

Training for Trainers in Access and Benefit Sharing

Preparing People's Biodiversity Register



Access and Benefit Sharing Partnership Project
Indo-German Biodiversity Programme

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Access and Benefit Sharing Partnership project

The ABS Partnership Project aims at strengthening the capacity of the National Biodiversity Authority, selected State Biodiversity Boards, Biodiversity Management Committees, as well as creating awareness amongst commercial users of biological resources and associated traditional knowledge for the effective implementation of ABS mechanisms under the Biological Diversity Act, 2002 in keeping with India's commitments under the Nagoya Protocol for ABS.

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List of Abbreviations

Acronyms and Abbreviations

ABS- Access and Benefit Sharing

BD Act- Biological Diversity Act, 2002

BMC- Biodiversity Management Committee

CBO- Community Based Organisation

CBD- Convention of Biological Diversity

MOEFCC-Ministry of Environment, Forest and Climate Change

MSBB- Maharashtra State Biodiversity Board

NBA- National Biodiversity Authority

NGO- Non-Governmental Organisation

SBB- State Biodiversity Authority

PBR- People's Biodiversity Register

PRA- Participatory Rural Appraisal

RRA- Rapid Rural Appraisal

SBB- State Biodiversity Authority



Foreword

DR. VILAS BARDEKAR,
CHAIRMAN MAHARASHTRA STATE BIODIVERSITY BOARD

Conservation of biodiversity, sustainable use of its components and the fair and equitable sharing of benefits arising out of the utilisation of genetic resources are the three main objectives of the Convention of Biological Diversity (CBD) to which India is a party. In view of the international obligation and for achieving the objectives of the CBD, the Biological Diversity (BD) Act, 2002, was promulgated by the Government of India and became effective from 5th February 2003. In 2012, the Maharashtra State Biodiversity Board (MSBB) was established to implement the BD Act 2002 at the state level. As per its mandate, MSBB creates and promotes Biodiversity Management Committees (BMCs) to strengthen the ability of the people at the village level to protect, conserve, develop and make sustainable use of natural resources in compliance to the provisions of the BD Act 2002. Access and sharing of benefits arising out of the utilisation of genetic resources (hereafter called Access and Benefit Sharing, ABS) is the main mechanism through which commercial utilisation of bio-resources and conservation of biodiversity will be achieved at the local level.

This manual, developed as part of the Indo-German ABS partnership project, shall promote greater understanding of the BD Act 2002 and its key functional elements i.e., the role of BMCs, PBR documentation, and the ABS process at the local level. The manual can significantly foster development of alternative livelihood options compliant to the BD Act, which in turn will strengthen the implementation of the BD Act 2002 within the rural villages of Maharashtra.



MR. JEET SINGH,
MEMBER SECRETARY, MAHARASHTRA
STATE BIODIVERSITY BOARD

India is one of the 17 mega-diverse countries in the world. Biodiversity supports millions of Indians in their livelihoods and ways of life. Therefore, maintaining its rich biodiversity and natural resources is essential for achieving inclusive and sustainable development.

The ABS Partnership Project aims at strengthening the capacities of various stakeholders, as well as raising awareness and building the capacities of the commercial user groups of bio-resources and associated knowledge for the effective implementation of ABS mechanisms under the BD Act 2002, in keeping with India's commitments under the Nagoya Protocol, 2010.

MSBB is working with different stakeholders to implement the BD Act 2002. Formation of BMCs is being done at block and village level. People's Biodiversity Registers (PBR) are being developed to document the biodiversity and the traditional knowledge around it at the local level. This manual was produced under the ABS partnership project and supports a more efficient "training of trainers" to ease and facilitate the beginning of the PBR documentation at the village level. Proper PBRs form the rootstocks on which ABS can flourish and succeed towards full implementation of the BDA 2002 in Maharashtra.



DR. KONRAD UEBELHÖR,
DIRECTOR, INDO-GERMAN
BIODIVERSITY PROGRAMME, GIZ

The ABS partnership project is a technical cooperation initiative between India and Germany commissioned by the Federal Ministry for Economic Cooperation and Development (BMZ) under the Indo-German Biodiversity Programme.

The project is being implemented in partnership with the Ministry of Environment, Forest and Climate Change (MoEFCC), the National Biodiversity Authority (NBA) and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH with three pilot State Biodiversity Boards of Maharashtra, Uttarakhand and Tamil Nadu.

This training manual is a product of the module "Training of Trainers" of the ABS partnership project. It aims at supporting specifically the PBR documentation. As a prerequisite for the ABS process, improved facilitation of PBRs represents a key stepping stone for configuring the sustainable use, commercial utilisation, and conservation of local bio-resources in accordance with the BD Act 2002 in Maharashtra and beyond.

Introduction

The Ministry of Environment, Forest and Climate Change (MOEFCC) and the National Biodiversity Authority (NBA) in partnership with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH is implementing the Access and Benefit Sharing (ABS) Partnership project. The project aims at strengthening the capacities of NBA, the State Biodiversity Boards (SBBs), the Biodiversity Management Committees (BMCs), as well as the capacities of commercial and research user groups of bio-resources and associated knowledge for the effective implementation of the ABS mechanisms under the Biological Diversity (BD) Act 2002, in keeping with India's commitments under the Nagoya Protocol on ABS.

