

A close-up photograph of several green rice panicles. The panicles are the central focus, showing individual grains in various stages of development. The background is a soft, out-of-focus green, suggesting a field of rice. The lighting is bright and natural, highlighting the texture of the rice grains and the sheen of the panicles.

NATURAL JUSTICE

2010-2011 ANNUAL REPORT

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DIRECTORS' REPORT

Maya Angelou's celebrated words from Inaugural Poem guided us over the year, representing both a joyful recognition of the exponential new opportunities offering themselves and as a word of caution not to overextend. This central consideration coursed through the year, continually asking us to consider which steps to place, where, and towards what change.

*"The horizon leans forward,
offering you space to place
new steps of change."
~ Maya Angelou*

At the beginning of the year, after 3 full years of operation and with a growing team, we had clearly moved beyond an initial start-up phase and had arrived at a new phase in our organizational development. This vantage point provided us an opportunity to jointly assess lessons learned and our future. Early in the year, we revisited our vision and mission statements. The exercise was extremely useful, resulting in revised statements (see box below) and bringing us to the conclusion that to be true to our core principles, we should become a collective.

VISION

The conservation and sustainable use of biodiversity through the self-determination of Indigenous peoples and local communities.

MISSION

To facilitate the full and effective participation of Indigenous peoples and local communities in the development and implementation of laws and policies that relate to the conservation and customary uses of biodiversity and the protection of associated cultural heritage.

This led directly to a new phase in our organizational development, namely, how best to operationalize a collective in our context. This was undertaken as the backdrop to epochal organizational growth in all areas.

We established an office in Sabah, Malaysia, to coordinate our Asian work and began to deepen our work in Latin America. In all three regions, we began to map out future trajectories and to conceptualize our work on biocultural rights and biocultural community protocols at a local to regional level. Towards that end, we hosted consultative meetings on community protocols and rights-based approaches to conservation in India, Sri Lanka, and South Africa. We subsequently worked hard to fundraise for the African and Asian Initiatives on Biocultural Community Protocols, which remain a work in progress. In addition to developing comprehensive initiatives, we engaged a number of local communities on a one-to-one basis, most notably a group of local gold miners in Colombia, fishing and Indigenous communities objecting to a port development in Kenya, and a number of communities living on the edge of a protected area in Sabah, Malaysia.

We undertook a significant amount of technical advice at the national and regional level, which provided us almost half of our annual funding, and worked steadily over the year towards the 10th Conference of the Parties (COP) to the Convention on Biological Diversity (CBD). The COP was a defining moment as we saw three years of work come to fruition with the inclusion of the term "community protocols" included in the Nagoya Protocol on Access and Benefit Sharing. Everyone in Natural Justice in his or her own way contributed to this outcome and we consider it a very direct and measurable success for the organization. This moment also catalyzed us to look more strategically at the other processes in the CBD and the United Nations Framework Convention on

Climate Change (UNFCCC) to develop longer-term plans of action to achieve tangible outcomes. We look forward to intense engagement at the international level between now and 2014 within the CBD and UNFCCC as well as the forthcoming World Conservation and World Parks Congresses.

As we emerge from the year and look at the next two years towards the 11th CBD COP, we realize that Angelou's words will ring truer than ever. We are a young NGO of active people with multi-disciplinary interests who are increasingly working across three continents. Everyone on the team wants to work with communities as well as provide advice at the national level and engage in advocacy within multilateral environmental agreements, among other international processes. Managing a balance between ensuring that we each retain a broad spectrum of experiences and a focused approach to a manageable range of projects and activities will be the key to ensuring the integrity of our approach and the sustainability of the organization.

At a personal level, it has been a privilege to build Natural Justice from the ground. Over the last 4 years, we have seen more clearly than ever before why Indigenous peoples and local communities can be further marginalized by laws and policies, even those intended to help. Working closely with the communities who have given us their trust, in partnership with highly supportive partners and funders, has offered us glimpses of social spaces, legal approaches, and perhaps most importantly, attitudes that are the means and methods to achieving social and environmental justice. In Angelou's words, "history, despite its wrenching pain, cannot be un-lived, and if faced with courage, need not be lived again." We have great faith that as we step down from our role as directors that Natural Justice will continue to deepen and broaden its emancipatory role.

Kabir Bavikatte and Harry Jonas

NATURAL JUSTICE CO-DIRECTORS, 2007-2011



1. ORGANIZATION OF THE REPORT

This report provides an overview of all aspects of the organization's operations over the March 2010 to February 2011 financial year. It consists of four parts relating to:

1. Activities;
2. Finance;
3. Governance; and
4. Strategy.

Part I presents our work within a programmatic framework, namely: community projects in Africa, Asia, and Latin America; national and regional advisory; international advocacy; the Traditional Knowledge Commons; publications; and awards. Each sub-section provides an overview of the overall programme, including an analysis and future prospects. Part II provides an overview of the organization. Part III details our fundraising strategy and provides a financial summary. Part IV is a brief account of our 2011-2014 Strategy.

PART I: ACTIVITIES

2. LOCAL COMMUNITY WORK

2.1. AFRICA

2.1.1. BUSHBUCKRIDGE TRADITIONAL HEALTH PRACTITIONERS

2010 was a flurry of activity in partnership with the Bushbuckridge Traditional Health Practitioners Association (BTHPA) at the Kruger 2 Canyons Biosphere Reserve (K2C) in Mpumalanga, South Africa. The BTHPA has been highly motivated despite having no substantial financial support from Natural Justice or the K2C management committee at this stage. They have grown from 80 healers who came together in 2009 and developed a biocultural community protocol (BCP) to a vibrant group of more than 300 healers spread across the K2C with an extremely proactive Executive Council chaired by Mr. Rodney Sibuye. The BTHPA has now published a copy of their BCP in 3 different languages with support from Natural Justice and the K2C management committee, as well as a 16-page document on lessons learned through the process of documenting and developing their BCP that they compiled independently.

The year began with Mr. Sibuye coming down to Cape Town to speak at the South African Parliament about the BTHPA BCP. This took place at the SEED award



ceremony for Natural Justice, hosted by the SEED Initiative (www.seedinit.org) and the South African Department of Science and Technology. Later this year, Rodney Sibuye and Rosie Makhubela (a member of the Executive Committee of the BTHPA) attended a few different meetings with Natural Justice, the highlight of which was a 10-day exchange program in Uganda organized by our partner COMPAS, which focused on sharing and exchanging experiences of healers from different parts of Africa.

2010 ended on a high note with the BTHPA beginning Access and Benefit Sharing (ABS) negotiations with a local cosmetic company, Silk Collections, for the use of their traditional knowledge with the aim of developing skin and hair repair/nourishment cosmetics. The unique aspect of this negotiation is the potential to establish agreement amongst the healers within the BTHPA to form a common pool of their traditional knowledge that would belong to the members of the Association collectively rather than to individuals within the group. This would ensure that any benefits that arise from a potential ABS agreement would be shared amongst all of the members of the BTHPA rather than individuals who provided the specific traditional knowledge.

2.1.2. LAMU PORT OBJECTION

Natural Justice was invited to travel to Lamu, Kenya, in August 2010 by a community-based organization, Lamu Environment Protection and Conservation Self Help Group (LEPAC), and the Nairobi-based NGO Inuka Trust to discuss the possible development of a BCP in relation to the proposed mega-port development within the Lamu District. The planned development worth USD16 billion is said to include a deep-sea port, railway, oil refinery, international airport, resort city, and major highway.



