



NATURAL JUSTICE

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and
Benefit
Sharing

ABS Capacity Development
Initiative for Africa



African Bio-Cultural Community Protocol Initiative (BCP) & Power in Multi Stakeholder Processes (MSP)



Review Meeting
Wa, Upper West Region, Ghana
18-22 June 2012

Table of Contents

Executive Summary.....	3
Getting Started.....	5
Negotiating BCPs: Stakeholder and Power Analysis.....	17
Synthesis on Negotiating BCPs.....	23
Field Visit to Nadowli Shea BCP.....	29
Deepening BCP Review.....	30
Deepening BCP Processes & Impact through Peer Review.....	36
Finalise BCP Process, Impact & Challenges Ahead.....	46
The Road Ahead.....	50
Appendix A: Participant List.....	53
Appendix B: Workshop Schedule.....	54
Appendix C: Evaluation of CIKOD Facilitation.....	60

Executive Summary



The African Biocultural Community Protocol Initiative and Multi-Stakeholder Processes Review Meeting was held from 18-22 June, 2012 in Wa, Ghana. The gathering brought together Initiative participants, partners and funders from across Africa and Europe to review the progress of the Initiative communities from Ghana, South Africa, Ethiopia, Kenya, Namibia and Burkina Faso in developing biocultural community protocols (BCPs) and using them in multi-stakeholder processes (MSPs). The review revealed numerous successes and challenges at the community level, and saw the emergence of clear lessons learned that will be vital for participants in continuing their work and deepening their BCP processes for communities developing BCPs and engaging in MSPs in the future, as well as for researchers and policy makers around Access and Benefit Sharing (ABS), Free, Prior and Informed Consent (FPIC), and the intersection of human rights and environmental conservation generally.

The gathering began with the development of “rich pictures” of communities’ BCP development processes. Through presenting these pictures, all participants were informed on the challenges faced by each community and the unique processes each community used in developing their BCPs. This creatively established a foundation of common knowledge for the rest of the gathering.

This was followed by a presentation of the concepts behind multi-stakeholder processes (MSP), a review of the progress made by communities in Lamu, Kenya on a MSP on the development of a mega-port, as well as the MSP of the community of Tanchara, Ghana around gold mining. These sessions included an engaging role-play and more detailed presentations and were followed by a rich discussion by all participants on the relationship between MSPs, BCPs, and the lessons community representatives could take from the MSP experiences to further dialogue processes with external actors in their own contexts.

This was followed by a shift to more detailed introspection on the relationship between BCPs and negotiation in each community based around the seven key questions for BCPs and negotiation put forward by a recent IIED article.

On Day Three, participants visited the community of Dafiama to better understand the community perspective on the development of a BCP around the conservation of Shea trees. This visit included detailed discussions with Shea harvesters on Shea harvesting and the production of Shea butter, as well as a forum with traditional leaders and community representatives presided over by the community's chief.

Day Four shifted the focus to specific lessons learned from the BCP processes. This began with a detailed review of the development of BCPs where each community, along with communities with similar issues, was asked to review its BCP according to key phases and issues selected by the entire group, namely: process, facilitation, negotiation, ABS, process versus product, key steps, impact, FPIC, and legal support.

The robust discussions that resulted from this conversation led to the identification of a number of key points under which the lessons learned from the entire week that could be consolidated. These were the importance of organising around a clear objective, the need for representative community governance structures, the importance of having a clear entry point, the role of NGOs as internal facilitators and translators of community values to the outside world, the value of BCPs serving as both processes and finished products, the vital role of government in recognising protocols, the need to increasingly approach issues from a regional perspective, the value of clear and consistent documentation, the need for meaningful legal support, and the importance of monitoring these BCP processes.

The workshop closed with community representatives detailing their plans for the road ahead and presenting these to the community with an understanding from all participants that the previous year had yielded valuable lessons for the next phase of work under the continuing African Biocultural Community Protocol Initiative.

Getting Started

WELCOME AND INTRODUCTIONS:

Willie Laate, CIKOD, introduced the session and asked participants to reflect on their expectations of the review meeting. He asked the main sponsors to share.

Bern Guri, CIKOD asked all participants to share their names. He called upon the ancestors of the Upper West region to thank them for the safe journey and the opportunity to meet. He expressed his pleasure that the meeting was in Wa rather than Accra. He noted the traditional chief of the region's pride at hosting such a conference with people from all over Africa and Europe.

Barbara Lassen, ABS (Access Benefit Sharing) Capacity Development Initiative thanked CIKOD for hosting and for the 10-hour bus ride, welcomed the participants and expressed general hope for the conference.

Wim Hiemstra, ETC COMPAS, asked participants to join with him in using a yoga symbol which reflected participants wish to share experiences and learn from the review meeting.

Gino Cocchiaro, Natural Justice, welcomed the participants and looked forward to the process of reviewing BCPs and their interactions with MSPs. He thanked the ABS Initiative for their support and ETC COMPAS and CIKOD for their partnership. He highlighted that after a year, it is now interesting to see lessons from the development of BCPs and the use of MSPs, especially given how new BCPs and MSPs are.

SETTING THE CONTEXT AND AGREE OBJECTIVES:

Kobina Esia-Donkoh, University of Cape Coast, acted as facilitator and introduced his name's meaning, and asked everyone to share their name's meaning.

Participants were asked to reflect on the listed objectives for the review meeting and seek clarification and/or further information if necessary:

Overall objectives of the meetings:

1. Share lessons on the process and outcomes of the biocultural community protocol (BCP) processes in the pilot and peer learning countries;

2. Share lessons from key findings for BCPs that are applicable in the access and benefit sharing (ABS) context;
3. Share lessons from the piloting of multi-stakeholder power (MSP) analysis as applied in BCP processes by CIKOD and Lamu;
4. Assess the roles played by the different partners in the implementation of the Africa BCP Initiative;
5. Discuss the way forward for the BCP initiative in Africa;
6. Interact with local communities engaged in Shea BCP development.

Participants asked for deeper insight on each objective to understand the intent behind them. Wim explained that the first objective is to review the lessons learned from the BCPI process. The second is to link the BCP process to Access and Benefit Sharing and to understand that linkage more fully. The MSP process was explained for those who had not participated in it and the linkages between BCPs and MSPs were made explicit.

Participants sought clarification on where the experience of BCP fits in with the broader legal framework of community rights and the broader global debate. It was pointed out by the organisers that it was useful to have updates on ABS developments and Gino, Natural Justice, was to present these to the group during the week.

On objective number 4, Wim clarified that by “partners”, this meant partners of the Initiative. He pointed out that there were lessons to learn about the BCP in how stakeholders are engaged in the MSP process.

Wim gave some background to the BCP Initiative in order to clarify the objectives: the Initiative involves the countries of Ghana, Kenya and South Africa with learning countries of Burkina Faso, Benin, Namibia and Ethiopia. Natural Justice and ETC had been working in these countries before setting up the Initiative and the Initiative sought to build on those experiences. The purpose of the review meeting is to bring all the experiences together, discuss lessons learned so far and plan for the future.

Work on BCPs is also occurring in Asia and South America - the Asian BCP Initiative is running parallel to the Africa one. It was agreed that a Global Exchange to review the experiences and lessons would be valuable in the future. Natural Justice are involved with many of the BCP processes around the world and it is important to consider means of sharing lessons between Asia and Africa and how to make connections at national, regional and global levels.

EXPECTED OUTCOMES

- Enhanced capacities of BCP partners to appreciate, advocate and engage on BCP issues
- Lessons on the BCP process for community (legal) empowerment and ABS and other thematic areas from both pilot and peer countries shared and assessed
- Lessons learnt from MSP on using BCP for negotiation and dialogue discussed
- Draft contributions for the BCP Toolkit
- Action plans for applying and up-scaling the BCP process developed
- ED – training: To learn different understandings of “development” and appropriate tools to ensure inclusiveness of different worldviews and cultural resources in programme planning and BCP development
- Draft workshop report

RICH PICTURES

Participants were asked to carefully consider how to visually map their BCP processes in the form of rich pictures. The following are the rich pictures along with a summary of how they were described.

ILKESUMETI BCP KENYA

With emerging conflict over land tenure security in Ilkesumeti, most notably lands taken by an area councillor and member of a specific family, the BCP is being developed to assert community rights over land and to open dialogue on how to manage community land held individually or collectively. The BCP will be used as a tool when there is a conflict over natural resources and land grabbing. A committee has been identified by the community and they will work as a conflict resolution team. They approached the local government and received an information document on land ownership. The community are now in the process of asking the government to change land title from its current status to name the community as owners - particularly on land been used for community utilities.

LAWRENCE SENTERO LESEI, MPIDO



LESSONS & CHALLENGES

- This is the strongest example of BCP being used for community management of land
- BCP being used to set rules to reach internal consensus and as a tool for conflict resolution
- Community interest is high but participation of women a concern,
- BCP can be used to control the level of land sale once agreement is obtained in community.
- Pastoral practices will end if the land grabbing continues
- People want to own land
- Whether to sell land or not is a struggle for people
- NGO in the process of building the document and putting in Swahili, Masai and English
- Suggestion was made that there should be a separate meeting for the women
- Culture and issue of culture is in all of this work.

KHWE COMMUNITY

THADEUS CHADAU, KARAMACAN ASSOCIATION & FRIEDRICH ALPERS, IRDNC, NAMIBIA

The Khwe community live in the Bwabwata National Park but they have no formal land rights as the land is state owned. The picture shows children and the massive amount of information that the community have on the area. The bird is one that traditionally leads to honey and in the picture leads to the treasure, which is land, freedom, and livelihoods. It has black and blue lines of jealousy and objections from other actors, which is also represented by a tear in the paper. The divide is between a lion of conflict and the bird's treasure.

The community have, over the years, been continually shifted from one part of the park to another by the Namibian Government. This is a land battle that has extended for over 20 years, though the community are now part of the CBNRM (Community Based Natural Resource Management) programme, endorsed and led by the government within this community. The option was to continue living with the park with no rights or to engage with the CBNRM programme and develop trust and goodwill with the Government. The CBNRM programme has resulted in a co-management arrangement of the national park between community and government. The community contribute positively to the management of the national park and they receive tourism and hunting concessions from the Government. The current approach is to help the Government recognise that the community have a sustainable approach to the use of natural resources within the park and



are sustaining park resources. This has caused friction between communities - neighbouring traditional authority chiefs do not like the arrangement and are jealous that the Khwe community have received these concessions.

The process focuses on the incredible knowledge on biodiversity of the community. The process of facilitating the sharing of this knowledge has begun with some engagement of women though this continues to be limited. The benefits are tied to the knowledge held by the community and the potential to generate income as needed. There had been a conscious decision to avoid a legal approach to land protection and instead to focus on conservation.

