

Draft

A Territorial Development Vision oriented to Indigenous Peoples: A possible path

Key words: Indigenous Peoples, land, space of dialogue

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The views expressed in the document are those of the authors, and do not necessarily reflect the opinions of FAO.

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Prologue

This document is the result of a process that began a few years ago and reflects the path that has been followed since then; a path leading to the definition of basic principles on how to approach Indigenous Peoples' territorial issues starting from the principles that govern the International Community, based not only on the different United Nations declarations and charters, but also on the concrete experiences of the participants to this discussion.

The initial inspiration comes from the Final Declaration of the International Conference on Agrarian Reform and Rural Development (ICARRD), held in Porto Alegre, Brazil, March 2006:

(paragraph 14) "We recognize that policies and practices for broadening and securing sustainable and equitable access to and control over land and related resources and the provision of rural services should be examined and revised in a manner that fully respects the rights and aspirations of rural people, women and vulnerable groups, including forest, fishery, indigenous and traditional rural communities..."².

On the one hand the aim of this document is to focus the attention on the discussions started last year, using the very rich network of contacts/participants. On the other hand, the goal is to confirm that there is a real will to follow up on the land and territory issue, starting with the experiences of experts that know the subject and have been working on it for many years. This, of course, with the support of Indigenous Peoples. The principles mentioned and the proposed tools serve as a platform to promote a more open discussion and an integration of visions, resulting in concrete initiatives.

Below the title, we have written three words - autochthonous community, land, space of dialogue. These words are not casual; they are words that, according to our point of view, are emblematic of the path we want to follow.

The document will be circulated among the people who have or are interested in participating in the discussion, asking for their suggestions/comments. We believe that is important to put theory and practice together. It is our intention to see together where and how it could be possible to test these reflections in real and everyday life.

In order to create the conditions for a political and practical viability of this initiative, a dialogue with the different stakeholders, governments, private sector and donors, will also be necessary.

² http://www.icarrd.org/news_down/C2006_Decl_en.doc

1. Introduction

Indigenous Peoples are one third of the 900 million human beings who live in rural areas in extreme poverty.³ They are frequently discriminated, and many do not enjoy full legal, social, or cultural recognition. Analyzing and addressing the circumstances which affect marginalized populations such as Indigenous Peoples is necessary if development efforts and poverty alleviation are to have meaningful significance.

Of the variety of issues which need to be addressed, land and territorial rights are of particular concern as Indigenous Peoples are subject to dispossession, displacement, and other situations of insecurity. Also of relevance is the increasing rate of environmental degradation, which threatens the resources upon which many indigenous peoples' communities depend on for survival. Indeed, indigenous and environmental issues are closely interlinked and need to be considered together.

The autochthonous communities have launched different warning signals about the serious changes that the environment has suffered, a long time before the scientific community started to worry about the consequences of the climate change. There is no doubt that for many years, neither the international nor the scientific community took into consideration these communities worries, not realizing that these communities are the best observers of climate and environmental change.

Besides the direct consequences, climate change affects the autochthonous communities in an indirect way also. Global warming allows a very lucrative mineral activity in areas where once it was not possible or it was very expensive to extract natural resources. Indigenous land became more interesting for governments and multinational companies that in some cases buy the land, and in other cases simply have the communities evicted. On the one hand, it is difficult for the communities to claim the right to their ancestral territories, and on the other hand it fuels the conflict inside and between the communities themselves. While there are some communities and people who are ready to sell these territories, there are other groups who are not willing to give up their rights. Climate change, therefore, threatens not only the indigenous communities' land, but also their culture, identity and traditional way of life⁴.

During the VII Session of the UN Permanent Forum on Indigenous Issues, held in May 2008, FAO and others UN agencies were encouraged to promote the recognition of territorial rights and empowerment for indigenous peoples.⁵ Article 69 of the VII Session Report declared the following:

"The Permanent Forum encourages FAO and other relevant agencies to favour and promote in member countries the acknowledgement and improvement of land tenure legal frameworks to recognize indigenous peoples' land rights. The Forum recommends that FAO and other relevant United Nations agencies support activities for participatory

³ IFAD. 2008. "Los pueblos indígenas". Factsheets. <http://www.ifad.org/pub/factsheet/ip/s.pdf>.

