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SUMMARY PAPER

Indigenous Peoples' Priorities in the implementation of 2030 Agenda in the Asia Region

Prepared by the Asia Indigenous Peoples Pact (AIPP)

Overcoming persistent marginalization of indigenous peoples to realize "leaving no one behind"

It is estimated by the United Nations that there are more than 370 million indigenous peoples globally. Around 2/3 of the total population of indigenous peoples are in Asia, making it the most culturally diverse region in the world. With rich traditional knowledge, heritage and through their sustainable natural resource management system, indigenous peoples can actively contribute to the sustainable development of their respective countries. However, indigenous peoples in Asia region are too often excluded from development efforts and their own concept of development is consistently undermined. Their lands, territories and resources were and are being expropriated for "national development" and for "conservation" without their consent. At the same time, basic social services such as education, health and livelihood support are not appropriately provided, compounding their further marginalization. While the Millennium Development Goals (MDGs) had noble objectives, indigenous peoples were made invisible although they comprise 5% of the global population but 15% of the poorest.

Through the adoption by the UN General Assembly in 2007 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the UN system and Member States are committed to recognize, respect and protect the rights of indigenous peoples. States further affirmed their commitment to the implementation of the rights of indigenous peoples at the national and global levels through their adoption of the Outcome Document of the 2014 World Conference on Indigenous Peoples. Likewise, the 2030 Agenda for Sustainable Development including the Sustainable Development Goals (SDGs) address indigenous peoples generally in the focus on "leaving no one behind" as well as in certain targets and indicators. Also, the importance of indigenous peoples' participation in the follow up and review process is particularly highlighted. However, these advances achieved by indigenous peoples in their sustained engagements with the UN-system are yet to be translated into action and realized at the national and local levels.

If the global commitment to eradicate all forms of poverty and discrimination and achieve equality through the 2030 Agenda is to be achieved, the implementation of the SDGs needs

to be fully aligned and anchored on human rights, social justice, non-discrimination and environmental sustainability. The rights, perspectives and effective inclusion of indigenous peoples in the national planning, implementation, monitoring and review of the SDGs must be fully ensured to achieve the aim of “leaving no one behind”.

Indigenous Peoples’ Key Issues and Priorities

Securing the right to lands, territories and resources

Indigenous peoples are the original stewards of the mother earth, conserving and protecting the lands inherited from their ancestors to pass on to the future generations.

Securing the land rights of indigenous peoples is imperative not only for their collective survival but for sustaining the environment for planetary benefit. Indigenous women must be given equal rights to land, and their invaluable contributions to sustainable resource management and food security must be protected, enhanced and supported. This will also enable indigenous peoples to contribute the most in addressing the global and economic crises, while ensuring cultural diversity.

Secure rights to land, territories and resources is a core priority for indigenous peoples that cuts across and underpins all the Goals, and it is a critical concern of indigenous peoples that the targets and indicators failed to address this comprehensively. Under **Goal 1**¹, target 1.4.² addresses the equal rights of all men and women, particularly the poor and the vulnerable to ownership and control over land. Specifically, under **Goal 2**³, target 2.3.⁴ highlights the secure and equal access to land for indigenous peoples. To realize these Goals and targets, special measures are needed in the formulation of national development plans on the SDGs to secure the ownership and control of indigenous peoples over their lands, territories and resources. In this context, governments also need to operationalize the requirement to ensure indigenous peoples’ free prior and informed consent in the utilization and conservation of their lands and resources and other projects affecting their cultural integrity and heritage.

Traditional livelihoods and food security

For indigenous peoples, practicing traditional occupations⁵ is a critical factor in their identity, spirituality, culture, food security and their collective survival as distinct peoples. Practicing traditional occupations, such as small-scale farming, shifting cultivation/rotational agriculture, hunting and food gathering, animal herding, fishing, among others, is a fundamental right guaranteed under international law on occupation and employment. A

¹ End poverty in all its forms everywhere.

² By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

³ End hunger, achieve food security and improved nutrition and promote sustainable agriculture.

⁴ By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.

⁵ “Traditional occupations” is a concept in international law, e.g. under ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, 1958

number of targets under **Goal 2** and **Goal 14**⁶ address issues related to traditional occupations. Specifically, targets 2.4.⁷ and 14.b.⁸ address issues relating to sustainable food production systems to strengthen capacity for adaptation to climate change and issues on small-scale artisanal fisheries. Target 2.3. particularly addresses small-scale producers, including indigenous peoples. However, these targets do not directly address the cultural values and spiritual dimensions of traditional occupations and the direct link to protection of the lands, territories and resources of indigenous peoples. In Asia, many of these traditional occupations are currently prohibited or restricted by law. Thereby, indigenous peoples are being criminalized when they continue to practice their traditional livelihoods. To pursue sustainable development, it is an urgent and important task to conduct legislative and policy review to protect these livelihoods along with the legal recognition of the collective rights of indigenous peoples over their lands and resources. Such a review would also contribute to achieving targets 5.c, 10.3. And 16.b, which call for the elimination of discriminatory laws and policies. Further, the monitoring of SDGs must include documentation on the status and trends in traditional occupations, as it constitutes the key element of livelihood systems of indigenous peoples, who have invaluable contribution to the sustainability of the mother earth and development process.