Within the community there exists an enormous amount of indigenous knowledge about the trees, plants and their uses within the national park. Women in particular hold an enormous amount of knowledge. Knowledge is wealth for this community and it is important to affirm this by introducing a BCP approach. People living in bordering countries are interested in what is happening within the Khwe community.

LESSONS & CHALLENGES
<ul style="list-style-type: none">• To consider whether to make a court case to acquire the land or to engage in CBRNM was an issue for the community• Using BCP to document the rich traditional knowledge within the community would be important/exciting• Ownership of resources – using the BCP for this• Strategic involvement of Govt – when should this happen• Focusing the community was important to ensure that they take ownership of the process• Women’s role in facilitation and participation• Building trust with the government their relationship with the community changed and this led to ABS• Now this group receive the highest income within the CBRNM programme

WASO GRAZING LAND
BCP

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BCP

The diagram is a circular flow chart illustrating the governance and policy framework for the Waso Grazing Land. It consists of several concentric circles and a central area. The outermost circle is labeled 'WDRIP' (World Development Report) at the top and 'National Policy' at the bottom. The next circle inward is labeled 'Development Project' on the right and 'Basic Policy' below it. The innermost circle is labeled 'HAP' (Harambee! Action Plan) and contains illustrations of animals (cows, sheep, goats) and people. Arrows indicate the flow of influence or policy from the outer circles into the central area. The text 'WASO GRAZING LAND' and 'BCP' (Basic Community Plan) are written above the diagram.

LESSONS & CHALLENGES
<ul style="list-style-type: none"> • Using BCP as a tool to highlight migratory patterns and the use of resources • Scoping study/ background study done before the BCP to understand community structures, institutions, power dynamics and to define the key problem of grazing • Using the BCP for documenting resource governance and customary laws

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the Red Maasai sheep livestock keepers to continue keeping the sheep, as well as asserting community ownership over the Red Maasai genetic resources.

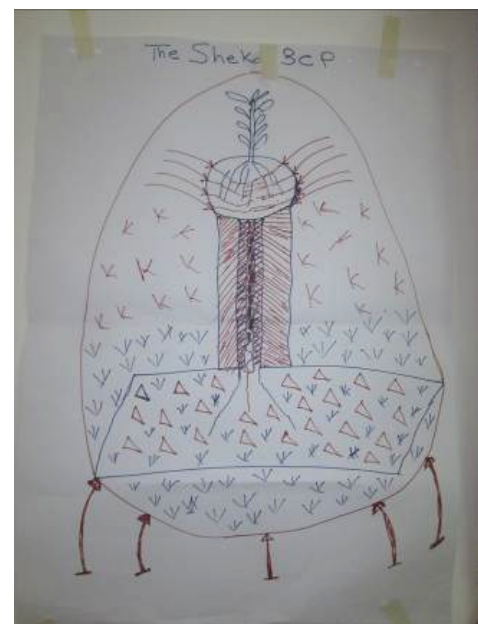
A conflict had also broke out in one of the neighbouring communities when mining prospectors were given licences by the local government but the community were not compensated for the minerals that were been taken out of their community. The pastoral community are very oral and this community heard about the BCP and wanted to develop one on how they should deal with the mining prospectors.

LESSONS AND CHALLENGES
<ul style="list-style-type: none"> • How can the BCP be shared with other communities in Samburu to widen its impact • Using BCP to negotiate getting benefit sharing arrangements together with other Red Masai Sheep keepers • Looking at bringing in researchers to see how to develop arguments to sustain the rearing of the sheep, and to then feed this information back to the community • Develop the framework now for using the BCP as a tool for engagement with external interests, including ABS • BCP use as a tool to protect the traditional knowledge of the community • Researching the added benefits from the sheep and using this to develop value chains for livestock and livestock products • Lobbying at national and international levels and using international partners to strengthen the recognition • Pastoralists have a rich oral traditions – how can the BCP reflect this

SHEKA BCP, ETHIOPIA

MERSHA YILMA ZELEKE

Mersha began by explaining that the base of the photo represented the foundation of community input to the BCP. Each symbol represented input from the community, the Ethiopian Government and MELCA. The inner pillar on the picture represents MELCA's contribution to the process, with the right (larger) side representing the community's contribution and the left side being the Government's contribution.



MELCA, an NGO, initially held meetings with the community to detail the benefits of developing a BCP in the context of their sacred site – the Sheka Forest - and why it would be of use to them. Consultations were held and the community decided to map all the sacred

sites in two districts, outlining the purposes they served. Based on this, a BCP was developed. MELCA suggested to the community, two possible methods of development of the BCP – community reps could come together and develop the BCP or MELCA could develop it and present as a draft to the community. As Ethiopia has ABS laws and the BCP had to be developed in the context of this law, the community opted for MELCA to work on the draft.

The basic draft outline of the BCP was taken to the community for contribution by clan leaders. They enriched the BCP to a great extent. Government actors also contributed to the BCP with representation from the departments of Tourism, Agriculture, Forest Management and others. They lodged numerous objections but in principle appreciated the BCP. The BCP is now being finalised through engagement with community representatives and local government officials.

<p>LESSONS & CHALLENGES</p> <ul style="list-style-type: none"> • Political context in Ethiopia is such that the BCP was developed in a collaborative manner between government and community. • There are restrictions and limits to developing the BCP as it needs to be in line with National ABS laws in the country • Clan leaders are represented on the community side and the government do not want them to represent the community but would prefer representatives from Kebele (smallest political administrative unit). But MELCA wanted clan leaders as they knew they were best placed to communicate accurately the BCP to the community • The BCP is currently pending – it has been presented to local government decision makers • Community representatives: how to deal with who develops the BCP is an issue • Using national laws where they exist • The importance of working with government from beginning • Approach of working with government/using laws/ or being adversarial – what entry points/strategy to use with a BCP • Issue of role of NGO who introduces the BCP concept to communities

SAVE LAMU BCP, KENYA

WALID ALI AHMED, SAVE LAMU; PILLY LORNA OMARA, PSO; PAUL (USAMA) GOLDSMITH

Walid explained the enormous pressures put on the communities of Lamu because of the LAPSET project in Lamu County. Whilst there are attempts to suppress the communities, work has been done to support the communities to develop their own strengths. From these strengths and practices a BCP has been drafted. A cloud of donor support hovers over Save Lamu, and it now has support from Natural Justice and ETC COMPAS. A legal petition to halt the port construction has been developed and is currently in the court process. Some of

the challenges arise from the port construction, as well as from the government and the investors. There is limited technical capacity within Save Lamu to fully deal with these issues.

LESSONS & CHALLENGES

- Participation of a large number of communities – logistical issues (funding & time)
- Using regional/international laws
- Defining community – BCP as a tool for unification
- Capacity needed to support BCP process
- NGO support – different BCP groups coming together in Kenya
- Issue of how to engage BCP in areas of conflicts advocacy vs dialogue – (branding the BCP as a ‘friendly’ process)
- Capturing political opportunities. In Kenya at the moment there is a process of constitutional reform taking place and government are receptive to issues at the moment
- Impact of political climate

TANCHARA MINING BCP

Dan began by presenting the story of the Tanchara community who work with CIKOD to assert management of their traditional natural resources. Gold was discovered in the community and bulldozers arrived to begin the process of removing the gold. CIKOD and the community worked together to prepare a BCP to ensure that gold mining would respect their culture and spread the benefits within the community fairly. CIKOD trained community mobilisers who led the process of BCP development. They linked their cultural and spiritual practices to national and international law. Out of the process it became apparent that members of the community did not want mining at all as it would negatively affect the earth. The BCP was reviewed by Natural Justice.

The community and CIKOD sought to engage with the mining company, Azumah Resources, but the company has not engaged with the community. The community has thus far been able to protect their areas and the natural sacred groves but the future is still uncertain. The community has even begun to consider how they can extract gold themselves.

DANIEL BANUOKO & BERN GURI, CIKOD



LESSONS & CHALLENGES

- Respect/understanding/culturally sensitive ways of approaching communities
- Tools for process and participation
- Internal power dynamics
- Assessing power base
- Support of CIKOD
- Training and capacity building
- Where is the ED process in this would be interesting to unpack
- Strengthening internal governance
- Aims of business (dialogue) – process of dialogue and advocacy
- Government role in supporting the community; Legal framework
- Importance of political climate and taking advantage/opportunities this offers for building alliances
- An international exchange might be useful to share experiences/lessons (e.g. CHOCO)

SHEA BCP, GHANA**DANIEL BANUOKO & BERN GURI, CIKOD**

Dan presented on the Daffiama community and the Shea Tree BCP. He explained the close connection between the community and Shea. He told how Shea has been used to make significant money abroad. In the face of destruction of Shea trees and the linkages between culture and the Shea, CIKOD is assisting the community in developing a BCP to protect Shea. He noted the great difference between the spiritual and social value placed on the Shea by the community and the limited economic value that the community saw.

LESSONS & CHALLENGE

- Links with biocultural dialogues process
- Incentives (impact) visioning – value chain
- Realities of poverty versus conservation issues. If there is no income then parents cannot afford schooling for their children so how can you say to stop burning the trees for charcoal. Alternative income generation needs to be considered or value chain issues addressed
- BCP to build/facilitate capacity development
- Facilitate internal issues
- Gender
- Time/magnitude
- ABS
- Process of putting in place the BCP is a ‘product’ in itself

Negotiating BCPs: Stakeholder and Power Analysis

POWER IN MSP ACTION RESEARCH PROGRAMME

WIM HIEMSTRA, ETC COMPAS

Wim presented on the background to ETC COMPAS's work on multi-stakeholder processes (MSPs). Six Dutch NGOs and two local partners are working together on this programme. A methodological framework and set of tools were prepared to analyse the power dynamics in relationships. Research on this issue is being carried out in two pilot areas through the BCP Initiative – Tanchara, Ghana and Lamu, Kenya. The purpose of this work is to assess how the BCP tool is enabling the least empowered in communities to negotiate and to elicit the best strategies/tools to facilitate this negotiation. The Ghana and Kenya case studies are important because BCPs offer a foundation for balancing power dynamics and Wim expressed hope that all the participants could enrich the process by sharing their thoughts and experiences. He emphasised that the assumption that all negotiators in a process have the same power levels is flawed and that the MSP process is based on understanding underlying power dynamics.

Multi-stakeholder processes were defined as processes of interactive learning, empowerment and collaborative governance that enables stakeholders – with common longer term objectives but different interests – to be collectively innovative and resilient when faced with emerging risks, crises and opportunities of a complex and changing environment. Wim then presented a template diagram that documented all of the primary steps in a general, hypothetical MSP. Wim shared that some people argue that when all stakeholders in the room they can come to a trust-based agreement. Wim argued that this neglects massive power imbalances which lead to skewed results based on domination.

