

INDIGENOUS PEOPLES SCOPING EXERCISE

SYNTHESIS REPORT

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This report is the public version of a report prepared for the Rural Poverty and Environment Program (RPE) of the International Development Research Centre (IDRC). The report focuses on the central issues and arguments that arose from the scoping process, excluding the specific recommendations to RPE.

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**For the Rural Poverty and Environment Programme (RPE) of
the International Development Research Centre (IDRC)**

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Working Paper Series

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Executive Summary

1. This report has been prepared for the Rural Poverty and Environment Program (RPE) of the International Development Research Centre (IDRC). It reviews current activity, strategies and research themes/questions related to the problems of indigenous peoples in relation to environmental and natural resource management in rural areas in Latin America and Asia.
2. The contemporary concept of indigenous peoples has gained global currency in the last several decades. Socio-cultural groups variously thought of as tribal, aboriginal, native, or upland ethnic minorities are increasingly being identified or identifying themselves as indigenous peoples (IP). We propose that it may be most helpful to think of indigeneity not in terms of a set of cultural characteristics, but as a process of (a) ethnic or territorial marginalization, (b) self identification as indigenous, and (c) identification as indigenous by other actors including the transnational indigenous movement. This approach avoids the stereotyping that can be associated with defining indigenous through cultural characteristics and puts the focus on marginalization.
3. Donors have very different approaches to IP issues. Some donors have no formal policies, others take a checklist approach to ensure that projects do not negatively impact IP, and some have formal policies and pro-actively address IP issues. Specific programs within donor agencies can have different strategies.
4. Our research suggests that many donors are active in supporting rural development and research projects that engage with IP or IP issues, although often without adopting an explicit or acknowledged IP focus. For example, many projects working with IP do not mention this in their project documents. Examples of project activities related to IP issues include research into

supporting sustainable shifting cultivation systems, communal tenure and land use, and sacred forests. There is scope for research and development projects to be more aware of how the people they are working with are experiencing marginalization based on ethnic/indigenous identities.

5. IP-related programming can be strengthened in different ways but we emphasize three strategies: (a) developing sensitization programming to help researchers work where knowledge or sensitivity to the forms of marginalization experienced by local IP groups could be improved, (b) making investments in activities to overcome the special obstacles that can impede project engagement with IP, and (c) focusing attention on inter-ethnic relations in IP-related programming. .
6. The following are particularly promising areas for new research investment relevant to IP issues: (a) free, prior, and informed consent (FPIC), (b) biodiversity, and (c) livelihoods and market engagement. FPIC is an emerging principle that refers to processes of engagement and development decision-making involving IP. Biodiversity research concerns the study of regimes for controlling access to and sharing of benefits to genetic resources pursuant to the Convention on Biological Diversity (CBD). Livelihoods and market engagement has been an area too often neglected with regard to IP. The challenge is to find ways for IP to engage in particular markets (such as niche markets) as much as possible on their own terms.
7. The first two research areas, FPIC and biodiversity, are prioritized due to the fact that many indigenous peoples organizations and their allies are currently organizing around these issues, and they are doing so in ways that “cross scales” i.e. that move between the local, national, and international. These two areas offer considerable opportunities to build effective partnerships especially where there is expertise in locally-situated work that can generate outcomes at different scales.

8. Effective partnering requires careful attention. Candidate organizations for research and development agencies include: indigenous peoples organizations (IPOs), indigenous NGOs, development and advocacy NGOs (including northern-based organizations), government agencies, and academic and research organizations – all of which have certain typical strengths and challenges. Important factors to consider include: research capacity, administrative and organizational capacity, legitimacy before different key audiences, and resulting effectiveness in policy influence. Our recommended approach is to bring together organizations with different kinds of strengths. In particular, NGOs, research organizations, or universities, who may have stronger research capacity and official legitimacy, could work with IPOs who often have greater legitimacy among IP, and the ability to articulate IP needs.

9. There are benefits to be realized through increased engagement with IPOs. These include meeting objectives shared by donor agencies with a rural development focus and many IPOs, realizing benefits gained by strengthening IP organizations, and taking advantage of the fact that IPOs are highly motivated potential users of research outputs—particularly if research projects are designed cooperatively. However, there are substantial resources involved in establishing these relationships. With a few notable exceptions, working with IPOs requires more administrative time and effort.

10. Given the constraints on administrative time and resources among rural development donor agencies, there are a number of choices regarding effective engagement with IPOs and other organizations working with IP. We recommend working with organizations that currently have strong research and administrative capacity and who will develop mentoring relationships with IPOs, IP communities, and non-IP organizations (e.g., up-country universities).

11. In summary, we believe that there are strong arguments in favour of adopting an explicit strategy for working with indigenous peoples for donor agencies working with IP groups. Efforts that increase partner awareness and sensitivity to IP and inter-ethnic issues will help counter the risk that rural development and research projects inadvertently contribute to marginalizing indigenous populations. We also have specific recommendations for partnering and for investing in new research areas relevant to IP globally.

Introduction

This report has been prepared for the Rural Poverty and Environment Program (RPE) of the International Development Research Centre (IDRC). It reviews current activity, strategies and research themes/questions related to the problems of indigenous peoples in relation to environmental and natural resource management in rural areas in Latin America and Asia.

The report is organized into four sections. Section One discusses the concept of indigeneity, the global context in which this concept has been developed (including commonalities in the circumstances of marginalization experienced by groups identified as indigenous and in their political projects), and why these issues are relevant to RPE and its programming. Section Two briefly examines which international organizations have developed strategies or policies relating to their work with indigenous peoples and explores the pros and cons of doing so. Section Three outlines general ideas for an Indigenous Peoples (IP) strategy for donors to consider, and Section Four examines IP partnering challenges.

This report is a general, synthesis report. For more details related to this research, please contact Wendy Manchur wmanchur@idrc.ca of the Rural Poverty and Environment Program at IDRC.

SECTION ONE: INDIGENEITY

Defining Indigenous Peoples

Defining indigeneity is a notoriously difficult task. Developed in the Americas, the contemporary concept of indigenous peoples has gained global currency in the last several decades. Socio-cultural groups variously thought of as tribal, aboriginal, native, or ethnic minority are increasingly being identified or identifying themselves as indigenous peoples. This is especially true in the Americas, where this term or its equivalents (First Nations, Aboriginal, “Indians”, etc) have been used for centuries to designate peoples who trace their ancestry to pre-Columbian populations, although even in the Americas this seemingly obvious designation quickly becomes ambiguous in the face of cultural change, population movements, intermarriage, refusals to identify as indigenous, and so on. Conventional views on indigenous identity and its meaning are challenged, for example, by partly indigenous Afro-american communities in Colombia, displaced pre-Columbian groups such as the Garifuna of Nicaragua who are not native to the lands they currently occupy, and Andean populations in Peru who often reject the language of indigeneity in favour of a class-based identity as peasants.

In Asia and Africa, the use of indigenous identity is more recent, and more contested. Where it is used, it is commonly mapped onto people who were classified during the colonial era through racializing terms such as tribal, hilltribe, bushman, pygmies, nomads, and so on. For example, in the Mekong Region the term indigenous peoples is sometimes used as a substitute for “hilltribe” in international fora, as “hilltribe” is now seen as pejorative. However, the more common local terms in mainland Southeast Asia (apart from hilltribe) are “ethnic minorities” or “upland minorities”, as the concept of indigenous is seen as either too political, or as a term that properly applies to nationally dominant ethnic groups (Lao, Malay, Thai etc.). In South Asia, terms such as “*adivasi*”, “tribal” and “plains people” are often used, although some tribal groups – especially those connected

to the international scene – argue that the term indigenous peoples is less value laden and, therefore, more appropriate.

Some activists, scholars, or development practitioners argue that is it possible to identify a distinctive and world-wide culture or “cosmo-vision” that can be labeled “indigenous.” We believe, however, that it is not necessary to develop criteria for identifying what is “authentically” indigenous in terms of cultural characteristics, for two reasons. First, we are convinced by arguments that the term has no meaning of substance, given the great diversity and dynamism of cultural practices among peoples who call themselves indigenous (see the following box). Second, the question of whether there are common cultural beliefs or practices among people who are identified as indigenous is not important. What is important is that cultural difference and marginalization matters, although the way it matters is contextual; and that the indigenous peoples’ movement has politicized these diverse differences in ways that speak to rural development organizations.

