

DAY ONE

Session 4. Convention on Biological Diversity: Making access decisions

The adoption of the CBD in 1992 was a milestone in international environmental law and has shifted the paradigm regarding policies and rules governing access to and use of plant, animal and microbial genetic resources. Prior to 1992, in international law, free access and the principle of the common heritage of humankind ruled the use of genetic resources. As of 1992, States' sovereign right to regulate how and under what conditions their genetic resources may be accessed was underscored in the CBD.

This sovereign right does not necessarily imply that States have property rights over genetic resources; rather, sovereignty refers to a faculty and right to enact laws and regulations. The specific legal status or the answer to the question of who owns genetic resources will be defined and responded to according to different legal traditions and national constitutions.

In this session we analyze the implications of one of the fundamental shifts in the social and legal conceptualization of PGRFA, i.e., the emphasis on state sovereign control over access to those resources. The CBD is one of the primary international instruments which promotes this approach.

Instructions to Trainers

SESSION 4

15:45 – 17:15 **Session 4. Convention on Biological Diversity**

OBJECTIVES

By the end of this session participants will be able to do the following:

- Analyse and apply key principles of the Convention on Biological Diversity in regard to access to genetic resources and benefit sharing.

Use overhead 1.4.2 to present the session's objective (5 minutes)

PROCEDURE

Learning Strategies: presentation, plenary discussion.

Make sure that handout 1.4.2 is sent to the participants prior to the workshop. Prepare extra copies for distribution if necessary.

PRESENTATION

(experience) Give a brief presentation on the Convention on Biological Diversity. Before you begin your presentation, distribute the Summary of Overheads (handout 1.4.1) and Exercise 4 (Handout 1.4.3). You will find the information in handouts 1.4.2 and 1.4.4 very useful. Overheads 1.4.2 to 1.4.18 support the presentation. Make sure that the participants understand that this presentation will be followed by a plenary discussion. Invite the participants to take notes during the presentation, using handout 1.4.4. At the end of the presentation, be sure to ask the participants if

they have any comments or questions, or if they need clarification. (25 minutes)

EXERCISE 4

Exercise 4. Reflecting on the Convention on Biological Diversity (CBD) and Its Implications (45 minutes)

Phase 1. Plenary discussion

1. (*process, generalization*) Facilitate a plenary discussion based on the questions in handout 1.4.3. Reinforce lessons learned from this exercise. (35 minutes)
2. (*generalization*) Summarize the discussion and provide feedback on the participation. Ask questions such as, ‘How did you feel doing this exercise?’ and ‘What did you learn?’ to stimulate discussion of the process. (10 minutes)

CLOSURE

Closure (5 minutes)

1. (*application*) Ask the participants, ‘What might you do differently in your job as a result of what you have learned?’
2. Make a transition to the next session.

17:15 – 17:30 Feedback on the Day’s Activities and PAPA

OBJECTIVES

By the end of this session, the participants will be able to do the following:

- Provide feedback on the day’s activities.
- Consider possible actions they would like to take in their own organizations.

PROCEDURE

Training technique: individual exercise.

FEEDBACK

Highlight positive and negative points of the day. Note areas that may need additional attention in the workshop. Participants can describe some strengths and weaknesses of this day on handout 1.4.4. (5 minutes)

PAPA

(application) Ask the participants to take time to jot down some action ideas they may have for themselves as a result of today's activities. They can use handout 1.4.5. (10 minutes)

Remember to invite a volunteer to prepare a brief report of this day, summarizing major lessons learned, for presentation during next day's pre-session.

Prepare a summary of the day's evaluation for next morning.

Reminder: Make sure that all materials for Day 2 labelled 'handouts' (see page headers) have been photocopied.