

# IDLO Evaluation Brief

## EVALUATION OF THE “IDLO/SCBD CAPACITY BUILDING PROGRAMME TO SUPPORT THE IMPLEMENTATION OF THE NAGOYA PROTOCOL”

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### 1. Introduction and Background

The Convention on Biological Diversity (CBD) was adopted in 1992, with fair and equitable sharing of the benefits of biodiversity as one of its three objectives. The entry into force of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits (the Nagoya Protocol) in 2014 represented a major milestone in this regard. It constituted a global commitment to action on genetic resources access and benefit sharing (ABS) and called upon member parties to develop relevant legislative, administrative and policy measures.

Recognizing the challenges of implementing the Nagoya Protocol and the limited legal knowledge and implementation capacity of several countries in this regard, the Protocol Parties highlighted the urgent need to fill this gap. Within this context, the Secretariat of the Convention on Biological Diversity (SCBD) has partnered with the International Development Law Organization (IDLO) to strengthen domestic legal frameworks to implement and enforce legislative, administrative or policy measures on ABS.

This partnership materialized in the “Capacity Building Programme to Support the Implementation of the Nagoya Protocol” (the Program), jointly implemented by IDLO and the SCBD between 2015-2017 with funding support of EUR 585.002 from the Japan Biodiversity Fund (JBF). The main components of the Program were: (i) developing user-friendly learning materials on key themes related to domestic legislative, administrative and policy measures on ABS; (ii) targeted courses for lawyers and policy-makers on domestic ABS regulatory frameworks; and (iii) hosting/facilitation of a global community of practice of ABS lawyers. This Evaluation Brief presents the main findings of the program evaluation.

### 2. Evaluation Purpose and Methodology

The purpose of this evaluation, carried out by an international independent expert, was to: (i) assess the extent to which the expected results were achieved; and (ii) identify lessons learned with a view to guide similar interventions in the future. The evaluation was conducted

using a “theory-based” approach, where the reconstruction of the Program’s Theory of Change (ToC) allowed for presenting the overarching rationale behind the intervention. This led to the establishment of the causal link among activities, outputs, outcomes, and impacts. Subsequently, evaluation questions and indicators linked to the ToC have been formulated to gauge the program’s Relevance, Efficiency and Effectiveness, as well as its Impact and Sustainability prospects (based on the OECD/DAC approach). A criterion looking at ‘IDLO’s value added’ was also added.

Data for this evaluation was collected through a desk study with structured/semi-structured interviews and focus group discussions. The gathered data was triangulated to ensure its validity.

### 3. Findings

#### Responsiveness to the needs of key stakeholders

The Program was aligned with the Strategic Framework for Capacity-Building and Development to Support the Effective Implementation of the Nagoya Protocol on ABS, and strategic priorities of SCBD, IDLO and the Protocol Parties to build capacity for developing, implementing and enforcing domestic legislative, administrative and policy measures. Program activities such as e-learning courses, face-to-face workshops and networking tools responded to the needs of lawyers and policy makers to develop individual skills and enhance global networking among concerned professionals.

#### Allocation of staff/financial resources and monitoring

IDLO staff and financial resources were allocated appropriately to facilitate achievement of Program objectives. The Program team was supplemented by a pool of outsourced consultants and peer reviewers (GIZ, UN agencies, among others). This enhanced results and created synergies and partnerships within stakeholders working on ABS. There were some delays in Program implementation due to significantly longer time spent on a review and elaboration of the e-learning material, but these delays were justified by better quality of the end-product. Savings accrued through the organization of regional instead of global trainings were channeled towards costs of e-learning materials.

Monitoring at activity and output levels was carried out, allowing for analysis of how implemented processes supported the achievement of immediate results. Monitoring data at outcome and impact levels was more fragmented and there was no consistent reflection on the outcomes of Program support. This is a clear area for improvement of the Program.

#### Learning material designed in line with best practices

The Program succeeded in designing a quality capacity building package that includes e-learning sessions, face-to-face workshops and online discussion platforms covering key themes and the latest knowledge related to the *establishment* of domestic ABS legislative, administrative and policy measures. However, the capacity building package did not cover issues that are relevant for the actual *implementation* of adopted ABS measures. Another weakness of the learning material, as perceived by training participants, was its heavy focus on legal aspects of the Nagoya Protocol, making it difficult to follow for practitioners without legal background.

#### Individual capacity development of key stakeholders

The Program contributed to a satisfactory extent to the increased knowledge and ability of national lawyers and policy makers on ABS legislative, administrative and policy measures. The capacity building package was particularly important for countries/participants which are just entering the Nagoya Protocol implementation process. However, due to limited information on ways in which to implement such measures, the program was not seen as fully useful for those countries/participants that are already advanced in ABS issues and actual implementation. To fill this gap, the Program supported the creation of a network where experts could continue to discuss and interact on implementation issues. This should enable them to generate and exchange knowledge on aspects that could not be fully covered by the capacity building package.

#### Access to the global community of practice

The Program shows limited results in terms of its contribution to increased access of ABS stakeholders to the global community of practice. The intervention made considerable investments to stir knowledge exchange through Facebook. However, the majority of trainees did not see it as an effective platform for networking and obtaining information on ABS-related issues. Stakeholders noted that Facebook, as a broad social network, did not prove to be a suitable interface for information sharing on specialized technical topics. The Program team also facilitated occasional webinars as means for exchange of updates and information, but the utility of this tool has been low. While some experts from Latin America created

a WhatsApp group for information sharing, the evaluation could not establish the actual utilization of this group. Tools such as the Newsletter and website were considered useful information sources although they served as one-way communication channels. Generally, despite efforts of the Program to facilitate cross-regional exchange and networking, there was little success in this regard.

