



Sacred Sites: An Overview

*A Report for The Gaia Foundation
(Abridged Version)*

*by
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The Gaia Foundation

The Gaia Foundation (Gaia) provides a platform to innovative people and issues, and is committed to strengthening cultural and biological diversity, justice and resilience. We work with outstanding individuals and partner organisations in Africa, South America, Asia and Europe, and our efforts have been recognised by the Schumacher Award, One World Media, and the Right Livelihood Award.

Our work on the protection of sacred sites began in the Colombian rainforest in the 1980s, working with local partner Fundación Gaia Amazonas and accompanying Amazon indigenous peoples to secure their right to govern and protect their traditional lands. An innovative approach evolved, reviving cultural identity and ecological practices, and restoring the vital role of elders and traditional knowledge-holders. Since then, information sharing and learning exchanges organised by The Gaia Foundation have sparked similar activities in Ethiopia, Ghana, Kenya and South Africa, under the umbrella of the African Biodiversity Network, and with partners in Europe.

This report was commissioned by The Gaia Foundation to provide an overview and summary of documented materials and advances on the protection of sacred sites. We hope it will contribute directly to ongoing discussions and actions among those that we work with, from indigenous and traditional peoples, through to civil society groups, media, policy-makers, and funders.

For further information please visit www.gaiafoundation.org

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This report was commissioned by The Gaia Foundation. The views presented here are those of the authors and do not necessarily represent those of The Gaia Foundation and its international partners.

Printers: Calverts, 9/10 The Oval, London E2 9DT
A social enterprise and workers' co-operative.

Photography:

Cover Front: Casabe rapids, Pirá Paraná River, Colombian Amazon © Sergio Bartelsman. *According to local indigenous mythology, it is here that the ancestral anacondas emerged and received the knowledge for managing the territory. Image taken from "El Territorio de los Jaguares del Yurupari" a book by the Association of Indigenous Captains and Traditional Authorities of the Pirá Paraná (ACAIFI).*
 Back: Wat Mahathat, Thailand © Fiona Wilton

page 11 Goddess Seshat, Medinat Habu, Egypt © Anthony Thorley

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page 24 Sierra Nevada de Santa Marta, Colombia © Danilo Villafañe

page 27 Near to Phiphidi waterfalls, Venda, South Africa © Mphatheleni Makaulele
Sacred site of the Ramunangi clan, now strewn with litter and threatened by tourist developments.

page 31 Tara, Ireland © Department of Environment and Heritage, Ireland.

Sacred lands is a serious topic. It is of increasing concern to Aboriginal people and also should be of increasing concern to non-Aboriginal people.

When our people say, 'I am the environment, for the land and me are the same,' a lot of non-Indians interpret those statements metaphorically. Philosophically, from a world point of view, non-Indian societies do not live in reality.

Leroy Little Bear at the Sacred Lands Conference, University of Manitoba, 1996

ACKNOWLEDGEMENTS

Although there are many academic and other sources freely used in this report, and fully listed in the full report, this abridged version is not a formal academic document. We emphasise that all the views expressed, and all factual errors are entirely our own, and not to be seen as the responsibility, opinions or policy of the Gaia Foundation.

We would like to thank many friends and colleagues who have given us much encouragement and support in this work and especially those who contacted us from indigenous and traditional peoples. A full list of acknowledgements can be found in the full version of our report.

We would particularly thank Liz Hosken, Edward Posey, and the staff at the Gaia Foundation for their assistance and generous encouragement in this project and also specially thank the numerous Gaia correspondents and partners who gave us valuable feedback on an earlier draft of this abridged version.

Writing the full report and this abridged version has been our privilege.

Anthony Thorley and Celia M Gunn
Bath, England
August 2008

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INTRODUCTION

Over the last year, the authors were commissioned by the Gaia Foundation to carry out a global overview of sacred sites based on internet and published material, and in particular to outline the current discourse and perspectives on their overall significance and status in terms of protection and conservation. Following completion of a detailed report [available from the Gaia Foundation], the authors have prepared this abridged version of the main findings and conclusions, which we hope will be both informative and stimulating.

In researching this material, the authors discovered the huge, rich and complex world of sacred sites and the mounting world-wide concern for their protection and conservation, a main strand of which is the pressure on and threats to the sacred lands of indigenous and traditional peoples. It is clear that globalisation and expanding western commodification of the traditional landscape has placed many sacred sites under a terminal threat. However, it now appears that at all levels, from international agencies to the local community, there is a realisation that continued loss of sacred places is no longer acceptable and urgent action at all these levels is needed to facilitate their protection.

This urgency is not only evident in the context of indigenous and traditional peoples, but is also present in industrialised societies, in both so called developed and developing countries, where there is an increasing impetus to acknowledge the significance of ancient sacred places, previous cultures and traditions, and the role and function of pilgrimage and spiritual practice. Centres of contemporary religious and spiritual observance, such as temples and churches, are also becoming foci of a growing movement of cultural heritage, protection and conservation.

CONTEXT AND DEFINITION

The universality of sacred sites

Throughout history, sacred sites have existed in all cultures and all parts of the world. They have always been founded upon a core set of natural features, such as mountains, caves, rock outcrops, springs etc. In all cultures, sacred places are seen as crossing-over points, sited between the mundane and the spirit world: entry points into another consciousness. Not simply seen as just another place in the landscape, sacred sites carry a whole set of rules and regulations regarding people's behaviour, and imply a set of beliefs connected with the non-material world, often in relation to the spirits of the ancestors and a belief in gods or spirits.

Although sacred sites are commonly centred on natural landscape features, they are often embellished with man-made artefacts and culturally distinct or specific symbols, and so represent a fusion between the natural world and human modification.

Experience of the sacred has an objective basis

This fusion leads to a special tangible and palpable quality when experiencing sacred places, as reported in accounts spanning hundreds of years and many cultures. Terms like 'wonder' and 'awe' are often used to express their essential mystery and powerful effect on our consciousness, thus making sacred sites unique places in the landscape. Many cultures describe sacred places as carrying a characteristic and significant form of power which has wide or specific influence that can potentially be positive or negative.

In recent years, there has been an increasing body of objective scientific evidence from psychological and consciousness studies demonstrating that sacred sites intrinsically carry a form of field effect which can be influenced and enhanced by ritual, ceremony and conscious intent so as to extend for miles beyond the site itself.

So the concept and experience of the sacred is not simply a by-product of human imagination and belief but has a more objective basis.

Sacred natural sites

The authors consider that the term 'sacred natural site', which has become strongly associated with the sacred lands of indigenous and traditional peoples and is used to ostensibly distinguish between a man-made cathedral and, for example, a natural sacred rocky outcrop, becomes rather limiting and difficult to sustain, and will not be used as the core concept of sacred site pursued in this report.

Although there are apparently many entirely man-built sacred sites such as churches and temples that do not seem to originate in a 'natural' feature, some in fact do. For example, Chartres Cathedral is built over a natural spring and the Great Pyramid of Giza sits on a natural outcrop of limestone which is now invisible.

Problems and limitations of the concept of sacred

Great care has to be taken in applying the meaning used in industrialised societies of 'sacred' and even 'sacred site' to other cultures and religions. A brief survey of non-industrial traditions and cultures quickly reveals that the word 'sacred' has many varied meanings in different settings and that a generalised meaning of 'sacred site' as used in this report cannot do proper justice to the variety and subtlety of those other meanings. We have to reflect that industrialised culture is essentially a materialist culture, where since the Enlightenment, subject and object, mind and body, religious and secular and more specifically culture and nature are essentially seen as separate. Most current academic accounts of the sacred still tend to emphasise its separation and distinction from the secular or profane.

Case 1. Eddie Mabo and Australian Aboriginal Land Entitlement

In the early 1990s, an Australian Aboriginal, Eddie Mabo (1936-1992), of Murray Island north of Queensland, being aware that his family had lived on the land for many generations, was surprised to discover that his land was actually owned by the Crown. He pursued a case to establish legal title to his lands on grounds of continuous occupation. Concerned about the implications of Mabo's case being successful, the Queensland Government quickly passed a new state law that summarily extinguished all Native land titles in the Murray Island area. Mabo appealed to the Australian High Court and the new law was overturned on the grounds that Mabo and his fellow plaintiffs had a compelling common-law claim to their land by right of ancestral occupation.

This ruling essentially changed the face of Australian Government-Aboriginal relations over land claims, and indeed over much more. Before this ruling, the traditional view as Aboriginal lawyer Noel Pearson put it, was that Aboriginal people 'were as animals roving over the landscape and had no proprietary interest in the land'. In the Mabo case, the ruling implied that common law would no longer undertake an inquiry into people's social organisation in order to determine whether they can be respected in their property rights, an effective abolition of formal racial discrimination against Aboriginals in land claim cases. Very few Aboriginals were able to benefit in the way Eddie Mabo had, simply because ninety percent of them had lost their traditional lands many years ago and to date there is no way the ruling can be applied retrospectively. The ruling did however strengthen the status of Aboriginal peoples when considering issues over their traditional lands, and it caused something of a crisis in non-Aboriginal settler Australians in that it seriously raised for the first time the issue of their moral right to occupy, and indeed own, lands that had been effectively appropriated.

Since the Mabo ruling, the voice of Aboriginal peoples over claims to traditional lands and access and use of sacred sites has increasingly been heard. New state and federal legislation has been introduced, including the important Native Title Act of 1995. This new legislation led eventually to a judicial ruling in 2006 that has given the entire city of Perth in Western Australia to the Noongar people, effectively granting them a significant role in the management and use of all public places and land in the city. This has been a further landmark case and has inevitable future repercussions for all Australian people as other major cities become subject to Aboriginal land claims as the country's first occupying people. The Government of Western Australia will appeal the 2006 decision and the Prime Minister of Australia, John Howard, has said that his first reaction to the Perth ruling was 'one of considerable concern'.

[Source: Brown 2003 and others]

This position, whilst perhaps comfortable for the dominant industrial culture, is often at stark variance with the worldview of many indigenous and traditional peoples who value what the west calls 'sacred' in their own way.

Thus although this report presents a brief world overview of the sacred site as found in many different cultures and religions, it is inevitable in making our argument clear for a western audience from an industrialised society that the question of what constitutes a sacred site and how it relates to a wider consideration of landscape is going to be presented through the lens of an industrialised society's mindset.

Consequently, and although it is not our intention, we are sensitive to the fact that our use of the term 'sacred' in this report runs the risk of being perceived as ethnocentric.

The meaning of the word sacred

The English word 'sacred' derives from the Latin word *sacer*, often taken to mean 'set apart to, or for, some religious purpose' or more principally: 'dedicated or consecrated to a divinity, holy, sacred'. However it also carries a related meaning: 'accursed, execrable, horrible, infamous' or 'devoted to a divinity for destruction, forfeited'.

Immediately we can see that the word carries an association with divinity both as a powerful force for injury and destruction, as well as the idea of being esteemed, held in awe or being exceptionally acceptable. So although sacred may seem a relatively simple word in the modern use of it today, it actually carries a fascinating admixture of apparently positive and negative meanings which stem from its basic word derivations. These include: rite, custom, law, safe, whole, healthy, accursed, horrible, divine destruction, divine presence. The implication here is of one of power and complexity with perhaps a real touch of unpredictability.

Today, the modern use of the word sacred seems to imply a more certain, positive, beneficent and less uncomfortable quality of the holy. But it may be that the older, deeper and more complex meaning of sacred, now rather lost to modern industrial society, is actually well-suited to remind us of some of the richer meaning and experience in indigenous and ancient societies. For example, it is very difficult to match the modern use of the word 'sacred' to the Maori term *waahi tapu* meaning 'sacred place', as the modern English translation of *tapu* as 'sacred' fails to capture its true essence, since the deep spiritual value of *waahi tapu* transcends sacredness. There are further complications, for even within Maori society there are different definitions and classifications, and each tribe or sub-tribe has their own definition of *waahi tapu* which is valid only to them. And apparently, no tribe or sub-tribe or extended family would be so presumptuous as to define *waahi tapu* for another subgroup.

The key point is that for many cultures, the perception of land and its community of living and (apparently) non-living subjects carry a numinous respected quality, a concept or idea with which western culture has largely lost contact. For these cultures, sacred sites are portals of intense spiritual energy in a setting where all life is sacred, in that it is imbued with spirit or lifeforce. The living land and all its subjects, whether animals, plants, rocks or rivers, are part of what Thomas Berry, in his book 'The Great Work', refers to as the 'Earth Community'.

