

NATURAL JUSTICE



Access and Benefit Sharing
ABS Capacity Development Initiative for Africa

The African Bio-Cultural Community Protocol Initiative

Inception Meeting

Working towards the Legal Recognition of Bio-Cultural Community Protocols within National Policies

Cape Town, South Africa
11th - 12th of April 2011

SHUTTLEWORTH FUND

Access and Benefit Sharing
ABS Capacity Development Initiative for Africa

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HEINRICH BÖLL STIFTUNG
SÜDWESTAFRIKA

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1. Introduction and Overview

On the 11th and 12th of April 2011, Natural Justice, in partnership with the Access and Benefit Sharing Capacity Development Initiative for Africa (ABS Initiative), the Centre for Indigenous Knowledge and Organisational Development (CIKOD) and ETC-COMPAS: Comparing and Supporting Endogenous Development, hosted and facilitated the inception meeting of the African Bio-Cultural Community Protocol Initiative (African BCP Initiative) in Cape Town, South Africa. The meeting was supported by the Shuttleworth Foundation, the ABS Initiative, the Open Society Initiative for Southern Africa (OSISA), the Henrich Böll Foundation and The Christensen Fund (TCF).

This first meeting of the African BCP Initiative brought together more than thirty seven enthusiastic delegates, representing indigenous communities, community-based organisations (CBOs), non-governmental organisations and foundations, from ten African countries. Over the two days of the meeting, participants exchanged views and valuable experiences on how to develop BCPs with consideration to local contexts while sharing some of the challenges they face and aim to address through the development of such protocols.

Participants also developed roadmaps that encapsulated their vision, needs, and goals and reflected on how they could work collectively and learn from each other. Based on this work, a common programme of work will be developed with the aim of advancing (i) the use of BCPs to secure the rights of Indigenous Peoples and Local Communities (IPLCs) over their communally managed resources and traditional knowledge and (ii) the legal recognition of BCPs within national and international laws.

2. Background of the Meeting

The African Bio-Cultural Community Protocol Initiative

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Nagoya Protocol), which was recently adopted at the 10th Conference of the Parties of the Convention on Biological Diversity (CBD) in October 2010 included 'community protocols' within its text (Article 12.1, 12.3 (a) and Article 22. 6 (i)). The Nagoya Protocol requires States, which are Parties to the CBD, to recognise the customary laws and community protocols of IPLCs that govern the access and use of the genetic resources and the associated traditional knowledge of these IPLCs. Such recognition of customary laws and community protocols, referred also as BCPs, is unprecedented in international treaty law and is a significant achievement towards legal pluralism and acknowledgement of community rights to their territories and cultures. However securing the rights of IPLCs in the Nagoya Protocol and other relevant international laws and conventions requires the effective development and implementation of BCPs by communities as well as their concomitant recognition in domestic legislation.

The African BCP Initiative operates under the umbrella of the African Bio-Cultural Rights Programme, which is described in more detail below. It is designed to support and nurture the development and implementation of BCPs by IPLCs in selected pilot and peer learning countries (South Africa, Kenya, Ghana, Namibia, Ethiopia, Benin and Burkina Faso) while working systematically towards the legal recognition of BCPs within national laws.

The project will encourage the development of partnerships between the various stakeholders involved and provide them with the relevant legal and technical capacity to develop their BCPs and advocate for legal recognition of these BCPs in national laws and policies.

A broad range of stakeholders, such as CBOs, NGOs, IPLCs from other African countries and governments, concerned with implementing the Nagoya Protocol, will also be involved and engaged in peer-learning activities.

The African Bio-Cultural Rights Programme

The overall purpose of the African Bio-Cultural Rights Programme is to support IPLCs in securing their rights over their territories, natural resources and cultures. The programme seeks to have two significant impacts. These are:

- To empower African IPLCs with the necessary tools to secure rights to their common property resources and thereby act as a model for other communities within and beyond Africa.
- To serve as a lobbying, advocacy and information tool for African Governments which are in the process of developing and implementing domestic law and policy with regards to common property rights relating to genetic resources and traditional knowledge.

The African Bio-Cultural Rights Programme is composed of two initiatives which are interconnected in many of their objectives:

- The African BCP Initiative
- The African Bio-Cultural Rights Capacity Development Initiative

The design of such a programme emerged from a meeting of representatives of African IPLCs and CBOs on BCPs, which took place in Cape Town, South Africa in September 2010. The meeting highlighted the potential of BCPs to be used by communities in their attempts to establish rights over their lands, resources and knowledge. The meeting recommended continuing and expanding the African work on BCPs and disseminating comprehensive information about BCP development and implementation by:

- Coordinating existing community and CBO networks to create a critical mass of communities developing BCPs that will prompt governments to recognise and engage with such mechanisms.
- Creating an accessible platform of communication that will allow the sharing of experiences and lessons learnt from Africa, Asia and other parts of the world.
- Developing materials on BCPs and models of best practice in order to assist communities and supporting NGOs and CBOs.
- Building legal capacity and expertise at grassroots level.
- Setting up a team of resource people to facilitate and coordinate the development of a legal capacity and training programme for communities and CBO representatives and environmental law practitioners.

The African and Asian Regional Bio-Cultural Community Protocol Initiatives

The African and Asian Regional Bio-Cultural Community Protocol Initiative will be running concurrently in 2011 and 2012. The lessons learnt from the experiences in Asia and Africa will be shared between the two regions contributing to the development of comprehensive materials and models of best practice on BCPs. It is hoped that peer to peer learning exchanges between CBOs, NGOs and lawyers involved in the Initiatives will also occur.

3. Objectives of the Meeting

Pre-identified CBO and community representatives from South Africa, Namibia, Kenya, Ethiopia, Ghana, Burkina Faso and Benin and environmental legal practitioners from South Africa, Namibia, Zimbabwe, Kenya, Tanzania and the Democratic Republic of Congo (DRC) as well as a number of experts in community development took part in the meeting and completed the following objectives:

1. Present existing BCPs from pilot countries, their process and outcomes as well as identify needs to achieve the development and legal recognition of BCPs.
2. Highlight priority needs in both pilot and peer-learning countries for the development and implementation of BCPs.
3. Discuss and jointly develop a programme of work in pilot and peer-learning countries addressing identified needs, including agreed milestones, deliverables and deadlines.

4. Welcome and Introductions

Introducing the Partner Organisations Facilitating the Meeting

Gino Cocchiario welcomed the participants and thanked Natural Justice's partner organisations and funders for supporting the organisation in this first meeting of the African BCP Initiative. Mr. Cocchiario pointed out that this inception meeting's primary objective is to carry on the momentum created the previous year and generate a platform of knowledge around BCPs by 1) presenting experiences, discussing and analysing BCPs, 2) identifying legal guidance and capacity needs and 3) initiating a common programme to foster the development of BCPs and their legal recognition within national policies.

Mr Bas Verschuuren greeted the participants and presented ETC-COMPASS as a global network organisation that has a number of years of experience in endogenous development processes with communities. ETC-COMPAS has taken an endogenous, holistic approach to development that also includes a spiritual element. Besides contributing its expertise, ETC-COMPAS will also ensure that the gains of the African BCP initiative are spread globally through its member organisations in Asia and Latin America.

Barbara Lassen extended a warm welcome to all participants and informed them that the ABS Initiative works within the framework for Access and Benefit Sharing (ABS) to genetic resources and associated traditional knowledge. She indicated that the ABS Initiative is working with communities and NGOs such as Natural Justice because they believe that communities should be able to determine how people access their natural resources and traditional knowledge. She stressed the importance of looking at these issues from communities' perspective and developing a bottom up approach to deal with them. She informed the participants that the ABS Initiative was quite enthusiastic about this programme of work around the development of BCPs and looked forward to the first outcomes.

CIKOD is also a partner in the African BCP Initiative however was not able to attend the opening session of the meeting.



Introducing the Participants:

Participants were divided into five groups. Groups were asked to introduce themselves through the drawing of a diagram to illustrate their organisation's areas of work and highlight potential synergies and linkages.

