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**Indigenous Peoples: development with culture and identity in light of the UN
Declaration on the Rights of Indigenous Peoples**

A Reflection Paper of the Inter-Agency Support Group on Indigenous Peoples' Issues
(IASG)¹

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Table of Contents

Introduction

I. Understanding the conceptual and legal underpinnings of ‘Development with Culture and Identity’ (DCI)

Putting people at the centre: the human development paradigm

Giving culture a permanent place in development thinking

Linking cultural and biological diversity for sustainable human development

The interface with human rights and special consideration of gender, children and youth

II. Applying DCI in UN areas of work

Presenting key UN programme areas to support DCI: from socioeconomic development and the environment to health, education and culture

Assessing thematic UN programmes from a DCI perspective

Identifying adequate participatory methods and programming tools in support of DCI

III. Setting DCI in motion, notably at the country level: processes and challenges

The UNDG Guidelines on Indigenous Peoples’ Issues: a roadmap for implementing the UNDRIP

Consolidating, completing and articulating relevant legal instruments

Policies on indigenous peoples at the level of UN agencies – a positive factor for DCI

Challenges in promoting DCI through UN action: an analysis of current aid architecture

Conclusion

Key references

Annexes

Introduction

The members of the UN Permanent Forum on Indigenous Issues (UNPFII) selected the following theme for their 9th annual session (New York, 2010): ‘Indigenous Peoples: Development with Culture and Identity [DCI]; Articles 3 and 32 of the UN Declaration on the Rights of Indigenous Peoples’ (hereafter ‘UNDRIP’).³ While Article 3 stipulates indigenous peoples’ right to self-determination and the free pursuit of their economic, social and cultural development, Article 32 emphasizes indigenous peoples’ right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. In other words, UNDRIP recognizes the right of indigenous peoples to development in accordance with their own aspirations and needs, providing a foundation for ‘development with culture and identity’ (DCI).

The ‘label’ of DCI has gained prominence in the work of UNPFII since the proclamation of the Second International Decade of the World’s Indigenous People (2005–2014). The UN General Assembly affirmed that ‘States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognizing the value and diversity of their distinctive identities, cultures and social organisation.’⁴ The indivisibility of culture and development was made explicit in the official Programme of Action for the Decade, which recommends that ‘culture should be integrated as a prerequisite and a basis for development project design in order to build “development with identity”, respecting people’s way of life and building sustainable human development.’

However, the genesis of ‘development with culture and identity’ predates the recent history of the label. The jurisprudence of the Inter-American Court of Human Rights and the case law and general comments of human rights treaty bodies further to complaints filed by indigenous peoples have significantly contributed towards laying the legal foundations for UNDRIP and thus for DCI.⁵ Similarly, the ILO Convention on Indigenous and Tribal Peoples, 1989 (hereafter ‘ILO Convention No. 169’) recommended indigenous peoples’ self-determined development based on recognition of

³ The full text of the articles is as follows:

Article 3. Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 32. 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

⁴ See A/RES/59/174, Resolution proclaiming the Second International Decade of the World’s Indigenous People (2005 to 2014).

⁵ See, for example, *The Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua* that ended with the decision of the Inter-American Court of Human Rights, which stated that ‘the special legal protections’ accorded to Indians for the ‘preservation of the cultural identity’ should extend to ‘the aspects linked to productive organization, which include, among other things, the issues of ancestral and communal lands.’ *The Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Inter-American Court of Human Rights, 31 August 2001.

their culture and identity. Indeed, debates on culture and development have occupied considerable space within the UN system over the past forty years.

From the perspective of many indigenous peoples, ‘dominant’ development paradigms and practices, characterized by ‘their strong focus on economic progress without the integration of cultural development, social justice and environmental sustainability’ have failed, since they undermined and negated indigenous peoples’ cultures and worldviews, even considering them as an obstacle.⁶ Indigenous peoples today continue to face serious discrimination in terms of access to basic social services and are disproportionately represented amongst the world’s poor. Many populations have suffered historically from forced displacement, and their vulnerability to the impacts of globalization and climate change remains particularly high.

However, despite these multiple threats, indigenous peoples have demonstrated the capacity to adapt to change while sustaining their distinct worldviews, knowledge systems and practices, which continue to allow them to effectively manage changes to their societies and environments. Their cultural heritage and creativity provide a solid basis for generating culturally and environmentally appropriate development strategies. DCI indeed calls for indigenous peoples to be the creators and agents of their development initiatives. Having indigenous peoples in the driver’s seat can further enhance the success of development projects, as the projects are more likely to be accepted, sustained and further pursued by the indigenous communities concerned, ultimately reducing the need for outside intervention. The added-value of all self-driven approaches to development is multifaceted, with social, cultural, economic and environmental benefits.

The present paper is a joint contribution of the Inter-agency Support Group on Indigenous Peoples’ Issues⁷ to the debate on DCI. It aims to approach DCI from an interagency perspective, in order to advance thinking and stimulate ideas for action in the UN system on the notion and its applications. It intends to highlight the conceptual and legal underpinnings of DCI in UN development discourse and normative frameworks, analyse relevant UN development approaches and experiences, and assess the implications for the UN system in terms of programming, policy and governance processes. The paper thereby attempts to address and propose ways to overcome challenges to implementing DCI as these relate to complex issues of human, cultural and environmental vulnerability and fragility.

⁶ See the Report on the Consultation Workshop and Dialogue on Indigenous Peoples’ Self-determined Development or Development with Identity, Tivoli, Italy, 14–17 March 2008 (E/C.19/2008/CRP.11).

⁷ The IASG was established to support and promote the mandate of the UN Permanent Forum on Indigenous Issues within the United Nations system. Its mandate was later expanded to include support to indigenous-related mandates throughout the inter-governmental system. For more details and members see the website of the UNPFII at <http://www.un.org/esa/socdev/unpfii/>

I. Understanding the conceptual and legal underpinnings of ‘Development with Culture and Identity’ (DCI)

DCI is an integral component of sustainable livelihood and well-being firmly grounded in international human rights agreements, notably those related to culture. In the context of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), DCI resonates strongly with UN development discourse, which has evolved from single-modeled economic progress to broader notions of human and sustainable development. This discourse increasingly recognizes the value and principles of linking cultural and biological diversity, and the responsibility to promote, protect and fulfill human rights and address the aspirations of both individuals and communities. As explained further below, UN development frameworks that recognize and build on culture and identity are inherently human-rights-based and grounded in an effort to humanize development. They reveal a broad and dynamic understanding of culture, recognize interconnections between cultural and biological diversity, and promote gender equality; at the same time, they require genuine dialogue with other cultures to flourish and regenerate. In this way, UN agencies with reference to their specific mandate have over the years brought new ideas and purpose to the development debate.⁸

Putting people at the centre: the human development paradigm

The emergence of the Human Development paradigm in the 1980s, culminating with the first *Human Development Report* in 1990, marked the beginning of a shift in international development discourse, questioning the pre-eminence of economic growth and steadily moving towards a broader well-being approach, putting ‘people back at the centre’ of the process.⁹ It set a new global agenda on human development and its measurement, suggesting new sets of indicators for this purpose.

The human development paradigm emphasizes that the basic purpose of development is to enlarge people’s choices and enhance human capabilities and freedoms:

In principle, these choices can be infinite and can change over time. People often value achievements that do not show up at all, or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and physical violence, satisfying leisure hours, political and cultural freedoms and sense of

⁸ See, notably, various editions of the *World Culture Report* and the *Human Development Report*, reports on *State of World Population*, *Cultural and Spiritual Values of Biodiversity: a complimentary contribution to the Global Biodiversity Assessment*, the *State of the World’s Cities Report for Cultural Inclusion in Cities*. See also the following UN General Assembly Resolutions: A/RES/41/187 Proclamation of the World Decade for Cultural Development (1986), A/RES/46/158 World Commission on Culture and Development (1991), A/RES/51/179 Report of the World Commission on Culture and Development (1996), A/RES/52/197 Cultural development (1997), A/RES/53/184 Cultural development (1998), A/RES/55/192 Culture and development (2000) and A/RES/57/249 Culture and development (2002).

⁹ See ‘Origins of the Human Development Approach’ at: <http://hdr.undp.org/en/humandev/origins/>

participation in community activities. The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives.¹⁰

The emphasis on choice, fundamental freedoms and participation in decisions affecting the life of one's community is indeed central to DCI, pointing to its close links with human rights.

Since 1990, numerous global, regional and national human development reports have highlighted important challenges and measured progress through the combined assessment of multiple variables such as income, education, health, freedom, environmental sustainability and participation in societal life. Some national human development reports have focused on the situation of indigenous peoples in countries such as Mexico, Guatemala and Ecuador, among others, or have highlighted specific issues pertaining to indigenous peoples.

Understanding of the human development paradigm has gradually deepened, notably through its application in practice, but also through its links to critical issues of our times. The 2004 *Human Development Report: Cultural Liberty in Today's Diverse World* is one noteworthy example; it articulates the indivisibility of development, culture and identity with consideration of indigenous peoples' issues. The report states that human development 'requires more than health, education, a decent standard of living and political freedom. People's cultural identities must be recognized and accommodated by the State, and people must be free to express these identities without being discriminated against in other aspects of their lives.'¹¹

The report emphasizes that democracy and equitable growth are not enough, and notes that development frameworks should accommodate people's growing demands for their inclusion within society and respect of their ethnicity, religion, and language. Multicultural policies are also needed that recognize differences, champion diversity and promote cultural freedoms, so that all people can choose to speak their language, practice their religion, and participate in shaping their culture – in other words, choose who they are. 'In short: cultural liberty is a human right and an important aspect of human development – and thus worthy of state action and attention.'¹²

This year, 2010, marks the twentieth anniversary of the *Human Development Report*, to which indigenous peoples have increasingly contributed over the years. This anniversary also provides an opportunity to promote in-depth understanding of the concept of human development with all its

¹⁰ Mahbub ul Haq, founder of the *Human Development Report*, quoted in 'Origins of the Human Development Approach', *Human Development Report* website: <http://hdr.undp.org/en/humandev/origins/>

¹¹ *Human Development Report 2004: Cultural Liberty in Today's Diverse World*, UNDP, 2004.

¹² *Human Development Report 2004: Cultural Liberty in Today's Diverse World*, UNDP, 2004.

dimensions, including culture and identity, in collaboration with indigenous peoples and other UN development partners.

