

22. Due diligence for the inclusion of indigenous peoples

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Indigenous peoples often face multiple and intersecting forms of exclusion

Indigenous peoples comprise 5% of the global population, but 15% of the world's poor. They face high risks of exclusion due to social, cultural, economic and political characteristics that are distinct from the majorities in their surrounding societies.

Indigenous peoples are at heightened risk of being left behind due to systemic disadvantages and the political choices of governments. They often live on traditional lands that are rich in resources or targeted for development projects that may be detrimental to their communities. The United Nations reports cases of governments seeking reprisals against indigenous individuals and communities who are defending their rights or seeking recourse against abuses committed by their government or by private sector actors operating with impunity.

In addition, achieving the principle of leaving no one behind will require targeted interventions for indigenous peoples that simultaneously intervene in their multiple and intersecting forms of disadvantage. For instance, an extremely poor indigenous woman with a disability is particularly disadvantaged; interventions that only focus on her gender or her disability may not be sufficient to overcome the full range of barriers and disadvantages that she faces as an indigenous person too.

A framework to ensure inclusion of indigenous peoples in foreign, trade and development policies

Australia's DFAT recognises that our mainstream policies and programmes are unlikely to benefit indigenous peoples unless we undertake due diligence to be inclusive. DFAT has developed a range of policies and operational guidance¹ to ensure the department is inclusive of indigenous peoples in its foreign policy, trade policy and development policy.

DFAT believes that donor governments need to work at the aid investment level and elevate policy coherence across these three policy areas to minimise the risk of leaving behind indigenous peoples in developing countries and to advance their interests throughout the international system. A multi-track systems approach could be effective in ensuring that indigenous issues are considered. DFAT has identified three tracks, aiming to:

1. Design aid investments that specifically target indigenous peoples.
2. Be inclusive of indigenous peoples in mainstream aid investments.
3. Harmonise donor efforts and pursue the inclusion of indigenous peoples across the entire international development sector.

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) provides a structured and systematic approach along all three tracks. The UNDRIP affirms that it is critical for indigenous peoples to be at the centre of any decisions that may affect them or their lands and territories; otherwise, they may be harmed or prevented from determining solutions to their own challenges. In particular, development actors can strengthen aid investments by using the UNDRIP principle of free, prior and informed consent to determine the extent of consultations with indigenous peoples (Government of Australia, 2017^[1]).

DFAT has also identified, in the table below, how to improve policy coherence across development, foreign and trade policy through a structured process.

Table 22.1. Policy coherence for indigenous peoples in developing countries

| | Economic sector | Social sector | Cultural sector | Civil sector | Political sector |
|---------------------------|--|--|---|---|--|
| Development policy | Build an enabling environment for Indigenous businesses/private sector to flourish. | Ensure indigenous peoples benefit from essential services in developing countries. | Apply safeguards to protect indigenous peoples' lands and waters; languages; cultural sites; traditional practices and knowledge. | Invest in measures for the law and justice sectors to be inclusive of indigenous peoples in developing countries. | Tackle the underlying sources of conflict for indigenous peoples and include them in peace building initiatives. |
| Foreign policy | Influence the international system to prioritise economic development for indigenous peoples. | Hold domestic private sector actors to account for breaching human rights obligations to indigenous peoples in developing countries. | Shape multilateral fora to protect indigenous peoples' cultural knowledge and traditional practices. | Influence the multilateral system to enhance the participation of indigenous organisations and civil society representatives. | Hold developing States to account for any abuses perpetrated against their indigenous peoples. |
| Trade policy | Ensure that indigenous peoples in developing countries can participate in the global trading system. | Promote the economic empowerment of indigenous women in developing countries. | Influence multilateral fora to protect the intellectual property of indigenous peoples' cultures, products and services. | Ensure that trade policies are inclusive of indigenous peoples. | Create a space for indigenous business leaders to influence international economic policy negotiations. |

Source: DFAT, Australia.

Being inclusive requires continuous efforts

DFAT has observed three challenges when applying its indigenous policies. There are limited resources to design investments that target indigenous peoples; managers may not consider whether mainstream investments will inadvertently exclude indigenous peoples; and experience may be lacking to devise and implement programmes that respond to the differential experiences of indigenous peoples. In particular, DFAT continues to work through the following questions:

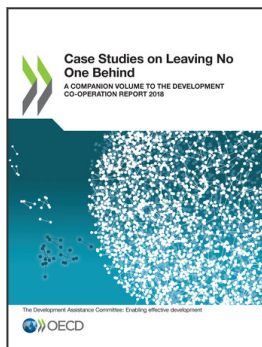
- How to engage with self-identifying indigenous peoples in countries where their own government does not consider them indigenous.
- How to respect a partner government's ownership over their country's development while upholding the imperative to hold governments accountable for abuses against indigenous peoples in their countries.
- How to retrospectively include indigenous peoples in aid investments that were not designed to be inclusive.
- How to strengthen a partner country's systems and institutions so that it can meet the needs of its indigenous peoples after graduating from development assistance.

What next?

DFAT hopes that its experience will help development organisations - donor governments, multilaterals and NGOs alike - unpack the assumptions that underpin programming choices, and help organisations either accept their assumptions and limits to programmes, or further evolve activities to leave no indigenous person behind. More can be done, through collaboration between all of these actors, to include indigenous issues in the international development system.

Notes

¹ <https://dfat.gov.au/international-relations/themes/indigenous-peoples/Pages/indigenous-peoples.aspx>.



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