



# **INDIGENOUS PEOPLES MAJOR GROUP FOR SUSTAINABLE DEVELOPMENT**

The Sustainable Development Goals and Indigenous Peoples.

Contributions to a regional report



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## I.- Indigenous peoples in Latin America

### General aspects

Indigenous peoples number about 370 million people in the world. While they constitute approximately 5 per cent of the world's population, indigenous peoples make up 15 per cent of the world's poor, the largest among the poor, the illiterate and the unemployed, as well as one-third of the world's 900 million extremely poor rural peoples.<sup>1</sup>

With a total of 826 villages and a population estimated at 45 million, just under 10% of the total population of the region, Latin America is the continent with the highest indigenous demography on the planet.<sup>2</sup>

Based on national censuses, it is estimated that 45 million people in the region are of indigenous origin (2010), with a high degree of heterogeneity by country: at one extreme, Mexico and Peru, with almost 17 million and 7 million indigenous peoples respectively; and at the other, Costa Rica and Paraguay, with slightly more than 100,000 indigenous people, and Uruguay with almost 80,000 indigenous people.<sup>3</sup>

It is important to note that in a short time, the records of the indigenous population have increased an average of

4.1% annually, much higher than the rate of the rest of the population in Latin America, which has an annual average of 1.3%. This is not only due to a change in demographic dynamics of indigenous peoples, but also as a consequence of improved statistical records, especially by the increase in self-identification.

As for the distribution of peoples on the continent, the realities are heterogeneous: in Brazil, there are 305 indigenous peoples' groups, followed by Colombia (102), Peru (85) and Mexico (78); at the other extreme, there are Costa Rica and Panama, with 9 indigenous peoples' groups each, El Salvador (3) and Uruguay (2).

In addition, the situation of the various indigenous peoples' groups is not homogeneous either, given that many exhibit great fragility, or are in danger of physical or cultural disappearance, as in Brazil, Bolivia, Colombia and Peru. On the other hand, it is estimated that there are around 200 indigenous peoples' groups in voluntary isolation in Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru and Venezuela, who, due to the pressure on the natural resources in their areas or territories are in a situation of extreme vulnerability.

Indigenous peoples present a diversity of territorial and demographic realities, as well as different socio-political statuses in the countries where they

<sup>1</sup> UN, Department of Economic and Social Affairs Division for Social Policy and Development Secretariat of the Permanent Forum on Indigenous Issue, ST/ESA/328. The situation of the world's indigenous peoples, New York, 2009.  
[http://www.un.org/esa/socdev/unpfii/documents/SOWIP/en/SOWIP\\_web.pdf](http://www.un.org/esa/socdev/unpfii/documents/SOWIP/en/SOWIP_web.pdf)

<sup>2</sup> IWGIA - THE INDIGENOUS WORLD - 2017, p. 2. 3  
[http://www.iwgia.org/iwgia\\_files\\_publications\\_files/0761\\_EL\\_MUNDO\\_INDIGENA\\_2017-eb.pdf](http://www.iwgia.org/iwgia_files_publications_files/0761_EL_MUNDO_INDIGENA_2017-eb.pdf)

<sup>3</sup> ECLAC, Indigenous peoples in Latin America. Progress in the last decade and pending challenges to guarantee their rights. Chile. 2014 p. 43

settle, which in general, are related to both their demographic weight and political power. States do not have identical policies for indigenous peoples either.

Indigenous peoples are recipients of structural discrimination, marginalization, exclusion and poverty. In general, they have been located within the poorest quintiles of each country. The economic and social transformations of the last decades and the processes of globalization have aggravated the gaps with other social sectors.

The advancement of infrastructure projects, mining and the exploitation of natural resources that greatly affect indigenous lands, have had very negative impacts on the living conditions of communities; they play significant role in migratory flows and modify the spatial distribution of communities. Development projects also have an impact on the urbanization of a large part of the indigenous population, with notable changes in living conditions, cultural and social changes that these peoples experience in the cities.

At the same time, international indigenous migration is becoming more important, not only because of its quantitative repercussions, but also because of its multicultural and multi-ethnic nature, which calls for special attention.

Nevertheless, the legal and political advancements that have taken place in the field of indigenous peoples' rights,

verified in Latin America, reflect serious challenges for the full realization and enjoyment of these rights.

These includes both the rights of indigenous peoples as individuals, as long as they continue to be the object of multiple forms of discrimination - including economic, social and cultural life - as well as collective rights, such as self-determination, autonomy and political participation recognized in the Declaration itself.

It is possible that the areas in which the deficit for the effective enjoyment of these rights is more serious, are the ones that refer to the effective protection of lands, territory and natural resources of these peoples, those that are affected by imposition, and most of the times not consulted or participate in the benefits of extractive investment or infrastructure projects promoted by States.<sup>4</sup>

#### Specific aspects

One of the most distinctive demographic elements of indigenous peoples has to do with gender and age structure.

In the context of Latin America, indigenous peoples tend to have a greater number of children and young people. Still, this particularity does not escape a series of variations that can be observed in the different countries of the region, or within them, when considering different areas of residence (such as the countryside, the city, large

<sup>4</sup> IWGIA - THE INDIGENOUS WORLD - 2017, p.31

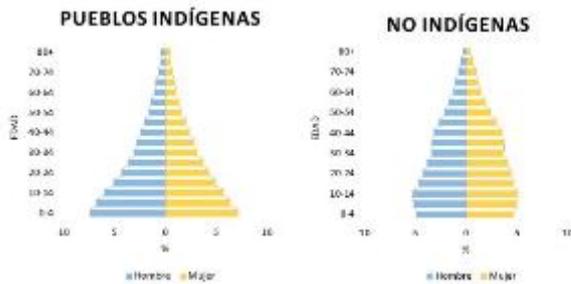
[http://www.iwgia.org/iwgia\\_files\\_publications\\_files/0761\\_EL\\_MUNDO\\_INDIGENA\\_2017-eb.pdf](http://www.iwgia.org/iwgia_files_publications_files/0761_EL_MUNDO_INDIGENA_2017-eb.pdf)

urban agglomerations, etc.) or certain indigenous communities.

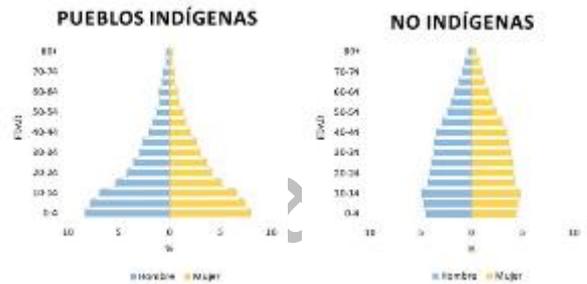
The following is a selection of countries in the region

*Países seleccionados. Pirámides de población. Último dato censal disponible.*

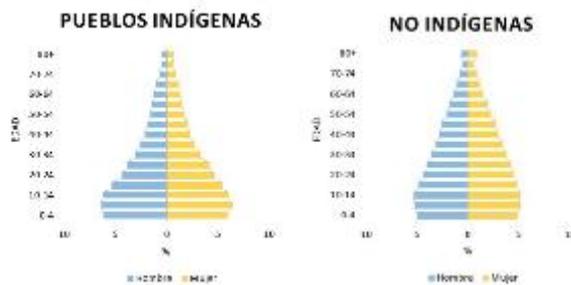
Colombia, 2005



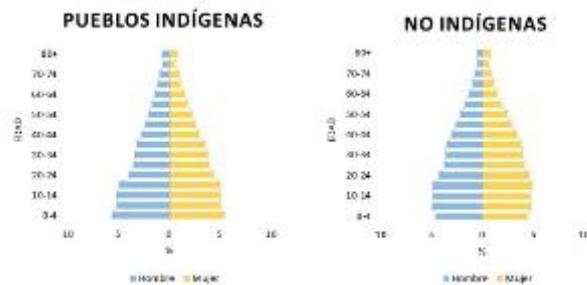
Panamá, 2010



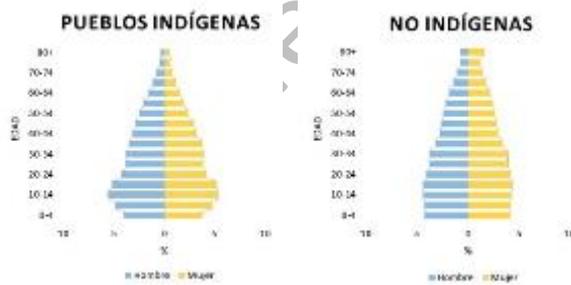
Ecuador, 2010



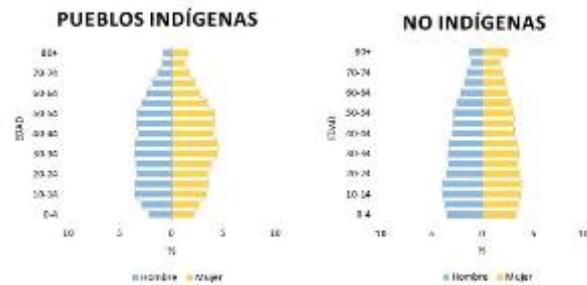
México, 2010



Argentina, 2010



Uruguay, 2011



Fuente: Elaboración con base a Censos de Población y Vivienda, último año disponible.

