



# General Assembly

Distr.: General  
2 May 2019

Original: English

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## Human Rights Council

### Forty-first session

24 June–12 July 2019

Agenda items 2 and 3

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## Summary report on the annual half-day panel discussion on the rights of indigenous peoples

### Report of the Office of the United Nations High Commissioner for Human Rights

#### *Summary*

The present report summarizes the proceedings of the annual half-day panel discussion on the rights of indigenous peoples, held at the thirty-ninth session of the Human Rights Council. Pursuant to Council resolution 36/14, the panel discussion focused on the means of participation for and the inclusion of indigenous peoples in the development and implementation of strategies and projects in the context of the 2030 Agenda for Sustainable Development and related Goals.

The report contains summaries of the opening statements and of the panellists' presentations, and the highlights of the interactive discussion that followed.



## I. Introduction

1. As mandated in its resolution 18/8, the Human Rights Council held its annual half-day panel discussion on the rights of indigenous peoples on 19 September 2018. Pursuant to Council resolution 36/14, the discussion focused on the means of participation for and the inclusion of indigenous peoples in the development and implementation of strategies and projects in the context of the 2030 Agenda for Sustainable Development and related Goals. The present report is submitted pursuant to resolution 36/14.
2. The panel discussion was aimed at examining the links between the United Nations Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development; identifying good practices and challenges in the participation and inclusion of indigenous peoples in the strategies and projects for the implementation of the Sustainable Development Goals at the international, regional and national levels; and proposing measures to ensure their participation and inclusion in the development, implementation and monitoring of strategies and policies for the Sustainable Development Goals.
3. The panel was moderated by Erika Yamada, Chair-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples. The panellists were Joan Carling, Co-Convenor of the indigenous peoples major group, Q'apaj Conde, Co-Chair of the Global Indigenous Youth Caucus and youth focal point of the indigenous peoples major group, and Maria Luisa Silva, Director of the United Nations Development Programme (UNDP) Office in Geneva.
4. The panel discussion was accessible to persons with disabilities and was webcast and recorded.<sup>1</sup>

## II. Opening of the panel discussion

5. The Vice-President of the Human Rights Council opened the panel discussion.
6. The United Nations Deputy High Commissioner for Human Rights stated that the right to development was a promise of global effort to lift people out of poverty, persecution and powerlessness; a global promise to fight inequality among people; and a global commitment to prosperity and sustainability for our planet as a place for coexistence. The Sustainable Development Goals were an acknowledgment that development without people as its core beneficiaries was not development. She highlighted how indigenous peoples had gone through different struggles to defend their rights, with rapacious developers and misanthropic conservation efforts eating away at their dignity and rights, their traditional ways of life, practices and subsistence, and eroding common human heritage. Moreover, indigenous peoples were often the last to be heard, the last to be included, the last to be consulted or to be compensated. Even in the context of development efforts, their traditional activities might be prohibited; they might suffer human rights violations, impunity, arbitrary detention, disappearances, violence or assassination.
7. The Deputy High Commissioner stressed that indigenous peoples were the living example of the world's most disadvantaged, most marginalized and most left behind peoples. The 2030 Agenda would not be fulfilled unless the international community addressed fully the rights of indigenous peoples through the three following dimensions: measuring more, voicing up and protection.
8. Firstly, there were too few data on the situation of indigenous peoples to be confident that reported progress was also elevating their social, economic and political status. There was a need for greater efforts by States to quantify those challenges and

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<sup>1</sup> See <http://webtv.un.org/meetings-events/human-rights-treaty-bodies/chairpersons%E2%80%99-meeting/watch/panel-discussion-on-inclusion-of-indigenous-people-in-2030-agenda-20th-meeting-39th-regular-session-human-rights-council-/5836881631001/?term=&sort=popular&page=46>.

allocate resources to data collection. The approaches to data collection and interpretation must be based on participation, human rights and indigenous peoples' rights.

9. Secondly, indigenous peoples' voices needed to be amplified, in a way that went beyond tokenism and ensured their full, transparent and meaningful participation respecting their views of development. Besides, all States should ensure that indigenous peoples participate in the design and implementation of national sustainable development strategies, as well as in decision-making and review processes.

