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L'INITIATIVE DE
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 **NATURAL
JUSTICE**

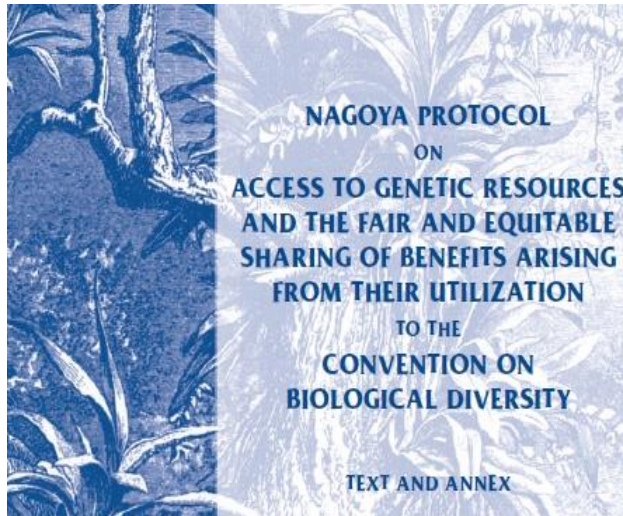
LAWYERS FOR COMMUNITIES AND THE ENVIRONMENT

Recognizing community protocols



What are the possibilities ?

Obligation of Parties



- Take into consideration indigenous and local communities' customary laws, community protocols and procedures, as applicable, in implementing their obligation according with domestic law (Article 12.1)
- Endeavour to **support** indigenous and local communities, in the **development of community protocols** (Article 12.3)
- Take measures to, *inter alia*, **raise awareness of community protocols and procedures** of indigenous and local communities (Article 21)

Community protocols

IS NOT

- Guarantee of free prior informed consent of communities
- A law

IS

- Information on how to get communities' consent.
- Referring to law





Legal recognition of community protocols

- Legal provision on community protocols and other comparable tools/approach in ABS law or other national law

Case in Benin, Madagascar, ...

Avoid being too specific – National Guidelines on community protocols could be useful

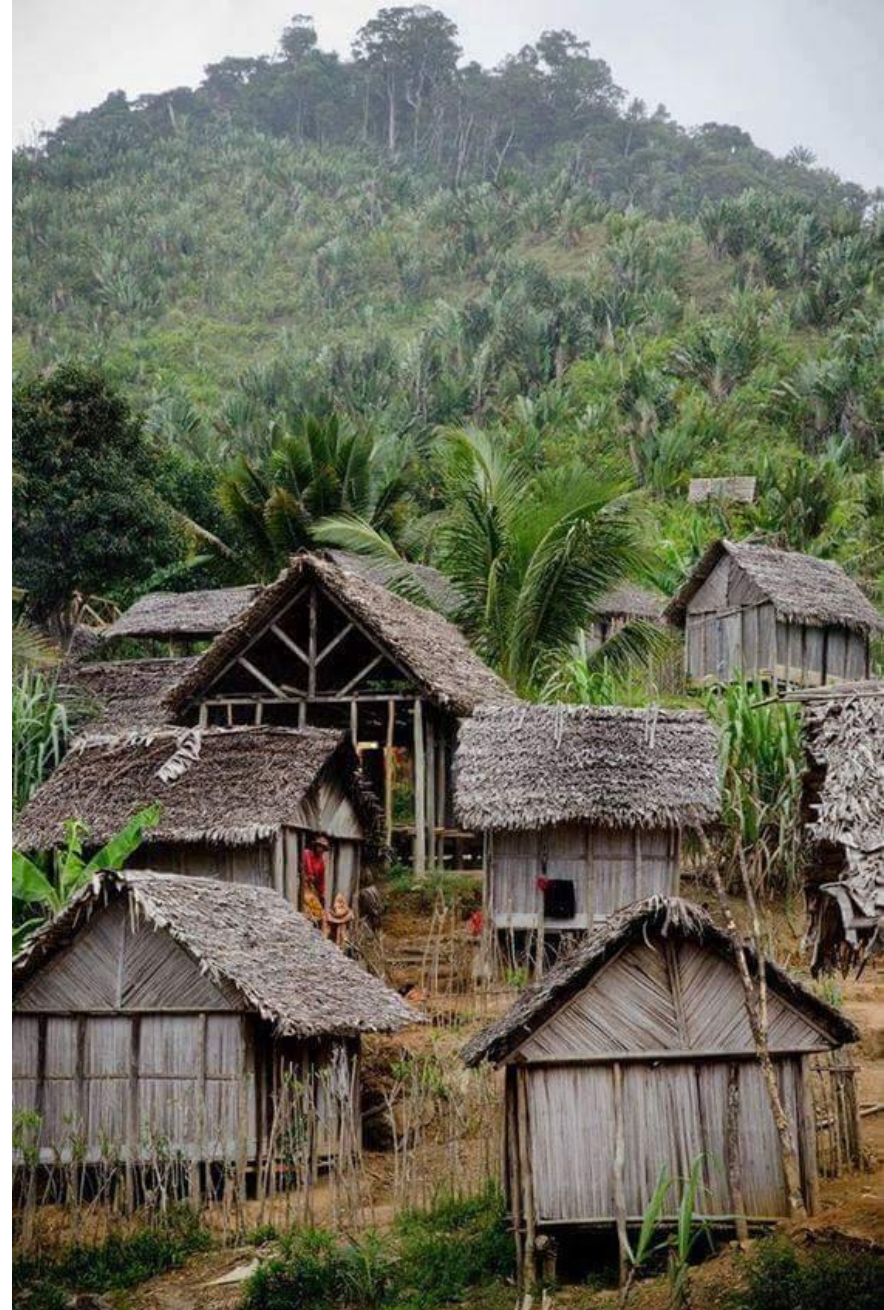
Ongoing perspective in Central Africa region

