

| | | |
|--|-----------------------------------|--|
| Institution: University of Central Lancashire | | |
| Unit of Assessment: UoA 30 Philosophy | | |
| Title of case study: <u><i>Fair benefits for use of San communities' Traditional Knowledge under the UN Convention on Biodiversity</i></u> | | |
| Period when the underpinning research was undertaken: 2003-2019 | | |
| Details of staff conducting the underpinning research from the submitting unit: | | |
| Name(s): | Role(s) (e.g. job title): | Period(s) employed by submitting HEI: |
| Prof Doris Schroeder (DS) | Professor and Centre Director | 2002-present |
| Dr Kate Chatfield (KC) | Senior Research Fellow and Deputy | 2001 - present |
| Dr Miltos Ladikas (ML) | Senior Research Fellow | 2003 – 2019 |
| Dr David Coles (DC) | Senior Research Fellow | 2007 - 2018 |
| Julie Cook (JC) | Research Fellow | 2005 – present |
| Period when the claimed impact occurred: 2017-present | | |
| Is this case study continued from a case study submitted in 2014? N | | |
| 1. Summary of the impact (indicative maximum 100 words) | | |
| <p>The indigenous African San peoples have provided valuable knowledge to outsiders for centuries, yet as traditional healer Jan Van Der Westhuizen, says: “My great forefathers died in poverty, whilst they had provided such deep knowledge for those on earth.” [A]. In March 2019, the Rooibos tea industry signed a benefit sharing agreement with San Traditional Knowledge holders to achieve, according to <i>Nature</i>, fairness for indigenous peoples after “more than a century of exploitation” [B]. “The biggest benefit sharing agreement between industry and indigenous peoples to date” [3] ensures fair benefits to the San community in exchange for their traditional knowledge on the use of the Rooibos plant. From 2020, a share of Rooibos tea profits estimated at GBP352,000 p.a. will be paid into a San Trust fund to improve livelihoods amongst an extremely impoverished community.</p> | | |
| 2. Underpinning research (indicative maximum 500 words) | | |
| <p>The San peoples of Southern Africa are among the most researched communities in the world. San Leader Mario Mahongo expressed the concern that “researchers ... see us as museums”, not as human beings [C]. One of the main commercial research interests is San Traditional Knowledge (TK) of Southern African plant species and their potential uses in modern medicine, pharmaceuticals and well-being products.</p> <p>Since 1992, the UN Convention on Biodiversity (CBD) (1993) and its Nagoya Protocol (2010) have required the fair sharing of benefits from the use of plant, animal or micro-organisms with TK providers. It is no longer legal for researchers from high-income settings to access resources in biodiversity-rich, but lower-income settings, without mutually agreed terms with the TK holders [4, 5].</p> <p>In 2003, Schroeder established a collaborative venture between the University of Central Lancashire and the San, regarding benefit sharing for an alleged appetite suppressant, the</p> | | |

Hoodia succulent, which Pfizer and Unilever wanted to develop into dietary products [4]. European Commission and Wellcome Trust funding was subsequently obtained to identify barriers and facilitators to good practice in benefit sharing globally, and to address related inequalities under the CBD.

The San community have consistently fed into this research [4] and simultaneously benefitted from it; through participation in co-formulating research focus and design, workshops and outputs (see examples in Diagram 1).

Diagram 1 – San Involvement throughout the Research Process



Over almost two decades of work on benefit sharing [1, 2, 4, 5]. Schroeder has “**consistently been one of the most perceptive thinkers on this incredibly pressing and difficult cluster of topics**” [5]. Her work on models of fair benefit sharing and the nature and scope of researchers’ responsibilities in public and private sectors “**has played an unmatched role in setting the international benefit sharing agenda**”, according to Prof. Michael Parker, University of Oxford [5]. Schroeder has acted as an expert advisor at an international policy level for key organisations including: The World Health Organisation, the European Commission, the United Nations Environment Programme, the Wellcome Trust, the Netherlands Organisation for Scientific Research and the National Research Foundation South Africa.

