



ProBenefit

"PROcess-oriented development of a model for a fair BENEFIT-sharing for the use of biological resources in the Amazon lowland of Ecuador"

BioTeam Status Conference, Bonn

14. – 16. March 2005

Christiane Ploetz on behalf of the ProBenefit project team



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The Challenge

Who should benefit from making use of the biological diversity of Ecuador (e.g. medicinal plants)?



- the pharmaceutical company that carries out research to produce pharmacological products?
- the state of Ecuador that has the sovereign rights over its resources?
- the local indigenous communities that have known and applied the healing properties of these plants for generations?



Project Aims

The basis: The CBD, which provides guidelines for the conservation and sustainable use of biodiversity.

The mission: To work out a model procedure and agreement for a fair and transparent sharing of benefits from the sustainable use of biodiversity in the Amazon lowland of Ecuador.

The approach: To develop the agreement in transparent negotiations with local communities in Ecuador, relevant NGOs, the Ecuadorian authorities and a medium-sized pharmaceutical company from Germany.



Objectives

- A transparent process for reaching a fair agreement on benefit-sharing which is acceptable and sustainable for all rights-holders and interested actors.
- A transparent and satisfactory communication process and dialogue among all relevant actors.
- Preservation of indigenous knowledge.
- Incentives for conservation and sustainable use of biodiversity in the project area.
- Improvement of methods for locating plants with pharmacological uses.
- Eventual production of a plant extract with documented pharmacological properties.

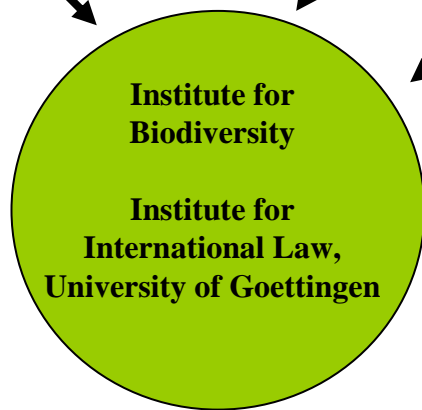


Project Structure

Organisation Chart

green= Project team ProBenefit

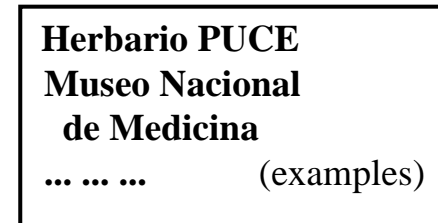
Main actors:



Supporting actors:



National scientific support:



International:



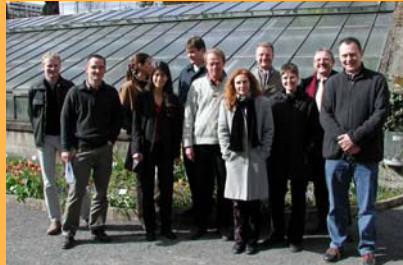
Negotiating partner:





Project Phases

Phase 1:



Team Formation, Stakeholder Consultation & Process Development



Agreement

Phase 2:



Plant Screening



Extract Testing



Pro Benefit

Scenario Building for Interdisciplinary Cooperation

Christiane Ploetz, Carsten Krück, Thomas Werner
Future Technologies Consulting (ZTC)
VDI Technology Center
Düsseldorf
Germany

www.probenefit.de



Launching the Interdisciplinary Process

1. **Project-internal Scenario Process**

Main goals: developing the common research perspective
risk assessment and strategy development.

2. **Scenario workshop for the Ecuadorian Ministry of the Environment (July 2004)**

Main goals: building a base of trust
knowing the Ministry's perspective on ABS
capacity-building of important stakeholder



