
ABS PICTURE BOX

COMMUNICATING ACCESS AND
BENEFIT-SHARING TO COMMUNITIES
ACROSS AFRICA



Developed by the ABS Capacity Development Initiative & Natural Justice

THE ABS
CAPACITY
DEVELOPMENT
INITIATIVE



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'APA

 NATURAL
JUSTICE

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ACROSS AFRICA

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The ABS Capacity Development Initiative contributes to achieving the Sustainable Development Goals (SDGs) by supporting the implementation of the Nagoya Protocol on Access and Benefit-sharing (ABS), framed by the third objective of the Convention on Biological Diversity (CBD). Through targeted support services the ABS Initiative facilitates three core processes: developing ABS regulatory and institutional frameworks, negotiating fair and equitable ABS agreements and integrating indigenous peoples and local communities in respective procedures.

Natural Justice is an African organization specialized in the interface between human rights and environmental law, and works for the pursuit of social and environmental justice. Natural Justice is committed to supporting the participation of indigenous peoples and local communities in the implementation of ABS through support for the development of community protocols and other comparable tools, advice and legal assistance for negotiation of fair and equitable ABS agreements; as well as research and advice on integrating community rights into national, regional and international frameworks related to ABS and the protection of traditional knowledge.

Background

The Access and Benefit-sharing Picture Box (ABS Picture Box) is a communication tool for individuals, non-governmental organizations (NGO), civil society groups, community-based organizations (CBO) or others working with indigenous peoples and local communities across Africa. It is intended to be an interactive tool, which supports outreach work on issues relating to access to genetic resources and associated traditional knowledge as well as sharing the benefits arising from their utilization (Access and Benefit-sharing, ABS).

Communicating this complex topic in remote areas where there are low literacy levels and potentially across language barriers remains a challenge. There is an identified need for ABS communication materials that are especially adapted for use in rural and community contexts. The aim is to enable indigenous peoples and local communities to play a meaningful role in ABS implementation and ultimately to ensure fair and equitable benefit sharing if their traditional knowledge and genetic resources are utilized.

The idea for this ABS Picture Box was born at a workshop organized by the ABS Capacity Development Initiative (ABS Initiative) and its partner Natural Justice, in Limuru, Kenya in early 2018. The workshop was attended by participants from across Africa, including representatives from indigenous peoples and local communities, government, civil society, research institutions and business, as well as a few international experts, who came together to develop ideas about how to more effectively communicate ABS to different actors within communities, including traditional institutions/leaders, indigenous peoples' organisations and CBOs, members of the broader community not directly involved in ABS negotiations, and local government officials. During the workshop, the participants developed communication objectives, key messages and ideas about the appropriate communication media. Further information can be found in the full report¹.









The concept of a picture box was identified as a suitable medium for informing the wider community about the value of genetic resources and traditional knowledge, the ABS process and their role in this process. The role of indigenous peoples and local communities in the ABS process is determined by the national ABS regulatory framework. The assumption is made that these communities, with whom the picture cards are used, have been or will be involved in ABS in some way in the near future. While the participants may not necessarily be among the key players involved directly in the process, they may be involved indirectly, for example, through community consultation and decision-making processes or as potential beneficiaries of benefit-sharing agreements.

We hope that the ABS Picture Box will help promote the understanding of ABS among local communities in many different contexts. If you have any comments or suggestions for improvement, please do not hesitate to contact us at info@naturaljustice.org.za or abs-initiative@giz.de





¹ <http://www.abs-initiative.info/countries-and-regions/africa/kenya/expert-workshop-developing-abs-communication-materials-for-indigenous-peoples-and-local-communities/>

ABS Picture Box design, contents and use

In the Picture Box, there are eight different cards. The picture cards cover the following topics:

-  **Biological resources** - the value of local biodiversity for indigenous peoples and local communities
-  **Traditional knowledge** associated with the use of such biological resources
-  **Use and users** - the value of biodiversity and associated traditional knowledge for others
-  Local biodiversity and associated traditional knowledge in **value chains**
-  **Asking first** - Prior Informed Consent
-  **Benefit-sharing** and types of benefits
-  **Making a promise** - access and benefit-sharing agreements
-  **The rights and responsibilities** of different actors in ABS

Each picture card contains illustrations to be shown to the participants and is accompanied by instructional text for the facilitator (see section below: “ABS Picture Box Manual”). This text includes:

-  **The objective/s** – what participants should understand or be capable of doing after the ABS picture card has been explained.
-  **Tips on using the image** – suggestions on how to use the image with the participants and how to start the discussion, including small versions of the images pointing out the elements that can be discussed.
-  **Suggested discussion questions** – these questions can elicit any existing knowledge. They should also help the facilitator to start the discussion and communicate the key messages about traditional knowledge, genetic resources and ABS. As they are guiding questions only, the facilitator does not necessarily have to ask all of them, or may want to develop other questions, depending on the context.
-  **The key messages** – the most important points. If these are not dealt with whilst using the image or while working through the discussion questions, the facilitator should make sure these are explained. These key messages should also be repeated to help the participants understand and remember the information. The facilitator is, of course, free (and encouraged) to adapt the key messages on each card according to the community with whom he or she is communicating.

The facilitator should try to make a connection between the images on the picture cards and the discussion questions and key messages.

Each ABS picture card addresses a particular aspect of ABS, but all of the cards are related to one another. In some cases, it makes sense to use the cards in a specific order but otherwise, **the cards can be used in whatever order the facilitator sees fit.**

Tips for the facilitator

Before the exchanges with communities...

The ABS Picture Box is for individuals, NGOs, civil society groups, community-based organizations or others working with indigenous peoples and local communities. The assumption is made that the facilitator using the picture cards already has some understanding of ABS but may not necessarily be an expert. For this reason, this picture box includes links to important background information on ABS to help with preparation, as well as information on how to use the picture cards.

