

# EXPLORING BIO-CULTURAL COMMUNITY PROTOCOLS IN THE SRI LANKAN CONTEXT

A REPORT OF AN  
INTERNATIONAL CONSULTATION AND  
TRAINING-OF-TRAINERS WORKSHOP ON  
BIO-CULTURAL COMMUNITY PROTOCOLS

Avissawella, Sri Lanka, July, 2010

CKS (ASIA)



SGP The GEF  
Small Grants  
Programme





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## **1. BACKGROUND**

Following a workshop hosted by the Foundation for the Revitalisation of Local Health Traditions (FRLHT) and facilitated by Natural Justice in June, 2010, in Bangalore, the Community Knowledge Service (CKS) of Sri Lanka called for a similar workshop. The consultation and training-of-trainers workshop was attended by participants from non-governmental organizations (NGOs) from Sri Lanka, India, Nepal, and the Philippines, and from the Indian government and the United Nations Development Programme (UNDP).

## **2. OPENING SPEECHES**

Shireen Samarasuria, UNDP Small Grants Programme (SGP) Sri Lanka, introduced the work of UNDP-SGP, including the support SGP has provided to CKS partners. She explained that a significant percentage of SGP's support has been directed towards protected areas governance and supporting communities who live in buffer zones. She stated that the amendment to the Forest Ordinance (2008) provides for joint forest management and that she looks forward to more work on supporting communities towards these types of arrangements. She explained that SGP has up to 40 projects on these issues, some of which relate to communities' protocols. In conclusion, she highlighted the need to focus on climate change adaptation and announced the launching of a programme on the issue.

Ishwar Poojar, SGP-India and CKS-India, presented the vision of CKS-Asia, which is for empowered local and indigenous communities in Asia to revive, build upon, protect, share and manage their eco-system specific knowledge, skills and practices that help improve and sustain natural resources and its ecosystem services. He explained that CKS-Asia's mission is to enable its member communities to develop innovative ways of nurturing, sharing and managing evolving eco-system specific knowledge, skills and practices within and across grassroots communities, to improve the capacity of its member communities to support replication and scaling-up of appropriate practices, communicate and influence policy, and to strengthen the leadership of community institutions in the field of community-based knowledge management. He said that it is critical for NGOs not to re-invent the wheel and the CKS network could share knowledge in such a way that it increases knowledge without replicating efforts.

K. A. Kahandawa introduced the work of the COMPAS Network, explaining that partners span three continents. He highlighted the recently released sixth edition of the Endogenous Development Magazine (July 2010) that focuses on bio-cultural community protocols.

## **3. OVERVIEW OF BIO-CULTURAL COMMUNITY PROTOCOLS**

Harry Jonas, Natural Justice, provided an overview of the legal concept of natural justice and why the workshop has been convened, as well as of bio-cultural community protocols. Among other points, he stated that human rights laws and environmental law were once

considered to be separate disciplines, but are increasingly considered to have mutually supportive aims, that Article 8(j) of the Convention on Biological Diversity is the clearest legal provision that links communities ways of life to the conservation and sustainable use of biodiversity and is underscored by Article 10(c), which calls on governments to support the customary uses of natural resources, and that endogenous approaches to community wellbeing are critical but sometimes confounded by legal and policy frameworks and implementing institutions. He presented bio-cultural community protocols as a community instrument that can be used to better engage with external agencies to support their ways of life, including ensuring the customary uses of natural resources and the protection of traditional knowledge.

#### 4. RAIKA BIO-CULTURAL PROTOCOL

Holly Shrumm, Natural Justice, presented on the Raika Bio-Cultural Protocol. She provided a brief background to their exclusion from the Kumbalgarh Forest in Rajasthan, India, and then led participants through the main provisions of their protocol. These sections included the Raika's identity and bio-cultural values, how they preserve unique animal genetic resources and have associated traditional knowledge, how they conserve and sustainably use Rajasthan's biodiversity, details relating to prior informed consent and benefit sharing, information on their exclusion from customary grazing areas without their prior informed consent and how biodiversity is being lost, and their rights under Indian biodiversity laws and policies. She also detailed the laws that support the Raika's case and their commitment to protect biodiversity and associated traditional knowledge. She concluded with an update on the Raika's campaign, including a recent march in Sadri to present their protocol to the Forest Department and a forthcoming planning meeting with other pastoral communities in preparation for the Convention on Biological Diversity Conference of Parties in October.



A number of comments and questions were raised by participants, including the following:

- What happens when customary laws conflict with state/positive law or universal human rights (e.g. honour killings)?
- BCPs can be seen as negotiation tools that can start a longer-term process of policy reform
- Should every community develop a protocol? They may or may not be appropriate at various levels or various stages of a community – often a protocol will be most useful in the face of a key decision-making moment/opportunity in relation to external agencies (e.g. government, private sector, NGOs) that would benefit from a clear statement/declaration of existing values, laws, etc.

- It is important to include a diversity of types of knowledge (e.g. traditional knowledge, scientific knowledge, etc.) to validate community claims set out in the protocols
- It is important to communicate values, priorities, and data clearly so other stakeholders understand the issues being raised
- Bio-cultural community protocols are not legally binding or legally recognized in themselves
- The Indigenous Peoples' Rights Act (Philippines) has been used to fight off mining companies
- The Forest Department in Rajasthan and National Biodiversity Authority officials know of the Raika now; lots of media attention has raised awareness among public and government and the community itself

## 5. INTRA-COMMUNITY AND INTER-STAKEHOLDER RELATIONS

Participants were presented the following role play scenario:

*Bambarabotuwa is a local village in Sri Lanka. The community has lived next to the Samanalakanda (Mountain of Butterflies) Forest for many generations and their ways of life are closely linked to the forest's biodiversity. They use many of the non-timber forest products, including medicinal plants and wild animals, for food, medicine, and building materials. They cultivate traditional rice varieties in parts of the forest and have hunted wildlife for food.*

*The community's use of the forest is also linked to their cultural practices and they consider certain areas of the forest to be sacred sites. They also share traditional knowledge and rice varieties with other communities living nearby in the forest according to their customary laws and values. They feel that their traditional knowledge about the forest and customary practices help ensure that the natural resources are used sustainably and conserved for future generations.*

*The Forest Department is mandated to ensure the conservation of the forests, and is concerned about the impacts of wildlife poaching, tapping of Kithul trees for sap for treacle and jaghri, and logging of trees for rice cultivation in the Samanalakanda Forest. As a result, the Forest Department has banned community members from entering the forest.*

*In addition, wildlife such as elephants and monkeys live in and around the Samanalakanda Forest. Because the community is located nearby, the elephants and monkeys have been traveling through the community area and raiding their crops. Some people have even been hurt by the elephants during the night. The Wildlife Department is mandated to protect the monkeys and endangered elephants and has imposed severe fines, including arrest, on any community members who harm them.*

*The community feels threatened by the Forest and Wildlife Departments, but is unsure*

*about how continue connecting resources from the forest and growing local rice varieties without breaking the law.*

Participants divided into three groups, namely, the Bambarabotuwa community, the Forest Department, and the Wildlife Department. They explored the issues outlined in the scenario according to their respective role's perspectives, priorities, and concerns and discussed how they should respond.

After discussing these issues, the participants divided into three different groups that contained 3 or 4 representatives from each stakeholder role. These new groups debated the issues outlined in the scenario from the different stakeholder roles' perspectives. They presented their thoughts on the issues, including:

**Group 1:** The representatives from the community described their cultural practices and customary laws and demonstrated how they contribute to the conservation and sustainable use of the forest resources, including subsistence hunting, reforestation, and chena cultivation. They also cultivate alternative crops for livelihoods and convinced the government to assist them with financial, technical, and entrepreneurial advice. Based on their argument that government projects such as road construction are disturbing the wildlife habitats and causing them to enter the community areas, the Forest and Wildlife Departments agreed to assist by establishing a buffer corridor, giving land to the community for alternative cultivation uses, and providing financial and technical assistance for sustainable land use planning. The community agreed with the Wildlife Department that the poaching fine was compulsory and committed to internally monitor, discipline, and identify poachers to the Department. In addition, the community and both government departments agreed to establish a multi-stakeholder forest management committee to help improve the forest ecosystem for the wildlife and the community.

