

Integration of Indigenous Peoples' Perspective in Country Development Processes

Review of Selected CCAs and UNDAFs

By Prasenjit Chakma

for the Secretariat of the United Nations Permanent Forum on Indigenous Issues



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List of Acronyms

ADB	Asian Development Bank
AIDS	Acquired Immune Deficiency Syndrome
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBO	Civil Society Organisation
CCA	Common Country Assessment
CEB	Chief Executive Board
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CGKR	Central Kalahari Game Reserve (of Botswana)
CIDP	Crimean Integration and Development Programme (of Ukraine)
CMDG	Cambodian Millennium Development Goals
CRC	Convention on the Rights of the Child
DRC	Democratic Republic of Congo
DFID	Department for International Development (of United Kingdom)
FUNAI	National Indian Foundation (of Brazil)
GDP	Gross Domestic Product
GNI	Gross National Income
GoB	Government of Botswana
HDI	Human Development Index
HIV	Human Immuno-deficiency Virus
HRBA	Human Rights Based Approach
HURIST	Human Rights Strengthening Programme
IACHR	Inter-American Commission on Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally Displaced Person
IGWIA	The International Work Group for Indigenous Affairs
IK	Indigenous Knowledge
ILO	International Labour Organisation
IPACC	Indigenous Peoples of Africa Co-ordinating Committee
IOM	International Organisation for Migration
ISA	Instituto Socioambiental (of Brazil)
MDG	Millennium Development Goals
MoFA	Ministry of Foreign Affairs
MP	Member of Parliament
NGO	Non-Government Organisation
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
PDL	Poverty Datum Line
PEAP	Poverty Eradication Action Plan (of Uganda)
PLWHA	People Living with HIV/ AIDS

PPP	Purchasing Power Parity
PRSP	Poverty Reduction Strategy Paper
RGC	Royal Government of Cambodia
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDG	United Nations Development Group
UNDGO	United Nations Development Group Office
UNDP	United Nations Development Programme
ECOSOC	Economic and Social Council
UNPFII	United Nations Permanent Forum on Indigenous Issues
UNSSC	United Nations System Staff College
UOBDU	United Organisation for Batwa Development in Uganda
US\$	United States Dollar
WSSD	World Summit on Sustainable Development

Chapter 1: Introduction

Background

1. As part of the UN reform put in place by the Secretary-General in 1997, the Common Country Assessment (CCA) and the United Nations Development Assistance Framework (UNDAF) were adopted as strategic planning tools for the UN system. Guidelines for their preparation were first issued in 1997, a first revision in 1999 and a second in 2002 to reflect lessons learned from the first CCAs and UNDAFs prepared and to take into account the 2000 Millennium Declaration and the achievement of the Millennium Development Goals. In 2004, the Guidelines were updated and reflected the following elements:
 - Lessons gained from the preparation of CCAs and UNDAFs in 2003 and early 2004.
 - Decisions agreed by the UNDG to include reference to indigenous peoples and durable solutions for displaced persons.
 - Request by the CEB (United Nations System Chief Executives Board) to include issues of organized crime and corruption in programme planning mechanisms including the CCA and UNDAF.
2. One important lesson from piloting UN Country Teams was that the Guidelines might be adapted to country-specific circumstances, as considered appropriate by UNCTs, subject to maintaining the minimum UN system quality standards indicated in the Guidelines. The revised Guidelines have also made reference for the inclusion of indigenous peoples' development situations and challenges in country analysis. Within its mandate, the United Nations Permanent Forum on Indigenous Issues (UNPFII)¹ has been making recommendations for mainstreaming and integrating indigenous issues in the UN system. This review of selected CCAs and UNDAFs is part of the efforts to promote the implementation of the Forum's recommendations, with a view to identifying challenges faced by indigenous peoples at country level and strengthening the UN system through better consideration of indigenous issues in UN analytical and programmatic instruments at country level in particular. This is extremely critical as the UNPFII and the General Assembly through the Programme of Action of the Second International Decade of the World's Indigenous People² have called for actions which will change the situation of marginalization and poverty of indigenous peoples in the achievement of the Millennium Development Goals.

Objectives

3. The objective of this review is to assess the content and approach of the 2004-2005 CCA/UNDAF with reference to indigenous peoples, identify elements of inclusion of indigenous issues, trends, challenges and opportunities. The ultimate purpose of

¹The UNPFII was established by the ECOSOC resolution 2000/22. The reports of its first four sessions are contained in documents E/2002/43/Rev1, E/2003/43, E/2004/43 and E/2005/43. They are also available at the website <http://www.un.org/esa/socdev/unpfii/>

² A/60/270, <http://www.un.org/esa/socdev/unpfii/en/second.html>

this review will be to assist UNCTs with elements for inclusion of indigenous issues in the preparation of CCAs & UNDAFs and in the partnership building with indigenous peoples to achieve the Millennium Development Goals.

Approach

4. There are four chapters in this review. A number of CCAs/UNDAFs completed after the adoption of 2004 Guidelines by UNDG was selected for this desk review so as to assess to what extent the Guidelines for specific references to indigenous peoples have been followed. Chapter 1 explains the background and objective of this review. Chapter 2 contains a review of selected CCAs. Review of each CCA begins with a brief description of the country and its indigenous peoples, followed by a gist of the CCA under review. Then each CCA is analysed using a set of ten different criteria, most of those in the form of questions and answers. Chapter 3 reviews selected UNDAFs using a similar technique differing slightly in the set of analytical criteria. Chapter 4 makes recommendations to UNPFII for fulfilling its mandate in the coordination of indigenous issues within the UN system including UNCTs in particular in the achievement of Millennium Development Goals.

5. Given the different natures and processes of the preparation of CCAs/UNDAFs of each UNCT, it was not the intention of the author to make a comprehensive analysis of CCAs and UNDAFs against the revised Guidelines of 2004; rather, this desk review was focused mainly on the contents of both CCAs and UNDAFs with regard to indigenous issues in order to provide the UNPFII with information from the ground and the UNCT perspectives.

Chapter 2: Review of Selected CCAs

2.1 Review of CCA Brazil

Basic Facts about Brazil and its Indigenous Peoples:

6. Brazil is the largest country in Latin America with a total area of over 8.5 million sq km and a population of 182 million. The largest rainforest biome in the world --Amazon – is in Brazil; it constitutes 30% of the world's rainforest; it hosts half of world's known species of flora and fauna³; it is also home to most of Brazil's indigenous peoples. Brazil has the largest income gap in Latin America where the per capita income of the wealthiest 10% of the society is 32 times that of the poorest 40% of the population⁴. Inequality among the population is also conspicuous in living condition indicators, for example, life expectancy which is 63.2 years in Alagoas is 71.6 years in Rio Grande do Sul, adult literacy which is 70% in Alagoas and Piaui is 95% in Federal District⁵. Brazil's Northeast contains the single largest concentration of rural poverty in Latin America⁶. In this national context of inequality, the situation of Brazil's indigenous peoples, commonly known as Indians, is even worse. Their life expectancy is only 45.6 years and their health care, food, education and, in particular, land property situations are extremely serious⁷. The present 217 different indigenous peoples in Brazil add up to around 350 thousand people⁸. The National Indian Foundation (FUNAI), established in 1967, is the government agency responsible for indigenous affairs in Brazil. Brazil's Indigenous peoples have won a globally significant land rights case (*Yanomami vs Brazil*, 1985) at the Inter-American Court⁹ and have achieved constitutional (1988) guarantees of respect for their social organization, customs, languages, beliefs and traditions, and land rights. Nevertheless, the Indigenous peoples of Brazil have a long way to go in terms of development and security of basic human rights and are still vulnerable to oppression from different quarters, especially from miners, loggers and land-grabbers. Thirty eight indigenous activists have reportedly been killed in a single year in 2005¹⁰.

Areas of Cooperation and Development Challenges:

7. The CCA of Brazil, completed in August 2005 for the programme cycle 2006-2010, analysed the following broad areas and identified development challenges under those areas: 1. A more inclusive and egalitarian society -- challenges identified under this area are: a) eradicating extreme poverty and hunger; b) promoting gender equality and empowerment of women; c) racial and ethnic discrimination: reducing exclusion and vulnerability; d) improving educational performance; e) a healthier population; f) more and better jobs; and g) reducing violence and enhancing personal security; 2. Sustained

³ CCA Brazil, 2005

⁴ Report on World Social Situation 2005, UN General Assembly, 60th Session.

⁵ Brazil: Inequality and Economic Development, A Joint Report by Instituto de Pasquisa Economica Aplicada and Brazil Country Management Unit, World Bank, October 2003

⁶ Brazil Country Brief, World Bank, updated as of December 2005

⁷ Report on the Situation of Human Rights in Brazil, Inter-American Commission on Human Rights (IACHR), 1997

⁸ Instituto Socioambiental (ISA) website: www.socioambiental.org

⁹ The Human Rights Situation of the Indigenous People in Americas, Inter-American Commission on Human Rights (IACHR), 2000

¹⁰ Amnesty International press release, 06 January 2006.

economic growth -- challenges discussed under this area include a) under-utilization of natural resources, population dynamics, cultural diversity, agricultural resources, advanced industrial sector, etc; b) declining FDI; c) low productivity level compared to best world practices; d) external and public debts; e) required more investment in basic infrastructure, etc; 3. Environmental sustainability --challenges discussed under this area include a) practical difficulties in implementing already enacted advanced environmental laws; b) large population living in informal housing; c) management problem of natural resources; and 4. Improving governance -- challenges discussed under this area include a) insufficiently defined issues, particularly in reference to inequalities and social rights, in the 1988 Constitution; b) corruption; c) exclusion of poor people from the benefit of large governmental social security expenditure; d) inefficient judicial system.

What was the extent of the participation of the indigenous peoples during the preparation of the CCA?

8. The CCA Brazil mentions formation of an ad hoc working group, a theme group constituted by members of 14 agencies, a Human Rights Based Approach workshop and involvement of government representatives throughout the process, but it does not mention whether a Local Stakeholders Meeting was held or not to arrive at a consensus on major challenges and causes, and, there is no mention of participation of the indigenous peoples at any stage of the CCA preparation process.

To what extent references were made to the indigenous peoples?

9. CCA Brazil stands on top among all the CCAs and UNDAFs under this study in terms of the number of direct references to indigenous peoples. More than thirty direct references have been made to '*indigenous peoples*' in the CCA. In addition, there are also many indirect references.

To what extent ethnically disaggregated data were used during the analysis?

10. Substantive amount of ethnically disaggregated data have been used in the CCA. While availability of accurate data on Indigenous peoples still remains a problem, the CCA recognises that data sources are gradually improving. Two good examples of the use of disaggregated data in the CCA are: "*infant mortality among indigenous children in average are as high as 60 per 1,000 live births and 21.46% of indigenous school-age children are not enrolled in primary school*"; and, "*74% of indigenous women had less than 6 pre-natal consultations, compared to 45% for white women*",

How much effort was given to assess the situation of the indigenous peoples?

11. While the participation of indigenous peoples in the preparation of CCA remains unclear, efforts have been made in it to assess the situation of the indigenous peoples of Brazil. A whole section titled '*Racial and Ethnic Discrimination: Reducing Exclusion and Vulnerability*' is dedicated mainly to analyse the situation of the indigenous peoples but also include the situation of the Afro-descendants. Apart from this section, the situation of the indigenous peoples has been discussed in the analysis of other sectors (e.g. education, health) and highlighted in a few boxes.

To what extent were forms of discrimination against indigenous peoples analysed?

12. The biggest form of discrimination of the indigenous peoples in Brazil is in the form of differential access to basic rights. And lack of access to basic rights, e.g. lack of access to justice, prompts further discriminatory practices and violations of human rights.

The CCA also discusses ‘structurally determined patterns of dominance and subservience’ unique to the Brazilian society and originating from its colonial past.

To what extent were the root causes of the problems of the indigenous peoples analysed and were related with the national priorities?

13. All the priority areas and challenges identified in the CCA relate strongly with the problems of the Indigenous peoples. The root causes of the problems of Brazil’s indigenous peoples have also been extensively analysed in the CCA. The rich culture and heritage of the Indigenous peoples, and the richness of the biological and natural resources of their areas inspired hundreds of “civil organisations” to undertake many different kinds of development projects. Access of indigenous peoples and their organisations to national and international financial resources is hampered by the wide presence of interlocutors.

What are the main challenges vis-à-vis inclusions of indigenous issues?

