The Law of the Mother
Protecting Indigenous Peoples in Protected Areas

Edited by Elizabeth Kemf
Foreword by Sir Edmund Hillary

Executive Summary*

The rocks remain.
The Earth remains.
I die and put my bones in the cave or the Earth.
Soon, my bones will become the Earth.
Then will my spirit return to my land, my Mother.

(Gagudju People of Australia)

*Indigenous peoples... are the traditional guardians of the Law of Mother Earth, a code of conservation inspired by a universally held belief that the source of all life is the Earth, the Mother of all creation.

With these words Dr. Claude Martin, Director General of WWF International, states the thesis of The Law of the Mother, unequivocally reminding us that there is a vital link between people and conservation – a link without which man is in violation of the essential laws which regulate the evolution and fate of the earth. The results of this violation, which creates an imbalance in man's ability to sustain a symbiotic relationship with his environment, is increasingly revealing a seriously endangered planet. Much of what we can learn from our environment can be learned from those who still manage to live in relative harmony with the environment: the indigenous peoples.

In his Foreword, Sir Edmund Hillary writes:

Over the centuries, indigenous peoples in remote areas developed wise procedures to protect their natural resources -- they could be called the original environmentalists. Sacred forests were established, regular times for planting and harvesting were carefully observed, and a close liaison was established with nature in all its forms. Of course, survival was made easier by a limited population, a simple life, and, frequently, an abundance of natural food...

...The remote areas of our world, with their unique flora and fauna and their often remarkable indigenous peoples, must be protected. We cannot allow the voracious appetites of the increased world population to absorb and destroy them. Modern technology and finance can certainly be useful, but not at the expense of crushing a traditional culture or an exceptional natural environment. Often, over the centuries, these indigenous peoples have learned to handle their remote areas in a very efficient and inimitable fashion.

Considering the importance for long term sustainable development of the world's environment in general and indigenous peoples in particular, The Law of the Mother is divided into four key...
thematic sections:

- People living in or near protected areas;
- Land tenure or ownership of protected areas;
- Conflict resolution and protected areas, and;
- Communities creating protected areas.

So, who are these indigenous peoples? For most of us they are quaint and curious, living relics of another age. To developed nations, they are largely a phenomenon of the past, pictures in the pages of history books, footnotes; to developing nations they are frequently viewed as obstacles, standing in the way of 'development'. But perhaps we have still to learn from them and their special relationship with Mother Earth. If we are to learn, however, we must ensure the safety of their future, one that is partly dependent upon the appropriate development and co-management of protected areas. As Dr. Claude Martin observed:

_Having lived and worked in India and in West Africa, both in and around protected areas, I recognized early on that protected areas and local people need each other for their survival. Without the full backing of local communities, protected areas, and the human life they sustain, cannot survive._

The United Nations estimates a global population of approximately 5.5 billion people of whom 300 million are defined as indigenous. They occupy about 20 percent of the Earth's surface. Of the world's 6,000 different cultural groups, speaking roughly 6,000 different languages, half are considered moribund, spoken only by middle-aged or elderly people. According to David Harmon in his paper, "Indicators of the World's Cultural Diversity", delivered at the People and Protected Areas Workshop at IUCN's Fourth World Congress on National Parks and Protected Areas, "Most moribund languages are indigenous tongues, locally distributed. In the USA and Canada, 80% of the native languages are moribund, as are 90% of Australia's Aboriginal languages". With the death of a culture's language, there is a corresponding death of its culture and ultimately many of its people.

Commenting in _The Law of the Mother_, Julian Burger, author of the _Gaia Atlas of First Peoples_, and Secretary for the United Nations' International Decade for the World's Indigenous Peoples, states that:

_For the First Peoples, the land is the source of life - a gift from the creator that nourishes, supports, and teaches. Although indigenous people vary widely in their customs, culture, and impact on the land, all consider the Earth a Parent and revere it accordingly. 'Mother Earth' is the center of the universe, the core of their culture, the origin of their identity as a people. She connects them with their past (as the home of the ancestors), with the present (as a provider of their material needs), and with the future (as the legacy they hold in trust for their children and grandchildren). In this way, indigenousness carries with it a sense of belonging to a place._

