FPIC and beyond: safeguards for power-equalising research that protects biodiversity, rights and culture

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by MICHEL PIMBERT

This special issue of *Participatory Learning and Action* rightly emphasises the importance of community designed and controlled participatory processes of free, prior informed consent (FPIC) and of developing community protocols for research on biocultural diversity. In this article, I offer some reflections on how to give non-researchers (e.g. men and women in indigenous and local communities) more significant roles than before in the production and validation of knowledge for the equitable and sustainable use of biological and cultural diversity. I suggest that there is a need to go beyond the valuable concept of FPIC for research involving indigenous and local communities. Whilst an essential tool, FPIC needs to be part of a wider set of tactics and safeguards to enable local and indigenous communities to defend their rights and determine their own destinies (Colchester and Ferrari, 2007).

FPIC potentially allows communities to decide if they want to develop a community protocol to assert their rights to biodiversity in different local contexts.[1] These biocultural protocols can be used by communities to set the rules of engagement in research and other initiatives (e.g. access and benefit-sharing under the Nagoya Protocol).[2] Experience suggests that participatory processes are key for the design of effective community protocols (Swiderska, this issue). To date however, there has been more documentation of the **content** of existing biocultural community protocols and FPIC than the actual **processes** required to develop them. This article aims to fill this knowledge gap by emphasising the processes and safeguards needed to ensure a truly participatory approach to research and development (R&D) for biodiversity, culture and rights.

I use the term 'participation' in an emancipatory and democratic sense. The values and normative framework which are at the heart of my own understanding of

[1] See Glossary, p.10.
[2] See Overview, p.25-40.

Photo: CENESTA

Pastoralists Rethinking Research project, Iran.

'participation' in this article can be summarised as:

> *... allowing each potential citizen-subject within society to become real subjects, by offering them ... a genuine autonomy to exercise their ability to give themselves laws and construct rules with others... More specifically, this implies giving to individuals the means to participate ... in the daily construction of the rules of living together, and to rethink political, social and economic relationships in order to civilise them at a deep level, through the permanent exercise of the freedom to participate* (Méda 2000, author's translation).

Towards power-equalising research

Power-equalising research involves both researchers and non-researchers in close cooperative engagement, jointly producing new knowledge, with mutual learning from the process. As such, this form of cooperative enquiry is a significant reversal from dominant roles, locations and ways of knowing.

These reflections are based on ongoing participatory action-research with indigenous and local communities in the Andean Altiplano (Bolivia and Peru), Asia (India, Indonesia, Nepal and Iran), Europe (France, Italy, UK) and West Africa (Mali) where research is done **with**, **for** and **by** people – rather than on people – to explore how locally controlled biodiversity-rich food systems can be sustained.[3] In these different settings, it is noteworthy that citizens engaged in co-enquiry are viewed as knowledgeable and active actors with the ability to be centrally involved in both the 'upstream' choice of strategic research priorities and the design of innovations, as well as in their 'downstream' implementation, spread and regulation. Viewing citizens as knowledgeable actors is, in and by itself, an important safeguard in promoting community rights over their biocultural heritage. Empathy, respect and solidarity with fellow human beings are important prerequisites here. Without these enabling values, enduring prejudiced views will continue to undermine the possibility of seeing ordinary citizens as knowledgeable actors (Box 1).

Co-defining ways of working and research ethics

Power-equalising research often grows out of a participatory process in which local community members define or co-define with outside researchers the rules of engagement and ways of working. Ensuring this kind of ethical research is essential. Too often, research programmes are imposed on rural people, adding to their already overwhelming burdens, causing harm and violating rights.[4] It is vital to ensure first that non-researcher citizens have an opportunity to assess, on their own terms and in their own time, the desirability and relevance of engaging in cooperative research activities. The validity and quality of the research are usually enhanced when non-researchers are allowed to co-define the rules of engagement and codes of research ethics. Open ended dialogues and village-level discussions with dalit women farmers in Andhra Pradesh (India) allowed participants to decide on the code of research ethics they should adopt and on

[3] See Pimbert (2012); CNOP *et al.* (2007); and Pimbert (2011).
[4] See Denzin *et al.* (2008).

