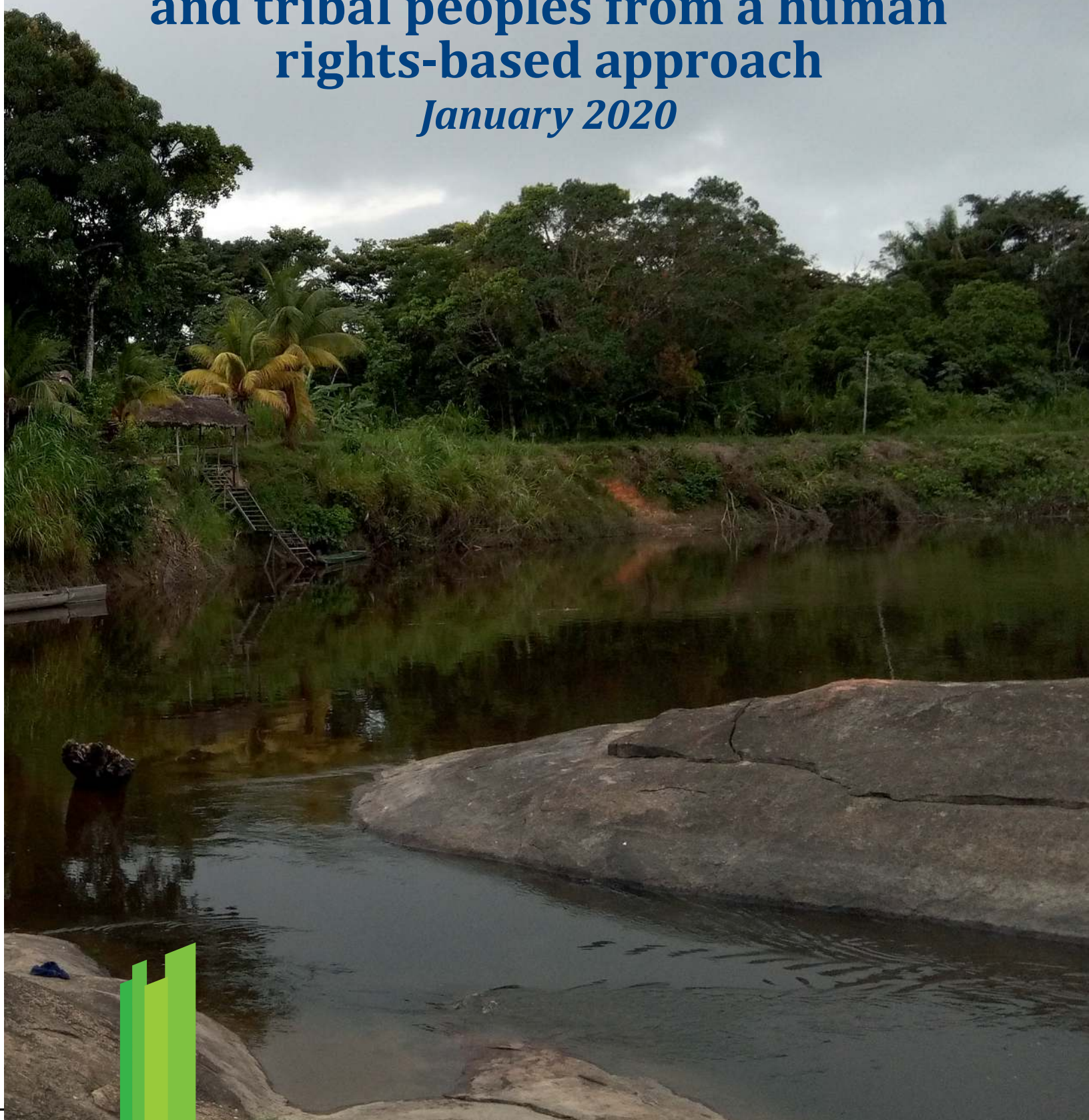




Guidelines for collaborating with indigenous and tribal peoples from a human rights-based approach

January 2020







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*Produced within the Shared Resources, Joint Solutions (SRJS) project in Suriname
Developed by the Association of Indigenous Village Leaders in Suriname (VIDS)®*





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Statement of endorsement

The signatory underneath, on behalf of the organization _____, declares that this organization will, in all phases of its programming, i.e. from the conception phase until and including the evaluation of finalized/closed programmes and projects, use a human rights-based approach which conforms to the "HRBA Common Understanding" of the UN Development Group (UNDG). Specifically, the following principles and guidelines elaborated on in this document "Guidelines for collaborating with indigenous and tribal peoples from a human rights-based approach" will be adhered to and applied at all times.

