Ministry of Foreign Affairs of Denmark
DANIDA | International Development Cooperation

NAALAKKERSUISUT
GOVERNMENT OF GREENLAND

REVIEW REPORT

STRATEGY FOR DANISH SUPPORT TO INDIGENOUS PEOPLES

2001-2010

Ministry of Foreign Affairs of Denmark
Danida

Review Report: Strategy for Danish support to indigenous peoples. 2001-2010.
March 2011

Publisher:
Ministry of Foreign Affairs of Denmark, Asiatisk Plads 2, DK-1448 Copenhagen K, Denmark
Phone: +45 33 92 00 00
Fax: +45 32 54 05 33
E-mail: um@um.dk
Internet: www.um.dk

Design and print: Ministry of Foreign Affairs of Denmark

Photos: IWGIA; AGEXPORT; Mike Speirs; Thorsten Treue; Iben Nathan; Simon Jeppesen.

This publication can be downloaded or ordered form www.danida-publikationer.dk/
ISBN (print version): 978-87-7087-507-3
ISBN (Internet version): 978-87-7087-508-0

Ref.no. 104.A.1.b.5

Content

List of abbreviations **4**
Executive Summary **5**
Challenges ahead - overview of recommendations **6**
1. Introduction **8**
Objectives 9
Methodology 10
2. Relevance of strategy **11**
Recommendation - re-contextualise relevant policy focus 11
Recommendation - maintain broad scope and establish Danish-Greenlandic IP Forum 11
Key finding - changing aid modalities involve challenges as well as opportunities 12
Key finding - freedom from poverty has indigenous relevance 13
Key finding – an international human rights priority 13
Key findings – particular relevance for gender, climate and fragile states 14
Key finding – potential of professionals teaming up 16
3. Financial scope of support **18**
Key finding – significant scope with a downward trend 18
4. Strategy element – international processes **21**
Recommendation - sustain IPR recognition and build alliances 21
Recommendation - maintain focus on IPR in climate mechanisms 21
Key finding – groundbreaking results in principles and processes 22
Key finding – comprehensive support for networking and capacity-development 25
5. Strategy element - bilateral cooperation **27**
Recommendation – explore relevance of IPR support in Africa 27
Recommendation – context analysis to determine relevance 27
Key finding – the importance of context 28
Key finding – programme management tools 30
Key finding – African perspectives on pastoralism and social inclusion 32
Key finding – peace negotiations and state reform in Asia 35
Key finding - tangible livelihood benefits and a strong voice in Latin America 39
6. Strategy element - multilateral cooperation **43**
Recommendation – promote dialogue and country-level partnerships 43
Recommendation – support emerging UNIPP mechanism 43
Key finding – Proliferation of policies and guidelines 44
Key finding – dialogue on partnerships in practice 46

List of abbreviations

ACHPR	African Commission on Human and Peoples Rights
ADB	Asian Development Bank
ASEAN	Association of Southeast Asian Nations
CBD	Convention on Biological Diversity
CSO	Civil Society Organisation
Danida	Danish International Development Assistance
DFID	Department for International Development
DKK	Danish Kroner
ECOSOC	Economic and Social Council
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
FAO	Food and Agriculture Organization
FGM	Female Genital Mutilation
FCPC	Forest Carbon Partnership Facility
IASG	Inter-Agency Support Group
ICC	Inuit Circumpolar Council
IFAD	International Fund for Agricultural Development
IIDH	International Institute for Environment and Development
ILO	International Labour Organization
IPs	Indigenous Peoples
IPO	Indigenous Peoples' Organisations
IPR	Indigenous Peoples' Rights
IIED	International Institute for Environment and Development
IUCN	International Union for the Conservation of Nature
IWGIA	International Work Group for Indigenous Affairs
JAS	Joint Assistance Strategy
JFA	Joint Financing Arrangement
MDG	Millennium Development Goal
MFA	Ministry of Foreign Affairs (of Denmark, unless otherwise stated)
NCEP	National Civic Education Programme (Kenya)
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
PDB	Programme and Project Data Base (Ministry of Foreign Affairs of Denmark)
REDD	Reduced Emissions from Deforestation and Degradation
TOR	Terms of Reference
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNHABITAT	United Nations Human Settlements Programme
UNIPP	United Nations Indigenous Peoples' Partnership
UNPFII	United Nations Permanent Forum on Indigenous Issues
UPR	Universal Periodic Review
USD	United States Dollars
WB	World Bank
WGIP/C	Working Group on Indigenous Populations/Communities

Executive Summary

This report summarises findings and recommendations of a thematic review of the Strategy for Danish Support to Indigenous Peoples carried out from September 2010 to January 2011. Three principal strategy elements are under review: international processes, bilateral and multilateral development cooperation. The scope of the review does not include cooperation with indigenous peoples' organisations and NGOs such as the Inuit Circumpolar Council or Danish NGOs. The review methodology combines desk studies, stakeholder consultations and field visits to bi- and multilateral partners in Geneva, Brussels, Central America, Kenya and Nepal. The principal objectives of the review are two-fold:

A. **Document Danish efforts** from 2001-10 to promote indigenous peoples' rights (IPR), including strategically important results in the field
B. **Recommend future action** to sustain results in the new development policy framework and context of changing aid modalities

Key recommendations include to maintain a policy focus, to explore opportunities in Africa, and to support country level multilateral implementation**.** The review documents substantial strategy implementation results at institutional as well as programmatic levels.

Findings point to groundbreaking **institutional results** of Danish-Greenlandic diplomatic and political support to international processes, including a high profile in *UN Permanent Forum on Indigenous Issues* and adoption of *UN Declaration on the Right of Indigenous Peoples,* in turn leading to policy development in multilateral agencies and at country level.

Key **tangible results** include improvements in livelihoods and access to land and resources, notably in Bolivia and Nicaragua where disadvantaged groups have achieved land titles and a stronger political voice. Support to pastoralists and state reform processes in Asia and Africa has provided valuable lessons on marginalisation and conflict of potential relevance to Danish policy priorities on governance and fragile states. Financially, support to IPR has amounted to at least DKK 1.8bn, with bilateral cooperation in Latin America accounting for 74 pct.

In spite of the positive results there are numerous challenges in the continued efforts to promote indigenous peoples' rights. Sustaining normative frameworks requires efforts at international and multilateral levels.

Operational tools need to be applied in an African context in order to facilitate much needed support for institutional reforms as well as lasting improvements in the livelihoods of Africa's indigenous peoples.

Changing aid modalities, phasing out of bilateral cooperation in Latin America and limited acceptance of IPR in Africa, add to expectations of significantly lower scope of Indigenous Peoples' Rights (IPR) support in coming years. However, findings also point to continued strategic relevance and added value of IPR, notably in:

- Reaching disadvantaged groups with pro-poor development benefits
- Analysing vulnerable states and promoting stability in post-conflict transition
- Supporting state-reform and civic involvement of marginalised groups
- Addressing human rights and governance challenges within indigenous communities
- Developing mechanisms for *Free, Prior and Informed Consent* to climate measures

Challenges ahead - overview of recommendations

Overall, the review concludes that important results have been achieved and that continued relevance of the Danish Strategy for Support to Indigenous Peoples has been confirmed. More could have been done, not least in utilizing Danida's own tool kits and monitoring guidelines. Challenges ahead include sustaining normative gains at international level and for IPs to make organised and qualified use of their right to participation in international fora. Normative frameworks need to be translated into tangible improvements on the ground, particularly in the African region. This implies operational approaches relevant in Africa and focusing on traditional livelihoods, conflict resolution and state reform processes.

Recommendation - re-contextualise relevant policy focus

- *It is recommended that Denmark re-contextualise IPR support to its new development and international human rights policy frameworks by maintaining a multi-faceted focus on IPR in international processes, diplomatic negotiations and evolving aid modalities of bilateral and multilateral cooperation*

Recommendation - maintain broad scope and establish Danish-Greenlandic Forum

- *It is recommended to establish an Annual Forum for the Danish and Greenlandic IPR resource base, hosted by the Government of Greenland in collaboration with MFA, with opportunities for experience exchange, discussion of challenges and input to Denmark's regular UNPFII reporting*

Recommendation - sustain IPR recognition and build alliances

- *It is recommended that Denmark work to sustain recognition of IPR in ongoing and emerging international negotiations and, where feasible, establish alliances for promotion of IPR at the level of the UN, EU, Nordic and Arctic cooperation*

Recommendation - maintain focus on IPR in climate mechanisms

- *It is recommended that Denmark work to maintain focus on IPR in ongoing and emerging climate negotiations and related funding mechanisms such as REDD+*

Recommendation – explore relevance of IPR support in Africa

- *It is recommended that Denmark build on pioneering efforts and further explore the relevance of indigenous issues to governance reform, gender equality, environment and climate processes in partner countries, identifying opportunities and entry points for bilateral IPR promotion where context analysis deems it appropriate*

Recommendation – context analysis to determine relevance

- *It is recommended to maintain a focus on IPR in country and sector analyses to determine relevance of further inclusion in bilateral support and related programming*

Recommendation – promote dialogue and country-level partnerships

- *It is recommended to keep IPR on the agenda of dialogue with relevant multilateral agencies particularly when discussing agency programmes and budgets*

Recommendation – support emerging UNIPP mechanism

- *It is recommended to support country-level implementation of IPR through the recently established United Nations Indigenous Peoples Partnership (UNIPP), and, where relevant, establish country-level partnerships with multilateral agencies*

1. Introduction

In the view of the Government of Greenland, transition from Home Rule to Self Government in 2009 constitutes implementation of the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)endorsed in 2007. The Declaration itself is amongst the landmark achievements contributing to a changed state of indigenous affairs compared to the situation a decade ago. These changes are part of the reason why the Ministry of Foreign Affairs (MFA) and the Government of Greenland decided to carry out the review summarised in this report.

Greenland has contributed to creating a high profile as well as a unique role for the Danish Realm in promoting indigenous peoples' rights (IPR) as a global issue, yet close to home. It was a joint Greenlandic-Danish initiative to develop Denmark's pioneering Strategy for support to indigenous peoples (IPs) in 1994. The Strategy was broad and multi-faceted, comprising support through international processes, multilateral and bilateral cooperation, support to indigenous peoples' organisations (IPOs) and NGOs as well as trade-related efforts. When the Strategy was revised in 2004, following a review by indigenous experts in 2001, the broad scope was maintained. Hence the reference to a *Danish* rather than a *Danida* strategy.

