

**Development, Minorities and Indigenous Peoples:  
A Case Study and Evaluation of Good Practice**  
By Stéphanie C. Janet

issues paper

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Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. We are guided by the needs expressed by our worldwide network of minority and indigenous partner organizations.

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Minority Rights and Development is a research and advocacy programme, established by MRG and its partners, to address the development-related exclusion and marginalization of minority and indigenous communities, and to work towards the elimination of poverty. Minority Rights and Development programme publications include issues papers, macro studies and micro studies.

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# Preface

Examples of good practice in development vis-à-vis minorities and indigenous peoples are rare. Although some development agencies have taken steps to adopt policy documents on indigenous peoples (but virtually none to date for minorities), the gap between policy and successful implementation remains. This gap is always challenging to overcome; for minorities and indigenous peoples, extra effort is needed. While policies continue to be elaborated and reviewed – such as those of the World Bank on indigenous peoples in 2001/2 – the situation of many minorities and indigenous peoples remains poor, threatening not only sustainable development but also stability in many regions.

Minority Rights Group International (MRG) has been engaged since 1999, with the launch of the Minority Rights and Development Programme, in bringing to international attention the impact of development on minorities and indigenous peoples. Development projects and programmes can have a positive, negative or null impact on these groups; research to date by MRG and its partner organizations in-country reveals that often the impact of development does more to violate the rights of minorities and indigenous peoples than to fulfil their rights.

Nevertheless, good practice does exist and this report provides examples from around the world on how to make development work better. Of particular interest is the case study from Ecuador on the SUBIR project (Sustainable Uses for Biological Resources) that impacted

on indigenous and Afro-Ecuadorian communities in the project area. The detailed evaluation clearly demonstrates the value of integrating good practices such as capacity-building and the negative impact that lack of participation in project design can have.

All of the case studies presented are evaluated according to a rights-based framework. The application of a rights-based approach to evaluating development projects is a particularly innovative contribution that this report makes to existing debate on the value and substance of a rights-based approach. The framework presented here goes further than most analyses to date in that it integrates the rights of minorities and indigenous peoples as distinct rights holders, and elaborates on how these rights manifest in development practice. As this report reveals, although many development agencies reference human rights instruments in their policy documents, it is the realization of rights on the ground that really makes development programmes and projects a success.

Policy is important – indeed, MRG is currently engaged with the UNDP in elaborating a policy on minorities – but for minorities and indigenous peoples it is practice that really matters. Good practice, that respects the rights of minorities and indigenous peoples and has a positive impact on their human development, gives meaning to good policy. MRG is interested to hear more examples of good practice and encourages development agencies and NGOs to seek out these examples and promote their implementation elsewhere.

**Mark Lattimer**

*Director*

December 2002

# Introduction: goals and evaluation principles

The objective of this report is to document good practice of development agencies vis-à-vis minorities and indigenous peoples from the perspective of a rights-based approach. The United Nations High Commissioner for Human Rights (UNHCHR) has defined a ‘rights-based’ approach to development, as opposed to a needs-based approach, as follows:

*‘a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. Essentially, a rights-based approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development.’<sup>1</sup>*

A rights-based approach has a number of distinguishing characteristics:

- human rights are viewed as *obligations* to be fulfilled: states have a moral and legal obligation to ensure that the rights of everyone in their territories are respected and to remedy situations where this is not the case;
- the observance and promotion of human rights is a development objective; by implication, international instruments on human rights, minority rights and the rights of indigenous peoples should be used (1) to determine development goals and (2) as standards by which to assess practice: development *goals* should be systematically linked to the promotion of specific indigenous and minority rights. This practice has not been adopted by development agencies working with indigenous peoples and minority communities,<sup>2</sup> although a recent internal review of the Danish strategy noted that: ‘in order to overcome potential conflicts between different sets of objectives when addressing indigenous peoples, development objectives should necessarily be linked to and relevant for the promotion of indigenous peoples’ rights.’<sup>3</sup>

For the purposes of this report, a rights-based approach means that ‘good practice’ is to be assessed against existing international standards on human rights, minority rights and the rights of indigenous peoples. The principles that are used in this report to evaluate policy and practice have their basis in the following constituent instruments:<sup>4</sup>

- The International Bill of Human Rights which consists of the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), and the International Covenant on Civil and Political Rights (ICCPR, 1966) and its two Optional Protocols.<sup>5</sup>
- The 1992 United Nations (UN) Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereafter, ‘the Minority Declaration’) which was inspired by Article 27 of the ICCPR.<sup>6</sup> As Asbjørn Eide points out, ‘the [Minority] Declaration builds on but adds to the rights contained in the International Bill of Human Rights and other human rights instruments by strengthening and clarifying those rights ...’<sup>7</sup>
- The 1989 International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries which is a key instrument for the rights of indigenous peoples.
- The UN Draft Declaration on the Rights of Indigenous Peoples (1994) which was developed with the direct participation of the representatives of indigenous peoples and is still under consideration within the UN. It addresses issues such as the right to participation, the right to determine and develop priorities and strategies for the development or use of ancestral territories and resources, and the right to self-determination. It also reaffirms the right of indigenous peoples to direct their own development; article 23 states: ‘[i]ndigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development’.
- The International Convention on the Elimination of all Forms of Racial Discrimination (ICERD, 1965) as well as the Declaration and Programme of Action resulting from the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001).
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) which focuses on gender discrimination.
- The Convention on the Rights of the Child (CRC, 1989), and especially Article 30 which states that ‘a child belonging to [an ethnic, religious or linguistic] minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language’.

- Agenda 21, adopted at the 1992 UN Conference on Environment and Development (the Rio Conference), especially Chapter 26 which calls for the ‘involvement of indigenous people and their communities at the national and local levels in resource management and conservation strategies and other relevant programmes established to support and review sustainable development strategies’.
- The Convention on Biodiversity (1992), especially Article 8 j, which recognizes the contribution of knowledge and innovation made by indigenous peoples, and more importantly the right that they have to give or withhold their consent when their natural resources are used, and also to participate in the benefits derived from such use.
- The UN Declaration on the Right to Development (1986) which reaffirms the commitment of the international community to the economic, social and cultural well-being of ‘all peoples’ and their enjoyment of the benefits of sustainable development. It also calls for ‘the full realization of the right of peoples to self-determination’, and ‘free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom’.

A number of principles can be extracted from the above human rights instruments, which will be used in this report to assess aid agencies’ practice vis-à-vis minorities and indigenous peoples:

- participation;
- prior, free and informed consent;
- avoidance of adverse impact;
- capacity-strengthening of minorities and indigenous peoples (training, skills, self-esteem);
- increasing minorities and indigenous peoples’ well-being;
- valuing and respecting indigenous and minority knowledge and cultural diversity;
- non-discrimination.

Table 1 presents a summary of the corresponding relevant articles in selected human rights instruments that serves as a basis for each of these principles.

It is hoped that this report will serve as a resource for development actors, both at the policy-making level and at the project implementation level.<sup>8</sup>

#### Box 1 The foundation of best practice

The following ‘best practice’ recommendations were developed during a roundtable and a workshop held in Hundested, Denmark (March 2001) where aid

agencies and the representatives of indigenous peoples discussed their experiences.’ These same recommendations can apply to minorities.

- Have a written policy. Enforce safeguards – do no harm.
- Have direct contact and relationships with indigenous peoples.
- Base relationships on respect, mutual learning and reciprocal accountability.
- Empower and effectively engage indigenous social and political structures.
- Stay the course. Long-term relationships are key to success.
- Be transparent.
- Support indigenous peoples in efforts to address core social issues that affect all citizens.
- Raise the priority of indigenous rights and environmental concerns among other competing priorities during all bilateral and multilateral negotiations.
- Value donor coordination and work together on the issues.

The first section of this report addresses the issue of the definition of minorities and indigenous peoples, which raises a number of challenging and sensitive questions.

Section II consists of a case study and analysis of a project affecting Afro-Ecuadorian and Chachi communities in Ecuador. Though a specific methodology was developed and a field trip undertaken to analyse the project, this case study differs from a ‘traditional’ evaluation due to a lack of time and resources, as it does not look at all or even at most of the facets of this over 10-year-long project. Instead, the goal of this case study is to provide insights into the perceptions of minorities and indigenous peoples of a development project affecting them.

Section III of this report discusses the significance of, and implementation issues related to, the evaluation principles listed above. We seek examples of, and trends in, good practice vis-à-vis minorities and indigenous peoples within the cycle of development projects and programmes (design, implementation, evaluation) of various bilateral, multilateral and international non-governmental development agencies. This is in no way a representative survey of development cooperation vis-à-vis indigenous peoples and minority communities as, unfortunately, in numerous cases, the record is rather bleak.

Although examples of good practice were sought for both minorities and indigenous peoples, it was very challenging to find good practice examples of projects targeting or impacting on minorities. Indeed, development agencies rarely track the impact of projects on these

groups, partly because they have been neglecting these groups, overlooking the immense social, economic, political and other costs of excluding them from the development process.<sup>10</sup> This is also an issue for projects affecting indigenous peoples, although to a lesser degree, as these groups have been more successful in organizing themselves and articulating their demands to aid agencies.<sup>11</sup>

This paper will conclude with a set of recommendations and some guidelines for evaluating projects affecting minorities and indigenous peoples. These will assist development actors seeking to adopt, implement, or improve their policies and practices with respect to indigenous peoples and minority groups.

**Table 1 Some human rights principles providing a basis for assessment of projects affecting minorities and indigenous peoples**

Extracts of relevant Articles from human rights instruments	Principles
<p>• <b>Article 2 (2) of the UN Minority Declaration</b><sup>12</sup> <i>Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life ...</i></p> <p>• <b>Article 2 (3) of the UN Minority Declaration</b> <i>Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live ...</i></p> <p>• <b>Article 5 (1) and (2) of the UN Minority Declaration</b> 1. <i>National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.</i> 2. <i>Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.</i></p> <p>• <b>Article 19 of the UN Draft Declaration on the Rights of Indigenous Peoples</b> <i>Indigenous peoples have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.</i></p> <p>• <b>Article 20 of the UN Draft Declaration on the Rights of Indigenous Peoples</b> <i>Indigenous peoples have the right to participate fully, if they so choose, through procedures determined by them, in devising legislative or administrative measures that may affect them. States shall obtain the free and informed consent of the peoples concerned before adopting and implementing such measures.</i></p> <p>• <b>Article 7 (1) of the ILO Convention No. 169</b><sup>13</sup> <i>The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.</i></p>	<p>Participation</p> <p>Free and informed consent</p> <p>Avoidance of adverse impact (the 'do no harm' principle)</p>

Extracts of relevant Articles from human rights instruments	Principles
<ul style="list-style-type: none"> <li>• <b>Article 16 (1) of the ILO Convention No. 169</b> <i>... the peoples concerned shall not be removed from the lands which they occupy.</i></li> <li>• <b>Article 17 (2) of the ILO Convention No. 169</b> <i>Where the relocation of [indigenous and tribal peoples] considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent.</i></li> </ul>	<p>Participation</p> <p>Free and informed consent</p> <p>Avoidance of adverse impact ) (the 'do no harm' principle)</p>
<ul style="list-style-type: none"> <li>• <b>Article 4 (3) of the UN Minority Declaration</b> <i>States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.</i></li> <li>• <b>Article 22 of the ILO Convention No. 169</b> <i>Members of the peoples concerned shall enjoy opportunities at least equal to those of other citizens in respect of vocational training measures.</i></li> <li>• <b>Article 5 of the ICERD</b> <i>States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights ... e(v) The right to education and training ...</i></li> </ul>	<p>Increasing indigenous peoples'/minorities' capacity (training, skills, self-esteem)</p>
<ul style="list-style-type: none"> <li>• <b>Article 22 of the UN Draft Declaration on the Rights of Indigenous Peoples</b> <i>Indigenous peoples have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security.</i></li> <li>• <b>Article 4 (5) of the UN Minority Declaration</b> <i>States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.</i></li> <li>• <b>Article 5 (1) and (2) of the UN Minority Declaration</b> <i>(See above.)</i></li> <li>• <b>Article 7 (2) of the ILO Convention No. 169</b> <i>The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.</i></li> </ul>	<p>Increasing indigenous peoples/minorities well-being</p>
<ul style="list-style-type: none"> <li>• <b>Article 1 (1) of the UN Minority Declaration</b> <i>States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.</i></li> </ul>	<p>Valuing, respecting and protecting indigenous peoples/minorities knowledge and culture</p>

Extracts of relevant Articles from human rights instruments	Principles
<ul style="list-style-type: none"> <li> <p><b>• Article 12 of the UN Draft Declaration on the Rights of Indigenous Peoples</b>  <i>Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature, as well as the right to the restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.</i></p> </li> <li> <p><b>• Article 5 of the ILO Convention No. 169</b>  <i>The social, cultural, religious and spiritual values and practices of these peoples shall be recognized and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals.</i></p> </li> <li> <p><b>• Article 8 (j) of the Convention on Biodiversity</b>  <i>Each Contracting Party shall, as far as possible and as appropriate ... [s]ubject to its national legislation, respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.</i></p> </li> <li> <p><b>• Article 15.1a of the ICESCR</b>  <i>The States Parties to present covenant recognize the right of everyone to take part in cultural life.</i></p> </li> </ul>	<p>Valuing, respecting and protecting indigenous peoples'/minorities' knowledge and culture</p>
<ul style="list-style-type: none"> <li> <p><b>• Article 4 (1) of the UN Minority Declaration</b>  <i>States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.</i></p> </li> <li> <p><b>• Article 3 (1) of the ILO Convention No. 169</b>  <i>Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples.</i></p> </li> <li> <p><b>• Article 26 of the ICCPR</b>  <i>All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</i></p> </li> </ul>	<p>Promoting equality; right to non-discrimination</p>

# Section I Defining minorities and indigenous peoples

As this report focuses on minorities and indigenous peoples as distinct groups, it is critical to briefly discuss the meaning of each of these terms, and how they are related.

## Minorities

Despite many attempts, there is no accepted universal definition of the term ‘minority’. Even during the drafting of the Minority Declaration, no consensus was reached on a definition.<sup>14</sup>

A reason for the lack of an internationally accepted definition of minority relates to the diversity of these groups and the situations in which they live. In some cases, minorities are geographically separated from the majority or dominant population (for example, the Hímong minority in Vietnam who make up 90 per cent of population of the mountainous province of Yen Bai in the north-west of the country). In other cases, they are scattered throughout the country (e.g. Serbs in Kosovo/a). Some minority groups are among the poorest in their country (such as the Afro-Ecuadorians in Ecuador or most Roma in Europe), while others fare relatively well.

Another reason for the difficulty in agreeing on a universal definition of minority is the fear that such a definition could be used by governments to exclude certain distinct ethnic, religious or linguistic groups from their rights as minorities because of the limiting criteria of a definition. For example, draft definitions usually include citizenship as a necessary condition for recognition by the state as a minority, whereas in fact many states deny citizenship to distinct minority groups (e.g. Nubians in Kenya, ethnic Russians in Latvia). States may be eager to deny the existence of minorities in their territory to prevent minorities from exercising their rights, which may entail perceived political, economic or social costs to the state or the ruling majority or minority group(s). (See Box 3.)

The absence of an international definition of minorities has not prevented the agreement of standard-setting documents at the regional or international levels. However, for the purposes of this paper, it is useful to propose some guidelines on identifying minorities, and to seek to understand how they differ from, and are similar to indigenous peoples.

By examining the many existing definitions of minority (see Box 2 for two examples of definitions dis-

cussed at the UN), one can draw up a list of recurring characteristics such as: specific ethnic, linguistic or religious identity; position of numerical minority and non-dominant position. None of these characteristics are entirely satisfactory taken by themselves. Even the characteristic of numerical minority, so often associated with the definition of minorities, is problematic: a given group can be a minority within a state but a large majority within a region; in Kazakhstan for example, until recently, the Kazakhs comprised less than 40 per cent of the population and the Russians made up nearly the same percentage. In addition, some numerical minorities have a disproportionate amount of economic or political power in their country and are not in need of special protection. The question of who constitutes a minority thus often has more to do with political and power relationships than with numerical characteristics. Distinct ethnic, religious or linguistic groups which are subject to discrimination in law or fact may be considered minorities.

### Box 2 Examples of definitions of ‘minority’ discussed at the UN level

#### 1. ‘Capotorti Definition’ (Special Rapporteur to the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities), 1966

*‘A group numerically inferior to the rest of the population of a State, and in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religions or language.’*

#### 2. ‘Deschênes Definition’ (transmitted to the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities), 1985

*‘A group of citizens of a state, constituting a numerical minority and in a non-dominant position in that state, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with*

*one another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law.'*

For the purposes of this paper, we will closely adhere to the multi-faceted definition of minority used by Minority Rights Group International (MRG): minorities are ethnic, religious or linguistic communities, who do not necessarily constitute a numerical minority within a state, and who are non-dominant, usually discriminated against or marginalized, and, as a result, are less likely to have access to education and other opportunities. A key criterion is that of self-identification. Indeed, the UN Human Rights Committee has stated in General Comment 23 on Article 27 of the ICCPR that:

*'the existence of an ethnic, religious or linguistic minority in a given State party does not depend upon a decision by that State party but requires to be established by objective criteria.'*

This means that minority groups themselves must decide if they constitute a distinct ethnic, religious or linguistic group,<sup>15</sup> and whether to exercise their rights accordingly.

### **Box 3 The consequences of defining the Bote community in Nepal as a non-indigenous group**

In 1996, work on a hydroelectric power project (the Kali Gandaki 'A' dam) was started in the west-central Nepal with funding from the Asian Development Bank (ADB) and Japan's Overseas Economic Cooperation Fund. The US\$444 million scheme involved the building of a 44 m high dam wall along the Kali Gandaki River.

The dam impacted on, among others, the Bote community. Although the Bote have distinct religious practices, language and culture, the international 'experts' in charge of appraising the project decided that the Botes were not an indigenous people and, therefore, did not need a separate compensation plan.

The Bote, like most of the fishing communities in the area, do not hold recognized property rights over land and resources, and as a result cannot receive compensation for the loss of land and resources under prevailing national laws. Although the project builders compensated them for the loss

of their huts, they were not compensated for the loss of their land.

*Source: ADB, Report and Recommendations of the President to the Board of Directors on a Proposed Loan and Two Technical Assistance Grants to the Kingdom of Nepal for the Kali Gandaki 'A' Hydroelectric Project, Manila, ADB, 1996; Pandey, Bikash, Water and Energy Resources for Sustainable Development, Kathmandu, Nepal, Sustainable Community Development Programme (Sectoral Reports on Sustainable Development Agenda for Nepal, 2002.*

## **Indigenous peoples**

There are two significant definitions of indigenous peoples which are often endorsed by aid agencies, governments and sometimes indigenous peoples: the definition proposed in Article 1 of the ILO Convention No. 169 and that proposed by José R. Martínez Cobo, Special Rapporteur appointed by the UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities (see Box 4).

### **Box 4 Standard-setting definitions of 'indigenous peoples'**

#### **1. 'Cobo Definition' (Special Rapporteur to the UN Economic and Social Council Sub-Commission on Prevention of Discrimination and Protection of Minorities), 1986**

*'Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that have developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.*

*This historical continuity is characterized by:*

- (a) occupation of ancestral lands, or at least part of them;*
- (b) common ancestry with the original occupants of these lands;*
- (c) culture in general, or in specific manifestations (such as religion, living under a tribal system, membership of an Indigenous community, dress, means of livelihood, life-style, etc.);*

(d) language (whether used as the only language, as the mother tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language);

(e) residence in certain parts of the country, or in certain regions of the world;

(f) other relevant factors.<sup>16</sup>

## 2. ILO Convention No. 169, 1989

Article 1.1 of the Convention notes that:

*'This Convention applies to (a) tribal peoples in countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations*

*(b) peoples in countries who are regarded by themselves and others as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain, or wish to retain, some or all of their own social, economic, spiritual, cultural and political characteristics and institutions.'*

The Convention adds: '[s]elf-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this convention apply'.

Although both definitions provide good starting points to understand the concept of indigenous peoples, they have been criticized and are not universally accepted.

One concern vis-à-vis the Cobo definition is that it defines the term from the standpoint of Western colonization, implying as it does that indigenous peoples can only exist in places that have been colonized or invaded (indigenous peoples must have a 'historical continuity with the pre-invasion and pre-colonial societies that have developed on their territories'). It thereby makes it difficult for groups that otherwise fit the definition, but which are located in areas not colonized by the West, or in countries in which other groups that share an historical connection to the same region exist, but do not continue to live according to traditional cultures or livelihoods, as do indigenous communities. The narrowness of this definition is attributed to the fact that indigenous peoples of

the Americas, and their NGO supporters, were instrumental in the struggle to put indigenous rights on the agenda of the UN and the international community generally. It was only during the late 1970s and early 1980s that indigenous peoples from other parts of the world became involved in the international movement – even though they were struggling for their human rights within their own regions.

The definition proposed in the ILO Convention No. 169 has been criticized by indigenous peoples for specifically stating that the use of 'peoples' in the Convention 'shall not be construed as having any implications as regards the rights which may attach to the term under international law' (Article 1.3). This was seen by some indigenous peoples as an effort to restrict the definition so as to ensure that the term 'people' as used in the ILO Convention would not be associated with the right to self-determination.