Group n°1: Lawyers

The first group was composed of:

- The Zimbabwe Environmental Law Association (ZELA)
- The Kenya Human Right Law
- The Legal Assistance Centre (LAC), Namibia
- The Groupe de Travail Climat REDD de la Société Civile (GTCR), DRC
- Law and Advocacy for Pastoralists (ALAPA), Tanzania

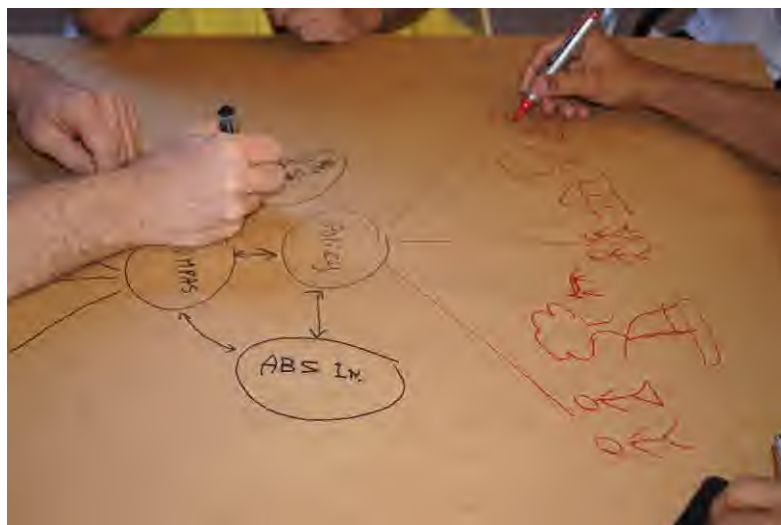
These five organisations are working with indigenous peoples with a common interest in ABS issues and building capacity at grassroots level. The diagram showed that synergies existed around REDD, capacity building and advocacy work. The five organisations also share a willingness to use BCPs in their work and were questioning how BCP could fit and contribute to their work.

Group n°2: Kenya and Ethiopia

The second group consisted of:

- Melca Mahiber, Ethiopia
- Sauti Ya Wanawake, Lamu, Kenya
- Kivulini Heritage Trust, Kenya
- The LIFE Network Africa, Kenya
- Mainyoto Pastoralist Integrated development Organisation (MPIDO), Kenya

The diagram revealed that these five organisations have strong synergies in their respective work and that collaborative efforts could be developed around the issues of land, protection of traditional livelihoods and cultures, indigenous knowledge and environmental conservation.



Group n°3: South Africa and Namibia

The third group was composed of:

- The Bushbuckridge Traditional Health Practitioners Association, South Africa
- The Kruger to Canyons Biosphere (K2C) Management Committee, South Africa
- The South African Endogenous Development Programme (SAEDP)
- Integrated Rural Development and Nature Conservation (IDRNC), Namibia

This third diagram demonstrated synergies and linkages in the areas of indigenous knowledge, improving indigenous peoples' well-being and the conservation of biodiversity.

Group n°4: Regional Organisations

This group was comprised of:

- The Working Group of Indigenous Minorities in Southern Africa (WIMSA)
- The Open Society for Southern Africa (OSISA)
- The Indigenous Information Network (IIN)
- The Heinrich Böll Stiftung Southern Africa

This groups' diagram indicated that their common areas of work and potential for future collaboration existed in relation to indigenous rights, environmental justice, human rights, sustainable development, traditional knowledge, ABS, working towards community participation in decisions that concern them and BCP development. The group also highlighted the importance of learning from each other.

Group n°5: International Organisations

This last group included:

- France Libertés
- Natural Justice
- ETC-COMPAS, Comparing and Supporting Endogenous Development
- The ABS Initiative
- The Shuttleworth Foundation

The diagram highlighted the synergies between the different organisations, especially with regard to their vision and their aspirations to create an enabling environment in their work for communities. In the diagram, all these organisations connect with each other to make this enabling environment happen.



5. Bio-Cultural Community Protocols: Experiences and Lessons Learnt

Mr. Verschuuren introduced the first session of the day by informing the participants that ETC-COMPAS, Natural Justice, CIKOD and the ABS Initiative had come together to use their collective experience in facilitating the development of BCPs with communities in Africa. BCPs can be a vehicle for community empowerment and development, which will in turn work towards protecting lands, forests, cultures and traditional knowledge. It is therefore essential that communities share experiences and discuss the diverse contexts in which BCPs are developed and how to address the issues encountered in order to learn from them.

Mr Verschuuren then invited participants who have developed or are in the process of developing a BCP to share their experiences and lessons learnt. Those participants were also asked to highlight in their presentation why their community developed a BCP (or is developing), to give details about the development process and if possible, how did they think a BCP could be recognised legally.



The Samburu Bio-Cultural Community Protocol: Safeguarding Livestock Keepers Rights by Jacob Wanyama from the LIFE Network Africa, Kenya

Mr. Wanyama introduced his presentation by highlighting that local communities are creators and custodians of local livestock breeds. The value is not only the livestock but also the culture and the knowledge about these specific breeds. However, this guardianship role, which is based on traditional knowledge and culture, crucial to preserving a variety of species, has been continuously undermined.

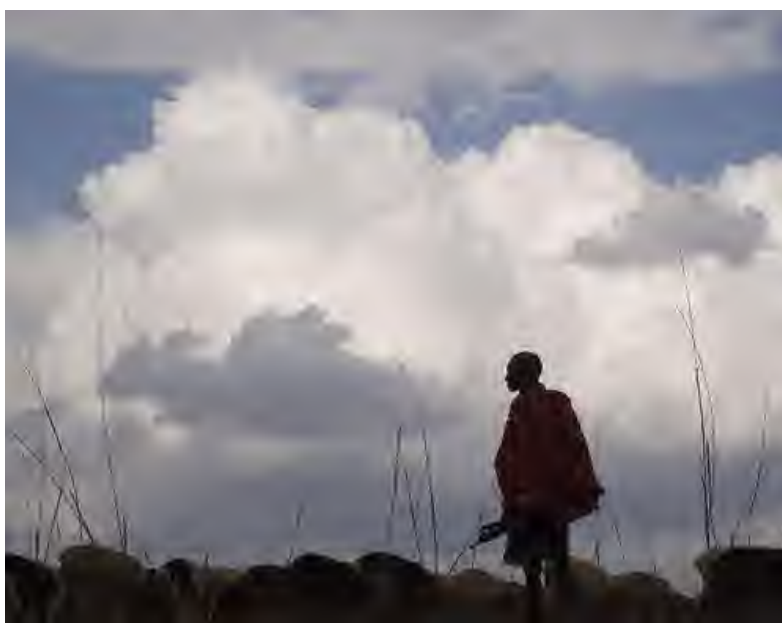
Mr. Wanyama described the Samburu as a pastoralist community of Northern Kenya and keeper of the Red Maasai Sheep, an indigenous breed scientifically recognised for its unique genetic capability to resist parasites much better than other sheep breeds. The Samburu Community developed a BCP to enable them to flag their role in the creation and custodianship of a unique breed of sheep and to demand the recognition of their rights to continue in this role.

The BCP was developed utilising a participatory approach that allowed the Samburu to put forward their own views on rearing the Red Maasai Sheep and what they feel was the best way forward for the sustainable use of this breed and protection of their traditional knowledge.

With the support from Natural Justice, the LIFE Network and the International Development Law Organisations (IDLO), the information generated was used to develop a draft BCP. A feedback workshop was organised during which the community members discussed and endorsed the content of the protocol. The Samburu community also indicated that the BCP could be used as a learning tool for their youth and to inform others of their contribution to the conservation of biodiversity.

The BCP is written in both English and Samburu. It defines the Samburu as pastoralists living across a number of districts in Kenya who are keepers of indigenous knowledge. It describes their way of life how this is linked to and dependent upon their breeds. The BCP indicates that the Samburu feel that their way of life and their indigenous breeds have been consistently undervalued and reports how the breeding programmes promoted by the government, that sought to replace or improve their breeds, have left them particularly vulnerable.

The BCP also provides information on Samburu community's rights under national and international laws, explains how they would like to deal with the concerns related to their traditional lifestyles and calls on third parties to seek for prior and informed consent and enter into ABS arrangements should they wish to



utilise their resources.

Mr Wanyama stated that the entire BCP development process has led to greater cohesion of the community. He explained that the way forward is to encourage the use of BCPs in order to create awareness about the rights of pastoralists and small-scale livestock keepers, not only among other communities but also among policy makers, scientists and development workers.



The Bushbuckridge Traditional Health Practitioners (BTHP) Bio-Cultural Community Protocol by Rodney Allan Sibuyi, South Africa

Mr Sibuyi informed the meeting that the traditional health practitioners started to organise themselves in July 2009 and that the association has currently about 320 registered traditional healers from across the Bushbuckridge area. They began the development of a BCP with the assistance of Natural Justice. They decided to initiate such a process in order to protect their biodiversity, their culture and their knowledge about medicinal plants. The healers that are members of the association also agreed to pool their different knowledge together so that this wealth of knowledge will not die.

