



## Convention on Biological Diversity

Distr.  
GENERAL

UNEP/CBD/ABS/CB-IAC/2015/1/3  
23 September 2015

ENGLISH ONLY

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INFORMAL ADVISORY COMMITTEE  
ON CAPACITY-BUILDING FOR THE  
IMPLEMENTATION OF THE  
NAGOYA PROTOCOL

First meeting  
Montreal, Canada, 15-17 September 2015

### REPORT OF THE INFORMAL ADVISORY COMMITTEE ON CAPACITY-BUILDING FOR THE IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ITS FIRST MEETING

#### INTRODUCTION

##### A. Background

1. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (COP-MOP) adopted a strategic framework for capacity-building and development to support the effective implementation of the Protocol (decision I/8). The COP-MOP also established an informal advisory committee to provide the Executive Secretary with advice on matters of relevance to the assessment of the effectiveness of the strategic framework.

2. The specific tasks of the informal advisory committee, stipulated in its terms of reference, which are contained in annex II to decision I/8, include providing advice regarding the following:

(a) Stocktaking of the capacity-building and development initiatives being implemented by Parties and various organizations with a view to identifying gaps in the implementation of the strategic framework;

(b) The need for the development of new tools, guidelines and training materials, including e-learning modules, to facilitate capacity-building and development initiatives of Parties, other Governments, indigenous and local communities and other stakeholders;

(c) Facilitation of coordination, synergy, coherence and complementarity among capacity-building and development activities, taking into account information on capacity-building and development needs and activities available in the Access and Benefit-sharing Clearing-House and from other sources;

(d) Facilitation for matching the capacity-building and development needs identified by Parties with potential opportunities and resources to support the implementation of the strategic framework.

3. Thanks to a financial contribution from the European Union, the first meeting of the Informal Advisory Committee on Capacity-building was held in Montreal, Canada, from 15 to 17 September 2015.

#### **B. Attendance**

4. By notification 2015-050 (Ref. SCBD/ABS/VN/ET/jh/84625) of 5 May 2015, Parties to the Nagoya Protocol were invited to nominate one participant involved in Access and Benefit-sharing (ABS) capacity-building to participate in the Informal Advisory Committee. The Secretariat received a total of 21 nominations from Parties. Due to the small number of nominations received from Parties in the regions of Central and Eastern Europe and the Western Europe and Others Group, only two members were selected from each of these regions. By notification 2015-074 (SCBD/ABS/VN/ET/jh/84625) of 26 July 2015, 13 participants were selected by the Executive Secretary with due regard to the nominees' expertise and active engagement in ABS capacity-building, equitable geographical representation and gender balance, in accordance with the terms of reference in annex II to decision NP-1/8.

5. Indigenous and local communities as well as international and regional organizations involved in capacity-building to support the implementation of the Nagoya Protocol were also invited to participate in the first meeting of the Informal Advisory Committee on capacity-building.

6. The meeting was attended by participants from Belarus, Benin, Cambodia, Denmark, the Dominican Republic, the European Union, Hungary, India, Mexico, Peru, Samoa, South Africa and Uganda.

7. Indigenous and local communities were represented by members from the following associations and organizations: Tebtebba Foundation, Andes Chinchasyu Organization, and Indigenous Information Network (IIN) /African Indigenous Women Organization (Nairobi) (AIWO).

8. The meeting was attended by representatives of the following organizations: Global Environment Facility (GEF), United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), Food and Agriculture Organization of the United Nations (FAO), International Development Law Organization (IDLO), International Union for the Conservation of Nature (IUCN), ABS Capacity Development Initiative, Bioversity International, African Union Commission and ASEAN Centre for Biodiversity (ACB). Representatives invited from the International Treaty on Plant and Genetic Resources for Food and Agriculture (ITPGRFA), the Commission for the Forests of Central Africa (COMIFAC) and the Caribbean Community Secretariat (CARICOM) were unable to attend.

#### **ITEM 1. OPENING OF THE MEETING**

9. The meeting was opened at 9.30 a.m. on Tuesday, 15 September 2015, by Ms. Valérie Normand, Senior Programme Officer, on behalf of the Executive Secretary, Mr. Bráulio Ferreira de Souza Dias.

10. Ms. Normand welcomed the participants to the Secretariat and thanked the European Union for providing generous financial support to convene the meeting. She informed participants that at least 65 instruments of ratification or accession to the Nagoya Protocol had so far been deposited with the Secretary-General of the United Nations and expressed optimism that, by the second meeting of COP-MOP, to be held in December 2016, the Nagoya Protocol would have more than 100 Parties. In that regard, participants were invited to support countries that had not yet ratified or acceded to the Protocol in order to achieve that goal. Ms. Normand also drew attention to the fact that the current focus under the Nagoya Protocol was to achieve the second part of Aichi Biodiversity Target 16, which provided that, by 2015, the Nagoya Protocol was to be operational, consistent with national legislation. She noted the critical role of capacity-building and development in supporting the implementation of the Nagoya Protocol as recognized in Article 22 of the Nagoya Protocol and further articulated in the Strategic Framework for Capacity-building and Development to support the effective implementation of the Nagoya Protocol adopted by the COP-MOP (decision NP-1/8). Against that background, it was noted that the Informal Advisory Committee was in a unique position to examine developments and ongoing capacity-building projects supporting the implementation of the Protocol in different regions and

countries from a global perspective, in order to identify gaps in meeting the needs of Parties and others, as well as overlaps between capacity-building initiatives. The Informal Advisory Committee would also facilitate the exchange of information and experiences related to the implementation of the Nagoya Protocol with a view to identifying synergies and complementarities, while taking into account existing challenges. In conclusion, Ms. Normand encouraged the Informal Advisory Committee to provide concrete advice that would facilitate the coordination of capacity-building activities and promote a coherent and balanced approach to the implementation of the Nagoya Protocol.