In financial terms, the development budget has been of key importance and IPR enjoyed formal status as a priority theme in Danida activities during the decade under review. However, the Strategy also involved other elements of support. For example, IPs in Russia were supported through the *Danish Cooperation for Environment in the Arctic* (DANCEA) under the Ministry for the Environment and IPR are key to climate measures involving several Danish government departments.

With the adoption in 2010 of a new strategy for Danish Development Cooperation, entitled *Freedom from Poverty, Freedom to Change,* crosscutting concerns and priority themes are redefined in five focus areas: (i) *Freedom, democracy and human rights*, (ii) *Growth and employment*, (iii) *Gender equality*, (iv) *Stability and fragility* and (v) *Environment and climate*. The strategy includes brief, yet relevant references to promotion of IPR as a priority under the areas *Freedom, democracy and human rights* and *Environment and Climate,* with no details on operational implications.

Implications are clear, however, when it comes to the future geographical focus of Danish development cooperation. The decision to phase out bilateral cooperation with Latin America, where IPR are high on the agenda, and focus increasingly on Africa, where the policy context is considerably less conducive, creates new challenges for promotion of IPR.

Adding to this picture, are the changes to the global aid architecture triggered by the Paris Declaration on aid effectiveness. Abandoning earmarking and replacing projects and programmes with core budget support to government structures and donor harmonisation create particular challenges for IPs, who are often marginalised by national governments. Concerns are aired that IPR risk being thrown out 'like a baby with the bath water'.

To meet the dual challenge of sustaining high-profile results whilst at the same time taking into account a changed situation of IPR, development aid architecture and policy framework, the Government of Greenland and MFA decided to undertake this review. The overall goal is to document results and identify opportunities in order to qualify decisions on future support.

Objectives

The review objectives are defined by Terms of Reference (TOR) of 8 September 2010 to:

- ✓ **Document Danish efforts** from 2001-10 to promote IPR, including strategically important results in the field
- ✓ **Recommend future action** to sustain results in the new development policy framework and context of changing aid modalities

According to the TOR, the review should focus on three of the five elements of the Strategy:

1. Strengthening of indigenous peoples' rights through international processes
2. Inclusion of indigenous peoples' concerns in bilateral development cooperation
3. Inclusion of indigenous peoples' concerns in multilateral cooperation

This leaves out the following two strategy elements:

4. Cooperation with indigenous peoples organisations (IPOs) and NGOs
5. Consideration of indigenous peoples in economic and trade related issues

However, the review found evidence of complementarity and synergies between all five Strategy elements. Consequently, support to IPOs and NGOs is taken into consideration to the extent that it has contributed directly to the three elements under review.

Methodology

A method of triangulation has been applied combining desk studies, consultations and interviews with country visits to identify results of projects and programmes. Getting an overview of support is a particular methodological challenge in the absence of a specific tracking system. Thus, budget estimates on the scope of Strategy implementation have to be read with caution as findings depend on the categories and terminology used when entering data. Representatives of IPOs have been included in consultations, including during field visits and at a mini-workshop in Thailand on Asian IPR perspectives. Separate working papers include details of field visits to Central America, Kenya, Thailand and Nepal. The papers are available upon request.

Who is indigenous these days?

The term 'indigenous peoples' is a common denominator for around 5,000 distinct peoples, representing at least 370 million individuals, who, through historical processes, have been denied the right to control their own development.

Most indigenous peoples are characterised by:

- Self-identification as indigenous
- Historical continuity with pre-colonial societies
- Strong links to territories
- Distinct language, culture and beliefs
- Distinct social, economic and political systems
- Non-dominant sectors of society

The term is generally accepted and reflected in legislation and policies in Latin America. Growing recognition of the concept is noted in Asia. In Africa, the term remains more challenging with recent signs of increasing acceptance of pastoralists and hunter-gatherers as marginalised communities self-identifying as indigenous.

2. Relevance of strategy

Review findings indicate clear linkages and synergy effects between the various Strategy elements with achievements at policy level translated into tangible results at country level. However, in most countries IPs continue to constitute the poorest segments, they are victims of human rights violations and their traditional livelihoods are under pressure, most recently from climate change. Exclusion and marginalisation contribute to the fragility of states and constitute barriers to sustainable investment climates and private sector growth. Review findings indicate relevance of IPR in order to address contemporary global challenges and the need for broad responses, involving diplomatic efforts as well as developmental instruments, with a particular focus on tangible results and livelihood improvements for IPs in Asia and Africa. Relevance depends on local context and presence of peoples identifying as indigenous.

Furthermore, aid modalities have changed significantly in recent years and efforts need to adapt to the principles of aid effectiveness, including alignment to country and institutional priorities, core budget support and joint donor interventions. The risk of IPR being left out in these processes is to some extent countered by positive results of international and multilateral policy developments. Context analysis and alliance building is of the essence.

The multifaceted character of the Danish Strategy poses a challenge in terms of visibility of efforts, communication and sharing of experiences. Moreover, in the absence of safeguard mechanisms, results have to a significant degree been driven by passionate professionals with a commitment to IPR. This potential could be further nurtured by establishing professional networks and organisational teams.

Recommendation - re-contextualise relevant policy focus

It is recommended that Denmark re-contextualise IPR support to its new development and international human rights policy frameworks by maintaining a multi-faceted focus on IPR in international processes, diplomatic negotiations and evolving aid modalities of bilateral and multilateral cooperation

Recommendation - maintain broad scope and establish Danish-Greenlandic IP Forum

It is recommended to establish an Annual Forum for the Danish and Greenlandic IPR resource base, hosted by the Government of Greenland in collaboration with the MFA, with opportunities for experience exchange, discussion of challenges and input to Denmark's regular reporting to the UNPFII.

Opportunities

- ✓ Progress in international and national commitments to IPR provides opportunities for dialogue and alliances with UN agencies, donors and partner countries
- ✓ Internal human rights and governance challenges are increasingly being addressed by IPOs and can be supported in human rights and governance interventions.
- ✓ Lessons learnt from implementing IPR can inform the development of mechanisms for *Free Prior and Informed Consent,* including in climate-related processes
- ✓ Where context analysis provides evidence of human rights violations, alliances can be sought at country level to include an IPR perspective in Joint Assistance Strategies.

Key finding - changing aid modalities involve challenges as well as opportunities

Since 2001, the global aid architecture has changed significantly with stronger focus on aid effectiveness, donor harmonisation and alignment with partner priorities. Operationally, this involves core budget support as the default option and joint strategies, funding arrangements and dialogue mechanisms with development partners. Previously, earmarked contributions and targeted projects and programmes have played a significant role in promoting IPR, yet are increasingly seen as obsolete modalities distorting partner priorities. Re-contextualisation of support modalities is required.

Review findings provide a mixed picture in this regard. On the one hand, issues such as gender equality and IPR risk sliding down the agenda or even disappear in joint dialogue fora, where partner country priorities or administrative arrangements are in focus. Multilateral partners, in particular, aired concern that absence of earmarked contributions and pressure from donors would marginalise IPR as a priority.

On the other hand, review evidence from Bangladesh illustrates the possibility of building alliances with like-minded development partners. Donor collaboration in support of the peace agreement in Chittagong Hill Tracts and the inclusion of IPR in the national poverty reduction strategy, which forms the basis for the Joint Assistance Strategy (JAS), are cases in point. Likewise, evidence from Kenya shows how the World Bank Operational Policy 4.10, involving mandatory safeguards, was triggered for a new phase of a Natural Resource Management Programme co-funded by Denmark.

Thus, new opportunities for dialogue and alignment have opened up as an increasing number of development agencies have adopted policies on IPR, 22 countries have now ratified ILO Convention No. 169 and UNDRIP constitutes a common policy framework for all UN agencies, endorsed by 147 states. A framework is set for enhanced implementation in the context of aid effectiveness.

Key finding - freedom from poverty has indigenous relevance

The Danish development strategy *Freedom from Poverty, Freedom to Change* confirms the poverty-orientation of Danish development cooperation in its very title. IPR are relevant to Danish development cooperation for the basic reason that longitudinal socio-economic studies by the World Bank have consistently shown that IPs constitute the poorest segments of society. However, the detailed implications depend on an analysis of the specific country context and situation of diverse indigenous groups.

The case of Nepal illustrates that development cooperation without an IPR perspective risks ignoring important patterns of exclusion. Until the peace settlement brought IPR up on the national agenda, primary education was supported for years before language rights and mother tongue instruction were introduced to improve access for marginalised IPs. Evidence from Nepal also shows that 57 of the 59 classified indigenous groups are significantly poorer than national average, while two groups are exceptions to the rule by fairing above average. These groups will not qualify for development support, yet may have IPR-related needs and aspirations, e.g. on language rights and traditional institutions. Thus, the review confirms the relevance of combining poverty orientation with a human rights-based focus on IPR.

Key finding – an international human rights priority

IPR are universal human rights aiming at ensuring equal rights for all in democratically governed states. Yet, in a number of countries these rights are not respected. There are also cases of countries where absence of peoples identifying as indigenous renders IPR irrelevant.

Freedom from Poverty, Freedom to Change refers to IPR in the section on freedom, democracy and human rights and states that 'Discrimination against poor and marginalised groups, including indigenous peoples, must be avoided to ensure that they also gain equal rights and access. But this is not enough. These groups must also know their rights and be able to assert them, and Denmark will strive to ensure this'.

This commitment is confirmed in the policy documents *Denmark's Approach to International Human Rights Cooperation* and *Democratisation and human rights for the benefit of the people,* both published in 2009. Recognising that current human rights challenges require a focused response, Denmark has identified focus areas where it sees

itself in a special position to make a difference. IPR promotion is listed as one priority area out of ten and it is underlined that efforts are carried out jointly with the Government of Greenland. This is in line with the high policy priority attached to the promotion of IPR by Greenland. The UN Human Rights Council and, in particular, the Universal Periodic Review (UPR) are singled out as mechanisms of particular priority for Denmark. These constitute increasingly important entry points for IPR.

UNDRIP contextualises universal human rights as they apply to IPR, including both collective and individual aspects. Review findings confirm that IPs have important internal challenges, relating to equality, cultural practices and customary law in conflict with individual human rights. Another set of challenges is related to internal governance ensuring participation of all and development of mechanisms to establish representativity and accountability. Over the last decade, IPOs are increasingly discussing and addressing such issues.

