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**on support for indigenous peoples in the
development co-operation of the Community and the Member States**

I. Introduction.

The United Nations estimates that indigenous people number a total of 300 millions, living in more than 70 countries. They represent unique cultures with distinct languages, knowledge and beliefs, and their contributions to the world heritage of e.g. art, music, technologies, medicines and crops are invaluable. Indigenous peoples represent an enormous cultural diversity, living in extremely diverse geographical, social and political settings. One general statement about indigenous peoples is that they through processes of external or internal colonisation and nation-building have lost control over decisions affecting their situation and therefore are in a specially vulnerable position.

The vast majority of indigenous peoples live in developing countries where they experience economic, social and political marginalisation. Furthermore, many of them inhabit areas which are considered crucial for the conservation of biodiversity and maintain social and cultural practices which permit a sustainable use of these resources. The question of indigenous peoples and development co-operation has therefore received increasing attention from donors, as it combines the fundamental objectives of poverty reduction, sustainable development and the observance of human rights.

The participation and inclusion of indigenous peoples in decision-making processes is important for the democratisation of societies, but it is also a major challenge for developing countries and for the donor-community. Generally, indigenous peoples' aspiration is not to loose their cultural identity in mainstream social and economic development. Indigenous peoples around the world are claiming self-determination in relation to their own development, by which they want to regain control over their land, life and resources, often from a weak political position.

In June 1997 the Council of Ministers of Development Co-operation invited the European Commission to present a document on co-operation with and support for indigenous peoples, on the basis of which the Council will prepare a resolution. This document addresses the relation between indigenous peoples and the development process. Its scope is thereby geographically limited to the situation of indigenous peoples in developing countries. The document proposes a general policy framework which should subsequently be implemented through the development of more specific activities and guidelines.

II. Identity and identification:

Indigenous cultures constitute a heritage of diverse knowledge and ideas which is a potential resource for the entire planet. The difference between indigenous and non-indigenous societies and knowledge has been marked out through historical processes, based on an unequal relation in power and resources. Western scientific knowledge has enjoyed an uninterrupted process of consolidation, while indigenous knowledge has suffered from disruption of the social structures sustaining it. Historically, indigenous

peoples have been portrayed as antagonists to development efforts, but it should be recognised that they hold their own concepts of development. These concepts will generally not be expressed or valued in pure economic terms and may be an alternative to the models imposed on indigenous societies. Indigenous peoples should not be victimised or seen as backwards nor as passive receptors of development interventions. Instead, it should be recognised that indigenous development should be based on their own diverse values, visions and priorities, bringing out the full potential of indigenous cultures. This view would engender mutual respect and appreciation of the positive contribution from indigenous societies and set the principles for a genuine partnership with other societies.

The diversity of indigenous peoples, their histories and the contexts in which they live makes it very complicated to fit them into one single definition. The identification, notion and political implications of the concept “indigenous peoples” is specially sensitive in parts of Asia and Africa, in cases where its application is not clear. Indigenous peoples themselves generally reject external attempts at defining them and stress the right of self-definition as being fundamental. Generally, the question of definition should be approached with flexibility and studied further in specific contexts. The identification of indigenous peoples in context is somewhat different from the matter of definition, as there is no claim for universality involved. However, for those who are called upon to assist indigenous peoples in improving their situation it is useful to have a working-definition, and the one provided by UN-special rapporteur José Martínez Cobo is generally considered to be the most applicable:

“Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the society now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems”. (UN Doc.No.E/C’N.4/Sub.2/1986/87).

Given the difficulty of synthesising the diversity of the indigenous peoples into one single definition and in order to avoid the re-opening of long and often fruitless discussions, the “Cobo-definition” could be used as the guiding principle for the identification of indigenous peoples. Furthermore it should be noted that self-identification as “indigenous” shall be regarded as a fundamental criterion. It can be noted that indigenous peoples will combine many, but not necessarily all, of the following characteristics:

- Historical continuity with pre-colonial societies
- Strong link to territories
- Distinct social, economic or political systems
- Distinct language, culture and beliefs
- Form non-dominant sectors of society
- Identify themselves as different from national society
- Link to the global network of indigenous peoples

III. International framework.

The **Declaration on Human Rights**, the **Covenant on Economic, Social and Cultural Rights** and the **Covenant on Civil and Political Rights**, constitute the basic framework for the definition of indigenous

peoples' rights . These declarations are also important instruments for monitoring the situation of indigenous peoples, and the Covenant on Economic, Social and Human Rights includes specific questions on indigenous peoples in its reporting procedures.

The **Vienna Declaration and Programme on Action**, adopted by the **World Conference on Human Rights** in 1993, is an important policy statement. The Declaration explicitly mentions the commitment of the international community towards indigenous peoples to ensure their economic, social and cultural well-being and their enjoyment of the fruits of sustainable development. Furthermore, it underlines that States should ensure their full and free participation in all aspects of society. States should take concerted positive steps to ensure respect for human rights and fundamental freedoms, recognising the value and diversity of the distinct identities, cultures and social organisation of indigenous peoples.

