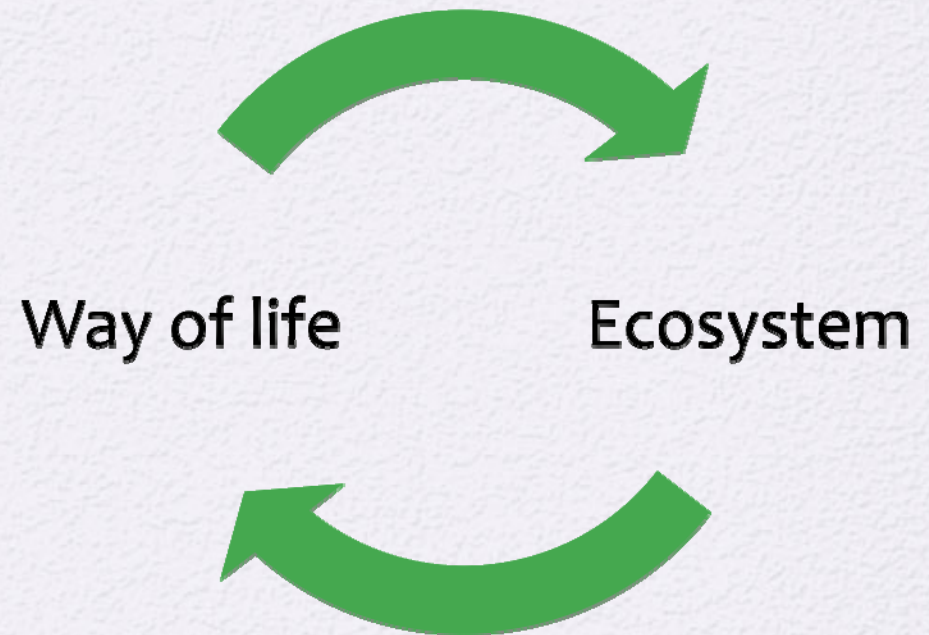


Biocultural Community Protocols



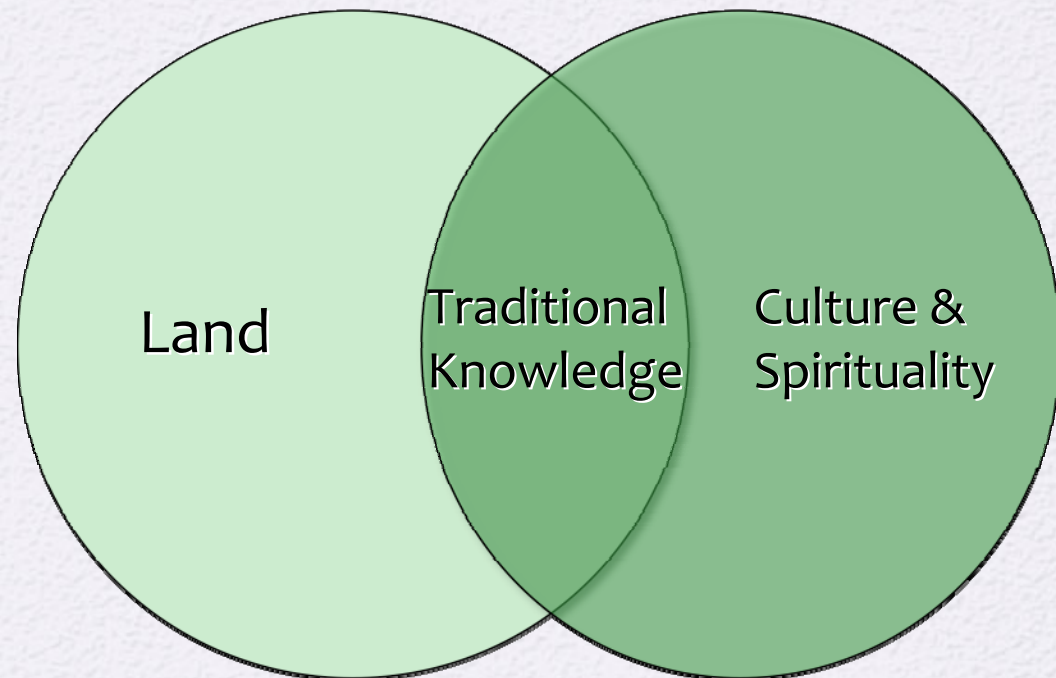
Article 8(j)

