

Spanish Strategy Paper for Cooperation with Indigenous Peoples

Executive summary



MINISTERIO
DE ASUNTOS EXTERIORES
Y DE COOPERACIÓN

SECRETARÍA DE ESTADO
DE COOPERACIÓN INTERNACIONAL

DIRECCIÓN GENERAL DE PLANIFICACIÓN
Y EVALUACIÓN DE POLÍTICAS PARA EL DESARROLLO

1. Presentation of the Strategy

The Spanish Strategy for Cooperation with Indigenous Peoples (ECEPI) is inspired by the Preamble to the Spanish Constitution, the Spanish Act on International Development Cooperation (23/1998) and the Master Plan for Spanish Cooperation for 2005-2008. It is in accordance with EU legislation on the matter and within the framework of the Second International Decade of the World's Indigenous Peoples (2005-2014), and it seeks to achieve the MDGs. Its content is inspired by the demands of the indigenous peoples in the international sphere, and by the progress made in the recognition of their rights.

The overall goal of the ECEPI is to contribute to the recognition and effective exercise of the indigenous peoples' right to create their own models and processes of social, economic, political and cultural development. Thus, the ECEPI not only sets out sectoral priorities for Spanish cooperation, but it also includes a series of principles concerning how to identify, design and implement cooperation activities that respect their rights and their diverse identities.

2. Justification

Indigenous peoples have maintained their forms of organization, lifestyles and own unique cultures, and they constitute a fundamental part of the world's cultural diversity. The needs, demands and outlook of each of these peoples are unique, different from those of the other societies in their countries. This uniqueness means that indigenous peoples must have the right and capacity to participate in and effectively control all actions that affect them, in order to guarantee their right to decide to maintain and develop their own lifestyles, whether in rural or urban areas, and therefore have their present and future in their own hands.

Specialized cooperation with indigenous peoples is also justified by their status as especially vulnerable populations, by the historical marginalization they have had to face, by the special relationship that most indigenous peoples have with their lands and territories, and by the importance of preserving cultural diversity as patrimony of humanity.

3. Reference Framework

Institutional Framework

The Permanent Forum on Indigenous Issues, an advisory body to the UN ECOSOC, and the United Nations Human Rights System, especially the Special Rapporteur and the Working Group on Indigenous Populations¹, are the principal international mechanisms for the protection of the rights of indigenous peoples. In addition, most international organizations and agencies implement specific actions focussed on indigenous peoples. The UN Inter-Agency Support Group on Indigenous Issues (IASG) among other functions coordinates these organizations' work.

In the regional sphere, the African Commission on Human and People's Rights, the Organization of American States and the Indigenous Fund are key institutions in the protection of the rights of indigenous peoples.

In Spain, the Spanish Agency for International Cooperation (AECI) has, among others, the mandate to implement the ECEPI, and it specializes in cooperation with indigenous peoples. Other fundamental actors are specialized and mainstream DNGOs, the Autonomous Communities and local bodies entities.

¹ In 2007 the Human Rights Council will decide on its continuity, elimination or replacement by another mechanism.

Regulation framework

Indigenous peoples, as individuals, enjoy all the internationally-recognized rights, noteworthy among which are the Conventions and Agreements of the UN Human Rights System, in addition to other specific recognized rights. The most important specific legal document is ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, which Spain ratified in 2007. Furthermore, other rights have been recognized by means of certain international instruments, such as the Convention on Biological Diversity (Article 8j and related provisions) with respect to the protection of their traditional knowledge, and the Convention on the Rights of the Child (especially Article 30), with respect to bilingual intercultural education. The UN Declaration on the Rights of Indigenous Peoples constitutes the main document for the protection of their rights. Its content generally inspires the ECEPI.

Other significant sources of information and guides on indigenous peoples are the documents and studies by the Permanent Forum on Indigenous Issues, by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and by the Working Group on Indigenous Populations. Also noteworthy is the adoption by the UN of the Programme of Action of the Second International Decade of the World's Indigenous Peoples (2005-2014).

At the Spanish national level, the general legislative framework for Spanish cooperation is applicable, and most of the Autonomous Communities consider cooperation with indigenous peoples a priority.

Theoretical Framework

Five basic principles must guide all Spanish cooperation activities in all activities affecting indigenous peoples:

- 1 Self-identification as the main criterion to identify indigenous peoples.
- 2 Recognition of the link between indigenous peoples' identity, culture and view of the world and the effective control of their lands and territories.
- 3 The right of indigenous peoples to self-development, understood as the creation, implementation and follow-up of their own development models and conceptions, defined from the standpoint of their respective diverse identities, in order to adequately fulfil their individual and collective needs.
- 4 The right to free, prior and informed consent, including the right to refuse proposals for projects and activities regarding development cooperation or of any other type.
- 5 An approach based on processes and on the recognition of rights. In addition, use of a sustainable human development approach, the fundamental principles of equality and non-discrimination, and gender mainstreaming.

