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REPORT FROM THE COMMISSION TO THE COUNCIL

Review of progress of working with indigenous peoples

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Introduction

The European Union believes that building partnerships with indigenous peoples is essential to fulfil the objectives of poverty elimination, sustainable development, and the strengthening of respect for human rights and democracy. The EU has in recent years significantly enhanced its policy framework and positive actions in promotion and protection of the rights of indigenous peoples, and the European Parliament and the Council have played an important role in the development of this support.

In June 1997 the Development Council invited the Commission to present a policy paper on cooperation with, and support for, indigenous peoples, and a Working Document was produced by the Commission in May 1998 ('the Working Document'), setting out general orientations for the support of indigenous peoples in the framework of the development cooperation of the Community and Member States.¹ The EU's commitment to such support was reaffirmed by a Development Council Resolution of November 1998 ('the Resolution'), which invites the Commission, with Member States and in cooperation with indigenous peoples, to develop ways of practically implementing the policy outlined in the Working Document.² The Resolution also requests that the Commission report back to the Council with a review of progress in working with indigenous peoples.

This report sets out such a review. Although originally intended for the last quarter of 2000, more time has been required to complete the report fully. For example, the reform of the management of external assistance, while providing the basis for a more efficient delivery of assistance, involved extensive reorganisation of Commission services, with a significant impact on planned activities, including those related to the support of indigenous peoples. Further considerations included the extensive research required to locate project information relevant to indigenous peoples. With no central database in the Commission on actions involving indigenous peoples, and a lack of clear reference to the impact of many projects on this groups, substantial coordination and analysis was required to assess the extent to which different actions, managed by several services of the Commission under different budgetary instruments, affected indigenous peoples.

In preparing this report, the Commission took the opportunity to consult widely with indigenous peoples' organisations, in addition to its own staff in Delegations, to establish their views of progress achieved on the ground. Given the original time-frame of the intended review, and the nature of the research involved, the report focuses on those activities which the Commission decided to finance between 1998 and 2000. The report highlights the key recommendations of the Resolution and the Working Document, and the opportunities and problems encountered in working towards these goals. Against this background, the report assesses the progress achieved so far and, importantly, the work which remains to be done.

¹ Working Document of the Commission of 11 May 1998 on support for indigenous peoples in the development co-operation of the Community and the Member States, SEC(1998) 773 final.

² Development Council Resolution of 30 November 1998 on Indigenous peoples within the framework of the development cooperation of the Community and the Member States, 13461/98

1. WORKING TOWARDS THE GOALS OF THE RESOLUTION

1.1. Recommendations of the Council Resolution and Commission Working Document

The Resolution acknowledges the importance attached by indigenous peoples to the shaping of their own social, economic and cultural development and cultural identities: their 'self-development'. It underlines the positive contribution of indigenous peoples to the development process, but also their particular vulnerability and the risk that development programmes may disadvantage them. The Resolution calls for integrating concern for indigenous peoples as a cross-cutting aspect of all levels of development cooperation, including policy dialogue with partner countries. It further proposes enhancing the capacity of indigenous peoples' organisations to take an effective part in the planning and implementation of development programmes. A central recommendation of the Resolution is that the Commission develops practical ways of implementing the comprehensive policy set out in the Working Document.

Taken together, the Resolution and the Working Document propose concrete guidelines for the support of indigenous peoples by the Community and Member States. These include integrating concern for indigenous people into policies, programmes and projects; consulting indigenous people on policies and activities which affect them; and providing support for indigenous peoples in key thematic areas. These orientations are set out in more in Section 2 below, together with an assessment of the progress achieved towards these goals.

1.2. Opportunities and challenges encountered in implementing the Resolution

The period since 1998 has been a time of major transition for the Commission, and this has impacted on the pace of progress towards the goals set out in the Resolution. The reorganisation of Commission services, following the reform of the management of external assistance, presented both a unique opportunity and a formidable challenge.³ The reform proposed wide-ranging changes in the programming of assistance, the management of projects, which reunited the project cycle in one new service, EuropeAid, and devolved more management functions to delegations. The process represented a substantial administrative undertaking, involving the transfer of staff between services, and the establishment of new areas of responsibility between services. However, this 'radical overhaul' provided an opportunity to streamline the provision of assistance, to improve lines of Communication between Commission services, and consolidate expertise on key horizontal issues such as indigenous peoples.

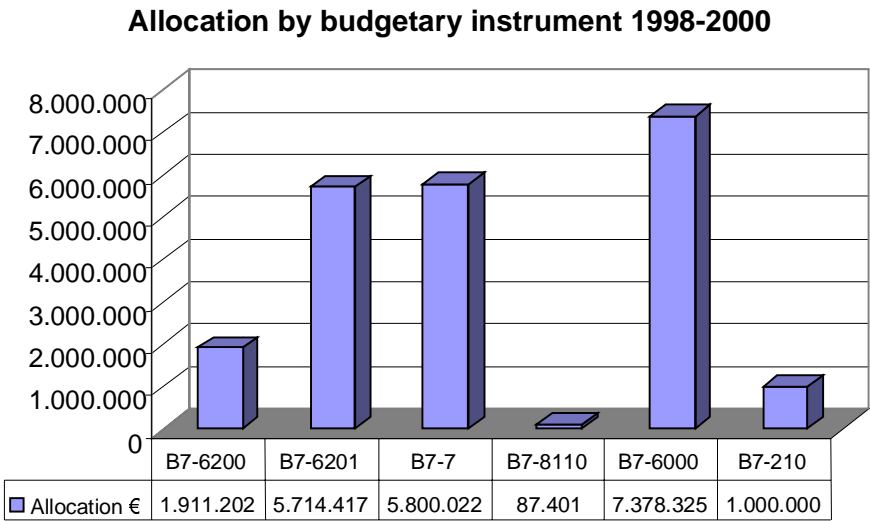
The fact that this is a relatively new policy area for the EU represented a further challenge in working towards the goals of the Resolution. The task of beginning to mainstream an issue such as this throughout the wide range of policies and programmes of the EU required a systematic appraisal, firstly, of the large range of activities where concern for indigenous peoples is already taken into account, and secondly, of those activities which may have a potential impact on this group. With no central database on actions involving indigenous peoples, a lack of clear and consistent reference to this group in project descriptions, and the shifting of administrative responsibility for relevant projects and programmes, uncovering the *acquis* involved a significant amount of methodical research. The evolving nature of this area however also provided the opportunity for the Commission to be ambitious in its