Wim defined power, describing it as the ability to influence or control people or events or the capacity to achieve a purpose. He clarified that power is not only power *over* (domination) but can also be power *to* (capacity as power base), power *with* (joint power) or power *within* (self-esteem). These last three 'powers' can reduce the strength of power *over* (domination).

Wim presented the specific research questions related to using MSPs with BCPs. These questions included the analysis of power dynamics between local actors and external stakeholders in Kenya and Ghana and researching whether BCPs are suitable tools for

communities in MSP situations. He also asked what the implications are for international policy debates including the CBD.

He identified seven key questions for the methodological framework of researchers:

Who are the stakeholders; what are their interests; how is the problem framed and by whom; what are key resources of key stakeholders; what are resource dependencies between key stakeholders; what are the decision-making rules, and have the least empowered been able to influence the decision making rules?

From the research, it has emerged that there are less considerable power inequalities around value chain issues than there are in natural resource issues. Based on this, he asked whether MSPs are still suited to both contexts. In situations with high power inequalities, negotiations can be the only option whereas dialogue is possible in lower power inequality situations. With lower power inequalities, MSPs can be suitable where there is a common goal or ingredients for learning. With higher power inequalities there needs to be specific problems to address.

DISCUSSION

- Barbara asked about the high and low power inequalities and whether it was a difference of interest or a difference of power. When dealing with natural resource issues over land and water for example, inequality in terms of power relations is higher and there is more conflict in the discussions and negotiations, more so than when it is value chain issues. It was suggested that maybe this is because in a multi-stakeholder group looking at value chain issues there are more common areas of interests to work towards e.g. business people want to make things work so that they can do their business.

STAKEHOLDER AND POWER ANALYSIS IN GHANA

EMMANUEL K. DERBILE

Emmanuel presented an analysis of the MSP process that was carried out in Tanchara in relation to gold mining. He began by explaining that CIKOD had maintained a solid relationship with the community for a long time and then identified the key internal and external actors in the BCP process. Internal actors included the reagent, chief elect, council of elders, custodians of the land, pognabe (queen mothers) and women traditional leaders, and the youth. The mining company, CIKOD, elites, local government and small-scale miners were listed as external actors.

He organised interests and goals into three categories: proponents who supported mining at all costs; supporters who wanted environmental and developmental concerns recognised; and those were fully opposed to any mining. Many of those who were opposed are the

custodians of the area's culture and sacred sites. He noted the difficulty in reaching consensus positions given these divides.

On problem framing, Emmanuel noted the different concerns of five different key actors: CIKOD is concerned with the inadequate attention to community development issues; Azumah (mining company) feel that the community lacks awareness on national legislation and policies; community members fear losing land and livelihoods; the traditional chief elect seeks the community's economic interests in the mining, and; the small-scale miners fear the loss of livelihood opportunities.

The BCP has strengths within this context as learning and empowering process. Through the process of developing the BCP, it raised knowledge and awareness, is a base for evaluating community positions and traces shifting positions/attitudes on mining within the community.

The process has resulted in some key lessons:

- The importance of honesty and transparency;
- Communities and their power structures must be understood;
- Effective participation cannot be rushed but must happen at the community's speed/pace;
- The key actors need to have the willingness to engage;
- Awareness of rights and community assertion is key;
- Documenting sacred sites and cultural practices is also critical;
- Internal differences within key stakeholders are also important to consider.

CIKOD have been engaged with the community over a long time and this allowed for trust to be built. The community are very empowered to speak on their own behalf on this issue and because of capacity building work already done, they have been able to organise themselves quickly.

DISCUSSION:

- Eben asked how the analysis of power could be balanced with the actor's knowledge of the analysis
- Gino asked for clarification on the balance between interests and power in this situation. He asked what brought Azumah back to the table
- Dan clarified that Azumah have been pushed out of the community and have not yet returned
- Emmanuel clarified that the traditional leaders and custodians believe the earth to be a living being and that mining would negatively affect the earth ('it will die')

- The BCP has emerged as tool to empower all stakeholders - even Azumah. The BCP is an opportunity to allow Azumah to re-engage with the community given they were chased away by the community. This reflects the work done by CIKOD in terms of capacity building within the community prior to work on BCP. The community are using the BCP as a standard for anyone wishing to mine - be it chiefs, community members or mining companies
- Power can shift. Azumah had to change its position to get what it wants but still sometimes they are happy to engage but other times don't
- Hassan asked about the authority for mining concessions in Ghana. In the MSP process, he asked about invisible power dynamics and how they had been dealt with.
- Emmanuel clarified that the government oversees mining concessions in Ghana but that the law makes space for community benefits. Informal/invisible power is present in the community and it is difficult sometimes to recognise this power. But Emmanuel noted that while the dynamics may be invisible, the outcomes are visible. CIKOD had to learn the power dynamics within the community as they started the BCP work. For example the Tingandeb are the custodians of the earth and are a major player when speaking about natural resource management issues. They may not speak in the wider meeting so CIKOD learned that they had to speak with them separately

S TAKEHOLDER AND POWER ANALYSIS IN KENYA

**USAMA PAUL GOLDSMITH &
PILLY LORNA OMARA**

Usama introduced the importance of the MSP in laying out the many layers and levels of power in any situation. At the local level, there can be great hesitance as many feel threatened in meeting with greater power holders. He emphasised the importance of voice, and ensuring that all actors in the negotiations are heard lest they seek to withdraw.

MSP has a rich tradition in Africa with its cultural protocols and the use of language and metaphor. One way of learning and analysing is through role-play and Paul facilitated a role-play with participants on power dynamics.

DISCUSSION

- Advocacy is vital to any change and how to engage the government effectively has to be part of what we do
- Sensitisation is vital when going into the community – this includes entry by NGOs
- There is a need to develop and present strong economic arguments and that these be informed by the experience of other communities where things have worked well
- We can use the BCP to tell the story to a wide audience of communities in relation to struggles of local communities and what is happening to their resources

- Sometimes there are historical differences in regions where the BCP is being developed and need to take communities through stages when building the BCP
- BCP helps to equalise – the BCP does not say to stop development but to equalise the issues to find a solution/situation where everybody gains

LAMU MSP PRESENTATION

Pilly presented a map of Kenya and its neighbours showing the LAPSET corridor. She described the context of Lamu including its population, demographics, land usage and a brief history of the area. She shared the tendency of projects in the area to ignore local community's input and the immense difficulties that exist around land security. There has also been continued resettlement of populations from other areas of Kenya that further displaces indigenous Lamu communities. She highlighted how the diverse communities and groups of Lamu are erased by the Kenyan government's broad grouping of them as 'Swahili'.



The Kenyan Government wants to develop the area as part of Kenya Vision 2030 and leaders say that they are seeking to end poverty. The problem, for the MSP process, was framed in the context of the 2030 vision, historical land issues, and other government concerns. The BCP is very important but things are happening very fast in this context and there will be much change in a short time. There is a need to use the BCP quickly because of the rate and amount of change in this area.

The key actors in the BCP process come from ten communities and the BCP seeks to reflect the traditions and culture of each of the communities. Secondary stakeholders include government, investors and regional states. She outlined the key interests of each of the key actors. The key resources of the key actors are natural resources for local communities and political power for local leaders. Save Lamu's resourceful supporters are also key assets. There are also numerous resource dependencies between actors. Government has loyalists in local leaders who help government to achieve its objectives. The LAPSET project creates export opportunities and Kenya's role in the Sudan peace process has built connections between Kenya and South Sudan.

Pilly talked about the tools they used to assess interests and power base. These included SWOT, a spider diagram, powerhouse and the interest and influence matrix. These tools were used to support strategic thinking and direction about the BCP. She also said that they viewed the BCP as an important tool to enhance the MSP process.

On the MSP Principles, she noted that it was important to appreciate complexity and inclusion, include democracy and flexibility, rejuvenate cultural institutions, empower actors with an aim to shift power, enable knowledge and understanding between all groups/actors, and promote collaborative efforts and engagements.

DISCUSSION:

- Hassan asked what the relevance of UNESCO status had in the Lamu situation
- Lamu is a historical site but UNESCO team have not published the report yet. There is a difference between what is said and what is done
- In Lamu, people from outside the area are being allocated the land – this is how the community view this port project. Middle classes in Kenya now see this region as a chance to get land and make money in the future as it is rich in natural resources
- Community given the land in settlement schemes by the government but on the proviso that they would produce something in 3 months. When they did not produce anything, the land was taken back
- Throughout the consultations and work with the communities, they used sayings, made poems to express their opinions rather than writing down

There was much discussion about which came first – BCP or MSP. Some thoughts included:

- MSP is used to inform BCP
- Assessing power dynamic within communities is important process in developing the BCP
- In Tanchara, Ghana, developing the BCP first empowered the community then engaging in the MSP meant the community spoke from an informed position.
- Ideally, a BCP is the basis for the MSP process.
- If you have the BCP document, then what is the next step? BCP not only used to negotiate
- Sometimes you cannot wait until the BCP is developed to engage stakeholders, in which case both processes are done in parallel

Synthesis on Negotiating BCPs

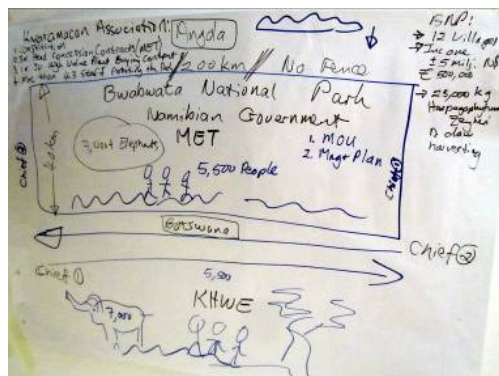
Group Work Exercise:

1. What is the (envisaged) negotiation / dialogue process for your BCP with external actors?
2. What are the power dynamics in your BCP process? How to deal with it?
3. Are the 7 questions (IIED, p 186) applicable for your BCP negotiation process?
 - Who are the key stakeholders?
 - What are their interests?
 - How is the problem framed and by whom?
 - What are key resources of key stakeholders?
 - What are resource dependencies between key stakeholders?
 - What are the decision-making rules?
 - Have the least empowered been able to influence the decision making rules?

