

Worksheets

Checklist of Best Practices

INDIGENOUS PEOPLES, PROPONENTS, NGOs, AND GOVERNMENTS

Reminders about Traditional Representation

When you are trying to ensure that the indigenous peoples and their traditional knowledge are included, here are a few things to think about:

Encourage the local indigenous to community develop a representative group on basis of skills? What about establishing an NGO or indigenous knowledge centre?

Consider a liaison to neighbouring communities?

Suggest a network of communications and discussions established amongst indigenous communities and proponent. Establish local communities of practice or practitioners (i.e. let the experts talk to each other, the traditional healer with the medical doctor, the herbalist woman with the botanist etc.)

Within the joint ventures or participatory research, are team members assigned from the indigenous community?

Will time and work be remunerated? How have the local indigenous peoples participated in establishing a fair compensation?

Will the indigenous peoples feel they can influence the project so as to set their own priorities with respect to land and resources?

Are women and their special skills and knowledge specifically included on the team and in a culture-sensitive manner? If there can be no direct contact between men and women, do you have women ready on your own staff to be the contact people.

Provide for participatory impact monitoring and evaluation ensuring that the perspective of traditional knowledge is part of the assessment..

Consider formal or informal partnership or joint venture agreements with the indigenous community.

Invite the indigenous community to begin joint classification of land use, joint assessments of impacts, joint decision-making.

Establish some form of equity share or joint venturing in the project between the traditional community and the project if it is appropriate.

Ensure local non-indigenous communities are included in the project planning and implementation, but distinguished from indigenous communities.

Are other stakeholders identified and represented as distinct from the indigenous groups?

Will the discussions and negotiations use some form of round table, community mentors, or

other means? Check in the detailed guidelines for a range of participatory techniques.

Project Design Reminders

Are the traditional knowledge holders who will be working with the project credible experts in the opinion of the indigenous community?

Have the community and proponent settled on a way to make joint decisions?

Does the indigenous group need to establish a legal entity, such as a representative NGO to have the capacity to engage in negotiations?

Will the traditional knowledge system become part of the final decision-making? If there is a difference in findings between the traditional methods and the project's determinations, how will these be resolved? Will indigenous knowledge be seen as an equivalent to scientific methods?

How will the two knowledge systems be integrated – is the entire system equitable? Are there people available who have the capacity to bridge the cultural and knowledge system differences? If not, how will you build the capacity?

Does the project plan to provide the community with a science / management interpreter / advisor, if it wishes to have one?

How will the project be described to the community in terms that the indigenous peoples can understand?

After the project is operational, how will the project assess if the community fully understood the project and its implications?

Traditional Rights Reminders

What processes have you set up to handle intellectual property rights?

Have you assessed the impact of traditional rights to resources and how this will affect the project?

Have all the land ownership issues been settled?

Have you made sure that the traditional people are satisfied that they will suffer no loss of rights without appropriate compensation?

Have you arranged structured traditional knowledge access agreements?

What mechanisms have you put in place to ensure the community is empowered through meaningful consultations, capacity-building, and capacity-maintenance?

What will you do to ensure that community knowledge is treated with equity and respect?

Risk Analysis Reminders

What steps have you taken to prevent societal impacts of alcohol, drugs, and diseases.

How will you invite community participation in identifying potential risks to the traditional community from direct impacts on the environment?

Have you considered a joint cost-benefit analysis, or joint assessments of impact?

How will you and the community measure the project's level of sustainability, in the planning stages, and after the project is operational? What mechanisms are present for the local indigenous community to understand the objectives of the other major stakeholders (the investors, planners, managers, other communities) in the long term?

PROponents, NGOs, AND GOVERNMENTS

Preliminary Reminders Before You Start

Have you checked for the presence of indigenous peoples?

- Use the simple definition: indigenous peoples are self-identifiable as a people, wholly or partially self-governed, and live within a larger nation.

Have you been sensitive to the nature of indigenous knowledge?

- Recognize that traditional knowledge is a way of life, an experience-based relationship with family, spirits, animals, plants, and the land, an understanding and wisdom gained through generations of observation and teaching that uses indirect signals from nature or culture to predict future events or impacts.

Have you been careful to incorporate indigenous peoples and their traditional knowledge systems as full partners in the design of a project when traditional people are directly or indirectly affected by the project?

Do you remember the four guiding principles on acquiring traditional knowledge?