Giving culture a permanent place in development thinking

The World Conference on Cultural Policies (1982), known as MONDIACULT, constituted a landmark for debates on the indivisibility between development and culture, defining the latter in the wider, anthropological sense of the word, as encompassing the entire range of spiritual, material and intellectual values that typify a particular group or society. In other words, culture became understood as encompassing ‘all that human beings have and do to produce, relate to each other and adapt to the physical environment.’¹³ Thus, the UN World Commission on Culture and Development (1985) was asked to ‘give culture a permanent place in development thinking’ and emphasized that ‘development divorced from its human or cultural context is growth without a soul’.¹⁴

Culture and development remain difficult concepts which have evolved over time. Conceptually, development itself is a cultural construct, since it is based on culture in all its diversity, which is the basic code of human life’s understanding – an open, progressive repository of wisdom, experience, knowledge, exchange, solidarity and ways of living together. Indeed, if culture is understood in this broad way, rather than narrowly as arts, literature and monuments, then it is through culture that we formulate our aspirations for development and give meaning to our lives.¹⁵

The indivisibility of culture and development thus implies recognition of the intangible dimensions of development, recognizing people, values, knowledge systems and the capacity to create and aspire as an integral part of development. The diversity of these visions and expressions, which are not static but constantly evolving, is embodied in the ‘uniqueness and plurality of the identities’ of the groups and societies making up humankind, including indigenous peoples. Cultural diversity is thus ‘one of the roots of development, understood not simply in terms of economic growth, but also as a means to achieve a more satisfactory intellectual, emotional, moral and spiritual existence’ (Article 3 of the UNESCO Universal Declaration on Cultural Diversity, 2001).

However, connecting culture and development entails challenges for contemporary, *de facto* plural, societies, well known to indigenous peoples: (i) the ‘hyper-culturalization’ of social issues, which makes culture the single cause of all kinds of problems; (ii) assimilation policies based on the assumption that cultures are a threat to national unity, social cohesion and development; and

¹³ See Naomi Kipuri, ‘Culture’, *The State of the World’s Indigenous Peoples*, United Nations, 2009.

¹⁴ See summary of the report *Our Creative Diversity: Report of the World Commission on Culture and Development*, UN/UNESCO, 1996 at: http://www.powerofculture.nl/uk/archive/report/intro_sam.html

¹⁵ The idea of culture as ‘the capacity to aspire’ was formulated by Arjun Appadurai (see ‘The Capacity to Aspire: Culture and the Terms of Recognition’, V. Rao and M. Walton (eds) *Culture and Public Action*, Stanford University Press, 2004).

(iii) segregation in the name of particularism, or stressing differences to the extent where they become incompatible with a public life.¹⁶ Indigenous cultures may furthermore be confronted with major risks of folklorization, mummification and commercialization.

However, from a DCI perspective, cultural distinctiveness and identity are understood as key assets upon which development may be constructed with indigenous peoples. Indeed, conceptual advances recognizing the indivisibility of culture and development have found an echo in the normative sphere. The Universal Declaration on Cultural Diversity (2001) as well as related conventions¹⁷ bring together the politics of identity with the economics of sustainable human development, and support individuals and communities, as well as nation-states, to promote their own development in their own terms. Indigenous peoples, their human rights, cultures and knowledge systems hold a significant place in these normative instruments, which along with the WIPO Draft Provisions for the Protection of Traditional Cultural Expressions/Folklore (TCEs) and Traditional Knowledge (TK) constitute important milestones in the promotion of DCI.¹⁸

More recently, the indivisibility of culture and development has also been acknowledged in the policies of international financial institutions. The International Fund for Agricultural Development (IFAD) has, for instance, included *Cultural Heritage and Identity as Assets* as the underpinning principle of its recently approved Policy on Engagement with Indigenous Peoples.¹⁹ Promotion of development with identity is also among the policy directives of the 2006 Inter-American Development Bank (IDB) Policy.²⁰

By acknowledging that the relation between culture and development is not one of dichotomy but indivisibility, UN discourse and normative frameworks resonate with indigenous peoples' holistic systems of thought, which consider that 'culture is development and development is culture'.²¹ Therefore, 'there is no prescribed pathway for the development of a society, no single model on which development strategies should be based', as emphasized in the recent World Report on cultural diversity and intercultural dialogue.²²

¹⁶ Katérina Stenou at the UNESCO Roundtable on 'Development with Culture and Identity in Light of the Declaration on the Rights of Indigenous Peoples', Paris 2008.

¹⁷ Protection and Promotion of the Diversity of Cultural Expressions (2005), Safeguarding of the Intangible Cultural Heritage (2003), Protection of the Underwater Cultural Heritage (2001), Protection of the World Cultural and Natural Heritage (1972), Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property (1970), Protection of Cultural Property in the Event of Armed Conflict (1954) and Universal Copyright Convention (1952 and 1971).

¹⁸ See http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_9/wipo_grtkf_ic_9_4.doc and http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_9/wipo_grtkf_ic_9_5.doc.

¹⁹ IFAD, Policy on Engagement with Indigenous Peoples.

²⁰ IDB, Operational Policy on Indigenous Peoples and Strategy for Indigenous Development.

²¹ Victoria Tauli-Corpuz, 'The Concept of Indigenous Peoples' Self-Determined Development or Development with Identity and Culture: Challenges and Trajectories', paper commissioned by UNESCO, 2008.

²² UNESCO World Report: *Investing in Cultural Diversity and Intercultural Dialogue*, UNESCO, 2009.

Linking cultural and biological diversity for sustainable human development

While the debate on culture and development succeeded in putting the human being back at the centre of the development agenda, it continued to consider ‘nature’ as ‘a thing apart’. This anthropocentrism came to be questioned in debates on the linkages between cultural and biological diversity, in particular, from the point of view of indigenous peoples.

For many indigenous peoples, development with culture and identity necessarily includes consideration of the linkages between cultural and biological diversity. While mainstream development has traditionally entailed the large-scale exploitation of natural resources, the vast majority of indigenous peoples have developed sustainable relationships with their natural surroundings. As the report *Indigenising Development* pointedly says, nature cannot be seen merely as ‘a grocery store at the service of men’.²³ Throughout history, indigenous peoples have developed complex cosmologies in which the interdependence of human beings and nature constitute fundamental values, and community well-being, balance and harmony have been prioritized over growth and technology.

Linking cultural and biological diversity takes on an added significance in the context of climate change. Since cultural representations, knowledge and practices depend upon specific elements of biodiversity for their continued existence and expression, the prospect of large-scale environmental upheaval represents a major threat to the sustainability of cultures and identities, impacting the transmission of knowledge and values to the next generation. Mechanisms put in place to respond to climate change such as the United Nations Reducing Emissions from Deforestation and Degradation in Developing Countries Programme (UN-REDD) offer opportunities for indigenous peoples to see their climate concerns addressed; more clarity on land ownership may also ensure that such mechanisms can effectively benefit indigenous peoples.

Other challenges that put at risk the continued maintenance and sustainable use of biodiversity, notably for indigenous peoples, include: the privatization of their lands and territories and exploitation of resources and knowledge through outside investors and patenting, resulting in the loss of collective intellectual heritage; the risk of being excluded from access and benefit-sharing that may derive from the use of their resources and that knowledge; and the commercial exploitation of their genetic resources and the loss of timeless moral principles that characterize the relationship between many indigenous communities and their lands.

²³ *Indigenising Development. Poverty in Focus*, International Policy Centre for Inclusive Growth, No. 17, May 2009.

It is in such contexts that debates on sustainable development have increasingly articulated the linkages between cultural and biological diversity, emphasizing that ‘the needs of the present’ should be addressed ‘without compromising the ability of future generations to meet their own needs.’²⁴ Reduced diversity in terms of cultural and biological manifestations poses a threat to global stability and sustainability, rendering the world and its inhabitants more and more vulnerable. Cultural and biological diversity are increasingly considered as collective forces of development, since together they ‘hold the key to ensuring resilience in both social and ecological systems’.²⁵

The Convention on Biological Diversity, adopted at the 1992 United Nations Conference on Environment and Development (also known as the Earth or Rio Summit) recognizes that biological diversity is about more than plants, animals and micro-organisms and their ecosystems – it concerns people and our need for food security, medicines, fresh air and water, shelter and a clean and healthy environment in which to live. It is for this reason that Article 8(j) of this Convention calls on Parties to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities relevant for the conservation of biological diversity, to promote their wider applications with the approval of knowledge holders, and to encourage equitable sharing of benefits arising out of the use of biological diversity. The conservation, sustainable use and equitable sharing of the benefits that nature provides – the three objectives of the Convention on Biological Diversity – are also the cornerstones of indigenous societies.

However, it is problematic to note that sustainable development discourse and environmental conservation approaches often promote a one-dimensional vision of indigenous peoples as custodians of nature, reigniting the ‘myth of the noble savage’.²⁶ In practice, sustainable development has attempted to mitigate negative impacts of traditional conceptions of development rather than radically question its principles, processes and logic. By proposing DCI, indigenous peoples encourage the international community to go further in rethinking biocultural diversity and sustainability. They are sending the strong message that ‘diversity is an important prerequisite for ensuring development that is environmentally, socially, culturally and economically resilient and sustainable.’²⁷

The interface with human rights and special consideration of gender, children and youth

Over the past five decades, international human rights instruments have provided a comprehensive international legal framework of obligations, which States have voluntarily agreed to fulfill, and

²⁴ See also the 1987 Brundtland Report of the UN Commission on Environment and Development (UNCED).

²⁵ ‘Towards a Culture of Sustainable Diversity’, *Cultural Diversity and Biodiversity for Sustainable Development*. A UNEP High-level Roundtable, 3 September 2002 at the World Summit on Sustainable Development, Johannesburg, 2003.

²⁶ José Pimenta, ‘Twisting Development: the Ashaninka Way’, *Indigenising Development. Poverty in Focus*. International Policy Centre for Inclusive Growth. No. 17, May 2009.

²⁷ UNESCO, *Links between biological and cultural diversity: concepts, methods and experiences*, Report of an International Workshop, UNESCO, 2008.

which provide the parameters of what governments may or may not do in the name of development. This fact is often forgotten in development debates. These human rights instruments, elaborated by the United Nations, have opened up considerable conceptual space in which to bring together human rights and development. The Human Rights-Based Approach to Development Cooperation (HRBA) ‘Towards a Common Understanding among the UN Agencies’, adopted by the United Nations Development group (UNDG) in 2003, aims to ensure that UN agencies, funds and programmes consistently apply a human-rights-based approach to common programming processes at global and regional levels, especially at the country level in relation to Common Country Assessment (CCA) and United Nations Development Assistance Framework (UNDAF) processes. This approach aims to promote and protect human rights, reduce inequality, and harness the substantive participation of those who are most affected, including children. It addresses also issues of culture and gender. Indeed, the links between culture, gender and human rights are part and parcel of DCI and require attention if progress is to be made on the human rights situation of indigenous peoples.

An essential element of HRBA is participation to empower rights-holders to claim their rights and take charge of their own development. By stressing participation, the HRBA prioritizes democratic principles and culture: if development is not a top-down but a bottom-up process, then the cultural particularity of peoples and communities should find resonance in the development policies, programmes and budgets of their governments and those of international development actors. Conversely, if indigenous peoples’ perceptions and aspirations are not acknowledged, including those of indigenous women and youth, the resulting development initiatives could deprive them of access to crucial resources, undermine traditional governance structures, and contribute to the loss of indigenous cultures and languages. Moreover, experience has shown that development cannot be sustained without full ownership by the involved communities and its effectiveness may be limited.

