



# NATURAL JUSTICE

Annual Report 2013-2014



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# COORDINATING COMMITTEE'S REPORT

It is easy to forget that it was not too long ago when the six members of Natural Justice sat together to outline its vision and mission; a process that had already been done, in many ways, by its two founding members Harry Jonas and Kabir Bavikatte. From that small team we have now grown to 4 offices internationally working in 9 countries. However, we remain cognizant that the challenges Natural Justice was set up to address still exist and to a large extent are becoming more profound. This requires us to continually push against our boundaries, foster our team's desire to learn, improve and innovate in order to achieve our vision.

*Indigenous peoples and local communities need to fully and effectively participate 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, including through the right to self-determination. To achieve this, we work at the local, national, regional, and international levels striving to ensure that community rights and responsibilities are represented and respected in all decision-making processes and that gains made in international fora are fully upheld at lower levels.*

Over the last year, we have worked to do exactly that. We were able to widely disseminate the results of our research, provide our partners with clear and concise information on accessing and utilizing the law, expand into more practice areas relevant to our community partners, and strengthen our partnerships and networks.

Our research, including national legal reviews, continues to guide the direction of our work and provides our partners with valuable legal information. This year we released the second edition of the Living Convention, a compendium of international laws relevant to indigenous peoples' and local communities' rights to their lands, waters, natural resources and traditional knowledge.

We have deepened our work with community partners, with a particular focus on India, South Africa, Kenya and Malaysia. We began two key programmes of work focused on supporting communities impacted by extractive industries and infrastructure projects to access and utilize the law. We are also exploring projects to support the cultural revitalization of communities, which many consider a fundamental step in realizing change. Further, our partnerships with the LED Lab in India have produced innovative programmes such as the Heroes and Voices projects, and we continue to explore various methodologies to assist communities in engaging with the law in order to respond to their challenges.

We continue to facilitate a space for communities at the national, regional and international levels so that their stories and experiences on issues concerning their rights to lands, resources and traditional knowledge are understood and integral to the development of law and policy concerning them. We are also helping create and foster networks in order to collaboratively strategise possible solutions to the challenges facing communities; the overarching objective of the meeting organized in 2013 with land and resource rights activists in Africa.

On behalf of the association members of Natural Justice and all of the dedicated members of the team, we wish to thank all of our partners, in particular our community partners, and look forward to another year of collaboration as we pursue social and environmental justice for indigenous peoples and local communities.

*Gino Cocchiaro, Holly Jonas and Johanna von Braun*

## OUR THEORY OF CHANGE

Indigenous peoples and local communities occupy or control territories and areas that make up 22% of the world's land surface, holding approximately 80% of the world's biodiversity. Traditionally these communities have played a key role in preserving the ecosystems on which they depend, a service that today has globally been recognized as potentially the most important contribution to biodiversity conservation to date. At the same time, there have never been more threats to the survival of Indigenous Peoples and local communities and the integrity of their territories than today. These threats can be classified into three categories:

First, systemic pressures on the environment and biodiversity world-wide, including habitat loss, overexploitation of resources, pollution, invasive species and climate change. Due to the inextricable links between Indigenous peoples and local communities and the territories and resources they depend upon, the loss of biological diversity is fuelling the loss of cultural and linguistic diversity and subsequent knowledge and practices, undermining social and cultural cohesion and customary practices caring for territories and common pool resources.

Second, direct pressures on Indigenous peoples and local communities and their territories and resources, ranging from industrial resource extraction and unsustainable production methods to exclusionary environmental and conservation frameworks that undermine human rights and community livelihoods.



Third, a widespread lack of effective and/or appropriate legal recognition of community rights, including the right to self determination and self governance, customary laws and traditional institutions and customary rights to territories, lands, waters, natural resources and knowledge systems.

As a result, at Natural Justice we believe that in order to reverse the first two threats, addressing the third threat is crucial. Our theory of change, therefore, holds that:

Indigenous peoples and local communities need to fully and effectively participate 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, including through the right to self-determination. To achieve this, we work at the local, national, regional, and international levels striving to ensure that community rights and responsibilities are represented and respected in all decision-making processes and that gains made in international fora are fully upheld at lower levels.



# COMMUNITY WORK

## AFRICA

### Office Overview



This was one of the busiest years for the African office, which included supporting community partners in seven countries, increased involvement at the African Commission level and the inception of new programme areas.

The office hosted a number of meetings in Cape Town and Nairobi on community rights to land and resources, the commons and traditional knowledge and also had the pleasure of welcoming the entire Natural Justice team to Cape Town in February for our annual retreat.

We were fortunate enough to receive the tremendous support of a number of legal interns, legal fellows and associates and also welcomed Josh Ogada to our staff as communications manager.

The work of Natural Justice in Kenya is expanding and the organization is looking forward to hiring 2 Kenyan staff in 2014 to assist its work in the country.

### Projects

#### *BCPI*

The recognition of community protocols in international and national law has led to an increasing number of bio-cultural community protocols (BCP) being developed internationally. Concurrently, Natural Justice has sought to build lessons and best practice around BCP development and use. The African BCP Initiative is, therefore, focused on discovering the key lessons on BCP development and use and sharing these lessons with civil society groups, community-based organizations and policy makers. The African BCP Initiative works with community partners in five countries.

Meetings of the BCP Initiative partners in 2013 provided an opportunity to share lessons and insights in the development and use of BCPs. During the meetings, experts on community land rights, REDD, gender, ICCAs and participatory theatre were also invited to present and discuss with Natural Justice partners the key developments in legislation and national processes.



## KENYA

### *Lamu*

Lamu, Kenya, including its Archipelago, is a place of incredibly rich biodiversity and history. The communities in Lamu include traditional hunter-gatherer groups, traditional fishing communities and livestock keepers. Through its Vision 2030, the Government of Kenya has proposed the construction of a 30-berth deep-sea port in Lamu with connecting oil pipeline, railway, major highway and a resort city as part of its Lamu Port Southern Sudan Ethiopia Transport (LAPSSET) Corridor Project. Whilst the venture has the potential to bring badly needed services and infrastructure to communities, it also has the potential to destroy the existing livelihoods of over 15,000 people, erode thriving traditional cultures and devastate the area's biodiversity.

With its partner, Save Lamu, Natural Justice has been supporting communities in Lamu to advocate for information on the port project as well as consultation on its development, both of which have been largely lacking. In the past year, Natural Justice supported Save Lamu in advocating for, and responding to, an extension to comment on an environmental impact assessment for the port site. In the course of the year, Natural Justice also attended and provided trainings to community members from Lamu, in addition to members of the newly established LAPSSET Community Forum, on human rights and environmental monitoring.



Taking an interest in the benefits of the BCP process, the Global Environment Facility's Small Grants Program (GEF SGP) in Kenya agreed to support the development of BCPs in the country. With the assistance of Natural Justice, Save Lamu received grants through GEF SGP and through the African BCP Initiative. Further, Natural Justice helped bring together an growing national and international network of organizations and individuals supporting community rights for Lamu.

Natural Justice also supported Save Lamu's attendance of the African Regional Symposium of Land and Resource Rights as well as human rights and grievance mechanism training in Naivasha, Kenya, led by the Centre for Research on Multinational Corporations (SOMO) with contributions from Accountability Counsel and Natural Justice. Natural Justice will continue to support Save Lamu in its activities in 2014, including through advising the LAPSSET Community Forum.





## COMMUNITY WORK

### *Waso Rangelands and Samburu*

The Borana and Samburu pastoralists have maintained a traditional lifestyle on their lands for hundreds of years. However, they are currently facing removal from their lands and loss of access to key resources through expanding conservation activities, extractive industries and the Lamu Port Southern Sudan Ethiopia Transport Corridor.