The Concept of Indigeneity

Anthropologists have a particular interest in the question of whether indigeneity is a useful concept, so that the so-called “indigenous peoples debate” in anthropology journals is a useful place to look for perspectives on the meaning of indigeneity. See, for example, Barnard (2006), and the discussion following this article in the journal *Social Anthropology*. According to Barnard (2006:9), who writes in favour of accepting “indigenous peoples” as a significant concept for anthropologists, “[T]here can be no perfect, universally applicable definition. The logical solution then, is to reject the idea of a monothetic definition, and indeed of a nomothetic definition, and redefine ‘indigeneity’ according to local requirements for the achievement of legitimate political goals.”

The concept of “indigenous peoples” can be compared with concepts like “refugee” and “race,” whose meanings also cannot be pinned down in terms of substance, but which nevertheless are important for legal purposes, and for understanding social marginalization. “Race,” for example, is understood by social scientists to have no real sociological existence, but this in no way negates the significance of racialization, or racism, understood through the way that people and institutions act on beliefs about race. Although we are convinced by arguments that indigeneity cannot have a substantive meaning, like racialization, it is both useful and unavoidable as a way of understanding certain forms or processes of identity-based marginalization, and challenging these marginalizations.

This leaves the question of what is distinct about indigeneity compared to other disadvantaged ethnic or racialized minorities. Barnard (2006:7-8) suggests that there are two differences: First is the relation with the state, and second is self-definition as indigenous. Our approach, outlined below, also focuses on the combination of the relationships with national states, and the active adoption and use of this and associated terms by collectivities who are seeking to achieve political goals.

We propose that it may be most helpful to think of indigeneity not as an either/or situation but as relative:

1. to the degree of ethnic and territorial marginalization, especially but not exclusively through state policies, and
2. to the degree of identification as indigenous, which takes place as
 - a. self-identification, often tied to demands for recognition, self-governance, and territorial autonomy; and
 - b. recognition by indigenous people's networks and/or international development and advocacy organizations.

Not all the processes of marginalization and self-identification that we describe need to be present for a group to be called indigenous. Indigeneity be understood in fashion as a matter of degree to which these different characteristics are present.

How do indigenous peoples differ from other ethnic minorities? We suggest that they are distinct in two ways. First, in the case of indigenous peoples, this marginalization is usually linked to remoteness from the highly populated centres of state rule, and the occupation of ecological zones that were previously marginal, but now increasingly valuable for their resources or environmental values. As important, however, is what we call the second dimension of indigeneity, that of self-identification and recognition. By self-identification, we refer to ways that groups of people learn about, make connections with, and identify with the transnational movement of indigenous peoples.

In the Americas indigeneity is still understood as an obvious matter that does not necessarily require an active identification. In Asia and Africa, however, self-identification usually requires an active effort, predicated on knowledge of what

indigeneity means, links to networks that enable people to know the option exists, and in some cases, the presence of historical claims to distinct legal or self-governance institutions. This means that some of the most marginalized people may not have the cultural or other resources needed to take advantage of this identity (Li 2000), an issue that points to a need for an indigenous peoples' strategy to not focus only on people who self-identify as indigeneous.

Self-identification as indigenous is an important dimension of indigeneity in part because rural development organization need to work from peoples' collective experience and understandings of ethnic or racial marginalization. Its importance is also based in the way that indigeneity is usually linked to a series of more substantive political goals. Indigenous peoples are often organized around political projects for autonomy and self-determination that involve territorial and resource claims. Where these projects are not present, it is often because they are actively suppressed. Unlike other ethnic minorities, indigenous peoples are often associated with the historical and contemporary maintenance of self-governance institutions that exercise authority within a defined territory. This evolving sphere of self-governance is often argued to pre-date the incursion of state influence into indigenous territory, although anthropological and historical research suggests that in many cases these distinct spheres were the product of state-building through policies instituting legal pluralism (Li 2000).ⁱ

One of the reasons that marginalized groups latch onto indigeneity is that there are often distinct advantages to this identification as a way of countering marginalization or gaining access to resources and allies. Influential development institutions like the World Bank have policies that provide special protections for indigenous peoples before displacement-inducing projects can be approved. Indigeneity also provides access to influential transnational indigenous and human rights networks that can provide support in local struggles against displacement or unwanted projects. Finally, successful identification as indigenous may draw in resources that some development institutions have set aside for indigenous

peoples programs. At the same time, many groups may identify as indigenous peoples for the purpose of international fora, but as ethnic minorities in local and national contexts.

We have therefore decided to use the term IP broadly with the understanding that we are referring to racialized groups and ethnic minorities whose forms of marginalization and self-identification exhibit some of the dimensions of indigeneity that we outline here and who may be recognized as indigenous in international contexts.

Indigenous Politics and the Transnational Indigenous Movement

The transnational indigenous peoples' movement is made up of actors with a variety of political agendas, working at a number of different scales, spanning from the international to the local. In general, the movement aims to promote legal and practical recognition of a sphere of territorial indigenous governance and self-determination. This message speaks to a wide variety of groups located throughout the globe. By developing a common discourse for articulating their claims, groups that identify with the movement are attempting, in Muehlebach's phrase, "to achieve local freedom via the usage of a global language ... and to insist on local control as a universal right" (2003: 241-2).

Indigenous politics takes place in both strong and weak versions. The presence of either of these versions is typically an important factor influencing the relationships of an Indigenous Peoples' Organization (IPO) with either the state or other actors. It is also a factor that can have significant repercussions for rural development organizations.

Indigenous politics tends to challenge the basic premises of the modern state, including undifferentiated territorial and resource control, and state claims on a monopoly on legal sanctions including coercive sanctions. Motivated by

recognition that assimilationist policies towards indigenous peoples have been disastrous, the indigenous political project aims instead to revitalize and revamp grassroots sphere of territorial governance, and cultural institutions through which indigenous peoples sustain distinct ethno-cultural identities (language, land management, spiritual beliefs, health care etc). This is particularly true in Latin America, although the 'indigenous political project' varies here too. This sphere of governance is intended to produce emancipatory results for indigenous peoples, where conventional citizenship rights have failed to address the persistent forms of marginalization and oppression they experience (Yashar 2005:47-53). Table 1 sketches some examples of variation in the 'indigenous political project' by region.

National states that are based on an idea of the modern abstract citizen, often associated with a majority or dominant ethnic group, are threatened by any argument that certain people are entitled to special collective rights. Indigenous peoples may therefore be seen as a threat to the integrity of the state, or as associated (past and present) with movements that could cause the fracture or disintegration of states. However, most claims for indigenous rights are not secessionist in orientation. Predominantly they are efforts to negotiate new political relationships within the state in which indigenous governance institutions enjoying a significant degree of decision-making power are integrated into the constitutional order. Indigenous efforts to protect and promote collective rights to governance do not signal a retreat from participation in mainstream society and its institutions. Indigenous peoples' movements also typically seek to promote the enjoyment in practice of full national citizenship rights for indigenous individuals.

Table 1: The presence of indigenous politics in various regions of Asia and Latin America

Country / Region	Presence of IP Politics	Indigenous Claims	State Responses
Bolivian / Peruvian Amazon	Strong	Strong claims for autonomy and self-determination. Territorial claims including subsurface rights.	Limited accommodation. Constitutional and legal rights but lack of enforcement
Bolivian / Peruvian Andes	Moderate	Defence of collective land and water rights.	Legal recognition of rights, but not against extractive industry.
'Indochina' (Cambodia, Lao PDR, Vietnam); China	Weak	Defence of autonomy (sometimes) and collective resources. Resistance to relocation and restrictions on resource access.	State hostility to ethnic/indigenous discourse, but legal recognition of ethnic plurality. Discriminatory policies, including relocation.
India	Moderate	Defence of autonomy and collective resources. Defence of intellectual property rights.	Some 'rights' granted; lack of implementation. State hostility to indigenous discourse.
Philippines	Strong	Legal recognition of Ancestral Domains against competing claims. Opposition to destructive resource extraction through FPIC.	Legal recognition of ancestral domains and FPIC, but competing claims among state agencies make implementation difficult.

