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## Permanent Forum on Indigenous Issues

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**Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health and human rights), with reference to the United Nations Declaration on the Rights of Indigenous Peoples**

## **Update on the promotion and application of the United Nations Declaration on the Rights of Indigenous Peoples\*\***

**Note by the Secretariat**

### *Summary*

The present report provides an update on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. It is focused on migration and indigenous peoples in urban areas in the context of the following issues: (a) available data on indigenous urban migration; (b) patterns of indigenous migration; (c) drivers of urbanization and its effects; (d) intersecting discrimination and migration to urban areas; (e) indigenous indicators of well-being and the realization of collective rights in urban settings; and (f) cross-border migration. It provides an overview and is not exhaustive. The report concludes with recommendations to address the distinctive challenges faced by indigenous peoples who have migrated to urban areas.

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\* E/C.19/2021/1.

\*\* The work of Cathal Doyle in the preparation of the present study is acknowledged.



## I. Introduction

1. It is characteristic of indigenous peoples throughout the world that they have a symbiotic relationship with their traditional territories. The territories are typically geographically isolated from major towns and cities, and are central to indigenous peoples' identity, survival and autonomy. However, a growing percentage of indigenous persons worldwide have, in recent decades, migrated from those territories to urban areas, where they face major challenges in meeting their basic needs and maintaining their identities.<sup>1</sup>

2. The root causes for the migration to urban areas are multifaceted, consisting of both push and pull factors. To some degree, it is a product of the migration of the broader populations of the countries in which they reside, with over 50 per cent of the global population now living in urban areas. The global process of urbanization has generated a huge demand for goods and commodities, with much of the minerals required to manufacture them sourced from indigenous peoples' traditional territories. Globalization has also accelerated the creation of protected areas and significantly increased tourism within these territories. The associated dispossession of lands and resources constitutes a major push factor in indigenous migration.

3. The growing awareness at the international level of the importance of the issue is reflected in the Global Compact for Safe, Orderly and Regular Migration of 2018, in which States commit to partner with indigenous migrants, among other groups, and to ensure that they obtain the necessary support at all stages of migration. The theme for the commemoration of the International Day of the World's Indigenous Peoples in 2018, "Indigenous peoples' migration and movement", also brought global attention to the issue.<sup>2</sup> The commemoration highlighted the need to develop policies, agreements and binational plans concerning indigenous peoples in and around international borders and in urban areas, as well as respect for the right of indigenous peoples to self-determination, as it allows individuals and groups that have left, been displaced, or migrated from their ancestral lands to maintain a link to their indigeneity.

4. Since its establishment in 2000, the Permanent Forum on Indigenous Issues has recognized the broad impact of migration on indigenous peoples' cultures and well-being, and the need to strengthen the implementation of existing laws to protect indigenous migrants. At its eighteenth session, the Permanent Forum expressed concern regarding indigenous young people, who are increasingly migrating from their communities because of poverty, a lack of economic opportunities and climate change. The Permanent Forum also recommended the implementation of the Global Compact for Safe, Orderly and Regular Migration and encouraged the International Labour Organization and the International Organization for Migration, in cooperation with indigenous peoples, to conduct a study on good practices on opportunities for and challenges in generating culturally appropriate, decent work for indigenous young people to inform the development of programmes and initiatives for indigenous youth employment, both in their communities and in the context of migration (E/C.19/2019/10, paras. 65, 66 and 89).

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<sup>1</sup> United Nations Human Settlements Programme (UN-Habitat), *Securing Land Rights for Indigenous Peoples in Cities: Policy Guide to Secure Land Rights for Indigenous Peoples in Cities* (Nairobi, 2011); and World Bank, *Indigenous Latin America in the Twenty-First Century* (Washington, D.C., 2015).

<sup>2</sup> See <https://www.un.org/development/desa/indigenouspeoples/international-day-of-the-worlds-indigenous-peoples/international-day-of-the-worlds-indigenous-peoples-2018.html>; and A/CONF.231/3, annex, para. 23 (b).

5. The present report outlines the distinctive challenges faced by indigenous peoples who have migrated to urban areas by first examining the available data on urban populations and the evolving patterns of indigenous migration in a sample of countries. The primary drivers for large-scale migration and the challenges posed for indigenous persons who are either forced, or choose, to leave their traditional territories are analysed. The report also reviews the impacts on indigenous women, children and older persons, and indigenous peoples' own indicators of well-being for the realization of the rights of indigenous peoples in urban settings, and issues related to cross-border migration. The report concludes with recommendations for Member States on the realization of indigenous migrants' rights in urban settings.

