

ENDOGENOUS DEVELOPMENT

M A G A Z I N E

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Bio-cultural Community Protocols enforce Biodiversity Benefits

A selection of cases and experiences



Endogenous development

Endogenous development is based on local people's criteria for development and takes into account their material, social and spiritual well-being.

The importance of participatory approaches and of integrating local knowledge into development interventions has become broadly recognised. However, many of these approaches experience difficulties in overcoming an implicit materialistic bias. Endogenous development seeks to overcome this bias by making peoples' worldviews and livelihood strategies the starting point for development. Many of these worldviews and livelihood strategies reflect sustainable development as a balance between material, social and spiritual well-being. This balance is illustrated in each article with a box containing the three interacting worlds (see also p.3). The main difference between endogenous development and other participatory approaches is its emphasis on including spiritual aspects in the development process, in addition to the ecological, social and economic aspects.

Endogenous development is mainly based on local strategies, values, institutions and resources. Therefore priorities, needs and criteria for development may differ in each community and may not always be the same as those of the development worker. Key concepts within endogenous development are: local control of the development process; taking cultural values seriously; appreciating worldviews; and finding a balance between local and external resources.

The aim of endogenous development is to empower local communities to take control of their own development process. While revitalising ancestral and local knowledge, endogenous development helps local people select those external resources that best fit the local conditions. Endogenous development leads to increased biodiversity and cultural diversity, reduced environmental degradation, and a self-sustaining local and regional exchange.



Raika pastoralist from Rajasthan, India

Editorial

2010 is the International Year of Biodiversity: a celebration of life on earth and of the value of biodiversity. Government staff, researchers, civil society and indigenous peoples' movements are looking closely at possible measures to conserve biodiversity. Activities will come to a height during the 10th Convention on Biological Diversity to be held in October 2010 in Japan. Here governments from all over the world will decide on guidelines for the years to come. Community protocols feature in the negotiation text as 'measures to ensure participation and involvement of indigenous and local communities'.

Bio-cultural community protocols (BCPs) emphasize that traditional knowledge is rooted in the interconnections of communities with their land and enshrined in their customary laws. A bio-cultural community protocol puts on record the communities' role in ecosystem management, as well as their rights to its benefits. In preparing such a protocol, the community also becomes aware of the existing national and international laws that underpin the right to in-situ conservation. This process of documenting, reflecting upon and learning about rights can be an enormously empowering experience for the community.

A community is defined as a group of people who share natural resources and knowledge about these resources. Within a locality, there can be healers who revitalize the use of medicinal plants, farmers who maintain traditional crop varieties, and livestock keepers who care for their traditional animal breeds. All can develop a protocol. Different communities can also merge their protocols into an overarching protocol, thus making their claims more powerful to external agencies.

Community protocols need an endogenous development process. And vice versa, endogenous development becomes stronger when legal frameworks are included. A win-win situation!

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The spiritual, social and material dimensions of life are **inseparable** in endogenous development.



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How Bio-cultural Community Protocols can empower local communities

Natural Justice (Lawyers for Communities and the Environment) is an international NGO working with indigenous peoples and local communities in African, Asian and Latin American countries to develop rights-based approaches to securing the continued management of their bio-cultural heritages. Bio-cultural community protocols (BCPs) represent a novel rights-based approach that can support communities' rights to self-determination and endogenous development. The protocols can help communities constructively engage with other stakeholders in accordance with locally defined priorities and procedures.



Photo: Iise Köhler-Rollefson

Endogenous development describes a community process of defining and working towards future plans according to local values. Endogenous development processes promote the use of existing resources and values within communities to support the management of local traditions and natural resources. Endogenous development also stresses that external interventions must be undertaken only when the community grants free, prior and informed consent.

Interventions aim at strengthening communities' capacities for endogenous development by agreeing on a vision of success. This vision of success consists of community-endorsed changes in practices and behaviours that would occur within a locality as a result of strengthened endogenous development. These changes often relate to management of a diversity of livelihood strategies, including local leadership, intra- and inter-community dialogue, the use of cultural and spiritual knowledge, and capacities to negotiate with external actors. Communities need to participate fully and effectively in the formulation, implementation, monitoring, and evaluation of all activities.

The right to endogenous development

Endogenous development is founded on the principle of self-determination, which is also reflected in international law. For example, article 3 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states that, 'Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and

cultural development.' This explicit recognition of the centrality of endogenous development to self-determination constitutes a political victory at the international level, but since compliance with UNDRIP is voluntary, its effective implementation often remains elusive at the local level.

Endogenous development is already present in all local communities. It is reflected in the communities' capacities for self-determination. But communities exist within a series of complex social, cultural, spiritual, economic, political and legal relationships. In this context, constructive engagement with other communities, external stakeholders and regulatory frameworks according to

Rights-based approaches can support local communities in exercising their rights

communities' locally defined priorities and values is an integral element of the endogenous development process.

For example, the endogenous development of livestock keepers relies on access to migration routes, communal pastures and seasonal grazing areas controlled or owned by other communities, private landowners or government agencies. Their livestock breeds may also be subject to (inter) national agricultural policy (such as the Convention on Biological Diversity - CBD), as well as the dominant focus of research on animal genetic resources for food and agriculture. Livestock keepers' endogenous development, in this case,

depends on more than just the community-level decisions about their future. It also depends on the actions and inactions of external stakeholders. In this issue, article 3 on pages 12-14 shows how bio-cultural community protocols were developed and evaluated in the Raika pastoralist communities in Rajasthan, northern India.

Legal fragmentation

The right to endogenous development is embedded in communities' customary laws and enshrined in international legal instruments. However, communities face many challenges when engaging with national and international laws. Critically, whilst aspects of traditional livelihoods such as natural resource use, culture, spirituality, and traditional knowledge are

integrally linked, the law addresses them separately. For example, a community that manages livestock, agricultural lands and non-timber forest products does so within a local landscape and according to customary laws. However, the national or state laws implemented by government agencies address each type of resource separately. This results in the legal fragmentation of an otherwise interconnected body of values, knowledge, practices and resources. The same is true for laws intended to enact the UNDRIP's overarching principle of self-determination. Various frameworks, including those dealing with culturally appropriate education, customary uses of natural

resources and the protection of traditional knowledge, are intended to enable communities' cultural autonomy but are most often implemented in isolation. The fragmentary nature of these laws compartmentalises and reduces communities' pursuits of self-determination into issue-specific sites of struggle.

This issue is of direct relevance for endogenous development. Towards the overall aim of self-determination, communities are required to engage with multiple stakeholders within a variety of regulatory frameworks. Communities thus face the choice of either rejecting or engaging with these disparate and inherently limited frameworks. While the former is virtually impossible because of the strength of national legal systems, the latter raises questions in the community about how to manage the interface between their holistic ways of life and the disparate legal frameworks and implementing agencies. In this context, the practical realisation of the right to self-determination is contingent on communities' ability to engage with legal frameworks and external agencies in ways that support, rather than undermine, their endogenous development processes.

Bio-cultural community protocols

Through the development of bio-cultural community protocols, Natural Justice is working to bridge the gaps between existing legal rights frameworks and communities' rights to self-determination and endogenous development. Rights-based approaches should not be seen as a panacea for endogenous development. However, they can support communities in exercising their rights. In such cases,

making use of legally recognised rights and obligations can help facilitate constructive engagement with stakeholders in accordance with communities' values and endogenous development plans.

Bio-cultural community protocols help communities adopt a rights-based approach to their endogenous development. A community protocol is a statement of self-determination of a particular community, that details its existing resources, assets and values and can be used as a tool for safeguarding locally identified priorities. It clarifies local procedures as well as terms and conditions for engaging with other actors such as government or conservation agencies. In this way, communities effectively underscore that they are not merely 'stakeholders' whose views may or may not be taken into account, but are in fact rights-holders with entitlements under law that others are obliged to respect. A protocol helps the community articulate its norms and values in its own voice while still being understood by non-community actors.

