

African Bio-cultural Community Protocol Initiative (ABCPI): Key lessons, Challenges & Opportunities

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WHAT: African Bio-cultural community Protocol Initiative (ABCPI)

Collaboration:

- Natural Justice, ETC Compass, Center for Indigenous Knowledge & Organizational Development (CIKOD)

Supported by:

- ABS Capacity Development Initiative (ABS Initiative) (2011)

WHY

Nagoya Protocol brought about an interest in use and development of Community Protocols. In response, ABS Initiative supported the -

- African BCP Initiative -

To generate lessons and build good practice on BCP development and its use

Primary objective: build a body of knowledge on community protocols, priority was given to cases that would expose, both positively and negatively, the range of factors, which may impact the successful development and utilization of the tool.

As a result, not all of the case studies focused on BCPs and ABS.

Why: continues

- However, the lessons generated from the breadth of scenarios would prove useful for
 - CSOs, ABS focal points or
 - businesses
 - when engaging in ABS with communities

WHERE:

- Since 2012: community partners in,
 - South Africa
 - Ghana
 - Kenya
 - Namibia
 - Ethiopia

HOW:

African BCPI involved supporting communities to
develop & use BCPs across Africa

WHAT ARE BCPs?

- Framework that articulate community values procedures & priorities as contained in a community's traditional knowledge, practices & customary norms.
- Useful as a base for engaging with external actors such as governments, companies, academics and ngos.
- Used to marshal constructive & proactive responses to threats & opportunities posed by land, natural resource & knowledge developments.
- BCPs are recognized under Nagoya Protocol on ABS & in draft African Union Guidelines on ABS, as well as in some national policy frameworks.
- International & national laws that affirm the rights of IPLCs also provide a legal basis for BCPs.
- BCPs therefore helps to create:
 - clarity
 - Legal certainty
 - Legal compliance

Key lessons learnt:

- Working with the local governance structure & being aware of the local and political context, along with history, inter & intra conflicts; governance and its r/ship to external stakeholders.
- Even if BCP focus on 1 specific issue such as ABS, still NB to appreciate the impact other existing factors could have on a community's potential to organize themselves, iot engage with ABS. It takes more time & resources, but foundation stronger to engage with ABS processes
- Clarity and organization - stakeholders outside the community prized these aspects and this is where our partners focused much of their attention.
- Linking the BCP with national laws can be an important entry point to start the process.
- The importance of having a good supporting NGO, particularly where the community needs some time to become organized to deal with challenges.
- Understanding the law and how to access it: the legal training components of BCP process was shown to be very important and assisted communities to understand how they could deploy their BCP to their advantage, keep other stakeholders in the process compliant with the law.

Key lessons: continues

- For BCP groups/committees or champions to really drive the process - or it has the potential of becoming another externally imposed development process.
- Defining community - this can be a difficult process particularly when focusing on large geographical areas. The BCPs were able to allow communities to define who they were through shared resource, practice, religions, culture - and other factors.
- The example of BBR healers showed that, if proper support, you don't need to have a fully completed and lengthy organization process, before developing a BCP. However it is important that the development / or organization process continues and that stakeholders are aware of this.
- Clarifying a communities own goals/vision - was also an important part of the process when initiating the BCP. This gave direction and focus for community members

Uses of BCP are wide & varied:

- Dialogue tool with external actors such as government & policy makers.
- Documentation of TK and historical information to prevent distortion of certain facts.
- Unifying community.
- Horizontal sharing of information with other communities.
- Creates internal awareness of community rights, entitlements & resources.
- Correcting historical land injustices as the case of the Ogiek & Khoisan communities.
- Engaging the government on land rights and statutory amendments enacting such rights as is the case in Lamu.
- Strengthen governance structures in the community.

Recommendations for continued networking among the participants as follows:

- Regional networking in areas where there are BCPs being developed and implemented.
- Continued collaboration with the ABS Initiative and Natural Justice
- Direct exchanges between areas developing BCPs.
- A portal on the BCPs website has been developed for any community involved in the developing a BCP to upload information.

Additional resources:

- <http://www.community-protocols.org/>
- <http://www.community-protocols.org/toolkit>
- <http://naturaljustice.org/library/our-publications/legal-research-resources/the-living-convention>
- <http://naturaljustice.org/library/our-publications/legal-research-resources/icca-legal-reviews>
- <http://naturaljustice.org/library/our-publications/legal-research-resources/e-learning-modules>
- <http://naturaljustice.org/library/other-publications>

Dankie.

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