



# Economic and Social Council

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## Permanent Forum on Indigenous Issues

### Twenty-first session

New York, 25 April–6 May 2022

**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, the outcome document of the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development**

## Update on indigenous peoples and the 2030 Agenda for Sustainable Development

### Note by the Secretariat

#### *Summary*

The Permanent Forum on Indigenous Issues, as an expert body of the Economic and Social Council, plays a significant role in providing expert advice on how to ensure that the rights of indigenous peoples are effectively accounted for and realized in the implementation of the 2030 Agenda for Sustainable Development. The present report provides an update on implementation of the 2030 Agenda from the perspective of indigenous peoples. It provides a review of outcomes of the 2021 high-level political forum on sustainable development and an outline of key elements of General Assembly resolution [76/148](#) on the rights of indigenous peoples. The report includes an overview of the voluntary national reviews by Member States of progress achieved towards the implementation of the 2030 Agenda for indigenous peoples. It concludes with reflections on the theme of the 2022 high-level political forum on sustainable development, “Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development”, and includes highlights from regional and global reports on the sustainable development of indigenous peoples.



## I. Introduction

1. The 2030 Agenda for Sustainable Development, with its 17 Sustainable Development Goals, was adopted by the General Assembly in 2015. In two of the Goal targets, indigenous peoples are referred to specifically through the citing of agriculture and small-scale farmers and equal access to education for indigenous children, but many Goals and targets are central to the well-being of indigenous peoples. However, as the halfway point to 2030 draws close, the coronavirus disease (COVID-19) pandemic has unfolded, with its far-reaching negative consequences. In the ministerial declaration of the 2021 high-level political forum on sustainable development ([E/HLS/2021/1](#)), it was recognized that the crisis caused by the COVID-19 pandemic exacerbated global vulnerabilities and inequalities within and among countries, accentuated systemic weaknesses, challenges and risks, and threatened to halt or damage progress made in realizing the Goals.

2. The report of the Secretary-General on progress towards the Sustainable Development Goals provides an outline of how progress towards the achievement of the Goals has been largely stalled or reversed because of the COVID-19 pandemic, including the Goals that are central to the well-being of indigenous peoples, such as those that address poverty, informal sector employment, the environment and access to health care.<sup>1</sup> Inequalities have worsened, with over 100 million more people experiencing extreme poverty. The climate crisis has continued, marked by an increase in greenhouse gases, global average temperatures and biodiversity loss. It is noted in the report that, to get back on track to achieving the Goals, governments, cities, businesses and industries must take advantage of the recovery to adopt low-carbon, resilient and inclusive development pathways that will reduce carbon emissions, conserve natural resources, create better jobs, advance gender equality and tackle growing inequities.<sup>2</sup>

3. The focus on recovery from COVID-19 must include attention to the implementation of all the Goals. In a recent report of the Special Rapporteur, it is noted that the impact of and responses to COVID-19 have disproportionately and negatively affected indigenous peoples, as have State recovery efforts. Before the pandemic, indigenous peoples experienced multiple forms of discrimination, and therefore building back better must include consideration of indigenous peoples, their lands and the environment rather than being focused solely on economic recovery. The Special Rapporteur recommended that States focus on a transformative recovery that maximized opportunities for well-being in the post-COVID-19 era and respected human rights as set out in the United Nations Declaration on the Rights of Indigenous Peoples and other relevant international human rights standards.

4. The present report provides a review of the progress made towards achieving the 2030 Agenda for indigenous peoples, including outcomes of the 2021 high-level political forum on sustainable development. It includes an examination of key elements of General Assembly resolution [76/148](#) on the rights of indigenous peoples and of regional and global reports on sustainable development as they relate to indigenous peoples. The report concludes with reflections on the theme of the 2022 high-level political forum on sustainable development, “Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development”, and on highlights from regional and global reports on the sustainable development of indigenous peoples.

