



UN-HABITAT



**REPORT ON UN-HABITAT
ACTIVITIES REGARDING INDIGENOUS ISSUES**
Submitted to the eighth session of the Permanent Forum on Indigenous Issues
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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, Millennium Development Goals and other relevant international instruments and frameworks related to spatial, economic and social development, as well as human rights, provide guidance to UN-HABITAT's work.

UN-HABITAT's ongoing activities are contributing to the five main objectives of the Second International Decade of the World's Indigenous People in several ways. Economic and social empowerment of indigenous peoples; urban economic development and finance; rural-urban linkages; promoting civic engagement, social integration, participatory urban planning and management; gender mainstreaming and efforts underway to establish a global monitoring and evaluation mechanism for progress in the realization of housing rights are some of such specific areas.

UN-HABITAT is elaborating policy guidelines for governments and local authorities to assist in the development of public policies related to the challenges faced by indigenous peoples in cities. This initiative is a response to the outcome and requests from the previous sessions of the Permanent Forum on Indigenous Issues. It is also a follow-up to the Expert Group Meeting on Urban Indigenous People and Migration UN-HABITAT organized in cooperation with OHCHR, UNPFII, IOM and ECLAC in Santiago de Chile.

UN-HABITAT has developed, in particular, a draft Policy Guide to Housing for Indigenous Peoples, which was discussed at the fourth session of the World Urban Forum (Nanjing, China, November 2008) and started implementing the policy guides series initiative to indigenous peoples' issues in urban areas, through the Inter-Agency Support Group on Indigenous Peoples. This policy guides initiative is expected to contribute to the more effective realisation of indigenous peoples' rights in the urban setting.

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

A. Response to recommendations addressed to UN-HABITAT

i) From the fourth and fifth sessions:

1. In recognising the challenges related to urbanisation and indigenous peoples, notably the urgent need of furthering the research and documentation undertaken by the United Nations Housing Rights Programme (UNHRP), the Permanent Forum recommended in its fourth session that an expert group meeting (EGM) on this topic be organised. At its fifth session, the Permanent Forum reiterated its recommendation to expand the scope of this endeavour beyond the field of housing, and to cover urban issues comprehensively under the general title of “Urban indigenous peoples and migration”.
2. In responding to this recommendation, and with generous funding from the Government of Canada, an international EGM on Urban Indigenous Peoples and Migration was held on 27-29 March 2007 at the ECLAC premises in Santiago de Chile. The EGM was convened by UN-HABITAT and OHCHR within the framework of the UNHRP, co-organised by the Secretariat of the UNPFII and the Latin America and the Caribbean Demographic Centre (CELADE) - ECLAC, and supported by IOM.
3. The overall goal of the EGM was to contribute to improving the living conditions of urban indigenous peoples and the realisation of their human rights. The specific objectives of the EGM were: (i) to assess impacts of the migration process on

indigenous peoples; (ii) to analyse living conditions and the human rights situation of indigenous peoples in urban areas with the aim of generating comprehensive knowledge based on latest research findings; (iii) to evaluate current policies and practices and their effects on living conditions and the realisation of human rights of indigenous peoples in urban areas; and (iv) to elaborate recommendations on how to improve living conditions of urban indigenous peoples and to contribute to the realisation of their human rights.

4. The summary report of the EGM was submitted to the sixth session of the Permanent Forum, and a publication containing a full account of the meeting (all papers, presentations, deliberations, and policy recommendations), has been made available on UN-HABITAT's and other participating organisations' web-sites¹.

ii) From the sixth session:

5. In recognising the challenges related to urbanisation and indigenous peoples, at its sixth session the Permanent Forum noted the International Expert Group Meeting on Urban Indigenous Peoples and Migration, held in Chile (27-29 March 2007) (Session report, paragraph 109), and further recommended that States, United Nations and civil society organizations and other stakeholders contribute to the implementation of the recommendations of the 2005 publication *Indigenous Peoples' Housing Rights: A Global Overview*.²

¹ The publication entitled "Urban Indigenous Peoples and Migration – Report and full account of the International Expert Group Meeting, 27-29 March 2007, Santiago, Chile" can be downloaded from the UNPFII website <http://www.un.org/esa/socdev/unpfii/> or from www.unhabitat.org/unhrp.

² This publication can be downloaded from www.unhabitat.org/unhrp.