In this perspective, humans recognise that they are only one form of life in the wider Earth Community and that all the subjects of this community carry living agency of their own with which humans can only be in a sensitive dialogue.

For many indigenous and traditional peoples who are living close to the land in the Earth Community, the relationship between humans, animals and plants and the physical landscape (and often the celestial vault) is truly seamless and without boundaries. There is no concept of special-ness or profound otherness because it is recognised that all the subjects of the Earth Community are interconnected and, as science would say, ecologically interdependent.

Most significant and challenging for industrialised society's idea of the separateness of 'sacred' and the use of the term 'spiritual' from the secular, is that indigenous peoples treat this interdependent relationship as totally normal and so unremarkable that often it does not require any special terminology. It simply perfuses every aspect of life: personal, social, tribal, economic and most significantly political, so that there is no distinction between sacred and non-sacred and spiritual and non-spiritual. The world simply is. For example, Australian Aboriginals are just one of many cultures which hold the view that all the land is in some way sacred. This does not mean that Aboriginals do not recognise that there are also specific sacred sites, seen as very special places which are set apart and which carry their own prohibitions and rules of behaviour for those who come into contact with them. However, the concept of the rest of the land also being sacred presents in a way that strains an industrialised society's meaning of the word sacred and is very hard for people from Christian industrial cultures to differentiate or understand.

The location of a Christian church is often place-selected by society rather than founded upon a sacred place that pre-exists the building. Most significantly, although the Christian church holds the concept of consecrated land, it also has its opposite, *deconsecration*, so that church space can actually lose its sacred con-

notation when it changes its role into an arts centre, shopping mall or private dwelling. As a concept completely acceptable to Christians and some other major world religions, deconsecration would be completely meaningless or unacceptable to many traditional and indigenous cultures. It has been observed that perhaps the dominant experience of industrial societies and acceptance of deconsecration is one of the reasons that politicians and commercial developers find it so hard to understand the reaction of indigenous peoples to the desecration of their sacred lands.

So because many indigenous and traditional cultures make no or little distinction between humans, their living Earth Community and the land itself, an expression of individual personhood is less about individuality and more about family, clan and the very soil of the land from which it sprang and to which it will eventually return. The statement '*I am the land and the land is me*' is not a metaphorical expression of a vague religious belief, but a statement of reality. The land is fundamentally related to their myths and stories of origin and therefore it defines who and what they are as people. Thus to assault the sacred land, or a sacred site, is to fundamentally assault the integrity of the people and society who recognise it.

Similarly, relocation of an indigenous people that involves physical separation from their sacred lands can be seen as an irrevocable rupture of the human-landscape unity and potentially a terminal event leading to inevitable decline and ultimate extinction of the social group.

An organic living landscape

Although traditionally, indigenous peoples tend to consider sacred sites as fixed and immutable, they are in fact sometimes subject to change. Many sacred sites are certainly anciently established and fixed in place and context, but it is possible for new narratives and myths to arise in contemporary times which generate new stories, history and legend, leading to new consecration and the creation or adoption of new sacred space. Thus the sacred site becomes an organic part

of a living, changing landscape and the cultures it supports.

Multiple claims on sacred sites

A final point of great importance is that in the complex pluralist societies in which most of us live, sacred sites come into contest from various claimants and vested interests on a world-wide basis. For example, the process of claim and counterclaim is clearly apparent in a city like Jerusalem, where three world religions have vested interests in overlapping sacred sites.

More common is where there are multiple claims between, for example, the state as a legal owner, indigenous people with a sense of customary heritage and sovereignty of their traditional lands, a commercial organisation with presumed rights of access to develop and capitalise a specific sacred site, and a National Park agency wishing to manage the sacred site as cultural heritage or for recreation and tourism.

Disputes about multiple claims become even more complicated when different indigenous or traditional groups have rival and competing mythologies and claims of their own over sacred sites, reminding us that indigenous peoples may not naturally reflect an idealised unity but carry rivalries just as complex and schismatic as any other social group. Competing interests about sacred sites and their multiple functions often reduce to simple issues of power and political gain, whether interpreted through the eyes of a corporate commercial agency or the indigenous group itself, so that in practice the sacred is rarely separated from serious political issues.

Indeed, some indigenous groups claiming sacred sites have been accused by government and suspicious commercial interests of seeking to advance their own political ends, whether economic or territorial, under the banner of religion, when in fact such cultures make little distinction between politics, economics, religion and matters of basic survival.

Feelings may run high and conflict may not be far away, but it could be said, remembering the example of Jerusalem, that learning to resolve and manage these local foci of multiple claims around sacred sites are lessons in miniature, or indeed a form of gift, about learning to manage the greater international conflicts which hazard world peace.

Towards a multi-cultural definition of sacred site

As the authors of this report, we are very aware that in order to advance discussion and amicable working between agencies and across cultures so as to improve dialogue and understanding about the functions and protection of sacred sites, it might be helpful to generate a working definition which participants could broadly agree upon and see value in using.

We are trying here to develop a definition which will encompass both modern ideas of a focussed sacred site such as a cathedral or the temple of an ancient culture, with more complex ideas subsumed under sacred as expressed by indigenous and traditional peoples as already discussed above.

A survey of the literature (critically discussed in the full version of our report) finds that there are actually very few such definitions and where they are found, for example, as in UN documents and occasional legislative material, they are either very general, or they leave the attribution of sacred and allocation of a sacred site entirely to the perception or judgement of the culture or traditional people concerned. In so doing these forms of attributive definition often fail to describe the site's specific nature and function so that it can be integrated into a wider context and easily recognised by other cultures. These attributive definitions are therefore satisfactory within one country or culture but are very limited in an international and cross-cultural setting.

In order to do justice to the complexity and range of meaning and types of sacred site, the authors have considered all the instances,

types and functions of sacred sites from our survey of the literature from many cultures and sources. From this material, the authors have constructed following operational definition which seeks to be an improvement on the more limited definitions discussed above.

Our definition is in an entirely original format and without, as far as we are aware, any obvious academic or legislative precedent. We have endeavoured in its construction to provide a definition which hopefully is able to encompass any type of sacred site and also at the same time provide insight into the richness and wide variety of sites that can be described, and act as a stimulus for further consideration and serious application. For example, this form of operational definition may have practical value when applied to inter-cultural dialogues and comparisons of sacred sites and locales used in techniques of cultural mapping or when indigenous people are negotiating with governments and other state authorities for legal protection of their site.

After stating the basic stem of the definition we have artificially separated four inter-related categories: Descriptive, Spiritual, Functional and Other. Each category provides for clarification of the form, function and role of the sacred site being considered, whilst admitting to the fact that for some cultures all the categories would be subsumed in some kind of way under an over-arching category of 'spiritual'.



SACRED SITE: AN OPERATIONAL DEFINITION

A sacred site is a place in the landscape, occasionally over or under water, which is especially revered by a people, culture or cultural group as a focus for spiritual belief and practice or likely religious observance.

In addition, to satisfy this stem definition and reflect its wide and rich variety, a sacred site must also have one or more of the following nineteen characteristics found under the headings: Descriptive, Spiritual, Functional and Other. Having more or less of these characteristics does not imply that the site is somehow more or less sacred but it may usefully reflect the complexity and rich variety of its sacred qualities.

1. Descriptive

- a. it is a specific focus within a wider and possibly dynamically interconnected sacred landscape
- b. it is, or is founded upon, a natural topographical feature, e.g., a mountain, mound, rock, cave, tree, grove, forest, spring, well, river, lake, the sea, an island, etc
- c. it is recognised as carrying special manifestations of wildlife, natural phenomena and ecological balance
- d. it is embellished with man-made symbols or artefacts, e.g., rock-carvings, paintings, holy or religious objects
- e. it is partially or wholly man-made, e.g., menhir, temple, church, wayside shrine
- f. it is a memorial or mnemonic to a key recent or past event in history, legend or myth, e.g., a battle site, creation or origin myth

2. Spiritual

- a. it is recognised as having a palpable and special energy or power which is clearly discernible from that of a similar landscape or surrounding
- b. it is recognised as a special place which acts as a portal or cross-over to the spirit world
- c. it is recognised as the dwelling place of guardian or 'owner' spirits which care for and oversee the site and possibly its wider environs
- d. its spiritual forces or 'owner' spirits are in a mutually respectful dialogue with local people with specialist knowledge acting as guardians or custodians, who play important roles as mediators, negotiators or healers between the human, natural and spiritual dimensions
- e. it is identified as a place where the ancestors are present and especially respected, e.g., burial grounds
- f. it is a place of spiritual transformation for individual persons or the community, e.g., healing, baptism, initiation, religious conversion, rite of passage, funeral, vision quest

3. Functional

- a. it is a special place where relationships, both interpersonal and throughout the whole community, can be expressed and affirmed, often through a specific form of observance, e.g., prayer, songs, chants, dance, ritual or ceremony
- b. it is a place especially associated with resource-gathering or other key cultural activities, e.g., gathering medicinal plants or material for sacred or ritual ceremony or objects, fishing, hunting, cultivation, burial of ritual objects, giving birth
- c. it is a specific pathway or route between significant or sacred places, e.g., songline, sacred pathway, pilgrimage route
- d. it is a focus of past or present special visits of religious observance or pilgrimage
- e. it is a cultural sacred-secret with its location and/or specific religious function only known to a limited number of people
- f. it has a significant relationship with astronomical order and/or calendrical phenomena, e.g., astronomical alignment, celestial-Earth correspondence, seasonal ritual or festival

4. Other

- a. it clearly satisfies the stem definition but has unique cultural features that are not represented in the previous eighteen characteristics

(Thorley and Gunn 2008)

RATIONALE FOR PROTECTION OF SACRED SITES

Internal and external protection

Many indigenous and traditional peoples employ cultural strategies of social and environmental management which ensure the continuity and conservation of their sacred sites. These include ritual and ceremonial practice and an active relationship through agriculture, husbandry and animal management, such as hunting, which sustains biodiversity and the quality of place.

This form of protection can be referred to as *internal*, in contrast to *external* protection which utilises outside agencies and is often related to formal administrative recognition and legal protection. In this report, external protection is seen as maintenance of the integrity and conservation of a sacred site as a focus or place of spiritual belief and practice usually carrying legal status and official government or administrative recognition.

In this context, sacred sites have no absolute right to external protection and conservation, and the success of any argument for their protection lies within the province of a cultural judgement. If a sacred site is to be protected or conserved, it has to convince the majority culture of the country in which it is found that there is a compelling reason which can, in the circumstances of informal discussion or through the avenues of judicial and political process, override any other claims regarding its integrity and survival. Many sacred sites, particularly in the provenance of indigenous and traditional peoples, have culturally-recognised custodians or guardians and no strategy of external protection is likely to be successful without advice, dialogue and respectful liaison with such people. Common and often competitive claims on sacred sites are commercial development, tourism and recreational use, and environmental deterioration leading to hazardous conditions for the site, sometimes through cultural erosion of values and socio-economic pressures.

Sacred sites, in their varied ways of being, are deeply embedded culturally and specifically defined in their functions, so that their

protection continues naturally whilst traditions are internally intact.

Externally, where there is inter-cultural respect and reciprocity, the sacred sites of another group or culture are generally respected in times of peace. However, where a dominant culture or group intrudes, as in the process of colonisation and industrial expansion, and where there is little or no understanding or tolerance of other cultural values or ways of life, sacred sites, amongst other elements of the cultural system, are threatened. In this context, it becomes a fundamental challenge to protect them, and in many countries and for many cultures this is the position which obtains at present.

It is evident that there are a great many powerful commercial, governmental and dominant cultural interests which have virtually no respect for other cultural life-ways and values. The challenge is how do traditional and indigenous peoples gain the political and legal space to assert their right to protect what is significant and meaningful for them?

Sacred sites have already been identified as being foci of past or present religious or spiritual observance, and on this basis it might be expected that this religious function, however expressed in contemporary times, would be a cogent factor in decision-making regarding their protection.

However, spiritual observance is not always the only primary issue, and there are other factors potentially linked to sacred sites which also have to be taken into account. For many traditional cultures, sacred sites carry significance as places for social and community cohesion, agricultural practice, animal management and as sources of significant knowledge such as the law of origins, which contribute to cultural continuity and expression.