With the assistance of Natural Justice, its partners, Kivulini Trust and Life Africa Trust, received a grant through the Global Environment Facility's Small Grants Program to undertake community protocol development, including mapping of customary areas and resources, capacity development on governance, training on relevant laws using participatory methods and roundtables with local government.

In 2013, participatory theatre techniques were used to aid the development of the community protocol, which also resulted in a community theatre performance during the Annual Kalacha Pastoralist Festival. Natural Justice will continue supporting the Borana and Samburu pastoralist communities in 2014.



### *The Ogiek Peoples Development Programme*

The Ogiek Peoples of the Mau Forest in Kenya have long been advocating for their rights to their traditional lands in the Mau Forest. The Ogiek Peoples Development Programme (OPDP) has been at the heart of this effort and in 2013, with the community, it began to develop a community protocol to support its advocacy efforts. Natural Justice supported OPDP to complete the first draft of their community protocol, after initial training on bio-cultural community protocols in April 2013.

# COMMUNITY WORK

## GHANA

### *Dafiama and Tanchara*

Through its Bio-Cultural Community Protocol (BCP) Initiative, Natural Justice is partnering with the Centre of Indigenous Knowledge and Organizational Development (CIKOD) to assist communities in Tanchara, Ghana – in their efforts to engage with an Australian mining company seeking to extract gold in the region – and Dafiama, Ghana – to facilitate sustainable livelihoods through the conservation of the Shea tree. CIKOD is supporting the communities to develop their own community protocols, which detail the communities' plans to engage with the mining company and protect the Shea trees. Natural Justice has also continued to support CIKOD in linking and building partnerships with supporting international NGOs.



## SOUTH AFRICA

### *Bushbuckridge*

Natural Justice has supported the Kukula Traditional Health Practitioners since 2009. Through the utilization of their community protocol, the healers, in partnership with the University of the Witwatersrand in Johannesburg, South Africa, the Kruger to Canyons Biosphere Reserve Management Committee and Natural Justice, began negotiations with private game reserves in the Bushbuckridge area about access to medicinal plants.

In 2013, Natural Justice supported the healers in developing a strategic plan for 2014. The Director of the Kukula Healers was also invited to take part in Access and Benefit Sharing training in Addis Ababa and present

on the community's bio-cultural community protocol (BCP) and traditional knowledge commons at the Traditional Knowledge Documentation in Africa meeting, held in December 2013.



Natural Justice assisted the healers receive funding through the BCP Initiative and will continue to source other funding to support the organizations activities. In 2014, the healers will continue their core strategy of negotiating access agreements with private game and national parks in the area.



## *National Khoi - San Council (NKC)*

*Former President Nelson Mandela created the NKC as an ad hoc negotiating forum made up of 30 Khoi-San leaders representing the variety of Khoekhoe and San communities that come under the umbrella term of Khoi-San. In 1999, as the Khoi-San were the only customary communities not included in the traditional leadership structures under what is now taken up in the National Traditional Affairs Bill, 2013. This formal body is the Khoi-San Communities' method of communicating their collective voice to the Government and ensuring access to justice. The NKC is the government appointed body responsible for representing Khoi and San interests in the process towards formal recognition of the traditional leadership structures within these communities.*

*Collectively, the various first Indigenous peoples groups in South Africa are known as Khoe-San, comprised of the San and the Khoekhoe. The San groups include the #Khomani San who reside mainly in the Kalahari region, and the Khwe and !Xun who reside mainly in Platfontein, Kimberley. The Khoekhoe include the Nama who reside mainly in the Northern Cape Province, the Koranna mainly in the Kimberley and Free State provinces, the Griqua in the Western Cape, Eastern Cape, Northern Cape, Free State and KwaZulu-Natal provinces and the Cape Khoekhoe in the Western Cape and Eastern Cape, with growing pockets in the Gauteng and Free State provinces.*



## *NKC and Natural Justice Partnership*

The NKC and Natural Justice signed a Memorandum of Understanding (MoU) on 7 November 2012, committing to an initial, yearlong partnership to achieve the following objectives:

- To support the National Khoi - San Council in having meaningful consultations amongst Council communities, members and with government.
- To engage in legal training for the NKC around the National Traditional Affairs Bill and its continued negotiations. To consult with Khoi and San communities to draft a self-governance model based on the human rights issues set out in the UN Mission report recommendations of 2005.<sup>1</sup>
- Assist the NKC in developing its own community protocol that articulates their vision.

The crux of Natural Justice's work is reflected in this partnership, and aims to build the capacity of the NKC as they engage with more powerful actors.

One of the key elements of this partnership is the development of a community protocol (CP). Natural Justice undertook a series of community consultations in 2013 in a number of rural Khoi-San communities, in order to assist the NKC to develop the Community Protocol and speak directly to the communities using Forum Theatre as a methodology in partnership with SA local artists. The development of the Community Protocol by the NKC is an enormous undertaking, given the recognised fragmentation of the communities, their geographical dispersal and the resources that are required to facilitate meaningful, culturally sensitive community-based participation.

In 2013 Natural Justice provided essential institutional support to the NKC in a variety of engagements that it was involved in. A key priority for the year was to support the NKC in developing its organisational capacity, so that it may better represent Khoi-San communities in their negotiations with the SA government to claim their collective rights. Further, Natural Justice supported the NKC in its consultations with the communities that they represent.

## *Buchu Agreement*

On 19 August 2013, *Cape Kingdom*, a private pharmaceutical company based in Paarl, South Africa, entered into a benefit-sharing agreement with the NKC and the South African San Council, in order to acquire and process Buchu, and market and sell products containing associated medicinal qualities. This agreement was reached with the assistance of Natural Justice and Chennells Albertyn, and provides the NKC and South African San Council with 3% of payments derived from products using Buchu.



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<sup>1</sup> Memorandum of Understanding between the NKC and NJ, 2012: Article 1.



# COMMUNITY WORK

## ETHIOPIA

### *Sheka Forest*



The Sheka Forest in Ethiopia has supported the Shekacho Community by providing possibilities for income generation and resources for health care, in addition to helping shape the community's culture and beliefs. In an effort to gain rights over their traditional knowledge and sacred areas, the community, with the assistance of local NGO Melca are in the process of developing a community protocol.

Trainings have been conducted on the relevant national and international laws related to traditional knowledge and sacred sites. The community protocol process has generated some interest at the local level and two additional communities will now be included in the protocol.

The community protocol was presented to the local government in 2013, which, as a result, indicated its support for the process. The communities and Melca will work towards getting the local and national government to endorse the community protocol in 2014.

## NAMIBIA

### *Bwabwata National Park*

In May 2013, in collaboration with locally based NGO Integrated Rural Development and Nature Conservation (IRDNC) and the Karamachan Association, Natural Justice held consultations over two days with community members during which issues of representation in the Bwabwata National Park, loss of culture and traditional knowledge and the community's vision for the future were all discussed. In September of the same year, Natural Justice, with its partner CIKOD, travelled to Bwabwata to assist the community in identifying its customary resources and institutions through a community mapping exercise. Community representatives were trained in these endogenous development methodologies, which they then utilized with the wider community in order to gather information to be used in their community protocol. Natural Justice will continue to provide legal support to the efforts of the community and IRDNC in the development of a Bwabwata National Park residents' bio-cultural community protocol, which they hope to use to address some of their concerns and support their vision for the future.