6. In response to the recommendations of the sixth session of the Permanent Forum and to the newly adopted United Nations Declaration on the Rights of Indigenous Peoples³, particularly Articles 21 and 23, as well as a direct follow-up activity to the EGM on Urban Indigenous Peoples and Migration, and as requested by the 2007 Annual Meeting of the United Nations Inter-Agency Support Group on Indigenous Issues (IASG) (Montreal, 17-19 September 2007), UN-HABITAT and OHCHR, under the United Nations Housing Right Programme (UNHRP) and through the IASG, are coordinating the elaboration of policy guidelines for governments and local authorities to assist in the development of public policies related to the challenges faced by indigenous peoples in cities⁴. The policy guides are proposed to be elaborated along the following themes: employment and local economic development, education, health, transition/settlement services, cultural and linguistic continuity- identities- ethnic mobility, human security (particularly for indigenous women and youth) and housing. The different policy guides will be produced by relevant UN agencies, and where appropriate, be followed-up with practical toolkits and training materials to facilitate implementation through local authorities.

iii. From the seventh session:

7. In recognising the challenges related to urbanisation and indigenous peoples, at its seventh session the Permanent Forum recommended that urban indigenous issues be given important consideration on the agenda of the fourth session of the World Urban Forum which was held in Nanjing, China, in November 2008, and welcomed the

³ A/RES/61/295 United Nations Declaration on the Rights of Indigenous Peoples

⁴ IASG (2007), Report of the 2007 Annual Meeting of the Interagency Support Group on Indigenous Peoples (Montreal, 17-19 September 2007); see p. 6, para 28

policy guides initiative to provide local authorities with guidelines on urban indigenous issues.

8. The draft “Policy Guide to Housing for Indigenous Peoples” was presented and discussed at the fourth session of the World Urban Forum.
9. Based on comments received at the fourth session of the World Urban Forum, UN-HABITAT is finalizing its “Policy Guide to Housing for Indigenous Peoples”, which draw on the 2005 UNHRP report “Indigenous peoples’ right to adequate housing – a global overview” and other existing sources, and plans to present the final draft at the eighth session of the Permanent Forum, and launch the policy guide series.
10. UN-HABITAT is inviting United Nations agencies and member States to support the policy guides initiative in order to provide local authorities with specific guidance on challenges faced by Indigenous Peoples in urban areas.

B. Response to recommendations addressed to one or more agencies or to the UN system in general under one or more items of the Permanent Forum’s mandate

11. UN-HABITAT has a clear position on the rights of indigenous peoples. Given the nature of its mandate, i.e. to promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all, 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 Agenda⁵, Millennium Development Goals and other relevant international instruments and frameworks related to spatial, economic and social development, as

⁵ Habitat II, 3-14 June 1996, Habitat Agenda, paragraph 122 a-d on indigenous peoples.

well as human rights, provide guidance to UN-HABITAT's work in the area of addressing indigenous peoples' issues.

12. UN-HABITAT's work on indigenous peoples issues is in response to and mandated by the recently adopted Resolution A/RES/61/295 "United Nations Declaration on the Rights of Indigenous Peoples", which in its Article 21 reads "*1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security; 2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities*" and Article 23: "*Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions*".

C. Obstacles to implementation of recommendations of the Permanent Forum, including those addressed specifically to UN-HABITAT

13. The main obstacle UN-HABITAT faces in implementing policies relevant to indigenous peoples is inadequacy of staff resources and lack of funds. For example, effective implementation of Resolution 20/8 of the UN-HABITAT Governing

Council on “Sustainable development of Arctic cities” has not been possible to date due to inadequacy of available funds. The importance of this resolution was stressed at the 21st Session of UN-HABITAT’s Governing Council (April 2007), where it was revised and reissued as Resolution 21/5.