Box 1: Disempowering mindsets, attitudes and behaviours undermine peoples' knowledge and capacity for co-enquiry

- According to Ibrahim Coulibaly, a farmer leader and president of the Coordination Nationale des Organisations Paysannes (CNOP) in Mali, many urban-based intellectuals are ashamed of their rural or peasant origins, and prefer not to mention them. Many researchers and decision makers also believe that small-scale family farmers, and women in particular, are backwards and ignorant – and that these farmers and food processors are a relic of the past that should be dispensed with as fast as possible.
- In Peru, Alejandro Argumedo gives many examples of the enduring racist and prejudiced attitudes which indigenous peoples and their knowledge systems experience when discussing issues of biodiversity, rights and culture with 'educated' decision makers and scientists of Spanish descent.
- In Iran, nomadic pastoralists and their biodiversity conserving practices continue to be marginalised by powerful modernising forces in government and research. Deep seated dehumanising attitudes and a desire for purification of difference and disorder often prevent genuine intercultural dialogue and co-enquiry.

Source: author's conversations with IIED partners involved in the Sustaining Local Food Systems, Biodiversity and Livelihoods initiative. See: Pimbert (2012).

how to document research on biodiversity, food and culture (see Box 2). This village-level process also allowed for an unhurried emergence of FPIC.

Forming safe spaces for co-enquiry and reversals from the normal

The spaces that bring community members and outside researchers together during the research process need to be carefully thought out – they need to be designed as **safe spaces** for communication and action. This is an important safeguard for participatory research as many spaces are not welcoming of women or inclusive of the weak and marginalised, nor free from manipulation and co-option by more powerful insiders and/or outsiders.

More generally, important differences exist between two radically different types

Box 2: Research agreements with women farmers in the drylands of South India

Action-research on Sustaining Local Food Systems, Biodiversity and Livelihoods worked with the Deccan Development Society (DDS) and 80 *sanghams* (voluntary village-level associations) made up of dalit women – the lowest group in the Indian social hierarchy. From the start, it was vital to ensure first that the *sanghams* and small-scale farmers had an opportunity to assess, on their own terms and in their own time, the desirability and relevance of engaging in collaborative research activities.

Through a process of locally-organised presentations, discussions and debates lasting almost three months, the women *sangham* leaders and DDS staff gave their informed consent for the project to go ahead and also clarified and agreed on the terms of engagement with IIED. These deliberations were the first step in this action-research and (a) ensured that the principle of FPIC was upheld, and that (b) trust, long-term commitment and ownership were built. All participants also felt it necessary to adopt an ethical code to guide the research. After discussing possible options, they agreed to use the International Society of Ethnobiology's Code of Ethics. This requires research partners to recognise, support and prioritise the efforts of indigenous peoples, traditional societies and local communities to undertake and own their research, collections, databases and publications. For example, participants agreed on how to ensure that the research findings were documented in a way that would be accessible to the many non-literate members of the community. Women *sangham* members pointed out that the DDS had trained villagers in the use of digital video technology and they argued that locally-filmed video should be used to document the research and communicate its findings. All co-enquirers agreed to this as the DDS's experience had already shown that being non-literate is no barrier to learning to use video.

As a result, women farmers felt both respected and empowered in the knowledge that they would be working with and communicating about this action-research through their community-produced video films – in their own ways, at their own pace, and with significant control over the entire research process and ways of working. They produced 12 video films documenting the action-research process and its outcomes.

For more information, see: Community Media Trust *et al.* (2008).

Box 3. Reversing gender biases

We do not need to include women in the citizens' juries because they are not farmers.

This astonishing comment was made by a senior member of one of the key peasant organisations in Mali, the AOPP (Association des Organisations Professionnelles Paysannes). As a result, the AOPP stalled the preparatory process of the Citizens' Jury on Genetically Modified Organisms (GMOs) and the Future of Farming. It took two months of discussions and negotiations among steering group members to convince this senior member of the AOPP that women do play a major role not only in food preparation but also in the production of food, usually by farming small plots of land. In late July 2009, one of the heads of the AOPP threatened to remove his organisation from the steering group of the Democratising Agricultural Research initiative because he was unhappy that the Convergence of Rural Women for Food Sovereignty (COFERSA) had been formally accepted as a new member of the steering group. This decision was eventually reversed by the AOPP and the larger steering group – but only after a month of intense discussion, persuasion and argument on the need for gender justice.

