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Contribution to the 12th session of the UN Permanent Forum on Indigenous Issues

I. UNDPs work on indigenous issues

UNDP's work with indigenous peoples is an integral part of its broader work towards sustainable human development, and is therefore guided and shaped not only by specific policies and in-house instruments, policies, operations and procedures on development, human rights, environment and climate change, but is also guided by its internal human rights policies and frameworks, the Millennium Declaration, its related outcome documents, World Summit Outcome, the Human Rights Council's resolutions, all of which ensure a comprehensive and holistic approach to its development work. Therefore, UNDP, with its key focus areas¹ on poverty reduction, democratic governance, crisis prevention and recovery, environment and energy (protecting the environment), HIV/AIDS, gender equality and women's empowerment and capacity development, is not only a partner in the work of the UN Human Rights Council, but is obliged to support and work with the Council in the promotion and protection of human rights through its main mechanism, the UPR. In 2012, UNDP worked closely together with relevant UN mechanisms and special procedures to mainstream indigenous issues and to advance the rights of indigenous peoples.

¹ See, <http://www.beta.undp.org/content/undp/en/home/ourwork/overview.html>



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UNDP has neither a normative, nor a monitoring mandate on human rights as a development agency. For UNDP, human rights are an integral part of human development for nearly twenty years now. Human development is more than just economic growth, it is about expanding: the choices people have to lead lives which they value, the resources which would make those choices meaningful and the security to ensure that those choices can be exercised in peace. And of course human development is linked to the human rights principles of equality, non-discrimination, participation and accountability.

Societies that are more just, equitable and inclusive are more stable and secure. Conversely, societies that are subject to discrimination, exclusion, and lack of accountability are at risk of instability. Our work at the country level fosters this approach by integrating a human rights-based approach in our development activities that builds more inclusive and just societies. Likewise by engaging governments and people in the countries, UNDP works towards better understanding the importance of mainstreaming human rights and the capacity to do so is part of development. It further anchors indigenous peoples' issues in development programming through the development of a range of tools and activities, including national workshops on lessons learned and best practices and the establishment of Indigenous Peoples Advisory Committee to UN Country Team. In this respect, Nicaragua is a good practice to be reproduced in the future.

As the manager of the Resident Coordinator (RC) system, UNDP ensures that the UN presence at the country level works together more coherently. In the area of human rights, we work closely with the Office of the High Commissioner for Human Rights (OHCHR), drawing on its technical expertise, to enhance our programming support to partner countries.



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UNDP is also part of the UN Development Group’s Human Rights Mainstreaming (HRM) mechanism which promotes a coherent UN system-wide capacity development approach towards human rights mainstreaming. It focuses on strengthening the capacity of national partners and supports UN Country Teams and Resident Coordinators to jointly work on promoting human rights through their projects and programmes.

The UN Practitioners’ Portal on Human Rights Based Approaches to Programming provides a range of tools from the UN system to mainstream human rights, including the rights of indigenous peoples, and it facilitates dialogue among development practitioners.

UNDP was the first UN agency to respond to indigenous peoples’ claims for specific recognition of their rights, when it adopted its *Policy of Engagement with Indigenous Peoples* in 2001. The policy aims at:

- Fostering an enabling environment for promoting indigenous peoples’ participation in decision-making, co-existence of their economic, cultural and socio-political systems and developing inclusive government policies and program, and;
- Integrating indigenous peoples' perspectives and concepts of development into UNDP work.

Given the tremendous impact of the extractive industries on the realization of the rights of indigenous peoples and on their livelihoods, UNDP actively engaged in this area with a number of stakeholders.

2012 also saw a revised *UNDP Strategy for Civil Society and Civic Engagement* which reflects the current socio-political and development context for partnerships. While it is understood that indigenous peoples are distinct from civil society, it takes into account the need for dialogue, capacity-building for indigenous peoples and their inclusion and participation in decision-making and policy-making.



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To strengthen engagement on indigenous issues, UNDP is maintaining online platforms to foster peer-exchange on IPs: an internal TeamWorks space on Indigenous Peoples and an external website on UNDP and Indigenous Peoples.

In addition, UNDP launched a new project-level environmental and social screening procedure. UNDP is approaching the introduction of this procedure as a new project management service to support countries as they face increasingly complex development challenges. It aims to provide project managers with a set of tools and guidance to be able to strategically design and implement quality projects that support the achievement, equitability and sustainability of development results. It brings together in one process the various issues that need to be considered and mainstreamed into all of the work that we do, providing a more streamlined approach to project management. Application of UNDP’s environmental and social screening and review process allows UNDP to demonstrate to partners and stakeholders that we have the appropriate safeguard measures in place for our projects. Additionally, safeguard approaches have proven to be ideal vehicles for consultation and disclosure of information.