Comments from the rest of the workshop participants included that the government officials were perhaps too friendly and accommodating to the community's points of view and that it would be difficult to have such a relationship in reality, particularly if there was any level of government corruption. Another point raised was that the community would likely have to provide more evidence that they were sustainably using the forest resources, rather than just describing their cultural practices and customary laws.



**Group 2:** The representatives from the community were well-organized and sometimes even dominated discussion. Their main point of contention was that the government created the problems by declaring traditional land as protected area without ensuring the community's

concerns/livelihoods. The community argued that they wanted their rights to land and livelihoods recognized before anything else and would then act according to these rights

and obligations. Although the Forest and Wildlife Departments complained about the loss of plants and animals, they agreed to assist the community to market their products from the forest and to work with the community towards a collaborative management process instead of strict protectionism. The community noted that the new legal system disrupted the environmental balance their livelihoods had previously existed within, but that having their rights recognized made it easier to talk to the government departments about their concerns. Overall, it was noted that it is critical for the community and government departments to understand each other's issues and concerns in order to facilitate constructive dialogue towards consensus.

**Group 3:** It was noted that when the community representatives joined the group, they felt like they were walking into the Forest Department's territory; the power asymmetries were evident and intimidating. Even though the Forest Department was open and asked questions, they seemed intent on protecting the land and giving the community as little as possible. They highlighted issues such as forest fires started by community members and the increasing pressure of the growing population of the community on the forest resources. The Wildlife Department was also skeptical that the community would help catch poachers, even though they said they would in their protocol, which raised the issue of how realistic or attainable commitments outlined in community protocols can be. The community and government departments agreed to work together to map out certain areas as no-go zones and establish zoning for cultivation and alternative food sources for the conflict animals. It was noted that such decision-making processes are not easy and that government officers need to play a proactive role, but this often does not occur. It was also noted that trust is a key factor in positive community-government relations and that community leadership has a huge influence on dialogue processes.

Overall, participants acknowledged that in reality, government departments and their on-the-ground officials would not be this friendly and accommodating to communities' concerns and proposals. However, it was also noted that communities that were



internally well-organized and able to clearly communicate their identities, challenges and constraints, and rights were better able to debate and discuss issues with the government agencies. It was noted that communities tend to approach government, but government rarely (if ever) approaches communities to resolve conflicts and initiate processes of dialogue. It was raised that perhaps what is needed is changes in national laws and policies themselves.

## 6. SRI LANKAN ENVIRONMENTAL AND HUMAN RIGHTS LAWS & POLICIES

Upeksha Sapukotana, Environmental Law Foundation, noted that while community rights are alien to the western legal tradition, there are specific laws that support communal resources. The Forest Ordinance provides for “Village Forests”, an attempt to strike a balance between communities’ rights and the conservation of the environment, yet she explained that the programme has floundered in practice. Fishing rights, on the other hand, have been favourable to communities, who enjoy greater (use) rights than forest communities’ (ownership) rights. Regarding traditional knowledge, she said that there is some confusion in the local context, because whilst communities want rights over their traditional knowledge, they question the benefits of individual rights being granted over traditional knowledge.

Kaushalya Ariyaratna, Centre for the Study of Human Rights, presented on the human rights questions raised by the attempt to balance individual and collective rights. She argued that even when Sri Lanka signs a human rights or environmental convention, the government does not always live up to its international obligations. She explained that whilst India recognizes the rights to life (S21 of the constitution), Sri Lankans rely on Supreme Court judgments to live life in accordance with local culture and values. Meloney Palaihakkara, Centre for the Study of Human Rights, was also present and kindly provided translation to those Sri Lankan participants that required it.

## 7. DEVELOPING BIO-CULTURAL COMMUNITY PROTOCOLS

One group comprised mainly of NGO representatives working to conserve local rice varieties in Sri Lanka, India, and Nepal developed a protocol based on a rice-related scenario below (guiding questions are in Annex III).

*You are from a local village in Sri Lanka called Bambarabotuwa, which has been cultivating a number of local rice varieties for generations.*

*You know that cultivating your varieties of rice are good for your health, biodiversity and require little inputs. Your culture is linked to the rice and harvest time is a community celebration. In addition, you have traditional knowledge relating to the harvesting of the rice and customary laws that govern the way you share your rice with others. Other communities nearby have lost their rice varieties and are asking you to assist them to reintroduce the varieties.*

*The Ministry of Agriculture is pushing you to try new types of rice that are ‘high yielding’. You would rather continue to use your local varieties, but are worried that due to lower yields, most will be forced to go for high yielding varieties. You want the government to work with you to improve yields of traditional varieties rather than promote their varieties. Also, a private research company wants to access your rice – but you are not sure for what.*

*You know there are laws that support the conservation of rice varieties, the conservation of biodiversity and the protection of traditional knowledge, but are not 100% sure of the exact provisions.*

Two groups developed protocols for a similar scenario to the one set out in Section 5 relating to forest-dependent communities (see Annex IV).

### **7.1 Rice Variety Protection Protocol**

Sajal Ratna presented the rice variety protocol, contained in Annex V. He introduced the protocol by noting that the community developed a protocol that focuses on their local issues and is addressed to the local non-/governmental development agencies (local government agencies, media, schools, and businesses), and suggested that the community may want to also develop a protocol aimed at national level bodies. He said that the protocols of a number of communities could be drawn from to present a consolidated case towards broader policy reform.



In their local protocol, the community explains that they grow 88 rice varieties and includes a biodiversity register in an annex that indicates which varieties are most at risk, among other things. They describe their integrated, holistic and organic farming methods that support

livelihoods and conserve local biodiversity. They argue against the push by government towards high yielding varieties that they say are not profitable because of the high chemical inputs required and the ensuing environmental degradation. Crucially, they set out how the Seed Act undermines traditional systems of agriculture by prohibiting farmers from keeping and sharing seeds, and include national and international laws (such as the International Treaty on Plant Genetic Resources for Food and Agriculture) that support their right to choose which varieties to cultivate. They also reference the effects of climate change on their cultivation, which they claim requires an even greater diversity of livelihood options than what they already have.

The protocol makes local and national demands. At the local level, the community calls for the allocation of local development funds for local initiatives such as seed exchanges and participatory technical support for climate adaptation. At the national level, they underscore the importance of recognizing farmers' rights under the Seed Act and call for environmental, cultural, and social impact assessments before the government prioritizes high yielding varieties over traditional varieties. They conclude by suggesting that Sri Lankan farming communities should facilitate information and material sharing, supporting seed banks, and running local radio programmes.

Reflecting on the group's thoughts about the development of the protocol, Sajal suggested that community protocols are tools to be used for social and environmental ends and are not an outcome themselves. On that point, he underscored that the development of a protocol is an important community-level process that should be as participatory as practically possible to maximize local empowerment. About the content of the protocol, he said that it was a challenge to assess the level of detail that the document should contain and supported having illustrative examples in the body of the protocol backed up by appendices with more specific data such as nutritional value, aroma, and costs and inputs required for cultivation. In a full protocol, they would have included a map of their community's resources with details of where different varieties of rice are cultivated, together with annotations of associated traditional practices. They also would have highlighted the spiritual dimensions, focusing on Buddhist values that underlie the agricultural practices and their contribution to environmental conservation.

Commenting on the use of the protocol, Sajal said that the development of a professional-looking protocol was important to ensure that it would be taken seriously, but added that in some countries, promoting communities' anti-corporate views can compromise personal safety. He suggested that the protocol could have focused more on tangible next steps, including calling on provincial councils that have capacity to support agricultural extension and assist with research to gather relevant data.

