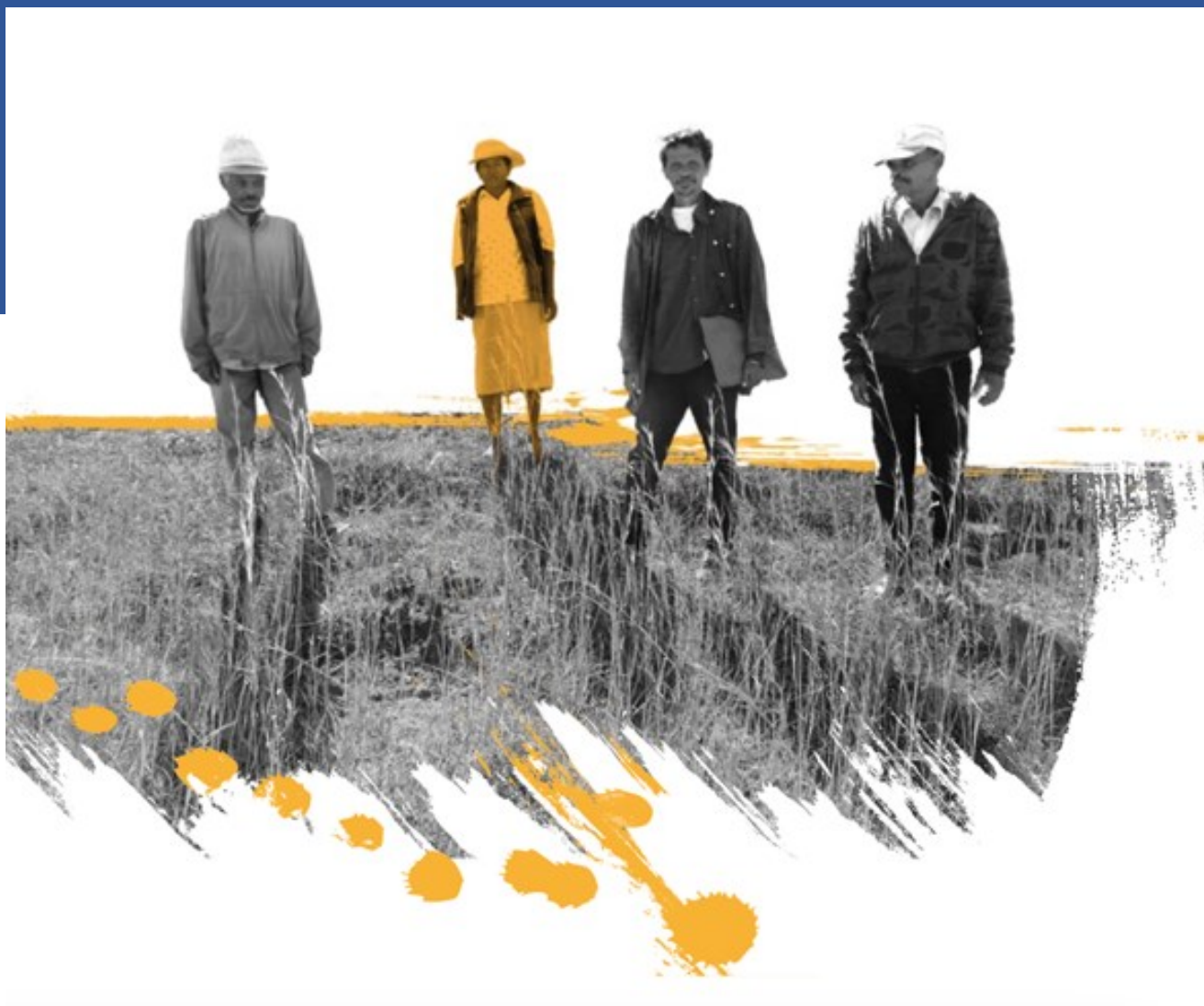


APPROACHES AND TOOLS

SUPPORTING THE RIGHTS AND PARTICIPATION OF INDIGENOUS PEOPLES AND
LOCAL COMMUNITIES IN THE IMPLEMENTATION OF ABS IN AFRICA

VERSION 1.0



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'APA



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SOME KEY DEFINITIONS

ACCESS AND BENEFIT-SHARING (ABS) refers to the legal and ethical framework governing how genetic resources and associated traditional knowledge are accessed, and how the benefits arising from their use are shared fairly and equitably between providers—often Indigenous Peoples and Local Communities—and users such as researchers or companies.

COLLECTIVE BIOCULTURAL HERITAGE refers to the shared knowledge, practices, and innovations of Indigenous and local communities, which are deeply connected to their lands, natural resources, cultures, and customary laws.

CUSTOMARY RIGHTS/LAWS comprise the traditional norms, values, and decision-making systems of communities, providing culturally grounded rules for managing biodiversity and traditional knowledge. In Africa, it remains central to governing and using natural resources and traditional knowledge.

INDIGENOUS PEOPLES are groups recognized under international law (e.g., ILO Convention 169) as descendants of the original inhabitants of a region who maintain distinct social, economic, cultural, and political systems.

LOCAL COMMUNITIES are dynamic and diverse groups of people who are united by shared management of resources, occupation of a specific territory or ecosystem, common activities or professions, or custodianship of traditional knowledge and land, whose collective rights and governance are shaped by cultural values, customs, and social relations.

MUTUALLY AGREED TERMS (MAT) are contracts between providers and users of genetic resources that define conditions for access, use, and benefit-sharing.

PRIOR INFORMED CONSENT (PIC) means authorization granted before access to genetic resources, based on full understanding and agreement, while **Free, Prior and Informed Consent (FPIC)** emphasizes communities' right to freely decide—beforehand and with full information—whether activities affecting their lands and resources can proceed.

EXECUTIVE SUMMARY

This document presents a summary of some key highlights from a study that critically examines tools and approaches used to support the rights and participation of Indigenous Peoples and Local Communities in implementing Access and Benefit Sharing (ABS) frameworks in seven African countries. ABS frameworks, under the Convention on Biological Diversity and the Nagoya Protocol, aim to ensure that Indigenous Peoples and Local Communities can give Prior and Informed Consent (PIC), develop Mutually Agreed Terms (MAT), and receive fair benefits from the use of their genetic resources and associated traditional knowledge.

KEY MESSAGE

While Africa has made progress in developing tools to enhance community participation in Access and Benefit-Sharing (ABS) processes, genuine engagement remains limited. Many tools fail to secure enforceable rights or decision-making power, with customary law often under-recognised and community participation weakened by internal power imbalances and external influence. The effectiveness of participatory approaches depends on local legal, institutional, and social contexts, highlighting the need for flexible, community-driven, and complementary tools rather than standardised ones. Key recommendations include strengthening rights-based national frameworks, ensuring meaningful and long-term participation, supporting community-led and capacity-development initiatives, enhancing legal recognition and enforcement, diversifying funding, and ensuring access to justice and remedies.

