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REGIONAL CAPACITY-BUILDING WORKSHOP ON
THE NAGOYA PROTOCOL ON ACCESS AND
BENEFIT-SHARING FOR THE MIDDLE EAST
REGION AND DJIBOUTI, LIBYA, MAURITANIA
9-10 April 2013, Amman

REPORT OF THE REGIONAL CAPACITY-BUILDING WORKSHOP ON THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING FOR THE MIDDLE EAST REGION AND DJIBOUTI, LIBYA, MAURITANIA

Amman, 9 – 10 April 2013

I. INTRODUCTION

Background

1. In pursuance of decision XI/1 of the Conference of the Parties, the Secretariat of the Convention on Biological Diversity in collaboration with the Royal Botanic Garden of Jordan and the United Nations Environment Programme (UNEP) organized a capacity-building workshop on 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 from 9 to 10 April 2013, in Amman, under the framework of the Medium-sized project (GEF-MSP) on Capacity-Building for the early entry into force of the Nagoya Protocol on ABS.
2. The objective of the workshop was to raise awareness and build the capacity of participating countries on the Nagoya Protocol and provide an opportunity to exchange on experiences and lessons learnt in preparing for its ratification and implementation.
3. The workshop was attended by representatives from the following countries: Bahrain, Egypt, Iraq, Jordan, Libya, Mauritania, Oman, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen. In addition, representatives from the United Nations Environment Programme, Regional Office of West Asia (UNEP – ROWA), Food and Agricultural Organization (FAO), League of Arab States (LAS), Birdlife International, Palestinian authorities and local NGOs also participated in the workshop.
4. The list of participants is presented in annex I below.

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II. OPENING OF THE WORKSHOP

5. The workshop was opened at 9 a.m. on Tuesday, 9 April 2013.

6. In her opening statement, HRH Princess Basma Bint Ali, Chairman of the National Biodiversity Committee for Jordan recognized that the Nagoya Protocol had a great and distinguished value. She highlighted the fact that the kingdom of Jordan ratified the Nagoya Protocol whilst there was no other option to protect genetic resources and traditional knowledge. HRH Princess Basma welcomed all participants to the kingdom of Jordan and thanked the Secretariat of the Convention on Biological Diversity and the United Nations Environment Programme for their joint efforts in organizing the workshop.

7. Mr. Olivier Rukundo, Programme Officer at the Secretariat of the Convention on Biological Diversity, delivered a statement on behalf of Mr. Braulio Ferreira De Souza Dias, Executive Secretary of the Convention. While extending his appreciation to the Government of Jordan for hosting the workshop, he thanked the national and regional partners present at this workshop for their work and valuable contribution in their overall support towards the entry into force and implementation of the Nagoya Protocol. He reiterated that the Secretariat of the Convention on Biological Diversity was committed to assisting Parties in their efforts towards the ratification of the Nagoya Protocol. Noting that 15 Parties had ratified or acceded to the Protocol at that time, Mr. Rukundo thanked these countries for their leadership and commitment to the entry into force of the Protocol and urged other Parties to follow suit to ensure the timely entry into force of the Protocol.

8. On behalf of the Executive Director of UNEP, Mr. Achim Steiner, Ms. Diane Klaimi, Programme Officer, reiterated the support of UNEP to countries of the region to accelerate the ratification of the Nagoya Protocol and its timely entry into force. Ms. Klaimi stated that entry into force and implementation of the Nagoya Protocol would contribute to the attainment of sustainable development goals especially as Governments were working with United Nations agencies in preparing for the post-2015 development agenda. UNEP was providing technical and advisory services globally and regionally and was mainly facilitating access to funds under the Global Environment Facility through the Nagoya Protocol Implementation Fund (NPIF) to promote the ratification and implementation of the Nagoya Protocol.

III. ORGANIZATION OF WORK

9. Mr. Olivier Rukundo of the CBD Secretariat introduced the overall objectives of the workshop to the participants and explained the proposed methodology to carry out the work and deliberations.

IV. THE NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR UTILIZATION

10. In order to provide an introduction of the basic principles of access and benefit-sharing and the Nagoya Protocol, the film *Peoples, plants and profits* developed by the ABS Capacity Development Initiative was shown to the participants. The film is available at the following website: <http://www.abs-initiative.info/video-people-plants-and-profit.html>.

