



HOUSING AND LAND RIGHTS NETWORK Habitat International Coalition

The Habitat Agenda Commitments on Indigenous People

This reference paper reviews the **specific principles and commitments** that States adopted in the Habitat Agenda¹ at the United Nations Conference on Human Settlements (Habitat II), held in Istanbul in 1996, to assist in their reconsideration before adoption of the new Agenda at the United Nations Conference on Human Settlements (Habitat III), to be held in Quito in October 2016.

For the Habitat III process and outcomes to be credible, it is crucial to assess implementation of the commitments of Habitat II, as promised in Habitat Agenda's section "G. Assessing Progress." Many of those commitments also remain the essential core for any new global agenda.

At the heart of the Habitat II achievements were: (1) an affirmation of the centrality of human rights, in particular the progressive realization of the human right to adequate housing in human settlements and (2) recognition of the principles of good governance in balanced rural and urban development. Those two pillars of the Habitat II Agenda are reflected in the Istanbul Declaration and Habitat II Agenda.

The commitments concerning indigenous people are to be understood within the concept of human habitat, a concept the two relevant bi-decennial global policies established, first at Vancouver in 1976 (Habitat I) and, secondly, at Istanbul (Habitat II) in 1996. The concept of habitat is both urban and rural, involving a "regional and cross-sectoral approach to human settlements planning, which places emphasis on rural/urban linkages and treats villages and cities as two ends [points] of a human settlements continuum in a common ecosystem" (H2, para. 104).

At Habitat II (1996), states, including their various spheres of government, committed to principles and actions over the ensuing 20 years. Concerning indigenous people, the Habitat Agenda recognizes in the preamble that:

"In shelter and urban development and management policies, particular attention should be given to the needs and participation of indigenous people. These policies should fully respect their identity and culture and provide an appropriate environment that enables them to participate in political, social and economic life." (H2: 14)

The Habitat II principles, commitments and action strategies related to **indigenous people** are reproduced in the following sections. As mentioned above, these form criteria for the indispensable evaluation of Habitat II's implementation by governments and development agencies, in particular, UN-Habitat. These reminders serve further as the minimum elements upon which to build a new Habitat Agenda, which we expect to address the new challenges facing human settlements in the 21st Century,

¹ United Nations , Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul (Turkey) 3-14 June 1996, Consulted on March 2016 [on line]: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G96/025/00/PDF/G9602500.pdf?OpenElement>

with States and development actors committing to more-progressive development and far more-diligent implementation.

The document provides as well a list of the relevant obligations related to indigenous people that States have assumed in the Habitat agenda and the intervening period since Habitat II, jointly with other relevant documents forming part of the current minimum norms for human settlements development, administration and governance from an indigenous people perspective.

Habitat II Goals and Principles

Equitable human settlements are those in which all people, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, have equal access to housing, infrastructure, health services, adequate food and water, education and open spaces. In addition, such human settlements provide equal opportunity for a productive and freely chosen livelihood; equal access to economic resources, including the right to inheritance, the ownership of land and other property, credit, natural resources and appropriate technologies; equal opportunity for personal, spiritual, religious, cultural and social development; equal opportunity for participation in public decision-making; equal rights and obligations with regard to the conservation and use of natural and cultural resources; and equal access to mechanisms to ensure that rights are not violated. The empowerment of women and their full participation on the basis of equality in all spheres of society, whether rural or urban, are fundamental to sustainable human settlements development; (H2:27)

Human health and quality of life are at the centre of the effort to develop sustainable human settlements. We therefore commit ourselves to promoting and attaining the goals of universal and equal access to quality education, the highest attainable standard of physical, mental and environmental health, and the equal access of all to primary health care, making particular efforts to rectify inequalities relating to social and economic conditions, including housing, without distinction as to race, national origin, gender, age, or disability, respecting and promoting our common and particular cultures (...); (H2:36)

In many countries, rural populations, including indigenous people, play an important role in ensuring food security and in sustaining the social and ecological balance over large tracts of land and thus contribute significantly to the task of protecting biodiversity and fragile ecosystems and to the sustainable use of biological resources; (H2:164)

Habitat II Commitments and actions

In implementing these (all) commitments, special attention should be given to the circumstances and needs of (...) indigenous people (...); (H2:38)

Adequate livelihood

Promoting shelter and supporting basic services and facilities for education and health for the (...) indigenous people (...); (40l)

Protecting, within the national context, the legal traditional rights of indigenous people to land and other resources, as well as strengthening of land management; (40m)

Protecting and maintaining the historical, cultural and natural heritage, including traditional shelter and settlement patterns, as appropriate, of indigenous and other people, as well as landscapes and urban flora and fauna in open and green spaces; (43r)

Encourage the development of environmentally sound and affordable construction methods and the production and distribution of building materials, including strengthening the indigenous building materials industry, based as far as possible on locally available resources; (69d)

Promote comprehensive rural development through such measures as equal access to land, land improvement, economic diversification, the development of small and medium-scale cities in rural areas and, where appropriate, indigenous land settlements; (76m)

Participation and governance

Institutionalizing a participatory approach to sustainable human settlements development and management, based on a continuing dialogue among all actors involved in urban development (the public sector, the private sector and communities), especially (...) indigenous people, including the interests of children and youth; (45h)

Encourage and support research and studies to promote and develop indigenous planning and design techniques, norms and standards to match the actual needs of local communities; (90a)