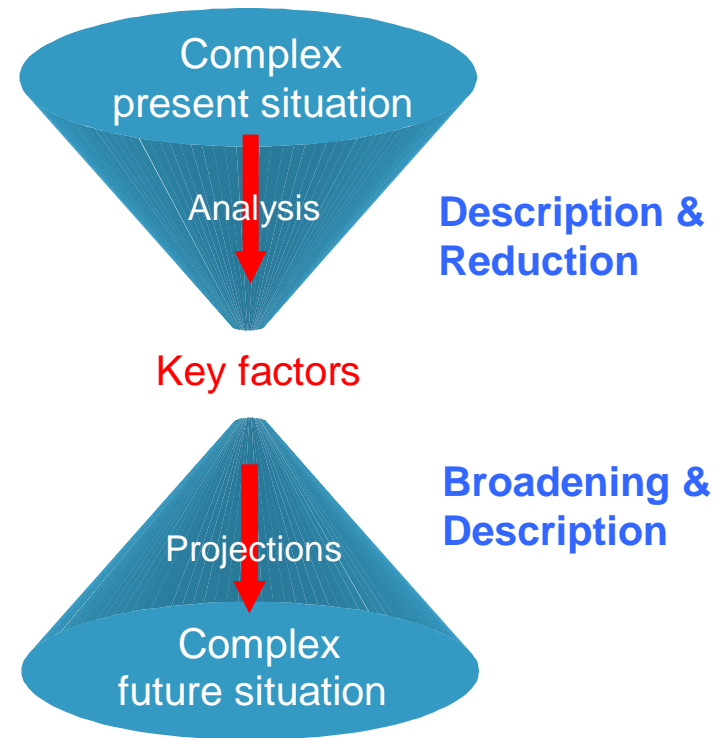
Project-Internal Scenarios

The challenge:

A team of experts from various social and natural science disciplines and from different research types (e.g., lab research and field research) working on a complex real-world problem.

The problem:

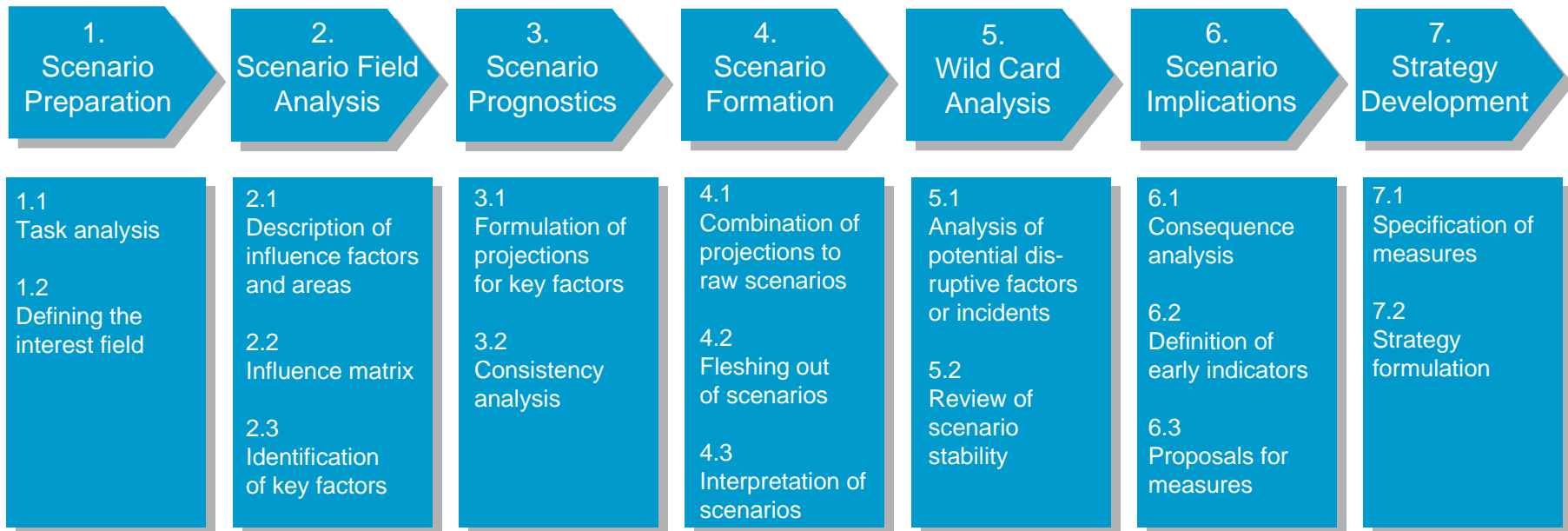
Which trends, actors, factions, general conditions, uncertainties etc. influence the cooperative use of biological resources in Ecuador in 2010?