STRUCTURE OF THIS COLLECTION

The report identifies six broad approaches comprising 23 tools:

1. Biocultural
2. Legal, policy, and governance-based
3. Market-based
4. Procedural and capacity development
5. Spatial and resources-based
6. Collaboration and advocacy-based

We have compiled this collection of approaches and tools so that each approach can be read independently of the rest. Nevertheless, we recommend reading the introduction and the closing part, and working with a combination of different tools and approaches.

BRIEF INTRODUCTION

CUSTODIANS OF NATURE AND KNOWLEDGE

Indigenous Peoples and Local Communities are vital custodians of biological and genetic diversity. Their deep-rooted traditional knowledge and cultural practices are essential to the conservation and sustainable use of natural resources.

Indigenous Peoples and Local Communities are not just stakeholders, they are rights-holders with legal, cultural, and territorial claims recognised under international law.

INTERNATIONAL RECOGNITION OF COMMUNITY RIGHTS

UN Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms the rights of Indigenous Peoples to:

- Self-determination
- Cultural identity
- Free, Prior and Informed Consent (FPIC)
- Traditional knowledge, land, and resource governance

UN Declaration on the Rights of Peasants (UNDROP) recognises the role of rural communities in:

- Protecting agrobiodiversity
- Preserving traditional seed systems
- Participating in biodiversity decision-making

Convention on Biological Diversity (CBD) & the Rights of Communities

The CBD (1992) aims to:

1. Conserve biological diversity
2. Promote sustainable use
3. Ensure fair and equitable benefit-sharing (ABS)

Article 8(j): Recognises the need to respect, preserve, and equitably share benefits from traditional knowledge of IPLCs.

The Nagoya Protocol (2010): Legally binds parties to uphold communities' rights, especially regarding genetic resources and traditional knowledge and to share the benefits arising from the use of these resources with local communities.

The Kunming-Montreal Global Biodiversity Framework (2022)

This framework calls for

- Inclusive, rights-based conservation
- Community-led participation
- Strengthening implementation of CBD goals by centering IPLCs in governance and benefit-sharing

CONTEXT MATTERS: RECOGNISING COMMUNITIES IN AFRICA

Recognition of community rights and participation vary widely across Africa

- Effective participation of communities in ABS often depends on recognising and securing their rights over resources, land and territories
- Communities are diverse and may be defined by shared collective management of resources, ecosystems, traditional knowledge, or land, and identifying rights-holders requires careful respect for customary governance systems to avoid conflicts
- While the terms “Indigenous People” is globally used, many communities have longstanding ancestral ties to land but may not identify as “Indigenous” under international definitions, risking the exclusion of legitimate customary rights holders and marginalising broader land and knowledge governance structures
- The power of recognition, law, and custom takes different formats across the continent:
 - Constitutional reform can enshrine community rights at national level
 - Customary law remains a powerful, culturally legitimate tool for biodiversity governance and benefit-sharing in Africa
 - ABS national legal and policy frameworks in Africa govern access to genetic resources and associated traditional knowledge at national level

Limitations to self-determination of communities

Many African ABS legal frameworks still inadequately protect community self-determination, particularly in emergencies where standard procedures may be bypassed. Provisions such as compulsory licenses, like in Zambia, can override community consent in the name of public health or security. Legal fragmentation across land, resource, and traditional knowledge laws creates confusion and weakens community rights, especially where customary land is not legally recognised. Moreover, ineffective implementation, due to weak enforcement, low awareness, limited capacity, and elite capture, further undermines communities’ ability to benefit fairly from genetic resources and associated traditional knowledge.

TOOLS FOR EMPOWERMENT: NO ONE-SIZE-FITS-ALL

Overall, participation in ABS processes often remains procedural rather than empowering, with justice, self-determination, and long-term community agency still largely unrealised.

Effective ABS implementation needs **flexible, community-driven approaches and tools**.

These approaches and tools work best when they:

- Reflect community priorities from self-determination
- Are supported by legal recognition and capacity-building
- Are adaptable to specific contexts and resources
- Are combined

EMPOWERING COMMUNITIES

means:

- Knowing their rights and decision-making processes
- Clarifying benefit-sharing expectations
- Preparing to respond to opportunities or threats
- Ensuring access to remedies and dispute resolution mechanisms
- Sharing their vision for development on their own terms



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APPROACHES AND TOOLS FOR COMMUNITY SUPPORT

BIOCULTURAL
LEGAL, POLICY, AND GOVERNANCE-BASED
CAPACITY DEVELOPMENT
MARKET-BASED
PROCEDURAL AND CAPACITY DEVELOPMENT
SPATIAL AND RESOURCES-BASED
COLLABORATION AND ADVOCACY-BASED

APPROACH 1

BIOCULTURAL APPROACHES

IN A NUTSHELL

WHAT THEY ARE	Biocultural tools integrate biological and cultural dimensions of conservation, recognising the interdependence of people, nature, and culture, and promoting community-led, participatory, and rights-based governance that respects traditional knowledge, customary laws, and local stewardship of biodiversity.
WHAT THEY ARE GOOD FOR	They are valuable for promoting integrated, community-led conservation that links cultural and biological diversity, respects community governance and knowledge systems, and ensures equitable participation and benefit sharing in biodiversity management and policy.
HOW THEY ARE IMPLEMENTED	They are implemented through participatory, community-led processes, that document customary laws, values, governance systems, and traditional knowledge to enable Indigenous Peoples and Local Communities to manage biodiversity, assert rights, and negotiate benefit-sharing according to their own worldviews.
ADVANTAGES	This approach integrates cultural and biological diversity, strengthens Indigenous governance and traditional stewardship, promotes community participation and equitable benefit sharing, bridge scientific and traditional knowledge, and provides legal foundations for recognising community rights in biodiversity conservation.
CHALLENGES	This approach faces challenges such as limited legal recognition and enforceability in some countries, high resource and capacity demands, uneven participation due to internal power imbalances, risks of exclusion or inequity, tension with commercialisation and standardisation pressures, and the potential neglect of economic benefits within community-driven frameworks.

EXAMPLES OF BIOCULTURAL APPROACHES

BIOCULTURAL COMMUNITY PROTOCOLS (BCP)

WHAT THEY ARE

Biocultural community protocols (BCPs) are participatory, community-developed documents that articulate customary laws, governance, and expectations for external engagement, guiding the management and protection of traditional knowledge and resources, referring to national and international laws, and are recognized under the Nagoya Protocol for consent and participation in ABS processes.

