



Documentation of the Side-Event

at the

4. Ad Hoc Open Ended Working Group on Access and Benefit Sharing (ABS-WG4)

01 February 2006

Granada, Spain

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06.03.2006

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Introduction

From 30 January until 03 February 2006, the 4th Ad Hoc Open Ended Working Group on Access and Benefit Sharing (ABS-WG4) took place in Granada, Spain. The panel is one of the CBD working groups on the issue of access to genetic resources. Its mission is to set up an international regime for the access to genetic resources under the umbrella of the CBD. The group meetings take place annually and are attended by participants from all of the contracting nations, NGO-delegates, consultants and scientists working on the subject. Thus, the meeting is one of the most prominent international panels for ProBenefit to present its work.

The decision to represent the project at this event was based on a suggestion made at the advisory board meeting during the BioTeam status seminar 2005. The idea was supported effectively by the German Ministry of Education and Research, the German Federal Environment Ministry, the German Federal Office for Nature Conservation and the Ecuadorian Ministry of the Environment. Therefore, the side-event was registered at the CBD-secretariat in November 2005.

At the one-week negotiations, the side-events usually take place during lunch break and run for approx. 1.5 hours. Here, NGOs, projects and initiatives are given the chance to present themselves and stimulate the international debate.

The aim of the side-event was to

- bring in the ProBenefit project experiences of practical project realisation into the ABS-regime outline;
- establish international contacts;
- communicate the project to the international (expert) audience;
- gain new impulses for ProBenefit's work from the side-event participants.

Announcement of the side-event

On the day of the event, flyers were handed out to all the delegations and posted at all prominent places in the building.



Side-event – Lunch will be provided!

Wednesday, 1 February 2006, 13:15 - 14:45
Room Picasso (level -2)

ProBenefit Implementing the CBD Principles on ABS A case-study from Ecuador

Many regulations and guidelines on ABS exist – but how can these ideas and principles be implemented in practice? The German-Ecuadorian research project ProBenefit is currently developing procedures for a fair and transparent agreement on ABS in the Amazon lowlands of Ecuador. For this purpose, the project cooperates closely with the national Ecuadorian authorities, indigenous organizations, local communities and a medium-sized pharmaceutical company from Germany.

The side-event will present the ideas and first results of the project. Participants will have the chance to discuss the experience with the following experts from Ecuador and Germany involved in the project:

- **Rodrigo de la Cruz**, Indigenous ABS expert, Ecuador
- **Pedro Tanguila Chongo**, FONAKIN (Federación de Organizaciones de la Nacionalidad Kichwa del Napo), Ecuador
- **Dr. Wilson Rojas**, Ministry of the Environment, Ecuador
- **Dr. Mónica Ribadeneira**, Legal Consultant, Ecuador
- **Dr. Karl Schötz**, Dr. Willmar Schwabe Pharmaceuticals, Germany
- **Christiane Ploetz**, Coordinator ProBenefit, Germany
- **Dr. Axel Paulsch**, Institute for Biodiversity, Germany

For more information: www.probenefit.de

Contact: Christiane Ploetz, VDI Technology Centre, Duesseldorf (Germany), ploetz@vdi.de

ProBenefit is funded by the German Ministry of Education and Research under the programme "BioTeam".

Progression and results of the side-event

Progression

The side-event took place on Wednesday, 01 February 2006. The planned schedule had to be adjusted on short notice due to a new paper being discussed in the main negotiations so that all the delegations had meetings and discussions within their regional groups. The lunch break was rescheduled and shortened from originally 13.15-14.45 to 13.45-15.00.

Despite the unfavourable conditions, about 50 participants attended the side-event, the majority of which were delegates from NGOs, indigenous organisations and “observers”. Nevertheless, some members of national delegations attended the side-event.

Due to the high proportion of Latin Americans in the audience, we decided instantaneously to conduct the whole event bilingually (English/Spanish). Originally, it was planned to interpret just the presentations of the Ecuadorian colleagues from Spanish to English.

The side-event presentations are listed in the following section. The presentations of Wilson Rojas and Pedro Tanguila of FONAKIN again made obvious that also the Ecuadorian partners consider the project to be a big opportunity for Ecuador.