- Symbiotic linkage between a way of life and biodiversity
- Coevolved ecosystems
- Respect, preserve and maintain knowledge, innovations and practices



Traditional Knowledge: A Biocultural Relationship

- TK is a manifestation of a dynamic relationship between land and culture
- To protect TK is to protect a way of life

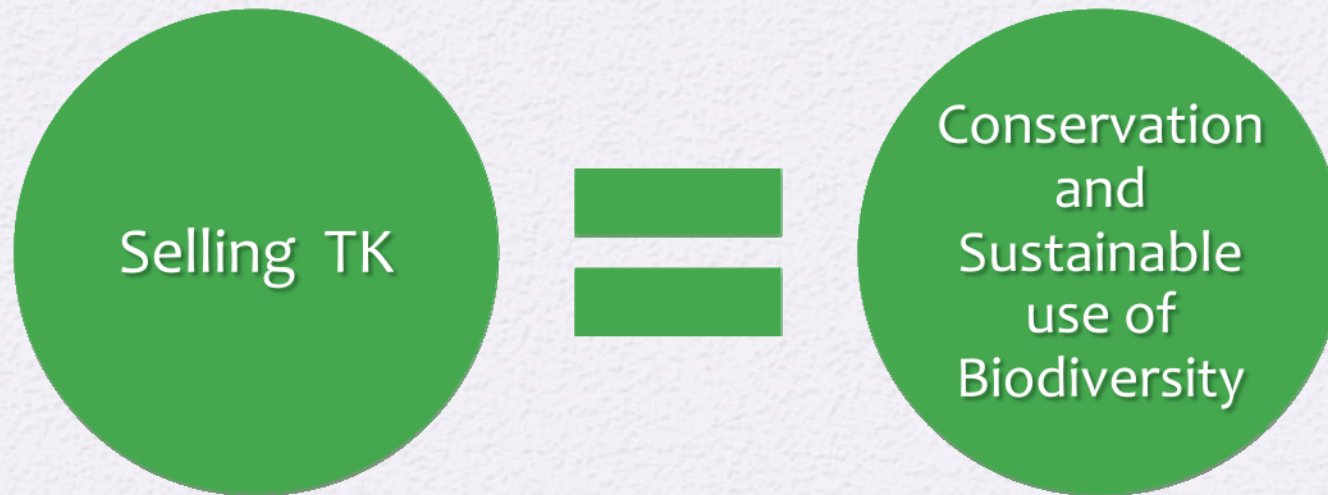


The Grand Bargain of Article 8(j)



- To safeguard the right to TK implies
- Safeguarding the right to a way of life that is rooted in rights to land and culture
- Which will lead to conservation and sustainable use of biodiversity