The pyramids of the indigenous peoples of Colombia and Panama are the “youngest” of all (very broad base), and clearly different from those of the non-indigenous population (narrow base, a sign of an aging population).

Then follow the pyramids of Ecuador and Mexico, which have a less broad base, and are similar to the rest of the population. Finally, the third group shows the pyramids of Argentina and Uruguay.

In these two countries, indigenous peoples present an "aging" age structure, in the sense of a less relevant number of young population and a higher number of older adults (60 years and over), which is very similar to that observed between the non-indigenous population.

In all countries, indigenous populations continue to be younger than non-indigenous populations, implying a higher growth potential.

This should lead to a greater presence of indigenous people in national societies in the coming years, as long as demographic dynamics are not threatened by the lack of implementation of the rights of indigenous peoples.

Likewise, the relatively high presence of indigenous children continues to be a distinctive feature of the region, and requires attention in terms of the allocation of resources, sectoral policies and the particular situation of indigenous adolescents and youth.<sup>5</sup>

The particularities in the structure by sex and age are the result of the demographic dynamics of the population, that is, of the interaction between fertility, mortality and migration.

In indigenous peoples' communities, the component that most strongly

determines a high proportion of children and young people corresponds to fertility. Although the average number of children of indigenous women declines steadily over time, it is still higher than those of non-indigenous women, especially in countries such as Nicaragua, Venezuela, Guatemala and Panama, where the Global Fertility Rate fluctuates between 4 and 5 children per woman.

Another particularity of fertility in indigenous peoples' communities has to do with high levels of adolescent motherhood: "... in 15 countries with data, the percentage of young mothers is higher among indigenous women, ranging from 12% of indigenous youth who have been mothers in Uruguay to 31% in Panama. The largest ethnic differences are presented in order of importance, Panama, Costa Rica, the Bolivarian Republic of Venezuela, Brazil and Paraguay, where indigenous adolescent motherhood more doubles that of non-indigenous women. In Bolivia (Plurinational State of), Ecuador and Peru, these differences are less pronounced.

While the onset of motherhood at earlier ages does not imply a larger number of offsprings, indigenous women and indigenous communities have a higher average number of children than the rest of the population."<sup>6</sup>

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<sup>5</sup> ECLAC / CELADE (2014). Indigenous Peoples in Latin America, progress in the last decade and pending challenges to guarantee their rights. Santiago: United Nations, page 331. EPAL/CELADE (2014).

<sup>6</sup> ECLAC. Social Panorama of Latin America 2015. Santiago de Chile, page 203.

*Países seleccionados. Tasa Global de Fecundidad (hijos por mujer).*

País	Indígena		No indígena	
	2000	2010	2000	2010
Argentina	3,1		2,6	
Bolivia (Estado Plurinacional de)	4,7		3,7	
Brasil	4,0	3,8	2,4	1,9
Chile	2,5		2,2	
Ecuador	5,3	4,0	3,0	2,5
Guatemala	6,5		4,1	
Honduras	5,9		4,2	
México	4,3	2,8	2,6	2,1
Nicaragua	4,2		3,0	
Panamá		5,1		2,3
Paraguay			4,1	
Perú	3,1		2,5	
Uruguay		2,5		2,1
Venezuela (Rep. Bolivariana de)	4,7		2,9	

Fuente: CEPAL/CELADE (2014).

The mortality rate of indigenous peoples is also higher than that of the rest of the population.

This situation is observed by the high levels of communicable diseases such as tuberculosis, that coexist with significant rates of non-communicable diseases, such as diabetes, associated with malnutrition and obesity.

"A number of communities continue to face problems of violence through the imposition of development projects, forced displacement and expropriation of their territories, armed conflicts and economic exploitation, generating

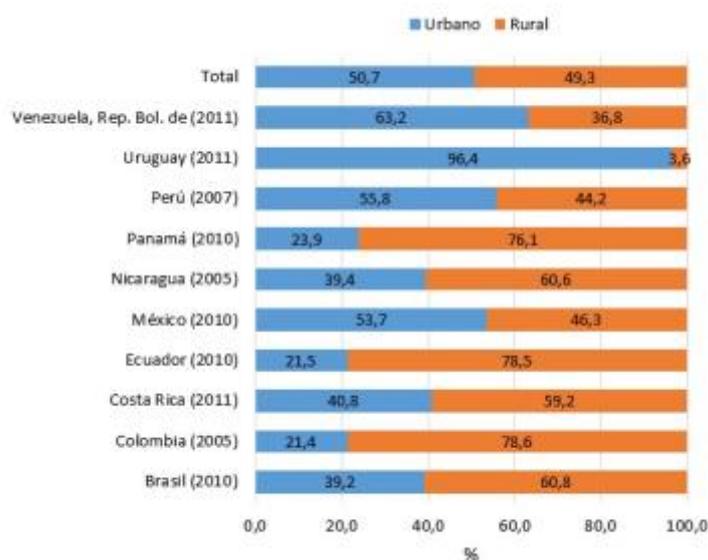
psychological consequences on people and communities.

Such problems are exacerbated by impoverishment, marginalization, and other situations of social decomposition such as alcoholism, drug abuse, depression and suicide, especially among young people."<sup>7</sup>

Although in Latin America the levels of migration (both domestic and international) are often less significant among indigenous peoples compared to the rest of the population, this alludes to the progressive increase in the degree of urbanization.

<sup>7</sup> ECLAC / CELADE, cited, p. 81.

Países seleccionados. Porcentaje de población urbana y rural en los pueblos indígenas.



Fuente: CEPAL/CELADE (2014).

As can be seen, the proportion of the urban population among indigenous peoples is considerable in countries such as Mexico, Peru, Uruguay and the Bolivarian Republic of Venezuela (more than 50%), intermediate in Brazil, Costa Rica and Nicaragua (40% to 50%) and low in Colombia, Ecuador and Panama (less than 40%).

However, the above-mentioned differences have indicated that the trend towards urbanization will continue and increase over time: "Although traditional territories have been one of the main reference points in terms of historical continuity, identity and self-determination of indigenous peoples, 49% of indigenous people in Latin America currently live in urban areas.

This transition is due to numerous factors, including the dispossession of their lands, environmental deterioration, displacement caused by conflict and violence, and natural disasters. Nonetheless, migration from rural to urban areas is also stimulated by improved access to basic services, such as health and education, as well as improved market opportunities offered by cities"<sup>8</sup>

<sup>8</sup> World Bank, Indigenous Latin America in the 21st century. Washington DC: page 38.

## II.- The Sustainable Development Goals (SDGs)

### II.1.- On the concept of development

The idea of development prevailed in the second half of the twentieth century as a concept dominated by the logic of market forces, in a merely economic sense, linking development with progress, understood exclusively as economic growth. It was presented as a practical response to challenges such as poverty and the distribution of wealth.

Countries were then distinguished as developed and underdeveloped (including those in Latin America), affirming that the "underdeveloped" countries of the south had to follow the same steps as industrialized nations to overcome that status. The idea of development was therefore tied to economic growth and, as a consequence, the issue human well-being was also subordinated, since it was considered that inequality and poverty would be solved essentially by economic means.

From this perspective, development is seen as a process of linear evolution, essentially economic, mediated by the appropriation of natural resources, guided by different versions of efficiency, economic profit and oriented to emulate the western way of life.<sup>9</sup>

This concept provoked powerful academic and political debates,

highlighting, at least in Latin America, the emergence of the dependency theory, which understood underdevelopment not as a pre-development phase, but as its product, a result of colonialism and the capitalist system that implied asymmetries in international trade and multiple inequalities.

Subsequently, the increase in indicators of poverty and inequality led to the generation of new ideas by which other areas, such as the environment or certain social perspectives, were taken into account.

The one-way approach to development gave way to new visions.

Thus, the concept of human development was proclaimed in 2004 by the United Nations Development Program (UNDP), with a transcendent meaning in the economic sense, trying to place the human being at the center of developmental theories.

It was conceived as a development paradigm that went far beyond the increase or decrease of income in an economy. It included the creation of an environment in which people could reach their full potential and lead a productive and creative life according to their needs and interests.<sup>10</sup>

Other elements were then included, such as the importance of plural and multicultural democracies, education or health, which had direct impact on

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<sup>9</sup> Gudynas, Eduardo, Permanent Working Group on Alternatives for Development, *Beyond Development*, Abya Yala Editions, Quito, 2011, p. 22.

<sup>10</sup> <http://desarrollohumano.org.gt/desarrollo-humano/concepto/>

people's quality of life and did not always have to do with economic growth.

The concept of sustainable development emerged in the evolution of development theories, as an international reference that incorporated an ecological bias and intergenerational equity. The document known as the Brundtland report proposed a change towards the future, in order to avoid for social and ecological degradation of becoming irreversible.<sup>11</sup>

"Our civilization is in a 'collision process' with the natural world, as per the "Notice to Humanity of the Scientific Community" (made in 1992 by more than 1,500 scientists, among them 103 Nobel Laureates). The information on the collision process and its severity resulted overwhelming, and, consequently, the messages of urgency of change were multiplied. The United Nations has been alerting us for more than three decades. The "Millennium Declaration" states that "we must spare no effort to release humanity, and especially our children and grandchildren, from the threat of living on a planet that is hopelessly damaged by human activities and whose

resources are not enough for their needs".

