



USAID
FROM THE AMERICAN PEOPLE



PHOTO CREDIT: USAID

EFFECTIVE ENGAGEMENT WITH INDIGENOUS PEOPLES: USAID BIODIVERSITY SECTOR GUIDANCE DOCUMENT

JANUARY 2019

This document was produced by The Cadmus Group LLC under the Global Environmental Management Support project (GEMS II; AID-OAA-M-13-00018) for the United States Agency for International Development (USAID).

CONTENTS

HOW TO USE THIS GUIDANCE..... 1

INDIGENOUS PEOPLES’ PIVOTAL ROLE IN USAID’S BIODIVERSITY PROGRAMMING..... 1

CHALLENGES/KEY ISSUES 2

LESSONS LEARNED 5

BEST PRACTICES..... 16

HOW TO USE THIS GUIDANCE

USAID has designed this biodiversity sector guidance document to provide a practical tool for USAID missions and operating units to more effectively engage and partner with indigenous peoples in natural resources management and biodiversity conservation activities. Experience shows that engagement with indigenous peoples will take different forms depending on the context. Consideration of indigenous peoples' own development priorities and their participation in development design and implementation processes can help to mitigate adverse impacts on their communities, avoid conflict that could delay or derail programming and lead to better biodiversity outcomes. Well-structured communication, engagement and consultation processes are vital to advance biodiversity program objectives while taking into account indigenous peoples' expertise, needs and interests.

"These forests are our life, but they are being taken from us. Outsiders see land as money. We see it as life."

- Nicholas Fredericks, Wapichan, Guyana

This biodiversity sector guidance document is based upon desktop research on international standards and implementation experiences, as well as interviews with USAID development professionals working in the sector. This guidance complements and is informed by USAID's Indigenous Peoples Programming Guidance [Policy]. It is intended to be integrated with other USAID planning and programming tools, including [Inclusive Development Analysis](#), [Environmental Assessment](#), [Stakeholder Engagement](#) and dialogue mechanisms set forth in the Indigenous Peoples Consultation Handbook.¹

INDIGENOUS PEOPLES' PIVOTAL ROLE IN USAID'S BIODIVERSITY PROGRAMMING²

The international community recognizes that [sustaining biodiversity requires effective engagement and partnership with indigenous peoples](#). Indigenous peoples occupy or otherwise use [lands and waters representing 80 percent of the world's biodiversity](#) and rely on that biodiversity for [food, medicine, fuel, construction materials and monetary income](#).³ Whether or not their land rights are legally recognized,

¹ USAID Indigenous Peoples Programming Guidance (Policy) and Consultation Handbook are in draft form as of January 2019.

² Additional information on USAID's biodiversity programming, including existing programming guidance for working with indigenous peoples, can be found in the Agency's 2015 [Biodiversity and Development Handbook](#).

³ Based on customary practices and as recognized in national and international laws, indigenous peoples' land rights extend beyond the lands they cultivate and inhabit to include the territory they occupy and otherwise use, including forests, grazing lands and hunting, fishing and gathering areas. Indigenous peoples also have the right to own, use, develop and control natural resources within their territories. Ownership and control over such lands may vary widely depending on the land tenure regime in place and whether access to and control over lands is exclusive or shared. Shared land is common in national parks and conservation areas and their value "is especially the case with grazing lands, hunting, fishing and gathering areas and forests, which may be used by nomadic pastoralists, hunters or shifting cultivators on a rotational or seasonal basis." (International Labor Organization (ILO), "Indigenous and Tribal Peoples' Rights in Practice: A Guide to ILO Convention No. 169 (2009).

indigenous peoples [manage and protect](#) many of the Earth's least disturbed [tropical and boreal forests, mountains, grasslands, tundra and deserts, as well as coastal waters and shorelines](#).

Indigenous peoples place deep significance on biodiversity. They depend on natural resources not only for their sustenance, but their cultural identity and spiritual practices. Governance systems are also tied to traditional knowledge and control of ecosystems indigenous peoples inhabit.⁴ Recognizing indigenous peoples' traditional knowledge and their extensive experience in environmental stewardship, the [Convention on Biological Diversity \(CBD\)](#) calls on states to "promote the wider use of traditional knowledge relevant for conservation and sustainable use, with the approval and involvement of indigenous and local communities."

Yet indigenous peoples remain among the most vulnerable population groups in nearly every nation. [Inadequate legal protection](#) exposes [indigenous peoples' customary lands and natural resources](#) to encroachment by settlers, governments and corporations whose activities damage fragile ecosystems and dislocate indigenous communities. Members of indigenous communities have been killed and have faced other reprisals for bringing attention to activities that threaten to degrade, destroy or exclude access to the forests, grasslands and rivers that indigenous communities depend on for survival.

