

**GUIDELINES FOR
ENVIRONMENTAL ASSESSMENTS
WITH INDIGENOUS PEOPLE**

**A Report from the Centre for Traditional Knowledge
To the World Council of Indigenous People
Funded by the Canadian International Development Agency
And Environment Canada**

Alan R. Emery and Associates (now KIVU Nature Inc.)

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ABOUT THE PARTNERS INVOLVED IN THIS PROJECT

The **World Council of Indigenous People** and the **Centre for Traditional Knowledge** prepared the prototype *Guidelines* as part of a joint project. The **Canadian International Development Agency** and **Environment Canada** were funding partners for this project, and the research and writing was carried out by **Alan R. Emery and Associates (now KIVU Nature Inc.)**.

Centre for Traditional Knowledge

The Centre for Traditional Knowledge began in 1993 as a joint effort of the late Honorable James E. Bourque and Alan R. Emery, the then President of the Canadian Museum of Nature, where the Centre is currently housed. The Centre's purpose is to create a focus for traditional knowledge, to promote both an awareness of and preservation of traditional knowledge, and to promote the use of traditional knowledge to the mutual benefit of all cultures and people.

World Council of Indigenous People

The World Council of Indigenous People works to ensure unity, to establish meaningful exchange of information, and to strengthen organizations of indigenous people of the world. The Council is dedicated to abolishing the use of physical and cultural genocide and ethnocide, combatting racism, ensuring political, economic and social justice for indigenous people, and to establishing and strengthening cultural and other rights among indigenous people and the people of nations who may surround them.

KIVU Nature Inc. (formerly Alan R. Emery and Associates)

KIVU Nature Inc. undertakes projects that build environmental understanding and sustainable practice, and that provide leadership in communication and education about the environment. The authors of this document are Alan Emery, an internationally recognized scientist and educator, leading the integration of science, cultural, and public policy, and Leslie Patten, an internationally recognized expert in development of public programs, informal education, interpretation, and audience research.

Canadian International Development Agency

The Environmental Assessment and Compliance Unit of CIDA's Policy Branch is responsible for developing methodologies, tools, and processes to ensure that environmental assessment is well implemented and practiced in the Agency. The guideline is being developed in response to this Unit's need to ensure that indigenous people and their knowledge are incorporated into development planning and environmental assessments.

Environment Canada

The Environmental Assessment Branch, National Programs Directorate, manages the environmental assessment program in Environment Canada. This includes preparing guidance materials and giving advice to support headquarters and our regions in their application of legislation such as the Canadian Environmental Assessment Act.

THE PROTOTYPE GUIDELINES

Modern development and progress is important to indigenous people. They understand that development projects may degrade their environment by removing natural resources or polluting the land on which they live. But these people also need to continue to live and develop according to their own decisions and traditions on the same land in the face of projects that routinely alter their fundamental conditions of life. A means is urgently needed to ensure that mutual benefit to all parties results from projects involving the extraction of natural resources from areas inhabited by indigenous people. Many other people are currently working on this subject, and their personal experiences range from uplifting, to terribly dispiriting.

The *Guidelines for Environmental Assessments With Indigenous People* were prepared as a preliminary step to help address this need. The *Guidelines* are very much a prototype at this stage of their development. They are based on a broad search of the literature and the internet, on discussions with aboriginal leaders in the field, and on responses from over one hundred reviewers of the first draft. The final form of the *Guidelines* will undoubtedly be quite different from this document, not least because nearly 200 million indigenous people would not be able to make effective use of a text-based document as the only source of advice on how to ensure a mutually beneficial result from interaction with development projects.

The *Guidelines* will be tested in mock development projects during a series of workshops. These workshops are planned to be held in six different locations in the world, two in the far north, two in temperate regions, and two in tropical regions. Each workshop will include participants from indigenous groups, corporations, and government representatives who come from the local region in a hypothetical situation using the *Guidelines* as if they were really developing the project in their area. On the basis of the results, a completely revised set of *Guidelines*, prepared in a series of different media, including text, video, audio tapes, and possibly a theatre piece, will ultimately be produced.

World attention must be drawn to the need to include traditional knowledge in environmental assessments. Holding workshops to test these *Guidelines* will alert people to the need for a more rigorous protocol for including indigenous people and their knowledge than has previously been the practice. By including relevant stakeholders as participants, we can ensure that an inherent learning process will also take place, in which governments, corporations, and indigenous people come together to make recommendations about the best means of achieving the goal of mutually beneficial results from development projects in areas involving indigenous people. The workshops will serve as a catalyst for awareness as well as a vehicle for creating a new set of *Guidelines*.

The *Guidelines* are not yet fully tested and revised. We hope you will find these preliminary guidelines useful. Please feel free to modify them if you find better ways to weave traditional knowledge and western systems of understanding the environment. It would be very helpful if you could inform us at KIVU Nature Inc. either through the website or by commenting on the blog.

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SUMMARY OF THE GUIDELINES

**Guidelines For
Environmental Assessments
With Indigenous People**

SECTION 1 — THE CONTEXT FOR THE GUIDELINES

THE NEED FOR GUIDELINES

Development projects that have a significant effect on the environment are being undertaken at an ever increasing pace. The rate of transformation of the environment from natural to other uses has been estimated at as much as 7% per year worldwide. The significance of this loss of natural habitat on the biodiversity of the world is immense, and may eventually represent a survival issue for all of humankind. One large segment of the human population is already being adversely affected on a large scale. Indigenous people live on 20% of the world's land mass, often in areas of nature least affected by humans. Their use of the land includes subsistence, the development of culture, and a sense of identity. Indigenous people regard the land as part of themselves. By contrast, non-indigenous societies have generally come to view natural areas as commercial reservoirs of natural resources. Natural resources are considered wasted unless extracted and put to "use." Modern use of natural resources often harms the well-being of indigenous dwellers. Past practices have varied immensely in their attention to the needs of indigenous people, but in the main, industries using the resources have not been as careful of the needs and rights of indigenous groups as is necessary. Thus, developing guidelines on how to include indigenous people in the decision-making process about their future is a crucially important task to be undertaken.

No one body has the authority or right to impose guidelines on how indigenous people should be included, nor even which important variables might be considered. In fact, there are many arguments and counter-arguments that attempt to define the limits of the use of natural resources (non-indigenous perspective) or the intrusion on the land (indigenous perspective). Often indigenous people point to the continued existence of intact ecosystems where they remain the primary inhabitants and owners of the land as evidence of their excellence in stewardship of the environment. These arguments are countered by proponents of resource use, pointing to the disappearance of large animals as a result of the arrival of immigrant "indigenous" people, and to the fact that indigenous communities are so small they do not have a significant impact on the carrying capacity of the land. These arguments are rebutted by noting that the technology-based civilizations so overpopulate regions they inhabit that the entire world is in danger of having its carrying capacity overwhelmed. It is not helpful, however, to dwell on these ideological arguments. Instead, the most useful approach is to recognize that there are deep differences in perspectives, and that these differences can be viewed as opportunities to work together, rather than in conflict.

Projects that have an impact on the land and environment are potent in their effects on indigenous people. Disputes over ownership or rights to resources, or the repair of environmental damage, can reach violent proportions and result in human death on a large scale, either directly during armed conflict, or indirectly as indigenous people lose their capacity to survive on the land. Thus, it is vitally important to develop non-conflictual means of managing environmental impacts of resource extraction projects, for the mutual benefit of the project and the indigenous people. Yet, at the present time in many countries, development of natural areas is a priority that supersedes environmental considerations and sometimes indigenous human rights. In some, but certainly not all countries, legislation requires the assessment of potential environmental impact before a project begins, but it is rare indeed that environmental assessments include traditional

knowledge of indigenous people — and all the guidance it can offer — as part of the environmental assessment.

The *Guidelines* suggest a framework within which managers of environmental assessment and development planning projects can ensure appropriate inclusion of indigenous people and their traditional knowledge as part of the process. These are not guidelines on how to carry out an environmental impact assessment nor how to plan a development project; they are intended to guide the parties on how to include indigenous people and their knowledge in the process so that mutually beneficial results occur, based on fair play and equity.

There are, of course, many stakeholders in any project involving the environment, but for the purposes of these *Guidelines*, three major parties are involved in the process: the government regulatory agency, the proponent of the project (usually a corporation), and indigenous people. The *Guidelines* consequently are presented in three sections: indigenous, corporate, and government. Governments are called on to recognize, protect, and monitor the rights of both the corporation and the indigenous people. Proponents of projects need to be aware both of the advantages of using indigenous knowledge and of the sensitivities of indigenous people and their rights. Indigenous people need to know what their rights are, and how to negotiate effectively with corporations and governments.

The *Guidelines* are most useful to parties who wish to cooperate, but even in circumstances where cooperation seems unlikely they offer ideas and advice.

INDIGENOUS PEOPLE

According to the International Labour Organization, there are about 5,000 different indigenous or tribal people living in seventy countries. The total world population is estimated at about 300 million, mostly in Asia.

All definitions of the concept of “indigenous” regard self-identification as a fundamental criterion for determining the groups to which the term indigenous should be applied. Within the UN family, the ILO (ILO Convention 169) defines Indigenous and Tribal people as follows:

tribal people in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

people in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

TRADITIONAL KNOWLEDGE

What is Traditional Knowledge?

An understanding of traditional knowledge and how it differs from non-indigenous knowledge is an important basis for determining how to include it in environmental assessments. Knowing what it contains, and how it is acquired and held, are fundamental to being able to make good use

of the knowledge and to encourage all parties to be aware of the added value its use will bring to assessments. The following is a brief introduction to traditional knowledge.

The Words of the Director General of UNESCO (Mayor, 1994) defines traditional knowledge admirably:

“The indigenous people of the world possess an immense knowledge of their environments, based on centuries of living close to nature. Living in and from the richness and variety of complex ecosystems, they have an understanding of the properties of plants and animals, the functioning of ecosystems and the techniques for using and managing them that is particular and often detailed. In rural communities in developing countries, locally occurring species are relied on for many — sometimes all — foods, medicines, fuel, building materials and other products. Equally, people’s knowledge and perceptions of the environment, and their relationships with it, are often important elements of cultural identity.”

Most indigenous people have traditional songs, stories, legends, dreams, methods, and practices as means of transmitting specific elements of traditional knowledge. Sometimes it is preserved in the form of memories, ritual, initiation rites, ceremonies, or dance. Occasionally it is preserved in artifacts handed from father to son, or mother to daughter. In indigenous knowledge systems, there is usually no real separation between secular and sacred knowledge and practice — they are one and the same. In virtually all of these systems, knowledge is transmitted directly from individual to individual.

The following characteristics of indigenous traditional knowledge were defined in a workshop on environmental assessment held in Inuvik, Canada, in November 1995. These are the words of Inuit people answering the question:

What do we mean by traditional knowledge?

- *“It is practical common sense based on teachings and experience passed on from generation to generation.*
- *It is knowing the country; it covers knowledge of the environment (snow, ice, weather, resources), and the relationship between things.*
- *It is holistic — it cannot be compartmentalized and cannot be separated from the people who hold it. It is rooted in the spiritual health, culture, and language of the people. It is a way of life.*
- *Traditional knowledge is an authority system. It sets out the rules governing the use of resources — respect; an obligation to share. It is dynamic, cumulative and stable. It is truth.*
- *Traditional knowledge is a way of life — wisdom is using knowledge in good ways. It is using the heart and the head together. It comes from the spirit in order to survive.*
- *It gives credibility to people.”*

Comparisons Between Indigenous and “Scientific” Knowledge

The temptation to compare scientific and traditional knowledge comes from collecting traditional knowledge without the contextual elements. For example, the Inuit people have a far richer and

more subtle understanding of the characteristics of ice and snow than do non-indigenous people. In fact, some Inuit classification is accessible only by virtue of its relationship to human activities and feelings. In South America, some Indian tribes have a classification system for trees that identifies many species that science does not, and appears to miss obvious species that science recognizes. Once again the classification systems have a different set of assumptions, so are not directly comparable. The species that appear to have been missed by aboriginals, turn up as recognizable in other contexts for the native people. The “extras” from a scientific perspective are identified by native people either because science simply missed them, or because ecological variants have equal importance to genetic species from a traditional standpoint. These comparisons sometimes incorrectly lead science practitioners to trivialize traditional understanding.

Whereas scientific practice generally excludes the humanistic perspective, traditional understanding assumes a holistic view including language, culture, practice, spirituality, mythology, customs, and even the social organization of the local communities. Indigenous people rarely have formal written records of their knowledge.

For many indigenous people today, the communication of traditional knowledge is hampered by competition from European-derived cultures that captures the imagination of the young. They are bombarded by technology that teaches them non-indigenous ways, and limits the capacity of the elders to pass on traditional knowledge to the young. As the elders die, the full richness of tradition is diminished, because some of it has not been passed on and so is lost. It is important therefore to find ways of preserving this knowledge. One of the most effective ways is to embody it in the decisions about projects that affect the communities. Around the world, there is a sense of urgency to “collect” traditional knowledge because as the elders die, there is a danger that the knowledge will die with them because young people are not always following traditional ways. The parts of the traditional knowledge base that are currently being collected most actively are both the classification and the technological aspects. Databases of traditional knowledge exist in many locations, mostly outside traditional communities, but there is as yet little linkage among the databases.

The definition of traditional environmental knowledge from the Dene Cultural Institute (Canada) gives some insight into the indigenous view of the comparison between scientific knowledge and traditional knowledge about the environment:

“Traditional environmental knowledge is a body of knowledge and beliefs transmitted through oral tradition and first-hand observation. It includes a system of classification, a set of empirical observations about the local environment, and a system of self-management that governs resource use. Ecological aspects are closely tied to social and spiritual aspects of the knowledge system. The quantity and quality of TEK varies among community members, depending on gender, age, social status, intellectual capability, and profession (hunter, spiritual leader, healer, etc.). With its roots firmly in the past, TEK is both cumulative and dynamic, building upon the experience of earlier generations and adapting to the new technological and socioeconomic changes of the present.”

Traditional knowledge has value and validity. It provided the basis for much of modern medicine; centuries of herbalist knowledge accumulated in the early writings of travelers, clerics, and natural historians. That ecological knowledge exists in traditional knowledge for thousands of years was first pointed out publicly in the Brundtland Commission in 1987. Very recently, the

Biodiversity Convention, Agenda 21, the Rio Declaration and Forest Principles provided a contemporary context for traditional knowledge.

Too often, traditional knowledge is incorrectly made parallel only to “science”. Science is but a small part of non-indigenous knowledge. Similarly, to suggest that indigenous traditional knowledge is only the equivalent of science is to diminish incorrectly the strength and breadth of indigenous traditional knowledge. Thus, the suggestion that traditional knowledge should be characterized as “traditional science” diminishes its breadth and value. Nonetheless, there are categories within the traditional knowledge base that parallel science.

Classification: the understanding of specific elements of factors in the environment, such as the plants, animals, soil, water, air, weather and environmental phenomena;

Technology and Resource Management: the development and use of traditional technology for farming, hunting, forestry, fishing, trapping, and managing the resources for the use both of the current and importantly for the future generations.

Ecology, Evolution, and Systematics: the understanding and awareness of the “web of life.” This includes the concept of origins of interrelatedness of types of animals, plants, and rocks. It understands the dynamic interrelationships of current ecological members of the same areas.

While it is not appropriate to compare scientific and traditional knowledge as equivalents, the use of traditional knowledge in environmental assessments and development planning means that the two knowledge bases will be in contact with each other as practitioners attempt to weave the two together. To assist in understanding the similarities and differences in the characteristics of the two, the characteristics are listed below. Table 1. examines the styles of knowledge, and Table 2, the characteristics of the two in their use and application.

Table 1. Comparisons Between Traditional and Scientific Knowledge *Styles*

INDIGENOUS KNOWLEDGE	SCIENTIFIC KNOWLEDGE
Assumed to be the truth	Assumed to be a best approximation
Sacred and secular together	Secular only
Teaching through story-telling	Didactic
Learning by doing and experiencing	Learning by formal education
Oral or visual	Written
Integrated — based on whole systems	Analytical — based on subsets of the whole
Intuitive	Model or hypothesis-based
Holistic	Reductionist
Subjective	Objective

Experiential	Positivist
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Table 2. Comparisons Between Traditional and Scientific Knowledge *in Use*

INDIGENOUS KNOWLEDGE	SCIENTIFIC KNOWLEDGE
Lengthy acquisition	Rapid acquisition
Long-term wisdom	Short-term prediction
Powerful predictability in local areas	Powerful predictability in natural principles
Weak in predictive principles in distant areas	Weak in local areas of knowledge
Models based on cycles	Linear modeling as first approximation
Explanations based on examples, anecdotes, and parables	Explanations based on hypotheses, theories, laws
Classification a mix of ecological and use non-hierarchical differentiation includes everything natural and supernatural	Classification based on phylogenetic relationships hierarchical differentiation excludes the supernatural

Women and Traditional Knowledge

Traditional knowledge that is held by women needs special consideration for a number of reasons. Aboriginal women, as the primary harvesters of medicinal plants, seed stocks, and small game, are keepers of the knowledge about significant spheres of biodiversity in their own right, and as such they are the only ones able to identify the environmental indicators of ecological health in those spheres.

Perhaps even more central in importance is the fact that women share with men the responsibility for stewardship of values, including "eco-values", in their societies. They feel a keen responsibility to future generations for actions undertaken today that affect nature, to ensure continuity and wholeness of their lifestyle, their culture, and the natural world in which we all live, for their descendants. It is women, in the main, who transmit to the next generation these values as part of their stewardship role. Their multi-generational perspective needs to be taken into account, especially when we recognize from experience that so many projects have foundered, and led to destructive consequences for nature, because insufficient consideration was given to the later phases.

For the success of development projects that will have an impact on the environment, it is important to recognize that indigenous women around the world have, in the main, been harder hit by the negative consequences of development than men. For example, in many parts of the

world it is often women who grow food crops, gather water and fuel, and perform most of the work that sustains the family; the privatization of land, the building of dams and irrigation projects and mines, and the huge array of negative impacts of agri-business have marginalized women and dispossessed them of their independent ability to sustain themselves and their children. It is in everyone's interest to involve women in planning development, for increasingly women view development plans that do not consider their knowledge and values as violence against their ability to ensure the safety and future of their children their ability to sustain life itself.

As a final point, it should be noted that the current dominant models of economic growth and development are models that turn on notions of commodities produced for profit in the marketplace. These models do not easily recognize the economy of "women's work", which is largely invisible because it is undertaken for subsistence or domestic purposes rather than for profit; it is consequently not often "counted" or valued. This is true for Canada's indigenous women, who rely on their own sustainable harvesting of nature for the production of both food and clothing for their families, far more than they rely on it for the making of goods for sale.

This hidden economy of women's work is often inextricably bound up with nature, and this needs to be recognized in any environmental assessment of the impact of a development scheme.

