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for Economic Cooperation
and Development

STRATEGIES 141

Development Cooperation with Indigenous Peoples in Latin America and the Caribbean



Contents

Summary	3
1. Purpose of the Strategy	4
2. Who are the Indigenous Peoples?	5
3. The Strategy's Frame of Reference	6
4. The Importance of Development Cooperation with Indigenous Peoples	7
5. The Situation of Indigenous Peoples in Latin America	8
5.1 Socio-economic conditions	8
5.2 Indigenous political organisations	9
6. International and Bilateral Efforts to Improve the Living Conditions of Indigenous Peoples	11
6.1 The United Nations conventions, conferences and mechanisms	11
6.2 Guidelines adopted by multilateral and bilateral donors	12
6.3 The focus of German development cooperation to date	13
7. Strategic Focus of Support	15
7.1 Aim and principles	15
7.2 Implementation in multilateral and bilateral cooperation	15
7.3 Regional and sectoral priorities	17
7.4 Implementation mechanisms	20

Summary

The specific life situations of indigenous peoples and the associated challenges in safeguarding their rights have increasingly entered the national and international debate since the 1970s. At the same time, public attention is focussing more and more on the contributions that indigenous peoples make to the conservation of the world's natural resources. The major problems faced by indigenous peoples in Latin America and the Caribbean are linked to the continued lack of recognition and practical consideration of:

- their distinctive cultural and linguistic characteristics in the context of pluriethnic societies,
- their social participation and own forms of organisation,
- their territorial rights, access to and use of land and resources,
- disproportionately high levels of poverty and poorer living conditions.

The rights of indigenous peoples are widely recognised at international level and are enshrined in various conventions, notably those sponsored by the United Nations. Currently, there is only one international legal instrument that specifically addresses indigenous peoples, namely the Convention Concerning Indigenous and Tribal Peoples in Independent Countries, adopted by the International Labour Organization in 1989 (ILO Convention No. 169). The practical implementation of these rights is the primary concern of the organisations of indigenous peoples, which are becoming increasingly assertive.

German official development cooperation recognises the special situation of the indigenous peoples and supports their participation at various levels. It proceeds on the assumption that indige-

nous peoples' active participation is essential for the realisation of their human rights and for strengthening social cohesion within the relevant societies. Moreover, their involvement is vital in order to resolve the increasing resource and distribution conflicts peacefully and to promote sustainable development. Particularly in countries with a large indigenous population, the Millennium Development Goals cannot possibly be achieved without recognition of indigenous people's contribution to the development process and without tangible improvements in their lives.

German official development policy will focus its cooperation to a greater extent on indigenous peoples' rights, needs and organisational processes in future. Firstly, through a cross-cutting approach, indigenous peoples are now included as appropriate in all projects and programmes and their interests are being taken into account. Secondly, direct support is being provided to indigenous organisations both at national and at transnational level (e.g. by promoting federations of indigenous associations).

Regional priorities focus on countries and regions with a high percentage of indigenous population as well as territories and cultural areas of international significance (e.g. the Amazon region).

Sectoral priorities are:

- Democracy, Civil Society and Public Administration,
- Management of Natural Resources, Sustainable Rural and Agricultural Development,
- Peace-Building and Crisis Prevention, and
- Social Development.

1. Purpose of the Strategy

The cross-sectoral Strategy on Cooperation with Indigenous Peoples in Latin America and the Caribbean is a binding guideline adopted by the Federal Ministry for Economic Cooperation and Development (BMZ) for the formulation of development cooperation (DC) in Latin America and the Caribbean by official bilateral implementing agencies. For non-governmental DC, the Strategy provides a frame of reference and substantive recommendations, and serves as a basis for policy orchestration and coordination. It replaces the “Concept on Development Cooperation with Indian Population Groups in Latin America” published by the BMZ in 1996.¹ The aim of the

Strategy is to recognise and promote the rights and interests of indigenous population groups in Latin America and the Caribbean² within the framework of Germany’s bilateral and multilateral DC. Its principles are derived directly from the provisions of ILO Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries.

1 The following studies and consultation processes were also taken into account: evaluation undertaken in 2000/2001 of the BMZ’s “Concept on Development Cooperation with Indian Population Groups in Latin America” of 1996; evaluation of experience acquired in the cooperation with indigenous population groups and organisations in Bolivia, Ecuador and Guatemala (BMZ/GTZ 2004: in cooperation with official and non-governmental DC organisations); workshop on “Cooperation with Indigenous Peoples” in Boquete/Panama in 2002, and international seminar on “Models of Indigenous Development” in Santa Cruz de la Sierra/Bolivia in 2003, organised by the GTZ Working Group on Indigenous Peoples and Development, and the international conference “Indigenous Decade and International Cooperation with Indigenous Peoples” in Quito, Ecuador, in 2004.

2 This Strategy relates primarily to Latin America without the Caribbean, as the latter’s indigenous communities account for only a small proportion of its total population.

2. Who are the Indigenous Peoples?

Around 40-50 million indigenous people live in Latin America and the Caribbean, representing between 8% and 10% of the total population. However, there are no universally accepted figures for the percentage of the indigenous population, as estimates and counts vary widely according to each survey's political purpose and methodology. Indigenous peoples live in almost all the Latin American countries and in some countries they form the largest single ethnic group or even the majority of the population.³

The largest indigenous groups (such as the Quechua, Aymara and Maya) are mainly concentrated in the Andean and Central American highland regions. A great many smaller and extremely varied groups of indigenous people live in the tropical lowlands, notably in the Amazon Basin and the Chaco region, whose infrastructure is less developed. There is also a substantial indigenous population in Latin America's urban centres, especially in the poverty belts of its major cities.