<sup>1</sup> [E/2021/58](#), para. 2.

<sup>2</sup> *Ibid.*, para. 9.

## II. Progress towards achieving the 2030 Agenda for indigenous peoples

### A. Permanent Forum on Indigenous Issues

5. In 2021, the Permanent Forum on Indigenous Issues held its annual session under the theme “Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16”, which was rescheduled from the 2020 session owing to the COVID-19 pandemic. As an advisory body of the Economic and Social Council on indigenous issues, the Permanent Forum includes the 2030 Agenda as a standing agenda item at its annual sessions. During the session, it was noted that the world was not on track to meet globally agreed targets, especially during the COVID-19 pandemic, when existing inequities have been exacerbated, putting the survival of indigenous peoples at greater risk. During the pandemic, indigenous peoples, in particular indigenous women and girls, have been left even further behind.<sup>3</sup>

6. Because the COVID-19 pandemic prevented in-person meetings, the Permanent Forum held virtual regional dialogues with indigenous peoples from all seven sociocultural regions of the world in preparation for its twentieth session. The dialogues highlighted cross-cutting issues affecting indigenous peoples across the globe, including the adverse effects of the pandemic, discrimination, the need for disaggregated data, and indigenous peoples’ rights to lands, territories and resources. A full summary of the regional dialogues is available on the website of the Permanent Forum.<sup>4</sup>

7. Several recommendations from the 2021 session of the Permanent Forum were made to advance progress for indigenous peoples related to the 2030 Agenda. The Permanent Forum is concerned that the concept of building back better has been interpreted by some States as a means to continue the execution of harmful development projects, which for indigenous peoples means repeated violations of their collective and individual rights, the expropriation of their lands and resources, the criminalization of indigenous human rights defenders, increased poverty, inequality and food insecurity, violence against indigenous women and girls and limited access to justice.

8. The Permanent Forum has welcomed efforts by Member States to organize specific vaccine programmes for indigenous peoples and has encouraged the Coalition for Epidemic Preparedness Innovations, the Gavi Alliance, the World Health Organization and the United Nations Children’s Fund (UNICEF), in their administration of the COVID-19 Vaccine Global Access (COVAX) Facility, to ensure that indigenous peoples are uniquely included in vaccine dissemination efforts. Given the disproportionate effect of COVID-19 on the mortality of indigenous peoples in many countries, the Permanent Forum has underlined the urgency of ensuring that all indigenous peoples are uniquely considered in vaccine planning and distribution. Due attention should also be given to indigenous peoples affected by conflict and post-conflict situations and complex humanitarian emergencies.

9. The ongoing COVID-19 pandemic has highlighted the urgent need for the collection of disaggregated statistical data on the situation of indigenous peoples. Where such data are available, they have shown that the pandemic has affected indigenous peoples differently than other populations, requiring culturally appropriate approaches and solutions. The Permanent Forum reiterated its recommendation to Member States to collect and disseminate disaggregated statistical data on indigenous peoples, in close cooperation with indigenous peoples themselves, to support evidence-based policymaking and programming.

<sup>3</sup> E/2021/43-E/C.19/2021/10, para. 35.

<sup>4</sup> See [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2021/04/Regional-Dialogues\\_2020-21-Final.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2021/04/Regional-Dialogues_2020-21-Final.pdf).

10. During the pandemic, indigenous peoples have been seriously affected by a lack of access to energy, health-care establishments, education centres, infrastructure that supplies clean water, and communications services and information technologies. Governments have made a range of efforts to support economic activity in their responses to the economic impacts of the pandemic. The relaxation of environmental and human rights standards to support activities that will promote economic growth, such as logging, mining, large-scale agriculture and various infrastructure and energy projects, threatens indigenous peoples' territories.

11. The Permanent Forum decided that the theme of the 2022 session would be "Indigenous peoples, business, autonomy and the human rights principles of due diligence, including free, prior and informed consent".

