CONNECTING THE DOTS…

BIODIVERSITY CONSERVATION, SUSTAINABLE USE AND ACCESS AND BENEFIT SHARING

With a focus on Cameroon, Madagascar, Namibia, and South Africa

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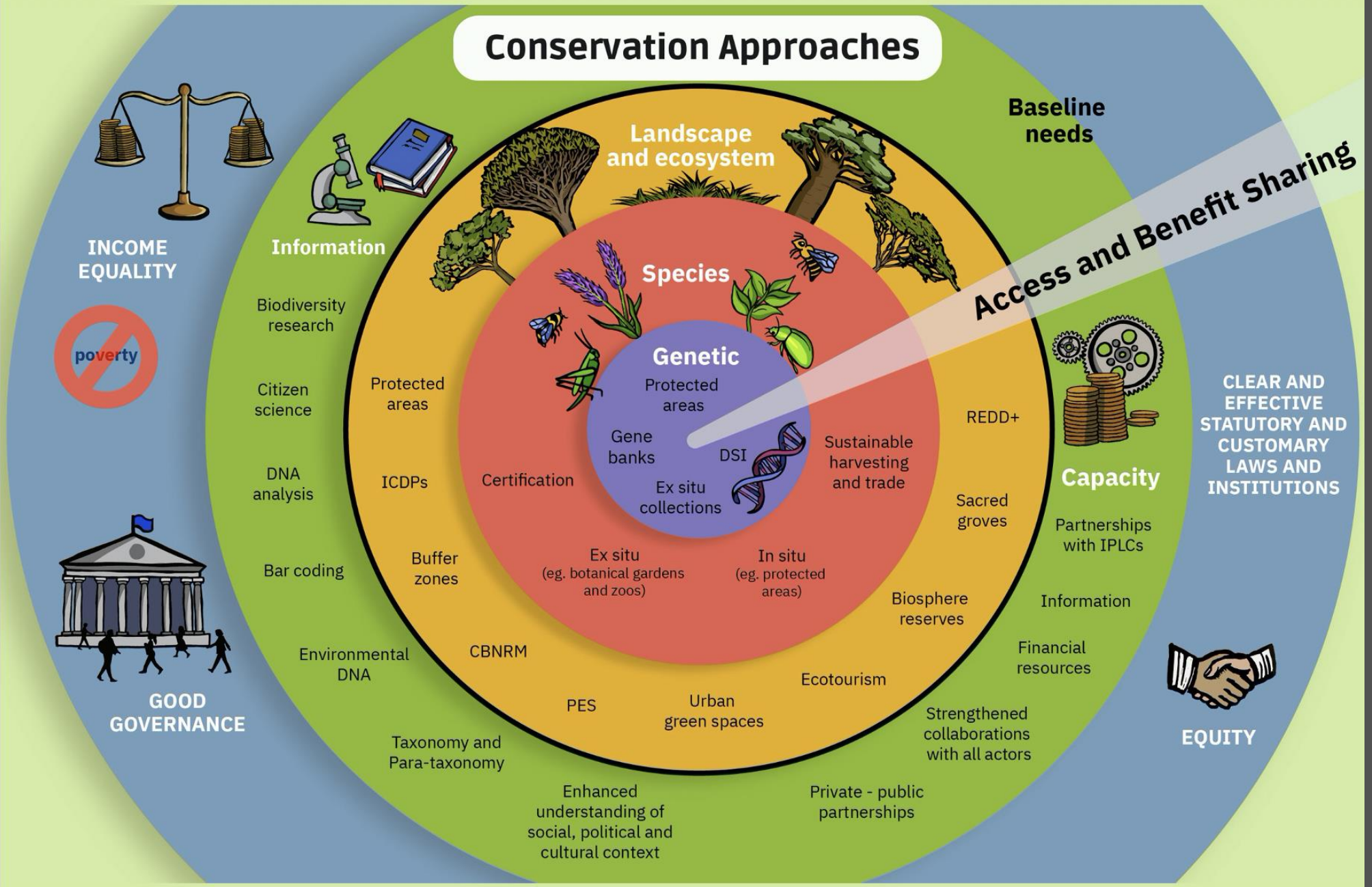
BIO INNOVATION AFRICA

PROJECT OVERVIEW

- This project is identifying **relationships** between conservation and ABS, in order to support governments and others as they work to implement ABS measures to "**connect the dots**"
- **Interviews held with 85 individuals** from governments, research institutions, NGOs and the private sector, in the four Bio-Innovation Africa countries of Cameroon, Madagascar, Namibia and South Africa, and also globally
- **Literature review** at global and national level (eg CBD reports, published articles, national laws, existing and historical ABS measures, partnerships and agreements)



Source: Laird, S.A. and R. Wynberg. 2021. *Connecting the dots: Biodiversity conservation, sustainable use and access and benefit sharing.* BioInnovation Africa (implemented by GIZ and funded by BMZ), Voices for BioJustice, People and Plants International, and University of Cape Town.