As for the definition of indigenous peoples within the ECEPI, Spanish cooperation reflects the most relevant international definitions, and acknowledges the key role of the self-identification principle to recognize a people as indigenous. The main international forums that specialize in indigenous issues do not consider it necessary to adopt a single universal definition in order to advance in the process of recognizing their rights, and in fact, indigenous peoples claim the right to either define themselves or not.

4. Framework for action

General Strategic Lines

All Spanish cooperation actions with indigenous peoples must promote the fulfilment of the following strategic lines:

- 1 Support for the full and effective participation of indigenous peoples in the relevant decision-making processes and institutions for the recognition and effective exercise of their rights.
- 2 Empowerment and support for capacity building of indigenous men and women and their movements, organizations and institutions.
- 3 Support for the traditional organizations, authorities and institutions of indigenous peoples, in their own internal processes of strategy definition and development models, with the full participation of indigenous women and men.
- 4 Support for the indigenous peoples and their organizations in the protection of their territories, environment, cultural systems and cultural heritage, by means of actions aimed at their defence, which make visible and at the same time reinforce the fundamental role of women in the preservation of their cultures and in development.

Guidelines for action. Implementation of Spanish cooperation instruments

In the implementation of any action that may directly or indirectly affect indigenous peoples, all the actors must necessarily take the following measures. Neither funding nor support will be given to any activity that does not meet each and every one of these principles:

- 1 Any project must specify whether it affects indigenous peoples or not. If it does, mention must be made as to whether this influence is direct or indirect, and of the impact it may have on the control and management of their lands, territories and resources.
- 2 In all cases, the indigenous peoples must give their free, prior and informed consent (see the full ECEPI document on how to obtain it); the mandatory studies on environmental, social and cultural impact must be carried out (following the Akwe:kon guidelines adopted at the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity), and the differentiated gender impact on women and on men must also be specified (to this purpose, use the Spanish Cooperation Gender Strategy).
- 3 If the project is directly aimed at indigenous peoples, it must have the full and effective participation of their men and women in every phase of the project cycle, and this must be expressed in the formulation document, from a gender approach.
- 4 Preference is given to supporting actions that fall within ample development processes, launch processes or provide them with continuity. If they have no self-development plan of their own, support must be given to setting one up, by applying the indigenous peoples' own participative methodologies.
- 5 Priority is given to pilot projects that advance the definition of concepts and the implementation of appropriate participative measures that enable Spanish Cooperation to improve its support for indigenous peoples.
- 6 These principles are equally valid for cooperation modes involving global funds, budget support and sectoral approaches in the aspects in which they affect indigenous peoples.

To carry out these actions, the different actors can count on receiving advice from the AECl's Indigenous Programme. The Indigenous Programme takes part in the conclusion of agreements with DNGOs that work with indigenous peoples, and it may request information from the parties concerning the degree of fulfilment of the ECEPI.

When using other instruments, other additional specific measures are applicable:

Food Aid

It must be temporary and complementary to other actions aimed at recovering their own self-supply. When this aid is provided, there will also have to be promotion of the preservation of their eating customs; if possible, food will be acquired in other indigenous communities with similar customs, and any type of dependency must be avoided.

Humanitarian Action

In the event of temporary displacement, the specificities of the indigenous peoples must be taken into account, and their effective participation in decision-making must be promoted. Their return must be favoured, once the conditions that provoked their displacement have been resolved, provided that the majority of the community does not express itself otherwise and provide reasons for such decision. Producing studies and protocols for action that take into account their specificity is envisaged.

Support for micro- and small businesses

Microcredits must be granted considering the community as a whole. This instrument is particularly useful for promoting urban indigenous populations and the visibility and economic empowerment of indigenous women.

Education for development, training and social awareness raising

Knowledge of indigenous cultures by the surrounding society must be promoted, through dissemination programmes, the development of intercultural education, the publishing of appropriate teaching materials, and by training and raising awareness among journalists and communicators, with gender mainstreaming throughout the whole process.

Multilateral cooperation

Spain supports international processes to promote the recognition of the rights of indigenous peoples, especially the Permanent Forum for Indigenous Issues, the UN human rights system, the EU, and the system of Ibero-American Summits, as regards the Indigenous Fund. Spain should strengthen its collaboration with the UN agencies that are experienced in cooperating with indigenous peoples (such as ILO, UNOHCHR, UNDP and UNICEF) and especially with indigenous women (UNIFEM, INSTRAW, UNFPA and IANGWE) from a standpoint of gender equality.