- Cause no harm.
- Define the roles and responsibilities of participants carefully and in line with culture and knowledge systems.
- Define the information to be collected; specify what information is proprietary and not to be shared.
- Establish the use, ownership of information, and the means to interpret or communicate it at the outset.

Do you know the key aspects of a relationship with indigenous peoples?

- *Respect*
- *Trust*
- *Equity*

- *Empowerment*

Have you respected intellectual property rights derived from traditional knowledge?

- Build in opportunities for indigenous peoples to benefit directly and equitably from commercial products derived from their traditional knowledge.

How did you handle proprietary traditional knowledge?

- Allow indigenous peoples to define which parts of their traditional knowledge are for public consumption and which are private and confidential.
- Ask where the development would best take place; do not ask where development should not take place.

How should you handle access to natural resources for indigenous peoples?

- Respect and protect traditional rights to natural resources. Ensure that traditional access routes and places for hunting, fishing, and harvesting are undisturbed.

Have you taken into account the most common reactions among indigenous peoples to development projects?

- Recognize that indigenous peoples feel that they belong to the land, so they may not easily accept changing it, or their relationship to it, in any radical way.
- Engage traditional knowledge systems before initial decisions have been taken to help predict the impacts of a project. Be prepared to abandon the project or vastly modify it if there is a risk of harm to indigenous peoples.
- You may be interested in how to make the project work, but they are interested in whether the project should even start.

Avoid a strategy of including indigenous peoples too late or in a trivial manner; it places both the traditional people and the project at risk.

- Local indigenous people will want to be sure they have the authority to make halt a project if the potential damage to the community is unacceptable.

Developing a positive relationship with indigenous peoples requires sensitivity. Have you thought about how this should be done?

- Understand the local customs and etiquette and train staff who will interact with indigenous peoples before contact.

How have you gone about including local indigenous people and their knowledge in the decision-making process?

- Make the participatory approach fit the cultural sensitivity of the traditional community.
- Successful strategies variously include round tables or talking circles, training the trainers, co-management, and participatory action research.
- Participation by indigenous peoples as autonomous groups is an essential ingredient to developing both mutual understanding and consensus to set strategic objectives, define a chain of expected results, identify underlying assumptions and risks, and select appropriate performance indicators.

Have you remembered to develop a comprehensive plan for meshing traditional and other methods?

- Include traditional knowledge early and as a complement to scientific or western approaches.
- Leave broad margins for error in predictive models, and include the socio-economic costs of the often invisible economy of “women’s work” and the special vulnerability that traditional women face.
- Include indigenous knowledge systems in both the interpretation of the knowledge and in its implementation in the program design by relying on credible traditional knowledge holders. These people can bring traditional concepts of self-sustainability to the project.

- Assess the credibility of sources of traditional knowledge by using the community as a source of credentials.

- Using science and traditional knowledge together in co-management or participatory action research can be a powerful tool to improve the effectiveness of projects, but it requires a relationship based on trust and respect for each other’s information and for the different methodologies used.

- Protocols for acquisition of traditional knowledge should be defined by the traditional community and agreed to by all parties.

Have you scheduled work using traditional methods of time-keeping?

- Instead of using time scales in project planning, it is sometimes better to use indicators based on the traditions of traditional people such as harvest times, festivals, and hunting or fishing seasons.

What about working within another country’s rules and regulations?

- Understand the host jurisdiction’s laws and regulations regarding indigenous peoples including constitutional rights, relevant legislation, policy statements, and recent practices.
- ILO 169 recommends that no government incorporate discriminatory practices with regard to indigenous people. Where this has not been done, build the development project program design so that indigenous peoples benefit in an equitable fashion to other stakeholders.

What will you do if the traditional people would like to be paid?

- If they would like money, engage traditional knowledge practitioners the same way you would engage scientists and other professionals.
- Non-monetary, innovative ways of payment can also include training opportunities, construction of infrastructure such as schools and hospitals, or there may be something that the local community would like that is special for them -- ask and see what they would like.
- Build in safeguards to protect traditional communities that are extremely vulnerable to unfair exploitation because of lack of experience

with, or non-acceptance of, monetary-based systems of resource sharing.

Capacity Building and Capacity Maintenance Reminders

Encourage a socio-economic capacity needs-analysis be carried out.

Arrange for quality translation.

Consider capacity-building workshops or training programs for both indigenous peoples and for project staff.

Build in mechanisms for sustaining the skills and knowledge capacity acquired during the project.