Value Chains Group –

Khwe people Namibia; Kukulu Healers South Africa; Shea BCP Ghana

Facilitators: Kobina and Laureen



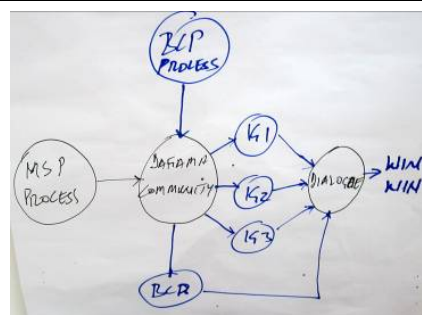
The Khwe community. Friedrich explained that there is no formal BCP but that there has been extensive dialogue with external actors. There is a mature process of negotiation on natural resources in place. Significant finances are already being earned by the community - a resource called Devil's Claw is already exported with benefits going to the Khwe community, but there are still significant issues to negotiate

The power dynamics are a balance between the Government-declared ownership of the National Park and the reality that the Khwe community continue to live in the area. The ultimate negotiation is around land recognition for the Khwe people but there is also a battle for resources within the park. Many high level contracts have been negotiated between the community and government. A community organisation with a constitution in some ways can function in a similar way as a BCP. The power dynamics are further skewed by two chiefs in the area who are not connected to the Khwe. There are political systems in

place to give them rights to land. The political power of the 2 chiefs is strong and they don't recognise the Khwe community. But due to contracts the benefits are going to the community.

The Shea BCP, when completed, will be used in an MSP.

Bern explained that Shea also produces high quality charcoal which makes conservation more challenging unless the women can earn more from Shea. The BCP process has been used to consolidate the community's interests and now interest groups have been identified and MSP is identifying the power dynamics. But how to engage in the dialogue process with external actors has not yet been done. The BCP is being used as a tool to facilitate a dialogue and not for negotiation.



After developing the **Kukula BCP**, traditional healers have gained more access to, and influence in, Community Development Forums (CDF) which are established by government at the local level. Rodney highlighted the way that the BCP process has established the healers as key actors who must be consulted on any issues of biodiversity conservation or plant harvesting.

4. What tools would you use for the BCP negotiation process?

Pastoralists Group

Ilkesumeti Kenya; Samburu Kenya; Waso Kenya

Facilitator: Paul

The group answered through a sketch. They began by focusing on what the objectives were of the BCP processes. The primary issue was community resources, out of which numerous power dynamics arose. BCP resources and the power dynamics balanced between the community and the external actors.



Sacred Groves Group**Save Lamu; Sheka Ethiopia; Tanchara Ghana****Facilitators Bas & Pilly****What is the envisioned negotiation/dialogue process for your BCP with external actors?****Lamu - Kenya:**

External actors need to be involved. Some councillors support the work of Save Lamu, and others support the government. There is a need to bring all actors, including the local stakeholders, together into a meeting to understand each other and getting acquainted.

Tanchara - Ghana:

So far, District level assemblies have participated in the community but also outside the community at the regional level. In the future, local government, regional government, and the council of minerals including the mining company will be included and CIKOD will become a participant in this process and an MSP researcher will facilitate the process.

Sheka - Ethiopia:

MELCA began a process with the clan leaders, explained the BCP process and promised cooperation. They then proceeded to map the sacred sites in the two districts with community involvement. The Government was then involved at the district level in the line ministries of culture and tourism who were introduced to the idea of mapping all the sacred sites in the zone.

The Government provided an expert to help map the sites together with the community representative. MELCA then called all the kebeles (administrators) where the sacred sites were found and explained the purpose of the mapping. After mapping, the BCP was drafted which resulted in engagement of higher government levels.

The BCP process was then no longer smooth, with government representatives reserved with respect to the BCP process and power and the official recognition of clan leaders to deal with external actors. The Government suggested MELCA return to the kebeles to have elected community representatives involved in the negotiations in a BCP, and the introduction of a clause explaining that the government should also negotiate with these representatives.

What are the power dynamics in your BCP process and how to deal with it?**Sheka - Ethiopia**

The Ethiopian government is a powerful force in the BCP process – they need to be informed throughout the BCP process and what is decided by the Government is final.

The Constitution says that the forests and land belong to the Government and the people although traditional knowledge is also protected. Despite this, the community is not allowed to have direct rights over land and forests based on traditional knowledge.

Traditional leaders are protected by law that recognise that every community has the right to its culture but they do not want the clan leaders to become powerful. For mapping, consent was given by the elders. The government representative has got the data and also provided it to the communities.

Lamu - Kenya:

The Government is very powerful, and the community needs time to negotiate with the Government. Members of the Lamu community arranged a petition which will hopefully allow the community to negotiate. Save Lamu is also writing letters to the Prime Minister, Minister of Lands, and two Members of Parliaments from Lamu.

Tanchara - Ghana:

Involving the Tindansup, the spiritual leaders and the chiefs. The Tindan are selected by the chief and once installed the chief can make decisions and influences the way things happen. The Council of Elders constitutes an advisory body to the Chief and their advice is not public.

The emergent group of elites are also an issue because they have been educated and have a broader perspective and think culture is narrow and backward.

The youth group is not a real youth group but has elderly members and a chief that is called the Polena that voices the youths concerns.

The women have a Pognaa, a female chief, who influences decisions behind the scenes. Women have also attended the ED training and have become more influential, now take decisions on their own.

Illegal miners (Chalamse).

Azumah has an interest in exploiting the community's gold now that the gold prices are increasing.

We have shown the community representatives other places in Ghana to understand the issues around gold mining.

Are the 7 questions applicable for your BCP negotiation process?

Yes!

What tools would you use for the BCP negotiation process?

Tanchara - Ghana,

The community cannot trust Azumah and hope that the company representatives will sign on to the BCP. A learning, sharing and assessing tool has been developed to enable the community to engage.

Community fora

Well-being assessment integrated into vision for 2020 based on the presumption that mining comes into the community.

Lamu - Kenya:

We arranged a petition which we hope will allow us to negotiate.

DISCUSSION

- Pilly reflected on how the BCP process had helped to consolidate the internal dialogue within Lamu, Sheka and Tanchara communities before working outwards with other actors. In Lamu and Tanchara this is now leading into a MSP process
- In relation to power dynamics, considerations of gender and youth were taken into account
- All seven questions were seen to be relevant and most of the questions have already been used in the processes in each situation
- The tools that they have been used by the communities have been community visioning and other tools presented by ETC
- Community fora, engagement fora and media engagement are also relevant
- There is a need for steps of the BCP to be set out to help those new to the process. Using a visual representation would be good such as a circle to show the steps in the process
- Having the key principles mean that the 'rules' can now be synthesised
- Wim asked Friedrich about the process engaged by the Khwe community and Friedrich noted that many of the steps taken were not intentional and it was not until after the linkages were made explicit that they were appreciated.

Further discussion on BCPs and MSP:

- Lawrence expressed a level of confusion on whether the many goals and processes named were separate or if they could proceed together. He also expressed that it is important to have gradual steps to guide new communities on when to do what
- Wim also expressed confusion on the chronology of which questions to address at which stages. He asked what the key rules or concerns might be that can be enshrined for the MSP processes

- Gino noted that much of this confusion will continue until there are more examples to see what works at what level
- MSPs draw attention to ABS issues
- MSPs are unique to each BCP
- Level of entry to develop BCPs are different
- What do you do with community when they want to negotiate with a company but don't have rules/BCP for negotiation developed yet?
- BCPs and MSPs work in parallel at the internal level but a BCP must come first before engaging external interests
- BCPs identify the community, indigenous knowledge and the community structure but do not identify the power dynamics. MSP used for this purpose at the different levels
- In reality before the BCP is completed, MSP begins
- People talk about process when completed
- BCP as a tool to fulfil certain objective
- BCP and MSP always come together
- Negotiation and dialogue are large issues but key factors will come out over time
- Advantage to MSP is the opportunity for the community to map the situation
- Dan reiterated the close relationship between the BCP and MSP and felt that it is not easy to separate the two. The final product of BCP is influenced by interests. All the opinions of the stakeholders will shape the BCP. BCPs have MSPs within them. In developing BCPs for natural resource use, the MSP should always be seen as an integral part of the process
- Hassan felt that it is essential to first develop a BCP before external MSP processes are launched
- Whereas Gino felt that there should not be the divide between BCPs and MSPs. Both are based on processes seeking certain objectives. They both can be tools to reach a certain goal, use similar mechanism and work together.

It was agreed that this was an interesting discussion and that we need to look at these issues further in relation to BCP and MSP.

Field Visit to Nadowli Shea BCP



Dan and Eric explain the Shea Butter process been carried out by women Shea pickers in Nadowli.

The women Shea pickers, Chiefs, Pognaa (queen mother), elders and welcome us to Nadowli. The chief expresses his support for the BCP work in protecting the Shea tree.



Deepening BCP Review

ACCESS BENEFITS SHARING (ABS)

DR. ANDREAS DREWS, GIZ

Andreas began by noting how his presence so far off the beaten track showed how important the BCP Initiative is to the ABS Capacity Development Initiative. He also appreciated the careful work done by the organisers of the Initiative to review and learn lessons from the variety of processes. He introduced ABS with the animated ABS film from the website. He explained that the issues covered in this film are more exhaustively explained in a longer film available for download.

The Initiative started in 2005 when a Working Group on ABS approached GIZ/GTZ to formalise its work on ABS with a broader scope. The Initiative began by opening discussions with actors from governments, civil society and business in Addis Ababa. Based on the success of this workshop, the engagement was broadened to Dutch and German donors, later joined by other donor nations. From the beginning, the Initiative worked closely with the Convention on Biological Diversity (CBD) Secretariat, UNEP, the CISDL and others to deepen its expertise. Much of the work has focused on the (sub-) regional level to harmonise legislation and to share information and experiences. This then was fed into the international level to support the African Group of Parties to the CBD in the Nagoya Protocol negotiations. After the adoption of the Nagoya Protocol, the shift has been to implementation of the Protocol with practices and national legislation. The focus is now on the national and local levels to implement the Nagoya Protocol. BCPs are part of the strategy for local level implementation as community protocols are mentioned specifically in relation to prior informed consent) outlined in article 12. This is important to ensure legal security for users and providers.

ABS is a capacity development initiative and the BCP is a tool to developing local level implementation of articles within the Nagoya protocol, specifically prior informed consent and mutually agreed terms. The BCP experience shows that there needs to be community capacity building as part of the process of implementation. A challenge is that ABS is market orientated, which can be difficult for communities to engage with according to their own values.

ABS has been viewed by some people as a process used by northern companies to take resources out of Africa and it has been asked why ABS does not support communities with their own indigenous knowledge to build factories to produce at the standards of the northern hemisphere. However, Africa does not have the infrastructure to do this and be

profitable. More research needs to be done in Africa in order to ensure that communities benefit when resources are extracted.

In some countries there is little information on how to contact the ABS focal person. Governments need to put adequate processes in place and there is a hope that there will be improvement in the next 1-2 years.