³ See: http://europa.eu.int/comm/external_relations/reform/intro/index.htm

implementation of the Resolution; to consult widely with indigenous peoples and fund a broad range of research and pilot projects to help identify the most appropriate activities.

2. PROGRESS REALISED IN IMPLEMENTING THE RESOLUTION

Firstly, it is important to have an overview of the scale of Commission activities concerning indigenous peoples, and the different instruments involved. Between 1998 and 2000, € 21.9 million was allocated to projects directly benefiting indigenous peoples, from budget lines including, B7-6000 (NGO Co-financing), B7-6200, B7-6201 and B7-8110 (Environment and tropical forests), B7-7 (EIDHR-Democracy and human rights) and the ECHO budget line B7-210. Although actions under, for example, EIDHR are not part of traditional development cooperation, they are complementary to such programmes and make a significant contribution to the promotion and protection of the rights of indigenous peoples.



Each sub-section below sets out in detail how far the Commission has progressed in the principle areas identified by the Resolution and the Working Document. The Resolution and the Working Document propose concrete guidelines for the support of indigenous peoples by the Community and Member States, including integrating concern for indigenous people into policies, programmes and projects; consulting indigenous people on policies and activities which affect them; and providing support for indigenous peoples in key thematic areas.

2.1. Integrating concern for indigenous people into policies, programmes and projects

- Integrate concern for indigenous peoples in procedures, guidelines and handbooks

The Commission has been broadly successful in mainstreaming concern for indigenous peoples in a range of different regulations, procedural documents and guidelines. Measures in favour of indigenous peoples have been specifically incorporated into, for example, the

Regulation on the environmental dimension in the development process, the Regulation on the co-financement of NGOs and the Regulations on human rights.⁴

The revised 'Environmental Integration Manual' will emphasise the importance in project design of including the claims and rights of indigenous peoples to specific geographic areas such as 'protected areas' and sensitive environments, the need to monitor the effects of projects on indigenous community lifestyle and values, and to protect indigenous knowledge.⁵ The manual underlines the significance of 'biodiversity' for development projects and indigenous peoples. The Commission is convinced that biodiversity and the productivity of natural ecosystems are essential for the livelihoods of many indigenous peoples. In its Communication on the Biodiversity Action Plan for economic and development co-operation, the Commission states that, more support is required to safeguard the rights of local and indigenous communities and to bring benefits to them.⁶

Forests have deep cultural meaning for indigenous peoples and are vital to their livelihoods. The Commission Communication on Forests and Development establishes that indigenous peoples must be involved in policy development and implementation of actions.⁷ The Communication proposes that Community actions should include providing support for the recognition of the customary rights of indigenous peoples, promoting information, exchange of experience and research concerning land tenure systems and indigenous peoples' property rights. The Commission has also published 'Guidelines concerning forests in sustainable development', which make clear that ecosystems and biodiversity can only be conserved if there is a consensus among the stakeholders, including indigenous forest communities.⁸ The guidelines confirm that the Community will in no circumstances provide funding support for evictions of indigenous peoples, and propose that support should focus on developing training materials adapted to local conditions and building on indigenous knowledge and practice, which, where relevant, should be incorporated into project design.

In its Working Paper on Integrating the Environment into EC Economic and Development Cooperation, the Commission suggests policy options and technical recommendations to reduce the environmental impact of development activities and that strategies for sustainable livelihoods should therefore be incorporated into partner countries' sectoral policies, strategies, and programmes.⁹ The paper cites relevant examples as the promotion of community-based natural resource management systems, and the promotion of equitable access to, and use of, resources in particular for indigenous people. Concern for indigenous peoples has also been integrated into Commission Guidelines on development cooperation

⁴ Council Regulation (EC) No. 2493/2000 of 7 November 2000, OJ L 288, 15/11/2000; Council Regulation (EC) No. 1658/98 of the Council of 17 July 1998, Council Regulations 975/99 and 976/99 of 29 April 1999, OJ L 120 of 8 May 1999

⁵ The draft new manual entitled 'Integrating environment concerns into development and economic cooperation', prepared by DG Development, will replace the 'Environmental Impact Assessment – Guidance Note' of April 1997

⁶ Communication from the Commission to the Council and the European Parliament on biodiversity action plan for economic and development co-operation, COM (2001) 162

⁷ Communication from the Commission to the Council and the European Parliament on Forests and Development: the EC approach, COM (1999) 554

