Australian Government

Department of Foreign Affairs and Trade

Reaching indigenous people in the Australian aid program: guidance note

Overview

1.   Australia remains committed to inclusive development and assisting the most disadvantaged find pathways out of poverty. Recognising that indigenous peoples often experience disproportionate rates of poverty, and are at increased risk of exclusion and marginalisation, the Department of Foreign Affairs and Trade (DFAT) has prepared this guidance note to assist staff to design and deliver international development programs that strive to:

   A.   **be inclusive of indigenous people's issues**

   B.   **improve outcomes for indigenous peoples**

   C.   **engage responsibly with risk and mitigate potential adverse impacts on indigenous peoples.**

This guidance note should be read in conjunction with DFAT's Indigenous Peoples Strategy, development policy and sectoral guidance notes.

Why focus on indigenous people in the Australian aid program?

2.   There are an estimated 370 million indigenous peoples around the world. The United Nations (UN) reports that, although indigenous peoples make up only 5 per cent of the global population, they make up 15 per cent of the world's poor and about one-third of the world's 900 million extremely poor rural people (UN DESA, 2010). Indigenous peoples are commonly the minority population but may also be the majority population in some countries.

The **2010 State of the World's Indigenous Peoples Report** explored one of the more complex questions surrounding indigenous peoples, emphasising that the **concept of "indigenous" is not exclusively defined by European colonisation** and that indigenous peoples may be distinguished because of their:

•   special attachment to and use of their traditional lands and territories as the basis for their collective physical and survival as peoples

•   experience of subjugation, marginalisation, dispossession, exclusion or discrimination because they have different cultures, ways of life or modes of production than the national hegemonic and dominant model

Given the diversity of the world's indigenous peoples, there is no internationally accepted or agreed definition of the term 'indigenous' and the UN Declaration on the Rights of Indigenous Peoples instead affirmed that **indigenous peoples themselves have the right to self-identify.** Consequently DFAT will use the terminology that is appropriate to each country context. The prevailing view in the international community is that no formal definition is necessary and that it is **better to instead identify indigenous peoples** within a specific context. Former UN Special Rapporteur **Martinez Cobo** developed the characteristics most commonly cited in the international community:

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

3.   Indigenous peoples hold their own diverse concepts of development, based on their traditional values, visions, needs and priorities (UNPFII, n.d.) However indigenous peoples are at greater risk of exclusion, marginalisation and discrimination; consequently, they experience poverty to a disproportionate degree (UN DESA, 2010). The UN has found that indigenous people's wellbeing, livelihoods and cultures are at increased risk of being negatively affected by large-scale development projects on their lands (UNCHR, n.d.).

4. Recognising the unique situation of indigenous peoples, many countries, including Australia, have domestic commitments, and have signed and/or endorsed international declarations or conventions that call for the promotion and protection of indigenous people's rights and interests. Program managers should be aware of, and understand, country-specific commitments to indigenous peoples, and ensure that DFAT's programs are compliant with partner government legislation and/or other requirements. For example:

    •   **The International Labour Organization (ILO) Convention No. 169** on Indigenous and Tribal Peoples is a legally binding international instrument that calls for special measures to be adopted to safeguard the persons, institutions, property, labour, cultures and environment of indigenous and tribal people. The ILO reports that Convention 169 has influenced numerous policy documents, debates and legal decisions at the regional and international levels, as well as national legislation and policies. Although Australia has not signed ILO 169, several of Australia's partner countries have signed and ratified the convention into domestic law.

    •   **The UN Declaration on the Rights of Indigenous Peoples** was adopted by the UN General Assembly in 2007 and endorsed by Australia in 2009. It provides a universal framework of minimum standards for the survival, dignity, wellbeing and rights of the world's indigenous peoples. Although not legally binding, the declaration promotes the full and effective participation of indigenous peoples in all matters that concern them, and the ability of indigenous people to pursue their own priorities in economic, social and cultural development.

    •   **The 2014 World Conference on Indigenous Peoples**, a high-level plenary meeting of the UN General Assembly, committed the international community to work with indigenous peoples to address the impact or potential impact on them of major development projects, including with the aim of managing risks appropriately.