On behalf of organization: _____

Signature: _____

Name: _____

Function: _____

Date: _____

Place: _____



Introduction

Respect for human rights is a fundamental condition in everything we do in life, if indeed we want to give substance to the principle that we are all equal and respect each other. Human rights are the universal rules that have been laid down to give concrete form and content to equality and respect for each other. Nonetheless, observing human rights is sometimes forgotten or omitted, consciously or unconsciously, especially in the modern world where visible results must be achieved quickly and/or individual profit is often put above respect for others. Over the years, it has therefore proved necessary to clarify the applicability and validity of human rights at ever more detailed levels, from treaties, legislation and policy, to agreements, programs, projects and specific activities. The use of a human rights-based approach (HRBA) has become the overarching and cross-cutting norm. And this also applies to the many interfaces between the rights of indigenous and tribal peoples and environmental sustainability.

As a partner within the Guiana Shield SRJS program, VIDS has therefore proposed to mainstream the HRBA within the work of partner organizations (and other key actors). The HRBA can both serve as a method for strengthening and empowering communities, and as a way of protecting communities against undesired effects of development initiatives.

In this manual the following topics are discussed successively: a general introduction about the content of a HRBA, in particular regarding the rights of indigenous and tribal peoples; a number of practical guidelines, and finally a collection of '*dos and don'ts*'. Due to the nature of the subject matter, the writing style of this document will often be instructive, with instructions as to what to do or what not to do, and how. Theoretical treatises will be limited as much as possible, although the underlying reasoning will always be quoted, with references to further background documents where necessary.

This document has been published under the Shared Resources, Joint Solutions (SRJS) program, a strategic partnership between WWF NL, IUCN NL and the Netherlands Ministry of Foreign Affairs. With SRJS we want to strengthen the capacity of local NGOs and civil society organizations in sixteen low and middle-income countries. The program aims to ensure climate resilience, water supply and food security by joining forces with the public and private sector. In the Guianas, the SRJS program focuses on safeguarding three ecosystem-based public goods i.e. climate resilience, water and food security, in three critical landscapes: (1) Southern Guianas; (2) Central Guianas with the Greenstone Belt; and (3) Coastal Zone and Marine Environment. The intention is to work towards sustainably managed landscapes that provide the most essential ecosystem services on which local communities and the broader economy depend. The views and opinions expressed herein are those of the authors and do not necessarily represent the official view or policy of any other agency, organization.



The human rights-based approach

The fundamental principle behind the existence of human rights is that all people are equal and equivalent, regardless of birth, descent, gender, race, age, language, culture, religion, sexual orientation, physical condition, education, political affiliation, economic position or social circumstances or any other status and therefore should not be discriminated against on the basis thereof. A specific function of human rights that may be emphasized in this context is that they must protect people against the power of others, who, because of their money, political or other privileged status, or legislative powers, are in a position to take (or failing to take) action that is contrary to those human rights.

The human rights-based approach (hereinafter referred to as HRBA, using the English abbreviation of '*human rights-based approach*') is based on the fundamental principle that respect for human rights is the basis for freedom, justice and peace, as laid down in the Universal Declaration of Human Rights (UDHR)¹. This fundamental principle is repeated in practically all UN conventions and decisions that have to do with sustainable development. The current global framework for sustainable development, Agenda 2030 and the associated *Sustainable Development Goals* (SDGs) explicitly state that the SDGs strive for, among other things, the realization of the human rights of all, universal respect for human rights, equal access to justice, effective legal order and good governance. Implementation of the SDGs will also be monitored on the basis of the principles of people orientation, gender sensitivity, respect for human rights and a specific focus on the poorest, most vulnerable and most disadvantaged².

In order to prevent different interpretations being given to the use of an HRBA, the UN Development Group (UNDG) already gave a description in 2003 of what should be understood as an HRBA and how it should be applied, namely in the '*Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies*'³. Although it is aimed at UN organizations (and UN-related processes) this is used much more widely by other organizations.

The HRBA prescribes **basic rules** which are first mentioned here, after which (in chapter 'B. Application of the HRBA') the practical application of these rules will be discussed, both in terms of process and outcomes, departing from the perspective of rights of indigenous and tribal peoples:

1. All policy programs, development programs and technical assistance must contribute to the realization of human rights as expressed in the UDHR and other international human rights instruments;
2. Human rights standards contained in, and principles derived from, the UDHR and other international human rights instruments must guide all phases of the programming process of development cooperation and programming in all sectors;
3. Development cooperation must contribute to the development of the capacities of the duty-bearers to fulfill their obligations and/or of the right-holders to enforce their rights.

The **overarching human rights principles** that must simultaneously always be taken into account are: universality, inalienability, indivisibility, interdependence and the interlinkages between human rights; non-discrimination and equality; participation and inclusion; accountability and legal order.

¹ <http://www.un.org/en/universal-declaration-human-rights/>

² UN General Assembly Resolution A/RES/70/1 Transforming our world: the 2030 Agenda for Sustainable Development – <https://sustainabledevelopment.un.org/index.php?page=view&type=111&nr=8496&menu=35>

³ <https://undg.org/document/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies/>



Practical guidelines in the Surinamese context

The practical “translation” of these general guidelines of the HRBA to specific guidelines in the Surinamese context, in particular in relation to indigenous and tribal peoples, is as follows:

A. Human rights principles

A.1. Human rights are universal, inalienable, indivisible, interdependent and closely interrelated.

