



This action is funded by the European Union

ANNEX 10

of the Commission Implementing Decision on the adoption of the Multiannual Action Programme 2016 and 2017 for the European Instrument for Democracy and Human Rights.

Action Document for Supporting key actors - International Labour Office (ILO)
Improving Indigenous Peoples' access to justice and development through community-based monitoring

INFORMATION FOR POTENTIAL GRANT APPLICANTS

WORK PROGRAMME FOR GRANTS

This document constitutes the work programme for grants in the sense of Article 128(1) of the Financial Regulation (Regulation (EU, Euratom) No 966/2012), in the following sections concerning grants awarded directly without a call for proposals: 5.3.1.

1. Title/basic act/ CRIS number	Supporting key actors - International Labour Office (ILO) Improving Indigenous Peoples' access to justice and development through community-based monitoring CRIS number: EIDHR/2016/038-672 for EUR 1 200 000 financed under European Instrument for Democracy and Human Rights
2. Zone benefiting from the action/location	Global/Thematic Programme. The locations of the action are open without limitation, in accordance with Regulations (EU) No 235/2014 and (EU) No 236/2014.
3. Programming document	Multiannual Indicative Programme (2014-2017) for the Instrument for Democracy and Human Rights Worldwide - Commission Implementing Decision C(2014) 7529 of 21.10.2014
4. Sector of concentration/ thematic area	Human Rights and Democracy
5. Amounts concerned	Total estimated cost : EUR 1,200,000 Total amount of EU contribution from the general budget of the

	European Union for 2016: EUR 1,200,000			
6. Aid modality(ies) and implementation modality(ies)	Project Modality Direct management - grant – direct award to the International Labour Organisation (ILO)			
7. DAC code(s)	15160 - Human Rights and Democracy			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagship	N/A			

SUMMARY

The action aims at consolidating dispersed and uncoordinated monitoring efforts into a strategic intervention to improve indigenous peoples' access to justice and development through an innovative community-based monitoring mechanism that can support indigenous peoples to overcome the exclusion and human rights violations they face, by holding governments and development agencies accountable with regards to protection and respect for indigenous peoples' human rights and equitable access to development. It also seeks to ensure that indigenous peoples' needs and priorities are addressed under the in the post-2015 development framework, including in global and national processes to the follow-up on the Sustainable Development Goals (SDGs) through plans of action and indicators.

The specific objectives of the action are: (1) Indigenous peoples' access to justice and development is enhanced in a number of pilot countries in Africa, Asia and Latin America, through community-based monitoring and reporting of violations of indigenous peoples' rights, as enshrined in the UN Declaration on the Rights of Indigenous Peoples, the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and other relevant instruments;

(2) Indigenous peoples' rights and aspirations for development are address in rolling-out of the post-2015 development agenda.

This action intends to support the new EU Action Plan on Human Rights and Democracy "Keeping human rights at the heart of the EU agenda" which was adopted by the FAC on 20 July 2015, in particular its Action 16. The new Action Plan aims to reinforce the implementation of the EU's human rights and democracy policy for external action.

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

The adoption of the UN Declaration on the Rights of Indigenous Peoples (**UNDRIP**) in 2007 is a landmark achievement that followed years of discussions and negotiations between governments and indigenous peoples and decades-long struggle of indigenous peoples within the UN system. The Declaration provides, together with the **ILO Indigenous and Tribal Peoples Convention**, 1989 (No. **169**), the international community with a common framework for the realisation of indigenous peoples' rights. ILO Convention No 169 is the only legally binding instrument specifically addressing indigenous peoples' rights, including key economic and social rights. UNDRIP is a reflection of universal human rights as they pertain to indigenous peoples, and is thus complementary to – and underpinned by - the full range of human rights instruments, including ICESCR, ICCPR, CERD, CRC, CEDAW, ILO Convention No. 169 and fundamental labour conventions.

The UN General Assembly and the UN Human Rights Council have repeatedly underlined the need for advancing the implementation of indigenous peoples' rights as enshrined in the UNDRIP and the ILO Convention No.169. Most recently, on **22 September 2014**, the **UN General Assembly** adopted the **Outcome Document** of the high-level plenary meeting known as the **World Conference on Indigenous Peoples (WCIP)**, in which States commit to work with indigenous peoples **to disaggregate data**, as appropriate, or to conduct surveys, and to utilise holistic indicators of indigenous peoples' well-being to address their situation (paragraph 10).