## II. Data on indigenous urban migration

6. Research conducted by the International Work Group for Indigenous Affairs in 2002, the United Nations Human Settlements Programme (UN-Habitat) in 2008 and Minority Rights Group International in 2015 highlights the structural discrimination underpinning indigenous migration to urban areas, as well as the social exclusion and exploitation indigenous migrants face in the absence of inclusive urban planning and decision-making processes. It also points to the dearth of disaggregated data on indigenous urban migration processes, despite repeated calls for such data as a prerequisite for effective and inclusive government policies. Data that are available confirm the growing percentage of indigenous people residing in, or migrating to, urban areas. In 2015, the World Bank estimated that 49 per cent of the indigenous population of Latin America and over 50 per cent of the indigenous populations in Chile, El Salvador, Mexico, Peru and Venezuela (Bolivarian Republic of), lived in urban areas.<sup>3</sup> An estimated 82 per cent of the indigenous population of Argentina live in urban areas,<sup>4</sup> while in Brazil, the figure drops to 40 per cent and, in Colombia and Ecuador, to only 20 per cent.<sup>5</sup> Latin American cities with major and expanding indigenous populations include Lima (Peru), La Paz (Plurinational State of Bolivia), Santiago (Chile) and San José (Costa Rica). The capital cities of Panama and Venezuela (Bolivarian Republic of) are home to 60 per cent of their countries' indigenous populations.<sup>6</sup> In many cities, there are multiple indigenous peoples, with, for example, over 40 indigenous communities registered in, or around, Buenos Aires.<sup>7</sup>

7. In Australia, the Aboriginal and Torres Strait Islander population is becoming increasingly urbanized, increasing from 73 per cent in 1996 to 79 per cent in 2016.<sup>8</sup> Even in the Northern Territory, the least urbanized region of Australia, 51 per cent of Aboriginal people now live in urban areas. In Canada, according to the 2016 census, almost 52 per cent of Aboriginal people live in urban areas, an increase of almost 60 per cent in a single decade.<sup>9</sup> In the United States of America, over 70 per cent of Native Americans live in urban areas,<sup>10</sup> while in New Zealand, over 85 per cent of

<sup>3</sup> World Bank, *Indigenous Latin America*, p. 31.

<sup>4</sup> Ede Ijjasz-Vasquez and Jesko Hentschel, "Urban indigenous peoples: the new frontier", World Bank Blog, 8 June 2017.

<sup>5</sup> Instituto Socioambiental, "IBGE detalha dados sobre povos indígenas", 14 August 2012.

<sup>6</sup> Henrique Mercer and others, "The bright side of indigenous urbanization for biodiversity", *The Nature of Cities*, 4 February 2015.

<sup>7</sup> Ijjasz-Vasquez and Hentschel, "Urban indigenous peoples".

<sup>8</sup> Australian Bureau of Statistics, "Aboriginal and Torres Strait islander population, 2016", 31 October 2017.

<sup>9</sup> Statistics Canada, "Aboriginal peoples in Canada: key results from the 2016 census", *The Daily*, 25 October 2017.

<sup>10</sup> Nicole P. Yuan, Jami Bartgis and Deirdre Demers, "Promoting ethical research with American Indian and Alaska native people living in urban areas", *American Journal of Public Health*, vol. 104, No. 2 (November 2014).

Maori do.<sup>11</sup> In Japan, while the majority of Ainu continue to live on the island of Hokkaido, tens of thousands have moved to urban areas. In many Asian countries, migration of indigenous peoples in search of work is increasingly common, even though the employment secured is often dangerous, exploitative or menial in nature. East Africa has had an annual urban growth of over 5 per cent for the past decade,<sup>12</sup> driven by major infrastructure projects in indigenous lands, such as the pan-Kenya and Tanzania Lamu Port-South Sudan-Ethiopia Transport Corridor, which will create new cities in the lands of the Maasai and is fuelling competition over scarce resources and dispossession.

### III. Patterns of indigenous migration

8. While common drivers for urbanization can be identified, the experience is not uniform for all indigenous peoples. Research indicates that indigenous peoples tend to move to urban areas close to their traditional territories, as opposed to larger cities. However, it also suggests that, as more indigenous peoples migrate to cities, their urban networks are growing stronger and this, in turn, encourages further migration.<sup>13</sup> Some indigenous peoples have lived in towns and cities for decades, having migrated from their traditional territories owing to a long-standing denial of land rights or State attempts to assimilate them. In Latin America, much of the migration occurred decades ago, when land was privatized, resulting in migration to cities, and discrimination has historically played a major role in oppressing the assertion of indigenous identities in urban contexts. In New Zealand, the majority of the Maori have lived in urban areas since the Second World War, and they are demanding increased representation in urban decision-making and planning. In countries such as Australia and Canada, indigenous groups also have a long history of migration to urban areas and have experienced the worst aspects of urban environments. Over time, some policy measures have been developed that partially address their situation; however, major challenges remain, with, for example, the high degree of mobility between urban and rural areas affecting service delivery in Canada.

