

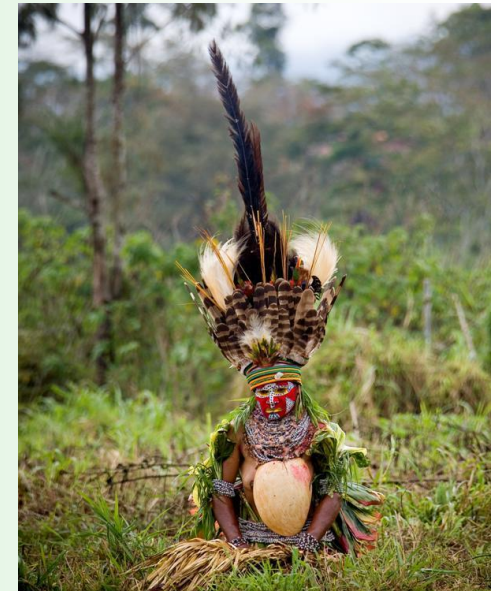


**INTERNATIONAL YEAR  
OF FORESTS • 2011**



# **Regional Workshop for Southern Africa on Updating National Biodiversity Strategies and Action Plans: Incorporating work on valuation and incentive measures**

**14 - 20 March 2011  
Kasane, Botswana**





## *Key issues*

- *Mankind destroyed many habitats and caused the extinction of at least 83 mammals and 113 bird species since AD 1600 (and more unrecorded species...).*
- *Biodiversity loss is continuing despite several attempts by governments to address this ?*  
*GBO3.*
- *GAP between rich-poor increased by 27% compared 20 years ago? (wbio factsheet) Why?*
- *Can Indigenous and local communities offer alternative strategies for doing things better to reduce poverty and promote conservation biodiversity?*





**Most indigenous and local communities are situated in areas where the vast majority of the world's biodiversity is found. Many of them have cultivated and used biological diversity in a sustainable way for thousands of years.**



# *Global policy supporting ILCs participation*

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- **Rio declaration Article 22;**
- **Convention on Biodiversity (CBD);**
- **Nagoya ABS Protocol 2010;**
- **Agenda 21- LA 21;**
- **WSSD implementation plan;**
- **Un declaration on the right of indigenous peoples;**
- **The IUCN-World Conservation Union- Recommendations , resolutions, declarations;**
- **Its Right- UN Declaration on the right to development 1996- Article 11 - provides that ‘ ... the people should be at the centre of the development process..’**



# COP 10 DECISIONS







# Decision X/2- Strategic Plan for Biodiversity 2011-2020

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**Strategic goal E.** Enhance implementation through participatory planning, knowledge management and capacity building

**Target 18:** By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels



**Decision X/10. National reporting: review of experience and proposals for the fifth national report**

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- 11. Encourages Parties to continue to involve all relevant stakeholders, including indigenous and local communities, in the process of national reporting, and to use the report as a tool for further planning and communication to the public to mobilize additional support for and participation in activities related to implementation of the Convention;**



## Decision X/43. Multi-year programme of work on the implementation of Article 8(j)

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3. Urges Parties, that have not yet submitted information regarding the implementation of the programme of work for Article 8(j) and related provisions, including on national participation of indigenous and local communities, to do so in consultation with indigenous and local communities, through the fourth national reports where possible,





# Decision X/40. Mechanisms to promote the effective participation of indigenous and local communities

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7. Invites Parties to consider **designating national focal points for Article 8(j)** and related provisions in support of national focal points, to facilitate communications with indigenous and local community organizations and to promote the effective development and implementation of the programme of work on Article 8(j) and related provisions.



# Background





# The Convention on Biological Diversity and Traditional knowledge

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In **Article 8, paragraph (j)**, Parties have undertaken to:

- **respect, preserve and maintain traditional knowledge of indigenous and local communities relevant to the conservation and sustainable use of biological diversity**
- **promote its wider application with the approval and involvement of the holders of such knowledge and**
- **encourage the equitable sharing of the benefits**





# The Convention on Biological Diversity and Traditional knowledge

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## Other relevant provisions:

- **Article 10 (c):** Protect and encourage customary use of biological resources in accordance with traditional cultural practices;
- **Article 18 (4):** develop methods of cooperation for the development and use of technologies, including indigenous and traditional knowledge.



# GBO3-Status of agreed subsidiary targets to 2010 biodiversity target

## Goal 9. Maintain socio-cultural diversity of indigenous and local communities



9.1: Protect traditional knowledge, innovations and practices.

