

# BUILDING LEGAL FRAMEWORKS TO IMPLEMENT THE NAGOYA PROTOCOL

## IDLO CAPACITY BUILDING COURSE FOR LAWYERS FROM THE AFRICAN, CARIBBEAN AND PACIFIC REGION

Date: 28 July to 1 August, 2014

Location: Rome, Italy

Language: English



### BACKGROUND

Aichi Biodiversity Target 16 calls on countries to ratify and operationalize the Nagoya Protocol consistent with national legislation by 2015. Countries are undertaking processes to review and reform their legal and institutional frameworks to implement the Nagoya Protocol. There is no one-size-fits-all model for national legal frameworks, thus tailored legal advice is needed to accompany these processes.

This IDLO capacity building course introduces participants to the essential requirements of the Nagoya Protocol, key technical resources available, and the latest research on country experiences with relevant legal frameworks. The course combines the best elements of experiential learning methodologies with online information technology and global networking. The participant-centred learning approach assures that participants meet the course objectives through a combination of learning tools and techniques including e-learning, discussion forums, expert presentations, and interactive exercises.

### COURSE OBJECTIVES

By the end of the course, participants will be able to contribute to building capacities of national actors and accompany national processes to develop legislation and legal tools for the achievement of Aichi Biodiversity Target 16 – the Nagoya Protocol is in force and operational by 2015. In particular, participants will be able to:

- › understand the concept of access to genetic resources and fair and equitable benefit sharing as established by the Convention on Biological Diversity, Nagoya Protocol and related agreements;
- › provide an overview of the obligations under the Nagoya Protocol and the associated national processes that need to be undertaken, including stakeholder engagement;
- › identify challenges, options and opportunities for ratifying and operationalizing the Nagoya Protocol consistent with national legislation;
- › understand the approaches taken by other countries to implement key components of the Nagoya Protocol, including national competent authority, access, benefit sharing, traditional knowledge and compliance;
- › describe the domestic efforts to ratify and/or operationalize the Nagoya Protocol in their own country, and the status of and key stakeholders involved in legal review and reform processes; and
- › recall practical techniques and skills to design and facilitate interventions to accompany national legal processes to implement the Nagoya Protocol.

#### TARGET AUDIENCE:

- › Lawyers from the ACP region interested in gaining skills to provide legal advice and build capacities of government and stakeholders to support national legislative processes to implement the Nagoya Protocol

#### CANDIDATES SHOULD HAVE:

- › A law degree, preferably at the Masters or Ph.D. level;
- › Relevant work experience;
- › Working knowledge of English sufficient to participate actively; and
- › Demonstrated interest and commitment to biodiversity and sustainable development law.

## MODULE 1: THE INTERNATIONAL REGIME ON ACCESS AND BENEFIT SHARING

### OBJECTIVE:

By the end of this module participants will be able to outline the concept of access and benefit sharing (ABS).

### DESCRIPTION:

This module will introduce the concepts of “access to genetic resources” and “fair and equitable benefit-sharing”. It will cover the evolution of these concepts in key decisions and meetings under the Convention on Biological Diversity leading up to the Nagoya Protocol. Related international and regional agreements will be discussed that may influence implementation of the Nagoya Protocol at the national level, including the International Treaty on Plant Genetic Resources for Food and Agriculture, WIPO, WTO and others.

## MODULE 3: DESIGNING INSTITUTIONAL ARRANGEMENTS

### OBJECTIVE:

By the end of this module participants will be able to understand the requirements and options for designing the institution arrangement to implement the Nagoya Protocol.

### DESCRIPTION:

This module will outline the requirements under the Nagoya Protocol to designate a National Focal Point and Competent National Authority. It will discuss the responsibilities of each body and explore different approaches taken by countries. The module will highlight how many countries have created specialized technical bodies often with participation of various ministries and indigenous and local communities to provide expert input at key stages of the ABS process.

## MODULE 5: WORKING SESSION – APPLYING LESSONS TO COUNTRY CONTEXTS

### OBJECTIVE:

By the end of this module participants will be able to describe the key issues, stakeholders and processes in their countries to implement the Nagoya Protocol.

### DESCRIPTION:

This interactive working session will engage participants to reflect on and present their own country needs and priorities related to the ratification and implementation of the Nagoya Protocol. Participants will be guided by course facilitators to identify the key country stakeholders and identify opportunities to apply the knowledge and skills gain in this course to the real-life processes ongoing in their countries and regions. An open discussion will be hosted amongst participants to exchange experiences and identify areas of common interest.