The right to self-determination is recognized in Article 1 common to both the International Human Rights Covenants and UNDRIP. By virtue of this right, people may freely pursue their economic, social and cultural development. They may also exercise their ‘rights to autonomy or self government in matters relating to their internal and local affairs’,²⁸ highlighting the importance of access, use and control of land, territories and resources for self-determination.

The human right to development was made explicit in 1986 through the adoption of the UN Declaration on the Right to Development.²⁹ As with ILO Convention No. 169 (1989), it elaborated on

²⁸ Article 4, UNDRIP.

²⁹ This Declaration stipulates that: 1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. 2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

indigenous peoples' right to development, emphasizing that this should be promoted by States based on respect for indigenous peoples' right to determine their own priorities and the importance of the concepts of consultation, consent and participation (see box). Therefore, according to the international normative human rights framework, development is far from a single-model concept.

Indigenous peoples' rights to development in ILO Convention No 169 and UNDRIP

ILO Convention No. 169 elaborated the content of indigenous peoples' right to development. These principles are today reflected in UNDRIP and can be summarized as follows:

- Right to self-determination and to control their own economic, social and cultural development and to develop their own institutions and initiatives, building an enabling environment and providing the necessary mechanism.
- Right to be consulted, to participate and to provide free, prior and informed consent to all plans and programmes for development at the local, national and regional level that may affect indigenous peoples. The traditions, cultural values and needs of indigenous peoples should be taken into account in the formulation of policies, programmes and projects, not only when it comes to local projects at the village level, but also when formulating the overall development policies of a country.
- Right to impact assessment studies. Before any development activities are undertaken, studies should be conducted to assess their potential social, cultural, spiritual and environmental impacts.
- Right to benefits. All developmental projects and programmes should better the socio-economic situation of indigenous peoples. They should not be harmful to their well-being.
- Right to lands, territories and resources. The rights of indigenous peoples to ownership, possession use and control of their lands, territories and resources need to be recognized and legally protected. This is a fundamental criterion for them being able to develop their societies in accordance with their own needs and interests.

(Summary provided by ILO as a contribution to this paper)

Two normative pillars of UNDRIP underpin DCI: the set of rights defining indigenous peoples' effective participation, and the set of rights defining indigenous peoples' cultural rights.³⁰ In UNDRIP, there are nine preambular paragraphs and fifteen operative articles dealing with consultation, partnership and participation of indigenous peoples in a democratic polity, essentially outlawing discrimination against indigenous peoples.³¹ Therefore, indigenous peoples have the right

³⁰ For a more detailed analysis of the cultural rights of indigenous peoples, see the presentation to the Committee on Economic, Social and Cultural Rights at the Day of General Discussion on Article 15(1)(a) of the Covenant, E/C.12/40/9, p. 6. Furthermore, note that International Human rights provisions specifically dealing with cultural rights are found in Article 27 common to the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights, Article 15 of the International Covenant on Economic, Social and Cultural Rights and Article 5 of the UNESCO Universal Declaration on Cultural Diversity.

³¹ They have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social, and cultural life of the state (Article 5).³² Yvonne Donders, 'The Legal Framework of the Right to take part in Cultural Life.' Y. Donders and V. Volodin, *Human Rights in Education, Science and Culture. Legal Developments and Challenges*, UNESCO, 2007.

to pursue their own vision of cultural and economic development, including the right to remain distinct, through their own institutions. Through those institutions, they have the right to participate fully and effectively in the definition, preparation and implementation of cultural policies that concern them and development policies that affect their cultures. The State must consult the indigenous peoples concerned via democratic and transparent processes.

Through its seventeen articles on culture, UNDRIP illustrates that ‘cultural rights are more than merely those rights that refer to culture but include all Human Rights that protect and promote the cultural identity of individuals and their communities’.³² The right to education, for instance, is one of the cultural rights of particular importance from a DCI perspective, since it concerns the transmission of knowledge, worldviews and values which underpin individual and collective identities.

If, in theory, all rights are of equal status and importance, in practice cultural rights have often been considered ‘the Cinderella of the Human Rights family’.³³ This neglect is a direct consequence of the conceptual and political challenges they pose.

Indeed, it has been argued that cultural rights can in fact conflict with other human rights. This argument is based on the conceptual confusion between cultural rights and cultural practices, customs or prejudices which infringe on human dignity, for example, female genital mutilation/cutting or widow cleansing. The UNESCO Universal Declaration on Cultural Diversity (2001) is clear on this point, asserting that ‘cultural rights are an integral part of human rights, which are universal, indivisible and interdependent’ and that ‘No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope.’ Similar provisions are contained in other global instruments. For example, the Committee on the Rights of the Child has underlined in its General Comment on Indigenous Children that cultural practices provided by Article 30 of the Convention on the Rights of the Child must be exercised in accordance with other provisions of the Convention, and under no circumstances may be justified if deemed prejudicial to the child’s dignity, health and development.

As the United Nations Population Fund (UNFPA) observes, cultural practices and traditions of indigenous cultures can indeed promote and advance human rights, gender equality and development. If tensions between cultural practices and human rights occur, it is important to remember that no

³² Yvonne Donders, ‘The Legal Framework of the Right to take part in Cultural Life.’ Y. Donders and V. Volodin, *Human Rights in Education, Science and Culture. Legal Developments and Challenges*, UNESCO, 2007.

³³ Yvonne Donders, ‘The Legal Framework of the Right to take part in Cultural Life.’ Y. Donders and V. Volodin: *Human Rights in Education, Science and Culture. Legal Developments and Challenges*, UNESCO, 2007.

³⁴ Indigenous traditional livelihoods include, for instance, swidden agriculture, rotational farming or shifting cultivation, pastoralism, fishing/coastal and marine livelihoods, agroforestry, hunting and gathering, high mountain, indigenous production systems and handicraft development.

culture is static, but rather constantly adapting and changing according to new demands and intercultural contact. Indeed, intercultural dialogue may facilitate the understanding, meaning and application of human rights while rights guarantee the flourishing of culture in its diversity.

DCI furthermore implies special consideration of the human rights of women, children and youth, since they often suffer from multiple sources of discrimination within their communities and the larger societies in which they live. While explicitly mentioned in several articles of UNDRIP, these groups have not always received the distinct consideration they deserve as key actors of DCI. Indigenous children and youth are often among the most marginalized and vulnerable members of society. They face significant challenges to the realization of their right to birth registration, name and nationality, which are prerequisites for other human rights as well as to their right to health and education services. Economic marginalization and loss of cultural reference points resulting from the denial of land rights can also have a devastating impact. Indigenous women may be subject to gender discrimination both within and outside their communities, and suffer disproportionately from economic, social and political marginalization affecting their communities as a whole. Indigenous women, children and youth therefore require particular attention and targeted approaches, based on the interplay of cultural diversity and human rights perspectives.

In conclusion, the legal foundations of DCI are enshrined in international human rights standards that have been elaborated during the past five decades. States are required to respect their international human rights obligations, including the full and effective participation of indigenous peoples – notably indigenous women, youth and children – in establishing development policies and programmes, even when those voices reflect different visions and cultural perspectives of human development. The adoption of UNDRIP therefore requires new approaches to development that are respectful of indigenous peoples' cultures within larger human rights frameworks, and which encourage the building of genuine partnerships.

II. Applying DCI in UN areas of work

The various dimensions and principles of DCI not only form part and parcel of UN development discourse and legal instruments, but also find concrete application in various areas of work of UN agencies. Given the magnitude of relevant work carried out by the UN, the task of undertaking a comprehensive analysis from a DCI perspective would go well beyond the scope of this paper. Moreover, any such analysis to establish criteria for what would qualify as ‘best practice’ is currently hindered by a lack of appropriate tools. UNDRIP, however, provides a useful starting point for an analytical programming lens, while the discussion below may contribute to reflection on what good DCI practice entails and what challenges persist.

Presenting key UN programme areas to support DCI: from socioeconomic development and the environment to health, education and culture

The UN includes a rich array of development project and programme experiences that reflect principles and issues of DCI, as discussed in section I. Some of these are presented below and fall under the six mandated areas of UNPFII, which are: (i) economic and social development, (ii) environment, (iii) health, (iv) education, (v) culture, and (vi) human rights. These examples were identified by IASG members as illustrations of good DCI practice for the purpose of this joint paper, and only provide a glimpse of what is being done (for further details on the projects submitted by the agencies, please refer to the annexes at the end of the present report):

- **Sustaining the livelihoods of indigenous peoples,**³⁴ including food systems and food sovereignty, since these represent key sources for their identity, survival and economic development. Specific examples include the work of FAO on creating an enabling environment for food security and livelihood sustainability through capacity-building of rural indigenous organizations,³⁵ and IFAD’s extensive support to demand-driven projects for the economic empowerment of indigenous communities through its loan and grant-financed projects, and the innovative Indigenous Peoples Assistance Facility³⁶ (see Annex 1).
- **Addressing issues of access to and protection of land, territories and resources.** Many projects and programmes in this area support and facilitate processes of consultation, dialogue and negotiation between indigenous communities, governments and third parties. FAO, for example, developed an approach entitled ‘Participatory and Negotiated Territorial Development (PNTD)’ for areas with competitive and multiple uses of land and natural

³⁴ Indigenous traditional livelihoods include, for instance, swidden agriculture, rotational farming or shifting cultivation, pastoralism, fishing/coastal and marine livelihoods, agroforestry, hunting and gathering, high mountain, indigenous production systems and handicraft development.

³⁵ See <http://www.fao.org/gender/en/> and <http://www.fao.org/economic/esw/esw-home/esw-indigenous-peoples/en/>

³⁶ See <http://www.ifad.org/english/indigenous/grants/index.htm>:

resources. It facilitates dialogue among the various actors involved in order to promote a negotiated approach to territorial development. The PNTD has been successfully used to defend indigenous peoples' rights and interests in various parts of the world (see Annex 2).³⁷ UN-HABITAT together with the Global Land Tool Network (GLTN) is currently developing a policy guide on land for indigenous peoples in cities. This guide is expected to serve policymakers worldwide as tool to support indigenous peoples' access to land and security of tenure in urban areas. At the inter-agency level, the International Land Coalition (ILC)³⁸ and its regional platforms in Asia, Latin America and Africa have prioritized the land rights of indigenous peoples. They support mapping of indigenous territories, innovation in securing territorial rights of indigenous peoples in the face of increasing commercial pressures on their lands, and self-determination for indigenous territorial autonomies within the evolution of a democratic state.