It is important that the facilitator is informed about existing national ABS process rules and procedures, as well as community rights in this process, before working with the community. This will allow him or her to modify the key messages to be shared with the community according to the national context.

The images have been designed to be sufficiently generic for them to be used in any context across Africa. It is also important that the participants understand how the narrative being told through the ABS picture cards is relevant for them.

Throughout the exchanges with communities ...

It is important that the facilitator adapts the content to the local context. One of the challenges will be finding simple ways and appropriate words to explain ABS.

For example:

Instead of saying...

Biodiversity, biological or genetic resources

Prior Informed Consent

Access

Benefit-sharing

ABS contract/Mutually Agreed Terms

The facilitator could say...

Living things

Asking first

Take or collect

Giving something in return

A promise, a written agreement

The idea of ABS should be communicated as simply as possible. This will mean avoiding the use of technical terms. Thus, the facilitator should carefully consider which language should be used and which (technical) terms should better be avoided.

Throughout the exchanges with indigenous peoples and local communities, it is recommended to use words that local communities already know and usually use, especially in their local dialect, as much as possible. This can help to break down language barriers. Of course, some terms may not exist in the local language and will need to be explained in other ways. The facilitator should not hesitate to use concrete examples that relate to the daily life of the community in order to make the relevant concepts clear.

The facilitator should also focus as much as possible on the national ABS legal framework if it already exists. In this way, local communities will gain an understanding of the rules in their local context. However, if the national ABS framework has not yet been established, it is necessary to focus on the general principles of ABS.

The facilitator should also make the session as interactive as possible, encouraging the participants to share their experiences and to express themselves in their own words. This interaction with the community promotes discussion and facilitates the sharing of any relevant experiences. It often happens that the same people tend to speak during such exchanges and that certain categories of people, e.g. women or young people, speak less or not at all. The facilitator should therefore encourage all participants to share their opinions and experiences as much as possible, e.g. by asking them questions directly or by working with different groups separately.

The Narrative

The ABS picture cards use a narrative to make ABS accessible and understandable. The same people are presented in the images but in different situations, which are used to communicate different aspects of ABS, the actors, the process etc.

The narrative focuses on a plant, which is the genetic or biological resource². The traditional knowledge associated with this plant includes its preparation as a tea and its use for treating illness.

The cards present the story of some people living in a small village. A researcher comes to their village and observes them using the plant in the traditional way. This researcher requests the local people as to whether she can use the associated traditional knowledge and the plant for research and development. The cards then illustrate the process of the community giving consent and establishing a benefit-sharing agreement, also explaining the concept of benefit-sharing.

² The two terms “biological resource” and “genetic resource” are used interchangeably here.

PICTURE CARD 1: BIOLOGICAL RESOURCES

This picture card introduces participants to the village where the story takes place. It presents a diverse landscape with various living and non-living natural resources. It places the community in this landscape and shows the relationship between the people and their resources.



PICTURE CARD 2: ASSOCIATED TRADITIONAL KNOWLEDGE

This picture card shows the traditional knowledge that local people have about local biological resources. In this example, it shows a medicinal plant. The knowledge of the local people includes how to identify the plant, where it is found, and how it is prepared as a tea to treat illness. It also shows this traditional knowledge being passed on orally to younger generations.



PICTURE CARD 3: USE AND USERS

This picture card introduces the idea that biological resources as well as the associated traditional knowledge could be of interest to people, institutions etc. outside the community. In the picture, we see someone from outside the community observing the community member using the plant.



PICTURE CARD 4: VALUE CHAIN

This picture card shows how biodiversity and associated traditional knowledge are placed in value chains. In this example, the local medicinal plant is used in various ways. It is being used traditionally and is being sold in the market. It is also shown as potentially being used by industry for production and being used for research and development. The links between the different uses are shown.



PICTURE CARD 5: ASKING FIRST (PRIOR INFORMED CONSENT)

This picture card shows the concept of prior informed consent or “asking first” before taking something. It is important to note the steps in the process. Firstly, the user indicates to the community that she wants to take the plant and the associated traditional knowledge and she requests permission for this purpose. The community members show that they grant permission. Only after this happens, the user collects the plants and records the traditional knowledge.



PICTURE CARD 6: BENEFIT-SHARING AND TYPES OF BENEFITS

This picture card explores the idea of benefit-sharing, i.e. getting something in return. An important part of this is the idea of an exchange. It also shows that different types of benefits are possible. It points out that the benefits may flow to the community but also to protecting biodiversity.



PICTURE CARD 7: MAKING A PROMISE – ACCESS AND BENEFIT-SHARING AGREEMENTS

This picture card shows the community signing a benefit-sharing agreement. One person is representing the community, keeping the priorities and needs of the whole community in mind.



PICTURE CARD 8: RIGHTS AND RESPONSIBILITIES OF DIFFERENT ACTORS

This picture card shows the plant and the associated traditional knowledge being central to the whole story and the element that brings together all of the different actors. This provides an opportunity to reflect more on the role of the different actors, including the users, government, the community and any others.



Background Information and Useful Resources

There are several useful resources available on ABS, traditional knowledge etc., which can be used by indigenous peoples and local communities, the community-based organizations supporting them, governments and users of genetic resources.

WHAT IS ABS?

Indigenous peoples and local communities are the custodians of their lands and natural resources. Their traditional knowledge and practices, which are embedded in their cultural heritage, play an important role in the conservation and sustainable use of biodiversity, as do their customary laws and local governance structures.

The core principles of ABS are contained in Article 15 of the Convention on Biological Diversity (CBD), which was adopted in 1992 and came into force in 1993. Article 15 of the CBD recognizes the sovereign rights of States over their natural resources and that they have the authority to determine access to the genetic resources under their control and according to their national legislation. Access, where granted, shall be on mutually agreed terms (MAT). In other words, a contract must be formed, which governs the benefit-sharing arrangements. Access to genetic resources shall be subject to prior informed consent (PIC) of the Contracting Party, unless otherwise determined by that Party. States should take legislative, administrative or policy measures with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the provider.