The BCP was also developed to gain access and a fair and equitable sharing of the benefits arising from the use of local plants and associated traditional knowledge by third parties. The protocol enabled the BTHP Association to start engaging in partnerships with companies which wanted to use local plants and associated traditional knowledge for commercialisation purpose.

Before the BCP was developed, traditional healers encountered real challenges to access certain areas and harvest their plants. Since the implementation of the BCP, a certain number of areas are easier to access; however, some still remain difficult. The K2C Management Committee provides some assistance in this regard. Mr Sibuyi noted that all these issues were encapsulated in the protocol.

Putting their BCP into practice, the BTHP Association entered recently into a non-disclosure agreement with Silk Collections, a locally based business. Through this agreement, the BTHP



allows testing to be conducted on some of the Healers' traditional knowledge with the aim of developing various cosmetics. The agreement prohibits Silk Collections to communicate the traditional knowledge to any other party and ensure that should a cosmetic product be found viable, a benefit sharing agreement will be developed between Silk Collections and the BTHP Association.



Lamu Bio-Cultural Community Protocol by Salim Omar Noor, Kenya

Mrs Noor explained that the indigenous communities of Lamu came together to develop a BCP to assist them in their calls for transparency and participation in the planning of a 16 Billion US Dollar mega port, which is apparently to be the second largest port on the African continent. She went on to say that until now, the Kenyan government has not consulted any of the communities of Lamu that will be affected by the port. She also indicated that an environmental and social impact assessment has not even been conducted.

Land reform is another critical challenge that the local communities face. Due to their colonial history, most coastal communities are living as squatters on government land. Kenya's new constitution provides new laws for land ownership and will acknowledge the land rights of some of the coastal communities. However, the land reform still needs to be implemented. Currently, land is being irregularly allocated. The situation is exacerbated by land speculation caused by the port development project.

Mrs Noor highlighted that developing a BCP for Lamu has rallied individuals from many civil society groups and communities to work as one and speak with one voice. Their common and main objective is to preserve their communities' way of life and lands. The communities of Lamu are very diverse and include pastoralists, fisher-folk and hunter gatherers. Creating a BCP has allowed each community to describe their relationship to the environment and voice how the port development will affect their lives.



Bio-Cultural Community Protocols on Sacred Sites, Bern Guri and Daniel Banuoku CIKOD, Ghana

Mr Guri and Mr Banuoku presented on CIKOD's recent experiences in developing a BCP on sacred sites in Ghana's upper west region. They indicated that the BCP was initiated to enable the community to negotiate with external parties.

An endogenous approach was used to enable the BCP development process to be based on the community's own criteria of development while taking into account the material, social and spiritual well-being of the community.

The BCP development process included the following steps:

- A proper entry using traditional protocols
- Identifying and strengthening decision making structures
- Raising awareness
- Mapping sacred groves, wetlands and burial ground
- Researching into national and international legal instruments that work against or support community rights to sacred sites
- Starting a dialogue with mining company, district assembly and regional coordinating council

The challenges encountered were as follows:

- No legal backing of customary laws
- Customary laws are not obeyed by the youth because of religion and education
- The threat of gold mining to take over sacred sites

The lessons learnt from the entire process:



- Firstly, it was important to go at the pace of the community, especially the elders. It was essential that they were provided with and understood all information concerning each step in the process. . It was also critical to gather perspectives from all the members of the community as opposed to focus on the elders only.
- Secondly, it was worthwhile to show the appreciation of the community's cultural resources and biodiversity while documenting them.



- Lastly, using a participatory approach was fundamental as the community are more likely to feel empowered and develop a sense of ownership of the project.

They concluded by reiterating the considerable need for legal support, specifically in this area of the law.

6. Interactive Discussion on BCPs

Introduction

Following the first round of presentations, participants were invited to explore in more detail the different and potential role of BCPs. The discussion concentrated on the various elements and value¹ of a BCP, as well as the ways to advance the legal recognition of BCPs within national and international laws.



Elements and Value Addition of BCPs

As a result of the presentations on the various BCPs, participants noted that the development of a BCP leads to community empowerment. It is a participatory process that assists communities to define themselves and that can be utilised as a capacity building tool.

Developing a BCP helped the traditional healers of Bushbuckridge, though from different communities in the locality, to define themselves as a 'community of healers' that shares the same resources, values, a common cause and common concerns. Similarly, the various indigenous communities of Lamu have defined themselves as one community in their BCP for the purposes of making collective demands to their government.

Participants felt that it was important that their BCP began with a declaration or charter that tells their story, defined who they are, indicated their traditional lands, highlighted the challenges they are encountering, described their governance systems, customary laws, values and traditional knowledge and asserted their rights and stewardship roles and duties in the conservation and the sustainable use of natural resources.

The adoption of an endogenous and holistic approach was seen as critical. Using such an approach will not only work towards realising a state of community well-being but also enable communities to revitalise their indigenous knowledge while fostering community cohesion, self-actualisation and self-determination.

It was generally agreed that the reasons for developing a BCP were usually aspirational or defensive in nature. A BCP could result from either an aspiration towards a bio-cultural goal such as engaging

¹ The term 'value' should be understood as the 'quality of being important and useful' (Oxford Advanced Learner's Dictionary [on line]). During the discussion, 'value' also referred to in the context of 'value-addition', being the value that a BCP may bring to a certain process.

with a bioprospecting opportunity or a need to defend bio-cultural values, such as securing land rights from being usurped.

Based on all the above, some participants pointed out that such protocols should clearly define the rules of engagement with third parties, the conditions to access natural resources and should include clauses related to free and prior informed consent and the fair and equitable sharing of benefits arising from the use of these natural resources. Others suggested that customary practices should be linked to incentive schemes such as the payment for ecosystem services programme.

The traditional healers of Bushbuckridge were facing numbers of challenges related to the access of local plants and the use of their traditional knowledge by outsiders. They then decided to unite to address these issues and regulate their interactions with external stakeholders. To do so, they needed a document that could provide them this 'power' and state the conditions and rules of engagement to potential third parties.

It was also mentioned that a BCP could be an invaluable communication tool and the starting point of a bigger environmental and cultural rights campaign.

The communities in Lamu came together to raise awareness about the problem of land abuse and the environmental and cultural impacts that a project of the magnitude of the port development will have. They believed that a tool such as a BCP will help them to communicate their message to organisations such as the UNESCO, national institutions and the government.

BCPs were seen as potential tools to address conflicts between communities of a same area that share and use genetic resources and similar associated traditional knowledge. In this instance, the process of BCP development could facilitate participation, dialogue and negotiation between communities over shared resources or knowledge.



Working Towards the Legal Recognition of BCPs

The discussion on elements and value addition highlighted that BCPs could be utilised by communities, among other things, to define themselves for a specific purpose, as a means of consensus building, and to highlight their role as stewards of biodiversity. BCPs were also firmly viewed as tools that facilitate, through the use of cultural-rooted and participatory approaches such as endogenous development, the assertion of communities' rights over their territories, cultures and traditional knowledge. The second part of the discussion laid emphasis on the way forward towards the recognition of BCPs as legal instruments within national and international laws.

Participants examined potential avenues to advance the legal recognition of BCPs. They noted the importance of the recognition of BCPs or 'community protocols', as referred to in the Nagoya Protocol, in national legislation and policy while agreeing that governments in Africa should be lobbied to this effect. They stated that the legal validity of BCPs would assist to give recognition to customary laws at the national level and likewise the recognition of customary laws could also assist

in the validation of BCPs by states. Participants also placed emphasis on linking national and regional laws to the community level. However, the view was expressed that laws and policies do already exist and can be used by communities to leverage their rights. BCPs could be a mechanism for communities to harness these existing laws and use them to their advantage.

Though some pointed out the shortcoming of intellectual property laws for traditional knowledge, it was nevertheless suggested that BCPs could serve as an interface with intellectual property and ABS laws as well as in the context of protected areas, climate change, REDD and REDD+. Whilst, BCPs may be triggered to address one specific issue faced by a community, it should also be quite holistic in nature in order to take into account the wider endogenous development needs of the community and not solely focused on one issue.

Conclusion

A BCP is a point of interface with the outside world developed by communities and rooted in an understanding of the external systems that impact on them. They are mechanisms with which communities are able to meet national laws half way. A BCP is a strategically deployed point of entry to engage with these external systems, governments or other third parties, explaining to them how to interact with communities while aiming at securing communities' well-being.