## **ITEM 2. ORGANIZATIONAL MATTERS**

11. Mr. Ntambudzeni Nepfumembe (South Africa) was elected Chair of the meeting.
12. On the basis of the provisional agenda (UNEP/CBD/ABS/CB-IAC/2015/1/1) prepared by the Secretariat, the Informal Advisory Committee adopted the following agenda:
  1. Opening of the meeting.
  2. Organizational matters:
    - 2.1. Election of officers;
    - 2.2. Adoption of the agenda;
    - 2.3. Organization of work.
  3. Review of the current status and scope of capacity-building and development support for the implementation of the Nagoya Protocol.
  4. Review of existing capacity-building and development tools and resources supporting the implementation of the Nagoya Protocol.
  5. Exchange of general experiences and lessons learned in capacity-building and development for the implementation of the Nagoya Protocol and suggestions for improvement.
  6. Adoption of the report.
  7. Closure of the meeting.
13. The Informal Advisory Committee agreed on the organization of its work as proposed by the Secretariat in the annotations to the provisional agenda (UNEP/CBD/ABS/CB-IAC/2015/1/1/Add.1).

## **ITEM 3. REVIEW OF THE CURRENT STATUS AND SCOPE OF CAPACITY-BUILDING AND DEVELOPMENT SUPPORT FOR THE IMPLEMENTATION OF THE NAGOYA PROTOCOL**

14. Under this agenda item, the participants reviewed the current status and scope of capacity-building and development support for the implementation of the Nagoya Protocol (including the coverage of the recently completed, ongoing and planned capacity-building and development initiatives on access and benefit-sharing) with a view to identifying major overlaps and gaps and options for addressing them.
15. Consideration of the item started with a short presentation by the Secretariat on capacity-building activities for the biennium 2015-2016. These include activities to support Governments in the development of national ABS measures, the implementation of the Awareness-raising Strategy, participation in the ABS Clearing-House, and support to implementation of Nagoya Protocol in a mutually supportive manner with ITPGRFA.
16. Mr. Jaime Cavelier, the representative of GEF made a presentation on GEF support to the implementation of the Nagoya Protocol. He described the STAR allocation system and gave an overview of the current level of support under the sixth replenishment of the Facility, as well as the current status

and overview of requests from eligible countries against their STAR allocations. He also explained possible approaches for obtaining GEF funding and identified challenges that countries might face in doing so. He pointed out that one of the main bottlenecks often encountered was the fact that the CBD focal point, the ABS focal point and the GEF focal point were often based in different national entities and did not know each other, which made it difficult to exchange information and to effect coordination in order to improve funding allocation for GEF projects supporting the implementation of the Nagoya Protocol.

17. Mr. Santiago Carrizosa, representing UNDP, provided an overview of ABS capacity-building initiatives in the UNDP portfolio and presented some concrete examples from a few selected countries. He also shared some experiences and lessons learned in the design and implementation of capacity-building projects and identified opportunities for cooperation with other partners providing capacity-development or funding for ABS. He noted that, in countries with decentralized systems, it was important to include all governmental levels during the design phase. He also underlined the need for capacity-building to facilitate the implementation of the Nagoya Protocol and the International Treaty on Plant Genetic Resources for Food and Agriculture in a mutually supportive manner. He also highlighted the need to ensure that the scope of ABS projects was related to the utilization of genetic resources. He also stressed the need to strengthen capacities for conflict resolution, the need to harmonize ABS policies with policies that regulated the collection of genetic resources, the need to align the expectations of industry and the requirements of national ABS regulations, and the need to clarify the linkages between national policies for science and technology and national ABS regulations. Finally, he noted that there were a number of lessons learned from previous projects that could be compiled and applied in order to avoid duplication.

18. Ms. Kamar Yousuf, representing UNEP gave a presentation on the UNEP portfolio of activities supporting the ratification and implementation of the Nagoya Protocol at the global, regional and national levels. She shared some experiences and lessons learned from those projects, including the need to support biotechnology research and innovation based on genetic resources and associated traditional knowledge in compliance with national ABS legislation, as well as the need to support the development of business models for nature-based products. She explained how, through those projects, UNEP was providing technical assistance and legal support to countries. In addition, she noted that countries that had developed ABS legislation or regulations in response to the Bonn Guidelines were now reviewing their ABS laws to comply with the requirements of the Nagoya Protocol. Furthermore, she noted that several countries lacked the capacity to formulate ABS legislation and to establish the necessary institutional structures to support the implementation of the Protocol. She also explained that there was a need to develop the capacity to negotiate mutually agreed terms as well as capacity for research and development to add value to the genetic resources. Finally, she emphasized the need for francophone legal experts in ABS to support activities in Central and West African countries, including training of local trainers.