The specific aspects of indigenous peoples' human rights are being dealt with in the United Nations' Commission on Human Rights, with the active participation of indigenous representatives, e.g. through the Working Group on Indigenous Populations established in 1982. An important step in this process is the 1994 approval of the **Draft Declaration on the Rights of Indigenous Peoples** by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Up to now this is the clearest expression of indigenous peoples' needs and aspirations. The Declaration, *inter alia*, states indigenous peoples' right to determine their own development on their territories and the obligation of states to obtain informed and free consent to any project affecting indigenous peoples' territories. Given the precarious situation of indigenous peoples, attention should be given to support, though not duplicate, the efforts of defining international rights and standards in the UN-system. Another important proposal is the creation of a **Permanent Forum** for indigenous peoples in the UN-system, which could ensure a comprehensive approach to all themes relating to indigenous peoples. The establishment of this forum is currently being discussed in the UN-system.

ILO Convention No. 169 on Indigenous and Tribal Peoples was adopted by the International Labour Conference in June 1989, replacing an earlier ILO Convention adopted in 1957. By March 1998 the Convention No. 169 had been ratified by Norway, Mexico, Bolivia, Peru, Colombia, Costa Rica, Paraguay, Honduras, Denmark, Guatemala and the Netherlands. The Convention presumes that indigenous peoples have the right to decide their own priorities for development and to exercise control over and participate in the process of development.

Following the UN's **International Year of the World's Indigenous People** in 1993, the United Nations General Assembly proclaimed the **International Decade of the World's Indigenous People**, commencing in December 1994. The aim of the Decade is to strengthen international co-operation for the solution of problems in areas such as human rights, the environment, development, education and health, in partnership with indigenous peoples.

The Inter-American Commission on Human Rights approved in 1997 **Project American Declaration on the Rights of the Indigenous peoples** . The project recognises the right of indigenous peoples to

decide democratically what values, objectives and strategies will govern and steer their development course, even when they are different from those adopted by the national government or by other segments of society.

In general the international framework for the protection of indigenous peoples' rights is still weak and in the process of being defined and negotiated. However, recognising the special situation of indigenous peoples in the development process, a number of international Declarations and Conventions exist. Among the most important are:

The 1992 **Rio Declaration**, which in principle 22 states that:

"States should recognise and duly support the identity, culture and interest of indigenous people and enable their effective participation in the achievement of sustainable development".

Subsequently, the UN Program of Action from Rio, **Agenda 21**, recognises indigenous peoples as a Major Group, and includes a chapter on their situation (chapter 26) which states that:

"In view of the interrelationship between the natural environment and its sustainable development and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognise, accommodate, promote and strengthen the role of indigenous people and their communities".

The **Convention on Biodiversity**, article 8j, addresses the question of indigenous peoples and intellectual property rights:

"Each party shall, as far as possible and as appropriate, and subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilisation of such knowledge, innovations and practices".

The **Convention on Climate Change** calls for the sustainable management of forests as sinks and reservoirs of greenhouse gases. This gave birth to the "Climate Alliance", which is a partnership between European municipalities and indigenous peoples to protect the Earth's climate and preserve the tropical rainforests.

In the **Convention on Desertification**, the Articles 16(g) and 17(c), calling for the protection of traditional technologies, practices and knowledge, are of special relevance to indigenous peoples.

In summary these instruments point towards the three crucial aspects of indigenous peoples' particular situation in the development process:

- Their cultures and identities are invaluable and necessary contributions for achieving sustainable development.
- They play a key-role regarding the conservation and sustainable use of biological diversity.

- They possess a special vulnerability to being disadvantaged in the development process.

IV. Key-role regarding environment and sustainable development.

Many indigenous peoples were decimated through the processes of colonisation or they managed to persist in geographical settings, considered as marginal by the dominant society. It is now recognised that many of these areas, are central for the conservation of biodiversity.

Indigenous societies are in general non-industrial and practice a low-intensity use of the available resources. They have developed over a considerable span of time on their territories and have a spiritual link to the land, which is developed and maintained through social and cultural practice. Indigenous cultures are not static or ecologically sound per se, but there is a direct link between cultural and biological diversity. This link gives indigenous peoples a special role in keeping and creating the biological diversity and in providing examples of sustainable development.

Indigenous peoples consider their existence and identity as inseparable from their land, while their land-rights in many cases are not recognised by the national governments. The main struggle for indigenous peoples throughout history has therefore been the legal recognition of their territories. This struggle has been given new impetus with industrialising societies' increasing need for land and resources, which is destroying ecosystems on indigenous territories at an ever increasing rate. Investments and development projects which ignore this fact run the risk of having negative effects on indigenous peoples, e.g. by causing environmental degradation, forced resettlement or promoting colonisation on indigenous land.

