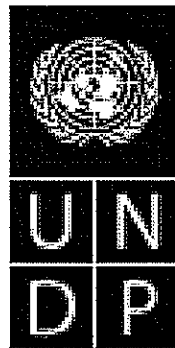


Planning Workshop

United Nations Development Programme



Regional Initiative on Indigenous Peoples' Rights and Development

**3-4 February
Bangkok, Thailand**

1. Introduction

The United Nations Development Programme's *Regional Initiative for Indigenous Peoples' Rights and Development Programme* held a Planning Workshop from 3-4 February 2005 in Bangkok, Thailand. The Regional Programme (RIPP) is a new UNDP initiative to strengthen policy dialogue and coordination on indigenous peoples' rights and sustainable development at all levels. The programme aims to create an enabling environment for inter-country sharing of experiences, to build capacity among all stake holders, and to strengthen information networks and knowledge management systems.

The workshop brought together some 40 participants from nine countries – Bangladesh, Cambodia, India, Indonesia, Malaysia, Nepal, the Philippines, Thailand and Vietnam with representatives from governments, indigenous peoples' organisations (IPOs); non-governmental organisations (NGO), academics and the UN Permanent Forum on Indigenous Issues; as well as from the Civil Society Organizations Team of UNDP's Bureau for Resources and Strategic Partnerships; UNDP Country Offices (Bangladesh, Cambodia, India, Nepal, the Philippines, and Thailand); and the UNDP Regional Centre in Bangkok (RCB).¹

The workshop was organised by Ms. Chandra Roy – Programme Coordinator RIPP – with the active support of RCB advisors and staff.

2. Workshop Objectives

The workshop had four main objectives:

1. To launch the Regional Programme (RIPP) and introduce the background and objectives of the programme;
2. To finalize the RIPP work plan with input from the programme partners and beneficiaries and to identify priority areas for further action;
3. To consult with the workshop participants on the establishment of a forum for policy dialogue on indigenous peoples' rights and development;
4. To introduce the workshop participants to UNDP in general, and the Regional Centre in Bangkok in particular by providing an overview of its practice areas.

3. Methodology/Process

In order to allow for the workshop to be conducted in as participatory a manner as possible the agenda consisted of presentations, plenary discussions, question and answer sessions and working groups.² The various sessions were moderated by representatives from governments, IPO's, and UNDP staff. Space was also given to participants to share experiences through presentations on the respective national contexts; to allow participants to identify common challenges facing indigenous peoples in the region as well as lessons learned. The presentations were prepared and in most cases presented jointly by the participants from each respective

¹ Please see Appendix B for list of participants.

² Please see Appendix A for workshop agenda.

country. The working groups dealt with various issues related to the RIPP workplan and were intended to identify priority activities for the RIPP as well as produce a set of specific recommendations. Each group was facilitated by a participant from the RCB with assistance from a resource person identified from amongst the non-UNDP participants as well as a person to provide technical support.

The purpose of the planning workshop was to be the first step in a continued dialogue between the RIPP and UNDP and the workshop participants on the directions and focus of the programme as well as in the formation of a forum for policy dialogue on indigenous peoples' rights and development.

Mr. Robert G. Bernardo, RCB, was the overall facilitator for the workshop.

4. Workshop Summary

The workshop was opened by Ms. Elizabeth Fong, Regional Manager of the RCB. Ms. Fong stressed that the RIPP is an indication of the commitment of the UNDP in helping place indigenous peoples as an integral part of the development agenda – with the RIPP aimed at working towards the strengthening of policy dialogue on indigenous peoples' rights and sustainable development at all levels, timely with the proclamation of a second decade for Indigenous Peoples. She highlighted the commitment of Cambodia, the Philippines, Thailand and Vietnam in endorsing the programme and hoped it will serve as an inspiration to other countries to also work closely with the RIPP in strengthening indigenous peoples' rights and development. Ms. Fong stressed that the RIPP and the participants at this first workshop of the programme were 'breaking new ground' in seeking to establish a mechanism for dialogue and engagement on indigenous peoples' rights and development at the regional level. She emphasized that UNDP needed their active participation and feedback in order to ensure the Programme developed in a manner that was responsive to their needs and aspirations.³

Following the opening address, presentations providing an overview of the current situation of indigenous peoples internationally and within UNDP⁴ were given:

- Indigenous peoples and the Millennium Development Goals, by Ms. Vicky Tauli Corpuz;
- The UN Indigenous Peoples' Decade, by Mr. Arusha Stanislaus;
- Poverty, Human Development and Governance, by Mr. Patrick Keuleers;
- UNDP's Policy of Engagement with Indigenous Peoples, by Ms. Alejandra Pero; and
- Human Rights Based Approaches to Development, by Mr. Sanaka Samarasinha.