Yet, despite progress at the level of laws and policy, similar positive changes in the living conditions and the actual enjoyment by indigenous women and men of their human rights have not materialised. Across the globe, indigenous peoples continue to represent the poorest segments of national populations; they represent an estimated 5% of the world's population but make up almost 15% of those living in extreme poverty and there are signs in many countries that gaps are not narrowing but sometimes widening. Indigenous peoples, remain disproportionally represented among the victims of human rights violations, including forced labour, child labour and discrimination at work. Indigenous peoples' lands sources continue to be encroached upon without taking their collective rights into account and access to natural resources is increasingly restricted. In most countries, indigenous peoples' situation is hidden within national averages and not visible in major development paradigms, including those devised to achieve the Millennium Development Goals (MDGs). Indigenous peoples' concerns are thus still largely missing from the statistical picture. An independent review report on the implementation of MDGs in several countries, commissioned by the United Nations Permanent Forum on Indigenous Issues (UNPFII),

found that “none of the MDG reports provide disaggregated data for indigenous peoples in a consistent manner and 30% [of the reviewed country reports] had no mention of indigenous peoples”. Further, violations of indigenous peoples’ rights remain unreported in many countries, due to weak institutional capacity of indigenous peoples to document and report on such cases.

1.1.1 Public Policy Assessment and EU Policy Framework

The impact of the **UNDRIP** and Convention No. 169 on national legislation but also and international institutions has been quite remarkable. Several countries have strengthened or adopted new legal and policy frameworks on indigenous peoples. For instance, in 2011 Peru passed a law on consultation with indigenous peoples, also as a result of a previous Action implemented by the ILO with EU support. ; In the same year, the Republic of Congo adopted a specific law on indigenous peoples and Indonesia is currently debating a similar national law on indigenous peoples. The United Nations’ attention to indigenous peoples’ issues has also been scaled up through the work of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), UPR, the Working Group on business and human rights, the UN Special Rapporteur on Indigenous Peoples and the 2014 World Conference on Indigenous Peoples (WCIP). Similarly, non-state actors, including the business sector, are showing growing interest in indigenous peoples’ issues. For instance, the International Finance Corporation included its performance standard on indigenous peoples with the concept of free, prior and informed consent set out in UNDRIP; the World Bank has initiated a similar process that is yet to be completed; and the Global Compact has just launched a Business Reference Guide to the UN Declaration on the Rights of Indigenous Peoples, which is similar to a “good practice guide on indigenous peoples and mining”, published in 2010 by the International Council on Mining and Metals (ICMM).

The **European Union was a key player in the processes of adoption of UNDRIP** as well as of the "World Conference Outcome Document". Its 2012 Strategic Framework and Action Plan on Human Rights and Democracy, seeks among other to focus on implementation of international human rights standards, including the UNDRIP

The **EU reaffirmed the priority accorded to the rights of indigenous peoples** in the new EU Action Plan on Human Rights and Democracy (2015-2019) "Keeping human rights at the heart of the EU agenda" which was adopted by the FAC on 20 July 2015, in particular its Action 16 d) "*Further develop EU policy in line with the UN Declaration on the Rights of Indigenous Peoples and the outcome document of the 2014 World Conference on Indigenous Peoples*".

The EU is fully engaged in this regard, with an ongoing review of its policies concerning indigenous peoples. The review is based on extensive consultations with indigenous peoples, and will be aligned with the United Nations Declaration on the Rights of Indigenous Peoples.

Recently on the international scene, in September 2014 at the World Conference on Indigenous Peoples (WCIP), the EU contributed to the success of the World Conference on Indigenous Peoples. The EU paid particular attention to the full and effective participation of indigenous peoples supported the Outcome Document (OD) of the conference which will serve as a blueprint for actions at international and national level, bringing positive changes to the lives of indigenous peoples. Furthermore, the EU said that it would contribute to the implementation of the OD and that it (the OD) would inspire and feed the EU review for a strengthened policy on Indigenous peoples.

