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EUROPEAN EXTERNAL ACTION SERVICE



Action

EUROPEAN EXTERNAL ACTION SERVICE

DIRECTORATE Multilateral relations and human rights
The Director

Brussels, 31 JAN. 2011
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**Subject: Tenth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII), New York, 16-27 May 2011
Questionnaire for UN system and other intergovernmental organisations**

Dear Under-Secretary-General,

Thank you for your letter of 22 November 2010 to President Barroso, who has asked me to reply to you on his behalf.

Thank you for the invitation to participate in and contribute to the tenth session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) at the United Nations Headquarters from 16 to 27 May 2011. Please find attached the completed questionnaire as requested. The European Union (EU) will certainly participate in the tenth session of UNPFII, though the representatives of the EU shall be identified at a later date and their names will be communicated to the United Nations in due course.

Kind regards,



p.s. Lemaire
Véronique Arnault

Mr Sha Zukang
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QUESTIONNAIRE FOR THE UN SYSTEM AND INTERGOVERNMENTAL ORGANISATIONS REGARDING CONTRIBUTIONS TO THE UNPFII

In line with the competences of the European Community with respect to indigenous peoples, this questionnaire covers the general questions on the implementation of the UNPFII recommendations (starting from question 2 of the questionnaire) with regard to the policy of the European Commission and the European External Action Service in its external relationships with third countries.

[1. At its tenth session in 2011, UNPFII will review its recommendations in relation to (a) Economic and Social Development; (b) Environment; (c) Free, Prior and Informed Consent.

(i) Please provide information on how your agency is dealing with this important issue in the seven regional areas of the Permanent Forum.¹

(ii) What are some of the obstacles your agency has encountered in implementing the recommendations of the Permanent Forum, including those addressed specifically to your agency?

(iii) What are some of the factors that facilitate your agency's implementation of the recommendations of the Permanent Forum, including those addressed specifically to your agency?]

2. Given the Forum's recommendation for the adoption of policies on indigenous peoples' issues, please specify whether your agency has:

(i) A policy or other similar tool on indigenous peoples' issues;

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. The European Union strongly supported the General Assembly Resolution adopting the text of the United Nations Declaration on the Rights of Indigenous Peoples in September 2007: together with a wide range of countries, the Member States of the European Union voted unanimously in favour of the Declaration. The European Union considers the Declaration a valuable addition to the United Nations instruments for the promotion and protection of human rights. The adoption of the Declaration advances the rights and ensures the continued development of indigenous peoples around the world.

These principles are enshrined in the Council Resolution of 30 November 1998² focusing on the issue in the framework of development cooperation, the European Commission

¹ UNPFII's seven socio-cultural regions are Africa; Asia; Central and South America and the Caribbean; the Arctic; Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia; North America; and the Pacific.

Working Document on support for indigenous peoples in the development co-operation of the community and the Member States of 11 May 1998³, and the European Union Council Conclusions of 18 November 2002.⁴

The 1998 Council Resolution recognizes that cooperation with and support for the establishment of partnerships with indigenous peoples are essential for the objectives of poverty elimination, sustainable development of natural resources, the observance of human rights and the development of democracy. It notes in particular

- the key role played by indigenous peoples in the conservation and sustainable use of natural resources;
- the positive contribution of indigenous peoples in the development process;
- the vulnerability of indigenous peoples, and the risk that development programmes may disadvantage them;
- that indigenous peoples have the same rights as everybody else to a secure livelihood;
- that indigenous peoples should also have access, on a non-discriminatory basis, to the opportunities and natural resources required to achieve these aspirations, as well as multilingual education and health services; and
- that indigenous peoples have the right to choose their own development paths, which includes the right to object to projects, in particular in their traditional areas; this includes compensation where projects negatively affect the livelihoods of indigenous peoples.

The 1998 Working Document identifies the recommended areas and issues that should be contained in the development of an eventual methodology. The 2002 European Union Council Conclusions recall the Council's strong commitment to the 1998 Council Resolution within the framework of European Community development cooperation.

In 2005, the European Commission established an Inter-Service Group on indigenous peoples to ensure 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. The Inter-Service Group has adopted a work programme for the implementation of European Union policies on indigenous peoples, in which the mandate of each Commission's service is defined and specific tasks are established. In line with the work programme, the European Commission:

- has identified focal points on indigenous peoples' issues in all European Commission services whose programmes directly or indirectly affect indigenous peoples;
- ensures coordination of its external actions, and their consistency with European Union policies on indigenous peoples;

² http://ec.europa.eu/external_relations/human_rights/ip/docs/council_resolution1998_en.pdf.

³ http://ec.europa.eu/external_relations/human_rights/ip/docs/working_doc_98_en.pdf.

⁴ <http://register.consilium.europa.eu/pdf/en/02/st14/14183en2.pdf>.