Following Natural Justice's first visit to Lamu, the Indigenous communities of the area decided to proceed with the development of a BCP and formed a coordinating BCP Committee to do so. The Committee is made up of representatives from each of the Indigenous groups, as well as women, youth, and religious and environmental groups of Lamu. Since August 2010, the Committee has been visiting each of the villages in the area to listen to and document their concerns regarding the port development and other related issues that the development could potentially exacerbate. One such issue is the continued loss of land that the communities continue to suffer, particularly given that the majority of land in Lamu is Government-owned with no recognition of customary title.

Natural Justice was able to return to Lamu in December 2010 to provide further technical assistance on the development of the BCP. The BCP Committee has been incredibly active in consulting with the community members of the District. The communities wish to utilize their BCP to actively engage with the Government and other relevant stakeholders to seek information on the port development, of which they have received very little to date, and to be involved in adequate consultation regarding its potential development.

LEPAC and members of the BCP Committee have also sought assistance from a number of Kenyan NGOs, inter-governmental organizations, and Kenyan lawyers in their efforts for greater transparency and consultation in the port development process.

In 2011, Natural Justice began the African BCP Initiative (see 2.1.5. below), which the communities of Lamu will be involved in. They will therefore continue to be supported by Natural Justice to: strengthen linkages with communities,

civil society, and lawyers in the country and region; continue to develop and then implement their BCP; and build the legal capacity of community representatives.

2.1.3. SAMBURU BIOCULTURAL COMMUNITY PROTOCOL

Natural Justice worked in partnership with the LIFE Network to assist a number of Samburu communities living in Samburu District of Kenya to develop a BCP in 2009. Natural Justice closely collaborated with the LIFE Network partners of the African region to support the development of this BCP. In 2010, the LIFE Network focused on getting greater support for the Samburu BCP within the wider Samburu community as well as recognition for the BCP by the Kenyan government. Pat Lanyasunya and Jacob Wanyama, who represented the Samburu and the LIFE Network, respectively, organized a number of events around the BCP with periodic press briefings. With support from the International Development Law Organization (IDLO), the Samburu BCP was printed both in Swahili and English.

2.1.4. INDIGENOUS PEOPLES AND LOCAL COMMUNITIES PREPARATORY MEETING

The Second African Indigenous Peoples and Local Communities Preparatory Meeting on Access and Benefit Sharing and Traditional Knowledge was held in Cape Town, South Africa, from August 30 to September 2, 2010. The 3-day Pan-African meeting, hosted by Natural Justice and supported by the ABS Capacity Development Initiative for Africa, was attended by over 40 Indigenous peoples and local community representatives. The meeting aimed to:

facilitate the exchange of experiences on bio-prospecting and bio-piracy; brief participants on the status of negotiations on traditional knowledge under the auspices of the Convention on Biological Diversity (CBD) and the World Intellectual Property Organization (WIPO); discuss the relevant draft decisions for the 10th Conference of the Parties of the CBD; and develop an African Indigenous peoples' and local communities' perspective on these draft decisions.

Natural Justice coordinated the logistical arrangements for the meeting, provided technical advice, and presented on the (then) draft Nagoya Protocol on Access and Benefit Sharing. Oliver Rukundo, a Natural Justice Associate, also presented on the World Intellectual Property Organization Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore.



At the conclusion of the meeting, participants provided detailed comments on the draft decisions of the Working Groups of Article 8(j) and ABS, which were then provided to the African Group of negotiators to the CBD for use during their negotiations at the 10th COP in Nagoya, Japan.

2.1.5. AFRICAN INITIATIVE ON BIOCULTURAL COMMUNITY PROTOCOLS

Immediately following the Indigenous Peoples and Local Communities Preparatory Meeting, a smaller and a more intensive meeting was held amongst key African community-based organizations (CBOs) and Indigenous peoples' organizations to plan towards the development, implementation, and recognition of BCPs in Africa from 2011 onwards. The aims of the meeting were to: review existing rights-based approaches to biological resources and traditional knowledge; evaluate the potential of BCPs to improve existing rights-based approaches in their efforts to secure; and

discuss the viability and utility of establishing an African collective of Indigenous peoples, local communities, and CBO networks that will coordinate activities, share experiences, create linkages, and develop capacity on the use of community protocols at the community, national, and regional level.

During the two-day meeting, participants heard from various experts and community representatives on rights-based approaches to biological resources and traditional knowledge and were involved in in-depth discussions and analysis of BCPs. At the completion of the meeting, participants were positive about the potential for BCPs to be harnessed by communities to secure rights over their common pool resources and agreed to maintain a collective of networks and individuals in order to share and information and experiences.

Based on these outcomes, the ABS Capacity Development Initiative for Africa offered to provide financial and other resource support to Natural Justice and partner organizations from 2011-2012 to establish the African Initiative on Biocultural Community Protocols.

2.2. ASIA

Natural Justice began to work with Asian communities and NGOs in 2009 and demand grew in 2010. This led to the decision to establish an office in Sabah, Malaysia, to develop and implement the Sabah Communities, Biodiversity and ABS Project and to strengthen regional partnerships and fundraise towards the Asia Regional Initiative on Biocultural Community Protocols.

2.2.1. LIVESTOCK KEEPERS MEETING

In February 2010, Natural Justice participated in an international meeting of livestock keepers organized by the LIFE Network and Lokhit Pashu Palak Sansthan (LPPS) at Kaba, Rajasthan. The meeting included representatives from organizations within the LIFE Network from India and other parts of the world. The LIFE Network resolved to use BCPs as one of the tools in their campaign to secure livestock keepers' rights. With this in mind, an organization of pastoralists called Banni Maldhari Pashu Uccherak Sanghatan (BMPUS) in the Kutch region of Western India working with the support of a local CBO (Sahjeevan) invited Natural Justice to support them in developing the Banni BCP (see 2.2.2. below).



2.2.2. MALDHARI BUFFALO PASTORALISTS

Natural Justice participated in a series of BCP consultation meetings hosted by the BMPUS and Sahjeevan in Kutch, Gujarat, in mid-2010. The Maldhari buffalo pastoralists, who are organized under the BMPUS umbrella, provided Natural Justice with the necessary information regarding the challenges they confront and guidance regarding the content of their BCP. The Maldhari BCP was launched by the BMPUS and Sahjeevan at their annual livestock fair in November in Kutch, after which it was also presented to the National Biodiversity Authority in India. Towards the end of 2010, the campaign for control over the Banni grazing lands by the Maldhari's intensified and their BCP

was presented to India's environment minister, Jairam Ramesh, requesting him to intervene against the enclosures of the Banni commons by the forest department. Sahjeevan has indicated that Jairam Ramesh was impressed by the Maldhari BCP and has promised to personally visit the Banni communities to understand and effectively respond to their concerns.

2.2.3. SABAH COMMUNITIES, BIODIVERSITY AND ABS INITIATIVE

Sabah, Malaysia, has jurisdiction over its natural resources and the Sabah Biodiversity Centre (SaBC) has been developing biodiversity and access and benefit sharing (ABS) regulations ahead of the adoption of the Nagoya Protocol. Since 2009, Natural Justice has been in touch with the Global Diversity Foundation (GDF) Director and Southeast Asia Regional Coordinator, the latter of whom is based in Sabah, Malaysia. Natural Justice was subsequently invited to contribute to a Darwin Initiative-funded project in Sabah and a JICA-funded seminar series in early 2010.

From mid-February to mid-March 2010, Natural Justice presented at an international seminar on ABS and facilitated training-of-trainers workshops and meetings with community researchers and members of Ulu Papar and Bundu Tuhan regarding BCPs. The community researchers have since driven the processes of developing their protocols themselves with limited input from Natural Justice aside from a few additional meetings and consultations. The Ulu Papar protocol is currently being finalized and the community researchers are considering various methods of communication and use of the BCP, including as part of a broader campaign for recognition of their rights and customary ways of life.