Through this approach, communities and their stakeholders can work more constructively and collaboratively towards the integrated management of their bio-cultural heritage. Protocols also enable communities to assert their procedural and substantive rights within the context of external interventions such as proposed development projects. They can help ensure that communities are fully informed about any proposed interventions according to the principle of free, prior and informed consent. They also help communities become fully involved in the

Interacting worldviews in BCPs

Spiritual

Community protocols help outside agencies to understand the holistic nature of communities' knowledge and resources.

Social

Community protocols allow for discussions on different values within the community relating to biodiversity and traditional knowledge.

Material

Community protocols facilitate a discussion about communities' material priorities, such as protecting biodiversity for food.

projects that affect their lands and ways of life. Overall, bio-cultural community protocols empower communities within the existing multiple legal frameworks. In doing so, they help communities minimise the power asymmetries that often characterise government-community relations, and promote a more endogenous approach to the management of natural resources and bio-cultural heritage.



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An interview with Nana Asubonteng, a Divisional Chief of Badu together with a Linguist and a Queen on customary laws and external agencies

'We want to protect our customary rights over the forests'

Customary 'laws' include codes of conduct and established practices which are enforced by community institutions and are locally recognised, often orally held and evolving. They can have sanctions attached to them. The people living in Badu in southern Ghana want respect for their customary laws to conserve and revitalise their forest areas.

Why is the forest important?

'Our ancestors originated from Burkina Faso and settled some centuries ago here in present-day Tain district in Ghana on a vast piece of isolated land covered by forests. They brought along their gods and ancestral spirits. In the middle of Badu town, a 3-acre forest became the home of our ancestors. This forest became a sacred forest and was protected. It still has ancient trees such as Anyinam, Wawa and Dua Koko, or redwood. It also harbours reptiles, birds and medicinal plants. A stream originates here and feeds into the river nearby. We believe that the ancestral spirits protect our community against evil.'

A larger forest, located some sixteen miles from the town, is used by us, the forestry department and timber companies. Here antelopes, bush pigs, bush cows and grass cutters are living. We use the larger forest mainly for timber and firewood.'

Are customary laws still strong?

'Traditionally, the laws for the sacred forest are very much respected by the people, because of our beliefs and attachment to ancestors. People

have a great fear of entering the sacred forest. People have gone missing, because they entered without permission. The sacred forest can only be entered by special people on special occasions, such as the yam festival, to perform sacrifices and rituals on behalf of the community. These people make sure that other people do not break the taboo by entering. However, of late, bush burning as well as house construction is threatening the sacred forest. We also believe that climate change is affecting the forest.'

What about the larger forest?

'The larger forest at a distance from the community has been under threat for some time: people are felling trees and engaging in bush burning. Before, forest watchers investigated any suspicious fires. However, they are not functional anymore.'

So, what is your proposal?

'We want to work with the formal government to enforce our by-laws that protect the forests. A local body or committee will get support from us. District forest officers should ensure proper documentation of forest boundaries to enable communities to trace and investigate cases of forest degradation. Revenues to the community, such as royalties from timber companies per log extracted from the forest, should be made transparent to us by the District Assemblies.'

We, the traditional institutions, together with our elders, have already planted teak trees around



Chief Nana Asubonteng

the sacred forest to ensure protection. We are reviving the power and authority of our spiritual leader to protect the forests. More forest should be developed into sacred forest. This requires traditional processes of spiritual cleansing of the forest and agreement on taboos and sanctions.'



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KNOW your RIGHTS

Australian government favours Indigenous Cultural and Intellectual Property Protocols



Exchange during the annual Garma Festival of Yolngu clans in the Northern Territory, Australia, a celebration of cultural inheritance (www.garma.telstra.com)

The Northern Territory is a unique part of Australia, as approximately half of the land is owned by indigenous Aboriginal people, as inalienable freehold title. Approximately one-third of the population is indigenous. The majority of this indigenous population lives in remote areas and thus has management responsibilities for vast areas of ecologically and culturally diverse land.

Australia's Natural Resources Management Board of the Northern Territory (NRMB-NT) is an incorporated body established to implement a strategic approach through the 'Integrated Natural Resource Management Plan' and 'Regional Investment Strategy'. It receives funding from the Commonwealth government and is responsible for the management, distribution, reporting and evaluation of these government funds. The board of seven people has responsibilities across the Northern Territory and currently includes one indigenous member and one senior staff member of an indigenous organisation.

Three protocols developed

In 2008 the NRMB-NT commissioned the development of Indigenous Cultural and Intellectual Property Protocols on indigenous ecological knowledge management. Over the course of one year we developed protocols, or resources, for three different audiences, consisting of: guidelines for indigenous ecological knowledge management for community-based organisations and natural resource management agencies; a handbook for communities and community-based organisations; and a report aimed at policy makers and legal advisors with clear statements about the rights and obligations of natural resource management practitioners in respect of indigenous intellectual property rights.

With the Australian government's endorsement of the United Nations Declaration on the Rights of Indigenous People (UNDRIP) in 2009, it was crucial that the resources embed the principles

and language of the UN Declaration, most notably articles 32.1: 'Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands and territories and other resources', and 31.1 and 31.2: 'Indigenous peoples have the

'...we found a real sense of urgency for intergenerational knowledge transmission'

right to maintain, control, protect and develop their intellectual property, over their cultural heritage, traditional knowledge and traditional cultural expressions. And (...) states shall take effective measures to recognize and protect the exercise of these rights'.

The three resources funded by the Australian government are an example of such measures. They focus on:

- principles for partnership and collaboration
- ethics principles
- benefit sharing in research
- free prior informed consent processes
- ethical management of indigenous cultural and intellectual property
- repatriation processes for research data

From protocols to practice

In developing the three documents, we worked with indigenous people and non-indigenous stakeholders in a range of workshops. Importantly, these workshops were as much for our own information gathering as for sharing knowledge. And

likewise, there is no value in developing protocols unless this is followed by their uptake. Initially, we sent the final documents to over 50 people who participated in the workshops, many of whom represented Aboriginal organisations. We also followed up with

recommendations to the NRMB-NT that included a wide range of dissemination strategies.

To encourage self-determination at the local level, the handbook is primarily intended for indigenous users. This is a visually based guide, for people for whom English is generally a second or third language, which presents information in an accessible, practical way. The handbook is underpinned by a 'rights-based' framework, also drawing from the UNDRIP.

Although they offer a systematic, territory-wide approach to ethical research processes in natural resource management, these three protocols do not override local-level indigenous knowledge management protocols. Rather they further enable the processes of free prior informed consent at the local level by outlining a decision-making framework. One of the limitations of the protocols is that there are no regulatory frameworks to ensure their implementation and uptake. They are, at this stage, voluntary.



The image entitled “Djan’kawu” by Banduk Marika, Rirratingu clan is taken from the “Report on the Current Status of Indigenous Intellectual Property” by Janke (2009) and appears courtesy of M.Davis, S. Holcombe and T. Janke

Inter-generational knowledge transfer

During the workshops and discussions held to develop the three documents (guidelines, handbook and report),

Researchers should be aware that the existence of this knowledge is tied up with the lives of the groups that have generated, kept and transmitted it over generations. We use the term ‘researchers’ broadly to encompass both indigenous and non-indigenous peoples, who can be based in community organisations (and include rangers) or come from external bodies, such as universities, government departments or non-government organisations (NGOs). They all manage knowledge as ‘data’ – as it transfers from people’s minds to the page, recording medium, film, photograph or maps.