Recent Developments/Country Presentations:

Presentations on country situations were made by participants from the four endorsing countries – Cambodia, the Philippines, Thailand and Vietnam as well as

³ Please see Appendix C for Welcome Address by Ms. Elizabeth Fong.

⁴ Presentations are available on the workshop CD.

Bangladesh, Indonesia and Malaysia. The presentations were followed by open discussions.

As noted above the purpose of these presentations was for the participants to share the experiences from their respective national contexts as well as to learn from each others' experiences and identify common challenges and priorities. The country presentations⁵ revealed that there are many commonalities to the challenges facing indigenous peoples' rights and development in Asia. These include issues relating to: natural resource management; lack of access to or protection of natural resources which indigenous peoples depend on for their livelihoods; land rights; environmental degradation of indigenous lands; under-development; discrimination; lack of legislation to protect the rights of indigenous peoples or lack of implementation of existing laws and regulations; development policies not adapted to the way of life and culture of indigenous peoples; lack of awareness and understanding of indigenous customs and culture; and conflicts between the interests of national development and the livelihoods of indigenous peoples.

A special case was the situation of the indigenous peoples in Aceh, Indonesia after the massive devastation following the earthquake and the subsequent tsunami. Representatives of indigenous organization, AMAN, described the severe impact of the disaster on indigenous peoples, yet no special measures have been taken to address the specific claims of indigenous peoples in the post-disaster recovery planning. There are fears that the government and business interest will take advantage of the situation to acquire land traditionally belonging to the indigenous peoples during relocations of indigenous peoples. The question was raised whether anything could be done through the RIPP to assist the indigenous peoples in Aceh. It was noted that it is primarily the responsibility of the respective COs to deal with the specific national contexts.

Examples were also given of positive developments such as the adoption of the *Indigenous Peoples Rights Act* in the Philippines and the advancement of the issue of indigenous peoples' rights and development at the international level and within the UN and the UNDP – highlighted in the earlier presentations. However it was emphasised that even though there were positive developments much still remains to be done at the international, regional, national as well as local level in order to ensure indigenous peoples' rights and development.

The second day of the workshop began with presentations⁶ on:

- Environment and Natural Resource Management, by Ms. Jannie Lasimbang;
- Land Rights, by Raja Devasish Roy;
- Capacity Development; by Mr. Niloy Banerjee
- Background to the Regional Initiative on Indigenous Peoples' Rights and Development (RIPP) Programme, by Mr. Arusha Stanislaus; and
- The RIPP workplan, by Ms. Chandra Roy.

⁵ Presentations are available on the workshop CD.

⁶ Presentations are available on the workshop CD.

In response to the interest in the Regional Human Development Reports (RHDR), one of which will focus on indigenous peoples in Asia and the Pacific under the RIPP, Ms. Anuradha Rajivan, Coordinator of the RHDRs, gave a short presentation. She emphasised that the RHDR is primarily a policy advocacy tool, and thus should not be too academic. The workshop itself allowed for participants to influence the direction of the RHDR in particular through the recommendations put forward in the working groups on Policy Forum and Thematic Issues covered below.

During the afternoon session, the participants discussed issues specifically related to the RIPP workplan. This was done in small working groups respectively covering the Policy Forum, Thematic Issues, Capacity Development and Human Rights Based Approach pilot projects. Following intense and lively discussions at the working groups to agree a set of recommendations, these were reported back to and discussed in plenary (for more details see below under section 5).