9. For the most part, regardless of when they first arrived, indigenous peoples often remain invisible in cities, confined to slum-like areas with no security of tenure and with little or no effort made to recognize their existence, identities or rights, or to include them in urban planning. This is evident in countries throughout the world.

10. Indigenous migrants make up most of the population in fast-growing towns and cities in the Brazilian States of Amazonas and Roraima. These areas suffer from a lack of water and sanitation services, violence and trafficking of women.<sup>14</sup> In the Lao People's Democratic Republic, decades of assimilation-orientated relocation policies have resulted in the urbanization of the Hmong peoples. While there have been some material benefits, the process has led to an overwhelming loss of culture and identity.<sup>15</sup> Similar patterns of indigenous urbanization are playing out in many countries throughout the world. The following section will probe the drivers behind this phenomenon and the effect it is having on the indigenous peoples concerned.

<sup>11</sup> John Ryks, Amber L. Pearson and Andrew Waa, "Mapping urban Māori: a population-based study of Māori heterogeneity", *New Zealand Geographer*, vol. 72, No. 1 (April 2016).

<sup>12</sup> Laura A. Young, "East Africa and the Horn", in *State of the World's Minorities and Indigenous Peoples 2015: Events of 2014* (London, Minority Rights Group International, 2015), p. 74.

<sup>13</sup> *Indigenous Peoples and Urban Settlements: Spatial Distribution, Internal Migration and Living Conditions* (United Nations publication, Sales No. E.07.II.G.132), p. 5.

<sup>14</sup> Alfredo Gutierrez Carrizo and Carolyn Stephens, "South America", in *State of the World's Minorities and Indigenous Peoples 2015*, p. 129.

<sup>15</sup> M. Stewart and others, "Hmong in Laos: urbanization and adaptation", *University of Wisconsin-La Crosse Journal of Undergraduate Research*, vol. VII (2004).

## IV. Drivers of urbanization and its effects

11. For the majority of indigenous peoples, the key driver behind migration to urban areas is the violation of their rights to lands, territories and resources, with most living in urban areas because they have been denied the choice to stay in their territories. This forced migration frequently arises as a result of imposed extractive, agribusiness, conservation or infrastructure projects and the associated dispossession of lands and denial of livelihoods. In Cameroon, logging activities have displaced the hunter-gatherer Baka people, forcing them to migrate to villages where they suffer from malnutrition and abuse by security forces for “poaching” in contravention of conservation laws. In Nigeria, the Ogoni have suffered profound impacts from oil contamination. The oil exploitation has fuelled migration of the Ogoni, as they seek employment, which has compounded the harms caused to their culture and identity.<sup>16</sup> In Ethiopia, rural-to-urban migration of indigenous peoples has also resulted from displacement owing to development projects that require the use or acquisition of lands and territories of indigenous peoples, irrigation dams or villagization programmes.<sup>17</sup> Such projects and programmes also fuel unemployment and increased crime rates.

12. Urban migration is also driven by armed conflict or criminal activities in or near indigenous territories and the persecution of indigenous representatives. In the Philippines, for example, protracted conflict in Mindanao has resulted in mass displacements and migration to cities such as Cotabato or General Santos, where women work as underpaid domestic workers. In the context of protracted conflict, there is frequently no opportunity for a permanent return to traditional lands. In the Democratic Republic of the Congo, widespread armed conflict has forced many communities to migrate to cities, where access to water and sanitation are limited and where they remain at risk of violence, with little opportunity to return to their lands, which have been seized by armed groups.

13. Despite contributing the least to climate change and, through their preservation of forests, having done much to avert it, indigenous peoples are among those most affected by climate change and the absence of appropriate adaptation and mitigation measures. The Secretary-General noted that indigenous peoples are stewards of 80 per cent of the world’s biodiversity on land and that nature managed by indigenous peoples is declining less rapidly than elsewhere. He also pointed out that, with indigenous peoples living on land that is among the most vulnerable to climate change and environmental degradation, it is time to heed their voices, reward their knowledge and respect their rights.<sup>18</sup>

14. Climate change is forcing some indigenous peoples to migrate, as natural resources are no longer accessible. A combination of drought and conflict, involving cross-border activities by Boko Haram in the Lake Chad basin in northern Central Africa (bordering Cameroon, Chad, Niger and Nigeria), has compelled male members of the Mbororo pastoralist people to migrate to urban areas, leading to the disruption of family structures. Drought has also given rise to similar migration patterns and problems for nomadic groups in Mauritania. For other indigenous peoples, including the Benet people around the Mount Elgon National Park in Uganda, mitigation measures, such as those dedicating their territories to carbon offsetting, are reportedly

<sup>16</sup> Paige Wilhite Jennings, “West and Central Africa”, in *State of the World’s Minorities and Indigenous Peoples 2015*, pp. 87 and 92.