Principle of active protection

A large part of our task was to develop guidelines for ‘archiving and repatriation’. However, it became clear that establishing sound ethical research practice at the outset of a research project would more readily lead to appropriate archiving and repatriation activity in the future. Any new research should also accommodate the principle of ‘active protection’ in its methods. Archiving and repatriation can

Interacting worldviews in Australian protocols

Spiritual

Outsiders respect the interconnectedness of land, culture and the responsibility of traditional knowledge holders to ‘care for country’.

Social

Research and enterprise development re-enforces intergenerational knowledge transmission.

Material

Benefit sharing in research and enterprise offers tangible outcomes, such as skills transfer and payment for indigenous cultural knowledge.

We see these the protocols as first generation; they will evolve with use and awareness, and thus their limitations will become apparent. They are working documents.

The guidelines, handbook and legal document can be found at:

<http://www.nrmbnt.org.au/iek.shtml>

There is no value in developing protocols unless it is followed by their uptake

we found a real sense of urgency for inter-generational knowledge transmission. The indigenous elderly (60 years and older) make up a very small proportion of the indigenous population (less than 10%) and their knowledge is highly valued and at risk. This knowledge is embedded in group life and the distinctive group context.

only be valuable if they are part of a locally driven activity. Such an activity should not only reinforce the importance of customary protocols, but also encourage inter-generational knowledge transmission by ensuring that research is a group activity in which younger people are encouraged to participate.



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The Global Diversity Foundation



What characterises the Global Diversity Foundation?

The Global Diversity Foundation (GDF) is a not-for-profit foundation based in the USA and United Kingdom. The foundation aims to strengthen local cultures and their environments throughout the world in the face of declining cultural, agricultural and linguistic diversity, which endangers human and environmental health as much as biodiversity loss. Together with local institutions, the GDF partners work with

Our aim is to strengthen local cultures and their environments throughout the world

indigenous peoples and local communities (IPLCs). Research is conducted with community members and training is provided to enable communities to guide the process of improving their health, education and rights to land and resources. GDF disseminates the results and organises courses on issues and research methods that strengthen bio-cultural diversity.



What priority areas will the Global Diversity Foundation focus on in the coming four years?

GDF aims to develop long-term projects with indigenous peoples and local communities that are facing critical cultural, environmental and political challenges. We have already established a strong working relationship with IPLCs, especially in Oaxaca, Mexico, and Sabah, Malaysia. In Mexico, GDF is working with indigenous Chinantec communities to train local researchers to make an inventory of the

biodiversity found in the Community Conserved Areas they voluntarily created five years ago. In Malaysia, researchers in the indigenous Dusun communities living in and around Crocker Range Park are being trained to assess community use zones in the park. They are developing a collaborative management plan between Sabah Parks and local communities to manage the protected areas. This is supported by the UK Darwin Initiative.



What does the Global Diversity Foundation consider the main opportunities and challenges in achieving its goals in the near future?

The greatest challenge is facilitating an effective response to external large-scale conservation and development plans that affect local communities and their environments. At our field site in Sabah, the proposed Kaiduan Dam threatens to seriously disrupt the lives of the Dusun communities. In Oaxaca, the community conservation movement is under pressure by the government to incorporate the voluntary conserved areas into the National System of Natural Protected Areas.

We hope that the tools and skills our partner communities have obtained through their collaboration with GDF will allow them to conduct community-based cultural, environmental and social impact assessments. If these communities are able to use these assessments to confront outside threats, embrace appropriate opportunities, and pursue their own vision of endogenous conservation and development, GDF will be on the right path to fulfilling its mission.



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Photo: Ilse Köhler-Rollefson

Bio-cultural Community Protocols

starting point for endogenous livestock development?

Traditional livestock-keeping communities are the stewards of livestock diversity. This crucial and essential role of livestock keepers in sustainably managing animal genetic resources has been officially acknowledged in the Global Plan of Action for Animal Genetic Resources (GPA), which 109 FAO member countries agreed upon at a conference held in Interlaken (Switzerland) in 2007. A next step is the endorsement of a legally binding framework by 193 national governments during the 10th International Convention on Biological Diversity (CBD) to be held in October 2010.

In the area of plant genetic resources, the concept of farmers' rights to sell, trade, store and develop seeds is well established. But what about the rights of livestock keepers? Groups in civil society have argued that livestock keepers' rights need to be recognised, considering that patenting is making increasing inroads in animal genetics. In a series of consultations that spanned several years, indigenous livestock keepers and pastoralists have defined a bundle of rights that would enable them to continue acting as guardians of biological diversity. Prominent among the requirements for maintaining local animal genetic resources is continued access to the grazing areas in which the breed was developed. However, governments have so far responded coolly to this suggestion.

Livestock keepers' rights

In December 2008, the LIFE Network – a group of organisations that promote community-based conservation – convened a meeting of African legal experts to overcome the deadlock. Out of this meeting, several new strategies emerged to implement livestock keepers' rights even in the absence of a legally binding provision. One of them is a Declaration on Livestock Keepers' Rights, which links the rights to already existing legal law, such as the UN Convention on Biological Diversity and the UN Declaration on the Rights of Indigenous Peoples. Another idea is a Code of Conduct on Livestock Keepers' Rights that institutions and individuals can voluntarily adhere to.



Raika community commitment:

"We commit to protect the biological diversity and associated traditional knowledge, by:

- upholding our traditional roles as custodians of the forests and as sustainers of the co-evolved forest ecosystem of the region;
- protecting the forest against fires by regulating the grass growth through grazing and by fighting forest fires when they break out;
- sustaining the predator population in the forest by the customary offering of some of our livestock as prey;
- continuing the increase in forest growth through the customary manuring of the forest from the dung of our livestock;
- combating illegal logging and poaching in the forest;
- promoting and sustaining the breed diversity of our livestock, and
- preserving and practicing our traditional breeding and ethno-veterinary knowledge and sustainable management of forest resources.'

However, the most engaging and potent approach is for communities to develop so-called bio-cultural or community protocols (BCP's) that put on record their role in the conservation of biodiversity, including breeds and ecosystems.

Community reflection and documentation

Establishing a bio-cultural protocol involves a facilitated process in which a community reflects about and puts on record its role in the management of biological diversity, not only its livestock breeds, but also its contribution to general eco-system management. Most importantly, the community is also made aware of existing

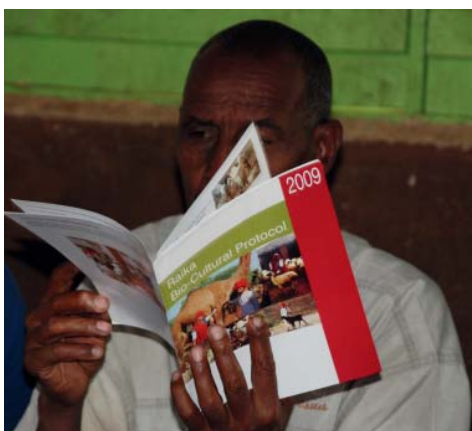
national and international laws that underpin the right to in-situ conservation. The three-part process – documenting, reflecting on, and learning about rights – can be an enormously empowering experience for a community.

The first livestock keeping community that developed a bio-cultural community protocol was the Raika of Rajasthan (India). When Raika leader, Mrs. Daillibai, subsequently presented the experience at a meeting of leaders from indigenous and local communities in Kenya, they enthusiastically endorsed the approach. Since then several other communities have followed suit, including the Lingayat and Mayalah of Tamil Nadu (India), the Pashtoon Baluch in Pakistan, the Samburu in northern Kenya, and healers in the Bushburchridge area of Southern Africa. In all cases it has been an empowering process.

While the concept has worked well for the communities that have embarked on the process, there are still many challenges. Establishing a bio-cultural community protocol can and should not be done quickly or be rushed. Otherwise a written document will be produced that is not really backed by the community. It also requires a strong mediator that the community trusts, such as a CSO or NGO or individual that has built up a strong rapport.