Source: Pimbert and Boukary (2010).

of spaces for participation: **invited spaces from above** and **popular** or **citizen space**s. Examples of the former are government and donor-led efforts to set up co-management committees and research platforms. In contrast, citizen or popular spaces are created by people who come together to create arenas over which they have more control, e.g. farmers' platforms for negotiation and collective action; or do-it-yourself 'citizens' juries' that allow ordinary people to judge existing policies and frame alternative policies. Examples of such popular spaces include recent citizens' juries on the priorities and governance of food and agricultural research in India (www.raitateerpu.org) and West Africa (www.excludedvoices.org).[5]

Whilst there are notable exceptions, popular spaces are arenas within which, and from which, ordinary citizens can gain the confidence to use their voice, analyse

Photo: Peter Reason

A citizen's jury evaluating agricultural research, India, 2010.

and deliberate, frame alternatives and action, mobilise, build alliances and act. Creating and nurturing such safe spaces is essential for intercultural dialogue, mutual learning and embracing the experience, expertise, fresh thinking, energy and perspectives of hitherto excluded actors, including women and youth. But such popular spaces may also reproduce both overt and subtle forms of exclusion in the absence of a conscious social commitment to politics of freedom, equity and gender inclusion. The messy process described in Box 3 is an example of how co-enquirers ensured gender justice in citizens' deliberations on the priorities for public research in West Africa.

Safe spaces for communication and action not only strive to be inclusive of gender and difference, they also promote a culture of reversals from normal practice. They put the perceptions, priorities, judgement and knowledge of members of indigenous and local communities centre stage. These spaces are typically located in settings familiar to communities (e.g. villages, fields) and they rely first and foremost on local languages for analysis and deliberations (outside researchers receive translations). Last, but not least, such safe spaces when combined with the use of enabling participatory methodologies allow citizens to be directly engaged in the entire research cycle.

[5] Parallel discussions around patient (i.e. non-elite) knowledge in health research also emphasise the importance of safe spaces. See: Cook (2012).

Photo: Peter Reason

Non-literate film maker from the Community Media Trust, India.

Participation throughout the research and development cycle

Key moments or stages when participation can occur throughout the research and development (R&D) cycle include:

- evaluations of results and impacts of research, as well as risk assessments;
- scientific and technological research – the production and validation of knowledge, including the FPIC stage and the initial design planning of the research;
- the choice of upstream strategic priorities for R&D and allocation of funds; and
- the framing of policies for environment and development, including biodiversity conservation and its sustainable use.

Power-equalising research seeks to embrace and intervene in all these different moments in the R&D cycle. Appropriate participatory methodologies and deliberative processes are used at each stage to engage citizens in direct and meaningful ways in shaping the political economy of knowledge as well as in the actual production and validation of new knowledge, technologies and institutional innovations (Pimbert, 2009). A focus on the entire R&D cycle allows for a shift from narrow concepts of participatory research that confine non-researchers to 'end of the pipe' technology development (e.g. participatory plant breeding) to a more inclusive approach in which farmers and other citizens can define the upstream strategic priorities of research and governance regimes for environment and development. This more systemic understanding also allows one to situate discussions on the pros and cons of a particular innovation (e.g. an ABS regime) in the wider policy context and actor networks that have shaped the R&D process which generated that specific innovation.[6]

Cognitive justice – recognising different knowledge systems and their right to exist

Power-equalising research is all about ensuring greater cognitive justice between

[6] For more information see Pimbert (2011).

fundamentally different knowledge systems and ways of knowing. Claims that one tradition of knowledge and practice (local, vernacular systems versus external science-based systems) is always better than the other may ultimately restrict possibilities. The idea of cognitive justice emphasises the right for different forms of knowledge – and their associated ecologies, practices, livelihoods and ways of being – to coexist. As Visvanathan argues, cognitive justice is *'the constitutional right of different systems of knowledge to exist as part of a dialogue and debate'.* This implies the continued existence of *'the ecologies that would let these forms of knowledge survive and thrive not in a preservationist sense but as active practices'* (Visvanathan, 2005). It is noteworthy that the successful protection of biocultural heritage in the Potato Park in Peru has grown out of local communities' affirmation of their sovereign right to sustain their **entire** knowledge system, including the landscape and territories that renew biodiversity, culture and livelihoods (see Box 4).