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol), which entered into force in 2014, builds on these principles and provides a more comprehensive framework for the implementation of ABS. The three pillars of the Nagoya Protocol are access, sharing the benefits arising from utilization, i.e. research and development on genetic resources, and monitoring compliance.

Critically, the Nagoya Protocol acknowledges the link between the use of genetic resources and traditional knowledge and, going beyond the CBD, specifies that ABS also applies to the traditional knowledge held by indigenous peoples and local communities when it is associated with genetic resources. This means that, depending on how this is translated into national law, indigenous peoples and local communities may have the right to grant PIC and negotiate MAT for the access to their genetic resources and traditional knowledge associated with these genetic resources. The Nagoya Protocol also encourages governments to respect the customary laws of indigenous peoples and local communities, as well as their community protocols.

The explicit mentioning of the rights of indigenous peoples and local communities implies that countries need to, among others, provide for transparent, effective and culturally appropriate processes for PIC, empower communities to enter into negotiations with users of genetic resources and associated traditional knowledge, ensure that traditional knowledge is protected from unlawful appropriation and support the development of truly fair and mutually beneficial agreements.

The implementation of the Nagoya Protocol creates the potential for the realisation of the rights of indigenous peoples and local communities to their resources and knowledge, the generation of local benefits from the utilisation of genetic resources and traditional knowledge, and better recognition of the customary governance and cultural values of indigenous peoples and local communities. It calls for Parties to support indigenous peoples and local communities in the development of community protocols, minimum requirements for MAT and model contractual clauses for benefit-sharing and to not restrict the customary use and exchange of genetic

resources and associated traditional knowledge within and among indigenous peoples and local communities, including across borders.

How these processes work in reality will largely depend on the national legal framework, which defines how indigenous peoples and local communities are involved in this process and determines their rights, e.g. to land and resources. Indigenous peoples and local communities have different roles in the ABS processes of African countries, including from full responsibility for granting PIC and establishing MAT, through to a consultation, or systems where communities may have no formal role in the ABS process. It is important for communities to understand how ABS is implemented at the national level. Indigenous peoples and local communities can potentially play an active role in the development of the national ABS frameworks. It is therefore essential for them to be proactive in establishing partnerships and developing value chains so that they benefit from their resources and knowledge.

FOR MORE INFORMATION ABOUT ABS:

ABS simply explained (ABS Initiative)

<https://t1p.de/n020>

This short animated video (5 minutes) explains in a simple, clear and relatively brief way the fundamental principles of ABS.

The ABS Clearing-House

<https://absch.cbd.int/>

The ABS Clearing-House allows all stakeholders (governments, civil society organizations, indigenous peoples' organizations and local communities, academia, and other stakeholders) to share official documents, legal texts, strategies, good practice guides or guidelines, etc. about ABS and traditional knowledge.

AU Strategic and Practical Guidelines for the Coordinated Implementation of the Nagoya Protocol on ABS

<https://t1p.de/t50x>

AU Strategic Guidelines: <https://t1p.de/e7bw>

AU Practical Guidelines: <https://t1p.de/20fq>

Officially adopted by the African Ministerial Conference on the Environment (AMCEN) in 2015 and approved at the African Union Summit, the AU Guidelines provide strategic orientation as well as practical step-by-step advice for all African states to implement the provisions of the Nagoya Protocol on ABS in a harmonised manner.

Convention on Biological Diversity

<https://www.cbd.int/convention>

<https://www.cbd.int/abs/text/>

Nagoya Protocol on Access to Genetic Resources and Benefit-Sharing from their Utilization

Factsheet on traditional knowledge (CBD)

<https://t1p.de/ay6q>

This factsheet presents further background information on traditional knowledge - what it is, why it is important, who it is relevant for - and on the importance of traditional knowledge protection.

Protect and promote your culture (WIPO)

<https://t1p.de/n3bl>

This short and practical guide for indigenous peoples and local communities explains in a simple way how intellectual property could enable them to protect and promote their traditional knowledge.

Fair and equitable benefit sharing: manual for the assessment of policies and practices along natural ingredient supply chains (UEBT)

<https://t1p.de/j4th>

This manual was developed by the Union for Ethical BioTrade (UEBT) to support the work of its trading and affiliate members, accredited verification bodies, and other organizations committed to Ethical BioTrade. The objective is to facilitate the implementation of equitable benefit-sharing in Ethical BioTrade. To this end, it provides practical explanations on the requirements of equitable benefit-sharing in the Ethical BioTrade Standard.

Dialogues in ethical biotrade - How to establish respectful, balanced and inclusive discussions in the sourcing of natural ingredients (UEBT)

<https://t1p.de/nc87>

This guide provides general information and suggestions on how to engage with local communities in the sourcing of natural ingredients.

BioTrade Principles and Criteria (UNCTAD BioTrade Initiative)

https://unctad.org/en/docs/ditcted20074_en.pdf

This document serves as a guide for BioTrade actors on the principles and criteria that can be applied to promote biodiversity conservation through sustainable commercial use, including how to integrate ABS principles and the rights of local communities in these activities.

How (not) to negotiate access and benefit sharing agreements (ABS Initiative)

<https://t1p.de/fuw4>

Using real case examples and different scenarios, this manual assists those negotiating access and benefit-sharing agreements. These cases and scenarios tease out the lessons to be learnt based on the authors' experience. The manual seeks to be holistic, offering a hands-on approach to negotiating ABS agreements.

The ABS Contract Tool: Version 2.0

<https://t1p.de/eu51>

This tool provides model clauses for the various elements of ABS contracts and explains the background and the specific legal issues for each model clause.

