

Biocultural Community Protocols

What are Biocultural Community Protocols?

Biocultural Community Protocols (BCPs) are instruments that set out clear terms and conditions to governments and the private, research, and non-profit sectors for engaging with indigenous and local communities (ILCs) and accessing their local resources and knowledge. They are developed through culturally rooted, participatory decision-making processes within the communities and are based on communities' customary norms, values, and laws.

Every community protocol is distinct due to the unique biological and cultural diversity of the people that develop them. However, they tend to include the following elements:

- A definition of the community, its leadership and decision-making processes
- A description of community-based natural resource management systems, knowledge, innovations, and practices (i.e. in situ conservation and sustainable use) of indigenous flora and fauna, and details of those natural resources;
- Ways of life, including the links between culture, spirituality, and customary laws and values;
- Rights, responsibilities, and duties of the community according to customary, national, and international law;
- Conditions set out by the community for granting access to their lands, resources and knowledge, such as procedures for Free, Prior and Informed Consent (FPIC);
- Challenges faced by the community and calls to various stakeholders to engage on specific issues.

BCPs hold a number of functions, among others they:

- bridge the gap between the customary laws and institutions of communities on one hand, and national or international frameworks for management of natural resources (such as ABS, REDD+, Protected Areas or Forest policies) on the other.
- provide clarity and a measure of legal certainty for users of resources and traditional knowledge (for example bioprospectors, biotrade companies or research institutes), and help to build dialogues and long-term partnerships between users and communities.
- trigger community discussions on their aspirations and enhance awareness about the communities' values, rights and obligations regarding their resources.

Community Protocols are referenced in the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization* under Convention on Biological Diversity (CBD). The parties committed to support the development of community protocols by ILCs, and to take into account community protocols and other community rules and procedures where traditional knowledge associated with genetic resources is concerned. This is the first internationally binding acknowledgment of community protocols.



L. to r.: The BCP of the traditional healers of Bushbuckridge, South Africa, defines rules for access to traditional knowledge and benefit sharing; the Samburu pastoralists in Kenya developed a BCP to safeguard their animal genetic resources, including the Red Masai Sheep; the Dafiama community in North Ghana is discussing a BCP around the conservation and production of Shea.

Relevance for German Development Cooperation

Governments have made commitments under international frameworks such as the CBD to respect the rights of indigenous and local communities, to involve them in decision-making regarding their lands, resources and traditional knowledge, to obtain FPIC regarding the use of those resources, and to equitably share the benefits derived from this use. In many countries, national laws on Access and Benefit Sharing (ABS), Forests or Protected Areas have incorporated these principles. Some other actors such as private companies or research institutions have also established policies regarding their interaction with ILCs. German Development Cooperation is supporting partners in various settings to implement these commitments.

However, the operationalization of these principles often remains a challenge. BCPs, as instruments of dialogue and of interface between customary systems of ILCs and “external” legal and policy frameworks, can support a number of processes, for example:

In the implementation of **ABS**, they clarify who in the community (which local institution) can give Prior and Informed Consent for the access to genetic resources and traditional knowledge, and under which conditions. BCPs can therefore serve as the starting point for negotiations between communities and bioprospectors for ABS agreements. For example, the BCP of the the *Kukula Traditional Health Practitioners of Bushbuckridge* in the Kruger-to-Kanyons Biosphere Reserve, South Africa, led to a partnership with a local cosmetics company to research and potentially develop products based on the healers’ traditional knowledge of local plants.

In the context of **protected areas**, BCPs can give visibility to the traditional management and resource conservation systems of communities, and to their relationship with a protected area (historically, culturally and in terms of livelihoods). BCPs can therefore serve as the basis of agreements for the co-management of protected areas, as well as help determine how benefits from the area should be shared (such as from tourism

revenues, payment for ecosystem services schemes or ABS agreements over the genetic resources from the area). BCPs can also serve to define and gain recognition for Indigenous and Community Conserved Areas. In the *Bwabata National Park, Namibia*, the *Khwe community* is currently developing a BCP to further their recognition as rightful occupants and conservers of the area.

In the context of **REDD+** projects (Reducing Emissions from Deforestation and Forest Degradation), BCPs can also serve to operationalize FPIC: through the process of developing a BCP, communities can clarify if and under which conditions they want to engage with REDD+, and how FPIC is to be obtained. The application of BCPs in the REDD context is currently still under discussion..

Our approach

German Development Cooperation, through the multi-donor ABS Capacity Development Initiative and through the GIZ sectoral programme “Implementing the Biodiversity Convention”, has been partnering with several organizations to support the development of BCPs (including Natural Justice, ETC-COMPAS, CIKOD, the Union for Ethical Biotrade and the LIFE Network). While communities have always developed protocols in written or unwritten form to interact with outsiders, BCPs as explicit dialogue tools on the biocultural rights, values and procedures of communities are a relatively new instrument, which is still under development. The ABS Initiative is working with its partners to disseminate lessons learned from past and ongoing BCP processes, and to achieve recognition of BCPs in national policies and legislation.

Further information, examples of BCPs and materials can be found at www.community-protocols.org. The ABS Initiative (www.abs-initiative.info) and the GIZ Sectoral Biodiversity Programme can offer support to interested programmes who would like to incorporate BCPs into their work.

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