To promote equal access to and fair and equitable provision of services in human settlements, Governments at the appropriate level, including local authorities, should: Where appropriate, redirect public resources to encourage community-based management of services and infrastructure and promote the participation of the private sector and local residents, including (...) indigenous people and members of disadvantaged groups, in the identification of public service needs, spatial planning and the design, provision and maintenance of urban infrastructure and open and green spaces; (116b)

In order to promote the continuing progress of indigenous people and to ensure their full participation in the development of the rural and urban areas in which they live, with full respect for their cultures, languages, traditions, education, social organizations and settlement patterns, Governments and leaders of indigenous communities, within the national context, should: Take particular actions to enhance their productive capacities, ensuring their full and equal access to social and economic services and their participation in the elaboration and implementation of policies that affect their development; Support the economic activities of indigenous people in order to improve their conditions and development and to secure their safe interaction with larger economies; Integrate indigenous women, their perspectives and knowledge, on an equal basis with men, in decision-making regarding human settlements, including sustainable resource management and the development of policies and programmes for sustainable development, including, in particular, those designed to address and prevent environmental degradation of land; Address the particular needs of indigenous children and their families, especially those living in poverty, thereby enabling them to benefit fully from economic and social development programmes; (122 a-d)

Ensure adequate research to assess how and to what extent women and children are particularly susceptible or exposed to environmental degradation and hazards, including, as necessary, research and data collection on specific groups of women and children, particularly women with low incomes, indigenous women and women belonging to minorities; (136c)

Establishing agenda-setting participatory mechanisms enabling individuals, families, communities, indigenous people and civil society to play a proactive role in identifying local needs and priorities and formulating new policies, plans and projects; (182h)

Governments as enabling partners should create and strengthen effective partnerships with women, youth, the elderly, persons with disabilities, vulnerable and disadvantaged groups, indigenous people and communities, local authorities, the private sector and non-governmental organizations in each country (...); (213)

Capacity development

Promote education and training programmes and establish procedures for the full participation of rural and indigenous people in the setting of priorities for balanced and ecologically viable regional development; (167a)

Promote comprehensive training, education and human resources development policies and programmes that are gender-sensitive and involve local authorities and their associations/networks, as well as academic, research, training and educational institutions, community-based organizations and the private sector, focusing on: The development of a multisectoral approach to human settlements development that includes the unique contributions and institutions of indigenous and immigrant people; (184ci)

International Norms related to Indigenous people

The International normative frameworks cited in the Habitat Agenda:

- United Nations General Assembly (UNGA), [Charter of the United Nations](#), (1945)*;
- UNGA, [The Universal Declaration on Human Rights](#), A/RES/3/217A, (1948)*;
- UNGA, [International Convention on the Elimination of All Forms of Racial Discrimination](#), A/RES/51/80, (1965)**;
- UNGA, [International Convention on Economic, Social and Cultural Rights](#), A/res/21/2200, (1966)**;
- UNGA, [International Covenant on Civil and Political Rights](#), A/res/21/2200A (1966)**;
- United Nations Educational, Scientific and Cultural Organisation (UNESCO), [Convention concerning the Protection of the World Cultural and Natural Heritage](#), Paris, (1972)**;
- [United Nations Conference on Environment & Development](#), Rio de Janeiro (Brasil), 3–14 June 1992:
 - [Agenda 21](#)[†]
 - [Rio Declaration on Environment and Development](#)[†]
- [World Conference on Human Rights](#), Vienna (Austria) 14–25 June 1993:
 - [Vienna Declaration and Programme of Action](#)[†]

The international normative documents developed after the adoption of Habitat Agenda or not mentioned in the Habitat Agenda²:

² This is an illustrative non-exhaustive compilation of international norms.

- CESCR, [General Comment No. 4](#) on the right to adequate housing, (1992)**;
- CERD, [General Recommendation No. 23](#) on the rights of indigenous peoples, (1997)**;
- CESCR, [General Comment No. 7](#) on the right to adequate housing: forced evictions, (1997)**;
- [World Summit on Sustainable Development](#), Johannesburg (South Africa), 26 August–4 September 2002:
 - [Johannesburg Declaration](#)[†]
 - [Plan of Implementation](#)[†]
- UNGA, [United Nations Declaration on the Rights of Indigenous Peoples](#), A/RES/61/295, (2007)[†];
- CESCR, [General Comment No. 20](#) on non-discrimination in economic, social and cultural rights, (2009)**;
- CESCR, [General Comment No. 21](#) on Right of everyone to take part in cultural life (2009) **;
- CRC, [General Comment No. 11](#) on indigenous children and their rights under the Convention, (2009)**;
- Food and Agriculture Organization (FAO), [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests](#), Rome, (2012)[†];
- UNGA, [The Future We Want](#), A/RES/66/288, (2012)[†];
- UNGA, [Transforming our World: the 2030 Agenda for Sustainable Development](#), A/RES/70/1, (2015)[†];
- UNGA, Resolution on Protection of and Assistance to Internally Displaced Persons, [S/RES/70/165](#) (2015)*;
- UNGA, Resolution on the Rights of Indigenous Peoples, [S/RES/70/232](#), (2015)*;
- CEDaW, [General Recommendation No. 34](#) on the rights of rural women (2016)**;

Key to symbols:

* = binding on all States; ** = binding on all States party to the relevant treaty; † = declaratory law as guidance for States and their governments to comply with general principles of international law and certain treaty-law requirements.