

AFRICAN BIO-CULTURAL COMMUNITY PROTOCOL INITIATIVE WORKSHOP
CONCEPT NOTE

**SHARING EXPERIENCES AND KEY LESSONS ON BIO-CULTURAL
COMMUNITY PROTOCOL DEVELOPMENT AND UTILISATION**

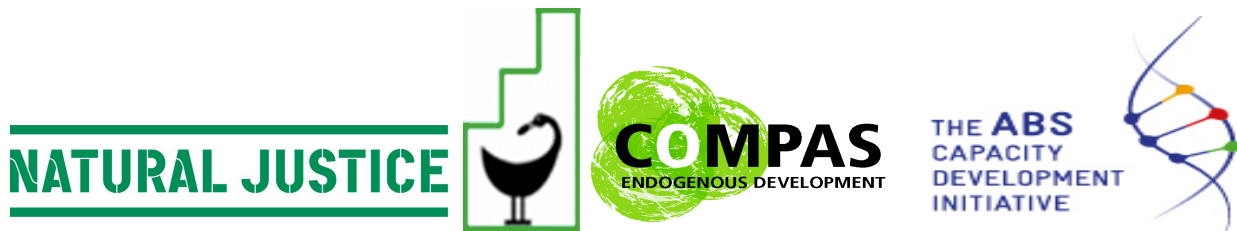
BRACKENHURST HOTEL AND CONFERENCE CENTRE

5TH TO 7TH NOVEMBER 2014

NAIROBI

KENYA





INTRODUCTION

The main agenda for the African Bio-cultural Community Protocol Initiative (BCPI) Workshop in Nairobi is to draw out key lessons and best practices on the development and utilization of Bio-cultural Community Protocols (BCPs) or Community Protocols, as they are also called. BCP is a framework that articulates community values, procedures and priorities as contained in traditional knowledge, practice and customary norms. They are useful as a basis of engaging with external actors such as governments, companies, academics and NGOs. They can also be used to catalyze constructive and proactive responses to threats and opportunities posed by land, resource and knowledge developments. BCPs are recognized under the Nagoya Protocol on Access and Benefit-Sharing (ABS), are in the current draft of the AU Guidelines on ABS and in some national policy frameworks. Further, the international and national laws that affirm the rights of indigenous peoples and local communities also provide a legal basis for BCPs.

BACKGROUND

Natural Justice, ETC Compas and the Centre for Indigenous Knowledge and Organizational Development (CIKOD), supported by the ABS Capacity Development Initiative (ABS Initiative), are involved in the project referred to as African Bio-cultural Community Protocol Initiative (BCPI). In 2011 and 2012 the BCPI explored how BCPs could be accepted by African community based organisations, NGO's, lawyers and governments as a suitable legal tool to secure community rights, fair equitable access and benefit sharing. Since 2012, the African BCPI has been undertaken by community partners in six countries. The six African countries are South Africa, Ghana, Kenya, Namibia, Ethiopia and more recently Zimbabwe.

South Africa

In South Africa the Kukula Traditional Health Practitioners have developed a BCP for engaging with external actors as regards their traditional knowledge of medicinal plants. Currently the Kukula Traditional Health Practitioners have formulated a strategy of negotiating access agreements with private game and national parks in the region they occupy.

Ghana

In Ghana, CIKOD is assisting communities in Tanchara and Dafiama regions to develop community protocols which detail these communities plans to engage with a mining company and protect and gain sustainable livelihoods from the shea trees respectively.

Kenya

In Kenya local NGOs and CBOs such as Kivulini Trust and Life Africa Trust are both undertaking development of community protocols in relation to securing the rights of the Borana and Samburu pastoralists to their resources and knowledge. In addition, the Ogiek Peoples Development Programme and Save Lamu have commenced the process of developing BCPs as a platform of engaging with the government and other external actors in relation to access to traditional lands and consultation in infrastructure development.

Ethiopia

In Ethiopia MELCA has been working closely with Shekacho community to formulate a BCP geared towards reinforcing the Shekacho community rights over their traditional knowledge and sacred areas in Sheka Forest.

