

UNITED NATIONS DEVELOPMENT PROGRAMME			MISSION REPORT SUMMARY
Name: Tashi Dorji	Group/Unit:	UNDP/E2I	Date: 14 June 2015
Approved Mission Itinerary: Thimphu-Trongsa-Langthel-Thimphu			Telephone Number: +975 2 322424 ext. 125
Inclusive Travel Dates: From 11-14 June 2015			Key counterpart(s): 1. Menjong Sorig Pharmaceuticals, Dept. of Traditional Medicine Services (DTMS)/Ministry of Health
Purpose/Objective of Mission: The purpose of the mission was to create awareness on Access and Benefit Sharing (ABS) Policy, Prior Informed Consent (PIC) and Material Agreement Transfer (MAT) processes to the communities of Namther and Dangdung and the Local Government Officials of Langthel Gewog under Trongsa dzongkhag.			
<p>Brief Summary of Mission Findings:</p> <ol style="list-style-type: none"> Meeting with the farmer's group of Namther village: One day community meeting was conducted with the farmer's group of Namther village. The group has been engaged in medicinal plant collection which dates back to more than 50 years back and has a strong attachment to medicinal plant collection and processing. They currently have an arrangement with MSP to supply medicinal herbs for production of traditional medicines. Through the technical support of Dzongkhag Forestry Sector, the group has been formally registered as "Namther Throgmen Tshogpa" in 2013. The group comprises of 21 members and by-law was formulated with a Chairperson, Secretary and Treasurer to oversee the management of the group. They have prepared management plan for sustainable management and utilization of their natural resources covering 4 year period from January 2014-January 2018. The group is authorized to collect 47 different types of medicinal plants available within their locality. One of the interesting feature of this group is women are well represented on the executive committee with the Chairperson, Secretary and Treasurer held by women. Of the 21 member, 20 are women. This clearly demonstrates an important role played by women as a natural resource manager. Meeting with the Farmer's Group of Dangdung Village: Attended Meeting with the community of Dangdung on 12th June 2015. Meeting was attended by 25 community members, and representatives from the local government, and official from Jigme Singye Wangchuck National Park. Same structure of the meeting was followed as with the Namther community. The community members were made aware of ABS Policy, and the steps to be followed for PIC & MAT, and sustainable collection and post-harvest care of medicinal plants. There is also a farmer's group set up for Dangdung village called "Dangdung Throgmen Tshogpa" and was set up in 2012 with a management plan and a by-law for the management of the group. The group was set up with the objective of ensuring sustainable collection of medicinal plant and supply to MSP for production of medicines for indigenous treatment across the country. The group here also comprises maximum women members (23 women and 2 men) and have pro-actively engaged in the collection of medicinal herbs. Issues related to management and function of the group was also discussed and noted for appropriate follow-up actions by MSP, community and LGs. Annexes: Annexure 1: Photos; Annexure 2: Presentation on ABS Policy; Annexure 3: general process for Access and Benefit Sharing from Genetic Resources and Associated Traditional Knowledge; Annexure 4: Presentation on identification, sustainable collection and post-harvest care of medicinal plants. 			
Recommendations/Actions to be Taken:		Distribution:	
<ol style="list-style-type: none"> Medicinal plants collected in the locality are documented to an extent, however it will be useful for MSP and other partners to undertake research into the possibility of propagating some of the medicinal herbs domestically and also the ones that are currently imported from India and have the potential for propagation in the locality [MSP & UNDP CO]. Provide basic tools such as safety gloves, goggles, boots, tarpaulin sheet, clippers/cutters, aluminum stands, etc. for the group to use while collecting medicinal plans [MSP]. The chairperson for "Dangdung Throgmen Tshogpa" has resigned without prior notice and has been decided during the meeting to nominate a new chairperson from amongst the women members. For proper functioning of the group, it is important to have the executive committee members in place. This will have to be followed-up on a priority [MSP]. 		Mr. Jigme Dorji, Portfolio Manager, E2I Portfolio	

Annexure 1 : Photos from the community meeting



Members of Namther Throgmen Tshogpa, LG and Park Officials



Members of Dangdung Throgmen Tshogpa, LG and Park Officials



Aum Lemo, Chairperson of Namther Throgmen Tshogpa



Ms. Yeshey Tshomo, Treasurer of Namther Throgmen Tshogpa



Ms. Chimi Choden, Secretary/interim Chairperson of Dangdung Throgmen Tshogpa



Mr. Ugyen Dendup, Head/MSP and Project Manager of ABS from MSP briefing community members on ABS policy.

