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EFFECTIVE ENGAGEMENT WITH INDIGENOUS PEOPLES: USAID AGRICULTURE AND FOOD SECURITY 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).

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HOW TO USE THIS GUIDANCE

USAID has designed this agriculture and food security sector guidance document to provide a practical tool for USAID missions and operating units to more effectively engage and partner with indigenous peoples in these activities. 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 projects and lead to better development outcomes. Well-structured communication and consultation processes that engage indigenous peoples in agriculture and food security program design, implementation, monitoring and evaluation are vital to advance program objectives while accounting for indigenous peoples' needs, capacities and interests.

This agriculture and food security 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](#) and dialogue mechanisms set forth in the Indigenous Peoples Consultation Handbook and [Stakeholder Engagement](#) guidance.¹

INTRODUCTION

For thousands of years, [indigenous peoples were sustained by their traditional food systems](#), established through a balanced relationship with the natural environment. Indigenous knowledge systems, cultural practices and institutions are directly tied to the sustainable management of local biodiversity. While indigenous peoples continue to play a central role in the domestication and conservation of genetic resources and agricultural biodiversity in the areas they inhabit, competing demands for land, food or fuel production have deeply limited indigenous peoples' access to lands and resources and undermined their food systems and nutrition.

Indigenous peoples represent approximately 5 percent of the global population, yet account for about [15 percent of the world's extreme poor](#). In some regions, national laws fail to recognize the indigenous peoples who reside there. Even where recognized, indigenous peoples' land tenure and access to natural resources may not be formally established or adequately enforced, which may limit or preclude continued access to lands and resources they have traditionally depended upon for subsistence.

Due to discrimination and/or remoteness, indigenous peoples often lack access to markets and basic services, and they may be deprived of opportunities to participate in agriculture and food security activities. Indigenous peoples are [disproportionately exposed to development activities that negatively affect their livelihoods](#), cultural heritage and nutritional status, and conversely, have also been excluded from culturally appropriate or sensitive development programming. When indigenous peoples have brought attention to the threatened or actual loss of lands or harm to their environments and livelihoods, in many countries they have become targets of intimidation, harassment and violence.

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

Given the vulnerability of indigenous peoples, agriculture and food security activities must be carefully designed to ensure programs benefit – and do not harm – indigenous peoples. Establishing legally substantiated rights to resources such as land, water, food, seed and animal stock systems is a priority for the survival of indigenous livelihoods. Protecting the traditional knowledge held within indigenous communities can counter the erosion of indigenous cultures and offer insights for addressing the persistent challenges of food insecurity, malnutrition and poverty. [Engaging indigenous peoples as partners with valuable knowledge and skills](#) will contribute to sustainable development and natural resources management and will enhance food security.

CHALLENGES/KEY ISSUES

Deficient stakeholder engagement and consultation processes can marginalize, exclude or discount indigenous peoples' interests and disenfranchise them

- Failure to engage indigenous peoples in project design and implementation processes can adversely affect indigenous peoples' food security by failing to account for traditional knowledge, food production and gathering practices, land governance and land tenure issues and/or potential impacts on dietary resources relied upon by indigenous communities in project areas.
- Without obtaining appropriate input from indigenous stakeholders, the promotion of agriculture production and marketing strategies can collide with indigenous peoples' use of [lands managed under community-based governance systems](#), which involve farmers, pastoralists, hunter-gatherers and others using forests, water bodies and pastures as common resources. Not only can promotion of certain specific crops or techniques displace traditional and sustainable food production, but it may also fail to provide nutritional or dietary equivalents to those of traditional food systems.
- Mismanagement of relations prior to and during consultation, failure to tailor consultations to indigenous peoples' styles of consensus-building and group decision-making and paying inadequate attention to land rights and cultural traditions can exacerbate tensions, discount the depth of indigenous peoples' opposition and lead to outcomes favoring other competing interests. Independent reports found that several [boundary conflicts between agricultural investment projects and native villagers in Tanzania](#) were attributed to insufficient consultations with native landowners and inadequate understanding of villagers' lands contexts prior to their demarcation by government officials.
- 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 lands and resources](#). Complete information may require engaging men and women separately since they may undertake different types of food production, gathering and preparation tasks and 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.