11. Mr. Olivier Rukundo gave a presentation on the key features and obligations under the Protocol. The presentation was followed by a question and answered period during which questions and comments mainly focused on requests for clarification in relation to the following points:

- The role of traditional knowledge associated with genetic resources in the Nagoya Protocol;

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- Obligations under the Nagoya Protocol in relation to checkpoints;
- The relationship between the Nagoya Protocol and other international agreements and instruments such as the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA);
- Special considerations under the Protocol (the treatment of issues of imminent emergencies that threaten or damage human, animal or plant health);
- The meaning of Article 10 of the Nagoya Protocol and the ongoing discussions in relation to the need and modalities for a global multilateral benefit-sharing mechanism.

12. Mr. Rukundo provided an overview of the status and progress made towards the entry into force of the Nagoya Protocol and gave a detailed presentation on steps and technical modalities that countries had to follow for the deposit of the relevant instruments of ratification/ accession to the Nagoya Protocol with the depository, the Treaty Section of the United Nations Office of Legal Affairs in New York. Models of instruments of ratification/accession were presented and discussed.

V. EXCHANGE OF EXPERIENCES ON STEPS TAKEN TOWARDS THE RATIFICATION AND IMPLEMENTATION OF THE NAGOYA PROTOCOL

13. Participants were invited to make presentations and exchange on steps taken at the national level and lessons learnt in the ratification and implementation of the Nagoya Protocol.

14. With a view to provide some information and canvass further discussions, representatives of Jordan, Syria and Mauritania were invited to provide presentations on steps and approaches taken in their respective countries towards the ratification and implementation of the Nagoya Protocol.

15. Mr. Tariq Abu Taleb of the Royal Botanic Garden of Jordan gave a presentation on the approach and steps that were taken by Jordan as the first ratifying country. Mr. Taleb highlighted that the National Biodiversity Committee took up the ratification of the Protocol as a key priority issue and that a lot of work and efforts went into convincing decision-makers of the importance and value of ratifying this instrument. Mr. Taleb also provided an overview of Jordan's future plans towards the implementation of the Nagoya Protocol. The representative of Jordan highlighted that his country was in the process of establishing a national species database with a view to having a precise inventory of resources that could be of relevance for the national implementation of the Nagoya Protocol. Mr. Abu Taleb also underscored that Jordan was in the process of developing its national ABS measures to meet its obligations as set out under the Nagoya Protocol.

16. Mr. Akram Darwish from the Syrian Arab Republic gave a presentation on steps taken by Syria to finalize and officialize the ratification of the Protocol at the International level. Mr Darwish stated that a national presidential decree authorizing the Republic to become Party to the protocol was issued and that the Syrian Ministry of Foreign Affairs had sent the official documents to the treaty section of the United Nations to give effect to the ratification of the Nagoya Protocol by the Syrian Arab Republic.

17. Mr. N'dergui Ahmedou of the Ministry of Environment, Mauritania, started his presentation by highlighting that Mauritania adopted a Communication, Education, Public Awareness (CEPA) strategy to promote the ratification of the Nagoya Protocol. Mr Ahmedou informed participants that a bill for the ratification of the Nagoya Protocol would be presented to the Government and Parliament within the next couple of months and that ratification should in principle follow shortly thereafter.

18. Following these presentations, participants were invited to continue discussions in break-out groups to further exchange on steps taken and lessons learnt through national processes towards the ratification of the Protocol. The discussions broadly revealed that most countries in the region had initiated national processes towards the ratification of the Nagoya Protocol. Some countries (i.e. Bahrain, Egypt, Syrian Arab Republic and Mauritania) were more advanced in their national processes towards

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ratification, while other had either just initiated or were experiencing some delays in moving the process forward (i.e. Libya and Saudi Arabia). The discussions also highlighted some common challenges that countries were facing in the ratification of the Protocol. The major challenges identified were the lack of financial resources and the lack of national expertise to initiate/undertake all the technical/legal activities related to the ratification and implementation of the Nagoya Protocol.

