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CONSTRUCTION OF AN INTERCULTURAL DIALOGUE PROCESS TO PROMOTE INDIGENOUS PEOPLES' HUMAN RIGHTS EFFECTIVE OBSERVANCE IN SOUTHERN COSTA RICA

MPTF OFFICE GENERIC FINAL PROGRAMME¹ NARRATIVE REPORT REPORTING PERIOD: FROM 04.2013 TO 03DiI.2014

<p style="text-align: center;">Programme Title & Project Number</p> <ul style="list-style-type: none"> Programme Title: Construction of an intercultural dialogue process to promote indigenous peoples' human rights effective observance in southern Costa Rica MPTF Office Project Reference Number:³ 00087061 	<p style="text-align: center;">Country, Locality(s), Priority Area(s) / Strategic Results²</p> <p><i>Costa Rica (southern Costa Rica)</i></p> <p><i>Priority area/ strategic results</i> <i>UNDAF: "Promoting equality, equity, and access to opportunities for human development" as priority work area to be implemented through two outcomes: (1) the capacity for analysis, management and response of public, private and community institutions strengthened toward guaranteeing the exercise of human rights exercise and improving conditions for human development, prioritizing populations in vulnerable situations; and (2) Reduced disparities and ensuing socioeconomic gaps, poverty and exclusion at regional and local levels.</i></p> <p><i>Project Document: Setting up a permanent roundtable for dialogue, moving ahead on a model for consultation of indigenous peoples, legislative reform to improve protection and enjoyment of indigenous peoples' rights, a development plan for indigenous peoples, territorial security, capacities strengthened and awareness increased among public institutions and indigenous peoples on knowledge of indigenous rights, intercultural dialogue, and construction of agreements- all with gender perspective.</i></p>
<p style="text-align: center;">Participating Organization(s)</p> <ul style="list-style-type: none"> OCR, UNDP 	<p style="text-align: center;">Implementing Partners</p> <ul style="list-style-type: none"> OHCHR, ILO, UNDP, UNICEF Ministerio de Bienestar Social y Familia (Ministry of Social Welfare and Family), Ministry of Justice, Ministry of Planning, Ministry of Education, Ministry of Security, Dirección Nacional de Desarrollo de la Comunidad (DINADECO) (National Department of Community Development), Instituto de Desarrollo Rural (INDER) (Rural Development Institute) Defensoría de los Habitantes (Ombudsman's Office) and Legislative Assembly. Teribe, Cabécar, Brunca, Ngöbe Buglé, Bribri Peoples living in indigenous territories in the southern region. National and regional organizations of these indigenous people: Mesa Nacional Indígena (Indigenous National Council), Asociación Regional Aborigen del Dikes (ARADIKES) (Dikes Regional Aboriginal Association), Commission of the 12 Térraba Territory and other

¹ The term "programme" is used for programmes, joint programmes and projects.

² Strategic Results, as formulated in the Strategic UN Planning Framework (e.g. UNDAF) or project document;

³ The MPTF Office Project Reference Number is the same number as the one on the Notification message. It is also referred to as "Project ID" on the project's factsheet page on the [MPTF Office GATEWAY](#).

Programme/Project Cost (US\$)	
Total approved budget as per project document:	100,000.00
MPTF /JP Contribution ⁴ :	
• by Agency (if applicable)	
Agency Contribution	
• by Agency (if applicable)	
Government Contribution (if applicable)	
Other Contributions (donors) (if applicable)	
TOTAL:	
Programme Assessment/Review/Mid-Term Eval.	
Evaluation Completed	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> X No Date: dd.mm.yyyy	
Evaluation Report - Attached	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> X No Date: dd.mm.yyyy	

indigenous organizations in the Borunqueña mountain range territories.	
Programme Duration	
Overall Duration (months)	
Start Date ⁵ (01.04.2013)	
Original End Date ⁶ (30.03.2014)	
Actual End date ⁷ (30.03.2014)	
Have agency(ies) operationally closed the Programme in its(their) system?	Yes X No
Expected Financial Closure date ⁸ :	30.04.14
Report Submitted By	
<input type="radio"/> Name: Yoriko Yasukawa <input type="radio"/> Title: UN Resident Coordinator <input type="radio"/> Participating Organization (Lead): <input type="radio"/> Email address: yoriko.yasukawa@undp.org	

⁴ The MPTF/JP Contribution is the amount transferred to the Participating UN Organizations – see [MPTF Office GATEWAY](#)

⁵ The start date is the date of the first transfer of the funds from the MPTF Office as Administrative Agent. Transfer date is available on the [MPTF Office GATEWAY](#)

⁶ As per approval of the original project document by the relevant decision-making body/Steering Committee.

⁷ If there has been an extension, then the revised, approved end date should be reflected here. If there has been no extension approved, then the current end date is the same as the original end date. The end date is the same as the operational closure date which is when all activities for which a Participating Organization is responsible under an approved MPTF / JP have been completed. As per the MOU, agencies are to notify the MPTF Office when a programme completes its operational activities. Please see [MPTF Office Closure Guidelines](#).

⁸ Financial Closure requires the return of unspent balances and submission of the [Certified Final Financial Statement and Report](#).

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EXECUTIVE SUMMARY

Costa Rica shows an historical lack of political, legal and judicial measures to enable the exercise of indigenous peoples' rights and freedoms, especially those related to land and autonomy. Additionally, there are serious limitations in the capacity of the indigenous peoples to organize, coordinate, negotiate and advocate for their rights as well as to accede to mechanisms for the protection of these rights. This has led, for example, to violent confrontations between indigenous and non-indigenous groups over the right to territory, with the risk that the violence may spread. .

The UN Special Rapporteur on indigenous people' rights visited the country in April 2011, due to concerns about the situation of indigenous peoples affected by the Diquís Hydroelectric Project, whose construction is promoted by *Instituto Costarricense de Electricidad* - ICE (Costa Rican Electricity Institute). The project involves building a hydroelectric dam and other associated facilities in Rio Grande de Térraba, in the southeast of the country, in order to generate electricity on a large scale.

According to the project's current design, part of the dam and the reservoir will affect directly or indirectly, large sections of the Térraba territories which belong to the Teribe, China Kichá, Rey Curré, Boruca, Cabagra, Salitre, Ujarrás and Coto Brus peoples.

For this reason, the Rapporteur noted in his report that a consultation with indigenous people should be carried out in order to seek their free and informed consent prior to the State's decision to start the project, within the framework of commitments and agreements reached by the parties. He also considered other relevant aspects related to land rights, legislative reforms and mechanisms for representation.

In January 2013, responding to a request by the government of Costa Rica, the United Nations System and the Ombudsman's Office promoted establishment of a mechanism for intercultural dialogue between the Costa Rica government and indigenous leaders in the southern zone, to move forward in the fulfilment of the rights of indigenous peoples, as established in the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. This includes setting up a permanent roundtable for dialogue, moving ahead on a model for consultation of indigenous peoples, legislative reform to improve protection and enjoyment of indigenous peoples' rights, a development plan for indigenous peoples, territorial security, capacities strengthened and awareness increased among public institutions and indigenous peoples on knowledge of indigenous rights, intercultural dialogue, and construction of agreements- all with gender perspective.

