

**Convention on
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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
New Delhi, 2-6 July 2012

**OUTCOMES OF THE THIRD 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 Third Workshop on Capacity-building on Access and Benefit-sharing, which was held in New Delhi on 30 June and 1 July 2012.
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.

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Outcomes of the Capacity-Building Workshop on Access and Benefit-sharing
New Delhi, 30 June – 1 July 2012

BACKGROUND

1. In paragraph 13 of decision X/1, the Conference of the Parties requested the Executive Secretary 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 financial support for a Medium Sized Project to support the early ratification and entry into force of the Nagoya Protocol. This project is implemented by the United Nations Environment Programme and executed by the Secretariat of the Convention on biological Diversity. The Government of Japan has provided co-financing for the project through the Japan Biodiversity Fund.
4. In addition, at the tenth meeting of the Conference of the Parties, 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.
5. As part of the activities under the GEF Medium Sized Project and in collaboration with the Secretariat of the International Treaty, two capacity-building workshops were held which focused on the identification of the capacity-building needs and priorities of Parties and indigenous and local communities in relation to the implementation of the Nagoya Protocol.¹
6. This workshop specifically aimed at facilitating discussions and exchange of views and experiences with a view to identifying possible capacity-building strategies and options to address the needs and priorities of Parties in the implementation of the Nagoya Protocol. The workshop therefore provided a platform for actors, both on the supply and demand side of capacity-building, to exchange information on the specific challenges and opportunities related to the implementation of the Nagoya Protocol and how they could be addressed in a strategic manner.
7. The Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol (Intergovernmental Committee) will consider at its second meeting measures to assist in capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries. With a view to inform discussions by the Intergovernmental Committee on this issue, the outcomes of the workshop will be transmitted to the Committee for its consideration.

1. OPENING OF THE WORKSHOP

8. Valerie Normand, Senior Programme Officer, head of the Nagoya Protocol Unit, made opening remarks. Ms. Normand thanked all participants for coming to the Third Capacity-building Workshop on Access and Benefit-sharing jointly organized by the CBD Secretariat and the Secretariat of the International Treaty and thanked the Government of India for its warm welcome. She also extended her gratitude to the GEF and the Japan Biodiversity Fund for the financial contribution they provided for awareness-raising and capacity-building activities in support of the early entry into force of the Protocol. She reminded participants that while the first two workshops focused on the identification of capacity-

building needs and priorities, the purpose of the third workshop was to focus on strategic approaches to capacity-building to support the implementation of the Nagoya Protocol.

9. Mr. Braulio Dias, Executive Secretary of the Convention on Biological Diversity expressed a warm welcome to the workshop participants. He congratulated countries that had signed and ratified the Protocol for sending a clear signal of their commitment to its early entry into force. Mr. Dias also expressed his wholehearted appreciation to the Government of India as host of the workshop, and the regional and global partners present at the workshop for their work and valuable contributions in support of the entry into force. He also announced that the Secretariat of the Convention on Biological Diversity and the Secretariat of the International Treaty signed a joint initiative at the margins of the RIO +20 Conference with a view to promoting the complementarity in the implementation of both instruments. He finally thanked the International Treaty Secretariat for their fruitful contributions as co-organizers of the workshop as well as for their willingness to share key lessons learned in the implementation of the International Treaty.

10. Mr. Javad Mozafari, the Chairperson of the Governing Body of the International Treaty, congratulated Mr. Dias for his appointment and thanked the Government of India for their warm welcome. He emphasized the importance of clarifying the relationship between the Nagoya Protocol and the International Treaty in order to ensure their implementation in a mutually supportive manner, and in this regard, he welcomed the joint initiative signed in the margins of Rio+20 between the two Secretariats. Mr. Mozafari also underscored the need for training the environmental and agricultural sectors at the national level on the Nagoya Protocol.

11. As Chair of the workshop, Mr. Balakrashni Pisupati, Chairman of the National Biodiversity Authority of India, welcomed all participants to the workshop and reminded participants of the challenges of implementing the Protocol at the national level. He pointed out that experiences gained from capacity-building initiatives carried-out in the context of the Biosafety Protocol could be useful to inform capacity-building for implementing the Nagoya Protocol. However, due consideration had to be given to the multi-stakeholder nature of the Nagoya Protocol. He further noted that it was important to identify the actors that needed to be involved in capacity-building initiatives. Mr. Pisupati also emphasized the important role of the Nagoya Protocol for livelihoods and conservation of biological diversity.