WHAT THEY ARE GOOD FOR

BCPs are multi-functional tools that support communities in asserting their rights, guiding stakeholder engagement, and protecting biocultural heritage. Their key uses include:

- Legal and Political Recognition
- Benefit Sharing Negotiation
- Advocacy and Resistance
- Conflict Resolution
- Cultural Revitalisation & Social Cohesion

HOW TO IMPLEMENT THEM

BCPs provide clear reference to external actors on community rules, terms and conditions for access of the resources and traditional knowledge, the process to engage with the community to ask for their prior informed consent and to negotiate benefit sharing agreements based on their own priorities and worldviews.

CHALLENGES

- Limited Legal Recognition and lack enforceability in some countries
- Process may require resources and legal support
- Risks of **elite capture in the process**, if not inclusively developed
- In places where traditional governance has weakened, BCPs may not reflect real community practices
- External Pressure & Tokenism: Sometimes developed quickly to meet project deadlines, risking superficial engagement
- BCPs must adapt to changing social and environmental realities; maintenance can be overlooked

ADVANTAGES

- Legal Empowerment: Provides communities with a **rights-based framework** to negotiate on equal footing with powerful actors
- Recognition of Customary Law: Legitimises traditional governance, rules and practices
- Bridges Worldviews: Connects Indigenous knowledge with **formal legal systems** and science
- Tool for Advocacy: Helps resist unjust policies/projects; **promotes social and environmental justice**
- Strengthens Community Cohesion: Builds solidarity and revives cultural identity

EXAMPLES OF BIOCULTURAL APPROACHES

BIOCULTURAL HERITAGE TERRITORIES (BCHT)**WHAT THEY ARE**

Biocultural Heritage Territories (BCHTs) are holistic, community-led governance systems that protect the collective rights of Indigenous Peoples and Local Communities to their lands, resources, knowledge, and cultural values. Rooted in customary laws and ancestral traditions, BCHTs integrate biodiversity, landscapes, and spiritual heritage under community stewardship, ensuring conservation and equitable benefit sharing according to Indigenous worldviews.

WHAT THEY ARE GOOD FOR

- Promoting community-led governance and conservation
- Strengthening Indigenous land and resource rights
- Protecting biocultural heritage
- Providing an effective framework for community participation and benefit sharing within biodiversity and ABS processes
- Protect collective rights to land, resources, and knowledge
- Promoting benefit-sharing through customary laws and community protocols, as seen in the Quechua Potato Park (Peru) and the Naxi Seed Park (China)

HOW TO IMPLEMENT THEM

Biocultural Heritage Territories (BCHTs) are implemented as community-led, customary law-based governance systems in which Indigenous Peoples and Local Communities collectively manage and protect land, resources, knowledge, and cultural values, while establishing benefit-sharing agreements and protocols that reflect their own worldviews.

CHALLENGES

- Potential neglect of individual rights: Communal customs may overshadow individual and civil rights within the community
- Exclusion risks: BCHTs may unintentionally exclude other cultures or groups from benefits
- Monetary benefits may be overlooked: Financial compensation or economic benefits might not be prioritized or fully captured

ADVANTAGES

- Strong Indigenous rights and land tenure: BCHTs typically reflect and reinforce collective rights over land and resources
- Autonomy in participation: Communities can determine how they participate in governance and benefit-sharing, based on their own worldviews and customs
- Integration of cultural and conservation perspectives: BCHTs articulate and protect customary, cultural, conservation, and heritage values
- Benefit identification: Community-driven demands can help identify and secure benefits from access and use of resources
- Template for engagement: BCHTs provide a practical framework for users and authorities to engage Indigenous Peoples in benefit-sharing without needing separate BCPs

APPROACH 2

LEGAL, POLICY, AND GOVERNANCE-BASED APPROACHES

IN A NUTSHELL

WHAT THEY ARE	Community-based governance tools or arrangements that define how communities manage access to resources, participation, consent, and benefit-sharing, often rooted in local customs or values, and developed to ensure community authority, accountability, and engagement with external actors.
WHAT THEY ARE GOOD FOR	This approach is used to support community participation, assert rights and autonomy, regulate access and benefit-sharing (ABS), and embed local governance systems into legal or institutional frameworks, enabling communities to engage with external actors, protect their resources, and ensure equitable decision-making and benefit distribution.
HOW THEY ARE IMPLEMENTED	These tools are developed or established by communities, often through participatory or legally recognised processes, to define decision-making structures, set rules for access, consent, and benefit-sharing, and formalise relationships with external actors or state institutions.
ADVANTAGES	This approach enhances community rights and governance by reflecting local values and customs, supporting legal or formal recognition, enabling clearer rules for participation and benefit-sharing, guiding external engagement, and promoting transparency, accountability, and inclusion.
CHALLENGES	This approach often faces challenges such as limited legal recognition and enforcement, vulnerability to elite capture and exclusion of marginalised groups, lack of community capacity and resources, external or top-down control, and risks of non-transparent or non-participatory decision-making.

EXAMPLES OF LEGAL, POLICY, AND GOVERNANCE-BASED APPROACHES

FPIC COMMUNITY PROTOCOLS

WHAT THEY ARE

Self-determined governance tools developed by communities and to clarify specifically their rights-based structures, rules and processes for granting consent and taking collective decisions .

WHAT THEY ARE GOOD FOR

- Asserting community autonomy
- Providing clear rules for consent and engagement
- Embedding local customs and traditional values into decision-making

HOW TO IMPLEMENT THEM

Interface between the community and the external actors to outline who should legitimately give Free, Prior, Informed Consent (FPIC), or negotiate benefit sharing agreements, on behalf of a community or group of knowledge holders, who makes decisions, and what processes must be followed, under what conditions consent is given/withheld.

CHALLENGES

- Lack of formal legal recognition, especially where FPIC rights are not recognised
- May not be fully respected or ignored by State or corporate actors if enforcement mechanisms are weak
- Process may requires resources and capacity to develop
- Risks of elite capture in the process and exclusion of women, youth and minority groups if not inclusively developed

ADVANTAGES

- Reflects local governance and culture
- Provides clear and transparent guidance to external actors on the way to meaningfully engage with the community and ask for their prior informed consent
- Allow both community and external actors to understand cultural values, governance systems and conservation priorities
- Strengthens community rights and sovereignty over resources, land, territories and traditional knowledge
- Serve as evidence of community governance and customary rights in national and global policy and legal processes

EXAMPLES OF LEGAL, POLICY, AND GOVERNANCE-BASED APPROACHES

MUNICIPAL AND COMMUNITY BY-LAWS

WHAT THEY ARE

Locally enacted legal rules (by municipalities or communities) to govern access, benefit-sharing (ABS), and resource use, often rooted in customary law.