NOTE: Human rights are the same all over the world; for example, no “context-specific interpretation” is possible where a right is interpreted or understood differently due to a country's specific circumstances. They apply equally and indiscriminately to everyone. In addition, they are inalienable and therefore cannot be ‘taken away’ or declared invalid, even by (national) law. Human rights, because they are fundamental or basic rights, take precedence over all other rights granted by law. In the context of indigenous and tribal peoples, it is important to realize that the rights of indigenous and tribal peoples are also human rights.

In addition, human rights are indivisible; they cannot be divided into smaller pieces, they must be fully respected and also as an integral whole. Therefore, there can be no question of ‘*pick and choose*’; which human rights are or are not respected, or which part thereof.

They must all be fully and completely respected: everyone's rights, including indigenous and tribal peoples' rights, regardless of their place of residence, economic, political or educational status. These human rights principles are explicitly mentioned, because in practice, it appears that actors do not take them seriously enough. For example, ‘some’ human rights are taken into account but not all of them; one hides behind comments, such as “But those rights are not included in the Constitution of Suriname”; “It is not required under Surinamese legislation”; “People don't know any better”; “Those people are not yet at that level”; “Realizing these rights costs too much money and/or too much time”; and much more. Such attitudes naturally maintain inequality, and that (maintaining inequality) is in itself a violation of human rights!

A.2. Non-discrimination and equality also apply to the **collective** rights of indigenous and tribal peoples.

NOTE: The legislation of Suriname stems from “western”, colonial legislation based on individual rights, from a view of society as a society of independent individuals and legal entities. This legislation therefore ignores other norms, values, cultures and traditions that are rooted in the collectivity of an indigenous/tribal community or people. Denying human rights because of that individualistic national legislation is discrimination and puts communities (and their members) of indigenous and tribal peoples in an unequal position. Because of the universality of human rights, international law supersedes national law; in other words, even though Surinamese legislation does not recognize these (collective) rights, it does not mean that they do not ‘exist’. They must *also* be fully respected and fulfilled, unrestricted, undiminished and indivisible. This view on, and applicability of, the prohibition of discrimination and inequality has long been internationally recognized by the international (legal) community, including in the UN Committee on Elimination of Racial Discrimination (CERD), the UN Human Rights Council (HRC) and the regional Inter-American Court of Human Rights.



The most striking example of this are the collective land rights. Just as an individual has ownership of a property and the right to protection of his/her property right, a native/tribal community has ownership of its collective traditional territory and the right to protection of that collective property right. The absence of national (Surinamese) legislation does not affect this right.

A.3. Participation and inclusion are a right and not a privilege. Effective participation and real inclusion are indispensable in a human rights approach, and mechanisms for achieving that will be built in proactively at every stage of programming.

NOTE: With regard to indigenous and tribal peoples, the emphasis should be on 'effective' and 'real'. In practice, it appears that views on participation and inclusion vary widely, and insufficient consideration is given to practical considerations to make participation possible. The collectivity must also be taken into consideration here. Decision-making, for example, is not based on the opinion of one representative, but takes place in consultation with the community. The presence of a representative during a consultation is only part of effective participation; that person may first have to report and coordinate with the community before we can speak of being informed. An indigenous/tribal community being well-informed often requires much more than a document, it requires detailed explanation including appealing examples in their own language, by people of the community itself and/or people who know the culture and communication patterns of that community⁴.

A.4. Accountability and legal order are necessary to 'give teeth' to human rights instruments as well as to an HRBA. Mechanisms to be accountable and to enforce the rule of law must be included in programs/projects with an HRBA.

NOTE: Due to the fairly broad and sometimes abstract nature of human rights, they are not always actually respected, and/or violations thereof sometimes go unpunished, and this applies to a high degree to the rights of indigenous and tribal peoples. This also applies to programs and projects. An HRBA must include mechanisms that guarantee:

- that human rights are actually respected and/or pursued, and not just 'on paper'. This is possible, for example, by carrying out periodic evaluations;
- that it is reported (accounted for) what has or has not been done to guarantee respect for human rights and what has actually been achieved;
- that right-holders can complain if the duty-bearers do not adhere to the HRBA (*complaint mechanism*);
- and that corrective action is taken if such a complaint is well-founded and/or it is otherwise established that an infringement has occurred (*redress mechanism*);
- that right-holders have access to legal remedies if they have been treated unrightfully; a general rule of law that applies equally to human rights, and also to the rights of indigenous and tribal peoples.

NOTE: The latter is a tricky issue in Suriname because the rights of indigenous and tribal peoples have not been established by law.

⁴ See also the document 'Community Engagement Strategy for the Government', written by VIDS and VSG as part of the project 'Widening Informed Stakeholders Engagement for REDD +' (WISE-REDD +)– http://www.surinameredd.org/media/1155/wise-reddplus-community-engagement-strategie_march-2016.pdf



B. Application of the HRBA in a project or program

The following instructions serve as practical support for the effective application of the HRBA, based on the aforementioned basic rules. This concerns both the **programming process** and the **outcomes** of that process, which must meet a number of requirements.