We have also been working with SaBC to develop a proposal and budget for the "Communities, Biodiversity and ABS Initiative". This Initiative will focus on empowering communities to illustrate how their customary ways of life contribute to the conservation and sustainable use of biodiversity and to engage with external actors, including those related to ABS, according to locally defined priorities, values, and terms and conditions. SaBC has taken responsibility for securing funding through the Ministry of Finance for local project costs.



Natural Justice has now forged strong relationships with GDF and the Sabah Biodiversity Centre, as well as several other CBOs, NGOs, academics, and key government officials in Sabah. Working with the GDF community researchers, who are trained in a variety of skills such as GPS mapping, 3-D modeling, and participatory video and photography, underscored the importance of BCP-related processes occurring within the context of local ownership and strong institutional structures. It has opened our eyes to the importance of communities being able to supplement their BCPs with concrete data about areas and patterns of land and resource use and to communicate them in appropriate ways (e.g. not just in written documents). We also better understand how BCPs may be used to advocate for communities' rights within the legal and policy frameworks of protected areas and biosphere regions.

The Communities, Biodiversity and ABS Initiative will be the first significant project with which Natural Justice will be engaging in Asia and potentially the first of its kind since the adoption of the Nagoya Protocol in October 2010. While it will inevitably be difficult navigating the complexities of local politics, our priority is first and foremost to support the communities and ensure that they have the capacity to effectively engage in equitable decision-making processes, and to help establish good practice guidelines for the socially and environmentally just implementation of the Sabah ABS Regulations.

In addition to the Initiative, Natural Justice is also exploring partnerships with similarly focused organizations in Sabah and the broader region (e.g. PACOS, TEBTEBBA, Asia Indigenous Peoples Pact, LEAP, Centre for Excellence in Biodiversity Law, etc.) to contribute to projects, trainings, and publications in line with our strategic focus. The establishment of an office in Sabah is an expansion of Natural Justice's geographic focus, as well as a deepening of our theoretical and practical contributions to and understanding of the key issues and opportunities that communities face while engaging with environmental legal frameworks.



2.2.4. ASIAN CONSULTATIONS ON BIOCULTURAL COMMUNITY PROTOCOLS

Natural Justice and COMPAS (in collaboration with the UNDP-supported Community Knowledge Service) partnered to host two consultations in June and July 2010 in Bangalore, India, and Avissawella, Sri Lanka, respectively. The workshops introduced community members, and representatives of community-based organisations (CBOs), NGOs, government agencies, and funders to BCPs. The participants learned about international and national laws relating to biocultural diversity and had an opportunity to develop mock community protocols based on their local realities. The participants made a number of important points about the benefits of BCPs, many of which are

covered above. They also highlighted a number of potential weaknesses and dangers, including:

- Community protocols are not a panacea;
- The process of developing a protocol could be abused by certain parties either from outside or from within the community;
- Such processes may further entrench or perpetuate existing power asymmetries at the local level such as the exclusion of women and youth in decision-making mechanisms;
- BCPs may become another top-down imposition by the development industry or government agencies; and
- There is a great need to ensure community-based monitoring and evaluation of the approach.

With the inclusion of “community protocols” in the Nagoya Protocol on ABS (October 2010), the above concerns have the potential to become reality. Some of the partners of the Asian consultations proposed developing a programme of work that deepens the understanding of community protocols and broadens their effectiveness across communities in Asia.

2.2.5. ASIAN REGIONAL INITIATIVE ON BIOCULTURAL COMMUNITY PROTOCOLS

It became clear in 2009 that adopting an *ad hoc* approach to assisting communities to develop community protocols had its limitations. Natural Justice was increasingly being asked to work with communities in Africa, Asia and Latin America without increased human resources. At the same time, we realized that the methodologies that we had applied in the first few BCPs could be improved upon. This led to in-depth internal discussions and a rigorous assessment of the current state of our work and assumptions about our role in the BCP process. Two key issues emerged: first, we should develop regional programmes that provide focused and long-term support and lesson-sharing among specific communities; and second, to ensure their success, we would require considered fundraising strategies for the

programmes.

We worked with our two core partners in the region, the COMPAS and LIFE Networks, as well as the UN University Institute of Advanced Studies to develop a long-term programme (2011-2014) and to fundraise for the work. Whilst our application to Norad was unsuccessful, the Christensen Fund has agreed to fund the first year of the project. The proposed activities include:

- A. Local Development of BCPs: The partners will support 5 groups of communities with whom the partners work in India, Sri Lanka, Pakistan, and Malaysia to develop and use BCPs. Communities will be supported by legal expertise (environmental lawyers) (see Activity B), and capacity building processes during trainings and regional meetings (see Activity C).
- B. Coordinate and Develop Legal Expertise Relating to Conservation of Communities' Biocultural Diversity: In all four countries, there are (to varying degrees) lawyers who support communities. The project will engage local lawyers to contribute or develop legal reviews that consolidate the national level human rights and environmental laws and policies and engage with the communities towards the development and use of their BCPs.
- C. A Regional Meeting: Partner organizations will meet near the end of the first year to share experiences, train on methodologies, and contribute to BCP good practice (see Activity D).
- D. Developing Good Practice: Drawing on Activities A, B and C, the partners will systematize BCP development experiences, including: main steps, awareness, mobilization, decision-making, empowerment, advocacy, forms of documentation, and intergenerational aspects. The lessons learned will be integrated into a draft guide to developing and using BCPs.
- E. Dissemination: The guide, case studies and resources (such as legal reviews) will be included in a web-based Community Protocols Portal.

The partnership is working very well together and prospects for the Initiative are strong. This is enhanced by the fact that Natural Justice is partnering in Africa with COMPAS on a similar regional initiative. The BCP-related community work under the Asian Regional Initiative is planned to begin in April or May 2011 and we aim to have at least developed the BCP guide and website by CBD COP 11 in India in 2012.



2.3. LATIN AMERICA

2.3.1. COLOMBIA

One of the benefits of receiving the SEED gold award in 2009 was the exposure it gave us vis-à-vis other SEED winners. One of particular interest to us, a project called Oro Verde in Colombia, is a joint initiative by a range of Colombian CBOs, NGOs, and research institutes that provides an incentive for small-scale gold miners to continue following customary and environmentally sustainable gold mining practices in exchange for a 15% premium on

the gold they sell. The gold is then provided to jewelers who are willing to pay that extra premium in exchange for knowing that what they are buying is environmentally friendly – in other words, “green gold”.

One of the organizations behind Oro Verde, the Institute for Environmental Research of the Pacific (IIAP, its Spanish acronym) was introduced to our work through SEED and expressed an interest in BCPs as a means to supporting local communities’ substantive and procedural rights with respect to the use of natural resources on their land. The Institute has 6 offices along Colombia’s Pacific coast, all of which are collaborating closely with local Indigenous and afro-descendent communities. The idea was to develop one pilot BCP jointly and to then branch out to some of the other communities with whom the Institute is already working in the region.

The identified pilot community is an 8,000-member strong afro-descendent community in Alto San Juan, Choco, Colombia, with a long history of gold and platinum mining. The community received collective land title in 2001 from the Colombian government, which provided certain substantive and procedural rights. The aim of the BCP

was to affirm these rights, while communicating the community’s commitment to sustaining traditional production processes surrounding mining and forest use and thus conserving local biodiversity. UNEP agreed to fund the work to develop the protocol.

