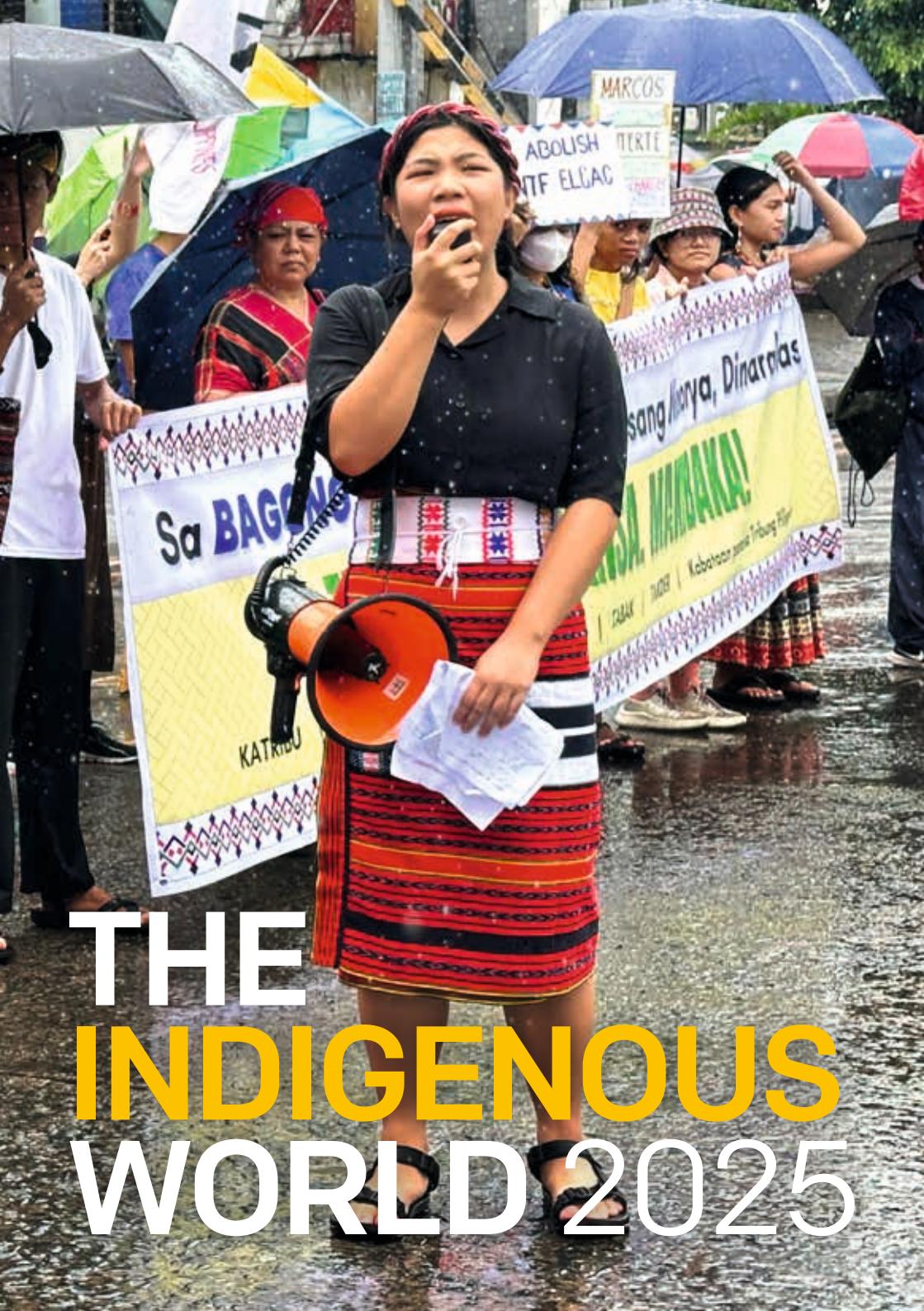


# THE INDIGENOUS WORLD 2025



# The Indigenous World 2025

39<sup>th</sup> Edition

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# Editorial

## Indigenous youth: holding the light of activism

Many Indigenous youth around the world are involved and engaged in the Indigenous movement and struggles at different levels. They organize themselves and act peacefully through their words and actions and, while doing so, recognize and honour the hard work and struggle of generations passed. This year's edition of *The Indigenous World* takes a closer look at Indigenous youth.

This sentiment was powerfully stated in the article in this book on the Global Indigenous Youth Caucus, written by one of the co-chairs, Katunta Conde:

*From the heart of our land and territories to the UN rooms and halls of global decision-making, we, Indigenous youth, are fighting for our rights as Indigenous Peoples. Our voices are increasingly being heard ... Nonetheless, it is crucial to remember that international forums have not been opened without the strength and work of those behind us ... Indigenous youth are active, loud, and together form a dynamic movement; and we are demanding a seat at the table.*

In April 2024, the 23<sup>rd</sup> Session of the UN Permanent Forum on Indigenous Issues (UNPFII) centred its annual theme on "Enhancing Indigenous Peoples' right to self-determination in the context of the United Nations Declaration on the Rights of Indigenous Peoples: emphasizing the voices of Indigenous youth." The theme promoted the views and experiences of youth and was recognition that Indigenous youth must be involved if we are to create a more just and sustainable future. The UNPFII also highlighted the growing leadership of Indigenous youth in tackling the pressing challenges of our time.

As Indigenous youth is the editorial focus of this year's edition of *The Indigenous World*, several of our authors also wrote specifically about Indigenous youth in the various countries and processes. The following are some examples of their analysis.

In Brazil, Indigenous youth participation in political and social movements has grown significantly in recent years. Many Indigenous youth have used social media as a tool of resistance, promoting awareness campaigns and digital engagement. This digital activism reinforces the reporting of rights violations and increases the visibility of the Indigenous struggle in Brazil and around the world. This new generation has positioned itself at the forefront of defending Indigenous rights, cultural revival and the occupation of previously inaccessible political and academic spaces.

In Cameroon, over the past 15 years, Indigenous youth have played a pivotal role in advocating for Indigenous rights and, currently, approximately 60% of Indigenous organizations are led by Indigenous youth, who actively participate in national and international forums.

2024 also saw the rise of Bedouin youth as vocal advocates for Indigenous rights in the Negev/Naqab. They have been central in mobilizing their communities through peaceful protest, digital campaigning and collaborating with international NGOs to draw attention to their issues, such as forced displacement, and the barriers they face to proper education infrastructure and healthcare access.

In a striking story that went around the world, there was a strong demonstration of the empowerment of Māori youth when Aotearoa's youngest member of parliament, Hana-Rawhiti Maipi-Clarke, tore up the Principles of the Treaty of Waitangi Bill in parliament and performed a *haka* (ceremonial dance) denouncing it.

In Norway, the trial against 18 youth human rights defenders from both Sámi and non-Indigenous communities was another act of Indigenous youth leadership and advocacy that drew global attention in 2024. These youth, alongside many others, staged a sit-in in 2023 protesting at how the Fosen ruling in favour of the affected Sámi community was being handled. All 18 activists were eventually acquitted but the prosecutor appealed the decision in 13 of the cases. These 13 were again acquitted in the Court of Appeal but, in 2025, the prosecutor decided to once again appeal and has taken the case to the Supreme Court of Norway. This is the same court that ruled in favour of the Sámi community when facing human rights violations from the wind energy companies that had placed windmills on their traditional lands.

Indigenous youth are on the frontline, leading protests against governance failures, economic inequality, and unemployment, as well as against large-scale development projects and extractive industries

that are harming the environment and biodiversity, leading to the deterioration of Indigenous (ancestral) lands, forests and rivers.

*As Indigenous youth, we are the frontline advocates for our lands and cultures. It's time that resources flow directly to us, so we can lead the way in protecting our futures, without being filtered through intermediaries. We know our needs, and we should be the ones making the decisions. – Sabha Rani Mahajan, Youth Federation of Indigenous Nationalities in Nepal*

In Kenya, in 2024, the youth, empowered by social media, mobilized widespread protests demanding greater government transparency and economic and electoral reform. Across India, Indigenous youth are emerging as the leading voices in the struggle to secure Indigenous rights, as evidenced by Indigenous youth leaders mobilizing widespread opposition to resist the large-scale hydropower projects that threaten the displacement of thousands.

Indigenous youth, such as in the example already mentioned from Brazil, are taking to new technologies and interventions to push for their rights.

In Malaysia, youth-led initiatives, including short films, digital storytelling and social media, are becoming essential in community struggles and raising awareness as they adapt to digital platforms to address identity, land and education issues. These efforts have also bridged generational gaps, creating spaces for intergenerational knowledge transfer. While elders possess Indigenous knowledge, youth are utilizing their technical expertise and creativity to ensure these practices remain relevant and visible in today's world. While these efforts are proving to be effective, youth frequently describe their efforts as akin to grasping at straws, balancing the weight of their ancestors' legacy while navigating modern obstacles. These sentiments underscore the need for sustained support and solidarity to ensure their resilience and continued advocacy.

## **Indigenous youth continue to feel invisible**

Despite their activism, Indigenous youth can also feel invisible as they are left out of their own communities' decision-making spaces and

processes or are not present in national forums and bodies. Further, in some cases there is simply a scarcity of information about Indigenous youth in general or the concept of youth does not exist.

This is the case in Costa Rica where there is a continued absence of Indigenous youth in government institutions, something the author of that article describes as “evident, regrettable and worrying”.

As the author of the Nepal article noted: “Indigenous youth are the bridge between past and future generations. If the younger generation do not get knowledge from their elders it will end with the end of elders.”

Intergenerational dialogue is a key element not only in transferring ancestral knowledge but also for youth to strengthen their capacity to organize themselves. While youth have the strength, elders have the knowledge and this intergenerational dialogue is crucial as elders and youth can both benefit from mutual exchanging and learning.

Generational clashes and scepticism about mainstream education and city life could, however, lead to a lack of trust in young people’s capacity to take leadership. Elders often have the power and the word, and it could be difficult for young people to take a position, to have the freedom to speak on their own and take leadership. In interviews conducted by IWGIA with Indigenous youth,<sup>1</sup> and in articles in this book, some expressed a lack of participation in decision-making spaces and processes within their communities and said they experience a clash between education and traditional knowledge. Elders and other community members often only trust traditional knowledge and practices, making it difficult for young people to reintegrate into their communities after studying and working outside.

But youth are important in the communities. When young people participate in collective work, they contribute to the future of the community while learning about ancestral practices and knowledge and they are empowered. It also serves as a means and tool with which to fight for their territory and collective rights as Indigenous Peoples.

In Guatemala, Indigenous youth became increasingly involved in community and national politics in 2024. More communities are choosing to appoint young people with higher levels of education to important positions, such as mayor or general secretary, where they can effectively contribute to the struggle for land defence, cultural preservation and for their own organization as a movement and community.

## **Increasing pressure to migrate**

Not all youth stay within their communities, and some migrate to urban areas for better access to basic services, such as health and education, but also in search of employment opportunities. Of those who migrate, not all return to their communities. This is for different reasons, such as the scarcity of land due to historical displacement, or a lack of work opportunities. While living in cities, Indigenous youth often experience discrimination, exclusion, and exploitation from the surrounding society.

Despite the increased involvement of youth in Guatemala, as described above, they have also been forced to migrate to urban centres in the country or take long and risky journeys to other countries, such as the USA. Not only is this resulting in a loss of cultural identity, language and ancestral knowledge it leaves them vulnerable to illicit activities and violence, including becoming victims of human trafficking or being forced to join gangs or participate in drug trafficking.

In Tunisia, the policy of forced assimilation and displacement of the Amazigh has left nearly all their traditional territories empty. The youth thus see their only means of survival in cities or abroad. In Thailand, some Indigenous youth do not have citizenship, thus limiting their access to basic services, including the ability to access government loans for education. In Myanmar, the new "conscription law" has led to the migration of Indigenous youth to neighbouring countries. Many of those not able to migrate have been forced to abandon their educational pursuits or careers to serve in the military, against their will under harsh conditions. Indigenous youth in Eritrea have faced some of the same concerns and live in constant fear of mass round-ups of youth for forcible conscription into the military. Those who attempt to avoid and escape this are often detained and tortured. In Nicaragua, Indigenous youth are also being forced into military training, causing many to go into hiding.

## **Indigenous youth and defenders at the forefront of human rights violations and attacks**

Youth, who are often on the frontline of protecting their communities, protesting against government policy, and halting infrastructure projects, are also victims of violence for their advocacy.

In India, several youth activists were surrounded by a mob of more than 100 people as they were collecting testimonies from families who had been evicted from their land and homes to make way for a proposed five-star hotel near Kaziranga National Park in Assam. In another case, over 150 Indigenous youth had criminal charges filed against them for organizing protests demanding accountability and improved working conditions in a cement factory after an Indigenous person died at the factory. Youth leaders in Arunachal Pradesh were arbitrarily detained for organizing a peaceful protest. They were held for 10 hours and coerced into signing papers that restricted their participation in future protests.

In Nicaragua, Indigenous youth often face violence at the hands of settlers who act with impunity. In one Indigenous territory alone, 20 Indigenous youths were killed between 2020 and 2024. In 2024, in other parts of the country, a 26-year-old Mayangna Indigenous leader was tortured and killed for resisting a settler invasion. Several Miskito youths were also killed. None of the cases are being investigated. Settlers also kidnap Indigenous girls as a form of control and dominance and, in some cases, they are sexually abused and raped so that settlers can settle on Indigenous land by obtaining land rights through having children with the kidnapped girls.

Indigenous girls also fall victim to human trafficking. In Laos, in 2024, 46 human trafficking cases were reported, which included the trafficking of 40 girls under the age of 18. In Bangladesh, violence against Indigenous women and girls remains a persistent concern. In 2024, a Bangladesh-based human rights organization documented 17 cases of violence against Indigenous women and girls. In most cases, no action was taken by the authorities, or their actions were inadequate or delayed.

Indigenous youth are not the only ones who suffer human rights violations for protecting their lands, territories and resources. Harassment, arbitrary arrest, torture, death in police custody, and killings are just some of the daily realities Indigenous Peoples face and, in some places, this norm is increasing.

In the Philippines, for example, 73 human rights violations were documented, experienced by nearly a quarter of a million Indigenous persons. This marks a 428% increase in human rights violations since the beginning of President Marcos Jr.'s term in mid-2022. In Brazil, between 2022 and 2024, 38 Indigenous persons were killed, many of them Guarani-Kaiowá, over land disputes and armed attacks. Recent reports indicate that the numbers in 2024 may be even higher.

In Bangladesh, 200 human rights violations took place in 2024 in the Chittagong Hill Tracts alone, affecting more than 6,000 Indigenous persons. Of these, at least 21 were killed and over 140 were arbitrarily detained. Further, over 120 houses, shops, offices and temples belonging to Indigenous Peoples were looted and set on fire, and over 2,300 acres of land were grabbed by various actors. This is all happening against the backdrop of an interim government put in place after serious protests that ousted the government. The interim government has been tasked with making several reforms to the government and its institutions and, while in the beginning there was some hope that Indigenous Peoples would have a seat at the table of the various reform commissions, unfortunately this was not the case. Indigenous Peoples remain significantly underrepresented in the key commissions that directly affect their rights and the rights of other minority groups. There are still no Indigenous representatives in the Constitutional Reform Commission or the Electoral Reform Commission, for example.

In response to months of peaceful and non-violent protests in Kanaky against, amongst others, electoral reform, the French government passed the reform. Frustration led to riots and the French government deployed 7,000 soldiers to the territory and declared a state of emergency wherein many basic rights were curtailed. There were numerous reports of an excessive use of force, violence towards Kanak human rights defenders, and a large number of arbitrary arrests and detentions. Eleven of the human rights defenders were charged with organized crime and criminal conspiracy and seven of them were deported to mainland France.

In the Negev/Naqab region, two Bedouin villages – Wadi al-Khalil and Umm al-Hiran – have basically been erased by the Israeli authorities. In Wadi al-Khalil, 47 homes were demolished leading to the forced eviction of over 300 residents and, in November 2024, the village of Umm al-Hiran was completely demolished to make room for a new religious Jewish settlement. Overall, in 2024, nearly 5,000 homes and buildings were demolished in the area, exacerbating the displacement and marginalization of Bedouin.

The desire to take over Indigenous lands by any means necessary, including the removal of people and villages, is sadly a far too common daily reality for Indigenous Peoples across the world.

## Defending lands and forests against powerful forces

2024 was a year like many others, wherein business enterprises and infrastructure projects gave the impetus for authorities and other actors to fell forests, evict people and marginalize populations further.

In Botswana, San people living in small communities of 500 or less are now being designated by local officials as “squatters”, meaning that they no longer have access to government services and are denied land rights, including burial rights to bury their own people in their own cemeteries.

In Indonesia, the government continues to move forward with its grand plan of building and moving the nation’s capital. The land rights of the 51 Indigenous communities currently living in the area are not being respected. These communities are not only at serious risk of being forcibly displaced but also of becoming extinct. Further, a revision of the law for the construction of the capital grants privileges to the State to appropriate and monopolize these Indigenous lands with concessions and licences that can last up to 190 years. This policy of land appropriation is running rampant in the country. In 2024, alone, at least 121 cases of land appropriation were recorded totalling over 2.8 million hectares and affecting 140 Indigenous communities.

Indigenous rights were violated by a hydropower project in Nepal in a litany of alleged crimes that include accusations of forging signatures, signing children’s names on contracts, creating false reports and bulldozing through farmlands under cover of night. The three affected Indigenous Peoples have taken this to court and are hoping for an order to stop the activities.

The appropriation of land does not stop at business interests; it also includes the creation or expansion of conservation areas or national parks. These areas continually deny Indigenous Peoples’ rights to their land and their ways of living, including using the land for the cultivation of food and medicines, herding and grazing of animals and simply living on the land that has been theirs for generations.

According to leaked plans by the Tanzanian government, they intend to alienate more than 70% of all Maasai districts with the aim of creating Game Reserves and Game Controlled Areas. This project will impact nearly 400,000 Indigenous people across 90 villages. Further, the Tanzanian Ministry of Natural Resources and Tourism published its

revised strategy (2023-2033), which included 47 different actors in its stakeholder analysis, none of which were Indigenous. In this new strategy, there is a list of proposed Wildlife Management Areas, including one planned in Loliondo that will continue to threaten the existence of Maasai. The strategy further does not include Free, Prior and Informed Consent (FPIC) or mention community-based conservation; rather it ignores the rights of Indigenous Peoples at the expense of attracting more tourism. This lack of FPIC and forced evictions continues to be a dominant tactic of the authorities but is one they officially deny even in their official response to the World Heritage Committee, who have officially reported their deep concerns over the multiple and continuous human rights violations being perpetrated in Ngorongoro.

Further north, in Morocco, the government aims to demarcate over 100,000 hectares of Indigenous land to create a national park on the western side of the Anti-Atlas Mountains. The Amazigh have rejected this plan as it will deprive them of their land, lead to forced displacement, and will exploit their resources.

In India, if the 2024 order issued by the National Tiger Conservation Authority (NTCA) is implemented it will lead to the forcible eviction of nearly 90,000 Indigenous people in over 800 villages, sparking one of the largest forced displacements in the name of conservation in the country. This would also go against legal safeguards provided to Indigenous people in the Wildlife (Protection) Act (1972) and Forest Rights Act (2006). Indigenous people who live in forests, which serve as a cornerstone of their culture and livelihood, are often penalized through unaffordable and multiple fines for using and living in their ancestral lands. In a small reprieve, perhaps, in the state of Odisha, the government has ordered the withdrawal of over 48,000 of these petty cases.

The issue remains that Indigenous Peoples, who have lived on and with their lands for centuries, are often the ones who know how best to manage the lands. However, when other actors come in without listening to or respecting Indigenous rights, knowledge and expertise, the human rights and environmental impacts increase.

Extensive logging in Malaysia has exacerbated soil erosion and flash flooding, contaminating water sources essential to Orang Asli communities. The same is happening in the Upper Baram Forest Area, which was once an Indigenous-led conservation area but where logging concessions and a lack of transparency are now undermining efforts to sustainably manage nearly 300,000 hectares of forest and agricultural

land. Indigenous leaders continue to fight for the revival of their conservation methods and for more involvement of Indigenous Peoples in forest management and governance. Rare earth mining for the green transition and carbon credits are also both being framed as climate change mitigation solutions and are emerging as a significant concern for Indigenous Peoples as they are threatening ecosystems and displacing communities.

## **A just transition can only happen with Indigenous Peoples on an equal footing**

The global transition to a green economy is accelerating, driven by the urgent need to reduce carbon emissions and combat climate change. This transition is not occurring in a vacuum, however; it has profound implications for Indigenous Peoples, whose lands and livelihoods are increasingly targeted for resource extraction and renewable energy projects. Renewable energy, electric vehicles, and “green” mining are being promoted as solutions to the climate crisis. If history repeats itself, these industries will expand at the expense of Indigenous rights, lands, and sovereignty.

Indigenous Peoples are not opposed to the “green transition” per se but state that it needs to be just. In fact, there are significant opportunities for Indigenous Peoples to lead and shape a just transition. Many Indigenous communities possess an extensive, intergenerational knowledge system regarding their lands and, by applying sustainable practices, they effectively preserve biodiversity and maintain ecosystem health. By acknowledging and incorporating Indigenous knowledge systems and perspectives, the global community can leverage time-tested methods for effective and sustainable resource and land management.

This was why, in October 2024, the Just Transition: Indigenous Peoples’ Perspectives, Knowledge and Lived Experiences Summit was held. Indigenous delegations from all seven socio-cultural regions came together to address the pressing question: How do we ensure the green economy does not become another chapter of exploitation but instead a turning point for justice? The concept of a just transition, broadly defined, aims to ensure that the shift away from fossil fuels does not exacerbate social inequalities. Yet, for Indigenous communities, the reality is that the green transition often mirrors past injustices.

This could not come at a more opportune time as green energy initiatives and climate change mitigation measures continue to draw more attention from governments and business enterprises, holding such measures at the highest priority regardless of the related cost.

In the Philippines, the Marcos Jr. administration is capitalizing on this, making the creation and operation of renewable energy and large-scale mining projects easier to undertake. Marcos Jr. claims that climate change and natural disasters are one of the reasons why the country should fast-track such projects, putting them in direct conflict with Indigenous Peoples. The Department of Energy has recorded a total of nearly 1,500 renewable energy project applications, leading the country to become known as the second most attractive emerging market for renewable energy projects in 2024. Of these projects, a high concentration of hydropower projects is planned for the Cordillera Region, where 109 hydropower, five geothermal, three solar and two wind energy projects are proposed. Many of these projects each cover thousands of hectares of land and threaten the existence of the Indigenous people currently living there.

Similarly, in China, hydropower projects are also being implemented in growing numbers. At the end of 2024, the government approved the construction of a hydropower project on the Yarlung Zangbo River, which will become the world's largest hydropower dam and cause the displacement of countless Indigenous communities, with consequences for Indigenous Peoples living downstream in India and Bangladesh. The authorities have not provided any transparency around the project, not even an environmental and social impact assessment, although they claim there would be no significant impacts. And the once shelved Tiger Leaping Gorge Dam in the Naxi homelands has, nearly 20 years later, been reopened by the government. This project would potentially forcibly displace a significantly higher number of Indigenous people and others than the originally estimated 100,000 persons.

As part of the key results of the Just Transition Indigenous Summit, Indigenous Peoples want not only to secure a seat at the decision-making table but also to play a leading role in shaping a just transition. This requires moving beyond consultation and toward genuine leadership, where Indigenous rights and knowledge are used as foundational pillars of the green economy. This takes on even more importance given that the world passed the 1.5 degree Celsius threshold in 2024, the first year this has happened. It is incumbent upon all of us to find solutions to

the effects of climate change but they must be done with the real and authentic inclusion of Indigenous Peoples.

The effects of climate change are already being felt in many countries around the world, and particularly by Indigenous Peoples who, despite having contributed the least to climate change, are among the first to face its direct effects.

By the end of October 2024 when the rains finally arrived, Bolivia had suffered its most catastrophic year of forest fires with over 12 million hectares affected. By the first week of October, there had been 9.8 million hectares burned and affected by fires, 61% of which were concentrated in forested areas. In Brazil, fires destroyed more than 4,000 hectares of forest, coupled with a prolonged drought that lowered rivers.

Not only do such events threaten Indigenous Peoples and their ways of life but the loss of their lands in this manner has a dangerous effect on the climate as Indigenous lands play a critical role in mitigating climate change. In Brazil, the areas affected by drought and fire are home to 25% of the world's preserved tropical forests, which store large amounts of carbon. Illegal mining and monoculture farming represent constant threats to these lands, however.

Countries in Africa also continue to suffer from droughts. Namibia is suffering its worst drought in a century whereby hundreds of animals are having to be culled to feed the hungry as over 330,000 people are registered in the drought relief programme. A quarter of them belong to marginalized communities. The drought in Zimbabwe has reached such a magnitude that some 6 million people are suffering from insufficient food. In the Amazigh territory of Nafusa in Libya, verdant fields of figs, olives and almonds that were prosperous just 20 years ago are now barren, leaving farmers in dire straits.

In an extreme case of the effects of climate change, in the autumn of 2024, the last residents of Newtok moved to the new village site of Mertarvik in Alaska. Newtok is one of the many Alaska Native villages that need to be evacuated due to the damaging effects of climate change. Two further villages will probably be next but one of the new designated village sites is also proving vulnerable to the climate crisis.

## **The power of continuous, collective action**

Despite all the violations, attacks, evictions, land loss, and climate change effects, Indigenous Peoples around the world were, however,

also able to celebrate quite a few victories in 2024. By continuously standing up for their rights, understanding national and international law, gathering various groups together for collective action, and never letting their spirit break, Indigenous Peoples successfully stopped infrastructure projects, protected their lands, secured rights in national and international laws and processes, took positions of power, and more.

Indigenous governments were successful in protecting their lands in different ways.

In Peru, in the north of the Amazon, the Autonomous Territorial Government of the Wampis Nation (GTANW) and their territory is constantly threatened by illegal mining and logging operations. However, thanks to its self-defence strategies, the GTANW has been able to patrol their territory and rivers, tracking these illegal operations, expelling and evicting illegal miners, loggers and gold extractors from their lands, including arresting members of the National Police involved in these illegal operations and handing them over to State authorities. Their strong surveillance methods have also led to the seizure of munitions linked to criminal operations involved in illegal mining.

In Bolivia, the Autonomous Indigenous governments of the Multi-ethnic Indigenous Territory (TIM) legally approved the creation of the Loma Santa Conservation Area, almost 200,000 hectares in size. This is not only significant as it put the management and protection of the area in the hands of the Indigenous Peoples who have lived with and managed the land for centuries but it is also the first conservation area established and defined by an Indigenous government. As such, the Loma Santa is administered by traditional authorities and the Indigenous government, according to their own rules and procedures, and will protect the flora and fauna of the area, as well as the headwaters of the rivers that cross the communities of the TIM.

After years of negotiation, the Nunavut Lands and Resources Devolution Agreement was formally signed in 2024 between Nunavut Tunngavik Inc. and the governments of Canada and Nunavut. This historic agreement gives Inuit decision-making power over public lands, non-renewable resources and freshwater and marks the largest land transfer in Canadian history. This will now mean that Nunavut Inuit will be able to decide their own development and conservation strategies for their own lands, resources and territories, while stimulating their own economy and creating more opportunities for employment and training.

On an international level, several new policies and laws will also help lay the foundations for Indigenous Peoples to use in their advocacy and rights protections.

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) adopted General recommendation No. 40 on the equal and inclusive representation of women in decision-making systems, which specifically acknowledges the intersectional discrimination faced by Indigenous women and the value they possess with their traditional knowledge. It identified seven pillars of equal and inclusive representation of women in decision-making systems and noted corresponding States obligations to achieve gender parity and inclusion in decision-making at all levels. This also includes within the UN system.

There were also significant wins on the intellectual property front for Indigenous Peoples.

In 2024, the World Intellectual Property Organization (WIPO) adopted an historic new treaty – the Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge – marking the first WIPO treaty to reference Indigenous Peoples. The treaty, which was adopted by consensus by Member States, includes a mandatory disclosure agreement under Article 3 that requires patent applicants to disclose the country of origin of genetic resources and/or Indigenous Peoples providing associated traditional knowledge when a patent application is submitted for an invention that is based on those resources and/or knowledge. As of the end of 2024, 38 Member States had signed the treaty and Malawi had ratified it. The treaty will come into force once 15 parties have ratified it.

There was another win for Indigenous Peoples at WIPO in the Riyadh Design Law Treaty, Article 4(2) of which requires the disclosure of traditional knowledge and traditional cultural expressions in a design application. As of the end of 2024, 18 Member States had signed the treaty but none had ratified.

These types of decisions were also seen on a national level, with Australia and Cameroon tabling laws and regulations to protect Indigenous intellectual property. In Australia, the Australian Law Council published a new legislative framework recognizing the importance of Indigenous cultural heritage. It addresses the limitation of current legislation that conflicts with Indigenous customary laws, including communal ownership and oral traditions, and aims to ensure self-determination of

tangible and intangible cultural heritage. In Cameroon, regulations for the law governing access to genetic resources, their derivatives and the traditional knowledge associated with them, came into force in 2024. These new regulations cover several facets related to genetic resources, including conditions of access, mutually agreed terms and access and benefit-sharing permits. There have already been research permits signed with Indigenous communities, some of which have already received monetary benefits at the research stage. Of course, there is still a need to monitor these agreements and the use of the law to ensure communities are not manipulated by disingenuous researchers.

At the national and local levels, advocacy efforts, including the use of courts, protests and collective action, continue to net positive results in several places.

In Kenya, courts continue to be the main arena for land rights advocacy. In the case of Kochale vs. County Government of Marsabit, the Rendille community challenged the county government for allocating land to external investors without meaningful consultation with the Indigenous communities who have traditionally occupied and used the land for generations. The court ruled in their favour, thus setting a precedent that community land tenure must be respected and, without following constitutional and statutory obligations, land allocation could be rendered null and void.

In Tanzania, over 25,000 Maasai in Ngorongoro blocked the country's busiest tourism road for six days to protest the continuous, systemic violations of their human rights, demanding that the government seriously listen to their demands. This mass pressure made the authorities listen and promises were made to reinstate social services, put a halt to the harassment of villagers by rangers, and reverse the illegal decision of deregistering 11 wards, 25 villages and 96 hamlets, meaning that residents can once again participate in elections and other local-level decisions that affect their daily lives.

These grassroots movements show the power and resilience of continuous, collective action, which has not only restored local governance but strengthened Indigenous Peoples' agency, building their confidence and courage.

Infrastructure projects have also been halted through the collective efforts of Indigenous Peoples and the use of judicial acumen. In Malaysia, a court ruled against a mini-hydro dam project due to the failure of the developers to secure the FPIC of the Orang Asli communities

affected. The communities were also compensated for the destruction of their ancestral grave sites and trees.

In the USA, the Hualapai Tribe secured a restraining order and preliminary injunction against the further development of a lithium project that threatens a sacred site in Arizona. In Oklahoma, a federal judge ruled that Enel Energy must dismantle a wind farm built on Osage Nation lands. The company never received a mining lease from the Osage Nation who argued that building the foundations for the 84 wind turbines constituted mining, which the judge agreed with. The farm must be dismantled within a year. On the west coast, in California and Oregon, the last of four hydroelectric power dams were finally removed. A month later, spawning salmon were observed upstream again.

## Conclusion

Indigenous Peoples prove, time and time again, that against all odds and powerful forces, they are a powerful force themselves.

The reports in this year's edition of *The Indigenous World* show that the obstacles Indigenous Peoples face in the protection of their rights, lands, resources, territories and dignity are increasing. This will continue to become difficult as so many paradigms are shifting globally in the wrong direction, away from freedoms, respect and inclusion.

And yet Indigenous Peoples' collective strategies and power are also increasing, and the resourcefulness, adaptability, and energy of Indigenous youth are an illustration of the powerful next generation of activism that will carry this forward.

As Kantuta Conde put it in the conclusion to the article on the Global Indigenous Youth Caucus:

*Indigenous youth are not waiting for the world to catch up. Through the GIYC and various Indigenous youth organizations, we are ensuring that Indigenous voices remain central in global policy discussions. From advocating for climate justice to securing land rights, Indigenous youth are leading the change for transformative change. As we continue to push for the collective right to self-determination and meaningful inclusion, we are shaping the future of global decision-making and ensuring our rightful place in the movement for a just and sustainable world.*

We must all work and fight together, using the whole range of skills, knowledge, experience and solidarity in order to collectively keep the pressure and hold the light.

**Dwayne Mamo**

General Editor

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Indigenous Youth Focal Point

**Kathrin Wessendorf**

Executive Director

Copenhagen, March 2025

## **Notes and references**

1. IWGIA has consulted Indigenous youth from several countries and regions on a number of issues affecting them as part of the guiding research in our work.

## About The Indigenous World

The compilation you have in your hands is the unique result of a collaborative effort between Indigenous and non-Indigenous activists and scholars who voluntarily document and report on the situation of Indigenous Peoples' rights. We thank them and celebrate the bonds and sense of community that result from the close cooperation needed to make this one-of-a kind documentation tool available.

For 39 consecutive years IWGIA has published *The Indigenous World* in collaboration with this community of authors. This yearly overview serves to document and report on the developments Indigenous Peoples have experienced throughout 2024. *The Indigenous World 2025* adds not only documentation, but also includes a special focus on Indigenous youth.

IWGIA publishes this volume with the intent that it is used as a documentation tool and an inspiration to promote and defend the rights of Indigenous Peoples, their struggles, worldviews and resilience.

It is our hope that Indigenous Peoples themselves, along with their organisations, find it useful in their advocacy work and in improving the human rights situation of Indigenous Peoples. It is also our wish that *The Indigenous World* is used as a main reference by a wider audience interested in Indigenous issues who, through these pages, can dive into local realities and further familiarise themselves with the current situation of Indigenous Peoples' rights worldwide.

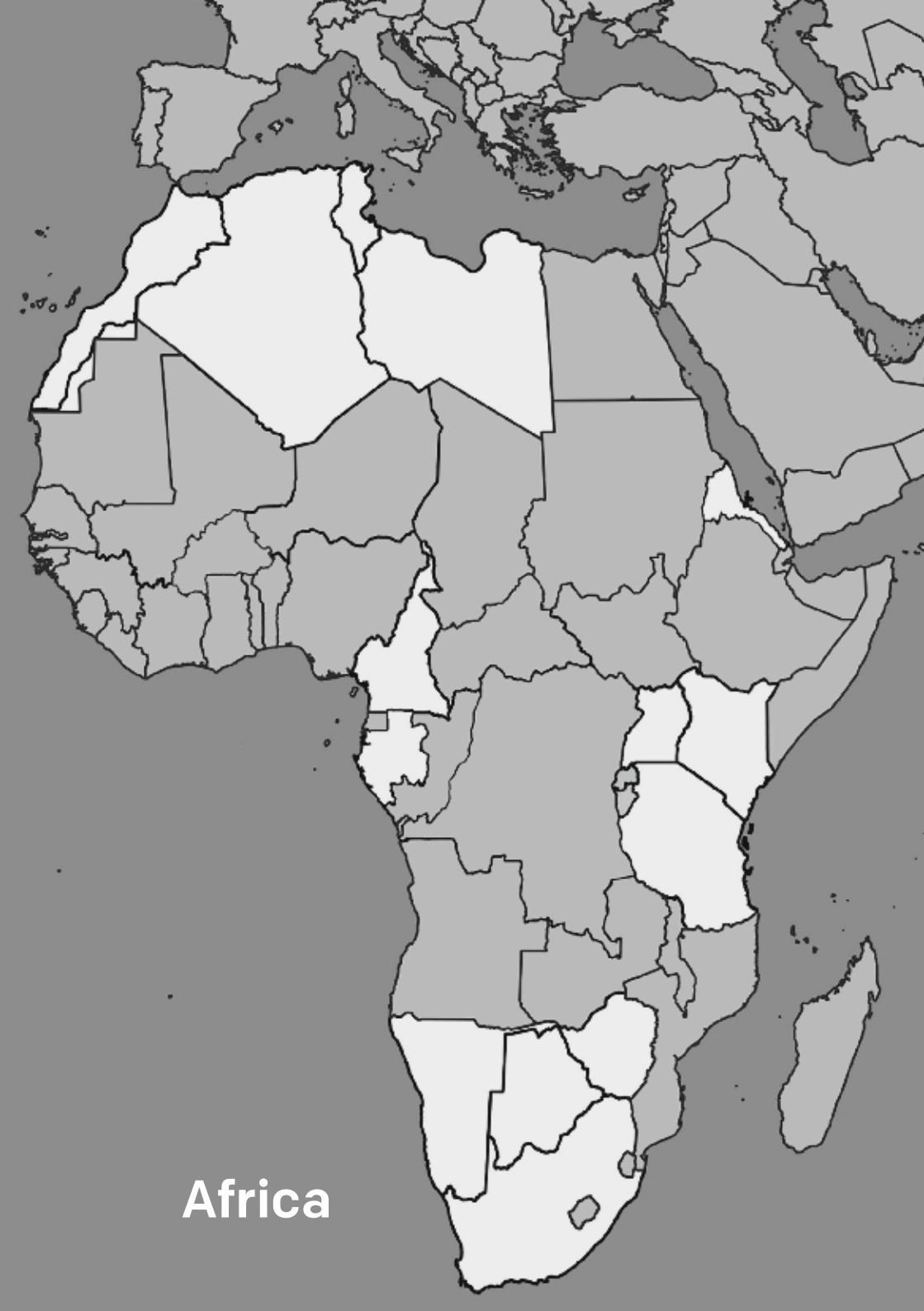
We would like to stress that any omission of a specific country report should not be interpreted as no news is good news. In fact, sometimes, it is precisely the precarious human rights situation that makes it difficult to obtain contributions from specific countries. In other cases, we have simply not been able to get an author to cover a particular country. If you would like to contribute to *The Indigenous World*, please contact IWGIA.

The articles in this book are the views and visions of the authors, and IWGIA cannot be held responsible for the opinions stated herein. The respective country maps are, however, compiled by IWGIA and the content therein is the responsibility of IWGIA and not the authors. We wish to stress that some of the articles presented take their point of departure in ethnographic regions rather than strict state boundaries. This is in accordance with Indigenous Peoples' worldview and cultural identification which, in many cases, cuts across state borders.



# PART 1

**Region and Country Reports**



**Africa**

# Algeria



The Amazigh are the Indigenous people of Algeria and other countries of North Africa. However, the Algerian government does not recognize the Indigenous status of the Amazigh and refuses to publish statistics on their population. Because of this, there is no official data on the number of Amazigh in Algeria. On the basis of demographic data drawn from the territories in which Tamazight-speaking populations live, associations defending and promoting the rights of Amazigh people estimate the Tamazight-speaking population to be around 12 million people, a third of Algeria's total population. The Amazigh of Algeria are concentrated in five territories: Kabylia in the north-east (Kabyls represent around 50% of Algeria's Amazigh population), Aurès in the east, Chenoua, a mountainous region on the Mediterranean coast to the west of Algiers, M'zab in the south (Taghardayt), and Tuareg territory in the Sahara (Tamanrasset, Adrar, Djadet). Many small Amazigh communities also exist in the south-west (Tlemcen, Bechar, etc.) and in other places scattered throughout the country. It is also important to note that large cities such as Algiers, Oran, Constantine, etc., are home to several hundred thousand people who are historically and culturally Amazigh but who have been partly Arabized over the years, succumbing to a gradual process of acculturation and assimilation.

The Indigenous populations can primarily be distinguished from Arab inhabitants by their language (Tamazight) but also by their way of life and their culture (clothes, food, songs and dances, beliefs, etc.). After decades of demands and popular struggles, the Amazigh language was finally recognized as a "national and official language" in Algeria's Constitution in 2016. In reality, however, the Amazigh identity continues to be marginalized and folklorized by state institutions. Officially, Algeria is still presented as an "Arab country" and "land of Islam", and anti-Amazigh laws are still in force (such as the 1992 Law of Arabization).

Internationally, Algeria has ratified the main international standards, and it voted in favour of the UN Declaration on the

Rights of Indigenous Peoples in 2007. However, these texts remain unknown to the vast majority of citizens, and thus not applied, which has led to the UN treaty-monitoring bodies making numerous observations and recommendations to Algeria urging it to meet its international commitments.

## Presidential elections without Amazigh participation

**A**lgeria held presidential elections on 7 September 2024. Incumbent President Abdelmajid Tebboune was easily re-elected with 84% of the vote, albeit on the lowest turnout in Algeria's history: 46% according to the government and only 24% according to analysts.<sup>1</sup> The Kabyl population boycotted the presidential elections, resulting in a turnout in Kabylia that was less than 1%. This is the fourth time in the last five years that Kabylia has refused to take part in Algerian elections. Faced with repressive policies and attacks on their rights and freedoms, the Kabyl Amazigh are stating their rejection of the Algerian political and institutional system by refusing to take part in national elections.

By means of Presidential Decree No. 24-218 of 27 June 2024, published in the Official Journal of 8 July 2024,<sup>2</sup> the Algerian government now allows army officers to run public companies and administrations. For many observers, this reflects a worrying strengthening of military power over society.

Law No. 24-06 of 28 April 2024, amending and supplementing Ordinance No. 66-156 of 8 June 1966 on the Penal Code, has been passed. It is clear that the changes made do not go in the direction of better protection of individual and collective rights, and that the Algerian legislators failed to take into account the numerous concerns and recommendations of the UN human rights mechanisms, particularly with regard to bringing Algeria's anti-terrorist legislation into line with international law.<sup>3</sup> According to the NGO, MENA Rights Group, "the provisions of Law No. 24-06 are incompatible with articles 19, 21 and 22 of the International Covenant on Civil and Political Rights".<sup>4</sup>

## **Violations of human rights continue to give cause for serious concern**

The year 2024 was marked by a continuation of the same repressive policy and attacks on freedoms. Amnesty International notes that: “[...] the exercise of the rights to freedom of expression, peaceful assembly and association by civil society organizations, activists and other people has remained curtailed through arbitrary arrests and detention. Authorities have continued to use vaguely worded and baseless terrorism charges to crack down on peaceful dissent. Amendments to legislation on the financing of terrorism have further reinforced the overly broad nature of counterterrorism legislation in the country and the risk of its misuse.”<sup>5</sup> Amnesty International has called on the Algerian government to respect its international human rights obligations, notably under the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, to which Algeria is a party.

Mira Moknache, university lecturer and Kabyl human rights activist, has been subjected to police and judicial harassment for several years. Due to her raising questions about the origin of the deadly fires in Kabylia in 2023, she was prosecuted for “spreading false news” and “undermining national unity”. On 14 March 2024, the Vgayet (Béjaïa) Court of Appeal upheld the six-month prison sentence handed down to her by the court of first instance. She was arrested once more on 8 July 2024 in Vgayet along with some 15 other activists and citizens and taken into custody at the town's central police station. On 18 July 2024, Mira Moknache and the entire group were brought before the Sidi Mhamed (or M'hamed) Court in Algiers. The examining magistrate decided to remand Mira Moknache in custody, along with activists Rafik Belayel, Khoudir Bouchelaghem, Mohand Tahar Achiche, Salem Bouaza, Lounes Ghegad, Ghiles Benkerrou, and Nadir Ferhatene. Six other activists were released under court supervision. They were Yuva Menguellat, Mouloud Menguellat, Malek Boudjemaa, Ferhatene Boudjema and Mustapha Akkouche. The examining magistrate brought criminal charges relating to “terrorism” under article 87bis of the penal code.

Sofiane Ouali is one of Algeria's lawyers working for prisoners of conscience. Following his participation in a sit-in on 9 July 2024 in front of the Vgayet court to protest the detention of human rights activist,

Mira Moknache, he was arrested along with others by Algerian police on the night of 10 July 2024. The police informed neither the lawyers nor the families of those arrested, in violation of articles 51 and 51bis of the Algerian Code of Criminal Procedure, which states that the judicial police officer is required to provide all necessary means to the accused at the time of the decision to place him or her in police custody, and to contact his or her family and lawyer to inform them of where they are being held, as well as the date and court where they will be brought before the examining magistrate. On 13 July 2024, police raided Mr Ouali's family home in Vgayet. He was held incommunicado until 18 July 2024 when he was brought before the examining magistrate of the Sidi-Mhamed (or M'hamed) Court in Algiers. He is being prosecuted under article 87bis of the Algerian penal code, for "the crime of advocating and encouraging terrorist acts", "the crime of using the media and communication technologies to support the actions and activities of terrorist organizations" and "receiving illegal funds". After his hearing, the examining magistrate decided to release Sofiane Ouali on bail.

On 28 March 2024, the Algerian Supreme Court overturned the 7 July 2023 ruling of the Algiers Court of Appeal, which had sentenced Kamira Nait Sid, co-president of the Amazigh World Congress (CMA), to three years in prison. Despite this Supreme Court decision, Kamira Nait Sid, who had been in detention since 24 August 2021, was not released until 1 September 2024, after more than three years in prison. Kamira Nait Sid was summoned to appear in a new trial on 25 November 2024 by the Sidi-Mhamed (or M'hamed) Court in Algiers. The trial was postponed to 9 December 2024 and then postponed again to 10 February 2025. The UN Working Group on Arbitrary Detention declared in April 2022 that Kamira Nait Sid was being arbitrarily detained in Algeria and requested her release, to no avail.<sup>6</sup>

On 1 September 2024, Slimane Bouhafs, human rights defender and president of the *Coordination des chrétiens de Saint-Augustin en Algérie* [St. Augustine Coordination of Christians in Algeria] was released after three years in prison. He had been convicted of "belonging to a terrorist organization", "receiving funds from abroad for political propaganda purposes", "hate speech and discrimination", and "using technology to spread false information". Slimane Bouhafs has always denied and rejected all these accusations, calling them "far-fetched".

He had been kidnapped in Tunisia, where he enjoyed refugee status, and illegally transferred to Algeria in August 2021.

Boualem Sansal, a writer from Boumerdès in Kabylia, was abducted on 16 November 2024 as he arrived at Algiers airport from France, where he had been taking part in a number of conferences. He was held incommunicado until he was brought before the examining magistrate on 21 November, when he was remanded in custody. The writer, who is highly critical of the Algerian government, is accused of undermining the integrity of the national territory and is being prosecuted under article 87bis of the Algerian penal code. Boualem Sansal faces the death penalty. The French Foreign Minister described the writer's detention as "unacceptable" and "unfounded".<sup>7,8</sup> Following a debate on the arrest and imprisonment of Boualem Sansal and freedom of expression in Algeria, on 27 November 2024 the European Parliament called for the "immediate and unconditional release of Boualem Sansal, and an end to the repression of freedom of expression in Algeria".<sup>9</sup> In response, the Algerian Council of the Nation (Senate) stated on 4 December 2024 "its firm condemnation, indignation and total rejection of any flagrant interference in Algeria's internal affairs".<sup>10</sup>

Algeria currently has several hundred political prisoners and prisoners of conscience, most of them Kabyls, 39 of whom were sentenced to death in 2023. In addition, an unspecified number have been banned from leaving the country in connection with the exercise of their right to freedom of expression and opinion. Defenders of Amazigh rights, students, writers, citizens, including released former political prisoners, are constantly summoned by the police or the courts, often without any explanation of the reason. Many trials against people prosecuted under article 87bis of the Penal Code are often postponed several times without justification. For their lawyers, this is a real method of harassment and a form of judicial control exercised extra-legally.

At the end of her visit to Algeria in December 2023, Mary Lawlor, UN Special Rapporteur on human rights defenders, called on the Algerian government to "release all human rights defenders imprisoned for the exercise of their freedom of expression, opinion and association" and to "amend Articles in the Penal Code which relate to terrorism and undermining national unity (including articles 79, 87bis, 95bis, 96) to ensure they conform with international standards". This request was completely ignored by the Algerian authorities.

## Infringements of rights and freedoms and discrimination against Amazigh

Rich and dynamic socio-cultural expression in all its forms (poetry, song, theatre, cinema, literature, festivities, collective works of general interest, community solidarity and mutual aid actions, etc.) is a tradition among the Amazigh but it is also considered and used as a tool and an act of resistance to their forced assimilation. To counter this autonomous movement, the Algerian government and Arab-Islamic lobbies are imposing multiple bans and obstacles to stifle Amazigh expression.

