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Communication Strategy for Access and Benefit Sharing (ABS) in India



The Indo-German Biodiversity Programme

The Indo-German Biodiversity Programme provides quality ecological and economic solutions to public and private partners in pursuit of participatory conservation and sustainable use of biodiversity, to support livelihoods for future generations.

A key component of the Programme is the *Access and Benefit Sharing (ABS) Partnership Project* commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ). The project is being implemented in partnership with the Indian Ministry of Environment, Forests and Climate Change, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and National Biodiversity Authority with three pilot State Biodiversity Boards namely, Maharashtra, Tamil Nadu and Uttarakhand. Its objective is to strengthen the capacities of relevant authorities and stakeholders to effectively implement the Nagoya Protocol on ABS in India. This includes developing communication tools to raise awareness and enhance stakeholders' understanding of existing ABS regulations, compliance mechanism and procedures.



India and Biodiversity: A Strong Alliance

India is one of the world's 17 *mega-diverse* countries, harbouring almost 11% of flora and 7.4% of fauna species. Its biological wealth is spread across a vast diversity of ecosystems, with vegetation types ranging from evergreen forests, to semi-evergreen and deciduous vegetation, to deserts.

With 1.3 billion inhabitants, India is home to over 17% of the world's population. There is *rich traditional knowledge* associated with biodiversity, including in health care and agriculture. Non-timber forest products (NTFPs) contribute to the livelihoods of 30% of the rural population. Over thousands of years, *unique agricultural practices* have emerged to suit diverse geographic and climatic conditions, such as traditional crop pest management and development of drought resistant and climate resilient crop varieties. India is a *globally acknowledged* centre of origin of cultivated plants and crop diversity, and nearly 180 breeds of domesticated animals are found here.



Access and Benefit Sharing (ABS)

India is a contracting Party to both the *Convention on Biological Diversity (CBD)* and the *Nagoya Protocol on ABS*. Over the past decade, the country has been building a robust implementation system based on science, stakeholder participation and cutting-edge legal frameworks. A range of policy measures are being executed to protect India's rich biological heritage.

In 2002, Parliament enacted the *Biological Diversity Act (BDA)* to provide for conservation and sustainable use of biological diversity and to ensure fair and equitable benefit sharing from the use of biological resources and related knowledge. The *National Biodiversity Authority (NBA)* was established in 2003 under the Ministry of Environment, Forests and Climate Change, mandated to implement the BDA through decentralized institutional structures. A *three-tier structure* was set up for this, with NBA leading processes at the national level, *State Biodiversity Boards (SBBs)* at state level, and *Biodiversity Management Committees (BMCs)* at the local level. More recently, India's "*Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations*" have been in force since their publication in the Official Gazette in November 2014.

India is *both a provider and a user* of biological resources, and establishing functional ABS mechanisms requires a *multi-dimensional approach*. The ABS Partnership Project facilitates partnerships among providers and users of biological resources, and helps to engage a *broad range of other stakeholders* such as policymakers, regulatory

authorities, traders, and legal professionals, all of which are key to achieve and sustain the national ABS system. A special focus of the project is on supporting the NBA and SBBs in establishing and building the capacities of BMCs at the local level.

Why a Communication Strategy for ABS?

Implementing ABS is a process of *social change*. ABS involves different levels and a great diversity of stakeholders. It touches upon many expert issues and affects diverse sectors and markets.

The *range of actors* required for ABS to work extends from policy makers, regulators and legal experts, via scientists, business people and NGOs, to local groups and communities. Each group has a specific role in the ABS process - and they need to cooperate. However, they all have their own worldviews and perspectives, speak their own languages, and have their own interests and objectives. Consequently, they require different capacity needs to be able to fulfil their roles.

ABS is at once a political arena, a policy field and a practical challenge. Communicating ABS is about leading, coordinating and facilitating *negotiation processes* among diverse actors. Clear regulatory frameworks can reduce the complexity of ABS, but only if all actors arrive at a *shared understanding* of how to implement them. This requires a strategic approach to communication.