## **B. Expert group meeting on indigenous peoples, business, autonomy and the human rights principles of due diligence, including free, prior and informed consent**

12. Following the above-mentioned recommendation of the Permanent Forum at its 2021 session, and as authorized by the Economic and Social Council, in December 2021, the Department of Economic and Social Affairs held a virtual expert group meeting to gather information and analysis in preparation for the 2022 session of the Permanent Forum. The themes discussed included the following: indigenous peoples; free, prior and informed consent and human rights due diligence; business operations and reprisals against indigenous peoples and their defenders and the impact on indigenous women; business enterprises and autonomies led by indigenous peoples; addressing the implementation gap through national action plans; a proposed treaty on business and human rights and other initiatives; and effective remedy and redress for the human rights impacts of businesses on indigenous peoples.

13. In relation to business and human rights, Goal 7 (affordable and clean energy), Goal 8 (decent work and economic growth), Goal 9 (industry, innovation and infrastructure) and Goal 12 (responsible consumption and production) are particularly relevant to business and human rights. In the 2030 Agenda, States acknowledge that the implementation of sustainable development will depend on the active engagement of both the public and private sectors. They also acknowledge the importance of corporate sustainability reporting and encourage companies to consider integrating sustainability information into their reporting cycle.

14. During the meeting, experts noted that indigenous peoples continued to face severe negative human rights impacts of business operations in their lands and territories, as well as notable obstacles to their self-determined economic development. Indigenous peoples have resisted harmful business activities in their lands and territories, including through mobilizations on the ground, as well as the use of national courts, United Nations human rights bodies, shareholder advocacy, investor complaint mechanisms and other mechanisms. At the same time, indigenous peoples have increasingly undertaken their own business enterprises to promote their autonomy and self-governance, which, in turn, creates new economic and employment opportunities for them. However, indigenous peoples have faced serious challenges in defending their rights, such as reprisals against their defenders – including judicial harassment and killings – as well as discrimination in their own business enterprises, such as barriers to access financial services, resources and skills.

15. Notwithstanding significant advancements in international standards and national legal protections in some countries, experts have noted that there remain outstanding loopholes in the current international legal framework that favour businesses over affected communities, including indigenous peoples. For example,

the Guiding Principles on Business and Human Rights are not robust with regard to indigenous peoples and their rights. The Guiding Principles do not make explicit reference to the international human rights standards in cases in which businesses have an impact on indigenous peoples, including the obligation to obtain the free, prior and informed consent of indigenous peoples in decision-making on matters affecting them when businesses perform human rights due diligence exercises. At the same time, experts have noted that compliance with the Guiding Principles is voluntary and they thus need to be complemented by, for example, the international treaty being drafted to regulate transnational corporations and other business enterprises with respect to human rights, as well as mandatory human rights due diligence laws being adopted at the national and regional levels in Europe.

16. Experts have noted that the access of indigenous peoples affected by business activities to effective remedy has remained inadequate and rare. Thus, a range of actions have been recommended, such as improving remedial mechanisms to ensure that remedies are swift and culturally appropriate and that they include not only material compensation but also, among other things, a guarantee of non-repetition. Remedial mechanisms need to take into consideration the customary laws and practices of indigenous peoples to ensure cultural appropriateness. Indigenous peoples need increased technical and financial resources to engage with these mechanisms to gain access to remedies.

## **C. 2021 high-level political forum on sustainable development**

### **Voluntary national reviews**

17. In 2021, 19 Member States<sup>5</sup> included a reference to indigenous peoples in their voluntary national reviews. Indigenous peoples were most frequently highlighted in reviews of Goal 1 (end poverty in all its forms everywhere), Goal 2 (end hunger, achieve food security and improved nutrition and promote sustainable agriculture), Goal 5 (achieve gender equality and empower all women and girls) and Goal 16 (promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels).

