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# Bio-Cultural Community Protocol

of The Men-Hing (Medicinal Plants) of  
the Monpa (Sartang) of Salari, Arunachal Pradesh

Converting Concern to Conservation



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Plants) of the Monpa  
(Sartang) of Salari,  
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**NABAM TUKI**  
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## MESSAGE

The value of our biodiversity and the traditional natural resource management systems we follow go beyond State and National boundaries and are valuable for the whole world. There is a growing understanding and awareness today of the bio-cultural resources of the people and the need to ensure that the communities must benefit from the resources that they help to safeguard.

In this light, the preparation of the Bio-cultural Community Protocol for Salari area in West Kameng truly stands as a watermark in the State's efforts towards management of and equitable access to bio-resources.

I commend this collaboration of experts from the UNDP, the State Forest Department, the State Medicinal Plants Board and the Centre for Cultural Research & Documentation (CCRD) that has made possible the compilation of this BCP. This kind of a synergy is truly what conservation initiatives need today.

While we have a responsibility to conserve biological resources, at the same time, we have the obligation of improving the living standards of the communities that protect these resources. Our conservation efforts need to keep developmental needs of the people in view. The challenge today is not whether to look at development and natural resource management as conflicts. Rather how they can, in tandem, enrich the sustainable livelihoods that these communities have lived out for hundreds of years.

I extend my congratulations to the community members of Salari and hope that this will be the first of many steps where communities come forward to ensure conservation and sustainable use of our natural resources.

**(Nabam Tuki)**

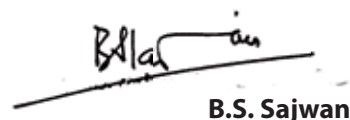
*Chief Minister, Arunachal Pradesh*

*3 October 2012*

I am happy to know that the Centre for Cultural Research and Documentation (CCRD), Naharlagun in collaboration with the State Forest Department, State Medicinal Plant Board and the experts from UNDP has facilitated the preparation of the Bio-Cultural Protocols (BCP) for Salari area in the West Kameng District of Arunachal Pradesh. The document, it is learnt, is the result of an intensive consultation with the local community members, the traditional healers and other stake holders in the area on the traditional practices with regard to the natural resources, and national and international laws which are in place to ensure protection of such traditional practices for management of natural resources and the associated traditional knowledge. This being the first document of its kind in Arunachal Pradesh will help the communities take informed decisions not only on the management of their natural resources but also the sharing of benefits that may arise from use of such resources and the associated traditional knowledge.

This small step, which is in keeping with the Nagoya Protocol and the Biological Diversity Act 2002, will go a long way in sensitizing the communities about the legal control that they can exercise over the natural resources and the associated indigenous knowledge. It is hoped that the document will also help improve sustainable natural resources management and empowerment of communities.

Lastly, I would also like to compliment Dr. Ruchi Pant and Miss Marina Gutmann for taking keen interest in the development of the Bio-cultural Protocol, its editing and printing. I also wish the community members of Salari and all other stakeholders all the best in their future endeavour.



**B.S. Sajwan**

*Principal Chief Conservator of Forests (HoFF) &*

*Principal Secretary (Env. & Forests)*

*Department of Environment & Forests Itanagar 791111.*

## OUR LAND, OUR LIFE - WHAT WE SEEK TO PROTECT

We are a group of about 30 families living in the village of Salari in West Kameng District of Arunachal Pradesh in India's North East. The State of Arunachal Pradesh falls in the Eastern Himalayan region, one of the 35 bio-diversity 'hotspots' in the world, and encompasses a very large array of animal and plant

Today, we are feeling increasingly threatened with the dramatic changes that we see all around us. Development has brought with it values that are so different from the traditional ones that we hold. While we are fighting these battles of existence, we also realize that the first step to protect our traditional knowledge is to locally and sustainably manage our biological and cultural resources ourselves. Next step is to document and share that knowledge. When we ourselves value our knowledge, it not only leads to conservation and the sustainable use of these



species. It is home to over one million people, the vast majority of whom belong to traditional indigenous communities with a substantial base of indigenous knowledge systems.

As an ethnic group, we are three clans of Rokpo, Chanadok and Dunglen belonging to the Sartang community of the *Monpa* area and are followers of Mahayana Buddhism, standing sentinel to which is the historical Tawang monastery. While we are strongly committed to conservation of natural resources including the faunal species, we are equally keen on ensuring that our biological resources and the knowledge associated with these resources directly benefit us and our communities; this includes tending to our cultural core.

resources, but also development and protection of traditional knowledge itself.

