

COMMUNITY PROTOCOL – A WORKING EXAMPLE

The following is an overview of the kinds of issues that Indigenous peoples and local communities are including in community protocols.

Who we are

The community describes its cultural identity, milestones and traditional authority.

Our Traditional Territory

On the basis of their traditional knowledge and with the aid of GIS and GPS technologies (which may involve provision of such technology and capacity building), the community can map out their territory, including where relevant: sacred sites, areas for collection of non-timber forest products and important hunting, fishing and grazing areas.

Our Customary Laws that Govern the Use of our Forests

The community can describe the rules that govern the use of the forest, with emphasis on those that support conservation and sustainable use of the forest, taking into account the specific role, rights and responsibilities of women.

We Face a Number of Pressures

The community can describe the underlying drivers of deforestation and forest degradation that it faces, which may include agricultural expansion, legal/illegal logging, or fire. This could also include an assessment of the governance systems they are engaged with, including relationships with national and sub-national governmental authorities.

This is our Preferred Development Path

The community can discuss questions regarding their ideas and aspirations for locally appropriate development. What economic activities are necessary to ensure the continued existence of the community, taking into account gender

aspects? What is needed to maintain the unique relationship between the community and the forest (i.e. spiritual/sacred sustainability)? What activities would offset pressure on the remaining primary forests? This section may also include a reflection on lessons learned from earlier development initiatives.

These are our Rights

The community can outline an inventory of applicable customary, national and international laws and agreements. This will provide a framework that can be drawn upon to assert their rights and responsibilities regarding, for example, REDD, ABS, protected areas etc.

Our Views on REDD

The community can discuss REDD and the role it would like to play in reducing deforestation and forest degradation. What information would the community require to consider a policy measure or project such as REDD? What, if any, are the benefits they foresee by engaging in REDD? What are their concerns? On which terms would the community want to engage in REDD and what guarantees would they require? This section may also include a declaration that activities contributing to deforestation and forest degradation, or REDD itself, are not welcome.

This is How we Want to be Consulted

The people or community can set out their FPIC processes, how they wish to participate in any activities proposed for their lands (including REDD) and, for example, the values that will guide their decisions.

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COMMUNITY PROTOCOLS IN REDD

NATURAL JUSTICE



1. OVERVIEW

Through a participatory process of developing a protocol and using it to advocate for their rights, Indigenous peoples and local communities are better able to engage a range of other agencies (e.g. government, NGOs, researchers) - including the proponents of REDD projects - according to their values, customary laws and national and international rights.

This pamphlet is a primer on:

- **Community protocols and their relevance to REDD;**
- **Developing and using community protocols; and**
- **Examples of the types of issues communities are referencing in their protocols.**

2. WHAT IS A COMMUNITY PROTOCOL?

Peoples and communities have always had protocols, as written or unwritten rules that regulate their conduct with outsiders, and vice versa. Communities are increasingly recognizing that articulating their protocols in ways that others can understand, puts a range of outsiders on notice of the community/ies' values, customary rules and procedures. By engaging in collective deliberation, carrying out participatory processes such as mapping and learning more about the laws that regulate the most important aspects of their lives, communities are able to add specificity to their protocols. This new breed of protocols developed by Indigenous peoples and local communities ("biocultural community protocols") are as diverse as the peoples and communities who are developing them. Some of the common themes include:

- Who the community is;
- The extent and tenure of their territories and resources;
- Details of their traditional leadership and decision-making structures;
- How their knowledge, innovations and governance practices have conserved the biodiversity in their territories;
- Inter-linkages between their culture, spirituality, customary laws, traditional knowledge, and biodiversity;
- Factors upon which their ways of life depend;
- Local challenges; and
- Locally appropriate development plans.

From the above information outlined in their protocols, communities are drawing on the law to assert the following:

- Community values and customary laws;
- Substantive and procedural rights under national and international laws;
- Locally-relevant biodiversity and social safeguards; and
- Culturally specific interpretation of procedural rights such as to free, prior and informed consent (FPIC) to any intended use of their natural resources or traditional knowledge.