One main focus areas of the project aimed at raising awareness, facilitating communication and improving stakeholder dialogues for creating a better understanding of the Biological Diversity (BD) Act 2002, the ABS Guidelines, and the Nagoya Protocol on ABS amongst different stakeholder groups and actors. Of all the various stakeholders identified and analysed, the need of BMCs stands out in their need for support in strengthening their capacity to fulfil their desired role responsibly. In view of the same, GIZ in collaboration with Applied Environmental Research Foundation (AERF), facilitated the formation of BMCs in villages in the Sangameshwar Block of Ratnagiri district, Maharashtra. AERF works in the Western Ghats, an area which is recognised as one of the 34 global biodiversity hotspots. However, the Northern Western Ghats (located in parts of Maharashtra, and Goa) are barely covered under the formal network of protected areas, and it has become crucial to strengthen local governance of natural resources in these areas.



Landscape of Maharashtra in Sangameshwar Block

At present, 30 BMCs have been formed in Sangameshwar Block through the facilitation of AERF. As part of the assignment with GIZ under the ABS Project, AERF has facilitated the process of providing training to four selected BMCs from Sangameshwar block and one from the Ambegaon Block of Ratnagiri and Pune districts, respectively. Capacity building for PBR documentation by BMCs has been a continuous process and various awareness generation programmes were organised along with specific trainings.

The main objectives of these trainings were:

- to generate awareness about the BD Act,
- to provide handholding support for the documentation of PBRs,
- to undertake sensitisation of the general public/locale about the importance of biodiversity in the village/Panchayat surrounding,

- to familiarise the BMCs and villagers with the provisions of the BD Act, and to develop a platform for knowledge sharing on access and benefit sharing mechanism for potential natural resource-based enterprises.

Since 2016, AERF has been working in the villages of the Sangameshwar block to form BMCs as per the provisions of the BD Act. Several village meetings and interactive sessions with the community were possible due to support from Gram Sabhas, which also provided a platform to discuss and establish the local institution, i.e. the BMC for the management of biodiversity within the Panchayats' jurisdiction.

It was important to develop and strengthen the BMCs in the Ratnagiri district of Maharashtra, as there exists no legal protection for these privately owned but biodiversity rich areas. Furthermore, capacity building of communities is needed in order to achieve sustainable utilisation of bio-resources that are also compliant with ABS (detail explanation in Step V) regulations.

AERF has been cooperating and supporting local communities in the development of an international certification-based system for their product, which enhances benefits to those communities that are using bio-resources especially from the traditional forests, e.g. sacred groves. The on-site experience essentially suggests that apart from achieving a good level of awareness specific to the matter and well capacitated local people, the adoption of an appropriate procedure is crucial for successful "fair and equitable" sharing of benefits.

Therefore, this training manual was developed and drafted by incorporating previous and concurrent field experiences on the matter. Thus, it can support more effective communication under the objective of capacitating BMCs to survey, assess and document the bio-resources, and to maintain BD Act compliant PBRs.

Main steps of the training of BMCs to draft PBRs

The Biological Diversity Act represents a complex compendium of details and processes for the documentation of PBR by the BMCs, which need to be reflected as per the requirements of a legal protocol. It is also fairly demanding when it comes to implementation at ground level by the village community. This manual has attempted to extract the basic information necessary to effectively communicate the role of BMCs and the drafting of PBRs with local people, who are then able to act as trainers within their communities.

In this manual, a framework is set up consisting of five main steps in capacity building which leads to proper PBR elaboration and documentation:



Individual training of trainer

Understanding of

1. The BD Act, 2002,
2. The role of BMC in PBR documentation
3. The PBR development process,
4. Village Resources Mapping, and
5. The ABS mechanism.

These five training steps formed the basis for the collection of required data categorically and thus helped in proper PBR documentation.



Initial meeting to take up PBR preparation at Ujgaon

Step I: What is the Biological Diversity Act?

Trainers and trainees need to understand the reasons for the enactment and functions of the Biological Diversity Act, 2002, which forms the basis for its effective implementation at local level.

An Act to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.

WHEREAS India is rich in biological diversity and associated traditional and contemporary knowledge system relating thereto;

AND WHEREAS India is a party to the United Nations Convention on Biological Diversity signed at Rio de Janeiro on the 5th day of June 1992;

AND WHEREAS the said Convention came into force on the 29th December 1993;

AND WHEREAS the said Convention reaffirms the sovereign rights of the States over their biological resources;

AND WHEREAS the said Convention has the main objective of conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of utilisation of genetic resources;

AND WHEREAS it is considered necessary to provide for conservation, sustainable utilisation and equitable sharing of the benefits arising out of utilisation of genetic resources and also to give effect to the said Convention