Engaging with indigenous peoples and local communities

Engaging with and communicating with indigenous peoples and local communities can be very challenging for actors coming from outside the community. It may not be clear to them with whom they should make contact and how this contact can be made when they have no knowledge of or experience with the cultural norms and customary laws of the community. Even communities themselves may not be fully conscious of the procedures to follow when a person wants to work with them. Indigenous peoples and local communities are also not necessarily aware of their rights under the national laws. These things could potentially lead to miscommunication and misunderstandings or even conflict.

How the community is organized needs to be clearly communicated to the external actors so that they can follow the local rules and respect them. Indigenous peoples and local communities can develop tools or documents that make these things more understandable for these actors. The Nagoya Protocol refers to these tools as Community Protocols. The term Biocultural Community Protocols (BCP) is also a term used interchangeably by different communities and organizations.

BCPs are tools developed by the local communities themselves to communicate how they want to be approached by people from outside the community. These tools can therefore refer to the rules of conduct, procedures and communities' values according to their customary rules, national and international laws affirming their rights or setting certain standards. BCPs are instruments which are developed from the community perspective and through participatory decision-making processes.

Within the context of ABS, BCPs set out clear terms and conditions for engaging with indigenous peoples and local communities and accessing their local resources and knowledge. They can, for example, help to understand with whom external actors have to negotiate, how to ask for consent and how to negotiate an a benefit-sharing agreement. These tools can potentially help governments, the private sector, researchers, and actors from non-profit organizations to bridge the gap between the customary laws and institutions of communities on the one hand and national ABS frameworks on the other. This can add clarity and a measure of legal certainty for users of resources and traditional knowledge.

FOR MORE INFORMATION ABOUT INTERACTING WITH INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND BCPS:

Tkarihwaié Ethical Code of Conduct: Ensuring respect for the cultural and intellectual heritage of indigenous and local communities

<https://www.cbd.int/doc/decisions/cop-10/cop-10-dec-42-en.pdf>

This code of conduct provides guidance to those interacting with indigenous peoples and local communities, in particular, researchers. It provides information on procedures and principles when working with communities.

Mo'otz Kuxtal Voluntary Guidelines

<https://www.cbd.int/doc/publications/8j-cbd-mootz-kuxtal-en.pdf>

This document serves as 'guideline for the development of mechanisms, legislation or other appropriate initiatives to ensure the "prior and informed consent", "free, prior and informed consent" or "approval and involvement", depending on national circumstances, of indigenous peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge.'

**BioTrade Principles and Criteria
(UNCTAD BioTrade Initiative)**

https://unctad.org/en/docs/ditcted20074_en.pdf

This document serves as a guide for bio-trade actors on the principles and criteria that can be applied to promote biodiversity conservation through sustainable commercial use, including how to integrate ABS principles and the rights of local communities in these activities.

Dialogues in ethical biotrade, how to establish respectful, balanced and inclusive discussions in the sourcing of natural ingredients (UEBT)

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This guide provides general information and suggestions on how to engage with local communities in the sourcing of natural ingredients.

Fair and equitable benefit sharing, Manual for the assessment of policies and practices along natural ingredient supply chains (UEBT)

<https://t1p.de/j4th>

This manual explains the requirements for equitable benefit-sharing in the natural ingredient supply chain. It establishes the process of evaluating the policies and practices of companies and actors involved in these supply chains.

Community Protocols Website

<https://www.community-protocols.org>

This website contains a wide range of multimedia resources on community protocols.

Community Protocols in Africa: Lessons Learned for ABS Implementation (Natural Justice, ABS Initiative)

<https://t1p.de/tqn7>

Analysing examples of BCPs from across Africa, this publication compiles experiences and lessons learned from the development and application of community protocols in an ABS context.

Community Protocols Toolkit for Community Facilitators

<http://www.community-protocols.org/wp-content/uploads/2015/11/BCP-Toolkit-Complete.pdf>

This toolkit is for indigenous peoples and local communities and supporting community-based and non-governmental organizations (CBOs and NGOs). It is intended to support communities to secure their rights and responsibilities and strengthen customary ways of life and stewardship of their territories and areas. It is directed primarily towards facilitators from the communities themselves or from supporting organizations with whom they have long-standing and positive relationships.

Natural Justice - Community Protocols

<https://naturaljustice.org/community-protocols/>

Additional and up-to-date information and resources on BCPs and related tools can be found at Natural Justice's website.

ABS Picture Box Manual

Biological Resources

OBJECTIVES:



Participants reflect on the diversity of biological resources and their value for human well-being.



Participants reflect on their role in the conservation and sustainable use of biological resources.

USING THE IMAGE:



Ask the participants to describe what they can see in the picture. They should point out the different elements of the landscape.



Point out the living and non-living resources in the landscape. Tell them that the living resources will be the focus of the discussion and that they will be referred to as biological resources (or whatever term has been chosen).



Ask the participants what types of natural resources they have in their local area. What is similar to the picture and what is different?



What types of biological resources does the community have? Ask the participants to explain the various uses of these resources in their daily life.

SUGGESTED DISCUSSION QUESTIONS:



What would happen if these natural/living resources disappeared?



Have there been any changes to the availability or the quality of these resources in the last five to ten years? If so, what are these changes?



How important is it for the community that these resources are available in the future?



How does the community manage the resources to make sure that they are available for future generations?

DISCUSSION POINTS AND KEY MESSAGES:



Nature offers people a diversity of natural resources, including both living (like plants, animals, fungi etc.) and non-living resources (minerals, water)



Biological resources play an important role in human well-being by providing food, seeds for developing new crops, medicines, wood, fresh air, etc.



Indigenous peoples and local communities often live close to their natural resources and have done so over many generations. These resources play an important role in their culture and livelihood.



Indigenous peoples and local communities can be considered as the custodians of these resources. They are often important stakeholders in their conservation and sustainable use.



Degradation or loss of natural resources threatens the wellbeing of these communities.