WHAT THEY ARE GOOD FOR

- Operationalizing ABS at the local level
- Enforcing local rules and protecting community rights
- Supporting multiple community inputs in broader processes

HOW TO IMPLEMENT THEM

Develop and register by-laws through local governance processes; may include access procedures for external actors and complement BCPs or national laws.

CHALLENGES

- Limited enforcement without national recognition
- Risk of centralised, non-participatory rule-making
- Vulnerable to elite capture

ADVANTAGES

- Local enforcement of customary rules
- Clarifies community expectations
- Can be legally binding (e.g., Dina in Madagascar, By laws in Kenya)

EXAMPLES OF LEGAL, POLICY, AND GOVERNANCE-BASED APPROACHES

COMMUNITY CONSTITUTIONS

WHAT THEY ARE

Governance documents outlining community rules, structures, values, and processes. Not always specific to culture/customs but relevant for internal accountability and legal recognition.

WHAT THEY ARE GOOD FOR

- Supporting ABS processes
- Documenting governance and benefit-sharing structures
- Facilitating engagement for fragmented or non-customary communities

HOW TO IMPLEMENT THEM

Community drafts a constitution (either organically or to meet legal requirements) detailing decision-making structures, representation, and benefit-sharing.

CHALLENGES

- Often externally driven
- Risk of excluding marginalised groups
- Requires legal/technical support and resources

ADVANTAGES

- Captures broad types of rights and worldviews
- Supports engagement with less-organized communities
- Enhances transparency and internal accountability

EXAMPLES OF LEGAL, POLICY, AND GOVERNANCE-BASED APPROACHES

COMMUNITY AGREEMENTS

WHAT THEY ARE

Legally binding documents formalizing relationships between communities and external actors (corporates, governments, etc.) around access, consent, and benefits.

WHAT THEY ARE GOOD FOR

- Negotiating benefit-sharing arrangements
- Embedding community rights into formal agreements
- Applying to diverse sectors (e.g. mining, tourism, ABS)

HOW TO IMPLEMENT THEM

Communities negotiate with external actors to agree on access terms, benefit distribution, responsibilities, and accountability mechanisms.

CHALLENGES

- Often favour external (corporate) interests
- Risk of elite capture and marginalisation
- Lack of transparency and inclusive participation

ADVANTAGES

- Legal recognition of community rights
- Suitable for both customary and non-customary communities
- Can improve clarity in benefit distribution

EXAMPLES OF LEGAL, POLICY, AND GOVERNANCE-BASED APPROACHES

CO-MANAGEMENT (E.G., COMMUNITY BASE NATURAL RESOURCES MANAGEMENT OR CBNRM)**WHAT IT IS**

Joint governance structures for managing natural resources (e.g., forests, wildlife) involving communities and the state or NGOs.

WHAT IT IS GOOD FOR

- Facilitating community participation in the management of natural resources
- Operationalizing ABS through legal frameworks (e.g., Namibia, Madagascar)
- Providing institutional platforms for benefit-sharing

HOW TO IMPLEMENT IT

Establish community-level bodies (e.g., community-based organisations and local associations) with state-recognised authority and legal mandate under national law.

CHALLENGES

- Limited community governance, decision making power over the resources
- Sometimes result from a top-down measure
- Limited community awareness and capacity
- Vulnerable to elite capture and weak internal accountability

ADVANTAGES

- Legal recognition of community rights and responsibility over the management of their collective resources
- Can integrate customary practices and support livelihoods
- Enhances participation and benefit sharing

EXAMPLES OF LEGAL, POLICY, AND GOVERNANCE-BASED APPROACHES

COMMUNAL LAND SCHEMES & RESOURCE HOLDING INSTITUTIONS

WHAT THEY ARE

Legal structures (e.g., CPAs in South Africa, CLMCs in Kenya) that enable communities to collectively own, manage, and use land and resources.

WHAT THEY ARE GOOD FOR

- Supporting land tenure and governance
- Enabling participation in conservation and ABS-linked value chains
- Providing formal evidence of community land/resource rights

HOW TO IMPLEMENT THEM

Communities form legal entities to hold and manage land/resources, sometimes mandated by national policy or law.

CHALLENGES

- Limited to land/resource issues
- Under-resourced and often poorly supported
- High risk of elite capture and internal conflict
- Often conflict with traditional authority structures

ADVANTAGES

- Formal recognition of communal land and resource rights
- Structures for inclusive governance and dispute resolution
- Potential vehicles for benefit distribution

APPROACH 3

MARKET-BASED APPROACHES

IN A NUTSHELL

WHAT THEY ARE	Market-based and corporate tools are voluntary or policy-linked mechanisms that encourage ethical sourcing, compliance, and benefit sharing in biodiversity-related industries.
WHAT THEY ARE GOOD FOR	These tools help link companies and communities through ethical trade, promote sustainability, and provide interim or complementary pathways for benefit sharing where formal ABS frameworks are weak or absent.
HOW THEY ARE IMPLEMENTED	They are implemented by providing voluntary, incentive-driven tools, that encourage companies to engage in ethical sourcing, benefit sharing, and community participation, often complementing legal frameworks.
ADVANTAGES	They promote ethical sourcing, offer flexible models for both monetary and non-monetary benefits, enhance transparency, and can incentivise sustainable business practices that include Indigenous Peoples and Local Communities.
CHALLENGES	They are often voluntary, externally driven, and weakly enforced, risking tokenism, elite capture, exclusion of marginalised groups, high costs, and limited recognition of customary governance or rights.

MARKET-BASED APPROACHES

DUE DILIGENCE IN VALUE CHAINS

WHAT THEY ARE

Due diligence procedures are voluntary tools that help companies ensure ethical sourcing and compliance with ABS principles by mapping supply chains and managing social, environmental, and human rights risks.

HOW TO IMPLEMENT THEM

Due diligence tools are implemented as sector-specific platforms and databases that enable companies to map supply chains, assess social, environmental, and legal risks, and align sourcing with ABS and human rights standards, while largely relying on corporate processes.