Explaining the essentials of Biological Diversity Act 2002 to BMCs

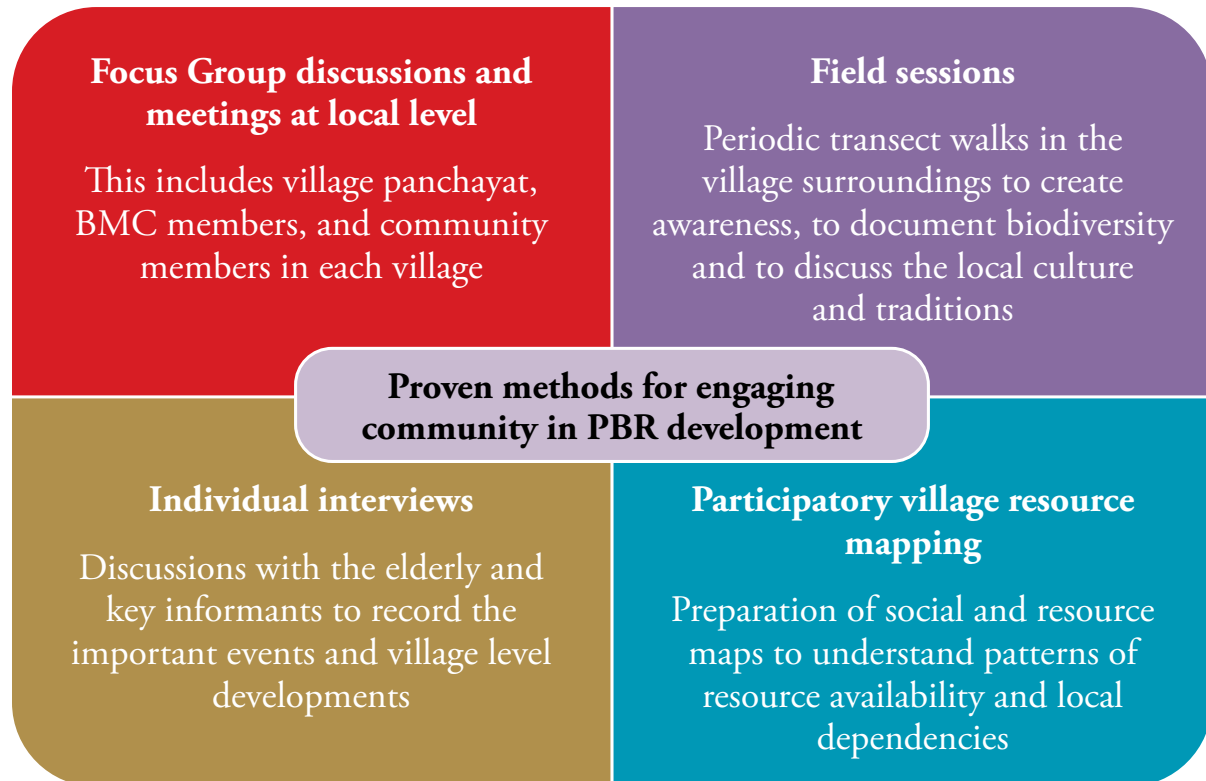
Regarding the supportive legal framework for fair and equitable sharing of benefits and ABS implementation in India, the provisions of the BD Act, 2002, directed and mandated the formation of Biodiversity Management Committees (BMC) at the local level, for governance of bio-resources. The Act formulates a three-tier structure with the BMCs at local level, the State Biodiversity Board (SBB) at state level and the National Biodiversity Authority (NBA) at national level. Accordingly, the BMCs in Maharashtra are registered with the Maharashtra State Biodiversity Board (MSBB), which is located in Nagpur.

The BD Act 2002 mandates all local bodies to setup BMCs. The BMC has to comprise of one Chairperson and six members, of which one third of the nominated should be women. SC/ST reservation must reflect the state demography. The following are the major functions of BMC:

1. Preserve and promote local biodiversity (indigenous variety)
2. Prepare People's Biodiversity Register (PBR) - a database of existing biodiversity with inputs from locals
3. Traditional Knowledge - Maintain data on medicinal plants and resources used by the local Vaidya (traditional healer) as traditional management practices, customs and rituals also find place in the PBR.

4. Advise State and National Biodiversity Authority on matters related to local biodiversity
5. Collection of levy fees for access of bio-resources.

Conceptual Frame “Capacity Building Process for Raising Awareness about BD Act and PBR Documentation”



Step II: The important role of the Biodiversity Management Committee in drafting and documenting the People's Biodiversity Registers

Members of Biodiversity Management Committees need to understand that they serve their community best by aligning the authority given under the provision of BD Act, as only through the latter benefits can be returned to the community. The PBR documentation is a prerequisite to a functional alignment with SBB, which is submitted to the SBB for validation and approval.

The mandate of the BMC has been clearly highlighted in the Biological Diversity Rules 2002 as follows:

- The main function of the BMC is to prepare People's Biodiversity Register in consultation with the local people. The Register shall contain comprehensive information on availability and knowledge of local Bio-resources, their medicinal or any other use.
- The other functions of the BMC are to advise on any matter referred to it by the State Biodiversity Board or Authority for granting approval, to maintain data about the local vaid/hakims and practitioners using the bio-resources.
- The Authority shall take steps to specify the format of the PBR, and the particulars it shall contain
- The Authority and the State Biodiversity Boards shall provide guidance and technical support to the BMCs for preparing PBR
- The PBR shall be maintained and validated by the respective SBBs



PBR training at Ujgaon

For the successful documentation, the appointed team needs to be familiar with various Participatory Rural Appraisal (PRA) and Rapid Rural Appraisal (RRA) related techniques in order to support the BMCs. It is important to note that the whole process can take considerable time. Simple formats and an easy to follow process of PBR have been designed in this module suited to village level conditions.

At first glance, a People's Biodiversity Register may appear as a checklist of existing plant and animal species and varieties of cultivated crops and domesticated animals within the village. In

addition, it is a record of folk/traditional knowledge of medicinal uses and other uses of living organisms. Thus, the PBR is a living knowledge-based document which facilitates conservation and sustainable use of biological resources, and it should lead to equitable sharing of benefits.

