

Environmental Democracy: Utilising Biocultural Community Protocols (BCPs) to Achieve Equity and Ecological Justice

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Abstract

This paper discusses the role of Biocultural Community Protocols (BCPs) in promoting environmental democracy. The paper defines BCPs. It observes that BCPs are innovative instruments that can promote environmental democracy for indigenous and local communities who are often sidelined from key decision-making processes in respect of the environment and natural resources. The paper discusses the key features of BCPs and how these instruments can drive environmental democracy. In addition, the paper suggests how BCPs can be well designed and implemented towards achieving equity and ecological justice in quest for environmental democracy.

1.0 Introduction

Environmental democracy is the idea that environmental and natural resource decisions must involve all citizens and should adequately and equitably address the needs and interests of all stakeholders¹. Environmental democracy covers three fundamental rights and obligations in respect of the environment and natural resources². Environmental democracy involves the ability of all people to freely access environmental information³; to participate meaningfully in decision-making relating to the environment and natural resources⁴; and to seek enforcement of environmental laws or compensation in respect of environmental harms⁵.

Environmental democracy plays a fundamental role in strengthening environmental governance for Sustainable Development. This concept recognises that meaningful participation by the public is critical to ensuring that decisions related to the environment and natural resources adequately and equitably address the interests of all citizens towards sound environmental governance and Sustainable Development⁶. It has been observed that environmental democracy which is built on the principles of participation, transparency, and justice, is key towards bolstering environmental governance including through effective, inclusive and participatory responses to environmental threats such as climate change and biodiversity loss⁷. In particular, environmental democracy ensures enhanced access to environmental information, meaningful involvement of the public in environmental decision-making processes, and access to adequate

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¹ Center for International Environmental Law., 'Environmental Democracy and Access Rights' Available at <https://www.ciel.org/issue/environmental-democracy-access-rights/> (Accessed on 24/07/2026)

² Ibid

³ Ibid

⁴ Ibid

⁵ Ibid

⁶ Worker. J., & Ratte. S., 'What Does Environmental Democracy Look Like?' Available at <https://www.wri.org/insights/what-does-environmental-democracy-look> (Accessed on 24/07/2026)

⁷ Democratic practices in climate change adaptation., Available at <https://demofinland.org/en/democratic-practices-in-climate-change-adaptation/> (Accessed on 24/07/2026)

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remedies for environmental harms towards strengthening environmental governance and addressing global environmental challenges including the triple planetary crisis of climate change, pollution, and biodiversity loss⁸.

Upholding the tenets of environmental democracy is therefore key towards strengthening environmental governance for Sustainable Development. In particular, it has been observed that there is need to foster environmental democracy for vulnerable groups including indigenous peoples and local communities who are usually excluded from environmental decision-making processes and face disproportionate impacts from environmental threats such as climate change, pollution and biodiversity loss⁹.

This paper discusses the role of Biocultural Community Protocols (BCPs) in promoting environmental democracy. The paper defines BCPs. It observes that BCPs are innovative instruments that can promote environmental democracy for indigenous and local communities who are often sidelined from key decision-making processes in respect of the environment and natural resources. The paper discusses the key features of BCPs and how these instruments can drive environmental democracy. In addition, the paper suggests how BCPs can be well designed and implemented towards achieving equity and ecological justice in quest for environmental democracy.

2.0 Role of Biocultural Community Protocols (BCPs) in Promoting Environmental Democracy

BCPs are documents that outline local and community-determined values, resource rights and priorities¹⁰. In addition, the United Nations Environment Programme (UNEP) defines BCPs as protocols that are developed after a community undertakes a consultative process to outline their fundamental ecological, cultural and spiritual values and customary laws relating to their Traditional Ecological Knowledge (TEK) and resources, based on which they provide clear terms and conditions to regulate access and use of their knowledge and resources¹¹. It has been observed that BCPs set out rights and responsibilities under customary, state and international law as the basis for which indigenous and local communities can engage with external actors including governments, companies and Non-Governmental Organizations (NGOs)¹². In particular, it has been observed that BCPs set out clear terms and conditions that guide how governments and private actors engage with indigenous and local communities especially in relation to access and use of their local resources and knowledge¹³.

⁸ WFD's approach to environmental democracy., Available at https://www.wfd.org/sites/default/files/2021-11/Global-environmental-crises-a-democratic-response_WFD_2020-updated.pdf (Accessed on 24/07/2026)

⁹ Ibid

¹⁰ Natural Justice., 'Biocultural Community Protocols' Available at <https://naturaljustice.org/wp-content/uploads/2013/08/Brief-intro-BCP.pdf> (Accessed on 24/07/2026)

¹¹ United Nations Environment Programme., 'Bio-Cultural Community Protocols A Community Approach to Ensuring the Integrity of Environmental Law and Policy' <https://www.unep.org/resources/report/bio-cultural-community-protocols-community-approach-ensuring-integrity> (Accessed on 24/07/2026)

¹² Natural Justice., 'Biocultural Community Protocols' Op Cit

¹³ Biocultural Community Protocols., Available at https://archive.abs-biotrade.info/fileadmin/media/Knowledge_Center/Pulications/BCPs/giz2013-en-biodiv-biocultural-community-protocols.pdf (Accessed on 24/07/2026)

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BCPs play a fundamental role in strengthening environmental governance and fostering environmental democracy. It has been correctly observed that environmental governance is likely to have positive effects at the local level when indigenous and local communities have the right of Free, Prior and Informed Consent (FPIC) over any activities undertaken on their lands and territories¹⁴. FPIC has been described as a fundamental right of self-determination that ensures participation by all people with a particular focus on indigenous peoples and local communities in development projects in order to ensure that such projects are conducted in a sustainable manner taking into account their economic, social and cultural impact¹⁵. The United Nations notes that FPIC allows indigenous peoples and local communities to give or withhold consent to a project that may affect them or their territories¹⁶. Further, it has been observed that once indigenous peoples and local communities have given their consent, FPIC allows them to withdraw it at any stage¹⁷. FPIC has been described as a key approach towards protecting the rights (human, environmental, land and customary) of all affected communities, especially the most vulnerable ones such as indigenous and local communities¹⁸.