Discussion

After the presentations, a lively discussion developed where also critical questions on the project and the roles of the project partners were asked. Indigenous participants wanted to know how the project deals with the traditional knowledge that does not only exist in the project region but also is part of the traditions of other indigenous people (collective nature of indigenous knowledge). The ProBenefit approach is to keep up contacts to all levels of the Indian organisations (local, regional, national and international) and to mutually develop solutions. The specific project approach was also being discussed, which includes two separate phases: the development of an ABS-contract in the first phase of the project, followed by the bio-prospection activities afterwards.

After the side-event, many of the participants expressed their appreciation for the fact that all relevant stakeholders (the Ecuadorian government, indigenous organisations and the company involved) had taken part in the podium discussion and that obviously they cooperate in finding feasible solutions.

Presentations

Background, Aims and First Results of the ProBenefit Project
(Christiane Ploetz)


Schwabe - the Industrial Partner in ProBenefit
(Dr. Karl Schötz)


Vision of the ProBenefit Project by the Ecuadorian Ministry of the Environment
(Dr. Wilson Rojas)

Legal Framework on Access to Genetic Resources in Ecuador
(Dr. Mónica Ribadeneira)

Indigenous Participation in ProBenefit: Why – and how it works
(Rodrigo de la Cruz)

The Role of the FONAKIN in ProBenefit
(Pedro Tanguila)


 Side-event during ABS-WG 4,
Granada, Spain, 01.02.2006




ProBenefit*

**Implementing the CBD Principles on ABS
A case-study from Ecuador**


Rodrigo de la Cruz, Indigenous ABS expert, Ecuador
Pedro Tanguila Chongo, FONAKIN, Ecuador
Dr. Wilson Rojas, Ministry of the Environment, Ecuador
Dr. Mónica Ribadeneira, Legal Consultant, Ecuador
Dr. Karl Schötz, Dr. Willmar Schwabe Pharmaceuticals, Germany
Christiane Ploetz, VDI Technology Centre, Germany
Dr. Axel Paulsch, Institute for Biodiversity, Germany


 Bundesministerium
für Bildung
und Forschung

www.probenefit.de

 BioTeam

*ProBenefit is funded by the German Ministry for Education and Research





There are two important projects
going on between Germany and
Ecuador this year...

20.6.2006:





But only one of us can win...

The ProBenefit project





All of us can win!

  **Project Aims of ProBenefit**

- Implement the ABS principles stated in the CBD.
- Develop transparent negotiation procedures with all relevant stakeholders.


Duration: 2003 – 2008

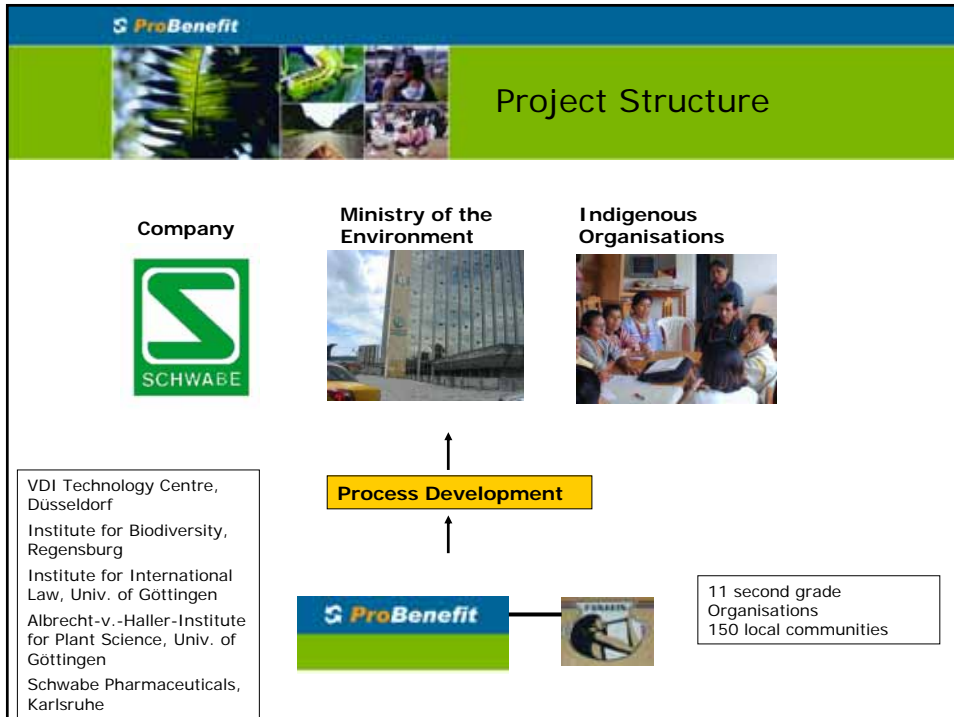
Phases: Phase 1: reach an agreement on ABS
Phase 2: plant screening, extract testing