There are no precedents in Costa Rican history for the process of intercultural dialogue supported by this project, given its stability and constancy, the high level and permanence of the government delegation, the concrete advances achieved and especially, the good faith and trust built over the last 14 months. Any analysis comparing the state of affairs in January 2013 and now in March 2014 points to significant improvement in the situation and position of indigenous peoples vis-à-vis the government and other stakeholders in public institutions, academic institutions, non-governmental organizations and a good part of public opinion.

I. Purpose

In Costa Rica there are eight indigenous peoples inhabiting 24 territories, which are special areas whose nature is recognized in Indigenous Law (N° 6172) of November 29, 1977. According to the 2011 Population Census by the National Statistics and Census Institute (Instituto Nacional de Estadística y Censos-INEC), total country population is 4,301,712, of which 104,143 are indigenous. Living in the indigenous territories are 35,943 indigenous and 12,557 non-indigenous. In the southern zone territories of Buenos Aires and Pérez Zeledón, there are 8,895 indigenous and 3,846 non-indigenous.

The nation's indigenous population has suffered discrimination, and full enjoyment of their rights is lagging seriously. Indigenous issues are largely absent in public policy priorities and national collective thinking.

A turning point occurred in April 2011 with the visit of the United Nations Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, concerned by the situation of southern zone indigenous peoples affected by the Diquís Hydroelectric Project. This initiative of the national electric agency (Instituto Costarricense de Electricidad-ICE) involves construction of a dam and associated installations at Río Grande de Térraba for large-scale hydroelectrical generation, at a time when Costa Rica urgently needs to tackle its energy production problem.

Under the project's current design, part of the dam and reservoir will directly and indirectly affect extensive sections of the Térraba, China Kichá, Rey Curré, Boruca, Cabagra, Salitre, Ujarrás and Coto Brus territories.

In his report to the Human Rights Council (The Situation of Indigenous people Affected by El Diquís Hydroelectric Project in Costa Rica), the Rapporteur indicates the need for consultation of indigenous peoples to obtain their free, prior and informed consent before any government decision on initiating the project, and framed within the commitments and agreements reached by the two parties. The report also addressed other aspects related to the rights of indigenous populations. (See Annex 1)

While Diquís represents an extremely important, immediate and specific problem for indigenous populations, it also responds to the country's pressing need for clean, inexpensive energy production. The conflict over this project has brought to the fore other broader and more deep-rooted structural problems having to do with indigenous peoples' right to development, governance and autonomy.

In this context, in early 2013 a climate of conflict between indigenous and non-indigenous in the zone arose over land tenure rights in indigenous territories, erupting in acts of physical violence.

In response to this situation and to a request for assistance from the government of Costa Rica, the United Nations System and the Ombudsman's Office promoted establishment of a mechanism for intercultural dialogue between the Costa Rica government and indigenous leaders in the southern zone, aimed at peaceful and lasting solutions for progress toward respect and full realization of the rights of indigenous peoples.

The Common Country Assessment (2011) mentions that Costa Rica's notable strides in human development places it in the ranks of countries with high human development. Notwithstanding that overall vision, certain limitations prevent conditions of wellbeing and development opportunities from reaching all groups and populations equally, particularly the indigenous populations. They suffer poverty, discrimination and gender inequity, and effective enjoyment of their rights remains unattended.

In this sense, the UNDAF establishes "Promoting equality, equity, and access to opportunities for human development" as priority work area to be implemented through two outcomes: (1) the capacity for analysis, management and response of public, private and community institutions strengthened toward guaranteeing the exercise of human rights exercise and improving conditions for human development, prioritizing populations in vulnerable situations; and (2) Reduced disparities and ensuing socioeconomic gaps, poverty and exclusion at regional and local levels.

Based on this frame of reference, the objective established in the project document (Construction of an Intercultural Dialogue Process to Promote Effective Observance of Indigenous Peoples' Human Rights in Southern Costa Rica) is to support and facilitate a forum for dialogue between the government and indigenous peoples to move forward in the fulfillment of the rights of indigenous peoples, as established in the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. This includes setting up a permanent roundtable for dialogue, development of a model for consultation of indigenous peoples, legislative reform to improve protection and enjoyment of indigenous peoples' rights, a development plan for indigenous peoples, territorial security, capacities strengthened and awareness increased among public institutions and indigenous peoples on knowledge of indigenous rights, intercultural dialogue, and construction of agreements- all with gender perspective.

II. Assessment of Programme Results

i) Narrative reporting on results:

Outcome:

This project is aimed at facilitating a space for the creation of mutual trust between the government and indigenous populations so that dialogue and the construction of agreements move forward respect for and guarantee of the rights of indigenous peoples as established by the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, among other international instruments and Costa Rican national legislation.

There are no precedents in Costa Rican history for the process of intercultural dialogue supported by this project, given its stability and constancy, the high level and permanence of the government delegation, the concrete advances achieved and especially, the good faith and trust built over the last 14 months.

Certainly the process faces challenges e.g., improving the mechanisms for the representation of the indigenous communities; given the change of government in May of 2014, continuity of the dialogue under the new administration, the sustainability of the progress achieved and follow through on agreements still pending implementation. However, any analysis comparing the state of affairs in January 2013 and now in March 2014 points to significant improvement in the situation and position of indigenous peoples vis-à-vis the government and other stakeholders in public institutions, academic institutions, non-governmental organizations and a good part of public opinion.

There are indications that of the many different causes for such improvement, this project is undeniably one of them. Some examples to illustrate how the political agenda and public opinion have evolved in relation to the indigenous issue: 1) there is growing awareness in the institutions that indigenous peoples must be consulted about decisions affecting them; 2) there is a noticeable improvement in public officials' knowledge and awareness of indigenous rights; 3) the current electoral campaign included the indigenous theme in both public debates and the government plans proposed by the different political parties; 4) and in the last year quantitative and qualitative growth in exposure of the theme by the national press is unlike anything in the past.

The rights of indigenous peoples, ignored for years by governments and most of Costa Rican society, is full of obstacles and challenges, but the current situation is clearly more favorable for advancing protection and effective realization of those rights as compared even to the relatively recent past.

Outputs:

The project document originally contemplated seven outputs with parallel actions. However, due to implementation dynamics the first output (Permanent roundtable for intercultural dialogue and thematic working groups established between the government and indigenous peoples, agreement generated on an agenda of interest to the parties, ensuring equal participation of men and women) has led to action on the other six, as will be shown.

After the violence of January 2013, the United Nations System and Ombudsman's Office held meetings with the First Vice-President of the Republic (tasked by President Laura Chinchilla to oversee matters related to indigenous peoples) and indigenous leaders of the seven cantons of Buenos Aires and Pérez Zeledón, to agree on establishment of a forum for dialogue addressing the problem of the occupation of indigenous territory by non-indigenous people, and a series of other issues affecting the indigenous peoples in that region.