Women and Children First

For all these reasons, many now believe that in conceptualizing development, women and children should be put first. Women's well-being as the creators and sustainers of life is inextricably bound up with the integrity of the natural order. We neglect their knowledge and wisdom in environmental assessment at our peril. In ensuring *their* well-being, we will go a good part of the distance in ensuring the well-being of the environment.

These *Guidelines* look to ensure the participation of indigenous women, given the traditional knowledge they hold, the special and critical role they play in their societies, and the fact that they will experience the consequences of development most keenly. Since indigenous women are generally not yet widely organized to respond to requests to participate in environmental assessments, extra care must be taken to design a process that will include them in a central role, in a way that respects the demands of their lifestyles.

Traditional Rights to Resources

Each local community owns its traditional knowledge. Often the knowledge of one local community is also the knowledge of another. It is regarded as intellectual property. Indigenous people have shared this knowledge freely in the past and have rarely received proper compensation or recognition for it. Today, indigenous people feel that they, who are the keepers and developers of the knowledge, should be compensated for sharing or collecting it just like any other professional. Governments or corporations do not always agree with the idea that indigenous people should be paid for their knowledge.

A great deal has already been done to bring order and profile to both intellectual and cultural property rights, but it is far from satisfactory. In some locations, indigenous people have a very difficult time demonstrating that they have any rights. Intellectual and cultural property rights are very difficult for indigenous people to protect because a physical expression of the "property" is required for such protection. Knowledge that is still in a person's mind is not easily protected,

yet the knowledge of indigenous people is primarily held in the minds of people, not on paper. Even if protection were available, it is usually difficult to define the legal entity in which to invest the ownership. Agreements on the use of traditional knowledge and recompense for its use vary immensely according to the negotiating skills of the parties entering the agreement.

Legislation concerning intellectual and cultural property rights is wholly inadequate and often inappropriate for protecting traditional rights to resources and to the knowledge bases indigenous people have developed about these resources. Currently special alternative systems (these *ad hoc* systems responding to specific situations are sometimes referred to as *sui generis* systems) are being developed. Several debates have already taken place regarding these new special systems. The best examples of international debates developing *sui generis* approaches are in the implementation of the General Agreement on Tariffs and Trade (GATT) under the auspices of the World Trade Organization; the development and revision of the FAO Global Plan of Action and International Undertaking on Plant and Genetic Resources; and the continuing evolution and development of the Convention on Biological Diversity through its Conferences of the Parties.

Traditional resource rights are currently largely based on human rights principles, not in legal documentation. More international law is needed. In the meantime, there are essentially four processes that can be used to develop legal instruments to protect traditional resource rights:

- identifying “bundles of rights” expressed in existing moral and ethical principles,
- recognizing rapidly evolving “soft law” which is currently being influenced by “customary practice” and legally non-binding agreements, declarations, and covenants,
- harmonizing existing legally binding international agreements signed by nation states, and
- “equitizing” to provide marginalized indigenous, traditional, and local communities with favourable conditions to influence all levels and aspects of policy planning and implementation.

The most important document to establish traditional resource rights is the Draft Declaration on the Rights of Indigenous People. This is currently being reviewed by the Commission on Human Rights of the UN Economic and Social Council, so does not yet have the force of international law.

Another important document that establishes resource rights for indigenous people is the Convention on Biological Diversity, which was signed by many countries in 1992. Many of the signatory countries have also ratified the convention in their own governments, giving it the force of international law. It, unfortunately, is a relatively weak instrument. The specific right that is granted to indigenous people is excellent in concept, but weak in application. An initial caveat in Article 8 limits the requirement to “as far as possible and appropriate”, and a specific caveat in section (j) empowers the nation in question to apply the right subject to its own internal legislation. It reads as follows:

Article 8 ... Each party shall, as far as possible and as appropriate: (j) Subject to its national legislation, respect, preserve, and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge,

innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations, and practices.

Indigenous people often find themselves petitioning for rights that are taken for granted in non-indigenous societies. For instance, in 1995, the final statement from a consultation in the South Pacific, held in Suva, Fiji, states:

We assert that 'in situ' conservation by indigenous people is the best method to conserve and protect biological diversity and indigenous knowledge, and encourage its implementation by indigenous communities and all relevant bodies.

Indigenous people also believe that successful conservation depends on full rights and control over their lands, territories, and resources. This is consistent with science as well; a “commons” (unowned land and resources used at will by anyone) are never well managed. It is well known that ownership is the foundation for good management. Yet in 1992 it was deemed necessary to state the obvious. The Charter of the Indigenous-Tribal People of the Tropical Forests proclaims:

The best guarantee of the conservation of biodiversity is that those who promote it should uphold our rights to the use, administration, management and control of our territories. We assert that guardianship of the different ecosystems should be entrusted to us, indigenous people, given that we have inhabited them for thousands of years and our very survival depends on them.

Indigenous people are willing to share their traditional knowledge with the rest of humanity, but they insist on a guarantee that the fundamental rights to define and control this knowledge be protected by the international community. Currently this protection does not exist.

There is both danger and benefit in the increasing acceptance of indigenous knowledge. Charlatans who unscrupulously romanticize indigenous sacred beliefs, natural resource management, or health care can be very destructive. Often these disciplines are exploited with no regard for the consequences of misusing the knowledge.

DEVELOPMENT PROJECTS AND INDIGENOUS PEOPLE

The Impact on Indigenous People

The survival of indigenous people is directly tied to the maintenance and sustainable use of a healthy and vibrant ecosystem. The earth is as a mother, honoured for nurturing and sustaining them. From it they draw their traditions, culture, and subsistence. For most indigenous people, the particular land on which they were born and on which they have lived is as important to them as a mother — to take away “their land” and offer them some other parcel of land, or something else in recompense is to profoundly misjudge the essence and importance of their relationship to a specific landscape.

Having an integral and meaningful role in making decisions about their own future and their ability to shape that future by deciding for themselves is an important and deserved right for indigenous people. Recently indigenous people have begun to assert their right to decide, and international law as well as some nations have begun to recognize this demand. Environmental assessments, socioeconomic impact assessments, these *Guidelines*, the assembly of case studies, support group activities, and many other actions underscore a growing world sympathy for the concept of indigenous traditional rights to resources.

Government Priorities

Government priorities significantly affect the potential inclusion of indigenous people in planning their future. Many countries have fiscal survival and resource development as their highest priority. When this is the case, the extraction of forest and mineral products from natural areas is regarded as a major benefit to the country. The attendant reduction of environmental value is not regarded as a large offsetting cost. For indigenous people who dwell on the land, however, their very survival is at stake. Thus, while indigenous people welcome progress, they also want to be able to continue living on their land and making their own decisions about their future.

Governments have a responsibility to their citizens and international law is increasingly protective of traditional rights to resources. One of the keys to establishing mutually beneficial development projects is for governments to require environmental impact assessments with meaningful participation of local indigenous people as a precondition to granting concessions, and to recognize that the desired end result is satisfactory economic, social and developmental benefits for all parties involved. Both the negotiations and the actual assessments should include equity, empowerment and respect for both parties. The diligence of the regulatory agency in monitoring the fairness of these assessments and the implementation process contributes significantly to the success or failure of both the assessments and the project. If there is no requirement to begin a project with an environmental assessment, the difficulty of establishing a negotiation is vastly increased.

Because of differences in concepts of ownership, indigenous people often begin at a disadvantage. Governments assume central ownership of land unless it has been sold and deeded to an individual or a corporate entity. Under this regime, forest dwelling people, and many indigenous groups who live on the land, have no “legal” rights to the property they have lived on for centuries. Although the Convention on Biological Diversity (Article 8 (j)) has legal stature, and holds that indigenous people do have certain stewardship rights, it depends on the laws of the nation.

Environmental Assessment: A Planning and Decision-Making Process

Environmental impact assessments are designed to be a planning and decision-making tool. The processes of environmental assessments vary widely — some are highly consultative, others are done in isolation. There is no generally accepted prescriptive definition of what an environmental impact statement should be like. The assumption for virtually all environmental impact statements, however, is that the basic approach will be “scientific.” In the past, this assumption has worked to exclude, rather than to include, indigenous knowledge. This is unfortunate because indigenous knowledge has much validity. Indigenous knowledge of these critically important areas is derived from thousands of years of close interdependence with the natural systems.

The premise of an environmental impact assessment is simple; 1) establish a description of the baseline environmental situation, 2) define all the actions to be taken in the project that will affect the environmental situation, 3) predict and prepare plans to mitigate the effects of the actions as they are currently described. The decision-makers are then expected to use this information to make a judgement as to whether the benefits to be accrued from the project outweigh the environmental costs. On the basis of this cost-benefit analysis, they render their decision: to accept, to reject, or to modify the project.

In practice, there are many difficulties inherent in carrying out a valid assessment. The concept of the “environment” is loosely defined, especially today, when in addition to ecological or biological considerations, there are social, cultural, and economic factors that must be considered. Formal socioeconomic impact assessment should also accompany an environmental impact assessment because the natural environment has such a profound effect on indigenous people. Socioeconomic assessments are only possible through a consultative planning process. They predict future social, cultural and economic effects upon individuals, families, organizations, communities, regions, institutions and other social units. All parties to a development project should be aware of the environmental, social, and cultural costs of the project and work to establish an early definition of mutually acceptable ethics and values that each party will undertake as a commitment. It is rare, however, that baseline data pre-exist in sufficiently detailed form to be of much use. This forces the corporation to gather data on the baseline situation. Data collection is almost always limited by a lack of time and money.

A regulatory agency normally sets rules for how assessments are to be prepared, but it is usually the corporation that develops the process to define benefits, effects, and mitigation measures. In almost all world jurisdictions, it is the responsibility of the corporation to create and deliver the assessment. There is good logic to this approach -- projects are so varied that a uniform methodology would not suffice for all situations. The politics surrounding the statements and reports are almost as important as the information they contain. Stakeholders, governing bodies, vested interests, activists, politicians, and many other forces are at play in decision-making. For any stakeholder group to have an effect of significance, it is imperative that it be a part of the process and that it participate in the politics of the assessment. Regardless of who the corporation might be, it is not easy for the corporation to maintain an unbiased perspective to uncover and explain all the potential problems the project might cause.

There are now many technological advances that can effectively mitigate the effects of industrial processes that even a few years ago were difficult or impossible to treat. Industry is currently developing excellent waste treatment and reclamation processes that should be actively encouraged in handling waste products from mining and pulp and paper production. These are but two examples of just how fast the evolution of new technology in the field of environmental protection is progressing.

Using Traditional Knowledge in Environmental Assessments

We do not have sufficiently accurate models to predict combined ecological, social, and cultural impacts from complex changes in the environment. Because ecological bottlenecks often occur years apart, it is difficult to impossible using normal short-term scientific procedures in environmental assessments to find them and include them in the analysis, yet they can be the single most important factor. To satisfy the data needs of existing predictive models requires multi-year information about many species. Given the relatively ineffective long-term scientific methodology normally associated with environmental impact assessments — primarily a lack of long-term baseline data, little knowledge of the subtle effects from the project’s actions, inability to predict long-term effects accurately, difficulty in defining or even discovering indirect effects, and an inability to determine bottleneck occurrences of critically important factors — traditional knowledge bases are amply able to help fill these gaps. This is precisely why the long-term knowledge bases of traditional people can help to solve these problems. Unfortunately, there is no lengthy history of traditional knowledge having been used extensively

in assessments. Thus, there is no substantial body of evidence to support the notion that traditional knowledge can improve the effectiveness of environmental impact statements.

When indigenous knowledge is used in its original context, and in partnership with science, the combination is often a powerful tool. Important examples are to be found in resource management, where both scientists and native hunters, trappers, or fishermen work together giving equal weight to both types of knowledge. The practice of co-management works better if a hands-off style of governing the actions of on-the-ground members of the co-management team is used. Because the information base is not easily written down, members should be chosen from the non-indigenous side who are not skeptical of traditional knowledge and process. The intimate relationship and trust amongst the members needs to be maintained to keep the authority and power of co-management. In a few cases, forcing it on aboriginal communities caused the loss of valued traditional knowledge without proper compensation for the knowledge. Though sometimes difficult, co-management experience has been extremely positive.

Indigenous people should begin to collect specific information both about the environment and about the corporation as soon as the project is known to be a possibility. Even in the biological areas there are subtle, even insidious effects that may occur. Gradual changes may have an accumulating effect, such as changes in water quality that are not toxic, or “harmful,” but that may alter the underlying trace minerals. Indirect effects from these subtle changes might include a loss of herbivorous animals on which the community depends, because of the changed plant community. In cumulative effect, these small changes can ultimately be disastrous. The people best equipped to discover these subtle potential changes are the holders of traditional knowledge of the area.

Negotiating Mutually Beneficial Results

As in all negotiations aimed at finding mutually beneficial results, there must be flexibility on both sides. Indigenous people will need to assess their expectations from the project against the costs that will necessarily be incurred. Corporations will need to understand that human lives and quality of life are at stake for the indigenous people, and the corporation may need to be creative in discovering ways to enhance the opportunity for these people to continue to live in the area that is important to them and to continue to develop according to their own decisions.

Governments or corporations should begin projects by acknowledging that indigenous people must be involved from the beginning ensuring their decision-making role. Unfortunately, there are numerous examples of corporations or governments initiating projects with no intention of heeding the objections of indigenous people. Like anyone else, indigenous people will resist if, without consultation, their life values, homes, culture, and food sources are compromised or destroyed. Few governments actively protect the rights of indigenous people to own the land on which they have traditionally lived. Even in the most enlightened countries, indigenous people are not often vested with the right to decide on the initiation of development projects on their traditional lands, and in many countries they are not invited even to participate in decisions that govern the initiation or development of the projects. The normal reaction to this disregard of human rights is to refuse to cooperate, or to become hostile. While this is understandable, there are more effective strategies that indigenous people can adopt — they can make use of existing laws, regulations, and policies governing acceptance of the projects, and can make use of public attention through the media — and increasingly, this is what has been happening.

A business project may begin with a negotiation between the corporation and the government over the use of the land long before the people who live on it, and who have for all memory assumed the land to be theirs, are even aware that the discussions have taken place. By the time the government or corporation approaches the local communities, key decisions may already have been taken, and they will have been taken without the inclusion of the people who live on the land. This works to the detriment of both parties. The local community may be compromised and the corporation may have made poor decisions based on a lack of knowledge that could have been supplemented by local people. The corporation may well believe it has acted properly and legally, though indigenous people have had their very lives endangered. Furthermore, indigenous people feel betrayed by the governing body, and no matter where they turn there are apparently no means of recourse. Resentment becomes a major impediment to successful relations between the corporation, the government bureaucracy, and the local community. Tempers can flare quickly and disastrous results occur all because of different starting assumptions held by the key parties involved.

Negotiations should be based on equity, empowerment, respect and cooperation. Knowledge gains power when it is shared amongst equal partners, and when all knowledge bases are shared, the end result is much more able to solve problems than any one system alone. There are distinct financial benefits to including indigenous knowledge and in addition the corporation will acquire the profile of a good corporate citizen. Excluding indigenous people at the outset may result in protracted and costly legal and review processes, which in turn will undermine the project's effectiveness and the image of the corporation.

Non-indigenous and indigenous people may have trouble communicating because of a vastly differing fundamental understanding of the universe and assumptions of what is and what is not fact. For example, some indigenous people pay strict attention to their elders, who have intimate knowledge of the truth. The elders usually speak in the form of metaphors and parables. Story-telling is the single most important aspect of transmitting information and understanding as well as the reiteration of cultural values. Most anecdotes told by elders have many levels of meaning. The native listener understands this and uses the experience to become wiser. Often instead of becoming more knowledgeable, the listener has been purposely confused by specific information and is driven to go and discover answers for himself. The purpose of some of the anecdotes is to encourage self-enlightenment, not simply to pass on information. Non-indigenous listeners may become frustrated and even angry when they try to get straightforward information from an indigenous person. Non-indigenous people have a long-established practice of answering questions directly, and are not accustomed to working their way through parables. They certainly do not assume that an elderly person speaks the truth of the universe. Anger may arise because the listener feels he or she is being deceived or that some high degree of obfuscation is going on when it is not appropriate. Having no grounding in the symbolism of indigenous people's speech and thinking patterns, it is often enough to frustrate a non-indigenous listener.

These communication difficulties also arise because there are significant differences in perspectives between a project manager and a village elder. The elder can see many generations into the future and feels the need to give wisdom about this endangered future to the project manager. The project manager, in contrast, just wants a simple answer to a simple question, and instead must attend to a long, complicated story. Short-term versus long-term thinking is directly derived from the differing needs of the two parties, and yet for a successful conclusion to the project, both must be satisfied.

Further compounding this difficult situation, and under the continuing pressure of financial drain for days spent in “non-productive talk,” there is uncertainty about which knowledge base has more “power” in case of differing opinions. Needless to say, the owners of each knowledge base feel theirs is more important. Here again the difference is often in time frames; the project manager may feel he needs the immediacy of facts, whereas the local community is much more concerned about the long-term future. Which knowledge base will have the deciding vote in a case of a dispute? Unless this is established early in the process, conflicts will inevitably arise and litigation or bad press may follow.

On a number of occasions, corporations and indigenous groups have been able to create round-tables of communities and other stakeholders working with the industrial corporation. Many of the obstacles have been worked out in a spirit of cooperative negotiation. One of the clear lessons from these early round-tables, however, is the need for commitment on both sides to honesty and a willingness to be at least partially flexible to the needs of the other parties. To the benefit of future opportunities to create round tables, there are a number of these agreements that have now been published. One note of caution from experience: if government representatives are invited to join the group too early, it has been found that positions polarize quickly and the process may degenerate into a conflict-ridden argument.

Trust is the principle on which indigenous people base most of their relationships. Negotiations with indigenous people must be founded in concepts of equity, respect, and empowerment. In business, trust is not necessarily a basic assumption the legal process is the basic assumption. Business employs the dictum of *caveat emptor*, where each party is assumed to be capable of discovering the pitfalls and negotiating past them, if necessary through legal means, or by backing out of the project. Indigenous people normally do not operate on this principle. For them if there is no trust, normally there is no negotiation.

The Compensation Package

There are few more contentious issues in the successful completion of negotiations over environmental, social, cultural, economic, and other impacts than determining what the compensation package should be both for indigenous communities and also for individuals within those communities. When a community is significantly affected, people will want to be compensated for any real or perceived loss of quality of life. In addition, indigenous communities will want to be compensated for any traditional knowledge they provide for the corporation, and also for any participation in the assessment process. Often the corporation perceives that the indigenous community is being paid to gather the information, and then wants payment to compensate for the knowledge itself. There are very few precedents that offer useful guidance to the level of compensation that should be paid. In some countries, treaties and land claim negotiations provide guidance, but because these payments are from governments, they may be far in excess of the fee rates or compensation for environmental losses that a corporation could pay and still maintain a financially successful project. At the same time, one could argue that perhaps this defines a project that should not proceed -- the cost to the indigenous people and the environment is too high.

