Part 3

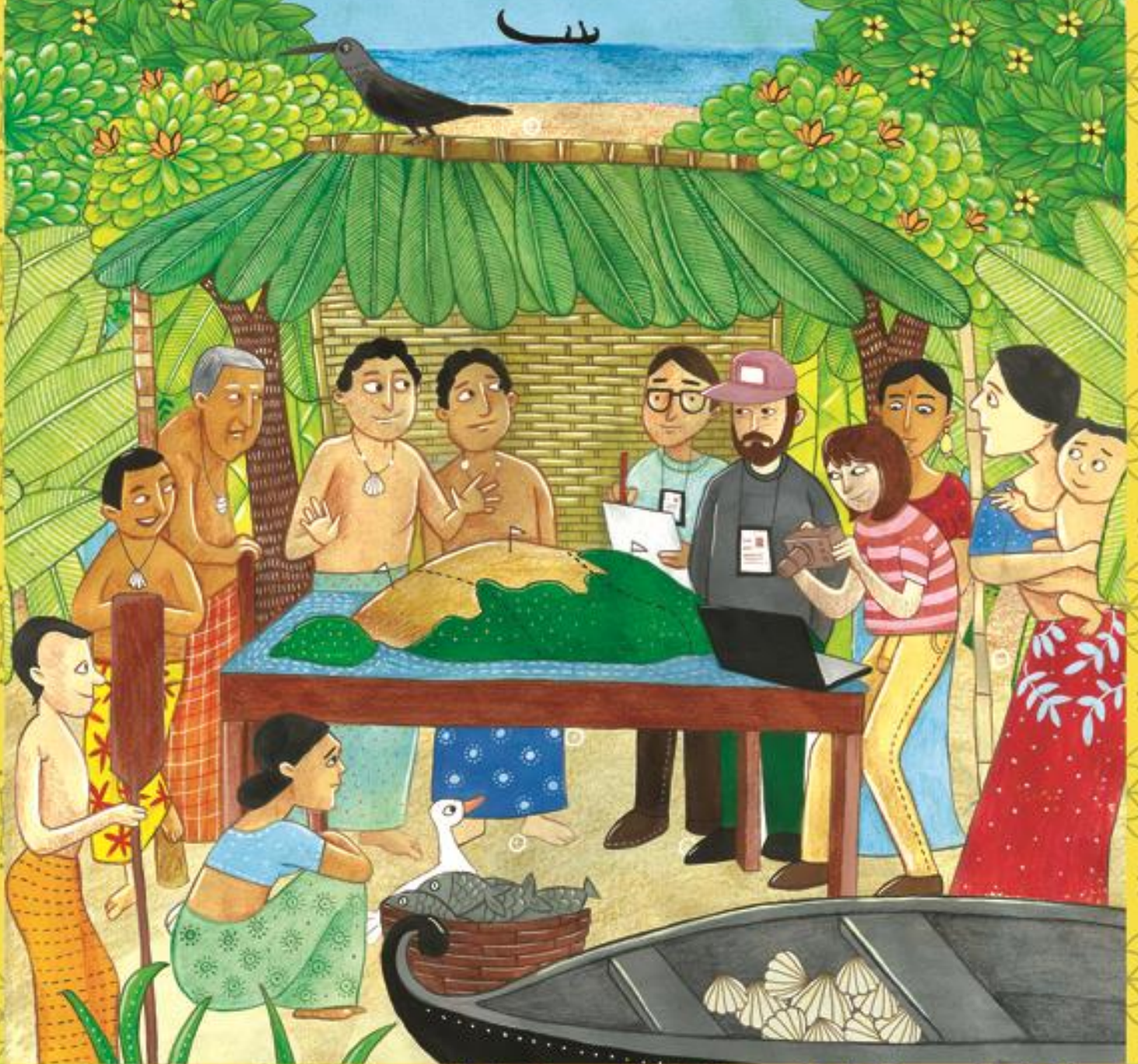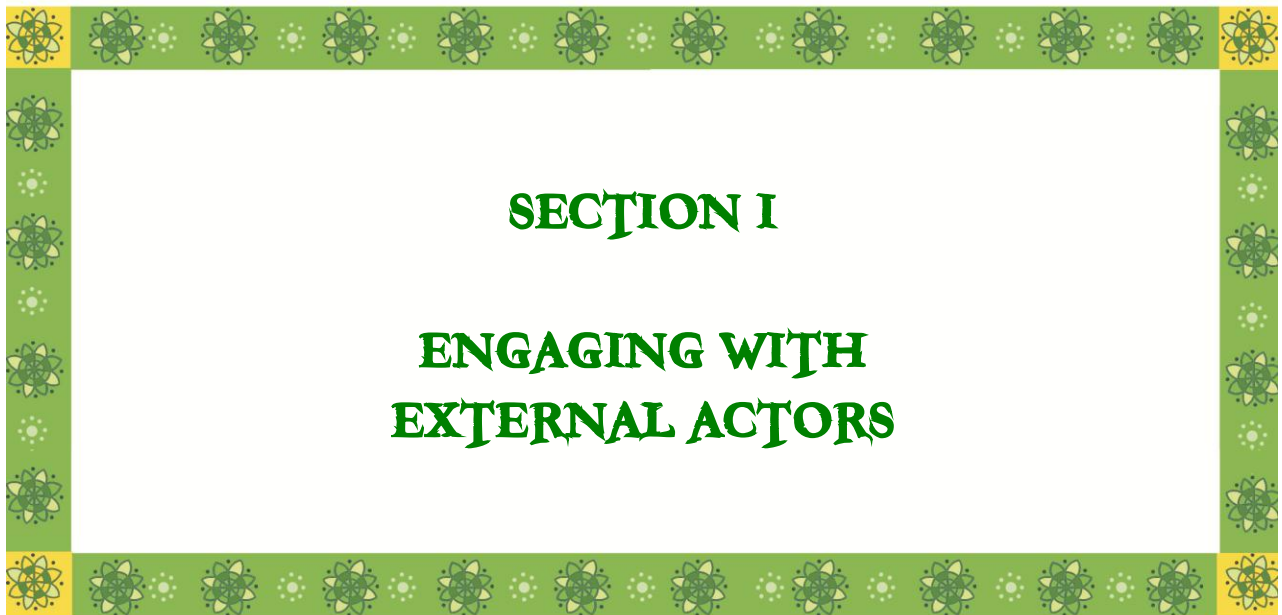## USING A BIOCULTURAL COMMUNITY PROTOCOL

SECTION I

ENGAGING WITH EXTERNAL ACTORS

One of the main reasons for developing a biocultural community protocol is to use it as a platform to engage in dialogue with external actors such as government officials, companies, researchers, and NGOs. As much as possible, the community should strive to engage constructively and according to their own terms, values, and priorities.

A. PUTTING EXTERNAL ACTORS ON NOTICE

KEY TOOLS
- ☑ Framework for research and action
- ☑ Identifying key actors
- ☑ Understanding relationships between key actors
- ☑ Multi-stakeholder role play

- ☑ Participatory video
- ☑ Photo stories
- ☑ Audio interviews
- ☑ Identifying relevant social media tools
- ☑ Activity monitoring table

Engaging with external actors can begin with 'putting them on notice'. This means informing them proactively that your community has developed a protocol. Clearly indicate if the protocol has specific recommendations or requests to which they need to respond, or procedures to which they need to adhere. There are a number of different ways to put key actors on notice. Two suggestions are listed below that could be adapted to your local context and strategy.

➢ *Send a letter by post, email, or fax to inform them about the community's protocol*
The letter should be clear and concise to attract the attention of the reader and written in an introductory and open manner to encourage a positive response. It could include information such as a brief introduction to your community and where you are from; key issues that you are facing that are of direct relevance to the agency, organization, or individual; how you would like them to respond; and contact details of the relevant community authority or liaison. You may wish to append a copy of the protocol and ask to arrange a meeting to discuss further in person or over the telephone.