Articulating and claiming this right to cognitive justice **by** and **for** hitherto excluded actors is a key challenge for all involved in power-equalising research for biodiversity, rights and culture. This is a crucially important safeguard against the standardisation induced by hegemonic western science that is now increasingly controlled by the life industry corporations (ETC, 2011; Grain, 2012). In the absence of ways of working grounded in principles of cognitive justice, the Nagoya Protocol on ABS could lead to the development of narrow science-based community protocols which do not reflect the distinct and diverse cultural norms, knowledge systems and practices of indigenous and local communities. Inevitably, this side-lining of local knowledge systems will facilitate ABS regimes that are extractive, unfair, patent-friendly and easily captured by corporations and new cycles of capital accumulation.

Box 4. Indigenous communities claiming cognitive justice in Peru

The concept of indigenous biocultural heritage territories (IBCHT) grew out of power-equalising research and has guided a successful community-led initiative in Cuzco, Peru known as The Potato Park. Located in a biodiversity hotspot for potatoes, the park is an IBCHT centered on the protection of potato biodiversity and related knowledge. The area is home to more than 4,000 varieties of potato as well as other traditional crops, including corn, barley, wheat, oca and olluco. The Potato Park provides an alternative approach for protecting traditional knowledge. It protects not only the intellectual, but the landscape, biological, economic and cultural components of knowledge systems, thereby halting loss of traditional knowledge as well as misappropriation. Communities' collective control over their knowledge has been strengthened by systematically affirming the holistic and indivisible nature of their rights to land, territories and self-determination. Cognitive justice is being claimed as the concept of IBCHT is increasingly recognised in national and international negotiations on the protection of biodiversity and knowledge.

Source: Argumedo and Pimbert (2008).

Extended peer communities co-validating knowledge

How knowledge is validated – and by whom – matters a great deal in today's context of open-ended uncertainties in which 'we do not know what we do not know'. Co-enquiries between local communities and outside scientists need to be open to the possibilities of a 'post-normal science'.[7] This is the sort of enquiry in which the facts are uncertain, values are often in dispute, stakes are high and decisions are urgent. Post-normal science recognises a plurality of legitimate perspec-

[7] Post-normal science expresses three key insights: 1) These times are far from 'normal': uncertainty now rules political and environmental affairs. 2) 'Normal' puzzle-solving science is now thoroughly inadequate as a method and a perspective for solving the great social and environmental issues of our times. 3) Extended peer communities of citizens can no longer be relegated to second class status, and their special knowledge can no longer be dismissed as 'unscientific', inferior or bogus (see Ravetz and Funtowicz, 1990).

Photo: Khanh Tran-Thanh

Following the International Forum on Food Sovereignty, IIED project partners from India, Indonesia, Iran and Peru participated in a workshop to share in a process of mutual learning (Selingue, Mali).