#### Improvement of national capacities

Program activities in support of the lawyers and policy makers dealing with ABS issues improved, to a certain degree, national capacities to design legislative, administrative and policy measures to implement the Nagoya Protocol. The Program managed to select a pool of relevant practitioners from participating countries, ensuring that capacity building support targets people working on drafting and/or reviewing the ABS legislation and policies. Evidence of increased national capacity was found, for instance, in revisions and/or development of ABS legislation in countries such as India, Namibia and Vietnam. However, it was outside the scope of this evaluation to assess whether capacities have increased in all of the trainees' countries of origin. A common barrier to the application of newly acquired skills/knowledge was the lack of understanding on the part of policy makers as to why certain advancements were needed.

#### Continuous development of legislative, policy and administrative measures

There is evidence of countries undertaking further steps for the development or revision of national ABS regulatory frameworks with a view to operationalize the Nagoya Protocol. It can be assumed that, in the long run, improved ABS measures and legislation will bring forward fair and equitable sharing of benefits from the utilization of genetic resources between those who use them and those that provide them.

## 4. Conclusions

#### Relevance

The Program has been relevant as it addresses important institutional capacity challenges in line with the strategic priorities of key stakeholders including SCBD and IDLO. The capacity building package represented a rare opportunity for receiving much needed professional training on issues related to ABS and the Nagoya Protocol as there are not many other opportunities to get such training.

#### Efficiency

The Program was relatively cost-effective and used well the available human resources. Delays encountered in the initial phases of the Program were justified, as more time

invested in the development of e-learning material resulted in more comprehensive resources for broader use than initially planned. The core project team was lean, with a large pool of external consultants and peer-reviewers, which was seen a positive feature, enhancing partnerships and synergies among stakeholders active in ABS issues. However, the Program did not invest in more coherent monitoring of outcomes, which did not allow for a thorough reflection on progress made in all targeted countries. The internal monitoring component is identified as an area of improvement for similar Programs in the future.

### Effectiveness

Based on the proxy data acquired, the Program's higher-level results (i.e. outcome and above) are limited. The intervention provided an effective support to the establishment of comprehensive resources and trained selected national experts and practitioners on key themes such as knowledge/skills needed for the establishment of domestic ABS legislative, administrative and policy measures. However, the capacity building package did not cover areas essential for the actual implementation of policies and legislation relating to the Nagoya Protocol. Also, the Program did not succeed in maintaining a vibrant network of trained experts (addressing also post-training knowledge sharing).

### Impact Prospects

If reaped, the results achieved within the Program, at all levels, have the potential to make a positive impact in terms of contributing to the development of (basic) ABS policies and legal systems to implement the Nagoya Protocol. This would require an intensive follow-up and continuous investment in capacities and knowledge of core teams working on ABS issues. There are examples of countries that succeeded in strengthening legislative and policy documents on ABS, due to, inter alia, the increased capacity of professionals working in this field (and their retention).

### Sustainability Prospects

The sustainability of acquired knowledge and skills is naturally high at an individual level – among lawyers and policy makers participating in the course. However, sustainability prospects decrease at institutional and/or country level since individuals (and not institutions) were selected to partake in the Program capacity building efforts. There is a significant risk of losing these capacities, if staffing or personnel changes happen.

Produced training packages, particularly the e-learning material, provide a solid basis for continuous capacity building (and further development of the material for wider use) as foreseen by the Program partners. There is also intention by other national and international agencies to use the material in their capacity building efforts, which may foster sustainability of Program's results in the

medium term. Further utilization of the produced materials will also depend on the level to which IDLO or SCBD will carry out the necessary updates of materials to ensure continued relevance, which would in turn ensure further use.

The Program's potential for longer term sustainability is diminished by the fact that the intervention did not create a global, institutionally embedded critical mass of experts/trainers who could replicate face-to-face trainings at country or international levels.

### IDLO Value Added

Using IDLO's experience, the Program pioneered the production of systematic e-learning materials on key themes and issues relating to ABS and the Nagoya protocol and making it available for wider use. Moreover, the capacity building initiative leveraged interest and/or support from other development partners such as GIZ, UNDP, IUNC, UNEP.

## 5. Recommendations

### Operational Recommendations (O):

- O1 - Explore innovative and incentive-based options for establishing and maintaining a dynamic global network/community of practice on the ABS and Nagoya Protocol which will be sought and valued by the relevant stakeholders because of its high functionality and utility;
- O2 – To complement the e-learning, consider providing budget allocations for annual face-to-face meetings of the network/global community of practice on the ABS and Nagoya Protocol to enhance its ownership and effectiveness;
- O3 - Ensure that e-learning materials can be well utilized also by those with no legal background;
- O4 - Ensure that cross-regional nature and implications of the Nagoya Protocol are well integrated in the e-learning materials;
- O5 - Consider organizing Training of Trainers (ToT) at regional and/or global level, to ensure a possibility for replication of the trainings for those parties that use only the e-learning materials;
- O6 – Embark on a detailed mapping of all ABS projects to identify synergies and complementarities. Subsequently, these shall be addressed within the training modules to enhance overall quality of the ABS implementation;
- O7 - Continue systematic updates of training materials.

Strategic Recommendations (S):

- S1 - Expand the Program to include other relevant geographical areas (i.e. both provider and recipient regions and countries);
- S2 - Encourage strategy-level interactions between user and recipient countries;
- S3 - Embark in designing advanced learning/training modules on strategic issues related to the utilization of legislative, policy and administrative measures for operationalization of the Nagoya Protocol.
- S4 – Explore the possibility to introduce viable internal monitoring systems to track results at the output as well as the outcome levels.