Indigenous peoples' food security and land tenure are directly interrelated. Agricultural projects, land titling programs and land deals can result in loss of access to lands traditionally used for food cultivation and production

- The rising global demand for food and biofuel has attracted [interest from investors in lands where indigenous peoples reside](#) or on which they depend. The potential benefits of such private sector investments are accompanied by risks, particularly land tenure risks. In many of the countries where these agricultural investment projects are pursued, there is a lack of recognition of indigenous peoples' customary land rights. These countries may also have weak judicial systems and inconsistent human rights records. For most indigenous peoples around the world, the right to land is threatened by the expansion of commercial agricultural activities.
- One strategy that seeks to leverage private investment in agriculture to improve food security and nutrition is support for land titling programs. Land titling, however, puts [small-scale food producers and indigenous peoples at even greater risk of food insecurity](#) because these groups often lack legal recognition of their land rights. Focusing on land titling (or certification of land) to address tenure rights without considering customary or communal tenure systems can lead to unfair land deals and expropriation without consent or fair compensation.

Insecure land tenure disproportionately affects indigenous women's livelihoods and food security

- When indigenous peoples lose access to land and resources, female-headed households tend to be most negatively impacted. Women's economic activities are more commonly based on subsistence activities from the land and natural resources in and near their communities. They are not as likely as men to be employed in the labor force. Their participation in the cash economy can often be based on their marketing of produce grown or gathered on or near their lands. For these reasons, indigenous peoples' decisions about access to land and resources 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 notes that women in developing countries are more vulnerable with respect to their land and resource rights, and impacts are particularly acute for indigenous women.
- Customary land systems often provide women with different rights than men and land titling programs can produce different results depending on the context. In some contexts, formalizing land titles can [jeopardize women's tenure security by failing to recognize their customary land rights](#). In other contexts, women may gain leverage in the household upon obtaining title to land and be better positioned to prioritize the use of their own lands to improve the livelihoods of themselves and their children. As women lose access to lands, they and their families are likely to suffer increased food insecurity.
- Agricultural or biofuel production investor activities may conceal productive land uses by indigenous peoples. For example, women often make use of less productive lands for farming, wood and fuel collecting or gathering of other non-timber forest products. Access to these lands and non-timber forest products may be subject to communally-negotiated or customary usufruct rights not reflected in formal land tenure systems. This may make it difficult to establish mechanisms for adequate compensation. [Research on land purchases demonstrates](#) that

indigenous women who depended on these lands were not compensated for their loss of access. Such losses heighten gender inequalities in land tenure and household food security.

Conflicts over land rights can lead to wider conflicts and human rights violations

- A [study of civil conflicts around the world since 1990](#) found that disputed land rights were at the heart of most conflicts.
- The UN Special Rapporteur on the Rights of Indigenous Peoples issued [a 2018 report](#) describing an alarming pattern of intimidation, criminalization and violence perpetrated against indigenous peoples as they defend their traditional lands against agriculture, infrastructure and energy projects. The Rapporteur found that as indigenous peoples take actions to advocate for their rights through protests and other political actions, they often face consequences that include forced evictions and removal from lands they rely upon for their livelihoods. The Special Rapporteur report explained:

"Defamation and smear campaigns are often directed through social media against indigenous peoples, their leaders and communities, accusing them of being anti-development and acting against the national interest. Hate speech based on racism and discrimination fuels such discourse. In the worst cases, social media portray indigenous peoples as members of criminal gangs, guerrillas, terrorists and threats to national security.... Multiple, broad and ill-defined criminal charges are often brought, including trespassing, usurpation, conspiracy, kidnapping, coercion, disturbance of public order and incitement of crime.... [as a result of these charges, indigenous peoples are made vulnerable] to forced evictions and removal from the lands they rely upon for their livelihoods, social and cultural cohesion and spiritual traditions."