1.



TIPS:

Careful consideration needs to be given in advance as to which terms will be used in the local language and how concepts (like, for example, biological resources, conservation, sustainable etc.) will be explained.

Do not hesitate to give concrete examples of the possible uses of biological resources.

Associated Traditional Knowledge

OBJECTIVES:



Participants reflect on local uses of biodiversity.



Participants reflect on their traditional knowledge, which is associated with biological resources, and especially about their traditional uses.



Participants know that the importance and value of their traditional knowledge is recognized by others.

USING THE IMAGE:



Ask the participants who they see in picture. It is an elder member of the community and some younger people from the community.



Ask what they think is happening in the picture. Try to elicit that the elder person is explaining to the younger people how to identify the plant, how the plant can be used and for what purpose. In this case, it can be made into a tea that is used to treat illness.

SUGGESTED DISCUSSION QUESTIONS:



What kinds of knowledge does the community have about the things living in their local area/territory? If participants have difficulty answering this question, provide possible examples: knowledge about wildlife, plants and their uses, conservation practices, etc.



Are there any traditional rules or practices relevant to the collection or use of these living things? If so, what are they?



How is traditional knowledge shared within the community? Is it shared orally like in the picture or are there other ways of doing this, e.g. traditional ceremonies, art etc.?



Which types of traditional knowledge are only known by a particular person, family or group of people?



Does the community share their knowledge with other communities and, if so, with which ones?



How much interest is there among children and youth in learning about the community's traditional knowledge?



How is traditional knowledge shared with people from outside the community, if at all?

DISCUSSION POINTS AND KEY MESSAGES:



The livelihoods and the culture of many communities are intimately linked to their natural resources.



The use and the observation of their natural environment through time and over many generations have led communities to accumulate detailed knowledge about their local resources and their uses. This is an ongoing process and communities continue to acquire new knowledge over time.



Knowledge held by communities is relevant for the use, conservation and management of biological resources. This knowledge is referred to as associated traditional knowledge.



Some associated traditional knowledge is only held by a particular person or persons in the community, e.g. healers, men or women, etc.



Sometimes associated traditional knowledge may also be shared with neighbouring communities.

2.

- Each community has its own way of passing on knowledge to other members of the community, their children, or people from outside the community. There are many different ways for traditional knowledge to be shared, e.g. ceremonies, dances, drawings, songs, etc.

**TIPS:**

Traditional knowledge can take many forms: it can be told as facts or stories, visualised in art, enacted in rituals or simply appear in everyday practices that are not even verbalised. Keep this in mind when trying to elicit which kinds of traditional knowledge the community holds.

Traditional knowledge is often kept secret and may not be openly mentioned in a discussion with all community members. If necessary, it may be appropriate to split the group (e.g. into men and women) and keep the exchanges in the wider group at a very general level.

Use and Users

OBJECTIVES:



Participants know which people outside of the community may want to use their resources (“users”).



Participants get an idea of what users do with biological resources and/or their associated traditional knowledge.

USING THE IMAGE:

There are three parts to this image.



Part 1: Tell the community that the users (people on the right side of the image) want something from the community (people on the left side). Ask the community what they think they want. They should recognize that the people are interested in the plant and the tea that has been made from it. Ask the participants who they think these people are and what they might want to do with the tea. There are many different possibilities. They might be interested in learning from the community, buying the plant and selling it at a market, doing research, etc.



Part 2: Ask the participants what the person is doing. Elicit that this person is doing research on the plant to understand its properties and why the tea is useful for treating illness.



Part 3: Explain that the person’s work may lead to a basic understanding of things or it can also lead to the development of different types of products, e.g. medicines, food, cosmetics.

SUGGESTED DISCUSSION QUESTIONS:



Has anyone from outside of the community ever asked your community, for example, about its plants or animals, or the things that the community knows about them? Who were these people and what did they want to know?



Why do you think people might be interested in the living things found in the community’s territory and/or what the community knows about these living things?



What do you think will happen to these plants or animals and/or your traditional knowledge after they have left your community?

DISCUSSION POINTS AND KEY MESSAGES:



Biological resources are important to communities but there are other actors who may be interested in them too. There could be many different reasons for this.



Biological resources are used to make many different products, e.g. oils, vaccines, perfumes, foods, medicines or cosmetics.



Actors that take biological resources and associated traditional knowledge from the community for some purpose are called “users”. Users may include traders, manufacturers, researchers, students and entrepreneurs.



Users may be local, come from another part of the same country or region, or from another country.







Some actors simply collect natural resources directly for sale, e.g. wood.



Other actors do research and development. Some of these users simply investigate living things and traditional knowledge in order to understand them better. Other actors may be looking for useful resources (and associated traditional knowledge) that can be used to develop products.

3.

-  Although a lot of research is conducted with many different resources around the world, product development is not common. Research may lead to the development of a marketable product, but this can take many years and involves many different people.
-  Local communities may be involved in identifying useful resources and collecting them. Traditional knowledge can be used to inform and guide research, e.g. by informing about their characteristics and possible uses.
-  It is always important for communities to know how their resources and/or their traditional knowledge are going to be used and where.
-  The community should protect its interests by following the “access and benefit-sharing” process (“ABS”). This means that users who are going to do research and development on living (genetic) resources and/or their traditional knowledge are required to first ask for the community’s consent before taking and using the resource/knowledge. They must also promise to give something back to the community in exchange.



TIP:

This is the point where the idea of ABS is introduced for the first time. Careful consideration needs to be given as to how the concept of ABS can be explained simply and in the local language. In the example above, it has been simplified to the idea of “asking first” and “giving something in exchange”. The concept of research and development, too, should be explained in a simple way and illustrated by examples.

Value Chains

OBJECTIVES:



Participants gain an overview of value chains and the variety of potential uses for their biological resources and associated traditional knowledge.



Participants recognize their role in the value chain.



