



ROLE OF COMMUNITY TOOLS IN ABS

SOME EARLY EXPERIENCES FROM THE
MEDICINAL PLANTS SECTOR IN INDIA IN

IMPLEMENTATION OF THE NAGOYA PROTOCOL

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OUTLINE OF THE PRESENTATION :

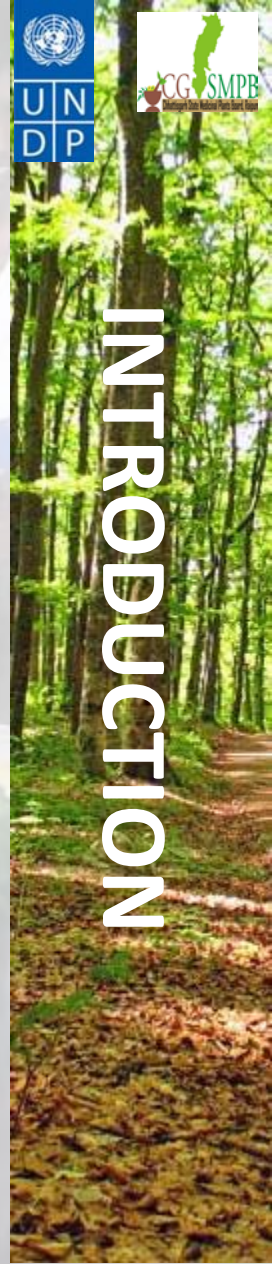
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- Ensuring Access and Benefit Sharing-Developing PBRs and BCPs
- Recognising Role of Local healers and their
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***India is a country with a very rich
Collective bio-cultural heritage that is
defined as :***

“The knowledge, innovations, and practices of Indigenous peoples and local and mobile communities that are collectively held and inextricably linked to traditional resources and territories, local economies, the diversity of genes, varieties, species and ecosystems, cultural and spiritual values, and customary laws shaped within the socio-ecological context of communities.”



INTRODUCTION



THPs linked to Forestry, biodiversity, and poverty reduction and threat of Biopiracy to TK of FL Healers :

- The World Bank (2004) estimated that globally 60 million indigenous people are almost wholly dependent on forests, while 350 million people depend on forests for a high degree for subsistence and income.
- Forests are amongst the most biologically-rich terrestrial systems with a wide variety of medicinal Plants.
- In India the poor, particularly the Tribals living in remote areas rely heavily on forest goods and ecosystem services for a range of basic needs: food, Medicine, shelter, clothing and heating.
- India has a rich legacy of Traditional Health Practices. The various systems of Traditional Medicine like Ayurveda, Unani, Siddha and Amchi have been practiced for more than 5000 years. The indigenous people have also been practicing folk lore medicine in remote forested tract that have not yet been recognised under the Indian legal system. This folklore medicine TK has the biggest threat of Biopiracy.

Biodiversity in forest management-MEDPLANTS

- The Millennium Ecosystem Assessment estimates that up to 96% of the value of forests is derived from non-timber forest products (NTFPs) and services (MEA 2005).
- Most of the more than 5,000 commercial forest products are Medicinal Plants products.
- The cultural and spiritual identity of Indigenous Peoples is often linked to intact primary forests with their rich biodiversity.
- Forests are often the ‘pharmacy’ and ‘supermarket’ for the rural poor.
- Yet, the important role of Medicinal Plants in the national and particular rural economy is often not reflected in national statistics, or in relevant strategies and plans.
- The main principle for Good Medicinal Plants management is through the effective participation of indigenous peoples and local stakeholders in decision-making and governance processes, on the basis of free, prior and informed consent to any projects, plans or changes that affect their communities, traditional lifestyles, and environment.



Forest biodiversity in national strategies and action plans

The Indian National Biodiversity Strategy and Action Plan (NBSAP) is an important national tool for the conservation and sustainable use of forest biodiversity, but forests are also addressed in a number of other strategies and action plans, such as Poverty Reduction Strategy Papers (PRSPs), National Forestry Programmes, and other strategies and plans of sectors like agriculture, rural and tribal development but the time has come when these must converge towards a holistic approach to natural resource management at a landscape level.