⁴ GFBV. Copenhagen: más de 150 millones de Indígenas están amenazados por los cambios climático. <http://www.gfbv.it/2c-stampa/2009/091207es.html>

⁵ UNPFII VII Session Report, <http://www.un.org/esa/socdev/unpfii/index.html>

delimitation and titling where the legal framework recognizes indigenous land rights. FAO should pay special attention to indigenous peoples' customary laws regarding land."

FAO is committed to respond to this recommendation and the provisions to which it makes reference. In order to be of relevance to indigenous peoples, any initiative in land rights and territorial development must pay close attention to their "cosmovision". Without this sensitivity, any intervention will necessarily be antithetical to the very meaning of "indigenous". At the same time, however, the feasibility and sustainability of indigenous land entitlements (and, indeed, entitlements and rights in other resource sectors) will depend on their accordance with the legal and administrative framework of the State in which they reside.

Defining the legal framework and guaranteeing protection for indigenous peoples land, territories and resources is a priority for International organizations and States' underlined by the United Nations Declaration on Indigenous Peoples⁶.

The purpose of this document is to promote a dialogue about land issues between FAO and its member countries, indigenous peoples, the Permanent Forum and other interested organizations. It outlines a number of basic principles of a methodological approach for indigenous peoples' territorial recognition, starting from the consideration that a simple legal recognition is often not sufficient to improve living conditions for these communities. A more open reflection on the delicate theme of "development" is also promoted and sought. These principles are based on experiences from FAO's Land Tenure and Management Unit (NRLA) that are meant to start a first exchange of concepts and ideas.

Readers are invited to comment and provide feedback so that no important opinion is neglected. This document should thus be seen as a first step towards the *joint* elaboration of a more detailed methodology.

Because of the range of interests and opinions which are drawn into this dynamic, the document is intended for both internal and external actors. More attention to indigenous peoples' territorial rights is needed among government authorities and private stakeholders and entities, but increased awareness within FAO itself is also necessary.

FAO has increasingly recognized the deep relationship between land and indigenous peoples, as expressed in the words of Director General Jacques Diouf:

"Land is, always has been and always will be, an essential economic asset in rural societies but its monetary value is not the only, or even the most important, consideration for many millions of people. For indigenous peoples, land is the basis of their identity; it is their home and that of their ancestors, their pharmacy, and their place of work and leisure. In most societies land means power, status, and membership of a social class. For many women, their autonomy depends on it. In the final analysis, land means belonging to a place and

⁶ 2007. United Nations Declaration on Indigenous Peoples. art 26

to a culture. This is why when speaking about landless men and women we are talking about people without a past, without a present and without a future.”⁷

For indigenous peoples, land is a fundamental asset because it is the source of their economic livelihood *and* the basis of their social, cultural, and spiritual identity. The relationship between man and nature is integral to the indigenous peoples' cosmivision, and well-being is contingent upon the existence of a healthy balance between the two elements. Indigenous peoples therefore seek a degree of autonomy in the territories in which they reside. This decision-making capacity is as important as the actual conferral of a property title.

However, in most cases of territorial management, land has been treated as a marketable commodity administered through individual ownership and subject to trade-related transactions which often alienate indigenous peoples' claims. Western definitions of private property and land development are therefore frequently at odds with indigenous peoples' beliefs and practices. Rather than viewing land as a possession, indigenous peoples see it as a space through which communal livelihoods, values and autonomy take shape. The difficulty of integrating such a cosmivision within the administrative and legal structures of the State has led to numerous problems and is a challenge that remains unsolved.

FAO has tested and implemented a **participatory land delimitation approach** in countries such as Mozambique, Angola, Chile, and Guinea Bissau.⁸ These experiences have helped to identify some initial elements in order to answer these challenges. Key elements of that are: trust building, dialogue, negotiation, agreement with inhabitants through a validation process in the context of spatial recognition. In essence it is a process of empowerment through which the community members play their social, economic and political role in the hope that they will manage their natural resource development.

At the end of the process, a land title/certificate is obtained by the community. Although this formal recognition is important, it is not sufficient. Tenure security is the first step towards food security/sovereignty. This is why FAO has also been thinking about a more general framework (like the Participatory and Negotiated Territorial Development approach)⁹, in order to link the issue of access to natural resources to the one of land management, emphasizing the role and vision of the local actors and promoting an inclusive approach.