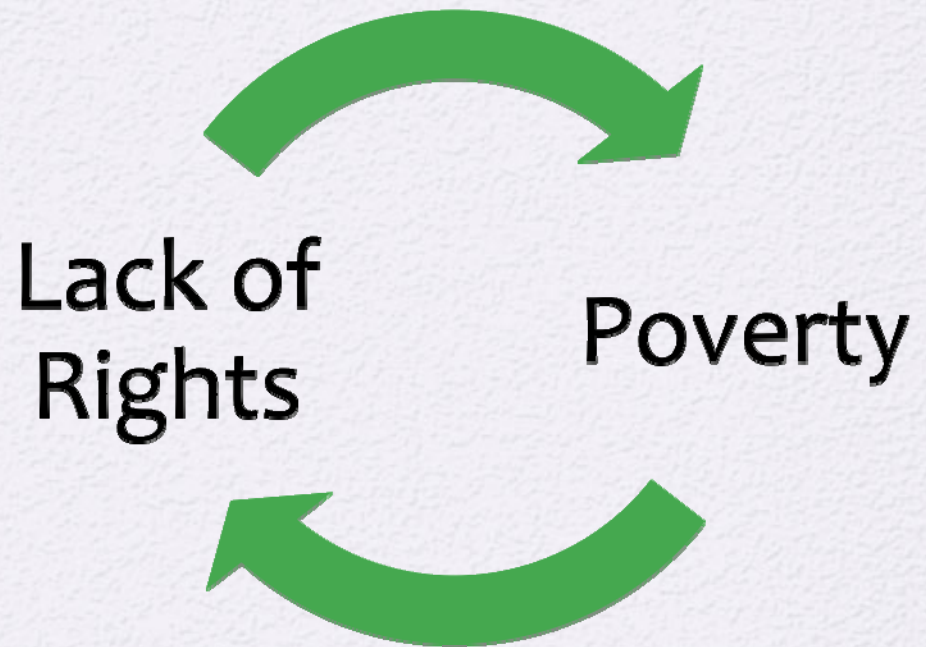
Dominant Interpretations of Article 8(j)



- Misconception that protecting TK as a commodity will lead to conservation and sustainable use of biodiversity
- Similar to assuming that we can protect critical thinking by documenting knowledge while closing schools and universities