## **7.2 International Forest-dependent Community Protocol**

Ishwar Poojar presented the protocol on forest users' rights developed by a group of mostly international participants (see Annex VI). The protocol includes details of customary laws that contribute to the conservation and sustainable use of natural resources, details of local rules and regulations, including who to share knowledge with and how decisions are made, the community's development priorities and future plans, its challenges, and its rights and obligations under law. He added that it would be useful to incorporate community mapping into the development of the protocol to set out important areas for wildlife, including elephants' migration routes.

He explained that in the past, the community had provided information to researchers without many (or any) preconditions. He felt that the community had benefitted from the process, which had raised awareness and helped them understand their rights. It helped them to develop internal rules and regulations



for the sharing of knowledge, including that the community will provide information only when the researcher clarifies who s/he is, agrees that the research is for the benefit of the community and cannot be used for commercialization, and uses his/her expertise for the

community's benefit, including helping them learn about laws and technical skills and raising awareness about community-defined issues.

The group also expressed an interest to invite representatives of the Raika community to visit and share experiences of how to develop and use their protocol. They suggested that CKS-Asia could support such community exchanges, adding that while communities may not be able to directly pay each other back, they can pass on the goodwill to others.

Ishwar explained that it was the community-elected Council of Elders that had developed the protocol, which was then publicized throughout the community and to other stakeholders through street theatre, posters, booklets, and brochures. He acknowledged that from the outside, the Council of Elders may seem like an elite group, but stressed that this is how his community is organized and called for this to be respected.

Ishwar said that it may be useful to oblige any researchers entering the community to help them prepare the protocol, but underscored that the protocol should, as far as possible, be developed and used directly by the community with assistance from their community-based and non-governmental organizations as required. He also questioned whether communities would have the resources needed to develop and use a protocol.

To monitor the use and impacts of the protocol, there would be regular review meetings with the Council of Elders to evaluate changes within the community. Participatory research on, for example, indicator species would help the community monitor ecological factors and evaluate the impacts of their practices on the conservation of surrounding biodiversity. He added that "community confessions" would provide a mechanism of self-criticism and highlight successes for everyone in the community.

### **7.3 Sri Lankan Forest-dependent Community Protocol**

This group of Sri Lankan participants worked well into night to develop their protocol. Commenting on how long it took, Nimal Hewanila said that every community has a rhythm and that any work in the village has to be sensitive to those rhythms. He added that everyone in the group had a different idea about who "the community" is and suggested that the key to a strong protocol is to be ready to listen and to entertain all ideas.

The protocol (see Annex VII) highlights the pressures on communities to increase income through activities that tend to degrade their natural resource base, including overharvesting Kithul trees, logging, and growing high-yielding varieties that require chemical inputs. He explained how the current legal system supports these trends and undermines their local ways of life. He added that the lack of communal land ownership was the root of much of the local area's environmental degradation. He explained that because the government owns and manages the forest, community members feel that it is less important to protect it. Notably, communities' customary beliefs about taboos, sacred areas, and gods that are associated to trees and certain groves have all waned, which has led to reduced interest in respecting natural laws.

The group noted that they would have invited the Forest Department, Wildlife Department, and Divisional Environment Committee to certain aspects of the protocol's development. The group felt that their involvement would be later in the process, after the community had developed the key ideas and message. The community members expected to be involved include religious leaders, traditional leaders, facilitators, members of the kithul group, and people who hunt.



Regarding the process of developing the protocol, Nimal explained that many of the participants' suggestions were potentially at odds with each other, illustrating that a "community" is often composed of heterogeneous groups itself, including some whose views are in direct conflict or address different aspects of social interactions and composition. For example, the female participants noted that

they were alone in talking about children and that the men initially ignored this issue. As a result, he argued that the process of developing a protocol is a way of working through community-level differences of opinion about a collective future and as many community members as possible should be involved.

The group had agreed that it may be useful to use video to document the community's views and practices, but also stated that some government officials might not accept "non-official" forms of documentation. Nimal added that while the process of developing a protocol is the most critical aspect, articulating the community's decisions and priorities in the form of a concrete document could be used towards various ends.

#### 7.4 Overall Discussion

A discursive discussion ensued. The following section sets out participants' comments, organized thematically.

**Before Preparing a Protocol:** Participants debated the issue of who is best placed to introduce the idea of a protocol to the community. It was suggested that whilst NGOs could raise awareness about protocols, communities should clarify NGOs' role in their development. They questioned the background work needed to get to the stage of actually developing a protocol. The idea that there may be appropriate triggers for the development of a protocol was mentioned and participants suggested that it would be useful to provide communities with guidance about the types of situations in which the development of a protocol could assist.

**Documenting and Developing Community Protocols:** A number of participants highlighted the fact that all communities have largely unwritten customary laws that can also be

described as “protocols”. It means that “developing a bio-cultural community protocol” (as described in this document) is in many ways an exercise in documenting, communicating, and applying communities’ existing protocols to address local challenges. In this light, it was suggested that the proper role of an NGO in this process is to assist in providing locally appropriate frameworks, materials, and methods aimed at including the most number of community members in the documentation and development of community protocols.

Participants strongly supported the idea that the process of *developing* a protocol to facilitate positive change is as important, if not more important than the *development of* the protocol itself. The discussion included the point that although developing and using a protocol may require external input (e.g. technical or legal support), developing local capacities is a critical part of the empowerment process and should not be bypassed for the sake of producing a hasty protocol or because an external agency forces the process on a community. A wide variety of community members should be involved in and drive as many parts of the process as possible, including documentation (e.g. community mapping) and advocacy, so that the widest variety of concerns, opinions, and ideas can be represented. This suggestion about maximizing participation was counterbalanced with the proposition that communities have traditional values relating to the roles of particular groups within the community that should be respected.

Drawing on this idea, participants felt that the methods of developing a protocol are all activities that they are engaging with (such as mapping and community meetings), but that the articulation of the issues into a document underpinned by legal provisions was a novel step in the Sri Lankan context. It is important, therefore, to ensure that protocols are developed using processes that the community is familiar with, that provide space and time for internal reflection, and that are augmented by other useful methods (such as rapid rural appraisals or most significant change evaluations), as appropriate. The above-mentioned point about communities having their own rhythms was re-highlighted, underscoring the importance of NGO sensitivity to communities’ internal dynamics.

Participants argued that it was important to first define the community’s key concerns and then focus the protocol towards those agencies that the law requires to provide assistance or to desist from harmful actions that affect communities. Caution was urged, however, about raising unrealistic expectations or causing communities to romanticize their cultural practices. The responsibility for managing these risks should be placed on the facilitating CBOs and NGOs.

A guide to documenting and developing community protocols was called for, but only if the concept and processes were kept fluid and malleable for communities to adapt to their local contexts. It was noted that if this does not occur, it may result in a “simplistic recipe” that would limit the process and stultify the outcomes, restricting communities from conveying their voices. In this context, the way the workshop was run was praised for using a Socratic method to ask open questions and use discursive processes without prescribing the content and format of what a protocol “should” include.

Participants warmed to the idea of *planes de vida*, where South American communities develop 50+ year plans that provide a long-term perspective on present-day activities. Long-

term visioning sessions were welcomed as potentially useful exercises that could form a part of development of a protocol.

It was agreed that communities may want to focus their protocols towards different levels of government or to other agencies and that it may be useful to develop different protocols for different reasons and addressed towards disparate stakeholders. These protocols may contain different types of information in diverse formats.

**Content and Format:** Participants agreed that a protocol should clearly illustrate how a community's cultural diversity is intertwined with local biological diversity and how customary practices contribute to the conservation and sustainable use of biodiversity. They added that, as far as possible, it should be an articulation of the community's voice and be written in the community's language, even if it is not the official government language. It would be improved by



backing it up with thoroughly researched and well-presented data; involving communities in the data collection process is an important part of developing their collective voices. It was felt that a protocol should strike a balance between the need to provide enough information in the body of the protocol itself and providing supporting evidence in annexes about, for example, traditional knowledge of medicinal plants or rice varieties and customary practices and belief systems. It was also noted that protocols can be communicated through a variety of media forms, including radio, video, photography, theatre, and print.