The Initiative is also involved in supporting the ratification of the Protocol through the CBD Secretariat for public information and communications. The Initiative looks at value chains established around specific resources. The ABS Initiative works in 80 countries so it is now focusing on key nations as pilots. This will work to amplify the impact of the Initiative. They are also working to build the relevant skills of all stakeholders including communities, businesses, governments and regulators through workshops and other capacity development opportunities. The funding is secured through 2015 but it will likely continue beyond this date.

Implementation of ABS at the national level is separated into key categories for development and capacity support, including: dealing with trans-boundary issues; valorisation; ratification/implementation; defining ABS policies and strategies; putting in place domestic regulatory frameworks; establishing institutional arrangements; and dealing with traditional knowledge.

DISCUSSION

- Lawrence asked which countries have ratified the Nagoya Protocol
- Andreas clarified that there are 92 signatories to the Protocol but only a few ratifying parties and these are available on the website
- Wim asked what other partners are involved with the ABS Capacity Development Initiative at the community level
- Andreas said that the African BCP Initiative is the only partner with communities in Africa
- Bas asked about the different ways of sharing benefits and asked how this would strengthen endogenous development
- Andreas noted that it is an on-going question that the Initiative is asking and that he is hoping that the ABCPI will provide some clarity on the issue.
- Bas clarified that ABS has been perceived by many as a way for northern countries to continue to extract wealth from the global south. He asked how local production of new products could be strengthened
- Andreas noted that the continent does not currently have the capacity to develop internationally viable products (outside of South Africa). He expressed hope that this capacity could be developed
- Usama asked about case studies and the examples that could be learned from

- Andreas discussed how difficult it is to get full information to learn about these case studies as much of the information is kept confidential. There has been significant effort put into finding case studies and it's a continued concern
- Bern asked about the ABS focal point in Ghana as it has been difficult to access information or to contact them. Hassan supplemented the question by asking what the role of state is in ABS
- Andreas noted that it is vital to involve governments and that ABS cannot happen without them. The focal points have not been very effectively implemented at this stage but there is an opportunity to strengthen them under implementation of the Nagoya Protocol

SHEA RESOURCE IN UPPER WEST GHANA

ERIC BANYE, SNV GHANA

Eric began by mapping the areas of Shea production. He then focused on Ghana's status as one of the world's largest producers and exporters. Over 900,000 people, mostly women, are currently involved in picking and processing Shea in Ghana. There is immense potential in northern Ghana for a significant impact on rural poverty. Nuts and butter were valued at USD 33 million in 2008, mostly in raw form. In Upper West, almost every household is involved in Shea production. There are several actors in the sector but their roles are uncoordinated. SNV's strategy is to increase the coordination between producers to increase farm gate prices. There is the potential to address challenges as multi-national buyers express interest in social corporate responsibility.

The primary challenges are weak producer organisations against strong buyers. There is a weak national policy and strategy from the Ghanaian government as some perceive Shea to be a threat to cocoa production. Further, there is weak and inconsistent supply in terms of volume and quality and threats to the sustainability of the industry as Shea is often used for charcoal which provides a higher income. Current trees are under threat from bush fires, charcoal, mining and other commercial trees.

The benefits from Shea are significant as the trees have economic, social, cultural and environmental values. For example, for dry nuts, 1 ton is valued at US\$450. For butter, 1 ton is valued at US\$1,600. He noted that it is difficult to determine the international value to compare to local prices. For conversion, 9 kg of fresh nuts = 3 kg of dry nuts = 1 kg butter.

To achieve ethical trading and ABS, a strong BCP is seen as an entry point. However, the BCP would be stronger if it was a collective approach in the region. Presently, if a buyer faces producers organised under a BCP negotiating for higher prices in one region, they may go to the next region where there isn't a BCP.

DISCUSSION:

- The challenges of corruption and individual greed were pointed out and because of this, the initial phase of developing a BCP with community is important in ensuring that value dimensions are laid down
- There is a concern as regards the implementation of ABS as all international laws are 'soft' and not implemented. How can these laws be trusted to protect the community? How can they be strengthened and implemented?
- Lesle encouraged participants to consider legislation passed at the national level to hold governments to account
- Friedrich gave the example of a perfume that was shared with a French company by a community in Namibia where a local factory was even developed for local production of the product. Rodney gave an example of marula production where companies learn the price of marula from a community-led structure instead of setting their own prices
- Hassan expressed his concern at how communities can manage finances earned from communal property. He also expressed scepticism of corporate social responsibility
- The importance of building foundations in order to develop a BCP was highlighted so that there is assurance that all the community are 'signed up'. A strong committee built by the community themselves is important
- Lawrence asked about benefit management when land and Shea begins to become valuable
- Hubert spoke about the difficulty in balancing community and business interests and how SNV was working to ensure that Shea producers are able to achieve their interests. It is vital to ensure that the community is gaining benefits but there are many interests so communities working collectively as one group is more effective to ensure this

OVERVIEW OF BCP INITIATIVE

GINO COCCHIARO, NATURAL JUSTICE

Gino reiterated Dan's comment on the importance of reflecting to gauge where one is and what the best way forward is. The concept of BCPs emerged within the context of biopiracy and communities' desire to assert their rights in the face of these challenges. They began to address these challenges through the CBD, specifically article 8(j), which gives communities rights over their traditional knowledge and genetic resources. To ensure the protection of traditional knowledge means the protection of the culture of the community. BCPs were developed to facilitate interactions with external actors by providing confidence within the community about its customary laws and values and so engaging with external actors with this awareness. Through the BCP, international, national and customary laws are linked up and clarified. Legislative frameworks such as article 8(j) are then tied to customary legal values. By knowing the laws communities can use them.

BCPs try to harness biocultural rights by making the connections between traditional community practices and conservation. These rights represent the ethics of stewardship and are linked to well-being which is not just tied to economics, profit or the market. It is a movement that recognises that conservation is about looking at experiences on the ground, valuing communities as proponents of this movement and recognising that communities must be involved in decisions that affect them.

BCPs therefore have come to be used in a variety of settings with an emphasis on building the capacity of communities so that BCPs have a strong foundation. Capacity is built through the process of developing a BCP, by documenting clearly their customary laws. BCPs may be developed but there are a number of issues still to be addressed, discussed and clarified coming out of the experience so far. These include BCP structure (different for each issue and in each context because it is community- defined). Another issue is leadership, which is key, but which can happen in different forms. Finally, the role of the facilitator/NGO that supports the development of capacity and steers the process needs clarity.

Because of the variety of BCPs, it is important to keep sharing experiences to increase and deepen lessons learned. On process, there is no defined process for having leaders and facilitators as there have been a variety of successful experiences as we have seen.

BIOCULTURAL DIALOGUES

STEPHANIE BOOKER, NATURAL JUSTICE

Stephanie shared the experiences of biocultural dialogues (BCDs) from a pilot project in partnership with the Union for Ethical Bio Trade (UEBT). The project sought to ascertain how BCPs could facilitate dialogues between companies and communities. It targeted specific situations with established commercial interests. The lessons that came out were that separate internal discussions within the communities and companies are important before the dialogue process begins. The actual dialogue process then follows this.

There were a number of stages in this process which included: identifying all of the community actors and establishing full consent to engage in the process from relevant community stakeholders; a full exchange of information on expectations; identification of future relationships and how to review them; and developing a final agreement which, while not universally required, should include a consistent framework.

The advantages to the BCD process are: the rights-based approach taken; discussions were focused and acknowledged the broader and more complex context; communities were empowered in the dialogues which led to more balanced discussions; and expectations were managed through increased awareness about each partner.

The outcomes were foundations for long term, sustainable relationships, establishment of shared values, and legal certainty. Cross-cutting issues were the importance of effective third-party facilitation to translate between cultures, the importance of awareness of power dynamics, and having full BCPs preceding BCDs.

DISCUSSION

- Usama sought clarification on the timeline
- Stephanie noted that BCPs were not put in place before the BCDs
- Gino clarified the UEBT context where companies had specific commercial interests and would not support the length of time the BCP process would take
- Stephanie clarified the process for BCD: the community had internal discussions, business had internal discussions and them both came together with a facilitator
- Business valued the building of the relationships as it meant that the ground was laid to discuss other issues at any time. Business valued this and wanted to support building capacity long term within the communities
- Bern shared how the BCP had worked as a ground softening case to build the foundation of relationships with external actors while maintaining the cultural integrity of the whole community

Deepening BCP Processes & Impact through Peer Review

- Bern noted the significant value that the BCP process can bring ahead of the MSP process
- Pat noted that the BCP is the preliminary stage and the MSP can come around a quarter of the way through the process of establishing the BCP
- Negotiation also happens among the community and then moves to dialogue. Internal consultations must happen within community as part of the BCP
- A BCP can unearth a lot of conflict within the community and this should be dealt with first
- A MSP helps to identify gaps between interest groups to move towards external dialogue
- How far do you need to go with consultation in communities before a BCP product is put together?
- Pilly felt that the Ghana process had given an example of how to bring issues out in conflict sensitive ways
- Lawrence noted the historical background or conflict inception and considering actors with interests from the beginning to the end of a process
- Gino noted the complexity of certain processes and how Save Lamu had sought common ground in its internal BCP process with a range of different stakeholders within the community

Wim shared a diagram to support the discussion on BCP and MSP. It sought to detail which comes first, what are the different stages, and to identify where the various African BCPs are at in the stage of MSPs. There was discussion about the diagram and a suggestion made that there is a stage of pre-work before the BCP process starts that needs to be represented in the diagram.

REVIEW OF BCP

ALL PARTICIPANTS

Gino introduced the group work exercise to bring the discussion to the next phase. He asked participants to take the key points from all of the BCP experiences shared and synthesise them so that the BCP process can be understood and used by other communities, businesses and governments. He shared key questions on process that will be the foundation for group discussions. He asked participants to highlight key considerations of impact during the various group stages; to think about how BCPs can provide FPIC and to consider the legal support needed and required.