The Scenario Process - Steps

Overview of Scenario Development





Scenario Workshop Ecuador





Results

- Szenario-Technique is a useful instrument for structuring the interdisciplinary work
- A common research perspective has been established
- A basis of mutual trust and understanding has been created
- Decisions on the field approach have been made



Institute for International and European Law

University of Göttingen

Department
for
General Public
International Law

**Department for
International Economic
and Environmental Law**

Director:

Prof. Dr. Peter-Tobias Stoll

**Main areas of expertise:
Int. Economic & WTO Law,
Europ. & Int. Environm. &
Technol. Law,
Biotechn. Law and IPR Law**

**Projects:
inter alia ProBenefit: BioTeam**

Department
for
European Law



ProBenefit: Particular tasks of
Institute for Public International and European Law
University of Göttingen

Information - providing stakeholders, counterparts & project partners with up-to date legal information about the international, regional & national legislation

Assessment - monitoring of Ecuador's legal regime and its developments with a focus on biodiversity, genetic resources and indigenous knowledge.

Analysis - identification of successful conditions for proceedings and agreements for the cooperative use of genetic resources and traditional knowledge.

General Legal Support for Proceedings & Negotiations - clarification of the general legal framework and reflection on the optimization of processes and legal structures

Linkages - maintains ProBenefit's relationship with the Government of Ecuador and relevant public institutions.



Main legal challenge

Analysis of legal status in Ecuador regarding access to genetic resources and traditional knowledge focussing on

International Law
Convention on Biological Diversity

Regional Law
Decision 391 of the Andean Community

National Law
In part. D 391 and the Draft Proposal for its implementation

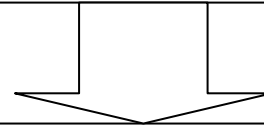


Method of the
Institute for International and European Law
University of Göttingen

Legal Analysis, Information, Reflection



 **Main objectives of the sub-project of the**
Institute for International and European Law
University of Göttingen



- Evaluation of a model of cooperation for the cooperative use of biological and genetic resources and traditional knowledge
- Review and evaluation of the legal dimension
- Counsel and reflection



Decision 391 Access Procedure

Application, Art. 17, 22 and 26

Application complete

- Acceptance, assignment of a presentation or filing date; registration in official and public records, Art. 27 I
- Publication of extract of the application in newspaper with broad circulation within 5 days after registration, Art. 28

Application incomplete

- Return, indication of missing information, Art. 27 II

Evaluation, Art. 29

- Evaluation within 30 days, possible extension to 60 days, Art. 29
- Acceptance of Application**, Applicant informed within 5 days, Art. 30

Rejection of Application

- Communication through justified Resolution, Art. 30 III

Negotiation, Art. 32-37

Signature and Publication in official journal Art. 38



Access to genetic resources in Ecuador according to Decision 391 and the Draft Proposal for its implementation

Decision 391

Draft Proposal

„Plan de Consulta Previa“

Application

„Consulta Previa“

Evaluation

Negotiation

Signature

Legal meaning of the „Consulta Previa“

- **Definition:** Consultation of the indigenous, afro-ecuadorian and local communities regarding projects concerning environmental aspects (e.g. bioprospecting projects). Consultation means providing information about the project only.
- **Mandatory:** enforcement of the „consulta previa“
- **Result of the „Consulta Previa“** is not binding for the National Authority (Ministerio del Ambiente)



ProBenefit

Stakeholder Consultation Process

Institute for Biodiversity – Network (ibn), Regensburg

Dr. Cornelia Dziedzioch

Hubert Heindl

Patricia Herrmann

Dr. Axel Paulsch

Dr. Bernhard Wörrle



Team ibn work and results

1

Analysis of socio-political conditions and identification of relevant stakeholders in Ecuador

2

Presentation of the project to relevant stakeholders in Ecuador

3

Identification of most important challenges on the way to an ABS-contract



Analysis of socio-political conditions

State Ecuador



Ministry of the Environment

NGOs



IUCN
TRAFFIC
Fundación Ambiente y Sociedad
EcoCiencia
Acción Ecológica
 ...

Research



Pontífica Universidad Católica
Museo Nacional de Medicina
PUSEIB-paz
PROFOLIA
 ...

Indigenous Organisations



International, regional, national and local
FONAKIN
CONAIE
CONFENAIE
COICA
 ...