  **Project area of ProBenefit**



Biosphere reserve „Gran Sumaco“

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





-  Activities and first results
- 
- The slide features the ProBenefit logo and a collage of images at the top. Below the title, a list of activities and first results is provided.
- Socio-political analysis and information campaign
 - Analysis of the legal framework (CBD, CAN391, Ecuadorian regulations)
 - Explore indigenous requirements and options for participation
 - Signed agreement of cooperation on process development with the regional organisation FONAKIN
 - Explore the company´s process requirements

Major Challenges

- Find **adequate structures** for participation that reflect **indigenous representation in the project area**
- Develop the PIC process required in the **proposed Ecuadorian access regulation**
- Fulfill stakeholders' enormous **need for information** on ABS

...and last but not least: do all this with adequate time and resources


 


Next Steps (Feb – May 06)

Capacity-building and training in the project area

- 6 modules taught by Ecuadorian experts
- 25 course participants sent by their respective organizations
- these experts will then inform and consult the local communities and base organizations

02/06	Botany
03/06	Phytomedicine: Production Process
03/06	ABS /IPR: Legal Framework Protection of traditional knowledge
03/06	Phytomedicine: Markets and Commercialization Benefit-sharing concepts
04/06	Contracts, Negotiation and Conflict Management
04/06	Moderation and Presentation Techniques

 **ProBenefit**



Thank you for your attention!

www.probenefit.de

Schwabe The Industrial Partner in ProBenefit

- The Company
- Research and Development
- Motivation to Join ProBenefit

Karl Schötz
Side-event ProBenefit
Granada 01.02.2006

1

Schwabe - Company Profile

Dr. Willmar Schwabe Group The Phytomedicine company worldwide

- Main business: plant extracts - phytopharmaceuticals
- Employees worldwide approx. 3,200
- Turnover 2004: 420 Mio. €
- International turnover share is approx. 41% obtained in over 60 countries
- R&D expenditure 23 Mio. € (2004)

2

Schwabe – Company Profile



Dr. Willmar Schwabe
1840-1917
Founder of
Dr. Willmar Schwabe,
Pharmaceuticals

- Established as a pharmaceutical company in 1866
- Family-owned, currently in the fourth generation

3

Schwabe - Company Profile

KEY PRODUCTS

Tradename (Germany)	Active Ingredient	Approved Indications (Germany)
Tebonin®	Ginkgo extract	Dementia, PAOD, tinnitus, vertigo
Neuroplant®	St. John's Wort extract	Depressive disorders
Crataegutt®	Hawthorn extract	Mild forms of heart failure

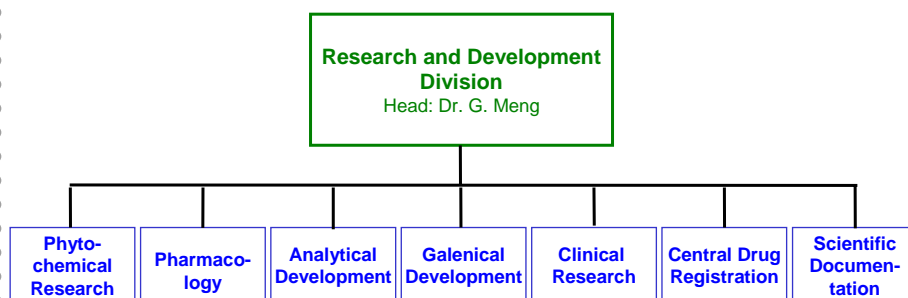
4

Herbal Medicinal Products (HMP)