Not achieved globally, as long-term declines in traditional knowledge and rights continue, despite the actions taken to protect them in some areas.



9.2: Protect the rights of indigenous and local communities over their traditional knowledge, innovations and practices, including their rights to benefit sharing.

Not achieved globally but an increasing number of co-management systems and community-based protected areas have been established, with the greater protection of the rights of indigenous and local communities.





# Participation of Indigenous and Local Communities





# Voluntary Fund

–Decision VII/16 G, paragraph 10/Decision VIII/5 D Annex

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- ❖ **Facilitate the participation of indigenous and local communities in meetings under the Convention, including meetings of the indigenous and local community liaison group and relevant meetings of ad hoc technical expert groups.**
- ❖ **Application forms are available in <https://www.cbd.int/traditional/fund.shtml>**



# Web Page Article 8(j): Traditional Knowledge, Innovations and Practices

[The Convention](#) | [Cartagena Protocol](#) | [Nagoya Protocol](#) | [Programmes](#) | [Mechanisms](#) | [Information](#) | [Secretariat](#)

Home > [Programmes & Issues](#) > [Article 8\(j\)](#)

## ARTICLE 8(j): TRADITIONAL KNOWLEDGE, INNOVATIONS AND PRACTICES

**About Article 8(j)**

- [Introduction](#)
- [Participation of ILCs](#)

**Programme**

- [Article 8\(j\) Decisions](#)
- [Programme of Work](#)
- [Plan of Action](#)

**Implementation**

- [Outcomes of Article 8 \(j\)](#)
- [Traditional Knowledge Information Portal](#)

**Related Information**

- [Article 8\(j\) and Related Meetings and Documents](#)
- [Article 8\(j\) and Related Notifications](#)

## Article 8(j): Traditional Knowledge, Innovations and Practices

### Introduction

**Article 8(j) states**  
Each contracting Party shall, as far as possible and as appropriate:

Subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices.

TRADITIONAL KNOWLEDGE INFORMATION PORTAL

**Pachamama Newsletters**

- Vol. 4 Issue 4 (English)
- Vol. 4 Número 4 (Spanish)
- Vol. 3 Issue 3
- Vol. 2 Issue 2
- Vol. 1 Issue 1

### What's new

11 June 2010  
[Press Release: International Conference Discusses the Value of Biodiversity for Economic and Cultural Life.](#)

19 April 2010  
Statement by Mr. Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity, on the occasion of the opening of the Ninth Session of the United Nations Permanent Forum on indigenous issues: "indigenous peoples; development with culture and identity", New York, 19 April 2010.

4 March 2010  
Statement by Mr. Ahmed Djoghlaif on the occasion of Latin American and Caribbean Indigenous and Local Community Capacity-building Workshop on the Convention on Biological Diversity, Including Issues Relevant to Article 8(j), TK and ABS: Mesoamerican Region, Guatemala City, Guatemala, 4 - 6 March 2010.  
[More news >](#)

### Notifications

3 February 2011  
Selected indigenous and local community representatives to receive funding for the Latin American and Caribbean Indigenous and Local Community, Capacity Building Workshop on the Convention on Biological Diversity including issues relevant to Article 8(j), Traditional Knowledge, and Access and Benefit-sharing, Eighth Workshop: Caribbean Region, Georgetown, Guyana, 16-18 March 2011

24 November 2010  
[Programme of Work on Article 8\(j\) and related provisions: Request for contributions from Parties and stakeholders](#)

9 November 2010

<https://www.cbd.int/traditional/>



# ***ILCs' Participation at regional level (Africa & SADC)***

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- 1. African Model Legislation for the Protection of the Rights of Local Communities, Farmers' and Breeder's Rights, in the Regulation of Access to Biological Resources- part IV, paragraphs 16, 17, 18 and 23.**
  - States recognises the rights of local and indigenous communities over ..**
  - -their biological resources, innovations, practices .....**
  - -The right to collectively benefit from the use of their biodiversity resources;**
- 2. ARIPO protocol on the protection of traditional knowledge and expression of folklore – Part 2, Section 4 and 6.**

**Section 6 , states that ; “... owners of the rights shall be the holders of traditional knowledge, namely the local and traditional communities...” .**
- 3. Treaty on the establishment of the Great Limpopo Transfronteir Park.**

**Article 4 (b). “... Promote alliances in the management of biodiversity.....partnerships ... Including ... Local communities’.**