⁸ Guidelines for forest sector development co-operation: Forests in Sustainable Development, Volume 1, Strategic Approach, European Commission, Catalogue Number CF-62-96-001-C, available at: <http://europa.eu.int/comm/development/forests/en/entc.htm>

⁹ Commission Staff Working Paper on integrating the environment into EC economic and development cooperation, SEC (2001) 609, Brussels 10.4.2001

concerning sustainable water resources.¹⁰ The guidelines propose that projects should take into account local knowledge, cultural values and indigenous practices. They emphasise the value of international NGOs working as operational partners with local NGOs and indigenous peoples organisations. The Community has provided funding for these guidelines to be disseminated in ACP countries.¹¹

Integrating concern for indigenous peoples extends beyond the policies and programmes of traditional development cooperation. The European Initiative for Democracy and Human Rights (EIDHR), Chapter B7-7 of the EU budget, has contributed significantly to the promotion and protection of the rights of indigenous peoples. Between 1998 and 2000, € 5.8 million was allocated to projects in support of indigenous peoples. The importance of this issue for EIDHR was reaffirmed by the Commission Communication on the EU's role in promoting human rights and democracy in third countries ('the Human Rights Communication').¹² The Human Rights Communication establishes combating discrimination against indigenous peoples as a main thematic priority for 2002 and the medium term. This concern has been reflected in the programming document for EIDHR, which sets aside € 15 million for such activities in 2002-2004.¹³

- Include indigenous peoples' issues in the policy dialogue with recipient countries

The EU has acted on the suggestion of the Resolution to include indigenous peoples' issues in the policy dialogue with partner countries. For example, at the EU-Latin America Summit in June 1999 (the Rio Summit), the parties agreed to put into practice joint programmes and adopt national measures to:

'promote and protect the rights of indigenous populations, including their right to equally participate in and enjoy the opportunities and benefits of political, economic and social development, with full respect for their identities, cultures and traditions.'¹⁴

The parties also agreed to promote cooperation aimed at enhancing opportunities for indigenous populations to participate in the planning and implementation of social and economic development programmes.¹⁵ The Framework Agreement on Cooperation between the European Economic Community and the Cartagena Agreement and its member countries, namely the Republic of Bolivia, the Republic of Colombia, the Republic of Ecuador, the Republic of Peru and the Republic of Venezuela also stresses the importance of the promotion and protection of the rights of indigenous peoples.¹⁶

¹⁰ Guidelines for water resources development cooperation - Towards sustainable water resources management, European Commission, 1998, Catalogue number: CF-16-98-966-EN-C, available at: http://europa.eu.int/comm/development/publicat/water/en/frontpage_en.htm

¹¹ HR Wallingford Ltd, 'Dissemination of the Guidelines for Water Resources Development Cooperation, Project No. 98-24/ENV/VII, Budget Line B7-6200

¹² Communication from the Commission to the Council and the European Parliament on the European Union's Role in Promoting Human Rights and Democratisation, of 8 May 2001, COM (2001) 252

¹³ European Initiative for Democracy and Human Rights Programming Document 2002-2004, of 07/12/2001, SG Reference: E/2001/2728

¹⁴ The Declaration of Rio de Janeiro, paras. 3,16, see: http://www.europa.eu.int/comm/external_relations/la/rio/sum_06_99.htm

¹⁵ *ibid*, paras; 35,44

¹⁶ The Framework Agreement on Cooperation between the European Economic Community and the Cartagena Agreement and its member countries Article 20, OJ L 127 , 29/04/1998 p. 0011 - 0025).

The EU's dialogue in the framework of the Conference on the Northern Dimension (a dialogue on the external and cross-border policies of the European Union covering the Baltic Sea region, Arctic Sea region and North West Russia) has also addressed concern for indigenous peoples. At the Helsinki conference of November 1999 specific reference was made to increasing attention to arctic indigenous peoples in Northern Dimension cooperation.¹⁷ Foreign ministers agreed that the rights and interests of arctic indigenous peoples should be respected, with particular reference to the environment and management of natural resources. The EU also conducts a regular policy dialogue with Canada. In the framework of future cooperation, the European Commission and Canada agreed to consider jointly supporting a conference and a number of related activities on the relationship between forestry, sustainable development and indigenous peoples.¹⁸

Dialogue in the context of negotiating country strategy papers and national indicative programmes should not be overlooked. Particular types of intervention, including capacity building for indigenous peoples' organisations are specified in such documents, for example between the EU and Botswana.¹⁹ In the Country Strategy Paper and National Indicative Programme for Brazil, indigenous peoples' concerns are recognised as a cross-cutting concern of the poverty programme in the Northern and North-Eastern regions.²⁰ Similarly, in the Country Strategy Paper and National Indicative Programme for Paraguay, attention is drawn to violations of the rights of indigenous peoples, who:

“...are the most vulnerable and their situation is unequal in terms of health, education, job, land, and social integration.”

Under the financial and technical cooperation set out in this programme, specific support to indigenous and peasant communities in the Chaco, and for decentralised projects addressing water supply in favour of indigenous and peasant communities.

