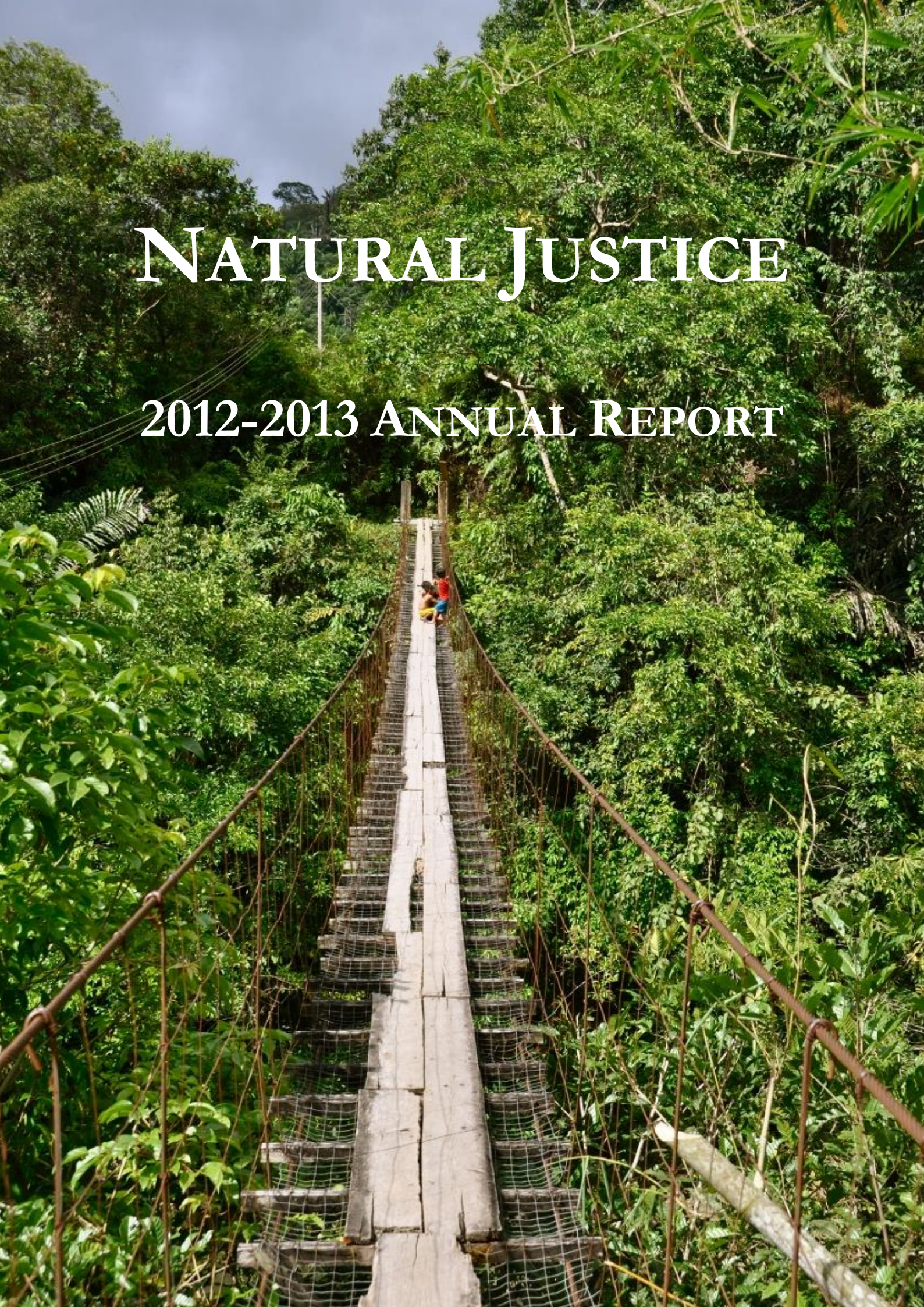

Natural Justice

2012-2013 Annual Report

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Coordinating Committee's Report

This is the first year that Natural Justice has officially moved from a directorship form of governance to a more horizontal approach. After two years of discussions, led by our Board, we have become an Association managed by a Coordinating Committee. The move is aligned with our overall philosophy of providing equal opportunities and being open to new ideas.

The overall shift in governance is mirrored in the increasing geographic reach of the organization that now has a presence on three continents. This year saw the Cape Town office increase in its capabilities, the Indian office hire two more lawyers and an American lawyer join the New York office.

This geographic spread is allowing us to further our work at every level. Locally, Natural Justice is coordinating the African and Asian regional initiatives on biocultural community protocols, as well as supporting a range of other communities outside that framework in Latin America, Africa, Asia and the Pacific.

Nationally, Natural Justice is currently advising the Namibian, Bhutanese and Malaysian governments. This is deepening our appreciation for the challenges faced by governments working to implement their international obligations as well as honing our skills in providing effective assistance at this level.

Internationally we continue to engage with international environmental processes, including the Convention on Biological Diversity (CBD) and the International Union for Conservation of Nature. We are also increasingly focusing on human rights fora, such as the UN Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples.

We undergird our work with our research programme that probes the issues incumbent in the above work. In 2012 we launched two flagship reports, one on the legal aspects of territories and areas conserved by Indigenous peoples and local communities (*ICCA Legal Review*), and another on the international law relating to territories and social-ecological systems (*The Living Convention*). In this regard, our internship and fellowship programmes are gaining strength and the influx of young lawyers is something about which we are genuinely proud.

Although Natural Justice was launched in January 2007, it was only registered as a non-profit organization on the 19th of October 2007. This means that this annual report provides an overview of the organization as it officially passes its fifth year of operation. Our annual retreat held immediately after the 11th Conference of the Parties to the CBD in Hyderabad illustrated to us how much more work we have to do at every level to increase our ability to support social and ecological justice. At the same time, it gave a moment to reflect on the extraordinary people with whom we have had the privilege of working, the partnerships in which we have been involved and the incredible support we have received from myriad individuals and organizations. For that we remain very grateful, and look ahead with resolute purpose towards the next 5 years.

Johanna von Braun, Gino Cocchiaro and Harry Jonas
Coordinating Committee

PART I: ACTIVITIES

1. Community work

1.1. Africa

The Africa office has seen some significant changes over the last year. With the departure of both Kabir Bavikatte and Johanna von Braun, leaving to open offices in Bangalore, India and New York, United States of America respectively, the Africa office has welcomed Lesle Jansen, a South African indigenous peoples rights lawyer focusing on communities on southern Africa, Lassana Kone, a human rights lawyer from Cote D'Ivoire focusing on francophone Africa, Stephanie Booker, an Australian human rights lawyer focusing on communities impacted by extractive industries and Felicity Queenie, who joined as part of our finance team.