The classification of "sustainable" came from the biology of populations, understood as the possibility of extracting or harvesting renewable resources while doing so within their rates of renewal and reproduction. In turn, extraction should be directly oriented to meet human needs and to ensure the quality of life other than simple growth.<sup>12</sup>

Sustainable Development is, therefore, defined as "development that meets the needs of the present generation, without compromising the ability of future generations to meet their own."

<sup>13</sup> It has three pillars, since sustainable development seeks to achieve, in a balanced way, economic and social development, and the protection of the environment.<sup>14</sup>

Together with the general consequences of globalization, the negative effects on the environment, the inequality in the opportunities to generate wealth and its inequitable distribution,<sup>15</sup> emphasis is placed on the decreasing participation of communities in public affairs and decision making, influencing on bad practice in development projects, where goals are set in advance, without taking into

<sup>11</sup> Gro Harlem Brundtland, Comisión Mundial Para el Medio Ambiente y el Desarrollo de la ONU, "Nuestro Futuro Común" (nombre original del Informe Brundtland, 1987 <http://www.un-documents.net/wced-ocf.htm>

<sup>12</sup> Gudynas, cited on page 29.

<sup>13</sup> UN, General Assembly, Annex to document A/42/427, Report of the World Commission on Environment and Development: Our Common Future, 4 August 1987 <http://www.un-documents.net/wced-ocf.htm>

<sup>14</sup>

<http://www.un.org/es/ga/president/65/issues/sustdev.shtml>

<sup>15</sup> United Nations, Report of the World Summit on Sustainable Development Johannesburg, South Africa, 26 August to 4 September 2002, <http://www.un.org/es/comun/docs/?symbol=A/CONF.199/20>

account the views and opinions of the beneficiaries.

## II. 2. The Sustainable Development Goals(SDGs)

In an attempt to overcome the Millennium Development Goals (MDGs)<sup>16</sup>, the SDGS were developed at the United Nations Conference on Sustainable Development, held in Rio de Janeiro in 2012. The purpose was to create a set of global objectives related to environmental, political and economic challenges facing our world.

The result was the document "The Future We Want" that contains practical measures for the implementation of sustainable development.

Member States agreed to initiate a process to develop sustainable development goals, with a large number of voluntary commitments and the creation of new partnerships to promote sustainable development.

In the Final Declaration, the Heads of State recognized that the eradication of poverty was the biggest problem facing the world and was therefore an indispensable condition for sustainable development.

It recognized the importance of human rights instruments<sup>17</sup> as well as the participation of indigenous peoples in

achieving sustainable development and the relevance of the United Nations Declaration on the Rights of Indigenous Peoples in the context of the implementation of sustainable development strategies at the global, regional, national and subnational levels.<sup>18</sup>

At the same time, the document stressed that development goals must be related to priority areas in order to achieve sustainable development, for which governments should promote related work, with the active participation of all stakeholders, as appropriate.<sup>19</sup>

In follow-up to this Declaration, in 2015 the 2030 Agenda for Sustainable Development was approved, which included the so-called Sustainable Development Objectives (ODS).<sup>20</sup>

The document aims to "realize the human rights of all people and achieve gender equality and the empowerment of all women and girls. The objectives and goals are of an integrated and indivisible nature and combine the three dimensions of sustainable development: economic, social and environmental."<sup>21</sup>

The 17 sustainable development goals and 169 targets, all of which are interrelated, address issues such as poverty, hunger and food security,

<sup>16</sup> UN, General Assembly, 55/2. Millennium Declaration, A / RES / 55/2, 13 September 2000,

<http://www.un.org/spanish/milenio/ares552.pdf>

<sup>17</sup>UN, General Assembly, Resolution on 27 July 2012, 66/288. The future we want, A / RES / 66/288,[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/66/288&Lang=S](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/288&Lang=S), numeral 9

<sup>18</sup> Idem, numeral 49.

<sup>19</sup> Idem, numeral 247

<sup>20</sup> UN, Resolution adopted by the General Assembly on 25 September 2015, A / RES / 70/1, Transforming our world: Agenda 2030 for Sustainable Development, <http://www.un.org/es/comun/docs/?symbol=A/RES/70/1>

<sup>21</sup> Idem, Preamble

health, education, gender equality and women's empowerment, water and sanitation, energy, economic growth, Infrastructure, reduced inequalities in and between countries, cities, sustainable production and consumption, climate change, oceans, forests, desertification and biodiversity, justice and peace, and a global partnership for sustainable development.

The monitoring and review of the goals and targets were agreed to be carried out using a set of global indicators, complemented by regional and national indicators formulated by Member States, including the results of the work done to establish the baselines of those goals, when national and global baseline data does not yet exist.<sup>22</sup>

The SDGs coincided with another landmark agreement reached in 2015, the Paris Agreement, adopted at the Conference on Climate Change (COP21), and the Sendai Framework for Disaster Risk Reduction, signed in Japan in March 2015, which provide a set of common standards and viable targets for reducing carbon emissions, managing climate change risks and natural disasters, and rebuilding after a crisis.

In the framework of the high-level political forum on sustainable development, thematic reviews on the progress of the Agenda 2030 have been organized, and whose sequence in quadrennial cycle should reflect the

integrated, indivisible and interrelated nature of the Sustainable Development Goals. By 2017, it plans to focus on the eradication of poverty and the promotion of prosperity in a changing world; in 2018 on the transformation towards sustainable and resilient societies, and in 2019 on the empowerment of people and the achievement of inclusion and equality.

The meetings of the high-level political forum will be based on an annual report on the progress of the Sustainable Development Goals and the global report on sustainable development, in a quadrennial frequency, as well as on all other relevant contributions.<sup>23</sup>

The indigenous peoples' participation has been coordinated by the Indigenous Peoples Major Group (IPMG), as a recognized body in the global processes of sustainable development. The IPMG has served as the main coordinating mechanism for concerted efforts to highlight the priorities of the rights and development of indigenous peoples at all levels.

### III.- The Sustainable Development Goals and Indigenous Peoples

The appreciation of the SDGs from the indigenous perspective implies reflecting on its contents, the ways of achieving them and the possibility of placing them as a tool of global

<sup>22</sup> Idem, numeral 75.

<sup>23</sup> UN, General Assembly, Resolution 70/299. Follow-up and review of the Agenda 2030 for Sustainable Development at the global level, A / RES / 70/299, 18 August 2016,

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/299&referer=/english/&Lang=S](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/299&referer=/english/&Lang=S)

conceptualization with a particular way of implementation that can be effectively useful to improve the living conditions of the peoples.

### III.1. SDGs and International Standards

#### Sustainable Development and Human Rights

As has been said, the SDGs are agreements of a political nature, relevant for their purpose and the institutional quality of its signatories, but commitments of a voluntary nature nonetheless.

On the contrary, international human rights standards, that have their counterpart in national legislation, are mandatory and subject to compliance control within and outside States.

Therefore, any international framework agreement promoting development programs must be consistent with those legal frameworks.

This is the case with the SDGs since they are formulated with the commitment to respect human rights, reaffirming "... the importance of the Universal Declaration of Human Rights, as well as of the other international instruments related to human rights and international law. (Underlining) the responsibility of all States, in accordance with the Charter, to respect, protect and promote human rights and fundamental

freedoms for all without distinction as to race, color, sex, language, religion, political opinion, national or social origin, economic status, birth, disability or other condition."<sup>24</sup>

The concept is reiterated in other chapters of the Resolution, with specific reference to certain areas of development.<sup>25</sup>

#### Rights of Peoples and Sustainable Development

If anything has advanced in the last thirty years it is the recognition of the individual and collective rights of indigenous peoples.

At least three major pillars of this new normative structure can be identified: first, new international instruments such as the ILO Convention on Indigenous and Tribal Peoples, 1989 (No. 169), the United Nations Declaration on Human Rights of Indigenous Peoples (2007) and the most recent American Declaration on the Rights of Indigenous Peoples (2016) within the inter-American system.

Second, the constitutional changes that have taken place on the continent, with different formats and scope, make up another notable legal advancement.<sup>26</sup>

Third but no less important, are the interpretive changes that, based on the

<sup>24</sup> UN, General Assembly, Resolution on July 27, 2012, 66/288 cited, paragraphs 8 and 9.

<sup>25</sup> For example, in paragraph 58: "We affirm that green economy policies in the context of sustainable development and poverty eradication must: a) be compatible with international law ..."

<sup>26</sup> Among such reforms are those of Argentina (1994); The Plurinational State of Bolivia (1994, 2004 and 2009); Brazil

(1988/2005); Colombia (1991 and 2003); Costa Rica (1999); Ecuador (1996, 1998 and 2008); El Salvador (1983/2000); Guatemala (1985); Honduras (1982/2005); Mexico (1992, 1994/1995 and 2001); Nicaragua (1987, 1995 and 2005); Panama (1972, 1983 and 1994); Peru (1993 and 2005); Paraguay (1992) and Venezuela (1999).

aforementioned instruments, have occurred in international organizations related to the subject, such as the Inter-American Court of Human Rights or the UN Committee Against Racial Discrimination, to mention two examples.