Other approaches are sometimes useful. If the corporation allows the indigenous community to share in the revenue from the project on a partnership basis, the amount of compensation is negotiated on a quasi-equity share base. In some cases, the project may anticipate royalties from patents on processes or materials that result from traditional knowledge. Sharing these on an

equity base can help to solve the problem of determining the compensation package. In Costa Rica, a company called InBio has significantly changed the attitude to forest cutting. It has an arrangement with US pharmaceutical companies to undertake “bio-prospecting” for active biological agents in the forest. A retainer -- quoted in the multi-million dollar range — keeps the para-taxonomy force of indigenous people active, and for any discovery, InBio retains a portion of the revenue on a royalty base. The amount of money involved in a successful pharmaceutical discovery is in the range of several billion dollars.

Part of the thinking and planning that goes into calculating a compensation package must include planning for the time after the project has been completed, or when the project goes into operation. This will depend entirely on the nature of the project. For instance, if the project is to cut down a forested area and sell the timber, what happens to the people from the community who were employed to help cut trees and move logs? Will they be left without a job? What will happen to the economy of the community when the income from the extraction of trees comes to an end? If the project was to build a plant, and many local people were used as construction helpers, are there replacement jobs for these people in the factory? What kind of jobs? Are there enough for everyone? What guarantees do they have that the promised jobs will be there when the plant opens? If the project is a mining project, have they negotiated a payment for the extraction of resources from their land based on gross revenue? What happens as the ore becomes increasingly difficult to find and the mine becomes less and less profitable? The revenues to the community will decline with the revenue to the community. Most mining towns last only a few years or decades at most, unless some other industry comes along to replace the mine. What plans have they developed for the community when the mine closes — as it inevitably will do?

The cost-benefit ratio of the project must to consider the long-term economics. They will have a profound effect on the longevity of the community. In non-indigenous societies, the loss of a mining town is regrettable, but for the most part, people are not tied to the land, and can move to other locations to find their futures. This may not be so for indigenous communities. If there is no way to ensure a sustained revenue base for the community beyond the end of project, it is important to consider what the community will do to replace the lost revenue. Perhaps during the course of the project, the community can develop its own technological capacity or find ways to market the products from its traditional products by taking the opportunity to make contacts outside the community through the corporation’s network of associations. The main thing is to think about it and negotiate the best arrangement possible and plan what will be done as the revenue base winds down.

CONCLUSIONS

Development projects that have an impact on the environment will continue to be undertaken in the foreseeable future. The needs of indigenous societies and technology-based, non-indigenous societies can be met within these projects, but it requires cooperation and mutual understanding. Sharp differences between the indigenous and non-indigenous knowledge bases, and a lack of understanding about these differences, have made cooperative solutions difficult in the past. Past experiences for indigenous people interacting with development projects have often been quite unpleasant. Too often, as the indigenous people attempt to assert their rights, conflict arises to the detriment of both the development project and the indigenous people. There is a growing world sympathy for indigenous rights that will give indigenous people more authority over the

resources in the future. Fortunately there is also an increasing appreciation of the advantages of using science and traditional knowledge together to find mutually beneficial results from development projects

SECTION 2 -- UNDERSTANDING BUSINESS THINKING

Business Thinking

Presidents and directors of international corporations are usually anxious to ensure the safety, vitality, and financial stability of the local community; their resource-based projects are rarely intentionally irresponsible. Business leaders take considerable pride in seeing significant increase in the material wealth of a local area -- however inappropriate that may be to the indigenous groups. Many unhappy consequences for local communities from business-style projects are not due to malicious intent on the part of the large corporations, but simple business principles applied in a misguided or uninformed fashion. For instance, people in non-indigenous societies rarely live on the land on which their food is grown. Instead, they transport food from anywhere on the globe to where they live. A dangerous situation results: because they see nothing of the operations, there is little reason to feel responsible for the results of their distant operations, regardless of how injurious the results might be. This means that it is imperative for indigenous people to insist that local project managers be accountable for the potential results of the operations on the local communities.

Business leaders express frustration, sometimes even contempt, that the local community does not respond in a business-like manner, and they can be confused by indigenous people who do not share their values. Business people often have difficulty accepting the concept that a small number of people should have the "right" to refuse to allow a larger number of people to benefit from the resources present on the land which they occupy. This may be compounded because non-indigenous ideas of ownership are often different from indigenous people's ideas.

Just as the corporate president brings a large set of assumptions and values to the project, so does the local community. Conflicts arise when these two sets of assumptions and values differ with important consequences for either or both sides. Sometimes simple things can become a major problem. For example, the word "yes" can mean two different things. In a discussion about a project, the leaders of a local community may say "Yes," meaning "I hear what you are saying, and I will get back to you." The corporation managers hear "Yes," and report that the local community has agreed to go ahead with the project. Properly handled, development projects can be of great benefit to all parties, and the decision-making process one in which there is satisfaction on all sides. Handled badly, these projects can degenerate into battles that ultimately drive indigenous people from their land, destroy their culture, and even result in the destruction of the people.

Scientific Knowledge

Scientific information is almost all freely available to anyone in the world. There is a huge amount of it, so much that no one person can know even a minute fraction of what is available. Furthermore, much of it is still in the form of scientific papers, or even just raw data. In scholarly works, the useful knowledge is often buried in technical wording or complicated mathematics that only a university-trained person or specialist can understand.

In science, the most important information is that which can be used in a scientific principle, usually expressed as a theory or maxim that has broad general application. While these theories or maxims provide understanding on a broad scale, they are not immediately useful on a local

scale. Data from the local situation must be applied to the general principle, so the theory can be used locally.

The following guidelines should help indigenous people cooperate with non-indigenous groups planning development projects in their areas to everyone's mutual benefit, while continuing to support the traditional lifestyles and culture of the local people.

INDIGENOUS GUIDELINE #1

FORM A REPRESENTATIVE GROUP

Choose Team Members According to Skills

Before you do anything else, create a representative group. The people chosen will become a team, so choose them on the basis of the skills they can bring to the project. Give them authority to bring recommendations back to the community. One person should be named as the leader of the group. Make sure everyone in the group understands the limits to his or her decision-making authority (if any) without coming back to the community as a whole. Having a representative group of indigenous people empowered by the entire community to represent it, will make negotiations smoother. Corporations will resist the prospect of having to make decisions during a meeting with the entire community present. This is because in corporate-style decisions representatives are delegated the authority to make decisions on the basis of policies or strategies adopted by the corporation. Thus, it is normal business practice for only a few people to be involved in the actual decision. They will be able to adapt to the idea of the representative group taking recommendations back to the entire community for decisions, as long as they are informed first, and as long as the decision-making process is relatively rapid.

The make-up of the representative group from the community is important. All parts of the community should be represented: elders, men and women, and young people. The leader should be someone the entire community respects, perhaps an elder. Other representatives should include people who have special knowledge of the area where the project is to take place. Women must be included in the representative group assigned to take the lead for the particular spheres of traditional knowledge they hold, and the special role they play in stewardship. Women should not be a subsidiary or "special interest group" working off to the side and reporting to the main group; instead, on the principle of women and children first, they need to have a central role or leading role.

Get Legal

Your community will need to have legal status. If possible, use an existing corporate entity, such as an incorporated town or village. If there is no legal entity, consider creating one that includes the whole community. This will become a vehicle for legal negotiations over traditional intellectual and cultural property rights, and traditional resource rights. Indigenous people have worked hard all over the planet to acquire and maintain their rights. The degree of progress is very impressive, but there is still a very long way to go.

Following your instincts may not be the right thing to do when dealing with business leaders — especially if your cultural roots and experiences are from the land. Business and legal thinking are based on “non-cooperative” principles requiring advocates (lawyers) to establish the limits of

the projects. Indigenous people's thinking is often based on cooperative or "communal" values. These cooperative instincts quickly succumb in a conflict situation with business proponents.

Teach the Corporation How to Interact with Your Community.

A local community can help corporations by offering to teach the managers of the project the way of indigenous people. In Kenya, Africa, for example, the national museum offers courses to diplomats and business people on proper etiquette for interacting with the many tribes in the region. This enhances the experience of business and indigenous people working together, and brings modest income to the museum and to the involved communities.

INDIGENOUS GUIDELINE #2

PREDICT ALL THE IMPACTS OF THE PROJECT

Good Predictions Mean Good Decisions

The most critically important task, but also the most complicated task, is to predict correctly what all the different effects will be on the community from the project. The whole point of environmental assessment is to make the best possible estimate of all the effects: good, bad, and uncertain. Once these effects or impacts are defined, the community can make decisions and plan what to do. If fishing will be reduced or destroyed, is the project worth it? If the community will receive a financial package to offset the loss of other opportunities, is it enough to make up for other changes to the cultural and social traditions of the community?

Including Women and Women's Knowledge Improves Predictions

It is important to have women as a major part of the group doing the predicting. They have special skills and very different perspectives to those of men in examining the future prospects of the project. Different perspectives are often the key to successful predictions. Because any negative impacts of a development project are likely to be felt most severely by women and children, it is critical that women be asked to predict the long-term effects the project will have specifically on *their* lives and well being.

Remember that the invisible economy of "women's work" is usually not factored into environmental assessments. Its contribution to the stewardship of biodiversity, and its contribution to a community's, and even a culture's, viability, must be specified. The deleterious effects of women's loss of self-sufficiency if this economy is damaged also need to be specified.

Be Skeptical of Predictions of Great Wealth

Predictions of great wealth resulting from the project should be viewed with healthy skepticism. Get comparative views of the growth and profit level of other similar projects. Where does the profit go? What portion of it will stay in the community, and what will go to head office? Who from the community will be employed and to do what kind of jobs? What spin-off or support services can be started up? How long will the operational aspect of the project go on? Is it a one-shot deal or can the community come to rely on the industry being a permanent part of the community? If the community does become dependent on the industry from the project, what will happen when the project is finished or does not live up to expectations?

Leave Broad Margins of Error in Predictive Modelling

Because neither science nor traditional knowledge has particularly accurate means of predicting long-term effects, it is important to make the estimates of the impacts of a project with broad margins of error. For instance, suppose that on the basis of best knowledge from both non-indigenous and indigenous traditional knowledge bases, it is known that a herd of animals usually takes a particular route, but that it often takes a second route. Suppose further that science predicts the herd could be encouraged to take the first route exclusively, but traditional knowledge knows the herd's route needs an alternative in special circumstances. In this case, take the cautious position: it would be wise to maintain the second route. Later specific experiments might restrict part of the herd's access to only one route to see the result. If both parties accept that this approach will take several years to accomplish, and come to a mutual understanding that the resource will be managed jointly, it is an excellent outcome.

Don't forget that important knowledge can be derived by living on the land, and watching it react to natural forces over long periods of time. The most common scientific mistake in environmental assessments is to predict impacts on the basis of a short-term look at specific species. For example, models of population levels of specific animals or plants over five to ten year periods are entirely unsuitable for estimating long-term impact to the community. It is critically important to know if gradual changes in natural patterns established for centuries will shift, and in what way they will shift. Of course, it is important to know if the food or clothing sources will be harmed immediately — these will be the first predictions made — but subtle, long-term effects are the most important to understand. Very slow changes in the economy or environment over years can result in social and cultural erosion, resulting in devastation that only becomes apparent years later. Take time to understand all the long-term effects that might happen from the project. Take time to be skeptical about the likelihood that the status quo will be maintained. It may well be that the community is anxious to change the status quo. If so, this makes change easier to accept; if not change will be difficult. In all cases, changes tend to create conflict within the community, and between the community and the outside world.

INDIGENOUS GUIDELINE #3

DON'T BE LEFT OUT

Be Alert for New Projects

Be alert so that if a project is going to be proposed for your area, you know about it and can become involved.

Pre-empted Decisions? — Hang in There!

Don't just refuse to cooperate when decisions have pre-empted some of your authority. Find out what legal recourse is available. While legal recourse may be unpleasant, other communities have launched suit against a corporation while at the same time continuing to participate in the assessment process. Moral suasion with both the public and government agencies can be brought to bear through the media. Not all governments are susceptible to moral high ground, and careful attention to different government regimes is needed. A standard reaction from corporations to non-cooperation from the community is to proceed without considering the needs of the local community. If this is allowed to happen, the local community has lost everything it might have

bargained for. Be sure to participate, even if some ground has already been lost. The usual decision that is taken without consultation is the decision to proceed with the project. If the project is clearly going to be detrimental, legal action or media and public pressure may reverse or modify decisions. If so, this gives you considerable power to influence all the decisions. If your community must accept an unfavourable project, stay in the assessment or development process. Do not give up. Even decisions that can only be made inside the project can be influenced to mitigate unacceptable results of the project. Often by using public pressure and other stakeholders, the most important aspects of design, scale, schedule, and financing may be reconsidered.

To Be Effective Participate Fully

To have an informed influence on decision-making you must be prepared to participate, to understand the project, to help predict the impacts, to inform others in the community, and to understand and protect your rights and those of the community. Use the *Guidelines* as a place to start. Get involved. You will be completely ignored and have no ability to influence the outcome of an assessment or planning development project unless you are part of the process. You can only be part of the process by participating in it. Standing on the sidelines and complaining will not have any significant influence on the outcome, and may simply entrench the corporation's view that the community is not being cooperative. When this happens, everyone loses.

Establish Financing for Your Participation

Many indigenous communities do not have financial resources to undertake a major development planning exercise or to participate in an environmental assessment. Some governing states require that corporations pay for environmental assessments. Because it will be critically important to have the community's participation funded -- at least to some extent -- you need to determine if the corporation has made available the financial resources for the community to hire technical advisors and independent reviewers. If not, ask for it as part of the compensation package. This gives the local community an equal footing in the negotiation. It is not enough for the local community to depend on local volunteers to help with the many tasks involved in an environmental assessment of planning a development. As soon as the corporation understands it will be expected to pay for the work of local people, it will want to ensure that its funds are well invested. Therefore, be prepared to explain what your people will be doing and what the corporation can expect to receive in return for its investment. These results will be the basis on which the corporation is likely to pay -- be sure you can deliver. Setting rates and fees is an important part of the negotiations. Try to find other examples, or consult the regulatory agency for settlements with the government that will provide benchmarks for rates of pay or fees for service.

Train to Be Involved in the Assessment

This will be a learning exercise. In fact, the people who are most directly involved will have to learn quickly and some of the concepts will be both difficult to grasp and troubling to understand. Training and capacity building therefore, are important. Try to find national, regional, or even local organizations that can provide quick courses in transport and construction policy, marketing strategy, project evaluation as well as other subjects. If none is available, try to involve local aboriginal entrepreneurs in providing informal mentoring on the relevant subjects.

But above all, become as prepared as you can to participate in a process that may not be all that familiar.

Participation by Women Will Improve the Assessment

Since women will put different items on the agenda for discussion and review, make sure that they are included as the community organizes to participate. It is also important to increase and support women's capacity to participate, as many of them will not have "formal" positions in the community which will automatically lend themselves to this, and their extensive responsibilities in caring for their families can make participation difficult.

Furthermore, women (as well as men) will benefit from guidance in understanding the critical role only they can play in environmental assessment. This guidance should also help them to represent and support their positions effectively, especially in the instance of conflict. Because women are not yet institutionally supported in the presentation of their views, these points of view are often violated in assessment processes, so extra measures must be taken.

Use Communication Techniques to Meet Your Needs

What are your best ways of keeping everyone informed? Whatever they are, use them all the time. In some communities, the only means is by sending people to talk to others. In others, there will be radio and perhaps television. If your community has access to telephones, radio and television, use phone-in talk shows to allow everyone in the community to express his or her views. Try to get the local television station, if there is one, interested in doing a news feature on the project. Arrange with the corporation for the community to schedule regular field trips to the project. Make sure the leaders have a way of talking to everyone. A simple principle to use is that *people forget what they hear, remember what they see, and learn what they do*. Using maps, diagrams, flip charts, artifacts all ensure that people will not forget. If you have the means, use some of the many modern methods, including computer displays and programs that can be shared with the community so people can take them home. Put them up in community centres, churches, tribal or band head offices, or any other central community facilities. Call general meetings and include the corporation representatives. Remember to arrange translation. Or one of the local people may be able to do it, although formal translation is a tricky business. Try to make sure that the corporation gives you information in advance. If you are making the presentation, try to get information about the subject to the community before the meeting. Use visual aids. If it is at all possible, have a local person record the decisions for the community.

In general, person-to-person contact is the best method of communication. It is not, however, sufficient for decisions. If any decisions, however small, have been taken in person-to-person contacts, it is important that follow-up with documentation be prepared as an audit trail. Town-hall meetings and other meetings should always have some information available to the local community or representatives well in advance. This information should be available for everyone to read, or if reading is difficult, use another medium, such as a series of small gatherings, or a series of poster diagrams, so that everyone can discuss it before meetings. At meetings, arrange to have an official record of decisions taken by someone from the local community if possible (not from the corporation unless there is no one in the community who can do it). This record should be circulated in draft form for everyone to comment on before it is finalized. If the community has no one who can record decisions, the corporation will need to do it, then read the words on the piece of paper and get the community to agree that was what took place, or modify

the record until all agree. A video record of the meeting, a copy of which is deposited with the local community, would be both entertaining and a sufficient record if later disputes need to be settled.

Since indigenous women are not yet widely organized to offer leadership to the environmental assessment process although there are several fine examples of women's leadership that can serve as models, such as Chipko in India, special attention will need to be paid to ensure that they are kept informed in a direct and timely manner, and that the information reaches them in language they can relate to, and that addresses their concerns.

Working with the Media: Be Message Driven, Not Question-Driven

Working with the media can be a two-edged sword. Often the media are extremely sympathetic to indigenous people's causes, but sometimes the media can get a twisted slant on a story. Be careful in framing your story to help sway public opinion if you are going to use the media. The key to a successful interview when it might turn hostile is to establish about four or five messages and write them down. Then write down about two or three examples to illustrate each message. Finally try to find at least one very powerful phrase of about five to ten words to state each of the four or five messages. The phrase is what you want the media to pick up as headlines. During the interview, be message driven, not question driven. Always come back to your message as you answer the questions. Do not allow the interviewer to draw you into saying something you don't want to say.

INDIGENOUS GUIDELINE #4

KNOW THE RULES

Government Sets the Rules, the Corporation Defines the Process

It is all very well to participate, but you must know the rules before you agree to start, or you will be at a great disadvantage. These rules are set by the governing state or nation, the regional and local governments, the regulatory agencies, the corporation's normal practice, and the norms of practice in your country. The most difficult to find out about is corporate practice and yet it can also be the most important. The corporation will have had many opportunities to devise methods of getting permission to carry out its projects with the least interference from outside parties (including local indigenous communities).

The following are useful questions to ask about the agency that will be overseeing the process (if there is such a body):

What is the history of the regulatory agency responsible for this project? Has the process changed recently -- if so why? Was the process reliable for indigenous people? Did the agency follow through on its commitments?