# Treaty on the Establishment of the Great Limpopo Transfrontier Park

between the Governments of the Republic of Mozambique, the  
Republic of South Africa, and the Republic of Zimbabwe



An Opportunity for the Development of Southern Africa





# Local community participation in Zimbabwe

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**ZIMBABWE HAS 12.3 MILLION PEOPLE (CSO, 1997).**

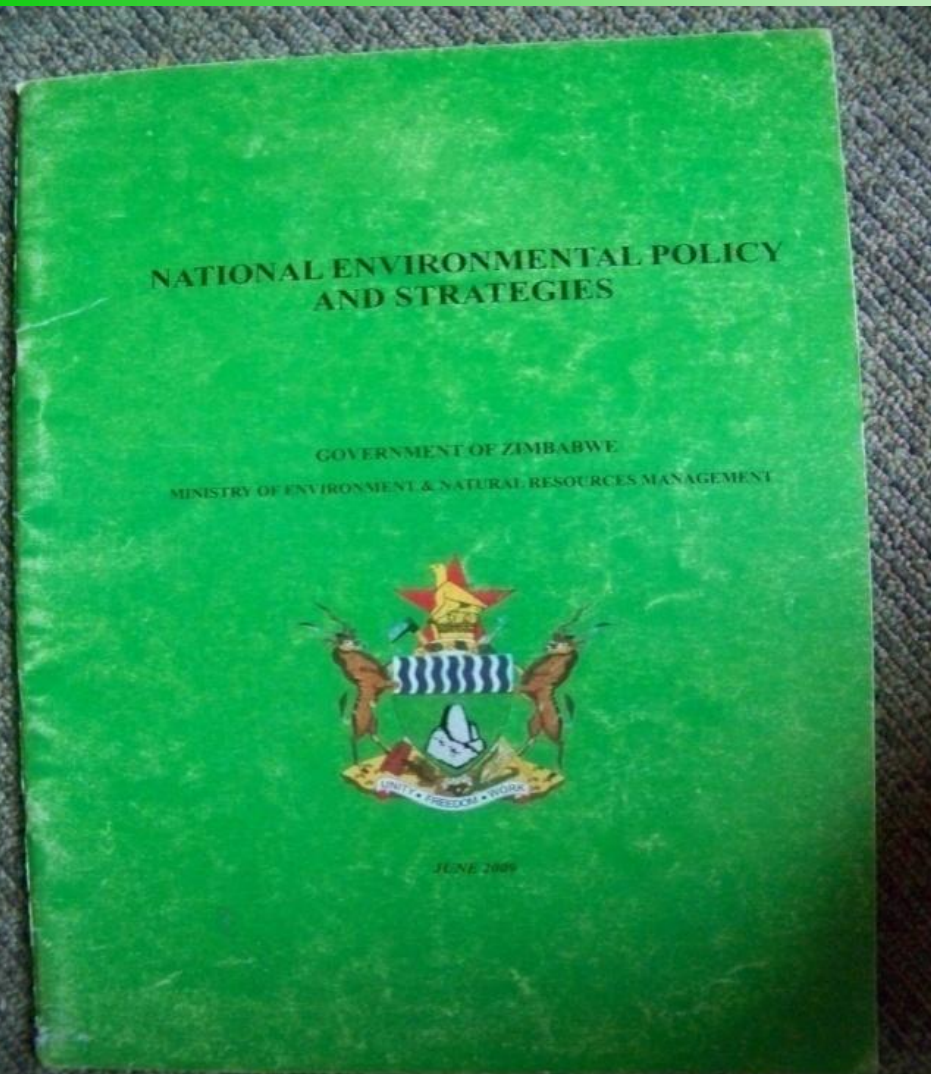
**69% OF THIS LIVE IN LOCAL COMMUNITIES IN RURAL AREAS AND ARE DEPENDENT UPON THE LAND FOR THEIR LIVELIHOODS.**

**-LOCAL COMMUNITY PARTICIPATION ENSHRINED:**

- 1. NATIONAL ENVIRONMENTAL POLICY AND STRATEGIES 2009**
- 2. THE ENVIRONMENTAL MANAGEMENT ACT (EMA)**
- 3. STATUTORY INSTRUMENT 61 OF 2009 (ACCESS TO INDIGENOUS GENETIC RESOURCES AND GENETIC RESOURCE-BASED KNOWLEDGE) REGULATIONS, 2009.**
- 4. TRADITIONAL LEADERS ACT,**