<sup>17</sup> Mohamed Matovu, “East and Horn of Africa”, in *State of the World’s Minorities and Indigenous Peoples 2012: Events of 2011* (London, Minority Rights Group International, 2012), pp. 63 and 66.

<sup>18</sup> António Guterres, Secretary-General of the United Nations, “The state of the planet”, statement at Columbia University, New York, 2 December 2020.

leading to evictions. Increased vulnerability to natural disasters that destroy the land and resources upon which communities depend and the failure to provide adequate remediation to affected communities are also fuelling migration to urban areas. Ironically, indigenous peoples who are forced to migrate often end up in precarious housing in the poorest urban areas, which are prone to natural disasters and environmental pollution.<sup>19</sup>

15. Indigenous peoples' lands are also increasingly subject to encroachment by urban areas that have extended to their borders. In the absence of strong land rights, land grabbing is pervasive in these contexts and the indigenous territories are quickly engulfed by towns and cities. Non-consensual urban expansion and the development of related infrastructure links in such countries as Colombia, the Democratic Republic of the Congo, Ethiopia, Indonesia, Kenya, Liberia, Malaysia and Peru are fuelling forced assimilation and migration.<sup>20</sup> In Colombia, in 2016, the Constitutional Court recognized the indigenous reserve (resguardo) of the Embera Chami and their self-governance rights.<sup>21</sup> However, the town of Rio Sucio has encroached on the lands of the reserve, engulfing Embera households and complicating the process of land demarcation and territorial governance. The Maasai in Kenya have also lost significant areas of land to the rapid expansion of Nairobi, which is home to some of Africa's most densely populated slums.<sup>22</sup> Indigenous communities in Australia, Ghana, Nigeria and Senegal have been engulfed by cities.<sup>23</sup>

16. According to UN-Habitat,<sup>24</sup> State promotion and facilitation of the market economy in rural areas have served to undermine indigenous peoples' subsistence economies. Together with increased mobility and population growth, they are among the drivers of migration for indigenous young people. The prospect of increased employment and market opportunities in urban areas is also a significant pull factor. Once in urban areas, however, many indigenous young people face discrimination, which limits access to employment and to the finance necessary to initiate income-generating activities. In the absence of appropriate economic and social support mechanisms, the lure of the city can prove to be a mirage. Indigenous young people find themselves trapped in a no-man's-land between the traditional realities that no longer afford them livelihood prospects and urban worlds that discriminate against them and exclude them from the opportunities they seek. Structural discrimination against indigenous peoples is pervasive in many cities. It compounds the economic disadvantage of indigenous migrants and serves to reduce their tendency to self-identify as indigenous. Frequently, a vicious cycle is created in which indigenous migrants feel compelled to conceal their identities and traditions to avoid marginalization and discrimination. Rates of drug abuse, suicide and incarceration and the risk of suffering from violent crime are all high among indigenous peoples in urban areas. This has, in part, been attributed to the loss of identity among, and social exclusion of, urban indigenous youth. Experiences of exclusion and discrimination in urban areas in North, Central and South America have resulted in indigenous youth

<sup>19</sup> UN-Habitat, *Securing Land Rights for Indigenous Peoples in Cities*, pp. 21, 23 and 24; and Carolyn Stephens, "The indigenous experience of urbanization", in *State of the World's Minorities and Indigenous Peoples 2015*, p. 57.

<sup>20</sup> Forest Peoples Programme and Both ENDS, *Ensuring Respect for Human Rights in the Context of "Economic Diplomacy" and Investment/Trade Promotion*, joint submission to the Human Rights Council (2018), pp. 22 and 37.

<sup>21</sup> Constitutional Court of Colombia, case No. T-530/2016.

<sup>22</sup> Young, "East Africa and the Horn", p. 77.

<sup>23</sup> UN-Habitat, *Securing Land Rights for Indigenous Peoples in Cities*, pp. 27–28; and George Owusu, "Indigenes' and migrants' access to land in peri-urban areas of Accra, Ghana", *International Development Planning Review*, vol. 30, No. 2 (2008).