Challenges

Although bio-cultural community protocols were conceptualised in the context of the debate on access and benefit-sharing, their relevance relates more to paragraph 8(j) of



the Convention on Biological Diversity, which commits states to protect and respect traditional knowledge and lifestyles, as well as to support in-situ conservation. The protocols have not been free of criticism. For example, the term ‘community’ is very controversial because it implies the existence of a unified group with one or several leaders that represent the interests of the whole, whereas in reality there are often many factions involved. Some also fear that bio-cultural community protocols may facilitate bio-piracy, by alerting outsiders to the presence of commercially interesting genes. Still others argue that the protocols imply tacit acceptance of the intellectual property rights (IPR) system, which is an alien concept to traditional communities.

Nevertheless, community protocols are explicitly referred to in the draft text for the International Regime on Access and Benefit-sharing (IRABS), which will regulate all access to genetic resources and traditional knowledge. This draft is expected to be endorsed as a legally

binding framework by 193 national governments during the 10th International Convention on Biological Diversity (CBD) to be held in October 2010. IRABS is also expected to give communities the option of opting out of the patent system – something they cannot do at the moment. However in order to do so, communities first need to make visible their role as stewards of biological diversity. For this purpose bio-cultural community protocols are a crucial tool.

Reflection on community protocols

On 25 February 2010, a meeting was held in Khabha (Rajasthan, India) to discuss experiences with BCPs and also identify their shortcomings. The participants came from varied backgrounds with very different opinions about patents and intellectual property rights (IPRs). While most of them opposed any kind of IPRs on living organisms and life, others believed that even communities should patent their knowledge for the sake of preventing bio-piracy. Naturally, this evoked discussion.

BCPs underline the role of livestock keepers in biodiversity management

However, in the end, nobody could really find fault with the concept of community protocols, and the anti-patent faction agreed that they could actually be a kind of antidote to patenting.

Community protocols are an ideal means of making visible the role of livestock keepers in biodiversity management, as well as inducing a community to reflect on

Interacting worldviews of BCPs with Raika pastoralists

Spiritual

Outside agencies more aware of the cultural and spiritual values embedded in pastoralist societies.

Social

Communities more aware of their role in biological diversity as well as international laws to protect them.

Material

BCP's support in-situ conservation of crucially important local breeds adapted to dryland conditions.

what it would like to do with its resources. They should thus be the starting point for any kind of (livestock) development projects, as, all too often, local resources – breeds, knowledge and traditional institutions – are ignored when outside agencies decide to undertake development interventions. As the outcome of a community thinking and reflection process,

community protocols present the foundation for endogenous (livestock) development. Their wider application could do much to put livestock development on a more successful and equitable track than has been the case so far.



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Totem poles as a representation of natural law Indigenous peoples of Clayoquot Sound



To us, the Tla-o-qui-ath people of Vancouver Island, Canada, our totem poles represent our constitution and how our rights and responsibilities are based on natural laws. They help us affirm that

communities are not merely stake-holders, but are also rights-holders.

In our tradition, the top of the totem pole features the sun or the moon crest. This is the first natural law and relates to self respect and respect for other people and other creatures. This teaching comes down to us when we are inside the womb of our mothers, and when our elders speak to us throughout our lives. This is reflected in 'Hishuk-ish Tsawaak': 'everything is connected, everything is one'.

The base of each totem is the wolf, responsible for upholding the natural laws, and one of the most important crests. Another common crest depicted in our tradition is the raven; it reminds us of all the creatures that fly and walk in

the world and the laws of nature we all live by. This includes us humans because when we live together we have to learn how to walk together. This law is also present in the concept 'Quu-us', which means, 'Real live human beings'.

As Quu-us we are the link between our past ancestors and the future generations. We are responsible for passing our inherited medicines on to our childrens children. We are accountable to them and all living beings through the laws of nature and our communities' laws. The totems depicted on our totem poles, the wolf, the bear and the killer whale, are a constant reminder of how we are expected to behave.

These teachings about inter-generational accountability also form the human point of reference to the teaching of 'Quay-qwiik-sup', which is about transformation. Quay-qwiik-sup refers to the connectivity through time, and the gratitude and responsibility to our past and the future generations.

Our current challenge is to apply these laws and teachings in a meaningful way to the day-to-day governance of our traditional territory and communities. One of the tools we have developed to meet this challenge is Tribal Parks. These indigenous watershed management areas reflect a more integrated understanding of human spirituality, human economy and healthily functioning ecosystems. They aim to meet our long-term accountability to the future



generations (Quay-qwiik-sup) while also creating sustainable livelihoods for today's generation. Special Tribal Parks experiences are also designed to transfer ancestral knowledge to visitors from around the world, with the goal of furthering global stewardship initiatives.



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Bio-cultural community protocol of the traditional healers of the Malayali tribes

The Malayali tribe in southern India has a tradition of healers, who have harvested sustainably from the forests and ensured conservation. Since some time they have been denied access to the communal and forest areas by the Forest Department. This is due to other groups who have been harvesting in an unsustainable manner, causing much damage to the medicinal plants. In this article, a group of traditional healers plead and stand for their rights in a Bio-cultural Community Protocol.

We are a group of Vaidyas, or traditional healers, who live in the villages of Nellivasal, Pudurnadu, Puliur and Serkanur in Vellore District of Tamil Nadu, India. We belong to the Malayali tribe, a settled agrarian community and are members of the Tamil Nadu Parampariya Siddha Vaidya Maha Sangam, an organisation of traditional healers practicing the Siddha system of medicine. But we also practice our own indigenous traditions of healing. Much of our healing has to do with the whole body.

Our knowledge

Our knowledge has been passed on to us through our family traditions, some of which go back five generations. We learn from Sadhus (ascetics and teachers), from our experience, by sharing with other healers, and from dreams. Each one of us is able to treat the most common ailments, and also specialises in certain areas. Wherever possible, we refer patients to those of us who have the expertise in treating specific ailments. We treat eczema, scabies, impotence, hernia, piles, leucorrhoea, heart problems, boils, bleeding, infertility, migraine, fever, snake and scorpion bites, mental disorders, arthritis, inflammation, diabetes, jaundice, paralysis, gastritis, diarrhoea, ulcers, kidney stones, asthma, anaemia and bone fractures. The women among us have knowledge of birthing and also focus on pre-natal and postnatal care.

We primarily rely on locally available medicinal plants and herbs, but as practitioners of the Siddha tradition we also rely on the curative properties of minerals and metals that we purify. We

also have ethnoveterinary knowledge that proves important to treat the animals in our communities that are not served by other veterinary practices. We each see between 5-10 patients per week.

In addition to our specialised knowledge, women pass much household knowledge to each other, from grandmothers, to mothers and on. It is common for our households to grow some medicinal plants and/or collect them locally.

Our knowledge must be used to heal people and not to make profit

Sustainable harvesting

We believe that plants are sacred and the effectiveness of our plant-based medicines is integrally linked to us respecting the plants and caring for them. Therefore, we have a specific way of collecting our medicinal plants. We find that the curative properties of the plants are at their peak when they are collected at dawn. The day before we collect the plant, we pray to the plant and we tie a thread that has been dipped in turmeric around the plant. We do not harvest the medicinal plants to sell at the markets but we collect them primarily for our own healing practices.

Bio-cultural conservation

We actively spread seeds as we walk along fields and in forest areas. We also spread seeds in streams so they are carried and disseminated downstream. We ensure sustainable harvesting. If for example there are 10 plants in a small area, we harvest from only 5 and move to another area to harvest, coming back to the first area only

after the 5 plants have had a chance to regenerate.

Spirituality

Healing within our tradition involves both knowledge of healing practices and spiritual maturity. This spiritual maturity is integral to the efficacy of our medicines, connectedness with the plants and our ability to diagnose ailments that despite having physical manifestations are spiritual ailments at their core. Our

spiritual traditions require us to heal people irrespective of their ability to compensate us for our services. There are times when we provide people with medicines at no cost and when needed provide them money for transport back home.