India's Strategic Approach to ABS Communication

Acknowledging the above, India is taking a **multi-dimensional approach** to ABS communication that **differentiates** among and caters to the needs of different groups. Not everyone needs to know the same things, and not everyone can be approached in the same way. Merely disseminating the Biological Diversity Act to everyone will certainly not make the system work.

Instead, India chose to **involve all relevant stakeholder groups from the earliest stages** of ABS communication strategy development. An important milestone was in May 2018, when the ABS Partnership Project convened a stakeholder workshop to facilitate participatory analyses of the most relevant groups in ABS. At the event, participants discussed the main characteristics of each stakeholder group, their **knowledge, attitudes and practices** regarding ABS. Based on this the

participants also developed key points to consider in the communication approach to each group.

A basic premise of the ABS communication strategy in India - from stakeholder analyses through to the development of messages and communication products - is that conveying knowledge is not enough. **ABS is a matter of heads, hearts and hands.** Some actors may already know a lot about ABS, but may for some reason be reluctant to engage in the process. Others may be knowledgeable and willing, but may lack the practical skills to fulfil their role. Yet others may be open and willing, but may never have heard yet of ABS. In each case, the communication approach needs to be different.

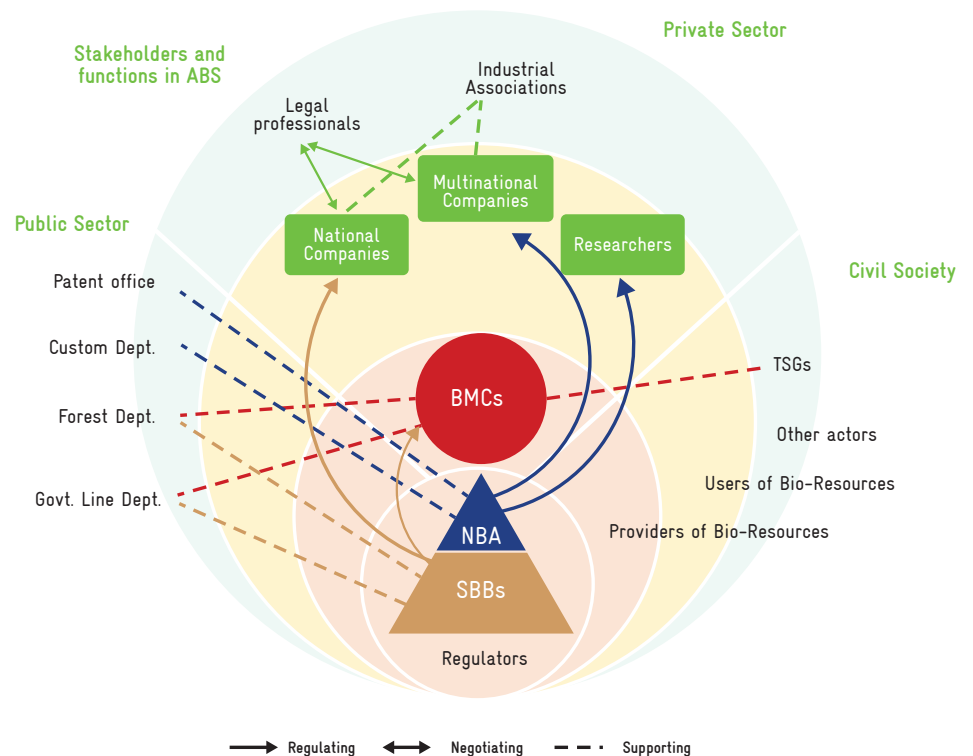
The Indian ABS communication strategy aims at catering to these different needs.

The ABS Stakeholder Landscape in India

As in most other countries, the range of actors to be involved for ABS to function is broad and complex. A peculiarity of India is the size of the country and its population, combined with its sophisticated federal system. This structure is reflected in the Indian ABS landscape.

Besides the regulatory authorities - the National Biodiversity Authority (NBA), State Biodiversity Boards (SBBs) and the Biodiversity Management Committees - there are 11 key groups of actors to be considered and involved. These can broadly be divided into users of bio-resources, providers of bio-resources, and supportive actors.