Although this process of inclusion occurs with contradictions and even some setbacks, with notable gaps in the application of the rights of indigenous peoples, the present reality is infinitely superior to the above.

Today, indigenous peoples have a wide legal recognition in rules of mandatory compliance and in the maximum rank of the law, as peoples of original collectives and with essential collective rights, as well the right to self-determination to preserve their culture, to choose the form of development, their own institutions, their own right, to political participation, to be consulted, to their own spirituality, to the use, control and access lands, territories and natural resources; among others.

To the extent that Sustainable Human Development aims to generate conditions for the realization of rights, any sort of planning must start from the recognition of these rights and aim to achieve their fulfillment.<sup>27</sup> From that account, the generic reference to paragraphs 8 and 9 of the General Assembly Resolution that promotes the SDGs mentioned above, should be read as including indigenous peoples' rights

instruments as well as other applicable ones.

As a consequence of this, without prejudice to political and technical assessments made to assess progress and limitations in achieving the proposed goals, and based on universal and regional systems for the protection of human rights, the SDGs should be linked to legal norms if they were to appreciate what has been achieved by each State in terms of compliance with national and international obligations.

In other words, it is not enough to present plans or programs favorable to specific SDGs, but these must be accompanied by a precise explanation of the favorable impact of achieving the human rights to which the States have committed themselves. In addition, such assessments should be made with the participation of concerned social sectors in follow-up to the basic criteria of the human rights approach.

Otherwise, in addition to the legal consequences that this may entail, there would be a risk that, in the name of sustainable development and the SDGs, blockages or setbacks emerge in realizing the individual and collective rights internationally enshrined.

### III.2. Visión del Desarrollo desde los Pueblos Indígenas

From the indigenous world, alternative proposals have emerged to the dominant concept of development that,

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<sup>27</sup> This is argued, for example by AIPP: "All of these confirm the relevance and importance of indigenous peoples' rights to development and human rights and also give the UN-system a mandate and an obligation to mainstream the attention to indigenous peoples throughout The UN-system

in the context of sustainable development. "Asia Indigenous Peoples Pact (AIPP) Foundation, LEAVING NO ONE BEHIND Practical Guide for Indigenous Peoples, Thailand, 2017, page 5.

although still under construction and with different receptions according to the reality of each country, are provoking the re-discussion of many concepts. While the best known, due to the context of its emergence and the normative reception it has had, is the so-called "Good Living", in general, the original peoples of the continent have similar conceptions, such as in the Mayan world the "sail cholejl".<sup>28</sup>

The idea of "Good Living", born of the Andean indigenous worldview around the concept of the Sumak Kawsay or Suma Qamaña, originating from the indigenous cultures of Ecuador and Bolivia and incorporated into their constitutions in 2008<sup>29</sup> and 2009<sup>30</sup> respectively, intends to move away from the ethnocentric and western development program, while based on indigenous knowledge.

Good Living is a plural and multidimensional concept, framed in the renewal of the development critique, based on an ethic of its own that recognizes the intrinsic values of nature and the rejection of traditional developmentalism, which conceives progress in exclusively economic terms. It also notes that the notion of well-being that circulates around the planet is relative and that each society defines it according to its own values, including social and cultural recognition, ethical

codes, human values, spiritual, vision future.

It is an idea that, although emerging from the indigenous world, collects valuable contributions elaborated in other contexts, with expressions that were subordinated for a long time. It attempts to respond to old problems such as poverty alleviation or equality, along with new ones, such as loss of biodiversity or global climate change.

It is not an essentialist or hegemonic claim, but admits diverse ways of appreciating or materializing with different nuances or emphases according to the indigenous peoples or cultural, historical and environmental frameworks concerned.

Good Living proposes a "decoupling" between quality of life and progress, and its current expression in economic development. In the same way, it defends an articulation between the multiplicity of cultures and a new relationship with nature. Good Living, for these reasons, must be built from conceptions of relationality, rather than from a dual nature/society.<sup>31</sup>

The concept of Good Living is under construction, as it cannot be otherwise when it comes to endogenous elaborations that arise from social processes and not by the more or less correct wording of specialized

<sup>28</sup> Joy and happiness, in maya q'eqchi '

<sup>29</sup> In the Constitution of Ecuador, Article 14 "recognizes the right of the people to live in a healthy and ecologically balanced environment that guarantees sustainability and good living, sumak kawsay."

<sup>30</sup> In the Constitution of Bolivia, Article 8 "assumes and promotes as ethical and moral principles of plural society: ama qhilla, ama llulla, ama suwa (do not be lazy, a liar or a

thief), sum qamaña (live well) , Ñandereko (harmonious life), teko kavi (good life), ivi maraei (land without evil) and qhapaj ñan (path or noble life). Collecting indigenous Aymara, Quechua and Guarani traditions.

<sup>31</sup> Eduardo Gudynas and Alberto Acosta, Good living or the dissolution of the idea of progress, in Consultative and Technological Forum, Mexico 2011, page 103

technicians, but this does not exempt us from making two relevant statements.

First, that Good Living must be seen as part of the exercise of the right of peoples to choose their own development model. This right to choose forms of development is exercised as a concrete application of the internationally recognized right to self-determination.<sup>32</sup>

Second, that Good Living, as a model that promotes a new form of social and environmental coexistence, although it differs in origin and content from the idea of development based on economic growth, does not prevent and rather claims a dialogue between these perspectives, as there are overlaps in key aspects such as the importance of tackling climate change and its consequences on nature and the future of humanity.

It can also be affirmed that Good Living provides a new way of looking at the challenges of sustainable development that transcends socioeconomic and environmental deficiencies of development, on the basis that the diversity of perspectives, far from being a problem, are a strength for humanity.

### III. 3.- Indigenous peoples and the SDGs

Although adopted several years after the adoption of the Declaration on the Rights of Indigenous Peoples, the documents on the SDGs, that are currently being discussed, do not reflect indigenous peoples' needs.

For the purposes of this analysis, let us recall some of the central aspects of international recognition:

Indigenous peoples are peoples, that is, historical collectivities with a vocation of permanence and with social and cultural characteristics that differentiate them from others.<sup>33</sup>

Indigenous persons have, without discrimination, all human rights recognized in international law, but in turn, indigenous peoples have collective rights that are indispensable for their existence, well-being and integral development as peoples.<sup>34</sup>

Indigenous peoples have the right to self-determination, that is, to make autonomous decisions on the main social issues of their concern, including organizational forms and economic development.<sup>35</sup>

Indigenous peoples have been discriminated against and suffered historical injustices as a result of, inter alia, the colonization and dispossession

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<sup>32</sup> UN Declaration on the Rights of Indigenous Peoples:

Article 3 Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 23 Indigenous peoples have the right to determine and develop priorities and strategies to exercise their development rights. In particular, indigenous peoples have

the right to participate actively in the development and identification of health, housing and other economic and social programs that concern them and, where possible, to administer such programs through their own institutions.

<sup>33</sup> C169 Indigenous and Tribal Peoples Convention, 1989, Article 1

<sup>34</sup> UN Declaration of Indigenous Peoples Rights, article 1. C169 article 3.

<sup>35</sup> UN Declaration, Article 3

of their lands, territories and resources, which has prevented them from exercising, in particular, their right to development in accordance with their own needs and interests.<sup>36</sup>

Of these aspects, only the recognition of human rights, that corresponds to all people whether or not indigenous, is reflected in SDGs resolutions as a result of the application of the general principle of universality of these rights.

As is the case of mentioning of indigenous peoples among those who propose to double productivity or as beneficiaries of equal access to all levels of education and vocational training, as well as the elimination of gender disparities in education.<sup>37</sup>

Other SDGs, although they do not explicitly mention indigenous peoples, somehow consider them, either because they seek to enhance and promote social inclusion without ethnic distinctions<sup>38</sup>, or because they seek to significantly increase the availability of timely, reliable and high quality disaggregated data by ethnic origin.<sup>39</sup>

The SDGs also consider traditional knowledge for maintaining the genetic diversity of seeds,<sup>40</sup> the richness of cultural diversity in education<sup>41</sup>, and local communities (which can reasonably be indigenous) as beneficiaries in capacity building for the effective planning and management in

relation to climate change.<sup>42</sup> In this regard, an analysis by the United Nations on indigenous peoples can be found in the documents discussed.<sup>43</sup>

But the other elements that make up the body of indigenous peoples' rights are not only not mentioned but rather not included in any way in the SDGs forecasts.

It should be noted that the limitations of the SDGs in relation to indigenous peoples were identified by the Indigenous Peoples Major Group (IPMG) through a joint communication with other entities.<sup>44</sup>

The quality of peoples, self-determination, their collective rights and the need for affirmative actions that compensate for centuries of discrimination, oppression and marginalization, are not considered explicitly in the SDGs either.

The objective of public policies should not only aim at achieving individual benefits for the people that make up indigenous collectives, but must be functional to the conservation and enhancement of cultural values, organizational forms and other characteristics of indigenous peoples.