<sup>24</sup> UN-Habitat, *Securing Land Rights for Indigenous Peoples in Cities*, p. 24; and Statistics Canada, "Aboriginal peoples in Canada".

becoming susceptible to recruitment by criminal gangs and are reflected in the disproportionate rate of sexual violence against indigenous girls and women. The decision of the African Commission on Human and Peoples' Rights in 2009 instructing Kenya to guarantee the Endorois their rightful return to their lands has yet to be implemented and the Endorois recount how their young people in cities are losing their culture owing to discriminatory attitudes and continued obstacles to accessing their traditional territory in Lake Bogoria.<sup>25</sup> In Brazil, despite constitutional provisions recognizing their land rights, the Guarani-Kaiowá in Mato Grosso do Sul have been denied restitution and are forced to live in urban reservations or on the side of roads on lands that were formerly theirs. Attempts to reclaim their lands and to resist eviction frequently placed them in conflict situations resulting in violence (A/HRC/33/42/Add.1, para. 22). High rates of suicide among Guarani-Kaiowá young people in the crowded urban reservation of Dourados appear to be closely correlated with loss of identity, poverty and the lack of education and employment or livelihood prospects.

17. For some indigenous persons, the move to urban areas has been driven by the denial of basic economic and social rights. According to the World Bank, indigenous peoples are 2.7 times more likely to experience extreme poverty than non-indigenous populations.<sup>26</sup> Indigenous peoples in urban areas tend to fare better than their rural counterparts based on different indicators, with decreased infant mortality and improved completion of primary and secondary school education. However, the conditions and well-being of indigenous peoples living in urban areas vary significantly and, in many cases, these improvements in education and health are offset by loss of identity, continued poverty and discrimination. Denial of indigenous peoples' access to forests has jeopardized the livelihoods of the Twa in the Congo basin, leading many to migrate to urban areas. While their access to education and employment opportunities have improved in urban settings, they nevertheless continue to face major challenges in meeting their basic needs, and inequality in comparison with non-indigenous peoples has increased. Access to health care has also improved for some indigenous peoples living in urban areas, but it is by no means guaranteed. Such factors as the loss of traditional medicines, the inability to grow traditional food and associated changes in diet, increased risk of contracting HIV and difficulty in accessing appropriate health services have meant that, in many cases, indigenous peoples living in urban areas continue to have unacceptably poor health outcomes.

18. Housing conditions, including access to water and sanitation, also improve for some in urban areas, but for many, they, too, remain grossly inadequate. Even where they enjoy some improvement in conventional indicators of well-being, the inequality between indigenous peoples and mainstream society is more pronounced and intensified in cities.

19. In many countries, the degree of homeownership among indigenous peoples is significantly lower in cities than in rural areas. The situation is compounded by widespread unemployment. While reductions in the wage gap between non-indigenous and indigenous populations have been reported in such countries as Bolivia (Plurinational State of) and Peru, in general, work obtained by indigenous migrants

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<sup>25</sup> Young, "East Africa and the Horn", p. 80; African Commission on Human and Peoples Rights, *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, communication No. 276/2003, 4 February 2010; and Rebecca Marlin, "Case study: Endorois youth in Kenya", Minority Rights Group, 8 March 2016.

<sup>26</sup> World Bank, *Indigenous Latin America*, p. 6.

is often in the informal sector and is insecure, prone to discriminatory wages and can be hazardous in nature.<sup>27</sup>

20. The vast numbers of indigenous peoples who reside in informal slums and settlements on the outskirts of Latin American, Asian and African cities are often subject to eviction with no enforceable due process rights owing to their lack of security of tenure. Without security of tenure, and in the absence of traditional support systems, their precarious economic situation has led to a disproportionate number of indigenous peoples becoming homeless and destitute. Displacement, owing to the impact of mining pollution on their livelihoods and food security, has rendered the Warao people, in Delta Amacuro, Bolivarian Republic of Venezuela, dependent on begging in urban centres.<sup>28</sup> In Uganda, many Karamajong have been forced to migrate owing to armed conflict, extractive industries and the denial of land rights. They find themselves at the bottom of the socioeconomic ladder in the urban slums of Kampala or Jinja, where they have had to resort to begging, with alcohol abuse becoming increasingly prevalent.<sup>29</sup> Similar problems exist in the “developed world”. In Toronto, Canada, Aboriginal people constitute 2 per cent of the total population, but 25 per cent of the homeless population, while in Australia, the rate of homelessness among Aboriginal people is four times higher than among other Australians.<sup>30</sup>