Namibia

In Namibia the Khwe community has commenced a BCP process in Bwabwata National Park in collaboration with a locally based NGO Integrated Rural Development and Nature Conservation (IRDNC). The priorities areas that have been identified for the BCP process to address include traditional leadership recognition; land rights; water; forest resources; housing areas; customary institutions and inter-generational knowledge transference-tracking.

Zimbabwe

In Zimbabwe Chiadzwa Community Development Trust (CCDT) is supporting the Marange and Arda Transau communities to develop a BCP. The purpose of the BCP is to engage with external stakeholders to address issues with respect to extractive industries.

GENERAL OBJECTIVE

The overall objective of the BCPI Workshop is to provide a forum for sharing experiences, evidence-based key lessons and articulating best practices on the development and utilization of BCPs. This will involve assessing the tools and processes used in the development of BCPs and highlighting the challenges and cross-cutting issues emerging on their development and utilization.

SPECIFIC OBJECTIVES

1. Sharing the relevant experiences and key lessons derived from BCP processes, dialogues including evaluating the importance of connecting with NGOs and CBOs, highlighting any challenges and cross-cutting issues.
2. Identifying successes achieved by communities in utilization of BCPs in priorities/thematic areas and how these can be used in other contexts.
3. Formulating recommendations, identifying opportunities and strategies for the journey ahead.

PARTICIPANTS

The participants are representatives of the NGOs and CBOs that have been collaborating on the African BCPI and BCP processes in India. They are partners and/or community representatives from South Africa, Zimbabwe, Namibia, Ghana, Kenya, Ethiopia, Benin, Senegal, India, New York and the Netherlands.

APPROACH

The workshop will create an interactive fora during which participants will share their experiences in working groups and be asked to make short presentations on their group discussions. Please refer to annexures 1 and 2.

ANNEX I-What We Require From The Participants

1. A copy of the BCP the community/stakeholders you represent have developed even if in the form of a draft.
2. Pictures, maps and videos that may help to facilitate in-depth understanding of the process of developing your BCP.
3. You are requested to get in touch with the core team of your community/stakeholders that was involved in the BCP process and get some updated information related to the status, successes and challenges they are experiencing.
4. Kindly prepare a brief report (not more than one page and half) that will be submitted to the conference organizers on arrival using information gathered in task number 3.

ANNEX 2- Questions to consider prior to the meeting

1. What were the specifics of your BCP process? I.e. how many trainings? How many community members were involved?
2. Who constituted the community? Who defined the community? What were the challenges?
3. Is customary law still used by the community with regard to natural resources?
4. What tools/processes did you use in conjunction with the BCP?
5. Documentation: who was involved in writing the BCP? Were there any challenges? Do you have a finalized document or a draft? Has it or is it being revised?
6. How was the information on the BCP shared amongst the community?
7. Was the BCP used to dialogue or negotiate with parties outside the community? If so, was the BCP helpful in this process? What was helpful and what was not?
8. Legal assistance: was it essential? If so, why? Who did the community receive assistance from? How many legal-trainings were there? What are some examples to show how legal training was beneficial?
9. Funding: was there enough? Did you require more to adequately complete the BCP process? How much was spent?
10. Intermediary organizations (example Natural Justice): What role did they play? Did you require more or less input from them?
11. Time: was the process timely? Could the process have been quicker? What made the process quicker or slower?
12. How has the BCP assisted your community/the community you are supporting? Example in relation to:

- a. Governance
 - b. Legal empowerment
 - c. Consolidating issues/ non segregation of issues
 - d. Dialogue/negotiation with other parties
13. Impact of the BCP on internal dynamics? i.e. power dynamics, gender balance.
14. What is the importance of reinforcing the enforceability of BCPs and their recognition in national and local laws?
15. Did it help to have a more holistic document/process or was the community required to focus on a specific issue?
16. What were some of the challenges you encountered in the BCP process?
17. What were some of the unanticipated issues that emerged during the process of developing and using the BCP?
18. Would you change/amend the BCP process? If so, how?
19. Any further recommendations?