When the survival of an indigenous or traditional tribal group or culture, or its spiritual centre as a sacred site, is under consideration, the majority society commonly considers

Case 2. Chimney Rock and the US Supreme Court's Lyng Ruling

Although there has been legislation in the USA over the last thirty years apparently strengthening the legal protection of sacred sites, very little of the law is judicially enforceable and plaintiffs seeking protection are often disappointed. Fundamental to many of these cases is the Establishment Clause of the First Amendment of the US Constitution, which prevents the government from enforcing any law or policy which favours a specific religion, or even promotes religion in general. Consequently, several Supreme Court decisions have determined that the government and its agencies are obliged to accommodate the free exercise of religion wherever possible. There is clearly a fine distinction between actually promoting a religion and allowing its free exercise and this leads to controversy in the Courts.

An important case which illustrates the Supreme Court's power and the significance of its ruling in subsequent sacred site protection disputes took place in 1988. The US Forest Service, represented by Richard E. Lyng, then Secretary of Agriculture, proposed to construct a road and issue logging permits on federal land near Chimney Rock in California's Six Rivers National Forest. Three local Native tribes objected to the road, as it encroached on traditional sacred sites and would interfere with their religious observances in the area. The Forest Service offered to re-route the road as far away as possible from the centres of religious observance but the Indians insisted that their observances required peace and quiet. Through a lower Court and using the grounds that the project would violate the First Amendment's Free Exercise Clause, an injunction was obtained preventing road-building and logging at Chimney Rock.

Lyng then sought a ruling from the Supreme Court which voted 5-3 in favour of the Forest Service, but it was the wording of the ruling which became controversial. The majority opinion written by Justice Sandra O'Connor accepted that whilst 'the threat to the efficacy of at least some religious practices is extremely grave', and even if the building of the road would 'virtually destroy' the religion of the Native tribes, the government had a right to build it. She went on: 'No disrespect for these [religious] practices is implied when one notes that such beliefs could easily require de facto beneficial ownership of some rather spacious tracts of public property....Whatever the rights of Indians may have been to the use of the area, however, those rights do not divest the Government of its right to use what is, after all, its land'. Although this ruling was so absolute, Indians were given a morsel of comfort when the Court went on to state that federal land management agencies carried a responsibility to exercise discretion in voluntarily choosing to 'accommodate' Native American religious practices and so recognise and protect sacred sites on public land.

It is to be noted that there was no actual land claim in this case but simply a concern about sacred site protection on federal land. The Supreme Court's Lyng Ruling has coloured all subsequent cases and reduces the likelihood of a more favourable opinion in the future, so making the absolute right to protection of sacred sites virtually impossible in US law.

[Source: Brown 2003 and others]

the indigenous group to be in a minority position, with the result that their interests are often over-ruled in the wider arena of majority or national interest or benefit. The question therefore arises as to how minority group interests in sacred site protection might somehow become issues of concern and indeed value for the whole culture and national interests.

Cultural heritage

A key factor, which applies to many sacred sites, is that they can be easily recognised as places of cultural heritage and therefore worthy of conservation and protection. Indeed, some anthropologists would be more comfortable viewing all sacred sites as but one category of a more general and neutral notion of cultural heritage so as to avoid some of the controversy of grappling with emotive

and less objective concepts of spiritual and sacredness.

Cultural heritage, as a wide and inclusive concept, can be archaeological, historical, architectural, artefactual and social. Based upon any of these grounds, many countries have in place some form of formal statute or legislation which allows the provision of conservation of cultural heritage for the wider needs and valued issues of the state and its people. In our internet survey of the protection of sacred sites in various countries of the world, the key words 'sacred site management' often generated little or no response, but all countries without exception had websites dealing with 'cultural heritage'.

The international criteria that have been successfully pioneered by UNESCO and other international agencies have greatly aided cultural heritage conservation and have set standards which individual countries have been able to follow in setting up their own schemes. Hence through the facility of cultural heritage, without invoking values linked to religious or spiritual use, many places which are also sacred sites are in fact successfully protected.

The use of a category of cultural heritage is especially important as it applies to many religious and spiritual sites, both contemporary and historical, which are universally found and recognised in countries' modern nation states.

Socio-cultural survival

In terms of protection, sacred sites recognised and used by indigenous and traditional peoples as part of their spiritual life and basic culture raise more complex issues. In this situation, the indigenous group is usually in a minority as compared with a majority culture, and may or may not have current or active use of the site in question.

Often, such groups argue that to destroy their sacred site is to fundamentally hazard their way of life and cultural stability, and

whilst such claims may, for example in a court of law, be interpreted as a fundamental rigidity and terminal cultural inflexibility on the part of the indigenous people, such reasons are increasingly invoked for the protection or conservation of a sacred site.

In this instance, the argument for protection is the social and cultural survival of the group which needs to be understood as totally linked to inherent spiritual and religious observance.

Biodiversity

Sacred sites can become of national significance due to conceptual and practical issues which are emerging regarding responsible ecological and environmental management. It is recognised that many indigenous and traditional peoples have lived, and indeed do live, in a relatively balanced and harmonious way with their physical environment, and although there has been understandable criticism of over-estimation and idealisation surrounding the concept of the 'ecological Indian', such groups of people do seem to manage their lives and society in a style which has much to teach the majority culture. Whereas industrial cultural needs for commodities and energy seriously compromise biodiversity, indigenous peoples and their sacred sites are noted as environments where biodiversity is likely to have survived or at least is more sustainable.

For example, Gerardo Reichel-Dolmatoff's now classic anthropological accounts of the Tukano and Desana Indians of southern Colombia show how a profound dialogue with and understanding of the plants and animals of their forest and river environment ensures the continuity of their lifestyle and their spiritual worldview in a natural organic and sustained ecological partnership. Hence protecting sacred sites of indigenous people often also protects biodiverse landscapes with a rich ecological balance.

Protecting biodiversity is not just about conserving rich flora, fauna and ecological

Case 3. Devils Tower or Mato Tipila, Wyoming, USA

The vast volcanic plug rising to nearly a thousand feet and immortalised for the cinema-going public as a central feature in Spielberg's film 'Close Encounters of the Third Kind' is known as Devils Tower, or Mato Tipila (Bear's Lodge) by Native people. Set in its own National Park, it has been the focus of a strongly-contested sacred landscape. The site is visited by about half a million tourists annually and about six thousand of these are rock climbers with a significant group of commercial firms providing guides and equipment.

In the late 1980s, Indian Tribes who visited Bear's Lodge for prayers and religious ceremonies complained that the climbing activities interfered with their rights to religious observances, particularly at midsummer when the Lakota People held an annual Sun Dance. They found the shouting of climbers and the hammering of pitons into the rock to be disrespectful of the spiritual forces found there. The National Park Service also became concerned about environmental damage to the rock and the pressures on animal and plant life in the climbing areas. The situation became even more complicated when local non-Indian residents asserted that their own rights and concerns over the site were equal to those of the Native Indians, noting that many of the Indians did not even live in the State of Wyoming. Here was a social challenge coming from white settlers who valued their own consistent presence over two hundred years, giving a new perspective to the concept of 'indigenous'.

In 1995, the Park Service found a compromise to the central issue by banning all commercial climbing and requesting private individuals to voluntarily refrain from climbing in the month of June to allow the Indians access to the site around the summer solstice for their religious observances. The Indians agreed to this, but a group of commercial climbing guides sued, alleging that the new rules constituted religious favouritism toward the Indians in violation of the Establishment Clause (see Case 2). A federal district judge agreed with the climbing guides with respect to the June closure and rather than appeal, probably not confident of a helpful Supreme Court ruling, the Park Service withdrew the commercial closure rule. There then followed a period of negotiation between the parties which led to the Park Service inviting a voluntary avoidance by all climbers in June. This arrangement, although regularly infringed by determined climbers, does reduce the numbers in that month and so allows the Indians some improved conditions for their religious ceremonies.

This is technically a legal failure of indigenous peoples to protect their sacred site, but it has shown the value of hard negotiation outside the law, which can generate a working compact where all the competing parties come away with something positive.

[Source: Brown 2003 and others]

systems as a museum exercise, but is a more fundamental acknowledgement that such systems are essential for the survival of a richer global ecosystem and the quality of all future life. Therefore ecological issues linked to sacred site protection can become matters of national, and indeed international, majority-culture concern.

Ecological spirituality

However, there may be even deeper issues which emerge when considering indigenous

people's relationship with the land and the majority-culture view.

Many, if not most, indigenous and traditional cultures have a powerful spiritual valuation of themselves in relation to the land, in stark contrast to those industrialised countries with the less spiritually Earth-centred and land-orientated Christian-Judaic religions of the majority.

In short, the dominant industrialised world has allowed what environmentalists call ecocide in a way that would seem very unlikely if a relationship and respect for the land such as is evident amongst indigenous peoples

had been pursued. More particularly, rational science, since the Enlightenment, driving both technology and commerce, has essentially produced a 'dis-enchantment' of the world and the natural environment.

This much has been argued by a number of ecological writers and theorists. To take one example, an important recent academic overview of ecological ethics by Patrick Curry (Ecological Ethics: an introduction, 2006) has sensitively explored the role of spirituality in an ecocentric perspective of environmental strategies which avoids the dominant anthropocentrism seen to have brought about so much of the process of ecocide upon us.

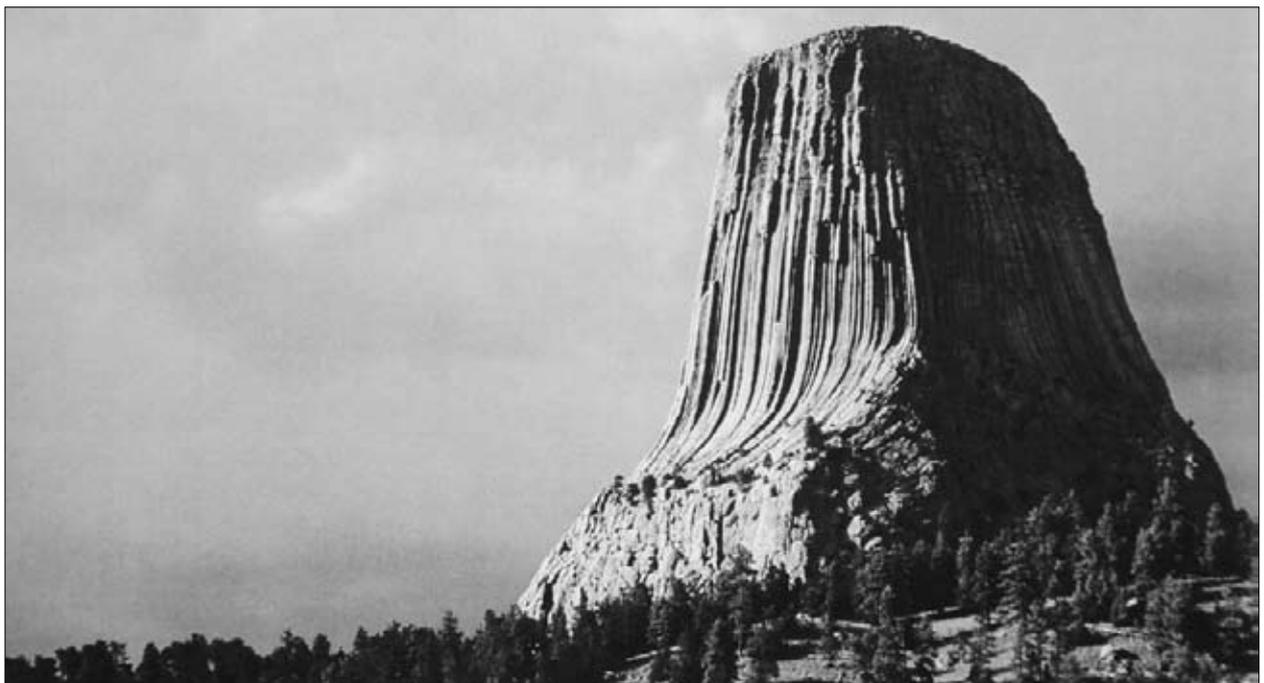
This refined ecocentric view, which Curry calls 'Ecocentric Spirituality', goes beyond the ecocentric position of much so-called deep ecology to acknowledge the importance of the sacred as a central part of the human condition. As he puts it: 'the best short term for such a spirituality is probably one which early anthropologists applied pejoratively to the religion of supposedly primitive people: animism.'

