

“Leaving no one behind”

A capacity building program on the United Nations Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development.

Chiang Mai
June 21-25, 2017



Draft Program Report



“Leaving No One Behind”

1. Executive Summary

From June 21-25, 2017, the Diplomacy Training Program (DTP) and Asia Indigenous Peoples Pact (AIPP) organised and facilitated a capacity building program on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Sustainable Development Goals (SDGs).

The pilot program aimed to celebrate the 10th Anniversary of the adoption of UNDRIP and to draw attention to its significance in affirming the right of Indigenous peoples to participate in development decision making, especially in the context of planning for achievement for the SDGs.

The program was held in Chiang Mai, Thailand and brought together 24 participants from 8 countries - Thailand, Bangladesh, Nepal, Myanmar, Indonesia, Malaysia, Cambodia and India. The participants were drawn from organisations in the region working with Indigenous peoples in their struggles to protect their lands, identities, resources and cultures. The program was developed to support their work by building capacity to use UNDRIP to engage with the 2030 Agenda for Sustainable Development (SDGs).

The program was led by a team of expert resource persons including Joan Carling, Raja Devasish Roy, Wardarina, Prabindra Shakya, Patricia Wattamena, Patrick Earle, Joshua Cooper and Matthew Coghlan.

Acknowledging that the SDGs represent the global development agenda for the next 13 years, this was developed as a pilot program. It explored the intersections of UNDRIP with the SDGs and opportunities that exist at the national, regional and international level to ensure the participation of Indigenous peoples and the inclusion of human and Indigenous peoples’ rights in SDG planning and implementation.

Rapid economic development in Asia has lifted millions out of poverty, but has “left behind” or further marginalized many Indigenous peoples, and especially Indigenous women. Palm oil plantations, mining, forestry and mega-dams may have fuelled growth, but are displacing many, and threatening traditional livelihoods and knowledge and relationships to land and culture for many more.

The 17 goals and 169 targets of the SDGs, with their imperative “to leave no-one behind”, offer hope to these Indigenous communities that a different approach to development has been agreed to. The SDGs are clearly based in international human rights standards and commitments, and like human rights, call for implementation in each country – and for each government to develop plans of implementation that have a focus on those currently most denied their rights.

Participants evaluated this pilot program positively and provided significant feedback and advice for guiding subsequent programs. For AIPP, the program supplemented their national level trainings on the SDGs and UNDRIP and enabled the sharing of perspectives and experiences across the region. DTP believes the program met its objectives and will help to inform and guide DTP’s future work, and hopes that the partnership with AIPP to build the capacities and networks of advocates can grow.

This report of the pilot program draws on the participant evaluations, provides a description of the program and makes recommendations in relation to future directions. DTP acknowledges AIPP with appreciation, as well as the trainers, participants and funders for the program. The program was funded by Oxfam Australia, the Open Society Foundation, and the Australian Government.

I knew the SDGs before, but I have never thought about the links and the relevance of UNDRIP to protect Indigenous Peoples in terms of SDG process¹

2. Background and Rationale

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their RIGHT TO DEVELOPMENT. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions²

Across the Asia-Pacific region, Indigenous peoples have been left behind by the rapid pace of economic development. Disaggregated data, including indicators of health and education outcomes, shows that Indigenous communities and peoples are disproportionately represented among the poor, including in high and middle-income countries.

International human rights standards provide the foundations and framework for the SDGs, and require, like sustainable development, the informed participation of Indigenous peoples and their representatives. The SDGs on food and agriculture (SDG 2), health (SDG 3), education (SDG 4), gender quality (SDG 5), reduced inequalities (SDG 10), sea and land ecosystems and biodiversity (SDG 14 & 15) and participation and accountability (SDG 16) are among the SDGs significant for Indigenous peoples.³

The 10th Anniversary of the landmark UNDRIP represents an opportunity to build awareness of this key human rights standard and how it relates to implementation of the SDGs. Acknowledging and respecting the rights of Indigenous peoples to Free, Prior and Informed Consent (FPIC) is key to ensuring their participation in development planning and sustainable outcomes.

