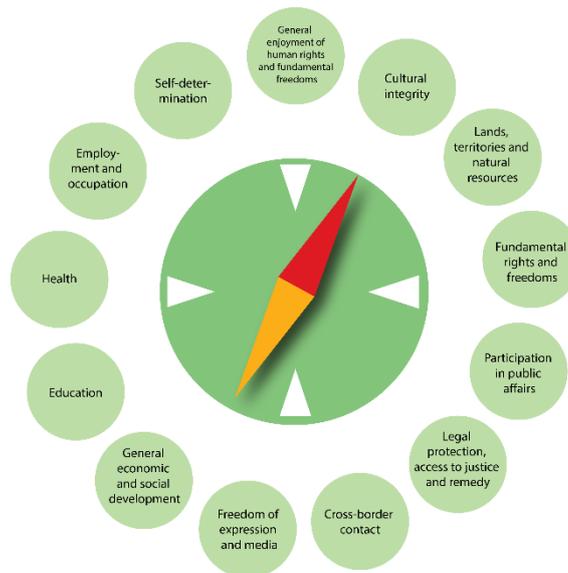




# Indigenous Navigator

## Training resource on the Indigenous Navigator Framework and Tools



### Background and purpose

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*By documenting and reporting their situation, indigenous peoples can enhance their access to justice and to development – and strengthen their ability to hold states accountable*

*The experiences from testing the Navigator tools show that community monitoring is an effective and engaging way of raising community awareness about rights*

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## 1. Background

### 1.1 Background: Why and how the Indigenous Navigator was developed

It was a milestone in indigenous peoples' struggle for recognition, when the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted in 2007. Following the adoption, the focus is now on implementation of UNDRIP, in order to overcome the widespread and persistent human rights violations and inequalities faced by indigenous peoples in most countries of the world. Monitoring is essential for detecting gaps, holding duty-bearers accountable and for devising implementation strategies.

However, UNDRIP does not have a single institutionalized mechanism for monitoring, and violations of indigenous peoples' rights are often not reported or addressed. Likewise, in many countries, indigenous peoples' situation is hidden within national averages and they are frequently excluded from development efforts.

Since its establishment, the UN Permanent Forum on Indigenous Issues (UNPFII) has repeatedly called for enhanced monitoring of UNDRIP, including through disaggregated data and identification of specific indicators.

In September 2010, the International Labour Organisation (ILO), the Office of the High Commissioner for Human Rights (OHCHR) and the Secretariat of the UNPFII (SPFII) jointly organized a technical expert meeting ( see: E/C.19/2011/11). The aim of the meeting was to take stock of the various efforts to develop indicators and generate data on the situation of indigenous peoples and to discuss the main features of an integrated assessment framework, in order to assist actors at the local, national and international levels in their efforts to monitor the implementation of UNDRIP. The Expert Meeting provided strategic and technical guidance on the development of such a monitoring framework. According to this guidance, the framework should incorporate the following characteristics:

- Be based on the recognition of indigenous peoples' rights, as enshrined in UNDRIP and ILO Convention No. 169, as an articulation of universally recognized human rights;
- Ensure that the right of free, prior and informed consent, and the right to full and effective participation of indigenous peoples, apply in the conceptualization, development and implementation of the framework, including in the data development and data collection;
- Take an integrated approach to considering indicators, data collection and institutionalized monitoring mechanisms in a single assessment framework;
- Ensure compatibility with the OHCHR approach to human rights indicators, resulting in the identification of structural-process-outcome indicators;
- Consider linkages to the existing mechanisms, which can be used to assess implementation of indigenous peoples' human rights;
- Pursue simple user-friendly outcomes to allow for parallel community-based, national and international efforts to be mutually reinforcing;
- To the extent possible, include outcome indicators that can be informed by disaggregated data, gathered through general data collection processes (censuses and surveys).

## 1.2 About the indigenous Navigator Partnership

In 2014, the International Labour Organization (ILO), the Asia Indigenous Peoples Pact (AIPP), the Forest Peoples Programme (FPP), the International Work Group for Indigenous Affairs (IWGIA) and Tebtebba Foundation, formed a partnership to work jointly towards strengthening indigenous peoples' access to justice and development through participatory monitoring.

