



New Occasion to Undertake Admittance and Benefit Sharing

Akshaya S Das

G.H Raison College Nagpur, Maharashtra, India

Abstract: *Consultant “Biodiversity Conservation & ABS” QCI, New Delhi, India To facilitate sustainable biodiversity-based businesses, legal uncertainty, lack of clarity and administrative inaction are warranted. With the entering into force of the CBD Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, pathway of new opportunity to improve the synergies for access to genetic resources and benefit sharing (ABS) in the context of Bio Trade has evolved and in progress. Evidence that traditionally has moved in the realm of sustainable biodiversity businesses, particularly with biological resources and certain ecosystem services, it is important to clarify how and when a genetic or a biological resource becomes part of Bio Trade and importantly, whether ABS needs to be obliged. This review aims at offering an overview of some of the key issues and connections between Bio Trade and ABS globally and to jot various challenges and means to address them, concluding a way forward.*

Keywords: Sustainable biodiversity, Bio Trade, Access, Benefit sharing

I. INTRODUCTION

The Convention on Biological Diversity (CBD) adopted since 1992, a novel archetype relating to the earth's natural specially the green capital has begun to materialize. Antagonistic to the commonly accepted legal precept that biodiversity is a “common heritage of humanity”, individual country can now fully assert their exclusive entitlement, its ownership to regulate and set up conditions for the access and utilisation of their biodiversity, particularly their genetic resources through “access and benefit sharing” (ABS) regulations.

The adoption of the CBD's Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Nagoya Protocol), detailing the ABS and compliance obligations relating to genetic resources, and associated traditional knowledge (ATK), has only reinvigorated this new philosophy.

However, the contest now is how individual countries will develop and implement the provisions of the Nagoya Protocol to abide legal, regulatory and administrative measures that contribute to and fulfil the objectives of the CBD at the same time scale up of Bio-Trade respecting conservation Secretariat of the CBD (2007, 2013, 2014, 2015).

The Bio Trade Initiative (BTI) was launched in 1996 by the United Nations Conference on Trade and Development (UNCTAD) and aims to foster trade and investment in biodiversity to further sustainable development in line with the three objectives of the Convention on Biological Diversity (CBD). Further, The Principles and Criteria of BTI are at the core of the conceptual framework that



supports BTI activities and are in line with the objectives and principles of the Convention on Biological Diversity (CBD), the Commission on Sustainable Development (CSD) and the Millennium Development Goals (MDGs). Given the relevance of trade for specific species and ecosystems, supporting the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the United Nations Convention to Combat Desertification (UNCCD) and the Ramsar Convention on Wetlands.

To complement the approaches implicit in the Principles and Criteria, the BTI and its partners are implementing the Principles and Criteria using the following approaches:

- **Value-chain approach:** The BTI and Bio Trade Facilitation Program see the strengthening of value chains as a critical element in facilitating good practices related to the sustainable use and conservation of biodiversity and in promoting the equitable sharing of environmental, social and economic benefits among value-chain participants.
- **Adaptive management approach:** In the context of Bio Trade, adaptive management contributes to the implementation of sustainable practices, the identification of impacts on species and ecosystems and the continual improvement of Bio Trade initiatives. For instance, the Bio Trade Facilitation Program is supporting the elaboration of management plans as a tool to help organizations, suppliers and authorities to implement the Principles and Criteria.
- **Ecosystem approach:** The ecosystem approach is based on a holistic vision that integrates ecological and social issues, as well as the interactions and processes that are involved in a productive system. In practice, the planning of productive processes related to Bio Trade initiatives is undertaken according to the ecosystem approach. This guarantees that the initiatives will be environmentally and socially responsible with regard to their impact on species, habitats, ecosystems and local communities.

Conclusively, the Principles and Criteria drive BioTrade processes to promote the conservation of biodiversity through sustainable commercial use (unctad.org, UN 2007, UNCTAD (2017)). BTI and also categorised BioTrade sectors and prioritized by countries and partners in Africa, Asia and Latin America as below:

Sector	Product Types
Personal care	Essential oils, natural dyes, soaps, cream and butters, cosmetics, etc
Pharmaceutical (Phyto-pharma)	Extracts, capsules and infusions from medicinal plants, etc.
Food	Fruits pulps, juices, jams, cookies and sauces, spices, nuts, tuberous snacks food supplements, meat from caiman and fish, etc.
Fashion	Skin and belts, purses from Caiman yacare, etc.
Ornamental flora and fauna	Heliconia's, orchids, butterflies, etc.
Handicrafts	Jewellery, decoration objects based on native species, garments
Textiles and natural fibbers	Furniture and decoration objects based on natural fibres, purses,



	shoes, etc.
Sustainable tourism	Ecotourism, nature-based tourism, community-based tourism, etc.

