

Information Note

The Right to Development and Indigenous Peoples

Threats to the rights of indigenous peoples

Indigenous peoples are significantly over-represented among the world's poor. In Asia and the Americas, for instance, development indicators for indigenous peoples are constantly worse than population averages. Indigenous women and men face discrimination, exploitation and other violations of their human rights. Indigenous women are vulnerable to discrimination from both within and outside their communities. Marginalization and socio-economic exclusion of indigenous peoples is commonplace despite increasing global recognition of indigenous peoples' rights, including with the adoption in 2017 of the UN Declaration on the Rights of Indigenous Peoples (DRIP), and at the 2014 World Conference on Indigenous Peoples where States reaffirmed their commitment to respect, promote and advance these rights.

Threats to the full realization of the rights of indigenous peoples have grown in recent years as a result of factors such as an economic globalization and climate change, which contribute to added pressures on natural resources, especially from resource intensive and resource extractive industries, leading to large-scale displacement and loss of livelihoods; and the negative effects of climate change as well as of mitigation and adaptation policies not grounded in human rights principles which pose a major threat to indigenous peoples' cultures and ways of life. Around 60 million indigenous people around the world depend almost entirely on forests for their survival. Indigenous communities continue to be expelled from their territories under the pretext of large scale infrastructure projects, the establishment of protected areas or national parks. Forced displacement of indigenous peoples from their traditional forests as a result of laws that favour the interests of commercial companies is a major factor in the impoverishment of these communities.

Non-recognition of indigenous peoples and their rights in many countries, along with a limited policy focus and weak implementation of existing policies, have exacerbated land, livelihoods and food insecurities. Similarly, poor mechanisms for ensuring participation and the free, prior and informed consent of indigenous peoples in decision making and development processes have resulted in impoverishment and greater socio-economic exclusion. It is imperative to address these issues to ensure that indigenous peoples' human rights are respected, that they are able to pursue their own development priorities, and that efforts to achieve the Sustainable Development Goals truly leave no one behind.

International Obligations: The right to development of indigenous peoples

The 2007 UN Declaration on the Rights of Indigenous Peoples and the 1989 ILO Indigenous and Tribal Peoples Convention (No. 169), together with other international human rights instruments, have played a key role in international efforts to realize indigenous peoples' rights. The principles and elements of the 1986 UN Declaration on the Right to Development (DRTD), including non-discrimination, free, active and meaningful participation in development, and the right of peoples to exercise full and complete sovereignty over all their natural wealth and resources, reinforce the rights of indigenous peoples. The Declaration on the Right to Development explicitly stresses the right to self-determination, which is fundamental for the realization of indigenous peoples' rights and their control over their traditional lands, territories and resources.

"The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources." –Article 1.2, DRTD.

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

Right to development in the Declaration on the Rights of Indigenous Peoples

The DRIP in Article 23 explicitly recognizes that indigenous peoples “have the right to determine and develop priorities and strategies for exercising their right to development”. It further emphasizes that “indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions”. Article 21.1 also stresses that indigenous peoples have the right “to the improvement of their economic and social conditions” without discrimination. In the DRIP, the right to development serves as the basis for ensuring that indigenous peoples are able to pursue their own development priorities and meaningfully participate in decision making at all stages of the development process.

Safeguarding the right to development

States have the primary responsibility to ensure the realization of the right to development for all persons without discrimination. However, indigenous peoples often suffer disproportionately from loss of livelihoods, food insecurity, poverty, poor health and displacement from their traditional lands. In many States, indigenous land rights are not recognized or inadequately recognized further hindering their enjoyment of the right to development. Climate change, biodiversity loss, exclusionary environmental conservation, and large development projects pose growing threats to indigenous peoples rights. The right to development framework, which is rooted *inter alia* in the principles of international cooperation, transparency, non-discrimination, self-determination, participation and accountability, can help ensure that the human rights of indigenous peoples are not negatively affected by development efforts.

The Right to Development was upheld by the African Commission on Human and People’s Rights, which found that the way in which the Endorois, an indigenous community in Kenya, were dispossessed of their traditional lands and denied access to resources constituted a violation of their rights, including the right to development under Article 22 of the African Charter on Human and Peoples’ Rights.

See: <https://www.escri-net.org/docs/i/1216218>

Recommendations: An inclusive way forward

As demonstrated in the Endorois case described above, focussing on the implementation of the right to development, can address many of the challenges currently faced by the world’s indigenous peoples. The right to development requires States to ensure that broader development processes do not negatively affect indigenous peoples’ rights. Fulfilling the right to development for indigenous peoples will require increased attention to both development outcomes and processes.

States must ensure that the benefits of development efforts are equitably distributed, target development efforts toward reducing inequalities, and monitor the achievement of the SDGs for all persons, particularly the most vulnerable, through the collection of disaggregated data. They must also ensure that indigenous peoples and persons are equipped to act as empowered agents of their own development by seeking their free, prior and informed consent before implementing development projects that will affect their interests. By doing so, they can ensure more effective development actions that benefit all people. Through creating a holistic framework for achieving just and equitable development for all individuals and peoples, the right to development reaffirms and supports efforts to ensure the enjoyment of indigenous peoples’ rights in the context of development, including their right to self-determination. The Declaration is a powerful international instrument with the potential to promote, secure and protect the rights of indigenous peoples.

A World Resources Institute study has found that deforestation in indigenous community forests from 2000 to 2012 was less than 1 percent, compared with 7 percent outside them in Brazil. It shows how securing forest rights and empowering indigenous communities are more successful at slowing forest clearing and lowering emissions.

See: <http://www.wri.org/securingrights>

During the 30th anniversary of the UN Declaration on the Right to Development in 2016, the United Nations Human Rights office seeks to raise awareness, enhance understanding and promote dialogue on the right to development. For more information including the text of the Declaration, please visit:

<http://www.ohchr.org/EN/Issues/Development/Pages/DevelopmentIndex.aspx>

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