ILKESUMETI KENYA; SAMBURU KENYA; WASO KENYA	
STAGES	EXPERIENCE
Process	Consultation meetings were key. Community representatives from all communities in the Sheka area and 30 of 46 villages in Lamu engaged, but in Lamu the chief was not engaged as he is allied with the government. In Lamu, religious leaders were key spokespersons. In Ethiopia, warida (district) officials were worked with. In Ethiopia, the government and the community worked together. Both used sacred site mapping. Local radio used in Lamu.
Facilitation	In Ethiopia, MELCA and Save Lamu in Lamu. Both are NGOs.
Negotiation	In the Save Lamu context, they are beginning the process of engaging with external stakeholders. This has not happened yet in Ethiopia.
ABS	The community were not aware of ABS before the BCP in either context, in Lamu community expects the government to lead on ABS.
Process or Product	Process is very important as it is the basis of community empowerment and of community self-discovery.
Key steps	In Sheka, consultative meetings occurred initially, followed by mapping, then BCP drafting and engaging community and government. In Lamu, consultation meetings were held first, awareness raising was on-going, training along with the Muslims for Human Rights organisation, capacity building of the teams going to the communities, then the process of collecting information and history in the community, stakeholder meetings with broader set of organisations and actors, press conference accompanied by debate with Permanent Secretary of Infrastructure on LAPSET, demonstration and lobbying on LAPSET, legal petition on everything concerning the port, meeting concerning MSP involving stakeholders including civil society with the emphasis not against' the port but in favour of consultation.
Impact	Community happy to have protocol for negotiation, also happy to have basis for affirming cultural values and strengthening identity, all villages in Lamu accepting the process. In Save Lamu's experience, the process brought to the fore a lot of issues of representation and identity as there are numerous communities who are politically 'lumped together' as one community. There is a constitutional reform process in place in Kenya and this is an opportunity to influence laws and policy but there is opposition at local level to have discussions.
FPIC	Not relevant in either process as yet.
Legal support	Both Lamu and Sheka BCPs reviewed national and international laws. In Lamu this included putting together a legal petition and support needed from lawyers. In Ethiopia, there is desire for changes in current ABS

	legislation which blocks full rights over genetic resources for communities in favour of government and they need legal support in addressing this.
KEY POINTS	
<ul style="list-style-type: none"> • The first was representation and that this can expand organically • Understanding internal power dynamics is important. Identity is very complicated in Lamu and it took a lot of work 'within the room'. But there remains the potential for division • Mobilisation is a big challenge and every area has its own power relationships • Clear objectives from the BCP are also important but they can shift • Considering the entry point is key • Facilitation with trained local facilitators has been important • BCP provides a template for different groups to come together • This process has been the focus in Lamu but the delays in having a product has reduced the energy levels of supporters. This final product can also be flexible to change. Local lawyers/legal advice is also important as they understand the local context and know 'which way to go' with governments 	

DISCUSSION

- Friedrich asked about the communities' expectations of government to lead ABS processes
- Pilly clarified that country governments under the Constitution should lead the process of guiding local resource management and ABS. Gino clarified that the ABS in this situation would be around the port rather than genetic resources
- Usama clarified that the identity issue is vital for Lamu where there is a great deal of diversity and unity comes out of the specific issue
- Hassan felt that there was a lack of clear identification of what the BCP was for, was it for resource management, community identity...?
- Pilly clarified that a key issue in Lamu is land as the port project will be using land that they claim is unoccupied but has historic significance to communities living there. History and entitlement to the land is significant
- Will there be compensation for the land used for the port?
- Gino clarified that the Lamu BCP is a huge undertaking that has come from a small organisation so there has been a lot of change throughout the process and there will inevitably be challenges around the process
- Leslie asked about entry points. She noted the specific entry points from the examples her group had considered. She asked whether the government's identification of the port in its Vision 2030 provides an opportunity for advocacy?
- Usama clarified that the strength of the BCP is uniting around complexities
- Wim asked Andreas for clarity on how to link up demands to national ABS
- Andreas emphasised the importance of making noise on these issues and being heard. He offered the biopiracy example as an effective model. He also felt that having voices internally and externally, within government and without is important

to making changes. This will also position Save Lamu more effectively for when strategic compromises have to be made

ILKESUMETI KENYA; SAMBURU KENYA; WASO KENYA	
STAGES	EXPERIENCE
Process	Scoping study to understand community structure and institutions, understand key issues that community want to address, identification of community representatives including government (Ministry of Livestock), NGO, elders, community mobilisation, community social mapping. BCPs are at 'young' stages.
Facilitation	Support organisations with community facilitation support with key representatives, having community mobilisers, balanced dialogue between community and external actors. Community facilitators were key for holding meetings.
Negotiation	No negotiations yet, limited within the community, no terms, language Maa and Borana used.
ABS	At the community level, need to build community capacities on ABS (Red Maasai), need to understand national focal points. Lawrence clarified that ABS is still very new and grassroots organisations do not know about ABS.
Process or Product	Both are relevant since facilitating organisations are keen in selling the impact of BCPs specifically. Local organisations and individual facilitators are strengthening the community to engage themselves.
Key steps	Community sensitisation and mobilisation, stakeholder analysis, negotiations, BCP development.
Impact	<p>Demand for the model from outsiders in that many inquiries were received from other communities.</p> <p>The process has motivated community aspirations for a more inclusive and comprehensive local joint vision of what the community wants for their resource base.</p> <p>The BCP provides an ultimate platform for outside engagements.</p> <p>Lawrence clarified that in Ilkusemeti there was conflict that had to be resolved before the BCP could move forward.</p> <p>Hassan noted that the BCP gives an opportunity to bring together the different layers of information and cultural strengthening i.e. all of the things that the community gives value to.</p>
FPIC	This is a gap at the moment but basic structures are in place. Lawrence clarified that awareness is still low at the community and national levels.
Legal support	<p>Need to simplify and translate national and international laws for community engagement. User-friendly fashions of the law for community understanding, training of paralegals, and backstopping from legal support organisations such as Natural Justice would be very useful. They want to take the BCP principles into the national document in Kenya and to develop a concise document to use at national level. The reform process in Kenya is a good opportunity to influence.</p> <p>Lawrence wanted to connect the BCP process to the national land reform processes to contribute to the community land bill. Lawrence is part of the</p>

	working group on community land bill and seeks to bring BCP values into that process.
KEY POINTS	
<ul style="list-style-type: none"> • There is a need to be clear about the BCP objectives • Issue of whether to use a BCP to react to one issue or as a holistic document to raise a number of issues. An 'enabling' BCP takes time e.g. Save Lamu experience • In Kenya there is the opportunity to converge with other BCPs in the country • It is important to review BCPs regularly • Substance is important but laws need to be updated on on-going basis • Issue of individual knowledge and not only community knowledge • There is a need for a 'stable' BCP in order to get results and be able to plan and work • BCP linkage to a particular issue or a holistic document which means there is a basis generally for whatever issue might arise. Is there a need for charter/constitution/ethical governance standards to address this issue? Possibility of developing a BCP annex which is a code of ethics 	

DISCUSSION

- Eben noted that the BCP process does not come to a standstill when it is completed but continues. Even the biocultural information can never be fully documented. He encouraged the investment in stable platforms to continue the process
- Gino clarified that in some instances a BCP product does 'finish' specifically if it is related to one issue over a specific period of time
- Usama noted that the BCPs are very internally focused and asked how it will be relevant with external actors?
- Hassan noted that BCPs may react to a specific scenario but cover many issues holistically. Out of this holistic document there is then a foundation for engagement. This can take longer to produce but at the end is more broad and robust. Lawrence noted that the communities are learning from the prominent Lamu model
- Barbara asked when a BCP is finished and asked whether Samburu and Kukula should look to revise and flesh out their BCPs?
- Gino shared a recent review of the BCP by the management committee of Kukula and noted that it is important to update Kukula's legal section and also that the Code of Ethics was added to supplement the BCP
- Pat felt that it was also important to review the Samburu BCP for moving forward
- Andreas noted that the Nagoya Protocol seeks clarity as a product for a defined community to provide legal certainty so certain elements should be stable. This is not to undermine the idea of process but it should also maintain certainty
- Pilly noted that communities with histories of trauma may need more time to build cohesion. This patience will result in a more robust and representative BCP

Khwe community Namibia; Kukula BCP South Africa; Shea BCP, Ghana	
STAGES	EXPERIENCE
Process	<p>Kukula – Only the healers and Natural Justice were involved from the beginning of the process. From the beginning the healers were organised to become one. Natural Justice provided a venue, a management committee of 26 people was elected from all of the healers mobilised, and the decisions arose from the challenges. In identifying the cultural values - the 26 members met for a week to identify all of the relevant values. This was then presented to the other healers and was accepted.</p> <p>Namibia – Leadership structure works well, functional organisational structure, in this case CBNRM (access to NR and ABS). The role players were the Ministry of Environment and Tourism, Karamachan Association and IRDNC (as facilitator and catalyst).</p> <p>CIKOD Shea – Facilitated by CIKOD bringing together representatives from NGO, Traditional Authority and Shea pickers.</p> <p>Commonality – Representative community bodies with institutional NGO support to translate their values and practices to external actors. Context specific decisions to guide which representative bodies are used (opportunistic – find what works).</p> <p>Difference – Namibia and Kukula were not represented by traditional authorities through strategic decisions to avoid division (BBR) and to avoid politics (Khwe) and in Daffiama (Shea, Ghana) it was strategic for the advantages of mobilisation. Kukula was an intellectual community whereas Shea and Khwe were geographical and ethnic communities.</p>
Facilitation	<p>Kukula – The executive committee and Natural Justice were very involved in facilitating the BCP process.</p> <p>Namibia – IDRNC was a mediator and connector. Important that trust established first and trust also with other actors.</p> <p>CIKOD Shea – CIKOD worked with IUSIDO (Community Based Organisation involved with Shea pickers) for community mobilisation. Trust also key.</p> <p>Commonalities – Mediator and connector, prior trust vital with community and external actors.</p>
Negotiation	<p>Namibia – Between the community and the government. Both parties were willing from the outset. Community sought ABS/livelihoods, government sought restricted benefits (not free use of land). Not hostile but took 20 years. Much more negotiation than dialogue that can still collapse as there is no legally binding agreement. From where it began, things are opening up and benefits are beginning to come but on a dual</p>