The concept, or perhaps the recognition of the Earth Mother as creator, provider, and voice ultimately calling her children Home, is as old as humankind. In Greek mythology they speak of Gaia, the earth goddess, and thalassa, the sea, as the source of all life. In fact, the Kogi Indians of Columbia continue to live by an ancient code they call _"The Law of the Mother"_, a code dating back to the Tayrona people of pre-Columbian times. In Mexico, the Huichol
Indians still observe rituals they believe are "keeping the world in balance". Likewise, the Sefwi people of Ghana celebrate annual three-day yam festivals with offerings to the invisible keepers of the forest and to the souls of their dead ancestors. In Australia, cave paintings dating back 40,000 years reveal the belief that during their Dreamtime a female in human form created people and gave them language. Sagarmatha (Mount Everest), from the Sanskrit, literally meaning, the Mother of the Ocean, makes its way down the tall, rugged mountainsides to help form Gangamatha, Mother Ganges, the most sacred river of India, a lifeline venerated for thousands of years.

Whatever the mythology, from whatever cultures of the past or present, whether animistic mysticism, magic, or the ever emerging voices of science, all reveal the recognition and need of a mutual respect of the environment and the complex social structures centered on traditions and rituals maintained by village elders, tribal chieftains, or shamans. The shamans of yesterday have largely been replaced by the scientist of today, yet they have come to the same conclusions as those seers of the past, namely, that there is an indisputable and delicate balance between man and his environment and this must be understood and respected if life on earth is not only to survive, but prevail. Of these neglected people Dr. Claude Martin observesthat "Their life meant conservation." He goes on to say that "Compared with protected area managers, who control 5 to 6 percent of the world's land mass, indigenous peoples are the most important stewards of the earth".

In addition, one of the greatest problems confronting them is that they are increasingly having to share traditional lands with newcomers who bring with them different cultures, technologies, and create infrastructures often destructive to the environment and disruptive to the cultural traditions of the indigenous peoples. There is also the serious problem of indigenous peoples overlapping with protected areas. In large part the focus of the WWF's six-day workshop at the Fourth World Congress on National Parks and Protected Areas was to explore this critical relationship between local communities and protected areas.

As a result of increased population growth, there has been the inevitable need to occupy and exploit more land. Elizabeth Kemf notes that "in the past, protected areas were places where people were kept out of or from which they were removed." More recently, however, 'an expanded approach to protected areas is emerging'. As wilderness areas decrease and human population increases, national park areas are being encroached upon. In Latin America, 86 per cent of the national parks and protected areas are inhabited or affected by people either on a permanent or temporary basis. According to Gerhard Heiss, a consultant to the Council of Europe and to the European Economic Community, 80 to 90 per cent of western and northern European national parks and protected areas are used seasonally, some 30 per cent probably on a permanent basis. Despite this, the picture is not all bleak; in many respects when inhabitants observe traditions, such as the "Law of the Mother", there have been frequent successes.

It is with this optimism that WWF and IUCN have undertaken the creation of this book. Dr. Martin concludes his introduction to The Law of the Mother by stating that:

"Traditional and modern park management methods are at a crossroads. If they can meet on the same road, they have great potential for creating protected areas that conserve and enrich cultural and biological diversity."
In the opening chapter of "In Search of a Home", Elizabeth Kemf points out that over the past 150 years 30 to 50 million indigenous peoples have died, and that in Brazil alone 87 entire indigenous groups have disappeared. Although 5 percent of the world's surface is legally protected by 130 countries, covering nearly 7,000 officially declared protected areas, this is not enough. She observes the sad irony that:

... it was these people who were for millennia the custodians of the earth, not always, but usually, caring for it so well that it had maintained its natural ecosystems in an unspoiled state. Frequently, when protected areas were established, indigenous and local residents were moved out, often to the detriment of the land itself.

The chapter describes how different models have been established since the world's first major experiment in park management was started in Yellowstone in 1872. Yellowstone National Park covers an area, mostly in northwestern Wyoming in the U.S., of approximately 3,458 square miles. It was inhabited by the Crow, Blackfeet, and Shoshone-Bannock tribes. Burial grounds uncovered in 1941 revealed that the area had been inhabited by native Americans for at least 800 years earlier. With the invasion of gold prospectors and other explorers, the Shoshone-Bannock tribe eventually accepted the invitation of a Chief Washakie to join him at the Wind River Reservation in 1871, thus giving up their Yellowstone lands forever. For those who remained the future would not bode well. In 1877, 300 people were killed in battles between remaining Indians and civilian superintendents. And in 1886 the park was turned over to the US military for administration. The priority was to preserve the natural beauty of the parks, even at the expense of those who had lived there for centuries. Directly or indirectly, most were forced to leave their lands.