- HMP are preparations that contain plants or plant parts in crude or processed state and claim **therapeutic or prophylactic** properties
- They are available as modern drug preparations like drops, tablets, dragees or capsules
- To get a registration for one marketable product, it takes about ten years time and at least 15 Mio. Euros of investment

5

Schwabe - Research and Development



Number of employees in R&D Division: 127
 Academics: 37
 Technicians: 52
 Others: 38

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Reasons to join ProBenefit

- Phytochemical Research and Pharmacology on new plants
- Proof and Validation of ethnomedicinal effects
- New candidates for the development pipeline

- Promotion of traditional medicinal products
- Opportunity to participate in the development of fair access procedures
- Legal use of traditional knowledge



Ministry of the Environment

Vision of the ProBenefit Project

*Wilson Rojas
Granada, February 2006*



Position of the National Authority

Ecuador

- *Different "genetic research projects" without authorization and awareness of the Ministry*
- *Different cases of biopiracy (still under investigation)*
- *Different limitations (institutional infrastructure)*



Position of the National Authority

ProBenefit

- *Approach of the Project to the Ministry*
- *Monitoring of the Process :*
 1. *Transparency of the Processes (documentation, presentations, contacts, etc.)*
 2. *Interest to involve the Ministry*



Vision of the National Authority

ProBenefit

- *Opportunity to:*
 1. *Find a way to work on genetic resources*
 2. *Develop abilities (Lessons learned) through the project process*
 3. *Overcome difficulties (lack of national regulations, legal uncertainties, participation, etc.)*
 4. *Learn to build up trust between different stakeholders*



Thank you

Wilson Rojas
wrojas@ambiente.gov.ec

Legal Framework on Access to Genetic Resources in Ecuador


Ecuadorian Proposal for Legal Regulations to the Andean Decision 391 CAN

Granada, January 1 2006

■ *Legal background*

- *Convention on Biodiversity, 1993 (*)*
- *Andean Decision 391 CAN, 1996 (*)*
- *Law about Biodiversity Conservation, 1996*
- *Ecuadorian Constitution, 1998*

() time of formal integration to the legal framework of Ecuador*



■ *Political Issues (public concern)*

- *Patent on “ayahuasca”, 1986 (published 1992)*
- *Patent on “Epibatidina”, 1999*



■ *Institutional Issues*

- *Draft on the Regulation to Access to Genetic Resources, 1999.*
- *Draft on the Law about Biodiversity Conservation and Sustainable Use of Biodiversity (*)*

() in discussion at the National Congress*

Steps taken

Internal phase
Objective: actualization and correction

Public phase 1
Objective: distribution, participation
and socialization

Public phase 2
Objective: evaluation,
observations and comments

Up date

- *Was handed in to and officially accepted by the Ministry of the Environment (2004)*
- *Still has to be presented to the President of the Republic to enter into force*

Contents of the Ecuadorian draft law on access to genetic resources

- **Part 1: General rules**
- **Part 2: National Authorities: Ministry of the Environment, Committee on Genetic Resources and Evaluation Institutions**
- **Part 3: Access Procedure**
- **Part 4: Restrictions**
- **General Provisions**
- **Transitory Provisions**