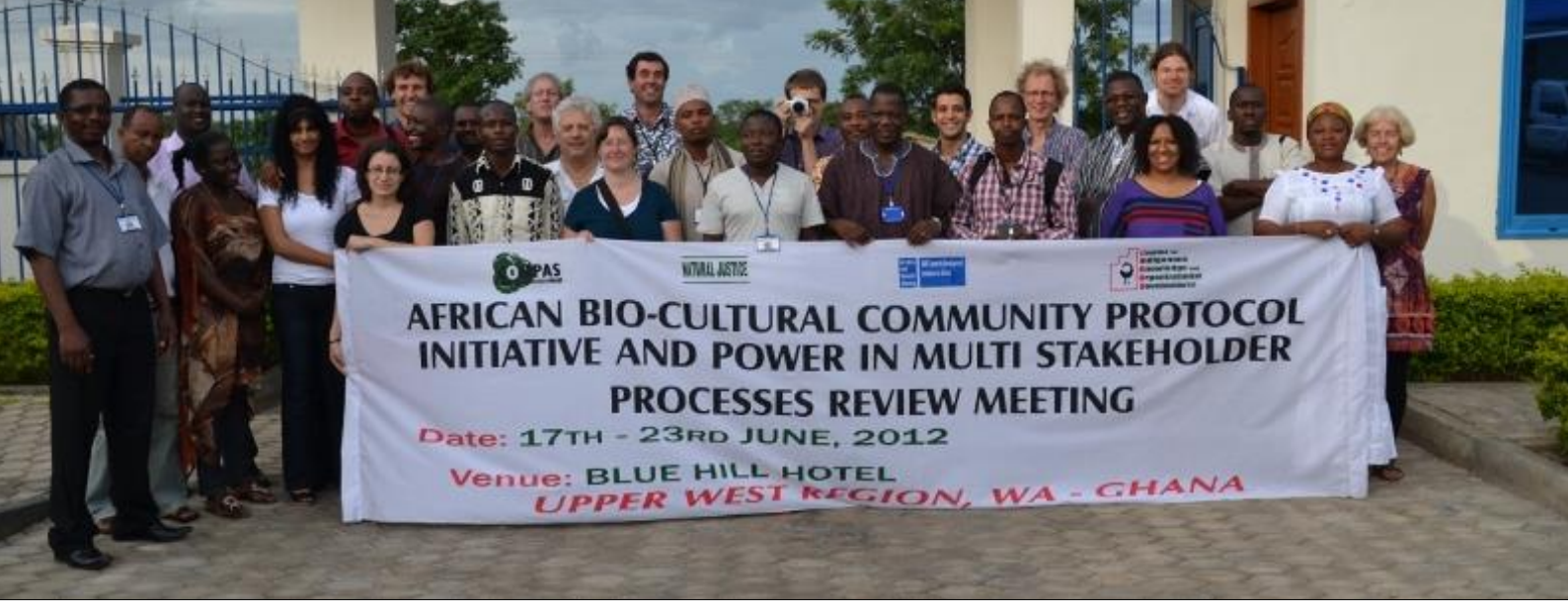
The Africa office is now working with partners in twelve African countries to support communities to assert their rights to their traditional areas, resources and knowledge. As we continue to grow, we look forward to our continued and strengthened relationship with our partners, government departments and business.

1.1.1. African Biocultural Community Protocols Initiative

The African Biocultural Community Protocols Initiative (African Initiative) aims to build best practice on the development of community protocols, support individual communities in their development and use of protocols and support the learning exchange between African partners on community and environmental rights.

Natural Justice continued to coordinate the African Initiative, which includes partners in Ghana, Kenya, Ethiopia, Namibia and South Africa. Natural Justice supported communities through trainings and workshops, drafting advice, financial management and providing backstopping for community protocols processes as needed.

In June 2012, a meeting of all partners and members of the African BCP Initiative was held in Wa, Ghana for partners to present on their work, dialogue on challenges and best practices and plan for the next phase of the Initiative. During the meeting, representatives of GIZ and the ABS Capacity Development Initiative for Africa committed to continue part funding for a second phase of the project, which will run from January 2013 until December 2014. All community partners expressed their desire to deepen the development and use of community protocols in the second phase of the project, which will seek expansion in southern Africa (including in Namibia, Botswana, the Democratic Republic of Congo, Zimbabwe, and Mozambique) as well as the development of a network of local lawyers on biocultural rights.



1.1.2. Tanchara, Ghana

After an Australian mining company began gold exploration near sacred sites of the Tanchara community, CIKOD supported the community in drafting a community protocol around their relationship with the sacred groves and asserting their rights to consultation prior to further exploration. This year Natural Justice supported the community by providing legal advice on how to further develop the rights-related section of their community protocol. Natural Justice also provided support for a multi-stakeholder process, which sought to engage with relevant stakeholders, including the mining company, on the basis of the values and rights set out by the community in their protocol.

1.1.3. Dafiama, Ghana

While the nuts of the Shea tree contribute millions of dollars to the Ghanaian economy every year, the Shea is increasingly threatened as it is chopped down to burn to create charcoal for short-term income. Its value chain is also long, with Shea pickers receiving limited compensation for conserving and harvesting Shea. With Natural Justice's support, CIKOD has held a series of meetings with community representatives to articulate community values around the conservation of Shea. A workshop was held to present CIKOD's findings to community leaders and government officials, and CIKOD is currently drafting a community protocols based on the feedback from this process.

1.1.4. Lamu, Kenya

Natural Justice has continued its support of Save Lamu, a community-based organisation formed as part of the community protocol-related process in Lamu, Kenya, in response to the development of the multi-billion dollar port and transport corridor being constructed in Lamu District as part of the Lamu Port-South Sudan-Ethiopia Transport Corridor (LAPSSET) project. Despite strong objections by Save Lamu, the government of Kenya is continuing its plan for the development of the port in Lamu, as well as associated projects. Save Lamu

continues its calls for full transparency and participation in decisions around the project, which will impact thousands of community members.

In the past year, Natural Justice has supported and assisted Save Lamu with legal capacity training on regional and international law and supported numerous multi-stakeholder meetings in Lamu with a variety of different community and government stakeholders. Natural Justice has also assisted Save Lamu in raising funds for its community protocol-related activities and to widen the network of groups concerned about the clear contravention of Kenyan and international law by the Kenyan Government.

1.1.5. Waso Rangelands and Samburu, Kenya

In partnership with African Initiative partners, the Kivulini Trust, Natural Justice launched an innovative programme to support pastoralist communities in Kenya to develop and use community protocols. The programme, which is funded by GEF SGP, is supporting the communities of the Waso Rangelands to finalise the process initiated in 2012 and in using the community protocol to address challenges such as the lack of access to grazing resources, the revitalisation of local culture, the pro-active resolution of resource conflicts with neighbouring communities, and the preservation of indigenous livestock breeds. The programme is supporting the Samburu community to review and update their community protocol.

1.1.6. Bushbuckridge, South Africa

The Bushbuckridge community, which developed a community protocol in 2009, continued to use their protocol to protect traditional knowledge, increase access to protected areas for sustainable harvesting and to partner with other stakeholders around conservation. Natural Justice visited Bushbuckridge in March to facilitate a two day meeting with the 30-member management committee of the Kukula Traditional Health Practitioners. The community's protocol was revisited and its successes monitored and evaluated. The next years' plan of action was drafted and has been shared with the wider membership of the healers. During the meeting, Natural Justice also trained the healers on specific rights regarding their medicinal plants, land and resources. Natural Justice also conducted

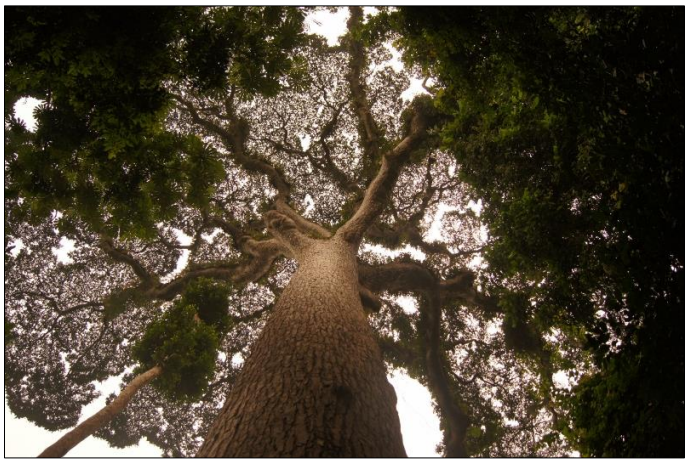
research, in collaboration with the Intellectual Property Unit of the University of Cape Town, and developed a paper on the traditional knowledge commons of the healers, which considers various legal alternatives to protect the knowledge of the healers and foster innovation and economic benefit.

