

CONNECTING THE DOTS...

BIODIVERSITY CONSERVATION, SUSTAINABLE USE AND ACCESS AND BENEFIT SHARING

With a focus on Cameroon, Madagascar, Namibia, and South Africa



Sarah Laird and Rachel Wynberg

EXECUTIVE SUMMARY - February, 2021

With contributions from: Jessica-Jane Lavelle, Naritiana Rakotoniana Ranaivoson, Stella Asaha and Jaci van Niekerk.

Design by: Gabriela Álvarez Anaya and Estudio Cuatro Ojos (Manuel López Rocha and Lorena Ortega).

Cover photographs:

Haja Ratsimbazafy, Lindsey Chicken, Dave Cole, Shutterstock

Suggested citation:

Laird, S.A. and R. Wynberg. 2021. Connecting the dots: Biodiversity conservation, sustainable use and access and benefit sharing. Executive Summary. BioInnovation Africa (implemented by GIZ and funded by BMZ), Voices for BioJustice, People and Plants International, and University of Cape Town. 11 pages.

This report is supported by the project BioInnovation Africa implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and funded by the German Federal Ministry for Economic Cooperation and Development (BMZ), through a partnership with Voices for BioJustice, People and Plants International and the University of Cape Town.

Voices for BioJustice

www.voices4biojustice.org

People and Plants International

www.peopleandplants.org

**University of Cape Town,
Bio-economy Research Chair**

<https://bio-economy.org.za>



Harvesting *Prunus africana* in Cameroon.
(Photo: Rachel Wynberg)

Acknowledgments:

Thanks are due to our partners in Cameroon, Madagascar, Namibia, and South Africa, and all those who gave so generously of their insights and time in those countries and around the world. We also thank our video collaborators, including Adam Asmal in South Africa, Dudley Viall in Namibia, Haja Ratsimbazafy in Madagascar, and Stella Asaha and Dingha Claudette in Cameroon. Neil Crouch provided support to the conceptualization of the study, and ongoing review work. Julia Oliva and Simona Damico provided valuable comments and contributions on their work at UEFT. Our partners at GIZ also provided insight, support and valuable review throughout: Friedrich zur Heide, Suhel al-Janabi, Anja Teschner, Peter Schauerte, Pierre du Plessis, Andreas Drews, Henry de Novion, Ullrich Klins, and Hartmut Meyer.

EXECUTIVE SUMMARY

INTRODUCTION

Access and benefit sharing (ABS) first came into being with the Convention on Biological Diversity (CBD) in 1992, and was conceived as an important part of the conservation toolkit. ABS was intended to serve as an incentive and funding mechanism for biodiversity conservation, while addressing historical inequities around the use of genetic and biological resources. Conservation originally featured prominently within ABS policy discussions and in some benefit-sharing agreements, but over the decades its role grew smaller as ABS partnerships and policies focused more on the equity aspects of the CBD objectives, and less on conservation and sustainable use. Conservation and sustainable use remained largely on the margins of negotiations for the Nagoya Protocol, and while the text includes reference to conservation, the obligations remain relatively weak.



Baobab tree.
(Photo: Rachel Wynberg)

The alarming loss of biodiversity in recent decades, highlighted by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) 2019 Global Assessment and others, has brought attention back to the critical need for conservation, and the need to more effectively address it within ABS. This report is a first step in a larger process to assess the links between biodiversity conservation, sustainable use. It aims to enhance understanding of the many direct and indirect ways that research and commercial activities regulated by ABS measures may affect conservation.

The research supporting this report included interviews with 85 individuals from governments, research institutions, NGOs and the private sector, in the four BioInnovation Africa countries of Cameroon, Madagascar, Namibia and South Africa, and also globally. It also included a review of the literature and of existing and historical ABS measures, partnerships and agreements. A set of infographics accompanies the report, along with a video that aims to bring the conversation to life.

The report centers on:

- ◆ Understanding how to strengthen the gains for communities, biodiversity research, conservation and sustainable use from ABS;
- ◆ Exploring how broader objectives of ecosystem and habitat conservation might be achieved through these efforts;
- ◆ Untangling the relationship between traditional knowledge (TK) and biodiversity conservation and exploring how ABS can support customary law, traditional resource management, and Indigenous peoples and local communities' (IPLC) stewardship of biodiversity;
- ◆ Understanding the roles and responsibilities of different actors, including government, industry, NGOs, researchers, private landowners and communities in ensuring conservation and sustainable use; and
- ◆ Investigating policies, laws, institutions and mechanisms best suited for governing this complex suite of issues.



