



**Program**  
Strategic Framework for  
Developing a Regional Agenda for Protection of Indigenous Peoples  
Living in Voluntary Isolation and Initial Contact  
ACTO/IDB (RG-T1503 – ATN/OC-11423-RG)

Evaluation Consultancy  
**Report**

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## ACRONYMS AND ABBREVIATIONS

ACTO	Amazon Cooperation Treaty Organization
BIREME	Virtual Health Library (WHO)
CANOB	Central Ayorea del Oriente Boliviano (Ayorea Native Center of Eastern Bolivia)
CENSI	Intercultural Health Center, Peru
CGIIRC	General Coordination for Isolated and Recently Contacted Indians (Coordenação Geral de Índios Isolados e de Contato Inicial)
CIPIACI	International Indigenous Committee for the Protection of Peoples in Isolation and Initial Contact in the Amazon Basin, the Gran Chaco and the Eastern Region of Paraguay (Comité Indígena Internacional para la Protección de los PIACI de la Amazonía, el Gran Chaco y la Región Oriental del Paraguay)
CODIR	ACTO Regional Steering Committee
COICA	Coordinator of Indigenous Organizations of the Amazon Basin
CPI	Acre State Pro-Indian Commission (Comissão Pro- Índio do Acre)
CTI	Indigenous Labor Center (Centro de Trabalho Indigenista)
CTN	National Technical Commission (Comisión Técnica Nacional)
FENAMAD	Native Federation of the Madre de Dios River and Tributaries (Federación Nativa del Río Madre de Dios y Afluentes)
FOIRN	Federation of Indigenous Organizations of the Negro River (Federação de Organizações Indígenas do Rio Negro)
FPE	Ethno-Environmental Protection Front (Frente de Proteção Etno-Ambiental)
FUNAI	National Indian Foundation (Fundação Nacional do Índio)
IACHR	Inter-American Commission on Human Rights
IDB	Inter-American Development Bank
ISA	Socioenvironmental Institute (Instituto Socioambiental)
IUCN	International Union for Conservation of Nature
IWGIA	International Work Group for Indigenous Affairs
MINSA	Ministry of Health
NGO	Non-Governmental Organization
OAS	Organization of American States
OHCHR	Office of the UN High Commissioner for Human Rights
PIA	Indigenous Peoples in Isolation
PIACI	Indigenous Peoples in Isolation and Initial Contact
RAISG	Amazonian Network of Georeferenced Socio-Environmental Information
SESAI	Special Secretariat for Indigenous Health (Secretaria Especial de Saúde Indígena)
SPI	Indian Protection Service (Serviço de Proteção ao Índio)
TOR	Terms of Reference
UN	United Nations
UNAP	Union of Ayorean Natives of Paraguay++ (Unión de Nativos Ayoreo de Paraguay)

## EXECUTIVE SUMMARY

### Context and methods applied

The program was designed to prepare a regional agenda to protect indigenous peoples in isolation and initial contact (PIACI) and implemented by the ACTO Permanent Secretariat with IDB funds from 2012 to 2014, in full coordination with the governments of Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru and Suriname.

In view of the great diversity of indigenous policies and regulatory frameworks in place, it is surprising to see that the concrete situation of isolated peoples is very similar in the different areas where they live, which are mostly located in border areas. And despite the vast number of national and international laws that exist to protect them, it is unanimously agreed that they are in a critically vulnerable situation. This is due mainly to the advance of the economic frontier led by natural resource exploitation and to the lack of specific public policies to protect them, especially in border areas.

To prepare this evaluation, we complemented the desk research and analysis of the questionnaires answered by program's staff and stakeholders, with a series of focused interviews on indigenous policies and on the strategies and procedures applied to implement them.

### Main results

This independent evaluation concludes that the program was successfully conceived, designed and implemented.

Progress was made in the process of convergence and harmonization of standards, protocols and guidelines to deal with an emergency situation, especially in border areas, involving two countries (Brazil / Peru and technical assistance between Ecuador / Brazil) and three neighboring countries (Brazil Guyana and Suriname). "Guidelines for Health Care" and the "Guidelines for the Protection of PIACI" were developed as inputs for policy and other national processes of building legal measures / tools in the seven (7) participating countries of CODIR.

There are shared basic principles in place to protect the territories and natural resources of isolated peoples ("intangibility") and their right to self-determination has been recognized ("voluntary isolation"). Free, Prior and informed consultation has been validated to define future relations with the population involved, as have the need for urgent and differentiated measures to protect their health, and coordination, participation and permanent dialogue with all stakeholders.

Improved knowledge and better practices also led to progress in the development of a Regional Action Plan, going beyond the mere formulation of regulatory principles that already exist in international law. The production and dissemination of PIACI Protection Guidelines by the OHCHR in February 2012 and the publication of the IACHR document with recommendations for the full respect of their human rights in December 2013 provided additional boosts to achieving the program's objectives.

The Health Guidelines for Contingency Plans have been discussed, agreed and partially applied mainly in the trans-border cooperation at binational (Brazil-and Peru) and tri-national levels (Brazil, Guyana and Suriname). The "Health Care Guidelines" developed at a meeting of Ministers of Health, Lima in September 2013 were approved by the IV CODIR in 2014.

There is an extensive, updated and high quality collection of anthropological information and data about PIACI in the Amazon, together with a detailed geo-reference map. Also extremely important for inter-agency and regional communication are the network of focal points (and the National Technical committees) that was strengthened through to the interpersonal relations fostered by the five technical Field Missions to PIACI areas in five countries.

### CONCLUSIONS AND RECOMMENDATIONS

Strengthening the presence and functionality of state agencies, especially in border areas, is a necessary condition to curtail the practices that endanger PIACI life. Among the human rights guaranteed, there must be respect for their habitation/livelihood and cooperation with indigenous

organizations and NGOs that exist and operate in the region, seeking synergies between the State and all local stakeholders.

Inter-agency coordination tends to be weak and inefficient at the national level and doesn't always reach the areas inhabited by indigenous peoples in isolation and initial contact. In some places, the situation is aggravated by threats of a different nature, like illegal natural resource exploitation. To control them there is an urgent need to strengthen the presence of state agencies and transboundary cooperation based on understandings to undertake joint action.

Another consensus reached concerns the interdependence of PIACI protection policies and policies to protect the natural ecosystems that form their habitat and livelihood base, which is particularly significant in the Amazon.

An integrated vision of socio-environmental policies, for indigenous territories and protected areas, must include a component that empowers indigenous peoples to manage their lands through legally secured land tenure.

The creation and adoption of a Regional Plan for the Protection of PIACI has not been achieved in this first stage, but the emphasis on the dynamics of countries for bilateral and trilateral negotiations has yielded positive results with greater impact than initially established.

## 1. OBJECTIVE AND SCOPE OF EVALUATION

This report is the result of a consultancy developed from March to October 2014 for the Inter-American Development Bank (IDB) and the Amazon Cooperation Treaty Organization (ACTO) with the main objective of assessing the progress, difficulties and achievements of the program "Strategic Framework for Developing a Regional Agenda for the Protection of Indigenous Peoples Living in Voluntary Isolation and Initial Contact - PIACI" in Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru and Suriname. The program was approved on 15 February 2011 and is being financed by the Inter-American Development Bank (IDB). ACTO, through its Permanent Secretariat, is the program's executing agency.

This program aims to **contribute towards protecting indigenous peoples living in voluntary isolation and initial contact by defining effective policies and consensual actions between governments, indigenous organizations and non-governmental organizations (NGO) with experience on the subject.**

To this extent, the program was being executed through 5 components:

1. A regional interagency coordination mechanism supported by national bodies;
2. A consensual strategic framework that incorporates measures to protect the physical and cultural integrity of indigenous peoples living in voluntary isolation and initial contact;
3. An action plan containing territorial protection measures, including legal protection and physical control of the activities developed by external agents in their territories and adjacent areas;
4. A regional healthcare strategy that includes a technical norm for preventive health with an intercultural approach and emergency health systems in the areas they inhabit; and
5. Systematized data and knowledge on the situation of isolated peoples, and the development of capacities and commitment to protect them (sustainability of the Regional Strategic Framework)<sup>1</sup>.

To put in operation a network of agencies committed to PIACI in the Amazon region, the program relied on the following focal points as local liaisons:

- Bolivia – Ministry of Foreign Affairs
- Brazil – National Indian Foundation
- Colombia – Ministry of the Interior
- Guyana - Ministry of Amerindian Affairs
- Peru – Ministry of Foreign Affairs
- Suriname - Ministry of Regional Development
- Ecuador - Ministry of Justice, Human Rights and Worship

### Evaluation Objectives:

- Analyze the project findings through a questionnaire about the activities conducted that was sent to the main stakeholders: focal points of all the ministries involved, national consultants, national facilitators and international consultants hired by the program.
- Evaluate the outputs of the national consultants, national facilitators and international consultants hired by the program.
- Evaluate the documents, minutes, memories and reports of regional and national events.
- Evaluate the use of financial resources.

According to the Terms of Reference (ToR), the **expected results** of the evaluation process are defined as:

- a) establishment of national Work Groups on Indigenous Peoples;
- b) and b) a Strategic Framework for PIACI Protection that contains:
  - (i) *a document containing concerted guidelines for the protection of indigenous peoples in voluntary isolation and the Member Countries' commitment to work at incorporating them into their internal legal frameworks; ("Regional protocol of guidelines for the formulation of national PIACI protection policies")*
  - (ii) *a Regional Plan of Action validated by the participating countries that includes territorial protection, access control and appropriate health services for isolated peoples;*

<sup>1</sup> ToR for consulting services to evaluate the ACTO/IDB program (RG-T1503 – ATN/OC-11423-RG)

*(iii) a technical healthcare norm and a health strategy concerted by the countries, and the creation of specialized health teams for indigenous peoples in isolation. ("Contingency Health Plan for PIACI")*

In view of the sheer volume of documents produced and multiplicity of simultaneous activities related to the program in different countries, and in order to avoid being excessively superficial, the evaluator chose to focus on strategic, regional (transboundary) and procedural aspects, instead of specific, national or regulatory ones. As such, focus turned to the program's basic objectives, which can be reduced to guaranteeing that the indigenous peoples in isolation and initial contact can live their lives fully.

Although reducing this assessment to the program's essential aspect does not satisfactorily reflect the complexity of the subject and the ever present need to find out details of the historical, political, cultural and socio-environmental circumstances of each specific human group at hand, country by country, it does give us a surprisingly similar overview of PIACI conditions across the Amazon Basin from country to country, which leads to less redundancy and overlaps.

This approach aims to contribute to developing a feasible Regional Action Plan, which is urgently needed to strongly and decisively defend the rights of indigenous peoples.

## 2. METHODOLOGY

The methodology focused on exhaustively examining documents, analyzing the answers to the questionnaires, and interviewing members of the focal points or National Technical Committees (NTCs) through videoconferences. We also interviewed some independent experts and the project's technical advisor.

