

POST 2015 DEVELOPMENT PROCESS: INEQUALITY

Inequality is a defining characteristic of indigenous peoples' living conditions and permeates all aspects of their lives. The post-2015 development framework and the Sustainable Development Goals (SDGs) offer an opportunity to address and minimize the inequalities faced by indigenous peoples today. This note has been prepared by the International Work Group for Indigenous Affairs (IWGIA) in collaboration with Tebtebba. It is intended as a discussion paper for stakeholders in the post-2015 development process. It focuses on the causes of and trends in inequality affecting indigenous peoples and suggest the key priority areas to be addressed by the post-2015 development agenda and in the SDGs.



Inequality and indigenous peoples



For many indigenous peoples, inequality is a determining factor in their livelihoods. The multiple deprivations and disparities they experience are primarily the result of historical processes of domination and pervasive discrimination which prevent them from enjoying equal status, dignity and freedoms, and from interacting as equal citizens.

Looking at the inequalities indigenous peoples experience within the economic, cultural, social, civil and political areas, those of greatest concern are:

Civil and political inequality. In many countries, indigenous peoples have less access to civil and political rights than the dominant ethnic groups. They often feel “invisible” and lack recognition at the administrative and political level.¹ In the worst cases, and for a variety of reasons, indigenous peoples are denied citizenship, hold no ID cards and are therefore unable to enjoy the same rights as their fellow countrymen. Indigenous

peoples may also be prevented from enjoying these rights because of multiple constraints including poverty, a low level of education, the inability to speak the dominant language, geographic isolation, nomadic ways of life, etc. This means that indigenous peoples in general have difficulty in accessing justice, participating in political decision-making processes, standing for election, voting and, ultimately, getting elected.

The non-recognition of indigenous peoples' collective land rights. Indigenous peoples suffer major violations of their collective rights to land, territories and natural resources. This is the result of, among other things, land grabbing by states and private investors/companies, the exploitation of natural resources by extractive industries, aggressive development interventions and nature conservation projects. These practices violate their rights to natural resources, control over and access to ancestral lands, forests, waters and other natural resources, all of which are important for their subsistence as well as for their cultural and spiritual well-being.²

Socio-economic inequality. Deprived of their land and natural resources, many indigenous people are forced to migrate in search of work. As migrants moving to cities or to areas where labour-intensive work is taking place (e.g., commercial agriculture or mining, etc.) indigenous peoples find themselves at the bottom of the socio-economic ladder, with little and unequal access to formal employment and a decent living. Many work as unskilled labourers or are self-employed, without secure contracts, worker benefit or other social protection, and for wages that are often less than the legal minimum. Indigenous women and children are exposed to specific risks as they often have to scrape a living by working in unregistered and unregulated workplaces that are prime sites for exploitation. This makes in-

indigenous women and children particularly vulnerable to abuse including, in the worst cases, sexual exploitation, trafficking and exploitative, hazardous child labour.³

Unequal access to public services. The health inequalities faced by indigenous populations – with indigenous people suffering poorer health, more likely to experience disability and, ultimately, dying at a younger age than their non-indigenous counterparts – remain an outrage and a violation of the human right to health. Health inequalities are particularly stark in relation to diabetes and non-communicable diseases, principally cancer, cardiovascular and chronic respiratory disease.⁴ Many indigenous communities lack the necessary infrastructure that could provide access to public services such as (clean) water supply and sanitation, schools and health posts. This may be due to their geographic marginalization, since they often live in remote areas, but more often than not to their social and political marginalization, a result of the general attitude of discrimination that exists in their regard.⁵ Indigenous peoples' access to public services is, however, also constrained by other factors. Many indigenous peoples are nomadic and seldom serviced by mobile schools or clinics.⁶ Indigenous peoples are usually economically poor and therefore unable to pay the costs associated with school attendance (fees, uniforms, materials, etc.) or healthcare services. Cultural barriers are another constraint. The most commonly identified barriers include having to use

a language other than their mother tongue; having to adapt to the dominant norms and knowledge systems; facing teachers', other pupils' and health staff's prejudices; and their experience that their traditional knowledge and practices are not appreciated or not taken into account.

