

Community Protocols



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Biodiversity

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Finance Schemes Affect Communities

- Finance for biodiversity affects Indigenous peoples and local communities
 - Payment for ecosystem services
 - Conservation trust funds
 - Habitat banking
 - Ecological fiscal transfers
- Ensure that their rights are respected
- Ensure that schemes are implemented in an equitable manner

Emerging Collective Rights

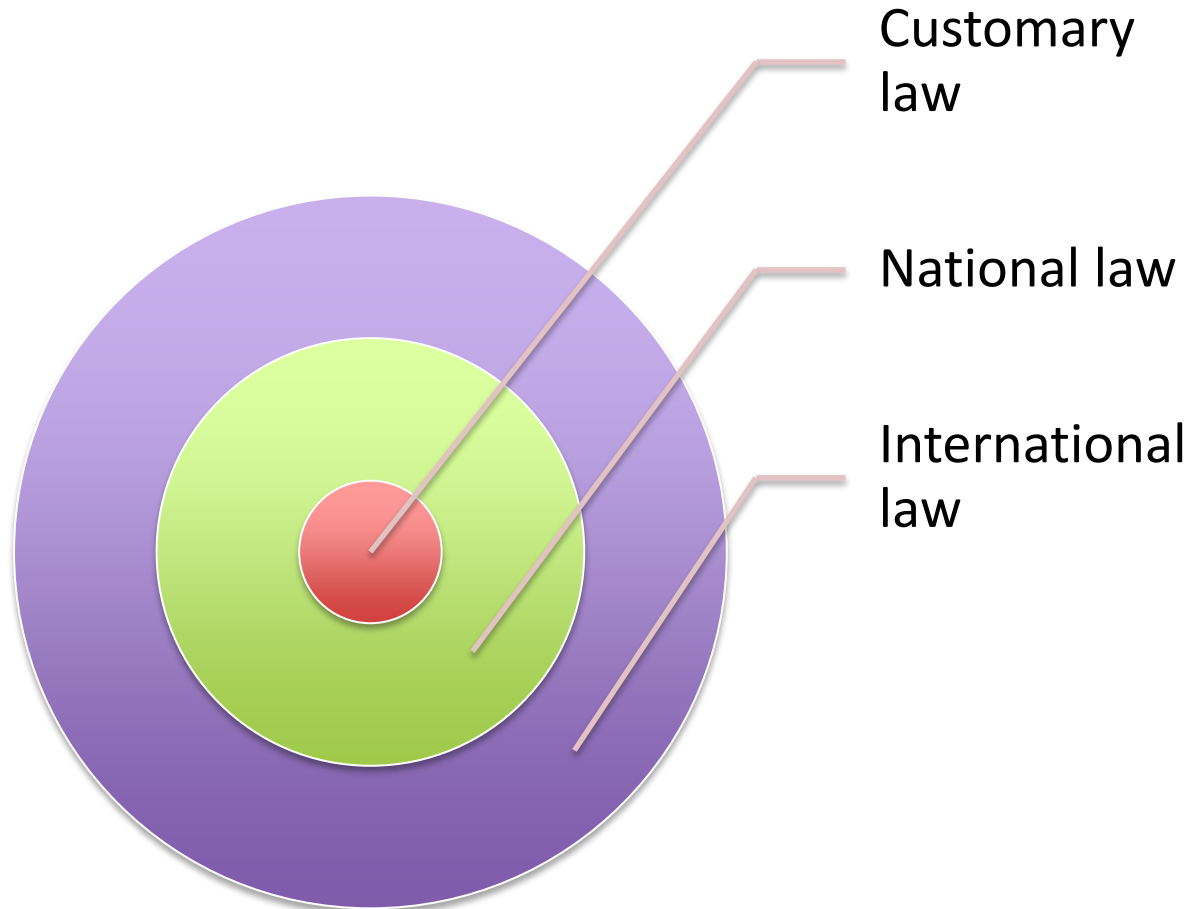
a) Linking identity, community, culture, territory, and resources

b) Stewardship and use rights

c) Recognition of customary laws and practices for protecting and preserving biodiversity and natural resources



Different levels of law



Community Protocols

- Indigenous peoples and local communities have customary laws and procedures for engaging with outsiders
- Today, have companies, government agencies, investors, conservation NGOs, etc...
- *How to clarify these laws and procedures in a way that external parties can understand?*

Community Protocols

- Articulate community-determined values, procedures, and priorities
- Set out rights and responsibilities under customary, state, and international law as the basis for engaging with external actors
- Can be used as **catalysts** for constructive and proactive responses to **threats** and **opportunities** posed by land and resource development, conservation, research, and other legal and policy frameworks

Community Protocols

- Meant to support and amplify the voices of the community in their own words
- There is **no single way** to “do” a community protocol, but there are often common methodologies or processes, including:
 - Endogenous development and strengthening customary or community governance systems
 - Participatory documentation
 - Community mobilisation around shared interests



Some of the Community Protocol Processes Around the World...



In What Contexts are Community Protocols Being Used?

Community protocols are being used in the context of a wide range of legal and policy frameworks, including:

- Procedural rights, including to provide or withhold FPIC
- Right to self-determination and self-governance
- Protected areas
- Indigenous peoples' and community conserved areas and sacred sites
- Animal genetic resources and Livestock Keepers' Rights
- Extractive industries and large-scale infrastructure projects
- Access and benefit sharing and protection of traditional knowledge
- Reducing Emissions from Deforestation and Forest Degradation (REDD)
- Biotrade

➤ **The key may be to engage multiple legal frameworks, using a plurality of approaches**

Community Protocols in Law and Policy

- Recognition in **Nagoya Protocol on Access and Benefit Sharing** (binding law under the UN Convention on Biological Diversity) and draft national laws on ABS in several countries in Asia and Africa
 - Recognition in several decisions of the UN **Convention on Biological Diversity** and two **IUCN** Resolutions
 - Reference in **UN-REDD Guidelines on FPIC**
 - Reference in **IPBES** Information Document
 - Reference in **legal submissions** to several international fora and mechanisms
- **Cross-referencing / cross-leveraging between fora can be a very effective advocacy strategy**

Other Lessons Learned

- Community protocols are not a panacea or ‘silver bullet’; every situation is unique and every process is different
- Hugely depends on facilitation process within communities (local team, managing info and expectations, etc.) – sometimes local organisations have lots of experience with similar approaches, sometimes they don’t
- Questions about ‘integrity’ or ‘quality’ vs. cautions about standardised approaches (similar to concerns with FPIC)
- Need more sustained approach to skill-sharing and hands-on support, esp. to put protocols into practice
- Working with other local organisations and regional and international networks – embed it in a broader process, safety in numbers
- Need sustained but not overbearing follow-up, pointed ways to bring out experiences and lessons

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- Dedicated **website** with films, e-modules on key legal frameworks, legal research, publications, etc. (www.community-protocols.org)
- 4-part **toolkit** for community facilitators
 - www.community-protocols.org/toolkit
 - Provides guidance and information on documenting, developing, and using a community protocol, and reflecting and reporting on the process

Muchas Gracias (Thank you)

Please feel free to be in touch with any questions:

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