ADVANTAGES

- Covers a wide range of rights, offering an adaptive and comprehensive model
- Supports company participation in ethical, sustainable, and fair value chains
- Provides databases and tools for benefit-sharing compliance and risk assessment
- Helps map supply chains to field-level actors and assess social and environmental risks
- Aligns corporate sourcing policies with ABS principles and international legal frameworks
- Emerging human rights due diligence centers affected communities and links to broader environmental and social goals

WHAT THEY ARE GOOD FOR

- Supporting ethical sourcing and compliance with Access and Benefit-Sharing (ABS) principles
- Mapping supply chains to ensure transparency and visibility of Indigenous Peoples and Local Communities' involvement
- Assessing and managing social, environmental, and human rights risks in sourcing and production
- Providing regulatory guidance to align company practices with international ABS frameworks (e.g., PIC and MAT)
- Embedding participatory safeguards and structured engagement requirements in corporate policies
- Promoting ethical, sustainable, and fair value chains across sectors
- Linking ABS compliance with broader human rights and environmental objectives
- Helping reconcile business operations with human rights and biodiversity conservation goals

CHALLENGES

- Voluntary nature risks weak enforcement and may treat community rights and ethics as negotiable
- Does not actively involve communities in assessing databases or compliance measures
- Limited in promoting genuine community engagement beyond business compliance
- May focus more on organizational protection than on supporting affected communities

MARKET-BASED APPROACHES

CORPORATE SOCIAL RESPONSIBILITY

WHAT IT IS

It is a business framework that integrates environmental, social, and governance (ESG) considerations into company operations, encouraging voluntary engagement with communities—such as through consultations, benefit-sharing, or development projects—to manage risks, enhance reputation, and demonstrate ethical commitment.

HOW TO IMPLEMENT IT

CSR is implemented through company-led initiatives—often voluntary and externally driven—that integrate social, environmental, and governance considerations into business operations by engaging with Indigenous Peoples and Local Communities via participatory consultations, benefit-sharing agreements, or community development projects

ADVANTAGES

- Can consider various community rights and interests:
- Facilitates public consultations and community participation
- Typically provides non-monetary benefits (education, infrastructure, livelihood support)
- Acts as an interim mechanism for engagement where ABS frameworks are absent or slow
- Can help establish long-term relationships and trust with IPLC
- Supports social equality and participation, particularly for marginalized groups (e.g., women in cooperatives)
- Contributes to corporate risk management, reputation, and ethical commitments

WHAT IT IS GOOD FOR

- Provides a mechanism for companies to voluntarily engage with Indigenous Peoples and Local Communities.
- Supports participatory consultations and stakeholder engagement
- Enables development of benefit-sharing agreements.
- Facilitates funding of local development initiatives and community projects
- Can deliver non-monetary benefits such as education, infrastructure, training, and livelihood support.
- Acts as an interim tool where formal ABS frameworks are absent or slow to implement
- Can help foster social equality and support participation, particularly for women and marginalized groups (e.g., cooperatives in Morocco)
- May establish long-term relationships and trust between companies and communities
- Supports corporate risk management, reputation building, and ethical commitments in resource-dependent sectors

CHALLENGES

- Rights and benefits rely on the company's willingness to comply; may be ignored or violated
- Participation is often limited geographically (e.g., within a set distance from operations)
- May overlook or marginalize local cultures, customary norms, and governance systems
- Processes can be top-down with limited meaningful involvement from communities
- Benefits may be tokenistic, serving as “tick-box” exercises rather than substantive support
- Rapid market growth or commercial pressures can erode initial social benefits and marginalize smaller producers

MARKET-BASED APPROACHES

CERTIFICATION AND STANDARDS

WHAT THEY ARE

They are market-based tools for biodiversity conservation and ethical business practices that promote compliance with benefit-sharing and sustainability principles.

HOW TO IMPLEMENT THEM

Certification and standards are implemented through externally verified processes that require organisations to meet defined social, environmental, and ethical criteria—often motivated by market, institutional, or reputational pressures—using structured action plans, audits, and compliance mechanisms that can be more effective when adapted to local contexts and driven by internal commitment rather than external validation.

ADVANTAGES

- Promote ethical, sustainable, and fair value chains
- Enhance corporate image and credibility of conservation initiatives
- Strengthen stakeholder relations and awareness within organisations
- Improve biodiversity management and provide structured action plans
- Facilitate corporate compliance with benefit-sharing and rights obligations

WHAT THEY ARE GOOD FOR

- Enhancing corporate image and credibility in biodiversity conservation
- Strengthening relationships with stakeholders, including communities and NGOs
- Improving biodiversity management through structured and accountable action plans
- Raising awareness and promoting sustainability within organisations
- Facilitating compliance with benefit-sharing and rights-based frameworks
- Providing companies with a social and market-linked license to operate
- Supporting participation in ethical, sustainable, and fair value chains
- Offering a potential platform for Indigenous Peoples and Local Communities' engagement when implemented inclusively

CHALLENGES

- High implementation and membership costs exclude small and medium enterprises
- Risk of becoming “tick-box” compliance exercises rather than genuine commitments
- Often driven by external pressure, leading to superficial organisational change
- Overreliance on consultants limits internal learning and ownership
- Economic benefits may be uncertain due to low consumer awareness and market mismatches
- Can unintentionally promote harmful practices or monocultures
- Dependence on external validation may reduce local credibility and relevance

MARKET-BASED APPROACHES

PAYMENTS FOR ECOSYSTEM SERVICES

WHAT THEY ARE

Payment for Environmental Services (PES) is a benefit-sharing mechanism that provides economic incentives for communities to engage in sustainable environmental management, linking conservation with socio-economic gain.

HOW TO IMPLEMENT THEM

Payment for Environmental Services (PES) is implemented through incentive-based agreements, often between resource users and beneficiaries where communities adopt sustainable practices in exchange for financial or non-cash rewards, supported by contracts, monitoring systems, and capacity building tailored to local ecological and socio-economic contexts.

ADVANTAGES

- Flexible and adaptable to local conditions and community needs
- Can provide alternative livelihoods or mitigate opportunity costs
- May foster positive community perceptions and support for conservation
- Can link environmental stewardship with socio-economic gains through coordinated upstream-downstream collaboration
- Participatory potential in some schemes
- Can serve as a tool for distributing monetary benefits

WHAT THEY ARE GOOD FOR

- Providing a structured framework for benefit sharing through economic incentives
- Empowering communities and promoting sustainable environmental practices
- Offering flexibility to tailor schemes to local conditions and community needs
- Supporting alternative livelihoods and mitigating opportunity costs
- Fostering positive community attitudes toward conservation
- Linking environmental stewardship with socio-economic benefits
- Facilitating collaboration between upstream and downstream resource users
- Serving as a potential tool for distributing monetary benefits in conservation contexts

CHALLENGES

- Often donor- or funder-driven, leading to top-down implementation
- Risk of elite capture and perpetuation of historical exclusions
- Inadequate or unfair compensation
- One-size-fits-all approaches that ignore local complexities
- Requires strong monitoring and governance mechanisms, which are often lacking
- May conflict with principles of mutual agreements in Nagoya Protocol and BCPs

MARKET-BASED APPROACHES

SOCIAL AND LABOUR PLANS

WHAT THEY ARE

Social and Labour Plans (SLPs) are legally mandated tools in South Africa's mining sector that require companies to commit to employment creation, socio-economic development, and community welfare by allocating profits, jobs, and development initiatives to local communities as a condition for obtaining and maintaining mining rights.