The project aimed to develop a **flexible community-based monitoring framework**, which would allow indigenous communities to systematically assess the status of implementation of their rights. Further, the project would elaborate user-friendly tools and guides, and test the framework and the tools through community-based monitoring in a number of pilot countries. Finally, the project aimed to promote the inclusion of indigenous peoples' rights and aspirations for development in the 2030 development agenda, which was subject to global negotiations during the project period.

For testing at the national and local levels, the partners worked along with their national and local partners in Africa, Asia and Latin America. These are:

Cameroon: Okani Foundation

Kenya: Indigenous Livelihoods Enhancement Partners (ILEPA); Manyoito Pastoralist Integrated Development Organization (MPIDO)

Nepal: Nepal Federation of Indigenous Nationalities (NEFIN)

Peru: Peru Equidad in cooperation with Gobierno Autónomo Wampis

Suriname: The Association of Indigenous Village Leaders in Suriname (VIDS)

Thailand: Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT)

The European Initiative for Democracy and Human Rights (EIDHR) provided funds to support the partnership in its initial phase (mid-2014 to mid-2016), and is currently supporting the consolidation and further development of the Indigenous Navigator Initiative (2017-2019). The Danish Institute for Human Rights is a partner in this phase of the project.

## 2. Composition of the Indigenous Navigator framework

### 2.1 Guiding principles and purpose of the Indigenous Navigator

From the outset, the technical development of the Indigenous Navigator framework and tools was guided by the following principles:

- In order to ensure ownership and sustainability, the framework should be perceived as **immediately relevant** for the concerned communities and organizations.
- The framework should be **founded in international human rights standards** in order to be able to monitor States' compliance with their human rights obligations;
- The framework should **allow for comparability of data** across communities, peoples, countries and regions and regions, while also allowing for the necessary flexibility to ensure that communities can select the rights and issues they want to monitor, in accordance with local needs and priorities.

Further, in order to be cost-efficient and relevant, the partners decided that the monitoring framework should be conceptualized to serve multiple purposes:

- Providing indigenous peoples, human rights monitoring bodies (including Special Rapporteurs), national human rights institutions, observatories, NGOs etc. **a solid framework and practical tool** that they can use as a reference in their work
- **Raising the awareness** of indigenous peoples about their rights and thereby contributing to their empowerment and ability to claim their rights
- Providing essential information to **guide and orient indigenous peoples' self-determined governance**, development and management strategies
- **Holding States accountable** by evidencing their compliance with - or failure to meet - human rights obligations
- Providing essential information to **guide and orient States' and donors' policies and programs**

### 2.1 Overview of Indigenous Navigator tools and resources

The Indigenous Navigator offers a range of **free tools and resources** for indigenous communities to monitor their rights and development. All the tools and resources are inter-linked and are designed to serve multiple purposes. The full range of tools can be found here: [www.indigenoustravelator.org](http://www.indigenoustravelator.org)

The tools mentioned in this paper include:

- The **Human Rights Comparative Matrix**, which illustrates the links between UNDRIP and other human rights instruments (see section 3.2).
- The **Indigenous Peoples Indicators Framework**, which provides indicators for all key aspects of the UNDRIP and shows how these are linked to the SDGs and the WCIP commitments (see section 3.2.)
- The **World Conference on Indigenous Peoples indicator table**, which presents State commitments for national-level implementation as reflected in the WCIP Outcome Document, and the indicators proposed to monitor their implementation (see section 3.3.).
- The **Indigenous Peoples Sustainable Development Matrix**, which illustrates the links between the SDGs and the UNDRIP (see section 3.4)
- The **SDG Indicators table**, which shows which of the SDG indicators that are integrated into the Indigenous Navigator framework (see section 3.4)

### 3. What the Indigenous Navigator can monitor

The Indigenous Navigator provides a **set of tools** for indigenous peoples to systematically monitor the level of recognition and implementation of their rights.

The Indigenous Navigator monitors the implementation of:

- The **UN Declaration on the Rights of Indigenous Peoples;**
- **Core human rights conventions** as they pertain to indigenous peoples;
- The outcomes of the **World Conference on Indigenous Peoples;**
- Essential aspects of the **Sustainable Development Goals.**

#### TESTED BY COMMUNITIES

The Indigenous Navigator tools have been tested by indigenous communities in Cameroon, Kenya, Nepal, Peru, Suriname and Thailand. Experiences and lessons learned have served to better adjust the tools to the needs of communities.