Annexure 2 : Presentation on the Overview of Access and Benefit Sharing Policy of Bhutan

Birth of Convention on Biological Diversity (CBD): Rio Summit 1992

- The Earth's biological resources are vital to humanity's economic and social development
- Tremendous value to present and future generations
- Threat to species and ecosystems; alarming rate of species extinction caused by human activities
- Ad hoc Working Group was convened in 1988 and culminated on 22nd May 1992 with the negotiation of an international regime to comprehensively address biological diversity known as the **Convention on Biological Diversity (CBD)** which opened for signature on 5th June 1992 at the Rio "Earth Summit"

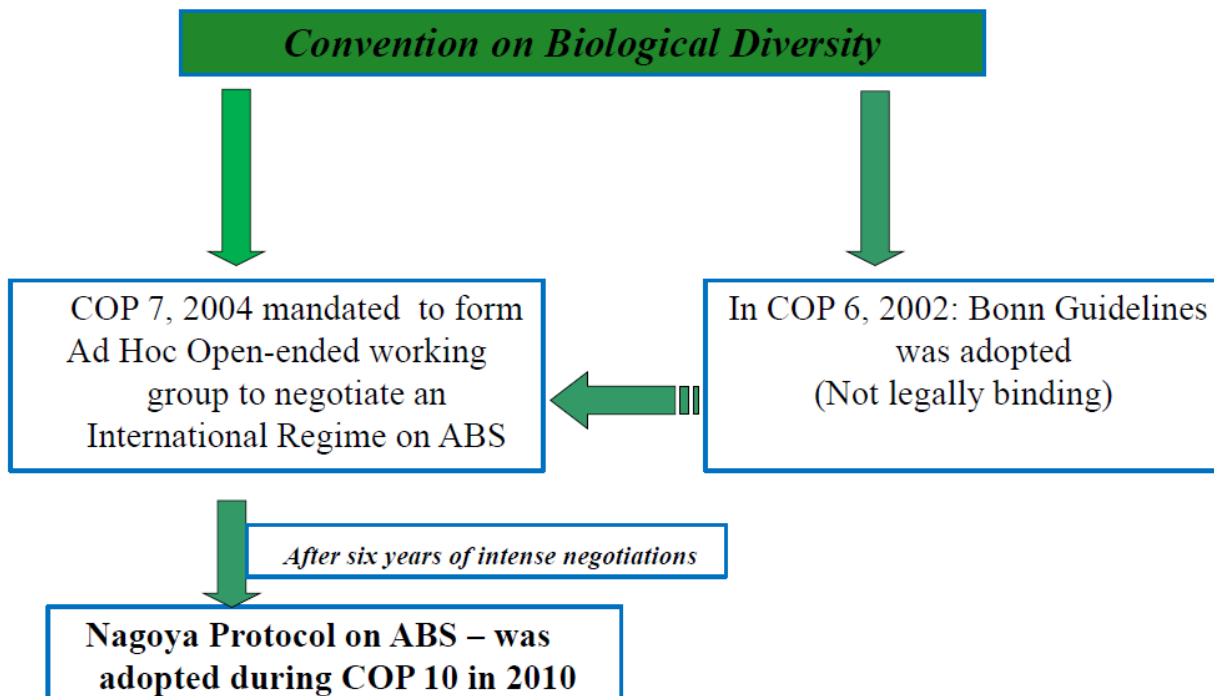
Bhutan ratified in 1995 by 73rd session of parliament

Three pillars of CBD

1. Conservation of biodiversity
2. Sustainable use of biodiversity
3. Fair and equitable sharing of benefit arising from the utilization of biodiversity and associated TK