According to the maxim 'food is medicine' we stress the need to eat healthy food. Rice production has taken over from the production of traditional foods that used to keep us healthier.

Sharing knowledge

While we have a tradition of sharing and exchanging our knowledge amongst ourselves, we only want to share our knowledge with others if they will use it for the good of others in the tradition of



the Vaidyas. We train a number of people to become Vaidyas and before we pass on our knowledge to them, we carefully observe their character and test them on their dedication to the healing tradition and their ability to harvest plants sustainably.

We feel that any access to our knowledge must be based on our prior informed consent, which can be obtained through the Tamil Nadu Parampara Siddha Vaidya Maha Sangam. We believe that our knowledge must be used to heal people and not to make profit. Any medicines based on our knowledge must be sold to the poor at minimal cost.

The challenges we face

Some people have been harvesting in the communal and forest areas in an unsustainable manner, out of keeping with our values. They have caused much damage to the medicinal plants in the areas. As a result, our relationship with the Forest Department officials suffered and led to a blanket ban which had the effect of excluding us from the forests and is limiting our capacity to treat our community members. Yet we only collect small amounts of plants and do so sustainably. We are currently restricted to collecting our medicinal plants primarily from revenue land (farm land).

We would like to have access rights to the forests again to sustainably collect medicinal plants for the purposes of healing. We are willing to comply with the conditions set by the Forest Department to ensure conservation of the forests.

Our rights under Indian laws and policies

The central government is tasked with preserving and protecting those species that are on the verge of extinction, as well as protecting the associated traditional knowledge of local communities. Our rights are embodied in the Biological Diversity Act (2002), the Biological Diversity Rules (2004), and the Forest Rights Act (2006).

The Biological Diversity Act (2002) and Biological Diversity Rules (2004) provides us the following rights:

- the right to consultation and public participation prior to any project that may affect our livelihoods, biodiversity and associated traditional knowledge;
- the right to conservation and sustainable use of our biodiversity;
- the right to give prior informed consent and negotiate mutually agreed terms when any biodiversity or associated traditional knowledge is accessed; share fairly and equitable in any benefits arising from the utilisation of our biodiversity and associated traditional knowledge;
- the right to a Peoples Biodiversity Register that will document our biological diversity and associated traditional knowledge;
- the right to form Biodiversity Management Committees to advise the National Biodiversity Authority on how our biological resources and associated traditional knowledge can be conserved and sustainably used; and
- the right to carry on our traditional lifestyles, which involves continued access to the forest

The Forest Rights Act (2006) provides us the following rights:

- the right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries (Section 3c); the right to protect, regenerate, conserve or manage any forestry resource which we have been traditionally protecting and conserving for sustainable use (Section 3i);
- the right of access to biodiversity, community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity (Section 3k); and
- the right to traditional rights we customarily enjoyed (Section 3l).

We acknowledge the limitation of these rights under Section 4 of the Act in cases where forests are designated as National Parks or Sanctuaries, but point out that the processes set out under Section 4(2) – such as ascertaining whether other reasonable options such as co-existence are not available – remain to be complied with.

We call on the National Biodiversity Authority to:

- recognize our traditional knowledge as researched by the Foundation for Revitalization of Local Health Traditions (FRLHT) and to include it in the Peoples Biodiversity Register (under Rule 22(6) of the Biological Diversity Rules);
- facilitate the setting up of Biodiversity Management Committees under the local bodies (Panchayats or



Interacting worldviews among Malayali healers

Spiritual

Healing involves spiritual maturity for efficacy of our medicines.

Social

We treat people irrespective of their ability to compensate us for our services.

Material

We rely on locally available medicinal plants and herbs from the forest.

- Municipalities) in the Vellore region and to support these Committees in ensuring the conservation and sustainable use of our biodiversity and traditional knowledge (as per section 41 of the National Biodiversity Act);
- strengthen in situ conservation of medicinal plants and include them in the Biodiversity Management Committees being initiated by the government (under sections 36 and 41 of the National Biodiversity Act);
- advise the Central Government and coordinate the activities of the State Biodiversity Boards to protect our customary rights to access forest areas (under section 36 of the National Biodiversity Act); and
- ensure that our prior informed consent (according to customary law) is obtained before any decisions are taken that affect our traditional way of life, and further assist us to ensure that we receive a fair and equitable share of the benefits arising from the utilisation of our biodiversity and traditional

knowledge according to mutually agreed terms (under section 21 of the national biodiversity Act).

We call upon the Forest Department to re-engage with us on the issue of forest rights. We require access to the forest, so we can sustainably harvest certain medicinal plants for direct use as well as to populate our own herbal gardens. We want to be recognised as village botanists, able to provide technical guidance to and cooperate with the Department's conservation efforts.

Healers involved in preparing the protocol:

Venkatesha,
Murugan,
Mahalingam,
Chakravarty,
Danasekaran,
Mani,
Nagarathinam,
Govindraju,
Narayan,
Krishna,
Sundaresan,
Francina Mary

We require access to the forest to sustainably harvest medicinal plants

Final note: We developed this protocol with assistance from the Foundation for Revitalization of Local Health Traditions (FRLHT) and Natural Justice: Lawyers for Communities and the Environment.



Malayali healers/FRLHT
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www.frlht.org

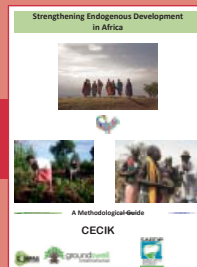
Books



Bio-cultural Community Protocols

This book shows how communities can build bio-cultural community protocols (BCP's) showing how they have contributed to the conservation and sustainable use of biodiversity. This is based on the inter-connection between culture and worldviews, as well as customary laws, practices relating to natural resources management and traditional knowledge. The community protocols also involve legal empowerment, so community members can better understand the international and national legal regimes related to biodiversity, such as access and benefit sharing, protected area frameworks, and payment for ecosystem services schemes. Part I, dealing with the Convention on Biological Diversity (CBD), provides a regulatory framework. Part II looks at other regulatory frameworks such as Reduced Emissions from Deforestation and Forest Degradation (REDD), etc. Part III describes the meaning of BCP's for environmental law. Produced by K. Bavikatte and H. Jonas, Natural Justice, October 2009.

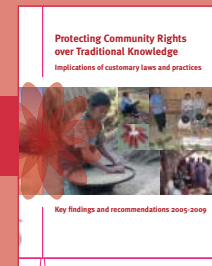
Available as pdf from: www.naturaljustice.org.za and <http://www.unep.org/communityprotocols/index.asp>



Strengthening Endogenous Development in Africa

Development is about change which leads to improved well-being. The most practical way to describe a vision of success is to be specific about all the changes in practices or behaviours that can occur within the locality as a result of strengthened endogenous development. A streamlined model for supporting endogenous development in Africa is presented, which includes a community-defined vision of success, the capacities that communities need to strengthen in order to achieve their full potential, the process of strengthening community capacities, as well as core strategies, methods and tools for field workers to strengthen community capacities. This methodological guide is developed by COMPAS partners in Africa as a 'living document', designed to elicit further contributions, suggestions, and criticisms by all in the development community who seek to continuously improve their practice in empowering rural communities.

Download from: www.compasnet.org/publications



Protecting Community Rights over Traditional Knowledge

Since January 2005, an action-research project has focused on developing alternative tools to protect traditional knowledge. These tools are rooted in local customary laws rather than based on existing intellectual property standards. Existing intellectual property rights (IPRs) such as patents and copyrights are largely unsuitable for protecting rights over traditional knowledge because they provide commercial incentives, whereas traditional innovations are driven primarily by subsistence needs. This publication describes the status of biodiversity in six developing countries, and touches on questions like 'how to capture customary laws whilst ensuring they can still evolve freely' and 'how do customary worldviews and values relate to traditional knowledge and biodiversity'. The book presents six case studies from Asociación ANDES (Peru), Fundación Dobbo Yala (Panama), Ecoserve (India), Herbal and Folklore Research Centre (India), Centre for Chinese Agricultural Policy (China), International Centre of Insect Physiology and Ecology (Kenya) and the Kenya Forestry Research Institute.