➢ *Arrange a meeting to deliver the community protocol and discuss it in person*
Depending on the situation, it may be more effective for a small rather than large number of people to meet directly with the relevant agency, organization, or individual to discuss the protocol. If a crowd arrives to deliver the protocol, particularly if there is a negative or potentially hostile atmosphere, it is more likely that the people with whom you are trying to meet will feel defensive and unwilling to discuss the issues openly. It is important to begin the process of using the protocol in a positive and constructive

manner. The community should take the time to consider how to best put external actors on notice within your local context and using appropriate modes of communication.

Putting key external actors on notice is a useful exercise because it informs them proactively of your intentions and expectations, which can spur positive action and help prevent conflict (see ***Part III: Section V***). It also begins a process of encouraging accountability and transparency of key actors in the public and private sector whose actions or inactions are affecting your community and the environment.

B. ESTABLISHING DIALOGUE

KEY TOOLS
- ☑ Framework for research and action
- ☑ Identifying key actors
- ☑ Understanding relationships between key actors
- ☑ Forum theatre
- ☑ Multi-stakeholder role play
- ☑ E-learning modules on relevant legal frameworks
- ☑ Participatory video
- ☑ Photo stories
- ☑ Audio interviews
- ☑ Identifying relevant social media tools
- ☑ Activity monitoring table

Biocultural community protocols are meant to catalyze constructive dialogue and collaboration between communities and external actors. In comparison with a formal negotiation, a dialogue can be relatively informal and unstructured. It can be used to share information, improve understanding of different perspectives, and seek innovative ways to address a common concern or fulfill a shared vision. Working with multiple actors or stakeholders can be challenging and at times frustrating. However, it is more likely to succeed if those engaging in dialogue approach it with a positive attitude and optimism in the potential of collaboration.

> ➢ *What external actors would we like to approach to engage in dialogue?*
> ➢ *What are their interests and personal or institutional agendas?*
> ➢ *What are the key issues or plans that the community would like to discuss?*
> ➢ *What are our ultimate goals or aims that we would like to achieve through dialogue?*
> ➢ *What would be the most effective way to share our views? What are the advantages and disadvantages of different forms of communication (for example, PowerPoint presentations, films, slideshows, and prepared questions)?*
> ➢ *How could we tailor our approach differently for each specific actor?*
> ➢ *How long do we expect or would we like the dialogue process to take?*
> ➢ *Where should we hold the dialogue? Power dynamics often shift noticeably if discussions are held in the community or in a neutral location rather than in the other actor's office building.*
> ➢ *Who will participate on behalf of the community? How will the rest of the community provide input and feedback?*
> ➢ *How can we encourage an overall positive atmosphere and attitude that allows for creativity and innovation?*

Box 37: Guiding questions for discussion

Whether it's in the form of a single meeting or an ongoing series of interactions through a range of media, dialogue can significantly influence how your community is perceived and treated by external actors. In many situations, it may be a useful way to begin to balance power dynamics and address specific challenges or plans. Box 37 above outlines key considerations that your community may wish to discuss before and during the process. If the dialogue turns into a negotiation process toward a binding agreement, please see *Part III: Section IV* for more specific guidance.

Dialogue is just one approach that may or may not be suitable for your local context. Depending on past experience, you may have strong feelings about external actors such as government officials, researchers, and companies. If the community has had particularly negative experiences in the past, they may be unwilling to engage with them or highly doubtful that dialogue would improve the situation. Those actors in turn may feel apprehensive about working with communities, which may indirectly limit opportunities to achieve local visions and goals. These challenges are all too common and likely to increase with growing demand for scarce resources and lands. It is ultimately up to the community to decide whether and how they wish to engage with each external actor that affects their lives and territories or areas.
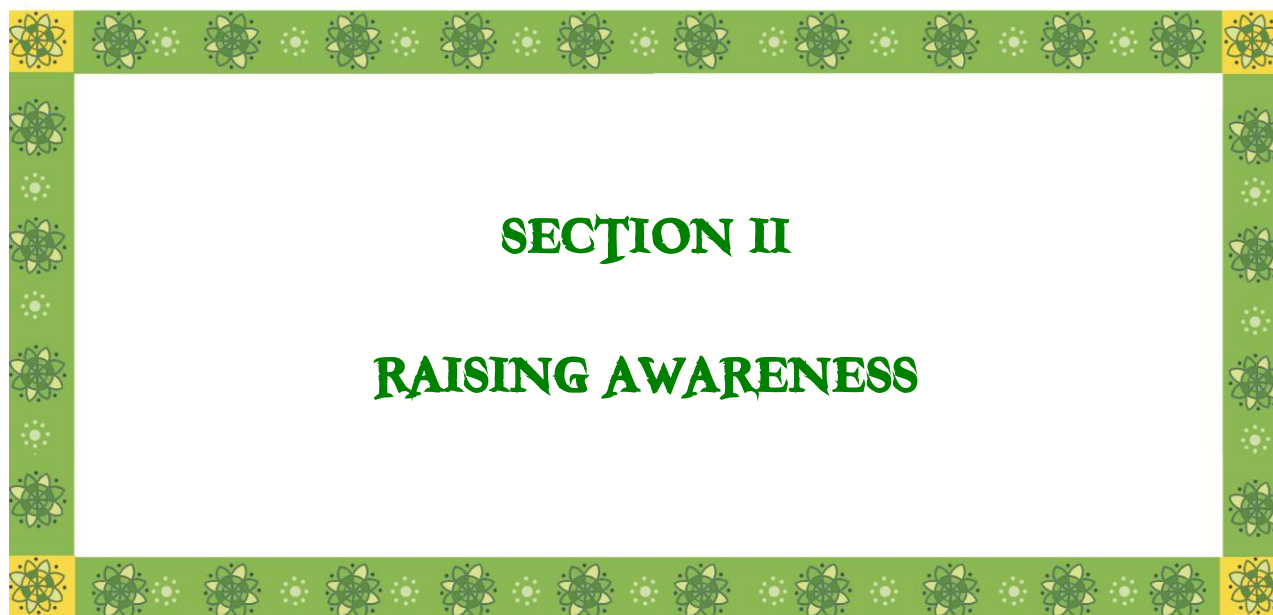
COMMUNITY EXPERIENCE: **Using Participatory Video as the Basis for Dialogue between Fishing Communities and Government Officials in Eastern Canada**
Resource: Adapted from The Fogo Process: An Experiment in Participatory Communication (Quarry, 1994) See the Fogo Process films at the Memorial University of Newfoundland Digital Archives Initiative

One of the first participatory film initiatives was undertaken in the 1960s on Fogo Island, an isolated area off the northeast coast of Canada. Local fishing communities were suffering from high unemployment rates due to significant drops in fish productivity and became the target of a government resettlement programme against their will. They also had little local organization, few or no government officials, minimal access to information or communication media, and lack of confidence.   Determined to help show that these challenges can be overcome, two filmmakers worked with the local communities using what would come to be known as the "Fogo Process" to produce 27 short films from 20 hours of footage. Sharing the fishermen's stories through community screenings around Fogo Island illustrated the communities' shared concerns and opportunities to resolve them. The films were also shown to the provincial Premier and his cabinet Ministers, who then recorded responses for the fishermen from the government's perspective. It became a two-way process of sharing views and alternatives to resettlement. This led to the formation of an Island-wide producer's cooperative and a shift in government priority towards supporting the local economy rather than resettling the communities to the mainland. The Fogo Process became an internationally acclaimed prototype using media to promote dialogue and social change and has since been innovated upon by various communities around the world.

SECTION II

RAISING AWARENESS

Part of the strategy for putting your biocultural community protocol into practice may involve raising awareness within your and other communities and amongst the broader public. Sharing the protocol can be an empowering process in itself by affirming collective identity, clarifying relationships between the community's livelihoods and the environment, and seeking support for the issues raised. Many participatory communication tools such as video, photography, audio interviews, and theatre can be used for this purpose. Newer technologies such as social media can also be used alongside common forms of community organizing such as workshops and leaders' summits.