On 29 June 2024, during the launch of her book "*La Kabylie en partage*" [Sharing Kabylia] (Koukou Éditions) in the Gouraya bookshop in Vgayet, Kabylia, French writer Dominique Martre was arrested by Algerian police and immediately deported to France. In her book, Ms Martre recounts her memories of a Kabyl village where she lived in the 1970s.<sup>12</sup>

This year once more, like last year, Koukou Éditions, a small, young book publishing house that publishes numerous books by Amazigh authors and on the Amazigh question, founded and run by Kabyl journalist Arezki Ait-Larbi, was excluded from the *Salon International du Livre d'Alger* [Algiers International Book Fair] (Sila), held from 6-16 November 2024. Koukou Éditions was also excluded from the Djurdjura Book Fair, scheduled from 11-16 December 2024 at the Maison de la Culture in Tizi-Wezzu, Kabylia.<sup>13</sup> The director of Koukou Éditions has denounced the "harassment" suffered by his cultural enterprise.

Following an administrative decision, the Algerian police closed the Chikh bookshop in Tizi-Wezzu, Kabylia, on 17 November 2024. Officially, the bookseller is accused of organizing book signing sales when this is not listed on his trade register. However, the bookseller explains that "this does not appear in the criteria of the *Centre National du Registre de Commerce* [National Centre for Commercial Register/CNRC] and no other bookshop in Algeria has to list this in order to organize book signing sessions".<sup>14</sup> In fact, the Algerian authorities are accusing the bookseller of having organized a book signing sale of Hédia Ben-sahli's book "*L'Algérie juive*" [Jewish Algeria] on 24 October 2024. The Algerian authorities do not allow any history to be evoked other than the official Arab-Islamic history of Algeria.

The At-Wassif Amazigh Book Fair, scheduled to take place from

3-6 October 2024 in At-Wassif, Kabylia, was not authorized by the Censorship Commission of the Algerian Ministry of Culture. The Boudjima and Tigzirt book fairs, literary cafés and the Racont'Arts festival, different spaces for expression and promotion of Amazigh culture in Kabylia, have all been banned in recent years.<sup>15</sup>

In the Amazigh region of Aurès, in eastern Algeria, a statue of Amazigh King Aksel (Koceila in Arabic) was installed on 4 December 2024 in the centre of the village of Bouhmama (Wilaya of Khenchela). It was dismantled the very same day by the Algerian authorities. Aksel is known for fighting the Arab-Muslim invasion in the 7<sup>th</sup> century. This act, which illustrates the denial of the country's Amazigh history, aroused incomprehension and anger among the Chawi and, indeed, all Amazigh.

Like the previous year, the celebration of Tafsut Imazighen, the Amazigh spring, which traditionally takes place on 20 April, did not take place in 2024. It was banned and, on that day, the streets of the main Amazigh towns, particularly in Kabylia, where many commemorative activities are usually held, were invaded by heavily armed police and gendarmes. This is a serious violation of the Amazigh people's right to keep their history alive and honour their traditions.

## **Indigenous youth, an uncertain future**

Young people make up the majority of the Amazigh population in Algeria. They dream of freedom and well-being but they are pessimistic because they live in a society they find closed and worrying. Algeria's political context is stressful and economic opportunities are limited, particularly in the Amazigh regions, which suffer from marginalization. Insecurity and administrative barriers have a major impact on cultural, social and economic activities, particularly tourism. The cultural dynamic has been reduced to almost zero, impoverishing young people's individual and collective creative capacities. Under these conditions, it is hard for young people to feel fulfilled or to plan for their future. As a result, the vast majority of young Amazigh have no prospects. In the meantime, they rely on traditional family and community solidarity and try to cope with the challenges of everyday life by creating their own jobs, including in the informal economy, which has grown substantially.

The experience of Tifrat, a young Kabyl Amazigh woman, shows how the Algerian administration can be an insurmountable wall to young people's initiatives.

*With five other friends, we had a project to create an association of 'Kabyl women for cultural and natural heritage'. We were very enthusiastic. When we went to the Wilaya of Tizi-Wezzu to submit our application for approval, the official in the associations department told us that we needed 21 founding members to create our association. He also informed us that we would all be summoned individually by the police or gendarmerie to check our identities and make inquiries about us, our families and our motives. He also asked us to remove the word 'Kabyl' from our association's title, otherwise our association would not be accredited. Of course, we immediately abandoned our project.<sup>16</sup>*

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# Botswana



Botswana is a country of 2,450,668 inhabitants, having celebrated its 58<sup>th</sup> year of independence in 2024. Its government does not recognize any specific ethnic groups as Indigenous, maintaining instead that all citizens of the country are Indigenous. However, 3.34% of the population identifies as belonging to an Indigenous group. These include: the San (known in Botswana as the Basarwa) who number around 75,794; the Balala (2,741); and the Nama (3,369), a Khoekhoe-speaking people. The San traditionally were hunter-gatherers but today the vast majority are small-scale agro-pastoralists, cattle post workers, or people with mixed economies. Only an estimated 300 San people are full-time hunter-gatherers although many others hunt or gather as a supplement to other food sources. The San consist of a large number of sub-groups, most with their own languages, including the Ju/'hoansi, Bugakhwe, Khwe-|Ani, Ts'ixa, †X'ao-|Aen, !Xóõ, #Hoan, ‡Khomani, Naro, G/ui, G//ana, Tsasi, Deti, Bakwhe, Shua, Tshwa, Cuua, Kua, Danisi and /Xaise. The San, Balala, and Nama are among the most underprivileged people in Botswana, with a high percentage living below the poverty line.

Botswana is a signatory to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the UN Convention on the Rights of the Child (UNCRC) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and it voted in favor of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). However, it has not signed the Indigenous and Tribal Peoples Convention No. 169 (ILO 169). There are no specific laws on Indigenous Peoples' rights in the country, and the concept of Indigenous people is not included in the Botswana Constitution. Botswana's census does not include information on ethnicity. Botswana took part in the 23<sup>rd</sup> Session of the UN Permanent Forum on Indigenous Issues (UNPFII) held in New York from 15-26 April 2024.

## Presidential election

In the 12<sup>th</sup> presidential election since the founding of Botswana as an independent nation-state in September 1966, Duma Gideon Boko of the Umbrella for Democratic Change (UDC) was elected on 30 October 2024, replacing Mokgweetsi Masisi of the Botswana Democratic Party (BDP). The Botswana Democratic Party had been in power for 58 years. Duma Gideon Boko, a human rights lawyer and Harvard Law School graduate, was involved in the Central Kalahari court case of 2004-2006 and has been an advisor to various San organizations for many years.

## Burial of renowned San activist

The burial of Pitseng Gaoberekwe in the Central Kalahari Game Reserve (CKGR) continued to be a major issue in 2024.<sup>1</sup> When Mr. Gaoberekwe, a G//ana San activist from Metsiamonong, died on 21 December 2021 at New Xade, outside the CKGR, the government refused to allow his body to be buried on the Reserve despite both local and international pressure. Instead, his body was kept in a mortuary in Ghanzi for nearly three years, at substantial expense, approximately 1.2 million Pula, or US\$85,635.00.<sup>2</sup> When Duma Gideon Boko was elected in October, he decreed that Mr. Gaoberekwe would be allowed to be buried in his home village. The burial took place on 10 December 2024, with President Boko and hundreds of dignitaries and community members present.

There were several reasons for the government's unwillingness to allow Pitseng to be buried at his home village until December 2024. First, the Botswana government did not want to create a precedent. Second, the government wanted to prevent Pitseng's burial location from becoming a rallying point for San activists and their supporters. Third, the government did not want to honor an activist involved in the San/Bakgalagadi resistance to the government's relocation efforts. Finally, the government did not want to accede to San requests for burial inside the CKGR because they felt it would allow the San to claim a victory. The San activists, including Smith Moeti and members of the Gaoberekwe family, felt that having Pitseng's body returned to the CKGR would be honoring San burial traditions as well as the wishes of Mr. Gaoberekwe.

## Hunting issues

Another issue that has been covered in previous issues of *The Indigenous World* relates to hunting rights. San currently have no subsistence hunting rights, although some community trusts are able to hunt a limited number of animals in cooperation with joint venture partners, usually safari hunting companies. The hunting season in Botswana for 2024-2025 will last from 2 April 2024-31 January 2025. As part of the hunting quota, 400 elephant hunting licenses were issued by the Department of Wildlife and National Parks, only a small portion of which were granted to San communities. There were an estimated 130,000 elephants in Botswana in 2024 according to Elephants Without Borders,<sup>3</sup> and some of them were causing difficulties for people in western Ngamiland, Chobe National Park, the Okavango Delta, and the Central Kalahari Game Reserve. Complaints were heard from NGOs such as the Elephant Protection Society about the decision on elephant hunting licenses, which they felt were excessive and problematic.

Poaching was reportedly on the increase in Botswana in 2024, according to the United Nations Development Programme, Elephants Without Borders, and the Department of Wildlife and National Parks. Arrests for hunting violations took place, with at least some of those arrests being made in San communities with little evidence of guilt on the part of those arrested.<sup>4</sup>

## Oil and gas exploration

Reconnaissance Energy Africa Ltd. (ReconAfrica) Botswana, a Canadian oil and gas company, obtained a new license for oil and gas exploration in north-western Botswana on 1 October 2024. Active drilling had not started by the end of 2024, although company officials were still telling people in the area that they would have to move. The people of Tsodilo complained bitterly about these visits, which they said were aimed at intimidating the residents.

## San residents in small communities are called squatters

San people living in small communities have recently been designated by local officials as “squatters”, without government services, land

rights, or even the right to bury their dead in their own cemeteries. Botswana's land management policy does not allow communities with populations under 500 to be legitimized as villages ("gazetted")<sup>5</sup> and provided with services such as education, health clinics, water or transportation. Communities must also be gazetted in order to bury their dead in their cemeteries. In earlier years, this rule was applied less consistently, and many communities under 500 did receive services and burial rights but now the smaller communities are being denied these benefits and are being asked to relocate to larger villages and towns. This is especially true of the hamlets in the Boteti region near the Orapa diamond mines or on the vast cattle ranch land nearby.

In a letter to the Boteti District Commissioner, Keikabile Mogodu of the Botswana Khwedom Council (BKC) wrote of the San in the Boteti area: "They are told that they are squatters. They have been relocated from the farms and their ancestral land to give way to mining and cattle ranches and brought where they are." Mogodu gave the example of the San in Tsutsuga, who settled in the area before independence in 1966 – over 50 years ago.<sup>6</sup> The hamlet is often referred to as a "cattle post", but sometimes as a "quaint village".

In the spring before Botswana buried Pitseng Gaoberekwe in his ancestral community in the CKGR, a Tsutsuga family started digging a grave in their cemetery for a loved one who had recently died. Someone reported this to the Letlhakane sub-land board, which warned the family that the burial would be illegal, and that they had to take the body to Letlhakane. The family responded that they could not afford to transport the body and refused to do so. The case was referred to the Ngwato land board in Serowe, which went to court to prevent the burial, arguing that it violated "the regulatory framework established to ensure proper burial practices and public health standards". In May 2024, the Francistown High Court ruled in favor of the land board, arguing that a decision in favor of the family "...would set a precedent of laissez-faire regarding burial sites in non-designated areas".<sup>7</sup>

Several months later, in July, the Honorable Sethomo Lelatisitswe, the Member of Parliament for the district, visited Tsutsuga and addressed the Tsutsuga residents to persuade them to relocate to one of two gazetted towns nearby, Mosu or Letlhakane. He brought with him the *dikgosi* (traditional headpersons, plural) for the two towns.<sup>8</sup>

The *Kgosi* (traditional headperson, singular) of Mosu village, Philip Kopano "...pleaded with the Tsutsuga residents to embrace change" and relocate either to his village or to Letlhakane. Several residents were skeptical. One of them, Mr. Rebuiseng Thakanyamolemo, said he believed Basarwa (San) were generally discriminated against and denied the right to land. Other residents asked if they would be allocated land if they agreed to relocate. Mr. Lelatisitswe, the MP, replied that "every Motswana had the right to apply for land irrespective of their tribes". Mr. Barontshe Kegapetswe, the *Kgosi* of Letlhakane, agreed that they could apply for land, but only **after** they had relocated.

Another resident, Mr. Monkoggi Bareemetse, asked about the prohibition on burials in the Tsutsuga cemetery. *Kgosi* Kegapetswe replied that: "There were some cattle posts years back where burials were permitted" but that they were now prohibited. He added that chiefs do not usually address *kgotla* meetings in cattle posts.

Regarding the suggestion that San should relocate to Letlhakane, it should be noted that, in 2023, the Boteti council chairperson said that the "mushrooming" of squatters in Letlhakane had become worrisome.<sup>9</sup> As the town closest to the Orapa mines, it has experienced considerable growth in recent years, and has become a center of crime, drug use and violence, especially against women.<sup>10</sup>

Another San hamlet in the area, Malelejwe, has petitioned the government for years to be upgraded to a gazetted village. Even though it has only 168 residents, it has a Settlement Development Committee, whose chairman said that: "Children walk miles to the nearest school, while the sick often go untreated due to the absence of a local clinic." Children of Malelejwe are sent to a boarding school in Mmea Village but they end up returning home because they are too young to be separated from their parents.<sup>11</sup> However, Malelejwe's residents expect to be pressured to relocate before long.

In spite of the government's refusal to legitimize Malelejwe, it has enforced strict requirements regarding where they are allowed to vote in the October presidential election. The government designates certain "polling stations" and there are penalties for voting in the wrong one. As of July, Malelejwe residents learned that they were required to vote in Dukwi Ward, although they had previously voted in the much-closer Sowa Town. Neither Melelejwe residents nor Sowa officials were con-

sulted about the change. Sowa Town Councilor John Ntebalang said: "Most of them had already registered to vote in Sowa Town." After both parties – UDC and BCP – had lodged complaints about them, 100 San of Malelejwe were "dragged into court after their names were found in the Sowa Town voters roll". As of July, the cases were before the Nata Magistrates court.<sup>12</sup>

Issues of voting rights were raised by at least a dozen San communities in Central (Ngwato) district in 2024.

## **Botswana's land-use policy**

Botswana's current land-use plan was an issue of concern to the Indigenous people of Botswana in 2024. Among other problems, the district councils and land boards often allocate land to individuals and groups whom they favor instead of adhering to requirements for fair allocation. Concerns about the fairness of land boards' decisions were raised by the UN Development Program in its social safeguards work in Ghanzi, Kgalagadi, and North West District and by members of 15 communities in western Botswana who were surveyed in 2024. Recent analyses of inadequate policies toward Remote Area Dwellers (RADs) in Botswana revealed some of the problems with the government's approaches to people in remote rural areas.<sup>13</sup>

## **Children and youth**

The San Youth Network (SYNet) and the Red Cross Society, as well as UNICEF, were actively promoting youth in Botswana. According to UNICEF, 63% of Botswana's children were experiencing multidimensional poverty in 2024.<sup>14</sup> San and other children in remote areas were dealing with high rates of malnutrition according to UNICEF and the San Youth Network (SYNet). Hunger was a major issue for children living on cattle posts and ranches. Botswana has administered the Vulnerable Groups Feeding Program for decades but the health and nutrition of children in remote areas where many San live continues to decline. The National Social Protection Framework (NSPF) was approved in 2020

but, as of 2024, it had not been fully implemented. However, according to UNICEF, the Botswana Red Cross Society, and the World Bank there were gaps in the coverage and overall design of NSPF.

Public health challenges continued to affect children as well as adults in Botswana. COVID-19, tuberculosis, Mpox, and HIV/AIDS all persisted in Botswana in 2024. A major challenge facing San women and youth was intrafamily violence, which saw women and youth having to visit health posts because of their injuries.<sup>15</sup> The drivers of this violence are being explored by a research group in Botswana using encounter groups of men and women of all ages in order to understand people's views of the causes of the violence and how it can be prevented.<sup>16</sup>

## **Other issues**

Drought was declared by President Masisi on 1 March 2024. The drought was estimated to be the worst in a century. Drought relief programs were focused in part on people defined as destitute under Botswana government policy.

Fires continued to be an issue in various parts of Botswana, including in the Okavango Delta. Some of these fires had the effect of reducing grazing for wild animals and cattle, as seen, for example, in the Boteti region of Central District. Several people were arrested for setting fires, most of whom were San.

Destruction of cultural heritage sites in the Okwa Valley was reported by local San community members in southern Ghanzi District, and by Cheetah Conservation Botswana and the Kalahari Wildlands Trust. Some of the destruction was caused by tourists.

In spite of the many problems they struggled to overcome, by the end of the year the Indigenous people of Botswana had high hopes for improvement in their human rights situations in the coming year.

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  5. "Settlement policy aims for balanced service provision." The Daily News, 8 August 2024.
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# Cameroon



Among Cameroon's more than 20 million inhabitants, some communities self-identify as Indigenous. These include the hunter-gatherers (Pygmies), the Mbororo pastoralists, and the Kirdi.

The Constitution of the Republic of Cameroon uses the terms "Indigenous" and "minorities" in its preamble; however, it is unclear to whom this refers. Nevertheless, with developments in international law, civil society, Indigenous Peoples, and the government are increasingly using the term "Indigenous" to refer to the above-mentioned groups.

Together, the Pygmies represent around 0.4% of the total population of Cameroon. They can be further divided into three sub-groups: the Bagyéli or Bakola, estimated at around 4,000 people; the Baka, estimated at around 40,000; and the Bedzang, estimated at around 300 people. The Baka primarily reside in the eastern and southern regions of Cameroon. The Bakola and Bagyéli inhabit an area of approximately 12,000 km<sup>2</sup> in the south of Cameroon, particularly in the districts of Akom II, Bipindi, Kribi, and Lolodorf. The Bedzang live in the central region, northwest of Mbam in the Ngambè-Tikar area.

The Mbororo people living in Cameroon are estimated to number over one million, making up approximately 12% of the population. They primarily reside along the borders with Nigeria, Chad, and the Central African Republic. Three major groups of Mbororo are found in Cameroon: the Wodaabe in the Northern Region; the Jafun, who live mainly in the North-West, West, Adamawa, and Eastern Regions; and the Galegi, popularly known as the Aku, who live in the East, Adamawa, West, North-West, and North Regions.

Cameroon voted in favor of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 but has not ratified ILO Convention 169.

## Legislation

**R**ecent implementing regulations for Law No. 2021/014 of 9 July 2021, which governs access to genetic resources, their derivatives, and the traditional knowledge associated with them, have been enacted.<sup>1</sup> These regulations aim to ensure benefit-sharing in favor of Indigenous Peoples. Decree No. 2023/07526/PM of 6 October 2023, whose implementation began in 2024, covers a wide range of issues related to access to genetic resources and their derivatives, including general conditions of access, traditional knowledge, mutually agreed terms, Access and benefit-sharing (ABS) permits, and benefits derived from these resources.

Key articles include:

- **Article 10(1):** Indigenous Peoples or local communities with traditional knowledge associated with genetic resources must establish a Community Biocultural Protocol (BPC).
- **Article 10(3):** The Community Biocultural Protocol (BPC) provides a basis for negotiating agreed terms on access to associated traditional knowledge.
- **Article 11(1):** Access to associated traditional knowledge requires a request submitted to the Indigenous population or local community through the competent National Authority.
- **Article 11(2):** The request must be submitted in a manner appropriate to the lifestyle and culture of the Indigenous population.

Through its ABS program, the Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED) has issued 30 research permits.<sup>2</sup> Among these permits, 10 contracts have been signed, for which two were signed with the Baka communities in Ntoum, East region, and the Bagyéli/Bakola in the South, Ocean Division. The Pimbu community, which is a local community, has perceived some benefit at the research stage amounting to around USD 20,000.

Although there is a rich legal framework governing ABS in Cameroon, the focal point, Dr. Aurélie Taylor Dingom,<sup>3</sup> expressed some concerns regarding unscrupulous researchers who succeed in manipulating

the laws to the detriment of Indigenous and local communities, something that needs monitoring to avoid Indigenous communities' genetic resources and their Indigenous knowledge falling prey to such persons.

## Programs for Indigenous Peoples

On 30 July 2024, the 12<sup>th</sup> session of the Inter-sectorial Committee for Monitoring Programs and Projects Involving Vulnerable Indigenous Populations (CISPAV)<sup>4</sup> in Cameroon was held. It was opened by the Minister of Social Affairs, Mrs. Pauline Irène Nguène, who indicated that the objective of the CISPAV session was to evaluate the level of implementation of government recommendations to fight the marginalization of Indigenous populations.

The evaluation of government programs and projects in favor of vulnerable Indigenous populations was structured around several presentations.

The presentation of the Ministry of Basic Education (MINEDUB) and the Ministry of Youth Affairs and Civic Education (MINJEC) highlighted the actions carried out by these ministries, namely: the creation and opening of public and private functional literacy centers; programs and awareness campaigns on health issues such as nutrition, hygiene and disease prevention; and on the civil rights of Vulnerable Indigenous Peoples (VIPs). Difficulties encountered regarding education included the lack of financial means among Indigenous parents; most schools being far from Indigenous communities; insecurity, as Indigenous children are often attacked by neighboring children; language barriers; and discrimination and stigma, all of which contribute to low enrollment rates of Indigenous children in schools. Additional challenges include a lack of birth certificates, limited access to health services, and insufficient resources to support youth projects.

Solutions proposed include providing scholarships to Indigenous students in state-run schools, facilitating birth registration, strengthening financial mechanisms by creating specific funds to support Indigenous entrepreneurship, and enhancing intercommunity dialogue.

The Foundation for the Environment and Development in Cameroon (FEDEC) and the World Wildlife Fund (WWF) reported that they were working to secure the community forests in the Nova area and

supporting Indigenous communities in the exploitation of non-timber products and in the elaboration of simplified management plans for their benefit. FEDEC has also established a community forest for an Indigenous community in Ngoyang, Lolodorf District, Ocean Division, South Region, and supported education for Indigenous children around the communal forest of Yoko and in Lolodorf in the Center Region (funding part-time teachers in certain schools), as well as health outreach by deploying health campaign units in remote areas.

The Mbororo Social and Cultural Development Association (MBOSCUDA) has focused on education and the socio-economic empowerment of the Mbororo community. They supported communities in Mayo Banyo Division of the Adamawa to produce 3,000 birth certificates for children and 1,500 identification cards, with the support of Elections Cameroon (ELECAM). *Réseau Recherche-Actions Concertées Pygmées* (RACOPY) has been working towards combating the stigmatization of Indigenous Peoples and has supported various Indigenous forest populations (Baka, Bakola, Bagyéli, and Bedzang) through sensitization and advocacy for self-determination, recognizing their traditional chieftaincies and implementing a Memorandum of Understanding (MOU) between the Association Sanguia Baka Buma'a Kpode (ASBABUK) and the Ministry of Forests and Wildlife (MINFOF) to secure access rights to four National Parks in the East Region.<sup>5</sup> It has also supported ASBABUK to create four offices for focal points within the parks. The Baka have started fishing within the Lobéké National Park.

Recommendations from the 12<sup>th</sup> Session of CISPAV included geolocating each government program or project benefiting Indigenous populations and referring the issue of a lack of identity cards to the General Delegation for National Security (GDNS) via the CISPAV technical secretariat in order to establish mechanisms for issuing national identity cards to Indigenous populations.

## Events on 8 August 2024

In the lead-up to the 30<sup>th</sup> International Day of the World's Indigenous Peoples, activities were organized by the Gbabandi Association, Cameroon's national platform for Indigenous forest peoples, and chaired by

Mrs. Tjeck Victoire née Ngo Ntang, Deputy Director for Combating Social Exclusion at the Ministry of Social Affairs (MINAS).

In her speech, the representative of MINAS outlined the objectives of the celebration, including promoting the rights of Indigenous populations to facilitate their social inclusion and encouraging the involvement of Indigenous youth in biodiversity conservation. The representative of the organization Well Grounded highlighted that they had implemented an "Indigenous leadership program" with the aims of healing Indigenous Peoples' communities from historical trauma, rebuilding confidence, self-determination and self-transformation. Through this program, Indigenous Peoples receive training in office tools, including Google Drive, enabling them to scan civil status and identity documents and create a database for their secure storage.

## Celebrating International Day of the World's Indigenous Peoples

The official ceremony of the day took place under the theme "Access to citizenship: a fundamental right for Indigenous Peoples" and was held at the Mont Febe Hotel in Yaoundé on 9 August 2024. Minister for Social Affairs Nguène welcomed participants, including government agencies, technical and financial partners, non-governmental organizations, and Indigenous Peoples' organizations.

She noted that the inaccessibility of the areas inhabited by Indigenous Peoples creates the misconception that they seek isolation. This perception contributes to discrimination and prejudice, which must be addressed. In reality, these communities inhabit lands rich in resources and biodiversity but they rarely benefit from them. She further emphasized that the lack of birth certificates remains a critical concern, as four out of 10 children do not have one.

She noted that some progress had been made toward the inclusion of Indigenous Peoples in decision-making processes, such as the election of municipal and regional councilors and appointments to some government and Senate positions. Several cross-cutting initiatives were being implemented to ensure their inclusion in education, civil status registration, and other essential services.

The Director of National Solidarity at the Ministry of Social Affairs (MINAS), Mr. Georges Edmond Makita, outlined measures taken by the State to address these challenges, including: digitizing civil status documents; establishing additional birth declaration centers in remote localities; increasing budgetary and material resources for local councils; promoting inclusive education; implementing the first phase of universal health coverage; and modernizing identity document issuance through digitization.

He said that these reforms were of utmost importance in promoting Indigenous Peoples' rights, and he emphasized the need for increased collaboration, particularly with local administrations, to ensure Indigenous Peoples fully benefit from these reforms.

## **Indigenous youth**

Over the past 15 years, Indigenous youth have played a central role in advocating for their rights and those of their communities. Approximately 60% of Indigenous organizations are led by Indigenous youth, who actively participate in national and international forums. They are present at nearly all climate summits and actively engage in negotiations.

At the national level, significant strides have been made towards Indigenous youth education, especially for the hunter-gatherer communities who have lagged behind the most. Notably, 20 Indigenous students from their communities are now enrolled in universities, one woman has been appointed as deputy sub-Divisional officer, five students have joined the School of Forestry and Wildlife, six have been trained in the police academy, and three have become medical nurses.

## **Indigenous Peoples and conservation**

The signing of a new MOU,<sup>6</sup> No. 0077, between the MINFOF and AS-BABUK granting access to the Baka to four National Parks in the East Region of Cameroon is in its implementation phase with some major activities such as: publicizing the MOU around the Lobéké National Park, putting in place four focal offices for the four parks with focal

points and organizing meetings with the safari business owners in three of the parks for some methods of implementing the MOU.

Together with the Baka communities around the parks, ASBABUK and RACOPY have carried out a knowledge generation and transmission workshop.

## **Human rights and land rights violations**

Femicides were on the rise in Cameroon in 2024 with the Government Department in charge of Women's Empowerment and the Family documenting 76 cases as of November 2024. Most of the cases documented were due to the media coverage they received. There is no exhaustive data on gender-based violence, especially femicides, and most of the time the statistic is furnished by civil society organizations.

Despite the high level of femicides in Indigenous communities, they do not receive the same level of media attention as cases in the cities.

Cases of femicides in Indigenous communities include that of Ngueye Yolande from Missoumé village on the outskirts of Abong Mbang District of the East Region<sup>7</sup> on 15 June 2024, after an exhausting hard day of labor on the farm. She was lying on her bed resting while her five-month-old baby was crying. Her partner arrived home and started beating her because the baby was crying. He broke her neck, and she died on the spot. The matter is being prosecuted through the courts. Nguembe Yolande was assassinated in June 2024 by her Bantu partner in the village of Adouma, and Foula Akono Chantal from Missoumé village was killed on her farm in November 2024 by an unidentified person.<sup>8</sup> Aissatou Bouba was stabbed by her stepson in June 2024 and died from her wounds in the District of Dshang in the West Region of Cameroon. Jacqueline Pelo, from the locality of Tengue, Boumba and Ngoko Division in the East Region, was a victim of intimate partner violence when her husband, in an outburst of anger during a fight, inserted an object (piece of wood) into her vagina causing serious bodily harm.<sup>9</sup> The perpetrator is in custody awaiting trial.

The reign of insecurity in some regions of Cameroon, such as the three Northern regions and the two English-speaking regions, is a cause for concern. Kidnapping and demands for high sums of ransom

from pastoralists continue to be on the rise in the Mayo Rey Division of the North region of Cameroon. The killing of MBOSCUA Regional President Northern Region Mr. Salihou Moussa, on 11 November 2024 at Mayo Rey<sup>10</sup> Division is a glaring example. He was kidnapped and his kidnappers demanded payment of a ransom. It was paid but he was still killed.

There were many conflicts over land rights and resources, particularly in the localities of Moukounounou and Mikel in the Division of Boumba and Ngoko, East Region, where the Baka people are subjected to human rights abuses. Some Baka men entered into contractual agreements to rent out their cocoa farms to some Bantu men.<sup>11</sup> However, the contracts were falsified into agreements of sale, thus appropriating the farms of four Baka men (Ngandjokou Aimer, Bassai Martin, Apandjo David et Andou Edouard). The Baka have made a complaint to the competent authorities for the restitution of their farms, and the litigation is pending resolution.

## Notes and references

1. Decree No. 2023/07526/PM of 6 October 2023 laying down the conditions for implementing Law No. 2021/014 of 9 July 2021.
2. Interview with Mrs. Dr Dingom Aurélie, focal point for the Nagoya Protocol on 14 January 2025 in Yaoundé.
3. Ibid.
4. The concerns of Indigenous Peoples are examined within the framework of the Inter-sectorial Committee for Monitoring Programs and Projects Involving Vulnerable Indigenous Populations (CISPAV). It was created through a Ministerial Act in 2013 to coordinate and harmonize all the actions of various stakeholders involved in the promotion and protection of the rights of Indigenous Peoples.
5. National Parks of Lobeke, Nki, Boumba Bek, and Ngoyla fauna.
6. MOU No. 0077 between MINFOF and ASBABUK, granting access to spaces and resources to Baka communities within the national parks of Lobeke, Nki, Boumna Bek, and Ngoyla fauna and their surroundings to carry out their traditional activities of 19 September 2023.
7. Hélène Ayé Mondo, Executive President of the Centre of Support for the Sustainable Development of the Baka Peoples (CADDAP).
8. Ibid.
9. Report from Bibi Johnson, president of the association Sanguia Bakabuma'a Kpode (ASBABUK).
10. Report of Roufaou Mohamadou, Secretary General of the Mbororo Social and Cultural Development Association (MBOSCUA), Adamawa Regional office.
11. Report from Bibi Johnson, president of the association Sanguia Bakabuma'a Kpode (ASBABUK).

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# Eritrea



Eritrea borders the southern Red Sea in the Horn of Africa. It emerged as an Italian colonial construct in the late 19<sup>th</sup> century, superimposed over Indigenous populations. Eritrea's current population is between 3.7 and 5.9 million inhabitants.<sup>1</sup> There are at least four Indigenous Peoples: the Afar (between 4 and 12% of total population), Kunama (2%), Saho (4%) and Nara (>1%).<sup>2</sup> These groups have inhabited their traditional territories for some 2,000 years. They are distinct from the two dominant ethnic groups by language (four different languages), religion (Islam), economy (agro and nomadic pastoral), law (customary), culture and way of life. All four Indigenous groups are marginalized and persecuted.<sup>3</sup>

Following a United Nations Resolution in 1950 calling for the federation of Ethiopia with the Eritrean colony that Britain had captured from the Italians, a federation was established in 1952. Tensions arose immediately when Ethiopia interfered with the Eritrean courts and executive branch. An armed national liberation struggle broke out in 1961 when Ethiopia abolished Eritrea's official languages, imposed Ethiopia's national language, Amharic, dissolved the federation and annexed Eritrea. The ensuing 30-year struggle succeeded in 1991 when the current regime marched into the capital and took power. Following a referendum in 1993, Eritrea seceded from Ethiopia to form a new state.

Eritrean nationalism emanates from the two large ethnic groups (80% of total population combined) that control power and resources. This nationalism is based on suppressing sub-state identities, which the elites see as threatening to the nation-building process. In particular, the Indigenous Peoples have been under pressure from the government's policy of eradicating identification along regional and religious lines. The regime expropriates Indigenous lands without compensation and has partially cleansed Indigenous Peoples from their traditional territories by violence.

The existence of Indigenous Peoples as intact communities is under threat from government policies aimed at de-

stroying Indigenous cultures, economies, landholdings and, for some, their nomadic and pastoral lifestyles.

Eritrea is a party to the International Covenant on Civil and Political Rights (ICCPR) (but not its optional protocols), International Covenant on Economic, Social and Cultural Rights (ICESCR) (but not its optional protocol), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (but not its optional protocol), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (but not its optional protocol), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (but not its optional protocol), and Convention on the Rights of the Child (CRC) (but not its optional protocol). Eritrea has not ratified ILO Convention 169, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW/ICMR), or Committee on the Rights of Persons with Disabilities (CRPD) (or its optional protocol). Eritrea's failure to ratify the optional protocols means that its citizens do not have access to the international human rights machinery to vindicate violations of their human rights.

Eritrea is the subject of complaints to the UN Human Rights Council, the United Nations Commission of Inquiry on Human Rights in Eritrea, the UN Special Rapporteur on the situation of human rights in Eritrea (all of which sustained the allegations) and the UN Special Rapporteur on the rights of Indigenous Peoples. The complaints allege crimes against humanity including persecution, mass murder, ethnic cleansing, displacement of Indigenous Peoples from their traditional territories and intentional destruction of the Indigenous economy.

## A country over the brink

**O**n 8 June 2016, the UN Commission of Inquiry (COI) on Human Rights in Eritrea reported that there were reasonable grounds to believe that Eritrean officials had committed crimes against humanity in a widespread and systematic manner over the past 27 years. The COI provided detailed evidence relating to specific crimes of enslavement, imprisonment, enforced disappearance, torture, reprisals and other inhumane acts, persecution, rape and murder.<sup>4</sup>

Notably, the COI found that these crimes had been perpetrated against two of Eritrea's four Indigenous Peoples, the Afar and the Kunama. Eritrea had persecuted these groups, the COI concluded;<sup>5</sup> accordingly, the COI recommended that the UN and other entities initiate protective actions to safeguard these two Indigenous groups.<sup>6</sup> The recommended measures included that Eritrea's crimes and human rights violations be brought to the attention of the relevant special procedures,<sup>7</sup> that the UN Security Council determine that the Eritrean situation poses a threat to international peace and security<sup>8</sup> and, accordingly, that the UN Security Council refer the situation in Eritrea to the Prosecutor of the International Criminal Court.<sup>9</sup>

## The situation continues

On 28 February 2024, Ms Ilze Brands Kehris, UN Assistant Secretary-General for Human Rights, reported to the UN Human Rights Council that the state of human rights in Eritrea "continues to be dire".<sup>10</sup> Her assessment was shared by the UN Special Rapporteur on the situation of human rights in Eritrea, Dr. Mohamed Abdelsalam Babiker, in his 7 May 2024 Report,<sup>11</sup> and also by most democracies that commented on Eritrea's progress during the fourth Universal Periodic Review proceedings on 23 February 2024.<sup>12</sup> Typifying comments made by democracies, Germany noted "the lack of improvement in the human rights situation, especially in relation to civil and political freedoms, national service and detention."<sup>13</sup>

That the human rights situation in Eritrea in 2024 has not changed from that consistently reported from 2016-2023 illuminates the cata-

clysmic situation of Eritrea's Indigenous Peoples in 2024. The COI, as well as Dr. Babiker and his predecessors as SR-Eritrea, consistently reported on the "widespread persecution"<sup>14</sup> to which Eritrea's Kunama and Afar people were subjected over the 2016-2024 period. Dr. Babiker detailed how

they [the Afar Indigenous people] have been subjected to discrimination, harassment, arbitrary arrests, disappearance, violence [which] 'interfered with their traditional means of livelihood, eroded their culture, caused displacement and threatened their way of life.'<sup>15</sup>

Persecution on a widespread basis is a crime against humanity,<sup>16</sup> which makes the responsible Eritrean officials liable to arrest and prosecution under international criminal law. All the UN mandate holders have called for the international criminal authorities to pursue this course of action.

How does Eritrea respond to these findings? Its officials refuse to allow any of the UN mandate holders access to the country. Eritrea complains that the findings of the UN mandate holders are "baseless" and "politically motivated". Eritrea stated that the mandate holders "placed disproportionate emphasis on civil and political rights" and that the "mandates contributed to the politicization of human rights".<sup>17</sup> Eritrea received support from some authoritarian countries, including Cuba, Iran, and China.<sup>18</sup> Certain authoritarian countries where Eritrean refugees are numerous refused to allow the UN mandate holders permission to enter their countries to collect information necessary to carry out their mandates.<sup>19</sup>

## **Transnational repression**

Eritrea's repression has increasingly taken on a transnational character in keeping with worrying global trends. There are two aspects to this. First, Eritrean troops continue to occupy parts of Ethiopia where they menace Eritrean refugees, including large numbers of Afar and Kunama Indigenous people. The troops disappear individuals and their fami-

ly members, abduct and/or forcibly conscript refugees into the Eritrean army and loot and destroy refugee property.<sup>20</sup>

Secondly, Eritrean agents have inserted themselves into diaspora politics, using violent methods against pro-democracy activists, journalists, political opponents and human rights defenders. The Special Rapporteur's 2024 Report indicates the wide criminal sweep of Eritrea's activities, which include:

*kidnappings and enforced disappearances, unlawful removals, surveillance, violence, intimidation, harassment, smear campaigns, social isolation and the refusal of consular services. Human rights defenders and community organizers seen or perceived as speaking out against the Government have reported receiving threats from agents of the Government or government supporters against themselves and their families in Eritrea.*<sup>21</sup>

The government's attempted repression of the diaspora produced violent pushback. Eritrea's "cultural" festivals in large cities around the globe resulted in violent clashes with regime detractors. There have been hundreds of injuries and many arrests. Regime opponents continued to attack the festivals in 2024, which they perceived as little more than regime propaganda.<sup>22</sup>

## **Impact on Indigenous youth**

Eritrea's violent repression has been particularly harsh on young Indigenous Eritreans. Because of the violence, young Indigenous Eritreans living in Dankalia, the homeland of the Afar people, and those living in the Kunama homelands in Western Eritrea, endure constant fear of *giffa* or mass roundups of youth for forcible conscription into the armed services.<sup>23</sup> Those who try to evade or desert military service are punished severely, including prolonged detention and torture. The army stormed towns in 2024 searching for draft evaders. They threatened the families of suspected draft evaders in order to force the youth to report for duty. They punished some families with imprisonment, home demolitions

and destruction of their cattle. These tactics have also been used outside of Eritrea, in neighbouring countries harbouring young Eritrean refugees. The result has been widespread detention and torture of Eritrean Afar and Kunama youth, their deportation/refoulement back to Eritrea and conscription into the army.<sup>24</sup>

## For the future

The situation of Indigenous Peoples inside Eritrea is grim. The country has never held free national elections; it lacks a functioning legislature; the country is controlled by a small group of men connected to the President; only government media operate; there is no freedom of speech or political space; individuals are routinely arbitrarily arrested and detained, tortured, disappeared or extrajudicially executed.<sup>25</sup> There are no guarantees for, and no institutional structures to protect, Indigenous rights or Indigenous Peoples – quite the opposite. Indigenous Peoples are persecuted by the regime to such an extent that United Nations agencies have consistently called for the perpetrators to answer for crimes against humanity.

There is no panacea for this grim situation. It remains important to document what is happening inside this repressive regime as much as possible. It would be truly helpful if democracies could model, in their behaviour, what just relations between Indigenous Peoples and their surrounding societies can look like so that they will have the standing to be firm with Eritrea when the day of reckoning arrives and with it, hopefully, relief for the persecuted Indigenous Peoples of Eritrea.

## Notes and references

1. 3.7 million is stated by the SR-Eritrea in his 2024 Report, citing the UN Population Fund, *Report of the Special Rapporteur on the situation of human rights in Eritrea*, UN Doc. A/HRC/56/24, 7 May 2024, para. 71. Online: <https://documents.un.org/doc/undoc/gen/g24/073/00/pdf/g240730>; 4.39 million is an estimate by the World Bank, see *World Bank Country Profile: Eritrea*, [http://databank.worldbank.org/data/Views/Reports/ReportWidgetCustom.aspx?Report\\_Name=CountryProfile&d=b450fd57&tbar=y&dd=y&inf=n&zrn=n&country=ERI](http://databank.worldbank.org/data/Views/Reports/ReportWidgetCustom.aspx?Report_Name=CountryProfile&d=b450fd57&tbar=y&dd=y&inf=n&zrn=n&country=ERI); 5.9 million is an estimate by the CIA, see CIA, *World Factbook*, <https://www.cia.gov>.

gov/library/publications/the-world-factbook/geos/er.html

2. The numbers are disputed. There are no reliable figures to resolve the dispute as there is no count and no census that has been conducted by Eritrea or others. The CIA *World Factbook* reports the Afar at 2% but this is very unlikely given that there are 20,000 UN-documented Afar refugees in two refugee camps in neighbouring Ethiopia and many more undocumented asylum seekers inside Ethiopia – this alone would likely account for 2% of the Eritrean population. The figure for the Saho is reported by Abdulkader Saleh Mohammad, *The Saho of Eritrea: Ethnic Identity and National Consciousness* (Berlin: Lit Verlag, 2013).
3. *Eritrea: Constitutional, Legislative and Administrative Provisions Concerning Indigenous Peoples* (a joint publication of the International Labour Organization, the African Commission on Human and Peoples' Rights, and the Centre for Human Rights, University of Pretoria, 2009, pp. 5-7. [http://www.chr.up.ac.za/chr\\_old/indigenous/country\\_reports/Country\\_reports\\_Eritrea.pdf](http://www.chr.up.ac.za/chr_old/indigenous/country_reports/Country_reports_Eritrea.pdf))
4. *Second Report of the UN Commission of Inquiry on Human Rights in Eritrea*, A/HRC/32/47, 8 June 2016, para. 60, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIEritrea/A\\_HRC\\_32\\_CRP1\\_read-only.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIEritrea/A_HRC_32_CRP1_read-only.pdf)
5. Paras 87-88, 124, 129(b)
6. Para 124 (the COI referred to the Afar and Kunama as "ethnic groups".)
7. Para 129(b)
8. Para 132(a)
9. Para 132(b)
10. Ilze Brands-Kehris, Statement to the Human Rights Council. Online: [https://x.com/UN\\_HRC/status/1762887182719578407?prefetchTimestamp=1734484320403](https://x.com/UN_HRC/status/1762887182719578407?prefetchTimestamp=1734484320403).
11. SR-Eritrea, *Report 2024*, para 2. See also the Special Rapporteur's 2023 Report, which stated that the situation of human rights in Eritrea shows "no signs of improvement". On the contrary, Dr. Babiker observed, there was "a deterioration in a number of areas". *Report of the Special Rapporteur on the situation of human rights in Eritrea*, UN Doc. A/HRC/53/20 (May 9, 2023), para 2 [SR Report 2023]. Online: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/092/08/PDF/G2309208.pdf?OpenElement>. This was also the conclusion of Dr. Babiker's predecessors as Special Rapporteur (SR). SR Sheila Keetharuth confirmed in a 24 October 2018 Press Release, as did SR Daniela Kravetz in a 21 June 2019 Press Release, that "the human rights situation in Eritrea remains unchanged." See <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24721&LangID=E>.
12. The Universal Periodic Review (UPR) is a Human Rights Council procedure that requires each UN Member State to undergo a peer review of its human rights records every 4.5 years.
13. UN General Assembly, Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eritrea*, 19 June 2024, UN Doc A/HRC/57/14, para 115. Online: <https://documents.un.org/doc/undoc/gen/g24/090/70/pdf/g2409070.pdf>.
14. Id., paras 58 and 78.
15. SR Report 2023, para 58.
16. *Rome Statute of the International Criminal Court*, art. 7(1)(h) and 7(2)(g). See generally, F. Pocar, *Persecution as a Crime Under International Criminal Law*, [2008] 2 Journal of National Security Law and Policy 355.
17. UN General Assembly, Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eritrea*, June 19, 2024, UN Doc A/HRC/57/14,

paras. 58, 60. Online: <https://documents.un.org/doc/undoc/gen/g24/090/70/pdf/g2409070.pdf>.

18. Id, paras. 101, 120, 97.
19. SR Report 2024, para. 12.
20. Id, para 26.
21. Id, para 61.
22. Id, paras 66-68.
23. Id, para 29.
24. Id, paras 29-33.
25. *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea*, A/HRC/29/CRP1, 5 June 2015, p. 1, <http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/ReportCoIEritrea.aspx>.

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# Gabon



Gabon's total population is estimated at 2,397,368. The percentage of Indigenous Peoples in Gabon is thought to be less than 1% of the national population, or between 18,000 and 20,000 people.<sup>1</sup> This estimate will become clearer with the final report of the general population census that is currently ongoing.

Indigenous Peoples are mainly hunter-gatherer communities comprising seven groups (Baka, Babongo, Bakoya, Baghame, Barimba, Akowa, Bakouyi) with different languages, cultures and geographical locations. They live both in the towns and in the forest. Their livelihoods and their cultures are inextricably linked to the forest, however, which covers 85% of Gabon. Gabon's Indigenous Peoples continue to live in precarious poverty. There is no recent specific data on this population, and it would be good to see Gabon make greater efforts to obtain reliable statistics on its Indigenous Peoples.

Gabonese legislation does not recognize the concept of "Indigenous Peoples" but certain texts do provide for the concept of "Indigenous and village communities". These benefit from customary rights, particularly in land and forestry matters.

Articles 1 and 35 of the Constitution<sup>2</sup> of the Gabonese Republic, adopted by referendum on 16 November 2024, specifies that: "The Gabonese Republic upholds the equality of all citizens before the law, without distinction of origin, race, ethnic group, sex, opinion, religion, beliefs or rites." "Protecting young people from exploitation and from moral, intellectual and physical abandonment is an obligation of the State and other public authorities." It explicitly recognizes and protects<sup>3</sup> social groups, notably children, the elderly and people with disabilities but it makes no mention of Gabon's Indigenous Pygmy peoples.

The Gabonese Republic has ratified several international treaties and conventions protecting various aspects of Indigenous Peoples' rights, including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The country has still not adopted ILO Convention 169, however.

## Indigenous youth

There are no projects aimed specifically at Indigenous youth in Gabon. There is a National Youth Policy (PNJ),<sup>4</sup> which was drawn up in 2012. The aim of this policy was to meet all the needs, expectations and aspirations of young people in order to ensure their participation in all spheres of society, as players and beneficiaries of Gabon's development. The specific objectives were to improve the living conditions of young people, develop their sense of citizenship and patriotism, and respond to international support for this category of the population. The PNJ has produced mixed results, however, failing to take into account the particular needs of groups at risk of exclusion (the unemployed, Indigenous people, unemployed graduates, orphans, people with disabilities).

2024 marked the first year of political transition, and all eyes were on the country's youth,<sup>5</sup> who make up almost 70% of the population. The stated priorities of Gabon's young population include access to decent employment, which is a major challenge, and the creation of job opportunities, notably through support for entrepreneurship. Encouraging innovation and entrepreneurial initiative will therefore help boost the economy and meet the expectations of young people. Quality education and vocational training are also major challenges. Greater investment in the education and vocational training system is essential if young people are to be equipped with the skills they need for professional and personal fulfilment. Finally, Gabon's young people aspire to a sustainable future.

Each year, 12 August is dedicated to celebrating International Youth Day. The theme in 2024 was: "From Clicks to Progress: Youth Digital Pathways for Sustainable Development". In Gabon, the day showcased the many initiatives that are placing young people at the heart of social, economic and environmental transformation. With the support of the Gabonese government, international partners, civil society and the private sector, the UN has implemented a number of projects to encourage youth involvement. None of these projects are aimed at Indigenous youth, in particular, however.

The UN Country programme document for Gabon (2023-2027)<sup>6</sup> includes improved access to social safety nets and universal health cover

for children in its “Equality, inclusion and reinforced social protection” component, particularly in peri-urban areas, for children with disabilities and children of Indigenous Peoples.