Guidance for addressing indigenous issues in the Australian aid program

5. Consistent with its international commitments, Australia will strive to facilitate the active involvement of indigenous communities when planning, implementing, and monitoring and evaluating any aid programs that will have an impact on them. As a general principle, DFAT program managers should ensure that implementing partners are undertaking these efforts in any aid programming that will affect indigenous peoples and/or their lands.

6. To ensure that indigenous peoples are not being overlooked or inadvertently disempowered or harmed by the Australian aid program, program managers should identify the key issues that could have an impact on indigenous peoples as early as possible in the planning cycle. They should:

    A. be aware that, even if indigenous peoples are 'included', social, economic, political and/or power imbalances may prevent them from having equal access or participation, or may be causing harm

    B. analyse the contextual sources of exclusion, marginalisation, and economic and power imbalances, specific to the particular country and/or region, that may prevent indigenous communities from leading their own way out of poverty, or social or economic disadvantage

    C. assess whether DFAT's program(s) are likely to exclude or include indigenous peoples

    D. assess whether DFAT's program(s) are likely to cause positive or negative impacts for indigenous peoples.

7. Indigenous peoples or their representatives should have the opportunity to identify their needs, concerns, priorities and recommendations during the concept and design phases of any program or activity that may affect them. Program managers should ensure that the design teams and/or implementing partners have undertaken appropriate due diligence and made sure that affected indigenous peoples:

    •   have not been (and will not be) intimidated, manipulated or coerced into making decisions

    •   have been (and will be) provided with sufficient advance notice before decisions are made, and with sufficient time to consult among themselves and provide feedback

    •   have been (and will be) provided with all relevant information about the proposed project, including its objective, nature, size, scope, modalities and timeframes, and copies of any impact assessments (environment, poverty, social, etc.); and have fully understood the information

    •   have had (and will have) full and equitable participation in good-faith consultations.

8. Table 1 (see page 4) provides initial guidance for addressing indigenous issues throughout the program cycle. Staff are encouraged to conduct further research and consult with the relevant branches of the department for more detailed and tailored advice.

9. Initial guidance for meeting the specific needs of indigenous peoples in several sectors is provided below. Staff are encouraged to conduct further research and to consult with the relevant thematic sections and/or advisers for more detailed and tailored advice.

Natural resources, extraction and infrastructure

10. Many indigenous people live in rural environments and depend on their traditional lands for food security; their survival as distinct peoples; and their cultural, spiritual and material wellbeing (UN DESA, 2010). Many UN bodies have found that large-scale infrastructure projects on indigenous people's traditional territories—such as extractive industries, logging, infrastructure, dams and fisheries—can have negative effects on people's living conditions and their survival as distinct peoples (UNCHR, 2007). Program managers are required to follow DFAT's mandatory safeguard policies to avoid or minimise any potentially adverse impacts on indigenous people. Indigenous communities should be included in decision-making at all stages of the project cycle.

Governance

11. Indigenous peoples are often marginalised or excluded from political, economic, policy and other governance-related processes (UN DESA, 2010). Program managers are encouraged to consider opportunities to build the capacity of indigenous communities and organisations, and empower them to engage effectively with all levels of government and the public sector. In turn, program managers should seek to build the capacity of all levels of government and the public sector to engage and meet the needs of indigenous people.

Gender equality and empowerment of women and girls

12. Men and women are affected differently by lack of opportunities, and require different responses (UN DESA, 2008). Indigenous women and girls may experience multiple forms of discrimination and marginalisation, disproportionate rates of poverty, gender-based violence, and less access to education and health care (UN, 2010). Program managers should focus on the context-specific situation of indigenous women and identify opportunities to promote gender equality and empowerment of indigenous women in both the short term and long term. Indigenous women should be included in decision-making at all stages of the project cycle.

Education

13. Indigenous students often have lower enrolment rates, higher dropout rates and poorer educational outcomes than non-indigenous people in the same countries, and often speak their own languages that are different from the national tongue of instruction (UN DESA, 2010). Program managers should work with partner governments to develop and provide access to good-quality, and culturally and linguistically appropriate education programs for indigenous communities (UN DESA, 2010).