CHALLENGES/KEY ISSUES

Deficient stakeholder engagement and consultation processes can overlook or neglect the views of indigenous peoples in the design, implementation and/or evaluation of conservation activities. Failure to fully consider indigenous peoples' interests can fuel distrust, heighten polarization and lead to their disenfranchisement

- Independent reports found that [pastoralists and hunter-gatherers in Tanzania were excluded from consultation](#) as the government explored partnerships with private investors to expand game reserves, agriculture cultivation and mining on lands customarily used by indigenous peoples. Although these "landscape-level biodiversity conservation efforts" were intended to improve community livelihoods, promote economic growth and enhance the long-term viability of wildlife in [Tanzania](#), pastoralists and hunter-gathers lost access to lands and resources they had relied upon for generations.
- The mismanagement of relations or reliance upon inadequate models of engagement and consultation (such as "check-the-box" forms of engagement) can marginalize indigenous perspectives and lead to outcomes favoring other competing interests. To participate in engagement and consultation processes, indigenous peoples often must overcome significant challenges, including linguistic barriers, geographic remoteness and insufficient information regarding potential impacts of program activities.

⁴ The [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#) and [ILO Convention No 169](#) both recognize that land carries cultural and spiritual significance for indigenous peoples that is not limited to monetary or productive value.

- Failure to engage indigenous peoples in the project design and implementation process often results in indigenous peoples' traditional knowledge, territorial governance and conservation approaches being given less consideration than donor or other external technical approaches. The lack of involvement of indigenous peoples in discussions and management options for protected areas can undermine program legitimacy, especially in locations where indigenous territory and customary use demands greater stakeholder collaboration or co-management approaches.
- Differentiated gender roles are often neglected in engagement and consultation processes, despite the growing awareness of the [distinct gender dimensions in the customary use of biodiversity](#). Complete information may require engaging men and women as they may undertake different types of tasks by gender and thus have different knowledge related to customary land use. In some cultures, patriarchal models may limit participation of women. Even where women have the full opportunity to participate, they may lack command of language used during consultations, whereas men may be more accustomed to attending meetings and speaking outside of the community.

Inadequate recognition of indigenous peoples' lands and territorial claims often leads to their exclusion from decision-making, including with respect to leases; concessions for resource extraction, logging and agriculture; and the creation of wilderness areas, wildlife habitat restoration zones and other conservation areas. This may directly affect indigenous ownership of or access to customary lands and resources.

- Indigenous peoples are present in areas of high biodiversity that are protected as parks and conservation areas. Yet in many of the countries where protected areas are being established, there is a lack of recognition of property rights, weak judicial systems and inconsistent human rights records. Seeking access to resources in protected areas have subjected indigenous peoples to [discrimination](#), [abuse](#) and [corruption](#).
- [National parks and conservation zones in the Congo Basin were created to promote wildlife conservation and generate tourism revenues through trophy hunting](#). Yet the Baka and Bayaka in Cameroon and the Central African Republic were allegedly not consulted and did not consent to the creation of these protected areas. The creation of these zones resulted in many Baka and Bayaka being evicted, their traditional hunting activities suspended and them being subject to violence by park guards and vigilante groups.
- USAID has focused on "landscape-level biodiversity conservation efforts to improve community livelihoods and promote economic growth" and the long-term viability of wildlife in [Tanzania](#). As some wildlife conservation and tourism areas have been established, pastoralists and hunter gatherers have sometimes been portrayed as sources of environmental degradation and have lost access to their traditional lands and resources they depend on for survival. Some of these indigenous peoples have been forcibly evicted.⁵

⁵ See [Tanzania Legal and Human Rights Centre](#), Human Rights and Business Report (2015) and Tanzania country page at [Minority Rights Group](#).

Some land and resource access issues have implications that disproportionately impact indigenous women

- When indigenous peoples lose access to land and resources, female-headed households tend to be hurt most. Women's economic activities are more commonly based in subsistence activities from the land and they are not as likely as men to be employed in the labor force. For these reasons, indigenous peoples' decisions about land can [differ across gender lines](#) and women's perspectives may be neglected in stakeholder engagement and consultation processes. The [USAID Gender Equality and Female Empowerment Policy](#) further acknowledges that women in developing countries are more vulnerable with respect to their land and resource rights and the impact is particularly acute for indigenous women.

Natural resource-based and human-wildlife conflicts involving indigenous peoples have disrupted conservation efforts and brought indigenous peoples into broader social and political conflicts.

- A [study of civil conflicts around the world since 1990](#) found that disputed land rights were at the heart of most conflicts.
- Many human-wildlife conflicts have taken place in politically charged environments, such as the Democratic Republic of the Congo, where indigenous peoples and pastoralists have been attacked after being falsely labeled "terrorists" by local religious leaders or blamed as the source of local land conflicts.
- The UN Special Rapporteur on the Rights of Indigenous Peoples issued a [2018 report](#) that described an alarming pattern of intimidation, criminalization and violence perpetrated against indigenous peoples as they defend traditional lands. The report points out illustrations where, "Indigenous peoples' ways of life and subsistence are deemed illegal or incompatible with conservation policies, leading to the prohibition of indigenous traditional livelihoods and the arrest, detention, forced eviction and violations of other human rights of indigenous peoples."
- [Many indigenous peoples seeking to protect their access to lands, forests and rivers have been killed for bringing attention to abusive and unjust actions.](#) Brazil, Honduras, Mexico and the Philippines have been identified as [particularly dangerous countries for indigenous environmental rights defenders.](#)

LESSONS LEARNED

The following USAID programs provide important lessons learned for working with indigenous peoples in this sector.

TABLE I. TERRITORIAL AND ENVIRONMENTAL MANAGEMENT OF INDIGENOUS LANDS IN THE SOUTH AMAZON STATE (BRAZIL)

Program Overview: The project aims to implement the National Policy for the Territorial and Environmental Management of Indigenous lands (PNGATI) by catalyzing an incipient process of territorial management by local indigenous organizations.