- **Promoting the sustainable use of natural resources and the protection of biodiversity**, especially in light of the fact that indigenous peoples' traditional lands and territories host much of the world's biological diversity. This has been one area of focus of UNESCO's Local and Indigenous Knowledge Systems (LINKS) programme, which aims to build dialogue amongst traditional knowledge-holders, natural and social scientists, resource managers and decision-makers, to enhance biodiversity conservation and secure an active and equitable role for local communities in resource governance.³⁹ The UNESCO 'Man and the Biosphere Programme' is an intergovernmental programme, which also works closely with local and indigenous communities, for the improvement of relationships between people and the environment in accordance with the principle of sustainable use and conservation of biological diversity. The Globally Important Agricultural Heritage Systems (GIAHS) programme, supported by FAO, provides another instructive example (See Annex 3).⁴⁰
- **Developing strategies for climate change adaptation and mitigation** by giving voice to indigenous peoples' knowledge, experiences and perspectives and supporting measures to ensure resilience. For example, the 'Climate Frontlines Forum',⁴¹ a joint initiative of UNESCO, the Secretariat of UNPFII, the Secretariat of the Convention on Biological Diversity (SCBD) and the Office of the High Commissioner for Human Rights (OHCHR), gives voice to indigenous communities and supports local demand-driven projects. The UNEP Global Resource Information Database (GRID) 'Many Strong Voices Programme'⁴² aims to support exchange of knowledge and expertise on climate change between the Arctic

³⁷ See http://www.fao.org/sd/dim_pe2/pe2_050402a1_en.htm

³⁸ ILC is a global alliance of organization that brings together members from the UN system (IFAD, FAO, WFP, UNEP, and the World Bank) with a wide variety of civil society organizations, including indigenous people's organizations.

³⁹ See www.unesco.org/links

⁴⁰ See ftp://ftp.fao.org/sd/SDA/GIAHS/GIAHS-sns-ES_strategicframework_dft2-rev-8_March-051.pdf

⁴¹ <http://www.climatefrontlines.org>

⁴² <http://www.manystrongvoices.org>

and Small Island Developing States (SIDS), and to assist peoples in both regions to support each other in getting their voices heard at local, regional and international levels (see Annex 4).

- **Fostering policies and measures for the realization of the right to adequate housing**, notably in contexts of displacement and urban migration. In this regard, UN-HABITAT is providing decision-makers with guidance on implementing policies and programmes that involve indigenous peoples in improving their living conditions in urban areas, building on their know-how and customs, and thus promoting their right to adequate housing⁴³ (see Annex 5).
- **Promoting and implementing approaches to healthcare and prevention** that are culture and gender sensitive and rights-based, building on indigenous peoples' knowledge and responding to their specific needs. UNFPA and UNICEF are applying culture-sensitive approaches to sexual and reproductive health as well as maternal and child health, based notably on culturally appropriate infrastructure and training of health staff (see Annex 6).⁴⁴ UNESCO, UNFPA and UNICEF propose culturally sensitive approaches to HIV and AIDS prevention and care in the context of UNAIDS, building on local assets and taking into account indigenous beliefs, practices and sensitivities about illness, sex and reproduction. They work with indigenous communities and adolescents in different parts of the world.⁴⁵
- **Advancing mother tongue and intercultural education**. This implies respecting the rights of the child and principles of non-discrimination in education,⁴⁶ in order to address the two-fold challenge of supporting and promoting the maintenance, use and survival of indigenous cultures, tradition and identity, while also providing the knowledge and skills that allow indigenous peoples to participate fully and equally in the national and international community. Examples include UNICEF's initiatives for the production and dissemination of bilingual educational materials drawing on indigenous forms of creative expressions or UNESCO's support to intercultural education with indigenous peoples, including programmes that incorporate indigenous local knowledge and language content into school curricula (see Annex 7).⁴⁷
- **Defending the creative capacity of indigenous peoples**. This takes multiple intangible and tangible forms and regenerates itself through contemporary invention, thus making an outstanding contribution to the common heritage of humanity.⁴⁸ These expressions are

⁴³ See, notably, *Policy Guide to Housing for Indigenous Peoples in Cities*, UN-HABITAT, 2009.

⁴⁴ For a concrete example, see also the case of the Jambi Huasi Health Clinic in Otavalo, Ecuador:

http://www.unfpa.org/video/2005/jambi_huasi.htm

⁴⁵ See the following link for further details on the UNESCO project 'Culture, HIV and AIDS': www.unesco.org/culture/aids

⁴⁶ See the Convention on the Rights of the Child (1989) and the Convention against Discrimination in Education (1960).

⁴⁷ See, for example, the project *Village-level Documentation and Transmission of Local Environmental Knowledge, Solomon Islands*:

http://portal.unesco.org/science/en/ev.php-URL_ID=4989&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁴⁸ According to UNESCO, tangible heritage is understood as cultural and natural sites, including sacred sites, monuments and cultural landscapes; intangible heritage comprises oral traditions and expressions, notably languages as a vehicle of knowledge, knowledge systems and practices concerning life, nature and the universe, traditional craftsmanship, performing arts, such as traditional music, dance and theatre,

integral to the cultural and social identities of indigenous and local communities, since they embody know-how and skills and transmit core values and beliefs. Given that ‘culture’ for indigenous peoples embodies a whole way of life that stems from their livelihoods and their relations to the land, projects in this field often touch upon a wide array of development issues. UNESCO works with indigenous peoples in all areas of heritage and cultural expressions, including the safeguarding of indigenous languages, indigenous peoples’ intangible heritage, as well as the protection of indigenous sacred sites and cultural landscapes and so on.⁴⁹ WIPO, on the other hand, has an extensive programme on the protection of traditional cultural expressions (TCEs) and traditional knowledge (TK) against misappropriation and misuse (see Annex 8).⁵⁰

- **Educating and advocating for the human rights of indigenous peoples**, thus creating an enabling environment for their realization beyond legal and procedural mechanisms. The Indigenous Fellowship Programme, coordinated by OHCHR with the participation of other agencies, offers one noteworthy example of such efforts. Since 1997, it has provided training to indigenous representatives from all over the world on UN instruments, programmes and mechanisms relevant to the protection and promotion of the rights of their peoples. Another example is UNICEF’s support to programmes aiming to promote birth registration in indigenous communities and national/international initiatives aimed towards sensitizing governments and administrations on the right to birth registration, as an important pre-condition to the exercise of other human rights (see Annex 9).

Assessing thematic UN programmes from a DCI perspective

The different examples above illustrate ways of fostering the right of indigenous peoples to pursue their economic, social and cultural development. Each takes the specific situation, socio-cultural values, heritage, assets and perspectives of indigenous peoples as a starting point for the intervention. They thus indicate a shift from a ‘deficit’ and a ‘one-size fits all’ development approach to tailored and diversified ways of addressing critical development issues in line with DCI. The examples of supporting sustainable livelihoods and food systems, in particular, illustrate ways of moving away from reducing indigenous peoples to victims of poverty, and towards acknowledging their leadership

social practices, rituals and festive events (see the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage and the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage). Protecting and promoting the diversity of cultural expressions of indigenous peoples refers to supporting their creation, production, dissemination and distribution as well as ensuring access to their own productions (2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions). In the context of their protection, WIPO considers that traditional cultural expressions (or, ‘expressions of folklore’) include *inter alia* music, art, designs, names, signs and symbols, performances, architectural forms, handicrafts and narratives.

⁴⁹ See, notably, Robert Wild and Christopher McLeod, *Sacred natural sites: guidelines for protected area managers*, IUCN. World Commission on Protected Areas, 2008; and *Conserving Cultural and Biological Diversity: The Role of Sacred Natural Sites and Cultural Landscapes*. Proceedings of the International Symposium, Tokyo 30 May to 2 June 2005. UNESCO, Paris, 2006.

⁵⁰ See www.wipo.int/tk/en/folklore/culturalheritage/

in finding their own solutions, and driving their own socio-economic development based on their perspectives, institutions and worldviews.

However, much of UN development practice in the public services domain (including health, housing or education) seems to focus on rendering services more accessible and relevant to indigenous peoples rather than, as stipulated in UNDRIP, reinforcing indigenous peoples' own institutions. Perspectives on this issue may also vary depending on whether indigenous communities still live collectively on ancestral lands (or lands assigned to them in contexts of displacement), or if they no longer live a communal life, but are more dispersed, often in cities. Research indicates that there is apparently a greater willingness to include indigenous peoples in planning and management of issues regarding 'nature' and the 'environment' rather than in planning of urban spaces and communities. More research is required to obtain a fuller picture of how the UN has been able to successfully support indigenous peoples' own institutions within various programme fields and contexts.

Indeed, even if we analyse projects and programmes where culture is at the centre of the intervention, compliance with DCI is not obvious or 'automatic'. There have been cases where cultural heritage projects, for example, applied safeguarding or conservation approaches on behalf of rather than *with* the community concerned.⁵¹ Similarly, projects promoting indigenous peoples' cultural expressions can be disrespectful of indigenous peoples' rights if non-indigenous individuals take the lead in producing cultural expressions of indigenous peoples and pass these off as their intellectual property.

DCI, it can be argued, is thus essentially a transversal, intersectoral approach in which processes are more determinant for its successful application than specific subject matters.

Identifying adequate participatory methods and programming tools in support of DCI

All UN agencies have experience in developing tools, methodologies, mechanisms and capacities that empower indigenous peoples to express and communicate about their worldviews, identity, rights and aspirations in the context of decisions concerning the development of their communities. These include consultation and dialogue mechanisms for communication and negotiation with governments and third parties.

⁵¹ In this context it is important to note that the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage is giving increasing attention to the integration of indigenous concerns in the protection of World Heritage, including recognition of the role of indigenous communities in the definition of what possesses heritage significance. In June 2007, the Committee adopted a proposal to add 'community' to the four strategic 'Cs' guiding the action of the World Heritage Centre (credibility, conservation, capacity-building and communication). As for the 2003 Convention on Safeguarding of the Intangible Heritage, its chapter on implementation mechanism is of great relevance regarding the principles of consulting and taking into account the views of indigenous peoples, since it emphasizes the importance of involving communities.

Participatory mapping, for example, which is increasingly used by UN agencies in their development interventions with indigenous peoples, could be considered a cornerstone of applying DCI, as it renders socio-cultural assets and indigenous community knowledge explicit. Indeed, if carried out respectfully, participatory mapping is ‘a powerful tool for making intangible heritage and local and indigenous knowledge systems visible in a medium that can be understood by both dominant and non-dominant cultures.’⁵² It can reinforce a community’s consciousness of its specific cultural traditions, resources and institutions so that its members are better prepared to express their rights, visions and priorities when confronted with development interventions initiated by a third party, whether in the area of land use, education, health or conflict prevention. However, as is now widely acknowledged, participatory mapping has to be demand-driven, contextualized and community owned and controlled to avoid the risks implied in ‘extractive’ and ‘externally-led’ approaches, such as risks of ‘folklorization’ or violations of peoples’ human rights. Unethical and badly conceived mapping can expose communities, their knowledge and the natural environment to exploitation and abuse. The Havana Communiqué on cultural mapping sets out some of the key ethical principles.⁵³ More research on analysing concrete examples of participatory mapping from a DCI perspective could be insightful for further improving UN action in this area.

