

# Indigenous Peoples and Conservation

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## A White Paper prepared for the MacArthur Foundation

### *Executive Summary*

Indigenous Peoples (IP) make up one third of the world's poor, and their territories overlap with all the biodiverse regions of the world. IP occupy and protect vast forests that are being assessed and presented in the REDD market for Global Climate Change mitigation. They suffer human rights abuses from repressive governments, civil conflict and protected areas imposition on their territories. The strengths of IPs as conservation and development partners include their diversity, self-organizing abilities, knowledge, their internal accountability, and their locally-adapted cultures. They are nations based on and in the natural environment. Opportunities to address the intersection of IP and conservation have increased and will continue to expand for the next decade. IP importance as key conservation actors is now generally acknowledged. Indigenous Peoples and their representative organizations (IPOs) are taking more actions against damaging development and industries threatening their lands and waters, at great personal risk. The urgent need for supporting IPOs and their support organizations is growing.

The MacArthur Foundation's CSD Strategy and portfolio for the past decade (2000-2009) emphasized mainstream support for US-based conservation organizations and agencies which receive considerable funding from other sources. In the past decade, MacArthur did not take the initiative to support IPOs conservation actions or human rights. The regional portfolios in Asian and African geographical focal regions did not include support for IPOs. In the Melanesian focal region where IP control governments, MacArthur funding supported conservation projects in a continuing tradition of supporting conservation organizations' engagement with coastal management in that region for the past several decades. In the Latin America region, where IPOs are particularly strong and indirect funding reached the most IPOs, only 21 projects over the past decade included IP issues.

A few American foundations, European funders, bilateral and multilateral agencies, and NGOs have provided limited support to IP for several decades, and have accumulated a wealth of lessons and recommendations for working with IP. Successful examples of IP support projects are described in detail, and lessons are summarized. There are cultural and expectation barriers that can limit successful relationships donors and IPOs. These barriers are presented, together with recommendations for overcoming those obstacles.

More diverse and creative partnerships between donors, IP support organizations, and IPOs are possible taking local contexts as a key reference point. There are cultural and procedural constraints on both sides. Donors can be constrained by regulations and internal policies. In some situations, direct relationships may be feasible and best, and in others support organizations will be necessary as intermediaries, subgranting mechanisms, or to provide complementary support to that which is given directly.

For IP stewardship to be strengthened in a wholistic manner, and to take best advantage of opportunities for assisting IPOs to conserve biodiversity, it is suggested the MacArthur Foundation initiate a new Indigenous Peoples Funding Framework that would link assistance across focus countries and the Global Security and Sustainability Program (Conservation and Sustainable Development, Human Rights, Migration, Population, and Peace and Security).

Within the CSD program, it is recommended that a two pronged strategy would be most productive and most likely to produce significant results:

- 1) Introduce effective, proactive processes to change the "old style" conservation that threatens to damage IPOs and human rights into conservation that supports human rights and good governance; and
- 2) Support proactive IPOs and their trusted support organizations to create a strong network of territorially based, accountable IPOs conserving biodiversity locally and leading national constituencies for ecologically-sustainable development, rejecting damaging infrastructure and controlling extractive industries.

Under this strategy, the CSD Global IP program would establish an Independent Inspection Panel and a Peace and Reconciliation initiative to address human rights concerns related to conservation. Regional CSD IP programs would be the essential heart of the IP Framework grounding it in diverse local situations. Regional programs would develop appropriate mechanisms aiming to provide medium-sized grants to IPOs and their support organizations within the first five years.

IP projects would be based upon IPO-led project design. It is expected that typical CSD IP projects would include landuse mapping, zoning, establishment of internal regulations, titling of territories, studies of biodiversity, environmental education, legal defense, and ecologically-friendly income-generating activities. Projects could focus on training and assisting local communities to monitor environmental impacts of extractive industries on their lands and waters; protected areas administration funding, legal/policy analysis; establishment of posts/settlements to protect territorial borders from invasions; health care and education; gender and youth-elder programs in accord with Life Plans/Territorial Plans and priorities for maintaining resource management by their communities.

With these elements, over the next ten years, the MacArthur IP Funding Framework would strengthen IPOs and build support networks across IPOs and their support organizations in order to significantly stabilize biodiverse landscapes and revive living ecosystems in Asia, Africa, Latin America and the Arctic.

The White Paper is based on review of relevant background materials and analyses, expert knowledge and experience, and interviews with 33 experts working at the intersection of conservation and IP following the guiding questions in the TOR. The paper is organized to respond to the key questions in the TOR. It begins with a global perspective on situations, opportunities and issues; and ends with specific recommendations.

# Indigenous Peoples and Conservation

## A White Paper for The MacArthur Foundation

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*"The MacArthur Foundation supports creative people and effective institutions committed to building a more just, verdant, and peaceful world. In addition to selecting the MacArthur Fellows, we work to defend human rights, advance global conservation and security, make cities better places, and understand how technology is affecting children and society."*

### 1.0 Introduction

This MacArthur Foundation White Paper focuses on opportunities at the complex intersection of two dimensions -- Indigenous Peoples (IP) and Conservation. The value of incorporating IP concerns into biodiversity conservation programs will only increase over the next decade. As noted by a recent publication,

"[U]nprecedented exposure and pressure, and risk to local people and their forests, is being met by unprecedented levels of local organization and political influence, providing nations and the world at large tremendous opportunity to right historic wrongs, advance rural development and save forests. But the chaos in Copenhagen at COP15 laid bare the looming crises that the world will face if the longer-term trends of ignored rights, hunger, and climate change remain inadequately addressed in 2010." (RRG 2010)

It is thus timely for MacArthur Foundation to commission a White Paper on Indigenous Peoples and Conservation, as part of the Foundation's decadal evaluation and strategic planning process to support the Foundation's vision for building "a more just, verdant and peaceful world."

Over the past twenty years, multiple analyses of the issues and opportunities around the intersection of these two sectors created by the geographic overlay between the places of interest to conservation and the places occupied/owned by Indigenous Peoples have converged on the same key recommendations. Many positive examples of collaboration have been documented to serve as pilots and produced lessons to guide the way forward. Yet, despite these analyses and convergent recommendations, the recommendations have rarely been followed, and, as a result, globally relations between Indigenous Peoples and conservation organizations are worse now than they were in 2000.

At the same time, opportunities to address the intersection of IP and conservation have increased and will continue to expand. Compared to earlier decades, the existence of 370 million IPs and IPs' importance as key conservation actors are now generally acknowledged. Indigenous Peoples are taking more actions against damaging development and industries threatening their lands and waters, sometimes at great personal risk. Indigenous Peoples' global public profile has grown from marginalized or invisible to the 2010 profile where Indigenous Peoples and their concerns form the plot of the most profitable movie ever produced - Avatar.

In 2000, the United Nations Permanent Forum on Indigenous Issues was established as an advisory body to the Economic and Social Council of the United Nations, to: provide expert advice and recommendations on indigenous issues to the Council, as well as to programmes, funds and agencies of the United Nations, through the Council; raise awareness and promote the integration and coordination of activities related to indigenous issues within the UN system; and prepare and disseminate information on indigenous issues.

The United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) is now the key defining reference document guiding engagements with Indigenous Peoples. The UNDRIP was initiated in 1982 by a Working Group on Indigenous Population within the UN Economic and Social Council, and UNDRIP was ratified 25 years later by the UN, in 2007. UNDRIP addresses the issues that face historically-marginalized Indigenous Peoples by confirming their rights to self-determination and human rights, with freedom from racial discrimination, forced assimilation and forced relocation, and supporting their freedom to their own decision-making mechanisms, cultural heritage, language, religion, cultural diversity, education, and identity, as well as their rights to resources and land, traditional knowledge, land use planning, and gender equality among the key rights, that nations and others have obligations to recognize and support.

The successful passage of the UNDRIP in 2007 was largely accomplished by the strengthening of Indigenous Peoples Organizations (IPOs) from grassroots to subregional, national and international levels over the past three decades. This institutional strengthening was driven by indigenous leaders and their grassroots constituents with limited support from external donors.

The sectoral intersection of IPs and conservation is not only defined by geographic overlap of biodiversity distribution but by also a geographic overlap with invisible local civil society institutions that govern local relationships. At an even more invisible level, these geographic spaces are filled with human rights comprised of an indivisible bundle of civil, economic, cultural, political, property and environmental rights. Individuals and groups holding the rights are rightsholders or rights bearers. All in the rightsholders' environment are duty-bearers who carry obligations to act to protect human rights directly and to create the conditions for other duty-bearers to fulfill their responsibilities, even in the absence of national legislation or regulations protecting human rights (Coulter et al 2009). According to international law, human rights cannot be negated by states, nor can states negate duty-bearers' responsibilities to uphold human rights. Human rights duty-bearers include donors and NGOs. Duty-bearers fulfill their duties by working together with rightsholders to create and use systems to prevent / redress violations, creating a positive feedback loop to consolidate norms and accountability that support healthy civil society. Rights are violated by duty-bearers who fail to act on their responsibilities.

Yet while conservation NGOs grew exponentially in terms of annual budgets during the past two decades, they have not significantly changed their ways of doing conservation work that negatively impact IPs and other traditional communities. Chapin's 2004 article "Challenge to Conservationists" brought into public debate old issues that had circulated behind closed doors in conservation organizations for many years, and became a point of departure for many subsequent analyses and books, as well as triggered donors to support extended dialogues among conservation organizations to discuss how they could improve their human rights record beginning in 2005. Five years later, in 2010, those dialogues have culminated in the creation of the IUCN Conservation Initiative on human rights - under which the seven large conservation NGOs agreed to a set of human rights principles that are intended to encourage them to adapt new rights-based strategies to uphold human rights in their work. Insiders are dubious that this will change behavior any more than other policy changes over the forty years since Raymond Dasmann argued for conservation institutions to establish a different relationship with the "biosphere people" with whom protected areas overlap (Dasmann 1991). NGOs like all institutions will act in their own best interests for maintaining and expanding themselves through links to multiple funding sources with their own agendas, and will also be bound by bureaucratic inertias. While cherry-picking can produce reports of "successes" in supporting IP rights, overall conservation has a very mixed record (Alcorn & Royo 2007). Instigating real change in duty-bearer behavior will require strong internal leadership within donors and international NGOs, beyond signing off on another new policy initiative.

Indigenous leaders are currently driving the drafting of a Universal Declaration of Mother Earth's Rights at an international meeting hosted by the Bolivian government -- highlighting on the world stage that the conservation agenda does not only belong to the international conservation organizations and protected areas agencies. IP leaders have repeatedly demonstrated their commitments as allies to conservation, based on deep cultural roots and traditions. A Canadian Ojibway prophecy passed down from the 1700s talks of a checkerboard that will advance through the forests and surround the community until a stone falls from the sky and the expanding ripples cross the lake and change the landscape. When an Ojibway flies away from Pikangikum community today, from the sky he/she can see the checkerboard pattern in the landscape around them confirming the prophecy. The leaders' stated hope is that their vision of a different kind of development will spread out from their community lands and create those spreading ripples that will in turn change the checkerboard back into functioning ecosystems.

Indigenous Peoples have participated in the COPs of the Convention on Biological Diversity (CBD), where Article 8j provides a wedge for IP participation, through contributing their "traditional knowledge, innovations and practices" to biodiversity conservation. The CBD Programme of Work on Protected Areas mandates countries to fully involve IPs and to recognize IPs own conservation areas. Generally, however, CBD has taken a route similar to many donors - focusing on meetings around language and culture rather than on supporting advances in resource /land tenure and other rights essential for maintaining the traditional knowledge valued by CDB. For example:

" The interrelated nature of biological diversity, traditional knowledge, and language necessitates a comprehensive approach to the conservation of biological diversity. Indigenous languages are treasuries of vast traditional knowledge concerning ecological systems and processes. Indigenous languages hold knowledge about how to protect and sustainably use some of the most vulnerable and biologically diverse ecosystems in the world. Losing linguistic and cultural diversity has been directly linked to losing biological diversity." -- message of Dr. Ahmed Djoghlaif, Executive Secretary Convention on Biological Diversity on the occasion of the International Day of the World's Indigenous Peoples, 9 August 2008.

IPs continue to stand up for themselves and risk their lives to maintain their relationships to their biodiverse lands in Peru, Ecuador, Borneo, Nepal, Vietnam, China and DRC -- to name but a few of the sites in the daily reports of the ongoing siege on IPs human rights, lands, natural resources and dignity. Press releases, videos, and internet listserv discussions of indigenous rights violations posted by IP and their support organizations have reduced the isolation of IP situations over the past ten years.

The TOR for this report can be found in ANNEX 1. The consultant drew on decades of experience with IP, donors and conservation organizations; background research for previous papers on the topic; recent publications and reports; materials provided by MacArthur Foundation; and interviews with 33 experts working at the intersection of conservation and IP, following the guiding questions in the TOR, including people with extensive experience with donors, conservation organizations, support organizations, IP organizations, and policy organizations (11 with global cross-regional experience; and 6 focused on Asia, 9 focused on Latin America and 7 focused on Africa). The paper is organized to respond to the key questions in the TOR; begins with a global perspective on situations, opportunities and issues; and ends with specific recommendations for regional and global actions.

## **2.0 The importance of, and opportunities for, supporting Indigenous Peoples to achieve objectives of conservation and sustainable development over the next ten years.**

The opportunities for supporting IPs to achieve conservation and sustainable development over the next ten years are vast and significantly important.

### **2.1. The Indigenous Peoples dimension**

#### **2.1.1. IP interests**

Indigenous Peoples agendas go far beyond conservation. Their concerns aim toward a state of integrated wellbeing that includes a healthy ecosystem. As one indigenous interviewee said: "conservation production, production conservation." Without conservation and ecosystem management, production will fail; and ecologically-sustainable production is necessary to maintain the people and society that care for the ecosystem and its wellbeing. This concern is a cultural dimension that has been honed over centuries of survival depending on their own societies and local resources while threatened by colonial repression.

The relatively recent international interest in addressing Indigenous Peoples concerns has its origins in efforts to acknowledge the damage caused by colonization, and began with the post-World War II efforts at decolonization. The massive post-colonial disaster that occurred in the Americas was the most extreme as populations were decimated by disease as well as colonial disruption of IP societies (Chapin 2008). Colonial histories in Africa and Asia shaped cultural defense mechanisms that also function for biodiversity defense.

Arguably the best opportunities for working with IPs are in Africa and Asia, because cultural and physical attachments to land and territory were not disrupted to the degree that they were in the Americas where IPs were forced to live on the run for centuries, reconstituting themselves as their populations were decimated. As a result, the population of all IPs in Brazil are orders of magnitude less than the number of a Dayak in western Borneo, for example. There are also more activist IP support organizations to assist IPs in Asia and Africa, than in Latin America.

Yet, despite the terrible colonial and post colonial histories, and small population sizes, IPs of the Americas have been successful in organizing themselves from grassroots upward into national and international organizations that represent their interests. While indigenous governments continued to exist to varying degrees (the Kuna being the oft-cited example), the first such formally registered organizations arose in 1960s, when Ecuadorian Amazon organizations formed. The first national level federation arose in Peru in 1980 (now known as AIDSESEP). The international Amazon Basin organization COICA was established in 1984 by national organizations. In other countries of Latin America, the pace was slower or different, but nonetheless the overall outcome across the region today is similar. For example, Bolivian IP organizations came into their own after the famous March in 1992 which opened the door to lowland indigenous territorial rights in Bolivia, subsequently aided by policies that supported grassroots organizations and representation at local, subnational and national levels. In Mexico, IPs benefited from the Mexican revolution which resulted in formalization of collective rights over land and forests and a land reform process which took 70 years to implement (Alcorn & Toledo 1995).

Latin American IP representative organizations created a platform by which they launched and achieved national and global recognition for their efforts to maintain their territories and rights, while the struggles and advances of the much more numerous IPs (including peoples classified as tribals, marginalized ethnic minorities, pygmies, dayaks, orang asli, etc.) in Asia and Africa are less well-

known to the global public. Latin American IP organizations have achieved high visibility in international dialogues, reducing the possibility of IPs being ignored at tables where decisions are made that affect IPs, as more often happens in Asia and Africa.