- [Indigenous peoples advocating to protect access to their lands, forests, sources of water and other natural resources have been killed for bringing attention to abusive and unjust actions associated with agricultural, energy and infrastructure projects.](#) In a [report on human rights defenders killed worldwide in 2017](#), 67 percent of defenders killed in 27 countries were engaged in the defense of land, environmental and indigenous rights associated with large-scale agriculture, energy and infrastructure projects. Approximately 80 percent of the killings took place in four countries: Brazil, Colombia, Mexico and the Philippines.
- USAID recognizes that by bringing resources into communities of scarcity, food security projects affect the relationships among groups living in that context. [Programmatic choices both have the potential to build upon positive and collaborative dynamics among these groups and to exacerbate existing conflict dynamics.](#) These conflict dynamics can also change based on contextual factors. Large-scale drought in 2017 along the Kenya border areas led to significant movements of pastoralists and their herds into neighboring land in search of pasture and water, placing greater strains on limited resources and sparking new conflicts in regions known for land-based resource disputes.

LESSONS LEARNED

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

TABLE I. FEED THE FUTURE: TANZANIA LAND TENURE ASSISTANCE (LTA)²

Program Overview: The program seeks to clarify and document land ownership; increase local understanding of land use and land rights; and support land use planning, including support for land tenure regularization and registration of Certificates of Customary Rights of Occupancy (CCROs) and Village Land Use Plans.

Theory of Change	Activities	Successes	Challenges	Lessons Learned
While Tanzania's legal framework provides clear land tenure protections for men and women, village-level land tenure is frequently not secure and is often susceptible to outside interests. The land in many villages is typically not mapped, demarcated according to use or registered, and there is significant disparity in how investors access land in Tanzania. Each of these factors combine to represent a significant and binding constraint to economic growth and investment, provide a climate for disputes and disenfranchise vulnerable	<ul style="list-style-type: none"> Assist villages and district administration leaders and institutions in completing the land use planning process and delivering CCROs in selected villages. Educate and build capacity of village land governance institutions and individual villagers to complete the land use planning and CCRO process, effectively manage land resources, respect women's, youth and pastoralists' land rights and build agriculture-related business skills. Educate and build capacity of district-level land governance institutions to complete the land use 	<ul style="list-style-type: none"> There has been effective engagement and consensus building between Barabaig pastoralists and the local village council. Pastoralists sought a communal CCRO, but villagers were concerned that this land would be left vacant if the pastoralists migrated elsewhere. A dialogue was established for the designation of a piece of land under the authority of the Wildlife Management Authority as a communal CCRO in the name of the village council as trustee for the Barabaig pastoralists. The Program registered and printed 8,047 CCROs and delivered 8,010 CCROs to the 	<ul style="list-style-type: none"> Despite agreement between village council and pastoralists for a communal CCRO to be held by the village council as trustee for the pastoralists, the Wildlife Management Authority was disbanded, and until a new body is appointed, the necessary documentation for the re-designation of the land cannot be completed. Fees for registering or transferring a CCRO are entered manually, creating opportunities for corruption. There is a lack of space for storing CCROs at the District Registry Office. Some CCROs were not issued due to boundary 	<ul style="list-style-type: none"> Full support and cooperation of District Land Office (DLO) and District Executive Director Staff in Iringa and Mbeya: LTA managed to fully integrate itself with the District Land, Natural Resource office and provided training for all levels of District staff members which resulted in the full co-operation of the District in the activity. With this level of support, LTA was able to utilize the capacity of DLO to its full potential, with staff participating fully in fieldwork and registration processes. This effectively contributed to increase the output of LTA and the speed of implementation. Communication and Public Outreach: Effective public outreach and communication has contributed

² This project is ongoing as of January 2019.