The different ‘**culture lenses**’ developed in the UN system are another example of transversal tools to ensure that development programming respects principles of DCI. For example, the ‘culture lens’, created by UNFPA, is an analytical and programming tool used to analyse, understand and utilize positive cultural values, assets and structures in planning and programming processes.⁵⁴ The approach includes: respecting the cultures of others, honouring commitments and promoting universally recognized human rights and gender equality in ways that enable communities to *own* these rights.⁵⁵

UNESCO developed the ‘Cultural Diversity Programming Lens’, which is an analytical framework based on the principles enshrined in the Universal Declaration on Cultural Diversity (2001). It aims to enhance commitment towards cultural diversity and cultural rights by providing practical guidelines for transforming the Declaration’s principles into reality, placing a strong emphasis on intercultural dialogue as a principle and a modality in the process. It can be applied to projects, programmes, policies, proposals and practices at all stages of a programme cycle, in other words, design, implementation and monitoring.

⁵² Nigel Crawhall and Susanne Schnuttgen: ‘A UNESCO Meeting Report: Cultural Mapping’, Havana, Cuba, 7–10 February 2006, *Participatory Learning and Action*, No. 54 on ‘Mapping for Change’, CTA and IIED, April 2006: 140–41. CTA is currently developing a Multilingual, multimedia and modular training kit on ‘Participatory Spatial Information Management and Communication in cooperation with several organizations and financially supported by IFAD.

⁵³ The Havana Communiqué on Cultural Mapping was prepared by a team of experienced mapping specialists at the UNESCO colloquium on ‘New Perspectives on Cultural Diversity: the Role of Communities’ held in Havana, Cuba, February 2006. Available at <http://dgroups.org/DisplayKnowledge.aspx?c=98db21ba-861e-47bc-8491-ff972bb0b66d&f=2cb168de-86e7-42c1-a8be-4a7f52ddec8&i=9e9402e2-1160-4202-9a00-19227dbc7283>

⁵⁴ UNFPA, *The Culture Lens*. Available at <http://www.unfpa.org/culture/culture.htm>.

⁵⁵ UNFPA, *Guiding Principles for Working from Within*. Available at: <http://www.unfpa.org/culture/guiding.htm>.

Communication for development (C4D) is another strategic approach relevant to indigenous peoples, since it emphasizes the need to support multi-way communication systems that enable dialogue, allow communities to express their aspirations and concerns, and empower them to participate in decisions that relate to their development. While agencies focus on different dimensions and involve indigenous peoples to various degrees, FAO is known for its experience in supporting specifically ‘Indigenous Peoples’ Communication for Development’ as a strategic element in supporting sustainable livelihoods and self-determined development. One of the main activities has been the establishment of regional participatory communication platforms for indigenous peoples, such as the *Plataforma Indigena* in Latin America and *K-Net* in Canada. The platforms constitute a channel for the exchange of knowledge, proposals and mechanisms to facilitate coordination and cooperation among different stakeholders, while searching for common ground with indigenous peoples. In UNICEF, individual and community engagement in and ownership of protection, education, health and other initiatives is seen as a foundation for sustainable development strategies. In dozens of countries, from Bangladesh to Bolivia, indigenous peoples are engaged in dialogue, consultation and debate. Empowered communities and networks can in turn influence or reinforce positive social norms and cultural practices that create an enabling environment, which supports sustainable social change, such as acceptance of enrolment of girls in primary education or vaccinations for children.

A resource pack on different approaches to research, monitoring and evaluating communication for development is being assembled by UN agencies and will provide additional insights on operationalizing DCI.⁵⁶

Speaking more generally, raising awareness of the specific situation of indigenous peoples and their development concerns, as well as the global benefits for sustaining cultural and biological diversity, should continue to form an integral part of the communication strategies of all UN agencies.

As the above analysis has shown, determining the degree to which UN projects and programmes reflect principles of DCI, notably the principles of self-determination, is both complex and challenging; the idea of developing a specific DCI programming tool to encourage and guide development actors in the analysis of their programmes could be considered. Indeed, successful moves towards implementing DCI will depend crucially on how we go about development, rather than the choice of subject matter of a specific intervention.

⁵⁶ See also UN document A/63/180UN entitled ‘Communication for development programmes in the United Nations system’. Report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the implementation of General Assembly resolution 50/130, including the recommendations of the 10th United Nations Inter-Agency Round Table on Communication for Development.

III. Setting DCI in motion, notably at the country level: processes and challenges

DCI is an ambitious approach, which requires specific efforts, processes and methodologies for effective application, particularly at the country level. It calls notably for a larger enabling institutional/governance and policy environment as well as political will, specific knowledge and capacities, and adequate financial resources. Otherwise, DCI efforts will only have limited chances of success and their impact might remain dispersed, outside larger national development priorities and strategies.

The IASG, in cooperation with UNPFII, has identified a number of ideas and processes focusing on ways in which the UN system as a whole could advance DCI, as well as current challenges to implementation.

The UNDG Guidelines on Indigenous Peoples' Issues: a roadmap for implementing UNDRIP

The UNDG Guidelines on Indigenous Peoples' Issues⁵⁷ were adopted in 2008, providing a concrete inter-agency response to the comprehensive normative framework provided by UNDRIP. Together with the Action Plan for roll-out and implementation they provide an overarching roadmap for operationalizing DCI at the country level. Their purpose is to assist the UN system to mainstream and integrate indigenous peoples' issues in processes for operational activities and programmes at the country level by:

- setting out a broad normative, policy and operational framework for implementing a human rights-based and culturally sensitive approach to development for and with indigenous peoples
- suggesting lines of action for planning, implementation and evaluation of programmes involving indigenous peoples
- providing a framework for duly integrating the principles of cultural diversity into UN country programmes.

The UNDG Guidelines highlight a number of interrelated methodological issues which could become critical for setting DCI into motion at country level. These include the following:

Respect for and application of the principle of free, prior and informed consent, which implies an absence of coercion, intimidation or manipulation in the context of development interventions; that consent has been sought with respect for indigenous peoples' governance structures and sufficiently in

⁵⁷ <http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf>

advance of any authorization or commencement of activities; that respect is shown for time requirements of indigenous consultation/consensus processes and that full and understandable information on the likely impact is provided.

Full and effective participation of indigenous peoples (including the participation of indigenous women, children and youth) at every stage of any development action that may affect them direct or indirectly. This goes beyond mere consultation and leads to concrete ownership of projects by indigenous peoples and implies specific mechanisms such as, for instance, the creation of indigenous bodies or councils at the national, regional and local level.

Disaggregated data and indicators (including disaggregation by gender) on the situation of indigenous peoples should be supported by United Nations Country Teams (UNCTs) and serve as the basis for design of policies and programmes. Such data is to be obtained with the free prior and informed consent of indigenous peoples, while new indicators could possibly reflect indigenous peoples' own concepts of development and well-being.

One significant example of interagency collaboration is the establishment of consultative and participatory mechanisms for engaging with indigenous peoples at regional and country level. Examples include UNICEF's consultative group of indigenous leaders in the LAC Region – a mechanism that is now used by the whole UN system in that region, UNDP's consultations with indigenous communities in Latin American countries, or the institutionalized participation mechanisms put in place by WIPO and UNEP. Other agencies such as IFAD and UN-HABITAT are currently planning the creation of such participation forums.

Increased capacity-building efforts on indigenous peoples' issues among UNCTs are another recent outcome of the undg Guidelines and its Action Plan. Training has already been undertaken in Nepal, the Philippines and Ecuador and will continue over the next few years. In addition, a course was given for government officials in Ecuador at the request of the Government, focusing on development, indigenous peoples and inter-culturality. The Secretariat of the UN Permanent Forum on Indigenous Issues (SPFII) brought together different agencies to develop a Resource Kit on Indigenous Peoples' Issues⁵⁸ and a corresponding Training Module. A training of trainers on indigenous issues was organized by SPFII in June 2009 in cooperation with the ILO Training Centre in Turin. Other tools include the ILO's Practice Guide for the Implementation of Indigenous Peoples' Rights and the new online training website for a one-week-course on indigenous peoples' rights.

⁵⁸ *Resource Kit on Indigenous Peoples' Issues*, United Nations, 2008.

Consolidating, complementing and articulating relevant legal instruments

While international normative frameworks for DCI are in place to a large extent (see section I), there is a need to further promote the ratification, effective implementation and monitoring of key normative instruments – both those with a direct focus on indigenous peoples’ rights and those which are geared towards specific aspects of DCI.

With regard to ILO Convention No. 169, the adoption of UNDRIP may provide renewed momentum for its ratification.⁵⁹ Regarding the Culture Conventions and the Convention on Biodiversity, the extraordinary speed and numbers of their ratification underlines the commitment of the international community to giving greater recognition to cultural and biological diversity in national policy. The ongoing challenge is to identify and support ways and means by which these instruments can best promote the rights of indigenous peoples in their specific contexts. Indeed, in light of UNDRIP, more research and advocacy are needed to effectively articulate the various instruments relevant to ‘DCI’ and their implications for indigenous peoples.

In particular, the implications of existing international legal frameworks should be explored in relation to national legislation and the situation of indigenous peoples at the country level. In this regard, the IASG, during its special meeting on UNDRIP in February 2008, highlighted the following challenges: lack of accountability, monitoring and capacity for the implementation of existing national legal frameworks; low awareness of indigenous issues by the judiciary; and limited knowledge of the meaning of the principle of free, prior and informed consent by the private sector.

IASG Members further noted that ‘even strong institutional policies of support to indigenous peoples may eventually have only limited impact if such policies do not contain clear compulsory procedural steps to ensure their adequate application’. From this analysis followed a number of recommendations, including the development of prescriptive procedural measures to ensure adequate application of institutional policies, as well as the establishment/reinforcement of monitoring and accountability mechanisms in relation to the various policies and instruments to promote and implement indigenous peoples’ rights. These include concrete steps by all UN bodies and agencies to promote the full implementation of UNDRIP in accordance with Articles 41 and 42 of the Declaration; increased inter-agency collaboration in relation to the ILO’s supervisory bodies and UN human rights treaty bodies, special procedures and Universal Periodic Review processes; the definition of benchmarks and indicators; participatory reviews of agencies’ policies and programmes; and assistance to governments to encourage dialogue with and reporting to UNPFII. All these recommendations are of the utmost importance in the context of operationalizing DCI.

⁵⁹ See the Report on the IASG Special meeting on the United Nations Declaration on the Rights of Indigenous Peoples, 26 and 27 February 2008(E/C.19/2008/CRP. 7).

The existing legal frameworks for DCI may in the future be complemented with new norms. Ongoing negotiations within WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) on the draft provisions for the effective protection of traditional knowledge and traditional cultural expressions against misappropriation and misuse are significant in this regard. The indigenous peoples' representatives who have so requested have been granted observership status at the WIPO IGC, and many have received the financial support of a special Voluntary Fund when participating. Another example is the recent discussions within UNESCO on assessment of the technical and legal aspects of a possible international standard-setting instrument for the protection of indigenous and endangered languages.

