



THE **ABS**
CAPACITY
DEVELOPMENT
INITIATIVE



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'**APA**

Workshop

Transforming Knowledge into Wealth

Georgetown, Guyana, December 3-5, 2013

REPORT

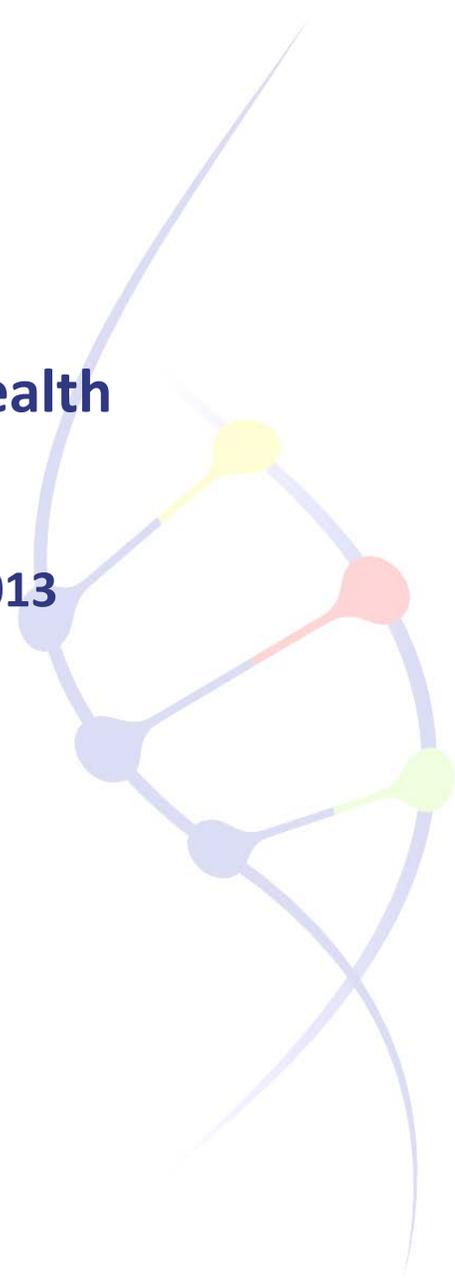






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Background

Since 2006 the Access and Benefit-Sharing Capacity Initiative (ABS Initiative) has convened numerous workshops to build capacity among Access and Benefit Sharing. (ABS) In 2011 ABS extended its work to the Caribbean. The Justice Institute Guyana (JI) is an independent legal institute with expertise on the rights of local and indigenous communities. In 2012 the ABS Initiative and JI discussed the need for training in Guyana on the Nagoya Protocol, which implements part of the Convention on Biological Diversity. Guyana has a significant Amerindian population with collective land ownership and decision making power over natural resources. However Amerindian communities and their leaders are granting access to their resources without obtaining a fair share of the benefits. In addition the Afro-Guyanese and Indo-Guyanese sections of Guyana have a rich heritage of traditional medicine, colloquially known as “bush medicine,” which is based on remedies from local plants. This “bush medicine” is largely unrecognised and outside of the protection of the current laws. It is subject to research and - to a limited extent - local commercialisation throughout the Caribbean. The Indigenous Peoples Commission (IPC) was extremely interested in building capacity among Amerindian communities and the IPC commissioners to understand and use the provisions of the Nagoya Protocol.

Objectives

Taking into account this background an exploratory workshop was held in Guyana on 3rd, 4th and 5th December 2013. The workshop was designed to enable key stakeholders to understand the issues relating to ABS. More specifically the objectives were to:

- Raise awareness among indigenous and local communities and other key stakeholders about the objectives, obligations and benefits of the Nagoya Protocol;
- Build the capacity of indigenous and local communities to obtain a fair and equitable share of the benefits from providing access to their genetic resources;
- Build the capacity of Amerindian communities to use the Amerindian Act to obtain a fair and equitable share of the benefits from providing access to their genetic resources;
- Enable indigenous and local communities to establish procedures for Free Prior Informed Consent before granting access to their genetic resources;
- Raise awareness among indigenous and local communities and other key stakeholders of the importance of mutually agreed terms;
- Raise awareness of the importance of ensuring benefit-sharing when genetic resources leave the contracting party (state) which has sovereignty over the genetic resources;
- Raise awareness of the need to conserve and sustainably use genetic resources as required by the Convention on Biological Diversity;
- Raise awareness of the importance of sharing information among stakeholders and developing approaches in common in order to protect traditional knowledge; and
- Provide analysis and recommendations for incorporating the Nagoya Protocol in to national law, policy and institutions.



Expected Outcomes

The workshop was expected to:

- Identify key elements for consideration in the development of mutually agreed terms and free prior informed consent; and
- Produce recommendations for the development of a national approach for developing models for MAT, as well as FPIC.

Participants

The participants were drawn from key stakeholders. The Environmental Protection Agency is the focal point for the CBD and sent two representatives, one of whom also delivered a presentation. There were 29 members of the National Toshias Council, of whom 16 were members of the governing body, the Executive Committee. There were also representatives from the Women and Gender Equality Commission, the Rights of the Child Commission, the UN Permanent Forum on Indigenous Issues, one MP, academia, state agencies, a protected area, conservation organisations and the legal profession. Unfortunately the IPC encountered internal problems and as a result decided to withdraw from the workshop just a few days before it started.