### **This protocol sets out the following objectives:**

- Deepening understanding of traditional knowledge of medicinal plants;
- Connecting to our biodiversity through our spiritual, cultural and religious norms;
- Creating awareness about the threats we are facing regarding bio-diversity loss and the appropriation of our traditional knowledge and benefits arising from it;
- Suggesting ways for improving conservation and sustainable use of medicinal plants; and





- Providing information to outsiders wishing to access our traditional knowledge and medicinal plants and how to obtain our prior informed consent to use our knowledge and resources. Also whenever a decision is taken by authorities and government that affects our traditional way of life or when our biological resources and indigenous knowledge are accessed, to ensure that we receive a fair and equitable share of the benefits arising from the utilization of our plant resources and traditional knowledge according to mutually agreed terms.

We end this document by sharing what we understand of our rights under relevant laws and appeal to various agencies like the State Biodiversity Board, the State Medicinal Plant Board and the Department of Environment and Forests, Government of Arunachal Pradesh to help us protect our traditional knowledge and our rights over our resources. We also call upon our authorities to work in collaboration with us for finding solutions to our main concerns towards biodiversity loss and ways to improve conservation and sustainable use of our resources and associated traditional knowledge, in a fair and equitable way.

## Health of our communities- Our bond with Nature

We have been living in forests at an elevation of about 1,800 meters above sea level for hundreds of

years in isolation, with no access to health care. For generations, we have been using and testing the medicinal plants found here, and in the process, we have developed a sound and rich knowledge-base relating to these medicinal plants. These medicinal plants are useful and effective in treating human as well as animal illnesses. Many Sartang and Monpa families still practice ethno-medicine for a wide range of ailments and diseases as a first line of treatment. Over time, we have developed parameters for selecting and administering

medicinal plants that provide succor to the ailing.

As traditional health practitioners, we as a community share common knowledge of main ailments and traditional cures, but many of us also have distinct knowledge on specific treatments. We have also inducted knowledge we have gained from other evolving traditional health practices, and want to pass on the same, along with our culture, to our future generations.

We have always had very little access to medical treatment and these medicinal plants are the primary health care providers to the villagers and our first and often, the only line of treatment.

We have developed over the years our own understanding for illnesses and why they occur. Many of these illnesses also have a local name in our language. Through a process of observation and experimentation, we have traditionally been able to treat a wide variety of common and chronic ailments that include coughs and colds, skin diseases, jaundice, asthma, broken bones, wounds, snake bites, insect stings, stomach ache, malaria, diarrhea and gastritis.

All of this has contributed to us being a community that is healthy and that promotes its cultural traditions.

The plant species that we use range from, but are not restricted to:

Lissi	-	<i>Illicium griffithii</i> Hook. & Thoms
Tito	-	<i>Swertia chirayita</i> Buch. and Ham
Timur	-	<i>Zanthoxylum armatum</i> DC.
Lenneru	-	<i>Rubia cordifolia</i> Linn.
Zinpucha	-	<i>Paris polyphylla</i> Sm.
YangaLakpa	-	<i>Podophyllum hexandrum</i> Royle.
Thé-Song	-	<i>Taxus wallichiana</i> Zucco
Ginseng	-	<i>Panax sikkimensis</i> Ban.
Pampos	-	<i>Valeriana jatamansi</i> Jones.
Tayir	-	<i>Litsea cubeba</i> Pers.

Our practice of ethno-medicine, having emerged from close interaction with our immediate environment, encompasses a wide range of physical as well as spiritual interfaces. While many of the medicinal plants are administered directly, a large number of them are also used in ritual and religious healing. For instance, our monks in the village *Gompa* (Monastery) bless the roots of a plant that we consume for ailments ranging from headaches to stomach ailments and even joint pains – bringing relief in each case. Others, like the seeds of a plant are roasted and used for relief from diarrhea and sore throat while a decoction of its flower is used as a cure for jaundice.

In the blend of the physical and the religious, a rootless creeper is believed to have been given to our ancestors by Guru Rinpoche and its decoction is given for cure of jaundice. Other species, like the Bei are used in prayer rituals. In the purely physical form of cures, for instance, *Zinpucha* and even seeds of pomegranate are administered as anti-diarrheal.

The women of our communities also have specific traditional knowledge in assisting with delivery cases and pre-and post- natal care; three days after childbirth, both the mother and the newborn are bathed with a decoction made from a few locally

available plants which is believed to cleanse them both physically and spiritually. A similar decoction is also used as wash-water after returning from homes where a death has occurred recently, as a way of cleansing.

Some of us also have adequate veterinary knowledge. When animals fall ill or get injured, we have to depend realistically on local and traditional cure systems since veterinary hospital is either too far or not available at all. It may be important to consider that when we are able to treat some of the important breeds of cattle and yaks, we also contribute to conserving animal diversity and genetic heritage of the region.

