

Indigenous Peoples Major Group

Position Paper on

Proposed SDG Indicators

SDG implementation and monitoring should be guided by indigenous peoples' human rights, as enshrined in the UN Declaration on the Rights of Indigenous Peoples and multiple other human rights instruments. For proper monitoring, rights-related indicators and disaggregated data are indispensable.

“Special measures and measurements are needed, if we should not again leave indigenous peoples behind. For proper monitoring, we need disaggregated data and indicators that uphold indigenous peoples' human rights”.

Victoria Tauli-Corpuz,

UN Special Rapporteur on the Rights of Indigenous Peoples

Key findings and concerns

- Special measures and measurements are required to overcome the persistent marginalisation of indigenous peoples
- None of the proposed indicators or principles for disaggregation address indigenous peoples' particular situation and some indicators may undermine indigenous peoples' rights

In order to get it right:

- ✓ Indicators must be defined to uphold indigenous peoples' human rights
- ✓ States should include an “indigenous identifier” in official data collection to ensure adequate disaggregation of data.
- ✓ Where disaggregation is not yet possible, sample data can be collected through participatory approaches - in collaboration with indigenous peoples' organisations
- ✓ Monitoring should draw on the experiences and capacity of existing human rights monitoring mechanisms

This Paper is elaborated by Asia Indigenous Peoples Pact, Centro para la Autonomía y Desarrollo de los Pueblos Indígenas, International Indian Treaty Council and Tebtebba Foundation, with the support of Danish Institute for Human Rights, Forest Peoples Programme and International Work Group for Indigenous Affairs

Overcoming persistent marginalisation of indigenous peoples

The United Nations estimates that indigenous peoples comprise more than 5000 distinct peoples from all regions of the world, with a total population of more than 370 million. Indigenous peoples have rich cultural heritage, traditional knowledge and sustainable practices that constitute invaluable contributions to sustainable development. This indispensable role is reaffirmed through the recognition of indigenous peoples as one of the nine Major Groups in the sustainable development framework of the United Nations².

All available data³ indicates that indigenous peoples, in all regions of the world, lag behind other sectors of society in terms of social and economic development. Moreover, they are often politically excluded and their cultural integrity and self-determined development is undermined; particularly where their land and resource rights and customary institutions are not recognized.

The Millennium Development Goals (MDGs) and the related indicators did not address the situation of indigenous peoples, and there is a risk that they may again be left behind if special measures and measurements are not built into the implementation and review processes for the 2030 Agenda for Sustainable Development.

² See <https://sustainabledevelopment.un.org/aboutmajorgroups.html>

³ See for example: <http://www.cepal.org/es/temas/pueblos-indigenas-y-afrodescendientes> <http://undesadspd.org/IndigenousPeoples/ThematicIssues.aspx> .

Rights-related indicators and disaggregated data are crucial

Indigenous peoples remain invisible in most official statistics – in spite of progress in some countries and regions⁴. This gap needs to be addressed in the monitoring framework for the 2030 Agenda. An adequate monitoring framework must reflect the two fundamental principles of indigenous peoples' rights: self-determination and equality.

To measure self-determination, indicators need to reflect relevant aspects of indigenous peoples' rights, such as land and resource rights; access to culturally and linguistically appropriate education; recognition of indigenous peoples' institutions and customary law. Moreover, indicators need to capture states' efforts to undertake special measures to overcome persistent marginalisation. However,

To measure equality, disaggregated data (against common indicators) is needed to compare the situation of indigenous peoples to other population groups. Only through disaggregation can data monitor whether indigenous peoples are ensured equal access to education, employment, health services, etc, and thereby help uphold the equality dimension of the targets. However, disaggregation by indigenous identity is currently not proposed under any of the targets.

Disaggregation of data requires the inclusion of an "indigenous identifier"⁵ in official data collection such as censuses, household surveys and generation of administrative data. Target 17.18 explicitly calls for the enhancement of capacity of developing countries to provide high-quality, timely, and reliable data disaggregated by relevant characteristics, including ethnicity. Hence, strengthening statistical capacity for generating data on indigenous peoples is an integral element of the foreseen monitoring framework, which should be prioritised. Where national statistical offices do not yet have the capacity to include an indigenous identifier in general data collection, sample data can be collected, including through case studies and community-based participatory approaches⁶.

None of the currently proposed indicators under the 169 targets captures key elements of indigenous peoples' collective rights – nor do they capture states' efforts to overcome the persistent marginalisation of indigenous peoples.

The indicators proposed for the two targets that specifically mention indigenous peoples do not uphold the human rights contents of the targets

Many of the proposed priority indicators are human rights relevant – but will not address the particular situation of indigenous peoples if data is not disaggregated.

