BUILDING LEGAL FRAMEWORKS TO IMPLEMENT THE NAGOYA PROTOCOL

IDLO CAPACITY BUILDING COURSE FOR LAWYERS FROM THE AFRICAN, CARIBBEAN AND PACIFIC REGION

Date: 28 July to 1 August, 2014
Location: Rome, Italy
Language: English

BACKGROUND
Aichi Biodiversity Target 16 calls on countries to ratify and operationalize the Nagoya Protocol consistent with national legislation by 2015. Countries are undertaking processes to review and reform their legal and institutional frameworks to implement the Nagoya Protocol. There is no one-size-fits-all model for national legal frameworks, thus tailored legal advice is needed to accompany these processes.

This IDLO capacity building course introduces participants to the essential requirements of the Nagoya Protocol, key technical resources available, and the latest research on country experiences with relevant legal frameworks. The course combines the best elements of experiential learning methodologies with online information technology and global networking. The participant-centred learning approach assures that participants meet the course objectives through a combination of learning tools and techniques including e-learning, discussion forums, knowledge sessions, and interactive workshop exercises.

COURSE OBJECTIVES
By the end of the course, participants will be able to contribute to building capacities of national actors and accompany national processes to develop legislation and legal tools for the achievement of Aichi Biodiversity Target 16 – the Nagoya Protocol is in force and operational by 2015. In particular, participants will be able to:

- Outline key Access and Benefit-sharing (ABS) concepts and the evolution of ABS under the Convention on Biological Diversity (CBD);
- Describe the key features of the Nagoya Protocol and its relationship with related international and regional instruments;
- Describe legislative approaches taken by other countries, including successes, trends and challenges;
- Describe the key issues, stakeholders, and processes relevant to implementing the Nagoya Protocol in their countries;
- Outline national legal roadmaps with priority actions that can be taken to support national processes to implement the Nagoya Protocol in their countries; and
- Recall practical communication and legal skills that can equip them to act as legal advisors to national processes on the Nagoya Protocol.

TARGET AUDIENCE:
- Lawyers from the ACP region interested in gaining skills to provide legal advice and build capacities of government and stakeholders to support national legislative processes to implement the Nagoya Protocol

CANDIDATES SHOULD HAVE:
- A law degree, preferably at the Masters or Ph.D. level;
- Relevant work experience;
- Working knowledge of English sufficient to participate actively; and
- Demonstrated interest and commitment to biodiversity and sustainable development law.
**MODULE 1: THE INTERNATIONAL REGIME ON ACCESS AND BENEFIT-SHARING**

**OBJECTIVE:**
By the end of this module participants will be able to outline the concept of Access and Benefit-sharing (ABS) and the key features of the Nagoya Protocol.

**DESCRIPTION:**
This module will provide participants with an understanding of the main components of the concept of “access and benefit sharing”. It will cover the evolution of the ABS concept in key decisions by the Conference of Parties (COP) of the Convention on Biological Diversity (CBD) leading up to the adoption of the Nagoya Protocol in 2010. This module will briefly introduce the key features of the Nagoya Protocol and its role within the broader framework of the CBD and Strategic Plan for Biodiversity 2011-2020. The scope of the Nagoya Protocol is wide – engaging issues from intellectual property rights, farmer and indigenous rights, health, trade, development, natural resources management, human rights etc. – thus the module will look at the Protocol and its relationship with other international and regional regimes that may affect its implementation at the national level.

**MODULE 2: LEARNING FROM COUNTRY EXPERIENCES**

**OBJECTIVE:**
By the end of this module participants will be able to describe the key components of the Nagoya Protocol and lessons learned from country experiences with implementing these components.

**DESCRIPTION:**
This module will introduce participants to the latest research on relevant country experiences with building legal frameworks to implement five key components of the Nagoya Protocol:

- the establishment or designation of appropriate institutional arrangements to share ABS-relevant information, grant access, negotiate and enforce benefit-sharing, as well as monitor and check compliance;
- the scope of application of access requirements, and necessity and procedures for obtaining PIC;
- the rules for fair and equitable benefit-sharing, and defining mutually agreed terms;
- the definition and registration of traditional knowledge (TK), and associated rules for access and benefit sharing; and
- monitoring and compliance mechanisms.

**MODULE 3: DEFINING NATIONAL PRIORITIES FOR NAGOYA PROTOCOL IMPLEMENTATION**

**OBJECTIVE:**
By the end of this module participants will be able to outline a “national legal roadmap” with priority actions that they can undertake in their own countries to support national processes to implement the Nagoya Protocol.

**DESCRIPTION:**
National processes to ratify and operationalize the Nagoya Protocol will be unique to each country, and thus, there is a need to apply the legal knowledge gained to country contexts. This module is practice-oriented, focused on providing participants with key tips and strategies for communicating legal issues related to the Nagoya Protocol to broad stakeholders and understanding legal intervention points within ongoing national processes. The module will introduce participants to the 8 Fields of Action for Communicating ABS, the four-stage Legal Preparedness process, and the relevant national processes for building legal frameworks for the Nagoya Protocol. An overview of regional and national roadmaps for Nagoya Protocol implementation will be analysed and discussed. Each participant will work to develop and present their own “national legal roadmap” that identifies the actions and skills needed to provide effective legal advice to national processes.