14. Brazil is an advocate of the indigenous peoples’ rights in international fora and among the global trend-setters in enacting legislation, including Constitutional guarantees, vis-à-vis the realization of the rights of the Indigenous peoples; yet, there is a wide gap between what is envisioned in the legislature and policy, and on-the-ground situations of the Indigenous peoples. In this backdrop, the biggest challenge is finding effective but non-paternalistic social protection for the indigenous peoples and consensus thereupon, from among the widely dispersed ethno-environmental intellectual discourse and politics.

What are the opportunities for inclusion of indigenous issues?

15. Indigenous peoples’ specific indicators could be included in the Indicator Framework (Annex 2) attached to the CCA.

Lesson learned:

16. There may be Constitutional guarantee and other legal protection, political will, policy and programmes for the realization and protection of the rights of the indigenous peoples; yet, indigenous peoples may be subject to extreme inequality, discrimination and rights violations in practice.

Examples of good practices:

- Brazil has demarcated one million square kilometres of land for the indigenous peoples. This is a pioneering precedent of global significance towards progressive realization of the rights of the Indigenous peoples.
- Brazil is the only country among the countries covered by this study to ratify the ILO Convention No 169: Indigenous and Tribal Peoples Convention of 1989.

2.2. Review of CCA Guyana

Basic Facts about Guyana and its indigenous peoples:

17. Guyana is surrounded by the North Atlantic Ocean, Suriname, Brazil and Venezuela. It is the third smallest country in South America with a total area of 216,000 sq km and population of 774,800 (2001) comprised of 49% Indo-Guyanese, 36% Afro Guyanese, 7% Amerindians, 7% mixed ethnic, and, 1% Chinese, Portuguese and other

groups¹¹. With a GDP (PPP) per capita at US\$ 4230, its HDI is measured at 0.720 positioning it at 107th place among 177 countries measured¹²; it is the 85th Most Free Economy¹³ and the 117th Least Corrupt (i.e. 35th Most Corrupt) Country in the world¹⁴. Life expectancy of a Guyanese is 63.1 years at birth¹⁵. 80% of the indigenous peoples/Amerindians of Guyana live below poverty line¹⁶. The majority of the Amerindian peoples are located in the hinterland regions, where they form up to 90 % of the population. More than 16 % of the national territory has the status of Amerindian land under the Amerindian Act of 1951. There are more than 120 different Amerindian peoples, with community population varying from 120 to over 6,000 and they are mainly engaged in subsistence farming, forestry, fishing and hunting¹⁷. The main Amerindian peoples are Akawaio, Arekuna, Arawak, Macushi, Wapishanas, Patamuna, Waiwai, Warrau and Carib, belonging to three linguistic groups -- the Arawakan, the Cariban and the Warrauan. Some Amerindian peoples such as the Maiongkongs, the Maopityans, the Drios, the Tarumas, the Amerindigenous peoples as and the Pianoghottos, have been viewed as extinct or been assimilated with the mainstream of Guyanese society¹⁸.

Development Challenges Identified:

18. The CCA of Guyana, completed in May 2005 for the programme cycle 2006-2010, analysed three broad areas and identified development challenges under those areas: 1. Building human capabilities. Challenges identified under this area are: a) improving the health status of the population; b) an education that opens doors; c) better and more equitable access to clean water and sanitation, and improved solid waste management; and, d) providing more adequate living conditions. 2. Fostering empowerment. Challenges identified under this area are: a) empowering individuals and groups to participate actively in the development process; and b) increased political and social stability. 3. Creating Opportunities. Challenges identified under this area are: a) establishing a macroeconomic framework conducive to human development; b) improving and sustaining economic growth; and, c) improving the quality and quantity of jobs.

19. The following Areas of Cooperation were suggested: 1. Strengthening human capabilities: a) enhancing access and quality of education; b) improving the health status of the population; c) improving equitable access to clean water and sanitation; and, d) improving living conditions for all. 2. Identifying and consolidating opportunities: a) improving the human development relevance of the macroeconomic framework; b) supporting policies and capacities to increase and sustain economic growth; and, c) supporting policies and capacities to improve the quality and quantity of jobs. 3. Empowering all Guyanese to participate actively in the development process: a) empowering individuals and groups to participate actively in the development process; b) promoting citizens' access to justice and their protection; and, c) supporting policies and

¹¹ Guyana CCA, United Nations, 2005

¹² Human Development Report 2005, UNDP

¹³ 2006 Index of Economic Freedom, Heritage Foundation/ Wall Street Journal

¹⁴ Corruption Perception Index 2005, Transparency International

¹⁵ Human Development Report 2005, UNDP

¹⁶ Guyana Country Brief, World Bank, as updated July 2004

¹⁷ Guyana CCA, United Nations, 2005

¹⁸ National Report on Indigenous Peoples and Development, UNDP Country Office, Guyana, 1994

capacities to increase political and social stability. 4. Cross-cutting areas: a) human rights protection without discrimination as to gender, sex, age, race, ethnicity, religion or other status; b) gender integration and the promotion of women's rights; and, c) assessing all dimensions of the fight against HIV/AIDS.

What was the extent of the participation of the indigenous peoples during the preparation of the CCA?

20. The CCA Guyana claims itself to be a result of a participatory process spanning a period of nine months. *'The process involved the United Nations Country Teams (UNCT), the Ministry of Foreign Affairs (MoFA) sectoral government ministries, non-government partners and donors'*. No further detail was given from which one can infer that there was either consultation with or participation of indigenous peoples during preparation of the CCA. The question of whether the indigenous peoples and their organisations were included in the category of 'non-government partners', too, remains unresolved in the absence of further elaboration. However, it may be assumed from the ambience of the report that indigenous peoples were voiced either by their direct participation or by some other means during the preparation of the CCA.

To what extent references were made to the indigenous peoples?

21. 'Amerindians' and 'indigenous peoples' have been interchangeably used in the CCA to mean the same group of peoples. Numerous direct references have been made to the indigenous peoples in the CCA. In addition, there are also many indirect references made by showing regional disparities and by referring to vulnerable groups, disadvantaged people, etc.

To what extent ethnically disaggregated data were used during the analysis?

22. In spite of the problem of non-availability of information, tremendous efforts from the part of UNCT Guyana have been observed throughout the document to use ethnically disaggregated data wherever possible. Few of those examples are: *"the prevalence rate for stunting among Amerindian Guyanese children were 23.5%, more than two-and-a-half times greater than the next highest rate found among Indo-Guyanese children"* (P 20); *"over half of the identified cases (of malaria) in 2003 were among Amerindians, 68% of the cases were male and 46% fell between the ages of 15 and 34"* (P 24); and, *"there is one female Amerindian Vice Chair of an RDC, three female Amerindian MPs and one female Amerindian Minister of Government (the Minister for Amerindian Affairs)"* (P 38).

How much effort was given to assess the situation of the indigenous peoples?

23. In the assessment of human capabilities, some analyses with direct reference to indigenous peoples were presented, especially, in the analysis of the health situation. In the analysis of empowerment, assessment of indigenous peoples have been made while analysing participation of civil society organisations, participation of women, empowerment of individuals and groups, and in the analysis of social and political stability. The situation of Amerindians was projected prominently during the analysis of poverty and opportunities creation. Overall, tremendous efforts to analyse the situation of the indigenous peoples is noticeable throughout CCA Guyana.

To what extent were forms of discrimination against indigenous peoples analysed?

24. Discrimination of the Amerindians in the form of denial and access to land has been discussed. Forms of discrimination against indigenous women have been analysed in these sentences: “...young Amerindian girls from the interior are employed in coastal towns, many without documents to verify their ages. They are often subject to exploitation and abuse by employers and clients in circumstances where they have little recourse because the environment is unfamiliar” (p42). Slow implementation of laws related to indigenous peoples’ rights is another form of discrimination. Regional discrimination, which also affects the Indigenous peoples, is vividly depicted with concrete data.

To what extent the root causes of the problems of the indigenous peoples were analysed and related with the national priorities?

25. One of the strengths of Guyana CCA is that it analysed the root causes of the problems of the indigenous peoples while analysing the same problems in a national context and in the process related the problems of the Indigenous peoples with the national priorities. Therefore, in the end, when the four broad areas and thirteen specific areas of national cooperation were identified, most of them turned out to be addressing the problems of the Indigenous peoples.

What are the main challenges vis-à-vis inclusion of indigenous issues?

26. Dispersed pattern of Indigenous peoples’ settlements has been described as one big challenge for inclusion of indigenous issues. Indigenous peoples’ remote locations in difficult terrain make development more costly for both the donors and the government. High transportation costs of bringing their produces and commodities to the coastal markets erode competitiveness of the indigenous peoples’ products. Therefore, the biggest challenge appears to be in designing highly decentralised appropriate socio-economic development programmes. Such programmes should also incorporate promotion of ‘high value low volume’ produces, to overcome the transportation problems.

What are the opportunities for inclusion of indigenous issues?

27. The challenges described in the CCA imply that free, prior and informed consent of the indigenous peoples must be sought during designing any development programme that would affect their livelihoods and they must be at the helm of the affairs during implementation of their own socio-economic development programmes.

Lesson learned:

28. UNCT Guyana received support from UNDGO and OHCHR while preparing the CCA. The OHCHR support to UNCT with a human rights advisor might have had catalysed formulation of this indigenous peoples focused as well as human rights focused CCA. OHCHR should provide similar support to other UNCTs.

Example of good practices:

29. The CCA Guyana highlighted the complexity of and roadmap for national integration of the indigenous peoples and the other two dominant ethnic groups by quoting a succinct paragraph from the report of Special Rapporteur Mr. Doudou Diene: “it is the intricate relation to indigenous peoples between demography and the ethnic and political divide that gives rise to Guyana’s basic democratic dilemma: democracy in Guyana cannot be a matter of mere electoral arithmetic but, if all the communities are to play an effective part in running the country, must take account of the historical and

sociological factors that make up the specifically Guyanese political and social context"¹⁹.

30. The CCA Guyana, in its conclusion, relates the interest of the Indigenous peoples to Guyana's economic reform, PRSP, budgetary allocation, and public expenditure, and recommends '*attention to disaggregation of economic benefits in terms of geographic, race/ethnic and gender disparities*'.

2.3. Review of CCA Uganda

Basic Facts about Uganda and its indigenous peoples:

31. One of the poorest countries in the world with a per capita income of US\$ 250 (2004)²⁰, landlocked Uganda is surrounded by Kenya, Sudan, Democratic Republic of Congo, Rwanda and Tanzania. Life expectancy in Uganda came down from 47 years in 1990 to 43 in 2002²¹. The Gini coefficient rose from 0.35 in 1997-98 to 0.43 in 2003²² indicating widening gap between the 'haves' and the 'have-nots'. Uganda is globally ranked 66th free economy²³ and 117th Least Corrupt Country²⁴. Peace and stability of Uganda is hampered by insurgency of the Lord's Resistance Army (LRA) in the North resulting in 1.6 million IDPs, and, cattle rustling and proliferation of small arms in Karamoja. Political instability and conflicts in neighbouring countries have forced 200,000 refugees to take shelter in Uganda²⁵. The indigenous Batwa people have been badly affected in the whole region by these conflicts among the dominant ethnic groups. The Batwa people in Uganda mainly live in the mountainous Kabale, Kisoro and Rukungiri districts of south-western Uganda. The Basua or Bambuti people, numbering only in the seventies, live in Semliki Valley of Bundibugyo district in western Uganda, near the border with DRC²⁶. United Organisation of Batwa Development in Uganda (UOBDU) was formed in 2000 to negotiate Batwa peoples' rights with the government and international NGOs, especially with the Mgahinga and Bwindi Impenetrable Forest Trust, the NGO -- CARE and the Uganda Wildlife Trust. UOBDU gradually gained support from donors and NGOs and eventually got recognition by the government when it was invited in 2004 to join national celebrations in Kampala²⁷. Apart from the Batwa peoples, very little information is available regarding the situation of the pastoralist and other indigenous peoples of Uganda.

¹⁹ Contemporary Forms of racism, Racial Discrimination, Xenophobia and Related Intolerance; UN Economic and Social Council (ECOSOC), 2004; as quoted in CCA Guyana (p41).

²⁰ Uganda Country Brief, World Bank, updated as of September 2004

²¹ ibid

²² Poverty Eradication Action Plan (PEAP) 2004/5 – 2007/8, Ministry of Finance, Planning and Economic Development, Government of Uganda, 2004.