The Strategy for Danish support to IPR refers to the need for dialogue in cases where indigenous norms and practices are in conflict with other principles of Danish development cooperation. However, promotion of IPR needs to go one step further to align to the position of *Freedom from Poverty, Freedom to Change* (2010) where the section on gender equality clearly spells out that 'while Denmark will take cultural and religious differences into consideration, we are not willing to compromise on universal human rights'.

Key findings – particular relevance for gender, climate and fragile states

Gender equality is an area where review findings point to the relevance of an IP perspective as well as rigorous context analysis and clarity on how individual and collective human rights correlate.

Gender equality – indigenous perspectives

Review consultations in northern Kenya included prospects for the prevention of Female Genital Mutilation (FGM) - a human rights violation reported to be practiced by as many as 90-95 per cent of Masai and other pastoralist communities, with severe consequences for the women affected. Condemnation of FGM by outsiders only does not appear promising. FGM is a cultural practise already banned by Kenyan law and yet continues to occur. Committed reformists within the Masai community have initiated programmes mobilising elite Masai women to support victims of FGM whilst at the same time advocating against FGM amongst Masai elders, with a degree of success. Preventing harmful cultural practices is never an easy fix, yet alliances with groups of Masai reformists provides some hope of preventing fundamental human rights violations against otherwise hard-to-reach groups.

A key finding of the review is the relevance of the IPR concept when analysing and dealing with processes of state reform and fragile states. Bolivia, Guatemala, Kenya and Nepal are striking examples of exclusion and human rights violations at the root of national unrest. In some cases IP contribute to existing conflicts. Efforts to solve the conflicts have used instruments and tools related to inclusion of IPR in the restructuring of the state. Context analysis should also guide the application of an IPR focus in the areas of democracy and fragile states.

Fragile states – a case of indigenous relevance

Nepal recently recovered from years of bloody civil war between government and Maoist rebels, with issues of political participation of low casts and IPs and the restructuring of the state at the heart of the conflict. Part of Denmark's support to Nepal was channelled through ILO's programme to promote Convention No. 169. Review mission consultations provided evidence of the activities contributing positively to the fragile process of transition and policy dialogue in Nepal, e.g. in supporting constitutional work of indigenous parliamentarians. High-caste dominance of politics and human rights violations of indigenous groups and low castes remain at the core of Nepal's peace process and discussions on the structure of the future federal state illustrate the relevance of IPR perspectives on support to fragile states.

The case of Nepal bears evidence of the complementarity of Strategy elements. UN human rights instruments, multilateral, bilateral and NGO efforts all contributed to promoting IPR as part of conflict resolution.

Finally, environment and climate constitute areas of strategy relevance. *Freedom from Poverty, Freedom to Change* refers to the importance of defending IPR in forestry and biodiversity interventions. Likewise, due to their traditional livelihood strategies, IPs often have a special vulnerability to climate change. The value of IP traditional knowledge has been recognized in connection with the discussions on adaptation to climate change. Review consultations point to the need not simply to include IPR at the policy level but to contribute to the development of mechanisms for consultation and participation in order to obtain IP free prior and informed consent to measures that affect them, including related to climate change adaptation and mitigation.

Key finding – potential of professionals teaming up

Current pressure on IPR promotion arising from changing aid modalities and shifting geographical priorities pose challenges on how to sustain results and deliver on some of the *Freedom from Poverty, Freedom to Change* ambitions regarding fragile states, human rights and democracy, gender equality, environment and climate.

Review interviews suggest that progress has depended upon commitment of professional staff with an individual passion for IPR and a current concern that the theme is in peril of sliding down the agenda of priorities. Interviews also point to a generally low visibility of the IPR policy framework among development practitioners and interlocutors from civil society had limited knowledge of broader national efforts. By way of example, results of support to The African Commission on Human and Peoples' Rights (ACHPR) did not appear to have been effectively communicated to field staff charged with bilateral cooperation or policy dialogue at the level of the

African Union (AU). Resources such as the Tool Kit for IPR in sector programming and Technical Notes on indicators, environment programmes and links with climate change were not well known. The potential synergy benefits between various programme and policy instruments might be explored by the proposed Annual Forum for the Danish-Greenlandic resource base.

3. Financial scope of support

A price tag cannot easily be calculated for the important diplomatic efforts in international processes, which have paved the way for results through bi- and multilateral cooperation. Based on the MFA *Programme and Project Data Base* and field visit results, this review indicates a scope of IPR support over the past decade of at least DKK 1.8bn, with bilateral aid to Bolivia and Central America accounting for 74 pct. of the total scope. By contrast, the IP support to Africa was estimated at around DKK 81.8m or only 4 pct. of total support. Also, changing aid modalities implies that earmarked funding and small grants to targeted programmes are decreasing. Analysing the past decade and taking into account the decision to phase out bilateral support to Latin America, a clear picture emerges of a decreasing scope of future IPR support of down to as low as a quarter of current levels, as efforts are concentrated in Africa.

Key finding – significant scope with a downward trend

Establishing exact numbers on financial scope and pattern of support to IPR is a challenge in the absence of a tracking system designed to capture the category of indigenousness. In those countries where the term is not accepted, chances are that even programmes benefitting indigenous groups would not be registered as such. Pastoralists in Northern Kenya, benefitting from Danish sector support to health or natural resource management is one such example. Sector programmes in countries with indigenous populations of 40-60 %, such as Bolivia, Guatemala and Nepal, are not registered as targeting IPs although it would be almost unthinkable to design a pro-poor intervention without reaching indigenous groups. While data did not allow assessing the level of general sector programme support benefitting IPs in Central America, Africa and Asia the Danish Embassy in Bolivia gave evidence of estimated DKK 708m worth of bilateral aid through

Tracking results in Nicaragua's transport sector

The transport sector programme supported by Denmark in Nicaragua was not conceptualised to specifically target indigenous peoples but has focussed on methods for community participation from the very outset. Over the years, the programme has developed approaches to involving indigenous communities, it has built the capacity of partners to address IPR and generated disaggregated data, allowing for assessment of diversified impact for indigenous and non-indigenous communities. Benefits of improved transport infrastructure were found to be mainly economical for mestizo and mainly related to health and education for indigenous beneficiaries. Fifteen transport projects benefitting indigenous communities represent results amounting to DKK 21.9m.

sector programmes on education, agriculture and justice. In addition, the sector programme specifically targeting IPR amounts to DKK 410m, bringing total bilateral IPR support to Bolivia alone to DKK 1.1bn. The scope of specific IPR support to Central America mainly through environment and human rights programmes amounts to at least DKK 268m, excluding significant Danish NGO support.

With all necessary caution and combining searches in the MFA *Programme and Project Data Base* (PDB) with field visit findings and additional inputs from Embassies, the review concludes that total support to IPR over the past decade has amounted to at least DKK 1.8bn. Key results are seen in strengthening the human rights capacity of IPOs, bilingual education, roads and bridges in disadvantaged communities, environmental conservation, governance and state reform and participation in international processes. Rights to land and resources has been a priority in several programmes, most prominently in the IPR sector programme in Bolivia resulting in the titling of 11.3m hectares of collective territories.

Support scope at a glance

Modalities	Comments	Amount in DKK
Bolivia sector programmes	EOD estimate of share of sector programmes benefitting IP	**708,400,000**
Bolivia IP Sector Programme	Including some activities initiated in 1998/1999/2000	**409,767,000**
Central America Programmes	Field visit estimates based on EOD consultation	**268,090,000**
IWGIA	Including framework agreement and 2 additional projects	**157,233,000**
Projects (according to PDB)	Including a few activities initiated in 1999/2000	**131,658,000**
Ngorongoro Pastoralist Project	Phases 1, 2 and 3 combined (project phased out in 2009)	**73,810,000**
Int'l Labour Organization (ILO)	Earmarked support for ILO PRO 169 and INDISCO	**55,343,000**
B'desh governance projects	EOD estimated value of 30 IPR interventions	**37,410,000**
Support IPs in Russia & Arctic	A variety of smaller projects, funded by the MFA	**23,200,000**
Total		**1,864,911,000**

Support to IPOs and Danish framework NGOs is not included in table above as this Strategy element falls outside the scope of the review. However, field visits indicated a significant role for civil society actors. Ibis had a direct implementing role in the Danish sector programmes with large numbers of IP beneficiaries in Bolivia as well as Nicaragua. Consultations also brought evidence of involvement of Nepenthes, Care and MS in Latin America as well as Kenya, Tanzania, Uganda, Niger, Vietnam and Nepal. Even where financial scope has been limited, the review gave evidence of important pioneering results.

The *International Work Group for Indigenous Affairs* (IWGIA), a specialised international NGO, has constituted an important modality for Danish support to IPR. During the period under review, IWGIA has received app. DKK 15m annually through a framework agreement and additional support for projects, including support to the working group of the *African Commission on Human and Peoples' Rights* (ACHPR) of DKK 8m and support for participation of IPs in the COP15 process leading up to the Summit in Copenhagen of DKK 1.7m.

The category 'Projects' covers a variety of smaller grants for travel, capacity-development, training and commemorative events – at times down to as small amounts as DKK 25,000. Some of these are channelled through NGOs, others through UN agencies and funds and only a few through IPOs. It is also notable that such small grants declined in scope over the decade under review, as the effects of the aid effectiveness agenda became more pronounced. The same can be observed for the support to IPs in Arctic and Russia, which will most probably be phased out over the coming years, as small-grants modalities are abandoned.

The impact of the decision to phase out support to Latin America - combined with the absence of large-scale IPR interventions in the pipeline in other regions - looks set to reduce the total scope of IPR support to a quarter or less of current levels. The effect of the aid effectiveness agenda of abandoning earmarking and targeted projects and programmes will also reduce scope of support, rarely high on the list of government priorities in Africa and Asia.

4. Strategy element – international processes

Strengthening of IPR through international processes is a key element of the Danish Strategy and an area where groundbreaking results have been achieved. Consistent and firm political, diplomatic and financial support provided by Denmark, in close collaboration with the Government of Greenland and complemented by NGOs, has been important - and in some cases decisive - for achieving these results. Most notable is the 2007adoption of UNDRIP. Denmark's support has also transpired to processes that were not explicitly foreseen by the Strategy, such as the *Expert Mechanism on the Rights of Indigenous Peoples* (EMRIP), the *Universal Periodic Review* (UPR) under the Human Rights Council, and the climate-related processes currently in the making.

