

Biocultural Protocols and Benefit Sharing

The Case of the Potato Park'
Inter-Community Agreement for
Benefit Sharing

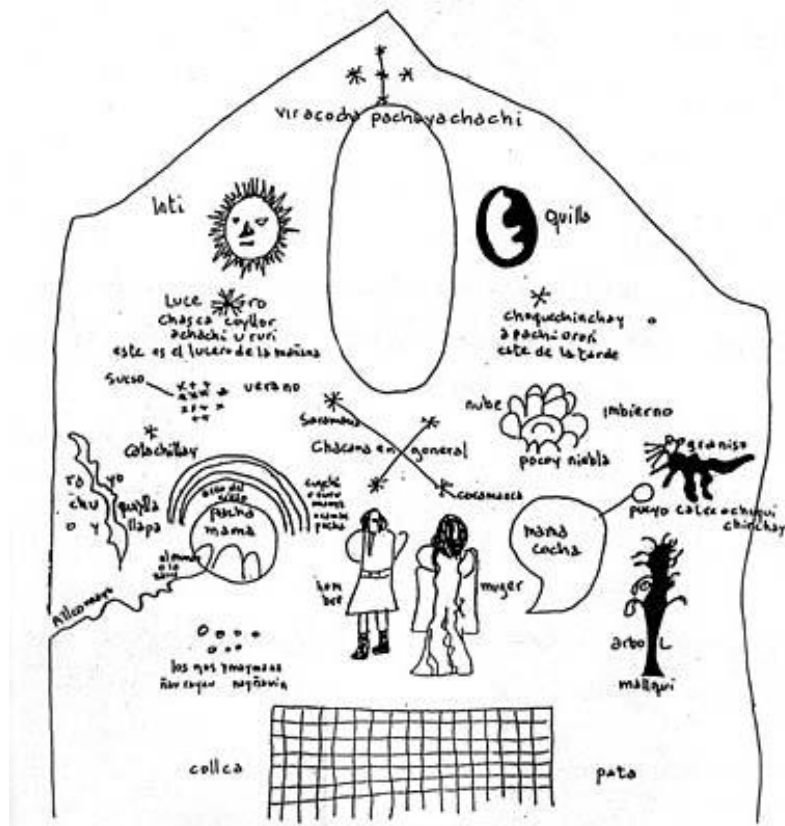
Concept of Biocultural Protocol:

1. Intrinsic Elements

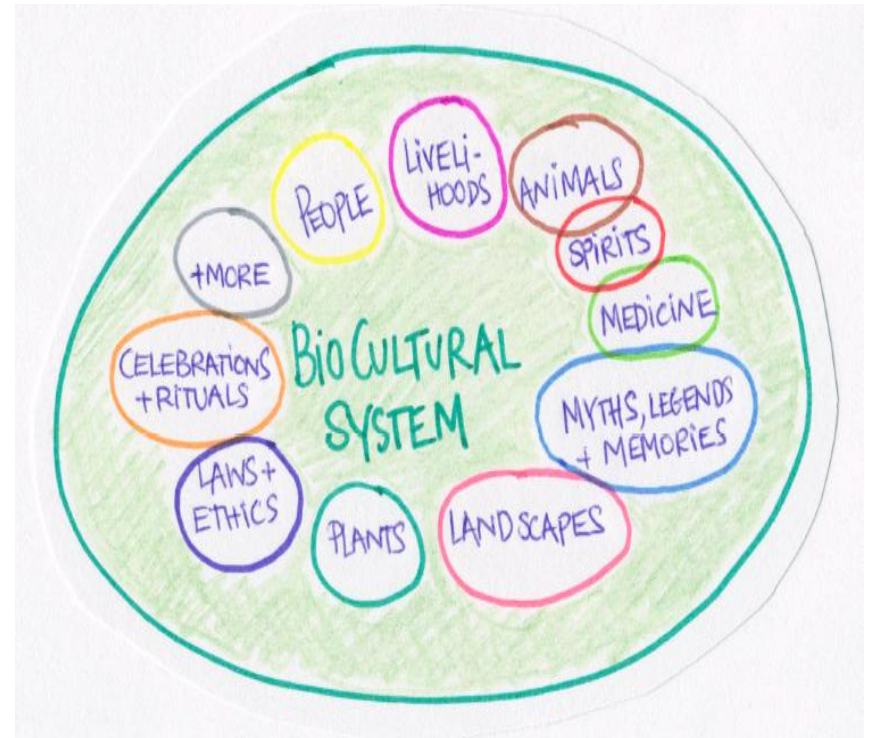
- concept of “biocultural protocol” is derived from (collective/ indigenous) “Biocultural Heritage”
- Intercultural practice (linking different cultures/economies under a respect-based process) – this can operate at various levels of the concept of indigenous peoples/local community
- Links to ecosystems and landscapes /economies based on biodiversity