WHAT THEY ARE GOOD FOR

- Promoting employment and creating local job opportunities
- Advancing socio-economic welfare and community development
- Ensuring part of mining profits benefit local communities
- Improving housing, living conditions, and human resource development
- Supporting transformation and empowerment of historically disadvantaged South Africans
- Providing a framework for public participation and consultation
- Complementing other tools to include labour and harvester benefits in biodiversity-based value chains

HOW TO IMPLEMENT THEM

Social and Labour Plans are implemented as legally required commitments by mining companies to provide jobs, community development, and social welfare benefits throughout a mine's operation, monitored by the government.

CHALLENGES

- Implementation depends on the company's willingness to comply and may be violated
- Weak monitoring and poor compliance despite being legally binding

ADVANTAGES

- Considers a range of labour rights
- Mandates public consultations and community participation
- Supports non-monetary benefit distribution to communities

MARKET-BASED APPROACHES

SECTOR DEVELOPMENT PLANS

WHAT THEY ARE

Sector Development Plans (SDPs) are strategic, value chain-focused frameworks that guide sector growth and sustainability by coordinating stakeholders, defining objectives, and outlining implementation and financing strategies, while also providing a platform for complementary community engagement and benefit sharing.

WHAT THEY ARE GOOD FOR

They are good for guiding sector growth and sustainability, coordinating stakeholders, addressing value chain challenges, and supporting both monetary and non-monetary benefit distribution through context-specific, collaborative strategies

HOW TO IMPLEMENT THEM

They are implemented through a value chain-based, collaborative process where stakeholders jointly define objectives and strategies, breaking them into work packages with specific actions, timelines, responsibilities, and costs, often including community engagement as part of a business-focused initiative

CHALLENGES

- Community engagement and benefits may be streamlined to fit value chain demands, risking neglect of complex customary and cultural needs
- Potential coercion of traditional knowledge holders and custodians into business partnerships

ADVANTAGES

- Adaptable, context-specific approach that can incorporate rights if needed
- Value chain-based process involving multiple stakeholders
- Iterative development of monetary and non-monetary benefits

APPROACH 4

PROCEDURAL AND CAPACITY DEVELOPMENT APPROACH

IN A NUTSHELL

WHAT THEY ARE	Procedural and capacity development frameworks and tools build community capacity, guide fair and culturally respectful engagement, and strengthen Indigenous Peoples' and Local Communities' ability to participate effectively in benefit-sharing and decision-making processes.
WHAT THEY ARE GOOD FOR	• Building community capacity • Ensuring ethical and culturally appropriate engagement • Strengthening communities' ability to negotiate fair benefit-sharing • Fostering inclusive collaboration and rights recognition in biodiversity-related processes
HOW THEY ARE IMPLEMENTED	Procedural and capacity development approaches are implemented through ethical codes, legal and technical support, and participatory tools like Wayfinder that guide respectful engagement, strengthen community negotiation capacity, and facilitate collaborative decision-making and benefit-sharing processes.
ADVANTAGES	• Promote protection and recognition of community rights • Provide ethical and culturally appropriate engagement guidance • Strengthen community negotiation capacity and clarify benefit-sharing expectations • Encourage participatory, bottom-up processes based on community values • Facilitate collaboration and fill regulatory or ethical gaps in ABS frameworks
CHALLENGES	• Depends on political will and institutional transparency • Constrained by limited community capacity and funding • External actors may override community priorities or values • Risks of top-down influence and power imbalances • Donor-driven tools can blur genuine community priorities

EXAMPLES OF PROCEDURAL AND CAPACITY DEVELOPMENT APPROACH

CODES OF CONDUCT AND/OR ETHICAL GUIDELINES

WHAT THEY ARE

Codes of conduct and ethical guidelines are normative and procedural frameworks, often community-driven, that guide respectful, culturally appropriate, and ethical engagement with Indigenous Peoples and Local Communities in research and benefit-sharing, going beyond legal compliance to center dignity, equity, and accountability.

WHAT THEY ARE GOOD FOR

- Supporting Indigenous Peoples and Local Communities in asserting their rights
- Guiding ethical and culturally appropriate engagement
- Setting conditions for access and benefit sharing
- Filling gaps where legal frameworks are weak or fragmented

HOW TO IMPLEMENT THEM

They are implemented through voluntary, community-driven processes that involve setting rules for engagement, obtaining free, prior, and informed consent, ensuring culturally appropriate and non-exploitative interactions, and often require external support, legal assistance, and long-term collaboration to be effective.

CHALLENGES

- Not always developed bottom-up, which can result in competing interests or external influence
- Effectiveness depends on political will, community capacity, and institutional transparency
- Capacity and budget constraints may limit thorough consultation and participation
- Voluntary nature means compliance and enforcement are not guaranteed

ADVANTAGES

- Enable broad consideration of community rights
- Community-driven codes can clearly outline rules of engagement between external actors and communities
- Can integrate benefit-sharing procedures and demands
- Often developed through a bottom-up, participatory process
- Help ensure culturally appropriate and non-exploitative interactions
- Can strengthen communities' negotiating position in ABS processes
- Fill regulatory gaps where national ABS frameworks are absent or fragmented.
- Provide ethical underpinnings that complement legal instruments

EXAMPLES OF PROCEDURAL AND CAPACITY DEVELOPMENT APPROACH

TECHNICAL AND LEGAL ADVICE

WHAT IT IS

Technical and legal advice refers to support provided to communities—mandated by them, not imposed—that helps clarify complex legal terms, assess risks and benefits, and ensure fair, enforceable, and community-aligned agreements during negotiations.

WHAT IT IS GOOD FOR

- Understand complex negotiations
- Clarify risks and benefits
- Ensure agreements are fair, enforceable, and aligned with their interests and legal standards

HOW TO IMPLEMENT IT

Technical and legal advice is implemented by community-mandated experts who guide negotiations through separate meetings, clarify complex terms and risks, and follow community rules and protocols to ensure fair, enforceable, and consensus-based agreements.

CHALLENGES

- Requires community acceptance and mandate; cannot be imposed
- Distinction between legal advisor and mediator can be blurred, creating potential conflicts of interest
- Negotiation processes can be time-consuming and resource-intensive
- Dependence on expert availability, capacity, and alignment with community norms

ADVANTAGES

- Helps communities understand and navigate complex legal terms and negotiations
- Supports informed decision-making through separate preparatory meetings
- Ensures agreements are fair, enforceable, and aligned with both community interests and legal standards
- Facilitates consensus-building within the community according to their rules and customs
- Clarifies potential benefits and risks of different negotiation positions

EXAMPLES OF PROCEDURAL AND CAPACITY DEVELOPMENT APPROACH

WAYFINDER

WHAT IT IS

The Wayfinder is a workshop-based community engagement tool that fosters dialogue, collaboration, and biocultural intelligence to support co-creation, knowledge sharing, and participation in benefit-sharing processes.