1.1.7. Ethiopia

Natural Justice has continued to partner with MELCA-Ethiopia, an Ethiopian NGO, in their support for the local community of the Sheka Forest, southwest Ethiopia's last remaining forest. In 2011, the community began developing a community protocol to communicate the importance of the forest to the wellbeing of the community, to map the sacred sites within the forest area and to bring government officials and community members together to develop a vision for the conservation of the forest and well-being of the community. The community and government have now met on a number of occasions to discuss the community protocol and plans for the future. As a result of the meetings and discussion a draft community protocol has been developed. MELCA will continue to partner with Natural Justice and support the local community realize its future plans.

1.1.8. Democratic Republic of Congo

Natural Justice is working in collaboration with the network of indigenous peoples and local communities for the sustainable management of forest ecosystems in the Democratic Republic of Congo (REPALEF-DRC) and the ICCA Consortium to support the legal recognition of Indigenous peoples and local communities territories and areas in the biocultural landscape of DRC and the Environment, Natural Resources and Development (ERND), an NGO based in Kinshasa. In May 2012, Natural Justice attended a meeting of community representatives, civil society and government on free, prior and informed consent in REDD+, a programme being implemented in the country. A five-day workshop was organised in November 2012 in Kinshasa by REPALEF, with support from GIZ, and the ICCA Consortium. The main objective of the workshop was to assess the relevance and applicability of the concept and practice of ICCAs in the DRC. The Kinshasa Declaration was adopted during the meeting where Indigenous Peoples representatives from 10 provinces in DRC and Civil Society Organisations expressly affirmed the communities' commitment for the legal recognition of ICCAs in DRC. Looking ahead, Natural Justice Lawyers will offer a series of realistic legal options and legal empowerment tools as an alternative advocacy strategy for the recognition of ICCAs in DRC.



1.1.9. Côte d'Ivoire

In August 2012, Natural Justice was invited by the ABS Initiative in collaboration with the Minister of Environment and Sustainable Development of Côte d'Ivoire to support the implementation of the Nagoya Protocol and the sustainable management of natural resources for local communities living around the Tai National Park, through the development of a biocultural community protocol. The draft proposal of the project entitled 'Contribution of the Nagoya Protocol on Access and Benefit Sharing (ABS) in the Sustainable Management of Natural Resources in Côte d'Ivoire, a Case Study of Tai National Park' was discussed during a three-day workshop organized in Abidjan, Côte d'Ivoire. This project is part of the partnership between the Museum of Natural History in Paris and the Ivorian Office of National Parks and Reserves (OIPR). It provides an opportunity to contribute to a better conservation and sustainable use of biological and genetic resources and traditional knowledge associated therewith at the Tai National Park and its periphery, and also contribute to inform the national legislation on ABS. Natural Justice's forward looking role in the process consists of assisting communities living around the Tai National Park to develop a community protocol, and in that context, conducting training on the Nagoya Protocol and ABS, facilitating dialogue and community interaction with external actors and promoting community based conservation and sustainable ways of life.

1.1.10. Namibia

Natural Justice is in the process of assisting the Khwe Indigenous community residing inside Bwabwata National Park to develop a community protocol. The Khwe community is one of five groupings comprising the San in Namibia. The San (collectively) self identifies as an indigenous community. They regard the Park as their ancestral lands. The Khwe community is also the only San community whose traditional leadership is not formally recognized by the Namibian government. They have been in an ongoing struggle for almost 20 years for the recognition of their traditional leadership.

The core areas are closely monitored by government as well as access to those areas are limited. Yet most of the Khwe community's cultural ceremonies were conducted in the core areas; they collect veld food from there as well as their inter-generational knowledge transference takes place in those core areas due to the amount of plant varieties and animals located there. The Khwe and other residents are organized into a residents association called Kyaramacan Association and the Namibian government entered into a co-management agreement with the Association The Khwe has no formal authority on the land inside the Park other than the co-management agreement, which is itself neither signed nor formalized in any other way.

The Kyaramacan Association and IRDNC invited Natural Justice to assist the Khwe to document their relationship with the Park and its natural resources. The protocol is intended to assist in articulating their connection to the land now contained in the Park and to assist in motivating greater access, use and management in the core areas inside the Park. Natural Justice held consultative meetings with three villages at which the community indicated their need for a protocol.

Natural Justice also established close links with Namibian partners to ensure that greater outreach of the work takes place. The partners include the Legal Assistance Center; the Nyae Nyae Conservancy; Working Group of Indigenous Minorities of Southern Africa. Natural Justice is also in exploratory discussion with the University of Namibia's Human Rights and Documentation Centre to jointly develop a project on biocultural rights. In collaboration with the University of Namibia, the partners would, for example, draw on community projects such as Bwabwata National Park to generate field research to further inform the further conceptualization of biocultural rights. Natural Justice is also collaborating with community partners from Botswana and the Open Society Initiative South Africa.

1.10.11. Extractive Industries and Infrastructure Projects

Over the last few years, Natural Justice has supported a number of communities around the world (namely in Colombia, Kenya and Ghana) with respect to the impacts of extractive industries and infrastructure projects on Indigenous Peoples and local communities. Over the past 12 months, Natural Justice has supported the Tanchara community with respect to the development of the legal section of its community protocol. It has also supported Save Lamu in the ongoing development of its protocol and other advocacy strategies with respect to a major infrastructure development and potential extractive of oil and gas within the county. The Africa office has also recently received a grant to explore community protocols as an alternative legal strategy in the context of extractive industries in Southern Africa (including South Africa, Zimbabwe and Mozambique), allowing the opportunity to explore "good practice" in the methodology in the next eighteen months.

1.2. Americas

Natural Justice is establishing a presence in New York, and the organization is currently being provided space in the UNDP Small Grants Programme's offices. The office is intended to focus on advocacy in New York and Washington D.C. on a range of issues including the UN and international finance institutions. It is also currently coordinating the work in North, Central and South America.

1.2.1. Guatemala

In January 2013, the Sacred Natural Sites Initiative asked Natural Justice to conduct training on community protocols in Guatemala to help indigenous forest communities address issues related to their natural resources. These issues include granting of forest concessions by the central government with poor consultation, as well as threats to their sacred natural sites due to internal community divisions. Working with Oxlajuj Ajpop, an Indigenous Mayan organization, Natural Justice will hold a workshop in March 2013 to provide background on the process and train community leaders on methods of creating and implementing community protocols. Upon completion of the workshop, the community leaders will return to their communities to begin the process.

1.2.2. Honduras

Moskitia Asla Takanka (MASTA), a Miskitu community-based organisation, developed and launched a community protocol with technical assistance from Natural Justice and the International Union for Conservation of Nature's (IUCN) Regional Office for Mesoamerica. The community seeks to assert the right to and guide the process of obtaining free, prior

and informed consent (FPIC) for projects in La Moskitia.

The Miskitu community, with a population of around 70,000, live in the tropical rainforest ecosystems of La Moskitia in eastern Honduras. They are facing a series of challenges in their traditional territory, ranging from the destruction of primary forests through agricultural expansion, illegal trade of flora, fauna and drugs, as well as the commercial exploitation of their sub-soil resources.

To face these and other threats to their natural and cultural environment, MASTA has focused their protocol on defining a mechanism for free priot and informed consent, a vital procedural right that has often been ignored by government and non-governmental development projects. The process of developing the protocol was guided by MASTA, together with representatives from 12 territorial councils and their respective community councils. With this protocol, MASTA is seeking to guarantee that future consultation and consent-seeking processes respect the Miskitu's own institutions and decision-making procedures.

1.3. Asia

Natural Justice now has two offices in Asia: one in Malaysia with two staff and one in India with three staff. Over the year, the work consisted of continuing the Asia Regional Initiative on Biocultural Community Protocols and growing partnerships in South Asia and Southeast Asia in particular.