⁴ See for example: www.cadpi.org; www.iwgia.org/regions; tebtebba.org; www.iitc.org; www.aippnet.org; www.forestpeoples.org

⁵ In order to be consistent with international law, such an "identifier" should include self-identification as a fundamental criterion.

⁶ See the Indigenous Navigator; a comprehensive framework for community-based monitoring of UNDRIP: www.indigenousnavigator.org

Key issues & suggested indicators⁷

Land rights

Land, territories and resources are not only vital livelihood assets for indigenous peoples but also have particular cultural and spiritual significance, and constitute the basis for the continued existence of their societies. **Target 1.4.** addresses equal rights to ownership and control over land, and **target 2.3.** specifically addresses secure and equal access to land for indigenous peoples. However, none of the proposed indicators addresses indigenous peoples' ownership and access to land. The following indicators⁸ can serve equally well under **targets 1.4. and 2.3:**

- ✓ Percentage of women, men, indigenous peoples, and local communities (IPLCs) with secure rights to land, property, and natural resources, measured by:
 - a. percentage with legally documented or recognized evidence of tenure, and
 - b. percentage who perceive their rights are recognized and protected
- ✓ Number of countries with a legal framework that includes special measures to guarantee indigenous peoples' rights to land and natural resources

Traditional occupations

The practice of traditional occupations, such as small-scale farming, pastoralism and shifting cultivation, is a fundamental right under international law. Traditional occupations constitute a key element of the livelihood systems of indigenous peoples and local communities, which contribute to the sustainable use of natural resources. **Target 2.3** specifically addresses small-scale producers, including indigenous peoples, pastoralists and fishers; **target 2.4.** addresses issues relating to sustainable food production systems and resilient agricultural practices; **target 14.b** addresses issues pertaining to small-scale artisanal fishers. None of the proposed indicators measure issues pertaining to traditional occupations. The indicator proposed for target 2.3. disregards the cultural value and environmental services related to traditional occupations and may create a perverse incentive to increase productivity at the expense of sustainable practices. Thereby, it may contribute to undermining indigenous peoples' rights. An adequate indicator for these targets would be:

- ✓ Status and trends in traditional occupations⁹

⁷ See www.tebtebba.org for more details on suggested indicators

⁸ Supported by a broad coalition of global and national organisations, including UNEP, the Women's Major Group, and the Sustainable Development Solutions Network.

⁹ "Traditional occupations" is a concept in international law, e.g. under ILO Convention No. 111. The indicator can capture a range of parameters, including the value of produced output, inter-generational transmission of knowledge and continuity of sustainable practices, access to land and resources, non-farm employment etc. The indicator is already adopted as one of the official indicators for monitoring the implementation of the Convention on Biological Diversity, with ILO as the lead agency. Sample data related to this indicator can be collected in collaboration with indigenous peoples' organisations.

Education

Indigenous peoples have the right to equal access to all levels of education. Further, States must take measures to ensure indigenous peoples' access to a linguistically and culturally adequate education, including by having the dignity and diversity of their culture reflected in education. **Target 4.5** aims to ensure equal access to all levels of education and vocational training, including for indigenous peoples and children in vulnerable situations. **Target 4.7** aims to ensure that all learners acquire the knowledge and skills needed for sustainable development, including human rights and appreciation of cultural diversity and of culture's contribution to sustainable development. However, the proposed indicators and principles for disaggregation will not provide data on indigenous peoples' access to education, nor information regarding the adequacy of knowledge and skills related to human rights and cultural diversity.

- ✓ The principles for elaboration of parity indices under **target 4.5** should include a parity index of indigenous/non-indigenous sectors of society.
- ✓ The indicator for **target 4.7** should measure a fixed level of knowledge across a selection of topics, including knowledge of human rights in general and indigenous peoples' rights in particular.

Discriminatory laws

Indigenous peoples continue to suffer from discrimination in access to services and goods, but they experience structural discrimination due to non-recognition of their rights in legislation and policies. The UN Declaration on the Rights of Indigenous Peoples and other human rights instruments are equality instruments, aimed at overcoming such discrimination. **Targets 5.c, 10.3 and 16.b** call for the elimination of discriminatory laws and policies and the promotion and enforcement of non-discriminatory laws and policies. However, the proposed indicators for these targets do not address the above-mentioned aspect. The following indicator would measure States' commitments and realisation of legally-binding equality and non-discrimination conventions, which are monitored by existing international bodies that provide recommendations and guidance to States for their adequate implementation.

- ✓ Ratification by States of the Convention on the Elimination of All Forms of Violence Against Women, the Convention on the Elimination of All Forms of Racial Discrimination, ILO Convention No. 111 and ILO Convention No. 169, and implementation of recommendations of related monitoring mechanisms.