Local Communities



Cooperatives and organisations in the project area



Identification of Challenges

Identification of most important challenges on the way to an ABS-contract

- Regulations for traditional knowledge and IPR
- Identification of indigenous *benefit-sharing*-recipients
- Realisation of a consultation process (consulta previa)
- Determination of the project area in Ecuador



Workshop in the project area

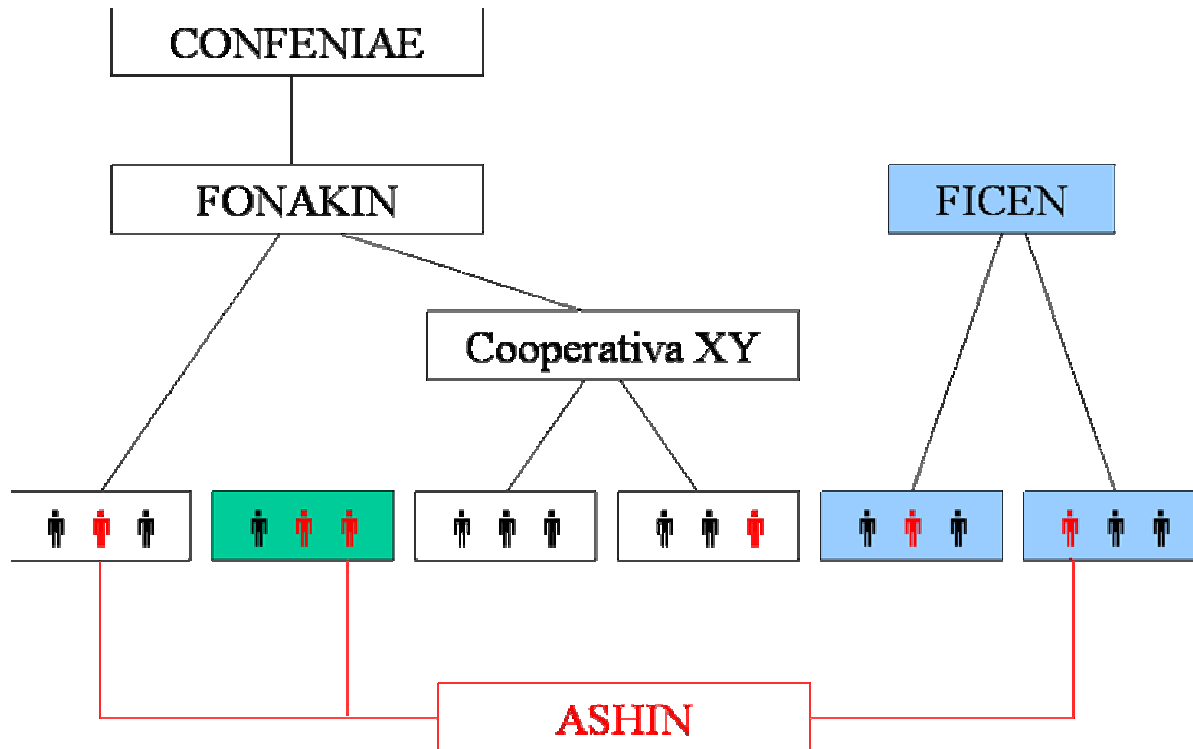


„Consultation und indigenous participation“



Identification of Challenges

→ Realisation of a consultation process (consulta previa)





Identification of Challenges

Determination of the project area: Biosphere reserve „Gran Sumaco“

- 68% primary forest
- 5 out of 7 Holdridge altitudinal zones
- Highly organised civil society
- People open minded towards medical plant projects
- Existence of a management plan and administrative council (CoRBS)
- Access and logistic comparably easy





Subproject Botany

Prof. Dr. Christoph Leuschner & Dr. Jürgen Homeier
Plant Ecology, University of Göttingen

activities (2004):

- participation in coordination-meetings

objectives (2005-2008):

- documentation of local medicinal plant diversity of the Sumaco biosphere reserve
- development and improvement of methods for localisation of target species in natural forest
- analysis of the ecology of target species in order to develop strategies for sustainable use