1.3.1 Asia Regional Initiative on Biocultural Community Protocols

The second meeting of the Asia Regional Initiative on Biocultural Community Protocols was held in Bangalore, India, from 18-20 February 2013. The meeting was attended by current partners from South Asia as well as new partners from India to discuss the potential for the growth of this initiative and the challenges faced by the existing partners in the past year. It also included many new partners from India discussing the importance and relevance of biocultural community protocols, particularly vis-à-vis the environmental legal landscape in India. The report discusses the following broad thematic areas:

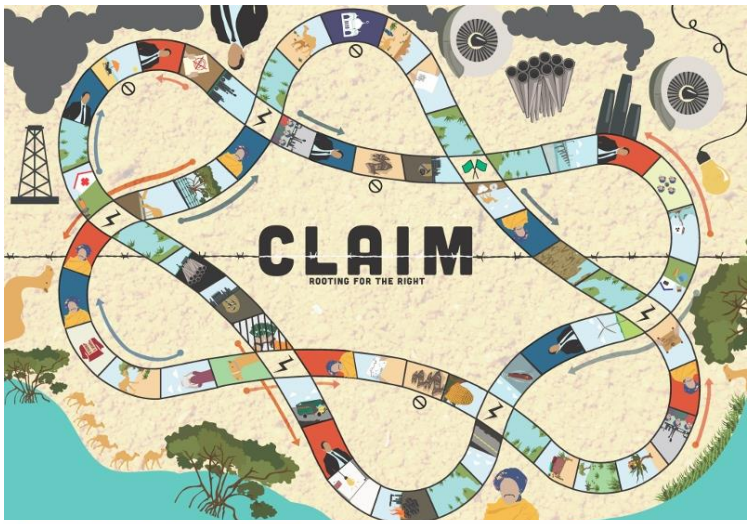
- The relevance of BCPs in the India context;
- To distinguish between BCPs and other tools used by communities;
- To examine the value addition of BCPs in asserting community rights over resources; and
- To see how organizations gathered can collaborate with Natural Justice and others.

The full report of the meeting is available online.

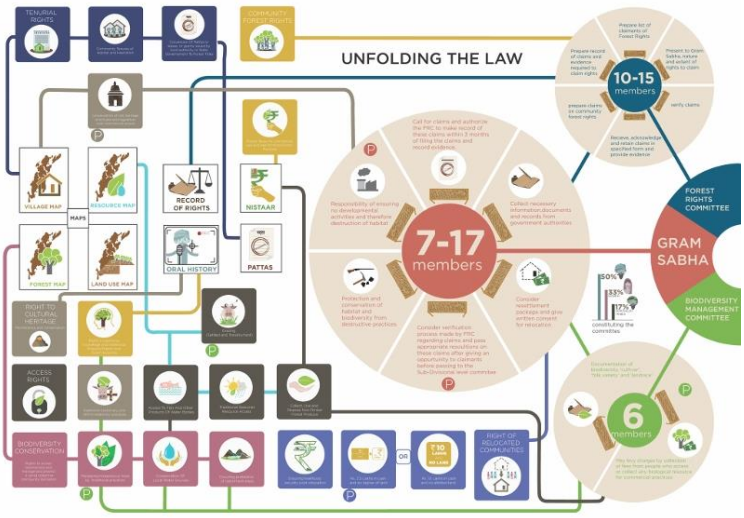
1.3.2. India

Natural Justice collaborated with the Srishti School of Art, Design and Technology in Bangalore in 2012 to create an experimental space that will explore the interface between

design and environmental law. The objective of the Lab is to use design methodology in making the law more accessible through visualizing it in different mediums. The first project, entitled 'ROOTS', saw the creation of and interactive paralegal toolkit consisting of an infographic and puppet theater to better communicate the Forest Rights Act to the Gujjar Community in the Sariska Tiger Reserve, and an innovative board game that facilitates the learning of the Forest Rights Act through the playing of this game.



India office received a short-term grant to perform a scoping study on the potential uses of the community protocols with respect to extractive industries in India. Similarly in India, Natural Justice has supported a community in the preparation of a complaint to National Contact Points to the Organisation for Economic Cooperation (OECD) with respect to a development in India.



Natural Justice has been engaged with Indigenous (Tribal) communities in Odisha (Keounjhar and Sundergarh), India, to map their rights over cultural and natural resources. We have been facilitating the claims of communities over their forest resources for recognition of forest rights. The initiative is also focused on protecting the interest of the community over resources that lie within their customary boundary, so that the future mining activity cannot alienate the community from their resource or in case of alienation the community could be sufficiently compensated for the loss.

1.3.3. Sabah, Malaysia

The Sabah Biodiversity Centre (SaBC) in Sabah, Malaysia, is in the process of finalizing Access and Benefit Sharing (ABS) Regulations to augment the Sabah Biodiversity Enactment 2000. As per its mandate, SaBC is exploring ways to implement the forthcoming ABS Regulations in the context of genetic resources and traditional knowledge owned by indigenous and local communities in ways that also support local governance of biodiversity and the customary sustainable uses of natural resources.

Natural Justice is working with SaBC and Borneo Conservancy Initiative to support Sabah to develop a framework for ABS using an integrated and community-based approach. By focusing on the development of community protocols, it also goes beyond ABS to explore more generally how community-government relations can be improved towards greater biodiversity conservation and local livelihood generation.

The project aims to support awareness raising and capacity building among Dusun communities living in a cluster of communities called Melangkap on the slopes of Mount Kinabalu about ABS, customary sustainable uses of biodiversity, and the protection of traditional knowledge. Outcomes include increased cooperation with government agencies relating to community conserved areas. Good progress has been made in 2011-2012 with project funding from the UNDP Small Grant Programme guaranteed for another two years.

1.4. Pacific

In November 2012, Natural Justice contributed to a national stakeholder meeting, facilitated by Vanuatu's Department of Environment and Conservation together with the national GEF Small Grants Program on ABS. The purpose of the meeting was to brief a range of diverse stakeholders on the Nagoya Protocol on ABS to the Convention on Biological Diversity and its significance to them, as well as to receive an update on the process of Vanuatu ratifying the Protocol. Vanuatu, which signed the Nagoya Protocol in 2011, is planning to ratify the Protocol in the near future depending on national regulatory requirements.

Natural Justice and the ABS Capacity Development Initiative provided technical input to the meeting and supported discussions on the next steps for both governmental and non-governmental stakeholders in this process. After a fruitful debate, both stakeholder groups identified a number of priority areas to be targeted in the immediate and medium-term future. The meeting was followed by a discussion among non-governmental government stakeholders and SGP Vanuatu to develop a possible SGP Strategic Project surrounding those priority areas identified that are of particular relevance for local stakeholders.

2. Technical Advice

Natural Justice continues to provide technical advice to a range of stakeholders, including governments, development agencies and funders.

2.1. ABS Capacity Development Initiative

Natural Justice has provided support services for the ABS Capacity Initiative from the latter's inception in 2005. Besides providing regular legal research and acting as resource persons for the capacity development workshops that the Initiative organizes in Africa, Caribbean and the Asia Pacific regions, Natural Justice also provides legal advise to the African Group of Countries in their negotiations under the CBD.

One of Natural Justice's members is on the Steering Committee of the ABS Initiative helping to determine the annual work-plan of the Initiative. Other Natural Justice members provide legal support for the Initiative's community and government partners in Southern, Eastern and Western Africa and recently in the Asia Pacific region in a variety of ways ranging from support for the development of community protocols to advice on developing an effective ABS legal framework.

2.2. Small Grants Programme

Natural Justice supports the ABS Initiative and the Small Grants Program (SGP) to effectuate the linkages between community organizations supported by the SGP in Africa, Asia-Pacific and the Caribbean region and the work of the ABS Initiative in these regions. Natural Justice identified that while both the ABS Initiative and the SGP were supporting communities in the aforementioned regions, their support overlapped in many cases and in some cases could have been coordinated in a manner to engender better use of limited financial and human resources.