In the regional context, a framework cooperation agreement with the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama commits the parties to establish cooperation aimed at preserving biological diversity, based on *inter alia*, the interests of indigenous peoples.²¹

Similarly, a framework cooperation agreement with the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama commits the parties to establish cooperation aimed at preserving biological diversity, based on *inter alia*, the interests of indigenous peoples.²² Co-operation on social affairs and poverty geared at indigenous peoples is also included in the partnership agreement with Mexico.²³

¹⁷ Foreign Ministers' Conference on the Northern Dimension, Helsinki, 11-12 November 1999, Conference report available at:

http://europa.eu.int/comm/external_relations/north_dim/conf/formin1/index.htm

¹⁸ EU-Canada Summit, Stockholm, 21 June 2001, Conference report available at:

http://europa.eu.int/comm/external_relations/canada/sum06_01/north.htm

¹⁹ Available at: http://www.cc.cec/home/dgserv/dev/iqsg/files/orig_csp/bw_csp.pdf

²⁰ Available at: http://www.cc.cec/home/dgserv/dev/iqsg/files/orig_csp/bv_csp.pdf

²¹ Framework cooperation agreement between the European Economic Community and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, OJ L 063

²² Framework cooperation agreement between the European Economic Community and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, OJ L 172 of 30.06.1986

²³ Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part - OJ L 276, 28/10/2000

The EU also raises concern for indigenous peoples at international forums such as the UN Commission on Human Rights and the UN General Assembly. At the 57th UN Commission on Human Rights, the EU Presidency emphasised that the human rights of indigenous people should be fully respected in all circumstances.²⁴ The EU encouraged in particular the Mexican Government to continue to strengthen its efforts to end discrimination against indigenous peoples and to actively promote their full enjoyment of human rights. At this Commission, all EU countries supported a resolution tabled by Denmark recommending to ECOSOC that a permanent forum for indigenous peoples should be created.

At the global level, the EU actively participates in the work of the Ad Hoc Open-ended Working Group on Article 8 (j) of the Convention on Biological Diversity (CBD) and related provisions. This Article requires Parties to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity. The Ad Hoc Working Group has made progress in the implementation of the Work Programme by, *inter alia*, adopting Draft Recommendations for the conduct of cultural, environmental and social impact assessment regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands or waters traditionally occupied or used by indigenous and local communities. The input of the EU was decisive in achieving this result.

Furthermore, also in the framework of the CBD, the EU has been one of the most active promoters of the development of the Draft Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilisation. The scope of these Guidelines includes all genetic resources and associated traditional knowledge, innovations and practices covered by the CBD. They aim at ensuring that the principles of 'prior informed consent' and 'mutually agreed terms' are duly respected when access to genetic resources or to traditional knowledge of indigenous people or local communities is sought.²⁵

- Systematically monitor projects affecting indigenous peoples

Monitoring and evaluation should be an essential component of any project cycle. The Communication on Human Rights underlines the crucial importance of monitoring, evaluating and assessing the impact of projects, setting out that the Commission will develop a methodology of human rights impact assessment for cooperation projects and programmes and will monitor the impact of individual programmes and projects on human rights, encompassing, of course, the rights of indigenous peoples. The Commission guidelines on sustainable water resources management establish that projects should specify indicators of social impact and means for their monitoring and analysis, and that systems should be established to monitor the social, economic and environmental impacts of the project. This requires that suitable performance indicators for the evaluation of projects during implementation and subsequent operation have been clearly defined. The Communication on the Biodiversity Action Plan also sets out the need for impact assessment. It suggests, in particular, building the capacity of national and local institutions to carry out and evaluate environmental impact assessments to ensure that biodiversity is incorporated into different policies and programmes.

²⁴ Statement of the EU Presidency under Item 7, 57th UN Commission on Human Rights, 19 March –27 April 2001

²⁵ Both the above mentioned Recommendations and the Bonn Guidelines are due for final adoption by the Sixth Conference of the Parties to the CBD in April 2002 in The Hague

The Commission Environmental Integration Manual will emphasise the importance of monitoring the impact of projects to establish if they adversely or seriously affect land use, community lifestyle and values, and indigenous peoples. It sets out a detailed methodology on how to identify impact on 'baseline environmental conditions'. Adverse impacts concerning indigenous communities can include loss of land, loss of livelihood, alteration or loss of traditional rights and customs and involuntary resettlement. The manual makes clear that monitoring should take place throughout the project cycle, in determining baseline environmental conditions, potential and actual impact of projects, and in establishing any mitigation or compensation for adverse impacts.

Monitoring projects which affect indigenous people is one of the key tasks of the focal point for these issues within the Commission, as set out in section 2 below.

- Train staff in the Commission and Member States on relevant thematic and geographic issues

Training is required to enhance the capacity of Commission staff to address specific human rights issues, including concern for indigenous peoples and should serve to improve feedback from delegations on programmes and projects which affect such communities. Delegations consulted in the preparation of this report (see section 2.1.5 below) expressed a clear demand for the provision of clearer information on indigenous issues and for enhanced EU expertise on the ground.

The Communication on Human Rights confirms the need for training Commission staff, and specific funds have been allocated for this purpose under Chapter A of the EU Budget. Training will be provided for Commission staff in the External Relations Directorate General (RELEX) in Brussels and for staff in Delegations and it will serve as a means to contemplate training on indigenous peoples' issues. The Commission will implement training programmes at different levels, depending on the experience of the staff concerned and their involvement in human rights issues. A basic level of training in human rights and democracy will be provided for all staff beginning service in RELEX and those departing for Delegations. More advanced 'function specific' training will be provided for those members of staff who deal directly with human rights matters. A further level of training for appropriate staff in RELEX will concern human rights impact assessment. The Commission will draw on the experience of and cooperate with Member States active in this area, including UK, Finland and Sweden, in the framework of the Council Working Group on Human Rights (COHOM).