18. The Plurinational State of Bolivia reported progress in reducing the extreme poverty of indigenous peoples by 7.5 per cent between 2016 and 2019. It also noted that, within the framework of its Economic and Social Development Plan and its 2025 Patriotic Agenda, policies have been implemented to prioritize small rural and indigenous family farming producers.

19. Colombia prioritized serving the indigenous populations with the highest maternal mortality rates. Under the leadership of the Ministry of Health, a guidance document was prepared relating to maternal perinatal health services for indigenous peoples that was aimed at reviewing the intercultural suitability of the processes of the health services provided by public and private health institutions with the objective of incorporating an intercultural approach. Complementary joint processes are carried out between biomedicine, academia and traditional medicine so that they can respond to the requests, uses, customs and practices of indigenous peoples and reduce cultural access barriers, thus contributing to the health care of indigenous communities.

20. Malaysia noted that existing poverty and inequalities among households remained a challenge throughout the country and had been exacerbated by the impact of the COVID-19 pandemic. While absolute poverty does not exist, there are pockets of

<sup>5</sup> Angola, Antigua and Barbuda, Bolivia (Plurinational State of), Chad, China, Colombia, Denmark, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Mexico, Namibia, Nicaragua, Norway, Paraguay, Sweden, Thailand and Zimbabwe.

poverty among indigenous peoples such as the Orang Asli. Indigenous communities in Malaysia face many challenges regarding land and property rights and access to benefit-sharing. Public access to information is also challenging for indigenous people seeking free, prior and informed consent. Malaysia has made progress in terms of environmental good governance. Resource allocations in the 2020 and 2021 annual budgets have been made to engage indigenous communities (the Orang Asli) to patrol forests. The Eleventh Malaysia Plan 2016–2020 included a policy aimed at developing community- and social-based enterprises, such as community forestry and the involvement of indigenous and local communities in joint forest management initiatives.

21. Mexico noted that the LXIV Legislature of the Mexican Congress (2018–2021) was the first joint legislature in the history of the country to approve, *inter alia*, constitutional reform regarding the recognition of Afro-Mexican peoples and communities as part of the pluricultural composition of Mexico, as well as issuance of the Law for the Safeguarding of the Knowledge, Culture and Identity of Indigenous and Afro-Mexican Peoples and Communities. In addition, the National Development Plan of the Government of Mexico (2019–2024) mandates recognition of and respect for the functions and powers that the country's legal framework grants to indigenous communities and their decision-making bodies; promotion of equality between indigenous and mestizo peoples; establishment of a preferential age (65 years) in the universal pension programme for older persons in indigenous communities; establishment of a preferential age range (up to 64 years) for indigenous peoples in the pension programme for persons with permanent disabilities; prioritization of indigenous peoples and persons of African descent up to 29 years of age in the scholarship programme for higher education; and prioritization of 657,000 small indigenous producers in relation to the agricultural production programme.

22. Norway reported that the Sami Parliament has put forth an initiative to prepare a report that specifies what climate change will mean for Sami culture, reindeer husbandry, outfield use, business and community life. Recommendations related to climate adaptation, increased resilience for Sami communities, Sami knowledge and climate financing will be included in the report, and Sami research and knowledge communities will be involved in the work. Norway noted that it must ensure that indigenous peoples and environmental defenders become a central target group in Norwegian development aid policies and practices because they are crucial for protecting vulnerable nature and ecosystems.

23. Paraguay noted its high rate of poverty among indigenous peoples; until 2017, 66.2 per cent of indigenous peoples had experienced poverty, while the extreme poverty rate was 34.4 per cent. Another worrying aspect that affects indigenous peoples is the country's high illiteracy rate for people 15 years of age and older. In efforts to address the needs of indigenous communities, indigenous representatives were appointed to the National Council of Indigenous Education. In addition, the National System for Labour and Training includes inclusive job training and vocational training courses for indigenous peoples in its programmes.