**Advocacy:** Participants agreed that a key role of a protocol is to facilitate a process of dialogue between the community and relevant government agencies so that both parties understand what the other requires to fulfill their aims. However, time did not permit a full discussion of how communities would use protocols to drive local and national advocacy campaigns.

**“Bio-cultural Community Protocols”:** Some participants argued that similar approaches to protocols have been undertaken and that the term “bio-cultural community protocol” may be new, but processes of community empowerment and negotiating with government and other agencies are not. Thus, it would be overly prescriptive to set out what is and is not a community protocol. A more useful approach is to draw on communities' experiences with various rights-based approaches and define how community protocols can be improved and add to existing approaches. It was also suggested that such approaches may be referred to as protocols at the international level, but may be locally defined in local languages or using different terminology. With reference to the vagaries of the “development industry”, it was felt that the term would change over time and that fixation on the name was a relatively fruitless exercise as long as its essential elements remain relevant to communities.

**Monitoring and Evaluation:** There was consensus on the need for a diverse range of methods to monitor and evaluate the impacts of the protocol (including self-criticism and social encouragement, monitoring of indicator species, etc.) and for sharing experiences and lessons learned within and between communities.

**“Creating a Monster”:** It was argued that bio-cultural community protocols have the potential to become a monster - i.e. another top-down, box-ticking exercise of the development industry that leads to money flowing to consultants and western NGOs to develop protocols that are superfluous to communities’ needs.

**CKS-Asia:** In light of the above comment, participants discussed how the communities and NGOs in CKS-Asia could engage with the approach on their own terms. It was felt that CKS’s country programmes required further definition that would lead to a clearer understanding of the network’s experience of using rights-based approaches and how experiences can be shared and contributed to by the ideas generated at the workshop. It was agreed that the approach required further exploration, including how it can be applied by different types of communities within their unique local social, cultural, environmental, and legal/policy contexts and across CKS-Asia’s thematic areas. It was also suggested that protocols and accompanying methodologies form the basis of communities’ contributions to CKS-Asia’s knowledge platform.

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## 8. CLOSING REMARKS

In the final session, there were a number of closing comments. Sanchita Jindal noted that the workshop gave her a good idea of what community protocols are and how they can be used to foster dialogue. Bibhu Mohanty argued that community protocols are a good empowerment tool useful for advocacy, but echoed Harry’s introductory comments that this did not constitute a training-of-trainers workshop. Many more skills and supporting materials are required and it is particularly important to share experiences and work towards guidance that provides information about requirements and tools, among others.

Participants suggested several other organizations that could potentially further support work related to rights-based approaches and community protocols, including the Seed Federation, COMPAS, the Green Foundation, CIKS, and the National Biodiversity Authority and National Medicinal Plants Board in India.

Certificates were presented to each participant. In closing, Natural Justice thanked all participants, organizers for their excellent logistics, and especially the cooks for their bountiful food. Sujeewa also thanked the participants and Natural Justice for their efforts.

## **9. ANALYSIS AND THANKS**

The Sri Lankan consultation was important for three key reasons. First, CKS partners from Sri Lanka, India, Nepal, and the Philippines gained a good understanding of how protocols might be used in their local contexts, and had an opportunity as a peer group to debate the issues among themselves. Second, CKS-Sri Lanka and CKS-Asia met to define their programmes and considered how a systematic focus on rights-based approaches could contribute to their thematic areas. Third, Natural Justice was provided excellent feedback from participants on bio-cultural community protocols (“community protocols”), helping us to assess how best to further develop the community-based instrument.

This analysis explores the above three areas and concludes by suggesting a framework for integrating rights-based approaches into four thematic areas in India, Sri Lanka, Nepal, and the Philippines.

### **9.1 Local NGO Consultation**

The debate on community protocols could be characterized as a frank exchange between friends. People spoke directly and honestly about the pros and cons of the approach, its lineage as an approach that stands on the shoulders of others, and its novel aspects. There was general consensus that protocols are a potentially useful community instrument, subject to a number of important caveats and notwithstanding a number of outstanding questions, including:

- How different are community protocols to other rights-based approaches?
- When should a community develop a community protocol?
- What case studies can communities reference, and what are the long-term benefits those communities can attribute to the use of the protocol?
- What guidance can a community receive in developing community protocols?
- What is the role of Natural Justice and other NGOs in the development of community protocols?
- How can we ensure that community protocols retain their integrity and avoid becoming a time- and money-wasting fad?

These are all very important questions and issues with which Natural Justice and its partners are keenly aware. The exchanges highlight two themes. First, CKS partners are deeply committed to ensuring that only communities that understand protocols’ strengths and limitations develop them. Second, from Natural Justice’s perspective, the honesty and openness of the discussions underscores the fact that CKS partners are ideally situated to test, critique, and refine the approach.

### **9.2 CKS-Sri Lanka and CKS-Asia**

Natural Justice had some background to CKS-Asia after the Bangalore workshop in June, 2010, but a number of important questions remained outstanding about its programme. Being privy to CKS-Asia’s meeting in Sri Lanka greatly assisted in conceptualizing the network’s projected trajectory and provided details of its newly defined thematic areas. We understood how the network aims to support communities and NGOs

and facilitate lesson-sharing both directly and via its information platform, on a national-level, and according to its themes on a regional and international scale.



During the meeting, Natural Justice was invited to join the network (subject to formal approval) and we gratefully accepted. At the same time, we were asked our opinion of whether there should be an additional thematic area of “rights-based approaches”. It is our view that rights-based approaches are a cross-cutting theme, forming an intrinsic element of communities’ approaches to at least the thematic areas of natural resource management, agriculture, livestock-keeping, and adapting to climate change. Accordingly, we were asked to produce a brief framework of how Natural Justice could contribute to CKS-Asia’s newly established thematic areas (see section 10.4).

### 9.3 Understanding and Using Community Protocols

Natural Justice, as advisors to the African Group in the negotiations of the Working Group on Access and Benefit Sharing, has advocated for the inclusion of “community protocols” as a community-based instrument to ensure communities’ (free,) prior and informed consent in the Protocol on Access and Benefit Sharing. Once the Protocol is agreed upon in Nagoya in October, “community protocols” will enter international law and communities, NGOs, funders, and national implementing agencies will be clamoring to know what “community protocols” are (or could be). Strong guidance that sets out the essential tenets of the idea (community-led, participatory, based on endogenous processes, towards locally defined outcomes, etc.) will best ensure that they do not become the “monster” that was warned against by participants in Sri Lanka.