Our information sources were:

- Answers to the questionnaire
- Reports of the program's focal points
- Reports of ACTO workshops and missions
- Documents, minutes, memories and reports of national and regional events of the program
- Reports of specific consultancies for the program
- Norms and directives of international human rights agencies
- Scientific publications on the situation of PIACI in different Amazon countries
- Publications by PIACI experts from civil society organizations and governmental bodies
- Interviews with experts and members of the NTCs

**Matrix to analyze the answers to the questionnaire:**

EVALUATION QUESTION	ASSESSMENT CRITERIA
<b>Component 1: Interagency Coordination</b>	
1. <i>How would you describe the experiences and results achieved at the national and regional Amazonian levels through the program? How do you evaluate the establishment/function of focal points and National Technical Committees in terms of inter-agency coordination?</i>	1. National cooperation strategies for the Amazon region are aligned with the program's objectives and are strengthening the focal points and NTCs.
2. <i>Were any essential agencies excluded from the interagency coordination process in your country? In the region? Do you recommend their inclusion? If so, why?</i>	2. Inter-agency coordination at the national level is satisfactory and includes all the relevant bodies.
3. <i>In your country: Were facilitators hired to conduct the coordination process? How did they perform? Was a diagnostic assessment conducted and were the key players and existing initiatives identified?</i>	3. Facilitators coordinated the necessary activities and can rely on updated institutional assessment.
<b>Component 2: Protection of physical and cultural integrity</b>	
4. <i>Do you feel there is a broad consensus around a strategy to ensure the physical integrity of PIACI? Can this strategy lead to national strategies that are consistent with those of neighboring countries? Was anything omitted from the strategy? Are there any weak points left? Did any relevant sectors disagree with the general consensus?</i>	4. The strategy has evolved and responds to the protection requirements.
5. <i>Do you think the national strategy includes enough binational border territories to be effective?</i>	5. Transboundary coordination is well linked and producing effects.
<b>Component 3: Territorial and legal protection</b>	
6. <i>Do you think your country's current legal framework and directives are enough to protect PIACI if invasions and threats from outsiders increase? Does your institution feel that some action lines should be prioritized or abolished?</i>	6. <i>Compliance with regulatory protection frameworks is in consonance with the needs for preventive and precautionary public policies to deal with invasions and acts of violence.</i>
7. <i>Do you believe a Regional Amazonian Action Plan is feasible? If yes, what should be the main action lines according to your country?</i>	7. The Regional Amazon Action Plan was defined according to new concerted priorities.
8. <i>In relation to the difficulties involved in changing legal instruments and directives into concrete and effective action: What do you recommend to ensure effective territorial protection for the PIACI</i>	8. What is effective for territories declared intangible is maximum protection.

EVALUATION QUESTION	ASSESSMENT CRITERIA
<i>identified?</i>	
<b>Component 4: Regional Health Strategy</b>	
9. <i>Considering the special vulnerability of indigenous peoples in isolation and initial contact and their need for specialized healthcare: Do you believe your country's current healthcare strategy is enough? What measures might increase their efficiency and applicability?</i>	9. A consistency was achieved in terms of procedures declared and actually applied.
10. <i>Considering the accumulated experience with PIACI healthcare in various Amazon countries: What progress and synergies are required to consolidate a transboundary regional PIACI healthcare program?</i>	10. The favorable evolution of transboundary relations in the region made it possible to consolidate a regional PIACI healthcare program.
11. <i>Considering there is already an Amazonian Health Plan that is coordinated by ACTO and an Intergovernmental Health Committee for Indigenous Peoples of the Amazon: To what extent is there effective and efficient coordination between the different initiatives? Does your agency feel that some health-related action lines should be prioritized or taken over by other regional agencies?</i>	11. Activities are executed in coordination and include non-governmental initiatives.
<b>Component 5: Systematization, training, awareness and dissemination</b>	
12. <i>In face of a rapidly changing regional reality, a very disparate accumulation of knowledge and data about PIACI, and increasing geographic and political pressure from extractive activities: What importance do you assign to scientific research and documentation? How about regional exchange of research findings? What data and knowledge should be prioritized in such research?</i>	12. Scientific papers interconnected with the demands of an agile monitoring system.
13. <i>In your country: What measures might be taken to increase acceptance of special measures to protect PIACI by society in general? What lessons has your country learned? Do you think that a campaign to share information about PIACI through different media in collaboration with relevant indigenous organizations would be feasible and likely to be successful?</i>	13. Different stakeholders from the public and private sectors collaborated to increase acceptance of PIACI in the region.
14. <i>Considering that the measures your country takes to protect PIACI are essential for their survival: What financial means are available to continue the program? Are there any guarantees they will continue to be available? What new mechanisms or alternative strategies could be implemented to make PIACI protection sustainable in your country? What suggestions can you make in terms of ideas or new sustainability models to be explored and tried in your country?</i>	14. A sustainability strategy was concerted to continue protecting the PIACI in the long term.
15. <i>Finally, from your own experience or that of your agency: What should be changed in a possible follow-up PIACI protection project to increase its effectiveness, efficiency and sustainability at the regional level?</i>	15. There is a consensus that continuing the program as a regional strategy is feasible.

### 3. ANALYSIS OF THE PROGRAM CONTEXT

Indigenous peoples in isolation and initial contact can be found in areas of the Amazon regions of Bolivia, Brazil, Colombia, Ecuador and Peru. Most of them concentrate in border zones, where they live in tropical forests of difficult access to avoid contact with the rest of society. In Venezuela, Guyana and Suriname, people who had until recently remained uncontacted are currently undergoing initial contact. There are also isolated peoples in Paraguay. The areas across which they travel are home to an extremely wealthy biodiversity that is currently under pressure due to the expanding agricultural and extractive frontiers.

In view of this new extractive harvesting boom unleashed by the growing demand for raw materials in the global market, the danger to PIACI habitats has increased. Recent estimates show that 10 thousand people live in the area, distributed across 200 different ethnic groups.<sup>2</sup>

Without going into a discussion of the correct terminology, we accept the pragmatic definition of isolated peoples that was agreed in Colombia: *"These are people or segments of indigenous peoples, who, upon exercising their self-determination, remain without regular contact with the mainstream population and avoid such contact."*<sup>3</sup>

Given the extreme vulnerability of these populations that are surrounded by natural resource exploiters, it is evident that in the great majority of cases this isolation is not quite "voluntary": *"For these peoples, isolation is not a voluntary option but a survival strategy."*<sup>4</sup>

The term "indigenous peoples in initial contact" is self-explanatory and refers to human groups that were recently contacted or have intermittent contact with the surrounding and mainstream society. They are in a constant situation of high vulnerability that may last for long periods of time.

First contact is particularly important, for the group's survival and subsequent interaction with the surrounding population largely depending on how it progresses. Mortality from infection during first contacts is very high and calls for special protection measures before and after contact.

Isolated peoples have a markedly heterogeneous cultural world. They have unique perceptions of their identity and their prior interaction experiences vary. Even so, there is an overall agreement that they share the following characteristics:

- Close interdependence, reciprocity and "kinship" with other living beings of their surrounding "environment", "ecosystem" that allows them to live in a self-sufficient manner, which means it is essential for them to defend and maintain their territories.
- Difficulty in understanding societies that are organized in social classes, where social relations are not guided by kinship. This makes them confused, helpless and vulnerable to interventions by the different players of the as of yet "indigenous frontier".
- Singular vulnerability to catching what are considered common diseases to which they have not developed an adequate immune response and that affect the entire group, not just individuals. This situation poses an immediate threat to the group's survival.
- Preference for "taking refuge" in jungle areas, where state agencies that provide public services to civilians are rare or inexistent, mostly in border zones or areas of difficult access. These are often also areas with military presence, illegal mining and logging activities, hydrocarbon prospecting and drug trafficking.

#### 3.1 Background

The Amazon Cooperation Treaty (ACT) was signed in July 1978 by Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname and Venezuela with the aim of promoting joint actions for harmonious development, environmental conservation and rational use of natural resources in the Amazon Basin.<sup>5</sup>

<sup>2</sup> IWGIA 2012 and OHCHR 2012; According to a survey by Loebens/Neves (2011) there are 126 peoples (health4.4)

<sup>3</sup> Definition agreed upon by Colombian Committee for Protection of Isolated Peoples, apud Aristizábal 2013:5

<sup>4</sup> OHCHR 2012:261

<sup>5</sup> ACTO 2011

In 1998, the signatory countries of the ACTO decided to establish the Amazon Cooperation Treaty Organization (ACTO). On 13 December 2002, the ACTO headquarters was inaugurated in Brasilia, Brazil, where its Permanent Secretariat (PS) functions.<sup>6</sup>

Finally, from November 2007 to June 2008 the ACTO Member Countries were consulted about an indigenous agenda. The input collected was presented in the 1st Regional Meeting of High Governmental Authorities of Indigenous Affairs of ACTO held in September 2008 in Georgetown, Guyana. On the occasion, the countries determined that the indigenous agenda would have the following priorities: (1) Indigenous peoples in voluntary isolation and initial contact, (2) Protecting traditional knowledge of indigenous peoples and other tribal communities, and (3) Indigenous lands and territories.<sup>7</sup>

Following a broad consultation process while reviewing the 2004-2012 Strategic Plan, in 2010 the Ministers of Foreign Affairs of the ACTO Member Countries approved the Amazonian Strategic Cooperation Agenda with an 8-year implementation horizon. The Agenda's sub-topic on Indigenous Affairs is divided into three broad areas, one of which is indigenous peoples in isolation and initial contact. One of the activities planned was "implementing a regional PIACI protection program", which was prioritized for the short term. This program was approved 15 February 2011 with IDB funds and is executed through the ACTO Permanent Secretariat.

Simultaneously, and in contact and dialogue with the Permanent Secretariat and governmental institutions on indigenous affairs, initiatives were developed by civil society and indigenous organizations to protect the PIACI were coordinated in their respective countries under a regional approach.

In November 2005, the General Coordination for Isolated Indians (CGII) of FUNAI, supported by the Indigenous Labor Center (CTI), organized the "First International Meeting about Isolated Indigenous Peoples in the Amazon and the Gran Chaco". This meeting facilitated a first regional diagnostic assessment about PIACI and a conceptualization of the subject. An "International Alliance for the Protection of Isolated Indigenous Peoples" was created that became a hub for the joint vision on the matter that was synthesized in the "Declaration of Belem on Isolated Indigenous Peoples".

At the same time, IDB delegates in attendance proposed organizing a regional action and offered their support and cooperation.<sup>8</sup>

In February 2006, the IDB published a new "Operational Policy on Indigenous Peoples" with safeguards for uncontacted indigenous peoples that included the essential aspects of the "Declaration of Belem."<sup>9</sup>

In November 2006, following the dynamics of the previous year's work in Belem, the Permanent Forum on Indigenous Issues of the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a regional seminar on PIACI in Santa Cruz de la Sierra, supported by the International Work Group for Indigenous Affairs (IWGIA). This led to the publication of the "Santa Cruz de la Sierra Appeal."<sup>10</sup>

In the same meeting, the Native Federation of the Madre de Dios River and Tributaries (FENAMAD) was tasked with organizing and convening the inaugural meeting of the International Indigenous Committee for the Protection of Peoples in Isolation and Initial Contact in the Amazon, the Gran Chaco, and the Eastern Region of Paraguay (CIPIACI), which was held in April 2007 in Lima.<sup>11</sup>

The first CIPIACI meeting took place in October 2007 in Quito, where participants presented demands to protect indigenous peoples to their respective government through the "Quito Manifesto".<sup>12</sup> Over 13 indigenous organizations from 6 countries are currently part of the committee.