²³ 2006 Index of Economic Freedom, Heritage Foundation/ Wall Street Journal

²⁴ Corruption Perception Index 2005, Transparency International

²⁵ Uganda CCA, United Nations, 2004

²⁶ Submission to the United Nations' Committee for the Elimination of Racial Discrimination - 'Discrimination and the 'Pygmy' peoples of Uganda', Survival International

²⁷ The Indigenous World 2005, IWGIA (The International Work Group for Indigenous Affairs)

Development Challenges and Areas of Cooperation:

32. The CCA of Uganda, completed in 2004 analysed and identified five development challenges: 1. human development indicators have not significantly improved and some of them have stagnated or even deteriorated; 2. protection of human rights in general, and those of women and girls in particular, is of concern, even when institutions exist; 3. some key sectors, such as education and health, are structurally under-funded while cost-effectiveness and efficiency of public expenditure remain limited in most sectors; 4. capacity gaps in national democratic institutions impede the deepening of the democratic process and good governance to secure the long-term stability of the country for the realization of the PEAP objectives and the MDGs; and 5. the situation in the conflict-affected areas is worsening the regional disparities.

33. The following Areas of Cooperation were suggested: 1. reducing poverty and improving human development; 2. good governance, and protection and promotion of human rights; 3. supporting the national AIDS response; and, 4. accelerating the transition from relief to recovery in conflict-affected areas.

What was the extent of the participation of the indigenous peoples during the preparation of the CCA?

34. The CCA Uganda mentions ‘discussion among the thematic groups and national stakeholders from the Government and civil society in order to ensure national ownership of indigenous peoples of the process’. There were nine thematic groups and those were open to both government and civil society representation. In absence of further detail, the issue of consultation with and participation of indigenous peoples during preparation of the CCA remains unclear.

To what extent references were made to the indigenous peoples?

35. CCA Uganda made many direct references to indigenous peoples. A few examples are: “ .. access to education in some part of the country is still elusive, especially among the fishing and semi-nomadic communities in the north-eastern and southern central Uganda” (P 22); “the ABEK (Alternative Basic Education for Karamoja) addresses the semi-nomadic population of Karamoja” (P 25); “ ... institutions face inadequate capacity and resources in general and those for the involvement of indigenous knowledge in the preservation and rational use of natural resources in particular” (P 29); and, “.... cattle rustling has also been a tradition among the agro-pastoralist semi-nomads” (P 37). There are also many indirect references using various terms such as *vulnerable groups, disadvantaged groups, disadvantaged and excluded populations*. Traditional land has been mentioned. Involvement of traditional leaders in conflict prevention and disaster preparedness, conflict resolution and peace building has been suggested. Considering the fact that the CCA Uganda was finalised before the issuance of the 2004 CCA and UNDAF Guidelines, all these references made to the Indigenous peoples are even more commendable.

To what extent ethnically disaggregated data were used during the analysis?

36. In spite of non-availability of ethnically disaggregated data, sincere attempts have been made to use such information as far as possible. Less than 20% school enrolment among the semi-nomadic population of Karamoja has been utilized to justify special

education projects for them. 75% of the 50,000 sq km forest land in Uganda has been mentioned as either under private or traditional ownership of the indigenous peoples.

How much effort was given to assess the situation of the indigenous peoples?

37. In the absence of ethnically disaggregated data, regional data and regional disparities have been used to assess the situation of the Indigenous peoples and to justify development initiatives targeting them, respectively.

To what extent forms of discrimination against Indigenous peoples were analysed?

38. Discrimination of the Indigenous peoples in Uganda has been described in the form of lack of access to basic social services like education, health etc. Violations of human rights in the form of kidnapping of boys for enrolling them as rebel soldiers, girls for turning them into sex slaves, and other forms of discrimination have been analysed.

To what extent the root causes of the problems of the Indigenous peoples were analysed and were related with the national priorities?

39. The traditional practice of cattle rustling among the agro-pastoralist semi-nomad indigenous peoples has been identified as one of the root causes of security situation and conflict in Karamoja district. All four areas of cooperation; poverty reduction, good governance and human rights, HIV/AIDS, and conflict resolution are also the concerns of indigenous peoples of Uganda.

What are the main challenges vis-à-vis inclusion of indigenous issues?

40. This issue has been discussed in the later part of this study during the review of the UNDAF Uganda.

What are the opportunities for inclusion of indigenous issues?

41. The CCA already recommends involvement of indigenous peoples of Uganda in conflict resolution, natural resource management and delivery of basic social services like education, health and sanitation. These early inroads made in the CCA had opened up greater scope for inclusion of indigenous peoples in the UNDAF and country programmes.

Lesson learned:

42. Conflict is costly for all parties involved. Uganda's two decades old conflict in the North draws a huge amount of resources from all sectors, stagnating and even setting back development efforts of the whole country. Peace and reconciliation as the best option is well understood but repeatedly being ignored.

Example of good practice:

43. CCA Uganda identified institutional capacity gaps in terms of involvement of indigenous knowledge in the conservation and sustainable utilization of Uganda's rich animal and plant heritage.

2.4 Review of CCA Vietnam

Basic Facts about Vietnam and its Indigenous Peoples:

44. Vietnam has made successful transition from a closed economy to a market economy. Since introducing market reforms (*Doi Moi*) in the late '80s, Vietnam has achieved sustained economic growth rates of more than 5% per annum, and its imports and exports have been consistently rising more than 20% a year. In the 1990s, its income poverty level fell from 58% to 23%, life expectancy increased by six years to 70.5 and child mortality reduced by half²⁸. There are 53 'ethnic minorities', the official term used to identify indigenous peoples, in Vietnam, numbering about 10.5 million²⁹. But while the indigenous peoples are about 14% of the population, they constitute about 29% of the poor in Vietnam³⁰. In February 2001, several thousand indigenous peoples of Vietnam's Central Highlands had held a series of demonstrations. The authorities faced the demonstration by deploying military and police, making arrests and punishing the organisers. The root causes of the demonstrations were attributable to religious repression, ethnic persecution, very high poverty and illiteracy rates, and the struggle over increasingly scarce land³¹. Despite this situation, the Vietnamese Government appear to have taken the grievances of the indigenous peoples into cognizance and have taken remedial measures in the form of poverty alleviation programmes, enhanced recruitment in cadre positions, free education for indigenous children, and improvement in other social services³². Declaration in August 2004 of temporary stoppage of resettlement in Central Highlands and enactment of a new land law in the same year recognising communal land rights of the indigenous peoples are strong indications of Vietnam's enhanced sensitivity and attention towards the plight of its indigenous peoples.

Development Challenges Identified:

45. CCA Vietnam, completed in 2004, analysed five broad areas and identified development challenges under those areas: 1. The quality of growth. Challenges identified under this area are: a) benefits of growth not equally distributed in some circumstances, and some groups are disadvantaged; b) job growth must accelerate to absorb new entrants into the labour market; and, c) safeguards are required to ensure that rapid economic growth does not lead to environmental degradation and rapid depletion of the natural resource base. 2. Access to quality social services. Challenges identified under this area are: a) large variation in access to and quality of health and education services; b) ethnic minorities and isolated areas do not enjoy fully equal access to quality services; c) public expenditure on social services is low compared to neighbouring countries; and, d) reliance on user fees risks excluding the poor from services. 3. Vietnamese youth in transition. Challenges identified under this area are: a) disparities in access to education to ethnic minorities and girls; b) insufficient opportunities for vocational and tertiary education; c) accidents and injuries have emerged as a major threat to the health of young people; and, d) trafficking is a real threat to youth, especially girls from rural areas. 4. The challenge of HIV/AIDS. Challenges identified under this area are: a) HIV/AIDS prevalence growing exponentially and following trends in other countries; b) capacity building needed at the national and local levels to improve care for people living with and

²⁸ Human Development Report 2005, UNDP

²⁹ 1999 census figures as cited in Indigenous Peoples/ Ethnic Minorities and Poverty Reduction: Vietnam, Asian Development Bank, June 2002

³⁰ The Indigenous World 2005, IWGIA (The International Work Group for Indigenous Affairs)

³¹ Conflicts Over Land and Religion in Vietnam's Central Highland, Human Rights Watch, April 2002

³² The Indigenous World 2005, IWGIA (The International Work Group for Indigenous Affairs)

affected by HIV/AIDS; c) stigma and prejudice against people living with HIV/AIDS, including employment discrimination; and, d) need for integrated and coordinated information collection and dissemination for policymakers, service providers and people living with, affected by and vulnerable to HIV/AIDS. 5. Good Governance for inclusive development. Challenges identified under this area are: a) uneven implementation of the Grassroots Democracy Decree; b) disparities in access to justice and exclusion of the poor; c) local government sometimes more responsive to centre than to local constituencies; and, need for more transparency and accountability in public life.

46. The following Areas of Cooperation were suggested: 1. Ensuring that the process of economic growth is equitable, inclusive and sustainable; 2. Improving the quality of delivery and equity in access to social services; and, 3. Laws, policies and governance structures that support and promote a rights-based development process.

What was the extent of the participation of the indigenous peoples during the preparation of the CCA?

47. The CCA Vietnam mentions consultation with the Ministry of Planning And Investment and with different working groups. The first draft of the CCA was presented to the government and regional readers group for comments. There is no mention of participation of the indigenous peoples at any stage of the CCA preparation process.

To what extent references were made to the indigenous peoples?

48. The term ‘indigenous peoples’ is missing from the CCA as the Vietnam government officially uses the term ‘ethnic minorities’ to mean the same groups of peoples. References to ethnic minorities have extensively been made in the CCA – as many as 37 references have been observed in the document.

To what extent ethnically disaggregated data were used during the analysis?

49. Extensive use of ethnically disaggregated data has been observed in the CCA. A few good examples of the use of such data are: “*Although ethnic minorities make up only 14 percent of the total population, they account for 29 percent of the poor*”, “*... ethnic minority teachers make up only 9 percent of primary teachers*”, and “*19 percent of ethnic minority girls have not attended school compared to two percent of Kinh girls*”. Another interesting observation is, the CCA used disaggregated data to project disparities among different groups of Indigenous peoples: “*90 percent of primary-age Muong, Tay, and Nung children are enrolled in primary school, compared with only 40 percent of primary-age H’mong children*”. However, the CCA indicates that standards of data collection and reporting still are not up to the mark.

How much effort was given to assess the situation of the indigenous peoples?

50. Genuine efforts were made to assess the situation of the indigenous peoples in the Vietnam CCA. In some cases, after analysing the current situation, the CCA even raised alarm by expressing concern about the future, e.g. “*ethnic minorities will account for most of the country’s poor by the year 2015*” and appealed for concerted efforts now to prevent such situations. Graphs have been used to analyse trends in the situation of ethnic minorities. Overall, the CCA attempted to look beyond national averages wherever possible.

To what extent forms of discrimination against indigenous peoples were analysed?

51. Discrimination in the form of observed poverty prevalence among the indigenous peoples as compared to national average as well as among the dominant Kinh people has been projected. Poverty, in turn, is a result of various other forms of discrimination including constrained choices, access to services and opportunities. Discrimination in the form of quality of education has been mentioned. Whereas most of the primary school teachers nationally have at least twelve years of education, most of the teachers in the Indigenous peoples' areas have less than eight years of education. There are less job opportunities for the ethnic minority youths. Indigenous girls are more vulnerable to trafficking. Another important form of structural discrimination mentioned in the CCA is in the form of user fees now being imposed by the Government for most of the basic services; since indigenous peoples are poorer than the dominant people, these equal user fees put them further into disadvantageous position.

To what extent the root causes of the problems of the indigenous peoples were analysed and were related with the national priorities?

52. Root causes of the Indigenous peoples of Vietnam have extensively been analysed and all the priority areas and challenges identified in the CCA relate strongly with their problems.

What are the main challenges vis-à-vis inclusion of indigenous peoples' issues?

53. It seems that one of the biggest challenge vis-à-vis inclusion of Indigenous peoples' issues is the legacy of Vietnam War resulting in indigenous peoples finding themselves on different sides for a variety of reasons, most of which were beyond their control.

What are the opportunities for inclusion of indigenous issues?

54. With positive changes the Government vis-à-vis the indigenous peoples, now there are ample opportunities for UNCT to include Indigenous peoples in country programmes. Inclusion and participation of indigenous peoples should be part of programme design and implementation. Indigenous peoples' specific indicators should be used for monitoring and evaluation.

