

Cabrera, Maria Victoria (Univeristy of Göttingen)

Redefining Indigenous Peoples as Emerging Participants of Environment and Development Decision-Making Processes

“Indigenous peoples’ issues have become more prominent on the international agenda than ever before”, said UN Secretary-General Ban Ki-moon at the International Day of the World’s indigenous People in 2010.

Certainly, indigenous peoples have gained considerable attention at the international level. Two international conventions and one UN-Declaration addressing the rights of indigenous peoples have been adopted during the last 60 years. Practices and traditional knowledge of indigenous peoples have been said to be pivotal for the achievement of sustainable development. However, there is still no agreement on the definition of “indigenous peoples”, and hence who the subjects of international protection are.

In this brief contribution, I would like to stress the necessity to re-think the definition of indigenous peoples in the light of recent developments in the field of international environmental law and in the emerging law of international development cooperation. For this purpose I will start by mentioning the main criteria reflected in international legal documents with regard to the determination of a group as “indigenous”. Second, I will explore some problems deriving from the strict application of some of those criteria. Third, I will explain the emerging role of indigenous people as participants in the process of environmental protection and development policies. Finally, I will end with a brief conclusion.