Theory of Change	Activities	Implementation Challenges	Successes	Lessons Learned
<p>Implementation of PNGATI in the South of Amazonas State faces a lack of financial support and limited technical expertise in the writing and administration of environmental and productive projects by indigenous organizations in the management of their territories. A small grants program provides financial and technical support to indigenous organizations for the implementation of PNGATI.</p>	<ul style="list-style-type: none"> • Support to indigenous organizations to strengthen knowledge and skills to successfully write and manage projects that implement the seven thematic foci of PNGATI. • Assistance to improve sustainable production by indigenous peoples of Brazil nuts, other non-timber forest products and pirarucu fish and from agroforestry systems in order to fulfill goals of 	<ul style="list-style-type: none"> • After preparation of the small grant proposals by the indigenous associations, the program had difficulty gathering all the documentation necessary for signature of the grant agreement. Many of the associations had difficulty opening bank accounts, leading to some delays in startup. • An increase in the number of families that sought to join the project was difficult as the budget did not anticipate these numbers. • Access to markets and capital impeded some of 	<ul style="list-style-type: none"> • The Small Grants Fund for implementation of PNGATI is being accessed by the seven partner indigenous associations based on their own projects that support territorial and environmental management of their territories. • The experience of providing continuous assistance alongside the associations showed that it is possible to carry out effective and deep-seated accompaniment together with PNGATI beneficiaries in the South of Amazonas. This builds confidence in this powerful pathway and demonstrates how a partnership arrangement supports the implementation of PNGATI directly on indigenous lands, through indigenous organizations. 	<ul style="list-style-type: none"> • Publicizing the Small Grants Program jointly with indigenous associations and partners allows for better anticipation of shared challenges and helps ground the program according to local demands and realities. • Holding workshops with indigenous associations for development projects demonstrated to be an excellent methodology, in which the associations exchange experiences and obtain the necessary assistance to prepare their own projects in accessible language grounded in their own needs. • Providing direct assistance to indigenous associations allows

TABLE I. TERRITORIAL AND ENVIRONMENTAL MANAGEMENT OF INDIGENOUS LANDS IN THE SOUTH AMAZON STATE (BRAZIL)

Program Overview: The project aims to implement the National Policy for the Territorial and Environmental Management of Indigenous lands (PNGATI) by catalyzing an incipient process of territorial management by local indigenous organizations.

Theory of Change	Activities	Implementation Challenges	Successes	Lessons Learned
	<p>Territorial and Environmental Management Plans (PGTA).</p> <ul style="list-style-type: none"> Facilitation for regional social actors to exchange knowledge and successful practices regarding the territorial and environmental management of protected areas and indigenous lands. 	<p>the efforts related to non-timber forest products, as buyer cooperatives were without working capital to buy the products, leading many indigenous producers to sell it for lower prices.</p> <ul style="list-style-type: none"> Even with pirarucu fishing structured according to the principles of sustainability, commercialization still creates a bottleneck in fisheries management. To overcome this challenge, a pre-processing structure is being built that will have a sanitary inspection seal which should contribute to better conditions for sales. 	<ul style="list-style-type: none"> In the first year of the project, the indigenous associations (with technical assistance) implemented a series of workshop and training actions, mobilized their local bases, structured their associations and coordinated with various institutions to promote territorial and environmental management in the region. Indigenous community representatives have asserted that the small grants program provides an incentive and resources to carry out actions needed to implement PNGATI on their lands. The grant helped strengthen village activities for monitoring protection of their territories and their culture while enhancing their level of political engagement (including the establishment of an office to institutionalize activities). 	<p>familiarity and participation in the day-to-day routines of the associations, while improving problem solving and saving time and resources; and</p> <ul style="list-style-type: none"> Designing technical materials for use by the indigenous associations in support of their own organization and management provided important insights about the work of the associations and helped anticipate various scenarios and issues that occur during project implementation and management.

TABLE 2. STRENGTHENING INDIGENOUS CAPACITY IN CONFLICT RESOLUTION AND SUSTAINABLE RESOURCE MANAGEMENT IN THE AMARAKAERI COMMUNAL RESERVE (PERU)

Program Overview: A three-year project that empowered indigenous peoples' communities to jointly manage the 990,000 acre AmaraKaeri Communal Reserve (ACR) in Peru. The project worked with indigenous communities to identify conflict points, build a targeted communications and training plan and create a structure for stakeholder dialogue. The project offered technical expertise in crafting conflict-sensitive solutions and creating natural resources management tools designed to meet the respective needs of conservation area managers, government, civil society organizations and indigenous communities.