BCPs are able to encompass a variety of contexts, as portrayed by participants at the meeting. They are strongly related to the culture, customary norms and beliefs of the communities that develop them. They describe a balance between the rights of a community to its ecosystem and its duties toward nurturing this ecosystem. Hence, BCPs aim at safeguarding communities' custodianship rights over their natural environment and traditional way of life.



7. Thinking Aloud

The aim of this session was to give the participants an opportunity to describe and visualise the issues or problems faced by their communities. The session aimed at creating a space to collectively discuss these issues and how BCPs or other processes may contribute to addressing them.

Mainyoto Pastoralist Integrated Development Organisation (MPIDO) by Nicholas Soikan, Kenya

Mr Soikan introduced MPIDO as an organisation that envisions a just and equitable society that recognises and upholds human rights and the fundamental freedom of indigenous peoples. MPIDO promotes, facilitates and creates an enabling environment to realise human rights, secure natural resources and livelihoods for sustainable development of indigenous peoples, mainly the Maa speakers.

Mr Soikan painted a comprehensive picture of the multifaceted and crosscutting nature of the issues and challenges that most indigenous communities MPIDO is supporting are facing, such as:

- A threat to cultural identity, indigenous languages, religions, traditional governance and livelihood systems and associated economic practices.
- Exploitation of indigenous cultures.
- A loss of biodiversity due to inappropriate conservation policies and the introduction of harmful alien species.
- Forest loss and land degradation.
- A top down, undemocratic and non-participatory approach to natural resource governance.
- A lack of recognition and integration of indigenous knowledge and practices.
- A discriminatory allocation of land and an unsuitable land tenure system that is unfavourable to pastoralism and community control of natural resources.
- Inequitable sharing of access to key resources such as water points
- Climate change and its impacts on pastoralist communities.
- Women's land rights.
- Stigmata from both colonial and post-colonial governments.
- Corruption, inefficiency and general institutional failure



He then highlighted the different contexts where BCPs may be relevant:

- Pastoralist mobility and pasture management could be addressed by sustainable border policies developed by the communities through such protocols.
- BCPs could facilitate REDD and REDD + mechanisms and a proper coordination of related activities,
- BCPs could enrich free and prior informed consent (FPIC) guidelines application and effective implementation,
- BCPs could assist the mapping of forest resources and, generally speaking, community natural resources and cultural significant sites.
- BCPs could assist in defining what a community forest is.

- BCPs could address issues that relate to benefit sharing in the carbon trade and sustainable forest management.
- Group ranch management, land demarcation and subdivision could be addressed through well-developed BCPs.

Kivulini Heritage Trust (KHT) by Dr Hassan Roba, Kenya

Dr Roba informed the meeting that the KHT exists to reconnect pastoralists and other minority groups of Northern Kenya. KHT employs endogenous approaches that draw on the wisdom inherent in Kenyan communities' traditional cultural systems and practices.

Dr Roba stressed that the main issues and problems faced by most communities were:

- Unsecure land tenure system
- A breakdown in traditional regulation and dysfunctional customary resource management institution
- Competition for grazing land with wild life conservation
- Threatened livelihood – pastoralism
- The loss of culturally valued resource
- Limited legal capacity at the grassroots to address resource related challenges

Dr Roba highlighted that the origin of the resource management crisis is historical in nature resulting from the continuous alienation of people and resources by the colonial and post-colonial governments. These problems are also by local political leadership and private conservation agencies.

He indicated that currently awareness creation and sensitisation is being conducted by local NGOs. Efforts towards promotion of culturally and ecologically appropriate conservation initiative have also been undertaken.

Dr Roba suggested the following possible application of BCPs:

- Use international and national laws and agreements to strengthen community access and control of grazing resource.



- Build local capacity to engage in discussion and negotiation on issues of ABS in case of change from current land use.
- Revitalise local customary institutions to strengthen local engagement in resource governance.

Dr Roba concluded by pointing out that the development of BCPs could encounter two main challenges in the context with which he works: (i) vested external interests in such things as conservancies may conflict with the aims of communities and therefore some actors may not wish to engage with BCPs and (ii) reconciling multiple local interests in resources.

Melca, Connecting the Pieces for Sustainable Development by Kirubel Tadele, Ethiopia

Mr Tadele explained that the word Melca means a crossing point on a river. Melca, therefore, symbolises the connections between biodiversity and culture, elders and youth, and traditional ecological knowledge and western knowledge.

Melca works to foster healthy ecosystems, vibrant cultures and to improve the lives of communities through developing and spreading innovative methods such as ecosystem rehabilitation, participatory mapping mechanisms, community dialogue and teaching, revitalisation of traditional governance systems as well as educating communities and local authorities, administration and judicial bodies on environment and culture.



Mr Kirubel highlighted that the main problems encountered by communities that a BCP could seek to address were:

- Priority for development at any cost – unplanned industrial agriculture
- Lack of empowerment and low awareness of cultural and environmental rights
- Lack of implementation of laws
- Internal dynamics such as population growth and urbanisation
- Change in belief systems
- Lack of an organised group for advocacy
- Lack of livelihood options

Melca is currently focussing to (i) empower the Sheka community; (ii) identify policy options and lobby for the issuance of comprehensive and integrated policies pertaining to community rights; (iii) enhance law enforcement; and (iv) improve the livelihood of people through forest conservation projects.

The results are quite encouraging as there is an obvious improvement in the livelihood of people. Community leaders have organised themselves into a legal institution called the 'Sheka Forest Community, Culture and Biodiversity Conservation Association'. The clan leaders have improved their level of negotiation with the government, which has been illustrated by a quick response from the government to their demand for greater participation in decision-making in matters related to land, culture and forest and a better law enforcement. Additionally, greater pressure has also been placed on the Environmental Authority Act to improve environmental impact assessments. Lastly, expansion of investments that have been destroying the forest are on hold.

Mr Kirubel concluded by drawing attention to additional challenges that will also have to be addressed such as:

- The priority for development and investment by the government;
- The erosion of the traditional culture;
- The demonising of traditional spiritual beliefs, sacred sites and traditional spiritual healers.
- High turnover and lack of availability of local decision makers.

Integrated Rural Development and Nature Conservation (IRDNC), by Bonnie Galloway, Namibia

Mrs Galloway spoke about the community-based natural resources management (CBNRM) approach to community development and environment conservation implemented by IRDNC. CBNRM is a practical and holistic approach that improved management of natural resources by the user communities themselves, while diversifying local economic development allowing rural communities to capture some of these benefits via the setting up of a conservancy. She explained that a conservancy is a legally registered organisation that 'manages its own wildlife in a structured and sustainable way and in return gets rights over its use, including valuable tourism rights'². Such an approach linking wildlife conservation to rural development has been and continues to be very successful in Namibia.

Mrs Galloway highlighted that the Namibian legislation is providing such a comprehensive framework and system that BCPs might not be relevant or necessary in this context. She explained however that a BCP may be valuable tool when, for example, communities are not registered into a conservancy.

The Southern African Endogenous Development Programme (SAEDP), Raymond Tivafire, South Africa

Mr Tivafire presented on SAEDP's work with the South African Qwa Qwa communities located in the Free State. SAEDP has been working with the Qwa Qwa communities, namely the Phomolong and the Bakoena communities, on indigenous livestock development and organic farming since 2004. SAEDP financed the acquisition of goats and sheep that the communities are now breeding using their local knowledge systems related to indigenous animal husbandry within the confines of culture-based ethno-veterinary practices.



Both communities want to improve their social, cultural and economic well-being by maintaining the strong connectivity with their world view system namely the Spiritual, Human and Natural Worlds, to be recognised

as authentic breeders and keepers of indigenous livestock.

As they share the same culture, values and spiritual belief systems, the two communities decided to develop a BCP together. The BCP will help them to protect their valuable traditional knowledge systems and cultural practices and preserve the spiritual and cultural values enshrined in indigenous livestock development.

The Shea Tree by Eric Banye, SNV Ghana

Mr Banye spoke about potential linkages between SNV Ghana and CIKOD to develop a BCP aiming to protect the Shea Tree, which represents the economic resource of numerous communities in Ghana.