The PBR will have a detailed inventory of availability and status of bio-resources in the village panchayat jurisdiction where the BMC has been constituted. Thus, it will help the BMC in advising the State Biodiversity Board (in this case, MSBB) for granting approvals for access to bio-resources. The PBR will also detail the traditional knowledge associated with bio-resources. With this documentation, protection of this knowledge against misappropriation can be devised, thereby addressing the Intellectual Property Rights (IPR) concerns. This knowledge will also open new insights for scientific research and bio-technological advancement.



A traditional technique for water conservation

The documentation for the PBR involves:

- Documentation of people's knowledge and practices, and conservation of both wild and domesticated bio-resources
- Participatory planning for sustainable and equitable use, besides conservation
- Local government (panchayat, i.e. village council) resolution to approve this document as a village resource plan
- Acknowledgement of folk healers, traditional farmers, fishermen etc. to earn social dignity for their practices and enthuse the next generation.

Further, the PBR will not only record the biodiversity but also the people-biodiversity linkages in a given locality. In this regard, the PBR will thus also attempt to document the associated traditional knowledge. For example, in Sangameshwar block, the Baheda tree (*T. bellirica*) is used traditionally by local villagers to treat constipation and stomach ailments. These trees are conserved and maintained by the villagers through sacred groves.

Specifically, the PBR will include:

- Wild floral and faunal species diversity
- Domesticated biodiversity
- Diversity of aquatic flora and fauna
- The various biodiversity-based livelihoods
- Traditional knowledge associated with biodiversity
- Biodiversity management and natural or bio-resource management issues
- Plan for biodiversity conservation and enhancement



*Fair-wild certified tree that provides bio-resource: Baheda (*Terminalia bellirica*) in a sacred grove*

STEP I – II: Process Sheet for Trainers

LEARNING GOALS: Participants understand the concept of biodiversity and become curious to know more about biodiversity in their surroundings. Community is familiarised with PBR terms, BD Act and its provisions.

LEARNING OBJECTIVE: Establish a shared understanding of relevant terms and concepts among the participants.

PROCESSES

1. It is important to show the participants from the beginning that the training approach is based on mutual sharing of knowledge and information. Moreover, the participants' and trainer's knowledge should be equally respected and valued.
2. Participants could be invited to first share experiences, related to local knowledge, from their own working background.
3. The trainer encourages participants to look at different aspects, such as biodiversity at the local level, knowledge management, traditional knowledge and historical understanding of the area's biodiversity etc. The information generated during this exercise could then be jointly organised to establish key characteristics of biodiversity.
4. In a further exercise, participants can be asked to summarise the information, to define the concept. If time is limited, the trainer can move directly to Step 5 and include the definition in his/her presentation.
5. A presentation on biodiversity (concepts, definitions) given by the facilitator, and revision of key points of learning by the participants.
6. A discussion can follow by looking at the dynamics (impacts on key functional species may negatively affect associated biodiversity) and trends (general increase or decrease) in biodiversity and the possible loss of biodiversity. This again may be based on (a) general ideas and participants' brain-storming, or (b) the participants presenting a few examples of ecosystems including agroecosystems in their surroundings, comparing the past and present situations in terms of the relevance of biodiversity.
7. Together with the participants, key issues should be extracted from this discussion. It is always recommended to integrate other visual aids, such as videos or slides to increase the participants' interest and involvement.

Note: Facilitator may need to repeat contents of the sessions to reach common understanding and consensus.

TIME ALLOCATION (STEP I): Approx. 3 hours

Step III: The process of drafting and documenting the People's Biodiversity Register

The People's Biodiversity Register is the core and anchor of sustainable management of bio-resources. It provides transparency and accountability to all stakeholders. The main function assigned in the rules and regulations of the BD Act 2002, is the preparation of People's Biodiversity Registers (PBR) at the local level by the respective BMCs.

The preparation of PBRs is thus an important element of the BD Act. Given the diversity of life, ecosystems, people and economy of the country, in which hunting, gathering and shifting cultivation co-exist with intensive agriculture and modern industry, the PBR elaboration has to be fine-tuned to the local conditions. As mentioned earlier, the whole process may take longer time if all 31 formats provided by NBA to the SBBs are to be filled in by the BMCs. Therefore, formats were simplified and the process of PBR documentation has been customised in the following modules in order to make them more suitable for the village level.

Suggested steps of PBR preparation

1. Selection of team

PBR is a comprehensive document, and it is important to have a team of at least five (5) people who can involve themselves continuously in the process. Based on previous experience, it is an added advantage to include a local school teacher, village leader or Sarpanch, knowledgeable elders and women, as well as students and other enthusiastic individuals from the village in the team. However, the villagers' participation must be ensured for data collection and sessions like resource mapping and transect walks. It is always advantageous if the team members selected for the PBR preparation were already trained by the SBB. It is expected that all the members of the BMC at local level should participate in the documentation process. Consultants, and locals with knowledge and experience from the neighboring village can also contribute to the process as experts.



Fair-wild certified tree that provides bio-res

2. Formation of team

Team formation is an important step to complete the PBR in a stipulated period of time. The PBR team should (i) have the basic information about the village or panchayat, (ii) be well versed with the local terminology used to describe the biodiversity, and (iii) understand related elements to be incorporated in the PBR. The formation of the team is done preferably using some team building exercise with properly defined roles and responsibilities. The desired team should comprise of people possessing knowledge about Plant and Animal Science, Agronomy and a Sociology.