Theory of Change	Activities	Contextual Challenges	Implementation Challenges	Successes	Lessons Learned
<p>In the ACR, hydrocarbon extraction, mining, infrastructure development and forestry projects have intersected with indigenous peoples' rights and livelihoods. Land tenure in the ACR features uncertain, overlapping and competing claims that have led to social conflicts. The project was intended to address four areas of conflict:</p> <ul style="list-style-type: none"> • Tensions regarding hydrocarbon leasing and infrastructure development related to free, prior informed consent (FPIC) consultation with indigenous peoples, benefit sharing, land tenure and 	<p>The project emphasized the provision of technical assistance and capacity building activities designed to:</p> <ul style="list-style-type: none"> • Increase understanding of the drivers of conflict among stakeholders in the ACR; • Improve stakeholders' capacity to manage and mitigate conflict; and 	<ul style="list-style-type: none"> • A political context in which conservation NGOs face opposition from the regional government. There was apparent local support for unplanned infrastructure growth but low turnout for trainings. Also, incompatible views about conservation and development between the regional government officials and local indigenous 	<ul style="list-style-type: none"> • Tensions in seeking to obtain commitment among key stakeholders as not all stakeholders could be incentivized to participate in project activities. • Risk that capacity-building programs would not be institutionalized by organizations or government agencies. 	<ul style="list-style-type: none"> • Providing funding for stakeholders to attend in person meeting in a region where transportation is costly and time-consuming and where meeting spaces are expensive; • Training young indigenous leaders who assumed leadership roles in ACR communities; • Increased use of collaborative problem solving through dialogue mechanisms to manage day-to-day conflicts in the ACR communities and indigenous organizations; • Development and implementation of a pilot 	<ul style="list-style-type: none"> • Constant dialogue (via technical meetings, knowledge exchange meetings, workshops and informational visits to the ACR communities) strengthened the link between ACR co-managers, local communities, academic allies, NGOs and government entities at different levels. These events built relationships and harnessed synergies to mitigate and manage ACR conflicts and provided opportunities for further dialogue about conflicts. This is vital for incorporating new knowledge into the ACR management as well as to

TABLE 2. STRENGTHENING INDIGENOUS CAPACITY IN CONFLICT RESOLUTION AND SUSTAINABLE RESOURCE MANAGEMENT IN THE AMARAKAERI COMMUNAL RESERVE (PERU)

Program Overview: A three-year project that empowered indigenous peoples' communities to jointly manage the 990,000 acre AmaraKaeri Communal Reserve (ACR) in Peru. The project worked with indigenous communities to identify conflict points, build a targeted communications and training plan and create a structure for stakeholder dialogue. The project offered technical expertise in crafting conflict-sensitive solutions and creating natural resources management tools designed to meet the respective needs of conservation area managers, government, civil society organizations and indigenous communities.

Theory of Change	Activities	Contextual Challenges	Implementation Challenges	Successes	Lessons Learned
<p>indigenous rights and uncertainty over the extent of development;</p> <ul style="list-style-type: none"> • Restricted access to resources in and around the ACR including timber, minerals, animals and other provisioning ecosystem services, including tourism; • Unlawful resource extraction and development, including illegal logging, illegal gold mining and unauthorized/improper road construction; and • Deficient governance of the ACR stemming from limited technical and 	<ul style="list-style-type: none"> • Increase participation and communication related to conflict management and mitigation related to natural resource and protected area management 	<p>organizations and NGOs persisted.</p> <ul style="list-style-type: none"> • With conservation a low priority for local and regional government, agreements were often unfulfilled. Meanwhile national agencies have greater authority under the applicable legal framework to prevent, resolve and mitigate conflicts and must be involved in conflict-related discussions within the ACR. Involving 		<p>model for effective environmental conflict management;</p> <ul style="list-style-type: none"> • Producing printed and audiovisual materials developed through a participatory process with the ACR co-managers and other key organizations involved in the ACR conflicts. Created two animated productions on legislation affirming the right of indigenous peoples to consultation, which were broadly distributed and displayed at project events in the region and in the ACR communities. • Sponsoring trainings crafted to meet stakeholders' needs and 	<p>strengthen the organizations and their leaders as co-managers of the ACR.</p> <ul style="list-style-type: none"> • Engaging federal level government officials created more space for high-level dialogue and resumed discussions about the legal framework for mining formalization, as well as established special measures to address mercury pollution. • Partnerships with key government agencies helped legitimize project implementation and keep activities advancing even in unfavorable political

TABLE 2. STRENGTHENING INDIGENOUS CAPACITY IN CONFLICT RESOLUTION AND SUSTAINABLE RESOURCE MANAGEMENT IN THE AMARAKAERI COMMUNAL RESERVE (PERU)

Program Overview: A three-year project that empowered indigenous peoples' communities to jointly manage the 990,000 acre AmaraKaeri Communal Reserve (ACR) in Peru. The project worked with indigenous communities to identify conflict points, build a targeted communications and training plan and create a structure for stakeholder dialogue. The project offered technical expertise in crafting conflict-sensitive solutions and creating natural resources management tools designed to meet the respective needs of conservation area managers, government, civil society organizations and indigenous communities.

