

**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

First meeting
Montreal, 6-10 June 2011

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

1. The Executive Secretary is circulating herewith, for the information of participants in the first meeting of the Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising From Their Utilization, the report of the Workshop on Capacity-building on Access and Benefit-sharing which was held on 4 and 5 June 2011 in Montreal.
2. This document was prepared by the Secretariat of the Convention on Biological Diversity (CBD) and the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

In order to minimize the environmental impacts of the Secretariat's processes, and to contribute to the Secretary-General's initiative for a C-Neutral UN, this document is printed in limited numbers. Delegates are kindly requested to bring their copies to meetings and not to request additional copies.

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

BACKGROUND

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 and Benefit-sharing.

In paragraph 14 of the same decision, the Conference of the Parties invited the Global Environment Facility to provide financial support to Parties to assist with the early ratification of the Nagoya Protocol and its implementation.

Against this background, the Chief Executive Officer of the GEF has provided US\$ one million in financial support for a Medium-sized Project implemented by the United Nations Environment Programme and executed by the Secretariat in order to support the early ratification and entry into force of the Nagoya Protocol.

In addition, at the tenth meeting of the Conference of the Parties, the secretariats of the Convention on Biological Diversity (CBD) and of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) signed a memorandum of understanding to further enhance collaboration in areas of mutual interest within their mandates. The memorandum foresees, *inter alia*, that both secretariats will jointly organize workshops, seminars and other events on access and benefit-sharing as well as in other areas.

As part of the activities under the GEF Medium-sized Project, this capacity-building workshop was the first of a series of workshops being jointly organized by the Secretariats of the Convention on Biological Diversity and the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture. The workshop was meant to contribute to the identification of the capacity-building needs and priorities of Parties in the implementation of their obligations under the Nagoya Protocol and to build on the experience and lessons learned from the implementation of the ITPGRFA.

In accordance with decision X/1, the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol (Intergovernmental Committee) will consider at its first meeting measures to assist in capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries. The outcomes of the workshop will be transmitted to the Intergovernmental Committee for its consideration.

I. OPENING OF THE MEETING AND ORGANIZATION OF WORK

Ms. Valérie Normand, the Secretary of the Intergovernmental Committee from the Secretariat of the Convention on Biological Diversity, welcomed all participants. She reminded participants that this was the first of a series of workshops to be organized jointly with the International Treaty on Plant Genetic Resources for Food and Agriculture, and the first to be held under the GEF Medium-sized Project to support the early entry into force of the Nagoya Protocol. She informed the participants that Mr. M.F. Farooqui, Additional Secretary of the Ministry of Environment and Forests of India, would facilitate the discussions during the workshop.

Mr. Ahmed Djoghlafl, Executive Secretary of the Convention on Biological Diversity, extended a warm welcome to the participants. Mr. Djoghlafl emphasized the importance of early entry into force of the Protocol and expressed his gratitude to the Presidents of the tenth and eleventh meetings of the Conference of the Parties for their efforts in encouraging countries to ratify the Protocol as soon as possible to allow the first meeting of the Parties to the Protocol to be held concurrently with the eleventh meeting of the Conference of the Parties in October 2012. Underscoring the importance of building the capacity of countries with respect to the implementation of the Protocol, Mr. Djoghlafl highlighted that lessons could be learned from the implementation of the ITPGRFA. Mr. Djoghlafl stressed that effective collaboration between the secretariats of the CBD and the ITPGRFA was important for both instruments to be implemented in a mutually supportive manner.

Mr. Shakeel Bhatti, the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture, expressed a warm welcome to the participants and pointed out that in light of the adoption of the Nagoya Protocol, a new era of collaboration between the secretariats of the ITPGRFA and the CBD was beginning and that this workshop was indicative of the willingness to increase collaboration. He noted that the adoption of the Nagoya Protocol was warmly welcomed by the contracting Parties to the ITPGRFA and that this was reflected in the resolutions adopted by the Governing Body at their last meeting. Mr Bhatti emphasized that the workshop was an excellent opportunity to draw experience from the implementation of the ITPGRFA, in particular with respect to the implementation of the Multilateral System of Access and Benefit-sharing and regarding capacity-building.