In the external policies of the European Union, the first beginnings of EU policies specifically targeting or referring to indigenous peoples were associated with the development policies and the growing concern for the world environment in the early 1990-ies. A Working Document of the Commission in May 1998 established the objectives supporting indigenous peoples' rights and integrating the concern for indigenous peoples as a crosscutting aspect of human empowerment and development co-operation. In an ensuing Council Resolution of 30 November 1998 of Development Ministers, the Working Paper of the Commission was welcomed and the Council recognised that “ cooperation with and support for the establishment of partnerships with indigenous peoples is essential for the objectives of poverty elimination, sustainable development of natural resources, the observance of human rights and the development of democracy”.

The Working Document of May 1998 and the 30 November 1998 Council resolution are still considered as important pillars for EU policies on Indigenous Peoples. According to the Resolution, indigenous peoples have the right to choose their own development path, which includes the right to object to projects in particular in their traditional areas. Furthermore, the resolution stated that development cooperation should contribute to enhancing the rights and capacity of indigenous peoples to their “self-development”. This implied the integration of indigenous peoples' rights in development cooperation and in the policy dialogue with partner countries. In November 2002 the Council adopted Conclusions that recalled the 1998 Resolution and provided further working concrete steps.

Moreover, the “European Consensus on Development”, Joint Statement adopted in 2005 by the European Parliament, the Council, and the European Commission, - endorsed by the EU High Representative in April 2014 calls for a strengthened approach to mainstreaming indigenous peoples' rights as a cross-cutting issue in its paragraph 101.

The Regulation (EU) No 235/2014 of the European Parliament and of the Council establishing a financing instrument for democracy and human rights worldwide (EIDHR), includes in its Objective 5 the “*support to targeted key actors and processes, including international and regional instruments and mechanisms*”.

1.1.2 Stakeholder analysis

The primary target groups are: Key government officials and decision makers at national, local and community level (legislatures, courts, national institutions), civil society, trade unions as well as indigenous members of parliaments and holders of public offices, Indigenous peoples and institutions at national and community level, the wider public and the Media, including community radios, regional and international organisations and the United Nations system.

In all the concerned countries, the key target groups are indigenous and tribal peoples' organisations and networks as well as the government institutions that hold a particular mandate to protect these peoples' rights.

The **final beneficiaries** are the indigenous peoples in the concerned countries. However, respecting indigenous peoples' rights will ultimately lead to the development of more inclusive and democratic societies that will in the end benefit the societies at large.

The **final beneficiaries** targeted by the action are rights-holders, the indigenous peoples whose rights as defined in UNDRIP and ILO 169 have to be respected. It is critical that the views of rights-holders are captured at all level. It is thus critical that indigenous peoples defend their access to justice and development and thus develop a community-based

monitoring that will contribute to data disaggregation and to the realisation and the respect their rights

The **ILO** has an unparalleled decades-long experience in monitoring and supporting the implementation of indigenous peoples' rights. It is responsible for the only legally binding international instrument open to ratification by states on indigenous peoples, ILO Convention No.169, which covers a wide range of rights. It has become a global reference point and an instrument that is mutually reinforcing with the UNDRIP, adopted in 2007. The ILO's supervisory bodies have constantly paid attention to the issues of indigenous peoples and continue to guide implementation of their rights by not only ratifying countries but also many other interested stakeholders.

The Action will be implemented by **three indigenous peoples organisations**, Asia Indigenous Peoples Pact (AIPP), Tebtebba Foundation – Indigenous Peoples' International Centre for Policy Research and Education, Forest Peoples Programme (FPP) and **one European organisation specialised into indigenous affairs**, International Work Group for Indigenous Affairs (IWGIA). These organisations are ILO partners for these activities.

1.1.3 Priority areas for support/problem analysis

Eight years after its adoption, it is **clear that international standards such as UNDRIP, and the subsequently adopted national legal and policy frameworks alone cannot trigger the expected changes** in the living conditions of indigenous women and men. Additional efforts and strategic approaches are required to ensure that the relevant international frameworks, including the UNDRIP, **are fully implemented, as called for by the 2014 World Conference Outcome Document.**

Strengthening monitoring and reporting is a key element for ensuring adequate attention to indigenous peoples concerns in development and with regards to human rights. In September 2010, and in response to a recommendation of the UNPFII, the ILO, OHCHR and the Secretariat of the UNPFII jointly organized a technical expert meeting. The aim of the meeting was to take stock of the various efforts to develop indicators and generate data on the situation of indigenous peoples and to discuss the main features of an integrated assessment framework, so as to assist actors at the local, national and international levels in their efforts to assess progress in implementing the Declaration. The result of the workshop led an **UNPFII recommendation** that *"the Inter-Agency Support Group on Indigenous Peoples' Issues and, in particular, ILO, OHCHR and the secretariat of the Permanent Forum continue their work to develop a common framework for monitoring the situation and well-being of indigenous peoples and the implementation of the Declaration, including the identification of indigenous-appropriate indicators, possible data sources and linkages to relevant mechanisms."* UNPFII further added that, *"the process should be taken forward in a collaborative manner with other interested institutions, ensuring full consultation and participation of indigenous peoples."* The present proposal is partly a response to this recommendation by the UNPFII.