Analyses prior to a project/program

B.1. Perform the following analyses prior to and/or as part of the programming process (basic rule No. 2):

a. What are the main applicable human rights instruments and obligations (basic rule No. 1) in the case of this program or project?

With regard to the applicable human rights instruments and obligations, all *core human rights treaties*⁵ are of undiminished application. In the case of programs and projects that may affect indigenous and tribal peoples, other international instruments and obligations should also be included in the HRBA, in particular the ILO Convention on the Rights of Indigenous and Tribal Peoples in Independent Countries (ILO Convention 169⁶) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP⁷ for short). Once again it can be emphasized that if there is a genuine intention to apply an HRBA, it does not matter whether Suriname has ratified a treaty or not.

Applicable obligations for duty-bearers also include court judgments, in particular those of the Inter-American Court of Human Rights, which has delivered a number of judgments that are absolutely relevant to the legal status of indigenous and tribal peoples in Suriname, including the *Moiwana*⁸, *Saramaka*⁹ and *Kaliña & Lokono*¹⁰ judgments.

Obligations that exist due to other treaties or agreements, for example in the context of biodiversity, climate change or intellectual property, should of course also be included in this analysis.

Applicable instruments may also be internationally accepted standards, for example those of Agenda 2030 and the SDGs, the *UN Global Compact* with standards on business and human rights¹¹, the *Extractive Industries Transparency Initiative* (EITI)¹², sectoral guidelines, such as those of the *International Council on Mining and Minerals* (ICMM)¹³ and the *Aluminum Stewardship Initiative* (ASI)¹⁴, or organizational guidelines from umbrella organizations, such as the *International Union for the Conservation of Nature* (IUCN)¹⁵. In addition, specific organizations often have guidelines that apply to themselves and/or their partners and/or beneficiaries, for example the policy on indigenous and tribal peoples of UN organizations¹⁶, international financial institutions¹⁷, or nature conservation organizations¹⁸.

5 <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

6 http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

7 <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

8 *Moiwana judgment: Case of the Moiwana Community v. Suriname. Preliminary Objections, Merits, Reparations and Costs. Judgment of June 15, 2005. Series C No. 124*
http://www.corteidh.or.cr/docs/casos/articulos/seriec_124_ing.pdf

9 *Saramaka judgment: Case of the Saramaka People. v. Suriname. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 28, 2007 Series C No. 172*
http://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf

10 *Kaliña and Lokono judgment: Case of the Kaliña and Lokono Peoples v. Suriname. Merits, Reparations and Costs. Judgment of November 25, 2015. Series C No. 309*
http://www.corteidh.or.cr/docs/casos/articulos/seriec_309_ing.pdf

11 <https://www.unglobalcompact.org/what-is-gc/mission/principles>

12 <https://eiti.org/>

13 <https://www.icmm.com/en-gb/members/member-commitments/position-statements/indigenous-peoples-and-mining-position-statement>

14 <https://aluminium-stewardship.org/>

15 https://www.iucn.org/sites/dev/files/content/documents/iucn_rba_systematization_compiled.pdf

16 E.g. http://www.fao.org/fileadmin/user_upload/newsroom/docs/FAO_policy.pdf

17 E.g. <https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=1570&ver=current>

18 E.g. http://www.panda.org/standards/wwf_indigenous_peoples_policy/



b. Who are the right-holders involved and how can/will the program or project affect their rights?

When analyzing who the right-holders are, not only the rights as recognized in Surinamese law should be taken into account, but also applicable international and regional instruments and obligations. In the case of indigenous and tribal peoples, the **collectivity** must always be kept in mind; it is often not merely one person who carries the (collective) rights, but also the community or the entire people. For example, in the case of land rights, the territory is the collective property of one or more villages; similarly, traditional knowledge is usually the knowledge of a wider community or of an entire people. In such cases, consultations with right-holders should therefore not be limited to a specific person or village, but extend beyond the collectivity as a whole. In the case of developing or changing national legislation, the ones potentially affected even include all indigenous and tribal peoples throughout the country, if the legislation is indeed at a national level.

c. Who are the corresponding duty-bearers, what obligations do they have and how can the program or project affect this?

Regarding the analysis of who the duty-bearers are, it will often appear that there is a range of duty-bearers. There will be obvious, direct duty-bearers who have obligations by operation of law (laid down in treaties or laws), as well as duty-bearers who are bound by their organization or company guidelines and policies. There may also be indirect duty-bearers, for example in the case of the judgments of the Inter-American Court of Human Rights that apply directly to the State of Suriname, but which cannot be ignored by national and international organizations and companies either. Right-holders can sometimes also be duty-bearers (regarding something else) at the same time, for example the traditional authorities of indigenous and tribal peoples who are part of the right-holders but also have the duty of (internal) consultations and sharing information.

d. What is the capacity of right-holders in terms of effectively standing up for their rights, and what is the capacity of duty-bearers in terms of fulfilling their corresponding obligations?