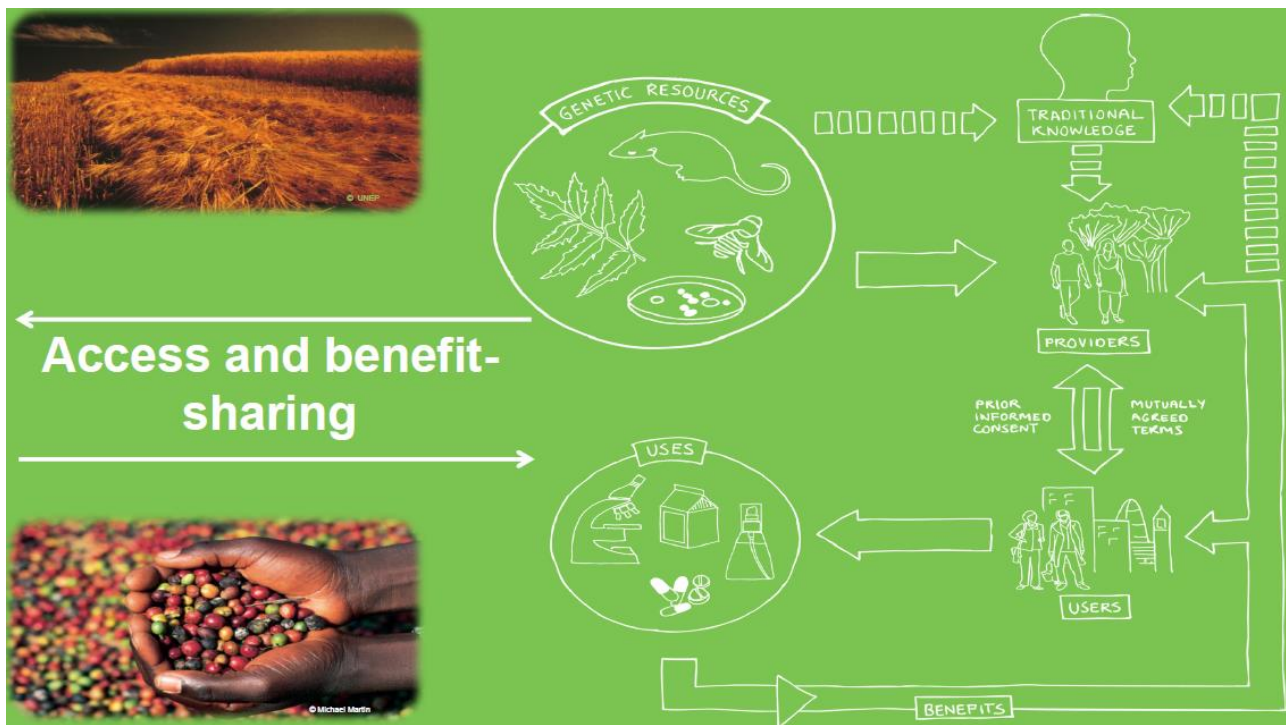
Birth of Nagoya Protocol

- **Pre 1992** biodiversity used to be considered part of the "**common heritage of humankind**"
- **Genetic Resources** and **Traditional Knowledge** were often taken from communities and countries by organizations, biotech and pharmaceutical companies, academic institutions and individuals. Discoveries were **patented** and **benefits** were enjoyed by these companies
- Growing concern over the **monopolization of benefits** led genetic-resources providing countries to **restrict** access to genetic resources and associated traditional knowledge
- This led to the negotiation of an international regime to regulate access and benefit sharing known as the Nagoya Protocol on Access and Benefit-sharing



National legislation on access and benefit-sharing

- ✓ Bhutan signed the Nagoya Protocol in **2011** and ratified in **2012** by the 9th session of the 1st Parliament of Bhutan
- ✓ Deposited instrument of ratification in **2013**
- ✓ Entered into force at COP 12 in South Korea (achieved required number of ratification)
- ✓ Till date 57 Countries are parties and 91 countries have signed the Nagoya Protocol



Rationale for the formulation of the ABS Policy of Bhutan

- ✓ Bhutan being part of the Eastern Himalayan region, is rich in biological resources and have an age old tradition of living in harmony with nature that lead to accumulated rich Traditional Knowledge on the use of biological resources.
- ✓ Conservation has always played a pivotal role in Bhutan’s development history but it is becoming an increasing challenge with the rapid socio-economic development of the country. There is a palpable need to incentivize and ensure the continuity of biodiversity conservation through research and commercial utilization and securing of fair and equitable sharing of benefits.
- ✓ Many companies are interested in engaging into bioprospecting in Bhutan. For example, the Bioprospecting Program was initiated in the mid of 10th FYP with the signing of three MoUs with NGS, QPL, BPPL and the outcomes are establishment of the National Bioprospecting Laboratory, development of REDEEM cream and receiving of benefits such as royalties directly to the government revenue and conservation fund to the Bhutan Access and Benefit Sharing Fund. Furthermore, in the 11FYP, two good scoping agreements with Chanel PB and Shin Nippon Biomedical Laboratories show that there is a huge potential for bioprospecting to succeed. This demands for a need of a good ABS Regime.
- ✓ Enhancement of livelihood through sustainable utilization and promote **people-centric** conservation.
- ✓ The existing pool of expertise in the field of biodiversity is limited and there is a need to **strengthen national capacity** in order to develop a better understanding of our biological resources for effective conservation and sustainable utilization.
- ✓ As a committed signatory to the CBD and Nagoya Protocol, it is Bhutan’s **responsibility** to develop laws on Access to genetic resources & TK and benefit sharing.
- ✓ Help Implementation of the **Nagoya Protocol** at the national level.

Background on the ABS Policy of Bhutan

National Biodiversity Centre as an implementing agency of the CBD program of work and national focal agency for ABS started formulation of the ABS Policy

- ✓ Formulation of the ABS policy started as early as **2011**
- ✓ Developed through series of small group meetings and literature review, national and regional stakeholder’s workshops, and expert consultations (**over 25 consultations**)
- ✓ Has been thoroughly discussed both at the national as well as international level and accordingly incorporated feedbacks and suggestions
- ✓ Successfully undergone **national policy screening** at Gross National Happiness Commission (GNHC) as well as at the Ministry of Agriculture and Forests (MoAF)
- ✓ Interim Policy is underground testing

Vision

- The conservation and sustainable use of Bhutan’s biological heritage securing the economic, social and spiritual wellbeing of the Bhutanese people