### **2.1.2. Poverty, marginalization, and resilience**

IPs are the poorest and most marginalized populations on Earth. Many governments have yet to develop and implement laws and regulations required under UNDRIP and/or comply with the ILO 169 convention of which they are signatories. The UN Permanent Forum on Indigenous Peoples recently published the first State of the World's Indigenous Peoples. IPs make up one third of the world's poorest people, on average live 20 years less than non IP due to poor health care, face discrimination and human rights abuses, and are losing their lands and languages.

Are Indigenous Peoples weak or strong? IP are often viewed as "vulnerable", impoverished, disorganized people needing protection. But this orientation can undermine IPs by not acknowledging them as active and essential conservation players whose organizations, rights and decisions are to be respected.

The strengths of IPs as conservation partners include their diversity, self-organizing abilities, knowledge, internal accountability, and cultures. They are nations that are based on and in natural environment. They talk about and show concern about the river, because they feel the river is their "mother", because core cultural values have remained strong despite centuries of colonization.

Cultural diversity is a strength for conservation, because culture is the means by which Indigenous Peoples have adapted their lifestyles and identity to a myriad of local conditions. Those adaptations have been reproduced through cultural reproduction, largely embedded in language. Culture includes many dimensions and is passed down through generations through direct and indirect teachings, and hidden in metaphors and stories in language. The Karen people for example, fighting eviction from their lands inside a protected area on the Thai-Burmese border, used donor funding to create a Big Book to guide their children and revitalize community governance. In it they chose to include 24 songs that guide people's relationship to the forest ecosystem, and bedtime stories used to give children the proper moral guidance toward nature. Biologists verified their extensive knowledge about species and ecosystem dynamics (Steinmetz 1999). In Siberut among the Mentawai Islands, mapping of customary lands includes recitation of their families' past 16 generations' swidden claims inside the highly biodiverse forest. In Bolivia, a 100 page biodiversity dictionary (Guarani-Spanish) produced by Fundación Yeporaka, an indigenous NGO in Bolivia, likewise illustrates how plants and animals, and terms referring to biota, are linked into festivals, morals, and other cultural mechanisms that bind and reproduce societies profoundly linked to nature.

Indigenous Peoples have their own forms of governance, adapted to their conditions and histories. In West Kalimantan Bornean forests, for example, diverse Dayaks in a relatively small area have very different forms of governance ranging from "kings" to highly democratic assemblies that control their leaders. The cultural and ecological diversity of the IP-Conservation intersection reinforces the guidance that, in working with indigenous peoples, there are few generalizations even within limited geographic spaces. Yet, despite the dictatorship of Suharto, the diverse Dayak worked together to form one of the most successful indigenous set of organizations in the world (Alcorn et al 2001) and continue to struggle to protect their forests and way of life, and to work with other IPs to show how these accomplishments are possible in the myriad of cultures across Indonesia islands. In that struggle, they were supported longterm by World Vision and eventually Ford Foundation, among others.

### **2.1.3. IPs are present in all parts of the world**

For the purposes of this paper, IPs include: those peoples who have self-identified as indigenous in places and societies where that discussion has occurred; peoples in Asia who are listed as Tribals, Adivasi Janajati, orang asli, or other local terms, or who have self-identified as IPs; and peoples in Africa who have self-identified as IPs or who may not have had any formal opportunities to reflect on self-determination but are known as "marginalized ethnic minorities" in the countries where they live. In the latter case, this may include not only hunter-gatherers and pastoralists but other tribes who are not within the dominant elite. Increasingly, however, in Africa, small marginalized ethnic groups are choosing to self-determine as IPs, as they become aware that there may be legal protections for their rights as IPs.

IPs generally have their own forms of internal governance that survived colonization through adaptation to/by the colonizer -- as in the case of African chiefdoms whose internal functions and local accountability were altered by chiefs appointed by colonial governments, for example (Ribot 2004). In conservation jargon, local governance and social association abilities are sometimes called "cultural assets" or "social assets" rather than being acknowledging these as self-governance and decision-making capabilities.

## 2.2 The Conservation dimension

As a preamble to this section, it is important to recognize that biodiversity conservation is a daily, local task done by adjusting to changing situations in the landscape. Conservation is never "done." There are no permanent successes that will last for centuries, only successes in terms of making measurable advances that are realistically expected to keep biodiverse ecosystems alive in ever-changing contexts without relying on eternal external inputs.

Local people are best positioned to stick with this task. Governments change and run the demonstrated corruption risk of turning to reserves and protected areas as means to fund their regimes and as patronage reserves for extractive industries. Most of the world's biodiversity lies outside protected areas, and that will increasingly become the case as GCC proceeds forcing biological communities to regroup as species move with climate shifts. Ecoregional analyses carried out by WWF have demonstrated high indices of ecosystem integrity in indigenous territories. Conservation targets (species, dynamics and ecological processes) are within territories whose owners and occupants are indigenous communities. In the GCC scenario, IP territories outside PAs become increasingly valuable for conservation. Biodiversity persists, moves and evolves in geographically-fixed positions over time. In those places, conservation of biodiversity requires adaptive local management guided by monitoring and evaluation, and on the ground defense against outsiders who would convert the land to other uses or extract resources, as well as regulatory and protective policy frameworks that facilitate and defend those who are the local managers/owners.

Unless conservation is built around strategies supporting good governance, working with strong civil society commitment, conservation can miss critical opportunities and become a tool of corrupt dictators and linked with Human Rights abuses. Concerned about the need for improving conservation governance, IUCN has promoted governance principles for conservation, and guidance for social assessments of protected area implementation (IUCN 2010).

Indigenous Peoples, with their decision-making rights recognized under UNDRIP, are well placed to achieve conservation objectives if they have the necessary support, because IP homelands overlap with the areas of interest to organizations who wish to conserve the world's biological diversity and fight GCC.

Numerous mapping projects have illustrated this geographic overlap, including WWF's 1998 global mapping project which used linguistic diversity distribution as an indicator for "indigenous and traditional peoples." The project (Oviedo and Maffi 2000) demonstrated that 98% of the high biodiversity areas overlap with indigenous and traditional peoples. Regional maps from Borneo to the Amazon continue to illustrate the overlap of indigenous lands with remaining biodiverse ecosystems. A regional map of the Amazon produced with support from foundations and other donors (Red Amazonica de Informacion Socioambiental Georeferenciada 2009) and a recent IUCN Latin American publication (Cisneros and McBrean 2010) demonstrate the continuing overlap between IPs and protected areas, and the immense conservation opportunity presented by working with IPs in the indigenous lands outside protected areas. In any remote area in the world, and in many not-so-remote areas, any threat to the environment is a threat to IP rights.

As the world's remote biodiverse areas are threatened by increasing incursions for "development", the need to partner with Indigenous Peoples to achieve conservation on their lands will only increase over the next decade and into the future.

Global Climate Change (GCC) is a rising challenge for IPs and Protected Areas, just as it is for all human endeavors across the board. In that context, discussions abound around the promise of vast indigenous lands contributing to significant carbon capture in addition to their functions for biodiversity conservation (e.g. Ricketts et al 2010, Nepstad et al 2006, Nelson and Chomitz 2009). The veritable Gold Rush for REDD money, according to interviewees and reports in the field, seems to be de-railing international conservation NGOs from their earlier interest in collaboration with IPs, as the NGOs race after REDD money for themselves to become the major brokers to achieve conservation via funding for carbon sequestration in the world's remaining forests (c.f. Hari 2010). IPs positions on REDD vary as they fear the damage brought as conservation organizations and others claim this new resource that has been found on IP lands. In Brazil, where IPs moved quickly with their allies to secure REDD funding for their forest management activities, the initial decision that the forest services in their territories belong to Surui IP has been challenged. The REDD opportunities and threats will be a hot area for conservation into the future (Alcorn 2009). International donors are rushing to draft guidelines to guide their engagement with IP in relation to REDD.

In the past decades, donors have moved most of their support for conservation through the international conservation NGOs and other international organizations (universities, research institutions, museums, etc.). Donor support complements funds generated from other diverse sources (c.f., Springer and Alcorn 2007). Mechanisms used include international organizations' engagement with international corporations and extractive industry; alliances with multilateral development banks; alliances with forest industry and certification; as well as alliances with national government agencies. They are involved in site specific protected areas (parks, reserves, etc.), writing protected areas policy, debt-for-nature swaps and trust funds, conservation concessions and private reserves, conservation agreements/contracts with local communities, land use zoning, corridor and landscape management, ecotourism, wildlife management, environmental education, conservation 'offsets,' safari ventures, and payments for environmental services. Some conservation NGOs implement protected areas directly, and may provide armed guards for parks. All these situations put significant human rights responsibilities on conservation NGOs and the other organizations engaging in these conservation activities. The international organizations may found and/or contract national/local NGOs to carry out their local work. In that context they may use the passing of funds to national/local NGOs without applying policies that constrain them from direct action, and sometimes thereby distance themselves from human rights allegations.

Bilaterals and some private foundations also support national conservation NGOs (some of which were created by governments, by international NGOs, or by bilaterals) who may in turn pass funding

back to an international partner as well provide technical assistance to IPOs. National conservation NGOs may or may not be respected by IPOs, depending on how they engage IPOs and the rest of civil society.

Local IP support organizations are an alternative set of organizations that could play a role where direct support to IPOs is not feasible but desirable for the reasons outlined elsewhere in this paper. In every country, IPO support organizations have arisen to provide valuable services to IPOs, and IPO support organizations are respected by IPOs when they have good relations with IPOs. The IPO support organizations generally are not focused on conservation goals *per se* but rather on legal assistance, policy development, communications support, and IP institutional strengthening. However, because territory and natural resources are central IP concerns, their work often revolves around conservation issues. IPO support organizations tend to be small and agile. They offer a possible alternative to supporting IPOs when direct support is not feasible.

### **2.3 What are the opportunities for generating regionally and globally significant conservation impacts through more direct IP collaboration?**

The opportunities for globally significant conservation impacts through more direct IP collaboration, as illustrated by the maps of geographic overlaps described above, are vast. Indigenous organizations and their support organizations are found in every part of the world. Indigenous areas cover more area than the protected areas networks of the world, and have the advantage of local monitoring and decisionmaking. For example, Nepstadt et. al (2006) demonstrated the indigenous territories in Brazil are performing as well or better than the network of protected areas under government agencies, at a fraction of the cost. Yet funding to IPOs in this region is orders of magnitude below that of funding to protected areas through governments and conservation organizations.

### **3.0 Attention given to IP issues in the 2000-2009 CSD strategic plan and regional grant portfolios, and successes from which lessons can be learned.**

This section is based on reading CSD and regional strategic plans; a list of IP projects provided by MacArthur; and a review of 2008-2010 portfolios and selected grant descriptions provided by program officers from the three regional programs.

The strategic plan and regional grant portfolios give very limited attention to IP issues or opportunities for working with IPs.

**3.1 The CSD strategy.** The CSD strategy acknowledges the existence of IP issues and opportunities indirectly in the following statement:

"The same places that attract our attention are *almost* always the locations of very high cultural diversity (giving rise to ethnic conflict and human rights abuses), of the most profound rural poverty (and therefore, highest human fertility, infant and maternal mortality, etc.), and of political and military confrontations. Environmental issues give rise to regional regimes (innovative forms of governance), and environmental activism has been the leading edge of civil society and democracy movements all around the world." p. 15 CSD strategy doc 2000

Yet ultimately the selection of "Tool Based Portfolio Priorities" ignored these dimensions of conservation and sustainable development by using a limited lens of tools as applied narrowly around idealized protected areas systems and sustainable forestry -- the traditional purviews of international conservation organizations): direct protection, law and policy, education and awareness and sustainable development - rather than including the tools for civil society involvement to achieve protection of rights and improved governance in the societies of the countries where biodiversity

priorities had been established. Globally, IP are believed to live within at least 50% of protected areas (Kaimovitz personal communication 2010), and yet the opportunities for collaboration and concomitant opportunities for attention to Human Rights concerns were omitted from the CSD strategy.

In mid-decade, MacArthur Foundation introduced a question to CSD applicants regarding whether resettlement was to occur in the project and if so how was it going to be done. No proposals were stopped by this screen, which was only applied to the grantee (but not by grantees in their own regranting). Some grantees said they were only responsible for proposing new parks but not responsible if the government would force relocation, thus dodging responsibility for resettlement. However, at least one grantee decided to drop resettlement from their plans when the donor raised this question.

**3.2 The African CSD portfolio.** The **African portfolio** has the most traditional conservation support focused on protected areas via support to government agencies and international conservation NGOs, with some grants to support customary fishing rights and customary control of wetlands by local communities in Madagascar. Among the selected grant descriptions reviewed for the Albertine Rift, one grant to a local Ugandan legal aid and policy NGO assists IPs ("ethnic minorities") and the national protected areas agency to address their joint concerns about protected area degazettment for petroleum exploration. The grant includes policy research on IP access and property rights in this context. Expected outcomes are research papers, policy dialogue meetings, training courses, and focus group discussions, which in turn are hoped to promote the creation of civil society involvement in protected areas decisions, including decisions of degazettment for resource exploitation that could damage local livelihoods. This grant should be analyzed and tracked for lessons from civil society and IP perspectives.

In this region, as in Melanesia, recognition of customary resource and land rights offers a mechanism for more collaborative conservation work with IPs and other marginalized minorities. In this region, there are many local organizations that focus on conservation and civil society issues relevant to conservation, but only 8 of 36 grants were awarded to local institutions that were not universities, in 2008-2009.

**3.3 The Asia & Pacific CSD portfolio.** The **Asia & Pacific portfolio** and regional strategy focuses on securing protected areas, new protected area gazettement, and supporting conservation institutions.

In South and Southeast Asia, "co-management" between national agencies and local communities with customary rights, usually brokered by an NGO, is relatively common but this opportunity is not evident in the documents that were reviewed. Only 9 of 27 Asian grants in 2008-2009 went to local organizations. While the Eastern Himalayan Working Drawing briefly mentions the region's high cultural diversity, and that "much of the Eastern Himalaya remains beyond the reach of many international funding organizations," the strategy provides no further consideration of working with local organizations and IP, and focuses on standard protected areas and supporting international conservation organizations and national institutions associated with government.

The Lower Mekong strategy is described as contributing to a multi-agency strategy that included other donors focusing on "holistic, integrated approaches ... that encourage the participation of multiple stakeholders, and that emphasize sustainable resource use over strict protection." But MacArthur opted for supporting traditional protected area management and conservation institutions. The Eastern Himalayas has multiple opportunities for working with IP, but MacArthur has had little engagement, and the engagement it had in Arunachal Pradesh (details unknown) are said to have run into difficulties, according to the program officer.

Melanesia is the one focal area where IP are central to the MacArthur portfolio. In Melanesia, IP have some of the strongest rights in the world, as they are the "customary owners" of land and resources, and "customary authorities" are recognized by national governments. Hence it would be impossible to work on conservation and not work with IP in this region. While there are great diversity of IPs in Melanesia, all identify as IP. The inter-IP relations are more horizontal than in Africa, although inter-IP warfare may reinforce relationships, as in the highlands of Philippines and Papua. The Working Drawing describes the situation of IPs not yet acknowledged in other geographic focal areas,

“.. local ownership fundamentally alters the role of government in biodiversity conservation, making civil society the primary focal point for conservation action. ... [T]he traditional landowners have ultimate decision-making authority. Community groups and local NGOs are the frontline conservationists in Melanesia which the MacArthur Foundation ultimately must reach.”

In the Melanesian context, the long traditions of coastal and marine management by communities have been formalized and long supported by conservation groups and international bodies since the 1980s. The MacArthur support, in collaboration with other donors, has continued to consolidate this tradition across Melanesia. Multiple documents have documented, analyzed, and re-documented the lessons from supporting these coastal management systems across Melanesia, which are similar to coastal management lessons learned in SE Asia and other coastal areas around the world.

No terrestrial projects were seen among the selected view of the Melanesia portfolio, although there are very significant opportunities to work with highland "Landowners" as well as coastal IPs.