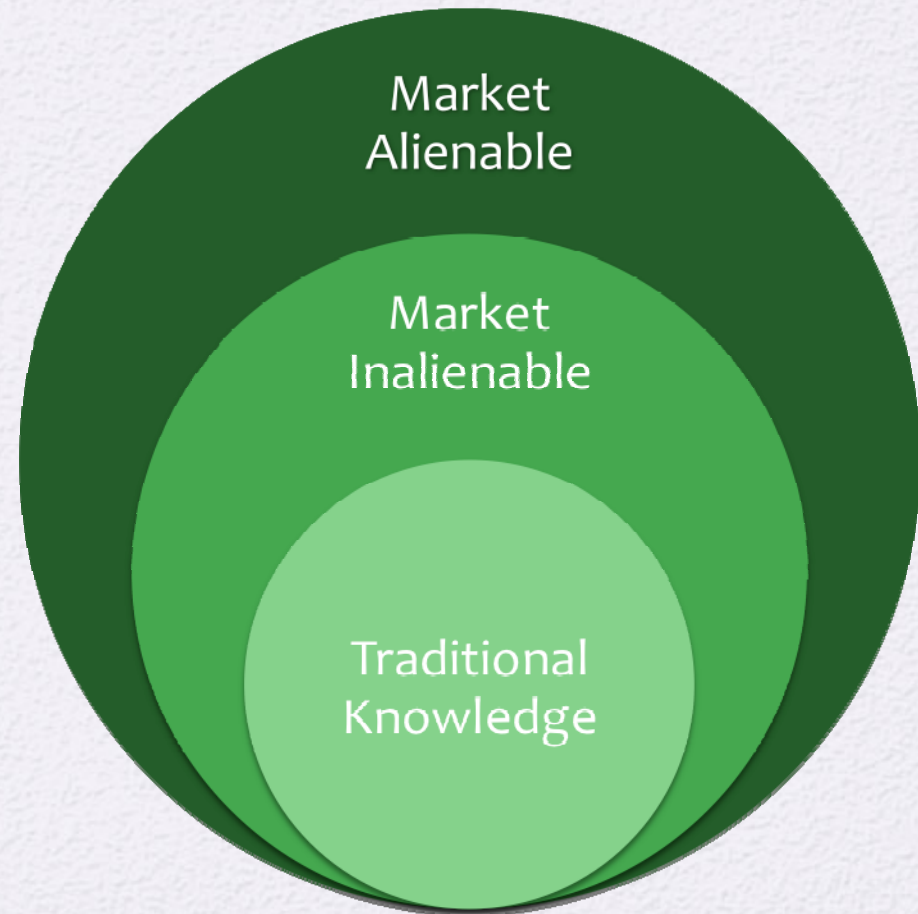
The Reality: Desperate Exchanges

- Some communities are forced to trade in TK due to desperate conditions
- They need the market related benefits that trade in TK will bring
- At the same time there are concerns about the impact of trade in TK on inter and intra community relationships