Health programs

14. Indigenous people often have lower health outcomes and less access to health services than the national averages (UNDG, 2008). Program managers should work with partner governments and indigenous people to develop, and provide access to, good-quality and culturally appropriate health programs that take into account indigenous health perspectives and systems (including the use of traditional practitioners and medicines) (UN DESA, 2010).

Disaster risk reduction and humanitarian emergencies

15. Indigenous peoples often live in rural environments, and can be at increased risk from natural disasters and other shocks. Program managers should be aware of any cultural sensitivities or special needs of indigenous people in the delivery of humanitarian assistance. They should build the resilience of indigenous communities by helping to identify future risks and hazards, and providing disaster-resilient investments.

Livelihoods, economic opportunities, and income and food security

16. Maintaining access to customary lands is critical to the livelihoods and identities of indigenous peoples. The Food and Agriculture Organization of the United Nations (FAO) reports that indigenous people's food security may be threatened by involuntary resettlement, denial of access to traditional lands and fishing or hunting grounds, deprivation of access to adequate and culturally acceptable food, and contamination of food sources. The FAO recommends respecting indigenous people's traditional ways of living, strengthening traditional food systems, and protecting subsistence activities such as hunting, gathering and fishing (FAO, 2009).

17. In addition to long-term development programs, social protection—if designed and targeted well—can help build resilience and empower indigenous communities to meet their immediate needs in the short term. Social protection measures include cash transfers, provision of income-generating assets (such as livestock), and mother and child nutrition programs. However, although social protection can enable indigenous peoples to meet their basic needs, program managers should ensure that its design does not damage the wellbeing and social relations of the indigenous community. The International Fund for Agricultural Development recommends that diversification is key to enhancing 'the economic capabilities of both indigenous groups and individuals' (Bage, 2007). Examples are crop diversification and intensification, adaptation of productivity-enhancing technologies, microfinance, support to micro-enterprises, and developing alternative income generation opportunities from natural resources such as ecotourism, and processing of medicinal and food products (Båge, 2007).

Table 1: Checklist for addressing indigenous people's issues in the aid program

Strategy and planning	• Have you undertaken poverty, economic, political and/or social analysis to identify the extent to which indigenous peoples are benefiting (or not) from the economic and social development of the country and/or sector? • What efforts are needed to find indigenous peoples, to understand their specific challenges, and to consult and include them?
Concept and design	• Are indigenous peoples being consulted on the decisions that affect them? Are there any organisations with a track record for facilitating indigenous people's participation that DFAT could work with? • Have you assessed how the planned investment will have either a positive or a negative effect on indigenous peoples? How will the planned investment help to build capacity and/or empower the indigenous community? Are there opportunities to increase cooperation and communication between indigenous peoples and national, provincial or local governments? Might the planned investment inadvertently generate any social, economic or power imbalances in any way? • Have you identified areas in which indigenous peoples are excluded or marginalised, or are at risk of being excluded or marginalised? How will the investment work to to ensure marginalisation or exclusion of indigeneous peoples does not occur?
Performance & evaluation	• Are the program's targets and indicators sufficiently disaggregated for you to track and assess whether indigenous people are benefiting?
Cross-cutting issues	• Are indigenous peoples involved in decision-making? • Are the programs culturally sensitive and context specific? • Have you identified the particular needs of indigenous women and girls, youth and older people, and people living with disability?
Risk management	• Is there potential for the project to have a negative impact on indigenous peoples and/or their traditional territories? If so, have you established the required measures to mitigate potential adverse impacts on indigenous peoples?

The artist
Natalie Bateman belongs to the largest Yuin family on the Far South Coast of NSW. Her great great grandmother is Emily Jane Gagoo Walker, her husband is Ted Stewart and their totem is "ambaara" black duck. Natalie loves raising her three children in her tribal homeland Narooma where she connects with her land and nourishes the energy that the land gives.

The meaning of the artwork
Curled in the hand is the earth, it is surrounded by water and sun dot work. Eight limbs branch out from the palm of the hand, representing the Millennium Development Goals, giving it light on the journey and symbolising growth, set back barriers, and achievements. Deep earth reds that fade to orange represent the depth to assist globally. Yellow ochre and browns are the colours of our ancient culture. White dots represent work done by the people, goodness, assistance, aid, universal.

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Further reading

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