Many indigenous peoples possess a thorough and detailed knowledge of the ecosystems and the biological diversity found on their territories. This includes knowledge of resources with nutritional and medical value as well as techniques and practices for the management of these resources. In some cases this knowledge is being commercialised by non-indigenous companies while indigenous peoples generally have neither the knowledge and capital nor the wish to privatise their collective, ancestral knowledge which is often linked to religious beliefs.

Many indigenous economies are oriented towards subsistence rather than the market economy. However, they are facing the enormous challenge of maintaining sustainable production forms, while population growth, environmental destruction and limited access to resources put severe economic pressure on local communities. Development processes should support indigenous peoples in their efforts to consolidate their economies by defining long-term economic strategies and promote trade and barter originated by indigenous peoples' sustainable production.

Indigenous peoples' appearance on the international scene of development was strengthened through the recognition of the interrelationship of environmental protection and human development, which was the main conclusion of the UNCED in Rio 1992. A number of international conventions acknowledge the special link between indigenous peoples, biodiversity and sustainable development, but there is still a

gap between the expressed intentions and the actual practices. Existing experiences on e.g. community-based conservation and land-use programmes and co-management of protected areas could be used as levers for the inclusion of indigenous peoples in such community-based strategies around the world.

V. Vulnerability in the development process.

The attitude towards indigenous peoples has generally been of neglect, exploitation or guided by ideas of development through assimilation. There are even recent examples of indigenous peoples being victims of outright slavery. In many nation-states indigenous peoples are still excluded from decision-making processes at the political level. This exclusion is often based on subtle reasons like non-literacy, poverty, geographical distance and racist prejudices, rather than directly reflected in the constitutions or legislation of States.

Indigenous peoples are currently experiencing processes of particularly accelerated change, but they have little or no control over development policies and programmes causing this transition and affecting their lives and territories. Even in cases where indigenous peoples can exercise their full economic, social and political rights, this may not suffice to secure their landrights and other collective rights, necessary to their survival. This points to the weakness of the existing human rights framework, which does not account for the social, cultural and political rights claimed by indigenous peoples. Some nation-states see these claims as a threat to their sovereignty while indigenous peoples themselves generally do not aspire to independence but rather to democratisation of nation-states, allowing for their diversity and self-determination.

The special situation of indigenous peoples has often been overlooked in the planning and implementation of development programmes which have subsequently had a negative impact, causing e.g. pronounced poverty, social marginalisation, loss of vernacular language or ethnic violence. The way to reverse this negative tendency is to allow indigenous peoples the right to determine their own social, economic and cultural development, and to support their full participation in projects affecting their livelihood and land. The aim is thereby not to separate indigenous peoples from the development processes or to assimilate them into main-stream society, but to allow for their full and free participation on their own terms. Essentially this is a question of human rights and of democratisation of societies. Given the permanent transition of cultures and conditions there will be no traditional or homogenous response to this challenge, which calls for reflection, research, innovation and flexibility.

The globalisation of economies and resources creates increased pressures for rapid change in indigenous societies. In order to manage these pressures and transformation-processes in a sustainable way, indigenous peoples cannot rely only on resources and knowledge found at the local level. Capacity-building should therefore be given a high priority, focusing on the specific needs, resources and priorities of different groups.

Education is a subject which has received special attention as it can be used either as a means to strengthen and maintain indigenous knowledge or as a means to assimilate indigenous peoples into national societies. In several countries there are now initiatives to develop intercultural and bilingual educational systems for indigenous peoples. This is crucial for the maintenance and development of indigenous knowledge, for the transition of indigenous societies on their own terms, and for the democratisation of nation-states.

Networks of indigenous organisations have emerged in many parts of the world during the last decades. They provide indigenous peoples with presence and voices at both national and international levels, and allow for partnerships in negotiations and actions. The empowerment of indigenous peoples through national, regional and international participation is likely to affect existing power relations and may therefore initially cause unforeseen reactions and conflicts. However, the recognition of indigenous peoples' rights should be regarded as conflict-preventing, as the empowerment of indigenous peoples in civil societies is a way to obtain structural stability in the long run. This is in line with the European Commission's communication on conflict-prevention, which defines structural stability as involving sustainable economic development, democracy and respect for human rights, viable political structures and healthy social and environmental conditions, with the capacity to manage change without to resort to violent conflict, (SEC(96) 332).

In many indigenous societies women and men have clearly distinct roles and responsibilities, and often men are in charge of the external relationships. There is a tendency to overlook women's special capacities, problems, positions, needs and interests in the planning and implementation of development programmes. Even if it may appear to be potentially conflictive in indigenous societies, it is necessary to pay special attention to the empowerment and participation of indigenous women in the development and decision-making processes on an equal footing. A gender-sensitive approach should therefore be maintained throughout the project-cycle.