The “Youth Forum for the Forests of Central Africa 2024”<sup>7</sup> took place from 31 May to 1 June 2024 in Kinshasa, bringing together 150 young people from Central Africa and Europe committed to forest protection and environmental preservation. The forum was organized by the French-Gabonese facilitation group of the Congo Basin Forest Partnership (CBFP), a 128-member initiative that serves as a platform for multi-sectoral dialogue on forest preservation. The objectives were to:

- Highlight the links between youth mobilization and the preservation of forest ecosystems.
- Facilitate exchanges between committed young people from civil society and representatives of governments, international organizations, research and the private sector involved in preserving forests and the environment.
- Generate innovative ideas and proposals for forest protection to be included in the CBFP Meeting of Parties, thereby strengthening the influence of young people over decision-making.

From 30 to 31 July 2024, *La Baie des Rois* in Libreville was the setting for the 3<sup>rd</sup> Local Conference of Youth (LCOY).<sup>8</sup> This was organized by the NGO *Développement Durable et Bien-être*, with the technical support of the Department for Youth, UN Children’s Fund (UNICEF) and UN Development Programme (UNDP), through the YouthConnekt initiative. The theme of LCOY 2024 was: “Climate emergency: young people in action” and it brought together over 300 young people, this time with innovations such as including young people from Indigenous communities and simulating a mini-COP. Participants discussed issues such as wildlife conflicts, energy transition and recycling as an economic lever for Gabon. The young delegates discussed crucial issues such as reducing greenhouse gas emissions, adapting to the impacts of climate change and climate justice.

Gabon’s National Development Plan for the Transition (PNDT)<sup>9</sup> for the period 2024-2026 is of particular interest to young people. It is es-

sential to diversify our approaches if we are to meet the social demands of young people as a whole. Other sectors to consider include: employment, entrepreneurship, education and vocational training, political participation, health, technology, the environment, climate change, culture and leisure. We also need to invest in other areas that will help shape a prosperous and balanced future for young people. The Gabonese authorities need to draw up a list of priority projects for each sector, highlighting concrete, achievable initiatives that will promote inclusion, innovation and general well-being.

Unfortunately, few projects directly involve Gabon's Indigenous youth. To involve Indigenous youth, we need to create the conditions for their participation in decision-making. In Gabon, this type of initiative does not exist. Gabon's current transitional authorities have organized an Inclusive National Dialogue (DNI), which did involve some representatives of Indigenous Peoples. Since no information is translated into their native language, however, these latter have not had the opportunity to really express their needs. Likewise, young Indigenous people in Gabon are marginalized because, when they leave their villages for the city, they are left to fend for themselves without support or means of subsistence. They often end up with drinking problems and fall into idleness. Sometimes they are used by other communities for their knowledge of plants, or they carry out traditional work for these communities, such as offering natural baths, removing enchantments or similar. For this type of work, these people give them a little money, which they try to live on.

The *Association pour le Devenir des Autochtones et de leur Connaissance Originelle* (ADACO) has repeatedly called on the Gabonese government to draw up a national plan for Indigenous Peoples, strengthening their rights to education, self-determination, preservation of their territory and traditional knowledge, and decision-making. These requests have never been heeded by the highest authorities, however, including those of the Transition. ADACO continues to help young Indigenous people by offering guidance in the city and encouraging them to attend school so that they will be able to find a job later on.

It is therefore essential to develop programmes that support Indigenous youth leaders and strengthen their communities. Young Indigenous people from Gabon should be enabled to participate, share, con-

nect and exchange with other like-minded individuals in order to tackle global crises such as climate change and injustices related to Indigenous lands. These programmes could be tied in with regional Indigenous youth activities. In the Congo Basin, there are a number of projects and activities involving the region's Indigenous youth. However, these projects are isolated and there is no real coordination between Indigenous Peoples' associations or civil society and the actions carried out in the field. We also hope that the Gabonese government will take into account the specific concerns and needs of this particular population group in its future national youth policy.

## Main national events

As part of the Republican Guard (GR), dozens of members of marginalized Indigenous Peoples, still known as "Pygmies" joined the 6,700-strong military parade on Saturday, 17 August 2024 in Libreville, commemorating the 64th anniversary of Gabon's independence.<sup>10</sup> Dressed in their traditional robes, symbols of their power, the Indigenous people made a remarkable and noteworthy spectacle as they passed in front of the official podium, drawing rapturous applause from the crowd.

## Areas and heritage conserved by Indigenous Peoples and Local Communities (IPLCs)

In Gabon, the areas and heritage conserved by Indigenous Peoples and Local Communities (IPLCs) do not have legal status enabling them to be recognized in the country's protected area system. In order to recognize the important role of these populations, a conference was therefore organized in Libreville from 20-21 December 2024, in collaboration with UNDP.<sup>11</sup> With the aim of developing a national conservation strategy, participants at the conference set out the guidelines necessary for communities to take this method of conservation into account. Indigenous Peoples play an essential role in preserving biodiversity and safeguarding ecosystems in the Congo Basin. The areas and heritage

conserved by IPLC could now be given a legal framework in Gabon. Among others, the conference made the following recommendations: introduce cultural days in villages to ensure the generational transfer of knowledge or cultural heritage; secure the living areas of Indigenous Peoples and local communities by establishing them as conserved areas in the face of threats from logging and mining; seize the opportunity of the revision of the Forestry Code to incorporate IPLCs; harmonize the Forestry, Mining and Environmental Codes in order to avoid overlap; and ensure better land allocation.

Generally speaking, Gabon applies the World Bank's guidelines on Indigenous Peoples (e.g. PO 4.10) but there is no specific legal text on Free, Prior and Informed Consent (FPIC).

The Indigenous people are deeply tied to their history and traditional knowledge. Indigenous youth are the custodians of Indigenous cultural values and ancestral lands. Young people are expected to gradually assume leadership responsibilities as they grow up, becoming actively involved in ceremonial practices and community affairs.

## Notes and references

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2. Official Journal of the Gabonese Republic of 21 October 2024.
3. Article 30: "The State guarantees equal access of children and adults to education, vocational training and culture." Article 36: "The State guarantees all citizens equal access to public jobs and services, regardless of gender, ethnicity, political affiliation, religion or ideology. The State guarantees people living with disabilities equal access to jobs and public services." Article 37: "The State guarantees health protection, social protection, a preserved natural environment, rest and leisure for all, especially children, mothers, people living with disabilities, pensioners and the elderly."
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# Kenya



The peoples who identify with the Indigenous movement in Kenya are mainly pastoralists and hunter-gatherers, as well as some fisher peoples and small farming communities. Pastoralists are estimated to comprise 25% of the national population, while the largest individual community of hunter-gatherers numbers approximately 79,000. Pastoralists mostly occupy the arid and semi-arid lands (ASALs) of Northern Kenya and towards the border between Kenya and Tanzania in the south. Hunter-gatherers include the Ogiek, Sengwer, Yiaku, Waata and Awer (Boni) while pastoralists include the Turkana, Rendille, Borana, Maasai, Samburu, Ilchamus, Somali, Gabra, Pokot, Endorois and others. They all face land and resource tenure insecurity, poor service delivery, poor political representation, discrimination and exclusion. Their situation seems to get worse each year, with increasing competition for resources in their areas.

Kenya's Indigenous women are confronted by multifaceted social, cultural, economic and political constraints and challenges. Firstly, by belonging to minority and marginalized peoples nationally and, secondly, through internal social and cultural prejudices. These prejudices have continued to deny Indigenous women equal opportunities to overcome high illiteracy and poverty levels. It has also prevented them from having a voice to inform and influence cultural and political governance and development policies and processes due to unequal power relations at both local and national levels.

Kenya has ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) but not the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) or ILO Convention 169.

Chapter Four of the Kenyan Constitution contains a progressive Bill of Rights that makes international law a key component of the laws of Kenya and guarantees protection of minorities and marginalized groups. Under Articles 33, 34, 35 and

36, freedom of expression, the media, and access to information and association are guaranteed. However, the principle of Free, Prior and Informed Consent (FPIC) remains a challenge for Indigenous Peoples in Kenya although the Constitution does guarantee the participation of the people.<sup>1</sup>

Kenya's prevailing economic situation is in an intractable crisis. It is a profound indictment of the status quo that a disproportionate number of Indigenous communities continue to bear the burden of crisis after crisis evidenced through impacts of climate change, insecurity and apparent food insecurity.

Despite some shifts in rhetoric, however, climate financing projects targeted at most Indigenous Peoples' landscapes are seemingly failing to bridge the inequality gap and are, in most cases, coordinated by elites.

On the other hand, despite concerted efforts to secure the collective land rights of communities, disruptive actions such as the Ogiek community eviction are a glaring reminder that we are far from securing human rights and, particularly, tenure rights for most Indigenous communities in Kenya.

## Legislative changes

A number of bills with potential impacts on the rights and livelihoods of Indigenous Peoples were proposed and debated in 2024.

### The Climate Change (Carbon Markets) Regulations 2024

The 2024 Carbon Market Regulations<sup>2</sup> codify the Core Carbon Principles (CCPs) in several ways, establishing a legal framework for carbon market operations in Kenya. These regulations set specific requirements that all carbon projects must meet, providing a basis for the invalidation of non-compliant projects. The principles enable litigants to formulate causes of action against project proponents who fail to adhere to the set standards.

As carbon project implementation gains traction in Kenya, the effectiveness of these regulations will be tested. The primary objective of the regulatory framework is to facilitate the country's transition to a low-carbon economy while ensuring compliance with its international climate commitments. To this end, every carbon project is required to undergo an environmental and social impact assessment that aligns with sector-specific standards and safeguards. Before commencing operations, each project must be certified to international standards by a recognized body, validated by an independent auditor, and subsequently verified for compliance with the Act and Regulations.

A key aspect of the regulations is the requirement for social contributions from carbon projects. Specifically, land-based projects must allocate 40% of their earnings toward community development while non-land-based projects must contribute 25% to community development and an additional 25% to the Climate Change Fund.

However, private carbon projects on private land are exempt from the annual social contribution requirement.

The management and distribution of community benefits are overseen by a Community Project Development Committee, as outlined in the Community Development Agreement.

The regulations have received mixed reactions, particularly among Indigenous and pastoralist communities in Northern Kenya. While they present economic opportunities through carbon projects, they also require communities to potentially sacrifice traditional livelihoods, land-use practices, and cultural heritage. Concerns persist regarding Free, Prior, and Informed Consent (FPIC) and the undefined opportunity cost for communities engaging in these projects, specifically the uncertainty of what communities lose in terms of grazing land, cultural identity and livelihood when they commit to these projects.

### **Kenya Wildlife Conservation and Management (Amendment) Bill 2024**

Although, the Kenya Wildlife Conservation and Management (Amendment) Bill 2024<sup>3</sup> is still being debated in Parliament, this bill proposes significant changes aimed at enhancing wildlife conservation while addressing the needs of pastoralist communities. These reforms are part of Kenya's broader strategy to balance biodiversity preservation with sustainable livelihoods, particularly in arid and semi-arid regions where

pastoralism is a dominant livelihood strategy. The reforms emphasize greater involvement of local communities, including pastoralists, in wildlife conservation efforts. This includes the establishment of Community Wildlife Conservation Committees at the county level, which are tasked with decision-making and benefit-sharing mechanisms. These committees aim to ensure that pastoralists have a voice in conservation planning and resource allocation.

However, the reforms support the expansion of community-based conservancies (CBCs), requiring pastoralists to set aside land for wildlife conservation in exchange for economic benefits such as tourism revenue and employment opportunities. This drive has led to land fragmentation and restricted access to grazing areas, which can negatively impact pastoral livelihoods. It is apparent that the objective is to increase conservation areas for carbon markets, significantly undermining pastoralism and exacerbating land access challenges and conflict over resources.

### **Environment Laws (Amendment) Bill 2024**

The Environment Laws (Amendment) Bill<sup>4</sup> proposes banning grazing in public forests to safeguard forest ecosystems and support reforestation initiatives. This ban will be enforced through participatory Forest Management Plans (FMPs) and Forest Management Agreements (FMAs) with registered Community Forest Associations (CFAs). Only CFAs engaged in sustainable forest management activities will be permitted controlled access. The impending implication is that pastoralist and forest-dependent Indigenous communities, who depend on forested areas for dry-season grazing, may face challenges due to restricted access. This could lead to increased pressure on already limited grazing lands, potentially escalating human-wildlife conflicts as livestock encroach on wildlife habitats.

### **Livestock Protection and Sustainability Bill 2024**

The proposed Livestock Protection and Sustainability Bill<sup>5</sup> represents a significant shift in livestock regulation, presenting both opportunities and challenges for the industry. At its core, the legislation aims to modernize the livestock sector through standardized grading and certification systems, with a clear focus on enhancing market competitiveness both domestically and internationally.

The bill's emphasis on commercialization and export-oriented growth could reshape the industry's structure. While this might create new market opportunities and potentially increase revenue for the sector as a whole, it raises serious concerns about the future of traditional pastoral practices. The tension between modernization and traditional practices emerges as a central issue, potentially threatening not just pastoralists' economic livelihoods but also their cultural heritage and traditional knowledge systems.

## **Regional forums and advocacy**

### **National Pastoralists Conference**

The inaugural National Pastoralists Conference 2024<sup>6</sup> brought together key stakeholders to address the pressing challenges facing pastoralist communities, including climate change, drought, resource conflicts, and economic marginalization. Organized from 6-8 November by the Kenya School of Government (KSG), in collaboration with the State Department for the ASALs and Regional Development, the Council of Governors, and development partners in Isiolo County, the conference emphasized shifting from relief dependency to enhancing resilience and productivity in ASAL regions. Key recommendations focused on policy coordination, resource sharing, livestock marketing, and capacity building, aiming to transform pastoralism into a driver of economic growth. The event concluded with a communiqué outlining action plans for sustainable interventions, reinforcing the commitment of national and county governments, private sector players, and civil society to securing a more prosperous future for pastoral communities.<sup>7</sup>

### **The Kenya Mining Investment Conference and Exhibition**

The Kenya Mining Investment Conference and Exhibition<sup>8</sup> was held from 26-27 November 2024 with the strategic partnership of the National Mining Corporation, Base Titanium and development partners in Nairobi. The forum focused on the theme of "Exploring the Role of Critical Minerals in Strengthening Foundations and Unlocking Business Opportunities for a Sustainable Future".

Indigenous communities play a crucial role in Kenya's mining sector, particularly through artisanal mining, which provides livelihoods for many. Recognizing their contributions, the government decriminalized artisanal mining in 2023, enabling miners to operate legally and organize into marketing cooperatives. This move aimed to enhance economic opportunities and improve resource governance within the sector.

However, despite these formalization efforts, significant challenges remain. Existing frameworks are insufficient in ensuring that Indigenous communities equitably benefit from mining activities. Issues such as inadequate compensation, forced relocations, and contested land ownership continue to plague affected communities. These injustices highlight structural weaknesses in Kenya's mining governance, where corporations often exploit legal loopholes or weak enforcement mechanisms to evade full accountability.

A key concern is the lack of transparent and equitable benefit-sharing mechanisms. While compensation is a crucial aspect of mining agreements, it is often inadequate or inconsistently applied, failing to address long-term socio-economic and environmental impacts. With the expanded investment space, it is only clear that these challenges will continue to persist.

There is a growing demand for mining firms to go beyond one-time compensation and actively invest in sustainable community development, such as infrastructure, education, and environmental rehabilitation. Strengthening regulatory oversight, ensuring community participation in decision-making, and enforcing corporate accountability are essential steps toward achieving a more just and sustainable mining sector in Kenya.<sup>9</sup>

## Litigation

### **Murusi & 17 others v County Government of Marsabit & 3 others; National Land Commission & another (Interested Parties) [2024]**

Kenyan courts continued to serve as pivotal arenas for land rights advocacy. The ruling delivered by the Environment and Land Court in Nairobi in the case of *Murusi & 17 others v County Government of Marsabit & 3 others; National Land Commission & another (Interested Parties) [2024] KEELC 5374 (KLR)*<sup>10</sup> reaffirmed the communities' land rights.

The dispute arose when representatives of the Rendille community challenged the County Government of Marsabit, the Chief of Kenya Defence Forces, and the Ministry of Defence over their allocation of approximately 2,500 hectares of Karare–Songa land to the Kenya Defence Forces (KDF) without consulting the Indigenous communities who had traditionally occupied and utilized the land. The petitioners argued that the allocation violated their constitutional rights to land and failed to adhere to the legal requirement of land acquisition, thus further marginalizing them. This case, also referred to as the *Mohamud Iltarakwa Kochale & 5 others v Lake Turkana Wind Power Ltd & 4 others; Aaron Iltele Lesianntam & 4 others (Interested Parties)* [2021] KEELC 1441 (KLR)<sup>11</sup> case, underscored the irregular acquisition of 150,000 acres of the same communities' land, among others, reaffirming that such continued forcible acquisitions would inevitably render the community destitute.

The court ruled in favour of the petitioners, ordering the KDF to vacate the 2,500 hectares of land and also awarding the community damages amounting to Ksh. 30 million (approximately USD 231,000) following the illegality. This ruling sets a fundamental precedent, reinforcing the procedural requirements in compulsory purchases, the recognition of constitutional rights and, particularly, the principle of meaningful participation of Indigenous communities.

### **Ogiek case follow-up in Tanzania**

In November 2024, the African Court on Human and Peoples' Rights in Arusha, Tanzania, reviewed the implementation of the African Court's landmark judgement during a compliance hearing. During the compliance hearing, the Republic of Kenya was granted a period of 90 days, commencing 12 November 2024, to file its report on the steps taken to implement the Court's decisions in this Application on the merits as well as on reparations.<sup>12</sup>

One of the major concerns remains the slow and difficult process of restoring Ogiek lands. Government inaction and bureaucratic hurdles further delayed the official demarcation and restitution process, leaving many Ogiek families in a state of uncertainty.<sup>13</sup> Moreover, the Kenyan government continues to justify restrictions on Ogiek land access by citing conservation efforts, despite the court's recognition of the Ogiek's sustainable coexistence with the forest ecosystem.

It remains apparent that the Ogiek's struggle for justice is far from over as it is now further compounded by expanding carbon markets interest in the region.

## **Politically motivated protests and youth activism**

2024 was marked by widespread protests, largely driven by young people across Kenya. Central issues included governance failures, economic inequality, and unemployment. Political discontent reached its peak amid allegations of corruption, mismanagement, and inequitable resource distribution at both national and county levels. Empowered by social media, youth activists mobilized under the hashtag #FixKenyaNow, demanding greater government transparency and economic reforms. Their calls for accountability centred on the misallocation of public funds, the need for budget audits, and fairer economic policies. While the protests were largely concentrated in big urban centres, they also gained traction in Indigenous communities' regions, with demonstrations emerging in towns across Samburu, Laikipia, Isiolo, and Turkana counties.

Beyond governance concerns, economic grievances played a crucial role in fuelling youth-led demonstrations. Rising unemployment, soaring inflation, and shrinking opportunities left many young people disillusioned, particularly university graduates who saw little hope of meaningful employment. For Indigenous Peoples, these economic hardships were compounded by historical land injustices, forced evictions, and resource exploitation in the name of development and conservation.

The government's heavy-handed response, including arrests and internet shutdowns, drew criticism from human rights organizations, highlighting the ongoing struggle for democratic governance.

The movement has expanded its scope beyond its original economic focus, now recognizing profound historical parallels with the struggles of Indigenous Peoples. These parallels are especially evident in issues of land dispossession and forced displacement, which can be traced back to the post-colonial era. This shift is underscored by the growing attention to ongoing conservation-related violations, the true cost of conservation affecting Indigenous communities that persists to this day both in the mainstream and alternative media.

## Conclusion

Kenya's governance and legislative landscape in 2024 showcased a mix of progress and enduring challenges. Indigenous communities are increasingly vocal in asserting their rights, navigating a dynamic socio-political environment. Indigenous youth, in particular, are emerging as key actors in activism, advocating for their rights, challenging poor governance, and demanding greater autonomy in the management of their natural resources. Their active participation in the decades-long struggle for justice and equity is a promising development. As Kenya continues to evolve, addressing existing disparities and fostering inclusive policies will be essential to building a more equitable and resilient society.

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# Libya



The Amazigh form the Indigenous population of Libya and are estimated to number some one million people, or more than 16% of the country's total population.

They live in various areas of Libya in the north, east and south of the country albeit without any geographical continuity. To the west of Tripoli, on the Mediterranean coast, they live in the town of At Wilul (Zwara) and in the Adrar Infussen (Ne-foussa) mountains, on the border with Tunisia; in the southeast, on the border with Egypt, they live in the oases of Awjla, Jalu and Jakhra; in the south, the Fezzan region is traditionally Kel-Tamasheq (Tuareg) territory, including the areas of Murzuq, Sebha, Ubari, Ghat and Ghadamès. Libya's Kel-Tamasheq are naturally linked to other Kel-Tamasheq communities living across the borders with Niger and Algeria. Tripoli is also home to a significant Amazigh community.

In addition to Arab and Amazigh communities, there is an ethnic minority in Libya known as the "Toubou", comprising some 50,000 individuals, who are originally from the Tibesti plateau in Chad and live along the Libya/Chad border. They live a nomadic way of life and practise pastoralism across an area that extends from northern Niger to the Sudan.

During the time of Gaddafi (1969–2011), Libya was declared an exclusively "Arab and Muslim" country. The 1969 Constitutional Proclamation states in its first article that "Libya is an Arab republic (...), the Libyan people are a part of the Arab nation and its aim is total Arab unity. The country's name is the Arab Republic of Libya". Article Two adds that "Islam is the state religion and Arabic its official language". Government policy since then has always relentlessly persecuted anyone who does not recognize Libya's "Arab-Islamic identity".

Following the 2011 "revolution", a "Provisional Constitutional Council" submitted a draft new Constitution in 2017<sup>1</sup> that in no way changed the country's identitary foundations. Article Two still provides that "Libya forms part of the Arab nation" and that "Arabic is the state language". Article Six notes that "Islam is the state religion and Sharia the source of its law". Other dis-

criminatorily articles then follow prohibiting a non-Muslim Libyan from standing for election to the Chamber of Representatives (Article 69) or as President of the Republic (Article 101) and stating that justice shall be passed down “in the name of Allah” (Article 189). These articles are clearly aimed at imposing an Islamic republic, to the detriment of the diversity of cultures and beliefs in Libya. Due to Amazigh and Toubou opposition, however, and also because of the war, this draft constitution has not yet been adopted.

Libya voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

## A context of political and institutional instability

Libya remains in a political stalemate, with two governments: the UN-recognized “Government of National Unity” (GNU) based in Tripoli and led by Prime Minister Abdul Hamid Dbeibah, backed by armed militias, and the Benghazi-based “Government of National Stability” (GNS), led by Prime Minister Osama Hammad, backed by the Libyan National Army (LNA) under the command of General Khalifa Haftar. Political confusion has reigned since the indefinite postponement of national elections scheduled for December 2021.

On 13 April 2024, Abdoulaye Bathily, the UN's Special Representative for Libya, resigned from his post, stating in justification that the main Libyan stakeholders had rejected any solution, presented “unreasonable” demands and shown their “indifference to the interests of the Libyan people”.<sup>2</sup>

The GNS controls around two-thirds of Libya (east and south) while the GNU covers the remaining one-third in the west. The institutional, political and security situation is chaotic and constitutes a serious obstacle to the normal operation of public services such as health, education, justice, etc. In addition, the population is still faced with insecurity and difficulties in getting around. Armed clashes between rival militias occur regularly, as on 14 December 2024, around the Zawiya oil refinery 40 km west of Tripoli. The struggle for control of the territory and oil revenues is fuelling tensions.

In August 2024, the Ras Ajdir border post between Libya and Tunisia, located near the Amazigh town of At-Willul (Zwara), was closed for several weeks due to armed clashes between rival groups over its control. This area is the scene of ongoing tensions that have a negative impact on the lives of the inhabitants of At-Willul and the surrounding region.<sup>3, 4</sup>

As a result, the country's social, economic and cultural life is severely hampered. What's more, the few civil society organizations that remain have great difficulty in carrying out their activities due to a lack of resources and threats to freedom of opinion, expression and assembly.

In this hostile and often dangerous context, the Amazigh territories of Libya, such as the regions of Nafusa and At Wilul (Zwara) in the west of the country and Tiniri-Imohagh (Touareg) to the south, are trying to organize around their municipalities in order to meet the essential needs of the local populations.

Because of their specific features and vulnerability, the Amazigh people of Libya continue to face threats to their language, culture, socio-economic situation and survival as a distinct people.<sup>5</sup>

## **Human and civil rights challenges**

Following the 2011 revolution that ousted Gaddafi's dictatorial regime, the Amazigh experienced a sense of freedom that enabled them to publicly express their demands for recognition and respect of their rights as an Indigenous people distinct from the rest of Libyan society. The Amazigh clearly asserted their identity and demanded legal protection for their language and its teaching in Libya's public education system. Subsequently, Amazigh demands expanded to include issues of governance, land rights and the right to self-determination.

The Libyan government's response was to treat the Amazigh as "enemies of the revolution", "dangers to national unity", and to threaten them. This clearly indicates that the change of political regime in Libya has not been accompanied by recognition or respect for the Amazigh people of this country.<sup>6</sup>

Libya's Amazigh organizations want a constitution that guarantees respect for the rights of all its citizens, encompassing all compo-

nent of society. The new constitution must comply with the relevant international laws and be supported by the international community.

In order to attract Amazigh support, the Tripoli-based GNU has made various statements in favour of Amazigh rights and the need to recognize them in the country's future constitution. In practice, however, nothing has come of these promises, and many pan-Arab political parties regard the Amazigh as a minority, rejecting any possibility of legally recognizing Amazigh rights.

In June 2024, the Tripoli government's General Authority of Waqfs (Awqaf)<sup>7</sup> and Islamic Affairs issued a statement stigmatizing the Amazigh that follow the "Ibadi" branch of Islam, calling Amazigh "people of caprice and heresy". This statement indicates that acts of "testimony" by an Ibadi Amazigh can thus be of no value. Back in 2017, the Supreme Fatwa Committee under the Benghazi government called the Ibadi Amazigh "misguided infidels without dignity". For the Libyan authorities, only Sunni Islam is authorized.<sup>8, 9</sup>

These racist anti-Amazigh positions angered Amazigh communities, who reacted by closing government offices in their territories and deciding to set up their own Religious Affairs Authority.

In November 2024, the Interior Minister of the Tripoli-based GNU announced his intention to take steps to make the wearing of the Islamic veil compulsory for all women. This announcement has caused concern among Amazigh communities as such measures are not in line with Amazigh culture and the Amazigh vision of a free and pluralist society.<sup>10</sup>

## Political challenges

Despite making up a substantial proportion of the Libyan population (around 20% in all), the Amazigh community has remained under-represented in state institutions. They are not represented in the Libyan governments, nor in the Presidential Council, nor among the heads of major administrations. This exclusion of Amazigh from the nexus of political power deprives them of the possibility of making their voices heard and exploiting opportunities that could benefit their territories.

In 2024, the commission in charge of drafting the electoral laws failed to take into account Amazigh suggestions for proportional rep-

representation and electoral district boundaries that take the specific socio-cultural features of the territories into account. As a result, the Amazigh rejected the electoral laws proposed by the commission.

In November 2024, the Deputy Special Representative of the UN Secretary-General and Acting Head in the UN Support Mission in Libya, Stephanie Koury, met with Amazigh representatives to discuss their concerns about fair representation and meaningful participation in the political process. Although this meeting was perceived as positive by the Amazigh, there is no indication that their demands will be heard by the Libyan authorities.

The human rights concerns of Amazigh populations include cultural discrimination, restrictions on freedom of expression, challenges to self-determination and repression. Amazigh rights activists have been arrested and ill-treated by the Tripoli government's internal security services, and these activists often report persistent barriers to the implementation of cultural activities and to their freedom of expression and participation in the country's political life.<sup>11, 12</sup>

## Economic challenges

The Tripoli government's apparent efforts to modernize local services and institutions have not been effectively implemented in the Amazigh regions, perpetuating economic disparities. State development plans and projects have historically neglected these areas. In 2024, the Amazigh continued to face significant economic challenges resulting from a lack of appropriate development initiatives, such as sanitary infrastructure or water supply.

National development projects have been deliberately targeted at non-Amazigh regions and towns affiliated to large militias and armed groups, where government attention is focused on upgrading their facilities. Major infrastructure projects, such as road building and utility improvements, have largely been awarded to areas aligned with the government authorities, leaving Amazigh territories with dilapidated facilities.

Despite the proximity of Amazigh territories to oil-rich areas, Amazigh communities in the Nafusa, At Wilul (Zwara) and Tiniri-Fezzan (Touareg) regions have received only minimal oil revenues.

The Kabaw region, in the Amazigh territory of Nafusa, once known for its figs, olives and almonds, has experienced significant agricultural decline due to droughts induced by global warming. Fields that were once green and prosperous until the early 2000s are now barren. The lack of government support for adaptation to climate change and sustainable farming practices has left farmers in dire straits.<sup>13</sup>

Despite having contributed to the construction of Libya's "Great Manmade River" via a tax on their salaries for many years, the inhabitants of the Amazigh regions are not connected to this project's network of water pipes. In the Nafusa region, the absence of effective water management policies and infrastructure has resulted in severe water shortages, forcing many inhabitants to abandon their homes and farms and migrate to urban areas. In this mountainous region, environmental degradation and a lack of government support have led to a decline in local food production, exacerbating food insecurity.

This lack of economic opportunities has contributed to rising unemployment and the migration of many professionals to the capital and coastal areas. In early 2024, several local offices were closed in the Nafusa region due to a lack of resources and insecurity, forcing residents to travel long distances to access certain public services. In Yefren, bank branches and the Faculty of Education closed in 2024.<sup>14</sup>

Regular closures of the Ras Ajdir border crossing with Tunisia, near the town of At-Willul (Zwara), are seriously disrupting economic activities in the region, affecting the livelihoods of Amazigh communities who depend on these cross-border activities.<sup>15</sup>

## **The challenges facing Indigenous youth in Libya**

Libya's Indigenous youth, and particularly young women, are particularly hard hit by the security chaos. This situation is hindering their work or studies and causing an obstruction to their future. In the words of Dihya, a young Amazigh from Nalut, "The most significant thing for me is the absence of hope. I dream of a peaceful country where I'll be free but Libya is dominated by violence and discrimination against women, and I don't see how things can improve." In Zwara, young Izem says he is "concerned by the reign of the law of guns and by injustice". He adds

that he “has no confidence in government institutions because they propagate a discourse of hatred and exclusion and refuse to recognize and respect the rights of Amazigh communities”.<sup>16</sup>

Another challenge is that facing the several thousand young Imohagh (Tuareg) from southern Libya who are still deprived of identity documents, preventing them from benefiting from public services such as education or health. This problem, which has persisted for over 40 years, has not yet been resolved despite being brought to the attention of the government authorities.

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# Morocco



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The Amazigh (Berber) peoples are the Indigenous Peoples of North Africa. The last census in Morocco (2024) estimated the number of Tamazight speakers at 24.8% of the population. However, Amazigh associations strongly contest this and instead claim a rate of 85%. This means that the Amazigh-speaking population could well number around 29.6 million out of a total population of 37 million in Morocco in 2023.<sup>1</sup>

The administrative and legal system of Morocco has been strongly Arabized, and the Amazigh culture and way of life are under constant pressure to assimilate. Morocco has, for many years, been a unitary state with a centralized authority, single religion, single language and systematic marginalization of all aspects of the Amazigh identity. This has had a negative effect, including the falsification of Amazigh history and the people's total Arabization, especially in the cities. This cultural genocide has prompted the Amazigh elite to organize themselves into new structures such as associations and confederations. All these entities, working to protect and promote the rights of the Amazigh people in Morocco form part of an Indigenous movement referred to as the "Amazigh Movement" (MA) or "Amazigh Cultural Movement" (MCA). In the 1980s, this movement began criticizing the State's assimilationist policies through a cultural charter published in 1981<sup>2</sup> by the *Association Nouvelle pour la Culture et les Arts Populaires* (ANCAP), later known as the Organization Tamaynut. Then, in 1991, it began to make the demands set out in the Agadir Charter,<sup>3</sup> which became a common platform for the different players in this movement. This historic reference document was aimed at getting the Royal Cabinet and political forces in Morocco to react favourably to Amazigh rights. Decision-makers have nonetheless ignored the voices of Indigenous Peoples, leading the MA to address the UN and to participate in the 1993 Vienna World Conference on Human Rights. This participation helped them to discover the similarities and connections between the Amazigh and the world's other Indigenous Peoples. The MA's accession to the international Indigenous movement was an historic turning point, leading to the creation of the *Institut Royal de la Cul-*

ture Amazighe (IRCAM) in 2001. Today there are more than 900 Amazigh associations established throughout Morocco.

The 2011 Constitution officially recognizes the Amazigh identity and language. This could be a very positive and encouraging step for the Amazigh people of Morocco. Parliament finally adopted an organic law for the implementation of Article 5 of the Constitution in 2019, after several years of waiting. Twelve years on from the Constitution and four years after the organic law was passed in Parliament, however, nothing has really changed: Tamazight language teaching is still at the same stage and will have to wait until 2030 to be extended to all primary schools; and linguistic discrimination is still the order of the day, since the Tifinagh script is absent from national identity cards, passports and the new Moroccan banknotes that went into circulation on 24 November 2023.<sup>4</sup>

Morocco has not ratified ILO Convention 169 and has not adopted UNDRIP.

## The 2024 General Census of Population and Housing

On 17 December 2024, Morocco's High Commission for Planning (HCP) announced the results of the 2024 General Census of Population and Housing (RGPH), according to which the percentage of Tamazight speakers stands at 24.8% (19.9% in urban areas and 33.3% in rural areas).<sup>5</sup> The Amazigh Movement had already analysed and criticized the methodology and approach used in the census in the section on languages and socio-linguistic situation.<sup>6</sup> It warned that this was an unscientific methodology that did not enable the real and precise socio-linguistic situation to be identified nor objective results to be obtained. The approach was based on random samples, a basis that fails to take into account the geographical situation and Amazigh demographic presence in all regions of Morocco. This ideologically-driven and subjective direction led to erroneous results. As a result, the Amazigh Movement has rejected the figures published by the HCP, which seek to make the Amazigh a minority in their own land.

Even if we were to accept that the HCP's official figures on the socio-linguistic situation are correct then the decline in the number of Tamazight-speaking Moroccans from between 45% and 55% in rural areas in 1994<sup>7</sup> to just 24.8% in 2024 only confirms the cultural and linguistic genocide that the Amazigh have suffered for decades due to the ongoing policy of forced marginalization and assimilation, despite the guarantees given by the Constitution. While we recognize that there has been a decline in the use of the Amazigh language, however, we reject that it is happening at such speed.

## **Morocco's review by the Committee on the Elimination of Racial Discrimination (CERD)**

The Committee considered the 19<sup>th</sup> to 21<sup>st</sup> periodic reports of Morocco at its 3024<sup>th</sup> and 3026<sup>th</sup> sessions on 22 and 23 November 2023. At its 3043<sup>rd</sup> and 3044<sup>th</sup> sessions, held on 5 and 6 December 2023, it adopted important concluding observations and recommendations concerning the situation of the Amazigh people, advising that the government should:<sup>8</sup>

- Take the necessary measures to ensure that the Amazigh can fully enjoy their rights on an equal footing and without discrimination;
- Take steps to collect data disaggregated by sex and age on the participation of members of ethnic groups in political and public life and step up efforts to increase their participation in these areas, in particular for women belonging to these groups, and especially in decision-making positions;
- Redouble its efforts to combat the poverty affecting the Amazigh and to guarantee the Amazigh access to employment, education and health services without discrimination;
- Protect the Amazigh, in particular *Soulaliyate* women,<sup>9</sup> from land dispossession and forced displacement, return confiscated land or agree upon adequate compensation, ensure effective access to justice for victims and hold effective and meaningful consultations with the Amazigh before authoriz-

- ing any development or natural resource exploitation project that may have an impact on their lands;
- Investigate all cases of excessive use of force by law enforcement officers against Amazigh activists, human rights defenders and demonstrators, and ensure that the perpetrators are prosecuted and, if found guilty, appropriately punished, and that the victims and their families receive adequate reparation;
  - Take steps towards the adoption of specific legislation on the promotion and protection of human rights defenders, including those involved in the fight against racial discrimination, and on the rights of the groups most exposed to this type of discrimination;
  - Step up its efforts to implement the provisions of the Constitution and Organic Act No. 26-16 on the official status of the Tamazight language.

## **Access to justice**

Since Morocco's adoption of the 2019 Organic Act No. 26-16 on implementing the official status of the Amazigh language, no ministerial sector has put forward its action plan for such implementation in a ministry or public administration. Moreover, some of the new "ordinary" laws adopted are in contradiction with Article 5 of the Constitution and the Organic Act, if we follow Hans Kelsen's Hierarchy of norms.<sup>10</sup> For example, in the field of justice, article 14 of Law 38-15 on judicial organization, which came into force in 2021, confirms the mandatory use of Arabic at all levels of interventions before Moroccan courts. This article emphasizes the foreign nature of the Indigenous Amazigh language, given that any document of value presented to a Moroccan court, written in a language other than Arabic, must be accompanied by a sworn translation. Even in Organic Act No. 26-16, in the section relating to the implementation of Tamazight in the justice system, article 30 refers to the use of interpreters when statements are made in Tamazight to the courts. This runs counter to the Constitution, which grants a common framework of Tamazight to all Moroccans.

## Collective lands

The spiritual attachment and special relationship that binds Indigenous Peoples in general, and Amazigh in particular, to their lands, is considered a fundamental criterion and forms the core of their identity. A plan to demarcate 15 million hectares of Amazigh collective lands has been drawn up and an agreement signed between the Moroccan Ministry of Interior and the Land Conservation Administration since 2010,<sup>11</sup> without any respect for the Free, Prior and Informed Consent (FPIC)<sup>12</sup> of the Amazigh, and three new laws were enacted in 2019 for the privatization of these collective lands, also known as "Melkisation".<sup>13</sup>

In addition, the recent decision of the Moroccan Ministry of Agriculture, Maritime Fisheries, Rural Development and Water and Forests under number 3267.23, which appeared in Official Bulletin No. 7282 of 21 March 2024, aims to demarcate 111,000 hectares of Indigenous land by creating a natural park on the western side of the Anti-Atlas mountains. This action is rejected by the Amazigh people because it will deprive the inhabitants of their land and exploit their resources and wealth, as well as driving families out, which is against international law and, in particular, article 38 of the UNDRIP.

In conclusion, there are also other areas in which Amazigh rights are not respected. Clearly, important gains have been made but there is still resistance and bad faith in carrying out actions and implementing the necessary measures. As a result, passing on knowledge to young Amazigh becomes complicated, leading to a generational divide.

## Teaching the Amazigh language

The status of Tamazight in education and training is dysfunctional and serves to perpetuate discrimination on various levels. This is the case among those tasked with generalizing the use of this language and its presence in the various projects and programmes of the Ministry of National Education and is also reflected in the conditions of teachers and the abuses and disciplinary councils to which they are subjected, demonstrating a circumvention of the Constitution's provisions, the requirements of the Organic Act on the official implementation of

Tamazight, and the recommendations of UN committees. This has led to a cultural imbalance and linguistic injustice, and is jeopardizing the Amazigh language, despite the increased importance being given to endangered Indigenous languages globally via the International Decade of Indigenous Languages 2022-2032.

On Monday, 28 October 2024, in Rabat, a series of agreements were signed between Morocco and France covering several areas, including education. The 14th Agreement is a Declaration of Intent for Franco-Moroccan Cooperation in Education 2024-2026 and includes: a contribution to the teaching of Arabic in France and the revitalization of Inter-Academic Partnerships.<sup>14</sup> This is an official endeavour to Arabize Moroccan nationals in France and abroad in general.

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# Namibia



The Republic of Namibia celebrated its 34<sup>th</sup> year of independence in March 2024. The Indigenous Peoples of Namibia include the various San groups, the Ovatué, Ovahimba, Ovatjimba and, potentially, a number of other peoples including the Ovazemba, Damara, Nama, and the distinct Nama group of the Topnaars (!Aonin). Taken together, the Indigenous Peoples of Namibia represent less than 3% of the total population of the country, which was over 3.2 million as of the 2023 census. The San (Bushmen) number between 28,000 and 35,000 and account for between 1.04% and 1.33% of the national population, although some estimates hold that the San population is much higher. They include the Khwe, the Hai||om, the Ju|'hoansi and ‡Kao ||Aesi (southern Ju|'hoansi), the!Xun, the Naro, and the!Xóõ. Each of the San groups speaks its own language and has distinct customs, traditions, and histories. The San were mainly hunter-gatherers in the past but, today, many have diversified livelihoods. Over 80% of the San have been dispossessed of their ancestral lands and resources, and they are now some of the poorest and most marginalized peoples in the country. The Ovahimba, Ovatué (Ovatwa), and Ovazemba are largely pastoral people, formerly also relying on hunting and gathering, and residing in the semi-arid mountains and steppes of north-west Namibia (Kunene Region). Together, the pastoralists number some 29,535, or 1.14% of the total Namibian population.

The Namibian government prefers to use the term “Marginalized Communities” when referring to the San, Ovatué and Ovahimba, support for whom falls under the Division Marginalised Communities (DMC) under the Ministry of Gender Equality, Poverty Eradication, and Social Welfare. The Constitution of Namibia prohibits discrimination on the grounds of ethnic or tribal affiliation but does not specifically recognize the rights of Indigenous Peoples. Namibia voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) when it was adopted in 2007 but has not ratified ILO Convention No. 169. Namibia is a signatory to several other binding international agreements that affirm the norms represented in the

UNDRIP, such as the African Commission on Human and Peoples' Rights (ACHPR), the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the International Covenant on Civil and Political Rights (ICCPR). Namibia representatives attended the 23<sup>rd</sup> session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) in New York from 15-26 April 2024. A draft White Paper on the Rights of Indigenous Peoples in Namibia, first drafted a decade ago, remains awaiting approval by Cabinet.

## Introduction

The Republic of Namibia faced significant political and environmental challenges in 2024. His Excellency President Hage Geingob passed away in February 2024 and was replaced by his Vice-President Nangolo Mbumba. A presidential election was held on 30 November 2024, and Netumbo Nandi-Ndaitwah was elected, the first woman president in the country's history, although the election was marred by poor coordination and was subject to a legal challenge by opposition parties, due to be heard by the Electoral Court in 2025.

President Nangolo Mbumba discussed the State of the Nation on 14 March 2024.<sup>1</sup> Some of the issues raised in the Namibia State of the Nation Address included the socio-economic status of the country as a whole, efforts to make land distribution more equitable, ways to improve the well-being of women, youth, and children, changes in the mining sector, housing enhancement, and small business enterprise development in Namibia.

The President of Namibia declared a drought emergency in Namibia on 22 May 2024. Subsequently, the Namibian government said that 723 animals would be culled to feed the hungry, including 83 elephants and 300 zebras, a decision which drew international criticism. The drought, said to be the worst in the country in a century, saw sizeable numbers of people seeking food assistance.<sup>2</sup>

Food and water were provided to remote communities in Kunene,

Otjozondjupa, and Zambezi Regions by government, assisted by a number of different NGOs.

As of the end of 2024, there were 331,000 people registered for the country's drought relief programme, a quarter of whom were marginalized community members.

## Land issues

In 2024, land issues arose in Namibia relating to decisions of the Ancestral Land Rights Commission. Several ancestral land claims have been brought before the Namibian High Court in the past but none of them were successful. They did, however, set important precedents.<sup>3</sup> Serious land conflicts arose in Kavango West Region as a result of the oil and gas prospecting activities of ReconAfrica, a Canadian oil exploration company.<sup>4</sup> Local communities, including Indigenous communities, and non-governmental organizations such as the Namibian Association of Community Based Natural Resource Management (CBNRM), the Namibian Association of CBNRM Support Organizations (NACSO) and the Namibia Nature Foundation (NNF) discussed the impacts of the ReconAfrica drilling activities, including the effects on the water table and new roads and fences along with areas that had been designated as off-limits. Local community members, including Indigenous people, raised serious questions about the effects of the oil and gas prospecting activities and what was happening to communities in the impact area.<sup>5</sup> One such serious impact is the displacement of entire communities without compensation, which further adds to intergroup conflict once these communities move to other lands. By the end of 2024, the ReconAfrica activities had not demonstrated the presence of oil and gas but fracking and other activities were continuing.

In Kunene Region, the Ovaherero (principally the Ovahimba) of Kaokoland, along with Angola, formed a Biocultural Community Protocol with support from International Rivers and Natural Justice.<sup>6</sup> This has the aim of articulating community values, rights and responsibilities under customary, national and international law, and is relevant to land issues, conservation and particularly the Baynes Dam project, which would flood traditional areas in Angola close to the Namibian border. In

southern Namibia, the Nama Traditional Leaders Association requested inclusion in the Green Hydrogen Project, a proposed large-scale renewables project in the Tsau //Khaeb National Park, some areas of which are claimed as historically Nama traditional lands.<sup>7</sup> No response had been received as of the end of 2024.

In Tsumkwe District of Otjozondjupa Region, people from other areas of Namibia (Ovambo, Kavango and Herero) continued to enter the district with their cattle and graze and fence illegally, especially in the N̄a Jaqna Conservancy.<sup>8</sup> In Zambezi Region, there were land-use conflicts between Mbukushu people and Khwe San in and around Bwabwata National Park and areas to the east.<sup>9</sup> These conflicts included disagreements over agricultural field clearing, and rights to gather wild food and natural resources inside Bwabwata.

Efforts were being made in May 2024 to collect data on land and population in the Nyae Nyae Conservancy in anticipation of filing an ancestral land claim. Nyae Nyae is the only area of Namibia where there are subsistence hunting rights for the Ju/'hoansi San, and it was here that the government wanted to do away with these rights while maintaining the hunting quota for private hunting companies engaged in joint ventures with the Conservancy.<sup>10</sup>

## **Issues affecting youth and children**

The Government of Namibia has established programmes in a number of different ministries to deal with issues involving youth and children. These include (1) Education, Arts, and Culture and (2) Sport, Youth, and National Service. The ministries that deal with education also focus on children and youth. The Division of Disability Affairs and Marginalized Communities under the Ministry of Gender Equality, Poverty Eradication, and Social Welfare reported that progress had been made in 2024 in addressing poverty, inequality, and women and children's well-being among marginalized communities.<sup>11</sup> Malnutrition and hunger due to the drought were affecting children in various regions of the country, including Omaheke, Kavango West, Otjozondjupa, and Kunene.<sup>12</sup>

The Division Marginalized Communities (DMC) progressed in 2024 in its partnership with the Palms for Life Fund, including the establish-

ment of several Early Childhood Development centres, and providing assistance to over 1,000 San youth for vocational training. Language classes were provided to Jul'hoansi youth in the Nyae Nyae Conservancy, and the Khwe language was taught to youth in Kavango East and Zambezi Regions. The National Youth Council of Namibia took part in meetings in several towns in Namibia which have sizeable numbers of marginalized communities. One of these meetings was held in Gobabis in 2024.

Government of Namibia offices, Integrated Rural Development and Nature Conservation (IRDNC) and the Nyae Nyae Development Foundation Namibia (NNDFN) facilitated workshops on natural resource management and relationships to health. Some of these workshops included Indigenous youth and children. The Ministry of Health and Social Services offered vaccinations for childhood diseases. The Topnaars (!Aonin) received training in fisheries and marine resource management, some of them aimed at youth. Livelihood support projects were established in marginalized communities in seven different regions of the country. UNESCO, in partnership with the DMC, held a dialogue on the safeguarding of Namibian Indigenous languages in August 2024, as a planning exercise for the International Decade of Indigenous Languages 2022-2032.<sup>13</sup>

At least 150 San youth were involved in the country's Community Forest and Green Energy programmes in 2024.<sup>14</sup> Indigenous Knowledge (IK) and Traditional Ecological Knowledge (TEK) were being tapped in Namibia to cope with the challenges of climate change, which Marginalized Communities and Indigenous Peoples in Namibia were in full support of. Feedback from members of Marginalized Communities revealed that they were excited about some of the new directions for Namibia.

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# South Africa



The Khoikhoi and San peoples, collectively referred to as Khoe-San, make up approximately 1% of South Africa's population of nearly 60 million.<sup>1</sup> These communities, rich in bio-cultural heritage, face enduring socio-economic challenges, including poverty, unemployment, and inadequate access to education, healthcare, and housing. Their traditional livelihoods, such as pastoralism and hunting, are increasingly under threat due to land dispossession and the escalating impacts of climate change.

