



# Indigenous Peoples and Human Rights

## Introduction

In 2011, the German Federal Ministry for Economic Cooperation and Development (BMZ) issued its Strategy on Human Rights in German Development Policy, which reconfirms Germany's commitment to a human rights-based approach (HRBA) to development cooperation. The HRBA focuses *inter alia* on those groups who, for different reasons, experience the greatest barriers to the fulfilment of their rights. These often include women, children, the elderly, persons with disabilities, religious or linguistic minorities – and **indigenous peoples**.

The BMZ Human Rights Strategy states that protecting and promoting the rights of indigenous peoples, especially their rights to self-determination, land and natural resources as well as cultural rights, remains a challenge. Mainstreaming indigenous peoples' concerns should be combined with direct support, as already outlined in BMZ's Strategy on Indigenous Peoples in Latin America and the Caribbean, updated in 2006. Currently, a BMZ position paper on indigenous peoples around the world is being drafted.

This briefing paper for development practitioners provides

- basic knowledge about indigenous peoples' rights;
- an overview of pressing indigenous peoples' rights issues and how they are related to development cooperation;
- orientation on how development cooperation should systematically respect indigenous peoples' rights (do no harm) and, more importantly, where it can enhance them.

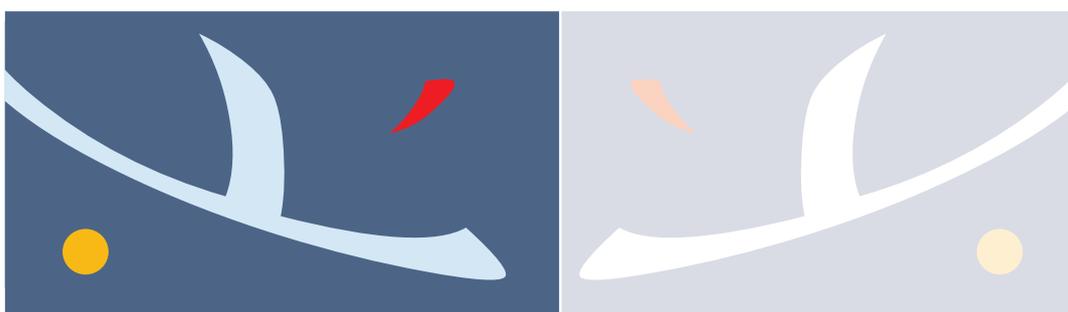
The paper has five sections:

1. Why are the rights of indigenous peoples important for development cooperation?
2. Who are indigenous peoples?
3. What are the rights of indigenous peoples?
4. Which human rights violations are indigenous peoples suffering from?
5. What are approaches and good practices for development cooperation?

In addition to this briefing paper, **Selected Resources** on Indigenous Peoples and Human Rights and Indigenous Peoples' Rights to Land, Forests and other Natural Resources (Territories) provide further information in two separate documents.

## Why are the rights of indigenous peoples important for development cooperation?

According to UN estimates, more than 5,000 indigenous peoples with a population of at least 370 million are living in about 90 different countries, mainly in Asia. Indigenous peoples thus constitute at least 5% of the world population and are present in many partner countries of German development cooperation. Nearly everywhere indigenous peoples are among the most vulnerable groups, often stigmatised as "primitive" or subject to other negative stereotypes. They are politically marginalised and experience cultural, social and economic discrimination. As a result, poverty



rates among indigenous peoples are generally higher than among the “mainstream” population. In many countries, indigenous peoples face acute abuses of their rights such as forced evictions, violence, harassment, the destruction of their livelihoods and direct or more subtle pressure to assimilate.

Development cooperation can both promote and unintentionally infringe upon the whole range of indigenous peoples’ rights. Even today, some projects interfere with indigenous peoples’ land and resource rights and lifestyles, foster social tensions and support discriminating power structures. Particularly risk-prone are large infrastructure projects and natural resource extraction where indigenous communities may be displaced against their will and without adequate compensation. Policies with regard to agricultural and rural development, land titling, decentralisation, municipal development and education or health services can put pressure on indigenous peoples if they are insensitive to cultural diversity and indigenous rights.