This negotiation effort culminated in the parties' agreement to set up the Roundtable for Dialogue, with the first meeting held on January 25, 2013, at the United Nations House in San José, Costa Rica.

Government participants included Fernando Marín, Coordinator of the Social Area of the Government, Minister of Social Welfare and Family and Executive President of the Institute for Social Assistance (Instituto Mixto de Ayuda Social-IMAS), who would henceforth function as coordinator and spokesperson

for the government in the dialogue process. He was accompanied by Silvia Hernández, Vice-Minister of Planning and Economic Policy; Manuel Obregón, Minister of Culture and Youth; Celso Gamboa, Vice-Minister of Security; Mario Mora, Vice-Minister of Education; Shirley Calvo, Executive Director of the National Planning and Development Bureau (Dirección Nacional de Desarrollo de la Comunidad-DINADECO) and Emil Rojas, advisor to the First Vice-President. Subsequently, representatives of the National Registry (Land Registry Department), the Institute for Rural Development (Instituto de Desarrollo Rural-INDER) and the Interinstitutional Coordinating Commission for the El Diquís Hydroelectric Project also joined the government delegation..

The delegation of indigenous leaders consisted of Hugo Lázaro, from Rey Curré, who also took the role of spokesperson for the indigenous; Rafael Delgado, Cabagra; Manuel Villanueva, member of the Council of Elders and leader in the Térraba territory; Sergio Rojas, Salitre; Jacinto Fernández, China Kichá; and Gilbert González, Boruca. Later on leaders Gladis Ríos, of China Kichá; Carmen Villanueva, of Ujarrás; and Donald Rojas, of Boruca. From the start, the delegation was supported by a group of five advisors belonging to the different communities.

Observer institutions were represented by Yoriko Yasukawa, Resident Coordinator of the United Nations System in Costa Rica, and Luis Gerardo Fallas, Deputy Ombudsman. Support was also provided by a technical team made up of experts from UNDP-Bolivia, UNDP Regional Center (Panama) and staff of RCO, ILO, OHCHR and the Ombudsperson's Office.

At the first meeting a five-point discussion agenda was agreed:

1. Public policies, national development plan and territorial plans
2. Territorial security
3. Governance of the territories
4. Law on Autonomous Development of Indigenous Peoples
5. Analysis of the right to consultation of the indigenous peoples

Progress on implementation of agreements

Monthly meetings have been held from January 2013 to March 2014, for a total of 14. Advances have been made on all points of the agenda during this period, as highlighted below.

Planning:

The project document proposed drafting a regional development agenda from a human rights-based perspective, with complementary approaches to gender and youth.

For this, the Ministry of Planning and Economic Policy (Ministerio de Planificación y Política Económica-MIDEPLAN), designated a technical team to work with the communities in each territory, aimed at three successive tasks. The first was holding workshops to identify communities' basic needs through an open convocation that would ensure the participation of different actors and active involvement of women and youth, and the second was an activity of technical nature to systematize results of the workshops and facilitate prioritization of actions. The third was to bring the results back to the communities so they would be aware of the public resources each action entailed and prioritizing of the activity of public institutions for inclusion in annual budgeting. Community requests included road construction and improvement, health and education infrastructure, aqueducts, etc.

Once this exercise concluded, a document was drafted and published containing the Development Plan for the Indigenous Territories of the Cantons of Buenos Aires and Pérez Zeledón, included as appendix to this report (See Annex 2).

The importance of the plan is that it constitutes a guiding instrument for public institutions' actions in the territories, and at the same time, a mechanism of the indigenous peoples for negotiation with the government. This has been strengthened through the publication of a presidential decree declaring the plan

to be of public interest, which has significant juridical, fiscal and political effects and heightens government compliance.

In addition to this plan, the Roundtable served to support two important government efforts for improving protection of indigenous rights. The first involved collaboration with the Ministry of Culture and Youth to incorporate indigenous peoples represented in the Roundtable in discussion and consultation of the draft National Culture Policy and Law. Until last year, Costa Rica did not have instruments of this nature to safeguard and promote the national culture, and such an exercise would have been incomplete without full participation of the indigenous peoples.

Through the Roundtable, the Ministry of Education (MEP) was also able to advance discussion and consultation and address disagreement about Executive Decree 37801-MEP on Reform to the Subsystem of Indigenous Education (2013), in order to promote greater autonomy of indigenous communities in educational affairs and to safeguard and promote the right to be educated in the maternal language. (See Annex 3)

These two consultation processes, while representing good faith efforts to incorporate the views of the indigenous communities, also revealed weaknesses deriving from the absence of a normative instrument regulating consultations of indigenous peoples and the urgency of moving forward in developing such an instrument.

Territorial security:

One of the expected outputs stated in the project document is conflict resolution related to land ownership by non-indigenous people within indigenous territories.

As explained earlier, these conflicts were the trigger that drove both parties to establish the Roundtable for Dialogue, given that of all the problems affecting indigenous territories, this is the one with greatest risk of erupting into violence.

The government proposed immediate actions, starting with a clarification of territorial limits using state-of-the-art technology and a study of registered properties within the indigenous territories. This process was initiated in Salitre where the acts of violence took place in January 2013. The study included a review of the decree creating the territory and verification of the boundaries by engineers and topographers from the National Land Registry Office. Work on the ground lasted from January to November 2013, and culminated in a public presentation of the results where people possessing land property in the area could express doubts or disagreements. Some of the indigenous people protested that their homes or farm fell partially or entirely outside the limits of the territory as determined in the study, the government authorities. The government authorities attended to these complaints by visiting these homes and farms (on one occasion, Minister Marín himself made visits) to identify solutions, including, in many cases, annexing the property to the Salitre indigenous territory by decree. So far, the boundaries of the Salitre indigenous territory have been clarified, and the markers have been placed, particularly in the points that had been disputed in the past. In order to fully clarify the land tenure situation, a study must now be undertaken to identify properties which are not formally registered and to clarify whether they belong to indigenous or non-indigenous people, and in cases where they are occupied by non-indigenous people, whether the occupation dates back to before or after the promulgation of the Indigenous Law of 1977 establishing indigenous territories, and also whether they involve 'good faith' or 'bad faith' occupation in order to then determine whether they merit expropriation. As for the other territories, the National Land Registry Office will undertake the same process in mid-2014, for which a budget of ₡500,000,000 (US\$900,000) has been set aside.

It should be noted that this is the first time that a systematic effort is being undertaken by the government to systematically resolve the problem of non-indigenous occupation of indigenous territories.

Governance:

There are two outcomes connected with this issue: 1) Regulatory reforms (legislative and administrative) promoted to improve the protection and enjoyment of indigenous peoples' rights, incorporating women's human rights; and 2) Negotiation skills of indigenous peoples and their capacity for managing political and administrative processes strengthened, with explicit consideration of the right to political participation of women and youth.