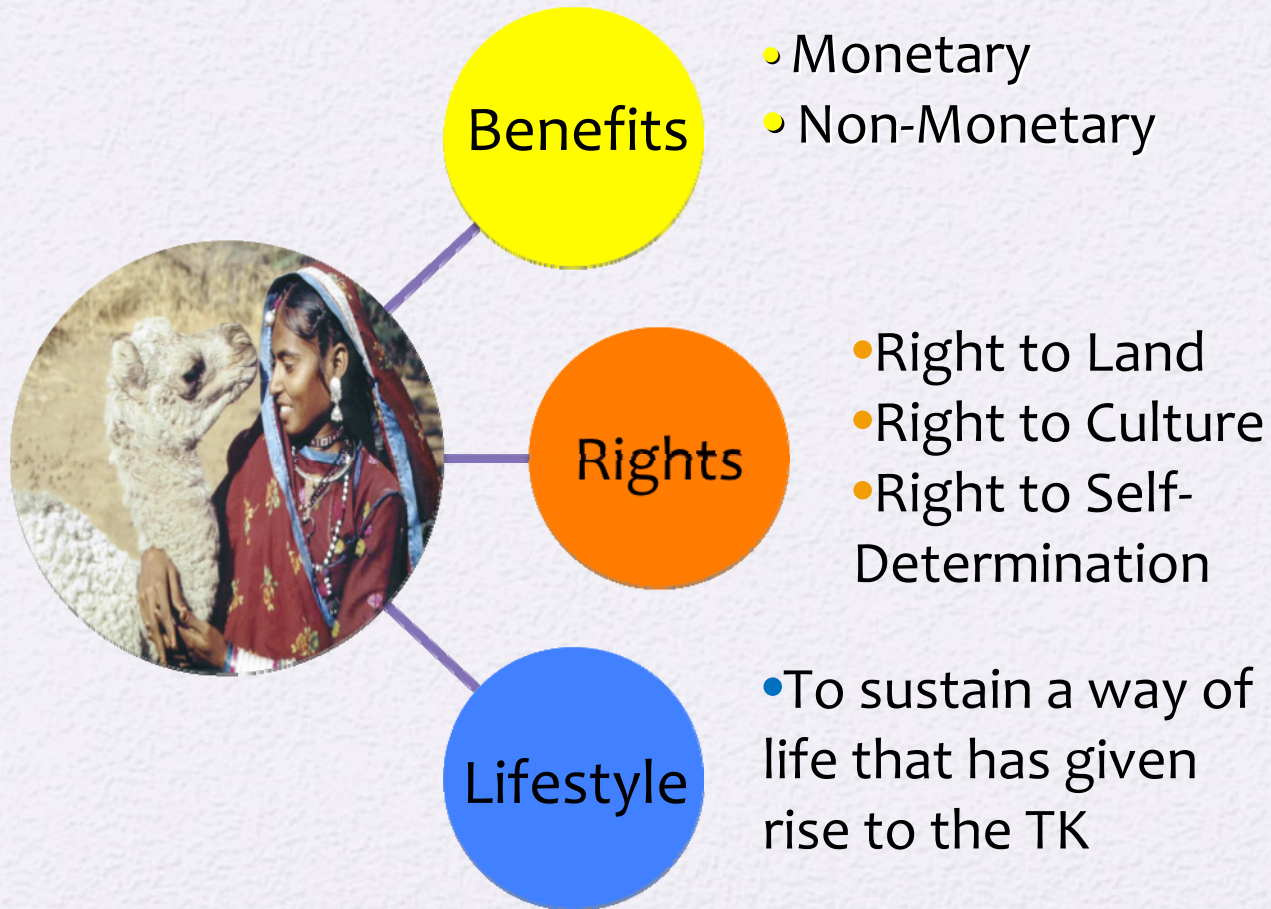


Addressing the Problem of the Double Bind: Challenges of local integrity of CBD

- TK has both market alienable and inalienable aspects
- Rights to land, culture, notions of the sacred etc. are market inalienable
- How can ABS secure the market inalienable aspects of TK?