What legislation or policies does the agency use? Is the legislation or policies under revision?

What resources can the regulatory agencies offer to the indigenous community? What resources can the indigenous community offer to the agency to help the process?

What techniques could be used to involve the public, and when could they be used?

Establish Your Own Spokespersons

It is normal business practice to have a project manager assigned from within the corporation. This person will be the prime contact, and the corporation will expect all routine communication and all decisions to flow through this single person. They expect this person to organize internal meetings and to establish within the corporation all of the strategic positions and policies before he or she approaches the community. The corporation will expect the same of the community. It will expect a single person to be the contact, and, even if others are routinely contacted, the community representative will be expected to have decision-making authority.

In many indigenous communities the entire community is usually involved in decisions. There is no reason why this cannot continue to be the case. The corporation may expect to have the community representative and its own representative meet regularly and engage in a certain amount of face-to-face negotiation without anyone else present. The community will need to decide as a group just how far its representative can go in any discussion without coming back to the community. In fact, the community would be wise to establish a small team to represent its interests, with one person designated as the leader. This is exactly what the corporation will do as well. There will be limits to what the project manager can give up in any negotiation without going back to the corporation. These limits may be much broader than the local community will agree to give its representatives -- not because the community does not trust them, but simply because the normal practice is to discuss decisions as a group before they are taken. If the corporation is helped to understand what the limits of negotiation will be for the community's representatives, it will adjust accordingly. Problems usually arise when the corporation's expectations are derived only from its own perspective, and do not take into account the usual practices of indigenous communities.

Enhance Your Power Base: Include Others

The influence of one person is not nearly as significant as that of an entire community. Involve the entire community. In most projects there are other people or organizations who will directly benefit from or be directly hurt by the project. Still others will be interested in the outcome whenever a project has an impact on the environment. International, national, and regional special-interest nature or environmental clubs and non-governmental advocacy organizations can be invited to become a part of your advocacy group. National or regional aboriginal groups will be concerned about the potential impact on all aspects of the health of the community. Join forces with these other groups in some manner -- whatever is your way. If possible, cement the relationship in documentation; this will inform the corporation and the governing state of your representation. When the time comes to negotiate, your power base will be larger than if your community tries to do it alone.

Ask Lots of Questions

In some countries, the local communities are invited to participate very early, in others there is no opportunity unless public pressure is brought to bear. Get into the picture as soon as it is possible -- even before the normal process would allow. "Early" is the right time to set up the way in which you will participate, and the way the corporation will interact with you. The most obvious variable to settle is timing. What is the schedule? How much time do you have to react? What if you need more time? Another area of importance is the legal aspects. What regulations will be brought to bear by the corporation? What regulations should the community bring to

bear? What enforcement agencies will be involved -- and what is the community relationship with them? How will the community participate? Can we assume round-table discussions, and town hall meetings? Or will it be representative counsel and behind-closed-door decisions? To what degree will individuals and the entire community be involved in contractual arrangements? You need to get answers to all of these questions.

Many of these questions can also be asked by taking direct action, such as developing ownership partnerships in which local and state government agree on ownership regimes. Partnerships can be developed with the corporation in which traditional and other forms of knowledge are used together in planning and making decisions. Consider carefully what the long-range targets are and ask yourself if it would be a good idea to create a management partnership in which you and the corporation collaborate to put joint plans into effect. This puts the community directly in partnership with the corporation, especially useful when negotiating continuing monitoring and evaluation over the long-term.

Translation Is Important

Elders hold a great store of knowledge that has been gained from decades of living on the land, and centuries of wisdom passed down in turn by their elders of past generations. Hunters and trappers also hold vast stores of local knowledge, but are usually people out of touch with urbanized centres. For both elders, and trappers and hunters, the mother tongue, and possibly the only language, is likely to be the aboriginal language. There will be a barrier to communication because the common languages of business are rarely aboriginal. The solution is to conduct discussions and written communication in the language of the speaker or writer, but to have instantaneous translation available for discussions and simultaneous translated versions available for written material. It is not uncommon for major corporations to hire translators full time.

Women Help Interpret the Rules

Ensure from the beginning that women can and will participate as equals in the process, by designing the process specifically to accommodate them. Women themselves are the only ones able to ensure the process will accommodate them effectively, so women need to be encouraged to be pro-active about their involvement.

Negotiate the Timeline

Probably the most common issue in dealing with corporations is negotiating enough time to carry out the full environmental assessment. Business spends as little time as possible to make decisions. In this view, every day spent in “non-production” is money wasted. By contrast, it takes a great deal of time to carry out the work to understand the potential impacts of a project, to make sure all the indigenous people have been involved, to have time to reflect on the long-term implications of the project, and to ensure that the hunting and cultural schedules of the community have not been disregarded. From a local community’s perspective, business can be incredibly impatient; from a business perspective indigenous people can be incredibly slow and “unreliable” (going off to hunt instead of doing what the corporation wants). This is a very difficult part of setting the rules, but also very important. If you do not have enough time, you could seriously misjudge the impacts of the project.

Preserve Your Customary Aboriginal Rights

All aboriginal communities have a series of assumed or customary rights and privileges. Because they are assumed, they are not recorded anywhere. These can be traditional rights of way, hunting rights, fishing rights, dress, ceremonies, and a host of other rights and privileges that are so much a part of everyday life that the people using them no longer think about them. Early in the planning process or in the assessment of the project, it is important to ensure that the project will not interfere with these rights. It is usually not sufficient simply to record the fact that indigenous customary rights will remain; they need to be defined. One way to do this is to have an outside expert in cultural behaviour or ethnography prepare a report on what these customary rights are. Another way is to form a small group within the community to list what the community collectively thinks it should have as rights. This then becomes a part of the agreement between the two parties (community and corporation). You also need to guard against the possibility that creating the record will be used only as a beginning point in a negotiation that will reduce these rights. Financing this aspect will most likely need to come from either the corporation as part of the compensation package or the regulatory agency.

In the situation where the project is unacceptable to the community, or where certain aspects of it are unacceptable, it is extremely important to understand the rules governing the corporation's application for acceptance, or for contesting the project. It is not effective to take a "Not In My Backyard" attitude. Take advantage of the assessment planning and decision-making processes. Focus on the mechanisms that are available to find flaws in the corporation's methodology or planning process; work carefully to define the detrimental environmental impacts. These are the factors that will influence the adjudicators of environmental assessments, or the regulatory agencies, or even the public who can and will bring pressure against corporations that have intentions of damaging the environment unnecessarily. If you find yourself against the proposal, stay involved. This is the only way you can influence the outcome -- boycotting the process simply means you do not have a voice. Sign a declaration that your involvement in the assessment process in no way prejudices your views on the need for the development. Then later when the rules allow it, continue to voice your objections to the project.

INDIGENOUS GUIDELINE #5

USE YOUR TRADITIONAL KNOWLEDGE, DON'T GIVE IT AWAY

Transmit Traditional Knowledge on Your Own Terms

Traditional knowledge comes from a wide diversity of experience in nature, from teaching and apprenticeship, working with the land, by absorbing the feel of wild animals and plants, and by listening to legends and stories. Recognizing that traditional knowledge is as much a way of life as it is sets of information, try to imagine how you could transmit this to someone who has grown up in a city, never heard the legends, and is suspicious about this non-scientific approach? Furthermore, remember that the corporation is not really interested in understanding your way of life, only in getting the job done, and that means getting on with the project. In this view, facts, not knowledge or understanding are needed. Time spent groping through a legend that is really a metaphor for how to see why an animal behaves this way instead of some other way is time "wasted". This apparently disrespectful attitude is not intentionally disrespectful. The worker really does not understand traditional knowledge, and does not really care. The immediate need is the answer to the question. Several solutions are possible, but the most likely to succeed is to offer to help solve the problem -- not just to provide the data. In this way, you are bringing your

own understanding to bear on the problem. This wisdom may bring a swifter solution than simply providing information.

Distinguish Between Ancient and Modern Traditional Knowledge

Be sure to distinguish carefully between ancient traditional knowledge -- passed down from generation to generation -- and modern traditional knowledge -- acquired in present-day circumstances. Ancient traditional knowledge is often more spiritually oriented. An argument is developing in some countries that there actually is a distinction between sacred and secular indigenous knowledge. This is not consistent with true aboriginal traditional knowledge, but because it has been advanced it is important to be aware of it. In this view, there is "empirical knowledge" acquired from experience, and "belief" acquired through spiritual teachings. The argument has been used to discredit the use of indigenous knowledge in environmental assessments. The claim is made that spiritual aspects are non-scientific, and essentially uncontestable. It is further claimed that this provides an unacceptable situation in which holders of traditional knowledge can predict project impacts based on uncontestable sacred knowledge. This is unacceptable if the person making the prediction has a conflict of interest, and this would normally be the case. The counter argument is based on the true definition of traditional knowledge which does not provide anyone with the capacity to make an uncontestable prediction.

Participatory Use of Traditional Knowledge Can Be Better Than Selling It

Don't give away your traditional knowledge -- use it. Participate as an expert in round-table discussions. Be part of the research effort, using your knowledge to find answers. Insist that the community be recognized as an entity having traditional knowledge. Classify sites from an indigenous perspective: are they used for hunting, left to rest in a fallow condition just now, ancestral resting places? Do this before or at the same time as the project is gathering information. It is better to make your own decisions. Try not to react to the decisions of the project without your own positions firmly in mind. Establish the worth of traditional knowledge so that a monetary value can be assigned to the traditional knowledge (e.g. paying elders and other people who hold traditional knowledge as equivalents to scientific professionals, establishing payment of royalties, and many other financial aspects). Be prepared to encounter resistance or outright rejection by the corporation of your demand that it pay for knowledge. What is your bottom line -- how far do you intend to push the corporation?

Traditional Knowledge of Women Is Often Invisible

Remember that non-indigenous models and scientific data often neglect those "invisible" spheres of women's work and knowledge. Watch closely for these omissions, and challenge models, analyses, and conclusions that neglect them.

Become a Legal Entity

Recognition of groups as legal or special entities is important because the groups can then enter into formal legal agreements. This is the only way to ensure that direct financial benefit will accrue to the groups or the community from the use of traditional knowledge. If you grant access, be sure you understand how to protect your rights to benefits from the knowledge. Require a legal understanding that the relevant traditional knowledge becomes the common property of the group(s) entering into the access agreement. Remember, access to the traditional

knowledge must always be through an access agreement with the owners (where these can be identified). Otherwise there is no way to control who has access to the traditional knowledge and under what conditions -- access is basically open to anyone unless you insist on using the access agreement.

Shape Your Traditional Knowledge Access Agreements Carefully

Ensure that access agreement(s) define terms for at least the three most common requests for access to traditional knowledge that will occur; 1) where the aim is to manage the resources in partnership, 2) where the aim is to invent patentable products for commercial use, 3) where the aim is to share knowledge freely with others. Access agreements should also specify precisely how access to the traditional knowledge is to be allowed, and by whom.

Once an agreement has been reached that the project will incorporate traditional knowledge in some way (such as participatory research or actual transfer of knowledge directly to the project), it is important to recognize and guard against three potential pitfalls. First, disallow token use of traditional knowledge. Establish the extent of traditional knowledge that is needed at the outset. Tokenism usually takes the form of hiring a couple of people for a few days consulting and claiming traditional knowledge has been used. The second is to avoid providing poor quality traditional knowledge by establishing internal quality-control mechanisms on it. Not all sources of traditional knowledge within the community are high quality. Because the community will depend on the answers derived from the process, ensure good quality information goes into the process. Thirdly, translations may miss nuances of meaning that are important. Young people usually do the translating, and may not have the maturity to know what they are missing. If possible, have them, or a second translate it back to the elder who spoke the knowledge, and who can then correct any misinterpretations.

INDIGENOUS GUIDELINE #6

INSIST ON YOUR RIGHTS, KNOW YOUR BOTTOM-LINE

Know Your Rights

Intellectual property and cultural rights are the key to many of the benefits that can accrue from the use of traditional knowledge. Intellectual property rights include the right to own, and therefore to sell or barter, ideas, information, special wisdom or understanding, and knowledge about plants and animals, that are the result of intellectual, artistic, or creative efforts. In non-indigenous society, these ownerships are usually protected by patents and copyrights. It is therefore, important to learn about patent laws and copyright rules and regulations. The community or group that you have formed may need to apply for patents or copyright protection. Because the development of traditional knowledge into marketable products often requires great technical skills and commercial investment, it may be in the group's interest to enter into a partnership with the corporation. Partnerships can take a wide range of forms, from simple royalty arrangements where the group receives an agreed percentage of the gross revenue or profit from the commercial use of the resulting product, to full equity share partnerships in which each partner takes risks and benefits in proportion to the combination of financial and other investments in the project.

In certain situations, indigenous people have the right to own the genetic traits of plants or animals. If you routinely groom or “manage” wild stocks of plants or animals, it is likely they have unique genetic characteristics -- you have the right to those unique plant or animal traits.

Safeguard Your Rights

This sounds wonderful, but there are certain safeguards that must be taken if the group is to realize the benefits and not lose them to someone else. One of the very first steps that must be taken is to define who will be able to use the traditional knowledge and how it can be used by both indigenous and non-indigenous people. It is used every day, yet it is not common knowledge among non-aboriginal people, so it is uniquely owned by the community. You must therefore determine how you are you going to keep it within your community until you want it released. The release of the information should always be through a legal agreement with the owners of the knowledge which specifies both the way the knowledge can and cannot be used, and also specifies the benefits to come to the community.

Other indigenous communities will have the same or similar knowledge, which creates an added complication. They will not necessarily have the same agreement as you do, or may not be aware they should not divulge the information freely. In many areas, neighbouring indigenous communities are not on the best of terms, especially if they are of different cultural roots. If this is the case, you will need to decide how to deal with the situation in which another community decides to allow access to traditional knowledge that you do not want divulged. Obviously, this is not the right time to exhibit internal dissension; it will be used against you.

There are many interests at stake in a project involving land. There are also special rights that indigenous people have that may conflict with these interests. For a variety of reasons, some innocent, some purposeful, these rights may be ignored in projects that involve a lot of money. Unless you insist on those rights, you will not likely receive them. Therefore it is important to ascertain what rights the law gives you, and how to ensure you get them. Remember also that the legal systems in different countries vary widely; what is easy under North American precedent law, may have no standing in Roman law used in many Latin American countries. Use examples from other countries with care.

Settle the Question of Land Ownership Before You Agree to the Project

Another whole area of rights has to do with ownership of the land, ownership of the resources on the land, and the right to occupy the land even if it is not “owned” by the group. Another very early step you should take is to find out what your “legal” or treaty rights are to land ownership, resource ownership, and your right to occupy the land. Once you know what they are, you must insist on them. A significant complication is that sometimes these rights are acquired more by practice than by documents, so it may turn out to be a complicated negotiation. The more information you have at hand the better your chances are to gain the rights you believe are yours. Summarize the legal implications and make sure everyone understands the situation. If treaty rights or land ownership is in dispute, these questions should be settled before the project is initiated; if they are not, the agreements formed within the project may no longer be valid once the disputes are settled. Remember also that where there is strong disagreement, it is possible to carry out legal action against the corporation while continuing to participate fully in the assessment process.

State Your Limits to the Project

Establish what is acceptable to be developed. Define which areas, which resources, what waters can be used, what limits on air pollution will be acceptable, and any other aspects that become apparent from the particular project. Also define what is off limits, and what is not acceptable to be developed. Are there cultural limits? For example, in tourist development there is always a danger of trivializing native culture and turning it into trinkets. How much of this is acceptable, and how much is not? Once the limits to the project are agreed within the community, and with the corporation, try to establish enforceable standards and codes of practice. It is not useful to have a wish list of standards that no one could monitor or enforce.

Do a Cost Benefit Analysis

How will the project benefit the community? How will the project benefit the corporation? Get this spelled out in great detail, and written down. This will be one of the most controversial and sensitive issues you will face. What is the cost to the community? What damage will be done to the environment? What social and cultural sacrifices will be made? Estimate the costs of these and see what the net cost or benefit really is. This will be the foundation for the negotiation for a compensation package for the community.

Third-Party Arbitration Can Help

There may come a time when negotiations stall. Calling for arbitration can be a means to get past these non-productive situations. Mediation or arbitration carries with it the need to establish the basic assumptions and to agree on an acceptable arbitrator. In choosing an acceptable arbitrator it helps if both parties first define the qualifications such a person should have. Sometimes it can be a respected member of the judicial system; in other situations, it should be someone who has the status of a wise person. Courses are available in many countries so you can learn what to do if mediation or arbitration is required in the process. If there are no courses nearby, try to find someone who has successfully participated in mediation and ask for advice.

INDIGENOUS GUIDELINE #7

FIND OUT WHAT THE CORPORATION KNOWS AND HOW IT OPERATES

Classify Land Use from Your Perspective First

Experience has shown that early identification of “valued ecosystem components” is a critically important early step in the process. If these are not defined early enough, decisions are taken that make safeguarding these areas very difficult or impossible. Valued ecosystem components are areas of land or species that the indigenous people must have to preserve their way of life in the ecosystem. These areas or species need to be defined and classified in terms of their use and value to the community. The corporation will have made an initial assessment of how the land is to be used. Find out how the corporation has classified sites from an industrial perspective (mining, forestry, tourism etc.). Make sure you already have your own classifications for the same piece of land ready. You want your own classifications complete before you even hear what the corporation has in mind, so you are not biased by the corporation’s classification.

Compare the corporation's classifications to your own. Are there incompatible uses, such as digging up an area for a foundation that is right over a sacred burial ground, or placing a road where a migration route would be blocked? Once any incompatibilities are known, they can become points for later discussions.

Challenge Scientific Findings

Use local experts to interpret and assess the accuracy of information or predictive models proposed by the corporation to be used for this project. Be prepared to challenge incorrect conclusions of scientific enquiry. It is built on the premise that current knowledge is only a working hypothesis that needs to be tested and refined. The very rigour of science makes it a slave to accuracy. All data must be explained by or included in the model. Usually small differences in data points make small differences in the model, but if even one data point is a long way outside the model, the model will need to change radically to include the new information. For example, if a population of animals experiences massive population swings over a period of ten years, but the existing data in the science data banks has estimates for only one or two years, the model will be totally inadequate, but the inadequacy will not be known to the scientists. With the addition of traditional knowledge, the model becomes much more accurate and allows for these radical shifts in population size.

Create a Report Card on the Corporation's Past

In the earliest stages, it is wise to get a snapshot of the corporation, both from the corporation's perspective and also from a few objective observers if possible. For example most companies will have a package of information including a mission statement, statement of values, environmental policy statements, annual reports, and technical reports similar to what will be prepared in your case. By requesting this information, you can see both what their response is like and also if the information will be a good guide on how to proceed.