- Enhancing coordination and coherence within the EU

The Working Document calls for increased coordination within the EU on issues relating to indigenous peoples, with an initial focus on the exchange of information and sharing of experiences to identify common objectives, difficulties and priorities and to define concrete guidelines for action.²⁶ The establishment in 2001 of a Commission working group/subgroup within the inter-service group on Human Rights specially devoted to indigenous issues, to facilitate research in the preparation of this report created the opportunity to enhance the flow of information between Commission services and for more coherence in the setting of priorities. The Commission has also set up focal points in key services to liaise with indigenous peoples, and to provide enhanced inter-service coordination on these issues.

²⁶ Working Document of the Commission 11 May 1998, *ibid*, p.16

A consultation was undertaken with 86 Delegations of the Commission in developing countries in 2001 with the objective of sharing experience and helping to set priorities, in the light of the recommendations of the Resolution. The questionnaire addressed the situation of issue of dialogue with national authorities on indigenous peoples, the identification of indigenous communities, the difficulties and needs of such communities and the activities funded by the EU in their country. A number of suggestions can be drawn from the results of the consultation, including the need to improve the expertise on the ground on issues related to indigenous peoples and for greater clarity on the budgetary instruments of the EU available to address them.

The Communication on Human Rights has reinforced the goal of promoting coherence between Council Working Groups with a policy interest in human rights and democratisation and Committees involved in external assistance. This will include highlighting inconsistencies where they arise between Council Working Groups on human rights, social development and other Committees. The Communication also promotes the concept that human rights, including concern for indigenous peoples, should be treated as a cross-cutting or 'mixed pillar' issue by different Council Working Groups. Most recently, the issue of indigenous peoples was specifically discussed in the consultation about the EIDHR programming document for 2002-2004 with the Member State Committee on Human Rights and Democracy.²⁷ Member States, after a discussion on the approach of the Commission to the issue of indigenous peoples, approved the specific objectives, expected results, indicative allocation and suggested types of assistance in this area. This part of the programming document also makes clear that in its support for indigenous peoples, the Community should continue to work in partnership with international organisations, and in particular with UN mechanisms.

The European Parliament maintains a close interest in the human rights activities of the Community, including concern for indigenous peoples, and it has followed up on individual projects which have an impact on this group. For example, the Parliament had concerns about the pressure on the land of indigenous people of the Javari Valley, in Brazil, where the Commission financed a development project. The Commission responded by providing detailed information on the strategy and activities of the project which aimed to protect the indigenous peoples and their forest resources.²⁸ This type of scrutiny and exchange of information is clearly useful in enhancing coherence within the EU on indigenous peoples' issues, and such consultation should be strengthened to ensure coherence and complementarity within the EU.

²⁷ European Initiative for Democracy and Human Rights Programming Document 2002-2004, *ibid*, section 1.4.3 'indigenous peoples'

²⁸ Written question E-0767/98 by Mark Watts MEP to the Commission, OJ C 354/24 of 19 November 1998

2.2. Consultation with indigenous people

- Establish methodologies and procedures to ensure the full participation of indigenous peoples in the development process

At the 57th UN Commission on Human Rights, the EU Presidency underlined that:

‘It is important to stress the all-inclusive nature of the development process. Special attention should be paid to *inter alia* indigenous peoples to ensure their full participation.’²⁹

The Commission has made extensive efforts to develop a participatory approach in its policies and procedures. The Human Rights Communication highlights the need to use participatory approaches in programme design and to build the capacity of civil society actors engaged in dialogue and implementation of programmes.³⁰ The Commission Environmental Impact Manual will stress that consultation with affected communities is an integral part of any environmental assessment process, and that to mitigate potentially adverse effects of projects, indigenous groups should be incorporated as equal partners in the design and implementation of management plans.³¹ The Commission Communication on Forests and Development sets out that a participatory approach is a fundamental principle in any project from policy development through identification, appraisal and implementation of actions.³² Commission guidelines on development cooperation concerning sustainable water resources stress the importance of a participatory approach involving local and indigenous peoples’ NGOs, because the full involvement by stakeholders is more likely to ensure the success of the project. The guidelines make clear that projects should not only take account of the views of indigenous peoples, but that specific actions and assistance should be built into projects to ensure that affected communities can participate effectively.³³

- Establish contact points for liaison with indigenous peoples in the services of the European Commission

The Commission has set up practical mechanisms to ensure the consultation of indigenous peoples in policies and activities which affect them. Most importantly, as recommended in the Working Document, the Commission has set up contact points in key services to liaise with indigenous peoples³⁴. Their responsibilities also include technical support to Commission staff and follow-up on issues relating to indigenous peoples.³⁵ Such contact points have been established in the Directorate Generals of External Relations (Human Rights and Democratisation Unit), Development (Civil Society Desk), Environment (CBD and Indigenous Peoples desk) and EuropeAid (Democracy and Human Rights Unit). These

²⁹ Statement of the EU Presidency under Item 7, ‘The Right to Development’ Resolution 2001/9, L15/Rev.1)

³⁰ Commission Communication on the European Union’s Role in Promoting Human Rights and Democratisation, of 8 May 2001, *ibid*

³¹ ‘Integrating environment concerns into development and economic cooperation’ (Draft), *ibid*.