10. Thirdly, there was a need to protect indigenous human rights defenders and to denounce actions against them. States must ensure their safety. Indigenous human rights defenders should be able to act freely without fear of intimidation or reprisal, harassment or violence. It was also a shared duty of the United Nations and its Member States to work on avenues for protecting human rights defenders.

11. The Deputy High Commissioner further highlighted that there was much to learn from indigenous peoples about sustainability on different fronts. Yet, in the development context, the contribution of indigenous communities had been diminished and discounted for decades. Indigenous peoples' know-how was irreplaceable and must not be extinguished. Upholding the rights of indigenous peoples was not only necessary if no one was to be left behind, it was essential for the fuller potential, capacity and contribution of all peoples to be released for the purpose of sustainable, inclusive development. To conclude, she drew attention to the recommendations of the human rights treaty bodies, the special procedures, the universal periodic review and the Office of the High Commissioner for Human Rights as a means to advance the rights of indigenous peoples.

12. Ms. Yamada thanked the Deputy High Commissioner for her encouraging words in the challenging context indigenous peoples faced with regard to their participation in the implementation of the 2030 Agenda for Sustainable Development. She introduced the panellists and recalled the objectives of the panel discussion.

### **III. Summary of the proceedings**

#### **A. Contributions of the panellists**

13. Ms. Carling, Co-Convenor of the indigenous peoples major group, focused her presentation on how sustainable development had always been at the centre of indigenous peoples' struggles and aspirations to uphold their well-being. Indigenous peoples had consistently advocated the recognition and the realization of their collective rights, as affirmed in the United Nations Declaration on the Rights of Indigenous Peoples, as a critical component of any development intervention concerning them.

14. Concerning the participation and inclusion of indigenous peoples in national sustainable development strategies, the process and the substance were interrelated elements to ensure that indigenous peoples were not left behind or even pushed behind in achieving the Sustainable Development Goals. The fact that, in many countries, indigenous peoples in rural and urban areas had, in general, little or no awareness of the Goals or of their Governments' implementation strategies for the Goals prevented them from engaging effectively in those processes.

15. She highlighted the continuation of project implementation in the name of poverty reduction, renewable energy and economic growth as part of the 2030 Agenda for Sustainable Development without the free, prior and informed consent of indigenous peoples. Those situations continued to affect, violate and disregard the rights of indigenous peoples, creating conflict and leading to the criminalization of indigenous peoples. She also emphasized the importance of following up on the recommendations from the universal periodic review and the human rights treaty bodies, notably the Committee on the Elimination of Racial Discrimination, and of integrating them into the strategies for achieving the Sustainable Development Goals.

16. There was still a need for enabling indigenous peoples to participate meaningfully and to be completely included in the implementation of the Goals. She therefore

recommended: effective outreach, awareness-raising and access to comprehensible information; freedom of expression and assembly; protection of human rights and the rule of law for citizen participation; support to capacity-building; and provision of funds and resources for the participation and inclusion of indigenous peoples.

17. Finally, she recalled the limited participation of indigenous peoples mainly in Latin America and Africa due to the lack of awareness and funding. Indigenous peoples were increasingly participating in different international settings, such as the high-level political forum on sustainable development. Nevertheless, it was necessary to keep working to close the gaps and to fully include indigenous peoples, and their perspectives and aspirations, in the implementation of the Sustainable Development Goals.

18. Mr. Conde, Co-Chair of the Global Indigenous Youth Caucus and youth focal point of the indigenous peoples major group, stated that the Caucus was born on the margins of the Permanent Forum on Indigenous Issues, it expanded under the Expert Mechanism on the Rights of Indigenous Peoples and was now part of the indigenous peoples major group. Its objective was to promote the participation of indigenous youth of the seven sociocultural regions. At the regional level, the Caucus and the major group, with the participation of the Latin American Indigenous Youth Network, had worked on a report on the implementation of the Sustainable Development Goals in Latin America and the Caribbean from the perspective of indigenous peoples.<sup>2</sup> The report had been presented at the high-level political forum in 2018. It analysed the implementation of the Goals in Colombia, Ecuador, Mexico, Paraguay and Uruguay. It was written by indigenous youth and guided by indigenous elders.