Try to find information on the track record of the corporation. The Better Business Bureau in North America, or similar organizations in other countries will have records of complaints. A list of all law suits can be obtained in most countries through legal libraries, on-line annual reports, securities commission findings and other sources. A history of law suits can be very informative, and be used to develop the strategy that will work best in negotiations with the corporation. Approach other communities that have had experience working with the corporation -- how did it work out? Examine newspaper articles about the corporation -- both from the business section and also from the news sections. If anything makes you suspicious, follow it up with a call to your local media.

Some large mining companies will take representatives of the community to visit projects completed with other indigenous groups, and vice versa. (Placer Dome and Teck Corporation in Canada have done this.) This is an excellent way to see what they have done and to talk directly with people who have already been through the process.

INDIGENOUS GUIDELINE #8

KNOW WHAT YOU NEED

Get a Technical Summary

Corporations always make advance plans on paper before they take any major initial steps. Therefore, it will be possible for them to provide the official group with technical documentation. They may be reluctant, but this will be for reasons not related to having the documentation. Usually, full technical documents are quite large and often quite complicated. If this is the case, ask for an accurate summary in easy-to-understand language. While you can welcome offered promotional materials, you really do need to get a technical summary.

The summary report should have all of the details of the project:

- What is this project all about, why did the corporation choose this location and what other locations were considered?
- How big is this project intended to be, both in its development and construction phases, and also once it is completed and operational?
 - For instance, how many workers will there be?
 - Are they going to be drawn from the local community or brought in from afar?
 - Of the locals, how many will be in management, how many in blue-collar jobs?
- What about the obvious changes that the community will see and feel?
 - How is the waste to be treated?
 - What are the planned transportation routes?
 - What are the current plans for post project clean-up?
 - What commitments has the project already made to other organizations to take care of these aspects?
 - Can the community take a dominant role in some of the ancillary operations instead of hiring outside companies to do it?
- Once you have a picture of how big and inclusive the project is, it is a good thing to know what the total cost of development will be and who will be paying for it.
 - Is this completely corporation financed?
 - Are there partners?
 - Can the community play an investment role?
- How long will the project last -- both the development and construction phase, and also the operation of the project?
 - Does the corporation plan for a “permanent” home in the community?
 - Just what is the long-term picture from the corporation’s perspective?

Prepare a Community List of Questions

Prepare a list of needs from the community’s perspective. With this list in mind (but not presented formally) discuss informally at least the following items:

- What is the corporation’s estimate of time required to digest the information about the project and the long-term implications for the community?
- What is the official project timeline?
- What does the corporation feel about involvement of the entire community — not just the experts?
- Does the corporation feel at ease with both men and women involved in the process?
- Has the corporation operated this way in the past?

- Perhaps your community would like to involve young people so they can see how to become leaders. Is this a problem for the corporation, or would it see this as a good thing?
- Get the corporation to give you a complete step-by-step definition of how it feels the environmental assessment is to be carried out. Challenge this whenever you disagree with the process. Compare it to the documents you will get from the government on how the regulations state these assessments should be carried out.

Hire Someone You Trust to Interpret Science-Based Knowledge

Hire someone you trust to find out what science will be used to make the predictions about the project. Have this person transform the technical jargon into plain language. To do this will require a true understanding of principles ranging from predictive ecology to theories of economic development. Make sure this person can communicate well in your language, and also knows science well. He or she can help to determine what original research will be needed using both traditional and non-indigenous knowledge bases to come up with reasonable predictions of impacts.

Protect Your Community From Societal Impacts of Alcohol, Drugs, Diseases, Migration to Cities

If your community is not accustomed to interacting with non-indigenous value systems, it will be very important to protect your community from unwanted intrusion onto your cultural values. Typically indigenous communities suffer greatly from alcohol and drugs being brought into their community. Young and old alike can fall victim to overuse of these substances. Health problems arise from the invasion of germs from non-indigenous people; these include simple viruses to sexually transmitted diseases. Indigenous people are more vulnerable to these because they have not built up immunities. Increased wealth often draws young people and men away from the local community to seek work or riches in distant towns or cities. This leaves the women and children behind without the necessary infra-structure and support system normally provided by the men. Under these conditions, disease and malnutrition are common results. Rapid erosion of the cultural and social norms follows abandonment of the local community by men and youth.

INDIGENOUS GUIDELINE # 9

FIND OUT WHAT THE CORPORATION WANTS FROM YOU

Begin a Full Dialogue

Invite the corporation to discuss all aspects of the proposed project with the community. The corporation may be reluctant and you may need to insist. Begin by establishing how the dialogue will proceed, and by determining what background information will be readily available to all the participants. Set agendas together. Perhaps it would be a good idea to alternate chairing the discussions between the corporation and the community. You should be prepared to provide an explanation of the organizational structure of the community and who its leaders are. Ask the corporation to supply an organization chart with the local representatives identified on the chart. This will be important when it comes to making decisions and to ensuring that information is passed to the correct people.

The corporation will expect the community to provide a continually updated list of contacts, resource people and their experience. The corporation will want to know the long-range goals of the community. You should find out if there are possibilities for joint ventures with the corporation. The corporation may want to understand the social and economic makeup of the community as a prelude to undertaking a socioeconomic impact assessment. It will use this information in its predictions of social, cultural, and economic impact. Discuss carefully how this is to be done, and who will be doing it. It will expect the community to define what it wants from the project. This is not a small task to define. Resist the temptation to limit your expectations to money; there are often far more important cultural and social issues and safeguards to be negotiated.

INDIGENOUS GUIDELINE #10

DON'T BE OUTMANOEUVRED

Resist Unreasonable Demands

Corporations sometimes make unreasonable demands because they do not understand indigenous people and the way they carry out their daily lives. The second reason derives from business thinking to take advantage of a situation for their benefit at your expense. Teaching people they are behaving badly when they are intending to behave properly is fraught with many conflicts, hurt feelings, and cultural offences. Not only that, but people have trouble understanding that their way is not necessarily the best way. The best way to deal with both of these sources of unreasonable demands is to insist politely on what is reasonable. It is useful to know if you are dealing with a misguided honest person, or a deliberately dishonest person, but in the end only insistence on what is correct will win the day. Be prepared to go through legal channels to establish and to insist on what is reasonable, especially if you are facing a dishonest situation.

Too Little Time Can Lead to Poor Decisions

Having sufficient time for the local community to come to appropriate decisions is almost always a big problem. Corporations are in a hurry. Time costs money. Be wary if the project seems to demand too many meetings in too short a time frame. People will be unable to stand the pace and digest the information. Beware of requests for original research in which the corporation wants to impose unreasonably rapid time frames.

Insist on Meaningful Consultation

Be very careful that so called "consultation" with the community is not really just a process of "informing" the community. You need to have opportunities for meaningful feedback and monitoring on the basis of actions taken by the community. Do not accept being informed rather than being involved or consulted. Sometimes this requires going over the head of the person who has been assigned by the corporation to interact with the community. In large projects, it is rare for the local community to meet or even correspond with people who make the big decisions. Often the local representative is just a messenger. It is not easy to suggest means that will work in every situation, but a simple request to meet the representative's supervisor can start the process that will get you to the decision-maker. If this does not work, you will have to resort to finding out who the decision-makers are, and calling them directly, or if possible, visiting them

by appointment. If this fails, the situation is likely to be a difficult negotiation. This may force you to fall back on legal approaches or using the media to gather public attention and force a high-level negotiation.

Do Not Allow Anyone to Undermine the Credibility of Traditional Knowledge

Increasingly, environmental assessments require that traditional knowledge be included in the assessment or impact statements. This is a wonderful development from the perspective of indigenous people, but it is currently a problem for corporations and regulatory bodies because they do not know how to deal with the requirement. Often the corporation or regulatory body attempts to undermine the credibility of traditional knowledge so that the weight given to the findings by indigenous people is less than that derived from science. The corporation or regulatory agency may demand ridiculously simplified traditional knowledge to conform to business standards. Alternatively, they may demand “proof” that traditional knowledge is useful, or that it will augment science to save time and money.

Do Not Accept a Disregard for Community Standards

A corporation’s cavalier disregard for community standards does not augur well for healthy long-term relationships. The most common ways in which this disregard is encountered include 1) a corporation consistently setting aside local practices, such as traditional hunting times or sacred ceremonies, to suit its project schedule, 2) corporate actions departing significantly from community expectations following agreed plans or decisions, 3) Discrepancies or misrepresentations that are dismissed as of trivial importance, and 4) corporation employees who routinely show disrespect for women, children, elders, and the cultural mores of the community. You will need to clearly identify and prohibit these unacceptable behaviour patterns.

Insist on Open Door Negotiations Including Indigenous People

Occasionally, corporations will carry out closed door, or private negotiations in key areas while excluding community representatives. This often happens during government-to-corporation negotiations in which permits, regulations, or licenses are set out. Such decisions are disrespectful of the community. Finally, one completely dishonest stratagem is to establish great financial benefits for a few key decision-makers in the community so they can be manipulated to make inappropriate decisions at the expense of the community and for the benefit of the corporation. The community will need to be very firm with these situations.

INDIGENOUS GUIDELINE #11

INFORM AND INVOLVE NEARBY COMMUNITIES

Define Direct Effects

There are legal and moral obligations that attend a development project that has an impact on the environment beyond the confines of the area directly controlled by the project. For example, riparian rights of downstream communities must be preserved. Altering a migration route, or changing the nature of the surrounding ecosystems may be unacceptable consequences for the nearby communities. Economic spin-off, cultural erosion, social difficulties as a result of introduced drugs, alcohol or diseases are all potential problems that nearby communities may

claim are your responsibility. Be certain to have legal means to hold the corporation responsible for any negative impacts on the nearby communities.

Define Indirect Effects

Both communities and corporations may be legally responsible for indirect effects as well as the more obvious direct effects. For instance, harm may be done inadvertently by sharing traditional knowledge that the other communities would prefer to be kept confidential. Financial benefit based on support services required by the community or corporation hosting the project may cause problems in the long-run. If the financial benefit modifies the life-style of the second community away from traditional, but is too small to support the complete transition to a market economy, the community will have been damaged and may feel it has some right to compensation. Whenever this is a possibility, carry out a joint assessment of the situation to map out a community business plan.

If You Are the Neighbour, Become Informed

If you are a community neighbouring the project, try to determine how to predict or identify threats to your environment from other areas. As always, this is best done in a manner that shares information amongst the neighbouring communities.

INDIGENOUS GUIDELINE #12

COMMUNICATE DIRECTLY WITH GOVERNMENT AGENCIES

Do Not Rely on Second-Hand Information -- Go to the Source

Being well-informed is important. Don't rely entirely on information handed to you by project managers, or third party contractors. Government agencies always have people in them with lots of time to talk about regulations and procedures. It may take a number of telephone calls or personal visits to find the person who knows what you need to know, but they do exist. They may not be prepared to discuss your particular problem, but often they will talk in general terms about it with you. Seek membership in national and international groups with special interests in environmental problems and indigenous people to speed the transfer of expert knowledge. The IUCN, for instance is an excellent source of information and assistance about indigenous rights and about the environment, and has representatives in virtually every country.

Get a complete picture of how the environmental assessment process is to be carried out from the government agency responsible. Be sure you assign someone in the community to become well versed in the policies and practices normally called for in these assessments. If there is legislation governing assessments, find it and have it at hand all the time.

Use International and National Protocols

Political pressure is very difficult to deal with because it will usually be camouflaged or covert. To prevent inappropriate process, use international protocols and conventions. They carry great political weight in some countries. Sometimes the most effective way to deal with such a situation is to bring it out into the open through the press. This approach, however, has some significant danger attached to it, so use it only in extreme situations.

As in all complicated situations, assume the unexpected will occur, and be prepared to be flexible. In fact, in many cases, the unexpected can provide new opportunities if you work with the changes in plans in an innovative manner.

SECTION 3 GUIDELINES FOR CORPORATIONS

UNDERSTANDING THE WAYS OF INDIGENOUS PEOPLE

Dependence on Land

Indigenous people who live on the land depend on the natural resources of the area in which they live. A direct consequence is a deep understanding and awareness of the importance of thinking and planning for the future about their land. For those who are primarily dependent on hunting, fishing, and gathering, there is a sense of personal responsibility for decisions that affect the lives of other creatures and plants. Often aboriginal practices include paying tribute to the animals or plants used for food and clothing. It is a basic assumption that all people are an integral part of nature, sharing both the characteristics of other organisms, and a dependence on their continued existence over all time. Corporations planning a project that is likely to reduce or remove the resources or access to them need to be especially sensitive to the values and needs of the community.

Indigenous people assume they have every right to sources of sustenance and livelihood that have been there for all memory. Corporations proposing to remove or destroy those sources -- even if for large amounts of money -- will find the locals to be highly resistant because their lives are at stake. There may be no legal document or treaty to establish their right to the land and its resources, but they obviously need to make that assumption. Non-indigenous concepts of "ownership" are not the same as aboriginal; indigenous people do not traditionally buy and sell land, they are a part of it, and it is a part of them.

The Meaning of Wealth

Local communities, especially those in rural or wilderness areas, may appear "poor" to non-aboriginal eyes because they do not have much technology and often have little money -- their commerce being based primarily on barter, trading directly in goods and services. Often non-indigenous observers feel these people "need help," that they would want to "upgrade" their life styles to a more developed level. These can be terribly misguided opinions. Sometimes, but certainly not always, it is the ambition of local communities to develop a western consumerist style of living. Many indigenous communities might wish to have a few of the amenities without having to sacrifice their values and traditional life styles. Sometimes communities try to achieve what has been called "catch-up-development" which results in a severe erosion of traditions and identity.

In most subsistence-based communities of indigenous people, leaders are anxious to ensure both the health and longevity of the community they care for. The local leaders take considerable pride in seeing happy, well-fed people around them. In many island societies of the Pacific, for instance, the chief is master of everything, land and sea, but is also responsible for everything that the islanders do to the island and the surrounding sea. In general, they want modest, not lavish increases in the material wealth of the local area.

Communication and Negotiation

Indigenous people give trust only after a prolonged period of testing and socializing. Indigenous leaders may expect the same of business leaders. If this trust is betrayed, it is very difficult to recover, and in the absence of trust, negotiation is virtually impossible. Actions commonly taken as evidence of betrayal include taking a decision with government without first involving the local community or establishing legal action as a means of forcing a decision. Leaders often express frustration, sometimes even contempt or fear when the corporation does not respond in a statesman-like manner. They can be confused by a business leader who does not share their values.

Properly handled, development projects can be of great benefit to all parties, and the decision-making process one in which there is satisfaction on all sides. Handled badly, these projects can degenerate into terrible battles that ultimately drive indigenous people from their land, destroy their culture, and even result in their deaths. Therefore, it is critically important to know what to expect and how to deal with the leaders of local communities. It is also important to be prepared to withdraw if the local community wants no part of the project.

Communication on paper is not the normal way of doing business in indigenous communities. Business is conducted face-to-face, or through intermediaries that can be trusted. Sharing information is of critical importance. Etiquette will dictate how this is to be done -- in many indigenous communities, discussions amongst leaders is strictly controlled by handing a symbol to the speaker to define his or her turn to speak. In others, all discussion is done in a hierarchical fashion, only equivalent levels may discuss business directly. In still others, only the chief may decide; he only listens, and never discusses the issues until it is time to decide, then he renders the decision without discussion or appeal.

Traditional Knowledge

Traditional knowledge is organized in a different manner from scientific knowledge. Its organization is based on integration, not on analysis into parts. In addition, basic assumptions about classification of plants and animals or cultural actions and rituals are often very different to those of technology-based societies. In many indigenous cultures, the elders speak the truth and the hunter's words are unquestioned. Indigenous people understand that there are different qualities of knowledge from people who have different levels of experience and wisdom, so they accept the knowledge the way it is presented. They do not attempt to challenge the wisdom of an elder. A non-indigenous observer might think a statement contradicts scientific concepts, but in fact, it probably works in the field. Information is usually given with a greater dimension of understanding than a non-indigenous person might have expected. Traditional knowledge is not readily transformed into bits for acquisition, retrieval, and storage in computers. Traditional knowledge is intensely site specific and culture specific. In this way, it is a powerful tool for local information, unlike science, which is a powerful tool for general principles that can be applied anywhere, but that must have at least some local data before it is of any use.

Traditional knowledge comes from a wide diversity of experience in nature, ranging from teaching and apprenticeship, to working with the land, to absorbing the feel of wild animals and plants, and listening to legends and stories. Traditional knowledge is as much a way of life as it is sets of information. To begin to understand traditional knowledge, a non-indigenous person is required to stop, listen, re-think, and be prepared to encounter an entirely different way of perceiving nature.

CORPORATE GUIDELINE #1

LOCAL CUSTOMS AND ETIQUETTE ARE IMPORTANT

Carry Out Socioeconomic Research on the Community Before Contact

In the pre-planning stages, before you approach an indigenous group of people, experience has shown that it is very effective to carry out socioeconomic and ethnographic research about the community prior to contact. Establish who the members of the communities are. Determine what experience the community has had handling environmental issues. Unless time and money are spent on this activity, communities are not understood well enough, and fail to be properly integrated into the decision-making process. Be prepared to study the local customs and language and to understand the implications of the project from the perspective of the local community, especially the way it will feel about its rights to the continued use of its traditional lands and resources.

Following your instincts may not be the right thing to do when dealing with indigenous local communities -- especially if your cultural roots and experience are from a different country or a different location. Indigenous enterprise and traditional ways of thinking are often based on cooperative or “communal” values. By contrast, corporate project leaders have primarily the corporation’s interests in mind. This may not resonate well with indigenous people. Sometimes simple things can become major problems. For example, indigenous people need time to assess you as a person. It is an important part of the way they will subsequently deal with you. If you rush this process, or if you show cavalier disregard for the local ways, you can get off to a very bad start. Probably the easiest mistake to make is to assume that your way is the right way, and therefore the way the corporation will operate. Develop your understanding of the culture and be prepared to be flexible, and change your attitudes and behaviour to match those of the people who have always lived where you propose to carry out a project.

Consider Training for Staff Who Will Interact with Indigenous People

Personnel from corporations rarely have had the necessary training to design or conduct an adequate consultation program with aboriginal cultures. Occasionally there are courses offered in the region to introduce business people and diplomats to the ways of the local indigenous people. In Kenya, for example, the national museum offers a two to three week course that can be geared to a particular group of tribes with which the diplomat or business person will be interacting. The study topics include proper etiquette, a crash course in the rudiments of the language, and an introduction to some of the leaders of the tribes. If such program or courses do not exist, it would be wise to think seriously about hiring specialists in public consultation. Such experts can significantly improve the probability of creating an effective environmental assessment including traditional knowledge.

Tread Carefully -- Proper Protocol Is Important Throughout the Project

To begin the project, a contact should be established with the local community in the pre-planning stages. Observe the local etiquette carefully. In some cultures, the leaders begin negotiations through intermediaries, not directly. Gifts specific to a culture (tobacco, kava, feather, whale teeth) are often part of the opening of a discussion. It may be appropriate to meet

the entire village in the community gathering area. This is especially common in tropical cultures. Indigenous groups do not usually delegate authority to a single person, but they often have a main contact person or spokesperson.