Following key achievements at the international level, such as the adoption of Convention No. 169 and UNDRIP, **an increased focus on national implementation is called for and indigenous peoples themselves play an indispensable role in monitoring their rights.** During the World Conference on Indigenous Peoples, EU Special Representative on Human Rights Mr Stavros Lambrinidis stated that *"the protection of the rights of indigenous peoples is a clear priority for the EU and the EU will do its share to make sure that the decisions and recommendations of the outcome document will be implemented"*. Speaking at a side

event where the on-going EU-funded pilot project on monitoring indigenous peoples' rights was presented, Mr. Stavros underlined the important role of community –based monitoring of indigenous peoples' rights.

The situation to challenge is that indigenous peoples continue to face exclusion and are trapped in cycles of poverty and discrimination, due lack of awareness, recognition and national action to promote and protect their human rights.

2 RISKS AND ASSUMPTIONS

The implementation of the activities can be affected by the situation prevailing in countries and regions, some risks that might affect the success of the programme include (such as political crisis, insecurity, lack of commitment):

Risks	Risk level (H/M/L)	Mitigating measures
<i>Capacity constraints of the key stakeholders:</i> public bodies responsible for indigenous peoples' issues in many countries lack capacity to pursue decisive action in favour of indigenous peoples' rights, including effective coordination with other government institutions concerned. Indigenous peoples' organisations and networks similarly face capacity constraints. Workers' and employers' organisations may not be fully sensitized to indigenous peoples' issues and linkages to their work and interests	H	The Action will therefore target key government officials, including high-level officials, and develop a critical mass of support to overcome capacity constraints of stakeholders, including workers' and employers' organisations.
<i>Resource restrictions:</i> government institutions and other key stakeholders concerned often face resource restrictions, with issues related to indigenous peoples often lacking attention in terms of budget allocations	M	The Action will emphasize the added value of promoting indigenous peoples rights' for achieving inclusive and sustainable development, and the strategic nature of action to enhance their rights, well-being and participation.
<i>Political environment:</i> in countries that have not yet ratified Convention No. 169 or which have not yet committed to work towards its ratification, addressing indigenous peoples' issues may raise sensitive political issues which may affect the ILO's ability	M	Decisions on target countries will therefore be taken based on in-depth consultations with national stakeholders

to implement project activities. In some cases, on-going conflict and tensions may impede project activities		
Assumptions Political environment supportive of the action (mainly in countries that have not ratified Convention. 169 and where there is an on-going conflict and tensions).		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

The experience from previous Actions regarding indigenous peoples' rights points to a need to pursue both mainstreaming as well as targeted action to address the situation of indigenous peoples. The ILO strategic plan for 2016-2017 envisages interventions to overcome social, policy, legal and institutional obstacles facing groups particularly vulnerable to discrimination and exclusion, with a specific emphasis on indigenous and tribal peoples. Several policy outcomes explicitly target indigenous peoples and related action is guided by Convention No. 169 and other relevant ILO instruments. In 2014, the ILO established new organizational unit, the Gender, Equality and Diversity Branch, which includes a team specifically dedicated to indigenous peoples. In addition, the ILO is currently preparing a strategy regarding indigenous peoples, specifically requested by the Governing Body, and which will be discussed by the Governing Body in November 2015.

The ILO has an unparalleled decades-long experience in monitoring and supporting the implementation of indigenous peoples' rights. It is responsible for the only legally binding international instrument open to ratification by states on indigenous peoples, ILO Convention No.169, which covers a wide range of rights. It has become a global reference point and an instrument that is mutually reinforcing with the UNDRIP, adopted in 2007. The ILO's supervisory bodies have constantly paid attention to the issues of indigenous peoples and continue to guide implementation of their rights by not only ratifying countries but also many other interested stakeholders.