Theory of Change	Activities	Contextual Challenges	Implementation Challenges	Successes	Lessons Learned
<p>financial capacity to manage the reserve, ambiguity on the rights and responsibilities of co-management, delays in designing a Master Plan and communication difficulties among co-managers and local communities.</p>		<p>federal agencies, however, was challenging due to insufficient staffing levels for the number of ongoing socio-environmental conflicts.</p> <ul style="list-style-type: none"> The highly participatory nature of project implementation has limited the reach and impact of results. Whereas typical conservation projects are designed to generate specific 		<p>learning styles, which allowed indigenous communities and organizations as well as public officials to learn how to participate and influence conflict management processes;</p> <ul style="list-style-type: none"> Building awareness of social and environmental safeguard measures regarding the construction of roads in areas of eminent biological and cultural diversity. Reached agreement that a new road project will include substantial participation and consultation with indigenous groups and will follow legal requirements; and 	<p>contexts. The same proved true in partnering with indigenous communities as relationships improved and trust was built that enabled project implementation to move forward.</p> <ul style="list-style-type: none"> Short, regular training events appear more effective than longer and more intensive sessions. Training participants and organizers should agree on the content and methodology before training sessions as well as set up a hard timeline for training replications in the communities. Selection of community participants needs to include leadership

TABLE 2. STRENGTHENING INDIGENOUS CAPACITY IN CONFLICT RESOLUTION AND SUSTAINABLE RESOURCE MANAGEMENT IN THE AMARAKAERI COMMUNAL RESERVE (PERU)

Program Overview: A three-year project that empowered indigenous peoples' communities to jointly manage the 990,000 acre AmaraKaeri Communal Reserve (ACR) in Peru. The project worked with indigenous communities to identify conflict points, build a targeted communications and training plan and create a structure for stakeholder dialogue. The project offered technical expertise in crafting conflict-sensitive solutions and creating natural resources management tools designed to meet the respective needs of conservation area managers, government, civil society organizations and indigenous communities.

Theory of Change	Activities	Contextual Challenges	Implementation Challenges	Successes	Lessons Learned
		<p>environmental outcomes, this project sought to build capacity and encourage the use of collaborative approaches for environmental management and decision-making. Project success and influence depend on the voluntary involvement and participation of stakeholders and their willingness to adopt new practices and change behavior towards conflict</p>		<ul style="list-style-type: none"> • Trained indigenous participants in the workshops, who later emerged as leaders in their own communities, thereby strengthening technical capacity for decision making within communities. 	<p>potential, good communication skills, age of community members (with emphasis on youth members) and communal approval.</p> <ul style="list-style-type: none"> • Strengthening organizational and project management capacities is vital for the project to raise resources from relevant sponsors. The strengthening of these organizations, with emphasis on the ACR, will help sustain project impacts, generate more capacity for future projects and add benefits to the ACR and indigenous

TABLE 2. STRENGTHENING INDIGENOUS CAPACITY IN CONFLICT RESOLUTION AND SUSTAINABLE RESOURCE MANAGEMENT IN THE AMARAKAERI COMMUNAL RESERVE (PERU)

Program Overview: A three-year project that empowered indigenous peoples' communities to jointly manage the 990,000 acre Amaraeri Communal Reserve (ACR) in Peru. The project worked with indigenous communities to identify conflict points, build a targeted communications and training plan and create a structure for stakeholder dialogue. The project offered technical expertise in crafting conflict-sensitive solutions and creating natural resources management tools designed to meet the respective needs of conservation area managers, government, civil society organizations and indigenous communities.

Theory of Change	Activities	Contextual Challenges	Implementation Challenges	Successes	Lessons Learned
		<p>management. The implementation of such a voluntary process (without tangible benefits) is hard to achieve in light of the stakeholders' economic and environmental interests.</p>			<p>communities.</p> <ul style="list-style-type: none"> • A focus on training mid-level and junior functionaries and emerging leaders at the community level provides an opportunity for institutional behavior to be changed and influenced by this leadership cohort. Knowledge gained through project activities is then shared. • A change in the main ACR conflict (Hunt Oil ceased activities within the ACR in 2015) forced the project team to adapt project strategies to the new conflict setting and

TABLE 2. STRENGTHENING INDIGENOUS CAPACITY IN CONFLICT RESOLUTION AND SUSTAINABLE RESOURCE MANAGEMENT IN THE AMARAKAERI COMMUNAL RESERVE (PERU)

Program Overview: A three-year project that empowered indigenous peoples' communities to jointly manage the 990,000 acre AmaraKaeri Communal Reserve (ACR) in Peru. The project worked with indigenous communities to identify conflict points, build a targeted communications and training plan and create a structure for stakeholder dialogue. The project offered technical expertise in crafting conflict-sensitive solutions and creating natural resources management tools designed to meet the respective needs of conservation area managers, government, civil society organizations and indigenous communities.

Theory of Change	Activities	Contextual Challenges	Implementation Challenges	Successes	Lessons Learned
					<p>priorities within the ACR. This situation, at first considered a challenge, has demonstrated the importance of adapting management measures to account for unexpected events and manage project risks.</p> <ul style="list-style-type: none"> • Reconciling agendas and general priorities among key project partners had been a recurring challenge. Frequent meetings (at least biweekly) helped keep the project focused on the initial work plan and accomplish project goals.

TABLE 3. THE BLUE ABADI INITIATIVE: ENSURING THE SUSTAINABLE MANAGEMENT AND PROTECTION OF MARINE ECOSYSTEMS (INDONESIA)

Program Overview: The Blue Abadi Initiative channels financial resources to ensure that marine ecosystems and species of the Bird's Head Seascape (BHS) are sustainably managed and protected by local environmental stewards, while providing benefits for local communities.⁶

USAID contributes to the Blue Abadi Fund (BAF), whose administrator, KEHATI (with guidance from the Blue Abadi Governance Committee) provides sub-grants to local Indonesian institutions working in the BHS. The Governance Committee is multi-stakeholder and special consideration has been given to ensure adequate inclusion of indigenous peoples and women.