Some of the practical opportunities and challenges with respect to Bio-Trade globally. The set of exemplary case studies showcasing opting Bio Trade as an alternative to strengthen ABS and gain socio economic benefits reviewing United Nations (2015 and 2017).

II. STRENGTHENING THE CAPACITY IN INTEGRATING REDD

It has been proved how a country can avail to conserve their forest in other term green economy and invest the same to support low carbon emission to realize sustainable development adopting market-based mechanisms for climate change mitigation and trade of biodiversity-based products and services. By reducing emissions from deforestation and forest degradation while fostering the conservation and sustainable management of forests and its forest carbon stocks accepting the REDD+ model and strategies. Parallel, positive market trends for environmentally and socially fair products and services derived from biodiversity are being captured by countries working under the Bio Trade Initiative (UNCTAD).

It is a huge learning how UNCTAD promote trade and investment in biodiversity-based sectors as a way to achieve sustainable development espousing the combination of REDD+and Bio Trade while sustainably using and trading’s derived products and services such as essential & vegetable oils, and promoting ecotourism in Colombia, Ecuador and Brazil (Calcinemias, 2017a.).

In Ecuador, the project aimed to *merge Bio Trade and REDD+ to access its complementarity while performing* analysis of the background and the current developments on Bio Trade and REDD+ in Ecuador, which led to establishing development drivers and common grounds.

It is important to note that during the tenure, national Government carried out huge efforts promoting various mechanisms to formulate the ENREDD+. Through a concerted and participatory process, the instruments needed to develop the strategy were defined. In this way, learning has been collective and enriching for all actors involved in the regulation and implementation of REDD+ initiatives.

On the other hand, the ENREDD+ recognizes the need to provide co-benefits to indigenous and Afro-Colombian populations, based on ecosystem services provided by forests, and mitigating the risk of the loss of forests and biodiversity. The link between emissions reduction from deforestation/degradation is then consistent with this concept and makes visible the potentiality of joint initiatives REDD+ & Bio Trade. Table below represent the actions and strategies adopted to promote Bio trade activities:

Table 1: Actions and strategies on ENREDD+ linked with Bio Trade activities

Strategies	Actions
Strengthening communities’ capacities in the management and conservation of forests.	•Formal training programs for local communities in the sustainable management of natural resources.
	• Protection of the communities’ traditional knowledge associated with the sustainable use and management of forests.
Promoting sustainable	•Formulation of internal regulations on the use and



management, protection and restoration of forest ecosystems.	management of the forest, based on the traditional knowledge. <ul style="list-style-type: none"> • Implementation of forest management plans to ensure the sustainable use of forest resources
Developing economic instruments, and payments for green markets and environmental services to promote the conservation of forests.	<ul style="list-style-type: none"> • Development of strategies that encourage sustainable use of natural resources such as: environmental certifications or green seals, fair trade, and strengthening of the value chains.
Promoting sustainable practices in the development of sectoral activities (agriculture, livestock, mining, infrastructure, oil, and tourism).	<ul style="list-style-type: none"> • Development of proposals for sustainable productive alternatives for the colonists, including new agricultural technological packages that optimize the use of land and natural resources. • Adoption of beneficial practices that limit the direct and indirect impacts of mining activities • Generation of timber-yield products with higher added value that make a more efficient use of the resources. • Promotion of technologies and better practices of energy production that will reduce the impact on forests and their resources. • Development of programs for sustainable tourism respecting the carrying capacity of the ecosystem and the regulatory conditions.

III. THE INTERFACE BETWEEN ACCESS AND BENEFIT-SHARING RULES AND BIO TRADE IN VIETNAM

Located in the Indo-Burma Biodiversity Hotspot (IBBH), Vietnam is ranked as the 16th most biodiversity-rich country in the world. It is home to more than 42, 900 identified species, nearly 14,000 of which are recognized species of flora, 11,000 marine species and a remarkable number of rare endemic species. With the growing concern about threats to its biodiversity, the Government of Vietnam has introduced measures for its protection, conservation and development through the creation of national policies and implementation of international conventions and protocols.