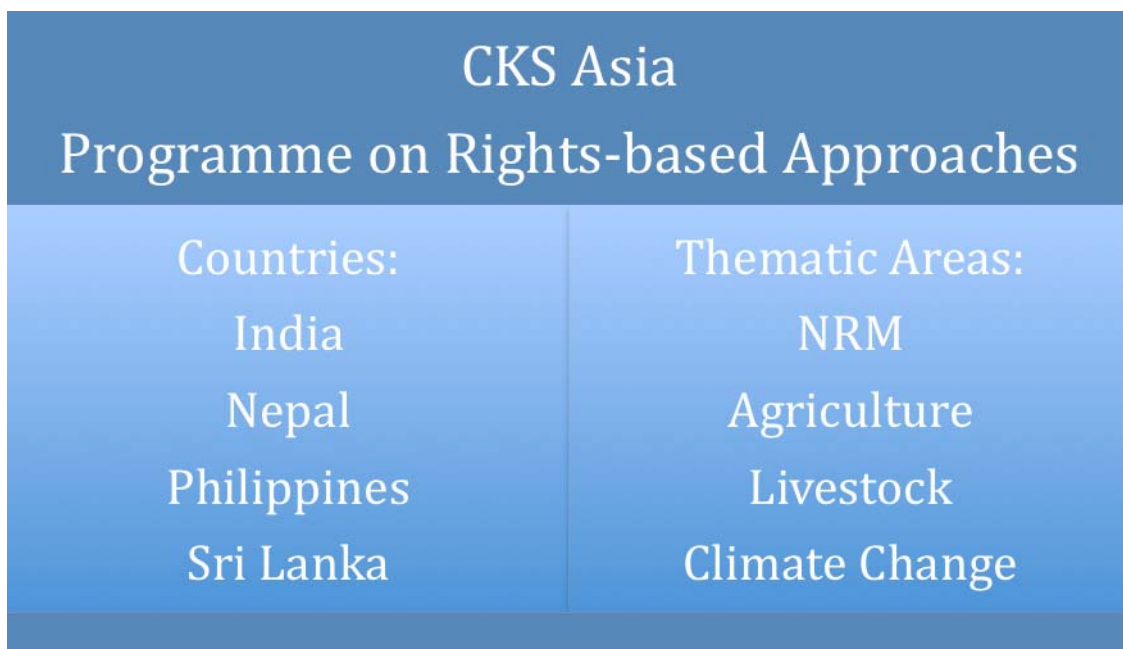
Natural Justice is developing a partnership with the COMPAS Network and the United Nations University’s Institute of Advanced Studies and Traditional Knowledge Initiative to develop the relationships between rights-based approaches and endogenous development, the concept of well-being, and community-led monitoring and evaluation techniques such as most significant change.

Because COMPAS partners are also members of their national and regional CKS networks, Natural Justice will already be working with CKS partners towards clarifying the questions raised in the workshops. The invitation to partner with CKS-Asia greatly increases the ability

of this work to contribute to global thinking on the potential uses of community protocols. In this sense, CKS will be using its network to contribute to an issue that is equally important to its members as it is to communities and NGOs who are not a part of CKS but are equally keen to assess whether rights-based approaches can assist them with their local challenges.

#### 9.4 Suggested Roadmap for CKS-Asia to Integrate Rights-Based Approaches into its Thematic Areas as a Model for Other Regions

We suggest that we begin by focusing on the thematic areas of natural resource management, agriculture, livestock keepers, and climate change in four countries: India, Sri Lanka, Nepal, and the Philippines. As per our above comment about rights-based approaches being an integral part of local strategies to secure a variety of livelihoods, we feel that our work will support the overall country/thematic programmes.

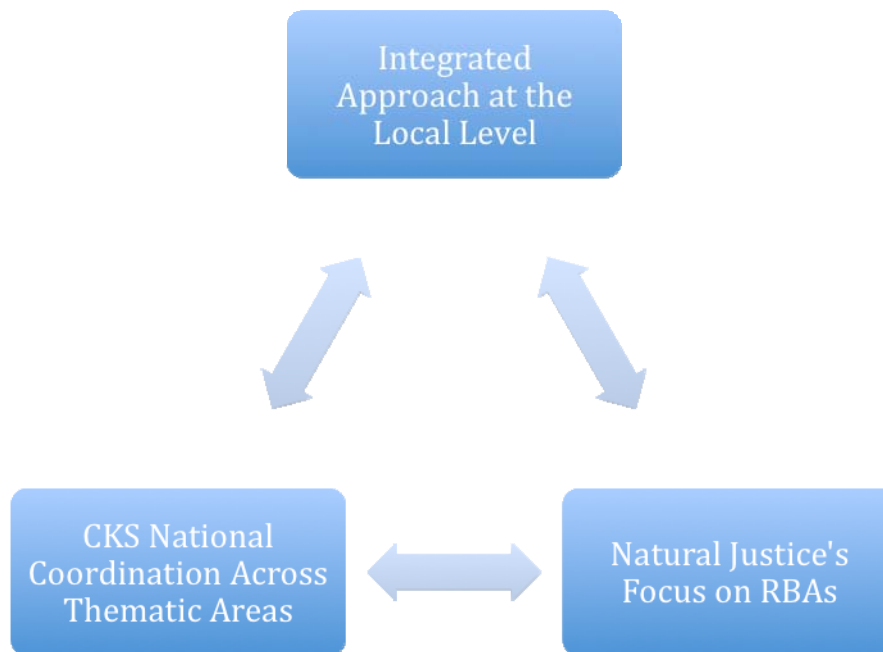


We envisage working on two axes: on a country-specific basis, as well as along thematic lines.

##### 9.4.1 Country-Specific Basis

Whilst there are international laws that pertain to various aspects of each thematic area (and some of which are overlapping such as climate change), each country has domestic laws that regulate local activities. Natural Justice can develop activities with the national coordinator, as appropriate. These may include developing links with one legal focal point in each country that will partner with the network to assist it with all issues related to rights-based approaches. Natural Justice can work with a core group in each country, including the legal assistants, to evaluate the rights-based approaches that have been used in the country and to look at how community protocols can augment them. That will be a significant first step in each country-level network being self-sufficient in relation to integrating rights-

based approaches into its members' work. With any required support from Natural Justice, those groups can initiate learning loops, whereby they train communities and NGOs to develop local rights-based approaches such as community protocols and simultaneously draw from those experiences to increase awareness by sharing them across the national network and internationally via the knowledge platform.



#### 9.4.2 Thematic Basis

Regionally, communities and NGOs will also be meeting according to their thematic areas. Natural Justice, in partnership with the core group in each country focusing on rights-based approaches, will work with CKS-Asia to contribute to regional meetings organized along thematic lines.

As an example of how we can contribute to the network, we set out a brief note on our work with livestock keepers to illustrate our work within one of CKS-Asia's thematic areas in which we have assisted communities locally, facilitated lesson-sharing, and continue to work towards policy change.

##### **Livestock Keepers' Rights**

The LIFE (Local Livestock for Empowerment of Rural People) Network is an international network of organizations and individuals from Asia, Latin America, Europe, and Africa, who promote community-based conservation and development of indigenous breeds.

The LIFE Network advocates for the rights of 'indigenous livestock keepers', which include all communities that have a long-standing cultural association with their livestock and have developed their breeds in interaction with a specific territory or landscape.

The LIFE Network also supports 'ecological livestock keepers', which include those individuals and communities that sustain their animals and environments where these animals live, relying largely on natural vegetation, home-grown fodder, crop by-products, and no artificial feed additives.

Since 2008, Natural Justice has worked closely with the LIFE Network, providing the Network and its members assistance in two capacities:

- As a member of the LIFE Network, actively participating in its coordination and strategy meeting; and
- As lawyers, providing legal support to the LIFE Network and its members.

In providing legal support to the LIFE Network, Natural Justice has been involved in a form of legal activism that we term 'community-led lawyering'. This form of lawyering subverts the conventional hierarchical lawyer-client relationship and instead exemplifies a process of accompaniment where the lawyers are integrally involved over an extended period of time with the network and its communities and CBOs.

Natural Justice has a relationship of accompaniment with the LIFE Network, advising the Network and its members on issues ranging from national and international strategy for the recognition of livestock keepers' rights, the development of bio-cultural community protocols, and on specific legal queries. The LIFE Network in turn develops its own strategy and vision internally, providing a clear mandate to Natural Justice about the areas where it would require legal support and the form in which this support is needed. Specifically, they have asked us to work directly with communities to assist in the development of community protocols, lesson sharing across communities, and policy-level assistance.

**Community Work:** On the invitation of the LIFE Network and its members, Natural Justice has facilitated the development of bio-cultural community protocols with 3 pastoralist communities, namely: the Raika of India in June, 2009; the Samburu of Kenya in November, 2009; and the Maldhari of India in June, 2010. Natural Justice has also provided legal advice on the development of two other community protocols, specifically: the Lingayats of South India in January, 2010, and the Baloch Pashtoons of Pakistan in February, 2010.