Mr Banye explained that the Shea is tropical African tree, with oily seeds. The Shea butter, obtained from the seeds, is increasingly used in the pharmaceutical and cosmetic industries. The harvesting of

² IDRNC web site

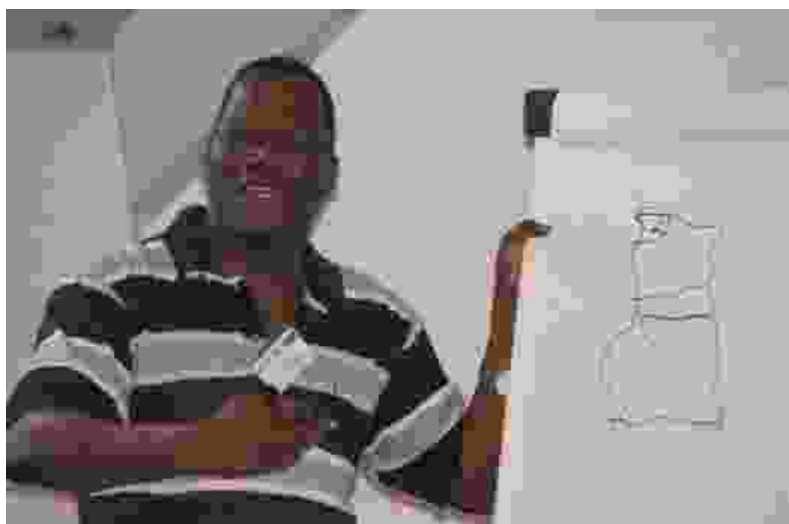
the natural grown fruits has primarily been a women activity. With no or little opportunities, women would usually rely on the Shea butter as a source of income. With an ever-growing demand, the Shea industry has a huge potential for poverty alleviation. SVN is working with different stakeholders and partners to harness such a potential to improve the livelihood of communities of the West Africa Region. The aim is to promote the Shea on the global market and link the natural resource and harvesters to markets.

The development of a BCP will help to sustain the livelihood of thousands of women in Ghana. More men are coming into the sector, and as the land belongs to them, women's access to the Shea Tree might soon become quite limited.

Mr Banye informed the participants that SNV is implementing similar projects in Benin and Burkina Faso. It was reported that the situation in Benin was slightly different because most of the Shea Trees are not located on private property. In Ghana however some groups of women have taken over the market preventing other women to operate and make a living out of this industry. Shea butter is very valued at community level and most communities will protect the trees. Therefore, if a BCP were to be developed, a grassroots assessment must be done with the participation of the local communities in the entire process.

8. Discussion: Thinking Aloud and BCPs

The second round of presentations reported, for the most part, either cases where BCPs would be relevant to address the challenges faced by the communities, or cases where communities are about to initiate a BCP to protect their indigenous knowledge and preserve their traditional way of life. However, the example of Namibia, where legislation provides a comprehensive framework and systems for communities, raised the questions of when, in which context and to which extent, developing a BCP would be necessary.



Considering the conservancy structures in Namibia, participants were interested in knowing how communities that have lived on these lands for centuries feel about having to register for a community conservancy to have rights to use it. Interestingly, the process of registration was described as an intense and empowering process for the communities.

Participants pointed out the many similarities in terms of issues and challenges faced by ILPCS. Obvious parallels could be made, not only between organisations operating in the same countries but also across countries and regions.

Land related issues came up as one of the major and common themes. Kenyan representatives highlighted the complexities to deal with this matter despite a new national constitution that is more supportive of community land rights and customary land tenure.

Participants placed emphasis on the need for capacity building and legal support when initiating a BCP process. The development of source of information such as a BCP database could assist NGOs, CBOs and communities in the development process and widespread of BCPs. It was emphasised that when developing a BCP, a genuine participatory approach was essential.

It was concluded that:

- A BCP is context specific but it is also a tool that addresses a variety of contexts and issues.
- A BCP can be used as a safeguard but could also be used by communities to self-determine their futures.
- A BCP is a communication tool – the voice of a community to connect to the outside world
- BCPs can be used as negotiation tools with third parties (governments, business or other communities sharing the same knowledge or territories or both).
- BCPs could be a practical approach to land ownership and related issues. Being dialogic and participatory BCPs could be a mechanism of conflict prevention.
- BCPs could be used as tool for different activities such as cultural mapping and other processes for community empowerment and development.
- A BCP can be seen as a unifying tool with which communities are inviting government and other institutions to engage with them.



9. Dream Time: Developing a Road Map and Assessing the Needs

In indigenous Australian mythology, 'Dreamtime', or the 'Dreaming', refers to the time of creation. 'Dreaming' also refers to a persons or group's set of beliefs or spirituality. In the indigenous Australian world view, the 'dreaming' provides people with their origin and their past. It is the body of knowledge that guides Australian aboriginal societies.

For the purpose of the meeting, use of the term 'Dream Time' has the dual connotation of the meaning of 'dreamtime' of the indigenous Australian world-view and of 'blue sky thinking' which induces thinking without any restriction.

This session was therefore titled 'Dream Time' to create an atmosphere where ideas are put forward without limits and restriction to help determining a common programme of work that participants will aspire to. With this in mind, participants were encouraged to visualise what would be the course of action and thoroughly identify what would be their needs if they were to develop a BCP. For those, who had already developed a BCP or were in the process of developing one, they were asked to focus on the next steps in their process and what they would need to achieve them.

Dream Time: BCP Initiative Draft Roadmaps

The participants were divided in three groups to develop a 'Dream Time BCP Project', discuss the kind of support needed and plan the various activities to be implemented over the next months to achieve this. Participants were also invited to indicate areas where they could provide any relevant learning support, knowledge or expertise in others within the BCP Initiative Network. Each group used different methodologies to elaborate their 'Dream Time BCP Project' and selected a speaker to present their work. Detailed project plans can be found in Annex 2 of this report.



Group n°1: Ghana, Benin, Burkina Faso and Congo

The first group developed a 'Dream Time BCP Project' related to the conservation of the Shea Tree and the sustainable well-being of the communities that are dependent on this resource in Ghana, Benin, Burkina Faso and Congo. The objectives of the project were stated as follows:

- Engage and empower communities so that they realise they have the capacity to manage and protect the Shea Tree
- Raise awareness about the role of communities in the conservation and the sustainable use of the Shea Tree
- Get the private sector and local governments to recognise the rights of the communities to protect the Shea Tree
- Inform national policy and political framework to regulate Shea activities in the different countries affected by the project for a fairer share of the benefits
- Increase communities' income generated from the Shea industry

The BCP development process will use an endogenous approach and occur in different stages and at the pace of the community. Particular attention will be placed on (i) the fair and equitable share of the benefits generated from the Shea to the communities and (ii) land related issues; as land



tenure may differ from one country to another and will also affect harvesting conditions depending on whether the picking is done on a communal land or not. Private sector organisations will be involved at relevant times of the process and will require the free, prior and informed consent of communities when relevant.

The group provided an action plan and related needs for the initial phase of the project implement and scheduled a meeting in Ghana to finalise the implementation plan of the project.

Group n°2: Kenya and Ethiopia

The group elaborated five 'Dream Time BCP Projects' that addressed five different contexts and communities. Linkages for assistance and sharing information about BCP processes with network organisations such as Indigenous Peoples of Africa Co-ordinating (IPACC), Indigenous Information Network (IIN), Kenya and LIFE Network was strongly recommended as well as peer to peer exchanges between regions in Africa, Asia and other parts of the world.

Ethiopia

Kiviluni's 'Dream Time BCP Project': BCP for Access to Natural Resources

The overall goal of this project was to envisage a BCP for communities in Northern Kenya in relation to access to natural resources. A five-phase action plan was presented, referring to communities as source of knowledge:

- Define resources needed, community institutions and the problems to be addressed by BCP
- Create awareness and build capacity on BCP through workshops, exchange visits and knowledge sharing
- Draft BCP based on customary laws, local laws and international laws
- Community validation workshop
- Launch BCP with communities, government and other relevant stakeholders – communicate knowledge about BCPs

It was highlighted that constant feedback and advise between the Kivulini Project and the African BCP Initiative.

Melca's 'Dream Time BCP Project': The Sheka Forest BCP

Melca proposed to develop a BCP for some of the communities of the Sheka Forest. The action plan presented recommended to:

- Have a consultation session with the Anderacha Clan Leader Association (ACLA) to introduce forest communities to the concept of BCP.
- Organise a capacity building workshop on BCPs for the ACLA
- Draft a BCP using Melca's innovative community empowerment methodologies
- Coordinate a feedback and validation workshop

- Launch BCP

Melca explained that the ACLA was already on the pipeline of working for the legal recognition of Indigenous and Community Conserved Areas (ICCAs) and that a BCP would be a valuable addition to the process.