The level of education of participant varied widely from those who only had primary education to those with tertiary level qualifications including doctorates. The workshop was conducted in English. One of the working groups comprising Wapichan speakers worked in Wapichan but presented their conclusions in English. Evaluation was in English for English speakers and in Wapichan for Wapichan speakers.

Outcome

The workshop “Transforming Knowledge into Wealth” was attended by [53] participants covering every region in Guyana. Over the 3 days participants were introduced to the Nagoya Protocol and the potential benefits to indigenous and local communities of using the Nagoya Protocol principles when providing access to their resources.

Amerindian toshaos shared the experiences of their communities with researchers, including the use of traditional knowledge by students writing a thesis or dissertation. The EPA explained the permitting process for research. This was discussed at length. Many toshaos stated that they had not previously understood the process. The outcomes of this discussion include increased understanding by the toshaos of the role of the EPA in ABS as well as a commitment to develop a closer working relationship. Presentations from the University of Guyana, the Iwokrama International Centre for Rain Forest Conservation and Development and the legal profession introduced participants to the benefits and dangers of collaborating with researchers. The discussion on intellectual property rights raised the participants’ awareness of the unsatisfactory state of the law in Guyana. One output from the discussion



was a heightened awareness of the need to be strong when negotiating Mutually Agreed Terms. Most Amerindian participants felt that the Prior Informed Consent referred to in the Nagoya Protocol should have been Free Prior Informed Consent.

Toshaos and other holders of traditional knowledge in Guyana are generally poorly educated and have limited experience of the commercial world, except as providers of genetic resources, usually at an under value. A key realisation for these participants was the necessity to seek and obtain professional advice (legal, technical etc) in order to obtain an equitable and fair share of the benefits arising from granting access to their resources.

The question and answer sessions were particularly useful as they gave participants a chance to raise the issues that they were concerned about. Amerindian participants can be very reserved about asking questions of presenters. The use of a “hot seat” for the presenter encouraged these participants to be more forthcoming and lead to very interactive sessions. The presentations of the workshop, the question and answer sessions, the use of the “hot seat,” group discussion and working groups contributed to

- An increased understanding of the Nagoya Protocol;
- Identification of key elements for MAT;
- Identification of key elements for FPIC; and
- Suggestions for a national approach to for model MAT and FPIC.

Process

Day 1

Launch of the ABS Workshop

The launch of the ABS Workshop on the Nagoya Protocol: Transforming knowledge into Wealth was held at Moray House. The event was extremely well attended with the audience being drawn from State agencies, private sector, the diplomatic corps, the church, Amerindian communities and civil society. Dr Hartmut Meyer (ABS Initiative) introduced the audience to the ABS Capacity Development Initiative and the Nagoya Protocol. This was followed by a presentation by Melinda Janki (executive director of the Justice Institute) on how the Nagoya Protocol can be used by Guyanese to obtain greater value for their resources and knowledge. Mr Ulrich Kinne, the deputy head of mission, Embassy of Germany (Trinidad & Tobago) spoke about the importance of the Nagoya Protocol and Germany’s support for intellectual property. The final speaker was Ambassador Robert Kopecky, head of the Delegation of the EU, who emphasised the importance of innovation and ideas in creating wealth for a country.

This was followed by a showing of the film: People, Plants and Profits - The Nagoya Protocol on Access and Benefit-Sharing



The workshop programme

Session 1: Introduction

The first session served as an introduction to the 3 days and the work that to be done. The convenors (ABS and JI) were introduced. Participants gave consent for their photos to be taken and to be recorded for the DVD to be made of the workshop. Participants introduced themselves and stated what their expectations were. These included a better understanding of the Nagoya Protocol. In response to questions from the participants JI stressed that it is very important to build good relationships with the responsible agencies and ministries such as the Guyana Geology and Mines Commission (GGMC), the Guyana Forestry Commission (GFC), the Environmental Protection Agency (EPA) and the Ministry of Amerindian Affairs (MoAA). These agencies and ministries have specific mandates and are there to serve the people. If there is a problem with environment a person should go to the EPA. If there is a problem with mining the person should go to the GGMC and the EPA. It is important not to be confrontational. If the system does not work, then an aggrieved individual or community should consider other options. A number of issues raised by Amerindian toshaos related to ongoing problems that have been ignored over the years. JI stressed that Amerindian leaders and communities must take responsibility for their land and resources rather than hoping that the government or NGOs would rescue them.

Toshaos agreed that they need to have a better understanding of the applicable laws and rules. One suggestion was to develop a manual on how to deal with ABS at the community level. JI pointed out that Amerindian companies generally get exploited because they do not get proper advice. They should retain the services of a good lawyer instead of trying to negotiate for themselves. It is foolish to sell or give away resources on the grounds that the community cannot afford a lawyer. The community must also get the right kind of lawyer, for example it is unwise to ask a human rights lawyer or a divorce lawyer to negotiate a commercial contract.