2. ORGANIZATIONAL MATTERS

12. Mr. David Ainsworth, Information Officer, Secretariat of the Convention of Biological Diversity, was introduced as the facilitator of the workshop. He provided an introduction to the workshop, including the methodology and organization of work planned for the two days of the meeting.

3. OVERVIEW AND DISCUSSION ON CAPACITY-BUILDING AND DEVELOPMENT INITIATIVES AND RELEVANT TOOLS IN SUPPORT OF THE IMPLEMENTATION OF THE NAGOYA PROTOCOL: PRACTICAL EXPERIENCES AND ISSUES FOR CONSIDERATION

Panel discussions

13. Various actors involved in capacity-building initiatives/projects were invited to participate in a panel discussion to share information on their experiences in relation to activities carried out and tools developed in support of the implementation of the Nagoya Protocol. The panellists were asked a series of guiding questions regarding their capacity-building initiatives/projects in an interactive discussion. The following paragraphs provide a summary of the initiatives/projects that were presented.

14. Mr. Jorge Cabrera from the Centre for International Sustainable Development Law and Mr. Geoff Burton, Adjunct Senior Fellow of the United Nations University - Institute of Advanced Studies, presented the second edition of the ABS-Management Tool (ABS-MT) supported by the Swiss State Secretariat for Economic Affairs and Stratos Inc. Originally published in 2007, the updated ABS-MT was

a best practice standard and a handbook that provided voluntary guidance to the users and providers of genetic resources. Its purpose was to help companies, researchers, indigenous and local communities, and Governments comply with the ABS requirements under the Convention on Biological Diversity, including the Bonn Guidelines and the Nagoya Protocol. The Tool had been updated to assist Governments as they considered their responsibilities, obligations, and opportunities under the Nagoya Protocol and as they sought to determine which of the available options and flexibilities was appropriate for their national circumstances. More information on the ABS Management Tool can be found on the following website: <http://www.sib.admin.ch/en/nagoya-protocol/abs-management-tool/index.html>.

15. Ms. Marina Hernández, Encargada Dept. Recursos Genéticos of the Ministerio de Medio Ambiente y Recursos Naturales, Dominican Republic, provided some information on the UNEP GEF-MSP project on “Strengthening the Implementation of ABS regimes in Latin America and the Caribbean executed by the International Union for Conservation of Nature (IUCN)”. The overall objective was to strengthen the capacities of eight countries (Cuba, Costa Rica, Colombia, Ecuador, Dominican Republic, Guyana, Panama and Peru) in the region to develop and/or comply with national policy and legal frameworks regarding access to genetic resources, benefit-sharing and the protection of traditional knowledge. Capacity-building under this project took a practical approach, focusing on knowledge transfer and training, and the use of didactic materials (case-studies) together with existing guidelines and tools. Ms. Hernandez provided some examples of activities carried-out under the project, including the organization of “knowledge cafés” which provided an opportunity for dialogue between different stakeholders at the national level. More information on the project can be found on the following website: http://www.iucn.org/es/sobre/union/secretaria/oficinas/sudamerica/sur_proyectos/?8239/ABS-UICN-PNUMA

16. Mr. Hartmut Meyer and Mr. Suhel Al-Janabi, of the ABS Capacity Development Initiative, Germany, presented some activities under the Initiative, including capacity development approaches in support of the implementation of the Nagoya Protocol in the African, Caribbean and Pacific regions. The Initiative was established in 2005 to build human and institutional capacity in developing countries to deal with the complexity of ABS issues. The initial focus had been set on Africa: ranging from providing support for national and regional legislative processes to strengthening African positions on ABS at the relevant international negotiations under the CBD, WTO and WIPO. Since the adoption of the Nagoya Protocol, the Initiative had shifted its focus on supporting the ratification and implementation of the Protocol in Africa, and since 2012 also in the Caribbean and Pacific countries. One PowerPoint slide providing the core processes addressed during the current implementation phase for attaining the objectives of the Initiative is available on the capacity-building workshop webpage at: <http://www.cbd.int/doc/?meeting=WCBABS-03>. More information on the ABS Initiative is available on: www.abs-initiative.info.