# NEP & Strategies



**Chibememe Earth Healing Association (CHIEHA)**

C/O Takunda (Sangre) Secondary School  
P.O. Box 7119  
CHIREZI  
ZIMBABWE  
E-MAIL: [chibememe@chibememe.com](mailto:chibememe@chibememe.com) or [chibememe@zibho.com.zw](mailto:chibememe@zibho.com.zw)

The Director  
C.C. The Minister of Environment  
The Director NREI  
The Director Essential Food and Wildlife Authority  
The MP - Chiredzi South  
The Co-ordinator Africa 2000 - Network G.I.ESGP  
The Manager IRE - CHIEHA  
The Council Chairman - Chiredzi - RDC  
The Director - ARI  
The Director - ZLA

Institute of Environmental Studies  
University of Zimbabwe  
P.O. BOX MP169  
MT PEASANT  
HARARE

Dear Sir / Madam

**RE-RESPONSE TO THE 2<sup>ND</sup> DRAFT OF THE NATIONAL ENVIRONMENT POLICY (NEP).**

We appreciate the efforts done by the Ministry through you to come up with a policy and we also appreciate this opportunity we have to comment on the 2nd draft of the policy.

We did not have the opportunity to participate in the very first workshop that laid the basis for this draft policy document. Our comments are as follows:

(1) We feel that the issue of the local community has not been given centre stage in the draft policy. The local community bore the brunt of colonial racial segregation through:

- (a) loss of land rights.
- (b) loss of access to resources on that land.
- (c) loss of benefits from natural resources which were centralized.
- (d) Loss of cultural and spiritual attach

The present Government has put some effort to rectify the problem through devolution and programmes like CAMPFIRE. The problem is devolution is not robust enough. Access to resources and decision making are still locked up at the RDC level. As an example General Principle 9, Strategic directions bullet 4 which says "Strengthen the formation of....." this implies that RDC still play centre stage. We need a clear identification of community units with clear user rights below the level of the RDC.

We wish to recommend that this policy provides the opportunity to set a clear vision that gives local communities effective participation and decision making with limited reference to RDC.

The policy should... Under General Principles: p2.No 2. Should add and emphasise, "in particular the local community...". Consistent with this we need a special section in the policy that defines the local community and the role of the local community as far as conservation is concerned. You should bear in mind that it is the local community which has the biggest power to degrade or to conserve.

Also on general principles we need a clear principle outlining a clear need for incentives for the local communities in order for conservation to be promoted.

Consistent with the above observations the policy must give a call for building the capacity of communities and to develop a framework for co and adaptive management.



# Statutory Instrument 61 of 2009 ABS

Statutory Instrument 61 of 2009.

[CAP. 20:27

Environmental Management (Access to Genetic Resources and Indigenous Genetic Resource-based Knowledge) Regulations, 2009

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

##### Section

1. Title.
2. Interpretation.
3. Purposes of regulations.

### PART II

#### GENETIC RESOURCES AND INDIGENOUS GENETIC RESOURCE-BASED KNOWLEDGE PROTECTION COMMITTEE

4. Establishment and composition of Genetic Resources and Indigenous Genetic Resource-based Knowledge Protection Committee.
5. Functions of Committee and exercise thereof.

### PART III

#### COMMUNITY RIGHTS OVER GENETIC RESOURCES AND INDIGENOUS GENETIC RESOURCE-BASED KNOWLEDGE

6. Intra-communal rights in relation to genetic resources and indigenous genetic resource-based knowledge<sup>a</sup>
7. General extra-communal rights in relation to genetic resources and indigenous genetic resource-based knowledge.
8. Specific extra-communal rights in relation to genetic resources and indigenous genetic resource-based knowledge.





# Information sharing & policy advocacy







# Communities lobbying for benefits in Protected Areas

4 August 10 2003

News

## Communities to benefit from parks

Sunday Mail Reporter

ABOUT 2 000 delegates drawn from international natural resource conservation organisations are expected to attend the Fifth World Parks Congress to be held in South Africa in September to discuss ways in which rural communities in the SADC region can benefit from their national parks.

The communities, who were forcibly removed from their land to pave way for the establishment of the protected wildlife areas during the colonial era, have not been benefiting from the national parks.

The congress seeks to correct the anomaly through the theme "benefits beyond boundaries". Among the participants from Zimbabwe will be the Africa Resources Trust.

In an interview last week the trust director, Dr Cecil Machena, said national parks management was mainly dominated by the private sector and there was a need for the communities to be directly involved in the practice in order to develop them.