## BASIS OF OUR TRADITIONAL KNOWLEDGE

Most of the knowledge has been developed by our ancestors and passed down to us from generation to generation. In the process, our knowledge has improved and built on through knowledge exchanges and sharing of experiences with other communities and traditional health practitioners we interact with. The richness of our knowledge is also due to years of observation, experimentation and intuitive trials undertaken by previous generations of traditional health healers and community members.

Because this knowledge is crucial to our identities and to our cultural expression, we consider it important to ensure the preservation of our knowledge, even if it means this is achieved by sharing it with others. We have learnt from our traditions that maintenance of knowledge cannot be in isolation. But at the same time, we do not accept our knowledge to be used in ways that violate the very values on which they are built.

Our knowledge is multiple, at the same time spiritual and physical; ancestral and modern; commonly shared in the community or individually held. We would betray our ancestors' knowledge and its sanctity in giving it to outsiders without insurance that our traditional values are respected. We understand



that there is a need to share our knowledge, but we want to do this on the basis of care for nature and reciprocity that must include benefit sharing. We have already been victims of knowledge sharing that has taken place without acknowledgement of the source of the knowledge and without sharing of benefits with us, as has been done by plundering our medicinal plants by traders without our consent.

## KNOWLEDGE TRANSMISSION AND LOSS

Deepening the crisis of knowledge loss is the dramatic decline in the transmission of traditional knowledge to younger generations in these fast-changing times. We are witness today to our youth getting access to modern education, migrating to urban centres to serve in government and other jobs and harnessing a general disinterest in imbibing the knowledge of our ancestors. It is a hard reality of our times that the elder generation, holding the storehouse of this rich repository of traditional knowledge, is today dwindling. The impact of this on the continuity of transmission of knowledge is a tragic reflection of the value of traditional knowledge today.

With the new ideas of development and progress taking over our lives, customary laws have been eroded and the laws of the Panchayati Raj and Forest laws regulate our lives. We need to accept that while customary laws exist, there is also a need for them to be supported by legal sanction and recognition by statutory laws and formal government institutions at all levels starting from the Deputy Commissioner and Divisional Forest Officers' office at the district levels, to the state and national executive and judicial institutions.

The need for protecting that body of traditional knowledge and the resources therefore becomes critical.

We strongly assert that any person or entity who wants to partake of our traditional knowledge must first acknowledge our fundamental role in the development and protection of that knowledge and

any data we provide is to be compensated according to its value. The sharing of our valuable and guarded traditional knowledge can only be based on the following precepts:

- That we do not share our knowledge with anyone who would try to make individual profits by passing the community's right over that knowledge;
- The benefits to the individual should be balanced with those to the environment and society;
- The beneficiaries have to share corresponding benefits with the community based on their cognition of our role the resources NOT there sources as developers, holders and custodians of there sources and traditional knowledge;
- Research, wherever possible, must be participatory where community members are involved in the research;
- That there is no unfair patenting of the traditional knowledge and any use of it would be on the basis of a share license;
- The results of research and documentation must be made available in all languages known to us i.e- Monpa, Hindi and English;
- Any subsequent change of use of the resource or knowledge shared must be communicated to the community and its consent sought again;



- There must be a symbiotic and continuing relationship between the community and the non-traditional user in terms of periodic updates and exchanges.

## THE BIODIVERSITY-CULTURE CONNECTION

Our bio-cultural values determine the way we interact with nature. In addition to ensuring that we work towards the conservation of medicinal plants we use, our customary laws relating to harvesting of these emerge from values that emphasize the sacred importance of sustaining our ecosystems, influenced deeply by our practice of Buddhism and its world view.

The medicinal plants we use are collected from the areas where we live, either from community forests around our villages or those grown in our homesteads. This has made us acutely aware about the inter connectedness between our biodiversity, our traditions and the health of our people.

Our traditional way of harvesting medicinal plants is guided by our cultural norms and values, and regulated by self-imposed rules resulting from our customary laws that promote the sustainable use of natural resources. Even when we take leaves or barks from trees, we take only the required quantity, and never uproot or cut down the plant. We also always have been taught to re-cover the roots of plants after we have taken what we require. We respect seasons cycles and collect the plants accordingly.



Since most of the times, harvests are for immediate use, large quantities of any particular resource are not extracted, preventing over-harvesting. We protect our biodiversity in other ways too: forest fires prevention and discouraging of unlawful medicinal plants collection.