## MODULE 2: OBLIGATIONS AND PROCESSES FOR RATIFICATION AND OPERATIONALIZATION OF THE NAGOYA PROTOCOL

### OBJECTIVE:

By the end of this module participants will be able to describe the key obligations and national processes to design legislation to implement the Nagoya Protocol.

### DESCRIPTION:

In this module, participants will examine the provisions of the Nagoya Protocol to identify and discuss the key legal obligations for countries to meet. The module will outline how legislation and legal tools can be a key component of national action to implement the two elements of Target 16 – ratification and operationalization of the Nagoya Protocol consistent with national legislation. It will explore options for national processes that may be undertaken to develop legislative approaches and engage stakeholders.

## MODULE 4: COUNTRY EXPERIENCES WITH NAGOYA PROTOCOL LEGISLATION

### OBJECTIVE:

By the end of this module participants will be able to describe legislative approaches taken by other countries, including the key successes, trends and challenges.

### DESCRIPTION:

The module will showcase country experiences with using legal approaches to fulfil key Nagoya Protocol obligations in relation to:

1. Access to genetic resources;
2. Benefit-sharing;
3. Traditional Knowledge; and
4. Compliance & Monitoring.

Participants will be invited to draw relevant lessons learned from these experiences and explore how they can inform national processes in their own countries.

## MODULE 6: PRACTICAL SKILLS AND TOOLS FOR LEGAL ADVISORS

### OBJECTIVE:

By the end of this module participants will be able to recall practical skills that can equip them to act as legal advisors to national processes on the Nagoya Protocol.

### DESCRIPTION:

This module will provide training on the practical skills needed to communicate legal concepts and facilitate interventions to build the understanding and capacity of government and stakeholders. Participants will learn about and gain access to tools to:

- undertake situational and stakeholder analysis;
- conduct a training needs assessment;
- select appropriate communication and training styles for different stakeholders;
- understand the experiential training cycle and design interactive capacity building sessions.

## TRAINING METHODOLOGY

The course approach consists of:

- Pre-course online discussion and assignments;
- **Week-long, face-to-face training in Rome, Italy** with sessions led by global legal experts and capacity building experts;
- Access to IDLO online portal for secure e-mail exchanges, document exchange, online library and networking with fellow participants and experts, both prior and following the course;
- Enlist in the IDLO Alumni Network; and
- Further access to networking and consultancy opportunities with key country and global contacts.

Upon satisfactory completion of the course the participants will receive an IDLO Certificate of Participation and invited to continue learning and networking on the IDLO online platform and discussion forum.

## COURSE FEE

Fellowships, sponsored by the ABS Capacity Development Initiative, are available to cover the full costs this course for up to 15 lawyers from the ACP region. The fellowship covers the cost of tuition, shared hotel accommodation, economy class flights tickets and meal costs for successful applicants from the African, Caribbean and Asia Pacific regions.

Self-funded participants (€700 course tuition) may also be selected to join the course.

## APPLICATION DEADLINE: 6 JUNE 2014

Applications will be treated on a first-come, first-served basis. We encourage early applications.

Application should specify if the applicant is self-funded, or applying for a fellowship.

To access the course application form, please see:  
<http://www.idlo.int/what-we-do/initiatives/advancing-nagoya-protocol>

Or contact:

Ms. Daniela Cuéllar Vargas  
 Program Associate, AichiLaw@idlo.int

## ABOUT THE INITIATIVE:

### LEGAL PREPAREDNESS FOR ACHIEVING THE AICHI BIODIVERSITY TARGETS INITIATIVE

The Initiative was launched in 2012 by IDLO and the Secretariat of the Convention of Biological Diversity (SCBD) to support global collaborations to raise awareness and build capacity on the role of law in achieving key biodiversity goals. This course is part of the sub-program on Legal Preparedness for Achieving Aichi Target 16, a collaboration with the ABS Capacity Development Initiative with expert support from the Centre for International Sustainable Development Law.

More information on the Legal Preparedness for Achieving the Aichi Biodiversity Targets Initiative is available at:

<http://www.idlo.int/what-we-do/sustainability/biodiversity>

## ABOUT OUR PARTNERS:

### ABS CAPACITY DEVELOPMENT INITIATIVE

Established in 2006, the ABS Capacity Development Initiative is a multi-donor initiative that aims to support governments and relevant stakeholders on the African continent and in the ACP countries (African, Caribbean and Pacific Group of States) in developing and implementing national ABS frameworks, including legislation and regulatory requirements, with a view to the early ratification and implementation of the Nagoya Protocol on ABS.