Participants see the relationship between different actors in the value chain.

USING THE IMAGE:



Tell the participants they are looking at a value chain. Explain that this is a representation of different activities leading up to the production and sale of products in the market.



Ask participants what the arrows signify. Elicit that these show the flow of resources and knowledge through the value chain to different users and uses.



Ask participants to point to the different types of users. Ask the participants to explain who the different actors might be and what the different uses are.



Explain that the image is simplified and that in reality, value chains are much more complex. Biological resources and traditional knowledge may be transferred and used by various actors for different purposes right across the world.

SUGGESTED DISCUSSION QUESTIONS:



Where are resources and/or associated traditional knowledge taken when they leave your community? How are these things used and by whom?



Can you give any examples of products sold in the market that are made from a resource sourced in your territory or based on your traditional knowledge?

DISCUSSION POINTS AND KEY MESSAGES:



Biological resources can be used in several ways. They may be used/consumed locally, e.g. eaten by a local person or used in a traditional medicine, bought by traders and sold in other markets, or they may be used by manufacturers to make products, e.g. a fragrance or flavour.



Different actors are involved in the value chain, from the identification and collection of biological resources and traditional knowledge through to the selling of a manufactured product on the market.



Value chains are very complex. The resource and/or associated traditional knowledge will be passed on to or shared with different people for different purposes.



Each step in the chain means that value is added to the original material through research, processing, packaging etc. This is why a final product will be sold at a higher price than the original material collected in the community.



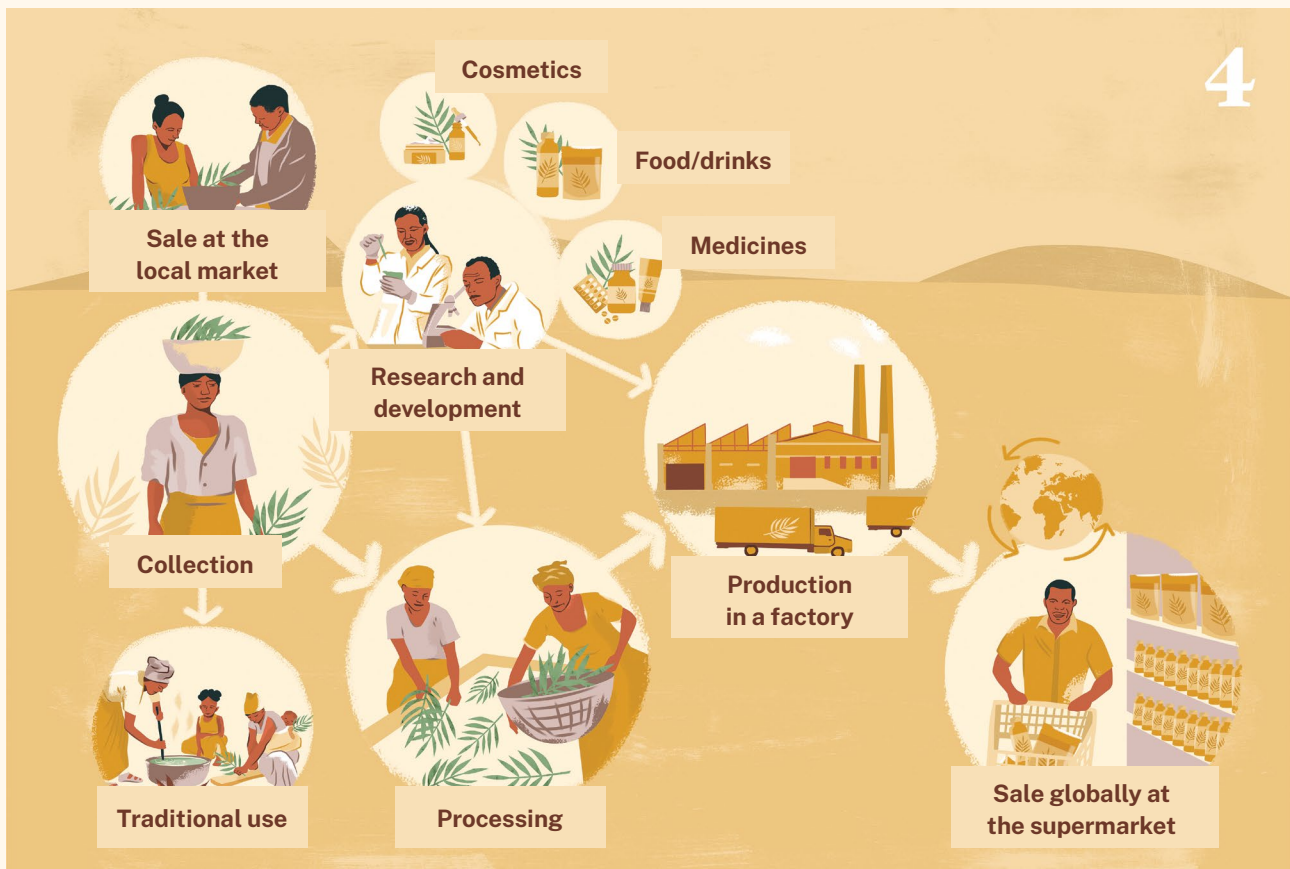
End products may be produced, bought and consumed in different parts of the world.



The use of biological resources and/or traditional knowledge can offer opportunities for communities. Local communities can possibly provide raw or processed materials and earn income by becoming suppliers of raw ingredients.

4.

- ✦ Different parts of the value chain may be concerned by ABS, which is determined by national law. ABS agreements can ensure that communities, as the providers of the material and knowledge at the source of the value chain, obtain a share of the profit generated from the final product.
- ✦ Communities can use the ABS process as a stepping stone to becoming part of value chains, e.g. be involved in collecting samples, processing materials (e.g. drying or extracting oil or powder, etc.).

