

GUIDELINES FOR PROPONENTS



SUMMARY OF THE PROPONENT GUIDELINES

There are eleven guidelines in this section, presented roughly in the order that you will likely need to refer to them during the course of a project..

1) Learn about local customs and etiquette before contacting indigenous peoples

Many advantages accrue if you know how to behave and interact with indigenous people. Customs vary widely, so be sure of the specifics in regard to the particular group you will be contacting.

2) Build community and individual capacities to include indigenous people

Many indigenous communities do not yet have the capacity to be able to work with your project. These may be lack of travel funds, language differences, or unfamiliarity with technical details. Providing the necessary support to remove these barriers to participation is important.

3) Include the local community in the work of estimating project impacts

One of the best ways to find effective ways to enhance project objectives and mitigate damage is to engage the local communities in the definition of impacts. They will often suggest alternative options that are better than your first choices.

4) It's to your advantage to play straight

Most indigenous peoples work together based on trust and respect for interpersonal relationships. If this relationship is damaged, it is very difficult to repair it. Being honest and straightforward is the best practice for dealing with indigenous peoples.

5) Adjust the way you communicate to suit the indigenous peoples

Living and working with indigenous peoples provides the stranger with a new perspective on life and a new time frame in which to consider the world. Often the local people will not work easily with text-based documents. Make adjustments so they can easily interact with you and understand your messages.

6) Respect intellectual and traditional resource rights

Indigenous people have usually been in a given location for so long that their presence pre-dates modern legal instruments of ownership. Because of this, international standards recognize their right to continued access to the resources that they have traditionally used, even if there is no documentation of their ownership of the resources.

7) Work with indigenous knowledge experts as equals

Indigenous knowledge is a complex and sophisticated knowledge system requiring many years of study and experience to understand and use effectively. It is similar in depth and scope, although different in character to scientific methods. One effective way to include it in the project is to include the indigenous knowledge experts as co-equal with the other technical and scientific staff.

8) Negotiate based on trust, equity, empowerment, and respect

These four factors are the basis for all successful negotiations with indigenous peoples.

9) The local community will need lots of information

Almost any development project, whether resource-based, policy, or skills-transfer can have a major effect on the community. Have lots of information ready to provide to the community when they ask for it. Make sure it is in a form they can easily comprehend.

10) Respect indigenous peoples' daily routines

Many indigenous communities have a rigorous life style with few labour-saving devices. This means that their available free time is limited. It is

important to include them in the project tasks, but it is also important to schedule those tasks around their seasonal tasks and events.

11) Try a simple self-examination

If, after the project has begun, the relationship with the community begins to break down, it is time to do a self-analysis to make sure all the best practices have been used. If the situation continues to feel irretrievable, ask for an intermediary to mediate between the two sides.

***P*ROPONENT GUIDELINE #1: LEARN ABOUT LOCAL CUSTOMS AND ETIQUETTE BEFORE CONTACTING INDIGENOUS PEOPLES**

BEFORE CONTACT, LEARN ABOUT THE COMMUNITY'S CHARACTERISTICS

In the pre-planning stages of the project, and before you approach an indigenous group of people, experience has shown that it is very effective to learn about the socioeconomic and cultural characteristics of the community prior to contact. Understand who the members of the communities are. Determine what experience the community has had handling environmental or socioeconomic issues.

Working with indigenous people can be a rewarding and happy experience. When approached with respect, they respond with enthusiasm and will often forgive minor breaches of etiquette with grace and charm. Time and money spent on learning about the community is well invested. Mutual agreements are much more easily reached and finding appropriate ways to integrate them properly into the decision-making process is much simpler. 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 you do not share their cultural roots and experience. Traditional

enterprise and indigenous ways of thinking are often based on cooperative or “communal” values.

Business interests may not resonate well with indigenous peoples. Sometimes simple things can become major problems. For example, indigenous peoples need time to assess you as a person. It is an important part of the way they will subsequently deal with you. Take the time to get to know them as people. If you rush this process, or if you show cavalier disregard for the local ways, you can get off to a very bad start.