Analyzing the capacity of right-holders and duty-bearers should be very explicitly addressed within the programming process, as this is one of the core objectives of an HRBA. This is one of the first steps in the programming process because the program/project must result in the necessary capacity strengthening. See below under point B3.

e. What are the direct and structural underlying causes of the non-realization of rights?

In the analysis (which must inform the programming) specific attention must also be paid in the HRBA to the underlying causes, which in the case of the rights of indigenous and tribal peoples can often be traced to subtle (or open) discrimination, or a conscious choice to keep them disadvantaged and not to make them 'too strong'; or 'too smart'! Often, the underlying causes can also be found in considerations such as access to natural resources in indigenous and tribal areas, or the fear that if their rights are recognized, there will be 'no access' to these natural resources anymore. The argument of 'there is no money' to realize those rights is usually a superficial cause and not an underlying one, because the allocation of funds is often a matter of prioritization (and then the actual priorities are often apparent: that is, anything but rights of indigenous and tribal peoples).

This analysis of underlying causes will also have to steer programming, namely interventions aimed at eliminating those underlying causes, or actions that should lead to changes in prioritization, policy or legislation. Positively influencing the public opinion in order to emphasize the importance of the rights of indigenous and tribal peoples and the need for changes in policies and priorities, are examples of effective programming strategies. Here too, it is a necessity to actually support the target groups themselves in order to gain more participation.



Designing and implementing a project/program

B.2. The programming will be informed by the findings and recommendations of international human rights bodies or mechanisms (basic rule No. 1 and 2).

NOTE: This guideline in the HRBA is intended to make program and project executors aware of such findings and recommendations, which are regularly made by the bodies of human rights bodies, for example:

- the universal periodic review (UPR) of the human rights situation of a country within the UN Human Rights Council (including the recommendations of the member countries of the Human Rights Council)
- the UN Committee on the Elimination of Racial Discrimination (CERD)
- The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
- the Convention on the Rights of the Child (CRC)
- the Inter-American Commission on Human Rights (IACHR)
- UN or OAS bodies specializing in the rights of indigenous and tribal peoples such as:
 - the UN Permanent Forum on Indigenous Issues (UNPFII)
 - the UN Special Rapporteur on the Rights of Indigenous Peoples (UN SRIP)
 - the OAS Special Rapporteur on the Rights of Indigenous Peoples (OAS SRIP)
 - the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).

These bodies follow the human rights situation in all countries according to established, universal criteria, and provide specific, appropriate and up-to-date comments on abuses or shortcomings. However, these comments and recommendations (which are formally exclusively offered to governments, although also publicly available) often go unnoticed, again due to marginalization and limited policy attention, coupled with a limited capacity of indigenous and tribal peoples to get their issues on the table.

The recommendations of these organizations must therefore also be included in the programming within the HRBA.

B.3. When defining the objectives of a program or project as well as defining strategies and/or activities to achieve those objectives, the focus will be on strengthening the **capacity of right-holders** to defend their rights, and/or of duty-bearers to fulfill their obligations (basic rule No. 3).

NOTE: For **right-holders** this mainly relates to the capacity to effectively stand up for their rights. 'Standing up for their rights' may evoke the association of 'campaigning', but it means much more than that. It concerns the entire chain of 'capacity', including:

- the realization that they indeed have rights (in many cases they don't know their rights and therefore do not stand up for them);
- the internal organization to be able to stand up for their rights in an organized way;
- capacity to make well-informed and well-considered decisions, with collective decision-making processes being an essential part of indigenous and tribal peoples' decision-making;
- access to the necessary information, for example, which paths (including legal paths) must be followed to enforce rights;
- human (including technical, for example legal) and financial capacity to actually follow the paths;
- partnerships to actually have an audible voice and to be able to exert influence (in particular by indigenous and tribal peoples who are generally marginalized or whose voice is not taken seriously because of prejudice).



From a programmatic point of view, each of these points for strengthening capacity, and preferably in combination with each other, are very rewarding points of departure for an HRBA.

Capacity-building in this context therefore goes much further than a simple training for a few people. It is a long-term process that should also be approached as such within programming.

The abovementioned aspects of capacity also apply to the **duty-bearers**. In various cases, people are not reluctant to respect and protect rights, but they have insufficient knowledge or understanding of the rights that people (in this case indigenous and tribal peoples) have, there are inadequate processes that do not follow HRBA, inadequate resources or skills, missing legislation and regulations both to protect rights and to be able to demand that legal protection.

Needless to say, the analysis and method of strengthening capacity must be carried out in close consultation with the right-holders and duty-bearers involved.

Again, as a reminder and as a concrete example: In an HRBA, the programming objectives should be the realization and protection of human rights; in the case of a capacity-building program, the ultimate goal must therefore be, for example, the recognition of *Free, Prior and Informed Consent* (FPIC) by indigenous and tribal peoples.

B.4. All programs and projects will be set up and implemented in such a way that intentionally a substantial contribution is made to the realization of one or more rights of the indigenous and/or tribal peoples concerned (basic rule No. 1).

