



# GOOD PRACTICES OF ACCESS AND BENEFIT SHARING

Indo-German Biodiversity Programme  
ACCESS AND BENEFIT SHARING  
PARTNERSHIP PROJECT

As a federally owned enterprise, GIZ supports the German Government in achieving its objectives in the field of international cooperation for sustainable development.

**Published by**  
Deutsche Gesellschaft für  
Internationale Zusammenarbeit (GIZ) GmbH

Registered offices  
Bonn and Eschborn

**Address**  
A2/18, Safdarjung enclave  
New Delhi – 110029, India  
T +91-11-49495353  
F +91-11-49495391  
E [biodiv.india@giz.de](mailto:biodiv.india@giz.de)  
I [www.indo-germanbiodiversity.com](http://www.indo-germanbiodiversity.com)  
I [www.giz.de](http://www.giz.de)

**Programme/project description**  
Indo-German Biodiversity Programme  
Access and Benefit Sharing Partnership project

**Person responsible**  
Dr. Konrad Uebelhoer  
E [Konrad.uebelhoer@giz.de](mailto:Konrad.uebelhoer@giz.de)

**Author**  
Shreyas Bhartiya

**Design and Layout**  
Aspire Design

Neha Owaisy

**Photo credits**  
GIZ  
©Amit Setia (pg ii, 18)  
©CHEA (pg 16)  
©Dharmendra Singh (pg 35)  
©Ganesh Sabale (Cover, pg 33)  
©Prashant Bharne (pg 30, 32)

Cover picture: Hirabambai Biodiversity Management Committee members and forest official involved in the conservation of Mahaseer fish

ISBN 978-81-935619-1-1

#### URL links

This publication contains links to external websites. Responsibility for the content of the listed external sites always lies with their respective publishers. When the links to these sites were first posted, GIZ checked the third-party content to establish whether it could give rise to civil or criminal liability. However, the constant review of the links to external sites cannot reasonably be expected without concrete indication of a violation of rights. If GIZ itself becomes aware or is notified by a third party that an external site it has provided a link to gives rise to civil or criminal liability, it will remove the link to this site immediately. GIZ expressly dissociates itself from such content

#### Disclaimer

This report will be used only for educational purpose free of cost and will not be sold as commercial publication. The content of this publication is not meant to be used or treated as legal interpretation made under the Biological Diversity Act, 2002 or any Rules made thereunder. The views expressed in the report are purely those of the authors and may not in any circumstances be regarded as stating an official position of the Ministry of Environment, Forest and Climate Change (MoEFCC) or GIZ. Photographs in the report are only used for demonstration of the concept with no obligation of any type on the source of content used in the report.

On behalf of German Federal Ministry for Economic Cooperation and Development (BMZ)

GIZ is responsible for the content of this publication.

New Delhi, 2019



Implemented by  
**giz** Deutsche Gesellschaft  
für Internationale  
Zusammenarbeit (GIZ) GmbH

# GOOD PRACTICES OF ACCESS AND BENEFIT SHARING

Indo-German Biodiversity Programme  
ACCESS AND BENEFIT SHARING  
PARTNERSHIP PROJECT





Tribal man collecting a medicinal plant (*Andrographis Paniculata*).  
Common Name-Kalmegh.



# TABLE OF CONTENTS

<b>1. EXECUTIVE SUMMARY</b>	<b>1</b>
<b>2. GOOD PRACTICES OF ACCESS AND BENEFIT SHARING</b>	<b>3</b>
2.1 Background	3
2.2 Objective	3
2.3 Rationale	4
<b>3. KEY ACTORS AND POTENTIAL GOOD PRACTICES OF ACCESS AND BENEFIT SHARING</b>	<b>6</b>
3.1 Key challenges faced by the actors in implementation of ABS	7
3.2 Contributions to potential Good Practices by key actors	9
<b>4. METHODOLOGY FOR ANALYSING POTENTIAL GOOD PRACTICES OF ABS</b>	<b>17</b>
4.1 Core processes within the ABS mechanism	18
4.2 Basic criteria for assessing a good practice	19
<b>5. CRITICAL FACTORS TO BE CONSIDERED BY ACTORS</b>	<b>21</b>
5.1 Weighted Average Method	24
<b>6. FRAMEWORK FOR ANALYSIS OF POTENTIAL GOOD PRACTICES OF ABS</b>	<b>26</b>
<b>7. TEMPLATE FOR DOCUMENTING CASE STUDIES</b>	<b>27</b>
<b>8. CASE STUDIES ON POTENTIAL GOOD PRACTICES OF ACCESS AND BENEFIT SHARING</b>	<b>29</b>
8.1 Traditional Healers and Traditional Knowledge- A Participatory Approach	29
8.2 The Golden Mahaseer Conservation Breeding Project	32
8.3 Bio-Resource Certification	36
<b>9. CONCLUSION</b>	<b>40</b>
<b>10. REFERENCES</b>	<b>44</b>

## List of tables

Table 1: Key challenges faced by the actors	7
Table 2: Critical factors to be considered in ABS implementation	21
Table 3: Good Practice Criteria assessment grid	24
Table 4: Framework for analysing a Potential Practice	26

## List of figures

Figure 1: Key actors in adopting Good Practices of Access and Benefit Sharing	6
Figure 2: Core processes within the ABS mechanism	18
Figure 3: Basic Criteria for assessing a Good Practice	20
Figure 4: Weighted scale denoting the correlation of the criterion with the practice	24
Figure 5: Process for capturing and sharing a good practice	42

# LIST OF ABBREVIATIONS

ABS	Access and Benefit Sharing
ADMA	Ayurvedic Drug Manufacturers Association
AERF	Applied Environment Research Foundation
BD Act	Biological Diversity Act, 2002
BWLS	Bhima Shankar Wildlife Sanctuary
BMC	Biodiversity Management Committee
BR	Biological Resource
HSC	Harmonized System of Classification
FAO	Food and Agricultural Organization
JFMC	Joint Forest Management Committee
MAT	Mutually Agreed Terms
MSSB	Maharashtra State Biodiversity Board
MSP	Minimum Selling Price
NBA	National Biodiversity Authority
PBR	People's Biodiversity Register
SBB	State Biodiversity Board
TSG	Technical Support Group
TK	Traditional Knowledge
UEBT	Union for Ethical BioTrade
VDC	Village Development Committee





# ACKNOWLEDGEMENT

The author would like to express sincere gratitude to the respective Chairmen and Member Secretaries of the National Biodiversity Authority (NBA) and the State Biodiversity Boards (SBBs) of Tamil Nadu, Uttarakhand and Maharashtra for their constant support and cooperation in the development of this document. The document also draws insights from numerous workshops and meetings undertaken by the ABS Partnership Project with key stakeholders. Learnings from regional and national workshops on facilitating business dialogues between regulatory authorities and users of bio-resources conducted by the project in collaboration with Union for Ethical BioTrade (UEBT) helped in developing an understanding on key challenges faced by the users and possible actions through which they could be addressed to which the author is indebted. The process of developing a national communication strategy for the key stakeholders by the project in collaboration with the ABS Initiative was fruitful in conducting a stakeholder capacity assessment and identifying areas where interventions in the form of potential Good Practices could be formulated and deployed and the contributions are well acknowledged.

A consultation on Good Practices of Access and Benefit Sharing was organised at NBA on 7th February 2019 wherein sector experts (Annexure 1) from various backgrounds, representing stakeholder interests were invited to review the draft document and provide suggestions to make it more pragmatic and robust. The author is indebted to them for their valuable feedback which has contributed immensely in shaping the document. The author expresses his sincere gratitude to Dr Konrad Uebelhoefer (Director, Indo German Biodiversity Programme) for critically reviewing the document time and again and providing valuable comments and guidance in its development. The author is grateful to Dr. Prahsant Bharne (Secretary, Gondwana Herbs), Mr. Mithilesh Kandalkar and the AERF team for their contributions in the documentation of case studies. A special thanks is due to Ms. Neha Owaisy for proof reading and providing her inputs on the document apart from contributing to its design and layout. Last but not the least, the author would like to appreciate and express gratitude to his colleagues in the ABS Partnership Project team for their constant support right from conceptualisation to the finalisation of this document.







## 1

# EXECUTIVE SUMMARY

The document on Good Practices of Access and Benefit Sharing (ABS) provides an orientation for key actors involved in the ABS mechanism in India towards developing Good Practices that facilitate efficient cooperation between them for the effective implementation of the ABS provisions under the Biological Diversity Act, 2002 (BD Act). Given that the actors involved in the implementation of Access and Benefit Sharing mechanism in India face numerous challenges, the document provides for how some of these challenges can be addressed through cooperation with each other and adoption of potential Good Practices.

Access and Benefit Sharing, as spoken in common parlance, constitutes two terms, namely, appropriate “access” to biological resources (BRs) and fair and equitable sharing of “benefits”. However, when it comes to implementing ABS in practice, several processes are involved right from the point where an application for access to bio-resource is made till the point where benefits are shared with the community. As such, the focus here is not just on “access” and “benefit sharing” alone but rather the entire process that constitutes the ABS mechanism. The document concentrates on key actors involved in the ABS mechanism and draws correlation between the challenges they are faced with and possible suggestions/approaches to address them. The process involved developing a mutual understanding amongst the actors on the common issues faced by them and exploring possibilities of cooperation through which they could be addressed by undertaking certain activities. These key activities or practices that the actors can adopt is what resulted in the documentation of potential Good Practices.

The entire ABS mechanism has been categorised into processes; and emphasis has been laid on these processes and the interlinkages between them for achieving the end objective of fair and equitable sharing of benefits with the custodians of biological resources for the conservation and sustainable use of biodiversity. It was observed that certain factors were critical to each process which needed to be factored in by the actors when a process within the ABS mechanism was underway. The absence of these critical factors defeated the very purpose of Access and Benefit Sharing. For example, considering when access to a bio-resource is undertaken by a company, under the process “Access” it needs to be ensured that requisite permission has been sought from the local authorities. As such, obtaining requisite permission from concerned authorities apart from the respective Biodiversity Management Committee becomes vital to facilitate “Access”. Similarly, regulators must ensure that when access is being granted, it is accounted for whether the

bio-resource is from a wild or cultivated area (taking into consideration its critical geographical status) or whether it is a high value bio-resource because that can have implications on the subsequent process within the ABS mechanism, namely, in determining the sharing of benefits or “benefit sharing”. Critical factors were found to be important not only for the successful implementation of the process they addressed, but also had a positive impact on subsequent processes as well.

To remove the ambiguity as to what constitutes a “Good” practice, a set of criteria have been incorporated that act as a yardstick for a potential practice to be validated as a “Good” practice. “Replicable and Scalable” is one such criterion which denotes that for a potential practice to qualify as “Good”, it should be feasible enough to replicate in various contexts and across geographies with minimal adaptations. There are ten such criteria that were identified relevant to the ABS regime in India.

The ABS processes, with their respective critical factors and the Good Practice criteria, provide a framework for drawing up an analysis. A simple methodology is provided for the benefit of the actors for assessing potential practices in classifying them as “Good Practices of Access and Benefit Sharing”. Practical application of the criteria led to devising a five-point scale instead of denoting them as “present” or “absent” for the practice under consideration. The scale reflects the strength of the association of the criterion attributed to the practice and was found to be useful in quantification by assigning relative weights to the criterion.

Through documentation of case studies on potential Good Practices of Access and Benefit Sharing, the document demonstrates the applicability of the developed framework and methodology in making it practical and robust. A standard template for documentation of case studies has been adopted that makes the cases easier to analyse and compare. The case studies documented, provide insights into how actors have collaborated with each other in sharing a common goal and worked together on an approach that conserves biodiversity and sustains livelihoods of communities. Such approaches or practices were found to improve the efficacy of the ABS mechanism which made them relevant and worthy of adoption in the context of the ABS regime in India.

Lastly, a conclusive summary has been provided at the end of the documented cases, which looks at the key insights, learnings and limitations of the document.



## 2

# GOOD PRACTICES OF ACCESS AND BENEFIT SHARING

## 2.1 Background

The ABS Partnership Project aims at strengthening the capacities of the National Biodiversity Authority (NBA), the three State Biodiversity Boards (SBBs) of Maharashtra, Tamil Nadu and Uttarakhand respectively, and the selected Biodiversity Management Committees (BMCs), as well as the capacities of the commercial user groups of biological resources for the effective implementation of ABS mechanism under the Biological Diversity Act, 2002.