The above mentioned participatory analyses of all stakeholder groups resulted in important insights regarding current ABS-related knowledge, attitudes and



practices of each of these groups, and in key aspects to consider in designing the strategic communication approach to each of them. In summary:

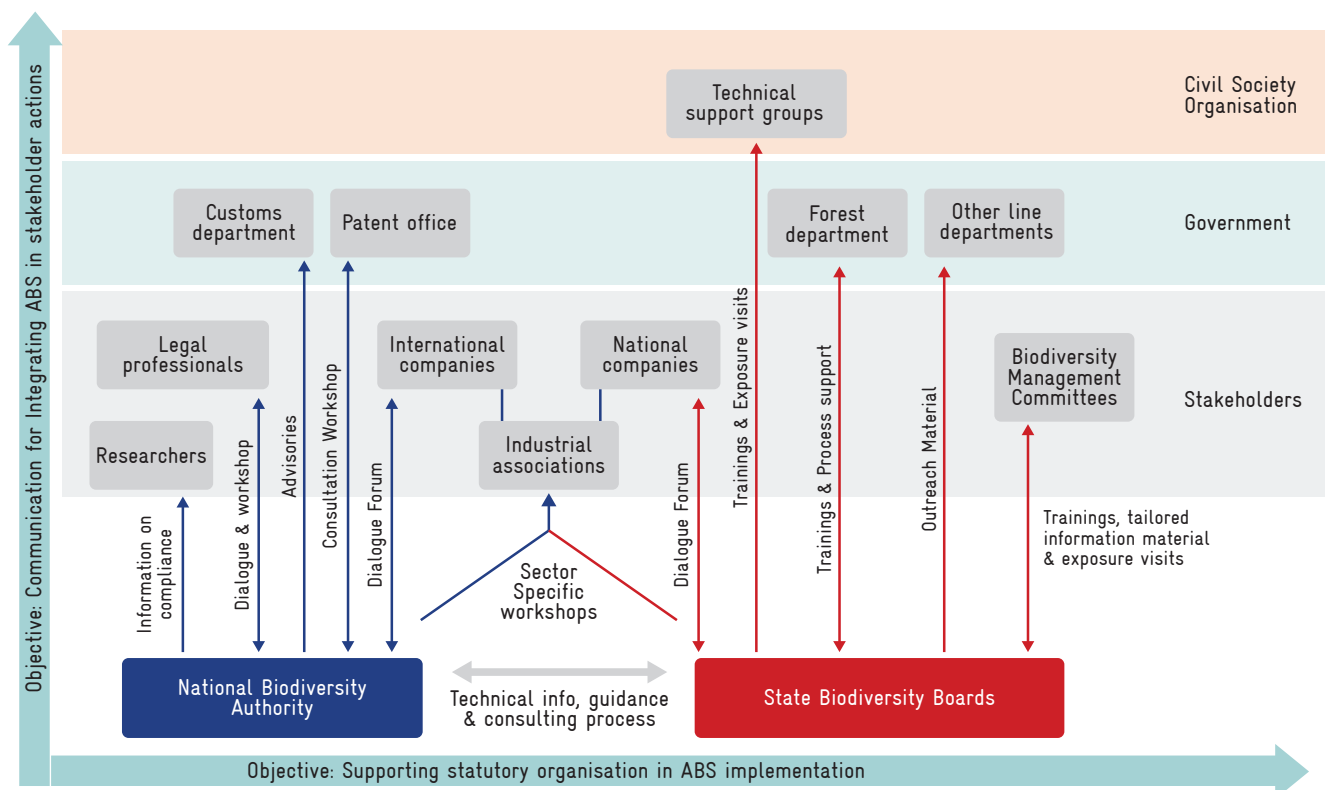
Summary of Stakeholder Analysis	Strategy Focus
<p>Biodiversity Management Committees (BMCs) represent local communities in an area. Members must be legally registered in that area and preferably bring biodiversity-related expertise. BMCs are the custodians of the resources. Their mandate is to document biodiversity, provide feedback and consent on ABS applications, and levy collection fees. Establishment of BMCs is currently underway in many States; as a consequence, their knowledge of the Biodiversity Act and ABS tends to be at a nascent stage.</p>	<p>BMCs need to receive tailored information on ABS and be convinced of its potential for the communities. The ultimate communication objective is to enable and encourage BMCs to provide the required input to SBBs and NBA.</p>
<p>Technical Support Groups (TSGs) are constituted at local level and tasked to provide training, capacity development and needs-based consultation for BMCs. They consist of individuals from NGOs or government departments dealing with biodiversity. Many States are currently in the process of designating TSGs, so that their knowledge about ABS still tends to be limited.</p>	<p>TSGs need to be provided with knowledge on key provisions and operational aspects of the Biodiversity Act, and be motivated to include ABS in their work programmes.</p>
<p>National companies form a large portion of users, predominantly in alternative medicines, nutraceuticals, and cosmetics, where over exploitation of natural resources is a challenge. Most companies are aware of ABS regulations, but tend to perceive them as just another tax. As a consequence, many of them try to avoid the process by ignoring notices received from SBBs.</p>	<p>While national companies may benefit from some additional knowledge, the greater challenge is to motivate them to comply willingly. Communication thus needs to focus on attitudes.</p>