Schroeder's research had direct impact on the negotiations for the Rooibos Agreement. **“The San leadership was ... aware of the Chiapas [5] ... case, where benefit sharing negotiations had collapsed because agreement amongst several groups could not be achieved”** [3], encouraging the San to build collaborations with co-TK holders, the Khoi community and small-scale farmers [3]. As Chair of the South African San Council, Collin Louw, noted in his speech at the launch of the Rooibos Agreement:

“Throughout the negotiations we considered and applied the values ... formulated as part of an international project called “TRUST” ... [led by Schroeder] The four key values we expect in negotiations with others are 1. Respect, 2. Honesty, 3. Justice and Fairness, and 4. Care” [F].

Schroeder's research outputs have also shaped how the financial impact of the Rooibos Agreement will be distributed amongst the San community. The San Trust will base **“all operations, functions and administration [on] ... respect, honesty, fairness and care”** [D]; a system of four-values developed by Schroeder's team, which included San representation throughout [6].

The long-term collaboration between the San and Schroeder's team has yielded four international research projects. A Wellcome Trust PhD scholarship for the San's lawyer Dr Roger Chennells, built further capacity and engagement (see below).

3. References to the research (indicative maximum of six references)

All peer-reviewed.

- Schroeder, D., Ladikas, M., Schuklenk, U., Díaz, C. L. L., Kleinsmidt, A., Alvarez-Castillo, F., Feinholz, D. (2005). Sharing the benefits of genetic research: Will the World Trade Organization act to stop the exploitation of biodiversity? *BMJ: British Medical Journal*, 331(7529), 1351. <https://doi.org/10.1136/bmj.331.7529.1351>
- Schroeder, D. (2007). Benefit sharing: it's time for a definition. *Journal of Medical Ethics*, 33(4), 205-209. <http://dx.doi.org/10.1136/jme.2006.016790>
- Schroeder, D., Chennells, R., Louw, C., Snyders, L., Hodges, T. (2019). The Rooibos Benefit Sharing Agreement – Breaking New Ground with Respect, Honesty, Fairness and Care, *Cambridge Quarterly of Healthcare Ethics*, 29(2), 285-301. <https://doi.org/10.1017/S0963180119001075>
- Wynberg, R., Schroeder, D., Chennells, R. (eds) (2009). *Indigenous peoples, consent and benefit sharing: lessons from the San-Hoodia case*. London: Springer. <https://www.springer.com/gb/book/9789048131228> (Supplied on request)
- Schroeder, D., Cook Lucas, J. (eds) (2013). *Benefit Sharing – From Biodiversity to Human Genetics*. Berlin: Springer. <https://www.springer.com/gb/book/9789400762046> (Supplied on request)
- Schroeder, D., Chatfield, K., Herrisone-Kelly, P., Singh, M., Chennells, R. (2019) *Equitable Research Partnerships: A Global Code of Conduct for Research in Resource-poor Settings*. Berlin: Springer Briefs in Research and Innovation Governance. <https://www.springer.com/gp/book/9783030157449> (Open access)

| Project name | Years | Funding |
|---|---------------|----------------------------|
| BESHA Benefit Sharing with Developing Countries | 2004- 2005 | EC €79,913 |
| PIC Prior Informed Consent and Benefit Sharing | 2006- 2008 | Wellcome TRUST £140,595 |
| GENBENEFIT | 2006- | EC FP6 |

| | | |
|--|-----------|---------------------------|
| Genomics and Benefit Sharing with Developing Countries | 2010 | €548,639 |
| TRUST Creating and enhancing TRUSTworthy, responsible and equitable partnerships in international research | 2015-2019 | EC H2020 €2,650,960 |
| PhD Scholarship Equitable Access to Human Genetic Resources | 2011-2014 | Wellcome Trust £94,979 |

4. Details of the impact (indicative maximum 750 words)

The Rooibos Benefit Sharing Agreement was announced on 1 November 2019 by Barbara Creecy, South African Minister of the Environment, Forestry and Fisheries, together with the agreement partners.

A significant agreement under the UN CBD with considerable benefit sharing funds

Shortly after the ministerial launch of the agreement, *Nature* reported about the “**landmark agreement**”, and “**historic achievement and a model for other countries and industries**” [E]. *Nature*’s reporting on the Rooibos Benefit Sharing Agreement was significantly based on Schroeder’s academic outputs [H].