Contempt for indigenous peoples' culture. Indigenous peoples have diverse and rich cultures that include fundamental elements such as traditional lands and languages, spirituality, social institutions and traditional knowledge. All these elements are intrinsically interconnected and form constituent parts of the indigenous identity. Indigenous cultures have long been viewed as inferior, primitive, something to be eradicated or transformed. Today—and in spite of the growing appreciation of indigenous peoples' invaluable contributions to humanity's cultural diversity and heritage—many indigenous cultures are threatened with extinction, while others are facing serious challenges due to modernization, urbanization, commodification, tourism, etc.

Gender-based inequality. Indigenous women experience inequality both in their interactions with the mainstream society and within their own societies. Within mainstream society, this discrimination is exacerbated by the ethnic and social discrimination indigenous women already suffer for being indigenous and poor. It takes many forms, ranging from a lack of access to health



and education,⁷ poor working conditions, etc., to sexual harassment and violent abuse, in particular during armed conflicts.

In their own societies, and although women's status and role may vary within ethnic communities and according to age, most indigenous women enjoy few rights. Many traditional customs discriminate directly against the girl child and women: girls are often denied the right to education; indigenous women and girls generally have little or no control over their lives and bodies when it comes to marriage, reproduction and harmful customary practices. Many indigenous women are also at a disadvantage when it comes to accessing or using communal land or to land ownership and inheritance, and they are often excluded from decision-making processes at community level. Migration and urbanization are also factors that increase the number of women and children that are the victims of domestic violence.⁸⁻⁹

Legal framework

The above-mentioned inequalities persist today despite an extensive legal framework that recognizes indigenous peoples' right to enjoy the full range of human rights on an equal footing with non-indigenous peoples. This framework includes the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)¹⁰ and ILO Convention No. 169¹¹ on Tribal and Indigenous Peoples. It also includes the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD);¹²

the Convention on the Elimination of Discrimination against Women (CEDAW); for employment and occupation, ILO Convention No. 111 on Discrimination in Respect of Employment and Occupation;¹³ and, for recognition of the rights of children, the Convention on the Rights of the Child (CRC).¹⁴

The current situation

Despite the legal framework, today, several years after the adoption of the UNDRIP, it is clear that a persistent, and even widening, implementation gap remains between the good intentions expressed in the legal framework and the inequalities suffered by indigenous peoples on the practical, everyday level. It is also evident that the Millennium Development Goals (MDGs) have achieved little in terms of improving their situation. During the process of formulating and implementing the MDGs, the United Nations Permanent Forum on Indigenous Issues (UNPFII) repeatedly advocated a human rights-based and culturally-sensitive approach to development.¹⁵ Yet the MDGs completely failed to capture the causes and consequences of inequality for indigenous peoples.

In order to secure a sustainable development process post-2015 that includes indigenous peoples and closes the equality gap, indigenous peoples are therefore once more calling for the implementation of a human rights-based approach to development that takes into account issues of equality and sustainability, and endorses the fundamental concept of development with culture and identity.



As a general recommendation, indigenous peoples also emphasise that the UN system should reach out and engage in partnerships with indigenous peoples to ensure their effective participation in the post-2015 development agenda and the emerging SDGs. The inputs should be guided by the principles of equality and non-discrimination and include the voices of indigenous women, youth and children, and people with disabilities.

Key priorities

On this basis, indigenous peoples' priority areas are as follows:

- Recognition of indigenous peoples' collective rights, in particular the right to land, territories and natural resources at national and international level;
- Implementation of intercultural and culturally-sensitive policies at national level, especially in the areas of education and health;
- Prioritization of the special conditions and needs of indigenous women, children, youth and people with disabilities;
- Recognition of culture as the 4th pillar of sustainable development, and the inclusion of the indigenous view of development with culture and identity;
- Enforcement of the right to free, prior and informed consent in all matters affecting indigenous peoples.