## TRANSFER OF TRADITIONAL KNOWLEDGE AND MATERIAL WITHOUT SHARING OF BENEFITS

As traditional health practitioners and users of medicinal plants in changing contexts, we have had to face many challenges for sustainable management and conservation of medicinal and aromatic plants.

### Access to our Resources: Our Perception

We need access to medicinal plants to make our medicines and provide adequate health care to our community. However, we are prevented to do so in a proper way because of several factors hindering our ability to sustainably manage and collect medicinal plants of our forests.

The number of plants is dangerously decreasing as a result of the actions of careless traders who harvest large quantities making it difficult to keep a sustainable equilibrium. This plant base is important for our community because it provides us with a rich diversity of plants necessary to our community subsistence. Nevertheless, it has become more difficult to access it and peacefully continue our harvesting the way we always did because we have until very recently been unsure of the regulations and even the commercial aspects relating to collection of medicinal plants.

There exists a dichotomy today that while we as lawful owners of the land have no access to benefits from it, traders from outside the community make huge profits from our resources.

Added to this is the disconnection between our knowledge of the value of these medicinal plants (which traditionally is a cultural value) and their commercial value (which we now know is market driven and therefore highly competitive). **This lies at the centre of the sustainable management-conservation** dialogue on medicinal plants.

Another concern is the way the Government of India has increasingly limited our access to the areas under its management. Even though we share the authorities concerns about conservation, we feel that policies not taking into account our needs as local communities depending on local natural resources are hurting us. We distinguish ourselves from outsiders harvesting large amounts for commercial purposes with no regard for the environment, depleting our resources and biodiversity. In contrast, we have high respect for the forest and want to use its resources only occasionally in a sustainable way.

We feel that while the local forests should contain “hands-off” areas for pure conservation, there is also a need to include areas that allow legitimate rights of holders to harvest and collect plants in accordance with conservation acceptable standards. We have traditional knowledge regarding plant conservation and want to work in close collaboration with the concerned department on this issue in order to share our rich and primary experiences in this field. We also want to be recognized as village conservators.

## OUR RIGHTS UNDER INTERNATIONAL AND NATIONAL LAWS

Our rights are protected under various laws and Conventions namely, the Convention on Biological Diversity and the Nagoya Protocol, at the international level and the Biological Diversity Act, 2002, the Biological Diversity Rules, 2004 and The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 at the national level.

The **Convention on Biological Diversity (CBD)** ratified by India in 1992, states the three objectives of biodiversity, namely, conservation, sustainable use, and fair and equitable sharing of benefits from its use. The main steps forward entailed in the document are the following:

- States have sovereignty over their biological resources;
- The role of communities and indigenous peoples in protecting and conserving biodiversity through their culture and tradition are acknowledged;
- Any access to a community's natural resource requires the approval of the State concerned, based on prior informed consent of the communities.

Of major importance for us is Article 8(j) which requires States to ‘respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices’.

The Nagoya Protocol (2010) forming a part of the CBD specifically addresses access to genetic resources and fair and equitable benefit-sharing mechanisms. It requires States to:

- Take measures to ensure that benefits arising from natural resources and traditional knowledge held by communities are shared in a fair and equitable way with communities, on mutually agreed terms;
- Provide for legal clarity and transparency rules on access and benefit-sharing mechanisms;
- Provide information on rules and procedures for obtaining prior informed consent and mutual agreements;
- Create conditions to promote and encourage research contributing to biodiversity conservation and sustainable use of biodiversity.

In addition, the Protocol encourages States to support the development of:

- Community protocols to access and benefit-sharing regarding traditional knowledge associated with natural resources;
- Minimum requirements for mutually agreed terms; and
- Model of contractual clauses for benefit-sharing .

Indigenous rights over their land and traditional knowledge are also recognized in various other international Conventions, such as the Declaration of the Rights of Indigenous Peoples.

**The Biological Diversity Act, 2002**, translates at the domestic level India's commitment under the Convention on Biological Diversity. It specifically requires the Government to promote in-situ conservation (Art 36) and ensures the protection of our traditional knowledge through registration and other potential means. The Biological Diversity Act also sets up implementation entities at the national, state, and local level. Their functions are detailed in the Biological Diversity Act (2004) :

- The National Biodiversity Authority, which is the main organ, is tasked to:
  - Advise the Central Government on Biodiversity conservation, sustainable use and ABS arising from the use of biological resources and associated TK (Rule 12); and
  - Grant approvals for commercial or scientific requests on the use of biological resources by Foreigners, based on consultation with us, the local communities, and on whether mutually agreed terms and fair and equitable benefit sharing have been negotiated with us (Rules 14.3 and 20.5).
- The State Biodiversity Boards undertake decentralized implementation and are tasked to:
  - Advise at the State level on Biodiversity conservation, sustainable use and ABS arising from the use of biological resources and associated traditional knowledge;