More information on the ABS Capacity Development Initiative is available at:

<http://www.abs-initiative.info/>

### CENTRE FOR INTERNATIONAL SUSTAINABLE DEVELOPMENT LAW

The Centre for International Sustainable Development Law is an international legal research center with the mission to promote sustainable societies and the protection of ecosystems by advancing the understanding, development and implementation of international sustainable development law. The CISDL Biodiversity and Biosafety Research Program focuses its research on the conservation and sustainable use of biodiversity, access to genetic resources and benefit-sharing (ABS), and biosafety.

More information on the CISDL is available at:

<http://www.cisdl.org/>

## ABOUT IDLO

As the only inter-governmental organization with an exclusive mandate to promote the rule of law, IDLO works to make institutions of law and justice work for people. In that way we contribute to creating stable and inclusive societies where there is opportunity for all and where every person can live free from fear and want.

We provide technical legal assistance and capacity development at the national and local level, often in the poorest and most insecure parts of the world. We work in partnership with local actors and with different legal systems in an enabling and empowering – rather than prescriptive or directive – way.

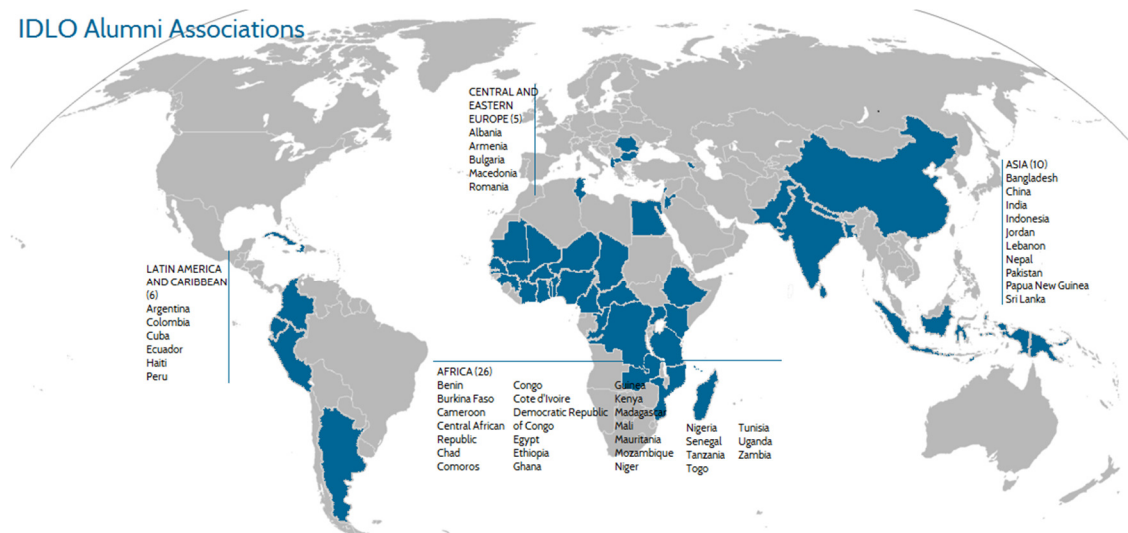
IDLO has extensive experience in countries emerging from conflict or striving towards democracy. Increasingly it is also working in emerging economies and middle-income countries to strengthen their legal capacity for sustainable development and economic opportunity.

## IDLO ALUMNI ASSOCIATIONS

Since its establishment in 1983, IDLO has worked with over 20,000 legal professionals in 175 countries. Its growing worldwide network – consisting of 47 independent alumni associations and a roster of some 2,500 experts – gives the organization a unique possibility to draw on expertise from around the world.

The nationally established Alumni Associations are independent non-governmental bodies that bring together legal professionals from all sectors: government, business, private practice and civil society. The Associations build bridges and foster cooperation across different legal sectors. They play an important role in furthering the rule of law in the communities they serve. IDLO supports their in-country initiatives to provide continuing legal education, strengthen civil society and foster a culture of justice.

### IDLO Alumni Associations



## INTERNATIONAL DEVELOPMENT LAW ORGANIZATION (IDLO)

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L'INITIATIVE DE  
RENFORCEMENT  
DES CAPACITES  
POUR L'APA