WHAT IT IS GOOD FOR

- Fostering community engagement
- Facilitating co-creation
- Identifying rights
- Sharing knowledge
- Generating collaborative projects that support benefit-sharing

HOW TO IMPLEMENT IT

The Wayfinder is implemented through a series of workshops using dialogue-based exercises, metaphors, and a “three conversations” approach to engage communities, share perspectives, build confidence, and foster collaboration across stakeholders.

CHALLENGES

- It is an external tool, not community-based, which may limit ownership
- Linked to funding and donor-driven opportunities, potentially blurring community and donor priorities and principles

ADVANTAGES

- Enables communities to identify and clarify their rights
- Centres on co-creation principles, promoting collaborative engagement
- Can generate projects and initiatives that benefit community members
- Fosters sharing of perspectives and confidence in taking action
- Builds connections between previously disconnected stakeholders, such as traditional leaders

APPROACH 5

SPATIAL AND RESOURCES-BASED APPROACH

IN A NUTSHELL

WHAT THEY ARE	Spatial and resource-based approaches are participatory tools and frameworks that document, assess, and manage natural resources, territories, and traditional knowledge to support community-led conservation, strengthen rights and access, and enhance benefit sharing.
WHAT THEY ARE GOOD FOR	• Strengthening community participation, rights recognition, benefit sharing • Documenting and managing natural resources, traditional knowledge, and territories • Supporting conservation, sustainable use, and locally driven governance
HOW THEY ARE IMPLEMENTED	They involve community-led mapping and management of natural resources to document traditional knowledge, promote sustainability, and enhance local governance and participation in conservation and benefit-sharing.
ADVANTAGES	• Support documentation and protection of traditional knowledge and resource rights • Enable participatory mapping and strengthen community ownership • Contribute to biodiversity conservation and sustainable resource management • Inform benefit-sharing and complement national ABS and BCP processes • Empower communities and integrate their priorities into governance and planning
CHALLENGES	• External actors often influence priorities, limiting bottom-up approaches • Youth and diverse knowledge holders are underrepresented • Benefits from biotrade or bioprospecting rarely reach local communities • Participation may be procedural, with weak decision-making power and governance • Legal and institutional weaknesses undermine community ownership and sustainability

EXAMPLES OF SPATIAL AND RESOURCE-BASED APPROACHES

RESOURCES AND ATK REGISTERS AND DATABASES

WHAT THEY ARE

Resources and traditional knowledge (aTK) registers and databases are tools that document biodiversity and associated Indigenous or local knowledge, including species, uses, cultural practices, governance, and resource management, to help communities protect, claim, or prevent appropriation of their knowledge and support participation in benefit-sharing processes.

WHAT THEY ARE GOOD FOR

- Documenting, protecting, and asserting community rights over biological resources and associated traditional knowledge
- Supporting participation in benefit-sharing and biodiversity management

HOW TO IMPLEMENT THEM

They are implemented through participatory documentation and mapping of local biological resources and associated knowledge, often using adapted toolkits and integrated with community protocols or national systems to record and manage information.

CHALLENGES

- Not always developed bottom-up, risking external influence and conflicting priorities
- May exclude youth and non-traditional knowledge holders
- Benefits from biotrade and bioprospecting are often not realised locally or enforced
- Can raise unrealistic expectations within communities
- Difficult to attribute specific knowledge to individual communities

ADVANTAGES

- Can include and protect traditional knowledge and resource rights
- Often participatory, involving community data collection and territorial mapping
- Support links to bioprospecting, research, and biotrade benefits
- Complement community protocols and national ABS procedures

EXAMPLES OF SPATIAL AND RESOURCE-BASED APPROACHES

RESOURCE ASSESSMENTS AND BIODIVERSITY MANAGEMENT PLANS

WHAT THEY ARE

Resource assessments and biodiversity management plans are systematic tools used to evaluate and manage natural resources and biodiversity, assessing their sustainability, health, and regeneration capacity, while guiding conservation actions and sustainable use through ecological studies, monitoring, and community engagement.

WHAT THEY ARE GOOD FOR

- Guiding sustainable resource use and conservation
- Evaluating ecosystem health
- Preventing overexploitation,
- Informing management decisions
- Promoting biodiversity protection through monitoring and community engagement

HOW TO IMPLEMENT THEM

They are implemented through systematic ecological evaluations, baseline studies, conservation actions such as habitat restoration, and ongoing monitoring, often integrated into national biotrade or conservation frameworks with some level of community consultation and participation.

CHALLENGES

- Often ecology-focused, neglecting social and rights-based dimensions
- Typically expert-driven, with limited or non-mandatory community involvement
- Public participation can be procedural and detached from local realities
- May be species-specific rather than integrated into broader socio-ecological systems

ADVANTAGES

- Contribute to the recognition and protection of the rights of nature
- Can involve custodians or harvesters in conservation and management processes
- Support resource conservation and enhance landscape ecology
- BMPs include state-mandated public consultations that may integrate community conservation priorities

EXAMPLES OF SPATIAL AND RESOURCE-BASED APPROACHES

SELF-DOCUMENTATION AND COMMUNITY MAPPING

WHAT THEY ARE

Self-documentation and community mapping are participatory processes through which communities document and map their territories, resources, and cultural practices to strengthen local governance, biodiversity conservation, and recognition of their rights and priorities.

WHAT THEY ARE GOOD FOR

- Empowering communities to document and communicate their knowledge, priorities, and territorial rights
- Supporting biodiversity conservation and sustainable resource management
- Fostering inclusion in decision-making and benefit-sharing processes

HOW TO IMPLEMENT THEM

Self-documentation and community mapping are implemented through participatory processes where community members document and map their territories, resources, and cultural practices, using tools like maps, photos, and stories, which are then analysed, validated, and used to guide conservation, development, and rights-based planning.

