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### Permanent Forum on Indigenous Issues

#### Fifth session

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Item 3 and 4 of the provisional agenda

Special theme: Millennium Development Goals and indigenous Peoples

Ongoing priorities and themes

### Information received from the United Nations system

#### UN-HABITAT

##### *Executive summary*

UN-HABITAT works towards improving living conditions, adequate shelter for all and sustainable human settlements development, while focusing on the needs of the poor and other vulnerable and disadvantaged groups, including indigenous peoples. The Habitat Agenda and other relevant international instruments and frameworks related to economic and social development, and human rights provide guidance to UN-HABITAT's work. The main ongoing

activities of UN-HABITAT relevant to the rights and needs of indigenous peoples are related to the efforts to promote inclusiveness, social integration and the realization of housing rights in human settlements, e.g., activities related to the implementation of Goal 7, Target 11 of the Millennium Development Goals; the Global Campaign on Urban Governance; the Global Campaign for Secure Tenure; and the United Nations Housing Rights Programme.

In response to the outcome and requests from the previous sessions of the Permanent Forum on Indigenous Issues, particularly paragraphs 37 and 65 of the recommendations of the fourth session, UN-HABITAT has strengthened its focus on indigenous issues and the needs and rights of indigenous peoples. In this relation, efforts are underway for the organization of an expert group meeting as follow-up to the research project on “Indigenous peoples’ right to adequate housing: A global overview” which has been undertaken jointly by UN-HABITAT and the Office of the United Nations High Commissioner for Human Rights. A number of contacts are made to explore the potential and possibility of hosting this meeting and provision of financial support.

In its global programmes and activities, UN-HABITAT continued to address several other issues related to indigenous peoples. UN-HABITAT’s work on poverty alleviation and MDGs, for example, has the potential to establish direct links with indigenous people’s livelihoods. The gender policy of UN-HABITAT aims to address the Habitat Agenda commitment to gender equality by the objectives of promoting women’s equal rights and women’s empowerment. UN-HABITAT’s activities in the field of disaster mitigation, post conflict and safety in the context of human settlements, is related to

housing and living conditions of indigenous peoples in most cases. After the Tsunami disaster in South East Asia last year, UN-HABITAT took part in the relief and reconstruction activities jointly with other United Nations agencies, particularly with UNDP (ongoing). In the Aceh region in Indonesia, such efforts focused on land issues, and about 5,000 families were directly assisted.

UN-HABITAT has participated actively in the International Expert Group Meeting on the Millennium Development Goals, Indigenous Participation and Good Governance which took place in New York, from 11-13 January 2006, and assisted deliberations to focus on the effects of urbanization and migration on the lives of indigenous peoples, and policies and actions needed to address potential and possible negative effects of these processes.

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## **I. Response to recommendations addressed exclusively to UN-HABITAT**

1. This report is prepared in response to recommendations of the fourth session of the Permanent Forum on Indigenous Issues as specified in paragraph 37 and 65 addressed exclusively to UN-HABITAT, and in other paragraphs as related and relevant to the mandate and activities of the Organization.

2. Efforts are underway to organize an expert group meeting to review the status of the realization process of indigenous peoples' housing rights globally, and identify and document best practices as a follow-up of the findings and recommendations of the research project on "Indigenous peoples' right to adequate housing: A global overview", undertaken within the framework of the United Nations Housing Rights Programme (UNHRP) — a joint initiative of UN-HABITAT and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

3. Due to the current non-availability of funds, UN-HABITAT has contacted a number of potential donor countries to explore whether this planned expert group meeting could be hosted by governmental and/or other authorities and organizations in those respective countries and whether financial support could be provided for this endeavour. At the time this report had been prepared, no response was yet received from these contacts. When the funding situation becomes clear and in the event that there are adequate resources, this initiative is planned to take place in the third or fourth quarter of 2006.

4. The planned expert group meeting will address current situations where indigenous peoples are subject to discrimination and inequality in diverse aspects of housing, including laws and policies which have discriminatory effects; discriminatory allocation of resources for housing, including credit and loans; and discriminatory practices of private landlords in the rental market (which often prevents indigenous peoples from renting even the worst accommodation), and policies and practices in place to counter such discrimination and inequality.