Another complaint was that people negotiate access with the village council and later come with more persons than were authorised. The village is then in the uncomfortable situation of having to deny access or ignoring the law. JI repeated that Amerindian communities must either use the rights they have and tell people to leave or they must take the consequences of allowing people to stay against the rules. What they should not do is expect somebody else to solve the problem for them. Other participants pointed out that the world is changing and if indigenous peoples do not adapt to these changes they will not benefit but suffer.

Village rules are one legal instrument that Amerindian communities could use to protect their interests. They should be drafted by a lawyer because they are going to be law. They have to be gazetted in order to be law. There were complaints that the Minister is not gazetting village rules. In some cases the Minister is rewriting the village rules and sending them back to the village. The WaiWai are the only village that have managed to get gazetted village rules. These rules were drafted by the WaiWai with legal advice from JI's executive director. The WaiWai also recently benefitted from a film about their protected area for which they received payment from the film makers. This contract was negotiated with advice from JI. One suggestion was to bring in the WaiWai to share their experience of ABS.



Session 2: Baseline study

This session was introduced by Kayla de Freitas, a trained anthropologist. It was conducted in Wapichan and English. Participants were given questionnaires to fill in to establish their current level of knowledge and understanding.

Session 3: The Nagoya Protocol on Access and Benefit Sharing: Key Features

The session provided participants with an overview of the main issues. It discussed genetic resources and the value of traditional knowledge. Relevant industries include pharmaceuticals, personal care and cosmetics, seeds and crops, botanicals and horticulture. There were examples of products based on genetic resources and traditional knowledge e.g.

Clarins day cream which contains extracts of the Bocoa tree from French Guyana and is marketed as being anti-aging

Soft coral from the Bahamas which is used by Estee Lauder in skin care products.

This session also covered a patent based on a chemical in the Greenheart tree from Guyana. This patent was based on traditional knowledge and was registered without the consent of the traditional knowledge holders. There was discussion of Convention on Biological Diversity, Article 8J and the use of traditional knowledge in the conservation of biological diversity. The session concluded with a look at the Nagoya Protocol and its importance for local and indigenous communities as well as the rights of the sovereign state in which the resources are located.

Session 4: Group Work

This consisted of a group session in which participants discussed the Nagoya Protocol. The various groups considered the follow questions and came up with the following responses.

1. How can negotiation capacities be improved?

Education: to educate the Village Council and village at large on legislation that applies to the different fields of interest, e.g. Mining Act, Forestry Act etc

Identify and consult resource persons for their technical expertise in the particular field of interest

Seek advice from villages who have experience of ABS

Share experience/advice on FPIC

2. How can contracts be enforced?

Very difficult; traditional knowledge holder and communities must get legal advice

Make the other side leave a large sum of money as a deposit and do not give it back to them if they breach the contract

Work with EPA and other agencies to monitor what researchers are doing

Make sure that a community representative is with the researcher all of the time

Make sure that the researcher reports to the Village council before he leaves

Have village rules that allow the village council to control the researcher's behaviour

Better training for toshaos to enforce the Amerindian Act 2006



3 What benefits do you expect to receive?

Group 1

Expectations of benefits from researchers are:

- Monetary deposit to the village on receipt and completion of the report on research
- 10% of the value of all products must be paid to the community
- Respect the rules of the community especially the concerns of women and children
- Knowledge, training, and education for residents of the village where the research is being done
- information on methods used for research
- sharing of results, so that people can learn e.g. women can start a cottage industry
- Recognition of the trademark of the community

Group 2

- Have an agreement between the community and the researcher with security such as a deposit that can be forfeited
- Institutionalise training for young individuals
- There should be a contractual arrangement to safeguard the parties involved
- There should be a mechanism in place to secure the knowledge (IPR)
- Set up a trust fund to ensure that the benefits are shared fairly between communities that are providing genetic resources and traditional knowledge
- Set up a research centre

4 How can a monetary value be established for Genetic Resources and Traditional Knowledge?

- Develop a resource management plan, including inventory of resources and zoning of resources
- Gather and document information on traditional knowledge pertaining to the uses of genetic resources
- Train people from the community as anthropologists, economists, laboratory technicians, etc
- Conduct technical research on resources
- Find ways to meet national and international standards in evaluation of resources

5 Is the establishment of indigenous protected areas useful for protecting Genetic Resources and Traditional Knowledge or addressing ABS issues?

It is very important for every community to establish protected areas because:

- The Amerindian population is increasing rapidly and could be living beyond the carrying capacity of the land
- The use of natural resources is on the increase. This should be restricted to preserve species of all kinds
- We need to restrict movement of intruders who may have the intention to remove natural resources including wood, animals, birds, fish, and minerals
- Every community should have resource management plans and MoU for every area of use of natural resources; plans must be enforced
- We are proud that Guyana is a country, which still has its natural resources in its original state and we should keep it that way



6 How can awareness on the Amerindian Act and related legislation be increased?

On the job training in the relevant agencies (also theoretical and practical training)
Introduction of user-friendly manual: should cover interpretation so people know what the law means; should be comprehensive so you get all the relevant bits of law in the manual
Consultation
Flyers at strategic locations
Media, newspaper, and radio
Public outreach by relevant agencies

Day 2

Key insight from Day 1:

ABS issues must not become fights and struggles between communities, but must offer the best deal for the individuals and their community, as well as community to community.