VI. Donor response to the issue.

Many of the major development agencies have adopted policies or guidelines for approaching indigenous peoples.

The **World Bank's** policy is based on the Operational Directive 4.20, which aims at ensuring that the development process fosters full respect for indigenous peoples' dignity, human rights and cultural uniqueness. According to the Directive, indigenous groups maintain cultural and social identities distinct from those of the national societies, have close attachments to their ancestral lands, and are susceptible to being disadvantaged in the development process. Projects which are likely to have an impact on indigenous peoples must undergo social and environmental impact assessments and an "indigenous peoples development plan" must be prepared, ensuring indigenous participation throughout the project cycle.

Several **Member States** of the European Community have developed specific strategies or guidelines for indigenous peoples. Among these are the Netherlands, Denmark, Germany, the United Kingdom and Spain, while other countries are in the process of considering the issue.

Germany and the Netherlands use the "Cobo-definition" for identifying indigenous peoples, while Denmark and Spain refer to the definition in ILO Convention 169, which explicitly stresses the importance of self-identification. All of these European policies underline the Agenda 21, the Convention on Biological Diversity, the ILO Convention 169 and the UN Draft Declaration on the Rights of Indigenous Peoples as important conceptual building-blocks. The principles of poverty reduction, human rights, democratisation, environmental protection and sustainable development, and the full participation, consultation and consent of indigenous peoples to any development activities affecting them, constitute the common basis of the European policies.

The **Netherlands** issued their policy on indigenous peoples in 1993. It emphasises the centrality of human rights and is based upon indigenous peoples' right to sustain their own identities, cultures and ways of living, including the recognition of their special relation to their ancestral lands. The central themes are the protection of rights, particularly concerning cultural rights and rights to land and means of livelihood in their own environment, dialogue with indigenous peoples, awareness raising and information.

The **Danish** Strategy for Support to Indigenous Peoples was issued in 1994. It proposes the integration of indigenous issues into policy-dialogue and development practices and increased financial support to projects addressing these issues. These projects should focus on self-determination, land-rights, capacity-building, bilingual education, and the sustainable use of natural resources.

Germany has issued policies for development co-operation with forest-dependent peoples in 1994 and for indigenous peoples in Latin America in 1996. The policies stress recognition of indigenous land-rights and the strengthening of indigenous economies and knowledge as important measures for the protection of the environment. Furthermore, projects should focus on health, education and capacity-building.

The **United Kingdom** elaborated a Guidance on Ethnicity, Ethnic Minorities and Indigenous Peoples, in 1995. According to this, DFID should avoid involvement in projects having adverse affects on indigenous peoples, enhance informed participation at all stages of the project cycle and contribute to the containment of ethnic conflicts and tensions.

In 1997 **Spain** launched its Strategy for Co-operation with Indigenous Peoples in Latin America. It has as its general objective to support sustainable self-development and allow for their participation in decisions affecting them directly. The strategy aims at enhancing indigenous peoples' participation and inclusion at national and international levels and at supporting projects and programmes, focusing on training and education. Another initiative is the Araucaria-program, which aims at enhancing the conservation of the biological diversity of Ibero America *in situ*, acknowledging the central role of indigenous and local communities.

VII. Framework within the European Community.

The integration of indigenous peoples issues in the general development-policy is in line with the principles stated in the **Maastricht Treaty**, Article 130u, where the Community establishes four priority areas for development co-operation: Sustainable economic and social development; the smooth integration of developing countries into the world economy; the fight against poverty and the observance of human rights, fundamental freedoms and the development of democracy and the rule of

law. Since 1995 the respect for human rights, democratic principles and the rule of law is to be included as an essential clause in all agreements between the Community and third countries. Such a clause is seen as a joint undertaking to respect and promote these values and also gives the possibility of taking appropriate measures, in case they are violated.

The recognition of indigenous peoples positive contribution, their crucial role in the conservation of biodiversity and their vulnerability in the development process, links the question of sustainable economic and social development and poverty-reduction to the all embracing theme of human rights and the development of democracy.

The **Council Regulation** on co-operation with countries in Asia and Latin America states that local or traditional communities are eligible for financial and technical assistance and economic co-operation, and that the cultural dimension of development must remain a constant objective in all activities and programmes. Furthermore it is highlighted that ethnic minorities warrant special attention through measures designed to improve their living conditions while respecting their cultural identity (Council Regulation No. 443/92).

The fourth **Lomé Convention** strongly emphasises the need to ensure the involvement of grassroots communities in development operations and to integrate and enhance the local cultural heritage, value system, ways of life, modes of thought and know-how, materials and styles, and the reinforcement of capacities and structures for self-development (Lomé IV, 1990-2000).

