



CBD



Convention on Biological Diversity

Distr.
GENERAL

UNEP/CBD/ICNP/2/INF/1
31 October 2011

ORIGINAL: ENGLISH

**OPEN-ENDED AD HOC INTERGOVERNMENTAL
COMMITTEE FOR THE NAGOYA PROTOCOL ON
ACCESS TO GENETIC RESOURCES AND THE FAIR
AND EQUITABLE SHARING OF BENEFITS ARISING
FROM THEIR UTILIZATION**

Second meeting
Delhi, 9–13 April 2012

OUTCOMES OF THE SECOND CAPACITY-BUILDING WORKSHOP ON ACCESS AND BENEFIT-SHARING

Note by the Executive Secretary

1. The Executive Secretary is circulating herewith, for the information of participants in the second meeting of the Ad Hoc Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefit Arising from Their Utilization, the report of the Second Workshop on Capacity-building on Access and Benefit-sharing, which was held in Montreal on 29-30 October 2011.
2. The report was prepared by the Secretariat of the Convention on Biological Diversity and the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (IT-PGRFA).

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Outcomes of the Capacity-Building Workshop on Access and Benefit-sharing

Montreal, 29-30 October 2011

BACKGROUND

1. In paragraph 13 of decision X/1, the Executive Secretary was requested to provide technical assistance to Parties, subject to the availability of financial resources, to support the early ratification and implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization.
2. In paragraph 14 of the same decision, the Conference of the Parties invited the Global Environment Facility (GEF) to provide financial support to Parties to assist with the early ratification of the Nagoya Protocol and its implementation.
3. Against this background, the GEF has provided one million United States dollars in financial support for a Medium-Sized Project implemented by the United Nations Environment Programme (UNEP) and executed by the Secretariat in order to support the early ratification and entry into force of the Nagoya Protocol.
4. In addition, at the tenth meeting of the Conference of the Parties to the Secretariats of the Convention on Biological Diversity and of the International Treaty on Plant Genetic Resources for Food and Agriculture (International Treaty) signed a memorandum of understanding (MoU) to further enhance collaboration in areas of mutual interest within their mandates. The memorandum foresees, *inter alia*, that both secretariats jointly organize workshops, seminars and other events on access and benefit-sharing as well as in other areas.
5. As part of the activities under the GEF Medium-Sized Project, this capacity-building workshop was the second of a series of workshops being jointly organized by the Secretariats of the Convention on Biological Diversity and of the International Treaty. The first workshop was held in Montreal on 4-5 June 2011, prior to the first meeting of the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol¹ (Intergovernmental Committee).
6. The Second Capacity-building Workshop on Access and Benefit-sharing provided a forum to discuss the implementation of the Nagoya Protocol, in particular as it relates to traditional knowledge associated with genetic resources, and a means to identify capacity-building needs and priorities in this regard. It also provided an opportunity to learn from the experience of the International Treaty with respect to support provided to farmers, indigenous and local communities in its implementation, in particular on issues related to the Multilateral System and Farmers' Rights.

1. OPENING OF THE MEETING AND ORGANIZATION OF WORK

7. Valerie Normand, Secretary of the Ad Hoc Open-Ended Intergovernmental Committee for the Nagoya Protocol (Intergovernmental Committee) opened the meeting on behalf of the Executive Secretary of the Convention on Biological Diversity. Ms. Normand thanked all participants for coming to the Second Capacity-building Workshop on Access and Benefit-sharing organized by the Secretariat following the adoption of the Nagoya Protocol. She underscored that the number of signatories to the Protocol had so far demonstrated an international commitment to its early entry into force. She extended her gratitude to the Global Environment Facility for the financial contribution they provided in support of awareness-raising and capacity-building activities organized in support of the early entry into force of the Protocol. She thanked the representatives of the International Treaty for their fruitful collaboration in the

¹ <http://www.cbd.int/icnp1/>.

organization of this workshop and highlighted the importance of collaboration to ensure that both the Nagoya Protocol and the International Treaty were implemented in a mutually supportive manner.

8. Shakeel Bhatti, Secretary of the International Treaty, expressed a warm welcome to the participants and thanked the Secretariat of the Convention on Biological Diversity for inviting the International Treaty to provide some inputs into the discussions of the workshop. He reminded the participants that the workshop was held under the umbrella of the MoU signed between both Secretariats and that the success of the first workshop held prior to the first meeting of the Intergovernmental Committee was an indication of the importance of joint collaboration between both institutions. Mr. Bhatti highlighted the valuable contribution of farmers in the different processes of the International Treaty and encouraged participants from indigenous and local communities participating in the workshop to play an active role in the discussions.

