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Программа Организации Объединенных Наций по окружающей среде

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UNEP and Indigenous Peoples: A Partnership in Caring for the Environment Policy Guidance November 2012

The objective of this Policy Guidance to UNEP is to better understand and build on the Indigenous Peoples' rights, knowledge, practices and systems that provide the framework for the harmonious relations that most Indigenous Peoples have with their environment. Furthermore, this Policy Guidance aims to ensure that United Nations Environment Programme (UNEP) appropriately considers Indigenous Peoples in its activities, with the understanding that UNEP does not speak in the name of or represent Indigenous Peoples.

The purpose of the Policy Guidance is to initiate and support a process to enhance practices in UNEP for engaging Indigenous Peoples as an important partner in environmental policy development and implementation on a continuous and organized basis.

The Policy Guidance has been developed following the recommendations to UNEP by the United Nations Permanent Forum on Indigenous Issues¹ (UNPFII) and on the basis of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the United Nations General Assembly on 13 September 2007, in particular its articles 41 and 42². It also makes reference to the recently adopted Rio+20 outcome document: "The Future We Want" on 22 June 2012³.

The Policy Guidance provides an approach to the issue of definition of Indigenous Peoples, the rationale of UNEP's engagement with Indigenous Peoples, and defines mechanisms of this engagement.

The Policy Guidance shall be reviewed after two years and then be updated every four years, starting with the date of endorsement by the Senior Management Team (SMT) of UNEP.

Recommended SMT decision:

Approval of the Policy Guidance

1 See Document: E/2006/43, E/C.19/2006/11, *Permanent Forum on Indigenous Issues, Report of the fifth session* (15-26 May 2006), paragraph 15: The Permanent Forum recommends that the United Nations Environment Programme (UNEP) adopt an Indigenous Peoples' policy and ensure the full and effective participation of Indigenous Peoples in the formulation of this policy and its programmes and projects.

2

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realisation of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of Indigenous Peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States, shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

3 <http://www.uncsd2012.org/content/documents/727The%20Future%20We%20Want%2019%20June%201230pm.pdf>

Approval
This document has been approved by UNEP's Senior Management Team and goes into effect from the date of signature. The Policy Guidance will be reviewed periodically based on experiences in its application. <u>Signed:</u> Achim Steiner Executive Director <u>Date:</u> 26 November 2012

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United Nations Environment Programme and Indigenous Peoples: A Partnership in Caring for the Environment Policy Guidance

1 Executive Summary

This Policy Guidance was initiated to guide the United Nations Environment Programme (UNEP) to promote the synergies and linkages between Indigenous Peoples and the global, regional and national environment policy development, policy decision-making and implementation as well as to inspire potential partnerships. The Policy Guidance also seeks to promote the integration of Indigenous Peoples' perspectives into UNEP's long-term, mid-term and short-term activities, with the understanding that UNEP does not pretend to speak in the name of, or represent the Indigenous Peoples.

The Policy Guidance is envisaged to become an instrument to achieve effective, efficient, and mutually beneficial relations with Indigenous Peoples, as part of the continuing process of engagement of Major Groups and Stakeholders in UNEP's work.

Principles of engagement with Indigenous Peoples are presented to guide UNEP's staff when working in cooperation with Indigenous Peoples. Specific mechanisms of engagement with Indigenous Peoples as they can be applied by UNEP are being introduced, including with respect to accreditation of Indigenous Peoples organizations, and to broad participation of Indigenous Peoples in relevant UNEP meetings and conferences.

In view of the rapid developments and changes in the indigenous world at all levels, UNEP aims to promote continued dialogue with Indigenous Peoples and relevant institutions such as the UNPFII and the Inter-Agency Support Group on Indigenous Issues and aims at complying with the recommendations of the UN Declaration on the Rights of Indigenous Peoples as also reiterated and supported by the Rio+20 outcome document in June 2012: "The Future We Want" in particular articles 40, 43, 49, 58(j), 109, 131, 175, 197, 211, 229 and 238, which are underlining the importance of indigenous peoples in the achievement of sustainable development.