## V. Intersecting discrimination and migration to urban areas

21. Intersecting discrimination is a particularly profound challenge for many segments of indigenous societies in urban contexts. While cities can afford new opportunities to indigenous women, enabling some to find employment or to avoid gendered poverty that might arise owing to patrilineal customary inheritance, they can also increase vulnerability to discrimination and exploitation. Combined gender-based and ethnic discrimination can make it extremely difficult for women to realize tenure security in cities. Within their societies, indigenous women are often the holders of important traditional knowledge in relation to food production and medicine, but this knowledge and their former roles are devalued in the urban context. Traditional livelihoods are replaced by limited, and often exploitative, employment opportunities, and the risk of sexual exploitation, harassment and trafficking increases. Many end up working as domestic help in cities at home and abroad, with 50,000 indigenous women from the Philippines working overseas as domestic workers.<sup>31</sup> This can, in turn, lead to further vulnerability and exploitation. Indigenous women in India constitute the overwhelming majority of domestic workers in New Delhi. Many come from communities in Jharkhand, where traditional livelihoods were destroyed when forests were cleared for logging and mining. Research on their experiences found that many had been enticed to New Delhi by brokers under the pretext of attractive salaries, only to find themselves exploited economically,

<sup>27</sup> Ibid., pp. 8 and 11; and Socio-Environmental Working Group of the Amazon “Wataniba”, “Venezuela”, in *The Indigenous World 2019* (Copenhagen, International Work Group for Indigenous Affairs, 2019) p. 221.

<sup>28</sup> Inter-American Commission on Human Rights, *Situation of Human Rights of the Indigenous and Tribal Peoples of the Pan-Amazon Region*, OAS/Ser.L/V/II (2019).

<sup>29</sup> Young, “East Africa and the Horn”, p. 85; Nicole Girard, “Minority and indigenous women and urbanization”, in *State of the World’s Minorities and Indigenous Peoples 2015*, p. 34.

<sup>30</sup> UN-Habitat, *Securing Land Rights for Indigenous Peoples in Cities*, p. 2 (see note 14); UN-Habitat, *Housing Indigenous Peoples in Cities: Policy Guide to Housing for Indigenous Peoples in Cities* (Nairobi, 2009), p. 22.

<sup>31</sup> UN-Habitat and Office of the High Commissioner for Human Rights, *Indigenous Peoples’ Right to Adequate Housing: A Global Overview*, United Nations Housing Rights Programme Report, No. 7 (Nairobi, 2005), p. 151.

physically and sexually.<sup>32</sup> Trafficking of indigenous women to urban areas has also been a major issue in countries such as Mexico, the Philippines and Thailand. Indigenous peoples, in particular women and children, in urban areas are also vulnerable to exploitation in the tourism sector, which can range from commodification of their cultures to sexual exploitation. Transgender indigenous persons also face discrimination and sexual exploitation in urban settings.

22. The movement of indigenous peoples away from their traditional lands, in the absence of any opportunities to perpetuate their autonomy and cultural rights, has a particularly profound impact on indigenous children, who are at a higher risk of losing their indigenous identity and experiencing social exclusion. For indigenous peoples with disabilities, or parents of indigenous children with disabilities, migration to urban areas can be driven by the hope of access to services that are unavailable in their traditional territories. However, the reality of intersecting discrimination and urban poverty limits their prospects of accessing these services and, at times, they can find themselves worse off than in their own territories, where attitudes towards disability might be less discriminatory. Older indigenous persons are among those most profoundly affected by migration to urban areas. Their traditional roles disappear as community spaces disappear, cultural values are eroded and traditional knowledge is less valued. They are particularly vulnerable to increased crime rates and living costs. Traditional community support structures also disappear as family members work long hours in the informal sector and older persons become reliant on culturally inappropriate services provided in languages in which they are not proficient.

## **VI. Indigenous indicators of well-being and realization of collective rights in urban settings**

23. In some countries, indigenous peoples have developed their own indicators of well-being and the realization of rights. Among the key domains they identify are languages, consultation and consent, self-government, lands, territories and resources, recognition of identity and participation in public life. In addition, they clarify that conventional indicators of well-being may fail to capture culturally specific aspects of rights to housing, employment, health and education. Removed from their traditional lands, and in the absence of targeted participatory measures aimed at addressing their needs, the potential to realize their rights and aspirations is significantly diminished. In such contexts, while indigenous persons in urban areas may earn higher wages or have greater access to education or health-care services, their own indicators of well-being suggest that they may consider themselves worse off than in their traditional lands, as conventional indicators fail to capture, or may misrepresent, the full extent of their marginalization. However, they are often not able to return to their homelands for a variety of reasons. In many cases, their traditional territories have been transformed into national parks, gold mines or palm oil plantations guarded by armed guards. A return back may also not be feasible for financial reasons. Viewed from this rights-based perspective, ensuring the well-being of indigenous peoples in urban contexts is contingent on enabling them to realize their individual and collective rights, including their right to autonomy, so that they can maintain and perpetuate their cultural identities while realizing sustainable self-determined development in the urban environment. This implies eliminating the discrimination that oppresses self-identification and adopting affirmative action measures that enable indigenous peoples in urban areas to organize and take decisions