National Strategy / Action Plan	Description	Leading International Process	National level Actors
National Biodiversity Strategies and Action Plans (NBSAPs)	Main policy document for national implementation of CBD	Secretariat of the Convention on Biological Diversity	NBA
National Forest Programmes (NFPs)	National strategy for sustainable forest management	FAO / UNFF	Forest Department under MoEF
National Adaptation Programmes of Action (NAPAs)	National plans for implementation of adaptation measures under the UNFCCC	UNFCCC / international implementing organizations / bilateral cooperation agencies	MoEF
Poverty Reduction Strategy Papers (PSRPs)	National and regional strategies for development	World Bank and International Monetary Fund	Central and State Governments
National and local forest inventories and management plans	Basic tool for forest decision-making at local level	National and local forest administrations	Forest Departments of the States under the Directions of MoEF



Access and benefit-sharing

- The third objective of the Convention on Biological Diversity provides for “the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources...”
- The properties of some genetic resources from timber and non-timber forest products have contributed to the development of a broad range of products, including pharmaceuticals and cosmetics.
- The Convention establishes that a person or institution seeking access to a biological resource in a foreign country in order to use its genetic material, should seek the prior informed consent of the country in which the resource is located.
- The sharing of benefits, through technology transfer, research results, training, and profits can contribute to poverty reduction and sustainable development in biodiversity rich developing countries.
- Sharing of benefits can take the form of payment of royalties, joint ownership over property rights, provision of equipment, etc..

According to the *Nagoya Protocol on Access and Benefit Sharing*, governments must consider customary laws, community protocols, and procedures with respect to traditional knowledge and genetic resources. They must also support the development of and raise awareness about community protocols and procedures. Some governments are now considering recognizing community protocols in their domestic legislation as well.

The Biological Diversity Act of 2002 and the Biological Diversity Rules of 2004:

- Its an efforts to fulfill India's commitments under the CBD
- Provides for conservation of biological diversity, sustainable use of its components and the fair and equitable sharing of benefits arising from the use of such biological diversity and associated traditional knowledge (TK).
- It sets up the National Biodiversity Authority (NBA) and the Biological Diversity Rules of 2004 lists the functions of the NBA as including regulating access to biological resources and associated TK for commercial and research purposes.
- NBA empowered to advise the Central Government on any of the above issues

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

- The preamble of the FRA in accordance with Art 8j of the CBD recognizes that the forest dwelling scheduled tribes and other traditional forest dwellers are integral to the survival of the forest ecosystem.
- It seeks to address the long term insecurity of land tenure and of these communities and therefore recognizes the rights of forest dwelling tribes and other traditional forest dwellers, which include nomadic or settled pastoralists, on all forest lands.

The Panchayats (Extension to Schedule Areas) Act, 1996

- Endows Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government
- The State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with the ownership of minor forest products



Reducing Plurality of local institutions :-

- Ensure empowering local communities under the National Biodiversity Act, 2004 through conversion of LMGs/JFMCs into BMCs. This will give a legal framework to the communities to exert their right over Biodiversity and ensure access and benefit sharing.
- In order to further strengthen this grass root level institutions and provide a platform for knowledge and information dissemination to the users, the BMC should serve as a first level Clearing house mechanism.
- This will facilitate the implementation of the national biodiversity strategy and action plan and decision X-15 of the CBD and contribute significantly to the implementation of the CBD and its Strategic Plan for Biodiversity 2011-2020

Establishing a BMC in Village Tatidhar :-

INDIA'S INITIATIVES



The General Body



The THP in discussion

Signing the register



Taking Notes of the meeting

Inspecting the Forests



THE FIRST BIOCUTURAL PROTOCOL OF CHHATTISGARH :

- Village, Tatidhar, situated in Kota Tehsil of Bilaspur district of Northern Chhattisgarh. The distance from Bilaspur to the village is 86 kms. It is situated in the Maikal –Satpura ranges of Central India and is one of the most well forested tracts of the country. It is adjacent to the famous Achanakmar Biosphere reserve. The area has rich Sal (*Shorea robusta*) forests with predominantly Quality II and III areas. The forest Type is dry deciduous Sal Forests. The forests are extremely rich in Biodiversity with several Globally Significant Medicinal Plants (GSMP) species occurring in the areas. The area is managed under the Marwahi Forest Division Working Plan that has been recently revised and will be made applicable from this year. It has a Forest Protection Committee and a village Panchayat
- This BCP can serve as a Part (Preamble) to the PBR developed under the NBA to ensure a legal umbrella to the BCP and make it legally enforceable



Ensuring Access and Benefit Sharing-
Developing BCPs and PBRs

This protocol provides details of :