17. Mr. Meyer and Mr. Al-Janabi also gave a summary of the UNEP GEF-MSP: Supporting the Development and Implementation of ABS Policies in Africa executed by the GIZ and the Initiative. The project involved six pilot countries: Cameroon, Kenya, Madagascar, Mozambique, Senegal and South Africa and aimed at supporting the development, implementation and revision of their ABS frameworks. The specific objectives were: (1) development of national ABS policies and regulations, (2) implementation of national ABS policies and regulations, (3) revision of existing national ABS policies and regulations, and (4) regional and subregional cooperation and capacity-development. The activities under the GEF-MSP project would be closely linked with those of the ABS Initiative and allow participating countries to exchange experiences and disseminate lessons learned within the region.

18. Ms. Clarisa C. Arida, Director of the Programme Development and Implementation of the Association of Southeast Asian Nations (ASEAN) Centre for Biodiversity (ACB) gave an overview of the UNEP GEF-MSP: Building Capacity for Regionally Harmonized National Processes for Implementing CBD Provisions in Asia, a collaborative initiative of the ACB, the United Nations University-Institute of Advanced Studies (UNU-IAS) and ASEAN. The project included ten ASEAN member countries (Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam) and Timor-Leste and aims to contribute significantly towards the attainment of the third

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objective of the CBD and the implementation of the Nagoya Protocol. The project aimed at achieving the following: (1) strengthening the capacity of Southeast Asian countries to implement the CBD provisions on ABS through the development of full and effective national ABS frameworks; (2) increasing the understanding of ABS issues among stakeholders and the general public, and strengthening national capacity for country negotiators to have full understanding of issues and options in negotiations on international ABS regime in a way that protects national interests and promotes equitable benefit-sharing; and (3) improving public understanding of the contribution that ABS can make to biodiversity conservation and sustainable livelihoods.

19. Mr. Michael Halewood, Head of the Policy Research and Support Unit of Bioversity International, shared information on the approaches/lessons learned from the Joint Capacity-Building Programme under the International Treaty. The Programme was set up by the International Treaty Secretariat, FAO and Bioversity International to facilitate the implementation of the Multilateral System of Access and Benefit-sharing. The programme allowed for the development of capacity-building activities in developing countries based on the priorities and best practices identified by countries. One of the important aspects of the programme was that it ensured that the lessons learned from past and ongoing capacity-building initiatives were made available to the Governing Body of the International Treaty as additional input in its role of providing the overall policy and political guidance for implementation and its continued development. More information on the Joint Programme can be found on the International Treaty website at: <http://www.planttreaty.org/content/capacity-building-programme-developing-countries-implementation-treaty-and-its-multilateral->.

20. Mr. Jaime Cavelier of the GEF gave a short presentation on the means of accessing GEF funding for Access and Benefit-sharing. Funding was available via three sources. It is available through the System for Transparent Allocation of Resources (STAR) as well as outside of the STAR through both the Nagoya Protocol Implementation Fund (NPIF) and the Public Private Partnership Programs (PPP). This presentation is available on the workshop web page at: <http://www.cbd.int/doc/?meeting=WCBABS-03>.

21. Following the presentations, the participants were invited to ask questions to the panellists and to exchange views and experiences on capacity-building and development initiatives on access and benefit-sharing.

4. IDENTIFICATION OF OPTIONS AND STRATEGIES FOR CAPACITY-BUILDING AND DEVELOPMENT TO SUPPORT THE EFFECTIVE IMPLEMENTATION OF THE NAGOYA PROTOCOL

22. Under this agenda item, the participants were divided into three breakout groups with a view to facilitate the exchange of views and experiences. Firstly, the groups were invited to reflect on capacity-building and development initiatives and to identify lessons learned, gaps, main players and opportunities. Secondly, the participants discussed possible strategic approaches to capacity-building and development to support the implementation of the Nagoya Protocol.