19. Mr. Andreas Drews from the ABS Capacity Development Initiative presented an overview of the ABS Initiative's capacity-building support for the implementation of the Nagoya Protocol. He introduced the structure, governance and capacity development approach of the Initiative and provided examples of its activities in partner countries. He also presented first results from the currently ongoing country assessments and highlighted challenges in the implementation of the Nagoya Protocol. Mr. Drews noted that a multi-stakeholder approach was crucial in developing a common understanding including a national ABS strategy or policy as a starting point and creating an open and productive learning environment. With a focus on national implementation, that approach had to be supplemented by specific trainings and building relevant management and technical skills at the individual and institutional levels. He also noted that, with regard to the linkages between ABS and other relevant topics, such as protected area management or ITPGRFA, tandem workshops had proved to be a useful format for identifying key issues at the specific interface and developing initial ideas on how to address them in future work. Finally, Mr. Drews noted that tailored analytical studies were crucial in view of the fact that legal and technical advice needed to be very specific when developing national regulatory systems.

20. Ms. Sonia Peña Moreno, representing the International Union for Conservation of Nature (IUCN), provided an overview of that organization's ABS capacity-building projects and the awareness-raising materials developed over the previous few years. Having shared some of the experiences and lessons learned, she noted the importance of matching the needs and expectations of countries with existing resources and the need to establish partnerships in order to achieve a more holistic approach to mobilizing resources for the implementation of the Nagoya Protocol. She also noted the importance of establishing synergies among ongoing projects in order to ensure value added, avoid duplication, make use of available resources, and put in place sustainable follow-up plans. Furthermore, she emphasized that capacity-building should be demand driven, target-group specific, hands-on and complementary to existing efforts. Finally, she pointed out that capacity-building was not a short-term or one-off endeavour but a long-term, iterative process.

21. The presentations were followed by brief discussions, and some of the points raised are summarized in the subsections below.

22. The Secretariat then introduced the note by the Executive Secretary on the status and scope of capacity-building and development initiatives supporting the implementation of the Nagoya Protocol (UNEP/CBD/ABS/CB-IAC/2015/1/2). Thereafter, the Chair invited the Informal Advisory Committee to consider paragraph 11 of the annotated agenda (UNEP/CBD/ABS/CB-IAC/2015/1/1/Add.1), taking into account the discussion questions outlined in paragraph 34 of the note by the Executive Secretary.

#### **A. Gaps in geographic and thematic coverage**

23. With regard to the gaps in geographic coverage identified in UNEP/CBD/ABS/CB-IAC/2015/1/2, the participants raised the following points:

(a) The gaps in geographical coverage could be due to a number of factors. Some countries may not be requesting support because ABS is not a national priority or there is lack of political will. The gaps may also be due to the fact that some countries are not eligible for GEF funding support or to the lack of information and/or capacity to develop proposals to acquire funding from GEF and other development partners;

(b) Analysis of coverage in terms of the number of projects in a given country or region per se may not be sufficient to assess whether there are gaps. It is also important to analyse the actual activities implemented and their scope in terms of the key areas covered in order to have a clearer picture of the gaps;

(c) Some countries may not be receiving direct financial or technical support and therefore may not be included in the analysis but may still be carrying out capacity-building activities on their own;

(d) Some countries that are not eligible for GEF funding (for example, some Central and Eastern European countries that are European Union member States and Middle Eastern countries) also need technical support to strengthen their capacity to implement the Nagoya Protocol.

24. The participants noted the need for projects specifically supporting the development of the capacity of indigenous and local communities as well as improved visibility and availability of information on existing capacity-building projects supporting indigenous and local communities, such as the capacity-building carried out since 2010 in Latin America and the Caribbean by the Indigenous Women's Biodiversity Network.

25. It was noted that, in carrying out capacity-building to support the implementation of the Nagoya Protocol, the following needs should be taken into account:

(a) There is a need for capacity-building on conflict resolution in the context of the Nagoya Protocol, for example for the stakeholders involved in the negotiation of mutually agreed terms or in the implementation of ABS capacity-building projects;

(b) There is need to take into account value chain considerations in the development of national ABS frameworks;

(c) There is a need to integrate ABS into the curricula of educational and training institutions;

(d) There is a need to involve indigenous and local communities as co-researchers and co-publishers and in the ABS processes;

(e) There is a need to provide technical support for countries that already have national ABS legislation in place;

(f) There is a need to mainstream ABS into broader national development policies and programmes, including national biodiversity strategy and actions plans (NBSAPs), national development plans, poverty alleviation plans and climate change adaptation plans etc.;

(g) There is a need to build the capacity of countries to develop good project proposals and engage with donors effectively;

(h) There is a need to strengthen the capacities of regional institutions to enable them to support their member States;

(i) There is a need to strengthen the capacities of national and subnational institutions;

(j) There is a need to distinguish between projects dealing with utilization of genetic resources and projects that have a broader scope (for example, biotrade);

(k) There is a need to ensure the sustainability of capacity-building initiatives.

26. Participants noted that the ABS Clearing-House could be used to capture relevant information about ABS capacity-building initiatives in order to facilitate analysis of the status and trends in coverage as well as identification of gaps and overlaps. An interactive map could also be developed to show the distribution of capacity-building projects.

#### **B. Overlaps in the coverage of capacity-building initiatives**

27. It was noted that having multiple ABS projects in a given country did not necessarily mean that there were overlaps. It was important to review the specific activities of the various projects to determine if indeed there were any overlaps among them in terms of their focus, location and timing.

28. It was also noted that some countries which were benefitting from multiple capacity-building projects faced difficulties in absorbing or utilizing the funding provided effectively and might require technical support rather than financial support.