**Lesson-Sharing:** In February, 2010, Natural Justice facilitated a session on bio-cultural community protocols as a strategy to secure the national and international recognition of livestock keepers' rights in Khaba, Rajasthan, at an international meeting of the LIFE Network. The member organizations present in Khaba resolved to use community protocols as an integral part of the strategy in their global campaign for the recognition of livestock keepers' rights.

**Policy-Level Assistance:** Over the last 2 years, Natural Justice has been asked by the LIFE Network to provide support with the drafting of Livestock Keepers' Rights and to advise on legal strategy for the recognition of Livestock Keepers' Rights in India and at the Commission on Genetic Resources for Food and Agriculture (under the United Nations

Food and Agriculture Organization) and the negotiations of the Working Group on Article 8(j) and the Working Group on Access and Benefit Sharing (under the United Nations Convention on Biological Diversity).

### 9.4.3 Knowledge Platform and Materials

The work will add to our ongoing efforts to develop a series of materials on rights-based approaches, including a Guide on Protocols for Communities and NGOs for use and improvement by CKS network members and other communities and NGOs who want to develop the approach.

Using a variety of methods, including case studies, participatory video, and photos, the experiences from the above work will be documented by communities and their NGOs to add to the knowledge platform. Beyond merely documenting the use of protocols, Ishwar Poojar proposed that community protocols could be used as introspective tools with which to make their contributions to the site. This idea takes community protocols to a new dimension. Initially conceived as a means by which communities can communicate their key strengths and concerns to state or private agencies, his suggestion means that protocols could also become community-to-community tools. It is an interesting idea and one that can be further developed at the country level.

### 9.5 Thanks

Natural Justice thanks all the participants for their tireless enthusiasm (especially the Sri Lankan group, which worked until midnight developing their protocol), and Sujeewa Jayasinghe, K. A. Kahandawa, and Ashoka Kumara Karunaratna for organizing the logistics. Thanks also to ETC-COMPAS for sponsoring Natural Justice's flights. Govindaswamy "Hari" Hariramamurthy and Donato Bumacas were greatly missed at this workshop and we look forward to our next meeting.



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## **ANNEX II**

### **Guiding Questions from Intra-Community and Inter-Stakeholder Relations Role Play Scenario**

#### **A) Bambarabotuwa Community**

You know that people from your community are hunting and using non-timber forest products, but you believe that they are doing so sustainably.

- What are your customary laws or values that regulate hunting practices? Are you allowed to hunt for sale, or just for local consumption? How do these differ from the Forest Department's laws and rules?
- Do you know the relevant laws and forest regulations, including your rights and obligations?
- How can you deal with people in your community who are involved in poaching, and what can you show the Forest Department to prove that the community will not be involved in unsustainable wildlife poaching?
- How can you show the Forest Department that tapping of Kithul trees and rice cultivation in the forest are sustainable and support local livelihoods?
- How can you work with the Wildlife Department to deal with the elephant and monkey conflict in your community?

#### **B) Forest Department**

You know that people from communities around the forest are degrading the forest, including by wildlife poaching, Kithul tree tapping, and rice cultivation. According to national law, your duty is to ban anyone who enters the forest without a permit. However, you know that some people may be harming the environment much more than others.

- Some people in the department are very against communities and others are more understanding of communities' needs – how can these internal divisions be reconciled?
- How can you ensure that no more environmental degradation occurs in forest areas?
- How can you differentiate between sustainable and unsustainable uses of the forest?
- How can you make sure that you are banning people that are actually harming the environment as opposed to those who are using it for sustainable subsistence?
- What is your current relationship with the traditional leaders of the community and how could it be improved? Do you trust what they tell you about their efforts at the community level?
- What assurances, actions or evidence do you require from the community to build trust?

#### **C) Wildlife Department**

According to national law, you are mandated to protect the wildlife of Sri Lanka. However, you also know that some monkeys and elephants damage communities' crops and threaten people's personal safety.

- Some people in the department are very against communities and others are more understanding of communities' needs – how can these internal divisions be reconciled?

- How can you ensure that community members do not harm the monkeys and elephants?
- How can you ensure that the monkeys and elephants do not damage communities' crops or threaten people's safety?
- How can you make sure that you are fining people that are actually harming the wildlife?
- How can you reward people that are helping protect the wildlife?
- What is your current relationship with the traditional leaders of the community and how could it be improved?
- How can the community work with you to protect the monkeys and elephants and other wildlife?
- What assurances, actions or evidence do you require from communities to build trust?

## **ANNEX III**

### **Guiding Questions from Protection of Rice Varieties Role Play Scenario**

#### **Questions to consider before developing the protocol**

- What are the key issues you want to address in this protocol?
- Who do you want to communicate them to?
- Who will be involved?
- What form will the protocol take (written, video, photos)?
- How will you gain a better understanding of your rights?

#### **Developing a protocol**

##### **A. Overall message**

- What are your community's ideas about its future?
- What are your key challenges?
- What are your rights and obligations?
- What is your message to the Agricultural Department?
- What is your message to the researcher and future researchers?

##### **B. Supporting evidence/arguments:**

- How will you describe your community?
- Will you detail your rice varieties?
- Will you explain the harvest cycle? If so why?
- What local health and biodiversity-related benefits of your rice varieties?
- What are the gender issues relating to harvesting rice?
- What will you describe about the links between culture and the rice varieties?
- What are your community protocols relating to the sharing of rice varieties and associated natural resources? How will you set these out for the researcher and future researchers?
- Will you list your rights?
- Will you set out how you will assist the Agricultural Department with its mandate?

#### **Questions to consider about using the protocol**

- How will you use the protocol?
- Will you petition local or national level agency officials?
- Will you focus on justice for your community, or join with other communities to push for legislative/policy reform?
- Will you require any assistance?
- How will you measure positive changes in your community?

## **ANNEX IV**

### **Community Use of Forest Resources Role Play Scenario**

You are from a local village in Sri Lanka called Bambarabotuwa that has lived in and around the Samanalakanda (Mountain of Butterflies) Forest for many generations. Your community's way of life and cultural practices are closely linked to the forest's biodiversity. You consider certain areas of the forest to be sacred sites.

Your community uses many non-timber forest products to support local livelihoods.

- You tap Kithul trees for sap for treacle and jaghri, and collect wild mushrooms, honey, and fruit. Your community has a lot of knowledge about where and when to find these products. You also have customary laws about how these species should be harvested.
- Some villagers hunt in the forest to feed their families. A few people also hunt to sell locally. There are customary laws about subsistence hunting, but there are currently disagreements in your community about how these laws should still be applied today.
- Many villagers access the forest for commonly known medicinal plants. They have a lot of knowledge about where and when to find the medicinal plants.
- The traditional healers also have very specific traditional medicinal knowledge and spiritual values that they only share with certain people. They enter the forest to gather particular medicinal plants in a particular way.
- Villagers also collect timber and rattan for household building materials and fuel.

In addition, many species of wildlife live in and around the Samanalakanda Forest. Elephants and monkeys in particular have been travelling through your village and raiding many people's crops. Some people have even been hurt by the elephants during the night.

Your community has emerging rights under national law, including to the protection of your traditional knowledge under the National Policy on Traditional Knowledge, and to your customary use of forest resources under the Forest Master Plan (Section 6). Under international law, you also have the rights to self-determination, to customary uses of natural resources, and to provide free, prior and informed consent for access to your traditional knowledge.

In addition to this local context, your community also has to engage with external agencies and individuals. Consider how you will interact with the following:

- The Forest Department is mandated to protect the forest. According to national law, the Department's duty is to ban anyone who enters the forest without a permit. However, some of the local officials know that some villagers may be harming the environment much more than others.
- The Wildlife Department is mandated to protect all wildlife, including the monkeys and endangered elephants that enter your village. It has imposed severe fines, including arrest, on any community members who harm them.
- A researcher has contacted your community about their traditional knowledge.