23. The breakout groups were respectively facilitated by:

- (a) Ms. Clarissa C. Arida (Asian Centre for Biodiversity) and Mr. Jorge Cabrera (Centre for International Sustainable Development Law);
- (b) Mr. Pierre du Plessis (Namibia) and Mr. Michael Halewood (Bioversity International)
- (c) Ms. Mónica Martínez Menduño, (Sistema de Naciones Unidas, Ministerio de Relaciones Exteriores, Comercio e Integracion of Ecuador) and Mr. Suhel Al-Janabi (ABS Capacity Development Initiative)..

24. A summary of the outcomes of the discussions held in the break out groups was then presented to all participants in plenary. Panellists and participants were invited to further build on the outcomes of the

discussions, and particularly to further reflect on how the needs and opportunities identified could be addressed in a more strategic manner for the effective implementation of the Nagoya Protocol.

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

5. CLOSURE OF THE WORKSHOP

26. Following closing remarks, the workshop was closed at 1 p.m. on Sunday, 1 July 2012.

Annex

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

Participants were divided into three breakout groups: 1) to assess where we are in the overall capacity-building landscape and; 2) to identify options and strategies for capacity-building and development to support the implementation of the Nagoya Protocol.

A. *Assessment of the overall capacity-building landscape*

During the first part of the discussion participants were invited to discuss and exchange views on the following issues: capacity-building approaches that seem to be working, existing gaps, things that could be improved, the main players and opportunities for scaling-up/leveraging.

The following summarizes the outcomes of the discussions. These outcomes are clustered under 4 groups of approaches to capacity-building:

1. *Subregional and regional approaches*

- (a) What seems to be working?
 - Subregional processes are promoting better cooperation in implementation of the Nagoya Protocol (Eg. COMIFAC, exchange programmes between CNAs)
- (b) Existing Gaps:
 - Lack of institutions to support the implementation of the Nagoya Protocol at the national level including institutional mechanisms to promote compliance with the Nagoya Protocol
 - National Focal Points do not have the capacity to influence decision makers
- (c) What could be improved?
 - Delivery/ follow up of capacity-building initiatives
 - Change capacity-building approach from top-down to bottom-up
 - Prioritization of capacity-building needs (elaboration of criteria for doing so)
 - Development of indicators to evaluate capacity-building initiatives
 - Continuity/sustainability of capacity-building initiatives
 - Ensuring that capacity-building activities are inclusive
 - Ensuring networking between centres of excellence
 - Promoting formal education and training programmes on ABS issues
- (d) Who are the main players?
 - Subregional/ regional organizations (e.g COMIFAC, CARICOM, African Union,)
 - NGOs
 - Academic and research institutions
 - Indigenous and local community organizations
- (e) Opportunities for scaling up at the regional and global levels
 - Regional/subregional approaches

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- Joint capacity-building initiative between the Secretariats of the International Treaty (IT) and the Convention on Biological Diversity (CBD) and other relevant ABS-related processes

2. *National and subnational-level approaches*

(a) What seems to be working:

- Training on rights of ILCs regarding the Nagoya Protocol
- Community empowerment
- Training of indigenous and local communities (ILCs) with respect to developing community protocols and negotiation of ABS agreements
- Approaches that promote dialogue and engagement with the private sector
- Approaches designed towards enhancing the political will of decision makers
- Awareness raising on the value of genetic resources and associated traditional knowledge
- Translation of the Nagoya Protocol and awareness materials into local languages
- Study/exchange visits
- Use of community radio
- Integration of ABS issues into curricula of existing training institutes and universities (e.g. forestry training institute)

(b) Existing Gaps:

- Need to enhance communication skills and develop tools to raise awareness on the Nagoya Protocol
- Lack of understanding of interfaces between different ABS instruments
- Lack of understanding on use of current enforcement mechanisms
- Lack of training materials for different stakeholders, including materials in local languages for ILCs
- Lack of awareness on the part of decision makers of the economic value of genetic resources and the benefits that could be derived from their utilization
- Challenge of including and taking into account the needs of ILCs
- Capacity to revise national provisions in light of the Nagoya Protocol
- Lack of capacity by ILCs to determine the economic value of genetic resources makes it difficult to negotiate equitable agreements
- Lack of mechanisms for tracking genetic resources when they are accessed by industries
- Difficult to control what happens to genetic resources at the end of the value chain
- Local level is not equipped, not enough technical knowledge
- Lack of capacity to develop biodiversity registers or develop community protocols
- Difficulties in engaging women in ABS processes

(c) Who are the main players?