D. Other significant information regarding recent policies, programmes, budgetary allocations or activities regarding indigenous issues within UN-HABITAT

14. Three of the resolutions adopted by the 20th and 21st sessions of the Governing Council of UN-HABITAT (2005, 2007) make particular reference to challenges faced by indigenous communities in the urban context and constitute UN-HABITAT’s most recent policy elements in this area:

- In **Resolution 20/1: Youth and human settlements**, the Governing Council expresses its special concern “that girls and young women and indigenous young people are particularly at risk of exclusion and discrimination, and that gender inequalities also negatively affect boys and young men”.
- In **Resolution 21/5: Sustainable development of Arctic cities**, the Governing Council notes with concern that the development of human settlements of the far north and the Arctic region is impeded by severe climatic conditions coupled with environmental pollution and a decrease in the number of indigenous people and their growing vulnerability; acknowledges the special need to provide adequate shelter for the indigenous people of the Arctic region and the need to ensure the sustainable development of human settlements in that region; and welcomes the fruitful work of the Arctic Council in promoting the cooperation, coordination and joint action of stakeholder countries of the Arctic region, including principles relating to the

protection of the environment and the health of the indigenous population and the improvement of the social and economic conditions of Arctic communities. The Resolution requests the Executive Director to assist in raising the awareness of the international community of the sustainable development challenges of the far north and the Arctic region, including those faced by the indigenous people residing in those areas. It further invites the Executive Director to apply for observer status with the Arctic Council, as well as to deepen cooperation and consultations with other relevant partners, such as UNEP, World Bank, the North-North network and other stakeholders, on the sustainable development of cities and other human settlements and the promotion of improved shelter infrastructure in the far north and the Arctic region, as well as on the creation of favourable living conditions for the indigenous people of that area. Implementation of this resolution is subject to availability of funds and the Resolution invites Member States to provide adequate funding for its implementation.

- In **Resolution 20/13**, the Governing Council reaffirmed and elaborated on **housing as a component of the right to an adequate standard of living for persons who are vulnerable and disadvantaged**. By definition, indigenous people can be considered as vulnerable and disadvantaged. UN-HABITAT is requested to:
 - integrate the protection of persons belonging to vulnerable and disadvantaged groups into all its activities; and
 - develop/strengthen mechanisms for monitoring the impact of human settlement policies and programmes on the lives and work of disadvantaged persons in cities, including those in low-income areas and

slums, and for enhancing vulnerable and disadvantaged persons' networks and other organizations active in the area.

The same Resolution encourages UN-HABITAT Member States to:

- adopt appropriate policies and to create mechanisms and allocate appropriate resources to tackle social problems resulting from lack of adequate shelter, such as gender-based violence, including family violence and discrimination, juvenile delinquency and criminality – phenomena that are widespread in indigenous communities under pressure through various factors;
- support through their laws and policies access to housing as a component of the right to an adequate standard of living for vulnerable and disadvantaged people, and to take the necessary actions for the practical implementation of those rights;
- seek alternatives to forced evictions in respect of vulnerable and disadvantaged persons, where applicable;
- strengthen the participation of vulnerable and disadvantaged groups in human settlements development programmes, resource allocation and in delivery of basic services; and
- reinforce mechanisms protecting the access of vulnerable and disadvantaged persons to adequate housing.

E. Facilitating factors that enables UN-HABITAT to implement the Permanent Forum's recommendations, in particular with regards to the right to Adequate housing, Climate Change adaptation and mitigation

15. UN-HABITAT has several instruments, programmes, projects and activities that are relevant to indigenous peoples in relation to climate change and livelihoods issues. Overall, UN-HABITAT's global programmes and activities focussing on poverty alleviation in the context of the MDGs impact directly on indigenous people's livelihoods. Under the overarching Global Campaign on Sustainable Urbanization and through the recently initiated Sustainable Urban Development Network (SUD-Net), UN-HABITAT is streamlining climate change issues throughout the agency's programmes, also linking in with its work on indigenous peoples' living conditions. Also UN-HABITAT's activities in the field of disaster mitigation, post conflict and safety in the context of human settlements, are often related to housing and living conditions of indigenous peoples.
16. UN-HABITAT's increased efforts in the area of climate change are derived from the Habitat Agenda, which notes as its goal "Sustainable human settlements development in an urbanizing world". The UN-HABITAT initiative, the Sustainable Urban Development Network (SUD-Net), as an operational arm of the overarching Global Campaign on Sustainable Urbanization, responds to this focusing on enhancing Climate Change mitigation and preparedness of cities in developing countries. SUD-Net notes the impact of Climate Change on human settlements and focuses on local government's capacity to adapt and be responsive, in the context of governance structures and civil society participation, to climate challenges. Crosscutting themes here are: the built environment; socio-economic development, livelihood and urban poverty; governance; health; gender equality; environment (including biodiversity);

water and sanitation; peace (including migration issues); energy and economy (including effects on local economic development).

