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left: Farmers selling their products at a weekly market in Eastern Hill, Nepal (Photo courtesy Bikash Paudel); right: Inside view of a community seed bank in Kachorwa, Bara, Nepal (Photo courtesy Bikash Paudel)

Taking a Community Biodiversity Management Approach to ABS in Local Communities: The Nepal Experience

Local communities should also benefit from an international regime

By Bikash Paudel, Pitambar Shrestha, B B Tamang and Pratap Shrestha
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Although the International Regime on Access and Benefit-Sharing (IRABS) is a global legal instrument, the provisions of the Convention on Biological Diversity (CBD) and Bonn Guidelines shows implementation of the international regime should start at the local community. While an international instrument for regulating ABS is required to generate the incentive for conservation of rapidly depleting biodiversity, the execution should effectively guarantee the recognition of the local communities and indigenous people as the true custodian of the genetic resources, and their right to make decisions on documentation, conservation, development and sustainable use and access to and benefit sharing. Environmental laws are most likely to generate local environmental and social benefits when indigenous peoples and local communities have the right of free, prior and informed consent over any activities undertaken on their lands or regarding access to their traditional knowledge, innovation and practices (TKIP).

An international regime on ABS is being questioned in CBD forums on its ability to adequately respect and promote communities' ways of life that have contributed to the conservation and sustainable use of biodiversity. Ensuring the right of communities to the genetic resource should be a major directive principle of IRABS. Moreover, Trade-Related Aspects of Intellectual Property Rights (TRIPS)-compliant domestic intellectual property rights (IPR) laws in the North should also consider community rights over the components of biodiversity and traditional knowledge that have been manipulated to generate 'novel' products, in the form of disclosure requirements sanctioned in the IPR system; as in Norway, Brazil, India and many other countries in South.

Policy and legal initiatives in Nepal

In the absence of appropriate national legislation, people of developing countries have not been able to claim the right to prevent others from accessing or using their biodiversity and technical knowledge. Although it has been recognized in recent national policies and strategies; Nepal has not established any legal, administrative or organizational framework for implementing IRABS. But, recently initiated national and regional projects supportive for the development of ABS law and preparation of ABS draft law by government are worth looking forward to.

Trickling down IRABS to communities

The impact of an international regime on ABS on local and indigenous communities will only trickle down when effective and innovative mechanisms, serving as the basis for implementing IRABS in communities and appropriate institutional development among the custodians of genetic resources and Associated Traditional Knowledge (ATK), are identified, legitimated and promoted through multi-partnership collaboration. The mechanisms serving as the basis for implementing IRABS may include mechanisms to: document genetic resources and ATK with true recognition of the custodians; add value to local genetic resources and ATK and promote *in-situ* conservation through use; facilitate the controlled (without the condition of losing community ownership) access to genetic resources and ATK; and fair and equitable distribution of the benefits accrued.

Opportunities provided by the CBM approach

Community-based Biodiversity Management (CBM) is a participatory approach to empower farmers, farming communities, and local institutions in managing biodiversity for social, economic and environmental benefits to the community, as well as to the general public. It includes good practices, proven to be effective in *in-situ* conservation of biodiversity, it provide a base for a range of practices which may serve

as the basis for IRABS to be affable and affordable to local communities. Regarding documentation and the sharing and conservation of genetic resources and ATK, CBM provide options of participatory tools and practices like the Community Biodiversity Register, and the Biodiversity Fair and Community Seed Bank. It also accommodates a range of practices, such as Participatory Plant Breeding, Participatory Varietal Selection, Value Addition and Market Promotion of local genetic resources and Community-Based Seed Production successful in pragmatic adoption of "Conservation through Utilization"; financing on these activities could easily be course to sharing benefits, fairly and equitably.

CBM approach encompasses mechanism to distribute benefits aroused from use of common property resources including genetic resources within community. Community Biodiversity Management Fund (CBM fund) is found to be the mechanism to fairly and equitably distribute such benefits in the communities. CBM approach also gives emphasis in building institutions of the farmers and custodians of GR as a part of empowering communities. These institutions of farmers have been found to be successful in

"The challenge for the post-2010 Strategic Plan is to ensure that the momentum generated over the past eight years doesn't dissipate"

making decisions on conservation and use of GR and useful in facilitating access and sharing benefits from the use of them if properly capacitated.

The research done by Local Initiatives for Biodiversity, Research and Development (LI-BIRD) shows that CBM package is successful in empowering local communities to garner control over the genetic resources and ATK that they own. Moreover, the practices accommodated in CBM would provide a complete package of innovative mechanisms and institutional arrangement which would serve as the base to trickle down an international regime on ABS to communities; and thus ultimately ensuring the conservation, sustainable use and fair and equitable sharing of benefits. [sb]

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How the 2010 Biodiversity Indicators Partnership Communicates its Message across Sectors

By Tristan Tyrrell, 2010 Biodiversity Indicators Partnership, UNEP World Conservation Monitoring Centre; with input from Damon Stanwell-Smith, Peter Herkenrath, Philip Bubbs and Anna Chenery

The International Year of Biodiversity (IYB) is upon us, and the time of reckoning as to whether we have achieved the 2010 Biodiversity Target of significantly reducing the rate of biodiversity loss is imminent. The 2010 Biodiversity Indicators Partnership (2010 BIP; www.twentyten.net) is a global initiative supporting the Convention on Biological Diversity (CBD) through development of a suite of indicators to assess our progress towards the Target. The Partnership has been working with the scientific community and the CBD Secretariat to release the results from the indicators in time for the fourteenth meeting of the Subsidiary Body on Scientific, Technical and

Technological Advice (SBSTTA) and to support the discussions on the post-2010 agenda.

Engaging with a range of sectors

The 2010 BIP, with major support from the Global Environment Facility (GEF), brings together over forty organizations working internationally, including several NGOs, to further develop and promote indicators for the consistent monitoring and assessment of biodiversity, thereby providing the best available information on biodiversity trends to the global community. The 2010 BIP has three main objectives: (i) to ensure improved global biodiversity indicators are implemented and available; (ii) to generate information on biodiversity trends which is useful to decision makers; and (iii) to establish links between biodiversity initiatives at the regional and national levels to enable capacity building and improve the delivery of the biodiversity indicators.

One of the major challenges facing the Partnership has been how to disseminate the results across a wide range of sectors and potential audiences, and critically: how to do so in a meaningful and effective way which both highlights the plight of biodiversity loss and encourages effective responses by decision makers. All outputs from the Partnership are translated into the six UN languages and Japanese; including the website and a regular quarterly newsletter—*BIPNews*. The Partnership has actively engaged with a range of key international fora, including the United Nations Environment Programme (UNEP) Governing Council, the 2008 IUCN World Conservation Congress, the 2010 Society for Conservation Biology conference, a variety of major CBD meetings, and those of other biodiversity-related multilateral environmental agreements. Specific publications on the

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