NOTE: It is of course clear from all of the above that an HRBA programming process is strongly focused on the realization, promotion and protection of human rights, in this case the rights of indigenous and tribal peoples. However, this must also be explicitly stated in the objectives of a program or project, if one indeed wants to use an HRBA. Some examples:

- Effective participation of indigenous and tribal peoples is not just an activity within the HRBA, but will become a goal in itself within the HRBA, for example *"This project will achieve structures (or legislation/policies) established that guarantee the participation of indigenous and tribal peoples"*. That is something else than 'just' participation of indigenous and tribal peoples in policy workshops to which indigenous and tribal representatives are invited among the many stakeholders, without any decision-making power.
- Recognition of land rights (collective rights on traditional territories) will become a goal in itself and not just, as is often the case, an aid in conservative nature conservation programs (or even completely avoided): *"This project will achieve that indigenous and tribal peoples effectively enforce their land rights to enable them to protect and manage their traditional territories according to their own sustainable traditions."*

Monitoring and evaluation of a project/ program

B.5. Monitoring and evaluation of both processes and outcomes will abide by human rights standards and principles (basic rule No. 2).

NOTE: The aforementioned human rights standards and principles must be the guideline for all steps in a process of developing and implementing a program or project, including monitoring and evaluation. In practical terms, this means that criteria and indicators are included in, among other things, both the logical framework (log frame) and in the monitoring criteria that are specifically aimed at meeting these standards and principles, for example "Has there been, one year after the start of the project, a significant improvement in effective participation of indigenous and



tribal peoples in decision-making?"; "Is FPIC involved in each of the steps in the implementation process?"; "Which capacities of the right-holders and duty-bearers are concretely and significantly strengthened?", always indicating associated sources of verification for (not) achieving the goals. To this end, it is necessary to identify indicators together with right-holders that actually demonstrate what has been achieved from the perspective of the indigenous and tribal peoples. Indicators are culture- and identity-sensitive. Of course, this also requires a sound starting point or baseline to be able to measure whether, and how large, the change has been.

These illustrative examples make it clear that the way of formulating objectives and planning and implementing activities to achieve those objectives will change substantially if an HRBA is actually applied.

C. An engagement process

In addition to previous indications for programming processes (of policies, programs and projects), the process of engagement itself, or the actual relationship and interaction with indigenous and tribal peoples (hereinafter referred to as 'engagement'), must also meet minimum standards of respect and recognition of rights. Such guidelines have already been laid down in an earlier project by VIDS and VSG after an extensive consultation process, and only a summary of the document is given here for the sake of brevity. For the detailed content, including practical instructions, reference is made to the document 'Community Engagement Strategy for the Government'¹⁹.

The engagement strategy consists of five parts:

1. The conceptual framework for a community engagement strategy based on the principles of human rights, FPIC and *rights-based approach*;
2. The basic principles that must be applied in such an engagement process;
3. A description of an appropriate engagement process;
4. Considerations for ensuring sustainability;
5. Specific attention, in a separate chapter, for *free, prior and informed consent* (FPIC).

The **conceptual framework** indicates the perspective from which the subject matter is looked at, namely that indigenous and tribal peoples are indeed peoples (and not 'just' a population group of a certain ethnic origin), with the internationally recognized rights that this entails, namely collective rights, as indigenous and tribal peoples.

An important aspect of the conceptual framework is the (long-term) development vision of indigenous and tribal peoples, which may differ considerably from that of the government, for example mining versus environmental sustainability; urbanization versus traditional lifestyle; individualism versus collectivity; loss versus preservation of one's own (collective) identity. The conceptual framework assumes that the community itself continues to play a leading role in its own development, and that development is not 'brought' but created from below, based on one's own abilities.

In an effective engagement strategy with indigenous and tribal peoples, it is recommended that the following ten **basic principles** are constantly applied:

¹⁹ http://www.surinamredd.org/media/1155/wise-reddplus-community-engagement-strategie_march-2016.pdf



1. Respect, as will often be emphasized across this document;
2. 'Ownership' and 'leadership': the community itself takes ownership for the proposed project or program and has a leading position in implementation;
3. Capacity-building, empowerment and no dependency: the community is not just a 'recipient' or 'target group' but is strengthened as much as possible to be able to do it themselves, including the formal powers if necessary, to be able to give guidance themselves and to make the results more sustainable, without becoming dependent on external assistance;
4. Rights-based: Designing and implementing a project or program takes place with respect for human rights, including the collective rights of indigenous and tribal peoples;
5. Complete information provision, optimal and continuous communication and transparency, as basic conditions for success;
6. Effective participation: Effective participation of the community (representatives) at all stages and at all levels, in such a way that participation can make a real difference and does not just exist on paper;
7. Trust: Building or strengthening mutual trust, among other things by preparing and fulfilling good agreements and keeping the common goals in mind;
8. Sensitivity to culture: Respect for each other's culture and way of life, including respect for traditional authority, the self-selected representatives and the method of decision-making;
9. Gender sensitivity: Respect for the respective roles and responsibilities of women and men, with equality, always in a culture-sensitive way;
10. Other considerations, including taking into account the various rights, interests and concerns of different sections within an indigenous or tribal society (inter alia in terms of age - the elderly /young people).