Session 1: Valuing biodiversity

The presentation looked at the different ways of valuing biodiversity – intrinsic value, instrumental value, commercial value. Intrinsic value was traditionally an element of indigenous cultures. European invaders brought the utilitarian view to indigenous peoples. Value and price are not the same thing. Biodiversity might be highly valued by a community but the market system might put a low price on it. The market puts a price on individual components of the ecosystem but does not have a true value for the ecosystem as a whole. There are differences in how people see the world and that affects how they value it. The monotheistic religions take an anthropocentric view in which man is outside of nature or at the top of creation. Buddhism, Hinduism and many indigenous beliefs see man as part of nature or the web of life.

In the discussion that followed participants pointed out that research can have good and bad effects. Research can help people to value what they have. It can lead to conservation of biodiversity. On the other hand giving access can lead to more researchers coming or to people who want to exploit the biodiversity because it has a value and they do not care about sustainability.

Session 2: Intellectual property

The Intellectual Property Rights (IPR) system is constructed to put a value on ideas. It recognises ideas as private property. Ideas come from everything that is around us. Value comes from others not from us. Before you can register something in the IPR system it has to be recognised in some way. There are different types of IPR, e.g.:

- inventions - patents
- writing, singing, works (services) - copyright
- names, signs, brands that identify goods - trademarks

The challenge is to protect traditional knowledge using the IPR system. The developed world wants access to traditional knowledge because it can use it to create new products. That does not mean that



the holder of the traditional knowledge will benefit. The person who registers the idea is the person who benefits. Traditional knowledge holders do not register their knowledge and therefore they do not get the benefit. It was also pointed out that the rules are not set by the providers of knowledge, but by developed countries seeking to protect their own interests and industries. During the discussion there was an example of someone who wanted to buy the traditional knowledge from some Amerindian people in Iwokrama but they refused. The EPA pointed out that they later seized the specimens from this person. There are also questions of ownership – it must be clear who is a member of the community. This is decided by the community.

Pharmaceutical companies usually want to make a one-off payment for the traditional knowledge and then keep all of the benefit from any product that is developed. GIZ pointed out that up-front payments are not the only option and in fact will not cover future developments and profits. A better approach is to deal with IPR issues in an ABS agreement that should cover listing co-inventors, sharing of licence fees, being involved when licences are given to third parties, etc. Traditional knowledge holders should think of their knowledge and your resources as belonging to the community.

GIZ also pointed that in most cases universities not companies would make the first contact can carry out the research. Communities should not expect monetary benefits from universities because they do not earn money with research; the first benefits that will come are non-monetary benefits, as training, sharing of scientific results, scholarships etc. Most research does not lead to marketable products, so in most cases there will not be any monetary benefits even after a business becomes interested in the material.

In the discussion participants raised concerns about their knowledge being stolen and marketed. It was acknowledged that they need to know their rights and especially, in the case of Amerindian toshaos and communities they need to know the Amerindian Act. JI stressed that Amerindian communities must take responsibility for what happens within their legal boundaries. They should not allow people to come in and stay without getting permission from the Village Council in advance. They should also work more closely with the EPA as the EPA will not give permission unless the community agrees to the research.

There were numerous complaints about the failure of the Ministry of Amerindian Affairs to respond to research requests. JI reminded toshaos that the Minister of Amerindian Affairs cannot give permission for anyone to enter an Amerindian village. The minister can only approve or reject the research proposal.

Session 3: National policy and legislative framework: the Amerindian Act 2006

The Nagoya Protocol (NP) was signed nearly 5 years after the Amerindian Act 2006 (AA) came into force. The Nagoya Protocol sets the standards for access to genetic resources and traditional knowledge and for fair and equitable sharing of benefits. How does the AA match up to the Nagoya Protocol? Fair and equitable sharing requires prior informed consent from the community as well as mutually agreed terms. Amerindians own vast tracts of land. This title is very strong. Amerindians cannot lose their land. It cannot be sold, mortgaged or transferred to anyone else. The Amerindian Act gives communities the



power to control who comes into their village lands and what those visitors can do. Amerindians do not have to let anyone come into their lands. They do not have to share any of their knowledge or any of their resources if they do not want to.

If they decide to share, the person who wants access has to negotiate in good faith and enter into a benefit sharing agreement. Obviously if the community does not like the terms they do not have to agree. Village councils have a legal duty to promote sustainable use, protection and conservation of resources. Are they complying with the Amerindian Act? Only the WaiWai have created a protected area and zoned their land for sustainable use. Village councils also have a duty to protect and preserve the community's intellectual property and traditional knowledge. How many communities are complying with the Amerindian Act? Amerindian communities have the power to make law to protect their genetic resources and traditional knowledge but they are not using their powers under the Amerindian Act.