Development cooperation should and can work constructively with both governments and indigenous organisations to foster indigenous peoples’ rights: it can strengthen indigenous peoples’ capacities for self-governance and support indigenous organisations in advocating and defending their rights at regional, national and international levels. It can also support partner countries in translating international standards on human and indigenous peoples’ rights into domestic law and assure their implementation, e.g. with regard to personal identification documents, intercultural bilingual primary education or culturally sensitive health services. Support for land titling, natural resource management and self-governance of indigenous territories is of special importance.

As a minimum requirement, the human rights-based approach (HRBA) to development cooperation implies respect for (i.e. no infringements upon) the individual and collective rights of indigenous peoples (do no harm). Moreover, development programmes should promote the protection and fulfilment of the rights of indigenous peoples within their sectoral or thematic scope, applying human rights standards, e.g. the right to culturally sensitive education, and human rights principles such as participation and accountability in culturally appropriate ways.

## Who are indigenous peoples?

The international concept of “indigenous peoples” has evolved in the UN context over the last 60 years, spurred by the process of indigenous mobilization. It comprises a large number of peoples who are culturally very heterogeneous but find themselves in similar situations of often extreme discrimination and marginalisation. The concept is related to that of minorities which also defies a simple definition. In many countries indigenous peoples are called and treated as minorities in government policies, although they increasingly insist on being recognized as indigenous peoples.

## Elements of the current UN understanding of indigenous peoples:

- Self-identification as indigenous peoples at the individual level and accepted by the community as their member
- Historical continuity with pre-colonial and/or pre-settler societies
- Strong link to territories and surrounding natural resources
- Distinct social, economic or political systems
- Distinct language, culture and beliefs
- Form non-dominant groups of society
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

The ILO Indigenous and Tribal Peoples Convention 169 (1989), the only pertinent legally binding international instrument, uses the following twin definition which includes most of these elements:

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

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

However, there is an emerging consensus that, at least at the international level, a formal definition of the term “indigenous peoples” is neither necessary nor desirable. Instead, international law – as in the recent Declaration on Indigenous Rights – and donors like the World Bank increasingly rely on the principle of self-identification of indigenous peoples.

## Recognition of indigenous peoples around the world

International declarations and agreements need to be translated into national law, policies and programmes to be effective. In many countries, the official recognition of indigenous peoples and their rights remains highly contested.

In comparison to Africa and Asia, in most **Latin American** countries the indigenous peoples’ movement is quite advanced. Since the 1960s, an increasing number of indigenous organizations has successfully advocated for indigenous rights. This has contributed to profound constitutional, legal and policy reforms since

the 1980s. Today, virtually all countries in the region officially recognize their historical responsibility towards indigenous peoples, have ratified ILO Convention 169 and declared themselves multiethnic, pluricultural or, in the case of Bolivia, even plurinational. Nevertheless, tangible improvements in the situation of indigenous peoples still require concerted efforts. This situation is similar to other former settler colonies in North America, Australia and New Zealand which are not partner countries of development cooperation but whose indigenous peoples – together with the Sami in Scandinavia – have been at the forefront of the international indigenous movement.

In **Asia** there is a persisting controversy about the concept of indigenous peoples. Most governments argue that everybody is “indigenous” (in the sense of having ancestors from within the current national boundaries) and thus deny the existence of indigenous peoples and their rights. Nevertheless, starting in the Philippines in the 1970s, there is now a regional indigenous movement which is also active in the UN context. Conflicts over land and natural resources due to dams, mining and plantations contribute to indigenous mobilization. The Asian Development Bank’s Indigenous Peoples Safeguards (first version 1998) have been applied e.g. in Bangladesh, China, India and South East Asia. Countries like China or India have quite elaborate policies for their many and often large “national minorities” or “scheduled tribes”, respectively, but these fall short of key UNDRIP or ILO Convention 169 principles, especially with regard to self-determination and land and resource rights. So far only Nepal has ratified ILO Convention 169.

