

VIEWS AND RECOMMENDATIONS TO THE EU IP POLICY COMMITMENTS

- a. We fully acknowledge the EU Policy commitments to respecting indigenous peoples' rights with positive results at different levels
- b. The 1998 Council Resolution was forward looking and pays attention to key issues such as human rights, sustainable development and democracy
- c. Since 1998, key developments on the recognition and promotion of indigenous peoples rights in international process such as the adoption of the UNDRIP, establishment of the UN Permanent Forum on Indigenous Issues, the adoption of the WCIP Outcome Document have been fully supported by the EU.
- d. The Development Cooperation of the EU has increasingly supported indigenous peoples, including through earmarked call for proposals and strategic interventions such as support to human rights defenders, capacity building, engagement and participation to UN mechanisms and procedures among others

Building on to these positive policy commitments and experiences of indigenous peoples, we appreciate the opportunity to provide the following recommendations to further strengthen the EU Policy on indigenous peoples

1. Reaffirm the principles of 1998 Council Resolution such as the importance of consultation, participation, self-development, right of indigenous peoples to object to imposed development, and align the new EU Policy on Indigenous Peoples with the UNDRIP and the WCIP Outcome Document, highlighting FPIC and self-determination of indigenous peoples.
2. Likewise, in line with the commitments under the WCIP, we recommend the EU to come up with an EU Action Plan, covering the 28 member states, to achieve the ends of the UNDRIP. Such an action plan should combine a formula for the effective mainstreaming of the respect for indigenous peoples' rights and stipulate targeted and measurable actions.
3. Ensure coherence of EU Policy commitments uniting internal and external aspects of indigenous peoples' rights – within the EU and in EU development cooperation and foreign affairs, including agreements and development cooperation of individual member-states. Further, promote ratification of ILO Convention No. 169 by member-states
4. Establish mechanisms for consultation and participation with indigenous peoples within the EU, and consider setting up a Forum at the highest level, with a mandate to engage in policy dialogue and overlook the implementation of the EU policy, commitments and action plan on indigenous peoples.
5. Support capacity building of indigenous peoples, including adequate provision of resources, for indigenous peoples to effectively engage with the various EU policies and institutions, including the European Parliament and in relation to Business and human rights.
6. Increase the understanding and capacity of the EU institutions and member-states to operationalize their indigenous people's policy commitments as part and parcel of existing international human rights obligations. This requires highlighting the links between UNDRIP/C169 and human rights instruments of general application, in order to provide

practical guidance to staff to operationalize indigenous issues, not as a “marginal add-on” to other themes.

7. In the context of European development cooperation, the EU delegations need to engage into dialogue with indigenous peoples and communities at national and regional levels, and facilitate the participation of indigenous authorities in this dialogue.
8. Extend the mandates of the policy advisers at the EU delegations for these to serve as focal point on indigenous peoples issues within the delegations, in order to facilitate the dialogue and not fragment it according to the specific subjects/topics held across various staff at then delegation.
9. Ensure that social and environmental impact assessments of all EU legislation programmes, in particular, investments, trade, and development cooperation. It shall include human rights due diligence for ensuring consultation, participation and free, prior and informed consent of indigenous peoples.
10. Recognise the specific vulnerabilities of indigenous peoples in the context of climate change and support the recommendations made by indigenous peoples in that process, relating to the respect of their rights and welfare in measures and programmes for climate change mitigation and adaptation. Support the recommendation of indigenous peoples to have direct access of funds of the Green Climate Fund-GCF for their sustainable mitigation and adaptation initiatives.
11. To promote the respect and fulfilment of indigenous peoples rights, in the post 2015 Sustainable Development Goals (SDG) including special measures to address the specific circumstances and needs of indigenous peoples, as well as data- disaggregation, and appropriate indicators for indigenous peoples.
12. Establish a dedicated window for direct funding of indigenous peoples within the overall funding provided by the EU with simplified process and requirements.
13. For EU to ensure the respect for indigenous peoples’ rights in all its business activities, including investments and trade agreements that affect indigenous peoples; as well as the balance of economic benefits and development for indigenous peoples to reduce the increasing gaps between indigenous peoples and the general population. These include the implementation of the free prior and inform consent of indigenous peoples (FPIC) in business activities including access to information and equitable benefit-sharing as appropriate.