Community protocols are now recognized under the UN Convention on Biological Diversity (CBD).

In addition to the CBD framework, communities have developed protocols to, among other things, call for:

- Farmer's and livestock keepers' rights;
- Rights relating to plant genetic resources for food and agriculture;
- Object to a port construction;
- Protect their Indigenous territories; and
- Conserve traditional knowledge and medicinal plants.

3. WHAT IS THE RELEVANCE OF COMMUNITY PROTOCOLS TO REDD?

Community protocols can be used by Indigenous peoples and local communities in the context of REDD to affirm their rights and responsibilities to:

- Continue their customary use of their resources;
- Require FPIC before any proposed uses of forest resources, including REDD projects;
- Be involved in the design of REDD projects where they consider this desirable; and
- Monitor and evaluate REDD projects.

Community protocols can serve as the impetus for effective projects and policies based on the very livelihood strategies and ways of life that contribute to forest conservation in the first place. Community protocols can therefore help ensure the local integrity of any initiatives to prevent deforestation, forest degradation and to adapt to and mitigate climate change.

4. DEVELOPING AND USING A COMMUNITY PROTOCOL

International environmental laws and frameworks are inaccessible to many forest-dependent communities. Indigenous and local communities require time and information to consider their context-specific options before they can be expected to make informed decisions within novel legal and policy frameworks. Any programmes designed to reduce deforestation, including REDD, must support a process that enables communities to reflect upon the inter-linkages and mutually reinforcing relationships between forests, culture and customary laws and to clearly illustrate the biocultural foundations of their ways of life in a format accessible to other stakeholders. Their rights to FPIC regarding any forest-related activities and to participate in defining the terms of any REDD agreements are also paramount.

Diverse Peoples and Communities = Diverse Protocols

The process of developing a community protocol will be empowering where it is run by Indigenous peoples and local communities according to their timeframes, with inputs as requested. Because peoples and communities are inherently diverse, and because respecting the right to FPIC is a locally and culturally-specific process there cannot be 'pro forma' or 'precedent' protocols that communities 'fill in'. By engaging with a number of participatory methods such as mapping and legal empowerment, communities are better able to consider for themselves how to engage or shun REDD and to detail the terms and conditions upon which FPIC must be acquired. Resources and tools are being developed to assist communities in this regard.

Customary Uses of Forest Resources

The relationship between communities and the forests they live in is dynamic, and in many cases, their local knowledge, innovations and practices are integral to forest conservation. By articulating such aspects of their ways of life, communities are able to directly refer to and call upon the international and national laws intended to support them. A community protocol can be used to express this relationship and examine the forests within a greater ecological context embedded in the very biocultural values that conserve them.

Free, Prior and Informed Consent

Only legally empowered communities can fully and effectively engage in decision-making processes about access to and use of the forests in which they live. Communities can use their protocols not only to communicate their views on the REDD mechanism to other stakeholders but also to assert their rights to culturally appropriate full and effective participation at all levels of a REDD project. They can identify the values and methodologies by which they will monitor and evaluate REDD projects in order to further clarify their rights and priorities to other stakeholders.

Equality in REDD Negotiations for the Benefit of All Stakeholders

Achieving FPIC from communities improves local support for and overall stability and longevity of international and national agreements to conserve and restore forests. By approaching REDD as more equal partners, communities are better able to engage with other stakeholders such as investors, researchers and governments on their own terms and to negotiate according to the bio-cultural values that help conserve forests. Thus, in instances where communities choose to engage with REDD, the community protocol process and subsequent agreement on the terms of REDD-related project is beneficial to the respective peoples or communities as well as the other REDD project stakeholders.

Community-determined Social and Environmental Justice

The development of community protocols by forest-dependent communities is one way in which they may be able to respond to and ensure the local integrity of forest conservation initiatives. By asserting communities' rights to FPIC and needs in terms of traditional, non-destructive uses of forests that should be allowed to continue, community protocols can provide opportunities to more directly influence the terms of any REDD projects (or any other development / infrastructure / conservation initiative) and to ensure that communities remain the final arbiters of any forest-related activities.