Dr Machena said the congress would be an opportunity for stakeholders to address the anomalies

that affected the communities.

"The congress will provide those directly involved in the issue with the platform to discuss the contentious matter.

"The congress seeks to pave way for the direct involvement of the communities in the management of the protected areas and, as such, the private sector must accommodate them," said Dr Machena.

He added that the communities had the capacity to excel if they were given the opportunity. He, however, said that progress depended on the countries' governing policies.

"After the congress, there will be a need to work with governments in the region to finalise policy formulation and implementation. It is imperative to reorient the private sector dominance as benefits need to be shared with the communities. This will play a key role in economic development and subsequently contribute to political stability."

The nine-day congress will also examine issues such as the integration of protected areas into the "broader economy" and building a more diverse and effective constituency for protected areas as

well as redefining and reinforcing their relevance in the 21st century.

The provision of a technical focus for professionals working in protected areas to exchange ideas will also be discussed.

The campaign to develop the rural communities is being carried out under the Community Based Natural Resources Management (CBNRM).

The initiative is also part of the Communal Areas Management Programme for Indigenous Resources (Campfire) which has given 37 rural district councils in the country authority to manage wildlife.

The Makuleke community in South Africa is an example of a rural society that is reaping benefits from its natural resources through similar campaigns.

The community has been allowed to run a community lodge in Kruger National Park.

Locally, rura-communities only benefited from wildlife activities through projects initiated by rural district councils.

The councilsmarinate hunting areas which are then allocated mining activities on behalf of the

communities.

Communities then agree on various income-generating projects within the limits of the proceed that would have been generated from the hunts.

The Africa Resources Trust is currently representing a rural community known as Chibemene which is located in Chiredzi, to benefit from Gonarezhou National Park from where it was removed to pave way for the protected wildlife area.

A University of Zimbabwe student, Mr Gladman Chibemene, who comes from the community, is also organising a bicycle tour from Zimbabwe to South Africa as part of efforts to represent the interests of SADC communities that were displaced to make way for the national parks.

The cyclists, who will include those from Zimbabwe, Mozambique and South Africa, will start cycling just before the start of the congress.

"The purpose is for the cyclists to interact with other communities as a way of campaigning for their legitimate right to benefit beyond the boundaries of the national parks," said Dr Machena.

• See also Page B1

2 Monday 1 September 2003

Local News

The Herald

## Cyclists to lobby for community benefits

Herald Reporter

TEN cyclists from South Africa, Mozambique and Zimbabwe last Friday embarked on a 10-day ride to Durban, South Africa, to lobby for community participation and benefits sharing in parks and protected areas.

The cyclists represent the countries that are party to the Great Limpopo Transfrontier Park (GLTP) and the campaign is aimed at raising awareness among policy makers expected to attend the World Parks Congress in Durban next week.

The 35 000 square kilometres Great Limpopo Transfrontier Park combines Mozambique's Limpopo, South Africa's

Kruger and Zimbabwe's Gonarezhou national parks.

The 10 riders, including two women, left Chibemene community in Chiredzi on Friday afternoon and will first go through Mozambique. They are expected to arrive in South Africa just before the start of the WPC.

The Minister of Environment and Tourism Cde Francis Nhema launched the Benefit Beyond Boundaries Community Cycle Ride.

The riders will advocate increasing community benefits in conservation through initiatives such as community-run tourist facilities.

Cde Nhema said the community cycle ride

was aimed at exploring possibilities of policy and legal reforms that grant rights to communities settled on national parks and protected areas.

"Our Government, with the help of friendly agencies like Africa Resources Trust and others, are looking at ways of empowering our communities who live around the park, which include the Chibemene people," said Cde Nhema.

He said the importance of the ride was highlighted by the fact that it had the full support of communities in Mozambique, South Africa and Zimbabwe.

Cde Nhema said Zimbabweans must learn from their South African counterparts in

Makuleke community near Kruger National Park.

The Makuleke reclaimed their land in 1998 after being evicted by the apartheid government in 1969.

"The community is already deriving benefits from the park by virtue of their proximity to it.

"The Makuleke people are running businesses in partnership with the private sector, an example we should emulate," said Cde Nhema.

Mr Gladman Chibemene of the Chibemene Faith Healing Association said they incurred a lot of costs from wildlife but got little benefits from it.

"The costs include loss of livestock and crops through destruction by problem animals.

"The costs outweigh the benefits as there is no proper compensation programme for the affected households," said Mr Chibemene.