VI. WAY FORWARD: ROADMAP TOWARDS THE RATIFICATION AND IMPLEMENTATION OF THE NAGOYA PROTOCOL IN THE REGION

19. To facilitate the discussions, participants were divided into five break-out groups and provided with a list of guiding questions. The overall objective of this session was to (1) identify follow-up activities/actions at the national level to support the ratification and implementation of the Nagoya Protocol and (2) identify possible regional activities/actions to support the ratification and implementation of the Nagoya Protocol.

20. The results of these discussions are contained in the annex to this document, which provides some general steps and priorities for the ratification and implementation of the Nagoya Protocol identified and adopted by participants at the end of the workshop under the leadership of the representative of the Government of Jordan. Specific country action plans to advance the ratification of the Nagoya Protocol are also presented in the annex to this report.

21. With a view to provide some further information on opportunities for support to assist Parties towards the ratification of the Nagoya Protocol, Ms. Diane Klaimi delivered a presentation on UNEP's global and regional support for the ratification of the Nagoya Protocol. Ms Klaimi explained that UNEP was implementing and executing a GEF Global Medium-Sized project to support the entry into force of the Nagoya Protocol. The project aimed to expedite ratification processes of the Nagoya Protocol on Access and Benefit-sharing in 30 countries. Ms Klaimi explained that support under this project was expected to be used for two key components in relation to activities to be undertaken by countries to expedite the ratification of the Protocol at the national level: (1) capacity assessment and awareness-raising; and (2) stakeholder engagement, with the aim of an accelerated ratification and early entry into force of the Nagoya Protocol and as well as the preparation of broad stakeholder involvement in its implementation in 30 countries. Finally Ms. Klaimi explained that, though 30 countries had been already selected to participate in this project, GEF-eligible countries from the Middle East region could still express interest to receive support to carry out similar activities and that a project for the region could potentially be developed to respond to the capacity-building needs of countries in the region.

VII. ADOPTION OF THE REPORT AND CLOSURE OF THE WORKSHOP

22. The workshop was closed at 5 p.m. on Wednesday, 10 April 2013 after the adoption of the report and the general roadmap and country specific action plans for a way forward towards the ratification of the Nagoya Protocol.

Annex

GENERAL STEPS AND PRIORITIES AND COUNTRY ACTION PLANS TOWARDS THE RATIFICATION AND IMPLEMENTATION OF THE NAGOYA PROTOCOL

Elaborated by the drafting committee under the leadership of the representative of Jordan

BACKGROUND

The present document outlines some general steps and priorities for the ratification and implementation of the Nagoya Protocol identified by participants during the workshop. Countries also came up with specific action plans to advance the ratification of the Nagoya Protocol in their respective countries. These specific action plans are presented in the table below.

IDENTIFIED STEPS AND PRIORITIES TOWARDS THE RATIFICATION AND IMPLEMENTATION OF THE NAGOYA PROTOCOL

During the workshop discussions, it was recognized that most countries in the region had initiated national processes towards the ratification of the Nagoya Protocol. Some countries (i.e Egypt, Bahrain and Mauritania) were more advanced in their national processes towards ratification, while other had either just initiated or were experiencing some delays in moving the process forward (i.e Libya and Saudi Arabia).

Against this background, all countries identified the following general steps as key priorities for advancing the ratification of the Nagoya Protocol:

- Raising awareness of decision-makers and stakeholders with a view to convincing them of the importance of ratifying the Nagoya Protocol. Awareness raising activities should focus on:
 - Enhancing the understanding on the obligations under the Nagoya Protocol on ABS
 - Outlining the need and corresponding benefits of being Party to the Nagoya Protocol in light of the national circumstances of each country
 - Explaining the importance of the Protocol for the countries

Ideas of specific activities raised during the discussions include:

- Organization of awareness workshops/meeting with decision-makers and stakeholders following this workshop
- Development of communication materials (leaflets, etc) that are adapted to national circumstances + ensuring exhibition of materials
- Identifying goodwill ambassadors (i.e. as Jordan did)
- Writing letter of interest to UNEP to seek funding to undertake the necessary activities towards ratification
- Undertaking a national inventory of genetic materials so as to better understand economic value and potential benefits that could be derived from their utilization
- Creating a national committee on biological diversity with a taskforce specifically dedicated to following up on the ratification of the Nagoya protocol
- Initiate contact with officials of Ministries of Foreign Affair to sensitize them on the Nagoya Protocol