## COMMUNITY WORK

### *Advanced Seminar on the Implementation and Promotion of the Rights of Indigenous Peoples in the Namibian context*

In July 2013, Natural Justice took part in a four-day Advanced Seminar on the Implementation and Promotion of Indigenous Peoples Rights in the Namibia context, hosted by the University of Namibia in partnership with the Open Society Foundation in Southern Africa and the International Labour Organization. Natural Justice presented on Indigenous peoples and the environment and the Post-2015 UN development agenda, as well as provided a situational analysis on extractive industries in Southern Africa.

### *Extractive Industries and Infrastructure Projects*



Natural Justice's work in extractive industries and infrastructure projects has rapidly expanded on the continent in the last twelve months. With support from Ford Foundation Southern Africa, Natural Justice engaged in scoping studies in Mozambique, South Africa and Zimbabwe, interviewing local non-government organizations, community-based organizations and communities on the impacts of extractive industries and infrastructure projects. In addition, Natural Justice commissioned a series of legal reviews in Mozambique, South Africa and Zimbabwe, similar to Natural Justice's Indigenous peoples' and community conserved territories and areas (ICCA) legal reviews, to ascertain the laws that support or hinder the rights of Indigenous peoples and local communities in each of these three countries.

In the past twelve months, Natural Justice has attended numerous meetings and events in Zimbabwe and South Africa, including Alternative Mining Indabas in each country, has provided trainings and advice to partners and communities from Zimbabwe and South Africa, as well as facilitated the introduction of partners with supportive international NGOs. Natural Justice has identified two community partners that it intends to work with to support the development of bio-cultural community protocols with respect to extractive industries. In the next year, there will be further community trainings on rights, grievance mechanisms and negotiation.



# COMMUNITY WORK

## AMERICAS

### Office Overview

Natural Justice opened a satellite office in New York, United States in April 2012. Its principle objectives are to engage in outreach in international policy for a, such as the UN Permanent Forum on Indigenous Issues, international financial institutions and other UN agencies, as well as inform local community partners of the latest developments in such fora. Further, the office has used its presence in New York to build stronger alliances with academic institutions, NGOs and funder networks.

While Natural Justice still considers its presence in the United States in its nascent stage, in two years we have managed to build strong partnerships with new allies and become increasingly active in engaging in new fora.

### Projects

## GUATEMALA

In March 2013, Natural Justice attended a workshop on bio-cultural community protocols (BCPs) in Totonicapán, Guatemala. The workshop, coordinated by Guatemalan NGO Oxlajuj Ajpop and the Sacred Natural Sites Initiative, brought together representatives from communities in the region interested in learning more about BCPs, including their development and implementation. Over the course of the workshop, Natural Justice presented on BCPs to members from the communities of San Andres Sajcabaja, Chichicastenango, and Totonicapán. The BCP presentations explained their purpose and provided examples of where they have been used. Community members met in groups to identify challenges, map stakeholders and allies, and discuss next steps in the BCP process.



# COMMUNITY WORK

## ASIA

### Office overview

With two staff in Sabah, Malaysia, and a fluctuating team of between three and seven in India, this financial year has been one of several changes but also consolidation for Natural Justice's work in Asia. Our two offices in Asia have shifted towards a greater focus on deepening partnerships and processes and working with effective networks in a smaller number of countries. This shift was exemplified by the commencement of a three-year project in India supported by the Ford Foundation. Focusing on community-based lawyering with local partners in three states, this project will enable the India office to take on four new fellows each year and ensure more consistent support for new and ongoing community protocol processes.

### Projects

## INDIA

### *Kutch*

Natural Justice has been working with Sahjeevan, an NGO based in Bhuj, Kutch, since 2010 to assist the maldharis (pastoralists) in developing and using their bio-cultural community protocol. Natural Justice is currently assisting in the implementation process of the Indian Forest Rights Act with the pastoralists, including capacity building of the Forest Right Committees and filing of claims under the Forest Rights Act.

Natural Justice will also assist in the further development of the legal section of the camel maldharis' community protocol, including mapping legal issues faced by the camel maldharis and strengthening the connections between relevant customary, local, national, and international laws. The mapping framework will be guided by the need to experiment with innovative ways of identifying platforms for conflict transformation and discussions about legal issues.



## COMMUNITY WORK

### *Khandadhar, Sundergarh, Odisha*

Natural Justice began its partnership with a local non-governmental organization, Jivan Vikas, in 2013. Jivan Vikas has been working to support the Paudibhuyan community in accessing natural resources as well as other facilities, such as healthcare and education. Mining was identified as a major threat faced by the communities, where it was felt that the contribution of Natural Justice could add value and, hence, was the focus of work in the area.

Natural Justice, in partnership with Jivan Vikas, and with funding from the Heinrich Böll Foundation, India, has provided training on the Forest Rights Act, conducted research on mining in the area and also contributed a chapter on international and comparative laws relating to “habitat rights” under the Forest Rights Act for a UN Development Programme study being undertaken by Bhubaneswar-based group Vasundhara.

### *Sariska*

The Sariska Tiger Reserve in the Alwar district of Rajasthan has been legally classified as a Critical Tiger Habitat. Several Indigenous communities, such as the Gujjars and Meenas, have lived for several generations in this area and depend on the land and its resources for their livelihood. These are mainly pastoral communities, who graze cows and buffaloes and sell milk. Due to the declaration of the Sariska Tiger Reserve as a critical tiger habitat in 2007, the Forest Department of India is pushing for the relocation of villages away from the core area, which is considered to be an inviolate space, so that it is free of human presence. Natural Justice decided to engage during the relocation process and assist communities in securing their socio-legal rights during this transition. Natural Justice has partnered with KRPAVIS, an NGO based out of Alwar and headed by Aman Singh, which is trying to help communities file claims for community forest rights under the Forest Rights Act.



The Natural Justice team in India will closely monitor the relocation process and continue to work with KRPAVIS to train Forest Rights Committees, where established, so that they can facilitate and guide their own claims related to community forest rights under the Forest Rights Act. Natural Justice will also assist in the process of filing claims under the Forest Rights Act.



## *Law, Environment and Design Laboratory*

The Law, Environment and Design Laboratory (LED Lab) is a collaboration between the Srishti School of Art, Design and Technology in Bangalore, India and Natural Justice. It is aimed at using design and creative processes in enviro-legal research and intervention to make the law more accessible and legal processes more participatory for communities.

### *The Heroes Project*

The Heroes Project, inspired by the *Hero's Journey* by Joseph Campbell, is a collaboration between Natural Justice and the LED Lab. It is an initiative in the move towards social reform in South Africa, to enable the Khoi-San youth make informed choices. For the design process, traditional forms of storytelling were explored to find a voice for the project. Using animal symbology borrowed from Khoi-San rock paintings and Carl Jung's archetypes of the King, Lover, Wizard and Warrior, a thorough character design process was followed and translated into shadow puppets to facilitate storytelling. The Cape Flats, where most Khoi-San reside today in the midst of gangsterism, drug abuse and poverty, are also home to heroes from the community who have made significant contributions for positive change. A graphic narrative to reintroduce myths and community heroes was identified as the form to which the youth can relate. To collect stories from the community, the Heroes Workshop was held in Cape Town with adolescents from the Cape Flats. The group used forum theatre techniques and improvised shadow theatre as media to dialogue about their current living situation, problems and aspirations.



### *The Claim Game*

This game was developed in the ROOTS Project and field tested in Kutch, India with Fakirani Jats in Dhrangavandh in Lakhpat town. The game aimed to provide information and raise discussion concerning the Forest Rights Act and impacts of industries. The board game has had some success, although it was quite complex for some community members to follow. The hope is that the LED Lab team will revisit the game's design and its visuals, to make it easier to access, play and learn.