**TIPS:**

For a better understanding, use the example of one or two local resources to explain the concept of a value chain. The aim is for communities to understand the trajectory of the resource from its identification down to the commercialisation of the resulting product. Start with a very simple value chain model and provide further details when questions come up.

Ask participants to line up representing the different actors and steps in a value chain, so that its complexity and interlinkages become tangible.

Asking First (Prior Informed Consent)

OBJECTIVES:



Participants understand that before users take something, they must ask first.



Participants understand the importance of being well organized and knowing how the community will provide prior informed consent.

USING THE IMAGE:

The image is divided into three parts, which represent three separate steps in the ABS process. Try to elicit the three steps from the participants.



Part 1: The user asks for consent to collect/take the biological resource and/or the associated traditional knowledge.



Part 2: The community grants its consent.



Part 3: The users, together with community members, collect the resource. The users record the community's traditional knowledge.

SUGGESTED DISCUSSION QUESTIONS:



Is it important for people to ask first if they want to use something that belongs to you/the community? Why?



What is important to think about before giving consent to someone who wants to take something of yours?



Are there special rules in the community for giving consent to someone who wants to take resources and/or traditional knowledge from your community?



Has anyone asked for your community's permission to access your resources or associated traditional knowledge? If yes, what did they want and how was the consent given?

DISCUSSION POINTS AND KEY MESSAGES:



Users show respect to the community by asking first before taking their (genetic) resources and/or associated traditional knowledge. There are rules in place at the international (and possibly national) level which promote this.



National laws determine when consent is needed and who should be asked before users access (genetic) resources and/or the associated traditional knowledge. The national system is different in each country. Communities may be required to give their consent. Alternatively, they may be only consulted on their opinion or in some cases, they may have no role at all in the process and the government is responsible for giving consent. Indigenous peoples and local communities can check with their government authority (competent national authority) or check the national law.



NGOs or other organizations can provide indigenous peoples and local communities with support on understanding their role and rights.



For the ABS process, conducting research is the key trigger for needing consent. Other types of uses, e.g. trade of natural products, may also require consent, depending on the national ABS laws and regulations. Consent is a decision where communities give permission to a user to take a resource and/or the associated traditional knowledge for research.

5.

- ☛ Consent should be given freely by communities and should not be forced or influenced by any party, including by the government or the user. Communities can say no.
- ☛ Different communities might share the same traditional knowledge. In this case, all relevant indigenous peoples and local communities should agree on whether and how to give consent.
- ☛ Representation is important. Indigenous peoples and local communities need to agree among themselves on who can speak on behalf of their community, the procedure to be followed for giving consent (or an opinion), and how to take into account the perspective of the whole community and the relevant customary rules. This will depend on the customary practices and rules in the community.
- ☛ When asking for consent, the user needs to provide the community with information about who they are, which resource is being requested, why they want it, how will it be used, what the benefits for the community might be, etc.
- ☛ How the community is organized needs to be clearly communicated to the user so that he or she can follow local rules and respect them. Communities can develop tools or documents that make these things more understandable for the user.

**TIP:**

It is important to take into account the national legal framework, if it exists, and the role of indigenous peoples and local communities in the ABS process.

Benefit-sharing and Types of Benefits

OBJECTIVES:



Participants know that benefits should be shared in situations where their biological resources and/or traditional knowledge will be utilized.



Participants know that there are different types of benefits.



Participants know that the type of benefits depends on the type of use and user.

USING THE IMAGE:



Ask the participants to describe what is happening in the picture. The interaction is about giving something and receiving something in exchange.



Ask the participants what they think the images in the speech bubbles symbolise. They show that benefit-sharing could be many things, depending on the type of use and the community's needs.



Point out that different community members participate in the negotiation with the researcher, as benefit-sharing is supposed to benefit the whole community. It should also contribute to the sustainable use and management of the resource.

SUGGESTED DISCUSSION QUESTIONS:



What are the main priorities in your community? What does it need the most?



If a benefit-sharing opportunity arose in your community, what kinds of things would you like to see flow from the use of your biological resources and/or traditional knowledge?



How could this make a change in your community?



How would you share the benefits among community members? How would the community reach this decision?



How would the community deal with a situation in which not everyone agrees about the outcome, i.e. how to share the benefits?

DISCUSSION POINTS AND KEY MESSAGES:



Communities can receive something in return for allowing users to take and use their biological resources and/or traditional knowledge. This is called benefit-sharing.



The type of benefits that can be negotiated will depend on the type of user and the type of use. For example, benefits provided by researchers will be different from the types of benefits that can be negotiated with a company that will develop a product, e.g. a perfume or drug, using the community's biological resources or traditional knowledge. It is important to ensure that expectations are realistic about what benefits can be provided by which type of user. This means it is important for communities to understand the type of use and possible benefits that could arise from it.







Benefit-sharing has to be negotiated. Communities can, in some cases, participate in these negotiations. Their role in the negotiations depends on the national ABS legal framework.



All members of the community should be involved in the discussions about the community's needs and priorities, as well as how to share benefits within the community. This can avoid conflicts within the community during negotiations.

6.

-  Communities can benefit even if there is no commercialisation. There are non-monetary benefits, like knowledge and training, provision of information about research results etc. Researchers who are doing non-commercial research usually provide non-monetary benefits.
-  Monetary benefits may include a portion of the money received from selling products that were developed using the community's biological resources and/or traditional knowledge. Communities may have to be patient because it can take several years before such benefits materialise.
-  Benefits should improve the living conditions of local communities.
-  Benefits should also be used in a way that they enable indigenous peoples and local communities to better conserve their biological resources and use them sustainably.

**TIP:**

It is recommended that this presentation be followed by Picture Card 7: Making a promise - Access and Benefit-sharing Agreements.

Making a Promise – Access and Benefit-sharing Agreements

OBJECTIVES:



Participants understand the need to negotiate benefit-sharing.