Over the last twenty years, the ILO has indeed developed a wide range of activities on indigenous peoples' rights, including a global technical cooperation programme that has enabled the organisation to establish a wide web of partnerships with indigenous peoples' organisations in various part of the world. It has on-going country-based project on indigenous peoples. The ILO continues also to play a leading role in international processes and initiatives on indigenous peoples, including the Inter-Agency Support Group on indigenous Issues and the United Nations Indigenous Peoples Partnership (UNIPP), an inter-agency initiative established in 2010 and currently comprising the ILO, OHCHR, UNDP, UNICEF and UNFPA.

The ILO's work to promote indigenous peoples' rights, notably carried out with support from the European Commission, has led to key results, best practices and lessons learned on which future work can be built. The involvement of workers' and employers' organisations- ILO being a tripartite institution- in efforts to promote Convention No. 169 has resulted in new partnerships and increased support and interest including the private sector.

The sharing of practices and experiences between countries within target regions has been essential for challenging non-recognition of indigenous peoples, particularly in Africa and

Asia. National dialogues and workshops involving the range of key stakeholders, including workers' and employers' organizations, have contributed to enhanced visibility of indigenous peoples, their concerns and aspirations, and has increased space for their participation. In certain cases, the positive experience of one country had spill over effects on neighbouring countries confirming the relevance of sub-regional or regional initiatives.

The pilot work undertaken by ILO in partnership with indigenous peoples organisations, supported by the European Union, to develop a community-based framework and tools for the monitoring of indigenous peoples' rights has successfully demonstrated that enabling indigenous communities to engage in such monitoring has an empowering effect. Community-based monitoring also contributes to addressing the current lack of data on indigenous peoples. Further consolidating and up-scaling of the use of the framework and related tools will be even **more crucial in the context of the follow-up to the World Conference on Indigenous Peoples and the Sustainable Development Goals**. The **Indigenous Navigator framework**, one of the outcomes of the pilot work financed by the EU, was presented at the 16th Session of the UN Permanent Forum on Indigenous Issues, on the day devoted to the debate on SDGs; it **created great expectation from indigenous peoples representatives** and was welcomed with a standing ovation by the representatives attending this session.

This will require adapting the framework and tools to the languages and circumstances of a large number of communities and continuing coordination of community-based monitoring at the national, regional and global levels as well as the wide dissemination of monitoring results.

3.2 Complementarity, synergy and donor coordination

Within its social justice mandate, the ILO is engaged in strengthening of capacities of stakeholders, including government officials, workers' and employers' organisations and indigenous peoples in order to promote the ratification and implementation of the ILO Conventions, including Convention No. 169, addressing a broad range of human rights, such as gender equality and key economic and social rights as a strategic contribution to achieving rights-based and inclusive development.

The Action, coordinated by ILO, will complement this work in supporting efforts by indigenous communities to engage in and scale up community-based monitoring of their rights and development. The Action is designed to support follow-up to several key commitments relating to governance and social and economic rights contained in the WCIP outcome document.

On the part of the EU, the project proposal is part of an interlinked strategic support to promote indigenous peoples' rights in 2016. It is foreseen to support the activities of two key actors at international level: (1) ILO as the coordinator of this Action in partnership with indigenous peoples organisations; (2) facilitating an effective implementation of the UNDRIP through the support of the Technical Secretariat of the Indigenous Peoples representatives for the United Nations' organs, bodies and sessions in relation with Human Rights and the development of Indigenous Networks, the strengthening of their capacities at the international, regional, national and local.

Full complementarity with these projects shall be sought at a central level via the EC headquarters as well as locally in the EU Delegations.

The **EU will be the main donor for this action**. Over the past years funds have, in addition to EU funding, been received from the Danish government as well as from the ILO regular budget. Due to the specific mandate of the ILO in the field of indigenous and tribal peoples the ILO is the lead manager of these actions; however, it works in close collaboration with other UN agencies as well as governments, employers' and workers' organisations and indigenous groups. EU Delegations will be fully informed and closely involved upon request into the development of the activities.