A. RAISING AWARENESS WITHIN THE COMMUNITY

KEY READING	☑ Image theatre
✓ Part I: Section III/B2	☑ Multi-stakeholder role play
KEY TOOLS	☑ Identifying appropriate forms of resource mapping
☑ Framework for research and action	
☑ Activity monitoring table	☑ Participatory video
☑ E-learning modules on relevant legal frameworks	☑ Photo stories
	☑ Audio interviews
☑ Forum theatre	☑ Identifying relevant social media tools

The community is the source of and reason for developing a protocol. As many community members as possible should feel personally invested in putting it into practice, even if they were not directly or actively involved in its development. One of the top priorities should thus be raising awareness about the protocol within your own community in order to build broad interest and support. To build on internal cohesion, it is important to ensure that the community is largely united throughout the process of using the protocol. In some circumstances, those who developed the protocol may be a small subset of a broader community (for example, artisanal miners in the Alto San Juan community in Colombia). The community may even be a new group comprised of different ethnicities but with a common identity defined by a shared practice or profession (for example, traditional health practitioners in South Africa). Even in these situations, the broader communities of these distinct groups would benefit from involvement and mobilization around the protocol.

There are a number of ways to raise awareness within your community about the protocol and the issues therein. Suggestions for specific uses within the community are highlighted in Table 18 below, which builds on the tools outlined in ***Part I: Section IV/C***. When discussing which to use, consider different age

groups, ethnicities, and interests. Different forms of communication could be tailored to each and to the community as a whole. Youth in particular are often interested in the opportunity to use new technology such as cameras, recording equipment, and computers or to use their creativity to contribute to community events. Developing something physically tangible such as a poster or film and planning events can also help mobilize interest in and support for the broader aims of the community protocol.

Table 18: Tools for sharing information and raising awareness within your community

Communication Tool	What Can it Be Used for?	Questions to Consider
Printed or handmade materials (for example, posters, brochures, calendars, banners)	• Put together a binder with key facts, information, and contact details about the community protocol process • Hold a design competition amongst local youth • Make a banner for use in various community events • Compile a recipe book of traditional foods or medicines	• Is there any sensitive or confidential information that should not be documented in written form? • What equipment do you need access to (blank paper, sheet or canvas, pencils, markers, rulers, paint, adhesive tape or sticky tack, computer, printer)?
Social media	• Start a Facebook page or Twitter account to share updates about the protocol process • Post videos and photo stories on YouTube • Start an online petition	• Are there any concerns about online privacy? • How could personal identities be protected?
Maps	• Host a workshop to introduce or update a participatory 3-D model of the community's territory or area • Facilitate discussions between youth and elders about territorial boundaries and important resources	• Are there any boundaries, locations, or sites that are contested or confidential? • What equipment do you need access to (materials for sketch maps or 3-D models, satellite maps, GPS/GIS software, computer)?
Photography	• Organize a series of photography workshops and sharing sessions • Encourage teachers to incorporate photography into their lessons • Make a Photo Story or slideshow • Hold an exhibition in the community hall, school, or with local officials	• Are there any sensitive or confidential places or artifacts that should not be documented in photographs? • What equipment do you need access to (camera, batteries, film or memory card, computer or printing station)?
Video	• Document the process of using the protocol with video cameras • Work with local youth to edit the film and add narration and music • Hold a community screening or 'premiere'	• Do you have permission of the people in the film? Is there any sensitive or confidential information that should not be documented in film? • What equipment do you need access to (cameras, batteries, computer, projector, screen or white sheet, electricity)?
Theatre or role plays	• Develop a role play or skit with the main people who have been involved in the process of developing and using the protocol	• Where would you practice and hold a theatre performance or role play (community hall, school auditorium, sports field, under a

	and perform it for the whole community	tree)? • How would you involve community members who are particularly outgoing and skilled at performing?
Radio or audio recordings	• Interview the main people who have been involved in the process of developing and using the protocol, as well as key community members such as traditional leaders, teachers, and youth groups • Edit the interviews into a 'programme' that can be broadcast on radio or listened to on computers or handheld devices	• Who has an interesting story to tell? • How would you encourage the person to share the story in an engaging way? Consider developing some guiding questions before the interview • How would you represent different perspectives (men, women, youth, elders)? It is important to not only interview people who have the same opinions or perspectives
Cultural festival	• Organize a performance of traditional forms of dance and music related to your community's traditional knowledge and relationship with the environment • Work with local artists to hold an exhibition of traditional handicrafts • Set up stalls for sharing or selling traditional foods and medicines	• Who is particularly skilled at traditional dances, music, handicrafts, and foods? • How can you organize a festival that attracts the whole community and sparks renewed interest in traditional practices?

B. RAISING AWARENESS WITH OTHER COMMUNITIES

KEY TOOLS

- ☑ Forum theatre
- ☑ Image theatre
- ☑ Multi-stakeholder role play
- ☑ Identifying appropriate forms of resource mapping
- ☑ Participatory video
- ☑ Photo stories
- ☑ Audio interviews
- ☑ Identifying relevant social media tools
- ☑ E-learning modules on relevant legal frameworks
- ☑ Activity monitoring table

Depending on the scope of the local situation, the community protocol may contain issues and information that are also relevant to other communities. For example, others from the same area probably share similar knowledge, traditions, resources, and lands. If so, they may also share similar visions or face common threats. It would thus be useful to raise awareness with other communities about the protocol and the strategy to put it into practice. They may be interested in developing their own protocol or providing further input to yours. They may also be willing to become actively involved in local campaigns and supporting efforts to engage with external actors, particularly concerning issues that affect them as well. This could be a beneficial addition to broader social mobilization efforts.

Any of the suggested tools in Table 18 above could be adapted to raise awareness with other communities. You could also organize activities to further enhance inter-community

- Facilitate an exchange visit to share positive experiences and peer learning
- Coordinate an inter-community congress to explore key issues and ideas for next steps
- Host a leaders' summit to discuss a joint agreement
- Organize a citizens' tribunal or public forum about a particular shared concern or threat

Box 38: Ideas for raising awareness between communities

understanding and engagement (see Box 38). Find out if any such activities have been done in the past and build on local insights and guidance about what worked well. Think ahead and plan accordingly for unique challenges and opportunities that may arise, including differences in language, literacy, ethnicity, social status, and class or caste. Try to understand and respect any pre-existing relations, dynamics, or procedures that guide engagement between members or leaders of different communities.

C.   RAISING AWARENESS AMONGST THE BROADER PUBLIC

KEY TOOLS
- ☑ Activity monitoring table
- ☑ Forum theatre
- ☑ Image theatre
- ☑ Multi-stakeholder role play
- ☑ Identifying relevant social media tools
- ☑ Participatory video
- ☑ Photo stories
- ☑ Audio interviews

In addition to building awareness about the protocol at the community level, you may wish to inform the broader public. This could be done by the community members themselves or by engaging with journalists and mainstream media. Facilitate a discussion about potential advantages and disadvantages (see Table 19) and agree collectively on the most appropriate way forwards.

Table 19: Potential advantages and disadvantages of raising public awareness about your community protocol

Potential Advantages	Potential Disadvantages
Public attention and interest in key issues	Inappropriate scrutiny of journalists
Attempts to reduce public's impact such as through more informed consumer choices	Unwanted presence of curious public or tourists
Public pressure on politicians and decision-makers	Inaccurate editing of stories or details
Tangible forms of support such as donations or human resources	Tendency of mainstream media to sensationalize information

The most common ways to raise awareness amongst the broader public is through mainstream media tools such as press releases, press conferences, interviews, and gaining coverage in local and national newspapers, radio, and television. See Box 39 for general tips for seeking media coverage. Where possible, establish connections with journalists who are sympathetic to your cause and who are willing to follow your community's story as news emerges. Engaging with mainstream media can be difficult, time consuming, and sometimes frustrating, but can provide a much-needed boost to public awareness about your community and the issues you are facing.

- Make the information newsworthy
- Present concise facts and be prepared to provide further information or answers
- Choose your location wisely – provide a visual background to the story
- Make it clear to the audience why the issue is important
- Ensure the first 10 words or 10 seconds are the most effective and attention-grabbing
- Provide contact details such as name, address, phone and fax numbers, email and web addresses
- Make it as easy as possible for journalists to follow up with your story

Box 39: Tips for seeking media coverage

In addition to mainstream media, communities are becoming more and more innovative with the use of social media such as blogs, Facebook, Twitter, and online petitions. You could also adapt other participatory communication tools for these purposes, including maps, theatre, photography, and radio (see Box 40). Please refer to *Part I, Section IV* for further guidance and ideas about the use of social media and other communication tools to raise awareness amongst the broader public.