In general terms, the framework for defining and promoting IPR has now been set and IPs count with the instruments to promote their rights at a global scale. However, it is still important to sustain policy achievements and ensure adequate inclusion of IPR in ongoing and emerging international processes, e.g. on climate change. This requires partnerships and collaboration with likeminded governments, multilateral agencies, IPOs and NGOs. Strengthened communication and coordination among key stakeholders are thus essential.

IPs face the challenge of making organised and qualified use of their right to participation in a large number of international fora. With changed aid modalities, the direct Danish support to multiple small-scale initiatives is no longer feasible. This points to the need for continued support to specialised UN mechanisms, Trust Funds and organisations like IWGIA, as well as teaming up with bi- and multilateral partners, where relevant.

Recommendation - sustain IPR recognition and build alliances

It is recommended that Denmark work to sustain recognition of IPR in ongoing and emerging international negotiations and, where feasible, establish alliances for promotion of IPR at the level of the UN, EU, Nordic and Arctic cooperation

Recommendation - maintain focus on IPR in climate mechanisms

It is recommended that Denmark work to maintain focus on IPR in ongoing and emerging climate negotiations and related funding mechanisms such as REDD+

Opportunities

- ✓ The *ASEAN Human Rights Commission* is a potential point of entry in South East Asia, involving bilateral governance sector partners in countries where relevant
- ✓ The *World Conference on Indigenous Peoples,* envisaged as a high-level plenary meeting of the General Assembly in 2014, offers opportunities for Denmark and Greenland to share experience and human rights alliances in support of IPR
- ✓ The *Rio +20* process provide opportunities for keeping IPR high on the agenda of a critical international process
- ✓ Cross-fertilization between international processes and country-level implementation could be strengthened if results are shared and practical implications discussed more systematically among the various stakeholders

Key finding – groundbreaking results in principles and processes

Denmark and Greenland was found by this review to have played active roles in most of major international processes relating to IPR, consistent with Strategy requirements to support:

- ✓ The work of the UN Permanent Forum for Indigenous Issues
- ✓ The adoption of UNDRIP
- ✓ The work of the UN Special Rapporteur on indigenous peoples
- ✓ The ratification of Convention No. 169 by ILO Member States
- ✓ Raising IP concerns in relevant fora such as the OECD and the Arctic Council
- ✓ Innovative avenues for the promotion of international work for indigenous peoples

A: United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)

The most important result over the decade is the adoption of the UNDRIP in 2007, following 24 years of UN negotiations. UNDRIP is a global tool for defining, promoting and defending IPR carrying moral imperative and legal implications, as it may gradually be recognised as customary international law. Importantly, UNDRIP

requires all UN agencies to work for the full realisation of its provisions. UNDRIP is complementary to ILO Convention No. 169 on IPR, which becomes legally binding upon ratification.

Denmark and Greenland have promoted the adoption of UNDRIP diplomatically, including by using self-government of Greenland as a positive example of the implementation of IPR.

B: The UN Permanent Forum on Indigenous Issues (UNPFII)

Establishment of UNPFII in 2000 was a special priority for Denmark and Greenland, pursued through sustained diplomatic efforts combined with financial support for networking and advocacy through IWGIA and Inuit Circumpolar Council (ICC). UNPFII is the key international forum for dialogue between IP, UN agencies and governments and is mandated to provide recommendations to the entire UN system. It has a crucial role in debating topical global issues at they relate to IPs, e.g. MDGs, biodiversity and climate change. It provides a unique opportunity for IP representatives to meet their own governments in a setting prioritizing IPR. The UNPFII has been instrumental in pushing UN agencies to adopt IPR policies and to enhance UN coordination through the Inter-Agency Support Group (IASG).

UNPFII has adopted numerous recommendations, which are largely dependent on UN agencies and other actors for implementation and follow-up. This gives rise to reflections on the impact of the Forum on the ground. Also, the role of governments in the context of the UNPFII is not clearly defined. An earlier government coordination mechanism, called "Friends of the Forum" is no longer functional.

High profile in UNPFII

From 2002-7 there was a Danish member of UNPFII (Ms. Ida Nicolaisen) and from 2004-7 a Greenlandic member (Mr. Aqqaluk Lynge). Denmark has participated regularly in annual sessions of the Forum. Currently, Denmark also supports the Secretariat with a JPO.

Denmark contributes to the Trust Fund on Indigenous Issues, which supports activities of UNPFII, including travel and translation for members, and small grants to IPOs to promote objectives of the Second International Decade on the World's Indigenous People (2005-15). Denmark has recently decided to increase its support to the Fund in the period 2010-13 to DKK 4m, making her the largest contributor. The Fund has provided 88 small grants to IPOs between 2006-10.

C: UN Special Rapporteur on Indigenous Peoples

Its mandate established in 2001, the Special Rapporteur issues reports on the human rights situations in selected countries, investigates alleged violations and conducts thematic studies on the promotion and protection of IPR. Denmark provided political support to the mandate under the Human Rights Council. Denmark has not found a feasible modality for providing direct support to the Special Rapporteur, as it would imply earmarking within the general contribution to the Office of the High Commissioner for Human Rights. Interestingly, IWGIA is providing direct support to the Rapporteur through its Danida framework agreement. The Special Rapporteur also gets support from NGOs in Spain and Canada.

While support to the UNDRIP, UNPFII and the Special Rapporteur was foreseen in the 2004 Strategy, Denmark has also made timely use of new windows of opportunities to promote IPR.

D: Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

Established in 2008 by the Human Rights Council**,** EMRIP is charged with providing thematic expertise to the Council through studies and research-based advice. EMRIP came about as a result of Danish and Greenlandic efforts, in cooperation with Mexico and Guatemala.

E: Universal Periodic Review (UPR)

Since 2008, the Human Rights Council has undertaken Universal Periodic Review of the human rights situation of all member states. Indigenous peoples are increasingly making use of this mechanism to raise concerns about human rights violations at country-level. Denmark has used the UPR mechanism to raise concerns about the situation of IPs in particular countries, e.g. in relation to Kenya where Denmark recommended implementation of the recommendations of the Special Rapporteur and ratification of ILO Convention No. 169.

F: Working Group on Indigenous Populations/Communities (WGIPC)

Supported by IWGIA, the African Commission on Human and Peoples Rights (ACHPR) decided in 2001 to establish a Working Group on Indigenous Populations/Communities. This is a unique decision on a continent, where relevance of IPR is disputed. Over the years, the WGIPC has issued regional and country-specific reports on the situation of IPs in Africa. The work of the WGIPC has become a broadly recognised reference point for the debate on IPR in Africa, and provides essential guidance for the UN, World Bank and others. WGIPC has contributed to securing support from African governments for the adoption of UNDRIP. Moreover, it has led to increased interaction between IPs and the ACHPR, resulting in groundbreaking rulings, inter alia related to

political participation and land rights. Finally, it has strengthened the ACHPR and inspired it to establish similar working groups on other sensitive themes such as homosexuality.

Since 2004, WGIPC has depended upon Danish support through IWGIA. The total support amounts to app. 8 million DKK. They continue to be dependent on the support through IWGIA.

G: Convention on Biological Diversity (CBD)

Recent progress regarding the CBD includes the definition of indicators for implementation of Article 8(j) on traditional knowledge and the adoption of the Nagoya Protocol on access to genetic resources and sharing of benefits. The protocol is significant in being the first treaty of relevance to IP to have been negotiated since the adoption of UNDRIP and relates to benefits arising from genetic resources in indigenous territories.

H: UN Framework Convention on Climate Change (UNFCCC)

Climate change has gained prominence on the global agenda during the decade under review. IPs have participated formally in UNFCCC negotiations. Due to this, IPR are prominently included in recent agreements coming out of COP16, referring to UNDRIP and recognising the importance of IP effective participation. Denmark has supported recognition of IPR in climate negotiations and also supported participation through allocations to IWGIA and the International Coordinating Committee of the indigenous caucus.

Key finding – comprehensive support for networking and capacity-development

The rights to be consulted and participate in decision-making constitute the corner stone of IPR. Consequently, the Strategy stipulates that Denmark should support IP participation in relevant fora and related capacity-development, networking and training.

Until 2009, Denmark provided small annual contributions to the *UN Voluntary Fund for Indigenous Populations*, which supports IP participation in UN processes. Following the decision to concentrate Danish multilateral assistance on fewer but larger contributions, it was decided to no longer support this Fund. In parallel, Denmark has supported IP participation in a variety of international processes, including the World Conference against Racism, CBD, Organisation of American States, United Nations Institute for Training and Research, indigenous women's networks, UNPFII and, most recently, climate change negotiations. The total support over the last decade amounts to at least 30.7 million DKK, distributed among 40 distinct initiatives.

The situation of IPs in the Arctic, and particularly in Russia, has been a special concern and Denmark has provided support to capacity-development and participation through the Indigenous Peoples Secretariat related to the Arctic Council, the Inuit Circumpolar Council (ICC), the International Training Centre for Indigenous Peoples in Nuuk and support to Russian IPs through Danish NGOs. The total support to IPs in Russia and the Arctic over the last decade amounts to at least DKK 23.2m.

Support to participation, capacity development and networking has been provided through several NGO framework agreements and a number of relatively small, targeted NGO projects. However, the project support shows a clearly decreasing pattern, as the decision to concentrate on fewer and larger allocations is followed through. It can be anticipated that the only Danish support that will continue to underpin this Strategy-element is the NGO framework agreements. It should be noted that the framework agreements are funded by "development resources" and cannot be spent in Russia or other industrialized countries.

During the past decade, increased IPR recognition has led to enormous multiplication of the opportunities for participation in international processes. The demand is for IPs to keep up with the entirety of the international and regional agendas. Meanwhile, early preoccupation with making representation possible is increasingly replaced by a more strategic focus on the quality of participation, including selection, preparation and follow-up on in order to reach real impact at the national level. Resources made available for participation are diminishing, as scattered small-scale allocations no longer appear feasible. Consequently, the support to participation and networking must increasingly be built into broader interventions through NGOs and bi- and multilateral interventions, where relevant.