Beginning from 2012 Natural Justice has supported both institutions to effectively bridge this gap by coordinating their annual work plans and linking the National SGP focal points and community organizations in their overlapping regions of work.

2.3. Namibia

Natural Justice in December 2011 was invited to assist the Namibian government to develop their Access and Benefit Sharing (ABS) law in accordance with the Nagoya Protocol. The Namibian Ministry of Environment held extensive consultations with communities across Namibia regarding their rights to traditional knowledge and genetic resources. Consultations were also held with other stakeholders. Natural Justice then consolidated the outcomes of these consultations and developed a draft Namibian ABS law. The draft law was presented to the Namibian parliamentarians in early 2012. Further consultations on the draft law continue with the various Namibian rights holders and stakeholder groups.

2.4. Malaysia

Natural Justice continues to provide ad hoc advice to the Sabah Biodiversity Centre (Malaysia) and in that capacity has developed a draft toolkit on ABS and helped develop two projects that focus on biodiversity conservation and the protection of traditional knowledge.

2.5. Bhutan

Natural Justice has since 2011 been assisting the National Biodiversity Center (NBC) of Bhutan in capacity development around ABS and community rights including supporting stakeholder consultations across the country. In 2011, Natural Justice, in collaboration with the NBC and Fridtjof Nansen Institute (FNI), drafted Bhutan's first national ABS policy. The policy was based on the feedback from several stakeholder consultations along with research on the Bhutanese legal framework. In 2012 this draft ABS policy was discussed for public comments across Bhutan inviting feedback from communities, government officials, academics, researchers and business. Natural Justice participated in some of these public discussions.

The draft national ABS policy, after a successful review by Bhutan's Gross National Happiness Commission, is now before the Bhutanese cabinet for approval.

2.6. Pacific

Natural Justice participated in the first ever Oceania Biodiscovery Forum in Brisbane, Australia. The meeting was jointly facilitated by the Secretariat of the Pacific Regional Environment Programme (SPREP), the Eskitis Institute of Griffith University, the Australian Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) and the ABS Capacity Development Initiative. This meeting was followed by an Access and Benefit Sharing (ABS) capacity development workshop for ABS Focal Points and other relevant stakeholders in the Pacific region from 22-23 November.

The Biodiscovery Forum provided a platform for exchange on the nature of bioprospecting activities by Australian research institutes, both public and private. A number of researchers shared the nature of their work, ranging from small-scale commercial bioprospecting activities to large-scale gene banks of marine genetic resources. These activities were discussed against the backdrop of the Nagoya Protocol on Access and Benefit Sharing to the Convention on Biological Diversity and Australia's draft policy as a user of genetic resources

as well as the existing permit system as a provider of genetic resources. A number of national and regional benefit sharing examples with local communities were shared with participants.

3. International Networks and Advocacy

3.1. Ad-hoc Intergovernmental Committee on the Nagoya Protocol

At the 10th Conference of Parties to the Convention on Biological Diversity (CBD), the Parties took a decision to establish the Ad-hoc Intergovernmental Committee on the Nagoya Protocol (ICNP) as an interim governing body of the Protocol. Natural Justice participated in the 2nd Meeting of the ICNP in July 2012, at which a number of recommendations were made, including on the capacity development, a global multilateral benefit sharing mechanism and measures to promote compliance with the Protocol.

3.2. 11th Conference of the Parties to the Convention on Biological Diversity

Natural Justice attended the 11th COP of the CBD, held in October 2012 in Hyderabad, India. The team jointly hosted a number of side events, including on the legal weight of the CBD and the launch of the *ICCA Legal Review*. The *ICCA Recognition Study* was also noted in the day-long Symposium on ICCAs hosted by the CBD Secretariat (both publications are discussed more fully below). More information about the events is available online.

During the negotiations, we placed particular emphasis on the draft decisions on Article 8(j) and Related Provisions, Sustainable Use of Biodiversity, and Protected Areas. Other key agenda items for which we provided technical guidance and coordination assistance through the CBD Alliance and ICCA Consortium included the following: Monitoring Progress on the Implementation of the Strategic Plan and Aichi Biodiversity Targets; Review of the

Programme of Work on Island Biodiversity; Ecosystem Restoration; Marine and Coastal Biodiversity; Biodiversity and Climate Change; Biodiversity for Poverty Eradication and Development; Biological Diversity of Inland Water Ecosystems; Forest Biodiversity; and Agricultural Biodiversity. For more information, see a summary of the outcomes.

3.3. Reducing Emissions from Deforestation and Forest Degradation

Reducing Emissions from Deforestation and Forest Degradation (REDD+) is a key mitigation activity currently under negotiation within the United Nations Framework Convention on Climate Change (UNFCCC). REDD+ is a performance-based mechanism that aims to slow, halt and reverse forest cover and carbon loss by tackling the key anthropogenic drivers of deforestation. Within REDD+, the focus on forest carbon and its financialization is controversial, as it is feared this could negatively impact other social and environmental values of forests and forest communities including Indigenous Peoples and their rights. In recognition of these risks, the REDD+ safeguards were agreed. These are non-binding principles to be addressed and respected during REDD+ activities. However, there is concern regarding whether or not, and how governments and other actors can be held accountable for them.

Natural Justice has been networking with governments, CSOs and multilateral organizations in Africa on safeguards issues and in November 2012 together with the Heinrich Boell Foundation and the Open Society Initiative of Southern Africa held a 'Rights-Based REDD+ Dialogue' in Cape Town, South Africa. Over twenty participants from seven different African countries attended and dialogue sessions included contextualizing REDD+, safeguards, regional and national REDD+ readiness activities, CSO perspectives, synergising links between the UNFCCC and the Convention on Biological Diversity, and community protocols. Discussions were intense and key issues raised included the roles and responsibilities of REDD+ stakeholders, beneficiaries, effective participation, the need for independent REDD+ knowledge brokers, local level capacity building, safeguards and standards complexities, lack of safeguard compliance and grievance mechanisms, and the need for independent monitoring. A report of the dialogues was disseminated through the REDD+ network and Natural Justices webpages. In 2013 Natural Justice hopes to hold another follow-up dialogues, carry out research and publish a report on the status of REDD+ Safeguards in Southern Africa, share experiences at a Side Event at the International Climate Change Conference in Poland, and continue to build an extend our REDD+ network.

3.4. Expert Mechanism on the Rights of Indigenous Peoples

Access to justice is the theme of the sixth session of the Expert Mechanism on the Rights of Indigenous Peoples, which will take place in July 2013. Natural Justice made two legal submissions to contribute to the study on access to justice. The first had a global perspective and drew from the *ICCA Legal Review* and *Recognition Study* (see Section 4 below), before suggesting community protocols as an innovative tool for integrated legal empowerment to enable Indigenous peoples to access justice and to assert and affirm a range of other rights and responsibilities. The second was a joint submission in French in collaboration with Programme d'Intégration et de Développement du Peuple Pygmée au Kivu (PIDP-Kivu) and focused on the particular challenges that the Indigenous peoples of North Kivu face in relation to access justice. It is expected that someone from Natural Justice will be attending the sixth session of the Expert Mechanism in July.