### *Communicating Biodiversity Project*

Biodiversity is a broad area that impacts the political, economic and cultural life of the public. This impact and importance is often lost through a myriad of inaccessible policy documents, technical language and inadequate media attention. As a first step towards effective and creative communication of the importance of biological diversity, and how we as humans are intrinsically part of this web, the LED Lab initiated two design projects with the support of the National Biodiversity Authority of India: a storybook targeted at teenagers and up and an animation series for pre-school children.

## *The Voices Project*

The Voices Project was intended to be a participatory video project to document the culture, oral history and legal challenges of the Paudi Bhuyan community in the forests of the Sundergarh District of Orissa, India. After one month of engaging the community, the project critiqued the ethics and role of the “outsider” and camera, leading to a change in the outcome of Phase I of the project. The final form was an audio-visual installation to “experience” the interdependencies and multiplicity of the place, including biodiversity and conservation, mining and infrastructure, political volatility and community practices. Phase II will compile and disseminate documentation about the community and its environment.

## *Reimagining/ Reimagining The Western Ghats (January-April 2014)*

This project proposes a new model of enquiry, investigation and engagement that may be applied to inform (design) interventions that do not propagate “problems”, but are rather synchronous with the environment and build resilience. In order to maintain an understanding of the complexities of processes, forms, functions and relationships in the environment, it intends to bring an interdisciplinary approach to explore new ways of situating, visualizing, and engaging in complex environments to expose the nature of places and construct new images and imaginations.

The site of investigation is the Western Ghats – the focus of many kinds of research and activism, development and conservation. The project brings together the humanities and social sciences, planning and design, law and policy, landscape and the natural sciences.

To negotiate this landscape, an interdisciplinary core team has been brought together, including architect/planner Dilip da Cunha, architect/landscape architect Anuradha Mathur, social scientist Vivek Dhareshwar, environmental lawyer Arpitha Kodiveri and architect/planner Deepta Sateesh. The team has initiated the project’s exploration phase in the studio and field. The final works of this pilot project will be exhibited 2-4 May 2014 at Sunset Point, Agumbe - a tourist destination run by the Forest Department of India.



# COMMUNITY WORK

## SABAH, MALAYSIA

Natural Justice's team in Sabah, Malaysia, has continued to work with the Sabah Biodiversity Centre and Borneo Conservancy Initiative to support Sabah to develop a framework for Access and Benefit Sharing (ABS) using an integrated and community-based approach. By focusing on the development of community protocols, it also goes beyond ABS to explore more generally how community-government relations can be improved towards greater biodiversity conservation and local livelihood generation. A Global Environment Facility's Small Grants Program funded project aims to support awareness-raising and capacity-building among Dusun communities in the villages of Melangkap, just outside of Kinabalu Park, about ABS, customary sustainable uses of biodiversity and the protection of traditional knowledge. A proposal was submitted and approved for a similar process with another group of communities elsewhere in Sabah.



Natural Justice has also assisted local Indigenous peoples and environmental organizations on a pro bono basis with legal research, technical advice, networking, and fundraising on a range of topics, such as community protocols, Indigenous peoples' and community conserved territories and areas (ICCAs), traditional knowledge protection and ABS, protected areas, palm oil, and participatory methodologies. It has also engaged with several local universities, assisting professors with ongoing research efforts and reaching out to law students.

In addition, Natural Justice is helping establish a cross-cutting Law and Policy Programme and assisting with fundraising for Forever Sabah, a 25-year multi-stakeholder programme to support Sabah's transition to a diversified, equitable and circular economy.

Within the sub-region, Natural Justice has engaged with a number of civil society organizations in the Philippines and Indonesia around ICCAs and country-specific options for appropriate legal and policy recognition and support, as well as opportunities for community mobilization, networking and strategic advocacy. We have also participated in events organised by the Asian NGO Coalition on land rights and continue to explore opportunities for collaboration with other major regional networks. This area of work is expected to deepen and expand into 2014.

## PACIFIC

### *ABS Initiative*

Natural Justice has been supporting the Access and Benefit Sharing (ABS) Capacity Development Initiative in the Pacific Region since 2012 through both regional and national workshops. In December 2013, Natural Justice attended the 9<sup>th</sup> Pacific Islands Conference on Nature Conservation and Protected Areas in Fiji. Delegates reviewed the previous Action Strategy for Nature Conservation and updated it under the theme of



“Natural Solutions: Building Resilience for a Changing Pacific”. Natural Justice supported the ABS Capacity Development Initiative to host a workshop on challenges and opportunities associated with ABS and attended other workshops on locally managed marine areas and legal support for environmental challenges. Natural Justice will continue supporting the ABS Capacity Development Initiative in the Pacific Region for the foreseeable future.



## TECHNICAL ADVICE

### ABS CAPACITY DEVELOPMENT INITIATIVE

In March 2013, Natural Justice took part in the 7<sup>th</sup> Annual Pan-African Meeting on Access and Benefit Sharing (ABS). A key objective of the meeting was to collect reflections and comments on the draft African Union Guidelines on ABS. During the meeting, Natural Justice held a one-day event on bio-cultural community protocols (BCPs), which was attended by government, business, civil society and community representatives.

In September 2014, Natural Justice collaborated with the ABS Capacity Development Initiative, Indigenous Information Network, the Indigenous Peoples Co-ordinating Committee for Africa and the African Union, to hold training for Indigenous peoples and local communities in Africa on intellectual property, BCPs and ABS in Addis Ababa, Ethiopia. The 5-day workshop provided 40 community representatives with information on rights related to traditional knowledge, as well as lessons and best practices on the development and use of community protocols.



### INTELLECTUAL PROPERTY RIGHTS

A weeklong training on Intellectual Property Rights (IPRs) and Access and Benefit Sharing (ABS) took place in Gaborone, Botswana in April 2013. The target audience of the training was ABS focal points as well as policy makers from national and regional IPR authorities from Anglophone Africa. The training was hosted and facilitated by the ABS Capacity Development Initiative and the Secretariat of the Southern Africa Development Community, with Morten Walloe Tvedt (Fridtjof Nansen Institute), Juliana Santilli (Brazil's Public Prosecution Office) and Johanna von Braun (Natural Justice) attending as resources.

During the intensive training, participants were exposed to an overall introduction to IPRs; specific sessions on patent law, geographical indications and trademarks; the protection of traditional knowledge; the global and national institutional landscapes of ABS and IPR policy-making; and the role of IPRs in the negotiation of ABS agreements and contracts.

This was the first of four trainings that the ABS Capacity Development Initiative facilitated on ABS and IPRs in 2013-14.

### THE GLOBAL ENVIRONMENTAL FACILITY SMALL GRANTS PROGRAMME

During the course of the year, Natural Justice continued its consultancy with the Small Grants Program (GEF SGP) in New York, funded by the Access and Benefit Sharing (ABS) Capacity Development Initiative. The purpose of the agreement is to support GEF SGP grantees and national offices where there is an interest in ABS. Currently, there are a number of GEF SGP projects that are based on ABS, including in Vanuatu, Benin, Malaysia and Cameroon.

## TECHNICAL ADVICE

### AFRICA

#### Africa Indigenous Populations Working Group

Natural Justice, through team member Lesle Jansen, was appointed during April 2013 to serve as an expert member on the African Commission on Human and Peoples Rights (ACHPR) Commission's Special Mechanism the Working Group on Indigenous Populations/Communities in Africa (Working Group).

Lesle Jansen attended the ACHPR's session as well as the Working Group's meeting in Gambia during November 2012. She also participated in the Working Group's Sensitization Seminar hosted in partnership with the North African Indigenous Peoples in Tunisia during February 2014. Natural Justice looks forward to how this African Special Mechanism will be used to increase rights protection for communities.