Scope of the ABS Policy of Bhutan

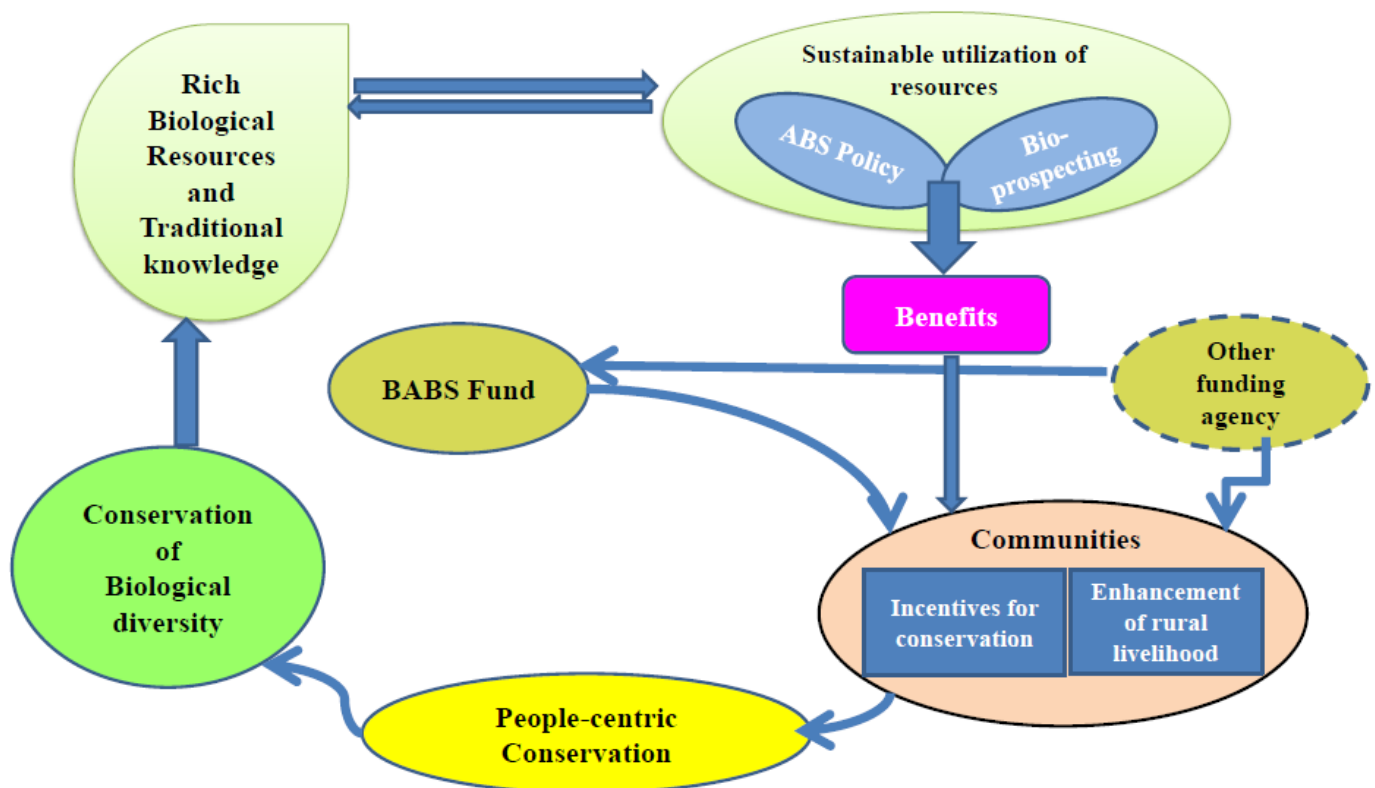
- ✓ The ABS policy **covers** the research and commercial utilization of Bhutan's genetic resources, their derivatives and associated TK. **Excludes human genetic resources.**
- ✓ This policy **excludes** biological resources when traded, shared, exchanged and used as commodities. If **biological resources** traded as commodities are later utilized as genetic resources for research and/or commercial purposes, such utilization shall be covered by the scope of this policy.
- ✓ This policy further **excludes the use, sharing and exchange of traditional knowledge** within and between local communities.

Guiding principles

- ✓ There is an **integral link** between Bhutan's biological resources & associated TK and the economic, social and spiritual well-being of the people who hold **Nature in trust** for the benefit of the planet and the current and future generations.
- ✓ Access to and utilization of Bhutan's genetic resources and associated TK should **affirm the cultural and spiritual values** of the Bhutanese people, and contribute to the wellbeing of the planet and the current and future generations.
- ✓ The fair and equitable sharing of the benefits generated from the commercialization and research utilization of Bhutan's genetic resources and associated TK with its local custodians and the Bhutanese people as a whole will **incentivize sustainable use** and lead to the fulfillment of the **conservation mandate** enshrined in Article 5 of the Constitution of Bhutan.
- ✓ Access to and utilization of Bhutan's genetic resources and associated TK should result in **strengthened national capacities** to develop a better understanding of our biological resources for **effective conservation and sustainable utilization**

Expected outcome of the ABS Policy of Bhutan

- ✓ The **national mechanisms** to regulate research and commercial utilization of Bhutanese genetic resources and associated traditional knowledge will be strengthened and the access to Bhutanese genetic resources and associated traditional knowledge will be regulated in a clear and transparent manner by the designated National Focal Point.
- ✓ The tangible **benefits** from the research and commercial utilization of Bhutanese genetic resources and associated traditional knowledge will be **secured and maximized** by prioritizing a comprehensive genetic resource and traditional knowledge with great potentials.
- ✓ In-country research and commercial utilization of Bhutanese genetic resources and associated traditional knowledge will be promoted through **technology transfer** and **collaborative research**. Collaborative research with renowned and ethical international institutes/universities and firms will also be promoted.
- ✓ The communities that have sustained genetic resources and/or associated traditional knowledge will be **recognized** as the **custodians** of such resources and knowledge.
- ✓ Local communities will be able to develop community protocols based on which they can grant **Prior Informed Consent (PIC)** and negotiate **Mutually Agreed Terms (MAT)** where they have established rights to grant access to genetic resources and/or associated traditional knowledge.
- ✓ The **Bhutan Access and Benefit Sharing (BABS) Fund** will be strengthened through the receipt of monetary benefits derived from the research and commercial utilization of Bhutanese genetic resources and/or associated traditional knowledge including the processing fee and the cash deposit payable at the Scoping phase. This fund will be used for the benefit of conservation and sustainable use of Bhutanese biodiversity and enhancement of rural livelihoods.
- ✓ The **benefits arising** from the research and commercial utilization of Bhutanese genetic resources and associated traditional knowledge will be directed towards the **conservation and sustainable use of biodiversity and securing ecosystem services**.