- ensures the European Commission's active participation in international and multilateral fora on indigenous peoples issues;
- ensures the awareness-raising and training of its personnel (both at headquarters and European Commission Delegations in third countries) on issues related to human rights and democratization in general, and to indigenous peoples in particular;
- assesses the current level of integration of indigenous peoples issues in European Community cooperation policies and programmes, and analyses the impact of European Community development cooperation policies and programmes on indigenous peoples;
- mainstreams indigenous peoples' issues into the European Union policies, practices and work methods;
- promotes the participation of indigenous peoples at all stages of the programme cycle.

(ii) Recent programmes on indigenous peoples' issues;

Indigenous peoples' issues have been consistently mainstreamed in EC development cooperation strategies.⁵ European Commission supported actions targeting indigenous peoples – both global actions and those carried out at country level - either address the issue directly or as a cross-cutting issue. In line with the commitments contained in the European Consensus on Development,⁶ the promotion of the rights of indigenous peoples has been incorporated into the Community's cooperation instruments and in Country and Regional Strategy Papers. Specific references can be found notably in the Regulations establishing the financing instruments for Development Cooperation ("DCI"), for the European Neighbourhood and Partnership ("ENPI") and for Stability ("SI").

A good example of a programme with indigenous peoples' issues as a cross-cutting issue is a European Commission programme launched in early 2007 to support the strengthening of the justice sector by combating impunity in Colombia. The indigenous peoples as such were not directly targeted; however, as a result of mainstreaming indigenous peoples' rights into the programme design, more than 150 000 indigenous people will eventually benefit from the programme.

The rights of indigenous peoples have also been identified as a thematic funding priority of the European Instrument for Democracy and Human Rights ("EIDHR"). Under its objective "*Strengthening the role of civil society in promoting human rights and democratic reform, in facilitating the peaceful conciliation of group interests and in consolidating political participation and representation*", there is 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 under the EIDHR are targeted at international organizations, NGOs and indigenous organizations. They mainly aim at (i)

⁵ See the Programming Guide for Strategy Papers "Indigenous Peoples" of December 2008, available at http://ec.europa.eu/development/icenter/repository/F47_indigenous_peoples_fin_en.pdf.

⁶ http://ec.europa.eu/development/icenter/repository/european_consensus_2005_en.pdf.

supporting indigenous peoples and their representatives in participating in and following up on United Nations relevant to indigenous peoples, and (ii) supporting civil society activities aimed at promoting ILO Convention 169 and its principles.

(iii) Budgetary allocations for indigenous peoples' issues;

Since many of the budget lines referred to above target indigenous peoples indirectly, or as part of a broader activity, for instance as vulnerable groups, or under culture, gender equality, etc. it is not possible to specify the complete budgetary allocations that could be available to indigenous people's issues.

However, alone under the European Instrument for Democracy and Human Rights (EIDHR) from 2007-2009, the EU financed 32 projects worldwide, for a total of EUR 7,868,037, either directly targeting indigenous peoples, or indirectly as vulnerable groups. These projects aim at protecting and ensuring the inclusion of indigenous peoples in policy-making processes, main topics are empowerment, capacity-building, anti-discrimination, etc. Among the beneficiaries, there are an increasing number of mixed organisations, where part of the staff is indigenous.

(iv) Projects/activities on indigenous people's issues,

By way of example, the funded projects include:

- *Indigenous rights advocacy and capacity-enhancement project*

The EIDHR supported the activities of the Copenhagen-based organisation International Work Group for Indigenous Affairs ("IWGIA")⁷ in this three-year project with a total grant of almost €720,000. The aim of the action was to improve indigenous peoples' possibilities to defend their rights by using international human rights instruments, and to strengthen their capability to link international human rights processes with national and local efforts.

The project was carried out notably through the following activities:

- enhancing the participation of indigenous representatives (men and women) in UN meetings dealing with indigenous peoples rights;
- enhancing the participation of indigenous representatives (men and women) from Africa in the substantive sessions of the African Commission on Human and Peoples Rights ("ACHPR");
- enhancing the contributions from indigenous peoples to the work of the UN Permanent Forum on Indigenous Issues;
- strengthening the indigenous peoples' network in Francophone countries;
- supporting the Indigenous Peoples' Human Rights Watch in the Philippines to improve access to justice among indigenous peoples in the Philippines; and
- documentation of the global situation of indigenous peoples.

⁷ www.iwgia.org.

- *Capacity building for indigenous peoples at the United Nations*

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.⁸

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.

The project is carried out notably through the following activities:

- organising technical secretariats at the UN during the conferences, in close cooperation with the Office of the High Commissioner on Human Rights;
- providing translation and interpretation services in English, French, Spanish and Russian as well as adequate IT equipment, contacts, etc;
- publishing logistical information in four languages prior to sessions;
- collecting, compiling and distributing records of these international processes and managing a network that brings together documentation centres addressing indigenous issues;
- providing training to indigenous representatives and to other support activists on how to document human rights violations;
- publishing a quarterly that is the only quadrilingual source of information on indigenous issues at the international level;
- transferring skills to indigenous human rights activists in francophone Africa, particularly women, to enable them to implement, at the local and regional level, UN recommendations related to indigenous peoples' rights, particularly during pan-African indigenous peoples' conferences or during sessions of the African Union. Documentation, information and contacts are also available to diplomats, members of Parliament, national and international officers, NGOs and researchers.