Download as pdf from: <http://www.iied.org/pubs/pdfs/14861IIED.pdf>

Conferences and Websites



Traditional practices in conservation agriculture 18-20 September 2010, Udaipur, India

Conservation agriculture is a concept for crop production that strives to achieve acceptable profits together with a high and sustained production level, while concurrently conserving the environment. This international three days conference is organized by the Asian Agri-History Foundation, in collaboration with various organizations, including COMPAS/ETC in the Netherlands and the Centre for Indian Knowledge System (CIKS) in Chennai, India. Technical sessions deal with the following topics: Diversified Farming Systems, Weather Forecasting, Indigenous Knowledge and Practices in Conservation Agriculture, Animal Husbandry, Fisheries, and Veterinary Science. Abstracts can be submitted to Dr S L Choudhary (organising secretary) by 20 August 2010.

A brochure can be downloaded from www.agri-history.org/conference.asp



Asian-African Learning exchange on Traditional Medicine 7-15 May 2010, Uganda

Between 7-15 of May 2010, PROMETRA-UGANDA hosted an Afro-Asian Learning Exchange cum Training in Documentation and Promotion of Traditional Medicine in Forest Training School, Buyijja, Mpigi District. More than 50 participants from Ghana, India, Japan, Kenya, Netherlands, South Africa, Sri Lanka, Tanzania, Uganda, United States of America and Zimbabwe attended this event. Participants included traditional healers and community members, Ministry of Health officials, scientists, researchers, NGOs and students. The objective of the exchange cum training was to share and learn from the methodology of documentation, assessment and promotion of Traditional Medicine, developed by healers and the Foundation of Revitalization of Local Health Traditions (FRLHT) in India. This was a follow-up of the International Conference and Healers Exchange held in India, November 2009.

More information: ysekagya@gmail.com,
g.hari@frlht.org or w.hiemstra@etcnl.nl.
The report is available at www.compasnet.org
More information on documentation and assessment of local health traditions:
www.frlht.org



www.iccregistry.org

The ICCA Registry is an online resource documenting information about Indigenous and Community Conserved Areas (ICCAs) from Kenya, Mexico, Philippines and Fiji. The Registry, developed in the same structure as the World Database on Protected Areas (WDPA, see www.wdpa.org for more information), will store two types of information that are critical to understanding ICCAs: 1. descriptive information, such as the main habitats within the ICCA and the names of the community or communities living within or near the ICCA, and 2. spatial information, such as the size, location and boundaries of the area. The Registry will be linked in part to the WDPA for enhanced access to information about protected areas. The purpose of the website is to help people understand ICCAs and their biodiversity, ecological and cultural values. The degree to which this is available directly to the public depends on the agreements we have with those who have contributed the information.



Indigenous peoples get worse from REDD-policy:

Reduce Emissions from Deforestation and forest Degradation

Many indigenous peoples' organisations and other social movements reacted sceptically when the forestry sector embraced the notion of compensating countries to 'Reduce Emissions from Deforestation and forest Degradation (REDD) as part of the climate regime. This concern is voiced by the Global Forest Coalition, a worldwide coalition of mainly southern NGOs and indigenous peoples' organisations that advocates rights-based, socially just and effective forest conservation and restoration policies.



Throughout history, there have been numerous examples of uneasy relationships between western trained foresters and local forest users. There is a need for reconciliation in order to come to a more equitable and sustainable system of forest management and conservation. According to Souparna Lahiri of the National Forum of Forest Peoples and Forest Workers in India: 'The basic colonial approach was to declare forests as state property and curtail the rights of the forest dwellers to areas with commercially valuable species. This was followed by complete closure to grazing and other human activities such as collection of firewood, fodder, medicinal plants, bamboo, etcetera.' Like in India, many comparable situations exist around the world.

Reducing deforestation was already recognised as an important policy to mitigate climate change in the original Framework Convention on Climate Change (UNFCCC). After it was suggested that countries should receive significant financial compensation for the reduction of forest loss, the forestry sector became really interested in climate policy. As a result, a group of forest-rich countries started to push REDD into the climate change agenda, led by countries with a dubious record on forest governance.

REDD: opportunity or threat?

Many representatives of indigenous and other forest peoples were initially less enthusiastic about REDD. While some groups showed an interest in the potential economic opportunities a financial compensation for reducing forest loss could bring, the International Forum of Indigenous Peoples on Climate Change immediately expressed concern that indigenous peoples and local communities might be negatively affected by REDD policies. Large coalitions of social

Within REDD, even oil palm producers claim financial compensation for reducing deforestation

movements and community-based organisations in countries like Brazil and India soon followed with statements that expressed very strong concerns.

They indicated that REDD appears to be a classic example of a non-endogenous development policy that is mainly state and market driven. There are insufficient measures to ensure that local and indigenous peoples understand the process on which they embark. Moreover, currently there is no framework for facilitating cross-cultural understanding on the basis of free and prior informed

consent (FPIC). As a result, there is a risk that REDD will make local forest conservation initiatives dependent upon international carbon offset markets.

Until now, the great majority of REDD projects have been funded through the so-called voluntary carbon offset market, as the official carbon market of the climate regime itself does not yet include REDD projects. But participation in international carbon markets can be extremely complicated for community-based

organisations, whose expertise in brokering communities' interest and REDD is currently insufficient.

Economic asset or home?

REDD is a typical neo-liberal, market-oriented policy under which forest is seen as an economic asset that is supposed to be sold off unless compensation is paid to keep it standing. This view is difficult to reconcile with that of the indigenous forest inhabitants, for whom the forests are their spiritual and material home. As the 'Carta do Belem' of Brazilian social movements states: 'We have a different vision of what

territory, development and economics are all about, which we are building over time, based on the sustainable use of forests and free use of biodiversity.’

Both climate change itself and REDD might have significant negative impacts on the territories and traditional management practices of indigenous and other forest peoples. A sudden increase in financial support for activities to reduce deforestation is likely to lead to elite resource appropriation within countries and communities at the expense of the poor. As actors with less formal land titles, political power, formal education and marketing skills, indigenous peoples and other economically disadvantaged groups like women will find it difficult to participate in formal REDD schemes without the help of outside brokers. The

reducing deforestation. These producers, and other large plantation companies, attempt to classify monoculture tree plantations as ‘forests’ under REDD. In many cases such plantations have replaced diverse and biodiversity-rich forests that were home to local and indigenous peoples and essential to their very livelihoods.

REDD can also lead to land grabbing, with governments, companies and conservation organisations seeking to reap the financial rewards of REDD. In 2009 the UN Environment Program was accused of involvement in attempts to violently evict indigenous Ogiek communities from the Mau forest in Kenya for the sake of a REDD-related initiative. Other dramatic cases of forced evictions for REDD or other forest carbon offset projects have been reported from Uganda and Indonesia.

Tools like BCPs can help to legally secure local communities working on sustainable community-driven forest conservation and restoration

financial interests at stake further put these groups in a very vulnerable position in which not only their rights, but also their own development aspirations are easily pushed aside.

Risks not theoretical

Recent events show that these risks are not just theoretical. Over the past years oil palm producers and soy farmers have been able to claim massive amounts of compensation for

Community protocols

For these reasons, many groups have called for an alternative system in which indigenous peoples and other local communities are rewarded for their contribution to global forest conservation in a way that is in line with and strengthens their endogenous development. Bio-cultural community protocols can help to legally secure tenure rights and traditional knowledge.