#### African Union Guidelines on Access and Benefit Sharing

Natural Justice was invited to contribute to the draft of the African Union (AU) Guidelines on Access and Benefit Sharing (ABS), specifically in relation to community rights aspects of the draft. During a meeting on ABS in 2013, Indigenous peoples and local community representatives lobbied for community protocols to be included in the draft guidelines. Natural Justice has also provided comments on these additions and also included an annex explaining how community protocols might be used in ABS. The draft of the AU Guidelines on ABS is currently being negotiated and Natural Justice will attend relevant meetings in 2014 to assist with its finalization.

### ASIA

#### Sabah

Natural Justice continues to provide ad hoc technical advice to the Sabah Biodiversity Centre and local organizations on access and benefit sharing in Malaysia. There is increasing interest in our work among other government agencies, which will be explored through multi-stakeholder initiatives such as Forever Sabah.



# INTERNATIONAL NETWORKS & ADVOCACY



## BIODIVERSITY AND CONSERVATION

### Convention on Biological Diversity (CBD) Subsidiary Body on Scientific, Technical and Technological Advice and Working Group on Article 8(j)

Natural Justice attended meetings of the Convention on Biological Diversity (CBD) Working Group on Article 8(j) (WG8(j)) and Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) in Montreal, Canada in October 2013. For the WG8(j) meeting, Natural Justice prepared a study on one of the agenda items addressed during the meeting, i.e., how tasks 7, 10 and 12 could best contribute to work under the CBD and to the Nagoya Protocol. We also spoke at a Global Forest Coalition side event on perverse incentives, discussing the briefing report being prepared by the ICCA Consortium on how Indigenous peoples' and community conserved territories and areas (ICCAs) can help to achieve the Aichi Biodiversity Targets.

With regard to the SBSTTA meeting, Natural Justice co-hosted a side event with the Global Forest Coalition entitled "Achieving the Aichi Targets: Perverse and Positive Incentives Related to Conserving Biodiversity and the Role of ICCAs". Among other topics discussed, Natural Justice noted the ICCA Consortium briefing note on ICCAs being prepared by Ashish Kolthari, which discusses the ways in which ICCAs can help to achieve the Aichi Biodiversity Targets. Natural Justice also spoke at the CBD Alliance's event on the potential for the Nagoya Protocol to combat misappropriation of genetic resources and traditional knowledge, focusing on the study done by Natural Justice and the Berne Declaration on the approach taken by the draft Access and Benefit Sharing legislation currently making its way through the European Parliament.

## IDLO



Natural Justice is supporting the International Development Law Organisation (IDLO) in a project entitled "Legal Preparedness for Achieving the Aichi Biodiversity Targets". Specifically, Natural Justice co-authored a scoping paper on Aichi Biodiversity Target 11 on protected areas and other effective area-based conservation measures with the International Union for Conservation of Nature Environmental Law Centre. In conjunction with this work, Natural Justice has presented on the work alongside IDLO and other partners at international meetings.



## INTERNATIONAL NETWORKS & ADVOCACY

### International Union for the Conservation of Nature

Two of Natural Justice's staff continue to serve as members of several International Union for the Conservation of Nature (IUCN) Commissions and sub-groups therein. In addition to ongoing engagement with Commission on Environmental, Economic and Social Policy, World Commission on Protected Areas and World Commission on Environmental Law, they were invited to join a new group called the Natural Resource Governance Framework, which aims to develop a set of principles and context-specific tools for use across the IUCN Programme. Looking ahead, Natural Justice will be actively involved in the 6<sup>th</sup> World Parks Congress, which will take place in Sydney, Australia in November 2014.

### ICCA Consortium and Community Conservation Resilience Initiative

Natural Justice remains a highly engaged member of the ICCA Consortium, with two of its staff serving as co-coordinators for the Eastern and Southern Africa regions and another staff serving as an international policy assistant. This has included involvement in country- and region-specific workshops, development of guidance notes for international negotiations, drafting of a framework for an international advocacy strategy, and providing assistance with ad hoc requests from ICCA Consortium Members and the Secretariat on various legal and policy matters.



Through involvement in the ICCA Consortium, Natural Justice was invited to participate in another complementary programme called the Community Conservation Resilience Initiative. This had been led by the Global Forest Coalition alongside a number of Indigenous peoples' networks and organizations, and the Christensen Fund provided seed funding to begin four pilot processes from December 2013 to April 2014. Natural Justice was asked to compile the participatory methodology, which includes a strong emphasis on community protocols and strategic advocacy, and to assist the national partners in the pilot processes. This project is expected to deepen and continue throughout the next financial year as well.

### WILD 10

In October 2013, Natural Justice attended and presented its work at the 10<sup>th</sup> World Wilderness Congress, Wild 10, in Salamanca, Spain. Indigenous peoples and local communities, conservation organizations, government and business representatives attended the conference during which experiences were shared on conservation measures across the globe. An Indigenous and Community Lands and Seas Forum was also held during which members of the ICCA Consortium spoke of their territories and resources, and the challenges faced to protect and conserve them.



## INTERNATIONAL NETWORKS & ADVOCACY

### Supporting enhanced forest governance and REDD+ safeguards in southern Africa

Reducing emissions from deforestation and forest degradation (REDD+) is a mechanism under the UN Convention Framework on Climate Change, through which developing countries are encouraged to contribute to mitigation actions. Over fifty countries are engaged in REDD+ and globally there are hundreds of REDD+ projects and initiatives. As it happens, Indigenous peoples and rural communities, many of whom may be affected by REDD+ policies, programmes and projects, inhabit the majority of the Earth's forests.



Natural Justice together with the Heinrich Böll Foundation and the Indigenous Peoples of Africa Coordinating Committee hosted the “Rights-Based REDD+ Dialogues II: Realizing REDD+ Safeguards” in Cape Town on 18-19 October 2013. The dialogues brought together fifteen participants from civil society organizations, Indigenous Peoples representatives, government, researchers and lawyers to discuss the status of REDD+ safeguards in the African region. Participants discussed national REDD+ readiness activities, community engagement in REDD+, and strategies and tools to influence REDD+ processes. Nine key messages were produced for the Warsaw Climate Change Conference, which the Pan-African Climate Justice Alliance integrated into its advocacy activities.

Natural Justice was an observer at the Civil Society and Indigenous Peoples Self-Evaluation of their Participation in REDD+ Workshop held in Kinshasa, Democratic Republic of Congo (DRC) in September 2013. Natural Justice explored opportunities to support communities in the DRC. Also in September, Natural Justice was invited to the workshop on “Practical Approaches to Ensuring the Full and Effective Participation of Indigenous Peoples in REDD+: Assessing Experiences and Lessons to Date” held 10-12 September 2013 in Germany. The workshop was co-hosted by UN-REDD Programme, Forest Carbon Partnership Facility and Federal Ministry for Economic Cooperation and Development Germany (BMZ). Natural Justice shared lessons from its REDD+ dialogues and also practical tools, such as the bio-cultural community protocol, which may be applied in REDD+ to promote community rights.

Natural Justice aims to extend its rights-based climate change work in 2014 and will explore opportunities to support African communities in adaptation programmes.



REDD+ SAFEGUARDS

# INTERNATIONAL NETWORKS & ADVOCACY

## HUMAN RIGHTS

### Expert Mechanism on the Rights of Indigenous Peoples

Following from two written submissions made in early 2013, Natural Justice attended the 6<sup>th</sup> session of the Expert Mechanism on the Rights of Indigenous Peoples and co-hosted a side event on the relationship between access to justice and Indigenous peoples' and community conserved territories and areas (ICCAs). The event was co-hosted by the ICCA Consortium and Indigenous People's of Africa Co-ordinating Committee and included presentations by Indigenous peoples from North Kivu and the Ogiek of Kenya.