**3.4 The Latin American and Caribbean portfolio.** The Latin American portfolio reflects a steady effort to integrate concerns for collaboration with Indigenous Peoples and while the majority of funding in this region also went to conservation-focused organizations (including NGOs, university programs and museum programs), 23 of 53 grants were awarded to local organizations during 2008-2009. In addition, regular efforts were made to gain new insights to guide programming, including contracted technical advice and hosting regional workshop with other donors, NGOs and indigenous organizations in 2007, which yielded a valuable document sharing lessons and advice from European donor representatives, grantees and indigenous representatives from ongoing projects funded by MacArthur. Nonetheless the MacArthur Foundation made only 21 grants identified as having links to indigenous aspects over the eight years from 2002-2009 in Latin America.

The Latin America program is also experimenting with regranting to IP via the Global Greengrants program to give very small grants (averaging \$3500 each) for immediate needs, such as traveling to conferences. In 2008-2009, from the \$250,000 three year grant to GGF, GGF awarded nine small grants totalling \$40,000. Eight of the grants were in Peru, and one grant went to a national indigenous women's association in Bolivia. Eight grants were given out to support organizations, including indigenous NGOs; only one grant was given directly to a indigenous representative organization (the Acharu Tribal Council) which received \$2000 to promote bilingual education. The majority were awarded to cover the costs of specific meetings or events for supporting land rights, responding to opportunities (ecotourism) or threats from extractive industry. One grant gives \$5000 donation to support the Amo Amazonia (I love Amazon) event which seeks to raise general public awareness about the arts and culture of the Amazon in Lima, the capital of Peru. GGF does not require written reports, instead regional advisors write up reports based on interviews with grantees. Experts interviewed noted that while GGF serves a need for one time payments for meeting emergency situations, an effective regranting mechanism for IPs must be capable of delivering

midsize grants multi-year grants (\$100,000 to \$300,000) directly to IP organizations for sustainable development and conservation activities.

Arguably the most successful work with IP supported by MacArthur, based on the available information, is in Latin America -- WCS Madidi work. The WCS work there has received funding from multiple foundation, bilateral, and multilateral sources over many years. Other conservation organizations have also worked in this area. In these typical conservation project environments, it is difficult to establish a clear link between investments and outcomes. Multiple external agencies are active, and all claim the same results.

At the same time, the results from local organizations and communities' own activities are often overlooked because the different agencies seek to justify their expenditures to their particular boards. In this case, however, local communities efforts have been strengthened by the WCS team's collaboration with them over the past eight years. The Madidi conservation project has focused on building local capacity and good governance relationships in the indigenous organizations and local government. Indigenous territory of Tacana, Mosete, Tsimane and Ese Ejja peoples overlaps with the Madidi park and forms part of the surrounding area of interest to conservation which have received other designations, including Pilon Lajas Biosphere Reserve. Most work has been done with the Tacana who are most adept at cross-cultural navigation. While the Tacana were not particularly involved in the creation of Madidi park, they have subsequently come to see it in a positive light.

The project description on the WCS website summarizes the work thusly:

"Since the early 1990s, WCS has been working to reconcile human livelihood needs and conservation in the Madidi-Tambopata landscape. Our efforts to help clarify the land rights to about 1.7 million acres of indigenous territories and to create indigenous territorial management plans for 2.1 million acres have resulted in the establishment of 20 community-based business associations, with 1,350 beneficiaries. These associations manage the natural resources on which the beneficiaries depend—livestock, fishing, native honey and cacao, handicrafts, spectacled caiman, forestry, and ecotourism. WCS has also helped develop sustainable forestry plans for more than 145,994 acres. In partnership with local people, our conservationists have successfully decreased wildlife predation on domestic livestock by 80 percent in Apolobamba, reduced illegal logging in Takana areas by 40 percent, and are aiding Takana and Tsimane-Moseten communities in managing their subsistence hunting via self-monitoring and substituting the harvesting of endangered species with the raising of domestic animals.

While there is no case study documenting all the work and its progress, the following description is drawn from interviews with the implementing team and meetings with collaborating IPOs and local government during USAID's midterm evaluation of ICAA (Renzi et al. 2010):

After nine years of work focused on building local capacity, working in Bolivia where IP territorial rights were recognized and where resettlement was not used as a protected areas policy, the WCS Madidi project has achieved strengthening CIPTA (Tacana IP organization) to point where they have legitimacy as an organization, legitimate tenure is respected, and they have instruments of collective consensus for collective management, internal regulations, territorial zoning, strategic plan, and capacity to liaise with neighbors and regional/local governmental agencies, NGOs and donors. The project also built links between indigenous organizations and local governments that respond to interests of indigenous and nonindigenous communities. CIPTA now have the administrative capacity and legitimacy to lead others, but the current challenge is fundraising and financial stability. Ideal would be a trust fund to handle half of budget guaranteed, so could cover operating expenses while fundraising for other half. CIPTA is now raising 10% of what need through chocolate,

forestry, caiman, ecotourism and native bee projects. Last year CIPTA contributed \$20,000 for Madidi management, more than arrived from the government. In this case, WCS built CIPTA's financial management capacity through a stepwise process over four years - beginning with a sort of petty cash dispersal of small funds for particular activities for which receipts had to be submitted before getting more funds, and ending with the current situation where quarterly dispersals of funds are made based on an annual workplan and budget. WCS team also made a committed regular effort to talk with community members, not just the leadership, to maintain communication and collective understanding of the issues and process, so every family understands zoning and regulations so they will in turn police themselves and hold their organizations leaders accountable--reinforcing internal checks and balances within the IPO.

One cannot draw too many conclusions about any particular conservation organization from their track records in particular projects. In this case, the same international NGO (WCS) also has projects that have been criticized in Africa for their fortress mentality and human rights abuses.

**3.5 MacArthur funding to IP prior to the past decade.** While MacArthur has done no direct granting to IP organizations during the past decade, lessons might be found from a small initiative in the early 1990s, when MacArthur focused on assisting IPOs with communications around the Quincentenary in the Americas. Several interviewees recalled the success of MacArthur Foundation's "IndigenousVoices Initiative" in 1992. While formal reports were not received from all forty-six grantees, a consultant who was hired to seek reporting by phone found that most gave "ample evidence of success." The grants were issued in response to a call for proposals from indigenous organizations and an effort was made to reach indigenous leaders across the Americas in commemoration of the "500 years." Networking and communication were the main focus, and many of the issues touched by those grants resonate with today's issues - land rights, being caught in the crossfire in regional conflicts, and women's rights. The consultant, writing in 1993, observed, "The clear connection between Native peoples and natural world preservation signals a theme of deeper potential that might have been more focused in the Initiative's criteria."

In this case, MacArthur successfully relied on reports created by writing up interviews with grantees to determine what had been done with the funding and to be able to have reports on progress. This is common practice in many foundations, whose program officers discuss and document progress with their grantees. Some foundations working with rural grantees in the US have incorporated funding for a "monitoring" consultant (chosen by the grantee and approved by the foundation) in project budgets, and not only did this result in good reports, but grantees also appreciated learning the value of periodically reflecting on progress and adjusting plans according.

#### **4.0 What works, what has not worked, lessons learned.**

*What seems to work among foundations, intermediary organizations, and indigenous peoples in pursuit of conservation/cultural preservation/human rights agendas? Can these agendas be integrated, or is it more realistic to address them separately? Describe examples of highly effective and innovative collaboration that contributes to restoration, conservation, development and management of natural resources, and simultaneously addresses core IP issues. Describe examples of efforts that have failed. What were the lessons learned in each case? What are other environmental donors doing in terms of incorporating IP into their grant making? What lessons have been learned from the processes they went through?*

#### **4.1 IP successful conservation initiatives**

Opportunities are robust as demonstrated by on the ground successes achieved by communities through their own institutions over centuries, adjusting and struggling with the changing policy and

population environments in which found selves, where continue to do what can to defend their forests and territories- many documents detail these and this is what the ICCA consortium and its partners (IUCN 2010b) are attempting to support.

Many cite the Kuna Yala (Panama) success, but there are innumerable others. One example is the Seri conservation of their territory carried on with intermittent external support over the past decades.

"The territory claimed by the Seri tribe (Comca'ac nation) is extensive and includes Tiburon, which is also the largest island of Mexico (298,593 acres). In 1975, the Mexican government gave the Seri tribe recognition and communal property title to Tiburon Island, Canal Infiernillo (between Tiburon Island and the mainland) and 155 miles of coast. In 1978 the islands within the Seri territory became part of the Natural Protected Area "Islands of the Gulf of California," consolidating a 1963 presidential decree that designated it a nature preserve; it is also co-administered as an ecological preserve by the environmentally-oriented Seri tribal government. Tiburon Island remains one of the most intact examples of Sonoran Desert habitat, and it contains an abundance of species that are already rare or have disappeared from the mainland. The waters around this island host 34 marine mammal species, including sea lions, blue and fin whales and the world's most endangered cetacean, a small porpoise called the vaquita. Five species of sea turtles thrive in these waters, and green turtles nest on these beaches. The Seri villages at Punta Chueca, and El Desemboque on mainland Sonora, are home to up to 700 Seri who traditionally practice environmental conservation." [http://www.seacology.org/projects/individualprojects/MEXICO\\_Seri2009.htm](http://www.seacology.org/projects/individualprojects/MEXICO_Seri2009.htm)

In the Seri case, the Seri control and defend their area, with some assistance from outside. Other wellknown cases are the Kayapo in Brazil, and the Awa in Colombia-Ecuador (complicated by the conflict situation - Jackson 2009) -- all Latin American cases where rights and autonomy are supported by national government policy.

Successes that occur within protected areas in more repressive legal situations include Wamena (Lorentz National Park) in Papua, and Sungai Utik, Kapuas Hulu National Park with Special Status in West Kalimantan, Indonesia. The ICCA initiative has documented many examples of community-conserved areas around the world without the depth of country-level inventories such as ongoing efforts in India; the KEMALA project reports cover hundreds of examples within Indonesia. Almost all ICCAs (Indigenous and Community Conserved Areas) are under threat from development and agroindustrial expansion. The core village-based forest-protection groups in India fall in the central tribal belt stretching from the Eastern Himalayan states westward through West Bengal, Jharkhand, Orissa, Chhattisgarh and Andhra Pradesh. In Orissa state alone, a third of state forests are now under community protection; 2 million hectares are protected by 17,000 forest protection committees (Sahu 2010). The emergency stress on local communities in areas of high population density can make it seem impossible, yet there is undeniable evidence that even under these conditions IP continue to struggle for recognition and they have made remarkable conservation progress.

Other cases where IP have achieved conservation on their own with limited support, include grantees of PeFoR (Peoples, Forests, and Reefs) a \$2 million global program of the USAID funded Biodiversity Program that accepted unsolicited proposals globally, and sought proposals from IPOs in Asia. Among its successes was a \$50,000 grant supporting an indigenous NGO (PAFID) to map the first sea claims in Philippines. On that basis indigenous waters claims were incorporated into the Indigenous Peoples Rights Act of Philippines. The lesson from the PAFID grant was to listen to and support IPs own analyses of their needs and their strategies to achieve fulfillment of those needs. In this case, when initially approached about interest in applying to PeFoR for a single mapping project, the NGO leadership replied that they needed an expensive differential GIS base station

(\$25,000) that would need to be gotten into the country using diplomatic channels, and promised that, if they had that base station, they would map millions of hectares of indigenous lands claims without any additional support, doing the on-the-ground mapping and interviewing by themselves. Indigenous leaders made this request because they had analyzed their options under a new governmental Administrative Order that established a process for making "ancestral domain" claims. The Order required border accuracy within 5 meters using GIS (impossible without a base station as satellite signals were scrambled to avoid that level of accuracy in the 90s for military reasons). Doing the work by traditional survey methods, as they had been doing, would take decades - as had been anticipated by the government in its specification of 5 meter accuracy in the Order as a way of derailing IP demands for territory. Within three years after receiving the base station, the indigenous NGO had mapped territories totalling over a million hectares and the IPs had presented their land and sea claims for Ancestral Domains - a category which had not yet been defined by law. This led the government to respond in 1997 with a law defining Ancestral Domains together with other IP rights, the now famous Indigenous Peoples Rights Act which also gives IPs the rights to subsurface resources. The accurate maps alone would not have been effective. They were effective because they were part of a larger strategic push by many IPOs and support NGOs to achieve legislation and policy. The accurate maps however were absolutely critical to achieving the momentum of demand that brought the decision from government -- as the IP leaders had foreseen.

Other PeFor grants supported other needs that fit into IPs' longterm strategies. One assisted IPs to gather evidence that they were not damaging protected areas or wildlife by their continued presence in protected areas (Thailand) as part of a longterm effort by civil society support NGOs to give voice to IPs and other communities inside protected areas. Many supported local mapping to be used as evidence in courts to defend land rights or to correct inaccurate maps that had been produced by government, all were strategically linked to strengthening support networks with other IPs and their local support organizations (not conservation organizations). A member of one mapping grantee's community in Indonesia won a Goldman prize, for his leadership in defending community forests against loggers supported by the military. Though he was subsequently interrogated and tortured, he and his people were not intimidated from continuing their struggle to protect their forests.

PeFoR also supported an environmental impact assessment (EIA) of a large USAID forestry and natural resources management project in Bukit Baka - Bukit Raya park and surrounding forests that threatened indigenous communities in 1994. The EIA achieved multiple process results. It demonstrated to the Indonesian government how to hold public scoping sessions under their new EIA law which had never been implemented. It also illustrated to USAID that natural resource management and conservation projects may violate human rights if no attempt is made to determine local rights and encourage local involvement in the places where these projects are placed. USAID then required all environmentally-friendly projects to undergo EIAs. The EIA uncovered park management plans that included burning people's homes, copied from African protected area management plans. These plans were revised as unacceptable in Indonesia. PeFor wrapped up its work and existence in 2001, with the Hundested Conference (Alcorn 2001) where international donors from around the world attended an intensive workshop to share "best practices" for working with IPs.

#### **4.2 Donor projects with IP**

Virtually every donor wants to look good by saying it funds IP, but these are usually one-off travel grants for meetings. For example, the UN Commission on Human Rights website provides a list of donors funding IP in 2006, largely travel funding to UN meetings: <http://www2.ohchr.org/english/about/funds/indigenous/sources.htm>

Surprisingly few American foundations are involved in supporting indigenous peoples, either internationally or within the US. But interest is growing. The International Funders of Indigenous Peoples was initiated in 2000, as an affinity group of the Council on Foundations. Founding members are TCF, Ford, Kalliopeia, Mailman and Garfield. IFIP now has some 40 members, many of whom are regranteeing intermediary NGOs. Yet privately there is frustration that IFIP has not catalyzed new initiatives or otherwise modified foundations' funding patterns to collaborate with IPOs through new types of relationships. <http://www.internationalfunders.org/meetourmembers.html>.

The leading US foundations that are widely recognized as supporting indigenous peoples and conservation are: Christensen Fund, Packard, Garfield Foundation, Oak Foundation, Blue Moon Foundation, Mott Foundation, Ford Foundation, Wallace Global, Rockefeller Foundation, and Soros (OTI). US-based intermediaries raising funds that are in turn granted to IP and IP support organizations include Oxfam America, World Church Service, Avina, and Global Greengrants. The Canadian Gordon Foundation is leading the creation of a new working group of Canadian funders of Canadian IP. Rockefeller Foundation is funding IP support NGOs in Vietnam and other areas of Southeast Asia. In Asia-Pacific, the Asia Foundation (a quasi-governmental foundation) has funded activities of international and local NGOs, religious organizations, and governmental institutions that support indigenous rights and integration into national governance by nurturing dialogue, peace, human rights, and rule of law in issue areas that cross environment and biodiversity. Asia Foundation has active grantees in the regions where MacArthur works and could provide guidance on the many support NGOs and other donors working on IP issues in MacArthur's region. The smaller Canadian IDRC has supported research related to indigenous issues, and the US Interamerican Foundation supported grassroots projects with indigenous communities in Latin America, with mixed results.