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<sup>6</sup> Soria 2013:4

<sup>7</sup> ACTO 2011:2

<sup>8</sup> Brackelaire 2006

<sup>9</sup> IDB 2006:7, article. 4.4(g)

<sup>10</sup> Santa Cruz de la Sierra Appeal – November 2006

<sup>11</sup> García(a) 2013:58

<sup>12</sup> CIPIACI 2007

This fortuitous convergence in defense of PIACI rights was reinforced by the United Nations Declaration on the Rights of Indigenous Peoples of 13 September 2007, which defines principles that, when applied to indigenous peoples in voluntary isolation and initial contact, oblige the States to recognize their special vulnerability and to guarantee their "right to live in freedom... as distinct peoples." (Article 7)<sup>13</sup>

In 2007, the OHCHR began working on guidelines for PIACI protection, consulting experts on the subject that had been featured in the aforementioned meetings. In May 2012 the results of these consultations in the region were finally published under the title "Guidelines for the Protection of Peoples in Isolation and Initial Contact in the Amazon, the Gran Chaco, and the Eastern Region of Paraguay", which constitute the first UN document specifically issued by a UN agency for these peoples.<sup>14</sup>

The Inter-American Commission on Human Rights (IACHR), autonomous and independent body of the Organization of American States (OAS), in turn addressed the rights of isolated indigenous peoples in an extensive document published in December 2013: "Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for the Full Respect of their Human Rights."<sup>15</sup> The Inter-American Court of Human Rights, based in San José, Costa Rica, granted precautionary measures in favor of isolated peoples in Peru and Ecuador and provided jurisprudence for the territorial defense of indigenous peoples in various Latin American countries.<sup>16</sup>

However, all the studies, assessments and proposals prepared in good faith to protect PIACI emphasize an additional situation that makes their vulnerability unique: despite holding human rights and many other individual and collective rights, they can neither learn of their rights nor apply them to defend themselves. Their defense lies exactly in refusing to give in to people they "... perceive as their historical persecutors and victimizers, those who live 'where the diseases are'".<sup>17</sup> We cannot count on the participation of the peoples and persons whose rights we are trying to safeguard, which poses a methodological difficulty in creating and applying jurisprudence, and a challenge that is both practical and ethical in nature.<sup>18</sup>

### 3.2 Legal framework

Ever since the 2005 meeting in Belem, there is a growing awareness of the need to create a specific regulatory framework for PIACI protection, building upon the conviction that these people must fully enjoy the human rights enshrined in international laws, the rights to: life; physical, mental and moral integrity; self-determination; lands, territories and natural resources; culture; their own "development" models; and prior, free and informed consent.

Enforcing their rights to self-determination, territory/lands and culture would be of the utmost importance.<sup>19</sup> International instruments related to indigenous peoples include ILO Convention 169 of 1989, which is binding on the countries that ratified it (Brazil, Colombia, Peru, Ecuador, Venezuela and Bolivia), and the UN Declaration on the Rights of Indigenous Peoples of 2007, a regulatory reference for international consensus on the rights of indigenous peoples in general.

Another important reference is the Inter-American Court of Human Rights (IACHR), headquartered in San Jose, Costa Rica, which has granted several precautionary measures in favor of isolated peoples (in Peru and Ecuador), creating jurisprudence and a source of law in the Inter-American system. International legal frameworks for socio-environmental and biodiversity protection have become increasingly important due to threats to the ecosystems of isolated peoples' habitats and to the impacts of climate change.

In the case of isolated peoples, the right to self-determination is interpreted as respecting their desire not to be contacted and their choice to remain isolated. [In relation to free, prior informed consent given by indigenous peoples in isolation, the condition of isolation in itself must be understood as a

<sup>13</sup> United Nations Declaration on the Rights of Indigenous Peoples of 13 September 2007

<sup>14</sup> IWGIA 2012: 260-278 and IACHR 2013:25

<sup>15</sup> IACHR 2013

<sup>16</sup> OHCHR 2012:266

<sup>17</sup> Huertas 2012:74

<sup>18</sup> IACHR 2013:3

<sup>19</sup> OHCHR 2012:263p. and IACHR 2013:8mc.

manifestation of the right to self-determination that expresses the will of indigenous peoples to own, control and manage their territories and the natural resources they contain to the exclusion of all others.] (Soria 2013: 51).

The "Santa Cruz de la Sierra Appeal" shows that in November 2006 national regulatory and institutional frameworks geared specifically to isolated peoples were still mostly inexistent, thus facilitating the entry of extractive companies, loggers, miners and other social players that threaten their existence.

Almost a decade later, however, Carlos A. Soria, in his extensive analysis of the national legal frameworks in force in 2013, shows a strategic convergence that translates into a substantial legal base with over one hundred legal instruments in seven countries of ACTO.<sup>20</sup> Brazil, Peru and Bolivia<sup>21</sup> have enacted laws<sup>22</sup> that provide<sup>23</sup> a great number of instruments to manage protection of indigenous peoples in isolation and initial contact. In Colombia and Ecuador<sup>24</sup> such instruments were developed more recently, while Guyana and Venezuela still lack specific laws for PIACI. Only Suriname neither mentions indigenous peoples in its legislation nor ratified ILO Convention 169. In addition, both Colombia and Peru recognize the importance of dialogue and coordination with indigenous peoples and their organizations in their national laws for indigenous peoples in isolation and initial contact.

In the center of legal protection is the right of indigenous peoples in isolation and initial contact to own, control and manage their territories/lands and the natural resources that the lands contain. The program evaluation showed that it is not the lack of concepts, legal instruments or knowledge about the whereabouts of indigenous peoples in isolation and initial contact that makes it extremely difficult to protect them, but rather the weak presence and institutional coordination of the State, the lack of material/financial resources and logistical capacity, and the absence of people trained to enforce the law.

### 3.3 Socio-environmental overview

It is evident that the habitation/ territories of Amazonian indigenous peoples in isolation and initial contact overlaps with extensive areas of rainforest ecosystems that have mostly remained untouched. As such, protection policies for indigenous peoples overlap with those for legally protected natural areas, both of which suffer frequent pressure from extractive concessions, large highway and energy projects, and legal and illegal logging, mining and coca planting, in addition to drug trafficking.<sup>25</sup> This new accelerated rate of extraction is considered one of the greatest threats to indigenous peoples in isolation and initial contact, and according to the UN Special Rapporteur on Indigenous Rights, James Anaya, to indigenous peoples in general: "Indigenous peoples around the world have suffered negative, even devastating, consequences from extractive industries."<sup>26</sup>

On the other hand, a growing number of studies confirms that the presence of indigenous peoples and their proactive defense against invasions of their communal lands and legally recognized territories has become the most effective force against illegal and massive deforestation of tropical rainforests.<sup>27</sup>

During the World Conservation Congress held in Bangkok in November 2005, the International Union for Conservation of Nature (IUCN) issued a resolution on indigenous peoples in isolation and initial contact recognizing that many protected areas constitute their living space.<sup>28</sup> This was documented by the Amazonian Georeference Socioenvironmental Information Network (RAISG) in the mapping project coordinated by the Socio-Environmental Institute (ISA) in Brazil in 2009. The "Pan-Amazonian

<sup>20</sup> Soria 2013:46pp

<sup>21</sup> Article 4(II) of the Indian Statute of 1973 defines "isolated indians" as protected under the tutelage of the State. FUNAI currently has a General Coordination for Indigenous Peoples in Isolation and Initial Contact (CGIIRC) and twelve Ethnoenvironmental Protection Fronts (FPE).

<sup>22</sup> Peru enacted a "Law for the protection of indigenous or native peoples in a situation of isolation and initial contact" in April 2006. Its regulations were approved in October 2007.

<sup>23</sup> Bolivia enacted a "Law for the protection of native indigenous peasant peoples and nations in situation of high vulnerability" in December 2013.

<sup>24</sup> Ecuador has a "National policy for peoples in situation of voluntary isolation" since April 2007.

<sup>25</sup> Anaya 2013, RAISG 2012:11-22, IACHR 2013:54p.

<sup>26</sup> Anaya 2013:14

<sup>27</sup> Fundación Gaia 1992; Santilli 2005, IUCN 2004, WRI:2014

<sup>28</sup> IUCN, 2004

Map of Protected Areas and Indigenous Territories” shows the co-existence of natural ecosystems and indigenous peoples and identifies the presence of PIACI through available data.<sup>29</sup>

Tourism, sometimes called “ethnotourism”, “ecological tourism” or adventure tourism, has become a new phenomenon in which deliberate efforts are made to contact indigenous peoples in isolation and initial contact, with predictable and fatal consequences. In some cases indigenous communities adjacent to the territory/Lands of isolated indigenous peoples have been induced to organize “community tourism” experiences that have led to violent incidents.<sup>30</sup>

### 3.4 The health challenge

The right to health is recognized internationally and is particularly important for the PIACI in view of their situation of extreme vulnerability. To avoid irreparable damage, measures must be taken for two purposes: to avoid the transmission of diseases from contact with outsiders and to ensure access to both their traditional medicines and special public health services. The idea is to control any epidemiological, social, environmental, and food factors that might cause them physical or mental harm.<sup>31</sup>

ACTO is promoting the creation of an Intergovernmental Health Committee for Indigenous Peoples of the Amazon formed by representatives of the respective ministries to facilitate the harmonization of policies between the countries and their implementation at the national level. In addition, various Amazon countries have specific programs and policies for indigenous peoples in isolation and initial contact. Peru pioneered the development of norms and two guidelines in 2007 for “prevention, contingency in case of contact, and mitigation of health risks in scenarios with presence of isolated and recently contacted indigenous peoples.”

In Brazil, the agency responsible is the Special Secretariat of Indigenous Health (SESAI), which collaborates with the CGIIRC of FUNAI.<sup>32</sup> In Ecuador, a team was organized to provide health promotion, prevention and care in the territory/lands of the recently contacted *Huaorani*, and Venezuela implemented the “*Yanomami* Health Plan” in 2005. There is clearly a need for more culturally appropriate prevention and contingency protocols for health to be applied in foreseeable emergency situations.<sup>33</sup>

### 3.5 Lands and territories

Ever since the beginning of the coordinated movement to protect indigenous peoples of the Amazon with the creation of the Indian Protection Service (SPI) in Brazil by Cândido Mariano Rondon in 1910, land issues have been at the heart of the matter. When indigenous peoples ceased to be considered slaves and labor and came to be seen as tenants of lands that had to be conquered, cleared and settled, a policy of massacres and ethnic cleansing became widespread. It became the State's responsibility to rescue them from extermination in order to defend the integrity of the national territory, especially in regions where indigenous peoples were the only inhabitants.<sup>34</sup>

One century later, ensuring that the land rights of indigenous peoples are respected remains a major challenge. In the case of indigenous peoples in isolation and initial contact, this requires declaring their presumed territories temporarily intangible until their inhabitants decide to obtain deeds for them by their own free will.<sup>35</sup> Demarcation must be based on the cultural concept of use,<sup>36</sup> and not on ownership as in agricultural societies. The question “Why so much land for so few people?” is still part of the political discourse and is sometimes used as an argument to deny them the right to demarcate their territories and use them with exclusivity.<sup>37</sup>

<sup>29</sup> Map available in: [www.raisg.socioambiental.org/files/mapaAMAZONIA2009\\_frente.pdf](http://www.raisg.socioambiental.org/files/mapaAMAZONIA2009_frente.pdf)

<sup>30</sup> IACHR 2013:77

<sup>31</sup> OHCHR 2012:271;

<sup>32</sup> Antenor Vaz (2011.2013) analyzes the problems of interagency cooperation and mentions a series of requests and recommendations made by FUNAI to the Ministry of Health to meet the specific needs of PIACI in terms of prevention, promotion, capacity-building, monitoring etc.