Vietnam became a member of the Convention on Biodiversity (CBD) In 1994 and had pledged to mainstream biodiversity considerations and sustainable use of biological resources in its policy-making agendas. It is commendable that early enough Vietnam recognized that biodiversity conservation and sustainable development cannot be successful without the involvement of the poor made the social pillar strong. Parallel, the Biodiversity Law of 2008 (BL 2008) was envisaged as a legal instrument which could integrate pro-poor principles and involve biodiversity holders at the grass roots level which ultimately helped ABS, though there are demarcation of ministerial assignments relating to the State management of genetic resources.



Unlike other countries, Vietnam's consequent ratification of it and the growing impact of the Protocol domestically and internationally entail that the country is faced with a greater challenge to comply with the ABS rules and make them workable if it were to achieve its own sustainable development objectives. A must learning that surfaced how UNCTAD Bio Trade, in collaboration with the Biodiversity Conservation Agency of Vietnam, Helvetas - Vietnam and the newly created Bio Trade Implementation Group (BIG Vietnam) and with the support of SECO Switzerland, has demonstrated a slow but steady rise as a bolster for sustainable development through trade and investment in biological resources in keeping with the objectives of the CBD and the Protocol. This has become the enabler and promoter of Bio Trade as a viable livelihood option for various actors in the value chain, especially the local and indigenous communities. Through the promotion of sustainable sourcing and use of biological resources e.g., medicinal and aromatic plants for trade, and distributing benefits fairly (monetary and non-monetary) and equitably sharing the benefits with the communities and the actors involved in the value chain, Bio Trade practitioners are also able to comply with the benefit sharing principle of the Protocol.

The current revision and improvement of ABS Regulations in Vietnam may prove to be an opportunity for Vietnam to resolve how best it could regulate Bio Trade activities vis- vis overseeing ABS through its legislative and administrative approaches. These recommendations do not only apply to Vietnam alone but they could also serve as a blueprint for other biodiversity-rich countries in the Mekong region as they share common challenges and opportunities, biological and genetic resources, traditional practices and communities.

IV. POLICY AND REGULATORY OPTIONS AND RECOMMENDATIONS

Despite the apparent challenges relating to implementing ABS regimes complemented by bio-Trade activities in the current administrative and legislative climate of Viet Nam, it is also self-evident that the country has a bursting potential for promoting ABS-BioTrade linked undertakings. Surely, issues such as lack of resources and capacities, as well as struggles from institutional mechanisms and policies seem to be obvious deterrents for the advancement of the CBD objectives. Notwithstanding, the robust synergies and mutual supportiveness between bio-Trade and ABS rules on the back of a megadiverse biodiversity make Vietnam a rising key player in the promotion of ABS in Asia and beyond. Several options and recommendations for the consideration of policymakers, regulators as well as the various stakeholders in Viet Nam:

V. CONNECTING SUSTAINABLE DEVELOPMENT

Biodiversity has proven to be the lifeline as it provides resources for basic human needs in terms of food, fodder, fuel, medicine, shelter, transportation, as well as environmental services such as protecting water sources. It is also imperative for businesses as natural raw materials enable the development of products and services, or are used for recreation or cultural activities, which also strengthen the economy of the local communities.

Around 1.6 billion people depend on forests and non-timber forest products (NTFPs) for their livelihoods (Secretariat of the CBD, 2015a). Many households in Asia, derived as much as 50–80 per cent of their annual household income from NTFPs, namely from biodiversity resources



(Secretariat of the CBD, 2014). Data suggest that In the Latin American region some 75 per cent of households depend directly on biodiversity to meet their basic needs for food and water as well as to preserve their culture (CAF, 2015).

Undoubted biodiversity is the natural capital base for a sustainable economy. Many developing countries rich in biological resources have the potential to capture the market and use such products as an contraption for sustainable development. The conservation of biodiversity and the sustainable use and trade of its derived products and services can provide countries valuable opportunities for economic development and improvement of livelihoods.

However, biodiversity is being lost at accelerating rates; “13 million hectares of forest being lost every year and 52 per cent of the land used for agriculture is moderately or severely affected by soil degradation” (United Nations, 2015a).

Livelihoods and natural based industries are connected through biodiversity. Biodiversity loss reduces the capacity of ecosystems to provide the essential services for human survival and thus warrant responsible management and use for future livelihood security through business opportunities, especially in rural areas. Hanson et al, 2009 clearly showed that this is particularly relevant in post-conflict situations in developing countries, as two thirds of biodiversity hotspots and priority conservation areas around the world have been affected by conflict between 1950 and 2000.

Biodiversity, through its sustainable use and generation of derived tradable products and services, can serve as a key foundation upon which conflict affected communities and ex-combatants can derive economically feasible and environmentally friendly opportunities.