Under apartheid, as a result of colonization and dispossession, South Africa's Indigenous Khoe-San peoples were forcibly assimilated into the broader "Coloured" category, erasing their distinct identity. This classification fragmented their heritage, as individuals were placed into subgroups based on mixed ancestries, and it led to discrimination, forced relocations, and political disenfranchisement. Although some privileges were granted, such as exemption from pass laws, the Khoe-San were still subjected to systemic oppression. Post-1994, efforts to reclaim their identity have intensified, with legal battles for recognition, land rights, and the rejection of the "Coloured" label. However, land restitution remains a challenge, as current policies exclude dispossession pre-dating 1913, whereas the Khoikhoi and the San were dispossessed of their ancestral lands prior to this.

Although South Africa has voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), it has yet to ratify ILO Convention 169. The implementation of international human rights conventions impacting Indigenous communities remains limited, leaving significant gaps in their protection and recognition.

Domestically, the 1996 South Africa Constitution acknowledges cultural, linguistic, and heritage rights, indirectly recognizing Indigenous communities; however, the implementation thereof remains deeply limited. In 2019, the passage of the Traditional and Khoi-San Leadership Bill (TKLB) marked a significant step forward. This legislation enhanced the recognition of Khoi-San leadership structures and sought to address long-standing gaps in their legal and cultural acknowledgement.

ment. However, in 2023 the law was declared unconstitutional due to lack of proper public consultation.

Despite constitutional commitments to cultural equity, Indigenous communities such as the Khoikhoi and San continue to face systemic challenges in reclaiming guardianship over their ancestral lands, many of which overlap with key biodiversity areas and conservation zones.

In 2024, South Africa witnessed significant developments affecting the Khoikhoi and San peoples involving legal, socio-economic, and environmental issues. These events reflected both progress in Indigenous rights advocacy and ongoing challenges.

## **Traditional and Khoi-San Leadership Bill, 2024**

On 29 November, the Department of Cooperative Governance and Traditional Affairs published the draft Traditional and Khoi-San Leadership Bill (TKLB), 2024, inviting public comments. The legislation was a direct response to the 2023 Constitutional Court ruling that invalidated the 2019 Traditional and Khoi-San Leadership Act due to insufficient public participation.<sup>2,3</sup> The revised Bill addressed the gaps by incorporating extensive consultations with Indigenous communities, ensuring their voices were heard in the legislative process.

The Bill aims to recognize the Khoi-San people and proposes repealing and replacing the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), as well as the National House of Traditional Leaders Act, 2009 (Act No. 22 of 2009).

The Bill strengthens the recognition of Khoi-San leadership structures, enhancing their role in governance and cultural preservation.<sup>4</sup> Traditional communities and leaders enjoyed statutory recognition even prior to 1994. The Framework Act continues to make provision for such statutory recognition. The recognition of traditional communities and leaders is subject to specific criteria contained in the Framework Act. This is necessary to ensure that only legitimate traditional com-

munities and leaders are recognized. The Framework Act, however, does not make provision for the recognition of Khoi-San communities and leaders. To ensure that only legitimate Khoi-San communities and leaders are recognized, as is the case with traditional communities and leaders, a statutory recognition process is therefore provided for in the Bill. For this purpose, specific criteria have been developed based on the customs and customary law applicable to the Khoi-San. The Bill, however, also makes provision for the integration of recognized Khoi-San leaders into existing Houses of Traditional Leaders, and they will therefore not have separate structures of this nature.

Critiques remain regarding bureaucratic hurdles and equitable resource allocation. Advocacy groups have called for mechanisms to ensure transparency and inclusivity in implementing this legislation. The Bill does not provide any independent mechanism by which ordinary community members can complain about the conduct of a traditional authority and demand accountability or remedy. In terms of the Code of Conduct, only the Houses of Traditional Leaders or councils can action breaches of the Code. Advocacy groups have requested that the Bill incorporate a crucial limit on the exercise of power by traditional leaders in the form of community consultation. When the TKLB was first introduced in the National Assembly, clause 24 allowed traditional and Khoi-San councils to enter into partnerships or agreements with a third party without any requirement to consult the affected community. After opposition at public hearings and much debate, the Portfolio Committee on Cooperative Governance and Traditional Affairs included a new requirement that such partnership or agreement be subject “to a prior consultation with the relevant community represented by such council”.

Despite these challenges, the Bill is seen as a step forward in addressing historical injustices and affirming the Khoi-San's unique identity within South Africa's socio-political framework. Initially, the deadline for public submissions was set at 29 December 2024; however, it was later extended to 28 February 2025. After considering public comments and further discussions, Parliament will vote on the Bill and, if approved, it will be submitted to the President for assent. This entire process can take several months. As of now, the Bill remains under consideration, and the previous acts it seeks to replace continue in effect.

## Rooibos benefit distribution: a milestone achievement

In 2024, the first distribution of financial benefits from the historic Rooibos Benefit-Sharing Agreement (RBSA) took place.<sup>5</sup> This agreement, finalized in 2019, ensures that the Khoikhoi and San communities receive equitable returns from the rooibos tea industry, which has long relied on their traditional knowledge of the plant's uses and cultivation.<sup>6,7</sup>

The agreement benefits the traditional knowledge holders of the San and Khoi peoples, represented respectively by the San Council of South Africa and the National Khoisan Council. Upstream and downstream industry players, i.e., growers, processors, distributors, and sellers, are represented by processors and the South African Rooibos Council (SARC). The benefit-sharing agreement includes a monetary levy that is placed at the beginning of the value chain. The agreement states that an annual levy of 1.5% of the farm gate price (what processors pay for the unprocessed rooibos) is allocated to a government-managed fund. The financial benefits are then equally distributed between the San and Khoi peoples, who each obtain 50% of the benefits for their community trusts, namely the Andries Steenkamp Benefit-Sharing Trust established by the San Council of South Africa and the Khoikhoi People's Rooibos Biodiversity Trust (KPRBT) established by the National Khoisan Council (NKC). The first payment amounted to over 12.2 million rands (more than USD 800,000) and was equally distributed between the two trusts. For its part, the National Khoisan Council shares its monetary benefits with the small-scale farmers of the Wupperthal and Suid Bokkeveld communities.<sup>8</sup>

This milestone was celebrated as a victory for Indigenous Peoples' rights and a model for benefit-sharing agreements globally.<sup>9</sup>

Indigenous leaders emphasized the importance of transparent management and equitable allocation of the funds to address pressing community needs, including education, healthcare, and cultural preservation. The economic benefits of the rooibos industry are becoming increasingly visible in some farming villages.<sup>10</sup> Farmers who previously lacked the financial means to move out of their parents' homes are now building their own houses. Additionally, the Wupperthal Original Rooibos Cooperative (WORC), benefiting from rising profits, has established

scholarships to support the education of local farmers' children, further uplifting the community.

Moving forward, the focus remains on sustaining these benefits and expanding similar initiatives in other sectors.

## **Mission stations: Elim and Wupperthal land restitution struggle**

The communities of Elim and Wupperthal are both Moravian mission towns in South Africa's Western Cape province and hold profound cultural and historical significance for the Khoikhoi and San peoples.<sup>11</sup> Indigenous communities, displaced by colonial policies, intensified their advocacy for land restitution in 2024. Advocacy efforts included public demonstrations and strategic litigation to expedite the return of these lands. The communities have highlighted the need for swift action, citing the deteriorating state of the lands and the socio-economic hardships faced by displaced families.<sup>12</sup>

The Moravian Church's application for a subdivision of a portion of land in Wupperthal, known as Farm 168, Clanwilliam, was withdrawn by the applicant, the local Moravian Church in 2024.

South African NGO Natural Justice supported the local community in filing an objection to the proposed subdivision. Although the reasons as to why the subdivision application was withdrawn have not been made public, Natural Justice considers the withdrawal a victory for the small community, who have used the land communally for many generations.

## **Oil and gas litigation: Guriqua fisherfolk's fight**

The Guriqua fisherfolk have emerged as key actors in the fight against oil and gas exploration along South Africa's coastline. In 2024, supported by environmental and Indigenous Peoples' rights organizations, they led a high-profile legal battle to halt exploration activities that are threatening marine biodiversity and disrupting traditional fishing practices.<sup>13</sup> The ruling set aside the oil exploration rights of Shell.

The claimants argue that these projects are violating their constitutional rights to a healthy environment and livelihood. The case has

drawn national and international attention,<sup>14</sup> with potential implications for the broader recognition of Indigenous land and marine rights in South Africa.

## Cultural preservation efforts

Several initiatives aimed at preserving Khoi-San languages, traditions, and knowledge systems gained traction throughout the year.<sup>15</sup> The South African National Editors' Forum (SANEF), PanSALB – Pan South African Language Board, and the UN are launching a seminar on the media's role in the development and preservation of Indigenous languages. The event, held on 07 August 2024, discussed the impact of artificial intelligence on media and strategies by which the Indigenous languages media sector can attract digital advertising. The seminar attracted journalists, academics, analysts, and professionals in the business media sector, with a focus on community media practitioners.

Collaborative projects with academic institutions and cultural organizations were launched to document and promote Indigenous heritage.<sup>16</sup> The PAN South African Language Board (PanSALB) has called for a comprehensive roadmap to promote respect for Indigenous languages and identify areas requiring revitalization. This was emphasized during a Khoe and San National Language Indaba, a conference, which brought together stakeholders and which aligns with the International Decade of Indigenous Languages (2022-2032). PanSALB has urged all levels of government to take proactive measures in response to the recommendations made during the Indaba.

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# Tanzania



Tanzania is estimated to have a total of 125-130 ethnic groups, falling mainly into the four categories of Bantu, Cushite, Nilo-Hamite and San. While there may be more ethnic groups that identify as Indigenous Peoples, four groups have been organizing themselves and their struggles around the concept and movement of Indigenous Peoples. The four groups are the hunter-gatherer Akie and Hadzabe and the pastoralist Barabaig and Maasai. Although accurate figures are hard to arrive at since ethnic groups are not included in the population census, population estimates<sup>1</sup> put the Maasai in Tanzania at 430,000, the Datoga group to which the Barabaig belongs at 87,978, the Hadzabe at 1,000<sup>2</sup> and the Akie at 5,268. While the livelihoods of these groups are diverse, they all share a strong attachment to the land, distinct identities, vulnerability and marginalization. They also experience similar problems in relation to land tenure insecurity, poverty and inadequate political representation.

Tanzania voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 but does not recognize the existence of any Indigenous Peoples in the country and there is no specific national policy or legislation on Indigenous Peoples per se. On the contrary, a number of policies, strategies and programmes that do not reflect the interests of the Indigenous Peoples in terms of access to land and natural resources, basic social services and justice are continuously being developed, resulting in a deteriorating and increasingly hostile political environment for both pastoralists and hunter-gatherers.

## Continuation of human rights violations

**D**uring 2024, Indigenous Peoples continued to witness threats of evictions, expansion of protected areas and human rights violations. This happened across all the northern regions as well as some of the central and southern regions of the country, and the main drivers were related to business enterprises and conservation interests.

## Tanzanian government plans to alienate more Maasai land

In late February 2024, plans by the Tanzanian government to further alienate Maasai land leaked to the public. According to the leaked plans, the government intends to alienate more than 70% of all Maasai districts comprising Ngorongoro, Longido, Monduli, Simanjiro and Kiteto Districts. Eighty-five percent (85%) of the pastoralists' land from the above districts are already surveyed and have their land use plans and registered titles. The government's intention is to create 16 hunting blocks in the form of Game Reserves and Game Controlled Areas. It is anticipated that this plan will impact over 390,000 people across over 90 villages, amounting to 15,856 sq. km.

This plan targets areas that are predominantly occupied by the Maasai community. In Simanjiro, farms leased by Arabs and other investors are excluded but Maasai farms and grazing areas are included in the new Game Reserves to be put in place. This is just the latest evidence of concerted efforts on the part of the Tanzania government to target Maasai community land.

On 3 June,<sup>3</sup> the Simanjiro Member of Parliament (MP), Christopher Ole-Sendeka, spoke out in Parliament against the Ministry of Natural Resources and Tourism's proposal to convert nearly 70% of Maasai village land into Game Reserves and Game Controlled Areas. His strong objections led to a heated debate, with the Minister of Natural Resources and Tourism unable to confirm or deny the Ministry's involvement in the proposal. The Speaker of the National Assembly responded to Ole-Sendeka's concerns and directed the Minister to provide a detailed response.

## Release of the New Wildlife Management Areas strategy

In January 2024, the Ministry of Natural Resources and Tourism published its "revised strategy" for Wildlife Management Areas (WMAs)<sup>4</sup> for the period 2023-2033. The strategy identifies 47 different actors to be included in its "Stakeholder Analysis" – from private hunting associations to international conservation and development actors – but it

leaves out local communities. In the new strategy, there is a new list of proposed WMAs, including one in Loliondo that will further threaten the existence of Maasai in in this area.

The strategy continues to push for top-down government regulations that fail to respect Free, Prior and Informed Consent (FPIC) and which do not meaningfully promote community-based conservation. The revised strategy signals a clear disregard for the traditional practices of local communities, and it ignores the rights of local communities at the expense of attracting more international tourism, commercial hunting and climate investments.

## **Tanzanian government announces new plan to evict 100,000 Maasai from NCA**

On 18 January 2024, the Tanzanian government announced a plan<sup>5</sup> to forcibly remove 100,000 Maasai pastoralists from the Ngorongoro Conservation Area (NCA). The Ngorongoro Conservation Area Authority (NCAA) is pressuring residents who are employed by the NCAA to relocate out of the NCA. Pressure is exerted through internal meetings with Maasai employees and NCAA management, sometimes with the participation of top government officials from the Arusha Regional Commissioner's Office and the Ministry of Natural Resources and Tourism. As of now, only a few Maasai residents who are working with the NCAA have relocated. However, some have been transferred to other government agencies outside of NCA as a means of exerting pressure on them to leave Ngorongoro.

## **Human rights violations in Ngorongoro**

On 24 April, the Legal and Human Rights Centre (LHRC), the leading human rights organisation in Tanzania, launched its Tanzania Human Rights Report 2023<sup>6</sup> in which it highlighted that 78% of complaints of arbitrary arrests, detention and torture in 2023 were from Ngorongoro District. The LHRC report documented situations where police and NCAA rangers subjected people to various acts of torture such as slapping, severe beating, being drenched with cold water (water tor-

ture), kicking, and being forced to kiss the walls of the police cell and say: "I love you". Among the victims of the said torture were two primary school pupils, two people with mental illness and one person with chronic tuberculosis (TB).

## **Tanzania submits state of conservation report to UNESCO**

Meanwhile, Tanzania's state of conservation report to UNESCO, submitted in February 2024,<sup>7</sup> was made public. The report is an effort by the government to respond to deep concerns expressed by the World Heritage Committee (WHC) over alleged human rights violations in Ngorongoro. In pages 90 to 93 of this report, Tanzania continues to deny the ongoing forced evictions, arguing that "the relocation plan is voluntary and involves prior, and informed consultations, including a voluntary registration process". In response to demands by the WHC to prove that the principle of Free, Prior and Informed Consent is respected, the report argues that people relocated to Msomera receive compensation that is "far beyond the normal compensations provided to people who are normally relocated in other areas during the implementation of large development projects".

The report reviews the Multiple Land-Use Model (MLUM)<sup>8</sup> in place in NCA in its annex. The report indicates a plan to limit the NCA population to 20,000 people (5,000 households) and their livestock, while annexing additional land from Loliondo (now Pololeti Game Controlled Area), Lake Natron and part of Longido. It states that resettling all people and livestock out of the NCA and leaving the area exclusively for wildlife and habitat conservation would be costly as MLUM is a selling point for tourists.

## **Demonstrations**

On 18 August, thousands of Maasai in Ngorongoro Conservation Area blocked Tanzania's busiest tourism road linking the NCA and Serengeti National Park, demanding respect for their human rights. They were reacting to systematic attacks on the Maasai livelihoods system by the

Tanzanian government, including denial of social services for three consecutive years, disenfranchisement of Maasai from the national polling register and harassment at Loduare Gate when entering NCA from Karatu.

Over 25,000 Maasai gathered at the Oloirobi and Lemara areas, blocking both the highway and the Crater exit road, demanding that the Tanzanian government listen to their demands. After six days of this public pressure, the government promised to reinstate social services and to put a stop to rangers' harassment of villagers or any harassment while performing police duties. The government also promised to reinstate villages delisted from the village register via Government Notice No. 673 of 2024 – a Notice that would effectively have prevented the residents of Ngorongoro Division from participating in the local elections in November 2024.

The same demonstration spread to Loliondo, with more than 1,000 women demanding access to 1,502 km<sup>2</sup> of grazing land grabbed by conservation authorities to establish the disputed Pololeti Game Reserve. Further, more than 100 Maasai women from Msomera village, Handeni District, demonstrated before the Tanga Regional Commission and village leaders to demand human and land rights. In addition, some 50 Maasai women from Mindutulieni, Chalinze District, Pwani Region, demonstrated before the District Executive Director to demand intervention to remove the government authorities' sponsored invasion of their grazing lands and associated human rights violations. The wave of Indigenous Peoples' demonstrations across the country came at a point when the government was intensifying the violation of land and human rights within Indigenous territories.

## **Situation in Ngorongoro remains delicate despite government's public promises**

Despite the Tanzanian government's public statements on 23 August promising to reinstate social services and stop lawlessness in Ngorongoro, repression and arrests continued unabated. Maasai continued to be targeted and several were arrested on the pretext of having recently built homes, while in fact they had been living in them for more than 15 years. In addition, social services such as health and education re-

mained in a dire situation. The government has thus far provided funds for a water pump for Ngorongoro Girls Secondary School and some cement for Ndian Primary School but has refused to supply other building materials for the schools. The Flying Medical Service, which was grounded in 2022 with the goal of paralysing health services in Ngorongoro, has still not been allowed to operate. The disconnect between the government's public assurances and the reality on the ground is stark. Health services are overwhelmed, and education systems are in disarray, leaving vulnerable populations without critical care or opportunities. This has led to a climate of fear that, while the government purports to be normalising the situation in NCA, it is actually implementing nothing meaningful to achieve its promises.

## **A people's movement victory: government relists villages in Ngorongoro District**

On 16 September 2024, the Tanzanian government reversed its illegal decision to deregister 11 wards, 25 villages and 96 hamlets in Ngorongoro District. The government's backtracking is seen as a victory for the grassroots Maasai movement, as it will reinstate the legal status of the villages, which act as the lowest level of government, touching the daily lives of the community members. As a result, communities in Ngorongoro District participated in local government elections in November 2024. This reversal of the illegal decision not only restored local governance but also reflected people's power and resilience in fighting for their rights and representation.

## **Case of livestock auctioning**

On 13 February, the Magistrates' Court (Musoma District Court) issued its judgement on a case.<sup>9</sup> This case involved 806 cattle, 420 sheep and 100 goats from Loliondo that were captured last October, forfeited by rangers and then auctioned and sold as unclaimed property. The court ordered that the livestock owners be paid money amounting to TZH 168 million, regardless of the value of the livestock and of the fraudulent procedure used to seize and sell the livestock. Maasai lawyers are as-

sessing the extent of the award compared to the value of the livestock to see whether they can appeal, considering that the judgement is already in their favour.

## **Promises to relocated NCA residents not fulfilled**

On 10 April 2024, the 135 households<sup>10</sup> previously vacated in Ngorongoro Conservation Area and relocated to Msomera village in Handeni District in Tanga Region issued a press release complaining that the government had not fulfilled its promises to provide them with the agreed compensation to vacate NCA, including a house, plot of land for grazing, settlement and agriculture.

## **Msomera residents complain their land is grabbed for relocation**

On 29 November, residents living in Msomera, the relocation site for communities relocated from Ngorongoro, staged protests<sup>11</sup> accusing the authorities of dispossessing them of their land and assigning it to people migrating from NCA. Since June 2022, the government has established a so-called voluntary relocation programme for people willing to leave NCA, allegedly to address acute poverty, malnutrition and a lack of adequate livelihood opportunities in NCA. Msomera residents have complained that they were displaced by the Tanzanian government without either being consulted or compensated when their land was taken to build houses for people relocated from NCA. They also lamented that they had witnessed security forces supervising the erection of beacons on the land they had used for years as farms, pasture, graveyards and homes. However, they had to keep silent, as whoever dared to speak would end up in police custody.

The relocation programme has created a land dispute and acute tensions between Msomera residents and the newcomers. Several original residents of Msomera have filed lawsuits challenging the idea that there is empty land in Msomera ready for anyone who wishes to relocate from NCA. Eight Msomera residents filed eight cases at the Tanga High Court against the government and people relocated from

NCA. The eight residents are challenging the government's decision to acquire their land and allocate it to people relocated from NCA without compensation.

## **Forcible eviction of over 20,000 Maasai around Kilimanjaro International Airport**

On 8 May, the police, the anti-riot police Field Force Unit (FFU), militiamen and other entities of the State's coercion apparatus invaded eight villages bordering Kilimanjaro International Airport (KIA) in order to expand the size of the airport. They demolished hundreds of Maasai homes in Sanya Station Village, Hai District. With excavators guarded by heavy security, they pulled down houses, terrifying children and breaking families' futures.<sup>12</sup> Families are now sleeping outside. The demolition has affected over 20,000 Maasai residents from the eight legally registered villages. Several cars belonging to the government, with loudspeakers mounted on the car roofs and escorted by armed policemen, drove through all eight villages warning residents to evacuate immediately. A press release was published by nine key CSO organisations, asking the President to: 1) immediately stop the ongoing demolition of homes; 2) bring humanitarian aid, including shelters and food to hundreds rendered homeless; and 3) establish an independent commission of inquiry into the dispute between legally registered villages and determine the legality of the process.

## **Hadzabe communities complain about lack of benefit-sharing**

An unnamed Hadza man from Eyasi within the NCA recorded a video speaking in Swahili complaining about the government and tour operators making unilateral decisions on the tourism industry in the areas of the Hadzabe people and using their areas for tourism without sharing the benefits. The Tanzanian government decided that tourists must pay only USD 10 per day to Hadza who work as tourist guides in their area while the government and tour operators charge tourists thousands.

The man said: “We are not going to agree. If the government cannot listen, then let them come and act as guide.”

In addition, the land that has been allocated to the Hadza community in Domanga village in Mbulu District was invaded by famers from Singida Region. There was tension in August 2024 between the Hadzabe and the famers, which was resolved by the Mbulu District Commissioner.

## **World Bank suspends funding for big conservation project in Southern Tanzania linked to evictions and human rights abuses**

In April 2024, the World Bank suspended funding for the Resilient Natural Resource Management for Tourism and Growth (REGROW) project in Tanzania after over a year of advocacy by CSOs on behalf of tens of thousands of villagers impacted by the project.<sup>13, 14</sup> The objective of this USD 150 million project was to improve the management of natural resources and tourism assets in priority areas of Southern Tanzania – including Ruaha National Park (RUNAPA). Instead, the Bank's funding was found to be linked to widespread human rights abuses against communities living near the park. According to the Oakland Institute, this decision “sends a resounding message to the Tanzanian government that there are consequences for its rampant rights abuses taking place across the country to boost tourism”.<sup>15</sup>

## **President meets with Maasai community representatives amid displacement crisis**

On 1 December, 150 Maasai delegates from Ngorongoro, Loliondo and Sale met with President Samia Suluhu Hassan at the State House in Arusha. Over the last two years, different actors have been urging the Government of Tanzania to create space for dialogue between the government and Maasai communities living in Ngorongoro and Loliondo in order to find durable solutions to the land disputes and threats of evictions in their areas. The six days of peaceful demonstrations organised by people from NCA between 18 and 23 August triggered the government to create a space for dialogue over the land conflicts in Ngorongoro District.

While the meeting with the President marks a step towards addressing the community's grievances, significant scepticism remains as regards how to hold those responsible for the ongoing human rights violations accountable, including the President herself. While it could yield positive results, the promise to form inquiry teams raises concerns as to impartiality and the genuine intent to find long-term solutions to the current conflict.

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# Tunisia



As elsewhere in North Africa, the Indigenous population of Tunisia is formed of the Amazigh. There are no official statistics on their number in the country but Amazigh associations estimate there to be around 1 million Tamazight speakers, accounting for some 10% of the total population. Tunisia is the country in which the Amazigh have suffered the greatest forced Arabization. This explains the low proportion of Tamazight speakers in the country. There are, however, increasing numbers of Tunisians who, despite no longer being able to speak Tamazight, still consider themselves Amazigh rather than Arab.

The Amazigh of Tunisia are spread throughout all of the country's regions, from Azemour and Sejnane in the north to Tittawin (Tataouine) in the south, passing through El-Kef, Thala, Siliana, Gafsa, Gabès, Matmata, Tozeur, Djerba. As elsewhere in North Africa, many of Tunisia's Amazigh have left their mountains and deserts to seek work in the cities and abroad. There are thus a large number of Amazigh in Tunis, where they live in the city's different neighbourhoods, particularly the old town (Medina), working primarily in skilled crafts and petty trade. The Indigenous Amazigh population can be distinguished not only by their language but also by their culture (traditional dress, music, cooking and Ibadite religion practised by the Amazigh of Djerba).

Since the 2011 "revolution", numerous Amazigh cultural associations have emerged with the aim of achieving recognition and use of the Amazigh language and culture. The Tunisian state does not, however, recognize the existence of the country's Amazigh population. Parliament adopted a new Constitution in 2014 that totally obscures the country's Amazigh (historical, cultural and linguistic) dimensions. The Constitution refers only to the Tunisians' sources of "Arab and Muslim identity" and expressly affirms Tunisia's membership of the "culture and civilization of the Arab and Muslim nation". It commits the state to working to strengthen "the Maghreb union as a stage towards achieving Arab unity [...]" . Article 1 goes on to reaffirm that "Tunisia is a free state, [...], Islam is its religion, Arabic its

language" while Article 5 confirms that "the Tunisian Republic forms part of the Arab Maghreb". The new Tunisian Constitution, adopted in July 2022, proclaims that "Tunisia constitutes a part of the Islamic nation" (article 5), that "Tunisia constitutes a part of the Arab nation and that the official language is Arabic" (article 6) and that "the Tunisian Republic constitutes a part of the Greater Arab Maghreb" (article 7). Article 44 stipulates that "the State shall ensure that the younger generations are rooted in their Arab and Islamic identity and their national belonging. It shall ensure the consolidation, promotion and generalization of the Arabic language". Tunisia makes no reference to its indigenous Amazigh history, nor does it recognize the country's human, linguistic and cultural diversity.

On an international level, Tunisia has ratified the main international standards and voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007. These international texts remain unknown to the vast majority of citizens and legal professionals and are not applied in domestic courts.

## **Presidential elections and consolidation of authoritarian rule**

Voting took place on 6 October 2024 to elect the President of the Republic of Tunisia. Incumbent President Kais Saied was re-elected with 90.69%, according to the Independent High Authority for Elections of Tunisia (ISIE).<sup>1</sup> The turnout was just 27.5%, the lowest ever in Tunisia.

According to the NGO Human Rights Watch, Kais Saied "has dismantled Tunisia's democratic institutions, undermined judicial independence, and stifled the exercise of freedom of expression and the press".<sup>2</sup>

In a joint statement, several UN Special Rapporteurs said that the Tunisian Ministry of Justice uses the working notes mechanism arbitrarily, and outside of any legal framework, to modify the composition of courts, their presidents, public prosecutors, investigating judges

and judicial chambers. They expressed deep concern regarding the independence of the judiciary after President Kais Saied dissolved the Supreme Judicial Council and summarily dismissed 57 judges in 2022. Noting numerous bans on meetings and impediments to associative activities, the UN Special Rapporteurs urged the Tunisian government to “put an end to all unjustified restrictions on the legitimate exercise of the rights to freedom of peaceful assembly and association”.<sup>3</sup>

In order to replace Decree-Law No. 2011-88 of 24 September 2011 on associations, deemed too lax, the Tunisian parliament tabled Bill of Law No. 2023-27 on the organization of associations.<sup>4</sup> Among other things, the bill stipulates that associations must obey “principles of national orientation”, abandons the principle of creating an association by simple declaration and replaces it with “authorization” by a government department, and bans foreign funding. For the Tunisian authorities, these measures are aimed at Islamist and anti-terrorist organizations that receive substantial funding from abroad. They state that human rights and fundamental freedoms will still be respected. “We reject any infringement of the rights and freedoms guaranteed by the Constitution and by international and regional texts.”<sup>5</sup> However, civil society organizations and experts believe that the provisions of the new legislation excessively and disproportionately restrict human rights and fundamental freedoms.<sup>6</sup> Amazigh organizations are particularly worried and feel targeted by this bill, which also plans to ban the creation of associations based on “ethnic” grounds. Does the new Tunisian government want to put an end to the existence of the few Amazigh associations there still exist?

Several Tunisian civil society organizations and international NGOs are criticizing the Tunisian government for its excessive and abusive use of Decree-Law No. 2022-54 on combating offences relating to information and communication systems<sup>7</sup> aimed at repressing the right to freedom of expression. Article 24 of this decree-law stipulates a penalty of five years' imprisonment and a fine of up to 50,000 Tunisian Dinars (approx. USD 16,000) for using telecommunications networks to produce, send or disseminate “false news” or “rumours”; to harm, defame or incite violence against others; or to undermine public security or national defence, sow fear or incite hatred. The penalty is doubled if the offence targets a “public official or similar”. According

to Human Rights Watch, the decree “violates the right to privacy and introduces harsh sentences for broadly and vaguely defined speech offenses. The authorities have frequently used article 24 of this decree to stifle dissent.”<sup>8</sup>

After a decade of Islamist government marked by political confusion and a serious economic crisis and corruption, Tunisia has seen a return to authoritarianism since the election of Kais Saied, with a negative impact on human rights and freedoms.

## **Tunisia's Amazigh continue to suffer racism and discrimination**

While the “revolution” of 2011 led to a certain renaissance of the long-banned Amazigh culture, the current context seems to have put a brutal halt to the Amazigh dynamic. The Head of State's threatening speeches against anything that might upset Tunisia's “Arab-Islamic national identity” and the repression of the right to freedom of peaceful assembly and expression have been a deterrent to most Amazigh rights defenders. Anzar, an Amazigh activist from the Gafsa region says:

*When Kais Saied (the President of the Republic) violently denounces the enemies of the Arab-Islamic nation, as an Amazigh I feel targeted because I am not an Arab. And there are no laws to protect me, even though I'm a native of this country. I live in insecurity and fear. To avoid getting into trouble, I hide my Amazigh identity and I keep quiet.<sup>9</sup>*

As a result, Amazigh cultural activities have declined sharply in recent years. Even the traditional Yennayer, Amazigh New Year, has been celebrated less, or more discreetly, in recent years.

In the village of Tamezret, in the municipality of Matmata in southern Tunisia, the locals hoisted the Amazigh flag, symbolizing their identity, alongside that of Tunisia. On 24 April 2024, Matmata municipal officials removed the flag without any explanation or discussion with the village's inhabitants. Although outraged by this act, considered racist and vexatious, the people of Tamezret did not commit any acts of violence.

The government provides no funding for Amazigh associations. Only a few craft activities (carpet weaving, pottery making and typical Amazigh jewellery), linked to tourism promotion, benefit from state economic support. Amazigh historical and archaeological sites have been abandoned).<sup>10</sup> Local communities are trying to protect them albeit with very limited means. Some sites have been saved thanks to the generosity of foreign donors.<sup>11</sup>

The government decided to conduct a population and housing census from 6 November to 31 December 2024.<sup>12</sup> The operation was entrusted to the National Institute of Statistics (INS) and the results will be published in the first quarter of 2025. According to INS Director General, Bouzid Nsiri, the census was carried out in accordance with the standards and recommendations of the UN.<sup>13</sup> However, at the request of Amazigh organizations, including the World Amazigh Congress, various UN treaty bodies have, on numerous occasions – in 2003, 2009, 2016 and 2021, asked the Tunisian government “to collect, on the basis of self-identification, statistics disaggregated by ethnic and cultural affiliation”. An examination of the questionnaire used to collect data for this census nonetheless reveals no questions on the use of the Amazigh language or on membership of the Amazigh community in Tunisia.<sup>14</sup> Tunisia's 2024 population and housing census completely overlooks the country's Amazigh component, as if it did not exist.

## **Indigenous youth in Tunisia**

Young Indigenous individuals are suffering from the economic and social slump that Tunisia has been experiencing since the 2011 “revolution”. They are faced with inactivity (the youth unemployment rate is 40%, and much higher in rural and mountain areas) and, as a result, they are shaken in their self-confidence and in society, which offers them few opportunities.

In Tunisia, the marginalization of Amazigh-inhabited geographical areas and the policy of displacement and forced assimilation that has taken place for over half a century has virtually emptied traditional Amazigh territories of their inhabitants. Young Amazigh do not see themselves living in their parents' villages, as they feel they are “de-

prived of everything, even water is scarce".<sup>15</sup> Their future can only lie in the city or abroad, meaning an inevitable loss of native language, culture and memory.

This calls for special attention from all stakeholders, including the Amazigh communities and the State, to design and implement a specific development plan for these long-neglected territories.

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# Uganda



Indigenous Peoples in Uganda include former hunter-gatherer communities such as the Benet and the Batwa. They also include minority groups such as the Ik, and the Karamojong and Basongora pastoralists, who are not recognized specifically as Indigenous Peoples by the government.

The Benet, who number slightly over 8,500, live in the north-eastern part of Uganda. The 6,700 or so Batwa live primarily in the south-western region and were dispossessed of their ancestral land when Bwindi and Mgahinga forests were gazetted as national parks in 1991.<sup>1</sup> The Ik number some 13,939 and live on the edge of the Karamoja/Turkana region along the Uganda/Kenya border. The Karamojong people – whose economy is traditionally based on livestock – live in the north-east of the country (mainly drylands) and have an estimated population of 1,094,100,<sup>2</sup> according to a mid-2018 estimate by the Uganda Bureau of Statistics. The Basongora number around 15,000 people and are a cattle-herding community living in the lowlands adjacent to Mt. Rwenzori in Western Uganda.

All these communities have a common experience of State-induced landlessness and historical injustices caused by the creation of conservation areas in Uganda, in addition to mining interests in the case of Karamoja. They have experienced various human rights violations, including continued forced evictions and/or exclusions from ancestral lands without community consultation, consent or adequate (if any) compensation. Other violations include violence and destruction of homes and property, including livestock and denial of their means of subsistence and of their cultural and religious life through their exclusion from ancestral lands and natural resources. All these violations have resulted in their continued impoverishment, social and political exploitation and marginalization.

The 1995 Constitution offers no express protection for Indigenous Peoples but article 32 places a mandatory duty on the State to take affirmative action in favour of groups that have been historically disadvantaged and discriminated against. This provision, which was initially designed and en-

visaged to deal with the historical disadvantages of children, people with disabilities and women, is the basic legal source of affirmative action in favour of Indigenous Peoples in Uganda.<sup>3</sup> The *Land Act* of 1998 and the *National Environment Statute* of 1995 protect customary interests in land and traditional uses of forests. However, these laws also authorize the government to exclude human activities in any forest area by declaring it a protected area, thus nullifying the customary land rights of Indigenous Peoples.<sup>4</sup>

Uganda has never ratified ILO Convention No. 169, which guarantees the rights of Indigenous and tribal peoples in independent states, and it was absent from the voting on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007.

## The situation of the Benet people

The Benet people, also known as Mosopisyek or Nedorobos, are an Indigenous ethnic group of Kalenjin origin in East Africa, residing on the slopes of Mount Elgon in eastern Uganda. Traditionally hunter-gatherers and animal rearers, they are recognized as a mountain-dwelling community. With an estimated population of over 8,500 individuals (1,600 households) as of 2022, the exact figures will be confirmed in the 2024 census. Recently coded as "Mosopisiek" (Code 582) by the Uganda National Bureau of Statistics, this designation marks a significant step in addressing their statelessness and acknowledges their identity beyond the term "Benet", which originated from a resettlement area used for land distribution.

### Benet youth

The year January to December 2024 was marked by both positive and negative developments, ranging from positive dialogues with the government to human rights violations committed by the Uganda Wildlife Authority (UWA).

Benet youth are the most active and affected people in the community because they are the ones most engaged in protecting the

rights of their families and the Benet community at large. Youth rights are being violated in the Sebei subregion on a daily basis. Many young people, especially men, find themselves engaged in violent encounters with the UWA during grazing times, and young women when they are collecting firewood and wild fruits.

In March 2024, the Government of Uganda initiated a financing programme called the Parish Development Model (PDM). The PDM is a massive, localized government fund that distributes money worth USD 200 to members of the parish for the purposes of agricultural development and business value chain promotions. Many young Benet have not yet accessed any of these funds since most of them lack national identification cards, which is the main requirement for obtaining Parish Development money. Some Benet youth have benefited from this fund but many of them are at a loss as to where to invest these resources since they have no access or rights to land. Most of the land is under government protection for wildlife in Mount Elgon.

### **Violations of the rights of Benet youth**

In 2024 alone, many of the Benet youth were harassed, beaten and shot at during livestock grazing times by the Uganda Wildlife Authority. Young people are denied the right to participate in cultural activities in the forest such as visiting their ancestors' graves and also participating in rituals for cultural purposes and for maintaining a relationship with nature. Due to the continued harassment, lack of jobs, inadequate quality of education, forced labour and loss of rights and connectivity to ancestral forests and places of worship, many Indigenous youth from Benet society have decided to migrate to other urban areas. There has been no good relationship between the youth and the UWA because of the UWA's continued impounding of cattle belonging to the Benet people.

The youth are finding it hard to live in both Uganda and Kenya as they are often harassed and even killed. This year several incidents were registered targeting youth:

- 11 February 2024: Martin Piswet, a young man, was fatally shot by the Kenya Wildlife Service (KWS) while collecting tree branches for construction. This tragic incident underscores the lack of cooperation between the wildlife authorities in Uganda and Kenya, despite the fact that Mount Elgon is a

UNESCO Man and Biosphere Reserve shared by Uganda and Kenya.<sup>5</sup>

- 28 May 2024: Kipet, son of Tyole Stephen Chesebe, was shot and severely injured by UWA rangers, resulting in permanent disability. Such incidents only exacerbate feelings of marginalization and insecurity among the youth.
- May 2024: UWA confiscated livestock and imposed hefty fines (50,000 UGX or approximately USD 13 per head of cattle), driving many youths into deeper poverty and questioning their belonging within their ancestral lands.

### **Legal action and advocacy**

The Benet people have been demanding their rights for many years, and they have been able to achieve some successes.

Since 2022, the Benet community has registered over 15 lawsuits and is actively battling human rights violation cases in the High Court of Uganda against the UWA and other associated individuals. Of these 15 cases, only one has been successfully ruled in favour of the Benet community. Several other cases filed with the Uganda Human Rights Commission are still awaiting decisions.

Dialogues have been conducted at various levels, from Local Council III (LC3) to the district and national levels, focusing on health and education issues. These dialogues have been supported by funding from the Danish Embassy through the Minority Rights Group. Towards the end of 2024, a national-level meeting was planned; however, due to logistical challenges, it had to be rescheduled to early January 2025.

In addition, visits were made to the Ministry of Lands, Housing and Urban Development; Ministry of Tourism, Wildlife and Antiquities; Ministry of Justice and Constitutional Affairs; and the U.S. Embassy, and discussions were held with USAID, which funds some UWA activities.

The community has also engaged with UNESCO, which has expressed its willingness to collaborate with the Benet community, as Mount Elgon has been designated a Man and Biosphere Reserve.

In November 2024, through UWA and the district authorities, the government proposed reopening the boundaries between Mount Elgon National Park and the communities. They referred to this initiative as creating “temporary boundary lines” to mitigate the long-standing conflicts in the area. Since then, however, nothing has happened. The

community nevertheless asserts ownership of the entire forested land, which they claim as their ancestral home.<sup>6,7</sup>

## The situation of the Ik people

### **The state of Ik Indigenous youth of Kaabong District**

The Ik people, also called Teuso, are an Indigenous group in north-eastern Uganda's Karamoja Region. They currently live in Kaabong District in the remote areas around Mount Morungole Forest Reserve and Timu Forest Reserve. The Ik depend on crop farming and beekeeping for their livelihood and income. They have small, autonomous communities, with elders and spiritual leaders guiding decisions. Their population is estimated at between 10,000-15,000, mostly youth.

Despite historically low levels of education, several initiatives have been introduced to improve access to education for the Ik youth. Programmes incorporating Indigenous perspectives have helped the youth connect with their roots while acquiring modern skills. Organizations such as Family Care Uganda and Seohyun Foundation Uganda, which offer scholarship programmes, have supported Ik students at primary, secondary, and tertiary levels. Notably, in August 2024, three Ik students received university scholarships – two State House scholarships to Kampala International University Western Campus (located in Ishaka, Bushenyi District) and one government scholarship to Lira University for sciences. Additionally, five students enrolled in diploma programmes.

In early July 2024., Ik youth started to participate in community decision-making and leadership roles at sub-county, parish, and village levels, empowering them to drive positive change. On 12 August 2024 (International Youth Day), Alice Namongin, an Ik youth, was recognized as one of the 24 Indigenous Youth Fellows under Cultural Survival's Indigenous Youth Fellowship Programme.<sup>8</sup> Her six-month project, "Nurture Nature", raised climate change awareness and championed solutions within the Ik community. In January 2024, several organizations such as Morungole Community Conservancy, Warrior Squad Foundation, and Kara-Tunga Foundation, also launched youth-focused projects.

In response to communication connectivity needs, the youth demanded access to communication, technology and innovation in September 2024, and the company MTN Uganda managed to install a telephone mast that has significantly improved internet network coverage in rural Ik areas, except for Morungole sub-county. This has improved communication, enabling the young people to leverage technology for advocacy and visibility. The Ik youth have established their own social media platforms, which have provided them with a space for sharing stories, raising awareness of Indigenous issues and rights, and mobilizing support for community action.

### **The challenges facing Ik youth**

In March 2024, the Ik peoples faced threats of displacement from their traditional lands due to pressure from Turkana and Karamojong pastoralist groups and conservation projects promoted by the Northern Rangelands Trust and USAID/Uganda Biodiversity for Resilience Activity in the sub-counties of Timu, Morungole, and Kamion. The government authorities, namely the National Forestry Authority (NFA), continues to demand Ik peoples leave their ancestral lands due to forest expansion, and the Ik feel this risks eroding their cultural identity and livelihoods.

In 2024, the Government of Uganda began disbursing funds for the Parish Development Model, a government-led initiative aimed at transforming subsistence households into the cash economy and lifting millions of Ugandans out of poverty. One of the conditions for accessing these funds is possession of a National Identification Number (NINs) or National ID, which many Ik people do not have. This also means that they continue to miss out on vital social services. There is no research to estimate the poverty index among the Ik. However, many Ik youth are not educated and many live in remote and inaccessible areas, restricting their access to jobs, education, and healthcare.

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# Zimbabwe



Zimbabwe celebrated its 44<sup>th</sup> year of independence on 18 April 2024. While the Government of Zimbabwe does not recognise any specific groups as Indigenous to the country, two peoples self-identify as such: the Tshwa (Tjwa, Cua) San found in western Zimbabwe, and the Doma (Vadema, Tembomvura) of Mbire District in north-central Zimbabwe. Population estimates indicate that there are 3,305 Tshwa and 1,626 Doma in Zimbabwe, representing approximately 0.031% of the country's population of 17,150,352 in July 2024. The government uses the term "marginalised communities" when referring to such groups.

Many of the Tshwa and Doma live below the poverty line in Zimbabwe and, together, they comprise some of the poorest people in the country. Socio-economic data is limited for both groups. Both the Tshwa and Doma have histories of hunting and gathering, and their households now have diversified economies, including local-level agriculture, informal agricultural work for other groups, pastoralism, mining, small-scale business enterprises, and working in the tourism industry. Remittances from relatives and friends both inside and outside the country make up a small proportion of the total incomes of Tshwa and Doma. As is the case with other Zimbabweans, some Tshwa and Doma have emigrated to other countries in search of income-generating opportunities, employment, and greater social security.

The realisation of core human rights in Zimbabwe continues to be challenging. Zimbabwe is party to the Committee on the Elimination of Racial Discrimination (CERD), Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). Reporting on these conventions is largely overdue but there were efforts in 2024 to meet some of the conventions' requirements. Zimbabwe voted for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007. Zimbabwe has not signed the only international

human rights convention addressing Indigenous Peoples: ILO Convention 169 on Indigenous and Tribal Peoples of 1989. The government has indicated its wish to expand its programmes and service delivery to marginalised communities. There are no specific laws on Indigenous Peoples' rights in Zimbabwe. However, the "Koisan" language is included in Zimbabwe's 2013 revised Constitution as one of the 16 languages recognised in the country, and there is some awareness within government of the need for more information and improved approaches to poverty alleviation and improvement of well-being among minorities and marginalised communities. A delegation from Zimbabwe attended the 23<sup>rd</sup> annual meetings of the United Nations Permanent Forum on Indigenous Issues (UNP-FII) from 15-26 April 2024.

## Introduction

The economic situation in Zimbabwe continued to deteriorate in 2024 with high inflation, rapidly rising prices, mounting unemployment, and lowered access to basic commodities for the poor.

The security situation in the country was also problematic throughout the year as state-sponsored security forces dealt harshly with demonstrators, sizeable numbers of whom were beaten, arrested, and jailed, sometimes for extensive periods of time. At least 140 anti-government demonstrators and journalists were arrested in 2024.<sup>1</sup>

Zimbabwe, like other countries in southern Africa, had to cope with the impacts of drought and climate-induced change in 2024. Drought was declared in Zimbabwe by President Emmerson Mnangagwa on 3 April 2024 when he noted that some 6,000,000 Zimbabweans were suffering from insufficient food. In his 2024 State of the Nation Address delivered on 2 October 2024, President Mnangagwa presented an optimistic picture of the status and future of Zimbabwe.<sup>2</sup> However, some marginalised communities in Zimbabwe, including the Tshwa San and Doma, were dealing with severe problems of poverty, unemployment, and limitations in their access to land and resources.

The Zimbabwe Human Rights Commission (ZHRC) continued to provide human rights awareness seminars in the country, including ones where Tshwa San and Doma (VaDema) were located. The ZHRC placed emphasis on issues facing marginalised communities, including voting rights and rights to participate in public institutions and organisations.<sup>3</sup>

The issue of leadership of the Tshwa community arose during the year when efforts to appoint a headman to assist Tshwa chief Christopher Dube were unsuccessful due to the death of the individual who had been designated to become the local Tshwa headman.

## **Issues involving youth and children in Zimbabwe**

Zimbabwean youth and children were covered by programmes in a number of different government ministries, including Health and Child-care, Primary and Secondary Education, Youth Empowerment and Development and Vocational Training. Some of the programmes in Women's Affairs, and Community and Medium Enterprise Development, also catered for children and youth. In Zimbabwe, children are defined as anyone under 18 years of age, in line with the Convention on the Rights of the Child (CRC). The Tsoro-o-tso San Development Trust (TSDT) met with Tshwa community members in Tsholotsho District in 2024 regarding issues involving education, mother-tongue language documentation, health, and community needs.<sup>4</sup> Government and NGOs placed particular emphasis on addressing the education and health needs of San and Doma children in Zimbabwe over the year.<sup>5</sup>

Indigenous children were facing challenges in Zimbabwe in 2024, including child labour exploitation, hunger, and limited access to educational opportunities. Some Tshwa children reported that they were bullied and mistreated in primary schools, although reports of corporal punishment by teachers declined.

Zimbabwean women's organisations, the Zimbabwean Red Cross, and TSDT noted that gender-based violence (GBV) and child abuse decreased in 2024. The numbers of Indigenous girls going to school increased, although some of them dropped out in order to care for younger siblings and to get jobs. Tshwa and Doma children saw greater dependence on food handouts from the Zimbabwe government and

NGOs due to the drought. TSDT worked at the community level on craft programmes for women, children and men throughout the year.

There were indications that Indigenous children in Zimbabwe faced malnutrition and health challenges in 2024. The numbers of Tshwa and Doma children who were suffering from communicable diseases increased over the year, although vaccination programmes addressed some of the problems, such as measles and whooping cough.<sup>6</sup> The vaccination programmes learned valuable lessons from Zimbabwe's handling of the COVID-19 pandemic. In addition, there were particular problems for Tshwa and Doma children relating to eye health and dental well-being, which NGOs and government were assisting with in 2024.