The Policy Guidance also aims to raise awareness among UNEP's staff, UN member states and partners on the importance to engage with Indigenous Peoples as equal partners and invaluable knowledge holders on the environment and to apply this understanding and perspective also in the context of the implementation of the Programme of Work (PoW) taking into account the UNEP's current Medium-term Strategy (MTS) and UNEP's thematic priority areas.

It establishes the basis to guide and assist Indigenous Peoples in their collaboration, cooperation and partnerships with UNEP. To assist Indigenous Peoples to make use of this Policy Guidance, UNEP will provide additional information for Indigenous Peoples in form of a brochure.

2 Background

Within its approach towards Major Groups and Stakeholders, UNEP considers Indigenous Peoples as an important partner at the strategic, political and programmatic levels. They inhabit large areas of the Earth's surface, spread across the world from the Arctic to the South Pacific, from the tropical rainforests of Borneo and the Amazon, to the mountain regions of the Andes and Himalayas, to the deserts of the Sahara and Sahel. Each community and group of Indigenous Peoples has developed over the millennia a unique relationship with its traditional land, territory, and related natural resources as well as with the ecosystems they inhabit.

Many economic practices of Indigenous Peoples can be considered as "green" and have been proven to be sustainable and equitable, and also to assist the environment in its rehabilitation and resilience. A sustainable low-carbon, equitable economy has been the foundation of Indigenous Peoples' survival for many generations and there is a need to recognize and value the sustainable activities as practiced by many Indigenous Peoples and local communities as well as to empower local stewards and indigenous institutions in their efforts to live in a sustainable way with nature.

Many indigenous groups had their own concepts of stewardship and respected nature long before the conservation movement began. The survival of their cultures and ways of life is invariably linked to maintaining the traditional knowledge which supports and nurtures the healthy relationships with the ecosystems in which they live. Their continued existence is also linked to ensuring that Indigenous Peoples are in most cases able to live within the carrying capacity of their ecosystems.

The state of Indigenous Peoples and their environment and health conditions are increasingly under threat by a general population increase, large scale industrial activities, climate change, toxic waste, conflicts and migration, as well as by other unsustainable development activities. The structures of the world's ecosystems have been significantly degraded through human actions, including through the transformation of approximately one quarter of the Earth's terrestrial surface to cultivated systems.⁴ Most Indigenous Peoples suffer disproportionately from loss of biological diversity and deterioration of ecosystems such as forests, due to their subsistence economies and occupations and their spiritual connection to their traditional lands and territories.

Many Indigenous Peoples live in the world's more bio-diverse areas, and their displacement either by force due to conflict or by the consequences of unsustainable development or climate change leads to greater destruction of these important ecosystems such as in the Amazon or the Congo Rivers basins.

UNEP recognizes – in line with "The Future We Want" and the UNDRIP - the importance of Indigenous Peoples' participation at all levels of policy and programme development and implementation stages in order to achieve sustainable development in a holistic and integrated manner. UNEP also respects the valuable inputs that these holders of traditional knowledge and heritage – gained through trans-generational experiences and observations - can contribute to environmental assessments and sustainable ecosystem management. This provides a unique foundation for a global, regional and national partnership between UNEP and Indigenous Peoples and calls for a specific guidance aimed at enhancing Indigenous Peoples' full and effective participation in its work. UNEP recognizes Indigenous Peoples' rights, risks, responsibilities and contributions in caring for the environment in furtherance of UNEP's over-all mission to promote ecosystems health and human well-being. However, as with all humans, Indigenous Peoples can also act in ways that damage the environment or reduce biodiversity.

⁴ The Millennium Ecosystem Assessment, <http://www.millenniumassessment.org/en/Framework.aspx>.