3. Work plan of the team

It is necessary to prepare the precise work plan for the preparation of PBR with details of activities and a time schedule. As discussed earlier, making a comprehensive PBR is a long process and needs patience and commitment. The team should have a quick run through of the manual among themselves in the beginning, and then organise the village meeting and prepare to explain the PBR process to the participants from the village at large. It is important to have periodic sessions with the village interest groups over the period of six months to a year in order to complete the PBR. Such sessions could be organised with the traditional and cultural events like monthly village meetings, festivals, fairs, etc. to profit from better participation and response.

4. Dissemination material, audio-visual aid, facilitators

For the detailed data collection for the PBR, it is necessary to provide the basic information. Moreover, the BD Act needs to be explained in the local language. Such information can be provided in the form of brochures, posters, and charts. It is essential to involve the interested local people while making these communication materials. Further, this material will help a larger group of local people to get involved in the PBR process and contribute to the awareness generation relative to biodiversity, which too, is an essential part of the PBR process.

5. Participation and continuation of the process for updating

Relatively simple PBR exercises, largely involving the community members, CBOs and NGOs, focusing on preparation of management plans should follow up regularly with the community to gather information to keep the document updated. These exercises would serve to generate preliminary, relatively unstructured information initially but would create the awareness needed to undertake more structured exercises.

6. Decision making framework for using PBR

The concept of PBR has been devised as a tool for better implementation of the BD Act for conservation, sustainable use of available bio-resources, especially when benefit sharing is to be decided for the owners of bio-resources or holders of the biodiversity-related traditional knowledge. The data collected can be categorised into sections like "Open to all", "Open to members of specific localities", "Restricted - Details of restrictions", if any.

The use of PBR information and benefit sharing, if any, has also been institutionalised in the BD Act. BMCs are responsible at the local level to help safeguard the interests of biodiversity conservation and traditional knowledge holders.



Process to achieve PBR documentation as presented by one BMC

Information needed:

- MSBB formats and training materials in local language for sharing with community and PBR team
- Methodology and tools used
 - Periodic BMC and PBR team meetings
 - Group discussions with other stakeholders
 - Interest groups for specific areas like Agriculture, Flora , Fauna
- Role and responsibilities of the PBR team
- Available information about the village Panchayat to be shared with the team
- Minutes of the meetings held for PBR preparation
- Participation in PBR meetings of other panchayat in the area
- Feedback from the community on work done after each meeting

STEP IV: Participatory Rural Appraisal and Rural Rapid Appraisal

Step III provides specific information on the process of preparation of the PBR. It introduces (i) the team, (ii) building the team, and (iii) develops a common understanding of the concepts and needs of the PBR.

LEARNING OBJECTIVE: Establish a shared understanding of the PBR process and tools of Participatory Rural Appraisal (PRA) and Rural Rapid Appraisal (RRA) to be used for actual drafting of the PBR.

LEARNING GOALS: Participants understand the PBR process and data collection process-es. Participants will learn the elaborated formats to be used and prepare a couple of formats to be used for their specific PBR preparation needs. Participants will also learn why their participation is the most important element of the PBR process.

PROCESS

1. It is important to show the participants, from the beginning, that the training approach is based on the mutual sharing of knowledge and information. Moreover, the knowledge of participants and trainer is equally respected and valued. Some team building exercise may be useful to bind the team together and to support the future continuous collection of data and information for the PBR.
2. Participants can be invited first to develop the formats rather than providing the ready-made formats. The local knowledge holders will play an important role. The trainer may encourage looking at different aspects, such as documentation of biodiversity on local level, tools to be used for documentation, and traditional knowledge. The information generated, during this exercise, can then be jointly organised in order to establish key contents of the PBR.
3. In a further exercise, participants can be asked to summarise the information, and to define the nature of their PBR. If time is limited, the trainer can move directly to Step 4 and include the definition in his/her presentation.
4. Together with the participants, key issues should be extracted from this discussion. The PBR process will then provide a clear understanding how to document various biodiversity, any issues related to existing bio-resources and the need for decision making following the provisions of the BD Act. In this module, the facilitator can prepare the ground for a decision-making framework and strengthen the local institutions dealing with biodiversity.

Note: Facilitator may need to repeat contents of the sessions to reach common understanding and consensus.

TIME ALLOCATION: 4 to 6 hours

Step V: Village Resource Mapping

Participatory Village Resource Mapping is an effective tool for the improvement of communication and information sharing between local populations, government institutions and researchers. Ultimately to be wisely used by the local community in a sustainable fashion.

Participatory village resource mapping is a valuable process and a set of activities to understand and develop sustainable bio-resources management within the village, for land use planning and other planning and management processes. It provides space for communities to more strongly contribute to planning and decision-making processes as part of an integrated participatory land use planning approach, for better conservation.