- Grant approvals for commercial or scientific use of biological resources by Indians, based on consultation with us, the local communities, and on whether mutually agreed terms and fair and equitable benefit sharing have been negotiated with us.
- Biodiversity Management Committees (BMCs) have to be set up by Panchayats and Municipalities at local level. Their main task is to:
  - Prepare 'Peoples Biodiversity Registers' in consultation with us, local communities. The document shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any use or any other associated traditional knowledge (Rule 22.6);
  - Advise the State Biodiversity Board or Authority for granting approval and to maintain data over the local vairs and practitioners using biological resources (Rule 22. 7)

Under the **Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**, our rights of traditional forests dwellers to forests land are recognized in the Preamble. So is their authority for sustainable use, conservation of biodiversity and maintenance of ecological balance, thereby strengthening the conservation of forests and ensuring them livelihood and food security. Even if they don't apply on National Parks and Sanctuaries, community rights are notably acknowledged on:

- Ownership and access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries (3c);
- Management, protection, regeneration, conservation of any forestry resource which have been traditionally protected and conserved for traditional use (3i);
- Access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity (3k);
- Traditional rights customarily enjoyed (3l).



## Absence of Prior Informed Consent and Benefit Sharing Agreement:

In our experience, we have had two major issues with regard to the access to our traditional knowledge as well as our biological resources.

First is the increasing number of visits by researchers who in general provide us with little details on the motives of their presence and on the intended use of our knowledge or biological resources. In the past, we have shared our knowledge without receiving acknowledgement and benefits for it. This experience has made us apprehensive about sharing information with anyone outside our community. Any outsider wanting to use our knowledge or resource should, therefore, take our consent before accessing these, whether for scientific or commercial use. The intent behind the appropriation and access has to be made clear. We also want to be acknowledged as the legitimate holders of the knowledge and share the benefits from any commercial use of our knowledge.

The second issue relates to harvesters of medicinal plants who have access to our plant resources and take away large quantities with very little returns in terms of benefit, often paying a miniscule of prevailing market rates as labour and collection costs. This becomes critical when we see it in the context of the absence of knowledge within our traditional communities about the external value of our biological resources and the uses they are put to or the prices they command.

## CONSERVATION AND SUSTAINABLE USE OF MEDICINAL PLANTS

We can provide adequate health care and livelihood to our communities for the present and the next generation, provided we are given opportunities and incentives for livelihood generation by adding value to the produce. At present, much of the medicinal plants are being harvested and traded by small traders who are next in the chain of trade. They are outsiders and have no incentive to conserve. Their



main objective is profit and hence they don't involve in sustainable harvest practices which leads to over-harvesting in the forest areas. Since we do not have powers, these outside parties don't listen to us. Now our Biodiversity Management Committee has been formed and it should get due recognition so that we are able to deal with these matters.

We request implementation of the existing rules regarding repression of the prevalent un-sustainable and over-harvesting and better regulations to prevent it. If no action is taken, our medicinal plants will disappear from our surroundings. We want to engage in the fight against environmental degradation being carried out by traders, through community awareness as well as through the establishment of closer local controls.

Now that we are being made more and more aware about the procedures for conservation and sustainable use from the area, we want to be recognized by the Department of Environment and Forests, Government of Arunachal Pradesh, both as benefiting from and contributing to the area's biodiversity and work with the Department to establish a system that facilitates our access to and control over the resources under its management. We appeal to the Department to facilitate a process towards establishing such a collaborative partnership, to assess the value of medicinal plants as well as conservation and development of the area in Salari, to enhance the in-situ conservation of the most significant medicinal plants. However, this must not in any way negatively impact or hinder our rights to access the biological resources that have always belonged to us and are part of our cultural – spiritual heritage.

We also want to learn how to replicate successfully run medicinal plant nurseries in the area, and seek the government's assistance in any related future projects. We call upon the government and other development agencies to work with us to identify new areas, which we could access or that could be designated conservation areas for the purposes of conserving and sustainably using medicinal plants.

The key to sustainable management of resources is to accept that while we need to retain control over our traditional knowledge and the related

bio-resources and prevent their exploitation and appropriation, we must at the same time as first users and custodians, have the right to explore whatever market opportunities they have to offer.

It is only when bodies like the State Medicinal Plant Board (SMPB) facilitate this, true sustainability and equitable benefit sharing will be possible. We also appeal to the SMPB to assist us in registering and certifying us as MAP growers and harvesters, thereby empowering us.