As is the case with the issue of defining minority, it is critical to recognize that no single definition of indigenous peoples can capture the diversity of indigenous peoples' situations – it is not surprising that the UN Draft Declaration on the Rights of Indigenous Peoples does not contain a definition of indigenous peoples.

For the purposes of this paper, however, we will retain the characteristic of self-identification as indigenous or tribal as the fundamental criterion for defining indigenous or tribal peoples (as do both the Cobo and the ILO Convention definitions), sometimes in combination with other variables, such as a unique economic, religious and spiritual relationship with traditional lands, priority in time, vulnerability in the development process and language spoken or use of customary laws.<sup>17</sup>

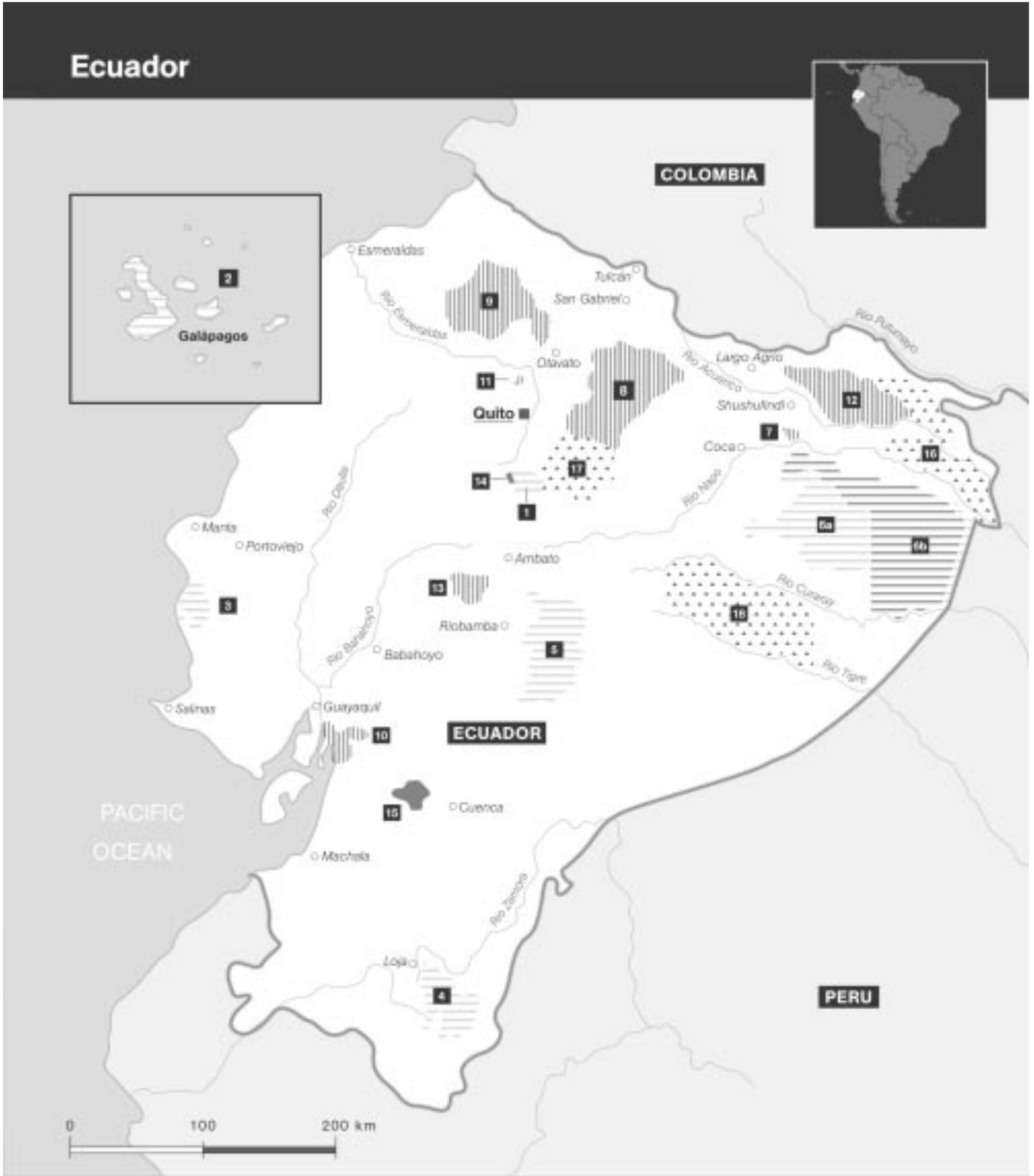
## Minorities and indigenous peoples: two interrelated but separate concepts

As the above discussion outlines, minorities and indigenous peoples are two separate, but related, concepts. Indeed, such a distinction is supported by international law which has elaborated rights for minorities *and* indigenous peoples. For example, and most significantly, only 'peoples', not minority or other groups, have the right to self-determination – as a result, many indigenous peoples refuse the label 'minority', which would imply that they accept the legitimacy of the state which has colonized them, and might prevent their right to negotiate 'self-determination'.<sup>18</sup> In addition, other issues, such as use and control over territories and traditional lands often have been elaborated more in the context of the rights of indigenous peoples than minorities.<sup>19</sup>

In fact, one could question the legitimacy of developing a study which examines these two concepts together as the present report does. A rationale for doing so is that indigenous peoples and minorities often share similar characteristics of great relevance when one is studying these groups in the context of the development process – such as discrimination and powerlessness. In her working paper on the concept of indigenous peoples presented at the Working Group on Indigenous Populations (1996), Erica-Irene A. Daes notes that the three concepts of ‘indigenous’, ‘peoples’ and ‘minorities’ are ‘logically and legally related’.<sup>20</sup>

Moreover, in practice, particularly in Africa and Asia, many indigenous peoples identify also as minorities in the national context and seek their rights accordingly. This does not negate their status as indigenous peoples, but rather adds to their claims as non-dominant minorities within a given territory. In all cases, it is minorities and indigenous peoples themselves who should self-identify. Development practitioners from external agencies should accept the self-identification principle in tandem with the official recognition of states, in order to ensure that all minorities and indigenous peoples are included.

# Ecuador



National Parks	
1	Cotacachi
2	Galapagos
3	Machalilla
4	Podocarpus
5	Sangay
6	Yasuni
	<b>a</b> as created 1974
	<b>b</b> as modified, 1990

Natural Reserves	
7	Limonocha
8	Cayambe Coca
9	Cotacachi Cayapas
10	Mangalanes
11	Chunute
12	Pululahua
13	Cuyabeno

National Recreation Areas	
14	El Bollohe
15	Cajas

Areas under consideration	
16	Zarandococha
17	Antuena
18	Tiguño Curaray

# Section II Case study: overview of the ‘sustainable uses for biological resources’ project in Ecuador

The objective of this section is to describe, using a specific project, some concrete examples of good practices vis-à-vis minorities and indigenous peoples, as well as some of the challenges inherent to projects involving these groups. This section will also seek to assess the project’s success from the viewpoint of minorities and indigenous peoples.

The initial criteria used to identify projects for potential selection as a case study were the following:<sup>21</sup>

- the project has targeted or impacted on minority groups or indigenous peoples;
- it is being implemented in a developing country;
- a preliminary project overview indicates that it demonstrates examples of ‘good practice’;
- it had been implemented at least two years prior to this analysis; and
- information is readily available and accessible.

After discussion within MRG, two Ecuador projects were pre-selected as potential case studies: PRODEPINE and SUBIR.

PRODEPINE (Indigenous People and Afro-Ecuadorian Development Project) is described by its main donor, the World Bank, as the first World Bank project in Latin America designed solely for the benefit of indigenous peoples and Afro-Ecuadorian inhabitants, a target population of 815,000 persons. According to a preliminary analysis of the World Bank’s project documents, PRODEPINE appeared to have been particularly successful in reaching out to, and increasing the well-being of the indigenous peoples and minority groups it targets (notably in health, education and community irrigation sectors). PRODEPINE is seen by the World Bank as a ‘pilot project’ likely to be reproduced elsewhere.

Given this focus, and in light of the key importance of the World Bank as a multilateral aid agency in the region and more generally in the poorest countries, PRODEPINE was seen as an ideal case study candidate. Unfortunately, the World Bank’s country office was unable to accommodate our request to evaluate the project.<sup>22</sup> In addition, it was agreed that it was unnecessary to duplicate the excellent independent analysis of PRODEPINE already completed by the Forest Peoples Programme.<sup>23</sup>

Of all the projects identified, the Sustainable Uses for Biological Resources (SUBIR) was ultimately selected as a case study for the following reasons:

1. SUBIR *impacted on both an indigenous people (the Indian Chachi) and a minority (the Afro-Ecuadorians)*. By virtue of its location, SUBIR has affected primarily two groups: the Indian Chachi, one of the many indigenous peoples of Ecuador; and the Afro-Ecuadorians, a minority group of Ecuador which has long suffered from exclusion and discrimination. The fact that SUBIR has impacted on a minority population was a key reason for selecting it as a case study, as very little research exists in this area. Although SUBIR did not specifically target minorities and indigenous peoples, it did affect them by virtue of its geographical focus. It could be argued that it would have been more fruitful to select a project specifically targeting minorities or indigenous peoples. However, it can equally be argued that, since the vast majority of development projects do not target these groups, it is more indicative to evaluate the performance of a project that affects, but does not target, them.
2. SUBIR *belongs to a type of project now known as Integrated Conservation and Development Projects (ICDPs)*. ICDPs seek to link the conservation of biodiversity in protected areas with the socio-economic development of adjoining communities (for more on ICDPs, see Box 9). Because of their locations, ICDPs usually affect indigenous peoples and, recently, they have gained considerable attention among donors.<sup>24</sup> For these reasons, it is important to look for good practice, especially as initial reviews of these projects are suggesting that they usually do not reach both their conservation and their development objectives.<sup>25</sup>
3. SUBIR has been in operation since 1991. As a result, both its short- and long- term effects could be evaluated.
4. A field trip could be organized. Thanks both to SUBIR’s location (Ecuador), which minimized logistical problems,<sup>26</sup> and to its staff availability and openness, a field trip could be organized during the requested dates. (See Appendix 2 for the field trip itinerary.)

## Problem statement and contextual factors

### Loss of biological diversity

Ecuador ranks among the world's richest countries in terms of biological diversity. For centuries, relatively stable indigenous agricultural, hunting and gathering societies have modified but not markedly affected Ecuador's ecosystems.

In the second half of the twentieth century, however, the country's economic profile changed radically when the discovery of oil and the promulgation of an industrial development law set off rapid growth and brought about significant development in the health, education and housing sectors. Oil exploitation, road building and agriculture, as well as health advances and associated population growth, started seriously to threaten the country's biological diversity.

In an attempt to protect its environment, the Ecuadorian government has set aside about 3.5 million ha, or 13 per cent of its territory, as parks and reserves.<sup>27</sup> However, in recent years, colonization of protected area buffer zones, expansion of agriculture, increased activity by mining and oil companies, and some of the country's public policies have put pressure on these protected areas and their buffer zones.<sup>28</sup>

In addition, by the end of the 1990s, Ecuador's economy fell into a severe economic recession as a result of a combination of factors – such as falling oil prices and damage to the oil pipeline by unusually severe weather attributed to El Niño. Inflation had become the highest in the region, leading the government to replace the national currency with the US dollar in an effort to stabilize the economy. Additional measures, such as IMF-inspired austerity measures and privatization, have generated widespread unrest, primarily among the indigenous peoples and Afro-Ecuadorian communities who had not benefited as much from the earlier economic boom and who could not afford the resultant doubling of fuel prices and near-doubling of public transport fares.

These economic difficulties have had a number of negative consequences on the country's natural resources. More pressure was put on the government to allow mining and logging companies to exploit the forest.<sup>29</sup> For example, Mr Noboa, the current president, decided to extend the Trans-Ecuadorian Pipeline in order to increase oil extraction from the *Oriente*.<sup>30</sup> The pipeline is expected to double Ecuador's oil transport capacity, thus supplying needed income, but it will also cut directly through protected areas, including the Mindo Nambillo Forest Reserve, one of Ecuador's prime eco-tourism destinations. In addition, the already small resources the government

once devoted to parks and other protected areas have dwindled to nothing in the face of stretched fiscal resources. In many cases, there are no controls or guards set up, not even signs posted so that people know when they are entering a park or a reserve.

As a result, Ecuador has been selected as having two of the world's 25 'hotspots'. Hotspot is a concept conservationists use to refer to areas where biological diversity is most concentrated and the threat of loss of species most severe: 'hotspots' have lost at least 70 per cent of their original natural vegetation triggering a species extinction crisis. By some estimates, at the current rate of deforestation – 2.3 per cent a year – Ecuador will be nearly denuded by 2025.<sup>31</sup>

Already, due to commercial logging, oil palm plantations, cattle ranching and other economic activities, western Ecuador's forest cover has been reduced to 6 per cent of its original range; of what remains, the bulk lies within the 550,000-acre Cotacachi-Cayapas Ecological Reserve.<sup>32</sup>

### Threats to indigenous peoples and Afro-Ecuadorian communities

Mining, logging and oil companies have not only damaged Ecuador's protected areas and their buffer zones but have also directly endangered the physical and cultural survival of the indigenous peoples and Afro-Ecuadorian communities that have traditionally occupied these lands. For many traditional communities, the land provides both the resources that sustain life and 'the geographical space necessary for the cultural and social reproduction of the group'.<sup>33</sup>

The unsustainable development of the forest and the influx of outsiders have severely disrupted the subsistence economies and the culture of indigenous peoples and Afro-Ecuadorian populations, usually exposing them to environmental pollution, and sometimes to previously unknown diseases and epidemics to which local communities have not developed resistance.<sup>34</sup> In addition, mining and oil exploitation activities have frequently displaced indigenous and minority communities, as they have proceeded through traditional territories paying little attention to the placement of facilities in relation to existing communities: production sites and waste pits have been placed near some communities; seismic blasts have been detonated in areas of special importance such as hunting grounds; areas regarded as sacred such as certain lakes, have been trespassed upon. Many indigenous peoples and Afro-Ecuadorian communities have been forced to migrate to more remote areas. Some communities have altogether disappeared. A 1997 report of the Inter-American Commission on Human Rights on the human rights situation in Ecuador mentions:

*It is reported that, pursuant to the initial introduction of oil exploitation activities in the area now called Lago Agrio, the last of the indigenous Tetetes were driven away, a circumstance believed to have hastened their extinction as a people.... The Tagaeri [indigenous people from the Oriente] were reportedly driven away from their homelands by the southward encroachment of Texaco's exploitation activities – they are believed to inhabit part of the concession known as Block 17. Reports indicate that the Tagaeri have been threatened by company workers or bands of armed men hired to seek them out to harm or intimidate them, and by adventurers. The [Inter-American Commission on Human Rights] has received detailed accounts of such incidents.<sup>35</sup>*

#### Box 5 Ecuador facts and figures<sup>36</sup>

**Population:** 13 million

**Area:** 283,583 sq. km

**Terrain:** coastal plain (*Costa*), inter-Andean central highlands (*Sierra*), and flat to rolling eastern jungle (*Oriente*)

**Natural resources:** petroleum, fish, timber, hydropower

**Main exports:** petroleum, bananas, shrimp, coffee, cocoa, cut flowers, fish

**Average annual income:** US\$1,210

**Life expectancy:** 68 years (men), 73 years (women)

**Infant mortality rate:** 34.08 deaths/1,000 live births (2001 est.)

**Population growth rate:** 2% (2001 estimates)

**Indigenous peoples and minorities:** indigenous peoples include: Quichua, Achuar, Shuar, Waorani, Cofán, Siona, Secoya, Tsáchila and Chachi (25%); Afro-Ecuadorians (5.4–10%)

## Project description

### Project goals

In 1991 United States Agency for International Development (USAID)/Ecuador launched the Sustainable Uses for Biological Resources Project (SUBIR) as a response to Ecuador's on-going deforestation and loss of biological and cultural diversity. The purpose of SUBIR was:

*'to identify, test, and develop economically, ecologically, and socially sustainable resource management models*

*in selected conservation units and their buffer zones in order to preserve biodiversity and improve the economic well-being of local communities through their participation in the management of renewable natural resources.<sup>37</sup>*

SUBIR was conceived as a US\$15 million project to be implemented over a ten-year period. Originally its geographical focus was quite wide (comprising the Cotacachi-Cayapas and Cayambe-Coca Ecological Reserves as well as the Yasuní National Park).<sup>38</sup> Target areas were identified through an extensive design process involving indigenous peoples and Afro-Ecuadorian local organizations and communities. The project was then managed by a consortium comprised of the Cooperative for Assistance and Relief Everywhere (CARE), the Wildlife Conservation Society and the Nature Conservancy.

After 1994, following the recommendation of a USAID evaluation, SUBIR reduced its geographical focus to the buffer zone of the Cotacachi-Cayapas Ecological Reserve in the province of Esmeraldas, in the north-west of Ecuador – Cotacachi-Cayapas is the classic 'Paper Park,' with almost no real protective infrastructure, and mining prospectors and colonists having crossed almost all its borders. In addition, the consortium-based management was dismantled: 'CARE's efforts would be dedicated to the Cotacachi-Cayapas Park with technical assistance from Wildlife Conservation Society.... [T]he Nature Conservancy would manage activities in the Cayambe-Coca Ecological reserve.'<sup>39</sup>

#### Box 6 SUBIR at a glance

**Location:** Ecuador (Esmeraldas Province)

**Sector:** Integrated conservation and development

**Main donor:** USAID

**Main implementing agency:** CARE

**Other partner organizations:** Wildlife Conservation Agency (US NGO); Jatun Sacha (Ecuadorian NGO); EcoCiencia (Ecuadorian NGO); Ministry of Agriculture's Forest, Natural Areas and Fauna Institute (INEFAN)

**Indigenous peoples/minorities affected by SUBIR:** Mainly Afro-Ecuadorians and Chachi Indians

**Period of donor support:** 1991–2002

**Amount of donor grant:** US\$15 million over ten years

## Project strategies and activities

To achieve its overall goal of reducing biodiversity loss, SUBIR was formally divided into five 'components':

- institutional strengthening and organizational development;
- policy and legal component;
- improved land use;
- biodiversity research; and
- commercialization and marketing.

CARE-Ecuador implemented three of these components (institutional strengthening and organizational development; policy and legal component; commercialization and marketing). EcoCiencia and Jatun Sacha, two non-profit Ecuadorian organizations, assumed responsibility for the biodiversity research component and the improved land use component, respectively.

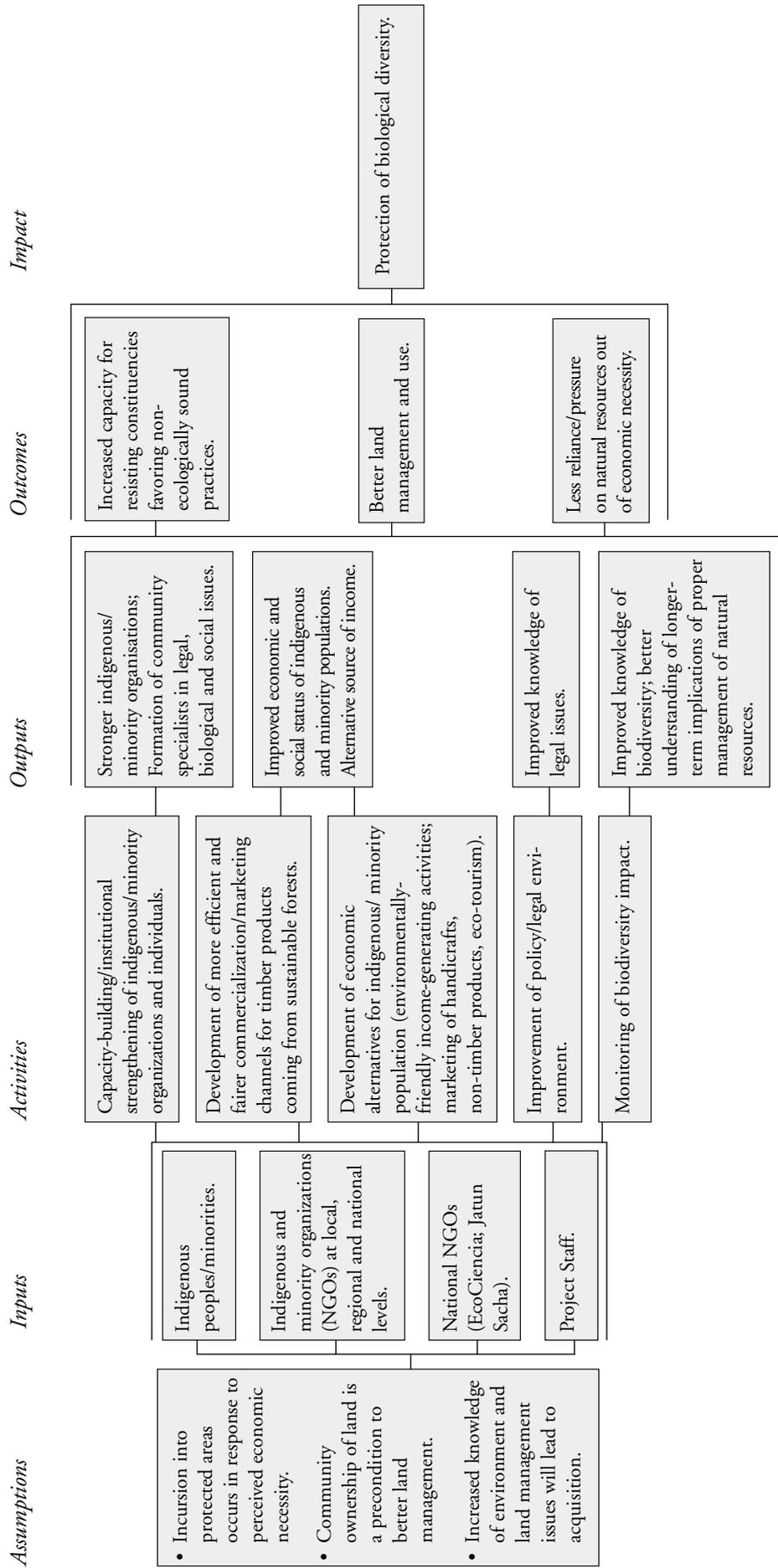
The choice of activities and strategies appears to have been based on a number of assumptions (see Figure 1).

