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Biocultural community protocols and ethical biotrade: exploring participatory approaches in Peru

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Introduction

Madre de Dios, in south-eastern Peru, is rich in cultural and biological diversity. Yet the region struggles to find development approaches that are sustainable and respect the rights of its inhabitants. The Indigenous Forestry Association in Madre de Dios (AFIMAD) and Candela Peru, a company ethically sourcing biodiversity, are aiming to develop such sustainable livelihood opportunities for indigenous communities.¹ They are working together on the collection and transformation of natural products, primarily the Brazil nut, as well as collaborating on a new project involving the use of Ungurahui oil.² They are using this new project as an opportunity to strengthen and consolidate their relationship, improve mutual understanding and promote more balanced and inclusive exchanges of infor-

mation. With the support of two international organisations, the Union for Ethical BioTrade (UEBT) and Natural Justice, biocultural community protocols (BCPs) were identified and explored as an approach that could prove useful in enhancing dialogue and collaboration. UEBT promotes the 'sourcing with respect' of natural ingredients. Work on BCPs is part of its broader efforts to support good practices in companies committed to the ethical sourcing of biodiversity.³ For Natural Justice, work in Madre de Dios was the chance to link a process of rights affirmation with livelihood generation.⁴

This article provides a brief summary of this experience of using BCPs, describing how they were adapted for this particular context and drawing out some lessons for others wishing to develop them.

¹ Although this article refers to Candela Peru as a company, it was formed and functions as a non-profit association involved in commercial activities.

² Ungurahui is a palm tree native to the Amazon region. It bears edible fruits which are also rich in oil and can be used in cosmetics.

³ UEBT is a non-profit, membership-based organisation. See: www.ethicalbiotrade.org

⁴ Natural Justice is an international non-governmental organisation facilitating the legal empowerment of indigenous peoples and local communities. See: www.naturaljustice.org

Background

Work in Madre de Dios took place in mid-2011, and included a series of workshops held in July.⁵ The project aimed to determine how the concepts and methodologies of BCPs could be adapted and used as a tool to enhance the engagement of local actors in ethical biotrade (Box 1).

Generally speaking, communities use BCPs to affirm their rights over land, resources and traditional knowledge. They emerge from extensive internal reflection processes that encourage the community to consider their endogenous development objectives in the context of customary, national and international rights. The specific process and outcome of the BCP is adapted to the local situation.⁶

In Madre de Dios, BCPs were seen as a way to support communities in advancing their social, cultural and environmental expectations of their commercial relationships – particularly with Candela Peru. This included ensuring respect for the communities' biocultural heritage and monitoring progress towards ethical biotrade practices. Candela Peru, as a member of UEBT, is committed to working towards the ethical biotrade standard.

Methods and processes

Preliminary steps

The process began by recruiting a local facilitator, who was suggested by the project partners on the basis of her knowledge and experience with the topics and actors involved, and accepted by both AFIMAD and Candela Peru as a neutral, trusted and independent expert. The facilitator held consultations with AFIMAD and Candela Peru to determine interest in engaging in this process. Candela Peru saw the dialogue as an opportunity to improve their working relationship with AFIMAD. It also considered the dialogue as an opportunity to explain its own values and approaches to working with

Box 1: What is ethical biotrade?

Ethical biotrade refers to a set of business practices that respect social, environmental and economic criteria established by the ethical biotrade standard. The standard is internationally recognised and based on the objectives and principles of the Convention on Biological Diversity (CBD). Through a series of principles, criteria and indicators, it is a tool to support members of UEBT in the ethical sourcing of ingredients derived from biodiversity. It is also the basis for independent audits that measure progress towards ethical sourcing practices. The principles of the ethical biotrade standard are:

- Conservation of biodiversity
- Sustainable use of biodiversity
- Fair and equitable sharing of benefits derived from the use of biodiversity
- Socio-economic sustainability (productive, financial and market management)
- Compliance with national and international legislation
- Respect for the rights of actors involved in biotrade activities
- Clarity about land tenure, right of use and access to natural resources

Source: www.ethicalbiotrade.org

biodiversity and local communities, as defined by its membership in UEBT. The value of the process was initially less clear for AFIMAD, but they agreed to participate due to their interest in furthering their relationship with Candela Peru.

Following the consultations, the facilitator defined a procedure that would accommodate two critical phases:

- an internal reflection process involving representatives of AFIMAD and the communities that integrate with the association; and
- a dialogue between AFIMAD and Candela Peru.

Step one: internal reflection

The process of developing the AFIMAD BCP was organised in two separate workshops that brought together representatives – in most cases the presidents – from each community. Each workshop lasted two to three days.