<p>Multinational companies are distinguished by the Indian Biodiversity Act from national ones. They are mostly found in pharmaceuticals, cosmetics, bio-tech, and oleoresins. They tend to be well aware of ABS regulations, but hesitant due to perceived legal uncertainty and lengthy approval processes. Many of them consider ABS a matter of corporate social responsibility (CSR).</p>	<p>Multinational companies are well equipped to gather knowledge. Communication needs to aim at helping them to accept ABS as part of the value chain and to act accordingly.</p>
<p>Industry Associations are key partners for government in economic development and have an important role in reaching out to companies. They can advocate inclusion of ABS in corporate policies, facilitate consensus building among companies, and provide advisory services to their members. Some associations have already formed policy groups to identify implementation challenges and hold dialogues with authorities.</p>	<p>Industry Associations tend to be able and willing to support the ABS process. Communication efforts should focus on supporting them in the practice of creating awareness and promoting dialogues.</p>
<p>Researchers in India fall in the purview of ABS as soon as their work involves partners from other countries. Most researchers know that ABS regulations exists, but are unaware of the application process and/or fear it may delay their work.</p>	<p>Researchers need to understand the application process, and be encouraged to apply where applicable.</p>
<p>Legal professionals have a crucial role in advising users and encouraging them to comply with regulations. However, given the complexity of ABS - including trade, equity issues, biology, bio-tech - there seem to be very few specialised legal professionals.</p>	<p>Being in a supportive role, legal professionals have no stakes in ABS. Communication needs to address knowledge gaps.</p>