**MODULE 4: BUILDING UP SKILLS TO ADVISE NATIONAL LEGAL PROCESSES**

**OBJECTIVE:**
By the end of this module participants will be able to recall practical skills that can equip them to act as legal advisors to national processes on the Nagoya Protocol.

**DESCRIPTION:**
This module will equip participants with key practical skills necessary to act as legal advisors on the Nagoya Protocol in their countries. It will provide training on the practical skills needed to communicate legal concepts and facilitate consultations to build the understanding and capacity of broad stakeholders from governments, research institutions, business, and local and indigenous communities. Participants will gain understanding of their own communication styles, learn about options and strategies for communicating messages to different audiences, and gain presentation skills important for legal advisors. Opportunities will be available for participants to work closely with legal experts in small groups and/or bilateral meetings to actively discuss and plan out strategies to implement the priority actions identified in their “national legal roadmaps.” The module aims to prepare participants to engage actively with their national processes following the completion of the course, with support from IDLO, the ABS Capacity Development Initiative, and the growing global network of Nagoya Protocol lawyers.
TRAINING METHODOLOGY

The course approach consists of:

- Pre-course online discussion and assignments;
- **Week-long, face-to-face training in Rome, Italy** with sessions led by global legal experts and capacity building experts;
- Access to IDLO online portal for secure e-mail exchanges, document exchange, online library and networking with fellow participants and experts, both prior and following the course;
- Enlist in the IDLO Alumni Network:
- Further access to networking and consultancy opportunities with key country and global contacts.

Upon satisfactory completion of the course the participants will receive an IDLO Certificate of Participation and invited to continue learning and networking on the IDLO online platform and discussion forum.

COURSE FEE

Fellowships, sponsored by the ABS Capacity Development Initiative, are available to cover the full costs this course for up to 15 lawyers from the ACP region. The fellowship covers the cost of tuition, shared hotel accommodation, economy class flights tickets and meal costs for successful applicants from the African, Caribbean and Asia Pacific regions.

Self-funded participants may also be considered to join the course.

APPLICATION DEADLINE: 6 JUNE 2014

Applications will be treated on a first-come, first-served basis. We encourage early applications.

Applications should specify if the applicant is self-funded or applying for a fellowship.

To access the course application form, please see: http://www.idlo.int/what-we-do/initiatives/advancing-nagoya-protocol

Or contact:
Ms. Daniela Cuéllar Vargas
Program Associate, AichiLaw@idlo.int

ABOUT THE INITIATIVE:

LEGAL PREPAREDNESS FOR ACHIEVING THE AICHI BIODIVERSITY TARGETS INITIATIVE

The Initiative was launched in 2012 by IDLO and the Secretariat of the Convention of Biological Diversity (SCBD) to support global collaborations to raise awareness and build capacity on the role of law in achieving key biodiversity goals. This course is part of the sub-program on Legal Preparedness for Achieving Aichi Target 16, a collaboration with the ABS Capacity Development Initiative with expert support from the Centre for International Sustainable Development Law.

More information on the Legal Preparedness for Achieving the Aichi Biodiversity Targets Initiative is available at: http://www.idlo.int/what-we-do/sustainability/biodiversity

ABOUT OUR PARTNERS:

ABS CAPACITY DEVELOPMENT INITIATIVE

Established in 2006, the ABS Capacity Development Initiative is a multi-donor initiative that aims to support governments and relevant stakeholders on the African continent and in the ACP countries (African, Caribbean and Pacific Group of States) in developing and implementing national ABS frameworks, including legislation and regulatory requirements, with a view to the early ratification and implementation of the Nagoya Protocol on ABS.

More information on the ABS Capacity Development Initiative is available at: http://www.abs-initiative.info/

CENTRE FOR INTERNATIONAL SUSTAINABLE DEVELOPMENT LAW

The Centre for International Sustainable Development Law is an international legal research center with the mission to promote sustainable societies and the protection of ecosystems by advancing the understanding, development and implementation of international sustainable development law. The CISDL Biodiversity and Biosafety Research Program focuses its research on the conservation and sustainable use of biodiversity, access to genetic resources and benefit-sharing (ABS), and biosafety.

More information on the CISDL is available at: http://www.cisdl.org/
ABOUT IDLO

As the only inter-governmental organization with an exclusive mandate to promote the rule of law, IDLO works to make institutions of law and justice work for people. In that way we contribute to creating stable and inclusive societies where there is opportunity for all and where every person can live free from fear and want.

We provide technical legal assistance and capacity development at the national and local level, often in the poorest and most insecure parts of the world. We work in partnership with local actors and with different legal systems in an enabling and empowering — rather than prescriptive or directive — way.

IDLO has extensive experience in countries emerging from conflict or striving towards democracy. Increasingly it is also working in emerging economies and middle-income countries to strengthen their legal capacity for sustainable development and economic opportunity.

IDLO ALUMNI ASSOCIATIONS

Since its establishment in 1983, IDLO has worked with over 20,000 legal professionals in 175 countries. Its growing worldwide network — consisting of 47 independent alumni associations and a roster of some 2,500 experts — gives the organization a unique possibility to draw on expertise from around the world.

The nationally established Alumni Associations are independent non-governmental bodies that bring together legal professionals from all sectors: government, business, private practice and civil society. The Associations build bridges and foster cooperation across different legal sectors. They play an important role in furthering the rule of law in the communities they serve. IDLO supports their in-country initiatives to provide continuing legal education, strengthen civil society and foster a culture of justice.