To this effect, as a consequence of the historical marginalization endured, differential policies are necessary, with transcendent affirmative actions that generate conditions superior to the

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<sup>36</sup> UN Declaration, prologue

<sup>37</sup> ODS 2.3 and 4.5

<sup>38</sup> ODS 10.2

<sup>39</sup> ODS 17.18

<sup>40</sup> ODS 2.5.

<sup>41</sup> ODS 4.7

<sup>42</sup> ODS 13.b

<sup>43</sup>

<http://www.un.org/esa/socdev/unpfii/documents/2016/D>

[ocs-updates/Indigenous-Peoples-and-the-2030-Agenda-with-indicators.pdf](https://www.un.org/esa/socdev/unpfii/documents/2016/Docs-updates/Indigenous-Peoples-and-the-2030-Agenda-with-indicators.pdf)

<sup>44</sup> Indigenous Peoples Major Group, Policy brief on sustainable development goals and post 2015 development agenda: a working draft, [https://unngls.org/images/PDF/INDIGENOUS\\_PEOPLES\\_MAJOR\\_GROUP\\_Policy\\_Brief.pdf](https://unngls.org/images/PDF/INDIGENOUS_PEOPLES_MAJOR_GROUP_Policy_Brief.pdf)

current ones, in favor of their own cultural values that prevent their disappearance or assimilation by other hegemonic ones.

A clear example of this is found in the educational field: modernity and globalization, clearly contribute to a gradual loss of indigenous languages or to the deterioration of their character as mother tongues.

Hence, the role that education and public policies can play in mitigating and reversing these processes is key in order to safeguard the linguistic diversity and cultural richness of the countries of the region. Bilingual education, for example, should be considered positive for society as a whole, not just for indigenous people.

Similar considerations can be made in relation to the rest of the SDGs.

For this reason, it is not acceptable to try to close the debate with the argument of the so-called "transversality".

That concept, in case its scope could be clearly agreed upon, could hardly be useful to reach indigenous people individually.

#### III.4. Starting point: Indigenous peoples and SDGs 1, 2 and 3

A fundamental task for monitoring the needs and aspirations of indigenous peoples in the framework of the SDGs is represented by a greater disaggregation

of data sources, as well as the significant increase in the generation of information on the topics that involve them.

Although much work remains to be done in this regard, recent developments in data sources such as population and housing censuses or demographic and health surveys, allow for the characterization of starting points for some SDGs, especially those related to poverty, food security and health.

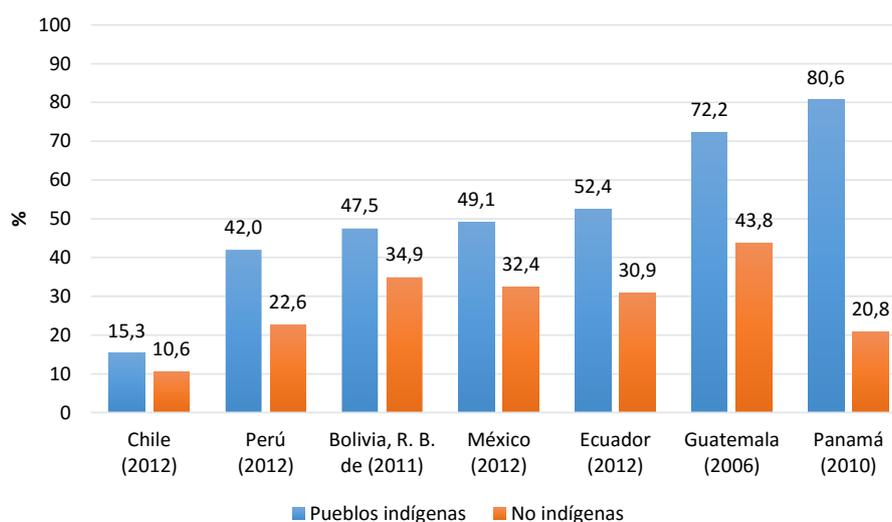
*SDG 1: Put an end to poverty in all its forms around the world*

While SDG 1 explicitly refers to extreme poverty, its goals and indicators involve different associated factors, such as social security, basic social services, land tenure, disaster risks and spending on essential services, among others. In this regard, monitoring the targets related to this objective imply a diversity of indicators, which may be difficult to estimate with data currently available.

To that effect, a first approximation to the current status of indigenous peoples in terms of SDG 1 is represented by monetary poverty rates, based on information provided by employment and income surveys.

The following figure shows the behavior of the disaggregated indicator for indigenous peoples and the rest of the population, around the year 2012.

Países seleccionados. Tasas de incidencia de la pobreza en los pueblos indígenas y la población no indígena (en porcentajes).



Fuente: Barcena, A. - CEPAL (2016). "Making indigenous peoples visible in the 2030 Agenda and the SDGs: data disaggregation in the SDGs indicators". Indigenous Peoples and the 2030 Agenda – Moving Forward - High Level Political Forum. New York, July.

As it can be seen, poverty rates are consistently higher among indigenous peoples.

In this respect, two very striking patterns can be distinguished: 1 - In almost all countries indigenous peoples' poverty rates exceed 40%. For the non-indigenous population, this situation is seen in a single country (Guatemala), 2 - The rates for indigenous peoples exceed the rates of the non-indigenous population from 36% (Plurinational State of Bolivia) to practically 300% (Panama).

*SDG 2: End hunger, achieve food security and improve nutrition, and promote sustainable agriculture*

This objective includes indicators of food (hunger, undernourishment and malnutrition) and food security (agricultural productivity, area exploited by small producers, genetic diversity of crops, investment in agriculture, food prices, etc.).

Among the few measures that can currently be used to reflect the situation of indigenous peoples in terms of this objective, we find the percentages of malnutrition in children under five years of age.

Países seleccionados. Porcentaje de niños menores de 5 años con desnutrición, según condición étnica.

País y año de la encuesta	Condición étnica	Crónica			Global		
		Moderada	Grave	Total	Moderada	Grave	Total
Bolivia (Estado Plur. de), 2008	Indígena	20,8	7,2	28	6,4	1,1	7,5
	No indígena	9,8	2,6	12,4	3,2	0,4	3,6
	Total	16,9	5,6	22,5	5,3	0,8	6,1
	Brecha relativa	2,1	2,8	2,3	2,0	2,8	2,1
Colombia, 2010	Indígena	16,4	5,9	22,3	7,0	1,6	8,6
	No indígena	7,2	1,3	8,5	4,2	0,4	4,6
	Total	7,7	1,5	9,2	4,4	0,4	4,8
	Brecha relativa	2,3	4,7	2,6	1,7	4,3	1,9
Ecuador, 2004	Indígena	29,9	17,7	47,6	12,2	4,2	16,5
	No indígena	16,2	5,4	21,5	7,8	1,5	9,3
	Total	17,6	6,5	24,1	8,3	1,8	10,1
	Brecha relativa	1,8	3,3	2,2	1,6	2,8	1,8
Guatemala, 2008-2009	Indígena	33,9	24,5	58,4	21,6	3,4	25
	No indígena	21,4	9,1	30,5	13,1	1,5	14,6
	Total	27,1	16,1	43,3	17	2,4	19,4
	Brecha relativa	1,6	2,7	1,9	1,6	2,3	1,7
Honduras, 2011-2012	Indígena	17,1	6,6	23,7	10,6	1,2	11,8
	No indígena	12,8	3,4	16,2	8,3	1	9,2
	Total	13,3	3,8	17,1	8,6	1	9,5
	Brecha relativa	1,3	1,9	1,5	1,3	1,3	1,3
Nicaragua, 2006-2007	Indígena	16	9,8	25,8	9,9	1,6	11,5
	No indígena	13,6	5,8	19,4	7	1	8
	Total	13,8	6,1	19,9	7,3	1	8,3
	Brecha relativa	1,2	1,7	1,3	1,4	1,7	1,4
Perú, 2012	Indígena	18,8	4,3	23,1	8,3	0,8	9
	No indígena	9,5	1,7	11,2	4,1	0,4	4,5
	Total	11,4	2,2	13,7	5	0,5	5,5
	Brecha relativa	2,0	2,5	2,1	2	2	2

Fuente: CEPAL/CELADE (2014). Los Pueblos Indígenas en América Latina, avances en el último decenio y retos pendientes para la garantía de sus derechos. Santiago: Naciones Unidas.

Again, the figures shown are consistently higher for indigenous peoples than for the rest of the population. In most countries, chronic malnutrition in children under 5 belonging to indigenous peoples doubles that registered among the non-indigenous population. Ethnic gaps are

greatest in severe malnutrition, whether chronic or global.

The levels of malnutrition observed in indigenous peoples in Latin America are related to environmental degradation, contamination of traditional ecosystems, loss of land and territories, as well as the reduction or difficulties to

access traditional food sources (CEPAL, 2014: 156).

*SDG 3: Ensure a healthy life and promote well-being for all ages*

This objective involves goals and indicators on child health (under-5 mortality, neonatal mortality), maternal health (maternal deaths, hospital births, adolescent fertility rate), HIV / AIDS, malaria and other diseases (new HIV infections, incidence of tuberculosis,

malaria, hepatitis B, mortality from selected chronic diseases, alcoholism, traffic accidents, intoxication, smoking), and health services (essential coverage, health insurance, workers in the sector, access to medicines and vaccines , emergency preparedness, etc.).

