Community Protocols:

Articulating Stewardship, Asserting Rights and Affirming Responsibilities
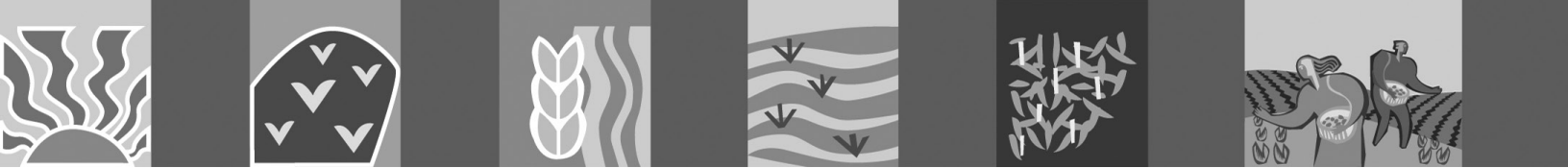

Photo from a paper on Community Protocols by Hally Jonas of Natural Justice

For countless generations, Indigenous peoples and traditional communities have had customary laws and protocols to regulate their own internal conduct and their relations with other communities and outsiders. In today's globalized world, however, customary laws and protocols are often ignored or undermined by more powerful claims to land and natural resources, particularly by large-scale, resource-intensive industries such as monoculture plantations, logging, mining, and infrastructure projects. Indigenous peoples and communities are usually the least involved in decisions that affect them, but they suffer the most from human rights violations and environmental destruction. Given these imbalances, they are increasingly working to protect themselves and their lands and resources and to drive development on their own terms. Some are doing so by clarifying and enforcing their own customary laws and protocols.

What are Community Protocols?

Community protocols articulate community-determined values, procedures, and priorities.

They set out rights and responsibilities under customary, state, and international law as the basis for engaging with external actors (for example, government agencies, companies, academics, and NGOs). They can catalyze proactive responses to land and resource development, for example, by demanding the cessation of harmful activities or calling for constructive collaboration. As community protocols are increasingly being recognized in national and international law, they acquire additional legal weight as community-defined instruments that external actors must respected and adhere to.

For a brief introduction to community protocols, please view this short film: bit.ly/1lc9YKQ

Examples of Community Protocols

Community protocols are being used by many different communities in a range of contexts (see Figure 2 below), including:

■ In India, Pakistan and Kenya, livestock keepers are protecting their migration routes, grazing areas, animal genetic resources, and ethno-veterinary knowledge;

■ In Malaysia, Indigenous communities are calling on government agencies to halt a proposed dam that would inundate their hill paddies, sacred sites, and rich biological diversity;

■ In Colombia, artisanal gold miners are underscoring their contributions to their community's livelihoods and the sustainable use of local resources, as well as the detrimental impacts of large-scale mining;

■ In South Africa, traditional healers are working with biotechnology companies and state protected area agencies to conserve and retain control over their medicinal plants and traditional knowledge.

Developing and Using Community Protocols

Every process of developing and using a community protocol is as unique and diverse as
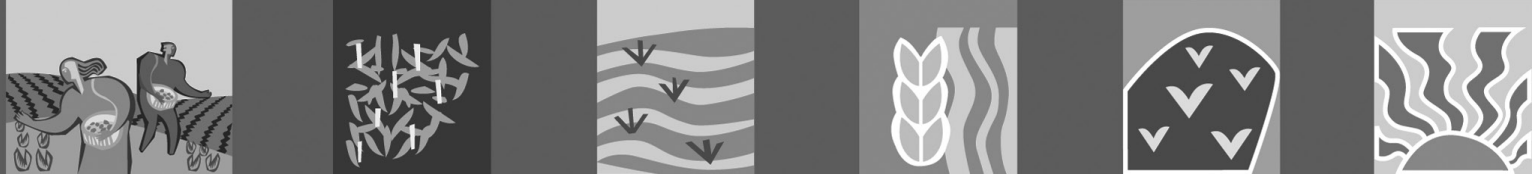
Figure 2. Locations of some community protocols being developed and used

GUIDING PRINCIPLES

The process of developing and using a protocol should be endogenous, inclusive, empowering, and based primarily on the community's own resources and diversity of knowledge, skills, and experiences. It should promote intra- and inter-community dialogue and intergenerational sharing. It should increase the community's agency and capacity to ensure that engagements with external actors take place with honesty, transparency, respect, social and cultural sensitivity, and integrity.

Figure 3. Guiding principles for a protocol process

the community at its heart. As explained in the toolkit for community facilitators (www.community-protocols.org/toolkit), there is no template or way to "do" a protocol. However, there are good practices and principles based on past experience, for example, facilitating the process according to the community's priorities, timelines, and approaches (see Figure 3). Several methods and tools can be adapted to local contexts to assist with different aspects of a protocol process, including self-determination, endogenous development, documentation and communication, social mobilization, legal empowerment, strategic advocacy, and monitoring and evaluation. A community protocol should not be seen as something entirely "new" but as complementary to existing community initiatives.

For more information about facilitating a protocol process, please read the following article: http://pubs.iied.org/G03411.html.

Resources

- Community protocols website
- Brief intro to community protocols
- Toolkit for community facilitators
- Films and photo stories
- Compilation of community experiences

How can ANGOC partners and the Land Watch Asia Campaign get involved?

A global initiative on community protocols, currently coordinated by Natural Justice, supports networks of Indigenous peoples' and community-based organizations with the following:

- Conducting comprehensive research and producing practical resources;
- Participatory documentation and development of community protocols;
- Using community protocols as the basis for constructive engagement with external actors;
- Building legal capacity of in-country lawyers and advocates, including on international law;
- Peer learning, analysis, and exchange of experiences; and
- Development and dissemination of good practice guidance and lessons

In Asia, Natural Justice has offices in India (Bangalore) and Malaysia (Kota Kinabalu). Our staff lawyers would be happy to discuss community protocols and possible areas for collaboration with any interested organizations in the region. Please contact Holly Jonas (holly@naturaljustice.org) for more information. ∎