5. Strategy element - bilateral cooperation

Review findings confirm the relevance of IPR to key priorities of Danish bilateral assistance in a number of different countries. There is no blueprint approach and the importance of context analysis to establish relevance and opportunities cannot be overestimated. Findings also indicate that opportunities depend upon factors such as national acceptance of IPR, commitment to international instruments and presence of vocal IPOs. Such factors are often beyond the influence of a single donor but context conduciveness is dynamic and can increase due to international processes, multilateral cooperation and NGO efforts.

Geographical reorientation of Danish bilateral cooperation profoundly impacts the prospects of support for IPR, as Latin America, Asia and Africa provide very different scenarios: **Latin America** has an overall conducive context and the decision to phase out of Latin America will drastically reduce the overall scope of Danish IPR support. **Asia** provides an increasingly favourable context for addressing IPR, which can be further explored in bilateral support to Bangladesh and Nepal and climate-related interventions in Indonesia. **Africa** generally has uneven levels of relevance and low levels of IPR acceptance, which limits bilateral prospects as cooperation is increasingly aligned to recipient country policies. However, there are early signs of increased acceptance of IPR and review evidence shows that governance, poverty, human rights and climate provide entry points for support, including through alliances with donors, multilateral partners and NGOs.

Recommendation – explore relevance of IPR support in Africa

It is recommended that Denmark build on pioneering efforts and further explore the relevance of indigenous issues to governance reform, gender equality, environment and climate processes in partner countries, identifying opportunities and entry points for bilateral IPR promotion where context analysis deems it relevant

Recommendation – context analysis to determine relevance

It is recommended to maintain a focus on IPR in country and sector analyses to determine relevance of further inclusion in bilateral support and related programming

Opportunities

- ✓ Experiences and lessons learnt from bilateral cooperation on IPR in Latin America can inform and inspire future cooperation in Asia and Africa
- ✓ Lessons learnt from Central America on how to combine support to IPR with small business development and value chains can provide a model for other regions
- ✓ Studies and recommendations published by the ACHPR can help identify IPR needs and opportunities in country programmes, including joint donor approaches
- ✓ Poverty orientation can be qualified by identifying IPs in marginalised areas
- ✓ The application of institutional safeguard policies such as the World Bank Operational Policy 4.10. pave the way for other donors and agencies to address IPR
- ✓ Multilateral agencies may have comparative advantages for addressing IPR issues at country level and can be involved as partners, also in bilateral cooperation
- ✓ IPR perspectives can often be relevantly included in governance reform processes to address exclusion and conflicts and promote stability of fragile states
- ✓ IPOs can be supported through broader civil society programmes, particularly in the context of governance and human rights

Key finding – the importance of context

An assessment undertaken by MFA in 2009 indicates that IPR, to varying degrees, are either addressed or relevant in 15 out of 20 Danish partner countries. IPR are currently not considered relevant in Afghanistan, Bhutan, Egypt, Liberia and Mozambique. Analysis of regional contexts in Africa, Asia and Latin America over the decade under review confirms the dynamic and evolving nature of IPR recognition. While alignment and donor harmonisation may pose hindrances to addressing IPR in bilateral cooperation, growing recognition in national legal frameworks, progress in international and institutional policies and, not least growing advocacy capacity of IPOs in Africa and Asia open up new opportunities.

Context determines scope and character of IPR support

The opportunities and scope for addressing IPs are determined by diverse contexts. Review findings underline the importance of the following factors (also reflected in the 2004 Strategy):

- *Reflection of IPR in national legislation and sector framework.* In Bolivia, Guatemala, Nepal & Nicaragua, Danida has been able to align to national policies whereas most African countries do not have frameworks in place
- *Level of influence and organisational strength of indigenous peoples.* In Bolivia, capacity development has further strengthened vocal IPOs in the process of state reform, while most IPs in Cambodia are not organised beyond the community level and not able to impact national policies
- *Existence of common international instruments to link up to.* Recent ratification of Convention No. 169 by Nepal and Nicaragua opens up new opportunities for comprehensive support to IPR.
- *Awareness of indigenous issues among relevant Danida staff.* Limited knowledge may lead to emerging opportunities being overlooked, particularly in Africa.
- *Existence of communication and consultation mechanisms between Danida and indigenous peoples in programme countries.* In Tanzania and Bangladesh, direct communication with IPs has provided input to the dialogue with the concerned governments on alleged human rights violations.
- *Synergy between bilateral and multilateral assistance.* Application of WB operation policy in Africa paves the way for government acceptance and broader donor focus on IPR

Key finding – programme management tools

IPR was reflected as a priority theme in *Partnership 2000*, the overall policy guide to Danish bilateral cooperation during the decade under review. The status as priority theme, implied that IP issues were included in the various programming tools and procedures.

Danida *Guidelines for Programme Management* (2009), due to be revised in 2011, include mandatory requirements in preparation to establish the contextual relevance of IPR throughout the programme cycle:

1. **Preparation** – *Programme Support Document and Component Description* requires component descriptions to include IPR in the analysis of national sector context
2. **Appraisal** – the standard template requires consideration of all crosscutting concerns but only priority themes where relevant
3. **Review** – crosscutting concerns are mandatory whilst priority themes are to be reported on where the programme targets the theme
4. **Programme Completion** – templates request reporting on crosscutting concerns and HIV/AIDS but do not refer specifically to IPR
5. **Evaluation** - Danida's Evaluation Guidelines do not refer specifically to IPR, but mention priority themes as such, listing examples other than IPR

By contrast, an example was encountered of an IPR reference having disappeared from the environmental screening note, which is a mandatory annex in component descriptions. The 1995 version included a standard requirement to screen for impact on local people and indigenous peoples, yet in a revised version in June 2009, the requirement had disappeared.

Annual Performance Reports produced by Danish Embassies with a significant level of development activities constitute the principal tool to ascertain the quality of cooperation. Hitherto, the performance assessment framework has reflected the priority themes of *Partnership 2000,* with IPR reported upon every second year. The two most recent reports are from 2006 and 2008, as 2010 assessment awaits a tracking system based on the focus areas of *Freedom from Poverty, Freedom to Change*.

Annual Performance Results (A "very satisfactory", D "unsatisfactory")

Reporting on IPR as a priority theme	Rating A	Rating B	Rating C	Rating D	Total
Annual Performance Review 2006	0	10	1	0	11
Annual Performance Review 2008	7	1	0	0	8

A key observation is the limited number of contributions received on IPR. Out of 20 potential contributions, 11 were received in 2006 and only 8 in 2008, with remaining Embassies leaving either blank spaces or notes of 'N/A'. Most substantial inputs were received from Bolivia, Nicaragua, Bangladesh and Nepal while African reluctance was reflected in narrative comments: 'IP is not considered a problem in South Africa' and 'Focus is on race described as: blacks, whites, coloureds, Indian'. Possible explanations of the reluctance include limited knowledge of IPR, a sense of issues overload and perceived lack of relevance. Another striking feature is the tendency to assess performance more positively in 2008, which could indicate increased confidence of respondents with regards to capacity to address the issue. The support for IPR has neither been the subject of separate Danida evaluations, nor are IPR highlighted as key aspects of thematic or country evaluations during the review period.

Current considerations on future programming guidelines and performance reporting concern the number of issues and themes to be included, as attempts to cover too many issues carry a risk of missing key points. Changing aid modalities also need to be taken into account, as core budget support and JFA arrangements make it increasingly challenging for donors to participate in joint country-level programming with separate priorities. It fuels calls for a reduced list of donor priorities and a focused approach. This challenge is mediated by an increased focus on IPR in institutional policies of numerous developing agencies, including compulsory safeguards of the World Bank. A viable option could be to maintain focus on IPR in initial country analysis, in order to determine overall relevance of an IPR focus in subsequent programming and reporting procedures related to budget or sector support.

The experiences of the Bolivia sector programme are well documented but given the scope of experience generated, it would be relevant to communicate lessons learnt more broadly. This would make Danish support to IPR more visible and potentially inspire other donors and country programmes. Parallels can be drawn between situations in Bolivia, Guatemala and Nepal where issues of IPR, conflict resolution and state reform are closely

interlinked. In order to make maximum use of lessons learnt, communication tools should be built-in to existing staff and programme procedures, including pre-departure training courses.

Key finding – African perspectives on pastoralism and social inclusion

IPs in Africa are largely identified as marginalised pastoralists and hunter-gatherers, claiming collective rights to land and resources and respect for their cultures and institutions. Their livelihood strategies are often under pressure, they have limited access to basic services and are vulnerable to human rights violations. According to an IUCN and UNDP study, pastoralism contribute up to 80 pct. of the agricultural Gross Domestic Product (GDP) of African countries and have a much greater importance in national economies and international trade than is commonly believed. The study found that mobile pastoralism in several countries may be the most economically viable land use system for drylands while contributing to biodiversity conservation and climate change mitigation. Promoting understanding of traditional livelihood and adopting these to current social, economic and climate circumstances is a typical priority. Internally, many communities face challenges in terms of gender discrimination and harmful cultural practices. IPR is a framework for conceptualising these communities' rights and connects them to international networks of IPOs with participation in human rights processes and environmental and climate negotiations. There is growing acceptance of IPR in a number of countries, but most

Supporting Maasai rights – dialogue and conflict

With a total budget of DKK 73.8m for three phases (1998-2009) the Ngorongoro Pastoralist Project (NPP) constitutes the largest Danish intervention in support of IPR in Africa, broadly defined as poverty reduction and empowerment of Masai pastoralists in Tanzania.

Progress reports and reviews indicate results against defined objectives of improving access to water, animal health and development of capacity of Maasai civil society organisations. Defending the rights of the Maasai also proved politically controversial. When handing over the project in 2009, the Danish ambassador expressed concern over large-scale evictions of pastoralists occurring without proper justification. Speaking up against human rights violations led to media reports that 'foreign agents interfere with Ngorongoro affairs'.

NPP may not represent a contemporary aid modality, yet reflects the conflict potential of addressing marginalisation and the challenges of IPR sustainability in a context of conflicting interests.

donors, including Danida, were not found by the review to have applied their IPR policies to Africa to any significant extent. An exception to the general rule of IPR invisibility in Africa, the ERETO project in Ngorongoro represents a unique attempt at large-scale support to disadvantaged groups of African pastoralists.