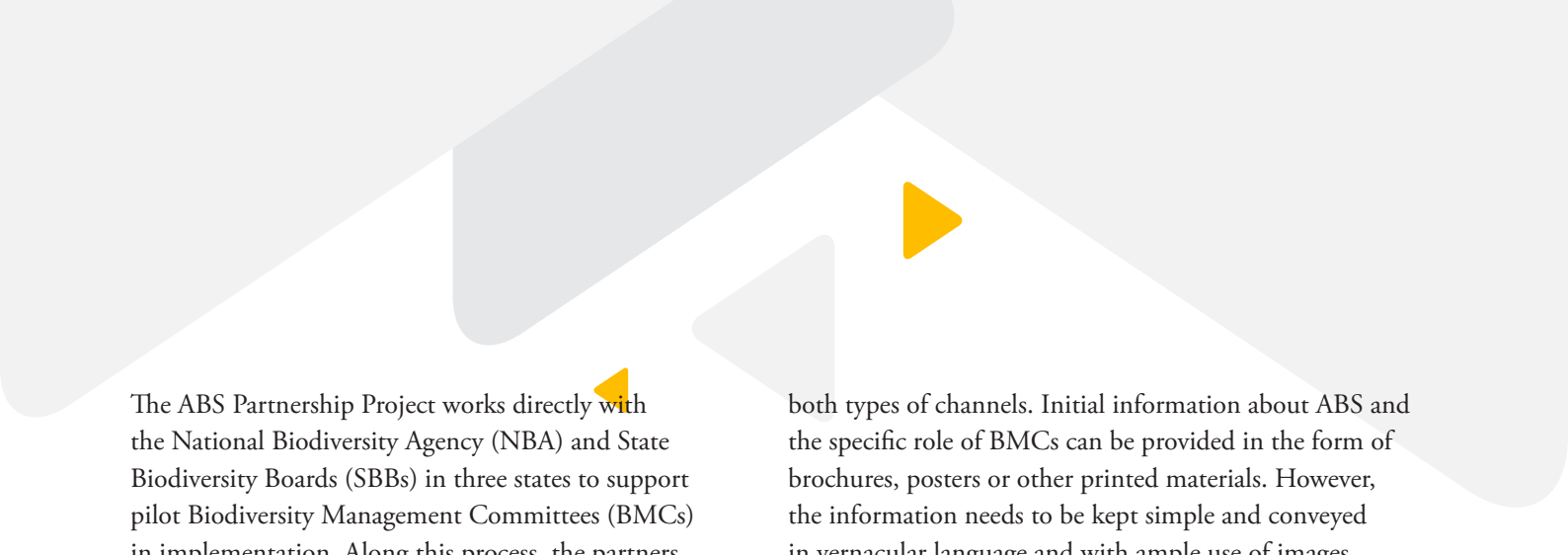
Summary of Stakeholder Analysis	Strategy Focus
<p>The Forest Department is a strategic partner for SBBs in ABS implementation. It has a crucial role in integrating ABS in the trade of forest resources, and in helping to establish BMCs and TSGs. The Department is aware of ABS, however field staff is not yet sufficient, or not fully capacitated, in all states to fulfill the task.</p>	<p>Strong coordination is required between the Forest Department and SBBs. Besides <i>field-level</i> support to capacity building, this calls for <i>top-level</i> dialogue.</p>
<p>Other Line Departments, such as agriculture, horticulture, animal husbandry or fisheries, are needed to help SBBs spread the word on ABS and to provide input to local biodiversity documentation. However, many are unaware of ABS and tend to work in isolation.</p>	<p>Line Departments need to be made aware of ABS. For this, they need basic <i>knowledge</i> and be <i>encouraged</i> to cooperate.</p>
<p>The Patent Office is a strategic partner for NBA. Since 2003, the Indian Patent Act includes biological resources used in inventions. The Patent Office directs applicants to obtain PIC from NBA, and forwards applications involving biodiversity to NBA.</p>	<p>The system is already in place. The ABS communication strategy therefore does <i>not</i> address the Patent Office.</p>
<p>The Customs Office has a more recent role in ABS. The main challenge is to extend its scope to trace trade of biological resources. Awareness of the Biodiversity Act and ABS is still very low, however officers are open to work with new guidelines.</p>	<p>Customs officers need <i>practical</i> guidance. Since they don't have any own stakes in ABS, there's no need to address attitudes.</p>