Direct funding from US foundations to IPOs is rarer, but Christensen Fund, Garfield Foundation and Ford Foundation have experience with direct funding. Christensen Fund has established and provided substantial funding to two indigenous intermediary organizations in Ethiopia in order to provide subgranting to local indigenous governments that TCF assisted to register as legal organizations, and to provide administrative support and training. Garfield has used a small, local nonindigenous NGO to do limited regranteeing, made small grants directly to indigenous NGOs, as well as made direct midsize grants for land use zoning and other conservation activities to local indigenous governments via an indigenous NGO intermediary in Bolivia. Garfield has also made grants to Nouvelle Planete to be subgranted to IPOs in areas of Peru where Nouvelle Planete has had longterm relationships with IPs. TCF and Garfield have also done indirect funding to nonindigenous support NGOs whose activities support indigenous agendas. The much larger and much older Ford Foundation, through its regional offices, has primarily funded large conservation NGOs, but also has supported IP support organizations and done direct granting to well-established IP organizations, particularly in Asia, focusing on governance, human rights and sustainable development. In Africa, significant support to IPs has been focused on co-management of natural resources. In Latin America, Ford has done less work with IPs, focusing instead on rural marginalized populations in general at policy and project levels. A small regional initiative supported Indigenous Peoples participation in regional workshops, case studies, and information exchange was funded by Ford in the past decade. Ford has no explicit institutional guidance or strategy for supporting IP. Ford initiated an ambitious study on Latin American IP in 2002, but that initiative was left hanging midway with the departures of the program officers who had initiated it and re-organization. These examples illustrate that it is possible for US foundations to find creative ways to directly fund IPOs.

Europeans have historically been more concerned with these issues, and their support has tended to be directed through specific quasi-NGOs established by governments for such purposes, particularly focusing on rights, governance, and livelihoods, including: the IWGIA (Danish), IBIS (Danish),

NOVIB (Dutch), Friends of the Earth International, Hivos (Netherlands), Nouvelle Planete (Swiss), Brot Fur die Welt (German), Rainforest (Norway), Norwegian Church Aid, Siemenpuu Saatio (Finland), Misereor (German), SNV (Dutch), ICCO (Dutch), Church World Service, and Caritas (Catholic). Spanish subregions have also funded activities through their NGOs. European funding through European rights NGOs was important longterm support in Latin America for the past twenty years. European funders focused on process, networking, and capacity building rather than on traditional projects per se. However, over time, their initial open-ended funding, for a variety of reasons, including political demands in their European home countries, became more and more narrow, demanding short-term results typical of project monitoring systems imposed on NGOs. This resulted in criticisms from IP organizations that the previously open support was transforming into paternalistic control (Bebbington and Biekart 2007). Reports from the field indicate that the levels of funding coming through these sources into Latin America were sharply reduced in recent years, their donor representatives make fewer trips to the region and/or regional offices have closed.

The multilateral development organizations that have had programs for IPs include World Bank, UNDP, Inter-American Development Bank, Asian Development Bank, and African Development Bank. The Compliance Adviser Ombudsman for the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA) of the World Bank Group also deals with IP issues that intersect with their private sector loans. These agencies have all been criticized by indigenous organizations and their advocacy allies for the negative development impacts that they have suffered from these institutions' activities, and the agencies' indigenous projects/activities are generally viewed as "window dressing," akin to greenwashing, to deflect criticisms. Among the few Bank-led activities widely acknowledged as a "success" for indigenous communities was a Southern Mexico community forestry project led by an anthropologist who became one of the cofounders of Rights and Resources Group. In that case, the World Bank project took advantage of national policies that recognize community rights over forests, and was open to assisting all communities in the participating states, regardless of whether the communities self-identified as indigenous or campesino. A recent failure cited by interviewees was the PIMA project expected to assist IP with protected areas in Peru, but IP decisions and guidance were not incorporated.

No large-scale IP projects have escaped criticism. An emblematic one is PAPICA established in the mid 90s by EU and a long list of other primarily European funders. PAPICA was established so donors would have an easy window for assisting IPs in Central America, but implementation was a failure at all levels, including allegations of financial mismanagement by the European coordinator, and it was eventually downgraded to CICA which still serves as a one-stop-shop for donors who do not want to deal with the details in Central America.

Yet there are always new attempts -- a case in point is the new \$10 million IPCAP, built on private sector funding linked to World Bank to document IP communities' adaptation to climate change and engage in climate change dialogue.

"For greatest impact, we will focus on indigenous peoples' territories, which comprise up to 24 per cent of the earth's land surface, and their traditional stewardship practices as the source for identifying successful mitigation or adaptation strategies. Evidence is growing that traditional knowledge in land conservation is far more cost-effective than the 'expert-led' initiatives of Westernbased conservation groups. Grants will support the efficacy of indigenous-managed conservation, combined with dialogues between traditional knowledge keepers and academic, government and private sector scientists, to discover together how traditional knowledge can offer sound, cost-effective solutions for all.

A 2008 study by Rights and Resources found that indigenous-led conservation projects protected the land at a cost of \$3.50 per hectare, compared with \$3,500 per hectare for

projects undertaken by US- and European-based conservation organizations. Bridge grants will deliberately cross these kinds of divides to find synergy. For example, grants will bridge support of indigenous rights for free prior informed consent with shareholder activism to negotiate corporate reform and better business models for the environment."

-- Adamson and Klinger 2009

Bilateral donor agencies of Denmark, UK, Finland, Sweden, Norway, Canada, Italy, Spain, Switzerland, France, USA and EU have supported projects meant to assist IPs.

The EU has long funded IPs, established IP policies in the 1990s, and was a major supporter of the establishment of the UN Permanent Forum on Indigenous Issues, but local level engagement has been less and clashes between EU funded development projects and IPs are similar to those clashes with the MDBs. [http://ec.europa.eu/external\\_relations/human\\_rights/ip/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/ip/index_en.htm)

DANIDA (1994) strategy for supporting IPs gave priority to projects that supported self-organization, recognition of land rights, and otherwise contribute to possibilities of development on their own terms, based on culture and territory.

The bilateral United States Agency for International Development (USAID) has also supported projects and programs that supported conservation by indigenous peoples through US-based international NGOs. During the past decade (2001-2010), most USAID support has gone to straight conservation projects with limited involvement of IPs.

In the previous decade, however, USAID funded the WWF led LIFE project in Namibia with San people, which twenty years later, with other continuing support, has stabilized San rights and claims to their conservancy lands with rights to govern themselves and their resources, and the CCA process has expanded to bring regional resiliency (Hoole & Berkes 2010).

Also in the early 1990s, in Bolivia, USAID supported WCS to work with CABI (Capitania de Alto y Bajo Isoso - local Guarani People's self-government) and other support organizations to establish Kaa Iya National Park and negotiate a Trust Fund for supporting co-management of the park. The strategic purpose of this park for the Guarani was to protect their vast unprotected traditional territory to the east of their territorial claims where settlements were established. Isoso has continued to resist colonization over the subsequent years with funding from multiple sources and in alliance with local ranchers, but is facing new pressures today after the co-management agreement was cancelled and transferred to a regional IPO reducing local control over their territory. People fear the national government's colonization plans to bring highland people into their territories and the contiguous Kaa Iya National Park (personal communication from Guarani leaders 2010).

From 1995-2001 the USAID KEMALA (Bahasa translation - local resource managers' project) was begun under the very repressive conditions of the longterm dictator Suharto in Indonesia. The purpose of the \$12 million, six year program was to support IP and local community management and claims to their forests and coastal resources by building a learning and support network of some 150 NGOs and IPOs across the vast diversity of the Indonesian archipelago. It was essentially a natural resources and conservation governance project. The program included training in monitoring, reporting, administration and financial management for those implementing projects. The IP support organizations took their direction from their constituents - the IP communities and their leaders. English reports were filed by program officers using standard forms and information derived from interviews in local languages. KEMALA linked 180 NGOs and IPOs who created learning networks to support each other across different cultures and languages (Indonesia has 800 languages). They achieved watershed management agreements among upriver and downriver communities, mapping and land claims in multiple areas, forest management agreements between IPs

and government, and establishment of AMAN, the national organization of IPs still active in Indonesia (Read and Cortesi 2001). At the end of the project they formed KEMALA as an independent organization that subsequently received funding from other donors to continue its work, adapting to new challenges that have come with decentralization. In 2008, KEMALA partners (as the participating NGOs and IPOs were called) in Papua achieved provincial government agreement to use IP land use maps and plans as the official provincial maps and plans.

KEMALA worked within a repressive government climate but only coordinated with international activist organizations at moments requested by local organizations. Local NGOs and IPOs better understood the political strategies for the longterm, and constructed them with links directly to the ground (Alcorn et al 2001), KEMALA networks were active in the peaceful removal of Suharto from dictatorship and conversion to democracy in 1997.

KEMALA illustrates that strong "people's organizations" (POs) form under repressive regimes in order to survive, defend their resources, and continue a long effort to seek change. They may be invisible to outsiders but become evident once trust has been established. They may not have administration and financial management skills, but these can be taught. If these networks are built around natural resource-based peoples and communities, with good links to the grassroots where biodiversity exists, they are conservationists' best allies if they receive resources that both support local activities and synergize their collective strength. Opportunities to replicate this strategy are found in all areas of the world, including MacArthur's geographic focal areas.

### **4.3. National government agencies.**

Many Latin American and Asian countries have national agencies that have been responsible for IPs, largely paternalistic agencies that served to protect the government's other interests. IPs, like the environmental sector, tend to be assigned to weak ministries. Other relevant ministries are those assigned to function as weak public ombudsman /public defender agencies. Generally, the government agencies that control parks/reserves, mining and forestry are the agencies with the greatest effect on IPs through their awarding of resource extraction concessions on lands and waters of IPs, and failure to prevent environmental damage and human rights abuses.

Transparency International's corruption index and armed conflict maps offer an indication of the likelihood of an investment in a government agency leading to positive impacts on IPs. Local/national courts offer slow venues that can eventually have positive policy impacts, particularly if cases are also taken to the Regional Human Rights courts.

India's National Right to Information Act has assisted IP and the rest of civil society in India. The initial national campaign for people's right to information that led to creating this act was funded among the central activities of the decentralized Biodiversity Conservation Prioritization Project in the mid 1990s (Singh et al 2000), which also included assessments from the states where IP issues are significant as well as case studies of IP concerns about biodiversity in India.

#### **4.4.0. Failures**

4.4.1. Introduction. The lack of documented information on failures is in part due to the lack of any kind of independent inspection panel or other independent monitoring mechanisms. Information on successes comes from the project staff and donors who repeat their grantees' reports. Information about more nitty gritty aspects circulates based on conversations with individuals from these remote places and occasional news reports, but because the areas are remote and distant, the chances for follow up for verification are rarely taken. Recent books and articles by an investigative journalist, Mark Dowie, discuss failures (Dowie 2009, 2010).

#### 4.4.2. Defining failures.

Expert interviewees equated failures with any case of forced resettlement (for references on resettlement see Alcorn and Royo 2007, Lasgorceix and Kothari 2009). Another interviewee put it succinctly -- the failure is the failure to share power, instead the conservation agenda has focused on control. One interviewee referred to the failure of the GTZ regional project in Central America because "it used IPs as props for generating income for foreigners who implemented the project, which left no positive results 15 years after it began." The Conservation International Milne Bay project in Papua New Guinea is often cited as an example of failure, said by an informed interviewee to be based on arrogance and misunderstanding.

A recent report (Earle and Pratt 2009) documents the failures of conservation and environmental NGOs to collaborate with communities around the CAMISEA project in Peru. The issues that it lays out are fairly typical of those that can arise even in instances where the different parties are trying to work together. International NGOs focus on distant policy audiences and lobbying with access to decision-making tables, while local IP organizations are excluded from significant decisions while they continue to struggle to negotiate immediate issues with those powerful outsiders who arrive to their remote locations.

Another oft-mentioned failure is linked to the practice of land purchase for conservation that has damaged IPs by denying their traditional territorial rights, disempowering their institutions, and imposing management decisions and actions on them. An example is in San Rafael Park in Paraguay (Alcorn et al 2005) where conservation NGOs negotiated land purchases from banks after defaulted loans knowing that the lands included IP groups living in voluntary isolation (ie, uncontacted).

Sometimes what appears a failure to the outside conservation world, is a success to the IP. One example of what has often been cited as an IP conservation failure is the famous certified forestry project in Lomeria, Bolivia, where the communities used certification as a strategy to stop illegal loggers from entering their territory and then did not log anything, appearing to be unable to manage their sawmill for which they were criticized. For the people of Lomeria, however, the project was a success because their forest remained intact without being logged (J.Alcorn field notes 2001).

A second case cited as a failure is the PEMASKY project in Panama, where the Kuna embarked on a path to establish a Biosphere Reserve as a way to gain control and prevent other types of conservation actions from being imposed. There were conservationists who saw PEMASKY as a failure, because the end product was not delivered, while people in Kuna Yala increasingly saw it as a success because it maintained control in their hands and had other positive spinoffs (Chapin 1997):

"The Kuna managed to demarcate more than 150 kilometers of Comarca border, and they became focused as never before on the need to actively protect their lands. PEMASKY served as an inspiration to many young Kuna to undertake university studies in professions related to natural resource management. The project launched an environmental education program that, with time, spread into Kuna schools and even reached the General Congress. It was responsible for the creation of a natural resource management component in the internal legislation of the Comarca (Law 16). And it equipped the Kuna with the capacity to deal with multinational companies and the Panamanian government in a series of battles aimed at protecting their territorial limits and natural resources. Clearly, for the Kuna PEMASKY must be seen at the present time as a resounding success.

Some of these accomplishments were initially laid out as objectives by the Kuna, others were unforeseen. The vision that the CATIE advisors and a number of outside observers in the international conservation movement had of the way PEMASKY should develop was not

achieved, for it did not survive as an institution and the Management Plan was never implemented. However, the larger goal of protecting the Kuna Yala forests, and by extension its biodiversity, was reached. All of this was done on Kuna terms, and the Kuna were involved every inch of the way. Events unfolded as they did to a large extent because the Kuna controlled the budget almost from the start."

An example of a current failure of conservation agencies and NGOs, reflecting their failure to re-evaluate the "fortress mentality" in Asia is the gazettelement of the new Guari Shanker protected area in Nepal, which exemplifies the continuing tradition of failure to reach consensus with local communities and civil society regarding the designation and borders of protected areas. Protests were triggered, and the FECOFUN (a national organization of community forest committees supported by Ford Foundation) has joined those protests. The area is expected to be administered by the ex-King Mahendra Trust.

In Nepal, *Adivasi Janati* is the term applied to IP. The following excerpt from a report to the UN High Commission on Human Rights directly addresses the Human Rights abuses created by Protected Areas in Nepal:

"34. Protected areas, including national parks, now constitute approximately 20 per cent of the total landmass in Nepal. Often these areas were created at the expense of indigenous lands. In the Himalayas, most of the land areas of the six existing national parks cover Adivasi Janajati traditional lands. The National Parks and Wildlife Conservation Act provides no recognition of indigenous peoples' right to consultation or to access their traditional lands and resources, while giving quasi-judicial powers to the park chief wardens."

"A mechanism should be developed to provide redress to Adivasi Janajati communities and their members for their loss of land or access to natural resources incurred without their free, prior and informed consent, including when that loss has occurred by the establishment of protected areas, development projects, concessions for the exploitation of natural resources, or conveyances to private parties. Redress should include, where possible, restoration of indigenous peoples' access to resources, or a return of their land, especially when the loss occurred by irregular conveyances; ...

(e) The National Parks and Wildlife Conservation Act should be amended to include enhanced participation of Adivasi Janajati in the management of the parks and guarantee their access to natural resources on which they traditionally have depended for their subsistence, as well as provide them the opportunity to share justly in the financial and other benefits of the parks. Also in this connection, park authorities should ensure due process in the prosecution and punishment of alleged breaches of park regulations, and should penalize any mistreatment or abuses of local individuals committed by park guards."

-- *Report on the situation of Indigenous Peoples in Nepal. UN Human Rights Council, A/HRC/12/34/Add.3, July 20, 2009*

Local publications, such as the bulletin "People and Protected Areas" from Nepal, document rights violations and angry people around Chitwan and other parks. The failure lies in conservation institutions working in and with Nepal and other Asian countries who maintain the fortress mentality and do not listen to IP concerns nor seek alternatives. The ICCA category offers alternatives for opening the way for recognizing local conservation rights and responsibilities in Nepal and Cambodia, for example (IUCN 2010b, Feyerabend and Ironside 2010).