Lesson learned:

55. In spite of the legacy of conflicts in the past the Vietnam government and the indigenous peoples have found a roadmap for peace, prosperity and national integration premised on cultural diversity and coexistence, and such process can be catalysed and sped up by the international community with proper understanding of the situation and targeted initiatives.

Example of good practice:

56. The CCA Vietnam as a UN System document has been jointly forwarded by the Minister of Planning and Investment, Government of Vietnam and the UN Resident Coordinator. This demonstrates full government endorsement as well as ownership of the analyses and suggestions made regarding the situation of the indigenous peoples in the CCA.

2.5. Review of CCA of the Republic of Congo

Basic Facts about Congo and its indigenous peoples³³:

57. Located in the east coast of Africa, the Republic of Congo is situated between Angola, D.R.C, Gabon, Cameroon and Central Africa. According to 2003 census, the population of Congo is 3.22 million. There is no indication on the ethnic origin of people though references were made to the Batwa (Pygmies) throughout the document, 46.7% of the total population is under 15 years old. The PIB in 2003 indicates \$1,109 per person, more than half (66%) of population live in urban areas. During the past decade (1990-2000), the average annual increase of population (3.2%) has been higher than that of national economic growth (2.8%), adding new challenges to the national poverty reduction strategy. According to the Human Development Report of 2002, the poverty, in terms of income indicator, has been increasing drastically, while the GDP drops annually, from \$1,100 in 1990 to \$966 of 2002³⁴.

Areas of Cooperation and Development Challenges:

58. The preparation of CCA of Rublic of Congo completed in February 2005 for the programme cycle 2006-2010 has largely benefited the expereinces and processes of the preparation of Poverty Reducation Strategy Paper (PRSP). The following broad areas have been analysed and a number of development challenges identified : 1). The promotion and protection of social, econmic, civil and politcal rights, 2). The right of citizens to live in security in the post-conflict era, 3). Food security, 4). Environment and sustainable development, 5). Education, 6). Health, 7). The protection of vulnerable groups, and 8). The increasing number of peoples living with HIV/AIDS. For each of the areas, two folds exercises were undertaken, one was to thouroughly analyse the root causes of non-respect for humarn rights, the other was on the capacity of both rights holders and duty bearers to implement the human rights standards and socio-economic development.

What was the extent of the participation of the indigenous peoples during the preparation of the CCA?

59. There is no specific mention on the process of how or whether either civil society or indigenous peoples' representatives or organizations ever participated in any stage of the CCA preparation process. Reference was made on the active participation of national actors in the process without specific details; however, the document listed the participation of national academics in the process.

To what extent references were made to the indigenous peoples?

60. CCA Congo has very few explicit references to indigenous peoples. The term 'minorities' is used as well. Throughout the document, references have been made to Pygmy peoples, who were described as a discriminated and marginalized group.

To what extent ethnically disaggregated data were used during the analysis?

³³ CCA Bilan commun de Pays, République de Congo, 2005.

³⁴ PNUD Rapport Mondial sur le développement humain, 2002.

61. Available data were used in terms of poverty analysis, literacy rate, primary school attendance and people affected by HIV/AIDs during the CCA preparations. Some of those data have been disaggregated by sex and age, and by urban and rural areas. But there is no mention or disaggregation either by ethnicity or by other statistics relevant for assessing the situation of the indigenous peoples. It is therefore not possible to estimate the number of indigenous Pygmy peoples in Congo although their marginalization was obvious as explained by the document.

How much effort was given to assess the situation of the Indigenous peoples?

62. While the participation of indigenous peoples and civil society in general during the preparation of CCA remains unclear, some attention was drawn to the discriminatory practices against the Pygmy peoples.

To what extent forms of discrimination against Indigenous peoples were analysed?

63. Discrimination against indigenous Pygmy peoples in Congo originates from their vulnerable inhabitation pattern, which in fact is their way of life as traditional nomadic peoples living scattered in several western and central African countries and forming minority in each of the countries where they reside. Several indirect references were made in the CCA using different terms such as *minority, indigenous population, vulnerable groups*. The Constitution of 2002 stipulates the equal rights of all citizens without any discrimination and Congo has ratified most of the major international human rights treaties. The persistent discriminatory attitude in the Congolese society towards the Pygmy peoples has made the latter one of the most marginalized groups of the society and considerably undermined their integration as full citizens of the country.

To what extent the root causes of the problems of the indigenous peoples were analysed and were related with the national priorities?

64. There is specific analysis of root causes of poverty and other problems relating to indigenous peoples but emphasis was placed in general term on the improvement of governance and enhancement of capacity of governmental officials and awareness-raising for rights holders to claim their rights and for duty bearers to fulfil their obligations.

What are the main challenges vis-à-vis inclusion of indigenous issues?

65. Congo has undergone decades of conflicts after its independence in 1960; violence and armed conflicts have affected the country severely for a long time. The current peaceful context and the newly adopted Constitution recognizing pluralism and democracy have provided the legal framework and avenues for the full and effective participation of all citizens in social, political and economic development of the country. Moreover, Congo has ratified major international human rights treaties, thus the main challenges remain the implementation of both national and international human rights standards on the ground vis-à-vis indigenous peoples.

What are the opportunities for inclusion of indigenous issues?

66. Since a systematic analysis and understanding of indigenous issues of Congo is missing in the CCA which was completed in early 2005, the situation can be reversed in the preparation of UNDAF during which a thorough analysis of the situation of the Pygmy peoples should be undertaken with targets on poverty-eradication and education in the context of MDGs.

Lesson learned:

67. There may be Constitutional guarantees and other legal protection, political will, and, policy and programmes for the realization and protection of the rights of all citizens including indigenous peoples; however, for a real improvement of indigenous peoples' lives, prejudice, lack of mutual understanding, discrimination and rights violations need to be grappled with and overcome.

Chapter 3: Review of Selected UNDAFs

3.1. Review of UNDAF Botswana

Basic Facts about Botswana and its indigenous peoples:

68. Located in southern Africa and bordering South Africa, Namibia and Zimbabwe, Botswana is a mineral rich, landlocked middle income country with an area of 582,000 sq km, population of 1.7 million including an estimated 100,000 Bagkgalagadi, 50,000 San and a few hundred Nama (Khoikhoi) indigenous peoples³⁵. When it became independent from Britain in 1966, it was one of the poorest countries in Africa; discovery of diamonds under the sands of Kalahari and sustained sound macro-economic policies have turned it into a middle income country with a per capita GDP of US\$ 4,400 in 2002-3³⁶. World record average real GDP annual growth rate of 9.2% for the periods of 1966-96³⁷, positive difference between export and import contributing to a US\$ 5.3 billion foreign exchange reserve as of December 2003³⁸, the Least Corrupt Country in Africa status³⁹ --- all depict a very healthy economic picture. However, a Gini Coefficient of 0.54 (1993/94) indicates that there is gross income inequality in the society which is supported by the fact that 20% of the active population was seeking jobs in 2001⁴⁰. More alarming, from the perspective of the indigenous peoples, is the fact that the percentage of active population employed in agriculture and cattle pastoral practices came down from 15% in 1999 to only 3% in 2001⁴¹. A high-profile case filed by the Gana and Gwi communities of the San peoples - also called "Bushmen" or "Basarwa", in February 2002 against their forced eviction from the Central Kalahari Game Reserve (CKGR) brought the Botswana indigenous issues in the limelight. The case, which is still going on, is strongly supported by an international campaign prompting De Beers, the largest diamond company in the world which also mines the Kalahari diamonds, fearing decline in sales, to urge both the Government of Botswana (GoB) and the San peoples to arrive at a compromise solution⁴². GoB still resists the linguistic diversity of its peoples by allowing only Setswana and English to be used in schools and in media⁴³.

The UNDAF Priorities, Goals and Objectives:

³⁵ The Indigenous World 2005, IWGIA (The International Work Group for Indigenous Affairs)

³⁶ African Economic Outlook 2004/05, OECD

³⁷ Botswana Human Development Report 2005, UNDP

³⁸ African Economic Outlook 2004/05, OECD

³⁹ Transparency International, 2005 Corruption Perception Index

⁴⁰ Botswana Human Development Report 2005, UNDP

⁴¹ *ibid*

⁴² Reuters, 05 December, 2005

⁴³ Indigenous Peoples of Africa Co-ordinating Committee (IPACC)

69. The CCA for Botswana, prepared in November 2001, identified five thematic broad areas for UN System's harmonised cooperation: 1) Governance; 2) National capacity for programme management and implementation; 3) Human resource development; 4) Education for life; and 5) Community participation. In the UNDAF, prepared in 2002 for the programme cycle 2003-2007, some adjustments were made in the priorities to put more emphasis on the issue of HIV/ AIDS, the biggest national threat of Botswana. The more focused UNDAF has identified the following Priority Areas, Goals and Objectives:

- a. HIV/ AIDS: The overarching UN System goal in this area is to help halt HIV transmission by 2016 and mitigate the impact of HIV and AIDS at all levels of society. Five objectives have been set to reach this goal: 1) to improve national capacity for leadership coordination, implementation, monitoring and evaluation of the multi-sectoral response at all levels and across sectors; 2) to promote human rights and dignity of people living with HIV/ AIDS (PLWHA) and support their greater involvement in planning, implementation, assessment and evaluation of programmes and policies; 3) to guide and support the design and delivery of participatory behavioural change and clinical interventions to prevent further transmission of HIV; 4) to facilitate the design and delivery of effective care and support for orphans, PLWHA and other people affected by the epidemic; 5) to improve the availability and accessibility of strategic information, including best practice policy documents, policy and programme-oriented research outputs and technical updates.
- b. Poverty: The overarching UN System goal in this area is to support the Government of Botswana's efforts to eradicate absolute poverty by 2016. Four objectives have been set to reach this goal: 1) to create an enabling environment for poverty reduction through strengthening capacity for pro-poor and engendered economic policy making and implementation, research, monitoring and evaluation; 2) to support Public Sector Reform for improved governance and poverty reduction, especially in the areas of trade, decentralisation and institutional capacity building; 3) to facilitate government efforts to improve livelihoods of the poor by improving their access to productive assets, creating employment and income generating opportunities and providing quality basic health and education; and, 4) to support the empowerment of community institutions to enable them to participate in the identification of their problems and implementation.
- c. Environment: There are two overarching UN System goals in this area, namely, Goal 1: to support the Government of Botswana to achieve sustainable economic growth and development by the year 2016, by ensuring that renewable resources are used at a rate that is in balance with their regeneration capacity and that wildlife is managed for the sustainable benefit of the local communities, and in the interest of the environment as a whole; Goal 2: to support government effort to implement strong measures that will limit the pollution, by the year 2016, that would otherwise have resulted from rapid industrialisation. Three objectives have been set to reach these two goals: 1) to assist Botswana fulfil its obligations under the global and regional commitments and goals that it has signed; 2) to strengthen

the management/ control of industrial and urban pollution and waste management, through strengthening capacities within and outside government and the establishment of public-private partnership with indigenous peoples for environmental management; and 3) to promote environmental education, awareness and commitment necessary to achieve sustainable development.

- d. Crosscutting Issues: The crosscutting issues which have linkage with the above three thematic areas and therefore need to be addressed are: a) Gender Equity and Women's Rights; b) Governance; c) Human Resources Development and Institutional Capacity Building; d) Human Rights; e) Education for Life; f) Youth; g) Population Issues, and h) Health.

What was the extent of the participation of indigenous peoples during the preparation of the UNDAF?

70. The UNDAF mentions consultation with Non-Government Organisations (NGOs), Community Based Organisations (CBOs) and other structures of civil society during its preparation besides consulting with government departments, non-resident agencies, multilateral and bilateral development partners, academics and the media. The CCA mentions Ditshwanelo, the Botswana Centre for Human Rights, which has minority rights as one of its focus areas. It could be assumed that while there was no direct consultation with the Indigenous peoples, their interests were indirectly voiced by the NGOs and CBOs. Indigenous effective participation of indigenous peoples is of crucial importance, as repeatedly stated by the Permanent Forum on Indigenous Issues and other international policies. There are definitely opportunities for consultation with the indigenous peoples during the formulation of the next UNDAFs.

How much attention was given to indigenous peoples in the UNDAF?