Kenya

Lamu Communities' 'Dream Time BCP Project': Access to information and Participation in Decision Making

The community of Lamu's representative reflected on their on-going development of their BCP that seeks to engage the government to ensure recognition of their rights, including access to all information concerning the port development, participation in the port process and land rights. She indicated that, so far, the development process of the Lamu BCP included:

- The collection of information about each of the indigenous Communities in Lamu, including their concerns about the port development.
- The collation of all information into a comprehensive document.
- Participatory mapping and/ or participatory radio
- The draft of a BCP by coordinating committee, partners and relevant stakeholders
- Validation of the draft BCP by all the indigenous communities
- Legal Capacity Development of community representatives on the relevant laws
- Finalisation and launch of BCP

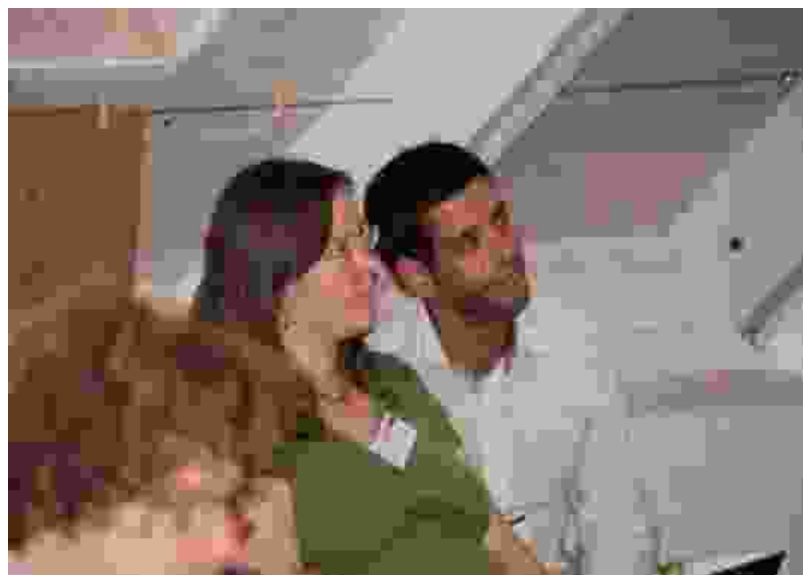
The next steps for utilising the BCP are to:

- Share the information enclosed in the BCP and have feedback
- Open channels with intergovernmental organisations (UNESCO, UNEP)
- Communicate with government
- Create awareness of the Lamu BCP through media, rallies, Lamu community flag, the development Lamu Charter
- Develop legal capacity of the Lamu communities
- Recognition of Lamu BCP

LIFE Network and MPIDO's 'Dream Time Project'

LIFE Network and MPIDO held the 'Dream Time' discussions together given that many of the same issues affect the communities they work with.

The LIFE Network and MPIDO discussed the further implementation of the existing Samburu BCP and the possible development of a BCP with the Maa communities, MPIDO is actively working with. The aim of both BCPs would be: for the communities to use the BCP to protect the resources and engage with outside entities.



- Encourage different communities to appreciate and understand each other and the resources they are custodians of. This could be achieved through the organisation of cultural festivals and indigenous breed shows.
- Build the capacity of communities to get involved, understand, own and use the BCP. Training for paralegals and on institutional arrangements was suggested.
- Explore possibilities of negotiating and collaborating with other communities to expand coverage and resources and exchange experiences and knowledge via learning visits and dialogue.
- Develop and validate the BCPs that should cover among other community processes, issues of lands and governance and, very importantly, links to national and international laws.
- Develop mechanism for legal recognition of BCPs. This will necessitate holding regular stakeholder workshops, building alliances and synergies with other communities, planning for media campaign and developing linkages at all levels.

Group n°3: South Africa and Namibia

South Africa

The Bushbuckridge Traditional Health Practitioners Association's 'Dream Time BCP Project': The Next Steps



This 'Dream Time Project' aimed at:

- Extending the existing BCP to deal with government
- Link to formal health systems.
- Empowering organisational structure
- Developing strategies for the supplementing income

To achieve the above, the following actions were planned:

- Develop a Code of Conduct for the whole group
- Finalise the constitution of the

association

- Register the Association as a Section 21/ Non-Profit Organisation under the South African law
- Complete a quality assurance performance assessment
- Engage income generation projects
- Set up functional office

The Southern African Endogenous Development Programme's Dream Time Project: The Phomolong BCP

SAEDP focused on the development of a BCP for the Phomolong Community located in the Free State Province of South Africa. The process will seek to emphasise the importance of:

- 1 - Empowerment for self-development in livestock development, endogenous animal husbandry and bio-cultural diversity.
- 2 - A home grown approach to social, economic and cultural well-being.
- 3 - The protection of indigenous knowledge with regard to livestock development
- 4 - The protection of indigenous structures such as traditional institutions, healers and spiritual leaders.

- 5 - The enhancement of local world views

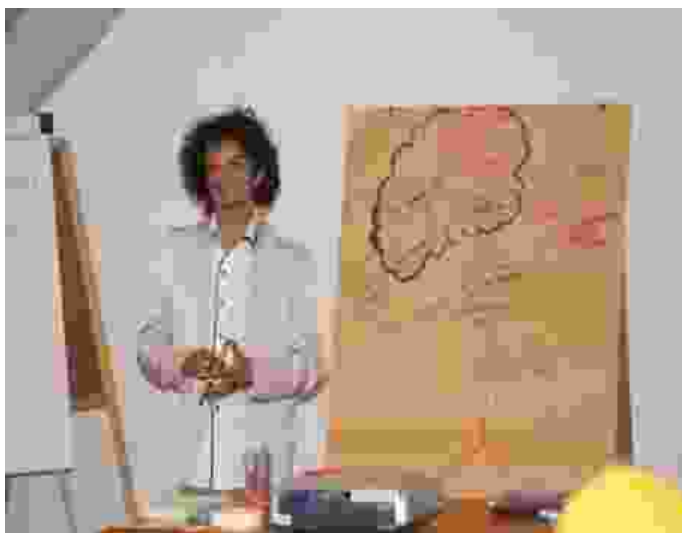
To complete the Phomolong BCP, SAEDP proposed arranging, one workshop to share knowledge and experiences, holding series of meetings to familiarise the community with the concept of BCP and plan the course of action. Networking with like-minded BCPs was emphasised. The development of a Traditional Code of Ethics and the setting up a BCP Traditional Administrative structure were also envisaged. To achieve this community-based important initiative that influences and engineers more positive sustainable development SAEDP requests for the financial assistance.

Namibia

LAC's, IRDNC's and WIMSA's 'Dream Time Project': Introducing BCPs in Namibia

The last group's 'Dream Time Project' aspires at introducing the concept of BCP in Namibia using a two level approach by promoting BCPs at grassroots and at the national levels.. Initially focussing on the San and Himba communities, while consulting with existing conservancies for constructive inputs, the project will:

- Raise awareness about BCPs among NGOs and other civil organisations through workshops and meetings
- Advocate the following thematic areas: Lands and livelihoods, human rights and Education
- Involve government in the project development process (e.g. the Bio-prospecting committee)
- Share experiences between indigenous communities through workshops and meetings and identify the existing issues affecting the communities and gaps in addressing them.