Policies on indigenous peoples at the level of UN agencies – a positive factor for DCI

The elaboration of policies, strategies or guidelines on indigenous peoples by individual agencies is yet another important institutional development from the perspective of DCI. Such policies reflect the application of UNDRIP principles in the context of a specific Organization's mandate, strategy and intervention. They have succeeded in giving greater visibility to indigenous peoples' issues within an organization and provide the enabling environment required to develop relevant projects and programmes, networking and the identification of targeted budgets. The elaboration process of these policies, which requires the mobilization of committed senior managers and extensive consultation with Member States, is a valuable means for agencies to build political commitment and capacity on indigenous peoples' issues. IFAD, which after a long process successfully adopted its Policy on Engagement with Indigenous Issues in September 2009, offers a recent example of such a process. It is also worth noting that this policy builds on the cultural heritage and identity of indigenous peoples as assets and pays full tribute to the principles of free, prior and informed consent.⁶⁰

Other examples include the World Bank's Revised Operational Policy and Bank Procedure on Indigenous Peoples (2005), the Inter-American Development Bank's Policy on Indigenous Peoples (2006), UNDP and Indigenous Peoples: A Policy of Engagement (2001), the policies of the European Bank for Reconstruction and Development (2009) and of the European Investment Bank (2008), as well as the recent Safeguard Policy Statement of the Asian Development Bank, which includes consent of affected indigenous peoples' communities for specific project activities. FAO and UNICEF are also in the process of elaborating policies, while UNEP as well as UN-REDD have developed new guidelines on how to work with indigenous peoples. UNESCO meanwhile published a handbook entitled 'UNESCO and Indigenous Peoples: Partnership for Cultural Diversity' (2004). However, the

⁶⁰ See <http://www.ifad.org/gbdocs/eb/97/e/EB-2009-97-R-3-REV-1.pdf>

major challenge will be to ensure that the staff and stakeholders concerned are sufficiently informed and trained to put such policies into practice.

Challenges in promoting DCI through UN action – an analysis of current aid architecture

While institutional responses to indigenous peoples’ issues at the UN level have gained prominence, critical barriers to involving indigenous peoples in governance processes remain. This is one of the findings of regular reviews prepared by SPFII of MDG country reports, CCAs/UNDAFs (Common Country Assessment/UN Development Assistance Frameworks) and human development reports.⁶¹ Even if such obstacles are often beyond the direct control of the UN, there are a number of steps agencies can take in order to create an enabling environment to address them. These issues will be explored below through an analysis of the challenges raised by the architecture of development aid.

The Paris Declaration on Aid Effectiveness (2005), an international agreement to increase efforts to harmonize, align and manage aid, and the Accra Agenda for Action (2008) emphasize that implementation should be through country systems and that conditionalities should be drawn from developing countries’ own policies.

Considering that many developing countries, particularly in Africa and Asia, do not recognize indigenous peoples’ rights in formal legislative or policy, there is an inherent risk that indigenous peoples will be further excluded from the development process unless specific safeguards are developed. This concern is reinforced by the fact that indigenous peoples’ representatives have been only marginally involved in discussions regarding the Aid Effectiveness Agenda. The risks related to the main principles of the Paris Declaration are summarized in the table below.

Aid effectiveness principles	Risks
Ownership and alignment: Developing countries exercise strong and effective leadership over their development policies and plans. Donors base their support on developing countries’ own policies, strategies and systems.	Many indigenous peoples have none or only weak participation in Parliament, governance structures and national decision-making processes. Often, their needs and priorities are not reflected in development policies and plans and they do not benefit proportionately from poverty reduction efforts. Also, donors often have weak capacity or hesitate to engage in policy dialogue on indigenous peoples’ issues and may not comply with their own institutional policies on supporting indigenous peoples, if recipient countries are reluctant.
Harmonization: Donors coordinate their activities and minimize the cost of delivering	The lack of a common policy or strategy on support to indigenous peoples (in the context of the commitments stipulated by the Paris Declaration and Accra Agenda) could possibly undermine the value of individual donor policies on

⁶¹ <http://www.un.org/esa/socdev/unpfii/en/publications.html>

aid.	support to indigenous peoples.
<p>Managing for results and mutual accountability:</p> <p>Developing countries and donors orient their activities to achieve the desired results, using information to improve decision-making. Donors and developing countries are accountable to each other for progress in managing aid better and in achieving development results.</p>	<p>In most countries, adequate data on indigenous peoples are not available and national statistical bureaus do not always have the capacity to provide disaggregated data. Furthermore, marginalization, also with regards to access to education and information, may imply in some instances that indigenous peoples do not have the institutional capacity or political leverage to ensure or monitor whether their needs and priorities are reflected in programmes and budgets. Indeed, the reformed aid architecture as such does not provide explicit safeguards to ensure that ‘effectiveness’ does not jeopardize the rights-based approach to indigenous peoples’ development.</p>

In February 2007, the OECD Development Assistance Committee (DAC) adopted an Action-Oriented Policy Paper on Human Rights and Development (AOPP), acknowledging that the international human rights framework and the Paris Declaration should reinforce and benefit from each other. This thinking provides an entry point for the inclusion of indigenous peoples’ rights in development cooperation. However, a key challenge from a DCI perspective is that while the UN Declaration on the Rights of Indigenous Peoples was adopted with an overwhelming majority and presents key human rights instruments to frame collaboration on indigenous peoples’ issues, many governments are still not applying it to set the standards for national policies and/or development cooperation. There is thus a need for ongoing dialogue among OECD-DAC members, developing countries, the UN system and indigenous peoples on how to ensure that indigenous peoples’ rights and aspirations are addressed and supported, in the context of the Aid Effectiveness Agenda. In this regard, it will be important to highlight the multiple benefits of self-driven approaches to development.

Conclusion

The present paper set out to instigate reflection and dialogue on Development with Culture and Identity (DCI) from an interagency perspective in order to advance thinking and stimulate ideas for action in the UN system regarding DCI and its applications. To this end, it analysed the theoretical and legal underpinnings of DCI in UN development discourse and normative frameworks, as well as its implications for the UN system in terms of programming, policy and governance processes.

A number of key messages arose from this reflection, which are as follows:

- While ‘development’ interventions are intended to bring benefits, they may in fact be detrimental to the target population or community, if founded on preconceived assumptions about what constitutes ‘progress’. They can indeed perpetuate existing prejudice, exclusion and power imbalances, ultimately undermining the cultures of the peoples concerned. Indigenous peoples are particularly familiar with these negative effects of development programmes.
- Indigenous peoples have developed effective methods for managing and caring for their environments, livelihoods and well-being. They also have strategies for coping with social and environmental change. These capacities are valuable assets for sustainable human development. The commitment of development agents at all levels is required to fully recognize diversity and distinctiveness, acknowledging indigenous peoples as creators and agents of development initiatives. Such self-driven approaches may further the effectiveness and sustainability of development programmes, grounded in locally tailored, environmentally and culturally appropriate strategies that are more likely to be supported and continued by the population and communities concerned.
- DCI clearly draws from, embraces and creates synergies amongst critical conceptual frameworks, strategies and legal advances in UN development efforts, effectively linking principles of human development, sustainability (urban/rural), gender, cultural and biological diversity within a larger human rights framework.
- DCI, as a specific approach to development, embedded in UNDRIP, requires new ways of going about development, emphasizing full participation, the need for new governance and institutional arrangements.

- In addition to much-needed institutional commitment, a DCI approach will require genuine intercultural dialogue between indigenous and non-indigenous partners to reinforce mutual respect and appreciation for their respective worldviews, values, cultures and socio-economic institutions. These provide an invaluable reservoir of knowledge and concepts about well-being and thus a dynamic resource for sustainable development.

Based on these key messages, priority areas for action can be determined:

- As UNDRIP provides a comprehensive and key framework for DCI, it needs to be mainstreamed in all UN policies and programmes to facilitate implementation of DCI.
- The UNDG Guidelines and action plan should be put into effect, as together they provide a useful roadmap for the UN for promoting implementation of DCI, notably at country level.
- Even if current aid architecture acknowledges a human rights-based approach to development cooperation, in reality the rights enshrined in UNDRIP are not systematically respected. This poses a challenge for efforts to promote DCI. It will therefore be important for all stakeholders, including the UN, to continue dialogue with governments to ensure that efforts to promote DCI receive the support they require.
- Taking DCI forward through UN action will require careful assessments through the lens of key principles and norms, such as self-determination, cultural rights and cultural and biological diversity. In other words, DCI is an ambitious and challenging approach, and development programmes and projects cannot be automatically labelled as examples of good practice of 'DCI' just because they address indigenous peoples' issues.

Crucially, several issues emerge from the paper that merit more reflection and ongoing dialogue to further develop the evolving notion of DCI:

- DCI is underpinned by a complex legal structure connecting different existing human rights standards and ethical principles, all of which are indivisible. Therefore, DCI cannot be equated with self-determination in absolute terms, nor do culturally sensitive development approaches ensure automatic compliance with DCI. Balancing the right to self-determination with other human rights and principles of DCI is an ongoing challenge, and could become a new focus of collaborative action-oriented research between indigenous peoples and UN agencies.

- There exists the possibility of tension between indigenous peoples' holistic cosmovisions, which see the human being and nature as indivisible, and the anthropocentric worldview that anchors much of UN development discourse, emphasizing 'people-centred' approaches. The discussions and work on linking cultural and biological diversity have opened up new spaces in the UN to address this gap, but more intercultural dialogue is required in the context of DCI.
- Indigenous identities, like all identities, are complex, fluid and of multiple nature, and thus cannot be confined to a single definition. Therefore, all stakeholders have to be cautious of homogenizing indigenous peoples' cultures and identities. Further insight could be provided by additional exploration of the place of plural identities and multiple cultural affiliations of indigenous individuals and communities living, for example, in urban areas, within the context of policy and programming for DCI.

It is hoped that this paper will bring fresh energy to the debate on DCI as a horizon for development cooperation with indigenous peoples, articulating further the concepts, norms and practices pertaining to this new approach. This year sees the 9th session of the UN Permanent Forum and the Mid-Term Review of the Second International Decade of the World's Indigenous People, together with the twentieth anniversary of the *Human Development Report*, the International Year for the Rapprochement of Cultures (2010) and the International Year of Biodiversity (2010). All these occasions provide singular opportunities to further advance dialogue with indigenous peoples on DCI and to share ideas for collaborative action to make it happen.

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Annex 1: Improving food and livelihood security for self-sustainable and self-determined development: examples from FAO and IFAD

In pursuing efforts to increase food and livelihood security in keeping with sociocultural preferences as well as economic feasibility, FAO has collaborated with indigenous peoples to help create enabling environments for self-sustainable and self-determined development. In the Andean regions of Bolivia, Ecuador and Peru, for instance, FAO has supported local indigenous organizations to increase their role in and capacity to improve the socioeconomic status of their own communities. The project's main objective is to strengthen rural indigenous organizations' management skills to improve food security. To achieve this, the project works on two parallel and interdependent axes: the institutional strengthening of indigenous organizations and the use of traditional products for better food security and nutrition levels. Several training workshops have been developed together with community members and indigenous organizations, focusing on areas such as organization, management, planning, and monitoring and evaluation skills. Additional training sessions have focused on more 'technical' aspects of production, processing and breeding of native crops and species. Concurrently, marketing channels are sought in an effort to link smallholder products to local markets.