Policy objectives

1. Secure the trusteeship of the Bhutanese people over their biological resources and associated TK
2. Augment and secure the value of Bhutan's genetic resources for conservation and sustainable use
3. Promote long term mutually supportive relationships based on trust between the providers and users of Bhutan's genetic resources and associated TK
4. Regulate access to Bhutan's genetic resources and associated TK
5. Ensure fair and equitable sharing of the benefits arising from the commercial and research utilization of Bhutan's genetic resources and associated TK

Policy objective 1:

1. To secure the trusteeship of the Bhutanese people over their genetic resources and associated traditional knowledge
 - 1.1 Affirm and exercise the sovereign rights of Bhutan and the trusteeship of its people over its biological resources and associated traditional knowledge
 - 1.2 Support local communities to develop community protocols based on which they can grant prior informed consent (PIC) and negotiate mutually agreed terms (MAT) where they have established rights to grant access to genetic resources and/or associated traditional knowledge
 - 1.3 Recognize communities that have sustained genetic resources and/or associated traditional knowledge as the custodians of such resources and knowledge
 - 1.4 Strengthen national mechanisms to regulate research and commercial utilization of genetic resources and associated traditional knowledge of Bhutan
 - 1.5 Facilitate capacity development and public awareness on the value of Bhutan's genetic resources and associated traditional knowledge in the context of ABS

Policy Objective 2:

2. **To augment and secure the value of Bhutan's genetic resources and associated traditional knowledge for conservation and sustainable use**
 - 2.1 Secure maximum benefits from the commercial and research utilization of Bhutan's genetic resources and associated traditional knowledge by prioritizing a comprehensive genetic resource and traditional knowledge inventory and documentation
 - 2.2 Promote in-country research and commercial utilization of Bhutan's genetic resources and associated traditional knowledge through technology transfer and collaborative research to generate employment and build national competence
 - 2.3 Ensure that the benefits arising from the research and commercial utilization of Bhutan's genetic resources and associated traditional knowledge are directed towards the conservation and sustainable use of biodiversity and securing ecosystem services

Policy objective 3:

3. **To promote long term mutually supportive relationships based on trust between the providers and users of Bhutan's biological resources and associated traditional knowledge**
 - 3.1 Commit to being an ethical, reliable, committed and transparent partner who will provide full and easily accessible information about Bhutan's ABS requirements, facilitate a consistent process for access and do its utmost to fulfill its contractual obligations

- 3.2 Explore the potential of developing a mutually beneficial and respectful, long-term relationship with a company or research institute, by identifying common interests and possible areas of conflict with Bhutanese values
- 3.3 Ensure that the contractual agreement is governed by laws of Bhutan and any disputes arising are resolved primarily through negotiation and mediation in Bhutan using a mediator that is acceptable to both the parties.

Policy objective 4:

4. To regulate access to Bhutan’s genetic resources and associated traditional knowledge

- 4.1 Ensure that access to Bhutan’s genetic resources and associated traditional knowledge is regulated in a clear and transparent manner by the National Focal Point designated by the Competent Authority
- 4.2 Promote access to Bhutan’s genetic resources and/or associated traditional knowledge to users that conform to the ethical and environmental standards of Bhutan and its people
- 4.3 Access to genetic resources in areas declared and/or regarded as **sacred** will be limited to safeguard and uphold the unique spiritual and cultural relationships of the Bhutanese people with Nature

Two Phases of Access

Scoping Phase: initial exploratory phase of research and development with the aim of establishing market or research potential.

- Scoping Agreement with National Focal Point/any designated agency: secure scoping permit

Scoping Fee and Upfront payment (security deposit) is levied

- In the event, where Scoping Phase leads to future focused research and development, it will advance into an Actualization Phase where an ABS Agreement is drawn between the **user and provider** of the GR and TK upon securing the Actualization permit from the National Focal Point.

Actualization Phase: the phase when specific steps are undertaken to commercialize or engage in focused research on such resources and/or knowledge. It includes, but is not limited to applications for intellectual property rights, product development etc.

- ✓ **The access from GRF in the Actualization Phase:** ABS agreement between the user of such genetic resources and the DoFPS with the guidance of the National Focal Point (NFP).
- ✓ **The access from CF in the Actualization Phase:** ABS agreement between the user of such genetic resources and the communities managing these forests based on their community protocol with the guidance of the NFP.
- ✓ **The access to TK associated with GR that is held within a community:** ABS agreement between the community and user of such knowledge under the guidance of the NFP
- ✓ **The access to TK held by more than one community:** ABS agreement b/w the communities and the user of such knowledge under the guidance of the NFP
 - Where this course of action is not feasible the NFP enters into an ABS agreement on communities’ behalf.
- ✓ The access to duly registered *ex situ* collections of genetic resources under **Annex-1 of the ITPGRFA** shall be in accordance with the terms and conditions of the Multilateral System (MLS)
- ✓ While the access to other genetic resources in *ex situ* collections in the Actualization Phase shall be based on an ABS Agreement between the user of such resources and the NFP
- ✓ Access to *in situ* genetic resources for food and agriculture in the Actualization Phase
 - Shall be based on an ABS Agreement b/w NFP in consultation with the relevant community custodians and the users of such resources