17. Further, as a response to UN-HABITAT's Governing Council Resolution 21/5 "Sustainable development of Arctic cities", the agency is exploring partnerships with the Arctic Council and its partners and stakeholders, looking at climate change issues and impacts on Arctic communities, which to a large extent are made up of indigenous peoples.
18. During the 1980's and 1990's UN-HABITAT was active in producing a series of publications and contributed to research on building materials and innovative construction technologies⁶. UN-HABITAT also coordinated the Network of African countries on local building materials and technologies that focused on capacity building and knowledge exchange. In light of new challenges brought about by recent climate change issues, UN-HABITAT is planning to revisit its existing materials and resources from the perspective of their relevance to Climate Change, and the complex issue of deforestation for housing purposes and its effect of bio-diversity, which again affects indigenous peoples. This scoping exercise is expected to identify gaps and needs for updating of existing UN-HABITAT documents.
19. In addition to the above, UN-HABITAT is exploring the following interventions on Climate Change and its effects on shelter: site selection for new housing development; planning of housing estates; construction processes (including materials, technologies); slum upgrading and urban rehabilitation; management of housing estates and slum areas (i.e. public transport systems, waste management, fuel

⁶ See UN-HABITAT (2003), Building materials and construction technologies: Annotated UN-HABITAT bibliography for download at www.unhabitat.org/housing.

use, water managements; strategies, guidelines and capacity building for climate change mitigation (i.e. advocacy through UN-HABITAT's Global Campaign on Sustainable Urbanization and the Sustainable Urban Development Network (SUD-Net); financial incentives such as punitive taxation, and funding sources for implementing climate mitigation activities, such as carbon credits.

20. The United Nations Housing Rights Programme (UNHRP), jointly implemented by UN-HABITAT and OHCHR, the Advisory Group on Forced Evictions (AGFE), and the Global Land Tool Network (GLTN) are other UN-HABITAT instruments directly related to indigenous peoples' issues. They actively contribute to the much needed advocacy work, research and tool development for indigenous peoples' housing rights and secure tenure.

F. Information regarding the Second International Decade of the World's Indigenous People

21. UN-HABITAT's ongoing activities are contributing to the five main objectives of the Decade in the following ways:

Goal 1: Promoting non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects.

- In recognition of the fact that one of the main causes of many indigenous peoples' disadvantaged position in the housing sector is their poverty, UN-HABITAT places great emphasis on economic and social empowerment 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.

Therefore, UN-HABITAT advocates for Governments to take the following measures:

- Create the circumstances for indigenous peoples to become economically self-reliant. This can be done through a number of effective measures, the most important of which is ensuring that indigenous peoples retain access to their lands and other productive resources such as credit and loans, and education and training.
- 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.
- Provide adequate services (both in terms of culture and quality) to all indigenous communities in order to counter socio-economic disadvantages experienced by many indigenous peoples such as poor health and low levels of education.
- These principles have an important place in UN-HABITAT's work in the areas of urban economic development and finance. UN-HABITAT seeks to provide substantive analytical focus on urban economy, its relationship with the national and global economy, and focus on policies and strategies aimed at employment generation and creation of opportunities for social mobility. Its activities focus on conceptualization, formulation and development of research, capacity-building and on the provision of advisory services on issues of urban economic development and finance, including housing finance. Broadly, it seeks to provide economic analysis perspective to human settlements programmes by focusing attention on the operation

of the urban economy, and how these affect or are affected by the quality of local governance and national economic management. It covers four substantive areas, namely:

- Enhancing productivity and employment in the urban informal sector;
 - Financing municipal services in a decentralized environment;
 - Impact of macro-economic factors on urban economic development;
 - Development and strengthening of housing finance systems and institutions, through, *inter alia*, the Slum Upgrading Facility (SUF).
- Due to urban indigenous peoples' strong linkages with their ancestral lands, rural-urban linkages are usually of particular concern to them. A UN-HABITAT sub-programme strives to promote local economic development by raising the awareness and enhancing the capacity of central and local government policy makers with respect to rural-urban linkages development. This is based on the premises that urbanization should be accepted as inevitable; therefore, emphasis should be placed on how to address problems created by rapid rural-to-urban migration both within cities and rural areas. UN-HABITAT works towards strengthening urban-rural linkages to promote balanced development of rural and urban areas. In this context, studies have been carried out on peri-urban agriculture as a strategy for survival of the urban poor and at the same time as a contribution to the issue of food security. Together with FAO and other partners, UN-HABITAT published guidelines under the title "Urban-rural Linkages: Approach to Sustainable Development" (2005). Rural-urban linkages are also important in light of the climate change challenge and disaster mitigation, looking at effects on food security and migration, etc.

