy\\_-\\_ecowas.pdf](http://www.ecowrex.org/system/files/repository/2008_ecowas_environmental_policy_-_ecowas.pdf)

[18] [https://www.au.int/web/sites/default/files/treaties/7782-sl-revised\\_-\\_nature\\_and\\_natural\\_resources\\_1.pdf](https://www.au.int/web/sites/default/files/treaties/7782-sl-revised_-_nature_and_natural_resources_1.pdf)

[19] Projet d'appui à la valorisation des Connaissances Traditionnelles dans le cadre de la Mise en œuvre du Protocole de Nagoya sur l'Accès aux ressources génétiques et le Partage juste et équitable des Avantages (APA) découlant de leur utilisation (PCT/APA), [https://sgp.undp.org/index.php?option=com\\_sgpprojects&view=projectdetail&id=20916&Itemid=272](https://sgp.undp.org/index.php?option=com_sgpprojects&view=projectdetail&id=20916&Itemid=272)

[20] Projet de Renforcement des Capacités des Acteurs de la Recherche, de la Société civile et des experts dans les domaines focaux du FEM, pour la mise en œuvre du Protocole de Nagoya sur l'Accès aux ressources génétiques et le Partage juste et équitable des avantages découlant de leur utilisation (PRC/APA), [https://sgp.undp.org/index.php?option=com\\_sgpprojects&view=projectdetail&id=20917&Itemid=272](https://sgp.undp.org/index.php?option=com_sgpprojects&view=projectdetail&id=20917&Itemid=272)

**1b. Project Map and Coordinates**

**Please provide geo-referenced information and map where the project interventions will take place.**



**2. Stakeholders**

**Select the stakeholders that have participated in consultations during the project identification phase:**

**Indigenous Peoples and Local Communities** Yes

**Civil Society Organizations** Yes

**Private Sector Entities** Yes

**If none of the above, please explain why:**

N/A

**In addition, provide indicative information on how stakeholders, including civil society and indigenous peoples, will be engaged in the project preparation, and their respective roles and means of engagement.**

Institution	Role or function
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<p>Environment Ministry</p> <ul style="list-style-type: none"> <li>· Biosafety Unit</li> <li>· National Centre for Ecological and Environmental Monitoring (CNSEE)</li> <li>· Environmental and Impact Evaluation Bureau (BEEEI)</li> <li>· Forest Directorate</li> <li>· Fauna and Protected Area Directorate</li> <li>· Fisheries Directorate</li> </ul>	<p>Inventorying of traditional knowledge for sustainable use of biodiversity and natural resources</p>
<p>Higher Education Ministry</p> <ul style="list-style-type: none"> <li>· Research and Technology Directorate</li> </ul>	<p>Creating a national biotechnology lab; develop an institutional and legal framework for protection of traditional knowledge, innovations and practices on the use of natural resources; responsible for law on access on biological resources for research; developing and implementing programmes for awareness raising and environmental education.</p>
<p>Agriculture Ministry</p> <ul style="list-style-type: none"> <li>· Plant Protection Directorate</li> <li>· Network of Chambers of Agriculture of Niger (RECA)</li> <li>· Permanent Secretariat of the Rural Code</li> </ul>	<p>Inventorying of traditional knowledge for sustainable use of biodiversity and natural resources</p>
<p>Cabinet of the President</p> <ul style="list-style-type: none"> <li>· Water, Environment and Improvement Cell</li> <li>· Rural Development Commission</li> <li>· National Council of Environment for Sustainable Development (CNEDD) <ul style="list-style-type: none"> <li>o Technical Commission on Biodiversity (CTDB)</li> <li>o UNCCD Focal Point</li> <li>o UNFCCC Focal Point</li> </ul> </li> <li>· High Commissariat for the Improvement of the Niger River Valley (HCAVN)</li> </ul>	<p>CNEDD is charged with overseeing all environment and sustainable development matters in Niger and is the responsible actor for elaborating and applying texts relating to access to genetic resources and fair and equitable benefit sharing, and protection of traditional knowledge, innovations and practices, in Niger's NBSAP. Within CNEED, the CTBD helps to orient the process related to ABS in the light of the NBSAP revision process.</p>