### Business and Human Rights

Throughout the period 2013-14, Natural Justice has continued to engage in business and human rights issues at the international level. In March 2013, Natural Justice, with the Centre for Indigenous Knowledge and Organisational Development (CIKOD), made further submissions to the Working Group on Human rights and Transnational Corporations and Other Business Enterprises (Working Group).

Responding to a call for submissions on Indigenous peoples, business and human rights, Natural Justice with CIKOD forwarded submissions focusing on Indigenous peoples' rights and the prevention of negative impacts of business activities. Specifically, submissions highlighted specific issues and challenges, existing guidance and standards, and practices and initiatives that should be taken into account.

The Working Group hosted its second annual Forum on Business and Human Rights (Forum). As a fellow with the European Centre on Constitutional and Human Rights, Natural Justice team member Sankar Pani attended the Forum in Geneva, Switzerland in December 2013. Natural Justice hopes to continually engage in the work of the Working Group in the years to come.

### Roundtable on Sustainable Palm Oil

In Indonesia, Natural Justice participated in the 11<sup>th</sup> Roundtable on Sustainable Palm Oil (RSPO) held in November 2013 as well as a pre-Roundtable workshop on conflicts and free, prior and informed consent in the palm oil sector, hosted by the Forest Peoples Programme, TuK INDONESIA and BothENDS. This marked the organization's first engagement with RSPO at the international level and led to meeting a number of relevant organizations, joining the RSPO's Human Rights Working Group, supporting national-level engagement in Malaysia and exploring opportunities for mission-driven consultancies. The work in this thematic area is expected to expand and deepen in 2014 through networks and targeted engagement in certain aspects of the RSPO system.





## INTERNATIONAL NETWORKS & ADVOCACY

### PHYTOTRADE AFRICA COLLABORATION

Natural Justice collaborated with PhytoTrade Africa and the Access and Benefit Sharing (ABS) Initiative to identify best practice examples of ABS in Southern Africa. Natural Justice carried out reviews of ABS legislation or policy in a number of Southern African countries, in addition to facilitating a meeting that brought together more than thirty governmental and non-governmental experts from across Southern Africa along with industry representatives to discuss and identify good ABS policies and best practice examples on the basis of a number of regional value chain assessments.



### TRADITIONAL KNOWLEDGE DOCUMENTATION MEETING IN AFRICA

In December 2013, Natural Justice partnered with the ABS Capacity Development Initiative, Department of Science and Technology, South Africa, and the University of Cape Town Intellectual Property Unit to discuss traditional knowledge documentation in Africa. The meeting formed part of the 3<sup>rd</sup> Global Congress on Intellectual Property and the Public Interest and Open African Innovation Research and Training Conference on Innovation and Intellectual Property in Africa. The meeting presented examples on traditional knowledge documentation from India, Peru and South Africa, as well as experiences of communities on the benefits and threats of documentation. Over 60 African government, business and community representatives attended the meeting.



## AFRICA REGIONAL SYMPOSIUM FOR COMMUNITY LAND AND NATURAL RESOURCE PROTECTION



Co-hosted by Natural Justice and Namati, the Africa Regional Symposium for Community Land and Natural Resource Protection (African Regional Symposium) in November 2013 in Cape Town, South Africa brought together twenty participants from 19 organizations from across the continent, who each presented and discussed the effective strategies they have implemented for community land and natural resource protection. The African Regional Symposium's objectives were to provide an opportunity for innovative and pioneering practitioners to share best practices, tools and strategies for

empowered community land and natural resource management and protection; support each other to confront local and/or national challenges to community land and natural resources claims; and brainstorm new and innovative forms of legal empowerment and build a cross-disciplinary community of practice that fosters continued dialogues and learning.

Plenary and small-group discussions revolved around the African Regional Symposium's key themes, including the definition of community, governance and leadership, gender and equity, conservation and stewardship, conflict resolution, investor-community relations, policy advocacy and law-making, and government barriers to implementation of laws. Peppered throughout were a number of activities, including visioning, mapping out challenges, strategies and lingering questions, in addition to hypothetical and fish bowl exercises, in order to proactively apply successful and innovative strategies to fictional (or real) scenarios.



The symposium was an uplifting opportunity for participants to discuss, in an engaged and dynamic manner, methodologies for change. From the use of litigation to by-laws, bio-cultural community protocols to mapping, direct stakeholder engagement to grievance mechanisms, the meeting was an also an opportunity for practitioners to share strategies, challenges and questions and create and/or deepen relationships between African non-government and community-based organizations. Looking ahead, a publication based on the good practices shared at the African Regional Symposium will be generated.



## INTERNATIONAL NETWORKS & ADVOCACY

### AFRICAN VIEWS ON GREEN DEVELOPMENT: A MULTI-STAKEHOLDER DIALOGUE

In December 2013, Natural Justice, together with the Heinrich Böll Foundation and the Open Society Initiative for Southern Africa, organized and hosted “African Views on Green Development: A Multi-Stakeholder Dialogue”, a follow-up dialogues to the African Policy Dialogue entitled “Prospects and Challenges for an Inclusive and Pro-Poor Natural Resources Driven Green Economy” held in 2012.



The 2013 dialogue was attended by 25 participants from NGOs, academia, and multilateral organizations, and themes included the macro-economic scale of green development, locally driven green development opportunities, green employment and trade in a low-polluting economy, and the post-2015 development agenda and green development. Participants critiqued current approaches, learned from existing initiatives and considered how Africa could best raise its unique perspectives and concerns in the global debate.

The dialogues resolved to develop key think pieces in 2014 that could contribute to the green development debate, and another potential nine think pieces were suggested in the summary report. The Heinrich Böll Foundation intends to set up a green development page on its website and will develop the think pieces further.

### INTERNATIONAL FINANCIAL INSTITUTIONS

#### Training/advice

In May 2013, Natural Justice assisted the African Caucus to the UN Permanent Forum on Indigenous Issues (UNPFII) in understanding the World Bank’s structure and ongoing safeguard update in preparation for a meeting held by the World Bank during the 2013 UNPFII. In December 2013, Leslie Jansen was nominated by the African Commission Working Group on Indigenous Peoples to attend a consultation held by the World Bank with Indigenous peoples in Cape Town, South Africa. She was appointed as rapporteur for a closed session held by the Indigenous participants to set forth their requirements on being able to meaningfully engage with the World Bank.

#### Networking

Since April 2013, Natural Justice has continued to build relationships with the organizations that work on issues related to international financial institutions (IFIs). Eli Makagon has developed personal contacts at the Center for International Environmental Law, the Bank Information Center, Accountability Counsel, and International Accountability Project through this work, and others in the organization have, as well, or were already connected. Natural Justice has signed on to letters and submissions drafted by these organizations regarding IFI issues. Eli attended a meeting in Washington, D.C., United States in September on IFI accountability mechanisms, where he met many members of the organizations discussed above, and has continued to monitor the ongoing World Bank safeguards update and keep the partners who signed on to the Natural Justice submission apprised of developments. Natural Justice participates in civil society organization (CSO) calls regarding the World Bank safeguards update, and it is part of a CSO working group on accountability mechanisms.



# INTERNATIONAL NETWORKS & ADVOCACY

## International Advocacy

Natural Justice began concerted efforts on international financial institutions (IFIs) with a submission to the World Bank regarding an update to its social and environmental safeguard policies. It also submitted suggested language to the 2013 UN Permanent Forum on Indigenous Issues report regarding the World Bank and its responsibility to bring its safeguards in line with existing human rights standards.