CONSERVATION APPROACHES

LANDSCAPE AND ECOSYSTEM LEVEL: eg protected areas, integrated conservation and development approaches such as CBNRM, buffer zones, biosphere reserves

SPECIES-LEVEL: eg sustainable harvesting, changes in production practices

GENETIC LEVEL: eg gene banks, botanical gardens

INFORMATION FOR MANAGEMENT AND CONSERVATION: eg biodiversity research, taxonomy, inventories, para-taxonomy, citizen science, DNA barcoding, environmental DNA

IMPROVED MANAGEMENT CAPACITY: eg information, training, support to protected areas, governments, communities, and others

TRADITIONAL KNOWLEDGE, RESOURCE MANAGEMENT AND RIGHTS

- IPLCs are **custodians** of 80% of the world's biodiversity - conservation and sustainable use in their territories is integral to the way of life for many
- Biocultural diversity approaches to conservation can be a **powerful tool** for sustainability
- Greater recognition of TK and customary law through ABS can help **strengthen conservation and sustainable use**
- Africa **lags behind other regions** in recognition of IPLC land rights

TRADITIONAL KNOWLEDGE, RESOURCE MANAGEMENT AND RIGHTS

- Despite these connections, **ABS laws and approaches** have **not** been **successful in linking TK and conservation**
- **Lack of legal recognition of land and resource rights** is not only an injustice to IPLCs, but also makes conservation initiatives, including ABS, less likely to succeed
- ABS an **opportunity to strengthen the links to conservation** and also enable strengthened rights

Traditional Knowledge, ABS and Conservation

Indigenous peoples and local communities are the stewards of 80% of global biodiversity

Biodiversity protectors

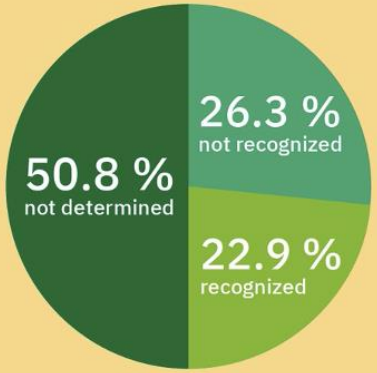
Commercial use of TK and resources

But this connection can be severed...

- Land grabs and historical dispossession.
- Lack of legal recognition of IPLCs as resource guardians.
- Limited resource rights.
- Some laws regulate resources and TK separately.
- Some benefit-sharing agreements do not recognize IPLCs' stewardship.

Some ABS challenges

- Challenges in identifying owners of TK.
- Who represents IPLCs and provides consent?
- Are benefits shared equitably?
- Do benefits support biodiversity conservation?



Rights to land of IPLCs globally

ABS can support equity and IPLCs' conservation and sustainable use of biodiversity

... by bringing TK and customary law into conservation

... by supporting sustainable harvesting and recognizing customary practices

... by supporting community-based monitoring of biodiversity

... by building local capacity for conservation

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INTEGRATING CONSERVATION AND ABS GOVERNANCE

- Although ABS laws may include conservation, **implementation is a challenge**
- Implementation constraints include a **lack of capacity** and **budgets**
- A focus on equity and regulatory compliance often **turns attention away** from **conservation** and **sustainable use**

INTEGRATING CONSERVATION AND ABS GOVERNANCE

- Conservation is "**everywhere and nowhere**" - many other statutory laws, policies and initiatives but have not linked strongly to ABS
- When intact, customary law can play an important role, but **ABS approaches** have **not adequately incorporated customary practices and laws**
- Governments have often **struggled to put ABS systems in place** and to **link ABS** to **conservation**. Some groups have been proactive and there are interesting approaches emerging from other countries (eg Brazil)

GENERATING CONSERVATION BENEFITS FROM ABS

HISTORICAL EXAMPLES OF BIODISCOVERY AND BIODIVERSITY BENEFITS:

COSTA RICA: InBio-Merck – protected area funding, parataxonomy, biodiversity research

AUSTRALIA: AstraZeneca/Griffiths University - biodiversity research in biologically diverse marine and terrestrial environments, taxonomy, inventories, technology transfer, capacity building

MADAGASCAR: ICBG partnership – conservation activities and economic development

CAMEROON: NCI and *Ancistrocladus korupensis* – research on cultivation and harvesting, inventory data for the national park