⁷ FAO Director General at the International Conference on Agrarian Reform and Rural Development (ICARRD), Brazil, March 2006, <http://www.asharq-e.com/news.asp?section=2&id=3900>.

⁸ FAO. 2009. Methodological guidelines for Participatory Land Delimitation: *an innovative method for securing rights acquired through customary and other forms of occupation*

⁹ FAO. 2005. *An Approach to Rural Development: Participatory and Negotiated Territorial Development*. http://www.fao.org/sd/dim_pe2/pe2_050402a1_en.htm.

2. Key Concepts

a) Indigenous People

There are several definitions for Indigenous Peoples

- (I) The UN definition as it appears in the Study on the Discrimination against Indigenous Peoples - Mr Martinez Cobo (focused mainly on Indigenous Peoples of the Americas, Australia and the Pacific):

“Indigenous communities, people and nations are those that have an historical continuation, with pre-invasion and pre-colonial communities that have developed their own territories, that consider themselves as different from other sectors of the society, that now reside in these territories or in some parts of them. Nowadays, they are a non-dominant sector of the society and they are determined to look after, develop and transmit to the new generations their ancestral territories and their own ethnic identity as the foundation of their own existence as People, connected with their own culture, their own social institutions and legal systems. Shortly, Indigenous People are the descendants of a land gained through a conquest or cause of a foreign establishment.”

- (II) The definition of the Convention no. 169 of the International Labour Organization (ILO), dealing with the working rights of the indigenous and tribal people:

“It refers both to the Indigenous People, who are detached from the other sections of society, cause of their social, cultural and economical conditions, and to those who are completely or even in a small part ruled by their own habits, traditions or special regulations and laws as well. Like the Indigenous People who are distinguished as indigenous because of their descendants who used to live in the days of conquest and colonization.”

- (III) The definition of the World Bank

“Indigenous people can be identified in particular geographical areas because of the presence in different measures of the following characteristics: a) implication with ancestral territories and natural resources in these regions; b) auto identification and identification by others as members of a different cultural group; c) an indigenous language, different from the National language; d) presence of social and political institutions; and e) production is mainly oriented towards self-subsistence.”¹⁰

¹⁰ http://www.antenna.nl/~nciv/Millennium/Definitions/algunas_definiciones_para_trabaj.htm

The question of who indigenous people are and are not has been difficult to answer. Some countries affirm that they don't have indigenous people within their borders, while groups of people who live in those same countries and speak a different language and have their own culture consider themselves indigenous: indigenous of the land, where they live, and where they try to actively defend their culture and rights to use the land and its resources ¹¹.

b) Land and territory

The actors who define land are the same ones who live on the land and interact with it. The territorial vision of these actors helps to establish a common identity and facilitates the realization of strategies and projects ¹².

The plurality of actors with different interests and values, sometimes in conflict with each other, influences the dynamic and the interrelationship within the common territory. The territory is conceived as a social product¹³, therefore it does not necessarily have to be a geographically limited administrative area, but it could be also be different areas that share similar aims and characteristics (cultural, linguistic or connected with the marginalization).

Following the request of more integrating focuses, we have to look further, beyond the rural borders. The territory is more and more an open concept, that changes and the actors who live in it are different. When we speak of territorial actors, we talk about Indigenous People, peasants with or without land, rural producers, private sector, institutions, civil society, etc. Everyone influences the territorial dynamics in a very strong way.

c) Space of dialogue

The territory can be seen as an arena where the different actors express their interests, visions, and where they are constantly in contact with other actors, entering into conflicts, negotiations and/or agreements. Clearly, there is an asymmetry of power, that doesn't allow the weak actors to have their rights respected and considered. These "misunderstandings" can lead to discussions, conflicts, or, on the contrary, when the conditions are given, they can be solved in solid and long-lasting agreements.

The reflection is therefore about how to avoid the high levels of discussion/conflict and how to stimulate an open space of dialogue, where all actors can sit around a table, a mechanism of negotiation where they can express their own ideas, problems, potentials and interests. There are two fundamental conditions in order to obtain this: on the one hand, the asymmetries of power have to be reduced and on the other hand, the trust between them has to be built.