The situation in **Africa** is just as complex. Most national populations are ethnically very heterogeneous but also consist almost entirely of original inhabitants, making it questionable to use the term “indigenous.” Nevertheless, indigenous mobilization has started in the 1990s among the San (“Bushmen”) in Southern Africa and spread to other hunter and gatherer populations, also those of the Central African tropical forests. Pastoral nomads in Eastern and Northern Africa like the Maasai in Kenya or the Tuareg in the Sahel have also joined the regional and international movement. In 2000, the African Commission for Human and Peoples’ Rights (ACHPR) decided to install a Working Group on Indigenous Populations and Communities. It compiled a ground-breaking report which was adopted in 2003. It provides an African identification of indigenous peoples as well as an analysis of their human rights situation and has become a key conceptual and political reference document. In 2010, the Central African Republic became the first African country to ratify ILO Convention 169.

In sum, despite the emerging principle of self-identification, official recognition of indigenous peoples and their rights is still contested in many countries. Members of indigenous peoples living outside of their territories, especially in urban areas, often have even more difficulties to be recognized.

## What are the rights of indigenous peoples?

Members of indigenous peoples are entitled to all universal individual human rights as well as collective rights enjoyed as members of a certain indigenous people.

### Individual human rights

Human rights are first and foremost individual rights. Like all human beings, indigenous individuals are entitled to all rights enshrined in the Universal Declaration on Human Rights and the subsequent international and regional human rights treaties (provided the latter have been ratified by the state they live in).

#### The nine basic human rights treaties (chronological sequence)

1. International Convention on the Elimination of Racial Discrimination (ICERD)
2. International Covenant on Civil and Political Rights (ICCPR)
3. International Covenant on Economic, Social and Cultural Rights (ICESCR)  
(plus the ILO Fundamental Conventions)
4. Convention on the Elimination of Discrimination against Women (CEDAW)
5. Convention against Torture (CAT)
6. Convention on the Rights of the Child (CRC)
7. International Convention on the Rights of Migrant Workers (ICRMW)
8. Convention on the Rights of Persons with Disabilities (CRPD)
9. International Convention on Protection from Enforced Disappearance (CPED)

The General Comments to human rights conventions and further ILO conventions concretise these human rights.

Given their specific situation, some human rights are of special relevance for indigenous individuals. Due to their often marginalised status, the right to non-discrimination is key. Other important civil and political rights are the right to freedom of expression and association, political participation as well as equal access to justice.

Speaking of economic, social and cultural rights, those related to access to land and natural resources (e.g. the rights to food, water, housing, work) are of special importance. States also have the duty to fulfil indigenous peoples’ rights to freedom from forced evictions (including their right to be compensated for any losses suffered). With regard to their rights to health and education, indigenous individuals, as a result of their general marginalization in government policies, often have no access to culturally sensitive health and education services, as required under the ICESCR. States must generally respect and promote indigenous

peoples' right to non-discrimination. This also includes e.g. accurately portraying their histories and cultures.

## Collective rights in international law

Indigenous peoples as subjects of international law are entitled to specific collective human rights which have been evolving over the last decades. Collective rights address the group, not the individual, as right-holder, and complement individual human rights. To most indigenous peoples, the individualist conception of human rights is an alien concept. Instead, the community is the entity of reference and individuals and the community are seen as inseparable. Thus collective rights are instrumental for ensuring indigenous peoples' rights to self-determination, ancestral territories (land and resources), participation in decision making and consent as well as "development with identity" (a concept increasingly used in Latin America). The cornerstone of indigenous peoples' collective rights is their recognition as peoples.