“The Declaration does not represent solely the viewpoint of the United Nations, nor does it represent solely the viewpoint of Indigenous Peoples. It is a Declaration which combines our views and interests and which sets the framework for the future. It is a tool for peace and justice, based upon mutual recognition and mutual respect⁴.”

3. Program Objectives

- Acknowledge the landmark achievement of the adoption in 2007 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)
- Increase awareness and understanding on the UNDRIP and its relevance to the SDGs
- Build knowledge and skills to promote the application and implementation of the UNDRIP, including the right to Free, Prior and Informed Consent and participation in decision making
- Promote engagement with SDGs planning, implementation and monitoring processes
- Build capacity to use UNDRIP as a practical guide to programs and policies related to Indigenous Peoples

¹ This and other quotes are taken from the anonymous end of training evaluations of participants

² UNDRIP: Art 23

³ http://aippnet.org/wp-content/uploads/2015/10/iva.aippnet.org_wp-content_uploads_2015_10_SDG-Indicators-on-IPs-final.pdf

⁴ Les Malezer, Chair of the Global Indigenous People’s Caucus, at the adoption of the UNDRIP by the UN General Assembly, September 2007

4. Training Methodology and Materials

DTP values the knowledge, experience and perspectives of the participants in its programs. DTP's training methodology reflects this – using scenarios, group exercises and role-plays. A new role play focused on the UN's High Level Political Forum was developed for this program. The methodology enables the sharing of knowledge and experience and the building of friendships and networks.

DTP understands the need to make technical and legal documents accessible and practical for individuals and communities working for rights and justice. In this program DTP was able to draw on materials previously developed by AIPP and the Danish Institute for Human Rights. DTP's trainers are experienced practitioners/advocates with experience of working at different levels and able to make the training very practical.

5. Program Description and Key Issues

5.1 Opening Remarks: *Patricia Wattemena*⁵ from AIPP and *Patrick Earle* from DTP welcomed the participants on behalf of the program partners. AIPP represents and is accountable to Indigenous peoples organisations across Asia and is active in research, policy, advocacy and capacity building for Indigenous peoples' rights. DTP's work is based on the knowledge that skillful and informed advocates, working collaboratively, can achieve remarkable change. Acknowledging the negative impacts of rapid economic development on many, Patrick set the context for the training by challenging participants to think how development might be different, if it was based on recognition of human rights and the rights of Indigenous peoples.

5.2 Introduction to UNDRIP: *Raja Devasish Roy*, Chief of Chakma Circle in the Chittagong Hill Tracts of Bangladesh, and Member of the UN Permanent Forum on Indigenous Issues (UNPFII) provided an overview UNDRIP and an explanation of how UNDRIP is connected to the wider international frameworks on human rights, including ILO Convention 169.

Devasish explained the relevance of key concepts, such as rights holders and duty bearers and the distinction between individual human rights and collective rights. He traced the inclusion of the right to self-determination through the three foundational human rights documents – *the Universal Declaration of Human rights (UDHR)* and the *Covenants on Civil and Political Rights (ICCPR)* and on *Economic, Social and Cultural Rights (ICESCR)*. He reminded the group that these three documents, referred to as the *International Bill of Human Rights*, set out the human rights to which everyone, without distinction, is entitled.

He noted that many countries have drawn on the same principles and concepts in developing their constitutions and in some cases used the wording from these documents. UNDRIP, like the UDHR is a Declaration and not a treaty, but many of its provisions are enshrined in the International Bill of Rights and already part of customary international law.

Devasish also discussed the unique rights and contributions of Indigenous peoples in relation to development. The right to Free Prior and Informed Consent (FPIC) for projects affecting Indigenous Peoples and the *Outcome Document of the World Conference on Indigenous Peoples* acknowledge the relevance of traditional knowledge, practice and innovation to conservation and biodiversity. Indigenous Peoples' customary law, integral to community, to resolution of conflicts and to land, territory and resources set Indigenous Peoples apart and inform their engagement with others.