Session 4a: National system / EPA

Guyana has signed the Convention on Biological Diversity and has an obligation to ensure that there is fair and equitable of sharing of the benefits that come from using traditional knowledge or genetic resources. The Constitution also requires the State to take appropriate measures to conserve and protect resources. There is a national policy on ABS as well as draft regulations and guidelines for biodiversity research. The EPA is the focal point for ABS. Other stakeholders include Ministry of Natural Resources, Ministry of Amerindian Affairs, Protected Areas Commission, Iwokrama, Indigenous Peoples Council. There is one permit for research and a different permit for exporting specimens.

Stakeholders should include the National Toshias Council, relevant village councils and JI which works on ABS issues. Guyana Amazon Tropical Birds Society should also be included as the main organisation working to protect birds and their habitats. They should be on the subcommittee that deals with applications for research. The NTC would like to work more closely with the EPA to protect village lands and resources and get more benefits from research. Toshias expressed concern about the delays from the Minister of Amerindian Affairs.

Session 4b: National system / Iwokrama

Iwokrama is a protected area of 1,000,000 acres with an intact forest. Its mission is conservation and sustainable use of resources in order to provide lasting economic, social and ecological benefits to the people of Guyana and the world. Research, training and the development of technology is also part of Iwokrama's mandate. Iwokrama works in partnership with local communities (some of the toshaos who were present) as well as with the North Rupununi District Development Board (Chairman present) and the Bina Hill Institute (manager present). The board of trustees for Iwokrama includes Sydney Allicock MP (present). There are collaborative agreements with the local communities which provide various benefits including employment, training, and funding for conservation activities including wildlife clubs, business ventures, including tourism. There is considerable support from the EU for these activities. Iwokrama has research guidelines and a policy on intellectual property.



Session 5: The Nagoya Protocol: Building a healthy and sustainable society

People need nature in order to thrive. CI is working on finding ways to reconcile conflicts between indigenous peoples and conservationists. CI is also working with government on the low carbon development strategy which is supposed to lead to a healthy sustainable society. CI has also produced a draft toolkit for village resource development planning.

Session 6: Discussion

The plenary discussion enabled participants to question the presenters in more detail to obtain a better understanding of national law, national policies and national practices as well as conservation activities on the ground. There were many questions about granting access to researchers. Toshaos shared their experiences of research with the other participants.

Day 3

Session 1: Conservation of birds

Guyana is extremely rich in bird life with about 1000 species. It also contains important birding areas, which are areas that are of global significance. However much more needs to be done to protect birds and their habitats. There are threats from mining and forestry which destroy the habitat. Wildlife traders are also harvesting birds unsustainably and populations are under pressure. Birds are an essential part of the ecosystems and an indicator of a healthy ecosystem. Research is important but it has to be better organised. For example, there are reports of students mist netting birds during the breeding season which is very dangerous for the young who then do not get enough to eat. Toshaos also admitted that in their communities many did not know the breeding season for birds and animals.

Session 2: Working groups

1. Traditional knowledge (2 groups): Do you produce products based on TK?

Group 1

- 1) Herbal medicine for stoppage of urine: Sweetheart roots, BuruBuru roots, Watermelon seeds
- 2) Diabetes: Band Corilla, Rose of the Mountain, White Cedar bark, Jamoon seed
- 3) Jaundice: Zebra grass, Pear leaf
- 4) Craft: Nibi, Aqiro, Trulie,

Group 2

- 1) Juru oil: in use for cooking for human consumption
- 2) Cassava, root of cassava, by-products are: cassava bread, farine, casnap, etc.
- 3) Crabwood oil: by-products are soap, skin cream, shampoo, insect repellent etc. It is also used for medicinal purposes for skin complaints

2. How could you bring them to a larger market?

Group 1

- 1) Research could be done
- 2) Seek market for present and future generations



Group 2

We can bring them to a larger market by advertisements and display at all levels, media, web page

Session 3: Case studies: research

Participants were asked to come up with examples from their own experience

1) Bad action by researcher & inappropriate reaction by village

Wakapao Toshao Reg.2

A researcher is in the community now. She was given permission by EPA, MoAA and presented this permission to the Toshao who granted permission to her. The village problem is that her reasons were not clear and specific. No briefing was done. The Village and the Toshao did not ask for a proposal before giving her permission. She is doing work on Arawak culture. She has been doing recording and photographing. She has taken profiles of senior persons and backgrounds of community meetings. She took the information from the person directly. However, she has not been leaving any reports on her findings. Wakapao is the only Arawak speaking community in the area. Toshao never had any information from her of what she has been looking for. When she leaves, she would normally take back everything with her.

2) Bad actions by researcher & appropriate reaction by village

Toshao Cornelius Reg.1, Santa Rosa

A researcher said that he had emailed the Toshao about 6 months ago, before the current Toshao was elected to the office. However the existing Toshao could not find any documents showing that permission was granted. It is not possible to give consent by email, so there should have been a paper record. The NTC also sent a letter informing the Toshao that this researcher would enter the village. The researcher obviously had a permit from the Ministry of Amerindian Affairs to enter the village and conduct research. The Toshao stopped him from entering the village because the rules and law were not followed.