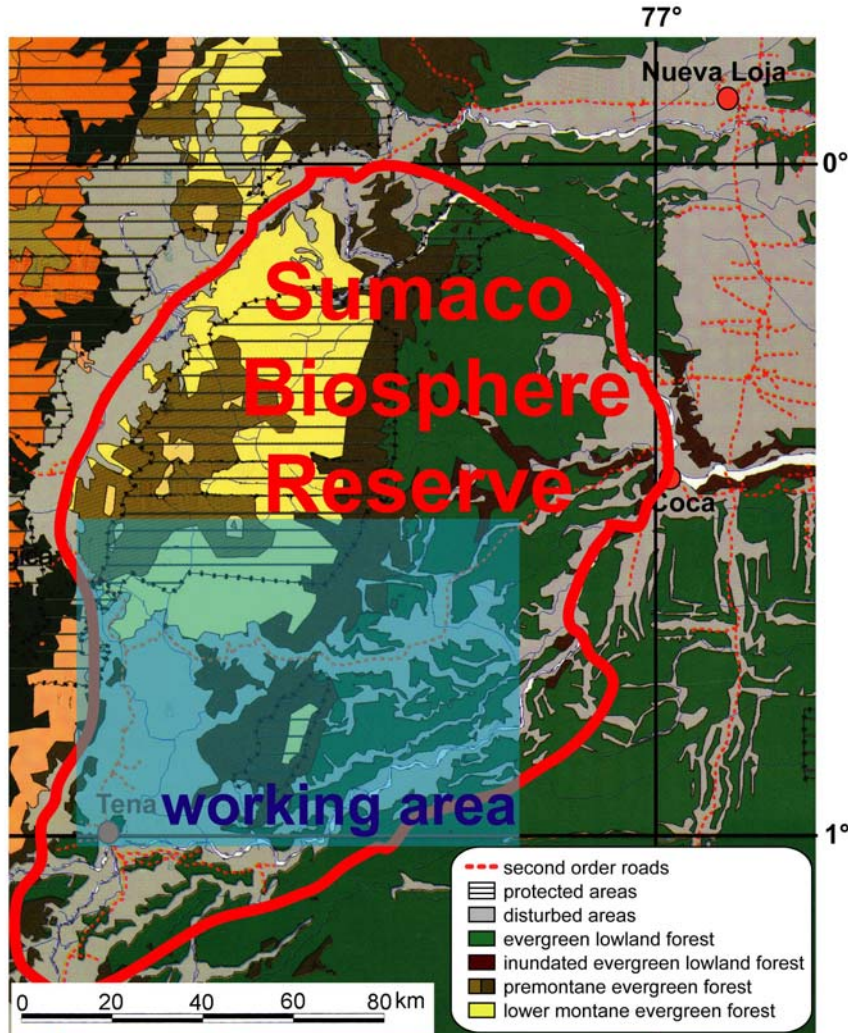


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Plant Ecology, University of Göttingen

Sumaco biosphere reserve

- undisturbed altitudinal vegetation transect
- great variety of ecosystems (from Amazonian lowland forest to páramo)
- high plant diversity





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Plant Ecology, University of Göttingen

documentation of local plant diversity

- evaluation of relevant systematic and ethnobotanical literature/ survey of herbarium specimens (I./II.2005)
 - characterisation of plant diversity and vegetation types (III.2005-IV.2006)
- after successful negotiations:**
- documentation of plants used for medicinal purposes by local peoples (I.2006-II.2007)
 - scientific determination of those species (I.2006-IV.2007)
- **valorisation and conservation of traditional knowledge**



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Plant Ecology, University of Göttingen

improvement of methods for localisation of target species

- identification of target species: pharmacological / ethnobotanical promising plant species are chosen (III.2006-II.2007)
- analysis of plant-environment relations of those species (light requirements, soil conditions, disturbance regime) (III.2006-IV.2007)
- results will be related to vegetation inventory to know target species distribution (III.2006-II.2007)



Subproject Botany

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Plant Ecology, University of Göttingen

experimental analysis of cultivation-potential of target species

- study of phenology (III.2006-IV.2007)
- investigation of germination- and growth conditions (III.2006-IV.2007)
- cultivation under experimental conditions (III.2006-IV.2007)

→ **financial incentive for sustainable use
of plant diversity**



Milestones accomplished

- Profound analysis of the main stakeholders and their interests,
- Majority of relevant actors in Ecuador are open-minded towards the project,
- A dialogue with indigenous groups on their requirements of a fair and transparent access procedure has been started,
- The legal basis is clear / uncertainties in the existing legislation are identified,
- Signals from Ecuadorian Ministry of the Environment to use ProBenefit as a “pilot project” to develop the national regulations on access and benefit sharing
- Project-internal scenario exercise has proven to be a useful instrument for the interdisciplinary dialogue and development of a common research perspective.