Ensure financial assistance is provided so that participation will be possible by indigenous peoples?

Build in mechanism to evaluate and collect evidence of indigenous peoples' participation. Use this as a means to improve the performance and interaction the next time.

Reminders about What to Do If Problems Occur

It is an ominous sign when trust disappears and confrontation replaces cooperative negotiation. Examine your own performance with the community.

Did you unreasonably expect self-financed participation by the community?

Did you consistently ignore local practices, such as traditional hunting times or sacred ceremonies, to suit your project schedule?

In consultations, did you forget (or neglect) to 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 contempt for or disregard community opinion?

Did your staff treat traditional knowledge as a poor second compared to technological or scientific knowledge?

If you answer yes to any of these questions, you need to re-think your strategy. If you are willing to train your staff, then 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.

INDIGENOUS PEOPLES

Reminders on How to Communicate

Has the community named its own spokesperson to media?

Does the community have a representative group or team? Have the powers and tasks of the team been decided?

What other people can step in if some members of the team must do other things in the community, or get sick, or must travel?

How will you be sure everyone in the community knows what is going on? How will you pass your own information to the media and to the proponent?

Have you made good arrangements for language translations for your community?

Reminders about Responsibilities

What is the schedule, and is it set in a schedule that fits your community's needs for harvests and events?

How much time will be available for the community to react to questions?

What will you do if the amount of time is too short to gather all the answers?

Do you understand what regulations the community and the proponent will get from the government?

What regulatory agencies of government will be involved? What have you decided to do to ensure your community and the agency understand each other?

To what degree will individuals and the entire community be involved in contractual arrangements?

What resources can the regulatory agencies offer to the local community?

What resources can the local community offer to the agency to help the process?

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

Most important, what techniques would your community like to see to ensure that your knowledge and expertise is used most effectively in the decision-making part of the project? How many people should represent the community for traditional knowledge and for other aspects like financing and organizing people?

Reminders about Getting a Technical Summary

What is this project all about, what is it going to use, why is it here, and not somewhere else?

What is the complete schedule of the project, with dates for each major event?

What buildings, or other physical facilities will be built? What about sewers, clearing forest areas, digging holes or quarries or trenches?

What is the total area of land to be affected directly, and indirectly by construction or other project activities?

How much water is to be used and is there any way to recycle all the water?

Why was this location chosen, and what other locations were considered?

How big is this project, both in its development and construction phases?

Once it is completed and operational how many workers will there be?

Are workers 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 low-paying jobs?

What obvious changes will the community see and feel?

What are the waste materials and 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 role in some of the operations instead of hiring outside companies to do it?

Is this completely financed? Are there partners? Can the community play an investment role?

How long will the project last — both the development and construction phase, and also the operation of the project?

Does the proponent plan for a “permanent” home in the community?

Just what is the long-term picture from the proponent’s perspective?

Do the community and the proponent both feel at ease with local men and women involved in the project?

Reminders about Benefit Sharing

Do you understand how the project will make money, and how much it will earn?

- Check out the profits from similar projects by this proponent.

What portion of the profits are likely to stay in the community?

Who from the community will be employed and to do what kind of jobs? How long will the project operate? Can the community be a permanent part of the industry?

What spin-off or support services can be started up?

If the community does become dependent on the industry from the project, what will happen when the project is finished or does not live up to expectations?

If fishing, or hunting, or traditional agriculture, will be reduced or destroyed, is the project worth it?

If the community will receive a financial package to offset the loss of other opportunities, is it enough to make up for other changes to your cultural and social traditions?

GOVERNMENT

Program of Public Consultation

Is there a political, historical, or social tie between this community and others?

What significant changes to the social, cultural, economic, political, or environmental conditions of the community have taken place recently or even not-so-recently?

What experience or participation has this community had with development projects or agencies?

Has this community ever participated in a consultation? If so, was it successful?

Who are the community leaders? Whom do they represent?

Has there been a recent change in the community leadership; if so why?

Is the community divided in its allegiance to the leaders, i.e. will you be dealing with more than one faction?

What are the political systems within the community? How are they allied to external political systems? Does the community in general approve of the project or its ideals and goals?

What are the respective roles of Elders, men, women, and youth within the community?

Who is most knowledgeable about the community's biophysical, socioeconomic, and spiritual resources?

You will probably be greeted with skepticism, but persistent good behavior will pay off.