



Council of the European Union
General Secretariat

Brussels, 10 October 2017

WK 11186/2017 INIT

LIMITE

COHOM

WORKING PAPER

NOTE

From:	Estonian Presidency
To:	Delegations
Subject:	Indigenous Peoples - Presidency Background Paper

Delegations will find attached the Presidency Background Paper on the panel discussion on Indigenous Peoples at the COHOM informal meeting in Tartu, Estonia, on 19-20 October 2017.

Informal COHOM in Tartu (Estonia), 19-20 October 2017
Panel IV: Indigenous peoples, 20 October 2017
Presidency Background Paper

According to UN estimates, there are more than 370 million indigenous people in the world, living in more than 90 countries. They speak 7,000 languages and represent 5,000 different cultures. However, these indigenous people make up less than 5% of the world's population and account for 15% of the extreme poor.¹ In many countries, fundamental rights, including economic, social and cultural rights, of the indigenous peoples are not taken into account in decision-making. The lack of awareness, recognition and action to promote and protect their human rights perpetuates their exclusion and discrimination they experience. This was recognised in the **Joint Staff Working Document of the European Commission “Implementing EU External Policy on Indigenous Peoples”** (2016), which states: “In many countries, indigenous peoples are often amongst the poorest, most discriminated and marginalised groups in society and often victims of serious human rights violations and abuses”². As indigenous peoples around the world continue to be the victims of human rights violations, Estonia invites informal discussion on the topic of promotion and protection of **indigenous peoples’ rights**, which remains one of Estonia’s human rights foreign policy priorities, including during the Presidency.

The EU was a key player in the process of the adoption of the **United Nations Declaration on the Rights of Indigenous Peoples** (UNDRIP 2007), as well as of the World Conference on Indigenous Peoples Outcome Document (WCIP 2014). Thus, **the European Union Action Plan on Human Rights and Democracy 2015-2019**³ has undertaken in **action 16d** to “further develop EU policy in line with the UNDRIP and the outcome document of the 2014 WCIP”. Additionally, **action 17c** sets as a goal to “step up efforts to protect human rights defenders including social partners, who are working to uphold economic, social and cultural rights, with a particular focus on human rights defenders working on labour rights, land-related human rights issues, and indigenous peoples, in the context of, *inter alia*, land grabbing and climate change”.

The EU has contributed to the promotion and protection of the rights of indigenous peoples by the use of various means within its external human rights policy. The **EU Council Conclusions on Indigenous Peoples**, adopted in May 2017⁴, reaffirmed the EU’s commitment to the promotion and protection of the rights of indigenous peoples. It underlines the importance of addressing **discrimination and inequalities based on indigenous origin or identity**. It also stresses the importance of actions taken to **address the threats to and violence against indigenous peoples and individuals as well as to human rights defenders**, in the context of land and natural resources in the protection of the environment, biodiversity and the climate.

¹ UN: <http://www.un.org/en/events/indigenousday> (17 July 2017)

² European Commission Joint Staff Working Document „Implementing EU External Policy on Indigenous Peoples“:
https://eeas.europa.eu/sites/eeas/files/swd_2016_340_fl_joint_staff_working_paper_en_v2_p1_865982.pdf
(17.10.2016)

³ Council Conclusions on the Action Plan on Human Rights and Democracy 2015-2019:
https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf (20 July 2015)

⁴ Council Conclusions on Indigenous Peoples: <http://data.consilium.europa.eu/doc/document/ST-8814-2017-INIT/en/pdf> (15 May 2015)

The conclusions highlight the crucial importance of further enhancing **opportunities for dialogue with indigenous peoples** at all levels of EU cooperation.

The EU seeks to integrate indigenous issues into all aspects of its external policies, including political dialogues with non-EU countries, multilateral forums such as the United Nations, financial support and technical assistance. In June 2017, the new **European Consensus on Development** was signed, which commits the EU and MS to give special attention to indigenous peoples in recognition of the disadvantage and marginalisation they face. The document underlines the importance of respect for the rights of indigenous and local communities in support of conservation and sustainable management, and use of natural resources. In addition, the rights of indigenous peoples are one of the priorities under the **European Instruments for Democracy and Human Rights (EIDHR)**. The goals also include support for increasing indigenous peoples' rights and capacity to control their own social, economic and cultural development, while enhancing territorial rights and capacity for sustainable management of biological resources. The EIDHR regulation 2014-2020 has a stronger focus on the protection of the rights of vulnerable groups, such as indigenous peoples⁵⁶, by supporting their full participation in political and socio-economic life by ensuring that the indigenous peoples' communities give their free, prior and informed consent before the taking of decisions that affect them. Furthermore, the Council of the EU has committed in its **Conclusions on EU priorities at UN Human Rights fora in 2017** to continue to engage in the consultations at the UN on the possible measures to enable the participation of indigenous peoples' representatives in meetings of relevant UN bodies.