Indigenous peoples as collectives insist that they have the same right to self-determination as other peoples. But secession and formation of separate states are hardly ever on their political agendas. Among most indigenous peoples, self-determination is rather understood as being able to define their own visions, goals, priorities and means to determine their political, economic, social and cultural development, i.e. to control their own destinies. If this right was or is being violated, indigenous peoples have a right to remedial action by the states they live in. Depending on the situation, implementing the right to self-determination may also imply assuring indigenous self-governance in and of their territories, i.e. some kind of local or regional autonomy.

### Sources of collective human rights of indigenous peoples

UN [Declaration on the Rights of Indigenous Peoples](#) (2007)  
(non-binding, political instrument)

ILO Indigenous and Tribal Peoples Convention ([ILO 169](#)) (1989)  
(legally binding upon ratification)

In 2007, after more than two decades of deliberations, the UN issued the ambitious Declaration on the Rights of Indigenous Peoples (UNDRIP). It is a political declaration and not a legally binding treaty, but it was supported by 144 UN member states. Even as a "soft law" instrument, many of its provisions are considered binding as being part of customary international law. The Declaration has therefore become an important reference, including for national legislation (e.g. in the case of Bolivia).

The declaration highlights that indigenous peoples have a right to non-discrimination and at the same time a right to be different. It underlines the right of indigenous peoples to self-determination and self-government, to participation, and to be asked for their

"free, prior and informed consent" (FPIC) regarding all policies, projects or activities which may affect their lives. It also establishes the right to maintain their cultural heritage and traditional knowledge and, if existing, judicial systems or customary law. A central element of the declaration is the stipulation of indigenous peoples' collective right to land and natural resources.

So far 22 states mainly from Latin America have ratified the ILO Indigenous and Tribal Peoples Convention 169 (1989) which, although more limited in scope as UNDRIP, already spelled out a number of very specific collective - in addition to individual - indigenous rights. For example, it establishes the right of indigenous peoples to be consulted with regard to every project or activity which may affect them. It also implies that indigenous peoples e.g. in the case of large infrastructure projects have the right to FPIC before they can be relocated from their territories. In this context, the right to access to full and understandable information is especially relevant.

In cases where individual and collective rights conflict, individual human rights take priority. For example, the prohibition of cruel or degrading punishment or of violence against women overrules the right to cultural self-determination which is sometimes used as an argument in such situations. However, longstanding practices will not change overnight but require dialogue and culturally sensitive approaches. The Committee on Economic, Social and Cultural Rights has provided some guidelines in its [General Comment Nr. 21 on the right to take part in cultural life \(2009\)](#).

## Additional rights and legal instruments

Indigenous peoples also have the right to preserve and benefit from their own culture including so-called traditional knowledge, for example with regard to biodiversity and natural resource management, or medicines and health care. This right to control, own, manage and benefit from traditional knowledge has been increasingly recognized at the international level over the last two decades.

Since the 1992 UN Conference on Environment and Development (UNCED), with the resulting Agenda 21 explicitly addressing indigenous issues, indigenous peoples have been actively participating in the further development of relevant global regimes. The [Convention on Biological Diversity](#) in Article 8 (j) addresses the need to "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities". Indigenous peoples are also active in promoting their rights in the negotiation and implementation processes of the climate, forest and desertification regimes.

## Regional and national rights provisions

At regional and national levels, indigenous peoples' rights have partly been consolidated, especially through the case law of the [Inter-American Court for Human Rights](#) and the recent ruling of

the African Commission on Human and Peoples' Rights on the [Endorois in Kenya](#) (2010). In contrast, the regional human rights regime in Asia is still rather weak, although the recent establishment of the ASEAN Inter-Governmental Commission on Human Rights (AICHR, 2009) and the 2012 ASEAN Human Rights Declaration (AHRD) are steps in the right direction. Most countries in Latin America and some in Asia (e.g. Philippines) and Africa (e.g. Congo) recognize indigenous peoples' rights within their national legislation.