As a result of the Rooibos Benefit Sharing Agreement, an estimated ZAR7,500,000 (approx. GBP352,000) will be paid annually into the Andries Steenkamp Benefit Sharing Trust (retrospectively from March 2019).

An ethical framework for the use of funds from the benefit sharing trust

These funds will be distributed by the Trust based on the four-values system of fairness, respect, care and honesty, developed by Schroeder and colleagues [6]. Trust payments will “**assist San communities in their endeavours to protect their traditional knowledge and related biodiversity, to protect their cultural heritage, to advance their education and development and to improve their livelihoods**” [D].

Based on the World Bank purchasing power parity conversion factor, the realistic purchasing power for this sum in South Africa is approximately GBP700,000 per year. This financial impact is far-reaching for such a highly impoverished community, spread wide apart in the Northern Cape mostly around Upington and Kimberley (355km apart). Schroeder’s work has made significant contributions to this long-term impact. Over nearly two decades, it has facilitated an embedded and empowering approach to ensuring fair benefits for the San in interactions with researchers, the media, industry and government. The Rooibos Benefit Sharing Agreement provides yearly income to support TK and cultural heritage protection, provide education and support livelihoods.

Further cultural benefits and empowerment for the San people

The minutes of the South African San Council on 23 July 2020 thanked Schroeder for the: “**significant benefits amongst the San ... with Hoodia, Buchu, Sceletium and Rooibos benefit-sharing agreements**” [G]. Two examples of ‘added value’ and reach of the impact are given below.

A world-class San museum (!Kwa ttu) was launched in September 2019 near Cape Town, funded by a Swiss philanthropist. Schroeder’s collaboration with the museum was requested

by the director and San advisors, to develop two video screen panels to showcase the San's work on ethical benefit sharing and embed the concept and practice. The panels went live in Dec. 2020 [J]



World class museum at !Kwa ttu: <https://vimeo.com/345703883>

The capacity-building experiences of developing the Rooibos Benefit Sharing Agreement have additionally empowered the San to negotiate fair benefits where wider intellectual property rights (IPR) are concerned, and as the general population become accustomed to these concepts. For example, the values of fairness, respect, care and honesty were applied to agree IPR and remuneration in relation to a successful theatre production.

The Dancing Language was performed at the Artscape Theatre in Cape Town in 2018, and in Stellenbosch in 2019 [I]. It features the life story of then 85-year old Ouma Geelmeid, the last San to speak the click language N|uu fluently.

The creators of the piece are “**extremely sensitive about the San community and the respect Ouma’s story deserves...[and] consulted widely with the San Board**” [I], who in turn based their negotiations on fairness, respect, care and honesty. As a result, “**the intellectual property of Ouma Katrina’s narrative itself remains her property through the San Board**”. “[I]nitial deliverables from the production include a classroom *cum* library for the children of Ouma’s small school” [I].

A century of exploitation according to a *Nature* editorial [B], ending with large and small steps, supported by almost two decades of ethics research.

5. Sources to corroborate the impact (indicative maximum of 10 references)

- A. Youtube video: Protecting San Indigenous Knowledge, <https://www.youtube.com/watch?v=HOdw3mv7JSo> at 8:23
- B. NATURE editorial, Global lessons from South Africa’s rooibos compensation agreement, <https://www.nature.com/articles/d41586-019-03488-2>
- C. Youtube video: Respect, <https://www.youtube.com/watch?v=jMhCUNw9eAo> at 0:31
- D. Andries Steenkamp Trust Deeds
- E. NATURE article, Linda Nordling, Rooibos tea profits will be shared with Indigenous communities in landmark agreement, <https://www.nature.com/articles/d41586-019-03374-x>
- F. Speech of Collin Louw at the launch of the Rooibos Agreement 1 Nov 2019
- G. Workshop Minutes South African San Council, 23 July 2020
- H. Letter from Linda Nordling
- I. Katrina : Die dansende Taal premiered at Artscape, <https://www.artscape.co.za/katrina-die-dansende-taal-premieres-at-artscape/> or in case it is taken off, available as pdf
- J. Email from Leana Snyders, Director of the South African San Council to Schroeder, with photo