It was agreed in the Roundtable for Dialogue that addressing the governance of indigenous territories was urgent. Costa Rican legislation is not in consonance with the indigenous peoples' right to preserve and reinforce their own political, juridical, economic, social and cultural institutions. The 1977 Indigenous Law (N° 6172) did not provide for any form of political organization in the territories. Moreover, the regulations accompanying this law, issued in 1978 (Executive Decree N° 8489-G), established the Integrated Development Associations (Asociaciones de Desarrollo Integral-ADI) as a form of local government in the indigenous territories, whereas the ADIs in non-indigenous communities function merely as a form of community organization to arrange for and administer public funds for community development works. The ADIs are overseen by the state agency DINADECO. The ADI not only lacks structure to function as a local government of a territory, but also has little to do with indigenous tradition and customs.

Public institutions made no serious and concrete effort to remedy this situation during the ensuing 35 years. With the advent of the Roundtable, however, there is now a draft proposal for the reform of DINADECO regulations on the ADIs (Decree 26935-G), to toward creating a variant of the ADI for the indigenous territories more responsive to the needs of the indigenous communities. This draft (included as Annex 4) was prepared by the Governance sub-commission of the Roundtable comprised of DINADECO representatives and indigenous leaders, with staff of the Ombudsman's Office and United Nations System participating as observers.

This indigenous variant of the ADI will promote greater democratization within the indigenous territories by broadening participation in the ADI Governing Board and other control mechanisms. In addition, it eliminates reference to the ADI being a territorial government, leaving the door open for alternative forms of political organization in indigenous communities.

This is clearly only a partial step forward, since the ultimate objective is guaranteeing the right of the peoples in the indigenous territories to define their own form of autonomous government according to their traditions. While this objective can only be achieved through legislative reform, the reform of the ADI is, nonetheless, a significant intermediate step.

Important work has also been done in the Térraba indigenous territory to recognize a form of representation called the Council of Elders, which by mandate of the nation's highest court (Constitutional Court of the Supreme Court of Justice) is tasked with defining criteria for identification of community members and creating a registry of Térraba indigenous people. This is an important step in moving toward territorial autonomy and the formation of territorial government free from interference by individuals outside the community.

To achieve this, the Supreme Tribunal of Elections (responsible for the Civil Registry) and DINADECO, with support from the UN System and Ombudsman's Office, have been collaborating with the Council of Elders on this task. It is hoped that the registry of Térraba indigenous people residing in the territory will be completed during the month of May. This experience will also serve as model to resolve similar problems in the other territories.

Law on Autonomous Development of the Indigenous Peoples:

The Roundtable for Dialogue has been an important forum for renewing discussion of the Law on Autonomous Development of the Indigenous Peoples, which would provide a solution for the diverse problems affecting indigenous peoples' autonomy and governance.

During the 1990s, indigenous organizations throughout the country pushed for this bill to be drafted, and in 2005 it was consulted in the 24 territories and sent to the Legislative Assembly for study. The bill has still

not been voted on, and this has been a cause for great frustration among the indigenous peoples, as well as a source of tension in their relations with the state.

At the Roundtable, the government agreed to include this theme in the agenda, albeit expressing doubts as to whether the bill might require updating after so many years. The indigenous were thus asked to consult delegates of all territories as to their interest in maintaining the current text.

In April 2013, the UN System facilitated the meeting of delegates from the 24 territories to assess the bill's relevance and currency. A pronouncement emerged from that meeting requesting that the Legislative Assembly vote on the proposed legislation in its current form.

For its part, the government put together a technical working group to review the bill and make observations on its currency and legality in light of recent legislative developments. In its report, the team expressed the opinion that the bill was either contradictory or repetitive of laws approved in recent years, and recommended a series of changes in the text that it considered would improve the bill.

These observations were communicated and analyzed during a second meeting of delegates from the indigenous territories, who recognized the technical value of these recommendations, but nonetheless insisted on their request that the legislative Assembly proceed to vote on the bill in its current form.

In response to that decision, the government pledged to docket the bill during the Assembly's period of special sessions in April 2014, but without expressing support for its passage.

Right to consultation:

The outcome established in the project document is: "A proposed model for consultation of indigenous peoples, drawn from a comparative analysis of legal and practical experience on the matter, agreed by the parties, with inclusion of the promotion of the leadership and active participation of women and youth."

Along with promoting discussion on regulation at the national level, the UN System organized a first series of trainings on the right to consultation in May with international experts who shared knowledge deriving from practical experiences in this area with public officials and indigenous leaders from the 24 territories. Also invited to the training sessions were congressional deputies and officers, members of the Judicial Branch Sub-commission on Indigenous Affairs, staff of the Supreme Tribunal of Elections, university professors and students, members of non-governmental organizations, and other stakeholders. Gender perspective and incorporation of women's human rights have been promoted in the training workshops.

At the Roundtable, the parties then agreed to set up a sub-commission that would propose a road map toward the development of a normative instrument on consultation for presentation to the Roundtable. To support this work, the UN System organized a second visit by international experts who worked with the sub-commission toward more clearly defining its mandate and establishing a methodology for participatory construction of an instrument for consultation of indigenous peoples.

On this occasion, a special session was organized for the members of the National Forum of Indigenous Women to dialogue with the international experts, with the aim of promoting the participation of women in the process of developing a normative instrument for consultation, and in decision making processes affecting indigenous communities in general. Given the important leadership they exercise in their communities, members of the federations of indigenous students at the National University and University of Costa Rica were also invited to meet with the experts.

In addition, a talk by the experts was organized for representatives of state universities, members of NGOs and activists working for the defense of indigenous peoples and the environment. Many of these actors are also involved in the debate on projects such as El Diquís, and will most certainly have important participation in future consultation processes.

Currently, the sub-commission is working on defining common principles that must be respected in the implementation of consultations, as well as on the formulation of a methodology for the participatory construction of a protocol for consultation specifically for the southern territories and focused on infrastructure projects.

In the meantime, it has become evident that, as in the case of the Ministry of Education and the Ministry of Culture, government institutions have been carrying out and will continue to carry out consultations with or without a normative instrument for this purpose. This has brought home to the indigenous people that it is of utmost importance of developing a normative instrument in order to ensure that future consultations are carried out in ways that fully protect and respect their rights.

Other issues:

Legal formalization of the Roundtable for Dialogue:

The government, following through on its commitment to try to ensure continuity of the Roundtable, has prepared a draft decree to formalize the Roundtable for Dialogue as a permanent forum. The indigenous party has agreed to the content. However, given the proximity of the transition to the newly elected government, the current authorities have decided to leave the decision regarding the decree to their successors. Both the Ombudsperson's Office and UN System recognize the value of the proposed decree as a demonstration of the government's commitment to the dialogue process and the work being carried out to address specific issues of indigenous rights. Also of importance in the proposed decree is the provision that indigenous delegates would be elected by their communities, as this will provide an opportunity to both renew and strengthen the legitimacy of indigenous representation in the Roundtable. The two institutions have, however, expressed their concern regarding the need for this instrument to be consulted with the indigenous communities.