- Host an exhibition in a public area and include community maps or 3-D models, posters, and photographs
- Screen a film that your community has prepared at a special event or local film festival and post it online on YouTube or Vimeo
- Record a series of interviews with key community members and external actors and edit them into a radio programme or podcast
- Prepare a skit or short play using participatory theatre methods and perform it in a public area or at a local event or festival

Box 50: Ideas for raising public awareness

Resources

Media Coverage (KnowHowNonProfit)

How to Organize Media Events (About.com)

How to Write a Killer Press Release (Friends of the Earth, 2007)

How to Write the Perfect Press Release for Journalists (journalism.co.uk)

A Guide to Organizing Community Forums (Community Catalyst, 2002)

SECTION III

ENGAGING IN DECISION-MAKING PROCESSES

There are increasing opportunities for Indigenous peoples and local communities to participate in public and private decision-making processes, including planning, implementation, and monitoring and evaluation. Biocultural community protocols can be used as the basis for engaging with these processes at all levels of government, as well as with companies and research institutions. The more communities participate actively in such processes, the more likely their ideas, concerns, and priorities will be enacted into law, policy, and practice
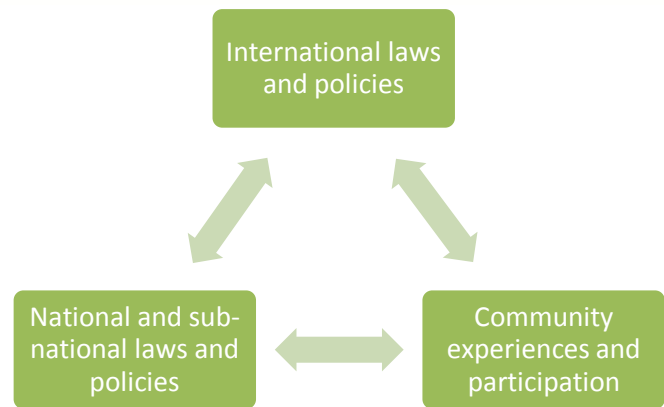

Figure 16: Feedback loop between communities and national and international processes

A.   IMPACT ASSESSMENTS

KEY TOOLS	
☑ E-learning modules on relevant legal frameworks	☑ Identifying key actors
☑ Assessing key opportunities and threats	☑ Understanding relationships between key actors
☑ Community wellbeing impact assessment worksheet	☑ Multi-stakeholder role play
☑ Principles for public participation in impact assessments	☑ Identifying appropriate forms of resource mapping
☑ Activity monitoring table	☑ Participatory video
☑ Framework for research and action	☑ Photo stories
	☑ Audio interviews
	☑ Legislative theatre

One of the main ways for communities to participate in decision-making processes is through impact assessments. These studies are intended to assess the likely impacts of a proposed activity or project on a range of stakeholders and factors, including nearby communities and the environment (see Box 41 for examples). They also provide recommendations to the project proponent as to whether or not the project should be implemented and, if so, ways to prevent and mitigate the likely impacts.

There are several different kinds of impact assessments (see Figure 17). Many countries have domestic legislation for environmental impact assessments. Most companies and research institutions also have well-established policies and procedures for conducting environmental and social impact assessments. Cultural and wellbeing impact assessment are not often used by project proponents, but should be advocated for or undertaken by communities themselves.

- Large-scale extractive or development projects such as mines, oil reserves, dams, or highways
- Conservation initiatives such as national parks or forest reserves
- Business ventures such as monoculture plantations or tourist resorts

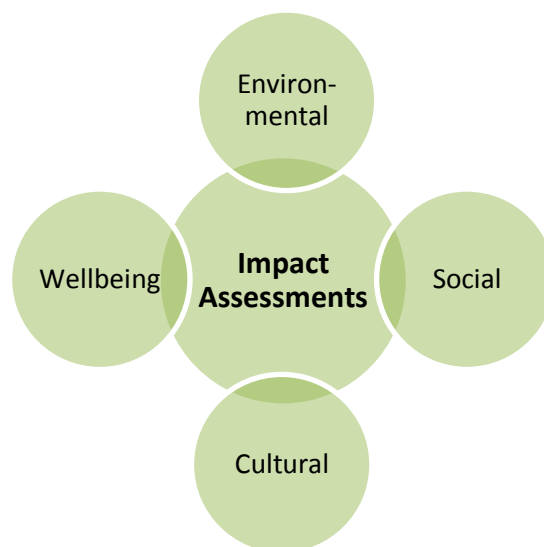**Box 41: Examples of proposed activities that require impact assessments**

Despite these provisions, it is often difficult for communities to participate effectively due to externally imposed constraints. Assessments are often conducted by professional consultants hired by the project proponents and supporters, which are usually government agencies and companies. They tend to use Western scientific methods, sophisticated technology, and complicated forms of analysis. They rarely provide sufficient timeframes or appropriate types of information and often fail to sufficiently account for social and cultural considerations, including Indigenous worldviews, local languages, and customary authorities and systems of decision-making. If the consultants are hired by the same agency or company that is proposing the project, it is likely that the impact assessment will be biased and not fully representative of communities' concerns.

Figure 17: Types of impact assessments

Due to these concerns, some communities refuse to engage at all because they know that the project proponents will then approve of the project, having noted their 'participation', but regardless of what the community says. Other communities are proactively developing and conducting their own impact assessments and attempting to engage with project proponents in multi-stakeholder dialogues and negotiations.

Key Resources on Public Participation in Environmental Assessment Processes

A One-Stop Participation Guide: A Handbook for Public Participation in Environmental Assessment in Southern Africa (SAIEA, 2004)

Case Studies on Public Participation in the SADC Region (SAIEA, 2004)

A Legal Guide to Opportunities for Public Participation in Environmental Assessment Processes in the Southern African Development Community (SAIEA, 2005)

If your community is faced with an externally imposed impact assessment or has the opportunity to conduct your own, discuss the different options and approaches with the leaders and broader community and make a collective decision based on the local context and priorities. Before making a decision about whether or not you will engage in the process in the first place, consider the guiding questions outlined in Box 42 as well as the community experiences and tools described in the following pages.

> ➤ *What is the proposed project and who are the proponents?*
> ➤ *How much do you know about the project and its proponents? How can you find out more information?*
> ➤ *How would the community prefer to be notified about the proposed project and any impact assessments that will be conducted?*
> ➤ *How would your community and others in the area identify yourselves and your territories, areas, or resources that are likely to be affected?*
> ➤ *What mechanisms are proposed for the impact assessments and other forms of consultations? How can your community participate in the design and implementation of these mechanisms?*
> ➤ *How will the proposed project and assessments respect the community's rights to self-determination, self-governance, and free, prior, and informed consent?*
> ➤ *To what degree does the proposed project and assessment undermine or accord with the community's protocol and customary laws?*
> ➤ *How will the community's capacities and resilience be strengthened?*
> ➤ *What resources and forms of support and capacity building will be available to ensure community participation in the impact assessment?*
> ➤ *How will sensitive information such as traditional and local knowledge and the location of sacred sites be protected on behalf of the community? Who will have control over this information?*
> ➤ *How will the outcomes of the assessment be reviewed and disseminated?*
> ➤ *What is the proposed review and appeal process?*
> ➤ *If the project goes ahead, what will be the monitoring, contingency, and conflict resolution plans?*
> ➤ *Who will be responsible for issues relating to liability, redress, insurance, and compensation?*

Box 42: Guiding questions for discussion when faced with an impact assessment for a proposed project

COMMUNITY EXPERIENCE:
Communities Demand to be Involved in Impact Assessments for Proposed Massive Port Development in Lamu, Kenya

Resource: Save Lamu website

The Government of Kenya has recently proposed a multi-billion dollar port project in the northeastern district of Lamu. The port forms part of a massive infrastructure initiative known as the Lamu Port and Southern Sudan-Ethiopia Transport Corridor, which seeks to connect Lamu to Duala, Cameroon, through roads, railways, and pipelines. Lamu is an environmentally and culturally diverse region consisting of a range of islands (the Lamu Archipelago) that stretch across the coast of Kenya's mainland. The district boasts two UNESCO Man and Biosphere Reserves and the town of Lamu has been declared a UNESCO World Heritage Site for its historical and archeological wealth. There are a number of Indigenous peoples whose connection to the area dates back to the seventh century and who depend

Figure 18: Save Lamu demonstration demanding land reforms and an environmental impact assessment for the proposed Lamu port (Courtesy: Samia Omar)

directly on the lands and waters of the Archipelago for their livelihoods, customary resource use practices, and cultural identities and traditions. The port project threatens to immensely impact the fragile ecosystem and communities alike. However, the communities of Lamu have been provided with little to no information concerning the proposed port and been excluded from consultations with the Government.