But other tools are also needed to address some of the fundamental obstacles that

Interacting worldviews related to REDD

Spiritual

Local peoples’ identities are imbued with cultural and spiritual values attached to sacred forests.

Material

Forests provide medicinal plants and food needed in the daily life of local inhabitants.

Social

Traditional ways of life encompass forest use governed by social conventions.

stand in the way of including local communities in the highly volatile and competitive carbon market.

Stable and equitable flows of financial support can help supporting endogenous forest conservation, but only if they are an inherent element of a wider system of non-commercially driven policies, incentives and protocols that support and protect the values that have historically formed the basis of sustainable community-driven forest conservation and restoration.



Global Forest Coalition, Simone Lovera
simonelovera@yahoo.com
www.globalforestcoalition.org

Bio-cultural Community Protocols in Endogenous Development

A bio-cultural community protocol is essentially a document made by a community to voice its intention to self-determine its future, and to clarify how community members want to engage with other stakeholders. This process of self-determination is in essence what endogenous development is all about: communities improve their capacities to undertake local initiatives to strengthen their material, social and spiritual well-being.

The process of developing a bio-cultural community protocol will be different for every community depending on the community's aspirations and capacities for endogenous development. The community protocols need to be embedded in the communities' endogenous development plans so that they become part of the process of development of well-being. This will enable a community to further reflect on and specify the links between their customary practices, knowledge, culture, spirituality and the legal perspective.

Methodological guide

COMPAS partners in Africa have developed a methodological guide for organisations to support community capacities in endogenous development, which incorporates the community protocols. Strengthening endogenous development requires a community-defined vision of success; clarity on capacities that communities need to achieve their full potential; clarity on the process of and stages to strengthening community capacities; core strategies, methods and tools for field workers to strengthen community capacities. Capacities evolve from nascent (1), sprouting (2), growing (3), well-developed (4) to fully mature (5) and sometimes fall back when they are being undermined (see figure).

COMPAS partners in Africa have developed 14 strategies, or steps, for supporting endogenous development:

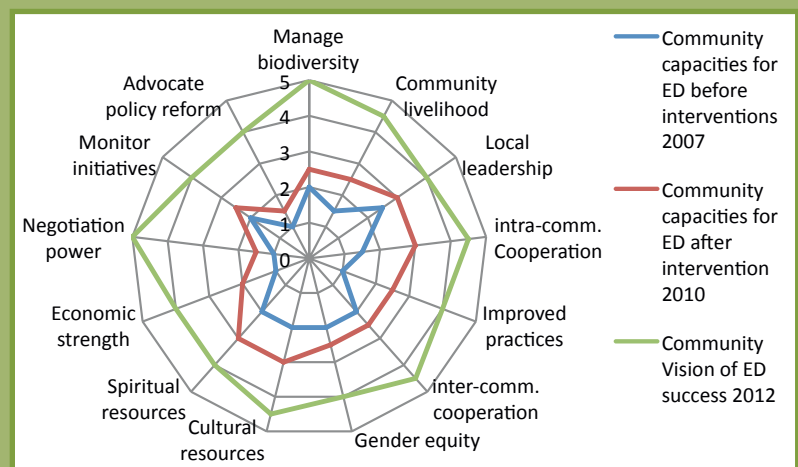
1. Develop field worker self-preparation and learning
2. Develop relationship of trust with communities
3. Support community learning; diagnosis of capacities and resources
4. Support community visioning and action planning
5. Validate learning to ensure community ownership
6. Support implementation of local initiatives for quick success
7. Support intra-community assessment and sharing

8. Deal with power, inclusiveness, accountability, cultural change and controversies
9. Strengthen local capacities for ED, including the capacity to self-assess and implement initiatives
10. Support inter-community learning and sharing
11. Support culturally sensitive gender equity
12. Appreciate local culture, spirituality and worldview
13. Strengthen community relations to external knowledge and resources
14. Gradually phase out external agency support to communities

Bio-cultural community protocols touch upon all capacity areas. In various stages of field programmes, from trust building to negotiation and advocacy, BCPs have a place. Endogenous development emphasises understanding customary laws and interface with formal governance systems. Community protocols can thus be seen as an interface tool between customary rights and (inter)national laws.

The methodological guide can be downloaded from: www.compasnet.org

Tool used by COMPAS partners in Africa for community self-assessment, to monitor capacities before and after interventions to support endogenous development.





The struggle for a law on Sacred Sites in Guatemala

Many sacred natural sites in Guatemala have been expropriated by the state because they lie in areas marked for road construction, housing, tourism or conservation. Tikal, a protected area with World Heritage status, is just one example. For this reason, Mayan community and spiritual leaders, united in the organisation Oxlajuj Ajpop, have worked since 2003 on formulating a 'law on indigenous peoples' sacred sites'. Negotiations to gain government acceptance of the law have been underway since 2008, but still meet opposition. The struggle goes on.

Throughout the country, private enterprises and international companies are interested in exploiting natural resources and minerals, which are sometimes located in sacred sites. These sites are of vital importance to local communities, because they are used for spiritual celebrations and they are places where people find a spiritual connection to their ancestors, animals, minerals, plants and all of nature. In Santa Cruz del Quiché, Oxlajuj Ajpop has been organising various activities on sacred sites in the context of the COMPAS Meso America programme,

and are made aware of their rights to participate in the administration of sacred sites based on their indigenous management systems.

While economic means are still needed by the communities to buy certain pieces of land, they have started to re-sanctify sacred sites in this northern part of the country. As part of the work that the communities are undertaking with the help of Oxlajuj Ajpop, community members are also being informed about the national activities of the Commission on Law Proposal for Sacred Sites.

Guatemalan Law for Peace Agreements. The Peace Agreements acknowledge the rights of indigenous peoples to express their culture on a specific territory, thereby implicitly acknowledging that sacred natural sites are part of that territory. The aim of the law proposal on sacred sites is to achieve recognition of the sites and of the need for management of their use, conservation, administration and access. This proposal, which was accepted by three commissions of the Guatemalan Congress on 19 August 2009, expresses many elements of the Mayan worldview. Once accepted by the government, the law will act as a legal incentive and create jurisprudence in other areas rooted in Mayan identity, such as education, health and justice.

The law proposal on sacred sites achieves recognition and management of their use, conservation, administration and access

including festivals and community education on endogenous development. Through these activities, the communities reflect on the importance of sacred sites, record and document their history, assess their current ecological and legal status,

Mayan worldview in a legal context

The initiative for the law on sacred sites was developed in the context of Agreement 169 on Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization, and the

The proposed law focuses on the integral quality of sacred sites as a source of spirituality, territory, knowledge management as well as the communities' worldviews. In other words, it expresses the





importance of sacred sites to Mayan ‘well-being’ and cosmology. The law will also allow for the institutionalisation of sacred sites as part of the Guatemalan state and legal structure. This is an important step towards the construction of a plural society within Guatemala. Through the law’s implementation, the Mayan worldview will complement the contemporary western state-based system adopted by the Guatemalan government. Indigenous Mayan organisations will be assisted with capacity building in administration and biodiversity management.

A chronological overview

1997: A Commission for the Definition of Sacred Sites is formed.

2003: First draft proposal for the law on sacred sites is proposed by Oxlajuj Ajpop to the Commission for the Definition of Sacred Sites.

2006: Renewed governmental agreement to support sacred sites. Oxlajuj Ajpop consults its member organisations, makes a strategic plan, organises linguistic groups of Maya, Garifuna and Xinca origin to discuss contents related to sacred sites, and forms its own technical and legal team.

2008: Based on dialogues with indigenous peoples, the Commission for the Definition of Sacred Sites revises and accepts the law proposal.