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Theory of Change	Activities	Successes	Challenges	Lessons Learned
<p>groups. By clarifying and documenting land ownership, supporting land use planning efforts and increasing local understanding of land use and land rights, this program seeks to reduce land tenure related risks and lay the groundwork for sustainable agricultural investment for both smallholders and commercial investors throughout the corridor and in relevant value chains.</p>	<p>planning and CCRO process.</p> <ul style="list-style-type: none"> • Build capacity to use the "MAST" open source mobile application for the mapping of land parcels, adjudication and delivery of CCROs. 	<p>Village Registry Offices during fiscal year (FY) 18 Q3.</p> <ul style="list-style-type: none"> • There has been active participation by women, youth and pastoralists in Village Land Use Plans. 	<p>demarcations that may overlap with village boundaries. Village councils will need to approve these parcels so they can be recorded.</p> <ul style="list-style-type: none"> • Village councils are weak in enforcement of by-laws. 	<p>to the heightened awareness of women and pastoralists of their land rights, decreased disputes and levels of conflict and increased the percentage of women claiming land and CCRO registration by villagers.</p> <ul style="list-style-type: none"> • Full support of the Ministry of Land, Regional and District Officials: The importance of maintaining clear communication with government from district, regional and national levels cannot be over-emphasized. LTA continued to enjoy the full support of all parties and facilitated changes to procedures and regulations relating to village land administration at a national level. • Need to identify Village and Hamlet Boundaries upfront: Early and more thorough input from village councils is needed to identify hamlet boundaries. By identifying boundaries at the project start, delays are avoided, and additional costs are mitigated when correcting boundary demarcation.

TABLE 2. PEACE III³

Program Overview: Peace III strengthens the management of conflict along the Kenya/Somalia, Kenya/Ethiopia, Kenya/South Sudan and Kenya/Uganda borders. The activity promotes stability in the region by improving the relationships among communities and local governments in cross-border areas and increasing the ability of regional and national institutions to respond rapidly and effectively to conflict.

Theory of Change	Activities	Successes	Implementation Challenges	Lessons Learned
<p>Authoritarian regimes, civil war, wide ungoverned spaces, recurring drought and limited access to natural resources have contributed to a long history of conflict along the borders of East African countries. Factors such as increasing access to automatic weapons and a rise in recruitment and activity of extremist groups have exacerbated instability in the region. Inter-clan conflicts, rooted in ethnic or sectarian marginalization, have led to unresolved cycles of revenge in remote communities. This program seeks to contribute to stability in the region by strengthening the horizontal and vertical linkages within</p>	<p>Peace III enhances and expands community-based approaches to cross-border security and peacebuilding through sub-grants to local organizations. Peace dividend activities connect communities previously in conflict through the construction of a shared resource, such as water pans and markets. This helps to promote health and wellbeing, as well as build communities' resilience to drought</p> <p>By improving the knowledge and skills of individuals and local government authorities, Peace III contributes to efforts to build trust between communities and break cycles of cross-border violence. Working through "peace actors" (women, youth, tribal chiefs, elders, security officials and local political leaders)</p>	<ul style="list-style-type: none"> • Trauma healing and a chiefs forum have proved successful in the Karamoja cluster and will be scaled-up. Trauma healing beneficiaries can now openly share messages of peace in public, including how beneficiaries have healed and how neighborhood communities have forgiven them. • Women peacebuilders gaining momentum in the Horn of Africa: Peace III launched the program's gender integration strategy with a series of regional women's peacebuilding forums. The forums brought together more than 80 women leaders from Uganda, Kenya, Ethiopia and South Sudan to discuss conflict related issues that affect them and to commit to action. A statement was issued at the events outlining women's priorities for peacebuilding in the region (The "Kitale Resolution"). 	<ul style="list-style-type: none"> • A large-scale drought in 2017 led to significant movements of pastoralists and their herds into neighboring land in search of pasture and water, placing greater tension on resources. The drought situation has tested some of the progress made in relationships among communities and its severity has made it very difficult to engage communities in trainings or dialogues. • The communication network has been completely cut off in some areas of Somalia following Al-Shabaab attacks, thereby limiting communication and consultation with local government and local communities in the regions affected. 	<ul style="list-style-type: none"> • Due to changes in conflict dynamics, youth are no longer obeying elders as absolute wielders of power and, in some instances, challenge their decisions. Also, there is a disconnect between the modern justice system and the traditional one. There is also political interference in traditional justice systems where some politicians protect perpetrators of violence. This results in a decline in the delivery of justice, fueling revenge attacks that perpetuate conflicts. • The existence of a cross-border chiefs forum has impacted the cross border early warning and response mechanism by facilitating dialogue; increasing networking across borders; sharing early