⁵ Short bios of the presenters/trainers are provided as an appendix

Taken together they can guide the process of participation of Indigenous peoples to address actual and potential adverse impacts of the extractive industries and large-scale development projects.

“ Recognizing and affirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples”.

UNDRIP – Reflecting on Impacts and Challenges to Implementation Ten Years After Adoption:

Participants worked in groups to identify and share both the challenges and impacts UNDRIP:

Positive Impacts:

- Enabled Indigenous Peoples to be more effective in bringing their concerns, perspectives and traditions to international and national attention.
- Recognition of Free Prior and Informed Consent in REDD +
- Incorporated into policy at global and national level even though not legally binding
- Has led to development of land law for Indigenous Peoples
- Has led to greater recognition of Indigenous customary law/traditional knowledge
- Has had influence on Constitutional reform and discussion
- Some national laws have been made with the engagement and participation of Indigenous peoples
- Growing awareness of UNDRIP supports and strengthens Indigenous Peoples’ movements
- Growth of alliances: including the forging of closer relationships with National Human Rights Institutions and with mainstream organisations through the Universal Periodic Review process
- Increased impact/influence of the Expert Mechanism on the Rights of Indigenous Peoples – which is developing role as a new de-facto UN monitoring body

Challenges:

- Significant State resistance to recognition of Indigenous peoples and recommendations;
- Lack of awareness by many Indigenous peoples of their rights;
- Language barriers preventing Indigenous peoples engaging with their own governments and with the UN system
- An absence of monitoring systems for implementation;
- Weak In
- Laws reflecting the right to FPIC not been adopted applied and lack of political will
- Low participation by Indigenous Peoples advocates in regional forums- ASEAN, ASFN, APF

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5.3 Introduction to Human Rights and Development and the SDGs: Joan Carling followed these sessions on UNDRIP, by introducing participants to the relationship between human rights and development. Human rights include economic, social and cultural rights, as well as civil and political rights. Participation in development is an expression of the indivisibility of rights – that people can exercise their civil and political rights to freely come together and safely discuss their development priorities and concerns.

Governments have the obligation to respect, protect and fulfil human rights – and understanding these obligations can help communities, advocates and development agencies to analyse and identify gaps in implementation of human rights.

Joan then provided a comprehensive overview of the 2030 Agenda for Sustainable Development – the SDGs. Across all of the 17 SDGs and 169 targets is the emphasis on leaving no-one behind and reaching the furthest behind first. Joan explained how the lessons learned from the Millennium Development Goals (MDGs) had been incorporated into the 2030 Agenda. Significantly, the SDGs are applicable to all countries, developed and developing, put a focus on the responsibility and role of the private sector and of civil society, Indigenous Peoples and women (three of the identified nine major groups). The SDGs are also significant for their referencing of human rights and their focus on the structural causes of poverty and inequality.

Following a summary of the SDG goals, targets and indicators, Joan outlined the SDG follow-up and review process:

- nationally – States are responsible for national action plans and regular review
- regionally- addressing regionally specific challenges and providing support
- globally- the High Level Political Forum

Joan focused on the opportunities for Indigenous Peoples to engage with the SDGs – incorporating the UNDRIP as the key instrument in the human rights framework of the SDGs. An Indigenous Peoples Monitoring Group for the SDGs has been established and can provide advice. Ensuring that state and UN development agencies gather disaggregated data on Indigenous communities, women and children to inform SDG monitoring and review should be a key focus for advocacy.

Joan led participants in a practical exercise working in small groups, and relating the SDGs to the key issues and concerns affecting their communities, identifying the links with UNDRIP and the opportunities and challenges for engaging with the SDGs for advocacy.

5.4 Case Study on Climate Action and Indigenous Peoples - Joshua Cooper led a discussion focused on SDG 13 Climate Action. Participants shared some the impacts of climate change on their communities including extreme heat/hot temperature affecting IPs livelihoods; unpredictable weather patterns; natural disaster (flood, landslide, typhoon, etc) affecting livelihoods of Indigenous peoples; increase in temperature affecting traditional crops; food scarcity etc.