Disaggregation of data

One of the main concerns of indigenous peoples in the implementation of MDGs was the lack of disaggregated data on indigenous peoples, which led to the total invisibility of indigenous peoples in national reports and data collections. The same issue remains a major concern of indigenous peoples in the implementation of the 2030 Development Agenda. It is therefore important for States to include an “indigenous identifier” in their official data collection to ensure adequate collection of disaggregated data. However, where data disaggregation is not yet feasible, sample data should be collected in a participatory manner and in collaboration with indigenous peoples’ institutions, organizations and networks.

Discrimination and access to justice

Under **Goal 4**⁹, target 4.5.¹⁰ specifically refers to indigenous peoples as one of the main target groups to be addressed in order to ensure equal access to all levels of education. For this goal, it is crucial that the parity indices meant adopted as the global indicator under target 4.5. specifically include the indigenous/non-indigenous dimension, to ensure that also indigenous peoples enjoy equal access to education. Target 4.7.¹¹ aims to ensure that all learners obtain the needed knowledge and skills for sustainable development, including human rights and appreciation of cultural diversity and its contribution to sustainable development process. Also in this context is it crucial to measure the extent to which

⁶ Conserve and sustainably use the oceans, seas and marine resources for sustainable development

⁷ By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality.

⁸ Provide access for small-scale artisanal fishers to marine resources and markets

⁹ Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

¹⁰ By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations

¹¹ By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and culture’s contribution to sustainable development

indigenous peoples' rights as enshrined in the UNDRIP are mainstreamed at all levels in (a) national education policies, (b) curricula, (c) teacher education and (d) student assessment.

Indigenous peoples continue to suffer from persistent discrimination and marginalization at various levels. This situation is exacerbated by the non-recognition of their collective rights and needs in legislation, policies and development programmes. **Goals 5¹², 10¹³ and 16¹⁴** call for the elimination of discriminatory laws and the promotion and enforcement of non-discriminatory laws through targets 5.c.¹⁵, 10.3.¹⁶ And 16.b.¹⁷. States commitments should be measured through the ratification and implementation of the Convention on the Elimination of All Forms of Violence Against Women (CEDAW), the Convention on the Elimination of All forms of Racial Discrimination (ICERD), ILO Convention No. 111 and ILO Convention No. 169 and through implementation of the recommendations of related monitoring bodies. Equal access to justice is also addressed by target 16.3.¹⁸, which can be realized and strengthened by the recognition of the jurisdiction of customary law institutions in national legislation.

Health and well being

It is clearly stated in the UNDRIP that indigenous peoples have the right, without any discrimination, to the improvement of their economic and social condition, including sanitation and health. Article 24 of UNDRIP recognizes not only individual rights but also collective rights of indigenous peoples in relation to health, as it stipulates that indigenous peoples have the right to their traditional medicines and to maintain their health practices. Traditional health practices of indigenous peoples play an important role and have great cultural value in all aspects of their life. Under **Goal 3¹⁹**, target 3.1. addresses the issue of maternal mortality. From indigenous peoples' point of view, particular attention should be paid to the importance of traditional birth attendance in this regard. Therefore, indigenous peoples should have the choice that an intercultural health team attends their births, including traditional birth attendants.

Inclusive and effective participation of indigenous peoples in the follow-up and review of the SDGs.

The follow-up and review of the SDGs explicitly refers to the participation of indigenous peoples. This is essential in ensuring that indigenous peoples are not left behind, and that their views and perspectives are also addressed in this process. The participation of indigenous women, shall be fully accounted including in providing the needed support and

¹² Achieve gender equality and empower all women and girls

¹³ Reduce inequality within and among countries

¹⁴ Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

¹⁵ Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels

¹⁶ Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

¹⁷ Promote and enforce non-discriminatory laws and policies for sustainable development

¹⁸ Promote the rule of law at the national and international levels and ensure equal access to justice for all

¹⁹ Ensure healthy lives and promote well-being for all at all ages

enabling environment for their effective participation in the establishment of effective mechanisms for the follow-up and review at the local, subnational, national, regional and global levels.

SDGs implementation from the lens of indigenous peoples' human rights

From indigenous peoples' perspective, special measures and measurements are required to overcome the persistent marginalization of indigenous peoples and address their distinct needs. These special measures include those aimed at the improvement of access to culturally appropriate education, empowerment of indigenous women and youth, equal and meaningful participation of indigenous persons with disabilities and protection of traditional livelihoods and health practices.

Despite the fact that indigenous peoples are only mentioned in two of the 169 targets, more than one-third of the targets are in fact referring substantially to the UNDRIP. Thus, it is critical that national development plans on the SDG fully align their specific benchmarks and indicators with the realization on the rights of indigenous peoples as enshrined in the UNDRIP. Based on this framework, genuine partnerships between and amongst states, UN agencies and indigenous peoples as key development actors will be a huge step forward in achieving and ensuring social justice and sustainable development for all. "Leaving no one behind" requires political will, strong commitment, solidarity and sustained actions at the local and national levels by states and development actors. ##

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