Transect walk

Village Resource Mapping exercise: Objectives

- Identify and provide an understanding of the bio-resources in the area managed by a panchayat. This area may include one village or more villages, e.g., if they share resources such as for grazing or water supply.
- Identify and categorise the key bio-resources in the area
- Understand key (or priority) resources and their role
- Understand patterns of use both within and outside the area
- Understand the condition of the resources and which sections of the area might need some specific protection or management, e.g. sacred groves
- Understand different land uses in the area, and areas where land uses are in conflict
- Identify and understand the problems and issues related to the rangeland resources
- Prepare participatory rangeland resource map of the management area, which will be used as a basis for negotiating levy fees
- Provide a baseline of information



Mapping of a village's Biological Resources

TIME ALLOCATION: half- day exercise

PBR Compilation

After an extensive process of data collection, documentation of local knowledge and perception about nature in the surroundings, and the rechecking of the collected information, it is finally time to compile the information in the designed formats.

At first, the compilation is to be done in the local language (Marathi). It is then shared with BMC members and the PBR team. After receiving comments and the incorporation of the same, the final document has to be submitted to the State Biodiversity Board. In addition, the BMC has to provide a certificate declaring the authenticity of the PBR and the ownership of the document.

Parallel processes need to be followed by the facilitating organisation

- Registration of the BMC with MSBB
- Translation of the PBR into English
- Checklist of all the formats is to be completed
- Traditional knowledge and champions from the area holding the knowledge are to be documented
- Specific stories, legends, religious and traditional practices from the village / panchayat are to be highlighted
- Documentation of oral history and both present and past resource usages are to be added

The complete process of PBR preparation takes about a year to document the flora and fauna emerging in the various seasons, as well as the folk knowledge expressed during particular festivals and rituals of the village.



BMC members reviewing displays of PBR draft to be approved

Step VI: What is Access and Benefit Sharing?

ABS can enhance the economic status of the community relative to their bio-resource usages. However, for the successful use of the ABS mechanism, members need to fully understand the rights and duties given to the BMC by the BD Act.

Access and benefit-sharing (ABS) refers to the way in which genetic resources may be accessed, and how the benefits that result from their use are shared between the people using the resources (users) and the people who provide them (providers).

Why is it important?

Providers of bio-resources are farmers. Governments or cooperative societies, which can include private land owners and communities within a country, are also entitled to provide access to genetic resources and share the benefits resulting from their use. The access and benefit-sharing provisions of the Convention on Biological Diversity (CBD) are designed to ensure that the physical access to genetic resources is facilitated and that the benefits obtained from their use are shared equitably with the providers.

In some cases, this includes valuable traditional knowledge associated with genetic resources that comes from ILCs. The benefits can be monetary, such as sharing royalties when the resources are used to create a commercial product, or non-monetary, such as the capacity building, training, support for processing, etc. It is vital that both users and providers understand and respect the rules and regulations outlined by the CBD and in the Bonn Guidelines. These help governments to establish their own national frameworks which ensure that access and benefit-sharing happens in a fair and equitable way.

Basic principles of ABS

Countries have the right to regulate how biodiversity is accessed and used, as defined by CBD, signed in 1992. The landmark agreement established guiding principles for access and benefit sharing (ABS), including prior informed consent, mutually agreed terms, respect for traditional knowledge, and the fair and equitable sharing of resulting benefits.

Benefit sharing

“Fair and equitable benefit-sharing” is one of the objectives of the UN Convention on Biological Diversity and the FAO International Treaty on Plant Genetic Resources for Food and Agriculture. In essence, benefit-sharing holds that countries, farmers, and indigenous communities that grant access to their plant genetic resources and/or traditional knowledge should share in the benefits that users derive from these resources.

The types, timing and mechanisms of benefits to be shared will vary depending on what is fair and equitable in particular circumstances. However, the Bonn Guidelines list possible benefits, including the results of research and development, carried out on plant material, the transfer of technologies for conducting relevant research or production, and the monetary benefits arising from the commercialisation of the biodiversity-based products. The Bonn Guidelines also state that any such benefits should be shared with all those who have contributed to the resource management, scientific or commercial process.

Traditional knowledge

Traditional knowledge is an integral part of ABS. The use of traditional knowledge for commercial research and development is equally subject to ABS principles: It must take place with the approval and involvement of indigenous and local communities, as well as the equitable sharing of benefits e.g. (1) Use of Turmeric to cure cold and cough resulting into the making of cough medicines by a pharmaceutical company, (2) Use of Triphala for hair wash resulting into herbal shampoo etc. The specific approach and arrangements may vary depending on whether the knowledge at issue is held by a limited number of communities, or is widely disseminated in the region. The use of traditional knowledge that is known to the public, for example, might be rewarded through trust funds established at a local or national level.

Intellectual property rights

Patents are useful tools to protect innovation in natural products, creating benefits that can be shared along the supply chain. At the same time, there is concern that patenting practices do not always support ABS principles. In particular, patents are criticised as a way to commit ‘biopiracy’ - that is, to use or claim rights over biodiversity and related traditional knowledge without

recognition of PIC or equitable benefit sharing. Indeed, there is growing pressure for companies to develop and adopt patenting practices that are consistent with ABS principles.

Access and benefit sharing in practice

Development of a good practice case on Access and benefit sharing

Under the scope of ABS Partnership Project of GIZ, AERF initiated the process of transforming this certification-based value chain established for T. Chebula and Terminalia bellirica into a good practice for access and benefit sharing. The developed supply chain and established green enterprise was a strong foundation for this intervention. Following the checklist of ABS good practice developed under the project, this foundation was transformed into a potential good practice case on Access and Benefit Sharing.