Talk to them about the way they do things. Probably the easiest mistake to make is to assume that your way is the right way. Develop your understanding of the culture. Be prepared to be flexible, and change your attitudes and behavior to match those of the people who have always lived where you propose to carry out work. They will respond by working with you to find ways to accommodate your requirements.

CONSIDER TRAINING FOR STAFF WHO WILL INTERACT WITH INDIGENOUS PEOPLES

Make sure personnel have had the necessary training to design or conduct a consultation program with traditional cultures. Occasionally there are courses offered in the region to introduce business people and diplomats to the ways of the local indigenous peoples. In Kenya, for example, the Friends Association of the

National Museums offers a two to three week course that can be geared to a particular ethnic group with which the diplomat or business person will be interacting. The study topics includes proper etiquette, a basic course in the rudiments of the language, and an introduction to some of the leaders of the tribes. If such programs or courses do not exist, it would be wise to think seriously about hiring specialists in public consultation who have worked with indigenous peoples. Such experts can significantly improve the probability of creating an effective relationship 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. Traditional groups may not 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 group to represent it in planning the project. Perhaps there is an existing group that is trusted by the community. Or perhaps the community might create a separate NGO to represent it. Acknowledge the traditional means of making decisions. If they usually require group decisions, suggest a team to bring recommendations back to the community for decision. The decision-making modes will differ, make sure you are flexible and

operate in a manner which makes them feel at ease.

Elders are the most important keepers of traditional knowledge. They are also usually the most respected people. Encourage the representative group to include Elders. Other representatives should include people who have special knowledge of the areas specifically affected by the project. If the local culture allows it, women should be included in the representative group. Women should not be a subsidiary or "special interest group" working off to the side and reporting to the main group. If the cultural traditions make this difficult, consider a series of training sessions in which the proponent trainers will be training community trainers. The community trainers will then be able to work through any cultural barriers.

DEVELOP AND PROMOTE A CODE OF PRACTICE FOR YOUR ORGANIZATION

Representatives of proponents or government may not be well acquainted with indigenous peoples or aware of concepts such as ancestral domains, or traditional rights to resources, indigenous self-government. Perhaps there are special ways in which your organization makes decisions that you feel are important, but which might not work well with indigenous peoples.

Consider using these guidelines as the basis for creating your own draft code of conduct. Offer to share the code with indigenous communities that you will or have worked with for suggestions and ideas for improvement. Let them know you are doing this to help them work with you. Suggest that you will adopt the final draft as official policy when dealing with indigenous peoples.

***P*ROPONENT GUIDELINE #2: BUILD COMMUNITY AND INDIVIDUAL CAPACITIES TO INCLUDE INDIGENOUS PEOPLE**

INCLUDE INDIGENOUS PEOPLES RIGHT FROM THE BEGINNING

Including indigenous people is a simple and effective means of acquiring the informed use of indigenous knowledge. Include them at all stages, from the beginning pre-planning stages, all the way through to the monitoring and management of the project, and ultimately in the evaluation stages. Their use of the local knowledge will be brought to bear on the relevant issues at the different stages. In this way, the full indigenous knowledge system is at hand throughout the project, without the expense of having to develop a database of knowledge from the indigenous peoples.

One common mistake is to assume too much and to make decisions about the project without involving the local community. This is guaranteed to offend indigenous peoples and endanger the whole project. You may be accustomed to dealing with governments first. Because governments sometimes make critical initiating decisions in isolation from affected parties, it is easy to make this mistake. It is completely logical to get permission from the government first, then approach the local communities.

However, there is a better way when dealing with indigenous peoples. Ask the government for permission to contact the local community – not to get permission to undertake the project. In this way, once you have a clear understanding of how

the community will react, you can then ask for governmental permission for the project. The advantage of this approach is that the local community will feel you have maintained their trust, and invited them to participate in the initial decision. Furthermore, you do not have to be as advanced in your planning, nor have invested so heavily in the project before approaching a traditional community as you would before requesting authority to proceed. In the event the local communities would rather not approve the project, your losses are considerably less.