Recognition at subnational level

Sub-national and local level:

- municipal decrees,
- letters of recognition,
- ...

E.g. Community protocol of Bonou in Benin





Other form of recognition

Integration in land-use planning/management plan

E.g. Community protocol of the Endorois in Kenya

Other legal measures in support of community protocols

- Clarification of :
 - Communities' rights over resources, associated traditional knowledge and also community land rights
 - Role regarding Prior Informed Consent and benefit-sharing agreements
 - Procedures, criteria and/or processes for obtaining consent – include form and timing of communities' approach
- Development of system of protection of Traditional Knowledge ...

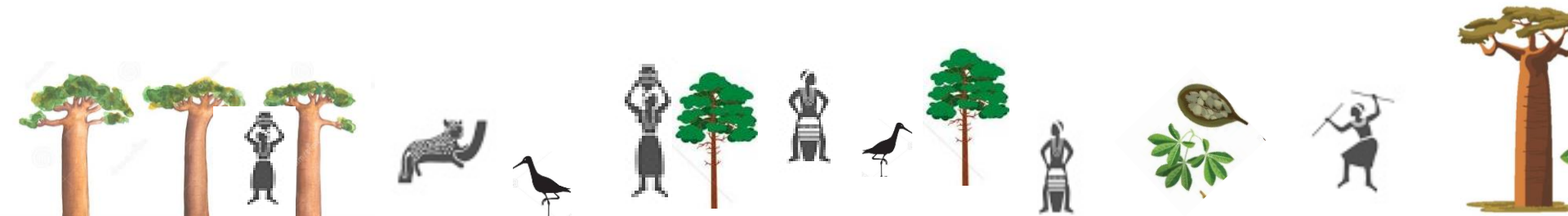


Other lessons learned

- Avoid restrictions on process and contents – no top-down approaches, no one-size-fits all
- Involve government agencies and other stakeholders early on
- Maintain community ownership and flexible processes

Open questions

- Are there any other possible approaches for the recognition of community protocols
- What kind of guidance should legal and institutional frameworks provide regarding



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**THANK YOU !
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**Series of Webinar
on indigenous peoples and local communities' involvement in
ABS implementation**

**Série de webinaires
sur la participation des peuples autochtones et des
communautés locales à la mise en œuvre de l'APA**