9. Jose Luis Suter, from the Ministry of Foreign Affairs of Argentina, and Lucy Mullenkei, from the Nairobi-based African Indigenous Women Organization, facilitated the workshop.

2. SUPPORT FOR THE IMPLEMENTATION OF THE NAGOYA PROTOCOL

10. In order to introduce the issues to be addressed during the workshop and to provide a basis for the discussions, the following presentations were made during the morning session and are available on the Secretariat's website at: <http://www.cbd.int/doc/?meeting=WCBABS-02>.

11. Olivier Rukundo, coordinator of the GEF Medium-Sized Project on capacity-building to support the early entry into force of the Nagoya Protocol gave a general presentation of the activities being carried out under the project.

12. Valerie Normand provided an overview of the general obligations of Parties under the Nagoya Protocol, notably on the provisions related to access, benefit-sharing and compliance. She also explained the overall obligations of Parties with regards to the mechanisms established under the Protocol to support its implementation.

13. John Scott, Programme Officer for Article 8(j) and Related Provisions at the Secretariat of the Convention for Biological Diversity, presented the provisions of the Protocol related to traditional knowledge associated with genetic resources and indigenous and local communities, and explained the obligations of Parties in relation to these provisions.

14. Finally, Shakeel Bhatti shared some of the experiences and lessons learned from the implementation of the International Treaty. He provided an overview of the Multilateral System of Access and Benefit-sharing of the International Treaty and the capacity-building activities being undertaken to assist farmers and farmers' organizations to participate effectively in the processes of the International Treaty. He described the operations of the Treaty's Benefit-sharing Fund, including its structure and objectives. He emphasized that farmers in developing countries were the main beneficiaries of the Fund and noted that the Fund's current focus was on enhancing food security and the adaptation of crops to the effects of climate change. He also highlighted that the Governing Body of the Treaty called for the full participation of farmers and farmers' organizations in its processes.

3. EXCHANGE OF EXPERIENCES IN SUPPORT OF THE IMPLEMENTATION OF THE NAGOYA PROTOCOL

15. Representatives from Parties and indigenous and local communities were invited to share information and experiences related to the implementation of the Nagoya Protocol, including national developments related to the implementation of the Protocol, and in particular, measures related to traditional knowledge associated with genetic resources. The presentations available in electronic format were posted on the Secretariat's website at: <http://www.cbd.int/doc/?meeting=WCBABS-02>.

16. Deyanira Camacho, National Director of the Ecuadorian Institute of Intellectual Property, provided a summary of national developments in Ecuador related to the implementation of the Nagoya Protocol, and in particular national measures related to the protection of traditional knowledge.
17. Pierre Du Plessis, from the Center for Research Information Action in Africa – Southern Africa Development and Consulting, gave a brief overview of the national process being undertaken in Namibia regarding the development of the draft bill on access and benefit-sharing. He also shared experiences gained by the Interim Bio-prospecting Committee established under the Namibian Government on processing bio-prospecting applications.
18. Gaute Voigt-Hanssen, Senior Advisor from the Ministry of Environment in Norway, presented the relevant provisions on access and benefit-sharing in Norwegian legislation and provided information related to the development of regulations on access and benefit-sharing.
19. Preston Hardison from the Tulalip Tribe emphasized the intrinsic link between genetic resources and traditional knowledge for indigenous and local communities. He also pointed out a number of ethical considerations to be taken into account in the use of traditional knowledge.
20. Florina Lopez, Coordinator of the “Red de mujeres indigenas sobre biodiversidad” gave a presentation on the process for the development of a community protocol in the Kuna Yala in Panama. Ms. Lopez gave an overview of the main objectives and provisions of the community protocol, as well as the benefits it seek to generate in relation to the protection of traditional knowledge and management of natural resources.
21. Jocelyn Carino, Team Leader of the Indigenous Peoples Capacity Building Project for Convention on Biological Diversity Implementation of the Tebtebba Indigenous Peoples' International Centre for Policy Research & Education, highlighted the importance of the active participation of indigenous and local communities in governmental processes. In light of the adoption of the Nagoya Protocol, many Governments would be revising existing laws and/or adopting new legislation and she therefore encouraged representatives from indigenous and local communities to engage in open dialogues with their Governments to ensure the respect of their rights.
22. Holly Shrumm from Natural Justice, explained the concept of biocultural protocols and provided the group with examples of how they assisted indigenous and local communities in the governance of biodiversity and traditional knowledge. She also noted their relevance for the effective implementation of the Nagoya Protocol.
23. Mohammad-Taghi Farvar, President of the Council of Elders of the Union of Indigenous Nomadic Tribes of Iran, gave a presentation on the community biocultural diversity registers and protocols in Iran. He described the importance of these registers and protocols for the engagement of indigenous and local communities in dialogues and negotiations over their rights to biological resources with the Government of Iran.
24. In light of the presentations, the participants were invited to identify challenges and opportunities related to the implementation of the Nagoya Protocol.