In the absence of any internationally recognised standard definition of membership of an indigenous population group, this Strategy relies on a working definition⁴ of indigenous peoples which was also adopted by the United Nations Working Group on Indigenous Populations. According to this definition, the presence of at least one of the

following criteria is characteristic of indigenous peoples:

- Indigenous communities, peoples and nations are those which have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories;
- They form at present non-dominant sectors of society;
- They have a close attachment to their ancestral territories and their ethnic identity;
- They are determined to preserve, develop and transmit to future generations their own cultural patterns, social institutions and legal systems.

Today, these peoples' self-identification as indigenous, i.e. their collective and individual right to maintain and develop their distinct identities and characteristics, is recognised as an important criterion and is reflected in what is still the only international legal instrument that specifically addresses indigenous peoples, i.e. Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries adopted by the International Labour Organization.

³ In some countries, Afro-American communities and population groups which do not have historical continuity with pre-colonial society identify themselves as "indigenous peoples" as well. They are also affiliated to indigenous organisations or assert their rights and objectives.

⁴ Working definition developed by former UN Special Rapporteur José Martínez Cobo in 1987. Known as the "Cobo definition", it was adopted by the United Nations Working Group on Indigenous Populations and is still in use today. UN Doc. No. E/CN.4/Sub.2/1986/87.

3. The Strategy's Frame of Reference

The overarching frame of reference for development policy strategies aimed at promoting indigenous rights comprises the United Nations instruments such as the Universal Declaration of Human Rights and the international covenants, ILO Convention No. 169, the Millennium Declaration adopted in 2000 and the eight Millennium Development Goals (MDGs) derived from it.

Activities aimed at promoting the rights of indigenous peoples are undertaken within the overall context of German development policy, whose aim is **to reduce poverty worldwide, build peace, achieve democracy, promote equitable forms of globalisation and protect the environment**. The BMZ is guided by the vision of **global sustainable development**, expressed equally in economic performance, social justice, environmental sustainability and political stability.

The **Program of Action 2015 (AP 2015)**, adopted in 2001, sets out the German Government's strat-

egy for implementing the development-relevant objectives of the Millennium Declaration. Linkages also exist with the following sectoral and regional strategies of the BMZ:

- Sector strategy for crisis prevention, conflict transformation and peace-building in German development cooperation (2005)
- Development Policy Action Plan on Human Rights 2004 – 2007: Every person has a right to development (2004)
- Sector Strategy on Forests and Sustainable Development (2002)
- Concept for the Promotion of Equal Participation by Women and Men in the Development Process (2001)
- The BMZ's Latin America Strategy Paper (2000).

4. The Importance of Development Cooperation with Indigenous Peoples

Today, cooperation with indigenous peoples is an essential prerequisite for successful **poverty reduction**. Particularly in countries with a large indigenous population, the **Millennium Development Goals** can only be achieved if indigenous peoples' potential is harnessed for the development process and their specific interests and needs are taken into account.

The continued exclusion of indigenous peoples not only impedes their development prospects but also harbours the potential for conflict, with implications for the political stability of the Latin American countries. The armed uprising in the Mexican state of Chiapas in 1994, the civil war in Guatemala and the social unrest in Ecuador since 1990 are all cases in point. The active participation of all population groups – including indigenous communities – is essential for the development of **peaceful, democratic, multicultural and multi-ethnic societies and the realisation of human rights**. Cooperation between the state and civil society and the strengthening of multicultural dialogue are becoming increasingly important in preventing the escalation of conflicts or ensuring that they are conducted peacefully.

The Latin American partner countries' **economic development** will also be impaired if discrimination and disadvantage (legal uncertainty, barriers to accessing financial services) and a lack of education and training opportunities prevent the indigenous peoples' capacities from being utilised.

Where indigenous communities still pursue traditional lifestyles based directly on the sustainable use of natural resources and biological diversity and drawing on their traditional knowledge handed down over many generations, they make an invaluable contribution to the **conservation of biodiversity** and therefore to a sustainable future for our planet. Women play an important role in this context which is recognised by the international community.

Moreover, indigenous **cultures** are an important **element of the world's cultural heritage** and thus – in recognition of indigenous peoples' property and ownership rights – offer important potential for the development of their countries and societies.

5. The Situation of Indigenous Peoples in Latin America

5.1 Socio-economic conditions

In the Latin American countries, indigenous peoples are still largely excluded from political, economic, social and cultural life and are **the victims of a particularly high level of human rights violations**. Their conditions of life are far worse than those of the non-indigenous population and are characterised by extreme poverty, lower

life expectancy, higher rates of child mortality, less adequate schooling, higher levels of illiteracy, fewer income generation and employment prospects, restrictions on access to land, basic public services and infrastructure, and fewer opportunities to participate freely in the formation of the political will and the political process and to exercise self-determination. This is borne out by the selected data presented in the following table:

	Indigenous as a percentage of the total population	Extreme poverty		Education (in completed school years)		Health (percentage of births with professional assistance)	
		Indigenous	Non-indigenous	Indigenous	Non-indigenous	Indigenous	Non-indigenous
Bolivia	62 %	52.0 %	27.0 %	5.9 y.*	9.6 y.	30 %	55 %
Ecuador	35 %	56.0 %**	25.0 %	6.9 y.	9.6 y.	33 %	82 %
Guatemala	39 %***	24.3 %	6.5 %	3.5 y.	6.3 y.	15 %	51 %

* Y. = years

** Including all ethnic minorities in Ecuador

*** Much higher figure according to other sources

Source: World Bank, (Gillette Hall and Harry Anthony Patrinos): *Indigenous Peoples, Poverty and Human Development in Latin America 1994 – 2004*, May 2005

Encroachments on indigenous territories, e.g. through mining, oil production or the infrastructural development of remote areas such as the Amazon region, are often justified by the partner countries' governments as strategic measures undertaken in the interests of economic, social and security policy. Indigenous peoples often do not have access to the political or legal mechanisms necessary to assert their rights and represent their interests effectively in political and economic negotiating processes.

