

# Why are Community Protocols Important in the Context of ABS?

Harry Jonas

Natural Justice

Lawyers for Communities and the Environment

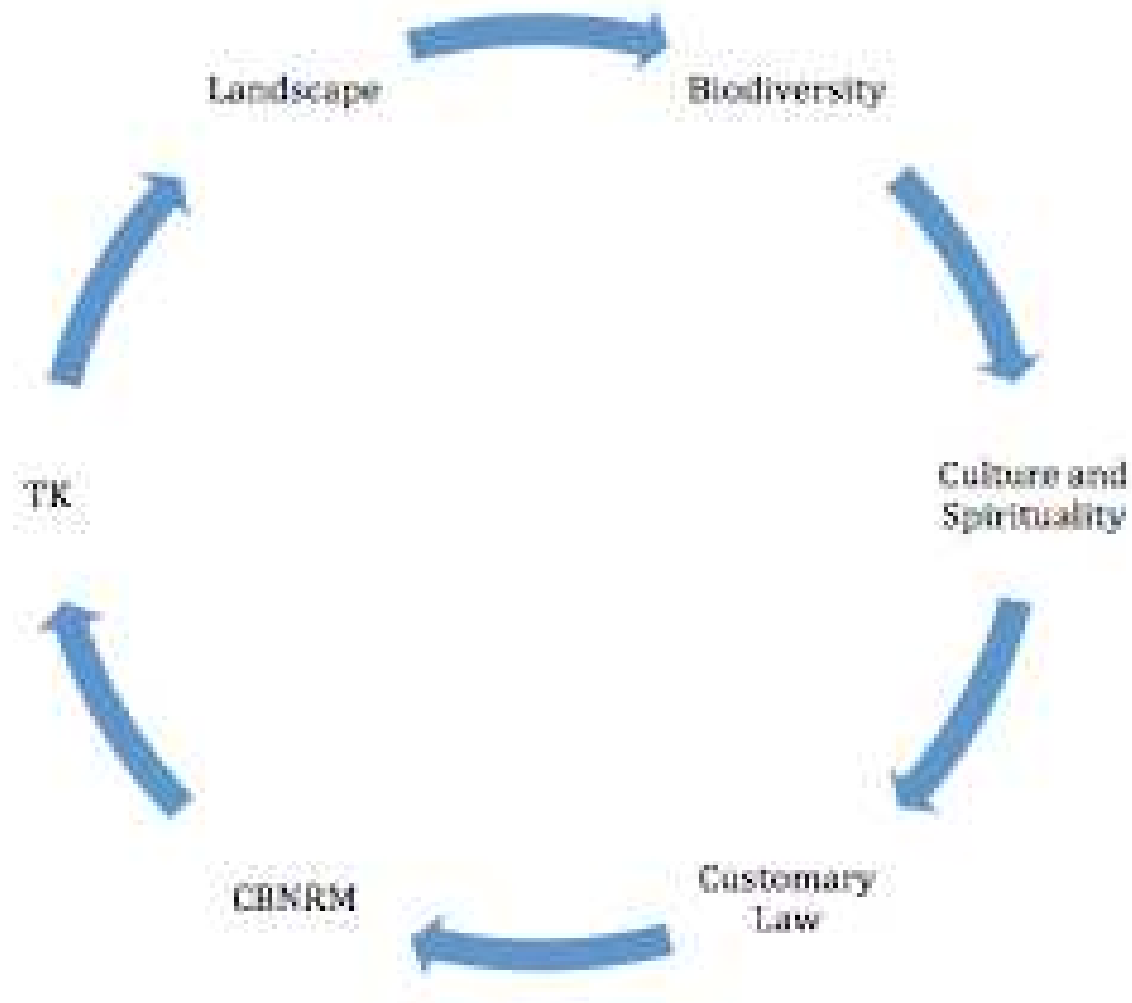
# Articles 8j & 10c

8j is the cornerstone of the CBD

- role of communities in conserving and sustainably using biodiversity
- need to assist communities to protect their ways of life
- access to resources or TK based on FPIC

10c – supports 8j's emphasis on *in situ* conservation

# Bio-cultural Communities & ABS



# Bio-cultural Critique of ABS

- Narrow conception of TK
- Commercial value versus intrinsic and cultural worth
- TK as property?
- Desperate exchanges – money to support livelihoods?
- Hoodia – questionable social and environmental outcomes
- ABS useful – but only one element of a community-based strategy to secure a way of life

# The Collective Development of Ideas

- ABS 5 - Montreal
- IIED on collective bio-cultural heritage
- Our experiences with Hoodia
- Bio-cultural protocols in the ABS context

# 5 Communities

- Raika Pastoralists, Rajasthan, India
- Samburu Pastoralists, Kenya
- Vaidyas of the Malayali Hills, Tamil Nadu, India
- Gunis and Medicinal Plants Conservation  
Farmers of the Valli region of Rajasthan, India
- Bushbuckridge Traditional Healers, Kruger to  
Canyons, UNESCO Biosphere Region in South  
Africa

# Process

- Initially setting aside ABS
- Defining the community
- Thinking through the key elements of a way of life: bio-cultural relationships, contributions, challenges
- Diverse participatory activities such as resource mapping, governance, legal empowerment, rethinking FPIC
- Looking at ways and means to achieve endogenous development

# Protocol

Articulation of what is important to the community:

- Defining the community
- Resources & TK
- Contributions to biodiversity and culture
- Challenges
- Rights
- Access to land and TK: FPIC according to customary laws
- Ways forward with calls to government / other stakeholders



# Clarity & Advocacy

- Central government
- Local government
- Non-commercial researchers
- Commercial bio-prospectors
- NGOs

# Integrity of Environmental Law

- Communities are the lynchpin of the implementation of the CBD
- Ethical guidelines are important, but communities must be the final arbiters
- Empower communities to ensure the integrity of ABS, PAs, REDD, marine laws etc.
- The Co-Chairs have the final word