3) Good actions by researcher & appropriate reaction by village

Toshao from Rewa

The local community was catching Arapaima fish to sell to Brazilians. As a result the species was in decline. The North Rupununi District Development Board (NRDDB) communities agreed to come together to protect the Arapaima species. The NRDDB has a management plan for arapaima. The villages have set up fishery committees to protect and use the fish sustainably. Researchers have to go through the NRDDB in order to get permission from the community. There is currently a Brazilian researcher working on arapaima. She has permission from MoAA for (2) years. She will give the village a report of her findings. The researcher is also building a hotel for researchers. She got permission from the village council to construct building. Rewa will gain from the research and from the tourism.

NB: the Aquatic regulations make it an offence to catch arapaima but the regulations are not enforced. Amerindian communities are also not aware when they are acting illegally.



4) Good actions by researcher & appropriate reaction by village
Toshao Rudolph Reg.9

This researcher came through EPA and MoAA. He established a caiman Research Centre under an arrangement with the village council and would leave all information in the village. Local counterparts were trained. People can now continue the research on their own. This researcher has left. However the centre has become a place for tourists as well as research and the village in benefitting economically.

5) Bad action by researcher & appropriate reaction by village
Toshao Bertie Xavier, Reg.9, Woweta

The researcher came from the Jacksonville Zoo in the US to do research on the Cock of Rock bird. Wowetta refused to give him permission because he indicated he was taking samples of these birds back to the US. Hence EPA did not give him the permission.

Session 4: Problem solving

1 How could you deal with these research issues?

Group 1

- In order to get personal gain some individuals in the community encourage researchers to carry our research so all permission etc must go through the Village council not just the Toshao
- Counterparts must be leaders in their communities to deal with contracts and MAT
- Legal advice
- Communities must demand enough time for consultation
- Need to look at benefit sharing
- Trust
- Involvement of the required institutions, eg EPA
- Capacity building in ABS
 - a) Expertise adviser
 - b) Networking with communities
 - c) Need to develop data in communities

Group 2

- 1) The way researcher conducts research in the community
- 2) Communities should benefit from the research
- 3) Local counterpart must be from the community
- 4) Community have MoU with the researcher and a code of conduct
- 5) Research should pay a fee to the community for conducting a research

Session 5: MAT

1 What are your experiences in negotiating agreements?

Agreements can be oral or written, but they should be written to avoid arguments over who said what: e.g. Fairview/Iwokrama collaborative management agreement. There are various issues to be considered:

- 1) Legal advice



- 2) Time
- 3) Consultation and FPIC
- 4) Benefit sharing: e.g. training, medical, transportation, scholarship opportunities, financial, employment
- 5) Trust
- 6) Involvement of recognised institutions as EPA, Ministry of Amerindian Affairs
- 7) using the Amerindian Act 2006

2 What is necessary to improve your capacity in negotiating (ABS)?

- 1) Experts on ABS to provide advice and training
- 2) Develop data resources
- 3) Networking including villages, NGOs, and agencies
- 4) Understanding the agreements
- 5) Education on scientific and traditional values in the villages

3 Group discussion on ABS

Education: The ABS fund should gear funds towards education of youth and young women

Workshops for capacity development: Women are traditional custodians of heritage. The older women carry the knowledge and nurture the children. To the women should be given the opportunity to teach youth traditional knowledge.

Form the women into groups. Women are mostly the ones with the traditional knowledge. There should be an inventory or depository of this knowledge in the village to pass onto the future generations.

Ministry of Amerindian Affairs: The MoAA should help women to document their knowledge. There should be a fund to pay for this. Also if anyone wants to access TK they should pay for it. There needs to be capacity building of Amerindian women who are exploited by coastlanders.

Non-interference of culture / Cultural recognition: Tradition and culture in Amerindian lifestyles usually affect women's roles. Educating women in the importance of their role in their communities without interfering with their traditions would help women to raise their voices in access and benefit sharing in their community. It will also raise consciousness

Empower women through consultations involve them on issues such as the Nagoya Protocol which affects their life

Village rules - general: Ensure that the village rules reflect that women in village have access to research agreements in village. Agreements must not only be accessible by the Toshao or village council but by everyone, including the youths who will take over in future

Village rules - empowerment: Clauses in village rules should specifically address empowerment of women and a sharing in the benefits derived from research etc.

Village rules - level of involvement in determining access and benefit sharing: women must be involved in the decision making process to decide and determine what benefits they want from what access is being granted to.



Research reporting: Reports must reflect the percentage of input that was gained from women. There must be a reflection in research and reports on the contributions made by women and young girls. When the work is done the report must be put in a format that the community can understand, not only the academic format. A presentation of the researcher in the village and visual reporting should be done.

Specific benefits for women and young girls: There were 27 Toshias present, representing every region in Guyana. 16 of them were members of the NTC Executive Committee (which has 20 members). Even so there was no specific mention of what they are putting in place or are working towards putting in place for women and young girls in their communities to reap direct benefits. This is very important as the women do most of the work, including farming, fishing, and even hunting now because men are working elsewhere in mining etc. Almost all Toshias are male, only a few village council members are female.