The destruction of and encroachment on rural habitats and economic spaces often result in the uprooting of indigenous people and communities, **a rural-urban exodus to the poverty belts** of the urban centres and even **migration** to neighbouring countries or to the United States of America or Europe. This process primarily affects young men, while women, children and the elderly remain in the villages.

Due to these circumstances, indigenous peoples and their organisations occupy highly differentiated positions along the “**traditional**” vs. “**modern**” **spectrum**. Some still maintain their traditional lifestyles based on intact habitats and a subsistence economy (hunting, fishing, shifting cultivation), which may include ethnically based alternatives to the market-economic model of society (e.g. revival of indigenous traditions such as reciprocity). These differences can cause tensions within indigenous communities and between the generations.

5.2 Indigenous political organisations

Indigenous communities have developed active and passive **forms of resistance** as a means of defending themselves against the violation of their rights, forced acculturation and social exclusion. Since the 1970s, a **large number of indigenous organisations** have emerged and are taking an **active and often effective role in representing indigenous interests**. In many countries, indigenous organisations are now effective political actors exerting considerable influence over national politics, e.g. in disputes over the use of land and natural resources, education reforms, and decentralisation. In some countries, their parties or alliances are participating, or have participated, in government (Ecuador) or have taken over government responsibility (Bolivia).

The **political organisation** of indigenous peoples has increased significantly in the past thirty years. Combined with political pressure from the international community, this has in many countries resulted in the formal recognition of indigenous rights. In Latin America, this transformation has taken place against the background of the massive waves of democratisation which have also expanded the scope for political influence and action by indigenous peoples. **Demands for their legal entitlements to be safeguarded**, especially their traditional habitats (“territories”) and

natural resources, and for the recognition of their **right to self-determination**⁵ and **equal participation** in social processes are increasingly finding a hearing at both national and international level. At national level, the overall legal position of indigenous peoples has improved, at least nominally, in most Latin American countries, and the multiethnic or multicultural character of these societies is now recognised in numerous constitutions.⁶

At regional level, the Organization of American States (OAS) plays a significant role. The Inter-American Court of Human Rights and the Inter-American Commission on Human Rights have adopted important decisions and judgments concerning indigenous rights, based on the American Convention on Human Rights. These judgments have made a direct contribution to the realisation of indigenous rights in Latin America. The Inter-American Indian Institute (Instituto Indigenista Interamericano), established in 1953 as a specialised organisation of the OAS, should also be mentioned; in particular, the Institute coordinates the 16 member countries’ research activities on matters concerning the indigenous peoples.

The **Fondo Indígena** (Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, also known as the Indigenous Peoples Fund – FI), established in 1992, plays a particularly important role in promoting the political recognition of indigenous peoples and channeling the assistance provided through international cooperation. Nineteen Latin American and

5 Article 7 (1) of ILO Convention No. 169 defines self-determination as follows: “The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development.”

6 Recognition of the national society and/or the nation as multiethnic or multicultural (in some cases termed “pluriethnic” and “plurinational”) is now enshrined in the constitutions of Bolivia, Brazil, Colombia, Ecuador, Guatemala, Nicaragua, Panama, Paraguay and Venezuela; see the analysis of Latin American legal systems in *Pueblos Indígenas y derechos constitucionales en América Latina: Un panorama*, DED Bolivia (ed.), articles by G. Barié, 2004, CD-ROM. 2nd edition, La Paz/Bolivia.

three European countries belong to the Fund.⁷ Its particular significance reflects its mandate as a forum for constructive dialogue between and among indigenous organisations, host governments, and donor agencies.

One of the few indigenous organisations recognised on a transregional and international basis is

the Coordinator of the Indigenous Organizations of the Amazon Basin (**Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica, COICA**). It represents the majority of the indigenous peoples living in the tropical lowlands of South America and is their most important lobby organisation in numerous high-level bodies and processes.

⁷ The Agreement establishing the “Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe” was adopted during the Second Summit Meeting of Ibero-American Heads of State in Madrid on 24 July 1992. The Fund was formally constituted by UN Resolution 30177 (July 1992). Its members are: Argentina, Belgium, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, Uruguay and Venezuela.

6. International and Bilateral Efforts to Improve the Living Conditions of Indigenous Peoples

6.1 The United Nations conventions, conferences and mechanisms

The legal basis for the debate about the recognition of indigenous peoples and their rights comprises the United Nations instruments such as the Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights and on Economic, Social, and Cultural Rights.⁸ Other relevant conventions are the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child.⁹

At present, there is only one international legal instrument that specifically addresses indigenous peoples: **ILO Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries**.¹⁰ The Convention recognises indigenous peoples' rights of ownership and possession over the lands which they traditionally occupy, their rights to their cultural values and practices

and to the development and practice of their languages, and their right to decide their own priorities for the process of development. It imposes an obligation on signatory governments to safeguard minimum standards and engage in consultations to ensure that these rights are respected and implemented, and calls attention to the distinctive contributions of indigenous and tribal peoples to the cultural diversity of humankind. To date, 17 countries have ratified the Convention.¹¹ In Germany, the debate about the ratification of this Convention has not yet concluded.