Participants understand the need to make written agreements for any benefit-sharing arrangements.



Participants understand that they must identify their needs and interests and prioritise them in order to negotiate.

USING THE IMAGE:



Start by pointing out the people in the middle of the image. Ask the participants who these people are. There is the community representative and the researcher, and there is a government representative.



Ask the participants what these people are doing. They have negotiated and are now signing a benefit-sharing agreement.



Ask the participants why they think the community is pictured in the community representative's thoughts. It is because she is negotiating and signing on the community's behalf, taking into account the community's needs and priorities for benefits.

SUGGESTED DISCUSSION QUESTIONS:



How does the community make decisions about how to share things within the community? Who participates in the decisions and who benefits?



Can you provide any examples of how this has been done in the past in your community?



For you, what does it mean to be “fair” when it comes to sharing something in the community?

DISCUSSION POINTS AND KEY MESSAGES:



Users provide benefits in accordance with a promise or agreement that is written down (a contract), which is negotiated by all of the relevant actors. The contract may also involve other conditions to be respected when people take resources or traditional knowledge, e.g. where and how the resources or knowledge will be collected and transferred to other people in the future.



The national law will determine whether communities have to sign the contract or be involved in the negotiations. Even if the community is not officially involved, there is the possibility that the community can still receive benefits, e.g. indirectly from the government.






Communities should define their needs and priorities in advance of entering any negotiations to prevent conflicts emerging within the community. How benefits are to be distributed in the community needs to be clear.



During negotiations, it is important that the users and government respect any relevant rules and customary practices of the local communities.

7.

-  Representation is important. Communities have to consider who will speak and negotiate on their behalf and who can sign the benefit-sharing agreement.
-  Communities may need to be advised during negotiations due to the complexity of ABS. Support may be provided from the government, or from another organisation (for example, an NGO), which can provide advice on what to consider during the negotiations, community rights etc.
-  The government and local communities provide consent to the user to take and use biological resources and/or traditional knowledge after benefit-sharing is agreed on.

**TIP:**

This card should follow Picture Card 6: Benefit-sharing and Types of Benefits.

Rights and Responsibilities of Different Actors

OBJECTIVE:



Participants can explain the different rights and responsibilities of all actors in the ABS process.

USING THE IMAGE:



Ask the participants to say why they think the plant and the associated traditional knowledge are in the centre of the image. Explain that these are the central element of the story that brings all of the actors together.



Ask the participants about the handshake in the centre of the image. It symbolizes fairness and equity, which are central to ABS.

SUGGESTED DISCUSSION QUESTIONS:

Ask the participants to answer the following questions based on what they have understood so far:



What are obligations and responsibilities of the community?



What are the obligations and responsibilities of the government?



What are the obligations and responsibilities of the user of the resource and/or traditional knowledge?



How can you help to inform users about your local rules for accessing resources or traditional knowledge?

DISCUSSION POINTS AND KEY MESSAGES:

Different actors have different rights and responsibilities with respect to biological resources and the community's traditional knowledge. It is important to understand the different roles they play.

Users:



Have to communicate who they are and what their intentions are, i.e. what they will do with the resources and/or the associated traditional knowledge. If this changes, they should inform the government and the community immediately.



Follow the obligations in the national law or regulations.



Respect and follow local customary rules and practices of indigenous peoples and local communities.



Comply with any agreements made with indigenous peoples and local communities.

The government:



Must develop the ABS law or regulations at the national level, which specify the role of each actor, the procedure to be followed, how to make a benefit-sharing agreement, the benefits that are allowed to be shared, or the obligations to be followed with indigenous peoples and local communities.



Should have a dedicated authority responsible for ABS.



Must provide users and communities with information and can help communities with negotiating the benefit-sharing agreement.



Communicates its decisions to indigenous peoples and local communities and makes sure users comply with agreements and permits.



Supports indigenous peoples and local communities to develop tools that could help them to clearly communicate their rights and their customary rules and practices with regards to the resources and traditional knowledge to other actors.

8.

Indigenous peoples and local communities:

- 🌿 Protect their biological resources and their traditional knowledge to make it available for future generations and prevent it from being taken and used without their consent.
- 🌿 Educate themselves about their role in the national ABS framework.
- 🌿 Get involved in the process when a request is made by a user to take and use biological resources and/or traditional knowledge.
- 🌿 Get involved when the government makes new laws or policies about ABS.
- 🌿 Develop special tools (community protocols or other comparable tools) to help users understand their customary rules, practices and community values so it easier for users (and other actors) to understand and respect them.
- 🌿 Negotiate and enjoy benefits that can come from the collection and use of traditional knowledge and resources by users, if the national law permits it.
- 🌿 Participate in the collection of the resources.
- 🌿 Use benefits for conservation activities so that future generations also benefit from these resources.

**TIP:**

Focus as much as possible on the national ABS framework if it already exists. In this way, the participants can better understand how ABS applies to them specifically.

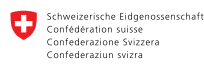
The Access and Benefit-sharing Picture Box (ABS Picture Box) is a communication tool for people working with indigenous peoples and local communities across Africa. It is intended to support outreach work on ABS: access to genetic resources and associated traditional knowledge, and the sharing of benefits arising from their utilisation. The ABS Picture Box contains eight images that can be used in community meetings intended for awareness raising and discussions on ABS and related issues. These images are accompanied by some background information as well as detailed instructions for the facilitator that will help guide the discussion and ensure that the relevant concepts are understood.

With this picture box, we hope to promote the understanding and implementation of ABS at the local level. With the relevant knowledge and support, indigenous peoples and local communities can play an active role in ABS processes and benefit from the utilisation of their traditional knowledge and the biological resources they manage.

Your feedback on the ABS Picture Box is very welcome – please send us an e-mail to info@naturaljustice.org.za or abs-initiative@giz.de!



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