



LESSONS LEARNT ON ACCESS, BENEFIT SHARING AND PROTECTION OF TRADITIONAL KNOWLEDGE:

THE CASE OF THE ASSOCIAÇÃO VIDA VERDE DA AMAZÔNIA (AVIVE)

On the island of Silves, located in the Brazilian Amazon, a community women association, AVIVE, and IUCN promote a better comprehension of and guidance on the implication of the use of biological resources and associated traditional knowledge, aiming to establish agreements on conservation and benefit sharing with different partners.



SUSTAINABLE USE, BIODIVERSITY CONSERVATION AND LIVELIHOODS

- ❖ In Silves, communities have generated opportunities to improve their incomes through sustainable wild collection of medicinal and aromatic plants, which are mainly used as ingredients in the production of soaps, essential oils and aromatic candles.
- ❖ Activities related to wild collection and trade in these plants and their products significantly contribute to their socio economical development.
- ❖ AVIVE focuses on strengthening and enhancing their capabilities and practices to access special markets and achieve certification.

- ❖ Conservation and sustainable use of the plants is secured through implementing the ISSC-MAP/FairWild Standard, a tool developed to guide wild plant collection, management and trade operation systems, to ensure the long term survival of populations in their habitats while respecting the traditions, cultures and livelihoods of indigenous people and local communities.

TRADITIONAL USE, ACCESS RIGHTS AND CULTURAL HERITAGE WITH BENEFIT SHARING REGIMES AND THE PROTECTION OF TRADITIONAL KNOWLEDGE

- ❖ Traditional medicines and diverse plant applications for personal health care are based on traditional knowledge (TK) generated and innovated through years, which constitutes a cultural heritage of indigenous people and local communities. Its valuation, conservation and promotion are therefore key tasks.
- ❖ In Brazil, communities or associations like AVIVE, that use biological resources and their own or local traditional knowledge for the development of their products, could negotiate directly with their providers, users or projects partners, without an access authorization from the Council for the Management of Genetic Patrimony (CGEN).
- ❖ Other users would need an authorization for access to associated TK, with prior informed consent from the community association or other community providers, if the purpose is scientific research. Exemptions are in place for cases where the type of research is outside of the current regulation or where the character of the final product from oils and extracts resulting from isolation, extraction or purification is substantially equivalent to the original raw material.
- ❖ If the purpose of access and use of genetic resources is economic, benefit sharing is required. There is no clarity regarding the use of biological resources as such.
- ❖ Brazilian legislation recognizes the difference between traditional knowledge that is widely disseminated and TK that is restricted to a community or to an individual. Principles for TK protection are applied in both scenarios, i.e. independent of the knowledge being related to genetic, or to biological resources.
- ❖ As many other providers or users, AVIVE requires more guidance to implement the regimes related to access, benefit sharing and TK protection. Among the main challenges are:
 - To define the importance of these issues according to the activities developed by the community and their respective knowledge.
 - To know if their knowledge is considered traditional and what the value of this innovation in their products development is.
 - To have a better comprehension on how to manage these issues with their resource-providing collectors that originate from different communities.
 - To access tools or mechanisms that facilitate the development of benefit sharing agreements with interested companies or other partners and that provide clarity on what is considered fair and by whom, not only in relation to the information owner but to partners that contribute with additional or new information, with value-adding methodologies or training courses.

IMPROVING PRACTICES ASSOCIATED WITH ACCESS AND BENEFIT SHARING (ABS) AND TRADITIONAL KNOWLEDGE (TK)

- ❖ If customary rights are characterized by their oral nature and pretend that other than community actors respect and observe them, mechanisms should be determined for them to know the concrete requirements of customary rights.