From 1982-2005, the **Working Group on Indigenous Populations established by the UN Commission on Human Rights**¹² represented the rights and interests of indigenous peoples in the United Nations. At the recommendation of the second **World Conference on Human Rights** held in 1993¹³, the United Nations General Assembly, by a resolution adopted in 1993, proclaimed the **International Decade of the World's Indigenous People (1995-2004)**. The theme of the

8 Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, adopted by the UN in 1966, entered into force in 1976. Article 27 is particularly important for indigenous population groups: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." The Human Rights Committee, in General Comment 23 on the rights of minorities (Article 27), concludes that Article 27 applies to indigenous minorities.

International Covenant on Economic, Social, and Cultural Rights, adopted by the UN in 1966, entered into force in 1976.

9 International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the UN in 1965, entered into force in 1969; Convention on the Elimination of All Forms of Discrimination against Women, which codifies the rights of all women, was adopted by the UN in 1980 and entered into force in 1981. Article 30 of the Convention on the Rights of the Child, adopted by the UN in 1989, entered into force in 1990.

10 Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries, adopted by the International Labour Organization in Geneva in 1989, and entered into force in 1991. It replaced ILO Convention No. 107 of 1957.

11 To date, Convention No. 169 has been ratified by the following countries: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Dominica, Ecuador, Guatemala, Honduras, Mexico, Paraguay, Peru, Venezuela, Fiji, the Netherlands, Norway and Denmark. Panama and El Salvador have only ratified, and therefore continue to be bound by, its predecessor, Convention No. 107. Convention No. 169 makes it clear that the use of the term "peoples" shall not be construed as having any implications as regards the rights which may attach to the term under international law.

12 The Commission on Human Rights was replaced by the Human Rights Council in June 2006. It has yet to be determined how the work of the various working groups, including the Working Group on Indigenous Populations, will continue.

13 Vienna Declaration and Programme of Action, World Conference on Human Rights, Vienna, 1993.

Decade was “Indigenous people: partnership in action”.¹⁴ Its goal was to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, health, culture and education. Visible successes were the appointment of a **UN Special Rapporteur** on the situation of the human rights and fundamental freedoms of indigenous people (2001), the establishment of the **United Nations Permanent Forum on Indigenous Issues** in 2000 as a subsidiary body of the United Nations Economic and Social Council (ECOSOC) and the improved status of indigenous peoples in the constitutions of some countries. However, the Decade fell short of improving the overall life situation of indigenous peoples.

In view of this unsatisfactory state of affairs, the United Nations General Assembly adopted a resolution in December 2004 which proclaimed the **Second International Decade of the World’s Indigenous People (2005-2014)**.¹⁵ It urged the international community to increase its efforts to implement the largely identical objectives of the two Decades and to present for adoption as soon as possible a final draft United Nations declaration on the rights of indigenous peoples. As one of the first steps, the General Assembly, at its sixtieth session, adopted the Programme of Action for the Second International Decade of the World’s Indigenous People¹⁶. One advance was achieved during

14 Resolutions A/RES/48/163, A/RES/49/214 and A/RES/50/157 adopted by the UN General Assembly.

15 Resolution A/RES/59/174 adopted by the General Assembly on 20 December 2004: Second International Decade of the World’s Indigenous People.

16 Resolution A/RES/60/142 adopted by the General Assembly on 7 February 2005.

the Second Decade: at the end of June 2006, the newly established UN Human Rights Council adopted the United Nations Declaration on the Rights of Indigenous Peoples¹⁷, which was then presented to the General Assembly for adoption.

Moreover, none of the major **world conferences held in the 1990s**¹⁸ omitted to draw attention, within their specific thematic contexts, to the rights of the indigenous peoples and their contribution to sustainable development. In each case, however, this fell short of any binding commitments.

6.2 Guidelines adopted by multilateral and bilateral donors

Over recent years, various multilateral organisations have produced their own strategies and guidelines on cooperation with indigenous peoples.

In November 1998, the Council of the **European Union (EU)** adopted principles and guidelines for development cooperation with indigenous peoples. It acknowledges that the concern for indigenous peoples should be included as a cross-cutting aspect at all levels of development cooperation, including policy dialogue with partner countries. The criteria and entry points defined here should also be incorporated into the bilateral DC undertaken by the EU Member States.¹⁹

17 Resolution adopted by the Human Rights Council, 23 June 2005 (A/HRC/1/L.3).

18 United Nations Conference on Environment and Development (UNCED), Rio de Janeiro, 1992, especially Agenda 21, Chapter 26, and the Convention on Biological Diversity, Article 8j (protection of traditional knowledge of indigenous and local communities) and

- Rio+10 (Johannesburg 2002), Johannesburg Declaration on Sustainable Development, paragraph 25
- United Nations International Conference on Population and Development (Cairo, 1994)
- Fourth World Conference on Women (Beijing, 1995)
- Habitat II (Istanbul, 1996)
- World Conference against Racism (Durban, 2001)

19 Council Resolution on Indigenous Peoples within the Framework of the Development Cooperation of the Community and Member States, 28 November 1998, No. 13461/98; Indigenous peoples - Council conclusions of 18 November 2002, based on the report by the Commission on the Review of Progress in working with Indigenous Peoples of 11th June 2002 [COM (2002) 291].