Thereby, the Indigenous Navigator can serve a number of purposes:

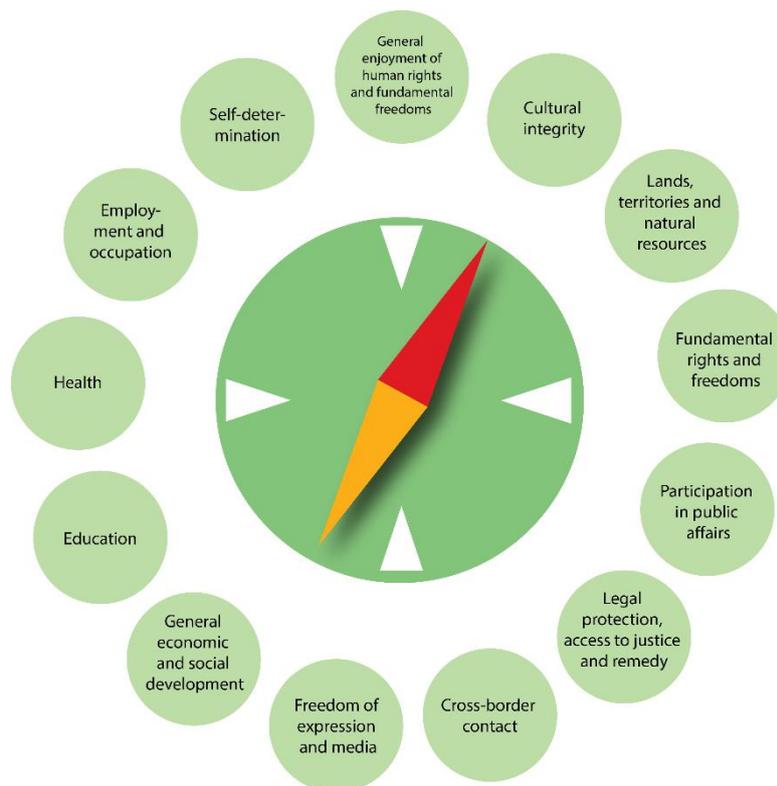
- Raise awareness of indigenous communities about their rights and contribute to their empowerment and ability to claim their rights;
- Guide and orient indigenous peoples' self-determined governance and development strategies;
- Hold States accountable by evidencing their compliance with – or failure to meet – human rights obligations with regards to indigenous peoples;
- Evidence whether States are complying with the commitments they made at the World Conference on Indigenous Peoples (WCIP);
- Guide and orient development policies and development programs, including those designed to reach the Sustainable Development Goals (SDGs).

### 3.1 Monitoring the UN Declaration on the Rights of Indigenous Peoples

The Indigenous Navigator is solidly anchored in the provisions of the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**.

Like all other human rights instruments, UNDRIP is composed of building blocks, which reflect specific rights and cross-cutting human rights norms.

UNDRIP covers the **full range** of indigenous peoples' specific rights, including rights to lands, territories and resources; self-determination; participation in public affairs; health, education; general economic and social development; access to justice and customary law, etc.



In order to address the overarching concerns of marginalization and assimilation of indigenous peoples, UNDRIP provides for the combined application of the principles of **non-discrimination** and **self-determination**.

This means, for example, that indigenous peoples have the same right to education as all other citizens, without any discrimination. This is the **non-discrimination aspect**. In addition, they have the right to an education in their own culture and provided in their own language. This is the **self-determination aspect**. Likewise, indigenous peoples have right to participate in al general elections – but also have right to self-government and to participate in public affairs through their own representative institutions. They have the right to access general health services – but also have the right to maintain traditional medicinal and healing practices.

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The principles of non-discrimination<sup>1</sup> and self-determination are not unique to UNDRIP, but are enshrined in the broad range of human rights instruments, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).

In the case of indigenous peoples, the principle of non-discrimination has a double dimension in order to ensure equality for **indigenous peoples as collectives**, and for **indigenous individuals**, including ensuring **equality between men and women**.

- This is made explicit in the UNDRIP, which stipulates that: *Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity* (article 2).

UNDRIP further underlines that all rights and freedoms:

- *...are equally guaranteed to male and female indigenous individuals* (article 44).

