

## **High Level Political Forum (HLPF): “Ensuring that No One is Left Behind”**

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“Indigenous peoples also have the right to actively participate in developing and determining development programmes affecting them such as health, housing and other economic and social programmes. Whenever possible, they should also be the one to lead implementation of such programmes through their own institutions.”

*- Article 23, United Nations Declaration on the Rights of Indigenous Peoples*

### **Introduction**

The Indigenous Peoples Major Group (IPMG) cautiously welcomes the decision of Member States and the office of the President of the ECOSOC on the proposed theme of the High Level Political Forum, “Ensuring that No One is left behind”. The theme is relevant for Indigenous Peoples who are often included among the world’s most vulnerable and disadvantaged. However, it must be clear from the outset that the 2030 Agenda still treats Indigenous Peoples more as recipients of development than active agents and drivers of change.

While Indigenous Peoples are among the most vulnerable and marginalized groups around the world, they are also active participants and partners who are making important contributions to sustainable development. Indigenous Peoples are often identified as custodians of many of the planet's most biologically diverse areas, verifiably holding a wealth of traditional knowledge, innovations and practices on ecosystem management and technologies, traditional health systems and medicinal plants; agricultural production and food systems, local crops and seeds. Indigenous Peoples, including indigenous women, also have a proven track record of responsible management of natural resources in forests, deserts, tundra, and small islands. While these realities are increasingly recognized among mainstream sectors, Indigenous Peoples seldom share in the benefits of the commercialization of their knowledge.

Further, contributions of Indigenous Peoples to sustainable development should not only be recognized and respected, but whenever possible, celebrated as models of good practices with the potential to benefit all mankind. As active agents and drivers of change Indigenous Peoples are an important part of the solution toward the implementation of the SDGs and this should be reflected in the monitoring and review envisaged for the High Level Political Forum on Sustainable Development (HLPF). To ensure that “no one is left behind” in the 2030 Agenda, the advice of UN mandate holders and experts on Indigenous Peoples issues is clear - the special situations of Indigenous Peoples must be addressed and their right to determine their own visions of sustainable development must be upheld.

### **Role of the High Level Political Forum on Sustainable Development**

UN Secretary General Ban Ki Moon (UNSG), in his report entitled “Critical milestones towards coherent, efficient and inclusive follow-up and review at the global level” notes that Heads of State and Government decided that all reviews of the implementation of the 2030 Agenda will be “open, inclusive, participatory and transparent for all people and will support reporting by all relevant stakeholders”.<sup>1</sup> The UNSG also added “It is critical to engage major

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<sup>1</sup> See “Critical milestones towards coherent, efficient and inclusive follow-up and review at the global level” A/70/684, 15 January 2016

groups and other stakeholders throughout the review process. The UNSG recognized that “it will thus be beneficial to the review that governments ensure inclusiveness and participation through the appropriate mechanisms. Progress in doing so could also be highlighted in national reviews at the HLPF”.

UN Member States developed the SDGs in a broad consultative process that included unprecedented engagement with Major Groups and other stakeholders. In the spirit of partnership, the Indigenous Peoples Major Group expects the mandated, broad engagement process to translate into a strong commitment by all stakeholders to implement the 2030 Agenda. The HLPF will play a critical role in monitoring and following up on the progress towards the SDGs – including their targets, indicators and means of implementation.

### **Participation of Indigenous Peoples in the HLPF as Rights Holders**

“We stress the importance of the participation of indigenous peoples in the achievement of sustainable development. We also recognize the importance of the UN Declaration on the Rights of Indigenous Peoples in the context of global, regional, national, and sub-national implementation of sustainable development strategies.”