¹¹ <http://www.cinu.org.mx/prensa/especiales/indigenas/#5>

¹² FAO. 2005. Un enfoque sobre el Desarrollo Territorial Participativo y Negociado

¹³ Schejtman A. 2009 Desarrollo territorial rural. Seminario FAO. Santiago, Chile. 28 mayo.

It's clear, that these are not easy conditions to meet and it is not something that can be achieved in one day: these are processes that take a lot of time and effort. In the majority of the developing (and developed) countries, it is very difficult to build or rebuild relationships of trust broken for different reasons. Efforts are needed to build a network of trust, which is indispensable to support any development action that is really inclusive. It is no guarantee that by promoting this process of dialogue a pact will be signed, but the hope is to increase the links that bring about social cohesion.

3. Basic principles for the recognition of the autochthonous territorial rights

On the basis of FAO's past experiences, a number of "**basic principles**" have been identified and proposed as the fundamental building blocks upon which a methodological framework for the recognition of indigenous peoples' territorial rights can be built. Readers are encouraged to share their opinions so that no essential elements are overlooked.

The basic principles are:

- Stakeholder based: recognizes the heterogeneity of stakeholder interests and visions of the territory.
- Territorial based: based on territories as spatial units of analysis, shaped by the social and historical relations existing between stakeholders and their territory.
- Dynamic: offers an understanding of and learning from the complexity of a changing environment in order to support positive patterns of change and help to mitigate negative patterns.
- Systemic: takes into account the complexity of a territory and the interdependencies within and between territories.
- Integration of environmental, social, economic, political, and cultural dimensions of the stakeholders' visions over their territory.
- Multi-level: promotes the integration at different territorial levels and scales in the system of governance.
- Participatory and negotiated: offers a concept of the territory as a negotiation arena in order to strengthen dialogue and mutual trust, and to increase bargaining power.
- Modest: recognizes the usefulness of different disciplines, tools, and methods; selection of priority areas for intervention; identification of modest territorial projects (elements: objective, results and indicators)¹⁴.

These principles can be the foundation for the construction of a methodological proposal that can tackle the land, territories and indigenous people issue.

From this perspective, here are some related reflections.

Considering what "based on the stakeholders" means, it's fundamental to start recognizing a deeper knowledge, both anthropological and sociological, of the

¹⁴ FAO.2005. An approach to rural development: Participatory and Negotiated Territorial development (PNTD)
FAO. 2006. *Manuel de formation: comprendre, analyser, gérer un processus de décentralisation. Le modèle RED-IFO et son utilisation*, FAO, Institutions pour le développement rural, 2, Directives, Rome

indigenous people, by escaping from the ethnocentrism and by working from cultural relativism.

Reflecting on what “dynamic” means, it is important to consider the capacity of the indigenous people to adapt to the social and environmental context. The indigenous movement of Latin America claims that the model of western development has been a predator of the human and cultural resources of the world. It offers a powerful message in terms of cosmovision, spirituality, social organization and skills in the application of strategies of survival in conditions of extreme adversity and pressure. This elasticity and capacity of adaptation, offers our society a very important lesson ¹⁵. Understanding the complexity of the environmental change is also essential to grasp the dynamics of the territory.

¹⁵ Deruyttere A. Banco Interamericano de Desarrollo, Departamento de Desarrollo Sostenible. 2001. Pueblos indígenas, globalización y desarrollo con identidad: algunas reflexiones de estrategia

4. A Facilitation Team

The objective is to understand who the actors of a certain territorial space are, what the conflicts of interest are and what needs have to be satisfied. Considering this, FAO and many other organizations dealing with indigenous people, put a lot of emphasis on the need to include a facilitation team that can act as a mediator during the process of negotiation. The idea is to find people who have cultural mediation skills (knowledge of local use and culture, interpretation techniques and relational psychology, listening and communication skills, etc)¹⁶.

We should not forget that very often the indigenous people are excluded from social, civil and political participation; it's like they were invisible stakeholders. Among the different activities, the role of this team of facilitators would be to allow them to get out from this invisibility as well. This means to create a wide and complete territorial development. For example, FAO jointly with the Agricultural Development Institute (IDA) has recently developed a project in Costa Rica that aims at strengthening institutional, civil society and local governments' capacities.

In this context several territorial diagnostics of the Northern part of Costa Rica were produced. Up to that moment no ethnic group was mentioned among the territorial actors. In reality, a deeper analysis underlined the presence of a group of Miskitos, who used to live in the area and that had never been involved in the previous initiatives. For this reason, they have been included in the capacity-building process, and due to their deep knowledge of the territory, it has been possible to realize a much more complete and useful diagnostic of the area.

The Facilitators have to be well informed about the context of the community, about the social dynamics, the influential political forces, and economic relationships, religious and cultural situations.

There is general information about the community in terms of history, characteristics, power dynamics that influence the community life. The sources that can provide these pieces of information are local, religious and charismatic leaders, political chiefs, local and private enterprises, medical or educational professionals.

The external information that is very relevant to the life of the community has to be provided: for example the existing legal system, the policies and practices, local and provincial rules, etc¹⁷.

¹⁶ FAO. 2007. Territorial Facilitation for Participatory and Negotiated Territorial Development

¹⁷ ASPBAE. 2007. Indigenous Peoples' Poverty Alleviation. Community Action Tool. Mumbai, India

5. Tools to guarantee an effective inclusive process

a) Participatory Land Delimitation

Participatory Land Delimitation is a specific tool FAO has been using in many field programs, dealing with territorial recognition issues¹⁸.

This process has, in fact, two main components: one is related to the policy/legal setting, whilst the other deals with the field work (how to do it in practice). Whilst we recognize the importance of working towards adapted legal/policy frameworks to recognize Indigenous Peoples territorial rights, at the same time the field work is also to be seen not just as the implementation phase of what is decided above but as the primary source of the social/technical practises that are implementable and acceptable by stakeholders. This is why this document highlights some of the important issues for the field work and will leave the discussion on the policies and legal aspects to the next one.

All the activities related to territorial delimitation and development have to include necessarily a strong participation component and wide consultations in order to build a consensus. In order to achieve a correct and complete territorial and customary system understanding, many different environmental, historical and political-economic elements are required. And since the stakeholders are many and usually in conflict with each other, social dialogue and a common diagnosis are essential.

What does delimitation mean?

The delimitation is essentially a community's self-identification process, in spatial and social economical terms. The local actors explain to the technical team where their borders are. During the process they testify their right to use the land, acquired by occupation. All this information is put onto an official map and then, the Delimitation Certificate is prepared.

The local stakeholders know the story of the occupation of their own land, they know the use, when to use certain resources and how, which actors or groups of actors have stronger family links, and which a weaker one. As a result it's logical that local actors are the principal actors of their own community identification process: by showing their rights of use of the land and by establishing the limits to these rights.

The aim of the technical team is fundamentally to facilitate this process. The members of the team work with the community, by supporting the production of information essential to prove their rights to use the land and establish its borders. At the same time, the team plays an important role in the validation of the information with their neighbours. This is a fundamental step in the delimitation process and the active participation of the other communities is fundamental.

The awareness is an essential and critical first step.

¹⁸ FAO. 2009. Participatory Land Delimitation. An innovative development model based upon securing rights acquired through customary and other forms of occupation.

<ftp://ftp.fao.org/docrep/fao/012/ak546e/ak546e00.pdf>

The process implies various meetings in order to express to the community the general information about territorial laws and community territorial delimitation.

The entire community needs to know the reason why they should delimit their land and what it means. It's fundamental to have the right amount of time in order to discuss and think over the necessity of delimitation without the presence of external actors.

Finally, a common agreement is required. It is the community that asks and starts the delimitation, not the facilitator nor the supporting agency.

The participatory rural appraisal (PRA)

The **Participatory rural appraisal** technique involves the key group or the community as participant that directly contributes to the comprehension of the reality of the same community. By using PRA method, the technical team supports the community in the creation and analysis of a wide range of information that later is used to defend their rights to use the land and to establish its borders. In this case, the aim of the team is to support the community in this process of self-identification on a multiple level; as a social entity with territorial rights and as an administrative entity, with its own limitations. In this way, they defend their rights to use the land acquired by occupation and it defines their own community, in spatial and social-economical terms.

By using this technique, a number of participatory maps are produced by different groups of interests. The result is a more general consensual map that represents community territory as perceived from the members of the community itself. Very often, the production of these maps starts with a meeting between the members of the community. Together with others actors, they are asked to draw a map where they think their borders are. This raises a discussion, where everyone contributes to create the "participatory map".

By comparing the maps, given by the different groups the consensus can be reached. This agreement can explain the resources you can find in the area, where the principal border (a street, a river, etc) is and which villages and infrastructures belong to the community.

The cartography shows the movement from a simple spatial approximation of the local community to a clearer image that is the result of the agreement of all the members of the community. Later on, this map has to be signed even by the neighbours – if they don't agree with the limits, other conflicts can arise.

This series of meeting has to be the more participative as possible.

The dialogue and the consensus are two key words. Without a very animated discussion, supported by the support of the technical team it is very hard to achieve a result where all the communities agree with the limits sketched in the map.

Once the agreement with all neighbours is reached, it's necessary to put all the information collected on the official map (following official norms/legislation, when existing). The limits indicated are always presented in a descriptive way, in maps with no scale. This representation of the local limits and of the environment has to be put on a map that has the scale adjusted to the recognized limits¹⁹.

¹⁹ FAO. 2009. Methodological guidelines for Participatory Land Delimitation: an innovative method for securing rights acquired through customary and other forms of occupation

The process of Participatory Land Delimitation (PLD) is a form of integration between indigenous communities and the rest of society. Cases of good practice have been seen in the context of Angola and the San community²⁰. Thanks to a long process and dialogue, it has been possible to develop a territorial delimitation, with a first ever land title being given to the San community in April 2007.

A method that can delimitate the community territories has to present:

- (I) The self-identification of the local community
- (II) The demonstration that the local community has obtained the territorial rights thanks to the occupation, by following the norms and customary practices
- (III) The identification of the limits of these rights.

Various field initiatives in Mozambique and Angola can be considered the pilot experience of this method ²¹.

b) Building Territories and development

The fundamental question is what should be done after this process of territorial delimitation, once the territorial delimitation is completed and the process of legalization is on its way, meaning how the indigenous communities can be supported in territorial delimitation management.

The case of Colombia is emblematic. From 1966 to 2006, there have been 650 indigenous reserves with more than 360 millions of hectares. According to the declaration of the delegation from Colombia during the ICARRD Conference: "Politics of giving land to ethnic groups has become a very effective instrument for the construction of territoriality in these communities, giving them a legal basis to defend and to consolidate themselves."

The concept of the territory involved in the development of these policies is comprehensive, so it goes beyond the common property of the land, because it includes the common property of the forests, renewable natural resources and it involves a right of precedence for the use of subsoil resources and the right to be consulted when the exploitation of these resources is realized on hydrocarbons, carbons, salts or strategic minerals.

The politics of land endowment has been converted into a new mechanism of territorial management for the ethnic groups with the confirmation of the Entidad Territoriales Indigenas (ETIS) and the Divisiones Territoriales Afrocolombianas (DETAS), as new identities in the political and territorial organization of the country, in agreement with what is said in articles 285 ND 286 of the Political Constitution.

These entities are characterized by their autonomy, the self-government of the territories, a special electoral jurisdiction and a special fiscal system.

²⁰ Groppo, P. Madureira, S. Di Grazia, A. 2006. Collecting Land Titling for indigenous minorities in Africa. Case study of the San en Mupembati, Angola

²¹ De Wit, P. 1996. Uma metodologia para o estudo da gestão de terra a nível da comunidade na Guiné Bissau, Ministry of Public Works, Construction and Urbanism, Project ACP/GUB No 7

The collective title of the ethnic territories has become a strategic form of resistance against armed stakeholders, the illicit drug plantations and forced displacement. This instrument allows the communities to claim their own rights and it has helped in the reclaiming process.

The Colombian government considers that the best way to guarantee the indigenous peoples' territories protection and sustainability can be obtained by promoting the peaceful occupation of these territories with licit productive activities that can generate development and an improvement of the quality of these communities, respecting their own ancestral culture.

Cases like this, together with our own experience on the field, have brought us to consider the necessity to follow-up on the topic of development. Over the last few years we have developed a methodological proposal Participatory and Negotiated Territorial Development approach (PNTD)²², which could be seen as a good starting point to begin a dialogue with the other institutions.

c) Free prior and informed consent

The [free prior and informed consent](#) has become a crucial tool in order to get the social sustainability. The possibility to use the right to free, previous and informed consent comes from indigenous people self determination rights and it is strictly linked to peoples' land and territorial rights, because of the customary and historical links they have with them.

As the free previous and informed consent is commonly interpreted, it allows the indigenous people to reach the consent and to adopt decisions in agreement with their own traditional systems of taking them²³.

In order to establish norms of good practice for the private sector and the nongovernmental organizations, this principle has been equally accepted by a number of processes. For example, the Forestry Management Council (FSC) demands that the timber enterprises "recognize and respect indigenous people legal and customary rights to own, utilize and use their own lands, territories and resources." Furthermore, it demands that "the indigenous people have control over forest use on their own land and territories, unless they delegate the control to other agencies with the free, previous and informed consent. The FSC applies the same principle to plantation companies that operate in indigenous lands²⁴.

The relation between indigenous people and the conservation organizations (including the governments), about indigenous territories and safe areas is very critical, because often they present different visions about the concept of conservation. For some conservation has to prevail over the indigenous peoples' collective rights. Defining politics and strategies for the people settled in protected areas, is important in order to achieve an effective sustainable development.

²² FAO. 2005. Participatory and Negotiated Territorial Development (PNTD)

²³ Forest People Programme. 2007. *Poniendo en práctica el CLPI. Consentimiento libre, previo e informado. Desafíos y perspectivas para los Pueblos Indígenas*

²⁴ www.fscoax.org ; Colchester, Sirait y Wijarjo 2003; collier 2004

The wrong assumption that indigenous people do not have the capacity to administrate protected areas, is the reason why they often only work as park guards. What is also true is that in these same areas the resource extracting companies obtain operating licences very simply, especially timber, miner and hydrocarbon licences; it is the case of Yasuni National Park, in the Ecuadorian Amazonia and the Brazilian national oil company Petrobras. This is the reason why indigenous people claim the right to decide in these territories, because with the creation of Protected Areas, the crucial problem is that they are almost never consulted and even less when they have obtained the free prior and informed consent.

Unfortunately, what seems to prevail is the private economic and short term priority, instead of the medium long term collective environmental priority.

These are the principal conceptual differences that make meetings/dialogue between indigenous people, national governments and private companies very difficult. They rarely coincide in their vision and values that might allow them to elaborate a mutual cooperation oriented to real sustainable development. The free, previous and informed consent of the indigenous people for the use and conservation of national resources in their territories is still pending and of absolute priority in the states' environmental agenda²⁵.

d) Territorial Indicators

Indigenous people organizations have developed indicators that express their situation and that are useful to inform and lobby policy makers on resource management policies. Among these indicators are several territorial indicators (about land, water, sea and islands) that have to be taken into consideration in order to develop a real inclusive focus, representing real peoples' necessities²⁶.

The indicators are tools used to measure, value and protect natural resources. The basic idea is that these indicators put indigenous people in a better position to negotiate and reduce their position of invisibility.

Below are some tables related to these territorial indicators.

²⁵ ONU. De la Cruz R. 2005. Taller Técnico de las Naciones Unidas sobre el consentimiento libre, previo e informado de los pueblos indígenas

²⁶ TEBTEBBA, Indigenous Peoples International Centre for Policy Research and Education. 2008. *Indicators relevant for Indigenous Peoples: a Resource Book*. p. 162-164

Indicators of territories (lands, waters, seas and islands)

Production/spirituality and sacred sites

Structural indicators	Process indicators	Outcome indicators
<ul style="list-style-type: none"> • International and regional agreements and treaties recognize the ownership, control, use and territorial management of the resources and traditional knowledge of indigenous peoples and peoples in voluntary isolation 	<ul style="list-style-type: none"> • Recognition and preservation of toponymy in indigenous languages as a cultural manifestation of territoriality • Programs for the recovery and sustainable management of wildlife resources • Policies, programs, laws, ordinances and agreements that recognize ownership and facilitate the development of indigenous peoples 	<ul style="list-style-type: none"> • Number of indigenous communities that have their own territorial zoning plans • Mechanisms for retribution and permanent compensation to indigenous peoples for environmental services • Sustainable development plans, programs and projects based on the cultural identity of indigenous peoples

Structural indicators	Process indicators	Outcome indicators
	<ul style="list-style-type: none"> • National legislation referring to environmental impact studies and studies of the impact on culture and traditional knowledge of projects that have a direct and indirect influence on indigenous territories and peoples • National legislation that grants indigenous peoples the capacity to make decisions about the appropriateness of projects in indigenous territories 	<ul style="list-style-type: none"> • Studies, in coordination with indigenous peoples, of impacts on culture and traditional knowledge • The communities have and apply regulations for research on and use of traditional knowledge • Percentages of indigenous territories used for conservation of traditional crops • Level of empowerment through the flow of information to indigenous communities
<ul style="list-style-type: none"> • Recognition of the legal systems of indigenous peoples by the national legal frameworks and other governmental entities 	<ul style="list-style-type: none"> • Programs for recovery and strengthening of the indigenous peoples' own legal systems • Mechanisms in the national legal framework for the valorization of the indigenous peoples' authorities and organizations according to their uses and customs 	<ul style="list-style-type: none"> • Recovery and implementation of the indigenous peoples' own legal systems
<ul style="list-style-type: none"> • Existence of a political-cultural project as a process to achieve indigenous autonomy and self determination 	<ul style="list-style-type: none"> • Self-demarcation projects 	<ul style="list-style-type: none"> • Percentage of territories that are self demarcated • Incorporation of indigenous criteria for self-identification and quantification of the indigenous peoples • Recovery and implementation of the indigenous peoples' own institutional systems

Structural indicators	Process indicators	Outcome indicators
<ul style="list-style-type: none"> Categories of recognition and legalization of indigenous territories, which are characterized, among other things, by being inalienable, imprescriptible and unattachable 	<ul style="list-style-type: none"> Size (area) of legalized indigenous territories Mechanisms for the legalization of full rights to indigenous territories 	<ul style="list-style-type: none"> Mechanisms to facilitate the coexistence of and exchange between transborder peoples
<ul style="list-style-type: none"> Direct management and administration of protected areas and sacred sites by indigenous peoples 	<ul style="list-style-type: none"> Classification of forms of land tenure according to the criteria of access, control and administration by indigenous peoples 	<ul style="list-style-type: none"> Protocols and agreements among indigenous peoples and states for the recovery, access, control and administration of protected areas and sacred sites
<ul style="list-style-type: none"> Definite property rights of the indigenous peoples over natural resources, including, <i>inter alia</i>, biota, genetic resources, soil and subsoil in the indigenous territories and sacred sites 		

²⁷ TEBTEBBA, Indigenous Peoples International Centre for Policy Research and Education. 2008. *Indicators relevant for Indigenous Peoples: a Resource Book*. p. 162-164

Conclusion

A territorial development approach centered on indigenous people needs a more open vision that looks at the land/territory issue through its material, socio-cultural and environmental dimensions. FAO recognizes that land/territory is a complex question that has to be taken in consideration with great sensibility. Facilitators' support in the indigenous people territorial claims means finding reasonable meeting points between governments and local actors: territorial rights' recognition starting from the consideration of territory as a space for development and environmental sustainability; and creating real instruments able to guarantee autonomy and political participation. The principles and tools we mentioned above have to be considered jointly with dialogue, negotiation and promotion of concerted actions.

The increased number of conflicts over land and natural resources reflect an urgent need to give meaning to this discussion, that we hope can contribute to build/rebuild links of trust among the actors. The case is often that people do not speak to each other, do not trust each other and if they do, they are unable to overcome their positions and personal interests.

How can we make people speak and listen to each other? We do not have any certain and magical answer. We do believe though that in all cases, even in the most complicated ones, there is space to begin a dialogue. It is necessary to find this entry point, to bring actors together and allow them to make some concessions; a space where new agreements can be signed and legitimized by everyone, and where social cohesion can effectively improve.

In order to follow this path, it is necessary to reinforce links and networks, finding ways to facilitate the connection between UN agencies, indigenous organizations, CSOs, NGOs and territorial actors. Without this cooperation it is impossible to think of any kind of progress. It is like a big puzzle: when some pieces are missing, it is often possible to make out the image, but it is incomplete. Our desire is to find the missing pieces, put them together and complete the picture.

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