The **ILO is the International Organisation** responsible for elaborating and adopting international labour standards and the formal supervision of their application by ILO member States. In line with the European Consensus on Development, the Paris Declaration, the Accra Agenda for action, and the Busan Partnership for Effective Development Cooperation this action will contribute to more effective donor coordination, at both global and country levels, and interaction with partner countries. This coordination will take place at various levels throughout the preparation and implementation of the project. The European Commission and the ILO will ensure that the lessons learnt from the project are shared with the international community through the existing donor coordination channels, both at global and country level.

3.3 Cross-cutting issues

Activities implemented under the Action will target indigenous peoples' organisations and networks as well as government institutions holding a particular mandate concerning indigenous peoples' rights. Particular attention will be given to indigenous women and the protection of the rights of the child, as well as minority and disadvantaged groups within indigenous communities, including indigenous youth and indigenous persons with disabilities.

4 DESCRIPTION OF THE ACTION

4.1 Objectives

General objective

The purpose of this action is to consolidate dispersed and uncoordinated monitoring efforts into a strategic intervention **to improve indigenous peoples' access to justice and development through community-based monitoring** that can support indigenous peoples to overcome the exclusion and human rights violations they face, by holding governments and development agencies accountable with regards to protection and respect for indigenous peoples' human rights and equitable access to development.

Specific objective

Building on currently on-going EIDHR-funded work to develop and pilot a community-based monitoring framework on indigenous peoples' rights (known as the **Indigenous Navigator**), the Action will adjust and expand the framework and related tools and scale up capacity building for indigenous peoples' communities and networks to use the framework to undertake community-based monitoring as a means for enhanced engagement in and with national and international processes regarding their rights and development (including ILO and UN mechanisms and mandates, regional mechanisms, and the follow-up to the Sustainable Development Goals)..

4.2 Expected results and main activities

The intended expected **results** include the following:

- (1) The framework and tools for monitoring indigenous peoples' rights is adjusted and expanded, to take into account lessons learned from the previous phase, the indicators adopted to monitor the SDGs¹, linguistic diversity as well as inclusion of regional human rights instruments
- (2) Data from community-based monitoring is made publicly available in an open-access data-portal, with possibility for download as well as on-line data analysis
- (3) The capacity of indigenous peoples' communities, networks and organisations in selected countries² to monitor their rights and development through community-based monitoring tools adapted to their needs and situations and to report on the Sustainable Development Goals is increased.
- (4) Indigenous peoples have increased capacity to engage with national regional and international mechanisms supervising the implementation of international standards on indigenous peoples' rights.
- (5) Indigenous peoples engage with key stakeholders in selected countries³, such as public officials, employers' and workers' organisations, national human rights institutions, and the media, as relevant to the particular country context, in order to build alliances to act upon the rights and principles of UNDRIP, Convention No. 169 and other relevant international instruments. Key stakeholders identify options for policy reform and programmes aiming to close implementation gaps.
- (6) The Indigenous Navigator data and approach is communicated and used by main actors at the global level, including by the UN-system.

The following **main activities** will be undertaken:

- Adjustment and expansion of the Indigenous Navigator framework and tools with regards to languages, thematic areas and legal instruments
- Consolidation of the open-access data portal developed with previous EIDHR support, including on-line presentation and analysis of data.
- Capacity building for indigenous peoples' organizations and other key stakeholders on the Indigenous Navigator framework and tools in an increased number of countries, including training on available local, national, regional and international processes for advocacy and presentation of claims.
- Elaboration of community and/or national advocacy strategies and tools for presentation of data to local and national government and human rights institutions, UN and ILO, mechanisms and mandates, regional mechanisms, and the follow-up to the Sustainable Development Goals

¹ During the previous phase, an attempt was made to include indicators that ad potential for being selected for SDG monitoring, however, the exact indicators will only be adopted in March 2016.

² tentatively for (1) Asia, Nepal, Thailand, Cambodia, Bangladesh, Indonesia, Malaysia and the Philippines; (2) Africa, Kenya, Cameroon, DRC, Uganda, CAR and RoC; and (3) Latin America, Peru, Suriname, Panama, Costa Rica, Peru, Colombia, Guyana, Nicaragua and Brazil

³ footnote 1 tentative list of countries

- On the basis of collected data, preparation of reports, case studies, and solutions-oriented research and multi-stakeholder dialogues at the country level to identify actions to close implementation gaps.

- Promotion of the community-based monitoring framework and tools and the use of data obtained through monitoring within the UN system, including its operational activities at the country level, and in the context of relevant international processes.