71. In spite of the fact that the UNDAF Botswana was prepared (in 2002) before the 2004 updated guidelines were issued, there are many direct and indirect references to indigenous peoples in it, including *'the skills and knowledge of the indigenous communities should also be recognised and documented as a heritage of Botswana'* in the discussion of Objective 3 (to promote environmental education, awareness and commitment necessary to achieve sustainable development) under the thematic areas on environment (P30). In the objective for improved governance and poverty reduction, strengthening of *'tribal administrations'* and involvement of *'traditional authorities (chiefs)'* (P23) were mentioned. There are also multiple references (P 24, P 25, P 30) of Remote Area Dwellers (RAD), the official GoB term for the indigenous peoples. The section for the crosscutting issue of human rights calls for an *'urgent need to promote respect proactively for cultural diversity and equitable treatment among ethnic groups to protect and consolidate nationhood'*. Apart from these, numerous other references to *'vulnerable groups'*, *'marginalised communities'*, *'rural communities'* indirectly refer to and include Indigenous peoples.

To what extent are the priorities, goals, objectives and outcomes of UNDAF relevant to the development of indigenous peoples?

72. Botswana has the highest adult HIV/ AIDS prevalence rate (38.5%) in the world. HIV/AIDS is a major concern for the San peoples⁴⁴. The situation of HIV/AIDS is more exacerbated for the indigenous peoples because they live in the wrong end of the skewed basic services like health, education and sanitation. Although 47% of the people live below the Poverty Datum Line (PDL), poverty in Botswana also has a rural bias reflected in the percentage of urban (29%) and rural (55%) people, including the Indigenous peoples, living below PDL in 1993/94. The poverty situation becomes more severe when income poverty is complicated with constrained choices and opportunities, especially among the Indigenous peoples. The third priority area, environment, is directly related with the livelihoods of the Indigenous peoples. Among the eight crosscutting issues in the fourth priority area, the human rights issue is the most relevant for the Indigenous peoples; however, the importance of human rights does not diminish the relevance of the other seven crosscutting issues for the indigenous peoples.

Any particular objective(s) that might have adverse effect on the indigenous peoples?

73. None of the priorities, objectives or outcomes mentioned in the UNDAF document appears to bring in any adverse effect on the Indigenous peoples.

What are the main challenges vis-à-vis inclusion of indigenous issues?

74. The biggest challenge for inclusion of indigenous issues lies in the approach, attitude and beliefs of the decision makers in GoB vis-à-vis the indigenous peoples. This general lack of understanding and awareness for diversity is reflected in the fact that only Setswana and English are recognised as official languages and the reported human rights violations in dealing with the San peoples by GoB⁴⁵ despite having an impressive human rights record otherwise. The second biggest challenge is economic – the widely reported diamond reserves under the sands of CKGR might have encouraged the least corrupt government in Africa to compromise with human rights standards for its perceived greater economic benefits. The third challenge is the unavailability of disaggregated data on indigenous peoples, the root causes of this being the same general lack of understanding and respect for diversity as mentioned earlier.

The cost of exclusion/ marginalisation of indigenous peoples:

75. The ongoing court case of the CKGR indigenous peoples against GoB and the related international publicities have substantially tarnished the otherwise clean image of GoB. Exclusion of indigenous peoples will also probably translate into huge opportunity costs for GoB in terms of failure to tap vast indigenous traditional knowledge (IK) resources vital for sustainable development.

What are the opportunities for inclusion of indigenous issues?

76. The call for recognition and documentation of the skills and knowledge of the Indigenous peoples in the discussion of Objective 3 (to promote environmental education, awareness and commitment necessary to achieve sustainable development) under the thematic area of environment, was not substantiated with the UN System support and development outcome; hence, here is a clear opportunity for inclusion. Declaration at the World Summit on Sustainable Development (WSSD) held in Johannesburg, in 2002 should be included in the UN System support for Objective 1 under environment. There

⁴⁴ Indigenous Peoples of Africa Coordinating Committee (IPACC)

⁴⁵ National Geographic, 10 September, 2004

are scopes for further inclusion of Indigenous peoples in all four objectives under the broad area of poverty. Indigenous specific poverty indicators may be developed and included. In general, disaggregated data on indigenous peoples can be promoted during implementation and monitoring & evaluation of all UN System supported activities.

Where may inclusion of indigenous issues catalyse optimal UNDAF outcome (s)?

77. Objectives 3 & 4 under Poverty and objectives 1 & 3 under Environment are likely to have optimal outcomes with the inclusion of indigenous peoples.

Lesson learned:

78. A country with a corruption free image, generally good human rights record and world's best sustained economic growth trend may still be very recalcitrant, to its own detriment, in recognising and respecting the vast wealth of ethnic and cultural diversity it is endowed with.

Example of good practice:

79. Despite GoB's above mentioned attitude vis-à-vis Indigenous peoples and despite the fact that the UNDAF was formulated before (2002) the issuance of the latest guidelines (2004), the UNCT Botswana has made every effort to include the Indigenous peoples through direct and indirect references in the priorities, goals, objectives and outcomes of the UNDAF. The spirit for inclusion of indigenous peoples reflected throughout the document is commendable.

3.2 Review of UNDAF Cambodia

Basic Facts about Cambodia and its Indigenous Peoples:

80. Cambodia, bordering Laos, Thailand and Vietnam, is known for its glorious history of Angkor empire in 10th-13th century as well as for its turbulent political history during the second half of the 20th century. The signing of the 1991 Paris Peace Accord was the turning point towards establishment of peace and democracy, which was further cemented by adoption of a new constitution, holding of general election under the auspices of the UN, and establishment of multi-party democracy under a constitutional monarchy, all in 1993. Despite an average 6% annual GDP growth over the past decade, 35% of the population subsist below poverty line and 15% live in extreme poverty⁴⁶, an overwhelming majority of the poor living in the rural areas. Cambodia is globally ranked 91st free economy⁴⁷ and 130th Least Corrupt Country⁴⁸. National Population Census in 1998 listed 17 different indigenous peoples– Jarai, Rhade, Tampoun, Brao, Kreung, Kravet, Lu, Phnong, Stieng, Kraol, Mel, Poar, Saoch, Suoy, Khmer Khe and Kuy -- with a total population of 101,284. But the number of Indigenous peoples is probably higher than the national estimate⁴⁹. While Indigenous peoples in Cambodia can be found in as

⁴⁶ UNDAF Kingdom of Cambodia 2005

⁴⁷ 2006 Index of Economic Freedom, Heritage Foundation/ Wall Street Journal

⁴⁸ Corruption Perception Index 2005, Transparency International

⁴⁹ Indigenous Peoples/ Ethnic Minorities and Poverty Reduction: Cambodia, ADB 2002

many as 14 out of 20 provinces⁵⁰, they live in substantial numbers in four Northern provinces of Mondulakiri, Ratanakiri, Stung Treng and Kratie, and actually are the majority in Mondulakiri (66%) and Ratanakiri (71%) provinces⁵¹. Though a new Land Law, passed in 2001, provides for indigenous communities to gain title to their land, either in the form of individual titles or as a collective title, land rights, *inter alia*, is still a big problem for the Indigenous peoples. The land rights situation of Indigenous peoples is exacerbated by huge chunks of land concessions for natural resource extraction and commercial plantation, hydro-electric projects, etc. Among Royal Government of Cambodia's efforts to address the problems of the indigenous peoples, the activation of Department for Ethnic Minorities Development within the Ministry of Rural Development, the establishment of an Inter-Ministerial Committee on Ethnic Minorities Development (IMC) (1994) and the subsequent (1997) production of a draft General Policy on Highlands Peoples Development by IMC, the establishment of an Inter-Ministerial Task Force on the Study of the Registration of Indigenous Land Rights, are significant. However, the General Policy on Highlands Peoples Development drafted by IMC in 1997 still remains to be finalised. ILO launched a project in May 2005 to assist both the Government and the indigenous peoples in developing legislation and policies relevant to the development and rights of indigenous peoples.

The UNDAF Priorities, Goals and Objectives:

81. In the UNDAF for the Kingdom of Cambodia, prepared in February 2005 for the programme cycle 2006-2010, following National Priority or Goals, UNDAF Outcomes and Country Programme Outcomes were laid down:

a. Good Governance and the promotion and protection of Human Rights: The UNDAF Outcome under this National Priority is to achieve, by 2010, significant progress towards effective participation of citizens, accountability and integrity of government in public decision making and policy implementation for the full realization of human rights and meeting the Cambodian MDGs. Five Country Programme Outcomes have been envisioned to address this National Priority: 1) increased participation of civil society and citizens in decision making for the development, implementation and monitoring of public policies; 2) improved public access to information related to (i) management of public resources (ii) judicial decisions and laws (iii) rights; 3) effective, independent and impartial justice system set up and equal access increased; 4) corruption significantly reduced to ensure integrity and transparency in government management of public resources and services; 5) increased efficiency and effectiveness of the public administration and decentralized governance structures to deliver basic services.

b. Enhancement of Agriculture and Rural Development for Eradicating Extreme Poverty and Hunger by 2015: The UNDAF Outcome under this National Priority is to see, by 2010, that agriculture and rural development activities have improved livelihoods and food security, as well as reinforcing the economic and social rights of the most vulnerable in the targeted rural areas. Four Country Programme Outcomes have been envisioned to address this National Priority: 1) increased

⁵⁰ The Indigenous World 2005, IWGIA (The International Work Group for Indigenous Affairs)

⁵¹ Indigenous Peoples/ Ethnic Minorities and Poverty Reduction: Cambodia, ADB 2002

resources are mobilized and improving productivity and diversification of agriculture in line with cohesive national policies and programmes for agriculture and rural poverty alleviation; 2) increased and equitable access to and utilization of land, natural resources, markets and basic services to enhance livelihoods; 3) the rural poor and the vulnerable using their enhanced skills, abilities and rights to increase productivity; 4) enhanced resilience to shocks.

c. Capacity Building and Human Resource Development for Social Sectors: The UNDAF Outcome under this National Priority is to achieve, by 2010, improved health, nutritional and education status and gender equity of rural poor and vulnerable groups. Three Country Programme Outcomes have been envisioned to address this National Priority: 1) increased equitable access to and utilization of quality social services; 2) increased awareness and empowerment of the population, particularly women, children and youth, to claim their rights to social services; 3) significant reduction in all forms of violence against and trafficking of women and children.

d. The Rectangular Strategy of the RGC is translated into a single National Strategic Development Plan (2006-2010) that is implemented in a coordinated and timely manner: The UNDAF Outcome under this National Priority envisions that the national development plan and its implementation serve as an effective guide for sector plans and related budgets, as well as reflecting Cambodia's obligations in relation to human rights and the CMDGs. Four Country Programme Outcomes under this National Priority are: 1) a coherent and participatory process to transform the rectangular strategy into a national development plan 2006-2010 that reflects Cambodia's international commitments and established national policies; 2) effective implementation of the national development plan through appropriate resource disbursement (national and international), good coordination and inclusive, applied research at the national and local levels; 3) national plan effectively monitored with focus on CMDG progress; 4) effective coordination of partner actions focusing on impact and cohesion of all inputs .

What was the extent of the participation of indigenous peoples during the preparation of the UNDAF?

82. The Cambodia UNDAF for 2006–2010 mentions intensive intra-agency consultation with the Government, civil society, the private sector and donors. No further detail was given from which one can infer that there were consultations with and participation of indigenous peoples during preparation of the UNDAF. The UNCT Cambodia decided in March 2004 to forego preparation of separate CCA as there were sufficient analytical work available in documents prepared by the government, World Bank, ADB, DFID and UN organisations. The extent of participation of indigenous peoples during the preparatory phase of these documents too remains unclear.

How much attention was given to Indigenous peoples in the UNDAF?

83. While the participation of Indigenous peoples during the preparation remains unclear, substantive attention was given to the Indigenous peoples in the UNDAF. There are three direct references to Indigenous peoples--- '*chronic food insecurity affects subsistence farmers, landless and marginal farmers and other vulnerable groups, such as indigenous peoples and women*' (P 14), and '*strengthening capacity to enforce*

international conventions (environment, human rights, labour, indigenous peoples)'..... (P 15 & 23). There are many indirect references beginning right from the first sentence of the Preamble where the UNCT avers its commitment to support '*those most excluded and vulnerable*'. The same spirit is reflected throughout the UNDAF document in many other indirect references to indigenous peoples.

To what extent are the priorities, goals, objectives and outcomes of UNDAF relevant to the development of Indigenous peoples?