He said there was also lack of consultation on the development of the Great Limpopo Transfrontier Park.

"Like many villagers settled near the Great Limpopo Transfrontier Park there is little grassroots community consultation by policy and decision makers involved.

"We are saying that we need our voices to be heard. We need to speak for ourselves and

not others to speak on our behalf," said Mr Chibemene.

Canadian International Development Agency's head of aid Mr Sam London said it was not too late to address the anomalies shared by various communities in Africa.

"We sincerely hope when world governments meet in Durban, they will consider endorsing the need to give rural communities settled near to parkland their rights to benefit beyond park boundaries," said Mr London.

CIDA funded the cycle ride to the tune of \$162 million through its Environmental Response Fund in Zimbabwe and provided the bicycles for the cyclists.





# Constitutional reform process and community rights in Zimbabwe

*Newsday, 5 August 2010*

## Include local community rights in new constitution – environmentalists



Gladman Chibememe

### Staff Writer

Environmentalists have called upon Zimbabweans to advocate for clauses in the new constitution that will respect the rights of local communities to their natural resources as they are the owners and custodians of the environment.

Gladman Chibememe, of the Chibememe Earth Healing Association, Shamiso Mtisi and

Mutuso Dhliwayo of the Zimbabwe Environmental Law Association, this week said Zimbabweans should demand rights to an environment that is not harmful to their health.

Chibememe said if local communities who lived in mineral-rich areas like Chiadzwa, or wildlife-endowed areas like Gonarezhou were to benefit from natural resources in those

communities, they would feel encouraged to preserve them.

“The new constitution should capture words like ‘local communities’ to make sure their rights over natural resources around them are secured. That would also make them true custodians of the environment,” said Chibememe.

He said local communities faced losses associated with biodiversity, like loss of crops and livestock due to attacks by wild animals and as such, they deserved to benefit from those environments.

Dhliwayo said every Zimbabwean should have rights to access to environmental and natural resources management information.

He said people should demand the rights to have the environment and natural resources protected for the benefit

of present and future generations through reasonable legislative and other measures that prevented pollution and ecological degradation.

“Access to environmental information is important to ensure that people are aware of what is happening in the environmental fields, and of any environmental harm,” said Dhliwayo.

Mtisi, an environmental lawyer, said people should demand that the new constitution include the right to a safe working environment.

He said while the current legislation, the Factory and Works Act, provided for a safe working environment, there were links that were not provided for in the constitution. “This is a critical issue,” Mtisi said.

He said the problem with environmental legislation was that it was not easily enforceable.

*SOURCE: NEWSDAY, 5 August 2010*

**Jabula**  
**INTERNATIONAL**  
**CONFERENCE 2010**  
WWW.JABULANLCC.ORG

Wednesday 11 August - Sunday 15 August 2010





# Local community statement to the constitutional reform committee

SyncMaster 794s





Zimbabwe constitutional reform process 2010- Updated.doc [Compatibility Mode] - Microsoft Word

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*Zimbabwe Constitutional Consultative Process-Local Community statement- Local Community rights are inalienable. The state has a responsibility to protect such rights. -13 Sept 10*

TWO BY TWO CHEHA DZECT TSCO

*Tsimangwini*

**LOCAL COMMUNITY RIGHTS STATEMENT**  
*Zimbabwe Constitutional Consultative Process*

Environmental, Economic, Social and Cultural Rights (EESCRs)

To:  
The Co-Chairs  
The Constitutional Parliamentary Committee (COPAC)  
Milton Park  
Harare

13- September 2010



# ***COMMUNITIES TK, Environment & PPLE***

***ENVIRONMEN  
INTERRELATIONSHIP***

***-TK and wisdom on bioSPIRI***

***diversity***

***PEOPLE***

***CULTURE***





# **Benefits of engaging ILCs in CBD policy development and implementation processes**

- 1. Its cost effective as local capacity, skills, knowledge will be utilised and hence reducing costs.***
- 2. Builds on local institutions***
- 3. It is consistent with international obligations- CBD, Rio declaration Principle 22, declaration on the rights to development.***
- 4. LCs have a right to participate in processes that affect their lives and livelihoods;***
- 5. Its morally, socially or ethically up right (social responsibility)***





# TALKING IS GOOD ACTION IS BETTER!!

I Thank you ;  
Obrigado;  
Kealeboga;  
Mazvita;  
Siyabonga;  
Asanti sana;  
Merci Bok;