Joshua then shared a case study – Mālama Honua- whereby traditional cultural practices of living sustainably have been reclaimed and connections made with communities around the globe to share knowledge and practice of caring for the earth.

The participants, inspired by the affirmation of Indigenous Peoples' knowledge and practise of sustainable stewardship that Devasish had emphasised, shared ideas on the actions they could take in their communities. They detailed plans for capacity building with communities (cultural training, etc), conducting campaigns through social media, using traditional natural resource management system, sharing stories to other communities and researching and documenting more case studies.

5.5 SDGs and the High Level Political Forum: Joan Carling and Joshua Cooper highlighted that the implementation process for the SDGs is based on national planning. Importantly, however, Governments are expected to volunteer to subject their plans and progress in implementing the SDGs for reviews at annual UN High Level Political Forums (HLPFs) in New York. These reviews allow for a certain limited level of civil society engagement. The modalities for these reviews are still being developed. Joan and Joshua were able to reflect on experiences from the reviews that have taken

place to date. Based on these experiences, Joshua and Patrick developed and led a new role play exercise that saw participants taking on the role of IPOs, CSOs and government representatives.

5.6 Regional processes for Follow-Up and Review of the SDGs. Wardrina, co-chair of Asia Pacific Regional CSO Engagement Mechanism (AP-RCEM), a civil society platform of more than 500 organisations, led a session on the regional processes for follow-up and review of the SDGs. She discussed regional systemic and structural barriers to implementation of the SDGs and to 'development justice'. These include corporate capture; trade and investment agreements; land and resource grabbing, militarization and conflict and patriarchy and fundamentalism. She then explained the role of regional forums AP-RCEM and APFSD in supporting countries with implementing the SDGs, including providing opportunities to share best practice, to increase CSO participation and voice in SDG planning and to influence intergovernmental processes on sustainable development. Wardarina focused also on the recent UN ESCAP SDGs report.

5.7 Engaging Governments and UN Agencies: *Matthew Coghlan* then led sessions that explored the strategies and approaches to effectively engage with governments and the UN development system at the national level. *Matthew* provided information on the UN funds and programs and specialised agencies within the United Nations whose work and priorities are linked to implementing the SDGs. UN agencies are more explicitly guided by international human rights standards, including UNDRIP than previously – and this provides a clear basis for advocates to engage with them – including on issues of disaggregation and addressing issues of discrimination. *Matthew* facilitated a practical activity to encourage the participants to identify UN bodies/agencies they could partner with in encouraging their governments to incorporate Indigenous perspectives and issues in implementing the SDGs. *Matthew* also ran a practical exercise on how CSOs might engage/partner with private sector to realise IP rights under SDGs national plans.

5.8 Indicators and– Indigenous Navigator Plus: Prabindra Shakya (AIPP) led sessions introducing the Indigenous Navigator- which provides free on-line tools to assist Indigenous peoples and IPOs to gather data, enabling them to monitor the recognition and implementation of their rights.

Two questionnaires used as part of *Indigenous Navigator* are designed to collect data on **national** laws, regulations and programs related to the implementation of rights and **community** experience of the outcomes resulting from such laws and programs. This assists IPOs to identify the discrepancy gaps between obligations and implementation.

The *Indigenous Navigator* site (<http://unsdn.org/2017/09/13/indigenous-navigator/>) contains resources to assist Indigenous peoples to identify the human rights standards related to the 46 articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the links between UNDRIP and the Sustainable Development Goals.

5.9 Next Steps – Capacity Building Needs and Strategies: *Patricia Wattemena (AIPP)* and *Matthew Coghlan* led the final sessions which engaged participants in considering what kind of knowledge and skills are need to be built to enable IPOs and Indigenous communities to engage effectively to promote their rights through the SDGs. *Patricia* was able to reflect positively on the national level programs that APP has been conducting, and the engagement with the HLPF in New York. The need for advocates to understand how governments work – how they develop and implement policies and plans, and building the skills and how to frame recommendations were emphasised. *Matthew* framed the final planning/strategising session in terms of participants contributing to expanding the pilot with a view to a full training, especially in light of the gaps that they identified.

