

Mr Louis Michel
European Commissioner for Development and Humanitarian Aid
European Commission
B-1049 Bruxelles
Belgium

E-mail: Louis.Michel@cec.eu.int

18 February 2005

Ref.: Consultation on the future of EC development policy

Dear Mr Louis Michel,

In reaction to the online consultation process on the future of the European Union development policy, which was launched on the 18th of January 2002, we, the undersigned European NGOs working to promote the recognition of indigenous peoples' rights, would like to express our appreciation for the Commission's initiative to start a public debate on the issue, and our interest, as European NGOs, to contribute to this review. Therefore, we would like to share with you some observations about the "Issues Paper" developed for this consultation and make some recommendations with regard to the future of the Union's development policy.

With regard to the "Issues Paper", we wish to bring to your urgent attention our deep concerns regarding the **lack of reference to indigenous peoples** in the document and particularly to the lack of any reference to indigenous peoples issues within Issue 8 "Priority sectors and cross-cutting themes". This lack of reference contradicts the commitment of integrating the concern for indigenous peoples as a cross-cutting aspect at all levels of development cooperation, as stated by the Council and the Commission in several resolutions and statements.

We therefore would like to take this opportunity to call your attention on the European Union's unique and forward looking position on human rights including indigenous peoples' rights, specific target group of the Union's development policy, and **appeal to you to consider that the new Statement on the European Community's development policy identifies indigenous peoples' rights as one of the cross-cutting priorities** together with Human rights, Gender equality, Children' rights and the Environment.

The EU and Indigenous Peoples

Over the years, the European Parliament has stressed the need of protecting the rights of indigenous peoples and has repeatedly called on the Commission and Council to actively take measures to particularly consider Indigenous issues in their development work¹. In 1997, the Council on Development asked the European Commission to submit a document of orientation on co-operation with the indigenous peoples. The *Working Paper* on the issue, presented by the Commission on **May 1998**, was followed by the adoption on **30 November 1998** of a **Council Resolution** on "*Indigenous peoples within the framework of development co-operation of the Community and the Member States*".

¹ Resolution A3-0059/94 of 9 February 1994 on international measures needed for the effective protection of Indigenous Peoples and Resolution B4-0062, 0067 and 0103/95 of 19 January 1995 on the International Decade of the World's Indigenous Populations.

The resolution “recognizes indigenous peoples own diverse concepts of development” and “the right to choose their own development paths”. Furthermore, the Council calls for the integration of the “concern for indigenous peoples [...] into all levels of development cooperation, including policy dialogue with partner countries”.

This Resolution sets up the reporting system on the Community’s work with indigenous peoples, a requirement translated into a Commission report to the Council two years later². Also in 2002, the Commission co-organised the Conference “Speaking Out: Indigenous Views on Development and the Implementation of the EU policy on Indigenous Peoples”, which drew the participation of over 150 participants from indigenous organisations, European NGOs, MEPs, Commission services, academia, and others.

As a result of this Conference and the recommendations from the report, in November 2002 the Council on Development adopted the **Conclusions on Indigenous Peoples**, which provide very specific recommendations on how indigenous peoples should be further promoted within the Commission’s work. The Council reiterated the commitment made in 1998, and requested specifically to ensure a follow-up of this issue with a view to remedying the weaknesses and to ensuring the co-ordination of the positions of the Commission in the international community, and particularly the UN system.

International Framework

But not only the European Union has given special attention to the particular problems faced by indigenous peoples, the international community has also drawn special attention to their problems, and during the last twenty years international processes and frameworks have given special consideration of and developed concrete actions to promote and protect indigenous peoples' rights.

The Economic and Social Council has over the years requested the UN bodies and specialized agencies to respect the rights of indigenous peoples. The General Assembly has also on several occasions emphasized the essential linkage between indigenous peoples’ rights and successful human development and invited United Nations organizations and International institutions to give increased priority and resources to improving the conditions of indigenous peoples, through the preparation of specific programmes of action for the implementation of the goals of the International Decade of the World’s Indigenous People (1995-2004).

The distinct legal status and rights of indigenous peoples have been recognized at each of the world conferences since the 1992 United Nations Conference on Environment and Development (UNCED). At the last of this major UN Conferences, the World Summit on Sustainable Development, held in Johannesburg in 2002, the UN member countries recognize in their final *Declaration*, the "vital role of indigenous peoples in sustainable development."(A/CONF/199/20). A growing number of international legal instruments recognize indigenous peoples as a particularly important group for achieving sustainable development. For example, ILO, in particular, has been at the forefront of defending the social and economic rights of such groups as well as setting and implementing international standards to ensure the protection of their rights. The ILO Convention on Indigenous and Tribal Peoples, 1989 (No.169) states that indigenous peoples have the right to