- *Promotion of indigenous and tribal peoples' rights through implementation of the principles of ILO Convention No. 169*

This project was implemented by the International Labour Organisation ("ILO"). The 4 year contract with a grant of €800,000 aimed at promoting respect for indigenous and tribal peoples' rights, through the implementation of the principles of ILO Convention 169, which is of course the only legally binding international instrument for the protection of these rights. The project targeted key indigenous and government institutions at a global scale through the documentation and exchange of good practices of implementation of Convention 169. It supported also the work of the African Commission on Human and Peoples Rights in its efforts to document existing legal provisions and needs for legislative reform in the African region; and it enhanced the capacity of selected indigenous and government institutions or dialogue on, and implementation of relevant ILO conventions on indigenous and tribal peoples' rights in Nepal, Bangladesh and

⁸ <http://www.docip.org/anglais/welcome.html>.

India. An accomplishment linked to this project was the ratification, in September 2007 of ILO convention 169 on the right of indigenous peoples, by the Government of Nepal.

- *Promotion of indigenous and tribal peoples' rights through legal advice, capacity-building and dialogue*

In 2008, this was initiated as a joint management between the European Commission and the ILO. This two years project with a grant of €830,000 is the continuation of the implementation of the previous project by ILO and the work carried out in the regions of Latin America, South Asia and Central Africa.

- *Implementation of recommendations made by the UN Special Rapporteur on the Rights and Fundamental Freedoms of Indigenous Peoples*

The European Union has a record of supporting the UN Special Rapporteur on the Rights and Fundamental Freedoms of Indigenous Peoples. This support has also materialized in a project with the Office of the High Commissioner for Human Rights for the implementation of his recommendations relating to Mexico and Guatemala. The project, which received a grant of €800,000, has been qualified by the Special Rapporteur in a study he presented at the fourth session of the Human Rights Council⁹ as an example of “best practice” that could be applied to other countries.

3. Does your agency have a regular or ad hoc capacity-building programmes on indigenous peoples' issues for staff, or plan for capacity-building activities in this area, at headquarters or in the field?

The European Commission enhances the awareness of indigenous peoples' issues amongst its staff predominantly through the internal quality support process and staff training, which materialized in a series of different activities, such as:

- The European Commission offers expertise to European Union (EU - formerly European Commission (EC)) Delegations in third countries and to centrally managed operations' units at headquarters in order to contribute to better quality of the programmes in the field of governance, human rights, gender, and vulnerable groups in general and indigenous peoples' issues in particular. In doing so, the European Commission quality support process assures that indigenous peoples' issues are duly reflected in European Community programmes.
- 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 to European Commission

⁹ A/HRC/4/32/Add.4 of 26 February 2007.

- Delegations on how to integrate indigenous people issues in development cooperation.¹⁰
- The operational conclusions of this study led to the preparation of a “*Draft Tool for EC Co-operation with Indigenous Peoples in ACP countries*”¹¹ that was designed to provide advice and assistance to European Union (formerly European Commission) Delegations in countries where co-operation activities might affect indigenous peoples or their territories / rights.
 - Organization of the regional training workshop on Indigenous Peoples, Minorities and Caste-based discrimination (15 to 17 June 2009) in Bangladesh, with the participation of EC delegations from Southeast Asia. The workshop discussed the lessons learnt from the *Study and Draft Tool for EC Cooperation with Indigenous Peoples in ACP countries*, and the possible cooperation between the EC delegations in Southeast Asia on mainstreaming indigenous peoples, minorities and caste-based discriminated peoples' rights.
 - In 2010, the finalization of the study entitled *Civil Society Mapping in Asia*, with focus on Nepal, Sri Lanka and the Philippines, which includes an analysis of the role of indigenous peoples' organizations within civil society, and recommendations to the EU delegations in the region on how to involve such organizations in EU policy dialogue and programming cycle.

4. Does your agency have a focal point on indigenous issues? If so, please provide the name and contact information of this person.

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5. Please provide a list of conferences and other meetings organized or supported by your agency on indigenous issues for the current year as well as the next year.

The European Union raises indigenous peoples' issues in its political dialogues with third countries; moreover, since the establishment of the International Day of the World's Indigenous People in 1994, European Union Delegations all over the world have been organizing numerous events on or around 9 August. Such events include meetings with

¹⁰ http://ec.europa.eu/europeaid/what/universal-issues/human-rights/documents/ip_study_final.zip.

¹¹ http://ec.europa.eu/europeaid/what/universal-issues/human-rights/documents/draft_tool.zip.

indigenous leaders, press conferences, and participation in seminars and visits to projects funded by the European Commission.