In this objective, measures are available with disaggregation for indigenous peoples, which can be shown for almost all the countries of the region.

Such is the case of mortality rate during childhood

*Países seleccionados. Tasa de mortalidad en la niñez (por mil nacidos vivos) según condición étnica y brechas relativas (indígenas – no indígenas).*

País y años censales	Total		Zona urbana		Zona rural		Brechas (indígena-no indígena)		
	Indígena	No indígena	Indígena	No indígena	Indígena	No indígena	Total	Zona Urbana	Zona Rural
Brasil, 2010	24,3	18,7	22,4	17,3	25,3	25	1,30	1,29	1,01
Costa Rica, 2011	11,5	10,3	10,8	10,6	11,6	9,6	1,12	1,02	1,21
Ecuador, 2010	41,5	25	32,5	23,1	44,4	28,3	1,66	1,41	1,57
México, 2010	22,7	16,9	19,6	15,8	26	20,8	1,34	1,24	1,25
Panamá, 2010	46,4	14,3	21,6	13,2	53,6	16,5	3,24	1,64	3,25
Uruguay, 2011	15,8	11,7	15,4	11,9	26,3	9	1,35	1,29	2,92
Venezuela (R. B.de), 2011	27,6	16,4	26,1	16,2	30	17,9	1,68	1,61	1,68
Bolivia (E. P. de),2008	76,7	39,7					1,93		
Colombia, 2010	30	19					1,58		
Guatemala, 2008	55	36					1,53		
Perú, 2012	38,1	11,6					3,28		

Fuente: CEPAL/CELADE (2014). Los Pueblos Indígenas en América Latina, avances en el último decenio y retos pendientes para la garantía de sus derechos. Santiago: Naciones Unidas.

In this health indicator, it can also be observed that the values registered for indigenous peoples are consistently higher than those obtained from the rest of the population.

However, there are significant differentials for indigenous peoples,

depending on the country or area of residence.

At one extreme we find Costa Rica and Uruguay, that have the lowest levels of infant mortality (11.5 per thousand and 15.8 per thousand respectively), while at the other end is the Plurinational State of Bolivia with the highest level (77

per thousand). There is also evidence of inequalities in child mortality in urban and rural areas. For indigenous peoples, levels are higher in the countryside than in cities.

The observed differences in mortality rates at early ages reflect the structural inequities that indigenous peoples suffer in the region.

The situation requires not only the implementation of measures that improve precarious living conditions, eliminate difficulties that hinder access to health centers (for reasons related to

distance and lack of transportation, among others), improve poor or insufficient quality of health services, and resolve unequal access to formal education, but also measures that further the actions aimed at achieving the cultural adequacy of health services, to reduce rejection by the system due to a lack of confidence, linguistic distancing - given that most of the programs are done in the official language - and the lack of empowerment and participation of indigenous peoples, in particular of children, adolescents and youth.

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## IV. SDGs Means of Implementation

### IV.1. Overall aspects

The Declaration "Transforming Our World: The 2030 Agenda for Sustainable Development" does not only includes the SDGs, but also suggests mechanisms to achieve them.<sup>45</sup>

A Global Partnership is being proposed between "... governments, civil society, the private sector, the United Nations system and other bodies, mobilizing all available resources."<sup>46</sup> The creation of a Technology Facilitation Mechanism is being proposed, to be established among Member States, civil society, the private sector, the scientific community, United Nations entities and other stakeholders.

Notwithstanding international support, each country is primarily responsible for its own economic and social development. In addition, the signatories of the Declaration undertake to participate in a systematic process of monitoring and reviewing the implementation of Agenda 2030 for 15 years.<sup>47</sup> These monitoring and review processes are designed on a voluntary basis and will take into account the different national realities as well as the norms and priorities of each country.<sup>48</sup>

It is also established that follow-up processes will be inclusive, participatory and transparent for all people, taking into account gender issues, human rights with special attention to the

poorest, most vulnerable and the ones lagging further behind.<sup>49</sup> As can be seen in the follow-up processes, there is no explicit mention to either indigenous peoples or collectives in general, although the chapter begins invoking a broad global alliance.

Particularly relevant is paragraph 75 of the document, since it makes the commitment to create "global indicators to be complemented by regional and national indicators formulated by Member States and with the results of the work done to establish the baselines of those goals when there is still no national and global baseline data yet." These indicators will be developed by the Inter-Agency and Expert Group on Indicators for the Sustainable Development Goals created in March 2016.

The review of the SDGs will be done at the national, regional and global levels through the high-level political forum, which will prepare an annual report on the progress of the Sustainable Development Goals to be prepared by the Secretary-General in cooperation with the United Nations system on the basis of the global indicators framework, data from the national statistical systems and the information gathered at the regional level<sup>50</sup>

### IV.2. The implementation of the SDGs and indigenous peoples

#### Previous requirements

<sup>45</sup> UN, Resolution adopted by the General Assembly on September 25, 2015, quoted number 60 et seq.

<sup>46</sup> Idem, paragraph 60

<sup>47</sup> Idem, paragraph 72

<sup>48</sup> Idem, 74 a)

<sup>49</sup> Idem 74 d) and e)

<sup>50</sup> Idem, numerals 80 to 83.

The specific characteristics of indigenous cultures and the history of extermination, exploitation and marginalization suffered, mean that, at present, their incorporation into the SDGs are also culturally appropriate and demand that certain primary bases or prerequisites be met.

This is not about a proceeding character in chronological terms but rather in substantive terms: that is, requirements without which the energy set forth to achieve the foreseen purposes of the SDGs, will hardly achieve its goals.

At least three of these prerequisites can be pointed out.

First, to make significant progress in the effective recognition of the territorial rights of indigenous peoples, solving the demands for titling, demarcation and protection of indigenous territories that have not yet been recognized.

The concept of indigenous territory far exceeds the patrimonialistic logic to become part of its essence as a collective.

The Inter-American Court of Human Rights (IACHR), through various judgments and pronouncements, has affirmed the close relationship that indigenous people have with the land, which must be recognized and understood as the fundamental basis of their cultures, spiritual life, integrity and economic survival.

That is why the IACHR states that for indigenous communities, the

relationship with the land "... is not merely a matter of possession and production but a material and spiritual element that they should enjoy fully, including to preserve their cultural legacy and transmit it to future generations".<sup>51</sup> Territory is then presented as a system of resources and a jurisdictional space where collective rights are exercised and whose holder are indigenous people. Therefore, the proper resolution of the rights of ownership, use and enjoyment of the territory and its resources, is a fundamental basis for the realization of other rights and needs of peoples, some of them included in the SDGs.

Second, to finalize or, where appropriate, solidify the mechanisms for participation and the right to consultation of indigenous peoples.

As enshrined in international instruments, "indigenous peoples have the right to participate in decision-making on matters affecting their rights, through representatives elected by them in accordance with their own procedures, as well as to maintain and develop their own decision-making institutions."<sup>52</sup> Furthermore, "States shall consult and cooperate in good faith with the indigenous peoples concerned through their representative institutions before adopting and implementing legislative or administrative measures affecting them in order to obtain their free, prior and informed consent."<sup>53</sup>

The Inter-American Court of Human Rights maintains that the obligation of

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<sup>51</sup> IACHR, Indigenous and tribal people's rights over their ancestral lands and natural resources. Norms and jurisprudence of the Inter-American System of Human Rights. OEA / Ser. L / V / II. Doc. 56/09 30 December 2009.

<https://www.oas.org/es/cidh/indigenas/docs/pdf/tierras-ancestrales.esp.pdf>

<sup>52</sup> UN Declaration, Article 18.

<sup>53</sup> UN Declaration, Article 19.

consulting indigenous peoples, besides constituting a conventional norm, is also a general principle of international law.

Accordingly, it established the minimum elements to be fulfilled for free, prior and informed consent:

The State has the duty to actively consult in an informed manner; consultations must be in accordance with the customs and traditions of the affected communities; consultations must be conducted in good faith, through culturally appropriate procedures and in order to reach an agreement; consultations must be done in the early stages of the development or investment plan, and not only when there is the need to obtain community approval; the State must ensure that members of the town or the community are aware of the potential benefits and risks.<sup>54</sup>

If the States, in follow-up to the agreements on the SDGs, that should be implemented in line with the legal framework drawn up by international instruments, and have to promote actions and policies, is clear that many of them are of interest or can affect indigenous peoples in some way. Therefore, it is imperative that from the outset, mechanisms for participation and consultation with indigenous peoples be established, without worrying of violating international standards.

Third, States should pursue substantive and comprehensive programs against discrimination and racism.

These are conceived as prior and priority actions for two reasons: given that their effective execution demonstrates the commitment of state institutions in the construction of a more favorable environment, for the necessary intercultural dialogue that implies the re-reading of the SDGs with an ethnic focus. But also, because discriminatory discourse legitimizes the political, social and cultural imposition of hegemonic power over native peoples, while at the same time discredits the very formulation of any initiative or proposal that arises from sectors that are qualified as inferior.

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<sup>54</sup> See, For example, IACHR judgment in the Case of the Kichwa Indigenous People of Sarayaku, June 27, 2012.