³² Communication on Forests and Development, *ibid*

³³ Guidelines for water resources development cooperation - Towards sustainable water resources management, European Commission, 1998, Catalogue number: CF-16-98-966-EN-C, available at: http://europa.eu.int/comm/development/publicat/water/en/frontpage_en.htm

³⁴ Working Document of the Commission 11 May 1998, *ibid*, p.15

³⁵ for details of how to contact the Commission focal points, go to: http://www.europa.eu.int/comm/external_relations/human_rights/ip/index.htm

contact points cooperate closely with geographical desks in the services of the Commission, Delegations of the Commission and with Member State representatives.

The Commission has also benefited from consultation with an informal network of three indigenous peoples' organisations, the *International Alliance of Indigenous Tribal Peoples of the Tropical Forests*, the *Saami Council* and the *International Working Group for Indigenous Affairs (IWGIA)*, to promote coordination, the exchange of experience and transparency in project development.

- Identify indigenous peoples' own priorities

The Commission has consulted widely with indigenous peoples to identify their own priorities for the development process, building on the consultation of such groups in the drafting of the Working Document itself in 1998. In 2001, the Commission sent a detailed questionnaire to indigenous peoples' organisations to establish their views on how far the Resolution and the Working Document had been put into practice. It was sent initially to the network of organisations already in contact with the Commission, who then distributed it more widely to smaller indigenous groups. The questionnaire sought to identify indigenous communities, their legal and socio-economic situation, their priorities at a national, regional and local level, and, in view of the implementation of the Resolution, their contact with projects and programmes of the EU and relationship with delegations of the Commission.

The responses to the questionnaires furnished detailed information about the situation of indigenous peoples, which will be used to feed into project design and implementation, and to help refine the overall strategy of the EU. The responses revealed however that more progress needs to be made in communicating the work of the EU in this area, and in enhancing contact between indigenous peoples' organisations on the ground and Delegations of the Commission. One aspect which emerged was that the technical and administrative requirements of applying for funding from large donors such as the EU could represent an obstacle for the participation of indigenous groups, particularly for small, grass-roots organisations, which may not have the capacity to manage somewhat complex procedures. This highlights the importance of, as suggested by the Working Document, identifying and using culturally appropriate means of communication and enhancing small-scale involvement, including through the microprojects scheme. The *Rainforest Foundation and International Alliance of Indigenous and Tribal Peoples of the Tropical Forests* has been allocated € 350,014 under EIDHR for a project concerning 'Indigenous peoples' view of the development and implementation of the EU resolution on Indigenous peoples'.³⁶ It will focus on researching and describing 7 case studies of EC development co-operation and its relationship to indigenous peoples, and will include a conference in Brussels in 2002. The conference will bring together representatives of indigenous peoples' organisations and European NGOs and officials of the EU to discuss how to implement the EU's policy on indigenous peoples. The case studies will be the basis of discussions during the conference which will last for four days, including a separate 'indigenous caucus' where indigenous representatives will share information and discuss strategy to implement EU policy.

³⁶ Rainforest Foundation and International Alliance of Indigenous and Tribal Peoples of the Tropical Forests, 'Indigenous views on development: implementing the EU indigenous peoples policy', Project No. 2000/035, Budget Line B7-702

Further research has been conducted into indigenous peoples priorities through a series of regional studies funded by the Commission, coordinated by the indigenous peoples' organisation the *Saami Council*.³⁷ The objective of the 10 regional studies was to improve the impact of development cooperation programmes by providing information on the priorities of indigenous peoples and, in line with the Working Document, by identifying indigenous peoples in especially critical conditions. The studies analysed the situation of indigenous peoples with regard to the respect of their human rights, their status in the legal system, their socio-economic situation and threats to their environment and culture. The studies have concluded that the issues of racism and the environment are particular priorities to be addressed. Other priorities which emerged included the need for indigenous people to be integrated as equal partners in the development process, and the need for capacity building of indigenous peoples' organisations as well as the desirability of building coalitions with other civil society organisations.

- Ensure that indigenous people can offer an informed view on specific EU activities

The Commission has built consultation with indigenous peoples into particular activities, such as electoral observation missions. For example, during the electoral observation mission to Peru in 2001, the mission specifically considered the situation of indigenous communities, who were at risk of exclusion and discrimination in the electoral process.³⁸ The mission addressed this problem by consulting with representatives of indigenous groups about the electoral difficulties experienced by their communities. In this context, a one-day seminar was organised for indigenous associations and communities, in co-operation with the Ombudsperson's Office. The indigenous peoples representatives presented the specific problems they are confronted with, including dissatisfaction with the electoral roll, a failure to use indigenous languages for communicating electoral information, the location of polling stations, and the treatment of remote settlements. The representatives made proposals to solve these problems, which focused on the use of their own language throughout the electoral process, territorial and cultural decentralisation among the various communities in Peru, and civic education in schools through agreements with the electoral institutions and non-governmental organisations. These demands are reflected in the Ombudsperson's report on indigenous communities in the first round of the elections, which proposed that the electoral organisations should act in co-ordination with indigenous authorities.

2.3. Support for indigenous peoples in priority areas

The Commission, through the budgetary instruments outlined in section 2 above, has provided € 21.9 million for projects directly affecting indigenous peoples as target groups. This figure does not include the large range of projects and programmes which impact on indigenous peoples in an indirect way. The review of activities in support of this group illustrates that the Commission has directed funds towards a number of key thematic areas set out in the Resolution and the Working Document. As the projects are too numerous to examine individually in a report of this nature, some of the most pertinent examples are described below, featuring projects which directly target indigenous peoples and those which have a clear impact on indigenous communities.