18 June 2008: the Plenary of the Congress of the Republic of Guatemala receives the law proposal and registers it for study and approval under number 3835. It is then sent directly to the Commission for Indigenous Peoples, the Commission on Legislation and Constitution and the Peace Commission.

June 2008-August 2009: Technical and legal advisors of different political parties study the text and based on dialogue and

agreements, six articles are revised. Oxlajuj Ajpop and the Commission for the Definition of Sacred Sites succeed in maintaining the essence of the law proposal in the final text.

19 August 2009: The law proposal is approved by the 11 deputies of the Peace Commission and 12 deputies of the Commission on Indigenous Peoples of the Congress.

8 April 2010: In a public meeting, the Commission to Define Sacred Sites and Oxlajuj Ajpop give a petition to the Congress through the Peace Commission to approve the law.

Opposition

Not all of the political parties in Guatemala support the law proposal on sacred sites. Certain parties do not recognise the historic, spiritual and cultural rights that the law links to private property. This is based on their interpretation of article 20 (see

Important articles of Law Proposal on Sacred Sites

The aim is to guarantee the historical, cultural and spiritual rights of the indigenous peoples by ensuring the recognition, respect, use, conservation, and administration of, as well as access to, sacred sites of indigenous peoples, either constructed or natural, located in the national territory of Guatemala (article 1).

Administration of sacred sites that are part of the cultural heritage of the nation will be coordinated by the Ministry of Culture and Sports and the National Council of Sacred Sites (article 20).

To achieve the aim of the law, a National Council of Sacred Sites will be created as a decentralised unit within the state, with appropriate legal status and its own resources (article 23).

The Council of Principals, together with the Ministry of Culture and Sports, will form the highest authority of the National Council of Sacred Sites (article 25).

The Council of Principals consists of 52 representatives, 24 from each of the linguistic communities of Maya, Garifuna and Xinca origin, and 28 representatives appointed in proportion to the size of each linguistic community (article 28).

box), which deals specifically with sacred sites that are part of the cultural heritage of the nation. The new law, however, does not affect private property, but respects rights. In 2009 article 20 was modified. The political parties linked to big economic enterprises are now proposing a new round of discussions, with the aim of getting article 20 out of the law altogether.

The way forward

The Commission on the Definition of Sacred Sites, which initiated the process, has had continuous meetings with deputies of the Congress. They are advising the three Commissions within the Congress to restart negotiations with the President of the Congress and leaders of political parties to approve the law. The Ministry of Culture and Sports has been pressed to organise a meeting to discuss sacred sites and management by the people; to present the law proposal to the Cabinet, and to ask for a public endorsement from the President of the Republic, Ing. Alvaro Colon.

Not all of the political parties in Guatemala support the law proposal on sacred sites yet

As indigenous people, Oxlajuj Ajpop believes that the Maya calendar shows the way forward. We continuously consult the sacred fire, our ancestors, traditional leaders and community leaders. In the coming years, we will organise councils on sacred sites, based on linguistic territories and form multidisciplinary groups based on Maya scientific background and Western

Interacting worldviews to develop a law on Sacred Sites

Spiritual

Sacred sites are used for spiritual celebrations to connect to the ancestors.

Material

Sacred sites are important for biodiversity as well as human well-being.

Social

The law on sacred sites contributes to a pluralistic society in Guatemala.

science to discuss the administration of sacred sites. Moreover, we will strengthen alliances with civil society movements to put social pressure on the Congress. We will also focus our attention at international level, especially on the UN Permanent Forum of Indigenous Issues (UNPFII). We will continue to coordinate our efforts with

the COMPAS network, indigenous movements and the International Union of Conservation of Nature (IUCN) so that indigenous peoples in Guatemala can revitalise and once more administer their ancestral sacred sites.



Oxlajuj Ajpop, Felipe Gomez
felipegomez13@yahoo.com



Reactions to motion:

Legal empowerment of traditional knowledge holders rejuvenates traditions

One strategy for mitigating climate change is to ensure legal recognition and empowerment of communities that are conserving biodiversity. But what is likely to be more effective for conserving biodiversity? Working on multilateral conventions or revitalising social processes for development and well-being?

Legal empowerment increases awareness amongst the communities about the vast store of knowledge they possess. Moreover, it attracts attention from conventional practitioners and others, which can help to encourage preservation of the existing traditional knowledge, and protect it from outside exploitation.

Gloria P. Mbogo, Tanzania

Yes, I agree with the motion that legal empowerment of traditional knowledge holders rejuvenates traditions. The knowledge and practices of treatment possessed by the local healers should be converted into cash money. It can happen by organising some herbal trade-fairs in district headquarters, nearby cities and capitals, by which they also get a chance to sell their products and also benefit.

Purnendu Barik, India

Bio-cultural community protocols (BCPs) are an innovation to the extent that they are designed to help the communities articulate their customary norms and laws, and gain their recognition under emerging national and international laws. Local communities have always had customary norms and laws that establish clear rules for how to manage and share their resources and knowledge. BCPs seek to address lack of community participation in development, and in the implementation of laws and policies which affect communally managed biological and genetic resources and traditional knowledge.

Deeksha Sharma, India

Traditional knowledge in indigenous communities has been passed down orally for generations. Every community member has a role within the communities' cycle of life. The community has its secret windows with information stored within various practitioners. The community has used this knowledge since time immemorial and it has stood the test of time. It is therefore important for traditional knowledge to be recognised to rejuvenate the local traditions. For example, ever since the climate has been changing communities have been using their traditional knowledge to adapt. Traditional knowledge is our tool to use in mitigating and adapting to climate change, while at the same time safeguarding our traditions. If our knowledge disappears so will our tradition, leaving us vulnerable to all kinds of external forces.

Tetu Maingi, Kenya



upcoming issue

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Local marketing reverses biodiversity loss

Motion for debate in Endogenous Development Magazine No. 7, December 2010

Explanation of the motion

In April 2002, the 193 governments who are party to the *Convention on Biological Diversity* (CBD) committed themselves 'to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on Earth'. Today, in mid-2010, it is clear that biodiversity loss is continuing at an alarming rate. The recent study 'Global Biodiversity: Indicators of Recent Declines' by UNEP and co-authored by staff from over 40 international organizations confirms this sad truth.

What is needed to reverse biodiversity loss? Would a change in consumption patterns be enough to reduce our ecological footprint, as The World Watch report 2010 *Transforming Cultures* suggests? According to the World Watch Institute 'a new cultural framework has to be centered on sustainability: individual and societal choices that cause minimal ecological damage or, better yet, that restore Earth's ecological systems to health'. How can consumer choices lead to restoring ecological systems? Is it enough to buy locally produced goods and food items produced with locally available resources? A study by D.G. Hole et al. (2004) 'Does organic farming benefit biodiversity?' compared organic and conventional agriculture and reviewed data from Europe, Canada, New Zealand and the United States and concluded that organic

farming increases biodiversity at every level of the food chain. The study reviewed measured biodiversity from bacteria, plants, beetles, mammals and birds.

Sustainable societies depend on sustainable farming. So does the solution then lie in reducing globally transported food produced with fertilizers and chemicals and increasing locally, organically produced and marketed food produced by resilient communities which have strong bio-cultural relationships? A study in 2010 from IIED and Oxfam UK (*Fair miles: recharting the food miles map*) indicates that transportation is only responsible for 10 percent of all emissions associated with the United Kingdom's food chains. But it also argues against the idea that locally produced foods in the UK are necessarily better in terms of global warming, since they often require more energy to grow.

Join the debate

We invite readers to respond to the motion *Local marketing reverses biodiversity loss*. A selection of responses will be published in the Interacting section of the next issue of ED Magazine. Please restrict your contribution to 200 words.

Post your views on www.compasnet.org or send them to compas@etcnl.nl



Local marketing reverses biodiversity loss

Motion for debate in Endogenous Development Magazine No 6, December 2010 (for details, see page 31)