Curry is clear that without a vivid and profound grasp of this concept 'no ecological or environmental programme stands much chance of success', and consequently his call for action now is

to encourage and strengthen people's awareness and appreciation – which already exists, although it is rarely articulated – of the Earth and all its life as Sacred: not in an abstract Life, but one that is embodied and embedded in specific relationships, communities and places.

Curry's proposition of Ecocentric Spirituality is therefore not a backdoor appeal for theism or to set up a new religion, but a simple rationale for attempting to protect all sacred sites as places of spiritual exchange and sustenance as a matter of fundamental principle. All sacred sites are essential to the wellbeing of our Earth and all its life in a wider systemic and ecological sense. To eliminate any of them is to hazard not simply the life and culture of minority indigenous and traditional groups, but much more centrally everything that exists as we now know it on our planet.

The challenge before us now is to raise consciousness and an appreciation in our own majority cultures that at some deep level, essential for all survival, the Earth and all its life is best viewed as sacred, or as Curry puts it, as enchanted, and imbued with irreducible pluralist sensuous mystery, which is of its essence. Seeking to dismantle or avoid that mystery is simply to sustain continuing ecocide. Acknowledging the mystery is to better support the natural and man-included processes of Earth's survival systems.



This analysis is arriving at a central concept of the need for spiritual engagement and re-enchantment of the world which may seem overly theoretical and tinged with idealistic hopefulness, but already, at the cutting edge of international conservation, acknowledging the mystery has been identified in current policy. An important World Conservation Union (IUCN) document states in 2005:

The project Conservation of Biodiversity Rich Sacred Natural Sites of Indigenous and Traditional Peoples starts at the heart of traditional peoples' relationships with nature. It understands that it is the sacredness of nature that has helped them to preserve biodiversity. If spirituality is removed, the central motive for environmental protection is lost.

There is an urgent need for conservation agencies to find new, creative and holistic ways of working to provide the benefits to both people and nature – against the background of devastating threats to vulnerable people and nature at the beginning of the 21st century. By re-engaging with the spiritual, the Project seeks to provide this opportunity.

Similarly, the work of the Delos Initiative (see website) since 2004 focuses on the conservation of sacred sites specifically in 'technologically-developed countries', but again also emphasises the importance of spiritual factors. Included in its mission statement, its purpose and objectives are to:

- Understand the position of the major religions in developed countries on nature and on the sanctity of natural sites.
- Assess the pertinence of sacred natural sites for contemporary people, and attempt to estimate the significance of their spiritual values.
- Study how these spiritual values can be maintained and enhanced and investigate whether and how these values can be used as a tool for the conservation of sites.
- Attempt to resolve eventual conflicts between the character of sacred sites and conservation and management requirements, establishing instead synergies, where possible.

Arising out of this analysis is a need to acknowledge an elemental and natural dialogue that is an inherent part of the sacred landscape. This applies to those in industrialised societies as much as it is already found in traditional and indigenous cultures.

The landscape nourishes us as human beings and provides the basis for our material existence, but also nourishes our deepest spiritual needs with its numinous wonder. However, through our awareness of sacredness and spiritual focus at sacred sites and through our own spiritual practice, we are able to nourish and support the sensuous living landscape. This natural dialogue between humans and the landscape, and more fundamentally between all animate persons-other-than-human, affirms our natural interconnectedness within all nature without reducing that idea to a trivial and valueless concept of unity.

This ecocentric and spiritual approach – that is, recognising the essential sacredness or enchantment (to use Curry's useful term) of all of the land and the role of specific sacred sites within it, and our own participant relationship and dialogue with those sites and the nature which sustains it – is of course totally congruent with the traditions and beliefs of most indigenous and traditional peoples. This view of sacred Earth means that attempting to protect and conserve all sacred sites, not only because of cultural heritage, cultural survival or biodiversity, but simply in their own right as spiritual foci, as crossing-over places, is compelling if not mandatory.

Certainly, there will be those who say it is totally impractical to expect to preserve and conserve all sacred sites, but to adopt a position where we admit that some of them can always be lost is to clearly have missed the point of our profound and fundamental interdependence on them and is to court (if not encourage) more loss and disaster. For the optimal external protection of sacred sites, we need to adopt the example of the diligent and wise physician who strives at all times to preserve all the lives of his or her patients knowing that sometimes he or she will not always succeed.

MAIN INTERNATIONAL PLAYERS AND TIMELINE

The legacy of colonialism and global commodification

In the last fifty years, the protection and conservation of sacred sites, whether in industrialised or so-called developing countries or in the lands of traditional and indigenous peoples, has increasingly become a global issue rising from a local matter, often of relative obscurity, to a national and international campaign with an increasingly high public profile.

This new visibility of indigenous peoples has not been achieved in easy circumstances. In the colonial era, indigenous rights were absent or barely perceptible and most newly-founded post-colonial states only reinforced their colonial legacy, and indigenous peoples felt little benefit. Many 'developing' countries with significant indigenous populations displayed only a limited degree of democracy, their governments further weakened when they were effectively taken over and dominated by the power and lack of accountability of international corporations. As commentators such as Richard Grossman (see website) and Thomas Berry in 'The Great Work' have pointed out, true democracy is the enemy of a free market which simply encourages international corporations to pursue ruthless profit-driven extraction and commodification with scant regard for the environment and the culture of its inhabitants.

The situation today is that there are many countries with weakened state powers, indebted to crippling international loans and severely compromised by globalisation, that are unlikely to easily advance democracy and so improve the rights of indigenous peoples in order to protect their sacred lands. It is only as threats to these cultures have grown and intensified that local struggles have linked up, international liaison has been facilitated, and persistent voices for change have created the current growing movement. There have been some successes for indigenous peoples, but overall the momentum of globalisation increases as does the destruction.

It is against this background of conflict and suppression that in the past twenty years, a number of key international and national agencies have emerged, and many of them continue to play an important role in the protection and conservation of sacred sites up to the present time.

Indigenous and traditional peoples are the main players

However, the most significant main player in the internal or external protection of any sacred site is the cultural group or community for whom it plays a key role. It is very apparent that the most successful examples that generate effective external or legal protection are those where there is close collaboration amongst the indigenous and traditional peoples themselves. Effective partnership is therefore much more than a politically-correct consultation process.

In addition, many traditional cultures and their representatives are very aware and concerned that social disruption and the pressures of modern living have jeopardised the transmission to younger members in their community or tribal group the traditional knowledge and practices held currently by the elder members. Without this transmission being present and intact, the proper use and observances at sacred sites will surely attenuate and the value of the sacred site will be lost to the culture, and indeed to the wider world.

It follows therefore that agencies should both assist in the continuity and conservation of cultural guardianship as well as respectfully following the advice of current guardians and custodians of the sites as to how they are best managed and protected from outside exploitation. The development of Cultural Resource Policies by indigenous groups themselves, such as the Canadian **Chehalis Indian Band Resources Policy** of 2001, is an important grassroots process which better ensures authentic and accurate cultural representation in protection issues.

Case 4. The Maroon Community of Nieuw Koffiekamp, Suriname

Suriname is a former Dutch colony and part of the Guyana Shield of South America. In its recent years of independence, the Suriname government has encouraged mining and logging companies to develop the rich natural interior forests which make up eighty percent of the country. The indigenous Indian forest peoples and those traditional peoples who are partially independent ex-African slave communities, or Maroons, have no rights to their traditional territories or resources recognised in modern Surinamese law.

Nieuw Koffiekamp is an Auconer Maroon village of 800 people re-sited to its present location after a hydroelectric dam development in the 1960s. Since a treaty of 1790 the Maroon people have had some political autonomy, and their freedom from slavery recognised through 200 years of colonial government. Maroon culture and identity are characterised by a complex web of ongoing relationships with ancestral and other spirits, the land and kinship structures, incorporating many sacred sites.

In 1992, Golden Star, a Canadian-based multinational mining company, was granted by the government a 17,000 hectare mining concession entirely surrounding the Nieuw Koffiekamp village and environs. In 1996, Golden Star announced publicly, without prior consultation with the Maroons, that the village of Nieuw Koffiekamp would have to be relocated again to make way for an industrial gold mine. The people of Nieuw Koffiekamp strongly resisted this and made it clear that a second relocation would be tantamount to the cultural and social death of their community as relationships with ancestors, the land and kin would be further weakened, if not destroyed.

Since 1997, the Nieuw Koffiekamp community have continued to strongly resist relocation despite pressures and threats from Suriname government departments. The mining company, seeking to compensate for the delay in starting extraction operations, has sought to obtain political risk guarantees, and the machinations of this process have exposed many ethical shortcomings in the international investment and insurance industries. A number of NGOs, particularly the Forest People's Programme (FPP) and the Organisation of American States (OAS) mission to Suriname, have attempted to act as mediators in the dispute between Golden Star, the Government and the Nieuw Koffiekamp community but there appears to be complete deadlock. Golden Star state that they cannot deliver viable mining without Nieuw Koffiekamp relocation and the Maroon community absolutely refuse to discuss any form of relocation or compensation.

This dispute, currently unresolved, rests on fundamentally different perceptions of the use and rights to land and its management: for the Maroons, territorial rights and occupancy are fundamental to their culture and identity; for the Government, territory is a national resource to be developed and managed accordingly. It has been suggested that this case requires additional international attention and could serve as a test-case for a mediation effort led by an international NGO ombudsperson.

[Source: Fergus MacKay in Zarsky 2002]

International and national agencies

The **United Nations Permanent Forum on Indigenous Issues** (UNPFII) was founded in 2000 after a number of years of pressure and lobbying from indigenous peoples for a permanent voice at the UN. In a number of documents and case studies this agency has drawn attention to the importance of protecting sacred sites and sacred lands.

It has taken over 24 years of arduous negotiation to bring the **Declaration on the Rights of Indigenous Peoples** to the General Assembly of the UN. The Draft Declaration is a key milestone in the field. Its relevance to self-determination and the recognition of traditional lands and cultural property encompassing sacred sites and spiritual activities establishes a key set of principles and exhortations for states to support these issues. However, careful examination of wording of the final

stages of the drafting shows that the endorsement that states should ensure the protection of sacred sites of traditional and indigenous peoples was watered down, and critics could rightly be concerned about the message this is giving to the actual action that member-states are expected to carry out.

The Declaration actually breaks no new ground in terms of human rights, but does uniquely provide a framework of recognition that indigenous peoples deserve the same rights as all other state citizens. Whilst all those countries that proclaim themselves as democracies of the world can hardly disagree with such aspiration for indigenous peoples, several countries which have strong presence of indigenous peoples – Australia, Canada, New Zealand and the USA in particular – lobbied strongly behind the scenes to have the Declaration weakened or dismantled. Not surprisingly therefore, this important and fundamental Declaration, crucial to the international future status of sacred sites in traditional lands, although formally adopted by the UN Committee on Human Rights in June 2006 was not ratified by the General Assembly in November 2006, and sat in a procedural limbo before it was eventually reconsidered by the General Assembly later in 2007.

This apparent rejection greatly disappointed indigenous peoples and their NGO allies worldwide, who saw it as a fairly blatant example of domestic political agendas and the protection of commercial lobbies who wish to develop sacred lands once again taking precedence over fundamental issues of human rights. Finally, however, it was formally adopted by the General Assembly in September 2007.

Another successful UN story has been the outstanding work of UNESCO in setting up the **World Heritage Committee** in 1972. The WHC has been very valuable in establishing high standards of selection and management of sacred sites placed on the World Heritage List. Since 1992, the further recognition of the concept of 'Associated Cultural Landscape' and its application to sacred natural sites of indigenous peoples has been an important development of the WHC's work, and whilst

its fundamental remit is cultural heritage preservation, the overall impact of the WHC is internationally very important. The fact that it has an endangered category on its World Heritage List and uses this status to stimulate countries and nations to improve standards of management is most commendable.

Closely linked to the World Heritage Committee are its three advisory committees, the **International Committee on Monuments and Sites (ICOMOS)**, the **International Centre for the Study and Preservation and Restoration of Cultural Property (ICCROM)**, and the **World Conservation Union (IUCN)**.

The first two of these, and particularly ICOMOS, have to be considered as major players in their own right. However the third, the IUCN, has been involved in a number of initiatives which link and to some extent unite cultural heritage, biodiversity and general environmental conservation, all of which have direct significance for the legal protection of sacred sites.