Natural Justice is in the process of consulting with other organizations and individuals who work on IFI issues to develop a strategy for moving forward. One gap that has been identified is the relative lack of engagement in IFI issues by civil society organizations (CSOs) in Africa. Given our links to a broad range of CSOs and networks, Natural Justice could position itself as a facilitator for communication and action regarding IFIs, including disseminating information about ways to influence IFI policies and actions.

One entry point for this process is research and outreach with regard to the World Bank's plan to map all of the mineral resources of Africa and make the information public. Dubbed the "Billion Dollar Map", little information is available at this time, but thus far there has been no mention of how social and environmental safeguards will be taken into account once the information is available. Natural Justice is seeking funds to conduct research on the map and develop strategies for our partners to address the potential ramifications.

## EXTRACTIVE INDUSTRIES AND INFRASTRUCTURE PROJECTS

Natural Justice's work in extractive industries and infrastructure projects has developed rapidly in the last year. As outlined above, Natural Justice has received support from the Ford Foundation to work with local communities in the context of extractive industries in Southern Africa.

In addition, Natural Justice, in partnership with the Heinrich Böll Foundation, has developed and launched a new project examining bio-cultural community protocols (BCPs) in the context of extractive industries. Entitled "Exploring The Development And Use Of Biocultural Community Protocols To Help Secure Community Interests And Rights In Relation To Extractive Industries. A Framework Methodology", the project aims to support the development of BCPs in three regions (Latin America, Asia and Africa) whilst supporting the engagement of participatory action research to test the effectiveness of BCPs in this context. In addition, Natural Justice will engage in research on structural and contextual considerations to further support community capacity building and potential engagement. The project is guided by a framework methodology that has been prepared and presented to partners around the world. Communities are presently being supported to develop community protocols in each region, and a mid-term meeting is likely to take place in February 2015. A final symposium, discussing the research questions, will take place in early 2016. Communities in Argentina, India, Kenya and Zimbabwe are involved in this project.

Natural Justice has engaged in trainings and civil society gatherings on related issues, in both Kenya and Ghana. Emerging from the meeting in Bonn, Germany, in November 2012, with Groupe Tchad, Cordaid, the European Centre for Constitutional and Human Rights and the Bonn International Center for Conversion, Natural Justice has also published on BCPs in the context of extractives. As Natural Justice's experiences deepen in extractive industries and infrastructure projects, it looks forward to working closely with local communities, as well as strategically engaging in national, regional and international policy debates with a variety of different actors.

# LEGAL RESEARCH, RESOURCES & EDUCATION

## LEGAL REVIEWS IN SOUTHERN AFRICA

In the past year, Natural Justice has commissioned a series of legal reviews for Mozambique, South Africa and Zimbabwe supported by the Ford Foundation entitled “Review of National Laws and Policies that Support or Undermine Indigenous Peoples and Local Communities”.

## WRITTEN SUBMISSIONS

Natural Justice greatly expanded its efforts to make and endorse submissions to a wide range of processes.

### International level

- To the Office of the High Commissioner on Human Rights on best practices in the application of traditional values while promoting and protecting human rights;
- To UN Global Compact on its Free Prior Informed Consent Human Rights Good Practice note;
- To the UN Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises on the thematic report on Indigenous peoples and business and human rights (with Center for Indigenous Knowledge and Organizational Development);
- To the Intergovernmental Platform on Biodiversity and Ecosystem Services on recognizing Indigenous and local knowledge and building synergies with science;
- To the Convention on Biological Diversity (CBD) Secretariat on the Programme of Work on Article 8(j) and Related Provisions (with Forest People’s Programme and more than 70 other organizations); and
- To the World Bank on the review and update of its Environmental and Social Safeguard Policies (endorsed by 25 organizations and individuals).

Natural Justice also endorsed other organizations' submissions on the following topics:

- Participation in the World Bank's Inspection Panel in the review of its safeguard policies;
- The review and update of the World Bank's Environmental and Social Safeguard Policies;
- Policy of Inter-American Development Bank's Independent Consultation and Investigation Mechanism;
- To the UN Human Rights Council on international financial institutions and human rights; and
- To the Executive Secretary of the CBD regarding the organization of Subsidiary Body of Scientific, Technical and Technological Advice (SBSTTA)-17.

### Regional level

- Natural Justice made five submissions and joint submissions to the European Commission, Union, and Parliament on access and benefit sharing, and signed an open letter to Members of the European Parliament on the European Union biofuels policy.

### National level

- To the Kenyan National Environmental Management Authority on public consultation on the Lamu port;
- To the Indian Ministry of Rural Development on the Draft Rules for the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act; and
- To the United States Department of the Treasury regarding concerns with the inter-agency process for the World Bank Safeguard Review.

## CONSERVATION STANDARDS



Natural Justice published the second edition of The Living Convention in 2013.<sup>2</sup> The Living Convention provides, for the first time, the full extent of international law relevant to Indigenous peoples' and local communities' *vis-à-vis* their lands, waters, natural resources and knowledge, among other things. It sets out the specific provisions in an integrated compendium, so that – for example – all provisions from across the full spectrum of international law that deal with “free, prior and informed consent” appear under that heading.

In the context of the Conservation Initiative on Human Rights,<sup>3</sup> the International Institute for Environment and Development and Natural Justice are working with a dedicated team of Indigenous and other lawyers and practitioners to further develop the Living Convention towards the production of a guide for conservation-related actors. The resource will set out the most up-to-date minimum legal standards for conservation and provide practical guidance on how to uphold those standards.

*Natural Justice completed work on the second edition of the Living Convention in May 2013. It was launched during the 2013 UN Permanent Forum and translated into Spanish as well. It is available online and we have been promoting it in our other work, specifically mentioning it where relevant when speaking on the topic of rights of Indigenous peoples and local communities.*

*In terms of next steps, we are also working on expanding the scope of the Living Convention in two major ways. First, we are developing a resource on redress mechanisms to facilitate enforcement of the rights that are categorized in the Living Convention. We are working with a number of partners on this, including the Center for International Environmental Law, which has developed an online portal where discussion of redress mechanisms would fit well.*

*Second, we are working on a guide for entities involved in conservation activities to help ensure that the rights of Indigenous peoples and local communities are respected when conservation activities are undertaken.*

A draft guide will be workshopped at the 12<sup>th</sup> Convention on Biological Diversity (South Korea, October 2014) and at the World Parks Congress (WPC) (Australia, November 2014). It will provide empirical input to the WPC, particularly Stream 6<sup>4</sup> and 7<sup>5</sup> and be drawn upon by the drafting teams of the Social Compact.<sup>6</sup>

Natural Justice was invited to contribute a chapter to a book published by the Columbia University Institute for the Study of Human Rights on Indigenous Peoples' Access to Justice. Part of the chapter focuses on the Living Convention. We were also invited to speak at a side event to launch the book, where the Living Convention was discussed.

<sup>2</sup> <http://naturaljustice.org/library/our-publications/legal-research-resources/>

<sup>3</sup> <https://community.iucn.org/cihr/Pages/default.aspx>

<sup>4</sup> Enhancing the quality and diversity of governance.

<sup>5</sup> Respecting Indigenous traditional knowledge and culture.