Gathering greens from the farm, Likombe, Mt Cameroon.
(Photo: Sarah Laird)

APPROACHES FOR CONSERVATION AND SUSTAINABLE USE

- ◆ ABS is part of market-based strategies for conservation and sustainable use that seek to enable “win-win” partnerships for a range of different actors, and create economic incentives to conserve biodiversity. However, the effectiveness of market-based strategies for conservation is increasingly under scrutiny.
- ◆ Conservation and sustainable use were a larger part of ABS partnerships, measures and policies in the 1990s, but over time have faded, and are only weakly implemented to date under the Nagoya Protocol.
- ◆ ABS is a specific mechanism to support conservation and sustainable use but should not replace other conservation measures.
- ◆ Biodiversity is in crisis, and its conservation and sustainable use urgently needs attention.
- ◆ Poverty, inequality, corruption, marginalization of the poor, and bad governance undermine conservation and social justice (including ABS) efforts, no matter how well designed and resourced.
- ◆ Conservation takes place at genetic, species, and ecosystem levels, each requiring distinct but overlapping approaches. ABS can contribute at all these levels through research, partnerships, and funding.
- ◆ Conservation planning and management depend upon information and capacity, including biodiversity research, financial resources, and partnerships with a range of stakeholders – all of which ABS can support.



Drying rooibos in the tea court in Heiveld, South Africa.
(Photo: Paul Weinberg)

TRADITIONAL KNOWLEDGE, RESOURCE MANAGEMENT AND RIGHTS

- ◆ Indigenous peoples and local communities (IPLCs) are custodians of about 80% of the world's biodiversity; their ways of life, cultures, customary governance and knowledge of nature is integrally connected to the conservation and sustainable use of biodiversity in their territories.
- ◆ Biocultural diversity approaches to conservation that recognize the interrelationships between cultural and biological diversity can bridge diverse knowledge systems and policies, and can be a powerful tool for sustainability, bringing together practitioners, indigenous rights movements, governments, and others.
- ◆ Greater recognition of TK and customary law through ABS can help strengthen conservation and sustainable use by supporting community-based monitoring, respecting customary laws and practices such as sustainable harvesting, affirming local control over IPLC lands and seas, and enhancing local capacities for community-led conservation initiatives.
- ◆ Despite these connections, ABS laws and approaches have not been successful in linking TK and conservation. This is due in part to the lack of legal recognition of IPLCs as custodians of biodiversity, a separation of TK and resources in laws and agreements, and a tendency to prioritize economic development over conservation.
- ◆ Lack of legal recognition of land and resource rights is not only an injustice to IPLCs, but also makes conservation initiatives, including ABS, less likely to succeed. Land grabs and human rights violations through extractive industries such as oil and gas, timber and mining are of serious concern and undermine and threaten conservation.



Commiphora wildii resin, harvested by Himba in Namibia for the perfume industry. (Photo: Rachel Wynberg)

INTEGRATING CONSERVATION AND ABS GOVERNANCE

- ◆ In many countries, the policy and legal framework clearly links conservation and ABS. However, with some exceptions, these policy commitments are seldom implemented.
- ◆ Implementation of conservation through ABS has been thwarted by a lack of capacity and budgets, and in some cases by a political imperative to focus mainly on important equity and social issues. An over-emphasis on ABS regulatory compliance has often turned attention away from conservation and sustainable use.
- ◆ Many other statutory laws, policies and initiatives have relevance for ABS and conservation, but are administered by different government departments, both at national/federal and state/provincial level.
- ◆ When intact, customary law can play an important role in ensuring sustainable and equitable use of biodiversity. However, ABS approaches have not adequately incorporated customary practices and laws, or examined ways that statutory and customary laws can be complementary.
- ◆ Governments have often struggled to put ABS systems in place and to link ABS to conservation. Some companies and research groups are proactive and include biodiversity conservation in ABS arrangements despite this not being a legal requirement.
- ◆ Biodiversity conservation should be embedded as a fundamental principle and component of any ABS agreement or approach from the start, and included in ABS measures.
- ◆ Monitoring systems should be established by governments to track and measure the impact of ABS on conservation and sustainable use.