Education of youths on ABS: Youths should have an idea of what access and benefits are so that they can learn to negotiate in their own behalf the rules on ABS.

The legal framework on ABS: The ABS framework makes general reference to women but specific points in the legal framework that speak to the benefits for women are necessary.

4 Women's group:

The women were asked to form a separate group to ensure that that the perspectives, ideas and concerns of women were expressed and recorded separately.

Perspectives on ABS

- 1) ABS is important to traditional knowledge holders and it creates a framework that provides tangible and/or intangible incentives for the preservation and proper management of traditional knowledge.
- 2) Though the Nagoya Protocol speaks of the “vital role” of women, it would be beneficial to women in male-dominated societies if this point is expanded in specific terms.

What is missing in the discussion so far?

- 1) Education - The education of women and youths on the importance of traditional knowledge and ABS.
- 2) Village Rules – The participation of women in constructing Village rules should be noted as an essential part of the process. Their specific conditions and points of view should be considered. The women in Amerindian communities are the primary source of traditional knowledge and they are the ones to pass this knowledge to researchers and their children (future decision makers in their communities). Rules concerning researchers’ interaction with children should be considered.
- 3) Research Reporting – Research reports must include and acknowledge the role women would have played in the completion of the research – the percentage of the work owed to the knowledge provided by women in the community. Researchers must also provide a copy of their final report in a format that is written in clear, non-technical terms and comprehensive for the community in which the research is carried out.



4) Capacity Building – women must be able to facilitate meetings that empower other women on ABS and traditional knowledge. Therefore it is necessary to train women from various Amerindian communities to conduct their own workshops (training of trainers).

5) Networking/Women’s Groups - a network of women’s groups is important and necessary for passing information and updates on ABS and also, to avoid conflict among traditional knowledge holders.

5 Free Prior Informed Consent

The written and oral results were so comprehensive as to enable the development of a draft FPIC process.

1) What is FPIC?

Free - without compulsion or being forced

Prior - advance notification for consideration

Informed - enough information and time for understanding of the issues

Consent - taking a well-informed decision collectively

2) What should be in the FPIC procedure?

Timeline: specify how much time should be stipulated for prior consent, possibly a month after the receipt of the application from researcher

National Toshao Council and IPC to function as the bodies that receive applications on behalf of the communities and dispatch to the respective villages - serving as the central repository

Drafting of a standard form to state that the researcher is granted permission with terms and conditions

Also on completion of the research the community should document their experience with the researcher including best practices and lessons learned

NTC and IPC to function as an interconnected command centre for processing PIC and therefore should have their own secretariats and facilities to communicate with the communities and agencies.

All grant agencies should practise FPIC

Strengthen relationship between EPA, NTC and IPC

3) Elements of a National Framework for FPIC

NTC should be the central secretariat

Timelines and central procedure, national law must serve as background for this

A central depository of permits and reports should be established, access should be possible by all council villages and relevant authorities

Communities should send in reports giving feed-back on their experience with researchers, reports should be shared and also used by EPA for future permits

If negative reports on the behaviour of individual researchers are sent in, they need to be validated by an independent body before being distributed

A manual is necessary that explains the process to the villages



A fact sheet is necessary that provides overview on procedures, necessary documents and time lines for researchers

4) Suggested Process at Community Level Interacting with National Level

Letter seeking proposal & asking for permission

Discussion in the village council, members of the village

Dialogue with EPA, MoAA, researcher, NTC and any other relevant groups e.g. in the case of research that affects birds, the Guyana Amazon Tropical Birds Society should be invited to comment/give their opinion

Decision making in village council, evaluating all the comments, reservation, seeking consent to engage in negotiations yes/no

Negotiation on benefit sharing between village and researcher, decision to sign contract yes/no

5) Raising Awareness/ Developing Capacity

These suggestions came from the plenary session

Develop a flowchart for the procedure, clarify the roles of the community, the EPA and the MoAA

Summarise the rules and time frames for the permit system showing the legal foundation

Development of the manual on ABS as requested in an earlier session

Amend existing manuals as appropriate

Develop the fact sheet requested in an earlier session

Session 6: Recommendations for Follow-Up (Results of the final plenary discussion)

1) General Recommendations

Guyana should sign up to the Nagoya Protocol

A small group should be formed to organise the follow up: JIG, NTC (which discusses the issue on Friday at the meeting of their Executive Committee), invite the IPC to participate

The follow-up process should include all Toshos

All relevant groups should be included in follow-up activities, e.g. EPA, NGOs operating in Amerindian communities, ministries,

Involve young leaders and women

Bring in women's considerations and recommendations

Develop capacity at local level through the paralegals that were trained by the JI

Enable discussion on valorisation, the questions what to share and what to keep, issues of livelihood and economic development

All approaches and methods need to be adapted to the needs of and usual practices at the community level

Communities have to learn how to use the Amerindian Act and not try to reinvent the wheel

Documents need to be translated into local languages

Work at the community level should be the relevant Amerindian language where those languages are still used



Longer training needed – for example workshops that last 5 days not 3, workshops should be held in the communities, the workshop should include a follow-up programme for longer relationships