Once the initial contact has been made correctly, invite the community to create a team to represent it in planning the environmental assessment. Perhaps there is an existing group which is trusted by the community. Choosing representatives may not be a familiar practice in the community. Indigenous people often do not invest decision-making authority in a single person or a representative group. Acknowledge the traditional means of making decisions by suggesting the team would bring recommendations back to the community for decision, rather than having the representatives make decisions. This way the corporation does not need to work directly with the entire community.

Elders are the most important keepers of traditional knowledge. They are also the most respected people. Encourage the group to include elders as representatives. Other representatives should include people who have special knowledge of the areas specifically affected by the project. As noted in the introductory section, women must be included in the representative group assigned to take the lead for the particular spheres of traditional knowledge they hold, and the special role they play in stewardship. Women should not be a subsidiary or "special interest group" working off to the side and reporting to the main group; instead, on the principle of women and children first, they need to have a central role, if not the leading role. Because there are marked differences in the knowledge bases of women and men in traditional knowledge, include the traditional knowledge of women as a separate item and consider the special roles of women and children when thinking about the impacts of the project. Since women will put different items on the agenda for discussion and review, make sure that they are included as the community organizes to participate. It is also important to increase and support women's capacity to participate, as many of them will not have "formal" positions in the community which will automatically lend themselves to this, and their extensive responsibilities in caring for their families can make participation difficult. To-date women's points of view are often violated in such assessment processes because women are not yet sufficiently supported to defend their points of view effectively.

CORPORATE GUIDELINE #2

PREDICT ALL THE IMPACTS ON THE COMMUNITY

Define Key Issues and Concerns to Save Time and Money

Defining the key issues is a preliminary step to making predictions about environmental, social, cultural, and economic impacts. It should be done in cooperation with the community, and serves to focus the research, planning, scheduling and funding by identifying the key environmental and socioeconomic issues and concerns reacting to the proposed development. Without a clear definition of the main issues and concerns corporations may spend unnecessary resources examining potential impacts that are not significant. In some instances, the corporation may wish to spend time and money on issues or concerns that are not critically important, but that the indigenous people feel should be examined in any case. Such actions demonstrate cooperation and build greater trust.

The whole point of environmental assessments is to make the best possible estimate of all the effects: good, bad, and uncertain. Because any negative impacts of a development project are likely to be felt most severely by women and children, it is critical that women be asked to predict the long-term effects the project will have specifically on *their* lives and well-being. Remember that the invisible economy of "women's work" is usually not factored into environmental assessments. Its contribution to the stewardship of biodiversity, and its contribution to a community's, and even a culture's, viability, must be specified. The deleterious effects of women's loss of self-sufficiency if this economy is damaged also needs to be specified. Once these effects or impacts are defined, the corporation and the community together need to decide what to do about them.

If Impacts Will Be Serious, International Attention May Result

Difficulties arise when the predictions are dire for the future of the local communities. Needless to say, they will not want to have the project proceed, but you will have invested a great deal in the project so will want it to go ahead. The decisions rest in a multitude of hands. The local community will probably have some, but not very many, legal rights in the situation. They will have access to international conventions, covenants, and declarations. If the project conflict is drawn into the open, public opinion will be an important factor. Policies, regulations, laws, and practice of the governing state will be critically important in the courts. Finally, the ultimate fate of the indigenous people will be a moral and ethical consideration for the corporation. Locally, the weight this is given will depend largely on the culture and practice in the region. Interest in human rights is growing rapidly among industrialized countries. Corporations operating internationally and implementing projects locally, will need to respect policies of their parent countries, especially if the local country is lenient or even lax with regard to human rights.

Combining Science and Traditional Knowledge Markedly Improves Predictions

Science is not very good at environmental predictions because predictive modeling of the environment is still very weak. Local communities will have many anecdotes about the "stupidity" of projects that did not consider the "obvious" long-term consequences of decisions, so the local people may have little or no respect for the credentials of a scientist in these matters. Indigenous people usually have a far better grasp of the local conditions and a collective understanding of the environmental needs of the region than a visiting scientist will have. The local people have lived with the land, and have seen it react to the natural forces over long periods of time. Using their help can avoid the most common mistake of trying to predict the future impact from models that deal only with the changes to population levels of specific subsistence animals or plants. It is much more important to know how the entire ecosystem will react if changes in natural patterns shift gradually to the detriment of the project. Because science does not have particularly accurate means of predicting long-term effects, it is important to make the estimates of the impacts of a project with broad margins of error.

Instead of trying to acquire data from traditional knowledge, partner with the holders of this knowledge and carry out the research jointly with them. They will make the transformation of traditional knowledge as they help to solve problems the project poses. This helps in several ways — it increases the predictive capacity of the science, improves the credibility of the researchers if they work with local people, and avoids the tangle that often happens when local people are called on to give up their knowledge without proper compensation. In this approach, the traditional knowledge practitioner is providing the project with the added value of his or her

experience and wisdom by using the basic traditional knowledge. Yet the base knowledge is not lost or even transferred to the corporation -- it remains within the community. In this way also, the community does not feel it has lost or given away part of its identity.

CORPORATE GUIDELINE #3

DON'T LEAVE INDIGENOUS PEOPLE OUT!

Include Indigenous People Right from the Beginning to Avoid Disputes

Perhaps the single most common mistake made by corporations is to make too many assumptions and decisions about the project that affect the local community without involving them. This is guaranteed to offend indigenous people and endanger the whole project. Because corporations tend to deal first with governments, and because governments tend to make critical initiating decisions in isolation from affected parties, it is easy to make this mistake. There is an underlying rationale for doing it this way -- it can be expensive to involve indigenous people who will want to be a part of the planning, who will want to be recompensed for their labours, their knowledge, and to participate in any profits that are to be made from "their" land and resources. It is also possible that the local communities would rather not approve the project. To the corporations, these facts may be difficult to accept. It often seems easier not to allow potential veto power over the decision by the local community, yet such an approach which from a legal standpoint may be perfectly acceptable, will be seen by indigenous people as arrogant and aggressive. It is guaranteed to create conflict in the project.

Help the Community to Become Involved -- It Improves Relationships

If a situation arises where the community is simply ignoring the project or is standing on the sidelines and complaining, don't mistake this for a lack of cooperation. Find ways to help the community get involved. In traditional cultures, it is usually the case that the entire community or a very large proportion of it is involved in decision-making. Individuals may be very influential -- as in any social system -- but collective decisions are the norm. Whenever the project has an impact on the environment, there are both national and regional special interest nature or environmental clubs and non-governmental advocacy organizations that will be, or can be convinced to be, interested in the project. National or regional aboriginal groups will be concerned about the potential impact on all aspects of the health of the community. By encouraging their assistance, the corporation can involve a wider advisory group to its benefit. Needless to say, there are some fringe groups who polarize and inflame situations, rather than helping to solve them. By doing a little research on the background of advocacy and advisory groups, you can get a feel for their potential role as helpers or as trouble makers. If helpful groups are involved early in the process, it makes it more difficult for the polemic groups to successfully criticize your project.

Financing Community Participation Prevents Charges of Excluding the Community

Most local indigenous communities do not have the financial resources to undertake a major development planning exercise or to participate in an environmental assessment. By including the indigenous community in the environmental assessment, and paying for it (as you would for any outside contractor to do work), you provide the local community with a means to gain equal

footing in the discussions. This will ensure better relationships and give the local community a sense of ownership in the enterprise that will be extremely valuable in later discussions over contentious issues. They will have been involved and you can demonstrate your assistance in making that involvement possible. It also means they will not be in a position to criticize the corporation for excluding them from the process of assessment or planning.

Since indigenous women are not yet widely organized to offer leadership to the environmental assessment process, special attention will need to be paid to ensure that they are kept informed in a direct and timely manner, and that the information reaches them in language they can relate to, and that addresses their concerns.

Include the Community in Managing and Monitoring the On-Going Project

Make sure that the contact with the local community is maintained and stays dynamic. A common error is to make the initial contact, establish the agreement, and then forget about staying in touch. This mistake will gradually erode the confidence of the local community. Information flow is essential. Involve the community in managing and monitoring the activities as well as the environmental effects and resources throughout the project. Some very good examples of co-management of resources are now available from many parts of the world. Long-term perspective is important in managing resources. The community is especially interested in the long term. Partnerships and co-management directly use traditional knowledge and its long term perspective, a factor that can often save the corporation a great deal of time and money.

Often the environment may be handled in a manner that is acceptable to regulatory agencies and governments, and the economy of the local community may be increased somewhat, but the cultural fabric and the social integrity of the community is damaged or even destroyed. It may well be that the community is anxious to change the status quo and begin the process of “catch-up development.” Although this makes change easier to accept within the community, it is still not without its dangers. One of the techniques that works well is to underwrite the cost of travel for a small group from the local community to see a successful model from your own corporation. This radically improves the credibility of the exercise.

Finally, to keep people involved you will need to communicate effectively. See Guideline #5 for further information on using effective communication techniques.

CORPORATE GUIDELINE #4

IT'S TO YOUR ADVANTAGE TO PLAY STRAIGHT

You Need to Help The Local Community to Understand the Corporation's Needs

The success of the project is important, but it is also important to include the well-being of the local people. One good way to help them is to explain how all the regulations, policies and laws work. Make sure they understand the steps that have been defined for the assessment or planning process. Make sure they understand what their roles will be in the process. It is to your advantage to make sure this is well done, because it will significantly reduce the time lost in having to go back over stages if they have not been done correctly and the local community successfully requires that it be repeated. Your corporation or government may have had many experiences

and know how to get permission to carry out projects with the least interference from outside parties (including local indigenous communities). Resist the temptation to use this advantage unfairly — many communities are becoming more informed and the tactic may backfire badly.

The local community has only just been introduced to the project, but it has been yours for some time — give them a chance to get up to speed. What is the schedule for the project? They will want to know when key decisions are to be made, or critically important actions to be taken. They may not be able to meet your deadlines in every case because of cultural or community needs. In planning your project, recognize the need for larger amounts of time for decisions, so that if the community needs more time, you can offer it.

Culture Clash Can Be Harmful to Both Parties -- Be Careful

To a non-indigenous observer, indigenous people can present a strange mix of naiveté and skepticism. Modern corporate marketing styles can dupe anyone who is unfamiliar with them. Even the business norms for hyperbole in “salesmanship” can be misinterpreted by indigenous people as a dishonest presentation when later the “promises” do not come true. Thus, predictions to the community of great wealth resulting from the project will need to be tempered with a realistic view of the growth and profit level. Be sure to be prepared to answer questions about where the profit goes, what portion of it will stay in the community, what will go to head office. Local communities will be particularly anxious to know who will be employed, in what kinds of jobs. Enterprising communities, and those in transition from subsistence styles of living, will want to know what ancillary or support industry or services could be started up, and how long the project will last. Can the community come to rely on the industry being a permanent part of the community, or is it temporary? Communities rightly worry about the consequences of becoming dependent on the project. They may well ask what would happen if it closed or did not live up to its expectations, and you should be prepared to involve the community in a study to determine these answers.

Working with Local People is Beneficial to Both Parties

Ensure that the community has a chance to develop its own knowledge base at the same time as the corporation develops local knowledge. Avoid the situation, for instance, where the community is forced to react to the corporation’s definition of land classification. Bring both sets of land use and needs definitions to the table at the same time and give them equal weight. Allow the indigenous people to ask themselves how they view the natural world in the context of your project. If this is a large project there is considerable benefit in spending as much as several years discussing and verifying findings, building up the knowledge base on both sides before moving ahead with a contract. To move too quickly and without proper consultation can lead to lengthy battles in court that end up being extremely costly. The project will classify areas within the site for future use. Indigenous people will already have specific uses for the land -- work with them to find ways to avoid conflict over land use. They will need to develop a definition with you of valued ecosystem locations used for hunting, left to rest in a fallow condition just now, or ancestral resting places. Be certain that the community agrees with your use of the sites to avoid a long series of confrontations.

Explain the regulations within which the corporation intends to act, which enforcement agencies will be involved, and how you envisage the community being able to participate. The most successful approach in most cases seems to be a series of round-table discussions and town hall

meetings. The least successful is when representatives meet behind closed doors. Indigenous people often have a practice of involving the entire community.

Ensure from the beginning that women can and will participate as equals in the process, by designing the process specifically to accommodate them. Women themselves are the only ones able to ensure the process will accommodate them effectively, so women need to be encouraged to be pro-active about their involvement.

CORPORATE GUIDELINE #5

COMMUNICATE SO THAT INDIGENOUS PEOPLE UNDERSTAND.

Respect the aboriginal methods of conducting a meeting. Be patient, it may seem foreign, but aboriginal people emphasize social aspects of a gathering to bring people together in an atmosphere of trust and comfort before business is actually conducted. This social period, sometimes with ritual food or drink, is used as an opportunity for everyone present to make initial judgements about each other, and how easily the relationship will develop.

Here are some principles for the corporate representatives who will contact and work with indigenous people:

An Empathetic Attitude Is Important to Success

- Work to create trust through tact and patience.
- Slow down. Adapt your pace to the people.
- Learn directly. You can only do this if you spend time with families; live, work, and eat with them.
- Encourage people to share knowledge with you, but do not demand it.
- Ask people to tell their stories, to talk about their lives, events in the past: remember that story-telling is the aboriginal way.
- Discuss how life has been changing, what is good, and what is bad about the change.
- Talk about the seasons with the specific problems for each season.
- Discuss a case or something that has happened to illustrate what was difficult, what went wrong, what went right.
- Recognize that women have a distinct perspective, and distinct values that are essential components of the whole and which cannot be represented by men.
- A walk through the village with a talkative person may provide good information as a starting point.
- Meet again with people who were helpful. Follow up on conversations. Check for accuracy of unexpected information. How can it be like this?
- You may hear something that seems strange, such as witchcraft. You are wise to respect what you hear. Disrespect will make future collaboration difficult.
- Check that you have met everyone. Do not favour any groups or persons.
- Feed information back to the people, and involve them in the work.
- Do not create false hopes by making rash promises.
- Remember first impressions. This will help if you start to feel discouraged.

Work in Groups

- Listen! This is the key.
- Always use the local language.
- Don't be a teacher. These people will be your partners, you can learn from them.
- Use simple language — jargon is weak speech.
- Speak slowly, use short sentences, especially if the concepts are complicated.
- Do not read a speech from a piece of paper. Talk freely.

Get the Information Across in an Easy to Grasp Manner

- What we hear, we forget:
- Brainstorming — to get lots of ideas out
 - Buzz-Groups — smaller groups that let the shy speak
 - If people get bored, sing a song, tell jokes
- What we see, we remember:
- Use a simple flip chart with lots of paper
 - Big, bold letters
 - Write key words
 - Use different colours
 - Make up pages in advance (send small copies — or typewritten equivalents to the community)
- What we do, we learn:
- Explain what is to be done or what is needed
 - Show them how to do it, by doing it yourself
 - Invite them to try doing it themselves with you there
 - Leave them to practice
 - Role-playing can help — simulate a situation and have people act it out.

Evaluate the Success of Your Communication

- Evaluate progress at regular intervals.
- Do it together with the local community — do not use outsiders unless the community agrees.
- Questions:
- Can everyone follow the project?
 - Does everyone understand the implications?
 - Are the corporate representatives perceived to be helpful, hostile, competent, out to lunch?
 - Do the men and women participate equally — or appropriately for the culture?
 - Let's talk it over — how do you think it is going?

Give People the Needed Time

Probably the biggest single concern for indigenous people in dealing with corporations is having sufficient time to react and still carry out their daily routines. Corporations have a very real need to use as little time as possible to make decisions. Every day spent in “non-production” is money down the drain. Because they are driven by the prime imperative of ending up with a profit, non-

productive time is seen as wasted time. By contrast, it takes a great deal of time to carry out the work to understand the potential impacts of a project, to make sure all the indigenous people have been involved, to have time to reflect on the long-term implications of the project is present, and to ensure that the hunting and cultural schedules of the community have not been disregarded. From a local community's perspective, corporations can be incredibly impatient; from a corporation's perspective indigenous people can be incredibly slow and "unreliable" (going off to hunt instead of doing what the corporation wants). This is a very difficult part of setting the rules, but also very important.

Discuss the time schedule with the community and explain why the corporation needs to complete the project in the proposed time frame. Define carefully what work you believe the community will need to undertake. Then listen to what work they think is needed, and what time frame is comfortable for them. Finally, come to an agreement as to how much time will be required to carry out the work. The next step is to determine when the local community will be able to spend this amount of time on your project, as opposed to their daily needs. By combining these together, it is possible to get a good estimate of the time period over which the tasks can be carried out. After all, an indigenous person may correctly answer your question by saying he or she can get the answer to your question in a week. You may incorrectly interpret this to mean starting now, whereas the indigenous person may have many commitments for hunting or fishing that will mean the week's work will be spread out over two months. This is not slacking off or being irresponsible -- it is maintaining responsibility to the community.

You May Be a Health Risk to Indigenous People -- Be Careful

Finally, if your corporation is going to work with a group that rarely contacts outside societies, your staff may present a risk to the health of the local community. Non-indigenous people often bring diseases to which the local community may have little or no resistance. What to a visitor may be a sniffle, can be fatal to a vulnerable indigenous person. Similarly, unusual food, or drastic changes in the food habits can bring serious difficulties to a local community. Finally, the social effects of instantly creating a class of "wealthy" people amongst subsistence people can be disastrous. This wealthy class is created when corporation staff (workers and managers) arrive to work on the project. They come with obvious desirable material wealth to which the local community may have extremely limited access. Young people will be drawn to this wealth and will want to find ways to acquire similar materials. Consult carefully with the elders and wise people of the community to determine how this social stress will be mitigated and handled.

CORPORATE GUIDELINE #6

INTELLECTUAL, CULTURAL, AND TRADITIONAL RESOURCES RIGHTS

Determine the Rights of the Indigenous Community for Your Own Benefit

Determining rights to resources, and finding ways to protect intellectual and cultural rights is one of the most contentious areas right now. Indigenous people will try to protect their intellectual and cultural property rights while at the same time using their knowledge to the benefit of the project and in assessing its impact on the environment. The concept of intellectual property rights (sometimes confused with copyrights) is an important cornerstone in protecting traditional knowledge from inappropriate exploitation. Intellectual property rights define the right to own,

and therefore to sell or barter, ideas, information, special wisdom or understanding, and knowledge about plants and animals, that are the result of their intellectual, artistic, or creative efforts. Intellectual property rights are common in non-indigenous society as well. In addition, the products may also be protected by patents and copyrights. Most local communities have never formally applied for patents or copyright, nor have they specifically defined the parts of traditional knowledge they regard as their own. Increasingly indigenous people are finding new ways to use their knowledge base so that it can be protected. The use to which technology-based society puts its patented products depends on a variety of circumstances, but two critical factors are technical skill and commercial investment. It is rare for a local community to have these skills or the needed investment capital. The corporation should consider trying to interest the community in a business partnership to bring the products from traditional knowledge into the marketplace. Partnerships can take a wide range of forms, from simple royalty arrangements where the group receives an agreed percentage of the gross revenue or profit from the commercial use of the resulting product, to full equity share partnerships in which each partner takes risks and benefits in proportion to the combination of financial and other investments in the project.