<sup>33</sup> IACHR 2013:71p.

<sup>34</sup> Vaz 2014

<sup>35</sup> OHCHR 2012:269

<sup>36</sup> Perafán 2004

<sup>37</sup> IACHR 2013:48-52

Nevertheless, in the last decade the Amazon countries were able to legally protect large extensions of lands and territories for indigenous peoples under very different legal figures, including specific areas for indigenous peoples in isolation and initial contact in Brazil, Ecuador and Peru. Access to these areas is restricted to avoid invasions and undesired contact. However, [Although these land demarcations forbid people from entering in theory, in the practice they are rarely fully respected]<sup>38</sup>.

In Brazil, an administrative procedure to demarcate indigenous lands (IL) was decreed in 1996. So far over 30.5 million hectares have been demarcated exclusively for indigenous peoples in isolation and initial contact in 8 IL, all of them in the Amazon.<sup>39</sup> Through the CGIIRC and its Ethno-environmental Protection Fronts, FUNAI monitors more than 20 references to PIACI and is entitled to take immediate measures to protect them by issuing restraining orders against land use in their territories.<sup>40</sup>

In 1999 Ecuador created and Intangible Conservation Zone for the *Tagaeri* and *Taromenane* isolated groups adjacent to the *Huaorani* territory/lands, with a ban on extractive activities. The area of approximately 76 thousand hectares was delimited and demarcated in 2007.

In Peru there are currently 5 PIACI Territorial Reserves that cover nearly 2.8 million hectares and will be adapted to become Indigenous Reserves. Other PIACI live in 5 Indigenous Reserves that have already been demarcated but whose legal titling is still pending. Then there are 8 Natural Protected Areas with PIACI presence with various levels of territorial protection.<sup>41</sup>

In 2006, the Bolivian National Protected Area Service approved an Intangible and Strict Protection Zone for the Absolute Reserve of *Toromona* that extends across approximately 1.9 million hectares inside Madidi National Park, in the border with Peru. A study on the *Ayoreo* groups in voluntary isolation within the "Kaa-lyá del Gran Chaco National Park and Integrated Management Natural Area" in the border with Paraguay is being conducted since 2012 with the purpose of taking appropriate protective measures. Before that, in March 2009, the *Ayoreo* organizations of Bolivia (CANOB) and Paraguay (UNAP) had taken the initiative of demanding joint recognition of the ancestral *Ayoreo* territory/lands in the border zone to their respective governments<sup>42</sup>.

### 3.6 Participation and dialogue

The "Declaration of Barbados: For the Liberation of the Indians" of January 1971<sup>43</sup> already manifested a principle that remains valid today: "That Indians organize and lead their own liberation movement is essential, or it ceases to be liberating." The rise of a large number of indigenous organizations turned them into important stakeholders and protagonists in claiming their human and civil rights, and especially the legal tenure of their lands and territories.

For the Amazon, the Coordinator of Indigenous Organizations of the Amazon Basin (COICA) has tried to be a valid interlocutor for indigenous policies and international cooperation ever since it was created in 1984 in Lima. Nowadays it brings together a large number of member organizations that in turn often represent different local organizational hubs.<sup>44</sup> By its side are national CSOs that are committed to indigenous peoples and support them as allies and advisors, and often mediate conflicts to safeguard their rights. Several NGOs have agreements with indigenous organizations and governmental bodies simultaneously, providing services that the State is unable to provide

The Indigenous Committee for the Protection of Peoples in Isolation and Initial Contact in the Amazon Basin, the Gran Chaco and the Eastern Region of Paraguay (CIPIACI) congregates 13 organizations

<sup>38</sup> Shelton 2012:8

<sup>39</sup> Vaz 2012:56p

<sup>40</sup> IACHR 2013:36

<sup>41</sup> García 2013(b):12. According to the author "The mechanisms that exist to protect life and integrity (...) are applicable, in the relevant aspects, to the PIACI as of yet not officially recognized by supreme decree, until the studies referred to in Article 3 of the (corresponding) Law are finished." See also Huertas 2012

<sup>42</sup> Camacho 2012:116.125

<sup>43</sup> Grünberg 1972:507

<sup>44</sup> In Brazil over 550 indigenous organizations were recognized and the Federation of Indigenous Organizations of the Negro River (FOIRN) which alone has over 50 member organizations.

from 6 countries and has formulated policy guidelines on various important subjects, prioritizing them by country.<sup>45</sup>

Communication with isolated indigenous peoples during first contacts is of decisive importance. Linguistic research and the collaboration of translators/mediators from adjacent indigenous populations can provide services and expertise that are vital to avoid conflicts and correctly understand the requests, intentions and decisions made by just contacted groups. Georeferenced databases, satellite imagery and participatory mapping, crossed against testimonies of sightings and ethnographic studies, can make it easier to protect the lives of PIACI by preventing invasions, situations of armed conflict and epidemiological emergencies.

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<sup>45</sup> García 2013:13

#### 4. ASSESSMENT – PROGRAM AND COMPONENTS

The program is implemented in the context of the concerted preparation of a Regional Agenda for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact for a region of continental dimensions that extends across territories of 7 sovereign countries. A deep asymmetry is evident between the level of institutionalization in the different countries, the demographic weight of the surrounding populations and the powerful economic interests at stake on the one hand, and the capacity of the tribal societies involved to defend their right to life on the other.

In this context, the PIACI Protection Program is an extraordinary success, not only as a concept and policy, but also in terms of the concrete results it achieved in a mere three years of implementation. All stakeholders agree with this basically positive assessment. At the same time, everyone mentioned possible improvements and adjustments for the future, in addition to some contradictions in the public policies of the different countries.

Over the last three years, the program worked by combining experiences from different government agencies, civil society organizations and indigenous communities with their unique forms of organization and action styles, with meeting points, an extensive exchange of experiences and methodologies, and a more collective reflection of the objectives they all share.

In assessing the degree of compliance with the indicators of outputs and activities the following percentage breakdown by components, using a simplified valuation scale, was observed: (3) 100% compliance, (2) satisfactory compliance (1) Unsatisfactory compliance and (0) Non-compliance.

1. Inter-institutional coordination	100%
2. Protection of physical(natural) and cultural integrity	93%
3. Territorial and Legal Protection	92%
4. Regional Health Strategy	92,6%
5. Systematization, capacity building, etc.	82%
Total Program	

The program has achieved 90% compliance. Furthermore, additional activities and products that were not originally foreseen have had useful results and impact:

1. Creating a network of technical experts in the 7 countries to share knowledge and experiences, with mutual consultation meetings and field missions.
2. Generation of a "critical mass" of interest, information, scientific contributions and concepts around PIACI, both nationally and internationally.
3. Articulation of areas of dialogue at bilateral and trilateral level between member countries.
4. Conducting of 5 technical field missions in Brazil, Ecuador, Peru, Colombia and Bolivia; 4 of which were not in the original plan of the program.
5. Enactment of National Protection Act and Highly vulnerable Native Peoples in Bolivia, in December 2013.
6. Establishment of specialized protection units by the governments of Peru and Colombia for PIACI and strengthening of the existing ones.

Measurement of impact indicators showed partial fulfillment of the objectives:

1. The "Guidelines for the Protection of PIACI" were adopted the III CODIR at the technical level, in August 2013 in El Coca, Ecuador, and submitted to the high authorities for the political consideration.
2. "Health Care Guidelines" were considered at the Meeting of Ministers of Health in September 2013 in Lima, Peru and submitted to guide discussions on national health workshops, conducted in 6 member countries.
3. "Regional Action Plan" was not conducted but replaced by binational agreement- and tri-national meeting.

As a conclusion, it is noteworthy that the component 1 was fulfilled with the results based on established criteria: 4 CODIR meetings, the formation of the National Technical Committees, Diagnostic assessments for 5 countries and, as a particularly dynamic and cohesive element, with 5 "

technical missions" in as many countries. Rating: 15 points, 100% completed.

The impact of activities is to be seen in the future, but the relevance of measures and efficiency in the execution was evident, notably 5 technical field missions which were not originally planned, but actually carried out.

#### 4.1 Interagency coordination

RESULTS PLANNED	RESULTS OBTAINED	
1. <i>Creation of a Permanent Subcommission of Work formed by the national focal points for the topic and the ACTO Coordinating Office of Indigenous Affairs.</i>	1. The Steering Committee (CODIR) held 4 face-to-face meetings and two teleconferences, guided the 5 "missions" and the contracting of facilitators, strengthened the team through interpersonal relations and took over the program's monitoring and follow-up.	Valor 3
2. <i>Institutional assessments are available for each country.</i>	2. Assessments were prepared for 5 countries and are available; Peru presented the revised healthcare manual.	Valor 3
3. <i>A national facilitator/animator was hired for each country.</i>	3. All hired facilitators drive the program's development proactively.	Valor 3
4. <i>Relevant stakeholders and initiatives from all sectors (governments, indigenous organizations, civil society and private sector) were identified at the local, national and regional levels.</i>	4. All relevant actors were identified, both at the national and Amazon regional level.	Valor 3
5. <i>At least 3 countries created national interagency coordination mechanisms for the protection of isolated peoples.</i>	5. All participating countries have National Technical Committees that perform interagency coordination tasks with varied results.	Valor 3

The program shows significant achievements and was able to intensify interaction and harmonization between state agencies and between these and civil society organizations, at times pioneers in the matter. The NTC meetings and the workshops fostered by the program were able to imbue other state agencies with the concepts and obligations of an indigenous policy, among them the Regional Amazonian Bureau.

At the same time, it showed that coordination inconsistencies and even contradictions exist to a greater or lesser degree in all countries, for instance between indigenous affairs institutions and public health agencies. In the distant corners of the national territories, it is often difficult to create synergies between state agencies located in the capital city and decentralized local offices and regional governments to face emergency situations, which often leads to fatal consequences.

To overcome this difficulty there is an urgent need to prepare and systematically disseminate contingency guides, plans and protocols as mandatory "red threads" for procedures in case of new contacts in emergency situations involving indigenous peoples in isolation and initial contact. The governments of Brazil and Peru pioneered the production of guides and protocols, and one can deduce from their experience that these instruments have been very useful in the field of health. Most people believe they should also include other aspects apart from health that endanger the physical and cultural survival and self-determination of contacted peoples (or segments thereof). Participants of national and regional methodology workshops promoted by the program considered them important and beneficial for mutual learning.