Theory of Change	Activities	Enabling Environment	Implementation Challenges	Successes	Lessons Learned
The reefs and mangrove forests in the BHS are the life support system for indigenous Papuan communities. Rapid changes over the past 20 years have resulted in the increased exploitation of natural resources in affecting the BHS including overfishing, oil and gas exploration, nickel mining, illegal logging and poorly-planned infrastructure development. Papuan families have seen their fishery resources decline and food insecurity	<ul style="list-style-type: none"> • Education and Outreach - Support and strengthen MPA management and conservation efforts through education and outreach programs (delivered by formal and informal local learning institutions); • Species and Ecosystems Conservation - Deliver effective conservation management programs for those threatened species and critical ecosystems which are present at globally significant levels within 	Some Blue Abadi grant-making is affected by challenging legal/political context in West Papua, with the passage of Undang – UU No. 23/2014. The law, which governs transfer of authority from the District to the Provincial Government, has direct implications for the MPA management. Currently, MPAs in the BHS are managed at the District level. The transfer will directly impact MPA	There have been some issues associated with the grant-making process, including some organizations not having received the proper legal status for grant recipients; issues with the legal transaction process; and KEHATI staffing vacancies/delays.	<ul style="list-style-type: none"> • Significant progress setting up fiduciary and investment arrangements for the Blue Abadi Fund, including establishing a trustee guided by the Governance Committee and an investment manager; • Coordinated conservation activities in BHS conducted by five local NGOs, government partners, a university, a consulting firm and 16 local civil society organizations covering such efforts as 	<p>Lessons Learned have not yet been aggregated for the project (this will occur in Year 2), but the program has found that focusing on the following strategies helps achieve goals:</p> <ul style="list-style-type: none"> • Education and outreach efforts focusing on marine environmental education for local youth to ensure that future generations continue protecting the BHS. • Species and ecosystems conservation that protects threatened species and ecosystems in the BHS.

⁶ This initiative is ongoing as of January 2019.

TABLE 3. THE BLUE ABADI INITIATIVE: ENSURING THE SUSTAINABLE MANAGEMENT AND PROTECTION OF MARINE ECOSYSTEMS (INDONESIA)

Program Overview: The Blue Abadi Initiative channels financial resources to ensure that marine ecosystems and species of the Bird's Head Seascape (BHS) are sustainably managed and protected by local environmental stewards, while providing benefits for local communities.⁶

USAID contributes to the Blue Abadi Fund (BAF), whose administrator, KEHATI (with guidance from the Blue Abadi Governance Committee) provides sub-grants to local Indonesian institutions working in the BHS. The Governance Committee is multi-stakeholder and special consideration has been given to ensure adequate inclusion of indigenous peoples and women.

<p>increase. Papuan women face greater challenges as engrained patriarchy has limited access to education, health, economic opportunities and participation in decision-making. The Blue Abadi Initiative is designed to empower local communities to regain control of their marine resources and co-manage them with local governments consistent with their own cultural context.</p> <p>Objectives:</p> <ul style="list-style-type: none"> • At least 3.6M hectares of the government-mandated marine protected area (MPA) are under effective co-management and are being actively enforced 	<p>BHS;</p> <ul style="list-style-type: none"> • Conservation and Science Monitoring - Routinely implement a province-wide MPA impact monitoring program targeting key biological, fisheries, oceanographic, human well-being and governance indicators, providing critical information to support he adaptive management of the BHS MPA network; • Sustainable Development and Coastal Livelihoods - Support the development of sustainable economic alternatives and livelihoods for local Papuan communities compatible with MPA objectives in order to contribute to the 	<p>operations, mostly due to the time it will take to complete the transition.</p>		<p>management of the mangrove crab population, sustainable ecotourism, policy advocacy, waste management and endangered species protection;</p> <ul style="list-style-type: none"> • A customary declaration by local communities in 10 Papuan villages in north, east and south Misool Island to jointly protect 300,000 hectares of marine area with local police, with a portion of these activities being conducted in previously unpatrolled areas; • Protection of the green turtles and dugongs through monthly monitoring and night patrol activities as well as 	<ul style="list-style-type: none"> • Conservation science and monitoring where local partners collect data about ocean and human well-being related to the BHS MPA network management. • Sustainable development that helps local Papuan communities advance economic growth while continuing to conserve the BHS. • Seascape-level networking, coordination and capacity development to ensure that all partners and communities connected to the BHS stay engaged and informed about relevant BHS issues, including policy decisions.
---	--	--	--	--	--

TABLE 3. THE BLUE ABADI INITIATIVE: ENSURING THE SUSTAINABLE MANAGEMENT AND PROTECTION OF MARINE ECOSYSTEMS (INDONESIA)

Program Overview: The Blue Abadi Initiative channels financial resources to ensure that marine ecosystems and species of the Bird's Head Seascape (BHS) are sustainably managed and protected by local environmental stewards, while providing benefits for local communities.⁶

USAID contributes to the Blue Abadi Fund (BAF), whose administrator, KEHATI (with guidance from the Blue Abadi Governance Committee) provides sub-grants to local Indonesian institutions working in the BHS. The Governance Committee is multi-stakeholder and special consideration has been given to ensure adequate inclusion of indigenous peoples and women.