- *The Future We Want, para. 49 (A/RES/66/288)*

As a result of its participatory experience within the process to date, the IPMG has concerns moving forward. In 2014, for example, two thirds of the speaking slots were allocated to representatives of the business and industry, leaving only one third of the slots to the remaining 8 Major Groups including Indigenous Peoples and other Stakeholders. Within this reality, the Indigenous Peoples Major Group was allocated only one speaking opportunity throughout the entire 2 weeks of the HLPF events.<sup>2</sup> Following the HLPF, Major Groups representatives addressed their concerns to UN DESA and the office of the ECOSOC President. Austrian Ambassador Martin Sajik, was the ECOSOC President at the time, met separately with representatives of each Major Group for a dialogue on how to improve the HLPF and ensure transparency and participation of various stakeholders.

Soon after the meetings, all Major Groups were tasked with preparing papers on the role of the HLPF. The Indigenous Peoples Major Group collaborated with the NGO Major Group on a joint paper prior to the HLPF 2015. During 2015 HLPF the situation improved providing a more balanced distribution of allocated speaking slots across all Major Groups, however; as in the previous year, the Indigenous Peoples Major Group was allocated only one speaking slot.<sup>3</sup>

A remaining challenge for Indigenous Peoples to meaningfully engage in the HLPF is the lack of financial resources for Indigenous Peoples to attend the HLPF and for the IPMG Organizing Partners to assist in monitoring, multi-regional coordination, dissemination of relevant information, production of additional and or complementary data, urging partners to

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<sup>2</sup> Dr. Myrna Cunningham, former Chairperson of the UN Permanent Forum on Indigenous Issues and a member of the Indigenous Peoples Major Group spoke as the lead discussant at the HLPF Multi-stakeholder Dialogue on “Multi-stakeholder partnerships and voluntary commitments for sustainable development – ensuring accountability for all.

<sup>3</sup> Galina Angarova of Tebtebba Foundation spoke on behalf of Indigenous Peoples at the interactive dialogue on “Changing approaches to policy making: the role of the SDGs.”

produce national shadow reports, and facilitate active engagement in HLPF discussions and other relevant fora. While appreciated, funds for participation provided via by UN-DESA has proven to be insufficient for effective participation of Indigenous Peoples in this and related processes.

### **Indigenous Peoples aspirations for the future of the HLPF**

“...indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In this regard, we commit ourselves to giving due consideration to all the rights of indigenous peoples in the elaboration of the post-2015 development agenda”

- *World Conference on Indigenous Peoples Outcome Document, para. 37*

Sustainable development based on a human rights framework needs to be the core of implementation, monitoring and review strategies of the 2030 Agenda. Therefore, the HLPF should be securely founded on the human rights based approach, including the rights of Indigenous Peoples as prescribed in UN Declaration on the Rights of Indigenous Peoples, ILO 169 and World Conference on Indigenous Peoples Outcome Document. A Third Committee Resolution on the Rights of Indigenous Peoples in 2015 also made strong recommendations related to implementation of 2030 Agenda with respect to Indigenous Peoples’ rights. It stresses “the need to strengthen the commitment of States and the entities of the United Nations system to mainstream the promotion and protection of the rights of indigenous peoples into development policies and programmes at the national, regional and international levels, and encourages them to give due consideration to the rights of indigenous peoples in achieving the goals of the 2030 Agenda for Sustainable Development”<sup>4</sup>

Additionally, establishing a bureau of Member States with appropriate participation of various stakeholders, including Indigenous Peoples, which can provide guidance and political support, should strengthen the mandate and the capacity of the HLPF. A meaningful role must be ensured for all stakeholders in both its design and implementation. No goals or targets or policies on sustainable development should be implemented unless Indigenous Peoples and civil society are engaged.

With this in mind, the IPMG recommends that:

- 1.) Each United Nations Regional Commission establishes mechanisms for peer review, drawing on existing structures. The regional level would also be the appropriate forum for the discussion of particular regional challenges, policies and strategies and the development of regional cooperation.
- 2.) Every country adopt a National Sustainable Development Strategy (NSDS) through a participatory process that is inclusive and invites stakeholders, such as Indigenous Peoples, for substantive input.