## Sharing our Traditional Knowledge

To ensure that our traditional knowledge is protected, we desire that people who want to access our knowledge and resources comply with our customary and domestic laws regulating access to our traditional knowledge and benefit sharing arising from it. We want customary and domestic laws to be respected. Both will underpin the determination of conditions for sharing our knowledge.

Our experience in this regard has, however, not been very happy. While we have shared rights over our lands and knowledge, there has not been a fair and equitable exchange. At times we have shared our resources, which have subsequently been used in ways not communicated to us and which fetched returns to non-community users, not us. For example, extraction of some medicinal plants from our customary lands which do not have a value in the local context but whose trade outside is highly profitable.

All aspects of our lives are governed by a number of principles. For example, the principles of reciprocity and equilibrium are central to our value system. These principles are also inherent in our customary laws. When it comes to sharing of knowledge and benefits arising from the use thereof, we would like all parties to respect our customary laws. Decision of our traditional institutions must be respected and complied with by all –within the community and outsiders.

As far as resource users are concerned, academic researchers must seek our informed consent before any access to our traditional knowledge or indigenous



biological resources. The community will investigate to make sure that the intended use of the knowledge or resource have been shared in a comprehensive and transparent way. Through a process of internal deliberation, the community will assess the request and will decide whether the knowledge should be shared and under what terms and conditions. Where such access is granted, any change in the intended use of the resource or knowledge will require new consent from the community. Acknowledgement that we are the holders of the original knowledge must be included in mutually agreed benefits.

Commercial users must also first seek our informed consent before any access to our traditional knowledge or indigenous biological resources. We will require them to provide us with comprehensive and transparent information on the intended use of the knowledge and resource. The community will then hold internal deliberations to decide whether the knowledge and biological resources should be shared and under what terms and conditions. After this, a process of negotiations will be taken up to define the sphere of benefit sharing and a reciprocally accepted material transfer agreement will be finalized. Benefits could include monetary and/or non-monetary benefits.

A critical factor in the sustainable management of our traditional knowledge and our bio-cultural resources is the fact that while we do have customary laws and authorities. However, a large part of that control prevails only within the community; while the threat to our resources really comes from outside- for example from grazers, from traders of medicinal plants and even land developers. For our community to sustainably manage our resources, we must be empowered with authority to influence external threats.

## OUR APPEAL

It clearly emerges that while we are committed to the core value of conservation and sustainable use of medicinal and aromatic plants, we are, at the same time, deeply concerned about first user rights and access to biological resources on the principles

of equity. We seek the cooperation of institutions and entities across the spectrum of biodiversity management to collaboratively discuss mechanisms to allow for traditional knowledge to thrive, and communities to benefit from it.

### **In reality what our community needs is-**

- Knowledge about and access to external markets and value;
- Technology and capacity to process harvests; and
- Capacity building to add value to our bio-resources and to manage them sustainably.

### **We appeal to the State Biodiversity Board of Arunachal Pradesh to:**

- Recognize our traditional knowledge and to include it in the Peoples' Biodiversity Register (under Rule 22(6) of the Biological Diversity Act);
- Support for the setting up of Biodiversity Management Committees under local bodies (Panchayats or tribal Councils) in Arunachal Pradesh and to help these Committees in ensuring the conservation and sustainable use of our biodiversity and traditional knowledge (as per Section 41 of the National Biodiversity Act);
- Strengthen in-situ conservation of medicinal plants and include them in the mandate of BMC being set up by the government (under Sections 36 and 41 of the National Biodiversity Act);
- Advise the State Government and coordinate the activities of the State Biodiversity Board and State Medicinal Plant Board to protect our customary rights to access forest areas in order to preserve our culture and values and ensure the conservation and sustainable use of local biodiversity, associated traditional knowledge and the local ecosystem (under Section 36 of the National Biodiversity Act);
- Ensure that our prior informed consent is obtained before any decision impacting our community or any access is granted to our medicinal plants and associated traditional knowledge for research or for commercial purposes, and ensure that we receive a fair and equitable share of the benefits arising from the utilization of our biological resources and traditional knowledge according

to terms agreed upon (under Section 21 of the National Biodiversity Act);

- Assist and support us in preparing People's Biodiversity Register and document the fast-eroding traditional knowledge base on medicinal plants.