Participation of indigenous women:

The UN System has repeatedly called for greater participation of indigenous women in the Roundtable. As, initially, all the indigenous representatives in the Roundtable were men, with a few women among the advisors. Currently, of the seven territories, two are represented by women, although this is still far from parity.

Minimum participation of women was set at 40% for complementary meetings such as the trainings on consultation or the discussions on the Law on Autonomous Development of the Indigenous Peoples, and was achieved in both cases.

A meeting of indigenous women from the seven territories was organized in April 2014 to share information on, and to discuss the work of the Roundtable for Dialogue, as well as to analyze ways of promoting more active participation of women in decision making processes.

Strengthening Capacities of Actors participating in Roundtable for Dialogue:

The Roundtable for Dialogue provides a forum for negotiation, but also for continuous training. It has afforded opportunity for mutual recognition in a space of neutrality and a relation of respect and good faith enabling the government and indigenous to reach agreements and move forward on them. This forum has also served to reaffirm the value of dialogue as a peaceful and effective mechanism for conflict resolution as well as advancement of indigenous rights.

Complementarily, the UN System and the Ombudsman's Office have provided vital accompaniment and technical assistance to both sides, and on a number of occasions, including moments of conflict between indigenous and non-indigenous people over land ownership, served as bridges for communication between the two parties. Public officials gained better knowledge and understanding of indigenous rights and the situation of the territories in Buenos Aires and Pérez Zeledón, while the indigenous were able to develop negotiation strategies, improve their capacities to formulate proposals, and become familiar with important areas of national legislation and administrative procedures. It has been very important for both parties to receive training in methods of intercultural dialogue and learn about experiences in other countries having to do with governance, autonomy and the right to consultation of indigenous peoples.

During this process 21 technical assistance meetings were held with the indigenous leaders in the Roundtable for Dialogue. In addition, other training activities were held with these leaders and other

members of the indigenous communities, as well as with leaders from other indigenous territories of the country.

Nine training workshops were also held in Buenos Aires with the participation of 56 representatives of the seven territories in southern Costa Rica between May and September 2013.

Added to this are the training activities on the right to consultation and workshops for indigenous women, mentioned earlier.

Prior to each meeting of the Roundtable for Dialogue, the UN System and Ombudsman's Office maintained regular meetings with the government team in charge of the Roundtable and the First Vice-President of the Republic (tasked by the President to address the indigenous theme). This has proved an effective mechanism to raise awareness about the situation of the indigenous peoples, follow up on agreements and warn of potential conflicts.

In addition, two training workshops were held on the rights of indigenous peoples, the right to consultation, governance of the territories and intercultural dialogue, for 51 high-level government officials in the different ministries and institutions whose work involves rights of indigenous peoples.

The UN System also carried out communication and advocacy campaigns with significant media impact and served as opportunities to build partnerships with well-known public figures. For example, for the International Day of the World's Indigenous Peoples in 2013, a video was produced in which public officials, indigenous leaders, human rights activists, prominent figures in politics and culture, and representatives of UN agencies read articles of the United Nations Declaration on the Rights of Indigenous Peoples. (Annex 5). Infographics were also produced on the situation of indigenous peoples in Costa Rica, highlighting issues of discrimination and exclusion (Annexes 6 and 7). These materials were massively disseminated through social networks and also had an extensive impact on the press.

The UN System also produced various materials and documentation to disseminate information on the Roundtable for Dialogue and the Report of the UN Special Rapporteur on the Rights of Indigenous Peoples.

Publicizing of Results

One of the greatest challenges of the Roundtable for Dialogue is to ensure that its agreements and decisions are known and discussed in the indigenous communities. OHCHR provided vital support to hold meetings in each territory for government authorities and indigenous leaders to share information on the work of the Roundtable and to receive feedback from the communities.

At each of these meetings, held on December 6, 7 and 13 of 2013, government officials at the level of Minister or Vice-minister, accompanied by the indigenous leader of the respective community, presented the agreements adopted at the Roundtable and the results achieved. The Development Plan for the Indigenous Peoples of Buenos Aires and Pérez Zeledón, formulated by the communities themselves, was also presented.

While members of the communities often questioned the work of the Roundtable and expressed doubts about its effectiveness, and at times, about the legitimacy of the leaders representing them. Nevertheless, these meetings were valuable exercised for a number of reasons: 1) to inform the communities and through information, improve transparency and trust in the dialogue process; 2) for the government authorities and, the indigenous leaders as well as the UN System and the Ombudsperson's Office to hear firsthand the concerns of the community members; 3) for the indigenous leaders to understand the need to improve communication with members of their own communities. In the case of Salitre, for example, the Minister of Social Welfare attended the meeting and heard from a number of community members that their homes or farms had been found to be partially or entirely outside the territorial boundaries, and as a result, the Minister personally undertook actions to resolve this issue (see above)..

All in all, 926 members of indigenous communities participated: 22 in Rey Curré, 18 in Ujarrás, 352 in Cabagra, 324 in Salitre, 52 in Boruca, 86 in Térraba and 72 in China Kichá.

ii) Indicator Based Performance Assessment:

Using the **Programme Results Framework from the Project Document / AWP**s - provide details of the achievement of indicators at both the output and outcome level in the table below. Where it has not been possible to collect data on indicators, clear explanation should be given explaining why.

	<u>Achieved</u> Indicator Targets	Reasons for Variance with Planned Target (if any)	Source of Verification
<p>Output 1.1 Intercultural dialogue permanent roundtable and thematic working sessions established and operating between the government and indigenous peoples, agreement on an agenda of interest to all parties, to promote equal participation of men and women.</p> <p>Indicator 1.1.1 Number of round table dialogues held. Number of accomplished working sessions.</p> <p>Baseline: Failure of previous agreement. Lack of a regular formal space for conflict resolution or negotiation between indigenous peoples and the government. Lack of thematic working groups to address priority areas of focus for indigenous peoples. Inequitable representation of indigenous women in discussion and decision making spaces.</p> <p>Planned Target: 10 work meetings of the Roundtable for Dialogue</p>	<p>14 regular meetings of the Roundtable for Dialogue Extraordinary meeting to address specific land tenure conflict in the territory of Salitre in August 2013 4 meetings of the Governance Sub-commission and 1 meeting of the Consultation sub-commission</p>		<p>Lists of participants (Annex 8) Minutes of the Roundtable for Dialogue (Annex 9)</p>