## Specialized UN bodies

Three UN bodies are currently mandated to deal specifically with indigenous peoples' issues:

- the [Special Rapporteur on the Rights of Indigenous Peoples](#) since 2001 has been reporting to the Human Rights Council in Geneva on the situation of indigenous peoples' rights in several countries and also addresses specific cases of alleged rights violations;
- the [Permanent Forum on Indigenous Issues](#) since 2002 has been mandated to discuss a broad range of "indigenous issues" and is an advisory body to the Economic and Social Council (ECOSOC) in New York;
- the [Expert Mechanism on the Rights of Indigenous Peoples](#) first met in 2008 and provides the Human Rights Council with thematic advice.

## Donor policies

Most major multilateral agencies and some bilateral donors have specific policies or guidelines on their work with indigenous peoples, based on indigenous rights. Examples are the [FAO Policy on Indigenous and Tribal Peoples](#) (2010) and the [World Bank policy on indigenous peoples](#) (2005) which is currently being updated, together with the other World Bank environmental and social safeguard policies. The International Finance Corporation (IFC) has completed the review of its [Performance Standard Nr. 7 on Indigenous Peoples](#) in 2012, demanding FPIC under certain circumstances.

## What are pressing rights issues?

Despite their wide recognition, a huge gap persists between the rights of indigenous peoples – both individual and collective – and their implementation. This section provides an overview of two major areas of human rights violations. Both are of special relevance for development cooperation: ongoing discrimination against indigenous peoples, and their loss of control over land and natural resources.

## Ongoing discrimination

As countries worldwide pursue their national development strategies, economies expand and societies urbanize, indigenous peoples are under increasing risk of displacement from their territories and face growing pressure to assimilate. For demographic, historical and political reasons, indigenous peoples are underrepresented within political structures and decision making processes and thus cannot execute their right to self-determination. As a result, indigenous peoples are often particularly affected by poverty in a broad, multidimensional sense.

However, reference to the right to self-determination and the "right to be different" cannot justify the ongoing discrimination of indigenous peoples who are often excluded from social services or economic opportunities. Education is of special relevance: on the one hand, it can enhance indigenous peoples' capacities for self-determination and defending their rights. On the other hand, education is often an instrument for assimilation and can endanger indigenous peoples' right to use and preserve their own languages and cultures. Therefore, states must develop culturally appropriate education systems. This implies providing intercultural school curricula, materials and methods as well as improving physical and linguistic access to education for indigenous children, especially for the most vulnerable groups such as nomadic and semi-nomadic peoples.

Living in a city does not prevent members of indigenous peoples from being discriminated against: they are often left with low-paying jobs and precarious working conditions in the informal sector or remain unemployed.

Despite the prohibition of slavery in international law, contemporary forms of slavery such as bonded or forced labour (debt bondage) still exist in rural and urban areas and also affect members of some indigenous peoples.

## Loss of control over land and natural resources

Many indigenous peoples have a historical bond with the lands or territories which they inhabit and use. Armed conflicts, governmental "development" policies and projects and private investment increasingly encroach upon these lands. As a result, many indigenous peoples experience expropriation, forced evictions and displacement. Consequently, they strive for tenure security over their lands and natural resources. This requires formal recognition by the state and the enforcement of the territories' boundaries. Since lands and natural resources are not only of material, but often also of cultural, including spiritual relevance for indigenous peoples, sacred sites or places of worship need to be given special attention in the demarcation process. Indigenous peoples often claim collective property rights and titles for which most national legislations lack provisions.

The scope of natural resources to which indigenous peoples are entitled is contested as well. Most indigenous claims encompass territories in an integral sense, i.e. not only surface but also subsurface resources as well as waters (including ice) and increasingly carbon rights. In most countries, subsurface (i.e. mineral) and often also forest resources belong to the state. These multiple and co-existing claims on indigenous territories between governments, indigenous peoples and often also private enterprises not only cause legal uncertainty but sometimes also violent conflicts. Resolving disputes over land and resource rights is therefore of special relevance for indigenous peoples.

