



The Biodiversity Brouhaha

Who Profits?

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Context

- Mega-diverse, has 4 of the 34 globally identified biodiversity hotspots
- Has nearly 7-8% of the recorded species of the world
- Has more than 300 wild ancestors and close relatives of cultivated plants
- Has traditional knowledge associated with these biological resources: we use biodiversity as medicines, food and for other daily needs
- Has been quick to ratify and enact laws to protect, use and benefit from this biodiversity
- But biodiversity loss continues unabated, benefits are far and few

Conventions, Acts and Protocols...

- Enacted to meet our commitment to the Convention on Biological Diversity that we ratified in 1994
- It has three major objectives: conservation of biological diversity; sustainable use of the diversity; ensuring fair and equitable sharing of benefits from this use
- Has set up an elaborate system for implementation: National Biodiversity Authority, State Biodiversity Boards and Biodiversity Management Committees
- Signed the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in 2014

Biological Diversity Act 2002: On paper only

- Implementation has been poor
- In 2016, a petition was filed in NGT for ensuring implementation; only 9,700 BMCs and 1,388 of the PBRs were in place
- In August 2019, when the case was disposed off, less than 50% of the BMCs and some 2% of PBRs were prepared. NGT ordered 100% compliance by February 2020
- The latest data suggests that some 98% of the BMCs and 94% of the PBRs are now in place
- Down To Earth studied some biodiversity rich places and found that these are just numbers and fail to help the communities

Access and Benefits

- Tamil Nadu: Total BMCs: 13,604; Total agreements: 13; Total benefits: 1.56 lakh
- Uttarakhand: Total BMCs: 7,991; Total agreements: 145; Total benefits: 527.91 lakh
- Andhra Pradesh: Total BMCs: 14,157; Total agreements: 4; Total benefits: Rs1,089.77 lakh (earned the most)
- Kerala: Total BMCs: 1,200; Total agreements: 0; Total benefits: 0

Data from NBA, between 2017-2021, only 11 states entered into agreements and earned benefits, details of benefit sharing not in public domain

Ground realities

- BMCs are not functional; most constituted during pandemic; have no direction
- PBRs are rudimentary; mostly prepared using secondary data and requires verification
- Very few examples of access and benefit sharing. According to NBA some 3369 agreements have been signed; details are not available in public domain
- 148.03 Crores collected as ABS by NBA and 23.69 Crores by 12 SBBs; details are not available in public domain
- DTE finds that in most cases, this money has not been shared with the community; there are no guidelines on how this money should be used

Kerala/ Arogyapacha

- Benefit sharing before CBD: Members of Kani tribe of Kerala shared knowledge about health benefits of arogyapacha fruits with researchers from CSIR in 1987
- The researchers prepared a product and licenced it to an Ayurvedic manufacturer Arya Vaidya Pharmacy of Coimbatore. Researchers received Rs.10 lakhs as licence fees and an arrangement was made for sharing royalty of two per cent at ex-factory sale
- Rs. 5 lakh were shared with Kerala Kani Samudaya Kshema Trust in 1997
- Raw material could not be collected from the protected forest. Cultivation did not help as there was no way of distinguishing between this and the collected material

Andhra Pradesh/ Red Sanders

- Tree is endemic to four districts in the state—Chittoor, Kadapa, Kurnool and Nellore
- Trade restricted as IUCN categorises the tree as endangered
- However, state has permitted the export of wood confiscated from smugglers. The provision of ABS has been applied on this
- The state allows cultivation of Red Sanders on private land; need to take certificate from the forest department proving that this is cultivated. Since 2019, it can be exported too. Farmers face problems in procuring the licences

Tamil Nadu/ Snake Venom

- Only one source of venom in India: Irula Snake Catchers Industrial Co-operative Society in Kancheepuram district of Tamil Nadu. Irulas have expert understanding of snakes
- High value bio resource
- State Biodiversity Board has an ABS agreement with one of the eight buyers
- The Society has received payment just once. A total of Rs.17,700 was shared in 2020

Uttarakhand/ Kuth and Kutki

- 25 farmers in Uttarkashi and 100 in Chamoli districts are involved in cultivation of these plants
- Trade is banned. Farmers need document like transit passes and legal procurement certificates from the forest department to prove it is cultivated. Local NGO is helping in this
- BMCs of the villages and the buyers are in the process of finalising the agreement with the state biodiversity board
- Farmers can earn Rs.1,300 to Rs.1,400 per kg of kutki and Rs.300-320 per kg for kuth. From the next harvesting season, they will also start receiving extra benefit fixed at 5 per cent of the sale price

Biological Diversity (Amendment) Bill 2021

- Does not provide appropriate solutions to the problems in the ground
- Defeats the intents of Biological Diversity Act, 2002, Convention on Biodiversity and the Nagoya Protocol by increasing access BUT decreasing benefit sharing
 - For instance:
 - Amendment regulates access only by “foreign controlled companies”
 - Users of codified traditional knowledge are exempted from sharing benefits with local communities
- The amendments do reduce burden on wild medicinal plants by encouraging their cultivation. This system needs to be elaborated further

Opportunities

- Issues around biodiversity are being discussed across the world
- The post-2020 global biodiversity framework that aims to halt biodiversity loss by 2030 and achieve recovery by 2050 would be discussed at the UN Biodiversity Conference to be held in China later this year
- New learnings are essential for success at these negotiations

Thank you