In this context, a project-level grievance mechanism will be established to receive and facilitate resolution of the stakeholders’ concerns and grievances about the project’s environmental and social performance. It will address concerns promptly, using an understandable and transparent process that is culturally appropriate and readily accessible to all stakeholders at no cost and without retribution. The grievance mechanism will not impede access to judicial or administrative remedies. Affected communities will be informed about the mechanism as part of the stakeholder engagement process.

This report is by no means an exhaustive account of UNDP’s work in this area, it rather represents a selection of activities and results from the extensive work of the organization on indigenous issues.



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I. Thematic Programmes and Initiatives in Focus

The Extractive Sector and Indigenous Peoples

To meet an increasing demand at the country level, UNDP developed in 2012 a *Strategy for Supporting Sustainable and Equitable Management of the Extractive Sector for Human Development*. The strategy outlines an organizing framework for UNDP's engagement, and integrated packages of services to respond to unmet demand and a new global initiative.

Given the particular impact of extractive activities on the lives of indigenous peoples, UNDP strengthened its engagement on this important emerging issue. Overall, it aims at transforming extractive industries to arrive at a sustainable, accountable and participatory management of the extractive sector. As a starting point, it did so through the organization of a high-level seminar in November 2012 on the sustainable management of the extractive sector in Guyana with the Government of Guyana. One session dealt with the "Accountable Use of Natural Resources", and participants discussed the rights of indigenous peoples, anti-corruption and transparency issues related to extractive industries, as well as conflict and conflict prevention and extractive natural resources. A Guyanese representative from the indigenous community and member of the UN Permanent Forum on Indigenous Issues (UNFPII) pointed out that most of the extractive sector activities in Guyana occur in hinterland regions. Both legislation related to mining and to indigenous communities are relevant to these activities. Whilst there is legislation in Guyana, challenges with regards to implementation and compliance persist. Conflicts often arise when mining activities take place on indigenous lands, and there are numerous examples of court cases in Guyana regarding mining and land rights.

Earlier in 2012, representatives of 16 indigenous communities participated in a seminar to plan for the potential oil discovery in Guyana. Among the positive impacts



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from hydrocarbons expected by the Amerindians are: (i) improved infrastructure, such as roads; (ii) improved communication with government agencies; and (iii) strict compliance with environmental legislation and requirements. The importance of inclusive consultations with the local population and respect for their right to give or withhold free, prior and informed consent was also underlined. The event drew wide media attention, and UNDP will continue to work with the Government of Guyana to advance these issues to build the knowledge base in this rapidly developing area.

UNDP carried out research on the extractive sector, indigenous peoples and democratic governance, with case studies from Mexico, Peru, Colombia and Argentina, to contribute to inclusive and participatory development and governance. The research project consists of four case studies and aims at convening a platform of all stakeholders. The approach of this initiative builds on existing knowledge and local expertise to collect evidence and perform analysis through an analytical framework. The findings of the four case studies will be published in a report titled “Extractive Industries and Indigenous Peoples”.

The project is currently in its implementation phase. It is expected that the project will contribute to the identification of good business practices and to the ultimate goal of promoting human development and greater enjoyment of rights, including indigenous peoples’ rights, thus improving the relationship between communities, corporations, states and society at large. In addition, a corporate objective is that the findings will make an important contribution to defining UNDP’s future role and engagement with indigenous peoples and extractive industries. The project is scheduled to conclude in its totality in 2013.

Parliamentary Development and Indigenous Peoples

Under the focus area of parliamentary development, UNDP has supported a series of activities on indigenous peoples’ political representation. Promoting Inclusive Parliaments (2009-11) was a joint initiative of the UNDP Democratic Governance



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Group (DGG) and the Inter-Parliamentary Union (IPU). It aimed at understanding and promoting effective representation of minorities and indigenous peoples in Parliaments. Activities included questionnaire design, parliamentary survey, analysis and presentation of survey results, as well as case studies of individual Parliaments. The project disseminated knowledge that is used by Parliaments, policy makers, and advocacy groups seeking to address issues of indigenous underrepresentation and exclusion around the world.