The project's key objectives are:

- Awareness raising, communication and stakeholder dialogues for creating better understanding of the Biological Diversity Act, 2002 (BD Act), ABS Guidelines and Nagoya Protocol on ABS amongst different actors and stakeholder groups
- Development of Good Practices of Benefit Sharing with communities, based on utilisation of biological resources for commercial purposes
- Development of an ABS monitoring system for NBA.

This document aims towards contributing to the objective of “Development of Good Practices of Benefit Sharing with communities”. Even though the focus is on benefit sharing, as mentioned before, the document looks at the implementation of ABS mechanism holistically taking into consideration the interlinkages rather than dealing with each of its processes in silo.

## 2.2 Objective

The document “Good Practices of Access and Benefit Sharing” offers comprehensive information that assist the statutory institutions under the BD Act, 2002, namely, the National Biodiversity Authority (NBA), State Biodiversity Boards (SBBs), Biodiversity Management Committees (BMCs) and the users of bio-resources in the effective and efficient sharing of benefits accrued from the commercial utilisation of bio-resources, with local communities for the conservation and sustainable use of biodiversity.

The objective of this document is to assist key stakeholders in assessing, analysing, evaluating the varied scenarios related to the core processes under the ABS mechanism and enable them in making informed decisions that ensures that sharing of benefits creates a significant impact on the conservation of bio-resources and the lives of local communities while safeguarding the interests of both the providers and users of biological resources.

It is envisaged that the Good Practices documented in this report will be adopted and the developed framework will be applied by key actors in the successful implementation of Access and Benefit Sharing mechanism in India.

## 2.3 Rationale

India is one of the 17 mega diverse countries of the world and is home to nearly 8% of the world's total species of plants and animals. Its biological resources and associated traditional knowledge find worldwide application in industries such as pharmaceutical, *ayurveda*, nutraceutical, food, beverages, oil, cosmetics, dye and paints to name a few. Also, the livelihoods of many local communities are inextricably linked with these biological resources who are also the custodians of bio-resources. As such, it is of paramount importance that such resources be conserved and used sustainably. To do so, it is necessary to ensure that biological resources are accessed by the user in an appropriate manner by following a set procedure and that a fair and equitable share of the benefits reaped by the user is ploughed back to the local communities in the form of Access and Benefit Sharing (ABS) for the purpose of conservation of biodiversity, sustainable use of bio-resources and improving their livelihood.

.....  
INDIA IS ONE OF THE 17 MEGA  
DIVERSE COUNTRIES OF THE  
WORLD AND IS HOME TO NEARLY  
8% OF THE WORLD'S TOTAL  
SPECIES OF PLANTS AND ANIMALS.



Despite a proactive policy regime in the implementation of ABS in India, there is currently a dearth of practices that actors can develop and adopt that aids them in determining how best the benefits accrued from commercial utilization of bioresources can be shared with and utilized by the communities in fulfilling the twin objectives of conservation and sustainable use of biodiversity. In such a scenario (given the legal obligations of the users of bio-resources under the BD Act and the limited resources at the disposal of the regulators) the effective sharing of the benefits with communities and the efficient utilisation of it by communities for conservation through adoption of key insights, learnings, innovative practices elsewhere and identifying avenues for cooperation between actors that improves the efficacy of ABS, is a pertinent need that this document addresses.





©GIZ/Kunal Sharma

**Good Practice<sup>1</sup>** - A good practice is a successful experience that has been tested and validated in different contexts and can therefore be recommended as a model. It deserves to be shared so that a greater number of people can adapt and adopt it.

**Benefit Sharing<sup>2</sup>** - These are measures taken to ensure that the benefits arising from the utilisation of bio-resources and associated traditional knowledge, as well as the subsequent application and commercialisation, are shared in a fair and equitable way among all those communities identified as having contributed to resource management, research and development, and/or commercialisation.

1 <http://www.fao.org/capacity-development/resources/good-practices/en/>

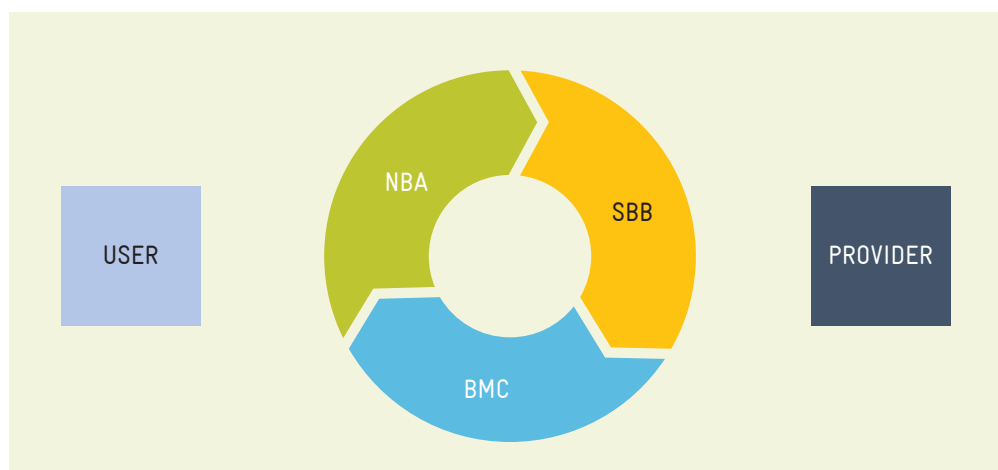
2 \* <https://www.ethicalbiotrade.org/resources>

### 3

## KEY ACTORS AND POTENTIAL GOOD PRACTICES OF ACCESS AND BENEFIT SHARING

There are several actors who are engaged in the ABS mechanism and have prescribed functions and responsibilities as provisioned under the BD Act. Amongst these, five such actors have been identified as primary or “key” actors that have a significant role to play and are instrumental in the conduction of ABS process (Figure 1). At one end of the spectrum are the users of bio-resources who require access for commercial utilisation, undertaking research etc. and on the other, are providers or communities who are custodians of such bio-resources and who are dependent on them for sustaining their livelihood. And then there are the regulators, namely the National Biodiversity Authority (NBA), State Biodiversity Board (SBB) and Biodiversity Management Committee (BMC) at the national, state and local level respectively which facilitate appropriate access to bio-resources by users and are responsible for sharing a fair and equitable portion of the benefits with the providers of bio-resources for conservation and sustainable use of biodiversity.

**FIGURE 1:**  
KEY ACTORS IN  
ADOPTING GOOD  
PRACTICES OF  
ACCESS AND  
BENEFIT SHARING



Good Practices are aimed at improving the efficacy of the ABS mechanism. It is therefore important to first identify the challenges/issues faced by the actors in the implementation of ABS that renders the process ineffective. The ABS Partnership Project through numerous interactions with the actors in the form of meetings, workshops and dialogues has captured some key challenges which are provided below in Table 1.

### 3.1 Key Challenges Faced by Actors in the Implementation of Access and Benefit Sharing Mechanism

ACTOR	CHALLENGES
1. USER	<ol style="list-style-type: none"> <li>1. Lack of awareness on BD Act and its provisions</li> <li>2. Lack of clarity on certain concepts and terminologies such as "Conventional Breeding", "Traditional Knowledge", "Commercial Utilisation", "BRs occurring in India", "Benefit Claimer", "Value added product", "Normally Traded as Commodities" etc.</li> <li>3. When does a bio-resource come under the purview of ABS is not clear</li> <li>4. Delay in the process of getting approvals for access to BRs</li> <li>5. Lack of awareness for accessing bio-resources from state agricultural universities and international institutions</li> <li>6. Mutually agreed terms on sharing of benefits are not always mutually decided</li> <li>7. Complex procedures and lack of flexibility in implementation of ABS makes it difficult to do business and results in losing out on potential opportunities</li> <li>8. Cumbersome online process for seeking permission to access BRs</li> <li>9. Absence of sector specific guidelines that address sector specific modalities and requirements</li> <li>10. Bio-resources are accessed from across states with varied state biodiversity rules to comply with</li> <li>11. Communication in the form of notices by regulatory authorities has a negative connotation for eliciting cooperation</li> <li>12. Companies are apprehensive that their sales figures/research findings may becoming public.</li> <li>13. Determining traceability of BRs is an issue</li> </ol>
2. SBB/NBA	<ol style="list-style-type: none"> <li>1. Lack of technical expert committees within SBB</li> <li>2. Lack of traceability in whom to consult and whom to share benefits with</li> <li>3. Ambiguity in determination of ABS component within the prescribed range</li> <li>4. Agreed terms for access are difficult to monitor</li> <li>5. General perception amongst users that access to bio-resources does not require approval</li> <li>6. Perception amongst users that ABS is a form of tax and an additional burden</li> <li>7. Lack of manpower with limited technical know-how</li> <li>8. Eliciting cooperation from key actors and other line departments for enforcement of law is a challenge</li> <li>9. Difficulty in dealing with BRs brought from outside the state</li> <li>10. Lack of voluntary disclosures by users on the source of BRs already accessed</li> <li>11. What practices needs to be undertaken when talking of sustainability, is currently based on limited information scenario</li> </ol>

**TABLE 1:**  
KEY CHALLENGES  
FACED BY THE  
ACTORS



ACTOR	CHALLENGES
SBB/NBA	<ol style="list-style-type: none"> <li>12. Inconsistency in interpretation and application of rules and guidelines by various SBBs (which start date to consider for calculation of ABS, benefit sharing percentage, application fee)</li> <li>13. Unorganised trade of BRs leads to complexity in applicability of ABS mechanism</li> <li>14. Preparation of PBRs is inconsistent from state to state</li> <li>15. Lack of a training mechanism with SBB for addressing the capacity needs of stakeholders</li> </ol>
3. BMC	<ol style="list-style-type: none"> <li>1. Inept capacity for implementation of BD Act</li> <li>2. Benefits derived from commercialisation of BRs are not reaching the community for fostering conservation and sustainable use of bio-resources</li> <li>3. BMCs get excited when talked about benefit sharing. But when benefits are not sufficient, the ABS process can become counter productive</li> <li>4. While forming BMCs, people without relevant knowledge/background are sometimes made as members</li> <li>5. No cases of application of levy fee by BMC encountered as there is ambiguity surrounding it</li> <li>6. Multiplicity of village level committees for managing the same BRs leads to conflict of interests</li> <li>7. Non-cooperation of other village development committees with BMC in the effective discharge of its functions</li> <li>8. Lack of TSGs at the gram panchayat level to provide technical support to BMCs</li> </ol>
4. PROVIDERS	<ol style="list-style-type: none"> <li>1. Lack of awareness about BD Act and its provisions</li> <li>2. Low income with high illiteracy leading to exploitation at the hands of middlemen</li> <li>3. Limited scientific knowledge and adoption of unsustainable harvesting practices</li> </ol>

The above challenges highlight that while they are specific to an actor, addressing them requires a coordinated effort between the actors wherein catering to those challenges would necessitate cooperation from others. As such, it becomes pertinent for the actors to acknowledge the challenges they are faced with as well as those faced by others. It is only through an integrated approach that draws on synergies between actors and looks at addressing multiple issues through cooperation that some of these challenges can be overcome. The table below (Table 2) takes into consideration some of the above key challenges and provides for certain actions which can be undertaken by actors that may form or contribute to potential Good Practices of Access and Benefit Sharing.

## 3.2 Contributions to Potential Good Practices of Access and Benefit Sharing by Key Actors



### 2.2 KEY CHALLENGE

#### LACK OF TRACEABILITY IN WHOM TO CONSULT AND WHOM TO SHARE BENEFITS WITH BY SBBs AND NBA

The trade of bio-resources in India is highly fragmented and disorganised where traders play a pivotal role. Bio-resource (BR) based companies rely on such trade markets (mandi) for meeting their raw material requirements. As such due to the complex movement of bio-resources across geographies it becomes difficult to trace their origin. In the current context, several SBBs are facing the issue where users have shared the benefits with them, but the benefits are yet to be ploughed back to the communities/BMCs due to a lack of traceability on the origin of accessed BRs.



### POTENTIAL GOOD PRACTICE

The SBBs can develop operational guidelines for sharing of benefits with the providers where traceability cannot be determined. A few key points to consider in the formulation of such a mechanism could be the geographical distribution of the BRs in the state, consultation with relevant BMCs within that geography at the district level and facilitation of proposals from BMCs for the conservation of the specific BR.

A study on mapping of the movement of BRs with commercial potential from local traders to primary mandi's across the state can be commissioned by the respective SBB which can form the basis in taking informed decisions on the geographical origin of the bio-resource under consideration.