Thank you for your attention

Mónica Ribadeneira Sarmiento
mribadeneira@terra.com



Indigenous Participation in ProBenefit


Why – and how it works

Rodrigo de la Cruz, Ecuador



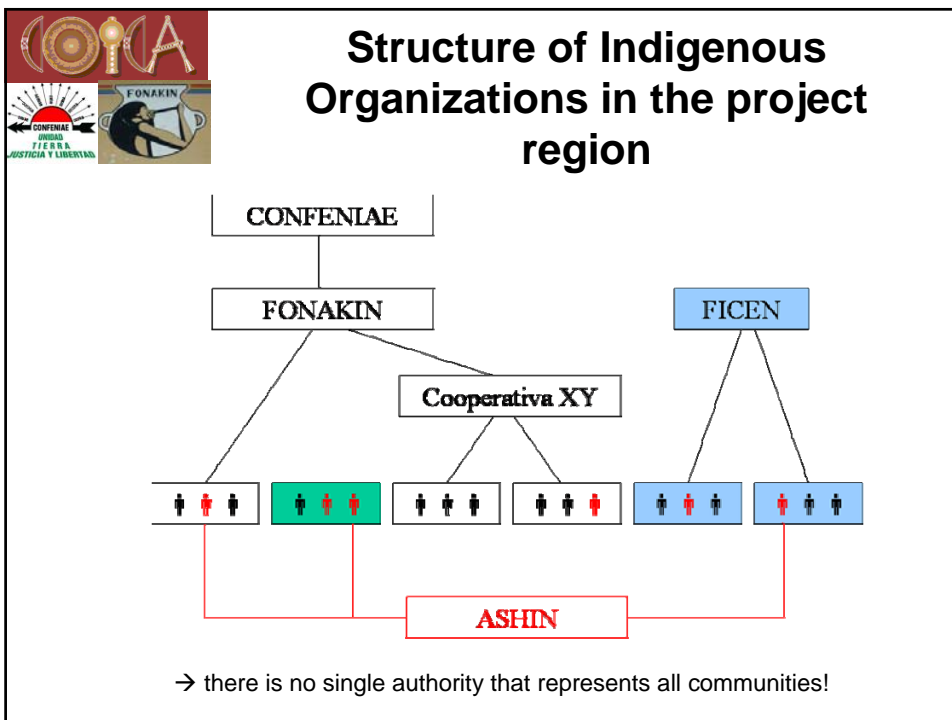
Why indigenous participation?

- According to the Constitution, traditional knowledge is a collective intellectual heritage of the indigenous peoples.
- Conservation and sustainable use of biodiversity is intimately linked with traditional knowledge.
- This means that the use of this knowledge has to be based on prior, trustful, clear and complete information.
- The decision to use this knowledge has to be collective and in accordance with traditional customs.



...and how does PIC work in ProBenefit?

- a working group of indigenous representatives of the second grade organizations of the project region is being trained on ABS issues
- These representatives will communicate the results and contents of the training to the local communities and base organizations in the project region.
- Consultation with the local communities and base organizations in a general assembly.
- The traditional indigenous structures are respected, e.g. involvement of women.





Workshop in the project region

Subject: Consultation und indigenous participation



- more than 25 representatives of local communities, indigenous organisations and professional associations (midwives...) expressed their view on requirements for participation
- the need for more information on ABS was expressed throughout the workshop groups



The Role of the FONAKIN* in ProBenefit

*La Federación de Organizaciones de
la Nacionalidad Kichwa de Napo

Pedro Tanguila Chongo, Ecuador



What is the FONAKIN?

- A regional indigenous organization comprising:
 - 13 second-grade organizations
 - 150 local communities
- Aims
 - defend the territorial and cultural rights of the indigenous communities
 - conserve knowledge about traditional healing and intercultural education.
 - biodiversity conservation in the protected areas of Antisana, Napo Galeras y Reserva de Biósfera Gran Sumaco



Activities of the FONAKIN

- Facilitates and gives guidance in process development
 - information and capacity-building
 - diffusion of information on collective rights to the local communities
- Forms strategic alliances with other organizations
 - to strengthen processes of equitable benefit-sharing in the use of their natural resources.
- Organizes large assemblies and processes of collective decision-making.



Why is the FONAKIN involved in the project?

- There have been previous experiences with prior consultation in the region in the oil exploration sector.
- To develop actively a real and good process of information and participation.
- to use the opportunity for capacity-building of the local communities on the issue of ABS

Pictures



View of Granada's historic centre from the Alhambra



Plenar hall for the negotiations in the Palacio de Congressos



Preparing the side-event



Evening reception for all congress participants



... with flamenco show



ProBenefit team at the reception



Podium at the side-event

Fltr: Christiane Ploetz, Axel Paulsch, Violeta Arranz (interpreter), Wilson Rojas, Mónica Ribadeneira, Rodrigo de la Cruz, Pedro Tanguila (Karl Schötz right-hand side of Pedro Tanguila)



Audience at the side-event



Rodrigo de la Cruz answering a question from the audience



Pedro Tanguila's speech, left: Wilson Rojas und Mónica Ribadeneira Sarmiento



After the side-event: Karl Schötz talking to Nicola Breier (German Federal Environment Ministry) und Karl Fiala (Austrian Federal Ministry of Economics and Labour)