Furthermore, the Global Programme for Electoral Cycle Support (GPECS) aims at strengthening institutional capacity of electoral management bodies to plan, manage and deliver democratic elections. GPECS in Latin America focuses on political participation of indigenous peoples with particular emphasis on indigenous women and youth. For example, GPECS has facilitated the first network for electoral communication for indigenous people in Latin America and the Caribbean.

A Handbook for Parliamentarians on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was launched in May 2012 as a result of a collaborative effort between UNDP, the Office of the High Commissioner for Human Rights (OHCHR), International Fund for Agricultural Development (IFAD) and the UN Department of Economic and Social Affairs (DESA). A side event on this topic was held during the 11th session of the UNPFII.

A new project on “Building Inclusive Parliaments for Indigenous Peoples” is currently being designed. It seeks to establish a global network for indigenous Parliamentarians which will enable parliamentarians to strengthen their capacities to represent indigenous peoples in parliament. Through discussions, South-South Cooperation and sharing of experiences and knowledge, the members of Parliament will identify solutions, create new ideas and develop recommendations on how Parliaments and



political systems can breakdown institutional barriers to indigenous peoples and, particularly, indigenous women.

UN-REDD, its Engagement with Indigenous Peoples and a Joint Venture with the GEF Small Grants Programme

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Compared to other UNDP programmatic frameworks, UN-REDD is explicit in recognizing and programmatically and procedurally addressing indigenous peoples’ rights and interests. Within this multi-agency program (FAO, UNDP and UNEP), UNDP is the lead agency for national REDD+ governance, engagement of indigenous peoples, local communities and other relevant stakeholders, and transparent, equitable and accountable management of REDD+ payments.

The UN-REDD Programme Strategy 2011–2015 explicitly confirms the commitment to respecting indigenous peoples’ rights in line with UNDRIP, including to FPIC. It formulates the effective participation of indigenous peoples as a specific outcome to be achieved.

UN-REDD worked extensively with indigenous peoples in 2012. In 2012, the UN-REDD Programme completed consultations on the “UN-REDD Programme Guidelines on Free, Prior and Informed Consent”. The final English version is available as of January 2013 and is now being translated into Spanish and French. There is also an associated “Legal Companion to the UN-REDD Programme Guidelines on Free, Prior and Informed Consent (FPIC): International Law and Jurisprudence Affirming the Requirement of FPIC”. Both the Guidelines and the Legal Companion will be released widely in mid-February 2013 and will be launched at a side event during the May 2013 session of the UNPFII.²

² They can be found here: Footnote: http://www.unredd.net/index.php?option=com_docman&task=cat_view&gid=2648&Itemid=53.



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UN-REDD also published “Free, Prior, and Informed Consent for REDD+ in the Asia-Pacific Region: Lessons Learned”. The main purpose of this report is to share recent lessons learned on FPIC for REDD+, based on the emerging experiences of the UN-REDD Programme partner countries in the Asia-Pacific region. The report draws significantly on the proceedings of the Second UN-REDD Programme Regional Workshop on FPIC Shared Learning held in Bogor, Indonesia, from 19 – 20 April 2012. The report provides an understanding of why FPIC is important to REDD+ and the legal principles that underpin it. It offers an overview of the status of FPIC activities in the UN-REDD Programme partner countries in the Asia-Pacific region, in particular the two that have direct experience with piloting FPIC processes for REDD+: Indonesia and Viet Nam. It describes the lessons emerging from early attempts to operationalize FPIC in REDD+; and concludes with recommendations for future action on FPIC by the UN-REDD Programme.³

As a work in progress, UN-REDD works on Community-Based REDD+, a joint venture with the GEF Small Grants Programme (SGP). CBR+ is a joint initiative of the UN-REDD Programme and the SGP aiming to direct funds towards community-level projects that would align with National Programmes and/or national REDD+ strategies. Co-financed equally by the UN-REDD Programme and the SGP, CBR+ would leverage the respective operational and technical expertise of these two programmes to efficiently support the implementation of REDD+ activities at the local level. CBR+ proposes to build on SGP’s wealth of local experience, by leveraging SGP funds alongside UN-REDD Programme funds to contribute to national and global REDD+ objectives more systematically. Grants would be capped at US\$50,000 and support activities to address the drivers of deforestation and forest degradation,

³ The report is available here:
http://www.unredd.net/index.php?option=com_docman&task=cat_view&gid=2654&Itemid=53.



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strengthen land rights, explore mechanisms for benefit sharing, and advance the implementation of safeguards for REDD+, among others.