UNEP recognizes that all initiatives directly affecting Indigenous Peoples require their effective participation in decision-making, planning and implementation, and consent⁵ to ensure that such initiatives are in line with their rights, cultures, visions and priorities. Indigenous Peoples need to be recognized as equal partners in development and environmental projects. UNEP also recognizes the link between the Millennium Development Goals (MDGs) and Indigenous Peoples' rights; and that the MDGs will have beneficial impacts for Indigenous Peoples, only if their rights are respected in the sustainable development process and as reiterated in "The Future We Want".

The Guidance Document will assist UNEP, its partners as well as Indigenous Peoples in facilitating:

1. Partnerships between UNEP and Indigenous Peoples that will strengthen Indigenous Peoples' participation in *environmental* development, policy-making and programme and project implementation.
2. A better understanding among UNEP's staff regarding the situation of Indigenous Peoples, in particular the impacts of environmental changes on indigenous communities and their cultures. It will also enhance the engagement of UNEP with Indigenous Peoples, and draw out their key concerns and priorities, thereby firmly placing Indigenous Peoples on UNEP's agenda.
3. A strengthened institutional interaction between UNEP and Indigenous Peoples to tap into Indigenous Peoples' knowledge, expertise and experiences, for the benefit of the environmental decision-making processes.
4. Increased Indigenous Peoples' participation in policy development and decision-making and implementation that could contribute to improved international and national environmental governance.⁶ Indigenous Peoples increased involvement in the sessions of UNEP's Governing Council as well as relevant regional and sub-regional consultations and the Global Major Groups and Stakeholders Forums (GMGSF) would also result into enhanced participation and improve awareness and knowledge sharing among all relevant stakeholders as well as UNEP.

3 Who are Indigenous Peoples?

The United Nations Permanent Forum on Indigenous Issues (UNPFII) estimates Indigenous Peoples to number 370 million individuals living in approximately 90 countries around the world.⁷ They represent 5 % of the world's total population yet comprise about 15% of the global poor. There is no universally agreed definition of *Indigenous Peoples*.⁸ This reflects the difficulty in attempting to capture in one single term the diversity and unique characteristics of Indigenous Peoples around the world. Indigenous Peoples themselves have refused to be 'defined' on the grounds of this being both discriminatory and unnecessary.⁹ The Secretariat of the UNPFII concluded that *the prevailing view today is that no formal universal definition of the term is necessary*.¹⁰ Internationally, it is commonly understood and accepted that *self-identification as indigenous or tribal shall be regarded as a fundamental criterion*¹¹.

⁵ Through the application of Free Prior and Informed Consent (FPIC).

⁶ Also see paragraphs 43 and 49 of "The Future we want".

⁷ Source: UN Permanent Forum on Indigenous Issues (Statement on the occasion of the IASG meeting held in Paris, UNESCO, in September 2008): http://www.un.org/esa/socdev/unpfii/documents/Message_unpfiichair_07.doc.

⁸ Indigenous Peoples are sometimes also referred to as: Aboriginals, First Nations, Natives, Ethnic minorities, tribes, Highland peoples, Forest peoples, hunters and gatherers, pastoralists, indigenous fishers communities or coastal communities.

⁹ In fact some of the Indigenous Peoples' representatives contributing to the UNEP consultation process expressed reservations about attempts to define Indigenous Peoples, e.g. the Pacific Islands are inhabited by 80% of the indigenous population.

¹⁰ PFII/2004/WS.1/3: http://www.un.org/esa/socdev/unpfii/documents/workshop_data_background.doc.

¹¹ ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries: <http://www.ilo.org/public/english/indigenous/standard/index.htm1>.