- *Incursion into protected areas occurs in response to economic necessity. If a population is provided with social and economic incentives and alternatives as well as an understanding of the longer-term implications of proper management of natural resources, the misuse of protected areas and the concomitant threat to biodiversity will be reduced.* As a result, a major goal of the project has been the creation of economic opportunities for families who live in the resource buffer zones.<sup>40</sup> This provides a rationale for the commercialization and marketing component (development of improved commercialization channels for timber products and of economic alternatives for the communities, such as small animal husbandry) and the improved land use component (training of community members in agro-forestry and intensive sustainable agriculture techniques).

- *Increased knowledge of environmental and land management issues will lead to the adoption of environmentally friendly practices.* This provides the rationale for the institutional strengthening and organizational development component (training and technical support of individuals and organizations); the improved land use component; and the biodiversity component (which monitors the project's impact on biodiversity).
- *Community ownership of the land is a precondition to better land management.* This is the rationale underlying the policy and legal component (where SUBIR has assisted communities in acquiring legal title to their territories, and promoted participation by local and national organizations in national policy dialogues, which has led to the elaboration of policies related to indigenous rights, natural resources and biological conservation).

SUBIR was divided into three relatively distinct phases. Phase I (1991–4) focused essentially on scientific investigations related to the biodiversity of the target areas. During Phase II (1994–7), the main strategy consisted of strengthening local, regional and national level partners. Finally, during its last phase, SUBIR (1998–2002) has sought to provide economic opportunities to the communities living in the buffer zone of the Cotacachi-Cayapas reserve.<sup>41</sup> As mentioned earlier, positively affecting the development of Afro-Ecuadorians and indigenous peoples was not SUBIR's objective: these groups were affected by SUBIR only insofar as they happened to live in areas rich in biodiversity. As a result – and this is in line with the approach adopted by other Integrated Conservation and Development Projects like SUBIR – the active participation of affected population was not sought in early design phase of the project (see Box 9 for more on ICDPs). As will be discussed later, this lack of early participation engendered numerous difficulties.

**Figure 1 Adapted/simplified logical framework of SUBIR**



Source: Framework developed by the author on the basis of interviews with SUBIR staff, and review of SUBIR's annual reports

## Indigenous peoples and Afro-Ecuadorian communities

This section briefly analyses the socio-economic situation of indigenous peoples and minorities in Ecuador in order to provide some background to our analysis of how SUBIR has affected these groups.

### National policy and legal framework

Long marginalized and discriminated against, Afro-Ecuadorians and the indigenous peoples (also called Indians) of Ecuador make up an estimated 30 per cent to 40 per cent of the population of the country.<sup>42</sup> They are situated throughout the country, in the northern coastal areas, in the *Sierra* and in the *Oriente*. There are officially 13 non-Hispanic indigenous peoples – the most numerous being the highland Quincha-speakers – who live mostly in rural areas.

Ecuador's earlier policy vis-à-vis indigenous peoples and Afro-Ecuadorians can be characterized as alternating between attempts to exclude (through, for example, limitations on civil rights, land ownership and forms of social organization), and attempts to assimilate these groups.<sup>43</sup>

However, since the 1980s, there has been a gradual shift away from these extremes and towards an acceptance of ethno-cultural difference, and a greater openness to the interests and demands of indigenous peoples. This move has been due in no small part to the increasing ability of indigenous people and, to a lesser extent, the Afro-Ecuadorian minority, to organize themselves at community, regional and national levels.<sup>44</sup> Through a developed network of organizations, these groups have been able to mobilize to become key actors in the country's political, social and economic life.<sup>45</sup>

In 1998, Ecuador ratified ILO Convention No. 169 on Indigenous and Tribal Peoples and adopted a new Constitution after intense debates over indigenous issues. The constitutional reforms of 1998 clearly establish the multicultural and multi-ethnic character of the Ecuadorian state.<sup>46</sup> In addition, collective rights of Indians and Afro-Ecuadorian groups are explicitly recognized. These include, *inter alia*, the right:

- to preserve an identity and tradition in terms of spiritual, cultural, linguistic, social, political and economic aspects;
- to maintain the ancestral and non-transferable ownership of community lands which shall be inalienable, non-attachable and indivisible, excepting the state's right to declare their public usefulness and including the exemption from payment of real-estate taxes (Article 84);

- to share in the use, usufruct, administration and conservation of renewable natural resources in their lands;
- to be consulted on projects of exploitation which may affect them environmentally or culturally;
- to share in profits from projects implemented on their lands and receive indemnities for social and environmental damages;
- to maintain collective intellectual property ownership of ancestral lore;
- to maintain, develop and administer their cultural and historical heritage;
- to preserve their knowledge and practice of traditional medicine;
- to preserve and develop their traditional ways of social life and organization (including the administration of justice and the application of their own rules and proceedings in solving conflicts according to their own customs, provided these are not contrary to the Constitution, the laws, public order and human rights (Articles 191 and 84, first paragraph).

With regard to land rights, the Constitution introduced the concept of 'indigenous territorial circumscriptions' which links territorial affiliation to ethnic identity. Since the adoption of the Constitution, a draft Law of Nationalities has been discussed in congressional commissions which examine how to give effect to this concept.<sup>47</sup>

Despite these legal advances, the Afro-Ecuadorians and indigenous peoples make up the most socially and economically disadvantaged segments of the population. Households in which an indigenous language is spoken are more likely to be poor than Spanish-speaking households;<sup>48</sup> '[i]n *parroquias* [municipalities]<sup>49</sup> with an indigenous majority, the poverty rate (including those highly vulnerable to poverty) is approximately 85 per cent. This is 14 percentage points higher than the rural average, and 32 percentage higher than the national average.<sup>50</sup> All social indicators fall significantly below the national average in terms of infant mortality, illiteracy, child malnutrition, access to basic sanitation services and access to productive infrastructure.<sup>51</sup>

### Indigenous peoples and Afro-Ecuadorian communities in SUBIR's areas of responsibility

In the province of Esmeraldas, SUBIR has been working with two communities: the Chachi and the Afro-Ecuadorians. They live side by side along several major rivers in the rainforests of north-western Ecuador, where the only transportation available is by canoe.

## Chachi

There are about 7,000–8,000 Chachi (also called ‘Cayapas’) in Ecuador and most of them live in Esmeraldas.<sup>52</sup> According to Chachi tradition, this people originally comes from the province of Imbabura in the highlands, but fled toward the coast in the face of the Inca and Spanish conquests.

Traditionally, their economy was based on hunting, gathering and fishing, but now they engage in agriculture, both subsistence and cash-crop (coffee and cocoa). They are organized into 28 ‘Centres’ (*Centros*) or communities which are grouped into the Federation of Chachi Centres of Ecuador (Federación de Centros Chachi del Ecuador, FECCHE). Most Chachi speak Spanish but their mother tongue is Cha’palaachi.

Like other Ecuadorian indigenous peoples, the Chachi lived in relative isolation from the rest of the world until the 1970s, when logging, mining, banana and palm cultivation started to take place in their traditional territory. In the last three decades, Esmeraldas has been suffering a rapid deforestation and forest degradation process: in 1958 there were 2,750,000 ha of forests and today only 500,000 ha remain, the rest having been transformed into agricultural or pasture lands.<sup>53</sup>

These developments have caused forced displacement and increased economic fragility of Chachi communities who used to live off the forest. Like other indigenous peoples in Ecuador, they are among the country’s poorest (see Table 4).

## The Afro-Ecuadorian community

Although the Afro-Ecuadorian communities share similarities with the country’s indigenous population, they remain distinct in many respects.

For a long time, there have not been any official census categories to assess their number and no national-level surveys have been carried out to obtain information on the most basic economic or social indicators.<sup>54</sup> An often-cited figure is 500,000 but some Afro-Ecuadorian organizations advance the number of 1.3 million people – or about 10 per cent of the country’s population.<sup>55</sup>

The black communities of the Pacific coast of northern Ecuador and Colombia can be traced back to the early sixteenth century. They are descended from Africans who came on slave ships, and survived shipwrecks or escaped slavery. They founded fort-like communities called ‘*Palenques*’ (literally ‘stockades’) which were places of resistance to Spanish imperialism and have recently been rediscovered as a symbol of Afro-Ecuadorian pride.<sup>56</sup> Those living in the *Palenques* were called *Cimarrones* or Maroons.<sup>57</sup>

The largest Afro-Ecuadorian community now lives in Esmeraldas, where most of SUBIR’s activities have been implemented. A recent article on the Maroons of

Ecuador and Colombia briefly retraces this community’s unique history:

*‘the region of Esmeraldas became a Maroon haven by chance. Beginning in the early 16th century, Spanish ships carrying slaves from Panama to Guayaquil and Lima were wrecked along the equatorial coast amidst strong currents and shifting sandbars. A number of slave castaways consequently dashed to freedom in the unconquered interior, where they allied with indigenous groups and a handful of Spanish renegades. By the 1580s, after foiling several military expeditions sent to dislodge them, several independent Maroon bands in Esmeraldas sued for peace in Quito, modern capital of Ecuador. All were guaranteed continued autonomy in exchange for safe passage of further shipwreck victims and promises not to ally with English and later Dutch pirates. A 1599 portrait of one such Maroon leader, Don Francisco de Arobe, and his two sons was commissioned in Quito and sent to Philip III of Spain to commemorate these negotiations.’<sup>58</sup>*

Modern Afro-Ecuadorians have largely been left on the sidelines of the socio-economic progress of the last century and remain the poorest group of the country, on average poorer than other indigenous peoples (see Table 4). They have few employment and educational opportunities and the vast majority lack access to basic social services (health care, sanitation, drinking water). This is partly the product of their geographical isolation, but also of a deep-seated racism and official neglect.<sup>59</sup>

In addition, Afro-Ecuadorians are not as well organized as many indigenous peoples – only a limited number of newer organizations fight for their rights and represent their interests during policy discussions with the local or national government. At the national level, there is the National Confederation of Afro-Ecuadorians (Confederación Nacional Afroecuatoriana, CNA), the goal of which is to legalize territories historically occupied by Afro-Ecuadorians, form sustainable development projects and create a process of ethnic education. More recently, the National Coordinator for Black Women (Coordinadora Nacional de Mujeres Negras, CONAMUNE) was created to develop strategies in education, health, finance and political participation.<sup>60</sup>

## Case study goals and scope

This review of SUBIR seeks to establish the extent to which the project demonstrated examples of good practice vis-à-vis minorities and indigenous peoples. As mentioned earlier, good practice is being assessed against existing international standards on human rights, minority rights and the rights of indigenous peoples – such as, the right

to non-discrimination, the right to participation, and the right to speak one's own language.

Specifically, the evaluation focused on the following issues related to both the project's implementation and its impact:<sup>61</sup>

- depth and breadth of participation by indigenous peoples and minorities throughout the project cycle, from project planning to project monitoring and evaluation;
- success of the project in strengthening the capacity of indigenous peoples and minorities;
- impact of the project on the well-being of indigenous peoples and minorities.

## Methodology

### Case study design

As the nature, quality and availability of data was to be inherently inconsistent, the case study design was kept flexible and responsive.<sup>62</sup> Although both qualitative and quantitative data were sought, relatively little quantitative data was available (see Table 2).

The researcher spent 17 days in Ecuador where field visits were carried out to selected Chachi and Afro-Ecuadorian communities (see Appendices 2 and 3 for a detailed itinerary of the field visits and a list of the persons interviewed for the case study). The choice of locations was determined in consultation with SUBIR staff. An effort was made to visit a representative cross-section of successful sites, as well as of sites exhibiting lower performance levels. During the field visits, the researcher had access to any person with whom she wished to speak.

### Data collection tools

- *Background materials:* information on the social and economic context, affected communities, implementing organizations, etc. was obtained to develop a perspective from which to perform this evaluation.

- *Document review:* an effort was made to obtain and review all available documents regarding the programme. These included yearly work plans, prior evaluations, and relevant notes/documents produced by the staff and beneficiaries. (See Section II Bibliography for a list of documents reviewed.)
- *Interviews:* interviews were carried out with project participants (Afro-Ecuadorian and Chachi community members – women, men and youth were interviewed), representatives of indigenous NGOs (such as UONNE [Union de Organizaciones Negras del Norte de Esmeraldas] and FECCHE), and representatives of local NGOs (Jatun Sacha). Extensive in-person and phone interviews were also carried out with current and former SUBIR staff. (See Appendix 3 for a list of all persons interviewed.)
- *Focus-group discussions* were carried out with SUBIR project participants in different project locations.
- *Survey results:* two surveys were administered by SUBIR staff in 1998 and March 2002 to, respectively, 20 and 14 communities (Chachi and Afro-Ecuadorians). The main goal of the surveys was to document the socio-economic situation of these communities, as well as their views of SUBIR.<sup>63</sup>

### Methodological limitations

Two limiting factors in evaluating the impact of the programme have been the lack of reliable baseline information concerning indigenous peoples and minority participants as well as the absence of an appropriate control group. Without a baseline dataset, the before/after programme comparison becomes difficult since retrospective questions have to be used, the answers to which are of questionable reliability.<sup>64</sup>

In addition, the remote location where communities live limited the researcher's ability to visit as many communities as would have been desirable. (See Appendix 2 for a list of communities visited.)

**Table 2 Summary of SUBIR evaluation design**

<i>Evaluation questions</i>	<i>Sample indicators</i>	<i>Main data collection tools</i>
1. Was the project effective in identifying and reaching target beneficiaries?	1.1 Number/percentage of indigenous peoples/minorities participating in the project.  1.2 Number/percentage of women belonging to indigenous peoples/minorities participating in the project.	1.1 Project documents review (especially Quarterly Reports).  1.2 Project documents review (especially Quarterly Reports).

<i>Evaluation questions</i>	<i>Sample indicators</i>	<i>Main data collection tools</i>
	1.3 Whether participatory rural appraisal (PRA) techniques (transects, random household interviews, etc.) were used or a whether a socio-cultural analysis was carried out prior to project implementation; use of socio-economic criteria and geographic information; utilization of the analysis' results.	1.3 Project documents review. Interviews with project staff, project beneficiaries, and other stakeholders such as indigenous peoples/minorities affected by, but not participating in, SUBIR.
2. Was the project effective in ensuring meaningful participation during the needs assessment/planning, implementation/management, and monitoring and evaluation phases?	<p>2.1 Percentage/number of indigenous peoples/women participating in the needs assessment phase of the project/other phases. Variation of this percentage throughout the project.</p> <p>2.2 Actual contribution of indigenous peoples in labour.</p> <p>2.3 Presence of indigenous peoples/minorities during project meetings, workshops, etc.</p> <p>2.4 Perception of project stakeholders regarding the forms and intensity of indigenous peoples' /minorities' participation.</p> <p>2.5 Existence of monitoring and evaluation tools which track indigenous peoples' and minorities' participation in project (disaggregation of data).</p>	<p>2.1 Project documents review.</p> <p>2.2 and 2.5 Interviews with project beneficiaries, especially indigenous peoples/minorities, project staff and other key stakeholders (such as personnel from EcoCiencia, a local NGO working in partnership with SUBIR).</p>
3. Was the project effective in providing on-going accurate, timely, and complete information to indigenous peoples and minorities?	<p>3.1 Existence of specific mechanisms (regular meetings, etc.) ensuring that information was delivered in a timely manner.</p> <p>3.2 Whether the information was delivered in a language and form understandable by indigenous peoples and minorities.</p> <p>3.3 Existence of specific mechanisms for indigenous peoples/minorities to provide feedback on the project actions.</p> <p>3.4 Perception of project stakeholders regarding the mechanisms developed to share information.</p>	3.1–3.5 Project documents review, interviews with project staff, project beneficiaries and other key stakeholders.

<i>Evaluation questions</i>	<i>Sample indicators</i>	<i>Main data collection tools</i>
	3.5 Perception of project stakeholders regarding the quality and timeliness of information provided throughout the project cycle (and especially prior to project implementation).	
4. Was the project effective in increasing the economic, social, etc. well-being of indigenous peoples'/minorities?	<p>4.1 Perception of project stakeholders regarding their increased economic, social, cultural well-being.</p> <p>4.2 Perception of project stakeholders as to whether the project has responded to the needs and priorities of indigenous peoples and minorities.</p> <p>4.3 Perception of project stakeholders regarding the project's effects on community relations.</p>	4.1 and 4.3 Interviews with project beneficiaries (especially indigenous peoples/minorities), project staff and other key stakeholders.
5. Was the project effective in strengthening indigenous peoples'/minorities' capacity? Extent of increase in self-esteem, skills/knowledge, resource access.	<p>5.1 Existence of specific strategies aimed at strengthening capacities (e.g. training) of indigenous peoples and minorities. Whether these strategies were monitored and evaluated.</p> <p>5.2 Whether roles and expectations of participants from indigenous peoples and minorities were clearly defined and realistic.</p> <p>5.3 Whether skills, competency, knowledge acquired by participants from indigenous peoples and minorities have actually been used.</p> <p>5.4 Whether participants from indigenous peoples and minorities are likely to be able to mobilize resources when outside support ceases.</p> <p>5.5 Perceptions of project stakeholders, especially indigenous peoples and minorities as to whether these peoples have increased self-esteem, skills and knowledge; or resource access.</p>	<p>5.1 Interviews with project beneficiaries, especially indigenous peoples/minorities, project staff and other key stakeholders.</p> <p>5.2–5.5 Project documents; interviews with beneficiaries, staff and other key stakeholders.</p>

## Analysis and interpretation

The goal of this evaluation is to assess SUBIR's performance vis-à-vis indigenous peoples and minorities. More specifically, this study focuses on an analysis of the extent to which the project was effective in:

- strengthening indigenous and minority capacity at community, regional and national levels;
- ensuring meaningful indigenous and minority participation throughout the project cycle;
- improving indigenous and minority well-being.

Through its training and certification of community paralegals, its institutional support of indigenous organizations like FECCHÉ (Chachi) and UONNE (Afro-Ecuadorians), and its technical, legal and financial support throughout the land titling process, SUBIR contributed to the strengthening of indigenous and minority capacity. As a result, these groups have become both better able to resist constituencies favouring over-exploitation of their traditional lands and more knowledgeable about their rights and their environment. Another key outcome of SUBIR's efforts has been the improvement of community relations between Chachi and Afro-Ecuadorians.

SUBIR's attempts to develop alternative economic opportunities had some limited success. Although a limited number of communities are now able to sell their non-timber products at a fairer price and through more diverse channels, questions remain about other SUBIR initiatives in this area – small animal husbandry projects, eco-tourism initiatives, timber organization, etc.

Although SUBIR was able to reach very isolated and needy indigenous peoples and minority communities, the weak levels of participation by these groups at the design and early implementation stages represent the main flaw of the project.

### Strengthening indigenous and minority capacity

As mentioned above, for the purposes of this study, capacity-strengthening is understood as a process by which indigenous peoples and minorities increase their knowledge, skills, self-esteem and resource access so that they can identify and meet their personal and communities' development challenges in an efficient, effective, relevant and sustainable way.<sup>65</sup>

SUBIR sought to strengthen capacities at all levels (community, regional and national) as this was seen as a necessary condition for project sustainability:

*'The objective of project SUBIR's Organizational Strengthening Component is to aid members of Afro-Ecuadorian and Chachi organizations to develop their*

*administrative, organizational and technical skills in order to manage their natural resources in a sustainable fashion.'*<sup>66</sup>

SUBIR focused on capacity-strengthening, especially during its Phase II (1994–7), through a number of strategies:

- providing training at the community level in key areas – such as the law, social planning, agro-forestry, marketing and biology;<sup>67</sup>
- supporting local, regional and national indigenous peoples and minority organizations by providing 'technical assistance, training, equipment, budget support for administrative staff, and strategic and financial planning assistance to three national partner organizations, 21 communities, and three local community organizations';<sup>68</sup>
- supporting the land titling process.<sup>69</sup>

#### Box 7 SUBIR's training of community paralegals

A particularly innovative and successful capacity-strengthening strategy has been the training of 'paralegals'. Paralegals are individual members of local communities who have received intensive legal training.

The issue of land titling has been a key driver of the need for paralegals. In August 1994, the Agrarian Development Law entered into force following widespread demonstrations by representatives of indigenous organizations. Article 36 legally recognized the right of indigenous, Afro-Ecuadorian and/or *montubios* (coastal peasants) communities to be awarded, free of charge, their ancestral land, on the condition that beneficiaries respect traditional forms of cultural life and social organization as well as the environment. Other lands could also be allocated to indigenous peoples, but not free of charge.