Community forestry meeting in Namibia.
(Photo: Jessica-Jane Lavelle)

BIODISCOVERY, BIOTRADE AND THE COMMERCIAL USE AND CONSERVATION OF GENETIC AND BIOLOGICAL RESOURCES

- ◆ ABS governs a wide range of activities, and this scope has expanded over time.
- ◆ The commercial use of biodiversity can be divided into two broad categories: biodiscovery and biotrade.
- The extent to which companies employ advanced science and technology, the scale of revenues, and size of companies, differ dramatically by sector.
- ◆ Those undertaking biodiscovery and biotrade access and use genetic and biological resources, and/or associated traditional knowledge, in very different ways, with implications for conservation and sustainable use. However, biotrade and biodiscovery can also be interlinked, with biodiscovery partnerships leading, for example, to raw material sourcing for additional research or manufacture, and biotrade leading to expanded research.
- ◆ Partnerships between industry and stakeholders in high biodiversity countries, in both biodiscovery and biotrade, tend to be short lived. These partnerships can contribute important short-term benefits for conservation, including by supporting biodiversity research and sustainable use, but are rarely a source of conservation funding over time.
- ◆ Biodiscovery and biotrade are often portrayed as activities that can generate economic incentives for conserving biodiversity and win-win partnerships with the private sector, but their impacts on biodiversity and abilities to invest in conservation are very different.
- ◆ Both biodiscovery and biotrade have the potential to generate monetary benefits for conservation through royalties, fees, milestone payments, and other means, but to date these benefits are few.
- ◆ Biodiscovery can contribute to conservation through inventories, taxonomy, and other support for biodiversity research; collaboration, training and capacity building in partner institutions; and technology transfer to improve the capacity of biodiversity-rich countries to undertake research on their biodiversity.
- ◆ Biotrade can contribute to conservation through sustainable harvesting and cultivation of threatened and high-demand species; agroforestry and reforestation schemes for degraded lands; income-generating activities that depend upon biodiversity and offer alternatives to destructive activities, including partnerships with companies that include long term contracts, premium prices, and value-addition; and financial support for local or community-based conservation projects. Certification, supported by sector-wide standards, can support the conservation goals of biotrade partnerships; growing consumer awareness and demand for biodiversity-friendly products also represents an opportunity to strengthen conservation through biotrade.
- ◆ Market-based approaches to conservation and sustainable use must acknowledge and address underlying social, economic, and political inequities to achieve their goals over time.

MECHANISMS AND TOOLS FOR BENEFIT SHARING

- ◆ A sophisticated framework of benefit sharing tools already exists that could be leveraged to localise benefits for conservation and sustainable use.
- ◆ Conservation activities should be determined by both national and local biodiversity priorities and, wherever possible and appropriate, should link back to the biome associated with the resource used. Conservation activities should be decentralized and localized as far as possible.
- ◆ Responsibility for implementing conservation initiatives is best spread among a range of partners and should be matched to available capacities, interests and effectiveness.
- ◆ Incentives for conservation and sustainable use will not materialize unless designed explicitly to be concrete and functional.
- ◆ Many users are wary of providing funding to national trust funds that may not be accountable or transparent, or in countries with poor governance track records. Building relationships with local groups, conservation agencies, private landowners and communities to support conservation projects is an important alternative, and there are interesting models emerging around this approach.
- ◆ Increasing attention should be given to sector-level approaches for benefit sharing, especially within biotrade. Such approaches could involve commitments to avoid biodiversity loss, or to commit to management approaches that enhance or restore biodiversity, and can create economies of scale, and level the playing field.
- ◆ Greater attention should be given to the scale of damage and revenues generated when considering taxes and levies for biodiversity conservation. Global funds for biodiversity conservation would be most easily and effectively fed by taxes and levies on highly profitable destructive industries, and to a much smaller degree the non-destructive innovation sectors.



Commiphora wildii plant in Namibia.
(Photo: Rachel Wynberg)

CONCLUSION

ABS has an important role to play in supporting equitable research on biodiversity and can contribute to biodiversity conservation and sustainable use, but it is a smaller role than initially and usually envisioned. New approaches should be explored beyond ABS that more effectively address the direct threats to biodiversity posed by destructive and extractive industries, including industrial agriculture, oil and gas, mining, and timber. Attention should also be paid to the underlying causes of biodiversity loss including corruption, inequality, poverty, poor governance, and unsustainable levels of demand and consumption.