5. The focus will also be on indigenous poverty, disadvantage and discrimination with respect to the right to adequate housing, particularly in relation to the fact that the status of indigenous people is closely interconnected with dispossession from their lands. In many instances, land dispossession<sup>1</sup> forces indigenous peoples to leave their lands, which has negative impacts on their lives in several ways. It leaves them with no means to sustain themselves or gain a livelihood. As a result of both loss of livelihood and absence of adequate housing, indigenous women and men are compelled to migrate, often to cities and towns in search of both.

6. In addition to the above, issues of indigenous women specific to housing, whether in urban or rural areas, will be addressed. Poor and inadequate housing conditions, characterized by overcrowding, lack of privacy, and absence or inadequacy of sanitation and basic services, exacerbate women's vulnerability to domestic violence. Another phenomenon is the fact that indigenous women are unable to acquire housing independently from men. In some circumstances, society alienates women who live alone — be they divorcees, widows, single women, or married women who are separated from

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<sup>1</sup> Whether as a result of initial colonization processes, changes to land tenure schemes, or forced eviction for private development

their husband. Additionally, often due to customary law, traditions and culture, women do not have the opportunity or possibility to own, acquire, or inherit property.

7. Moreover, the expert group meeting will focus on forced evictions and migration to urban centres driven by employment prospects. In the cities, indigenous people experience extreme poverty, rampant discrimination and a loss of spiritual, community and family ties as well as indigenous culture and values. With the prohibitive costs of home-ownership, their housing conditions are often very poor. Many, therefore, live in informal settlements and slums, while others are left homeless.

8. The expert group meeting will address the fundamental issue of poverty as a key aspect of improving the housing conditions of indigenous peoples. This is in keeping with the principle that the right to adequate housing is a constituent element of the right to an adequate standard of living as articulated in the ICESCR. **Governments must create the circumstances for indigenous peoples to become economically self-reliant. Governments must also develop specific economic policies that stimulate employment opportunities in urban areas and development in rural areas taking into account indigenous peoples' needs, rights and modes of production.**

9. A specific focus of the expert group meeting will be on participation in decision-making. It is a fact that indigenous women and men will continue to be marginalized if they are excluded from decision-making processes. **Governments must ensure that indigenous peoples are included as equal partners in all decision-making processes, particularly on those issues of interest and**

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projects or the exploitation of natural resources.

**importance to indigenous communities. With respect to housing, indigenous men and women must participate freely and equally in the development of any legislation, policies, or programmes that may have an impact on their housing conditions. Indigenous men and women must also participate equally in discussions, negotiations and decisions regarding development projects that are to take place on their lands. The principle of free, prior and informed consent should be applied at all stages of the project cycle. This means that their voices must be heard and their demands and grievances must be met when major decisions are taken regarding development priorities and the allocation of resources.**

10. The expert group meeting will identify and further document successful programmes and projects which are often those that have involved indigenous peoples in meaningful and diverse ways. Examples include initiatives in Canada, where social/public housing owned and operated by indigenous peoples and designed in a culturally sensitive manner has proved very popular with indigenous tenants; in Finland, where the Government implemented a loan and grant scheme for the Saami enabling them to build their own houses on their own lands; and in Kenya, where Maasai women have been part of a project that enables them to use indigenous skills and materials to redesign existing housing so that it responds more to their needs.

**II. Response to recommendations addressed to one or more agencies or to the United Nations system in general under one or more items of the Permanent Forum's mandate; obstacles to the implementation of recommendations, other policies; significant information regarding indigenous issues**

11. UN-HABITAT is addressing most of the issues raised in the fourth and previous sessions of the Permanent Forum on Indigenous Issues within its general activities aimed at improving living conditions of the poor, vulnerable and disadvantaged groups, including indigenous peoples. Within this framework, UN-HABITAT's work on security of tenure provides scope for a strategic partnership with indigenous peoples in addressing the complex nature of land issues. All indigenous peoples retain a strong sense of their distinct cultures, the most salient feature of which is a special relationship to land. UN-HABITAT's work on poverty alleviation and MDGs has the potential to establish direct links with indigenous people's livelihoods. UN-HABITAT seeks to promote the participation of civil society (including NGOs) in human settlements development and related decision-making processes. This is also very relevant to the needs and concerns of indigenous peoples. Despite the fact that urban settlements hold tremendous potential as engines of economic and social development, they can at the same time generate and intensify social exclusion, denying the benefits of urban life to the poor, to women, youth and other marginalized groups including indigenous peoples.