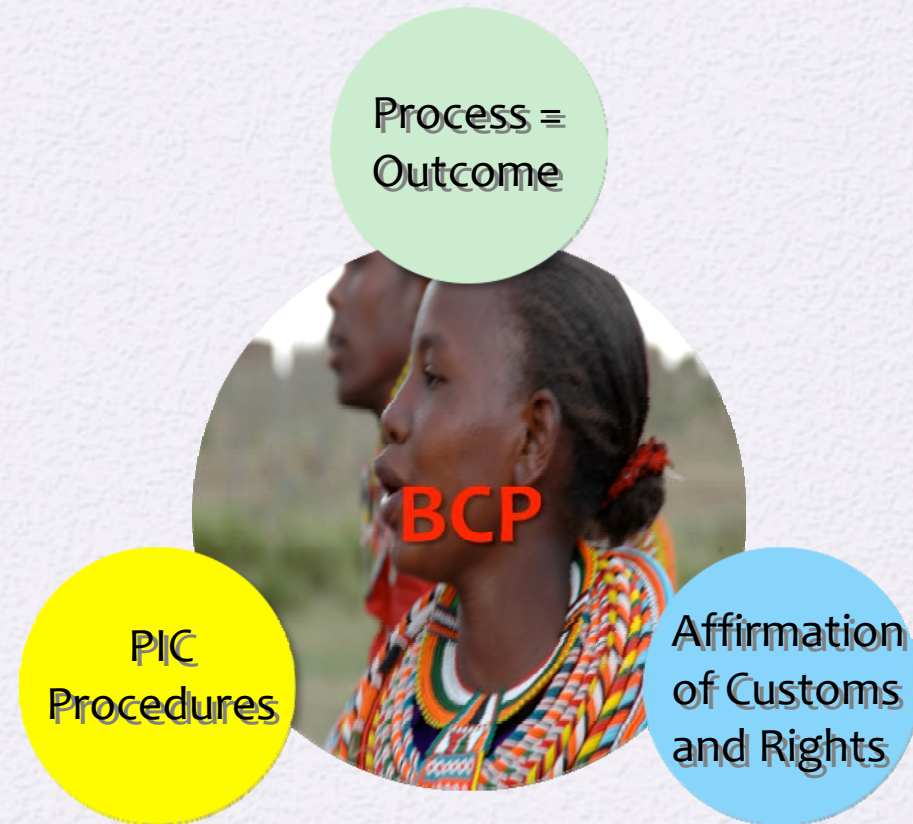


ABS: Affirming Market Inalienable Rights Through Market Alienability



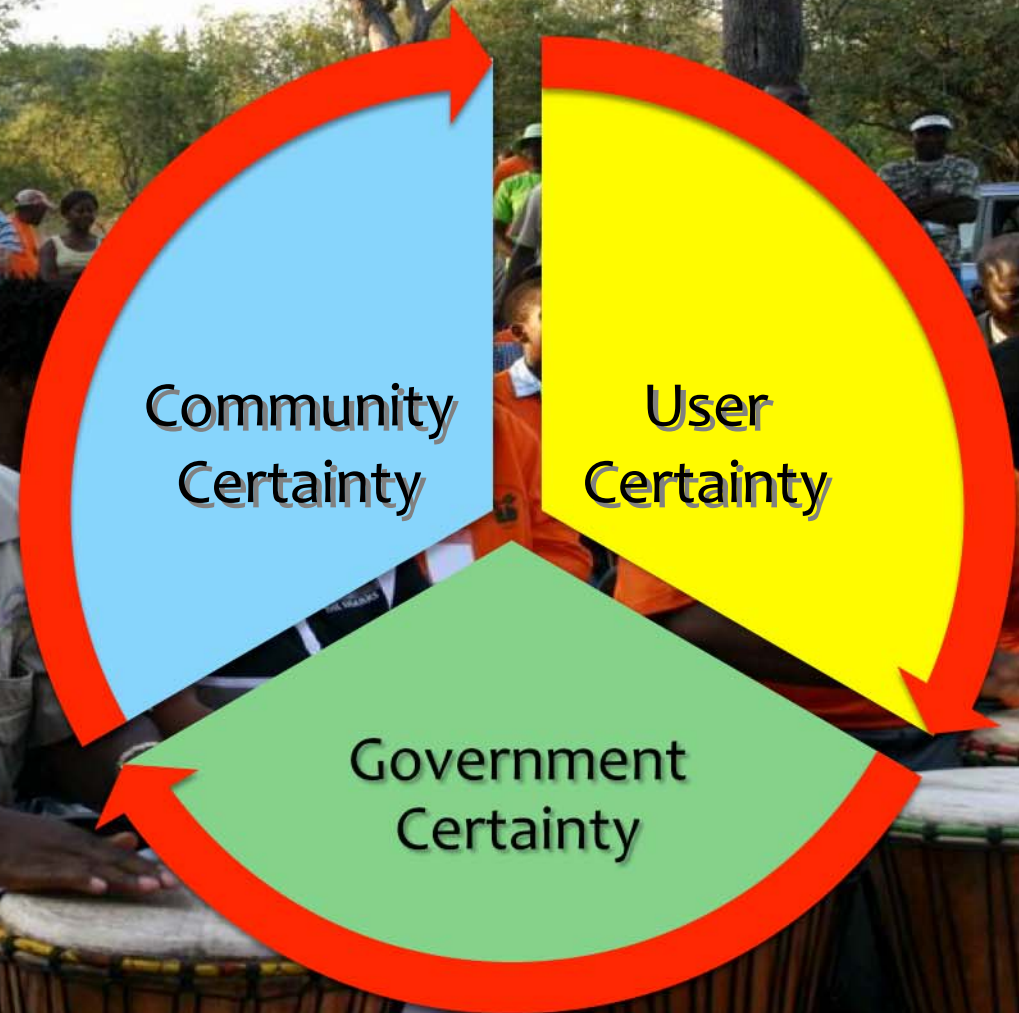
Biocultural Community Protocols

- A process of affirming lifestyle, customs and rights
- A process of reflection within and between communities about the implications of an ABS agreement
- Providing a clear mandate to the leadership



Outcomes: Certainty for Stakeholders

- Consultative process within the community
- Clarity of access procedures for potential users
- Clarity for government decision makers about community laws

