

## The EU and indigenous peoples' issues

According to the Treaty on European Union<sup>1</sup>, the “*Union is founded on the value of respect for human dignity [...], equality [...] and respect for human rights, including the rights of persons belonging to minorities*” (Article 2 Treaty on European Union). Article 3 Treaty on European Union holds the Union to promote these values, combat social exclusion and discrimination, respect its rich cultural and linguistic diversity, safeguard and enhance Europe’s cultural heritage and uphold and promote its values in its relations with the wider world. The European Union and its bodies, as well as the Member States when implementing union law, are bound by these provisions. However, they do not provide the European Union with powers to undertake measures beyond areas over which the European Union has competence. In these areas, it is up to European Union Member States to ensure the protection of fundamental rights through the application of their own legislation and their international obligations.

The European Union considers that discrimination on grounds such as racial and ethnic origin is incompatible with the basic principles on which the European Union is founded, as specifically enshrined in our primary legislation (Article 10 Treaty on the functioning of the European Union<sup>2</sup>). The Treaty on European Union gives powers to the Union to adopt a number of instruments that contribute to the protection of the rights of the European Union’s own indigenous population. In application of these powers, the European Union has put in place a legal framework to fight discrimination, racism and xenophobia and launched financial programmes to support activities aimed at combating these phenomena on the ground.<sup>3</sup>

The European Union has made human rights a central aspect of its external relations: be it in the political dialogues it holds with third countries, be it through its action in multilateral fora such as the United Nations or be it through its development policy and assistance. Indigenous issues form an integral part of the European Union’s human rights policy. The principles of the European Union engagement towards indigenous peoples are applied in the context of the United Nations Declaration on the Rights of Indigenous Peoples of 2007, which advances the rights and ensures the continued development of indigenous peoples around the world. An internal mechanism within the European Commission ensures the coordination of indigenous peoples-related activities carried out by different Commission services as well as to strengthen the profile of indigenous peoples' issues in the overall European Community development agenda<sup>4</sup>.

The EU seeks to integrate human rights including indigenous issues into all aspects of its external policies. In order to examine these issues in greater depth in its bilateral relations with certain countries, the EU has decided to initiate human rights dialogues in

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<sup>1</sup> OJ 2008/C 115/01, available at [http://europa.eu/abc/treaties/index\\_en.htm](http://europa.eu/abc/treaties/index_en.htm).

<sup>2</sup> OJ 2008/C 115/47, available at [http://europa.eu/abc/treaties/index\\_en.htm](http://europa.eu/abc/treaties/index_en.htm).

<sup>3</sup> The website of the Diversity & Non-discrimination section of the European Commission’s European Commission’s Directorate-General for Employment, Social Affairs and Equal Opportunities (available at <http://ec.europa.eu/anti-discrimination>) contains regularly updated information on the EU’s fight against discrimination and related EU legislation.

<sup>4</sup> More information the EU external policy on indigenous peoples: [http://ec.europa.eu/external\\_relations/human\\_rights/ip/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/ip/index_en.htm).

line with the EU Guidelines on Human Rights Dialogues.<sup>5</sup> The EU raises indigenous issues in these dialogues with third countries on a regular basis.<sup>6</sup>

Since the establishment of the International Day of the World's Indigenous People in 1994, the Commissioner for External Relations and European Neighbourhood Policy has issued a statement on the occasion of the International Day on 9 August almost every year. In addition, European Union Delegations all over the world organise numerous events on or around 9 August. Such events include meetings with indigenous leaders, press conferences, press articles, participation in seminars and visits to projects funded by the European Commission.<sup>7</sup>

Also, the European Union continues to be keenly involved in the United Nations fora dealing with indigenous issues as well as contributes to the cooperation work of UN agencies dealing with indigenous peoples. The European Commission enjoys observer status at the UN and cooperates with EU Member States to forge common EU positions as well as to reach out to third countries with a view to further improve the human rights situation of indigenous peoples, notably in the UN Human Rights Council and in the Social, Humanitarian and Cultural (Third) Committee of the UN General Assembly. The EU also underlines the importance it attaches to the work of UN Special Procedures, namely the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. The EU considers the UN Permanent Forum on Indigenous Issues a key process in the promotion of dialogue and cooperation on issues pertaining to indigenous peoples. Moreover, the European Commission attaches the greatest importance to the role of the Expert Mechanism on the Rights of Indigenous Peoples, Independent Expert on minority issues, the Convention on Biological Diversity, the African Commission on Human and Peoples' Rights and the Arctic Council.<sup>8</sup>