Policy Objective 5:

5. To ensure fair and equitable sharing of the benefits arising from the research and commercial utilization of Bhutan’s genetic resources and traditional knowledge

- 5.1 The National Focal Point shall provide oversight to ensure fair and equitable sharing of benefits arising from research and commercial utilization of Bhutan’s genetic resources and associated traditional knowledge
- 5.2 The sharing of benefits arising from research and commercial utilization of Bhutan’s genetic resources and associated traditional knowledge shall be based on the ABS Agreement and may include both monetary and non-monetary benefits
- 5.3 Bhutan ABS Fund shall be established to receive monetary benefits derived from the research and commercial utilization of Bhutan’s genetic resources and/or associated traditional knowledge including the processing fee and the cash deposit payable at the Scoping phase. The Fund shall be managed by the National Focal Point which shall disburse the monies therein for the benefit of conservation and sustainable use of Bhutan’s biodiversity and enhancement of rural livelihoods
- 5.4 Monetary benefits arising out of the research and commercial utilization of genetic resources from **state-reserved forests and ex situ collections** shall be channelled into BABS Fund.
- 5.5 A portion of the monetary benefits arising from the research and commercial utilization of genetic resources from **community forestry** including genetic resources related to food and agriculture developed and sustained by the communities, shall be channelled into the BABS fund, while majority of the benefit shall go to Community.

Annexure 3: Presentation on general process for Access and Benefit Sharing from Genetic Resources and Associated Traditional Knowledge

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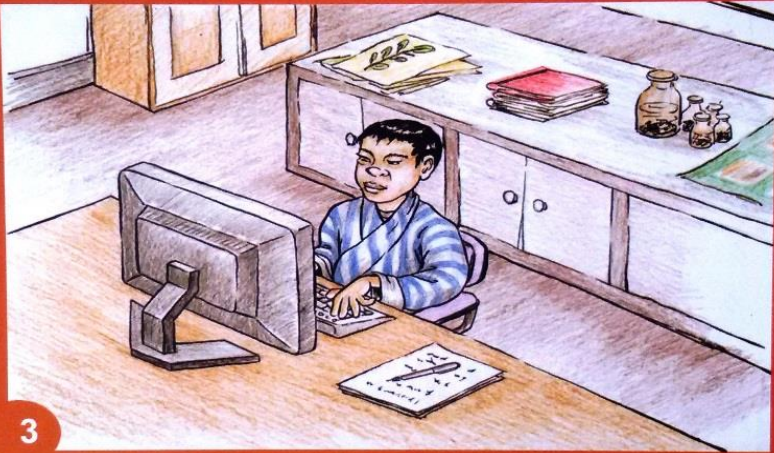
Area with rich biodiversity/genetic resources

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Interested company/individuals looking for potential biological resources

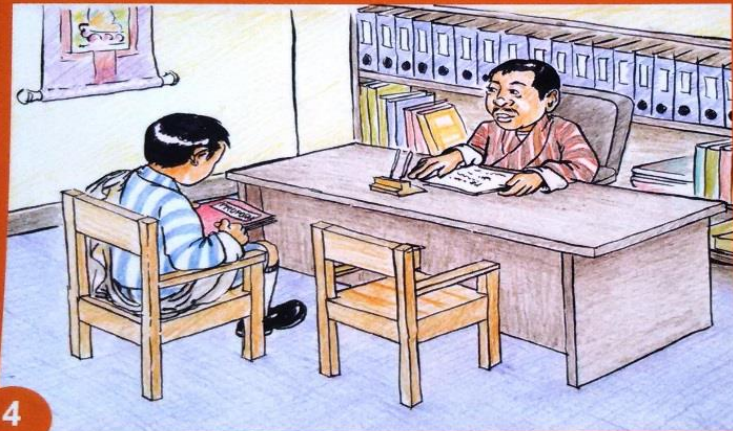
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Company decides to submit access application for the biological resources to the government

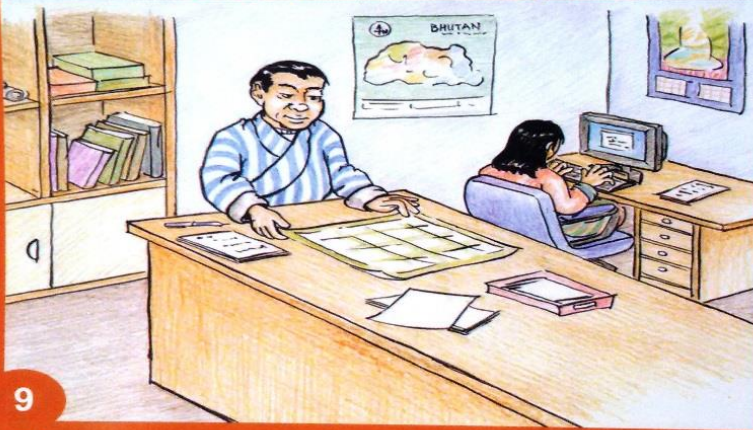
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Submission of the Access Application to the Authorized Agency (AA)