Mr. Farooqui welcomed participants and expressed his enthusiasm to act as a facilitator during the workshop. He called upon all participants to focus on the implementation of the Protocol since this was now the challenge upon Parties. Highlighting the importance of collaboration between both secretariats, Mr. Farooqui noted that the Nagoya Protocol and the ITPGRFA were different in their scope and that this would need to be considered in the respective implementation of each instrument. This workshop was therefore useful to identify the capacity needs of countries in order to develop effective mechanisms to address these.

The participants were briefed on the methodology of work, including the use of break-out groups to be co-facilitated by:

(a) Mr. Jean Rwihaniza Gapusi, Head of the Ruhande Forestry and Agroforestry Research Station, Institut des Sciences Agronomiques du Rwanda (ISAR);

(b) Mr. Modesto Fernandez Diaz-Silveira, Direcció de Medio Ambiente, Ministerio de Ciencia Tecnologia y Medio Ambiente de Cuba;

(c) Ms. Monica Rosell, Chief of the International Public Law Office, Ministry of Foreign Relations of Peru; and

(d) Mr Zachary Muthamia, Head of the National Genebank of Kenya, Kenya Agricultural Research Institute.

II. CAPACITY-BUILDING IN SUPPORT OF THE NAGOYA PROTOCOL

In order to introduce the issues to be addressed during the workshop and provide a basis for the discussions, several presentations were made.

Mr. Olivier Rukundo, Coordinator of the GEF Medium-sized Project on capacity-building to support the early entry into force of the Nagoya Protocol (SCBD), gave a general presentation on the activities planned under the project.

Ms. Normand, the Secretary of the Intergovernmental Committee (SCBD), provided an overview of the general obligations of Parties under the Nagoya Protocol as they relate to:

- (a) Measures related to access, benefit-sharing and compliance, as they relate to genetic resources and associated traditional knowledge; and
- (b) Measures to support the implementation of the Nagoya Protocol, including the establishment of national focal points, competent national authorities, the Access and Benefit-sharing Clearing-House, and awareness-raising.

Finally, Mr. Bhatti (ITPGRFA) provided an overview of the Multilateral System of Access and Benefit-Sharing of the ITPGRFA and of the capacity-building activities undertaken to assist with its implementation.

All three presentations are available on the Secretariat's website at: <http://www.cbd.int/doc/?meeting=WCBABS-01>.

The presentations were followed by a question and answer period.

III. GENERAL DISCUSSION ON THE OBLIGATIONS OF PARTIES UNDER THE NAGOYA PROTOCOL

In order to facilitate the discussions, the participants divided into two break-out groups to share information and exchange experiences on the process and measures planned to meet their obligations under the Nagoya Protocol with regard to:

- (a) Measures related to access, benefit-sharing and compliance, as they relate to genetic resources and associated traditional knowledge;
- (b) Measures to support the implementation of the Nagoya Protocol, including the establishment of national focal points, competent national authorities, the Access and Benefit-sharing Clearing-House, and awareness-raising.

The participants also had an open dialogue regarding their respective experiences and lessons learned with respect to capacity-building in support of the implementation of the ITPGRFA.

Both groups subsequently reported the outcomes of their discussions to plenary.

IV. IDENTIFICATION OF CAPACITY-BUILDING NEEDS AND PRIORITIES OF PARTIES FOR THE IMPLEMENTATION OF THEIR OBLIGATIONS UNDER THE NAGOYA PROTOCOL

Based on the outcomes of the discussions on the obligations of Parties under the Nagoya Protocol and in light of the experiences shared regarding the ITPGRFA, the participants continued working in two break-out groups to discuss capacity-building needs and priorities in relation to the implementation of the Nagoya Protocol. Participants also discussed possible options to address these needs with a view to meeting their obligations under the protocol.

Group One was tasked with identifying the capacity needs and priorities of countries in order to meet their obligations under the Nagoya Protocol on access, benefit-sharing, and compliance, as they relate to access to genetic resources and associated traditional knowledge.

Group Two worked on identifying the capacity development needs and priorities regarding tools and mechanisms to support the implementation of the Nagoya Protocol, including the designation of national focal points and competent national authorities, the establishment of the Access and Benefit-sharing Clearing-House and on awareness-raising.

Both groups subsequently reported the outcomes of their discussions to plenary. The final outcomes of the discussions in the workshop on capacity needs and measures identified to support the implementation of the Nagoya Protocol are attached in the annex to this report.

V. CLOSURE OF THE WORKSHOP

Prior to closing the meeting, Mr. Farooqui informed the participants that the outcomes of the meeting would be attached to the workshop report and made available as an information document to the first meeting of the Intergovernmental Committee.