⁵ Part of a joint project of UEBT and Natural Justice, funded by GIZ. See: www.giz.de/en/home.html

⁶ See www.naturaljustice.org and <http://biocultural.iied.org>.



Photo: UEBT

Representatives from AFIMAD communities discuss possible elements for their community protocol.

In the first workshop, participants read BCPs developed in different parts of the world and identified some common elements. They then considered how the protocols could help them to better respond to commercial proposals concerning forest resources, increase the government's recognition of their rights as indigenous communities, and communicate their views to other institutions and organisations. From there, they proposed and discussed elements to include in the BCP and agreed to share this preliminary document with their community and return with further input for the second workshop. Since they felt that they lacked detailed knowledge of their rights to land and resources, a study was commissioned from an independent lawyer specialising in indigenous legislation, in preparation for the second workshop.

The second workshop brought together two to three representatives per community from the AFIMAD board and forestry committees. The preliminary document was fleshed out, including expectations of engagement with companies on specific forest products, the communities' commitments towards conservation and use of biodiversity, and the process of engagement with communities. A legal report on national and international legislation supporting the communities' rights was also shared, discussed and incorporated in the draft document (see Box 2 for an outline of the BCP).

At the end of the workshop, participants evaluated both the process and the protocol. In addition to the advantages they identified at the outset, the participants considered the protocol could help to:

- foster discussions within the communities about what is currently being done and what could happen in the future;
- assist members in working together;
- provide clarity on ethical biotrade; and
- show how a commercial relationship should be structured in an ethical context.

The process of sharing and discussing the BCP has now begun, particularly with communities and external organisations that work with them and have expressed an interest in working with non-timber forest products. The protocol has also been shared with a group of local NGOs working with and supporting AFIMAD on different issues. The protocol will remain a living document, to be elaborated upon as the communities see fit.

Step two: dialogue between the communities and the company

Following the community reflection process, the Candela Peru team joined AFIMAD and community representatives in a dialogue aiming to define shared values and approaches to their working relationship. Each group explained their basic values and how they operated. Participants then jointly explored issues around ethical biotrade and the provisions of the ethical biotrade stan-

Box 2: The AFIMAD BCP

- **Who we are:** AFIMAD and its member communities.
- **Local governance structure:** how decisions are made by AFIMAD and its members.
- **Understanding of nature:** how communities view and value their surroundings, with a focus on the forest, their local ecosystem.
- **Use and conservation of forest resources.**
- **Current threats:** focus on threats to the forest and its components.
- **Vision for the future:** the communities' endogenous development objectives.
- **Rights:** summary of communities' rights according to international and national norms, such as land security, consultation and respect for traditional law (full details included in a separate annex).
- **Call to authorities and institutions:** the communities' requests and demands to local and regional government in relation to their rights, needs and concerns.
- **Framework for engagement with companies:** the communities' expectations in engaging with the private sector e.g. benefit-sharing, coordination mechanisms, community development.
- **Community commitments:** e.g. sustainable use and conservation of natural resources, responsibility and quality in their work with commercial organisations.

dard. They matched various issues to the corresponding principles of the ethical biotrade standard, which also helped to emphasise that both Candela Peru and AFIMAD envisioned their relationship as not just commercial, but a partnership working towards economic, social and environmental sustainability.

Based on the BCP and ethical biotrade principles, participants identified possible elements of a working relationship, in both an ethical context and as a conventional commercial interaction. Participants represented both types of relationships through role-play and then identified the elements featured in each. For example, the participants considered that in a conventional commercial interaction, companies are not interested in conserving forest resources or understanding how to appropriately engage with the community, while companies committed to ethical practices would be.

Representatives from Candela Peru and

the communities then separated to discuss internally how they could contribute towards improving their working relationship. They focused on identifying specific commitments, such as initiatives for more sustainable use and better exchange of information that each group could make in relation to the ethical biotrade principles. Participants then reconvened to discuss and feedback on each other's contributions. Identifying these specific commitments allowed participants to comprehensively understand the ethical biotrade principles, their role in promoting them, and to establish common goals as partners.

Participants then examined the key principles on which both parties wanted their partnership to be built. These included aspects such as transparency, trust, responsibility, honesty, good faith, open communication and clear information. Finally, participants defined next steps, based on their collectively defined principles and commitments. This included organising further workshops to address pending questions or concerns, including:

- the usefulness of developing a conflict management system;
- continued discussions of what constitutes a fair price; and
- the importance of more training on product collection and manufacturing practices.

Following the dialogue an agreement of principles and commitments was established between both parties. This document includes the principles on which their working relationship is based, the specific commitments of each party to advancing work under the ethical biotrade framework, and concrete next steps to follow up in the context of exploring future projects. The agreement is an internal document, held by both the company and the communities. It will also become a reference in the development and assessment of continuing efforts of Candela Peru, as a UEFT member, to implement the ethical biotrade standard.

