Community Protocols

Lessons Learned for ABS
Overview

1. Theory of change
2. Exemplary content and process
3. Lessons learned on:
   • Content and focus
   • Process
   • Outside support
   • Role of government agencies
   • Legal recognition
4. The way forward
Indigenous peoples and local communities

Resources & Traditional Knowledge

Rules & values

Community protocols

Clear rights-based codes of conduct, values and local practices to be followed

Institutions and decision-making process, PIC process and community participation foreseeable

Vision, expectations, priorities and community organization on benefit sharing and long-term commitment

Facilitation support

PROACTIVE
Fair negotiation of ABS agreements

Productive collaboration/constructive commitment (long-term) based on a relationship of trust

... DEFENSIVE
Cessation of unsustainable/illegal practices

Affirmation of rights

Technical and legal advice & assistance

Access to GR and aTK in accordance with the rights of communities

Sharing the benefits equitably

Revitalisation and promotion of TK

Recognition of communities’ rights

Minimum conditions for negotiating and establishing ABS contracts

Procedure, criteria and/or processes for obtaining PIC

Standard contractual clauses for benefit-sharing

Strengthens the governance system, intra- and inter-community and inter-generational connection and transmission of biocultural values

Contributes to sustainable local development

Strengthens the links between culture and nature

Creates incentives for the conservation and sustainable use of biodiversity
Poss. content and process

- Definition of the **community**;
- Leadership and **decision-making** processes;
- Natural resource management systems, **TK**, innovations, and practices;
- Ways of life, links between land/resources and **culture**, **spirituality**, **values**;
- Rights, responsibilities according to **customary**, **national**, and **international** law;
- Conditions for granting **access** to TK, GR, land etc. such as **FPIC**, **MAT**;
- **Challenges** faced by the community and calls to stakeholders to engage on issues.

Every protocol is different!
Content and focus

• Address issues from the community perspective
• But: identify main objectives, clarify expectations
• Respond to real opportunities and challenges, incl. beyond ABS
Process

- Let the community define the process and pace
- Definition of the community
- Include a variety of community voices
- Involve customary authorities
- Make governance a central element of discussion
- The process is as important as the output!
Outside support

- Facilitation
- Information and training
- Processing collected data
- Legal input and support
- Drafting
Role of government

• Involve government agencies and other stakeholders early on
• Government agencies can facilitate and help with implementation
• Maintain community ownership and flexible processes
Legal recognition

• National level, e.g. ABS laws
• Sub-national and local level: municipal decrees, letters of recognition
• Community protocol processes can inform emerging national frameworks
• CPs alone are not enough:
  – Need for clear PIC procedures at national level
  – Need for TK protection in legislation
The way forward

Recognize, mainstream and support CPs without sacrificing their essential aspects:

• Legal recognition, regulations and guidance
• BUT: avoid restrictions on process and contents – no top-down approaches, no one-size-fits all
• Actively support communities in developing their CPs when desired
• Leave the control over development to communities
• Train CBOs and community lawyers
THANK YOU