CHALLENGES

- Not always fully bottom-up, which may allow external interests to influence outcomes
- Limited capacity and budgets can constrain participation and consultation processes
- Implementation may be inconsistent, affecting the accuracy and utility of data
- Requires ongoing validation and community engagement to maintain relevance

ADVANTAGES

- Supports conservation and recognition of customary rights
- Centres communities in the mapping and documentation process
- Prioritises social, cultural, and conservation values
- Provides a basis for identifying meaningful benefits and community priorities
- Empowers communities to articulate territorial priorities and advocate for their rights
- Facilitates integration of community needs into land-use and conservation planning
- Enhances collaborative governance, FPIC processes, and communication with policymakers

APPROACH 6

COLLABORATION AND ADVOCACY-BASED APPROACHES

IN A NUTSHELL

WHAT THEY ARE	Collaboration and advocacy-based approaches bring together communities, civil society, and other stakeholders to share knowledge, build collective capacity, and influence decision-making processes to promote community rights, participation, and equitable benefit sharing in resource governance.
WHAT THEY ARE GOOD FOR	• Enabling community participation • Monitoring rights and compliance • Promoting collective action • Supporting the recognition and sharing of benefits from natural resources
HOW THEY ARE IMPLEMENTED	They are implemented through multi-stakeholder Communities of Practice that facilitate knowledge sharing, dialogue, and problem-solving, and through advocacy and activism by communities and civil society organizations to influence decisions, assert rights, and ensure compliance with agreements.
ADVANTAGES	• Enables monitoring of rights violations and compliance • Supports collective community action and participation • Facilitates multi-stakeholder and cross-sector collaboration • Promotes knowledge sharing, dialogue, and relationship-building • Strengthens community advocacy through civil society and NGO networks
CHALLENGES	• Marginalized voices are often overshadowed by stronger actors • Knowledge gaps reduce communities' influence in decision-making • Collective actions may fade without formal or legal recognition • Advocacy faces risks from shrinking civic space and repression • Limited or weak community structures hinder equitable participation

EXAMPLES OF ADVOCACY BASED APPROACHES

COMMUNITIES OF PRACTICE

WHAT THEY ARE

A Community of Practice (CoP) is a group of people who share a common area of expertise and collaboratively exchange knowledge, experiences, and best practices to learn together and solve problems within their field.

WHAT THEY ARE GOOD FOR

- Fosters collaboration among diverse stakeholders
- Enables knowledge exchange and mutual learning
- Supports collective problem-solving and implementation of solutions
- Facilitates dialogue and relationship-building between participants
- Strengthens shared management of common issues or resources

HOW TO IMPLEMENT IT

A CoP is implemented by bringing together diverse stakeholders to collaboratively share knowledge, exchange experiences, and develop practical solutions through ongoing dialogue, participation, and mutual learning, both online and in person.

CHALLENGES

- Community participation may be weak, with marginalised voices often overshadowed by stronger actors
- Knowledge asymmetries and technical barriers (e.g., scientific or legal literacy) limit equitable participation
- Unequal power dynamics can hinder inclusive decision-making
- Sustained investment and facilitation are needed to ensure broad and fair participation

ADVANTAGES

- Enable capacity to monitor rights violations and ensure compliance
- Foster transdisciplinary and multistakeholder participation
- Support the identification of benefits and instances of non-compliance with agreements
- Facilitate dialogue, knowledge exchange, and relationship-building among diverse stakeholders

EXAMPLES OF ADVOCACY BASED APPROACHES

ADVOCACY

WHAT IT IS

Advocacy is a participatory process through which communities and their allies influence decision-makers, promote change, and defend their rights by engaging in actions such as public mobilisation, research, legal action, and activism.

WHAT IT IS GOOD FOR

- Empowers communities to defend their rights
- Enables communities to influence decision-making processes
- Supports communities in demanding fair participation and benefit sharing
- Facilitates collective action and activism
- Strengthens engagement with institutions and authorities through public and civil society support

HOW TO IMPLEMENT IT

Advocacy is implemented by communities through a combination of public mobilization, research, legal action, direct engagement with authorities, and sustained activism, often supported by civil society organisations, to influence decision-making, assert rights, and ensure participation and benefit-sharing.

CHALLENGES

- Collective actions may be short-lived if not formalised into registered or government-recognized structures
- Advocacy efforts can face militarized responses, arrests, or violence
- Shrinking civic space can limit the effectiveness of advocacy
- Communities may require external support to build networks and sustain advocacy efforts

ADVANTAGES

- Enables monitoring and addressing of rights violations and non-compliance
- Supports activism and collective action by and for communities
- Strengthens the capacity to demand benefits and ensure compliance with agreements
- Provides structures for engagement between communities and authorities on priorities
- Signals the presence of strong or marginalized community voices
- Strengthens institutional support when backed by civil society organisations

KEY POINTS & OUTLOOK

Efforts to involve Indigenous Peoples and Local Communities (IPLCs) in Access and Benefit Sharing (ABS) have grown through international agreements like the CBD and Nagoya Protocol. However, in practice, empowered community participation often falls short since implementation remains fragmented, underfunded, and inconsistently embedded in national ABS and legal frameworks. These challenges are compounded by enduring colonial legacies, legal ambiguities, state and corporate dominance, complex institutional frameworks, unequal power relations within and between communities, and divergent worldviews. In short, some of the ongoing challenges and the main concerns identified by the study are the following:

ONGOING CHALLENGES

Despite legal progress, many barriers still prevent meaningful involvement of communities, including:

- **Power imbalances** and unclear laws make it hard for communities to assert their rights
- **Language differences, illiteracy**, and cultural gaps create communication barriers
- **Elite capture** – where powerful individuals inside or outside the community dominate processes
- **Weak enforcement** from countries using genetic resources
- **Token use of tools** like Biocultural Community Protocols (BCPs) and Corporate Social Responsibility (CSR) programs
- **Short-term approaches** with little focus on building trust or long-term partnerships

MAIN CONCERNS INCLUDE

- **Free, Prior and Informed Consent (FPIC)** is not clearly defined and is often misused
- **BCPs** are sometimes led or influenced by outsiders and lack legal power in some contexts
- **Community constitutions** may benefit elites if not truly inclusive
- **Market-based tools** (like certification schemes) often fail to empower communities
- **Mapping and planning tools** risk becoming overly technical if not led by communities themselves

To make ABS fair and effective, we must move beyond symbolic gestures and support genuine, community-led, legally protected participation, rooted in **trust, equity, and long-term commitment**. The study gives some elements outlining what needs to happen to support the rights and participation of Indigenous Peoples and Local Communities in implementing Access and Benefit Sharing (ABS) and which are key themes to watch in this regard:

WHAT NEEDS TO HAPPEN

Promote Procedural Justice	Do not stop at consultations—ensure communities have real decision-making power Build long-term, trust-based relationships
Empower Community-Led Approaches	Support grassroots, transformative efforts—not just top-down solutions
Provide Long-Term Support	Fund and assist communities with legal, technical, and institutional help
Strengthen Legal Protections	Make sure tools like BCPs are legally recognised and enforceable
Diversify Funding	Avoid donor or government control over funds. Let communities lead financial decisions

KEY THEMES TO WATCH

Legal Pluralism

Communities work within both traditional (customary) and national (statutory) laws

Tools must bridge both systems effectively

Elite Capture & Representation

Power often stays in the hands of a few, excluding women, youth, and minority voices

True participation must reflect real community voices

Reimagining Participation

Participation should not be just symbolic or procedural

It must be about **self-determination** and community leadership, not just ticking boxes

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IMPRESSUM

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