This exclusion motivated them to develop a biocultural community protocol to highlight their strong cultural history and connection to the ecosystem, express the injustices they continue to face, and call on the government to address their concerns according to national and international law. Initially championed by one community-based organization, the process is now led by Save Lamu, a group of concerned residents that include representatives of over 30 community organizations, NGOs, and Indigenous peoples. Members of Save Lamu have formed sub-committees (including on writing, media, lobbying, and finances) to deal with all aspects of the process of developing and using the protocol. They intend to extend the process to include legal capacity seminars with local Kenyan lawyers. Community consultations, meetings, and discussions have taken place over several months in over 30 villages and towns throughout the district, often requiring Save Lamu committee members to travel long distances to meet with community representatives.

Based on this process, they have begun to engage in meetings with relevant stakeholders, including government representatives, to request disclosure of information and participation in fair environmental and social impact assessments. The communities have made it clear that they are not necessarily opposed to the port itself. Above all, they seek fulfillment of their right to full and effective participation in decision-making processes that affect them and the ecosystems upon which their cultures and livelihoods depend.

COMMUNITY EXPERIENCE:
Tanchara Community Responds to Gold Mining by Focusing on Wellbeing in Northern Ghana

Resource: Adapted from Ghanaian Community Protects Sacred Groves from Mining (COMPAS Endogenous Development Magazine, Issue 7, 2011)

Figure 19: Tanchara community members and staff of CIKOD survey the impacts of an illegal gold mine (Courtesy: Bas Verschuuren/COMPAS)

In recent years, the Tanchara community of the Upper West Region of Ghana has been subjected to a number of illegal gold mining operations that have posed serious threats to the community's land, soils, drinking water, social security, and sacred groves and sites. The latest group of illegal miners was attracted by the prospecting of Azumah Resources Limited, which appeared to have received permission from the Ghanaian government without informing or seeking consent from the Tanchara community. In response, the local spiritual leaders and caretakers of the land (the *Tingandem*) came together to protest the illegal activities and to call upon the government to safeguard their sacred groves and sites from mining. Their main concerns are their lack of involvement in the decision-making processes that have led to the mining and the lack of respect for their right to provide or deny free, prior and informed consent.

The Tingandem and broader Tanchara community have been developing a biocultural community protocol to assert their rights under customary, national, and international law. With the long-term support of a local NGO, the Centre for Indigenous Knowledge and Organizational Development (CIKOD), the Tanchara have been using a number of endogenous development tools to strengthen local capacities and customary institutions and governance systems. They have also developed their own tool, the innovative Community Wellbeing Impact Assessment (see *Part I: Section IV/A*), in direct response to the gold mining activities. By conducting their own impact assessment, they were able to focus explicitly on community-determined values and priorities such as education, health, and other spiritual, social-cultural, and material aspects of their ways of life.

On the basis of these initiatives, the Tingandem issued an initial joint statement to protest the illegal gold mining and were able to successfully drive them away. Since this was just a symptom of a deeper issue, the Tanchara community has begun to engage with external actors such as government officials in order to clarify community procedures and decision-making processes for any proposed activities that may affect their lands, sacred groves and sites, and livelihoods. Such actions are critical steps towards redressing the typical power imbalance between governments and companies as project proponents and communities as passive recipients of pre-made decisions.

B.   NATIONAL AND SUB-NATIONAL LAWS AND POLICIES

KEY TOOLS
- ☑ E-learning modules on relevant legal frameworks
- ☑ Activity monitoring table
- ☑ Assessing key opportunities and threats
- ☑ Framework for research and action
- ☑ Identifying key actors
- ☑ Understanding relationships between key actors
- ☑ Forum theatre
- ☑ Multi-stakeholder role play
- ☑ Legislative theatre
- ☑ Identifying appropriate forms of resource mapping
- ☑ Community biodiversity registers
- ☑ Participatory video
- ☑ Photo stories
- ☑ Audio interviews
- ☑ Identifying relevant social media tools

Every country has a number of national laws that are relevant to Indigenous peoples, local communities, and their territories and areas, including biodiversity, forests, agriculture, and protected areas. These laws and other relevant policies are developed through a range of decision-making processes such as councils or multi-stakeholder committees. They are implemented by specific government agencies, often through a number of subsidiary bodies at the sub-national and local levels. For example, India's *Biological Diversity Act* (2002) is implemented through the National Biodiversity Authority, State Biodiversity Boards, and local-level Biodiversity Management Committees (see Figure 20). Understanding the relevant frameworks in your country is a very important part of effectively using a biocultural community protocol.
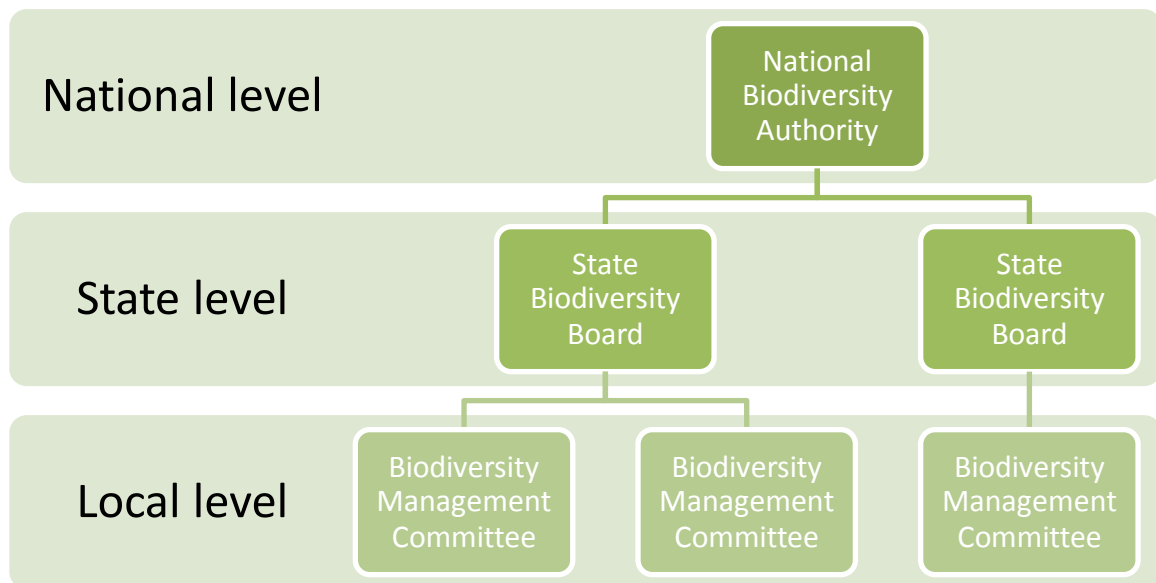

Figure 20: Government bodies established to implement India's *Biological Diversity Act* (2002) at the national, state, and local levels

Engaging with government can be very time-consuming and frustrating due to high levels of bureaucracy, lack of political will, and lack of understanding amongst government officials of community concerns.

However, Indigenous peoples and local communities have the right to participate in the development, implementation, and monitoring of laws and policies. Political pressure from civil society and international organizations is also helping government officials understand their obligations. Participating actively and constructively in decision-making processes can thus greatly influence national or sub-national policies that affect your and many other communities. Suggestions for how to connect with relevant government officials are outlined in Box 43.