Moreover, certain restrictions are envisaged in actions concerning foreign debt and Spanish Development Aid Fund (FAD) credits when they affect indigenous peoples.

Intersection with horizontal priorities

The fight against poverty

Indigenous peoples are more vulnerable to poverty, mainly due to the impossibility of these populations implementing their own models of development. Poverty should be addressed from these peoples' own perception of it, and special attention should be paid not just to those who live in rural areas, but also to urban dwellers and, especially, women.

The defence of human rights

The human rights approach constitutes the fundamental basis for the ECEPI. All cooperation actions should be aimed at promoting the respect, recognition and application of individual and collective rights and at eliminating all forms of discrimination. Spanish cooperation supports local, national and international processes that have this goal.

Gender equality

Indigenous women suffer from two or even three forms of discrimination. Any cooperation action carried out must take into account their situation, the gender relations existing within the community and the main forms of discrimination that must be addressed. Indigenous women need to be integrated into the entire cycle of the project, if necessary creating for this purpose specific spaces for their participation and empowerment.

Environmental sustainability

Indigenous peoples depend to a large degree on the natural resources that are situated within their lands and territories, and so the degradation and insecurity concerning their possession and control comprise one of the most severe problems for the survival of these peoples. Therefore, all the actions applied should promote the consolidation and development of these peoples' own strategies for the sustainable use and management of their lands and territories.

Respect for cultural diversity

The present Strategy recognizes the right of indigenous peoples to their culture, this being understood as forming part of the exclusive right of their members to decide on whether to maintain, modify or eliminate any of its features. This strategy establishes the necessary principles for implementing a form of cooperation that is respectful with the rights of indigenous peoples and supports worldwide cultural diversity.

Sectorial priorities

Democratic governance, public participation and institutional development

In more and more states inhabited by indigenous peoples, multiethnic and pluricultural values are recognized, and the wealth they represent for the country is acknowledged. Democratic governance, in the context of the present ECEPI, should promote the recognition of such cultures, their legal systems and self-organization, and their coordination and complementarity with state-wide systems. In addition, it requires the effective participation of the indigenous peoples, including the involvement of their organizations, in all areas of national and international decision taking. Special attention should be paid to the effective enjoyment of these rights, and so Spain encourages activities that have a practical approach

and supports the mechanisms and institutions (citizens' rights offices, auditing agencies and observer institutions, among others) that supervise the defence of the indigenous peoples' rights. Public awareness and intercultural dialogue are crucial factors in this respect.

The coverage of social necessities

Any action taken in this sense should be with respect for the indigenous peoples' own models of existence, their traditional systems of production, habitability and access to water, preventing any type of dependency and promoting self reliance. Apparently innocuous actions or techniques may have devastating effects on the survival of indigenous peoples if they are not appropriate to the needs and demands identified by such communities. In this respect, bilingual intercultural education and public health are especially relevant. The first of these concepts interconnects the cultures of indigenous peoples and the surrounding society, enabling indigenous children to retain their culture while at the same time participating in that of the surrounding society. To achieve this end, it is necessary to ensure that these children can take part under equal conditions at all levels of the education system; indigenous teachers should be trained; the use of new technology should be promoted; indigenous peoples should participate in setting up specific curriculums and models of education taking into account their own cultures and promote gender equality and parity;

Public health systems must include both equality of access for indigenous peoples and the recognition and complementarity of their traditional systems; finally, special emphasis must be given to initiatives promoting sexual and reproductive health from the standpoint of cultural diversity and gender equality.

Promotion of the economic fabric

The economy of most indigenous peoples is closely bound to their lands and territories, and so any action in this respect must avoid the introduction of alien concepts that might produce an effective reduction in their collective rights over such territories. The indigenous communities should be responsible for establishing their own economic and business models, and any action in this field must be coherent with these. In the case of urban indigenous communities, it is necessary to encourage their participation in the urban economy, taking into account their different identities. Another priority issue is that of the economic promotion of women. The actions of private companies have an important effect on the survival of indigenous peoples, and so codes of conduct need to be established and implemented, protecting the rights and basic principles set out in the present Strategy.

Environment

Indigenous peoples are fundamental actors in the conservation of the environment. Actions aimed at protecting the environment should take into account these peoples' traditional systems of management and use of their lands, and obtain their active participation. When consideration is given to setting up zones of environmental protection (such as nature parks) in their lands, the indigenous peoples affected must take part in their management, and the maintenance of these peoples' quality of life and capacity for survival should be guaranteed. Moreover, it is necessary to consider and make use of the diverse areas of knowledge possessed by indigenous men and women, and take into account that the transfer of land ownership to them might constitute a very useful mechanism for the conservation of such lands.