<p>based on official MPA plans and zoning systems; and</p> <ul style="list-style-type: none"> • A network of local civil society organizations in the BHS, complement government-mandated conservation efforts through education and outreach, species and ecosystem conservation science and monitoring, sustainable development and coastal livelihoods and seascape-level networking, coordination and capacity development. 	<p>sustainable development of West Papua; and</p> <ul style="list-style-type: none"> • Seascape-Level Networking, Coordination and Capacity-Development - Provide coordination across all conservation partners in the BHS, including facilitating information exchange, learning and capacity development specific to MPAs and marine conservation and coordinated communications and policy engagement. 			<p>community education groups;</p> <ul style="list-style-type: none"> • Research and monitoring efforts by the University of Papua to monitor coral reef health; and • Awarding 1.75 million USD in grant funding to 23 organizations in West Papua. In addition, over the past year, 10.6 million USD has been invested in the Blue Abadi endowment mechanism, making it the one of the largest sustainable financing mechanisms in the world for marine conservation areas. 	
--	--	--	--	---	--

BEST PRACTICES

This Biodiversity Sector Guidance should be applied in conjunction with USAID's Indigenous Peoples Programming Guidance [Policy] and other USAID planning and programming tools (including [Inclusive Development Analysis](#), [Environmental Assessment](#) and dialogue mechanisms set forth in the Indigenous Peoples Consultation Handbook and [Stakeholder Engagement](#)) to facilitate a collaborative framework for comprehensively engaging indigenous communities in the assessment, design, implementation and evaluation of USAID-supported strategies, programs and projects that affect their lands, lives and livelihoods. These tools provide guidance on the necessary engagement of indigenous peoples in each phase of the biodiversity program cycle as well as safeguard mechanisms to mitigate risks of adverse impacts that may arise as biodiversity projects are implemented.

IMPROVE STAKEHOLDER ENGAGEMENT

- USAID has made the [inclusion of stakeholders in decision making processes](#) a common best practice for project design, implementation and evaluation, as well as for environmental and social impact assessment. The [USAID Environmental Compliance Factsheet](#) includes specific guidance on stakeholder engagement in the environmental and social impact assessment (ESIA) process.
- USAID operating units and implementing partners will need to know whether a group is indigenous in order to fully understand their rights before engaging them in a project as stakeholders. Where information is inconsistent or uncertain, USAID's Indigenous Peoples Programming Guidance recommends consulting with the USAID Advisor for Indigenous Peoples Issues.
- [USAID's Stakeholder Engagement Guidance](#) states that when indigenous peoples are involved, "stakeholder engagement should proceed with an understanding of the indigenous peoples' context including their governance institutions; practices; customary rights to self-determination; their spiritual and cultural heritage; their historical discrimination; their unique and at times, vulnerable status; their recognition under international law, as well as any special legal status under national legislation/policy."
- The USAID Policy on Indigenous Peoples' Issues strongly encourages operating units to design activities that engage indigenous peoples, address challenges facing their communities and make them partners in the development process. Engagement and consultation should assess whether

STAKEHOLDER ENGAGEMENT

[USAID's Stakeholder Engagement Guidance](#) identifies the following as best practices:

- Make information accessible and understandable by using mechanisms that reach interested and affected participants and include cultural, religious and linguistic considerations;
- Ensure the process is inclusive of all relevant stakeholders; accountable to vulnerable groups and considerate of gender; and
- Maintain transparency by providing stakeholders timely updates on changes, project progress and how their feedback may have been incorporated into the project development process.

indigenous communities are interested in and able to partner with USAID in the design, co-creation and/or implementation of the project's activities.

- As a best practice, USAID/Peru circulated its Draft Program Description entitled "Amazonian Indigenous Rights and Resources" in the form of a request for information (RFI) to give indigenous peoples opportunity to comment early in the design of new biodiversity programming in the Peruvian Amazon.
- For indigenous peoples, the principle of [Free, Prior, Informed Consent \(FPIC\)](#) calls for the consent of affected indigenous peoples. Stakeholder engagement is a process for participation and input, while FPIC should lead to an agreement. Consultation processes provide important opportunities for indigenous peoples to contribute local and traditional knowledge, promote the use of appropriate technologies and consider the interrelationship among environmental, cultural and social elements and reduce potential for conflict.
- As detailed in USAID's Indigenous Peoples Consultation Handbook, if an operating unit decides to undertake an FPIC process, it should be conducted according to agreed-upon decision-making processes and institutions through recognized leaders and customary decision-making mechanisms, while also ensuring that potentially marginalized members of the community are included. Consent should be clear and documented.
- These practices are reaffirmed in the [guiding principles of the USAID Biodiversity Policy \(Annex I\)](#), which call for the development of conservation programs that "promote the effective participation of communities and indigenous peoples; incorporate traditional knowledge and systems; support the strengthening of indigenous organizations and local institutions to manage biodiversity; and develop feasible alternatives that do not displace indigenous peoples and community groups from their traditional lands."