As Table 1 suggests, indigenous politics varies by region and within regions. Although there is generally a stronger presence of indigenous politics and claims in Latin America, there is a difference in how such politics are articulated in the Amazon compared with the Andes. There are also national differences, between Ecuador, Bolivia and Peru for example. In Asia, the presence of indigenous politics is weaker, in part because this issue is very sensitive in many areas. At the same time, the IP movement in the Philippines is among the strongest anywhere, and there is also considerable scope for indigenous politics in India and Thailand (as well as Indonesia, which has not been included in the scope of this study).

Indigenous Peoples, the United Nations, and International Law

Activism at the international level has been a vital resource of the global indigenous movement. The activity taking place at the UN and other international fora continues to have important repercussions for the discourse and practice of indigenous politics worldwide. Indigenous activists have used the conceptual and discursive terrain in this sphere in an effort to obtain international legal recognition for indigenous claims. The international sphere provides a forum in which to argue that respect for indigenous rights to territorial integrity and self-determination are binding obligations on states.ⁱⁱ

Self-determination became a central element in international law with decolonization, when it came to be a right recognized to belong to all “peoples”.ⁱⁱⁱ In the postcolonial period, indigenous activists at the UN have argued that this right also belongs to those geographically and culturally distinct groups left colonized within existing states. This characterization of the predicament of indigenous peoples has had substantial uptake in the global IP movement. Thus many indigenous advocates at national and local scales are careful to use particular language because of its meaning in international law: i.e. indigenous *peoples* (not “populations” or even “people”) and self-determination (not “autonomy”).^{iv} Many state representatives reject this language for the same reasons.

Indigenous self-determination is not yet an accepted principle of international law, although it is an idea that is attracting broadening support, including the support of some states. Existing treaties, such as Convention 169 of the International Labour Organization (ILO 169), fall short of the goals sought by the IP movement, whereas the Draft Declaration of the Rights of Indigenous Peoples, which articulates many indigenous aspirations, remains a draft document. Nevertheless, indigenous organizations and their allies have become experienced and established players at the UN. Further, through the establishment of such bodies as the Working Group on Indigenous Populations^v and the UN Permanent Forum

on Indigenous Issues,^{vi} they have succeeded in institutionalizing the presence of indigenous issues within the UN system.

In short, activism at the international level is involved in strategic and creative behaviour that is broadly in support of the central goals of many local and national indigenous organizations. Work at the international level also articulates with efforts at other scales to provide discursive and other resources at national and local levels. Nevertheless there are questions as to how closely international activists are linked to work at different scales. Some actors interviewed for this study argued that work at the international level could be better connected to national or local movements.

DIMENSIONS OF MARGINALIZATION:

As with gender discrimination, most people carry with them views and assumptions about indigenous peoples that they may not be self-conscious about, and many people are not aware of the many ways that indigenous peoples experience institutionalized forms of marginalization. Many of the people interviewed for this study indicated that they believed that these assumptions were a significant obstacle to working with indigenous peoples. Rural development agencies considering a strategy or program on IP could include efforts to sensitize participants in projects and programs to the forms of discrimination that may be experienced by indigenous peoples.

Some forms of discrimination that our respondents discussed included:

1. Neglect or lack of knowledge: Although it seems benign, a lack of attention to or knowledge about indigenous peoples is one of the most important forms of marginalization. For example, our interviews showed that in Lao PDR and Cambodia major universities include very few materials about IP in their teaching curricula. This is likely true for other Asian countries. Even in Latin America there

is not as much attention paid to the needs of indigenous people as might be anticipated (this varies per region). Everywhere, indigenous peoples are less likely to obtain higher educational degrees than non-IP people, and are thus underrepresented among development organizations, national development bureaucracies, and university staff.

2. Negative or Paternalistic Stereotypes: IP are often characterized as primitive, lacking knowledge of modern life, unsophisticated, and simple. Members of ethnic minorities frequently reported experiencing identity-based discrimination in the school system, while seeking government services (health, technical) and so on. Dominant ethnic groups often control how development programs targeting IP are designed, implemented, and evaluated. In the face of lack of knowledge and awareness about IP, they often base these programs on what they think they know, i.e., on stereotypes. Agencies acting on negative stereotypes will avoid thinking about the reasons why programs fail, and instead blame IP lack of knowledge or capacity for development.

A similar problem occurs when pro-IP advocates turn negative stereotypes around to produce one-sided, romanticized images of indigenous peoples. Some of the characteristics attributed to IPs through positive stereotyping may be quite similar to those associated with negative stereotypes. Romantic views however value these characteristics differently. For example, the idea that indigenous people are characterized by a “primitive” culture can be reframed as a static indigenous cosmology that serves as the explanation for how IP manage resources in harmony with their environment, or how they maintain social structures that are free from exploitation or conflict. Groups that romanticize non-modern cultures are often paternalistic, and over-emphasize programs that seek to minimize engagement with broader market, state, and cultural processes. This takes place even in situations where IP have long been integrated into long-distance markets—for example, the uplands of Southeast Asia or the Andean region of Latin America. By ignoring or pathologizing processes of market (or other)

engagements, such views discourage efforts to understand the logic of IP engagement, and moreover, they discourage efforts to address the marginalizing structures encountered by indigenous peoples in these processes. This is the cultural equivalent of what has been called a “protectionist” approach in environmentalism, and needs to be guarded against.

3. Disregard of IP specificity. Many governments design development programs based on the assumption that development processes should produce people who live like the ethnic “majorities” who define national culture. As a result, such programs do not account for the specific needs of IP. The failure to recognize collective land management practices and collective land rights is a much discussed example. IP struggles for recognition of collective land and resource rights have been successful in some countries (Ancestral Domains in the Philippines, Extractive Reserves in Brazil, *Tierras Comunitarias de Origen* in the Bolivian Amazon), but failed in others (i.e., the continuing failure to pass a community forestry bill in Thailand).

4. Deliberate assimilationist or marginalizing policies. Although it may be more difficult to express openly racist or discriminatory attitudes today, it is still common to find policies that seem to target IP people for marginalization, or subject them to violent attacks in part because they are indigenous. These deliberate marginalizations or violent attacks are often motivated by the perception that IP threaten national territorial control, or could pose obstacles large scale development projects like mines, pipelines, roads, and dams. Attacks by lowland groups on upland ethnic minorities for their presumed impacts on water supplies for lowland agriculture in Thailand are an example. Less openly violent but equally intentional are programs that seek to force assimilation of IP into mainstream cultures. These programs might claim respect for some aspects of IP culture, for example, language and arts, while at the same time undermining IP livelihoods. Resettlement programs in Lao PDR can be understood as an example of this kind of enforced assimilation in relation to livelihood practices.

These four forms of marginalization are often intertwined. For example, inaccurate, paternalistic and negative knowledge may be used to justify marginalization from social and economic institutions including state services such as education, public employment, and legal recognition/enforcement of rights. Stereotypes may also be used to explain the failure of development programs that are based on assimilation and fail to address the specificity of IP livelihoods or their histories of marginalization.

SECTION TWO: INTERNATIONAL ORGANIZATIONS AND DONORS

Table 2 provides a list of donors which have or have not developed a policy or strategy on indigenous peoples.

Table 2: Sketch of international organizations and donors with and without an IP policy

IO/Donor	IP policy?	
ADB	Yes	
CIDA	Yes, Americas focused	
Danida	Yes	
DFID		No
Ford Foundation		No
GTZ		No
IDRC		No
IFAD	Yes	
IIED		No
IWGIA	No policy, only work w/ IP	
Oxfam America	Yes	
SIDA		No
UNDP	Yes	
UNIFEM		No
World Bank	Yes	

Some organizations known for their work in rural development, poverty and environmental issues such as GTZ, the Ford Foundation and IIED do significant work with marginalized rural peoples, including IP, but have no explicit IP policy. On the other hand, many UN agencies and organizations such as the World Bank or ADB do have an IP policy. Sometimes activist-oriented organizations such as Oxfam America also have an IP policy.

Pros and cons of an IP strategy

The question considered in this section is if rural development organizations can benefit from developing an explicit strategy for addressing the specific forms of marginalization experienced by IP, and for working with collective actors who seek to address these forms of marginalization.