The users can also assist the SBBs in identifying and declaring the details of the local market or the geographical area (district, taluka) from where they are accessing bio-resources whether sourced locally or from major markets across the state.

The SBBs/NBA in consultation with users can also investigate developing a mechanism for user agencies for self-declaration of the bio-resources utilised in the past and available with them presently with due provisions for identifying the origin of the bio-resource based on geographical and market indicators. The regulators can also look into the possibility of issuing a certificate of origin for the accessed bio-resource post due diligence. The origin could be a village, block, district or geographical area. This can also act as a check point in ensuring that the terms of access as per the benefit sharing agreement are being met by the users.

A good approach to dealing with traceability issues was the negotiation on access fee carried out by NBA with sector industries by making use of the provisions for the national biodiversity fund.<sup>3</sup> In its efforts

<sup>3</sup> Balakrishna Pisupati (2015) The Ten Questions to be Addressed while Developing National ABS Frameworks. FLEDGE, India

to enhance compliance with the provisions of the Act and Rules, the National Biodiversity Authority entered into a dialogue with the Ayurvedic Drug Manufacturers Association (ADMA) in 2012 to come up with access fee option to support local action on conservation and livelihood management. Under this arrangement, ADMA came up with a way of calculating the access fee based on the nature and volumes of medicinal plants they access and agreed to provide an annual contribution of up to 12 crores rupees per year. Since the traditional drug manufacturing sector needs continuous supply of biological resources, this amount would be an annual inflow into the national biodiversity fund. The State Biodiversity Boards can also explore such options of engaging with those stakeholders commercially using the resources to secure a negotiated access fee which could contribute to the state biodiversity fund. Putting in place an expanded HSC (Harmonized System of Classification) system at the national level that provides information on the details of the origin of the bio-resource, part traded, form in which the part is traded and to what use it is put to, can address the issue of traceability to a considerable extent.



### 3.1 KEY CHALLENGE

#### INADEQUATE CAPACITIES OF BMCs FOR EFFECTIVE DISCHARGE OF THEIR FUNCTIONS

While the pace with which BMCs have been formed has certainly risen, their capacity building leaves much to be desired for. The BMC, as a statutory body, is responsible for implementation of BD Act at the local level and needs to be adequately capacitated in carrying out its functions.



### POTENTIAL GOOD PRACTICE

For capacity building of BMCs, a training mechanism needs to be in place that can cater to the capacity requirements on an ongoing basis. For this to work efficiently, a trainer's network across the state needs to be identified and empanelled with the SBB for conducting trainings. The pool of trainers could consist of Technical Support Groups (TSGs), NGOs, government departments involved in trainings, academic institutions etc. The SBB will also need to chalk out an incentive mechanism for ensuring that trainings are viable and can happen in a sustained manner. Attention also needs to be paid to the training module developed which should be in line with the communication strategy for the targeted BMCs. Also, inclusion of innovative methods of training and application of ICT tools for creating awareness and capacity development can be adopted.

A potential good practice can be the development of a few ideal BMCs which can serve as "models" for demonstration to other BMCs, by which they can learn from and emulate. Such model BMCs can be established across the state, in each district preferably and field visits can be undertaken by members of other BMCs for getting a hands-on training on the functioning of a BMC and carrying out the various provisions of the BD Act





## 1.7 KEY CHALLENGE

### PROCEDURAL CHALLENGES FACED BY USERS IN COMPLYING WITH ABS PROVISIONS

A pertinent need which must to be addressed, is the ambiguity surrounding certain terminologies used in the BD Act such as “conventional breeding”, “commercial utilisation”, “BRs occurring in India”, “common practice”, “value added product” “normally traded as commodity” etc. Because of lack of clarity, there is a high scope for misinterpretations of these terminologies by various actors. Such confusions can have a detrimental effect on abiding by ABS obligations leading to legal issues that ultimately have a negative impact on the level of cooperation required between users and regulators for effective implementation of ABS. Furthermore, given that bio-resources find wide applications in diverse industries, there are sector specific issues that users within that sector are faced with which needs to be dealt with separately by regulators. A platform that can facilitate such dialogue between regulators and users is also absent in the current scenario.



## POTENTIAL GOOD PRACTICE

NBA can come out with explanatory notes regarding these terminologies with practical sector specific examples in line with the spirit of the Act such that it becomes clear to all actors what is meant by them and thereby reduce the scope for interpretations.

A periodic sector specific dialogue and guidelines between industries and NBA can be taken up for redressal of sector specific issues. The initiative of developing a platform that facilitates such dialogue between regulators and users should rest with industries and their associations for facilitating discussions on redressal of issues and compliance with any new guidelines that the regulators may come up with.

The BD Act provides for the formation of expert committees that support the regulators in their tasks. It can be immensely beneficial if the regulators can support the users by providing them access to a dedicated committee for redressal of issues relating to compliance with ABS regulations.

A Checklist can be developed by SBB for users to adhere to before applying through an application so that users are aware about the procedures that must be followed and can do the needful. Many a times applications are filled in incorrectly and are rejected by the SBB. As such the user must again fill and submit it leading to wastage of time and effort which impacts operations and profitability of the business.

Simplified ABS procedures for users to access the bio-resources that enable timely approvals is key, particularly for those businesses who rely on bio-resources that are seasonal in nature and are available for a short duration. The regulators can explore the option of granting conditional approvals that are subject to constraints for special cases where the time frame for access is very less or that may require an extended access period. Online procedures with robust technology and

practical application can be adopted for filling out forms with a dedicated helpdesk for availing information such as status of online application and redressal of grievances that users are faced with. Special procedures can be laid out for accessing check varieties for comparison in field trials. Development of a state specific FAQ document that caters to issues and queries that are commonly encountered based on specific state rules and laid out procedures can be put up on websites of State Biodiversity Boards who deal specifically with Section 7 companies for the benefit of the users.



## 2.7 KEY CHALLENGE

### ELICITING REQUISITE COOPERATION BETWEEN KEY ACTORS IN IMPLEMENTATION OF ABS

It has been observed that while many industries are utilising bio-resources from India, only a few have registered themselves with the respective SBBs and are complying with ABS provisions. This can mainly be attributed to two reasons. Either they are not aware of their obligations under the BD Act or they may be of the view that the ABS provisions do not apply to them (particularly Indian entities). To get them to register, the SBBs have time and again resorted to issuing of legal notices to companies for compliance with the law. Given that there is a significant gap between those that access bio-resources and those that are registered with the respective SBB (having accounted for several legal cases) there is clear deficit of cooperation between these two actors.



## POTENTIAL GOOD PRACTICE

The regulators need to build trust in enabling users to comply with the set procedures in accessing bio-resources and in getting them registered. A separate consultation with users to demonstrate that benefits have been shared with communities/BMC and how they are being utilised can be a good starting point to showcase how the users can play a pivotal role in conservation of biodiversity and sustaining livelihoods of communities who are custodians of such bio-resources. Maintaining confidentiality of information disclosed by users and providing them the necessary assurance that the information submitted for access is not to be shared with anyone is a must as many users particularly those related to research and IPR are sceptical about it. While the Act considers this key aspect, still there is uncertainty in the minds of the users who do not come forth in sharing of information related to access. Prioritising incentives over penalties and using a tone which is accommodating rather than authoritative should also reflect in the communication in the forms of notices being sent by SBBs/NBA to the users of bio-resources for creating an enabling environment that fosters cooperation.

Regulators can develop an incentive mechanism for users complying with ABS regulations. Any recognition in the form of a trademark/certificate on compliance to ABS will not only encourage a greater number of users to abide by their ABS obligations but will underscore the importance of fair and equitable sharing of benefits for the conservation of biodiversity

through ABS. What needs to be ensured is the standardisation of the incentive mechanism at the national level rather than keeping it state specific. Varied incentives in various forms can also lead to complexities and have detrimental effects on conservation of BRs. Concurrently, efforts need to be put in to sensitise the common masses on the implication of buying products that are ABS compliant and their positive impact on conservation of biodiversity and livelihoods of communities.

Users on the other hand can put in efforts in mainstreaming ABS through their corporate communication that brings about awareness on Access and Benefit Sharing provisions and how through it, they are contributing to the conservation of biodiversity. Another potential practice which can be undertaken by users is the formulation and adoption of a sector specific voluntary code of conduct for fulfilling their legal obligations under the Act.

The BD Act emphasise and encourages negotiations between users and regulators in determining the component of benefit sharing. As such it is the duty of the regulators to provide users with all the available options on benefit sharing including non-monetary. Developing a standardised methodology for quantification of non-monetary benefit sharing options and conducting an impact assessment will be vital for ensuring that non-monetary benefit sharing, should users opt for, is fair and equitable when compared with their monetary obligations.

<sup>4</sup>When determining benefit sharing it is also important for SBBs and NBA to account for and reflect on the differences in benefits accrued from commercial utilisation of BRs, by various prominent sectors such as pharmaceuticals, botanicals, nutraceuticals, food and agriculture, personal care and cosmetics to ensure that benefits shared with communities are commensurate with benefits accrued.

Regulating access to BRs is a core function of SBBs and NBA. As such it is vital for them to monitor the access of BRs post finalisation of the benefit sharing agreement. Specific standardised formats for auditing usage of bio-resources by users can be prepared by regulators that facilitate in carrying out audits and ascertaining whether companies are accessing BRs as per agreed terms or not. Since the auditing format is standardised it will also enable users to follow it uniformly without much hassle. Such formats can also be useful to periodically determine, in scenarios when access to bio-resources for non-commercial research purpose leads to commercialisation or transfer of research results, since in such cases, benefit sharing becomes obligatory and the user (Section 7 entity) has to approach the NBA instead of the respective SBB.

<sup>4</sup> MS Suneetha, Balakrishna Pisupati (2009) Benefit Sharing in ABS: Options and Elaborations





### 3.7 KEY CHALLENGE

#### LACK OF SYNERGIES BETWEEN LINE DEPARTMENTS AND THEIR RESPECTIVE VILLAGE DEVELOPMENT COMMITTEES FOR EFFECTIVE IMPLEMENTATION OF ABS

There is a lack of cooperation between SBBs and line departments such as forest, agriculture, tribal, animal husbandry, fisheries, state livelihood mission etc. when it comes to monitoring of bio-resources that are being accessed by the users. Since bio-resources are found in diverse ecosystems and accessed by diverse user groups for various purposes it becomes important to coordinate with other line departments so that unauthorised access to these resources can be reported to SBBs for taking punitive measures. When access is granted by an SBB to a user by way of entering into a contract, it needs to be monitored whether the access is as per the agreed terms and does not in any way violate the benefit sharing agreement. Furthermore, line departments and their committees at the grass- root level transact in the trade of bio-resources without notifying the SBB or the respective BMC under whose jurisdiction the bio-resource is accessed. The problem is further compounded when a BMC does not get the desired cooperation from village development committees (VDCs) such as PESA, JFMC, CFRMC, Gram Kosh Samiti, etc which also have certain legal rights over the bio-resources falling within their jurisdictions.



### POTENTIAL GOOD PRACTICE

For an effective implementation of BD Act and its provisions by the SBBs and BMCs, the SBBs need to establish synergies with other line departments for eliciting cooperation. This can be accomplished either through undertaking mutual consultations and arriving at an agreement between heads of departments. Alternatively, the SBB can develop a standard operating procedure in consultation with line departments for establishing cooperation between them and their sub-committees at the grass root level for fostering operational support to the SBB and BMCs and submit it to the respective state government for consideration and issuing a government resolution for eliciting requisite cooperation. Effective cooperation between departments (Tribal, Agriculture, Rural Development, State Livelihood Mission, Fisheries, Marine, Forests, etc) and their sub-committees at the grassroots can provide the necessary support to BMCs in monitoring of the bio-resources within their jurisdiction and performing their core functions such as preparation of PBR, preparation of biodiversity management action plan and levy fee on accessed bio-resources by users.

The SBB can delineate some of its powers to line department officials to assist in carrying out key tasks such as formation of BMCs, their capacity development, formation of TSGs, providing support to BMCs in preparation of PBR and creating awareness on BD Act and its provisions. Such cooperation from line departments can also facilitate in developing a mechanism for taking cognizance in case of an offense under the BD Act.

Another potential practice can be soliciting cooperation from other regulatory authorities at national and state level such as FSSAI (Food

Safety and Standards Authority), FCI (Food Corporation of India), CDSCO (Central Drugs Standard Control Organization), PCI (Pharma Council of India) etc. by SBBs/NBA in ensuring that companies who are registered with such authorities are made aware of their obligations under the BD Act and are brought under the purview of ABS with requisite support from these regulatory bodies who can also serve as checkpoints for tackling violations under the BD Act. In cases where access is related to a species which is of high value, a sample of the accessed BR can be sent to the appropriate repositories such as ZSI (Zoological Survey of India) or BSI (Botanical Survey of India), as the case may be, for cross checking and confirming whether the accessed species conforms with what was approved by the Board as per the agreement.