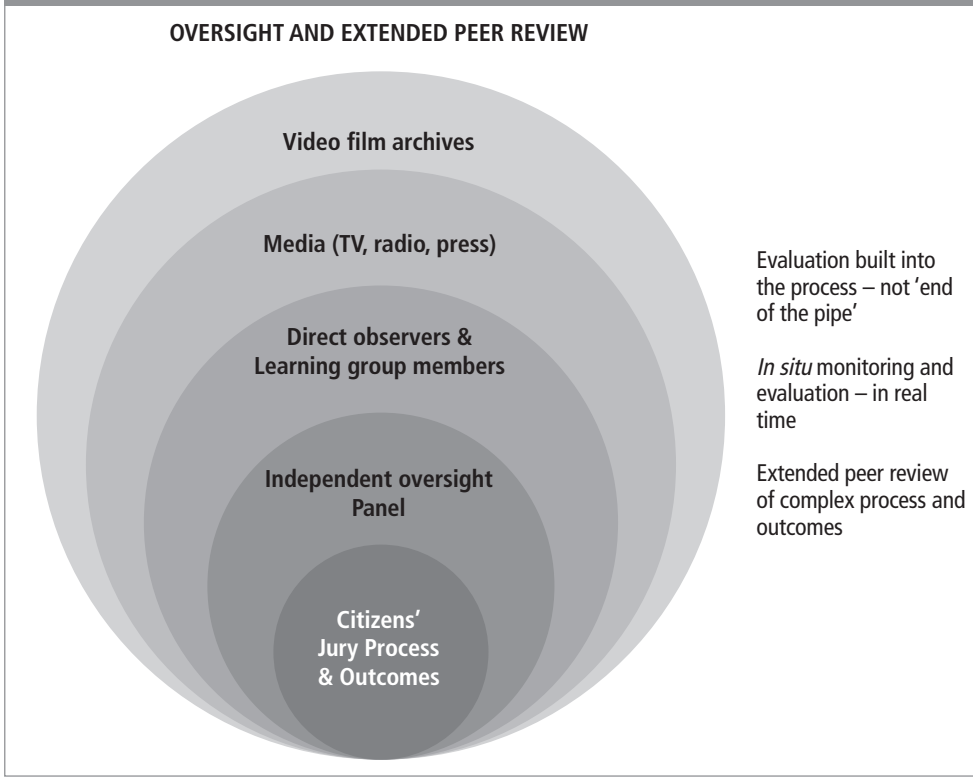
tives on every issue and insists on the need for extended peer review. This 'extended peer community' validates knowledge and can include scientists as well as members of indigenous and local communities – both men and women of different age groups, classes, castes, ethnic groups etc. All these actors have incomplete and partial knowledge – scientists included. Under conditions of open-ended uncertainties and rapid change **all** these different knowledge holders (e.g. farmers, healers, livestock holders, forest dwellers, scientists) have a legitimate and useful role to play in deciding what constitutes valid knowledge in a particular context.

The more academic and narrow disciplinary-based peer review system alone – with its privileged power to decide what is 'true science' – is no longer seen as legitimate and relevant for dealing with the challenges of the 21st Century such as climate change and risk assessments.

Photo: Khanh Tran-Thanh

Citizens' jury on the Governance of Agricutural Research in West Africa (Selingue, Mali), a process designed to strengthen the voices of small-scale producers and other citizens.

Figure 1. Diverse gatekeepers of knowledge decide on the validity and quality of citizens' juries' policy recommendations



Source: Pimbert (2011).

Instead, power-equalising research relies on a more inclusive and plural process of co-validation of knowledge that brings together representatives of different knowledge systems (scientific, indigenous, local) in 'extended peer communities'. For example, the process and outcomes of citizens' juries on the future of food, agriculture and environment in West Africa and South Asia have all been co-validated by many different actors (academics, donors, policy makers, media professionals and farmers) who were physically present during the citizens' juries (Figure 1).[8]

Extended peer communities necessarily engage in multi-disciplinary, intercultural dialogues and negotiations to agree on what counts as valid and useful knowledge in their unique settings – often emphasising the value of people's knowledge of the local situation and of the context of change. People involved in this way of knowing thus participate in the joint production of **collective** knowledge. They are involved in a deeply sense-making activity, generating meaning both for themselves and for the knowledge they are co-creating. Such 'extended peer communities' are important safeguards for the generation of inclusive, valid, relevant and high quality knowledge needed to adaptively respond to rapid change and uncertainty through democratic processes.

[8] For West Africa, see Pimbert *et al.* (2011). For South Asia, see: www.prajateerpu.org and Kuruganti *et al.* (2008). For the work of the Alliance for Democratising Agricultural Research in South Asia (ADARSA) and citizens' juries on agricultural research, see also: www.raitateerpu.com.

Photo: Khanh Tran-Thanh

Potato Park, Pisaq, Peru. Elected representatives of the six communities that comprise the Association of Communities of the Potato Park, which is responsible for managing the park. The group meets on a weekly basis to discuss issues of agrobiodiversity, land and traditional resource rights, and local economic activities.

Photo: Khanh Tran-Thanh

As part of the Potato Park's agrotourism project, local residents conduct hiking tours of the agricultural area, and the women's collective that manages and operates the small restaurant provide cooking demonstrations and meals to showcase traditional local ingredients such as quinoa and amaranth.