Arguments against an IP strategy

As indicated above, many donor organizations have not adopted an IP strategy or policy. Reasons that donor organizations might avoid such a strategy include:

- The view that one policy is not capable of addressing the great variation among sites that organizations work. The Latin America-Asia difference is one example, but there are differences within regions that are as acute. This view argues that it is better to take an approach like that of the Ford Foundation: i.e. acknowledge the importance of ethnic marginalization, but take a case by case approach to addressing this form of marginalization in different programs.
- A proactive strategy could create unnecessary institutional work and effort as staff members need to produce policies, agree on them and find ways of acting on them. Project checklists, for example, add a bureaucratic layer to approval processes without necessarily accomplishing much, as some observers argue about the World Bank's detailed but much criticized operational policies and procedures.
- The entire topic is too sensitive and complex. As we outlined above, indigenous politics is often understood as a threat to the nation state, thus engagement with indigenous people and groups would be too tied up with political agendas that could undermine an organizations standing in important national contexts. There are other ways of addressing ethnic marginalization,

without getting involved with the controversial and complex indigenous people's movements.

Arguments in favour of an IP strategy

The following are some of the reasons that an IP strategy could help development organizations better achieve their program objectives.

- Many rural development projects already involve indigenous peoples, and even those that do not may have indirect impacts on indigenous peoples. Indeed, indigenous peoples constitute a significant proportion of the rural poor in many regions. Thus it is not realistic to assume that a development organization can easily avoid the complexities of indigenous peoples' politics. The better approach would be to find ways of working more effectively with indigenous peoples and their organizations.
- Focused attention and an improved understanding of the types of marginalization specific to indigenous peoples will allow a donor to work more effectively with rural people to counter these marginalizations in ways that enhance equitable resource use and participation in decision-making.
- Our fieldwork and analysis suggests that many organizations might benefit from more programmatic attention to understanding the different dimensions of ethnic marginalization, including those specific to indigeneity. This work can limit the extent to which patterns of ethnic marginalization negatively impact project implementation. If, as we suggest, countering marginalization requires extra resources, then a formal strategy will help to ensure that these resources are mobilized for IP-related projects where appropriate.

- Where IP have gained some political autonomy, carrying out research requires cooperation not only from national states, but also from relevant IP organizations. Cooperation with IP organizations is important also for identifying partners, and the process by which partnerships are formed (who introduces external funders/partners to local groups etc.). There is a need to make these issues more visible, in ways sensitive to local political contexts.

SECTION THREE: PROGRAMMING STRATEGIES FOR IP

Given the wide range of donor support found for IP projects, we recommend that rural development organizations target specific niches based on existing strengths. These strengths might include action-oriented, participatory research at the community level, or ability to link such experiences with processes at other scales (provincial or national; university or technical department) etc. We suggest the following two components for an IP strategy. First, donors could strengthen existing programs to avoid the unintended marginalization of IP. Second, donors could invest in new areas of IP related research based on priorities identified through our interviews with IP organizations and researchers.

STRENGTHENING EXISTING PROGRAMS

Many interviewees indicated the need for greater understanding of the specific ways that IP are marginalized; our own observations suggests that there is considerable scope for more pro-actively addressing the experience of IP. Interviewees also emphasized a need to broaden consideration of IP issues to all the ways that ethnicity might shape the positive and negative impacts of donor programming and government policies. Thus we suggest that any project that may impact IP systematically attempt to anticipate these impacts, and devise strategies to counter them (including both IP and non-IP communities in the project area). Three strategies for achieving this are: (a) sensitization programming; (b) investments in activities that overcome obstacles to engaging IP; and (c) sustained attention to inter-ethnic relations, including attention on how a focus on IP could unintentionally marginalize other rural poor communities.

a. Sensitization Programming

Although not often apparent in project documents, our field research indicated that there was a pressing need for greater knowledge of the dimensions of ethnic

marginalization among research and development projects. Many people we interviewed reported issues around non-IP and indigenous people having biases that needed to be overcome. Many stereotypes needed to be pulled apart, and engagement on these issues did not always go smoothly.

A sensitization program could be similar to gender workshops. Just as many people have had to (and continue to have to) work on understanding the ways that gender does not only mean women, there are many misunderstandings in the area of indigenous people and ethnic minorities. Through engaging in critical reflection and sensitization, research partners will be better equipped to work with indigenous peoples.

The main target for sensitization activities would be partner staff, although it would often be productive to include staff of other agencies as well. Given that there are considerable differences in the situation and experience of IP in Asia and Latin America, sensitization activities will need to be tailored to each site. See Appendix A for a list of the kinds of questions that might be answered in these programs.

b. Proactively address inter-ethnic relations involving non-IP communities

A key issue for IP is often their relations with non-IP people living in the area, although the specific nature of the issues involved differ by site. Non-IP are often presented as threats to IP control over territory and resources, yet non-indigenous farmers are often migrants displaced from other areas and among the poorest rural people. Although they may not be subject to the kinds of ethnic-based discrimination experienced by IP, they often experience other forms of discrimination. In some areas, for example, they do not benefit from the kinds of special protections that are now often provided for rural people who are identified as IP. More generally, it is important to ensure that gains for IP not be at the expense of other rural people.

Another dimension of inter-ethnic relations concerns relations among different ethnic minorities. The term indigenous people refers to broadly common ways that people have been marginalized within larger political and economic systems, but very often there is great diversity among the peoples who have been marginalized within a particular site. Attempts to organize these groups under the common umbrella of indigenous peoples then needs to come to terms with diverse cultural and livelihood practices, including diversity in modes of marginalization, stereotyping and so on.

Attention to interethnic relations can be understood as coming under the broader umbrella of sensitization. In developing any IP-related programming, donors should build in awareness that it is important not to focus on IP or specific ethnic groups to the exclusion of other residents, where the project activities may impact on these residents. FPIC (see below) is an example: what happens when IP gain this right, but peoples who are not identified as indigenous do not? This might be a particularly important issue to raise when working with indigenous people's organizations which are less likely to consider the impact of project activities on non-IP groups. Donors could work in systematic ways of reminding partners of the importance of working with all marginalized peoples.

c. Countering unintended marginalizations of IP communities.

Engagement with IP often requires extra resources. Where these resources are not made available, then IP may be excluded from projects. Ideally these resources should be included in the project budget. In practice, however, some of these costs may not be anticipated during project planning especially in the context of limited information about forms of IP marginalization. Moreover, our informants suggested that projects experiencing pressure on budgets and resources are likely to cut those resources (e.g., gasoline, time), skills (language, cultural knowledge) and experience (building community relationships and respect) needed to effectively engage IP. Those resources (time, airplane travel), skills (computer,

English), and experience (higher educational degrees) needed to engage with policy makers or funders receive higher priority. A dedicated fund to which existing projects can apply would pro-actively counter these tendencies by marking funding specifically to support activities to better engage ethnically marginalized peoples.

Measures required to counter IP marginalization from project activities and benefits can include: ensuring that staff members have appropriate language and cultural skills, budgeting extra resources to maintain strong contact with IP communities in isolated areas, and accommodating potentially lengthy indigenous community consultation and decision-making processes in project timelines.

EMERGING RESEARCH AREAS

The following section outlines emerging research areas for work with IP. The emerging research areas identified as particularly relevant to IP are:

1. Free, prior, and informed consent (FPIC);
2. Biodiversity; and
3. Livelihood and market engagement.

The first two research areas, FPIC and biodiversity, are prioritized due to the fact that many IPOs and their allies are currently organizing around these issues, and they are doing so in ways that “cross scales” (i.e. that move from the local to the national or international). Thus, these two areas offer considerable opportunities to build effective partnerships and to build on locally-situated work in ways that can generate broader outcomes at different scales.

Work on FPIC represents a logical next step for many IPOs that have been successful in securing formal title to land. FPIC concerns the problem of operationalizing rights in practice. This does not mean that FPIC should be at the

expense of work in support of IP land rights; where these rights have not yet been secured, this remains a very important area of emphasis for work.

The third research area, livelihoods and market engagement, is an important issue in IP programming that until recently was often sidelined, partly as a result of the indigenous “frame” which has tended to emphasize non-market based livelihoods. Now many agencies are putting considerable emphasis on “pro-poor markets”. We believe that there are specific issues that emerge around this idea with respect to IP that need attention within the broader programming with respect to markets and livelihoods.

Free, Prior and Informed Consent (FPIC)

What is FPIC?