#### 4.4.3 Symptoms of bad practice.

While many failures arise primarily from poor communication, the following were offered by interviewees as symptoms of bad practice.

- Projects developed and presented in the name of indigenous communities without adequate participation in formulation and management. Sometimes this is challenging when proposals are under development and there is a risk of raising expectations. Time constraints, resources to convene the players and uncertainty often force preparation without adequate participation.
- Conservationists' isolation from social movements working to improve governance in the countries where the conservation NGOs work.
- Imposition of models rather than building from local situations - one size does not fit all.
- Imposition of co-management so IP face forced compliance rather than evaluating options in collaboration with IP.
- Lack of sustained dialogue between IP and conservation organizations, who appear more comfortable with corporations and government than with local organizations and IPOs.
- Attitude in conservation NGOs that "land tenure and property rights of local people in conservation areas are not our problem" in areas where landgrabbing is threat to conservation.

Red flags indicating the bad practice of human rights duty-bearers' *avoidance of responsibility* (Alcorn & Royo 2007) occur when conservation organizations:

- say that they do not concern themselves with human rights because they are not human rights organizations;
- fail to point out gaps in addressing basic due process rights in conservation policies and laws;
- frame rights issues as if they were technical and management issues;
- speak of human rights issues in terms of "social trade-offs" as though human rights have a relative and tradeable value;
- use terms and processes that are rights-neutral, such as focusing on stakeholders instead of "rights-holders";
- give awards and otherwise enhance the legitimacy of government agencies or private industry accused of violating human rights;
- rely on inserting Free Prior Informed Consent as a fix-all in key documents without investing resources in its application in key processes, and without addressing larger issues in the system itself;
- pass implementation work to local partners who do not comply with human rights standards;
- refuse to forge new patterns in new protected areas instead of repeating human rights violating processes of the past; and/or otherwise
- directly violate human rights or stand silent while their collaborators violate human rights.

#### 4.5.0 Lessons Learned

##### 4.5.1 Recommendations for Conservation NGOs based on WWF's review for lessons learned.

In 1996, soon after announcing WWF announced its Indigenous Peoples policy, WWF's Latin America program initiated a review of its work with indigenous communities in 35 sites over the previous ten years, with a few additional studies from Asia and Africa for comparison. The final publication, published in 2000, includes: review results; cases from Namibia, Papua New Guinea, Bolivia, Brazil and Ecuador; and "signposts for the road ahead." The lessons and recommendations resonate with the responses from expert interviewees in 2010.

Recommendations for Conservation NGOs based on WWF's review for lessons learned:

- Don't embark on a collaborative effort with preconceived solutions; be aware that give and

take are needed in order to reach a sustainable solution.

- Recognize the dynamic change indigenous cultures are undergoing; outside organizations seeking to partner with them need to respect and support, as appropriate, their efforts toward self-determination and socioeconomic development.
- Make a long-term commitment to dialogue and partnership.
- Make sure that communication is two-way; be clear, transparent, consistent, and honest in communicating with partners.
- Secure the agreement of all partners regarding who will facilitate the collaborative process.
- Take time to understand traditional decision-making structures and processes before modifying or establishing institutions.
- Recognize that forming new organizations takes a lot of time, effort, and resources, and that communities need the time and space to develop or modify their own organizations.
- Verify that representatives of community groups truly represent the range of community views; be aware of the pitfalls of working through “culture brokers” or an educated elite.
- Find appropriate ways to involve disenfranchised groups, such as women, in natural resource planning and management.
- Examine the strengths and weaknesses of federations of indigenous groups as partners in large-scale conservation efforts, such as ecoregion-based conservation.
- Invest more in understanding and incorporating indigenous knowledge and worldviews into conservation planning.
- Promote greater understanding and information exchange between modern scientists and indigenous peoples. Use joint data collection and analysis, especially mapping, as a tool for building skills and for discussing natural resource management issues and priorities.
- Ensure that community decision-making processes, the pace at which participants are prepared to proceed, and the need for capacity building are factored into project design and implementation.
- Encourage donors to support more flexible project designs with longer time frames that can be adjusted midstream to respond to what is being learned.
- Promote national policies that expand community control over natural resource stewardship and lobby for adequate funding to move policy from the drawing board to actual implementation.
- Find ways to replicate successful small-scale efforts.

#### **4.5.2 Lessons shared by WWF-Colombia (2010):**

- In any conservation area including indigenous territories, it is insufficient and ineffective to work on the management of the territory without consideration of the wider development agenda and economic and political dynamics that affect the territory.
- It is fundamental and essential that alliances are built with IP to identify, analyze and confront threats and pressures facing territories.
- It is more effective and sustainable for conservation if support is provided to indigenous organizations to acquire legal title, maintain a presence in the territory, govern and control the territory and resources than invest in land purchase to be administered by third parties.
- Trust is built and based on clarity and transparency in the political agenda and strategies of each organizations, an analysis of agendas and where there is coincidence of interests and work approaches that can be applied at multiple levels.
- Put more effort into strengthening alliances than bilateral programs of support and working alone.

#### **4.5.3 Lessons from WWF-Peru:**

WWF-Peru arguably has the most experience working with IPOs but no lessons have been published. WWF collaboration with AIDESEP has been viewed as a successful experiment which brought important government recognition and support for reserves for uncontacted peoples. However, interviewees noted that this collaboration has gone into a dormant phase, as WWF is now focused on seeking REDD funding and AIDESEP is focused on supporting IP responses to the severe national political crisis after the Bagua Massacre last year. WWF national offices in other countries of the world have maintained relations with IPs through comanagement projects and other alignments, but WWF Peru was the leader in going to bat for IP rights in the Amazonian country which has the least recognition of IP rights and territories.

#### **4.5.4 Lessons from WWF Review of Implementation of IP Policy (2007)**

During 2005, WWF reviewed the ten-year implementation of its Indigenous Peoples policy and found that key problems could be resolved through direct and frequent communication with IPs, and by joining IPs in alliance in other realms beyond conservation, particularly civil rights efforts because conservation NGOs were distrusted because of their close associations with government agencies following findings and lessons which could be applied to all international conservation organizations:

Key findings from the review include the following:

- WWF's Statement of Principles on Indigenous Peoples and Conservation is generally considered to be strong and progressive, but needs to be more tangibly integrated into program operations.
- Civil society monitoring can be an effective means to improved policy implementation and needs to be strengthened.
- Many staff members would welcome a policy addressing work with local communities, in addition to WWF's policy on indigenous peoples.
- There is a broad commitment among the WWF staff to work collaboratively with indigenous peoples and local communities, and there are substantial programs of work on the ground.
- Indigenous groups feel that WWF needs to do more to ensure that people are involved as rights holders and key decision makers, and are interested in collaborating with WWF on conservation.
- Landscape-scale approaches offer opportunities as well as challenges for WWF to better achieve conservation goals by collaborating with indigenous peoples and local communities.
- WWF support for establishment of government protected areas continues to be a focal area for conflicts, while increasing support for co-management and indigenous and community conserved areas offers new opportunities for collaboration.
- Experience is emerging on strategies to "scale up" community conservation from site-based work; however, addressing broader policy and institutional contexts remains a key challenge.
- Participatory approaches are mainstreamed in WWF programs, but may differ from indigenous expectations for collaboration based on shared decision making.
- Territorial, land, and resource rights remain a core issue for WWF collaboration with indigenous peoples and local communities.
- WWF is often seen as working primarily with government and other "elites," with less attention to alliance building with indigenous peoples' organizations (IPOs) and related civil society interest groups.
- Staff members working with indigenous peoples and local communities and with their organizations at various levels feel a need for greater institutional incentives and support for their efforts from WWF.
- Communication between WWF and indigenous organizations is often weak.

#### **4.5.5 Lessons from TNC work with IP in Bosawas Biosphere Reserve in Nicaragua.**

A successful example cited from TNC is Bosawás Biosphere Reserve in Nicaragua is an example where USAID supported IPs and TNC to clarify of resource rights of IPs:

"USAID worked with The Nature Conservancy to support efforts to grant indigenous people titles to the lands where they live while safeguarding protected areas. The program provided legal counsel, territorial border demarcation, and training for nearly 100 voluntary forest guards. The guards enforce indigenous ecological regulations, support the region's conservation plan, and monitor game species. The program also introduced farmer-to-farmer learning models to promote best practices for agroforestry systems between communities.

Thanks partly to the program's success, Nicaragua's parliament passed an indigenous territories titling law in 2003. In May 2005, Nicaragua granted six land titles covering 2,531 squared kilometers to 41 indigenous communities in the Bosawas Reserve. The decision to grant communal, non-transferable property rights to indigenous people is a victory for both self-determination and forest conservation efforts. Now that the land legally belongs to the Misquito and Mayangna communities, they can apply the skills acquired through the program to managing their territories. By securing the rights of 21,000 indigenous peoples to the land they have used for centuries—as well as providing them with legal recourse to protect their territories—this historic land titling program will serve as a model for others in Nicaragua and throughout Mesoamerica."  
*[http://www.usaid.gov/stories/nicaragua/cs\\_nc\\_titles.html](http://www.usaid.gov/stories/nicaragua/cs_nc_titles.html)*

IP are part of the Nicaraguan Atlantic regional autonomous government and hold government posts. Even with all that support, the Basawas tenure situation is not yet fully resolved. Continuing challenges have led to continued deforestation and invasions, and the IP of the Basawas success desperately need support for defense of their forests and the Biosphere Reserve, as documented in *<http://www.estasemana.tv/archivo/2010/abril/422>*

**4.5.7. Lessons from Dayak IP of Indonesia.** Guiding principles from an IP network based on 20 years experiences of Pancur Kashih (Alcorn et al., 2001):

- Guild grassroots strength thru community organizing as the core of all work
- Revitalize indigenous institutions.
- Promote dialogue and fora for discussion
- Build a collective understanding of the problem.
- Weave together different interest groups within and across dispersed communities.
- Value accountability, and do not take it for granted.
- Remain financially independent from donors - especially in the long run.
- Create constituent control thru reliance on financial support from the constituency.
- Increase membership numbers, because force lies in numbers.
- Support self-generating communication networks among members that also reach out to nonmembers.
- Nurture leaders who listen, and give them opportunities to build a track record.
- Create multiple local organizations for nurturing civil society.
- Take creative advantage of political openings.
- Use identification with land as a strength which links people back to nature.

#### **4.6.0 Recommendations to donors for direct IP support based on lessons learned.**

**4.6.1. Hundested Recommendations.** In 2001, the USAID-funded Biodiversity Support Program hosted a unique seven day global workshop that brought together 70 representatives of multilateral, bilateral, and private donors and indigenous organizations from Asia, Europe, the Americas, Africa and the Arctic. The workshop was held in Hundested, Denmark, and cosponsored by WWF-Denmark, FPP, and IWGIA. Workshop background documents included a

Global sector review on IPs and Conservation with additional detailed focus on South and Southeast Asia, produced by FPP, as well as the individual IP policies of many of the donors.

The intense workshop discussions focused on recommending best practices for donors working at the intersection of Indigenous Peoples and biodiversity conservation.

Recommendations for donor best practices included nine key principles:

- Have a written Indigenous Peoples policy. Enforce safeguards - do no harm.
- Have direct contact and relationships with IPs.
- Base relationships on respect, mutual learning, and reciprocal accountability.
- Empower and effectively engage indigenous social and political structures.
- Stay the course. Longterm relationships are key to success.
- Be transparent.
- Support IPs 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 multilateral and bilateral negotiations.
- Value donor coordination and work together on these issues.

In addition, the list of Hurdled Recommendations was made for donor best practice in policy, in projects and programmes, and in non-project assistance (ANNEX 2). The latter included building technical capacity, invest for the longterm, create new mechanisms for strengthening indigenous peoples, and support communication and networking. The final recommendation was that donors and IPs should talk on a frequent and regular basis to follow on this initial meeting, but follow up meetings did not occur.

**4.6.2. Recommendations from a small Ecuadorian intermediary organization, Altropica Foundation.** These (Levy 2007) ring very true to lessons from other regions of the world.

The ten practical points for directly supporting IPs include:

- Beware of generalizations.
- Support processes not projects.
- Understand the context of the problem you want to assist in resolving.
- Support activities in the framework of "Life Plans" - autonomous participatory planning processes.
- Allow resources for administrative and training costs.
- Recognize (as counterpart) the support of indigenous peoples in the implementation of projects.
- Provide resources to enable indigenous assemblies to meet and deal with their internal affairs to ensure social control and transparency.
- Assure that women participate in project design.
- Respect indigenous intellectual property rights.
- Do not underestimate the importance of allowing indigenous people to learn from each other - support interchanges.

**4.6.3. Lessons for direct IP support from Borneo Project.** Finally, lessons can also be learned from an analysis of the small but powerful Borneo Project which has responded to local indigenous communities requests for two decades, within the repressive government regimes in Sarawak. Borneo Project illustrates what it is possible to do in the repressive regimes in other areas such as Central Africa, where land rights are not secured. Successes are noted on their webpage which also

includes recent updates and opportunities to support advocacy to prevent forced resettlement and destruction of indigenous forests.

The Borneo Project was established in 1991 to assist diverse ethnic communities on the island of Borneo in their struggles for human rights, rainforest protection and sustainable community development, primarily in Sarawak, Malaysia. Partner organizations and communities in Borneo initiate and direct core programs while a volunteer Advisory Board mobilizes resources in the U.S. and educates international audiences about the rainforests and peoples of Borneo. The overall goal of the Borneo Project and partners is to secure protection for Borneo's forests and ensure community rights to manage development in ancestral territories. Current programs focus on legal aid, indigenous preschools, and resource management assistance. Past programs supported reforestation, community mapping and legal aid, rural economic development, renewable energy projects, and U.S.-based education, cultural exchange, and advocacy.

#### **4.6.4. Additional noteworthy recommendations from interviewees' lessons learned.**

- The only way to change things is to strengthen IPO at territorial level. Without that anything above it will not work. The local IPO's territorially-based assembly leads the way back to checks and balances.
- Be flexible as accept two steps forward, two steps back, three steps forward in process over time.
- Aim should be for donors, when engaging with IP in focal region/area, to engage in ways that require direct relationship with IPs via processes of institutional strengthening with clear benchmarks of progress, with gradual increase of the IPO role, so they graduate to direct relations with funding agencies.
- Need guidelines on what are the minimum conditions for engaging with IPOs at different levels. Basic guideline is for grantees to be responding to/ respectful of IPO structure and communication with communities as a starting point.
- Move to funding going to implement, or complementary to, territorial vision of the IPO. Do not fund activities that are outside the IPO vision.
- Develop longterm relationships -- need to be based on strategic alliances and longterm commitments and not as donor-grantee relation, so that when others come offering more money, the relationship is respected and weighed against the short-term income promised by a contracted project or income-generating opportunity.
- Proposals from IPs are not written to resonate with donors statements and RFP language; IP are more honest and foundation boards respond to that honesty.

## **5.0 Existing barriers and recommendations for going forward.**

*What are the unique legal, cultural, and institutional barriers facing donors and IP in developing more direct partnerships around shared interests? How might MacArthur surmount these obstacles?*

**5.1. Introduction.** If the opportunity is so obvious and barriers are not insurmountable, and if solid recommendations have been made for many years, why have the international conservation NGO intermediaries and their donors not taken to heart past recommendations for more effective collaboration with IPs in order to achieve conservation?

Expert interviewees felt that failures in positive work with IPs are the rule rather than the exception, and blamed them on institutional self-interest, ignorance of actual situations on the ground, and bureaucratic inertia due to lack of enlightened leadership at the top of organizations who are willing

to take the risks of doing business differently when they receive funding for continuing business as usual.

Unless existing barriers are acknowledged and surmounted, the vast opportunity for conservation is only theoretical "pie in the sky." Unless donors and NGOs seriously attempt to bridge these barriers, IPs are left to themselves to continue to defend this opportunity for themselves and their survival, as in the jungles of Peru where last year's massacre at Bagua pulled the Peruvian national government up short, and IPs struggle on alone against invasions into Amarakaeri Communal Reserve established in 2002 for the use of local Harakmbut, Yine and Matsigenka communities, Sira and other protected areas.