**We also call upon the Department of Environment and Forests to:**

- Re- open dialogue with us on forest conservation. We require access to the forest produce in order to sustainably harvest and collect required quantity of medicinal plants needed for our traditional care and livelihood. We want to be recognized as village conservators, so as to be able to assist the Department in its conservation efforts;
- Approach us, in particular, representatives from the State Medicinal Plant Board and explore how our community can collaborate with them on their programmes on access and benefit sharing and create models of benefit sharing arrangements. We also call upon them to re-evaluate our potential as collaborators in conservation and livelihood projects, as well as renew efforts to understand our needs and situation. We feel that a participatory approach to address these issues is essential to bring necessary changes to the current situation;
- Initiate and support initiatives to link bio-diversity conservation with livelihood creation for traditional communities where upholding cultural values are fortified with tangible returns;
- Recognize that often rights over customary resources is not enough; it needs to be reinforced by enabling communities to generate livelihoods from these resources that will, in turn, act as incentives for their sustainable management and conservation;
- Recognize that if indeed true sustainable management of medicinal plants is to be achieved, the SMPB must act as the connection between markets and the community so that livelihoods can be earned and bio-cultural resources conserved.

## LOCAL DIALOGUES

To share experiences about our own practices within the community, we call on the following local groups to work with us and start a dialogue on our roles in the lives of our community and the sharing of benefits: traditional leaders, local self-government representatives, local health facilitators, political organizations and religious leaders.

This Protocol represents a declaration of solidarity with all practitioners of traditional healing systems and users of medicinal plants in India and with other traditional healers across the world who share our bio-cultural values.

**Contact Coordinates:**

Villagers of Salari  
West Kameng  
Arunachal Pradesh

**Contact Agency:**

State Medicinal Plant Board  
Itanagar, Arunachal Pradesh

**Contact Persons:**

Tashi Norbu Sonju, Gaon Burah (Village Headman)  
Jambey Dorjee Dunglen, Anchal Samiti Member

This Bio-cultural Community Protocol has been developed by the members of the Biodiversity Management Committee of Salari village with help from Centre for Cultural Research & Documentation (CCRD), State Medicinal Plant Board, local experts and UNDP. We also acknowledge the support received from SKS Law Associates in developing the model contract template for us. This BCP has been supported under the Global Environment Facility – United Nations Development Programme – Ministry of Environment and Forest, Govt of India project “Mainstreaming Conservation, Sustainable Use and Cultivation of Medicinal Plants in Policies and Practice of Forestry Sector in Three Indian States”.

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# ANNEXURE 1

## Agreement for the access of biological resources / Traditional Knowledge /both

### Agreement for the access of biological resources / Traditional Knowledge /both

1. This Agreement is between the Provider and the recipient having the following details: *(Append additional sheets if required – marked as Annexure A)*

PROVIDER	RECIPIENT
Indicate if Individual <input type="checkbox"/> , Village <input type="checkbox"/> , BMC <input type="checkbox"/>	Indicate if Individual <input type="checkbox"/> , Company <input type="checkbox"/>
Name(s):	Name :
Community name (if applicable):	Individual / company :
Nationality :	Nationality :
State & District:	Address:
Address:	
Phone number:	Phone number:
Fax :	Fax:
Email id :	Email id :

2. Type of bioresource (BR) accessed (Plant/Animal/Microorganism/By-products) :

S.No.	Plant/Animal/ Microorganism/ by-product	Part accessed & geog. location of access	Local name	Scientific name (mandatory)

*(Append additional sheets if required – marked as Annexure B)*

3. The period /duration of access of biological resource :
  - a. If one time access, date of access : .....(dd/mm/yy).....; Quantity : .....
  - b. If for a duration : From (dd/mm/yy) to .....(dd/mm/yy); Quantity : .....

4. Will you access traditional knowledge relating to bioresource? ☐ Yes ☐ No

If Yes provide details; append additional sheet if required-marked as Annexure C):

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5. Will you access any other traditional knowledge not relating to BR? ☐Yes ☐No

If Yes provide details; append additional sheet if required-*marked as Annexure D*):

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6. Purpose of access (please provide details) of the bioresource(s) and / or traditional knowledge (hereinafter together referred to as 'Accessed Resource') :

☐ Research ☐ Commercial Use ☐ Other

If Other, please specify \_\_\_\_\_

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7. Mode of payment for accessing "Accessed Resource" (please see schedule A)

a. For Bioresource : ☐Monetary ☐Non-Monetary ☐Other

b. TK relating BR : ☐Monetary ☐Non-Monetary ☐Other

c. TK not relating to BR : ☐Monetary ☐Non-Monetary ☐Other

8. If the response to paragraph 7 above is "Monetary" please provide details:

a. For Bioresource: INR..... by way of cash / cheque / draft

b. TK relating BR : INR..... by way of cash / cheque / draft

c. TK not relating to BR : INR.....by way of cash / cheque / draft

If the response to question 7 above is not "Monetary", then please indicate the mode  
(*append additional sheet if required-marked as Annexure E*).