- Identify the particular law or policy that you are interested in and find out what decision-making processes exist. Examples may include expert committees, multi-stakeholder committees, technical working groups, or management boards.
- Ask a local government official or search online for the contact details of the relevant national or sub-national focal point.
- Contact this person by phone, written letter, or email. Introduce yourself and why you are contacting him or her. Present your message clearly and concisely. Consider appending the community protocol and highlight any relevant government agencies or bodies referenced therein.
- Explain why you would like to participate in the decision-making process, how it would support your community's plans and priorities, and how it would help the process fulfill its mandate.
- If you receive responses, follow up promptly to thank them. Update them about local progress as well so they feel connected to and personally invested in the community.
- If you have the opportunity to attend a meeting, find out as much information as possible beforehand about when and where it will be held, who will be there, what the agenda is, and how you can participate. Dress professionally and arrive prepared to make interventions, provide recommendations, and ask questions.
- Overall, strive to develop positive and ongoing relationships with individual officials and relevant agencies – they have the potential to be highly beneficial in the long run.

Box 43: Suggestions for how to engage with government officials and decision-making processes

COMMUNITY EXPERIENCE:
Advocating for Livestock Keepers' Rights in South Asia and East Africa
Resource: Adapted from material provided by members of the LIFE Network
View the Declaration on Livestock Keepers' Rights (Life Network, 2010)

Pastoralist communities in India, Pakistan, and Kenya are using biocultural community protocols as a means to convey the importance of their breeds and ways of life to biodiversity conservation and to advocate for recognition of livestock keepers' rights. With the support of local NGOs and researchers, they are engaging with government officials and national committees in particular to promote fair agricultural and biodiversity policies for the *in situ* conservation of local livestock breeds and livelihoods. In Gujarat, India, for example, the Maldhari pastoralists are seeking urgent implementation of the *Forest Rights Act* (2006), which recognizes their customary rights to the Banni grasslands. As of early 2012, the state has yet to begin implementation of the Act. Furthermore, the state forest department has begun implementation of a

Figure 21: Pastoralists from Kachchh, Gujarat (India) conversing with a government official at a biodiversity symposium (Courtesy: Sahjeevan)

working plan that prohibits livestock grazing in the grasslands. The Maldhari continue to advocate for the realization of their customary rights and recognized rights under Indian and international law.
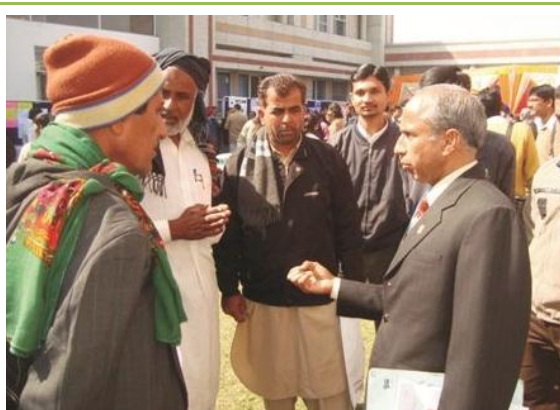
C. INTERNATIONAL LAWS AND POLICIES

KEY TOOLS	
☑ E-learning modules on relevant legal frameworks	☑ Forum theatre
☑ Activity monitoring table	☑ Multi-stakeholder role play
☑ Assessing key opportunities and threats	☑ Legislative theatre
☑ Framework for research and action	☑ Identifying appropriate forms of resource mapping
☑ Identifying key actors	☑ Participatory video
☑ Understanding relationships between key actors	☑ Photo stories
	☑ Audio interviews
	☑ Identifying relevant social media tools

There are a variety of international processes that affect Indigenous peoples, local communities, and their territories and areas (see Table 20 at the end of this sub-section). These processes involve negotiations between governments and result in international law, which is comprised of a range of legal instruments such as treaties, declarations, resolutions, recommendations, policies, programmes of work, and plans of action. Their implementation is supported by inter-governmental organizations such as the United Nations Environment Programme.

International processes can initially seem painfully slow and far removed from the daily realities of community life. However, they can have a large influence on individual countries' laws and policies, which in turn directly impact communities at the local level. It is thus critical for community members to participate strategically to ensure that the concerns and priorities outlined in their protocols are effectively represented. Engaging in international processes should be seen as a long-term investment that can yield potentially significant gains, particularly when these gains are actively used at the national and sub-national levels.

Figure 22: Overview of steps for engaging in international negotiations

There are a number of steps involved in participating in international processes, outlined in Figure 22 above. Since many community and civil society organizations that have gone through these steps before, you could connect with them to seek guidance and information about their experiences. After gaining

accreditation and funding, one of the most important steps is to participate in the process itself (see Box 44). The other most important step is to report back to your community and further develop a strategy for engagement in relevant international and national processes. The ultimate value of an international process is how its outcomes are used at the local level to positively impact communities and the environment. Draw on experiences with international processes to revisit the community's priorities and plans for putting the protocol into practice.

- Write a submission in response to a specific call for information. This submission will be considered by the Secretariat of the relevant process and potentially included in the information documents for Parties to consider during the negotiations.
- Attend coordination meetings and check in regularly with other community and civil society organizations. Within the Convention on Biological Diversity, the International Indigenous Forum on Biodiversity and the CBD Alliance are the main coordinating bodies.
- Help prepare and read the opening statement, interventions throughout the negotiations, and the closing statement. These require a good understanding of the issues and politics of the negotiations, background research, and discussion with other community representatives in attendance.
- Discuss your views with government representatives (known as 'Parties') and lobby them to support your position. In many intergovernmental negotiations, community and civil society organizations require a Party to officially support their statements or interventions. You will get to know which Parties are generally supportive of community concerns and which ones are generally obstructive.
- Host a side event to present a positive community initiative or collaboration, or to raise concerns or questions about an issue that relates to the meeting. Prepare flyers and circulate reminders over email and in coordination meetings to increase the number of people in attendance.

Box 44: Guidance for engaging in intergovernmental meetings

COMMUNITY EXPERIENCE:
Using Article 10(c) to Gain Recognition for Indigenous Peoples' Territories and Customary Sustainable Uses of Biodiversity

Resource: Adapted from material provided by the Forest Peoples Programme and South Central Peoples Development Association

In 2002 and 2004, Parties to the Convention on Biological Diversity requested practical information about and examples of sustainable use of biodiversity by Indigenous peoples and local communities. They also asked for advice on how best to implement Article 10(c). In response, Indigenous peoples, local communities, and supporting organizations (with coordination by the Forest Peoples Programme) began a project to document traditional practices and customary sustainable uses of biodiversity in Bangladesh, Cameroon, Guyana, Suriname, and Thailand. They also developed recommendations for effective implementation of Article 10(c) at the national and local levels, upon which they based a number of official submissions to the Secretariat of the Convention on Biological Diversity.

Figure 23: Kid James, a member of the Wapichan Indigenous community and South Central Peoples Development Association, speaking at a side event at the 7th Meeting of the Working Group on Article 8(j) in 2011

In 2011, representatives of the communities and supporting organization Forest Peoples Programme participated in an expert meeting on Article 10 with a focus on 10(c). They provided recommendations and guidance on a range of topics related to customary sustainable use, diverse local economies, and legislation and land and resource rights. They also attended the 7th meeting of the Working Group on Article 8(j), where they participated actively in the negotiations and hosted a side event. Their comprehensive approach contributed to the Parties' agreement to develop a Plan of Action on customary sustainable use.

The Wapichan, one of the Indigenous communities involved in the project, recently announced a proposal to conserve 1.4 million hectares of forest in their ancestral lands in south Guyana. This momentous proposal is based on over ten years of participatory mapping, land use planning, inter-community agreements, and community consultations and workshops, all of which are part of a long-standing effort to gain recognition of their customary land and resource rights. The Wapichan people are now using their comprehensive territorial land use plan and digital map as the basis for engaging with government officials in order secure their customary territory and livelihoods and realize international rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on Biological Diversity.