In 2003, the IUCN and the **World Commission on Protected Areas (WCPA)** formed a **Task Force on Non-Material Values**, changing its name rapidly to the more positive-sounding **Task Force on Cultural and Spiritual Values**. This was set up to explore the conservation and management of what became defined as Sacred Natural Sites.

The Task Force, headed by Dr Allen Putney of IUCN, has generated a lot of significant work, but in particular has gone on to develop an important set of **Guidelines on the Management of Sacred Natural Sites** which have now been published. What is important about this IUCN initiative is the way in which it has evolved to recognise spiritual values as a core dimension of sacred sites and their protection. This is clearly not a politically-correct move simply to satisfy indigenous representatives on the Task Force but a central credo of the whole initiative.

The original remit of the Task Force was to look at conservation of sacred natural sites specifically in 'developing and technologically-advanced countries', which led in 2004 to the formation of the **Delos Initiative**.

SACRED SITES: A CENTURY OF SELECTED LEGISLATIVE MILESTONES IN THEIR PROTECTION AND CONSERVATION

- 1887 The US General Allotment (Dawes) Act parcels traditional Indian lands to encourage agriculture and assimilation. Further specific USA legislation and policy can be tracked to the 1990 NAGRA Act.
- 1895 The National Trust is founded in the UK, initially to protect a garden.
- 1906 The US Antiquities Act protects archaeological sites, some of which are sacred.
- 1906 President Theodore Roosevelt proclaims Devils Tower, Wyoming, as the USA's first national monument.
- 1915 Big Horn Medicine Wheel, Wyoming, nominated in the USA as a national monument.
- 1916 The US National Park Service is created.
- 1920 From an estimated 10 million in 1700 the population of Native Indians in the USA falls to 244,500 reflecting over 200 years of appropriation of lands, broken treaties, relocation, slaughter and disease.
- 1924 The US Indian Citizenship Act finally enfranchised its indigenous Native Indians some fifty-six years after the enfranchisement of African-Americans in 1868.
- 1934 The US passes the controversial Indian Reorganisation Act (IRA), repealing the 1887 Dawes Act, so attempting to support self-government and facilitating the purchase of land for Indian communities.
- 1953 To assist post-war commercial land development, the US Congress adopts the House Concurrent Resolution No. 108 pursuing an active policy of 'termination': reduction of financial benefits to over 100 tribes and enforcing dissolution of Indian reservations to free up land.
- 1966 -70 The controversial and damaging 'termination' policy is slowly reversed.
- 1971 The Alaska Native Claims Settlement Act (ANCSA) is a landmark in legislation, in granting Native peoples formal ownership of traditional lands.
- 1972 Founding of UNESCO's list of sites designated as World Cultural Heritage.
- 1977 First moves at the UN for a Declaration of Rights of Indigenous Peoples.
- 1978 The USA adopts the American Indian Religious Freedom Act (AIRFA).
- 1989 The International Labour Organisation Geneva meeting adopts Convention 169 to support indigenous peoples' aspiration to a full recognition of their societies as social and legal entities with special economic, social and political rights. Eight Latin American countries ratified the convention by 1998.
- 1990 The USA adopts the Native Graves and Repatriation Act (NAGRA).
- 1991 Colombia adopts a new constitution which effectively incorporates ILO Convention 169 and gives indigenous peoples full legal rights ensuring protection of their cultural heritage and powers of self-government, ownership and autonomy over their territories.
- 1991 New Zealand adopts the Resource Management Act which explicitly protects Maori waahi tapu defined as 'a sacred place to Maori in the traditional spiritual, religious, ritual or mythological sense'.
- 1992 Eddie Mabo, an Aboriginal from Queensland, Australia, wins a landmark case granting him land entitlement to traditional lands hitherto owned by the Crown. This led to the Native Title Act of 1995.
- 1992 UNESCO's World Heritage Committee designates Associative Cultural Landscapes for protection.
- 1994 First Draft Declaration on the Rights of Indigenous Peoples includes important provision for member-states to ensure protection of sacred sites and spiritual practices of indigenous peoples.
- 1995 ICOMOS further defines Associative Cultural Landscapes as being either 'physical entities or mental images embedded in a people's spirituality, cultural tradition and practice'.
- 1995 – 2004 The first United Nations designated Decade for Indigenous Peoples.
- 2000 The Convention on Biological Diversity (CBD) collaborates with indigenous peoples to produce in 2004 the Akwé:Kon Voluntary Guidelines for cultural, environmental and social impact assessment.
- 2000 UNESCO actively promotes the technique of Cultural Mapping.
- 2001 The Chehalis Indian Band in British Columbia, Canada, set up their own Cultural Resources Policy to provide a formal process for their identification, protection and interpretation.
- 2002 IUCN and the WCPA produce guidelines on Protected Landscapes and National Parks including 'contemporary cultural/spiritual values'.
- 2002 The International Indigenous Peoples' Summit on Sustainable Development at Kimberley, South Africa, produces the Kimberley Declaration.
- 2003 IUCN and the WCPA set up the Task Force on Non-Material Values, which changes in 2004 to the Task Force on Cultural and Spiritual Values, and produces 'Preliminary Guidelines on the Management of Sacred Natural Sites'.
- 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.
- 2004 The Delos Initiative is set up to explore protection of sacred sites and spiritual values in technologically-advanced countries, piloting its research in over twenty countries.
- 2004 The UNESCO Yamato Declaration on 'Integrated Approaches for Safeguarding Tangible and Intangible Cultural Heritage'.
- 2005 UN symposium at Tokyo on 'Conserving Cultural and Biological Diversity: the Role of Sacred Natural Sites and Cultural Landscapes'.
- 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
- 2005 – 2014 The second UN-designated Decade for Indigenous Peoples.
- 2006 CBD/UNEP initiates the programme: 'Conservation of Biodiversity-Rich Sacred Natural Sites' with indigenous groups including the Rigoberta Menchu Tum Foundation, in Guinea-Bissau, Kenya, India, Mexico, Ecuador and Peru.
- 2006 The final Draft Declaration on the Rights of Indigenous Peoples is adopted by the UN's Human Rights Council in June, but fails to be ratified by the General Assembly in November, thus placing the UN's formal commitment to international protection status of sacred sites in some doubt.
- 2006 The Noongar Aboriginal peoples of Western Australia are granted legal entitlement to the city of Perth, a decision with far-reaching significance for the whole of Australia.
- 2007 UN Declaration on the Rights of Indigenous Peoples.

As already noted, the importance of this initiative is that it too has centrally embraced the examination of sacred natural sites in a spiritual context. The Delos Initiative and its pilot project in over twenty countries is a major world-player and aims to generate very specific guidelines for good practice and management in the future.

In recent years UNESCO has also formally adopted two important administrative instruments which support the protection of sacred sites, objects and cultural practices. The 2003 **Convention for Safeguarding the Intangible Cultural Heritage** recognises the importance of oral traditions and expressions, traditional craftsmanship, social practices such as ritual, performing arts and knowledge concerning nature and the universe. The 2005 **Convention on the Protection and Promotion of the Diversity of Cultural Expressions** formally supports the importance for states to recognise the principle and value of protecting cultural diversity as found, for example in indigenous and traditional peoples, as a key source of social cohesion, cultural creativity and unique economic potential. It also fosters the principle of interculturality in order to develop and share diverse cultural expression through dialogue and mutual respect.

Advancing the principles of intangible cultural heritage and cultural diversity can benefit from the techniques of **Cultural Mapping**. Since around 2000 UNESCO has encouraged the use of cultural mapping as an indigenous community process which can generate an objective multi-modal audit of cultural features, both tangible and intangible. These can be represented cartographically as an actual map, or in some other form, such as, for example, a collection of medicinal plants or sound recordings of songs, stories or traditions. Cultural mapping is widely used as an appropriate technique for recovering control of lost traditional territory or negotiating access rights to cultural resources including sacred sites. Cultural maps can be used as a powerful instrument in negotiating tenure of land and a more fundamental cultural revitalisation and could be increasingly relevant to the identification of sacred sites and their protection.

The **Convention on Biological Diversity** (CBD), together with indigenous peoples, has developed the detailed document for the environmental and cultural assessment of sacred sites at risk: the **Akwé: Kon Voluntary Guidelines** of 2004, a major milestone in the field. The guidelines are currently being trialled in a number of international settings, and their refinement and contribution in the future may be of great significance.

Indirect involvement with sacred sites

There are a number of major agencies and NGOs operating at the international level that have an important but oblique interest and commitment to sacred sites and their conservation. Key examples are the **World Wildlife Fund**, the **Wilderness Society**, the **Botanic Gardens Conservation International** and the **Mountain Institute**. Similarly, there are a number of agencies primarily concerned with the rights of indigenous peoples but necessarily include issues over sacred sites. For example, **Survival International** and the Copenhagen-based **International Working Group for Indigenous Affairs** (IWGIA) both have excellent material on their websites.

Direct involvement with sacred sites

The **Gaia Foundation** works with indigenous and traditional peoples and their local institutions to protect both cultural and biological diversity and thereby sacred sites. Its elder-led, holistic approaches to rebuilding community and ecosystem resilience put sacred sites at the centre of reviving local indigenous governance and control.

Global Heritage Fund carries out a substantial programme of work on sacred sites around the world and is in contact with sponsoring agencies and individuals. Similarly, **The Christensen Fund** is actively involved in supporting research, social programmes and

agencies concerned with supporting the custodians of bio-cultural diversity which involves sacred sites.

The **International Indian Treaty Council (IITC)** involves indigenous peoples from the Americas and the Pacific and is committed to the protection of indigenous rights, traditional cultures and sacred lands. Two other international NGOs representing indigenous peoples and committed to sacred sites protection are **Yachay Wasi** (Quechua for 'House of Learning') and the **Rigoberta Menchu Tum Foundation**, founded by the Guatemalan Nobel Peace Laureate Rigoberta Menchu Tum and recently involved with a major biodiversity sacred sites initiative with the CBD.

The **Mediterranean Institute for Nature and Anthropology (Med-ina)** encourages an integrated approach to nature and cultural heritage through research, action and public awareness, and carries out important work on sacred site conservation. It is closely allied to the Delos Initiative. The **Alliance of Religions and Conservation (ARC)** is a non-denominational organisation carrying out conservation projects on sacred sites in a number of countries. The UK-based **Gatekeeper Trust** is a non-religious agency concerned with pilgrimage to sacred sites in the UK and world-wide and the principle that 'Healing the Earth is Healing Ourselves'.

Fountain International is another organisation concerned with spiritual consciousness healing the land. **The Ancient Sacred Landscape Network (ASLaN)** is committed to the preservation of sacred sites and their setting and has an excellent code of practice on its website.

Raising public awareness

A number of organisations are almost entirely concerned with the conservation of sacred sites and the raising of public awareness. In particular, the **Landmarks Foundation** of New York is committed to conserve sacred sites and landscapes around the world, and the **Sacred Sites International Foundation** and the **Earth Island Institute** have similar aims. An offshoot of the Earth Island Institute is the **Sacred Land Film Project**, which is committed to producing film material and documentaries which deepen public and corporate understanding and appreciation of sacred places around the world. For those readers making a first acquaintance with the issues around sacred sites and their protection, the Sacred Land Film Project's DVD film and related teaching material '**In the Light of Reverence**', directed by Christopher McLeod, is an excellent and sensitive introduction to the field.



KEY ISSUES AND STRATEGIES

We are the land and the land is us

Protection of sacred sites and sacred lands is often inseparable from the issue of the human rights of indigenous and traditional peoples. As the Kimberley Declaration of 2002 states:

Our lands and territories are at the core of our existence – we are the land and the land is us; we have a distinct spiritual and material relationship with our lands and territories and they are inextricably linked to our survival and to the preservation and further development of our knowledge systems and cultures, conservation and sustainable use of biodiversity and ecosystem management.

We are the original peoples tied to the land by our umbilical cords and the dust of our ancestors. Our special places are sacred and demand the highest respect.

The core of the problem is that the indigenous group, large or small, has been overcome by an external colonising nation, and due to this process in all its many forms, indigenous peoples have lost control and custodianship over their cultural heritage and traditional lands, including their sacred sites. This sensitive and controversial area has been valuably surveyed and discussed by Lyuba Zarsky and other experts in her 2002 book 'Human Rights and the Environment'.

In many countries, attempts to regain power and title over traditional lands have led indigenous groups to file land claims.