UN REDD also participated in the indigenous peoples consultations by the World Bank’s Forest Carbon Partnership Facility.

II. Regional Perspectives

Latin America and the Caribbean

In coherence with UNDP’s mandate and in response to the regional development challenges, RBLAC’s Regional Programme 2008-2013 highlights- as part of its strategic programme outcomes- fostering dialogue and participation, especially of Afro-descendants and Indigenous Peoples. Some achievements in the region are listed below.

- 55 young indigenous leaders were trained through regional and national seminars in Guatemala, Mexico, Ecuador, Paraguay and Colombia.
- 39 young indigenous were trained in 2012 in political communication through an online course. As a result, in Ecuador, two young participants are supporting an indigenous youth leader’s media campaign for the National Assembly.
- 15 people with first BRIDGE certificate (electoral cycle) from the Training of trainers’ regional workshop on BRIDGE methodology and gender and inter-culturality to indigenous leaders, State officials, and UN officials; 47 women and indigenous political leaders with their capacities developed in leadership, political impact, and communicative skills; 300 leaders trained on communication strategies and political impact.
- The first edition of the “Regional School of Political Leadership for indigenous youth and women” was published in 2012. Twelve women and young indigenous leaders were trained jointly with FLACSO University, based on an intergenerational mentoring approach including relevant senior



indigenous leaders. Main issues discussed were political leadership, and electoral and public policy cycles.

Asia and the Pacific

In 2012, the work of the Asia Pacific Regional Centre (APRC) specifically focused on key issues concerning IP rights to land and natural resources through support to legislative and policy frameworks. This involved critical analysis and advisory support for governments, IP, CSO and UN partners on political and legal contexts and strategies for IP engagement, legislative and policy reviews and national and regional knowledge exchanges including the organization of multi-stakeholder dialogues. Consultative meetings and capacity-building workshops also took place to support APRC practice teams and UN Country Teams in addressing IP issues in their policies and programmes. A limited provision of small grants to IP organizations also supported this pivotal work.

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UNDP APRC, in partnership with the ILO Indonesia Country Office, UNDP Indonesia and the ILO Geneva Pro-169 team, successfully implemented a joint workshop on *masyarakat adat* issues in Jakarta on 19 – 20 November 2012. A regional perspective was ensured with participants from Bangladesh, Cambodia and the Philippines alongside the participation of senior officials from the Government of Indonesia and the UN system. This forum for dialogue and knowledge-sharing focused on the policy framework and existing national and international legal standards. With the participation of the National Commission on Violence Against Women in Indonesia, this important topic, alongside issues of protection of indigenous children were also reflected upon, in addition to rights and equity concerns to be integrated into the post-2015 development framework. This forum highlighted the different perspectives that need to be further reconciled for legislative and policy making efforts in the future, and also increased national awareness of the *masyarakat adat* in the processes of development of legislation.



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III. Collaboration with UN Mechanisms and Inter-Agency Work

During the eleventh session of the UN Permanent Forum on Indigenous Issues in 2012, UNDP hosted several side events and convened a series of bilateral meetings (Asia Caucus, Chittagong Hill Tracts representatives and the Special Rapporteur on the rights of indigenous peoples) and held substantive meetings with the members of the Inter-Agency Support Group for Indigenous peoples (IASG) and the members of the Permanent Forum.

During the internal IASG meetings held during the UNPFII eleventh session, the discussions focused on how the UN can improve the working relationship with members of the Permanent Forum through more institutionalized working methods.

UNDP continues to participate in the IASG and different Bureaus attended the annual meeting of the Support Group in November 2012. It brought forward how to promote the meaningful participation of indigenous peoples in key development processes, such as the discussions around the post-2015 development agenda.

UNDP held a number of side events during the Forum, all of which generated a great deal of interest from indigenous peoples' representatives, Member States and UN representatives. UNDP also participated in the fifth session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) in Geneva. The objective was to meet with indigenous peoples' representatives and UN agencies and discuss relevant matters, focusing on extractive industries and the preparations for the World Conference on Indigenous Peoples in 2014.

Together with OHCHR and the International Co-ordinating Committee for National Human Rights Institutions, we have been able to scale up support to National Human Rights Institutions which are crucial to bringing indigenous peoples and governments



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together. This is a key part of our work in strengthening the capacity of National Human Rights Institutions, supporting the harmonisation of national legislation with international human rights standards, and supporting the preparation of national reports to UN human rights mechanisms. In order to support national systems for the promotion and protection of human rights, UNDP also collaborated with OHCHR in the development of a toolkit for collaboration with National Human Rights Institutions (NHRIs), which includes commissions for indigenous peoples. One module deals with the support required in the establishment and development of NHRIs. These institutions can serve in the promotion and protection of the rights of indigenous peoples.

