

THE ABS
CAPACITY
DEVELOPMENT
INITIATIVE



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'APA



**NATURAL
JUSTICE**

Biocultural Community Protocols

Lena Fey, ABS Capacity Development Initiative

funded by

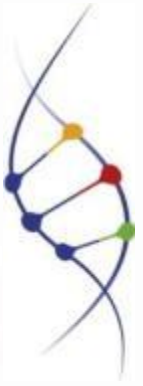


implemented by



The concept: A BCP...

- ... is a statement about the **natural resources** a community is stewarding, about **traditional knowledge** it uses for their management and its role in their conservation **natural resource management system(s)**
- ... asserts **rights** and sets out **terms and conditions** to governments and the private, research and non-profit sectors for engaging with local communities (IPLCs) and **accessing** their **local resources and knowledge**
- ... is developed through culturally rooted, **participatory decision-making processes** within the community, based on **customary norms, values and laws**



Background:

Emerged in the discussions around **ABS** under the CBD but was soon also applied in other sectors (extractive industries, infrastructure, REDD, ...)





- Usually triggered by a particular **aspiration** or **threat**
- Creating an **interface** between local customary institutions and the national legal framework
 - ✓ for **communities**: understanding and strategically engaging external systems that impact them
 - ✓ For **external actors**: clarity, transparency, better understanding of customary laws
- Building **dialogue** and **partnerships** to secure the community's wellbeing
- Iterative, community-led **process**

Possible elements of a BCP

- **Definition** of the community and its **governance structure**
- **Aspiration / goal** (can be very targeted)
- Description of natural resources and related **management systems** / knowledge / practices
- **Ways of life**, culture, spirituality, customary laws, values
- **Responsibilities** and **duties** regarding use of biodiversity – often related to customary practices
- Relevant **rights** under national and international law
- **Conditions for access** to resources / knowledge – e.g. procedure for (F)PIC
- **Challenges** faced by community



A few lessons learnt



- **Community empowerment and ownership**, clarification of community institutions and procedures – the **process** is as important as the **outcome!**
- Can help **prevent intra-community conflict** and elite capture
- Definition of access rules and procedures create a measure of **legal certainty for external actors**
- Preservation and recognition of **traditional knowledge and practices**
- Helps realise **benefit-sharing**
- Process can draw on a solid international framework and can trigger **legal recognition** at the national level (BCPs in ABS legislation, BCPs as by-laws)

Challenges and limitations

- Complex and **time-consuming**
- Dependency on **external support** (funding and expertise)
- **Conflict potential** with authorities
- Community ownership and traditions vs. **human rights?**

THE ABS
CAPACITY
DEVELOPMENT
INITIATIVE



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'APA



**NATURAL
JUSTICE**

Thank you!

www.abs-initiative.info

www.naturaljustice.org

funded by



Federal Ministry
for Economic Cooperation
and Development



NORWEGIAN MINISTRY
OF FOREIGN AFFAIRS



implemented by