In the Communication on **The European Union and the External Dimension of Human Rights Policy**, 1995, the European Commission states that: "The European Community plays its part in international action to promote respect for the human rights and fundamental freedoms of indigenous peoples, lending its support to innovative practical projects carried out in partnership with the local authorities with the aim of improving the organisational abilities of indigenous communities and, if necessary, consolidating the demarcation of their territories", (COM(95) 567).

In the **Basic Document on the relations of the European Union with Latin America and the Caribbean** (1994) it is stated that the European assistance "...should benefit, above all, the poorest, most disadvantaged social groups including indigenous populations, and should increase their ability to preserve their cultural identity and improve their economic and social situation".

The **Council Regulation** on operations aiming at the conservation and sustainable development of tropical forest areas (1995), mentions forest peoples as potential recipients of aid and partners in co-operation. The Regulation stresses the importance of the provision of prior information to forest peoples, followed by their support for the identification, planning and implementation of actions (Council Regulation No. 3062/95).

The **Council Regulation** on environmental measures in developing countries in the context of sustainable development (1997) mentions that "particular attention should be given to projects involving indigenous communities and their involvement and support in identifying, planning and implementing projects (Council Regulation 772/97).

The **European Parliament** has in numerous **Resolutions**, required action and attention to the critical situation of indigenous peoples around the world. The Parliament has repeatedly expressed its support to the work carried out in the UN-system of defining indigenous peoples' rights, and has called on the Council and the Commission to take indigenous concerns into consideration. One example is the Resolution A3-0059/93 from 1994, where Parliament calls for criteria to be drawn up for the financing of Community projects in the light of the rights of indigenous peoples, for these peoples to be directly involved in projects concerning them and for European officials to be given special training and assigned for follow-up questions concerning indigenous peoples. '

VIII. Activities within the European Community.

The European Commission is already co-operating with and supporting indigenous peoples through a wide range of projects. Some of these projects address the indigenous component directly, most explicitly in Latin America, while other projects are affecting or supporting indigenous peoples without taking their special situation into account.

The budget-line for Actions in Favour of Tropical Forests, **B7-6201**, has been an important instrument for supporting indigenous peoples. A wide range of projects, aiming at demarcation of indigenous territories, community-based conservation and management of resources, capacity-building, workshops, studies and seminars have been financed.

The budget-line **B7-310**, for financial and technical co-operation with Latin America is financing a number of projects at national and regional level, which are explicitly aiming at empowering and supporting indigenous peoples and strengthening their structures and organisations.

The budget-line **B7-8110** on the global environment finance *inter alia* projects promoting indigenous peoples' rights to their territories, their traditional practices of forest management and the inclusion of these issues within National Development Plans.

The budget-line **B7-7020** on Human Rights and Democracy in the Developing Countries has a special mention of indigenous peoples and has financed projects aiming at training and capacity-building have been financed.

The budget-line **B7-6200** on Environmental Measures in Developing Countries contributes to the integration of the environment dimension within the development process. The budget-line finances pilot actions which are innovative in nature, some of which involve indigenous peoples.

A vast number of projects involving indigenous peoples is financed through the budget-line **B7-6000** for co-financing with NGOs. A review of NGO-projects 1995-97 revealed 114 projects specifically mentioning indigenous peoples in Latin America as target group.

Several initiatives have been launched within the European Commission, in order to prepare a more comprehensive approach towards indigenous peoples. Among the most important are the studies done by the European Alliance with Indigenous Peoples, EAIP, (1995), and Haakansson and Bussmann (1998). Both of these studies state that neglecting the special situation of indigenous peoples puts the performance and outcome of projects at risk. EAIP provides a number of examples of projects being seriously questioned, conflictive or failing to reach their objectives, and stresses the need for the development of a coherent policy regarding indigenous peoples. The study recommends the development of adequate procedures for consultation and participation, emphasising impact screenings and assessments as important tools for development agencies. It furthermore proposes a set of guiding principles for these procedures.

IX. Experiences with the inclusion of indigenous peoples as partners.

It is difficult to extract clear tendencies and recommendations from the experiences with indigenous peoples in development co-operation, as they have not yet been evaluated systematically and no overall thematic focus has been applied. However, the outcome of a number of recent workshops, discussions and publications seems to point at some general features:

Development efforts which overlook indigenous peoples situation, aspirations and priorities can potentially have unforeseen or even negative impact on them. Examples are known where environmental conservation measures have led to forced resettlement of communities or education in a dominant language has led to loss of vernacular language. Experience suggest that long-term sustainability and a sense of local ownership is achieved where indigenous peoples are actively involved in the design and implementation of programmes and projects. This is e.g. the case in a number of environmental projects, aiming at indigenous communities' sustainable management and use of biological resources.