Efforts of this kind help expand economic opportunities by consolidating local production and building on strengths already present. Since they focus on preserving traditional resources and skills, they also act as safety nets against external threats and the steady erosion of historical knowledge held within indigenous communities. At the same time, the crops being sown constitute an important source of energy and low-price/high-quality nutrition benefits. Together, such initiatives open greater opportunities for employment and income generation whilst enabling a more balanced diet, all of which are fundamental for improving the survival prospects of low-income and frequently marginalized households.

Having worked with indigenous peoples on the ground over the past thirty years, IFAD understands the importance of recognizing the diversity and distinctiveness of peoples and rural communities, and valuing and building on this diversity as an asset and economic potential. Some of these assets are tangible, others are intangible, but all are important resources for the development of rural livelihoods. The newly approved IFAD Policy on Engagement with Indigenous Peoples is firmly rooted in this experience. Many good examples of successful approaches to effective development and lessons learnt can be drawn from IFAD's experience of working with indigenous peoples, their organizations and governments. These experiences enable indigenous peoples to increase incomes by diversifying their communities' sources of food and income, and to access markets through support to women micro-entrepreneurs, a very effective way of not only supporting indigenous women's economic empowerment but also increasing household incomes in many countries. They facilitate the

recognition or protection of indigenous peoples' rights through the demarcation of ancestral lands, forests and water sources and support more gender-equal entitlements. Finally, they build on local knowledge and blend it with modern techniques, for example, to develop innovative non-timber forest products, or by utilizing and capitalizing on indigenous knowledge about medicinal plants and underutilized plant species.

Many IFAD-supported programmes promote the socio-cultural and political empowerment of indigenous peoples. One example can be found in IFAD's work with the Regional Programme in Support of Indigenous Peoples in the Amazon Basin (PRAIA), which has empowered indigenous communities to design 140 small programmes that stimulate economic activities while valuing culture. Initiated in 1992, this highly innovative programme provided direct support to indigenous communities so that they themselves could develop and implement projects reflecting their own perspectives and aspirations. Financial support for the programme was released through the demand-driven IFAD Indigenous Peoples Assistance Facility following proposals from indigenous communities and/or organizations.

Annex 2: Participatory and Negotiated Territorial Development (PNTD): FAO's experience

In recent years, new negotiation approaches centred on problem resolution have received much attention from theoreticians of collective negotiation. This is because such approaches abandon the obsession for a 'win-win' result, *emphasizing more the process than the outcome*.

The major innovation of the Participatory and Negotiated Territorial Development (PNTD) approach is the focus on stimulating and supporting dialogue within a territory. Social dialogue, whether in the form of conflict resolution or an agreement on territorial development projects, is essential to *reconstruct the social fabric* of a territory, to establish synergies within the territorial system, and to recognize all actors as promoters of territorial development, integrating the diversity of their strategies.

The main task is to stimulate a learning process by supporting rural actors to find sustainable solutions to territorial development issues. The challenge is then to ensure that they attain the capacities and the means to influence the political and institutional regulatory framework and, thus, move towards good local governance.

Under the PNTD approach, one of the main objectives of the process is *investment in confidence building*. The building of trust both among the actors involved and through collaborative decision-making processes, influences the willingness to participate in dialogue. Trust is both a means to open dialogue and an end.

Guaranteeing continuity to the process of dialogue involves *nourishing wider processes of democratization of local and national institutions* to allow broad and active participation, especially by weaker actors, and wide ownership and commitment. This will likely entail setting up and coordinating several tables at various scales and around different issues towards achieving the objective of negotiated territorial development.

Challenges

Since territories are open systems, they are constantly influenced by and influence external forces. Environmental, social, economic and political processes, regional changes and development policies all influence the dynamics and functioning of rural areas, even in the most remote areas. The natural resources upon which people rely are changing; markets and economic processes are shifting;

information spreads rapidly and institutional environments are less stable. Globalization processes affect the positioning and definition of the role of 'territories', 'local spaces' and 'proximity'.

Rural areas face a changing economic, social and political environment, which necessitates the redefinition of development parameters. Local actors have to be given the capacities to face the challenges emerging from these changes.

Processes

Efforts should be aimed to create synergy in order to significantly change our approaches to the theme of territoriality. The PNTD approach works to set out strategic lines of territorial development to overcome the challenges described above. The debate remains open on the danger of including marginalized and disadvantaged actors in the process of negotiation and dialogue without strengthening their bargaining power and realizing their rights.

The proposed approach assumes an inbuilt learning process with the objective of *increasing social cohesion*, strengthen the bargaining power of the marginalized, increasing people's and institutions' organizational capacities, and improving their access to information and channels of communication, and their abilities to use these for their own development.

Field experience

These concerns have been expressed in different FAO projects. One example is the PROMACIZO (Programme of Environmental Conservation and Rehabilitation) programme, which has run for several years in the departments of Nariño, Cauca and Huila in Colombia. The critical social and environmental situation in Colombia's Macizo region was highlighted by the huge demonstrations organized by rural communities, indigenous populations and ethnic groups to voice their concern over the state and future of their habitat. Multicultural meetings were held in the Macizo's strategic areas of special environmental importance to agree plans for the implementation of conservation and rehabilitation actions. Led by assorted indigenous farmer and Afro-Colombian social institutions and organizations, these actions seek to redress difficult structural situations, notably land tenure and the unsustainability of production systems.

One example in Africa concerns the Angola Land project. Land tenure has progressively become an issue on the national agenda as a result of meetings and debates and a number of field activities aimed at recognition of the historic rights of local communities. The work of FAO has been articulated around three clusters: (i) to find measures to facilitate secured access to land; (ii) to regulate land

issues (i.e. a legal framework, an information system on land and judiciary capacity-building); and (iii) to develop complementary strategies for the use/management of natural resources. Pilot activities were initially implemented in two provinces (Huíla and Bengo), and then extended to other provinces (e.g. Huambo and Benguela) with initial sessions of negotiated territory delimitations and conflict resolution, and training in ArcView/GIS (geographic information system). The result of these activities, carried out in collaboration with a number of non-governmental organizations (NGOs), was that various communities were able to establish their territorial rights according to the existing law. As a result of an intensive and demanding inclusive dialogue, it has been possible to create conditions for carrying out land delimitation cum titling exercise for a first *San Community*, whose official certification was granted and delivered in April 2007.

Finally, as part of its long-standing support to the Philippines agrarian reform programme, FAO has provided significant technical assistance to the Department of Agrarian Reform, which has been working towards providing tenurial security to several, one example being the Marsh area in the Agusan River Basin).

Annex 3: Globally Important Heritage Systems (GIAHS): an example of FAO's work

FAO's GIAHS Initiative⁶² supports indigenous and other rural peoples in their efforts to maintain their agricultural heritage systems. Globally Important Heritage Systems (GIAHS) are defined as 'remarkable land-use systems and landscapes that are rich in globally significant biodiversity evolving from the co-adaptation of a community with its environment and its needs and aspirations for sustainable development.' Launched in 2002, the programme is built on the understanding that throughout history indigenous and other peoples have secured their own survival by domesticating plants and animals and shaping harsh environments. While it is estimated that some 1 billion people worldwide rely on traditional/local agricultural systems for their food security, GIAHS areas generally support high levels of (agricultural) biodiversity and provide sustainable management of landscapes and natural resources. They are managed through traditional/local knowledge systems, customary social institutions and cultural practices that promote sustainability, resilience to climate change and social equity, often finely tuned to fragile and challenging environments. Maintaining these is therefore essential for both the survival of indigenous and other rural communities, as well as for the preservation of valuable biological richness.

The GIAHS Initiative endeavours to raise global and national awareness of and support for agricultural heritage systems worldwide by: 1) Working towards the establishment of long-term international effort for their recognition, protection and promotion; 2) Encouraging national governments to devise policies that support and promote GIAHS in their countries; 3) Working directly with custodian communities on the conservation and sustainable development of their agricultural systems; and 4) Sharing lessons learnt from the management of GIAHS areas with relevant institutions and GIAHS communities. Rather than promoting the preservation of GIAHS as agricultural museum areas, the GIAHS approach aims to reinforce the underlying ecological and sociocultural processes of agricultural heritage systems, while enhancing their viability and promoting well-being for their custodians. It supports the social empowerment of farmers' and livestock-keepers' communities by improving their land and natural resource rights and building the capacity of their social organizations and institutions to enable them to access public services, including PES (payment for environmental services) schemes, and to access information on technologies, markets and policies. It also builds the capacity of government institutions, NGOs and other actors in order to be able to adequately address GIAHS considerations at national levels. The initiative currently comprises two projects for selected activities, the first involving Peru, Chile, China, the Philippines, Tunisia and Algeria, and the second involving Kenya and Tanzania.

One of the most important GIAHS pilot sites is the island of Chiloé in Chile's lake region. The Chiloé

⁶² See www.fao.org/sd/giahs

archipelago is an extraordinary biodiversity reserve, whose temperate rainforests are host to a wide range of endangered plant and animal species. For local populations, these resources provide food, medicines, dyes and other elements for physical and cultural well-being. The indigenous Huilliche populations inhabiting the area still cultivate about 200 varieties of native potatoes, following ancestral practices transmitted orally by generations of farmers, mostly women. However, their livelihoods are being threatened by persisting marginalization, lack of secure land titles, and environmental degradation caused by forest concessions, water pollution and uncontrolled development related to tourism. New income-generating activities, such as intensive fish farming in the island lakes and inner sea, are leading to a dramatic outflow of male and female labour from the agriculture sector, resulting in the abandonment of traditional agricultural practices. These changes jeopardize biodiversity conservation activities that are beneficial not only to Chilotes, but also to global genetic biodiversity. The GIAHS programme is helping to design policies for resource conservation, build institutions able to uphold sustainable practices, and engage in sensitization activities at local and national levels.

Annex 4: Lending a global voice to indigenous peoples in climate debates: the UNESCO Climate Frontlines Forum and the UNEP/GRID Many Strong Voices programme

Despite broad recognition that small-island, Arctic, high-altitude and other vulnerable communities are on the frontlines of climate change, their voices have remained largely on the sidelines of climate change debates. This exclusion has generated discord and protests by indigenous peoples and community representatives at recent international conferences and meetings on climate change.

In response to this outcry, UNESCO launched the Climate Frontlines Forum in partnership with the Secretariats of the PFII and the CBD, and the Office of the High Commissioner for Human Rights. Through this initiative, small-island, Arctic, high-altitude and other vulnerable communities have been provided with a global forum in which to present and discuss their climate change-related observations and strategies. Support has also been generated for the undertaking of more than thirty community-level field research projects.