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<p>and between local, national and regional conflict management actors, by strengthening local cross border conflict management systems and improving the responsiveness of regional and national institutions to cross-border conflict.</p>	<p>helps communities to prevent or recover from violent acts and support individuals who have been affected by violence. Conflict prevention, reconciliation and peace-building activities are delivered through women’s and chiefs’ networks, athletic and cultural events, trauma healing sessions and the development of formal peace treaties.</p>	<p>Along the Turkana /South Omo border in Kenya and Ethiopia where conflict has been intractable, government officials have begun to work with women leaders to diffuse tensions and have been supporting a series of women-led peace talks to reignite the stalled negotiations.</p> <ul style="list-style-type: none"> • In the Somali cluster, the role of religious leaders is proving essential. Leaders have significant reach into their communities and retain respect and influence. The program is building a network of these leaders who can preach peace and tolerance, and counter some of the narratives presented by terror groups. 	<ul style="list-style-type: none"> • Increased arms flow in the region is likely to increase insecurity and escalate the conflict. During a cross border peace meeting between the Turkana and Karimojong pastoralists in Moroto District, officials indicated a surge in the number of illegal guns the army collected from locals compared to previous years. The program is working with local and national governments to deal with those responsible for ferrying arms while also facilitating resource sharing agreements in the cluster. 	<p>warning information; increasing joint responses, tracking and negotiation for recovery and return of stolen animals; and jointly advocating for action for border security and infrastructure development.</p> <ul style="list-style-type: none"> • Making space for reflection and networking among the different partners supports cohesion and commitment to the wider program by developing relationships that support collaboration. It also helps to address issues that partners are struggling to understand or which are challenging them in the delivery of the program. • Integrated programming is important and leads to increases in impact that can be seen from combining resources and efforts.

TABLE 3. SYSTEM-WIDE COLLABORATIVE ACTION FOR LIVELIHOODS AND THE ENVIRONMENT (SCALE) – MOROCCO

Program Overview: The goal of SCALE was to strengthen the Medicinal and Aromatic Plant (MAP) sector in Morocco to compete in the global economy. Originally designed to support a large USAID funded agriculture value-chain effort, the project added communications support components to demonstrate how scaling up project activities can occur much faster when taking a systems approach and involving all market actors in the value chain. The project introduced organic certification to the MAP system in Morocco, but focused particularly on the Oriental region, which is heavily populated by Berbers. Many Berbers in the region are pastoralists who harvest rosemary from the regional forests. Through the SCALE approach, which set common goals as determined by the representatives of stakeholder groups in the "Whole System in the Room" (WSR) gathering, the project focused on organic certification of MAP plants and products.