The law also created the National Institute for Agricultural Development (Instituto Nacional de Desarrollo Agrario, INDA) to facilitate the land titling process. However, INDA had limited capacity and a small budget.<sup>70</sup> In addition, it had no mandate to delimit land, so prospective owners must hire approved surveyors.

As a result, the land titling process was complicated and costly, especially for the poorest and most isolated communities, as it required a fairly

detailed knowledge of existing laws and the ability to process the paper work.<sup>71</sup>

In order to facilitate the land titling process, SUBIR started to train and certify community paralegals.

To be eligible for paralegal training, candidates must be able to read and speak both Spanish and their local languages, and they must have been living within their communities for at least three years. Training lasts eight months and takes place in their communities and, during six days a month, in Quito. The course contains six themes: community organization, land titles, protected areas and forestry resources, petroleum and mining, community tourism and biodiversity. A typical training session introduces a problem to be analysed, a discussion of its legal consequences, with emphasis on the existing relevant legislation, and proposed solutions. During the workshop, various traditional and non-traditional techniques are used, including 'talking maps', painting, collages, theatre performances, etc.

At the end of their training, the candidates are tested and certified as paralegals by the Quito Bar Association.<sup>72</sup> By the end of the project, in June 2002, SUBIR had trained 190 paralegals.<sup>73</sup>

Paralegals were instrumental during the land titling process: they assisted their communities in the process of seeking out government approval for land titles and in the resolution of resultant community conflicts. Typically, when two ethnic groups were in conflict about land tenancy and forest resources, paralegals meet with community leaders to find solutions – the process usually involved a population census to determine the number of families, the physical measurement of villages and the definition of criteria on how to divide the land.<sup>74</sup>

Even after the land has been titled, paralegals remain helpful in mediating conflicts within and between communities, as they are highly respected by community members. In addition, they form a linkage between their community and the outside world as they are able to understand legal issues as well as the needs of the community, thereby strengthening the capacity of these communities and their representatives' organizations.

As a result of SUBIR's capacity-strengthening efforts, community members have become more aware of their rights and have an increased knowledge of their environment. During a discussion with community leaders in Guadual, a small Chachi village, Sergio Cimarron, a young man who had received technical training from SUBIR, explained that 'before [SUBIR was implemented], trees were cut without control and very soon, nothing would have been left for our children; the project helped us recognize the most precious trees, showed us how to mark them and help us decide when to cut them'.

Communities have also increased their resource access – notably through the acquisition of their ancestral lands. Regional Chachi and Afro-Ecuadorian organizations (FECCHÉ and the Consejo Regional de Palenques, respectively) are now more knowledgeable, better organized and able to mobilize. Consequently, Chachi and Afro-Ecuadorians have become better able to resist outside constituencies, as their resistance to a recent attempt by a mining company to exploit their traditional lands has shown (see Box 8).

Both representatives of FECCHÉ and the Consejo Regional de Palenques felt that the project has positively impacted on their organizations. Ines Morales, the President of the Consejo Regional de Palenques underlined that SUBIR's staff was able to build a real partnership with the Afro-Ecuadorian community.<sup>75</sup> A key to this success was ethnic sensitivity on the part of SUBIR personnel, especially the field officers who served as liaison with the communities and SUBIR, and were thus key to trust-building.

As will be discussed further, capacity-strengthening strategies have also contributed to the improvement of community relations between Chachi and Afro-Ecuadorian communities.

#### **Box 8 An outcome of SUBIR's capacity-strengthening efforts: successful community resistance to a mining company**

In autumn 1991, a mining company, STIC SA was granted the right to exploit 1,045 ha of land in one of the poorest sections of Esmeraldas (the Eloy Alfaro district). STIC SA was going to work in the middle of the river system where most of SUBIR's communities live. None of the Chachi or Afro-Ecuadorian communities had been consulted by the company or by the Ministry of Energy and Mining which had granted STIC SA the right to exploit this area. This constituted a clear violation of their rights.

Both the Chachi and Afro-Ecuadorian regional organizations (FECCHE and UONNE, respectively) led the defence of their lands by:

- informing all affected Chachi and Afro-Ecuadorian communities of the coming of the mining company;
- seeking alliances with the Church and other bodies (provincial council, congressmen, provincial deputies) – the Bishop of Esmeraldas became an important ally;
- informing the local media (TV and newspapers);
- organizing demonstrations in Esmeraldas and in Quito;
- organizing meetings in Esmeraldas with representatives from the central government (Ministry of Environment, Ministry of Energy and Mining) to discuss the negative impact of mining in the Cayapas and other issues (how to gather the province's natural resources in a sustainable way and share benefits with indigenous peoples and minority communities).

Eventually, the Ombudsman of Esmeraldas proposed a judicial action. The judge of first instance suspended the mining company's authorization.

SUBIR gave about \$3,000 in financial support (transport) and conducted an advocacy campaign to explain that its work was threatened. Both the president of FECCHE and a representative of UONNE interviewed for this evaluation feel that this successful defence would not have been possible without the past support of SUBIR, which had helped them in becoming better organized and more knowledgeable about their rights. What is clear when one examines these efforts is that both organizations' representatives were well-aware of their rights; in a local newspaper article, dated 25 February 2002, it is noted:

*'The intervention by the Ombudsman's Office [Defensoria del Pueblo] is given because of a request from Alberto Nazareno and Freddy Pianchiche Anapa, presidents of the Unión Organizaciones Negras del Norte de Esmeraldas (UONNE), and of the Federación Provincial Chachi (FECCHE), respectively, and is based on articles 95 and 96 of the constitution in agreement with article 2 of the Organic Law of the Ombudsman's Office and article 46 of the Constitutional Control Law.'*<sup>76</sup>

## Improving indigenous peoples' and minority groups' well-being

### Development of economic opportunities

An important strategy for SUBIR, especially during its last phase (1998–2002), was the creation of alternative economic opportunities so that communities do not rely too heavily on unsustainable use of the forest for their well-being.

Two measures were relatively successful in realizing this objective: the organization of a network of producers (*acopiadores*) and the support of a Community Forest Network (Red Forestal Comunitaria, RFC). However, the impact of these measures has been somewhat limited to date, as they were implemented relatively late in the project and have involved only a limited number of communities. In addition, other attempts to develop economic opportunities – small animal husbandry and eco-tourism projects – have not been very successful.

### *Network of producers (acopiadores)*

Prior to the existence of the network, producers had to pay high transport and intermediary costs, as well as rely on a handful of traders in order to sell their cocoa. Typically, producers would leave their villages for a full day to sell their products in the nearest town; the traders would usually tell them that the price had dropped. A network member interviewed for this review explains: "Traders would say: "I'll pay you half. If you don't want to sell, take the cocoa away." The farmer had to sell, or return home with nothing for his family."<sup>77</sup>

In 1999, SUBIR helped six Chachi communities and six Afro-Ecuadorian communities organize themselves into a network of cocoa producers to obtain fairer prices for their products. A loan was granted to a Chachi producer to buy a canoe as well as the first cocoa harvest from the members of the 12 participating communities. This main *acopiador* works in collaboration with six other *acopiadores*, each responsible for buying cocoa directly from the producers. All *acopiadores* are from Chachi and Afro-Ecuadorian communities. The main *acopiador* then brings the harvest to the city of Borbón (about three hours away by canoe) and sells to an NGO called Maquita Chuchunchic Comercializando como Hermanos (MCCH), which means 'giving a hand to trade like brothers'.

Founded in 1985, MCCH has grown into a cooperative of over 800 small-holder cocoa farmers. It has been exporting cocoa grown by small producers from the coast of Ecuador since 1992 through its export company, Agroexportadora Maquita. MCCH's cocoa operations are subsidized to a small extent. Donor grants have provided the organization with capital to invest both in its market-

ing operations and in improving cocoa bean quality at the farm level. The part of Maquita's profits that is not reinvested in the company goes to farmers, funding for farmer training and other socially motivated activities. The criteria for becoming affiliated are that the producers' association should operate in remote areas, be well organized and its members should possess small-holdings of less than approximately 7 ha.

MCCH guarantees its prices, which are broadcast in advance on the radio and paid directly to the main *acopiador*. MCCH also introduced a fairer system of weighing and grading the cocoa beans.

For the producers, the main advantages of the *acopiadores* network are:

- higher price received for cocoa;
- elimination of intermediaries;
- fairer and more accurate weighing system;
- provision of market information;
- cash payments;
- access to transport;
- incentives for the production of better quality cocoa by small farmers;
- capacity-strengthening of MCCH agents and the cocoa growers.

When interviewed for this review, Luis Lopez, the main *acopiador* of the network, explained that the system has been working well, especially as the intermediaries' monopoly has been eliminated. If and when they do come, intermediaries now offer fairer prices to the communities both because the communities are better informed and they have an alternative (the network). Luis explained that, as a result, more communities want to join the network and that another *acopiador* would be needed to help him bring the cocoa to the city markets. What was lacking was access to micro-credit to purchase another canoe.<sup>78</sup>

#### *Community Forest Network (RFC)*

In 1999, at the initiative of SUBIR, 22 Afro-Ecuadorian and Chachi Indian communities joined together to form an association of lumber producers: the Community Forest Network or Red Forestal Comunitaria.

Prior to the existence of the RFC, community members who wanted to sell their lumber often cut the trees on an ad hoc basis and prior to negotiating the sale; they had little knowledge of going prices or of lumber conservation and drying techniques. As a result, they had to sell their trees as soon as possible to the first available buyers. In addition, prices were typically agreed per tree and not by lumber volume (cubic metre).

The goals of the RFC are:

- to obtain a fairer price for lumber (pricing per volume and not per tree; get paid in cash; sell more than one tree at a time; etc.);
- to provide information on prices and market conditions to the buyers and sellers;
- to provide knowledge on preservation and drying of wood;
- to eliminate intermediaries.

In order to become a member of the RFC, a community must own forested land and be willing to develop a sustainable management plan of its forest, as all lumber sold through the RFC must come from forests managed under such a plan.<sup>79</sup>

A survey carried out in March 2002 by SUBIR staff with 14 Chachi Indian and Afro-Ecuadorian communities revealed that most respondents feel that SUBIR has induced a change in behaviour regarding the management of their resources, as most understand the necessity of using sustainable management plans. However, the same survey also underlines that a limited number of communities refuse to enter the RFC because they do not want to be bound by such plans.<sup>80</sup>

A number of challenges to the success and longer-term sustainability of the RFC remain:

- it has high fixed costs and may not be able to balance its budget;<sup>81</sup>
- it does not represent a very attractive option for community members, partly because of its relatively heavy administrative regulations,<sup>82</sup> its tarnished reputation as far as financial management is concerned,<sup>83</sup> and, perhaps more importantly, its reliance on communal ownership of the forest. According to Paulina Baca, a SUBIR staff member familiar with the RFC and its participating communities, most community members are less interested in exploiting communal forests than their own personal plots (or *mingas*). For these reasons, the RFC has not been able to attract a sufficient number of participating communities to balance its budget. The network would require a third more producers in order to be sustainable.<sup>84</sup>

#### **Land titling**

When interviewed about SUBIR, all stakeholders (project staff, Chachi and Afro-Ecuadorian community members, as well as representatives of FECCHE and UONNE) cite land legalization as the most significant achievement of the project.

SUBIR facilitated the land titling process through its support of the passing of the 1994 Agrarian Development Law which legalized the awarding of ancestral lands to indigenous peoples and Afro-Ecuadorian communities.

SUBIR also assisted in the implementation of this law in several ways. In association with EcoCiencia, an Ecuadorian foundation for ecological studies (NGO), it has used the global positioning system and community data (local maps etc.) to draw official community boundary lines. As mentioned earlier, community paralegals and SUBIR staff have also worked together to seek out government approval for land titles.

In part due to these efforts, as of 2000, 55,000 ha of land have been awarded to approximately 20 Chachi and Afro-Ecuadorian communities.<sup>85</sup>

An important aspect of the legislation on indigenous community land titling, which provided the main rationale for SUBIR support, is that the lands covered by these community titles cannot be divided or sold. They belong *collectively* to the communities. Once the land is owned by the communities, it cannot be transferred to community outsiders such as logging or mining companies.

#### Improvement in community relations

According to several community leaders interviewed for this review, tensions and sometimes conflicts between Chachi and Afro-Ecuadorian communities have been endemic in the last 30–40 years, from the time ‘outsiders’ (logging or mining companies especially) started to put pressure on available land. The tensions eventually peaked when the collective rights of Afro-Ecuadorians and Chachi were promulgated.<sup>86</sup> The consciousness that each community could officially own a given plot of land, and consequently forbid its use to others or be forbidden from using plots owned by other communities, caused tensions to increase. There were many disputes during the process of delimiting territories.

SUBIR contributed to the improvement of community relations through:

- assisting in the land legalization process by supporting surveying operations: as the territories owned by communities are specifically delineated, conflicts over boundaries, land use, etc. are becoming less common;
- training of paralegals who serve as complaint and conflict resolution mechanisms;
- organizing workshops, training (on various issues such as social organizations, law, forestry, agro-forestry, etc.) involving both Chachi and Afro-Ecuadorian participants.

All community members, as well as representatives from FECCHE and UONNE interviewed for this review agreed that community relations between Chachi and Afro-Ecuadorian communities have improved as a result of the various initiatives undertaken by SUBIR.<sup>87</sup>

#### Ensuring meaningful participation of indigenous peoples and minorities

Although in its choice of area of responsibility, SUBIR was successful in identifying the communities that were among the neediest indigenous peoples and minority groups of the country, the project did not actively seek to involve them in project design and implementation during its earliest stages.

#### Success in identifying and reaching indigenous peoples and minorities

SUBIR was implemented essentially in the province of Esmeraldas, in the buffer-zone of the Cotacachi-Capapas Ecological Reserve which includes the districts of San Lorenzo and Eloy Alfaro. As shown in Table 3, this is a rural area with a high proportion of indigenous peoples and Afro-Ecuadorians.

**Table 3 Indigenous and Afro-Ecuadorian population in Esmeraldas**<sup>88</sup>

<i>Population (Source)</i>	<i>Esmeraldas Province</i>	<i>San Lorenzo District</i>	<i>Eloy Alfaro District</i>
Total population (1990 Census)	315,449	22,552	25,389
Rural population (1990 Census)	N/A	11,322	21,077
Total population (2000 Projection, Instituto Nacional de Estadísticas y Censos del Ecuador, INEC)	416,273	29,432	33,138
Afro-Ecuadorian rural population 1995 (Consejo de Desarrollo de Pueblos y Nacionalidades, CODENPE)	112,156	10,336	26,240
Chachi 2001 (FECCHE)	8,114	130	5,074
Awá 2001 (Federación Awá)	800	800	–
Épera	250	N/A	N/A

These Afro-Ecuadorian and indigenous communities live in very remote and isolated locations. The closest community visited for this evaluation was located three hours by canoe – the only available means of transportation – from the nearest town. Partly as a result of this isolation and also because of the lack of interest demonstrated by the national authorities, most state services (such as health, education, social services, electricity) do not reach any of these communities.

Afro-Ecuadorians and Chachi living in this area are very poor, as demonstrated by all the available socio-economic indicators (Table 4): in the District of Eloy Alfaro, which is almost exclusively populated by Afro-Ecuadorian and indigenous peoples, almost three-quarters of the population lives below the poverty level; the national rate is 58.4 per cent. The infant mortality rate is almost twice as high as that of the country as a whole (102 vs 53.2 per 1,000).

**Table 4 Main socio-economic indicators of the indigenous and Afro-Ecuadorian populations in two districts of Esmeraldas Province**

<i>Indicator</i>	<i>Country</i>	<i>Esmeraldas Province</i>	<i>District of San Lorenzo</i>	<i>District of Eloy Alfaro</i>
Adult illiteracy (more than 15 years old) (%)	11.7	14.5	21.8	24.5
Average number of school years of adult population	6.7	5.7	4.5	3.9
Rate of infant mortality (per 1,000 births)	53.2	70.6	87.6	102.00
Households with access to basic sanitation (%)	65.9	51.4	26.6	21.7
Houses with drinking water (%)	38.2	21.5	16.1	6.5
Poverty rate (%)	58.4	63.1	71.1	73.9

*Source:* ODEPLAN (Oficina de Planificación de la Presidencia), Quito, Ecuador, 1990–5.

A survey carried out in March 2002 by SUBIR staff on 14 Chachi and Afro-Ecuadorian communities confirms this data. The results of this survey suggest that these communities live on a very low income (between US\$12.00 and US\$60.00 per month per family) and are unable to save. They are in a very precarious economic situation and the smallest disruption (children's sickness, slightest variation in the price of timber, etc.) can place them in financial jeopardy.

SUBIR was thus successful in identifying and reaching poor indigenous peoples and minority communities that, for the most part, had never received any prior NGO or outside support. Angel Nazareno, an Afro-Ecuadorian woman from the village of Majua (Esmeraldas) explained that prior to SUBIR, 'everybody had forgotten about us; no organization ever came to help us ... and even the government had forgotten about us'.<sup>89</sup>

#### **Weak participation in project design and implementation**

The low levels of early participation of Chachi Indians and Afro-Ecuadorians in project design *and* implementation is by far the most significant weakness of SUBIR.

#### *Lack of early community participation*

The primary goal of SUBIR was the protection of biodiversity. As stated in project proposal: '[t]he goal of the Project [SUBIR] is the conservation and management of Ecuador's renewable natural resources for sustained economic development'.<sup>90</sup> During its Phase I (1991–4), most of its activities were turned towards conservation (mapping biodiversity) rather than development efforts.<sup>91</sup> The participation of communities living in SUBIR's area of responsibility was limited during this period.

### Box 9 Integrated conservation and development projects: an overview

The modern conservation movement, which started in the nineteenth century, first attempted to conserve natural resources or biodiversity by creating 'Protected Areas' that restrict human use. Such was the rationale behind the setting up of national parks and other protected areas in the developed countries of North America and Europe. However, this approach was hardly applicable to developing countries, where people are in desperate economic and social need and no gate could prevent them from using available natural resources.

In response to these problems, approaches combining conservation with development were devised over the past few decades, even though the actual phrase 'Integrated Conservation and Development Project' or ICDP was introduced later, in a 1992 World Bank, USAID and World Wildlife Fund (WWF) study.<sup>92</sup> In that report, ICDP was used to describe a set of initiatives that 'attempt to ensure the conservation of biological diversity by reconciling the management of Protected Areas with the social and economic needs of local people'.<sup>93</sup>

Two types of ICDPs have been tested:

- those indirectly linking conservation and community benefits: in this case, the project's focus is not restricted to the biodiversity of the protected area; the project also seeks to satisfy the socio-economic needs of the residents surrounding the protected area;
- those directly linking conservation and community benefits: there is no protected area where human use is forbidden any more; these projects encourage communities to benefit directly from biodiversity, so they will have an incentive to identify and take action against both external and internal threats to biodiversity.

Both approaches have limitations.

- Indirect linkages between conservation and community:
  - external threats to biodiversity are not eliminated: the local people do not have the personal interest or the authority to monitor or protect biodiversity from say, a mining company;
  - economic incentives can be created from the project: if growing cocoa in the buffer zone is

profitable, nothing will prevent local communities from expanding into the protected area.

- Direct linkages between conservation and community:
  - it is difficult to set up profitable businesses in remote areas;
  - it is difficult to set up environmentally sustainable businesses.

Despite the popularity of ICDPs, many reviews indicate that most of these projects have had only limited success in achieving both conservation and development objectives.<sup>94</sup> Thus, a lively and important debate about the appropriateness of the ICDP model is under way in the conservation and development community.

*Source:* Salafsky, N., 'Community-based approaches for combining conservation and development', *The Biodiversity Crisis: Losing What Counts*, New York, The New Press, 2001. WWF, *Integrated Conservation and Development*, KDP Training Programme, Asian Institute of Technology, GPU Box 4, Khlong Luang 12120, Thailand, 1999. Newmark, W.D. and Hough, J.L., 'Conserving wildlife in Africa: integrated conservation and development projects and beyond', *BioScience*, vol. 50, no. 7, 2000, pp. 585–92.

#### *Consequences of weak early community participation*

There are several negative consequences of the weak early participation by indigenous peoples and minority communities affected by SUBIR.

First, *there was a lack of consensus on stakeholders' objectives, roles and responsibilities, which led to unrealistic expectations and a confusion of priorities.* An illustration of the kind of problem caused by this lack of consensus was the lack of connection between SUBIR's stated goals and the expectations of people in the communities it worked with. While community members interviewed for this review understood that SUBIR's overall goal of protecting biodiversity is worthy of interest, and that its success or failure will affect them as a community, they also expressed disappointment in the fact that their needs and priorities, as well as, to a certain extent, their traditional knowledge, were not taken into consideration by SUBIR staff. In San Miguel for example, during a discussion with a group of Afro-Ecuadorian women, one young woman said that 'SUBIR did not want to hear about the community's education problems.' In Guadual, a young Chachi Indian explained that his community's main problems are education and health; when SUBIR started its work in the area, there was no hospital, no doctor nearby. Children were

dying from common diseases because their parents could not bring them to a doctor and get medicines.