29. The ABS Clearing-House could play a key role in coordinating capacity-building initiatives for the implementation of the Nagoya Protocol by providing a platform for exchanging relevant information and providing tools for conducting analyses of the gaps and overlaps in such initiatives.

30. Participants noted that, in order to avoid overlaps, it was important to do the following:

(a) Ensure effective communication between projects, which could include taking joint decisions about their implementation and improving donor coordination;

(b) Define the niche of different organizations involved on the basis of comparative advantage;

(c) Allow for flexibility in the implementation of projects (for example, applying an adaptive management approach);

(d) Establish mechanisms for coordination and collaboration at the national, regional and international levels.

31. In that regard, the participants noted that the Informal Advisory Committee on Capacity-Building had a key role to play at the international level.

### C. Other points raised

32. Participants underlined the need for countries to elaborate their overall policy goals with respect to ABS with the involvement of indigenous and local communities and key stakeholders before embarking on the development of national ABS regulatory frameworks.
33. With respect to support for the development of national ABS frameworks, it was noted that providing options and common approaches based on lessons learned would be useful in view of the fact that there was no one size fits all approach to ABS.
34. The participants emphasized the need for national institutions dealing with ABS issues to collaborate with other relevant national institutions, including ministries, intellectual property rights offices and agencies responsible for issuing research permits, in the implementation of the Nagoya Protocol.
35. Some participants emphasized the need to reach out to and collaborate with relevant organizations (for example, United Nations Volunteers, regional networks and organizations of indigenous and local communities) in building capacity for the implementation of the Nagoya Protocol and to promote synergies in countries where other capacity-building providers were active.
36. The participants noted that currently there were very few ABS experts that could execute and coordinate ABS capacity-building projects. It was also noted that there was limited information on where existing experts were based and how they could be contacted.
37. Furthermore, participants highlighted the need to diversify the delivery methods and approaches for capacity-building beyond organizing workshops as well as the need to develop long-term capacity-building programmes within existing institutions and adopt the training-of-trainers approach. It was pointed out that short-term approaches, such as one-off training and workshops, did not guarantee the effectiveness or sustainability of capacity-building interventions.
38. It was also emphasized that capacity-building interventions should be needs-driven and country-specific.
39. In sharing their experience with respect to capacity-building, participants highlighted the importance of a learning-by-doing approach and the need to build the capacity of responsible institutions rather than focusing on individuals.
40. Participants also noted that it might be useful to identify targets and indicators, for example the number of ABS agreements as a milestone, in order to measure the achievements and effectiveness of ABS capacity-building initiatives. Ultimately, the best way of measuring the impact of ABS was by demonstrating that benefits (monetary and non-monetary) had been derived from the utilization of genetic resources and associated traditional knowledge and had been shared equitably.
41. One participant underlined the need to raise the awareness of GEF Operational Focal Points as well as key policy- and decision makers about the potential contribution of ABS to national development goals, including poverty alleviation, in order to raise its profile and the level of prioritization for the allocation of resources.
42. Some participants recalled the decision by the Conference of the Parties at its twelfth meeting to use the terminology “indigenous peoples and local communities” (decision XII/11 F), and expressed their wish for COP-MOP to adopt a similar decision.

### D. Common format on capacity-building and development initiatives (activities, projects and programmes)

43. The Secretariat made a short presentation on the ABS Clearing-House and its modalities of operation. In its presentation, the Secretariat explained that the draft common formats on capacity-building and development initiatives (activities, projects and programmes) (UNEP/CBD/ABS/CB-IAC/2015/1/INF/2) and tools and resources (UNEP/CBD/ABS/CB-IAC/2015/1/INF/3) for consideration

by the Informal Advisory Committee had been developed with a view to sharing this type of information across all the clearing-house platforms under the Convention (the ABS Clearing-House, the Biosafety Clearing-House and the CBD clearing-house mechanism). Therefore, the formats contained information fields which were common to all platforms and other fields which were specific to each of the treaties involved. It was also explained that the draft common formats made use of agreed controlled vocabulary that was consistently applied throughout to allow for harmonized and consistent searches and submission of information.

44. The Secretariat outlined the planned process for implementing the draft common formats. After receiving the comments and advice of the Informal Advisory Committee from the capacity-building perspective, the informal advisory committees to the ABS Clearing-House and the CBD clearing-house mechanism would jointly provide the Executive Secretary with guidance on resolution of technical and practical issues related to the draft common formats during their joint meeting, to be held in Montreal, Canada, on 30 October 2015. The Executive Secretary would then revise the common formats, taking into account the guidance received while ensuring coherence and compatibility between the different common formats as well as the different CBD exchange mechanisms, and make the common formats available online, as well as provide for the display and analysis of the information.

45. Finally, the Secretariat presented the common format developed to enable Parties and partners to register information on access and benefit-sharing capacity-building and development initiatives (activities, projects and programmes).

46. The participants agreed that having a database on capacity-building and development initiatives would be a very useful tool to monitor the implementation of the Strategic Framework for Capacity-Building and Development as well as to identify possible gaps and overlaps in geographic and thematic coverage of capacity-building initiatives to support implementation of the Nagoya Protocol. They also acknowledged that the database on initiatives would be a valuable tool when designing capacity-building initiatives with a view to promoting synergies and opportunities for collaboration between actors involved in capacity-building in the same geographical area or covering similar thematic issues.