### Specific indicators and targets

While it is noteworthy that the commitment assumed by States is not limited to a list of goals, but rather includes monitoring mechanisms and decides to make progress in the development of indicators that allow to measure and compare results from the perspective of the rights of indigenous peoples, the proposal should be improved.

In the first place, because indigenous peoples, in their capacity as political subjects inside and outside States, are not only beneficiaries of public policies, but are also considered to be the makers of those policies.

The rights of participation, consultation, when not exercising territorial autonomy, among others, respond accurately to that consideration as collective subjects.

This right of participation has been recognized in areas such as the Inter-American jurisdictional system with emblematic cases where the Inter-American Court of Human Rights ruled in favor of the right of indigenous peoples to participate in the general public life of the State, requiring States to adopt special measures to guarantee effective participation, based on the values, traditions and customs of indigenous peoples, within the political structures and institutions of the State.

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Therefore, at the national, regional and global levels, coherence with the above-mentioned international standards calls

for a clear and relevant participation of the peoples in all monitoring and evaluation processes of the SDGs.

Secondly, because the vocation of universality of this exercise cannot imply the denial of the specific peculiarities of indigenous peoples.

As a result of a different vision of development, with cultural and historical elements that distinguish them from other sectors that live within the same States, conceptual criteria becomes necessary and therefore different measurement tools are necessary to truly value “development” progress or setbacks.

Also, the relevance and hierarchy of the issues are diverse when observed within the framework of the indigenous communities.

This is why, the final document that came out of Alta, Norway, identifies indigenous peoples' rights to land, territories, resources and the right of indigenous peoples to Free, Prior and Informed Consent, and reiterates the importance of customs, belief systems, values, languages, cultures and traditional knowledge for development. It also recommends that rights, culture and spiritual values be integrated into the post-2015 Development Agenda.<sup>56</sup>

The Indigenous Peoples Major Group, in a document prepared in 2014, called for the participation of indigenous peoples

<sup>55</sup> For example, Inter-American Court of Human Rights Case of Yatama v. Nicaragua Judgment of June 23, 2005

<sup>56</sup> See Asia Indigenous Peoples Pact (AIPP) Foundation, *Leaving no one behind, Practical Guide for Indigenous Peoples*, 2017, page 11.

in similar terms to those expressed in the previous paragraphs.<sup>57</sup>

For its part, the Montevideo Consensus on Population and Development expressed the commitment of the States to continue advancing in the implementation of the rights of indigenous peoples, as a priority issue for the strengthening of their democracies, a process that goes hand in hand with having a critical eye on development and focus on equality and cultural diversity values.

Hence, States should agree on specific priority actions for indigenous peoples, but also consider that it is necessary to visualize the situation of these peoples in a transversal and comprehensive way, in all the measures established in the Consensus.<sup>58</sup>

Both elements, the participation and characteristics of indigenous peoples in the conception and contents of the so-called "development" must be seen in an integrated manner.

For example, for indigenous peoples, the right to health must be understood in both its individual and collective dimensions and that is clearly

interdependent with the realization of other human rights.

The indigenous conception of health articulates physical, mental, spiritual and emotional elements, both from the perspective of individuals and communities, and involves political, economic, social and cultural components. Likewise, it responds to historical experiences and worldviews of each people, and health beliefs and practices that are part of community norms.<sup>59</sup>

However, for the effective implementation of policies, a holistic and intercultural approach with an indigenous vision could not work without the real empowerment of women, youth and indigenous peoples for delivery and access to health.<sup>60</sup>

#### IV.3. Measurement of the SDGs

The content and forms of measurement of the SDGs are another aspect that merit profound reflection, in particular regarding the rights of indigenous peoples.

Generally speaking, the SDGs are broad and imprecise, which is not necessarily bad given that they are supposed to be

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<sup>57</sup> Goal 3: Ensure participatory governance and full participation of Indigenous Peoples in decision-making: For Indigenous Peoples, governance is grounded in the right to self-determination, as reaffirmed by Article 3 of the UNDRIP. Furthermore, it is crucial for Indigenous Peoples to participate in decision-making processes on policies and governance at local, national, regional and international levels, in line with the standards and norms outlined in the UNDRIP and other legal frameworks. Good governance applies not only to governments but also to corporate and other institutions. In this respect, it is crucial for the UN system, Member States, corporations and other entities to recognize and adhere to principles of Free, Prior and Informed Consent (FPIC). Major Group Position Paper, The Indigenous Peoples Major Group's vision and priorities for

the Sustainable Development Goals, March 2014  
[https://sustainabledevelopment.un.org/content/document/s/3447SD2015%20Position%20Paper\\_Indigenous%20Peoples%20MG\\_v1\\_March%202014.pdf](https://sustainabledevelopment.un.org/content/document/s/3447SD2015%20Position%20Paper_Indigenous%20Peoples%20MG_v1_March%202014.pdf)

<sup>58</sup> ECLAC, Second Meeting of the Regional Conference on Population and Development in Latin America and the Caribbean. Population dynamics as the axis of sustainable development: the implementation of the Montevideo Consensus to overcome inequalities within the framework of human rights. LC/L.4061 (CRPD.2/3)/Rev.1 September 14, 2015. Mexico City, October 6 to 9, 2015, page 132.

<sup>59</sup> ECLAC, Indigenous Peoples in Latin America, Progress in the last decade and pending challenges to guarantee their rights, Chile, 2014, p. 79.

<sup>60</sup> ECLAC, cited, page 95.

global aspirations that need to materialize at the country and regional level, and require flexibility for implementation. That amplitude or vagueness requires measurable concreteness if one intends to compare results with the starting point.

To respond to what is to be measured, how and for what, is an essential part of the necessary re-reading and, where appropriate, revision of the SDGs from an ethnic perspective. Therefore, it is not only a question of finding good indicators, we need to agree ahead of time on the object of measurement.

There can be no doubt that statistical measurement systems are built on conceptual frameworks that respond to the hegemonic culture, taking into account concrete interests of the sectors that control societies and States. The usual lack of relevant information for indigenous and other social sectors is a clear demonstration of this.

Thus, the processes of transformation towards intercultural societies will involve a redesign of the cultural adequacy of these official information collection and processing systems, as well as their management and control.<sup>61</sup>

Statistical data has a relative possibility of being used because what is indigenous has been historically either ignored or badly considered.

Censuses and other sources of information are unreliable even to know how many indigenous peoples there are and where they are located.

The concepts of indigenous, afro-descendant and others, do not have the same scope and are not perceived in the same way in all countries. In reality, they are imprecise terms because they try to homogenize diverse social categories that in reality are presented in another way.

According to ECLAC, with the exception of Cuba, Haiti and the Dominican Republic, all the countries in the region have included the criterion of self-identification in the censuses of this decade, or are expected to do so soon. In the case of Peru, the only country that did not consider this criterion in past censuses, work is already under way on the design and implementation of pilot studies that will allow for its inclusion in 2017. Likewise, the number of countries that include questions related to indigenous languages has increased; in some cases, it refers to those learned in childhood, in others, the languages spoken by each person, or the one they most frequently use at the household.<sup>62</sup>

Self-identification is a relatively recent concept in statistical terms that presents difficulties in its application due to the lack of knowledge of its scope, both by the population and

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<sup>61</sup> ECLAC, cited, page 114

<sup>62</sup> ECLAC, cited, page 42.

officials in charge of data collection. Social and political factors limit its correct application.

Moreover, the emerging paradigm of Good Living (Buen Vivir), which as we have seen, must be considered in terms of development models in the American region, requires the construction and application of its own measurement and evaluation criteria given it includes contents other than the usual ones used for sustainable development.

Propuesta FILAC borrador

## Proposal of indicators with ethnic perspective

This section includes a selection of recommended indicators for the monitoring of the SDGs in indigenous peoples' communities, which consider their specificities, that are not usually contemplated, but can be captured in statistical terms.

The proposal for sustainable development indicators is then organized into six priority themes for indigenous peoples.<sup>63</sup>

The first dimension includes contents that have transversal application such as data disaggregation according to ethnic status and the implementation of special measures for indigenous peoples.

A second dimension presents the remaining priority themes for specific indicators such as land, territories and resources; participation and representation in decision-making and in competent bodies; free, prior and informed consent; access to justice and redress mechanisms.

### Transversal dimension

In the first place, all conventional SDG indicators should be disaggregated for indigenous people with the highest level of territorial disaggregation possible.

This is set out in the SDGs that propose for the year "... 2020, to improve the provision of capacity-building support to developing countries, including least developed countries and small island developing States, with a view to significantly increase the availability of timely, reliable and high-quality data broken down by income group, gender, age, race, ethnic origin, migratory status, disability, geographical location and other relevant characteristics in national contexts."<sup>64</sup>

The document emanating from the *Montevideo Consensus on Population and Development* also reflects the need to disaggregate indicators for indigenous people, in line with the SDGs, based on the recognition of collective and individual rights.<sup>65</sup>

To that end, it is necessary to strengthen the identification of indigenous peoples in data sources that feed SDG indicators, which include conventional official surveys (censuses, surveys, administrative records, etc.) and data collection instruments that will be created for monitoring them.

To evaluate the progressive implementation of this dimension, using the "*Proportion of indicators annually disaggregated for indigenous peoples*", the number of indicators that have been disaggregated by ethnic status need to be divided by the total number of indicators calculated.