## Other issues

The Director of TSDT helped develop modules relating to Tshwa language and culture at Midlands State University in 2024. A TSDT stakeholder meeting was held in Tsholotsho in June that was aimed at identifying areas where linkages needed to be made with other organisations and government ministries to address needs in Tsholotsho and Bulalimanangwe districts, where the Tshwa reside. The Doma in the Zambezi Valley held discussions about setting up a Doma non-government organisation and seeking the right to appoint a Doma chief in 2024.

The Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) continued to be implemented in 2024.<sup>7</sup> Rural communities sought to pressure the Government of Zimbabwe and the CAMPFIRE programme to provide community-level economic benefits instead of allowing Rural Development Councils (RDCs) to make decisions about what was to be done with the funds generated by CAMPFIRE.

Tshwa continued to seek the right to return to areas from which they had been dispossessed by government decisions. In some cases, land had been granted to other groups, usurping the rights of the Tshwa. They felt that they were being treated differently, and that the government was favouring other people in northern Tsholotsho. They queried their social position vis-à-vis other groups in western Zimbabwe, where they felt they were at the bottom of the sociopolitical pyramid.<sup>8</sup>

The number of tourist visits to Zimbabwe increased in 2024, thanks in part to the end of the COVID-19 restrictions. There were several new

tourist-oriented enterprises initiated by the Tshwa and the Doma. The Tshwa and Doma sought to obtain additional training on tourist enterprises and climate change adaptations from the Ministry of Environment, Climate and Wildlife and the Ministry of Lands, Agriculture, Fisheries, Water, and Rural Development over the year.

Calls were heard from Indigenous people in Zimbabwe for more emphasis to be placed on their health and well-being. Fortunately, because of Indigenous activism, greater attention was being paid to the serious complex social, economic, and health problems faced by Indigenous, minority, and vulnerable members of Zimbabwe's population.

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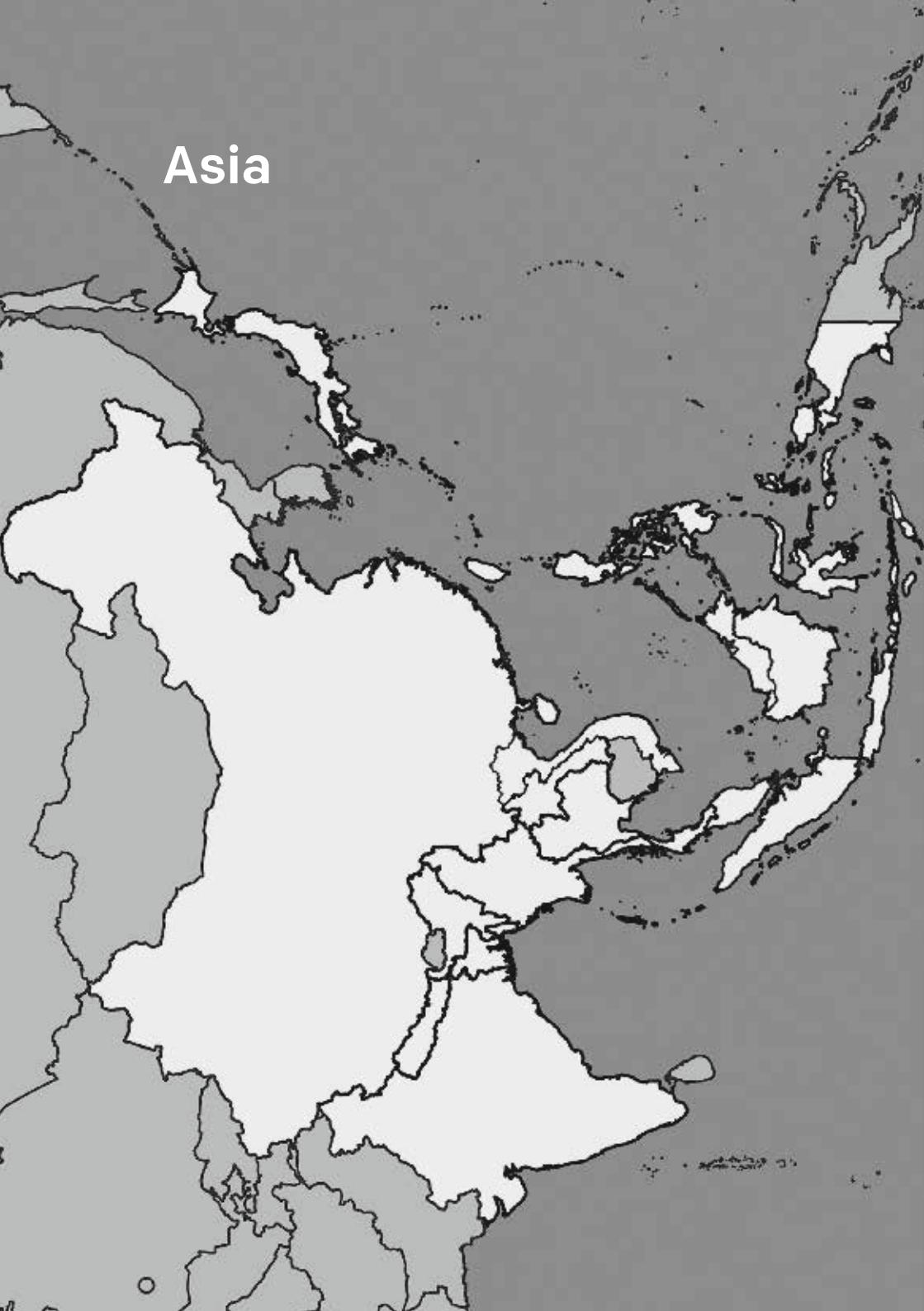
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**Asia**



# Bangladesh



Bangladesh is a country of cultural and ethnic diversity, with over 54 Indigenous Peoples speaking at least 35 languages, along with the majority Bengali population. According to the 2022 census, the country's Indigenous population numbers approximately 1,650,478,<sup>1</sup> which represents 1% of the total population. Indigenous Peoples in the country, however, claim that their population stands at some four million.<sup>2</sup> The majority of the Indigenous population lives in the plains districts of the country,<sup>3</sup> and the rest in the Chittagong Hill Tracts (CHT).

The State does not recognize Indigenous Peoples as "Indigenous". Nevertheless, since the 15<sup>th</sup> amendment of the constitution, adopted in 2011, people with distinct ethnic identities beyond the Bengali population are now mentioned.<sup>4</sup> Yet only cultural aspects are mentioned, whereas major issues related to Indigenous Peoples' economic and political rights, not least their land rights, remain ignored.

The CHT Accord of 1997 was a constructive agreement between Indigenous Peoples and the Government of Bangladesh intended to resolve key issues and points of contention. It set up a special administrative system in the region. Twenty-seven years on, the major issues of the accord, including making the CHT Land Commission functional, orchestrating a devolution of power and functions to the CHT's institutions, preserving "tribal" area characteristics of the CHT region, demilitarization and the rehabilitation of internally displaced people, remain unsettled.

## The fall of the fascist Hasina regime

A students'-people's uprising, popularly known as the July Uprising, marked the fall of the authoritarian Sheikh Hasina's Awami League (AL) regime on 5 August 2024, after 15 years of increasingly repressive rule. During its tenure, the regime tightened its grip on dissent, curbed freedom of speech, and fostered widespread corruption. The AL government censored the media and suppressed

dissenting voices through draconian laws such as the Digital Security Act and manipulated electoral and judicial systems to remain in power. The movement that led to its downfall began as a student-led protest in June, demanding reforms to the quota system in government jobs, particularly against the politically motivated and discriminatory 30% allocation for the relatives of war veterans. The regime responded with brutal force, branding the protesters as *razakars*, or traitors, and unleashing violence through its party cadres and student wing, the Bangladesh Chhatra League. As the movement escalated in late July, State forces carried out massacres of students and civilians. On 5 August, the protest evolved into a full-scale mass uprising, ultimately toppling the AL government. The struggle, however, came at a devastating cost, with 834 lives lost,<sup>5</sup> including children, and hundreds more injured, many suffering from bullet wounds, still fighting for survival in hospitals. Among the victims, an Indigenous Santal student was confirmed dead, and over 53 Indigenous students were injured.<sup>6</sup>

## **The interim Government of Bangladesh – a new hope for Indigenous Peoples?**

An interim government was formed in the aftermath of the protests. The main spirit of the movement was to bring reform to the State systems by eradicating the discriminatory role of the State. It is obvious to say that the Indigenous Peoples of Bangladesh living in the plains and the Chittagong Hill Tracts (CHT) are the most vulnerable and marginalized communities, who have fallen prey to any form of discrimination for years.

Since the interim government was formed, having resolved all kinds of discrimination, it is high time for the Indigenous Peoples of Bangladesh to approach the government for a resolution to their challenges and issues. It was a good start when the Chief Adviser to the Interim Government, Nobel Laureate Professor Dr. Muhammad Yunus, mentioned “Indigenous Peoples” in his inaugural address to the nation.<sup>7</sup> Several other advisers and mainstream media are also using the term “Adivasi” (the local term for Indigenous Peoples) frequently now, which was rare during the previous government.

This is a crucial moment for Bangladesh as well as for the country's Indigenous Peoples. The vision of a new, inclusive, and just society is within reach, but it demands collective effort and a clear path forward. Indigenous Peoples' engagement in the process of State reform is crucial for bringing their issues to the discussion table and gaining attention from policy makers, civil society organizations, media and others.

The interim government has created 11 different thematic reform commissions to help the government conduct the overall State reform process. The commissions are: Constitutional Reform Commission, Electoral Reform Commission, Anti-Corruption Commission Reform Commission, Police Reform Commission, Public Administration Reform Commission, Judicial Reform Commission, Women's Affairs Reform Commission, Health Sector Reform Commission, Local Government Reform Commission, Media Reform Commission, and the Labour Reform Commission.<sup>8, 9</sup>

Representatives from Indigenous communities, as well as from minority communities, were notably excluded from the early stages of Bangladesh's reform commissions. However, as debates around inclusion and representation grew louder, the interim government responded by incorporating two representatives from Indigenous communities into the Women's Affairs Reform Commission and the Local Government Reform Commission.

Despite this, Indigenous Peoples and other minority groups remain significantly underrepresented in key commissions that directly affect their rights. Notably, there are still no representatives from Indigenous communities on the Constitutional Reform Commission, the Electoral Reform Commission or other commissions directly linked to Indigenous Peoples' rights. This continued absence underscores the endless challenges and lack of sufficient representation for Indigenous and minority communities in Bangladesh's policy-making processes, particularly in areas crucial to their cultural preservation, land rights, and overall social justice.

## **One percent quota reserved for “ethnic minorities”**

The 2018 Quota Reform Movement was a pivotal moment. Prior to the movement, Indigenous communities had a 5% reservation in public

service jobs as part of a government quota system that was initially set at 56% and included various groups.<sup>10</sup>

Students demanded reform of the quota system, arguing that the 56% reservation prevented meritorious students from deservedly receiving government jobs and was thus discriminatory. Additionally, within the 56% quota, 30% was reserved for freedom fighters. Students questioned this allocation, asking how it was justified to keep this after more than 50 years of independence had passed? The anti-discrimination movement thus began. However, at that time, the government responded to their demands by abolishing the whole quota system via government executive order.

Then, in 2024, the High Court declared the executive order inappropriate and resumed the previous quota system. This immediately sparked the countrywide student protest. The government and its political party cadres wanted to suppress the movement and, in many places, student protesters were attacked by government forces. All this further ignited the students and the mass population, which eventually transformed the anti-discrimination movement into a government removal movement.

The abolition of the 5% reservation sparked strong reactions from Indigenous communities, who felt that their already limited opportunities were being further diminished. In response, the 2024 reform saw a slight revision, with the government reintroducing a 1% quota specifically for Indigenous Peoples (called “Ethnic Minorities”).<sup>11</sup> While this change was seen as a partial victory, many Indigenous leaders and activists continue to advocate for a larger percentage, arguing that the current allocation does not adequately address the historical and systemic disadvantages they face. The struggle for more meaningful representation and equal opportunities in public services continues.

## **Report on the update to the Chittagong Hill Tracts (CHT) Regulation 1900 case and latest hearing**

The Chittagong Hill Tracts (CHT) Regulation 1900 is a legal framework originally introduced during the British colonial period, which continues to govern land use, governance, and property rights in the region. For

the Indigenous Peoples of the CHT, this regulation serves as a crucial safeguard for our rights, land, and cultural preservation. Despite the promises of the 1997 CHT Peace Accord, which recognized Indigenous Peoples' rights to autonomy and land, the regulation is often under threat from external pressures seeking to undermine our protection.

The regulation's validity has been affirmed by the Supreme Court of Bangladesh in a landmark ruling. In 2016, the Appellate Division of the Supreme Court upheld the application of the CHT Regulation 1900 in the case of Wagachara Tea Estate Ltd. v. Muhammad Abu Taher & Others (16 BLD (AD), 36, 2016), affirming the regulation's authority to protect Indigenous lands. In 2017, the Court further strengthened this position by overturning a lower court's judgement that had declared the regulation a "dead law" in the case of Government of Bangladesh v. Rangamati Food Products and Others (69 DLR (AD), 2017).<sup>12</sup> The current legal case concerning the CHT Regulation has escalated, with significant efforts to alter its core provisions. Mr. Abdul Aziz Akhand, Mr. Abdul Malek, and other parties, including Bengali settlers and former Attorney General Mr. Amin Uddin, have proposed deleting 27 clauses from the 57 clauses of the regulation. These 27 clauses contain the core characteristics of the regulation, which guarantee autonomy, self-governance, and protection of Indigenous lands and cultural practices.<sup>13</sup> In particular, the deletion of these clauses would fundamentally undermine the very foundations of the regulation, severely limiting the autonomy granted to Indigenous communities in the CHT region. These provisions are critical in ensuring the recognition of Indigenous customary laws, land rights, and governance systems, and their removal would significantly erode the protections afforded to these communities.

On 9 May 2024, the full bench of the Appellate Division of the Supreme Court held a review hearing on the CHT Regulation's status as a dead law. The bench, comprising eight judges, including the Chief Justice, was expected to make a final ruling.<sup>14</sup>

The final hearing on the CHT Regulation 1900 case was scheduled for 11 July 2024, when the Appellate Division of the Supreme Court was supposed to determine whether it would accept the review petitions challenging the previous rulings that upheld the regulation. The Court's decision would have been pivotal in determining the future of the CHT Regulation 1900 and its ability to continue safeguarding Indigenous

rights in the CHT. Due to the political unrest, however, the scheduled hearing was postponed.<sup>15</sup> The hearing could now be scheduled any time.

This case thus centres on Indigenous Peoples' efforts to uphold and defend the CHT Regulation 1900 as a vital safeguard that secures our land rights, protects us from displacement, and ensures the preservation of our distinct culture and governance structures.

## **Dire state of human rights in the CHT**

The human rights situation in the CHT in 2024 remained dire, with ongoing violations that included extrajudicial killings, arbitrary arrests, communal violence, land grabbing, and suppression of democratic movements. The year saw a continuation of systemic abuses rooted in long-standing issues, compounded by new challenges and insufficient State intervention. A human rights report claims that a total of 200 incidents of human rights violations took place in 2024, in which more than 6,000 Indigenous people fell victim to different forms of rights violations.<sup>16</sup>

At least 21 people were killed by the members of State forces, Bengali settlers, and land grabbers, as well as in the violent conflicts between Indigenous political groups.<sup>17, 18, 19</sup> Over 140 people were either arbitrarily arrested or framed with trumped-up charges by the State forces.<sup>20</sup> Indigenous Peoples also survived several violent attacks in which over 120 houses, shops, offices and temples belonging to Indigenous Peoples were set on fire and looted. Dozens of Indigenous persons were also injured in these incidents. Moreover, in around 10 incidents of illegal land grabbing, some 2,314 acres of land were grabbed by companies, influential persons, and Bengali settlers.<sup>21</sup>

While the series of violent communal attacks by Bengali settlers on Indigenous communities in Khagrachari and Rangamati from 18-20 September was one of the most violent incidents perpetrated by non-State actors during the post-CHT Accord period,<sup>22</sup> Indigenous Bawm villagers in Bandarban were particularly affected by persecution from State forces. At least 16 Bawm were killed and 143 of the same community were arbitrarily arrested or framed with trumped-up charges. Moreover, 28 Bawm were temporarily detained and 42 families faced obstruction while cultivating their farms.<sup>23, 24</sup>

## Chain of violent communal attacks on Indigenous Peoples in Khagrachari and Rangamati

A series of violent attacks by Bengali settlers in Dighinala, Khagrachari Sadar (19 September), and Rangamati (20 September) resulted in the deaths of four Indigenous persons, around 100 injuries, and widespread arson targeting Indigenous homes, businesses, offices, and Buddhist temples.<sup>25</sup>

The violence began after the alleged mob killing of Mamun, a Bengali settler, on 18 September in Khagrachari. Mamun, caught attempting to steal a motorbike, reportedly died from hitting an electric pole while fleeing. Police confirmed he had 16 criminal cases against him.<sup>26</sup> However, settler groups blamed the local Indigenous people for his death, sparking protest rallies on 19 September. From one rally in Dighinala, settlers attacked Jummo<sup>27</sup> individuals and set fire to homes and businesses.<sup>28</sup> In response, Jummos staged road blockades in Khagrachari in the evening. Military vehicles dispersed them violently, opening fire, as seen in live-streamed videos. Three Jummos were killed: Dhananjoy Chakma, 50, Junan Chakma, 22, and Rubel Tripura, 24, with nearly 100 others injured in the violent incidents in Dighinala and Khagrachari Sadar.<sup>29</sup>

The violence spread to Rangamati Sadar on 20 September, where a Jummo procession against the attacks in Dighinala and Khagrachari Sadar faced stone-throwing settlers. False announcements from Banarupa Mosque's loudspeaker claimed Jummos were planning to attack the mosque, fuelling further violence. Settlers attacked Jummos, looting and burning homes, businesses, and religious sites, including the Moitri Bihar Buddhist temple. The offices of the CHT Regional Council and CHT Hill Students' Council were also set on fire and vandalized. Anik Kumar Chakma, 22, was brutally killed in one of these attacks and several dozen people were injured. Section 144 of the Code of Criminal Procedure, which prohibits assembly of five or more people and the holding of public meetings, was imposed but not before significant destruction had occurred.<sup>30</sup>

On 1 October, further violence erupted in Khagrachari following the mob killing of Sohel Rana, a teacher accused of raping a 7th-grade Indigenous girl. Protests by Indigenous groups led to Sohel's confinement, where he was assaulted and later died. Settlers responded by un-

leashing more violence against some Indigenous communities in Kha-grachari Sadar, mirroring earlier attacks. Several Indigenous persons were injured, and several shops and houses of Indigenous people were vandalized in these attacks.<sup>31</sup>

Throughout these incidents, the role of the security forces was highly questionable. Testimonies report either direct involvement or inaction, allowing violence to escalate near military establishments. Army personnel allegedly deleted footage of attacks from Jummo individuals' phones, beating those who resisted.<sup>32</sup> The government established a seven-member investigation committee to ascertain the causes of the above-mentioned violent incidents. Despite clear evidence available, however, no perpetrators were arrested.

## **Violence against Indigenous women and girls**

Violence against Indigenous women and girls remains a persistent concern in Bangladesh, affecting both the plains and the CHT. Despite the existence of protective legislation such as the Women and Children Repression Prevention Act (2000), the Domestic Violence (Prevention and Protection) Act 2010, and the National Action Plan to Prevent Violence Against Women and Children (2013-2025), the issue persists.

In 2024, Kapaeeng Foundation, a Bangladesh-based human rights organization, documented 17 cases of violence against Indigenous women and girls. These reported incidents involved 17 Indigenous women and girls who experienced sexual or physical assault. The breakdown of these cases is alarming: 4 victims were raped; 1 was killed; 6 were cases of attempted rape; 3 survived gang rape; 1 was abducted; 1 missing and 1 sexually harassed. This figure is likely to underrepresent the true extent of the problem. While all perpetrators were male, their backgrounds varied.

The State authorities' response to these cases has been inconsistent. Only in five incidents were police cases filed against the perpetrators. In other cases, either no action was taken against the perpetrators, or the support of the relevant State authorities was inadequate or delayed. This inconsistency in response suggests discriminatory treatment of Indigenous women and girls by some State authorities.

## Indigenous students express their struggles through graffiti

While the July Uprising was a tragic episode, it also ignited renewed hope for a more inclusive and just Bangladesh – one that embraces diversity and rejects discrimination. During the uprising, and in the weeks that followed, graffiti became a powerful tool of resistance and expression of desired change for the youth. Indigenous students actively took part in this movement, using the streets of Dhaka and the three hill districts of the CHT as canvases to voice their dreams of an inclusive Bangladesh. Their graffiti highlighted the pressing issues faced by Indigenous communities, including the long-standing demand for constitutional recognition, ongoing violence, development destruction, unimplemented CHT Accord, land alienation, and persistent militarization in the CHT. The graffiti murals show that, despite the fall of an authoritarian regime, the CHT's Indigenous Peoples continue to face discrimination, repression, and shrinking civic space in their homeland. Through these visual expressions, they not only documented their struggles but also articulated their deep yearning for freedom, justice, and a future in which their rights are fully recognized and respected.

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# Bedouin in the Negev/Naqab



The Bedouin of Israel's Negev-Naqab region represent a unique Indigenous minority, numbering approximately 305,000 individuals and constituting approximately 3.5% of Israel's total population.<sup>1</sup> Traditionally leading a semi-nomadic lifestyle, these communities have deep-rooted connections to the Negev-Naqab desert landscape. However, Israeli policies have significantly impacted their rights to lands, resources, and cultural expression.<sup>2</sup>

While some Bedouin villages receive State recognition, many remain "unrecognized", resulting in a denial of essential infrastructure such as proper electricity and easy access to education and healthcare.<sup>3</sup> Today, the Bedouin live in three types of location: government-established towns, recognized villages, and unrecognized villages. Over half live in seven government-established towns, the rest live in 11 villages officially recognized by the State and in 35 unrecognized villages that lack official recognition, limiting access to essential services. This lack of recognition perpetuates socio-economic challenges, positioning Bedouin communities among the most impoverished in Israel.<sup>4</sup>

In 2024, the Israeli authorities stepped up the demolition of unrecognized Bedouin villages in the Negev-Naqab region, displacing hundreds in order to develop infrastructure and establish Jewish communities. These events highlight the Bedouin community's ongoing challenges in securing land rights and recognition. As their population grows, there is a growing urgency to assert Indigenous rights, land ownership, and equitable access to services, with youth increasingly leading the efforts for change.

## Legislative and policy developments

### Increase in structure demolitions

The Israeli government intensified demolitions and forced evictions in unrecognized Bedouin villages within the Negev-Naqab region in 2024, citing "illegal construction" and "infrastructure develop-

ment needs” as primary justifications. The village of Umm al-Hiran was, notably, demolished to establish a new Jewish settlement named Dror.<sup>5</sup> This action is particularly contentious as Israeli authorities had initially relocated the community to this site in the 1950s, following their displacement from their ancestral lands in 1952. Minister Itamar Ben-Gvir framed these demolitions as necessary enforcement to address the perceived “anarchy” of Bedouin communities. Overall, more than 4,000 homes and buildings were demolished in 2024, exacerbating the displacement and marginalization of Bedouin populations.<sup>6</sup>

With the support of civil society organizations, Bedouin communities have taken various measures to counter the demolition orders and evictions. They have filed legal challenges to contest these orders, aiming to halt or delay the evictions. Advocacy groups have organized peaceful protests and awareness raising campaigns, both domestically and internationally, to highlight the struggles faced by the affected communities. Additionally, there have been collaborative efforts to engage with the Israeli authorities in hope of negotiating alternative solutions that respect the rights and heritage of the Bedouin people.<sup>7</sup>

Despite these efforts, the demolitions have persisted, leading to calls for increased international intervention and support to protect the rights of Bedouin communities in the Negev-Naqab region.

### **The Rifman proposal**

It is alongside this that the proposed “Rifman Law” emerged, aimed at regulating Bedouin settlements and promoting economic development in the Negev.<sup>8</sup> The law offers instruments for regulation, economic development, administrative solutions for governance, and personal security. Critics argue, however, that it perpetuates systemic marginalization by excluding Bedouin representatives from planning processes and undermining traditional practices. Haggai Reznik, head of the Rifman Institute, emphasized the urgency of legal solutions, stating, “We are obliged to insist and fight for legal solutions to be found. We can no longer continue with the neglect of Bedouin society.”

In practice, however, in reality this law would place the Bedouin under a “special” civil regime, different from that of the general Israeli citizenry, and exclude Bedouin representatives from decision-making pro-

cesses, undermining the community's autonomy and failing to address its specific needs. This approach echoes past policies such as the Prawer Plan, which sought to forcibly relocate tens of thousands of Bedouins under the guise of urbanization and "development". Civil society and human rights organizations have expressed concern over the proposed "Rifman Law" and see it as a potential catalyst for the further marginalization of Bedouin communities in the Negev-Naqab region. Critics argue that, despite its stated aims, the law could lead to forced relocations as experienced in the past and the continuing erosion of the Bedouins' traditional way of life and the protection of their land rights. Far from being a constructive solution, the "Rifman Law" is widely perceived as a legal tool to justify these actions. These developments underscore Bedouin communities' ongoing challenges in securing their land rights and preserving their cultural heritage amid State-led development initiatives.<sup>9</sup>

In response, various organizations have mobilized to inform and empower the Bedouin about the impact of the "Rifman Law". Initiatives include educational workshops in unrecognized villages, where legal experts explain the potential impact of the law and discuss the rights of residents. Petitions have been launched to challenge the law's provisions and prevent it from coming into force by legal means. Joint conferences have also been organized, bringing together multiple stakeholders to develop strategies for effective countermeasures and to amplify the voices of those directly affected. In addition, activists have engaged directly in the Knesset by presenting position papers and participating in committee discussions to express their opposition to the law. These collective efforts underscore the organizations' commitment to protecting the Bedouin community's land rights and cultural heritage from discriminatory measures.<sup>10</sup>

### **Community activism halts afforestation in Sa'wah**

In December 2024, a visit to the Bedouin village of Sa'wah in the Negev-Naqab region by Negev Coexistence Forum for Civil Equality's (NCF) executive director revealed that the Keren Kayemeth LeIsrael-Jewish National Fund (KKL-JNF)<sup>11</sup> had ceased its afforestation activities there, which had previously (in 2022) aimed to plant trees on the village's agricultural lands.<sup>12</sup> At the time, ownership of the land was still in dispute in court.<sup>13</sup> This cessation suggests that sustained community activism,

including peaceful protests against these tree-planting projects, can effectively influence policy decisions and protect Indigenous land rights. The Bedouin community's organized opposition, supported by various NGOs and civil society organizations, played a crucial role in halting these activities, highlighting the power of collective action in challenging policies that threaten their cultural heritage and land rights.<sup>14</sup>

## **International engagement and Indigenous participation**

In 2024, the Bedouin communities of the Negev-Naqab region, notably Wadi al-Khalil and Umm al-Hiran, faced significant challenges. In May, Israeli authorities demolished 47 homes in Wadi al-Khalil, leading to the forced eviction of over 300 residents. Later, in November, the village of Umm al-Hiran was completely demolished to make way for a new religious Jewish settlement, Dror, displacing its Bedouin inhabitants to the Bedouin town of Hura. These actions drew national and international attention, prompting solidarity events and interventions from various organizations.

In response to the planned demolition of Umm al-Hiran, solidarity events were organized in Israel to raise awareness and support for the Bedouin community. One notable initiative involved setting up a traditional Bedouin tent in Tel Aviv and inviting passersby to engage and learn about Bedouin culture and the challenges unrecognized villages face. This event was organized by the Regional Council of Unrecognized Bedouin Villages and NCF distributed printed reports to those seeking more information. Despite these efforts, the village was eventually evacuated and demolished, highlighting the limitations of grassroots activism in the face of State policies.

The demolition of Umm al-Hiran garnered some international attention, but only once it was too late. Following a letter from NCF, the UN Special Rapporteur on the right to adequate housing, Balakrishnan Rajagopal, requested an emergency report detailing the situation. NCF, in collaboration with Bedouin activists, compiled a comprehensive report outlining the broader pattern of home demolitions, displacement, and systemic erasure of Bedouin communities in the Negev-Naqab. On 17 December 2024, eight UN Special Rapporteurs issued a formal com-

munication to the Israeli government, expressing urgent concerns about forced evictions, home demolitions, and non-compliance with international human rights law.<sup>15</sup> The communication specifically addressed:

- The demolition of Umm al-Hiran and the forced displacement of its residents.
- The widespread demolition of homes in unrecognized Bedouin villages across the Negev.
- Israel's violation of international human rights law concerning minority communities.
- The absence of resettlement or alternative housing options for displaced Bedouin families.

The Israeli government was requested to respond by 15 February 2025; however, no response had been received as of the writing of this article in late February. Additionally, NCF and Sidreh submitted a report to the UN Committee on the Rights of the Child highlighting the severe challenges faced by Bedouin children, including limited access to education and healthcare, the destabilizing impact of home demolitions, pervasive poverty, and food insecurity.<sup>16</sup> The report also emphasized the lack of protection for these children during conflicts, leaving them exceptionally vulnerable.

## **Insights from community workshops**

NCF's coordinators have gained valuable insights by conducting workshops with women and children in unrecognized Bedouin villages. These interactions have revealed the significant impact that systemic challenges have on daily life. For example, the photography workshops for children, organized in collaboration with village committees, have offered a platform for self-expression and storytelling, showcasing the resilience and creativity of the youth.<sup>17</sup> Likewise, initiatives such as the Desert Embroidery Project empower women by utilizing their traditional skills to generate income, which fosters economic independence and preserves cultural heritage.<sup>18</sup> These efforts highlight the importance of community-driven programmes in addressing socio-economic disparities and promoting cultural preservation.

## **Empowerment through research and conferences**

Collaborative efforts between NCF's research centre, Nagabiya, and local communities have led to the organization of conferences addressing the challenges and opportunities Bedouin women face.<sup>19</sup> These events have seen significant participation from young women eager to engage in discussions about education, employment, and social rights. The conferences provide platforms for knowledge exchange, capacity building, and leadership development among Bedouin women, contributing to their empowerment and active participation in societal development.<sup>20</sup>

These initiatives reflect a growing movement within the Bedouin community, particularly among women and youth, striving for socio-economic advancement and cultural preservation. Their active participation in both local and international contexts is crucial for advocating more inclusive policies and enhancing the recognition of Bedouin rights, thereby contributing to a more equitable future.

## **Outlook for 2025/2026**

The Bedouin communities in the Negev-Naqab region face a challenging future as they contend with legislative measures and ongoing systemic issues. The proposed "Rifman Law", presented as a framework for integrating Bedouin society and transforming the Negev, has been met with significant concern from Bedouin communities and advocacy groups. Critics argue that, despite its stated intentions, the law may lead to further displacement and erosion of traditional Bedouin lifestyles, as it emphasizes development that may not align with the needs and rights of Indigenous populations. The success of this legislation will largely depend on genuine community engagement and balancing development with respect for civil liberties.

Grassroots activism has proven its ability to effect change, as seen in the halting of some controversial projects due to sustained community efforts. However, systemic challenges continue to loom large. The trend of home demolitions and forced evictions has escalated, with reports indicating a significant increase in such actions. In 2024 alone, there were over 4,900 demolitions of Bedouin homes and other essen-

tial structures, resulting in worsening socio-economic disparities and undermining community stability.

International attention and intervention have played a vital role in bringing these issues to light. Communications from UN Special Rapporteurs and reports submitted to bodies such as the UN Committee on the Rights of the Child have emphasized the urgent need to address the rights and welfare of Bedouin communities. These efforts can influence policy and encourage the Israeli government to align its practices with international human rights standards.

Looking ahead to 2025 and 2026, the future trajectory for Bedouin communities will likely be shaped by the interplay of legislative actions, community resilience, and international advocacy. While initiatives such as the "Rifman Law" provide a framework for development, careful monitoring of their implementation is essential to ensure they do not infringe upon the rights and traditions of the Bedouin people. The empowerment of women and youth, combined with ongoing grassroots activism, will be crucial in navigating these challenges and working toward a more equitable and just future for the Indigenous populations of the Negev-Naqab.

*Every year we aim to document the situation of the Bedouin in both Israel and Palestine. Unfortunately, this year, our authors were not able to provide an article on the Bedouin in Palestine.*

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The **Negev Coexistence Forum for Civil Equality (NCF)** was established in 1997 to provide a space for Arab-Jewish shared society in the struggle for civil equality and the advancement of mutual tolerance and coexistence in the Negev/Naqab. NCF is unique in being the only Arab-Jewish organization that remains focused solely on the problems confronting the Negev/Naqab area. NCF considers that the State of Israel is failing to respect, protect and fulfil its human rights obligations, without discrimination, towards the Arab Bedouin Indigenous communities in the Negev/Naqab. As a result, NCF has set one of its goals as the achievement of full civil rights and equality for all people who make the Negev/Naqab their home.

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# China



The People's Republic of China (PRC or China) officially proclaims itself to be a unified country with a diverse ethnic make-up and all nationalities equal in the Constitution. Besides the Han Chinese majority, the government recognizes 55 *minority nationalities* within its borders. According to the latest national census in 2020,<sup>1</sup> the combined minority nationalities' population stands at 125,332,335 or 8.89% of the country's total population. The "unidentified ethnic groups" in China are included in the "minority nationalities" population, numbering 836,488 persons. Minority nationalities are culturally distinctive and socially marginalized in the Chinese context.

*The Law of the People's Republic of China on Regional National Autonomy* is a basic law on the governance of minority nationalities in China. It includes establishing autonomous areas for nationalities, setting up their own local governance and giving them the right to practice their own language and culture. These regional national autonomous areas make up approximately 64% of China's total territory and include, among others, the vast territories of Tibet Autonomous Region, Inner Mongolia Autonomous Region and Xinjiang Uyghur Autonomous Region.

The Chinese government does not recognize the existence of Indigenous Peoples in the PRC despite voting in favor of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

## Legislation and policies affecting Indigenous Peoples

### 1. Legislation and policies to consolidate the consciousness of the Chinese-nation community

The Chinese leadership and government agencies worked continuously throughout 2024 to promote and impose the concept of the *Chinese-nation community*. This reflects the ongoing process of nation-building in China, which constrains the identity and autonomy rights of minority nationalities articulated in the Chinese Constitution in

terms of maintaining or reforming their customary way of life and their language use and development.

In February 2024, *Qiushi* magazine, a key ideological platform for the Communist Party of China (CPC) Central Committee, published a speech by the CPC's General Secretary Xi Jingping outlining the leadership's vision for the foundations of the Chinese-nation community, as well as setting priorities for the CPC's "ethnic work". Among others, this includes developing theoretical foundations for the concept of the Chinese-nation community and promoting "extensive exchanges and integration among all ethnic groups, and [...] Chinese-style modernization with the great unity of the Chinese nation".<sup>2</sup> The February issue of the magazine also included an article by the Party Group of State Ethnic Affairs Commission (SEAC) elaborating on the priorities of the party's "ethnic work".<sup>3</sup>

With the idea of promoting the leader's vision of the Chinese-nation community, in February the SEAC published a textbook entitled "Introduction to the Chinese-nation Community". The purpose of the book is to instill in students a "correct view of the history of the Chinese-nation and to embed the concept of the Chinese-nation community".<sup>4</sup>

In July 2024, the CPC's Central Committee adopted a decision on *Further Comprehensively Deepening Reform and Promoting Chinese-style Modernization*, which proposes to formulate a law to promote national unity and progress, improve institutional mechanisms for consolidating the consciousness, and enhance the cohesion of the Chinese nation.<sup>5</sup> In his speech to the National Conference on Education in September 2024, Xi Jinping again emphasized the importance of promoting "the national common spoken and written language and promoting consolidation of the consciousness of the Chinese-nation community". Meanwhile, at the subnational level, the authorities have been implementing various measures in the spirit of consolidating the Chinese-nation community.

In January 2024, *The Regulations on Promoting Interaction, Exchange, and Integration among Ethnic Groups* entered into force in the Ili Kazakh Autonomous Prefecture in Northern Xinjiang, whose population of about three million consists of various ethnic groups, including Kazakh, Han, Uyghur, Hui, Mongolian, and Xibe.<sup>6</sup> The regulations specify the responsibilities of the government at all levels in the prefecture and aim to "gradually realize the all-round integration of all ethnic groups

into culture, economy, society, psychology, and other social spaces, and guide all ethnic groups to firmly establish the consciousness of a community with shared weal and woe, honor and disgrace, life and death, and destiny." (Article 3)

The regulations promote the education of youth by incorporating the idea of "consolidating the consciousness of the Chinese-nation community" into the national education system (Article 11) and promoting integration among students of all ethnic groups throughout the entire educational process (Article 14).<sup>7</sup> Referring to the proposed "foundation-building project" for consolidating the consciousness of the Chinese-nation community among young people through the *Youth Development Plan in Xinjiang Uygur Autonomous Region (2021-2025)*, these new regulations provide a legal basis for implementing the regional policy of Xinjiang at the prefecture level.

The de facto campaign against Indigenous and minority language learning has continued in the Tibetan area. A recent example is the closure of the Ragya Gangjong Sherig Norbuling School in Golog Machen County, Qinghai Province, in July. Established in 1994 as the first privately-operated school in Qinghai, it was a specialist vocational school offering classes in the Tibetan language, English, computer science, engineering, medicine, videography, and physical education. Since its inception, more than 2,300 students have graduated. According to the *Tibet Times*, of the 16 known privately owned schools in the Golog region, eight have been shut down since 2021, with most of the remaining schools at risk of closure.

Responding to these apparent assimilationist measures, the *Tibet Times*, a Tibetan media agency based in India, gathered 100 signatures from mainly Tibetan academics and presented a petition to the Office of the United Nations High Commissioner for Human Rights on 29 July. The petition calls for an end to the forced closures of private and monastic schools and the boarding school system in Tibet. It requests that the High Commissioner publicly address the human rights situation in Tibet and urges the Chinese government to adhere responsibly to international human rights standards.

Meanwhile, on 24 January 2025, the Chinese government replied to the letter jointly presented by the UN Special Rapporteur on minority issues, the Special Rapporteur in the field of cultural rights and the

Special Rapporteur on the right to education (ref. AL CHN 13/2023). The letter concerns the growing number of boarding institutions for children in Xinjiang and assimilation policies in these institutions, including restrictions on the use of the Uyghur language.<sup>8</sup> China replied that the reported allegations were fabricated and at odds with reality.<sup>9</sup> The reply stated that the development of residential education does not target a particular ethnic group or region but conforms with state laws and improves the popularization of compulsory schooling, allows more children to access a better quality of education, and contributes to a balanced development. The reply claims that boarding schools alleviate the burden on the pupils' parents, who generally welcome the friendly coexistence of students of all ethnicities.

## **2. Legislative reviews and consultation on the National Park Law**

On 10 September 2024, the draft National Park Law was submitted to the Standing Committee of the National People's Congress for deliberation.<sup>10</sup> This is the first proposed bill on national parks at the national level. The second review of the bill was held in December, and the reviewed bill was publicly solicited for comments.<sup>11</sup>

Referring to Indigenous Peoples as "original residents" (*yuanyou-jumin*, 原有居民 in Chinese) the bill contains five articles that are especially relevant to them. Article 13 proscribes impact assessments on the production and life of original residents of a park area based on extensive consultation and in-depth discussion. Article 27 prohibits human activities in the core protection area of a park, except for the "necessary production and living activities of the 'original residents.'" Article 29 prohibits an increase in the production and living activities of the original residents, and instructs local governments to resettle original residents should the protection and management needs so demand. Article 56 mandates the authorities to correct the production and living activities in the national park area in cases where they exceed the original scale, including through fines. Finally, Article 40 encourages original residents to participate in the bidding process when selecting providers for commercial services within the park.

Establishing national parks substantially impacts Indigenous Peoples' land use and ways of life in China. There are 49 candidate national park areas in China, including many places inhabited by Indigenous

Peoples and minorities. Although the bill was improved at the second review by taking into account the special status of “original residents”, it lacks formal recognition of Indigenous Peoples as right-holders and contributors to the forthcoming governance of the national parks.

## **Controversial hydropower projects impact Indigenous Peoples**

The ongoing expansion of hydropower infrastructure in China continues to create conflicts between Indigenous communities and developers.

The Gangtu project in Tibet is one of 13 cascade hydropower stations planned on the upper reaches of the Jinsha river. This dam would displace residents from two villages and six monasteries, which would end up under water. Local Tibetans’ protests against the forced resettlement and disrespect of sacred sites began in February but were suppressed.<sup>12</sup> In July, 13 UN Special Rapporteurs expressed their concerns at the hydropower development and its impact on Indigenous Peoples. Letters, including questions on 14 different items, were sent to the Chinese government and the company developing the project.<sup>13,14</sup> The government’s half-page reply stated that “the relocation of the villages in question was carried out only after full consultation of the opinions of the local residents” but did not address the specific issues noted in the Special Rapporteurs’ letter. The Company did not respond to the letter.<sup>15</sup>

Meanwhile, the Tiger Leaping Gorge dam on the Naxi homelands in Yunnan province was initially shelved in what was regarded as a victory for the anti-dam campaign during 2003–2006. However, in September 2024, the provincial government decided to proceed with the project once more.<sup>16</sup> Today, the potential size of the population to be relocated, including the Naxi, Bai, and Tibetans, is expected to be significantly higher than the originally estimated 100,000 persons.

In December 2024, Chinese Xinhua news agency reported that the central government had approved construction of a hydropower project in the lower reaches of the Yarlung Zangbo River.<sup>17</sup> This project will build the world’s largest hydropower dam, stoking concerns about the displacement of communities in Tibet and environmental and social impacts downstream in India and Bangladesh, including in areas pop-

ulated by Indigenous Peoples. The authorities have stressed that the project will not have a significant environmental impact. However, no information is available on the process or results of the project's environmental and social impact assessment, including how many people it will displace.

## **Important inputs and outcomes from the United Nations**

### **1. The fourth cycle of the Universal Periodic Review (UPR) at the UN Human Rights Council**

China's 4<sup>th</sup> cycle of UPR was held on 23 January 2024. Throughout the state-to-state review process at the UN Human Rights Council, China received 428 conclusions and recommendations.<sup>18</sup> The recommendations concerning Uyghurs, Tibetans, and Mongolians were mainly focused on the following aspects: (1) implementation of the recommendations set out by the Office of the UN High Commissioner for Human Rights (OHCHR) and UN treaty bodies; (2) addressing the issues of arbitrary detention, family separation, restrictions on movement, and rights to enjoy their own culture and language; (3) allowing unhindered access to United Nations special rapporteurs and independent experts to evaluate reports of violations of human rights in Xinjiang and Tibet; and (4) allowing freedom of religion or belief and cultural expression and ending the criminalization of religious and peaceful civil expression by ethnic and ethno-religious groups.<sup>19</sup>

China emphasized that the issues relating to Xinjiang and Tibet were about safeguarding China's national sovereignty, security, and unity, and urged people to stop politicizing and weaponizing them.<sup>20</sup> It rejected all calls to implement the recommendations of the landmark 2022 UN report on Xinjiang,<sup>21</sup> dismissing the report as "illegal and void".<sup>22</sup>

### **2. Office of the UN High Commissioner for Human Rights (OHCHR)**

In response to questions about the OHCHR's work on China, on 27 August the High Commissioner and the Office stated that there had been detailed exchanges with the Government of China on a range of critical issues, such as counter-terrorism laws and policies, criminal justice, and other policies of concern that affect the human rights of ethnic and

religious minorities, including in Xinjiang and Tibet. Nevertheless, the Office acknowledged that “many problematic laws and policies remain in place” in Xinjiang. It called on the Chinese authorities to undertake a full review, from a human rights perspective, of the legal framework governing national security and counter-terrorism and to thoroughly investigate allegations of human rights violations.<sup>23</sup> In October, the High Commissioner stated, in light of the outcome of the UPR, that China needs to respect the rights to freedom of religion or belief, opinion and expression, peaceful assembly, and culture, including for Tibetans, Uyghurs, and other minorities.<sup>24</sup>

## **Inputs and outcomes from the European Union (EU)**

### **1. The EU-China Human Rights Dialogue**

The EU and China held the 39<sup>th</sup> session of the Human Rights Dialogue in Chongqing on 16 June, preceded by a visit to Tibet. In the session, the EU reiterated its further concerns about the grave human rights situation in China, particularly in the Xinjiang and Tibetan areas.<sup>25</sup> Following the visit to Tibet, the EU put forward several recommendations addressing the issue of the abduction of Tibetan children and Chinese boarding schools in Tibet.<sup>26</sup> It raised human rights concerns in cases related to Uyghur and Tibetan scholars, activists, writers, and religious leaders, and also stressed that religious leaders should be selected without government interference and by religious norms, including in the case of the succession of the Dalai Lama. In business and human rights, the EU updated its Chinese counterparts on incoming European legislation introducing human rights due diligence requirements for companies, which may have an impact on the situation of Indigenous Peoples in China.

### **2. EU Legislation**

On 23 April 2024, the European Parliament adopted the Forced Labor Regulation. Furthermore, the EU’s *Corporate Sustainability Due Diligence Directive* (CS3D) entered into force on 25 July.<sup>27</sup> Both documents require large companies to establish due diligence procedures to address the adverse impacts of their actions, including along their global chains of activities. Multinational companies related to China in the EU are therefore facing novel challenges.

### 3. European Parliament Resolution

The European Parliament adopted the *Resolution on the Cases of Unjustly Imprisoned Uyghurs in China, notably Ilham Tohti and Gulshan Abbas*, on 10 October.<sup>28</sup> Tohti was awarded the European Parliament Sakharov Prize for Freedom of Thought in 2019, and 2024 was the 10<sup>th</sup> anniversary of Tohti's imprisonment. The resolution demands China's authorities halt their repression and targeting of Uyghurs with abusive policies and calls for their immediate and unconditional release. It regrets China's lack of commitment to the Human Rights Dialogue and the absence of results. It insists on fully implementing the EU's Forced Labor Regulation and calls on businesses operating in China, particularly in Xinjiang, to comply with human rights due diligence obligations.

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*Due to the sensitivity of some of the issues covered in this article, the author prefers to remain anonymous.*



# India



In India, some 705 ethnic groups are listed as Scheduled Tribes. In central India, the Scheduled Tribes are usually referred to as Adivasis, which literally means original inhabitants, Indigenous Peoples.<sup>1</sup> With an estimated population of 104 million, they comprise 8.6% of the total population. There are, however, many more ethnic groups that would qualify for Scheduled Tribe status but which are not officially recognized and, consequently, the total populations of the Scheduled Tribes are higher than the official figure.

The largest concentrations of Indigenous Peoples are found in the seven states of north-east India, and the so-called “central tribal belt” stretching from Rajasthan to West Bengal. India has several laws and constitutional provisions, such as the *Fifth Schedule* for central India and the *Sixth Schedule* for certain areas of north-east India, which recognize Indigenous Peoples’ rights to land and self-governance. The laws aimed at protecting Indigenous Peoples have numerous shortcomings and their implementation is far from satisfactory.

The Government of India has increasingly been using the term “Indigenous Populations” in official notifications such as the establishment of a High-Level Committee to look into the “social, economic, cultural and linguistic issues of the Indigenous population in the State of Tripura”<sup>2</sup> or in its justification for the Citizenship Amendment Bill, 2019. The State government of Jharkhand declared the International Day of the World’s Indigenous Peoples, celebrated on 9 August every year worldwide, a state holiday.<sup>3</sup>

## **Focus: Indigenous youths lead the fight for rights amid repression**

**A**cross India, Indigenous youths are emerging as the leading voices in the struggle to secure Indigenous rights, protect ancestral lands and resist environmentally and socially destructive projects. However, their activism has made them targets of repression.