It may seem easier to pre-empt the decision of the local community. In the past this may have been effective from a business perspective. In many countries today, however, this is a risky business strategy because the local communities can often harness public opinion and legal forces to overturn a hastily granted authority. This is very costly and no one wins from these confrontations.

Indigenous communities want to be able to exercise free, prior informed consent to all development projects.

ENCOURAGE THE COMMUNITY TO CHOOSE THEIR OWN REPRESENTATIVES

Be sure that the group or people who will be representing the community actually have the community's agreement to represent them. Several different forms of representation are not appropriate:

1. Try to avoid using a government appointed representative for the community
2. Try to avoid using a government staff member as the community representative just because he or she is indigenous. Make sure the community has an opportunity to assess the person's qualifications and agree that this person is an appropriate representative.
3. Be careful to distinguish between tribal leaders who have the community's approval to represent them and those tribal leaders who are only interested in brokering a deal.
4. Watch out for tribal "dealers." Sometimes a tribal dealer, who may not have the community's agreement, will offer to "approve" the project in return for provision of basic services. Be sure that the community agrees with this approach.

HELP THE COMMUNITY TO BECOME INVOLVED — IT IMPROVES RELATIONSHIPS

Traditional cultures may signal rejection by turning their backs. If the community is silent, it may mean rejection, not acceptance. On the other hand, if people are standing on the sidelines and perhaps complaining, don't mistake this for a lack of cooperation. They simply may not know how to become involved. Find ways to help the community get involved. In traditional cultures, often the entire community or a very large proportion of it is involved in decision-making. Individuals may be influential — as in any social system — but collective decisions may be 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 may be interested in the project. By encouraging their assistance, the proponent can involve a wider advisory group to its benefit. In any development project, there may be fringe groups that polarize or 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 not. If helpful groups are involved early in the process, it makes it more difficult for the confrontational groups to successfully criticize your project.

FINANCING COMMUNITY PARTICIPATION HELPS PREVENT CHARGES OF EXCLUDING THE COMMUNITY

Most local traditional communities do not have the financial resources to undertake a major development planning exercise nor to participate in a formal environmental assessment. By assisting the traditional community to participate, you ensure better relationships and give the local community a sense of ownership in the enterprise that will be extremely valuable in later discussions if there are contentious issues. They will have been involved and you can demonstrate your assistance in making that involvement possible.

Try to keep women informed in an appropriate and timely manner, paying attention to the local cultural etiquette involved in communicating with women. If this needs to be done with women only involved, make sure your personnel making the contact are themselves women. Make sure the information reaches them in language they can understand, and that addresses their concerns.

PAYMENT FOR SERVICES, NOT KNOWLEDGE

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 nor even transferred to the proponent — it remains within the community. In this way also, the community does not feel it has lost or given away part of its identity. The proponent can pay the advisors in the same way any other technical advisor would

be paid, or the community may wish to encourage some other form of benefit.

INCLUDE THE COMMUNITY IN MANAGING AND MONITORING THE ON-GOING PROJECT

Make sure that 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 will gradually erode the confidence of the local community. Information flow is essential. Involve the community in managing and monitoring the project 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 you a great deal of time and money.

Be careful that the cultural fabric and the social integrity of the community is not 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.

***P*ROPONENT GUIDELINE #3: INCLUDE THE LOCAL COMMUNITY IN THE WORK OF ESTIMATING PROJECT IMPACTS**

SAVE TIME AND MONEY: WORK WITH THE COMMUNITY TO DEFINE ISSUES AND CONCERNS

Asking the community to help list the most important concerns they might have, is an excellent way to ensure that the community understand you want to hear what they have to say. Listing key issues focuses the research, planning, scheduling and funding. With a clear definition, you may avoid spending unnecessary resources examining issues that are not of concern to the community. Sometimes the aspects that are important to indigenous people are not what you might have expected. Work with the community to find the best solutions to the concerns. These actions will demonstrate your cooperation and will help to build greater trust with the community.