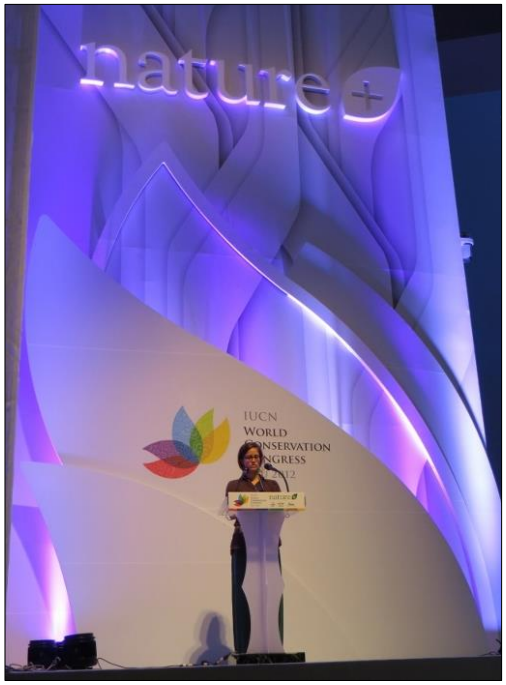
3.5. UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises

Throughout the period 2012-13, Natural Justice has kept its finger on the pulse of the UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises. The Working Group has a mandate to promote effective dissemination and implementation of the Guiding Principles on Business and Human Rights, to identify, exchange and promote good practices and lessons learned on the implementation of the Guiding Principles and to provide support for efforts to promote capacity building and the use of the Guiding Principles.

The Working Group provided oversight and guidance to the first annual Forum on Business and Human Rights that took place in December 2012. The Forum presented an opportunity for participants to discuss the critical implementation challenges for the Guiding Principles in the context of indigenous peoples, as well as broader issues with respect to the impacts of business on indigenous peoples. The Working Group's Fourth session, held in February 2013, sought to engage with the issues through an open consultation on addressing the application of the Guiding Principles in the context of business operations that impact on the Indigenous peoples. Natural Justice prepared submissions to this open consultation, providing the Working Group with recommendations on the thematic report on Indigenous Peoples and Business and Human Rights on the specific issues and challenges, existing standards and documents, practices and initiatives the Working Group should take into account when drafting its report on Indigenous Peoples and business and human rights, particularly in the context of the implementation of the Guiding Principles on Business and Human Rights.

Natural Justice plans to engage with the Working Group in the coming year through further submissions and engagements with respect to the impacts of business on indigenous peoples.

3.6. IUCN World Conservation Congress



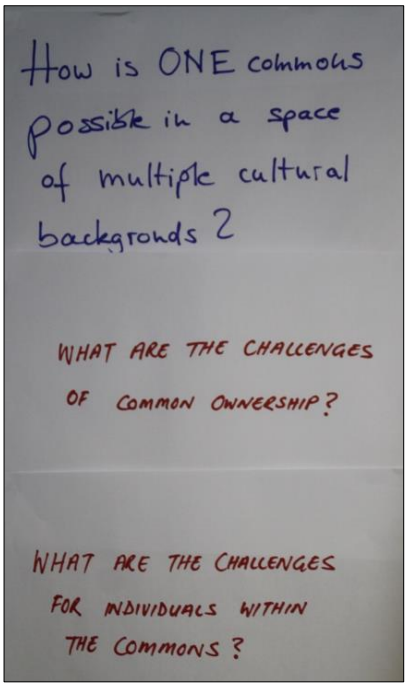
Natural Justice attended the World Conservation Congress, held in September 2012 in the Republic of Korea. The team hosted an event to launch the *ICCA Legal Review* (see Section 4 below). Natural Justice also contributed to a number of events including on ICCAs, ABS, protected areas governance and management, agro-diversity, rights-based approaches, the Aichi Biodiversity Targets, and resilience.

A number of relevant Resolutions and Recommendations were adopted by the Members' Assembly, including two that referenced community protocols.

For more information, see the ICCA Consortium's participants' report, which Natural Justice co-authored.

3.7. Traditional Knowledge Commons

Natural Justice has been involved with the Open African Innovation and Research Programme (Open A.I.R.) of the University of Cape Town, supported by GIZ and the International Development Research Centre (IRDC), since 2012. The project's central theme is to investigate how intellectual property regimes can be harnessed in Africa to facilitate innovation. Our involvement has been focused on analyzing the most appropriate intellectual property and/or other legal mechanisms to protect the commons of traditional knowledge whilst maximizing innovation. The research was in partnership with the Kukula Traditional Healers Association who, through their BCP, pooled their traditional knowledge with the aim of sharing it with local business. The research has been conducted with two Natural Justice associates, Britta Rutert and Bernard Maister. The outcomes will be published in a book to be produced by Open A.I.R in 2013.



3.8. Green Economy

The discussion on the green economy continues with insufficient regard to the roles that communities, as stewards of much of the world's biodiversity, will play. Following its joint meeting in 2011 with the Indigenous Peoples of Africa Co-ordinating Committee and Open Society Initiative for Southern Africa (OSISA) and statement of indigenous peoples principles on the green economy, Natural Justice has continued to advocate the importance and need for the community rights to steward areas and territories, also referred to as green governance, if the green economy is going to be successful. During a roundtable discussion of policy makers, civil society organizations and other stakeholders in Johannesburg in 2012, organized by OSISA and the Heinrich Boell Foundation, Natural Justice shared some of its experiences with communities that have already begun to engage with the green economy and stressed the necessity of a rights based approach in any discourse on the green economy. In 2013, Natural Justice with support of OSISA, will host a discussion on community rights and the green economy.

3.9. International Financial Institutions

International Financial Institutions (IFIs) – public banks and other credit institutions led by more than one country – are the largest source of development finance in the world, typically lending between US$30-40 billion to low and middle-income countries each year. As a result, IFIs have tremendous influence over development that affects Indigenous peoples and local communities. Given the importance of IFI activities, Natural Justice is beginning to engage.

One aspect of our nascent involvement is in the World Bank's safeguard review and update of its environmental and social safeguard policies (Safeguard Policies), a two-year process begun in 2012. The World Bank calls its Safeguard Policies a cornerstone of its support to sustainable poverty reduction. The scope of the update could result in significant changes to the current framework, with corresponding effects on Indigenous peoples and local communities impacted by World Bank projects. As part of its review and update process, the World Bank is holding meetings and accepting submissions from stakeholders who want to be involved. Given the importance of the Safeguard Policies, Natural Justice plans to draft a submission regarding the update, which will be submitted at the end of April 2013, and attend meetings where possible.

3.10. Extractive Industries and Infrastructure Projects

Natural Justice staff attended a workshop for Civil Society Organisations in Bonn, Germany, in November 2012. Entitled "Oil Production and Compensational Justice? Civil Society Workshop on Alternative Compensation Models", Natural Justice presented on the use of biocultural rights models and mechanisms to secure community interests in the context of extractive industries before a number of participants from Groupe Tchad, Cordaid, the European Centre for Constitutional and Human Rights and the Bonn International Center for Conversion.

4. Legal Research, Resources, Submissions & Training

4.1. Legal Research

4.1.1. ICCA Legal Analysis

Indigenous peoples' and local communities' conserved territories and areas (ICCAs) contain or overlap with some of highest concentrations of biodiversity in the world. Traditional and contemporary systems of stewardship embedded within identities and cultural heritage enable the conservation, restoration and further connectivity of ecosystems and natural resources in accordance with indigenous and local worldviews. Despite the multiple roles and benefits of ICCAs, they are facing increasing threats. These threats are compounded by the fact that very few states understand or appropriately recognize the crucial contributions of Indigenous peoples, local communities, or ICCAs to a range of things, such as ecological and cultural integrity, food security, animal and plant diversity, and local economies.

In this context, the ICCA Consortium conducted two studies from 2011-2012; both of which Natural Justice was involved. The first (the *Law Study*) explores the interrelation between ICCAs and international and national laws, judgements, and institutional frameworks. The second (the *Recognition Study*) considers various legal and non-legal ways of recognizing and supporting ICCAs. Both also explore the ways in which Indigenous peoples and local communities are actively engaging with local, national, regional, and international legal and policy frameworks to maintain the resilience and integrity of their ICCAs.