The extent to which national legislations and policies recognise the presence and rights of indigenous peoples varies greatly from country to country. A basic recognition of indigenous peoples and their territorial rights form the essential preconditions for indigenous peoples to participate in development processes in a meaningful way. The level of recognition in national legislation determines the possibilities of addressing indigenous peoples special needs in sectoral approaches, e.g. regarding education and health care.

Very few experiences exist of the integration of indigenous peoples' issues into the policy dialogue with recipient countries and at the non-project level, e.g. in sectoral programme assistance and country-specific strategies. Recent initiatives in Guatemala or e.g. Bolivia, where the issues of indigenous peoples is one of the foci for sectoral assistance in DANIDA's program, should therefore be followed with much interest.

New market possibilities are emerging as mechanisms for "ethical trade", based on environmental and social sustainable development, are being defined and promoted. This is potentially of great importance for indigenous peoples, who could benefit from these new opportunities, by marketing products originating from sustainable territorial management. Special attention should be given to allow for a reasonable trade of products from sustainable hunting and gathering activities. Substantial work still needs to be done, but the issue will probably gain increased importance and impact within the next years, as incentive measures are currently being discussed and defined.

At the project level, there is an increasing number of projects explicitly addressing indigenous peoples. Most of these projects have been channelled through NGOs but many indigenous organisations are now claiming a more direct relationship with international donors. The strength and experiences of these organisations vary considerably in national and regional contexts. Many organisations face a problem of fulfilling donors' requirements in the administrative and technical fields.

Indigenous participation must be an integrated part of any attempt to address these peoples. The question of participation is complicated by the fact that indigenous peoples have no single formal institutional framework to identify or legitimate authority. The layering of different and overlapping institutions makes it difficult to identify unquestioned authority within indigenous societies. The identification and representativeness of indigenous organisations is a subject of permanent discussion

which makes the identification of partners and the indigenous participation in the project cycle complex issues, which donors should handle with much sensitivity.

Although many major donors have adopted specific policies and strategies for the issue, there is still a lack of sufficient knowledge and experience and no co-ordination mechanisms have been set up so far. This affects the performance of projects and programmes at all levels, and prevents an adequate thematic focus and evaluation of experiences. The limited human resources and rigidity of procedures and budgets in donor organisations may be an obstacle for indigenous peoples' access to resources and may prevent the appropriate flexibility in the development process.

There are no ready-made models for implementing indigenous peoples' own development strategies for health, education, economy etc. These strategies involve the articulation of indigenous and non-indigenous knowledge, technologies, resources and political, cultural and social objectives. There is a strong need for further research, pilot-projects and exchange of experiences, both among donors and indigenous peoples, concerning these complicated processes.

X. Lessons learned.

Given the diversity of indigenous peoples, it is not desirable to design one single model for approaching the issue of indigenous peoples and development. On the other hand there is now general acceptance among donors of some fundamental principles, which could be accepted by the Commission and the Member States:

The need for a comprehensive policy. By adopting a comprehensive and coherent policy, donors can potentially play a positive role by including indigenous peoples' rights and needs in the policy dialogue with recipient countries. This dialogue should focus on and support national efforts of adjusting legislation and policies to reflect indigenous peoples needs and rights. A coherent policy allows donors to strengthen their argumentation in international negotiations of e.g. human rights, intellectual property rights, land-use planning and environmental protection. Finally, it will allow donors to apply an adequate and coherent approach in the planning and implementation of projects and programs and provide a thematic focus, allowing systematic evaluation and co-ordination of efforts. The effectiveness of such a policy depends on the human and financial resources made available to the issue. The capacities of the existing human resources could be increased through the creation of focal points, training of personnel, rationalisation of tasks, sharing of expertise, creation of synergies and establishment of co-ordination mechanisms among donors. Donor co-ordination and exchange of experiences are specifically important issues regarding very vulnerable indigenous groups (e.g. isolated forest-dependent peoples), where inconsistencies and unqualified interventions can cause serious damage.

Avoidance of adverse impact. The move towards support to sector programmes potentially opens new possibilities of addressing and reflecting indigenous peoples' needs in national programmes and

institutions. However, there has been a tendency to overlook indigenous peoples in the design of large-scale projects and sectoral programmes. The recognition of indigenous peoples' right to determine their own development, implies that donors should encourage indigenous **participation** at all levels and obtain the **free and informed consent** from the peoples concerned to any project affecting their land and livelihood.

Screening procedures and social impact assessment. Donors need to implement simple screening-procedures in order to detect projects affecting indigenous peoples. The process of identification of indigenous peoples will occur in a specific geographically and/or thematic context where donors can benefit from the knowledge of indigenous organisations, NGOs and researchers. Projects affecting indigenous peoples should subsequently undergo a social impact assessment, including socio-cultural profiles of the concerned group and assessment of potential impacts, risks, options and alternatives.