Specific issues, questions and recommendations raised during the workshop include:

- It was emphasised that the RIPP is not limited to working only in the endorsing countries but can also undertake activities in other countries in Asia and the Pacific, as the RIPP can also work directly with IPOs;
- A mapping exercise should be undertaken in order to identify the organisations with which the RIPP can collaborate;
- It should be explored how other countries can be encouraged to sign on to the RIPP;
- There is a need to mainstream indigenous peoples' rights and development in all of UNDP's activities so that it is not 'ghettoised' in the RIPP;
- It should be ensured that the activities undertaken through the RIPP build on already existing efforts of indigenous peoples and measures should be taken so as not to duplicate or inadvertently reverse advances already made;
- There is scope for cooperation between the RIPP and other programmes within UNDP such as the Asia Regional Governance Programme (ARGP) which will undertake several activities relevant to the RIPP, as well as the Regional Environmental Governance (REG) Programme;
- Efforts should be made to address the particular situation that has arisen due to the tsunami which has led to exclusions of indigenous peoples as well as land alienation;
- Language is a challenge when working with indigenous peoples in Asia and the Pacific. The RIPP could allocate resources to translation as well as ensure effective translation during the study tours which are planned under the RIPP;
- The concern was raised that the RIPP may be formulated in a way that makes it difficult for indigenous peoples and organisations to understand. Perhaps a more appropriate way of presenting the RIPP could be found;
- UNDP and the RIPP can play a role in advocating for those groups which are not yet sufficiently organised. However, there needs to be an exit strategy

for the RIPP. Indigenous peoples must be given the capacity to advocate for themselves;

- It should be explored what other donors are doing in the area of indigenous peoples and how the RIPP and UNDP can collaborate with them. Also South-South Cooperation should given priority.

5. Working Groups

Working Group 1: Policy Forum

WG 1 dealt primarily with the establishment of a forum for policy dialogue on indigenous peoples' rights and development as well as the Advisory Committee for the RIPP and a learning network for sharing of regional and transboundary experiences. The discussion within WG 1 took as its departure point UNDP's comparative advantage in working at the policy level – emphasising the importance and timeliness of the formation of a forum for policy dialogue. In this regard the participants proposed a set of recommendations for the establishment of: (i) an Advisory Committee; (ii) National Committees (NC) and (iii) Networks.

(i) Advisory Committee:

It was recommended that an advisory committee be established, made up of a small group in order to ensure effectiveness and responsiveness. Specific recommendations include:

- Suggested composition could be two members from IPOs; one from each of the governments of the four endorsing countries; two civil society representatives, and two representatives of the UNDP or other donors.
- That it meet once per year or as needed;
- Advise the RIPP as necessary – this could include on the workplan and publications as well as monitoring and evaluation of the RIPP;
- Serve as a link with other programmes and initiatives within the UNDP such as the Asia Regional Governance Programme (ARGP) and the Asia Pacific Regional Human Development Reports Initiative (APRI);
- The Advisory Committee could be supported in its work by ad hoc technical committees to work on specific issues, for example this could be in support of a Regional Human Development Report;
- Smaller working groups could meet from time to time in each of the respective endorsing countries;
- The Chairpersons of the National Committees would also be represented on the Advisory Committee (see below).

(ii) National Committees:

It was suggested that NCs could be established to provide a policy forum at the national level, and to coordinate activities relating to indigenous peoples including with RIPP at the national level. It would be important that the country offices are engaged in this process. Specific recommendations include:

- That the NCs have a similar composition as the Advisory Committee;
- That the NCs assign a focal point to liaise with the RIPP programme;
- That the NCs share information and raise awareness of indigenous peoples' rights at the national level and serve as a link between the community level and the national as well as regional levels;
- That the NCs cooperate with other commissions or relevant bodies such as National Human Rights Commissions;
- That where possible a UNV be appointed to assist the CO in the establishment of the NCs as well as ensuring their sustainability.
- The legal status of the NCs would be decided by the government of each country.

The NCs would be initiated in the endorsing countries as a first step, to be expanded to other counties as and when deemed necessary and appropriate.

(iii) Networks:

It was recommended that a virtual network be established which includes a wide range of members/participants to facilitate the exchange of experiences and lessons learned as well as promoting dialogue on issues of concern to indigenous peoples between indigenous peoples, IPOs, civil society, governments and UNDP. The network would also serve to promote advocacy activities. Specific recommendations include:

- That a moderator to facilitate the discussions and provide quality control to the network should be hired;
- That one or two workshops a year should be organised through the network on issues of relevance to indigenous peoples in Asia and the Pacific;
- That a website to complement the network may be established;
- That the website would serve as an additional advocacy tool and could also include for example legal and regulatory databases and references to institutions, policymakers and IPOs and other NGOs/CSOs;
- That a moderator to maintain the website and its content should be hired.