47. The Informal Advisory Committee also discussed the proposed common format for registering information on capacity-building and development initiatives and advised the Secretariat to improve the format with a view to the following:

(a) Ensuring that initiatives for building capacity in different areas of the Convention are only registered once through the clearing-house mechanism of the Convention while allowing the possibility of identifying specific ABS or biosafety components;

(b) Allowing the possibility of including identification number of the initiative or other applicable project identifiers;

(c) Ensuring that the options provided for reflecting the status of the initiative can accommodate different approaches in the development and approval of initiatives;

(d) Providing guidance for entering the information on agency(ies) or organizations implementing and/or executing the initiative;

(e) Providing further clarity on the different options proposed for the field on types of capacity-building initiatives, such as ABS components which are part of broader project;

(f) Providing further detail and clarity in the identification of the target group(s)/beneficiary(ies) (for example, different levels of governments or languages);

(g) Providing further clarity on the options provided as means of delivery of the initiative (type of capacity-building support activity);

(h) Including a specific field for uploading project documents;



(i) Allowing the possibility of identifying the different strategic measures related to key areas and strategic measures of the Strategic Framework for Capacity-Building and Development<sup>1</sup> covered by the initiative;

(j) Providing further clarity on the list of keywords used to describe the thematic coverage of the initiative, including clarification of the fact that the list is not meant to be hierarchical in nature;

(k) Providing further guidance, explanatory notes and clarification regarding the use of terms in the common format where necessary, for example, with respect to information related to results.

48. Noting the value of having information on capacity-building initiatives available through the ABS Clearing-House in an accurate and timely manner, the participants examined the different possible scenarios regarding the responsibility for registering and updating that information. It was concluded that implementing agencies were best placed to play a leading role in registering information on capacity-building initiatives, particularly regarding those projects that were global or regional in their scope. It was also recognized that Governments would play a role in registering national projects in the ABS Clearing-House.

49. The participants noted the importance of providing opportunities to build the capacity of indigenous and local communities to register information on the ABS Clearing-House.

#### **ITEM 4. REVIEW OF EXISTING CAPACITY-BUILDING AND DEVELOPMENT TOOLS AND RESOURCES SUPPORTING THE IMPLEMENTATION OF THE NAGOYA PROTOCOL**

50. Under the agenda item, the Secretariat introduced the compilation of capacity-building and development tools and resources supporting the implementation of the Nagoya Protocol (UNEP/CBD/ABS/CB-IAC/2015/1/INF/1), which was based on the submissions that were made by the participants prior to the meeting.

51. Following a long discussion on the information compiled, it was generally recognized that capacity-building tools and resources fell under two categories: products and services. In this regard, it was agreed that the common format on capacity-building resources would be used to register products and the common format on capacity-building opportunities that the Secretariat was planning to develop would be used to submit information regarding services.

52. It was recognized that some resources play a dual purpose, for example some guidelines which were developed as national or regional ABS measures, could also be considered capacity-building resources.

53. The Secretariat presented the common format developed to enable Parties and partners to register information on capacity-building and development tools and resources. It was explained that the proposed format was designed as an additional component to the common format used to register information in the Virtual Library of the CBD clearing-house mechanism, which was also accessible through the ABS Clearing-House and the Biosafety Clearing-House. It was also noted that the Secretariat would take into consideration the advice provided by the meeting on the draft common format on capacity-building and development initiatives under agenda item 4 when reviewing the draft common format on capacity-building tools and resources.

54. The Chair invited the Informal Advisory Committee to provide advice on the proposed format, in particular fields 4, 5 and 6, which are more specific and relevant to capacity-building resources.

55. The Informal Advisory Committee agreed that a database on capacity-building resources would be useful to share existing and available resources and avoid duplication of efforts when developing new

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<sup>1</sup> As reflected in Appendix II of the Strategic Framework for Capacity-Building and Development to Support the Effective Implementation of the Nagoya Protocol on Access and Benefit-sharing (decision NP-1/8).

ones. It was also highlighted that the collection of that information through the ABS Clearing-House could facilitate monitoring the implementation of the Strategic Framework for Capacity-Building and Development as well as to identify possible gaps and overlaps in existing resources to build capacity in support of the implementation of the Nagoya Protocol.

56. The participants discussed the proposed common format for registering information on capacity-building resources and advised the Secretariat to improve the format with a view to the following:

(a) Creating further clarity in the terms used to describe the title, the type of resource and the format file type;

(b) Providing a new field to identify the key areas and strategic measures of the Strategic Framework for Capacity-Building and Development to which the capacity-building resource contributes.

57. The participants were advised that they had the opportunity to provide additional comments to the common formats until the end of September.

58. Following the comments provided by participants in the Informal Advisory Committee, a revised version of the common format would be made available to the joint meeting of the informal advisory committees to the ABS Clearing-House and the CBD clearing-house mechanism to be held on 30 October 2015. The common format would then be made available online in the ABS Clearing-House and Parties, indigenous and local communities and relevant organizations would be invited to use it to submit capacity-building resources.

59. Once existing capacity-building resources were available on the ABS Clearing-House, it would be easier to assess the need for developing additional resources. It would also be possible to determine the type of resources that would be most useful for addressing the key areas of the strategic framework and most adequate for different target audiences.

60. After the discussion on the common format, the Chair invited the participants to share their views regarding the need for additional tools and for which target audience. Some participants suggested that additional resources could be developed for indigenous and local communities, including awareness-raising material, such as posters, comic books, songs and radio programmes. It was also proposed that resources should be developed to improve their negotiation skills. In addition, it was suggested that the development of guidelines could be useful for enabling Governments to take into account intellectual property rights issues when drafting national ABS frameworks.