The BCP process was started in August 2010 by IIAP and the local community council ASOCASAN. In a first meeting with selected members of the community, they identified the key areas to be included in the BCP, namely, traditional mining, forest use, and traditional knowledge surrounding medicinal plants. Natural Justice then went to Colombia to accompany the BCP process throughout a week of field research and a second workshop that provided further substantive input into the formulation of the protocol. A third workshop took place in November 2010 to present a

draft to the community and to finalize the BCP. The final text was submitted to and ratified by the General Assembly of ASOCASAN. A first draft of the BCP was presented in Nagoya during CBD COP 10 and the final formatted version is available on the Natural Justice website (www.naturaljustice.org).

The BCP in Choco was our first work in Latin America and opened up a range of new possibilities for Natural Justice in the coming years. While in Colombia, we also met with a range of other civil society organizations, environmental lawyers, and possible funders to explore to what extent our work in Africa and Asia would be of interest to ongoing work in Latin America. There was a lot of interest in our approach, even though Latin America already has a wide range of civil society organizations and strongly organized community-based organizations.

The community with whom we worked in Choco has a remarkable governance structure that was represented by a very well-organized community-based organization. This organization was well in control of the BCP process and our role was more in terms of guidance rather than driving the process. This was a new experience for us and certainly something that we would like to see repeated in other scenarios. However, it did mean a certain adaptation from our approach and the tools we develop, which currently are fairly process-driven. When the process itself is not of principle concern, suggestions of what constitutes good or bad process may be perceived as inappropriate by the local organizations.



Looking ahead, our collaboration with IIAP is likely to continue for the development of other BCPs in the region. The Institute already expressed some primary interest in developing two additional BCPs. Furthermore, GTZ-Colombia is also opening up a new environmental programme in Colombia in 2011 and is keen to explore the use of BCPs as dialogue-promoting tools for conflicts between government and communities/civil society surrounding biological resources. This process is supported by GTZ programmes in Eschborn, with whom Natural Justice is already collaborating on other activities.

2.3.2. MEXICO

Natural Justice spent a week with the team at the Global Diversity Foundation's Mesoamerican office in Oaxaca, Mexico. Discussions related to how BCPs could be used to ensure that a proposed protected area on communities' lands would not impinge on their customary uses of natural resources. Natural Justice also made a presentation on community protocols at the Instituto de Ecologia in Xalapa, Veracruz.



2.3.3. SOWING THE SEEDS FOR A REGIONAL PROJECT ON BIOCULTURAL COMMUNITY PROTOCOLS

In collaboration with the Union for Ethical BioTrade (UEBT) and GIZ, Natural Justice will jointly initiate two BCP processes in Peru and Brazil in July-August 2011. After this work, we will take the opportunity to organize a small brain-storming meeting to exchange experiences on the use of BCP-type instruments in the Latin American context. This meeting will be hosted by Natural Justice, the Sociedad Peruana de Derecho Ambiental, and COMPAS in August 2011. Based on these discussions, Natural Justice will develop a more concise strategy for working in Latin America.

3. NATIONAL AND REGIONAL ADVISORY

3.1. GTZ ABS CAPACITY DEVELOPMENT INITIATIVE FOR AFRICA

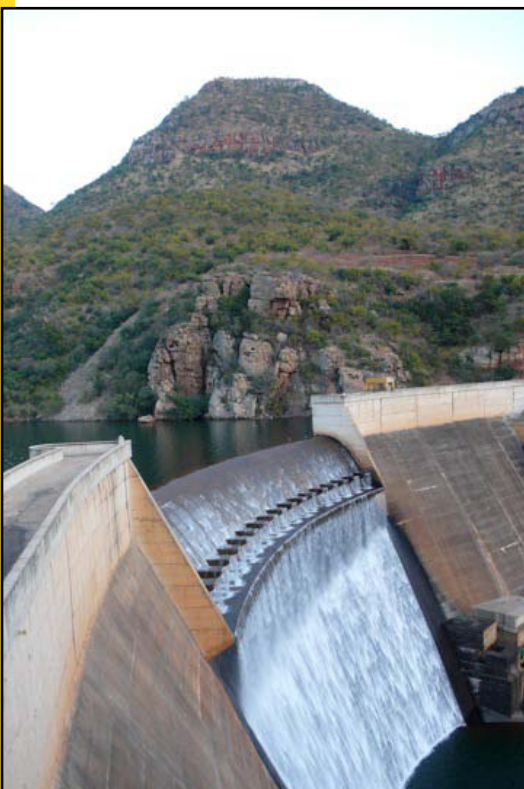
2010 was a successful year of partnership between Natural Justice and the ABS Capacity Development Initiative for Africa (ABS Initiative). Besides a number of meetings organized by the ABS Initiative at which Natural Justice provided expert input and reporting services, the ABS Initiative also supported us to participate in meetings of the Working Group on ABS



(WGABS) and the Working Group on Article 8(j) and Related Provisions (WG8(j)). With this support, we have organized a number of side events on BCPs and released a publication on the Traditional Knowledge Commons. The highlight of the partnership was the Pan African Indigenous Peoples and Local Communities Meeting, organized by Natural Justice in September 2010 with the support of the ABS Initiative (see 2.1.4. above).

3.2. K2C DAM

In early 2010, Natural Justice was awarded a consultancy by the Mpumalanga Tourism and Parks Authority (MTPA) to provide a legal analysis for a potential hydroelectric power generation project at Blyderivierpoortdam in Blyde River Canyon. The area surrounding the dam is not only a protected area but also subject to land claim negotiations, which generated a range of legal questions with respect to which stakeholders would have rights over any revenues generated from such a dam project. Natural Justice was awarded the consultancy in collaboration with two members of the University of Cape Town's Law Faculty, including Professor Jan Glazewski, one of South Africa's foremost experts on environmental law.



During the course of the first half of 2010, the legal analysis was finalized and provided to MTPA, which subsequently forwarded the outcomes to all relevant stakeholders involved for their comment. Natural Justice and the UCT team submitted a written response to the comments made.

The analysis was the first of its kind in South Africa and is likely to set a precedent for other similar scenarios in the future. In Mpumalanga alone, there are at least five more dams located in protected areas that are also under land claim. The outcome of the study could also be of great use for such scenarios.

One of the key arguments made by the report was that given the dam's location and the fact that a settlement agreement had been finalized with the claimants, both the Protected Areas Act as well as any agreements made with the claimants had to be taken into consideration when analyzing the distribution of possible profits. However, the Department of Water Affairs and local Water User Associations are currently rejecting this argumentation and the outcome of the negotiations between MTPA and all other relevant stakeholders remains to be seen.

In the coming months, a meeting will be organized by MTPA at the site of the dam, at which all relevant stakeholders will be present and Professor Glazewski will present the outcomes of the report. If the Department of Water Affairs and

Water User Associations decide to continue rejecting the relevance of the settlement agreement and other legislation such as the Protected Areas Act, it is possible that this case could be moved to the constitutional level.

3.3. NESTLE PATENT CHALLENGE

In 2009, Nestec S.A., a subsidiary of Nestlé, filed five patent applications on specific uses of Rooibos and Honeybush or their integration into certain medicinal/cosmetic compositions for the prevention of inflammatory disorders. Both plants are endemic to South Africa. According to the South African Biodiversity Act (which implements the Convention on Biological Diversity in South Africa), a company needs a permit of the Government to perform research with commercial intent on, or patent the use of, genetic resources occurring in South Africa. However,

Nestec S.A. failed to obtain such a permit.