The fact that there was little integration between the project's five components reinforced the confusion over roles and responsibilities. During the interviews with SUBIR staff, it became clear that staff members had little knowledge of the activities and objectives of SUBIR components other than their own. A reason for this 'compartmentalization' is that various entities were responsible for each component (two national NGOs, Jatun Sacha and EcoCiencia, CARE, Wildlife Conservation Agencies), some of them being focused on conservation objectives (improved land use; biodiversity research) while others focused on development objectives (institutional strengthening; commercialization and marketing).

Second, *SUBIR staff did not have a sufficient knowledge base regarding communities' needs and functioning and this led to poorly informed decisions and the failure of some initiatives.* SUBIR staff, on occasion, yielded to communities' demands when they became too pressing. As this happened on an ad hoc basis, without enough planning, analysis of needs and capabilities, and monitoring, unrealistic expectations were sometimes created and, often, activities failed. For example, Angel Nazareno and Miriam Caicedo from the Afro-Ecuadorian community of Majua, explained that SUBIR gave them materials to build a school, even though the community already had a school and it could not afford to pay a schoolmaster; as a result, the new school has not been used; another woman from Majua was given 100 chickens, all of which died because, according to her, the chickens were not adapted to the hot and humid climate; finally, SUBIR hired someone outside the community to cement paths in the village (a much needed addition) even though there was someone in the community who was able to do the job.<sup>95</sup>

## Conclusion

The main conclusions of the case study and analysis of the SUBIR project can be summarized as follows.

## Project strengths and achievements

SUBIR was able to reach Afro-Ecuadorian and indigenous communities who live in very remote and isolated location. These groups are very poor and had received little to no state or NGO-based assistance prior to SUBIR.

As a result of SUBIR's capacity-strengthening efforts, Chachi and Afro-Ecuadorian communities have become more aware of their rights and have an increased knowledge of their environment. These groups have also increased their resource access – notably through the acquisition of ancestral lands (land titling). Regional Chachi and Afro-Ecuadorian organizations have become better organized and able to mobilize to defend their rights. Consequently, Chachi and Afro-Ecuadorians have become better able to resist outside constituencies.

An unexpected consequence of SUBIR's activities has been the improvement of relations between Chachi and Afro-Ecuadorian communities. The role played by SUBIR's innovative programme to train paralegals is quite significant in this respect.

SUBIR was also quite successful in providing Chachi and Afro-Ecuadorians with economic opportunities (especially through the organization of communities into networks). Unfortunately, these activities started quite late in the project and reached a relatively limited number of individuals.

## Project weaknesses

The most significant weakness of SUBIR, from the viewpoint of indigenous peoples and minority communities, has been the weak early community participation. The main consequences of this weakness are the following:

- a lack of consensus on stakeholders' objectives, roles, and responsibilities which led to unrealistic expectations and a confusion of priorities;
- an insufficient knowledge base regarding communities' needs and functioning which led to poorly informed decisions and the failure of some initiatives.

# Section III Minorities and indigenous peoples in development cooperation: analysis of good practice

In this section, we discuss the significance of, and implementation issues related to, the key policy principles extracted from the corpus of human rights instruments listed in the introduction of this report: participation, prior free informed consent, capacity-strengthening, avoidance of adverse impact, increasing the well-being of indigenous peoples and minorities; valuing, respecting and protecting the knowledge and culture of indigenous peoples and minorities; promoting equality/right to non-discrimination. (See Table 1 for principles and quotes from relevant articles of human rights instruments.)<sup>96</sup>

We will seek examples of, and trends in, good practice vis-à-vis minorities and indigenous peoples within the various stages of development projects and programmes undertaken by bilateral, multilateral and international non-governmental development agencies. Examples are taken from two types of projects: (1) those targeting minorities and/or indigenous peoples, and (2) those affecting or impacting on these groups, either negatively or positively, by virtue of their geographical focus. To this latter type of project belong, for example, most of the large dams projects which so often have had devastating impacts on minorities and/or indigenous peoples, and also any projects, small or large, likely to impact on minorities and indigenous peoples (such as SUBIR).

The material for this review of examples of good practice was drawn from a broad variety of sources (see Section III bibliography). This includes interviews with development practitioners from aid agencies (see Appendix 3 for a list of interviewees).

## Participation and capacity-strengthening

### Meaning and significance

The principle of participation is well entrenched in most relevant human rights instruments. For example, Articles 2 (2) and 2 (3) of the UN Minority Declaration (see Table 1) states:

- 2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.*
- 3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.'*

Indeed, participation is certainly one of the most important principles in determining the success or failure of development aid agency projects and policies vis-à-vis minorities and indigenous peoples. A wide body of empirical evidence supports the hypothesis that participation leads to greater project effectiveness, efficiency and sustainability (for example, a World Bank evaluation which analysed 121 rural water supply projects in 49 developing countries).<sup>97</sup> Another assumption about participation is that it can lead to the spread of 'good governance' to areas outside the direct domain of the project.<sup>98</sup> The rationale here is that, once they have developed the necessary skills and sense of responsibility through the process of participating in a project, people can become more capable of participating in other institutions that affect their lives. This has been documented in some micro-credit projects, which show that the poorest women, through participating in support-group meetings and learning to manage the responsibility attendant on getting access to micro-loans, can 'become confident and capable of organizing themselves in groups, and earn prestige and power in ... society'.<sup>99</sup>

A number of definitions of participation have been proposed by academic studies and development agencies, as Box 10 illustrates. For the purposes of this report, an interesting definition is that of 'participatory development', first defined by the Organisation for Economic Co-operation and Development (OECD)/Development Assistance Committee (DAC) Expert Group on Aid Evaluation (definition 1 in Box 10), and which emphasizes the concepts of 'partnership', 'dialogue' and 'negotiation' in the development process. As the recent European Union (EU) Speaking Out Conference on indigenous peoples illustrates, these concepts are of particular relevance to indigenous

peoples; in the Conclusions and Recommendations document of the conference, it is noted:

*'The EU was called upon to recognize indigenous peoples as political entities, as peoples and actors with authority over their own development. The partnership goes beyond the 'project level' to the building of a political relationship or partnership, which must be institutionalized, continuous and based on long-term commitment.'*<sup>100</sup>

As some conference participants underlined, even very large institutions can work in partnership with indigenous peoples: the Greenlanders have developed a partnership with Denmark.<sup>101</sup>

### Box 10 Definitions of participation

#### 1. OECD/DAC

*'participatory development stands for a partnership which is built upon the basis of a dialogue among the various actors (stakeholders), during which the 'agenda' is set jointly, and local views and indigenous knowledge are deliberately sought and respected. This implies negotiation rather than dominance of an externally set project agenda. Thus people become actors instead of being simply beneficiaries.'* (DAC Expert Group on Aid Evaluation, 1994, cited in Dauphin, A., *Notes on Perceptions of Poverty: Usefulness and Methods*, Quebec, Canada, Canadian Centre for International Studies and Cooperation (CECI), p. 2)

#### 2. Pritchett

Participation 'increas[es] citizens' voice in empowering their welfare'. (Pritchett, L., 'Participation: a (very) little economics', Paper prepared for Participation Monitoring and Evaluation Workshop, 1997)

#### 3. UNRISD

*'the organized effort to increase control over resources and regulative institutions in given social situations on the part of groups or movements hitherto excluded from such control'*. (Fortin, C. and Stiefel, M., *Of People, Power and Participation: An Overview of the Popular Participation Project*, Geneva, UNRISD, 1985, p. 11)

#### 4. UNICEF

*'Community participation is the educational and empowering process in which people, in partnership with those able to assist them, identify problems and*

*needs and increasingly assume responsibility themselves to plan, manage, control and assess the collective actions that are proved necessary.'* (Engberg-Pedersen, P., Dohoo Faure, S. and Freeman, T., *Strategic Choices for UNICEF – Evaluation of UNICEF: Service Delivery, Capacity Building and Empowerment, Synthesis Report 1992*, Ottawa, Canada, UNICEF, 1992, p. 61)

#### 5. United Nations Declaration on the Right to Development

Participation should be 'active, free and meaningful'.

#### 6. World Bank

*'Participation is a process through which stakeholders influence and share control over development initiatives and the decisions and resources that affect them.'* (World Bank, *The World Bank Participation Sourcebook*, Washington, DC, The World Bank, 1996)

#### 7. Inter-American Development Bank

*'Participation in development can be defined in broad terms as the process through which people with a legitimate interest (stakeholders) influence and share control over development initiatives, and the decisions which affect them. Then participation often comprises:*

- *the involvement of stakeholders in any or all phases of the project cycle;*
- *promotion of the role of civil society in the development process;*
- *specially designed facilitation methodologies and techniques;*
- *decentralized or devolved decision making; or*
- *the institutionalization of decentralized or devolved decision making such that broad stakeholder involvement becomes a normal, expected part of the development process.'*

(IDB, *Resource Book on Participation*, Washington, DC, Inter-American Development Bank, 1997)

### Implementation issues

Identifying and reaching indigenous peoples and minorities is obviously a pre-condition to the participation of these communities in development projects. In many cases, indigenous peoples and minorities are physically and socially isolated from the larger societies in which they live, and it is often challenging to know who and where they actually are. Projects affecting them need to develop a number of mechanisms to ensure their identifi-

cation and location. In countries such as Ecuador, where indigenous peoples represent a significant portion of the population, socio-economic criteria may serve as a basis for identifying them. However, even in such countries, specific information about geographic location may be necessary to reach the highest proportion of indigenous peoples and minorities.<sup>102</sup> Participatory inquiries using participatory rural appraisal (PRA) techniques (transects, random household interviews, farm sketches, etc.) are the best tools to locate such groups – even if, again, they are not a panacea (see Box 11) and should be used in combination with other methods.<sup>103</sup>

The potential benefits of participation outlined above are extremely exciting, holding out as they do a means for increasing the beneficial impact of aid projects. Meaningful participation of all relevant stakeholders in development activities is now seen by aid agencies, at least at a rhetorical level, as a key feature in determining success. However, even when aid agencies claim to seek participation of indigenous peoples and/or minorities both at the project and policy levels, they often neither specify the meaning of ‘participation’, nor the conditions necessary for meaningful participation.<sup>104</sup> Indeed, despite its potential, participation is not a panacea for every development issue and certain conditions must be fulfilled if it is to achieve its potential at the project/programme level:

- long-term commitment of aid agencies;
- participation by all indigenous peoples and minority communities should be encouraged even by their traditionally most disadvantaged members (such as children, women and the elderly);
- participation should go hand in hand with a capacity-strengthening strategy;
- participation should be encouraged *throughout* the project/programme cycle, and particularly during its earlier phase and during monitoring and evaluation phases;
- participation should be meaningful.

**Box 11 ‘Some participants are to be seen and not heard’ through Botswana’s traditional consultation process<sup>105</sup>**

In 1995–6, a project was commissioned by Botswana’s Ministry of Finance and Development Planning to assess the potential use of participatory rural appraisal (PRA) in development planning practices. The authors of the project describe how the traditional consultation process ‘systematically excluded ethnic minority groups’ and left little room for debate once the key player or *Kgosi* (chief) had given his viewpoint.

**Long-term commitment**

From the point of view of external agencies, meaningful participation from the weakest stakeholders, such as minorities and indigenous peoples, throughout the project cycle introduces constant uncertainties. It is impossible to use ‘blueprints’ for project design and implementation. As a result, the initial stages require more time and effort when an attempt is made to involve indigenous peoples and minorities from the beginning. In fact, there is ample evidence that process-oriented, demand-driven participatory approaches, emphasizing participation and capacity-strengthening, take longer, at least ten years, according to recent study of IFAD’s experience with indigenous peoples in Asia and Latin America. However, there is also substantial evidence that these approaches are more likely to achieve sustainable impacts.<sup>106</sup>

The same IFAD study also emphasizes that ‘[p]rogramme, rather than project, support is better suited to operations within indigenous communities’.<sup>107</sup> However, such programme support remains exceptional – an exception is the case of Denmark’s sector programme support for indigenous peoples in Bolivia (see Box 12).

**Box 12 Denmark’s sector programme support for indigenous peoples in Bolivia**

Indigenous peoples – the Indians – of Bolivia form the majority of the population. The income distribution of Bolivia is very uneven, as the wealthiest one-fifth of Bolivians own more than half of all assets while the poorest one-fifth have less than 5 per cent. Up to two-thirds of the population live below the poverty level, in particular the indigenous population and those living in rural areas.

The main objective of Denmark’s sector programme in Bolivia is to promote the rights, living conditions, and participation in political and economic social development of the indigenous peoples. The sector programme (US\$22.3 million, 1998–2002) supports decentralization in Potosí and Chuquisaca, land reforms with a view to land surveying and issuing deeds for the collective territories of the indigenous peoples (TCOs, Tierras Comunitarias de Origen) in the lowlands, the participation of the civil society in the decentralization process, and bilingual education in the lowlands.

Denmark’s sector programme support for indigenous peoples has contributed to building up administrative and financial capacity in some of

the poorest municipalities in the country. For example, in 2000 there has been significant progress in land surveying and issuing of deeds: the Land Reform Institute completed its surveys in seven TCOs. The land question, however, is a contentious issue and considerable delays often occur in the issuing of the deeds. In April 2000, experience to date of the sector programme was reviewed and a recommendation was made to extend the programme to new municipalities in the highlands, strengthen territorial and environmental management in the lowlands, and ensure that surveying and issuing of deeds took place in more TCOs in both the highlands and the lowlands.

Since the end of 1999, Denmark has supported a long-term reform of the public sector. This includes, among other things, civil service reform, integrated public sector finance reform, and an anti-corruption programme aimed at strengthening the legal system, the customs authorities and the National Audit Office. Civil service reform means that external auditing firms and firms of consultants will make the appointments in the individual ministries or agencies to reduce the nepotism that is widespread in the public sector. The reform has been very successfully carried out in the customs service and has meant a reduction in black market transactions and a rise in revenue from taxes on imported goods. The National Road Directorate and the Land Reform Institute are also expected to be included in the reforms. In 1999 the Danes set aside an additional US\$10.5 million (1999–2003) for the programme.

The sector programme for agriculture and development of rural areas (US\$32.4 million 1999–2004) started at the beginning of 2000. The agriculture component has contributed to the drawing up of plans for agricultural development at national level and in the individual departments, and training has also been initiated. Furthermore, the development project (US\$8 million 1996–2001) for breeding of dairy cattle is continuing with the long-term object of increasing the incomes of 12,000 small-farming Indian families on Altiplano, the bare Bolivian plateau. In 2000, a process was set in motion by which the milk producers' organizations gradually take over the administration of the programme.

The environmental sector programme (US\$22.3 million, 1999–2004) also got under way properly

in 2000 and likewise focuses on activities at county and municipal level in Potosí and Chuquisaca. Development assistance comprises support for the preparation of water action plans, the prevention of pollution from mines and industry, environmental instruction at basic school and university levels, and building up institutional capacity in the field of the environment.

One central element in the sector programmes is assistance for implementing legislation on popular participation and decentralization to benefit the position of the indigenous population in the society. Danish development cooperation also includes support for the institution of ombudsman.

*Source.* Ministry of Foreign Affairs/DANIDA, *Appraisal Report, 1998: Sector Programme Support for Indigenous Peoples – Bolivia*, Denmark's Development Assistance 2000 (Chapter 2: Bilateral Assistance), document available on DANIDA's website:  
[http://www.um.dk/publikationer/fremmedsprog/english/dda2000/02\\_chapt/2\\_04.asp](http://www.um.dk/publikationer/fremmedsprog/english/dda2000/02_chapt/2_04.asp)

### Increased participation by all community members should be sought

Varying degrees of inequality and conflictual relationships between members are present in all communities, including of course, indigenous peoples and minority groups. Equity needs to be monitored and evaluated in all participatory projects impacting on or targeting indigenous peoples and minorities to ensure that the traditionally most vulnerable groups within all communities (such as women, children, the elderly and the disabled) are not excluded from the development process. The World Bank study on rural water supply cited earlier mentioned that high overall levels of beneficiary participation did not necessarily engender high levels of participation by women.<sup>108</sup>

When necessary, mechanisms can be developed to ensure such equity. For example, the Integrated Community Development Programme, which targeted the indigenous Adivasi people in Jharkhand, India, called for the creation of a women's union in every village where the programme was implemented. A programme evaluation noted:

*'in a male dominated society, women had little space. In fact, it was Village councils constituting of male members ... that took decisions on everybody's behalf. There was*

*little participation in decision-making by women. With the formation of the [women's union], women asserted their role more positively and contributed towards the overall development efforts.*<sup>109</sup>

### Increased participation should go hand in hand with a capacity-strengthening strategy

Several series of reviews of community-based development projects undertaken by the World Bank Participation Learning Group showed that participation and capacity-strengthening are critical to the sustainability of community-based projects.<sup>110</sup>

Capacity-strengthening can be defined as a process by which indigenous peoples and minorities increase their knowledge, skills, self-esteem and resource access so that they can identify and meet their personal and communities' development challenges in an efficient, effective, relevant and sustainable way.<sup>111</sup> Although it is essential that capacity-strengthening efforts not be reduced to training, training materials should be adapted to local conditions and build on indigenous knowledge and practice.

SUBIR's training of community paralegals is a good example of an innovative and successful capacity-strengthening strategy of Afro-Ecuadorian and Chachi communities (see Box 7 for more on this training).

The issue of capacity-strengthening is relevant to projects which, though not specifically targeting such groups, are likely to impact on minorities and/or indigenous peoples as well as projects that specifically target them.

Projects not targeting but likely to impact on minorities and/or indigenous peoples often face the issue of capacity-strengthening. This is the case, for example, in regard to the critical question of measures that development agencies need to take to minimize damage from, and to compensate indigenous peoples and/or minorities for the adverse impacts. As a Dutch policy document on indigenous peoples underlines, indigenous peoples may encounter obstacles in claiming compensation, such as their 'lack of organizational capacity, knowledge of the law and political clout'.<sup>112</sup> This is an important issue, one addressed directly by the ILO Convention No. 169, Article 12, which states: 'Measures shall be taken to ensure that [indigenous and tribal] peoples can understand and be understood in legal proceedings, where necessary through the provision of interpretation or by other effective means.' As the Dutch policy stresses, 'responsibility in this area clearly lies on the donor agency'.<sup>113</sup>

For projects specifically targeting indigenous peoples and minority communities, the eventual objective should be that these groups manage the project themselves (an

example of the co-management of a project by indigenous peoples is given in Box 15). This will be possible only when participation and capacity-strengthening efforts continue and increase in intensity throughout project implementation. However, a reason that participation by indigenous peoples and/or minorities does not always lead to greater programme efficacy and increased beneficiary responsibility is simply that they, like any other project beneficiaries, are diverse and have diverse capacities. The level and nature of participation that is expected from these communities should not go beyond such capacity. Unfortunately, this common-sense principle has not always been followed. In fact, S. Reddy notes in his study of user-financing of basic social services:

*'responsibilities are sometimes transferred to communities precisely because they have proved beyond the capacities of government ... it should not be assumed that communities will be capable of undertaking them without sustained capacity development, and certainly not without adequate support and clarity of role definition'*<sup>114</sup>

This issue has been particularly notable in the context of micro-credit programmes targeting indigenous peoples, where beneficiaries are often given an opportunity to take on responsibility they are unprepared to shoulder. IFAD's review of experience in Asia and Latin America mentioned earlier notes that micro-credit 'continues to be one of the weaker points of development interventions with indigenous communities'. A reason for this, the report explains, is partly the lack of experience that these communities have with credit. In response to this situation, IFAD developed a 'vulnerability-based microcredit experiment in Gujarat' (India) which may demonstrate a more appropriate approach for supplying micro-credit to indigenous peoples by combining four products: credit, savings, micro-insurance, and in-kind banking.<sup>115</sup>

### Participation throughout the project cycle

Indigenous peoples and minorities need to participate in projects affecting them *throughout* the project cycles. There are two key stages when these groups are usually forgotten: the design/planning stages of the project, and the monitoring and evaluation stage.

#### *Early participation*

Participation by indigenous peoples and minorities in development projects should be sought by aid agency *at an early stage* of the project cycle and not, as so many projects do, as 'an afterthought', when the project is well under way. A lack of early participation is a common

weakness of many projects – such as SUBIR for example, or the Central Cordillera Agricultural Programme in the Philippines, an evaluation of which was presented at a recent EU/DANIDA-funded conference on indigenous views of development.<sup>116</sup>

This is particularly regrettable since empirical evidence suggests that participation at the early stages of a project (needs assessment/planning) is critical to the project's success.<sup>117</sup> Indeed, early participation ensures that stakeholders agree with the premises of a project. This makes it much more likely that stakeholders will 'buy into' the project and assume responsibility for its success. This kind of 'buy-in' is less likely to occur when stakeholder participation is sought only at later stages of the project. The Integrated Community Development Programme in Jharkhand, India (described further in Box 14) offers an example of successful early participation – participation which was maintained throughout the project cycle – notably because during the preparation of the programme proposal, the director of the programme visited the targeted area, consulted the villagers in village council meetings, explained the projects and invited feedback.

An additional benefit of early participation is that it gives stakeholders the opportunity to begin at an early stage to acquire the new skills and confidence necessary if they are eventually to assume responsibility for the project – the capacity-strengthening this entails is an important benefit for indigenous peoples and minorities. When stakeholders begin to participate only in later stages of a project, they may have insufficient time to develop these skills and this confidence, which can lead to frustration, distrust and withdrawal.