Key Elements of the Strategy

The diversity of actors with their specific needs calls for a *multi-dimensional, highly differentiated* communication strategy. This is reflected in the design

of cooperation modes, communication channels and messages that will be used to reach out to the different stakeholders and actors.





The ABS Partnership Project works directly with the National Biodiversity Agency (NBA) and State Biodiversity Boards (SBBs) in three states to support pilot Biodiversity Management Committees (BMCs) in implementation. Along this process, the partners will reach out to all other relevant stakeholders and actors, with the ultimate goal of integrating ABS in their operations.

The **communication channels** to be used with different actors can be broadly divided into **one-way products** and **two-way processes**. One-way products are any means of communication that transport information from one actor (“sender”) to another (“receiver”), without immediate feedback among the two. These may include letters, brochures, fact sheets, written guidelines, but also newspaper articles or radio and TV broadcasts. Two-way processes involve dialogue and feedback mechanisms among two or more actors, such as meetings, trainings, workshops, or exposure visits.

In most cases, both types of channels will be used, however the selection and design of specific channels will be different for each group of actors. The following three examples illustrate the case:

For example, given the pivotal role of **BMCs** in ABS, combined with the fact that they are relatively new institutions, a high degree of engagement is required using

both types of channels. Initial information about ABS and the specific role of BMCs can be provided in the form of brochures, posters or other printed materials. However, the information needs to be kept simple and conveyed in vernacular language and with ample use of images. Beyond that, two-way communication processes such as exposure visits, meetings or direct engagement through Technical Support Groups (TSGs) will be required with BMCs to help them effectively assume their role.

In contrast, communication with **business** requires a more sophisticated strategy with tailor-made information that caters to the specific needs of different sectors and/or types of companies. One-way materials for national companies, for example, will include sector-specific brochures, fact sheets or process charts. The key towards building trust and convincing them to integrate ABS into their business models, however, will lie in two-way dialogue forums and opportunities for direct engagement in pilot ABS agreements.

As a third example, the **customs department** will be approached in a different way altogether. While few initial meetings or orientation workshops for staff - i.e. two-way communication - may be required to clarify actual information needs, the focus of communication with customs will be on one-way channels such as checklists and advisories on ABS-specific requirements.

Messages Disseminated by Suitable Channels

Messages are the few main ideas that different actors are to take away from the communication. Since engaging stakeholders in ABS is not only about informing, but also about convincing and encouraging people, the messages need to be positive in nature. One common message to all stakeholders in the system will therefore be that ABS is doable, and that there is something in it for everyone.

Beyond that, messages need to be specifically designed for each group - and be supported by suitable communication channels. For example, if the message from authorities to businesses is a call for cooperation and an offer to support them in dealing with practical challenges, then sending a legal act and a brochure is not enough. Instead, two-way dialogue forums and opportunities for direct engagement will carry and underline the message. In contrast, if the message to customs is simply, “Here are a few things we ask you to do”, then a dialogue forum would be overloading the message. Instead, written advisories or checklists are suitable to carry and support that message.

The Way Forward

The Indian ABS communication strategy is being developed through an **iterative process**: Strategic analysis, planning and implementation go hand in hand and feed into each other.

Further development of the **strategy concept** involves, for each stakeholder group, continuous sharpening of communication objectives and indicators, selection of suitable mixes of communication channels, and design of messages that match the channels and suit the objectives.

All along, several **communication interventions** have already been implemented or are underway. For example, a series of dialogues between regulators and user groups has been organised to share key information about ABS, and to learn about the users' needs in the process. Also, initial trainings for field-level Forest Department and district-level officials other relevant government departments are currently being undertaken, to help them effectively support BMCs and implement the Biodiversity Act in their districts.

Conceptualisation of these and other activities was based on the information gained from the participatory stakeholder analyses in May 2018, following the multi-dimensional, target-group oriented spirit of the Indian Communication Strategy. In turn, **interaction** with different ABS actors during the initial dialogues and trainings has brought about new insights that will **feed back** into the further development of the communication strategy, thus underlining its iterative nature.

Immediate next steps include further refinement of the strategy concept, operational planning and product design, by the constituents of the ABS Partnership Project, NBA, three pilot SBBs, and GIZ. Meanwhile, the project is supporting the three partner SBBs in creating pools of trainers for future capacity building of BMCs & TSGs, and engaging in capacity building for selected pilot BMCs to develop good practices that may later be used as communication tools with other bodies.

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Registered offices
Bonn and Eschborn

A2/18, Safdarjung Enclave
New Delhi- 110029, India
T +91-11-4949 5353
F +91-11-4949 5391
E biodiv.india@giz.de
I www.indo-germanbiodiversity.com

Project description:
Access and Benefit Sharing (ABS) Partnership Project

Responsible:
Konrad Uebelhör
E konrad.uebelhoer@giz.de

Design:
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