The process began with strengthening the village level authority i.e. the Biodiversity Management Committee for the 5 pilot villages. Series of training and capacity building measures were undertaken for pilot BMCs, majorly focusing on educating them on their role and responsibilities as BMCs and undertaking negotiation with the user groups. Supporting these BMCs for development of People's Biodiversity Register's was the most critical activity that was undertaken. Further support came from the Maharashtra State Biodiversity Authority in operationalising these BMCs.

Pilot BMCs played a crucial role in spreading awareness among hundreds of gram panchayat in Sangameshwar block, about the importance of strengthening BMCs at village level and the key role it can play towards conservation.

AERF played a crucial role in empowering pilot BMCs in undertaking the negotiation with companies procuring from these villages, resulting into increased monetary benefits to the collectors, employment in the village through processing units and benefits to the village. The transparency in the operations and many mid-course corrections through continuous dialogue with community strengthened the case for effective benefit sharing.

In Sangameshwar, the benefits provided by Pukka Herbs above the price given per kilogram to collectors for conservation has been now channelled through BMCs for the conservation activities like cultivating indigenous plant varieties. BMCs have also been proven very effective in the management of sacred groves which are common land in villages. Pilot BMCs have taken a decision for conservation and improvement in the management of sacred groves. In BWLS area, the constituted BMCs formed a group and established a Hirda collector's cooperative society (HCCS). The HCCS receive the Hirda from the local collectors and in turn share the benefits with them following the BD Act.

Through AERF's facilitation, as a final stepping stone of successful implementation of ABS mechanism, Nature Connect India Private Ltd. a company managing business on behalf of



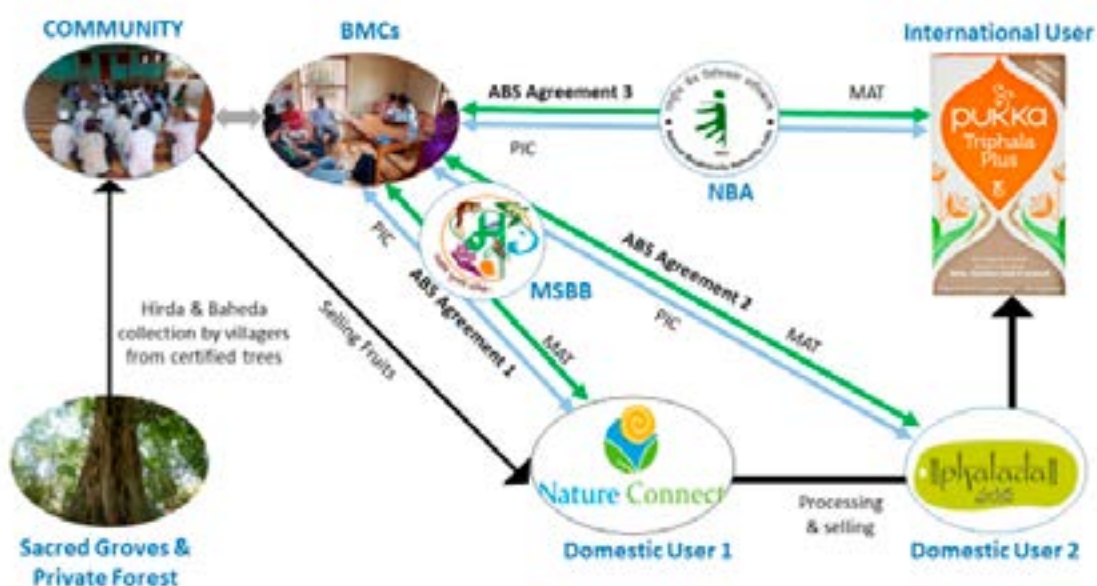
the community has recently initiated a benefit sharing agreement and submitted 'Form 1' to the Maharashtra State Biodiversity Board. Thus, demonstrating one of the good practice cases on ABS developed under ABS Partnership Project. Additionally it is also in the process of consultation with Pukka Herb International to initiate their registration process and submission of 'Form 1' to National Biodiversity Authority (NBA), India.

Conservation benefits

In terms of biodiversity benefits, the establishment of sustainable collection practices under the FairWild protocol has contributed to the conservation of 27 groves of *T. chebula* spread over 26 hectares. Up to 750 large *Terminalia bellirica* trees and their habitats, spread over 32 hectares across 11 villages, have been conserved in the Sangameshwar block, of which up to 400 have achieved FairWild certification. The ecological importance of *Terminalia bellirica* is particularly noteworthy because many of the individual trees in question are large mature specimens that provide nesting sites for important seed dispersers. Thus, this project also ensured the protection of 28 nesting sites of the Malabar pied hornbill (*Anthracoceros coronatus*) and five nesting sites of the great pied hornbill (*Buceros bicornis*).

Thus, it is of paramount importance that BMCs are capacitated to become proactive in managing these resources more efficiently. In this process the generated benefits are solely used for conservation.