Participation and accountable institutions

Indigenous peoples have the right to equal access and participation in decision making, as well as the right to make their own decisions for self-determined development. In order to respect these rights, States must consult with and obtain the free, prior and informed consent (FPIC) of indigenous peoples, whenever decisions affect their rights, land and resources. Effective and equal participation in decision-making is called for in **targets 5.5, 6.b,**

and 16.7, while **target 16.6** address the issue of accountable institutions. In order to realize the right of indigenous peoples to equal participation and self-determined development, the following amendments should be made:

- ✓ Data generated under **targets 5.5 and 16.7** should be disaggregated with regards to indigenous peoples

An adequate indicator **for target 6.b** would be:

- ✓ National water resource management and sanitation policies that contain provisions and procedures for participation of indigenous peoples and local communities.

An additional adequate indicator for both **targets 16.6. and 16.7** would be:

- ✓ Recognition in national legislation of the State duty to consult with indigenous peoples and to obtain their FPIC before adopting or implementing legislative or administrative measures that may affect them and prior to approval of any project that affects their lands, territories and resources

Access to justice

Indigenous peoples have the right to maintain and strengthen their distinct juridical systems, in accordance with international human rights standards. **Target 16.3.** calls for equal access to justice for all, but the proposed indicators do not acknowledge the important role of customary institutions in providing access to justice for indigenous peoples and many other groups. An adequate process indicator would be:

- ✓ Recognition of the jurisdiction of customary law institutions in national legislation

An adequate outcome indicator would be:

- ✓ Proportion of those who have experienced a dispute in the past 12 months and who have accessed a fair formal, informal, alternative or traditional dispute mechanism¹⁰

Health care

Indigenous peoples have the right to their traditional medicines and to maintain their health practices. This is particularly relevant with regard to birth attendance, where traditional practices have great significance and cultural value. **Target 3.1.** aims to reduce global maternal mortality. In addition to the proposed indicator an additional indicator should measure:

- ✓ Proportion of births attended by an intercultural health team (including traditional birth attendants)

¹⁰ as proposed by the World Bank under target 16.3

Making use of human rights monitoring bodies

The UN Declaration on the Rights of Indigenous Peoples does not create new or special rights or privileges for indigenous peoples, but is an instrument for equality, which reflects universal human rights as they pertain to indigenous peoples. Hence, UNDRIP is complementary to – and under-pinned by – the full range of international human rights and labour standards.

As the SDGs and targets mirror many of States' commitments under international human rights and labour standards, existing human rights monitoring mechanisms constitute an invaluable resource for monitoring and guiding the implementation of the 2030 Agenda for Sustainable Development.

A human rights-based approach facilitates the identification of cross-linkages

A human rights-based approach to the targets and indicators can serve to identify cross-linkages and, consequently, help simplify the indicators framework. For examples, **targets 5.c, 10.3, and 16.b** regarding discriminatory legal frameworks can all be measured by the same indicator, making explicit the relationship to legally-binding international human rights instruments with institutionalised monitoring mechanisms.

SDG implementation must be guided by indigenous peoples' human rights

In general, there is a high degree of convergence between the SDG targets and the range of international human rights and labour standards¹¹, the **UN Declaration on the Rights of Indigenous Peoples** (UNDRIP). Further, the targets reinforce commitments made by States under the **2014 World Conference on Indigenous Peoples**¹².

- More than one-third of the targets refer substantially to the UNDRIP
- Linkages are particularly strong with regards to education (Goal 4), participation (Goal 16), and equality and non-discrimination (Goals 1, 4, 5, 8, 10)
- There are unique linkages under some goals, meaning that UNDRIP is the sole human rights instrument that provides specific guidance on conservation and sustainable use of the environment, terrestrial and water-related ecosystems and biodiversity, including storage and disposal of hazardous materials (Goals 6 and 15); traditional knowledge and intellectual property (Goals 2 and 15), and; traditional occupations, such as pastoralism (Goals 2 and 8).

Although indigenous peoples are only specifically mentioned in two of the targets, there is a huge potential to advance indigenous peoples' rights through the SDGs – and to use UNDRIP and other human rights instruments to guide SDG implementation and monitoring.

The adoption of indicators relevant for indigenous peoples under the 2030 Sustainable Development Agenda also has the potential to enable and support important community-based monitoring work by indigenous peoples relating to self-determination and sustainable development. Multiple sources of data from complementary monitoring systems, must underpin the evidence base needed for robust and participatory monitoring of the SDGs. Through the use of indicators relevant for indigenous peoples, a genuine partnership amongst United Nation agencies, governments and indigenous peoples can be forged, towards realizing respect and progressive realization of human rights for all, and ensuring no one is left behind.

¹¹ The “Human Rights Guide to the SDGs”, elaborated by the Danish Institute for Human Rights, concretely shows how human rights and labour standards link to the 169 targets.

See www.humanrights.dk/sdg-guide

¹² See <http://undesadspd.org/Home/tabid/40/news/473/Default.aspx>