EXAMPLES OF BIOTRADE AND BIODIVERSITY BENEFITS:

SOUTH AFRICA: baobab – outside of the ABS agreement a Trust has been set up to promote conservation and replanting

SOUTH AFRICA: *Pelargonium sidoides* – Biodiversity management plan

NAMIBIA: Resurrection bush and *Commiphora* – species-specific harvesting plans linked to conservancies and CBNRM

Mechanisms and Tools for Benefit-Sharing

Supporting negotiations:
- Clear laws
- Customary governance
- Biocultural protocols
- Codes of conduct
- Institutional policies
- Standards

Providers
of Genetic Resources and Associated Traditional Knowledge

ABS negotiations

Users
of Genetic Resources and Associated Traditional Knowledge

Mutually agreed terms

TOOLS

Benefit-Sharing agreements

Research collaboration agreements, Memorandums of Understanding

Contracts

Benefits

Monetary

Non Monetary

National trust fund
- Fees
- Royalties
- Payments
- Taxes, levies

Community trust fund

Research institutions

NGO fund

Global fund

Conservation agency

- Research facilities
- Technology transfer
- Training
- Research support

Biodiversity knowledge

- Capacity and training for protected area management
- Community based conservation
- Resource assessment
- Management plans
- Conservation strategy planning

Strengthened land and resource rights

Fees
Levies

Digital Sequence Information

- Physical samples
- Negotiation
- Two parties

- Collaborative research
- Information and understanding of biodiversity
- Free flow of materials and knowledge

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PROS AND CONS OF DIFFERENT FUNDING APPROACHES

MECHANISM	ADVANTAGES	DISADVANTAGES
NATIONAL TRUST FUND	Often legally prescribed, clear rules for management	Accountability and transparency issues, funding used for other purposes (not conservation), links to geographical area and resource not explicit, representation of all parties challenging
PUBLIC RESEARCH INSTITUTIONS	Good accountability and transparency, funding links with activities that support conservation	Funding might benefit individual research interest rather than conservation priorities
CONSERVATION AGENCY	Focused mandate, established legal structure, strong conservation knowledge	Limited reach, not representative, lack of administrative capacity, high levels of bureaucracy

MECHANISM	ADVANTAGES	DISADVANTAGES
COMMUNITY TRUST FUND	Community led and governed, should address community priorities, localized impacts	Resources often occur more widely, other priorities might trump conservation, supportive non-community voices may be excluded
NGO	Flexible and agile, community knowledge likely, strong conservation mandate likely, typically good capacity and knowledge	May be too localized or too big to be effective locally, funding and status often insecure
INDUSTRY INITIATIVE/ PRIVATE FUND	Efficient fund disbursement, easy to use, good knowledge of the resource and markets	May lack credibility and trust, priorities may not be democratically determined, governance may not be inclusive
GLOBAL FUND	Can accommodate resources and knowledge which straddles borders, useful for channeling benefits arising from DSI	Complex governance and representation, overhead costs could outweigh benefits, detached from local realities, those with capacity and knowledge will benefit, achieving equitable distribution challenging

ABS AND CONSERVATION
A framework of options

EMBEDDING CONSERVATION IN NATIONAL ABS LAW AND POLICY

- Embed biodiversity conservation as a **fundamental principle** and component of any ABS agreement or approach from the start
- Require monetary benefits to go to entities that will **implement conservation**
- Require consent of IPLCs, and **share benefits directly** with them

EMBEDDING CONSERVATION IN NATIONAL ABS LAW AND POLICY (CONT..)