- ❖ Agreements with local communities and indigenous people should be based on appropriate and adequate knowledge on tenure and access to medicinal and aromatic plants, as well as on the management requirements and value of use.
- ❖ Associations like AVIVE should elaborate an internal policy including TK protection mechanisms that would guide their own negotiations or agreements with different sectors. An integrated work with local experts on these issues will facilitate the necessary capacity building and development processes.
- ❖ The implementation of ABS and TK protection regimes in a wider context than only genetic resources is crucial in processes that aim to improve and regulate income generation from the use of biodiversity, for achieving a real progress in community livelihoods.
- ❖ A better comprehension on the practical needs from local to global level would facilitate the implementation of normative documents and other tools related to the implementation of ABS and TK, and would guide decision-makers and other interested stakeholders in contributing to the debate on development or application of related regimes.
- ❖ An improved understanding and clarity among the different users and partners of AVIVE (universities, NGOs, companies, etc.) on the concepts, approaches, scopes and implementation procedures, as well as on their responsibility and obligations with regard to these issues, would facilitate a better recognition of and respect for community rights and also of the processes and interests of different stakeholders involved, to promote and establish trustful relationships and equitable benefits.
- ❖ National and local governments should guarantee participative processes and make an effort to develop detailed enough regulations, as well as to establish clear criteria for ABS and TK protection to guarantee respect for fundamental rights.
- ❖ The development and/or dissemination of information, through guidelines, documents, mechanisms or practical experiences applicable to different stakeholders is key to define the kind of agreements and benefits that can be part of a negotiation, and the needs for advice, exchange of experiences and capacity building. In addition, it would facilitate the development or implementation of regimes and the adoption or adaptation of existing tools.
- ❖ The development of criteria or policies and benefit sharing mechanisms should be based on practical and homogeneous approaches, adapted to local realities.

Principle 4 of the International Standard for Sustainable Wild Collection of Medicinal and Aromatic Plants (ISSC-MAP), addresses:

- An analysis of how to generate ABS mechanisms based on the use of biological resources and associated TK.
- The need for promoting/creating stakeholder relationships based on transparency and mutual confidence.
- Respect to laws, including customary rights of stakeholders.
- The need to avoid biopiracy cases or misappropriation of natural resources and the required flexibility to adapt tools to different local conditions.

The ISSC-MAP is a tool developed by the Medicinal Plant Specialist Group of the Special Survival Commission of IUCN with support from the German Federal Agency for Nature Conservation (BfN), WWF Germany and TRAFFIC.

In 2008 the ISSC-MAP Initiative merged with the FairWild Foundation and the ISSC-MAP Standard became part of the FairWild Standard (www.fairwild.org).

INPUTS TO THE INTERNATIONAL DEBATE

- ❖ The regulative and management treatment of access to biological resources, their associated TK and the benefits derived from their utilization should be clear in the frame of the Convention of Biological Diversity (CBD), due to the substantial differences between genetic and biological resources in terms of property and procedures for their access and use.
- ❖ A broadening and a clarification of the scope of ABS in the frame of the CBD to include biological resources and management of associated benefits would avoid the risk of heterogeneous and confusing national regulations and policies.
- ❖ It is not clear if traditional knowledge refers only to genetic resources or if it extends to biological resources. If all knowledge that is not related to active ingredients or genetic structures of living organisms is excluded, the majority of existing Traditional Knowledge would be excluded from the frame of the CBD. This would impede that indigenous people and local communities can benefit from the use of a great amount of resources, limiting in some way the supporting function of the third objective of the CBD on Access and benefit sharing in relation to the other two objectives that refer to conservation and sustainable use.
- ❖ It is necessary to analyze the way in which national legislations treat the issues of ABS, BS, TK and biological resources; deepening their definition and scope according to practical implementation situations, and to generate criteria for the comprehension and application of protection mechanisms and benefit sharing, outside of the scope of genetic resources.
- ❖ The International Regime (IR) should address the relation among and an integrated approach towards the three objectives of the CBD. It seems that in many occasions considerations related to the potential impact that certain activities may have on the conservation of species or ecosystems are omitted. The commercial success of a specific product can result in deforestation, monoculture or soil conversion practices.
- ❖ Considering that the main objectives of the CBD are oriented to sustainable development and conservation of biodiversity, it should be ensured that the benefits obtained from different uses of biodiversity and associated Traditional Knowledge are derived to activities and incentives for conservation, sustainable production, poverty reduction, the valuation of biodiversity and TK, and to others addressing rational use of resources, and to the social and economic progress of affected populations.

This case study has been undertaken within a larger project funded by the German Federal Minister for Economic Cooperation and Development (BMZ) and supported by WWF and TRAFFIC, as well as by the Count Down 2010 Initiative, financed by the European Commission.

Produced by the IUCN Regional Office for South America, 2010.

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With funding from:

