

Socio-Ecology
and
Environmental Impact Assessment
of the
Austrian Development Co-operation


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Socio-Ecology and Environmental Impact Assessment

The Austrian Development Co-operation's procedure for Environmental Impact Assessment fulfils all the demands of a coherent process. It is furthermore, far more ambitious, in that it attempts to consider that ecological impact is not isolated from general events. With non-industrialised societies, there are both complex and sometimes very direct connections and inter-relationships; on the one hand between the single areas of cultural, economic and social activity and on the other, between these and the territory of natural environment. Beyond this, the sometimes very strict division in the roles, tasks and rights of men and women can lead to a gender-specific differentiated formation of these single areas and their interrelationship.

With this in mind, the screening lists of the Austrian Development Co-operation's Environmental Impact Assessment (EIA), contain especially extensive questions pertaining to what is here referred to as the 'Socio-ecological situation'. This is a mutually conditioning field of social, cultural, economic and ecological impulses. The checklist 'Social-Ecology', with its ten questions presents also a special interface at which the concerns of traditional groups and the concerns of women can decisively meet. The checklist should therefore be observed from both perspectives simultaneously.

The term socio-ecological thus describes a complex interrelationship between the social, cultural, the economic and the ecological. These individual aspects are all interdependent, each governing the other and ideally, serving to maintain a balance between man and the environment. The rules supporting that balance are culturally determined. In most non-European or non-western cultures there exists a direct and multi-faceted connection between humanity and environment. Changing any one aspect of the equation, be it socio-economic or ecological can therefore cause a dramatic rupture in the whole system.

	Changes in the environment can have consequences for traditional societies and can lead to a loss of cultural identity
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	Changes in the socio- economic or cultural situation can upset the whole system of values in such a way that the traditional practices of nature conservation break down and indigenous populations can become alienated.
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For large territories, the optimum conditions for affecting lasting environmental protection are through the sustained and gentle cultivation by the local population, this could include even the smallest fragments of populations.

The most frequent obstacles to socio-ecology are:

- Inadequate data collection, which is often inconsiderate of gender.
- Incorrect interpretation of data within a socio-cultural context.

The **'Checklist'** attempts to anticipate socio-ecological problems and sources of conflict associated with Development Co-operation projects. It is divided into ten questions. Each question on the list is treated in three stages:

- I. Basic Considerations.
- II. Possible problems.¹
- III. Questions arising at the conception of the project.

The Basic Considerations are to be found in the appendix 1. In order to provide the possibility to treat the questions in different sequences, in each question all relevant paragraphs are included (thus repetitions occur, which are appropriately marked).

List of questions

Could the project or program:

1. Conflict with the traditional laws of the local population or any sub-group thereof (particularly gender-specific or ethnically determined)?
2. Disturb
 - 2.1 the access of the local population to their natural resources, specifically land, water and trees or other vegetation (within or outside the project area)?
 - 2.2 change the rights of access of the local population (or any subgroup thereof), to their natural resources specifically, water, land, trees or other vegetation?
3. Create conflicts
 - 3.1 with regard to the rights of ownership or the existing use of land, water, trees or other vegetation?
 - 3.2 between different local users (between ethnically determined or gender-specific groups), different local groups or groups with different economic activities (i.e. Nomadic peoples versus sedentary people).
4. Change the social, economic or cultural situation of the local population, or any sub-group thereof, particularly ethnically determined or gender-specific, in such a way that they may lose their land?
5. Change the social, economic or cultural situation of the local population, or any sub-group thereof, particularly ethnically determined or gender-specific, in such a way that undue pressure is placed on natural resources.?
6. Change the social, economic or cultural situation of the local population, or any sub-group thereof, particularly ethnically determined or gender-specific, in such a way or at such a speed that a loss of cultural identity results?

¹ In so far as they are foreseeable within the context of the questions

7. Change the traditional rules governing trade, exchange or distribution practices in such a way as to negatively alter the socio-economic, gender-specific or cultural balance?
8. Lead to a loss of traditional knowledge, traditional knowledge systems or intellectual property?
9. Operate in areas, or have undesirable consequences for areas which:
 - 9.1 are of special social or cultural significance for the population, or particularly sensitive sectors of the population (i.e. groups with traditional life-styles, indigenous groups, religious minorities, nomadic peoples, women etc.)?
 - 9.2 are of historical significance, or possess special geographical elements which are of importance to the local population or parts of the population (i.e. as sights of cultural interest or of religious significance)?
10. Lead to resettlement.

The checklists of the Environmental Impact Assessment are not attached here.

Appendix 1:

Question 1

**Could the project or program,
conflict with the traditional rights/ laws of the local population or any sub-
group thereof (particularly gender-specific or ethnically determined)?**

I. Basic considerations

Statutory Law, traditional rights and customary rights²

Contact with traditional societies demands that various legal systems be considered.

- The statutory law
- Traditional rights, which may not necessarily conform to statutory law but nevertheless are comparable with the principle of statutory law. Often unwritten, traditional rights are transferred through historical or religious context.
- Customary rights are developed from utilitarian practices which are ratified by moral assumption over time.

Traditional rights must be acknowledged as the principle governing the whole way of life and access to natural resources of traditional societies, or parts of them.³ Influence from outside can cause unexpected side effects and chain reactions with radical consequences for the socio-economic and socio-political organisation of the population, often leading to degradation of natural resources.

Sources of Conflict

Conflicts emerge either as a result of interaction of different interests or from misunderstandings. Potential conflicts of interest are not always easily visible. Conflict susceptibility is highest among different

² Differences between statutory law, traditional rights and customary rights are explained in detail in appendix 2

³ The term 'traditional' is used here in connection with populations whose understanding of rights and their exercise are not compatible with statutory or national law.

ethnic, religious or language groups and between traditional vs 'modern' sections of societies and between groups with different economic practices.

In such instances the regional/ national/ ethnic history and relationships between gender must be examined in relation to earlier experiences.

In environments with a high potential for conflict, basic data covering the overlapping of interests must be carefully collected and evaluated in terms of gender.

Conflicts based on problems of understanding occur often as a result of the use of different languages. These are often semantic problems which arise from the definitions attached to culturally problematic keywords like *ownership*, *'use'* *'trade'*, *'work'* etc.

Important contact persons in the design and pilot phases should understand and speak the local languages, or at least understand them.

II Possible Difficulties

There is normally an overlapping or layering of different systems of law (traditional and formal legal systems as well as the different systems of ethnic groups, men/women etc.)

Formal laws are more easily identifiable than traditional laws, which are often grounded in religion and therefore carry more weight. Infringements in this area are often the cause of strong, unwanted local reactions.

III Questions be solved during the stage of project conception.

- What is the demographic composition of the population (ethnic, social, religious, geographical etc.)?
- Which traditional rights/ law systems operate and are relevant to the remit of the project in its widest sense: (specifically rights of ownership, rights of tenure, to land, water, trees and other vegetation. Rights of use of natural resources for hunting, fishing, gathering and grazing etc.. Rights of access to raw materials, wood, metal, stone or other organic materials or to places where salt may be obtained etc.)? All data must be examined fundamentally considering questions of gender.
- Which customary rights (specifically in the use of natural resources, land, trees and other vegetation or water etc.) have developed recently through changes in the composition of the local population?
- Which traditional problem solving models are available?

Question 2

Could the project or program disturb:

- 1. the access of the local population to their natural resources - specifically land, water, trees or other vegetation (within or outside the project area)?**
- 2. change the rights of access of the local population (or any subgroup thereof) to their natural resources specifically, water, land, trees or other vegetation**

I. Basic considerations

(Repetition)

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- Customary rights are developed from utilitarian practices which are ratified by moral assumption over time.

Traditional rights must be acknowledged as the principle governing the whole way of life and access to natural resources of traditional societies, or parts of them.⁵ Influence from outside can cause unexpected side effects and chain reactions with radical consequences for the socio-economic and socio-political organisation of the population, often leading to degradation of natural resources.

Traditional rules for the use of primary and natural resources

Rules and regulations for the access to and use of primary and natural resources (land, water, organic nutrients, organic material, game, salt, minerals etc.) are particularly vulnerable to disturbance. These

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regulations can be so obvious and clearly recognised by the populations that they need never be explicitly stated. In mixed ethnic groups they can contradict one another. Because of the variety of legal systems, it is important to be conversant the respective decision-making structures.

The most important traditional rules and decision-making structures must be collected.

Also the rights and interests of the population or sections of the population who share natural resources and territory with the target group must be considered as well.

Basically, all questions relating to aspects of gender must be taken into consideration at a basic level.

II. Possible Difficulties

- Changes in the area of use with undesirable secondary consequences for the target group or neighbouring groups for example:
 - Pollution of water (through more intensive breeding of animals, agriculture (newly installed) industrial or commercial services; mining and small-scale mining etc.).
 - Failure to control sustainability of natural resources, especially when these resources are shared with other groups.
 - Changes in the local micro-climate which result in a deterioration of traditional economic activities, and living conditions which might cause a higher rate of infestation by pests or loss of protection from heat, wind or rain.
- Encroachments into important everyday resources (water, fuel, medicinal plants, wild fruit etc.) Encroachments on grazing land for livestock farming especially for nomadic foragers/ hunter gatherers.
- Changes in infrastructure which hinder access to vegetation, arable land, hunting and fishing territories or natural resources, (water, fuel, wild fruits).
- The neglect of traditional rights or customary rights, especially of gender-specific or ethnically determined groups. For example strengthening of the male element of the target group or other interest groups.

III. Questions to be solved at the stage of project conception.

- How is land in the catchment area of the project used by the local population, men/women?
- Which natural resources are used by men and women in the project catchment area?

- Which rights/ laws are to be observed in connection with the use of land, water, trees and vegetation and other natural resources?

Question 3

Could the project or program create conflicts

- 1. with regard to the rights of ownership or the existing use of land, water, trees and other vegetation?**
- 2. between local users (between ethnically determined or gender-specific groups), different local groups or groups with different economic activities (e.g.. Nomadic peoples versus sedentary people)?**

I. Basic Considerations

(Repetition)

Statutory Law, traditional rights and customary rights⁶

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- The statutory law
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Traditional rights must be acknowledged as the principle governing the whole way of life and access to natural resources of traditional societies, or parts of them.⁷ Influence from outside can cause unexpected side effects and chain reactions with radical consequences for the socio-economic and socio-political organisation of the population, often leading to degradation of natural resources.

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Traditional rules for the use of primary and natural resources

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Rules and regulations for the access to and use of primary and natural resources (land, water, organic nutrients, organic material, game, salt, minerals etc.) are particularly vulnerable to disturbance. These regulations can be so obvious and clearly recognised by the populations that they need never be explicitly stated. In mixed ethnic groups they can contradict one another. Because of the variety of legal systems, it is important to be conversant the respective decision-making structures.

The most important traditional rules and decision-making structures must be collected.

Also the rights and interests of the population or sections of the population who share natural resources and territory with the target group must be considered as well.

Basically, all questions relating to aspects of gender must be taken into consideration at a basic level.

Role sharing between genders or other sections of the population, i.e. ethnic groups.

The role sharing in economic activities by gender or ethnic affiliation is a fundamental governing the social and political balance of a population. Experience demonstrates that many alterations in role sharing lead to a marginalization of the weaker sections of the population.

Attempts to achieve a rise in social balance must be especially careful and far-sighted in planning they must also be regularly monitored for effectiveness and compatibility.

Sources of Conflict

(Repetition)

Conflicts emerge either as a result of interaction of different interests or from misunderstandings. Potential conflicts of interest are not always easily visible. Conflict susceptibility is highest among different ethnic, religious or language groups and between traditional vs 'modern' sections of societies and between groups with different economic practices.

In such instances the regional/national/ethnic history and relationships between gender must be examined in relation to earlier experiences.

In environments with a high potential for conflict, basic data covering the overlapping of interests must be carefully collected and evaluated in terms of gender.

Conflicts based on problems of understanding occur often as a result of the use of different languages. These are often semantic problems which arise from the definitions attached to culturally problematic keywords like *ownership*, *'use'* *'trade'*, *'work'* etc.

Important contact persons in the design and pilot phases should understand and speak the local languages, or at least understand them.

II Possible Difficulties

- In regions where different nationalities or groups with significantly different commercial practices are settled the social balance is often delicate.
- The most important factors governing the maintenance of the social balance must be understood
- The underlying structures of the different economic systems should also be understood (foraging, hunting/gathering, different forms of agriculture or livestock breeding etc.).
- The geographical and legal division of the territories of the different ethnic groups

III Questions to be solved at the stage of project conception

- Who are the local users (ethnic, geographical, religious, gender-specific or defined by economic activity)?
- Which social, religious or cultural functions are fulfilled by the traditional economic activities?
- What are the supporting measures under which the different population groups can change their economic conditions?

- What experiences of resolving conflicts exist to deal with difficulties which arise, especially between groups with different interests or significantly different value systems, and which problem-solving models have proved useful in the past?

Question 4

Could the project or program change the social, economic or cultural situation of the local population, or any sub-group thereof, particularly ethnically determined or gender-specific, in such a way that they may loose their land?

I. Basic considerations

(Repetition)

Statutory Law, traditional rights and customary rights⁸

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- Customary rights are developed from utilitarian practices which are ratified by moral assumption over time.

Traditional rights must be acknowledged as the principle governing the whole way of life and access to natural resources of traditional societies, or parts of them⁹. Influence from outside can cause unexpected side effects and chain reactions with radical consequences for the socio-economic and socio-political organisation of the population, often leading to degradation of natural resources.

Role sharing between genders or other sections of the population, i.e. ethnic groups.

(Repetition from question 3)

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Attempts to achieve a rise in social balance must be especially careful and far-sighted in planning they must also be regularly monitored for effectiveness and compatibility.

Special Protection for Minorities

Experience shows that extensive socio-economic changes lead to a denigration of ethnic or other minorities whose traditional economic activities are invariably undermined. Although women, because of their number do not represent a minority, by reason of their mostly subordinate position, they are particularly deserving of attention

In cases where changes to the socio-economic environment are made, minorities require special attention and a support mechanism to which they can turn even if they are not directly affected.

II Possible Difficulties

Changes in the macro-economic climate whose function is not sufficiently ratified traditionally, can override customary rights. Consequently, farming families can be driven from their traditional land holdings towards mechanisation of agriculture, driving out indigenous populations whose rights of land ownership and use are not sufficiently recognised by the state.

- Changes in the socio-economic context which lead to debt and where repayment finally results in the enforced sale of land holdings, e.g.
 - Through credit provisions for populations in the form of small loans where the prevailing economic mechanisms are not (sufficiently) understood.
 - Situations where the credit provider fails to respect the traditional control of goods and money is in the hands of women.
 - The promotion of a singular economic activity at the expense of diversification, where commercial production leads to a great dependence on fluctuations in the market.
- The strengthening of a single ethnic group, creating an imbalance in any territory where a diversity of ethnic groups co-exist. Successive occupation of a territory can lead to a reduction in number and a weakening of position of other ethnic groups.

III Questions to be solved at the stage of project conception

- Is there a difference between formal and traditional or customary land ownership rights in the furthest areas of the project territory?
- What are the important legal, social and economic provisions for the establishment and ratification of land ownership?
- How can the provisions, especially those which are important in balancing sharing groups be guaranteed?
- In which context is the relationship to land or the traditional ownership of land of the different parts of the local population based, (Mythical, historic or through other rights systems)?

Question 5

Could the project or program change the social, economic or cultural situation of the local population, or any sub-group thereof, particularly ethnically determined or gender-specific, in such a way that undue pressure is placed on natural resources?

I. Basic considerations

(Repetition)

Statutory Law, traditional rights and customary rights¹⁰

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Traditional rights must be acknowledged as the principle governing the whole way of life and access to natural resources of traditional societies, or parts of them¹¹. Influence from outside can cause unexpected side effects and chain reactions with radical consequences for the socio-economic and socio-political organisation of the population, often leading to degradation of natural resources.

Organisation forms, functions and values of traditional economic activities.

The commercial practices of traditional societies, especially those with different varieties of subsistence economy are significantly different from market economies. Single activities often have elevated social, political or religious significance. The ultimate aim and advantage of the subsistence economy is for the minimisation of risk for whole group or family, although this could also mean a minimum yield for the individual. In traditional societies economic activities could not be carried out without first fundamentally securing the existence of the whole family.

The important cultural significance of economic activities must be recognised. These may well not be defined exclusively in monetary terms.

The social network inside the target group especially the distribution of responsibility for the security of the group must be fundamentally understood.

The promotion of new economic activity is in most cases automatically directed to the male part of the target group, especially where access to money is made possible.

Statutory Law, traditional rights and customary rights¹²

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Contact with traditional societies demands that various legal systems be considered.

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Role sharing between genders or other sections of the population, i.e. ethnic groups.

(Repetition)

The role sharing in economic activities by gender or ethnic affiliation is a fundamental governing the social and political balance of a population. Experience demonstrates that many alterations in role sharing lead to a marginalization of the weaker sections of the population

Attempts to achieve a rise in social balance must be especially careful and far- sighted in planing they must also be regularly monitored for effectiveness and compatibility.

Traditional rules for the use of primary and natural resources

(Repetition)

Rules and regulations for the access to and use of primary and natural resources (land, water, organic nutrients, organic material, game, salt, minerals etc.) are particularly vulnerable to disturbance. These regulations can be so obvious and clearly recognised by the populations that they need never be explicitly stated. In mixed ethnic groups they can contradict one another. Because of the variety of legal systems, it is important to be conversant the respective decision-making structures.

The most important traditional rules and decision-making structures must be collected.

Also the rights and interests of the population or sections of the population who share natural resources and territory with the target group must be considered as well.

Basically, all questions relating to aspects of gender must be taken into consideration at a basic level.

The traditional rules, norms and values governing the use of Natural resources are unique and are formulated in a specific, often religious context. They aim towards an effective usage of resources whilst

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maintaining the optimum possible care and protection of the group (distribution practices). Changes in the socio-economic environment of a group, especially unplanned take over by external market mechanisms often has undesirable consequences and leads to a breakdown of the greater part of the value-structure and rights system. The rights system can then no longer fulfil its protective function for natural resources and for the long-term security of the group as a whole. This often results in an uncontrolled use of natural resources which can also lead to increased pressure of production (e.g. de-forestation, overgrazing, soil-drainage, and infertility resulting from unbalanced agriculture through intensive single crop farming).

II Possible difficulties

Population explosion and the accompanying tendency to settle of previously nomadic populations leads to an additional pressure on resources.

III Questions to be solved at the stage of project conception

- Which rules or mechanisms govern the use of natural resources, which ethnic, gender-specific or traditional variations of these exist.
- Which rules and measures exist for the development of new, or adaptation of the traditional rules and norms for the guarantee of continued sharing and preservation of natural resources.
- What accompanying measures are necessary for the preservation of natural resources under the possible circumstance that following the project activity, directly or indirectly, a population explosion is generated or an increased settlement could be expected.

Question 6

Could the project or program change the social, economic or cultural situation of the local population, or any sub-group thereof, particularly ethnically determined or gender-specific, in such a way or at such a speed that this might lead to a loss of cultural identity?

I. Basic considerations

Organisation forms, functions and values of traditional economic activities.
(Repetition)

The commercial practices of traditional societies, especially those with different varieties of subsistence economy are significantly different from market economies. Single activities often have elevated social, political or religious significance. The ultimate aim and advantage of the subsistence economy is for the minimisation of risk for whole group or family, although this could also mean a minimum yield for the individual. In traditional societies economic activities could not be carried out without first fundamentally securing the existence of the whole family.

The important cultural significance of economic activities must be recognised. These may well not be defined exclusively in monetary terms.

The social network inside the target group especially the distribution of responsibility for the security of the group must be fundamentally understood.

The promotion of new economic activity is in most cases automatically directed to the male part of the target group, especially where access to money is made possible.

Recognition of the importance of women inside the target group or as a separate target group must especially be monitored.

Role sharing between genders or other sections of the population, i.e. ethnic groups.

(Repetition)

The role sharing in economic activities by gender or ethnic affiliation is a fundamental governing the social and political balance of a population. Experience demonstrates that many alterations in role sharing lead to a marginalization of the weaker sections of the population.

Attempts to achieve a rise in social balance must be especially careful and far-sighted in planning they must also be regularly monitored for effectiveness and compatibility.

Special Protection for Minorities

(Repetition)

Experience shows that extensive socio-economic changes lead to a denigration of ethnic and other minorities whose traditional economic activities are invariably undermined. Although women, because of their number do not represent a minority, by reason of their mostly subordinate position, they are particularly deserving of attention

In cases where changes to the socio-economic environment are made, minorities require special attention and a support mechanism to which they can turn, even if they are not directly affected.

Cultural Key Elements

In traditional societies, social mechanisms, economic activities and cultural identities are very closely connected. Key elements of the socio-economic network are especially vulnerable to disturbance. Often key elements or key functions are:

- Values and rules in the context of traditional political organisations or groups
- Social mechanisms, exchange or obligations between certain relations or associated groups.
- Prestigious goods, animals or plant species or things which carry a religious or ceremonial significance.
- Role sharing (economic or cult-related) and other activities which are significant for the identity of men and women or any other group.

In societies which have little contact with new situations, key elements often exist at an unconscious or unacknowledged level.

The key elements and functions of a society must be understood at the conception stage of the project, particularly if they are gender specific.

Any changes effected around key elements must be very carefully monitored and only made at the express wishes of the society concerned. Such changes must also take account of gender.

Change processes require an especially careful monitoring.

Time

Every culture has its own way of dealing with time. From this, results the fundamental rhythm or tempo in which actions and developments happen. In most non-western cultures, this tempo is considerably slower than in ours. With changes in the socio-economic and cultural context, the speed at which such changes take place plays a vital role. Differences of rhythm and tempo in relation to women and men should also be considered.

The target group needs enough time to take on the necessary social and cultural adaptation

III Questions to be solved at the stage of project conception.

- Is the temporal pace of the target group considered in the project or plan?
- Which of the supporting measures (differentiated between men and women) does the target group wish to adopt in iterating the change processes?

Question 7

Could the project or program change the traditional rules governing trade, exchange or distribution practices in such a way as to negatively alter the socio-economic, gender-specific or cultural balance?

I. Basic considerations

Organisation forms, functions and values of traditional economic activities.

(Repetition)

The commercial practices of traditional societies, especially those with different varieties of subsistence economy are significantly different from market economies. Single activities often have elevated social, political or religious significance. The ultimate aim and advantage of the subsistence economy is for the minimisation of risk for whole group or family, although this could also mean a minimum yield for the individual. In traditional societies economic activities could not be carried out without first fundamentally securing the existence of the whole family.

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In cases where changes to the socio-economic environment are made, minorities require special attention and a support mechanism to which they can turn even if they are not directly affected.

Traditional trades, exchange or distribution mechanisms

Trade, exchange or distribution are not only economic activities, but also fulfil important functions at a social and cultural level. They also function in contact between different groups as well as inside the group, e.g. related to gender. In traditional societies, in this context, especially, the function of the contact, care and the information exchange are particularly important. Traditional gift-giving relationships, trade or exchange between different ethnic groups are essential factors for the maintenance of social balance and provide the opportunity to reduce existing conflicts.

With commercial improvement, new forms of the social components of the traditional economic activities should be developed.

For women, this area often provides an important opportunity for social connection, experience and information exchange. The rights of women to dispose goods (sharing within the group or extended family) exchange or trading in the market are mostly defined by social standing. This right to decide has, in every society a similar status as the right of ownership has in our own. The loss of traditional rights of women to dispose goods is a weakening of their economic standing.

III Questions to be solved at the stage of project conception.

- Which non-economic functions are fulfilled by trade, exchange or distribution activities?
- Which historical changes in the current context are already moving towards a deterioration of the status of women?
- Which measures or support structures exist to maintain the socio-economic balance in favour of the integration of gender-specific or ethnic groups?

Question 8

Could the project or program lead to a loss of traditional knowledge, traditional knowledge systems or intellectual property?

I. Basic Considerations

Traditional Knowledge Systems and their Protection

Traditional knowledge systems are often inaccessible for us. They form an important part of the general human heritage. For the various populations they are an important foundation upon which their life sustaining activities centre and which therefore are essential for their ethnic identity.

The traditional knowledge must be recognised and valued, treasured and respected in a national and international context.

II. Possible Difficulties

Traditional knowledge is often not brought to bear in its abstract form, rather it is passed on and lived in the form of myths and stories and exists therefore only in the context of its use. It is often passed on in oral form to interested parties. Invariably loss of traditional activities or disturbance in ecological space leads to a loss of knowledge. Formal school education ordinarily brings with it, directly or indirectly a rejection of traditional knowledge.

For specific aspects of traditional knowledge there may arise an increased demand from external market forces. Traditional knowledge which was hitherto been seen as a general good and its value worked out by the group over generations (similar to our scientific research and product development), currently, often goes unrecognised legally and financially unrewarded.

III Questions to be solved at the stage of project conception.

- What possibilities have been worked out within the target group (differentiated gender specifically), to prevent the loss of traditional knowledge or their own ways of acquiring knowledge.
- What measures exist to preserve the intellectual property of the group at a national and international level.

Question 9

**Could the project or program
operate in areas, or have undesirable consequences for areas which:**

- 1. are of special social or cultural significance for the population, or particularly sensitive sectors of the population (i.e. groups with traditional life-styles, indigenous groups, religious minorities, nomadic peoples, women etc.)?**
- 2. are of historical significance, or possess special geographical elements which are of importance to the local population or parts of the population (i.e. as sites of cultural interest, heritage or of religious significance)?**

I. Basic Considerations

The Religious or Historical Significance of Specific Natural Areas

Many populations or groups have developed special relationships with sites in their natural environment. These relationships can be historically designated or established in a religious context. The transgression or infraction of a religiously protected/ consecrated natural area can have grave consequences.

It is important to respect and protect these areas.

II Possible Difficulties

Investigations in this area presents a number of difficulties, especially when a particular population does not declare its relationship to a particular area of nature, or not in any easily recognisable manner. Possibly sensitive relationships to the natural environment must be carefully investigated and evaluated especially in situations where:

- The population has undergone relatively few changes, especially as a result of a lack of exposure to western society in its broadest sense, in recent times.
- Where a society is known to have a relationship with nature which is religious in character (i.e. indigenous or Tibetan peoples);
- The population in general lives in a particularly close relationship with nature.

Delicate situations arise when disturbances in the natural environment (House building, street constructing and changes in the water flow enter the world of spirits in such a way that spirits of nature will be disturbed. These beliefs are often not explicitly discussed because they are often subject to a taboo restriction. It requires a particularly strong trust on behalf of the target group to provide the information necessary to avoid such disturbances.

On one hand asking women in this regard is an especially sensitive task. On the other hand it is necessary to include the special knowledge of women.

III. Questions to be solved at the stage of project conception.

- Is the site of historical or religious significance?
- Are there within the widest perimeters of the project area any societies whose relationship with nature is particularly close or has any religious characteristics?
- Is there sufficient knowledge to avoid this kind of disturbance?
- Will sufficient measures be taken to respect such sites?

- Is there sufficient trust from the population concerned or with chosen members with whom it is possible to discuss particularly sensitive situations, the disturbance of natural spirits or other taboo infringements?

Question 10

**Could the project or program
lead to re-settlement?**

I. Basic considerations

Re-settlement must be decided on the basis of two completely different factors.

- By reason of the wishes of the population concerned, because for example, they have been previously driven out or their living space or their previously established environment has deteriorated dramatically.
- For economic reasons, ecological or political pressure from outside in the form of the establishment of heavy industry projects. Where the resettlement is not primarily desired by the population itself, but happens through socio-cultural, ecological and economic loss, costs become abnormally high.

Re-settlement should only be considered in extraordinary circumstances under pressure of repeated and reconstructable wishes of the population in question.

With all re-settlement, long term consequences must be anticipated and appropriated measures taken to deal with them.

III. Questions to be solved at the stage of project conception.

All nine of the previous questions must be carefully clarified in relation to socio-economic and cultural losses of the ancestral settlement area as well as in relation to the space which is to be settled and finally in view of development, change and new economic activities.

Appendix 2

A Basic Summary of the Checklists at a Single Viewing

Statutory Law, traditional rights and customary rights

Contact with traditional societies demands that various legal systems be considered.

- The statutory law
- Traditional rights which may not necessarily conform to statutory law but nevertheless are comparable with the principle of statutory law. Often unwritten, traditional rights are transferred through historical or religious context.
- Customary rights are developed from utilitarian practices which are ratified by moral assumption over time.

Traditional rights must be acknowledged as the principle governing the whole way of life and access to natural resources of traditional societies or parts of them¹⁴. Influence from outside can cause unexpected side effects and chain reactions with radical consequences for the socio- economic and socio-political organisation of the population, often leading to degradation of natural resources.

Traditional rules for the use of primary and natural resources

Rules and regulations for the access to and use of primary and natural resources (land, water, organic nutrients, organic material, game, salt, minerals etc.) are particularly vulnerable to disturbance. These regulations can be so obvious and clearly recognised by the populations that they need never be explicitly stated. In mixed ethnic groups they can contradict one another. Because of the variety of legal systems, it is important to be conversant with the respective decision-making structures.

The most important traditional rules and decision-making structures must be collected

Also the rights and interests of the population or sections of the population who share natural resources and territory with the target group must be considered as well.

Basically, all questions relating to aspects of gender must be taken into consideration at a basic level.

¹⁴ The term 'traditional' is used here in connection with populations whose understanding of rights and their exercise are not compatible with statutory or national law.

The traditional rules norms and values governing the use of Natural resources are unique and are formulated in a specific, often religious context. They aim towards an effective usage of resources whilst maintaining the optimum possible care and protection of the group (distribution practices). Changes in the socio-economic environment of a group, especially unplanned take over by external market mechanisms often has undesirable consequences and leads to a breakdown of the greater part of the value-structure and rights system. The rights system can then no longer fulfil its protective function for natural resources and for the long-term security of the group as a whole. This often results in an uncontrolled use of natural resources which can also lead to increased pressure of production (e.g. de-forestation, overgrazing, soil-drainage, and infertility resulting from unbalanced agriculture).

Organisation forms, functions and values of traditional economic activities.

The commercial practices of traditional societies, especially those with different varieties of subsistence economy are significantly different from market economies. Single activities often have elevated social, political or religious significance. The ultimate aim and advantage of the subsistence economy is for the minimisation of risk for whole group or family, although this could also mean a minimum yield for the individual. In traditional societies economic activities could not be carried out without first fundamentally securing the existence of the whole group or family.

Important cultural significance of economic activities must be recognised. These may well not be defined exclusively in monetary terms.

The social network inside the target group especially the distribution of responsibility for the security of the group must be fundamentally understood.

The promotion of new economic activity is in most cases automatically directed to the male part of the target group, especially where access to money is made possible.

Recognition of the importance of women inside the target group or as a separate target group must especially be monitored.

Traditional trades, exchange or distribution mechanisms

Trade, exchange or distribution are not only economic activities, but also fulfil important functions at a social and cultural level. They also function in contact between different groups as well as inside the group, e.g. related to gender. In traditional societies, in this context, especially, the function of the contact, care and the information exchange are particularly important. Traditional gift-giving relationships, trade or exchange between different ethnic groups are essential factors for the maintenance of social balance and provide the opportunity to reduce existing conflicts.

With commercial improvement, new forms of the social components of the traditional economic activities should be developed.

For women, this area often provides an important opportunity for social connection, experience and information exchange. The rights of women to dispose goods (sharing within the group or extended family) exchange or trading in the market are mostly defined by social standing. This right to decide has, in every society a similar status as the right of ownership has in our own. The loss of traditional rights of women to dispose goods is a weakening of their economic standing.

Role sharing between genders or other sections of the population, i.e. ethnic groups.

The role sharing in economic activities by gender or ethnic affiliation is a fundamental governing the social and political balance of a population. Experience demonstrates that many alterations in role sharing lead to a marginalization of the weaker sections of the population.

Attempts to achieve a rise in social balance must be especially careful and far-sighted in planning they must also be regularly monitored for effectiveness and compatibility.

Sources of Conflict

Conflicts emerge either as a result of interaction of different interests or from misunderstandings. They also might occur differently regarding to men and women and must be analyzed accordingly.

Potential conflicts of interest are not always easily visible. Conflicts most frequently arise between different ethnic, religious or language groups and between traditional as against 'modern' societies and between groups with different economic bases.

Such instances the regional/national/ethnic history and it's relationship with gender must be examined at the outset.

In environments with a high potential for conflict, basic data covering the overlapping of interest groups must be carefully collected.

Conflicts based on problems of understanding often occur as a result of the use of different languages. These are often semantic problems which arise from the definitions attached to culturally problematic keywords like 'ownership', 'trade', 'work' etc.

Important contact persons in the investigation and enquiry phases should understand and speak the local languages, or at least understand them.

Special Protection for Minorities

Experience shows that extensive socio-economic changes lead to a denigration of ethnic and other minorities whose traditional economic activities are invariably undermined. Although women, because of their number do not represent a minority, by reason of their mostly subordinate position they are particularly deserving of attention

In cases where changes to the socio-economic environment are made, minorities require special attention and a support mechanism to which they can turn, even if they are not directly affected.

Cultural Key Elements

In traditional societies, social mechanisms, economic activities and cultural identities are very closely connected. Key elements of the socio-economic network are especially vulnerable to disturbance. Often key elements or key functions are:

- Values and rules in the context of traditional political organisations or groups
- Social mechanisms, exchange or obligations between certain relations or associated groups.
- Prestigious goods, animals or plant species or things which carry a religious or ceremonial significance.
- Role sharing (economic or cult-related) and other activities which are significant for the identity of men and women or any other group.

In societies which have little contact with new situations, key elements often exist at an unconscious or unacknowledged level.

The key elements and functions of a society must be understood at the conception stage of the project, particularly if they are gender specific.

Any changes effected around key elements must be very carefully monitored and only made at the express wishes of the society concerned. Such changes must also take account of gender.

Change processes require an especially careful monitoring.

Time

Every culture has its own way of dealing with time. From this, results the fundamental rhythm or tempo in which actions and developments happen. In most non-western cultures, this tempo is considerably slower than in ours. With changes in the socio-economic and cultural context, the speed at which such changes take place plays a vital role. Differences of rhythm and tempo in relation to women and men should also be considered.

The target group needs enough time to take on the necessary social and cultural adaptation

Traditional Knowledge Systems and their Protection

Traditional knowledge systems are often inaccessible for us. They form an important part of the general human heritage. For the various populations they are an important foundation upon which their life sustaining activities centre and which therefore are essential for their ethnic identity.

The must be recognised and valued, treasured and respected in a national and international context.

The Religious or Historical Significance of Specific Natural Areas

Many populations or groups have developed special relationships with sites in their natural environment. These relationships can be historically designated or established in a religious context. The transgression or infraction of a religiously protected/ consecrated natural area can have grave consequences.

It is important to respect and protect these areas

Appendix 3: Definitions

The Rule of Law is that which is formulated by national or state law

Customary Rights are those rights which are created through long-term practice ratified by moral assumption

The term **Traditional** is used here to describe societies whose understanding of and adherence to law is not compatible with the system of national law.

Traditional Rights are the legal system of traditional societies. Contrary to long held assumptions these rights function (much as central European or Anglo-American law) through private exclusive rights of disposal. These can be compared with ownership rights. With these ownership rights are rights of use which can be devided thus.

1. Territorial sovereignty
2. Ownership rights
 - 2.1 State¹⁵ or ancestral ownership rights
 - 2.2 Collective ownership (ownership of local communities)
 - 2.3 Private ownership (ownership by individuals or families)
3. Rights of Use

Sovereignty and ownership rights are established through occupation of territory. The security of the claim is ratified by religion (cult spaces, living spaces of particular nature gods, burial of ancestors) and as a result of the subsequent labour investment. Rights of usage exist in all of the above mentioned forms. They are established according to the affiliation to the community, the gender of the user and the reason for the usage etc. They are conferred by agreement of the owner. Natural resources i.e. trees play their own role here. Women normally have at their disposal only rights of usage.

Local Populations: the current population of a specific geographical space. Encompassing indigenous populations and traditional population groups as well as transients and spontaneous immigrants.

Traditional and indigenous populations: Ethnically specific peoples and groups within a nation whose legal system is not based on the national legal system or whose language is not the first national language. This usually concerns the aboriginal peoples of a specific geographical space, or a nation state which through a colonial or comparable process have been marginalised or suppressed. They can form either a majority or even a very small minority in their respective nation. For political, historical or other differences in their respective ways of life many groups insist on the recognition of their identity as indigenous.

¹⁵ This refers to the early (not the National-) State