Further to the illegitimate use of South Africa's biological resources, some South African producers have also expressed concern over the actual patent applications. They fear that such patents would possibly undermine their existing businesses in South Africa. From their perspective, further research is needed on the actual patent claims of Nestlé to determine to what extent they satisfy the 'novelty' and 'inventive step' criteria common to patentability examination.

After a substantial media campaign in both South Africa and Switzerland (see below), Nestlé finally responded to the allegations made in the media by rejecting any wrongdoing. Nevertheless, Nestlé began to enter into benefit sharing negotiations with the South African government. These negotiations ended when the patent applications were rejected by a WIPO pre-examination report based on lack of novelty and inventive step. It is unlikely that the patent applications will subsequently go forward.

Natural Justice was informed about the patent applications by the Berne Declaration, an NGO based in Switzerland. After notifying the South African government about the issue, Natural Justice and the Berne Declaration jointly started a media campaign that highlighted the issues at stake. Members of Natural Justice were repeatedly interviewed by national and international news sources, including television, radio, newspapers. The matter was also raised in side events at CBD COP 10 in Nagoya and will be the subject of a 20-minute documentary that Natural Justice is producing from funding received by the Boell Foundation (expected to be finalized by mid-2011).

The work surrounding the Nestle case has been a great learning experience for Natural Justice in terms of the power of the NGO to bring issues to the forefront of national and international news. While activism of this sort is not our usual type of work, we considered it an appropriate approach as it was done in collaboration with the South African government and further fostered our good relationship with the Department of Environmental Affairs. It also had a direct impact, in the sense that Nestle entered into negotiations with the South African government.

Furthermore, analyzing the case to such an extent has demonstrated some of the complications with respect to the South African framework that are now being addressed by the government through a revising of the regulations. Yet again, the case has highlighted the need for an international protocol that prevents companies such as Nestlé evading its conflict with international and South African law through arguments of extraterritoriality. We have subsequently used the case in fora such as COP 10 in Nagoya to highlight the urgency of coming to an international agreement, as well as to establish clear national regulations.

3.4. UNDP STUDY ON GENDER AND INTELLECTUAL PROPERTY

Natural Justice was involved in a research study for the United Nations Development Programme (UNDP) on the impacts of intellectual property on the food security of women farmers in South Africa and Kenya. To conduct the study, Natural Justice engaged in consultations with small-scale farming communities in Machakos, Kenya (facilitated through the support of local NGO INADES Kenya), and in the townships of Cape Town, South Africa (facilitated and supported by NGO Abalimi Bezekhaya). An analysis of the findings from the two countries was then prepared.



Two other studies focusing on women farmers in South America and Asia had previously been completed. The three

regional studies will be used by UNDP to provide policy makers, NGOs, and other intergovernmental organizations with some guidance in relation to the realities of the lives of women farmers and the impacts that intellectual property regimes, particularly in respect of seeds, can have upon them.

3.5. SOUTH AFRICAN DEPARTMENT OF ENVIRONMENTAL AFFAIRS: ABS GUIDELINES

In partnership with the University of Cape Town's Environmental Evaluation Unit (EEU), Natural Justice embarked on a short project commissioned by the South African Department of Environmental Affairs (DEA) to develop a set of easy-to-use guidelines for providers, users, and regulators of indigenous biological resources and associated traditional knowledge in accordance with the South African Biodiversity Act and the Bioprospecting and Access and Benefit Sharing Regulations. Natural Justice relied on its experience and expertise to develop the guidelines for providers of indigenous biological resources and associated traditional knowledge. A number of meetings and consultations have been held towards developing effective guidelines. These guidelines are expected to be completed in March 2011 and will be translated into all South African official languages.

3.6. SOUTH AFRICAN INTELLECTUAL PROPERTY AMENDMENT BILL

The South African Portfolio Committee for Trade and Industry is currently in the process of reviewing a Bill that aims to amend a range of existing intellectual property rights mechanisms in South Africa, including the South African Copyright Act (1978), Performers Protection Act (1967), Trade Mark Act (1993) and Design Act (1993), in order to include certain forms of traditional knowledge protection under the premises of the respective Acts.

From 7-8 September, the Natural Justice supported a workshop for the South African Parliamentary Portfolio Committee for Trade and Industry on the proposed Intellectual Property Law Amendment Bill. The meeting was jointly organized by the International Centre for Trade and Sustainable Development (ICTSD) and the UCT Intellectual Property Law and Policy Research Unit with technical input from Natural Justice.

In order to support their reflection on the Bill, Natural Justice provided the Committee Members with background on the international and national discussions and frameworks on traditional knowledge. The key questions that were at the heart of the debate were to what extent intellectual property laws are suitable for traditional knowledge protection or whether a *sui generis* system, or a combination of the two, would be more suitable for the ensuring an appropriate protection of traditional knowledge in South Africa. The Bill is still under review in Parliament.

3.7. SABAH ABS ADVICE AND TOOLKIT

Natural Justice began actively advising the Sabah Biodiversity Centre (SaBC) on issues relating to ABS. We are focusing on assisting SaBC to view ABS from a biocultural perspective and to ensure that any ABS undertaken in Sabah also supports the aims of the Sabah Biodiversity Enactment (2000), which includes conservation, sustainable use and equitable benefit sharing. In that context, we provided input to the draft ABS Regulations and we will develop an explanatory ABS toolkit in 2011. A further part of that work includes the Sabah Communities, Biodiversity and ABS project, for which SaBC is seeking funds from the Ministry of Finance for local costs.

3.8. PROTECTED AREA GOVERNANCE TOOLKIT

The Programme of Work on Protected Areas (PoWPA) is generally considered one of the rare successes of the CBD. However, a 2009 review found that it is generally poorly reported on by Parties, with Element 2 in particular being the least implemented. In late 2009, a group (including a member of Natural Justice) from the volunteer-driven Strategic Direction on Governance, Communities, Equity and Livelihood Rights in Relation to Protected Areas (TILCEPA) under the auspices of the International Union for Conservation of Nature (IUCN) Commission on Environmental, Economic and Social Policy (CEESP) decided to act on various calls for resources to assist in national implementation of PoWPA. With the support of GTZ, they began to develop a training-of-trainers toolkit on governance of protected areas with a focus on Element 2. The toolkit was planned to consist of a written manual, suggested interactive activities, and a companion e-learning module on the CBD PoWPA website.



Neema Pathak (Kalpavriksh) is coordinating the development of the toolkit. In addition to providing comments on subsequent drafts of the written manual, Natural Justice developed a set of 9 interactive group activities. These activities are intended to be used either in training-of-trainer workshops or in workshops facilitated by the trainers themselves for national PoWPA focal points, civil society and community representatives, and protected area managers. The draft toolkit was circulated on DVD at Nagoya COP10 and Neema is currently collecting comments from various sources.

It has been a useful activity to engage with for various reasons. First, it gave Natural Justice an opportunity to work on a specific project within TILCEPA and with colleagues who have been leaders in civil society and community rights movements for many years. In this sense, it has further set the stage for our engagement in protected areas issues within the IUCN network and under the auspices of the CBD. It also helped us further develop our skills in creating training materials, which will be useful as we develop similar resources for the community protocols toolkit. In the short term, we expect to be responding to comments on the draft and assisting with the finalization of the toolkit. There may also be a possibility for Natural Justice to be involved in piloting the toolkit at the national or sub-regional level in collaboration with ICCA Consortium partners.

4. INTERNATIONAL ADVOCACY

4.1. CBD: WORKING GROUPS ON ARTICLE 8(J) AND ABS

Natural Justice has actively engaged in the meetings of the WGABS and WG8(j) since 2007. We have represented the concerns of Indigenous peoples and local communities in these working groups through strategic publications, side events, and sustained lobbying amongst Party delegates.