COMBINING SCIENCE AND TRADITIONAL KNOWLEDGE IMPROVES UNDERSTANDING

The science of predictive ecology has made great strides in being able to model the environment, but, given the complexity of the environment, the models are still a relatively simplistic when dealing with long-term predictions and when dealing with very local situations. Indigenous peoples usually have a far better grasp of the local conditions and a better understanding of the significant environmental variables than a visiting scientist. 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 improve the understanding of how the entire ecosystem will react if ecological variables shift gradually over time. Because science does not yet have accurate means of predicting local 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, create a partnership with the holders of this knowledge and carry out the research jointly with them. When specific questions or problems arise in the development or operation of the project, invite them to help solve the problems. This is much better than acquiring the traditional knowledge as data and then attempting to feed it into a scientific model. By including them as problem-solvers, you will gain their experience and wisdom, not just their information. 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 traditional knowledge.

BALANCING BASIC HUMAN RIGHTS AGAINST PROFIT IS A WIN-LOSE SOLUTION

Working closely with the community will improve the probability of finding comfortable, win-win solutions, and ensure that everyone benefits. Inevitably in certain projects, the benefits for

people at a distance from the location of the development project may be considerable, while the damage created locally may be potentially quite significant.. The best practice is to try to find mutually acceptable ways to mitigate the damage and compensate for any damage that remains. If that is simply not possible, the best practice is to cancel the project.

If the estimates of environmental, social, and cultural impacts are seriously negative, the local people will want the project cancelled. You, on the other hand, will have invested a great deal in the project so may still want the project to go ahead.

This is probably the most serious and difficult question a proponent will have to decide. The final decision rests 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 (see the reference list). If the predictions and the community reactions become available, public opinion and media attention will be important factors. Policies,

regulations, laws, and practice of the governing state will be critically important in the courts.

Locally, the weight human rights are given will depend largely on the culture and practice in the region. Interest in human rights is growing rapidly among industrialized countries. If you operate internationally and implement projects locally, you will need to respect policies of the parent countries. If the country is lenient or even lax with regard to human rights, it may be relatively easy to forge ahead with the project. but result in a damaged corporate image.

International press coverage will, of course, highlight any spectacular problems and that may become a success factor for later projects.

In the final analysis, however, you may have a moral and ethical decision to make regarding the ultimate fate of the indigenous people. In these situations, take a very serious look at the ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries, it is an excellent source of information and international opinion.

***P*ROPONENT GUIDELINE #4: IT'S TO YOUR ADVANTAGE TO PLAY STRAIGHT**

YOU NEED TO HELP THE LOCAL COMMUNITY TO UNDERSTAND YOUR NEEDS

The success of the project is important. One way to improve the ultimate success of the project is to include the well-being of the local indigenous people in the planning and implementation.

One relatively easy step is to help them understand how the regulations, policies, and laws work. Make sure they understand the steps that have been defined for the assessment or planning process, and that they understand what their roles will be in the process. It is to your advantage to do this well, 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 traditional 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. Talk to the community leaders about when key decisions are to be made, or critically important actions to be taken. They may not be able to meet your deadlines if they come at times when the community is engaged in time-critical

activities. In planning your project, recognize they may need different amounts of time to make decisions, so that if the community needs more time, you can offer it.

Finally, arrange the schedule, if possible so that the milestones and deadlines are defined in culturally significant ways: after the spring harvest, before the solstice festival, or any number of other culturally significant dates. The advantages are many to both you and the community. The single disadvantage is that the dates are based on the behaviour of animals and plants, not on the calendar or clock. Although these behaviours are not as regular as a clock, they are surprisingly consistent, varying only by days from one year to the next.

In some areas of the world, such as Malaysia, the behaviour of the people, plants and animals is tied to rain and floods. Experience shows these to be aperiodic and geographically inconsistent. In these cases, the indigenous people have other means of dealing with time markers. Consulting them for the best way to measure when activities will take place is the best practice.,

BE ENTHUSIASTIC, BUT ACCURATE

Everyone is enthusiastic about new projects. This enthusiasm will help to convince local communities of the value you intend to bring to the community. It will also encourage their participation. Enthusiasm also sets expectations.