One project funded by the EIDHR programme that supports the promotion and protection of the rights of indigenous peoples is the **Indigenous Navigator**⁷ initiative. The Indigenous Navigator is a community-based framework for monitoring indigenous peoples' rights and development, following the implementation of the UNDRIP, the outcomes of the WCIP and the achievement of the relevant Sustainable Development Goals, to ensure that indigenous peoples are not left behind. The Indigenous Navigator seeks to reinforce the capacity of indigenous peoples to engage with policy and decision makers at different levels and to reinforce their contributions to the design, implementation and monitoring of public policies affecting them. In this way, the initiative recognises the important role that the indigenous peoples themselves play in monitoring their rights. Thus, this panel would be a good opportunity for the European Commission to introduce the Indigenous Navigator and explain how this platform contributes to the promotion of the rights of the indigenous people. Delegates are invited to share information about their national activities and initiatives to support the promotion and protection of the rights of indigenous peoples.

National, regional and international legal and policy frameworks alone cannot bring about substantive changes in the situation of indigenous peoples. Additional efforts are needed to ensure that the relevant international frameworks, such as the UNDRIP, are fully implemented, as called for by the WCIP Outcome Document. Furthermore, increased focus on national and regional implementation of those documents is needed. This panel would provide the opportunity to discuss the challenges we face in the implementation of the principles and good

⁵ External Evaluation of the European Instrument for Democracy and Human Rights (2014-mid 2017) Final Report: http://ec.europa.eu/europeaid/sites/devco/files/eidhr-evaluation-final-report-volume-1-main-report_0.pdf

⁶ Instrument for Democracy and Human Rights Worldwide: Multiannual Indicative Programme (2014-2017): <http://www.eidhr.eu/files/dmfile/EIDHRWorldwideMultiannualIndicativeProgramme2014-20172.pdf>

⁷ <http://indigenoustravel.org>

practices taken by Member States in achieving the ends of the UNDRIP and WCIP outcome document, in particular in relation to participation of indigenous peoples and their representatives on issues affecting them. The question of protecting the rights of indigenous peoples is crucial in order to guarantee that the organisations and communities of indigenous peoples have the opportunity to protect their rights and develop their culture, preserve their language and way of life. Thus, this panel would allow us to discuss what further efforts are needed to be taken by EU and MS to protect the rights of indigenous peoples and the human rights defenders working to protect the rights of indigenous people.

Questions for discussion:

1. How can the rights of indigenous peoples be **mainstreamed** and **strengthened** in EU policies and programmes in external action in line with the UNDRIP?
2. How could the EU and MS facilitate **the full and effective representation** of Indigenous Peoples at the **national, regional and international level, including the UN Human Rights system**?
3. How can the EU and MS increase efforts to protect **indigenous peoples and individuals and human rights defenders**, who are working to uphold economic, social and cultural rights, especially those working on indigenous peoples, in the context of land and resource grabs, and climate change?

The session aims to:

Facilitate a discussion about how the EU could further mainstream and strengthen the rights of indigenous peoples in EU's policies and programmes in external action in line with UNDRIP. Specifically, delegates are invited to discuss how the EU and MS could facilitate the full and effective representation of indigenous peoples at the national, regional and international level, including UN Human Rights system. We will also discuss ways in which the EU and MS could increase efforts to protect indigenous peoples and individuals, and human rights defenders, who are working to uphold rights of indigenous peoples. Additionally, the participants of the informal meeting will have an opportunity to learn about the history, life and traditions of the indigenous Finno-Ugric peoples at an exhibition in the recently opened Estonian National Museum opened in Tartu (Estonia) last year.

Suggested reading:

- United Nations Declaration on the Rights of Indigenous Peoples (March 2008): http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
- Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/L.1
- Joint staff working document “Implementing EU external policy on indigenous peoples” (October 2016): https://eeas.europa.eu/sites/eeas/files/swd_2016_340_f1_joint_staff_working_paper_en_v2_p1_865982.pdf
- Council Conclusions on Indigenous Peoples (15 May 2017): <http://data.consilium.europa.eu/doc/document/ST-8814-2017-INIT/en/pdf>.
- The New European Consensus on Development “Our world, our dignity, our future” (15 May 2017): https://ec.europa.eu/europeaid/sites/devco/files/european-consensus-on-development-final-20170626_en.pdf