The **World Bank** reviewed its guidelines on the basis of a comprehensive consultation process and published an updated version in 2005 (OP 4.10). The International Fund for Agricultural Development (IFAD) has taken the lead on the implementation of practical strategies with its Regional Programme in Support of Indigenous Peoples in the Amazon Basin (PRIA), which started in 1992. The **Inter-American Development Bank** (IDB) adopted its revised Operational Policy on Indigenous Peoples in early 2006. Both the IFAD Programme and the IDB's Operational Policy set out binding criteria governing appropriate mechanisms for the participation of indigenous peoples in measures which directly or indirectly affect them.

Besides Germany, Denmark, the Netherlands, Norway, Spain and the United Kingdom have developed their own policies for DC with indigenous peoples.

6.3 The focus of German development cooperation to date

The BMZ has provided support for indigenous peoples in Latin America since the 1960s, primarily through grants for the non-governmental DC undertaken by church-based organisations and since the 1970s via government agencies as well. Since the mid 1990s, bilateral project have also been planned and implemented directly with national and regional indigenous organisations.

The **focus** of bilateral cooperation has changed radically over the years, especially since the publication of the **BMZ's "Concept on Development Cooperation with Indian Population Groups in Latin America"** in 1996 and as a result of international agreements and initiatives. The original paternalistic approach to development has increas-

ingly given way to participatory approaches, with indigenous partner organisations being involved in project planning from the outset. The main **regions** that have received support through this cooperation are the countries of the Andes, the Chaco region, the Amazon Basin and Guatemala, reflecting the significant indigenous population in these regions and the importance of their role in key areas of development and cooperation, such as the protection and sustainable use of natural resources, peace-building and crisis prevention. In **thematic** terms, the following areas of indigenous community development have been prioritised: self-help-oriented poverty alleviation, rural development, improving basic education (introduction of bilingual intercultural education), primary healthcare, and peace education (psychosocial health services, reconciliation).

Due to the international significance of **tropical forest protection and the substantial contribution made by indigenous peoples** in this context, great importance was attached to cooperation with indigenous peoples in the demarcation of their territories and the implementation of demonstration projects within the framework of the Pilot Programme to Conserve the Brazilian Rain Forest (PPG7)²⁰ in the Amazon region. Indigenous actors also played an increasingly important role in projects to implement the Convention on Biological Diversity and other Rio Conventions.

Initial attempts at institutional capacity-building were also made, focussing especially on indigenous associations and organisations. This was intended to enhance their skills in articulating their own interests and implementing their own development programmes.

An **evaluation, undertaken in 2000/2001, of the BMZ's "Concept on Development Cooperation with Indian Population Groups in Latin America"**

²⁰ International Pilot Programme to Conserve the Brazilian Rain Forest (PPG7).

of 1996 revealed that **the impact achieved in project planning and implementation was still inadequate**. The Concept was not being integrated to a sufficient extent in political dialogue, and was still largely unknown in the German and Latin American development communities. Successes were, however, being achieved in specific sectors (including tropical forest protection, demarcation, rural development, and intercultural bilingual education), but projects that were not specifically targeted at indigenous groups tended not to involve them in project development and thus failed to ensure their timely and adequate participation. This was confirmed by a three-country case study conducted by GTZ in Bolivia, Ecuador and Guatemala on behalf of the BMZ, which aimed to evaluate the experience acquired to date (2004).²¹ The findings and recommendations of this study were discussed in a consultation process involving representatives of indigenous and international organisations, who confirmed that they were accurate. The key **recommendations made on the basis of the study** identified a need for:

- Better integration of indigenous interests in bilateral DC, especially in all projects relating to good governance;
- More emphasis on awareness-raising and skills training for staff in the BMZ and

implementing organisations (capacity-building on indigenous issues; monitoring and evaluation instruments);

- More intensive discussion of indigenous issues in political dialogue with the partner countries and in strategy papers (Sector Strategy Papers (SSP) and country strategies);
- Participation of indigenous peoples and organisations as key actors in planning and implementation;
- Linking the promotion of democracy with intercultural dialogue;
- Integration of and support for indigenous interests in crisis prevention and conflict management;
- Generation of synergies between regional transnational and bilateral projects.

Overall, indigenous representatives called for more participation in bilateral and regional projects involving governmental organisations as well as more direct cooperation.²²

²¹ See Gesellschaft für Technische Zusammenarbeit: *Erfahrungsauswertung der Zusammenarbeit mit indigenen Bevölkerungsgruppen und Organisationen in Bolivien und Guatemala* [Evaluation of Experience in the Cooperation with Indigenous Population Groups and Organisations in Bolivia and Guatemala], Vol. 1/2, Eschborn.

²² See conclusions of the international conference "Indigenous Decade and International Cooperation with Indigenous Peoples", second day of conference (Quito, October 2004), COICA, Fondo Indígena, CICA (Consejo Indígena de Centroamérica).

7. Strategic Focus of Support

7.1 Aim and principles

The **aim** of German development policy is to ensure that more regard is paid to indigenous peoples' rights, interests, needs and organisational processes in German DC in Latin America. Indigenous peoples should be given better support in articulating, asserting and exercising their legitimate rights to self-determined development as it affects their lives and the lands they occupy or otherwise use.