- Government ministries/departments
- NGOs

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- Academic and research institutions
 - Indigenous and local community organizations
 - Media
- (d) What could be improved?
- Facilitation of exchange of experiences at the regional level and through South-South cooperation
 - Identification and engagement of relevant actors/ stakeholders including the private sector
 - Strengthening the capacity of relevant actors to negotiate contracts
 - Building the capacity of users about ABS and issues related to technology transfer
 - Ensuring that capacity-building actions and services are adaptive
 - Ensuring that institutional systems to support the implementation of the Protocol are designed and structured to foster stability in the delivery of services and relevant expertise
 - Capacity-building on checkpoints, dispute resolution (drawing from IT and other processes)
 - Development of new governance structures linking the providers and the users
 - Building capacity across the entire supply and value-added chain from the provider to the user (including researchers, intermediaries, negotiators of the agreements, etc.)
 - Sharing of information and experiences regarding knowledge café initiatives
 - Stocktaking of capacities in place at the national level
- (e) Opportunity for scaling up at the national level:
- Using the national legislation update process as an opportunity to engage stakeholders in discussions

B. Exploring strategic approaches to capacity-building and development

In the second part of the discussion, participants were invited to identify options and strategies for capacity-building and development to support the implementation of the Nagoya Protocol and how these could be coordinated and integrated into a strategic framework to support the implementation of the Nagoya Protocol. Participants were asked to respond to the following questions:

- What kind of strategic approach is needed to leverage what is working?
- How can a strategic framework address the gaps identified above?
- To what extent do the existing projects and initiatives support implementation of the protocol?

The outcomes of the discussion are summarized below:

1. Strategic approach to leverage what is working

Overall Vision: A strategy that keeps the autonomy of existing initiatives for capacity-building while taking a joint approach for coordination:

- A strategic framework that encapsulates a vision on the role that ABS can play in transforming society and in imagining where we want ABS to be in 10 years, including that providers become users
- An approach based on equity between providers and users

- Promoting understanding of the monetary and non-monetary benefits that are derived from the utilization of genetic resources
- Building the capacity of non-traditional stakeholders (e.g. judiciary)

2. Objectives of the strategic framework

- Promoting coordination among sectors
- Fostering dialogue among countries and relevant stakeholders
- Ranking and prioritizing capacity-building needs
- Promoting institutional coordination
- Fostering sustainability of capacity building and development

3. Features of the strategic framework

With a view to addressing the gaps in capacity-building and development in support of the implementation of the Protocol, the strategic framework should:

- Be simple, adaptive and flexible
- Take into account business models in play
- Set realistic and reasonable expectations
- Include indicators for measuring capacity-building success
- Empower people by informing them of their rights and responsibilities
- Promote an inclusive approach
- Build on national strategies
- Build on lessons learned from all the capacity-building initiatives
- Promote bottom-up approaches

4. Role of the Secretariat

Participants noted that CBD Secretariat should play the following roles:

- Inform capacity-building providers about existing capacity-building initiatives and about areas where there are capacity building gaps
- Train the trainers and identify expertise at various levels to assist in capacity-building
- Develop training materials and disseminate them through the ABS Clearing-House
- Set up online Ad Hoc expert networks on various aspects of capacity building on ABS (e.g. expert network on economic valuation on genetic resources, on indicators for capacity-building, etc.)
- Facilitate the communication among Parties including through the ABS Clearing-House Mechanism

Participants noted that existing projects and initiatives have supported the implementation of the Protocol by contributing to enhancing coordination at the subnational level.

Participants also reiterated that coordination should happen at all levels:

- Global level (including between the CBD and IT Secretariats and other relevant multilateral bodies such as the WHO, WTO, WIPO, FAO Commission on Genetic Resources for Food and Agriculture)

- Subregional and regional levels (e.g. COMIFAC, CARICOM, SPREP, SPC, African Union)
- National level (Coordination between the national focal points for CBD and the IT; and Coordination between different ministries and stakeholders.)