## TERMS AND CONDITIONS OF THE AGREEMENT:

9. The Recipient agrees that all proprietary rights in the traditional knowledge vests with the Provider
10. The Recipient shall use the said Accessed Resource solely for the purpose mentioned in Point 4 above.
11. The Recipient shall maintain the conditions stipulated for the duration of the field work conducted. In the event of any changes, the Agreement shall be re-negotiated, taking into account: (conditions).
12. The Recipient shall pay the Provider for the said Accessed Resources as mentioned in paragraphs 7 and 8 above
13. Publications if any, pertaining to the Accessed Resources or their use or application in any media including print or electronic shall be in the joint name of the Recipient and the Provider.
14. The Recipient shall duly acknowledge the source of the biological resources as well as the traditional knowledge accessed in all publications related to the said Accessed Resources.
15. The Recipient shall send copies of the publications and preliminary report related to the accessed resources used and its modifications to the appropriate body established under the Biological Diversity Act and related laws.

16. The Recipient shall take all necessary measures to ensure the respect, preservation, and maintenance of the knowledge, innovations, and practices of the Provider.
17. The Recipient shall likewise take all necessary measures to ensure compliance with all the applicable laws, rules, guidelines and regulations of both countries.
18. If the use/study of the said Accessed Resource(s) leads to commercialization, the Recipient agrees to inform the Provider and enter into a separate agreement for equitable benefit sharing as detailed in Section 21 read with Rule 20 of the Biological Diversity Act 2002.
19. The Recipient covenants that the said Accessed Resource shall not be used to produce any goods that could be considered as the geographical indication under the Geographical Indications of Goods (Registration and Protection) 1999.
20. In the event the Recipient fails to comply with any of the obligations set forth herein, the Agreement may be terminated by the Provider by giving certified notice for compliance within 30 days of receipt of the said notice failing which the Provider shall be at liberty to take legal action under applicable laws including the Biological Diversity Act, 2002.
21. Disputes if any, shall be referred to the Gram Panchayat under notice to the Biodiversity Management Committee, State Biodiversity committee and the National Biodiversity Authority for adjudication / settlement.

Dated this the ..... date at .....place

Provider :

Recipient:

Witness 1:

Witness 2:

BDA	Biological Diversity Act 2002
BR	Biological Resource
PIC	Prior Informed Consent
TK	Traditional Knowledge
Schedule A	Suggestive list of forms of benefit sharing as laid out in the Nagoya Protocol
Annexure A, B, C, D & E.	Additional sheets appended if required under points 1, 2, 4, 5 & 8 respectively

## SCHEDULE A

1. Monetary benefits may include, but not be limited to:
  - (a) Access fees/fee per sample collected or otherwise acquired;
  - (b) Up-front payments;
  - (c) Milestone payments;
  - (d) Payment of royalties;
  - (e) Licence fees in case of commercialization;
  - (f) Special fees to be paid to trust funds supporting conservation and sustainable use of biodiversity;
  - (g) Salaries and preferential terms where mutually agreed;
  - (h) Research funding;
  - (i) Joint ventures;
  - (j) Joint ownership of relevant intellectual property rights.
2. Non-monetary benefits may include, but not be limited to:
  - (a) Sharing of research and development results;
  - (b) Collaboration, cooperation and contribution in scientific research and development programmes, particularly biotechnological research activities, where possible in the Party providing genetic resources;
  - (c) Participation in product development;
  - (d) Collaboration, cooperation and contribution in education and training;
  - (e) Admittance to ex situ facilities of genetic resources and to databases;
  - (f) Transfer to the provider of the genetic resources of knowledge and technology under fair and most favourable terms, including on concessional and preferential terms where agreed, in particular, knowledge and technology that make use of genetic resources, including biotechnology, or that are relevant to the conservation and sustainable utilization of biological diversity;
  - (g) Strengthening capacities for technology transfer;
  - (h) Institutional capacity-building;
  - (i) Human and material resources to strengthen the capacities for the administration and enforcement of access regulations;
  - (j) Training related to genetic resources with the full participation of countries providing genetic resources, and where possible, in such countries;
  - (k) Access to scientific information relevant to conservation and sustainable use of biological diversity, including biological inventories and taxonomic studies;



- (l) Contributions to the local economy;
- (m) Research directed towards priority needs, such as health and food security, taking into account domestic uses of genetic resources in the Party providing genetic resources;
- (n) Institutional and professional relationships that can arise from an access and benefit-sharing agreement and subsequent collaborative activities;
- (o) Food and livelihood security benefits;
- (p) Social recognition;
- (q) Joint ownership of relevant intellectual property rights.





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