### **Preliminary Questions to Consider**

- What are the key issues that you want to address in your community protocol?
- Who do you want to communicate them to?
- Who will be involved in developing the community protocol?
- What format will the protocol take?

## **Developing a Community Protocol**

### **A. Overall Message**

- What are your community's ideas, priorities, and plans for your future?
- What are the key challenges to fulfilling these priorities and plans? How will you overcome them?
- What are your rights and obligations?
- What do you want to communicate to the Forest Department?
- What do you want to communicate to the Wildlife Department?
- What do you want to communicate to the researcher?

### **B. Supporting Evidence**

- How will you describe your community's identity?
- Is it important to describe where the natural resources are that you use? If so, what will you describe? How will you communicate it?
- Is it important to describe the links between your culture and the environment? If so, what will you describe? How will you communicate it?
- Is it important to describe your traditional knowledge and values about the environment? If so, which types of traditional knowledge will you describe? How will you do so?
- Is it important to describe your customary laws relating to the use of natural resources? If so, what customary laws will you describe? How?
- What are your community's rules and regulations relating to the sharing of knowledge and use of resources? How will you communicate them?

### **Using a Protocol**

- How do you plan to use your protocol?
- Who will be involved?
- Will you work with other communities and external agencies? If so, how and towards what aims?
- What other resources may be required?
- How will you monitor and evaluate changes within your community?

## Annex V

### Protection of Rice Varieties Protocol

#### Our Community

- 50 Households, mixed ethnicity in the Lionpass valley (30 acres total farmland) in Bambarabotua, traditional rice farmers
- We, the community of Bambarabotua in Sri Lanka, grow and use 70 species of plants and husband 13 breeds of livestock (See CBR/PBR in Annex I).



#### Our Products and Practices

- We grow and maintain 88 rice varieties and associated TK and cultural practices (See CBR/PBR in Annex I).
- We prefer to practice integrated, holistic and organic farming (see Annex II for our cultural norms)
  - Bushy bunds with diversity
- We maintain the seeds of the traditional varieties through sharing, exchange with members within and outside the community

Large area, many HHs E.g. Akurambada	Large area, few HHs e.g. Karo, Karayal
Small area, many HHs e.g. Alu el, Sudumil	Small area, few HHs E.g. Anadi

#### Our Target Stakeholders

- For village protocols
  - Local government, agriculture, agrarian services offices and local media
  - Local schools, local businesses
- For national or larger scale protocols
  - Dept of Agriculture and extension, Universities, national media, national and international policy makers, private enterprises

#### Our Challenges

- Lack of technical support to maintain and improve traditional varieties and practices
- Participatory Plant Breeding (PPB) and traditional seed system not recognized
- Demonization of wild and traditional varieties
- Government promotion of high input, high yielding varieties
  - Low margin of profit, seed access problems, pollution of water, soil degradation
- Climate change requires a diversity of livelihood options
- Recreate demand for traits (therapeutic, cultural, etc.) of traditional varieties (role for media)
- Improve seed access
- Improve coordination and communication among farmers
- Seed act does not recognize basic farmers' rights

### **Our Rights and Obligations**

- Right to loyal employment, Ch. 3, Art. 14 Sri Lanka Constitution
- Right to self-determination, Sri Lanka Constitution
- Rights to consume our chosen food
- Farmers' rights to save, exchange seeds - ITPGRFA
- Right to participate in sustainable development - Art. 22, Rio Declaration, 1992
- Basic human rights to clean environment and water
- Obligation to conserve biodiversity – CBD

### **Our Demands**

- Local Level
  - Allocate local development funds for community diversity fairs, seed banks, seed and knowledge exchange and technical input for traditional variety users
  - Participatory technical support for climate adaptation
- National Level
  - Recognize our farmers' rights by revising the Seed Act
  - Require farmer participation and impact assessment before promoting HYV or new technologies
  - Prioritize traditional variety and TK development at national level
  - Link different Sri Lankan farming communities to facilitate information and material sharing by linking seed banks and running radio programs

## Annex VI International Forest Community Protocol

We are *soligastibueddhas* from the Bamburabotuwa village in Sri Lanka.



### PROFILE

We have 200 households, 25 gypsies and our primary livelihoods depend upon forests. We use mushrooms, *kithul* honey, cane, rattan, wild fruit, timber, and medicinal plants. We hunt and fish, collect wild tubers and use water. We worship trees, including sacred groves which has more rare species.

### CURRENT ISSUES AND PRIORITIES

#### Threats:

- Wild life raiding us frequently.
- Our property and life is affected.
- We need protection from the threats.
- Forest authorities have banned our entry.
- Our livelihoods are affected.
- Our lifestyle, customs, culture are severely affected.

#### Key Issues to Address in Our Protocol:

- No access to resources.
- Unfair punishments.
- Livelihoods threatened.
- Lifestyle, culture, customs are affected.
- Wildlife is affecting our life and property.
- Council elders and his/her friends would help make the protocols.
- Creating publicizing mechanisms (street theater, posters, booklets, brochures).

We have ample knowledge about different forest products, medicinal plants about its availability and sustainable use (e.g. snake bite healings, devil dance). We have our own mantras and chanting to protect from wild animals.

### **Our Customary Laws**

1. We do not over-harvest, quantities are defined, seasons of harvest defined, Eg., three people get into the forest at one time for harvesting.
2. We punish people who violate the customary laws.
3. We can not carry fire in the forest.
4. We follow sustainable harvesting practices.
5. We have protection methods - can not be shared with outsiders.
6. We do not block wild-animal corridors.

### **Rules and Regulations of Knowledge Sharing and Use**

- We discuss amongst ourselves, and take informed decisions (who, sources of identification, and purpose)
- We have an elders' council to take decisions. We share knowledge and not resources, provided we get benefits. Our communication is routed through the elders' council through word of mouth, and researchers would help document.

### **Opportunities for the Future**

- Creating educational opportunities and awareness on our own rights.
- Technologies for the resources.
- Skills for value addition to the products.
- Networking and marketing
- Financial resources.
- Research and development

### **How to Pursue Opportunities**

- Request researcher to document and present our case to authorities.
- Emphasize community rights recognized under the forest ordinance and flora and fauna protection ordinance.
- Fishing rights have been recognized under the aquatic resources act.
- Get the participation for any dialogue that affects legal rights of communities.
- We have rights under the existing forest, tribal and wildlife acts and their provisions.
- We need to respect the existing legal frameworks and rights enshrined within

### **Using Our Protocol**

- Have a dialogue with concerned departments.
- Create awareness among the community.
- Mobilize and organize communities.
- Researchers, lawyers', NGOs, Tribal groups, like-minded people, other neighboring communities facing same problems.
- Networking, supporting, getting assistance, demonstration, sharing knowledge, following success stories, e.g. Raika

- Costumes, financial assistance, technical expertise.
- Having regular review meetings with elders council and researcher which would help us monitor and evaluate changes within our community.
- Self criticism within community. Confession.
- Identification of indicator species with quantification.

Our group was comprised of: Poli Carino, Ishwar Poojar, Rengalakshmi, Upeksha, Arjuna D'soza, Attanayake, Samanmalee Rupasinghe, Sanchita Jindal, and Indrakanti Perera.

## **Annex VII**

### **Sri Lankan Forest Community Protocol**

#### **BACKGROUND**

We the people in Babarabotuwa with 50 families are living centuries in the village. The villagers believe Buddhism and we strongly practicing the value of Buddhist philosophy. Our land is belonging to god Saman and we are not the owners of the land. God Saman is responsible for all our activities we believe he look after our lives. The forest also belongs to him and he has the right to protect it. Our villagers offer pooja to him and ask him to protect us from all evil power. We believe our chanting make happy him because we using unspoiled vegetables', flowers which came from the forest. The God Saman was protecting us from all wild animals' harassment including elephant attack. Our people believe kithul sap, bee honey, healthy paddy from paddy field, other agricultural products, medicinal plants and healthy children are given by the god Saman. Since land and its products are belonging to him we harvested our need from the forest with a lot of discipline. We always harvested crops according to our need not the greed.