Strengthening local organisations to build countervailing knowledge and power

Power-equalising research usually seeks to enlist and strengthen local organisations of indigenous peoples, farmers, pastoralists, forest dwellers, fisherfolk and other citizens. Engaging local organisations and communities in co-enquiry is important because they play a key role in:

- sustaining the biodiversity and ecological basis of systems that are essential for meeting human needs (e.g. food systems);
- coordinating human skills, knowledge and labour to generate both use values and exchange values in the local economy; and
- local governance, including decisions about people's access to food, biodiversity and other natural resources.

However, many local community organisations can be elitist, dominated by a few and discriminatory. The legitimacy, transparency and democracy of local organisations will often need to be strengthened as part of a process of change and co-enquiry (see Box 3). When this is done,

Photo: Michel Pimbert

Farmer exchange for mutual learning among representatives of indigenous and peasant federations from Peru, Indonesia, India and Iran meeting in a village in South India.

embedding power-equalising research in local organisations and the federations they form usually better ensures that:

• the right questions are asked from the communities' point of view;

• there is more shared ownership over the research process and its outcomes; and

• that the capacities and assets of local organisations are enhanced (human, social, natural, physical, financial assets).

These are important safeguards for truly participatory research.

New energy and creativity are often released when different federations and networks of local organisations learn to better communicate and work together in producing knowledge for positive change and equity. Many such federations of the rural and urban poor are well placed to promote non-state-led forms of deliberative democracy aimed at making local, national and global institutions accountable to citizens – particularly those most excluded from decision-making. Indeed, federations of local organisations increasingly seek to have a greater say in the governance of environment and development – including R&D. In so doing, they challenge liberal understandings in which citizenship is viewed as a set of rights and responsibilities granted by the State. Instead, citizenship in the context of locally determined development is claimed, and rights are realised, through the agency and actions of people themselves.

Box 5. International Investment Agreements boost corporate power

International Investment Agreements (IIAs) such as the Bilateral Investment Treaties (BITs) and investment chapters in the Free Trade Agreements (FTAs) give transnational corporations (TNCs) extraordinary rights without binding obligations. They allow TNCs to bypass local and national laws and courts. If public policy is against their interests, TNCs can sue sovereign States for millions of dollars before private international arbitral tribunals associated with the International Centre for Settlement of Investment Disputes (ICSID) and the United Nations Commission on International Trade Law (UNCITRAL) and others. It is noteworthy that there is no similar international tribunal where governments or citizens can bring TNCs to justice when their activities violate social, labour, human and environmental rights or when they act in breach of public policy requirements. This has led to calls for an alternative international investment framework that is based on democratic principles and prioritises public interests over private profits.

See: http://tinyurl.com/AlternateIM

Full URL: http://justinvestment.org/2011/11/call-for-an-alternative-investment-model/

Legal redress as safeguard against abuses

Power-equalising research on biodiversity, rights and culture is increasingly taking place in a context in which transnational corporations (TNCs) and investors are engaging in international arbitration to protect their rights as investors. For the first time in international law, large corporations are being given the right to sue governments. This trend is greatly facilitated by new International Investment Agreements (Box 5).

Indigenous and local communities engaged in co-enquiry need to develop safeguards against such abuses of power and must be able to seek legal redress when their rights are violated. But the ability of victims of corporate and State power to enforce their right to food and other rights (e.g. equitable ABS for indigenous knowledge on seeds and medicinal plants) has

been difficult without an international complaints mechanism. The newly adopted Optional Protocol of the International Covenant on Economic, Social and Cultural Rights (CESCR) may offer real opportunities to do that. The entry into force of the Optional Protocol greatly improves access to justice for victims of violations of the right to food and other rights by allowing individuals or groups to bring a complaint directly to the CESCR (Ziegler *et al.*, 2011).

However, history everywhere shows that these human rights will need to be claimed through the agency and social mobilisation of local communities and wider coalitions of citizens. In many cases, legal redress will not be enough: safeguards based on more radical expressions of deep democracy, self-determination, self-organisation, direct action and people's sovereignty will be needed for equity, social justice and environmental sustainability. Developing such safeguards is a vitally important new conceptual and methodological frontier for power-equalising research that truly works for the well-being of people and the Earth.

CONTACT DETAILS

Dr Michel Pimbert
Principal Researcher
Agroecology and Food Sovereignty Team
Natural Resources Group
International Institute for Environment and Development (IIED)
80-86 Gray's Inn Road
London
WC1X 8NH
UK
Email: michel.pimbert@iied.org

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