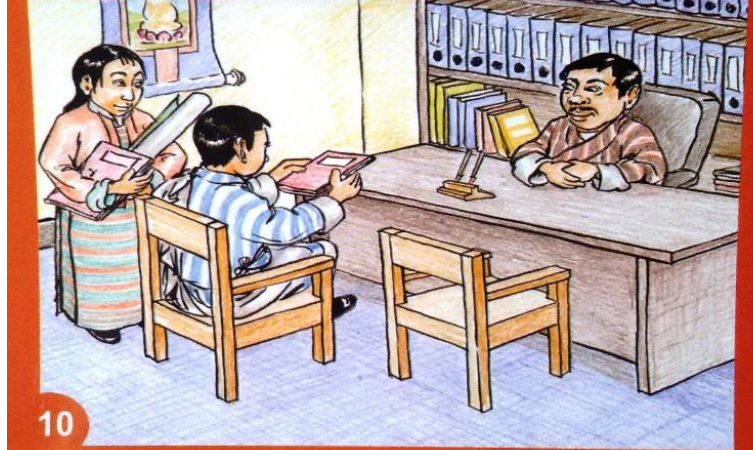
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9

They prepare a detailed proposal with a research and resource use plan including benefit sharing schemes

10 རྒྱ་སྒྲིག་འབད་མེད་ལྷན་ཁུངས་ལཱ་ལྷན་གྱི་ དབང་འཛིན་ལས་ལྷན་གྱི་ གཞིགས་འབྲེལ་ལཱ་ གྲུ་ལོ།



10

The completed proposal is submitted to the Authorized Agency

11 དབང་འཛིན་ལས་ལྷན་གྱིས་ གྲོས་འཆར་འདི་ ལས་ལྷན་གྱི་དང་ རྒྱ་སྒྲིག་འབད་མེད་ ལན་ཚུ་ལ་འཆར་ལ་
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11

The Authorized Agency discusses the proposal with the company and drafts Mutually Agreed Terms (MAT) including benefit sharing mechanisms

12 ཚན་རིག་ཚོགས་ཚུང་གིས་ གྲོས་འཆར་དང་ ལན་ཚུ་ལ་འཆར་ལ་ཚོགས་ཚུ་ བསྐྱར་ཞིབ་འབད་ནི་ གྲུ་
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12

Scientific Committee reviews the proposal and MAT, then submits its findings to CA.

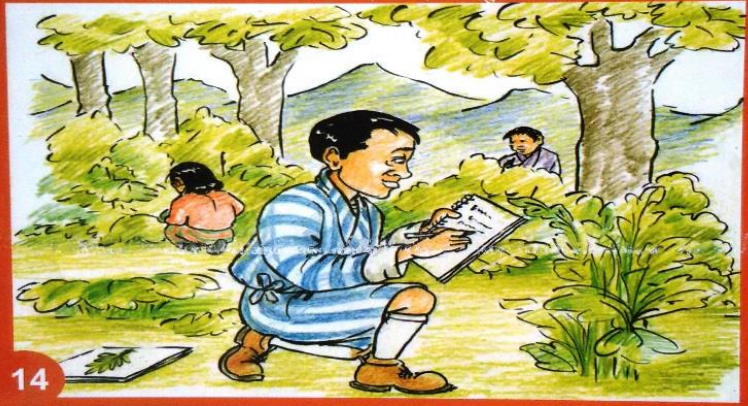
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ཆ་འཛིན་གྲུབ་པ།



13

The proposal is approved by CA with MAT

༡༤། ཆ་འཛིན་གྲུབ་པའི་ བར་ཚུན་ལ་འཆར་གྱི་བ་ཚོག་གྱིར་ འཕོན་ཁྲུངས་གྱི་དཔེ་ཚོད་ཚུ་དང་
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14

Collection of samples of resources including associated Traditional Knowledge as approved in the MAT

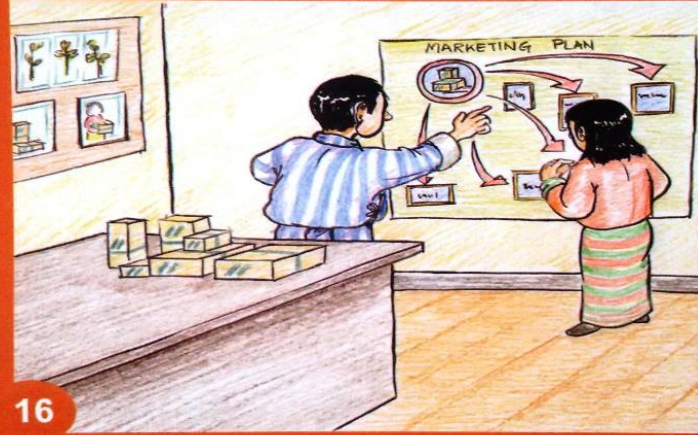
༡༥། དཔེ་ཚོད་ཚུ་ བརྟག་དཔྱད་ཁང་ནང་ལུ་ འབག་སྟེ་ ཞིབ་འཚོལ་འབད་ནི་དང་ བར་ཕོགས་ཅན་གྱི་ཕོན་བརྒྱུད་
བརྒྱུ་ལེན་འབད་ནི་ལུ་ འཆར་གཞི་བཟོ་སྟེལ།