One can look to northern Argentina to see the likely outcome of the current trajectory for Indigenous Peoples and biodiverse ecosystems - people who have lost their language and lands, surviving in small multi-ethnic groups in deep poverty as deforestation for agroindustry proceeds to dislocate the remaining pockets of people, even as they protest against the deforestation and infrastructural development that is changing the landscape and threatening the forest and wetland ecosystems of the Gran Chaco and Pilcomayo-Parana River Basin.

More diverse and creative partnerships between donors, IP support organizations, and IPOs are possible, remembering the key guidance to take local contexts and situations as the key reference point. There are cultural and procedural constraints on all sides. Donors can be constrained by regulations and internal policies. In some situations, direct relationships may be feasible and therefore best. In other situations, IP support organizations and conservation organizations will be necessary as intermediaries, subgranting mechanisms, and/or to provide complementary support to that which is given directly to IPOs.

The opportunities for collaboration depend on the means of collaboration that is envisioned and implemented by the grantee. Not all that sounds like collaboration turns out to be actual collaboration; not all that glitters is gold. It may be hard to read the intents in project proposals that are presented to a donor, but wording can be a warning. For example, the use of the phrase to "conserve culture and biodiversity" can be a warning flag of intent toward disempowerment that keeps outside actors in control, rather than the more empowering phrase "build IP capacity and opportunity to conserve their culture/biodiversity."

Basic attitudinal barriers are evident in the push-back from those who are not interested in building conservation programs around IP perspective; e.g., denial of the opportunity by insisting that IP is a concept only relevant in Latin America. This view avoids acknowledging UNDRIP, ILO 169, international law, and court precedents, as well as the existence of civil society support organizations who have incorporated indigenous issues and human rights concerns into broader governance reform alliances in Asia and Africa. This isolationist stance of doing conservation alone especially undermines conservation agenda's chance of reaching longterm objectives when conservation advocates stand away from governance reform movements in repressive states.

Some barriers are transactional and can be resolved relatively easily, with good faith. Other barriers require more attention, particularly taking into consideration that MacArthur would most likely be funding conservation NGOs as well as IPOs. Conservation NGOs activities will affect MacArthur's relationships with IPs and the outcomes of IP projects. Conservation NGOs will be part of the environment in which IPs work on conservation. In some cases, funding through intermediaries makes sense, and all intermediaries could present some of the same barriers as the conservation NGOs have presented. Hence it is reasonable to consider the barriers and opportunities in that full context of IP, IPOs, IP support organizations, and conservation NGOs/agencies.

To illustrate the barriers between IPs and conservation NGOs -- as a single case in point, the WWF review of a decade of implementation of the WWF IP Policy in 2005, identified a number of weaknesses that underlie failures in implementing the principles. The policy and its principles were thought to be excellent by all, but at the same time interviewees around the world expressed their belief that the principles were not being implemented because they were not known by country programs or offices. In one instance where the indigenous policy proved central to turning around relations between an indigenous community and a tiger reserve in Russia, the community used the policy to negotiate with WWF Russia via joint meetings with WWF International headquarters) the rights to manage their own reserve. The outcome was successful for the particular indigenous community that fought for two years to argue that tigers would best be conserved by letting the community protect the tigers and their territory. WWF Russia, however, did not then apply the policy in other areas where similar situations existed because the policy is not binding on WWF.

A somewhat similar opportunity exists for jaguar conservation in Yaqui territory in northern Mexico where IPs territorial rights are recognized, and the IP community is wary of interacting with conservation NGOs that could damage their territory and survival. They want to conserve the territory for the jaguar and for themselves, but distrust of conservation organizations has led them to reject external assistance. The leadership conveyed their concerns to a conservation NGO in 2009, clarifying that they do not want the area identified as a sacred area on the conservation organization's maps (a Christensen Fund project), or otherwise put themselves and their territory at risk of losing decision-making power over it.

## **5.2.0 Barriers and recommendations for overcoming them.**

This section is largely derived from expert interviewees' contributions and generally preserves the language of their voices. The points are not presented in any order of priority. All of these points are important and many are inter-related. Each of these barriers is complex and merits further explorations for additional recommendations that will eliminate or bridge each barrier.

**5.2.1. Inertia for incorporating human rights and good governance concerns into conservation work.** The lack of serious application of human rights principles by conservation institution leadership leaves open the opportunity for the "Lucifer Effect" in field situations where field staff do not have sufficient guidance from headquarters to handle moral choices in complex situations (Alcorn & Royo 2007). This and related moral concerns have received increasing academic attention over the years as a social justice issue; for example, a panel being prepared for the American Anthropological Association meetings in 2011, focuses on "the morality of conservation." Support to organizations and governments that are accused of human rights violations and government corruption without donors' attempting to address these issues can leave donors open to criticism and distrust.

A review assessing progress after the 2004 World Parks Congress in Durban and the subsequent IUCN World Conservation Congress that passed Resolutions regarding next steps to address IP concerns raised in Durban, notes:

"While positive examples build up which demonstrate that respect for the rights of and work with IP and other communities is effective in securing both livelihoods and conservation values, mainstream conservation efforts continue to marginalize and ignore IP. Whereas effective partnership seems possible, the continued imposition of the old model of "fortress conservation" is generating growing conflicts with local communities. It is also increasing skepticism among IPOs about the seriousness of conservation organizations expressed commitment to address IP concerns." (Colchester et al., 2008)

Recommendation: Human rights concerns must be interwoven into conservation program agendas, practice, and evaluations.

**5.2.2. Narrow design of programs.** The failure to consider IP priorities and point of view can result in narrow conservation programs that do not assist IPs, nor achieve longterm conservation. Programs and projects that start from conservation agenda rather than from a IP wholistic agenda lead to failure.

Recommendation: Base programs on joint planning and discussions of problems, and on viable, strategic approaches that IP have identified as points where MacArthur can assist. Be clear about what MacArthur cannot do.

**5.2.3. Fear of granting to IPOs because they are risky.** Foundations who fund IPs and non-IPs believe that IPOs are no more risky than NGOs. They may not report in ways we expect, or stick to workplans and timelines, but results have all been good. They may be more honest than NGOs in discussing their problems and changes in use of funds in light of changing circumstances.

Recommendation: Review the perceived risks, reasons for any fear, and determine ways to overcome the fear. Give the donor's board members opportunities to meet IPs, and this will help them to overcome their fears.

**5.2.4. Retaining reliance on intermediaries.** Barriers can be created by retaining intermediaries. It may be important or necessary to continue to use intermediaries for a variety of reasons; for example, to overcome transactional barriers, build IP institutional capacity, or otherwise best meet IPs needs. Yet reliance on intermediaries has led to failures.

Recommendation: Continued funding to intermediaries should focus on building local IPOs with the legitimacy, capacity and backing to conserve their lands on their terms within five years, with benchmarks for evaluating progress that rely on IP evaluation of progress. Support organizations for IPOs - such as legal aid, advocacy and policy analysis groups - will need to continue to support IP efforts as partners to the strengthened IPOs because policy reform requires dedicated attention.

**5.2.5. Land and forest laws.** Forest and land laws often conflict with IP collective customary land and resource rights.

Recommendation: Support legal assistance and other civil society organizations that IPs trust, to work in collaboration with policy reform movements that work to analyze and change these laws in coordination with IPOs.

**5.2.6. Government agencies and other conservation institutions that cling to old models and are not trained to implement new models of collaborative conservation.**

Recommendation: Do not support these government agencies and conservation institutions. Support civil society organizations and IPO networks' efforts to reform these government agencies in accord with strategies developed with IPOs.

**5.2.7. Myths about the damage caused by swidden (shifting) cultivation.** This myth is particularly a problem for Asian forest peoples, as it has been used to disenfranchise them for decades. It is also an issue for REDD- related regulations that could restrict IPs from engaging in food production.

Recommendation: Fund outreach and communication efforts to promote government and international public recognition of the ecological sustainability of IPs' integral swidden systems.

**5.2.8. IPO engagements that are not grounded in local experience.** The globe-trotting IP speakers that follow the international conference circuit are likely to have lost touch with grassroots realities and accountability mechanisms, yet donors and international organizations seek them as easy ways to engage with IPOs.

Recommendation: Support dialogues at local levels that then reach up to higher levels to strengthen IP analysis and position development, following the lessons from the twenty years of donor support to AIDSESEP in Peru.

**5.2.9. Donor jealousies, lack of coordination, and communication.** This was an area of barriers on which many interviewees' recommendations were framed. There are a variety of barriers and opportunities in donor collaboration around IP issues. European donors reportedly deride the gringo/yankee donors when out of earshot. Donors with in-country offices feel better informed than those who drop in and leave, but sometimes those who drop in see new things that the old hands may not notice. Donors don't agree on priorities. Donors don't want to share their "good" grantees with others. Donors are held accountable to their home offices and boards, but not to IPO or communities affected by their funding. Grantees have learned to treat each donor as if they were the only donor for reporting and fundraising, yet some projects are being funded by several donors without the donors themselves being aware (a generalized problem not unique to IP or conservation sector). IP may treat the donor as a patrón, accept the impossibility of cross-cultural dialogue, and be agreeable to anything in the donor's presence to receive the funds.

Recommendation: Donors should be encouraged to present annual reports to grantees and subgrantees. This will also make intermediaries more accountable to IP. Donor need opportunities to share information with each other, as well as meet together with grantees. Donors should invest in consultants to facilitate communication and bring donors together in the region annually to share their strategies, actions, and priorities with IPs and with each other.

**5.2.10. IP Poverty** - The poverty dimension includes multiple layers and creates many barriers. IP are often living difficult lives, spending their time making a basic living for their households, and do not have time or resources to participate in processes that require time, travel, and resources. Some projects require them to spend several weeks over a year in training workshops -- a common complaint about NGO projects. Some projects with indigenous organizations have failed by accepting conditions and approaches that they have not debated or analyzed but moved ahead to attract financial and technical support. In other cases, there is tacit understanding that very few activities will actually be implemented but the IPO will receive some small subsidy, because the IPO is familiar with how NGOs maintain their "fields/workzone" in the form of project areas (effectively territories) and problems that give them an edge with donors, and actually do little in the field (sometimes called "briefcase NGOs").

In some cases, IPOs have accepted projects in which the intermediary NGO faked the project by using IP name and photos to sell their project to a donor without the IP knowing. In other cases, the IPO knows the scam, but remains silent, because they need the small amount of funding they were given. These situations are very sensitive, and IP are unwilling to speak out against the NGOs who engage in these practices.

Recommendation: Unless poverty and inequality are recognized, the opportunities for abusing relationships can undermine well-intentioned efforts. Remember to include funding for travel expenses and be judicious in the number of meetings that are required in project design, activities, and monitoring. IPOs do not have extra funds for the trips required for participating in "stakeholder" groups to which they have been appointed, for example. And they need access to transportation in order to reach their communities to sort out problems and maintain accountability.

These should be included in project lines when additional travel is needed for a project (also see core support below)

**5.2.11. IPOs lack of the means to pay their own core costs.** IPOs need an office with lights, water and a telephone; and they need funding for travel and meetings to address local and external issues. These are items that NGOs cover for themselves by fundraising and indirect costs. If core costs are not covered, then ambiguities in what is acceptable as a project expense can create problems. The troubled COICA trust fund, for example, was created to provide core costs, but needs strong accountability links back to the grassroots base to be held accountable to that base.

Recommendation: Pay core costs so IPOs can be independent, not service organizations that are supporting themselves by being paid for services to a project. Grants should acknowledge counterpart contributions from members of IPOs in kind for the time they commit, or pay them for the days that they have to commit to unusual project activities. Fund people's travel to periodic Assemblies to support accountability. Look into creative solutions to generate longterm support that can be programmed by IPOs.

Due to regulations related to determinations of "indirect costs" and the requirements for annual audits, the solution may involve subgranting via IPO support organizations who in turn guarantee and do the due diligence to ensure that the accounting used by the IPO subgrantee meets the required standards.

**5.2.12. Weak links between IPOs and weak links to local government.** Globally there are tens of thousands of local IPOs, hundreds of sub-regional and national federations, and tens of international organizations, but the links between them tend to be weak, and the relative strength of each organization vary. They also tend to lack positive governance links with local government, although in some countries, such as Colombia and Nicaragua, mechanisms are in place whereby IPOs interact with or perform the functions of regional and local governments.

Recommendation: Support networking and experience exchange activities that can strengthen stronger links among IPOs, and with the organizations of their nonindigenous neighbors and local governments.

**5.2.13. "Weak" IP Leadership/Representation.** The IP leader who makes decisions at national or regional levels, or who signs agreements, may or may not represent the grassroots. Local leaders are generally held accountable by assemblies of their communities, but are forced to take positions without consulting their bases by donors and in international fora. IPOs are not usually NGOs, although some of them are NGOs (e.g., Pancur Kasih in Borneo). Many IPOs are political organizations - some are authoritarian and have strong leaders whose word is followed although discussion is open (e.g. CABI in Bolivia); and others are more egalitarian where a leader can be removed at any time.

Recommendation: Support accountability to the base organizations, and do not put IP leaders in positions of taking decisions without having consulted their constituencies. IP leaders are accountable to their bases, and donors should reinforce that, not put them in positions that divides them from their base. Take the time to be careful to understand the IPO and its accountability mechanisms before signing agreements with leaders, to ensure that the spirit and word of the agreement will be respected regardless of who signs. Funding in small tranches and monitoring of expenses can also prevent many problems in this regard. It is better to prevent bad scenarios by good communication and investment of time in understanding local opinions and issues, than to rush to sign agreements and disappear during implementation. This is an area where building and maintaining good relationships is critical, so that there is trust on both sides (donor and grantee).

**5.2.14. Huge threats facing IPs and Conservation.** The size of the threats are huge and IPOs

are like David facing Goliath. Threats range from corrupt governments and uncontrolled extractive industry to development plans on the massive and coordinated scale of the South American IIRSA development plans driven by external capital. Governments, which are meant to protect biodiversity, are sometimes actively involved in running and exporting poached endangered resources, and benefit from alienating land to extractive industries. And they can draw impoverished and marginalized IP individuals into their illegal systems via offering employment opportunities in illegal activities.

Recommendations: Create checks and balances on the government agencies by enabling IP to monitor and report corruption without fear. This can increase the chances of conservation, ending illegal practices and over-extraction of natural resources. Strategize with IPOs, support NGOs, and others to assist them to network and create functional coalitions with viable strategies that meet IPOs' concerns.

Figure out ways for IPOs to benefit from watchdog projects like the Building Informed Civic Engagement for Conservation in the Andes-Amazon (BICA) - a monitoring project identifying threats from IIRSA planned development and international financial institutions investments, funded by Moore, and coordinated by the Bank Information Center. The BICECA Project is part of the IIRSA Articulation (Articulación Frente a IIRSA), an informal international network of organizations and communities working to promote alternatives to the unsustainable development models promoted by IIRSA. <http://www.bicusa.org/en/Region.100.aspx>

Commission studies in collaboration with IPOs and their support organizations to determine whether environmental laws are being implemented and establish ways that IPs monitoring be linked upward to improve states control of environmental damage.

**5.2.15. Difficulty of Identifying legitimate IPOs who will be good partners.** To support IPOs, it is necessary to connect with them locally, at the territory level, talking with them in community settings about their lands and the history of their lands/waters through their stories and observations. Yet that is difficult for donor representatives who prefer to operate at higher levels, may not have time, and may be uncomfortable in the less than comfortable settings and culturally-stressed by the seemingly endless waiting that occurs in these situations.

Recommendation. Invest in careful investigation of options and situations, relying on local experts and triangulating with others. Remember that IPOs are more like local governments. They have technical advisors, but the political leaders are the decision-makers. Ensure that any technical IP NGOs are accountable to their political base organizations.

**5.2.16. Legislation on PAs that denies IP territorial and human rights.**

Recommendation. PA relevant legislation should be studied and analyzed across the regions , e.g., Amazon basin, Congo basin, to determine the impacts of the legislation on IPs

**5.2.17. Distrust.** IP fear that conservation NGOs and donors will take away their territories, territorial rights, and impose a conservation agenda when this cannot be accomplished directly. On the other hand, IP also see that Protected Areas linkages can be a strategy to support and defend their territories. Mutual trust and understanding is essential. IPs tend to value longterm trusting relationships more than money. Trust can dissipate if it is not tended.