The **model engagement process** described here consists of five sub-processes that must be followed, while applying ten basic principles, which are then discussed in detail.

At the top of the essential components of every engagement strategy is respect: an effective engagement process starts, is executed, and ends with respect for each other and will never be an imposed, one-way process. The proposed process (which can be adjusted according to circumstances) consists of the following steps (details are given in the Engagement Strategy document):

1. Make an appointment with traditional authority in advance;
2. Exchange of all relevant information in advance;
3. Provide space (time and resources) for decision-making in a culturally appropriate way;
4. Schedule joint monitoring, evaluation, verification and validation;
5. Agree on a mechanism for handling complaints or disputes.

The aspect of **sustainability** will weigh heavily within a good engagement strategy. Even if a project or program is of a temporary nature, the aspect of making the intervention more sustainable should already be taken into account when designing it and should be included in the calculation (and also in the budget, for example through capacity-building for the community).

Where necessary, projects should also have an "exit strategy": how will the project or program be ended in such a way that the community can sustain the results on its own, what will happen with any temporary project structures or resources, what will the after-trajectory look like and will the contact remain (or not), so that the community is never left in a (more) dependent position.



Finally, the aforementioned Engagement Strategy pays specific attention to **free, prior and informed consent (FPIC)**, a right of indigenous and tribal peoples to give their informed consent or permission, or not to give it, based on complete and prior information, for a proposed intervention/project that may affect them²⁰.

As a final remark, it is said that the engagement strategy proposed here should be applied in a holistic way and with '*common sense*'. Based on the lessons learned from the application of this strategy, it may need to be adjusted; this is a 'living document'.

D. Dos and don'ts



Introduction and use

The 'dos & don'ts' (which, among other things, were put forward by the participants themselves during a VIDS training workshop on the human rights-based approach in October 2017) give an impression of practical situations that should be considered when applying principles of human rights, *free, prior and informed consent* and a rights-based approach. The outlined situation with regard to these dos and don'ts is that an organization (or government) with an existing (project) idea goes to a community (or that shared priorities have been formulated together with the community). It should be borne in mind that these are general remarks that do not address existing procedural or cultural differences between indigenous and tribal peoples or even within indigenous or tribal people. The method of decision-making and giving *free, prior and informed consent* can differ per people or even per village.

These dos and don'ts are not a substitute for the guidelines given earlier; they are just comments about common situations.

Dos & Don'ts related to the engagement process	
✗	Do not generalize. Indigenous and tribal cultures are different and every village is different, do not use a fixed 'blueprint'.
✓	Make an appointment well in advance. Also, send a letter to the village explaining what it is about.
✗	Do not go to a village without making an appointment on a day when it suits you.
✓	Spend the first visit (in case of a new project) only on information exchange. Not only provide verbal information, but also record it and leave written information behind.
✗	Do not work hastily. Do not try to meet deadlines at the expense of the community.

²⁰ An extensive list of reference materials about FPIC is included in the Engagement Strategy.



✗	Do not hold meetings during airline 'ground times'.
✓	Take into account the time of year, for example the period of the year in which villagers are busy clearing their land.
✗	Do not expect decisions to be made during the first visit when information is provided. Give the community time and space to discuss matters among themselves. A time limit or target date may be specified.
✓	Discuss the entire project, even if only one specific activity will take place in the relevant community.
✓	Involve the community even before the project is written.
✓	Try to incorporate dialogue and decision-making at all stages of planning and implementation.
✓	Ensure equal participation.
✓	Bear in mind that 'rights-holders'; are not just 'stakeholders'.
✓	Establish an acceptable mechanism for handling disputes.
✓	Involve different stakeholders, including government agencies (government supervisors/ BOs, resort councilors, district councilors).
✗	Do not attempt to use a project-based approach that is not aligned with the priorities and long-term goals of a community. The community could have spent its time on their long-term goals instead of the 'project'.
✗	Do not outsource everything to consultants.

Dos & Don'ts with regard to the development vision of indigenous and tribal peoples

✓	Bear in mind that the development visions of indigenous and tribal peoples are generally more closely intertwined with nature, the supernatural world and culture and have a more collective character. Therefore, go deeper into issues, such as nature, environment and culture when designing (long-term) development strategies instead of isolated, thematic activities.
✓	Give the community the opportunity to 'create' sustainable development itself, using its own strengths and in its own ability to avoid dependence. Be the supporter and not the 'bringer' of development.
✓	Base the cooperation on interfaces between priorities.

Dos & Don'ts with respect to the basic principle of 'respect'

✗	Do not approach the community with an 'I know better' attitude.
✓	Be respectful.
✗	Do not approach the community with fixed ideas and projects on which they can no longer provide input.
✓	Use a respectful approach that clearly shows that there is a basis of equality and partnership based on equal opportunities and input. Offer external experts to the community as needed.