Most indigenous cultures are careful about setting expectations. Your statements about the benefits the community can expect should be carefully considered. Modern corporate marketing norms for hyperbole in “salesmanship,” for instance, could be misinterpreted by indigenous people as a dishonest presentation if the “promises” do not come true.

Thus, predictions to the community about revenue or other benefits resulting from the project will need to be realistic views of the growth and profit level. 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, and in what kinds of jobs. Enterprising communities, and those in transition from subsistence styles of living, will want to know what 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 proponent develops local knowledge. Avoid the situation, for instance, where the community is forced to react to the proponent’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 peoples to ask themselves how they view nature and culture 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. 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 peoples 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 temporarily to rest in a fallow condition, or ancestral resting places. Be certain that the community agrees with your use of the sites to avoid a long series of confrontations. Sometimes indigenous peoples are reluctant to give precise locations for sacred or other sites where they do not want development. Ask where development can take place, not where it cannot take place; this will protect their sacred sites.

Explain the regulations within which the corporation intends to act, which regulatory agencies will be involved, and how you envisage the community being able to participate. Indigenous peoples often have a practice of involving the entire community. But you will need to find out what the norms are. The most successful approach in most cases seems to be a series of round-table discussions or open-forum meetings. The least successful is when representatives meet behind closed doors.

Ensure from the beginning that women can be invited to participate in the process. It may be that the culture will not allow direct interaction of women and men. There are many informal ways to understand their needs and concerns. In culturally sensitive situations, it is always best to encourage your own female staff members to be the prime contacts, or even the only contacts.

IF YOU ARE WORKING IN REMOTE REGIONS, YOU MAY BE A HEALTH RISK

If you are 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 peoples often bring diseases to which the local community may have little or no resistance. What to you may be a sniffle, can be a fatal infection to a vulnerable traditional 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 proponent 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 leaders of the community to determine how this social stress will be mitigated and handled.

***P*ROPONENT GUIDELINE #5: ADJUST THE WAY YOU COMMUNICATE TO SUIT THE INDIGENOUS PEOPLES**

Respect the traditional methods of conducting a meeting. Be patient, it may seem foreign, but indigenous peoples 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. These initial gatherings are usually very interesting and pleasant, so enjoy them. You are also being tested, so be tactful, respectful, and polite.

Here are some principles for the proponent representatives who will contact and work with indigenous peoples:

AN EMPATHETIC ATTITUDE IS IMPORTANT TO SUCCESS

1. Work to create trust through tact and patience.
2. Slow down. Adapt your pace to the people.
3. Learn directly. You can only do this if you spend time with families; live, work, and eat with them.
4. Encourage people to share knowledge with you, but do not demand it.
5. Ask people to tell their stories, to talk about their lives, events in the past: remember that story-telling is the traditional way.
6. Discuss how life has been changing, what is good, and what is bad about the change.
7. Talk about the seasons with the specific problems for each season.

8. Discuss a case or something that has happened to illustrate what was difficult, what went wrong, what went right.
9. Recognize that women have a distinct perspective, and distinct values that are essential components of the whole and which cannot be represented by men.
10. A walk through the village with a talkative person may provide good information as a starting point.
11. Meet again with people who were helpful. Follow up on conversations. Check for accuracy of unexpected information. How can it be like this?
12. You may hear something that seems strange. You are wise to respect what you hear. Disrespect will make future collaboration difficult.
13. Check that you have met everyone. Do not favour any groups or persons.
14. Provide information back to the people in return for information they provide to you; and involve them in the work.
15. Do not create false hopes by making rash promises.
16. Remember first impressions. This will help if you start to feel discouraged.

WORK IN GROUPS

1. Listen! This is the key.
2. Try to use the local language.
3. Don't be a teacher. These people will be your partners, you can learn from them.
4. Use simple language — jargon is weak speech.

5. In any group of people, if the concepts are complicated, speak slowly and use short sentences. It is the easiest style for people to follow.
6. Do not read a speech from a piece of paper. Talk freely.