15

Samples are taken to laboratory – research conducted and plans drawn up for potential products

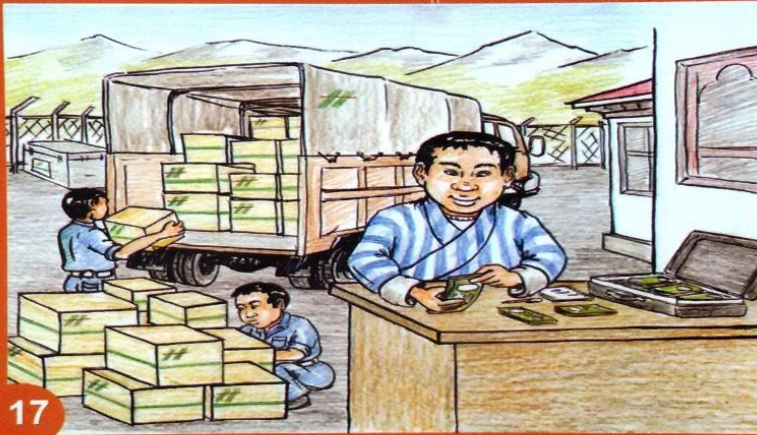
༡༦། ལས་སྟེ་གིས་ འཕོན་བསྐྱེད་ཚུ་ འབྲེལ་བཤད་བརྒྱབ་སྟེ་ ཚོང་འབྲེལ་གྱི་ འཆར་གཞི་བཟོ་སྟེལ།



16

Company describes the new products, and draws marketing plans

༡༧། ལས་ཀྱི་གིས་ འཕྲོན་བཟུང་སྟེ་ བཟོ་བྱེད་འབད་ཞིན་ལས་ རྫོང་བཟུང་འབབ་ལཱ་ འོང་འབབ་བཟོ་ནི།



17

The product is made and sold, the company generates income

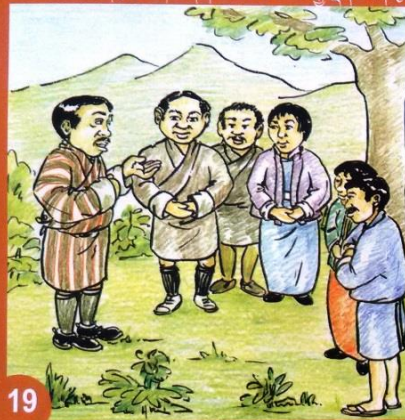
༡༨། ལེ་སང་ཆགས་ཞིག་ གཞུང་ལཱ་ལཱ་ཏེ་ འོས་ལུན་མི་སྡེ་ཚུ་ལཱ་ བགོ་མཐུན་འབད་ནི།



18

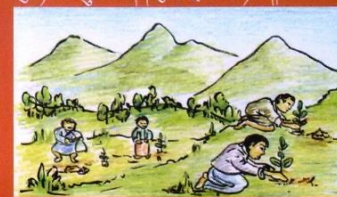
A part of the profit goes to the government, which may be shared with resource communities

༡༩། གཞུང་/ མི་སྡེ་ཚུ་གིས་ བསྐྱུར་གྱིས་ ཐོག་ ལེ་མན་བཀོལ་སྤོང་གི་ ཐབས་ལམ་བཟང་པོ་ཅིག་ ཤེས་རྟོག་ འབྲུང་བ། དུང་ལ་ཆགས་ཞིག་ མི་འོངས་པའི་ རྒྱུ་ལུན་འཕྲོན་ཁུངས་ཚུ་ ཉམས་སྲུང་འབད་ནི་ལཱ་ འགོ་སྦང་བཏང་ནི།



19

The government or community finds the best approach to use the benefits, part of which is used to help conserve the biological resources.



Annexure 4: Annexure 5: Presentation on identification, sustainable collection and post-harvest care of medicinal plants



Botanical name: Punica granatum

Local name: Thalem

Collection season: October to November

Part used: Seed

Harvesting technique: Cut the fruit part from the shrub and remove the exocarp/epicarp and dry in a direct sunlight with often handling.



Botanical name: *Phyllanthus emblica*

Local name: Kud

Collection season: November to December

Part used: Fruit without seed

Harvesting technique: Collect the fruit from the forest and remove all the leaves and twigs. Boil the fruit in water for about 10 minute (after water is boiled) and the boiled fruit is smash with the help of finger and remove the seed and throw. Then dry the peeled fruit in a clean tarpaulin under the sunlight.



Botanical name: *Beaumontia grandiflora*

Local name: Gangla

Collection season: November to December

Part used: Seed

Harvesting technique: When the leaves becomes yellow cut the fruit and remove the cotton type hair and dry the seed properly in a clean tarpaulin under the sunlight.



Botanical name: *Sapindus rarak*

Local name: Nakapani

Collection season: October to November

Part used: Fruit without seed

Harvesting technique: Collect the fruit from the tree and cut the fruit cover with the help of knife and remove the seed. Then dry in clean tarpaulin under the direct sunlight. *Never cut down the tree or branches.*