Goal 2: Promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent.

Goal 3: Redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of indigenous peoples.

- Under UN-HABITAT's Medium Term Strategic Plan 2008–13 the agency's work will centre around five thematic focus areas; one of which is participatory urban planning, management and governance, with the strategic intent to strengthen the performance of national governments, local authorities and other stakeholders to enable the development of livable, productive and inclusive cities. One of the key results, i.e. inclusive and effective urban planning and local economic development practices adopted, with adequate attention to slum prevention and rural-urban linkages, is of particular relevance to indigenous communities in the urban context as it will promote their adequate participation in urban decision-making processes.
- In the context of UN-HABITAT's new strategic focus, the two Global Campaigns on Urban Governance and for Secure Tenure have been merged into a single Global Campaign for Sustainable Urbanisation. Indigenous issues in the urban setting form part of the agenda of this new single Campaign, and its operational arm, the Sustainable Urban Development Network (SUD-Net). Equally, UN-HABITAT's Shelter and Sustainable Human Settlements Development Division has identified its overarching theme as "Sustainable Urban Development". In this context, efforts are

under way to establish a global network of partners, acting individually or jointly to further the understanding and application of the principles of sustainable urban development, at global, regional, national and / or city-local levels. This global network will, *inter alia*, facilitate forum for dialogue by different stakeholders at country, regional and global levels, as well as client-tailored training and capacity building modules and processes, and can therefore be seen as a policy initiative that will be highly significant for urban indigenous people and will require the participation of their organisations.

- The Global Campaign on Sustainable Urbanization and the Sustainable Urban Development Network (SUD-Net) focus on how cities can adapt to and mitigate climate change impacts, such as migration and local economic development in cities. UN-HABITAT is focusing on capacity building of local authorities and support in preparing policies and preventive measures against potential negative climate change impacts. Here the involvement of civil society and the participation of migrants and vulnerable groups, including urban indigenous peoples, is being highlighted. The policies and practices required to do so are, in many ways, a litmus test of a city's political will to improve urban governance for the benefit of all of its citizens and for a better and more sustainable future.

Goal 4: Adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth.

- Over the last years, gender has become a cross-cutting issue for all of UN-HABITAT's activities. As mentioned in section D, UN-HABITAT Governing

Council Resolution 20/1: Youth and human settlements, draws attention to the increased risk of exclusion and discrimination that girls and young women and indigenous young people are facing, and the fact that gender inequalities also negatively affect boys and young men.

- Currently, gender is being mainstreamed throughout UN-HABITAT thus addressing the Habitat Agenda commitment to gender equality by the objectives of promoting women's equal rights and women's empowerment – a challenge that is particularly relevant to indigenous communities

Goal 5: Developing strong monitoring mechanisms and enhancing accountability at the international, regional and particularly the national level, regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives.

- One of the ongoing key activities of the UNHRP is the establishment and effective operation of a global monitoring and evaluation mechanism on progress in the realization of housing rights (Housing Rights Indicators). It is envisaged that UNHRP, in collaboration with CESCR, will assist Member States and other stakeholders in the collection of data and information and reporting on their efforts towards the progressive realization of housing rights. The disaggregation of data includes, *inter alia*, the category 'race/ethnicity' and will therefore allow for analysis of the realisation of indigenous peoples' housing rights.

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I. List if conferences and other meetings under UN-HABITAT regarding indigenous issues in 2008-09

- (i) Expert Group Meeting on the status of the Policy Guides on Urban Indigenous Peoples issues parallel to the APR Conference, Ottawa, 8-14 March 2009;

- (ii) A special event at the fifth session of the World Urban Forum, Rio de Janeiro, Brazil, April 2010.
- (iii) Side event at the ninth session of UNPFII 2010.
- (iv) Event at the twenty-third session of UN-HABITAT's Governing Council, Nairobi, Kenya, 2011.