In Arunachal Pradesh, Indigenous youths have been at the forefront of resisting large-scale hydropower projects that threaten to displace thousands of people. The Siang Indigenous Farmers Forum (SIFF), led by Indigenous youth, has mobilized widespread opposition to the 11,000 MW Upper Siang Multipurpose Storage Project (USMP), which poses not only ecological risks but also the potential loss of cultural heritage for the Adi Indigenous community. On 8 July, Indigenous youth leaders Dunge Apang of the SIFF and Advocate Ebo Mili were arbitrarily detained while organizing a peaceful protest against the USMP. They were held for over 10 hours and coerced into signing bonds restricting their future protests. Mr. Ebo Mili was earlier subjected to judicial harassment for his protest against large dams in March 2022 and August 2023.<sup>4</sup>

Similarly, in Assam, Indigenous youth activists who have been opposing the controversial five-star hotel project near Kaziranga National Park were targeted for their activism. In August, Indigenous youth activists Pranab Doley, Manohar Pegu and Ritupan Pegu together with other members of the Greater Kaziranga Land and Human Rights Committee (GKLHRC) were surrounded by a mob of over 100 individuals in Rongajan village, Kaziranga while they were collecting testimonies from families who had been evicted to make way for the proposed hotel. The mob specifically targeted Doley, issuing threats against him and other members of GKLHRC. The police detained Manohar Pegu, Ritupan Pegu and others instead of protecting them.<sup>5</sup> The proposed project threatens the environment, wildlife and the rights of the local communities.<sup>6</sup>

In August, following the death of a tribal labourer at the Ultratech Cement factory in Dhar district, Madhya Pradesh, tribal youths organized protests to demand accountability and improved working conditions. Instead of addressing their concerns, over 150 tribal youths were charged with criminal cases, including under the National Security Act (NSA).<sup>7</sup>

## **Supreme Court permits sub-quota for marginalized sub-groups among Scheduled Castes/Scheduled Tribes**

On 1 August, in a 6:1 majority ruling, the Supreme Court of India upheld the states' authority to sub-classify Scheduled Castes (SCs) and

Scheduled Tribes (STs) within the reserved category. This decision overturned the 2004 EV Chinnaiah judgement, which held that SC/STs were homogeneous and could not be sub-classified. The Court ruled that sub-classification can be permitted in order to allocate quotas to more disadvantaged groups, provided it is justified by quantifiable and demonstrable data, preventing arbitrary action by states. The judgement affirmed that SCs and STs are not homogenous groups and that systemic discrimination has hindered some sub-groups from benefiting equally from reservations.<sup>8</sup>

While the ruling aims to address disparities within SC/ST communities by prioritizing the most disadvantaged groups, its implementation by states, particularly in Mizoram, is raising concerns as smaller tribes like the Indigenous Chakmas, who already face systemic discrimination, are allocated significantly fewer seats for admission to higher educational institutions compared to the majority tribe, potentially exacerbating their marginalization instead of addressing it.<sup>9</sup>

## **Parliament amends Scheduled Tribe list but many tribes, and Particularly Vulnerable Tribal Groups, remain excluded**

In February, Parliament passed the Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill 2024, the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2024 and the Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill, 2024. More than 50 communities, including seven Particularly Vulnerable Tribal Groups (PVTGs), many phonetic variations/synonyms, and a few new communities were included on the list of STs of Jammu and Kashmir, Andhra Pradesh and Odisha with the passing of these three bills. Due to non-inclusion on the ST list, these communities had been deprived of benefits meant for STs under the existing schemes of the Government, including reservation in services and admission to educational institutions.<sup>10</sup>

However, there are several tribes, including PVTGs, who continue not to be recognized as STs. This includes six PVTGs, namely Tothi in Andhra Pradesh; Great Andamanese in Andaman and Nicobar Islands;

Totos in West Bengal; Maram Naga in Manipur; Maria Gond in Maharashtra; and Hill Korbas and Abujh Maria in Madhya Pradesh. In the absence of ST certificates, the victims of atrocities are not covered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, virtually depriving them of justice, as well as other benefits.<sup>11</sup>

## **Continued violations of the right to land and forest resources**

The Forest (Conservation) Amendment Act, 2023,<sup>12</sup> which empowers the central government to divert land without forest clearance to certain categories of forest lands and to exempt certain projects. These projects include “security-related linear projects” which can be implemented within 100 kilometres of international borders or can be up to 10 hectares in size for construction of defence-related projects, such as for camps for paramilitary forces or public utility projects in Left Wing Extremism-affected areas.<sup>13</sup> Thus the mandatory requirements of forest clearance remain in force for the completion of such projects in the absence of a stay from the Supreme Court. The FCA Amendment Act, 2023 violates the forest rights of the Scheduled Tribes and the right to free, prior, and informed consent of the Gram Sabhas under Section 4(e) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006<sup>14</sup> (FRA) and Section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA).<sup>15</sup> The Supreme Court of India is hearing petitions challenging the constitutional validity of the amendments and the central government has provided assurances that no “precipitative action” will be taken until guidelines are framed for an exemption from the definition of forest under the new law.<sup>16</sup> The Guwahati High Court is hearing another petition<sup>17</sup> challenging the constitutional validity of the Amendment Act, considering that exemption from the mandatory requirement of forest clearance for “security-related linear projects” within 100 kilometres of international borders could denude the forest in the entire North-East.

The government is not only continuing with the much-criticized Rs 72,000-crore (EUR 8,116.42 million) mega project on Great Nicobar Island but is seeking another 100 acres of biodiversity-rich forests.<sup>18</sup> The

project threatens the survival of two Indigenous tribes – the Shompen and Nicobarese – which are classified by the Government of India as “PVTGs”. The first phase of the International Container Transhipment Port (ICTP) project is to be commissioned in 2028. Eleven players had submitted expressions of interest for the international transhipment port project at Great Nicobar Island by August 2024 and the government is finalizing the Detailed Project Report at present.<sup>19</sup>

Apart from ICTP, three other components involve building an international airport, a township and a power plant over 16,610 hectares of the island.<sup>20</sup> In 2023, the National Green Tribunal (NGT) identified certain deficiencies and constituted a High-Powered Committee (HPC) to revisit the environment clearance (EC) granted to the project.<sup>21</sup> However, the NGT refused to interfere with the environmental or forest clearances, saying the project was of great significance not only for economic development but also for defence and national security.<sup>22</sup> The National Commission for Scheduled Tribes (NCST) also intervened in the matter by directing the administration of Andaman and Nicobar Islands to submit facts and an action-taken report as the project is being undertaken without “prior consultation with the NCST”.<sup>23</sup> The Government of India also failed to submit any information to the UN Committee on the Elimination of Racial Discrimination (CERD Committee), which intervened via its early warning procedure.<sup>24</sup> In December 2023, the CERD Committee expressed its regret at the lack of response from India and urged the Government of India “to adopt all necessary measures to address the allegations mentioned above and to protect the rights of the PVTGs in Andaman and Nicobar Islands.”<sup>25</sup> On 5 January 2025, the opposition Congress termed the Great Nicobar Island infrastructure project a “recipe for ecological and humanitarian disaster”, calling for a pause to allow an independent panel to review it.<sup>26</sup>

The conflict in the Hasdeo Arand forest in Chhattisgarh continued, with Indigenous communities clashing with the police on 17 October after they attempted to prevent the authorities from cutting down trees for coal mining. Two police officers, part of the security cover provided to forest officials, sustained arrow injuries, and 10 tribals were booked for attempted murder and rioting by the police.<sup>27</sup> The dispute arose after tree-felling resumed near Fatehpur and Sali villages in Surguja district, part of the Parsa coal block project awarded to Rajasthan Rajya Vidyut

Utpadan Nigam Limited (RVUNL) and being operated by the Adani Group.<sup>28</sup>

Forests serve as the cornerstone of the livelihood and cultures of Indigenous communities. However, Indigenous communities are often penalized. On 21 February, the Odisha government ordered the withdrawal of over 48,000 petty cases against tribals registered under various provisions related to excise, forest and government land encroachment acts. Of these cases, 36,581 were registered by the excise department, 9,846 by the housing and urban development department and 1,591 by the forest and environment department. These cases included collecting minor forest produce (MFP) for household consumption and for sale at local markets.<sup>29</sup>

The rights of Indigenous Peoples are often violated in the process of evictions or acquiring of lands for business and infrastructure development. On 19 June, the National Tiger Conservation Authority (NTCA) issued an order directing the Chief Wildlife Wardens of 18 States to carry out summary involuntary relocation/forcible eviction of 89,800 tribal and forest-dwelling families from 848 villages inside the core areas of 54 tiger reserves in the country on a "priority basis". If implemented, the current order would spark one of the largest displacements of people ever in the name of conservation. Not only does this order threaten the livelihood of one of the most marginalized groups, it also violates several legal safeguards provided to tribal communities, including the Wildlife Protection Act, 1972 and the Forest Rights Act, 2006.<sup>30</sup> In October, the National Commission for Scheduled Tribes sought reports on the relocation issue from the NTCA and the Ministry of Environment, Forest and Climate Change, following a petition from a collective of over 150 tribal rights groups and individuals demanding a rollback of the NTCA's order.<sup>31</sup> The issue is under adjudication.

On 10 May, 15 tribal families were forcibly evicted by the forest department from the Pennagaram-Hogenakkal forest area in Dharmapuri district, Tamil Nadu. They had been residing in the area for decades. A large contingent of forest officials and police participated in the eviction, with women and children being dragged out without providing alternative shelter or basic amenities. Women who resisted the eviction were threatened, and at least three of them suffered injuries.<sup>32</sup>

On 11 November, the District Collector of Vikarabad district, Tel-

angana, accompanied by other officials, arrived at Lagacharla village to announce a compulsory land acquisition for a proposed Pharma project. The same evening hundreds of police personnel, allegedly accompanied by some local goons, raided the village and assaulted the protesting villagers. They did not even spare the pregnant women. The internet services and electricity supply were also allegedly shut down to ensure no communication could be made with anyone to ask for help. The police allegedly registered First Information Reports (FIRs) based on false complaints. Fearing police harassment against the villagers, including women, some of the victims left their houses and took shelter in the forest and farmland without food, medical aid or basic amenities. The Telangana government decided to set up a Pharma Village in Kodangal constituency by unilaterally acquiring 1,374 acres despite already having 16,000 acres of plush land acquired by the previous government to set up an ultra-modern Pharma City. The land, which was being forcibly acquired without any prior notice, is fertile agricultural land owned and held for generations by persons belonging to tribal and other marginalized communities. The affected families had been protesting at the land acquisition for more than 4-5 months. On 21 November, the NHRC directed the Telangana government to submit a report after 12 victims approached the Commission. Considering the seriousness of the matter, the NHRC further decided to dispatch a team to conduct an on-the-spot inquiry.<sup>33</sup>

In some instances, there was official collusion around alienating the land of Indigenous communities. On 22 July, three tribal women were attacked with axes and sticks by influential persons when they protested against their attempt to take possession of their land at Shabad Thanda in Medak district, Telangana. The attack took place in front of police, who remained silent spectators, and did not register the complaint against the attackers when they approached the police. Acting on a complaint filed by the Indigenous Lawyers Association of India (ILAI), on 8 August the NHRC directed the Superintendent of Police (SP), Medak district to take appropriate action within eight weeks.<sup>34</sup> In August, an elderly tribal man (65 years) was subjected to torture by a police team for refusing to vacate his land for an influential person at Burkra village in Shivpuri district, Madhya Pradesh. On 12 September, the NHRC directed the District Magistrate (DM) and SP, Shivpuri district

to take appropriate action and submit an action-taken report within eight weeks.<sup>35</sup> On 19 October, tribals of ST Makvalasa village in Srikakulam district, Andhra Pradesh were attacked by non-tribals for opposing the grabbing of their land.<sup>36</sup> The tribals alleged that the non-tribals had illegally grabbed some 104.46 acres of tribal land by creating fake documents, in collusion with revenue officials.<sup>37</sup> The NHRC directed the DM, Srikakulam district to take appropriate action within eight weeks.<sup>38</sup> Similarly, in November, tribal people of Panasalapadu village in Anakapalli district, Andhra Pradesh staged a protest demanding cancellation of the pattas (land deeds) issued to non-tribals on lands belonging to the tribals. They alleged that the revenue officials had colluded with real estate brokers during a re-survey.<sup>39</sup> On 6 December, the NHRC directed the DM, Anakapalli district to take appropriate action within eight weeks.<sup>40</sup>

There were delays in restoring alienated lands to their rightful tribal land owners. For instance, on 12 August, 30 Kondh PVTG tribals of Ramannadorapalem Village in Anakapalli district, Andhra Pradesh were forced to protest and seek the restoration of land pattas that were legally issued in their names between 1978 and 1988. Their names were excluded from the Record of Rights during a land re-survey. The tribals were not given their rights despite a survey conducted by the Anakapalli Tahsildar on 14 March recommending that the pattas be granted to them. On 14 August, ILAI filed a complaint with the NHRC for its intervention to expedite the restoration of land pattas to the PVTG tribals.<sup>41</sup> Similarly in Odisha, 1,535 cases of alienated tribal land were pending for restoration to the original tribal landowners by the authorities, while 19,690 cases were pending in courts as of 5 December.<sup>42</sup>

## **Violations of Indigenous Peoples' rights by security forces and armed opposition groups**

With the exception of Jammu and Kashmir, armed conflicts in India are concentrated on the territories mainly inhabited by Indigenous Peoples. Indigenous Peoples were the victims of human rights violations in 2024, including death in custody and torture.

Some of the cases reported in 2024 included:

- alleged killing of a 25-year-old Indigenous man in the custody of the Excise Department in Ranchi, Jharkhand following his arrest during a raid to seize illegal liquor on 6 January;<sup>43</sup>
- death of a 22-year-old Indigenous man who committed suicide unable to bear the trauma of being beaten by a policeman during a night patrol in Ratlam district, Madhya Pradesh on 26 January;<sup>44</sup>
- torture of two Indigenous men by the Officer-In-Charge of Kharsidag Police Outpost in Ranchi district, Jharkhand after they refused to admit to a crime they had not committed on 19 June;<sup>45</sup>
- torture of a 30-year-old Indigenous man by police at Chipilma Police Outpost in Sambalpur district, Odisha on suspicion of stealing a car battery on 3 July;<sup>46</sup>
- death of a 25-year-old Indigenous man due to alleged torture at Myana police station in Guna district, Madhya Pradesh after he was picked up in connection with a case of theft on 14 July;<sup>47</sup>
- death of a 49-year-old Indigenous woman due to alleged torture in police custody after her arrest in a suspected Narcotic Drugs and Psychotropic Substances Act-related case in Changlang district, Arunachal Pradesh on 19 July;<sup>48</sup>
- beating of 10 Indigenous students by police for resisting their forcible entry without permission into KKM College in Pakur district, Jharkhand in connection with a case of abduction on the night of 26 July;<sup>49</sup>
- death of a 45-year-old Indigenous man due to alleged torture during questioning in a theft case at Pandhana Police Station in Khandwa district, Madhya Pradesh on 23 August;<sup>50</sup>
- illegal detention and torture of two Indigenous brothers, including RPF personnel trying to pull out one of the victim's nails with pliers and pouring boiling water on his feet on suspicion of theft of railway property at Chhidagua village in Sundargarh district, Odisha on 2 October;<sup>51</sup>
- death of a 34-year-old Indigenous man due to alleged torture following his arrest on charges of stealing rubber sheets at Manubazar police station in South Tripura district, Tripura on 17 October;<sup>52</sup> and
- death of a 24-year-old Indigenous man who committed sui-

cide unable to bear the repeated harassment in connection with a family dispute case by police officers of Palakurthi police station in Jangaon district, Telangana on 19 October.<sup>53</sup>

A number of Indigenous Peoples in the North-Eastern region and the Naxalite-affected areas in the “tribal belt” were victims of human rights abuses in 2024, including extrajudicial killings and detention by security forces. On 16 July, three Indigenous men were killed in an alleged fake encounter by police on charges of being militants in Cachar district, Assam.<sup>54</sup> On 12 November, two young Indigenous girls were arrested, allegedly for participating in a protest in Kondapalli, Bijapaur district, Chhattisgarh.<sup>55</sup>

Armed opposition groups (AOGs), especially the Maoists, continued to target Indigenous Peoples during 2024 on charges of being “police informers”, in clear violation of international humanitarian law. The victims of Maoist violence included:

- a tribal youth was killed in Gadchiroli district, Maharashtra on 29 March;<sup>56</sup>
- a 25-year-old tribal man was abducted and killed in Kandhamal district, Odisha on 26 May,<sup>57</sup>
- a tribal man was shot dead at Timdi village in Kondagaon district, Chhattisgarh on 7 June;<sup>58</sup> and
- two tribal brothers were killed in Mulugu district, Telangana on 22 November.<sup>59</sup>

## Situation of Indigenous women

The individual and collective rights of Indigenous women and girls are regularly denied or violated in private and public spaces. Sexual violence, trafficking, killing or being branded a witch, militarization or State violence, and the impact of development-induced displacement remain major issues faced by women and girls.

In a positive development, on 19 December the Supreme Court urged the Union government to amend the Hindu Succession Act, 1956 to ensure equal inheritance rights for Scheduled Tribe women. The law currently excludes ST women from equal rights in paternal property unless specifically notified by the government. The Court reiterated a

2022 judgement that termed this exclusion “bad in law” and highlighted the constitutional guarantee of equality. The Court emphasized the need to end this discrimination, which persists even after 70 years of independence, and called for immediate legal reform to empower tribal women and promote gender justice.<sup>60</sup>

The trend of sexual violence against Indigenous women and girls continued both on the part of the security forces/government officials and non-tribals.

On 20 January, two Indigenous girls aged 12 and 14 years were abducted from Naharlagun Railway Station in Papum Pare district, Arunachal Pradesh by four persons, including a constable of the Indian Reserve Battalion (IRBN), and subjected to repeated gang rape at various places until their rescue on 22 January. The Arunachal Pradesh Police informed the NHRC that the accused had been arrested and charge sheets filed against them, with disciplinary action initiated against the IRBN constable.<sup>61</sup> On 2 February, a 17-year-old tribal girl was raped by a forest official at a village near Nagarhole Tiger Reserve in Nellore in Mysuru district, Karnataka. The accused took the victim to his friend’s house by luring her with a well-paid job. The accused was arrested and jailed.<sup>62</sup> On 15 November, a 17-year-old Indigenous girl was gang raped by her school headmaster, two teachers and a forest official in Manendragarh-Chirmiri-Bharatpur district, Chhattisgarh. They also took videos of the sexual assault and threatened that they would release the videos on social media if she disclosed the assault to anyone. The victim was again gang raped by the four on 22 November. All four accused were arrested and charged under various provisions of the law.<sup>63</sup>

Some of the other reported cases of Indigenous women/girls targeted for sexual violence by non-tribals/upper castes during 2024 included the rape of at least seven tribal girl students by a non-tribal who would call them posing as a female teacher using a voice changing app and then ask them to come to a deserted place to discuss their scholarships, in Sidhi district, Madhya Pradesh between January and May;<sup>64</sup> the alleged rape and burning alive of an 11-year-old deaf and mute tribal girl by two upper caste men while she was playing in the field of one of the attackers in Karauli district, Rajasthan in May;<sup>65</sup> the gang rape of two female Indigenous minors by non-tribals while they were returning after attending a festival in Goalpara district, Assam on 3 May;<sup>66</sup> the gang rape of a 27-year-old tribal woman by eight individuals in Raigarh district, Chhattisgarh on 19 August;<sup>67</sup> the rape and attempted murder of a

13-year-old tribal girl by the son of a political leader at her home in Dakshin Dinajpur district, West Bengal on 28 August;<sup>68</sup> the sexual assault of a 10-year-old girl by a non-tribal in Papum Pare district, Arunachal Pradesh on 31 August;<sup>69</sup> the rape of a tribal woman engaged as a domestic help by her employer after spiking her juice drinks in Ernakulam district, Kerala on 15 October,<sup>70</sup> and the rape of a 50-year-old woman by three non-tribal men who lured her to a room on the pretext of offering her work in Hyderabad district, Telangana on 4 November.<sup>71</sup> In the majority of these cases, those accused were arrested. However, in the case of the alleged rape and burning alive of the 11-year-old deaf and mute tribal girl by two upper caste men in Karauli district, Rajasthan, the police were accused of a shoddy investigation as the FIR mentioned no rape charges from the victim's family and local tribals, who demanded a proper enquiry by the Central Bureau of Investigation in September.<sup>72</sup>

Police were also accused of inaction and attempting to protect persons accused of sexual violence against Indigenous women and girls. In February, a tribal woman from Guna district, Madhya Pradesh was compelled to upload a video on social media voicing her anguish at the repeated failure of the police to register her complaint and take action against a government teacher who had raped her multiple times over the past two years. Despite approaching the police numerous times, her pleas for justice were ignored. Only after her video went viral did the police register her complaint. However, instead of filing the case under the appropriate sections for rape, the police chose to invoke lesser charges, further undermining the gravity of her ordeal.<sup>73</sup> On 24 October, a 15-year-old tribal girl was gang raped by three men in Thiruvananthapuram district, Kerala. The crime was reported to the police on the same day but the police registered the complaint only on 26 October. In addition, the police officers visited the survivor's home and attempted to pressure her parents into downplaying the incident in an effort to protect those accused.<sup>74</sup>

## **Situation of tribal Internally Displaced Persons in India**

The Brus, also known as Reangs, who were displaced from Mizoram due to ethnic violence in 1997, continued to face problems in their resettle-

ment areas in Tripura in 2024. The Brus were resettled in four districts of North Tripura, Dhalai, Gomati and South Tripura.<sup>75</sup> On 29 November, over 100 Brus blockaded a national highway, demanding allocation of agricultural land in 13 Bru resettlement locations in Dhalai district. According to the protestors, while signing the agreement for the permanent settlement of Brus in Tripura in 2020, the government had promised agricultural land for all the families. However, only some families were given the land.<sup>76</sup> The protest by the Brus effectively brought attention to their plight. On 22 December, Union Home Minister Amit Shah inspected a Bru resettlement camp during his visit to Tripura and instructed officials to promptly address the grievances and issues raised by the Brus.<sup>77</sup>

The condition of the displaced Gutti Koya Indigenous people from Chhattisgarh who sought shelter in the neighbouring States of Telangana, Andhra Pradesh, Maharashtra and Odisha due to the conflict between the Salwa Judum and Maoists in 2005 continued to be dismal. They live in difficult conditions, excluded from social security benefits. On 8 November, the National Commission for Scheduled Tribes asked the Government of India and state governments to submit a detailed report on the status of the Gotti Koya tribals. Some 50,000 Gutti Koya tribals live in 248 settlements in the forests of Odisha, Andhra Pradesh, Telangana and Maharashtra.<sup>78</sup>

In a rare case of success, 156 Chakma families who were displaced by the Hollongi airport in Arunachal Pradesh stood vindicated with respect to the corruption and misappropriation of Rs 27.51 crores set aside for their rehabilitation and resettlement. These funds were misappropriated by the Chakma Rehabilitation and Resettlement Committee established by the authorities. Based on the complaint of the Chakma Displaced Family Justice Demand Committee in 2022, the Special Investigation Cell (SIC) of Arunachal Pradesh Police registered FIR No. 09/2022.<sup>79</sup> After the investigation found massive corruption and criminal misappropriation, in October, the SIC filed its charge sheet under Sections 120(B)/406/409/420 of Indian Penal Code read with Section 13(2) of the Prevention of Corruption Act before the Special Judge (Prevention of Corruption Act), Papum Pare district, Arunachal Pradesh in Case No. PCA-07/2024 entitled Bijay Ranjan Chakma & 9 Others and the first hearing took place on 17 December.<sup>80</sup>

## India under review by the UN Human Rights Council

From 1-23 July 2024, in its 141<sup>st</sup> session, India was under review by the Human Rights Council. Indigenous Peoples had submitted their shadow report<sup>81</sup> and advocated for the inclusion of recommendations relevant to their situation. In the concluding observations from the session,<sup>82</sup> at least six recommendations highly relevant to Indigenous Peoples were made by the committee. One such recommendation was to guarantee the systematic application of the participation processes necessary to obtain the free, prior and informed consent of Indigenous and tribal peoples in relation to all decisions that affect them and in accordance with international standards and to ensure compliance with the agreements reached with the State and public and private companies.

## NAGA HOMELAND

Even among the Naga people themselves, the notion of Naga nationhood as perceived today in the modern sense has not been around for long. Traditionally, Nagas were territorial and restricted themselves more or less to their own villages, the protection of which is their prime concern.<sup>83</sup> Nagaland covers an area of 16,579 sq. kms and has a population of almost 2.2 million people (as per the 15<sup>th</sup> Indian Census held last in 2011). Its official boundary is with the Indian states of Arunachal Pradesh to the North, Assam to the West, Manipur to the South and Myanmar (Burma) to the East, and it is one of the least populated states in India. To this day, the Nagas are divided into Burmese Naga and Indian Naga, the result of colonial and post-colonial arrangements. This means the Nagas are Indigenous to North-Western Myanmar and the North-Eastern India.

2024 commenced with contention over the Ministry of Home Affairs' (MHA), decision to scrap the Free Movement Regime (FMR) between India and Myanmar in order to ensure the internal security of the country and to maintain the demographic structure of India's North-Eastern States bordering Myanmar.<sup>84</sup> The Nagaland Legislative Assembly subsequently passed a unanimous decision appealing to the Government of India to reconsider its decision as this would cause in-

convenience to the Naga people living on both sides of the international border.<sup>85</sup> The official decision to end the FMR is yet to be notified. The FMR along the India-Myanmar border was introduced in 1970 as a bilateral arrangement between India and Myanmar and was implemented in 2018 as a part of India's Act East Policy.<sup>86</sup>

## **Ensuring integration of Indigenous youth and women**

Indigenous youth have much to contribute to the community as empowered individuals with a deep sense of understanding of their Indigenous identity, culture, a sustainable and just society and the connection to their land and territories. However, one cannot deny the immense challenges they are confronted with as a result of the intergenerational effects of colonization and assimilation policies. Often, they are faced with hard choices such as systemic discrimination in the justice system and other institutionalized structures of governance, uncertainty over territorial boundaries, and socio-economic marginalization while also trying to maintain their roots as an Indigenous community.

The State has an instrument at their disposal with which to bolster the inclusion of Indigenous youth in the areas of decision-making and, indeed, is required to implement policies revolving around Indigenous Peoples and youth in particular.

The case of women inclusion could also be seen as an inspiration. With 523 candidates, 325 male and 198 female, after a gap of two decades, the first-ever Urban Local Bodies (ULBs)<sup>87</sup> election took place in Nagaland state on 26 June 2024 with 33% of seats reserved for women. Out of 278 seats, the women won 102 seats, thus ushering in more female participation in the public space.<sup>88</sup> This can be seen as a positive development building on the two women who were directly elected to the Nagaland Legislative Assembly (NLA) in 2023.<sup>89</sup>

This can be seen as an initial step in Indigenous youth and women being able to fully participate in political processes, be accepted by their male counterparts and have their roles in decision-making and policy development strengthened.

Also, complementing the State, there was a show of significant

progress in gender equality in terms of the Sustainable Development Goals (SDGs) as per the reports released by the NITI (National Institution for Transforming India) Aayog, on 12 July 2024.<sup>90</sup>

## **Justice and recognition**

The commitment to work to provide a culturally-relevant, restorative and holistic system of justice for Indigenous Peoples came to nothing, resulted in distress following the Supreme Court of India's decision on 17 September 2024 to terminate the criminal proceedings against 30 Indian Army personnel involved in the 4 December 2021 Oting Massacre, in clear violation of human rights and representing another step backward in the pursuit of justice and accountability.<sup>91</sup> Following this, the State government filed a Writ Petition (Criminal) regarding the Supreme Court's ruling.<sup>92</sup> There are also several developing community approaches, such as various mass-based organizations and others<sup>93</sup> making an exerted effort for a just decision to be made. What's more, the inability to process the case in a timely manner means the families of the victims are left waiting with the burden of carrying the costs of the case proceedings, as well as the stigma that follows an unresolved case.

RIIN – The Register of Indigenous Inhabitants of Nagaland<sup>94</sup> was launched in June 2019 by the State Government with the help of a three-member committee. The implementation of the RIIN is an attempt to provide authentication of the Indigenous inhabitants of Nagaland. By 2021, however, it had been suspended following protests by the apex body of Naga Tribes and other minority tribes that it could result in the exclusion of the Naga population residing outside the State boundary, in addition to other unforeseen and dangerous implications. However, despite the suspension, following the submission of reports and recommendations from the Cabinet Sub-Committee, the State Government nevertheless decided, on 20 September 2024, to implement the RIIN in four minority tribes of the State, namely the Garo, Kachari, Kuki and Mikir, which in turn drew criticism as being discriminatory in nature thereby also violating the fundamental rights of its citizens.<sup>95</sup>

With the Naga population scattered over certain areas of the State

of Arunachal Pradesh in the North-Eastern part of India, the Government of Arunachal Pradesh's decision to remove the Naga name from official usage in the districts of Tirap, Changlang and Longding came as a rude shock, thereby denying the population the use of their traditional names, resulting in the matter of identity becoming a major concern.<sup>96</sup> This directive was in alignment with the State's policy to better represent the identity of the local population.

The 2023 Manipur conflict between the Meitei and the Kuki-Zo tribal community witnessed various forms of violent acts committed such as arson, vandalism, murder, plundering, rape, abduction and others. The Nagas living in the State of Manipur have been affected by the ethnic violence as it has caused displacement, the destruction of villages and properties, deaths and others. The year 2024 also continued to witness the impact of the approach implemented by both the State and the central government, such as shoot on sight, indefinite curfew and other efforts, which only resulted in the atrocities and the tension between the two communities spiralling out of control despite pleas from the community that prejudiced policies would only encourage further violence. Since the start of the conflict, nearly 226 people<sup>97</sup> have been killed, dozens of women raped and thousands of people displaced<sup>98</sup> internally and also outside the State.<sup>99</sup> The recovery of the bodies of women and children abducted sparked further protests, with the government bearing the brunt of people's discontent over its lackadaisical approach towards ensuring the protection of the communities involved.

In an attempt to appeal to the three communities, Kuki-Zo, Meitei and Naga, to stop the violence, the legislators from the affected communities met central government officials<sup>100</sup> but nothing substantial was discussed and, without any assurance of an end to the ongoing violence, no further steps could be taken.

With pressure from the front-line mass organizations and others calling for an early conclusion to the prolonged political dialogues, the ongoing Indo-Naga Peace Process, which strives to recognize the historical and political rights of the Nagas for a self-determined future in consonance with their distinct identity, saw the resumption of peace talks in early October following the invitation from the central government to the leaders of the National Socialist Council of Nagaland (NSCN-IM).<sup>102</sup>

## Traditions reinforcing freedom, faith and beliefs

The Nagas have always relied on their Indigenous culture-based approach of knowing, understanding and acknowledging any cultural disruptions that may alter the community's way of life.

With the repatriation of ancestral remains a vital act of cultural revitalization and reclamation of heritage for many Indigenous communities globally, the October 2024 repatriation of a 19<sup>th</sup>-century "horned Naga skull", valued at around GBP 3,500-4,500. This had originally been put up for auction by the Swan at Tetsworth, a UK-based antique and auction house, but subsequently withdrawn following adverse reactions from the Forum for Naga Reconciliation (FNR) and the State.<sup>103</sup> This event also marked a notable step for the FNR in its commitment to facilitating and consolidating the various human activities surrounding ancestral Naga human remains.<sup>104</sup>

As a movement towards decolonization through continued practice of the traditional political system of governance, 22 November 2024 marked the beginning of a new 30-year leadership cycle for Long-khum village. This village, inhabited by the Ao tribe under the district of Mokokchung, still maintains and follows a defined political institution called the Putu Menden. This is the supreme authority in the village run on a cyclical pattern for a period of 30 years.<sup>105</sup> The assertion of the practice of an Indigenous political system/structure of governance is important in order to restrain the impacts of exploitation and domination, which pose a threat to their cultural survival and to myriad knowledge systems.

Outlining inequality and exclusion, the continued demand for a Frontier Nagaland Territory (FNT), which has been seen as an alternative to Statehood since 2010, on 16 December 2024 the Eastern Nagaland Peoples' Organization (ENPO) announced its decision to temporarily accept the FNT offer from the Government of India (GoI), with executive, financial and legislative autonomy and further tripartite talks to resume on 5 January 2025.<sup>106</sup> While recognizing their broader aspirations, the State also confirmed the GoI's decision for a temporary arrangement. The legacy of inequality and exclusion has made Indigenous Peoples more vulnerable to impacts associated with the restoration and preservation of political, social and cultural practices. Furthermore, citing the

loss of cohesion, lack of development, negligence towards the Eastern part of Nagaland and their identity as Nagas, having distinct social and cultural ties to the land and its resources, it is relevant to set up a social order and social support systems that can maintain a community's adaptive, supportive and developmental capacities to meet their actual needs through institutions that serve the interests of the community.

To conclude, by advocating for the critical role of Indigenous youth, the State can help develop durable integrated solutions for them, in particular being able to accelerate and affect youth mobility and decisions as the need for solutions becomes ever-more critical. For Indigenous communities, the matter of resources and other issues are intense and deeply entrenched. Keeping the youth within the system, while still providing a sustainable process to meet their needs is a continued challenge and the path to an agreeable transition. The events of 2024 remain fraught with confrontations.

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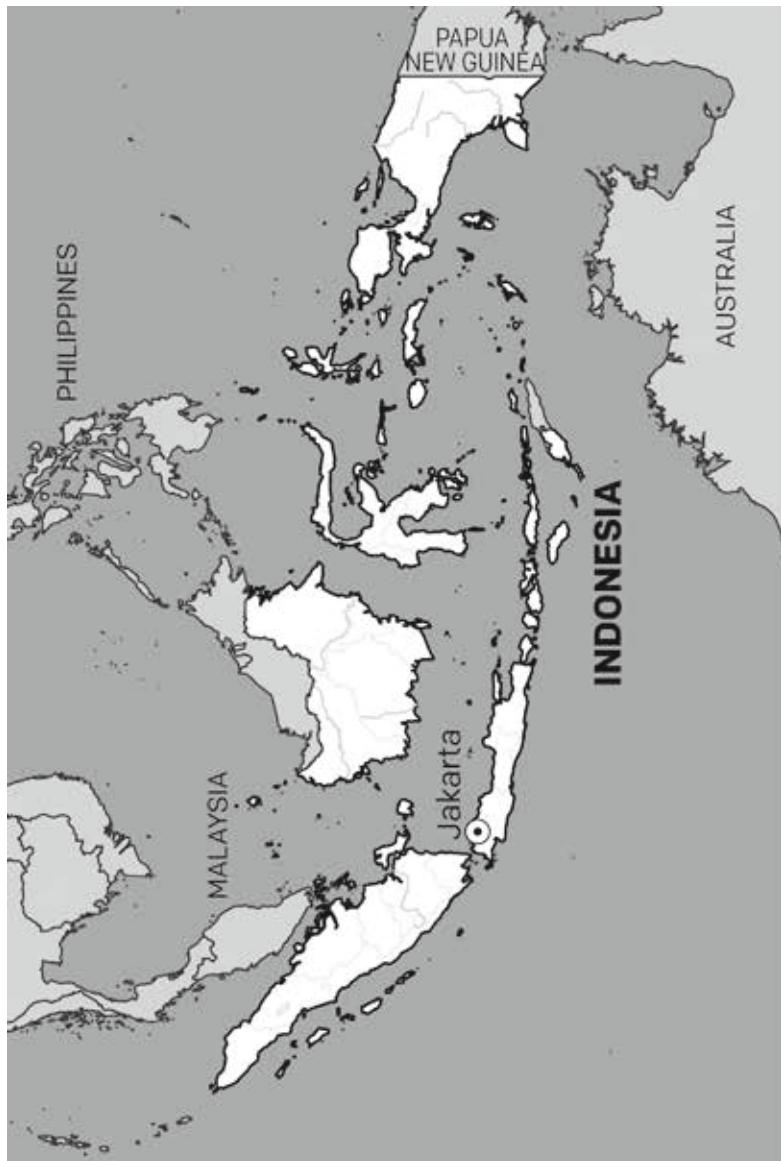
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# Indonesia



Indonesia has a population of approximately 250 million people.<sup>1</sup> The Indigenous Peoples' Alliance of the Archipelago – *Aliansi Masyarakat Adat Nusantara* (AMAN), an independent Indigenous organization that represents 2,512 Indigenous communities throughout Indonesia, totaling some 20 million individual members – estimates that the number of Indigenous Peoples in Indonesia stands at between 50 and 70 million individuals.<sup>2</sup>

Since Indonesian independence in 1945, and as of 2024, the government's transmigration program<sup>3</sup> have moved more than 10 million people from the densely populated islands of Java, Madura, Bali and Lombok to places that have large areas of land on the islands of Sumatra, Sulawesi, Kalimantan and Papua that are considered empty but which, in fact, are inhabited by Indigenous Peoples.<sup>4</sup>

The third amendment to the Indonesian Constitution recognizes Indigenous Peoples' rights in Article 18b-2.<sup>5</sup> In more recent legislation, there is implicit recognition of some Indigenous Peoples' rights, referred to as: *Masyarakat Adat* or *Masyarakat Hukum Adat*, including Act No. 5/1960 on Basic Agrarian Regulation,<sup>6</sup> Act No. 39/1999 on Human Rights,<sup>7</sup> and MPR Decree No. X/2001 on Agrarian Reform.<sup>8</sup> Act No. 27/2007 on Management of the Coastal Zone and Small Islands<sup>9</sup> and Act No. 32/2009 on the Environment<sup>10</sup> clearly use the term *Masyarakat Adat* and use the working definition (in terms of characteristics) of AMAN.<sup>11</sup> The Constitutional Court affirmed the constitutional rights of Indigenous Peoples to their land and territories in May 2013,<sup>12</sup> including their collective rights to customary forests.

While Indonesia is a signatory to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), government officials argue that the concept of Indigenous Peoples is not applicable as almost all Indonesians (with the exception of the ethnic Chinese) are Indigenous and thus entitled to the same rights. Consequently, the government has rejected calls for specific needs from groups identifying as Indigenous.

**West Papua** covers the western part of the island of New Guinea and has been under Indonesian control since 1969 when control was taken over from the Netherlands. In 2022, the Government of Indonesia established four new provinces or so-called New Autonomous Regions (DOBs) in West Papua. The four new DOBs are Papua Tengah Province, Papua Pegunungan Province, Papua Selatan Province and Papua Barat Daya Province. With these four DOBs, along with the two existing provinces, namely Papua Province and West Papua Province, West Papua is now divided into six provinces.<sup>13</sup>

Based on 2024 Central Bureau of Statistics data for each province, the total population in West Papua is 6.2 million people. This is up from a population of 4.4 million people divided across the two provinces in 2022. Since West Papua was divided into six provinces, there is no valid data on the number of Indigenous Papuans in each province. A portion of the population in the six provinces are migrants who came from other parts of Indonesia through government-sponsored transmigration programs. In big cities such as Jayapura, Merauke, Manowari and Sorong, the migrant population already out-numbers the Indigenous population, whereas in inland areas (mountains), the Indigenous population is still larger than the migrant population.<sup>14</sup>

West Papua has the most diverse range of cultures and languages in Indonesia. While Bahasa Indonesia is the official language spoken now, there are more than 250 tribal languages spoken by Indigenous Papuans today.<sup>15</sup> West Papua is divided into seven distinct customary territories: Mamberamo Tabi (Mamta), Saireri, Mee Pago, La Pago and Ha Anim in Papua province and Domberai and Bomberai in West Papua province.<sup>16</sup>

Since Indonesia took control of the region in 1969, West Papuans have continued to seek independence from Indonesia. Ever since, Indigenous Peoples in West Papua have been faced with forced displacements,<sup>17</sup> land grabbing,<sup>18</sup> restricted access of foreign journalists and human rights monitors<sup>19</sup> and so on.

## Election of Prabowo Subianto

**2**024 was a year that greatly affected Indigenous Peoples in Indonesia, and one in which their political and legal situation worsened.

Prabowo Subianto was elected President in March 2024 following his predecessor, Joko Widodo.<sup>20</sup> Subianto has emphasized a commitment to continue the previous regime's agenda, including moving the Nusantara State Capital (Ibu Kota Nusantara - IKN) to East Kalimantan.<sup>21</sup> Claims have been made that the project is only being used as a political tool to obtain funding/investment without giving serious consideration to the fate of more than 20,000 Indigenous Peoples who are at risk of being displaced by this project.<sup>22</sup> The current regime is simply a continuation of the previous, as exemplified by the fact that most of the previous regime's programs are ongoing. Further, Gibran Rakabuming Raka, the elected Vice President, is the eldest son of former President Widodo and former Mayor of Surakarta. During his time as mayor, and throughout his nomination and election, his political career was replete with controversy.<sup>23</sup>

The Prabowo-Gibran leadership is aimed towards investment and business interests.<sup>24</sup> The decision to separate the Ministry of Environment and Forestry into two separate ministries, for example, is in the interest of forestry business and carbon trading.<sup>25</sup> Additionally, the economic interests of Prabowo's regime can also be seen by the establishment of agencies and institutions to speed up business and investment, such as the Daya Anagata Nusantara Investment Management Board (Danantara) and even the maintaining of the Land Bank (Danan-tara) fund and investment management institution formed by President Prabowo Subianto to take more optimal care of State assets.<sup>26</sup> Furthermore, the challenges and threat of Indigenous territory appropriation are increasing. There is no meaningful change in the new government's efforts to prioritize the agenda of recognition, protection and fulfillment of Indigenous Peoples' rights.<sup>27</sup>

The new administration has also allowed the military's involvement to become even stronger. Recently, President Prabowo issued a Presidential Regulation that openly involves the military in forest area

enforcement. Furthermore, various cooperation agreements between the military and the government took place throughout 2024 to secure State-critical objectives, including national strategic projects.<sup>28</sup> The pretext of State-critical objectives embedded in national strategic projects is a justification for military involvement in the security framework.

As such, the sectors related to natural resources and Indigenous territories are highly vulnerable to confrontation with the military. In the conflict of Rempang Island in 2024, Indigenous Peoples were threatened with displacement due to a national strategic project and clashes occurred when joint forces of the Indonesian National Army (TNI) and the Indonesian National Police (POLRI) forced their way into the Indigenous village on Rempang Island, Riau Islands.<sup>29</sup> At least six residents were arrested, and several others—including women and children—were the victims of tear gas.

## **Update on regulatory and business policies**

Various policies, such as the Job Creation Law (*UUCK*),<sup>30</sup> the Criminal Code (*KUHP*),<sup>31</sup> the Law on the National Capital (*UUKN*),<sup>32</sup> the Mineral and Coal Law (*UU Minerba*),<sup>33</sup> and a series of operational policies in many sectors, contain strong elements ignoring the existence of Indigenous Peoples and disregarding their rights.<sup>34</sup> Further, while including several business and investment priorities, such as the new State Capital development, there is not a single priority program related to Indigenous Peoples among the 17 Presidential priority programs listed in the initial draft National Mid-Term Development Plan (RPJMN).<sup>35</sup>

### **Stagnation of the Indigenous Peoples Bill**

While the Indigenous Peoples Bill<sup>36</sup> was eventually reintroduced into the National Legislation Program, the failure to deliberate and pass the bill in 2024 still highlights the weak commitment of both the Government and the Parliament.<sup>37</sup> Contrary to this, throughout 2024, the Government and Parliament passed various laws and regulations aimed at serving investment interests and involving the appropriation of Indigenous lands, while the criminalization of Indigenous Peoples continues to violate their rights.<sup>38</sup>

### **Discriminatory nature of land regulations**

The Indigenous Peoples' Alliance of the Archipelago (AMAN) and the Civil Society Coalition have expressed their rejection<sup>39</sup> of the implementation of Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Regulation Number 14 of 2024<sup>40</sup> on Land Administration and Registration of Indigenous Peoples' Land, particularly in relation to the implementation of tenure rights over Indigenous territories. This is due to the failure of this regulation to strengthen the rights of Indigenous Peoples over their land, territories and resources. It contains fundamental errors that accelerate the loss of Indigenous territories from their control and potentially triggers conflicts. The regulation excludes lands on which tenure rights already exist and is discriminatory in nature, reflecting the government's neglect of the spirit of and efforts to restore Indigenous territories that have been appropriated by the State through laws and allocation to various investments.

### **Energy transition policy**

Energy transition is used as a justification for various policies that allow the State to grant permits to corporations to appropriate Indigenous territories for national strategic projects such as coal power plants, nickel extraction and downstream processing, biodiesel, bioethanol, and others. These policies serve only as an opportunity to further strengthen corporate business under the guise of green policies.<sup>41</sup> It is not just captive coal-fired power stations that have been built to support the energy business but also large-scale hydroelectric power plants such as the ones in Poso, which are aimed at securing an electricity supply for the mining industry, particularly for mineral refining.<sup>42</sup> A 30,000-hectare Green Industrial Zone has been designated as a hub for the industrial sector, ultimately focused on the downstream processing of mined commodities, with the claim that it is supporting the Nusantara State Capital.<sup>43</sup> The geothermal project in the Indigenous Poco Leok community in Manggarai, East Nusa Tenggara Province, and the Medco Group biomass power plant using wood fuel have cleared vast areas of Papua's natural forests to establish plantations. These have blatantly violated the rights of the Poco Leok Indigenous Peoples in East Nusa Tenggara and the Marind people in Merauke, Papua, and have caused forced displacements from their customary lands.<sup>44</sup>

**Relocation of the Nusantara State Capital (Ibu Kota Nusantara - IKN)**

The government is revising the Nusantara State Capital Law,<sup>45</sup> which only strengthens the uncertainty surrounding the fate of 51 Indigenous communities in the Nusantara State Capital (Ibu Kota Nusantara – IKN)<sup>46</sup> who are at risk of being displaced from their ancestral lands at any time due to a lack of legal guarantees over their land rights from the State. This demonstrates that the development of IKN is not intended to strengthen Indigenous Peoples as one of the key pillars of the nation's diversity and identity. The revised law states that corporations are granted privileges by the State to appropriate and monopolize the lands of Indigenous Peoples in the IKN through the granting of 190 years of concession licenses for Cultivation Rights Titles (HGU) and 160 years for Right to Build (HGB). This situation places Indigenous Peoples in the Nusantara State Capital, particularly the Balik Sepaku Indigenous Peoples, at risk of extinction due to the developments taking place there.<sup>47</sup>

**Criminalization and violence against Indigenous Peoples**

Throughout 2024, AMAN recorded at least 121 cases of the appropriation of 2,824,118.36 hectares of Indigenous territories in 140 Indigenous Peoples' communities by various sectors of the extractive industry such as plantations, forestry and mining, all of which are the sectors that saw the most conflict throughout 2024.<sup>48</sup> Several factors contribute to the increasing trend towards conflict in the plantation and mining sectors, including the government's policy, which has opened up vast opportunities for extractive industry investment in plantations and mining.<sup>49</sup> This has been further exacerbated by the low recognition and protection of Indigenous Peoples' rights and the centralization of natural resource management by the government. One major issue is that the principle of Free, Prior and Informed Consent (FPIC) has yet to be established as the foundation for government decisions regarding investment plans in Indigenous territories.<sup>50</sup>

## **Strengthening the resilience of the Indigenous Peoples' movement**

The new government has not committed to protecting or respecting Indigenous Peoples, apart from mention of the Draft Law on Indigenous Peoples,<sup>51</sup> made verbally by Vice President Gibran during the Vice-Presidential debate.<sup>52</sup> At the regional level, however, the issue of Indigenous Peoples did in fact gain strength in many regions. This means that the space at regional level is more open, and thus needs to be continuously protected through movement consolidation and community empowerment as there is always a significant potential for that open space to close again.<sup>53</sup>

Indigenous Peoples continue to face a government that favors business and investment, without any commitment to the protection of Indigenous Peoples' rights. However, the Indigenous Peoples' movement is increasingly showing resilience and strength and, despite discrimination, land dispossession and violence being the main challenges for Indigenous Peoples throughout 2024, they have managed to rise and assert the struggle of Indigenous Peoples to protect their lands, territories and resources.