FPIC refers to processes of engagement and decision-making in which the free and informed consent of an indigenous people is sought prior to the authorization of a particular course of action. FPIC is invoked with regard to decisions that affect indigenous land, livelihoods, culture, or resources. It is a key principle promoted by the indigenous rights movement and has been used to inform many aspects of the Draft Declaration on the Rights of Indigenous Peoples.^{vii}

FPIC expresses part of what is meant by indigenous self-determination: the recognition by states and other actors of an effective sphere of indigenous governance that must be engaged with meaningfully. Indigenous groups and their allies have argued in favour of FPIC by pointing to the often disastrous legacy of state-sponsored resource exploitation and development policy that has ignored both the institutions and the interests of indigenous peoples. All too often, indigenous peoples have been left with the negative consequences of these development decisions and few of their benefits.

As a result of sustained advocacy efforts, FPIC is a principle that is acquiring global currency and substantial recognition. FPIC has been endorsed and adopted by prominent institutions such as the World Commission on Dams, the Extractive Industries Review (an independent review commissioned by the World Bank), and the Inter-American Commission on Human Rights. FPIC, depending on how the term is defined, is also promoted by some governments.^{viii} In addition, certain industry actors state they currently apply FPIC on a case-by-case basis even where it is not legally required (De Echave et al. 2005). This is done to develop good community relations, manage risks, and to defend or promote the corporation's reputation.

FPIC is contentious because of its implications for state sovereignty and control over resource development. Many state actors perceive FPIC as a potential indigenous veto over development projects that serve the national interest. Even where a veto is not threatened, FPIC proposes to allow indigenous peoples to negotiate conditions under which development can take place. This appears to run counter to state claims of exclusive and “permanent sovereignty” over natural resources. Industry actors on the other hand, particularly large enterprises in capital-intensive sectors, value certainty and stability. As suggested earlier, in some industry corners, FPIC has the potential to be given a serious hearing, so long as it proves to be an effective means for managing troublesome local and community relations. The World Bank has charted a middle course, incorporating the requirement to engage in “free, prior and informed *consultation*” with indigenous peoples into its internal policy directives (Goodland 2004). Consultation, and possible accommodation, also represents a preferred option for some states (such as Canada).^{ix}

The debate on FPIC also speaks to a reality experienced in many areas with more developed indigenous politics. In these regions (such as the Andean Amazon, the Philippines etc.) indigenous movements have been successful in obtaining legal recognition of their right to traditional territories. However, many IP find that paper

rights are trumped by the rights of extractive industry projects, or ignored by displaced non-IP groups who in some cases may not have many alternatives to settlement in IP-designated territories. The contemporary challenge for these movements involves finding ways to operationalize territorial rights in practice.

Yet, while FPIC is much talked about, there is little consensus regarding what the term ought to mean in practice. Further, very little is known about the actual institutional arrangements required to make it work in different contexts around the world.

Why Focus on FPIC?

Considerable work has taken place promoting the principle of FPIC at an international level, such that it is currently an item for inquiry and debate on the agenda of bodies ranging from the UN Permanent Forum on Indigenous Issues, to high-level civil society/World Bank Group meetings, to the working groups of the Convention on Biological Diversity,^x to the International Council on Mining and Metals.^{xi} The key questions being asked in these fora concerns what FPIC means in practice and how the principle can and should be operationalized. While various examples of FPIC are commonly cited, there is a marked lack of systematic research that can enable actors to learn from these and other experiences. Research on FPIC thus represents a strategic opportunity for donor involvement to support local research that will inform these broader activities.

Risks/Challenges of a Focus on FPIC

Work on FPIC also carries a number of risks.

FPIC is a deceptively diverse subject. FPIC is proposed in a wide variety of FPIC contexts. These include extractive industry and hydro development, use of traditional knowledge and genetic resources, tourism, and archaeological activity. FPIC is also intended to be applied in very different geographic and social

contexts. Where different activities pose very different degrees of risk or benefit to communities, the FPIC processes required to make development decision are likely to be quite different. Equally, identifying the scope of “the community” in relation to traditional knowledge is a different endeavour from identifying those communities impacted by oil exploration. In sum, a general research program involved in FPIC risks diluting its impact by producing research outputs that do not speak to each other. It is advisable to choose a focus for an FPIC-related research program, involving one or two carefully identified issue-areas.

There is a danger that work on FPIC could produce ‘thin’ research. Useful research on FPIC requires in-depth fieldwork-based studies that address the complexities of interactions both between and within groups. Of particular value are ‘warts and all’ studies that inquire into the contextualized difficulties and opportunities that participatory and consent processes encounter in practice. Critical questions include the role played by experts in decision-making, as well as the effects of power differences on models of negotiated justice (Szablowski 2007). Work on FPIC or related concepts (participation, consultation) can tend to gloss over these issues. Care may need to be taken to avoid studies that aim to identify “best practices” without substantial use of a critical research framework.

Research Opportunities

We suggest a two-pronged approach to building FPIC research: (a) build on current networks of donors, researchers and IPOs to emphasize FPIC as a strong area of focus; and, (b) support local research in sites selected with a particular interest in this area.

Biodiversity Issues

Access and benefit sharing as related to biodiversity can be considered a particular application of FPIC. Despite the overlap with FPIC, we treat it separately here partly because international IP networks are organized around a legal strategy which is oriented around the Convention on Biological Diversity (CBD). We think it is likely that if a donor decides to work on FPIC, access and benefit sharing issues will also enter into this research.

Why biodiversity?

Biodiversity issues are particularly relevant for IP. The increasing privatization of the commons affects IP of the 'mega-diverse' countries who tend to be living in 'biodiversity hotspots'. Patents and products continue to be granted from genetic materials found in the South without permission of the country of origin, or from rural people using these genetic materials. Local institutions, including customary structures, are not necessarily able to handle emerging biodiversity issues and are not necessarily aware of what is being negotiated at the national or international level.

Article 8(j) of the CBD,^{xii} a treaty ratified by 168 countries^{xiii}, sets out the member states' commitment to ensure equitable access and benefits sharing arrangements involving the "knowledge, innovations and practices of indigenous and local communities". The article does not provide how this should be achieved. Agreements such as CBD contribute to biodiversity conservation although they also lead to an 'enclosure of the genetic commons' and intensify struggles between nations and peoples over the control of biological resources. Criticism is mounting of agreements such as the World Trade Organization's General Agreement on Tariff and Trade (GATT) and its Trade Related Intellectual Property Systems (TRIPS).^{xiv} These sorts of agreements create and enforce new realms of private property and commodities out of what was (in most developing countries) a part of the common heritage of all persons. These agreements also reflect a 'new

order' in which states assert sovereignty over the genetic material in their territory. They all have significant implications for IP and their livelihoods.

Engaging with access and benefit sharing research

We think there is an opportunity for donors to build upon ABS research more systematically in relation to IP and indigenous knowledge. This is an area where more work could be done since local level research is missing in most of the ABS debate. Much local detail is lost in international fora, and there is an opportunity to consider what ABS means in the context of IP daily lives. Greater attention needs to be paid “on how the rights of indigenous peoples and local communities to their genetic resources and knowledge can be recognized and how access and benefit sharing schemes are working or not for them” (Whyte and Tauli-Corpuz 2003: ii). There is a need to better understand how ABS issues are dealt with at the local level and if customary mechanisms or newly created management structures are being used.

Research opportunities

There are a variety of questions worth considering in relation to IP and biodiversity issues. Some questions have already been mentioned in the discussion so far. The following list are a starting point should a donor decide to seriously engage in ABS research.

- How do different IP communities perceive and assess access and benefit sharing questions, in particular, in the light of national and international guidelines, model laws and other new forms of defining and regulating ABS of biodiversity resources?
- What mechanisms can support more equitable benefit sharing among different IP communities, including women and more marginalized community members?
- Do these local perspectives inform national and international regulatory frameworks? If so, how?

- How can potential conflicts between local level access and benefit sharing priorities and national/international interests be avoided? How can existing conflicts be resolved? What conditions may reduce the occurrence of future conflicts?
- How can local capacity be built so that local groups be enabled to have a voice in the answering the above questions (adapted from: Vernooy and Davy 2004).