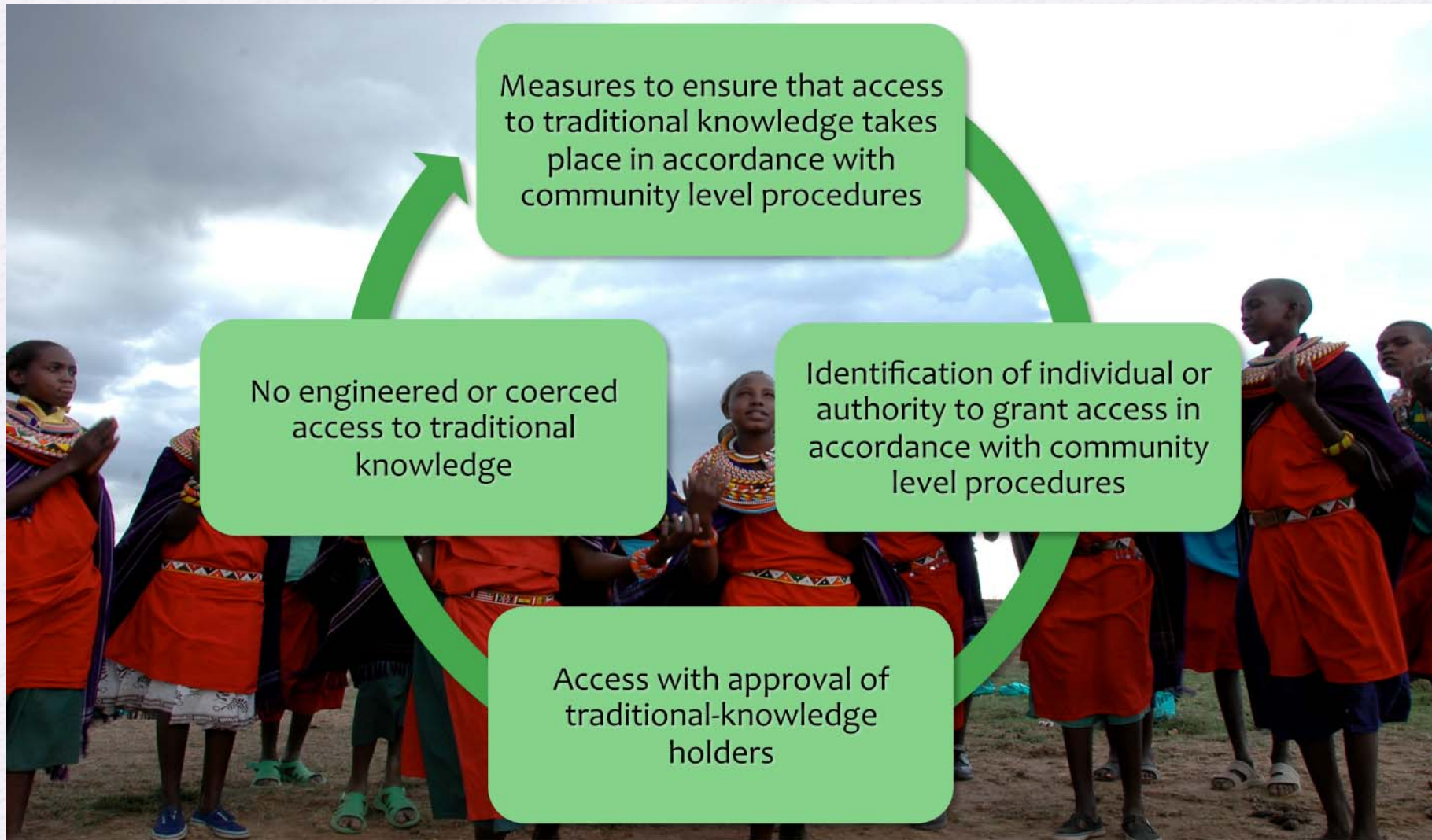


Relevance for the IRABS*

* International Regime on Access and Benefit Sharing

- Annex to the Paris report of ABSWG 7: Measures to Ensure Compliance with Customary Laws and Local Systems of Protection
- Clarity as to what constitutes ‘misappropriation and misuse’
- Provides clear access standards for users
- Addresses issues of shared TK

Towards ABSWG8: Relevant Issues for Negotiation



Thank You

Kabir Bavikatte

Natural Justice – Lawyers Communities and the Environment

Address: Mercantile Building, 63 Hout Street
Cape Town 8000, South Africa

E-Mail: kabir@naturaljustice.org.za

Phone: +27 21 42 616 33