Ministry of Finance · Sectoral Programmes Directorate	Funding for ABS related projects
Ministry of Health · Public Hygiene and Health Education Directorate	Responsible for organizing the traditional medicine sector
Abdou Moumouni de Niamey University (UAM)	Collect and valorise traditional knowledge, innovations and practices for sustainable use of biodiversity; create community gene banks; and strengthen capacity to conserve ex situ phylogenetic and zoogenetic resources
Environment for Sustainable Development Network (REDD)	Civil society network, can be used for consultation with member groups
Association of Traditional Practitioners of Niger (ATPN)	Involvement in traditional knowledge
Indigenous peoples and local communities (farmers engaged in agriculture, livestock production and other economic activities ) who are not indigenous peoples	<p>These groups are the direct and primary stakeholders in the Project. They stand to benefit from the Project,</p> <p>Some communities and groups particularly women association in rural areas may already have some existing enterprise initiatives with their biological resources while some may be new to the issue. Key examples include sheabutter production, Gum Arabic, etc.</p> <p>The indigenous people in Niger particularly the Bororo, will have their concerns and specific way of living in the ABS legal framework to be developed. They will be also directly involved in the elaboration of biocultural protocols building on current partnership of a local NGO with International Justice.</p>
Association of Traditional Chiefs of Niger	Involvement in traditional knowledge

### 3. Gender Equality and Women's Empowerment

**Briefly include below any gender dimensions relevant to the project, and any plans to address gender in project design (e.g. gender analysis).**

Niger has one of the highest degrees of gender inequality in the world.[1] The Constitution of Niger grants equal rights to all regardless of gender. Niger ratified the CEDAW in 1999, and the Optional Protocol in 2004; Niger also has signed but not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. A Ministry of Social Development, Population, Advancement of Women and Protection of Children has

been in place since 1998. The Government adopted a National Gender Policy in August 2008, which represents a reference framework for the promotion of equity and gender equality. The policy provides different development sectors with the guidance necessary to address the different needs of women and men. For the implementation of this national policy, a ten-year plan (2009-2018) was developed and adopted in May 2009, and an institutional framework established for implementation. The overarching objective of the policy is to “build, with all actors, a society, without discrimination, where men and women, girls and boys, have the same opportunities to participate in development and enjoy the benefits of growth.” Different institutions are in charge of gender consideration in their activities, and gender promotion also is achieved through specific programs and projects. CONGAFEN, a CSO that coordinates 51 women’s NGOs and associations in Niger, plays an important role in improving the living conditions and working environment for women and promoting women’s rights. CONGAFEN’s member organizations organize periodic forums for experience sharing, sensitization, training, and advocacy, but they have insufficient human, financial and material resources, as well as limited access to communications facilities that limits their capacity to mobilize ad hoc interventions. The project will work with CONGAFEM to support gender mainstreaming and facilitate access to communication and building of capacity to ensure adequate gender consideration on ABS issues, in line with the national gender policy.

In Niger, the role of women in the conservation and sustainable use of genetic resources and associated traditional knowledge will be identified and considered in the development of the ABS system in order to ensure the fair and equitable sharing of benefits for women and men. Based on these orientations, priority will be placed on activities that have a strong impact on improving the quality of life of marginalized and vulnerable social groups, including women, youth, the disabled, pastoralists and the landless, with the objective of combatting poverty in a transversal manner which takes into account gender, in keeping with national orientations. Thus, gender will be integrated in all components of the project, including project activities to enable women’s participation in ABS, as well as indicators to promote and measure the participation of men and women in the project.

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[1] UNDP Gender Inequality Index, *ibid*.