19. The report addressed the implementation of the Goals in the five countries mentioned above through a human rights perspective and an intercultural approach. It analysed the Goals through the lens of the United Nations Declaration on the Rights of Indigenous Peoples, and its recommendations and conclusions objectively analysed the persistent inequalities faced by indigenous peoples. The writing process was a challenge due to the lack of disaggregated data. Nevertheless, the participation of indigenous leaders and indigenous organizations enriched the report with first-hand information and recommendations.

20. Furthermore, Latin American States had taken significant steps in the implementation of the Sustainable Development Goals. The five countries covered in the report had established inter-institutional commissions to coordinate the implementation of the Goals at the national level and developed working agendas within the government structure. The efforts of those commissions to include indigenous peoples in the implementation of the Goals had yet to pay off. This situation was due to the lack of access to information on the Goals. There was an urgent need to develop a comprehensive implementation framework for the Goals, including translation into indigenous languages and world views.

21. To conclude, Mr. Conde emphasized the importance of Goal 6 on clean water and sanitation, and Goal 11 on sustainable cities and communities. Both were scrutinized at the high-level political forum in 2018. Concerning Goal 6, it was particularly important to highlight that in some rural areas indigenous peoples lacked access to potable water services. However, they had access to rivers, lakes, springs and creeks, with which they had a spiritual relationship. Those water sources were threatened by climate change and resource extraction. Regarding Goal 11, migration towards cities was also affecting indigenous peoples, particularly indigenous youth. Mr. Conde held that in order to achieve the Goal an intercultural approach to cities should be considered.

22. Ms. Silva, Director of the UNDP Office in Geneva, stated that the 2030 Agenda for Sustainable Development was a human rights-based agenda and that the Sustainable Development Goals had substantial links to the United Nations Declaration on the Rights of Indigenous Peoples. The rights-based nature of the 2030 Agenda was reinforced by its powerful pledge that no one should be left behind and the commitment to reach those left furthest behind first.

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<sup>2</sup> Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe, *II Informe: Situación de la Implementación de los ODS en América Latina y el Caribe desde la visión de los pueblos indígenas* (La Paz, 2018). Available at [www.filac-info.org/informeods.pdf](http://www.filac-info.org/informeods.pdf).

23. Those were not just empty words. UNDP was working hard to better understand why people were left behind so as to develop effective responses. UNDP had identified five key factors that resulted in people being left behind: (a) discrimination based on their ascribed or assumed identity, including being indigenous; (b) geography; (c) governance; (d) socioeconomic status; and (e) exposure and/or vulnerability to shocks such as climate change, displacement and natural hazards.<sup>3</sup> She emphasized the need for indigenous peoples to participate and to be included in the development and the implementation of the strategies and projects in the context of the 2030 Agenda.

24. Indigenous issues had been a focus for UNDP, which greatly valued the contributions of indigenous peoples to humanity's cultural diversity, heritage and climate change solutions. Likewise, UNDP had developed country activities to enhance the achievement of the Sustainable Development Goals for indigenous peoples, for example by supporting countries in the preparation of their voluntary national reviews at the high-level political forum; supporting the establishment of national mechanisms for consultation with indigenous peoples; and promoting national protocols for free, prior and informed consent for forest investments.

## **B. Interactive discussion**

25. Representatives of several Member States, national human rights institutions and non-governmental organizations took the floor to make comments or ask questions. There was general agreement on the importance of enhancing the active participation of indigenous peoples in the implementation of the 2030 Agenda for Sustainable Development and of ensuring that no one was left behind. The need for a culturally sensitive approach was emphasized with regard to the implementation of the Sustainable Development Goals. Stakeholders also agreed that indigenous peoples should participate in and benefit from the 2030 Agenda. Some of the challenges raised were: ensuring indigenous peoples' participation in the implementation processes at all levels and steps of the 2030 Agenda; enhancing indigenous women's participation in the implementation of the 2030 Agenda; using the Sustainable Development Goals as an opportunity to protect and fulfil indigenous peoples' rights; addressing discrimination, extreme poverty and inequalities, which disproportionately affected indigenous peoples; implementing, promoting and respecting the norm of free, prior and informed consent, including through local and national protocols; and promoting stronger collaboration among indigenous peoples' organizations and Governments.