Strengthening human rights

For over two hundred years, assisted by an assumed cultural superiority and not a little racism, moral right to land ownership – in stark contrast to the communal custodianship of indigenous peoples – has been firmly with the settler nations. However, in the last fifty years and especially the last twenty, the

moral ground has slowly shifted. Indigenous groups, often seeing themselves as nations in their own right, have asserted their basic rights to their traditional lands, emphasising their own concepts of self-determination, sovereignty and sacredness. Increasingly, indigenous peoples have argued that the settlers and conquerors were (and are) fundamentally thieves and that the traditional lands were not taken by right but were stolen, and the onus of moral right has subtly shifted in their favour.

This change in the moral tone as a background to the call for indigenous rights may not result in rapid new legislation which assists their cause, but it does influence case law and gradually the moral shift which supports indigenous land claims gains ground and becomes more legally (and politically) secure.

It is this slow but steady formalisation of the legal basis of indigenous rights which countries like the USA, Canada, Australia and New Zealand, traditional upholders of settler values, apparently fear with regard to the UN Declaration on the Rights of Indigenous Peoples. This Declaration, eventually ratified by the UN's General Assembly in 2007, although not legally binding upon member-states, provides a powerful consensus statement about the nature of indigenous peoples, the basis of their rights, the protection of their sacred lands and spiritual customs and the expectation of member-states to act to support these rights and be committed to protect sacred lands.

Emerging new legislation

A survey of this developing legislation which apparently supports indigenous rights, using the specific examples of the USA, Canada, Australia and New Zealand, shows that despite its presence, when tested in the courtroom, indigenous land claims and protection of sacred sites have often only advanced very little, and in the main government and corporate interests are more secure than ever.

Case 5. Sacred Groves in Ghana

Sacred forests and groves are found all over the world, and particularly in the Far East, India and throughout Africa. In Ghana, West Africa, fetish or sacred groves are patches of forest ranging from a few acres to areas of major forests, and may consist of only a few trees, stones or a river which commemorate a battle ground, royal burial site or the habitat of the gods and fetishes of traditional religions. For centuries in traditional cultures where religion is part of the fabric of everyday life, sacred groves have been used for a range of spiritual and divinatory purposes, and through customary laws, are subject to cultural regulation of use and access and effective maintenance and natural conservation. In addition, the larger sacred sites are recognised for the rich biodiversity of their plants and animals. In 2005, in the adjacent West African state of Nigeria, the Osun-Osogbo Grove was placed on the World Heritage list of protected sites.

However in Ghana, commercial deforestation, mining and urban expansion have destroyed many sacred groves and placed others at significant risk. Ghana's National Environmental Action Plan (NEAP), whilst providing a valuable framework for conservation action, does not explicitly acknowledge the existence and significance of religion and spirituality as found in sacred sites and may therefore fail in recognising the full potential of traditional religion as a key to natural resource management.

Consequently, in recent years local traditional groups working with NGOs, such as Friends of the Earth (FoE) Ghana, have developed grassroots programmes to conserve or save sacred groves from further loss and raise awareness about their significance. For example, in order to save the Guako Grove on the outskirts of Accra, the capital city, FoE Ghana has embarked on education campaigns about the value of conservation and has set up a plant nursery for restocking the grove with new trees.

Similarly, in the Ashanti region where many sacred groves are at risk from mining and logging, local groups and forest departmental workers set up an NGO, the Ghana Association for the Conservation of Nature (Ghacon), which is committed to carry out a nationwide survey of forest cover designated as sacred groves and to work with local communities to develop ways of managing and protecting them. These grassroots initiatives are actively acknowledging the value of spiritual and religious beliefs as being a significant part of effective environmental management.

[Source: Mike Anone 2001 on www.un-ngls.org/documents/publications.en/agenda21/12.htm]

A more detailed account of this important process is available in the full version of our report, available from the Gaia Foundation.

Although the new legislation in those four countries aspires to the highest expression of honouring human rights and is inevitably unique to their separate constitutions, some general principles which impede legislative effectiveness for indigenous peoples can be discerned. One is that beliefs and concepts of land occupation, custodianship and sovereignty, coupled with spiritual and religious expression of the indigenous group, are just not easily translatable and recognised in a court of law framed in western and European traditions of law.

Ideas of time, space and even the concept of human presence and occupation often carry very different meaning for the indigenous and the majority culture. A second principle is that judges have little objective basis, or legal yardstick, to decide on the importance and authenticity of a claim of sacredness (with all its problems of precise definition), and therefore tend to rest their decisions on the adequacy of secular justifications for denying religious claims. As it is much easier in law to quantify the value to the wider society of a commercial logging or mining venture on sacred lands than it is to assess a vague concept like sacredness, many of these contested cases lose in court. Indeed, in recent years, many indigenous peoples have had greater success

in asserting and pursuing their interests in sacred site protection, particularly on government land, by appealing to political action and the strength of wider public opinion, than by judicial action.

A survey of legislation in various countries which support indigenous rights and where state governments purport to recognise other communally-based systems of governance and social organisation reveals a wide variety of responses. These range from the oppressive and virtual non-recognition of the indigenous peoples as equal citizens, through the tangled web of apparent but disappointingly ineffective recognition already surveyed in the USA, Canada, New Zealand and Australia, to major changes at a constitutional level which formally provide for major support and recognition.

For example, there are important political and legislative changes taking place in Latin American countries where there are high proportions of indigenous peoples amongst the electorate, and politicians begin to be more open and proud of their own indigenous roots. The Colombian lawyer, Roque Roldán Ortega, in his book 'Indigenous Peoples of Colombia and the Law', has outlined the profound changes in his own country for the rights and recognition of the indigenous peoples since the adoption of the 1991 constitution, and also usefully surveyed similar progress in other Latin American countries.

There are a number of prominent legal cases, too complex to detail here but discussed in depth in our full report, where there are a number of stakeholders with vested interests in the use of the sacred site leading to a contested landscape. In this abridged report we have set out eight illustrative examples in the Case Studies. Some of these issues concerning human rights, commercial development, and emerging corporate ethical responsibilities are helpfully set out in Lyuba Zarsky's Sacred Land Film Project 2006 document: 'Is Nothing Sacred? Corporate Responsibility for the Protection of Native American Sacred Sites'.

Common themes found in all countries include indigenous and traditional peoples wishing to use the sacred site for spiritual and

religious observance central to their cultural integrity and survival, pressure from tourists or sportsmen to use the site accordingly, commercial interests such as farming, logging or mining which affect the environs of the sacred site, and national interests in managing the area as an area of outstanding national heritage or beauty as a National Park.

Any legal contest concerning who should have priority over use of the sacred site in such a multiple stakeholder situation cannot be satisfactorily addressed by a legal system which can only use existing legislation to rule one way or another. Although the indigenous peoples may claim legal precedence by being the 'first people' on the land, in actuality they may not now live there, and some commentators like Professor Michael Brown in his 2003 book 'Who Owns Native Culture?' have taken a tough line and argued that the reality is that indigenous people have to accept that they dwell today in a pluralist society which honours a range of interests and so legal precedence cannot be assumed.



Case 6. Amazay Lake in British Columbia, Canada

In British Columbia, Canada, a dispute between Toronto-based Northgate Mining Corporation and the Tse Keh Nay, who include the Takla, Kwadacha and Tsay Keh Dene First Nations, appears to be about to set a powerful precedent regarding mining and logging practices in BC and the contemporary dispute over Aboriginal sacred lands.

Kemess North mine, with an expected life span of eleven years, is one of several proposed developments which either intrude into a sacred area or goes against the sacred laws of the First Nations. Northgate claims that the only safe and economically viable option to dispose of the estimated 700 million tonnes of acid waste rock generated by the project is to use the nearby Duncan Lake, or Amazay, in the Native language, as a tailings pond. Amazay ('Little Mother') is a six kilometre-long lake that has been used by the Tse Keh Nay people for thousands of years, and while they clearly state that they are 'not opposed to all development', they also say 'the impacts on the lake, the fish, the wildlife and the downstream water quality cannot justify ten years of [mining] work and any amount of money'.

Somewhat bizarrely, in its hefty environmental-impact assessment, Northgate has offered to remove the fish-stock of char, rainbow trout and whitefish to two nearby lakes. The company would then build a ninety-metre dam and two smaller dams to stabilise water inflow in preparation for mine-tailings disposal. However, it has become evident from Tse Keh Nay's questioning of company and government officials that the crucial environmental assessment and archaeological risk studies are flawed. The First Nations also claim that they have not been given an opportunity to participate fully in the review process.

An article in Canada's Mining Watch News of October 26th 2006, states: 'The fate of the lake has not yet been sealed. In March 2005, at the request of Fisheries and Oceans Canada, then-federal environment minister Stephane Dion announced the formation of a joint federal-provincial review panel to conduct an environmental assessment of Northgate's proposal. The panel, which is mandated by the Canadian Environmental Assessment Agency and the B.C. Environmental Assessment Office, is expected to submit a report with recommendations to both federal and provincial environment ministers early in 2007'. This article also states that the 'North Kemess issue is putting Fisheries and Oceans Canada under the microscope' and that 'permitting the lake's destruction would be in violation of a number of the federal agency's regulations. For example, Section 35 of the Fisheries Act states that "no person shall carry on any work or undertaking that results in the harmful alteration, disruption, or destruction of fish habitat"; also, 'the federal Metal Mining Effluent Regulations (MMER), established in 2002 as part of the Fisheries Act, state that waste rock must not be disposed of in an area "that is, or is part of, a natural water body"'.

It has been said that the lucrative mining industry's potential future in BC hangs on the approval of the Kemess North Scheme; the mining industry is watching the unfolding proceedings very closely as are environmentalists and other Canadian First Nations.

No-one among all these players but the First Nations recognise that Amazay Lake constitutes a long-standing sacred site, and as such, cannot be relocated or fundamentally changed. To Northgate, and possibly the Canadian provincial and federal governments, the lake is simply a commercial resource but to the First Nations, its sacredness is immutable. As Chief John Allen French of the Takla First Nation said: 'Amazay Lake lies in the heart of our territory and is a well-spring for our culture. We have un-extinguished Aboriginal rights and title there, including important spiritual, hunting, fishing, medicine-gathering, burial sites and cultural sites'.

This is an ongoing, potential precedent-setting case, already in the protracted process of resolution, that might benefit from wider international attention.

[Source: J.P Laplante, Mining Coordinator Takla First Nation. Email: jlaplante.takla@telus.net ; See also www.tsekehny.net .]

Political intervention

Political intervention and process is something of a double-edged sword when it is applied to assisting indigenous peoples find and exercise their rights over sacred and traditional lands. In principle, political intervention, which can be based more flexibly on graded opinion and judgement over complex contested claims rather than on the absolutes of the law, can in principle find a resolution. However, political interventions and legislation, even when apparently in the interests of indigenous peoples, more often favour corporate commercial interests and ultimately legitimise site destruction.

Effective negotiation

There is however strong evidence from all countries where there are these kinds of disputes which suggests that the most successful outcomes giving some degree of satisfaction to all the parties concerned are more likely to occur when all the parties meet together to formally negotiate.

The process of negotiation may seem to be sensible, but negotiation in reality is rarely possible until all the parties concerned can sit round a table speaking from some position of strength and mutual respect. In the cases the authors have examined of successful negotiation, the indigenous peoples have come to the table exercising a strong political voice, certainly through emphasising the importance of sacredness for their culture, but also through considerable national and international support from other indigenous groups and concerned environmental NGOs.

After examining all the evidence, it is clear that the most effective protection of sacred sites of indigenous peoples on publicly-owned lands requires both legal rights and negotiation. Focussing on legal rights generates laws and statutes, so creating precedents, procedures and the rules of engagement that can bring the contesting parties together in the courtroom or tribunal. Without these laws, civil engagement is difficult to imagine.

However, the absolute nature of the law will often disappoint the indigenous group. Thus the reality, particularly in a high-profile case, is that the complexity of differing rival positions suggests that if as many parties as possible are to retain some level of self-respect, negotiation (which may be long and hard) outside the formal process of law is necessary. The existence of legislation supporting rights may nonetheless be a necessary predicate for eventual negotiation.

A role for a specialist ombudsperson?

Already some countries are developing the role of a specialist ombudsperson (see Zarsky 2002), embedded in a national or international NGO to actively mediate between the various stakeholders in commercial/environmental/human rights disputes, and this form of initiative could be usefully extended to apply to sacred sites. If protecting sacred sites could gradually embrace a culture of respect for discussion leading to practical resolution which avoided expensive litigation and legal stand-offs and tried more to take advantage of negotiation that can draw communities together, truly listening to grassroots needs and cultural values, there could be real progress at national and international levels.