61. It was pointed out that some capacity-building resources had also been developed for users of genetic resources and associated traditional knowledge and should be made available through the ABS Clearing-House. However, there was still a need for additional capacity-building resources for users.

#### **ITEM 5. EXCHANGE OF GENERAL EXPERIENCES AND LESSONS LEARNED IN CAPACITY-BUILDING AND DEVELOPMENT FOR THE IMPLEMENTATION OF THE NAGOYA PROTOCOL AND SUGGESTIONS FOR IMPROVEMENT**

62. Under the agenda item, participants exchanged views on documenting, gathering and sharing of information on lessons learned and experiences acquired through capacity-building projects. It was recognized that the Informal Advisory Committee had a key role to play to exchange experiences and lessons learned. It was also highlighted that the ABS Clearing-House could be a powerful tool as a central repository of relevant information related to capacity-building projects and resources which could later be analysed.

63. It was pointed out that experiences and lessons learned were currently being documented, for instance project implementation reviews carried out for all GEF projects and project evaluation reports. It was also noted that it would be useful to dedicate human resources to compile the information and make it

available. Some participants also highlighted the need to use creative means to communicate the documented experiences and lessons learned reflecting the key core message.

64. Participants noted that the following means could usefully facilitate the exchange of information:

- (a) Peer-to-peer exchanges;
- (b) Side events and other forums at the margins of major meetings;
- (c) South-south exchange/cooperation initiatives;
- (d) Indigenous and local communities exchange.

65. In addition, UNEP reported that it was in the process of developing an e-book on challenges and lessons learned, and other organizations were invited to collaborate. As well, UNDP informed participants that in the context of the UNDP/GEF global project, a meeting was planned to allow managers of the country projects to exchange experiences and lessons learned and that managers of projects from other agencies would be welcome to take part in the meeting at their own cost.

66. Participants recognized that there was a need to engage more capacity-building providers. In that context, the following points were raised:

(a) There is a need for countries to raise the issue of ABS as one of the national priorities with bilateral donors in order to obtain their support;

(b) Regional and subregional organizations as well as regional development banks could play a more active role in capacity-building for ABS.

67. Participants recognized the need to further promote both national and regional approaches and initiatives. Regional initiatives were relevant in the light of the trend towards increased regional integration and the fact that many countries have similar characteristics and/or share the same genetic resources and associated traditional knowledge. Participants also emphasized the need to maintain a proper balance between regional, national and local capacity-building projects.

68. During a general brainstorming session, the Chair invited participants to share experiences from their respective countries or organizations in the implementation of capacity-building and development initiatives on access and benefit-sharing, including what worked and what did not work. During the discussions, the participants shared their lessons learned in the following order:

(a) Ms. Jennifer Tauli Corpuz of the Tebtebba Foundation shared the experiences of indigenous peoples and local communities, especially in Asia. She noted that indigenous peoples and local communities in the region faced a number of challenges, including a lack of visibility and the capacity to put issues of relevance to them on the national agendas when national priorities were being defined. To address those challenges, she proposed, among other things, the establishment of one-stop-shops for indigenous peoples and local communities at different levels of government and the designation of the International Indigenous Forum on Biodiversity (IIFB) as an advisory body to COP-MOP, as COP has done. Responding to questions from participants, Ms. Corpuz pointed out that indigenous peoples and local communities in the Philippines had a national network of holders of traditional knowledge which helped to resolve conflicts among themselves. She noted that awareness-raising material provided by the Secretariat on its website and the toolkits for community protocols developed by Natural Justice were very helpful and were being adapted and used for capacity-building for indigenous peoples and local communities. Finally, she reported that posters and comic books were used for capacity-building and awareness-raising in areas without access to electricity;

(b) Ms. Lucy Mulenkei of the Indigenous Information Network and the African Indigenous Women's Organization (AIWO) noted that, even though the ABS Capacity Development Initiative had helped develop the capacity of indigenous and local communities in Africa to engage with their Governments, much more needed to be done. Nevertheless, working with the government remained a challenge because many indigenous and local communities lacked knowledge of the various national laws

and policies and the responsibilities of different government agencies. Ms. Mulenkei proposed the designation of more than one national focal point in order to ensure effective collaboration with indigenous peoples and local communities. She also highlighted the importance of community protocols and the need to recognize customary laws in national legislation. Finally, she underscored the need for further capacity-building as way to support communities in their endeavour with ABS;

(c) Ms. Maria Yolanda Terán Maigua of the Andes Chinchasyo Organization shared local, national and regional experiences from her capacity-building activities for and with indigenous and local communities in the Latin American and Caribbean Group. Her main lesson learned was that community members not only wanted to be trained and to learn in a workshop environment, but also wanted to make use of what they already knew. She noted the need to engage further with indigenous peoples and local communities, to adapt capacity-building to their needs and to use culturally appropriated tools. She also noted the importance to include the Nagoya Protocol in the curriculum of educational institutions at all levels. Finally, she noted that an important part in the collaboration with indigenous peoples and local communities was to make them feel respected and included;

(d) Ms. Nancy Awori (Uganda) reported that equal opportunity for minority groups was part of the Constitution in Uganda and that the Ministry of Gender had a department dealing with minority groups. She noted that policymakers often lacked awareness of the issues, which was a challenge for efficient coordination among ministries with regard to collaboration with indigenous and local communities;