#### **High-level political forum side event**

24. During the session of the high-level political forum, Irma Pineda Santiago, a member of the Permanent Forum, took part in a panel entitled "How do we get on track for building more peaceful, equal and inclusive societies? (SDGs 3, 10, 16, 17 and interlinkages among those goals and with other SDGs)". The negative socioeconomic and health impacts of the COVID-19 pandemic, including increasing pre-existing inequalities, were discussed. The need for a renewed social contract to address inequality and exclusion and provide access to justice was highlighted. Participants noted that building back better required human rights-based approaches, should take

into consideration the impacts of climate change and needed to involve all stakeholders, including young people, migrants, indigenous peoples and persons with disabilities.<sup>6</sup>

25. In the summary by the President of the Economic and Social Council,<sup>7</sup> it was noted that women, older persons, young people and children, migrants and refugees, persons with disabilities, indigenous peoples and other vulnerable groups were among those most deeply affected by the pandemic, which led to calls for a renewed social contract to address inequality and exclusion and provide access to justice for all.

#### **D. General Assembly resolution on the rights of indigenous peoples**

26. On 12 November 2021, at the seventy-sixth session of the General Assembly, the Social, Humanitarian and Cultural Committee (Third Committee) of the Assembly discussed the rights of indigenous peoples and adopted draft resolution [A/C.3/76/L.22/Rev.1](#). Among many issues, the draft resolution highlighted the work of the Local Communities and Indigenous Peoples Platform of the United Nations Framework Convention on Climate Change, emphasizing the role of indigenous peoples in achieving the targets and goals set out in the Framework Convention. In the resolution, the General Assembly expressed concern over the misappropriation and misuse of indigenous peoples' cultural heritage and reaffirmed that indigenous peoples had the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions. It also noted that indigenous peoples had the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge and traditional cultural expressions.

27. In the same draft resolution, the General Assembly urged States to take necessary measures to ensure the rights, protection and safety of indigenous peoples, including indigenous leaders and indigenous human rights defenders. The Assembly welcomed the decision to convene a high-level event during 2022, organized by the President of the Assembly, to launch the International Decade of Indigenous Languages and invited Member States to consider establishing national mechanisms with adequate funding for the successful implementation of the International Decade, in partnership with indigenous peoples. Lastly, the Assembly underlined the need to intensify efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous women.

#### **E. Regional and global reports on sustainable development, including for indigenous peoples**

28. The Food and Agricultural Organization of the United Nations published a report entitled *Indigenous Peoples' Food Systems: Insights on Sustainability and Resilience from the Front Line of Climate Change*.<sup>8</sup> The publication provides an overview of the common and unique sustainability elements of indigenous peoples' food systems in terms of natural resource management, access to the market, diet diversity, indigenous peoples' governance systems and links to traditional knowledge and indigenous languages. While enhancing learning with regard to indigenous peoples' food systems, it raised awareness of the need to enhance the protection of indigenous peoples' food systems as a source of livelihood for indigenous peoples globally while highlighting the Goal on ending hunger. The report provides an overview of the United Nations Decade of Action on Nutrition (2016–2025) and the United Nations Food Systems Summit and includes a call for the enhancement of sustainable food systems and

<sup>6</sup> See [https://sustainabledevelopment.un.org/content/documents/29282POEs\\_summary\\_of\\_2021\\_HLPF.pdf](https://sustainabledevelopment.un.org/content/documents/29282POEs_summary_of_2021_HLPF.pdf).

<sup>7</sup> Ibid.

<sup>8</sup> See <https://www.fao.org/documents/card/en/c/cb5131en/>.

emphasis of the importance of diversifying diets with nutritious foods while broadening the existing food base and preserving biodiversity. Biodiversity has been a feature characteristic of indigenous peoples' food systems for hundreds of years and can provide answers to the current debate on sustainable food systems and resilience.

