

## Expert Workshop on *The Nagoya Protocol: Opportunities and challenges for protected area & forest governance*

14.-16. November 2012  
GIZ, Eschborn, Germany

### Background

The “Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization” (Nagoya Protocol), adopted in October 2010 by the tenth Conference of the Parties of the Convention on Biological Diversity (CBD), is a key milestone representing internationally agreed and binding guidelines for access to genetic resources (GR) and associated traditional knowledge (aTK) and a fair and equitable sharing of benefits arising from their use.

In implementing the Nagoya Protocol, interlinkages with protected area as well as forest governance, need to be taken into special consideration. Bioprospecting activities often take place within protected areas, which are repositories of genetic diversity. In many countries forest areas in general harbor the large majority of terrestrial genetic resources and are thus among the most relevant bioprospecting locations. In both contexts, conservation is often closely linked to local communities, their traditional knowledge and customary use practices. However, relevant policies and institutional frameworks are usually not well integrated with each other, thus complicating access to resources and equitable benefit sharing: For instance, land and resource tenure issues create complex legal situations, as they define, among others, the rights to use and control genetic resources in those areas. This and other aspects contribute to the complexity of ABS-related considerations in protected areas and forest ecosystems and thus require special attention.

For this reason, it is of great importance to inform stakeholders involved in these governance processes about the interlinkages, to build awareness and capacities amongst them, to stimulate the development of relevant institutional and legal reforms, and to foster cooperation at the national and regional level. This expert workshop will be convened by the ABS Capacity Development Initiative ([www.abs-initiative.info](http://www.abs-initiative.info)). It will also form part of joint activities between the ABS Initiative and IUCN under the BIOPAMA project, which provides opportunities to implement linkages between ABS and protected areas in the ACP region. The workshop will build on previous outputs from meetings held in June 2009 (Pan-African Workshop on ABS and Forests, Nairobi, Kenya), in July 2011 (International Experts Meeting on ABS and Protected Areas, Gland, Switzerland) and in December 2011 (Informal experts’ meeting on the conceptual interfaces between protected areas management, forest governance and ABS).

### Key issues proposed for discussion at the Workshop

#### 1. Complementarity of the three frameworks at a conceptual level

The key question here is how the three frameworks can advance sustainable use and conservation most effectively, more specifically: what are the **benefits, comparative advantages and best practices from all three frameworks** and how can they be used and realized in a most efficient way? What can the different areas learn from each other? **Awareness-raising** about the complementarities of the three frameworks was recognized as one of the great challenges. Ways and means to sensitize the different stakeholder groups therefore need some special attention, as well as the specific information requirements.

## 2. Stakeholder involvement

Key in this context is the **identification of the relevant stakeholders**, as well as to clarify how to **use existing participatory mechanisms for access to resources and benefit-sharing** and to create synergies in the three areas. Experiences around public-private partnerships or community-based natural resource management could be of particular interest.

## 3. Addressing common governance challenges

**Common governance challenges** need to be **identified**. For example, **conflicting rights to natural resources in one geographical area, the distinction between utilization and ownership, links between statutory and customary law/governance**, as well as **transboundary situations**.

## 4. Compliance with different access regimes to the resource(s)

Compliance with different access regimes is a key issue, in particular from a **user perspective**, and the **minimization of transaction costs and demands on stakeholders** play an important role. Therefore, **clear and coherent regulatory frameworks** are necessary in all three areas.

## 5. Setting up "Win-win-win" systems between the three areas

Finally, in setting up new systems, the **"win-win-win" fields between the three areas** need to be identified and exploited. The core issue here is how to **maximize the benefits for protected areas management and forest governance from the implementation of the Nagoya Protocol on ABS**. Questions in this context can include, among others: How can **elements of one process** make the other(s) more effective & efficient? How to **include ABS into existing certifications & monitoring standards** (e.g. FSC)? How to make use of **existing benefit-sharing schemes for ABS**, especially in PAs and Forests? How to **cross-leverage the rights of indigenous and local communities**?

## Expected Outputs

- Identification of the key aspects of the interfaces between protected areas management, forest governance and ABS: What are the most challenging issues in practice? Where are the opportunities? What is the role of resource governance, ownership and utilization rights? What are further cross-cutting issues?
- Improved understanding of how protected areas and forest policies can be used to strengthen ABS implementation and *vice versa*.
- Policy recommendations to ABS, protected areas and forest policy makers
- Recommendations identifying concrete ways to implement those policy recommendations: How do we bring theory into practice?

Discussions at the workshop will draw on inputs by the expert participants, to be prepared ahead of time. These will include a discussion paper on the interfaces between the three frameworks, a draft checklist for ABS policy-makers and presentations of case studies.

The outputs of the workshop will help relevant policy makers and practitioners on the ground to implement ABS, protected areas and forest policies in a coherent manner and at the same time provide guidance to the ABS Initiative and its partners (including under the BIOPAMA project) for further capacity development activities.

## Participants

Up to 30 participants including experts from the three policy fields (ABS, Forests and Protected Areas).

## Contact

Barbara Lassen  
GIZ  
ABS Capacity Development Initiative  
[Barbara.lassen@giz.de](mailto:Barbara.lassen@giz.de)  
[www.abs-initiative.info](http://www.abs-initiative.info)