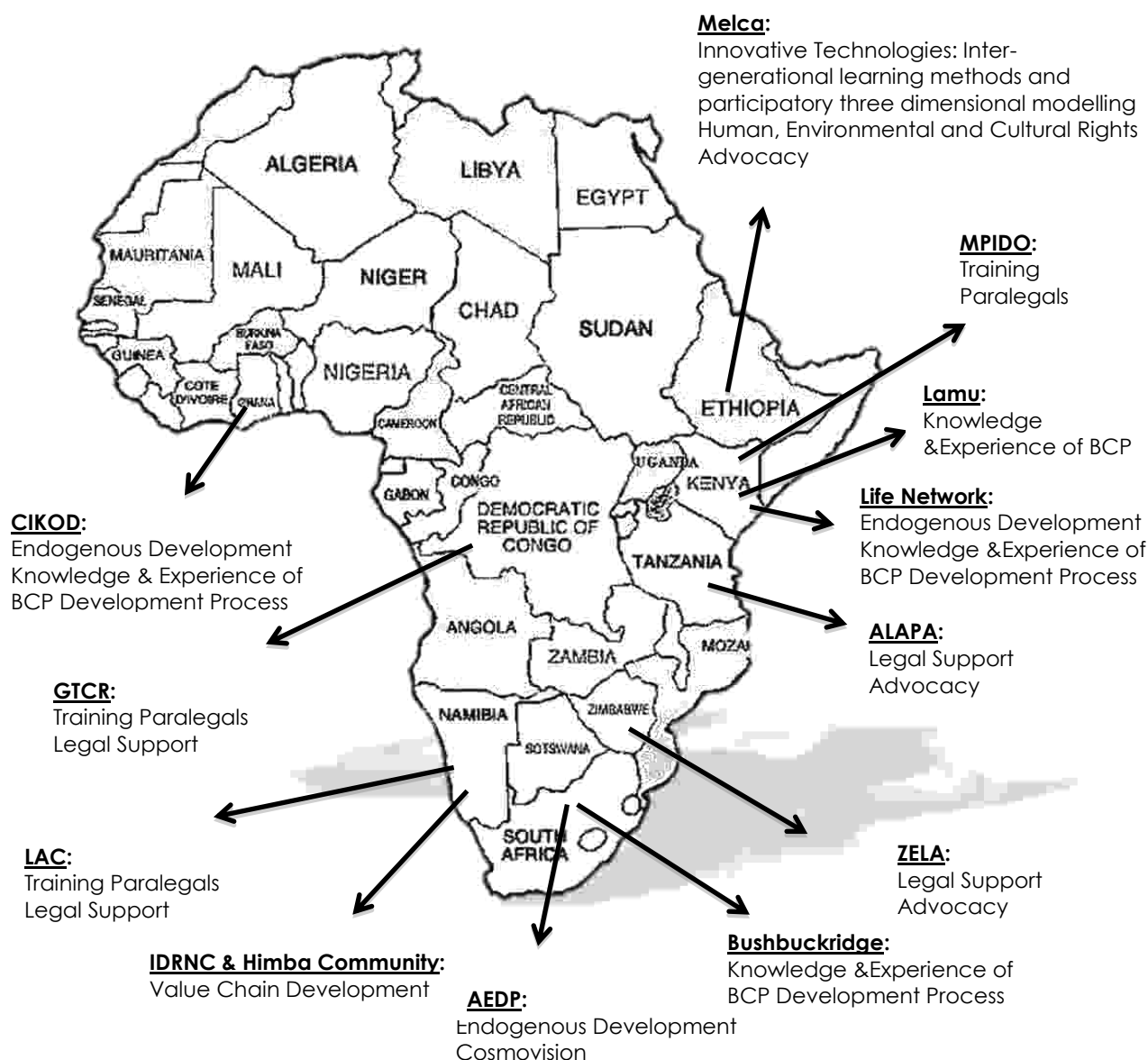


10.BCP Toolbox

To fulfil the plans within the 'Dream Time' exercise participants returned to plenary to discuss their requirements. Each of the groups highlighted the need for support, including legal expertise, capacity development (on matters such as legal, managerial, governance), strong networks and financial.

Natural Justice explained that through the African Bio-Cultural Rights Capacity Development Initiative they would be seeking to carry out training with community representatives, NGOs and lawyers in Africa on relevant local, regional and national laws to assist them in affirming rights over their lands, resources and knowledge. The Initiative would also assist local lawyers gain sufficient capacity on legal matters pertinent to communities. The African Bio-cultural Rights Initiative would seek to have very strong links with the network of communities, organisations and lawyers within the African BCP Initiative.

This toolbox is non-exhaustive and will be developed into a more practical instrument that could also include complementary resources such guidelines, manuals and any other relevant materials and publications. The aim is to make this information accessible so as to encourage continuous exchange between countries and organisations and in turn, build an African capacity and expertise.



11.Planning the Course of Action and Conclusion

The final session of the meeting, highlighted the goals of the African BCP Initiative, which were based on the needs and suggestions of the communities, civil society organisations and lawyers apart of the BCP Initiative Network.

The African BCP Initiative will seek to explore how BCPs can be utilised by African CBO's, NGOs, lawyers and governments as a suitable legal tool to secure community rights and fair/equitable benefit sharing.

The objectives of the Initiative for the next year are to:

- To support further development and implementation of BCPs in seven African countries, namely South Africa, Namibia, Kenya, Ethiopia, Ghana, Benin and Burkina Faso. In these countries, intensive work will be done on (further) developing BCPs, preparing communities for stakeholder partnerships towards legal recognition, legal training and sharing of

experiences in BCP and other rights based processes and in a number of these countries begin dialogue with state parties on the steps towards recognition of BCPs.

- Facilitate learning and exchange of experiences among the seven African countries, African networks and where possible, exchanges with communities involved in the Asian BCP Initiative.
- The lessons that are learnt from the African Initiative will be documented and will assist in framing best practice models for the development of BCPs.

Following the African BCP Initiative Inception Meeting, each of the community representatives, CBO's and NGOs involved in the Initiative will be asked to formulate a programme of work with agreed milestones based on the roadmaps created at the Inception Meeting. The programme of work for the African BCP Initiative may also include: identification of support needed for the CBOs to be able to enter into multi-stakeholder partnerships with various stakeholders, such as lawyers, universities and government staff to understand the process of inclusion of BCPs in national policies; and legal reviews and training on customary, national and international laws to provide the legal basis for BCPs.

A further meeting with the African BCP Initiative Network will be held in early 2012 to present, discuss and share the lessons learnt and recommendations for the continuation of the Initiative. Natural Justice, the ABS Capacity Development Initiative for Africa, COMPAS ED and CIKOD will be providing technical and financial support throughout the year.

12.Thanks

The partner organisations of the African BCP Initiative would like to sincerely thank our donors, namely the Shuttleworth Foundation, the ABS Capacity Development Initiative for Africa, Indigenous Peoples' Rights Programme of the Open Society Initiative for Southern Africa (OSISA), Henrich Böll Foundation and The Christensen Fund. We would also like to thank all the participants and members of the African BCP Initiative Network for their invaluable inputs and enthusiasm throughout the meeting.

Appendix n°1
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Appendix n°2

Dream Time BCP Initiative Roadmaps

The following roadmaps are to be elaborated further and integrated in an overall African BCP Initiative's implementation plan.

Group n°1: Ghana, Benin, Burkina Faso and DRC

Roadmap n°1: CIKOD, Ghana; SNV, Benin & Burkina Faso; Nature Tropicale/Jinukun, Benin; and GTCR, DRC.

Goal

Conservation of the Shea Tree and the sustainable well-being of the communities depending on this resource.

Objectives

- Engage and empower communities so that they realise they have the capacity to manage and protect the Shea Tree
- Raise awareness about the role of communities in the conservation and the sustainable use of the Shea Tree
- Get the private sector and local governments recognise the rights of the communities to protect the Shea Tree
- Inform national policy and political framework to regulate Shea activities in the different countries affected by the project for a fairer share of the benefits
- Increase communities' income generated from the Shea industry

First step of the Process

- Organise a meeting of partners in Ghana to:
 - (i) Identify and engage stakeholders
 - (ii) Map out target areas for action
 - (iii) Share experiences on the situation of the Shea in each partner countries

Related Action Plan

- CIKOD/SNV to identify and invite relevant stakeholders in Ghana
- Benin, DRC, Burkina Faso and Ghana to prepare presentations on the situation of the Shea in their respective countries
- CIKOD/SNV to organise and host the meeting – tentative dates 2th or 6th May.
- Benin, DRC, Burkina Faso and Ghana to prepare an detailed project implementation plan

Needs

- Finance
- Technical expertise

Peer to Peer Learning Support

- Endogenous development process (CIKOD)
- Legal capacity

Group n°2: Ethiopia and Kenya

Roadmap n°2: Melca, Ethiopia

Goal

Developing a BCP for a portion of the Sheka Forest

Plan of Action

- Have a consultation session with the Anderacha Clan Leader Association (ACLA) to introduce forest communities to the concept of BCP.
- Organise a capacity building workshop on BCPs for the ACLA
- Draft a BCP using Melca's innovative community empowerment methodologies
- Coordinate a feedback and validation workshop
- Launch BCP

Needs

- Writing support
- Legal guidance to make the BCP congruent with national and international land tenure laws
- Financial support to effectively implement community consultative meeting and capacity building for the clan leaders

Peer to Peer Learning Support

- Innovative methodologies for empowering communities and for helping them pronouncing their vision and needs of the kind of development they aspire to.
- Participatory community mapping
- Inter-generational learning
- Working with the youth
- Advocacy

Roadmap n°3: Kiviluni, Kenya

Goal

Developing a BCP for access to natural resources (drawing water for Camel)

Action Plan

- Define resources needed, communities institutions and the problems and priorities to be addressed by BCP
- Create awareness and build capacity on BCP through workshops, exchange visits and knowledge sharing
- Draft BCP based on customary laws, local laws and international laws
- Organise a community validation workshop
- Launch BCP with communities, government and other relevant stakeholders – communicate knowledge about BCPs
- Get continuous feedback from the African BCP Initiative – constant dynamics

Needs

- Legal experts and
- Experience from other BCP groups
- Paralegals, legal expertise
- Finance

Roadmap n°4: Lamu Communities, Kenya

Goal

Develop further the Lamu Port BCP to access information and enhance participation in decision making.