Earth jurisprudence and wild law: a radical challenge

Whilst the ambitions of successful and effective negotiation within existing law is appealing, some thinkers doubt whether it can ever be successful without a major overhaul of the whole legal process. Thomas Berry, in his book 'The Great Work' (1999), has raised the important idea – very challenging – that on Earth we are a community of subjects and not superior humans relating to a list of objects. If humans are simply one of a number of players, along with animals, plants, rocks, mountains, lakes, rivers and so on, making up an Earth Community, then there is a parallel need for recognising Earth jurisprudence.

This would be a legal system which allows for equal representation in law for all the subjects of the Earth Community. This is based on the recognition that the Earth is the primary giver of law. We are born into an ordered universe. As humans we need to learn this law and regulate ourselves accordingly. This is the principle philosophy/cosmology underpinning and guiding indigenous governance systems.

Berry's radical idea has been developed by Cormac Cullinan in his 2003 book 'Wild Law' into the concept of wild law, again a huge challenge for the legal system, based as it is so much on the legal precedence of the individual human over all other subjects. Cullinan considers wild law to be so radical as a concept that in effect it cannot be necessarily introduced in a satisfactory way simply by tangential adjustment and reformist tinkering with existing law, whether local or international.

What is required is a re-thinking of the laws of human governance so as to recognise wild law in a more fundamental way. Cullinan's implication, for example, that we should move away from relating to land on the basis of ownership, as human property and commodity, to some form of alternative which honours the Earth Community and allows for a fully human experience is so fundamental and profound as, in his opinion, to be fully justified. Cullinan and Berry are in the forefront of proposals which simply state that the current law, whilst binding for our culture, literally cannot do justice to the complexity and need for equable representation and protection of the Earth Community. They argue that we are trapped through our current law in a relationship with the land which virtually ensures its continuing mismanagement through commodification and extraction.

If we are to believe in the concept of the Earth Community and that it is as relevant for industrial culture as it is already found in indigenous cultures, we have to embrace Earth jurisprudence and wild law. Neither of these keynote books mentions sacred sites as a focussed issue, but both authors value the idea of the sacred as applying to the Earth Com-

munity and indeed to the process of the law. Earth jurisprudence and wild law have been received with growing interest by environmental lawyers and many other professionals dissatisfied with the value of the current law to support effective environmental management and sensitive ecological partnership and there have been in recent years a number of important conferences and workshops developing these ideas. There have already been legal cases in existing legal systems where principles of wild law have been successfully argued in supporting environmental representation and good practice.

It is hoped that this radical legal movement will grow in influence and eventually come to play a part in better negotiation and representation for the internal and external protection of sacred sites and sacred land.

The Law of origins and origins of the Lore

Earlier in this report we mentioned that sacred sites were places of origin. What do we mean by this? The authors listened to a recent discussion on this matter between African spiritual elders newly-returned from a trip to Colombia to meet their South American counterparts. The elders emphasised that sacred sites even as part of a greater enchanted landscape are seen as places of origin, not only as the sources of creation myths, but more profoundly as the sources of all knowledge and the natural law which informs and supports the local culture.

This law of origins accounts for all the basic regulatory issues, all the cultural wisdom and sacred secrets which makes the culture unique and stable and enables the people to govern their lives according to the requirements of the ecosystem from which they emerged. At such a special and revered place, where chieftains or shamans may be newly-initiated with the unique wisdom of their ancestors and the myths of their origins, it is understandable if the indigenous culture prefers that such a sacred place remains a secret location.

If the sacred site is the source of the law, it is people such as elders and shamans who dialogue with that source and act as interlocutors in practical disputes and occasions when special decisions have to be made. Indeed some South American shamans understand their role as similar to western lawyers as they are mediators between the world of humans, of nature and of the spirit world. This is what they believe is the role of true “wild lawyers”.

The elders pointed out that it follows naturally, if sacred sites are the origins of the law and the knowledge governing all relationships, that to destroy or demean the site is to destroy the source of origins and inevitably this will lead to serious damage or destruction of the culture and its ecological balance. This deterioration or loss is also more likely if the sacred site is not formally acknowledged and related to in ceremony and ritual, actions which are seen to naturally replenish the power of the site and the relationship and dialogue with the culture itself.

These interesting insights into the role of sacred sites may not be culturally universal, but they are helpful in understanding failures of the industrial world to appreciate the true value of sacred sites and their loss of meaning in modern lives. We could say that these natural processes, based on cultural respect for the sacred site as a source of indigenous knowledge and wisdom are more lore than

law. It is as if industrial culture has largely lost its own natural organic regulatory lore and has replaced it by problematic and (certainly in the opinion of Berry and Cullinan) in terms of good environmental management, self-defeating law.

It is as if industrialised culture, whilst perhaps not entirely abandoning the idea of law and the legal system, has to contemplate and indeed take steps to centrally integrate the idea of lore seen as a body of knowledge about attitudes, behaviours and relationships between ourselves and the whole Earth Community.

An underlying theme in this current report is the appeal for a changed valuation in industrial society’s perception of sacred sites which would include their rediscovered identification as sources of a more fundamental cultural lore which has practical value in improved environmental management and a more organic sustained relationship with the land. And in a culture saturated and driven by concepts with regard to the land of ‘lawful ownership’ with all its implication of mindless commodification, perhaps the time has come for the modern industrial world to challenge those assumptions with new ideas or concepts of ‘lore-full custodianship’ which would reflect a more organic sustainable relationship with the land.



Case 7. Tara: the sacred heart of Ireland

'All we can do now under the circumstances, is to draw attention of the public to this desecration. Tara is, because of its associations, probably the most consecrated spot in Ireland and its destruction will leave many bitter memories behind it.' These are the words of the poet W B Yeats and a colleague in a letter to the London Times in 1902 protesting at crude excavation. The irony is that they could have been written to the Irish Times in 2007 because once again Tara is at the centre of a national Irish controversy.

The Hill of Tara is the centre of a sacred landscape of earthworks, henges and tumuli dating back over 4000 years and covering many square miles of Irish countryside. Almost the whole of Irish history has been acted out in this landscape from neolithic times, through the legends and history of the traditional High Kings to skirmishes and open air meetings seeking Irish independence. As many have commented, the complex is an obvious candidate to be a UNESCO world heritage site but inexplicably Ireland has never submitted the site for listing.

As post-EU modern Ireland has ridden an economic boom over the last twenty years, the need for a new motorway network connecting Dublin to outlying areas has become a political symbol of a country determined to advance its international economic status. The proposed M3 motorway route through the Tara Skryne valley was first mooted in the late 1990s and formally approved after a long public enquiry in 2003. The route passes within 1.5 km of the actual Hill of Tara but inevitably compromises many other archaeological sites (some unexcavated) which are part of the wider Tara complex. There has been archaeological controversy as to how interconnected the various components of the Tara complex are. Independent university academics are in no doubt about the integrated nature of the complex, but archaeologists hired by the authorities to survey the site prior to construction conveniently find less evidence of integration and so provide justification for damage to sites of perceived minor significance. From 2003 onwards there has been mounting protest from archaeologists, historians and ordinary Irish citizens appalled at this modern assault on Tara, seen as the symbolic heart of Irish history and ancestry.

In 2007, 'Traffic versus Heritage' became an election issue in the May General Election, with the Green Party making 'Save Tara' a key issue in its campaign on the Irish doorstep. Bertie Ahern was returned as Taoiseach (prime minister), but most ironically required the collaboration of the five Green Party elected deputies to be able to form a secure Government. As negotiations with the deputies took place, protestors blockaded the construction sites on the motorway. The Green Party, tempted by high office, joined the Government in mid-June but failed to impose a re-routing of the motorway as part of their agreement. Many voters are appalled at what they see as a Green Party sell-out. Tensions mount as protestors blockade the construction site, huge petitions are presented, international support is canvassed, peaceful protest marches are held in Dublin and a formal appeal is made to the EU in Brussels to stop the work. Then archaeologists discover a further ancient settlement directly dissected by the M3 route that requires more detailed examination, and work on the motorway is formally stopped.

This is the state of an ongoing controversy about a most sacred site in the summer of 2007. It has generated an unprecedented national and international response. How it will be resolved will tell us much about the way a western industrialised nation is going to face up to protecting its sacred heritage and cherishing its folk-soul.

[Sources: articles from the Irish press and websites. See for example: www.tarawatch.org]

Recognising the enchanted cosmos

It might be said that Earth Community, wild law and sacred sites constitute a trio of related principles which acknowledge both a profound ecological and practical interdependence set against the overarching idea of a sacred or enchanted cosmos or worldview.

Earth Community advances the principle of ecocentrism and the interdependence of a community of subjects carrying some kind of conscious agency. Wild law acknowledges the equal legal rights of all the subject members of the Earth Community and seeks to have them represented in our present and future legal systems. Sacred sites become a focus for both industrialised societies and traditional and indigenous peoples to acknowledge the totality and significance of the enchanted landscape and its inherent lore. A sacred site is a subject in the Earth Community and wild law is the means to its independent legal representation. Thus in advocating the recognition and external protection of sacred sites as focussed areas in the landscape we are going some way towards raising the profile of a wider issue of the continuity of landscape, its participant subjects and beliefs.

In readdressing the significance of sacred sites as part of an enchanted world-view or cosmos, we are acknowledging the limitations of a western industrial sacred/secular division and exploring the value of a more honest reality that commonly matches our most personal experience. Many indigenous and traditional peoples naturally carry this worldview and consequently often manage their environment more harmoniously than is evident in extractive commodification and commercial enterprise so linked to industrialised societies.

The challenge to the western mindset is to embrace this more holistic and enchanted viewpoint and accordingly find improvement in environmental dialogue and management.

Sacred sites: the beginning of a modern renaissance

There is however a growing concern and interest in sacred sites in western industrialised societies which seems to be part of an emerging zeitgeist. The reasons for this change of consciousness are probably most complex but in a chaotic materialist culture, beset with fears of terrorism, political instability, global financial collapse and governments apparently hell-bent on destroying the environment, thus amplifying terminal climate change, ordinary people are increasingly hungry for certainty and evidence of historical continuity and origins. One reflection of this new-found interest in origins is the boom in Cultural Heritage, often centred on sacred sites, whether presented as tourism, education, entertainment or plain big business.

In Great Britain and Ireland this hunger for origins and the historical past has become particularly symbolised by the Atlantic seaboard Neolithic culture of 4500 years ago in the great stone circles and chambered tombs of Stonehenge and Avebury in England, Newgrange in Ireland and Skara Brae in the Scottish Orkneys and the countless small stone circles and carved stones strewn over the moors and uplands. The consistency of the rock art patterns and cup and ring marked stones and their intervisibility in the landscape suggest pathways and ritual routes, but more specifically a landscape that was in its totality, sacred or enchanted.

A further insight discussed at length by Professor David Lewis-Williams in his important book 'Inside the Neolithic Mind' has been that this British Neolithic rock art is almost indistinguishable from similar artforms found in contemporary Tukano indians of Colombia (referred to earlier) and the San culture of South Africa and probably has a common source in the plant-induced hallucinatory images experienced by shamans and interpreted as profoundly sacred. Here is a remarkable unifying connection between the sacred landscape of contemporary indigenous cultures and the lost indigenous culture of industrialised European countries.

English culture has always had a strong relationship to the pastoral landscape, exemplified by the Lakeland poets, and more recently by a loyal following of people interested in Earth Mysteries: ley lines, landscape zodiacs and crop circles, but the growing interest in Neolithic culture as a native indigenous sacred landscape goes far beyond New Age enthusiasms and includes many ordinary people. British people today may not have a sense of the totality of an enchanted landscape in its contemporary urban and rural landform, or indeed through their contemporary experience of conventional religion, but something about its Neolithic past strikes a rich chord and generates very strong feelings.

The annual summer solstice dawn solar sighting at Stonehenge in England attracts over 20,000 participants (whatever the weather) and is becoming a national event and part of national consciousness. Similarly, Ireland has very recently rediscovered its passion for its pre-Christian past in the fight to save the Tara landscape from a motorway development, a conflict which has gone to the roots of the contemporary Irish folk soul (see Case Study on page 32). Recently at Rotherwas, a unique serpentine 4000 year old trackway named the Rotherwas Ribbon, unprecedented in European archaeology and presumed to be a ritual processional way, was exposed in a road development near Hereford in England. The resultant vociferous campaign and demands for a full excavation and diversion of the road from this ancient sacred artefact have stunned local archaeologists and officials.

