

Community Protocols for Environmental Sustainability:

A Guide for Policymakers



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Acknowledgements

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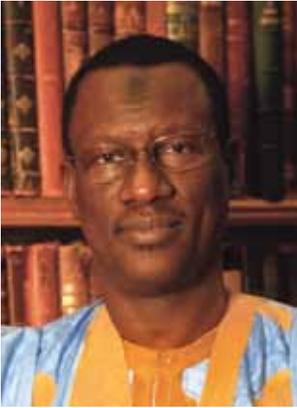


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Foreword



I am pleased to introduce this guide on Community Protocols for Environmental Sustainability that policymakers and the wider stakeholders can use while interacting with indigenous peoples and their communities and other local communities (ILCs) in their efforts to manage protected areas or conserve and manage the broader environment. This guide also contains 5 case studies representing Asia, the Pacific, Latin America and Africa.

Scientists and advocates of ILCs agree that ILCs who are custodians of the environment have contributed to conservation and sustainable use of some of the remaining ecosystems found around the world today. It is in this context that we can ask: how did they manage this? One answer to this question can be attributed to their worldviews, beliefs, practices and procedures associated with the environment. Their centuries-old views, beliefs, practices and procedures have been developed into community protocols and applied to many themes including conservation and sustainable use; administration of relationships between and among themselves; interactions with outsiders; and interactions with their ecosystems. While most community protocols are in unwritten form, some ILCs are beginning to document them. Furthermore and despite their significant role in some of the areas mentioned above, community protocols have always existed in the informal setting until 2010 when they were recognized formally with the adoption of the Nagoya Protocol on Access and Benefit Sharing under the Convention on Biological Diversity.

You will read in this guide of the potential role community protocols can play in environmental sustainability. The Division of Environmental Law and Conventions (DELIC) of UNEP has been working with various partners to further elaborate on this new concept and enhance understanding among numerous stakeholders who can incorporate this useful concept in environmental legal and policy frameworks. This initiative forms part of the bigger work of UNEP on environmental law and governance and ecosystem management. Community protocols are perceived to be an emerging concept in environmental law and policy and in this regard this small but important work also contributes to UNEP's work on the progressive development of environmental law.

UNEP is indebted to the Government of Spain for providing the funds under the Spain-UNEP LifeWeb Partnership which has made this work possible. It is also indebted to ILCs who have contributed directly or indirectly to the development of the guide, case studies and the common underlying principles of community protocols. UNEP also acknowledges the work of its partner, EDO NSW, for the tireless effort invested in developing the guide and other materials on community protocols.

While this guide may not provide all the solutions to challenges faced in environmental conservation and sustainability and by ILCs, it intends to propose one useful approach that policymakers and interested stakeholders can use. I am sure this guide will serve as a valuable resource in your work.

A handwritten signature in black ink, appearing to read 'Bakary Kante'.

Bakary Kante

Director

Division of Environmental Law and Conventions, UNEP

Executive summary

This guide has been written to help policymakers and other stakeholders understand what community protocols are, why they are important, and how they can support their development and recognition within formal environmental legal and policy frameworks. It is also written for all interested in learning about community protocols, including: indigenous peoples and their communities and other local communities (ILCs), non-governmental organisations (NGOs), researchers, industry, and those working in government at the local, national and international levels.

Community protocols are an emerging concept in international environmental law and policy. The term encompasses a broad range of practices and procedures, both written and unwritten, developed by ILCs in relation to their traditional knowledge (TK), territories, and natural and other resources. These practices and procedures cover a range of matters, including how ILCs expect external actors to engage with them.

The documentation, development and use of community protocols have a range of potential benefits, including:

- conservation and sustainable use of biodiversity in both protected areas and beyond;
- protection of TK;
- regulating access to the traditional territories, natural and other resources and TK of ILCs;
- acting as an interface between customary law and formal legal and policy frameworks;
- education, capacity building and improved participation; and
- clarification of expectations and improved relationships between ILCs and external actors.

Community Protocols also have a range of broader benefits in a number of policy areas, including biodiversity, natural resource management, climate change, human rights, and planning and development.

Discussion is divided into five chapters:

Chapter 1 provides an introduction to community protocols. Discussion around the concept of community protocols has developed in the context of international frameworks seeking to protect ILCs and their TK, resources and culture. In particular, as part of the negotiations for the *Morocco Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of*

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