³⁷ Saami Council, 'Regional studies in indigenous areas: training on international human rights standards and policy process', Project No MTR/VN/98/15, Budget Line B7-702

³⁸ European Union Electoral Observation Mission, Peru – General Elections 2001 Final Report, available at: http://europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/peru/final_report.pdf

- Assistance in national efforts to recognise and respect indigenous peoples' rights

Conservation management in Botswana

The Community funds a wildlife conservation and management programme in Botswana, an essential component of which is support to community-based natural resource management.³⁹ The aim of the programme, which started in 2000, is to increase the benefits of very poor and vulnerable communities, allowing them to meet basic needs from their own resources. The programme, which was designed after thorough stakeholder consultation, is intended to have a catalytic role in strengthening institutions, with an emphasis on building the capacity of local institutions and personnel, and enhancing the effectiveness of existing infrastructures, including for the management of protected areas. In addition, the programme aims to promote cooperation with government ministries, departments and NGOs. An important aspect of the programme is the design of monitoring activities on the ground, in collaboration with local communities. Staff of the project work with local communities to raise awareness, particularly with a view to resolving conflicts about the use of resources and to establish 'community use zones'. In this context, project staff must develop a sound understanding of community motivations and aspirations, identify social or cultural constraints to community participation, and monitor whether particular groups within communities have participated and benefited fully from the programme.

- Training and education for indigenous peoples

Community building through education

A project coordinated the NGO Novib in conjunction with the Inter-Mountain Peoples Education and Culture in Thailand Association (IMPECT) received € 151.456 in 1999.⁴⁰ The initiative set out to support community building, organisation and capacity building among the hill tribes of Thailand, through education, targeting 100 villages and an estimated 45,000 people. A key aim of the activities was to encourage the highland people to preserve and transmit their culture and knowledge to the new generation. The programme included education and training on environmental protection, and human rights and community rights, and it provided staff training for community organisations, including leadership development and technical skills building. The methodology of the project involved a clear emphasis on enabling local communities to take responsibility for their own training.

- Capacity building for indigenous organisations

Strengthening grassroots organisations

The *International Working Group for Indigenous Affairs (IWGIA)* received over € 1.1 million in 2000 to coordinate microprojects implemented by grassroots indigenous peoples organisations.⁴¹ Small-scale interventions of this sort allow the programme to respond to the needs of such organisations with speed and a high degree of flexibility. A priority aim of the initiative was to strengthen the capacity of small NGOs with a view to enhancing their participation in decisions which affect their livelihoods and lifestyles. Specific activities of

³⁹ Wildlife Conservation and Management Programme, Project No. ACP/BT/005, EDF 8

⁴⁰ NOVIB, 'Inter-Mountain People Education and Culture in Thailand Association's Operational Plan' Project No. PVD /99/936, Budget Line B7-6000

⁴¹ International Working Group for Indigenous Affairs (IWGIA), 'Indigenous peoples, human rights and capacity building', Project No.MTR/VN/98/138, Budget Line B7-7020

the programme included strengthening the institutional capacity and infrastructure of individual organisations, including developing their documentation, research and publication capabilities, training for staff on key human rights issues, facilitating the participation of indigenous peoples in national and international seminars, and establishing contacts between organisations.

- Networking and exchange of experience among indigenous peoples

Amazonian networking

The *Latin American Association for Human Rights (ALDHU)* received a grant of € 603,397 in 2000 for the establishment of a radio network to enhance communication between Amazonian peoples, and to defend their way of life and the Amazonian ecosystem.⁴² The network connected 25 radio stations in Bolivia, Brazil, Colombia, Ecuador, Peru and Venezuela by satellite. Key aims of the project were to coordinate national and regional partnerships of indigenous peoples organisations, and to raise awareness in the international community on the problems and achievements of indigenous communities in this region. The activities involved in the project included detailed planning with experts on the thematic nature of the network, training workshops on the creation of communication groups and exchanges of experience between these groups, the training of a multi-lingual producer and the production of broadcasts on indigenous peoples issues. An additional function of the radio network is to involve indigenous peoples in the operational aspects of broadcasting, both in terms of reporting and technical infrastructure. The coordinator of this project, *ALDHU*, received the 2001 Human Rights Prize from the French Government.

- Enhancing the protection of indigenous peoples' knowledge, innovations and practices

Research and awareness raising on indigenous practices

An international study on indigenous culture, customs and traditions by the *Saami Council* was allocated an EC contribution of € 353,868, in 2000.⁴³ The project methodology employs case studies in Africa, the Pacific, the Americas, Asia, Australia and Europe, to document and provide a comparative analysis of indigenous customs, cultures, traditions and identities. The development of practical tools for the research and development of policy, is an important element for the effective protection of customary laws and practices at national and international levels. The positive contributions that indigenous peoples have made and continue to make to law and democracy in the context of the protection of culture and of customary law, can be highlighted in this context. Guidelines and action points to protect indigenous culture and traditions, including through a video presentation was distributed in indigenous communities should raise awareness of these issues. An informal advisory group of indigenous experts on customs and traditions is a key component of this initiative.

⁴² Asociacion Latinoamericana para los Derechos Humanos (ALDHU), 'A radio network for the Amazonian basin', Project No. T-2000/144, Budget Line B7-7030

⁴³ The Saami Council, 'Comparative analysis of culture, indigenous customs and traditions', Project No. T-2000/141, Budget Line B7-7020

3. FURTHER ACTION REQUIRED

As has been emphasised throughout this report, the support of the Community and its Member States for indigenous peoples is an evolving field of policy and action. The Resolution and the Working Document have provided a concrete framework on which to build a comprehensive policy and improve the impact of funded activities. This is an ongoing task, and the review contained in Section 2 above illustrates that the Community has made solid progress towards these goals. Highlighted below are those areas where further progress can be achieved.