### ADDRESSING GENDER EQUALITY IN THE INDIGENOUS NAVIGATOR

In order to address inequalities within indigenous societies, UNDRIP stipulates that particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

When designing the Indigenous Navigator tools, the partners discussed whether the situation of indigenous women should be addressed specifically, or whether it should be mainstreamed throughout the monitoring framework. In the end, the team opted for the mainstreaming approach, considering that gender equality is an issue that is important for numerous substantial rights. With regards to data collection, this implies that to the extent possible, data should be disaggregated by sex.

### 3.2 Monitoring core human rights conventions

UNDRIP does not create new rights or privileges for indigenous peoples, but is a **reflection of universal human rights** as they pertain to indigenous peoples. This is a basic argument, which is emphasized by indigenous peoples and legal specialists, including the previous UN Special Rapporteur on the Rights of Indigenous Peoples, Professor James Anaya, who notes that:

“While the Declaration does articulate standards that are specific to indigenous peoples, it does not fundamentally create for indigenous peoples new substantive rights that others do not enjoy [...]. Rather, it recognizes for them the human rights that they should have enjoyed all along as part of the human family, contextualizes those rights in the light of their particular circumstances and characteristics, in particular

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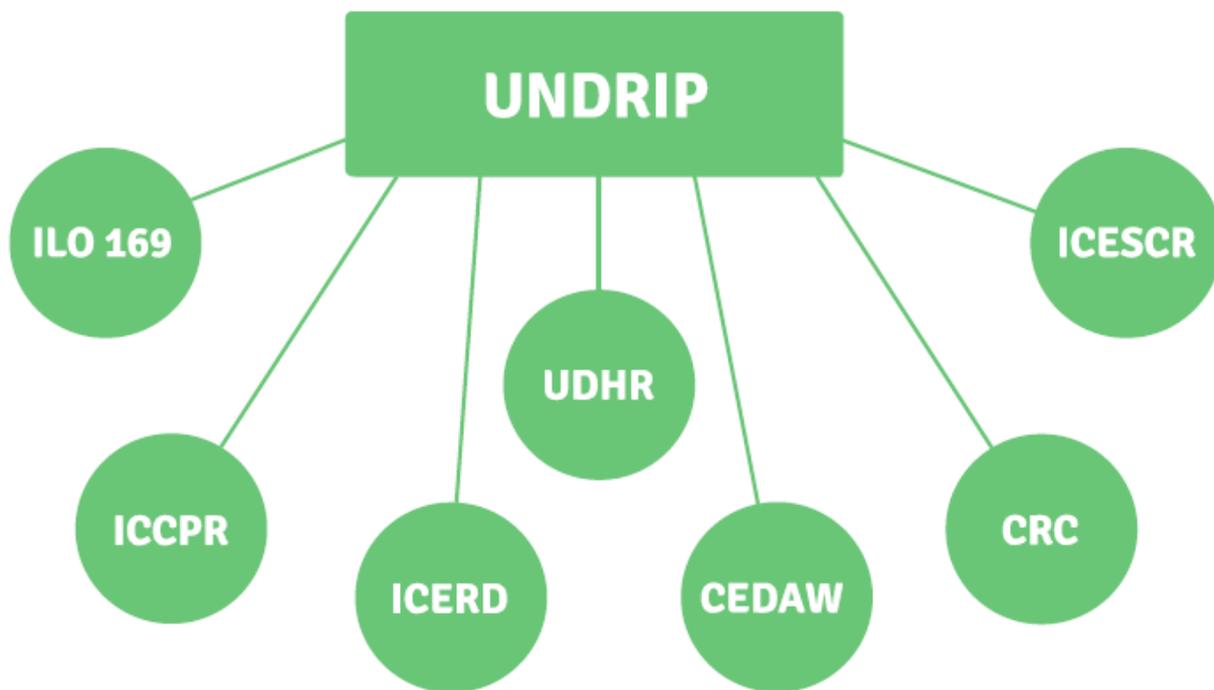
<sup>1</sup> “Non-discrimination is at the heart of all work on human rights. It is a cross-cutting human rights norm that is invoked in all the international human rights treaties and provides the central theme of several international human rights conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women or the Convention on the Rights of Persons with Disabilities” (Ibid, page13).

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their communal bonds, and promotes measures to remedy the rights’ historical and systemic violation” (A/68/317, para. 70).

Hence, UNDRIP mirrors universally applicable human rights and contextualize these to the situation of indigenous peoples. It means that UNDRIP is complementary to – and underpinned by - the full range of human rights instruments.

This “**mirror effect**” between UNDRIP and other human rights instruments means that by monitoring the implementation of UNDRIP, the Indigenous Navigator also monitors key elements of other human rights instruments.