6. Participant Evaluations

Joan's session helped me link the entirely new domain of human rights to the familiar concepts of development. That bridge was important for me to gain insights to the relevance of human rights instruments in general and UNDRIP in particular to the SDGs.

The program was evaluated at the end of the training by individual anonymous evaluations and in a shared group session⁶.

Participants came to the program with varying levels of experience with UNDRIP and the SDGs. Almost all of the participants felt the program had been instrumental in strengthening their understanding of UNDRIP and its links to the SDGs. Several felt they needed further sessions to be confident on understanding the links. It was suggested that more opportunities for contextual analysis would have been helpful for identifying the links.

Participants felt that the principles, goals, targets and indicators of the SDGs had been well explained by the trainers. They felt more confident about explaining UNDRIP and the SDGs to others – most importantly the communities of Indigenous peoples they were working with. They felt the program supported them in their work with communities and that through AIPP and DTP they would be able to circulate the information widely and access regional networks.

Many participants could see opportunities to integrate the training into their work. A number of the participants are responsible for providing training either within their organisations or with the communities they work with. They reported that the program content would be shared through their training. An example cited was the intention to present on UNDRIP as an advocacy tool in regional FPIC training planned for later in the year.

Participants plans for follow-up included:

- to provide guidance to others in their organisation on using the international mechanisms;
- to translate the materials to disseminate the information more widely and to take the information back to a CSO-SDG alliance
- to participate in national SDG processes and to connect with the High Level Political Forum.

Participants felt that the training had met, or partially met, their expectations. The gap for some participants was that topics or thematic issues they expected would be covered were not discussed or not discussed enough. These included: Land grabbing and resource plundering; FPIC; militarization; self-determination and cultural rights and Indigenous women and children; engaging the private sector on UNDRIP and the SDGs, and state level advocacy.

All the trainers and resource persons were acknowledged for their contributions and participants nominated specific sessions as most useful in response to differing needs and levels of experience. The sessions on the Indigenous Navigator were seen by a number of participants to be very important to gain the local voice and experience so vital for inclusion in SDG implementation and monitoring.

The majority of the participants felt that the length of the training was too short; they would have liked more opportunity to expand on and contextualise the information. Advice on how the program could be strengthened is included below.

⁶ Full copies of the completed participant evaluations are available on request

7. Participant's Reflections on Next Steps.

Time was allocated on the final day for focused discussions on strengthening future programs to achieve the goal of building the engagement of Indigenous Peoples organizations with the SDG processes and planning and review mechanisms.

The advice and feedback from the participants is summarised below:

- A stronger focus on key themes and grounding the content in the realities of Indigenous Peoples would assist participants in drawing the connections between UNDRIP, the SDGs and their work on the ground. Self-determination, gender and women, youth, disability, land issues, justice and peace and climate change were identified as key themes and areas to be included in future programs focussed on UNDRIP and SDGs.
- To help ground the training and enable the sharing of experience and build collaboration make space within the program for **participants to present** on their communities and the work they are doing to address concerns/needs⁷.
- **Case studies** (which could come from within the group) or **field/community visits and films** during the program would also be helpful for contextualising the training.
- **Interactive sessions** with government and private sector. The rationale was that effective advocacy requires an understanding of governments and the private sector - how they work and think and that it's very hard to identify what you have in common and to build on that if you don't understand their perspectives and incentives.
- **Partnerships with the private sector** in particular were seen as very important and it was noted that little progress had been made despite there being emphasis in the SDGs on the private sector's role and more opportunities through the growth of social enterprises and NGO/private sector overlap. Using UNDRIP principles could help businesses to relate to Indigenous Peoples with respect, rather than just giving funds or achieving their CSR goals.
- **The value chains and investment relationships** of businesses affecting Indigenous Peoples was an area where participants felt their knowledge and understanding needed to be built
- **UN structure, mechanisms and standards and specialised agencies** relevant to Indigenous Peoples. More attention to the skills involved in presenting issues and problems more effectively also needs to be built into the program.
- **Data collection, analysis and presentation.** The importance of Indigenous Peoples participating in collecting and presenting data and in monitoring implementation of the SDGs. They would have liked to spend more time becoming familiar with the *Indigenous Navigator – a tool developed by AIPP, IWGIA and ILO*⁸.

