



## HOW TO RATE INDIGENOUS ISSUES IN AID QUALITY CHECKS

### SHORT NOTE

Aid Quality Checks (AQC) are a management tool to assess DFAT's aid investments. Completing an AQC involves rating investment performance against six aid quality criteria using a six-point rating scale. Evidence to support AQC ratings is drawn from a variety of sources including: monitoring and evaluation frameworks, field visits, reviews, evaluations and reports from implementing partners. Information from AQC is primarily used for investment management and decision-making. The AQC template includes two questions to assess how investments are addressing issues affecting indigenous people. The rating criteria seeks to uphold both Australia's, and our partner governments', international commitments to indigenous peoples.

- The first question assesses whether indigenous peoples were actively involved across the programming cycle, with a focus on their involvement in consultations and decision-making processes.
- The second question assesses whether the initiative is tailored to address the unique and specific interests of indigenous peoples that may differ from other beneficiaries to the initiative (for instance, does not assume a 'one size fits all approach').

### DEFINING INDIGENOUS PEOPLES

There are an estimated 370 million indigenous peoples around the world. Given the diversity of the world's indigenous peoples, there is no internationally accepted or agreed definition of the term 'indigenous' and the UN Declaration on the Rights of Indigenous Peoples instead affirmed that indigenous peoples themselves have the right to self-identify. Consequently, DFAT will use the terminology that is appropriate to each country context. The prevailing view in the international community is that no formal definition is necessary and that it is better to identify indigenous peoples within a specific context. Former UN Special Rapporteur Martinez Cobo developed the characteristics most commonly cited in the international community:

*Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and precolonial societies that developed on their territories, consider themselves distinct from other sectors of the society now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.<sup>1</sup>*

### DFAT'S COMMITMENT TO INDIGENOUS PEOPLES

DFAT is committed to inclusive development and assisting the most disadvantaged find pathways out of poverty through the aid program. Recognising that indigenous peoples often experience disproportionate rates of poverty, and are at increased risk of exclusion and marginalisation, DFAT has committed to:

- A. Be inclusive of indigenous peoples issues
- B. Improve outcomes for indigenous peoples
- C. Engage responsibility with risk and mitigate potential adverse impacts on indigenous peoples

<sup>1</sup> Cobo, M, n.d. *Study of the problem of discrimination against indigenous populations*, United Nations document E/CN.4/Sub.2/1986/87, UN New York



DFAT is striving to facilitate the active involvement of indigenous communities when planning, implementing, monitoring and evaluating any aid programs that will have an impact on them. As a general principle, DFAT program managers should ensure that implementing partners are also undertaking these efforts in any initiative that will affect indigenous peoples and/or their lands. DFAT should also ensure that indigenous women and girls, indigenous persons with disabilities, indigenous elders, and indigenous children and youth are included.

Indigenous peoples are commonly the minority population in their respective countries but indigenous peoples may also be the majority population in some countries. In countries where indigenous peoples are the minority and are at risk of exclusion, discrimination and marginalization, DFAT should make a special effort to find indigenous peoples, include them, and identify and meet their needs. Otherwise, there is a very real risk that DFAT will exclude them inadvertently. In countries where indigenous peoples are the majority, DFAT should avoid treating indigenous peoples as a homogenous group across the country, as well as strive to conduct good faith and inclusive consultations with government agencies and indigenous communities.

## WHY FOCUS ON INDIGENOUS PEOPLES

Indigenous peoples are amongst the most disadvantaged and marginalized people in the world. Although indigenous peoples make up only 5 per cent of the global population, they make up 15 per cent of the world's poor and about one-third of the world's 900 million extremely poor rural people.<sup>2</sup> Australia and our partner governments have recognized the unique situation of indigenous peoples by signing/endorsing international conventions and declarations that call for the promotion and protection of indigenous people's rights and interests. DFAT initiatives should uphold and comply with Australia's, and our partner governments', international commitments to advancing the interests of indigenous peoples. The 2007 [UN Declaration on the Rights of Indigenous Peoples](#) (UNDRIP), whilst not legally binding, states that indigenous peoples have the collective right to self-determination. This is often interpreted to mean that indigenous peoples have the right to decide what is best for them and their communities. The UNDRIP and [ILO Convention 169](#) state that indigenous peoples have the collective right to 'free, prior and informed consent'. This is often interpreted to mean that indigenous peoples have the right to be consulted and make decisions on matters that may affect their rights; freely, without pressure, having all the information, and before anything happens. UN Member States reaffirmed their commitments to indigenous peoples in the 2014 [Outcome Document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples](#). Indigenous peoples also continue to enjoy individual rights affirmed in human rights treaties.

## TIPS AND TRICKS

Information about DFAT's commitment to indigenous peoples can be found in the [DFAT Indigenous Peoples Strategy 2015-2019](#); DFAT's [Guidance Note: Reaching Indigenous Peoples in the Australian Aid Program](#); and in [Australia's candidacy for the United Nations Human Rights Council 2018-2020](#). Further information about our partner governments commitments to indigenous peoples can be found at the International Work Group for Indigenous Affairs (IWGIA) website: <http://www.iwgia.org/regions>. Staff seeking contacts for indigenous peoples in the region could consider contacting the [Diplomacy Training Program](#) (DTP) at the University of NSW for advice on [dtp@unsw.edu.au](mailto:dtp@unsw.edu.au). Since established in 1990 by HE José Ramos-Horta, the DTP has provided human rights training to over two thousand indigenous leaders and human rights defenders in the Asia-Pacific Region. As a result, DTP has an extensive list of alumni and key contacts.