Indigenous peoples' issues continue to be consequently mainstreamed in EC development cooperation strategies. The *EC Colombia Country Strategy Paper 2007-2013*<sup>9</sup>, for instance, addresses the humanitarian and human rights situation of the indigenous population, and includes among its key priorities peace building through the involvement of marginalized citizens in local governance and participatory economy, as well as the promotion of human rights, good governance and the fight against impunity. Another example is the explicit inclusion of indigenous people in the support for modernisation of the State, strengthening good governance and social inclusion in the *EC Peru Country Strategy Paper 2007-2013*<sup>10</sup>.

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<sup>5</sup> The Guidelines are available at <http://www.consilium.europa.eu/showPage.aspx?id=1681&lang=EN>.

<sup>6</sup> Information on all human rights dialogues is available at [http://ec.europa.eu/external\\_relations/human\\_rights/dialogues/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/dialogues/index_en.htm).

<sup>7</sup> For more information on how European Union Delegations work, please refer to [http://ec.europa.eu/external\\_relations/delegations/web\\_en.htm](http://ec.europa.eu/external_relations/delegations/web_en.htm).

<sup>8</sup> For more information on EU Action in the Multilateral Fora on Human Rights in general and indigenous issues in particular, please visit [http://ec.europa.eu/external\\_relations/human\\_rights/fora/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/fora/index_en.htm).

<sup>9</sup> Available at [http://ec.europa.eu/external\\_relations/colombia/csp/07\\_13\\_en.pdf](http://ec.europa.eu/external_relations/colombia/csp/07_13_en.pdf).

<sup>10</sup> Available at [http://ec.europa.eu/external\\_relations/peru/csp/07\\_13\\_en.pdf](http://ec.europa.eu/external_relations/peru/csp/07_13_en.pdf). Copies of all Country Strategy Papers and ENP Action Plans are available from the European Commission External Relations website at [http://ec.europa.eu/world/what/external\\_relations/index\\_en.htm](http://ec.europa.eu/world/what/external_relations/index_en.htm).

At the same time, the European Commission is contributing to the further enhancement of awareness on indigenous peoples issues amongst its staff, predominantly through the internal quality support process and staff training. In this context, in 2008, the European Commission completed a study on integrating support for promoting the rights and issues of indigenous peoples in EC co-operation with African, Caribbean and Pacific countries with case studies from Suriname and Kenya, including operational recommendations on how to integrate indigenous people issues in the European Union's development cooperation. The operational conclusions of this study led to the preparation of a "*Draft Tool for EC Co-operation with Indigenous Peoples in ACP countries*", providing advice and assistance to European Union Delegations in countries where co-operation activities might affect indigenous peoples or their territories / rights. In September 2009, the European Commission launched a study titled "*Civil society mapping in Asia*", with focus on Nepal, which will include an analysis of the role of indigenous peoples organizations within civil society, and recommendations to the European Union Delegation of Nepal on how to involve such organizations in the European Union policy dialogue and programming cycle.

The European Commission is also directly supporting civil society organizations working indigenous issues, in particular through the *European Instrument for Democracy and Human Rights* ("EIDHR"). This instrument provides a wide scope for specific actions in the field of indigenous peoples, to be implemented both at country level or at transnational and regional levels. The projects funded so far have been targeted at international organizations, NGOs and indigenous organizations. They mainly aimed at (i) supporting indigenous peoples and their representatives in participating in and following up on UN relevant to indigenous peoples, and (ii) supporting civil society activities aimed at promoting ILO Convention 169 and its principles. To give a concrete example, the EIDHR has been supporting a project on capacity-building for indigenous peoples at the UN. Indigenous peoples are the best promoters of their own rights if they have adequate logistics, documentation and information. Based on this understanding, the EIDHR supports the activities of doCip, the Geneva-based Indigenous Peoples' Centre for Documentation, Research and Information. This three-year project, funded by the EIDHR with a grant of €950,000, aims to enhance the efficiency of the different UN processes addressing the rights of indigenous peoples.<sup>11</sup>

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<sup>11</sup> In case you would like to find out more about the EIDHR, please visit [http://ec.europa.eu/europeaid/what/human-rights/index\\_en.htm](http://ec.europa.eu/europeaid/what/human-rights/index_en.htm). All EIDHR Calls for Proposals, whether global or local, are published at this website.