Risks: a word of caution

We recommend that donors tread carefully while engaging in biodiversity issues.^{xv} One hears the argument that ‘protecting indigenous peoples’ benefits biodiversity protection. However, some respondents were critical about these associations i.e., how the need to protect IP is justified as necessary for biodiversity protection, and the implied preservationist approach that does not allow for change. Utilitarian implications may also emerge when working with IP, suggesting that for the ‘broader common good’ there is a need to protect cultural diversity along with protecting biodiversity. However, it is questionable if such a narrow approach speaks to the complex, dynamic reality that IP communities face. An important question is whether farmers themselves want to be “protected”.

Livelihoods and “Market” Engagement

Why livelihoods?

There is general acknowledgement among our respondents that many environmental or resource management-type programs engaging IP (and, for that matter, rural peoples in general) have been more oriented around the protection of environment and resource rights than livelihood improvement and addressing poverty. Although there are exceptions within every project, there appears to be a challenge in balancing conservation efforts with livelihood enhancement.

Livelihood is a broad concept, in some ways a ‘container word’ for everything that goes on in daily life. For this report we think of livelihood as about individuals, households or groups making a living, attempting to meet their various consumption and economic necessities, coping with uncertainties and responding to new opportunities (De Haan and Zoomers 2003).^{xvi} Since issues specific to IP livelihoods are not addressed in great detail elsewhere, we highlight market issues in relation to IP livelihoods.

Research opportunities

In terms of research opportunities, we will focus on the challenges and niche opportunities presented to IP by market engagement.

How can IP work with markets in ways that ensure that IP (and other poor communities) obtain equitable benefits, have some control over what is produced as a commodity, and environments are not destroyed? The marginalizations and stereotypes that partly define IP also shape how IP can engage with markets. Should IP mobilize stereotypes in order to obtain market benefits? These are difficult questions to answer, but need to be considered in a broader ‘pro-poor market’ paradigm. Niche opportunities that might be available for IP might also reinforce stereotypes i.e., tourism opportunities, including ethnic tourism and ecotourism. IP may be able to sell specific products such as handicrafts or food items whose value are in part tied to ethnic identities, or perform traditional songs and dances. Although there are opportunities for IP here, there are also many risks. Can IP define their own development agenda and benefit in a meaningful manner from the commodification of ethnic identity and culture?

In the agriculture sector, many organizations are now working with IP to promote organic agriculture. Their motivations are often ecological or food sovereignty-oriented. At the same time, there are many opportunities to create new values through organic certifications or certifications that associate agricultural products with particular places or peoples. The key research question here is how can IP

produce and benefit from these new commodities in ways that does not subordinate them to standards and institutions that are created for the benefit of wealthy consumers and retailers?

In some places there is a national trend towards supporting multi-culturalism that is linked towards the 'commodification' of aspects of IP culture. In other words, multi-culturalism may be promoted as a way to sell culture. There are regional differences within nation states in terms of how 'cultural commodification' might unfold. For example, there is an acknowledged difference between IP movements in northeastern India who are the 'majority minority' as compared to the central plains *adivasi* who are extremely marginalized. In northeastern India there was a perceived opportunity from cultural tourism, if run on local terms; in the *adivasi* areas, far less so. Each historical-political context affects how IP, the state, and others think about 'marketing' aspects of indigenous culture. Precisely because of this variation, the trend towards commodification of indigenous culture raises a series of research questions that donors could consider engaging in.

SECTION FOUR: PARTNERING CONSIDERATIONS

In many countries, the field is crowded with different organizations active and interested in working on IP issues. With whom should an organization partner in order to ensure effective outcomes? What principles can project officers use to develop appropriate and productive partnerships? Our approach has been to ask donors, research partners, and indigenous peoples organizations how they view the situation and what strategies they use to address the challenges that they identify.

Making effective partnering choices is essential to all programming. As set out in Earl et al. (2001), “boundary partners” are chosen in the expectation that their interaction with the project will help to promote particular outcomes. Indeed, partnering decisions have ramifications for all project activities from design, to implementation, to follow-up. It is not our intention to review at length the issue of partnering in general terms. The typology found in Appendix B provides a rough guide to assessing the typical strengths and weaknesses of the various different categories of partner organizations working in the field of indigenous issues.

CONSIDERATIONS FOR FORMING IP-RELATED RESEARCH PARTNERSHIPS:

Criteria for Assessing Indigenous and Non-Indigenous Partners

The central challenge of partnering remains the same with regard to IP-related projects: that of mobilizing groups capable of carrying out project activities and accomplishing project goals. In other words, do the proposed project partners have the technical and administrative capacity to carry out the job satisfactorily? And do the proposed partners have sufficient credibility in the right places to ensure the project’s success (i.e. credibility with proposed participants to ensure their involvement and credibility with the desired “policy audience” to ensure that

the project has influence)? Put another way, project managers must assess the following criteria when making decisions about a partner:

Institutional criteria

- Research capacity
- Administrative capacity & internal governance

Legitimacy criteria

- Credibility with proposed project participants
- Credibility with those actors/makers the project seeks to influence (e.g. the IP movement, donors, policy makers, etc.)

What is different in an IP context is that partnering decisions take place in a particular national or sub-national context, which includes those prevailing “dimensions of marginalization”, the status of indigenous political organizing, and state responses to indigenous aspirations. It is in this context that IP and non-IP organizations often have different benefits to offer as research partners.

IPO, IP NGO partners and non-IP organizations should be assessed according to institutional and legitimacy criteria set out above. Assessments of capacity and legitimacy need to be based on actual scoping research, not on assumptions made on the basis of ethnicity. What does the organization bring to the table? Are there pieces left missing from the equation? In building collaborative relationships, decisions will have to be made concerning roles and responsibilities within a research partnership, including:

- How is the research agenda developed?
- Who carries out research activities?
- Who administers the funds?

Many IPOs do not act as or identify as research organizations, and will not have developed their own research capacity, although there are significant exceptions.

Conferring administrative responsibilities on IPOs that have not developed research capacity can be an effective way of investing in their capabilities. In order to make informed assessments, investments will have to be made to maintain up-to-date knowledge of indigenous politics in areas where a donor wishes to conduct research. This is addressed in the section below.

Scoping IPOs and IP Politics in Target Regions

As we observed earlier, the politics surrounding indigenous issues tends to be quite volatile. This is often true of the relationships between governments and dominant ethnicities on the one hand, and IP on the other. In any given country, IPOs may be officially tolerated, legally sanctioned and supported, or actively suppressed.^{xvii} Political relationships between and within IPOs can also be volatile. In addition, established IPOs can experience substantial internal change, sometimes with a loss of existing institutional knowledge.

In short, the likelihood of making effective partnering decisions for IP-related research is greatly improved by knowledge of the characteristics of the different organizations, and of the current IP-related political environment within the relevant national or sub-national area. Programming in specific sites should be based on careful consultation with relevant groups and informed persons. This task may be most efficiently carried out by people who are particularly knowledgeable with respect to local situations, hired to carry out focused scoping within a particular country. Country-level scoping of this kind should be conducted on a recurring basis in order to ensure that information is up to date.

Developing Relationships with IPOs

As we have stated earlier, there are benefits to be realized through increased engagement with IPOs. Not least among these are the coincidence of goals between rural development organizations and many IPOs, the importance of

strengthening IP organizations, and the fact that IPOs are highly motivated potential users of such research outputs—particularly if research projects are designed cooperatively.

However, there are substantial resources involved in establishing these relationships. With a few notable exceptions, working with IPOs requires more administrative time and effort for staff, particularly early on in the relationship. Some IPOs (even those operating at a national level) will require additional support with regard to proposal writing, reporting, research design etc. These organizations may require both administrative flexibility and added supervision in relation to financial administration or other matters. In addition, IPO research activities may involve a relatively high proportion of action learning and capacity building activities (workshops etc) to scholarly research outputs. These are considerable barriers to IPO involvement in research activities where administrative capacity is a limiting factor. If a rural development organization is to realize the benefits of more significant engagement with IPOs, its choice is to either budget for these added costs over the long term or find ways to minimize them.

Thus an organization has three choices in this regard:

1. Work with organizations that currently have strong research and administrative capacity and who will develop mentoring relationships with IPOs, IP communities, and non-IP organizations with lower levels of capacity (such as up-country universities).
2. Invest in working closely with a small number of IPOs in order to help develop capacity and trust over time, and rely on the networks of these IPOs for reaching IP communities.
3. Focus on high capacity research organizations, and have IPOs play chiefly an advisory role rather than play an operational or administrative role.