The implications of this “mirror effect” between UNDRIP and other human rights instruments of general application are multiple:

- The argument that UNDRIP is only aspirational - with no legal implications for states - is wrong. States’ duties to respect, protect and fulfill indigenous peoples’ rights, do not only arise on the basis of UNDRIP, but is an integral element of States’ duties under other generally applicable human rights instruments.
- Treaty monitoring bodies, ILO supervisory bodies, UN Special Rapporteurs, regional human rights bodies and other mandate holders already (and increasingly) examine the situation of indigenous peoples under other generally applicable human rights instruments, interpreted with due regards to the collective aspects of their rights. Hence, these mechanisms contribute to providing quantitative and qualitative information on the progressive applications of UNDRIP in many countries.
- Indigenous peoples can make use of existing monitoring mechanisms to hold states accountable for their human rights obligations vis-à-vis indigenous peoples.

**TREATY BODIES CONTRIBUTE TO MONITORING INDIGENOUS PEOPLES’ RIGHTS BODIES**

For example, the Committee on Economic, Social and Cultural Rights monitors the application of the International Covenant on Economic, Social and Cultural Rights (ICESCR). In its General Comment No. 21, the Committee has authoritatively interpreted article 15(1 (a)) of ICESCR to comprise indigenous peoples’ collective right to take part in cultural life, including the right to the lands, territories and resources, which they have traditionally owned, occupied or otherwise used or acquired, and emphasizes that States parties should respect the principle of free, prior and informed consent of indigenous peoples in all matters covered by their specific rights (see E/C.12/GC/21).

Moreover, **highlighting that the provisions of UNDRIP are reflections of provisions of general human rights instruments is politically important**, particularly in countries that do not yet recognize indigenous peoples’ rights as such.

In order to show how UNDRIP links to the specific provisions of other human rights instruments, the Indigenous Navigator has developed a **comparative matrix**, which links the articles of UNDRIP to the following instruments:

- The Universal Declaration of Human Rights (UDHR)
- The International Covenant on Economic, Social and Cultural Rights (ICESCR),
- The International Covenant on Civil and Political Rights, (ICCPR)
- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- The Convention on the Rights of the Child (CRC)
- The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- The International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED)
- ILO Convention No. 169
- Fundamental labour conventions concerning discrimination, child labour and forced labour

	UNDRIP	ILO 169	UNDHR	ICCPR/ICESCR
<b>Lands, territories and natural resources</b>	Art 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired	Art. 15 (1): The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources	Art. 17: (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.	Art. 47: Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

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Based on a comprehensive analysis of the UNDRIP and the comparative matrix, the Indigenous Navigator has developed the **Indigenous Peoples Indicators Framework**, which provides indicators for all key aspects of the UNDRIP and shows how these are linked to the SDGs and the WCIP commitments (see sections 3.3. and 3.4.).

### 3.3 Monitoring the commitments of the World Conference on Indigenous Peoples

The first **World Conference on Indigenous Peoples (WCIP)** was held in September 2014. The WCIP was an opportunity to share perspectives and best practices on the realization of the rights of indigenous peoples, including pursuing the objectives of the UNDRIP.

The **Outcome Document** of the WCIP (A/RES/69/2.), adopted by the UN General Assembly, defines a series of commitments to be undertaken by States in order to respect, promote and advance the rights of indigenous peoples and to uphold the principles of the UNDRIP.

These commitments are generally related to advancing the rights enshrined in UNDRIP, and the majority of WCIP commitments can therefore be monitored directly by the indicators selected for monitoring UNDRIP in the Indigenous Navigator framework. Where necessary, a few additional indicators have been added to the framework, to assess compliance with specific WCIP commitments such as, for example, the development and implementation of national action plans, strategies or other measures, to achieve the ends of the UNDRIP.

In this way, the Indigenous Navigator framework can be used to establish a baseline and regularly monitor progress concerning r States' implementation of their commitments enshrined in the WCIP outcome document.

Thereby, indigenous peoples can maximize the use of limited resources by pursuing multiple monitoring purposes in one single framework.

The **WCIP indicator table** presents State commitments for national-level implementation as reflected in the WCIP Outcome Document, and the indicators proposed to monitor their implementation.