(e) Ms. Czarina Iese Stowers (Samoa) pointed out that an environment component was incorporated into the school curricula in Samoa. She noted that currently the main focus of the government was still on climate change, but it was the plan to also address biodiversity;

(f) Ms. China Williams shared her personal experience and lessons learned from the user perspective working for the Royal Botanical Gardens, Kew. She noted that, although many Botanical Gardens were involved in conservation of biodiversity, a survey undertaken in 2012 by Botanic Gardens Conservation International (BGCI) showed that many botanic garden staff had not heard of the Nagoya Protocol. BGCI and the Royal Botanic Gardens, Kew, had developed an online self-learning module on the Nagoya Protocol and had asked participants to provide feedback after completing the modules. Most participants had found it helpful to have all information in one place and had requested more case studies and information in multiple languages. Participants were also keen to share their experiences through webinars or online forums. Ms. Williams noted that users of genetic resources often did not realize that they actually needed capacity-building on ABS until they needed to fulfil the requirements under the Nagoya Protocol. Finally, she observed that awareness of the Protocol was still too low and highlighted the need to explore ways to broaden its understanding;

(g) Mr. Oscar Roca Ferrand (Peru) reported that Peru had developed a proposal on strategic measures and a road map for the development of capacities for the implementation of the Nagoya Protocol. He indicated that relevant legislation developed prior to the entry into force of the Protocol was being reviewed. As a megadiverse country, Peru was facing a complex challenge in adapting the existing ABS system to meet obligations under the Nagoya Protocol. Strategic measures to be addressed in the short and medium term included harmonizing coordination and collaboration between State actors, developing procedures for granting prior informed consent and establishing mutually agreed terms, developing model contractual clauses, fostering a better understanding of the business models, developing a database on traditional knowledge and genetic resources, forging an alliance between State and private actors and developing a special programme to enhance the capacities of indigenous peoples;

(h) Mr. Michael Halewood of Bioversity International shared his experience and lessons learned in supporting capacity-building for the implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture in harmony with the Nagoya Protocol. He identified the need to strengthen coordination among national agencies responsible for implementing both agreements and to strengthen the capacities of additional public and private organizations (including civil society

organizations and non-governmental organizations, gene banks and breeding companies) that were engaged in day-to-day conservation, sustainable use, and improvement and exchange of genetic resources to be able to address issues that arose at the interface of the two agreements. He described “tandem workshops” in which national focal points for the Nagoya Protocol and the International Treaty had been brought together to discuss how to resolve “interface issues” and problems that could arise if the Plant Treaty and the Nagoya Protocol were not implemented in a mutually supportive manner. He also explained that one of the lessons learned from projects in which he had been involved was that national stakeholders and policy actors would be more motivated to make progress implementing ABS measures (related to both the Plant Treaty and the Nagoya Protocol) when they were embedded in larger contexts, addressing broader national policy objectives, such as climate change adaptation, or enhanced food security, rural development or indigenous and local peoples’ rights or economic development;

(i) Ms. Romana Alejandra Barrios Pérez (Mexico), emphasized that coordination among relevant ministries as well as technical cooperation with relevant stakeholders were crucial in order to consider the various practical implications of the frameworks that had been developed so that workable solutions regarding implementation could be found;

(j) Mr. Mensah Bienvenu Celestin Bossou shared experiences and lessons learned from capacity-building for the implementation of the Nagoya Protocol in Benin. He noted that capacity-building was carried out through the training of trainers, followed by the training of national stakeholders by those trained. The capacity-building tools mostly used included the action plan for the implementation of ABS developed by the ABS Capacity-development Initiative (Eight Fields of Action), the strategic communication guide on ABS and movies on ABS. Finally, he reported that Benin had taken a number of steps towards the implementation of the Nagoya Protocol, including building awareness about the concept of ABS among national authorities and the public, the signature and ratification of the Nagoya Protocol, and the development of a policy and strategy for the implementation of the Nagoya Protocol. Benin was now moving towards the development of a legislative and administrative framework for the implementation of the Nagoya Protocol;

(k) Ms. Elena Makeyeva presented the experience gained in implementing the Nagoya Protocol in Belarus. She noted that accession to the Protocol was expedited due to the support by the UNEP-GEF project “to support the ratification and entry into force of the Nagoya Protocol on ABS”. She reported that Belarus was currently using resolution N70 of 27 October 2014 to regulate the relationships between relevant stakeholders and ensure that obligations under the Nagoya Protocol were fulfilled. In order to implement the Protocol successfully, Belarus prepared an action plan and defined concrete steps, such as the identification of holders of genetic resources, inventory of genetic resources available, and establishment of a genetic resources database. Finally, she noted that Belarus was highly motivated to develop a national ABS system which worked well and might serve as a model for other Central and Eastern European countries;

(l) Mr. C. Achalender Reddy (India) made a presentation on the challenges in the implementation of the Nagoya Protocol in India. He noted that the main challenges faced related to the lack of a uniform understanding of ABS provisions at different levels of the country’s institutional set-up. According to the Biological Diversity Act, 2002, ABS had to be understood and addressed by the Government through a three-tier institutional framework (national, state and local) and that sometimes led to overlapping roles, misunderstandings or miscommunication. To implement the Nagoya Protocol effectively, there was a need to improve understanding, especially at the state (provincial) level, and to create synergies among the different levels. Mr. Reddy reported that several capacity-building projects carried out in India with assistance from GEF, UNEP and UNDP were very helpful in accelerating the understanding of the ABS concept and contributed to a highly visible impact at the state level. Finally, he explained that some criticism against procedures for carrying out non-commercial research — in particular the taking of samples to other countries by Indian students or scientists for taxonomic studies — had been addressed through a simple procedure notified in the ABS guidelines issued in November 2014. Further, to ensure that the cost-benefit-ratio was acceptable for the private sector/industry, the

procedures were being simplified, including by redrafting agreement formats in order to reduce transaction costs;