Following some last remarks, Mr. Farooqui closed the workshop at 1:30 p.m. on Sunday 5 June 2011.

CAPACITY NEEDS AND MEASURES IDENTIFIED TO SUPPORT THE IMPLEMENTATION OF THE NAGOYA PROTOCOL

1. Legal and policy framework

- Elaborating coherent policy frameworks to provide the national vision on ABS issues and the basis for any legal and institutional frameworks
- Developing in-country expertise on ABS issues to guide the legal and policy processes
- Taking stock of domestic measures relevant to ABS in light of the obligations under the Nagoya Protocol
- Reviewing existing laws and policies in order to identify potential conflicts
- Harmonizing existing national regulatory frameworks
- Developing regulations to implement ABS laws
- Ensuring the involvement of all relevant stakeholders in the legal and policy-making process
- Developing legal and policy frameworks to protect the rights of indigenous and local communities (ILCs) and their traditional knowledge
- Strengthening the facilitative role of the government with regards to the implementation of national ABS measures by different stakeholders
- Compiling checklists of possible actors at the national level with a view to provide some indication as to who should be consulted in the implementation of the Nagoya Protocol

2. Mutually agreed terms

- Developing capacity of the public sector, the private sector and ILCs to negotiate effective contracts, including through the development of legal expertise
- Collecting and exchanging existing ABS guidance materials and toolkits
- Making available best practices, educational materials and guidance materials for providers and users of genetic resources
- Developing model clauses to support the negotiations of contracts

3. Indigenous and local communities: Genetic resources and traditional knowledge associated with genetic resources

- Ensuring effective participation and representation of ILCs in the law, policy and decision-making processes
- Building the capacity of ILCs to document and manage their traditional knowledge associated with genetic resources
- Building capacity to identify the legitimate representative of ILCs
- Establishing mechanisms to build confidence between ILCs and potential users of traditional knowledge associated with genetic resources
- Strengthening the capacity to develop communication strategies and materials (including audio-visuals) in different languages, reflecting the various cultures and customs of ILCs
- Promoting the use of existing best practices within ILCs' organizations, taking into account the diversity of languages and cultures and the role of women within these communities
- Encouraging educational institutions to design curricula and programmes on ABS, including the provision of scholarships, for the benefit of ILCs

4. Compliance

- Building capacity to monitor the utilization of genetic resources once the resources leave the country
- Minimizing regulatory transaction costs as an incentive to promote compliance
- Developing lasting partnerships between stakeholders to build trust and support compliance
- Building capacity to develop effective measures regarding access to justice

5. Institutional framework

- Providing tools to national focal points to enable them to inform stakeholders of the importance of the Nagoya Protocol and the value of genetic resources
- Equipping national focal points to cooperate in addressing transboundary genetic resources

6. Awareness-raising and information sharing

- Raising awareness of decision-makers, sub-national authorities, ILCs and other stakeholders (in particular the research community), to facilitate the implementation of the Nagoya Protocol
- Conducting awareness-raising activities with parliamentarians about the Nagoya Protocol with a view to promoting the ratification and early entry into force of the Nagoya Protocol
- Building on existing awareness-raising and capacity-building experiences and initiatives
- Using the ABS Clearing-House for awareness-raising
- Mapping of different stakeholders through national workshops with a view to identifying the various roles and functions of relevant stakeholders who are concerned with ABS-related issues
- Developing guidelines on how to organize multi-stakeholder dialogues
- Documenting case-studies on ABS that countries can draw upon

7. Mutual supportiveness of the Nagoya Protocol and the International Treaty on Plant Genetic Resources for Food and Agriculture (International Treaty)

- Establishing a joint group of experts to compile a checklist of issues that are important in achieving the mutual supportiveness of the Nagoya Protocol and the International Treaty
- Ensuring interactions between ministries competent for the implementation of the Nagoya Protocol and the International Treaty
- Sensitizing policy makers on the respective approaches of the Nagoya Protocol (bilateral/MATs) and the International Treaty (multilateral/sMTAs)
- Building understanding of the relationship between the provisions on farmers' rights of the International Treaty and the provisions of the Nagoya Protocol related to traditional knowledge associated with genetic resources

8. Valuation of genetic resources

- Providing financial and technical assistance to assess the value of genetic resources and their contribution to economic development
- Building capacity for the valuation of genetic resources to facilitate negotiations of MAT
- Developing endogenous research capacity to add value to genetic resources