	<p>track, land protection is still lagging beyond zoning towards biocultural rights.</p> <p>Kukula – Initially, there was apprehension about sharing the information without receiving any benefit. Godding and Godding, K2C, Kukula and NJ were involved. The executive committee led the process for Kukula. The terms of the agreement were presented to around 200 members. There were no objections but community members sought clarity on ABS but that will happen if there is a viable product, not yet. Positive relationship with the Department of Environmental Affairs.</p> <p>Shea – Not yet at a negotiation stage with the external actors, they are still focused on the internal process (stopping charcoal burning). Looking forward they will facilitate negotiation with Shea buyers.</p> <p>Commonalities – Government willing to engage with Kukula and the Khwe. All are building towards ABS. In all three cases the terms widened through the negotiation process. Varying stages of advancement.</p>
ABS	<p>Namibia – Increase in value of Devil’s Claw from \$4 to \$21 per kg including organic certification. Mangeti nut being considered as well. Government not directly involved through ABS so no clearinghouse involved. Community not aware of ABS legislation.</p> <p>Kukula – All healers were provided with copies of the protocol and ABS is cited explicitly in the protocol. The Department of Environmental Affairs was informed of the potential for ABS and Godding agreed to share further information. There have not been any clear gains to date but the foundation for ABS has been laid. GIZ, K2C, healers, Godding and government all involved.</p> <p>Shea – As yet, the community and CIKOD have not developed extensive knowledge on ABS nor links to the focal points.</p> <p>Commonalities – All three cases, the communities did not begin informed on ABS legislation but in Kukula the community is now involved. The commonality is that government appeared to be indifferent in Ghana and Namibia whereas South Africa was more proactive. Facilitating organisations filled the gap role in the value chains rather than the community with government support.</p>
Process or Product	<p>Namibia – Stability provided by the local governance structure (KA) was a requirement for the CBNRM process and support organisations played key roles. Could have been wider stakeholder involvement (MSP). Namibia, both are useful and both are on-going.</p> <p>Kukula – Both, because the entire process was relevant to empowerment and is on-going but the BCP is being used specifically as a BCP for ABS so it</p>

	<p>is also the former.</p> <p>Shea – The process has been useful as it has strengthened the sense of community value and the value of the end product is not yet clear.</p> <p>Commonalities – Both are valuable.</p>
Key steps	<p>Namibia – 1 – Establishing trust from all stakeholders, especially government understanding the community's management of the resources, facilitated by the support organisations, 2 – establishing ownership of ideas by community and also of government (model pilot) and increasing buy-in.</p> <p>Kukula – 1 – Community organisation (a. before Natural Justice, b. more formal after Natural Justice); 2- Forming representative leadership; 3 – developing the BCP (see above); 4 – Raising awareness and gaining members. Having a more limited number of members at the outset was helpful. The difficulty came from the threat that there could be dramatic change. Will the government recognise us? But they made it clear that they were the custodians of the biodiversity so there were not too many worries.</p> <p>Shea – 1 – Create ownership of all stakeholders of this issue with linkages with SNV by meeting with all regional stakeholders and then selecting Dafama as a pilot, 2 – chiefs and CBOs with credibility vital.</p> <p>Commonalities – Establishing trust from the beginning, focused issues (ownership of ideas by all stakeholders), stable governance structure in place was key.</p>
Impact	<p>Namibia – Controlled natural resource utilisation with community benefit including improved monitoring, ABS management processes in place but a challenge is that biocultural rights management processes, extended trust between government and community.</p> <p>Kukula – Increased recognition by government. Potential for benefits under ABS. Increased protection of biodiversity and associated knowledge. TK commons was a positive impact, referrals between healers and to the formal medical system were also positive (monthly meetings). More widely, the healers have become involved in the local government affairs (Community Development Forums) and the community benefits as the biodiversity is being preserved with community involvement. The health of the community has also improved through the referral system as many were reticent to attend hospitals previously but now do go when referred. The impact has been seen and felt rather than measured formally.</p>

	<p>Shea – Still in process but it has galvanised the traditional governance structures by improving communication, increasing transparency and building community unity. This is also revitalising community legal values.</p>
FPIC	<p>Namibia – Brought by Kyaramachan Association the community is very involved and informed. The last AGMs at the village level there was immense community involvement in KA decisions. The community was very involved in the process of drafting the constitution.</p> <p>Kukula – FPIC was guaranteed as the healers were gathered prior to formally engaging with Godding and Godding. The BCP was useful as it had helped to establish a TK commons and also laid the foundations of the NDA.</p> <p>Shea – From the beginning FPIC part of the process</p> <p>Commonalities – Having strong community involvement through community organisation. Effective listening to the communities' concerns through facilitation.</p>
Legal support	<p>Namibia – Long history of legal support and input in favour of Kyaramachan Association with various legal organisations including Legal Assistance Centre (including their own lawyer paid by KA) through joint venture contracts, concession contracts, contracts as service providers, with buyers.</p> <p>Kukula – On legal support, Natural Justice has been involved in providing it at most steps in the process. This began with ensuring that the BCP ties together traditional practices with national and international law. With the ABS process, legal support is important for ensuring the community gets full benefits. The BCP may need to be supplemented to give fuller effect to the Traditional Health Practitioners Act. For fuller understanding of the protocol, the regular meetings have kept the healers informed on their BCR protections. Perhaps having simple pamphlets with images to explain the protections more simply would be helpful.</p> <p>Shea – Big challenge as most lawyers are commercial rather than community based. Now working with a parastatal institution which provides legal support in Tanchara and Dafiama.</p> <p>Commonalities – Strong need for legal support in each situation. Contracts clearly used in all situations, linking to international law and translating complex laws for community empowerment, mediation law.</p>

DISCUSSION

- Hassan asked about community ownership and how community values could be guaranteed in those bodies
- Friedrich clarified that a community-based needs assessment was done and that community leaders were then elected village by village. These leaders then voted for an executive committee. IDRNC is Namibia-based and only seeks to build community. It is essential to focus on the community level
- Hassan asked why a BCP is even necessary?
- Friedrich clarified the lack of formal rights held by the Khwe people to the land
- Thadeus said that the BCP is needed because of the lack of land security and lack of recognition of the community's ownership of the land. The previous government found the community there, today the national boundaries are artificial. The BCP is wanted to clarify ownership of the land and resources
- Eben discussed the emphasis on stewardship and how communities deal with their environment and when this is disconnected from land there are dilemmas that arise. This ignores the ethos of care which flows out of the BCP vision and asks 'who knows? (knowledge)'; 'who cares? (motivation)'; and 'who can? (power)'. He discussed the dysfunctional culture in the public service which missed these values.

Finalise BCP Process, Impact & Challenges Ahead

SUMMARY OF MAIN POINTS FROM DISCUSSIONS AND SHARING

GINO COCHIARO

➤ **CLEAR OBJECTIVE**

There is generally a clear objective or trigger that launches the BCP process. Having that focus makes addressing other questions simpler. This is not a single issue but can be different in different contexts.

➤ **REPRESENTATION**

Governance structures that can represent community interests and values effectively is a key issue. These can be in place or can be established around certain issues. Tied to this is a need for leadership within these structures. This can be strengthened with NGO support. It is also essential to then consider who are in these leadership positions, how they are selected, and what the power dynamics are that could skew the representative nature of the leadership. Members of the community can then be delegated for information collection (Save Lamu) or an NGO (MELCA) can take the lead. Community ownership of the process is also vital and in this having representative leadership can be useful for facilitating this rather than involving each individual. Kukula used a smaller group of representative leaders selected democratically to develop their BCP and then presented a full draft to all members for approval.

➤ **ENTRY POINT**

Selecting a strategic entry point to the community is important, these have to be clear and there is a need to work with the structures that are there. Finding out what are the opportunities for engagement is vital.

➤ **ROLE OF NGOS**

NGOs are often vital to facilitate the internal processes and to support and build capacity for the community to engage with external actors. It is important to build trust with the community, to develop a deep understanding of that community's values and aspiration, and to use that trust and understanding to translate community desires and values to external actors and to thereby facilitate empowered interactions with outsiders.

➤ **BCP – PROCESS & PRODUCT**

The BCP serves as both process and product and both are helpful. BCP processes are fluid and external partners/government need to be open to/understand this. But specific timely products can be developed to give certainty to external actors – depends on context.

➤ **ROLE OF GOVERNMENT**

Government's role needs to be considered in terms of objectives and context. BCP can be used as a dialogue tool/opportunity.

➤ **REGIONAL APPROACH**

There is the possibility and sometimes the necessity to expand the geographical definition of community around certain specific issues to ensure impact. Need to assess the usefulness of collective action e.g. Red Maasai, LAPSET, Shea BCPs.

➤ **DOCUMENTATION**

Documentation begins from the beginning, such as the scoping study from the pastoralists and can involve innovative processes such as mapping, songs etc. This process provides opportunities to involve community representatives and facilitate wide discussion and ownership.

➤ **LEGAL SUPPORT**

Support is needed both at the formal level and in connecting communities to legal structures to enable them to own their own legal empowerment. Free Prior Informed Consent (FPIC) is built into the BCP process and is facilitated by effective representative governance structures. It is important that these leaders are well versed in the legal principles underlying the issues under consideration to give effective FPIC. Legal support can be required for court cases and having lawyers informed on biocultural rights is vital to build these cases.

➤ **MONITORING**

Monitoring is facilitated by measuring results and activities against the standard set by the BCP. The consultation process does not mean everyone has to be consulted but there is a legitimacy that needs to be seen in the process, for example, the Lamu BCP. Sometimes the process must be fluid and flexible to draw in points/opinions as it goes along.

➤ **CHALLENGES**

- Free prior and informed consent is a strong link to process and to the laws. It is linked to legal recognition and in effect, it reflects the values and tenants of the BCP
- There are minimum standards in the process of developing a BCP which must be reflected in order to connect with ABS and have an impact nationally
- Stable, representative governance structures must be in place
- It is important to provide clarity on who external actors need to consult with and how should this be done in relation to the context
- Decision-making structures should be clear
- Keeping the integrity of the BCP is important as it moves forward and other communities become interested in the process

- ABS focal points are being set up in countries who have ratified the Nagoya Protocol that will store information and this is where the BCP could be stored and this would then be sent to international clearing house as a document outlining how to engage with communities. This is worth considering in relation to the BCP future use but would need to research how to do this and recognise that it can only be effective if governments have an understanding of indigenous knowledge

DISCUSSION

- Mersha noted Hassan's definition of a BCP as a constitution. What are the basic elements of this constitution? Culture, values, biological resources were noted but how wide can it be taken
- Andreas asked what cannot be encompassed by biocultural diversity?
- Gino noted that anything can be tied into these issues. Hassan clarified that things are generally not classified as biocultural exclusively and these linkages need to be made more explicitly
- Pilly asked about the communities perceptions of the NGO
- Bern asked whether national level recognition is an essential point for BCPs?
- Andreas felt that BCP recognition is important for ABS especially as the Nagoya Protocol explicitly recognises that BCPs offer a solution to ABS implementation. This leaves huge potential for BCPs to gain formal recognition
- Hassan felt that this has been a significant question at the community level, as communities want to know where their BCP will be recognised and used
- Lawrence noted that this will be a country-by-country issue and will require formal technical support. He felt that the Kenyan constitutional reform creates an environment for gaining this recognition
- Lesle noted that ABS legislation, the Nagoya Protocol and Convention on Biological Diversity create the foundation for BCP recognition
- Barbara noted that BCPs seek to bring together disparate legal frameworks to focus them and make them more whole. At the national level, policy can recognise BCPs as whole frameworks rather than exclusively for ABS if not immediately but based on the foundation of ABS recognition and expanding relevance in the future
- Gino echoed Lawrence's comment that a BCP should merely reflect customary law rather than create structures unfamiliar to the community. He also echoed Barbara's comment that the ABS-context recognition of BCPs can lead to broader recognition of the community structures represented in BCPs
- Andreas discussed Liberia's structures which have de facto FPIC procedures in other legislative frameworks that were then linked to ABS legislation. This can translate into making other linkages across legal frameworks and the variety of spheres where lessons and advances can be cross-leveraged
- Lesle noted that it is important to test these provisions in court