(m) Ms. Mahlet Teshome Kebede of the African Union shared experiences on the development of the African Union's Guidelines for the Coordinated Implementation of the Nagoya Protocol on ABS. A review of the African Union model law conducted after the adoption of the Nagoya Protocol showed that gaps and variances existed and that coordination on ABS at the continental level needed to be improved. The guidelines had been developed to assist member States in domestication and implementation of the Nagoya Protocol on ABS. It was also a capacity development tool as it provided step-by-step guidance on procedures that needed to be in place with regard to various aspects of the Protocol. The guidelines were recommended by the African Ministerial Conference on the Environment for the adoption of the Assembly of the African Union that year. Issues of mutually supportive implementation of the Nagoya Protocol with ITPGRFA had also been given due recognition, but practical ways to do this were yet to be elaborated. In that regard, the African Union was collaborating with Bioversity International and the ABS Initiative on the best ways to promote mutually supportive implementation at the regional level;

(n) Mr. Anthony C. T. M. Foronda of the ASEAN Centre for Biodiversity (ACB) shared experiences of the implementation of the regional UNEP-GEF project towards developing and enhancing the national ABS frameworks carried out in the 10 ASEAN Member States and Timor-Leste. The objectives of the project were to increase understanding of ABS issues and the contribution of ABS to biodiversity conservation and sustainable livelihoods among stakeholders and the general public and to strengthen the capacity of ASEAN countries to develop effective national ABS frameworks. Mr. Foronda highlighted the lessons learned from the project, which included: the importance of reaching an agreement on overall goal, outcomes, and objectives; the need to determine the baseline capacity of the countries; involving key partners as resource persons; the need to establish and enhance collaboration among regional and national stakeholders; the need to share tools, methodologies and experiences; involving key and concerned stakeholders in regional and national workshops/meetings; involving participants from the regional workshops/meetings as resource persons in their country; the need to identify and strengthen regional and national ABS champions; encourage local approaches in delivering outputs; and engage potential partners to complement support to the project. He reported that new projects would build on the progress of completed projects through learning by doing and innovating by learning. Finally, he informed the Group that, during the 17<sup>th</sup> Meeting of the ACB Governing Board, there had been an agreement to pursue regional cooperation on ABS through capacity-building activities on ABS measures through ACB;

(o) Ms. Yolanda Saito of IDLO provided information on IDLO capacity-building activities with regard to advancing the Nagoya Protocol. She reported that IDLO, in collaboration with the Secretariat of the Convention, was developing learning modules and would provide training courses for lawyers and policymakers to guide the design of ABS legal and regulatory measures to implement the Nagoya Protocol. The materials were aimed at going beyond review of the basic Protocol requirements to focus on practical options and lessons learned for implementation, based on key technical resources available and the latest research on country experiences. The IDLO approach worked to mainstream ABS into broader dialogues on justice and development. The main lessons learned from the previous training course were: (i) the value that participants placed on peer-to-peer exchanges with other legal experts working on national ABS frameworks; (ii) the need for materials to convince Governments that ABS was a matter of sustainable development and poverty alleviation; and (iii) the need for engagement/training of broader groups of national lawyers to advise various stakeholders (for example, authorities, indigenous peoples and local communities, researchers and business) on the many legal issues surrounding national implementation of ABS frameworks.

(p) Ms. Somaly Chan (Cambodia) shared her experience and pointed out some of the limitations and challenges encountered during the implementation of the UNEP-GEF regional ABS project by ACB. She noted that the project's impact at the national level had been very limited due to

insufficient funding to support activities adapted to national circumstances. The regional workshops carried out under that project were not considered useful for countries with limited awareness and understanding of ABS, such as Cambodia. She held the view that they did not adequately respond to national needs or take into account the varying levels of capacity and knowledge of ASEAN countries, as well as the language barrier. She also held the view that the participation of one or two representatives from a country in a regional workshop was insufficient to build national capacity and that national projects were more effective in building capacity and engaging stakeholders. She advised partners to identify ways of building national capacity more effectively, linking project activities to national priorities and considering lessons learned from the evaluation of previous regional GEF projects implemented by ACB. Finally, with regard to collaboration with indigenous peoples and local communities, Ms. Chan explained that it often presented a real challenge from a Governmental perspective. The main question for her was how to include indigenous peoples and local communities effectively in decision-making as they had limited capacity and often hesitated to participate in government processes.

#### **ITEM 6. ADOPTION OF THE REPORT**

69. The Chair introduced the draft summary of outcomes of the meeting, which was adopted as orally amended.

#### **ITEM 7. CLOSURE OF THE MEETING**

70. The Chair made some closing remarks expressing his appreciation for the constructive and insightful contributions and noted that there had been a tremendous amount of input emanating from a wide range of experiences and understandings. He congratulated the Informal Advisory Committee for the advice and guidance that had been delivered and noted the productive efforts that had been made over the three days of the meeting. He expressed thanks to the European Union for its financial contribution to make the meeting possible and the Secretariat for its preparations for the meeting.

71. The meeting closed at 4:30 p.m. on Thursday, 17 October 2015.

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