### 3.2 KEY CHALLENGE

#### CONSERVATION AND SUSTAINABLE UTILISATION OF BIODIVERSITY

At the core of ABS mechanism is the conservation and sustainable utilisation of biodiversity and associated knowledge. As such it becomes vital that the benefits shared with the community or BMC are utilised effectively for conservation of biodiversity and improving livelihoods of communities. When BMCs as custodians of BRs are not able to effectively use the benefits for the desired purpose it defeats the very objective for which the ABS mechanism was put in place.



### POTENTIAL GOOD PRACTICE

The BMCs need to respond to the concerns of the local communities while providing consultation to SBB/NBA on matters related to biodiversity falling within its jurisdiction. It can provide the requisite support in the development of bio-cultural community protocols (BCPs) to address some of the concerns faced by the local communities provided BCPs, as an effective instrument for safeguarding the rights of the local communities, are acknowledged by the SBBs and NBA. Through innovative participatory approaches it can facilitate participation from community, technical support groups and experts in documentation of biodiversity and associated knowledge. The BMC can also explore developing a mechanism for mapping of bio-resources in a particular catchment through the use of scientific methods which can be very helpful in the preparation of PBR. A database can be prepared in consultation with other village development committees consisting of commercially used bio-resources and respective users accessing those bio-resources frequently, which also captures the trade related transactions. Such a database will assist in monitoring of bio-resources and developing an action plan for management of biodiversity. The key to an effective monitoring mechanism will be tapping synergies existing between village development committees by the BMC in the effective discharge of its functions.

The BMC would also require participation of providers in conservation of bio-resources, providing informed consultation to SBBs/NBA and monitoring of bio-resources. Usage of already published documents



on flora and fauna of the geographical area can act as a baseline for preparation of PBR. Process innovation approaches can be integrated in preparation of PBR and application of levy fee. A model BMC, with requisite support from the SBB, can focus on developing and demonstrating a good utilisation plan for the benefits reaped through ABS and levy fees in the conservation of biodiversity for other BMCs to emulate. Benefits can also be used by the BMC for establishing infrastructure for primary value additions that cater to livelihoods of communities.

Users, as a potential good practice, can also consult the respective BMC under whose jurisdiction the bio-resources are to be accessed, in understanding what benefits can potentially have a significant impact on the conservation of bio-resources of that region and can propose it during their consultation with the respective SBB. This could pave the way particularly for non-monetary sharing of benefits that are relevant, pragmatic and potent for the conservation of local biodiversity. It is imperative that during these negotiations the interest of the local community and the BMC are recognised by the SBB before finalising the terms of benefit sharing.

Bio-resource based companies can also look into acknowledging the geographical origin of the bio-resource and the cultural heritage of the providers in relevant marketing and corporate communication.

Commercialisation of traditional knowledge (TK) associated with bio-resources so far has not been looked at in detail and would require separate treatment as compared to commercialisation of biological resources. This would require preparation of a dedicated form to be filled in by the user requesting permission for access to specific traditional knowledge.<sup>5</sup> Terms of benefit sharing will have to account for degree of ownership over the final product (which was made using the TK) between the research institute and TK-holders, and the future commercial use of the product, apart from other research collaboration benefits. During various stages of research and product development cycle, the value of the resource might increase due to more available information, and the negotiating power of the provider is further strengthened. Hence, milestone payment streams based on appropriate economic valuation of the product at each stage could ensure a higher rate of return to the provider.



©CHEA

5 MS Suneetha, Balakrishna Pisupati (2009) Benefit Sharing in ABS: Options and Elaborations

## 4

## METHODOLOGY FOR ANALYSING POTENTIAL GOOD PRACTICES OF ACCESS AND BENEFIT SHARING

As mentioned before, the document looks at the implementation of ABS mechanism holistically taking into consideration the interlinkages between various processes right from the moment an application for access is made till the point where a fair and equitable share of the benefits derived from the accessed bio-resource is utilised by the community (from where the bioresource was accessed) for conservation of biodiversity. As such it has incorporated the core standards as enlisted in the ABS Management Tool (developed by the International Institute for Sustainable Development) as core processes of the ABS mechanism.

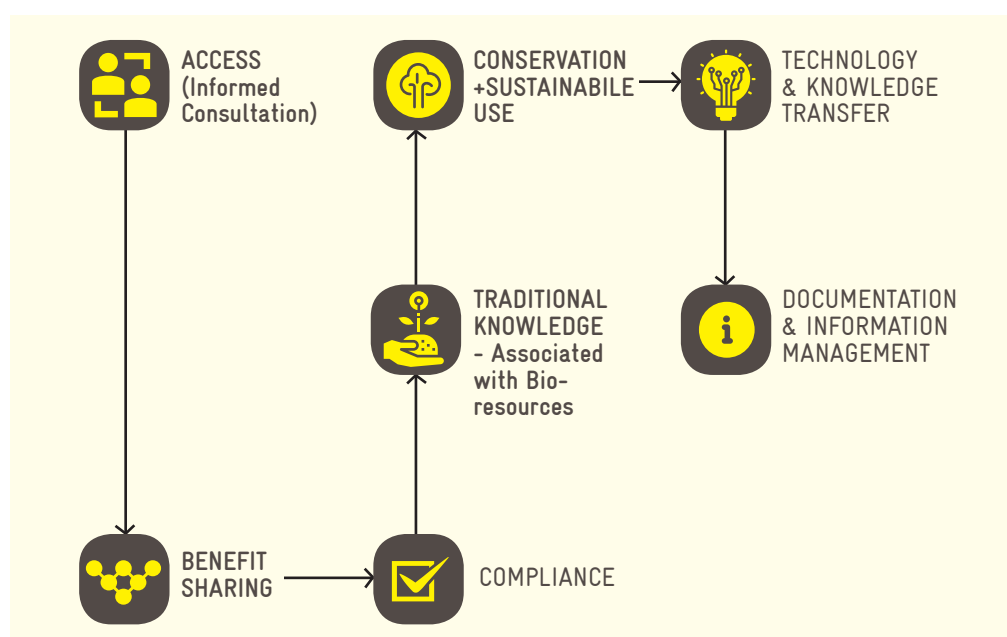
The ABS Management Tool is designed to provide stakeholders with a set of standards to ensure that bio-resources are accessed properly, and communities receive a fair share of benefits from the use of these bio-resources. Any activity under examination within the ABS mechanism will fall under one or more of these core processes. The standards as listed in the management tool refer to access, benefit sharing, compliance, traditional knowledge, conservation/sustainable use of bio-resources and transfer of technology. A good practice is one which acts as an enabler for the smooth functioning of the process/processes and facilitates seamless integration with other subsequent processes in the ABS mechanism for achieving optimal result as envisaged. For each process, a set of critical factors have been assigned that must be considered for achieving results effectively and in an efficient way. These critical factors are a prerequisite for the successful implementation of each of these core processes suited to the ABS regime in India.

Since these processes are interlinked, the case studies considered in this document are varied and focus on a specific process that can have a significant impact on the subsequent processes leading to sharing of benefits with communities. As to what constitutes a good practice, the document enlists criteria that have been validated through case study documentation and hands on experience from practitioners and experts alike. Combining the above, a framework has been developed for analysis of cases on access and benefit sharing. A template has been used to document these cases that makes it comprehensible for the reader to understand and relate to other such cases.

## 4.1 Core Processes within the ABS Mechanism

A key aspect of successful ABS activities is to build confidence and trust between the biological resource provider and users.<sup>6</sup> The ABS Management Tool (developed by the International Institute for Sustainable Development) is designed to inform and guide users, providers and regulators of biological resources in a neutral way to help them establish the necessary relationships based on confidence and trust. The tool lists standards (herewith referred to as core processes) that are a set of commitments to be followed by the biological resource users and providers to achieve an outcome that meets the requirements of the ABS provisions of the Convention on Biodiversity.

FIGURE 2:  
CORE  
PROCESSES  
WITHIN  
THE ABS  
MECHANISM









©Amit Setia

Tribal couple  
collecting Mahua  
flowers (Madhuca  
Longifolia)

<sup>6</sup> [https://www.iisd.org/pdf/2007/abs\\_mt.pdf](https://www.iisd.org/pdf/2007/abs_mt.pdf)



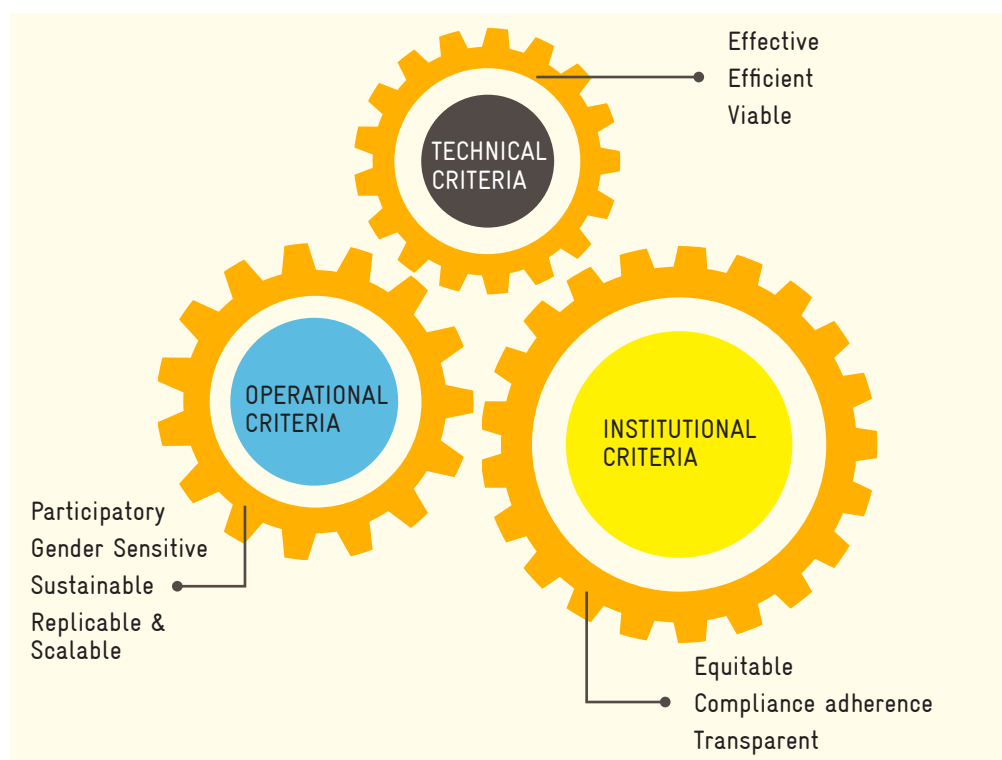
Core Process	Description
 <b>ACCESS</b> (Informed Consultation and Mutually agreed terms).	Informed consultation is carried out when the SBBs/ NBA consult with the BMC on matters related to biodiversity within its jurisdiction when a user of a biological resource wants access to bio-resources after fully disclosing all the required information that permits access. MATs are conditions and provisions of access and benefit-sharing, among others, negotiated between the user and the SBBs/NBA.
 <b>BENEFIT SHARING</b>	Benefit sharing is participation in the economic, environmental, scientific, social or cultural benefits resulting or arising from access to biological resources and associated traditional knowledge under mutually agreed terms (MATs)
 <b>COMPLIANCE</b>	Compliance means meeting the requirement and obligations of national (domestic) ABS legislative, administrative or policy measures on access to biological resources and traditional knowledge associated with biological resources and meeting the requirements of national (domestic) laws and administrative or policy measures of the country in which biological resources and associated knowledge are utilised. Compliance also means meeting the requirements and obligations documented in MATs.
 <b>KNOWLEDGE ASSOCIATED with biological resources</b>	Traditional knowledge, innovations & practices is the content of knowledge resulting from intellectual activity in a traditional context and includes the know-how, skills, innovations, practices and learning that form part of traditional knowledge systems, and knowledge embodying traditional lifestyles of indigenous and local communities or contained in codified knowledge systems passed between generations.
 <b>CONSERVATION + SUSTAINABLE USE</b>	Conservation and sustainable use are practices that ensure, or contribute to, the maintenance of biological diversity and its components for accessed biological resources.
 <b>TECHNOLOGY AND KNOWLEDGE TRANSFER</b>	Technology includes both "hard" and "soft" technology. Hard technology refers to the actual machinery & other physical hardware that is transferred, while soft technology refers to technological information or know-how.