In 2010, Natural Justice played a key role in the negotiations towards the Nagoya Protocol on Access and Benefit Sharing and the development of the Tkarihwaié:ri Ethical Code of Conduct for respecting the cultural and intellectual heritage of indigenous and local communities. One of the members of Natural Justice worked as the legal advisor to the African Group of countries in their negotiations relating to the Nagoya Protocol and in the WG8(j). Among the most significant successes was the inclusion of “community protocols” in the Nagoya Protocol, which is effectively

a binding obligation on states to recognize them. In its efforts to secure legal recognition for BCPs in international law, Natural Justice hosted and participated in a number of side events in 2010 at the meetings of the WGABS and WG8(j) in order to lobby key negotiators about the value of BCPs in securing Indigenous peoples’ and local communities’ rights to their intellectual and material common property resources.

While acknowledging the significant community rights gains made through the WGABS and the WG8(j), Natural Justice will continue to strive to ensure that these rights are secured in practice through domestic law and policy in order to respond to the challenges and local realities that Indigenous peoples and local communities face.



4.2. CBD: ICCAS AND THE PROGRAMME OF WORK ON PROTECTED AREAS

Since the IUCN World Parks Congress in 2003, significant gains have been made towards the recognition of Indigenous peoples’ conserved territories and areas conserved by Indigenous peoples and local communities (ICCAs) and community involvement in protected area governance and management. In the past year, civil society and community representatives lobbied successfully on these issues at the 14th Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA14) in Nairobi and were hopeful about the adoption of related Decisions at COP10 in Nagoya. There were also several activities and side events planned by members of TILCEPA and the ICCA Consortium throughout COP10.

Natural Justice did not participate directly in lobbying negotiators, but kept up-to-date from and discussed ongoing developments with colleagues who did. Despite taking some hits throughout the two weeks of negotiations, COP10 adopted Decision X/31, paragraphs 31 and 32 of which call on Parties to recognize the role and contribution of ICCAs and strengthen diverse governance types in national protected area systems, including through Indigenous and community-based organizations.

Natural Justice attended and participated in several side events related to ICCAs, protected areas, and communities’ sustainable use and governance of natural resources (see blog postings from October 2010 at www.natural-justice.blogspot.com). We also attended a Friends of PoWPA meeting, which was by invitation only and gave us an interesting insiders’ perspective, and had several meetings with colleagues from Kalpavriksh, IUCN, and the ICCA Consortium to discuss various issues related to ICCAs and protected areas. One key development is that Natural Justice was invited to coordinate the next phase of the global ICCA legal review (the first phase of which was coordinated by Ashish Kothari of Kalpavriksh).

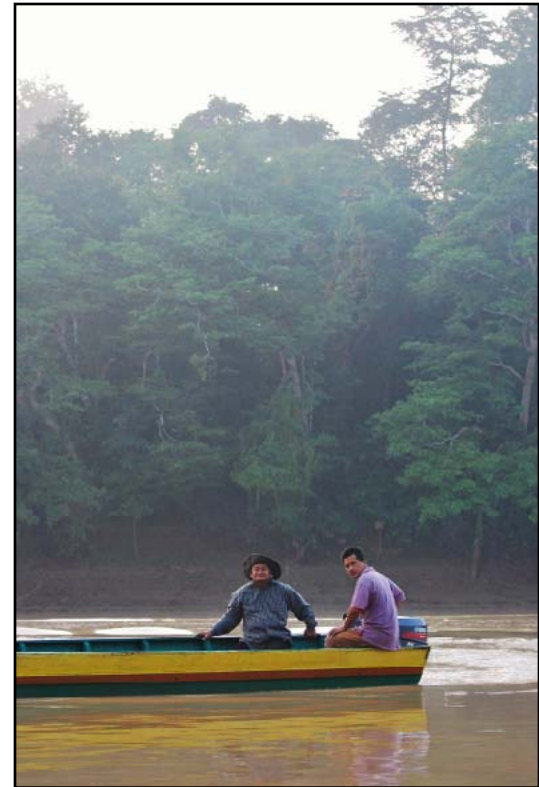
At the tail end of COP10, we presented at and reported on a 3-day workshop on ICCAs in Shirakawa, which was attended by nearly 60 representatives of communities, civil society, academia, government, international organizations,

and funding agencies. The report is available online (under “ICCA Events” at www.iccaforum.org).

Now that ICCAs are officially recognized by the CBD, one of the biggest challenges will be to raise awareness amongst government officials and other key actors about the complexities and local realities of ICCAs within their jurisdictions, as well as to continue studying and communicating lessons learned about how to appropriately recognize and support ICCAs. Concerning the global ICCA legal review, we are developing a review framework and seeking funding with the hope of producing the second phase by SBSTTA16 in April 2012 and the third phase by COP11 in October 2012. This study dovetails extremely well with our intentions to pioneer the cartography and ethnography of biocultural rights through our two regional initiatives. It has also solidified Natural Justice as the official-unofficial “legal advisors” of the ICCA Consortium and positions us well to contribute to the overall movement.

Though the extent and scale of ICCAs is much greater, there are interesting parallels with our concerns with the standardization of BCPs, now that they are also officially recognized in international law. Many of the experiences and lessons learned in this regard will provide useful insights for our work on developing BCP guidelines and documenting and communicating good practice processes.

Given that central to ICCAs are matters of self-determination, decentralization, and locally adapted systems of territorial stewardship and governance, it is incumbent upon us to critically and substantively engage with the ICCA discourse and movements at all levels. There are many opportunities for us to do so, including through the ICCA Consortium, IUCN networks, and within CBD processes. We should aim to see these issues as central to most if not all of our other areas of work.



4.3. UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

Natural Justice attended the 15th Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC) in Copenhagen in late 2009. There, we began to explore how BCPs could be used to assist communities in the context of the UN Programme on Reducing Emissions from Deforestation and Forest Degradation (UN-REDD). Since then, we have been working with partners and associates to further develop our ideas. We will work intensively on the issues in 2011 towards COP 17, which will be hosted in Durban, South Africa, in December 2011. The aim is to have begun a (number of) pilot project(s) looking at the application of BCPs in the context of REDD.

In late 2010 and early 2011, Natural Justice participated in three meetings on climate change and REDD. In November 2010, we attended an international conference hosted by the Sabah Forestry Department entitled, “Forests and Climate Change: Decoding and Realising REDD+ in the Heart of Borneo, with Specific Focus on Sabah”. The conference highlighted the keenness of Sabah’s government in pursuing financial support for forest resources through REDD programmes, particularly from the European Union; this may be in part driven by nearby experiences with REDD in Vietnam and Indonesia. However, it also raised critical issues with these experiences, especially regarding overly standardized and prescribed approaches to securing communities’ free, prior and informed consent to REDD programmes.

In Arusha, Tanzania, in January 2011, UNDP hosted a regional consultation between Indigenous peoples and forest dependent communities from Africa and the UN-REDD Programme, with a particular focus on free, prior and informed consent processes and recourse mechanisms. The meeting, which was attended by about 60 participants, aimed to add to and amend a draft set of guidelines of free, prior and informed consent for eventual adoption by the UN-REDD Programme. We found the meeting useful for connecting with potential partners in Africa and international organizations working on similar issues such as the Centre for International Environmental Law (CIEL) and Forest Peoples Programme, and continued to contribute to the guidelines revision process in the weeks and months after the meeting.