26. Likewise, some delegations emphasized that, while international developments were important, national dialogue and action should be prioritized. There was a need for greater political will to ensure the recognition of indigenous peoples and the fulfilment of their rights. In addition, the importance of addressing compound discrimination was emphasized, noting the potentially multiplicative effects of intersecting vulnerabilities such as gender, sexual orientation and gender identity, and indigenous status. Some delegations also pointed out the links and interplay between the United Nations Declaration on the Rights of Indigenous Peoples, other human rights instruments and mechanisms, and the Sustainable Development Goals.

27. Several delegations and stakeholders highlighted the importance of linguistic diversity. They welcomed the proclamation by the General Assembly of 2019 as the International Year of Indigenous Languages. This was a step towards raising awareness of the crucial role languages play in indigenous people's daily lives. There were ongoing initiatives to address the challenges of revitalizing and promoting indigenous languages in various countries; nevertheless, there was still a lack of bilingual education and of dissemination of indigenous knowledge.

28. Indigenous representatives, delegations, human rights institutions and non-governmental organizations highlighted ongoing initiatives to address the situation of

<sup>3</sup> "What does it mean to leave no one behind? A UNDP discussion paper and framework for implementation", July 2018. Available at [www.undp.org/content/undp/en/home/librarypage/poverty-reduction/what-does-it-mean-to-leave-no-one-behind.html](http://www.undp.org/content/undp/en/home/librarypage/poverty-reduction/what-does-it-mean-to-leave-no-one-behind.html).

indigenous peoples' human rights in their respective countries. However, they voiced the need to ensure and enhance indigenous peoples' rights at the local level as well. They also made the following recommendations: develop national action plans on the rights of indigenous peoples and their inclusion in broader national development strategies in the context of the Sustainable Development Goals; establish mechanisms to involve indigenous peoples in decision-making processes; allocate more resources to data collection and collect disaggregated data on indigenous peoples; include an indigenous peoples' rights-based approach in public policies; improve indigenous peoples' political representation; create specific institutions to address their situation and concerns; promote land demarcation and titling programmes; promote income-generating activities, such as community-based ecotourism; train civil servants and other stakeholders on indigenous peoples' rights; and train bilingual indigenous teachers.

#### **IV. Concluding comments from the panellists and moderator**

29. Ms. Yamada stated that there was some progress at the international level in understanding indigenous peoples' claims within the context of the 2030 Agenda, and that the questions raised by States demonstrated their concern and willingness to address indigenous peoples' issues.

30. Ms. Carling stressed that realities on the ground had not improved enough in recent years. Addressing the gaps in the implementation of the Sustainable Development Goals required strong political will. Urgent action was needed to work on policy reforms and to adopt special measures, such as national consultation and participation in decision-making processes, to address the root causes of discrimination, inequality and social injustice against indigenous peoples that prevented them from contributing to sustainable development. It was also vital to ensure collaboration and to work consistently with States to better fulfil the rights of indigenous peoples. States should support indigenous peoples' initiatives related to the implementation of the Sustainable Development Goals. Political participation was needed at the local level to ensure that the aspirations of indigenous peoples and their contributions towards sustainable development were considered. She closed by reiterating that indigenous peoples were not only rights holders, but also development actors and should be recognized as such.

31. Mr. Conde said that training and capacity-building for indigenous peoples were not a substitute for consultation. Specific mechanisms should exist for indigenous peoples to advocate the implementation of the Sustainable Development Goals. Indigenous peoples should participate at all levels and in all processes that concerned them, for example in drafting reports, in the implementation of the Goals or in consultation processes. He recalled the importance of enhancing the inclusion of indigenous traditional authorities, youth and women, and of ensuring gender diversity in all processes and spaces where indigenous issues were discussed. He highlighted the need to improve data collection regarding indigenous peoples, especially concerning the implementation of the Goals. He also stressed the need to translate the Goals and their contents into indigenous languages but, more importantly, the need to translate them into concrete projects with cultural relevance and in harmony with the diversity of indigenous world views.

32. Ms. Silva mentioned that reducing gaps and challenges regarding indigenous peoples' participation required time, resources and stronger institutions. She reiterated the important need to collect data regarding indigenous peoples. With reference to the role of the Human Rights Council, she pointed out that Member States could act on the recommendations of the universal periodic review to implement indigenous peoples' rights, as some had already done. She also proposed developing national action plans for the implementation of the Guiding Principles on Business and Human Rights, and to ensure the participation of indigenous peoples and fully consider indigenous peoples' issues in those actions plans.