Source: <https://www.seco.admin.ch/seco/en/home.html>

## 4.2 Basic Criteria for Assessing a Good Practice

An identification of a good practice involves judgement based on careful analysis using a defined set of criteria. It is pertinent to mention here that a Good Practice need not meet all the criteria. Some basic criteria for evaluating ABS Good Practices have been adopted from the Good Practices template developed by FAO (Food and Agriculture Organization) and a few more have been added to suit the Indian context as shown in Figure 3.

FIGURE 3:  
BASIC CRITERIA  
FOR ASSESSING  
A GOOD PRACTICE





Criteria		Explanation
Technical	Effective	A good practice must have strategic relevance and should be successful in producing the intended result
	Viable	A good practice must be accomplished considering the limited financial resources at the disposal of the stakeholders.
	Efficient	A good practice should create maximum impact with reasonable resources and within a specific time frame.
Operational	Sustainable	A good practice should meet current needs, without compromising the ability to address future needs.
	Replicable and Scalable	A good practice should have the potential for replication and should therefore be adaptable in varying situations with similar characteristics.
	Gender Sensitive	A good practice must cater to the concerns of men and women involved in the process, and should be able to improve their livelihoods
	Participatory	A good practice should be inclusive. Participatory approaches are essential as they support a joint sense of ownership of decisions and actions.
Institutional	Transparent	A good practice should address information asymmetry and facilitate free flow of Information between actors which should be accessible to all.
	Compliance Adherence	A good practice should be compliant with the ABS rules/ regulation formulated by the relevant national, state and local authorities.
	Equitable	A good practice should treat each actor alike involved in the process without any prejudice. In the context of ABS, the practice should ensure equity in the sharing of benefits with communities.

Source: <http://www.fao.org/capacity-development/resources/good-practices/en/>

## 5


# CRITICAL FACTORS TO BE CONSIDERED BY ACTORS IN THE EFFECTIVE IMPLEMENTATION OF ABS

CORE PROCESSES	CRITICAL FACTORS
<b>ACCESS</b> 	<ul style="list-style-type: none"> <li>• Criticality of the bio- resource being accessed</li> <li>• Objective of access</li> <li>• Monitoring of access</li> <li>• Level of consultation with BMC by the SBB</li> <li>• Willingness of BMC to permit access</li> <li>• Adopting sustainable harvest practices by users and providers</li> <li>• Seeking requisite permission from relevant departments by users</li> <li>• Bringing on board all line departments and statutory bodies in managing conflict arising out of the common rights associated with BRs</li> <li>• Exercise caution and respect for prevailing local traditions and customs</li> <li>• Simplified processes for access (e.g. application, helpdesk, forms, online hearing and grievance redressal, advance intimation of meeting schedules,) and training on online filling of applications for users</li> <li>• Ensuring traceability of bio-resource on the part of regulators and users</li> <li>• Getting into an agreement with the local body (gram panchayat) for accessing bio-resources from private forests, sacred groves in the absence of BMC</li> </ul>
<b>BENEFIT SHARING</b> 	<ul style="list-style-type: none"> <li>• Assessment of whether the bio-resource is found in the wild/ cultivated or has high commercial value<sup>7</sup></li> <li>• Developing specific guidelines on applicability of ABS for commercial utilisation of traditional knowledge</li> <li>• Negotiating benefit sharing mechanism vis a vis sector industries by regulators</li> <li>• Establishing a standard metrics for arriving at the valuation of economic potential from the commercialisation of research based on accessed bio-resources</li> <li>• Formulating operational guidelines by regulators for users to ensure traceability of access and facilitate monitoring of accessed bio-resources</li> <li>• Recognition/incentive given to companies who comply with the BD Act</li> </ul>




**TABLE 2:**  
CRITICAL FACTORS  
TO BE CONSIDERED  
IN ABS  
IMPLEMENTATION

<sup>7</sup> Ipshita Chaturvedi (2018) The A to Z of ABS in India. C&C Advisors



	<ul style="list-style-type: none"> <li>• Transparent approach in facilitation of inclusive dialogue for users/providers to choose and negotiate on potential monetary and non-monetary benefits</li> <li>• Appropriate negotiation/contractual mechanism with equity at its core</li> <li>• Undertake innovative models for benefit sharing. (Preparing flexible agreement with milestone payments as an option, benefit sharing models wherein communities/BMCs have a stake in the product development cycle of the accessed BR and associated TK)<sup>8</sup></li> <li>• Specific and structured training cum orientation programs on ABS law in addition to biodiversity policy and law for judicial academies, legal counsels and judicial members constituting environment tribunals</li> <li>• Developing a mechanism for quantifying non-monetary benefit sharing</li> <li>• Establishing appropriate mechanisms for sharing of benefits in cases where traceability cannot be determined</li> <li>• Ensuring transparency in determining the percentage of benefit sharing a user must part with</li> <li>• Ensuring transparency in benefits shared with communities/BMC</li> <li>• Fostering market linkages</li> </ul>
<p>COMPLIANCE</p> 	<ul style="list-style-type: none"> <li>• Clarity on compliance requirements</li> <li>• Simplified compliance procedures</li> <li>• Ensuring clarity on terminologies used in the Act that reduce the scope for interpretations</li> <li>• Close monitoring of Normally Traded as Commodity (NTAC) list not only in relation to threatened species but also resources with rising demands such as superfoods</li> <li>• Harmonizing Patents Act ,1970 and PPVFRA with ABS</li> <li>• Voluntary adoption of a code of conduct by users in fulfilling their ABS obligations</li> <li>• Expanding the purview of ABS to potential/upcoming sectors utilising BRs such as biotechnology, bio-pharma, bio-agriculture, bio-services, bio-informatics etc.</li> <li>• Enabling voluntary disclosures by users for accessed BRs</li> <li>• Incorporating a communication strategy in company policy that mainstreams conservation of biodiversity through ABS</li> <li>• Adopting a communication strategy by NBA/SBBs that fosters trust and cooperation between regulators and users.</li> <li>• Augmenting the efforts of regulators in monitoring of compliance through establishment of check points and improving legal certainty for key actors and line departments</li> <li>• Undertaking monitoring and tracking mechanisms for trade of bio-resources</li> <li>• Cost effective compliance measures that do not result in substantial increase in cost of procurement for users</li> <li>• Synergies with relevant ministries and other line departments/ village level committees for establishing checkpoints in implementing ABS</li> </ul>

<sup>8</sup> Balakrishna Pisupati (2015) The Ten Questions to be Addressed while Developing National ABS Frameworks. FLEDGE, India

<p>KNOWLEDGE ASSOCIATED WITH BIOLOGICAL RESOURCES</p> 	<ul style="list-style-type: none"> <li>• Participation of traditional knowledge holders, village institutions and local communities in documentation of PBR</li> <li>• Respect and follow of biocultural community protocols by users</li> <li>• Documentation of TK (traditional knowledge) and knowledge associated with BRs in PBR through a participatory approach facilitated by BMC</li> <li>• Recognition by BMC to special documents/secondary information for PBR preparation</li> <li>• Proper acknowledgement of TK holder's contribution in all publications and IPR related applications</li> <li>• Clarity on how much is to be documented and in what form taking into consideration the objective behind preparing a PBR</li> </ul>
<p>CONSERVATION + SUSTAINABLE USE</p> 	<ul style="list-style-type: none"> <li>• Clarity to BMC members on flow of benefits shared with them by the SBBs/NBA</li> <li>• Collation of knowledge available with resource organisations at field level that is related to biodiversity by BMC for management of biodiversity</li> <li>• Developing a mechanism by BMC for utilising benefits accrued through ABS for creating a substantial impact on conservation of biodiversity, its sustainable utilisation and improving livelihoods of communities</li> <li>• Adopting sustainable harvesting practices by providers</li> <li>• Fixing of minimum selling price (MSP) for certain bio-resources with huge commercial potential to safeguard the interest of providers</li> <li>• Certification of key bio-resources that support sustainable practices and improve livelihoods</li> <li>• Mainstreaming of ABS with BioTrade principles</li> <li>• Constituting a TSG (Technical support group) at the district level by SBB that provides technical support to BMCs on issues related to ABS and facilitates community-based actions</li> <li>• Standard metrics for assessment of current conservation status that can be deployed by BMC</li> <li>• Developing a collection/harvest management plan by BMC</li> <li>• Formulating a biocultural community protocol that safeguards the interest of the local communities</li> <li>• Monitoring the status of the bio-resource and arriving at an agreed sustainable yield that is scientifically validated</li> <li>• Developing, adopting and scaling up of Good Practices of Access and Benefit Sharing that strengthen the implementation of ABS</li> <li>• Developing a comprehensive monitoring and evaluation framework to track bio-resources, their supply chains and requisite approvals by users from competent authorities</li> <li>• Framing procedures for regulators to take cognizance against violators of rules</li> <li>• Documentation and demonstration of potential cases on conservation of BRs and their sustainable use through implementation of ABS mechanism</li> </ul>
<p>TECHNOLOGY / KNOWLEDGE TRANSFER</p> 	<ul style="list-style-type: none"> <li>• Encouraging the development of cooperative partnerships and/or networks involving, where appropriate with relevant stakeholders</li> <li>• Companies pioneering sustainable sourcing and partnering with those suppliers that comply with ABS provisions.</li> </ul>

It is pertinent that the practice under analysis relevant to a specific core process encompasses at least some of the enlisted critical factors for it to be recognised as a “Potential” practice worth further investigation. If it is not the case, one needs to identify if there are any other key factors attributed to the practice which may not be reflected in the framework but are yet critical and contribute to its success.

## 5.1 Weighted Average Method

For each of the core ABS processes, a 5-point weighted scale is assigned to each criterion. The value of the weight on the scale can be from 1 to 5 depending on how strongly it is reflected in the practice under examination with “1” denoting a “Very Weak” correlation and “5” denoting a “Very Strong” one.

**FIGURE 4:**  
WEIGHTED SCALE  
DENOTING THE  
CORRELATION OF  
THE CRITERION  
WITH THE  
PRACTICE

1	Very Weak
2	Weak
3	Average
4	Strong
5	Very Strong

Based on the criteria that are attributed to the potential practice under consideration, one can come up with the Weighted Average Score for the potential practice. The table below (Table 3) lists out the criteria assessment grid.

**TABLE 3:**  
GOOD PRACTICE  
CRITERIA  
ASSESSMENT  
GRID

Good Practice Criteria Assessment Grid		
Technical	Operational	Institutional
Efficient [ ]	Replicable and Scalable [ ]	Equitable [ ]
Effective [ ]	Sustainable [ ]	Compliance Adherence [ ]
Viable [ ]	Participatory [ ]	Transparent [ ]
	Gender Sensitive [ ]	
TOTAL [X1]	TOTAL [X2]	TOTAL [X3]

Based on the criteria attributed to the potential practice under consideration, the weights for the respective criterion can be added to get the total (X1,X2,X3). This can be used to derive the Weighted Average Score for the potential practice (WX)

$$WX= X1+X2+X3/10$$



A critical weighted average score of **3.5 (CX)** has been pre-assigned. A score of this or above can be classified as a “Good Practice” and a score below this would mean that the practice is lacking in certain key attributes and may need to incorporate them, for it to qualify as a Good Practice.

**For a Good Practice  $WX > CX$**



© GIZ/Anil Joshi

## 6

# FRAMEWORK FOR ANALYSIS OF POTENTIAL GOOD PRACTICES OF ACCESS AND BENEFIT SHARING

**TABLE 4:**  
FRAMEWORK  
FOR ANALYSING  
A POTENTIAL  
PRACTICE

CORE PROCESS	CRITICAL FACTORS	GOOD PRACTICE CRITERIA [ 1 to 5]		
		Technical	Operational	Institutional
		Efficient [ ]	Replicable and Scalable [ ]	Equitable [ ]
		Effective [ ]	Sustainable [ ]	Transparent [ ]
		Viable [ ]	Participatory [ ]	Compliance Adherence [ ]
			Gender Sensitive [ ]	
		TOTAL [ ]	TOTAL [ ]	TOTAL [ ]
WEIGHTED AVERAGE SCORE = WX				

The framework seeks to identify the process within the ABS mechanism that is attributed to the practice. It then takes into consideration the respective critical factors associated with the practice and then lists out the criteria that it incorporates and rates them according to the strength of their association with the practice. Since it is difficult to quantify and assign absolute values to a criterion, the approach of deploying a scale which reflect the relative correlation strength of the criterion with respect to the practice is more effective. The document has deployed the following template for documenting potential cases studies of Access and Benefit Sharing. It is acknowledged that criteria namely sustainable, replicable and scalable are key criteria and should be an integral part for a potential practice to be qualified as a “Good practice”. This is precisely why the template used for documenting cases in this document has a dedicated provision for the key criteria. After each case, a conclusion has been drawn that depicts the relevance of the case in the ABS regime and elaborates on key learnings which if integrated in the ABS mechanism can enhance its potential. An analysis using the provided framework and methodology has also been carried out in meeting all the prerequisites and arriving at the Weighted Average Score for verifying and validating the potential case as a “Good Practice” of Access and Benefit Sharing.