In this context, the following **principles** must be upheld in German bi- and multilateral DC, which must aim:

- to contribute to the realisation of political and civil rights and of economic, social and cultural rights, including gender equality,
- to safeguard equal opportunities and non-discrimination,
- to promote participation and empowerment within the framework of the state's multiethnic and multicultural policies and peaceful and democratic processes,
- to avoid harmful impacts on indigenous peoples (do no harm principle)²³,
- to safeguard the exercise of free prior and informed consent²⁴ by indigenous peoples and their organisations in the planning

²³ The key principle for DC in conflict situations is the fundamental rule of "do no harm" developed by Mary B. Anderson. In line with this principle, unintended consequences of humanitarian aid and DC and undesired conflict-exacerbating impacts of assistance should be identified, avoided and mitigated, and peace-promoting effects and those which seek to bridge the differences between the conflict parties should be reinforced.

²⁴ The principle of free prior and informed consent is intended to protect indigenous peoples and is acknowledged in several documents in the field of international human rights law.

and implementation of projects affecting their interests,

- to achieve tangible improvements in the living conditions of indigenous peoples in line with their culture-specific norms, values and beliefs.

As a general rule, even when external assistance is provided, achieving structural improvements for indigenous peoples primarily depends on the **own efforts** and decisions made by the **indigenous and non-indigenous communities concerned and the governments** in the partner countries. German DC can support these efforts but it cannot replace them (subsidiarity principle).

7.2 Implementation in multilateral and bilateral cooperation

In the various areas of action in which it is involved, both at local and institutional level, German DC will work actively for the realisation of indigenous peoples' human rights, for respect for the principle of free prior and informed consent, and for the reinforcement of positive and the avoidance of negative impacts of DC measures on indigenous peoples.

Key entry points here are:

- **Donor coordination and harmonisation** to promote the joint implementation of international initiatives and cooperation programmes (e.g. Policy-Based Loans, Sector-Wide Approaches (SWAps) and Education for All),
- Participation in the formulation of strategy papers on poverty reduction (especially

Poverty Reduction Strategy Papers – **PRSPs**) and their implementation processes (taking specific account of indigenous interests),

- Participation in the formulation of **country and regional strategies by other donors**, including the EU, and of **sector policy reforms** receiving international support,
- Promoting **joint political dialogue** with/ between governments and civil society in the partner countries.

Bilateral DC will also prepare the way for **cooperation with multilateral programmes**, including European programmes, on a targeted basis in order to enhance the impact of the German contribution.

In general, the provision of active support for the indigenous peoples is based on **two approaches**:

- firstly, through a **cross-cutting approach**, indigenous peoples are being included to a greater extent in all projects and programmes and their interests taken into account;
- secondly, specific support is being provided to **indigenous representational structures** both at national and transnational level through the promotion of regional indigenous organisations (e.g. COICA, Central American Indigenous Council – CICA).

With all these projects, it is essential to facilitate cooperation with regional intergovernmental organisations such as the Amazon Cooperation Treaty Organization (ACTO), Fondo Indígena (FI), the Andean Community (CAN), Convenio Andrés Bello (SECAB) and the Central American Commission on Environment and Development (CCAD), as well as with national institutions or authorities responsible for indigenous affairs.

It is generally recognised that establishing organisations to represent indigenous interests at institutional level is a protracted process and that thematic promotion based on specific agreed targets is most effective.

In implementing all the projects and programmes of relevance to indigenous interests, the following **criteria** must be met:

- A **culture-specific** view of the situations of indigenous communities and their processes of change,
- Promotion of **intercultural dialogue** at all levels, with equal participation of indigenous women and men. This must include support for the prevention/mitigation of interethnic and intercultural conflicts, especially those affecting economic interests,
- **Institutional capacity-building** for indigenous organisations at various levels,
- Appointment of **indigenous professionals** and their integration into projects as well as into the partner organisations' structures, taking account of gender equality and strengthening the role of women;
- **Training and development for partner professionals** (also focussing on human rights issues), especially the provision of qualification measures for indigenous professionals and managers, taking particular account of the needs of indigenous women,
- Promotion of **gender equality**, i.e. showing due regard for gender aspects at all levels of project planning and implementation,
- Strengthening the **exchange of experience at regional level** through training and development measures and the use of appropriate media (Internet, radio, TV).

This should not only focus on ensuring equal access to various media but also promote innovative ways of making information available in and from remote regions,

- Promoting development partnerships between indigenous target groups and the private sector via public-private partnerships (PPPs),
- Specific gender-sensitive **monitoring** of intended and unintended impacts on indigenous peoples.

In conjunction with participating ministries, the BMZ will work actively towards a conclusive review of, and preparation for, the possibility of Germany's accession to the Fondo Indígena. It will also continue its efforts to secure the German Government's consent to **Germany's ratification of ILO Convention No. 169**.

7.3 Regional and sectoral priorities

Support for indigenous people and organisations continues to focus primarily on countries and regions with a **high percentage of indigenous population**, i.e. Bolivia, Ecuador, Guatemala and Peru. In these countries, a distinction must be made between the various lifestyles, interests and problems facing highland and lowland communities, for example, or generally between indigenous communities in rural or urban settings.

In the individual countries, approaches to cooperation with indigenous peoples also arise in response to **specific thematic, environmental and cultural factors** of global significance. One example is tropical forest conservation in the Amazon region.