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<sup>32</sup> Samar Bosu Mullick, "Tribal domestic working women in India", *Indigenous Affairs*, No. 3–4/02 (2002), pp. 17–18.

collectively. It also implies a radical change in the approach to urban planning from one that exacerbates asymmetries in power relations between indigenous peoples and planning bodies to one that guarantees the effective participation of indigenous persons, spanning all genders and age groups, in decisions about the urban environment in which they reside.

24. As noted by the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpus, the ethnic-based recognition of indigenous autonomy or self-government is important in the context of migration and urbanization, as it may allow indigenous peoples to make decisions on issues affecting indigenous members outside their lands and territories (A/74/149, para. 74). One example of this is autonomous decision-making by indigenous peoples in urban areas in relation to education laws and policies. However, such forms of autonomy are recognized in very few jurisdictions and the exercise of their right to self-determination is hugely challenging for most indigenous peoples in urban contexts.

25. Experiences of indigenous peoples in urban areas throughout the world point to a diverse range of proactive measures that are being taken by indigenous peoples to realize their decision-making rights. They include mobilizations by the Maori in New Zealand demanding greater representation in city councils, the use of radio for cultural strengthening and sharing of employment opportunities in Argentina, the creation of a council for indigenous consultation and participation for Mexico City that reviews policies that affect indigenous peoples and cultural diversity initiatives, in general,<sup>33</sup> and steps taken by indigenous migrants in Baguio City, in the Cordillera Central Mountains in the Philippines, who constitute 60 per cent of the city's population and most of its poor, to organize themselves, including most recently through a waste management project led by indigenous women.<sup>34</sup> In addition, in Guatemala City, the Tz'ununija' Indigenous Women's Movement is one of many social, civil society and student groups coordinating grass-roots aid efforts around the country that together have more than a dozen donation collection centres in Guatemala City alone.<sup>35</sup>

26. Supporting these and other proactive steps taken by indigenous peoples to influence urban planning and decision-making is necessary to tackle discrimination in urban settings and enable indigenous peoples to maintain their cultural identity. It is fundamental to realizing the human rights obligations of States and to fulfilling their commitments under the Sustainable Development Goals of the 2030 Agenda for Sustainable Development of leaving no one behind and making "cities and human settlements inclusive, safe, resilient and sustainable" (Goal 11).

27. The modern phenomenon of the urbanization of indigenous peoples has its roots in historical disadvantage, discrimination and the ongoing denial of their fundamental rights to lands, territories, and resources. Ultimately, addressing the challenges faced by indigenous peoples in urban areas requires tackling these root causes of non-consensual urbanization and social exclusion. Central to this is the realization of rights to lands, territories and natural resources and to self-governance, as well as the

<sup>33</sup> Corinne Lennox, "Minority and indigenous peoples' rights in urban areas", in *State of the World's Minorities and Indigenous Peoples 2015*, p. 19; Luis Ernesto Cárcamo-Huechante and Nicole Delia Legnani, "Voicing differences: indigenous and urban radio in Argentina, Chile, and Nigeria", *New Directions in Youth Development*, vol. 2010, No. 125 (Spring 2010); and Stephens, "The indigenous experience of urbanization", in *State of the World's Minorities and Indigenous Peoples 2015*, p. 60.

<sup>34</sup> Hanna Hindstrom, "Indigenous livelihoods in the Philippines", Minority Rights Group, 8 March 2016; and Geraldine Cacho and Joan Carling, "The situation of poor indigenous peoples in Baguio City – The Philippines", *Indigenous Affairs*, No. 3–4/02.

<sup>35</sup> Sandra Cuffe, "'The Ixil helping the Ixil': indigenous people in Guatemala lead their own Hurricane Eta response", *The New Humanitarian*, 10 November 2020.

derivate right to give or withhold free, prior and informed consent to extractive, energy, conservation, tourism or infrastructure projects in or near their territories, with adequate compensation provided for past non-consensual dispossession and infringements on indigenous peoples' rights.