**Does the project expect to include any gender-responsive measures to address gender gaps or promote gender equality and women empowerment?** Yes

**closing gender gaps in access to and control over natural resources;** Yes

**improving women's participation and decision-making; and/or** Yes

generating socio-economic benefits or services for women. Yes

**Will the project's results framework or logical framework include gender-sensitive indicators?**

Yes

#### **4. Private sector engagement**

**Will there be private sector engagement in the project?**

Yes

**Please briefly explain the rationale behind your answer.**

This Niger GEF 7 ABS project will engage key private sector in the area of pharmaceutical, nutraceutical and cosmetic industries which depend their raw materials from rich natural resources. In this line, the project will work directly with:

- The owner of traditional knowledge which will include the Association of traditional healers and private individual working in the area of traditional medicine and products. These stakeholders are the providers of traditional knowledge in the use of genetic resources. They will be also negotiators of ABS contract with interested firms and industries in the development of pharmaceutical, nutraceutical and cosmetics products.
- The plants and animal breeders: they will contribute in amelioration of the knowledge of genetic resources and their valorization.
- The pharmacies through the Association of Pharmacies and Order of Pharmacists: they will be involved in the distribution chains of products from genetic resources.
- The Laboratories: They will be involved in the development and testing of new products from genetic resources.

#### **5. Risks**

**Indicate risks, including climate change, potential social and environmental risks that might prevent the Project objectives from being achieved, and, if possible, propose measures that address these risks to be further developed during the Project design (table format acceptable)**

Project risks in terms of expected results and products are low because the project proposal has been prepared through the collaboration and active participation of relevant actors, who have demonstrated interest and compromise on the actions to be developed. In addition, most project activities will be carried out by those institutions with direct



responsibility and competency for the activities, which implies a drastic reduction of associated risks. However, it can be recognized that some products may suffer delays. For example, capacity building of ABS national systems may be affected by internal conditions (reorganization, public officers rotation, budget cuts, amongst others) for some institutions and actors. This risk will be minimized by constant awareness-raising activities from the project anticipated in component 2 in order to ensure that the importance of ABS regime is perceived at all levels. Likewise, the annual work plan and budget revisions will allow the project team to implement adaptive management measures to secure the necessary support and ensure project progress. It is also possible that there may be some risks in terms of the actual contents of ABS agreements, in particular with clauses on benefit-sharing, change of use, and intellectual property, to mention the most important. However, these risks will be reduced through capacity building on negotiation and legal support considered as part of the proposal

## **6. Coordination**

**Outline the institutional structure of the project including monitoring and evaluation coordination at the project level. Describe possible coordination with other relevant GEF-financed projects and other initiatives.**

Niger is participating in the UNEP-GEF global project (9866) “Support to Preparation of the Interim National Report on the Implementation of the Nagoya Protocol”. The country is also participating in the UNEP-GEF regional project (9824)

“Support to Eligible Parties to Produce the Sixth National Report to the CBD (Africa-2)”, which will provide financial and technical support to the country in the work to develop high quality, data-driven sixth national reports (6NR); the information generated by the Sixth National Report process will improve national decision-making processes for biodiversity in general and for the development of an ABS regime in the country. The Project will have national advisors and committees that will include key actors for ABS in the country and a representative from UNEP with the goal of providing support and orientation to national actors on project implementation, including coordination with other projects and initiatives relevant to ABS issues and the implementation of the Nagoya Protocol.

## **7. Consistency with National Priorities**

**Is the Project consistent with the National Strategies and plans or reports and assessments under relevant conventions**

Yes

**If yes, which ones and how: NAPAs, NAPs, ASGM NAPs, MIAs, NBSAPs, NCs, TNAs, NCSAs, NIPs, PRSPs, NPFE, BURs, INDCs, etc**