Field visit findings from Kenya point to the complexities of working with IPR. One community that was reclaiming land rights in court, with financial support from the IWGIA through a local NGO, considered the land to be Maasai land and felt outsiders, such as the Turkana ethnic group, should be removed if they won the case. This reveals some of the potential dangers of a chauvinistic interpretation of IPR. Findings also gave evidence of the relevance and positive contributions of the pioneering efforts of the Working Group of the

'All Kenyans are indigenous' – marginalisation and state reform

Review visit findings in Kenya provide a mixed picture when it comes to strategy relevance, largely depending on the interpretation of the concept 'indigenous'. **On the one hand**, indigenousness, understood in a literal sense, was perceived to be a foreign concept of limited relevance. As sceptics expressed it 'all Kenyans are indigenous' and 'references to indigenousness promote tribalism, fuel ethnically motivated violence and *work against the nation'*. The concept 'adds no value'. **On the other hand**, evidence was found that IPR, as understood in international instruments and linked to inclusion and devolution are high on the reform agenda. Although the term 'indigenous' is mostly used by IPOs, it has also found its way into Kenya's new Constitution defining marginalisation as:

- A community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;
- A traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;
- An **indigenous community** that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or
- Pastoral persons and communities, whether they are

i. Nomadic; or
ii. A settled community that, because of its relative geographical isolation has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.

ACHPR, which were highlighted by the Kenya Human Rights Commission to have moved Kenyan positions on UNDRIP and made the inclusion of IPR references in the Constitution possible. IPOs were found to have benefitted from resources made available for state reform process, through the National Civic Education Programme (NCEP). NCEP recognises existence of 'super-marginalised communities' as well as the need to engage in affirmative action to reach all regions and substantially interact with marginalised communities.

Capacity development raising pastoralist voices

Danida has supported efforts aiming at "Strengthening pastoralists' voice in shaping policies for sustainable drylands development in Africa". The process has focused on design and implementation of a training course on pastoralism and policy. Initially designed in the Sahel, the course has been adapted for Ethiopia, Kenya, Tanzania and Uganda and is currently being further adapted to Northern and Southern Sudan. Training targets leaders of pastoral civil society, their advocates, senior policy makers and practitioners.

Implemented by *International Institute for Environment and Development* (IIED), results include capacity of pastoral groups in East and West Africa to understand, engage and challenge the overall policy framework regulating their livelihood systems. Review evidence from Kenya includes training beneficiaries from the IPO RETO, applying this capacity in gender programming.

Capacity of pastoral people to better understand the dynamics of their own livelihood system in relation to broader policy environment is a pre-requisite for self-determination, enabling IPs to articulate their own solutions in a language understood by government and development partners. Scientific evidence and case study material is used to demonstrate the economic and ecological rationale of pastoralism in environments of drought and attitudes among many policy makers of pastoralism as inherently backward, irrational and incompatible with the concept of a modern society.

Examples of sector programme opportunities include mobile clinics to make health services available to pastoralists in Northern Kenya and support to *Natural Resource Management in Arid and Semi-Arid Lands*, a joint programme funded by Danida, EU, DFID and World Bank. World Bank involvement triggered institutional safeguard mechanism on IPR and the EOD was approached by the World Bank and agreed to fund a study to assess the relevance of a *Marginalised and Indigenous Peoples Planning Framework*.

The increased focus on Africa in Danish bilateral assistance calls for critical situation analysis to establish the relevance of IPR in the specific contexts in Africa. Emerging acceptance of pastoralists and hunter-gatherers' rights open possibilities for using IPR as an entry point for addressing marginalisation, social exclusion, sustainable resource management and conflict in Africa. These openings make for interesting perspectives to explore in natural resource management, governance, gender equality and health, potentially widening the scope of IPR support in Africa compared to current low levels. Context analysis and partnerships are keys to exploring these emerging opportunities.

Key finding – peace negotiations and state reform in Asia

The majority of the world's IPs live in Asia, where they are often identified under terms such as *hill tribes* or *customary law communities*. Most countries have been reluctant to recognise the term *indigenous peoples* and the corresponding rights, but important results have been achieved during the decade, including adoption of a national policy in Cambodia and ratification of Convention No. 169 by Nepal. Many IPs in Asia have subsistence-oriented livelihoods with increasing pressure on their land and resources, aggravated by recent effects of climate change.

Land issues have caused conflict between IPs and national states, as evidenced in Bangladesh. IPR are relevant to a number of processes of conflict resolution and democratisation across the region. IPOs in the region are relatively small and young, but with strong inter-regional networking contributing to increasingly qualified participation in key international processes.

The Danish support to IPR in Asia takes on a variety of forms:

- **Regional support** – IWGIA supports a number of regional networking activities such as IPO capacity development and advocacy.
- **Vietnam** – development benefits through inclusion of IPR (using the terminology of 'ethnic minorities') in various sector programmes, notably Water and Sanitation, Agriculture, Rural Development and Good Governance.
- **Bangladesh** - a total of 30 IPR interventions representing DKK 37.4m supported under the *Human Rights and Good Governance Programme* from 2001-10, partly in response to the Chittagong Hill Tracts peace accord.
- **Malaysia** – IPO support as part of Danish environment assistance

- **Cambodia** – support under the *Human Rights and Good Governance Programme* including DKK 4.1m channelled through ILO, has resulted in legal registration and titling of collective land for vulnerable IP communities.

IPR key to biodiversity and climate mitigation in Malaysia

IPR have come to play an instrumental role in Danish support to biodiversity measures in Malaysia with activities amounting to DKK 5m. However, when a proposal for support to biodiversity conservation was initially received from Malaysia in 2005, the issue of IPR was not considered relevant. IPR emerged in the dialogue between the Denmark and the Government in Malaysia when an appraisal report concluded that it was relevant not only to recognise Article 8 j in the Convention on Biological Diversity, but also to address IPR in natural resources management directly. Since 2005, a unique space for dialogue between IPOs and government at federal and state level was created focusing on issues of land, IP knowledge on biodiversity and natural resources management techniques with critical potentials in relation to climate change adaptation and mitigation.

Combining support to advocacy and community based natural resource management, IPR were raised to high levels of federal authorities in the comprehensive environment support programme, and supported projects served as examples of good practice. Publications on IP land rights have been shared with key stakeholders, including with the private sector during an international trade fair in Malaysia in 2010, hosted by the Embassy of Denmark. Dr Dionysius Sharma of WWF Malaysia commended Danida for 'having shed light on the global nature of the issues faced by IP, including the disappearance of diversity and ecological degradation, repression of native rights movements as well as the loss of vital knowledge about how to live in harmony with the environment'.

Nepal findings

A review visit to Nepal confirmed relevance of IPR to handling state fragility. Marginalisation of IPs, constituting app. 40% of the population, was one of the root-causes of conflict and IPR is an integral element of the 2006 peace accord. Since then, Nepal has experienced momentous political changes, including the abolition of the monarchy and heralding of a federalist state.

Denmark has supported the post-conflict transition with DKK 100m, even if the justification of support has referred to the conflict situation rather than support to IPR. The process has focused on state restructuring,

political representation and inclusion of marginalised groups, including Dalits and lower casts and IPs, known under the local terms of Adivasi/Janajati (*Indigenous/Nationalities*).

Danish IP-specific support was referred to funding under the governance sector programme, and reported to total USD 978,995 during the period under review. Of these, USD 600,000 were channelled through ILO to implement Convention No. 169 and promote IPR in the constitution-making and state-reform process. Interestingly, when staff of the governance sector programme were asked about prospects for mainstreaming IP concerns in other sectors such as education and natural resource management, it was perceived to be possible, in principle, but outside the current mandate and expected activity scope of the governance sector programme.

Priorities for future promotion of IPR in Asia

A regional workshop organised in December 2010 by the review team with IPOs and Danida staff from Bangladesh, Cambodia, Indonesia, Malaysia and Thailand identified the following priorities for IPR promotion in Asia:

1. ***Mainstreaming in overall development efforts*** - *Concerns that IP become invisible in national and multilateral development agenda as safeguards have limitations and IP tools are not often used – suggestion to link IP up to governance and climate pillars*
2. ***Climate change opportunities*** - *Support adaptation and mitigation by IPOs, recognise contribution of IPs and address opportunities by ensuring Free Prior and Informed Consent and 'real' involvement*
3. ***Other priorities*** – *Promotion of IP representativity and self-criticism at all levels. The Danish Strategy was credited for comprehensiveness of Danish IP support by offering an overall framework , though context analysis and a pro-active approach of IPOs in briefing Embassies is important.*

The thematic sector programmes do not operate with disaggregated data that would allow for an analysis of the share of education or natural resource management support benefitting IPs. However, this does not imply that programmes are not relevant, as a focus on social inclusion, cultural and social diversity has led to a degree of IPR mainstreaming. By way of example, the education programme includes support to bilingual education and teaching in mother tongue to improve access for *highly marginalised* and *endangered* IP groups with educational levels disproportional to their share of the national population.

Likewise, the natural resource management programme included elements of community forestry, which could benefit IPR. However, a generalised community involvement approach was applied, potentially excluding more marginalised groups of IPs and untouchable *Dalits*.

Key finding - tangible livelihood benefits and a strong voice in Latin America

In Latin America, IPR are intrinsically interwoven with issues of poverty, democracy, human rights, governance and peace building. The term 'indigenous peoples' grew out of a Latin America context and is widely accepted with opportunity to align with commitments to international instrument and national legislation and policies. A remaining challenge is the operationalisation of the rights to consultation and participation, both in general governance structures and in the context of large-scale developments and interventions, including REDD. Another main challenge is to consolidate a sustainable economic basis for IP development.

Danish **cooperation with Central America** was not designed to target IPs but has addressed IPR in most programmes, due to the relevance for poverty reduction and sector priorities. Several programme documents include references to the Strategy. The review found no overall tracking system but evidence of at least DKK 268.1m benefitting IPs in different ways:

- As direct recipients, most notably in Funds established for civil society projects
- As beneficiaries of sector programmes, e.g. support to poor municipalities and regions
- In sector programmes that target IPR in conjunction with an overall sector focus

A diversity of modalities has been applied, including implementation through multilateral agencies, decentralised governance structures, budget support to key institutions and NGOs. The role of NGOs is exemplified by Ibis implementing the support to the territorial government of the Rama-Kriols under the environment sector programme in Nicaragua. Moreover, Danish NGOs are providing instrumental support to IPOs through their framework agreements with Danida. Ibis is focusing exclusively on IPR in Latin America with annual allocations to IPR in Nicaragua and Guatemala amounting to app. DKK 15m.