Theory of Change	Activities	Successes	Lessons Learned
<p>The Moroccan MAP sector was disorganized and disaggregated into isolated activities. The project sought to scale the sector into a value chain that uses free trade to increase efficiency and synergy of stakeholders.</p> <p>By engaging in the WSR gathering, Berbers were able to influence the selection of common goals, including the provision of training, promotion of commercialization and investment, preservation of natural resources and institution of insurance and risk management strategies.</p>	<ul style="list-style-type: none"> The WSR planning workshop brought 100 or more stakeholder representatives from four sectors together to collectively define their common vision and commit to actions to achieve shared goals. In the Oriental region, many Berbers participated in the organic certification for distillation processes. The project also created two associations of harvesters and processors in the region, made up almost entirely of Berbers. It trained association members to build distilleries to create products that would qualify for organic certification. 	<ul style="list-style-type: none"> SCALE built social capital within the MAP sector in Morocco and stakeholders saw tremendous value in the relationships they built. These relationships and connections enhanced their reputation and ability to work efficiently. The size of the MAP network increased greatly, including increased engagement from the private sector, which previously mostly worked in isolation. The project trained members of the associations, most of whom were Berbers, to harvest the plants in more sustainable ways to slow deforestation and to improve the quality of the final product, which benefited the Berber populations, whose livelihoods depended upon the products of the regional forests. It also facilitated an agreement among the private sector (companies who hire thousands of Berbers to harvest rosemary for oil production), the Department of Forests and the local associations and cooperatives to begin harvesting activity again 	<ul style="list-style-type: none"> Work from the geographical scale to be influenced, rather than from “pilot projects” that are to be expanded or rolled out over time, and employ a framework featuring a broad development goal rather than a specific solution (technology, behavior). Identify and analyze the social, environmental, economic and governmental systems related to the project goal, and consider all related issues and stakeholders. Bring representatives from stakeholder groups of all sectors (including the media, businesses and other donors) into a planning workshop at the outset of the project to define their common goal and commit to collaborative actions toward that goal, including how the system should organize. Use every opportunity (meetings, workshops, trainings) to bring representatives from multiple sectors and multiple levels into the same room and share experiences.

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		<p>after a boycott by the private sector of several years. This agreement allowed for the local Berber population to be employed for 32,000 days of work in the first two months of the harvest season after three years of inactivity.</p> <ul style="list-style-type: none"> • The price of rosemary oil sold by association members increased, due to cleaner and more certifiable practices of distillation and bottling implemented. • The media was critical in facilitating the flow of information and maintaining interest in the sector. There were 141 print articles about MAPs and the project during a one-year period. In other media, there were twenty radio broadcasts and fourteen TV broadcasts on issues related to MAPs and the project, all unpaid. • The project was able to balance implementing specific, targeted activities with leveraging new opportunities. For example, the project could not have anticipated the request to help mediate discussions that could end the private sector 	<ul style="list-style-type: none"> • By having all stakeholders focus on their common goal and facilitating an ongoing discussion to identify potential solutions to conflicts, the project can play a conflict resolution/mediation role that can benefit overall community relations. • Starting immediately after the workshop, strengthen horizontal communication and social networking among stakeholders. Include increased social networking (number and strength of relationships) and the creation of social capital throughout the system as outcomes for project success and measure them as part of the monitoring and evaluation plan. • Organize motivated individuals into groups that can build institutional capacity. SCALE was not intended to help groups of pastoralists create formal associations, but this activity was essential for the project to work directly with Berber groups, who were not previously organized to benefit from donor support. The project also required an institutional partner in order to train Berbers in harvesting and distillation. By creating

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		<p>boycott. However, when the opportunity arose, the team responded quickly, using the SCALE approach to respond opportunistically, flexibly and innovatively to system changes.</p> <ul style="list-style-type: none"> • Neutral parties were powerful catalysts. Respondents frequently mentioned that the neutral status of the project enabled mediation of conflicts and moving beyond past disagreements. SCALE facilitators and implementers remain neutral players within the system, not linked philosophically to any one stakeholder group or limited by another project action plan. 	<p>the two associations, the project was able to introduce interventions within the MAP sector that resulted in improved Berber livelihoods.</p> <ul style="list-style-type: none"> • Create innovation networks that will continue after the project ends, thus ensuring sustainability.