Identification of indigenous partners. Donor requirements may force indigenous peoples to adopt new organisational forms which will eventually erode existing social structures and institutions, cause increased dependency and put the outcome of projects at risk. In general donors should therefore attempt to work through existing structures and institutions in indigenous societies. In this way they will validate and strengthen the role of these institutions in the development processes. Donors must carefully identify partners, and assess their capacity and local acceptance as well as their linkages to other social processes and institutions. In general they should encourage an inclusive approach, rather than being over-selective.

Participation. The full and free participation of indigenous peoples in all stages of the project cycle is regarded as fundamental. Participation must include elements such as prior consultation with indigenous peoples, their consent to envisaged activities, their control over activities affecting their lives and land, and the identification of their own priorities for development. Further research on such participatory methodology is needed but there is generally agreement on some elements: In order to involve indigenous peoples in all stages of the project cycle, donors should use culturally appropriate means of communication. They should adjust the time-perspective and the management of the activities to the indigenous notion of time and decision-making. Women's needs and interest should be taken into consideration. There should be flexibility in procedures and budgets, allowing for long-term, small-scale involvement. Projects should be designed so as to respond to the increased capacities emerging from the process, and thereby recognise the importance of the process itself.

Definition of roles and partnerships. Most support to indigenous peoples has been carried out through NGOs, which have often more direct contacts at the grass-root level and better possibilities of close follow-up on small-scale activities. Many indigenous organisations are calling for a more direct relationship with donors, but have difficulties in fulfilling requirements with regard to technical and administrative skills. In these cases training and capacity-building in the administration, planning, monitoring and evaluation of development processes should be prioritised. In other cases the indigenous

organisations may prefer to cooperate through NGOs that can alleviate the organisations from the administrative burden and provide technical assistance and training. In general, the prior definition of roles and responsibilities corresponding to all different stakeholders is of crucial importance. Even if projects addressing indigenous peoples may require relatively limited financing resources, they will often entail relatively high expenses for administration, monitoring and follow-up. Donors should be aware of the necessity of allocating financial and human resources to adequately meet this requirement.

Capacity-building. Indigenous peoples are calling for support to strengthen their capacities at all levels. This is crucial, not only for the performance of development projects, but for the capacity of indigenous societies to manage change and adopt long-term sustainable strategies. Capacity-building should include training of indigenous professionals, strengthening of institutions and organisations at local, national and international level and exchange of experiences and networking among indigenous peoples.

Research and co-ordination. The theme of indigenous peoples is relatively new on the agenda for many development agencies and it requires flexibility, sensitivity, co-ordination and innovation. Efforts are needed to promote further research, evaluation and co-ordination of experiences among donors and indigenous peoples at three levels, which all require permanent attention, evaluation and co-ordination:

- The identification, inclusion and full participation of indigenous peoples in the development process, through development and refinement of tools and methods.
- The transformation of indigenous societies according to long-term political, social, economic and cultural objectives, defined by indigenous peoples themselves. There is an urgent need for further research and pilot-projects addressing the complex question of defining strategies for indigenous peoples' education, production and trade, health-care, resource-management and other key-issues.
- The negotiation and definition of indigenous peoples' rights and status in international fora such as the UN Commission on Human Rights and the Convention of Biological Diversity. These negotiations address enormously complex issues such as indigenous intellectual property rights and self-determination, which require capacity and expertise to handle appropriately.

XI. General guidance for supporting indigenous peoples:

In order to ensure the implementation of a comprehensive policy on indigenous peoples in the development co-operation of the European Community and the Member States it will be necessary to develop specific guidelines, procedures and methodological tools. However, the following proposal for a general policy-framework stipulates the main elements which should be taken into consideration:

Overall objective:

The overall objective should be to:

- Enhance indigenous peoples' right and capacity to control their own social, economic and cultural development.
- Enhance indigenous peoples' territorial rights and capacity for sustainable management of biological resources.

Recommendations relating to the overall objective:

To reach the overall objective, the following measures should be taken:

- Include indigenous peoples' issues in the policy dialogue with recipient countries, based on the existing international framework. The dialogue should focus on the recognition and reflection of indigenous peoples rights and needs in national legislation and institutions.
- Support the process within the framework of the United Nations in the defining of indigenous peoples' rights and the efforts of establishing a Permanent Forum for indigenous peoples.
- Enhance the protection of indigenous peoples' knowledge, innovations and practices, *inter alia* through intellectual property rights, and their control over their genetic resources.
- Support the participation of indigenous peoples in environmental negotiations and strategies internationally and nationally, *inter alia* in the development of national biodiversity strategies.
- Promote ethical trade standards.
- Ensure coherence and co-ordination in the European Community's development co-operation, by defining a comprehensive approach to the issue.

Specific objective:

The specific objective of the European Community policy should be to:

- Improve the positive impact of European development policy on indigenous peoples, integrating the concern for indigenous peoples as a cross-cutting aspect of human empowerment and development co-operation.