## VII. Cross-border migration

28. In addition to migrating to cities within their own countries, indigenous peoples are increasingly migrating to urban areas in other countries to escape conflict, persecution, deteriorating economic situations and climate change impacts. As is the case of indigenous peoples from Mexico who work in the agricultural sector in the United States, they often occupy the poorest paying and yet most physically demanding jobs. Some, such as the Warao communities in the Orinoco Delta and Monagas, and the Eñepa de Bolívar peoples in the Bolivarian Republic of Venezuela, have migrated for economic reasons and are treated as refugees and live in camps in Brazil. In the Bolivarian Republic of Venezuela, conflict involving armed groups over the control of drug crops has driven Yukpa communities in Perijá, Zulia State, to migrate to Colombia.<sup>36</sup> Environmental factors, including climate change, are playing a role in fuelling migration from Central America to Canada and the United States. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, when interpreted in the light of the United Nations Declaration on the Rights of Indigenous Peoples, has a potentially important role to play in addressing the environmental challenges faced by indigenous peoples.

29. Cross-border indigenous peoples, such as the Guarani, whose ancestral lands span Argentina, Brazil and Paraguay, face unique challenges in terms of transborder movement within their territories, with implications for their cultural practices, community cohesion and way of life. The situation of cross-border indigenous peoples in voluntary isolation or initial contact is even more complex, as protections in one country can differ from those in a neighbouring country, putting these people at risk of forced contact when they cross borders that traverse their traditional lands.

## VIII. Conclusions and recommendations

30. Over 50 per cent of the world's indigenous peoples are already in cities and towns. They are often dispersed, invisible and overlooked in these urban settings and this, combined with discrimination and a lack of political power, means that they remain as far, or further, from sites of power as they were in their traditional lands. Decisions that affect their rights continue to be taken without their participation, their cultural integrity is threatened and they face many unnecessary hardships because of social exclusion. If a rights-based approach were adopted, enabling them to maintain their identities and links with their traditional lands, life in these urban settings could potentially be a much more positive experience for indigenous peoples. The challenges that migration implies for them – including psychological suffering as a result of disconnection from their communities; the lack of culturally appropriate services or information on those services that are available; the difficulty of sustaining languages, traditional knowledge and connection with their territories; and the reduction in self-identification as indigenous owing to stigma – could all be significantly reduced, thereby enabling indigenous peoples in urban areas to maintain their cultural integrity while also benefiting from improved access to employment and economic development opportunities.

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<sup>36</sup> Socio-Environmental Working Group of the Amazon "Wataniba", "Venezuela", p. 223.

31. However, addressing the challenges faced by indigenous peoples in urban areas requires ensuring that sustainable and desirable livelihood opportunities are available in their traditional territories. This, in turn, requires that projects and plans that are incompatible with those livelihoods and their long-term self-determined development plans are not imposed on indigenous peoples. With this overarching necessity in mind, the following recommendations are made for the consideration of Member States:

(a) Recognize that indigenous peoples have the right to the full enjoyment, as a collective and as individuals, of all human rights and fundamental freedoms, as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Rights of Indigenous Peoples and international human rights law;

(b) Collaborate with urban indigenous peoples to develop policies for the protection of their individual and collective rights, including their rights to culturally appropriate and adequate housing, sanitation, health and education, to access to information on available services and to enjoyment of their culture with other members of their communities;

(c) Guarantee the full and effective participation of indigenous peoples as political citizens in local, regional and State government processes, including urban planning and decision-making. States must enact legislation to guarantee indigenous participation in politics, while also recognizing their right to self-determination, autonomy and self-governance;

(d) Address the root causes of indigenous migration and urbanization by recognizing and guaranteeing indigenous peoples' rights to land, territory and resources, and their self-determination and development rights, including the principle of free, prior and informed consent in the context of the extractive industry, agribusiness and infrastructure projects, military activities and conservation initiatives, which must involve providing indigenous peoples with the option to choose between alternative development options;

(e) Ensure that indigenous peoples are not displaced and/or removed from their lands and territories, and that their free, prior and informed consent is secured prior to any activities in or near their territories that may require or lead to their relocation or displacement;

(f) Facilitate the return of indigenous peoples to their lands in instances in which they have been forced to relocate without their free, prior and informed consent;

(g) Cooperate with indigenous peoples in urban areas to provide appropriate employment and economic development opportunities;

(h) Allocate adequate budgets to address the situation of indigenous peoples in urban areas and to ensure access to credit and the elimination of discrimination and exploitation in formal and informal labour markets;

(i) Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and ensure its culturally appropriate application to indigenous peoples in keeping with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.