UN Indigenous Peoples Partnership (UNIPP)

The UN Indigenous Peoples' Partnership (UNIPP) is a joint rights-based and results-based initiative between the ILO, OHCHR, UNDP, UNICEF, and UNFPA. The purpose of UNIPP is to facilitate the implementation of international standards on indigenous peoples, in particular the UNDRIP and ILO Convention No. 169. In its second Policy Board Meeting the Policy Board members approved seven proposals for funding. During the reporting period the funds have been transferred to the relevant country offices and implementation has started. The UNIPP secretariat and the participating UN agencies and programmes provide technical support to the country offices upon request. Three technical focal point meetings have taken place in 2012, and issues of resource mobilization, communication and UNIPP's participation in meetings of the UNFPII and Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) were discussed.

The following countries have been granted funding:

- In Bolivia, a National Technical Commission has been created and mandated to elaborate on the law on prior consultation with indigenous peoples.



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- In Nicaragua, an indigenous women's agenda was presented and adopted by the indigenous traditional authorities and the Board of the National Council of Indigenous Peoples of the Pacific, Central and Northern Nicaragua (NPC).
- In the Central African Republic, a review of national laws, regulations and sectoral programs in relation with the provisions of the UNDRIP and ILO Convention No 169 has been carried out by the Government with the support of UNIPP. Similarly, a baseline study on indigenous peoples and their sexual health and reproductive rights, including HIV/AIDS has been carried out in order to better tailor interventions according to their needs and situation.
- In the Republic of Congo, indigenous peoples' rights have been taken into account and integrated into the national development programs, including the National Development Plan 2012-2016 and the Strategic Paper on Growth, Employment and Poverty Reduction (DSCERP).
- In Cameroon, seven municipalities are developing local policies on indigenous peoples and have been validated with the participation of indigenous peoples.
- In South East Asia, support is being provided to the Indonesian draft law on indigenous peoples.

The projects are currently being implemented. The operationalization of the UNIPP was welcomed by the Permanent Forum in its 2012 report. UNIPP-funded projects have also proven to be catalytic to increase resources for indigenous peoples' issues at national level.

MDG Achievement Fund



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UNDP is also the Administrative Agent and one of the 27 participating UN agencies of the MDG Achievement Fund (MDG-F). In 2012, the Fund signed an agreement with the International Indigenous Women’s Forum (IIWF-FIMI) to implement the initiative “Monitoring the MDGs through an indigenous peoples’ perspective”. The main goal of this partnership is to ultimately increase indigenous peoples’ participation in MDGs monitoring processes through the identification of best practices and lessons learned based on the MDG-F experience. So far a mapping exercise of the 130 joint programmes that the Fund supports has been conducted and 47 of them from 20 countries (mostly in Latin America) have been identified as including the participation of indigenous peoples at the design and/or implementation phases. The following stage aimed at a more in depth appraisal of the promising practices implemented in the selected programmes. This involved in-depth interviews, meetings with indigenous organizations, community visits, interviews with UN staff, local authorities and other relevant parties. To date, around 35 programme coordinators and indigenous participants from 27 programs in 17 countries were interviewed by FIMI staff. Best practices have been collected in a manner that will allow for implementation in future programmes involving indigenous peoples. FIMI is currently working on a multimedia tool to make these best practices available.

In-house Capacity and Coordination

Through regular dialogue, UNDP continues to work across all Practices and Bureaus within UNDP to coordinate and mainstream activities on indigenous issues with a view to achieving policy coherence. In response to the UN Permanent Forum recommendation, UNDP set up the Indigenous **Peoples Liaison Committee (IPLC)**. The IPLC is an internal mechanism that coordinates the work of indigenous issues within UNDP at the global level, and it is composed of staff members from different UNDP Bureaus and Practices. The IPLC was created as a response to a recommendation by the Permanent Forum. The Committee is chaired by the Bureau

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for Development Policy (BDP) through the Democratic Governance Director. The IPLC is coordinating UNDP's participation and engagement with relevant UN mechanisms and other work related to the promotion of indigenous peoples' issues. The IPLC also coordinates its activities with the Secretariat of the Permanent Forum to further strengthen this relationship.



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