Interest in bringing biodiversity conservation more systematically back into ABS is promising, but it is important that governments, industry and others understand that many conservation benefits are not monetary, and that non-monetary benefits like biodiversity research and building conservation management capacity can often have greater impacts.

As we develop approaches that better link ABS and conservation, it is important to not place the burden of conservation implementation on communities, who are typically overwhelmed with other priorities, and to also recognize that conservation is not in conflict with benefitting IPLCs for the use of their TK and resources.

Although ABS can only contribute in a small way towards resolving the biodiversity crisis, it is an important part of the solution. As we work on a post-2020 Biodiversity Framework and consider urgent actions to stem the biodiversity crisis, now is a good time to think about how to broaden the suite of practical, meaningful and effective options that are available to support conservation within ABS. Below is an overview of approaches to conservation and ABS to provide governments, researchers, IPLCs and others with a framework of options.



The slopes of Mt Cameroon, with Pico Basilé, Equatorial Guinea in the background.
(Photo: Sarah Laird)

EMBEDDING CONSERVATION IN NATIONAL ABS LAW AND POLICY

- ✓ Biodiversity conservation should be embedded as a fundamental principle and component of any ABS agreement or approach from the start, and included in ABS measures.
- ✓ Require monetary benefits to go to entities that will implement conservation
- ✓ Require consent of IPLCs, and share benefits directly with them through project-based approaches or indirectly through national or other funds
- ✓ Link TK and stewardship of genetic and biological resources within laws
- ✓ Link private landowners, IPLCs, conservation managers and other resource providers to clear conservation actions
- ✓ Provide tangible and concrete options to enable conservation actions to be easily implemented
- ✓ Coordinate with other institutions implementing conservation policies and laws
- ✓ Use existing approaches that are tried and tested
- ✓ Require partnerships with local research institutions, NGOs and conservation agencies when appropriate
- ✓ Have clear guidelines for advisory committees and decision-makers to enable conservation as a principle to be embedded in decisions about benefit-sharing agreements and permits
- ✓ Ensure a wide and diverse range of stakeholders are represented in relevant boards and committees that oversee ABS implementation

BIOSDISCOVERY PARTNERSHIPS

BIOTRADE PARTNERSHIPS

Adopt an ecosystem, biome and landscape approach when possible and link back to identified conservation priorities

- ✓ Ensure linkages between non-monetary benefits and conservation and sustainable use. For example:
 - ◆ Research can support, or include components, that address conservation priorities in a country, like inventories or management research for threatened species.
 - ◆ Capacity building in universities can support biodiversity research, or conservation entities like protected areas, or local conservation NGOs.
 - ◆ Technology transfer and training can be channeled in ways that support conservation, health, and other objectives.
 - ◆ Data can be shared widely from inventories, distribution and taxonomy studies, including with conservation managers.
- ✓ Channel a portion of financial benefits – e.g., fees, milestone payments, royalties – towards conservation areas and activities. This might include parks, biosphere reserves, community forests and urban green spaces.
- ✓ Monitoring systems can be established that track and measure the impact of ABS on conservation and sustainable use.

- ✓ Ensure all trade is based on sustainable cultivation or harvesting strategies, and that companies agree to source material responsibly.
- ✓ Enforce and improve upon existing regulations that set quotas, establish permitting and export procedures, and regulate other aspects of the trade that impact sustainability and equity. Biotrade often has a full suite of regulations, but these can be poorly drafted, coordinated, and implemented. ABS measures should complement these, rather than create another layer of bureaucracy.
- ✓ Increase opportunities to comply with positive contributions towards the conservation and sustainable use of biodiversity.
- ✓ Include the perspectives, experiences and capacities of resource providers and TK holders through democratic processes that promote inclusion and transparency.
- ✓ Strengthen and support the role of independent certifiers that can assist communities, companies, and governments in establishing equitable partnerships, and sustainable supplies, as well as informing consumers about the source of their products.
- ✓ Establish monitoring systems that track and measure the impact of ABS on conservation and sustainable use.
- ✓ Encourage the development of sector-specific plans for particular resources and sectors.