It has been observed that BCPs play a key role in promoting FPIC by ensuring that any activities taken on lands and territories belonging to indigenous and local communities reflect their underlying cultural rights, values, needs and priorities including the use of TEK in environmental governance¹⁹. BCPs are developed through culturally-sensitive and participatory decision-making processes involving indigenous and local communities and are based on the customary norms, values, and laws of such communities²⁰. Some of the key features of BCPs include identification of the relevant community²¹; description of environmental governance practices and approaches used by the relevant community including its TEK²²; rights, responsibilities and duties of the community in accordance with international, national and customary law²³; procedures and processes towards upholding FPIC for the community in question²⁴; and how governments and other stakeholders can effectively and meaningfully engage with the specific community²⁵.

BCPs are therefore powerful instruments that can promote environmental democracy. These protocols articulate indigenous and local communities' stewardship of their environment and natural resources, assert their environmental rights including the right to FPIC, and affirm their environmental responsibilities

¹⁴ United Nations Environment Programme., 'Bio-Cultural Community Protocols A Community Approach to Ensuring the Integrity of Environmental Law and Policy' Op Cit

¹⁵ Owen, J.R. and Kemp, D., "'Free Prior and Informed Consent', Social Complexity and the Mining Industry: Establishing A Knowledge Base," *Resources Policy*, Vol.41 (2014): 91-100

¹⁶ United Nations., 'Free Prior and Informed Consent – An Indigenous Peoples' right and a good practice for local communities – FAO' Available at <https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/> (Accessed on 24/07/2026)

¹⁷ Ibid

¹⁸ Ibid

¹⁹ United Nations Environment Programme., 'Bio-Cultural Community Protocols A Community Approach to Ensuring the Integrity of Environmental Law and Policy' Op Cit

²⁰ Biocultural Community Protocols., Op Cit

²¹ Ibid

²² Ibid

²³ Ibid

²⁴ Ibid

²⁵ Ibid

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including the use of their TEK in environmental governance²⁶. By providing a platform for indigenous and local communities to engage with external actors including governments and the private sector in accordance with their own terms, priorities, plans, rights and responsibilities, BCPs serve as a tool towards achieving environmental democracy²⁷. In particular, it has been observed that BCPs articulate the identity and ways of life of indigenous and local communities, their systems of environmental stewardship, their customary values and laws, and effective procedures for meaningful engagement in environmental governance and can therefore catalyze constructive dialogue and collaboration in locally appropriate ways towards environmental democracy, sound environmental governance and Sustainable Development²⁸. These instruments can be utilised to build dialogues and long-term partnerships involving indigenous and local communities and external actors towards achieving sound environmental governance both now and in the future²⁹. In addition, BCPs enhance awareness for indigenous and local communities about the values, rights and obligations regarding their resources thus serving as a source of community and cultural identity³⁰.

Despite their role in promoting environmental democracy, it has been observed that BCPs are largely underutilized undermining the meaningful involvement of indigenous and local communities in environmental governance³¹. In addition, failure to engage meaningfully with indigenous and local communities during the development of BCPs can undermine their effectiveness and appropriateness³². Consequently, it is imperative to design and implement effective BCPs that take into account the cultural values, needs, rights and interests of indigenous and local communities towards upholding environmental democracy.

3.0 Conclusion

There is need to utilise BCPs towards upholding environmental democracy for indigenous and local communities. These instruments can promote equity and ecological justice including through culturally-rooted and participatory environmental governance processes that take into account the values, customs, needs, rights and responsibilities of indigenous and local communities³³. It is therefore necessary for governments and other external actors including companies, NGOs and research institutions to engage with indigenous and local communities towards developing and implementing BCPs for environmental democracy³⁴. In particular, there is need for dialogue and consultative processes involving external actors and indigenous and local communities in order to enable these communities to outline their core ecological, cultural and spiritual values, needs and customary laws towards developing appropriate and

²⁶ Natural Justice., 'Biocultural Community Protocols' Op Cit

²⁷ International Union for Conservation of Nature., 'Biocultural Community Protocols: A Toolkit for Community Facilitators (Natural Justice)' Available at <https://iucn.org/content/biocultural-community-protocols-a-toolkit-community-facilitators-natural-justice> (Accessed on 24/07/2026)

²⁸ Ibid

²⁹ Biocultural Community Protocols., Op Cit

³⁰ Ibid

³¹ United Nations Environment Programme., 'Bio-Cultural Community Protocols A Community Approach to Ensuring the Integrity of Environmental Law and Policy' Op Cit

³² Ibid

³³ Biocultural Community Protocols., Op Cit

³⁴ United Nations Environment Programme., 'Bio-Cultural Community Protocols A Community Approach to Ensuring the Integrity of Environmental Law and Policy' Op Cit

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effective BCPs³⁵. By utilising BCPs, indigenous and local communities can affirm and actualise their role as drivers of sound environmental governance towards achieve equity and ecological justice through environmental democracy.

³⁵ Ibid

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