- Gino clarified that wherever (F)PIC is required there is an opening for communities to develop protocols and gain legal recognition of their protocols
- Wim noted a sense from governments that BCPs cannot be recognised across the board when they can mean so many different things and asked whether there can be clear minimum standards for BCPs
- Andreas tied this into FPIC and emphasised the importance of BCPs creating legal certainty beyond just effective process. Perhaps this can be tied to representative governance structures which can give consent based on what is contained in the BCP
- Usama asked whether ABS clearing houses could not be regional and Gino clarified that under the Nagoya Protocol this is not available. Barbara noted that it is a good idea since many ABS examples are trans-boundary and regional bodies are pushing towards this in Africa. Gino noted that a watchdog role could be played at the regional level
- The strongest link is to ABS and the Nagoya Protocol but now it is going beyond ABS into culture and rights. Are we thinking of developing a BCP which is 'general'? BCP has a broader perspective than the BCPs presented here
- Management of land is basically what is being described in the BCP
- Gino emphasised the importance of having clear FPIC structures through BCPs and how this can be linked up to ABS processes

B CP TOOLKIT COMMENTS

- Hassan noted that the BCP is a bit overwhelming and suggested that it could be broken down into easier to digest booklets
- Usama seconded that idea and requested a five minute animation to support this
- Bas noted the website has a growing body of knowledge and it would be important to link it as a component to the Toolkit
- Barbara thought that an early information 'box' on what is a BCP and FPIC rather than an entire chapter would be useful. She cautioned avoiding being overly prescriptive
- Andreas added that BCPs can be instruments for providing FPIC and given the growing body of law requiring FPIC is an important element to highlight in BCPs and would add value
- Goes into process too quickly need the description beforehand of the Toolkit in a summary form. Summary of each structure

The Road Ahead

Gino began by asking individuals to consider the lessons learned and results achieved over the complete year in order to pull out the lessons learned and see what will come next. Wim noted the practice of Sankofa of moving forward while looking back and encouraged participants to bring their whole 'bio spiritual self' in terms of their creativity and innovativeness into their discussions.

The **ROAD AHEAD** was organised into four areas for discussion: the community level; legal support; the national level; and dialogues and negotiations. On negotiation/dialogue, Gino clarified on the way forward that BCPs have issues of time and objectives. The BCP is set out as a constitution on use of land and resources by the community and includes decision-making structures. Appendixes can also be attached and supplement the BCP.

THE ROAD AHEAD SAVE LAMU, KENYA; SHEKA, ETHIOPIA	
Community Level	<p>In Ethiopia clan leaders have been engaged.</p> <p>In Lamu, need to get feedback on BCP draft after informing community.</p> <p>Training for two BCP committees on engaging the community.</p> <p>Video documentation will supplement the BCP.</p> <p>Traditional Assembly to involve 46 villages for biocultural council.</p>
Legal Support	<p>In Ethiopia can consolidate customary legal support with local legal experts and updating and advising on international and national law.</p> <p>In Lamu, same issues. There has been a court injunction filed and there needs to be strategies for what to do if it is delayed, rejected or accepted.</p> <p>Harmonise BCP sections with the new constitution. Follow-up with Environmental Impact Assessment with National Environmental Management Authority office if possible and possible environmental impact assessment done by Save Lamu.</p>
National Level	<p>Ethiopia will seek to share the BCP with national actors. Dialogue with relevant institutions on getting the BCP recognised at the national level. Arranging for enforcement of the protocol supported by government.</p> <p>In Lamu, the regional BCP meeting on LAPSET (regional BCP secretariat), national stakeholder meeting, and develop wider advocacy and strategy.</p>
Dialogues and Negotiations	<p>Ethiopia is informed by legal support and preparing for negotiations with outsiders.</p> <p>Lamu national level strategy will feed into negotiations.</p> <p>Potential outsiders were defined as those from outside of the community as researchers.</p>

THE ROAD AHEAD ILKESUMETI KENYA; SAMBURU KENYA; WASO KENYA	
Community Level	<p>The groups are at different levels. Some are focused on completing the BCP. Need to find all relevant actors to complete the internal process. Perhaps have fora for northern Kenya discussions.</p> <p>MPIDO will seek to create wider community awareness. Scaling up the BCP process by reengaging with communities that contributed to the BCP and finding representatives from the community to speak and represent the BCP. Also can be including more communities such as all communities that have Red Maasai. Attaching legal references to BCPs. Lawrence emphasised building community capacity to utilise local resources which could include ABS.</p>
Legal Support	<p>Discussed possibilities of including local legal support near to the community to understand the BCP process to own biocultural rights and support implementation.</p> <p>Will also involve training paralegals at the community level.</p> <p>Simplifying relevant law for the community is important.</p> <p>Bringing local legal capacity to the BCP process is vital.</p>
National Level	<p>Seeking to influence national legislation and policy to create formal recognition of biocultural rights especially by taking advantage of relevant constitutional provisions. MPIDO is on the steering committee for the community land bill. Getting BCPs represented is a primary goal.</p>
Dialogues and Negotiations	<p>Exploring possibilities with researchers and companies for ABS potential.</p> <p>Also extension programmes can be influenced by BCPs to adjust policies.</p>

THE ROAD AHEAD Khwe community, Namibia; Kukulu, South Africa; Shea BCP Ghana	
Community Level	<p>The Khwe community needs to drive the BCP process going forward with a wider base for internal dialogue. Defining a starting point is also important for Namibia. Thadeus gave four key issues: 1) keeping government informed; 2) legal training; 3) minimal disruption; and, 4) having a full structure and full buy in.</p> <p>Learning centre. For Shea, increased sharing of experiences between communities and across the border is important and negotiating a BCP in Burkina, Benin and Ivory Coast. In Dafiana, finishing the BCP process, gaining recognition, and then sharing the experience with other communities of Upper West and perhaps other areas of northern Ghana.</p> <p>Kukula also seeks to share experiences, increased connections between government, building a centre to share knowledge and increase quality of shared knowledge with visitors to the area (learning centre).</p> <p>Commonalities – Learning centres being considered by all of the communities,</p>

	improved government relationships, expansion of linkages (new pilots).
Legal Support	<p>For Shea, training of Ghanaian lawyers in the parastatal institution in biocultural jurisprudence. Legal education at the community level is important. Also at universities.</p> <p>For Namibia, keeping government informed around ABS and the BCP process is important. ED training.</p> <p>Commonalities – Will Natural Justice be available to provide support, generally a need for direct support, community empowerment and expanded use.</p>
National Level	<p>Namibia to link with the Prime Minister's office. Trans-boundary for training.</p> <p>Shea Ghana want to engage in the ABS policy level in Ghana.</p> <p>Kukula close with Department of Environmental Affairs and can develop policy moving forward.</p> <p>Commonality – Trans-boundary issues</p>
Dialogues and Negotiations	See above. Encouraged innovative thinking and networking. Namibia discussed the importance of pushing hard and getting the best possible deals from joint ventures.

DISCUSSION

- Gino looked forward to what lessons will emerge in dialogues based on BCPs
- Wim noted the importance in understanding the power dynamics before the negotiations. On value chain, involving social businesses and developing them locally for value addition
- Barbara noted that building local capacity can be part of an ABS agreement
- Andreas discussed cooperatives as a form of organisation and local entrepreneurship – 'Corporate biocultural responsibility'
- Hassan asked that the BCP be taken to another level of engagement and to determine some key standards to guide future BCP development

CLOSE & THANKS

DR. Andreas Drews, GIZ, acknowledged the amount of learning he had obtained from attending the review meeting. He highlighted that to travel so far is a lot of time from his schedule but that he has been amazed at the experience and discussion shared within the room. It is important to hear of these in order to work at the national level.

Bern Guri, CIKOD, thanked participants for travelling to Wa and for listening, participating and sharing and he looked forward to further BCP developments.

Wim Hiemstra, ETC COMPAS, acknowledged the wealth of knowledge from the meeting.

Appendix A: Participant List

NAME	ORGANISATION	COUNTRY
PAT RUPUNYE LANYASUNYA	LIFE NETWORK	KENYA
LAWRENCE LESEI SENTERO	MPIDO	KENYA
MERSHA YILMA ZELEKE	MELCA	ETHIOPIA
WIM HIEMSTRA	COMPAS	HOLLAND
PILLY LORNA OMARA	PSO	KENYA
PAUL (Usama) JOSEPH GOLDSMITH	PSO	HOLLAND
FRIEDRICH ALPERS	IRDNC	NAMIBIA
DR. ANDREAS DREWS	GIZ	GERMANY
BARBARA LASSEN	GIZ	GERMANY
HUBERT SOME	SNV	BURKINA FASO
PATRICE SAGBO	BENIN	BENIN
EBEN LE ROUX	BOTSWANA	
LAUREEN WINIFRED MANUEL	NATURAL JUSTICE	SOUTH AFRICA
WALID AHMED ALI	SAVE LAMU	KENYA
HASSAN GUYO ROBA	KIVULINI HERITAGE TRUST	KENYA
STEPHANIE JANE BOOKER	NATURAL JUSTICE	SOUTH AFRICA
BAS VERCHUUREN	COMPAS	HOLLAND
LESLE JANSEN	NATURAL JUSTICE	SOUTH AFRICA
JOHAN LORENZEN	NATURAL JUSTICE	SOUTH AFRICA
LASSANA KONE	NATURAL JUSTICE	COTE D'IVOIRE
GINO COCCHIARO	NATURAL JUSTICE	SOUTH AFRICA
THADEUS CHADAU	KARAMACAN ASSOCIATION	NAMIBIA
ROB WILD	UK	
DR. BERBILÉ	UDS	GHANA
MR. KOBINA ESIA DONKOH	UCC	GHANA
ERIC	SNV	GHANA
BERN GURI	CIKOD	GHANA
ELHAM MUMUNI	CIKOD	GHANA
DANIEL BANUOKO	CIKOD	GHANA
WILLIE LAATE	CIKOD	GHANA
PEGGY	CIKOD	GHANA
AUGUSTINE		GHANA
RODNEY ALLAN SIBUYI	KAKULA TRADITIONAL HEALERS ASSOCIATION	SOUTH AFRICA