Unregulated private sector activities on indigenous peoples' territories can cause the erosion of livelihoods through dispossession, forced eviction, exploitation and environmental degradation. Logging, large-scale mineral extraction or plantations, but also infrastructure projects like dams and roads can have serious impacts on the indigenous communities nearby. Such activities can trigger or increment internal social tensions within indigenous peoples or between them and the larger society. They can have disastrous effects on indigenous peoples living in relative isolation.

Thus, next to states' obligations to recognize and implement indigenous rights, corporate responsibility with respect to indigenous rights is of crucial importance. In 2011, the UN Human Rights Council endorsed the Guiding Principles on Business and Human Rights for implementing the UN "Protect, Respect and Remedy" Framework. These guidelines also address the concerns of indigenous peoples (among other vulnerable groups). However, the observance of these guidelines and of international conventions and declarations by enterprises remains voluntary. It is the responsibility of adhering governments to promote them and ensure their compliance by companies.

In order to safeguard indigenous peoples' rights in the context of economic activities and development, several international provisions acknowledge indigenous peoples' right to "free, prior and informed consent" (FPIC). With regard to International Law, so far FPIC is legally binding only for the signatories of ILO Convention 169. The scope of FPIC and the levels of and procedures for its implementation are still heavily debated among indigenous peoples, states, the private sector, international organizations and specialized NGOs. Nevertheless, there is increasing agreement on the need for open ended, "good faith" consultation processes, and a number of manuals have been developed (see Selected Resources).

## Basic elements of Free, Prior, Informed Consent (FPIC)

- Free implies no coercion, intimidation or manipulation;
- Prior implies that consent has been sought sufficiently in advance of any authorization or commencement of activities and respects time requirements of indigenous decision-making processes;
- Informed implies that relevant information is provided in local languages and in culturally adequate forms of communication and includes among others: the nature, size, pace, duration and reversibility, the scope and reason, the locality and involved personnel as well as a preliminary assessment of the likely economic, social, cultural and environmental impacts and risks of any proposed project or activity;
- Consent: Consultation should be undertaken in good faith, within a dialogue between the parties and with the participation of indigenous peoples' own freely chosen representatives and customary or other institutions.

Excerpt from the Report of the International Workshop on Methodologies Regarding FPIC, in: UNPFII Resource Kit on Indigenous Peoples' Issues 2008.

The acknowledgement of the right to FPIC thus goes much beyond mere information: it determines the framework for a process of meaningful consultation and includes the option of withholding consent.

The responsibility to comply with FPIC lies primarily with states. States are obliged to hold private companies accountable for the implementation of indigenous rights to consultation and FPIC. They must also regulate appropriate benefit sharing in cases of exploitation e.g. of subsurface resources. Finally, they have a duty to ensure that indigenous peoples have means to obtain redress in cases of loss of lands, such as access to restitution and compensation measures.

Nature protection and environmental conservation undertaken by states and private actors may also entail negative consequences for indigenous peoples if their lands are concerned and they have not been adequately consulted. Indigenous peoples demand participation and transparency within processes for Reducing Emissions from Deforestation and Forest Degradation (REDD). Fortunately, there is increasing recognition that indigenous peoples' traditional knowledge can contribute to biodiversity conservation and adaptation to climate change.

## What are approaches and good practices for development cooperation?

Based on its Human Rights Strategy, German development cooperation has developed Guidelines on incorporating human rights standards and principles, including gender, in programme proposals for bilateral German Technical and Financial Cooperation. Also, it has developed detailed concepts and guidelines (including checklists) on how to mainstream cooperation with indigenous peoples in Latin America, both in the policy dialogue with partner governments and during the program cycle. As long as the BMZ policy on indigenous peoples worldwide is in process, consultation of these documents, which can be summarized in following basic principles, is recommended.

### Get all necessary information

When working with indigenous peoples, it is important to acknowledge the diversity of historical and political contexts and cultures as well as specific problems and vulnerabilities. Development cooperation needs to find out whether there are self- and/or government-identified indigenous peoples (or other vulnerable ethnic groups) among the population of the particular country or the intended beneficiaries of a specific program or project.