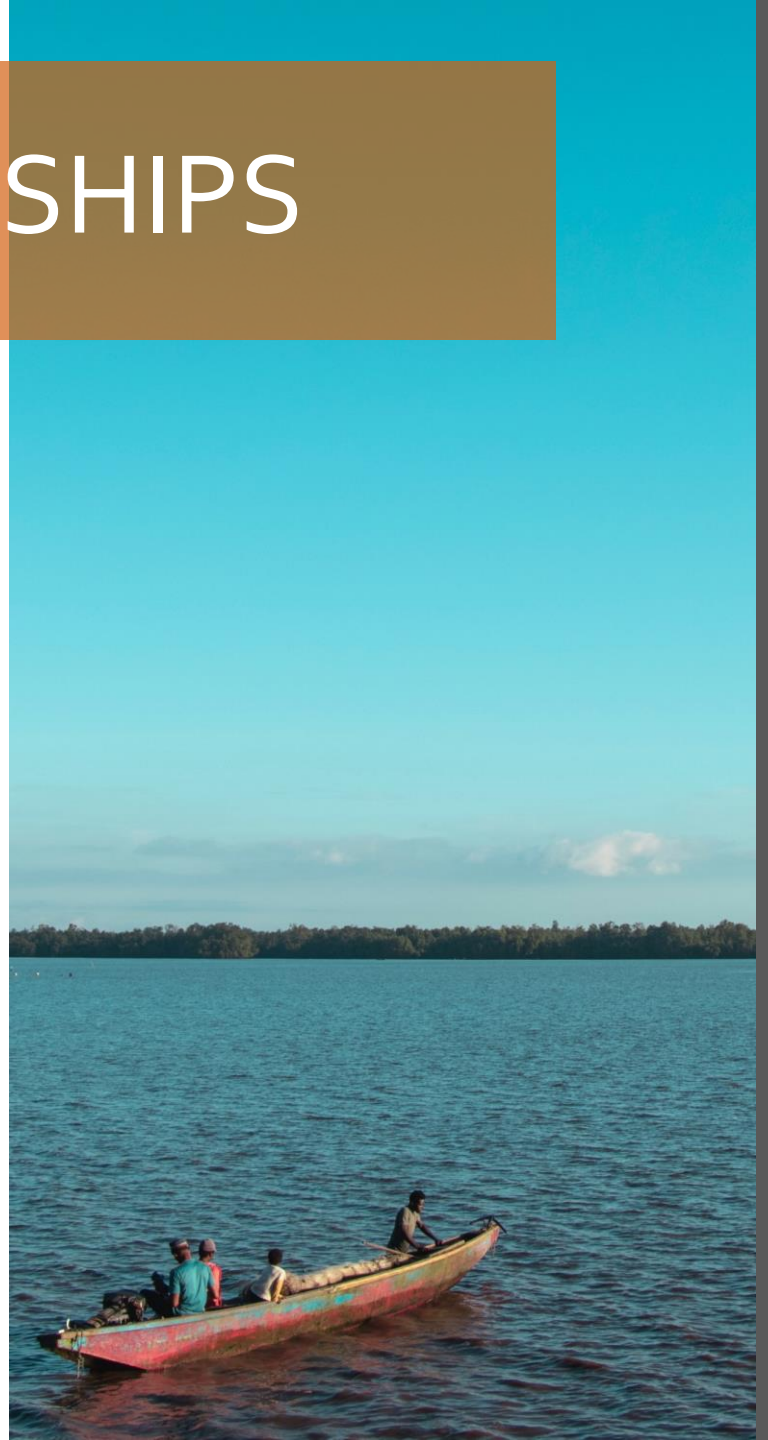
- **Link TK** and **stewardship of** genetic and biological **resources** within laws
- Link private landowners, IPLCs, conservation managers and other resource providers to **clear conservation actions**
- Provide **tangible** and **concrete options for implementation**

EMBEDDING CONSERVATION IN NATIONAL ABS LAW AND POLICY (CONT..)

- **Coordinate** with other institutions implementing conservation policies and laws
- Use existing approaches that are **tried and tested**
- Require **partnerships** with local research institutions, NGOs and conservation agencies
- Have **clear guidelines** for committees and decision-makers that embed conservation as a principle for making decisions about benefit-sharing agreements and permits
- Ensure a **wide and diverse range of stakeholders are represented** in relevant boards and committees that oversee ABS implementation

FOR BIODISCOVERY PARTNERSHIPS

- Adopt an **ecosystem, biome and landscape approach** based on conservation priorities
- **Ensure linkages** between non-monetary benefits and conservation (eg inventories or management research for threatened species; capacity building to strengthen biodiversity research, biodiversity data sharing)
- Channel a portion of financial benefits – eg fees, milestone payments, royalties – **towards conservation areas and activities**
- Establish **monitoring systems** that track and measure the impact of ABS on conservation and sustainable use



FOR BIOTRADE PARTNERSHIPS

- Adopt an **ecosystem, biome and landscape approach** based on conservation priorities
- Ensure all trade is based on **sustainable cultivation or harvesting** strategies
- **Enforce and improve** upon existing regulations that regulate aspects of the trade that impact sustainability and equity
- Include the **perspectives, experiences** and **capacities of resource providers and TK holders**

FOR BIOTRADE PARTNERSHIPS (CONT..)

- Strengthen and support the role of **independent certifiers** that can assist communities, companies, and government in establishing equitable partnerships, and sustainable supplies
- Establish **monitoring systems** that track and measure the impact of ABS on conservation and sustainable use.
- Encourage the development of **sector-specific plans** for particular resources and sectors


Thank you