BEST PRACTICES

These Agriculture and Food Security Sector Guidelines 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 food security program cycle as well as safeguard mechanisms to mitigate risks of adverse impacts that may arise as agriculture and food security projects are implemented.

Improve Stakeholder Engagement

- USAID has made the [inclusion of stakeholders in decision making processes](#) a common practice for project design, implementation and evaluation, as well as for environmental and social impact assessment (ESIA). The [USAID Environmental Compliance Factsheet on Stakeholder Engagement](#) includes specific guidance on stakeholder engagement in the 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. Engaging indigenous peoples involves considerable complexity that may demand review by an expert with knowledge of indigenous concerns. 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 and costs and reduces risk of harm.
- [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."
- USAID missions and operating units should gather information directly from trusted, respected members of the local community (for example, from the village council or from the village chief),

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.

as well as from those representing different perspectives, including women, elders, indigenous groups, pastoralists or other groups who use land in non-traditional ways. Migratory groups may be present only sporadically at some project sites. If pastoral groups use resources at a proposed project site, be sure to identify and engage with them. Local nongovernmental organizations that work on issues related to natural resource management and on focused issues such as indigenous peoples' rights, women's rights or pastoralists' rights are also sources of migratory group information.

- 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 indigenous communities would be interested in and able to partner with USAID in the design, co-creation and/or implementation of the project's activities.
- 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.
- The Secretariat of the Convention on Biological Diversity has published "the [Akwé: Kon Voluntary Guidelines](#)", which were 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 the Contribution of Indigenous Traditional Knowledge and 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. [USAID's Policy on Gender Equality and Female Empowerment](#) calls for staff to conduct a gender analysis in the design of country strategies and projects, which should identify gender inequalities or obstacles to female empowerment in the context of indigenous peoples so that they may be proactively addressed.
- Engaging indigenous peoples in programmatic activities that empower them to harness the expertise of their heritage and apply it to development challenges, including food security, can be an effective practice. Indeed, with respect to food security, many indigenous peoples already

have the knowledge systems, technologies and institutions for the sustainable management of food resources and local biodiversity.

- Indigenous women often have specialized knowledge of traditional food system practices that are distinct from men. Indigenous women also play vital roles in the transmission of culture, including traditional practices for the preservation of seeds and use of local wild nutritional plants.
- Honoring the relationship between agricultural, biological and cultural diversity is integral to provide more options for hunger alleviation. Supporting the conservation of traditional practices, whether they are agricultural or based on other natural resources, can be vital to enhancing sustainable livelihoods in indigenous communities. In Nepal, for example, USAID has supported Dalit women who traditionally made jewelry from clay. The Hariyo Ban program helped form a small-scale clay enterprise that has helped increase their livelihood income.

Secure Land Rights and Avoid Adverse Impacts on Lands and Resources

- Indigenous peoples are generally small-scale food producers, often relying on natural resources that are held in common. As rights over these resources, including farmlands, rangelands, forests and water basins, may be uncertain or complex, they may be neglected or ignored. [Studies have shown that secure indigenous and community land rights have the corresponding benefit](#) of protecting the environment, sustaining diverse food cultures and protecting the right to food.
- [Securing land rights has been identified by the FAO as a key strategy](#) to increase global food production as the population continues to grow. [USAID is currently investing in land tenure programs](#) that seek to implement the best practices set forth in the [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security](#) (VGGT).
- To support this strategy, [development assistance programs must understand](#) national legal frameworks, including both formal and customary law, related to land and resource ownership, transactions and investment, as well as frameworks governing indigenous peoples and women's rights to land. Research indicates that [women's land tenure rights are closely tied to improved nutrition for children](#).