A controversial issue with serious consequences for PIACI is the inherent contradiction between public policies for "development" and "economic acceleration" etc. and the obligation to implement protection policies. Examples of how "development" policies irrevocably lead to situations of contact abound, on the whole causing conflicts with negative consequences for indigenous peoples in isolation and initial contact. State policies induce and at the same time mitigate these conflicts, often without the necessary coordination. There is an urgent need to integrate protection policies with "development" programs in the Amazon, both at the national and regional levels. Brazil faces a special problem due to its large number of indigenous peoples and great territorial extension: how to monitor 30 Indigenous Lands with 26 confirmed PIACI references in 8 federal states (provinces) in a political environment

dominated by economic acceleration plans and increasing pressure over already legalized indigenous lands.<sup>46</sup>

**To conclude this assessment, it is important to note that Component 1 was able to achieve the expected results according to the pre-established criteria, with 4 CODIR meetings, the creation of NTCs, diagnostic assessments conducted in 5 countries, and as a particularly dynamic and cohesive element, the 5 "missions" in the same number of countries. Rating 15 points, 100% completed.**

#### 4.2 Protection of Physical and cultural integrity

RESULTS PLANNED	RESULTS OBTAINED	Rating:
1. A set of basic principles for an effective strategic protection framework was identified.	1. In national events, the basic principles were discussed with the various stakeholders.	3
2. A study of the strengths and weaknesses of each country's regulatory framework in comparison with the basic principles agreed upon is available.	2. Mr. Carlos Soria's report (2013) is available and was distributed to the NTCs.	3
3. Each country has committed to taking measures to strengthen its own regulatory framework as well as the regional one.	3. Within the ACTO Program efforts are being made to enforce these commitments, albeit with partial success.	3
4. An international consultant to prepare an institutional and regulatory analysis of protection instruments for PIACI was hired.	4. Yes, Dr. Carlos Soria	3
5. A focal points meeting on national regulatory and institutional matters was conducted.	5. Activities were launched in a special meeting during the regional workshop held in Brasilia (30 May to 1 June 2012).	3

The repeatedly shown inexistence of irreconcilable differences in relation to PIACI protection in the Amazon countries demonstrates the level of consensus achieved throughout the program, especially through the international meetings and five "missions". Progress has been made in creating regulatory concordance, consolidating the process of legal and real recognition of the human rights of indigenous peoples in isolation and initial contact, advancing cautiously and effectively. Having a Regional Legal Framework with a common objective therefore seems achievable, and in Colombia, for instance, concrete proposals already exist for a Regional Amazon Action Plan with 6 action lines.

The NTCs, focal points and facilitators of the program are recognized as functional and efficient. Nevertheless, certain differences persist between Amazon States that hinder the harmonization of public policies. As to their implementation, it must be noted that some are notoriously absent. This is partly explained by the lack of knowledge about isolated peoples, who remain unknown to many government bodies. Then there is the lack of public services and state presence in various areas they inhabit, and on the other hand the presence of armed forces in border zones. The diagnostic assessments conducted point to the importance of including the armed forces in the construction of interagency relations, especially in exchanging information. They should also be included in courses about PIACI rights and as support in local and regional emergencies.

In Colombia there are still problems of public order, with guerrillas and paramilitaries that fight against each other and with the National Army in the lands inhabited by indigenous peoples in isolation and initial contact.<sup>47</sup> This situation of armed conflict generates violence against women, recruitment of

<sup>46</sup> Vaz 2013:70

<sup>47</sup> Zapata 2014

young people and forceful displacements. Communities are even used as human shields and mines are placed in the access to their territories.

Binational MoUs in border zones like Peru and Brazil are a successful aspect of the program. Government agencies, NGOs specialized in isolated peoples and indigenous organizations are often included. These MoUs strengthen binational strategies through shared contingency measures, including joint patrolling and transboundary action.

ACTO's institutional framework has been essential for the progress made. Positive experiences are also evidenced in joint monitoring of binational territories by neighboring indigenous organizations (like FENAMAD and CPI, between Peru and Brazil). In some countries, however, there are ongoing conflicts between State bodies and the NGOs that handle PIACI matters, which have failed to reach a consensus due to irreconcilable views about extractive activities in indigenous lands.

***In brief, although the relevance of this component is reiterated, it would be premature to measure its impact. Once again, even though the meetings, workshops and exchanges were clearly held efficiently, their ability to effectively improve protection of indigenous peoples in isolation and initial contact remained below expectations. Rating: 14 points, 93% completed.***

#### 4.3 Territorial and legal protection

RESULTS PLANNED	RESULTS OBTAINED	Rating
1. <i>There is a regional action plan that was concerted by the countries.</i>	1.This regional plan is still being prepared and took a preliminary shape in the trilateral meeting (Brazil, Guyana, Suriname) held on 14 August 2014 in Brasilia.	2
2. <i>National action plans exist.</i>	2.The bases exist in all countries, with emphasis on the field of health, legislation and protection mechanisms.	3
3. <i>A technical advisor has been hired for the project's technical coordination unit.</i>	3.Yes, Mr. Carlos Macedo, since January 2012	3
4. <i>A staff member has been designated to coordinate political aspects of the project on behalf of ACTO.</i>	4.Yes, the ACTO Indigenous Affairs Coordinator, Ms. Sharon Austin	3
5. <i>Five national workshops were conducted to discuss national protection plans.</i>	5.Six workshops were held successfully.	3
6. <i>One regional workshop was conducted to consolidate the technical tools to support the national protection plans.</i>	6.A workshop was held and more contributions to the topic were collected during the 5 "missions	3
7. <i>A consolidated toolkit for legal, territorial and health protection of indigenous peoples in isolation and initial contact is available.</i>	7.Same recommendations agreed in the regional workshop on methodology and implementation of the legal framework (Brasilia, 30 May to 1 June 2012)	3
8. <i>Regional and national discussion events were held (with active participation of representatives from indigenous organizations of areas inhabited by isolated peoples), with commitments and responsibilities, and action instruments consolidated into national action plans.</i>	8. All the countries held such events, including civil society and indigenous organizations. In the cases of Peru and Ecuador, these events were combined with the missions to take advantage of the trips to PIACI areas to meet with and interview local actors.	3

Of the countries participating in the program, only Bolivia, Brazil, Peru and Ecuador have a specific law to protect the land rights of indigenous peoples that includes indigenous peoples in isolation and initial contact.<sup>48</sup>

<sup>48</sup>See the Anaya Report 2011

In some countries the legal instruments no longer correspond to State's changing institutions, and the interpretation of the legal framework often needs to be adapted to the new economic and socio-environmental circumstances that have changed the territorial surroundings of isolated peoples. At the heart of concerns lies the defense of the intangible habitation principle, a common denominator of governmental institutions on Indigenous affairs, indigenous organization and committed civil society. Respect for the desire to remain far away from the surrounding society and its way of living is considered a fundamental human right and has overridden the doctrine of "integration" and forced "development".

At times the difficulties in enforcing the law in remote areas is subjected to strong national and international interests of oil and natural resource exploitation companies seem insurmountable. In some cases delimitation/demarcation and surveillance processes in territories inhabited by indigenous peoples in isolation and initial contact end up being postponed, delayed or stalled due to extended bureaucratic procedures.<sup>49</sup> Stereotypical and well disseminated perceptions / preconceptions / misconceptions in the sense that "so few Indigenous peoples do not need so much land" or that "indigenous peoples do not contribute to the country's progress" are used at different political levels, sometimes even reaching the highest spheres of government.<sup>50</sup>

[“This vulnerability is made even worse by the human rights violations they suffer regularly in the hands of those who enter their territories to exploit their natural resources, and by the overall impunity that surrounds the aggressions suffered by these peoples and their ecosystems”.]<sup>51</sup> In addition, legal provisions in favor of indigenous peoples in isolation and initial contact are often unknown.

In this sense, all agree with the urgent need to ensure that governmental bodies and the public opinion have access to true and updated information about the existence, situation and rights of isolated peoples, recognizing their territories as a living spaces that must remain intangible and free of socio-environmental aggressions. These rights to owning, controlling and managing their territories and natural resources may be transitory, until they decide to voluntarily adopt another legal figure based on the concept of use instead of ownership.<sup>52</sup>

Particularly important is the transboundary context, where many indigenous groups live in a situation of high vulnerability, and where adjacent countries are working towards bilateral protocols to protect isolated peoples. As an initial dialogue framework, the guidelines prepared by the UN High Commissioner on Human Rights, designed after a long consultation process with individual experts, governmental representatives, indigenous organizations, NGOs, development agencies and bilateral and multilateral bodies<sup>53</sup>, should be followed.

To summarize our assessment of Components 2 and 3, we found a process of greater proximity, with stakeholders learning from each other and building convergence towards a broad consensus about PIACI protection strategies in the Amazon countries. This process was liaised and driven by the program. Its central lines of action consist of:<sup>54</sup>

- identifying and recognizing indigenous peoples in isolation and initial contact without contacting them;
- delimiting/demarcating and protecting their habitat/territory, under the "intangibility" criterion, respecting their decision of not wanting to interact with the surrounding /outside population;
- restricting access to the area through a corresponding land management plan and banning new settlements; and
- preparing a preventive and contingency action plan on an urgent basis.

***Certain factors still limit the application of the legal mandate: limited human and financial resources, weak presence of the State agencies in the areas inhabited by isolated peoples—often located in border regions—, and pressure from oil companies, logging, mining, tourism etc.***

<sup>49</sup>Illustration of the adaptation of the Territorial Reserves in Peru (Huertas 2012: 96).

<sup>50</sup>Presidency of Alan Garcia in Peru and its articles on "el perro del hortelano" (Chirif/García 2010: 126pp).

<sup>51</sup> OHCHR 2012:263

<sup>52</sup> OHCHR 2012:269

<sup>53</sup> OHCHR 2012

<sup>54</sup> Soria 2013, passim

***In spite of the unquestioned relevance of this component, its true impact is still almost invisible. It is not because the program is being executed inefficiently, but rather due to the powerful constraints related to economic interests and to the current "Amazonian development" model, which falls under the paradigm of economic growth based on natural resource extraction (neo-extractivism) that comes at a high social and environmental cost. Rating: 14 points, 93% Completed.***

#### 4.4 Regional Health Strategy

RESULTS PLANNED	RESULTS OBTAINED	Rating
1. A technical health norm is available for the protection of indigenous peoples in isolation and initial contact that includes special contingency plans.	1. The results of the regional health workshop held in Lima incorporated the contributions of the national workshops and express the guidelines of a regional healthcare strategy.	3
2. A regional strategic framework exists and specialized healthcare teams have been created in each country for situations of contact.	2. Protocols for medical care in contact situations are being developed in each country using the proven methodologies and experiences of some countries (Brazil, Peru, Colombia) and the information obtained in exchange workshops.	2
3. An international consultant and five national consultants specialized in health were hired.	3. Yes, these consultants were hired and are doing their job.	3
4. At least 3 countries have consolidated health programs for isolated peoples.	4. They exist in 4 countries: Brazil, Bolivia, Peru and Ecuador.	3
5. Healthcare services provided at the local, national and regional levels were mapped.	5. Such maps only exist by country. The reports of the national health workshops are available.	2
6. Experiences of first contact and care of isolated peoples were collected and systematized.	6. Yes, this compilation is available.	3
7. The geographic situation of each isolated people in relation to the neighboring communities and health vectors in each area has been mapped.	7. This geographical record was included in each country's institutional assessment.	3
8. National and regional workshops were organized with the ministries of health and other specialized entities in each country.	8. Six (6) national, 1 regional and 1 trinational (Brazil, Guyana and Suriname) health workshops were held.	3
9. A health program for indigenous peoples in isolation and initial contact was consolidated in each country and a draft regional health protocol is ready.	9. Progress towards this goal includes the Peru-Brazil MoU (subregional), and the consolidation of the regional network of national health teams, with mutual consultation in emergencies.	3

Disease transmission is recognized as the determining factor of indigenous peoples' extreme vulnerability during initial contact and in the next few years. It is a threat to their physical survival as serious as the practice of massacres at first sighting that for long a time marked the history of first contacts with indigenous jungle dwellers of the region. Their weak immune system calls for a specific public health policy that is culturally adapted and preventive. There is ample documentation and a scientific consensus on the causes and effects of infection and on measures that can and should be taken to avoid high morbidity and mortality provoked unintentionally during contact.