UNCTAD, is promoting BioTrade Initiative which fosters the development of biodiversity-based businesses, value chains and sectors under economic, social and environmental sustainability criteria supporting the connection between the Sustainable Development Goals 15 (Life on land) and SDG16 (Peace, justice and strong institutions). In addition, it starts by providing an overview of the 2030 Agenda for Sustainable Development, and the linkages between trade, biodiversity and peaceful, inclusive societies. The work undertaken by UNCTAD and UNDP on BioTrade has enabled local organizations to:

- 1 Provide business and vocational skills training to women, including training of trainers, so women entrepreneurs can provide counselling and skills training in their communities.
- 2 Establish linkages with the private sector as well as credit and savings groups that can help to stabilize newly created and existing enterprises.
- 3 Encourage marginalized and poor women to save for income-generating investments and unforeseen expenses.
- 4 Promote market access for women entrepreneurs, e.g. opportunities to participate in trade fairs.

REFERENCES

- [1]. Article 3.22 of the Biodiversity Law 2008 of Viet Nam.
- [2]. CAF (2015). BiocomercioAndino: Respuestasinovadorasysolucionessostenibles para el desarrollo local en América Latina (Innovative answers and sustainable solutions for local development in Latin America). Development Bank of Latin America, Peru.



- [3].Colciencias, 2017a.) Colombia Bio is a national strategic project that aims to foster the knowledge, conservation, management and sustainable use of biodiversity in Colombia. This is done through science, technology and innovation
- [4].Secretariat of the CBD (2007). Glossary of Terms for Negotiators of Multilateral Environmental Agreements. Available at: www.cbd.int/doc/guidelines/MEAs-negotiator-glossary-terms-en.pdf (accessed 21 December 2015).
- [5].Secretariat of the CBD (2013). Statement of the Executive Secretary of the Convention on Biological Diversity. Available at: <https://www.cbd.int/doc/speech/2013/sp-2013-09-04-abs-en.pdf> (accessed 21 December 2015).
- [6].Secretariat of the CBD (2014). Global Biodiversity Outlook 4. A mid-term assessment of progress towards the implementation of the Strategic Plan for Biodiversity 2011–2020. Available at: <https://www.cbd.int/gbo/gbo4/publication/gbo4-en.pdf> (accessed 21 December 2015).
- [7].Secretariat of the CBD (2015a). Biodiversity for Development and Poverty Alleviation. Brochure. Available at: <https://www.cbd.int/doc/publications/bd-brochure-en.pdf> (accessed 21 December 2015).
- [8].Secretariat of the CBD (2015b). Colombia - Country Profile. Available at: www.cbd.int/countries/profile/default.shtml?country=co#facts (accessed 21 December 2015). Secretariat of the CBD (2015c). Biodiversity and the 2030 Agenda for Sustainable Development.
- [9].UNCTAD (2017). 20 years of BioTrade: Connecting people, the planet and markets. United Nations, New York and Geneva. Available at: http://unctad.org/en/PublicationsLibrary/ditcted2016d4_en.pdf (accessed 6 November 2017).
- [10]. United Nations (2015a). Sustainable Development Goals Fact Sheet. Available at: http://www.un.org/sustainabledevelopment/wp-content/uploads/2015/08/Factsheet_Summit.pdf (accessed 21 December 2015).
- [11]. United Nations (2015b). Consensus Reached on New Sustainable Development Agenda to be adopted by World Leaders in September. Available at: www.un.org/sustainabledevelopment/blog/2015/08/transforming-ourworld-document-adoption/(accessed20 December 2015).
- [12]. United Nations (2015c). Sustainable Development Goals. Available at: www.un.org/sustainabledevelopment/sustainable-development-goals/ (accessed 21 December 2015).
- [13]. United Nations (2015d). Transforming our world: the 2030 Agenda for Sustainable Development.
- [14]. <https://sustainabledevelopment.un.org/post2015/transformingourworld>(accessed21 December 2015).
- [15]. United Nations (2017a). Synthesis of Voluntary National Reviews 2017. United Nations
- [16]. https://unctad.org/system/files/official-document/ditcted20074_en.pdf
- [17]. <http://biotradevietnam.org/en/du-an/ampelopsis-cantoniensis.html>.



- [18]. (https://www.absfocalpoint.nl/upload_mm/5/f/4/008c9cc8-19f3-4926-b380-19.5f13fd1eb705_Overview%20of%20national%20and%20regional%20measures%20on%20access%20and%20benefit%20sharing.pdf, Jan. 2021).