#### TECHNICAL SPECIFICATIONS OF THE WCIP INDICATOR TABLE

The WCIP Indicator Table captures all the concrete commitments of States. However, it should be noted that the table:

- Does not include general policy statements, which do not have specific operational implications and are therefore difficult to monitor
- Does not include more vague expressions, to for example “recognize commitments by States” as mentioned in paragraphs 20 and 21, which address crucial issues of lands, territories and resources, but does not reflect clear and uniform commitments of States
- Does not reflect commitments to invite other bodies, such as the UN-system, treaty monitoring bodies or the Human Rights Council, to undertake certain actions.

### 3.4 Monitoring the Sustainable Development Goals

The **2030 Agenda for Sustainable Development** provides a comprehensive and universal framework, comprising 17 **Sustainable Development Goals (SDGs)** and 169 **targets** to be achieved by all countries by 2030.

The 2030 Agenda can potentially be used to address indigenous peoples' needs and priorities. The Agenda is explicitly grounded in the Universal Declaration of Human Rights and other international human rights treaties. It states that the SDGs "seek to realise the human rights of all" and reflects elements of civil, political, economic, social and cultural rights, which are critical to implementing indigenous peoples' rights and development. Likewise, the commitment to "leaving no-one behind" is a reflection of the fundamental human rights principle of non-discrimination, and of key importance for making the Agenda relevant for indigenous peoples.

The Agenda stipulates that **follow-up and review (FUR)** processes should be open, inclusive, participatory and transparent, and support reporting by all relevant stakeholders. States are encouraged to conduct **regular and inclusive reviews of progress** at the national and subnational levels, which should explicitly draw on **contributions from indigenous peoples**, among others.

The two main challenges for adequately monitoring whether indigenous peoples benefit from the SDGs are that:

- Indigenous peoples are not specifically mentioned or addressed in any of the global indicators adopted by the UN Statistical Commission to monitor the SDGs;
- Most countries do not disaggregate data with regard to indigenous identity, although progress is seen in some regions and countries. Hence, indigenous peoples remain invisible in many official statistics.

**Community-based monitoring is one way of generating the data needed to close the information gaps and achieve the evidence base needed for robust implementation of the SDGs.**

Therefore, the Indigenous Navigator tools are designed to guide and monitor the implementation of the SDGs for indigenous peoples, as follows:

The **Indigenous Peoples' Sustainable Development Matrix** illustrates the links between the SDGs and the UNDRIP. It is a tool to:

- Use UNDRIP to guide and design the specific strategies and programmes that are necessary to reach the SDGs for indigenous peoples;

#### LESSONS LEARNED IN THE MDG PROCESS

The failure to recognize indigenous peoples as distinct groups under the Millennium Development Goals (MDGs) resulted in the absence of targeted measures to address their specific situations related to poverty and severely limited the realization of favourable outcomes. Furthermore, culture-blind implementation of the MDGs resulted in inappropriate development programmes for indigenous peoples, including discriminatory actions related to education, health and basic services. See: <https://sustainabledevelopment.un.org/content/documents/6797IPMG%20Policy%20Brief%20.pdf>

#### INDIGENOUS PEOPLES ARE SPECIFICALLY MENTIONED IN 2 SDG TARGETS:

- Target 2.3. aims to double the agricultural productivity and incomes of small-scale food producers, in particular for indigenous peoples, among others, including through secure and equal access to land,
- Target 4.5. aims to ensure equal access to all levels of education and vocational training, including for indigenous peoples

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- Show how the data collected to monitor UNDRIP through the Indigenous Navigator can also be used to monitor implementation of the SDGs

The **Indigenous Peoples Indicators Framework** provides a comprehensive set of indicators to monitor all aspects of the UNDRIP. The Indicators Framework includes a number of the global indicators adopted to measure the implementation of the SDGs. When collecting data against these indicators in their communities, indigenous peoples can:

- Measure the level of implementation of the SDGs in their community;
- Measure discrepancies in the level of implementation of the SDGs in their communities as compared to other sections of the national population, and thereby document gaps and patterns of discrimination.

Where disaggregated data on indigenous peoples exist in national statistics, the Navigator Tools can help systematize the analysis of these data and use them to inform and guide SDG policies, strategies and programmes at national, regional and global levels. Such data can also be included in reports to national, regional and international human rights bodies, for example to report discrimination and seek remedy.

LINKAGES BETWEEN INDIGENOUS PEOPLES’ RIGHTS AND THE SDGs