As the Madre de Dios workshops closed, participants were optimistic about continu-



Photo: UEBT

Elements of the AFIMAD community protocol.

ing the dialogue process to strengthen their partnership.

Outcomes and lessons learnt

The work in Madre de Dios confirmed that BCP approaches and methodologies can be adapted to a range of contexts, including ethical biotrade. For AFIMAD, the reflection on goals and values has reaffirmed its significance within the communities and fostered ongoing and planned activities. AFIMAD was also able to reflect on how its economic activities fitted within its goals as a group of communities and as an association. As a result, it was able to communicate with Candela Peru much more assertively on issues such as sustainable resource use, negotiation processes, how they want the relationship between them to develop, and the sharing of benefits. The communities and Candela Peru are now better placed to understand and address each other's needs and concerns in the context of their current and future work. AFIMAD has also expressed its commitment to ethical sourcing practices.

The work has resulted in a highly adapted version of a BCP, renamed a 'biocultural dialogue' by project partners. In terms of content, the dialogue reflected the interest expressed by the communities in addressing not only community-level issues, as is usual in BCPs, but also their existing relationship with Candela Peru, other commercial relationships, and the ethical biotrade context. This meant that discussions were more focused than in 'conventional' community protocols, considering concrete challenges and opportunities. Yet it is important that the community reflection processes retain the core elements of 'conventional' BCPs, in order to ensure issues are discussed in the appropriate biocultural context and to provide a solid basis for ongoing engagement with the company.

One of these core elements is the participatory approach used in the workshops, which proved a valuable part of the process, allowing community representatives to discuss and jointly draft the content of the BCP. Nevertheless, the involvement of the wider community was quite limited, because

Photo: UEBT



Representatives from AFIMAD communities and Candela Peru discuss values and approaches important in their partnership.

of time and budget constraints.

In the dialogue between community and company, the participatory approach turned out to be fundamental. It promoted a more horizontal environment which helped to balance power by using methodologies that emphasised the value of all contributions. For example, sharing information in a simple and clear format was essential to ensure the informed participation of the communities. The role of an independent local facilitator, accepted by both parties, was also crucial. Nevertheless, there was limited participation of community representatives in the dialogue with the company. This was because the community presidents argued that the representatives chosen from each community were selected precisely to represent the communities on these issues, and so wider representation at the workshops was not needed.

Existing structures and relationships both within and between the communities, AFIMAD and Candela Peru were seen as minimising the negative impact of these shorter, less inclusive processes. However,

AFIMAD is aiming to widen input into the BCP, using the current draft as the basis for a more comprehensive and representative document.

Looking forward

Since the pilot project, AFIMAD has experienced resource constraints, which have limited dissemination of the BCP among the communities. This highlights the importance of sustainable financing for any BCP process. Similarly, widening the BCP to include broader interests and concerns will require the continued support of local facilitators or civil society organisations and additional fundraising. Work is ongoing to address these challenges.

There will be further discussions on both the protocol and the agreement of principles and commitments as part of the UEBT membership process. As a UEBT member, Candela Peru's annual reports include updates on their work towards complying with the ethical biotrade standard, and the company undergoes independent audits every three years to verify progress.

Conclusions

For UEFT, the positive feedback from both AFIMAD and Candela Peru confirms the synergies between ethical biotrade and rights-based approaches to community dialogue and engagement. These enhance collaboration between indigenous and local communities and companies working on the basis of ethical sourcing practices. These processes can advance compliance with ethical biotrade requirements such as transparent negotiations that are built on trust, long-term and sustainable partnerships, promotion of sustainable development at the local level, and respect for the rights of indigenous and local communities. Work will now focus on determining which specific aspects of the BCP approach and content are most relevant in the ethical biotrade context, as well as how these elements can be mainstreamed into the work of UEFT and its members.

Substantial work has been done to highlight the importance of community rights as key to ensuring conservation and sustainable use of biodiversity. For Natural Justice, it is clear that rights alone will not automatically lead to livelihoods generation. But using a rights-based approach as a basis for dialogue has demonstrated how such a process could not only affirm rights but very concretely strengthen the relationship between communities and a commercial company – who might otherwise be unlikely partners.

At a time where the demand by extractive industries for access to indigenous and local community land becomes ever more pressing, the generation of real livelihood alternatives is of utmost importance. The hope is that these types of alternative processes will be used more widely to facilitate processes that also affirm community rights.

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REFERENCES

UEFT (2012) 'Ethical BioTrade Standard STD01.' Union for Ethical BioTrade. Online: www.ethicalbiotrade.org/verification/standard.html