- National Action Plan for Adaptation (NAPA) under LDCF/UNFCCC

- National Action Program (NAP) under UNCCD
- ASGM NAP (Artisanal and Small-scale Gold Mining) under Mercury
- Minamata Initial Assessment (MIA) under Minamata Convention
- National Biodiversity Strategies and Action Plan (NBSAP) under UNCBD
- National Communications (NC) under UNFCCC
- Technology Needs Assessment (TNA) under UNFCCC
- National Capacity Self-Assessment (NCSA) under UNCBD, UNFCCC, UNCCD
- National Implementation Plan (NIP) under POPs
- Poverty Reduction Strategy Paper (PRSP)
- National Portfolio Formulation Exercise (NPFE) under GEFSEC
- Biennial Update Report (BUR) under UNFCCC
- Others

The proposed project is a direct contribution to the country in fulfilling its obligations as party to the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing to the Convention on Biological Diversity (Nagoya Protocol). The project also is consistent with national priorities as laid out in the National Biodiversity Strategy and Action Plans of Niger. Niger submitted its revised NBSAP on 19 January 2015, in which the first strategic objective is to “conserve and sustainably use ecosystems, species and genetic resources”, with one designated action being to “elaborate and implement regulatory texts on access to genetic resources and the fair and equitable sharing of benefits resulting from their use.” At the regional level, the project is in line with UEMOA and ECOWAS environmental policies adopted in 2008 with the UEMOA Common Policy for Environmental Improvement (PCAE)[1] and the ECOWAS Environmental Policy.[2] The project will also contribute to the implementation of the 1968 *African Convention on the Conservation of Nature and Natural Resources* (Algiers Convention), and the *Revised African Convention on the Conservation of Nature and Natural Resources* (Maputo Convention — not yet in force).

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[1] <http://droit-afrique.com/upload/doc/uemoa/UEMOA-Acte-additionnel-2008-01-PCAE.pdf>

[2] [http://www.ecowrex.org/system/files/repository/2008\\_ecowas\\_environmental\\_policy\\_-\\_ecowas.pdf](http://www.ecowrex.org/system/files/repository/2008_ecowas_environmental_policy_-_ecowas.pdf)

## **8. Knowledge Management**

**Outline the Knowledge management approach for the Project, including, if any, plans for the Project to learn from other relevant Projects and initiatives, to assess and document in a user-friendly form, and share these experiences and expertise with relevant stakeholders.**

The project includes knowledge management initiatives through networking with similar projects in the region, such as the ABS Capacity Development Initiative, and also by sharing important lessons generated by the project itself with the participating institutions and associated projects. UNEP as implementing agency will play a key role by promoting interaction between the project and similar initiatives in the region. Likewise, interaction with countries that are members of the African Union (AU) will occur at various levels, and because there is a common set of guidelines on ABS (AU Guidelines), the project can be important in developing lessons to share with the AU community. UNEP is currently implementing a large portfolio of GEF supported projects on ABS, and it will help to promote exchange of experiences and lessons learned that will not only support the current project but many other regional and global stakeholders on ABS. Best practices and lessons learned from the project and from others programs and projects through exchange of experiences will be posted in the ABS information system. Finally, the project aims to further promote collaboration between different stakeholders in the country in the development, implementation and evaluation of micro-projects. In order to do so, the following channels will be used:

- Audio-visual media, with a focus on community radio
- Coordination mechanisms, namely those related to biodiversity, climate change and combatting desertification, which present the advantage that they bring together a diversity of actors (Government, civil society, representatives of local communities and the private sector)
- Periodic meetings with key ministries and institutions to discuss progress in the implementation of the program and perspectives

**Part III: Approval/Endorsement By GEF Operational Focal Point(S) And Gef Agency(ies)**

**A. RECORD OF ENDORSEMENT OF GEF OPERATIONAL FOCAL POINT (S) ON BEHALF OF THE GOVERNMENT(S): (Please attach the Operational Focal Point endorsement letter with this template).**

Name	Position	Ministry	Date
Mr. Yakoubou Mahaman San	Direction General de la Programmation du Developpement	Ministère du Plan Niger	3/8/2019

#### **ANNEX A: Project Map and Geographic Coordinates**

Please provide geo-referenced information and map where the project intervention takes place