Any actions under this annual action programme shall respect and shall be implemented in accordance with the Charter of Fundamental Rights of the European Union.

4.3 Intervention logic

In contributing to consolidate dispersed and uncoordinated monitoring efforts into a strategic intervention to **improve indigenous peoples' access to justice and development through community-based monitoring** that can support indigenous peoples to overcome the exclusion and human rights violations they face, by holding governments and development agencies accountable with regards to protection and respect for indigenous peoples' human rights and equitable access to development, the *EU expects key achievement regarding the fulfilment of the rights of indigenous peoples worldwide, which is one of its priorities.*

In doing so, the EU chooses to support an **innovative bottom up approach**, the **Indigenous Navigator**, as first the EU gives strong credit to right holders' commitment to make a difference in defending their rights and second the EU one of the basic principles of cooperation with indigenous peoples, spelled out in the 1998 Council Resolution, is the **importance of "self-development"**. In this Resolution, the Council of the European Union *"recognizes the right to choose their own development paths, which includes the right to object to projects, in particular in their traditional areas"*.

This action is in line with the *achievement regarding two of the EU key objectives* that the Council reaffirmed in adopting the 25 June 2012 the EU Strategic Framework on Human Rights and Democracy:

(1) The promotion of universality of Human Rights

"The EU reaffirms its commitment to the promotion and protection of all human rights, whether civil and political, or economic, social and cultural". (Extract of the EU Strategic Framework on Human Rights and Democracy).

(2) The commitment to work through multilateral institutions

"The EU remains committed to a strong multilateral human rights system which can monitor impartially implementation of human rights norms and call all States to account. The EU will resist strenuously any attempts to call into question the universal application of human rights and will continue to speak out in the United Nations General Assembly, the UN Human Rights Council and the International Labour Organisation against human rights violations." (Extract of the EU Strategic Framework on Human Rights and Democracy).

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2) (b) of Regulation (EU, Euratom) No 966/2012.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out, is 36 months, from the date of entry into force of the financing agreement which will be issued after the adoption of this Action Document.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

5.3 Implementation modalities

5.3.1 *Grant: direct award to the **International Labour Office (ILO)** (direct management)*

A grant contract will be signed with the International Labour Office (ILO), following the adoption of this Action Document.

(a) Objectives of the grants, fields of intervention, priorities of the year and expected results

The objective of the action is to consolidate dispersed and uncoordinated monitoring efforts into a strategic intervention to improve indigenous peoples' access to justice and development through community-based monitoring that can support indigenous peoples to overcome the exclusion and human rights violations they face

(b) Justification of a direct grant

Under the responsibility of the authorising officer by delegation, the grant may be awarded without a call for proposals to the International Labour Organisation as per Article 190.1.c) of the Rules of Application of Regulation (EU, Euratom) No 966/2012.

The choice of a direct award with the International Labour Organisation (ILO) is justified by its **high degree of technical competence**, specialisation and administrative capacity in delivering support and capacity building to national administration of partner countries to implement fundamental labour conventions of the International Labour Organisation (ILO) in general and the **ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169)**, the only legally binding instrument specifically addressing indigenous peoples' rights, including key economic and social rights.

(c) Eligibility conditions

The eligibility criteria for applicants will be the default scope defined in Article 11.2 CIR of the Regulation (EU) No 236/2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action (CIR).

(d) Essential selection and award criteria

The essential award criteria are relevance of the proposed action to the objectives of the instrument. The scope is defined in Article 2.1.b.vi of the Regulation (EU) No 235/2014.

(e) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 100%.

The maximum possible rate of co-financing may be up to 100 % in accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012 if full funding is essential for the action to be carried out. The essentiality of full funding of the award decision, in respect of the principles of **equal treatment** and sound **financial management**, is based on: (1) The pilot work was conceptualised and developed by indigenous peoples think tanks and submitted by them to the EU, it is an **innovative and unique** community-based monitoring framework, the work was undertaken by ILO in partnership with these indigenous peoples organisations, supported by the European Union, there is no competition as such an initiative is unique, the EU is the only donor and the indigenous communities have not the means to further develop such a project; (2) the pilot phase to develop a community-based framework and tools for the monitoring of indigenous peoples' rights has successfully demonstrated that enabling indigenous communities to engage in such monitoring has an empowering effect. Its outcome the Indigenous Navigator was presented at the 16th Session of the UN Permanent Forum on Indigenous Issues, on the day devoted to the debate on SDGs; it created great expectation from indigenous peoples representatives and was welcomed with a standing ovation by the representatives attending this session. Such an innovative and efficient tool will be even more crucial in the context of the follow-up to the World Conference on Indigenous Peoples and the Sustainable Development Goals. The **multiplier effect** of this tool is invaluable.