1. **Legal Review**
   - An analysis of international law and jurisprudence relevant to ICCAs
   - Regional overviews and 15 country level reports:
     - *Africa*: Kenya, Namibia and Senegal
     - *Americas*: Bolivia, Canada, Chile, Panama, and Suriname
     - *Asia*: India, Iran, Malaysia, the Philippines, and Taiwan
     - *Pacific*: Australia and Fiji

2. **Recognition Study**
   - An analysis of the legal and non-legal forms of recognizing and supporting ICCAs
   - 19 country level reports:
     - *Africa*: Kenya, Namibia and Senegal
     - *Americas*: Bolivia, Canada, Chile, Costa Rica, Panama, and Suriname
     - *Asia*: India, Iran, the Philippines, and Russia
     - *Europe*: Croatia, Italy, Spain, and United Kingdom (England)
     - *Pacific*: Australia and Fiji

The *Legal Review* was released at the IUCN World Parks Congress and the *Recognition Study* was launched at the 12th COP of the CBD. The research methodology, international analysis, and regional and country reports, are available on our website.

The research shows that in many countries, Indigenous peoples and local communities continue to face a lack of recognition of customary territories and areas, traditional or collective governance institutions, and/or rights over natural resources in their territories. In addition, legislation and policies are developed without the full and effective participation of Indigenous peoples and local communities, legal frameworks fragment otherwise connected cultural and ecological landscapes, and justice systems remain largely inaccessible. Together, these factors are significantly hindering the ability of Indigenous peoples' and local communities' to maintain the integrity of their ICCAs.

The summary report concludes that Indigenous peoples' and local communities' stewardship of their territories and areas is contingent upon the legal and non-legal recognition of, among other things: their existence as peoples and communities; associated customary territories and natural resource governance practices; and their rights over historically state-dominated or corporatized resources such as wildlife, forests, pastures, and fisheries. It is also essential to ensure *appropriate* forms of support for building capacity, generating resources, accessing locally relevant development and welfare inputs, networking, and advocacy.

4.1.2. The Living Convention

Although there is a growing body of international law that is supportive of the rights of Indigenous peoples' and local communities, the laws are diffuse and often inaccessible to non-experts. To address this issue, Natural Justice developed a concept for reimagining the existing framework of international law into one that could be accessed as easily as possible by stakeholders. That concept has been realized as The Living Convention on Biocultural Diversity: A Compendium of Indigenous Peoples' and Local Communities' Rights Relevant to Maintaining the Integrity and Resilience of Territories and other Biocultural Systems (the Living Convention). The Living Convention contains a comprehensive compilation of international legal provisions organized into categories of rights that support the stewards of biocultural diversity. It is intended to serve as a useful resource for Indigenous Peoples, local communities, NGOs and others who want to reference and use international law at the national and local levels.

The first draft of the Living Convention was launched at the 11th Conference of the Parties to the Convention on Biological Diversity in October 2012. Currently the draft is being peer-reviewed by a diverse working group that includes academics, practitioners, Indigenous peoples and local communities, and other stakeholders.

Due to the cross-cutting nature of international law, the Living Convention will be most useful as an online resource, where provisions are not confined to physical space and can be organized depending upon each users' preference. To that end, Natural Justice is partnering with the Legal Atlas, an organization based out of the University of Montana with a similar vision for making the law more accessible to various stakeholders. The partnership allows Natural Justice to leverage the Legal Atlas's already existing technical capabilities, which include database management and web design, in order to realize the full potential of the Living Convention.

4.2. Community Legal Resources

A number of e-learning modules are currently underway to complement the first batch developed in 2011 and 2012 as part of the BCP Toolkit. They will be added to the community protocols website as they are finalized and used to support local community protocol processes in the different regions. In addition, a grant from the Swift Foundation was recently awarded to translate a number of our legal resources into Spanish to assist with increasing the accessibility of our work in Latin America. The translation work will be undertaken through 2013.

4.3. Written Submissions

Natural Justice made joint submissions on customary sustainable use and the Programme of Work on Article 8(j) and Related Provisions ahead of the 11th Conference of the Parties to the Convention on Biological Diversity, and on access to justice to the Expert Mechanism on the Rights of Indigenous Peoples. We also endorsed a submission by Forest Peoples Programme on the second consultation draft of the Roundtable on Sustainable Palm Oil's Revised Principles and Criteria.

4.4. Education and Training

4.4.1. Certificate Program in Local and Indigenous Knowledge

Natural Justice staff and a number of its African partners from Kenya, South Africa and Namibia attended a one-week Certificate Program in Local and Indigenous Knowledge for Community-Driven Development in Techiman, Ghana, in June 2012. Coordinated by CIKOD in collaboration with the University of Cape Coast and Water Aid, Ghana, the course introduced the concept of endogenous development as well as endogenous development tools such as Community Institutional Resource Mapping (CIRM) and Community-Driven Health Impact Assessment Tools.

4.4.2. Workshop on Human Rights and Grievance Mechanisms

Natural Justice staff attended a training of trainers workshop on human rights and grievance mechanisms through the Centre for Research on Multinational Corporations (SOMO) in Soesterberg, the Netherlands in November 2012. The training provided an opportunity for participants to discuss, among other things: how to best support communities in accessing justice through international grievance mechanisms; techniques when presenting and sharing skills with communities and strategizing with communities on the features of each grievance mechanism; and the significance of timing when used as a part of a community's wider advocacy strategy. In addition, Natural Justice participated in a two-day session conducted by SOMO on action research, including how to conduct company research, to complement training on grievance mechanisms.

5. Publications and Communications

In addition to the legal research and resources described above, Natural Justice has written a number of workshop and conference reports, co-edited and contributed to books and volumes (including a major volume on community protocols, rights and consent with the International Institute for Environment and Development), written articles for civil society newsletters and magazines, developed booklets and briefs on community protocols, and produced short films and photo stories.

We have also been featured in a wide range of online media, including civil society newsletters and national newspapers. We continue to curate an active blog, which has now received over 60,000 hits, and a Facebook page with over 1,700 'likes'.

PART II: GOVERNANCE

6. Organization

6.1. Board Members

There was no change in the membership of the Board during this period, but Adele Wildschut has notified the organization that she will be leaving during the next financial year. Natural Justice is currently discussing individuals to whom to extend an invitation to join the Board.

6.2. Staff

In Cape Town, Lesle Jansen and Steph Booker were invited to join the Association, Lassana Kone joined the team as a staff lawyer and the finance team was bolstered by the arrival of Felicity Queenie. In India, Kabir Bavikatte established the Indian office and was joined by Arpitha Kodiveri and Sankar Pani. Johanna von Braun continued to work from New York and was joined by J. Eli Makagon.

6.3. International Advisory Board

A decision was taken at the staff retreat in Hyderabad to dissolve the international board, pending further decisions about its role.

6.4. Associates

Natural Justice was joined at the Associate level by Cath Traynor and Magdalena Kropiwnicka.

6.5. Fellows and Interns

Natural Justice was joined by a number of interns who provided excellent input to a number of ongoing projects and research, including the *Living Convention*, referenced above. J. Eli Makagon became a Fellow.

6.6. Memberships

Over the past 12 months, Natural Justice became a member of OECD Watch, an international network of civil society organizations promoting corporate accountability. The purpose of OECD Watch is to inform the international NGO community about activities of the OECD, and to test the effectiveness of the OECD Guidelines for Multinational Enterprises. Natural Justice's membership allowed for attendance at the OECD Watch General Assembly in Johannesburg in September 2012. Attendance at the General Assembly provided Natural Justice an opportunity to meet with fellow members of OECD Watch from around the world as well as participation in discussions around the update to the OECD Guidelines, on context and strategy and the work of other participants, and the various tools formulated and used by OECD Watch and partners in supporting communities with respect to complaints to OECD National Contact Points.