As an example, Oxfam began to support IPs in Latin America in 1984, and they slowly built trust and regularly brought people together -- networks among IPs emerged as a result. Yet by 2007, the relationship was falling apart with distrust and misunderstandings. A "four agency report" (Bebbington and Biekart 2007) was commissioned by the four donors/IPO support intermediaries (Ibis, SNV, HIVOS and Oxfam), but opinion indicates that this report is not viewed as the last word on the topic. The report details internal analysis of the problems and internal donor issues, but does

not include the IPs' perspective on the problems and their solutions. The donors wanted to maintain control, and the IPs dropped back from the process when they felt they would not be the decision-makers but under donor patronage. A planned series of dialogues was to bring the two sides (IPOs and donor/support organizations) together to evaluate the issues and seek renewed collaboration, but the dialogues have not yet occurred.

Recommendations: Be clear about common interests and where do not share interests. It is not necessary to agree on everything in order to have a strategic alliance. Work on concrete issues where there is common ground, in order to build trust. Expect bumps in the road and respond to them as they arise rather than ignoring them.

**5.2.18. Transaction costs.** Working with IPOs means the transaction costs can be higher, but the results can be significantly greater given the territorial control of IPs. For example, one interviewee noted that Moore Foundation has spent \$100 million in the Amazon through efficient large grants over the past ten years, and yet it is hard to see the results of that investment in the midst of the mounting biodiversity crisis in the region. Transaction costs in working with IPOs include more intensive time spent with preparing grants, providing TA to grantees and assisting grantee to report by translating verbal reports into written format acceptable to donor organization.

Recommendation: Transaction costs must be recognized and met in creative ways that enable the donor to work with the IPO. Some of those are noted in other points in this section. Further exploration of this point is encouraged.

**5.2.19. Lack of mutual accountability and respect.** Mutual accountability and trust are essential. The relationship will have higher probability of failure if it is a typical donor-grantee relationship, or if it falls into the unfortunately typical agency/NGO-IP relationship where staff treat IPs as a patrón would treat persons of a lower class.

Recommendation: Donors need to explain why they are supporting conservation and other activities and what their interests are, just as IPOs are asked to explain their interests. It is important to invest time and allow the process to continue for a long time (sometimes months, sometimes hours) so the parties understand where there are overlapping interests and where there are different expectations.

Do not throw money to IPs as gifts and walk away; this undermines accountability and respect. Maintain a fluid relationship and get timely feedback on how funds are being used thru a mutually-workable method (e.g., budget including consultant to assist them to put the expenditures and accounting on paper). Do not demand too much, and be flexible as one would with anyone or any institution that is respected. Respect formalities that IPOs may require as part of their cultural expectations for respectful interactions.

**5.2.20. Lack of donor acceptance that conservation projects known to local IPs have not been successful and that human rights violations have occurred.** IPs cite projects and their failures. There are no independent studies guided by IPs, to assess impact of conservation projects.

Recommendation. Fund independent inspection panel to investigate allegations of human rights abuses by conservation activities. Do cross-learning among IPOs and conservation organizations - led by IPOs on practical issues of biodiversity, land use zoning, immediate threats and coordinating responses.

**5.2.21. Timeframes - a serious issue.** Donors are reticent to convert their funding from projects to processes. The current donor demands for "results-based grantmaking" in many organizations runs counter to funding longterm processes. Yet IPOs, IPO support organizations, many NGOs, and some donors agree that twenty years are necessary to see results. Results are hard to measure in five years, much less in two years. A common complaint by all is that projects end after five years,

and then things fall apart. Visionary donors need to use indicators for longterm change, not shortterm numbers of people trained. (Donor demands for numbers of people trained in workshops have the opposite impacts of what are desired; for example, a reportedly common NGO strategy is for different NGOs to share the same attendee list, and pocket the difference).

IPs want longterm relationships. If a donor can support longterm positive relationships between IPOs and IP support organizations, that is an alternative way to build longterm relationships, rather than a direct relationship if that is not feasible.

Recommendation: Create a program with ten year horizon and ten year commitments. Establish a monitoring system in collaboration with IPs, to be done by IPs, to enable reporting and adaptive management.

**5.2.22. IPOs viewed as "not competent" to meet donor requirements.** This is often due to bureaucratic inertia to adapt to funding IPOs and local IP support organizations, while IRS regulations can be interpreted and utilized in ways that are flexible and achieve the required accountabilities.

Recommendation: Carefully review the issues that create this impression of "incompetence", using and analyzing the facts and alternatives for building capacity through appropriate intermediaries, but realizing that cultural differences must sometimes be accepted.

**5.2.23. Historical fear, distrust and resentment toward conservation.** In many countries, in all three regions, the big conservation organizations are seen as complicit with corrupt and top-down governments, being part of a united face of conservation that is often despised. This history has to be overcome for local people to take up conservation activities that are formally recognized by the NGO or government. Local organizations resent that external funding come to the big conservation organizations and government, instead of directly to them, for activities that are supposed to be implemented by them.

Recommendation: Build trust through being open and listening, showing that the donor is committed to a longterm relationship, not a one-off transaction to look good by funding IPs. Build trust by facilitating change in conservation NGO behavior, as they respond to pressure from Independent Inspection Panel.

**5.2.24. It is hard to climb the staircase to a donor.** IPs do not know how to find donors, and they will not easily understand donor demands for many reasons. The only bureaucracies with which they may have had limited experiences often were imperious government agencies, and people learned how to dodge these in the manners that they were taught by those more familiar with government bureaucracies.

Recommendation: Be creative about ways to find and prepare proposals. Be clear about the reasons/objectives and acceptable means for the requirements that the MacArthur Foundation itself must meet. Explain that reports are absolutely necessary to meet IRS regulations and that the grantee will be blacklisted if no reports are submitted and acknowledged as submitted. Then work with IPOs and their support organizations to figure out flexible ways to meet the essential requirements. Be willing to change internal processes to meet the spirit of the requirement in ways that will work for the IPOs. Be patient, and listen. Be clear in presenting the donor perspective (not in a dry, long powerpoint), multiple times in multiple situations. Look for creative solutions that are appropriate to the contexts.

**5.2.25. Language in agreements, monitoring and reporting.** English will not function as a good means for directly communicating with or reporting from IPOs, except in unique situations such as Guyana, Philippines, India, Tanzania, and other places colonized by English speaking countries.

French and Spanish are the intermediary languages in large areas of the world. Reporting fulfillments confuse many small organizations who orally are eloquent about their achievements and all the spinoffs that occurred because of the funding, but they do not capture the same points when they write on paper (a problem with many NGOs, not only IPOs).

Recommendation: Assess the elements that must be done in English and figure out flexible ways for using good translation (not hiring a standard translator at a university or translation service, but rather someone who understands the content and situation and is committed to reliable translation based on that understanding). Read the agreement aloud in IP language translation (which may require an intermediary translating from English to Spanish/French and then Spanish/French to local language) before the English language agreement is signed, and provide a written translation of the key points in the non-English intermediary language so that this translated document can become a point of reference for the agreement that has been signed. This is necessary because local people and IPO leaders need a point of reference when discussing project activities and budgets over time. Accept reports in IPO language (oral reports), and have a reliable translator who knows the substance (possibly the program officer or a support NGO) to prepare the required reports for headquarters. The program officer or designated intermediary/consultant would be responsible for monitoring progress. A consultant to assist with monitoring and reporting could be included in the project budget.

#### **5.2.26. Lack of experience with financial management and audits.**

Recommendation: Program or support organization should provide hands-on training, followup and assistance with financial management. The Christensen Fund created two intermediary institutions for working with small, diverse IPOs in Ethiopia, for example. One institution trains and gives followup monitoring to IPOs on administrative issues, while the other is involved in subgranting and assistance on substantive issues. This experience should be studied for lessons for other donors.

**5.2.27. Difficulties of cross-cultural communication and listening.** Good cross-cultural communication is essential. An indigenous person may mix information about different problems while talking about one problem - the relationships between the problems are obvious to the speaker, but not to the non-Indigenous listener who is used to having a conversation focus on his/her particular, single sectoral interest. Likewise it can be hard for the IP listener to understand donors' worldview.

Recommendation. Listen carefully. Focus on "Life Plans" (used with that name in Colombia and Ecuador, for example) and/or other community-based longterm plans as a guiding plan for all work, not as a menu from which a donor should pick a line item. Enable subunits to develop to address particular problems within the IPO if this option seems viable, but ensure accountability across subunits. Rely on an interlocutor who understands both sides. Communication across cultures is difficult - it takes patience and listening on both sides, and respecting IP decisions. Do not push to get an agreement when that agreement is only being reached in order to be agreeable to the donor and the donor's timeframe. Take the time necessary for IP to consider options and reach decisions. This may mean months of delay. Do not make demands for replies with short deadlines.

**5.2.28. Conservation organizations' and projects' isolation from IP reality.** Even if located in the same small town, conservation NGOs and other conservation agencies often do not communicate with IPOs on common issues and developments. They become what the Thai call "air-conditioned people" who ride in their 4x4s, sit in their airconditioned offices, attend to their computers, and know very little about reality on the ground. IPOs complain that they have visited conservation NGOs' offices and been ignored, and once that happens they stay away. An opportunity is lost, and the organization will have to make a sustained effort to regain that opportunity to understand situations on the ground.

Recommendation: Strongly encourage conservation organizations to talk regularly with IPOs about concrete situations, and not ignore that they exist. NGOs should visit IP situation sites when the problems are brought to NGOs' attention, not just write the problem down and forget it. NGO staff need to get out of their 4x4s and ride the bus sometimes, because otherwise they lose perspective on reality and projects.

**5.2.29. IP politics.** Analysts and IP have accused donors of deliberately creating and maintaining internal divisions that weaken potentially powerful IPOs (e.g., the Amazonian COICA internal division linked to Amazon Alliance -- a US NGO -- meddling and a subsequent breakoff meeting supported by GTZ, which tarred GTZ and Amazon Alliance). Even when they have good intentions, outsiders can become scapegoats.

Recommendation: Never become involved in internal IP disagreements or political decisions. Respect the lines between IP and outsiders, just as nations do not become overtly involved in other nations' internal politics.

**5.2.30. Internal donor disagreements.** Headquarters and regional programs may disagree and pull rank or undermine agreements established at headquarters or regional program levels. Donor-funded NGOs may have conflicts at global level and play them out in the field.

Recommendation: Avoid taking donor or other outsiders' internal disagreements into relations with IP.

**5.2.31. Conflict and violence in IP areas.** Funding conservation activities in repressive states and war zones can lead to the abuse of human rights, the hiring of mercenaries by conservation NGOs, and other serious problems and barriers to collaboration (Alcorn et al. 2005).

Recommendation: Be very careful to assess these situations quarterly for opportunities and concerns, and establish mechanisms for acting against human rights abuses in collaboration with IPOs, local support organizations and their cross-sector civil society alliances. WWF Colombia and the Colombian Parks agency can offer lessons on careful ways of supporting IPOs and conservation without becoming linked to sides during civil war.

**5.2.32. Becoming trapped midway in strategies to reach the lowest level of IP decision-making and responsibility.** The co-management and community-based management programs offered by governments could have been useful steps for devolution of control, but they have proven to be obstacles because the process stopped at the lowest level (Murombedzi 2010).

Recommendation. Sponsor IP annual re-evaluation of their strategies in large Assemblies (where representatives of all households/all people participate) to ensure that information is shared and that strategic opportunities are being assessed, rather than following old strategies that are easier. Link these decisions and deliberations to those of support organizations and their alliances.

## **6.0 Recommendations for MacArthur Foundation to incorporate IP more explicitly in future grant making and CSD's strategic framework**

**6.1 Introduction.** The need for conservation action is urgent and the need to support IPOs has never been greater. The threats to biodiversity are threats to IP, and vice versa. To give a small illustrative example, to introduce this section and remind us of why a new approach is needed: Madre de Dios province in Peruvian Amazon has long been famous as one of the most biodiverse are in the world; hundreds of millions have been invested in conservation there. Yet in August 2009 the province's biodiversity is on the brink of disaster (J.Alcorn field notes 2009; Renzi et al 2010). The lauded Manu-Madidi biodiversity corridor is being cut in half by the rapacious destruction of

forests along the new Brazil-Pacific Ocean highway which cuts through the corridor. Representatives at all levels of government - national to regional to local - know the situation is critical. They had even requested the army to control the illegal extraction, but at the same time they know the planned dam to generate energy for Brazil will flood a third of their region. They seem paralyzed, like deer in the headlights looking for ways forward so they do not lose their biodiversity and way of life. The conservation NGOs in the area continue with their usual projects, workplans, and fundraising as though nothing has changed. Meanwhile FENEMAD, the regional IPO, has been supporting local indigenous resistance to oil and timber extraction in Amarakaeri Reserve at great danger and privation to themselves. When local conservation NGOs were asked why they were not assisting FENEMAD, staff in the Puerto Maldonado conservation NGOs' field offices said they were too busy raising funds from REDD market and looking for ways to market "green gold". In light of the obvious on the ground emergency, the NGOs continuing business as usual seemed surreal to USAID's evaluation team (Renzi et al 2010).

"The status quo seems overly burdened with what the theoretical, academic agenda should be and often ignores or confounds what *is* at local scales. If we are to truly embrace indigenous peoples and perspectives in parts of conservation practice (and I say parts deliberately in that what we call conservation is a wildly diverse set of social phenomena, actions, philosophies), we need to do so in ways that really do embrace reality; we must accept that this will mean compromise of many cherished ideals and shifting the financial paradigm with so much going to the executive structures of corporate NGO conservation interests relative to the trickle out to the local or indigenous level. I've seen work with a tiny but deeply valued local health clinic with a budget of less than 5,000 USD that is tied to a customary biodiversity reserve scrutinized by machinery costing orders of magnitude more just to read the workplan and assess whether actions meet current priorities. And then do so again in 2 years and pull funding when priorities shift. This needs to stop. We need to be more diligent and accountable, but less centralized. We need clear objectives and a means to measure progress, but we do not need to all be operating under the same prioritization scheme, or philosophy, at a global level. Good work is good work. Fund good work under the same prioritization scheme, or philosophy, at a global level. Good work is good work. Fund good work and enable connections within whatever priority scheme to be more or less direct or indirect- if it is good, inspired work, it is unlikely to not relate to conservation outcomes.

I am hopeful, have to be, but the situation is dire enough and real successes rare enough, that ANYTHING that is truly working in indigenous peoples contexts is worth support. "

-- MacArthur Asia & Pacific CSD program grantee (museum)

Experts agreed one thing that would make a big difference would be to stop providing large grants only to conservation organizations and their networks, and create accountable intermediaries with large grants to distribute funding to IPOs and local support groups in accord with a strategy established at local/subregional levels in collaboration with IP. Any IP program expecting to have on the ground impacts would need to be guided by considerations of the most critical issues facing IP communities in order to maintain their territorial integrity, security, and permanence of settlements within their own territories.

Given the size and vision of MacArthur Foundation, there are a range of creative options for more explicitly addressing issues at the intersection of Indigenous Peoples and Conservation - ranging from project levels to the more significant impacts that could be gained by showing high profile leadership in this important area. Largest scale impact would come from demonstrating donor leadership with critical global level initiative that supports work within regional portfolios that in turn respond to the real, on the ground diversity of regional realities, issues and opportunities.

**6.2 Strategy.** A two pronged strategy would be most productive and most likely to produce significant results:

- 1) Introduce effective, proactive processes to change the "old style" conservation that damages IPOs and human rights into conservation that supports human rights and good governance; and
- 2) Support proactive IPOs and their trusted support organizations to create a strong network of territorially based, accountable IPOs conserving biodiversity locally and leading national constituencies for ecologically-sustainable development, rejecting damaging infrastructure and controlling extractive industries.

Both new strategic initiatives need to be designed on good information gathering from the ground up - talking directly to IPs and their support organizations -- not just relying on conservation NGOs and other mainstream conservation agencies who may have conflicts of interest. The processes for the regional program described below would begin by doing a "scoping" with IPOs in their home regions (not in capital cities) to identify opportunities and understand current relationships, and get a sense of their strategies, strengths and weaknesses. During the scoping IPOs will give suggestions of support organizations that they trust -- people that need to be met in the capital cities with links to legal aid and reform networks.