<p>Output 1.2 Proposal on model for consultation of indigenous peoples, drawn from a comparative analysis of legal and practical experience on the matter, agreed with the parties, and including the promotion of the leadership and active participation of women and youth.</p> <p>Indicator 1.2.1 A model of existing consultation according to Convention No. 169 provisions.</p> <p>Baseline: Lack of consultation mechanisms. Different views on the content and scope of participation and consultation rights hinder its effective application.</p> <p>Planned Target: A model of existing consultation according to Convention No. 169 provisions.</p>	<p>With ILO support, 2 work sessions were held with international experts on the right to consultation. Participating in the first session were an ILO expert and public officials with practical consultation experiences in Peru and Canada. On this occasion 56 leaders were convoked from the country's 24 territories (22 women, 16 youth) and 30 public officials in different institutions connected with indigenous themes, to discuss the scope of Convention 169, legal reforms for its national application in Peru and concrete consultation practices in Canada. Discussion sessions were also held with officials of the Judicial and Legislative branches, the Ombudsman's Office, the National Electrical Institute (in charge of El Diquis hydroelectric project), members of NGOs and public universities. This activity took place in May 2013.</p> <p>The second work session was held in November 2013 to promote construction of specific methodology for application of the right to consultation in the indigenous territories of Buenos Aires and Pérez Zeledón. For this, a group of experts worked with the Consultation sub-commission made up of government delegates and indigenous leaders participating in the Roundtable. A basic agreement</p>		<p>Activities programmes (Annex 10) List of participants (Annex 11) Minutes of the Roundtable for Dialogue</p>
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	<p>was reached on steps for constructing a consultation model. On this occasion work also included representatives of the National Forum of Indigenous Women, members of NGOs involved with environment and representatives of public universities.</p>		
<p>Output 1.3 Policy reforms (legislative and administrative) promoted to improve protection and enjoyment of indigenous peoples' rights, incorporating women's human rights.</p> <p>Indicator 1.3.1 Number of law projects or decrees promoted. Number of projects that include women's rights perspective.</p> <p>Baseline: Gaps in legislation do not allow for full protection of indigenous rights (Indigenous Autonomy Act).</p> <p>Planned Target: Promotion of legislative reforms that improve protection of indigenous peoples' rights</p>	<p>In the frame of the Roundtable for Dialogue, the government and indigenous parties, with technical support from the Ombudsman's Office and the UN System, worked on study of current legislation and formulation of legislative proposals:</p> <ol style="list-style-type: none"> 1. Technical juridical analysis of the Law on Autonomous Development of Indigenous Peoples and preparation of a government report with suggestions and observations for consideration by the indigenous. (See Annex 12) 2. Drafting of the proposal on reforming regulations for Law 3859 (Decree 26935-G) on Development Associations (which currently operate as governments in the indigenous territories). 3. Proposal for decree declaring the Development Plan of the Indigenous Peoples of Buenos Aires and Pérez Zeledón of public 		<p>Decree proposals agreed Reports Minutes of meetings (when pertinent) Minutes of the Roundtable for Dialogue</p>

	<p>interest. (See Annex 13)</p> <ol style="list-style-type: none"> 4. Decree formalizing the Roundtable for Dialogue between the government and the indigenous peoples of Buenos Aires and Pérez Zeledón. (See Annex 14) 5. Review and discussion of the reform approved to Executive Decree 37801-MEP on Reform of the Subsystem of Indigenous Education <p>The central government has pledged to docket the bill mentioned in point 1 during extraordinary sessions of the legislative Assembly in April 2014.</p> <p>There is an agreement between the Roundtable parties on the decrees listed in points 2,3 and 4, for them to be signed by the Executive Power in April once the corresponding procedures have been fulfilled.</p>		
<p>Output 1.4 Draft regional development agenda, from a human rights perspective, with complementary approaches to gender and youth.</p> <p>Indicator 1.4.1 Existence of a development agenda hosted by MIDEPLAN.</p> <p>Baseline: Lack of a regional development for indigenous people</p> <p>Planned Target: Development agenda for the indigenous peoples of Buenos</p>	<p>The Minister of Planning and Economic Policy (MIDEPLAN), in coordination with the indigenous leaders, carried out a participatory strategy with the communities to prepare a regional development plan. A technical team was established to work in three phases with the communities, with UN System support:</p> <ol style="list-style-type: none"> 1. Workshops to identify communities' basic needs through an open convocation that will ensure the participation of diverse 		<p>List of participants in work sessions (See Annex 15)</p> <p>Development Plan of the Indigenous Peoples of Buenos Aires and Pérez Zeledón.</p> <p>Minutes of the Roundtable for Dialogue</p>

<p>Aires and Perez Zeledón.</p>	<p>stakeholders and the active involvement of women and youth (272 people)</p> <p>2. Systematization of workshop results in order to prioritize actions</p> <p>3. Return of results and construction of a proposal on the development plan for the indigenous peoples of Buenos Aires and Pérez Zeledón. Actions include road construction and improvement, health and education infrastructure, aqueducts, etc. (70 people, 10 per territory)</p> <p>As mentioned above, a decree was published making this plan of public interest in order to strengthen compliance by public institutions.</p> <p>The plan was published and distributed in the communities. It will be an important instrument for indigenous negotiation with authorities, especially in light of the current change of government administration in May 2014.</p>		
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<p>Output 1.5 Conflict Resolution related to land ownership by non-Indigenous people within indigenous territories</p> <p>.</p> <p>Indicator 1.5.1 Number of territories where land tenure problems are addressed. Schedule of actions approved for all territories</p> <p>Baseline: All indigenous territories show problems due to presence land occupation by non-indigenous</p> <p>Planned Target: Improve the territorial security of indigenous peoples</p>	<p>This problem is the most complex to resolve because it deals with the conflicting interests of different groups and requires a high-level investment by the State to recover lands in indigenous territories now in the hands of non-indigenous.</p> <p>In the frame of the Roundtable for Dialogue, the government proposed a strategy whose first part contemplates the following actions:</p> <ol style="list-style-type: none"> 1. Establishment on the ground of territorial limits based on the provisions of the constituting decree, using geo-referencing technology 2. Sign-posting of the territory according to the boundaries identified 3. Public presentation of results to hear and settle disagreements 4. Revision of the limits in conflictive areas to preserve the integrity of the indigenous territory. This can include changes in the decree, incorporation into the territory of neighboring properties held by indigenous, and expropriations. 5. Situation appraisal to identify non-indigenous landholders within the territory and ascertain their legal status, thereby establishing whether these 		<p>Minutes of the Roundtable for Dialogue Technical presentations of the National Land Registry Office (See Annex 16)</p>
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	<p>are held in good or bad faith, and measures defined to carry out the necessary recovery of properties.</p> <p>To date this process has been carried out as far as point 4 in the Salitre territory, and partially in the Ujarrás and Cabagra territories.</p> <p>The government has budgeted funds to conclude the process in all territories during 2014.</p> <p>Legal processes for expropriation or eviction remain pending, but in many instances this has to do with judicial proceedings.</p> <p>The most important advance in this point is providing greater legal security to the territories to prevent new occupations of land and provide more elements to activate administrative or judicial recourse for recovery of their lands.</p>		
<p>Output 1.6 Negotiation skills of indigenous peoples, and their capacity for managing political and administrative processes strengthened, with an explicit consideration of the right to political participation of women and youth.</p> <p>Indicator 1.6.1 Number of trained indigenous leaders from the 7 territories</p> <p>Baseline: Ineffectiveness of recent negotiations. Adoption of non-peaceful options to claim.</p> <p>Planned Target: Strengthen the</p>	<p>This point shows different levels and modalities of compliance, depending on beneficiaries, themes and the objectives sought.</p> <p>Firstly, the team of the UN System and Ombudsman’s Office maintained constant follow-up on the group of indigenous leaders participating in the Roundtable, through meetings for technical assistance and training on negotiation skills, human rights, rights of indigenous peoples, analysis of legislation and communication skills. 21 meetings were held for this purpose, often</p>		<p>List of participants List of materials produced and distributed Minutes of the Roundtable for Dialogue Photos (Annex 17)</p>