In addition, Natural Justice's India office has worked with other Indian-based NGOs and OECD Watch with respect to a local complaint, assisting in the formulation of the complaint to a number of National Contact Points around the world.

Natural Justice has also applied to become a member of the International Land Coalition, which will be considered at the Coalition's next meeting in June 2013.

Notably, Natural Justice remains an active member of the ICCA Consortium. The ICCA Consortium is an international association dedicated to promoting the appropriate recognition of and support to ICCAs (Indigenous Peoples' and Community Conserved Territories and Areas) in the regional, national and global arena. Holly Shrumm is the International Policy Assistant and Lesle Jansen is currently the regional co-coordinator for Eastern and Southern Africa, both as part of their work for Natural Justice.

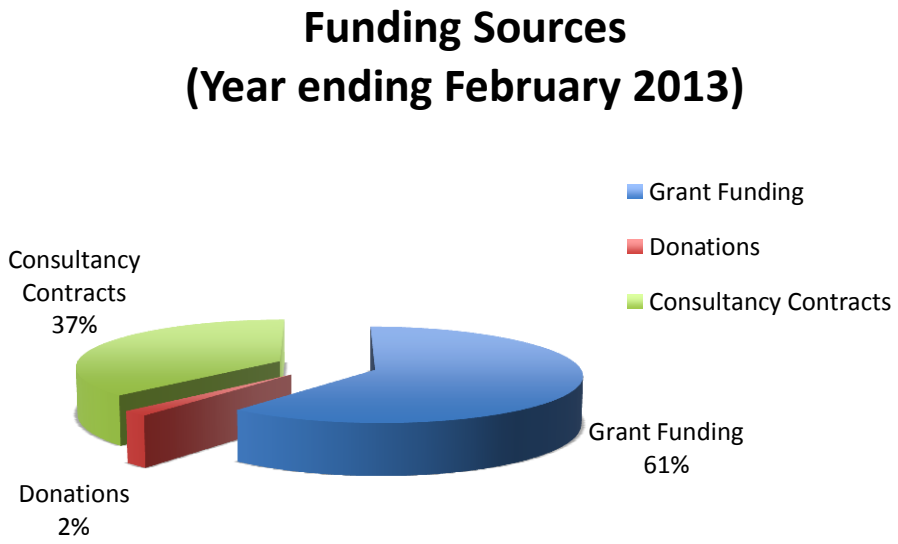
PART III: FINANCES

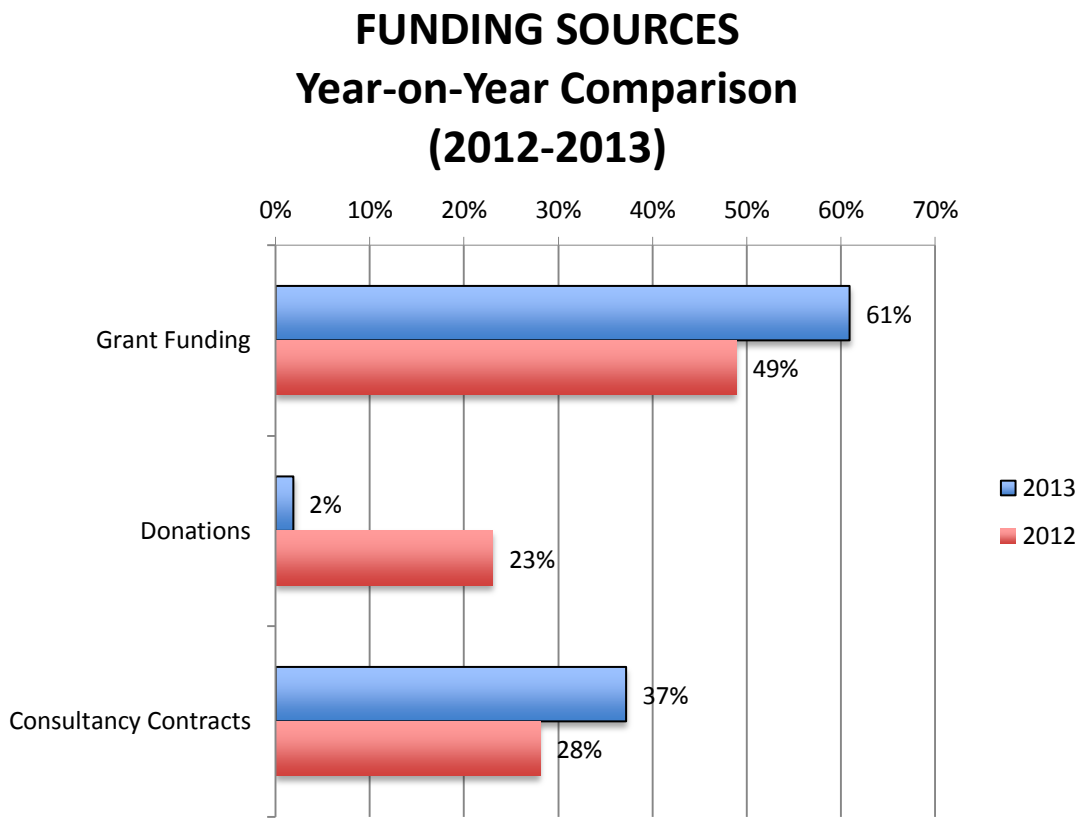
7. FINANCIAL SUMMARY

7.1. Funding Sources

Natural Justice's work continues to be supported by grants, donations and consultancy contracts. In the past financial year, our primary source of income from grant agreements and donations funded our global BCP initiative work, our work in legal research and resource development, as well as the expansion of our work into the impacts of extractive industries and infrastructure projects on Indigenous Peoples and local communities. The funding received also supported the appointment of additional consultants to assist with the expanded activities and projects over the past year.

Funding received through consultancy work for the provision of technical services to partners and governments, as well as project specific funding, still form an integral part of our income. Donation funding includes funding of travel expenses to participate in international conferences or local meetings, and/or general funding towards operational expenses. As illustrated in the diagrams below, the funding received through grant agreements increased from 49% in the previous year to 61% in the year under review. Consultancy and project funding also increased from 28% to 37%, while donation funding decreased substantially from 23% to 2%. Despite the decrease in donation funding, the overall funding received in this reporting year is still higher than that received in the previous year.





We remain deeply grateful to our funders, donors and partners for their ongoing support and assistance in fulfilling our mission and vision, and without whom many projects would not be possible.

7.2. Financial Report (for year ending February 2013)

Grants Received	
Deutsche Gesellschaft Internationale Zusammenarbeit (GIZ)	885,192
Heinrich Böll Foundation	419,658
Institute of International Education	100,472
Kiran Bavikatte Foundation	80,768
Open Society Initiative for Southern Africa (OSISA)	1,031,470
Shuttleworth Foundation	240,000
Total	**2,757,561**
Donations Received	
OECD	3,434
Open Air Project	49,652
Open Society Initiative for Southern Africa (OSISA)	24,365
Shuttleworth Foundation	7,798
Total	**85,250**
Project and Consultancy Fees Received	
Berne Declaration	6,971
CSIR	4,548
ETC-Compas	413,989
Deutsche Gesellschaft Internationale Zusammenarbeit (GIZ)	562,239
ICCA Consortium	19,149
International Union for Conservation of Nature (IUCN)	56,499
Kalpavriksh	14,782
Open Air Project	151,673
Open Society Initiative for Southern Africa (OSISA)	148,410
Swift Foundation	156,407
The Christensen Fund	128,838
University of Bremen	20,379
Total	**1,683,884**
Interest Earned	**55,652**
Expenditure	
Personnel Costs	1,550,944
Consultant Costs	1,241,057
Administration & Organisational Costs	415,826
Bank Charges	49,681
Depreciation	22,218
Project Travel	1,070,553
Total	**4,350,279**