<sup>63</sup> The six priority thematic areas were transcribed from the document "INDIGENOUS PEOPLES MAJOR GROUP POLICY BRIEF ON SUSTAINABLE DEVELOPMENT GOALS AND POST-2015 DEVELOPMENT AGENDA: A WORKING DRAFT. Learning from the Millennium Development Goals and leaving no one behind", GMP (2015).

<sup>64</sup> Goal 17.18

<sup>65</sup> ECLAC (2013). *Montevideo Consensus on Population and Development*. First Meeting of the Board of Directors of the Regional Conference on Population and Development in Latin America and the Caribbean. Montevideo, August. <http://repositorio.cepal.org/handle/11362/21835>

Overcoming historical disadvantages and continued violations of their rights, call on States to implement policies and adopt specific measures for indigenous peoples. It is therefore necessary that for each SDG target, there is at least one indicator included for the monitoring of the implementation of special measures.

Some examples of indicators that could be considered are:

*"Number and percentage of health centers with intercultural care"*

Source: Records of the Ministries of Health of the country.

SDG Goal: All SDG goals 3: Ensure a healthy life and promote well-being for all at all ages.<sup>66</sup>

*"Percentage of indigenous people who speak the language of their people, disaggregated by villages of belonging".*

Source: The necessary data can be obtained from Population and Housing Censuses and specific surveys.

Targets: included in Objective 4: Ensure inclusive, equitable and quality education and promote lifelong learning opportunities for all, especially goal 4.5.

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<sup>66</sup> Details of the ODS 3 targets can be found at <http://www.un.org/sustainabledevelopment/es/health/>  
<sup>67</sup> "By 2030, eliminate gender disparities in education and ensure equal access for vulnerable people, including those

with disabilities, indigenous peoples, and children in vulnerable situations, at all levels of education and vocational training"

### Specific dimension

Without wishing to exhaust the list, some of the indicators included below focus on specific priority issues that should be incorporated into the set of SDG indicators that each country should report:

#### Lands, Territories and Resources

Forests, grasslands, water mirrors and other natural resources are often managed by indigenous peoples whose rights are recognized by international human rights instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, the American Declaration on the Rights of Peoples Indigenous Peoples and ILO Convention No. 169 on Indigenous and Tribal Peoples.

Guaranteeing the territorial rights of indigenous peoples constitutes a basic requirement for compliance for all SDGs. Therefore, the goal should be to ensure that by the year 2030, all indigenous peoples have a secure right to land, ownership and control of natural resources.

The SDGs and the Post-2015 Development Agenda must strengthen indigenous peoples' land tenure systems given that this is a vital requirement for achieving poverty

eradication<sup>68</sup>, sustainable agriculture<sup>69</sup>, and protecting and restoring Ecosystems and biodiversity.<sup>70</sup>

Some examples of indicators that could be considered are:

*Percentage of indigenous peoples and communities with legally documented ownership of land or land tenure.*

Source: Administrative records available in State agencies in charge of indigenous peoples' issues or specific ministries.

*Number of conflicts in indigenous territories related to non-compliance with their territorial rights*

Source: Judicial system records and surveys.

Both indicators relate to goals 1.4<sup>71</sup> and 2.3.<sup>72</sup>

These indicators, in turn, should be articulated with other SDG goals such as those in 10.2<sup>73</sup>, 12.2<sup>74</sup> and 15c<sup>75</sup>.

Participation in decision-making on issues related to their rights.

States must recognize and guarantee the full and effective participation of

<sup>68</sup> ODS1: Ending poverty in all its forms around the world

<sup>69</sup> ODS2: End hunger, achieve food security, improve nutrition, and promote sustainable agriculture.

<sup>70</sup> ODS15: Managing forests sustainably, combating desertification, halting and reversing land degradation and halting the loss of biodiversity

<sup>71</sup> By 2030, ensure that all men and women, particularly the poor and vulnerable, have equal rights to economical resources, as well as access to basic services, ownership and control of land and other property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

<sup>72</sup> By 2030, double agricultural productivity and income of small-scale food producers, particularly women, indigenous peoples, family farmers, pastoralists and fishers. This includes

safe and equitable access to land, other production resources and inputs, knowledge, financial services, markets and opportunities for value added generation and non-agricultural jobs.

<sup>73</sup> By 2030, promote and promote the social, economic and political inclusion of all people, regardless of age, sex, disability, race, ethnicity, origin, religion or economic status or other status

<sup>74</sup> By 2030, achieve sustainable management and efficient use of natural resources

<sup>75</sup> Increase global support for the fight against poaching and trafficking of protected species, in particular by increasing the capacity of local communities to promote sustainable livelihood opportunities

indigenous peoples in all decisions affecting their rights, lands, territories and resources, as well as their expressions and cultural identities, traditional livelihoods, among other aspects.<sup>76</sup>

Some indicators that can be used are:

*Number of indigenous people/indigenous women in positions of public choice*

*Existence of institutionalized participation spaces between the State and indigenous peoples, in accordance with international standards.*

*Existence of mechanisms that guarantee the full and effective participation of indigenous peoples in the production of official statistics*

Source: Necessary information can be provided by the administrative organs of the State, or by special surveys to be implemented.

These indicators are related to goals 5.5<sup>77</sup> and 16.7<sup>78</sup>

Free, Prior and Informed Consent (FPIC):

International instruments on the rights of indigenous peoples clearly recognize this right.

For example, the Declaration affirms that "States shall consult and cooperate in good faith with the indigenous peoples concerned through their representative institutions before adopting and implementing legislative or administrative measures affecting them, in order to obtain their free, prior and informed consent."<sup>79</sup>

Also that: "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent before approving any project affecting their lands or territories and other resources, particularly in relation to the development, use or exploitation of mineral, water or other resources"<sup>80</sup>

The 2014 World Conference on Indigenous Peoples recognized the commitments made by States to consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent before approving any project that affects their lands or territories and other resources.<sup>81</sup>

However, this commitment, despite the proposals made by the **GMPI** in 2014 and 2015, has not been made explicit in the final documents of the SDGs, which is why it is appropriate to construct specific indicators in this regard.

<sup>76</sup> UN Declaration on the Rights of Indigenous Peoples: Article 18 Indigenous peoples have the right to participate in decision-making on issues affecting their rights through representatives elected by them in accordance with their own procedures. They also have the right to maintain and develop their own decision-making institutions.

<sup>77</sup> 5.5 Ensure full and effective participation of women and equal leadership opportunities at all levels of decision-making in political, economic and public life.

<sup>78</sup> 16.7 Ensure inclusive, participatory and representative decisions that respond to needs at all levels.

<sup>79</sup> UN Declaration on the Rights of Indigenous Peoples, Article 19. Right

<sup>80</sup> Declaration, Article 32, numeral 2.

<sup>81</sup> Paragraphs 3 and 20 of the final document of the World Conference.

## V.- Conclusions

One possible indicator is the following:

*Existence of consultation procedures for obtaining free, prior and informed consent of indigenous peoples according to international standards.*

Source: Information could be provided by institutions in charge of indigenous peoples' affairs or other administrative bodies in States

### Access to Justice

According to the Declaration, indigenous peoples have the right to maintain and strengthen their own political, legal, economic, social and cultural institutions, while maintaining their right to participate fully, if they wish, in political, economic, social and cultural life of the State.<sup>82</sup>

Therefore, the achievement of the goal of promoting the rule of law and equal access to justice for all,<sup>83</sup> should include the recognition of legal systems and institutions of indigenous peoples.

To this effect, the following indicator is suggested

*Recognition of indigenous peoples' legal systems*

Source: Information could be provided by institutions in charge of indigenous peoples' affairs or other State administrative bodies.

The struggles of indigenous peoples are not limited to reclaiming their own rights but also to propose a new model of society in which the development paradigm is questioned and other alternatives are proposed, as is the case the "Good Living" concept.

If the SDGs are not perceived as part of the intercultural dialogue and process, its scope will not live up to what is required. Therefore, links between current development concepts, especially from the indigenous world and the SDGs, should be established. The latter should be indicative of the progress of these models of intercultural development and favorable to the revitalization of the indigenous world.

The significant progress in the recognition of indigenous peoples' rights must be fully incorporated into the Agenda 2030. Failure to do so could lead to a serious legal and socially explosive contradiction, as States and the international community would be pushing for illegal, if not unconstitutional, public policies.

Without aiming to establish priorities between individual and collective human rights, a close relationship must be established between the rights that are given in different manner than in non-indigenous societies.

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<sup>82</sup> Article 5.

<sup>83</sup> Goal MDG 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all

Such is the case of the right to land, which for the non-indigenous world has a patrimonial dimension, but that for indigenous peoples it has to do with the very existence of the collective, as well as the life and food of its inhabitants.

The implementation of the SDGS must be supported by positive dynamics that are occurring in the region and avoid new entry points that can stop or make progress unfeasible.

The participation of indigenous peoples (not only of indigenous persons) in the design, implementation and evaluation of emerging processes of the Agenda 2030 for Sustainable Development, that includes the Sustainable Development Goals, will be absolutely crucial to determine the final result of this process.

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