

Roberta Peixoto Ramos

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Brazil's first community protocol: the Bailique experience

Author: Roberta Peixoto Ramos

A remote community in the Amazon has agreed Brazil's first community protocol, giving them an equal voice in future discussions about natural resource use.

The coastal forest community of Bailique in the northern Brazilian Amazon has established the country's first community protocol. This innovative tool, prioritised under the Nagoya Protocol for the protection of biodiversity and recognised in Brazilian law, is designed to empower the community and promote sustainable resource management.

The Bailique community is scattered across an archipelago where the Amazon River encounters the sea, and is classed as 'traditional' under Brazilian law.

The 10,000 or so inhabitants, spread between 51 smaller communities, are mainly artisanal fishermen and forest users, and depend on natural resources. These communities still actively maintain their traditional knowledge of medicinal plants, through midwives and local healers.

The community protocol, which empowers communities to enter into a dialogue with external actors on equal terms, was developed as a proactive measure to enhance the community's well-being, rather than as a response to any specific threat such as mining or illegal logging.

The aims are to prepare the community to be active participants in any future dialogue, but also to empower them to seek opportunities to improve their quality of life, and strengthen their collective management of natural resources based on customary laws and institutions. It has also prompted the community to seek secure land rights.

Community protocols document customary rules and internal governance systems, defining procedures and criteria for territorial management and sustainable natural resource use. The Bailique community protocol, which was finalised in December 2014 after a year of consultation, was initiated and supported by the network Grupo de Trabalho Amazônico (GTA), a socio-environmental Brazilian NGO.

Building the Bailique community protocol

Indigenous and traditional communities have always had rules based on customary laws, and the methodology used by GTA to build the Bailique community protocol builds on this, working with the community and putting them at the centre of all activities and decisions.

As such, the first step in the process was to gain free, prior and informed consent from the community for the project to go ahead. GTA identified core areas to be discussed to develop the protocol, such as management of biodiversity, issues related to access to genetic resources and traditional knowledge; while the Bailique community also included the issue of land rights.

This methodology (PDF) has four main steps developed through four workshops and two general assemblies with the communities.

The first and most important step is an exercise to look closely at how the communities are organised, drawing on their history, local organisations, decision-making processes and mapping their natural resources.

Although the workshops were attended mainly by the village leaders, the responses given by them were also circulated to households. A 'support team', made up of young people from the community, helped with this, enabling more than 70 per cent of all households to contribute. These responses all formed the basis of the final protocol.

The second step was to introduce the community to basic concepts found in international and national legislation that support the rights of traditional communities. This facilitated the community's understanding of how they can benefit from relevant policies and how they can enter into dialogue with the government to ensure their rights, such as the rights to clean water and land security, are guaranteed.

The third step involved explaining about access to genetic resources and traditional knowledge and the communities' rights and responsibilities. They discussed the value of their traditional knowledge and its importance to the biotechnology industry. The answers given by community leaders and households were discussed in order to start negotiating the final text of the protocol.

As a result, the community established a Bailique Traditional Community Association, responsible for implementing the community protocol. The members elected to be part of this association are not only traditional leaders, but also new leaders that emerged during the process, including youth, breaking up political paternalistic connections. Although the association is still in very early stages, it is starting to create a sense of ownership that is essential to the project's success.

Securing land rights

Members of the community also realised that they have no secure land rights, and so have no control over their territory. By documenting their customary rights through their community protocol, the Bailique communities are entering a legal battle with the government to get their land rights secured.

This has already caused tension between the community and farmers who have taken land illegally for buffalo farming, and uncovered local corruption in the distribution

of past land titles. But securing their land is essential if they are to maintain their livelihood and protect their traditional ways of living that help to sustain biodiversity.

Some important lessons can be learned from the Bailique experience for future community protocols:

1. It is essential that the community is actively involved and takes ownership of the project from the start. They should be able to shape the activities and discussions to truly own the process. In most cases, an outside organisation will be needed to initiate the project, but it is important that this organisation is just a facilitator, helping to improve communication between the community, the government and private sector.
2. The right to land must be ensured. Communities cannot manage or protect their natural resources if there is legal uncertainty about their land. For the Bailique community this became clear when they realised that they could not benefit from some public policies because of their lack of land titles.

During the discussions to create the protocol, the Bailique community looked at their territory, their resources, their rights as citizens, and the threats and challenges for that region. They are now focusing on improving community production methods, identifying new opportunities and finding potential markets.

They have become more aware that the sustainable use of natural resources and their active participation in their own development are paramount for their wellbeing and for the conservation of biodiversity.

This experience suggests that community protocols are an important tool for conserving the Amazon forest and improving the rights and livelihoods of its peoples.