The network would allow for the discussion of policy issues for example on mainstreaming indigenous peoples' issues into UNDP country programming or National Human Development Reports. The policy dialogue would feed into the Advisory Committee and the NCs as well as the RIPP.

The networks would include participants in Asia and the Pacific, and the endorsing countries. The question was also raised as to whether it would be possible to broaden the network – i.e. create a global network at a later stage. It was recommended that for the time being, given the time and resource constraints, and the stated objectives of the Programme, RIPP should focus on creating an Asian regional network, which could be linked to other regional networks in the future.

Working Group 2: Thematic Issues

WG 2 dealt with identifying thematic issues of concern in relation to the situation of indigenous peoples in Asia and the Pacific. The discussion within the group led to the identification of a wide range of thematic issues leading to the agreement on six proposals for possible country studies and/or case studies. These were:

1. Study on gaps between existing obligations under international and national law and actual implementation and state policies on indigenous peoples – particularly focusing on land and forest laws. It was proposed that studies could be carried out in Bangladesh, Cambodia and the Philippines;

2. Cross-sectoral study on the issue of displacement of indigenous peoples – i.e. what are the contributing factors to indigenous displacement from their land. It was proposed that studies could be carried out in Bangladesh, Indonesia and Myanmar;
3. Study on customary law and the interface with state law. It was proposed that studies could be carried out in Bangladesh, Cambodia, India, Malaysia and the Philippines;
4. Study on Global/Regional/Bilateral trade, investment and financial agreements in relation to indigenous peoples looking at a wide set of issues: tourism, livelihoods, cash crop production, export processing industries, extractive industries (in particular mining) and sedenterisation. It was proposed that studies could be carried out in Cambodia, Indonesia, the Philippines, Thailand and Vietnam. It was suggested that the country studies could serve as a foundation for a wider regional study on this issue;
5. Study on indigenous peoples networks focusing on formation, processes and capacities, including how capacities can be strengthened, how the networks engage with regional and international bodies as well as NGOs and which issues these networks are focusing on;
6. Studies on project implementation by UNDP, other UN agencies, international financial institutions and the European Union/Commission that impact on the livelihoods of indigenous peoples focusing on lessons learned and best practices on for example participatory approaches, impact mitigation and compensation.

The participants of WG 2 recommended that the methodology for country studies and case studies include a human development framework and incorporate gender as a crosscutting issue.

It was stressed that a survey of existing studies on these thematic issues should be carried out before any study is undertaken. A concern was raised on how to ensure linkages with COs in carrying out the country studies and case studies.

It was also suggested that the RIPP should support the establishment of a resource pool for research on indigenous peoples in order to facilitate the selection of lead researchers or research institutions to undertake the studies.

It was agreed that a core team of three people should be established in order to provide the RIPP with continued guidance on country studies and case studies as well as to assist with coordination of the various studies. Nominated for the core team were: Mr. Chea Phalla (Cambodia), Ms. Rukka Sombolinggi (Indonesia) and Ms. Vicky Tauli Corpuz (the Philippines). It was further suggested that the website proposed by WG 1 could be used in order to share information on the development of the country studies and case studies as well as allow for follow up on the recommendations and agreed next steps.

Working Group 3: Capacity Development

WG 3 discussed capacity development needs and the focus and modalities for training activities under the RIPP. The participants of the working group envisaged a framework where indigenous communities, leaders and IPOs/NGOs engage in

policy dialogue with governments on issues of natural resource management; indigenous knowledge; culture and education; and land and resource rights – leading to the enhancement of regulatory frameworks and policies. This requires that the capacity development needs of all actors are addressed as well as that networking and dialogue should be supported between different government actors and IPOs/NGOs and indigenous leaders and communities separately. Capacity development would address, for each group/body:

- IPOs/NGOs: project/fund management and delivery;
- Indigenous leaders: advocacy; negotiation; fund and programme management; and emergency response;
- Indigenous communities: organisational strengthening; awareness-raising on amongst other things the rights and responsibilities afforded to the communities by national as well as international law;
- Decision-makers: formulation of regulatory frameworks, awareness raising and sensitisation on indigenous peoples' issues;
- Line agencies: awareness raising and sensitisation on indigenous peoples' issues; and coordination;
- Local governments: interpretation and implementation of laws and policies; and awareness raising and sensitisation on indigenous peoples' issues.