The existing sectoral priorities of official German DC form the overarching thematic framework for

the promotion of indigenous peoples and their organisations. Within these priorities, the following four thematic areas merit particular support:

(1) **Democracy, civil society and public administration**

In multicultural and multiethnic societies, **the promotion of democracy** is possible only if all the various ethnic groups are included in the process and their human rights are respected. In this context, great importance is attached to the practical assertion of the rights to diversity, equality and self-determination, as well as to cooperation between the state and civil society and the strengthening of multicultural dialogue. The extent to which the indigenous population is involved is a benchmark against which reforms aimed at the modernisation of the state and democratisation must be measured. The partner countries' national constitutions are also an important frame of reference for the development of indigenous rights.

In projects aimed at **administrative reform**, great care must be taken to ensure that the indigenous population can exercise their rights, make use of public services and avail themselves of their opportunities for general participation and access (e.g. to public authorities and the courts) on the basis of equality. In the process of promoting political and administrative **decentralisation**, support must be provided to strengthen the local representation and self-help structures of the indigenous population, with due regard for gender equality, and to foster their participation in official local government structures.

In projects focussing on **legal reform and legal counselling**, it is essential to ensure that national laws and regulations are applied for the particular benefit of the indigenous peoples and that legal certainty is also guaranteed for indigenous minorities. Due regard must be given, in this context, to internationally binding norms and

internationally agreed objectives such as human rights, including the rights of women and children, minority and indigenous rights. In the field of law and justice, appropriate attention must be given to traditional methods of conflict resolution and to customary law as applied by indigenous peoples, provided that this is not to the detriment of women. Legal counselling and self-help institutions for indigenous peoples should be promoted on all levels – local, national and regional – in order to create spaces for dialogue and negotiation of indigenous women’s and men’s interests. To this end, greater integration and coordination of the various legal systems, underpinned by training and development for personnel, are important.

(2) Management of natural resources and sustainable rural development

The preservation and sustainable use of the land and natural resources found on their traditional territories are **crucial for the survival of all the indigenous peoples**. These territories and resources are under threat due to unclear or non-existent land tenure and the complexities and pressure of conflicts over resource use (exploitation of mineral resources, overexploitation of forests, expansion of agro-industry, population growth, settlement pressure, etc.). Traditional indigenous planting methods and centuries-old experience with the sustainable use of these territories have been abandoned in many cases. The lack of alternative sources of income and lack of access to credit and services are also obstacles to the sustainable management of natural resources. Better opportunities for the indigenous peoples to engage in individual initiatives and improve their agricultural output are essential for food security and therefore poverty reduction.

Measures in this field are intended to contribute to the **avoidance, containment or resolution of conflicts over regional planning and land tenure or other forms of dispute over resource use**

and directly **improve the conditions of life** of indigenous groups, e.g. through the validation of traditional indigenous forms of resource use. They aim to support **recognition of common property and user rights** in indigenous settlement areas and offer effective protection against resettlements, dispossessions without compensation, and other major interventions in territories in which indigenous peoples live or have their economic base. It is also important to ensure that the indigenous population and other social groups have access to credit and advisory services that are appropriate for their situation and that they are included on the basis of equality in land distribution measures.

Particular priority must be given to recognition of these rights in the context of projects aimed at the **protection of tropical forests**, rural development projects that are not specifically targeted at indigenous peoples, and projects in other sectors. In the event of disputes arising, e.g. when nature conservation areas and the territories of indigenous peoples overlap, or in other conflicts over land or resource use, German DC should actively promote respect for indigenous rights, the protection of their territories and sustainable resource management on the basis of self-determination.

In measures to improve the living conditions of the indigenous population, the aim is to establish legal and practical safeguards for indigenous communities’ traditional entitlements, especially to their homelands and their traditional knowledge. The **skills and traditional knowledge of indigenous peoples** should be protected in accordance with the Convention on Biological Diversity, thus empowering indigenous women and men to participate appropriately in harnessing their potential on the basis of equality.²⁵

²⁵ Within the framework of the Convention on Biological Diversity, the Akwé: Kon Guidelines were adopted in 2003. These are voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on territories traditionally occupied or used by indigenous and local communities (e.g. sacred sites).

(3) Peace-building and crisis prevention

In many Latin American countries, tensions exist between indigenous peoples, the non-indigenous society and the national governments. Often, these tensions are linked with conflicts over access to, and the use and control of, natural and economic resources and may even escalate into violence. German DC encourages acceptance of indigenous peoples' right to pursue their own development paths and of their traditional rights within national states, as well as the practical development of multiethnic societies. In this context, it is not uncommon to find DC operating in the field of tension between the conflicting legal claims of indigenous and other social groups.

In general, measures undertaken in crisis or conflict regions must take account of the principles set forth in the BMZ's "Sector strategy for crisis prevention, conflict transformation and peace-building in German development cooperation". In countries or regions with a high percentage of indigenous population, key decisions on DC should be based on **conflict analyses, taking specific account of interethnic conflicts**. Entry points for conflict prevention or management at various levels (government, administration, civil society) should be identified on this basis.

The exploitation of mineral and genetic resources, the export-oriented agro-industry (e.g. soya, beef cattle raising), and tourism are becoming increasingly important. In the conflicts which arise in this context, e.g. from unresolved rights of ownership and use as well as institutional weaknesses, the indigenous population is often subjected to repressive measures and in some cases assaults by the military, resettlements, human rights violations and discriminatory regulations governing participation and resource use. In countries and regions with a growing need for prevention due to escalating conflict situations, particular support should therefore be given to **mediation measures** (mediation, dialogue fora,

round tables, etc.) and projects that **strengthen representation of indigenous interests**, based on the active participation of women and men.