Tragically, over the years this became the model for many of the world's national parks. According to David Harmon ("Indicators of the World's Cultural Diversity", in a paper presented at the IV World Congress on National Parks and Protected Areas, Caracas, 1992), "The consequences (of adopting this model) can be terrible." The situation has improved, however, and with the assistance of IUCN's Commission on National Parks and Protected Areas (CNPPA), at an intensive workshop in 1992 at the Caracas Parks Congress, new guidelines were established to "reflect the need for more flexible interpretations to meet the varying conditions around the world."

As indigenous peoples now reassert their demands more aggressively to live on their lands on a sustainable basis, this approach is gaining increasing acceptance. According to David Foster of the Phillip Institute of Technology and IUCN consultant,

Park managers have had to come to terms with a whole new set of issues, concepts and ideas as well as to learn to communicate with a group of people with a different language, culture, and world view. Of particular concern to many has been the challenge to their fundamental beliefs about the very nature of national parks themselves.

What continues to emerge as a means of assisting indigenous peoples living in or near protected areas is what was termed by UNESCO and UNEP in Conservation, Science, and Society, vol. 1 (Paris: UNESCO, 1984), p. I., as biosphere reserves. According to Elizabeth Kemf:

A biosphere reserve is probably the most appropriate or globally acceptable category
for a protected area, (and) is an internationally designated site that includes the presence and involvement of local people in research, education, and training. It integrates resident peoples, employs their traditional knowledge, and conserves natural areas through the establishment of various use or nonuse zones.

Since the World Heritage Convention came into being in 1975, 144 countries have become parties to the convention. Areas selected and inscribed in the convention are intended "to protect the natural features for which the area is considered to be of universal outstanding significance."

Although World Heritage has no direct control over park sites, it can put pressure on governments where it finds that World Heritage sites are threatened. In December 1992, for example, as a result of severe civil unrest by a tribal group in India, the World Heritage Convention placed a national park on its Danger List. In doing so the World Heritage Convention provided a means of recognizing a crisis in a protected area and was at least able to promote awareness of the problem. This particular case is further described in The Law of the Mother in the chapter "Mayhem in Manas: The Threat to India's Wildlife Reserves" by Sanjoy Deb Roy and Peter Jackson.

That people alter their environments is indisputable, sometimes inevitable, and often necessary; however, when overexploitation of the environment results, as it has, then we must be alerted to the fact that we are endangering our own futures, our own survival, not to mention the countless species with whom we co-exist on planet Earth. While humankind has indelibly marked in his consciousness the concept of the infinite, we must, nonetheless, come to respect and function more efficiently within the finite.

A dramatic example of an indigenous people struggling with this problem to maintain its territory, lifestyle, and cultural traditions in a finite world of diminishing returns are the Kuna Indians of Panama who occupy an area of 321,159 hectares in the San Blas District. Their crisis and accomplishments are detailed in the chapter on "Kuna Yala, Protecting the San Blas of Panama", by Guillermo Archibold, a Kuna spokesman, and Sheila Davey. Known as Kuna Yala, the reserve was granted autonomy in 1953, however, since then cattle ranchers and the landless poor have made their way into the region. This was facilitated by the building of the El Llano-Carti Road. Since its construction in 1970, and subsequent neighbouring development, much of the land has been exhausted and former areas along regions bordering the Kuna were "decimated".

In response to the problem, the Kuna created the Association of Kuna Employees (AKE), an outcome of which was PEMASKY, the Management Project for the Forested Areas of Kuna Yala. Launched in 1983, it brought together local representatives of the Kuna along with outside international scientists and technicians whose expressed aim was "to protect natural resources and tropical ecosystems while ensuring that the resources are used sustainably for the development of the Kuna people". Although not official, the area is now managed as a biosphere reserve, divided into different management zones. In this chapter, the authors state:

> From the outset, the Kuna professionals and technicians were determined to participate as equal partners in the scientific research program and in the planning of resource management. A standard feature of the project is the participation of a Kuna coresearcher in all areas of research. The result has been a two-way exchange of knowledge
between two very different cultures.

Unfortunately, since then, increased numbers of cattle ranchers, landless poor, and tourists have further encroached on the traditional territories of the Kuna Indians. In large part the education of the Kuna Indians is in Spanish, further inculcating in them the cultures of the West at the expense of their own traditions. Ironically, as many newcomers arrive in their lands, many of the Kuna themselves are leaving in pursuit of a 'better life' in Panama City. As stated by Leonides Valdez, second general chief of the Kuna Yala, "If we were to lose these lands, there would be no culture, and there would be no people."