Biocultural Systems

Biocultural System



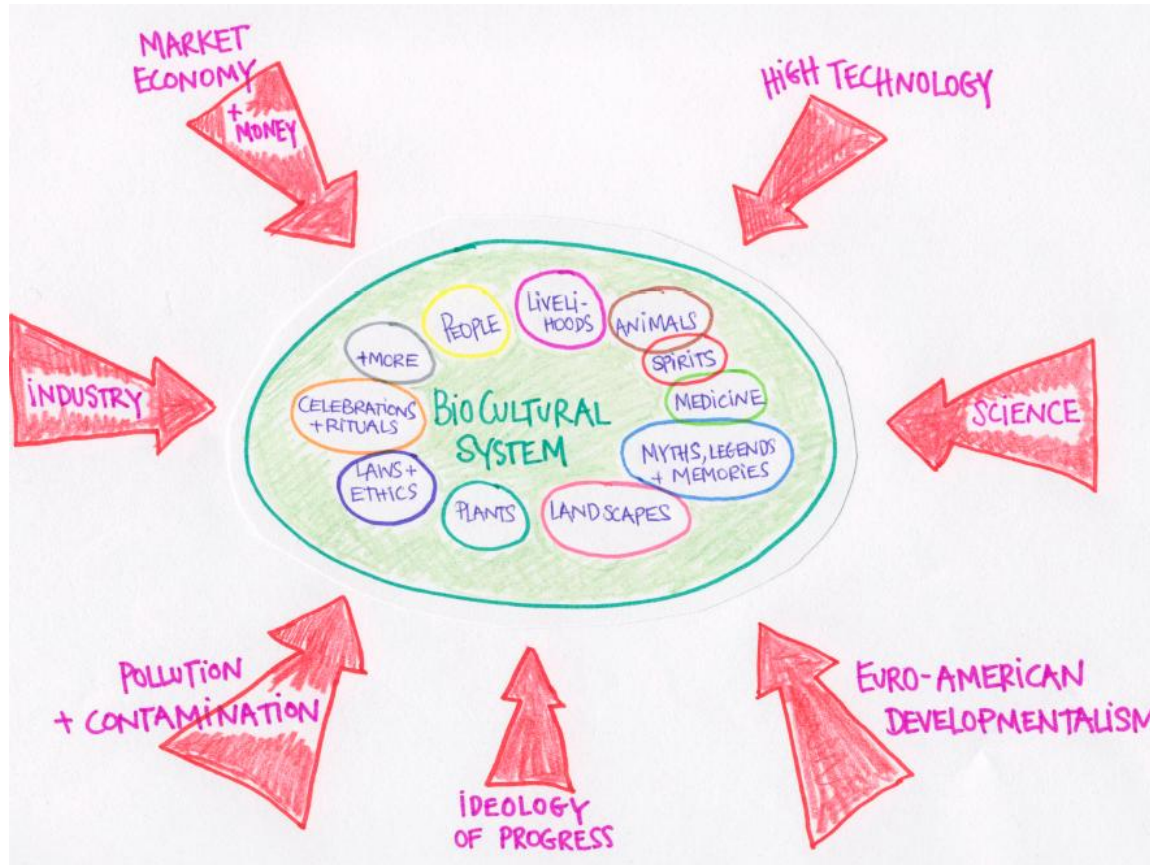
Collective Biocultural Heritage



Concept of Biocultural Protocol:

2. extrinsic elements

- Legal “coupled” systems (customary laws and positive law systems working together in a complementary and supportive way to achieve “equity”)...provides for legal certainty
- Integrates the commons and the communal
- Effective implementation of the UNDRIP (linking HRRs into biodiversity).
- Integrated approach to rights (TRRs: 169)



Threats and Opportunities

Erosion

Technology

Concentration

Objectives of the PoPa Biocultural Protocol:

- Articulate how indigenous peoples practice “conservation and sustainable use” of biodiversity;
- Affective protection against biopiracy.
- Constitutes a process of community empowerment, maintenance of culture and introduction and collective thinking about new issues/emerging legal frameworks.
- Should lead to livelihood improvement by securing communities’ rights to their natural resources and traditional knowledge

Purposes of the PoPa Biocultural Protocol:

- A tool for regulating ABS associated to their traditional knowledge (in this case, specifically BS) according to their values and customary laws --and reinforcing it with positive/statutory law.
- Bring together other stakeholders (such as researchers and commercial interests) through an intercultural practice
- “Coupled” law systems (indigenous and positive law systems) supports the continued and inter-connected nature of management of natural resources
- The protocol helps the community to implement the UNDRIP
- The protocol serves to implement other international treaties associated to ABS and TK (ITPGRFA, WIPO’s IGC, TRIPs, FTAs)

**BS Case: The Potato Park
Intercommunity Agreement
on Benefit Sharing**

**Defining agreements
for benefit sharing
under customary law:
principles that govern
benefit sharing
among Quechua
communities.**

Principles:

Reciprocity

Duality

Equilibrium



The process of development and negotiation of the PoPa inter-community agreement

1. Diagnosis to define its Objectives
2. identifying the common interests of communities
3. The creation of an inter-community committee
4. Consultation process was conducted as a preliminary to negotiation among the communities
5. Consultation with regional and national authorities
6. Review and discuss the draft agreement.
7. Ratification by each of the communities of the Potato Park
8. Signature



Main elements of the BS PoPa inter-community agreement

The agreement includes provisions to regulate benefit-sharing among the six communities of the Park, guided by the mentioned principles of reciprocity, equilibrium and duality that regulate the BCS. These principles provide the basis for various derivatives that reflect the distinct modalities of benefit-sharing, which are implemented through norms related to: exchange and ways of sharing TK and biological resources; the distribution and pre-distribution of monetary and non-profit benefits of the Park derived from:

- Third party use of biological resources, seeds, and traditional knowledge of the Potato Park;

- The activities undertaken in the Park, such as research, ecotourism and any other related services, such as the restaurant or lodging in the Park;

- Repatriation of seeds, especially those derived from the agreement with CIP

- Donations, projects, or similar activities;

- Agreements with third parties outside the mentioned categories related directly or indirectly to the use of biocultural resources.



Main elements of the BS PoPa inter-community agreement

In addition to regulating the contributions and benefit-sharing from the two funds (the Cultural Affirmation Initiative Fund [FIAC]) and The Reinvestment Fund for Sustainability of the Potato Park especially created for the Park, the agreement contains mechanisms for conflict resolution based on traditional Quechua norms and institutions.

Sub-monetary and non-profit Park money



Muchas

Gracias