29. In September 2021, the United Nations Food Systems Summit was held, with wide participation in the lead-up thereto, including by indigenous peoples. The Summit was aimed at delivering progress on all 17 Goals through a food systems approach by leveraging the interconnectedness of food systems and global challenges such as hunger, climate change, poverty and inequality.<sup>9</sup> The process resulted in multi-stakeholder initiatives; indigenous peoples organized dialogues in the seven sociocultural regions, with nearly 3,000 indigenous peoples' organizations participating. The main objective of the coalition of indigenous peoples was to ensure the understanding, respect, recognition, inclusion and protection of indigenous peoples' food systems in the follow-up to the Summit by providing evidence of their game-changing and systematic aspects.<sup>10</sup>

30. The 2021 publication *State of the World's Indigenous Peoples: Rights to Lands, Territories and Resources*,<sup>11</sup> published by the Department of Economic and Social Affairs, included a chapter on the 2030 Agenda. Notably, the 2030 Agenda does not fully recognize collective rights in relation to lands and resources, as to well as health, education, culture and ways of living. Securing the land rights of indigenous peoples not only contributes to decreasing poverty (Goal 1) and supporting food security (Goal 2) but also encourages long-term environmental benefits that are critical to meeting the Goals, in particular Goal 13 (combating climate change and its impacts).<sup>12</sup>

31. The Department of Economic and Social Affairs produced a policy brief entitled "Challenges and opportunities for indigenous peoples' sustainability".<sup>13</sup> The brief provided examples of the holistic perspective of indigenous peoples on resource governance, land rights, climate change mitigation, environmental impacts and resilience-building through traditional knowledge. It highlighted the benefits of the full participation of indigenous peoples, in particular indigenous women, in decision-making processes to prevent conflict. Also noted in the brief was the importance of upholding indigenous rights, including the decision not to engage in the global economy, in accordance with international laws. Lastly, it included mention of the need to promote dialogue among indigenous peoples, local communities, scientists, climate experts, policymakers and others to enable the co-production of knowledge and the sharing of sustainable strategies to overcome risks and strengthen resilience to climate change.

## **F. Theme of the high-level political forum on sustainable development for 2022: "Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development"**

32. The participants in the high-level political forum convened under the auspices of the Economic and Social Council at its 2022 session will consider the theme "Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development". In 2022 and

<sup>9</sup> See <https://www.un.org/food-systems-summit>.

<sup>10</sup> See [https://foodsystems.community/?attachment=12112&document\\_type=document&download\\_document\\_file=1&document\\_file=814](https://foodsystems.community/?attachment=12112&document_type=document&download_document_file=1&document_file=814).

<sup>11</sup> See <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2021/03/State-of-Worlds-Indigenous-Peoples-Vol-V-Final.pdf>.

<sup>12</sup> Ibid.

<sup>13</sup> See <https://www.un.org/development/desa/dpad/publication/un-desa-policy-brief-101-challenges-and-opportunities-for-indigenous-peoples-sustainability/>.



2023, the forum will also consider the different and particular impacts of the COVID-19 pandemic across all the Goals.

33. The high-level political forum will include discussions on Goal 4, on quality education; Goal 5, on gender equality; Goal 14, on life below water; Goal 15, on life on land; and Goal 17, on partnerships for sustainable development. The 2022 session of the Permanent Forum will include discussions on the 2030 Agenda in its entirety.

34. The Chair of the Permanent Forum participated in a panel discussion during a briefing on the outcomes of the twenty-sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held on 14 December 2021 and convened by the President of the Economic and Social Council. The briefing provided an overview of the key takeaways from the outcomes of the Conference of the Parties that are pertinent to the implementation of the 2030 Agenda. The Chair highlighted the activities of indigenous peoples at the Conference of the Parties through the Local Communities and Indigenous Peoples Platform of the United Nations Framework Convention on Climate Change, whose new action plan includes activities related to the traditional knowledge of indigenous peoples and their participation in climate change policies and activities.

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