The future of the Kuna and other indigenous peoples are clearly in danger. Fortunately, there has been an increase in the number of biosphere reserves being established, increasingly at the request of rural and indigenous peoples. WWF and other non-governmental organizations are assisting in establishing them. With WWF and a Mexican NGO (Maderas de Pueblo Sureste), for example, a region of Chimalapas in the southern state of Oaxaca are trying to create the country's first Campesino (rural poor) biosphere reserve.

One of the major outcomes of the Fourth World Congress on National Parks and Protected Areas in Caracas in 1992 was the publication in May, 1996 of "Indigenous Peoples and Conservation: WWF Statement of Principles". Compiled by Gonzalo Oviedo, Head of WWF's People and Conservation Unit at WWF International in Gland, Switzerland, it outlines WWF's position with respect to: 1) Rights and Interests of Indigenous Peoples; 2) Conservation Objectives; and 3) Principles of Partnership. This document was largely the result of the influences of The Law of the Mother, WWF's publication of Conservation with People, Forests for Life, and the joint publication by WWF, IUCN, and UNEP of Caring for the Earth, in which it was acknowledged a need for recognition "of the aboriginal rights of indigenous peoples to their lands and resources...and to participate effectively in decisions affecting their lands and resources."

In his conclusion to a workshop given in Switzerland to WWF staff members in April 1998 (Indigenous Peoples and Conservation: WWF Policies and Actions), Gonzalo Oviedo stated that:

To arrive at the beginning of the next century with renewed hopes for the long-term conservation of the earth's richness and vitality, it is necessary to establish a new social contract, by which humankind agrees on changing perverse lifestyles, securing everybody's rights and well-being, eliminating poverty and injustice, and strengthening democracy and participation. These are indispensable foundations for sustainable development, and in this context, forging solid partnerships between the indigenous and conservation movements is a crucial step.

In his Afterword to The Law of the Mother, Jeffrey A. McNeely, Secretary General to the Fourth World Congress on National Parks and Protected Areas, begins with a quotation attributed to the Lord Buddha as seen on a small signpost on a road in a pine forest in Bhutan:

The forest makes no demands for its sustenance and extends protection to all beings, offering shade even to the axe man who destroys it.

It is this innocence of nature from which we have to learn and reassert our mutual role and
responsibility. With the Industrial Revolution and its quantum leap in production capacity, we also have inculcated in ourselves the idea that consumption, however one defines it, is to somehow innately good; and that it is within the realms of our inalienable right of freedom realize as much of it as we wish, irrespective of the consequences. The result is that man, the alchemist, is now no longer attempting to transform iron into gold but nearly everything possible into concrete or toys of his infinite passions.

McNeely proposed 10 principles at the Fourth World Congress which "... could help demonstrate that integrating conservation with development of local human communities is both relatively painless and likely to lead to enhanced benefits to the community, the nation, and the world." They are:

1. Build on the foundations of the local culture
2. Give responsibility to local people
3. Consider returning ownership of at least some protected areas to indigenous people
4. Hire local people
5. Link government development programs with protected areas
6. Give priority to small-scale local development
7. Involve local people in preparing management plans
8. Have the courage to enforce restrictions
9. Build conservation into the evolving new national cultures
10. Support diversity as a value

Quoting the noted naturalist, George B. Schaller, McNeely reminds us, too, that if for no other reason it is in our interest to preserve our natural environment because "some day man may want to rebuild what he has squandered, and from such samples of original habitat he can then not only draw genetic stock but also learn how the ecological pieces have adjusted to create a harmonious system".

Coinciding with the Earth Summit in Rio de Janeiro in 1992, the Kogi indians of Columbia conducted their own earth summit in the high Sierras, which they call "the heart of the world". They, the Elder Brothers, had this message to send to the world and their Younger Brothers meeting in Brazil:

You have to know the place where thinking was born - aluna - the creation, the beginning of life, where everything was born. Aluna is where The Law of the Mother began; it is the place of the spirit, of the mind, of intelligence. It is the place of thinking... There is time to analyze and correct... We believe it is necessary to respect our rights and to begin to learn from us, a society that is living in harmony with nature. So that the air can be clean again and the water can continue to be abundant, so that all life that exists on the planet, the sun, the heat of the sun and the cold of the night, all that is in this world, can return to its natural state...

*This Executive Summary was prepared for WWF International by Stephen R. Potter.