The **regional human rights programme**, aims at ensuring access to justice, in particular for women and IPs. The programme has provided support to civil society activities on IPR through the UNDP, and to key institutions such as the Indigenous Peoples Ombudsman in Guatemala. Through the *Inter-American Institute of Human Rights (IIDH*), Denmark has supported establishment of a regional network of indigenous Ombudsmen. Elections were supported at a regional scale, including through electoral observations and studies on barriers to voter participation. Important achievements include methodologically well-founded knowledge permitting to identify root causes for voter abstention among traditionally voter abstaining groups – in Guatemala with a focus on indigenous peoples. With this knowledge, targeted interventions have been developed with the Supreme Electoral Court to increase the issuing of identity cards to indigenous peoples, without which voter registration cannot take place.

Combating abuse and harmful practices

The human rights programme in Nicaragua has supported police efforts to combat violence and sexual abuse of indigenous women and children in the autonomous regions.

Police have undertaken preventive campaigns in indigenous languages, worked with traditional authorities and community leaders, established networks of voluntary youth and mobile police stations rotating among communities.

There is evidence that the work has reduced violence and abuse and helped overcome harmful practices such as early marriages.

The **regional environment programme**, through IUCN, supports national and regional IPOs for advocacy, research, networking, capacity-development and strategy development. The component for decentralised environmental management in Honduras and Guatemala established the presence of indigenous population as one of the selection criteria for recipient municipalities.

The component for sustainable management of natural resources and poverty reduction through eco-enterprises applies a value chain approach and provides technical assistance to indigenous beneficiaries. The programme also promotes IPR in connection with REDD+ programmes and projects.

Cooperation with **Nicaragua** has a strong focus on IPs. This is partly due to prioritisation of the autonomous regions of the Atlantic Coast, where presence of IPs coincides with high poverty levels. This was accentuated with the 2008 withdrawal of support to the central State institutions while continuing support to autonomous regions. The prioritisation also reflects the centrality of IPR for sectors such as transport, education and environment. The expertise of staff and capacity development of partners on IPR has contributed to this result.

Bolivia: large-scale results in land titling and state reform

Bolivia is the only country where a sector programme (1998-2010) has specifically targeted IPs. A comprehensive lessons-learnt study was published in 2010 in the report *The Rights of Indigenous Peoples – The cooperation between Denmark and Bolivia.*

Although affected by political and institutional instability in Bolivia, the programme interacted with the reform processes in ways that allowed it to transcend originally intended results. The programme has brought about tangible results in access to land and resources and improvement of livelihoods. Most notably, Danida support ensured the titling of 11.3 million hectares, amounting to 67% of the total TCOs. In the reform process, TCOs were recognised as autonomous governance units, a groundbreaking statutory recognition, largely built on the experiences generated through the component for management of TCOs. Experience included training and management plans, institutional capacity development, implementation of pilot projects for sustainable use of natural resources and public-private partnerships for the development of TCOs.

Phase Two of the programme (2005-10) was anchored in the legal commitment to implement ILO Convention No. 169 with components on 1) IPR mainstreaming in state structures, 2) titling of collective lands (TCOs) and 3) sustainable management of TCOs. In December 2005, Evo Morales ascended the Presidency and IPR came at the centre of a profound state reform process, both contested and conflictive. The process concluded in 2009 with a new Constitution, redefining Bolivia as a "Plurinational State".

The programme applied a dual strategy of supporting State and indigenous institutions. This approach adheres to fundamental IPR principles of government responsibilities and self-determination, but the conflicting interests and weak institutionality of both parties often gave the Danish Embassy a difficult mediator role, particularly in complex and controversial processes of land titling.

At programme conclusion in 2010, it was agreed by both countries that IPs 'should not be considered as a cooperation sector, but rather as subjects of the development process that the entire Bolivian society needs'. Consequently, entry points were identified for integrating IPR in sector programmes such as education, justice, and protected areas. EOD estimates that 60-80 % of sector programme beneficiaries are IPs.

6. Strategy element - multilateral cooperation

At policy level, the main issue in multilateral cooperation during the decade under review is the consolidation of the global framework for IPR, particularly through the adoption of the UNDRIP. UNDRIP now constitutes the common framework, and there is an increasing number of IPR strategies in UN agencies and development banks. IPR is on the policy agenda of these institutions, also in the context of climate change mechanisms. This provides Denmark with a platform for raising IPR with multilateral agencies, including at the level of governing bodies.

In the context of aid effectiveness Denmark has decentralized multilateral cooperation and provides core budget support to priority partners. Consequently, multilateral performance monitoring is based upon institutional results rather than Danish concerns and themes. In most cases IPR are not prominently reflected in the institutional programmes and budgets of multilateral agencies and thus risks being forgotten in implementation. This calls for an integrated approach to multilateral dialogue focusing not only policy but also on programming and budgets. Within agencies, the influence of a single donor is limited, but strategic alliances can be sought with likeminded donors, including Nordic countries.

Ongoing UN-reform, aiming at enhancing relevance and effectiveness and joint delivery at the country-level through the UN Development Assistance Framework (UNDAF), provides new opportunities for implementation of IPR. This is becoming increasingly important as options for IPR support through bilateral cooperation and specific interventions are decreasing. The multi-donor trust fund UNIPP constitutes an instrument for targeting IPs directly within the UNDAF of a given country, with particular focus on rights to consultation and participation. This could also become a mechanism for adequate implementation of Reduced Emissions from Deforestation and Forest Degradation in developing countries, REDD+ and other climate mitigation and adaptation initiatives at country-level.

Recommendation – promote dialogue and country-level partnerships

It is recommended to keep IPR on the agenda of dialogue with relevant multilateral agencies particularly when discussing agency programmes and budgets

Recommendation – support emerging UNIPP mechanism

It is recommended to support country-level implementation of IPR through the recently established United Nations Indigenous Peoples Partnership (UNIPP), and, where relevant, establish country-level partnerships with multilateral agencies

Opportunities:

- ✓ Norway is one of the largest donors to IPR and there appears to be ample opportunity for establishing Nordic alliances in the dialogue with multilateral agencies
- ✓ UNPFII recommendations can guide dialogue with UN agencies
- ✓ References to IPR in the 2005 European Consensus on Development appears to have been omitted in initial consultations on a revised Consensus, thus representing a policy opportunity for Denmark during the upcoming EU presidency
- ✓ OECD guidelines for multinational enterprises also represent an IPR opportunity
- ✓ Climate finance mechanisms currently in the making constitute opportunities for IPR support, including for building Nordic alliances and exploring synergies with UNIPP

Key finding – Proliferation of policies and guidelines

The Strategy indicates that IPR support through multilateral cooperation entails 'dialogue with relevant multilateral institutions on policy development as well as exchange of experiences and exploration of areas of cooperation and common interest'. Further, it prescribes efforts to ensure that IPs "are to a greater extent direct beneficiaries of the development work of the international organisations, including the UN, its specialised organisations, programmes and funds, the development banks and the European Commission's development programmes".

During the decade under review, responsibility for dialogue with multilateral agencies has been decentralized to the Danish representations in, for example, New York and Geneva. While this brings the dialogue closer to the agencies, it also poses the challenge of ensuring that each decentralised unit is equipped to raise issues such as IPR. Adoption of UNDRIP has provided the international community with a common overarching framework. However, the challenge of operationalising these principles, particularly in the African region, remains. In

response to the operational challenge, a number of UN and development agencies have adopted policies on IPR. These include:

Agency	Policy	Main issues
World Bank	Operational Policy 4.10 (2005)	Free prior informed consultation; compulsory elaboration of an Indigenous Peoples Plan or Planning Framework
ADB	Safeguard Policy Statement (2009)	Aims to ensure socio-economic benefits, no adverse impact and active participation
UNDP	Policy of Engagement (2001)	Promote IP participation in decision-making, capacity-development for policy change, mainstreaming within the UNDP
EU	Council Resolutions 1998 and 2002, EU Consensus on Development, 2005	Cross-cutting issue in European development cooperation, right and capacity to self-development, right to object to projects on traditional land
IFAD	Policy of Engagement with Indigenous Peoples, 2009	Mainstreaming approach, guided by principles of free, prior informed consent. Focusing on traditional knowledge, land and resources, market access, climate and environment
ILO	Conventions Nos. 107 and 169	Legally binding on States upon ratification.
FAO	Policy on Indigenous and Tribal Peoples (2010)	Policy based on UNDRIP
UNHABITAT	Urban Policy Guides for IPs (2008)	Developed with Canadian support
UNEP	IP activities but no IP policy	UNEP one of three implementing agencies of GEF, IPR in programmes on forestry, disaster management and traditional knowledge

With the exception of the 1998 EU Council Resolution, the review team did not find evidence of Danish involvement in policy development on IPR within multilateral agencies.

The last decade has seen sustained progress in terms of **UN coordination on IPR**. The UNPFII is mandated to advice and recommend on indigenous issues to UN programmes, funds and agencies through the Economic and Social Council (ECOSOC). Recently, the UNPFII has also engaged in visits and in-depth dialogue with countries and agencies. Recommendations can be used to guide Denmark's dialogue with multilateral agencies, where relevant.

Another fundamental mechanism for UN coordination is the **Inter-Agency Support Group** (IASG), established in 2002, which comprises more than 30 UN agencies, funds and programmes. The IASG meets twice a year. Important results of the increased coordination include common positions on IPR related to MDGs, climate change and the adoption of UNDRIP. The IASG has elaborated common Guidelines for UN country teams on the inclusion of IPR in the UNDAF and has provided training of UN staff at the country level.

A notable recent opportunity arose in 2010 with the establishment of **United Nations Indigenous Peoples Partnership** (UNIPP). UNIPP is a multi-donor trust fund initiated jointly by three of the key UN agencies involved in IPR promotion; ILO, UNDP and OHCHR. The purpose of UNIPP is to develop joint country level programmes on IPR, in the context of the UNDAFs, particularly focusing on mechanisms for consultation and participation evidenced by this review to constitute important challenges for governance and climate change measures. UNIPP aims at making "One UN" work for IPs at country level and will be implemented by UN country teams under the leadership of UN Resident Coordinators.

Key finding – dialogue on partnerships in practice

During consultations with ILO, OHCHR, UNEP, UNHABITAT, UNDP and others, it was made clear to the team that prioritization of IPR within the agencies, in terms of human and financial resources, does not follow automatically from UNDRIP and recommendations of the UNPFII. In most agencies, IPR is dealt with by a focal point, often responsible for a wide range of other issues.