This issue of early participation is of particular importance in projects affecting indigenous peoples. These groups' cultural distinctiveness as well as their special relationship to their ancestral land are often ignored in the planning process. As a result, they are less likely to be willing to participate in the project if invited to do so later on. In addition, many indigenous peoples have been negatively affected by past development projects and thus are likely to be unwilling to trust development agencies; their active involvement during project design and planning is of key importance in getting them to 'buy into' the project. Whether or not they are targeted beneficiaries, their early involvement in the planning phase of the project should ensure, at a minimum, that they offer their free and informed consent to a project that will affect them.

#### *Obtaining free prior informed consent (PIC)*

The definition of free prior informed consent proposed by the Indigenous Peoples Rights Act of 1997<sup>118</sup> can be seen as a model to guide our understanding of consent:

*'the consensus of all members of the [Indigenous Cultural Communities/Indigenous Peoples] to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community.'*

The three adjectives 'free', 'prior' and 'informed' give full meaning to the principle of consent.<sup>119</sup> Consent is meaningful only if:

- it is obtained freely, i.e. without any coercion or threat of coercion;
- information is made available in a timely manner and in a form and language understandable to all community members;
- it is sought early – i.e. *prior* to any action taken.

Although the principle of 'free and informed' consent is mentioned in several key human rights instruments (such as in Article 17 (2) of the ILO Convention No. 169, or Articles 10, 12, 20 and 27 of the UN Draft Declaration on the Rights of Indigenous Peoples), the important adjective 'prior' seems to be mentioned only in Article 30 of the Draft Declaration on the Rights of Indigenous Peoples:

*'Indigenous peoples have the right to ... require that States obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.'*

#### **Box 13 No consent sought from the Bihar of West Bengal (India)**

The first time the people of Bihar in West Bengal (India) heard of the Kutku dam was when huts were constructed for workers and surveyors began to walk across their fields with tape measures. The construction of the dam on the Kutku River began in 1985. For a decade, indigenous peoples living in the area tried to halt the construction of the dam – they organized demonstrations and submitted memoranda to the authorities, but to no avail. As the dam was being completed, in August 1997, incessant rain lashed the area and the dam wrought havoc. It blocked the flow of the Kutku River, causing flash floods in a dozen villages on the borders of the drought-prone Palamu and Garhwa districts, affecting hundreds of people. Six villages, including Kutku, Sorba and Tanti, were completely

submerged, leaving between 300 to 500 people homeless. The death toll was officially put at three, but 27 villagers were reported missing.

*Source:* Colchester, M., *Sharing Power: Dams, Indigenous Peoples and Ethnic Minorities*, Moreton-in-Marsh, England, Forest Peoples Programme (World Commission on Dams, Thematic Paper), 2000; *The Indian Express* 12 August 1997.

*Participation during monitoring and evaluation phases*  
Anecdotal evidence indicates that participation by indigenous peoples and minorities during monitoring and evaluation phases of projects/programmes is extremely infrequent. For projects targeting these groups, this is damaging to project sustainability as a key factor to project success is the continual monitoring of progress towards the project objectives. For projects that either target or impact on these groups, such monitoring should ensure that they participate in, and benefit from, or at least, are not harmed by, the project.

The following should be taken into consideration when developing monitoring systems:

1. Monitoring systems should be in place and ready to operate *at the beginning of the project*. Baseline data should be recorded early as well. Baseline studies should include:
  - community access to resources, and obstacles to such access;

- community use, development and protection of resources;
- baseline socio-economic studies.

2. Indigenous peoples and minorities should be fully involved in the creation and choice of indicators, especially when designing impact indicators which are key to measuring participation. This is obviously important to project sustainability: only if project beneficiaries understand the meaning of the indicators (i.e. the results of the evaluation) will they be able to act on them and modify the project accordingly.
3. Whenever possible, data from a control group (i.e. a group with characteristics similar to those to be affected by the project but who will not be affected by it) should be collected.
4. Data should be disaggregated by relevant categories: ethnicity, religion, language and gender.

Box 16 describes a project where indigenous peoples did participate in its monitoring phase. The project case study notes that, as a result of such participation ‘communities are empowered by their own information-gathering efforts’.<sup>120</sup>

#### Ensuring meaningful participation

The UN Declaration on the Right to Development specifies that participation should be ‘meaningful’. This is a key dimension of participation that must be measured when evaluating the level of participation by indigenous peoples and minorities.

As Table 5 illustrates, several typologies or ‘ladders’ of participation have been developed.

**Table 5 Ladders of participation**

<i>Levels of participation</i>	<i>Arnstein (1969)</i>	<i>Thoburn, Lewis, Shemmings (1995)</i>
Level 7	Citizen control Involvement in service design	Delegated power
Level 6	Delegated power	
Level 5	Partnership	Partnership participation
Level 4	Placation Consultation	Involvement
Level 3	Consultation	Keeping fully informed
Level 2	Therapy	Placation
Level 1	Manipulation	Manipulation

*Sources:* Arnstein, S.R., ‘A ladder of citizen participation’, *Journal of the American Planning Association*, vol. 35, no. 4, 1969; Thoburn, J., Lewis, A. and Shemmings, D., *Paternalism or Partnership? Family Involvement in the Child Protection Process*, London, HMSO, 1995.

Each successive level of participation on these scales can be considered as more 'meaningful' than the preceding one. Level 1 indicates that participation is used against the best interests of participants; this has too often been the type of participation experienced by indigenous peoples and minorities. Levels 2–4 correspond to 'one-way participation', usually understood as communication (of information) from the beneficiaries to the agencies (in case of a survey for example); it can also mean communication of information from the agencies (or any other stakeholder) to the beneficiaries (advertising the project; offering information to the beneficiaries so that they can make informed choice, etc.). Levels 5 and up can be considered full participation, as they involve a real *dialogue or partnership* between parties: there is mutual consultation and sharing of ideas.

There are many examples of low levels of participation (Levels 1–4). For example, in a recent case study of the Cameroon component of the Forest Eco-Systems of Central Africa programme, a programme affecting the Baka pygmies of the Dja Reserve, it is noted that 'communications with local communities have largely been limited to the mere provision of information, aimed primarily at transmitting a message regarding the project's own vision of conservation activities'.<sup>121</sup>

Boxes 14 and 15 present examples of projects which have successfully managed to ensure a high level of beneficiary participation.

**Box 14 Ensuring indigenous participation: management positions for indigenous professionals in the integrated community development programme in Jharkhand, India**

The Integrated Community Development Programme (ICDP) was implemented with the objectives of empowering and strengthening the capacity of Adivasis. It was financially supported by the European Commission (EC) between April 1998 and March 2001.

During the preparation of the programme proposal, the director of the programme visited the targeted area, consulted the villagers in village council meetings, explained the projects and invited feedback. In addition, indigenous field workers who operated as a link between the villagers and the programme (and recruited on the basis of nominations made by the villagers) were crucial to the ICDP's implementation and management.

ICDP targeted 80 villages with a total population of over 25,000 Adivasis. This indigenous people

living in the targeted area is extremely poor, isolated, and receives no state services. In addition, the Adivasis are losing their traditional lands at a very rapid rate.

ICDP's success in ensuring indigenous peoples' participation is, to a large extent, due to the fact that it was implemented essentially by indigenous professionals from the Xavier's Institute of Social Services (XISS), located in Ranchi, Jharkhand.<sup>122</sup> (Diakonia, a Swedish NGO, was the other implementing agency.) A recent evaluation of the programme noted: 'the indigenous staff were... in a good position to relate to the beneficiaries as well as identify the needs of their communities'.<sup>123</sup>

The evaluation of the programme concludes that the ICDP was an 'overwhelming experience'. It increased the economic capacity of villagers, and had positive effects in health care, education and social organization.

*Source:* Chakma, S., 'Integrated Community Development Programme in Jharkhand (erstwhile Bihar) by Diakonia and Xavier Institute of Social Services', Case study presented at the Speaking Out Conference (Indigenous Views of Development and the Implementation of the EU Policy on Indigenous Peoples), Brussels, 2002.

**Box 15 Co-management of the Kaa-lya del Gran Chaco National Park by indigenous peoples of Bolivia**

The institutional framework in Bolivia provides for an active participation of civil society (indigenous peoples, rural groups and NGOs) in the management of National Parks. Indeed, a specific site can be managed through an agreement with a national-level agency called the National Protected Areas Service (SERNAP).

The Kaa-lya del Gran Chaco National Park located in the south-central part of Bolivia is one of the largest tracts of pristine Chaco ecosystem remaining in the country. Its fauna is very diverse and its flora rich in endemic species. In 1995, this park was put under the joint management of the Ministry of Sustainable Development and Planning and an indigenous organization named

Capitania del Alto y Bajo Izozog (CABI) for an initial 10-year period. In 1996, the park's 'Management Committee' was established; it consisted of the Ministry and CABI representatives, and other members such as local villagers and an indigenous women's group.

The Management Committee is required to assist in the definition of long-term management policies of the park. It also should actively participate in the preparation, execution and evaluation of the management and operational plans for the park.

A biodiversity protection programme stemming from the management plan brought together in a partnership agreement an international NGO (Wildlife Conservation Society, WCS) and CABI. Both CABI and WCS desired to protect the Gran Chaco ecosystem; CABI's goal was to block the expansion of agriculture and to provide a model of development based on the principle of conservation and sustainability; the NGO's goal was to protect the region's biodiversity.

The partnership between CABI and WCS had very positive results according to a recent evaluation: 'it has brought benefits to the [indigenous peoples] who, in spite of having a good understanding of the habits of the local wildlife, did not have the experience to assess wildlife population health and nutritional requirements'. The monitoring system used by the indigenous peoples allows communities to collect data and act upon them. As a result 'communities are empowered by their own information-gathering efforts.... The groups indeed began to discover their own potential to analyse problems.'

Source: Beltrán, J., 'Case Study 1', in J. Beltrán (ed.), *Indigenous, and Traditional Peoples and Protected Areas: Principles, Guidelines and Case Studies*, Gland, Switzerland and Cambridge, UK, IUCN and WWF (Adrian Phillips, Series Editor), 2000.

## Avoidance of adverse impact

Development projects have adversely impacted on indigenous peoples and minority communities in many dramatic ways – there are numerous examples of forced resettlements, displacements, non-existent, inappropriate or inadequate compensation, and other human rights

abuses.<sup>124</sup> Development projects have also negatively affected community relations. An extreme case is that of the Kaptai dam constructed in the mid-1960s in the Chittagong Hill Tracts, a region of Bangladesh, with the support of USAID, which is now recognized as an important trigger for the ensuing 30-year long deadly conflict in the region.<sup>125</sup>

In fact, the negative impacts of large development projects have served as a trigger for multilateral donors such as the World Bank, the Asian Development Bank and the Inter-American Bank to produce fairly comprehensive policy statements vis-à-vis indigenous peoples.<sup>126</sup> Both inside and outside pressure led development agencies to produce policy guidelines intended initially to mitigate or avert such negative consequences. The World Bank's 1982 policy directive, 'Tribal people in Bank-financed projects', which was one of the earlier documents of the sort, was adopted largely as a result of heated debates within and outside the Bank over its involvement in the Polonoeroeste project – to which the Bank had loaned US\$443 million to help finance the construction of a road over 1,000 km long through the Brazilian Amazon. The construction of this road led to the seizing of lands from indigenous peoples and massive deforestation.<sup>127</sup>

However, despite the adoption of policy statements on indigenous peoples, abuses are still taking place. Many development projects are still violating the rights of indigenous peoples, as well as minorities. In a recent (2000) review of dams, indigenous peoples and ethnic minorities, the authors write:

*Also worrying for Indigenous Peoples and Ethnic Minorities are the apparently low standards of Best Practice that the multilateral agencies seem to have accepted. ... [T]he Asian Development Bank has stated that the resettlement of Iban Dayaks to make way for the Batang Ai dam in Sarawak was an example of a "culturally sensitive and economically sound programme".... Other assessments are more sanguine. The project caused the displacement of some 2,800 Iban from 26 longhouses. A study carried out by the Sarawak Museum before the project began showed that 98% of the Iban still practised their traditional religion and maintained a strong attachment to their traditional customs, beliefs and traditional aspects of longhouse living.... Many gave as a condition for accepting their removal that they not be resettled on a land scheme, that they be assured the possibility of growing rice and of maintaining their mixed economy of hunting and farming. Eventually the Iban were persuaded to move in exchange for promises of free housing, free water, free electricity and 11 acres of land per family. The reality has proved a bitter experience. Not only were they resettled on a Government land scheme, but they were forced to change their way of life radically. Rice cultivation proved*

*impossible on the terraces prepared for them and they were obliged to set up as small-holders on a plantation scheme. Incomes fell to the point that according to one study 60% of households were below the State poverty line, with the majority of respondents reporting that lack of land was their main problem.*<sup>128</sup>

A key response of the adoption of the principle of avoidance of adverse impact should be the inclusion of indigenous peoples and minorities as equal partners in the design and implementation of projects, the securing of free, prior, informed consent from affected indigenous peoples and minority communities, and the design of a compensation plan to which these communities agree. While the need for compensation is clear, it is much less obvious how workable mechanisms can be established for ensuring that reparations are paid in a timely and fair fashion, and for holding dam builders responsible for past damage. In Thailand, two years after completion of the Pak Mun, a dam built 1994, the Thai electricity utility which had built it was forced by villager protests into paying retroactive compensation for fisheries losses suffered during the three years while the dam was under construction. More than 6,200 families received cash payments of \$1,200 each, with additional amounts of between \$1,200 and \$2,400 per family paid into a villager-controlled agricultural cooperative (the villagers have kept fighting for compensation for ongoing fisheries losses due to dam operation).<sup>129</sup>

Key to the success of any reparations funds will of course be the structures for overseeing and implementing how they are spent. While these structures would have to vary according to local contexts, one essential principle would be that affected communities would have the ultimate say in any decisions on compensation payments and social development or environmental restoration projects. Reparations committees, including representatives of affected communities, governments, and in some cases perhaps international agencies, could be set up at the project, regional or national level. The committees would establish priority uses of reparation funds and monitor payments and projects paid for by the funds.

## Increasing minority and indigenous well-being

The concept of well-being is necessarily expansive – it has physical, economic, social and cultural dimensions that must be taken into account in any assessment. Agenda 21, adopted at UNCED (United Nations Conference on Development and Environment) in June 1992 makes mention of the ‘cultural, social, economic and physical well-being of indigenous peoples’. Article 7 (2) of ILO Convention No. 169 states:

*‘The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement ...’*

Agencies should seek in their activities to promote the rights of indigenous peoples and minorities, in a manner that improves their well-being in ways such as the following:

- entitlement to land and resources;
- higher disposable income;
- access to micro-finance;
- access to market for their goods;
- improvement of access to health facilities and medicines;
- promotion of education – particularly multicultural and bilingual education;
- changes in national legislation (see below);
- improvement in community relations.

Box 16 describes a development project that helped bring such benefits to the Ju/’hoan Bushmen from Namibia.

### Box 16 The Ju/’hoan Bushmen manage and benefit from the Nyae Nyae Conservancy in Namibia

The Namibian Nature Conservation Act of 1996, which has replaced the Nature Conservation Ordinance of 1975, gives local communities the proprietorship of wildlife on communal land and the concessionary rights over commercial tourism on such land. Local communities are thus allowed to organize themselves into legal bodies, called conservancies.

The Nyae Nyae Conservancy (NNC) was created in 1998 with a membership of 620 Ju/’hoan Bushmen. The Ju/’hoan Bushmen live in extreme poverty and face numerous development challenges (health, education, unemployment, etc.). Originally a ‘cattle fund’ to provide Ju/’hoansi with livestock, tools and seeds, the NNC was the first conservancy to be registered in Namibia, and was the first one to enter into a contract that allows a safari company to bring in clients to hunt agreed-upon types and numbers of game. The original contract has since been re-tendered and, along with donations of game from the safari company, earns the conservancy approximately US\$30,000 per year in cash.

Partners include the Government of Namibia, USAID, World Wildlife Fund/US and Integrated Rural Development and Nature Conservation Agency.

### Achievements and results

- Established an area (9,000 sq. km) of communal land where communities have control over natural resource management and utilization through a statutory body officially recognized by the national government.
- Generates US\$37,000 in yearly revenue. These funds are used to cover operating costs and to pay dividends to conservancy members. When asked how they spent their dividends, members indicated they bought food and clothes for their children.
- Increase of potential for tourism through the expansion of biodiversity with the introduction of 730 game animals.
- Through the programme, conservancy members are gaining knowledge and experience, while the wildlife in the conservancy area is being managed in a way that directly benefits the Bushmen and, at the same time, enhances the sustainability of the area's natural resources.

### Weaknesses and challenges

- Jobs tends to be distributed mainly to adult males.

### Potential for replication

The experience was replicated elsewhere in Namibia.

*Source:* Lee, R., Hitchcoch, R. and Biesele, M. (eds), 'Foragers to First Peoples', *Cultural Survival Quarterly*, vol. 26, no. 1, 2002; Hitchcoch, R. and Biesele, M. (eds), 'Controlling their destiny: the Ju'oansi of Nyae Nyae', *Cultural Survival Quarterly*, vol. 26, no. 1, 2002.

## Valuing, respecting and protecting cultural diversity and indigenous knowledge

Respecting indigenous peoples and minorities' own visions and priorities for development implies a fundamental respect for cultural diversity and the recognition of the diversity of the development concept itself. This is

a principle clearly recognized by the ILO Convention No. 169, article 7 (1) which states:

*'The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development.'*

As Anne Deruyttere, IDB specialist on indigenous peoples, points out, aid agencies need to work with indigenous peoples 'on their own terms', and to accept that culture and development go hand in hand and are key to sustainability.<sup>130</sup> This point is clearly illustrated by the case of the Hill Areas Education programme in Thailand (see Box 17), a pilot project which eventually became a national-level programme notably through its ability to integrate traditional concepts, knowledge and practice, thus ensuring high levels of participation and 'ownership'.

### Box 17 The Hill Areas Education (HAE) programme in Thailand: a flexible educational model integrating indigenous knowledge and traditions

The Hill Areas Education (HAE) programme was developed in 1980 by the Department of Non-Formal Education of Thailand, with financial support from USAID. It was designed to address the low levels of education and literacy among highland peoples; its geographic reach included four provinces and it affected six hill tribes: Akha, Karen, Lahu, Lisu, Meo and Yao. Most of the villages participating in the programme were very isolated and fare much worse than the rest of the country in terms of health, nutrition, housing and education.

The HAE centred on the idea of '*ashram*', a concept that promotes a holistic educational model, where 'life-skills' are taught at the community level. The programme targeted both adults and children, and defined basic literacy as a 'life-skill'. Indeed, illiterate hill-tribe peoples (who also often lack Thai citizenship and registration cards) often have very restricted rights and are at a disadvantage when marketing their produce, purchasing goods and requesting government services.

The project was led and administered by many local hill tribe peoples. Thirty-five per cent of its curriculum focused on basic academic skills and 65

per cent on integrated life skills; approximately 20 per cent of the life skills component was developed locally.

A recent evaluation of the first six years of the project implementation reached the following conclusions:

- the HAE had reached 15,000 adults and children: ‘this level of involvement surpassed the enrolment rates that might have been expected if only formal education had been available’;
- ‘th[e] locally developed component [of the curriculum] proved to be a valuable method of tailoring the curriculum towards socio-cultural practices and demands of the hill-area populations’; in addition, ‘a number of participating communities have been pleased that the curriculum and teacher methods helped promote a broader appreciation of traditional culture’.
- ‘the HAE Project’s central focus on community-based learning promoted an unprecedented level of local involvement. Enrolment, attendance, advancement, and achievement increased for both children and adults, and more ethnic minority teachers were brought into the system’;
- ‘the HAE Project was designed and launched at a time of national policy change, and it received important political support during the critical pilot phase when the government formally endorsed the tailoring of educational programs to the unique needs of ethnic minorities. This high-level push helped sustain local and regional efforts ...’<sup>131</sup>

The six-year pilot project was so successful that the programme was extended at the national level and continues to function today, more than 20 years after it started.

*Source:* ADB, *Case Study: Hill Areas Education Program – Thailand*, Manila, ADB, 2000; *Health and Education Needs of Ethnic Minorities in the Greater Mekong Sub-Region*, Research Triangle Institute (RTI), Programs of Good Practice, 2000.

Respect for cultural diversity implies a respect for indigenous knowledge, so often neglected or underestimated in development projects (such as SUBIR). A key

instrument addressing this issue is article 8 (j) of the Convention on Biodiversity (CBD):

*‘Each party shall, as far as possible and as appropriate, and subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.’*

Indigenous knowledge can be extremely beneficial, as the example in Box 18 illustrates.

#### **Box 18 Pest management of pigeonpea through indigenous knowledge in India**

India’s poor often use pigeonpea in their diet as an important source of protein. The cultivation of pigeonpea is often threatened by an insect (the pod borer) that causes crop losses of up to 100 per cent in spite of heavy use of insecticide.

The Centre for World Solidarity, an international NGO working in India, conducted a programme of integrated pest management (IPM) for the cultivation of pigeonpea and chickpea crops – a programme funded by the International Fund for Agriculture Development (IFAD) and the International Crop Research Institute for the Semi-Arid Tropics (ICRISAT). The researchers learned about an indigenous practice used by poor farmers to protect the pigeonpea; it consists of shaking the plants in order to dislodge and then destroy the pod-borer larvae. The technique was found to be very effective, destroying up to 97 per cent of the larvae, a much better result than that achieved with insecticides, without damaging the plant. In addition, it is a very cost-effective option for poor farmers.