Resources on Customary Sustainable Use of Biodiversity	
Synthesis Paper (2011)	"Examples, challenges, community initiatives, and recommendations relating to CBD Article 10(c)"
Guyana Case Study (2006)	"Our territory, our custom: Customary use of biological resources and related traditional practices within Wapichan Territory in Guyana"
FPP Newsletter Article (2012)	"Wapichan people in Guyana present territorial map and community proposals to save ancestral forests"
Article 10(c) Expert Meeting Report (2011)	"Report of the Meeting on Article 10 with A Focus on Article 10(c) As A Major Component of the Programme of Work on Article 8(j) and Related Provisions of the Convention on Biological Diversity"

Table 20: Key intergovernmental and international processes relevant to Indigenous peoples, local communities, and their territories and areas

Forum	Key Processes and Meetings
UN Permanent Forum on Indigenous Issues	**Session** (annual)
Expert Mechanism on the Rights of Indigenous Peoples	**Meeting** (annual)
UN Convention on Biological Diversity	**Conference of the Parties** (biennial)
	Working Group on Article 8(j) and Related Provisions
	Working Group on Protected Areas
	Intergovernmental Committee on the Nagoya Protocol
	Subsidiary Body on Scientific, Technical and Technological Advice
	Working Group on the Review of Implementation
UN Framework Convention on Climate Change	**Conference of the Parties** (annual)
	Ad Hoc Working Group on Long-term Cooperative Action
	Ad Hoc Working Group on Further Commitments under the Kyoto Protocol
UN Convention to Combat Desertification	**Conference of the Parties** (biennial)

International Treaty on Plant Genetic Resources for Food and Agriculture	**Session of the Governing Body** (biennial or annual)
Commission on Genetic Resources for Food and Agriculture	**Session** (biennial)
	Working Group on Animal Genetic Resources for Food and Agriculture
	Working Group on Plant Genetic Resources for Food and Agriculture
	Working Group on Forest Genetic Resources
UN Forum on Forests	**Session** (annual)
International Union for Conservation of Nature	**World Conservation Congress** (every four years)
	World Parks Congress (every ten years)

SECTION IV

NEGOTIATING WITH EXTERNAL ACTORS

KEY TOOLS
- ☑ E-learning modules on relevant legal frameworks
- ☑ Activity monitoring table
- ☑ Assessing key opportunities and threats
- ☑ Framework for research and action
- ☑ Identifying key actors
- ☑ Understanding relationships between key actors
- ☑ Forum theatre
- ☑ Multi-stakeholder role play
- ☑ Legislative theatre
- ☑ Participatory video
- ☑ Photo stories
- ☑ Audio interviews
- ☑ Identifying relevant social media tools

Negotiations generally lead to a binding agreement between parties. Certain issues or situations may require negotiation with external actors, for example:

- Setting out terms and conditions to adhere to when entering the community and/or accessing resources or traditional knowledge;
- Agreeing on monetary and non-monetary benefits to be shared; or
- Deciding where a development or conservation initiative can or cannot take place.

Although much can be gained through negotiation processes, communities are generally at a disadvantage due to significant power imbalances. Be particularly careful about with whom and why you are entering into negotiations. Take the time to find out information about the other parties involved and to consider your community's priorities and aims before agreeing to negotiate (see Box 45).

> ➢ *At what point will we feel 'fully informed'? What do we absolutely need to know?*
> ➢ *Who is involved in the negotiation process?*
> ➢ *What are the other parties' interests, priorities, rights, and responsibilities?*
> ➢ *What is the timeframe for negotiating and making a decision?*
> ➢ *What language will be used? Do we have access to adequate translation services if needed?*
> ➢ *What are my community's rights and responsibilities?*
> ➢ *Who will represent us? How will the rest of the community provide input and feedback?*
> ➢ *What outcomes would we like from the negotiation?*
> ➢ *What are our 'non-negotiables' or 'bottom-lines'?*
> ➢ *How would we handle a breakdown in negotiations or a drastic shift away from our priorities?*
> ➢ *Do we have access to legal support if necessary?*

Box 45: Guiding questions for discussion

Key Resources on Negotiating with External Actors	
Negotiation and Mediation Techniques for Natural Resource Management (FAO, 2005)	
Community-based Principles for Negotiating Water Rights: Some Conjectures on Assumptions and Priorities (Bruns, 2005)	
The ABC's of Negotiation: An Advocate's Guide to Negotiating with Providers to Improve Access to Health Care Services (Community Catalyst, Inc., 2004)	
Skills Development and Conflict Transformation: A Training Manual on Understanding Conflict, Negotiation and Mediation (UNDESA/UNDP and The Centre for Conflict Resolution)	
IBA Community Toolkit: Negotiation and Implementation of Impact and Benefit Agreements (Gibson, O'Faircheallaigh, and the Gordon Foundation, 2010)	

A.   FREE, PRIOR, AND INFORMED CONSENT

Free, prior, and informed consent (FPIC) is a process. It is not a single moment or one-off event. At any stage of a negotiation, the community has a right to seek more information, say "no", or withdraw entirely. Do not feel pressured or obliged to enter into or continue negotiations if the community does not want to. The onus is on the project proponent to provide as much information as needed for the community to feel 'fully informed'. With reference to a proposed access and benefit sharing agreement, Figure 24 below illustrates that FPIC guarantees communities the freedom to engage in discussion or negotiations with other parties without providing their consent or entering into contractual agreements. FPIC is only granted if a final decision is made according to mutually agreed terms and conditions. At a more detailed level, the guidelines in Table 21 below illustrate the kinds of elements that can help ensure the integrity of an FPIC process.
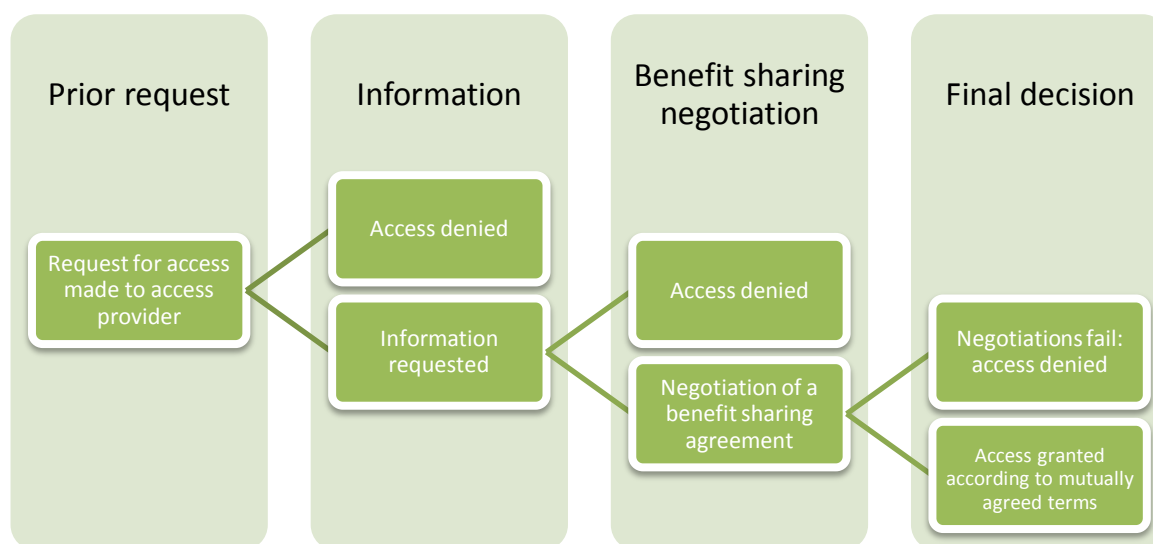

Figure 24: General stages in an FPIC process in the context of access and benefit sharing

Table 21: Guidelines on procedures for respecting the right to FPIC (Source: RECOFTC and GIZ, 2011)

Preparing for Engagement in FPIC	
Element 1	Map rights, rights holders, and land use
Element 2	Identify appropriate decision-making institutions
Element 3	Identify national support structures for rights advocacy
Element 4	Develop a process for seeking and obtaining consent

Element 5	Develop the content for consent agreements
Element 6	Agree on a communication plan
Element 7	Develop a capacity building strategy

Implementing a Process for Respecting the Right to FPIC

| Element 8 | Integrate the right to FPIC with project or intervention design |
| Element 9 | Ensure alternative information and independent advice |