In March 2011 in Singapore, Natural Justice was invited to participate in an Asia-Pacific regional consultation and capacity building workshop on REDD+ and relevant biodiversity safeguards. The meeting was hosted by the CBD Secretariat and the National Parks Board of Singapore and attended by a range of representatives from communities, NGOs, research institutions, regional centers for biodiversity, and UN agencies. We made good connections with RECOFTC and CIFOR in particular, and consider it important to establish a presence on climate change-related processes under the auspices of the CBD. Subsequently, we contributed to a joint submission to the CBD on relevant REDD safeguards in collaboration with CIEL, the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests, Kenya Young Greens, Rainforest Foundation Norway, and BirdLife International.

4.4. TRADITIONAL KNOWLEDGE COMMONS

In 2010, Natural Justice continued and furthered its research on the commons and released its second publication on the Traditional Knowledge commons, expanding upon the concepts that were first raised in the 2009 publication “Imaging a Traditional Knowledge Commons”. The second publication, “Implementing a Traditional Knowledge Commons: Opportunities and Challenges”, critically analyzed the possibilities of bringing a first set of Traditional Knowledge Commons pilot(s) into action. It also considered how it could be integrated into the broader national and international legal frameworks of traditional knowledge protection as a mechanism capable of facilitating the expanded flow of benefits generated by traditional knowledge-based non-commercial research, while simultaneously increasing recognition of and compliance with sui generis customary law.

During the 9th Meeting of the WGABS in Cali, Colombia, in March 2010, a meeting was held with various representatives of Indigenous peoples and local communities and representatives of the non-commercial research sector to discuss this model of a Traditional Knowledge Commons. A number of these comments and suggestions were subsequently added to the draft of the Natural Justice publication.

Following the publication of “Implementing a Traditional Knowledge Commons”, Natural Justice was invited to present on its model at the International Commons Conference, hosted by the Heinrich Boell Foundation in Berlin, Germany, as well as at the International Meeting of the International Association for the Study of the Commons (IASC) in Hyderabad, India.

Natural Justice will continue to work with the Bushbuckridge Traditional Health Practitioners Association (BTHPA) to strengthen the community-developed system of common pool traditional knowledge and to research the discourse of the commons more generally, given the importance that common pool resources have for communities.

4.5. BIOCULTURAL DIVERSITY

Natural Justice participated in two international conferences that focused primarily on biological and cultural diversity. First, the 12th International Congress of Ethnobiology was held in Tofino, Canada, in May 2010. Immediately before the Congress, we attended and presented at a workshop on “Community Conservation in Practice” was hosted by the Global Diversity Foundation with the support of the Christensen Fund. Many existing and nascent partnerships were further nurtured in Tofino, particularly with GDF and colleagues from IUCN’s voluntary Commissions, as well as with potential funders such as the Christensen Fund and the Swift Foundation.



Secondly, in June 2010 in Montreal, the CBD Secretariat and UNESCO co-hosted an international conference on biological and cultural diversity for development. Natural Justice presented at the conference and provided input to the draft declaration on biocultural diversity and to the draft SCBD-UNESCO joint programme of work on biocultural diversity. The joint programme of work still has yet to secure funding, but we continue to monitor its progress through our main contacts in this process (John Scott, SCBD, and Ana Persic, UNESCO). Overall, we see the intrinsic links between biological and cultural diversity as a key element of advocating for community rights in international fora, including by cross-leveraging gains made in otherwise disparate international and regional processes with conceptually obvious synergies such as biological and cultural diversity, traditional knowledge, food security, health, and climate change.

5. PUBLICATIONS & COMMUNICATIONS

Natural Justice has always taken the time to critically reflect on and communicate its work. The past year has been the most prolific to date with a blossoming of active dissemination of our work through various media, including establishing an active online presence, reporting on workshops, contributing to civil society newsletters and books coordinated by key partners, and writing books and articles for journals and magazines. While many were intentionally published in conjunction with key international processes, others arose spontaneously and in response to colleagues’ invitations.

Beginning with WGABS9 in Cali in March, Natural Justice contributed an article on ABS+ to the CBD Alliance’s ECO and launched the book, “Implementing a Traditional Knowledge Commons”. In April, we contributed two case studies to the IUCN Rights-based Approach Portal on the efforts of the Raika pastoralists and Bushbuckridge Traditional Health Practitioners to develop community protocols. For SBSTTA14 in Nairobi, we contributed an article on ICCAs to the SCBD-civil society newsletter [square brackets], and helped edit IUCN-CEESP Briefing Note 10 (“Strengthening What Works: Recognising and Supporting the Conservation Achievements of Indigenous Peoples and Local Communities”).

For COP 10 in Nagoya, we contributed to four CBD Alliance briefing papers, wrote an article on BCPs for the IUCN-CEESP journal Policy Matters, and produced multimedia DVDs of legal resources and information about rights-based approaches and community protocols. Post-Nagoya, members of Natural Justice co-authored articles on

ABS for Bridges Trade BioRes Review, on community protocols and ABS for the Asian Biotechnology and Development Review, and on “a people’s history” of the Nagoya Protocol for the Law, Environment and Development Journal. Throughout 2010, a member of Natural Justice was represented on the editorial board of [square brackets] for SBSTIA14 and COP10 and as the editor-in-chief and layout designer of the 17th issue of the IUCN-CEESP journal Policy Matters.

We also produced comprehensive and analytical reports of four key workshops that we presented at and/or co-facilitated: on community protocols in Bangalore (June), Sri Lanka (July), and Cape Town (September), and on ICCAs in Shirawaka (October).

In addition, we contributed an article to an issue of the COMPAS Endogenous Development Magazine that was entirely dedicated to biocultural community protocols. Impressively, the LIFE Network produced a book on BCPs for livestock keepers. Our work also featured in over 20 articles in online print sources (see “NJ in Other Media”).

Throughout the year, Natural Justice developed and revised various training materials for several community-level workshops. These materials will partly comprise the training-of-trainers toolkit on community protocols that is continually being developed and expected to be released as a first version in 2011.

With the advent of the revitalized and consistently updated blog (www.natural-justice.blogspot.com) and new Flickr (www.flickr.com/photos/naturaljustice/sets) and Facebook (www.facebook.com/naturaljustice) pages, Natural Justice is now taking advantage of social media. These media provide friends, colleagues, and others with up-to-date information about our work and, when coupled with our regular website and publications, ensure that we are viewed as a dynamic, active, and transparent NGO constantly engaged in exciting areas. The publications in particular help establish Natural Justice as a well-reasoned yet progressive force to be reckoned with amongst our various networks, and contribute to advancements in civil society movements and critical dialogue in and around key international processes.

Looking ahead, a nascent Publications and Communications strategy is intended to streamline the ways in which we reflect on and disseminate information about our work and help ensure that we are reaching key intended audiences in the most effective ways. For example, we are about to launch a revamped version of our main website and shortly thereafter will launch a website to host the resources, training materials, and interactive for the regional initiatives on BCPs. We are also working on films with Moving Images, a book with Suneetha Subramanian focusing on biocultural rights and endogenous development, and an interactive toolkit on community protocols, all of which will be released in 2011. There are constantly opportunities to publish in academic journals as well as more public and mainstream media. While continuing to publish in the various fora in which we have done to date, we will also pursue opportunities to communicate our work through new avenues and types of media.



6. AWARDS

As previously reported, Natural Justice received a SEED Gold Award in 2009. Recipients of this prestigious award are selected by an international jury of experts based on their potential to make real improvements in poverty eradication and environmental sustainability while contributing to a greener economy. Natural Justice received this award for its groundbreaking work in assisting Indigenous peoples and local communities to develop BCPs in order to help them assert their rights to sustainably govern, manage, and use their natural resources.