The researchers who conducted this study have recommended that the traditional shaking method for controlling the pod-borer be promoted in the other pigeonpea-growing areas of India as well.

*Source:* Ali, S.M.A., ‘Indigenous technical knowledge for controlling pigeonpea pod-borer’, *Indigenous Knowledge and Development Monitor*, November 2000

## Non-discrimination<sup>132</sup>

### Definition and discussion

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) states in Article 1.1 that:

*'In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.'*

Discrimination should obviously be fought against from an ethical standpoint: the principle that all human beings are equal and need to be treated as such is embedded in such human rights instruments as the UN Charter, the UDHR, ICERD, the UN Minority Declaration and the ILO Convention No. 169 (see Table 1, for examples of relevant articles). Under this body of international human rights law, states have a clear obligation to ensure non-discrimination – in fact, this principle has become part of customary international law, which signifies that all states are obligated to recognize it.

There are also social and economic reasons to fight against discrimination, as there is a clear link between discrimination and the non-realization of economic, social and cultural rights. The fact that individuals are less likely to achieve their rights if they are discriminated against has been clearly established. For example, as the ILO seven-year project on Combating Discrimination Against Migrant and Ethnic Minority Workers in the World of Work (1991–9) made clear, discriminatory practices in the workplace are likely to prevent social integration and generate social unrest.<sup>133</sup> There are also well-known economic arguments against discrimination.<sup>134</sup> States have an obligation to ensure that the policies they develop to achieve economic, social and cultural rights benefit everyone equally.

Nonetheless, most indigenous peoples and minorities suffer daily from discrimination which threatens their dignity and their identity. As the Dutch policy on indigenous peoples states, 'they meet with contempt, and a failure to recognize the value of their culture and their traditional knowledge'.<sup>135</sup> They are constantly disadvantaged by discriminatory practices – when applying for a job, a place in school, seeking health care or during day-to-day activities. Article 4 (1) of the Minority Declaration and Article 3 (1) of the ILO Convention No. 169 both re-affirm the right of these groups to non-discrimination (see Table 1).

As was made clear during the World Conference Against Racism (Durban, 2001), where agencies such as the IDB, World Bank and UNDP were present, states must do more to fight against discrimination, including in development; the Conference's Programme of Action:

*'Urges States and encourages the private sector and international financial and development institutions, such as the World Bank and regional development banks, to promote participation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance in economic, cultural and social decision-making at all stages, particularly in the development and implementation of poverty alleviation strategies, development projects, and trade and market assistance programmes.'*

### Good practice

In order to ensure that development projects effectively deal with the issue of discrimination, it is necessary to undertake an in-depth socio-cultural analysis prior to the project's implementation in order to assess the extent of social exclusion. Such an analysis should also point to strategies to identify and reach out to the most discriminated-against indigenous and minority communities.

A number of strategies should be in place to build the trust of indigenous and minority participants. An example of a successful project in this respect is the Civic Participation Initiatives (CPI), a USAID/Save the Children project implemented by the International Rescue Committee in Kosovo/a (2000–1). An independent review of the project concluded:

*'Although peace building and the integration of ethnic minorities into Kosovar society was not an explicit objective of the CPI, strategic choices had to be made early on in order to address issues raised by ethnic tensions. Despite a difficult start in one of the two areas of responsibility (AoR) of the program, a certain level of trust was eventually built up, allowing, for example, ethnically mixed meetings and training. A key to this success was ethnic sensitivity on the part of CPI personnel – especially the Field Officers, who were the liaison between the communities and the organization, and thus key to trust-building.'*<sup>136</sup>

The review underlined the importance of selecting ethnically sensitive Field Officers, who, 'at the outset of the program show a tolerance of other ethnicities... [as] they represent a bridge between the minority and the "outside"'. In addition, the candidates for Field Officer positions should be warned that tolerance and sensitivity are require-

ments of the programme and they should be informed whether they are expected to work with minority groups. As a result of these strategies, several minority adolescents were allowed by their parents to participate in 'ethnically mixed training' because the community knew and came to trust the Field Officers. Minorities advocate for representation in

development agencies at the local level through affirmative action employment policies that ensure minorities are among project staff at all levels. This can ensure greater access to local offices by minority groups and also greater internal capacity for understanding the needs of minorities, and for delivering services to them more effectively.

# Recommendations

MRG recommends:

1. Development agencies that have adopted policies on indigenous peoples and minorities should review the implementation of these policies through:
  - (a) Evaluation studies of the impact of existing projects on indigenous peoples and minorities, both those projects that specifically target indigenous peoples and minorities and the impact of overall development plans on these groups;
  - (b) Adoption of indicators of evaluation that are based on the rights of minorities and indigenous peoples;
  - (c) Establishment of monitoring and complaints mechanisms that are accessible to indigenous peoples and minorities.
2. Those development agencies that have not adopted policies on indigenous peoples and minorities should do so, in close cooperation and consultation with representatives of these groups. Policies should aim to respect, protect and fulfil the rights of ethnic, religious and linguistic minorities and indigenous peoples at all stages of the development process.
3. Development agencies should commission studies to identify good practice vis-à-vis minorities and indigenous peoples in development projects. These studies should actively engage minority and indigenous communities in the assessment of good practice and in the elaboration of lessons learned from each project experience.
4. Development practitioners should be trained on international standards on the rights of minorities and indigenous peoples.
5. Capacity-building for minorities and indigenous peoples should be integrated into development programme activities as appropriate, with a view to strengthening participation of minorities and indigenous peoples in all stages of the development project cycle. Steps should be taken to ensure the inclusion of minorities and indigenous peoples among development project staff at the local level.

# Appendices

## Appendix 1 Evaluation guidelines for projects impacting on minorities and indigenous peoples

Both projects which specifically target minorities and indigenous peoples and those which simply affect minorities and indigenous peoples need to be monitored and evaluated from the standpoint of these groups.

The yardstick used to evaluate these projects should be rights instruments specifically addressing minority and indigenous peoples as well as other international human rights instruments. They should provide a basis for the conceptual framework of the evaluation (see Table 1).

### Measuring participation

The evaluation of the participation of indigenous peoples and minorities living in the area where the project was implemented requires an analysis of the project's success, or lack thereof, in:

- identifying and reaching these peoples;
- obtaining their free and informed consent about all relevant aspects of the project both prior to implementation (and with respect to subsequent changes);
- ensuring their participation throughout the project cycle;
- ensuring a meaningful participation.

### Identifying and reaching indigenous peoples and minorities

- Was there an in-depth socio-cultural analysis undertaken prior to starting the project?
- Were PRA techniques (or other participatory methods) used?
- Was geographic information sought? How were the results used?
- Are there indigenous peoples/minorities that were overlooked during project preparation? If yes, were there mechanisms in place to ensure that they could 'join in'?
- What percentage of indigenous peoples/minorities vs non-indigenous peoples/minorities have actually been

participating in the project compared to the demographic composition of the area; what is the percentage of indigenous and minority women participating in the project?

- Has the project worked with relevant local, regional or national indigenous or minority organizations?

### Obtaining free prior informed consent

- Did all members of the community affected consent to the decision, including women and poorer peoples?
- Was consent determined in accordance with customary laws and practices?
- What mechanisms were put in place by the implementing agency/agencies to ensure that appropriate and accurate information was delivered in a timely manner, in a form understandable by all?
- Do the indigenous peoples/minorities feel that they were sufficiently informed about the project, prior to its implementation and during all phases of the project cycle?
- Was the information given actually accurate, delivered in a timely manner, and understood by all minorities and indigenous peoples?
- How easy/difficult was it for these groups to obtain the information?

### Participation throughout the project cycle

- What was the scope and breadth of participation by minorities and indigenous peoples at earlier stages of the projects?
- Have they continued to participate throughout the project cycle? Were there mechanisms in place to ensure that groups could join at any stages of the project?
- Were they involved in the monitoring and evaluation phases? Have they participated in the development of indicators (of impact, success, etc.)?
- Was the information collected for the monitoring and evaluation of the project disaggregated in terms of ethnic/indigenous group affiliation?

### Ensuring meaningful participation

The way in which stakeholders are asked to contribute to the project is often an indicator of the significance of their participation. If indigenous peoples and minorities are asked to contribute to the project only in labour, and

never in sharing ideas about the project, their participation cannot be considered as meaningful and it is unlikely that the project will ever be sustainable. Stakeholders can participate in a given programme in a variety of ways, including through contributions:

- In money. This is relatively easy to measure. It is better to ask about the level of contribution in percentage terms (of, say, disposable income) than in absolute value terms since this allows cross-project comparisons.
- In kind. For example: material to build a school.
- In labour. This can be measured in hours spent on tasks related to the project but it might be difficult for stakeholders to answer with any degree of precision.
- In ideas. This can be measured by exploring stakeholder participation in organized meetings/workshops, interviews or questionnaires, or their roles in the project management and implementation team.

The following should be asked when assessing whether participation by minorities and indigenous peoples was meaningful:

- In what way(s) were they asked to participate? Have they contributed to the project in kind, in money, in labour, in ideas?
- Have they been asked to participate in meetings/workshops? Have they actually participated in them? Did they feel their ideas were taken seriously by project staff or others? Did they feel they had sufficient opportunity to express their ideas? Did they have job responsibilities in the project?
- To what degree do local-level organizations actually represent the best interests of their constituency? How do they function? Is there a board or an executive committee that is democratically elected? What is the percentage of women in the organization at large/in management position? Are there votes on major policies and resource allocations? Is there any restriction on group membership?

### **Assessing the impact of the project on the well-being of indigenous peoples and minority communities**

- Were the goals of the project regarding its impact on indigenous peoples and minorities (as defined in the project proposal) reached?
- To what extent do indigenous peoples and minorities feel that the project has led to an economic, social, political or cultural improvement of their situation?
- Were minorities and indigenous peoples consulted, during project design, about what constituted their priorities and how these fitted in with the project's goals?

- Has the project responded to their needs and priorities in terms of, for example, education, religion, culture, language, land ownership, access to credit, etc.?
- What were the unintended consequences of the project?
- Has the project negatively or positively impacted on relations within and between communities?

### **Assessing the capacity-strengthening efforts of the project**

- Were the specific capacity-strengthening strategies designed by project staff (such as training) implemented as foreseen? Were they monitored and evaluated? How could they have been improved? Were the roles and expectations of project participants clearly defined? Were they realistic in light of their actual technical capacities?
- The results of the strategies: have the beneficiaries increased their skills, knowledge, self-esteem, etc. as a result of the project activities? Were the skills/competencies acquired relevant? Were they actually used by participants? Is it likely that they will be used when agency support of the project ceases? Are the project beneficiaries likely to be able to mobilize resources when outside support ends? As a result of project activities, have project participants' expectations been raised unrealistically?
- Organizational capacity: to what extent have the organizations supported by the project increased their capacity to mobilize resources (how and how much), to manage conflicts, to communicate and advocate effectively, to achieve their goals?

### **Assessing the project's effectiveness in dealing with the issue of discrimination**

- Was an in-depth socio-cultural analysis undertaken prior to the project's implementation to assess the extent of social exclusion and to point to strategies to identify and reach out to the most discriminated-against indigenous peoples and minorities? Were the results of the analysis used? How?
- Were there strategies in place to build the trust of potential indigenous peoples and minority participants? Were there liaison officers between the communities and the rest of the project staff? Were there mechanisms ensuring that indigenous peoples and minorities could voice complaints?
- Were project staff sensitive to the issue of discrimination? Was this a criterion in selecting project personnel? Did the staff receive any form of training or special preparation? How were staffing issues addressed? What percentage of the staff was drawn from indigenous and/or minority groups (from the region/country and from outside)? In which positions?

## Appendix 2 SUBIR case study: field trip itinerary

20 June: Arrival in Quito, Ecuador

21–5 June: Quito

- Discussion with SUBIR current and former staff: Walter Palacios (EcoCiencia), David Thomas (EcoCiencia), Emma Child (SUBIR), Marcelo León Jara (SUBIR), Paulina Bacca (SUBIR), Manolo Morales Feijóo (SUBIR), Jeannie Zielinski (SUBIR), Patricio Hernandez (SUBIR).
- Review of SUBIR project documents.

26 June: *En route* to Bórbon (Esmeraldas) with SUBIR staff (Henry Quiroz)

27 June–1 July: Field trip in Esmeraldas Province.

- Visits to the following communities:
  - Guadual (Chachi village, about 65 families): focus-group discussion with about 6–7 village leaders including Sergio Cimarron, Metardo Erazo, Carlos Luis Bretano de la Cruzimarron; visit to the village.
  - Majua (Afro-Ecuadorian village, about 15 families): interviews with two women: Angel Nazareno and Miriam Caicedo; visit to the village school and other buildings.
  - San Miguel (Afro-Ecuadorian village, about 60 families): focus-group discussion with about 10 women; interviews with village leaders.
- While travelling by canoe on the river linking these isolated communities: interviews with various Chachi and Afro-Ecuadorian individuals familiar with SUBIR – such as Luis Lopez, a Chachi from SUBIR's Network of Producers (*acopiadores*).
- Discussion with SUBIR's local staff (in Bórbon).

2–6 July: Quito

- Interviews with the following key-informants:
  - Freddy Pianchiche Anapa; President of FECCHE;
  - Luis Alberto Nazareno, UONNE;
  - Ines Morales, President of the Consejo Regional de Palenques;
  - Cesar Navarrete, Consejo Regional de Palenques.
- Discussion with SUBIR staff (Paulina Bacca).
- Review of SUBIR project documents.

## Appendix 3 List of persons interviewed

**Indira Simbolon** (Asian Development Bank), Social Development Specialist, Regional and Sustainable Development Department

**A. Deruyttere** (Inter-American Development Bank), Indigenous Peoples and Community Development Unit, SDS/IND Sustainable Development Department, Inter-American Development Bank, Chief

**Aklog Birara** (World Bank), Senior Adviser on Racial Equality

**Ingunn Klepsvik** (NORAD, Norwegian Agency for Development Cooperation), Director, Department for Latin America, the Middle East and South Eastern Europe

**Anders Ørnemark** (Head of Section, ODA Policy and Planning Department, Royal Danish Ministry of Foreign Affairs) and **Valerie Bandeira de Lima Sax** (Task Manager, European Commission, EuropeAid, Human Rights and Democracy) also kindly agreed to review relevant sections of this report.

# Notes

- 1 [www.unhchr.ch/development/approaches-04.html](http://www.unhchr.ch/development/approaches-04.html). See also E/CN.3/Sub.2/AC.4/2001/2.
- 2 UNICEF is an example of an agency which has developed a very comprehensive rights-based approach to all its development activities. Santos Pais, M. (1999), *A Human Rights Conceptual Framework for UNICEF*, Florence, Italy, UNICEF.
- 3 Ministry of Foreign Affairs, *Review Report. Strategy for Danish Support to Indigenous Peoples*, Copenhagen, DANIDA, 2001, p. 170.
- 4 Other relevant international instruments that have been adopted at the international or regional levels are also considered. These include the ILO 'Core' Conventions, especially the Discrimination (Employment and Occupation) Convention (1958), Convention No. 111; the Draft of the Inter-American Declaration on the Rights of Indigenous Peoples (approved by the Inter-American Commission on Human Rights of the Organization of American States in 1997).
- 5 The first Optional Protocol (1966) enables the Human Rights Committee, set up under that Covenant, to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant; the Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at the Abolition of Death the Penalty was adopted by the UN General Assembly in 1989.
- 6 Article 27 of the ICCPR states: 'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.'
- 7 E/CN.4/Sub.2/AC.5/2000/WP.1 (Commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities).
- 8 Obviously, it should be seen only as a starting point: further analysis and reflection on key human rights instruments, as well as the practice of development agencies should be undertaken, involving representatives of minorities and indigenous peoples, and taking into account the conclusions of past workshops and conferences. If appropriate, two different sets of principles, one for minorities, and one for indigenous peoples, should be developed.
- 9 The workshop was co-sponsored by the Biodiversity Support Program, Forest Peoples Programme, International Work Group on Indigenous Affairs, the International Alliance of Indigenous-Tribal Peoples of the Tropical Forests, and World Wide Fund for Nature – Denmark. The Roundtable was funded by USAID.
- 10 Interview with Aklog Birara, Senior Adviser on Racial Equality, World Bank, 24 May 2002.
- 11 It was noted by a reader reviewing this report prior to its publication, that a reason for this might be that minorities are actually less in need than indigenous peoples. One could argue the exact opposite: minorities are, in some cases, less organized and less able to press their demands because they are more in need, more destitute, and isolated than indigenous peoples in general. In Ecuador for example, the Afro-Ecuadorian minority is even poorer and more socially excluded than indigenous peoples (see Section II of this report).
- 12 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
- 13 ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries, No. 169 ratified by 17 countries at November 2002: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Guatemala, Honduras, Mexico, Netherlands, Norway, Paraguay, Peru, Venezuela.
- 14 For more on issues related to the legal definition of minority, to differences between such notions as 'assimilation' or 'integration', see Thornberry, P., *International Law and the Rights of Minorities*, Oxford, Clarendon Press, 1991.
- 15 In MRG's website, it is noted that 'Minority Rights Group International (MRGI) focuses its work on non-dominant ethnic, religious and linguistic communities, who may not necessarily be numerical minorities'.
- 16 *Study of the Problem of Discrimination against Indigenous Populations: Conclusions, Proposals and Recommendations*, UN Doc E/CN.4/Sub.2/1986/7 Add.4.
- 17 In her working paper on the concept of indigenous peoples presented at the Working Group on Indigenous Populations Erica-Irene A. Daes identifies 'at least' two factors which distinguish indigenous peoples from minorities: 'priority in time and attachment to a particular territory'. Daes, E-I., 'Standard-setting activities: evolution of standards concerning the rights of indigenous peoples', Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Working Group on Indigenous Populations, 1996, p. 19. (E/CN.4/Sub.2/AC.4/1996/2).
- 18 This, obviously, makes terminology a sensitive issue. For example, at the UN level, the Group which worked on the Draft Declaration on the Rights of Indigenous Peoples was called for many years the 'UN Working Group on Indigenous Populations' (and not peoples).
- 19 Thornberry, op. cit., rightly mentions that 'there is clearly an overlap between the general case of minorities and the specific issue of indigenous groups' (p. 33). 'Indigenous rights' are a broader concept than 'minority rights', for they also concern, among others, such issues as land rights and self-determination.
- 20 Daes, op. cit., p. 19. She also adds that the Capotorti definition of minorities, for example, does not help to distinguish between the concepts of 'indigenous' and 'minority'.
- 21 A list of potential case studies was initially compiled by contacting development practitioners from bilateral, multilateral and international non-governmental agencies, and researchers from academic institutions. SUBIR was eventually chosen by the researcher in consultation with MRG.
- 22 Personal email from Jorge Uquillas, 2 May 2002. A few days later, Jorge Orbe informed us that a field visit could be organized but not during the requested dates (personal email 6 May 2002).
- 23 Colchester, M. and Griffiths, T., *Indigenous Peoples, Forests and the World Bank: Policies and Practice*, August 2002.
- 24 Sanjayan, M.A., Shen, S. and Jansen, M., *Experiences with Integrated Conservation Development Projects in Asia*, World Bank Technical Paper 388, Washington, DC, World Bank, 1997.
- 25 Newmark, W.D. and Hough, J.L., 'Conserving wildlife in Africa: Integrated Conservation and Development Projects and beyond', *BioScience*, vol. 50, no. 7, 2000, pp. 585–92.