Since we reserved some food for wild animals in the forest and they never infiltrate our territory. We used to cultivate some crops for (traditional yams, paddy) wild animals. Chena cultivation was very effective for this process and we were never attacked by the wild Animals. Hence we were bound to protect the forest from all enemies.

We did our own farming method. Using compost and kem was main system to get good harvest. Our farmers use to have cows and goat for milk, chickens for eggs. Cow dons other animal waste, kitchen waste, used to prepare compost. Our old people were using yantras and mantras to protect our crops from vary dieses and wild animals. While women are preparing food for husband who work in paddy field children were helping to their farther to cultivate crops in the field. The processes make good cooperation in the family and children were used to learn by doing.

#### **CHENA CULTIVATION**

Chena cultivation is one of our traditional systems of farming. We were using so called buffer zone for Chena cultivation (*ladu kelaya*). Farmers used to cultivate different type of grain in the field which we can use thorough out the year. The time period will be six months for Chena cultivation and after six months we are changing the to another Chena cultivation. But when we were shifting we keep some food in previous Chena for wild animals. In this case they were not come to our living area and new Chena. The process made harmony between animals and human. The Chena cultivation also supports for the food sovereignty of villagers and we were able to find different food verities (yam varieties, vegetable varieties) throughout the year. These food were consisted all the nutrition values. We were able to find firewood and wood from the Chena without polluting the environment.

#### **FOREST AS A SUPPLIER OF MEDICINAL PLANTS**

The holy forest was the big supplier of medicinal plants. Our villagers were attacked by the snakes and some other poisoned animals. Also some people were used fallen down from the kithul tress and break part of the body. We had our own treatment system for all those problems. The medicinal plants were in the forest and our traditional doctors (healers) use forest to get all that plants. They have their own ritual to get medicinal plants. It is very important to use all those rituals (collecting medicinal plants with ospisses time, praying for god before pick up plants) to get maximum impact from the medicine.

The Babarabotuwa people are having their own sub culture. We believe power of god Saman. Our names are unique compare to other names in Sri Lanka. We have our own sport and folk stories. The inhabitants of Babarabotuwa is having and believing simple life style. Our people totally depend on the forest. All our requirements are coming from forest and we are not polluting environment by bringing out side things to into forest.

Now because of so called development we have lost whole our life style. The forest is not ours any more. We are not allowed to go there with out permission from the relevant authorities. People has to go to hospital (which situated faraway from the village) even for bad throat. The forest has taken away from the government and they are our new leader and all our leaders lost their power and knowledge.

The present political and economics system created different valve for people life. So out side people came to village want use its resources for their benefit. Trees were cut by the merchants and medicinal plants became good business. Though villagers doesn't want involve with the business out side were interested much more. Most people came with political power started used forest with greedy way. Then all those environmental problems created in forest. After all government has to introduce new laws and managing system which very much effected to inhabitant of the Babarabotuwa village. We didn't do any harm to the forest it has done by the out side. But new laws blocked our whole life style.

### **Preliminary questions to consider**

1. *What are the key issues that you want to address in your community protocol?*
  1. Livelihood products (how and when does it get)
  2. Health products
  3. House construction materials
  4. Threats from wildlife
  5. Laws and regulations
  6. Hunting wild life animals
  
2. *Who do you want to communicate them to?*
  1. with traditional leaders
  2. Forest Department
  3. Wildlife Department
  4. Divisional environmental committee
  
3. *Who will be involved in developing the community protocol?*
  1. Religious leaders
  2. Traditional leaders

3. Facilitator
4. Members from Kithul group
5. Members from traditional healers
6. Members from hunting group

Secondly, consider:

7. Local government representative
8. Members from Environmental committee
9. Ministry of Justice and law reforms

4. *What format will the protocol take?*

Written documentation

**What are your community's ideas, priorities, and plans for your future?**

**i. Ideas**

1. Kithul tapping will be stopped
2. Traditional healings practices will disappeared
3. Traditional home industries (hand craft) will disappeared
4. Can't live in village any more?
5. Plant more kithul trees and start some industries with the kithul
6. Traditional land rights and land mark has to be set up
7. Starting to produce by products
8. Producing more venival and marketing
9. Life threaten from the wild life (elephant and monkeys)
10. Setting up place for practicing rituals
11. Cultivating necessary food item in village for eat animals (yams, jak, etc.)
13. Introduce new laws and regulations according to the traditional practices
14. Transferring traditional knowledge to younger generation
15. Traditional values has to be set up in the village

**ii. Priorities**

1. Life threaten from the wild life (elephant and monkeys)
2. Livelihood development activities has to ensure
3. Land rights has to identified and delegating to the community
4. Reclamation of traditional knowledge

**iii. Plans for your future**

1. Traditional land right has to be set up (Mandi system)
2. Traditional kithul tapping has to be set up
3. Setting up community groups for protection of the village as well forest
4. Sustainability of livelihood development activities
5. Transferring traditional knowledge to the younger generation
6. Popularizing the traditional knowledge and make recognizing for it
7. Policy lobbying and advocacy for legalizing protocol
8. Setting up organization for community

### **Key Challenges**

1. Lack of human and resources and financial assistance
2. Existing laws and regulations (with negative impact)
3. Discriminating on traditional livelihood activities
4. Open economic system
5. Younger generations are ignoring the traditional practices

### **How will you overcome the challenges?**

1. Use the existing government and private companies services and human resources
  - a. (Ministries of environment, indigenous medicine, economic development, etc.)
  - b. (private companies set up hydro project in forest and they are paying forest service tax to the government. Some % has to go community)
2. Setting up village based organization and trust fund
3. Mobilizing local politicians and demand support from them
4. Creating marketing opportunities for rural products (fair price for producer)
5. Using existing laws (positive) to protect villagers rights



## **Next Steps**

- explore the potential for conducting training and facilitation programmes at the regional level through CKS-Asia (x2)
- ensure follow-up and sharing of experiences of existing and new work on community protocols and related approaches (x2)

## **FEEDBACK ABOUT BIO-CULTURAL COMMUNITY PROTOCOLS**

### **Comments about Content and Process**

- a protocol is an empowering legal tool/instrument that helps strengthen the rights and responsibilities of communities and traditional knowledge-holders and influence “pro-people” policy change; it [is a knowledge platform that] ultimately aims to benefit communities and the environment/biodiversity, facilitate reflection on and understanding of cultural practices and customary laws, and achieve sustainable livelihoods (x7)
- a protocol is an instrument that can be used in any place where rights have not been respected or where conflicts can be addressed
- a protocol should be aimed at a specific issue, not a plethora of objectives or goals
- the format of a protocol should give clear details about what your opposition/other stakeholders have to consider
- a protocol should be developed and used by us [the community] to solve our own problems, but they are also important tools for regulators, policy-makers, practitioners, and NGOs (x2)
- ultimate emphasis should be placed on the community’s needs and priorities, not on the tool itself; the concept and “label” of community protocol can be innovated upon and modified by practitioners in order to customize it to specific local contexts, including local languages (x3)

### **Critiques & Areas for Improvement**

- should assess the receptiveness of the audience before developing a protocol
- should do research on whether government officials are responsive to organized communities presenting their demands and what types of information would enable them to meet community needs
- must deal with the risk of creating unrealistic expectations within communities (x2)
- formulating and using a protocol requires very skilled and sustained facilitation (x2)
- BCPs seem to be designed more for indigenous tribes whose rights are threatened, or communities that have something to contribute in return for recognition of rights. What about communities that are landless or migrants without a cultural identity or traditions to contribute to conservation?

### **Key Outstanding Questions**

- How do you decide in which contexts or situations a community should develop a protocol and/or a protocol would be helpful? (x2)
- Who are the stakeholders at different levels that should be involved and in what ways?
- How do community-level facilitators make the community believe that change/positive transformation will come?