<p>negotiation capacities and participation of indigenous leaders in Buenos Aires and Pérez Zeledón</p>	<p>prior to those of the Roundtable and sub-commissions.</p> <p>Other activities were aimed at leaders participating in the Roundtable and other community leaders:</p> <p>2 working sessions with the participation of 42 representatives from 24 territories (15 indigenous women, 7 youth) with explicit consideration of the right of women.</p> <p>9 workshops with the participation of 56 representatives from 7 indigenous territories in southern Costa Rica. (22 women, 16 young indigenous people).</p> <p>2 meetings specifically for indigenous women on consultation, negotiation, gender equity, and elimination of violence against women (22 women).</p> <p>It is also important to mention UNS production of materials specifically for the Roundtable for Dialogue, the situation of indigenous peoples in Costa Rica and the Report of the United Nations Special Rapporteur on the Rights of Indigenous Peoples.</p> <p>7 informational meetings in each territory allowing public officials and indigenous leaders to communicate the results of this process. All in all, 926 members of indigenous communities participated: 22 in Rey Curré, 18 in</p>		
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	Ujarrás, 352 in Cabagra, 324 in Salitre, 52 in Boruca, 86 in Térraba and 72 in China Kichá.		
<p>Output 1.7 Capacities strengthened and increased awareness on indigenous rights and intercultural dialogue among public institutions involved in the process, with explicit consideration to women and young people human rights situation.</p> <p>Indicator 1.7.1 Number of public officials trained.</p> <p>Baseline: Widespread unawareness of indigenous problematic, including indigenous women situation.</p> <p>Planned Target: Raise awareness and strengthen the capacities of public officials concerning rights of indigenous peoples and intercultural dialogue</p>	<p>The UN Systema and Ombudsman’s Office maintained regular meetings with the government team in charge of the Roundtable for Dialogue and the First Vice-President of the Republic (tasked with addressing the situation of indigenous peoples) to monitor compliance with agreements, warn against risks of conflict and raise awareness about the problems affecting indigenous peoples. These meetings were generally held two days before each Roundtable meeting, and were very useful for strengthening officials’ capacities of intercultural dialogue. Two training workshops were also held on indigenous rights, the right to consultation and governance of those territories. A total of 51 individuals were trained, all high-level officials working in the different ministries and institutions connected with rights of indigenous peoples.</p> <p>Mention should also be made of additional awareness-raising on the rights of indigenous peoples through UNS campaigns with extensive impact on public opinion. First, a video was produced for International Day of the World’s Indigenous Peoples 2013, in which public officials, indigenous leaders,</p>		<p>List of participants Products of the information campaign Minutes of the Roundtable for Dialogue</p>

	<p>human rights activists, political and cultural figures and representatives of UN agencies read articles of the United Nations Declaration on the Rights of Indigenous Peoples. Infographics were also produced on the situation of the indigenous peoples of Costa Rica and the disadvantages they experience compared to other population groups. These materials were widely disseminated through social networks and had a strong impact in the press.</p>		
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iii) Evaluation, Best Practices and Lessons Learned

The cornerstone of this project was dialogue between the Costa Rican government and indigenous leaders from the southern zone, with UN System mediation and observation and the support of the Ombudsperson's Office.

The UN System not only observed and recorded the process; it also promotes dialogue, fosters trust between the parties, monitors compliance with agreements, contributes to strengthening their capacities and intervenes actively in the resolution of differences and disputes regarding the Roundtable for Dialogue or complementary themes brought to the forum for discussion. The UN System often serves as channel of communication between the two parties in moments of tension and facilitates prompt and effective attention to specific problems.

For the UN System, this has entailed constant monitoring of the situation through both electronic communications and regular visits to indigenous territories, as well as contact with other indigenous groups, NGOs and institutions not present at the Roundtable.

With the Ombudsperson's Office, the UN System has made constant evaluations of the dialogue process and identification of possible scenarios in regard to problems not addressed. Both institutions have prepared and delivered written communications to the parties alerting them to delays in activities or compliance with agreements that could jeopardize the Roundtable for Dialogue. This represents a permanent and ongoing review of the process. (See Annex 18)

In addition, in its facilitation work during Roundtable meetings, as a form of monitoring, at the start of each session the UN System enumerates the agreements adopted and invites the parties to report on related progress or explain any delay.

It should be understood, however, that because of its distinctive characteristics this forum of intercultural dialogue is one completely new to Costa Rica. While participants have received specialized advising and assistance from United Nations experts and considered related experiences in other countries, construction of this forum has been tailored to the needs of the situation and the possibilities of the parties intervening in it. From this standpoint, it is an innovative model with its own inherent nature, and one that is in continual revision and construction based on advances and weaknesses.

Good practices and lessons drawn during the process include the following:

- The Roundtable for Dialogue emerged from conflict and tensions in indigenous territories. Conflict can be a trigger for efforts to build more harmonious coexistence when certain minimum conditions exist: the parties are willing to abandon violence or other forms of imposition in exchange for dialogue; the parties recognize one another as valid interlocutors with positions and interests that must be heard and understood; parties comprehend that solutions are constructed through processes; parties understand the cost of violence; each party recognizes one another's good faith and willingness to dialogue; representatives of the parties have decision-making authority; and concrete agreements and progress take place as a result of the dialogue process.
- The dialogue results from a two-pronged exercise that is both technical and political. Roundtable work has been distinguished by the participation of highly qualified technical staff from the public institutions, generating effective and solutions for different problems. These might, however, have remained at the level of proposals, were it not for political will at the highest levels of government.
- In fact, the high level of the officials representing the government clearly explains much of the success achieved by the Roundtable for Dialogue. The President assigned the First Vice-President of the Republic to assume responsibility for the indigenous issue in general and assigned to the Minister of Social Welfare and Family, who is also government coordinator of the social sector, direct responsibility for the

Roundtable. Representatives of other institutions present at the Roundtable hold the post of minister, vice-minister or executive director of state institutions.