If an organization is interested in finding new modalities that are less labour intensive and less uncertain and risky, Option 1 is the one to explore.

Working Where There are Limited Self-identified IPOs

Much of the above discussion assumes the existence of IP organizations who could conduct research or participate in collaborative projects. However, in other areas IP are less able to form independent organizations. It is important not to neglect these sites, as they are places where IP are often even more marginalized than places where IP have been able to organize. The approach in these areas would be to work within the existing political context to raise awareness of IP issues, and to support organizations who can proactively address IP issues, train IP researchers, and influence policy. The three kinds of organizations that are available in these contexts are:

1. Government agencies whose mandate includes working with or representing IP.
2. NGOs that work with IP. Some NGOs have a commitment and considerable track record of working with indigenous groups. Their staff may include many indigenous persons without the organization identifying as an IP organization.
3. Universities, especially universities who have shown a commitment to working with IP around environmental conservation, livelihoods, and (indirectly) ethnic marginalization.

The most obvious cases are countries in which IP issues are politically sensitive and where there are limits on civil organizing, particularly along ethnic lines. In these countries, a rural development organization needs to consult carefully with researchers who know what is possible, and how programming can be framed. In places like China and Cambodia, networks of IP and non-IP groups are forming, and donors could be working to foster these kinds of networks.

FINAL COMMENTS

The authors of this study hope that this report will be of use to donor agencies working with indigenous peoples. We also intend that the arguments in this report will provoke further discussion among rural development workers and indigenous peoples' organizations, and that readers will make their views known to the authors as well as to relevant donor agencies. The views expressed within this report are those of the authors of the report only.

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APPENDIX A: SENSITIZATION QUESTIONS

General Questions:

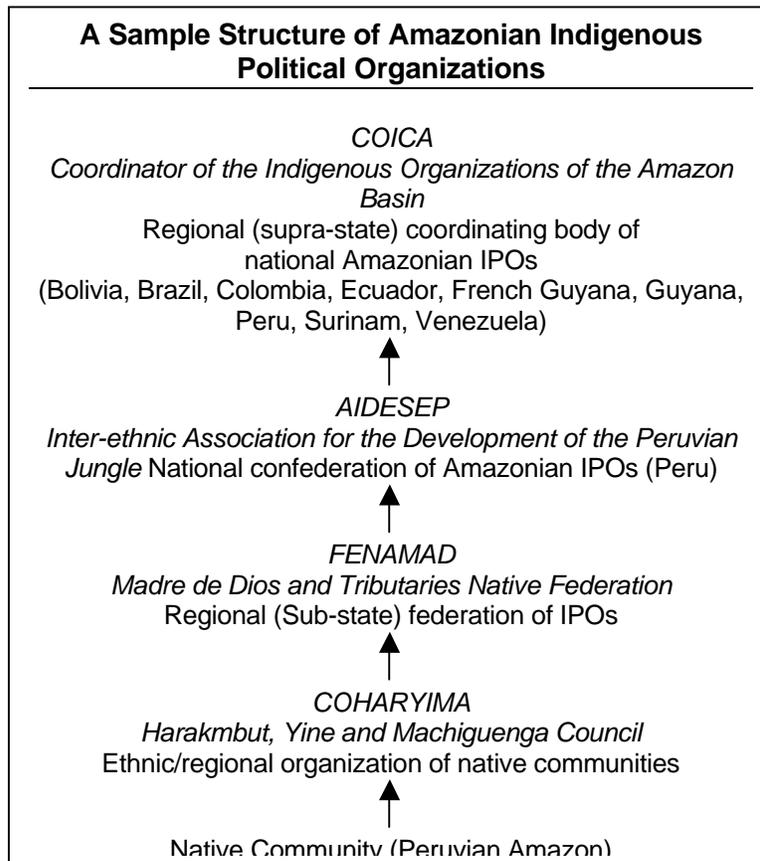
- What are some of the national and local sensitivities that might be provoked by an exploration of ethnic marginalization, and how can the project address ethnicity in ways that are locally appropriate?
- What is ethnicity? What is indigeneity? (the staff in many projects are trained in technical areas, and could use more information on how to think about identity).
- What are the main ethnic groups in the area the project works?
- What is known about the group that the project intends to work with? For example, land use practices today and in the past, migration history, family organization, language. What has been written about the group? How much of this was based on fieldwork? (It will be important here not to essentialize difference, but rather to understand these as dynamic).
- How has this group been impacted by state policies? Development projects? War and violence? State regulation on land and resource use? If no information is available, would it be useful to collect this information?
- What kinds of stereotypes exist about this group? Why? How did they get created? How might these stereotypes marginalize IP peoples? How do members of this group feel about these stereotypes?
- How might development projects draw on stereotypes, and what kinds of problems might this create in working effectively with IP communities?
- How have IP groups organized collectively, to do what, and how might development project serve to facilitate existing capacity for collective action where these area consistent with project goals?
- What non-IP groups live in the project area? What is their specific history of resource and land use; how might they have experienced marginalization; and how might they be impacted by programs that seek to support IP groups?

Specific Questions:

- What are some obstacles that the project has encountered in engaging with IP, or different social groups within an IP group? For example, language, suspicion due to history of marginalization, accessibility, illegality of resource use practices.
- What forms of inequality and cultural difference exist within IP communities (gender, access to land and natural resources, language and cultural capital, migration histories, age?)
- How might the project have assumed some of the stereotypes associated with IP, and what were the effects?
- What could be done in the project to acknowledge ethnic-based marginalization, counter stereotyping, and more effectively work with IP

communities, including those sections of the communities who may be the most marginalized (based on gender, class, migration, history).

APPENDIX B: TYPOLOGY OF PARTNER ORGANIZATIONS ON IP ISSUES



Indigenous Peoples Organizations (IPOs)

Most IPOs are community-based institutions involved in local governance. Where indigenous politics is highly developed however, indigenous organizations representing coalitions of local groups may also be found at the sub-national, national, and supra-national levels (see box at left). These broader associations typically play an advocacy role in order to represent the interests of member communities on regional and national stages. These

organizations can vary in scope and character. They can include a national peasant's union, a federation representing native communities of a particular ethno-linguistic subgroup, and a regional indigenous alliance.

There are considerable opportunities to be realized through direct partnership with IPOs. IPOs may be the best organizations for securing local access required for research, for facilitating local consultation, for helping to identify research priorities. As representative organizations, IPOs can offer a unique form of legitimacy to donor activities. Certain IPO political goals, such as securing community resource tenure, improving livelihoods, and strengthening local self-governance, fit closely with rural development objectives. As a group, IPOs would appear to be a natural ally of for some rural development organizations in their mission to facilitate the reduction of rural poverty among indigenous peoples. IPOs are also likely to be highly motivated users of such research outputs, particularly where these speak to their own goals and priorities.

IPO weaknesses can include low research and administrative capacity, governance and accountability problems, and division within and among IPOs. Many extra-local IPOs are of comparatively recent origin and have not yet had the opportunity to institutionalize strong governance norms for work at regional and national scales.^{xviii} Furthermore, close alignment with IPOs perspectives can tend to obscure the need for an inter-ethnic perspective on environmental and poverty issues. Work with IPOs can in some circumstances also antagonize states resistant to indigenous politics.

Indigenous NGOs, Institutes, and Networks

These organizations identify as indigenous, are staffed by persons of indigenous descent, and work on indigenous issues. Their claim to legitimacy is based on expertise rather than on territorialized representation of a particular group. These organizations can often combine “an indigenous perspective” with stronger expertise and research skills. While they tend to have less developed links with local-level organizations, many are linked to networks that support such organizations.

Because of their indigenous focus, these NGOs have often not engaged with inter-ethnic relations involving non-IP.

Development and Advocacy NGOs

Many domestic and international NGOs work on IP-related issues. There is a great deal of diversity in this group. Some NGOs are closely allied with the political goals of the indigenous movement. Others support work on local resource rights for both indigenous and local communities. Other organizations eager to work on indigenous issues may have little experience doing so. In other words, this group is so wide as to confound meaningful generalization. One important factor to consider is whether a particular NGO has an established relationship and track record of work with the IP groups / organizations in question.