Dos & Don'ts with regard to the basic principle of 'ownership'

✓	Give the community ownership over the project.
✓	Make agreements about ownership and intellectual property in advance that will be produced during the project, e.g. if maps are produced of the area, traditional knowledge, medicinal plants and products thereof.
✓	If it is not possible to have the project idea come entirely from the community, give them the opportunity to further develop the idea.
✓	Involve the community not only in setting up the project, but also in implementation.

Dos & Don'ts with regard to the basic principle of 'leadership'

✓	Give the community the opportunity to make their own decisions and to consciously direct the design and implementation of the process.
✓	Use existing structures and mechanisms since they are already recognized and functional.
✓	Promote and support local decision-making processes coming from the community in accordance with their customs and traditions, even if it requires more time.
✓	Involve the traditional authority so that no individual actions are taken by individuals. All organizations must fall under the traditional authority.
✓	Take into account the 'workload' of village authorities. Multiple sessions may be required.
✓	At each step in the (project) process, consider whether the ownership for that process is sufficiently taken by the community (or its leaders) and not by the donor or executive body or an engaged consultant.
✓	Make clear agreements about who is responsible for the next steps to be taken (which must also be clearly understood by all parties to prevent any misunderstanding.)

Dos & Don'ts with regard to the basic principles of 'capacity-building and empowerment'

✓	Strengthen/develop local capacity in a sustainable way (so not just training), to prevent any dependence.
✓	Give authority, but also knowledge and resources to the community to strengthen them and to allow them to make decisions themselves.
✓	Consider community 'involvement' as an empowerment strategy, supported by giving them the leading role, possibly in combination with coaching.
✓	Keep in mind that 'empowerment' also means that the community gets the 'power' to make its own decisions.

Dos & Don'ts based on a 'rights approach'

✓	Plan the intervention in such a way that the result is focused on the fulfillment of a human right, e.g. the right to education, etc.
✗	Avoid the impression that the intervention or project is 'a favor' to the community.
✓	Use the intervention/project to provide the community with (more) information about its rights, for example the right to public services, such as education and healthcare, but also its right to participate effectively in decision-making and policy-making.
✓	Take into account the rights, but also the interests of right-holders.



Dos & Don'ts with regard to the basic principles 'Information, communication and transparency'

✓	Provide complete information, also with regard to finance.
✗	Do not provide incomplete, limited or superficial information.
✓	Use comprehensible communication methods appropriate to the local language and culture.
✓	Ensure continuity of communication. Avoid a situation that nothing is heard anymore after having received information once or twice.
✓	Give practical examples to explain technical concepts.
✓	Proactively search for information and feedback from the community if it does not come spontaneously.
✓	Identify - in consultation with the community - an informant or contact person within the community who ensures the exchange of information. Ensure to allocate a budget for that purpose.
✓	Make sure the informant is well-informed.
✓	Ensure that the community (as a whole and not just a few people) is well-informed and aware of the consequences so as to give their consent (or not).
✓	Take into account that expectations are raised when information is provided. Make sure that what is said is indeed achievable.
✓	After the project, go back to the village to present the results and to make any follow-up appointments.

Dos & Don'ts focused on effective participation

✓	Incorporate space (and budget) for effective participation at every level (executive, management, controlling) and in every phase of the intervention (planning, implementation, evaluation).
✗	Do not just consider 'attendance' as participation.
✓	Make sure there is good 'responsiveness' from the community. Strive for broad community participation.
✓	Ensure equal participation, also with regard to equal expertise on both sides.
✓	Provide provisions (also budget-wise) for effective information exchange, transparency and communication.

Dos & Don'ts with regard to the basic principle of 'trust'

✓	Strengthen mutual trust; say what you do and do what you say.
✓	Be consistent in providing open, honest and complete information, solicited and especially unsolicited.
✓	Stay in contact as much as possible (by telephone, in writing or in person).
✓	Keep promises and if this is not possible, give a substantive explanation.



Dos & Don'ts for a culture-sensitive approach

✓	Try to get to know the community (better) before designing a project or intervention.
✗	Do not be biased and avoid non-considered or indiscriminate use of 'western' standards for village mechanisms or administrative structures.
✓	Focus on collective efforts and benefits, not on individual ones.

Dos & Don'ts for a gender sensitive approach

✓	Perform a situation and/or problem analysis, in which the situation, perspectives and proposals by both men and women, boys and girls, are effectively taken into account.
✓	Ensure that both men and women have sufficient information and opportunities to discuss and evaluate a proposed intervention or project, while allowing them to give their ideas, objections or proposals about the design of the project.
✓	Consciously pay attention to the appropriateness of interventions and activities in relation to the different roles and responsibilities that women and men have within the community.
✓	When monitoring results, look specifically at the results of and for girls and women.
✓	Pay conscious attention to activities (including budgets) that create or strengthen the opportunity for girls and women to participate optimally and take advantage of all activities and results.

Dos & Don'ts for an age-sensitive approach

✓	Try to involve people of all ages in the project. If necessary (together with the community), design special activities or strategies to indeed include all age groups.
✗	Do not intentionally skip young people or older people.
✗	Consciously pay attention to the appropriateness of interventions and activities in relation to the different roles and responsibilities that people of different ages have within the community.



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