GET THE INFORMATION ACROSS IN AN EASY TO GRASP MANNER

1. Start with talk, but remember: What we hear, we forget:
 - ⇒ Brainstorming — to get lots of ideas out
 - ⇒ Smaller groups let the shy speak out. Often called “ Buzz-Groups”
 - ⇒ If people get bored, use motivational techniques such as singing a song, or telling jokes
2. Move to graphic image. Now backed up with words, the motto is “What we see, we remember”:
 - ⇒ Use a simple flip chart with lots of paper
 - ⇒ Big, bold letters
 - ⇒ Write key words
 - ⇒ Use different colors
 - ⇒ Make up pages in advance (send small copies — or typewritten equivalents to the community)

3. Finally, engage people in activities, the most powerful teacher: “What we do, we learn and understand”:
 - ⇒ 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

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

***P*ROPONENT GUIDELINE #6: RESPECT INTELLECTUAL AND TRADITIONAL RESOURCES RIGHTS**

DETERMINE THE RIGHTS OF THE TRADITIONAL COMMUNITY FOR YOUR OWN BENEFIT

Indigenous peoples 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 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 intellectual, artistic, or creative efforts. The results need to take some tangible form if they are to be protected; pure knowledge is not subject to copyright.

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 peoples are finding new ways to use their knowledge base so that it can be protected. Local community may not have these skills or the needed investment capital to turn traditional knowledge into commercial ventures. If some unusual idea or concept comes from their traditional knowledge, you should consider inviting the community to become a business partner 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.

SETTLE LAND OWNERSHIP QUESTIONS BEFORE INITIATING THE PROJECT

You should determine very early what the legal or treaty rights are to land ownership, resource ownership, and the right of the group to occupy the land where the project is proposed to go. These rights are more often held by practice than documentation, so it may turn out to be a complicated negotiation. 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 proponent can simply take over by applying to the government for permission. The recent experience in several countries suggests that this is a risky strategy. Work with the local people, not against them. It is wise to have all land ownership questions settled clearly before the project is initiated. The possibility of a significant loss due to an unexpected decision on land ownership can be quite high.

TRADITIONAL RIGHTS ACTIVITIES AND RESOURCES SHOULD BE DEFINED EARLY

All traditional 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, you need to ensure that the project will not interfere with these rights. It is usually not sufficient simply to record the fact that traditional customary rights will remain; they need to be defined in practical terms so the project will not inadvertently remove them. 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 community and proponent.

***P*ROPONENT GUIDELINE # 7: WORK WITH INDIGENOUS KNOWLEDGE EXPERTS AS EQUALS**

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 peoples 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-indigenous peoples.

To acquire the knowledge base, it is best to work with the holders of traditional knowledge much as one would work with a technician. It is not particularly easy or fruitful to attempt to transform the traditional knowledge into data that can be plugged into a scientific equation.

INVITE INDIGENOUS PEOPLES TO PARTICIPATE IN CRITICALLY IMPORTANT ACTIVITIES

Because of the nature of the knowledge and the way in which it is stored (in people's memories and activities), it may not be an easy task to re-assemble it into a scientific or technical format. The people who hold the information in their minds, have skills and understanding to add to the information in ways 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 equal status advisors in the solution of problems. As participatory researchers or problem solvers they will add value to the actual data that is part of the fabric of their understanding. 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 among scientists and indigenous peoples, 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 many indigenous peoples, the mother tongue, and possibly the only language, is likely to be the traditional language. Because the common language of business is usually not traditional, there is a possibility that a barrier to communication will be finding a common language. The solution is to have instantaneous translation available for discussions and 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 traditional 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 perspective, and may in fact, be unaware they have valuable information that could help resolve the issues. Try to encourage them to talk about their reaction to your predictions.

TRADITIONAL KNOWLEDGE AND THE WORK OF INDIGENOUS PEOPLES 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 proponents 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, consider them equivalent to other technical consultants.

In large and small projects, there may be other ways to pay the local community for their participation. Adding to the local infrastructure, such as schools, hospitals, training systems, scholarships, and many other mechanisms are available. Before deciding on the correct approach, discuss it with the local community.