## 7

# TEMPLATE FOR DOCUMENTING CASE STUDIES

Element	Guiding Questions
Title	What is the name that describes the good practice?
Publication date	When (month and year) was the good practice documented / published
Author (s)	Who wrote the good practice document?
Target Audience	To whom is this document addressed?
Objective	What is the aim/objective of this document?
Location/geographical coverage	What is the geographical range where the good practice has been used?  i.e. village, town, district, region, country etc.
Introduction	What is the context (initial situation) and challenge being addressed?
Stakeholders and Partners	Who are the beneficiaries or the target group of the good practice?  Who are the users of the good practice?  Who are the institutions, partners, implementing agencies, and donors involved in the good practice and what is the nature of their involvement?
Methodical Approach	What methodology has been used to address the initial issue and lead to a successful outcome and finally to the good practice?
Validation	Confirmation by the beneficiaries that the practice addresses the needs properly. Has the good practice been validated with the stakeholders/final users?
Impact	What has been the impact (positive or negative) of this good practice on the livelihoods of beneficiaries (both men and women)? Has the livelihood of these beneficiaries been environmentally and economically improved, if yes, explain how?
Innovation and Success	In what way has the good practice contributed to an innovation in the livelihood and bio-resources conservation/management? What are the critical success factors?  What are the mechanisms (institutional, technical and operational) to be in place for the successful replication of a good practice in similar context?
Constraints	What are the challenges encountered by people (target group) in applying the good practice? How have they been addressed?  In ABS context, what are the bottlenecks of Bio-resource management and trade?
Lessons learned	What are the key messages and lessons learned to take away from the good practice experience?



Element	Guiding Questions
Sustainability	What are the elements that need to be put into place for the good practice to be institutionally, socially, economically and environmentally sustainable?
Replicability	What are the possibilities of extending the good practice more widely?  What are the conditions that should be met/respected to ensure that the good practice is replicated, but adapted to the new context?
Conclusion	Conclude specifying /explaining the impact and usefulness of the good practice.

Source: <http://www.fao.org/capacity-development/resources/good-practices/en/>



## 8

# CASE STUDIES ON POTENTIAL GOOD PRACTICES OF ACCESS AND BENEFIT SHARING

## 8.1 Traditional Healers and Traditional Knowledge – a Participatory Approach



Gadchiroli is an abode of biodiversity in the state of Maharashtra. The abundance of bio-resources corresponds with the sheer number of traditional healers (*Vaidus*) present here with rich traditional knowledge associated with these resources which has been passed on from many generations. Even today, with basic healthcare facilities absent in most parts of the district, it is the traditional healers who cater to the ailments of the people. In the context of ABS regime

in India, it was perceived that traditional knowledge holders were not forthcoming in divulging their traditional knowledge whether for recognition or documentation and had always kept it to themselves for fear of misuse, mistrust and duplication. The scenario in Gadchiroli was no different where *Vaidus* practiced in isolation and their provided treatment was limited to the villages they dwelled in. Furthermore, as the JFMCs (Joint Forest Management Committees) were mandated to collect bio-resources from the forests through the communities and sell them to potential users of bio-resources, the *Vaidus* collection of medicinal plants for preparation of medicine was a restricted activity.

However, this scenario changed with the intervention of the forest division of Gadchiroli. The forest department was aware of the important role played by the traditional healers in the village communities. Subsequent consultations with the traditional healers were undertaken by the forest department which led to the organising of a “*Vaidu Sammelan*” or a convention of traditional healers for the conservation of biodiversity in Gadchiroli. The *Sammelán* was a two-day event organised entirely by the forest division where traditional healers from all over Gadchiroli district were invited to participate. The key objective of organising it was to make them inclusive as active participants in playing a key role in the conservation of biodiversity. Eminent spokesperson from department of forests, NGOs, medical practitioners and the *Vaidu* community spoke on various topics and key challenges addressing biodiversity. The convention also served as a platform for knowledge sharing where experts from the *Vaidu* community came forward in sharing their experience on specific herbs, medicinal plants, rare and threatened

species of Gadchiroli and how they played a pivotal role in the effective treatment of certain diseases to the benefit of many.

The two-day workshop was not limited to theoretical knowledge alone. On the second day, the *Vaidus* were divided into smaller groups and to each group was assigned a forest guard and a BSc (Bachelor of Science) student pursuing his/her studies in the local university. The field visit would entail a visit to a section of the forest from where the *Vaidus* collected herbs and medicinal plants for their preparations. The traditional healers educated the group on the identification of a particular species through characterisation, the potential health benefits of the plant under observation, the way of sustainably harvesting it and ensuring that the species is not completely removed from the area. A taxonomist would also accompany the group and the *Vaidus* would assist in identifying and translating the local name of the species to its scientific name. This activity of identifying flora and fauna and documenting it was of vital importance as Gadchiroli district is surrounded by three states and has a tribal population that speaks varied languages and dialects only known to the indigenous communities. The presence of a forest guard ensured effective mobilisation of the communities and elicited support from the forest department as might be required from time to time. Furthermore, the forest guard was also trained on aspects related to ensuring how the species were identified, their geographical distribution in the area, sustainable harvesting practices and potential uses. The forest guard also ensured that the threatened species as identified by *Vaidus* were left untouched and monitored periodically. The *sammellan* concluded by giving due recognition to *Vaidus* for their traditional knowledge. Certificates and licenses were issued by the forest division to traditional healers that recognised their contribution in the field of conservation of bio-resources and traditional knowledge and authenticated their practice by giving them permission to access bio-resources without any restrictions. Certain individuals were felicitated for their contributions to the field of traditional knowledge and its application.



© Prashant Bharne

Field visit to the nearby forest by officials of the forest department, local communities and Vaidus during the *Sammelan*





License issued by  
Forest division of  
Gadchiroli to a  
Vaidu for access  
to bio-resources

Because of the intervention and sustained engagement of the key stakeholders, considerable trust and good will had developed between the traditional knowledge holders and the regulators of bio-resources. The *Vaidus* became instrumental in identifying indigenous species in the forests and helped taxonomists and the forest department immensely in documenting it. Till date, a register with the traditional knowledge from 280 *Vaidus* has been documented. This sort of documentation can very well provide an efficient basis for documenting traditional knowledge in the People's Biodiversity Registers for the respective BMCs and demand requisite support and expertise from traditional healers of the area in the sustainable management of bio-resources.

As the case study highlights, sustained engagement is a key to mobilising stakeholders in the collective process. Ever since the first *sammelan* that was held in 2012, the forest department of Gadchiroli along with the *Vaidu* community have made it a practice to organise more such *sammelans* and side events that brings about a collaborative effort between key stakeholders and offers a win-win scenario for them. The Maharashtra State Biodiversity Board has also contributed to these events by actively participating in sensitising and mobilising the communities in mainstreaming biodiversity conservation in Gadchiroli. The collaborative approach to conservation taken by the forest division of Gadchiroli exemplifies this participatory approach as an effective method in getting stakeholders sensitised, involved and mobilised in working towards the collective and common goal of documentation and conservation of biodiversity.

## ANALYSIS

CORE PROCESS	CRITICAL FACTOR	GOOD PRACTICE CRITERIA		
Knowledge associated with Biological Resources	Community participation, Tapping synergies between stakeholders	Technical	Operational	Institutional
		Efficient [4]	Replicable and Scalable [5]	Equitable [4]
		Effective [4]	Sustainability [5]	Compliance Adherence [5]
		Viable [3]	Participatory [5]	Transparent [3]
			Gender Sensitive [3]	
		TOTAL [11]	TOTAL [18]	TOTAL [12]
WEIGHTED AVERAGE SCORE = 4.1				



Vaidus explaining  
the various  
characteristics of  
a bio-resource to  
forest department  
officials and local  
communities



©Prashant Bharme

## 8.2 The Golden Mahaseer Conservation Breeding Project – Biodiversity Conservation by Hirabambai BMC

**Adopted from the Golden Story published by the Maharashtra State Biodiversity Board**



One of the twenty mega fish species of the world, Golden Mahseer is a renowned game fish which has good dietary value. It is an iconic species of fish generally found near the headwaters of rivers, both Himalayan and peninsular, where there is running water which is relatively unpolluted. It is an indicator of the ecological health of a river, whereby its abundance implies a healthy river ecosystem.

But sadly, Mahseer is fighting for its survival as the numbers have declined by more than fifty percent in the recent years. This figure is expected to go up by eighty percent in the next couple of years. Some of the reasons for such a massive depletion of its population were poaching, unmonitored angling, industrial pollution, introduction of invasive species, impact of river valley projects etc.

Tata Power through its Lonavala Center had been doing extraordinary service for the conservation of Mahseer for more than 40 years, however, other than this there were very little notable conservation efforts in Maharashtra. Maharashtra State Biodiversity Board (MSBB) took up the task of conservation of this magnificent species which was once upon a time found in abundant quantity in the rivers of Melghat. MSBB decided to launch the Mahseer conservation breeding project in Melghat. Melghat is a region well known for its rich biodiversity with majority of the tribal population having an inbuilt conservation ethos. As such it was selected as a potential site for Mahseer conservation breeding project after detailed scientific

Fertilised eggs in  
floating tray for  
hatching

© Ganesh Sabale

study of a few potential sites. The Hirabambai village with a reservoir to act as a perennial source of water in its vicinity and its residents having a deep respect for nature and a great desire to contribute towards the conservation of this iconic species was selected. A BMC was constituted to carry out the work of conservation of Mahseer at the grass root level where MSBB acted as the chief patron of the project and provided the necessary funding, guidance and required support. The west Melghat forest division acted as the key facilitator in doing regular project monitoring, liaison with other government agencies to obtain required permission for getting land for the project site, arrange supply of water etc. A consultant (Dr. Ogle) was also roped in to provide the requisite technical support to the BMC members in carrying out the conservation activities. The entire project was divided into three stages:

- |                |   |
|----------------|---|
| <b>Stage 1</b> | Rearing of fingerlings in cage culture till they attain sexual maturity   |
| <b>Stage 2</b> | Using the sexually matured fishes obtained from the earlier stage to carry out artificial breeding and produce hatchlings |
| <b>Stage 3</b> | Release of the fingerlings so obtained (both natural and artificial) into the various rivers.                             |

The Mahseer conservation breeding project by BMC Hirabambai began with the release of Mahaseer fingerlings bought from Tata Power, Lonavala in the floating cage erected in Hirabambai reservoir. The fingerlings were released with due care to their diet which comprised of a mixture of rice bran and groundnut cake. As the fingerlings began to grow, a cement tank was constructed for enabling successful breeding of fish. The Mahseer takes about three years to reach sexual maturity. The fish which were large in size and more mature were selected from

the floating cage and released into a cement tank in batches. Dr. Ogle and his team demonstrated to the BMC members, the technique of cornering fish in the fish tank and differentiating male from female. Audio-visual techniques were also used for demonstration. To get hands on training regarding the actual breeding process, five members of the BMC were sent to Tata Power, Lonavla. The most notable thing about this training was that it was arranged by BMC members themselves as they got the contact numbers of Tata Power personnel from the internet, contacted them over phone and to the credit of Tata Power, they responded positively to the enthusiasm shown by the group. With these inputs, the BMC members started practicing the techniques a few times every week so as to fine-tune their skill in carrying out the highly technical work of cornering fishes, differentiating male and female fishes, stripping eggs from female manually before commencing the artificial breeding method during the monsoon season which was done through the stripping method.