12. The gender policy of UN-HABITAT aims to address the Habitat Agenda commitment to gender equality through the objectives of promoting women's equal rights and women's empowerment internationally within the area of human settlements development; supporting governments, NGOs

and other partners in capacity building and development in order to mainstream gender equality in human settlements development; and mainstreaming a gender perspective throughout UN-HABITAT's activities. While working towards these objectives, UN-HABITAT focuses particularly on the needs of the most vulnerable and disadvantaged women groups, including indigenous women. The main method of outreach for the empowerment of women in human settlements is through the global women's networks that form part of the Huairou Commission. The Gender Task Force (an internal body in UN-HABITAT) aims to mainstream gender in all aspects of the Programme's work.

13. UN-HABITAT's activities in the field of disaster mitigation, post conflict and safety in the context of human settlements, is related to the housing and living conditions of indigenous peoples in most cases. After the Tsunami disaster in South East Asia last year, for example, UN-HABITAT took part in the relief and reconstruction activities jointly with other United Nations agencies, particularly with UNDP which is still ongoing. In the Aceh region in Indonesia, such efforts focused on land issues and were undertaken in three dimensions:

(i) relocation of entire settlements where destruction of Tsunami was significant; (ii) readjustment within the existing settlements where destruction was partial; and (iii) settlement upgrading where *in situ* improvement was feasible. Land issues being fundamentally important for the indigenous peoples, these activities are directly affecting the lives of many indigenous peoples.

14. UN-HABITAT's participatory mapping and Community Action Plan process enables community members to take an active role in (re-)establishing formal occupancy rights throughout the Tsunami affected areas. The mapping of plot ownership in new or rehabilitated villages will become the basis

for the registration and provision of land certificates by the National Land Agency in Aceh. The current number of families directly assisted in Aceh by UN-HABITAT is around 5,000.

### **III. Information and suggestions regarding the special theme of the fifth session, “Millennium development Goals and indigenous peoples: redefining the Goals”**

15. UN-HABITAT’s involvement in the implementation of MDGs, particularly Goal 7, Targets 10 and 11, is relevant to the issues, needs and rights of indigenous peoples.

16. As elaborated in Section A, the global research on housing conditions of indigenous peoples — both in urban and rural areas, and including the status of the progressive realization of the right to adequate housing as enshrined in international instruments — reveals that indigenous peoples live in inferior conditions compared to the rest of the populations in most countries. Furthermore, the research stresses the vulnerability of indigenous groups being often affected by displacement, the insecurity of tenure they have over their traditional homelands, and the culturally inappropriate housing alternatives offered by authorities. MDG Goal 7, Target 11 — which foresees “Achievement of significant improvement in the lives of at least 100 million slum dwellers by 2020” — is quite relevant to the status and needs of indigenous peoples both in urban and rural areas, and is addressed also with emphasis in the Istanbul Declaration and the Habitat Agenda. Similarly, MDG Goal 7, Target 10 — which foresees “Reducing by half the proportion of people without sustainable access to safe drinking water” — is very relevant to the mandate and diverse activities of UN-HABITAT.

17. UN-HABITAT supports recommendations made by the Inter-Agency Support Group on Indigenous Issues and the outcome of discussions held on the topic during the fourth session of the PFII. **UN-HABITAT is furthermore of the opinion that there is a need for elaboration of the targets particularly mentioned above, to have clarification on quantification so that commitments at the regional and national levels can be reached more effectively and related actions be initiated.**

18. UN-HABITAT participated in the International Expert Group Meeting on the Millennium Development Goals, Indigenous Participation and Good Governance, held at United Nations Headquarters in New York from 17-19 January 2006, and elaborated on principals of good urban governance as defined by the Global Campaign on Urban Governance, one of UN-HABITAT' major initiatives. UN-HABITAT's contribution highlighted, *inter alia*, the important changes taking place in the lives of indigenous peoples in most parts of the world as a result of urbanization and migration processes. **UN-HABITAT recommended that capacities of indigenous peoples and their organizations be strengthened so that their participation and effectiveness in urban governance can be facilitated.** The Expert Group Meeting agreed upon the importance of the highlighted issues and proposed recommendations to be reflected in the outcome of its deliberations.

#### **IV. Major upcoming UN-HABITAT events relevant to indigenous issues**

- a). The third session of the World Urban Forum, Vancouver, Canada, 19-23 June 2006;
- b). The twenty first session of the Governing Council of UN-HABITAT, Nairobi, Kenya, 16-20 April 2007.