## CONTACTS

The Human Rights and Indigenous Issues Section (HRI) in the Multilateral Policy Division prepared this Note. For further information, please contact the Director of HRI or email [humanrights@dfat.gov.au](mailto:humanrights@dfat.gov.au).

<sup>2</sup> UN Department of Economic and Social Affairs, 2010, 2010 State of the World's Indigenous Peoples, UN, New York



AQC question 1: where applicable, the investment actively involves Indigenous peoples and /or Indigenous peoples organisations in planning, implementation and monitoring and evaluation.	
Rating 1	DFAT / implementing partners did not include indigenous peoples across the programming cycle (planning, implementation and/or monitoring and evaluation) for this initiative.
Rating 2	DFAT / implementing partners assumed that indigenous peoples would be involved across the programming cycle (planning, implementation and/or monitoring and evaluation) for this initiative without requiring any targeted efforts to involve them.
Rating 3	DFAT / implementing partners made some effort to involve indigenous peoples in mainstream* processes for the programming cycle (planning, implementation and/or monitoring and evaluation) for this initiative. *processes that involve a range of stakeholders and not targeted to indigenous peoples.
Rating 4	DFAT / implementing partners undertook some targeted* efforts to involve indigenous peoples in the initiative, including: <ul style="list-style-type: none"> <li>- Engaging in good-faith consultations with indigenous peoples at some stages of the programming cycle.</li> <li>- Making decisions about some issues impacting indigenous peoples and/or their traditional lands after consulting with indigenous peoples</li> </ul> DFAT / implementing partners assumed, but did not verify, that indigenous peoples were not intimidated, manipulated or coerced into making decisions about this initiative. *efforts to specifically indigenous peoples, and to specifically identify and meet their needs.
Rating 5	DFAT / implementing partners undertook targeted and good faith consultations with indigenous peoples at most stages of the programming cycle, including with indigenous women and girls, youth and older people, and indigenous people living with disability. DFAT / implementing partners made most decisions about issues likely to impact indigenous peoples and/or their traditional lands after providing indigenous peoples with: <ul style="list-style-type: none"> <li>- all relevant information about the proposed initiative, including its objective, nature, size, scope, modalities and timeframes, and copies of any impact assessments (environment, poverty, social, etc.); and care was taken to ensure that indigenous peoples fully understood the information</li> <li>- sufficient advance notice before decisions were made</li> <li>- time to consult among themselves and provide feedback before decisions were made.</li> </ul> Following these consultations, DFAT / implementing partners incorporated most of the feedback from indigenous peoples into the initiative. DFAT / implementing partners undertook some due diligence to ensure indigenous peoples were not intimidated, manipulated or coerced into making decisions about this initiative.
Rating 6	DFAT / implementing partners conducted good faith consultations with indigenous peoples at all stages of the programming cycle, including with indigenous women and girls, youth and older people, and indigenous people living with disability. DFAT / implementing partners only made decisions about issues likely to impact indigenous peoples and/or their traditional lands after providing indigenous peoples with:

- all relevant information about the proposed initiative, including its objective, nature, size, scope, modalities and timeframes, and copies of any impact assessments (environment, poverty, social, etc.); and care was taken to ensure that indigenous peoples fully understood the information
- sufficient advance notice before decisions were made
- time to consult among themselves and provide feedback before decisions were made.

Following these consultations, DFAT / implementing partners incorporated the majority or all the feedback from indigenous peoples into the initiative.

DFAT / implementing partners undertook due diligence to ensure indigenous peoples were not intimidated, manipulated or coerced into making decisions about this initiative.

### AQC question 2: where applicable, the investment identifies and addresses barriers to inclusion and opportunities for participation by Indigenous peoples and /or ethnic minorities?

<b>Rating 1</b>	Investment does not have documentation / evidence / analysis of Indigenous people issues or consultation with Indigenous organisations.
<b>Rating 2</b>	Investment has some documentation that assumes Indigenous people will benefit from program activities, for example, investment operates in a particular geographic location where Indigenous people are located but there is no discussion of particular Indigenous issues or groups/organisations.
<b>Rating 3</b>	Investment has documentation, for example, a Design and/or Social Inclusion plan, that identifies that Indigenous people may be impacted upon by the program but does not provide analysis of political/social/economic power imbalances, context specific exclusion/disadvantage issues, the likely impacts (positive/negative) of DFAT programs or the relevance of particular Indigenous organisations.
<b>Rating 4</b>	Investment has documentation that identifies specific issues relating to Indigenous people and specific strategies/ plans/ activities to increase access and or ensure benefits in the particular program context (consistent with DFAT Indigenous People's Strategy) and evidence of consultation/involvement of indigenous people and/or relevant organisations.
<b>Rating 5</b>	Investment has implemented strategies/activities to increase access, ensure benefits and mitigate adverse impacts and has evidence of ongoing consultation with Indigenous people and/or relevant organisations (consistent with DFAT Indigenous Peoples Strategy).
<b>Rating 6</b>	Investment has robust evidence of successful outcomes and/or mitigation of potential adverse impacts on Indigenous people and participation of Indigenous people and/or Indigenous organisations in program activities (consistent with DFAT Indigenous Peoples Strategy).