Review findings gave limited evidence of sustained Danish dialogue with multilateral agencies on IPR. The exception is the dialogue with ILO urging the organization to sustain the Programme to Promote ILO Convention No. 169 (PRO169), which until 2010 received Danish earmarked funding for key functions. However, when Denmark lifted the earmarking, ILO no longer allocated resources from its core budget although IPR is an integrated element of the ILO's institutional work programme. This illustrates the risks of earmarking and raises serious sustainability concerns to be brought to the attention of boards and governing bodies. Recommendations of UNPFII may serve as entry points, along with negotiations about financial contributions. Alliances with like-minded donors would add more weight to the arguments.

World Bank Policy triggered in relation to Danish funds

The World Bank is currently focusing on applying its Operational Policy on indigenous peoples in sub-Saharan Africa. While the application to pastoralists is still challenged, the Policy is now fully applied to hunter-gatherer communities. In Kenya, the team found that the Policy had been triggered in the context of an arid lands resource management programme, co-funded by World Bank, Danida, DFID and EU.

The population of these areas is predominantly pastoralist and the programme can be seen as targeted action for marginalised groups. However, a study identified a number of particularly marginalised groups, for whom specific affirmative action measures should be initiated in accordance with the World Bank Policy 4.10.

In this case, World Bank safeguard policy ensured an IPR focus, in a country context that is otherwise not conducive for raising IPR issues with government and where IPR issues can be controversial.

The **World Bank** has often been criticised, for its support to large-scale development projects adversely affecting IPR. Through complicated consultation processes, WB elaborated its Operational Policy 4.10 on indigenous peoples in 2005. The Policy provides for IPR to free, prior and informed consultation and makes broad community support a requirement for WB support to projects.

On the one hand, the Policy falls below the standard of "free, prior informed consent", as enshrined in UNDRIP. On the other hand, it is a safeguard policy, which implies compulsory procedural steps, once a project

has been detected to affect indigenous communities. Consequently, the WB is systematically raising indigenous issues with recipient governments, also in countries, where this is controversial. This is in contrast to donors with more progressive policies on IPR, including Denmark, which in the context of aid effectiveness find it hard to raise the issue in countries, where there is no national policy to align with.

Regarding the **EU**, the Strategy stipulates efforts to ensure that 'the European Commission improves the implementation of the EU policy on support to IPR and work for inclusion of IPs in general European human rights policy, development cooperation and general external policies of the EU, e.g. trade agreements and environment cooperation'.
Denmark, together with Spain, was instrumental in achieving the adoption of the1998 EU policy on IPR support in development cooperation. Danish support has involved a Greenlandic National Expert in the EC from 2004-2007. The expert promoted priority to IPR in the *European Instrument for Democracy and Human Rights*, quality assurance of programming and operations, training and EC coordination. During consultations, EC staff highlighted the challenges of maintaining a focus on IPR in Brussels, while IPs remain a priority in a number of country and budget lines. Also, in spite of unanimous EU support for UNDRIP, some member states still have problems with terminology on 'indigenous peoples'.

Reaching out through international organizations

Review findings include evidence of Denmark engaging in partnerships with multilateral organizations in the context of bilateral and regional cooperation building on comparative advantages of the parties.

UNDP administers a multi-donor Fund for Civil Society Participation (PASOC) promoting IPR in Guatemala. In **Central America**, regional human rights and environment programmes have channeled funds through international mechanisms to reach IPOs on the ground.

IUCN in Central America considers IPR is a cross-cutting issue, due to the overlap between indigenous land and areas of interest in relation to hydropower, mining, water catchment, forests and climate change etc. Through the regional environment programme, Denmark provides funding for the *IUCN Fund for Research and Advocacy* supporting civil society in development and implementation of sustainable environmental policies at regional, national and local levels - giving priority to organizations of youth, women and indigenous peoples. IUCN has also received funding from Danida for exploring models of pro-poor REDD interventions in 5 pilot countries, including for indigenous communities in Guatemala.

One result of international climate change processes is a set of financial instruments to reduce emissions called *Reduced Emissions from Deforestation and Forest Degradation*, REDD+. The added "+"indicates that focus in not only on avoiding deforestation and forest degradation, but includes offsetting emissions through sustainable management, conservation and increasing forest carbon stock. REDD+ brings IPR to the fore, as many IPs are forest dwellers with no recognised rights to land and resources, who run the risk of dispossession. The underlying concept of REDD is disputed by some IPs as it is carbon offset schemes to compensate for polluter emissions. However, most IPs have focused on ensuring the highest possible degree of recognition of IPR in the various mechanisms. UNFCCC COP 16 agreement on REDD+ takes note of UNDRIP but only in an annex to the operational text. There is concern that this is insufficient to ensure IPR in implementation processes. Related concerns prevail on monitoring, reporting and verification and application of safeguards illustrating that IPR in climate measures is far from being a done deal but remains an operational challenge.

The table below provides an overview of some of the key mechanisms supported by Denmark. The mechanisms include IPR to a varying degree, with UN-REDD taking the lead. Particular concerns relate to lack of capacity to implement country programmes in accordance with the principles of *Free, Prior & Informed Consent*.

Funding	Pilot Countries	Recognition of IPR	Remarks
UN-REDD	**UNDP/UNEP/FAO**		
The total funding is USD 92.5m of which Denmark has provided 8 million USD. Three donors: Denmark Norway and Spain	There are 8 pilot countries, of which 2 have ratified Convention No. 169: Bolivia and Paraguay. Additionally 6 countries have peoples who identify as indigenous: DRC, Indonesia, Panamá, PNG, Tanzania and Vietnam	▪ IPs are represented in the governing body; ▪ Global and national consultations are undertaken; ▪ A CSO Advisory Group has been established, including IP representatives ▪ Draft operational guidelines in line with UNDRIP and C 169	UN-REDD has included and addressed IPR in a comprehensive way
World Bank Forest Carbon Partnership Facility (FCPC); Readiness Fund			
The total funding is USD 151m, of which Denmark has provided 5.6 million. **The fund has 11 donors, including Denmark, Norway and Spain who have ratified C 169**	37 pilot countries of which 12 have ratified Convention No. 169; Bolivia, Central African Republic, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Nepal, Nicaragua, Paraguay, Peru 9 other countries have peoples who identify as indigenous: Cameroon, Cambodia, Congo, El Salvador, Indonesia, Kenya, Panamá, Tanzania, Uganda	FCPC supports capacity-building programme for forest-dependent IPs to ensure meaningful participation in national and international processes. Operational Guidance provides that implementation of activities take *"into account the need for effective participation of Forest-Dependent IPs and Forest Dwellers in decisions that may affect them, respecting their rights under national law and applicable international obligations."*	According to the operational guidance, activities under the FCPC Readiness Fund are not per se covered by the WB OP 4.10.as they are considered "preparatory".
Forest investment Program (World Bank)			
Total funding is USD 550m; of which Denmark has contributed USD 9m. The Fund has 6 donors, including Norway. US and UK are the biggest donors	9 pilot countries of which 3 have ratified Convention No. 169 (Brazil, México, Peru) and additionally 4 countries have peoples who identify as indigenous (Burkina Faso, DRC, Indonesia, Laos)	FIP provides a grant mechanism for IP and community participation in FIP and REDD+ strategies. Joint missions should engage with IPs at country level and IPs should participate in joint missions & steering committees. An analytical report on international practices in small grants programmes for IPs was produced November 2010	There seems to be an uneven implementation practice with regards to inclusion of IPR in country programmes.

Relevant links

Strategy for Danish Support to Indigenous Peoples: http://www.netpublikationer.dk/um/5717/index.htm

Danish Strategy for Development Cooperation: http://www.um.dk/NR/rdonlyres/F22BEFFF-C83A-48BF-879C-BD23186F45DD/0/FreedomfromPoverty.pdf

UN Permanent Forum on Indigenous Issues: http://www.un.org/esa/socdev/unpfii/

UN Declaration on the Rights of Indigenous Peoples: http://www.un.org/esa/socdev/unpfii/en/declaration.html

Office of the High Commissioner for Human Rights http://www.ohchr.org/EN/Pages/WelcomePage.aspx

UN Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples: http://www2.ohchr.org/english/issues/indigenous/rapporteur/

African Commission on Human and Peoples' Rights : http://www.achpr.org/

ILO Convention No. 169: http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169

UNFCCC–COP 16: Cancun: Outcome of the work of the Ad Hoc Working Group on long-term Cooperative Action under the Convention: http://unfccc.int/files/meetings/cop_16/application/pdf/cop16_lca.pdf

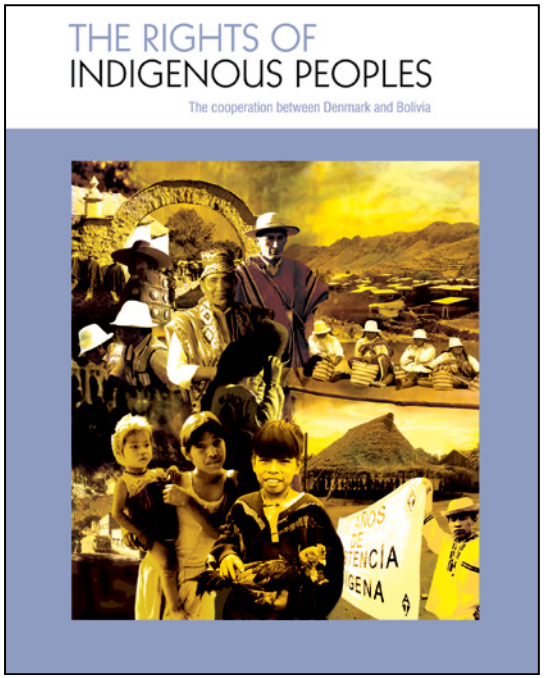
Convention on Biological Diversity: http://www.cbd.int/convention/text/

UN REDD: http://www.un-redd.org/

International Work Group for Indigenous Affairs: http://iwgia.org/

RECOFT/GIZ 2011: Free, Priori and Informed Consent: Principles and Approaches for Policy and Project Development: http://www.forclime.org/images/stories/RECOFTC-GIZ_FPIC_in_REDD_2011.pdf

Danida/IWGIA publication on Bolivia:
http://www.iwgia.org/sw45295.asp



Danida publication on Bangladesh
(forthcoming)