Northern-based Advocacy and Research Organizations

Many northern-based research and advocacy organizations are involved with southern indigenous peoples organizations. Because of their communication capacity, these northern-based organizations often have a high level of visibility. Given the limited resources of many donors, it may make sense to work directly with southern-based partners on IP issues using the expertise of northern-based institutions in a ‘resource-person’ capacity as needed. Many northern-based organizations possess important skills, knowledge, and networks that can assist local partners. However, donors need to be mindful of power dynamics in these relationships, and to foster partnerships in which agendas are driven by indigenous, southern-based, and local institutions.

Government Agencies

In many countries, a number of different government agencies may have funds, relevant expertise, and/or interest in conducting research related to IP. These may include forestry or agriculture departments, agencies specifically mandated to work on indigenous issues or governmental ombudsman/human rights authorities. The principal advantages of partnering with state agencies concern the increased likelihood of influencing government policy.

In addition, in certain countries where there are restrictions on IP and civil society organizing, IP-focused government agencies may be an effective means for engaging with IP. The challenges inherent in these partnerships include the prevalence, in many countries, of discriminatory attitudes among government workers, the risk of marginalizing the objectives of IP movements, and the resistance of many IP to working with government.

Academic and Research Organizations

Here there is mixed capacity. Often a few high profile institutions, which combine strong research capacity with considerable external funding, dominate the field. The purpose of being involved with these kinds of organizations might be to encourage more engagement with IP issues in influential research and teaching organizations. In some cases, smaller universities not located in national capitals have developed strong connections to IP communities although these universities or colleges often lack administrative and research skills. There is an argument for identifying and working with some of these more regional universities.

Not all universities and colleges located in areas with IP populations have developed strong connections with IP communities, in part because it remains rare (with a few exceptions) to find academics who come from IP backgrounds. Sometimes (not always) academics are uncomfortable with the strong advocacy agenda of IP organizations and may be more comfortable working with development NGOs and government partners.

Acronyms & Abbreviations

ABS	Access and Benefit Sharing
ADB	Asian Development Bank
CBD	Convention on Biological Diversity
CIDA	Canadian International Development Agency
DFID	Department of Foreign Affairs and International Development, England
FPIC	Free, Prior and Informed Consent
GATT	General Agreement on Tariff and Trade
GMO	Genetically Modified Organism
GTZ	German Development Agency
IDRC	International Development Research Centre
IFAD	International Fund for Agricultural Development
IIED	International Institute Environment and Development
IWGIA	International Working Group Indigenous Affairs
ILO	International Labour Organization
IP	Indigenous Peoples
IPO	Indigenous Peoples Organization
RPE	Rural Poverty and Environment
SIDA	Swedish International Development Agency
TRIPS	Trade Related Intellectual Property Systems
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women

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Endnotes

- ⁱ Whereas historically these institutions would have governed all aspects of social life, their contemporary influence may be limited to the management of collective territory and its natural resources.
- ⁱⁱ International law is a set of rules and principles intended to govern the behaviour of states. These are drawn from a number of sources, including international treaties, international custom, international legal decisions, and the writings of prominent jurists. Thus international law is both evolving and, to a certain degree, indeterminate. The precise definition of many of its terms is open to debate, and no single authority exists to decide many issues. As a result, international law is an arena in which tenacity and persuasiveness can be important resources for promoting legal change. Once a proposition is widely accepted among the relevant actors, it effectively becomes international law. This is why those who advocate a change in international law may phrase their arguments in a way that “explains” why the law already reflects the change they are proposing.
- ⁱⁱⁱ Both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights state that “All peoples have the right of self-determination”.
- ^{iv} In the human rights field, indigenous activists have also made persuasive arguments by invoking the right of a minority to its culture. The right to culture in the indigenous context, it is argued, necessarily entails the right to protection of land and resources that are used to sustain the economic well-being of the cultural group. By making expert interventions designed to shame offending states before UN committees, indigenous activists have successfully persuaded some of these committees to issue opinions supporting this broad interpretation of the right to culture (Muehlebach 2003: 254-6).
- ^v The Working Group on Indigenous Populations (WGIP) was established as a subsidiary body of the Sub-Commission on the Promotion and Protection of Human Rights in 1982. The Working Group meets annually to review developments in the promotion of the human rights of indigenous peoples, and now operates as a subsidiary body to the Permanent Forum on Indigenous Issues.
- ^{vi} Established in 2000, the Permanent Forum is a high-level advisory body to the UN’s Economic and Social Council. It is composed of 16 experts, eight nominated by governments and eight by indigenous peoples organizations, all of whom have been accorded parity in decision-making.

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- vii The Draft Declaration calls for informed consent in relation to development activities within indigenous territories, resettlement, the acquisition of cultural artefacts, and legal or administrative decisions affecting Indigenous Peoples.
- viii For example, FPIC is part of the formal legislative framework in the Philippines and Papua New Guinea. While there is no formal structure mandating FPIC in Canada, the federal government has promoted FPIC in the north by using its licensing and permitting powers to require the negotiation of impact and benefit agreements with indigenous peoples (Bass et al., 2003: 11-18).
- ix Although consultation/accommodation appears to be preferred, in its discussions in international fora, Canada does not close the door on consent processes. In a submission to the UN Permanent Forum on Indigenous Issues, the Canadian delegation recommends that the international framework for FPIC should include “a range of practices, from consultation, to involvement in decision-making, to accommodation of interests and, where appropriate, obtaining consent”. See Government of Canada 2005.
- x The Convention on Biological Diversity (CBD) represents an attempt by states to establish a common framework for government regulation of biodiversity issues, including access and benefit sharing. Negotiations towards a global regime are ongoing. Article 8(j) of the CBD requires that traditional knowledge of indigenous and local communities be used only with their “approval”. This has been taken to mean that FPIC is required (Economic and Social Council 2005: 9).
- xi ICMM is a global association of the world’s largest private sector mining enterprises. See ICMM “Draft Position Statement on Mining and Indigenous Peoples Issues” 29 March 2006. Online at: http://www.icmm.com/news/1054Drafthighlevelpositionstatement_FINAL.pdf
- xii The Convention on Biological Diversity (CBD) recognizes that biological diversity is about more than plants, animals and micro organisms and their ecosystems – it is about people and the need for food security, medicines, fresh air and water, shelter, and a clean and healthy environment in which to live.
- xiii The responsibility to implement the CBD lies with individual countries. Compliance depends on informed self-interest, peer pressure from other countries and from public opinion.
- xiv The TRIPS agreement emphasizes intellectual property protection that favours individual or jointly authored innovations of a highly technical nature. Collective innovations developed by local and indigenous peoples over long periods of time are not protected.

^{xv} Biodiversity is a highly charged issue; and becomes more so if RPE considers working in the area of biotechnology and GMOs. A critical issue related to biodiversity is how to reconcile interest in productive technologies with protecting biodiversity.

^{xvi} The “Productive Strategies for Poor Rural Households to Participate Successfully in Global Economic Processes” study conducted by the Overseas Development Institute (ODI) for RPE, IDRC uses a livelihood framework as a conceptual approach. Please refer to this inception document for more details on the livelihood framework as we also find this conceptual approach helpful in thinking about livelihoods and IP. Online on the ODI project page: [Hhttp://www.odi.org.uk/rpeg/research/IDRC/index.html](http://www.odi.org.uk/rpeg/research/IDRC/index.html)H

^{xvii} Strong IPOs and legal recognition is not a bar, of course, to efforts to suppress IP organizing. Over the past year in the Philippines, a country which has both a strong IP movement and substantial legal recognition of indigenous rights, human rights organizations have reported a campaign of killings of indigenous and other activists. While IPOs enjoy considerable freedom of action in Peru, in 2005 CONACAMI, an indigenous-oriented association of mining-affected communities, had its registration revoked by the national government (De Echave 2005: 3).

^{xviii} A similar dislocation is seen at the local level where established community institutions are required to carry out novel functions. Existing accountability mechanisms sufficient for conventional purposes may be inadequate for these new purposes. This can occur where, for example, a local institution used to resolve disputes about community agrarian activities is asked to manage funds paid to the community in compensation for environmental damage caused by extractive industry development.