Monitoring and Recourse: Maintaining Consent

Element 10	Monitor what is agreed in implementation
Element 11	Develop a grievance process
Element 12	Verify consent

Key Resources on Free, Prior, and Informed Consent

Guide to Free, Prior and Informed Consent (Oxfam, 2010)

Making Free, Prior and Informed Consent (FPIC) Work: Challenges and Prospects for Indigenous People (Forest Peoples Programme, 2007)

Free, Prior, and Informed Consent: Principles and Approaches for Policy and Project Development (RECOFTC and GIZ, 2011)

What is REDD? A Guide for Indigenous Communities (AIPP et al., 2010)

Understanding Community-based REDD+: A Manual for Indigenous Communities and A Manual for Indigenous Community Trainers (IWGIA and AIPP, 2011)

SECTION V

PREVENTING AND RESOLVING CONFLICT

A.   UNDERSTANDING CONFLICT

KEY TOOLS
- ☑ E-learning modules on relevant legal frameworks
- ☑ Assessing key opportunities and threats
- ☑ Framework for research and action
- ☑ Identifying key actors
- ☑ Understanding relationships between key actors
- ☑ Forum theatre
- ☑ Multi-stakeholder role play
- ☑ Participatory video
- ☑ Photo stories
- ☑ Audio interviews
- ☑ Identifying relevant social media tools

As with any human interactions, it is possible that the use of a biocultural community protocol may bring about some type of conflict. This is more likely if underlying tensions already exist or if the protocol is being used to address particular threats (see Box 46 for examples). Understanding conflict may help you prevent and overcome it in practice. Conflicts are often due to differences (perceived or otherwise) between groups or individuals, for example, differences in communication styles, in understanding of the issues, and in expectations of the process or outcomes. Addressing these differences proactively and in culturally appropriate ways may help you reach an agreement more effectively (see Figure 25).

- Disputes over land or resource ownership and boundaries
- Breaking of customary laws or local management rules such as protection agreements for grazing areas, fish net sizes, forests, or misappropriation of funds
- Disputes over the unfair distribution of work and profits, including jealousy over growing disparities and elite resource capture
- Conflict between Indigenous groups and more recent settlers or migrants
- Resentment over lack of representation or participation in decision-making
- Contradictory natural resource needs and values such as wildlife habitat protection or large-scale developments versus local livelihood security
- Cultural conflicts between community groups and outsiders, including from differences in aspirations and expectations
- Unwanted or inappropriate interventions and effects of NGOs or commercial companies

Box 46: Types of conflict or disputes related to natural resource management (adapted from Overseas Development Institute, 2000)
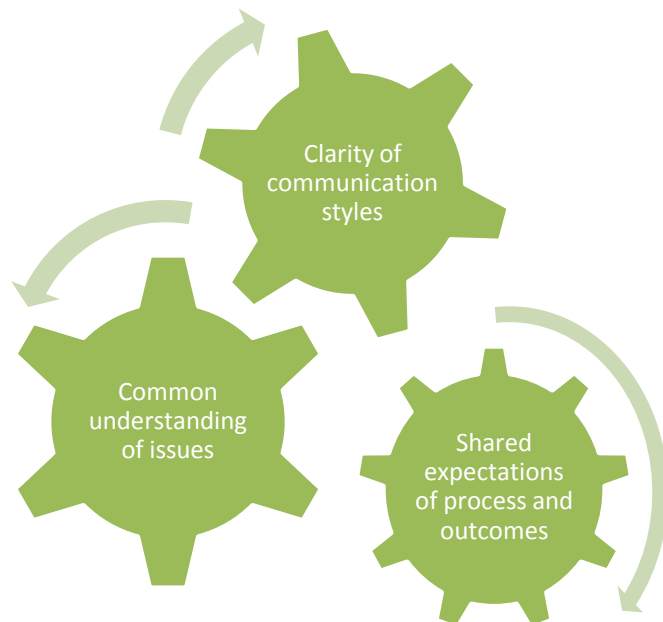
Figure 25: Three main factors that can help prevent and resolve conflict

Communities should strive to resolve conflicts through non-violent means, using alternative dispute resolution, and outside of the formal litigation (court) system. Although it is not impossible to win court cases, they take up enormous amounts of money, time, and energy and often do not result in favourable outcomes for communities. They also tend to disempower and dispossess communities from their own advocacy processes. Alternative means of dispute resolution provide an opportunity for communities to have more influence over the process and outcomes. Consider the guiding questions in Box 47 for a particular conflict situation that the community would like to address.

> *What are the agreed-upon ground rules for engagement?*
> *Are you seeking consensus, majority, or something else?*
> *Are you able and willing to resolve the issue amongst yourselves or do you require a third-party facilitator, mediator, or ombudsperson (see Box 48)?*
> *How familiar are you with the other parties' communication styles? How do you know when they are upset, confused, uninterested, willing to further an idea, or otherwise?*
> *How do you normally communicate important and sometimes emotional points to others? Consider how others may perceive your interventions and reactions and how different forms of communication might be more effective in different circumstances.*
> *Does everyone understand the issues being considered? If not, how can you support each other to access more information and understand each other's perspectives?*
> *What are your personal expectations of the process and outcomes of the engagement?*
> *What are the other parties' expectations of the process and outcomes?*
> *How will you know when you have reached an agreement?*

Box 6: Guiding questions for discussion

- *Facilitator*: Helps set ground rules, promotes effective communication, encourages creative ideas, and keeps discussions on track.
- *Mediator*: Neutral third-party, encourages careful listening and clear communication, makes no judgments, helps reach a settlement that is mutually satisfying to all involved.
- *Ombudsperson*: Has authority to receive and help resolve complaints.

Box 7: Key terms

Key Resources on Conflict Prevention

Alternative Dispute Resolution Practitioners' Guide (Centre for Democracy and Governance, 1998)

Conflict Management in Community-based Natural Resource Projects: Experiences from Fiji and Papua New Guinea (Overseas Development Institute, 2000)

Training Manual on Alternative Dispute Resolution and Restorative Justice (UN Office on Drugs and Crime, 2007)

Consensus Building Institute

B.   VIOLATIONS AND REDRESS

KEY TOOLS	
☑ E-learning modules on relevant legal frameworks ☑ Legislative theatre ☑ Community wellbeing impact assessment worksheet	☑ Principles for public participation in impact assessments ☑ Participatory video ☑ Photo stories ☑ Audio interviews ☑ Identifying relevant social media tools

Many communities are subject to negative experiences and human rights violations through interactions with external actors such as government officials, NGOs, researchers, companies, or private landowners. If this happens, the community must discuss the impacts and implications and decide how to respond. Although it may be difficult, the community should strive to be constructive, strategic, and non-violent. Appropriate reactions and responses will differ greatly depending on the local context, cultural sensitivities, and political dynamics (see Box 49 for ideas).

Reaching collective agreement within the community before taking action is generally better, even if it takes more time. Internal disagreement is likely to contribute to the overall conflict. Depending on their motivations and aims, external actors may even take advantage of those differences and deliberately further entrench the social rifts.

Some communities suffer serious abuses at the hands of the military or private security forces, particularly when trying to address heated conflicts over land and resources. If you or anyone in your community is being threatened or has been the victim of an attack (verbal, psychological, physical, or otherwise), please do not hesitate to notify relevant authorities to resolve the issue through customary or formal legal procedures. Health, safety, and wellbeing are of utmost importance. If you do require legal representation, seek a human rights lawyer with experience in supporting Indigenous peoples and local communities or addressing the particular issue you are facing.

- Call emergency community meetings
- Inform the general public through print or online newspapers and social media
- Inform a human rights advocacy group or your national human rights commission
- Engage in mediated dialogues or negotiations with the offender
- Lodge a formal complaint with the offending organization
- Seek legal support from a pro bono lawyer

Box 8: Ideas for responding to human rights violations

Key Resources and Websites on Rights Violations

Indigenous Peoples Human Rights Defenders Network
United Nations Special Rapporteur on the Rights of Indigenous Peoples
Amnesty International
Human Rights Watch
Reporters without Borders
Global Witness