EXAMINE GENDER CONSIDERATIONS

- Engagement should be culturally sensitive and account for gender roles and generational relationships within indigenous communities and groups. In traditional indigenous cultures where norms may limit the participation of women, cultural sensitivity must be balanced by the principle of gender equality. In these instances, it is essential to design engagement approaches that provide for the meaningful participation of women within the specific cultural context.
- The engagement of indigenous peoples in biodiversity program design and implementation can be most effective when indigenous peoples are given opportunities to participate in a manner that recognizes and encourages their cultural knowledge and practices. Gender sensitive approaches are vital as indigenous women often serve as healers and have in-depth knowledge of the care and use of medicinal plants. Indigenous women also play vital roles in the transmission of culture, including traditional knowledge of plants, healing practices and preserving seeds.

- The Secretariat of the Convention on Biological Diversity has published "the [Akwé: Kon Voluntary Guidelines](#)", which was designed in conjunction with indigenous organizations to offer specific procedural recommendations for each stage in the engagement process.

[AKWÉ: KON VOLUNTARY GUIDELINES](#)

These guidelines set forth ten steps when developing an impact assessment of a project affecting indigenous and local communities:

1. Notification and public consultation of the proposed development (project) by the proponent.
2. Identification of indigenous and local communities and relevant stakeholders likely to be affected.
3. Establishment of effective mechanisms for indigenous and local community participation, including vulnerable groups (women, elderly, etc.).
4. Establishment of an agreed process for recording the views and concerns of the affected groups.
5. Establishment of a process whereby local and indigenous communities may have the option to accept or oppose the project.
6. Identification and provision of sufficient human, financial, technical and legal resources for effective indigenous and local community participation in all phases of impact assessment procedures.
7. Establishment of an environmental management or monitoring plan, including contingency plans regarding possible adverse cultural, environmental and social impacts resulting the project.
8. Identification of actors responsible for liability, redress, insurance and compensation.
9. Conclusion, as appropriate, of agreements or action plans on mutually agreed terms between the proponent of the project and the affected indigenous and local communities, for the implementation of measures to prevent or mitigate any negative impacts.
10. Establishment of a review and appeals process.

RECOGNIZE LAND AND NATURAL RESOURCE RIGHTS

- USAID's [Land Tenure Energy and Infrastructure Issue Brief](#) points out that in acquiring lands for project investments, promoting engagement in a due diligence process that ensures respect for legitimate local land rights can increase the likelihood of project success.

CONDUCT APPROPRIATE CONSULTATIONS

- The [United Nations Declaration on the Rights of Indigenous Peoples](#) calls upon countries to consult and cooperate with indigenous peoples to obtain FPIC before approving any project that would affect indigenous lands, territories or other resources and to provide mechanisms for redressing any adverse impacts resulting from such projects. An international standard for engagement with indigenous peoples, the declaration has been incorporated into World Bank and International Finance Corporation safeguards addressing indigenous peoples' rights. A consultation process consistent with FPIC is required when indigenous peoples are present in or have a collective attachment to the project area and there is (1) risk of adverse impacts on the human rights, means of subsistence and/or culture of indigenous peoples; (2) potential for adverse impacts on land, natural resources and sacred sites (whether the land is under traditional ownership title or based on customary use and occupation); or (3) a threat that might result in the need to relocate from those lands.
- Careful analysis should be taken to ensure compliance with USAID and other safeguard mechanisms designed to mitigate impacts and compensate for damages. Support for actions prohibited by the [UNDRIP](#) should be avoided. These include [actions](#) that could deprive indigenous peoples of their cultural integrity, cultural values or ethnic identities; intend or effect to dispossess indigenous peoples of their lands, territories or resources; cause forced population transfer; cause forced assimilation or integration; or develop propaganda designed to promote or incite racial or ethnic discrimination directed against indigenous peoples. [USAID's Operational Guidelines for Responsible Land-Based Investment](#) sets forth best practices related to the due diligence and structuring of land-based investments, with the goal of reducing risks and facilitating responsible projects that benefit both the private sector and local communities. Operating units and partners can also find guidance for project design and for all stages of the program cycle in the [Guidelines on Compulsory Displacement and Resettlement in USAID Programming](#). Unintended gender-related consequences of the activity must be documented and efforts must be made to put a viable solution into place.
- [The August 2018 report](#) by the UN Special Rapporteur on Indigenous Peoples identifies a pattern of abuse against indigenous peoples speaking out on environmental and natural concerns, which cited numerous examples where the private sector and governments have forced indigenous peoples from their lands and where indigenous peoples defending their lands have resulted in [killings of human rights defenders](#). USAID missions and operating units should conduct due diligence to ensure project activities will not violate or be complicit in violating indigenous peoples' rights.
- Importantly, as demonstrated in the 2017 ruling by the African Court on Human and Peoples Rights in the case of the Ogiek of Kenya, even where indigenous peoples may not be formally recognized by national law, they still have the rights to special protections based on their status. These rights are also inextricably linked to their traditional territories and resources, the boundaries of which may not be delineated and may be actively disputed. Expert guidance, whether provided by professional staff within the USAID mission, external consultants or through consultation with the USAID Advisor on Indigenous Peoples Affairs, saves time, costs and reduces risk of harm.

By employing effective engagement, consultation and risk mitigation practices, USAID Missions and Operating Units can ensure that project partners, grantees, contractors and subcontractors meet their responsibilities to indigenous peoples in biodiversity conservation program implementation. Additional resources for safeguarding indigenous peoples are also available through the [UN-REDD Program FPIC guidelines](#) and the [International Association for Impact Assessment's SIA guidance](#).