Thanks to the pioneering work of health professionals and indigenous anthropologists in Brazil and Peru, enriched by valuable contributions from other Amazon countries, the program achieved a fruitful exchange of healthcare methodologies as well as studies and experiences in controlling diseases. Healthcare for isolated peoples cannot be disconnected from the protection of their lands and resources, both natural and intangible.<sup>55</sup>

Food is another important factor. Sudden changes in their diet should be avoided to prevent a worsening in the physical condition of a population used to eating a great variety of food rich in fats, proteins and wild fruits.<sup>56</sup> Mental health is also important, and traditional medicine should be kept and practiced.

Peru stands out for having the most elaborated health instruments for PIACI, such as Technical Health Norm No. 799-2007 from the Ministry of Health<sup>57</sup> - "Prevention, Contingency in face of Contact and Mitigation of Health Risks in Scenarios where Isolated and Recently Contacted Indigenous Peoples are Present" and two auxiliary guidelines: "Interacting with Indigenous Peoples living in Isolation or Recently Contacted" and "Providing Healthcare to Indigenous Peoples Recently Contacted or in Initial Contact at a High Morbidity and Mortality Risk", both from 2007.

They apply to the entire country and are based on studies about the biological vulnerability of these populations, characterized by pathologies that differ according to their genotypes and ecosystems.<sup>58</sup> The most prevalent are respiratory and gastrointestinal infections, however, which are largely well-known and preventable.<sup>59</sup> The protocols establish clear rules about what to do and what steps to take in emergencies.

Despite these achievements, there is a general agreement about the deficiencies of the current health system for indigenous peoples in isolation and initial contact. It lacks a differentiated approach and experienced human resources. Cooperation is a problem both between agencies (like FUNAI and SESAI<sup>60</sup>) and within the public health system, where horizontal coordination tends to work better than vertical one, especially in areas remote from the center where communication and logistics are complicated. There is a notable asymmetry between the existence of norms at the ministerial level and their application in decentralized units. [*It is of transcendental importance to reinforce institutional coordination so as to unify all the efforts and tasks being developed, many times in a very independent manner, at times even duplicating efforts unnecessarily.*]<sup>61</sup>

There remains a conviction that a regionally consolidated action plan is feasible, and must be conducted as a regional health program for PIACI. Some principles to guide a regional healthcare strategy have already been agreed:

- high vulnerability after contact
- prevention, creating "sanitary barriers"
- self-determination
- participation and consultation
- respecting and guaranteeing the right to health

Achieving this goal requires improved cooperation between the Amazon Health Plan (ACTO) and the Intergovernmental Health Committee for Indigenous Peoples of the Amazon.

In order to assess the success of this strategy, it is important to note that health sets the pace for PIACI protection policies due to the above and to their high biological vulnerability. In this domain the program has done an outstanding job, upscaling the exchange of experiences, methods and practical knowledge through 6 national workshops, 1 regional workshop and 1 tri-national one for the borders between Brazil, Guyana and Suriname. In sum, its results have been very satisfactory, both in terms of measures taken and regarding the efficiency of its execution. Rating: 25 points, 92.6 % completed.

#### 4.5 Systematization, training, awareness and dissemination

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<sup>55</sup> Vaz/Rodrigues 2013

<sup>56</sup> OHCHR 2012:70

<sup>57</sup> In Peru the Intercultural Health Center (CENSI) of the National Institute of Health is responsible for PIACI health.

<sup>58</sup> Carlos Salaverry García in García 2013(a):24

<sup>59</sup> Zapata 2013 passim

<sup>60</sup> Vaz/Rodrigues 2013:4

<sup>61</sup> Zapata 2013 passim

RESULTS PLANNED	RESULTS OBTAINED	Rating
1. <i>Four countries have national baselines on the situation of isolated indigenous peoples.</i>	1. Four countries have presented basic interchangeable information in their reports/assessments, but there is no baseline in the strict sense of the term.	2
2. <i>Five national capacity-building workshops were held with local stakeholders.</i>	2. These equal to the 5 "missions" or guided visits to areas inhabited by indigenous peoples in isolation and initial contact in Brazil, Ecuador, Peru, Colombia and Bolivia.	3
3. <i>One regional capacity-building workshop was conducted with the participation of companies linked to IIRSA.</i>	3. There was no regional workshop, but there were contacts with companies and IIRSA during the national workshop in Peru.	2
4. <i>Short regional workshops were held to discuss methodologies and exchange experiences on protection methods with the institutions responsible for protection in each country.</i>	4. A regional two-day workshop on legislation and methodologies was held in Brasilia in 2012. The 5 "missions" were used to share information about methodologies and legislation by the agencies in charge of indigenous affairs and health.	3
5. <i>A 2-day methodology workshop was held in each country with local experts and under the guidance of a national facilitator/animator.</i>	5. Yes, these methodology workshops were held. See also 3.7.	3
6. <i>The project has a financial strategy to implement national protection plans for isolated peoples.</i>	6. A proposal is ready to be presented by international consultant Vincent Brackelaire.	2
7. <i>The project has a communication strategy: (1) results are published on the ACTO webpage, (2) outputs are uploaded to the Geosud geographic information system and (3) to the BIREME webpage, and (4) at least 3 national publications were prepared about the program.</i>	7. The program has its own webpage <a href="http://www.otca.org.br/povos">www.otca.org.br/povos</a> with information, documents and news about indigenous peoples in isolation and initial contact and about activities developed under the ACTO Program.	2
8. <i>At least 2 companies have incorporated protection protocols for non-contacted peoples in their social responsibility policies.</i>	8. There is no standard protocol for all companies as concerns isolated peoples, but each one presented its own protocols. We could not confirm if these protocols are really being applied.	1
9. <i>At least 7 employees from the countries received field training in protection fronts for isolated peoples by FUNAI, Brazil.</i>	9. A visit was made to the Ethno-environmental Front of Javari Valley where a specific training was offered during the "mission" to Javari (Brazil) with the participation of 16 member country technicians.	3
10. <i>At least 2 local governments have incorporated measures to protect isolated indigenous peoples in their policy instruments.</i>	10. Protection measures were included in 2 regions (Peru) and 2 departments (Ecuador).	3
11. <i>An information and awareness campaign is being deployed about the rights of indigenous peoples in isolation and initial contact and their</i>	11. To disseminate and publicize the rights of isolated peoples, 4 newsletters were published to date in 3 languages (Spanish, Portuguese and English) with broad distribution. Four technical reports about the missions were distributed and program's webpage, <a href="http://www.otca.org.br/povos">www.otca.org.br/povos</a> , is running.	3

RESULTS PLANNED	RESULTS OBTAINED	Rating
<i>high vulnerability.</i>		

Among the program's important contributions to the systematization of knowledge and experiences are the updated diagnostic assessments about the institutions, legal frameworks, legislative initiatives, and current situation of indigenous peoples in isolation and initial contact in Bolivia, Brazil, Colombia, Ecuador and Peru.<sup>62</sup>

The lack of reliable information about PIACI is one of the main reasons for the deficiencies in how governments address the matter, since the information available is often not shared with other governmental bodies that are also responsible for protecting their rights. There is a consensus as to the need to generate more official information and adapt it to the perceptive ability of the employees that receive it.

An important issue is the obligation of prior, free and informed consultation with PIACI communities and segments when it comes to important decisions capable of affecting their rights. Land tenure, the delimitation of their territories, natural resource management, interventions and projects are the most frequent things they need to be consulted about. But in the absence of a valid exchange it is best not to apply the communal and participatory consultation methodologies that are usually used with indigenous peoples, taking into account the particularly vulnerable situation of initial contacts.

Any type of approximation with isolated people needs to go through a non-invasive investigation using a methodology that is shared with the other countries of the region. It is important to remain prudent and respect the confidentiality of cartographic data and images, using the information strategically and carefully. Experience shows that partnerships between the public sector and NGOs can be especially fruitful in creating synergies (for instance cooperation between FUNAI-CGIIRC with CTI and ISA) In the future it may be possible to build a regional PIACI protection agenda, as intangible Amazonian heritage, signing a treaty as a regional norm in the bosom of ACTO.

A regional agenda will require the active participation of indigenous and civil society organizations linked to research and action in favor of PIACI protection, while at the same time including protection of traditional knowledge associated to biological diversity and health.

To achieve financial sustainability for regional PIACI protection strategies, a partnership between the public sector and NGOs seems more feasible, considering also the recent experiences with conservation trust fund initiatives that offer long term credit for measures to protect and manage highly biodiverse protected areas.

The general lack of knowledge about the existence of indigenous peoples in isolation and initial contact remains a challenge in enforcing the laws that exist to protect them. In this matter, it is important to go beyond the imperative ethical and citizen obligation to protect them and remember to show how tremendously important isolated peoples are for the future of the Amazon as knowledge holders and fundamental players in the complex and mostly unknown balance of bio-cultural diversity in the neotropics.

The most recent studies on large scale deforestation and its effects on climate change show that the presence of indigenous peoples in the Amazon that have a real and legal domain over large extensions of tropical rainforest has been the only effective factor in avoiding illegal logging and defending a socio-environmental equilibrium.<sup>63</sup> Far from being "forest keepers", they are key players in the use and defense of their habitat, which makes them the protectors of this heritage of mankind. However, although the symbiotic coexistence between indigenous peoples and protected areas in the Amazon has been described and analyzed scientifically, this information has failed to adequately reach the public at large.

In this multi-propositional component one can see the high quality of the national diagnostic assessments done in 6 countries and shared in NTC meetings. The 5 "missions" were particularly important for the process, as they created a unique opportunity for a group of colleagues to work while

<sup>62</sup> Keremba 2014, Vaz 2013, Aristizábal 2013, Zapata 2014, Calderón 2013, García 2013 and Quiroga 2013

<sup>63</sup> See, for example: World Resource Institute (WRI) 2014 and ACTO 2011(b)

traveling together, generating frank and critical positions on situations observed "*in situ*", and turning the observation trips in something similar to "supervision" trips.