Following this path, MacArthur will be able to evaluate the risks and opportunities from a solid knowledge base, in order to start to fund IPOs and IP support organizations. Lessons would be learned during the first three years, and then the regional programs could be ramped up and expanded. These programs would also contribute to conversations with conservation NGO CEOs about re-visioning conservation and encourage accountability to the new vision.

If the strategy is successful, within ten years, protected areas and IP will be more secure, and MacArthur will be working in positive collaborations that include at least 45 IPOs (average target of nine in each region - Latin America, Africa, Asia, Melanesia, and Arctic) receiving direct grants and implementing their own longterm plans to guide their own development while protecting their lands, waters, biodiversity and culture.

**6.3.0. Tactics**

*What is the relative value of project, versus program or framework funding? What is the scale at which MacArthur is likely to have the greatest impact on indigenous peoples issues? What would be the relative advantage of funding IP issues within regional portfolios versus through a cross-cutting program that seeks solutions at a global scale? What are the opportunities for incorporation of IP issues across other grant making areas within MacArthur's Global Security and Sustainability Program (that is, in Human Rights, Migration, Population, and Peace and Security)?*

Project, program and framework funding each has its place within a coherent strategy. The value of project funding is the immediate impact on the ground linked to grassroots-based organizations. The value of program funding is that it can enable learning across projects and synergies. Nonproject funding may also be appropriate to allow creative processes to move forward unconstrained by projectized restrictions. Framework funding has the value of encouraging synergies across programs, nonproject funding, and projects that comprise activities under the framework.

While there are obvious links across MacArthur Foundation's Human Rights, Global Migration, and the Population and Reproductive Health sectors with Indigenous Peoples issues, among interviewees there was a consensus that traditional stove-piping at MacArthur discourages cross-program collaboration. Interviewees familiar with MacArthur's internal structure and process generally felt that any collaboration would need to be via parallel, not joint programming, and would have to be focused in particular countries where both programs were working as each MacArthur program has its own focal areas and/or countries. This is not meant to discourage collaboration but to acknowledge that it might be necessary to create a new program framework on Indigenous Peoples which could lead collaboration across sectors around IPs. If opportunities for collaboration across sectors were to be used as a criterion for defining new focal areas for MacArthur for the next decade, then synergies would be more likely.

To have the greatest impact, MacArthur would establish an Indigenous Peoples Funding Framework that would also incorporate global and regional programs from other grantmaking areas. The CSD global IP program would link the CSD regional IP programs. A separate global Funding Framework for Indigenous Peoples matches IPs belief that all issues are integrated and need to be treated together in a wholistic manner. A cross-cutting program is not recommended as an alternative, as such programs are rarely successful and are the weak solution chosen for weak, add-on issues. Given the urgency of the situation and the depth of the knowledge about what needs to be done, the time has past for cross-cutting experiments.

Regarding global vs regional -- as one expert interviewee commented, "The danger of going local is that it is possible to bury one's head in the sand, working in anthropologically-interesting local communities where the donor is extremely powerful. In this context, everything becomes folkloric, ignoring the powerful forces that are shaping options at the local level. The danger of going global is that it is easy to lose touch with real grassroots complexities and fail to have any real impact at scale." Some agencies focus on the indigenous community in isolation without any program to address the external challenges and dedication of resources to the management of these challenges. This hobbles the effectiveness of the project unless the community already has a network of strong allies at local, regional and national levels.

#### **6.4.0 A MacArthur Indigenous Peoples Funding Framework**

For IP stewardship to be strengthened in a wholistic manner, and to take best advantage of opportunities for assisting IPOs to conserve biodiversity, it is suggested the MacArthur Foundation initiate a new Indigenous Peoples Funding Framework that would link assistance across focus countries and the Global Security and Sustainability Program (Conservation and Sustainable Development, Human Rights, Migration, Population, and Peace and Security). Within the CSD program, the Framework would include CSD global IP program and CSD regional IP programs.

##### **6.4.1. CSD Global IP Program - two key investments**

An Independent Inspection Panel is needed to assess and encourage conservation agencies to address human rights violations. An IP panel could be established to evaluate the performance of the international NGOs as part of the global program, and be linked to the Independent Inspection Panel.

An Independent Inspection Panel would indirectly strengthen the internal monitoring system proposed to be developed by the seven conservation NGOs in the new IUCN-linked Conservation Initiative in Human Rights (CIHR), and would give NGOs the impetus to address problems as they arise. Rather than leaving the exit open for internal monitoring conclusions pointing the finger at recalcitrant national governments benefitting from fortress conservation, the Independent Inspection Panel activities would operate by opening dialogue space with government to consider alternative

options at national levels. The Independent Inspection Panel would also catch the attention of busy CEOs of the conservation NGOs so they will attend to the issues within their own organizations. By studying the World Bank's Independent Inspection Panel, lessons could be learned, although alternative models should also be considered.

To make this initiative credible and legitimate, the groundwork would be laid with discrete global dialogue with IPOs familiar with problems on the ground, and would not be limited by the lowest common denominator of the African and Asian situations under repressive governments. It would look for ways to link the regional operations in order to bring the laggards forward in establishing criteria and standards for all regions. For example, Colombia has an exemplary Parks policy for working with IP, but it is little known outside Colombia. The Independent Inspection Panel design needs to be driven by IPs and by the need for an agile open review process that will be transparent and open dialogue to reach solutions.

The Independent Inspection Panel could be created through a collaboration between IUCN, UN Special Rapporteur on Human Rights, and Regional Commissions but with strong process links that would attract IP and IP support organizations that have legitimate concerns. Links to the UN Permanent Forum for Indigenous Peoples might also be helpful. It would have to be constructed in a way to make it independent, credible, and international. The panel would be linked to appropriate national civil society organizations to which local people could arrive with confidence to bring their concerns (not directly to the conservation organizations or the government).

The work of the Independent Inspection Panel could be linked to a Peace and Reconciliation initiative in each region, starting in Africa where there exists the greatest need for redressing damages and degazettement. Insiders in conservation agencies working in Africa have noted that the "circle the wagons mentality" has made it impossible to discuss turning over degraded areas to community control even when these areas have no conservation value as managed under the protected areas systems.

The Peace and Reconciliation Commission concept was raised at the World Parks Congress in Durban, and a "study" of the creation of such a Commission was incorporated into a Resolution in Bangkok World Conservation Congress of IUCN in 2004, but it has yet to receive serious attention. The Peace and Reconciliation initiative would serve as a mechanism to reduce the conflict and produce dialogue about the damages caused by forced resettlement and loss of access to resources by Protected Areas establishment. Because African park enforcement is the most violent and has produced the largest resettlement of people, this would be the best place to start. It could eventually be linked to a review of protected areas systems and the relative values of parks/areas, so that governments would feel freer to cut land from parks where it makes sense to turn it over to local control.

The Peace and Reconciliation Commission and the Independent Inspection Panel would both be nurtured by the regional program results that would be strengthening local IPOs and IP support organizations, as they gain the capacity and momentum to support and win policy reforms.

Finally, a global communication initiative would support communication and exchange of information between IPOs and IP support organizations across regions and programs so they would be better informed about new opportunities such as REDD, negotiations with international extractive industry, and other global issues. Learning from each other, they will be better placed to represent their interests in negotiations with powerful outsiders whose cultures and interests they do not fully understand.

#### **6.4.2. CSD Regional IP Programs**

Regional programs are the heart of any IP initiative, because conservation is a local activity and ultimately must be grounded in real places. There are no generalizations or models to be replicated successfully everywhere; one size does not fit all.

Resource mapping has been used extensively in Asia and Latin America, and can be established as a more widely used viable tool for sorting out resource claims in African countries. The key is to put IPOs in a leadership position, not put the IPO support organizations. Support should be directed to IPOs and their trusted support organizations to build a learning and sharing network that supports IP natural resource management and conservation leadership.

In every region, IPOs and trusted national-level support organizations exist and should not be recreated by the donor. They should not be replaced by US-based support organizations with their own agendas, but, recognizing the valuable expertise of US-based organizations, the budgets of IPO support organizations may include funding for seeking specific assistance from international support organizations (such as conservation NGOs, or the Indian Law Resource Center), or from national support organizations in neighboring countries that have experience with a particular issue. The trusted national support organizations provide services such as policy analysis, advocacy, legal aid, intermediaries for networking linkages, and administrative training.

In any regional program, typical IP projects with conservation elements include landuse mapping, zoning, establishment of internal regulations, titling of territories, studies of biodiversity, environmental education, legal defense, and ecologically-friendly income-generating activities. Other projects focus on training and assisting local communities to monitor environmental impacts of extractive industries on their lands and waters. Less frequently they include protected areas administration funding, legal/policy analysis and/or advocacy. They may also include establishing posts/settlements to protect territorial borders from invasions; health care and education; gender; and youth-elder programs in accord with Life Plans/longterm territorial plans and priorities for maintaining resource management by their communities.

**6.4.2.1. Latin America - Build on learning from the past decade and strong IP rights and organizations.** To take advantage of the IP opportunity for conservation, the Latin American program could develop a subgranting relationship with an experienced intermediary such as Oxfam America, to create a regranting program of mid-sized grants to IPOs in Latin America region. Traditional international conservation NGOs have multiple sources of funding, so MacArthur would leverage more sustainable impact by supporting local IP support organizations - Altropica and others. In collaboration with IPOs and conservation organizations, MacArthur would designate an IP support organization in each country to receive complaints for presentation to the Independent Inspection Panel.

**6.4.2.2. Africa.** Persons very familiar with the region noted that, in Africa, most marginalized ethnic groups/IPs are very dependent, and less willing to stand up for their rights in comparison with those in Latin America and Asia. In this context, it will be important to expand support to public interest lawyers groups, and to get to know the geographic focal area through a different optic, beyond the vision provided by conservation NGOs and biologists. In Uganda, the land rights policy creates an positive environment where progress can be made. In consultation with IPOs and conservation organizations, designate an IP support organization which can receive complaints to be investigated by the Independent Inspection Panel. As this is the region with the worst human rights allegations against conservation organizations and protected areas, the recommended Peace and Reconciliation initiative would best begin here.

The Indigenous Peoples of Africa Coordinating Committee (IPACC) is a trans-national network of membership organizations recognised as a representative of African indigenous peoples in dialogues with governments and is accredited with the UN Economic and Social Council, the UN

Environment Programme, the Global Environment Facility, UNESCO and the African Commission on Human and Peoples' Rights. It has 150 member organisations in 20 African countries. IPACC would be one of the key contacts in the region for exploring the distribution and situations of IP and IPOs. [http://www.ipacc.org.za/eng/regional\\_eastafrica.asp](http://www.ipacc.org.za/eng/regional_eastafrica.asp) IPACC receives funding from European religious organizations, Tides Foundation, and others.

**6.4.2.3 Asia & Pacific** - There are great opportunities for supporting IPOs in the Eastern Himalayas corridor into eastern China; this area is among the last bastions of IPs in the world. Likewise the Mekong region has many IPOs and support organizations. Customary systems have been modified to meet government regulations to function more as management and not as decisionmaking bodies (Ironsides and Borrini-Feyerabend 2010), but with support they can be revived as has been done in Orissa, India. It is recommended that guidance be sought from the ICCA Consortium (see ANNEX 3) and local organizations, such as FECOFUN, established by Ford Foundation in Nepal.

Traditional international conservation NGOs have other, multiple sources of funding, so MacArthur would leverage more sustainable impact by supporting local IP support organizations and IPOs in this region. It would be important to support public interest lawyers to assist IPOs and work on policy reforms. The program staff would need to get to know the other players beyond the traditional international conservation organizations and see the world thru an IP optic. Tebtebba could provide introductions to many relevant organizations. [http://www.tebtebba.org/index.php?option=com\\_weblinks&view=category&id=7%3Aindigenous-organizations-and-networks&Itemid=8](http://www.tebtebba.org/index.php?option=com_weblinks&view=category&id=7%3Aindigenous-organizations-and-networks&Itemid=8)

In collaboration with IPOs and conservation organizations, MacArthur would designate an IP support organization in each country which can receive complaints to be investigated by the Independent Inspection Panel.

**Pacific/Melanesia** -- It is recommended that the program expand work from LMMAa to terrestrial protection with Landowner IP groups. The PNG Conservation Needs Assessment in 1991 identified opportunities and constraints, and offered suggestions for working with Landowners in PNG. In Papua, Indonesia, there are opportunities to support the provincial government in using maps of customary territories and the life/longterm plans of the community organizations for those territories as the land use plan for the province.

**6.4.2.4. Other region of high priority - Russia & the Arctic.** The strong IPO, RAIPON, could assist MacArthur to develop an IP program in Russia, which MacArthur Foundation has designated as a focal country; and MacArthur Foundation could partner with Gordon Foundation in Canada to expand support to IPs around the Arctic.

## **6.5. Sources of expertise.**

*What sources of expertise on IP issues (e.g. individuals, intermediary support organizations, indigenous federations or organizations, academic and research institutions, government agencies) could be called on to provide more in-depth guidance to Foundation staff and grantees?*

If MacArthur Foundation decides to take leadership in this important area, the best experts to consult will be the Indigenous Peoples based in the biodiverse places that are of interest. If they are organized into supra-local representative organizations, it is important to identify these organizations and initiate communication through these organizations. The Foundation will likely need to rely on intermediaries to get oriented and triangulate opinions, but once oriented toward direct engagement, the role of non IP should be one of advisors accompanying IPs in open settings, with TORs to accompany the process but not to get involved in decision making. In Latin America, Africa, and

Asia, "experts" exist in local "people's support NGOs", but they tend not to publicize their own work or otherwise appear on donor radar screens. Hence a dedicated effort would need to be made, by talking with IPOs directly to assess which "translators/facilitators" might be the best for the specific situation.

Over the years many intermediaries, experts, and universities have been consulted to guide foundations, NGOs and governments, yet progress has been slow. ANNEX 4 contains selected names of key individual IP support people and organizations, who could in turn open the door to others in their networks.

The key international NGO leader supporting Indigenous Peoples' struggle to defend their land and forest rights is Forest Peoples Programme (<http://www.forestpeoples.org>). The FPP webpage provides updates on issues and publications. Other international NGOs who have focused on human rights in particular cases in conservation contexts include Survival International and Conservation Refugees. Universities have tended to follow more academic types of research and have a history of claiming to be experts to be listened to over the word /decisions of IP representatives themselves.

The key to beginning to build effective programs for assisting IPs lies in improved communication between IPs and outsiders, including donors. Commitment to use good listening skills and commitment to follow up by acting on what hear are desperately needed. Communication across cultures with people who do not easily trust outsiders is not easy, but it is essential. A Bolivian Guarani "coloquio" methodology that could usefully be applied requires people with different opinions and backgrounds to meet together to share opinions and information. The ground rules are that no one can respond to what anyone else says or argue with another point of view. They just listen to each other. After the meeting is over, people are generally more open to talk to each other, as they were forced to listen to and appreciate others' opinions that were heard in a public setting where other people also heard those opinions and saw each other sharing in the listening to build a common understanding. In Asia, a similar process is called "leveling off."

As one expert interviewee put it succinctly, "Does MacArthur want to convert IPs to something that fits their own cultural mold? If so, then collaboration won't work. If MacArthur wants to work with IPs as IPs, then it will require communication and adjustments, because the donors' culture and IP cultures are very different. Just start with language; communication and collaboration cannot be dependent on the IPs using MacArthur's English language. "

To undertake a serious IP framework initiative, MacArthur or any donor would need to hire consultants and program officer/s with the time and experience to be dedicated to understanding and monitoring the situation from IPs' perspectives, and translate this back into frameworks, strategies, proposals, implementation, and reports that MacArthur can understand within its system. And the donor would need to make a longterm commitment for continuous support over ten years, willing to ride the ups and downs, adjusting as IP take time to sort out their own internal issues and figure out ways to meet the Foundation on equal terms.

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**List of ANNEXES that are attached**

1. TOR.
2. Hundedsted Recommendations for Donors.
3. Indigenous and Community Conserved Areas Consortium Brief.
4. Key contacts for future reference.
5. List of interviewees who were consulted on the key questions in the TOR.