Recommendations relating to specific objective (implementation):

In order to improve the impact of European development policy on indigenous peoples, the following results should be achieved:

- Development of methodology and procedures, integrating the concern for indigenous peoples' special situation in social impact assessments and assuring their full and free participation in the whole project cycle.
- Identification of thematic priority areas for support to indigenous peoples.
- Evaluation and exchange of experiences.
- Donor co-ordination.
- Monitoring systems to be in place, with participation of indigenous peoples.

Action plan for the European Community and the Member States.

In order to convert a general policy statement more systematically into practice, the European Community and the Member States should subsequently undertake the following **activities**:

- Establish focal points to liaise with indigenous peoples in the European Commission, including delegations, and the Member States. Their responsibilities should be technical support to staff, permanent follow-up on issues relating to indigenous peoples, further development of tools and methodologies, e.g. social impact assessments and research on the interlinkage of indigenous peoples' issues and other areas, e.g. health, education, environmental concerns.
- Training of staff in the Commission and the Member States on thematic and geographical issues relating to indigenous peoples.
- Conduct further study of the notion, implication and identification of "indigenous peoples" in specific contexts.
- Identification and attention to indigenous peoples living in especially critical conditions.

- Conduct thematic evaluation of Community and Member States projects and programmes addressing or affecting indigenous peoples.
- Develop mechanisms for close monitoring of the implementation process in the Community and the Member States, focusing on the evaluation and exchange of experiences.

Development of methodology.

One of the most crucial aspects for the implementation of a general policy on indigenous peoples will be the development of appropriate methods for dealing with this issue throughout the project cycle. The **methodology** should be based on the following principles and procedures:

- Identification of indigenous peoples in local and regional contexts.
- Screening-procedures, detecting projects affecting indigenous peoples.
- Drawing of socio-cultural profiles of the groups involved.
- Identification and use of culturally appropriate means of communication.
- Establishment of consultation procedures, appropriate to the indigenous notion of time and decision-making.
- Identification of indigenous peoples' own priorities for the development process.
- Identification of relevant partners and assessment of their capacities, representativeness and link to social processes.
- Free and informed consent from all communities affected.
- Possibilities for long-term, small-scale involvement (process-orientation).
- High flexibility in budgets and activity-plans.
- Research and pilot-projects to fine-tune development proposals.

Priority areas for supporting indigenous peoples.

The definition of **priority areas** for support to indigenous peoples could include:

- Assistance in national efforts of recognising and reflecting indigenous peoples rights' and needs in legislation and institutions.
- Training and education as a means to maintain and develop indigenous knowledge and practices.
- Capacity-building (negotiation; administrative, financial and technical capacity).
- Development of long-term economic strategies, based on sustainable land-use and management of natural resources.
- Participation in international negotiations, networking and exchange of experiences among indigenous peoples.

Co-ordination between the Community and the Member States.

The European Community and the Member States should establish the principles for a comprehensive policy and a consistent framework for action in support of indigenous peoples. Co-ordination and exchange of experiences between the Community and the Member States will be crucial in order to avoid duplication and dispersion of forces and to increase the effectiveness and adequacy of development support for indigenous peoples. Therefore, mechanisms for consultation and co-ordination should be established. The initial focus should be on the exchange of information and sharing of experiences, in order to identify common objectives, difficulties and priorities and to define more concrete guidelines for action.

The Commission should include indigenous peoples as an issue on the agenda for the Commission and Member State Expert Group meeting on social development on a regular basis, to ensure a continuous exchange of experiences and research results and a further refinement of the principles and operational aspects relating to indigenous peoples.

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Resolutions on indigenous peoples adopted by the European Parliament, 1988-1994. (Compiled by Lydia van de Fliert, in "Indigenous Peoples and International Organisations", 1994):
Doc.A2-92/88, OJ C235. Doc. A2-124/89, OJ C158. Doc. A2 44/89, OJ C120. Doc. B3-0119/90, OJ C38/80.
Doc. B3-1659/90, OJ C260. Doc.B3-1627/90, OJ C260. Doc. A3-0182/90, OJ C295. Doc. A3-0181/90, OJ
C295. Doc. A3-0231/90, OJ C295. Doc. A3-0258/90, OJ C48. Doc. B3-1150/91, OJ C240. Doc. B3-1181/91,
OJ C 240. Doc. B3-0334/92; OJ C94. Doc. B3-0486/92, OJ C125. Doc. A3-0023/92, OJ C 150. Doc. B3-
0850/92, OJ C241. Doc. B3-1012/92, OJ C241. Doc. B3-0967/92. Doc. B3-1169/92, OJ284. Doc. B3-
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B3-0372/93, OJ C115. Doc.B3-0694, OJ C176. Doc. B3-1696, OJ C176. Doc. B3-1265, 1993. Doc. B3-
0057, 1994. A3-0059/93.