Recommendations

- A human rights-based approach to sustainable development should be used by states, the UN system and other inter-intergovernmental organizations, including a reference in the SDGs to the UNDRIP.
- Adequate disaggregated data concerning indigenous peoples should be available.¹⁶
- Targets and indicators that reflect the current status of realization of indigenous peoples' rights should be identified.
- The structural causes of indigenous peoples' inequality should be addressed.
- Indigenous peoples' identity and their collective rights to land should be recognized, respected and protected at national and local level.
 - Indigenous peoples' cultural rights should be respected and implemented in an inclusive and interdependent manner:
 - Their languages, their cultural and religious practices need to be recognized
 - Culturally-sensitive education and health policies and programmes need to be implemented
 - Their traditional knowledge, know-how and practices need to be taken into account.
- Specific strategies and pro-active measures, identified in consultation with indigenous peoples, should be implemented to address the vulnerable situation of indigenous women as well as the needs of indigenous children, youth and people with disabilities.



Notes and further reading

- 1 Indigenous peoples' major group statement on inequality at: <http://sustainabledevelopment.un.org/content/documents/6265Indigenous%20.pdf>
- 2 Ibid. at: <http://undesadspd.org/LinkClick.aspx?fileticket=WY8kCtmBT8U%3d&tabid=2016>
- 3 World Report on Child Labour. 2013. at: file:///C:/Users/ida/Downloads/2013_Worl_Report_on_CL_and_Social_Protection_EN.pdf
- 4 International Diabetes Federation at: <http://www.idf.org/sites/default/files/201212%20-%20IDF%20Submission%20Indigenous%20Peoples%20%2B%20P2015%20Development%20Agenda.pdf>
- 5 State of the World's Indigenous Peoples. New York: United Nations. 2010 chapter V at: http://www.un.org/esa/socdev/unpfii/documents/SOWIP_web.pdf
- 6 Nomadic Peoples and Human Rights. Jérémie Gilbert. 2014 at: <http://books.google.dk/books?id=nzssAwAAQBAJ&pg=PT146&lpg=PT146&dq=indigenous+peoples+nomadic+mobile+clinics&source=bl&ots=kasQEBLf-P&sig=IWCu37dV7T73VCLZXtABuLzRAmg&hl=da&sa=X&ei=3cZgU7ChHITb4QSx7YGQBA&ved=0CEQQ6AEwAg#v=onepage&q=indigeno us%20peoples%20nomadic%20mobile%20clinics&f=false>
- 7 State of the World's Indigenous Peoples. New York: United Nations. 2010 at: http://www.un.org/esa/socdev/unpfii/documents/SOWIP_web.pdf
- 8 FIMI report "Mairin Iwanka Raya: Indigenous Women Stand against Violence – A Companion Report to the United Nations Secretary-General's study on violence against Women" 2006 At <http://www.fimi-iiwf.org/archivos/7ffd8ee2807b42a0df93d25d70c9cfdb.pdf>
- 9 CSW 58. 2014. At: <http://www.ifuw.org/what-we-do/policy-advocacy/advocacy-news/csw-58-womens-access-productive-resources/>
- 10 UNDRIP at: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
- 11 ILO 169 at: <http://www.ilo.int/indigenous/Conventions/no169/lang--en/index.htm>
- 12 ICERD at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>
- 13 ILO 111 at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111
- 14 CRC at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- 15 UNPFII fourth (2005) and fifth (2006) session of the Permanent Forum at: <http://undesadspd.org/IndigenousPeoples/UNPFIIISessions.aspx>
- 16 UNPFII at: <http://undesadspd.org/IndigenousPeoples/CrossThematicIssues/DataandIndicators.aspx>

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