84. The first UNDAF priority -- Good Governance and the promotion and protection of Human Rights -- is highly relevant to the Indigenous peoples. Although Cambodia is yet to ratify ILO Convention 169 (Indigenous and Tribal Peoples Convention, 1989), it has acceded to and incorporated in its 1993 Constitution all six major human rights treaties: International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); International Convention on the Elimination of All Forms of Racial Discrimination (CERD); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and, Convention on the Rights of the Child (CRC). All these conventions strengthen the human rights approach to development, which in turn provides scopes for undertaking specific development initiatives for the Indigenous peoples. Priority area two -- Agriculture and Rural Poverty -- discusses the land problem of the Indigenous peoples and includes them in outcomes 2 & 3. The third priority -- Capacity Building and Human Resource Development for Social Sectors --- along with the three outcomes and eight outputs under it, is also very relevant to the Indigenous peoples. The fourth priority -- the National Strategic Development Plan (2006-2010) -- opens up opportunities for further inclusion of indigenous issues in development planning.

Any particular objective (s) that might have adverse effect on the indigenous peoples?

85. Although none of the priorities, objectives or outcomes mentioned in the UNDAF document appears to bring in any adverse effect on the Indigenous peoples, UNCT should observe caution regarding the third outcome (*national plan effectively monitored with focus on CMDG progress*) under the fourth priority so as to make sure that the indigenous issues are not being smothered in the rush of achieving CMDG targets.

What are the main challenges vis-à-vis inclusion of indigenous issues?

86. The biggest challenge for inclusion of indigenous issues in Cambodia is the tendency of the section of the elite (and, powerful) to disregard the rights of the indigenous peoples so as to acquire the land and natural resources of the indigenous peoples. This tendency is exemplified in a landmark case where a retired armed forces general claimed his ownership of indigenous peoples over 1250 hectares of land in Ratanakiri province and attempted to evict one thousand Indigenous peoples, the traditional inhabitants of that particular land⁵². Another challenge is the unavailability of disaggregated data on indigenous peoples, complicating the task of development planning.

The cost of exclusion/ marginalisation of indigenous peoples:

87. The existing vulnerability of and lack of attention to the indigenous peoples' encourage vested interest groups to indulge in exploitative and discriminatory practices

⁵² World Report 2001, Human Rights Watch

vis-à-vis indigenous peoples which undermine the rights guaranteed in the 1993 Constitution and in other national and international human rights norms and standards. Continued marginalisation of Indigenous peoples will increase social inequalities and will hamper national integration efforts of war-ravaged Cambodia.

What are the opportunities for inclusion of indigenous issues?

88. Ample scopes for inclusion of Indigenous peoples are already in existence in the UNDAF under all four priorities. Moreover, disaggregated data and indicators could be used during monitoring and also in the 12 surveys scheduled to take place during 2006 – 2010. UNDAF mid-term review scheduled for 2008 provides further opportunities for participation and inclusion of indigenous peoples.

Where may inclusion of indigenous issues catalyse optimal UNDAF outcome (s)?

89. Outcome 1 (*participation of indigenous peoples*) under priority 1, outcome 2 (*utilization of land and natural resources*) & 3 (*resilience to shocks*) under priority 2 and outcome 2 (*awareness for rights to social services*) under priority 3 would yield optimal results with the inclusion of indigenous peoples.

Lesson learned:

90. The 1993 Constitution along with its incorporated six international human rights conventions and the 2001 Land Law provide significant guarantees to the rights of the indigenous peoples. In practice, the indigenous peoples of Cambodia remain highly vulnerable, marginalized and are subject to various types of exploitation. Cambodia is an example where a country may have good legislation and political will for development and protection of the rights of the indigenous peoples, but there may still be wide gaps in practice at the field level.

Example of good practice:

91. The UNCT Cambodia saved substantial time and resources by foregoing preparation of separate CCA and still produced a very good UNDAF, especially commendable for focusing and addressing issues relevant to the indigenous peoples.

3.3. Review of UNDAF Kenya

Basic Facts about Kenya and its indigenous peoples:

92. Located in East Africa on the Indian Ocean coast and bordering Somalia, Ethiopia, Sudan, Uganda and Tanzania, Kenya has an area of 582,650 sq km with a population of 28 million out of which 52% people are poor⁵³. Life expectancy in Kenya fell from 57 years in 1986 to 45 years in 2004⁵⁴. Kenya is globally ranked 94th free economy⁵⁵ and 144th Least Corrupt (*i.e. 10th Most Corrupt*) Country⁵⁶. Kenya's HDI has declined from 0.533 in 1990 to 0.520 in 2004⁵⁷. Average GDP growth of about 1.9 percent from 1996–

⁵³ CCA Kenya 2001

⁵⁴ Kenya Country Brief, World Bank, updated as of September 2005

⁵⁵ 2006 Index of Economic Freedom, Heritage Foundation/ Wall Street Journal

⁵⁶ Corruption Perception Index 2005, Transparency International

⁵⁷ Kenya Human Development Report 2005, UNDP

2002 rose to 2.8 percent in 2003 and 4.3 percent in 2004⁵⁸, but considered still not sufficient to meet the country's poverty reduction aspirations. The highest incidence of poverty is found in the arid and semi-arid districts Northern Kenya⁵⁹, inhabited by the pastoralist indigenous peoples⁶⁰. While the exact number of indigenous peoples— Pokot, Samburu, Turkana, Borana, Rendile, Maasai and Ogiek being the main ones --- is not known, it is estimated that they constitute about 20% of Kenya's population⁶¹. A government decision to settle 30,000 – 50,000 of Nairobi's slum dwellers in the Kajiado District, part of traditional Maasai land, and the movement of the Maasai people for return of their traditional lands after the expiry in August 2004 of 100-year validity Anglo-Maasai Agreements of 1904 have brought the issues of Kenyan Indigenous peoples in the limelight and have actually helped them get united⁶².

The UNDAF Priorities, Goals and Objectives:

93. The UNDAF for Kenya, prepared in March 2003 for the programme cycle 2004-2008, has identified the following 4 Priority Areas cooperation with a total of 13 country programme outcomes under them:

- a. Promote good governance and the realization of rights: The two outcomes under this area are: 1) increased access to basic social services; and, 2) capacities of key national governance institutions enhanced.
- b. Reduce the incidence & socio-economic impact of HIV/AIDS, malaria and TB: The three outcomes under this area are: 3) overall HIV/AIDS and TB prevalence reduced; 4) capacity to design, implement, monitor and evaluate programmes; 5) morbidity and mortality resulting from malaria reduced.
- c. Strengthen national & local systems for emergency preparedness, prevention, response & mitigation: The four outcomes under this area are: 6) National Disaster Management Policy institutionalised at all levels; 7) strengthened disaster management, including increased capacity for peace building, conflict resolution and reduction of small arms proliferation; 8) enhanced capacity of national and district authorities to collect, disseminate, and utilise early warning, vulnerability assessment and needs assessment data; and, 9) Strengthened response to and management of refugees' and internal displaced persons needs and rights.
- d. Promote sustainable livelihoods & protect the environment: The four outcomes under this area are: 10) Increased availability, access and utilization of quality data disaggregated by age and sex, and information analysed by gender, for planning, monitoring and evaluation; 11) Effective community-based management of natural resources; 12) Improved food security at household and community level; and, 13) Expanded opportunities for sustainable production and income diversification.

⁵⁸ Kenya Country Brief, World Bank, updated as of September 2005

⁵⁹ ibid

⁶⁰ The Indigenous World 2005, IWGIA (The International Work Group for Indigenous Affairs)

⁶¹ ibid

⁶² ibid

What was the extent of the participation of indigenous peoples during the preparation of the UNDAF?

94. The Kenya UNDAF for 2004–2008 mentions consultations with government and other development partners. In absence of further details, the issue of participation of indigenous peoples during the preparation of the UNDAF could not be ascertained.

How much attention was given to indigenous peoples in the UNDAF?

95. Although any direct reference to indigenous peoples is missing in the UNDAF Kenya, there are many indirect references to Indigenous peoples in it using an array of different but close terms and phrases such as ‘vulnerable groups’, ‘poor and vulnerable groups’, ‘particular focus on the most disadvantaged groups and regions’, ‘other vulnerable groups’, ‘most vulnerable members’, ‘disadvantaged areas’, ‘disadvantaged groups’, ‘disadvantaged population’, ‘most affected and vulnerable groups’, etc. It should be noted that UNDAF Kenya was completed in March 2003, before the issuance of the latest guidelines in 2004. Nevertheless, ‘targeting vulnerable groups and regions’ has been incorporated in the UNDAF as one of its eight cooperation strategies.

To what extent are the priorities, goals, objectives and outcomes of UNDAF relevant to the development of indigenous peoples?

96. All four broad areas of cooperation and thirteen outcomes under those areas are relevant to the development of Indigenous peoples in Kenya. However, broad area 4 (Promote sustainable livelihoods & protect the environment) and four outcomes (10 – 13) are the most relevant to Indigenous peoples.

Any particular objective (s) that might have adverse effect on the indigenous peoples?

97. None of the priority areas or outcomes mentioned in the UNDAF document appears to bring in any adverse effect on the Indigenous peoples.

What are the main challenges vis-à-vis inclusion of indigenous issues?

98. The biggest challenge for inclusion of indigenous peoples in Kenya is the lack of data disaggregated by ethnicity. This dearth of information vis-à-vis the indigenous peoples complicates both the understanding of their problems and the programming process to address those problems, in effect leaving the indigenous issues unattended and suppressed. The second biggest challenge is legal – as the current Constitution protects the fundamental rights and freedoms of ‘individual’ only (Article 84), there is no scope to accommodate community rights of the Indigenous peoples. However, in the 2004 draft Constitution of Kenya which is yet to be promulgated, the rights of the Indigenous peoples will be protected⁶³. The UNDAF 2004-2008 was premised upon the adoption of the new Constitution⁶⁴. The third challenge is the remoteness and relative inaccessibility of the Indigenous peoples, many of them living in the conflict-prone North and small-arms proliferated border areas. In January 2006, at least 38 indigenous Turkana people were killed and dozens wounded in northern Kenya following a cattle raid by tribesmen from neighbouring Sudan and Ethiopia⁶⁵. Security issues added with remoteness and

⁶³ Kenya: Minorities, Indigenous Peoples and Ethnic Diversity; Report of Minority Rights Group International, 2005

⁶⁴ 2004 Annual Report of the UN Resident Coordinator, 07 February 2005

⁶⁵ Bangkok Post, 20 January 2006

relative inaccessibility further complicate implementation of development programmes for the Indigenous peoples of Kenya.

The cost of exclusion/ marginalisation of indigenous peoples:

99. Kenya is located in one of the most conflict-prone regions in the world. Most of the conflicts of its neighbouring countries in the recent past originated from ethnic discrimination and inequalities. Thus, most efficient way Kenya can secure itself from internal ethnic conflict would be by addressing the fundamental rights of its ethnic minorities and indigenous peoples.

What are the opportunities for inclusion of indigenous issues?

100. Declaration at the World Summit on Sustainable Development (WSSD) held in Johannesburg, in 2002 has been mentioned (P 15) in the UNDAF during analysis of priority areas. Paragraph 22 of WSSD declaration recognises the vital role of Indigenous peoples in sustainable development. So, here is an opening for further inclusion of Indigenous peoples in programmes related to outcomes 10, 11, 12 & 13 under the broad area of sustainable livelihood and environmental protection. Indigenous issues could be included in all three types of UNDAF review: annual review, mid-term review (2006) and end-of-cycle review. There are scopes to discuss indigenous issues and their inclusion during the regular meeting of all three UN theme groups --- 1. Government and rights, 2. HIV/AIDS, and 3. Disaster and sustainable livelihoods.

Where may inclusion of indigenous issues catalyse optimal UNDAF outcome (s)?

101. Outcomes 11 & 13 under sustainable livelihoods and environmental protection broad area are likely to yield optimal results with the inclusion of indigenous peoples.

Lessons learned:

102. Two lessons could be learned from this review of UNDAF Kenya:

- Indigenous peoples might constitute a significant portion of the total population of a country, at least 20% here in this case of Kenya, but still might be ignored both by the government and the development partners to the extent that no reliable data would be available to measure their livelihood situations and as a result barring, among other factors, effective development initiatives targeted at the indigenous peoples.
- The process of realization of the rights of the Indigenous peoples could be stalled, here in this case exemplified by non-promulgation of the new Constitution of Kenya, and such situations would warrant supportive positive actions from the international community.