Furthermore, participants underscored the importance of undertaking (in parallel) activities toward the implementation of the Nagoya Protocol. Some of the activities identified in that regard include:

- Raising awareness of decision makers in relation to key considerations to be taken into account for the implementation of the Nagoya Protocol including:

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- Development, review update of national measures on ABS
- Identification of all the relevant resources (to determine and assess the value of national genetic resources and associated traditional knowledge)
- Refining national strategies for the valuation and conservation of genetic resources

Specific activity ideas:

- Organization of workshops for technical experts involved in implementation of the Nagoya Protocol at the national level
- Organization of regional workshops to allow countries to share their experiences and lesson learned in the implementation of the Nagoya Protocol
- Organization of training session in legal drafting

COUNTRY ACTION PLANS FOR THE RATIFICATION OF THE NAGOYA PROTOCOL

Iraq:

- Organize meetings in collaboration with the National Committee on Biodiversity to convince key decision makers in Parliament and other Ministries on the need to ratify the Nagoya Protocol
- Seek pertinent information and get further clarifications on the administrative and procedural requirements to ensure the expeditious ratification of the Nagoya Protocol
- Timeline: ratification is very near but cannot determine when it will occur

Yemen:

- Organize meetings with decisions makers (Member of Parliament and other officials) and start negotiations with these officials on how best to advance the ratification of the Nagoya Protocol
- Identifying priorities for activities at the national level to ensure that Yemen is ready to meet the obligations set out in the Nagoya Protocol
- Establish contacts in the Parliament and Ministry of Foreign Affairs to better follow up on approval and ratification of the Nagoya Protocol
- Brief parliamentarians at the earliest occasion to make use of and share the knowledge acquired during the workshop

Saudi Arabia:

- In Saudi Arabia, we need to have the necessary legislation in place before moving forward with the ratification. SA is currently working on developing its national measures on ABS.
- The recent establishment of a database of genetic resources is a key activity and it needs to continue
- Timeline for ratification: Ratification likely in mid 2014 but will depend on the time required for the finalization of national measures on ABS

Egypt:

- We need to do a final revision of national legislations to determine what the gaps in relation to the requirements under the Protocol are.
- Ratification process is well underway- the political situation has detailed the process but things are getting back to normal
- We will continue to Liaise with our national parliament and the Ministry of Foreign Affairs to ensure that the ratification is given effect in the next few months

- We will work towards establishing a list of genetic resources to be included in a database
- Timeline for ratification: Possibly in the next 3 months (political situation permitting)

Mauritania:

- Immediately follow up to finalize the ratification process with the Parliament. Parliament needs to make a decision on a draft bill of ratification that has been approved by the cabinet of the Prime Minister
- Still undertaking awareness raising-activities (decision makers and local communities). These activities will continue
- We are currently seeking proper funding to undertake all of these activities (Part of them will be undertaken under the UNEP GEF MSP as Mauritania is among the 30 countries that have been selected under the Project)
- Timeline: ratification should occur before the end of the summer (or sooner)

United Arab Emirates:

- First thing that needs to be done is to raise the awareness of our decision makers on the Protocol (using lessons learned from the workshop)
- Commission a study to identify requirements under the Nagoya Protocol (in light of our national circumstance) to determine proper actions to be taken for the ratification of the Nagoya Protocol
- Evaluation of present legislation on environment to indentify where we stand vis a vis the requirements and our obligations under the NP
- Timeline: difficult to tell at this point but will liaise with the SCBD Secretariat when more information becomes available

Libya:

- Establishment of national committee on the Nagoya Protocol to follow up on the ratification of the Nagoya Protocol
- Organize meetings, workshops to raise awareness of decision makers (Parliamentarians, Ministers) on the Nagoya Protocol
- Contact relevant officials within the Ministry of Foreign Affairs to inquire about the proper procedures to follow to avoid delaying the ratification of the Protocol
- Timeline: possibly before the end of the year

Bahrain:

- Follow up with relevant government officials on the ratification of the Nagoya Protocol
- Establishment a database for genetic resources
- Liaising with national committee of biodiversity for assistance
- Timeline: Ratification is underway though we cannot determine how long the process will take

Oman:

- Genetic resource evaluation and listing
- Evaluation of national legislation
- Capacity-building
- Identification of traditional knowledge