***Faced with the not-so-different, and never satisfactory, realities of the countries, the program activities were able to develop a high level of mutual trust and mutual transnational professional respect.***

***Another successful aspect is the webpage created for the program in the ACTO website<sup>64</sup> and the broad dissemination of 5 newsletters in three languages.***

***In sum, the expected results were many and not very consistent with each other, which led to a dispersion of activities. Nevertheless, the impact produced by the efficient "missions" as well as the studies and publications went far beyond the expectations. Rating: 27 points, 82% completed.***

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<sup>64</sup> See [www.otca.org.br/povos](http://www.otca.org.br/povos)

## 5. CONCLUSIONS AND RECOMMENDATIONS

We confirm the relevance of the program, which is on the whole being efficiently and effectively executed. The data set we analyzed provides a crosscutting view of the interconnected components related to the legal and institutional framework in place to concert and put in practice a Regional Agenda for Protection of Indigenous Peoples in Isolation and Initial Contact. To avoid repeating ourselves, we compiled our essential conclusions and recommendations into four thematic lines:

### 1. Strengthening the function and presence of the State in border areas

All studies agree that isolated peoples are currently in a critically vulnerable situation due to the pressure on their territories caused by the expansion of the economic frontier -mostly extractive Industries-, their lack of biological defenses against infectious diseases, their impossibility to advocate for themselves before the law, and the insufficient ability of state agencies to ensure their basic human rights.

Almost all those who live or work in the border zones that form the habitat of isolated peoples complain of the absence of state authority to face the rampant violence, lack of safety and, in many cases, impunity. It is important to note that international law contains many instruments to protect isolated peoples (mainly ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples, 2007), while 5 of the 8 ACTO Member Countries have enacted specific legislation to protect them.<sup>65</sup>

Nevertheless, the weakness, and often absence, of state agencies makes the legal framework inoperative and hinders the application of protection norms for indigenous peoples.<sup>66</sup> Illicit activities like drug trafficking and illegal extraction of natural resources (wood, minerals<sup>67</sup>) aggravate this situation even further.

A third factor is the little information available about the work of the armed forces in areas that are at once the habitat of isolated peoples and border zones with neighboring countries.

This coincidence of various risk factors deserves attention and specific strategies agreed through bilateral understandings that include indigenous and civil society organizations with presence and activities in the area. We recommend a second stage of the program to define a Plan for Indigenous Peoples in Border Areas with strategies that are convergent and inclusive from the indigenous perspective. The plan should be incorporated into public policies for these areas so as to strengthen the ties between national agencies and indigenous peoples and thereby help to promote their rights.<sup>68</sup> In so doing, synergies will be generated in the process of turning legal norms into local practices that are assumed both by State authorities and by representatives of communities, indigenous organizations and civil society, which will contribute to and monitor their enforcement.

### 2. Improve Interagency Coordination and Efficiency

The construction of a regional regulatory framework to protect isolated peoples is well under way, based on the experience accumulated and shared, best anthropological knowledge and good interpersonal relations developed while executing the program.

On the other hand, the success of this regional convergence process depends greatly on political circumstances and factors unrelated to the matter that are unique to each country.

This led to more substantial progress in bilateral understandings and agreements related to concrete topics in border subregions where conditions are similar on both sides of the border. These joint action experiences have been the most successful and represent a practical stimulus to continue building a consolidated legal framework for the entire Amazon region.

<sup>65</sup> Soria 2013

<sup>66</sup> It must be noted that Brazil, setting the pace for the institutionalization of isolated peoples' protection for over a century, has the CGIIRC in FUNAI to coordinate PIACI protection activities (Vaz 2013).

<sup>67</sup> OHCHR 2013:54-60.78-79

<sup>68</sup> This recommendation follows the guidance of the ACTO Focal Points Meeting on Border Indigenous Peoples held in October 2014 in Brasilia.

Interagency coordination on such a mostly unknown or apparently unimportant topic in itself presents serious limitations. All the more so in centralized States where agencies are mostly located in the capital and very far from the Amazon.

That is why the horizontal interagency coordination driven by the program proved to be successful while vertical coordination, from the capital to departments or regional governments to municipalities, left much to be desired.

Information about the existence of emergency/contingency protocols for health, for instance, often fails to reach the local authorities that are in contact with isolated indigenous peoples. Measures to protect them are only effective and efficient if interagency coordination occurs in time and reaches the necessary places.

### **3. Focus on an integrated vision of socio-environmental policies for protected areas**

All stakeholders agree that protection policies for highly vulnerable indigenous peoples and for the natural ecosystems that form their habitat are interdependent and interconnected, which is particularly important in the Amazonian living space.

To define nature as something external and as a "natural capital" available to be exploited and bought or sold according to market rules is to undermine the interdependence between human beings and their natural environment. The perception of nature and natural goods as "rights holders" (political constitutions of Ecuador and Bolivia), is gaining strength. It requires "respectful" relations between society and all manifestations of nature, a widespread concept among indigenous peoples of the region.

Protecting indigenous peoples in isolation and initial contact implies recognizing the importance of Amazonian indigenous peoples in avoiding large scale deforestation, maintaining biodiversity and mitigating the effects of climate change. Those protected become the protectors of the natural heritage of the countries and of all mankind. Rather than being just a highly vulnerable population, their expert knowledge about bio-cultural diversity and how to use it well makes them a highly valuable population for the future of the national societies that surround them. Empowering indigenous peoples for land management through legally assured land tenure is the best way to protect protected rainforest areas.

### **4. Continue concerting a Regional PIACI Protection Agenda**

In its three years of existence the program managed to achieve more than was expected. During the implementation, the program provided many opportunities to share knowledge, experiences and visions about indigenous peoples in isolation and initial contact, and it stimulated and started a convergence process in criteria and methods for a future regional policy agreed by the ACTO Member Countries.

The various meetings held throughout the program generated and maintained a process of professional and personal appreciation between the many people who participated, regardless of their position in government or of their nationalities. Extremely important to build a consensus founded on facts and knowledge were the contributions of external advisors, especially from the authors of the national assessments and consultants for specific topics. This fact is recognized by the various players that participated in the program, especially by the NTCs and facilitators.

It also became evident that having a basic understanding about concepts and methods is extremely important to undertake transboundary action in sub-regions where isolated peoples may be contacted, following their equally transboundary dynamics. Shared and binational actions like the cooperation between Peru (Madre de Dios Dpt.) and Brazil (Acre State) were successful. Since most of the PIACI identified live in border areas cooperation in the field of health is particularly important, with the advantage that in this case there are two clear and universal purposes: avoiding disease transmission and guaranteeing access to medications and healthcare, both of the traditional kind and through public health systems.<sup>69</sup>

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<sup>69</sup>ACTO/IDB Program: Component IV - Regional Healthcare Strategy – contribution to the healthcare workshops; 2013

Brazil, Peru and Colombia have prepared emergency/contingency plans and protocols for contact with PIACI groups, and everything indicates that in the near future their proposals will be unified into a Regional Contingency Plan. This process received a major boost with the publication in February 2012 of the *"Guidelines for Protection of Indigenous Peoples in Isolation and Initial Contact"*, prepared by the Office of the UN High Commissioner for Human Rights based on consultations in the region.

ACTO's continued support to the process of configuring experiences, criteria and norms into an Action Plan that can be applied in the short term, although initially in modular form through binational agreements, is extremely important and meets the expectations of all those interviewed. A second phase of the program is recommended, with emphasis on binational protection strategies for isolated peoples in border zones.

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## ANNEXES

### Terms of Reference

**PROGRAM  
ACTO/IDB (RG-T1503 – ATN/OC-11423-RG)**

**TERMS OF REFERENCE**

for

**Consulting services to evaluate the program Strategic Framework for Developing a Regional Agenda for the Protection of Indigenous Peoples Living in Voluntary Isolation and Initial Contact**

#### **1 - Background**

The Amazon Cooperation Treaty (ACT) was signed on 3 July 1978 by representatives of Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname and Venezuela to begin a coordination and cooperation process for the Amazon region. Throughout its history the ACT has been developing mechanisms to consolidate and institutionalize the common vision that motivates its Member Countries.

In 1998 the countries decided to take one more step in this joint process by establishing the Amazon Cooperation Treaty Organization (ACTO) and its Permanent Secretariat (PS). Within the framework of these efforts and challenges, on 13 December 2002 the ACTO Headquarters were inaugurated in Brasilia, Brazil, where its PS functions.

ACTO is an international organization that has the Meeting of Ministers of Foreign Affairs as its highest body, supported and assisted by the Amazon Cooperation Council (ACC) and by the Coordinating Commission of the Amazon Cooperation Council (CCOOR). At the national level, the Member Countries have Permanent National Commissions (PNCs) that are responsible for applying the provisions of the Amazon Cooperation Treaty and for executing the decisions adopted by the meetings of Ministers of Foreign Affairs and Amazon Cooperation Council, without prejudice to other tasks assigned to it by each State (Article XXIII of the ACT). Presided by the Ministries of Foreign Affairs, the PNCs bring together all the entities responsible for Amazonian cooperation and development in their respective territories.

Following extensive consultations, regional sectoral dialogue and information gathering in the Member Countries in the framework of the 2004-2012 Strategic Plan review, the Ministers of Foreign Affairs in their 10th meeting approved the new Amazonian Strategic Cooperation Agenda with an 8-year implementation horizon.

This agenda addresses indigenous affairs through three broad areas, one of which is indigenous peoples in voluntary isolation and initial contact. Of the various activities programmed, the following was prioritized for the short term: "Implementing a regional program to protect indigenous peoples in voluntary isolation and initial contact".

The program "Strategic Framework for Developing a Regional Agenda for the Protection of Indigenous Peoples Living in Voluntary Isolation and Initial Contact" was approved on 15 February 2011, to be funded by the Inter-American Development Bank (IDB). ACTO, through its Permanent Secretariat, is the program's executing agency.

Its purpose is to contribute towards protecting indigenous peoples living in voluntary isolation and initial contact by defining effective policies and consensual actions between governments, indigenous organizations and non-governmental organizations (NGOs) with experience on the topic.

To this extent the program is executed through 5 components: (1) a regional interagency coordination mechanism supported by national bodies; (2) a consensual strategic framework that incorporates measures to protect the physical and cultural integrity of indigenous peoples living in voluntary isolation and initial contact; (3) an action plan containing territorial protection measures, including legal protection and physical control of the activities developed by external agents in their territories and

adjacent areas; (4) the establishment of a regional healthcare strategy that includes a technical standard for prevention in health with an intercultural approach, and emergency health systems in the regions inhabited by these peoples; and (5) systematized data and knowledge on the situation of indigenous peoples in voluntary isolation, and the development of capacities and commitment to protect them (sustainability of the Regional Strategic Framework).

## 2. Objectives of the Consultancy

- Analyze the project findings through a questionnaire with relevant questions for the evaluation sent to the main stakeholders: focal points of all the ministries involved; national consultants, national facilitators and international consultants hired by the program.
- Evaluate the outputs of the national consultants, national facilitators and international consultants hired by the program.
- Evaluate the documents, minutes, memories and reports of regional and national events.
- Evaluate the use of financial resources.

## 3. Responsibilities of the consultant

- The consultant will prepare a form with relevant questions to conduct an opinion survey with the program's main participants: focal points in all the ministries involved in each participating country, national health consultants, national facilitators and international consultants hired by the program.
- Analyze the documents produced through national and regional events, the outputs of the health consultants, national facilitators and international consultants hired by the program, and the financial reports.
- Present a first draft of the evaluation results during the 4th Regional Steering Council (CODIR) of the program.
- Present the final document with the contributions obtained in the 4th CODIR.

## 4. Expected Outputs

**4.1.** – A questionnaire with relevant questions that contributes to the evaluation process sent to the program's main stakeholders.