(f) Indicative trimester to conclude the grant agreement

First trimester of 2016

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

5.5 Indicative budget

Direct management with Docip	Amount in EUR	Third party contribution (indicative, where know)
4.3.1. – Direct management with ILO (on 2016 EU Budget)	1,200,000	N/A
Totals	1,200,000	

5.6 Organisational set-up and responsibilities

The procurement and management of the grant resulting from this decision will be carried out by the European Commission Headquarters.

5.7 Performance monitoring and reporting

The project will be monitored according to standard procedures. Project monitoring and evaluation will be based on periodic assessment of progress on delivery of specified project results and towards achievement of project objectives.

Reporting will be done in accordance to the requirements set in the General Conditions

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation and audit

The project will be evaluated and audited according to standard procedures applicable to UN agencies.

All activities include an evaluation by participants, which serve to guide future activities. ILO will evaluate overall progress as related to indicators and, based on this, elaborate its report to the European Commission.

The Commission shall inform the implementing partner at least 30 days in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project. Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements. The financing of the evaluation and audit shall be covered by another measure constituting a financing decision.

5.9 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU. These actions shall contain communication and visibility measures which shall be based on specific Communication and Visibility Plans of each of the Action, to be elaborated before the start of implementation and supported with the budget indicated in section 5.5 above.

The measures shall be implemented either (a) by the Commission, and/or (b) by the partner country, contractors, grant beneficiaries and entrusted entities. Appropriate contractual obligations shall be included in, respectively, financing agreements, procurement and grant contracts, and delegation agreements. Joint Visibility Guidelines between the EU and UN shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligation.

APPENDIX - INDICATIVE LOGFRAME MATRIX

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action without an amendment to the financing decision. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for listing the activities as well as new columns for intermediary targets (milestones) when it is relevant and for reporting purpose on the achievement of results as measured by indicators.

	Intervention logic	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Overall objective: Impact	To consolidate dispersed and uncoordinated monitoring efforts into a strategic intervention which would improve indigenous peoples' access to justice and development	See below	See below	See below	See below	See below
Specific Objectives	<p>(1) Indigenous peoples' access to justice and development is enhanced in a number of pilot countries in Africa, Asia and Latin America, through community-based monitoring and reporting of violations of indigenous peoples' rights</p> <p>(2) Indigenous peoples' rights and aspirations for development are addressed in rolling-out of the post-2015 development agenda</p>	See below	See below	See below	See below	See below

Outputs	<p>1) Increased capacity of indigenous peoples', their networks and organisations to monitor their rights and development through community-based monitoring tools ('the Indigenous Navigator') adapted to their needs and situations and to report on the Sustainable Development Goals.</p> <p>2).Indigenous peoples engage with key stakeholders in selected countries, such as public officials, employers' and workers' organisations, national human rights institutions, and the media, as relevant to the particular country context, in order to build alliances to act upon the rights and principles of UNDRIP, Convention No. 169 and other relevant international instruments. Key stakeholders identify options for policy reform and programmes aiming to close implementation gaps.</p> <p>3) Indigenous peoples have increased capacity to engage with national regional and international mechanisms supervising the implementation of international standards on indigenous peoples' rights</p> <p>4) The Indigenous Navigator data and approach is communicated and used by main actors</p>	<p>Number of countries where the Indigenous Navigator is adjusted to local conditions (languages, thematic areas and legal instruments)</p> <p>Availability of the on-line presentation and analysis of data from the open-access data portal</p> <p>Number of countries in which capacity building programmes on the Indigenous Navigator are implemented (disintegrated by target group)</p> <p>Number of community and national advocacy strategies developed</p> <p>Number of reports and research studies</p> <p>Number of countries in which a multi-stakeholder dialogue takes place</p>	TBD based on the selection of pilot countries	TBD based on the selection of pilot countries	ILO reports	Political environment supportive of the action (mainly in countries that have not ratified Convention. 169 and where there is an on-going conflict and tensions).
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