In certain situations, indigenous people have the right to own the genetic traits of plants or animals. If the indigenous group you are dealing with routinely grows or “manages” wild stocks of plants or animals, it is likely that the organisms have unique genetic characteristics. In this case, the local community has the right to those unique plant or animal traits. In understanding this, the rationale for their requirement to be partners in any commerce with these traits is clear.

Settle Land Ownership Disputes Before Initiating the Project

Another whole area of rights has to do with ownership of the land, ownership of the resources on the land, and the right to occupy the land even if it is not owned in a legal sense by the group. The corporation should determine very early what are the legal or treaty rights to land ownership, resource ownership, and the right of the group to occupy the land. These rights are more often held by practice than documentation, so it may turn out to be a complicated negotiation. The more information you have at hand, the better your chances are to know how to proceed. A common mistake that can turn a project into a media nightmare is to assume that because the local community has no documented legal ownership rights, the corporation can simply take over by applying to the government for permission. Work with the local people, not against them. It is wise to have all land ownership disputes settled clearly before the project is initiated. The possibility of a significant loss due to an unexpected decision on land ownership is quite high.

Customary Aboriginal Rights Need To Be Settled Early

All aboriginal communities have a series of assumed or customary rights and privileges. Because they are assumed, they are not recorded anywhere, except in practice. These can be traditional rights of way, hunting rights, fishing rights, dress, ceremonies, and a host of other rights and privileges that are so much a part of everyday life that the people using them no longer think about them. Early in the planning process or in the assessment of the project, it is important to ensure that the project will not interfere with these rights. It is usually not sufficient simply to record the fact that indigenous customary rights will remain; they need to be defined. One way to do this is to have an outside expert in cultural behaviour or ethnography prepare a report on what these customary rights are. Another way is to encourage the local community to list customary

rights as they understand them. This can be the basis of a discussion leading to an agreement between the two parties, community and corporation.

CORPORATE GUIDELINE # 7

WORK WITH TRADITIONAL KNOWLEDGE

Site-Specific Traditional Knowledge Is of Great Value to a Project

Traditional knowledge can be of great benefit to a project because it is so site specific and because it has a very long timeline of information, often stretching centuries into the past. To assemble such a wealth of information would require nearly as much time as the indigenous people have been living in the area. Elders often hold a great store of knowledge that has been gained from decades of living on the land, and centuries of wisdom having been passed down by their elders. Hunters and trappers also hold vast stores of local knowledge. Traditional knowledge is basically information about ecosystem components, rules for using them, relationships among different users, technologies for using the rules and tools to meet the subsistence, health, trade, and ritual needs of local people. It is also a view of the world that makes sense of the above in the context of a long-term perspective in decision-making. It is used every day, yet it is not common knowledge among non-aboriginal people.

Partner with Indigenous People, the Value Added Is Immense

Because of the nature of the knowledge and the way in which it is stored (in people's memories and activities), it is not an easy task to re-assemble it into a format that matches scientific databases, so that it is specifically able to answer questions the project poses. Furthermore, the people who hold the information in their minds, have skills and understanding to add to the information that can be as valuable as or even more valuable than the data itself. One of the most effective ways to use traditional knowledge is to invite holders of traditional knowledge to participate as partners in the solution of problems or in the development of predictive models of the environment. As participatory researchers or problem solvers they will add value to the actual data that is part of the fabric of their understanding of the environment. This has the added advantage of establishing them and their knowledge as having validity and value in the development of the project.

If it is feasible, developing a partnership in which traditional and other forms of knowledge are used together in making decisions is demonstrably effective. Participatory research, joining forces between scientists and indigenous people, draws on a wealth of local understanding without needing to have traditional knowledge in a science base. As the project progresses using these same people as partners in co-management of resources, or as partners in monitoring progress, enhances the working relationship and sense of ownership by the community for the project. Because the local people know the land so well, they can also be highly sensitive to unexpected changes and alert the corporation of potential problems that would otherwise have caused damage to the project resulting in a loss of money.

For both elders, and trappers and hunters, the mother tongue, and possibly the only language, is likely to be the aboriginal language. Because the common language of business is usually not indigenous, there is a possibility that a barrier to communication will be finding a common

language. The solution to this is to conduct the discussions and written communication in the language of the speaker or writer, and to have instantaneous translation available for discussions and simultaneous translated versions available for written material. It is not uncommon for major corporations working in countries with languages unfamiliar to the management to hire translators full time. Try to make this part of your policies.

Use local experts to interpret and assess the accuracy of information or predictive models proposed by the corporation to be used for this project. Be careful, however, in how you judge the reactions of the local indigenous community. They may be embarrassed to point out the inadequacy of your knowledge, or the culture may prevent them from observing fault. They may also simply accept your opinion and assume it has a different context, so is not appropriate to the situation here their silence indicating the rejection of the information as relevant. Silence, therefore is not necessarily acquiescence or agreement with your corporate perspective, and may in fact, be hiding valuable information. Get them to talk about their reaction to your predictions.

Traditional Knowledge and the Work of Indigenous People Is Not Free

Do not assume the knowledge or the working partnerships will be yours just for the asking, and at no cost. This would be unfair to the local community. Just as a consultant might work for hire for you, local people have expertise in local knowledge and will appropriately approach the situation as a consultant might. The increased precision in modeling the environmental impacts that their knowledge provides is well worth the expense. Many corporations have not initially built the cost of acquiring traditional knowledge or traditional knowledge workers into the initial estimates of the cost of the project, and then find themselves with little or no flexibility to pay fees. There may be precedent in your country for rates to be paid by corporations for traditional knowledge work. If not there may be government settlements that can serve as guides. Government settlements may be derived from land claims or treaty arrangements so will only be a rough guide.

If the decision is to receive traditional knowledge in the form of data — as opposed to value added participation in research or predictive modelling — the indigenous community will want to know what you intend to do with the knowledge, particularly as it is partly the basis for their cultural identity. The best way to ensure that everyone understands the access to and use of the traditional knowledge is in the form of an agreement, preferably legally binding on both sides. However, do not start off by presenting a legal document to the local community representative. It is important to discuss what should be the appropriate means of acquiring the knowledge, what part is going to be shared, and what part is not, how it is going to be allowed to be used, what restrictions apply to subjects, land areas, and many other facets. Only after there is a general understanding should you document it. Furthermore, it is crucially important that the access agreement(s) define terms for at least the most common requests for access to traditional knowledge that you will make: 1) where the aim is to manage the resources in partnership, 2) where the aim is to invent patentable products for commercial use, and 3) where the aim is to share knowledge freely with others.

Given the usual minimum of documented legal rights, it is sometimes tempting to take advantage of the local community. This can be extremely dangerous both to the project, and in some extreme instances, to the personnel on the project. One of the very first steps that must be taken is to define who will be able to use traditional knowledge and how it can be used by both aboriginal and non-aboriginal people. The release of the information should always be through a

legal agreement with the owners of the knowledge, which specifies both the way the knowledge can and cannot be used, and also the benefits to be accrued to the community.

Assuming the corporation successfully negotiates access to traditional knowledge, corporate personnel should be prepared to share their knowledge with the local community -- especially that which is supposed to be local information. This will give the community a feel for the richness of the corporation's understanding of local phenomena. From this can be derived a feel for the amount of original research that will be needed to use both the traditional and science bases to come up with reasonable predictions of impacts.

CORPORATE GUIDELINE # 8

NEGOTIATE BASED ON EQUITY, EMPOWERMENT, AND RESPECT

Be Respectful

Corporations should be respectful in dealing with local communities. The initial impression you make will colour the local attitude to your subsequent requests. Be sure to observe local etiquette. Be careful not to create initial expectations that you are not likely to be able to deliver. And perhaps most important of all, be sure to invite them to participate in meaningful consultation before irrevocable decisions are made that affect them. If possible have them as part of the decision-making process. Include both women and men in the discussions.

You are going to need a great number of decisions, and you will need to have them made as expeditiously as possible. It is wise to know what is reasonable, and what is outside the limits of reasonable expectations of a community. Your corporation will probably assume that the project is a great contribution to the community. You may intuitively feel your corporation can expect considerable cooperation in return. The community may not share these feelings however; its concern will be to know if the benefit is worth the added cost, and their assessment may not follow the corporation's logic. There will also be limits beyond which the community will not or cannot go in responding to requests from the corporation.

Be Sure to Include Everyone in the Negotiations

In your project, you will need a full dialogue with the community, including men, women, and children. It is important to establish the way in which the dialogue will proceed. This should be done collectively, not by dictate. The organizational structure of the community is important in making decisions. The local community should be able to describe the organizational structure of the community and who its leaders are, although the hierarchy may be very loose or complicated.

It is normal business practice to have a project manager assigned within the corporation to be the prime contact, the communication route, and the communication link for decisions. Indigenous people do not always operate in this manner, so it is not wise to make the assumption that this will be familiar or comfortable to them. In many indigenous communities, everybody is involved in decisions. There is no reason why this cannot continue to be the case. The solution is to establish a number of communication routes and methods. If the community needs to decide as a group, it is wise to support this preference. Suggest that the corporation will always send the same person to the meetings, so they will get to know this person. Suggest further that the "most

senior person” of the corporation will participate only during certain times, but that he or she will always be informed about the project status. Describe how there will be limits to what the project manager can decide without going back to the corporation. If the community requests a decision from the most senior person of the corporation at a meeting of the community, try to comply. Do not have the most senior person placed in a position, however, where it is clear that he also is not capable of making the needed decision. Such an event will destroy the corporation’s credibility. The local community will, at times, need to see and talk to the final decision-maker, not in a hostile confrontation, but just to be assured that they know the face of the boss. It is important for members of the community to see and judge how much the final decision-maker can be trusted.

Below the level of the representative or prime contact, there will be working level contacts that are routinely in operation. You can ask to have a continually updated “list” of contacts, resource people and their experience (the list may be an oral recitation of names).

Empower the Community Through Meaningful Consultations

Avoid developing a process that will reduce the use of traditional knowledge to tokenism. Meaningful consultation is the key to success. A definition of consultation that met with the approval of indigenous people in the Yukon Umbrella Agreement in Canada is:

“Consultation is to provide to the party consulted, notice of a matter to be decided in sufficient form and detail to allow that party to prepare its views on the matter; a reasonable period of time in which the party to be consulted may prepare its views on the matter; and an opportunity to present such views to the party obliged to consult; and full and fair consideration by the party obliged to consult of any views presented.”

Help the Community to Define Its Expectations So You Understand Them

Your corporation will need to know the long-range goals of the community. These may be deceptively simple, and couched in a sense of forever; remember that forever is a very long time. Invite the community to define what it wants from the project. You need this information to predict social, cultural, and economic impact, and it is much more accurate if all participants understand they have been part of the group to define these expectations. You may want to investigate possibilities for joint ventures with the community, especially if there are long-term business possibilities.

GUIDELINE # 9

THE LOCAL COMMUNITY WILL NEED COMPLETE INFORMATION

Provide a Complete Report with Technical Details in Plain Language

The local people will need to know a great deal about the project so they can participate in all phases. To help open the discussion, and to get the community involved, begin to provide the official representative group with general information about the project. Be sure to provide examples of all the promotional materials, but do not expect this to be sufficient. Fairly early in the discussions, the representative group should be offered a technical report on the project. Corporations always make advance plans on paper before taking any major initial steps, so this

should not be a burden. If the technical reports are large and complicated documents, prepare an accurate summary in easy-to-understand language.

The context and manner of presentation of the plans is important. Define where the plans are flexible, and where changes can still be made. Talk about the role the community representatives can play in the continuing development of the plans. The plans as you have them in the early stages may recommend actions that will be unacceptable to the community. Be sure to indicate that such changes are possible, and can be worked out collectively. Clearly indicate that the documentation is not a final definition of the project. The final project is to be developed in consultation with the community. The document you present should be clearly marked to indicate it is still in the development or draft stages.

The technical report should describe the project plans and proposals:

What is this project all about? Why did the corporation choose this location and what other locations were considered?

How big is this project intended to be? Define both the development and construction phases, and the completed and operational stage. For instance, how many workers will there be? Are they going to be drawn from the local community or brought in from afar? Of the locals, how many will be in management, how many in blue-collar jobs?

What obvious environmental issues does the project present? How is the waste to be treated? What are the planned transportation routes? What are the current plans for post project clean-up? What commitments has the project already made to other organizations to take care of these aspects? Can the community take a dominant role in some of the ancillary operations instead of hiring other companies to do it?

What is the total cost of development? Who will be paying for it. Is this completely corporation financed? Are there partners? Can the community play an investment role?

How long will the project last? Define the time frame for both the development and construction phases, and also the operation of the project? Does the corporation plan for a “permanent” home in the community? Just what is the long-term picture from the corporation’s perspective?

What is the corporation’s view of the potential impacts? What are the impacts to air, land, and water? Are there any unpleasant ethical implications to what the corporation proposes to undertake -- such as inevitable loss of cultural roots? Some large mining companies have taken representatives of the community to visit projects completed with other indigenous groups, and vice versa. (Placer Dome and Teck Corporation, both North American based corporations, have done this.) This is an excellent way to establish a base of credibility with the community.

Provide a Cost-Benefit Analysis

From the corporation’s perspective, how will the project benefit the community? How will the project benefit the corporation? Because it will be critically important to have the community’s participation funded -- at least to some extent -- the corporation should make available financial resources for the community to hire technical advisors and independent reviewers. It is not enough for the local community to depend on local volunteers to help with the many tasks

involved in an environmental assessment of planning a development. As a responsible corporation, you should understand the need to pay local people for their participation. (This is in addition to the payment that will be due the local community for their expert knowledge.)

Reach Agreement on the Limits of the Project

Work with the local community to define which areas, which resources, what waters can be used, what the limits on air pollution will be acceptable, and any other aspects that become apparent from the particular project. Also define what is off limits, and what is not acceptable to be developed. Are there cultural limits? For example, tourist development presents a danger of trivializing native culture and turning aspects of it into trinkets. How much of this is acceptable, and how much is not? Once these are agreed within the community, and with the corporation, establish enforceable standards and codes of practice on both sides. It is not useful to have a wish-list of standards that no one could monitor or enforce.

CORPORATE GUIDELINES #10

LEGALLY CORRECT ACTIONS MAY BE DANGEROUS TO BOTH PARTIES

Do Not Try to Out-manoeuvre the Community

Do not try to out-manoeuvre the community to your singular advantage because you can get away with it legally. Such greed and disregard for human values is extremely damaging for all concerned and also for subsequent projects. Of course, not all corporations behave this way. If there are problems that come from taking actions that are legal but damaging to the local community, it is almost always the fault of the corporation's being naive about indigenous people and the way they carry out their daily lives. All people have trouble understanding that their way is not necessarily the best way.

A completely dishonorable stratagem is to establish great financial benefits for a few key decision-makers in the community so that they can be manipulated to make inappropriate decisions at the expense of the community and for the benefit of the corporation. The community will react extremely badly to this approach when it is discovered.

Make Sure Everyone Has Time to Think

Having sufficient time for the local community to come to appropriate decisions is almost always a problem. Corporations are in a hurry. Time is money. But indigenous people have other obligations in their lives and they need to think carefully and consider about your project and consider the longest term impacts. Do not demand too many meetings in too short a time frame, and do not ask for original research in unreasonably short periods. Be absolutely certain that so called "consultation" with the community is not really just you, the corporation, rationalizing a process of "informing" the community. There must be opportunities for meaningful feedback. All this can be avoided if the timing is established with care and sensitivity at the beginning.

Occasionally, corporations will carry out closed door or private negotiations with government or other stakeholders in key areas while excluding community representatives. This is occasionally seen in government-to-corporation negotiations setting out permits, regulations, or licenses, and

is a signal mistake that damages community relationship. In such situations the community sees that the corporation is expecting cooperation without providing any basis for trust.

Attempting to Undermine the Credibility of Traditional Knowledge Is Not Useful

Regulatory agencies of governments increasingly require that traditional knowledge be included in environmental assessment or impact statements. This is a promising development from the perspective of indigenous people, but it is currently a headache for corporations and regulatory bodies because they do not know how to respond to the requirement. Too often the corporate or government response, mostly subconscious, is to undermine the credibility of traditional knowledge. Less weight is given to the findings by indigenous people than to those of scientists. Typical examples include demands that traditional knowledge be transformed to business standards, requirements by the corporation or regulatory agency for “proof” that traditional knowledge is useful, or proof that working with indigenous people will augment project efficiency and save money.

Maintain Cultural Respect for the Community

Finally, it is very destructive if the corporation allows its employees to show disrespect for women, children, elders, and the cultural mores of the community. This will seriously offend, and may result in corporation employees being dismissed from the community, or worse. If the community perceives that the corporation cannot discipline its employees through normal channels, it may impose its own discipline.

CORPORATE GUIDELINE #11

MAKE SURE NEIGHBORING COMMUNITIES ARE INFORMED AND INVOLVED

Joint Assessments of Impact Are Important

Often a project will have an effect on one or more distant communities. In some cases the effects are environmental, such as changing the water flow, altering a migration route, or changing the nature of the surrounding ecosystems. In other cases, the effect may be cultural, such as sharing traditional knowledge that is regarded as proprietary by another community. Still other potentially harmful indirect effects are financial. A project may, for example, have financial benefit large enough to modify the community’s life style away from traditional, but not large enough to make the complete transition. Usually these intermediate positions are extremely difficult for the community and give rise to accusations of unfulfilled promises. These are subtle situations requiring sensitive behaviour on the part of the corporation. The simplest way to avoid problems with neighbouring communities is to include any communities that might possibly be affected.

Not all neighbouring indigenous communities are on good terms with each other. This is especially true if they are not from the same cultural groups and may have completely different decision-making and value structures. Some communities may attempt to exclude others from the planning process. In these circumstances, it is the responsibility of the corporation to make sure that the other communities are informed and involved. This is a situation where the assistance of an expert in cultural relations is of real benefit.

CORPORATE GUIDELINE #12

CALL FOR ARBITRATION TO GET PAST NON-PRODUCTIVE SITUATIONS

If Relationships Erode, Try a Simple Self-Examination

It is an ominous sign when trust disappears and confrontation replaces cooperative negotiation. Examine your own performance with the community. Did you expect self-financed participation by the community? Did you consistently ignore local practices, such as traditional hunting times or sacred ceremonies, to suit your project schedule? In consultations, did you make sure the community understood the consequences of each decision, and the specific actions that would follow? When confronted with a problem, did corporate managers show consistent respect for community opinion?