<sup>6</sup> [http://www.iucn.org/about/work/programmes/gpap\\_home/gpap\\_events/gpap\\_wpc/gpap\\_wpccrosscutting/](http://www.iucn.org/about/work/programmes/gpap_home/gpap_events/gpap_wpc/gpap_wpccrosscutting/)



# LEGAL RESEARCH, RESOURCES & EDUCATION

## COMMUNITY LEGAL RESOURCES

The team produced e-learning modules on the UN Declaration on the Rights of Indigenous Peoples, an introduction to the UN human rights system, and reducing emissions from deforestation and forest degradation (REDD+) safeguards. Currently, several other e-learning modules are being drafted on other topics. With the support of the Swift Foundation, all of our existing e-learning modules as well as the Bio-cultural Community Protocol (BCP) Toolkit and the Living Convention were translated into Spanish, greatly increasing our ability to engage with communities and groups in Latin America.

## TRAININGS

Natural Justice staff participated in a number of trainings, including on human rights and non-judicial and quasi-judicial grievance mechanisms. These included trainings with the European Centre for Constitutional and Human Rights in India and the Philippines, and with the Centre for Research on Multinational Corporations (SOMO) in Indonesia. Natural Justice supported SOMO and Accountability Counsel in training sessions on the UN Human Rights system in Kenya. In Australia and South Africa, Natural Justice attended workshops on Indigenous peoples and mining with the International Council on Mining and Minerals in Australia, receiving significant insights on such issues from a business perspective.



## MULTIMEDIA, PUBLICATIONS & COMMUNICATIONS

The 2013-14 financial year was an active one for Natural Justice in terms of communications and dissemination. Notably, there were a total of 28 legal submissions made to various bodies and institutions, as detailed in this report. The team produced eight articles that were included in a number of publications. We were able to produce and distribute our materials and brochures at national and international meetings.

Natural Justice also published the booklet *Biocultural Community Protocols: Articulating Stewardship, Asserting Rights, Affirming Responsibilities*. Our activities in India, South Africa and Central America, as well as our technical work with International bodies, were also featured and covered in various media.

Social media has also seen a significant increase in traffic. Our Facebook page increased its profile to 2013 “likes”. Our blog continues to be increasingly active, with 270 blog posts in the course of the financial year. Our Twitter profile also continues to grow. The past year saw an improvement in cross-media integration and sharing of content.

The Natural Justice and Community Protocols websites were continually updated and featured new content. Plans are currently underway to revamp both sites to reflect the growth and change in the organization and its work. This process is also aimed at ensuring that our online presence continues to effectively reflect our strategic approach.

### Pageviews by Countries

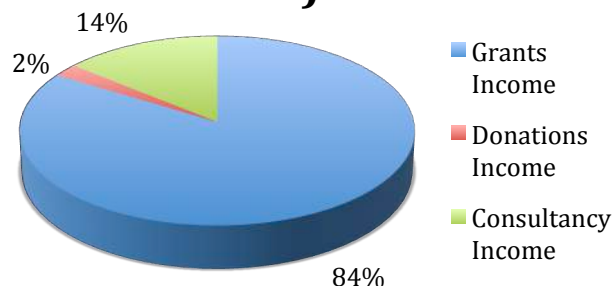


Entry	Pageviews
United States	40822
Russia	17364
India	15499
United Kingdom	10092
Germany	7834
South Africa	7439
Malaysia	7433
France	5534
Ukraine	3335
Canada	3060

## FINANCE & FUNDING

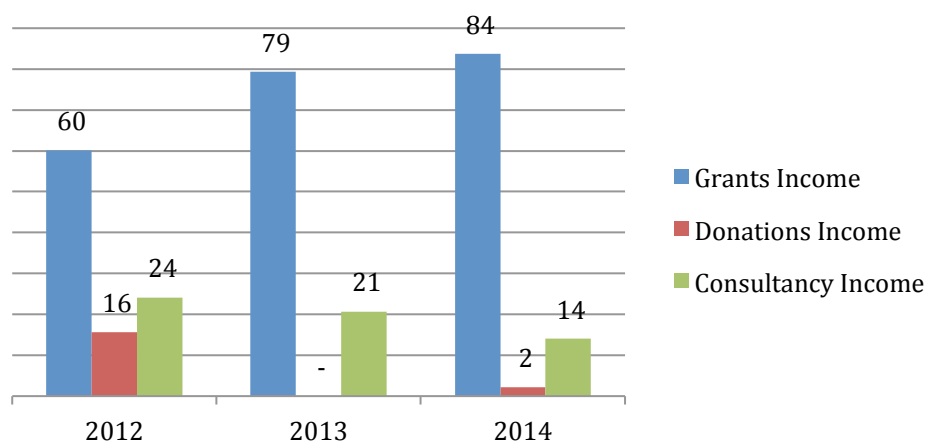
The net revenue received by Natural Justice for this reporting year has increased by 31% compared to the previous year. This increase is mainly attributable to an increase in grants, specifically from the Ford Foundation, for our work on the impact of the extractive industries on Indigenous Peoples and local communities, and the expansion of our work with communities in India. Our primary source of funding remains grant funding, which is used for both operational support for the general running of the organization as well as support of research projects and our work programmes with communities. Funding received through our consultancy work for the provision of technical services to partners and governments has declined from 21% last year to 14% in the year under review. Donation funding is at 2% of the overall funding, while grant funding has increased from 79% to 84%.

### Funding Sources (Year ending February 2014)



Over the past three years, grant funding has increased from 60% for the year ending February 2012 to 84% in the current financial year. In contrast to the increases in grant funding year on year, we have experienced moderate decreases in funding from our consultancy work, which has diminished annually from 24% in 2012 to 14% in 2014. While these are significant challenges, we remain financially well-positioned to continue our work.

### FUNDING SOURCES YEAR ON YEAR % COMPARISON



The assistance of our funders, donors and partners is instrumental in fulfilling our mission and vision. We are deeply grateful for their ongoing support.



## FINANCE & FUNDING

### Financial Summary (in ZAR) for the year ending February 2014

#### **Grants Income**

American Jewish World Service	256,316
Ford Foundation	1,730,886
Deutsche Gesellschaft Internationale Zusammenarbeit (GIZ)	666,686
Heinrich Böll Foundation (Southern Africa)	632,020
Open Society Initiative for Southern Africa (OSISA)	1,957,478
The Christensen Fund	507,015
Shuttleworth Foundation	2,680
<b>Total</b>	<b>5,753,081</b>

#### **Donations Income**

Australian Fundraiser	153,669
<b>Total</b>	<b>153,669</b>

#### **Consultancy Income**

Berne Declaration	31,639
CSIR	1,000
ETC-Compas	146,995
Heinrich Böll Foundation (Berlin)	34,757
ICCA Consortium	67,654
International Council on Mining & Metals (ICMM)	6,298
International Development Law Organisation (IDLO)	25,883
International Institute for Environment & Development (IIED)	121,069
Khwa ttu	1,600
Kivulini Trust	21,688
Medical Research Council	74,351
Namati	243,576
Nestle	1,300
Secretariat for the Convention of Biological Diversity (SCBD)	111,877
Centre for Research on Multinational Corporations (SOMO)	27,918
University of Cape Town (Open Air Project)	38,900
University of Namibia	7,317
<b>Total</b>	<b>963,822</b>

<b>TOTAL INCOME</b>	<b>6,870,572</b>
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<b>Interest Earned</b>	<b>92,265</b>
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#### **Expenditures**

Personnel Costs	1,787,342
Consultant Costs	1,963,977
Administration & Organizational Costs	253,098
Bank Charges	48,969
Project Travel	2,420,191
<b>Total</b>	<b>6,473,577</b>

## CONTACT INFORMATION

### Website

<http://www.naturaljustice.org>

### Community Protocols

<http://www.community-protocols.org>

### Blog

<http://natural-justice.blogspot.com>

### Facebook

<http://www.facebook.com/naturaljustice>

### Twitter

<http://www.twitter.com/NaturalJustice>

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<http://www.youtube.com/NaturalJusticeVideos>

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