Example of good practice:

103. Under the joint UNDP-OHCHR Human Rights Strengthening (HURIST) Programme, a workshop of Kenyan indigenous peoples' representatives was organised from 28 June to 01 July, 2004 and the United Nations Indigenous Peoples Advisory Committee of Kenya was created by consensus.

3.4. Review of UNDAF Uganda

Basic Facts about Uganda and its Indigenous Peoples:

106. This has been discussed earlier during the review of CCA Uganda.

The UNDAF Areas of Cooperation and Outcomes:

107. In the UNDAF for Uganda, prepared in 2005 for the programme cycle 2006-2010, the following Areas of Cooperation, UNDAF Outcomes and Country Programme Outcomes were laid down:

- a. Reduction of poverty and improving human development: The UNDAF Outcome under this area of cooperation is: *increased opportunities for the people, especially for the most vulnerable, to access and utilize quality basic services and realize sustainable employment, income generation and food security.* Eight Country Programme Outcomes have been envisioned under this area: 1) poor people, including women and vulnerable groups exercise their rights to participate in the economic policy decisions affecting them and have increased access to and use of productive assets, technologies and energy; 2) marginalized and vulnerable groups have improved access to food, safe water, sanitation and shelter; 3) girls and boys, especially those under 5 years of age, are accessing preventive, promotive and curative health and nutrition services (80% coverage); 4) reproductive rights of women, especially young women, are protected, promoted and respected; 5) girls and boys aged 0-5 years are progressively exercising their rights to early learning and stimulation; 6) girls and boys are progressively exercising their right to access and complete quality primary education and achieve required proficiency levels for their class; 7) people enjoy sustainable development based on sound conservation policies, and management and utilization of environmental/ natural resources; and 8) gender, household income and age-disaggregated, up-to-date and reliable data on poverty, population and human development used to reduce vulnerability at national, district and community level.
- b. Good governance and decentralization: The UNDAF Outcome under this area of cooperation is: *good governance, accountability and transparency of government and partner institutions improved at all levels.* Four Country Programme Outcomes have been envisioned to address this area: 1) democratic process deepened and democratic institutions strengthened; 2) participation of population in decision-making processes increased, particularly the participation of women and vulnerable groups, such as children; 3) transparency and accountability across the public sector improved in a consistent and vigorous manner; and, 4) capacities for good governance and management of resources enhanced at all levels.
- c. The protection and promotion of human rights: The UNDAF Outcome under this area of cooperation is: *the promotion and protection of human rights, especially of the most vulnerable, is strengthened.* Four Country Programme Outcomes have been envisioned to address this area: 1) the capacity of the national protection system increased for the full observance of International Human Rights Law and International Humanitarian Law; 2) girls, boys and women are living in an environment that supports the realization of their rights to protection from sexual and gender-based violence; 3) 40% of orphans, child labourers and girls and boys identified as vulnerable to violence, exploitation, abuse, discrimination and neglect, and their families, are accessing protection and social support systems;

and 4) institutional mechanisms and socio-cultural practices promote and protect the rights of boys, girls and women against sexual and gender-based violence, other harmful practices and advance gender equity.

- d. Supporting the national AIDS response: The UNDAF Outcome under this area of cooperation is: *individuals, civil society, national and local institutions are empowered and effectively address HIV and AIDS, with special emphasis on populations at higher risk.* Four Country Programme Outcomes under this area are: 1) people at high risk of HIV/AIDS, especially children, young people and women, have access to and utilize innovative and all encompassing prevention and care services; 2) the rights of orphan and other vulnerable children and their families are realized and protected, through the implementation of the National OVC Policy and National Strategic Programmes Plan of Interventions; 3) national and lower-level structures and systems (coordination, partnership, monitoring and resource utilization) function effectively and efficiently to reduce the vulnerability to HIV/AIDS; and 4) people made vulnerable by emergencies (especially conflict) access comprehensive HIV/AIDS care and support services as stipulated in the “AIDS guidelines in emergency settings” and SPHERE Standards.
- e. Facilitating the transition from relief to recovery in conflict areas: The UNDAF Outcome under this area of cooperation is: *people affected by conflict and disaster, especially women, children and other vulnerable groups, effectively participate in and benefit from planning, timely implementation, monitoring and evaluation of programmes.* Fifteen Country Programme Outcomes under this area are: 1) IDP Policy fully implemented; 2) girls, boys and women in war-affected or post-conflict district live in a protective environment that supports the realization of their rights to protection from sexual violence and/ or sexual exploitation; 3) people in IDP camps and other conflict-affected areas have access to clean water and sanitation as per SPHERE standards; 4) all girls and boys in the conflict-affected areas have access to early learning opportunities and complete primary education of good quality; 5) women in conflict-affected areas, especially young women, have at least the same access to quality comprehensive reproductive health as in other parts of the country; 6) all children, especially those under 5 years, have access to and use of preventive, promotive and curative health services and nutrition services; 7) children realize their right not to be recruited into armed forces or armed groups and not to participate in hostilities; 8) civilians in conflict-affected and post-conflict areas benefit from protective programming and systematic protection advocacy based on timely and accurate empirical information; 9) minimum nutritional and dietary standards of refugees and internal displaced persons maintained, with special attention to the most vulnerable groups; 10) people made vulnerable by emergencies, especially conflict, access and utilize integrated and comprehensive high-quality HIV/AIDS prevention, treatment, care and support services; 11) socio-economic environment created for resettlement, reintegration and recovery of conflict-affected populations and host communities; 12) people living in former conflict-affected areas are able to live in a secure environment free from illicit small arms or landmines; 13) access to justice facilitated and improved for conflict-affected populations, particularly the most vulnerable groups; 14) peace and reconciliation

has taken root in Northern Uganda; and, 15) natural disaster risks and vulnerability reduced to limit the impact on local populations.

What was the extent of the participation of the indigenous issues during the preparation of the UNDAF?

108. The UNDAF mentions about a three-day retreat in October 2004 organised by the UN System Staff College (UNSSC) where *'most of the original UN participation was preserved and further strengthened by non-UN counterparts'*. 'Original UN participation' refers to the CCA Validation Workshop held in the same month. A Joint Strategy meeting was held in February 2005 but no detail was given about the participants. Therefore, it may be concluded that though *'highly participatory work'* has been claimed in the UNDAF document, the claim cannot be held true from the point of view of indigenous peoples' participation because of lack of details and also for absence of other evidences in the document indicating such participation.

How much attention was given to indigenous issues in the UNDAF?

109. There is no mention of indigenous people or any alternative term like 'tribes', 'tribes', 'natives', 'pastoralists', 'hunter-gatherers', 'ethnic minority', etc, in the whole UNDAF document. It should be mentioned here that the Uganda UNDAF was finalized in March 2005, after the issuance of the 2004 CCA and UNDAF Guidelines which stipulates to include reference to indigenous peoples in CCAs and UNDAFs.

110. However, indirect references to indigenous peoples have been made in three out of five UNDAF Outcomes using the terms *'most vulnerable'* (Outcome 1 & 3) and *'other vulnerable groups'* (Outcome 5). Besides Outcomes, there are also numerous indirect references to indigenous peoples, using various terms such as 'marginalised and vulnerable groups', 'most vulnerable groups', 'vulnerable communities', etc.

To what extent are the priorities, goals, objectives and outcomes of UNDAF relevant to the development of indigenous issues?

111. All five broad areas of cooperation and the outcomes under them are relevant to indigenous peoples. However, the order of priorities will be different for the indigenous peoples: 1. The protection and promotion of human rights (# 3 in UNDAF); 2. Good Governance and decentralization (also # 2 in UNDAF); 3. Reduction of poverty and improving human development (#1 in UNDAF); 4. Facilitating the transition from relief to recovery in conflict areas (# 5 in UNDAF); and, 5. Supporting the national AIDS response (# 4 in UNDAF).

Any particular objective (s) that might have adverse effect on the indigenous peoples?

112. Under the broad area of Good Governance and Decentralization, the first Country Programme Outcome envisioning *'democratic process deepened and democratic institutions strengthened'*, if not properly understood and implemented, has the potential to adversely affect the indigenous peoples. In many countries, opinions, interests and welfare of the majority have been used to justify ignoring and suppressing the minority indigenous peoples, effectively converting democratic principles into 'tyranny of the majority'.

What are the main challenges vis-à-vis inclusion of indigenous issues?

113. The biggest challenge for inclusion of indigenous issues appears to be the attitude of denial in recognising the existence and the rights of indigenous peoples. Another challenge for inclusion of indigenous peoples in Uganda is the almost total absence of data disaggregated by ethnicity, which makes the task of development planning for indigenous peoples more difficult.

The cost of exclusion/ marginalisation of indigenous peoples:

114. Uganda is endowed with vast natural forests with rich bio-diversity. The indigenous peoples have been living in these forests for hundreds of years. They possess vital knowledge for living sustainably and in harmony with nature. Marginalization of indigenous peoples will definitely disturb that delicate balance between them and the nature, resulting in destruction of globally important bio-diversity and vital knowledge.

What are the opportunities for inclusion of indigenous issues?

115. There is enough scope for inclusion of indigenous peoples in programme formulation and implementation stages. As discussed earlier, UNDAF Uganda has already made many such provisions.

Where may inclusion of indigenous issues catalyse optimal UNDAF outcome (s)?

116. Two Country Programme Outcomes ---- a) *people enjoy sustainable development based on sound conservation policies, and management and utilization of environmental/ natural resources* ; (Outcome # 7, Area 1), and b) *the capacity of the national protection system increased for the full observance of International Human Rights Law and International Humanitarian Law* (Outcome # 1, Area 3), ---- will yield optimal results with the inclusion of indigenous issues.

Lesson learned:

117. While government signature on the UNDAF is not mandatory, getting the signature is recommended in the Guidelines to make sure that the priorities and programme outcomes of UNCT are in sync with the government development aspirations. The task of including the indigenous issues in the UNDAF and simultaneously achieving Uganda Government's agreement on that in the backdrop of general denial of the indigenous peoples' existence, might have been too difficult for the Uganda UNCT. Hence, alternative remedial measures seem to have been taken to reach the indigenous peoples by making provisions for selection of disadvantaged districts and resource-poor regions under numerous country programmes.

Example of good practice:

118. In spite of the Uganda Government's above mentioned stance vis-à-vis indigenous peoples and the resultant difficulties such an attitude entails, the UNDAF Uganda has attempted to make inroads for inclusion of indigenous peoples in the future. One example of such provisions is in the implementation framework "*to ensure a rights-based approach that leads towards the achievement of the MD targets and MDGs, the United Nations System will focus on the most vulnerable groups, with explicit provision on ensuring free, active, and meaningful participation*".

3.5 Review of UNDAF Ukraine

Basic Facts about Ukraine and its indigenous peoples:

120. Ukraine, surrounded by Romania, Moldavia, Hungary, Slovakia, Poland, Belarus, Russia and the Black Sea, is the second largest country in Europe covering an area of 603,700 square kilometres. It is a lower middle-income country with per capita gross national income (GNI) of US\$1,260, total GDP of US\$ 64.8 billion, total population of 48.4 and average life expectancy of 68.2 years⁶⁶. While its population is declining at the rate of 0.7%, its GDP growth rate of 12.1% in 2004 was the highest in Europe⁶⁷. Ukraine's macro-economic stability is reflected in total GDP and industrial production growth of 50% and 87%, respectively, during the period 1999 – 2004⁶⁸. Despite these macro-economic successes, 17.9% people were living below the national poverty line in 2003⁶⁹. While estimated unemployment rate nationally is 9.1%, it is 40% and 90% among the indigenous Crimean Tartar and Roma peoples, respectively⁷⁰. The Crimean Tartars, who were forced out of Crimea in 1944, started to return to their native land since 1989 following the break-up of the Soviet Union. By 2002, approximately 260,000 Crimean Tartar people have returned constituting about 12% of the total population of 2,018,400 in Crimea. The Ukrainian government policy of acceptance and facilitation of the Crimean Tartars was applauded by UNHCR⁷¹. UNDP started implementing Crimea Integration and Development Programme (CIDP) in December 2004⁷². Despite all these positive measures, the Crimean Tartars still suffer from discrimination in relation to access to land, political representation, language usage and repression for protests⁷³. The Roma people are the most vulnerable ethnic and cultural minorities in Ukraine. While officially 50,000, their number is over 120,000 as per unofficial data⁷⁴. All over Europe, the number of Roma peoples is in between 2.7 to 5.6 million⁷⁵. Majority of the Roma peoples in Ukraine do not have any official identification which results in their being treated as stateless and hinders their access to social services. There is general negative attitude towards the Roma peoples which results in various forms of discrimination⁷⁶. Accurate information and reliable data regarding the Roma peoples are lacking because of this general negative attitude of the dominant groups and also because of the reluctance of the Roma peoples to identify themselves as such for fear of the social stigma and discriminations associated with such identification⁷⁷.