The follow up programme should include monitoring of ABS

2) **Recommendations for Specific Activities**

The NTC should write a letter to the Minister of Natural Resources and the Environment asking for Guyana to sign up to the Nagoya Protocol- the NTC Executive Committee will discuss this letter at their meeting immediately after the workshop;

Produce a compilation of policy recommendations by international bodies dealing with indigenous matters, e.g. UN IPPF, 8j working group of CBD, UNESCO etc

Produce a check list on possible benefits, 1) non-monetary 2) monetary

Produce a FPIC flowchart and manual

Provide in depth training for southern communities in Wapichan language

Amend the paralegal manuals to cover ABS

Each community should carry out their own inventory of GR/TK as element of the valorisation of biodiversity

communities / NTC should obtain legal advice before acting on ABS

Use the Amerindian Act to create/amend village rules to cover ABS in more detail

Redistribute village rule template, amend template by ABS elements

Establish oversight about existing village rules

Provide legal training for communities

Provide negotiation training for contracts / MAT

Feedback

See the attached Monitoring and Evaluation report

Presentations

The presentations of the participants will be linked from the pdf version of the report to our website in chronological order.

Day 1

[The ABS Capacity Development Initiative - Dr Hartmut Meyer, ABS Capacity Development Initiative](#)

Transforming wealth into knowledge – Melinda Janki, Executive Director, Justice Institute Guyana

Opening Remarks - Ulrich Kinne, Deputy Head of Mission, Embassy of the Federal Republic of Germany, Trinidad and Tobago

Keynote Address – His Excellency Robert Kopecky, Ambassador, Delegation of the European Union to Guyana



[The Nagoya Protocol on Access and Benefit Sharing: Key Features – Dr Hartmut Meyer, ABS Initiative](#)

Day 2

[Valuing Biodiversity - Calvin Bernard, University of Guyana](#)

Access and Benefit Sharing: intellectual property issues – Teni Housty, Attorney-at-law

[The Amerindian Act 2006: how does it match up to the Nagoya Protocol – Melinda Janki, Executive Director, Justice Institute Guyana](#)

[The Nagoya Protocol: Building a healthy and sustainable society - David Singh, Executive Director, Conservation International](#)

[ABS in Guyana – Diana Fernandes, Environmental Protection Agency](#)

[Access and Benefit Sharing: Iwokrama’s Experience - Vanessa Benn, Iwokrama](#)

Day 3

[Conservation of Birds - Andy Naraine, Guyana Amazon Tropical Birds Society](#)



Annotated Agenda

Day 1: Tuesday, December 3, 2013

- ABS Workshop Launch/Introduction**
- 08:45 Arrival and Welcome
Moray House Trust
- 09:00 Launch of the workshop
Keynote Speaker:
- 09:30 Presentation of the film People, Plants and Profits - The Nagoya Protocol on Access and Benefit-Sharing
- 10:00 Closing and departure to ABS Workshop venue
- The Nagoya Protocol on Access and Benefit Sharing**
- 11:15 Registration at workshop venue
- 11:30 Welcome & explanation of the 3 days
Introduction of the Justice Institute and ABS Initiative
- 11:45 Introduction of participants
- 12:00 Baseline study: Explanation in English and Wapichan; questionnaire, interviews
- 12:30 LUNCH
- The Nagoya Protocol on Access and Benefit Sharing: Key Features**
- 13:00 Introduction to the Nagoya Protocol and key concepts
- 14:00 Group Discussions
How can negotiation capacities be improved?
How can contracts be enforced?
What benefits do you expect to receive?
- 15:00 BREAK
- 15:30 How can a monetary value be established for GR/TK
Is the establishment of indigenous protected areas useful for protecting GR /TK / ABS issues?
How can awareness on the Amerindian Act and related legislation be increased?
- 17:00 CLOSE

Day 2: Wednesday, December 4, 2013



Laws and Policies on ABS in Guyana

08:30	Registration
09:00	Valuing Biodiversity -
10:00	ABS and Intellectual Property -
10:30	BREAK
11:00	Group Discussion
12:00	LUNCH

National policy and legislative framework

13:00	The Amerindian Act 2006: how does it match up to the Nagoya Protocol –
13:30	Group discussion
14:00	The Nagoya Protocol: Building a healthy and sustainable society -
14:30	ABS in Guyana –
15:00	BREAK
15:30	Access and Benefit Sharing: Iwokrama’s Experience -
16:00	Discussion
16:30	CLOSE

Day 3: Thursday, December 5, 2013

08:30	Registration
09:00	Conservation of birds -
10:00	Working groups on Traditional Knowledge
10:30	BREAK
11:00	Case studies: Research
12:00	LUNCH
13:00	Problem solving: group work and presentation
14:00	Mutually Agreed Terms
14:30	ABS in Guyana: discussion and presentation by groups; separate presentation by the women’s group
15:00	BREAK
15:30	FPIC at community level on ABS
16:30	Recommendations
17:00	CLOSE



List of Participants

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Note: Most of the residents of the interior do not have access to email. They communicate via telephone or by coming to the office.



Contact

For questions and comments on the workshop please contact the organizers

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