On monitoring and review, reporting on SDG implementation by the National Statistical Offices should be complemented by citizen-generated data and shadow reporting produced directly by individuals, NGOs, and Indigenous Peoples organizations and institutions. It is

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<sup>4</sup>The Third Committee Resolution on the Rights of Indigenous Peoples 2015, c)

important to ensure that the data collected is reliable, transparent, accessible, and disaggregated to reflect the differences among various groups, and must at a minimum include disaggregation by sex/gender, age, income and ethnic origin.<sup>5</sup> Further, progress towards disaggregation by indigenous status relevant to national realities is essential.

The IPMG further recommends:

- 1) Disaggregated data for every SDG by including indigenous identifiers in national data censuses, household surveys and other data gathering efforts;
- 2) Cross referencing the relevant commitments of the outcome document of the World Conference on Indigenous Peoples with Agenda 2030; and
- 3) Disaggregating data with a focus on education, health, basic social services, agriculture, labor statistics including traditional occupations.

Community-Based Monitoring and Information Systems (CBMIS) are important to highlight here. These are processes where Indigenous Peoples are able to generate information for the analysis, monitoring, and use of their community. CBMIS is geared towards community organizing, empowerment, and the realization of Indigenous Peoples' sustainable, self-determined development. Such information is crucial and should be directly fed into the official reporting. CBMIS can concurrently provide direct and timely representation of the unique perspectives of Indigenous Peoples and fill gaps in official data.

Special attention should also be paid to governance and partnerships for the implementation of SDGs. Here the HLPF should play a critical role in providing direction and a system-wide approach. Indigenous Peoples are becoming increasingly concerned that the United Nations promotes public-private partnerships (PPPs) as a main finance source of the SDGs. A common concern is that the PPPs would be used predominantly to leverage public financing for large industrial and infrastructure projects. Given the history of PPPs, their impact on the natural environment and on Indigenous Peoples, this concern is well founded. PPPs are responsible for devastating resource extraction and large infrastructure development projects, which have irreversible impacts on biological and cultural diversity. Here it is critical to ensure protection measures and safeguards, including free, prior and informed consent, as well as a screening mechanism for any type of a public private partnership seeking to be initiated under the banner of sustainable development.

An alternative is the promotion of small-scale partnerships, where small and medium enterprises (SMEs) owned and managed by Indigenous Peoples and local communities', as well as other citizen-led initiatives can be supported and scaled up. Enabling the environment for local and regional partnerships is an effective way for durable and sustainable implementation. The HLPF should integrate this alternative in its emerging monitoring and

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<sup>5</sup>Indigenous Peoples have consistently called for disaggregation of data to reflect their special situations. This is most recently acknowledged in paragraph 10 in the outcome document of the High Level Plenary Meeting known as the World Conference on Indigenous Peoples.

review framework. In particular, the Partnership Forum of the Economic and Social Council can serve as a platform for drawing attention to this alternative especially in areas requiring policy attention in regard to partnerships' contribution to implementation.<sup>6</sup>

### **On the proposed theme: “Ensuring that no one is left behind”**

For Indigenous Peoples around the world, “leaving no one behind” means respecting subsistence economies and promoting non-monetary measures of well-being. For instance, the targets under SDG Goal 1 do not fully reflect the special situations of Indigenous Peoples and could be detrimental for traditional economies that are based on subsistence and harmonious relationship with natural environment. Additionally, the financial measure of \$1.25/day for extreme poverty is inappropriate for Indigenous Peoples, for whom security of rights to lands, territories and resources is essential for poverty eradication. From this perspective, the linear monetary measure of poverty can contribute to further impoverishing Indigenous Peoples under the guise of the theme “leaving no one behind.”