## **West Papua**

### **West Papuan youth**

Many Indigenous Papuan youth communities exist in West Papua but, in general, they can be divided into two types. The first is the youth community facilitated by the Indonesian government. They often create youth organizations that they refer to as Papuan Indigenous youth organizations (not legal entities). However, these do not have a base and they are not characterized as defenders of Indigenous Papuans. This type is more likely to represent the interests of the government (State) in West Papua. Papua Youth Creative Hub (PYCH) is one example of this type of Papuan youth community and it is fostered by the State Intelligence Agency (BIN).<sup>54</sup>

Meanwhile, the second type is a youth community that has emerged from the Indigenous Papuans. This is a community that represents the interests and aspirations of Indigenous Papuans and has

a base in almost all Indigenous areas of Papua. This youth community has also formed several Indigenous youth organizations to fight for the rights of Indigenous Papuans. The most relevant Indigenous Papuan-based youth organizations in West Papua today are the Papuan Indigenous Youth under the Papua Customary Council (Dewan Adat Papua) and West Papua National Committee (KNPB).<sup>55</sup>

There is also an Indigenous youth community affiliated to AMAN.<sup>56</sup> This community more often organizes capacity-building activities for young Indigenous people as a part of their struggle to defend the rights of Indigenous Papuans.

### **Discrimination and stigma**

KNPB is currently the youth organization in Papua that has the largest youth community base in West Papua. The formation of the KNPB community is based on Papuan customary areas from Sorong (Domberai) to Merauke (Ha Anim). KNPB, which was founded in 2008, is very consistent in fighting for the rights of Indigenous Papuans, especially the right to self-determination.

Since its inception, KNPB has been considered a radical Papuan youth group fighting for separatism.<sup>57</sup> KNPB leaders have repeatedly been imprisoned<sup>58</sup> and even killed.<sup>59</sup> KNPB is also referred to as an extremist militant pro-independent Papuan group.<sup>60</sup> However, this has not stopped them from fighting for their cause.

In 2024, KNPB organized a demonstration against the transmigration program that was planned to be reopened in West Papua by President Prabowo.<sup>61</sup> This plan is opposed by Indigenous Papuans.<sup>62</sup> However, increasingly strong State repression of Indigenous Papuans has caused a fear of expressing opposition. KNPB then organized Papuan youth and Indigenous people to reject the transmigration program in several cities in West Papua: in Jayapura, Nabire, Manokwari, Sorong, Yahukimo and Wamena.<sup>63</sup>

In August 2024, KNPB also organized a protest in Papua to commemorate the 62<sup>nd</sup> anniversary of the New York Agreement,<sup>64</sup> which paved the way for Indonesia's annexation of West Papua. At least one demonstrator was reportedly injured by a rubber bullet and 95 were arrested by police on charges of assault and vandalism. Protests took place in the cities of Manokwari, Sorong Raya, Wamena and Yahukimo.<sup>65</sup>

In March 2024, the Indonesian National Army (TNI) admitted to

having detained 13 soldiers suspected of torturing a young man named Definus Kogoya in early February 2024 in Puncak Regency, Papua Tengah Province.<sup>66</sup> The TNI claimed that Kogoya belonged to a separatist group, which he did not, that was arrested after it allegedly opened fire on officers guarding a health center in Omukia Village in Puncak Regency. However, Kogoya had previously been released by the police because there was insufficient evidence that he was in fact the perpetrator of the shooting of the health center guards in Omukia.<sup>67</sup>

In September 2024, the Papuan youth community, together with the church community in Papua, organized a "Stations of the Cross" action to welcome Pope Francis to Indonesia.<sup>68</sup> This was to express the Papuan people's concern at the violence in Papua, which has resulted in internal displacement. President Joko "Jokowi" Widodo received Pope Francis, who called for global harmony and equality among human beings.

The online post "All Eyes on Papua" circulated shortly after the action of several Awyu Tribe representatives at the Supreme Court office, Jakarta, on 27 May 2024.<sup>69</sup> "All Eyes on Papua" is a campaign by the Awyu Tribe to prevent the expansion of oil palm plantations on their traditional lands, which is driving massive deforestation. Because of the expansion of oil palm plantations, the entire natural forest cover of West Papua was reduced by 663,000 hectares between 2011 and 2019.<sup>70</sup> Meanwhile, deforestation of natural forests in Tanah Papua, over the January–February 2024 period, recorded 765.71 hectares.<sup>71</sup>

The struggle of Indigenous Peoples in the southern part of West Papua continues. This is particularly in regard to the development of the National Strategic Project (PSN) food estate in Merauke, South Papua province, a company that is set to develop rice fields, sugarcane and bioethanol plantations under the guise of food security over an area of two million hectares. This has resulted in the heavy militarization of the area, along with land grabbing, forced displacements of Indigenous Peoples, deforestation and ecosystem degradation and pollution. This effort has been criticized and rejected by the local Indigenous people due to a lack of FPIC, environmental damage, and militarization. Furthermore, allegations have been made that the development sites of the project overlap, *inter alia*, with Indigenous Peoples' customary forest areas, sacred places, ancestral paths, grounds and traditional conservation areas, as well as areas of high conservation value, which are being destroyed.<sup>72</sup>

The Merauke PSN is divided into three parts. First, the 500,000-hectare sugarcane and bioethanol plantation development project. Second, the land optimization project, which was originally between 40,000 and 100,000 hectares. Third, a new rice field project managed by the Ministry of Defense and the Ministry of Agriculture with an area of one million hectares.<sup>73</sup>

### **Internal displacement continues**

Around December 2024, hundreds of civilians in Oksop District, Pegunungan Bintang Regency, Papua Mountain Province, mainly belonging to the Indigenous Ngalam tribe, fled to the forest.<sup>74</sup> They became anxious on seeing the deployment of military personnel to their villages and were not informed of the reason for the deployment. The military personnel are said to have entered along the paths used by the community to go to their gardens and forest. Apart from the Bintang Mountains, this displacement also occurred in Intan Jaya and Tambrauw regency.<sup>75</sup> According to the Papua Legal Aid Institute (LBH Papua), the armed conflict in West Papua over the 2018-2023 period resulted in 76,228 civilians being displaced, many of whom are Indigenous Papuans.<sup>76</sup> A year earlier, the number of internally displaced people in West Papua reached 60,642, with 732 of them having died.<sup>77</sup> Internally Displaced People (IDPs) refers to people who are forced to leave their homes but remain in the same country.<sup>78</sup>

These IDPs are barely included in the existing State social protection system so their basic needs are scarcely met. In addition, IDP children cannot access basic education because they have not been registered in the Basic Education Data System (DAPODIK).<sup>79</sup> Likewise, IDPs who have the right to participate in elections cannot vote because they are not registered and polling stations are not provided for them.<sup>80</sup>

### **Terrorizing press freedom**

In October 2024, the editorial office of Jubi Media was pelted with Molotov cocktails by unknown individuals. This was the first terror attack against press freedom using Molotov cocktails in Papua.<sup>81</sup> Before Jubi's editorial office was bombed, there had been a series of terror attacks on the leadership of Jubi, which is known for consistently defending the rights of Indigenous Papuans.

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# Japan



The two Indigenous Peoples of Japan, the Ainu and the Ryūkyūans (or Okinawans), live on the northernmost and southernmost islands of the country's archipelago.

The Ainu territory stretches from Sakhalin and the Kuril Islands (now both Russian territories) to the northern part of present-day Japan, including the entire island of Hokkaido. Hokkaido was unilaterally incorporated into the Japanese state in 1869. Although most Ainu still live in Hokkaido, over the second half of the 20<sup>th</sup> century, tens of thousands migrated to Japan's urban centres for work and to escape the more prevalent discrimination on Hokkaido. Since June 2008, the Ainu have been officially recognized as an Indigenous people of Hokkaido; however, this does not imply full recognition of their rights in accordance with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The most recent government surveys put the Ainu population in Hokkaido at 11,450 (2023) and in the rest of Japan at 210 (2011), although experts estimate the actual population to be much higher.<sup>1</sup>

The Ryūkyūans (Okinawans) live in the Ryūkyū Archipelago, which constitutes what is now known as "Okinawa Prefecture" in Japan. Okinawa is the largest and most populated island of the archipelago. The Ryūkyūans (Okinawans) have unique cultural characteristics and are composed of six major Indigenous language groups.<sup>2</sup> In 1879, Japan annexed the Ryūkyū Islands to Japanese territory and established "Okinawa Prefecture". After World War II, the Ryūkyū Islands were relinquished to the US military in exchange for Japanese independence. In 1972, the islands were returned to Japanese sovereignty. Today, approximately 1.45 million people live in Okinawa Prefecture. The Japanese government still does not recognize the Ryūkyū people as an Indigenous group in Japan and the proportion of Indigenous people among the total population of Ryūkyūs is difficult to estimate. A significant part of Okinawa Island is occupied by US Army and Japanese Defense Forces' military installations.

Japan has adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) – although it does not recognize the unconditional right to self-determination. It has not ratified ILO Convention 169.

## Ainu

### Ainu demands ignored

**D**espite Ainu expectations to the contrary,<sup>3</sup> none of the Ainu-related developments for 2024 involved any significant policy gains, and the year has passed relatively quietly.

In spite of the submission of a 93,000-signature petition<sup>4, 5</sup> in March, and an in-house seminar sponsored by the Citizens' Alliance for the Examination of Ainu Policy held at the Tokyo House of Representatives in May,<sup>6</sup> the mandated five-year review of the Ainu Policy Promotion Act was limited to scantly publicized, year-end hearings conducted in various locations in Hokkaido by the Ministry of Internal Affairs and Communications. Four Members of Parliament attended the in-house seminar held in May but as of time of writing, there has yet to be any movement at the Parliament level. It is expected that there may be a formal Parliamentary debate on the matter later in the fiscal year (i.e., by the end of March 2025), once the local hearings of Ainu in Hokkaido and Tokyo have concluded.

Other developments were significant only in that they similarly ignored or neglected longstanding Ainu demands. As forecast, in April, the verdict of the Raporo Ainu Nation litigation against the Japanese State and Hokkaido Prefectural Government went in favour of the State. Meanwhile, designation in Hokkaido of Japan's 35<sup>th</sup> National Park, the Hidakasanmyaku-Erimo-Tokachi National Park,<sup>7</sup> occurred without any significant consultation of the Ainu people.

### Release of Ainu-themed films

On the contrary, what public attention that did occur was given to the simultaneous release of four films that feature Ainu as their theme: two historical pieces *Kamui no Uta*<sup>8</sup> and *Sisam*,<sup>9</sup> *Ainu Puri*,<sup>10</sup> a documentary about a contemporary Ainu family, and the major-release entertainment film *Golden Kamuy*.<sup>11</sup> Unlike the live-action movie *Golden Kamuy*, based on the well-known manga and anime of the same name, which has enjoyed widespread popular success and contributed to an increase in interest in Ainu culture, historical and documentary works such as the former three films tend to receive little public appraisal. *Sisam* is noteworthy in that it may be the first major-release cinema

to portray Edo-Era colonization of Hokkaido from the standpoint of the Ainu people, a point which has led to criticism of Hokkaido Mayor Suzuki (see below), who showed his support by visiting the filming location.<sup>12</sup>

### **Continuing incidents of hate speech**

All of the above occurred despite the results of the Survey on the Living Conditions of the Ainu, published in 2023,<sup>13</sup> indicating worsening living conditions for the Ainu: the number of Ainu respondents on social welfare was 1.3 times that of non-Ainu residents in the same municipalities, a rise of 4.9 % and, meanwhile, there was a 5.8% rise in the perception of incidents of discrimination to 31% from the previous survey in 2017.<sup>14</sup>

Ironically, much of the attention on the film *Sisam* in Hokkaido centred around discriminatory remarks sent to Hokkaido Governor, Naomichi Suzuki, after he showed his support for the film by publicly posting photos of the actors' courtesy visit to his office to his "X" page. Governor Suzuki has refrained from commenting on the remarks in consideration of the individual's rights to freedom of expression.<sup>15</sup>

Unrelatedly, police were deployed outside a gathering held in southern Sapporo City in December by the right-wing organization, Nippon Kaigi, which publicly solicited the attendance of children to a street event that included art and a public lecture purported to portray the "true history" of Hokkaido. Panels at the event questioned the Indigeneity of the Ainu people, and a featured lecturer claimed that the content of the "Ainu Supplementary Reader", a teaching material distributed to elementary and junior high schools in the prefecture, was problematic in its statement that Hokkaido "was unilaterally made part of Japan without the consent of the Ainu people".<sup>16</sup>

### **Resistance by Ainu and their supporters**

Ainu and their supporters have refused to take ongoing discrimination lightly. Different protest events, with varying degrees of gravity and social impact, were held throughout the year. In December 2023, after a kick-off event for a cartoon book designed for consciousness-raising against racial discrimination, *Ainu Moyamoya* (Feelings of Unease) by Ainu scholar Mokottunasi Kitahara held at Hokkaido University, a number of articles were published about the event.<sup>17</sup> After a first protest in February 2023 in response to hate speech remarks made by Member of Parliament Mio Sugita,<sup>18,19</sup> a second protest, led by an Ainu Elder against

Sugita, was held in January 2024 by a multi-ethnic steering committee in solidarity with Okinawan and burakumin (caste or descendant group) supporters and attended by approximately 200 citizens.<sup>20</sup> There has been no response, however, from Ms Sugita or the Liberal Democratic Party (LDP) to which she belonged at the time.

April marked an historic event in which the Japanese Society of Cultural Anthropology, just days after having delivered an official apology to the Ainu people for past research wrongdoings,<sup>21</sup> participated in an Ainu-sponsored forum on research ethics.<sup>22</sup> To Ainu disappointment, the other three academic societies participating have refused to offer similar apologies, despite the holding of yet a second forum in December.<sup>23</sup>

In May, the National Ainu Museum issued the Uainukor Declaration,<sup>24</sup> stating that it would not accept discrimination against its employees, and that it would strive to raise anti-racism consciousness. In July, upon the visit to Hokkaido of Minister of State for Okinawa and Northern Territories Affairs, Ms Hanako Jimi, Governor Suzuki demanded that a nationwide survey on awareness of the Ainu be conducted.<sup>25</sup>

It is also of note that the Hewlett-Packard Foundation-sponsored Mori Kawa Umi Project officially launched their homepage<sup>26</sup> in November. The project aims to document traditional Ainu usages of the sea, rivers, and forest of Ainu territory by combining interviews with Ainu Elders with historical documentation. The project adds a heretofore un-taken advocacy twist to this seemingly innocuous topic by positioning Ainu land and resource use rights within the framework of UN human rights instruments and examining the physical changes to the environment of Ainu territory through the lens of how they have historically been wrought by the colonial processes of development.

## Ryūkyūans (Okinawans)

### Rape committed by US soldier in Okinawa

In June 2024, the Okinawa prefectural government learned that a U.S. Air Force soldier had abducted an underage girl to his home and sexually assaulted her in December 2023. The American soldier was indicted in March 2024. Nonetheless, the Ministry of Foreign Affairs of Japan (MOFA) did not report the incident to the Okinawa prefectural government until June 2024.<sup>27</sup> This incident triggered a series of protests and rallies organized by citizens and municipalities against the

U.S. military, the MOFA, and the Japan Defense Agency.<sup>28, 29, 30, 31</sup> In October 2024, Ryūkyūan women brought the issue of sexual abuse faced by women in Okinawa due to the presence of the U.S. military to the attention of the United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW).<sup>32</sup> The CEDAW Committee urged the Japanese government to take appropriate action to punish those responsible for sexual assaults and ensure adequate compensation for the victims. The Japanese government officials stated that the government would “request the U.S. to implement thorough measures to prevent future incidents and accidents” through the review of the “liberty system”, which regulates the conduct of U.S. personnel. Additionally, they plan to establish a new consultative forum in collaboration between the U.S. military, the Japanese government, the prefecture, and local communities.

In December 2024, the Naha District Court sentenced the perpetrator to just five years in prison<sup>33</sup> while, according to the Tokyo Bar Association, the charge for non-consensual sexual intercourse ranges from 5 to 20 years.<sup>34</sup> As reported by the Ryūkyū Shimpō newspaper, the charge was lighter than expected (at least seven years), since: (1) the victim was a minor, (2) the prosecution had asked for seven years, and (3) the judge remarked on the “viciousness” of this case.

### **Indigenous Ryūkyūan youth engagement with the UN**

In April 2024, Shinako Oyakawa and Shimabukuro Riku Akamine from the Association of Comprehensive Studies for Independence of the Lew Chewans (ACSILs), along with Ryūkyūan diasporic youth, participated in the Permanent Forum on Indigenous Issues in New York.<sup>35</sup> They drew attention to the fact that the Japanese government does not recognize the Ryūkyūan people as Indigenous and is violating the UN Declaration of the Rights of Indigenous Peoples (UNDRIP) by failing to protect their Indigenous rights and turning Ryūkyūan land into a military colony.

Furthermore, in July 2024, at the meeting of the Expert Mechanism on the Rights of Indigenous Peoples (EMPRIP) in Geneva, Kanako Matsuda of the GINOWAN Churamizu Association delivered a statement addressing water contamination with per- and polyfluoroalkyl substances (PFAS) leaked from the U.S. military bases in Okinawa.<sup>36</sup> She highlighted that the loss of biodiversity, PFAS contamination of water resources, and noise pollution caused by the base construction

have made Okinawa a victim of environmental racism,<sup>37</sup> and the resulting damages have disproportionately affected socially and culturally disadvantaged groups, such as women and children. She called on the Japanese government to firmly urge the U.S. military to take responsibility for the environmental pollution and degradation.

In September 2024, Risako Sakai and Alexyss McClellan-Ufugusu-ku, who also attended the EMRIP meeting in Geneva, gave reports in Naha, Okinawa, to inform the public about Indigenous rights and movements.<sup>38, 39</sup> Approximately 70 people attended this event where speakers reported on their advocacy activities at the UN, which were focused on highlighting the impacts of the construction of the U.S. military base at Henoko and cases of sexual violence committed by U.S. soldiers, and discussing the way in which their activities and statements at the UN address the current situation of Ryūkyū Islands and the Indigenous Ryūkyūan peoples' right to self-determination.<sup>40</sup> In addition, they called for solidarity between Ryūkyūan peoples and other Indigenous Peoples around the world. The local newspaper, Ryūkyū Shimpo, covered the event.

### **Interaction with other Indigenous Peoples around the world**

In February and April 2024, Māori youths, members of the Aotearoa (New Zealand) government scholarship programme to develop human resources for cultural revival and economic activities based on Māori traditions and values, visited Ryūkyū. During the visit, the delegation learned about Ryūkyū's history and culture and discussed issues and future prospects as Indigenous Peoples with a common history of forced colonization. The delegation visited the Okinawa prefectural government, where the Vice Governor, Yoshimi Teruya, among other things noted that: "Okinawa was once an independent kingdom, known as the Ryūkyū Kingdom. Similarly, many islands in Oceania also have histories of independence. I look forward to the continued development of exchanges."<sup>41, 42, 43, 44, 45, 46</sup>

### **Indigenous language revitalization movement**

At a symposium on Ryūkyūan languages held in Naha City in September 2024, GACHIMAF, an Indigenous Ryūkyūan rapper, performed a rap in the Okinawan language (i.e., Uchināguchi). This marked the first rap perfor-

mance at the event and provided a unique opportunity for elderly native speakers and younger generations raised in Japanese—the language of the Japanese colonizers—to connect and reaffirm their cultural identities.<sup>47</sup> In December 2024, in a symbolic act to highlight Okinawa's unique culture and language(s),<sup>48</sup> a group of Ryūkyūan students from Okinawa Christian University read the UN Universal Declaration of Human Rights in Uchināguchi, one of the Ryūkyūan Indigenous languages,<sup>49</sup> at the SDGs National Forum held by Okinawa Prefecture in Naha City.

### **Revitalization of traditional culture**

In March 2024, Ryūkyūan women living in the U.S. organized a gathering in *Hawai'i*, inviting women with hajichi (traditional Ryūkyūan tattoos on women's hands).<sup>50</sup> "I want the next generations to understand Okinawa's history before colonization and to recognize the significance that we have ancestors from/in Okinawa," said the organizer, Mariko Middleton. "I want the future generations to feel proud of their heritage."

### **The construction of the new U.S. military base at Henoko**

On 10 January 2024, the Japanese government began the landfill work on the Oura Bay of Henoko, ignoring the opposition of the people of Okinawa Prefecture. The governor, Denny Tamaki, held a press conference and appealed for a halt to the construction and for dialogue between the Okinawa Prefecture and the Japanese government. Protests are still ongoing at Henoko. Nonetheless, the Japanese government has continued the construction without dialogue with the governor.<sup>51, 52</sup>

### **The repatriation movement for the remains of Ryūkyūan people**

In June, the American Anthropological Association's Commission for the Ethical Treatment of Human Remains (TCETHR) released its final report on the remains and burials of the world's Indigenous and minority peoples, including interviews with Ryūkyūans in 2023, with a cover photo of one of the sites where Ryūkyūan remains were stolen, the *Mumujyana-baka*.<sup>53</sup> This report states that, "no research or exhibition should be conducted without the consent of the relatives and/or community."<sup>54</sup>

In the same month, the National Museum of Ethnology in Osaka established guidelines for the return of Ryūkyūan-origin *zushigame*

(decorated pottery container for storing the bones of one's ancestors) and cinerary urns to their original owners, who are the ritual successors, and published it on its website.

The likely explanation for the establishment of the guidelines is the ongoing efforts of the Nirai Kanai nu Kai, an advocacy group dedicated to the repatriation of Ryūkyūan remains. Since 2023, this group has been urging the museum to identify and return the original custodians of the collection, given the ambiguity of the acquisition route. Despite these requests, the museum has not provided any updates or reports to the group. Moreover, the guidelines appear to be problematic, as they determine the "legitimacy" of ritual successors or bereaved family members through the lens of the colonizers, mandating specific methods and storage locations even after the return, along with the adherence to community customs. Such stipulations imposed by the museum interfere with the self-determination rights of the Ryūkyū people. The Nirai Kanai nu Kai has highlighted this concern. The museum has yet to respond.

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# Laos



With a population of just over 7 million,<sup>1</sup> the Lao People's Democratic Republic (Lao PDR or Laos) is the most ethnically diverse country in mainland Southeast Asia.<sup>2</sup> The ethnic Lao, comprising around half of the population, dominate the country economically and culturally. There are, however, some provinces and districts where the number of Indigenous people exceeds that of the Lao and where their culture is prominent. There are four ethnolinguistic families in Laos and Lao-Tai language-speaking groups represent two-thirds of the population. The other third speaks languages belonging to the Mon-Khmer, Sino-Tibetan and Hmong-Ew-Hmien families and they are considered to be the Indigenous Peoples of Laos. Officially, all ethnic groups have equal status in Laos, and the concept of Indigenous Peoples is not recognized by the government, despite the fact that Laos voted in favour of adopting the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The Lao government uses the term ethnic group to refer to Indigenous people.

The Lao government currently recognizes 160 ethnic sub-groups within 50 ethnic groups. Indigenous Peoples, especially those who speak Hmong-Ew-Hmien languages, are unequivocally the most vulnerable groups in Laos. They face territorial, economic, cultural and political pressures and experience various threats to their livelihoods. Their land and resources are increasingly under pressure from pro-investment government development policies and commercial natural resource exploitation. Indigenous people lagged behind the majority Lao-Tai at all economic levels. They have more limited access to healthcare, lower rates of education, and less access to clean water and sanitation. Indigenous people relying on unimproved or surface water range from between 20 to 32.5%, compared to just 8.5% of Lao-Tai and, while only 13.9% of Lao-Tai practise open defecation, that rises to between 30.3 to 46.3% among Indigenous people.<sup>3</sup>

Laos has ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1974), the Convention on the Elimination of all Forms of Discrimination

Against Women (CEDAW) (1981) and the International Covenant on Civil and Political Rights (ICCPR) (2009). The Lao government, however, severely restricts fundamental rights, including freedom of speech (media), association, assembly and religion, and civil society is closely controlled. Organizations openly focusing on Indigenous Peoples or using related terms in the Lao language are thus not allowed, while open discussions about Indigenous Peoples with the government can be sensitive, especially since the issue is seen as pertaining to special (human) rights.

## Challenges for Indigenous youth

Despite political commitment and support from international agencies and technological innovations, many adolescents and youth from Indigenous communities in Laos remain marginalized.<sup>4</sup> Indigenous youth in Laos faces a number of issues, ranging from violence and early death from accidents to suicides, alcohol and substance abuse and many more. Adolescent girls are often particularly vulnerable. Addressing early marriage, adolescent pregnancies, poor nutrition, and improved access to Sexual and Reproductive Health (SRH) services, including contraception, as well as promoting healthy lifestyles, emerge as priority areas.<sup>5</sup>

Access to education is one of the key challenges, with many still struggling with schooling in a language that is not their mother tongue. Further, high inflation and devaluation of the national currency have caused many schools in Indigenous communities to close due to the lack of teachers; this further exacerbates the critical situation of access to education amongst Indigenous children and youth.<sup>6</sup>

Early marriage is widespread in Indigenous communities and the average adolescent birth rate is one of the highest in the region, with marked differences between urban and rural areas where a lack of roads results in poor health and barriers to self-development.<sup>7</sup>

In many Indigenous communities, youth migrate to neighbouring Thailand, where they can earn as much as three times what they would be paid in Laos per month.<sup>8</sup>

Most of the victims of human trafficking, violence and sexual exploitation are girls and adolescents. In 2024, 46 human trafficking cases were reported, including 40 girls under the age of 18. Many of those cases involved brokers and criminal networks deceiving women into dangerous and illegal activities, often linked to cyber-scam operations run from call centres. In some instances, minors were coerced into illegal marriages with foreign nationals. The majority of trafficking cases occur in Special Economic Zones (SEZs), particularly the Golden Triangle Special Economic Zone (GTSEZ), where criminal groups exploit weak regulations and law enforcement challenges.<sup>9</sup>

## **Initiatives targeting Indigenous youth**

The Lao People's Revolutionary Youth Union (LYU), acting as the official youth wing of the Lao People's Revolutionary Party (LPRP) since the 1970s, is in charge of developing policy for the country's youth.<sup>10</sup> In February 2024, LYU organized its IV Quarterly Review Meeting and presented the plan for 2024. The plan focuses, among other things, on educating young people in political ideology, with special consideration for Indigenous youth in remote areas, undertaking projects to prevent drug problems, road accidents, combat human trafficking, and other issues, as well as continuing to provide vocational training and job creation for youth.<sup>11</sup> In October, Laos hosted the Third ASEAN Youth Dialogue 2024, themed "Enhancing Comprehensive and Resilient Supports for Sustainable ASEAN Youth Development". Throughout the dialogue, supported by the ASEAN Secretariat, the UN Children's Fund (UNICEF) and the UN Population Fund (UNFPA), youth representatives reviewed the ASEAN Youth Development Index in line with Laos' youth development strategy.<sup>12</sup> Unfortunately, Indigenous youth were not even mentioned during the event, illustrating that cultural issues and human rights issues were not on the agenda of the organizers.

Also in 2024, in partnership with the Lao National Radio and with support from the European Union, UNICEF hosted a media workshop with young people from Luang Namtha, Bokeo, and Oudomxay provinces, regions known to have a high percentage of Indigenous Peoples, to empower youth voices and explore how youth can leverage media

to advocate for child rights, focusing especially on issues such as education and digital learning. Many Indigenous youth who participated in the workshop are now producing content for various media, from social media to radio,<sup>13</sup> including raising awareness about the environment, not just about safeguarding nature but about securing a brighter and healthier future for generations to come.<sup>14</sup>

## **Visit by the UN Special Rapporteur in the field of cultural rights**

Alexandra Xanthaki, the UN Special Rapporteur in the field of cultural rights, visited Laos over 10 days in 2024. She declared that “Lao PDR must not sacrifice cultural diversity and cultural rights in the name of economic development and state unity.” Although Lao PDR legislation recognizes cultural rights, Xanthaki remained concerned about policies that assimilate ethnic minorities and Indigenous Peoples into the main Lao ethnic group, as well as the colorization of culture for tourism. The expert highlighted prejudice against non-dominant cultural practices labelled as “backward”, policies promoting “good culture” aligned with the party line, Lao-only education without cultural accommodation, and village relocations threatening traditional lifestyles.

The expert acknowledged the government's efforts towards economic development and poverty reduction but noted that development was viewed narrowly through a socio-economic lens: “Proper consultation where people can express their needs and grievances, let alone the free, prior and informed consent of local communities, is not possible where civic space simply does not exist and people fear retaliation.”<sup>15</sup>

## **Decree on the Protection Forest**

The Decree on the Protection Forest was ratified by the Prime Minister in January. The decree replaces and considerably expands the decree published in 2010 (from 32 to 69 articles). Article 31 recognizes the customary use of the Protection Forest, something that local people have long practised, including timber and non-timber forest products. Such

activities are allowed in the village forest only and in accordance with the Protection Forest management plan and the law. On the other hand, Article 39 encourages and promotes the livelihood development of local people residing in or adjacent to the Protection Forest so that they can have better living conditions and stop shifting cultivation, which is perceived as backward and environmentally destructive.

It is important to note that this development should be understood in the context of the State strategy to create permanent settlements, with the allocation of land and housing and permanent production areas, and to encourage and promote commercial production and various forms of economic cooperation that are environmentally friendly and based on the potential of each local area, such as growing crops, animal husbandry, etc.<sup>16</sup>

## **Recognition of land rights inside State forests**

Finally, to end on a positive note, 2024 saw the adoption of the Lao regulatory framework, which recognizes customary rights inside State forests, in which over 3,000 communities, mostly Indigenous, are located. This framework includes the Resolution of the Standing Committee of the National Assembly on Approval for Rights in Using Forest Land;<sup>17</sup> the Prime Minister's Order on Land Tenure Recognition in Forestland,<sup>18</sup> defining the roles and responsibilities of the Ministry of Natural Resources and Environment (MONRE) and Ministry of Agriculture and Forestry (MAF); and the draft MAF Instruction on Implementation of Prime Minister's Order.

Development partners have provided significant financial support for the recognition of tenure rights inside forestland and Free, Prior, and Informed Consent (FPIC) has been mainstreamed in the procedure guideline used on the ground.

The implementation of the national regulatory framework supporting the recognition of customary land rights inside State forests will directly promote Indigenous Peoples' resilience, traditional livelihoods, food security and rights to protect their traditional land from external threats.

The final version of the MAF Instruction is under preparation and several drafts have been presented to the development partners and ministries for comments. The exact modalities and criteria for recognition are yet to be finalized. This will allow Indigenous people living in Production, Protection and Conservation Forests to obtain land titles and land-use certificates leasing individual land, and will enable Indigenous communities' collective rights to be formalized through the Village Forest Management Protection and Conservation Contract (VFMPC).

Meanwhile, in December 2024, with the financial support of the World Bank, the Department of Agricultural Land Management initiated a Strategic Environmental and Social Assessment (SESA) to ensure that potential risks and impacts, including deforestation, loss of biodiversity, elite capture, lack of participation of poor and female headed households, etc., are inventoried and that mitigation measures are proposed. Formalizing rights does not necessarily lead to tenure security. The Lao government faces the double challenge of ensuring a balance between forest protection while at the same time promoting individual and community land rights inside State forests. One of the key factors of success in this exercise remains the quality of the engagement of Indigenous communities and the extent to which their inputs are taken into consideration, and that the diversity of Indigenous Peoples' customary tenure systems are recognized.<sup>19</sup>

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# Malaysia



The 2020 Census shows that the Indigenous Peoples of Malaysia were estimated to account for around 11% of the 32.4 million national population. They are collectively known as Orang Asal. The Orang Asli are the Indigenous Peoples of Peninsular Malaysia and they numbered 206,777 in 2020.

The 18 Orang Asli subgroups within the Negrito (Semang), Senoi and Aboriginal-Malay groups account for 0.8% of the population of Peninsular Malaysia. In Sarawak, the Indigenous Peoples are collectively known as Natives (Dayak and/or Orang Ulu). They include the Iban, Bidayuh, Kenyah, Kayan, Kedayan, Lunbawang, Punan, Bisayah, Kelabit, Berawan, Kejaman, Ukit, Sekapan, Melanau and Penan (and 12 new ethnic groups that are discussed below). They constitute around 1.2 million or almost 50% of Sarawak's population of 2.45 million people. In Sabah, the 39 different Indigenous ethnic groups are known as Natives or Anak Negeri and make up some 2.1 million or 62% of Sabah's population of 3.4 million. The main groups are the Dusun, Murut, Paitan and Bajau groups. While the Malays are also Indigenous to Malaysia, they are not categorized as Indigenous Peoples because they constitute the majority and are politically, economically and socially dominant.

In Sarawak and Sabah, laws introduced by the British during their colonial rule recognizing the customary land rights and customary law of the Indigenous Peoples are still in place. However, they are not properly implemented, and are even outright ignored by the government, which gives priority to large-scale resource extraction and the plantations of private companies and State agencies over the rights and interests of the Indigenous communities. In Peninsular Malaysia, while there is a clear lack of reference to Orang Asli customary land rights in the National Land Code, Orang Asli customary tenure is recognized under common law. The principal act governing Orang Asli administration, including occupation of the land, is the Aboriginal Peoples Act 1954.

Malaysia has adopted the United Nations Declaration on

the Rights of Indigenous Peoples (UNDRIP) and endorsed the Outcome Document of the World Conference on Indigenous Peoples but has not ratified ILO Convention 169.

## Resilience in a world of challenges

In 2024, Orang Asal youth in Malaysia played a pivotal role in advocating for their communities' rights, preserving cultural heritage, and addressing pressing socio-environmental challenges. Leveraging digital platforms and grassroots initiatives, youth emerged as key drivers of change, balancing Indigenous knowledge with modern tools in order to amplify their voices.

Youth-led initiatives, including short films, digital storytelling, and community workshops, have become essential in raising awareness about land rights and community struggles. For instance, Jahut tribe member ('Jungle Girl') Nur Rafidah Man's digital campaigns promoting forest-based products showcase the adaptability of Orang Asal youth in combining economic empowerment with cultural advocacy.<sup>1</sup> Meanwhile the collective Apa Kata Wanita Orang Asli (AKWOA) empowers young Orang Asli women to use creative media, including short films and social media, to amplify their voices. Their TikTok account, with over 9,600 followers, highlights how Orang Asal youth are adapting to modern platforms to address identity, land, and education issues.<sup>2</sup>

These efforts have also bridged generational gaps, creating spaces for intergenerational knowledge transfer. While elders possess Indigenous knowledge, youth are utilizing their technical expertise and creativity to ensure these practices remain relevant and visible in today's world. Orang Asal youths in Sabah are also implementing their initiatives, such as community workshops focusing on cultural identity and heritage.<sup>3</sup> Through these programmes, youth participants explore their ancestral roots while addressing contemporary challenges such as climate change and socio-economic challenges, fostering a stronger sense of community and self-awareness.

Despite their remarkable contributions, Orang Asal youth often face immense challenges that can feel overwhelming. Climate change,

diminishing resources, and the ongoing loss of ancestral lands pose significant threats to their communities. Many also struggle with preserving their identity in the face of modern pressures, compounded by the gradual erosion of Indigenous knowledge. These complex issues highlight the importance of ongoing support and collaborative efforts to bolster their resilience and empower them to continue their advocacy.

Child marriage also remains a pressing issue among Orang Asal communities, which is often linked to poverty and lack of educational access. For example, in Sarawak in 2023, there were 2,026 reported teenage pregnancies.<sup>4</sup> While Malaysia's civil law sets the minimum legal age for marriage at 18, girls as young as 16 can marry with a special licence granted at the discretion of the Chief Minister. In contrast, native customary laws often lack a defined minimum age, considering girls "mature" once they experience their first menstruation. This loophole has led to troubling cases where underage rape victims are married to their perpetrators, perpetuating cycles of abuse.<sup>5</sup>

## **Law and policy developments**

Meanwhile, their communities continue to face significant legal and systemic challenges. In Sarawak, the *Interpretation (Amendment) Bill* 2022 facilitated a progressive change by approving over 3,000 applications for Native status for children of mixed marriages since November 2023, marking a milestone in identity and legal recognition.<sup>6</sup> However, the Bajau Laut (or Palau), the nomadic sea community in Sabah, remain stateless and marginalized. Their lack of legal recognition has left them without access to education, healthcare, and basic services. Reports in 2024 of violent demolitions of their stilted homes further exacerbated their vulnerability. Advocacy groups are intensifying calls for legal protection and recognition of their traditional livelihoods.<sup>7</sup> Currently, the native courts are seen as crucial in upholding Indigenous traditions and mediating disputes yet they are often under-resourced and limited in scope. Proposals for reform include expanding their jurisdiction, providing adequate training for court officials, and integrating customary laws with broader legal frameworks to strengthen Indigenous governance and autonomy.<sup>8</sup>

In parallel, there are discussions to amend the Orang Asli Act, which advocates hope will provide stronger protections for Orang Asli rights, particularly in the context of land tenure and community governance.<sup>9</sup> Activists are pushing for clearer legal recognition of customary lands and mechanisms to ensure Free, Prior, and Informed Consent (FPIC) in all decisions affecting Orang Asli territories.

However, these efforts face significant challenges, particularly from initiatives such as the controversial role of the Pahang Orang Asli Corporation (ORACO). ORACO has been criticized for attempting to centralize control over Orang Asli agricultural lands, prioritizing corporate interests over the welfare and autonomy of Orang Asli communities. Many Orang Asli leaders have accused ORACO of undermining customary land rights by pushing for monoculture plantations and profit-driven projects without adequate consultation. This has led to growing calls for transparency and a halt to ORACO's actions until safeguards are implemented to protect Orang Asli lands and livelihoods within a culturally appropriate framework.<sup>10</sup>

## Struggle for lands and resources

Orang Asal lands across Malaysia remain under threat from deforestation, mining, and large-scale development projects. Extensive logging in Kelantan has exacerbated soil erosion and flash flooding, contaminating water sources essential to Orang Asli communities.<sup>11</sup> Similarly, the Upper Baram Forest Area in Sarawak, once an Indigenous-led conservation model, has faced setbacks due to logging concessions and a lack of transparency. Abrupt cancellations of international conservation agreements have sidelined Indigenous communities, undermining efforts to sustainably manage 283,500 hectares of forest and agricultural land.<sup>12</sup> Despite these challenges, Indigenous leaders continue to advocate for the revival of conservation initiatives and greater Orang Asal involvement in forest governance.

As Malaysia moves closer to enacting a national climate change bill, civil society groups and Orang Asal leaders are emphasizing the critical need to incorporate Orang Asal rights into this legislation. Development projects aimed at mitigating climate change, such as solar farms and hydroelectric dams, often proceed without the FPIC of Indigenous communities.<sup>13</sup> The proposed 300-megawatt hydroelectric dam

in Kelantan's Nenggiri Valley threatens to displace over 1,000 Orang Asli.<sup>14</sup> Similarly, Sarawak's ambitious plans to become the "Battery of ASEAN" involve building multiple cascading dams across 10 river basins, including the Baram Dam, which was halted in 2015 due to strong resistance from Orang Asal communities.<sup>15, 16, 17</sup> While the Baram project was suspended, concerns persist about its potential revival, which would threaten over 20,000 Orang Asal and submerge significant tracts of ancestral land. Projects like the Tutoh/Apoh Dam, also proposed in Sarawak, have drawn criticism for bypassing FPIC protocols.<sup>18</sup>

In Sabah, silica mining in Kudat and the Nature Conservation Agreement (NCA) are both framed as climate change mitigation measures. The silica mine in Kudat is intended to extract silica for the production of glass used in solar panels, a key component of renewable energy infrastructure. Meanwhile, the NCA aims to generate carbon credits by preserving forests in Sabah, contributing to global carbon offset programmes. However, these initiatives have often disregarded Orang Asal voices and FPIC principles, raising concerns about their social and environmental impacts. Orang Asal leaders stress the need for greater transparency and community participation to ensure that such initiatives respect their socio-cultural and ecological significance while truly delivering on their climate promises.<sup>19, 20</sup>

Rare earth mining has also emerged as a significant concern, particularly in Pahang and Perak, where mining projects are being pursued to meet the growing global demand for green energy technologies. While these resources are touted as essential for the energy transition, the extraction processes are often invasive, threatening ecosystems and displacing Orang Asal communities. Many families are now forced to travel long distances for clean water, as mining activities further exacerbate water scarcity.<sup>21</sup>

There have, however, been some landmark victories in Orang Asal rights. In Perak, the recent case of the Ulu Geruntum mini-hydro dam highlights the importance of Orang Asal advocacy and judicial support. In September 2024, a Malaysian court ruled against a mini-hydro dam project in Ulu Geruntum, citing the failure of developers to secure FPIC from the Orang Asli communities affected. The dam, proposed without proper consultation, would have affected Orang Asli villages, disrupted their livelihoods, and caused significant environmental damage. The court decision not only halted the project but also awarded nominal compensation to the community for the destruction of their ancestral grave sites and

trees. This demonstrates the potential of legal systems to uphold FPIC principles and safeguard against encroachment.<sup>22</sup> And in the Taiping High Court, the Orang Asli's right to their land was upheld. However, this ruling limited their claims to core settlement areas, excluding traditional foraging and hunting grounds that are equally vital for their cultural and economic survival.<sup>23</sup> This limitation highlights ongoing challenges in securing comprehensive land rights despite legal victories.

## Global advocacy and regional dynamics

The international community has increasingly recognized the struggles and contributions of Malaysia's Orang Asal. The Universal Periodic Review (UPR) highlighted the need for stronger protections for land rights, environmental justice, and FPIC. Key recommendations from the UPR included ensuring the full implementation of FPIC in all development projects impacting Orang Asal lands, addressing gaps in the enforcement of land rights, and establishing clear mechanisms for Orang Asal participation in policy-making processes. These recommendations also stressed the importance of providing targeted support for Orang Asal women and youth to enhance their representation in leadership roles.<sup>24</sup> Similarly, the CEDAW Committee's concluding observations emphasized the marginalization of Orang Asal women, calling for targeted actions to combat child marriage, improve access to education, and implement gender-sensitive land policies.<sup>25</sup> Notably, this was the first time a shadow report has been submitted to the CEDAW Committee by Malaysian Orang Asal groups, and this significantly influenced the strength and specific nature of the concluding observations.<sup>26</sup>

The coming year presents both challenges and opportunities for Malaysia's Orang Asal. Development pressures are expected to intensify, particularly from energy and resource-based projects. However, the resilience and advocacy of Orang Asal communities, supported by international recommendations and youth-driven initiatives, offer hope for stronger recognition of their rights. Key priorities include strengthening FPIC processes, integrating Indigenous knowledge into policy frameworks, and ensuring equitable benefit-sharing. Youth empowerment, cultural preservation, and environmental stewardship will remain central to building resilient and self-determined Orang Asal communities.

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# Myanmar



There is no accurate information on the number of Indigenous Peoples in Myanmar, partly due to a lack of understanding in the country of the internationally-recognized concept. The government claims that all citizens of Myanmar are “Indigenous” (*taing-yin-tha*) and, on that basis, dismisses the applicability of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) to Myanmar. Indigenous Peoples’ rights activists use the Burmese language term *hta-nay-tain-yin-tha* to describe Indigenous Peoples, based on international principles that use the criteria of non-dominance in the national context, historical continuity, ancestral territories and self-identification.<sup>1</sup>

According to the 1982 Citizenship Law, ethnic groups who have been present in the current geographical area of Myanmar since before 1823 (the start of the first British annexation) are considered *taung-yin-tha*<sup>2</sup> (national races). Eight ethnic groups are recognized as national races: Kachin, Karen, Karen-*ni*, Chin, Mon, Burman, Arakan and Shan. In the government’s classification, smaller groups are lumped in with bigger groups and sub-groupings. However, there are a number of ethnic groups that are considered or see themselves as Indigenous Peoples, such as the Naga, who would not identify with any of those groups.

In accordance with the 2008 Constitution,<sup>3</sup> Myanmar/Burma is divided into seven states, seven regions, and one union territory. The seven states are named after seven large ethnic groups namely, Kachin, Kayah (Karen-*ni*), Kayin (Karen), Chin, Mon, Rakhine and Shan States. The Bamar (Burmese) do not have a specifically named state but they are the dominant ethnic group in those seven regions (Sagaing, Magway, Mandalay, Yangon, Ayerywaddy, Thanyntharyi and Bago) and the Union Territory of Nay Pyi Taw. There are also five self-administered zones and one self-administered division that form part of regions or states, each named after the ethnic group that forms the majority in the area (Naga, Danu, Pa-O, Palaung, Kokang and the Wa).

On 1 February 2021, the Myanmar military (Tatmadaw) attempted a coup d'état by deposing Aung San Su Kyi's National League for Democracy (NLD), forming the State Administration Council (SAC) as a "de facto" government. In reaction to this, ousted members of parliament formed the National Unity Government (NUG) in April 2021, which continues in its attempts to act as the legitimate government in exile. In the post-coup era, the overall trajectory of the conflict in Myanmar has been one of expanding control by revolutionary forces, including the newly-formed People's Defence Force (PDF) acting under the NUG, independent local defence forces, and well-established Ethnic Armed Organizations (EAOs) who have been fighting for the self-determination of the ethnic groups they represent for decades. As such, Myanmar is presently a patchwork of mixed-controlled areas, where receding SAC control fluctuates, and resistance actors attempt to solidify governance mechanisms.

Myanmar voted in favour of the UNDRIP, adopted by the UN General Assembly in 2007 but has not signed the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), nor has it ratified ILO Convention No. 169. It is party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Myanmar has not ratified the International Covenant on Civil and Political Rights.

## **SAC forced conscription puts Indigenous youth in peril**

Perhaps signifying a desperate response to unprecedented territorial and military losses that were being incurred toward the end of 2023 and into 2024 across vast swathes of the country, the State Administration Council (SAC) announced it would be enforc-

ing the “People’s Military Service Law” on 10 February 2024.<sup>4</sup> The law, commonly known as the “conscription law”, requires male citizens aged 18 to 35 and female citizens aged 18 to 27 to perform mandatory military service.

Initially, the SAC outlined plans to recruit 5,000 people per month beginning in April;<sup>5</sup> figures released by the opposition National Unity Government’s data repository suggest, at the turn of the year, that there were over 22,000 people who had been conscripted.<sup>6</sup> This notification spurred various responses from youth looking to avoid the draft. Large numbers of Indigenous youth living in areas still controlled or partially controlled by the SAC migrated toward areas controlled by Ethnic Armed Organizations (EAOs), as well as to neighbouring Thailand, Malaysia, and India.<sup>7</sup>

According to a report by the NGO, Human Rights Foundation of Monland (HURFOM), the imposition of the draft in Mon and Karen States and the Tanintharyi Region has led to a range of destabilization factors for Indigenous communities. Socio-economic foundations are reported to have weakened where crucial sectors, such as agriculture, have been impacted by the loss of labour, further exacerbating food shortages and economic hardships. In addition, traditional social and political structures are said to have been undermined as young people either flee or are taken away, the authority of community leaders has weakened, and communities’ ability to govern themselves has been diminished.<sup>8</sup>

The practice of forced conscription is not unique to the SAC and is also practised by EAOs. The Myanmar National Democratic Alliance Army (MNDAA), an ethnic Kokang EAO, is reportedly forcibly recruiting men from IDP camps and demanding manpower quotas from local – many of them Indigenous - communities.<sup>9</sup> Another EAO, the Restoration Council of Shan State (RCSS), has reportedly threatened to confiscate the property of families whose members evade conscription into its ranks.<sup>10</sup> Meanwhile, in Paletwa township, forcible recruitment by the United League of Arakan/Arakan Army (ULA/AA) led to further Indigenous Chin youth migration away from the township.<sup>11</sup>

## **Indigenous populations on the brink**

As Myanmar’s civil war approaches four years, Indigenous communities continue to face a severe humanitarian toll. By the end of 2024, the

number of internally displaced persons (IDP) was reported to be over 3.5 million.<sup>12</sup> A large proportion of this figure correlates to where fighting is particularly intense, such as the Northeast, Northwest, Southeast and Western extremities of Myanmar – ethnic states with high proportions of Indigenous communities – where high access restraints persist.<sup>13</sup> Exemplifying this situation, the United Nations Development Programme (UNDP) has predicted that Rakhine State in western Myanmar faces the imminent threat of acute famine and has warned over 2 million people will be at risk of starvation in 2025.<sup>14</sup>

Furthermore, according to the digital rights group, Access Now, at least 80 townships and 13 out of the 14 states and regions of Myanmar were continuing to face ongoing internet shutdowns and phone line disconnections as of March 2024.<sup>15</sup> The initiation of communication blackouts is one aspect of the SAC's military tactics to cut off and isolate communities in active conflict areas and they are imposed concurrently with travel and trade blockades. Indigenous people living in isolated areas are impeded from accessing information regarding troop movements, escalations of fighting, incoming airstrikes and how to mitigate the risks of displacement in conflict zones. Furthermore, online means of education remained severely hampered and humanitarian actors, journalists and researchers struggled with the task of humanitarian response, monitoring human rights violations, and reporting on the situation in Myanmar.