The UNDAF Areas of Cooperation and Outcomes:

⁶⁶ Ukraine Country Brief, World Bank, updated as of August 2005

⁶⁷ ibid

⁶⁸ ibid

⁶⁹ ibid

⁷⁰ CCA Ukraine, United Nations Country Team of Ukraine, October 2004

⁷¹ UNHCR News Stories, 06 October 2004

⁷² UNDP Ukraine

⁷³ Parallel Report About the Situation in Crimea, Unrepresented nations and Peoples Organisation (UNPO), 13 January 2005

⁷⁴ CCA Ukraine, United Nations Country Team of Ukraine, October 2004

⁷⁵ The Situation of Roma in an Enlarged European Union, Directorate of Employment and Social Affairs, European Commission, 2004

⁷⁶ CCA Ukraine, United Nations Country Team of Ukraine, October 2004

⁷⁷ The Situation of Roma in an Enlarged European Union, Directorate of Employment and Social Affairs, European Commission, 2004

121. In the UNDAF for Ukraine, prepared in 2005 for the programme cycle 2006-2010, following Areas of Cooperation, UNDAF Outcomes and Country Programme Outcomes were laid down:

- a. Institutional reforms that enhance outreach, to enable all people to fulfil their human rights: The UNDAF Outcome under this area of cooperation is: *government institutions at national and local levels function on transparent, accountable and participatory basis that ensures the human rights of all people in Ukraine*. Three Country Programme Outcomes have been envisioned under this area: 1) Human rights based, gender sensitive and indigenous peoples' participatory policies, legislation, regulations and practices are in place at the national level.; 2) National capacities strengthened to promote, protect and monitor human rights through greater accountability of public institutions; and, 3) Strengthened transparency of people-centred, public governance operations, frameworks and mechanisms.
- b. Civil society empowerment to enable all people to access services and enjoy their rights: The UNDAF Outcome under this area of cooperation is: *all individuals in Ukraine are empowered to claim and enjoy their rights consistent with international standards through the strengthening of civil society, with a focus on protection of women and other disadvantaged groups*. Two Country Programme Outcomes have been envisioned to address this area: 1) Civil society organizations strengthened and supported to promote, protect and advocate for all human rights of people and to participate in decision making processes, with an emphasis on vulnerable groups; 2) Key civil society partners strengthened to respond to HIV/AIDS-related discrimination.
- c. Health care and health services with a special focus on raising quality and accessibility: The UNDAF Outcome under this area of cooperation is: *by 2010, increased equitable access to quality medical assistance and health services with priority on HIV/AIDS, TB and Mother & Child health that ensures the right of people in Ukraine to enjoy the highest attainable standards in the area of health*. Two Country Programme Outcomes have been envisioned to address this area: 1) Strengthened national response using a gender-based approach to HIV/AIDS, TB and mother and child health needs, especially for vulnerable groups, ensuring the right to prevention, treatment and control of diseases, in a manner consistent with international standards; 2) Increased access to and use of quality treatment and medical services by mothers and children, people affected by HIV/AIDS and tuberculosis, youth and vulnerable populations that ensures their right to quality health services.
- d. Prosperity against poverty, reducing poverty through effectively targeted development and entrepreneurship: The UNDAF Outcome under this area of cooperation is: *by 2010, poverty reduced by 50% through equitable, area-based economic growth and targeted provision of inclusive social services*. Two Country Programme Outcomes under this area are: 1) Pro-poor frameworks and strategies for sustainable economic development adopted and extended to rural and economically and socially disadvantaged areas, communities and groups in a manner consistent with safeguarding their political, civil, economic, social and

cultural rights; and, 2) Strengthened system for provision of social services and assistance functioning on an equitable and inclusive basis.

What was the extent of the participation of the indigenous peoples during the preparation of the UNDAF?

122. The UNDAF Ukraine mentions participation of UN Agencies, government counterparts, and representatives of civil society, academia, foreign embassies, and the donor community at the UNDAF prioritization retreat. Then the first draft UNDAF was ‘*reviewed and strengthened by governmental, non-governmental, and other international stakeholders*’. And finally, at the UNDAF Joint Strategy Meeting, ‘*all stakeholders and partners conducted a detailed review of the second draft UNDAF and provided their final comments and suggestions to improve the document*’. The consultation process appears to be thorough. Though the participation of the indigenous peoples was not precisely mentioned, it could be assumed after reviewing the whole UNDAF document that there was either direct consultation with the indigenous peoples or their interests were put forward and taken into account by the civil society, academia and other stakeholders consulted.

How much attention was given to indigenous peoples in the UNDAF?

123. Under Assistance Area 4: Prosperity Against Poverty, Country Programme Output # 1.6 of UNDP directly targets the Indigenous peoples: ‘*human security responses strengthened, ensuring the social, economic and cultural development and full enjoyment of the human rights for the multi-ethnic Crimean society, Chernobyl-affected communities, Roma communities and other vulnerable communities through integration, recovery and development processes and capacity building interventions for communities and state bodies*’ and earmarks US\$ 15 million for it. Output 1.3 of UNDP includes ‘*most disadvantaged areas and vulnerable groups, especially women and disadvantaged communities*’, and Output 1.4 of UNDP targets ‘*disadvantaged areas and vulnerable groups*’; US\$ 13.2 million and 8 million, respectively, have been earmarked for these two Outputs. Under Assistance Area 2: Civil Society Empowerment, a joint UNHCR-UNDP-IOM Output (#1.4) envisions: ‘*capacity of national NGOs strengthened to provide legal and social aid to vulnerable groups, including asylum seekers, refugees, stateless persons, trafficked persons, minorities, women, children and other disadvantaged groups*’. Many other Outputs of UNDP, UNHCR and IOM included Indigenous peoples and created provisions for involving them in programme design, coordination and implementation. In addition, there are numerous indirect references to Indigenous peoples in the UNDAF, beginning right from the Preamble where special commitment has been made to ensure human rights and improve the lives of the *most excluded and vulnerable*. Three out of nine Country Programme Outcomes target Indigenous peoples through similar indirect references.

To what extent are the priorities, goals, objectives and outcomes of UNDAF relevant to the development of Indigenous peoples?

124. All four broad Assistance Areas and the outcomes under them are relevant to the Indigenous peoples. But from indigenous peoples’ perspective, the order of priorities will be: 1.civil society empowerment (# 2 in UNDAF); 2. Prosperity against poverty (# 4 in UNDAF); 3.Healthcare and health services (also #3 in UNDAF); and 4.Institutional reform (# 1 in UNDAF).

Any particular objective (s) that might have adverse effect on the indigenous peoples?

125. None of the priorities, objectives or outcomes mentioned in the UNDAF Ukraine appears to bring in any adverse effect on the indigenous peoples.

What are the main challenges vis-à-vis inclusion of indigenous issues?

126. The biggest challenge for inclusion of indigenous issues and minorities specially the issues relevant to the Roma peoples is the general negative attitude towards them prevalent among the dominant Ukrainian population. The second challenge is non-availability of disaggregated data on the Indigenous peoples, especially, again, on the situation of the Roma peoples, which make the task of development planning for them more complicated.

The cost of exclusion/ marginalisation of Indigenous peoples:

127. One of Ukraine's top priorities is to secure full membership of the European Union. Continued exclusion and marginalisation of its indigenous peoples will impede its efforts of ascending to this vital national objective.

What are the opportunities for inclusion of indigenous issues?

128. Indigenous issues have already been substantially included in UNDAF Ukraine. However, there are opportunities for further inclusion during designing and implementing country programmes. Indigenous peoples issues can also be included during annual country programme reviews and UNDAF mid-term review.

Where may inclusion of indigenous peoples catalyse optimal UNDAF outcome (s)?

129. Inclusion/ further inclusion of Indigenous peoples will have catalytic effects on Country Programme Outcome 1 of Area 2: *civil society organizations strengthened and supported to promote, protect and advocate for all human rights of people and to participate in decision making processes, with an emphasis on vulnerable groups*, Outcome 1 of Area 4: *pro-poor frameworks and strategies for sustainable economic development adopted and extended to rural and economically and socially disadvantaged areas, communities and groups in a manner consistent with safeguarding their political, civil, economic, social and cultural rights*, and on Outcome 2 of Area 4: *strengthened system for provision of social services and assistance functioning on an equitable and inclusive basis*.

Lesson learned:

130. When the highest legal instrument of a country guarantees the rights of the indigenous peoples, as in the case of Ukraine where the Article 11 of its Constitution proclaims: *"The State promotes the consolidation and development of the Ukrainian nation, of its historical consciousness, traditions and culture, and also the development of the ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine"*, the international community can come forward with an wide array of development programmes to assist the government in fulfilling its own commitments.

Example of good practice:

131. In addition to inclusion of indigenous issues, the UNCT Ukraine has set standards for all by the amalgamation of the principals of Human Rights Based Approach (HRBA) into all areas of the UNDAF document.

Chapter 4: Conclusions and Recommendations

Conclusions

132. In countries with some positive policies towards indigenous peoples, UNCTs were able to include indigenous peoples, analyze their situations and identify their key development issues with relative ease. On the other hand, in the absence of such national policies, inclusion of indigenous peoples and their issues with similar vigour was not possible.

133. The issue of participation of indigenous peoples has not been highlighted, even in those CCAs and UNDAFs which were prepared after the issuance of the 2004 CCA and UNDAF Guidelines. Participation of indigenous peoples should begin at the preparatory processes of CCAs and UNDAFs. The issue of participation is of crucial importance, as repeatedly stated by the Permanent Forum on Indigenous Issues and other international policies.

134. In the analysis of situations of indigenous peoples, assessment of UNCTs' capacity in identifying indigenous organizations or representatives to engage them in the preparations of either CCAs or UNDAFs was missing. Equally, strategies and actions to support and build the capacity of indigenous organizations or representatives to work with the UNCTs were not reflected either.

135. Inclusion of indigenous issues into the CCA, as in the cases of the CCAs of Brazil and Guyana, is certainly the first important step in the process of integration of indigenous issues in the development processes. Further efforts should be secured so that the development challenges in relation to indigenous peoples identified in CCAs can be reflected in the priorities of UNDAF and beyond. In this regard, the mechanisms at country level ensuring the effective participation of civil society in general in the preparation of both CCAs and UNDAFs are of high relevance.

Recommendations

A. For OHCHR

a) OHCHR should continue its support to UNCTs in the form of fielding human rights advisors, holding regional workshops for UNCTs, government officials and indigenous organizations. UNPFII and OHCHR should collaborate in that regard.

B. For UNPFII

b) Given the significant lack of awareness and capacity on indigenous issues, the UNPFII and its secretariat should develop a practical toolkit, the primary users of

which would be UNCTs, governments and civil society as well as other donors at country level.

c) The UNPFII should develop a basic set of indigenous peoples' specific targets and indicators to which programme designers at country level can look for reference so that they can develop their own indigenous peoples' specific targets and indicators suitable for their respective countries.

d) The UNPFII should promote increased referral and advisory services for UNCTs regarding indigenous issues.

C. For UNCTs

e) UNCTs should advocate and support programmes aimed at enhancing availability of ethnically disaggregated accurate and reliable data.

f) While assessing the situations of indigenous peoples, UNCTs should take into consideration indigenous peoples' special social, political and historical contexts along with statistical data.

g) UNCTs should support and/or undertake programmes aimed at capacity building of the indigenous peoples so as to enable them to participate and contribute in programme formulation and take ownership of indigenous peoples of programme implementation.

h) UNCTs should designate focal points on indigenous issues.

i) UNCTs should form thematic working groups on indigenous issues at country level, as was the case with UNCT in Ecuador, which would comprise of indigenous representatives, other parts of civil society, government, bilateral and multilateral donors, and UN agencies.

j) UNCTs should enhance the capacity of indigenous peoples' organizations to participate in the MDG monitoring process, including MDG report preparation.