Culture and development

Protection of heritage and the rights derived from its possession are fundamental to guarantee the development of indigenous peoples. Special attention and protection should be provided to the places, surroundings and sites that have particular spiritual importance for these peoples, and the world must be made aware of their cultures and artists. Moreover, let us take into account that indigenous peoples have their own definition of art and that this may be evidenced in textiles, utensils or other instruments. It is important to promote initiatives that highlight and make appreciable the work of women as protectors of the cultural heritage of their peoples, and to provide incentives for them to participate in cultural spaces. Two priority areas are intercultural dialogue and communication for development.

In order to establish an intercultural dialogue without discriminations, it is necessary to train the agents and actors who come into direct contact with indigenous peoples and to heighten awareness among the surrounding society.

The aim of communication for development is to enable and encourage indigenous peoples to develop their right and capacity to speak for themselves, without intermediaries, in formal and informal media.

Gender in development

Gender relations are very closely linked to culture and so any action in this field should support the empowerment processes that the indigenous women themselves have begun, and should be carried out in the context and to the extent that they and their organizations may establish. Gender equality and parity also means we must promote the participation of indigenous women in all spheres of public life and strengthen their organizations and their autonomy, in the areas of economy, society, politics and culture. Furthermore, there should be activities to raise awareness concerning gender issues with respect to development, as well as those concerning cultural diversity, for both women and men in indigenous populations.

Conflict prevention and peace building:

Sensitivity to differences, intercultural dialogue and the recognition of the rights of indigenous peoples, especially as concerns their participation in decision taking and the protection of their lands and territories, are the best ways by which conflicts may be prevented. When one, nevertheless, occurs, the indigenous peoples' own systems for overcoming such situations should be taken into account.

5. Communicating and implementing the strategy

The Directorate General for Planning and Evaluation of Development Policies (DGPOLDE), in collaboration with the Indigenous Programme, will be responsible for carrying out the awareness raising process proposed in the ECEPI. For this purpose, awareness raising activities will take place among the actors involved in Spanish Cooperation, the indigenous peoples and organizations, the organizations constituted to defend their rights, and among cooperation agencies, especially in the ambit of the European Union. Moreover, activities will be carried out in the diverse regions where Spanish Cooperation is active.

In addition to the above, the integration of indigenous peoples will be promoted by all the actors in Spanish Cooperation in their respective fields of action, including Parliament, Government, Ministries, AECI, DNGOs, trade unions and universities. Special mention should be made of the role played by companies, and so a further objective is that the principles set out in the ECEPI should be implemented in all their economic activities. Moreover, public funding that is considered directly or indirectly accountable to cooperation activities will not be awarded for the pursuance of actions contrary to the above mentioned principles.

To facilitate the implementation of the ECEPI, Spanish Cooperation will establish specific DAC-CRS codes, and the Indigenous Programme will set up an advisory committee and publish a handbook for intercultural work with indigenous peoples. The Spanish Technical Cooperation Offices in countries with indigenous populations will have staff specialised in this field.

6. Follow-up and evaluation

A process will be established to monitor the fulfilment of the Strategy, in which the AECI's Indigenous Programme and that of the DGPOLDE will play a leading role. The first of these will be able to request information from the different parties concerning the fulfilment of the present strategy. In the framework of assessing development policies related to indigenous peoples, all that is set out in this sectoral strategy will be taken into account.

Geographic framework

The ECEPI establishes geographic priorities that coincide with the priority countries identified in the Master Plan of Spanish Cooperation for 2005-2008. However, actions may be implemented in non priority countries when it is considered that failure to act would aggravate situations of critical necessity and vulnerability or which correspond to a regional context.

LATIN AMERICA

Priorities include land ownership, the recognition and effective exercise of the rights of indigenous peoples, support for their representatives in regional and international forums, strengthening their organizations, promoting communication for development, supporting self-development systems and encouraging the empowerment of indigenous women and their organizations.

AFRICA AND ASIA

Priority issues are considered to be the legal recognition of the existence and rights of indigenous peoples, the strengthening of their organizations and their participation in national and international institutions, especially as regards the control of their lands, territories and resources, and the ownership of these. Particular emphasis should be placed on supporting their self development, especially in the sectors of meeting basic social necessities, good governance and promoting the empowerment of indigenous women and their organizations.

The electronic version of this document can be downloaded from:

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