- Contribution to the health of the communities & their socio-cultural dev;
- Bio-spiritual values and the bio-cultural relationship with mother nature;
- Traditional knowledge and its development over the ages and mechanisms of its sharing & passing to next generations as per local customs
- The development of prior informed consent mechanisms for use of the traditional knowledge by various outsiders ;
- How do the THPs connect their communities via their culture to their biodiversity and its sustainable use ;
- The threats to the livelihood posed by biodiversity loss & taking of traditional knowledge without the sharing of benefits with the THPs by outsiders ;
- How the THPs want to improve conservation & sustainable use of medplants
- Information for people wanting access to TK and MAPs.
- A narration of the understanding of the legal rights and privileges under the International and Indian laws
- The Protocol calls upon the National Biodiversity Authority for assistance to conserve, protect and promote our indigenous traditional knowledge base. It also calls on the Forest Department to work with the community towards resolving the conflicts and concerns the THPs have regarding forest rights.
- The Protocol also calls upon various other departments who are concerned with the land tenure, community land development and providing support services to the community towards resolving conflicts and ensuring progress under the protocol

Recognising Role of Local healers and their TK

- An Innovative Action to Institutionalise the Key Stakeholder group of the THPs has been undertaken in Chhattisgarh by organising them in a TK healers Association.
- The State Medicinal Plants Board, the NTFP Federation and the forest department has also ensured building bridges between this group and herbal plants and product hunters and users in local health care for rural and Indigenous people through ensuring interactions between them by way of Herbal Mandis, Herbal fairs and by giving them a platform to extend their THP in remote areas through forest dispensaries and Sanjivini Marts where the traditional Health medicines are made available.
- The SMPB has also published a book of 880 THPs with their complete details including which disease they treat

Recognising Role of Local healers



Sanjivini Mart at Keonchi



THP Dispensary at Dugli

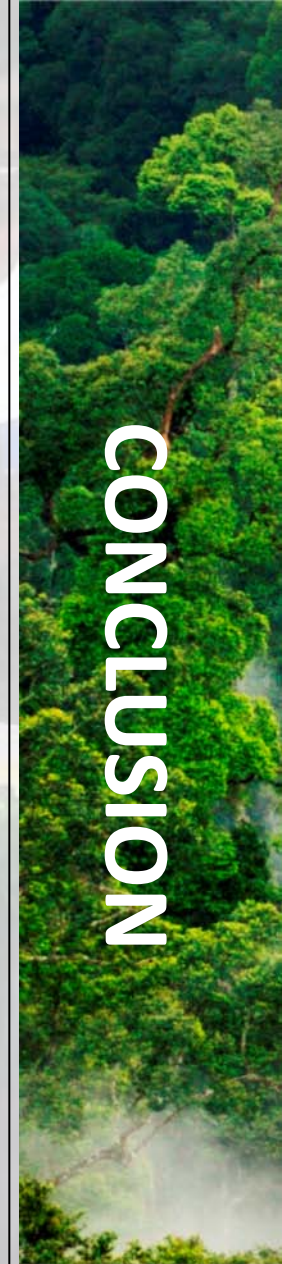
Developing Capacities :

- Of local THPs through Exposure visits, Village Botanist Courses and helping them to pass on their TK to their future generations and peer groups
- Of front line staff of concerned departments-Forest, Agriculture, Panchayat/Rural development and tribal welfare
- Development of Manuals and Introduction of THP and related issues as Curricula in Forest Schools and the State Institute of Rural Development
- Mainstreaming THPs in the Indian Traditional Medicine System through establishing their links with Ayurvedic practitioners and also getting some to participate in the IGNOU TK certificate Course.

CONCLUSION :

A lot of new initiatives have been undertaken in India to ensure access and benefit sharing to the local communities especially the tribals and THPs. This will go a long way in implementing the provisions of the CBD and the Nagoya Protocol and the laws made for their implementation in India. These actions will empower the communities to engage with anyone who wants to use their TK and Natural resources as they should acknowledge the development of their knowledge and should be prepared to treat the traditional knowledge, forests and the natural resources with respect and ensure their sustainable harvesting. This will ensure that there is no degradation of the natural resources and complete transparent legal reciprocity is established so that anything the THPs and the communities provide is compensated in a like manner according to their values by the User groups.

CONCLUSION





**THANK YOU FOR YOUR
KIND ATTENTION**