**4.2.-** An analysis of the opinion survey's results, reading of the consultancy outputs and document of the program *Strategic Framework for Developing a Regional Agenda for the Protection of Indigenous Peoples Living in Voluntary Isolation and Initial Contact*, particularly the expected results and financial reports.

**4.3-** A final document with the final results of the evaluation

### 4.4. Delivery dates and value

	Product	Delivery date and value
<b>4.4.1</b>	A form with relevant questions that contribute to the program's evaluation.	Maximum 1 month from contract signing. Worth 25% of the total cost.
<b>4.4.2</b>	An analysis of the opinion poll results and a report on the consultancy outputs and conclusions about the expected results, considering the program document and the financial reports.	Maximum 3 months from contract signing. Worth 25% of the total cost.
<b>4.4.3</b>	A final document that incorporates the contributions of the 4TH CODIR.	Maximum 1 month after of the 4th CODIR. Worth 50% of the total cost.

## 5. Venue for contract performance

The consultant will work from home, traveling to Brasilia or other cities when necessary to participate in meetings.

## **Questionnaire**

### Strategic Framework for Developing a Regional Agenda for the Protection of Indigenous Peoples Living in Voluntary Isolation and Initial Contact - PIACI **Evaluation Process**

#### **Questionnaire**

The program aims to contribute to protecting PIACI rights by defining effective policies and concerted actions between governments, indigenous peoples and organizations, and non-governmental organizations with experience on the matter.

#### **Component 1: Interagency Coordination**

This component seeks to support the development of a regional interagency coordination mechanism supported by the national agencies that exist to protect the PIACI in each country and in the regional Amazon.

1. How would you describe the experiences and results achieved at the national and regional Amazonian levels thanks to the program? How do you evaluate the installation of the focal points and National Technical Committees in terms of interagency coordination?
2. Were any essential agencies excluded from the interagency coordination process in your country? In the region? Do you recommend their inclusion? If so, why?
3. In your country: Were facilitators hired to conduct the coordination process? How did they perform? Was a diagnostic assessment conducted and were the key players and existing initiatives identified?

#### **Component 2: Protection of physical and cultural integrity**

This component proposes to prepare a regional strategic framework to take measures that ensure that PIACI can live in a safe environment, free of threats.

4. Do you feel there is a broad consensus around a strategy to ensure the physical integrity of PIACI? Can this strategy lead to national strategies that are consistent with those of neighboring countries? Was anything omitted from the strategy? Are there any weak points left? Did any relevant sectors disagree with the general consensus?
5. Do you think the national strategy includes enough binational border territories to be effective?

#### **Component 3: Territorial and legal protection**

This component seeks to establish and execute a territorial and legal protection action plan for PIACI.

6. Do you think your country's current legal framework and directives are enough to protect PIACI if invasions and threats from outsiders increase? Does your institution feel that some action lines should be prioritized or abolished?
7. Do you believe a Regional Amazonian Action Plan is feasible? If yes, what should be the main action lines according to your country?
8. In relation to the difficulties involved in changing legal instruments and directives into concrete and effective action: What do you recommend to ensure effective territorial protection for the PIACI identified?

#### **Component 4: Regional Health Strategy**

This component seeks to generate a regional technical health standard that can be applied to all PIACI and neighboring populations, preparing strategic contingency plans and forming specialized intercultural healthcare teams.

9. Considering the special vulnerability of indigenous peoples in isolation and initial contact and their need for differentiated healthcare: Do you believe your country's current healthcare strategy is enough? What measures might increase their efficiency and applicability?
10. Considering the accumulated experience with PIACI healthcare in various Amazon countries: What progress and synergies are required to consolidate a transboundary regional PIACI healthcare program?
11. Considering there is already an Amazonian Health Plan that is coordinated by ACTO and an

Intergovernmental Health Committee for Indigenous Peoples of the Amazon: To what extent is there effective and efficient coordination between the different initiatives? Does your agency feel that some health-related action lines should be prioritized or taken over by other regional agencies?

### Component 5: Systematization, training, awareness and dissemination

This component works towards the implementation and sustainability of the Regional Strategic Framework, strengthening the bodies involved, deepening knowledge, training relevant players, and sharing information with the regional population in order to help them understand and sensitize them to the PIACI plight.

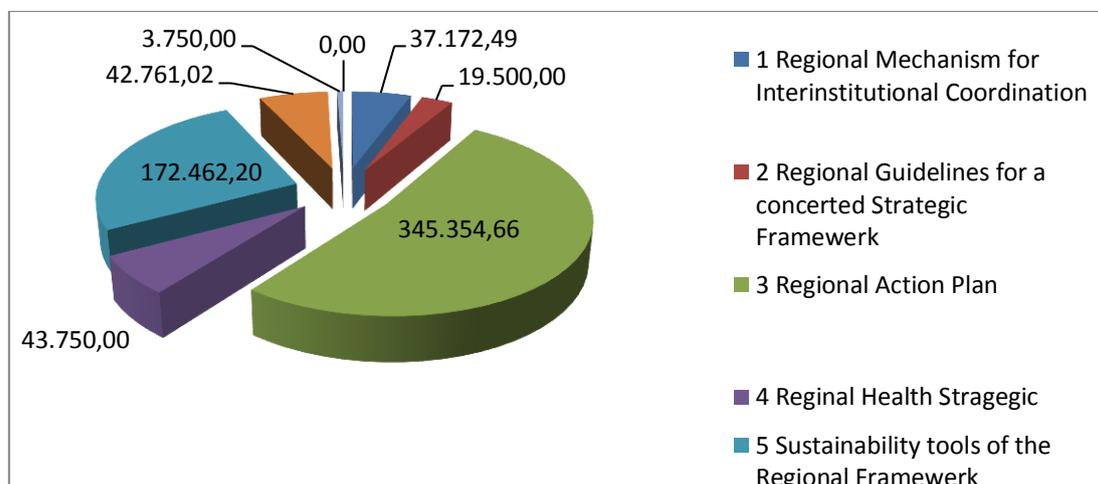
12. In face of a rapidly changing regional reality, a very disparate accumulation of knowledge and data about PIACI, and increasing geographic and political pressure from extractive activities: What importance do you assign to scientific research and documentation? How about regional exchange of research findings? What data and knowledge should be prioritized in such research?
13. In your country: What measures might be taken to increase acceptance of special measures to protect PIACI by society in general? What lessons has your country learned? Do you think that a campaign to share information about PIACI through different media in collaboration with relevant indigenous organizations would be feasible and likely to be successful?
14. Considering that the measures your country takes to protect PIACI are essential for their survival: What financial means are available to continue the program? Are there any guarantees they will continue to be available? What new mechanisms or alternative strategies could be implemented to make PIACI protection sustainable in your country? What suggestions can you make in terms of ideas or new sustainability models to be explored and tried in your country?
15. Finally, from your own experience or that of your agency: What should be changed in a possible follow-up PIACI protection project to increase its effectiveness, efficiency and sustainability at the regional level?"

10 April 2014

### Cost Analysis

A quick and comparative examination of the data available allows us to confirm an acceptable correlation between the results obtained and the reasonable use of human and financial resources. The audits were conducted in accordance with the contracts and programmed timeframes.

The high costs of travel are justified by the design of the program and the five "missions" (Regional Action Plan) to an equal number of countries, which turned out to be a determining factor for the program's success. Nevertheless, despite the considerable documented expenditures, the national strategic framework's five sustainability tools were neither prepared nor disseminated.





<b>DISBURSEMENT CONTROL AND LOCAL CONTRIBUTIONS</b>							<b>Budget - in US\$</b>			
							IDB – US\$	800.000,00	84,0%	
							Local – US\$	152.000,00	16,0%	
							Total – US\$	952.000,00	100,0%	
<b>Project No. <u>ATN/OC-11423-RG-1</u></b>										
Investment		BUDGET		Accumulated		Request N°. 12		Accumulated		
				Previous Requests						
		BID	Local	IDB disbursement	Local Contribution	IDB Disbursement	Local Contribution	IDB Disbursement	Local Contribution	
[1]		[2]		[3]	[4]	[5]	[6]	[7] = [3]+[5]	[8] = [4] + [6]	
<b>1</b>	Regional Mechanism for Interagency Coordination	<b>37.172,00</b>	<b>38.000,00</b>	<b>37.172,49</b>	<b>0,00</b>	<b>0,00</b>	<b>0,00</b>	<b>37.172,49</b>	<b>0,00</b>	
<b>2</b>	Regional Guidelines for a concerted Strategic Framework	<b>19.500,00</b>	<b>5.000,00</b>	<b>19.500,00</b>	<b>0,00</b>	<b>0,00</b>	<b>0,00</b>	<b>19.500,00</b>	<b>0,00</b>	
<b>3</b>	Regional Action Plan	<b>434.556,00</b>	<b>40.000,00</b>	<b>331.685,92</b>	<b>28.886,10</b>	<b>13.668,74</b>	<b>10.080,00</b>	<b>345.354,66</b>	<b>38.966,10</b>	
<b>4</b>	Regional Health Strategy	<b>43.750,00</b>	<b>0,00</b>	<b>41.750,00</b>	<b>0,00</b>	<b>2.000,00</b>	<b>0,00</b>	<b>43.750,00</b>	<b>0,00</b>	
<b>5</b>	Sustainability tools of the Regional Framework	<b>161.363,00</b>	<b>45.000,00</b>	<b>131.119,32</b>	<b>0,00</b>	<b>41.342,88</b>	<b>0,00</b>	<b>172.462,20</b>	<b>0,00</b>	
<b>6</b>	Coordination	<b>71.916,00</b>	<b>24.000,00</b>	<b>40.701,59</b>	<b>19.766,37</b>	<b>2.059,43</b>	<b>6.198,67</b>	<b>42.761,02</b>	<b>25.965,04</b>	
<b>7</b>	Supervision, Evaluation and Audit	<b>31.744,00</b>	<b>0,00</b>	<b>3.750,00</b>	<b>0,00</b>	<b>0,00</b>	<b>0,00</b>	<b>3.750,00</b>	<b>0,00</b>	
<b>8</b>	Contingencies	<b>0,00</b>	<b>0,00</b>	<b>0,00</b>	<b>0,00</b>	<b>0,00</b>	<b>0,00</b>	<b>0,00</b>	<b>0,00</b>	
<b>A</b>	<b>Subtotal</b>	<b>800.000,00</b>	<b>152.000,00</b>	<b>605.679,32</b>	<b>48.652,47</b>	<b>59.071,05</b>	<b>16.278,67</b>	<b>664.750,37</b>	<b>64.931,14</b>	
<b>B</b>	<b>Fund Assistant</b>			<b>0,00</b>				<b>0,00</b>		
<b>C</b>	<b>Total A + B</b>	<b>800.000,00</b>	<b>152.000,00</b>	<b>605.679,32</b>	<b>48.652,47</b>	<b>59.071,05</b>	<b>16.278,67</b>	<b>664.750,37</b>	<b>64.931,14</b>	
<b>D</b>	<b>Total (IDB + Local)</b>	<b>952.000,00</b>		<b>654.331,79</b>		<b>75.349,72</b>		<b>729.681,51</b>		

E	(C/D*100)	84,0%	16,0%	92,6%	7,4%	78,4%	21,6%	91,1%	8,9%
<p><b>Brasilia, 2014</b></p> <hr/> <p>Management Director</p> <p>Carlos Aragon</p>									