- 26 For example, another extremely interesting project implemented in Laos which was pre-selected as a possible case study was eventually rejected for these reasons. It was a water and sanitation project targeting poor minority women and originally jointly funded by the Department for International Development (DFID), UK, Canadian Food for the Hungry International (CFHI) and Canadian International Development Agency (CIDA). However, the lead-time necessary to organize the field-trip (getting an official invitation, obtaining visas, organizing the trip within the country, etc.) would have taken several months.
- 27 The Ecuadorian forests have one of the world's highest rates of endemic species. They harbour dozens of mammal and bird species severely threatened by extinction, including spectacled bears, jaguars, ocelots, mountain tapirs, brown-headed spider monkeys and white-throated Capuchin monkeys. Bird species include the plate-billed mountain toucan, Esmeraldas woodstar, great green macaw, crested eagle, harpy eagle and the Andean condor.
- 28 Mills Booth, E., *Starting with Behavior: A Participatory Process for Selecting Target Behaviors in Environmental Programs*, USAID Document Number: PN-ABY-389, 1996.
- 29 'Ecuador: protecting forest in danger'. *World Rainforest Movement Bulletin*, no. 7, December 1997.
- 30 One of Ecuador's three main geographical divisions, located in the eastern part of the country.
- 31 Online description of SUBIR. [www.ns.care.org.ec/subir](http://www.ns.care.org.ec/subir) (visited 1 June 2002).
- 32 Gentry, A. and Dodson, C., 'Biological extinction of western Ecuador', *Annals of the Missouri Botanical Garden*, no. 78, pp. 273–95.
- 33 Cited in Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Ecuador*, Organization of American States (Chapter IX. Human Rights Issues of Special Relevance to the Indigenous Inhabitants of the Country), 1997.
- 34 Influenza, pneumonia and viral diseases have taken a harsh toll. *Ibid.*
- 35 *Ibid.*
- 36 MRG, *World Directory of Minorities*, London, MRG, 1997. *World Factbook 2001*, Washington: CIA.
- 37 Project proposal, cited in Phase I Evaluation.
- 38 See map, p. 12.
- 39 CARE-Ecuador, *SUBIR, Phase II*, Quito, Ecuador, CARE, 1997. Some of the reasons cited for these management and geographical changes include: the duplication of administrative processes, delays in decision-making processes, management conflicts and scattered efforts as a result of 'the geographic spread and logistical difficulties of simultaneously initiating activities in three major protected areas'.
- 40 Mills Booth, *op cit.*
- 41 Interviews with SUBIR staff, Ecuador, June 2002.
- 42 Based on indigenous organizations' estimates. Official census figures have long underestimated their numbers, citing figures closer to 10 per cent. See Knapp, G., *Potential Ethnic Territories: Mapping Linguistic Data from Modern Andean Censuses*. Texas Papers on Latin America, Austin, Institute of Latin American Studies, University of Texas at Austin, 1989, pp. 89–113. For example, for the 1990 census, *campesino* and indigenous organizations were not closely collaborating in the process, which resulted in estimated census omissions of 7 per cent. See Inter-American Development Bank, *Support for the Population and Housing Census and Strengthening of the National Statistics System* (Ec-0197) <http://www.iadb.org/exr/doc98/apr/ec1296e.pdf>.
- 43 For a historical review of these policies, see Grijalva, A., *The Status of Traditional Indian Justice in Ecuador*, Andean University, Ecuador Campus, 2000.
- 44 The indigenous tradition of organizing along ethnic lines dates back to the Inca empire and subsisted during the time of the Conquistadors. In modern times, this tradition has been kept alive and even legally encouraged. In 1937, indigenous and peasant pressure led the Ecuadorian legislature to pass the *Ley de Organización y Régimen de Comunas* (commonly called the *Ley de Comunas* or Law of Communes), intended to extend legal protection to rural communities organized in *comunas* in order to protect them from attacks and exploitation from outside forces. As a result of this law, 338 communities legally organized themselves as *comunas* during the first three years that this new law was in effect. See Becker, M., 'Comunas and rural community organizations in Cayambe, Ecuador', Paper prepared for delivery at the 1997 joint meeting of the Midwest Association for Latin American Studies (MALAS) and Illinois Council of Latin Americanists (ICLAS), Edwardsville, IL and St Louis, MO, 1997. Today, there are about 2,300 grassroots indigenous organizations at the community level and 180 organizations at the regional, provincial or national levels. See Van Nieuwkoop, M. and Uquillas, J.E., *Defining Ethnodevelopment in Operational Terms: Lessons from the Ecuador Indigenous and Afro-Ecuadorian Peoples Project*, Washington, DC, The World Bank, 2000.
- 45 In 1989, a variety of indigenous peoples united under an umbrella organization called the Confederation of Indigenous Nationalities of Ecuador (CONAIE). Since its inception, CONAIE has led a variety of social and political movements to protect indigenous rights, shedding light on many of the problems that indigenous communities face daily. It planned a seven-province uprising during the term of President Rodrigo Borja Cevallos (1988–94), seizing oil wells and taking military hostages. Its demand included the return of various traditional community lands, the recognition of Quenchua as an official language, and compensation for environmental damage caused by petroleum companies exploiting the Amazon basin. During Sixto Durán Ballén's presidency (1992–6), CONAIE and other indigenous movements organized widespread demonstrations to protest against a land development law. More recently, on 21 January 2000, in the context of the severe economic recession, and in reaction to the decision to replace the country's currency with the US dollar, indigenous peoples, supported by military officials and led by CONAIE, stormed the presidential palaces and overthrew the then-president Mahuad in a bloodless coup. Gustavo Noboa, Mahuad's successor, carried on the dollarization process.
- 46 Article 1 of the Constitution states: 'Ecuador is social state of law, sovereign, unitary, independent, democratic, multicultural and multiethnic...'
- 47 However, as a recent study of the Inter-American Development Bank on land titling issues underlines: 'there are concerns that [this concept] is based on the Amazonian context where territorial affiliation is related to ethnic and cultural identity, rather than to the *sierra* region where indigenous lands are more fragmented and ethnic affiliations are less precise'. Plant, R. and Hvalkof, S., *Land Titling and Indigenous Peoples*, Washington, DC, IDB, 2001, p. 34.
- 48 Van Nieuwkoop and Uquillas, *op. cit.*
- 49 A *parroquia* is Ecuador's smallest administrative division.. The country is divided into 22 provinces (*provincias*); each province is divided into *cantónes* and each *cantón* is divided into *parroquias*.
- 50 Van Nieuwkoop and Uquillas, *op. cit.*
- 51 World Bank Appraisal Document for PRODEPINE, *Project Appraisal Document, Ecuador – Indigenous and Afro-Ecuadorian Peoples Development Project*, International Bank for Reconstruction and Redevelopment, International Development Association, Latin America and the Caribbean Regional Office, Country Department III.
- 52 Encalada, E., Garcia, F. and Ivarsdotter, K., *La participación de los pueblos indígenas y negros en el desarrollo del*

- Ecuador, Washington, DC, Inter-American Development Bank, 1999. Estimates vary between 4,000 (see <http://abyaya.nativeweb.org/ecuador/chachi/>) and 10,000 (interview with Freddy Pianchiche, President of FECICHE, June 2002).
- 53 *World Rainforest Movement (WRM) Bulletin*, no. 29, December 1999.
- 54 During the last national census, there was one question pertaining to ethnicity. At time of writing, the detailed census results are not yet available.
- 55 Independent Media Center, 'Consolidating the Afro-Ecuadorian voice: Guayaquil, August 2001', <http://www.indymedia.org/>.
- 56 Interview with Ines Morales, President of the Consejo Regional de Palenques, June 2002.
- 57 'The English word "Maroon" derives from the Spanish cimarrón – itself based on an Arawakan (Taino) Indian root. Cimarrón originally referred to domestic cattle that had taken to the hills in Hispaniola, and soon after, to American Indian slaves who had escaped from the Spaniards on that Caribbean island. By the end of the 1530s, the word was being used primarily to refer to Afro-American runaways and already had strong connotations of "fierceness" – of being "wild" and "unbroken." See Price, R., 'Maroons in the Americas: heroic pasts, ambiguous presents, uncertain future', *Cultural Survival Quarterly*, vol. 25, no. 4, January 2002.
- 58 Lane, K. and Romero, M.D., 'Miners and Maroons: freedom on the Pacific coast of Colombia and Ecuador', *Cultural Survival Quarterly*, vol. 25, no. 4, January 2002.
- 59 According to Cesar Montufar, a political scientist at the Simon Bolivar Andean University, Ecuador is 'probably one of the most racist country in South America'. Cited by BBC World News. 'Ecuador's World Cup Goal', 12 April 2002.
- 60 Okezi Otovo, 'Invisibility and the Afro-Ecuadorian population: research report abstract', Georgetown University, School of Foreign Service, Center for Latin American Studies.
- 61 The evaluation will not address other important questions that should be kept in mind when assessing the overall value of the project, such as its cost-effectiveness/efficiency.
- 62 For example, although an interview guideline was developed, it was used flexibly where strict adherence would not have been appropriate.
- 63 All the information relative to the surveys was provided by Paulina Baca (SUBIR).
- 64 In order to collect reliable and useful baseline data, the following rules should be applied:
1. A baseline needs assessment questionnaire (or any other data collection tools such as interview guidelines, focus-group discussion guidelines, etc.) needs to be developed with full involvement of key programme stakeholders; this would ensure the full ownership of the data collected, and thus the usefulness of the exercise.
  2. The questionnaire needs to be pre-tested on a small group of people (it could be fellow staff members) in order to ensure that it is not too long, and that the questions are easy to understand.
- 65 This definition is adapted from: Lavergne, R. and Saxby, J., 'Capacity development: vision and implications', *Capacity Development*, Occasional Series No. 3, CIDA Policy Branch, January 2001; Lusthaus, C, Adrien, M.H., Andersen, G. and Carden, F., *Capacity Development: Definitions, Issues and Implications for Planning, Monitoring and Evaluation*, Ottawa, IDRC, 1999; Horton, D. (ed.), *Learning about Capacity Development through Evaluation: Perspectives and Observations from a Collaborative Network of National and International Organizations and Donor Agencies*, The Hague, International Service for National Agricultural Research, 2001.
- 66 Rhoades, R.E. and Stallings, J. (eds), *Integrated Conservation and Development in Tropical America: Experiences and Lessons in Linking Communities, Projects and Policies*, SANREM CRSP and CARE-SUBIR, 2001, p. 238. It should be noted that capacity-strengthening was not solely the responsibility of SUBIR's organizational strengthening component. Through its land use component, for example, the project provided training to young farmers in agro-forestry techniques.
- 67 In social planning, for example, the following subjects were covered: participatory diagnosis, community planning, formulation and evaluation of projects, communal administration of small businesses, human relations, accounting and leadership. See Rhoades and Stallings, op. cit., p. 238.
- 68 Ibid.
- 69 This is considered a capacity-strengthening endeavour insofar as land titling increases resource access.
- 70 In addition, the law created a number of ambiguities and did not always sufficiently take into consideration the internal structures of indigenous communities. For example, the law permits the state to expropriate land that has been left fallow for more than two years. This requirement is inconsistent with indigenous land use systems in some regions of the country: Amazonian forest-dwelling indigenous peoples clear and cultivate small gardens on a rotating basis. Their methods of managing and harvesting the resources of the forest are consistent with their needs and with the characteristics of the forest topsoil which is shallow and poorly suited to the intensive cultivation methods contemplated in the law.
- 71 For example, the community of Playa de Oro (Esmeraldas province) was legally defined as a parish and not a 'comune' which prevented this community from obtaining community title to its land.
- 72 Feijóo, M.M., 'Community paralegals and land tenure', in Rhoades and Stallings, op. cit.
- 73 Interview with SUBIR staff members, June 2002.
- 74 Feijóo, op. cit.
- 75 Interview with evaluator, June 2002.
- 76 *La Hora*, 25 February 2002.
- 77 Interview with Luis Lopez, Ecuador, June 2002.
- 78 Interview, Ecuador, June 2002.
- 79 Jara, M.L. 'The Community Forest Network: a tool for strengthening community capacity', in Rhoades and Stallings, op. cit., pp. 179–89.
- 80 'Análisis de las encuestas', March 2002. Pauline Baca, SUBIR/CARE-Ecuador.
- 81 Interview with Paulina Baca, June 2002.
- 82 M.L. Jara explains that each community member of the RFC must set up 'a Forestry Committee which is made up of a forestry administrator, community residents who work in the forest, and equipment operators (of chain saws, etc.).... The Forestry Committee is subject to a set of operating regulations that must be approved by the entire community and which cover all aspects related to logging. These include: a management plan, a work plan, rules for selection and felling of trees, accounting procedures for all phases of the activity, etc.... Communities associated with the RFC form a Business Company, a legal entity which functions as a company whose shareholders are communities.... As a Business Company, the RFC's structure includes the General Board of Shareholders, the Board of Directors, a President, and Administrator or Manager, and administrative and support personnel.' Jara, op. cit., p. 187.
- 83 'Análisis de las encuestas', March 2002. Pauline Baca. SUBIR/CARE-Ecuador.
- 84 Interview with Paulina Baca, Quito, Ecuador, June 2002.
- 85 Data provided by Jatun Sacha.
- 86 Interview with Guadual community leaders, Guadual, Ecuador, 25 June 2002.
- 87 For example: interviews with Freddy Pianchiche Anapa, President of UONNE, and Ines Morales, the President of the Consejo Regional de Palenques; focus-group discussions in Guadual, Majua, and San Miguel, June 2002.

- 88 Tables 3 and 4 are adapted from a SUBIR internal document: *Sistematización de información de desarrollo y manejo existente en la region norte de la provincia de Esmeraldas. Proyecto SUBIR. Octubre de 2001.*
- 89 Interview, Majua, Ecuador, June 2002.
- 90 Cited in p. 1 of USAID, *Sustainable Uses for Biological Resources (SUBIR), Phase I Evaluation*, 1994.
- 91 Interviews with SUBIR staff (P. Baca and J. Zielinsky), Quito, Ecuador, June 2002.
- 92 Wells, M. and Brandon, K., *People and Parks: Linking Protected Area Management with Local Communities*, Washington, DC, The World Bank, WWF and USAID, 1992.
- 93 Cited by WWF, *Integrated Conservation and Development*, KDP Training Programme, Asian Institute of Technology, GPU Box 4, Khlong Luang 12120, Thailand, 1999.
- 94 Newmark and Hough mention, among others, the following reviews: Kiss, A. (ed.), *Living with Wildlife: Wildlife Resource Management with Local Participation in Africa*, Washington, DC, World Bank. Technical Paper no. 130, 1990; Oates, J.F., 'The dangers of conservation by rural development – a case study from the forests of Nigeria', *Oryx*, vol. 29, 1995, pp. 115–22; Alpert, P., 'Integrated conservation and development projects', *Bio-Science*, vol. 46, 1996, pp. 845–55. See Newmark and Hough, op. cit.
- 95 Interviews with women from Majua, Ecuador, June 2002.
- 96 These principles should obviously not be the only ones used for a project/programme or policy evaluation – others, such as sustainability or cost-effectiveness, must also be considered to obtain a balanced picture. They are, however, of particular relevance to all projects or policies affecting minorities and/or indigenous peoples.
- 97 Narayan, D., *The Contribution of People's Participation. Evidence from 121 Rural Water Supply Projects*, Washington, DC, The World Bank, 1995.
- 98 Picciotto, R., *Putting Institutional Economics to Work: From Participation to Governance*, Washington, DC, The World Bank (World Bank Discussion Paper No. 304), 1995.
- 99 Borrower Success Stories. Microcredit Summit (<http://www.Microcreditsummit.org/stories/alta.htm>). Site visited 10 August 2000.
- 100 'Conclusions and recommendations', Speaking Out Conference (Indigenous Views of Development and the Implementation of the EU Policy on Indigenous Peoples), Brussels, 2002.
- 101 'Unconsolidated Working Group reports: notes from Working Group A', Speaking Out Conference (Indigenous Views of Development and the Implementation of the EU Policy on Indigenous Peoples), Brussels, 2002.
- 102 IDB, *Summary of Evaluation Findings of 10 Projects that Include Indigenous People as Beneficiaries*, Washington, DC, IDB (Office of Evaluation and Oversight), 2002.
- 103 For more on PRA and other participatory methods and tools, see Appendix I of *The World Bank Participation Sourcebook*, Washington, DC, The World Bank, 1996.
- 104 An exception is the Dutch policy which does raise the issue of 'the legitimacy of representation', as well as the connection between capacity-building and participation. The Danish policy brings up the issue of the marginalization of indigenous peoples at the national level which leads to their virtual exclusion from participation at this level. See: Ministry of Foreign Affairs of The Netherlands, *Indigenous Peoples in the Netherlands Foreign Policy and Development Cooperation*, Development Cooperation Information Bulletin, No. 11(E), Ministry of Foreign Affairs, The Hague, 14 May 1993.
- 105 Mompoti, T. and Prinsen, G., 'Ethnicity and participatory development methods in Botswana: some participants are to be seen and not heard', *Development in Practice*, vol. 10, no. 5, November 2000.
- 106 IFAD, 'Valuing diversity in sustainable development – IFAD experiences with indigenous peoples in Latin America and Asia', draft for discussion, Rome, 2002.
- 107 Ibid.
- 108 Narayan, op. cit.
- 109 Chakma, S., 'Integrated Community Development Programme in Jharkhand (erstwhile Bihar) by Diakonia and Xavier Institute of Social Services', Case study presented at the Speaking Out Conference (Indigenous Views of Development and the Implementation of the EU Policy on Indigenous Peoples), Brussels, 2002. The programme's objectives were the improvement of the Adivasis' empowerment and capacity-building.
- 110 Narayan, op. cit.
- 111 This definition is adapted from Lavergne and Saxby, op. cit.; Lusthaus *et al.*, op. cit.; Horton, op. cit.
- 112 Ministry of Foreign Affairs of the Netherlands, 1993, op. cit.
- 113 Ibid.
- 114 Reddy, S. and Vandemoortele, J., *User-Financing of Basic Social Services*, UNICEF (Working Paper number EVL-97-001), 1997.
- 115 IFAD, op. cit.
- 116 Carino, J.K. and Dacanay, C., 'The impact of the Central Cordillera Agricultural Program (CECAP) on the indigenous people's communities in the Cordillera, Philippines', Case study presented at Speaking Out Conference (Indigenous Views of Development and the Implementation of the EU Policy on Indigenous Peoples), Brussels, 2002.
- 117 Rifkin defines the degree of participation in the needs-assessment phase as one of the five key factors which influence community participation. Rifkin, S. *et al.*, 'Primary health care: on measuring participation', *Social Science Medicine*, vol. 26, no. 9, p. 938.
- 118 This Act was enacted by the Congress of the Philippines.
- 119 This conception of consent is embodied, in one form or another, not only in the policy instruments of many international organizations, but also in the legal systems of many democratic countries.
- 120 Beltrán, J., 'Case study 1', in Beltrán, J. (ed.), *Indigenous, and Traditional Peoples and Protected Areas: Principles, Guidelines and Case Studies*, Gland, Switzerland and Cambridge, UK, IUCN and WWF (Adrian Phillips, Series Editor), 2000.
- 121 'The ECOFAC Project and the Baka Pygmies of the eastern borders of the Dja Biosphere Reserve (Eastern Province, Cameroon)', Case study presented at Speaking Out Conference (Indigenous Views of Development and the Implementation of the EU Policy on Indigenous Peoples), Brussels, 2002.
- 122 XISS provides training in social work.
- 123 Chakma, op. cit., p. 13.
- 124 See for more examples about dams: Colchester, M., *Forest Peoples Programme Dams, Indigenous Peoples and Ethnic Minorities*, Prepared for the World Commission on Dams (WCD), Cape Town, South Africa, Secretariat of the World Commission on Dams, 2000 ([www.dams.org](http://www.dams.org)).
- 125 Donais, T., 'Bangladeshi hill people struggle for survival', *Peace and Environment News*, March 1996. Samaddar, R., 'Autonomy, self-determination and the requirements of minimal justice in South Asia', Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights (Working Group on Minorities), 2001.
- 126 The focus of these first policy papers was relatively narrow – both in terms of the groups targeted (such as 'forest-dwelling people') and the scope of the actions recommended (avoid or mitigate negative effects). See for example: World Bank, *Operational Directive. OD 4.20*, Washington, DC, 1991. Newer versions were eventually produced which sought not simply to mitigate or avert the negative consequences of the agencies' activities but also to

- direct those activities so as to positively impact on indigenous peoples and minorities. World Bank, *Draft Operational Policies (OP 4.10)*, Washington, DC, 2002; World Bank, *Draft Bank Procedures (BP 4.10)*, Washington, DC, 2002. In the 1990s, bilateral agencies joined multilateral banks in producing comprehensive policy guidelines firmly linking human rights and development. See for example: Ministry of Foreign Affairs, *Strategy for Danish Support to Indigenous Peoples*, Copenhagen, DANIDA, 1994; Ministry of Foreign Affairs of the Netherlands, op. cit.
- 127 See, for example, Anderson, Jack, 'World Bank's Brazilian fiasco', *Washington Post*, 15 May 1986, p. B11.
- 128 Colchester, op. cit., pp. 51–2.
- 129 McCully, P., 'After the deluge: the urgent needs for reparations for dam victims', *Cultural Survival Quarterly*, vol. 23, no. 3, 1999.
- 130 Telephone interview with Anne Deruyttere, June 2002.
- 131 'Case Study: Hill Areas Education Program – Thailand', ADB, *Health and Education Needs of Ethnic Minorities in the Greater Mekong Sub-Region*, Research Triangle Institute (RTI), Programs of Good Practice, 2000, pp. 119–20.
- 132 For more on this issue, see the excellent ILO report, *Challenging Discrimination in Employment: A Summary of Research and A Compendium of Measures*, Geneva, ILO, 2000.
- 133 Ibid., p. 11.
- 134 For example: 'by discriminating in recruitment, employers may be passing over some of the best qualified candidates for the job, on irrelevant grounds, such as nationality or race. If they recruited only on the basis of aptitude... there need not be any sacrifice of potential productivity', *ibid.*, p. 12.
- 135 Ministry of Foreign Affairs of the Netherlands, op. cit.
- 136 Janet, S., *Evaluation of the Civic Participation Initiative: Program of the International Rescue Committee*, New York, IRC, 2001.

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# working to secure the rights of minorities and indigenous peoples

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The objective of this issues paper is to document good practice of development agencies in relation to minorities and indigenous peoples, using a rights-based approach.

Although some development agencies have taken steps to adopt policy documents on indigenous peoples (virtually none have done so for minorities as yet), the gap between policy and successful implementation remains.

Nevertheless, good practice does exist and this issues paper provides examples from around the world. A detailed case study from Ecuador on the SUBIR (Sustainable Uses for Biological Resources) project, which impacted on indigenous and Afro-Ecuadorian communities, clearly demonstrates the value of integrating good practices in project design.

The paper shows how good practice, that respects the rights of minorities and indigenous peoples and has a positive impact on their human development, gives meaning to good policy.

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