Consulting relevant UN human rights bodies' observations, conclusions and recommendations can be a useful first step to better understand the national context. Country-specific anthropological and other social science research results and experts should also be consulted.

Where indigenous peoples are involved, the do no harm approach requires development cooperation to conduct more detailed situation analyses and possibly human rights, cultural, social and environmental impact assessments. Methodologies for these assessments should be as participatory as possible. Systematic use of the results in the political dialogue with the partner country and in program/project planning and implementation needs to be ensured.

### Involve indigenous peoples as early as possible and continuously

All development programs, but especially those in the fields of governance, agricultural and rural development, environment and resource management, education and health should take into particular consideration indigenous peoples' rights, cultures, interests, needs and aspirations. Indigenous peoples' rights to participation, consultation and FPIC need to be respected by ensuring early and culturally appropriate communication and active involvement of legitimate representatives in decision making about such programs. This in turn requires information

about and sensitivity with regard to the complex and often highly political processes of indigenous mobilization and self-organization. Continuous involvement of indigenous peoples in operational planning, monitoring and evaluation processes should be safeguarded.

Given the diversity of political and cultural contexts, there are no "recipes" for indigenous participation: if no adequate national consultation procedures e.g. about the priorities for development cooperation are in place, rules, procedures and methodologies will have to be carefully developed according to the situation.

## Contribute to the prevention and resolution of conflicts

Another general principle is to be sensitive to conflicts and, as far as possible, support negotiations between indigenous peoples and governments to resolve competing claims. This may include identifying ways to respect and integrate customary legal entitlements into the legal system and practice of a particular state (e.g. with regard to land and natural resources).

### Good Practices

Development cooperation can support governments and indigenous peoples in a variety of ways. The following "good practices" are just two of many examples from German development cooperation with indigenous peoples and countries in Latin America, where due to both indigenous mobilization and favourable political conditions most experiences have been gained so far.

#### Intercultural Bilingual Education for indigenous children in Guatemala

Quality, efficiency and effectiveness of education in Guatemala are low, but indigenous children in rural regions face particular disadvantages. Since 2005 and utilizing a HRBA, the program for the Promotion of Basic Education Quality (PACE) aims at promoting intercultural bilingual education (EIB) by improving local education management and transmitting relevant skills (including a HRBA to education). Based on the quite advanced but insufficiently implemented national legislation on EIB, the 2006 BMZ policy and UNDRIP, PACE provides direct support to indigenous and civil society organizations active in the education sector and fosters the dialogue between these organizations and the Ministry of Education. This contributes to the long term goal that indigenous children receive an education appropriate for the needs and requirements of a multiethnic and multicultural society in transformation. (see also <http://pace.org.gt>)

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When it comes to protection and promotion of indigenous peoples' collective rights, particularly land and resource rights, development cooperation can facilitate the dialogue between indigenous peoples and governments as well as, where necessary, the private sector, and support capacity development on all sides. Where the legal and political conditions permit or can be influenced, development cooperation can also assist governments in the process of physically demarcating and legally recognizing indigenous territories and creating conditions for their self-governance.

Finally, development cooperation should support partner countries in establishing adequate means of accountability, grievance and redress which are also accessible to indigenous peoples. A recent example for this is the German support for the Peruvian ombudsman with regard to the implementation of a recent law on consultation procedures on national policies.

### Ways to self-determination: The Indigenous Guarani District Kaami in Bolivia

Despite Bolivia's rapid changes in the last three decades, the situation of the country's indigenous population continues to be marked by poverty and social exclusion. In the context of the national decentralization process and with the support of the Program for the Promotion of Decentralized Governance and Poverty Reduction (PADEP), the Guarani in Kaami in the Eastern Lowlands – long discriminated against by the regional elite – built a system of indigenous self-governance. Thereby, they strengthened their cultural identity as Guarani, consolidated their traditional collective territories and established indigenous organizational structures for self-administration recognized and funded by the national government. These are now used to realize other indigenous rights, especially those to culturally sensitive health and education services.

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