Concerning the integration of concern for indigenous peoples into policies, programmes and activities, the process of mainstreaming is a task of some magnitude. The range of activities which have a potential impact on indigenous peoples is vast, and the methodology for mainstreaming such concerns requires further development. Where projects are identified as relevant to indigenous communities, they should be systematically identified as such. In addition to a reference on human rights concerns, it should include a specific reference to indigenous peoples, which will make the project easy to trace and continue to monitor throughout the project cycle. In this way a central database can be established by the Commission on actions in support of indigenous peoples. With regard to the coordination and coherence of EU action, there remains scope for enhanced cooperation between services of the Commission, between the Commission and the Member States and with other organisations and donors involved in support for indigenous peoples. The focal points in the Commission can play a pivotal role in this regard.

The inclusion of specific guidelines to protect indigenous peoples rights in procedural documents and handbooks of the Commission in areas such as environmental impact and resource management is a positive development, and should be replicated in all such documents of the Community relevant to indigenous peoples. Although guidelines must reflect the specific context of action, common basic standards of protection could be included in all relevant handbooks. In the context of mainstreaming, priority actions should also include the training of Commission staff on the rights of indigenous peoples and on the potential impact of projects both specifically and within the general training foreseen on human rights. The development of appropriate indicators of impact and methodological tools for evaluating the success of projects involving indigenous priority should also be considered a priority. In addition to drawing on the best practice in other fields such as gender, mainstreaming activities will be undertaken in conjunction with the follow-up to the Communication on Human Rights, which will prioritise mainstreaming human rights and democracy in external assistance, staff training and the development of impact assessment indicators and monitoring methodologies.

Significant efforts have been made to enhance the consultation of indigenous peoples, mainly through established NGOs, such as those involved in the informal European Network which meets in Brussels. The results of the questionnaire sent to Commission Delegations indicate that more progress can be made in communicating the work of the EU to smaller, grassroots organisations in developing countries. The capacity of smaller organisations to deal with the administrative procedures of the Commission may also be an obstacle to targeting support to where it is most needed. The enhanced role for Delegations in the management of microprojects will be useful in this regard, and corresponds to the Working Document proposal to support more small-scale interventions.

Although policy commitments and technical procedures are in place to facilitate the involvement of indigenous peoples throughout the project cycle, the extent to which this happens can be improved. Where indigenous concerns have been identified as relevant in projects, through the process of mainstreaming and consultation, specific activities should be systematically built into projects to involve indigenous representatives in all stages, from project design to evaluation.

4. CONCLUSIONS

The Development Council Resolution of November 1998, building on the guidelines of the Commission Working Document, laid the ground work for a comprehensive EU policy on the support of indigenous peoples. The Resolution reflects the high degree of consensus within the EU about the need to build partnerships with indigenous communities, and to integrate concern for these communities into all relevant policies and programmes of the Union.

This report has examined the practical ways in which the Community had worked to implement the goals of the Resolution. There has been significant progress towards realising these goals. In the area of mainstreaming concern for indigenous peoples, specific guidelines for action have been incorporated in regulations, policy statements and practical handbooks of the Commission. Procedures are now in place to train Commission staff on specific human rights issues such as indigenous peoples, and the coordination of information in the Commission has been enhanced. The EU has promoted the rights of indigenous peoples in international forums and in its dialogue with partner countries, including in the negotiation of country strategies.

Consultation with indigenous peoples has been taken very seriously by the Commission, with the creation of focal points in several Directorates General, research programmes funded to help identify indigenous peoples' own priorities, and procedures established to ensure that indigenous peoples can participate fully in the development process, including by building specific activities into projects to facilitate such input.

Between 1998 and 2000, the Commission allocated almost € 22 million to projects directly supporting indigenous peoples. These funds have been targeted towards the main thematic areas suggested by the Resolution and the Working Document, including national efforts to respect indigenous peoples' rights, training and education for indigenous peoples, capacity building for indigenous organisations and developing new networks of indigenous peoples.

This report is not however a 'catalogue of good works'. Instead it serves to illustrate the contribution of the Community to a developing field of policy and action, and it highlights those areas where further progress is needed. The report suggests that the large task of mainstreaming requires a proper identification of projects as relevant to indigenous peoples and the creation of a central database in the Commission on this issue. There should also be a systematic inclusion of guidelines on indigenous peoples' rights in relevant procedural documents. Training Commission staff on human rights issues and developing appropriate project impact indicators and monitoring mechanisms, should be implemented in conjunction with the work to be carried out in follow-up to the Communication on Human Rights

The report argues for continuing efforts to enhance the exchange of information between the Commission and Member States, and to ensure that consultation with indigenous peoples' organisations encompass small, grass-roots groups in developing countries, who can be best supported through small-scale interventions. Finally, the report concludes that where indigenous concerns are identified as relevant in project proposals, specific activities should be built into such projects to involve indigenous representatives at all stages of the project cycle.

It is clear that the work of the Commission to implement the Resolution will continue, on the basis of the solid foundations laid since 1998, and with the contribution of our partners from indigenous communities, whose priorities for 'self-development' will play a vital role in shaping the development cooperation of the Community and its Member States.