The activities to be undertaken in regards to capacity development were further elaborated in a proposed capacity development work plan for the RIPP. The activities are grouped under three main categories, namely: (1) awareness raising and sensitisation; (2) organisational strengthening; and (3) training and formulation of regulatory frameworks.⁷

Next steps agreed by the working group participants were:

- To establish networks, strengthen existing networks and contact people to be involved in capacity development activities;
- To identify country focal points; and
- To provide more specific information for the capacity development work plan e.g. partners for the various training/capacity development activities, country-specific sites for study tours, etc.

⁷ Please see Appendix E for the full proposed capacity development workplan for the RIPP.

Working Group 4: Human Rights Based Approach (HRBA) Pilot Projects

WG 4 discussed objectives for the pilots, which include among them:

- (1) demonstrating how good ideas can be put into practice;
- (2) demonstrating how the access law and regulations;
- (3) deriving 'proof'; and
- (4) creating a forum for advocacy, dialogue and the sharing of ideas.

WG 4 discussed the criteria and focus of the HRBA pilot projects to be carried out under the RIPP. The participants agreed on three criteria for the pilot projects, namely that they:

- (1) add value to the current work of the CO in the country where the pilot project would be undertaken;
- (2) address serious concerns of indigenous peoples in the country which are not already being addressed by the CO;
- (3) are innovative and groundbreaking;
- (4) provide access to wider networks, including the opportunity to work with non-traditional partners.

WG 4 presented four proposals for possible pilot projects on:

(1) Indigenous Knowledge

The objective of the first pilot would be to empower customary institutions through leadership development and strengthening indigenous peoples' mechanisms and methodologies in various areas such as sustainable development, conflict prevention and recovery, etc through three key activities: (1) community exchanges; (2) documentation; and (3) training. The intended outputs of the projects are that: there is a greater understanding, harmonisation and appreciation of indigenous peoples and modern practices; indigenous peoples' leaders are better equipped to advise and negotiate with the governments in the countries where they reside and advise the UNDP on its programming and policy. This will also allow UNDP to provide a platform for debate with multiple actors. One example put forward by AMAN was a pilot focusing on the empowerment of customary institutions and traditional leaders in order to strengthen indigenous mechanisms.

(2) HURIST

The second proposal follows the rationale of two previous pilot projects carried out in Ecuador and Kenya by HURIST (Human Rights Strengthening). The project would have as its objectives: to create a dialogue space between indigenous peoples and the UNDP on UNDP policies and activities with related to or stand to have an impact on the livelihoods of indigenous peoples; and to create greater awareness of indigenous peoples' issues and rights.

(3) Regional Environmental Governance; and

(4) Land Rights.

The proposals for the third and fourth pilot project were not elaborated.

It was also suggested that there would be a possibility for resource mobilisation for the second pilot through HURIST and for the third pilot through the Regional Environmental Governance programme housed with the RCB.

6. Closing Remarks

Ms. Vicky Tauli Corpuz, representative of the UN Permanent Forum on Indigenous Issues – stated that the RIPP is timely with commencement of the Second Decade on Indigenous Peoples, as the first activity on indigenous peoples since the adoption of the UNDP policy of engagement and that the programme can provide support to Permanent Forum on Indigenous Issues.

Ms. Joanna Merlin-Scholtes, Resident Representative and Resident Coordinator, UNDP Thailand, stressed that cultural diversity, and the need to respect different identities is a challenge facing many countries today, in particular in the Asia-Pacific region where most of the world's indigenous peoples live. The RIPP Programme was created to respond to this challenge; it is unique in being the only one at the regional level. A fundamental objective of the Regional Programme on Indigenous Peoples is to provide a space for governments, academics, indigenous peoples and civil society to meet and discuss issues of mutual concern in a constructive manner. Ms. Merlin-Scholtes closed the workshop emphasising the importance of dialogue in order to forward indigenous peoples' rights and development and that the workshop was an important first step in achieving this.⁸

The workshop was held in order for the RIPP to receive the views, concerns and recommendations of partners and beneficiaries and to seek their inputs and guidance on the priorities and activities for the RIPP. There was a commitment on the part of the participants to continue the dialogue initiated during the workshop in order to ensure that the programme will be as participatory and inclusive as possible.

⁸ Please see Appendix D for Closing Address by Ms. Joanna Merlin-Scholtes.