- An adequate and well defined methodology for dialogue, including expert moderation by United Nations specialists, has contributed to the Roundtable achieving agreements on concrete solutions to specific issue. In addition, the culture of democracy, respect for human rights and dialogue, long installed in Costa Rica, has provided a positive environment for the methodology to function well.
- The participation of the UN System and the Ombudsperson's Office as observers and facilitators has contributed toward creating a climate of trust and transparency for the process of dialogue. The role of the two institutions in facilitating communication between indigenous leaders and government authorities in moments of conflict and crisis has also contributed to peaceful resolution of problems.
- Agenda items where the most progress have been made- Planning, Territorial Security and Governance- are directly linked with the mandate of a specific government institution participating in the dialogue, and hence the heads of those institutions took personal responsibility for these issues. However, other issues, such as the right to consultation, have seen less progress, in part due to their now coming under the responsibility of any specific institution.
- Most of the indigenous leaders participating in the dialogue, have extensive experience in the defense of indigenous rights, with solid knowledge of relevant national and international legislation in the area. This has helped to move the agenda forward.
- The thematic sub-commissions constituted a useful and effective work modality for achieving concrete advances in certain themes, as the nature of these groups made for more expeditious construction of solutions.
- It is vital that greater effort be made for these advances be shared with the indigenous communities and communicated to public opinion. For this task, the Roundtable has required support from the United Nations to produce informational materials, prepare press releases and publicize specific areas of progress in the indigenous communities.
- Within the UN System, this project has led to productive joint efforts to promote the rights of indigenous peoples, particularly between UNDP, OHCHR, ILO and UNICEF.

Constraints and lessons include the following:

- Rapid attention to any problem entailing investment of public funds is difficult due to State budgetary procedures in Costa Rica; the organization and development of the Roundtable would not have been possible without the UN System's financial support through this project and inputs from UNDP, OHCHR, and ILO. However, during this period the government has made budgetary provisions for specific future actions, especially in the area of territorial security. Even so, budgetary constraints continue to pose a risk to the continuity of the work of the Roundtable.
- Constraints related to indigenous peoples' rights, especially in autonomy and governance, affect the legitimacy of leaders at the Roundtable, since the current system of ADIs do not necessarily ensure democratic and transparent selection of leaders. This issue forms part of the Roundtable agenda, and also negatively affects how the forum is perceived in some sectors of the indigenous communities in these territories. The problem of the legitimacy of the indigenous leaders participating in the dialogue probably could not have been avoided given the urgency of establishing the Roundtable to avoid violence over the land dispute in Salitre and other territories, in a context of serious legal constraints to full self-government by the indigenous communities. As mentioned above, the Roundtable Subcommission on Governance has formulated, legal reform proposals aimed at improving conditions for more representative indigenous self-government. The indigenous leaders participating in the Roundtable themselves recognize the need for

greater community participation to ensure legitimacy of indigenous representation in the dialogue process. They also recognize the need to advance toward gender parity.

- The indigenous leaders as well as the government authorities need to dedicate more time to direct communication with the indigenous communities, towards ensuring that the communities are fully informed of the dialogue process and to more fully address their demands and concerns.
- It is also important to engage in more frequent dialogue with the leaders of other indigenous territories as well as organizations, including NGOs, that work with indigenous communities so that these actors are fully informed of the work of the Roundtable and also have the opportunity to make inputs toward the development of proposals oriented toward the fulfilment of indigenous rights, both in the southern territories and the rest of the country.
- The fact that participation in this Roundtable has been limited to indigenous leaders of the southern territories whose legitimacy is subject to question, has, on occasion, cast doubt on the legitimacy of the dialogue process itself. Hence, after nearly a year and a half of work by the Roundtable, it is important for the indigenous communities to consider whether or not their current representatives should continue. Moreover, the new government authorities need to develop ways to open processes of dialogue with other indigenous communities. The United Nations System can support this by identifying good practices both in and outside of Costa Rica.

It should be mentioned that UNDP is preparing a systematization of the experience and lessons learned from the Roundtable process.

iv) A Specific Story

Please refer to the audiovisual material that includes interviews with some of the main actors in the Roundtable for Dialogue in which they offer their perspective and testimonies about the significance of this process. This video can be find in: https://www.youtube.com/watch?v=sQm6KBa_A2I&feature=youtu.be

Acronyms

ADI	Asociaciones de Desarrollo Integral (comprehensive development associations)
DINADECO	Dirección Nacional de Desarrollo de la Comunidad (National Planning and Development Bureau)
ICE	Instituto Costarricense de Electricidad (Costa Rican Electricity Institute)
IMAS	Instituto Mixto de Ayuda Social (Inter-Agency Institute for Social Assistance)
INDER	Instituto de Desarrollo Rural (Institute for Rural Development)
INEC	Instituto Nacional de Estadística y Censos (National Statistics and Census Institute)
MEP	Ministerio de Educación Pública (Ministry of Education)
MIDEPLAN	Ministerio de Planificación y Política Económica (Ministry of Planning and Economic Policy)

Annexes

1. The Situation of Indigenous people Affected by El Diquís Hydroelectric Project in Costa Rica (United Nations Special Rapporteur on the Rights of Indigenous Peoples, James Anaya's report to the Human Rights Council).
2. Plan de Desarrollo de los Territorios Indígenas de Buenos Aires y Pérez Zeledón (Development Plan for the Indigenous Territories of the Cantons of Buenos Aires and Pérez Zeledón)
3. Decreto Ejecutivo de Reforma del Subsistema de Educación Indígena N° 37801-MEP de 17 de mayo de 2013 (Executive Decree 37801-MEP on Reform to the Subsystem of Indigenous Education (May 17, 2013))
4. Propuesta de Reforma al Decreto 26935-G (Reglamento de DINADECO) (Proposal for the reform of Decree 26935-G (DINADECO Regulations))
5. Video about the United Nations Declaration on the Rights of Indigenous Peoples.
6. Infographic about Roundtable for Dialogue.
7. Infographic about the situation of Indigenous Peoples in Costa Rica.
8. Lists of participants in meetings of the Roundtable for Dialogue.
9. Minutes of the Roundtable for Dialogue.
10. Programmes of training sessions on the Right to Consultation.
11. List of participants of training sessions on the Right to Consultation.
12. Technical juridical analysis of the Law on Autonomous Development of Indigenous Peoples by a governmental team.
13. Directriz Ejecutiva de Declaratorio de Interés Público y Nacional del Plan de Desarrollo de los Pueblos Indígenas de Buenos Aires y Pérez Zeledón N° 05-14-PLAN de 5 de marzo de 2014. (Executive Guidance N° 05-14-PLAN declaring the Development Plan of the Indigenous Peoples of Buenos Aires and Pérez Zeledón of public interest (5 March, 2014).
14. Decreto Ejecutivo de Formalización de la Mesa de Diálogo entre el Gobierno y los Pueblos Indígenas de Buenos Aires y Pérez Zeledón N°38347-MP-MBSF de 9 de abril de 2014 (Executive Decree formalizing the Roundtable for Dialogue between the government and the indigenous peoples of Buenos Aires and Pérez Zeledón.
15. List of participants on territorial planning workshops.
16. Technical presentations of the National Land Registry Office
17. Photographs
18. Press releases