If the decision is to receive traditional knowledge in the form of data — as opposed to value-added participation in research — the traditional 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.

Define who will be able to use traditional knowledge and how it can be used by both traditional and non-indigenous peoples. 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 proponent successfully negotiates access to traditional knowledge, personnel should be prepared to share their knowledge with the local community. 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.

***P*ROPONENT GUIDELINE # 8: NEGOTIATE BASED ON TRUST, EQUITY, EMPOWERMENT, AND RESPECT**

BE RESPECTFUL

Proponents should be respectful in dealing with local communities. The initial impression you make may color 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. If possible include both women and men in the discussions.

You are going to make many decisions, and you will need to make them as expeditiously as possible. It is wise to know what is reasonable, and what is outside the limits of reasonable expectations of a community. You may assume that the project is a great contribution to the community. You may intuitively feel you 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 your logic. There will also be limits beyond which the community will not or cannot go in responding to requests.

Remember that your first thoughts will be about how to accomplish the project, the community's first thoughts will be to understand if the project is a good idea or a bad idea. You need to respect that difference.

BE SURE TO INCLUDE EVERYONE IN THE NEGOTIATIONS

In your project, you may 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 and communication link for decisions. Indigenous peoples do not usually operate in this manner, so do not assume that this will be familiar or comfortable to them. In many traditional 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 you 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 may be limits to what the project manager can decide without going back to the boss. If the community

requests a decision from the most senior person of the proponent 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 your 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 peoples 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

You will need to know the long-range goals of the community. These may be deceptively simple, and couched in a sense of forever. 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.

***P*ROPONENT GUIDELINE # 9: THE LOCAL COMMUNITY WILL NEED LOTS OF 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. 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 may be unacceptable to the community. Be sure to indicate that 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:

1. What is this project all about? Why did the corporation choose this location and what other locations were considered?
2. 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?
3. 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?
4. 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?
5. 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?
6. 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 traditional groups. This is an excellent way to establish a base of credibility with the community.

PROVIDE A COST-BENEFIT ANALYSIS

From your perspective, how will the project benefit the community? How will the project benefit you? Because it will be critically important to have the community's participation funded — at least to some extent — you 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.

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, water, or soil 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.

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 be 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 behavior on the part of the proponent. The simplest way to avoid problems with neighboring communities is to include, or at least inform any communities that might possibly be affected.

Neighboring traditional communities may not all be 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 your responsibility to make sure that the other communities are informed and involved. This is a situation where the assistance of an authority in cultural relations is of real benefit.

***P*ROPONENT GUIDELINE #10: RESPECT INDIGENOUS PEOPLES' DAILY ROUTINES**

GIVE PEOPLE THE NEEDED TIME

Indigenous people will need sufficient time to undertake your project tasks and still carry out their daily routines. It takes a great deal of time 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, gathering, and cultural schedules of the community have been completed. Discuss the time schedule with the community and explain the proposed time frame. Define carefully what work you believe the community will need to undertake. Then listen to 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, a traditional 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 traditional person may have many commitments that will mean the week's work will be spread out over two months.

And as mentioned earlier, the best way to ensure a clear understanding is to translate your schedule into a traditional schedule, using their essential or traditional tasks and events (hunting, gathering, festivals) as markers for your deadlines.

***P*ROPONENT GUIDELINE #11: TRY A SIMPLE SELF-EXAMINATION**

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 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?

If you answer yes to these questions, go back to the community and tell them of your findings and that you want to change the way you operate to better suit the community. You may be greeted with skepticism, but persistent good behavior will be beneficial.

AGREE ON AN ACCEPTABLE INTERMEDIARY

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 help from someone that both the community and the proponent respect can be a means to get past non-productive situations. In choosing an acceptable intermediary, it helps if both parties first define the qualifications such a person should have.

It is recommended that proponent 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 peoples. 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. If possible, personnel serving as key contacts between the proponent and the traditional community should belong to the staff of the proponent; 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, proponent personnel often lose the opportunity to play an active role in working with the traditional communities if contractors are used.