With over 40,000 members, the forum has attracted significant attention, primarily because it lends a global voice and presence to local community perspectives on one of the most pressing global issues today. Furthermore, the facilitation of small-scale grants for community-level research and documentation has clearly answered a considerable need in the global community, as evidenced by the receipt of over 2,500 proposals for research from all parts of the world. An upcoming key challenge for the project will be to ensure adequate quality control for the approved field research projects soon to commence as an essential component of Climate Frontlines under its second strategy item. For further information, please consult: <http://www.climatefrontlines.org/>

In a similar effort to support indigenous groups in having their voices heard, the Polar Programme of UNEP/GRID-Arendal boasts numerous projects and initiatives to promote stakeholder processes which recognize different values, perspectives and knowledge, with a particular emphasis on empowering Arctic peoples. A good example is the Many Strong Voices Programme, which aims to support the exchange of knowledge and expertise on climate change between Arctic and Small Island Developing States (SIDS), and to assist peoples in both regions to support each other in having their voices heard at local, regional and international levels. For further information, please consult: <http://www.manystrongvoices.org/>

Annex 5: Promoting the right to adequate housing for indigenous peoples in cities: UN-HABITAT's experience

If the majority of indigenous peoples across the world still live in rural areas, the numbers of indigenous peoples living in urban areas are on the increase worldwide. In some countries, more than half of the indigenous population lives in cities, where they suffer major disparities on all measurable counts, most visible in their often deplorable housing conditions. The urbanization process is affecting indigenous peoples in multiple ways, posing socioeconomic challenges but also re-shaping their cultures and identities.

In light of the above, UN-HABITAT is providing policymakers with guidance on implementing policies and programmes to improve the living conditions of indigenous peoples in urban areas and, more specifically, to promote their right to adequate housing.⁶³ In the recent UN-HABITAT *Policy Guide to Housing for Indigenous Peoples in Cities* (2009), cultural adequacy is identified as one of the key components for defining adequate housing conditions. Currently, many indigenous peoples live in housing at odds with their cultural needs. Government-housing programmes often fail to accommodate indigenous cultures and consult communities as to their housing needs. Many indigenous peoples in various regions have to give up traditional and culturally-specific housing when they migrate to cities, despite increasing recognition that indigenous knowledge in terms of housing, building materials and construction technologies can contribute to mitigating and adapting to the effects of climate change with alternative ways of building. UN-HABITAT's Shelter Initiative for Climate Change Mitigation and Adaptation (SICCMA) is therefore leading research and bridging initiatives worldwide to promote the use of traditional knowledge, building materials, construction technologies and the production of culturally adequate housing, in order to adapt to and mitigate the effects of climate change.

⁶³ UN-HABITAT, *Policy Guide to Housing for Indigenous Peoples in Cities*.

Annex 6: An intercultural approach to sexual and reproductive health: UNFPA's experience

Intercultural human rights approaches to sexual and reproductive health respond to the need to ensure that indigenous peoples have their rights to sexual and reproductive health respected, protected and fulfilled by preserving their notions of disease, associated with their worldviews related to birth delivery. It is important, for instance, to preserve their traditional knowledge, cultures and traditional practices associated with sexual and reproductive health, while guaranteeing that the principles of availability, accessibility, good quality and acceptability of services, are met.

A health system must be respectful of cultural difference. Health workers, for example, should be sensitive to issues of ethnicity and culture. Also, a health system is required to take into account traditional preventive care, healing practices and medicines. Strategies should be in place to encourage and facilitate indigenous people, for example, to study medicine and public health. Moreover, training in some traditional medical practices should also be encouraged. Of course, cultural respect is right as a matter of principle. But, additionally, it makes sense as a matter of practice.⁶⁴

In this respect, intercultural human rights approaches to sexual and reproductive health require not only health systems to recognize different ways of conceptualizing sickness and treating it, but also states to include indigenous peoples' traditions and knowledge in their policies and programmes.

The Jambi Huasi Health Clinic in Otavalo, Ecuador, is one example, among others, of a model of intercultural approach to sexual and reproductive health. The clinic provides both modern and traditional medical treatment, as well as family-planning advice and services to Quechua-speaking indigenous persons. There are traditional healers who draw from a 'pharmacy' of over 3,600 native plants used for medicinal purposes. From 2003 to 2005, UNFPA supported the expansion and upgrading of the clinic's services, including an outreach programme to provide reproductive health education and information, and the introduction of a referral system for obstetric complications. Although initially set up to serve some 4,000 people a year, by 2005 over 1,000 people per month were using the clinic's services.⁶⁵

Providing effective health services to indigenous peoples often depends on the ability of medical and social services to accommodate cultural understandings, perceptions and practices. But it is more than

⁶⁴ Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt A/HRC/7/11, 2008 Para. 44

⁶⁵ United Nations, *Indigenous Women and the United Nation System: Good Practices and Lessons Learned*, United Nations, New York, 2007, p. 85.

that. It acknowledges that the ways in which indigenous peoples understand the world are essential to their identity, and that development policies should therefore reflect and reinforce this.

Annex 7: Promoting indigenous peoples' rights to intercultural education: examples from UNESCO AND UNICEF's work

'Education' epitomizes the limits of dominant paradigms as regards 'Development with Culture and Identity'. Article 29 of the Convention of the Rights of Child emphasizes the potential of education to provide a foundation for a harmonious multicultural society in which every child's cultural identity is respected. The realization of the right to education is of particular importance to indigenous children and adolescents, as it enables the transmission of values and culture, and thus has a critical function in the protection and enhancement of indigenous peoples' cultures.⁶⁶ But while formal education promises to open pathways to material benefits of the market economy, it has also had on many occasions a destructive impact on indigenous knowledge and worldviews, with Western 'scientific' knowledge and ways of understanding frequently presented as superior.⁶⁷

UNESCO's work with indigenous peoples in recent years has therefore focused on better aligning educational curricula with indigenous realities, and on incorporating local knowledge and language content into school curricula. Examples of this include the production and dissemination in schools of the Marovo language publication *Reef and Rainforest: An Environmental Encyclopaedia of Marovo Lagoon, Solomon Islands* (UNESCO, 2005), or the development of the Maori language version of the interactive CD-ROM *The Canoe is the People: Indigenous Navigation in the Pacific*, developed, launched and disseminated with a view to expanding indigenous knowledge and language content in Pacific Island schools. Other activities include the development of a set of seven educational posters on issues relating to indigenous knowledge, now being translated into several indigenous languages. This approach, targeting indigenous youth through the use of new information and communication technologies such as multimedia CD-ROMs, has proven to be an efficient vehicle for conveying traditional knowledge in formal and informal settings, particularly when coupled with educational guidelines that encourage teachers and students to form links between school education and their community elders. For further information, please consult the UNESCO-LINKS website (www.unesco.org/links).

Education is also an important area of UNICEF's programming for indigenous peoples. From West and Central Africa to Latin America, UNICEF advocates for the rights of indigenous children from an intercultural perspective and supports education programmes that take into account their traditional knowledge. In line with the Convention on the Rights of the Child, UNICEF has promoted the use of indigenous languages in education and in other sectors linked to the integral development of indigenous children and women. A specific example for UNICEF's work in intercultural/bilingual

⁶⁶ Ibid.

⁶⁷ See Peter Bates et al, *Learning and Knowing in Indigenous Societies Today*, UNESCO 2009.

education is the support that UNICEF Brazil has provided for the production of bilingual educational material (health education tools and radio spots) dealing with specific themes such as self-care, prevention and families' competencies with a focus on prevention of skin illness and parasites among the Wai-Wai indigenous group in the Amazonian region. Indigenous groups have also used their creativity to translate traditional forms of expression such as music, theatre pieces and drawings into educational means for the promotion of family and community self-awareness.

Annex 8: Protecting traditional cultural expressions and traditional knowledge: WIPO's programme

For more than a decade, the World Intellectual Property Organization (WIPO) has been developing a full-fledged programme on the protection of traditional cultural expressions (TCEs) and traditional knowledge (TK) against misappropriation and misuse. This programme, which includes norm-setting as well as technical assistance activities, lies squarely within the theme of 'Development with Culture and Identity' under the present Joint IASG Paper.

TCEs (e.g. music, designs, performances, symbols, etc.) as well as TK (traditional technical knowledge related to biodiversity, health and agriculture *inter alia*) are vital elements of the strong cultural identity of indigenous peoples and traditional communities. At the same time, TCEs and TK can be valuable economic assets of those communities. Should communities wish to take up this possibility, TCEs and TK may be leveraged to create, trade or license new, distinctive and locally-rooted cultural goods and services. TCEs and TK are therefore worthy of protection against misappropriation and misuse by third parties, not only as they constitute a core component of indigenous and traditional communities' cultural identity, but also as a potential tool that can be used by them for their own development.

Intellectual property (IP) plays an important role in preventing misappropriation and misuse of traditional creativity and innovation. IP-like rights over TCEs and TK may grant communities a decisive say over if and how their TCEs and TK can be used by third parties. Some existing features of the international IP system may also be used for this purpose. For example, conventional copyright protects contemporary expressions of traditional cultures. Performances of TCEs are already protected by related rights, as the 1996 WIPO Performances and Phonograms Treaty recognizes. Trademarks may be used by indigenous and traditional communities to curb the sale of fake traditional creative arts and to reinforce their strong cultural identity. These rights may complement and support empowering strategies that communities may wish to put in place to harness their heritage for economic and social development.

As an example of how to promote best practices and guidelines in relation to cultural identity and development, WIPO's *Creative Heritage Project* aims to assist communities and cultural institutions to manage IP options so as to both preserve documented cultural heritage and protect it against misappropriation and misuse. In this context, WIPO offers a training programme for indigenous communities on cultural documentation and IP management. Further details are available at the following address: www.wipo.int/tk/en/folklore/culturalheritage/.

Annex 9: Birth registration and the right to an identity: UNICEF's experience

According to Article 7 on the right to a name and a nationality and Article 8 on the right to an identity of the Convention of the Rights of the Child, 'States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference'.

Despite these legal provisions, a significant proportion of indigenous children are not registered at birth. Non-registration at birth is a cause of child discrimination, a risk factor for child abuse, trafficking and exploitation, and leads to further exclusion of indigenous children.

UNICEF supports programmes that aim to promote birth registration in indigenous communities and national/international initiatives aimed towards sensitizing governments and administrations on the right to birth registration. It also supports an approach to birth registration that takes into account the cultural rights of indigenous peoples, for example, the right of indigenous parents to give traditional names to their children in their own language. Several recent developments are detailed below.

The birth registration strategy developed by UNICEF Nicaragua has mobilized fathers and mothers to register their children in the context of the birth registration programme promoted in the South Atlantic Autonomous Region, which enabled the registration of almost 19,000 girls and boys. In Peru in 2009, indigenous civil registrars were trained and empowered to conduct birth registration in far-to-reach excluded, indigenous communities. The regional Indigenous Federation and UNICEF collaborated to ensure access to birth registration of over 2000 children in 294 indigenous communities in Amazonas and Loreto.