ABS Good Practice Implementation Flow



Assessment against Good Practice Criteria

Criteria	Indicators	Explanation
Technical	Effectiveness	With increased profitability in selling certified fruits from the trees, it is highly effective in reducing the destruction of trees for firewood.
	Relevance	FairWild certification has in-built element of sustainable harvest and complements conservation measures
	Innovative	Certification is a unique approach containing a holistic checklist of practices that should be followed. Ensuring a good balance of social, economic and environment parameters
	Economical	Fair Wild certification helps in getting a better price (approx. 6 times) and makes the procurement transparent. Cost of certification is high, but it is funded by the company procuring the certified produce. Thus, it could be undertaken with user support
Operational	Efficiency	The market for certified produce is already identified, required procedures are in place
	Sustainability	In this practice there is high level of community involvement, cost of certification is compensated by the company and involves sustainable harvest practice. But, financial support is additionally required for community mobilization and organising training for effectively carrying out the complete procedure
	Replicable and Scalable	Demand of organic and FairWild certified bio-resources is high in domestic and international market. The quantity requirement is much higher than what is supplied from the intervention area. Moreover, other than two bio-resources mentioned in this case, certification could be adopted for several other bio-resources that have a ready market.
	Inherently Participatory	This practice has a complete involvement of the community, in terms of collection of bio-resources following the FairWild certification protocols, collective selling of bio-resources and the shared benefit are owned by the community. However, here the BMC plays a steering role in allocating the shared benefits with the community in due agreement as per the BD Act.
Institutional	Equitable	The benefit shared with the BMCs are equally distributed among the community involved in the collection process. The complete process is transparent and has joint ownership of the community
	Compliance adherence	ABS compliances starting from negotiation with users, followed by the agreed terms with the community and equitable sharing of benefits are thoroughly followed in this practice. Moreover, a portion of benefit sharing is also utilised for the conservation measures as per the BD Act

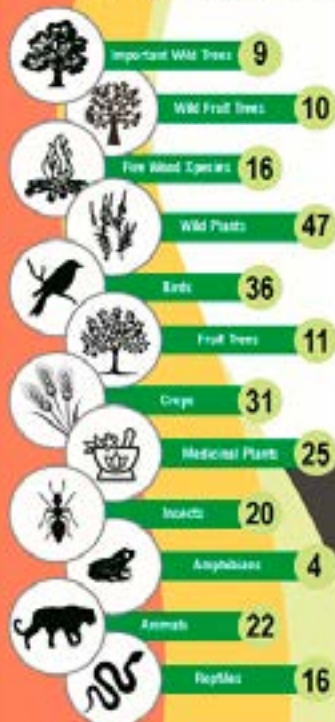
Analysis Core Process	Critical Factor	Good Practice Criteria		
Access, Benefit Sharing, Compliance, Conservation of Biodiversity	Sustainable harvesting practices, Market linkages	Technical	Operational	Institutional
		Efficient [4]	Replicable and Scalable [3]	Equitable [5]
		Effective [4]	Sustainability [3]	Compliance Adherence [5]
		Viable [3]	Participatory [5]	Transparent [5]
			Gender Sensitive [3]	
			Total [14]	Total [15]
		Weighted Average Score = 4.0/5.0		

Suggestions:

- For the documentation process, along with community participation, it is crucial to have a person/s with technical know-how and related domain knowledge
- All documentation, data collection and submission related information should be clarified and intimated to SBB
- The documentation should also be maintained in a digital format for convenient handling and access
- For NGOs it is advisable to undertake PBR preparation task for multiple adjoining BMCs (a cluster of 10 BMCs advised by MSBB), as the bio-resources/ landscape/ practices/ others are similar
- PBR documentation should be thoroughly annexed with the pictures and graphics of local biodiversity and traditional practices
- Bio-resources with commercial potential and Traditional Knowledge should be thoroughly captured in PBR, to ensure the scope of benefit sharing
- Maximum community participation should be ensured for generation of best insights
- Periodic updates should be included in the PBR to maintain it as a holistic document
- Inspiring posters (as below) highlighting the local biodiversity should be installed

Conclusively, one of the best ways of creating awareness at grass-root level about the Biological Diversity Act is to use the opportunity of taking the BMCs and interested local communities to engage in constructive discussions. Thus, building their capacity and confidence. This Act provides for the establishment of Biodiversity Management Committees in all local bodies, whether Panchayats or Municipalities and assigns the main function of these BMCs to prepare People's Biodiversity Register in consultation with the local people. The Register shall contain comprehensive information on availability and knowledge of local bio-resources, any traditional knowledge associated with them." Preparation of "People's Biodiversity Registers (PBR)" is extremely valuable to a biodiversity rich country like India, and very timely in the current era of rapid technological developments.

DEOLE Sangameshwar Block



Under Section 41 of Biological Diversity Act 2002, every local body shall constitute a Biodiversity Management Committee (BMC) within its area for the purpose of promoting conservation, sustainable use of bio-resources and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and recording of knowledge relating to biological diversity.

Applied Environmental Research Foundation (AERF) has been working in Sangameshwar taluka for more than 20 years to implement many forest & biodiversity conservation programmes with community participation. Under the scope of A&S Partnership Project, AERF has undertaken series of training & capacity building sessions for BMC of Deole village and supported them in preparing People's Biodiversity Register (PBR) since 2018. BMC members and local knowledge holders of Deole has recorded the information about the biodiversity occurring in their village and developed a People's Biodiversity Register.



Deole BMC and AERF team together have also created village resource map.

Effect of trainings & PBR development process on local people:

1. Aware about biodiversity in their surrounding and understood the importance of conserving it
2. Aware about their rights over bio-resources and benefit they could gain from its commercial utilization by others.
3. Support they could get from State Biodiversity Board (SBB) towards capacity building and implementing conservation measures.
4. Started monitoring the use of bio-resources accessed from their surrounding
5. Understood that provisions of BD Act could be applied to protect the biodiversity in their village





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