More than three years of perseverance shown by the members of BMC finally paid off when they were able to successfully rear new Mahseer hatchling. The story of BMC Hirabambai in successfully taking up a long-term project involving the conservation of an iconic species is a testament to the will and determination of the village community in contributing positively to the cause of conservation. It is an affirmation of the fact that with some guidance, seemingly very specialised and technical work can also be carried out by BMC members with financial support provided by the State Biodiversity Board and the District Development Agency. The successful onsite breeding of Mahseer signifies achievement of a very critical milestone in this project and makes one optimistic about the realisation of the long-term objectives of restocking river systems of Melghat with Mahseer fingerlings produced from this breeding centre. Restocking of Mahseer fingerlings has to be carried out at least for a decade so that lost population of this magnificent fish revives to an extent which enables the species to sustain its population through natural breeding. The excellent work of Hirabambai BMC in remaining committed to the long-term conservation project was recognised by Maharashtra State Biodiversity Board by awarding it with the first prize for efforts in biodiversity conservation on International Biodiversity Day. The hard work and the untiring efforts of the members of the BMC will start bearing fruit once the sale of fingerlings start and the amount will be available to be shared by the members of the Hirabambai BMC.

The case underscores the important role played by the BMC in the conservation of biodiversity. Furthermore, it provides an avenue for SBBs to undertake conservation measures of threatened species and ecosystems through BMCs, where they can plough the benefits derived from ABS for which traceability cannot be determined and channel it to the targeted BMCs. The SBBs can be instrumental in making available to the BMCs and communities the necessary technical skills and tapping synergies by collaborating with other government departments/organisations for them to participate and manage conservation of biodiversity within their jurisdiction. Lastly as the case demonstrates that apart from the management of biodiversity, a BMC can also play a key role in providing livelihoods and generate





Artificial tank  
for breeding of  
Mahseer Fish

© Dharmendra Singh

its own finances through efficient conservation and sustainable use of biodiversity. The SBBs need to not only promote such endeavours but also recognise and incentivise them so that it can pave the way for other BMCs to come forward in actively engaging in conservation of biodiversity for the benefit of the communities which they represent.

## ANALYSIS

CORE PROCESS	CRITICAL FACTOR	GOOD PRACTICE CRITERIA		
Conservation of biodiversity	Criticality of the bio-resource Participation of communities and BMC	Technical	Operational	Institutional
		Efficient [4]	Replicable and Scalable [3]	Equitable [5]
		Effective [4]	Sustainability [5]	Compliance Adherence [5]
		Viable [3]	Participatory [5]	Transparent [5]
			Gender Sensitive [5]	
		TOTAL [11]	TOTAL [18]	TOTAL [15]
WEIGHTED AVERAGE SCORE = 4.4				



## 8.3 Bio-resource Certification – An Effective Method for Conservation and Improving Livelihoods<sup>9</sup>



Biodiversity conservation is one of the key issues globally. Land use change due to expansion of agriculture, tourism and development projects is contributing to loss of habitat and species at an alarming rate. Moreover, indiscriminate logging of forests for satisfying immediate monetary needs is resulting in further degradation of forests and habitats. This situation is particularly true and has serious ramifications for key biodiversity areas and ecosystems in the forest landscapes of the North-Western Ghats, which is a global biodiversity hotspot.

Sparse protected area network, predominantly community ownership of large tracts of biodiversity rich forests, lack of awareness about importance of biodiversity in human wellbeing and low economic returns from unsustainable utilisation of biodiversity are important reasons for degradation of forests and loss of biodiversity in this landscape. Presence of sacred groves, traditionally managed old forests (though fragmented but present in good numbers) spread across the region, offer only hope for conservation of threatened plants and animals. These small ecosystems too are facing the threat from loss of faith in traditional practices among the local community. One of the major issues that threatened the biodiversity of the region was the indiscriminate cutting of the *Terminalia Bellirica* (Baheda), a giant tree species, for timber. This led to an imbalance in the sacred groves ecosystem which caused degradation of plant species such as herbs, medicinal plants etc. This was further amplified due to the absence of trade for the fruits of the tree which otherwise found usage in ayurvedic medicines, health supplements and had good demand potential in national and international markets. All this together posed significant threats to the ecological integrity of the landscape, thus it was necessary to develop and implement a strategy that would fulfil monetary expectations of local communities while ensuring conservation of key biodiversity areas in this region.

Keeping this goal in mind, Applied Environment Research Foundation (AERF), a Pune based NGO, undertook the initiative to implement the FairWild certification scheme for promotion of sustainable collection of non-timber forest produce from community managed forests in the North-Western Ghats of Ratnagiri and Pune districts. Two potential sites were chosen which were the Bhima Shankar Wildlife Sanctuary (BWLS) in Pune district and Sangameshwar in Ratnagiri district. FairWild, which is an international certification scheme has one of the most stringent protocols and requirements with respect to biodiversity conservation, sustainable harvesting methods and sharing of monetary benefits with resource owners with due prominence to fair and equity. The key stakeholders involved in this initiative were the respective BMCs, local community, buyers which mainly comprised of wholesalers, exporters and retailers of certified bio-resources.

As a prerequisite, AERF initiated the process of identifying potential users of certified

<sup>9</sup> # Excerpts adapted from Satoyama Initiative Thematic Review Vol 3, 2018

bio-resources which led to the selection of Pukka Herbs, a UK based entity involved in the manufacturing of *ayurvedic* formulations made from certified bio-resources. Nature Connect India Pvt. Ltd was to act as a domestic buyer that purchased from the collectors (provider) and sold the certified produce to Pukka Herbs. AERF was to act as the facilitator for coordinating activities and facilitating cooperation between the stakeholders in the entire process. Local communities were sensitised in understanding the issue of indiscriminate cutting and its detrimental impact on local biodiversity which subsequently diminished livelihoods of the communities. The BMCs acted as change agents where they were trained by AERF in following the standards required for FairWild certification. The BMCs then mobilised the communities in spreading awareness about the certification procedure and how it would conserve the local biodiversity and improve livelihood through tapping the potential demand for certified fruits of *T. Bellirica* trees. Both domestic and international buyers were also consulted in understanding their procurement cycles and specific concerns. Until the initiative, even the buyers were not aware of the ABS provisions under the BD Act. A process was initiated by AERF to get the user (Nature Connect Pvt Ltd.) registered with the Maharashtra State Biodiversity Board for compliance with the ABS regulations. Accordingly, the process has also been initiated to get Pukka Herbs registered with NBA and for filing in the requisite forms for access. Communities were informed and consulted to develop a mechanism for better protection and use of bio-resource from the sacred groves of Sangameshwar and Bhimashankar Wild Life Sanctuary with emphasis on sustainable harvesting techniques and improving the yield and collection of fruits. Requisite permission was also sought from the gram panchayat of the area to carry out the initiative. Members of the BMC were trained in FairWild certification which was based on long-term community engagement work, periodic trainings and fair sharing of benefits with the benefit claimers. The BMC, through effective community mobilisation played a key role in ensuring that all the requirements of the certification were followed by the communities diligently at all the sites. As a result of AERF's long term commitment to conservation and wellbeing of community and the dedicated work of the members of the BMC, supported by donors, and keen interest of buyers led to the FairWild certification of *T. Bellirica* trees. Because of appropriate market linkages, the BMCs were able to command a premium for the collected fruits from the certified trees. Besides several women from the community participated in processing of fruits and got employment for four months.



Fair Wild certified  
Terminalia  
Bellirica tree at  
Devrukh Village,  
Sangameshwar  
block, Ratnagiri

Some of the key impacts of the initiative were: -

1. Annual income increased by 10-15% for the households engaged in the collection and trade
2. The trees that were certified were well maintained and fruited well as compared to non-certified trees
3. The premium paid by user to the BMC was distributed among the benefit claimers
4. Every year there was a 20% increase in certified trees in both Sangameshwar and BWLS which not only prevented logging of trees but promoted conservation efforts owing to livelihood opportunities that FairWild certification brought with it.

Transparent process of earning more benefits was established that led to involvement of neighbouring communities as well. As a result, more communities started participating in the initiative and reaped the benefits. What was equally vital was that communities developed a conservation ethos not only towards the *T. Bellirica* trees but also towards other plant species as well that were part of the rich biodiversity which formed an integral part of their culture and traditional practices. As a result of the initiative, sacred groves protection was ensured in Sangameshwar and BWLS. However, while the initiative provided the much-needed impetus to the conservation of sacred groves, some key constraints in the process which could diminish the impact were also observed. Some of these were: -

1. All the fruit producing trees could not be certified, and those that got certified did not always fetch a better price as compared to non-certified fruits in the absence of buyers
2. Appropriate market linkages were necessary for such an initiative to be implemented by the BMCs
3. Requisite capacity building of the BMCs and compliance to the procedures of certification with attention to the details was very important as non-adherence to them could jeopardize the certification process.
4. Community mobilisation through BMCs could only work and an outside agency would find it difficult to elicit the required cooperation from communities and build trust with them
5. All the certified trees did not bear fruits annually and that hampered the amount of production which could demotivate the communities to put in effort in the certification process.

From a viability perspective, the overall cost of FairWild certification was borne by the user (Pukka Herbs) who required certified bio-resource based products which included the cost of certification, training on certification procedures, packaging and processing of bio-resource and marketing. This ensured that if the community was motivated, guided and mobilised effectively by a local institution such as a BMC, they only had to focus upon the certification procedures and could reap the benefits of high premium offered on the certified produce on one hand and profit

Community  
processing centre,  
Sangameshwar block,  
Ratnagiri

from the sharing of benefits by the user with the communities through the ABS mechanism. As the ABS process has been recently initiated the benefits are yet to reach the BMCs.

Replication of the certification approach holds potential as the focused bio-resources are available widely across India and huge demand is available for certified produce domestically as well as globally. Thus, identifying BMCs with similar bio-resources and replicating the model there is possible. However appropriate market linkages that offer the requisite technical support is a key factor for certification to create a significant impact.

The case highlights the integration of the FairWild certification approach with the ABS regime which can possibly open avenues for more such initiatives wherein the BMC plays a pivotal role in community mobilisation for fostering efforts that cater to conservation of biodiversity and improving livelihoods of communities. Furthermore, the certified market for bio-resources holds potential and a greater number of bio-resources can be brought under the ambit of certification which have protocols that complement the provisions of conservation of biodiversity, its sustainable use and fair and equitable sharing of benefits as provided under the BD Act.

## ANALYSIS

CORE PROCESS	CRITICAL FACTOR	GOOD PRACTICE CRITERIA		
Access, Benefit Sharing, Compliance, Conservation of Biodiversity	Sustainable harvesting practices, Market linkages	Technical	Operational	Institutional
		Efficient [3]	Replicable and Scalable [3]	Equitable [5]
		Effective [4]	Sustainability [3]	Compliance Adherence [5]
		Viable [2]	Participatory [5]	Transparent [5]
			Gender Sensitive [5]	
		TOTAL [9]	TOTAL [16]	TOTAL [15]
WEIGHTED AVERAGE SCORE = 4				



## 6

# CONCLUSION

Development of Good Practices requires a collaborative effort on behalf of the actors. An important feature of any ABS regime is to provision for the resources for the providers to undertake conservation efforts. Therefore, it becomes equally important to not just focus on implementation of ABS but also understand the implications it has on the desired purpose for which the provisions were made in the Biological Diversity Act, 2002. Based on this holistic approach in developing the document, some key insights were gathered which are provided below.