Agree on an Acceptable Arbitrator

There may come a time when negotiations reach a stalemate. Try to understand the frustrations of the local community. It may take a determined effort on your part to overcome these obstacles. Calling for arbitration can be a means to get past non-productive situations. Mediation or arbitration carries with it the need to establish the basic assumptions and to agree on an acceptable arbitrator. In choosing an acceptable arbitrator it helps if both parties first define the qualifications such a person should have. Sometimes it can be a respected member of the judicial system, in other situations, it should be someone who has the status of wisdom. There are courses available that you can offer to provide for selected community representatives and for your own staff if mediation or arbitration is required in the process.

It is recommended that corporations use a planner with a background in cross-cultural planning, or at least experience in socioeconomic impact assessment to act as a key contact between the corporation and the indigenous people. Many planners in the field of socioeconomics have had training in cultural planning, in consultative methodologies, and in methodologies for interpreting matters of cultural significance. Personnel serving as key contacts between the corporation and the indigenous community should belong to the staff of the corporation; they should not be contractors, because contractors are not seen to have access to the decision-making process and are often not seen to be accountable. Furthermore, corporation personnel often lose the opportunity to play an active role in working with the aboriginal communities if contractors are used.

In extreme situations, aboriginal groups have taken legal action against the corporation while still participating in the assessment process. As with all complicated times, assume the unexpected will occur, and be prepared to be flexible. In many cases, the unexpected can provide new opportunities if you work with the changes in plans in an innovative manner.

SECTION 4 — GOVERNMENT GUIDELINES

THE ROLE OF A GOVERNING BODY

Successful government of natural resources and people to achieve the goal of longevity and prosperity is complex. The organizational structure of government significantly affects management style for both people and natural resources. Management style, cultural norms, human values, and economy tend to vary less among democratic nations than among monarchies or dictatorships.

In many nations, there remain sufficiently extensive rural and wild areas that indigenous people still dwell within, often as they have done for untold thousands of years. It is almost never the case that these people also govern the state or nation. They are almost always a minority, often a hidden minority that escapes the notice of the majority under normal circumstances. They are also almost always in the bottom echelons of a nation's economy -- not necessarily because they would consider themselves poor -- but because they do not extensively enter the market economy. For most indigenous people, it is no longer possible to sustain themselves without being at least marginally part of the market economy and without confronting the complexities of interdependent development.

Governments must decide how to manage natural resources that are contained within areas inhabited by indigenous people, and also how to govern the people as part of the market economy. Most governing bodies have what might be termed evolving policies in this regard. Exploitation of forest products, minerals, or aquatic resources, has inevitable significant impacts on indigenous people. The governing body must therefore decide how to manage the interrelationships between the indigenous people, the resources that are contained within the lands they occupy, and the market forces driving projects to extract the resources at the lowest possible cost.

There are emerging international standards by which all governments are judged in their governance of indigenous people. These standards attempt to find a comfortable balance between the needs of their citizens -- whether indigenous or not -- and the pressure to exploit natural resources at the lowest possible cost for the global village.

GOVERNMENT GUIDELINE #1

ESTABLISH SUSTAINABILITY POLICIES FOR NATURAL RESOURCES AND INDIGENOUS PEOPLE.

Consistent with the national goal of ensuring the longevity and prosperity of the nation, specific policies to keep the nation's natural resources available over the very long-term should be a high priority. There are essentially three types of resource management: 1) non-renewable, 2) wild renewable, and 3) domesticated renewable.

Set Policies to Rationalize the Exploitation of Non-Renewable Resources

Mineral resources are finite and non-renewable. If they are sold as raw products, there is no value added to the national industrial capacity. Thus, extracting these when there is no immediate need to build the minerals into the technological capacity of the nation, must be based on a real and immediate need for the cash resources that result from selling your natural capital. Forest products can be managed in the same way -- as a one-time exploitative project. Typically in this style of management, the forest is cut down, the forest products sold, and the land transformed to some other use such as urban development. In some projects of transformation, the forest is burned to make way for agricultural use. These two approaches do not allow regeneration of the forest.

Set Policies on the Basis of Sustainability for Renewable Resources

Forests can be managed as a renewable resource. Managed this way, the indigenous people within them are able to sustain their traditional way of life. For the long-term health of the planet, as much of the forests as possible should be managed and harvested as renewable resources. There are many forest extraction processes that are not successful -- clear-cutting in boreal forests can eliminate the forest under certain conditions. Clear cutting in certain tropical forests results in lateritic soils that not only cannot support regeneration of the forest, but also cannot support agriculture. Forests can be systematically harvested forever on an ecosystem basis (there is a vast literature on how to do this sustainably). In other schemes, the forest ecosystem is destroyed, but replaced by a monoculture of trees in reforestation. This is less desirable from the perspective of the planet's health, and ultimately the biodiversity of the world will not be able to sustain a completely domesticated series of tree farms that replace natural forests. Tree farms are, however, often more productive for timber over the medium-term than ecosystem managed forests. Over the long-term, tree farms suffer soil depletion; timber productivity then falls to a level that is less than full ecosystem-managed forests.

Living wild resources, whether terrestrial or aquatic, can all be managed sustainably if sufficient knowledge and political will supports the management policies and regulations. So far, the record is not good in aquatic resources -- most world fisheries for wild stocks are over-harvested. The number of wild terrestrial stocks that are now harvested on a commercial basis is very limited. Most wild terrestrial stocks are harvested by indigenous people, and managed by them in a manner that goes back at least centuries, perhaps thousands of years. The advent of modern weaponry and transportation systems, as well as the sharp increase in populations of indigenous people who enter in any significant manner into the market economy, has placed even wild terrestrial stocks managed by indigenous people in significant danger of over-exploitation.

Set Policies on The Basis Of Sustainability of Quality of Life for Indigenous People

Within the projects to extract natural resources, interaction with indigenous people is inevitable. Developing policies that encourage the participation of these people in the development, management, and economic base that result from these projects avoids unsolvable confrontations. These same policies need to work on the principle that indigenous people have rights to live and use their traditional resources. Governments need to assist their indigenous people by combining the traditional knowledge and scientific knowledge in cooperative ventures to help everyone understand the population dynamics of wild stocks under natural indigenous management styles, during the transformation toward market-economy-based management, and then under full market-economy-based management.

GOVERNMENT GUIDELINE #2

DEVELOP STRATEGIES BY INVOLVING ALL STAKEHOLDERS

Good Strategies Are Based on the Needs of All People

Strategic development is very nation specific, and must acknowledge the cultural backdrop of the country. That said, international experience has shown that strategies for implementing policies are essential elements of good management. Strategies for sustainability should discover ways and means of developing resources without diminishing the resource. To be effective, the process of developing these strategies should include the many stakeholders, shareholders, and special interest groups in meaningful consultation. Meaningless consultation may sometimes lead to increased short-term profitability, but sustainable development must be based on the considered needs of all parties. Good strategies are not the result of votes, or polls, or the lowest common denominator of a group of self-interested entrepreneurs. Good strategies are carefully designed to achieve sustainability while respecting the values and needs of the people.

Multi-Stakeholder Negotiations Work in Many Countries

A large body of literature is developing world-wide on multi-stakeholder or round-table negotiating techniques, with case-histories to demonstrate the value of the end results. The most direct route to locate examples of these agreements is through non-governmental organizations such as the World Wildlife Fund and the IUCN. Currently the most successful examples of these are in Canada, the United States, and Australia. To get access to this material, make direct contact with the regulatory agencies in each country that govern natural resources, but especially the forest and mining sectors, and to a limited degree the fishing sector.

GOVERNMENT GUIDELINE #3

SEPARATE GOVERNMENT AGENCIES THAT EXPLOIT FROM THOSE THAT REGULATE

Regulatory Agencies Should Not Have an Inherent Conflict of Interest

Strategic development is achieved through programs and projects. Multi-stakeholder and round-table advisory groups can assist in supplying the knowledge base to ensure the success of such programs and projects and consequently the strategies themselves. Creating a suitable infrastructure to monitor and enforce these policies and strategies is a crucial part of ensuring that the practice remains true to the goal of sustainability.

It is of utmost importance to maintaining an agency's integrity that monitoring, regulatory, and enforcement agencies do not also have responsibility for the exploitation of the resources. Government policy should be separate from government programs. When agencies are responsible for both harvest and regulation, the goals become confused. If both functions are combined in one agency, typically the agency emphasizes harvest, and sustainable practices are sacrificed to increased productivity.

Manage Access to Isolated Indigenous People to Maintain Their Social, Cultural, and Physical Health

Establish policies on access to indigenous people by non-indigenous people as a safeguard against health and social damage. Even today, projects can decimate indigenous communities through the importation of diseases, or by introducing foods so unfamiliar that they cause digestive problems and malnutrition. The sudden introduction of non-indigenous people can be destructive to the social fabric of an indigenous community. Sensitive policies can minimize the damage.

Research the Socioeconomic Background of the Community Before Making Contact

The following checklist is a helpful guide to information that is needed before a program of public consultation begins with indigenous communities:

- If the community is affiliated with other organizations, what is the purpose, membership, and history of these organizations?
- Is there a political, historical, or social tie between this community and others?
- What significant changes to the social, cultural, economic, political, or environmental conditions of the community have taken place recently or even not-so-recently?
- What experience or participation has this community had with development projects or agencies?
- Has this community ever participated in a consultative process? If so, was it successful?
- Who are the community leaders? Whom do they represent?
- Has there been a recent change in the community leadership; if so why?
- Is the community divided in its allegiance to the leaders, i.e. will you be dealing with more than one faction?
- What are the political systems within the community? How are they allied to external political systems? Does the community in general approve?
- What are the respective roles of elders, men, women, and youth within the community?
- Who is most knowledgeable about the community's biophysical, socioeconomic, and spiritual resources?
- The following questions are useful guides to evaluating the effectiveness of a regulatory agency that may be overseeing development planning processes:
- What is the history of the regulatory agency responsible for this project? Has the process changed recently — if so why? Was the process reliable for indigenous people? Did the agency follow through on its commitments?
- What legislation or policies does the agency use? Are the legislation or policies under revision?
- What resources do regulatory agencies offer to the indigenous community? What resources can the indigenous community offer to the agency to help the process?
- What techniques are used to involve the public, and when are they be used?

GOVERNMENT GUIDELINE #4

ENFORCE THE TRADITIONAL RESOURCE RIGHTS OF INDIGENOUS PEOPLE

Be Aware of Relevant International Statues and Conventions

There are many international conventions, laws, and declarations that govern the traditional rights to resources that indigenous people have or should have. Use these as a guide to the manner in which the people are treated in your country. The following are a selected list of the most important such sources of information:

- Convention on Biological Diversity
- UN Convention to Combat Desertification in Countries Experiencing Serious Drought and Desertification, Particularly in Africa
- UN Convention on the Elimination of All Forms of Discrimination Against Women
- UN Convention on the Elimination of All Forms of Racial Discrimination
- UN Convention on the Prevention and Punishment of the Crime Of Genocide
- UN Draft Declaration of Principles on Human Rights and the Environment
- UN Draft Declaration on the Rights of Indigenous People
- UN Declaration on the Human Right to Development
- Draft International Covenant on Environment and Development
- International Undertaking on Plant Genetic Resources
- Non-Legally Binding Authoritative Statement of Principles of Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests
- UN International Covenant on Civil and Political Rights
- UN International Covenant on Economic, Social, and Cultural Rights
- International Labour Organization Convention 169 Concerning Indigenous and Tribal People in Independent Countries
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations
- Rio Declaration
- Universal Declaration of Human Rights
- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
- Recommendation on the Safeguarding of Traditional Culture and Folklore
- Declaration on the Principles of International Cultural Cooperation
- Convention Concerning the Protection of World Cultural and Natural Heritage
- Model Provisions for National Laws on Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions
- UN Vienna Declaration and Program of Action

In the long run, the world will need to adjust to the growing interest in individual rights. Governments set the legal limits on human rights, and corporations need to live within these limits. But it is never a bad thing to err on the side of excellence in caring for the human beings who live in local communities. Corporations and governments gain immensely in stature from managing these situations humanely. Increasingly, indigenous people are recognized as having

traditional rights to resources. Disregarding these rights can lead to protracted legal battles that are very costly.

GOVERNMENT GUIDELINE #5

FUND CAPACITY-BUILDING AMONGST YOUR NATION'S INDIGENOUS PEOPLE

Building the skills needed to cope with market-based economies and modern technology is an effective of bringing indigenous people into the governing regime of any country, while enhancing the financial base of the indigenous people. This needs to be done with a sensitivity to their cultural background. Traditional knowledge does not need to be replaced or eliminated for indigenous people to enter a market-based economy. Parts of it can be transformed into products and services that are needed or desired by non-indigenous societies. It is most important to indigenous people to ensure that when changes take place, people are able to go on living and developing themselves according to their own decisions and traditions, while at the same time a meaningful part of the emerging nation and its economy.

SUMMARY OF THE GUIDELINES

The following summary of the Guidelines is intended to provide a synopsis of the most important points raised in the document. Each guideline is designed to assist in establishing a process that will work to everyone's benefit. Because the needs and perspectives of the three different major participants are both similar and different, the *Guidelines* have been established in three categories. Within these categories, a certain degree of parallelism is maintained between the indigenous and corporate guidelines. The guidelines for government are essentially at a higher order of activity. In using any of these guidelines it is important to consult the full text. By the end of the workshop test, there will be a large body of reference material assembled to further enhance the usefulness of the information.

INDIGENOUS GUIDELINES

#1 Form a Representative Group

- Choose team members according to skills
- Get legal
- Teach the corporation how to interact with your community.

#2 Predict All the Impacts of the Project

- Good predictions mean good decisions
- Including women and women's knowledge improves predictions
- Be skeptical of predictions of great wealth
- Leave broad margins of error in predictive modelling

#3 Don't Be Left Out

- Be alert for new projects
- Pre-empted decisions? -- hang in there!
- To be effective participate fully
- Establish financing for your participation
- Train to be involved in the assessment
- Participation by women will improve the assessment
- Use communication techniques to meet your needs
- Working with the media: be message driven, not question-driven

#4 Know the Rules

- Government sets the rules, the corporation defines the process
- Establish your own spokespersons
- Enhance your power base: include others
- Ask lots of questions
- Translation is important
- Women help interpret the rules
- Negotiate the timeline
- Preserve your customary aboriginal rights

#5 Use Your Traditional Knowledge, Don't Give It Away

- Transmit traditional knowledge on your own terms
- Distinguish between ancient and modern traditional knowledge
- Participatory use of traditional knowledge can be better than selling it
- Traditional knowledge of women is often invisible
- Become a legal entity
- Shape your traditional knowledge access agreements carefully

#6 Insist on Your Rights, Know Your Bottom-Line

- Know your rights
- Safeguard your rights
- Settle the question of land ownership before you agree to the project
- State your limits to the project
- Do a cost-benefit analysis
- Third-party arbitration can help

#7 Find Out What the Corporation Knows and How It Operates

- Classify land use from your perspective first
- Challenge scientific findings
- Create a report card on the corporation's past

#8 Know What You Need

- Get a technical summary
- Prepare a community list of questions
- Hire someone you trust to interpret science-based knowledge
- Protect your community from societal impacts of alcohol, drugs, diseases, migration to cities

#9 Find Out What They Want From You

- Begin a full dialogue

#10 Don't Be Outmanoeuvred

- Resist unreasonable demands
- Too little time can lead to poor decisions
- Insist on meaningful consultation
- Do not allow anyone to undermine the credibility of traditional knowledge
- Do not accept a disregard for community standards
- Insist on open door negotiations including indigenous people

#11 Inform and Involve Neighbouring Communities

- Define direct effects
- Define indirect effects
- If you are the neighbour, become informed

#12 Communicate Directly with Government Agencies

- Do not rely on second-hand information -- go to the source
- Use international and national protocols

CORPORATE GUIDELINES

#1 Local Customs and Etiquette Are Important

- Carry out socioeconomic research on the community before contact
- Consider training for staff who will interact with indigenous people
- Tread carefully —protocol is important throughout the project

#2 Predict All the Impacts on the Community

- Define key issues and concerns to save time and money
- If impacts will be serious, international attention may result
- Combining science and traditional knowledge markedly improves predictions

#3 Don't Leave Indigenous People Out!

- Include indigenous people right from the beginning to avoid disputes
- Help the community to become involved — it improves relationships
- Financing community participation prevents charges of excluding the community
- Include the community in managing and monitoring the on-going project

#4 It's to Your Advantage to Play Straight

- You need to help the local community to understand the corporation's needs
- Culture clash can be harmful to both parties — be careful
- Working with local people is beneficial to both parties

#5 Communicate So That Indigenous People Understand.

- An empathetic attitude is important to success
- Work in groups
- Get the information across in an easy to grasp manner
- Evaluate the success of your communication
- Give people the needed time
- You may be a health risk to indigenous people -- be careful

#6 Intellectual, Cultural, and Traditional Resource Rights

- Determine the rights of the indigenous community for your own benefit
- Settle land ownership disputes before initiating the project
- Customary aboriginal rights need to be settled early

7 Work with Traditional Knowledge

- Site-specific traditional knowledge is of great value to a project

- Partner indigenous people, the value added is immense
- Traditional knowledge and the work of indigenous people is not free

8 Negotiate Based on Equity, Empowerment, and Respect

- Be respectful
- Be sure to include everyone in the negotiations
- Empower the community through meaningful consultations
- Help the community to define its expectations so you understand them

9 The Local Community Will Need Complete Information

- Provide a complete report with technical details in plain language
- Provide a cost-benefit analysis
- Reach agreement on the limits of the project

#10 Legally Correct Actions May Be Dangerous to Both Parties

- Do not try to outmanoeuvre the community
- Make sure everyone has time to think
- Attempting to undermine the credibility of traditional knowledge is not useful
- Maintain cultural respect for the community

#11 Make Sure Neighboring Communities Are Informed and Involved

- Joint assessments of impact are important

#12 Call for Arbitration to Get Past Non-Productive Situations

- If relationships erode, try a simple self-examination
- Agree on an acceptable arbitrator

GOVERNMENTAL GUIDELINES

#1 Establish Sustainability Policies for Natural Resources and Indigenous People.

- Set policies to rationalize exploitation of non-renewable resources
- Set policies on the basis of sustainability for renewable resources
- Set policies on the basis of sustainability of quality of life for indigenous people

#2 Develop Implementation Strategies by Involving All Stakeholders

- Good strategies are based on the needs of all people
- Multi-stakeholder negotiations work in many countries

#3 Separate Government Agencies That Exploit from Those That Regulate

- Regulatory agencies should not have an inherent conflict of interest
- Manage access to isolated indigenous people to maintain their social, cultural, and physical health
- Research the socioeconomic background of the community before making contact

#4 Enforce the Traditional Resource Rights of Indigenous People

- Be aware of relevant international statutes and conventions

#5 Fund Capacity-Building Amongst Your Nation's Indigenous People