More intensive **rural-urban migration** has also led to new forms of coexistence in urban centres, with conflicts arising as a result of ethnic and especially socio-economic exclusion. **Measures relating to urban and municipal development** should aim to ensure citizens' participation and representation via the indigenous self-help organisations, with due regard for gender and age, and via institutions such as ombudspersons. Communal policy and administration must become more sensitive to indigenous issues, and national and local policies must be reviewed to identify any discriminatory impacts. Citizens' awareness of their rights and duties can be raised through basic political education or civic studies. In urban areas too, creating legal certainty regarding land ownership and housing offers important protection against the eviction and resettlement of indigenous (and also non-indigenous) immigrants.

The multi-faceted and complex nature of violent conflicts clearly limits the options available for German DC to exert influence. Nonetheless, German DC must aim to help reduce structural causes of conflict, take timely action to prevent tense situations from escalating into crisis, and support civil society and government actors who are engaged in non-violent conflict transformation. However, DC is just one area of action, and it must be supplemented by other policy fields engaged in conflict prevention and management. Under no circumstances should potential or existing conflicts be triggered or exacerbated by DC; **the principle which must apply is early conflict sensitivity, prevention and the avoidance of harm** ("do no harm" principle).

(4) Social development

Because of the persistently high illiteracy and school drop-out rates in Latin America, there is still a particular need to support **formal and informal basic education**, especially through intercultural bilingual education. German DC can draw on years of experience in this field, notably in the training of indigenous teachers (particularly women), curriculum development, and producing reading and study materials. Intercultural basic education for indigenous and non-indigenous students must be given particular support in countries with a large indigenous population, in order to dismantle prejudices and foster understanding of a multicultural society.

Indigenous organisations are increasingly calling for **training for female and male professionals and managers** – in other words, the training of indigenous elites. The provision of support for indigenous research, the exchange of experience on the preservation and control of traditional knowledge and cultural heritage, and the targeted promotion of institutions and networks as bridges for intercultural relations can also contribute to this process.

In many areas, the disadvantages suffered by indigenous communities include the absence of a clean **water** supply and sanitation, which are essential for health and productivity. German DC is supporting the **expansion of this social infrastructure**, thereby implementing the right to water.²⁶

In the **health sector**, German DC focusses particularly on establishing basic community-level health services. This includes the training and employment of indigenous health service staff and also involves the bearers of traditional health

knowledge and methods of treatment (such as midwives). In HIV/AIDS awareness measures, it is especially important to ensure that the indigenous population is fully informed and involved in activities and that their cultural, religious and spiritual values are respected.

7.4 Implementation mechanisms

For its development policy promotion of indigenous peoples, the BMZ relies on a diverse range of specialist instruments available to the implementing organisations, as well as on cooperation with committed and experienced non-governmental actors.

For **Financial Cooperation** (FC), opportunities to promote indigenous interests primarily relate to the financing of social or economic infrastructure (e.g. via community investment funds) and the protection and sustainable use of natural resources.

Technical Cooperation (TC), undertaken by the Gesellschaft für Technische Zusammenarbeit (GTZ), the Centrum für Internationale Migration (CIM), the German Development Service (DED) and Capacity Building International, Germany (InWEnt), is especially suited to supporting the establishment and development of effective indigenous self-help organisations and other bodies to represent indigenous interests, as well as providing advice to governments and undertaking measures aimed at the direct or indirect improvement of indigenous peoples' living conditions in the sectoral priority areas described above.

The individual organisations' contributions should ideally be integrated into coordinated programmatic approaches. **Joint projects** involving FC and TC are becoming increasingly important.

Non-governmental organisations, especially the church-based development agencies, the

²⁶ See the right to water, Articles 11 and 12 of the International Covenant on Economic, Social, and Cultural Rights, discussed in General Comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights, UN Document E/C.12/2002/11.

political foundations and other non-governmental organisations, have particular experience in fields such as peace-building and the promotion of democracy, conflict management and in working at the interfaces between state and civil society, especially with indigenous groups. This experience should be utilised and supported more fully as a means of preparing or deepening the often difficult political dialogue with governments and civil society. The Civil Peace Service (CFS), projects that aim to support the development of social structures, and partnership projects in fields such as education and research, organisational development, media and publicity work can all play an important role in training and development, mediation and bridge-building in certain situations.

In terms of policy coordination, the BMZ and the official implementing organisations have the following instruments at their disposal:

- **criteria and evaluation mechanisms** for analysis of the political and social conditions in the partner countries,
 - **country strategies**, including brief gender-differentiated socio-cultural and socio-economic analyses,
 - **Sector Strategy Papers (SSP)**, to establish specific objectives, indicators and instruments and clarify how the cross-cutting approach is to be embedded,
 - **political dialogue**, especially via intergovernmental negotiations, high-level visits and ad hoc opportunities.
- The BMZ and the official implementing organisations are also addressing the following issues in order to further enhance the effectiveness of their cooperation with indigenous peoples:
- **institutional capacity-building** and promotion of the **thematic competences** of staff through training and development,
 - **systematic evaluation of approaches to cooperation and experience**, and improving coordination,
 - establishment of an **informal working group** involving the BMZ, implementing organisations and other interested actors,
 - **knowledge management** through regular conferences (discussion and documentation of lessons learned and best practices),
 - greater **involvement of science and research** to provide anthropological/ethnological support and advice.

In cooperation with the implementing organisations, the BMZ will support and monitor the implementation of this Strategy and regularly review progress through participatory evaluations of experience and other studies.

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