² Report from the Commission to the Council on the Review of progress of working with indigenous peoples. Brussels, 11.6.2002, COM(2002) 291 final

decide their own priorities for development and to exercise control over and participate in the process of development; the Convention on Biological Diversity (CBD) refers repeatedly to indigenous and local communities and their role in the conservation and sustainable use of biodiversity and the environment. Not only do several conventions highlight the centrality of land, the protection and maintenance of local knowledge systems, and local decision-making to the enjoyment of indigenous peoples' human rights and their right to development, they also provide the legal tools for negotiation and effective dialogue at the national level. In 2000 the United Nations established the Permanent Forum on Indigenous Issues which serves as an advisory body to the Council with a mandate to discuss issues relating to indigenous peoples, including economic and social development, culture, the environment, education, health and human rights. The Forum provides expert advice and recommendations to the Council as well as to United Nations specialised agencies, funds and programmes. Some of these bodies have developed special guidelines and policies regarding cooperation with indigenous peoples, such as the UNDP 'policy of commitment'.

In 2001 the UN commission on Human rights appointed a *Special rapporteur on the situation of human rights and fundamental freedoms of indigenous people* with the mandate to gather and exchange relevant information. But despite the increasing space for advancing indigenous rights in international and regional processes, indigenous peoples continue to be subjected to systemic discrimination and exclusion from economic and political power. They are denied their cultural identities, and displaced from their traditional lands. They are more likely than others to suffer extreme poverty, and all too often experience the human misery caused by conflict and war.

The EU Member States and Indigenous Peoples

Several **Member States** of the European Union have given special attention to indigenous peoples and developed specific strategies or guidelines for the integration of indigenous issues in their policies. Among these are the Netherlands, Denmark, Germany, and Spain, while other countries are in the process of considering the issue.

All of these European policies underline the Agenda 21, the Convention on Biological Diversity, the ILO Convention 169 and the UN Draft Declaration on the Rights of Indigenous Peoples as important conceptual building blocks. The principles of poverty reduction, human rights, democratisation and good governance, environmental protection and sustainable development, and the full participation, consultation and consent of indigenous peoples to any development activities affecting them, constitute the common basis of the European policies.

Appeal

Therefore the undersigning NGOs would like to strongly appeal to you, in your position as Commissioner for Development Aid, to maintain the European Union's unique and forward looking position with regards to human rights including indigenous peoples' rights, and continue facilitating and brokering dialogue and advancing the concerns of indigenous peoples, who are often the most marginalized populations in society, deprived of the most basic rights to development, including access to education, healthcare, water and participation in policy processes affecting their lives.

As the new Development Policy Statement, which will result from the current review process, will provide a framework for a longer-term reflection and positioning of the Union in the international

debate, as well as a framework to guide the implementation of EU aid for development, we would like hereby make an appeal to the European Commission, the Council and the Parliament to use this opportunity to reiterate their long standing compromise to defend and protect the rights of indigenous peoples by establishing indigenous rights as one of the priorities of the Union's development policy.

We therefore, appeal to you to consider that

- The new Statement on the European Community's development policy identifies Indigenous Peoples rights as one of the cross-cutting priorities together with the Environment, Human rights, Gender equality and Children's rights.

Undoubtedly, the inclusion of indigenous peoples' rights as a priority in the future development policy will help the European Union to ensure that efforts to achieve the Millennium Development Goals reach and fully include the more marginalized peoples of the world, while fulfilling the European Union's long standing commitment and ongoing work for the support of indigenous peoples

We appreciate your attention and support in this important matter.

Yours sincerely,

Patricia Borraz - ALMACIGA Grupo de Trabajo Intercultural, Spain

Iola Leal Riesco - FERN – the EC Forest Platform, Belgium

Jens Dahl - International Work Group for Indigenous Affairs (IWGIA), Denmark

Lola García-Alix - International Work Group for Indigenous Affairs (IWGIA), Denmark

Irène Bellier - Groupe International de Travail sur les Peuples Autochtones (GITPA - IWGIA France)

Barbara Hermanns - Amnesty International, Hamburg, Germany

Theodor Rathgeber - Adivasi – Coordination, Germany

Theodor Rathgeber - Society for Threatened Peoples, Germany

Johannes Rohr - INFOE – Institute for Ecology and Action Anthropology, Germany

Johan Bosman - Flemish Support Group for Indigenous Peoples (KWIA), Belgium

David Ould - Anti-Slavery International, United Kingdom

Miriam Anne Frank – Netherlands Centre for Indigenous Peoples (NCIV)

Leo van der Vlist - Netherlands Centre for Indigenous Peoples (NCIV)

Jesus Gonzalez Pazos - MUGARIK GABE, Spain

José Moisés Martín - ACSUR Las Segovias (Association For Co-operation with the South-Las Segovias), Spain

Rune Fjellheim - Saami Council