Further, while the IPMG and its partners have provided inputs regularly, concerns remain regarding the invisibility of Indigenous People in the developing global indicators. The invisibility of Indigenous Peoples in global indicators promotes a reductionist agenda that is unacceptable and will negatively impact the monitoring and review envisaged for the HLPF. Building upon the security of lands as essential to poverty eradication, target 1.4 on land tenure is critical for Indigenous Peoples well being. The IPMG notes the unfortunate deletion of the direct reference to Indigenous Peoples in the text of indicator 1.4.2, however; the inclusion of “type of land tenure,” will facilitate data collection that encompasses all forms of land and all forms of tenure including those held by Indigenous Peoples.

The IPMG will continue to engage the process of developing global indicators. For example, the IPMG was represented at and participated in the New York meeting of the Inter-Agency and Expert Group on Sustainable Development Goals (IAEG-SDGs), and also attended both the second and the third IAEG meetings in Bangkok, Thailand and in Mexico City, Mexico respectively. The IPMG welcomes the adoption of the following indicators under 5.a. (5.a.1/5.a.2), which include references to “secure rights”, “ownership”, “by tenure type”, the latter includes other forms of tenure, including collective rights, which are also important for Indigenous Peoples. Additionally, the IPMG welcomes the inclusion of two corresponding indicators that contain direct references to indigenous peoples under goals 2 (2.3.2) and 4 (4.5.1).

### **What is needed for Indigenous Peoples to make a meaningful contribution?**

Evidence affirms decreasing political participatory spaces as national restrictions on non-governmental actors seek to control or curtail their activities increase around the world.<sup>7</sup> These restrictions, resulting in shrinking access to support funding and political space, include laws that restrict registration or association, foreign funding, anti-protest laws, etc. Additionally, 116 environmental activists were reported murdered globally in 2014; 40

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<sup>6</sup> This position is consistent with the recommendation of the UNSG in his report, A/70/684, para. 107.

<sup>7</sup> See Closing Space: Democracy and Human Rights Support Under Fire at <http://carnegieendowment.org/2014/02/20/closing-space-democracy-and-human-rights-support-under-fire>

percent of those killed were indigenous persons.<sup>8</sup> As stated by Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples, “The impunity with which indigenous activists have been murdered must end. It is urgent that governments around the world [...] take immediate action to protect indigenous rights activists peacefully protesting for legal rights to their own lands and territories.” This is a reality that the HLPF and other related forums should recognize and address in their monitoring and review framework.

Political will and financial resources are required for Indigenous Peoples to both implement the SDGs, but also to engage in national policy formulation, development of national indicators, producing additional and complementary data, producing national shadow reports, engage actively in national, regional, and HLPF discussions, or in other related fora. Much of this work is not budgeted and requires additional resources for Indigenous Peoples full and effective participation.

Therefore, the IPMG recommends that the Member States and the UN System increase:

- 1.) Political space nationally, regionally, and globally for Indigenous Peoples and civil society to operate and to express their views openly and publicly without fear of reprisals, especially with the increasing violence against environmental and human rights advocates around the world.
- 2.) Financial resources, both for Indigenous Peoples to implement the SDGs, but also to engage in national policy formulation, development of national indicators, producing additional and complementary data, producing national shadow reports, and engaging actively in HLPF discussions, as well as other relevant fora.

Both the UNSG and the 2030 Agenda envisage strong participation of non-state actors in UN intergovernmental forums and bodies and inclusiveness in follow-up and review at the global level during the HLPF.<sup>9</sup> However, if Indigenous Peoples rights are not respected and the right conditions for Indigenous Peoples inclusion and meaningful participation at the national, regional, and global levels are not put in place, there is little hope that the Post2030 Agenda will deliver positive changes to the estimated 370 million Indigenous Peoples around the world - Indigenous Peoples will be left behind.

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<sup>8</sup> See the report of Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples, available at <http://news.trust.org/item/20160405170026-jth2s/?source=shfb>

<sup>9</sup> See UNSG report, A/70/684, para. 67