4. CAPACITY-BUILDING NEEDS AND PRIORITIES IN THE IMPLEMENTATION OF THE NAGOYA PROTOCOL

25. Based on the outcomes of the discussions under the previous agenda items and in light of the experiences shared regarding the implementation of the International Treaty, participants identified capacity-building needs and priorities in relation to the implementation of the Nagoya Protocol. In order to facilitate the discussions, participants were divided into two breakout groups. The breakout groups were respectively facilitated by:

(a) Mónica Martínez Menduiño, Director of the Sistema de Naciones Unidas, Ministerio de Relaciones Exteriores, Comercio e Integración of Ecuador, and Mr. Gladman Chibememe, Coordinator of the GLTP Rural Communities Programme, Chibememe Earth Healing Association, based in Zimbabwe;

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(b) Jean Rwihaniza Gapusi, Head of the Ruhande Forestry and Agroforestry Research Station, Institut des Sciences Agronomiques du Rwanda (ISAR) and Ms. Maria Eugenia Choque Quispe, Executive Director of the “Centro de Estudios Multidisciplinarios Aymara”, based in Bolivia.

26. The key outcomes and highlights of these discussions are reflected in the annex to this report.

5. CLOSURE OF THE WORKSHOP

27. Following closing remarks, the workshop was closed at 1 p.m. on Sunday, 30 October 2011.

CAPACITY NEEDS AND PRIORITIES IDENTIFIED TO SUPPORT THE EFFECTIVE IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR UTILIZATION

The following summarizes the main outcomes of the discussions held in the Second Capacity-building Workshop on Access and Benefit-sharing on the capacity needs and priorities of Parties and indigenous and local communities, including those of women, in the implementation of the Nagoya Protocol.

Some of the key needs and priorities of both Parties and indigenous and local communities include building and developing capacity to:

- Understand the provisions of the Nagoya Protocol and their potential contribution to the conservation and sustainable use of biological diversity.
- To foster synergy between the Nagoya Protocol and the International Treaty on Plant Genetic Resources for Food and Agriculture (IT-PGRFA) with a view to ensuring that both instruments are implemented in a mutually reinforcing manner.
- Raise awareness of the Nagoya Protocol at all levels and for all relevant stakeholders with a view to promoting its prompt ratification and implementation.
- Negotiate mutually agreed terms.
- Address transboundary situations.
- Address the challenges linked to identifying the rightful holder of traditional knowledge in cases where traditional knowledge appears to be held by individuals or by several indigenous and local communities.
- Effectively document and manage traditional knowledge to ensure its promotion and protection.
- Design effective valorization strategies for the use of genetic resources and associated traditional knowledge.

Some of the particular needs and priorities of Parties include building and developing capacity to:

- Protect traditional knowledge in a holistic manner taking into account the spiritual, ethical and physical dimensions of traditional knowledge.
- To develop a better understanding of the way in which access and benefit-sharing policies can be adapted to respond to the particular concerns and needs of indigenous and local communities.
- Effectively communicate and carry out consultations with indigenous and local communities in the development of national measures on access and benefit-sharing of relevance to indigenous and local communities, by fully taking into account the different languages, use of terms, social and cultural contexts, as well as the particular structures of traditional authorities.

In addition, some of the identified capacity needs and priorities of indigenous and local communities, including those of women, relate to building and developing capacity to:

- Develop community protocols, as appropriate, to facilitate communication with potential users regarding access and benefit-sharing requirements of communities with respect to traditional knowledge associated with genetic resources and/or access to genetic resources where they have established rights to these resources.

- Develop decision-making structures at the community level with respect to access and benefit-sharing with a view to identifying competent indigenous and local community authorities at national level as well as in transboundary situations.
- Strengthen the customary laws of indigenous and local communities.
- Strengthen the coordination among different community structures and authorities to ensure coherence in the decision making processes regarding traditional knowledge.
- Fully and effectively participate in relevant international and national decision-making processes dealing with traditional knowledge related issues.

The following mechanisms and actions to address capacity needs and priorities were also identified:

- Provision of financial support.
- Development of tools and materials tailored to the specific needs of different audiences to support a better understanding of the provisions of the Nagoya Protocol.
- Multi-stakeholder workshops to raise awareness of the Nagoya Protocol.
- Stocktaking of lessons learned, including those gathered through the experience of the operation of the benefit-sharing fund of the IT-PGRFA, as well as in the implementation of farmers' rights under the Treaty.
- Peer-to-peer training among indigenous and local communities.