[FAO - Principles for Responsible Investment in Agriculture and Food Systems](#)

Principle 7 states that "Responsible investment in agriculture and food systems respects cultural heritage and traditional knowledge, and supports diversity, including genetic diversity, and innovation by:

- Respecting cultural heritage sites and systems, including traditional knowledge, skills, and practices;
- Recognizing the role of indigenous peoples and local communities in agriculture and food systems;
- Promoting fair and equitable sharing of benefits arising from the utilization, including commercial, of genetic resources for food and agriculture, on mutually agreed terms, in accordance with international treaties, where applicable for parties to such treaties."

Manage Competing Claims and Competing Rights

- A commitment to a [conflict-sensitive approach](#) can guide project planning and interaction with conflict dynamics, ensuring that food assistance activities do not exacerbate underlying grievances but support existing resiliencies.
- Transparency is vital to avoiding conflicts involving indigenous peoples. Information must be shared and community engagement should continue throughout a project to identify and address grievances as they arise and before they escalate. Indigenous peoples are particularly vulnerable to conflict given their decreased access to natural resources, land allocation, unequal distribution of benefits and pre-existing conflicts in the community.
- USAID operating units may encounter challenges where more than one indigenous group claims customary ownership over an area, or where there are disputes among groups over boundaries. Experience cautions against being tempted to favor the most supportive and cooperative group, which could result in legitimate claimants possibly being excluded from discussions and negotiations and may increase tensions and opposition to the project.
 - [The best practice in these cases is to adopt an inclusive approach and assume that claims from different groups are valid until otherwise demonstrated.](#)
 - Where there are conflicts and disagreements among groups, it is valuable to find ways to assist in resolving these differences (e.g., by helping to identify or fund a mediator).
- When there are competing interests between project developers and indigenous peoples, a dialogue mechanism should determine whether the project is compatible with indigenous circumstances. This engagement needs to consider cultural values and respect for sacred sites, as well as harms to livelihood and community integrity. The [UN Business Guide to the Declaration on the Rights of Indigenous Peoples](#) calls on the private sector to respect indigenous rights and to undertake voluntary actions that promote and advance rights through strategic investments, partnerships and other mechanisms. For indigenous peoples to be able to accept such opportunities, however, it is also critical that business and development organizations support activities that help build indigenous financial and management capacity.

MITIGATING RISKS OF ADVERSE IMPACTS ON INDIGENOUS PEOPLES

Consultation

- Operating units should encourage agriculture and food security partners to employ consultation and other appropriate safeguards to avoid adverse impacts on indigenous peoples. The [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#) calls upon countries to consult and cooperate with indigenous peoples to obtain FPIC before approving any project that would affect 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.

Due Diligence

- Careful analysis should be taken to ensure program 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.
- Land-based investments may require rigorous due diligence. The scope and depth of the diligence process will depend on the level of land tenure risk within a given country, as well as likely impacts and anticipated effects of the project under consideration. [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.
 - Due diligence should analyze political risk (including the likelihood of expropriation and nationalization of property), [as well as risks associated with unclear, overlapping or legitimately contested claims](#) that are typically not captured in land registries or in other public documentation, as well as conflicts with other land-based investment projects in the area.
- Displacements raise special concerns and should be avoided. Operating units and partners can 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 viable solutions in place.
- Human rights implications must be assessed. [The August 2018 report](#) by the UN Special Rapporteur on Indigenous Peoples identifies a pattern of abuse against indigenous peoples speaking out against agriculture, infrastructure and energy projects. The report cited numerous examples in which the private sector and governments have forced indigenous peoples from their lands and where indigenous peoples defending their lands have resulted in [the killings of human rights defenders](#).
 - The VGGT calls on businesses to respect the human rights of local people and recommends pursuing alternate projects or not moving forward with an investment if it risks violating these rights.
 - USAID missions and operating units should conduct due diligence to ensure project activities will not violate or be complicit in violating indigenous peoples' rights.

By employing effective engagement, consultation and risk mitigation practices, USAID missions, operating units and their project partners can meet their responsibilities to indigenous peoples while advancing their agriculture and food security program objectives.