Participants would also have liked there to be more focus on the steps that could be taken following the program. From their discussions they identified that:

⁷ This is usually an important part of DTP programs, but was dropped for this pilot program because it was a shorter program than is usual and time was very constrained.

⁸ Indigenous Navigator- provides free on-line tools to assist Indigenous peoples to gather data which enables them to monitor the recognition and implementation of their rights. Two questionnaires, designed to collect data on **national** laws, regulations and programs related to the implementation of rights and **community** experience of the outcomes resulting from such laws and programs, assist Indigenous Peoples to identify the discrepancy gaps between obligations and implementation. The site contains resources to assist Indigenous peoples to identify the human rights standards related to the 46 articles of the United Nations Declaration on the Rights of Indigenous peoples (UNDRIP) the links between UNDRIP and the Sustainable Development Goals.

At the local level there should be commitment to share the program learnings to build the capacity of colleagues and fellow human rights defenders and to reach out more to mainstream institutions. More awareness within the general community needs to be generated about the SDGs and their connections with the situation of Indigenous Peoples. It was suggested that discussions around shared or similar issues and concerns with other sectors would enable the forming of linkages and partnerships including with academics and independent researchers which would be valuable for building expertise. More engagement with local government was also identified as something that should be promoted.

At the national level it was felt there needed to be greater attention on networking and alliance building to promote greater collaboration and identification of organisations and institutions to link with. More specifically it was suggested that the concerns and issues facing Indigenous Peoples needed to be incorporated into the larger social movements and social causes where Indigenous Peoples are currently only marginally represented. Using the UNDRIP principles could provide a means for building more coherence in the work that was currently being done in existing alliances.

Alternative Models: A further strategy suggested was to collect data which could demonstrate the initiatives, models and alternatives implemented by Indigenous Peoples as a counter to the strategies being implemented by governments which are destructive of Indigenous Peoples lands, resources and cultures.

At the regional level it was felt there could be more engagement with the UNs Asia-Pacific Regional (ESCAP) Coordination Mechanism on the SDGs

At the global level – there needs to be increased Indigenous participation in UN mechanisms and engagement with the High Level Political Forum and strengthened partnerships with the UN.

8. Reflections on Pilot Program

DTP believes that this was a valuable pilot program with lessons to be learned for DTP's future works. The SDGs are an important new development framework. They express important global, regional and national level commitments to development and human rights. The imperatives of the SDGs "to leave no-one behind" and to reach those furthest behind first have particular relevance for Indigenous peoples.

Human rights and Indigenous peoples' rights advocates need to engage with the SDGs and to continue to explore how they can integrate their advocacy into the SDG planning and review processes, which can by their nature be technocratic.

Indigenous peoples have a right to participate in the SDG planning and review processes, and training/capacity building is vital to enable them to exercise this right effectively.

The participatory methodology – encouraging participants to link specific SDGs and targets to issues in their communities, and to articles in UNDRIP was effective. The balance of building knowledge and consolidating this with the development of skills through group exercises and role plays also proved effective.

DTP will need to integrate the SDGs into all of its capacity building programs as well as exploring with AIPP the possibility of a longer term, strategic capacity building program on UNDRIP and the SDGs that will build capacity and knowledge cumulatively and that can be tracked over time.

Appendix 1: Participant Bios; **Appendix 2:** Trainer Bios; **Appendix 3:** Program Schedule