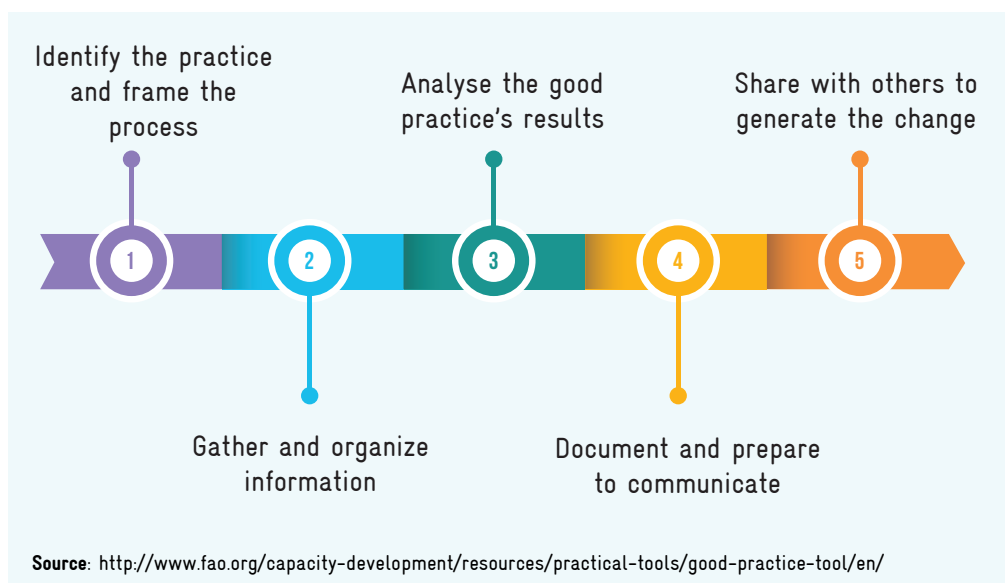
- It was found that several informal benefits sharing methods exist where providers themselves have developed informal mechanisms for benefit sharing which have had a positive impact on the local biodiversity and livelihoods of communities. It would be worthwhile in studying these informal models of benefit sharing and drawing learnings which could be useful for a BMC when devising means of sharing benefits with communities. What must be ensured is that the interest of the community is represented by the BMC which works towards recognising and augmenting their existing efforts in the conservation of biodiversity and sustaining livelihoods.
- The Biodiversity Management Committee, as per the BD Act, is central to the management of biodiversity and has sovereign rights over the bio-resources within its jurisdiction. Seeking permission from the BMC is paramount for SBBs and NBA to grant approvals. Therefore, the consultative process becomes a core theme in the implementation of ABS. However, it has been a challenge for the regulators to consult BMCs on matters related to access of bio-resources largely due to inept capacities of the BMCs and lack of traceability in determining the source of bio-resources to be accessed. Unless these two challenges are addressed, the implementation of ABS cannot happen in the true spirit of the BD Act. Capacity building of BMCs and cooperation between actors in formulating means of ascertaining traceability in the ABS process becomes imperative in the present context.
- From a practical point, we will often encounter cases related to Access and Benefit Sharing that may not fulfil all the criteria. Given that cases exemplifying Good Practices of ABS are few in India, at this point of time, effort has been made to identify case studies that provide a holistic picture and involve the key actors.
- It is evident from the scores derived for each of the cases that none of them scores a perfect five. Hence, even in these case studies on potential Good Practices there is always room for improvement in fulfilling those criteria that they are lacking in.
- It is important to note that while these cases are promising and demonstrate potential in the given context, there is a need to take them further in developing and applying them in multiple contexts as a next step, wherein they can

be qualified as Best Practices and widely shared to be adapted and adopted by other actors. This is precisely why the document lays stress on “Good” practices and not “Best” practices.

- The template adopted for documenting cases was found to be useful in understanding and providing a comprehensive picture of the cases in a very succinct way. The key elements of the template were found to be valuable as they threw light on prominent aspects of the case which required more focus in studying and documentation.
- Perhaps it will be advisable for regulators to facilitate business in establishing efficient supply chains that look beyond mere compliance with ABS provisions. Benefits shared with communities could be utilized such that it improves and strengthens the supply chain creating a win-win scenario for both the providers and users. For e.g. – adulteration of BRs is a common practice. Addressing this issue through sustainable sourcing where the required BRs can be directly accessed from the communities at fair prices thereby eliminating middle men and ensuring traceability can be a potential value proposition for companies to source from such a supply chain rather than sticking with the traditional practice of going to the mandi where adulteration is rampant.
- A limitation of the document lays in its emphasis on primary actors and their role in contributing to development of Good Practices. However, the development of Good Practices is not limited to these actors alone and other secondary actors such as line departments, academic institutions, NGOs, TSGs (Technical Support Groups) etc. can also contribute to or come up with Good Practices.
- There is a pertinent need to create awareness about ABS provision and sustainable sourcing amongst consumers of bio-resource based products. When consumers are sensitized towards these aspects which also act as parameters in their decision making when buying a product, more and more companies will ensure that the raw bio-resources are sourced such that they have a positive impact on local biodiversity and livelihoods and are compliant with the law. This would also improve the efficacy of any incentive mechanism that the regulators come up with for users complying with ABS provisions.
- The framework provided in the document entails key ingredients of a Good Practice on Access and Benefit Sharing. It is however possible that there might be critical factors and criteria other than the ones mentioned here that may be attributed to a potential practice which may not have been accounted for in the document.
- With growing population and rising demand for bio-resources there is a dearth of scientific methods that can possibly help identify what is the agreed sustainable yield beyond which harvesting should be prohibited in a specific geographic area for each species. Such pragmatic methods will be very useful to a BMC when undertaking consultations with SBB on managing and granting access to bio-resources within its jurisdiction.

- While the document provides for several potential practices which can be taken up by actors, pursuing them and getting them to a point where they can be termed as "Good " practices would require much more investment in terms of time and resources in understanding the context in which they are to be developed and incorporating the critical elements of good practices for them to be recommended as models for large scale adoption.
- The FAO (Food and Agriculture Organization) details out the process for capturing and sharing a Good Practice. Interested actors can use it as a useful methodology to start developing Good Practices. It also provides various practical tools which can be used as a guide for executing the processes as given in Figure 5.

FIGURE 5:  
PROCESS FOR  
CAPTURING  
AND SHARING A  
GOOD PRACTICE



It is envisaged that the orientation provided herewith to actors on development and adoption of Good Practices should enable them to learn from their own experiences and that of others, develop a process oriented thinking that triggers and transforms acquired knowledge into action, provides a path for cooperation in such a way that addresses collective challenges faced by them and facilitates collaboration for the implementation of Access and Benefit Sharing mechanism in India.

A practice that enables the stakeholders in the effective and efficient implementation of the core process/processes of the ABS mechanism, in ultimately facilitating the sharing of benefits with communities for the conservation, sustainable utilisation of biological resources and associated knowledge while upholding the spirit of the Biological Diversity Act is the underlying principle which forms the basis for any Good Practice of Access and Benefit Sharing.

## ANNEXURE 1

### EXPERT CONSULTATION ON GOOD PRACTICES OF ACCESS AND BENEFIT SHARING (LIST OF PARTICIPANTS)

S.No	Name of Participant
1	Mr. T. Rabikumar (Secretary, NBA)
2	Mr. K.P. Raghuram (Technical Officer, NBA)
3	Mr. Rupam Mandal (Program Manager, CEBPOL, NBA)
4	Dr. Ruchi Pant (Head, NRM and Biodiversity, UNDP)
5	Dr. Ramesh Kalaghatgi (Retired PCCF and HoFF)
6	Dr. Vinay Sinha (Retired Member Secretary and PCCF, MSBB)
7	Dr. C. Suvarna (Commissioner, Fisheries, Telangana)
8	Dr. K.S Varaprasad (Senior Consultant , APAARI)
9	Dr. A. P Singh (CCF, Gujarat Forest Department)
10	Dr. Narsimhan
11	Dr. Vinod Bhatt (Ex. Director, Navdhanya)
12	Dr. Pankaj Tewari (Executive Director, CHEA)
13	Dr. Palaneeswar (Jaypee Biotech)
14	Dr. M.K. Ramesh (Professor, NLSIU)
15	Ms. Vidya Vijayaraghavan (Project Legal Associate, UNDP)
16	Ms. Anusha (Project Associate, UNDP )
17	Dr. Aeshita Mukherjee Wilske (Team Leader, ABS Partnership Project, GIZ)
18	Dr. Geetha Nayak (Team Leader, ABS Partnership Project, GIZ)
19	Mr. Mithilesh Kandalkar (TE, ABS Partnership Project, GIZ)
20	Mr. Pradeep Mehta (TE, ABS Partnership Project, GIZ)
21	Mr. Anil Joshi (TE, ABS Partnership Project, GIZ)
22	Ms. Nishchita Nagappa (Jr. TE, ABS Partnership Project, GIZ)
23	Mr. Kunal Sharma (TE, ABS Partnership Project, GIZ)
24	Ms. Stanzin Namdol (Intern, ABS Partnership Project, GIZ)
25	Mr. Shreyas Bhartiya (Moderator and TE, ABS Partnership Project, GIZ)



## REFERENCES

1. FAO Capacity Development, Resources Section- Practical Tools  
<http://www.fao.org/capacity-development/resources/practical-tools/good-practice-tool/en/>
2. International Institute of Sustainable Development, ABS Management Tool (2007) <https://www.iisd.org/library/abs-management-tool-best-practice-standard-and-handbook-implementing-genetic-resource-access>  
HYPERLINK “[https://www.iisd.org/pdf/2007/abs\\_mt.pdf](https://www.iisd.org/pdf/2007/abs_mt.pdf) 3”
3. Klemm- Biber Susette, Martinez Sylvia, Access and Benefit Sharing - Good practice for academic research on genetic resources, Swiss Academy of Sciences (2006) [https://www.iisd.org/pdf/2006/abs\\_swiss\\_abs\\_good\\_practice.pdf](https://www.iisd.org/pdf/2006/abs_swiss_abs_good_practice.pdf)
4. UEbt, Report on Fair and Equitable Benefit Sharing –Manual for the assessment of policies and practices along natural ingredient supply chains (2013) [http://www.abs-initiative.info/fileadmin/media/Knowledge\\_Center/Publications/UEBT/Fair\\_and\\_Equitable\\_Benefit\\_Sharing\\_Manual\\_-\\_UEBT\\_-\\_2013.pdf](http://www.abs-initiative.info/fileadmin/media/Knowledge_Center/Publications/UEBT/Fair_and_Equitable_Benefit_Sharing_Manual_-_UEBT_-_2013.pdf)
5. ABS Capacity Development Initiative, Report on 4th ABS Business Dialogue- Public Private Partnership for Sustainable Development (2015)  
HYPERLINK “[http://www.abs-initiative.info/fileadmin/media/Events/2015/28-29\\_January\\_2015\\_Copenhagen\\_Denmark/REPORT\\_4th\\_ABS\\_BUSINESS\\_DIALOGUE\\_27\\_03\\_15\\_final\\_FINAL.pdf](http://www.abs-initiative.info/fileadmin/media/Events/2015/28-29_January_2015_Copenhagen_Denmark/REPORT_4th_ABS_BUSINESS_DIALOGUE_27_03_15_final_FINAL.pdf)” [http://www.abs-initiative.info/fileadmin//media/Events/2015/28-29\\_January\\_2015\\_Copenhagen\\_Denmark/REPORT\\_4th\\_ABS\\_BUSINESS\\_DIALOGUE\\_27\\_03\\_15\\_final\\_FINAL.pdf](http://www.abs-initiative.info/fileadmin//media/Events/2015/28-29_January_2015_Copenhagen_Denmark/REPORT_4th_ABS_BUSINESS_DIALOGUE_27_03_15_final_FINAL.pdf)
6. Ramprasad Vanaja, Clements Amelia, Lessons for Access and Benefit Sharing from Community Seed Banks in India, Farming Matters, Special edition- Access and Benefit Sharing of Genetic Resources (2016)
7. Ruiz Manuel, Possibilities and limitations of Biocultural Protocols, GIZ, (2012) [http://www.abs-initiative.info/fileadmin//media/Knowledge\\_Center/Publications/BCPs/2012\\_Possibilities\\_and\\_Limitations\\_Biocultural\\_Protocols\\_final\\_web\\_small.pdf](http://www.abs-initiative.info/fileadmin//media/Knowledge_Center/Publications/BCPs/2012_Possibilities_and_Limitations_Biocultural_Protocols_final_web_small.pdf)
8. Maharashtra State Biodiversity Board, The Golden Story- Golden Mahseer Conservation Breeding Project (2018)
9. Chaturvedi Ipshita, The A to Z of ABS in India, C&C Advisors (2018)
10. Pisupati Balakrishna, The Ten Questions to be Addressed while Developing National ABS Frameworks. FLEDGE, India (2015)
11. MS Suneetha, Pisupati Balakrishna, Benefit Sharing in ABS: Options and Elaborations, United Nations University Institute of Advanced Studies (UNU-IAS) (2009)



**Deutsche Gesellschaft für  
Internationale Zusammenarbeit (GIZ) GmbH**  
A2/18, Safdarjung enclave New Delhi – 110029, India  
T +91-11-49495353  
F +91-11-49495391  
E [biodiv.india@giz.de](mailto:biodiv.india@giz.de)  
[www.indo-germanbiodiversity.com](http://www.indo-germanbiodiversity.com)  
W [www.giz.de/India](http://www.giz.de/India)

**Registered offices**

Bonn and Eschborn, Germany  
Friedrich-Ebert-Allee j36 + 40  
53113 Bonn, Germany  
T +49 228 44 60-0  
F +49 228 44 60-17 66

**Dag-Hammarskjöld-Weg 1-5**  
65760 Eschborn  
T: +49 6196 79-0  
F: +49 6196 79-11 15