The UNPFII provides following approach on how Indigenous Peoples can be identified:¹²

- They have historical continuity or association with a given region or part of a given region prior to colonization or annexation;
- They identify themselves as Indigenous Peoples and are, at the individual level, accepted as members by their community;
- They have strong links to territories, surrounding natural resources and ecosystems;
- They maintain at least in part, distinct social, economic and political systems;
- They maintain, at least in part, distinct languages, cultures, beliefs and knowledge systems;
- They are resolved to maintain and further develop their identity and distinct social, economic, cultural and political institutions as distinct peoples and communities;
- They often form non-dominant sectors of society.¹³

4 UNEP's Mission and Mandate and Indigenous Peoples

The mission of UNEP under the principle of “Environment for Development” is “to provide leadership and encourage partnerships in caring for the environment by inspiring, informing, and enabling nations and people to improve their quality of life without compromising that of future generations.”

Established in 1972, UNEP is the principal UN body in the field of the environment that promotes coherent implementation of environmental dimension in sustainable development. UNEP is mandated to coordinate the development of international environmental policy consensus by keeping the global environment under review and bringing emerging issues to the attention of governments and the international community for action.

UNEP's mandate has been further shaped since its inception through several decisions and declarations of UNEP and UN wide governing bodies, some of which are relevant to Indigenous Peoples issues.

In its approach to engage with Indigenous Peoples UNEP relates to the following:

Convention concerning Indigenous and Tribal Peoples in Independent Countries (C 169)

The [ILO C 169 Convention](#) of 1989 is a legally binding international instrument open to ratification, which deals specifically with the rights of Indigenous and tribal peoples. So far it has been ratified by 20 countries.

The Malmö Declaration

UNEP's engagement with Indigenous Peoples is the result of UNEP's policy decisions to enhance engagement with civil society as well as with Indigenous Peoples in its work. The [Malmö Declaration of 2000](#) explicitly states that “*success in combating environmental degradation is dependent on the full participation of all actors in society, an aware and educated population, respect for ethical and spiritual values and cultural diversity, and protection of indigenous knowledge*”.

It furthermore states in paragraph 18 that: “*We must pay special attention to threats to cultural diversity and traditional knowledge, in particular of indigenous and local communities, which may be posed by globalization.*”

¹² Resource Kit on Indigenous Peoples' issues, DESA, UN 2008, page 7-8.

http://www.un.org/esa/socdev/unpfii/documents/resource_kit_indigenous_2008.pdf.

¹³ Not all non-dominant groups are indigenous – important seems here to be the historical connection to land.

Governing Council Decision 21/19

[Governing Council Decision 21/19](#), adopted in 2001, called on UNEP to submit “a *draft strategy for the active engagement of the civil society, private sector and other major groups in the work of UNEP*”; and

Governing Council Decision SSVII.5

[Governing Council Decision SSVII.5](#), adopted in 2002, endorses the Global Civil Society Forum and requests that “the *Executive Director continue the current practice of convening a civil society forum that is regionally balanced and representative in conjunction with the meetings of the Governing Council/Global Ministerial Environment Forum in close consultation with civil society*”.

Environment and Cultural Diversity

The twenty-second session of the UNEP Governing Council/GMEF adopted a decision on *Environment and Cultural Diversity* (decision 22/16), which asked for a survey on the current state and possible developments in collaboration with UNESCO. The survey report was presented to the twenty-third session as *Environment and Cultural Diversity: Note by the Executive Director* ([UNEP/GC.23/INF/23](#)).

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)¹⁴

The [Declaration on the Rights of Indigenous Peoples](#) was adopted by the General Assembly on 13 September 2007 by a majority of 144 states.

The Declaration guides the increasing cooperation of States, Indigenous Peoples and the international community as a whole for the promotion and protection of the human rights of Indigenous Peoples and to strengthen their partnerships for the implementation of the Declaration on the Rights of Indigenous Peoples.

Article 41 and 42 specifically state:

“Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.”

United Nations Development Group (UNDG) Guidelines on Indigenous Peoples' Issues

The [UNDG Guidelines on Indigenous Peoples' Issues](#) were approved by the UNDG Programme Group on 1 February 2008. The guidelines provide information on the international human rights framework that guides the UN's work on indigenous issues and provide practical advice on designing programmes

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