These examples coupled with the increase in pilgrimage from the established major religions, walks, workshops and study groups provided by contemporary pagan groups and agencies like the Gatekeeper Trust and Fountain International all point to a developing interest in the sacred landscape and sacred sites, a rekindling of an ancient relationship with the land. This renaissance of activities in contemporary Britain (also evident in other industrialised countries) is an important feature, not only of the beginnings of a fundamental cultural change, but also because it provides a more fertile ground to take up some of the attitudinal challenges presented in this report.

The potential effectiveness of amicable partnership

It is clear that the advancement of acknowledgement and appreciation of sacred sites and sacred lands and improved support for their internal and external protection can only happen if the relevant interest groups and their representatives work together to achieve successful negotiation. The importance of parties speaking from a position of strength and using local and national support cannot be over-emphasised.

Sacred sites are an international issue, and concerns of commercial developers who are likely to invoke the financial interests of their international shareholders, the forces of the world market and examples of permitted commercial development in other countries, have to be matched by indigenous and traditional peoples seeking support from similar groups and their allies in other countries who face the same problems. Similarly there is a role for a coordinated voice of agencies sharing environmental, cultural, human rights and scientific concerns about factors hazarding the integrity of sacred sites.

Clearly, it is now time for international partnership, and for all those interested parties who are concerned about the protection of sacred sites to work amicably together to support each other so as to maximise the strength of the protection issue in any subsequent local, national or international negotiation.

It may be that in advancing the idea of a growing committed international partnership, this will lead to a critical mass of likeminded people and agencies that become part of a major shift of consciousness and practical effectiveness which profoundly affects the future of sacred sites world-wide.

Case 8. Territorial Rights & Sacred Sites in the Colombian Amazon

The Colombian Constitution of 1991 determined that the country is a multi-ethnic and pluri-cultural nation. And with the new constitution Colombia advanced, at least constitutionally and legally, in accepting indigenous communities as collective owners of large extensions of ancestral territories, through resurrecting the colonial legal concept of 'resguardos'.

According to the Political Constitution, resguardos are held in perpetuity by the indigenous peoples and other ethnic groups, such as the Afro-Colombian communities of the tropical forests on Colombia's Pacific coast, and cannot be sold. Legal recognition brings with it the acknowledgment of collective rights to the soil and forest resources contained within these territories (ref. Article 330, Political Constitution). They have an equal status to municipalities (ref. Article 357, Political Constitution), and as such are entitled to receive state funding for health, education and social programmes.

This legal and administrative situation has offered an excellent opportunity for a new model of governance in the Colombian Amazon; one that is environmentally appropriate and rooted in local customs and traditions. In fact, over 24.6 million hectares have been legally handed back to the indigenous peoples in the form of more than 120 resguardos, making this the largest contiguous territory in the world belonging 'legally' to tribal peoples.

Many communities and local indigenous organisations have been supported to develop local capacity to exercise these and other rights, through involvement with the COAMA programme (for more information, www.coama.org.co). One such example is along the Pirá Paraná River, which flows southwards into the Apaporis River, in the eastern Colombian Amazon. The river travels through the traditional territories of four ancestral groups related to the anaconda, nowadays identified as the Makuna, Barasano, Tatuyo and Eduria. Each ethnic group has its own language but they share many customs, beliefs and traditions, and a common mythological narrative.

Among the indigenous people of the Pirá Paraná there are still traces of their suffering at the hands of the extractivist bonanzas in the Colombian Amazon and the influence and intervention of missionaries. But since the 1990s the elders and traditional authorities, along with a group of enthusiastic younger leaders, have begun working to find 'balance' again in the territory and to re-organize aspects that were dis-ordered, such as decision-making, traditional jurisdiction, the transfer of knowledge, and food security. They founded the Association of Indigenous Captains and Traditional Authorities of the Pirá Paraná (ACAIFI). In the words of Francisco Benjamín from Sonaña community, "We are all ACAIFI; it is the territory, the rivers, the forest, the animals, the sacred sites, the people and our origin. Our association was born to defend our rights, our territories and our autonomy."

The communities have formed research groups to recover and strengthen traditional knowledge about their ancestral territory. They have re-constructed the routes of the four ancestral anacondas, from the mouth of the Amazonas River to where they began to transform into human beings, re-visiting the different places (sacred sites) where they stopped to acquire the knowledge and resources that are vital for sustaining life. They have been identifying, mapping and describing the mythical stories that took place in these sacred sites, and how each site has a spiritual 'guardian' with whom the shamans negotiate use of the natural resources that have their origin in that place.

The history of this process is told in a book "El Territorio de los Jaguares del Yurupari" (to be published 2009), written and compiled by the indigenous people of the Pirá Paraná. It combines photos, drawings, interviews and texts to show the cultural richness and ecological wisdom of their region, and tells the story of their ongoing struggle to protect their territory and sacred sites.

[Source: Fiona Wilton, The Gaia Foundation, and Silvia Gómez, Fundación Gaia Amazonas]

CONCLUDING THEMES AND ACTION POINTS

Whilst this report has found that sacred lands and sacred sites of indigenous and traditional cultures in both industrialised and “developing” countries are under threat, a noteworthy change in attitude is gradually beginning to emerge which provides for a more hopeful long-term outlook.

There is an emerging awareness, increasingly articulated in academic and policy documents, that all sacred sites, in all settings, natural and man-made, act as foci of spiritual belief and expression, something which even in the more secular industrialised world is increasingly recognised as part of the basic human condition.

The example of indigenous peoples apparently living more harmoniously in their sacred lands, and through their spiritual observances and practice maintaining rich biodiversity and cultural coherence, is being increasingly recognised in mainstream industrialised culture as a balance, which through insistent global plundering has virtually been lost.

There is a need for industrialised culture to rediscover a form of collective spirituality, recognising how culturally isolated its beliefs, which so determinedly separate nature from culture, are from virtually all other indigenous and traditional cultures of the world, in not viewing the Earth and all its manifest life as essentially sacred or enchanted and profoundly interconnected so as to be expressed in ecological balance.

Taking this view of essential interconnectedness and ecological interdependence places the sacred site as a central issue for recognition and protection, so it becomes acknowledged as a portal into that wider view of an enchanted or sacred Earth as a totality which both sustains man with its wonder and revealed wisdom and knowledge, as man also sustains the land as sacred with collective spiritual dialogue, ceremony and observance.

At this time of global crisis, a view which recognises the importance of protecting sacred sites and the sacredness of the land has good

claim to be central to any sensitive and effective future environmental policy. Translating this from an attractive theoretical insight into a more practical and engaged expression of action is a great challenge for modern thinking and culture.

Some key areas for action might be:

1. *To raise awareness in all cultures, but particularly in western industrialised cultures, about the importance of sacred sites as foci in the landscape for continuity and maintenance of spiritual expression and nourishment of both society and the land.*
2. *To encourage all peoples and especially those in industrial cultures to think in ecocentric holistic terms and to recognise the risks and folly of a continuing and determined anthropocentric approach when relating to the environment.*
3. *To acknowledge that in order to better protect sacred sites, it is necessary for all concerned parties to collaborate and work together as an interdisciplinary alliance across local, national and international boundaries.*
4. *To encourage and support the voice and grassroots contribution of the cultural group using the sacred sites so as to manifest the development of strong local governance and effective environmental management/respect.*
5. *To encourage indigenous and traditional peoples to support each other beyond local, national and international interests so as to strengthen their collaborative voice.*
6. *To begin to develop basic packages of educational and advisory material which can be of assistance to concerned groups in indigenous and traditional cultures, or in industrialised societies, to better protect their sacred sites.*
7. *To explore the feasibility and role of specialist independent ombudspersons at national and international levels to mediate and advise in multi-stakeholder disputes over sacred sites.*
8. *To encourage interest groups, civil society, NGOs and government departments concerned about protection of sacred sites to make contact with each other and liaise over mutual problems and strengths, so as to build up amicable working alliances and networks.*

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USEFUL WEBLINKS

United Nations Permanent Forum on Indigenous Issues (UNPFII)
<http://www.un.org/esa/socdev/unpfii/>

United Nations Human Rights Council Declaration on the Rights of Indigenous Peoples
<http://www.ohchr.org/English>

UNESCO World Heritage Committee. The World Heritage List.
<http://www.unesco.org/whc>

International Council on Monuments and Sites (ICOMOS)
<http://www.international.icomos.org/>

International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM)
<http://www.iccrom.org/>

World Conservation Union
<http://www.iucn.org/>

Convention on Biological Diversity (CBD)
<http://www.biodiv.org/>

The Akwé:Kon Guidelines
<http://www.biodiv.org/doc/publications/akwe-brochure-en.pdf>

The Delos Initiative
<http://www.delos-old.insti.cnr.it/initiatives.html>

World Wildlife Federation
<http://www.panda.org/>

The Wilderness Society
<http://www.wilderness.org/>

Botanic Gardens Conservation International
<http://www.bgci.org/>

The Mountain Institute
<http://www.mountain.org/work/sacredmtns/index.cfm>

Survival International
<http://www.survival-international.org/>

International Work Group for Indigenous Affairs
<http://www.iwgia.org>

The Christensen Fund
<http://www.christensenfund.org/>

Global Heritage Fund
<http://www.globalheritagefund.org/>

International Indian Treaty Council (IITC)
<http://www.treatycouncil.org/>

Yachay Wasi
<http://www.yachaywasi-ngo.org/sacredcall.htm>

Rigoberta Menchu Tum Foundation (FRMT)
<http://www.frmt.org/>

Mediterranean Institute for Nature and Anthropology (Med-ina)
<http://www.med-ina.org/delos/index.htm>

Alliance of Religions and Conservation (ARC)
<http://www.arcworld.org/>

Gatekeeper Trust
<http://www.gatekeeper.org.uk>

Fountain International
<http://fountain-international.org/>

Ancient Sacred Landscapes Network (ASLaN)
<http://www.bath.ac.uk/~prsr1p/kernunos/kaslan1.htm>

Landmarks Foundation
<http://www.landmarksfoundation.org/>

Sacred Sites International Foundation
<http://www.sacredsites.org/>

Sacred Land Film Project
<http://www.sacredland.org/>

Sacred Sites – Places of Peace and Power (Martin Gray)
<http://www.sacredsites.com/>

Tara Watch
<http://www.tarawatch.org/>

The Gaia Foundation
<http://www.gaiafoundation.org/>

The Rotherwas Ribbon
<http://www.rotherwasribbon.com>

Richard L Grossman at Program on Corporations, Law & Democracy (POCLAD)
<http://www.poclad.org/>

The Chehalis First Nation Band, British Columbia
<http://chehalisindianband.com>

Community Environmental Legal Defence Fund (CEDLF)
<http://celdf.org>

Author Biographies

Anthony Thorley

Anthony Thorley is a retired consultant psychiatrist and medical policy administrator who has been researching landscape energies, myths and historical traditions for over thirty years. In 2006 he graduated with an MA in Cultural Astrology and Astronomy at Bath Spa University and currently he is completing a book, 'Sacred City, Secret City' on the Masonic vision of the development of eighteenth-century Bath. In summer 2008 he commenced a PhD at the University of Kent on the conceptual basis of landscape zodiacs as sacred space. Together with his wife Celia Gunn, he has developed a particular interest in pilgrimage and ritual journeys which honour ancestral traditions in the sacred landscape and revitalise our relationship with the wider environment.

Celia M Gunn

Celia Gunn is a Northumbrian writer and novelist who has lived in Israel and Canada, working in education and publishing. She was closely involved in the renaissance of the Sinixt First Nation in British Columbia in the late 1980s which led to her memoir 'A Twist in Coyote's Tale', published in 2006. This unique experience is currently being made into a feature film in Canada entitled 'The Bone Game', and Celia is still involved with the Sinixt Nation's continuing struggle for full representation. Celia is a devoted gardener and, over eight years, in dialogue with a wild piece of English woodland, has co-created a sacred garden based on the chakras. Her latest writing projects include a book on animal symbolism, 'Simply Totem Animals', and a novel 'A Dark Wind', both due for publication in 2009.

Details of Anthony and Celia's activities can be found at www.earthskywalk.com



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