Phase of Development

- Collect information – identities, demands and concerns
- Collate the information gathered into a comprehensive document
- Participatory mapping
- Draft BCP by a coordinating committee, partners and relevant stakeholders
- Collectively validate the BCP

Next Steps: Utilising the BCP

- Share the information enclosed in the BCP and have feedback
- Open channels with intergovernmental organisations (UNESCO, UNEP, NMK) and the media
- Communicate with government
- Create awareness of Lamu Port BCP through media, rallies, Lamu flag, the development Lamu Charter and stakeholders meetings
- Develop legal capacity of the Lamu communities
- Get the legal recognition of Lamu Port BCP
- Hold regular community meetings to make all the above happen

Needs

- Financial support
- Legal expertise
- Partnership development and support

Peer to Peer Learning Support

- Share experience of BCP development process

Roadmap n°5: LIFE Network and MPIDO, Kenya

Goal

Develop a Samburu and Maa BCP for communities to use as a tool to protect their resources and engage with the outside world.

Action Plan

- Encourage different communities to appreciate and understand each other and their resources – (i) cultural festivals and (ii) indigenous breed shows
- Build the capacity of communities to get involved, understand, own and use BCP – (i) training paralegals and (ii) institutional arrangements
- Explore possibilities of negotiating with other communities – (i) expanding coverage, (ii) resources, (iii) exchange via learning visits and dialogues
- Develop and validate the common BCP that should cover among other community processes, issues of lands and governance and, very importantly, links to national and international laws.
- Develop mechanism for legal recognition of BCPs (authorities, policy makers and implementers) – (i) stakeholders workshops, (ii) build alliances and synergies with other communities, (iii) media campaign and (iv) linkages at all levels

Needs

- Legal guidance – legally sound and not in conflict with other laws
- Experts
- Finance
- Capacity building

Peer to Peer Learning Support

- Share experience of BCP development
- Share endogenous development expertise
- Training paralegals with regard to Kenyan national laws and new constitution

Group n°3: South Africa and Namibia

Roadmap n°5: SAEDP, South Africa

Goal

Developing a BCP for the Phomolong Community

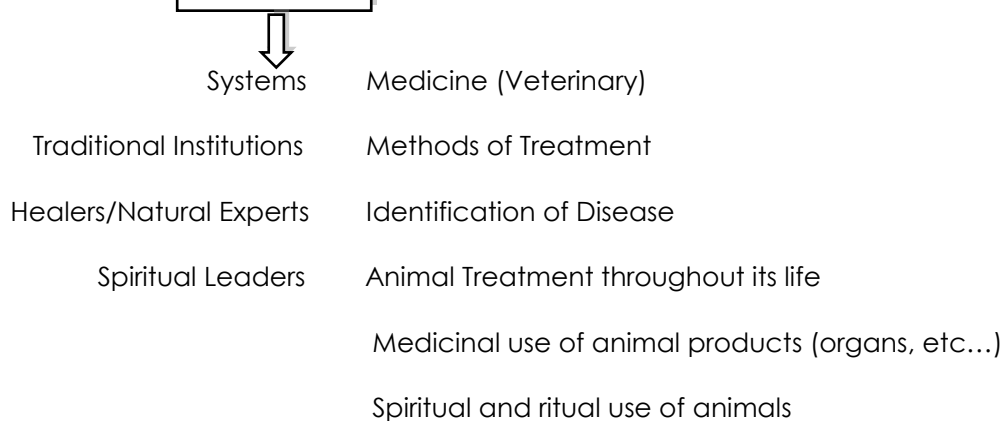
Objectives:

- Empowerment for self-development: livestock development, endogenous animal husbandry and bio-cultural diversity
- Home grown approach to social, economic and cultural well-being

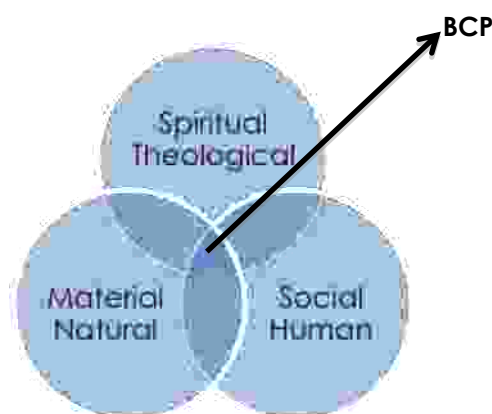
- Protection of

Indigenous knowledge

 livestock development



- Enhancement of local world views



Action Plan

- Hold one workshop to share knowledge and experiences
- Hold meetings to familiarise the community with the concept of BCP and plan the course of action
- Develop a Traditional Code of Ethics
- Set up a BCP traditional administrative structure
- Network with like-minded BCPs
-

Needs

- Legal support
- Finance

Peer to Peer Learning Support

- Endogenous development and cosmovision expertise

Roadmap n°6: The Bushbuckridge Traditional Health Practitioners, South Africa

Goal

Taking further the BCP Developed by the Association

Objectives

- Extend BCP to deal with government
- Link to formal health systems
- Develop strategies for the supplementing income
- Empower organisational structure

Action Plan

- Develop a Code of Conduct for the whole group – invite Raymond Tivafire from SAEDP for inputs
- Finalise the constitution of the association (vision, mission, objectives, etc...)
- Register the Association as a Section 21/ Non-Profit Organisation under the South African law
- Do a quality assurance performance assessment
- Engage income generation projects
- Set up functional office

Needs

- Legal assistance
- Finance
- Capacity building
- Partnership support with outside companies

Peer to Peer Learning Support

- Share experience of BCP development

Namibia

Roadmap n°7: LAC, IRDNC and WIMSA, Namibia

Goal

Promoting BCPs at grassroots and national level in Namibia

Action Plan

- Raise awareness about what BCPs are all about among NGOs and other civil organisations through workshops and meetings
- Advocate the following thematic areas: Lands and livelihoods, human rights and Education
- Involve government in the project development process (e.g. the Bio-prospecting committee)
- Share experiences between indigenous communities through workshops and meetings
- Do a mapping of communities
- Identify gaps

Needs

- Legal support
- Capacity building support
- Financial support

Peer to Peer Learning Support

- Share experiences with IRDNC:

- (i) BCP could learn a lot from some of IRDNC's work with conservancies and indigenous communities in Namibia
- (ii) Similarities between the Himba'and the Shea Tree value chain developme

Thank you very much for your warm hospitality and your workshop facilitation. Within two days, we have covered so many issues. It was very fantastic and effective. During our stay in South Africa we have met and discuss with so many friends from Africa and Europe and create a sense of family relationship and this is also plus for our work. Let us keep the momentum and keep the fire on.

Befekadu Refera, MELCA-Ethiopia

Thank you very much for all the great work. It was such a great opportunity to meet and work with you. I hope we can keep the momentum and the spirit going. All the best and let us keep sharing all together and keep the Network strong.

Lucy Mulenkei, Indigenous Information Network

Thank you too. It was among the greatest meetings I have attended. Rich in experiences and possibilities to move in partnership, Best wishes to you all.

Roger MUCHUBA BUHEREKO, Groupe de Travail Climat REDD (GTCR)

Thank you to all the BCP Team for organising such an educative workshop. The two days were utilised well and we appreciate the inputs of all participants and for sharing their experiences and aspiration without hindrances. We hope to build on the lessons learnt to establish close working collaboration with you all to put in place BCP that will safeguard the future of indigenous communities and their resources. Thank you once again.

Hassan G. Roba, Kivulini

Indeed it is my great pleasure to sincerely thank you guys at Natural Justice for an opportunity to learn about this brilliant idea called BCPs. Thank for bringing together people who were rich in knowledge and participation since I was able to pick from each one of them. The Bush was great and natural. Looking forward to BCPing with you all.

Nicholas Soikan , MPIDO