The award was comprised of national and international high-level profiling, advice and support on organizational development, and a financial contribution of 25,000 USD. With these benefits, Natural Justice was able to employ an office manager, develop and implement financial accounting systems, and contract with an auditing firm to audit its financial statements. In addition, the networking opportunities arising from the award has led to the conclusion of contracts with government departments and collaborative work with other institutions such as UCT.

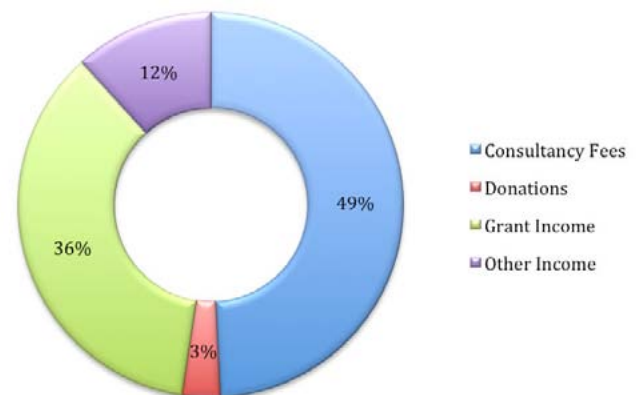
In addition, one of our team became a Shuttleworth Fellow and two members have been interviewed to become Ashoka Fellows.

PART II: FINANCES

7. FINANCIAL SUMMARY

During the 2010-2011 financial year, Natural Justice has sustained its work primarily through consultancy contracts and financial support of its funders. Its consultancy work comprises technical advice, reporting on international meetings, and organizing and hosting workshops for CBOs and governments nationally and internationally.

The support received from funders ranges from core funding to funding for specific projects, activities, and/or publications. As illustrated in the diagram below, 36% of its funding comes from grants and donations from funders, while 49% is derived from consultancy work.



We would like to express our sincere gratitude for the generous support of the following funders (listed in no particular order):

- GIZ (formerly GTZ)
- UNEP
- UNDP
- The SEED Initiative
- UNU-IAS
- The Berne Declaration
- The Heinrich Boell Foundation
- The Global Diversity Foundation
- ICTSD
- France Libertés

The following table sets out the organization's income and expenditures for our financial year (March 2010-February 2011):

| | |
|---|------------------|
| Income | 1 885 083 |
| Grants Received: | 670 223 |
| GIZ (formerly GIZ) | 609 213 |
| Heinrich Boell Foundation | 61 010 |
| Donations: | 60 123 |
| Global Diversity Foundation | 23 307 |
| Heinrich Boell Foundation | 10 435 |
| France Libertés | 13 317 |
| UNDP | 13 064 |
| Consultation Fees | 920 086 |
| SEED Award | 184 158 |
| Other Income | 35 075 |
| Interest Earned | 10 867 |
| | |
| Expenditure | 1 914 118 |
| Personnel Costs | 933 118 |
| Administration Costs | 486 949 |
| Bank Charges | 14 090 |
| Depreciation | 5 919 |
| Project Travel | 415 409 |
| Training Materials and Publications | 58 633 |
| | |
| Surplus/(deficit) for the financial year | 29 035 |

7.1. FINANCIAL MANAGEMENT

The financial accounting system and the preparation of the financial statements of Natural Justice are conducted and prepared according to the Generally Accepted Accounting Practices (GAAP) of South Africa. Its current policy of procurement of goods and/or services is aimed at achieving the best value for money, and employees tasked with the procurement of goods and services are required to maintain high ethical standards to ensure that the organization's business is conducted in a manner that is above reproach. The financial management and maintenance of records are conducted in the most effective, efficient and transparent manner to remain accountable to stakeholders, funders, employees, and the community. Financial monitoring and oversight is achieved by regular review of financial reports at the director level, quarterly financial accounting checks carried out quarterly by an external firm of accountants, and an annual audit conducted by an auditing company. In addition, the annual financial statements of Natural Justice, together with a narrative report of its activities, are submitted to the Department of Social Development annually in November.

8. INTERNAL ORGANIZATION

8.1. TRUSTEES

Natural Justice welcomed a new Trustee, Saliem Fakir. Saliem is active in the sustainable energy field and works for the Living Planet Unit of the World Wide Fund for Nature South Africa. He was previously (2007-2008) a senior lecturer at the Department of Public Administration and Planning and Associate Director for the Center for Renewable and Sustainable Energy at the University of Stellenbosch, and served as Director of the World Conservation Union South Africa (IUCN-SA) office for 8 years (1998-2005). He served on the board of the Fair Trade in Tourism Initiative and was a member of the Technical Advisory Committee of the Global Reporting Initiative, which is based in Amsterdam. He currently serves on the advisory board of Inspired Evolution One, a private equity fund for clean technology.



8.2. STAFF

Johanna von Braun continues to assist across the whole range of our work whilst working as a post-doctorate fellow at UCT's Intellectual Property Law and Policy Unit. Holly Shrumm volunteered full-time throughout 2010, particularly in terms of the Asian work, publications, and communications, and became a paid consultant in 2011. Laureen Manuel joined the organization near the start of the financial year as the full-time office manager. Since her arrival, our systems have been reorganized and streamlined.

Gino Cocchiario has worked as a consultant for Natural Justice since May 2010. Gino had been working alongside the organization in his previous role at the International Development Law Organization on the traditional knowledge commons. He has been involved in various aspects of the African office's work and has been keenly involved in assisting the communities in Lamu, Kenya, in relation to their opposition to a proposed deep-water port.

Kabir Bavikatte and Harry Jonas stepped down from being Co-directors to make way for a collective decision-making governance structure.

8.3. INTERNATIONAL ADVISORY BOARD

Tomme Young and Brendan Tobin remain on our international advisory board, but we have yet to fully use their expertise.

8.4. ASSOCIATES

We developed Guidelines for Associates to assist in the selection process; each Associate is now required to agree to the Guidelines and sign a Memorandum of Understanding with Natural Justice. The following individuals joined as new Associates: Daniel Robinson, University New South Wales; Kirsten Martin; and Sabine Zajderman (who has also

volunteered in the Cape Town office and has served as a consultant for the ABS Capacity Development Initiative for Africa).

8.5. INTERNS

Two interns joined us in 2010 and 2011. Sylva Ntumba Batshi is in the process of completing an LLM in International Environmental Law and Trade Law at the University of Western Cape, South Africa. He previously worked for the Electoral Independent Commission of the Democratic Republic of the Congo. Mikey Salter is studying environmental and international law at the University of Georgia's School of Law, where he is the vice-president of the Environmental Law Association.

8.6. OFFICES

Natural Justice established an office in Sabah, Malaysia, to respond directly to the invitation from the Sabah Biodiversity Centre to assist with the implementation of biodiversity-related laws in Sabah and to develop and manage the Asia Regional Initiative on Biocultural Community Protocols. Natural Justice moved offices in Cape Town to provide more space for the growing team. The office now boasts a library and meeting room.

PART IV: STRATEGY

9. 2011-2014 STRATEGY

The SEED Award in 2009 led to Natural Justice developing its first explicit strategy document. Natural Justice made a concerted effort in the latter part of 2010 to update that strategy, taking a much closer look at each of its constituent parts. We now have strategy papers for each of the major areas of our current and emerging work. We are refining them over 2011 and will meet in Cape Town in November 2011 to develop a fully integrated strategy for all our substantive areas of work and programmes across the regions. The timeframe will cover CBD COP 11 and 12, the World Conservation Congress, and the World Parks Congress, international processes around which much of our local work is focused.