## Territorial gains, losses, and jostling for position

In early 2024 – as Operation 1027 persisted (see *The Indigenous World 2023*) – EAOs continued to gain and, in large part, consolidate vast swathes of SAC-held territory as outposts and regional commands fell in many ethnic states. According to a report by the Special Advisory Council for Myanmar, the SAC had lost “stable control” over townships covering 86% of the country’s territory and 67% of the population.<sup>16</sup> While this signified the continued shrinking of the SAC as a military force and its ability to administer large areas of Myanmar, overlapping territorial claims between some EAOs, in some regions, are becoming more apparent in the vacuum.

The Kachin Independence Army (KIA) made significant gains in Northern Myanmar, securing control over rare earth mining areas in Kachin State Special Region 1 close to the Chinese border.<sup>17</sup> The KIA emphasized the opportunity for unity among the Kachin Indigenous communities, pledging a focus on regional development and humanitarian principles while ensuring economic and social well-being.<sup>18</sup> However, tensions have risen in northern Shan State, as the KIA and Ta'ang National Liberation Army (TNLA) began competing to offer public services in liberated areas. For example, in Kutkai Township, a mixed Kachin and Ta'ang area, residents from both ethnic groups raised concerns that the two armed groups were replicating forms of Burmese chauvinism in the education sector where a focus on either Kachin or Ta'ang history and language was being taught at the expense of students from the other group.<sup>19</sup>

In western Myanmar, Chin community members have raised similar concerns about the incoming United League of Arakan/Arakan Army (ULA/AA) administration in Paletwa Township. In January, the ULA/AA, which fights for the “national liberation and restoration of Arakan sovereignty to the people of Arakan”<sup>20</sup> declared it would maintain administrative control over Chin State’s Paletwa Township, having ousted the SAC from all its military infrastructure in the township.<sup>21</sup> The majority ethnic group in the township, the Khumi people, who are a Chin sub-group, have raised concerns related to a range of ethnocentric approaches to ULA/AA governance, including the imposition of Arakan language instruction within schools,<sup>22</sup> and other forms of discrimination, such as being targeted for forced labour and conscription.

## Airstrikes, artillery and landmines

As the SAC continued to cede territory and accrued heavy losses, airstrikes increased dramatically in 2024. At the turn of the year, there had been a reported 1,769 deaths across the country, a higher figure than the combined total of the previous three.<sup>23</sup> A large proportion of airstrikes carried out by the SAC take place in ethnic states, including in areas populated by Indigenous Peoples. For example, according to the Assistance Association for Political Prisoners (AAPP), Rakhine State

had the highest rate of deaths as a result of SAC airstrikes, where, by October, there had been 159 civilian deaths.<sup>24</sup>

Perhaps predictably, a large proportion of airstrikes have hit non-military targets, such as schools, churches and medical facilities. For example, in Chin State alone, 104 airstrikes were documented in 2024, destroying or damaging 20 schools, six churches and four medical facilities, leading to 58 deaths and 91 injuries to civilians, often where no active fighting had been taking place.<sup>25</sup> The consequence of this is that it prevents displaced people from returning to areas now free of the SAC's control and beginning to rebuild their lives.<sup>26</sup>

The ongoing threat of landmines and other unexploded ordnance (UXO) also continues to impede the ability of Indigenous communities to pursue lives and livelihoods amidst ongoing conflict. According to the International Campaign to Ban Landmines (ICBL) report at the end of 2024, Myanmar has, for the first time, recorded the most casualties in the world from antipersonnel landmines, documenting 1,003 victims during the reporting period.<sup>27</sup> In Chin State, for example, Indigenous communities face the risk of stepping on landmines as they attempt to pursue socio-economic activities such as farming, fishing and gathering forest products, impacting day-to-day life, and, in other circumstances, children have been killed while playing with UXO.

## SAC presses ahead with election plans

Despite unprecedented territorial losses and a creaking administration, the SAC persevered with its plans to hold an election in 2025 and embarked on a population census between 1 and 15 October. The provisional results of the census put Myanmar's population at approximately 51.3 million people, slightly lower than the 51.5 million count taken 10 years ago.<sup>28</sup> These numbers have been put forward despite the October census only being undertaken in less than half of the 330 townships that comprise Myanmar, due to security issues.

The census went ahead after China, for the first time, signified its backing for the SAC, potentially offering a lifeline for its legitimacy, however timid, when China's foreign minister Wang Yi promised technological assistance for the census-taking process<sup>29</sup> and invited the besieged SAC leader to a meeting in Beijing for the first time while also exerting

pressure on EAOs in Shan State to halt fighting.<sup>30</sup> China also began collaborating with the SAC to establish a joint security company to protect Chinese investments and personnel in Myanmar.<sup>31, 32</sup>

Meanwhile, the United Nation's Special Envoy on Myanmar, Julie Bishop, denounced what she called a "zero-sum mentality" among those involved in the revolution in her first address to the UN General Assembly in October – failing to mention the SAC's widespread atrocities – having previously met with the SAC leader in Nay Pyi Taw.<sup>33</sup> These comments by the Special Envoy drew criticism that they would lend further false legitimacy to the proposed sham election process and signified a continued trend in UN special envoys emboldening successive Burmese military governments to continue atrocity crimes while undermining the collective efforts of Myanmar's people towards sustainable peace.<sup>34</sup>

In an open letter, 276 Myanmar and European-based civil society organizations claimed that the election would not be free and fair, nor a representation of the people's will, nor would it contribute to genuine power-sharing among the broad ethnic and religious communities across Myanmar.<sup>35</sup>

## **Will the impunity bubble burst?**

In November, the Chief Prosecutor for the International Criminal Court (ICC) formally requested that the court issue an arrest warrant for the SAC leader, Min Aung Hlaing, related to the crime against humanity of deportation of Rohingya.<sup>36</sup> Although *prima facie*, the ICC has no jurisdiction for prosecuting international crimes in Myanmar – Myanmar is not a signatory to the Rome Statute – but ICC prosecutors decreed that as part of the crime of deportation occurred in Bangladesh, which is a signatory, there were grounds for an investigation. Three ICC judges must now rule on the prosecutor's request. Unsurprisingly, the SAC quickly rejected the proposed action's legitimacy.<sup>37</sup>

While the ruling relates specifically to the situation of the Rohingya expulsions in 2017, there could be ramifications for other crimes against humanity and war crimes taking place in other areas of the country, should a Security Council ruling expand the court's mandate. This is, however, unlikely due to veto powers at the council. The Special Rap-

porteur on the Situation of Human Rights in Myanmar reiterated his call for governments to support universal jurisdiction cases concerning Myanmar in competent national courts and for State Parties to the ICC to consider referring the situation in Myanmar to the Prosecutor under Article 14 of the Rome Statute.<sup>38</sup>

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*The author and publisher of this article are well aware of the existing Myanmar/Burma name dispute; however, Myanmar is used consistently here to avoid confusion.*

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# Nepal



According to the Central Bureau of Statistics 2021 Census of Nepal, the population of Indigenous Peoples in Nepal is 35.08% of the total population of 29,164,578. However, Indigenous academics and movement leaders believe they are the majority. Sixty Indigenous Peoples in Nepal are formally recognized by the government, and 19 more were identified in the 2021 census but are yet to be formally recognized. All have been facing systematic discrimination, exclusion, and marginalization because of colonization and continued racism from the dominant Hindu patriarchy for centuries.

These systemic issues include land grabbing in various forms, criminalization of customary practices, militarization, involuntary eviction, and displacement due to development aggression using the Constitution, laws, policies, rules and regulations, directives, plans, and programs. These practices are formulated and implemented without ever obtaining the free, prior, and informed consent (FPIC) of Indigenous Peoples and are manifested in many ways – visible and invisible. Nepal's Indigenous Peoples have serious concerns about the continued violation, interference, abuse, and non-compliance of international laws and human rights standards, including International Labour Organization (ILO) Convention No. 169, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) General Recommendation No. 39 (2022), which Nepal has ratified or adopted. Further, Nepal has done nothing to implement the Committee on the Elimination of Racial Discrimination's (CERD) early warning and recommendations, or those made by the CEDAW Committee.

The year 2024 started with a showing of *Masinya*,<sup>1</sup> a powerful play by Tamang Indigenous youth on the historical injustices perpetrated by the State.<sup>2,3</sup> The year ended with political plays on con-

frontations between Yakthung (Limbu) young human rights defenders defending their sacred Mundhum<sup>4</sup> site – Mukumlung<sup>5</sup> – and the armed police force defending a business company encroaching on the sacred site, as well as a coalition government formed with an agenda that includes amending the constitution.<sup>6</sup>

## **Issues Indigenous youth are facing in Nepal**

Indigenous youth in Nepal face different issues. First, Indigenous youth are not legally recognized as such. Not being recognized makes them invisible in the constitution, laws, and the government's policies, plans and programs.

This year, two youth summits, one national and the other international, were held in Nepal, but unfortunately, the representation and participation of Indigenous youth's organizations, such as the Youth Federation of Indigenous Nationalities, Nepal (YFIN, Nepal), and their issues, had no place in either. These were the Intercontinental Youth Forum (IYF), in which thousands of young people from various countries convened in Kathmandu from 17-19 February 2024,<sup>7</sup> and the Nepal Youth Summit that was held from 12-13 August 2024 with the participation of some 170 young leaders from Nepal's seven provinces.<sup>8</sup>

Indigenous youth are the bridge between past (ancestors) and future generations. If the youth do not obtain knowledge from their elders then it will end with the end of the elders. The bridge is rupturing due to several factors. This issue has been raised in an internationally awarded feature film "A Road to A Village", premiered in Nepal on 7 June 2024<sup>9</sup> by director Nabin Subba, a member of the Indigenous Yakthung (Limbu) nation. It "tells the story of a family whose life is fundamentally changed after a road finally connects their village to the nearby town"<sup>10</sup> and raises the question of how to stop cultural genocide.<sup>11</sup>

Indigenous Peoples of Nepal traditionally have no category of youth as they are children until their initiation rites, and then adults, elders, and finally ancestors. However, the Ministry of Youth and Sports considers youth as those in the age group 16-40 years.<sup>12, 13</sup> The "Three Year Interim Plan" of Nepal<sup>14</sup> considers youth as being 15 to 29 years of age.<sup>15</sup> The Nepal government's treatment of youth as a homogenous

category ignores its intersectionality. A member of the Election Observation Committee of Nepal writes that all the top leaders of the main political parties are in their 70s and: "In all these political parties, the second-rung leaders who claim to be youths are also more than 50 years old...."<sup>16</sup> Practically, the issue of who belongs to the category of youth depends on law, practice, custom, tradition, politics, biology, society, culture, region, and time. Separating early youth (15 to 24) from late youth (25 to 40) as done in a study on the Status of Youth in Nepal carried out by the International Year of the Youth Committee, would be useful.<sup>17</sup>

## **Indigenous youth fighting for justice and rights**

Despite the challenges, Indigenous youth are trying to respond to historical injustices and defend individual and collective rights in various ways. They are organizing, leading the ground struggles of their communities, raising their voices in creative ways and artforms, and engaging in policy and advocacy work from the community to the national arena. Indigenous youth are also organized in several other platforms, including the YFIN, a member of the Asia Indigenous Youth Platform (AIYP), based on their interests and other intersections.<sup>18</sup> Sabba Rani Maharjan, a YFIN leader, says, "As Indigenous youth, we are the front-line advocates for our lands and cultures. It's time that resources flow directly to us, so we can lead the way in protecting our futures, without being filtered through intermediaries. We know our needs, and we should be the ones making the decisions."<sup>19</sup>

Indigenous youth are fighting against violations and abuses of Indigenous Peoples' rights by the government and business companies from community to national level. Indigenous Rights activist Ni-aranti Tumbapo is an exemplary Yakthung (Limbu) youth leader who is one of Nepal's 50 Influential Women of 2024, selected and declared by the Onlinekhabar.com on 8 March 2024. She is an inspiring leader of the "No Cable Car" at Mukumglung and "No Koshi"<sup>20</sup> movements. The Onlinekhabar.com writes, "Tumbapo was seen at the forefront of this identity movement that went on in the province for a year. She has proved herself to be a rebel and is a great orator. Currently, she is deeply

committed to ensuring the success of the identity movement that has gained momentum in rural areas.”<sup>21</sup>

Indigenous youth are using artforms to campaign for their rights and make their struggles visible to a wider audience. Young Tamang poets staged a powerful play entitled ‘*Masinya*’,<sup>22</sup> focusing on the contamination of the egalitarian Tamang culture by systemic State-led colonization, injustice, humiliation, land grabbing, forced eviction, labor exploitation, and criminalization of the consumption of beef.<sup>23, 24</sup> The Rising Nepal reported that distinguished figures including politicians watched the play, and a senior leader of a political party “urged the younger generation to comprehend this pain and emphasized the need to combat such injustices.”<sup>25</sup>

In his Identity (Recognition) Award of 2024-winning poetry collection entitled ‘*Oh Pengdorje*’,<sup>26</sup> awarded by the Recognition Award Fund, young Indigenous poet Raju Syantang focuses on the Tamang Indigenous Peoples living their own distinct collective way of life before, and the massive exploitation after, the expansion of Gorkha state,<sup>27</sup> at the cost of blood for their identity.<sup>28</sup>

The Kathmandu-based platform for photography and archiving “photo.circle” exhibited art, photos, and videos of young artists searching for their roots in the exhibition “Who does the river belong to?”<sup>29</sup> These artists’ struggles include a Tamang youth discovering Nhimba identity, and a Thakali [TaMhang] youth searching for her ancestors. “These storytellers,” according to the photo.circle, “invite us to rethink the story of progress, how we have come to embody it as individuals, communities, and nation-states, and how it has singularly led to the plunder of our rivers, our forests, and our lands.”<sup>30</sup>

## Land rights issues of Indigenous Peoples

2024 saw a do-or-die resistance movement committed to stopping further land grabbing and fighting for the return of stolen lands, including the reinstatement of the land’s original Indigenous names.<sup>31</sup> Yet Indigenous Peoples continued to face land grabbing and land rights violations in 2024 – whether due to “development” aggression, business greed, or fortress model-led conservation efforts.

On 13 May, workers of the Pathibhara Devi Darshan Cable Car Pvt. Ltd.<sup>32</sup> felled 12,000 trees at night in a forest in Mukumlung, known as "Pathibhara", but the Indigenous defenders of Mukumlung chased them away and subsequently planted new trees, declaring a *banda* (transportation shutdown).<sup>33</sup> A clash between supporters and opponents of the cable car project during the inauguration of its construction on 8 November injured two people supporting the construction, and two people, including Chandra Maden, who were assisting pilgrims to reach the Pathibhara [Mukumlung] area, and who opposed the construction.<sup>34</sup>

Indigenous rights were violated by a hydropower project<sup>35</sup> in Chhunjam River in Sankhuwasabha. The report states, "The list of alleged crimes and lies is long: accusations of forging local signatures, signing children's names on contracts, creating false reports, bulldozing through farmlands under the cover of night and trapping sacred animals." The victims – Bhote/Singsa/Lhomi Indigenous Peoples – are hoping that the court will order a halt to the ongoing activities in their legal battle and give justice.

The government has drafted Other Effective Area-based Conservation Measures (OECMs) in Nepal. The proposed 57 OECM areas include Menchhayem, known as "Tinjure-Milke-Jaljale", with a land area of 45,063 ha, Chepang Landscape with 13,479 ha., and Limi Valley with 119,943 ha.<sup>36</sup> OECMs are claimed as geographically-defined areas for biodiversity conservation and management.<sup>37</sup> However, these new proposed areas were prepared without consulting or obtaining the Free, Prior and Informed Consent (FPIC) of the Indigenous Peoples who fear that it is another ploy, like national parks, to grab their remaining lands.

On 14 May 2024, UN experts, including Mr. Robert McCorquodale (Chairperson) of the Open-ended working group on transnational corporations and other business enterprises with respect to human rights,<sup>38</sup> expressed concern over reports of ongoing retaliations against human rights defenders because of their opposition to the development of the Chhaya Center retail and entertainment complex in Nepal. The experts deplored the violations of international human rights norms. Responding to a complaint<sup>39</sup> by two anonymous Nepalese organizations concerning violations of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct by running the Visa Facilitation Service (VFS) Global at the Chhaya Center, the Government of Switzerland

instructed its relocation.<sup>40</sup> The case remains active at the full bench of the Supreme Court of Nepal.

In Nepal, the labor migration of Indigenous Peoples, including Indigenous Women, especially youth, has been triggered by forcible evictions or displacements from ancestral lands due to systematic land grabbing by the state, development aggression, and the criminalization of customary livelihood practices. According to the Report on Final Approved List Country Wise from 17 July 2023 to 15 July 2024, as Indigenous youth and adults have migrated to 149 countries around the world, the villages have been emptying of their youth.<sup>41</sup>

The Land Related Problem Resolution Commission, renamed and formed as the National Land Commission (NLD), was dissolved twice in the year: once in March and the other in October. By the time of its dissolution, 4,586 families out of a total of 1,077,446 applicants had received land registration certificates.<sup>42</sup>

The government has drafted an implementation plan for the National Action Plan (NAP) on Business and Human Rights (BHR) but it has yet to be endorsed.<sup>43</sup>

## Misrepresentation of Indigenous identity

The film Shambhala, directed by Nepali director, Min Bahadur Bham, is “Nepal’s Official Oscar Entry for the 97<sup>th</sup> Academy Awards” of 2024.<sup>44</sup> Jordan Mintzer writes, “The film does have something to say about patriarchal Nepalese culture, in which women like Pema are obliged to defend their virtue against accusations by their husbands. ... another woman accused of adultery is forced to shoot an arrow at a bullseye in order to prove her innocence. It’s an impossible feat, and we learn later on that she committed suicide.”<sup>45</sup> In this context, journalist Anita Bhettwal asked the director, “Tests given by Pema in Shambhala look like Sita giving a trial by fire<sup>46</sup> in the [Hindu epic] Ramayan. Is there a tradition in the Himalayas giving loyalty tests to wives like the one in the Ramayan? Is it an imagination of the writer or real religious and social life stories that exist in the Himalayan region?”<sup>47, 48</sup> Bham replied, “In fact, you have given me a chance to clarify by asking me this question. I did not make a documentary, it is fiction....” (author’s translation and emphasis). He

clarified, "Talking about a scene of shooting an arrow as a trial by fire. This tradition exists nowhere in the Himalayas. As far as shooting arrows in the Himalayas is concerned, only males shoot arrows, that too to determine an auspicious or inauspicious time. After knowing this, I showed it in the story after I thought, in a society where women are not allowed to shoot arrows, what could be its purpose if they are allowed. Suicide shown in the film also may not happen in the Himalayan [community]..." (author's emphasis).

The time has come to stop such cultural misunderstandings, which may have damaging effects on the Indigenous Peoples in question. The Indigenous Peoples' Community Protocol should be developed and applied, following Terri Janke's "Pathways & Protocols filmmaker's guide to working with Indigenous people[s], culture and concepts".<sup>49</sup> This gives Indigenous film-making clear dos and don'ts and mandatory FPIC mechanisms of meaningful application.

## Political developments

Political developments in Nepal in 2024 followed a trend of business as usual. In other words, characterized by corruption, abuse of power and authority, power struggles, political instability, domination by the dominant Hindu caste group, and increasing protest against colonization, including land grabbing and the suppression of Indigenous Peoples and their rights.

In a high-profile by-election in constituency no. 3 in Ilam for a seat in the federal parliament that fell vacant on the death of the elected representative, Subhas Chandra Nembang, Speaker of the House of Representatives, an independent Indigenous candidate supported by identity-based politics in province number 1, finished third with 11,457 votes, and is now reckoned as one of the political forces in the province.<sup>50, 51</sup>

On 6 May 2024, the Bagmati Province Government, Ministry of Culture, Tourism and Cooperatives, Nepal Tamang Ghedung, Federal Working Committee and Newa Dey Daboo, Central Committee jointly launched the Provincial Government Official Language Act, 2080 BS, which recognizes the Tamang and Newa languages as other official languages of the province.<sup>52</sup>

The rising tide of the “No Koshi” movement<sup>53</sup> led to a dialogue resulting in a seven-point agreement between the dialogue teams of the No Koshi movement and the Government of Province Number 1 following a press conference by the Province 1 Renaming Joint Struggle Committee on 12 December to re-intensify the movement. These are: (i) national consensus government, (ii) “Constitutional review and amendments: The new government will assess the Constitution’s performance, address its weaknesses, and make necessary amendments for political stability”, (iii) economic revival, (iv) leadership transition, (v) governance framework, (vi) equal participation, and (vii) provincial and local development.<sup>54</sup> In September, the parties in the ruling coalition agreed to hold extensive discussions with regard to making amendments to the constitution in line with the seven-point agreement.<sup>55</sup> It has yet to be seen whether they amend the constitution as recommended by CEDAW in 2018.<sup>56</sup>

## **Climate injustice**

“At International Court of Justice, Nepal demands climate justice”, reported The Kathmandu Post.<sup>57</sup> In a similar vein, Indigenous youth are demanding climate justice from the Government of Nepal. Carbon trading money of Rs1.6 billion “received from the World Bank would not go directly to the community as it goes to various government bodies with a risk of its reduction in the form of administrative expenses.”<sup>58</sup> Given Nepal’s 108th position out of 180 countries in terms of corruption,<sup>59</sup> the rulers of the dominant caste may be desperately eyeing up climate funds.

On a positive note, the Minister for Forest and Environment of the Nepal government has proposed that Parliament ratify the Kigali Amendment to the Montreal Protocol.<sup>60, 61</sup>

## **CEDAW shadow reports**

A consortium of Indigenous Women’s Organizations submitted a Shadow Report on Seventh Periodic Report of Nepal to CEDAW for the 89<sup>th</sup>

(PSWG) Pre-Sessional Working Group<sup>62</sup> and another<sup>63</sup> for the 90<sup>th</sup> Session, the first on 1 January 2024 and the second on 31 December 2024. The National Indigenous Women Forum (NIWF) also submitted a statement (E/CN.6/2025/NGO/XX) on 24 December 2024 to the Commission on the Status of Women for its 69<sup>th</sup> session as a Follow-up to the Fourth World Conference on Women.

## **Formal recognition of Humlo Indigenous Peoples**

Nepal's government formally recognized Humlo Indigenous Nationalities on 11 July 2024, as per the recommendation made by the National Foundation for Development of Indigenous Nationalities (NFDIN).<sup>64</sup>

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# Philippines



The country's Indigenous population continues to be estimated at between 10% and 20% of the national population of 109,035,343, based on the 2020 population census.

The Indigenous groups in the northern mountains of Luzon (Cordillera) are collectively known as Igorot while the groups on the southern island of Mindanao are called Lumad. There are smaller groups collectively known as Mangyan on the island of Mindoro as well as smaller, scattered groups in the Visayas islands and Luzon, including several groups of hunter-gatherers in transition.

Indigenous Peoples in the Philippines have retained much of their traditional, pre-colonial culture, social institutions and livelihood practices. They generally live in geographically isolated areas with a lack of access to basic social services and few opportunities for mainstream economic activities, education or political participation. In contrast, commercially valuable natural resources such as minerals, forests and rivers can be found primarily in their areas, making them continuously vulnerable to development aggression and land grabbing.

The Republic Act 8371, known as the Indigenous Peoples' Rights Act (IPRA), was promulgated in 1997. The law has been lauded for its support for respect of Indigenous Peoples' cultural integrity, right to their lands and right to self-directed development of those lands. More substantial implementation of the law is still being sought, however, apart from there being fundamental criticism of the law itself. The Philippines voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) but the government has not yet ratified ILO Convention 169.

**N**earing its third year, the Marcos Jr. administration is undoubtedly prioritizing the simplified entry and operations of renewable energy and large-scale mining projects. In 2022 and 2023, Marcos Jr. made policy reforms and pronouncements in favour of foreign investments and big corporations.<sup>1</sup> Such pronouncements were reiter-

ated in 2024, with Marcos Jr. touting climate change and disasters as one of the primary reasons why the country should fast-track renewable energy and mining projects.<sup>2</sup> These efforts of the administration are reflected in the Philippines being named the second most attractive emerging market for renewable energy projects in 2024.<sup>3</sup> Amid this aggressive move of the administration to sell the Philippines as a strategic investment, Indigenous Peoples find themselves head-to-head with government agencies and corporations who are hounding them to give up their lands and territories for the supposed betterment of the nation.

## Persistent development aggression

The Department of Energy (DoE) recently recorded a grand total of 1,486 renewable energy project applications, most of them relating to hydropower.<sup>4</sup> In the Cordillera region, home to the Igorot Indigenous Peoples and the only region where Indigenous Peoples comprise the majority of the population, 109 hydropower, 5 geothermal, 3 solar, and 2 wind energy projects are being proposed by various foreign and local corporations.<sup>5</sup> The numbers further show that Cordillera remains home to the greatest concentration of hydropower projects in the entire country, followed by Northern Mindanao (Region 10), where some of the Lumad Indigenous Peoples live.

At present, hydropower projects considered a priority are those that are integrated into flood-control or irrigation projects which, upon a closer and more critical look at their reported infrastructure requirements and overall design, are essentially hydropower complexes that cover thousands of hectares of land. In 2024, for instance, the Cordillera Peoples Alliance (CPA) received reports from affected Indigenous communities in the province of Abra that a certain Palsiguan Dam was to be built along the Palsiguan River. The dam is not reflected in the list of awarded projects released by the Department of Energy but further digging revealed that the dam is part of a big ticket irrigation project known as the Ilocos Norte-Ilocos Sur-Abra Irrigation Project II (INISAIPII) that Marcos Jr. is insistent on implementing.<sup>6</sup> The Free, Prior and Informed Consent (FPIC) processes for affected communities in Ilocos and Abra are rolling as of 2024 but most of their details are kept in the dark and community reports are still coming in. Meanwhile, in the province of Il-

oilo, the Jalaur River Multi-Purpose Project Stage II (JRMP II), primarily projected as an irrigation project but otherwise known as the Jalaur Megadams, is nearing completion<sup>7</sup> after Marcos Jr. himself called for its acceleration and approved its additional budget of PHP 8.4 billion (approximately USD 140 million) in 2023.<sup>8</sup> The project was highly condemned in 2020 after 9 Tumandok Indigenous individuals who were active in opposing it were killed by police forces.<sup>9</sup> Four years have passed and not a single one has been held accountable. It is expected then that in the coming months or years, more renewable energy projects in the pipeline will be aggressively pushed by the current administration in the guise of electrification, flood-control or irrigation, all the more so given that Marcos Jr. is jumping on the bandwagon of the global call for countries to shift to so-called green economies.<sup>10</sup>

A similar trajectory is expected for large-scale mining applications, which comes as no surprise since the Marcoses have family ties with the Romualdezés who own the country's oldest mining company, Benguet Corporation, Inc (BCI). In fact, in October 2024, BCI acquired a new mining permit outside of their namesake location despite the controversies surrounding their attempt, on 6 May 2024, to grab the community pocket mines situated on the ancestral territory of the Kankana-ey and Ibaloy Indigenous groups of Sitio Dalicno, Itogon, Benguet.<sup>11</sup> The affected communities were at that time already battling another mining expansion project led by Itogon-Suyoc Resources, Inc. (ISRI), and the entry of BCI to the scene added to the mounting violations of Indigenous Peoples' Rights and the FPIC process. For context, both BCI and ISRI established operations in the area prior to the enactment of laws that protect Indigenous Peoples. BCI began in 1903 and ISRI in 1925. After a century of operations, both are now attempting to expand by laying claim to ancestral territories near their current mining sites. These incidents should have been more than enough to illustrate the possible impacts of loosening already lax policies on development aggression projects, and yet more pronouncements, especially on mining, were eventually made to further aggravate the situation.

Aside from reiterating calls for a fiscal regime that favours mining companies, the current administration has facilitated mining companies' applications by introducing a streamlined, digital process.<sup>12</sup> This will reduce the Mines and Geosciences Bureau's (MGB) processing of mining applications from seven years to two. The MGB will also intro-

duce a parallel system that will allow them to process permits even without other necessary documents from local government units and the National Commission on Indigenous Peoples (NCIP).<sup>13</sup> This means that even if other documents are pending, mining applications will be processed for quicker approval once the prerequisite permits, such as FPIC, are acquired. The MGB claims that this initiative is a result of Marcos Jr.'s socio-economic agenda on "ease of doing business reforms" in the interest of "strategic investments", legalized through an Executive Order in 2023.<sup>14</sup> This move aligns well with the proposed revisions to the FPIC Guidelines of 2012, also introduced in 2024 through a sudden consultation called by the NCIP. The draft revisions further weaken the FPIC by exempting "certain large-scale economic activities", by blocking access to environmental impact statements, by reducing the number of days allotted for community assemblies, and by reducing the participation of the affected Indigenous Peoples.<sup>15</sup> The process by which the draft revisions were presented was also rushed and poorly disseminated. By the end of 2024, NCIP had made no official announcement or update on whether the revisions had been approved. Clearly, all legal stumbling blocks for foreign investments or resource extraction are being overturned at the expense of Indigenous Peoples.

The prospect may seem grimmer than ever but the long tradition of defending ancestral lands and territories still burns brightly. Indigenous groups in the Cordillera region, for example, have been lambasting the MGB and NCIP over violations of FPIC, filing one case after another up until the very end of 2024, and hence contributing to an estimated total of 14 cases of FPIC violations affecting 130,445 Indigenous individuals nationwide.<sup>16</sup> The most recent one involves the Indigenous Peoples of Mankayan, Benguet who filed a preventive suspension against NCIP and MGB officials over FPIC irregularities concerning the issuance of Crescent Mining and Development Corporation's (CMDC) mining permit.<sup>17</sup> MGB is notorious for issuing permits even without FPIC, while NCIP is notorious for manipulating FPIC processes.<sup>18, 19</sup>

It is, however, frustrating that no matter the efforts to engage in legal battle, no one is yet being held accountable for the human rights violations and for breaking national legislation, and when affected communities and Indigenous activists resort to other democratic measures to assert their rights, they find themselves on the receiving end of State-perpetrated reprisals.

## Continuing attacks – not even UNSRs are spared

On 2 February 2024, UN Special Rapporteur (UNSR) on freedom of opinion and expression Irene Khan concluded her official visit to the Philippines through a press conference in which she laid out her observations and recommendations to the Philippine government. Echoing former UN Special Rapporteur Ian Fry's recommendations in 2023, Khan called for the abolition of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and the penalization of red tagging, the labeling of individuals or organizations as communists, subversives, or terrorists, regardless of their actual political beliefs or affiliations.<sup>20</sup> NTF-ELCAC Executive Director Ernesto Torres Jr. was quick to condemn Khan's statement, calling it "counterproductive" and a betrayal, even going so far as to say that the UNSR was being "used" by anti-government elements.<sup>21</sup> On the contrary, in Khan's visit to Baguio City, it was the local city council who provided the venue for her consultation with civil society organizations in Northern Luzon. Representatives from media, youth, peasant, and Indigenous Peoples were present in the consultation, including the four Indigenous activists from CPA who were arbitrarily designated as terrorists in 2023. Khan's statement was simply a reflection of the terrors being experienced by marginalized sectors under NTF-ELCAC and the repressive laws that enable it.

As if to give UNSRs a taste of this terror, unidentified elements were reported to have tailed UNSR on the Rights of Indigenous Peoples José Francisco Calí Tzay on his visit to dam-affected Indigenous communities in the province of Kalinga. Tzay was in the Philippines in July 2024 as part of his academic visit, and his itinerary included a trip to an Indigenous community in the Cordillera region. The Philippines Commission on Human Rights (CHR) condemned this surveillance and initiated an investigation with results that are yet to be made public.<sup>22</sup>

These events, while already alarming, are but a mere glimpse of the continuing attacks against the people. To date, 73 human rights violations experienced by an estimated 237, 931 Indigenous individuals have been documented by the Legal Rights and Natural Resources Center (LRC)-Friends of the Earth Philippines, indicating a 428% increase since the beginning of Marcos Jr.'s term.<sup>23</sup>

Meanwhile, the four Indigenous activists who were arbitrarily des-

ignated as “terrorists” attended court hearings in 2024 for their petition challenging the designation. The Office of the Solicitor General, who represents the Anti-Terrorism Council and the Anti-Money Laundering Council, eventually filed a motion requesting the presiding judge dismiss the appeal and for the legal counsel of the petitioners to be disqualified.<sup>24</sup> The former was granted, while the latter is yet to be decided by the succeeding judge. This delaying tactic entails another calendar of court hearings, thereby prolonging the injuries caused by the terrorist designation - threats to the safety and security not only of the designated individuals but of their families as well.

But all is not lost. In June 2024, a local court in Tagum City, Davao del Norte dismissed trumped-up human trafficking cases against red-tagged tribal chieftain Datu Benito Bay-ao.<sup>25</sup> Months later, and islands away from Davao del Norte, the Baguio City Council approved a Human Rights Defenders Ordinance (HRDO). The ordinance, approved with finality at a council session on 9 December 2024, aims to protect activists from threats and harassment, penalization of red tagging included.<sup>26</sup> Protective mechanisms include strengthened coordination and cooperation with the regional office of the Commission on Human Rights, sanctuary as well as legal and psycho-social support for high-risk human rights defenders and their families, and penalties ranging from PHP 1,000 to PHP 5,000 for anyone who violates the ordinance. The approval is a much needed and welcome development, especially to numerous Indigenous activists and organizations who are based in Baguio. Added to this victory was the fact that Joan Carling, former chair of the CPA and prominent Indigenous activist, was awarded the alternative Nobel Prize, known as the Right Livelihood Award, for her work in promoting Indigenous Peoples rights across the globe.<sup>27</sup>

## **Moving forward with Indigenous youth**

Dark as it may sound, our leaders of today will not be around forever and there is no certainty of political situations that will keep them safe from the forces that want to harm them. Currently, against a backdrop of escalating human rights violations, Indigenous leaders always find themselves in grave situations where their lives are at risk. The many

organizations that serve as an expression of the Indigenous Peoples' movement in the Philippines are then compelled to seek and develop strong second-liners to deliver tasks and leadership roles. Where else to look but to the vibrant Indigenous youth who are or are set to become changemakers of and for the future?

There is no accurate data or estimate of the precise size of the Indigenous youth population in the Philippines but, from practice and informed observations, Indigenous youth are often concentrated in urban and rural centres where schools are located. Indigenous youth, indeed, leave their communities to seek education and employment elsewhere. However, this phenomenon is an effect of militarization or the lack of basic social services in Indigenous communities rather than an utter lack or loss of Indigenous community ethos among Indigenous youth. This has been happening for decades, and what is now necessary is to give significant attention and study to the impacts, extent, and generations of Indigenous youth migrating in the 21<sup>st</sup> century, whether permanent or transient, in order to come up with new strategies for youth empowerment and organizing.

The Lumad of Mindanao tried to address this by establishing their own schools for Indigenous children and youth, thus providing them with the right to education within the comfort and resources of their communities. The previous Duterte government killed this initiative by militarizing their communities and forcing them into a mass evacuation to the city centres. The schools were eventually forcibly closed.<sup>28</sup> The Department of Education (DepEd) does not have any consolidated information on whether or not the students were integrated into the mainstream educational system but Lumad activists are continuing to call for the reopening of their schools to this day.<sup>29</sup>

Still, Indigenous youth are finding ways of organizing outside their communities. School-based cultural or ethnic organizations are common but there are more political ones too that are speaking out on issues concerning Indigenous lands and territories. Some Indigenous youth leaders who grew up in the city are also active in organizing community integration programmes that involve the participation of other youth advocates.<sup>30</sup> In their own ways, these Indigenous youth are paving the road back to their communities, not only for them but for other young people as well. It is now up to all generations of Indigenous Peoples and

advocates to figure out how to harness or encourage this young energy, all towards greater participation and eventual leadership in overcoming the contemporary challenges of the Indigenous Peoples' struggle.

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# Taiwan



The officially recognized Indigenous population of Taiwan numbers 611,674 people, or 2.6% of the total population in 2024.<sup>1</sup>

Sixteen distinct Indigenous Peoples are officially recognized: These peoples enjoy representation at all levels of government, from parliament to central government's Council of Indigenous Peoples (CIP) and municipal governments, city and county councillors, and local district and township representatives.

Eleven lowland Indigenous Peoples' groups (Pingpu) are not recognized as such by the government and hence not extended the same rights as the recognized groups. They are thus also excluded from CIP policies and programmes. The eleven unrecognized peoples are: Babuza, Arikun, Lloa, Kaxabu, Ketagalan, Makatao, Papora, Pazeh, Siraya, Taokas<sup>2</sup> and Taivoan.

Most of Taiwan's Indigenous Peoples originally lived in the central mountains, on the east coast and in the south. However, nowadays over half of the Indigenous population lives in the urban areas of the country.

The main challenges facing Indigenous Peoples in Taiwan are their rapidly disappearing cultures and languages, encroachment onto their traditional domain, the denial of their rights and the exclusion of the lowland (Pingpu) Indigenous Peoples.

The CIP is the State agency responsible for Indigenous Peoples. Taiwan has adopted a number of laws designed to protect Indigenous Peoples' rights, including the Constitutional Amendments on Indigenous representation in the Legislative Assembly, protection of language and culture and political participation (2000); the Indigenous Peoples Basic Law (2005); the Education Act for Indigenous Peoples (2004); the Status Act for Indigenous Peoples (2001); the Regulations regarding Recognition of Indigenous Peoples (2002); the Name Act (2003); and the Indigenous Languages Development Act (2017). Unfortunately, serious discrepancies and contradictions in the legislation, coupled with only partial implementa-

tion of these laws, has stymied progress towards the self-governance of Taiwan's Indigenous Peoples.

Since Taiwan is not a member of the United Nations it is not party to UN human rights instruments.

## Recovering Indigenous names

**O**n 14 May, the Taiwanese parliament passed an amendment to the "Name Act" (姓名條例) allowing Indigenous Peoples to have their names listed exclusively in Indigenous languages (Romanized script) on their ID document.<sup>3</sup>

The struggle started in 2021 when eight young Indigenous activists filed lawsuits to have their names on ID documents written in Indigenous languages. In November 2023, Bawtu Payen of the Tayal people won the first case and became the first person in Taiwan to have a Romanized Indigenous name on their ID document.<sup>4</sup> CIP and some other government ministries provided them with support during the lawsuit, arguing that if Indigenous persons had their name listed in their Indigenous language it would help sustain and preserve Taiwan's linguistic and cultural diversity. The lawsuits and the outcome of Bawtu Payen's case were studied and referred to by the legislators during the parliamentary deliberations.

Before the court challenge, Taiwan's Indigenous Peoples were required to have their name converted to Chinese language characters, which distorts how the name is pronounced and bears no relation to its original meaning. This legislation change is a step toward recognizing Indigenous culture and helps to assert their dignity and self-identity.

## Plains Indigenous Groups apply for status recognition

Based on the Constitutional Court's Interpretation No. 17 on 28 October 2022<sup>5</sup> (for more information on the ruling and its implications, see The Indigenous World 2023), seven Indigenous groups that have not yet

been officially recognized by Taiwan government: the Plains Indigenous Peoples, also known as Pingpu groups (平埔族群) – including Siraya, Pazeh,<sup>6</sup> Kaxabu, Taokas, Tavorlong, Papora,<sup>7</sup> and Makatao – have separately submitted applications to the CIP to be formally recognized as Indigenous Peoples of Taiwan, along with the other 16 already recognized peoples.

Recognition of the Pingpu groups as Indigenous Peoples still faces many barriers, discrimination, and the government's policy of denial and exclusion, even after three decades of advocacy work fighting for their IP rights, as the CIP and even some of the already recognized Indigenous Peoples continue to object to granting them the formal status of Indigenous Peoples.

In contradiction to the principle of self-identification, the process of formal recognition of a people as an Indigenous group requires a long and complex bureaucratic process in Taiwan that includes an application submitted collectively as an ethnic group, and then an evaluation and verification process.

Yapasuyongu Poiconu, the CIP official receiving the formal application from the Makatao people of southern Taiwan in November,<sup>8</sup> described the steps required under the Indigenous Peoples Basic Law for a group to be formally recognized as Indigenous. The CIP appoints a committee of experts and academics to conduct studies into each of the applicant Indigenous groups' language, culture, self-identity as an ethnic group, traditions and rituals. After reviewing the studies, the committee comes with a decision on whether the applicant group could be granted Indigenous status. If the decision is to grant the status, the CIP submits a formal report to central government, thus formally recognizing the groups as Indigenous.

Poiconu stated that the Constitutional Court's 2022 ruling requires relevant laws to be established by 18 October 2025. The review is currently underway in the government's Executive branch, with plans to complete it during the first legislative session of 2025. This will proceed alongside the group's application, which cannot be completed before the new laws are passed.

The Plains Indigenous groups hope that their formal recognition by the government will provide legal grounds to protect their cultural, linguistic, and land rights, preserve their identity, and for them to be able to pass this on to future generations.

## Safeguarding Indigenous Peoples' rights in the implementation of 2050 Net-Zero Emissions policy

Taiwan is moving forward with its “Pathway to Net-Zero Emissions in 2050” policy, which requires large enterprises to conduct carbon audits and implement carbon reduction measures.

If companies are unable to reduce their emissions further, they must purchase carbon credits from sellers with natural carbon sinks. While some environmentalists and Indigenous rights activists have been critical as to the carbon credit approach, the mainstream political forces, including some Indigenous politicians have – in the spirit of promoting economic development – been advocating for it with promises of financial benefits to the Indigenous communities, whose forests become a crucial resource.

Experts point out that if 20,000 hectares of Indigenous reserve land are developed for natural carbon sinks, it could account for between 100,000 and several million metric tons of carbon sink by 2030.<sup>9</sup>

In August, the Taiwanese parliament held a public hearing on Indigenous carbon sinks<sup>10</sup> at which legislator Saidhai Tahovecahe of the Rukai people pointed out that the “Climate Change Response Act” mandates the government to work together with Indigenous Peoples to promote and manage natural carbon sinks in Indigenous regions. Moreover, Taiwan's 2050 Natural Carbon Sink Key Strategy Plan – Just Transition Strategy outlines the need to safeguard Indigenous Peoples' rights.<sup>11</sup> Establishing a mechanism for Indigenous participation is thus a key factor in ensuring a just transition for the implementation of Net-Zero actions. However, the availability of means and ensuring work channels for Indigenous Peoples to participate in the formulation of policies around a just transition are issues of concern that require continuous oversight from all sectors.

## Parliament denies pay to CIP members

On 13 December, the Taiwanese parliament passed an amendment to the provisions of the Organization Act of the Council of Indigenous Peoples. The amendment stipulates that the Council's chair shall be

alternately held by mountain and lowland Indigenous Peoples, and the appointed Council members representing each group would become unpaid positions.<sup>12</sup>

The statement issued by the CIP points out that the amendment – proposed by the opposition party Kuomintang (KMT) and independent legislators and voted through at its third reading – makes a distinction between mountain and lowland Indigenous Peoples that originated in the colonial-era classification and lacks historical justice and rationale. These classifications contradict the development of Indigenous Peoples' autonomy and violate the spirit of the Constitutional amendment, which ensures "the protection of ethnic rights according to the will of the people". The CIP said it would make an assessment and take legal action in accordance with Constitutional procedures.<sup>13</sup>

In response to the passed amendment, representatives from various Indigenous regional assembly councils, including those of the Paiwan, Seediq, and Thao communities, held a joint press conference. They pointed out that, following the amendment, representatives from selected ethnic groups could only serve as advisory consultants and would not be able to perform their duties effectively, nor implement the policies needed for their communities.<sup>14</sup>

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# Thailand



The Indigenous Peoples of Thailand live mainly in three geographical regions of the country: Indigenous fisher communities (the Chao Ley) and small populations of hunter-gatherers in the south (Mani people); small groups on the Korat plateau of the north-east and east; and the many different highland peoples in the north and north-west of the country (previously known by the derogatory term "Chao-Khao," or "hill tribes"). Nine so-called "hill tribes" are officially recognized: the Hmong, Karen, Lisu, Mien, Akha, Lahu, Lua, Thin and Khamu.<sup>1</sup>

Estimates put Thailand's Indigenous population at around 6.1 million people, or 9.68% of the total population.<sup>2</sup> According to the Department of Social Development and Welfare (2002), the total officially recognized population numbers 925,825, distributed across 20 provinces in the north and west of the country. There are still no figures available for the Indigenous groups in the south and north-east. When national boundaries were drawn in South-East Asia during the colonial era and in the wake of decolonization, many Indigenous Peoples living in remote highlands and forests became divided. For example, you can find Lua and Karen people in both Thailand and Myanmar, and Akha people in Laos, Myanmar, south-west China and Thailand.

Thailand is a signatory to the Convention on Biological Diversity (CBD), the UN Framework Convention on Climate Change (UNFCCC), the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of Persons with Disabilities (CRPD) and the Universal Declaration of Human Rights (UDHR). It voted in support of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) but does not officially recognize the

existence of Indigenous Peoples in the country. Section 70 of the 2016 Constitution refers to "Ethnic groups".

In 2010, the Thai government passed two Cabinet resolutions to restore the traditional livelihoods of the Chao Ley<sup>3</sup> and Karen, on 2 June and 3 August respectively.

## Situation of Indigenous children and youth<sup>4</sup>

The issues concerning Indigenous children and youth over the past year were highlighted at the 4<sup>th</sup> Indigenous Children's and Youth Assembly, held from 4-7 May 2024, in Chiang Mai, Thailand. Youth leaders from various regions gathered to learn and exchange experiences with others. The following common issues were raised by all groups.

Ethnic prejudice still exists, such as the perception that Indigenous Peoples destroy forests or are unclean, among others. Mainstream media continues to misrepresent Indigenous communities, sometimes portraying them in a stereotypical or negative light. This affects their public image, such as news headlines linking Indigenous groups to drug trafficking, despite such actions being the wrongdoing of individuals rather than the entire community.

Some youths have not yet received Thai citizenship, preventing them from accessing basic rights, including student loans from the government. Many youth come from impoverished families that cannot afford to support their higher education.

The communities where the Indigenous youth live, despite being long-established, lack land rights because they are located within state-declared conservation areas. This also limits their access to basic state development services, such as roads, water sources, electricity, and infrastructure. These restrictions have led to an increase in youth migration to urban areas for education and employment.

As a result, youth face a lack of opportunities to learn and preserve their own culture, with some no longer being able to speak their native language.

Additionally, youth face specific challenges, such as teenage pregnancies among adolescents who are not yet ready for parenthood.

The youth have proposed the following solutions, which they submitted to the Minister of Culture on 9 August:

- Organize activities to support the revival of Indigenous culture and the learning of Indigenous languages among children and youth.
- Encourage youth to form groups and develop their potential by coordinating support from various sectors and organizing group activities, such as annual assemblies.
- Promote suitable career opportunities for youth.
- Develop new-generation communicators who can use social media to foster learning and communicate the issues and needs of Indigenous children and youth to the wider society.
- Support and advance the mechanisms of the Council of Indigenous Peoples in Thailand (CIPT) by encouraging youth participation through membership representation.
- Expand the designation of cultural and livelihood protected zones for Indigenous communities.
- Advocate for laws that protect Indigenous Peoples' rights and promote their way of life.

## **Progress on drafting and reviewing the Law on the Protection and Promotion of the Way of Life of Ethnic Groups and Indigenous Peoples in Thailand**

At the start of 2024, Parliament accepted five draft laws in principle proposed by civil society, political sectors, and academic institutions. A special parliamentary committee was established to review and consolidate the Draft Act on the Protection and Promotion of the Way of Life of Ethnic Groups. This committee includes representatives from all sectors – government agencies, political parties, civil society organizations, and Indigenous communities – to ensure that the law is comprehensive and aligned with the needs of all groups.

The draft law was tabled for a second reading in the House of Representatives in September 2024. However, it faced several controversies, primarily concerning the definition of "Indigenous Peoples". The

majority of MPs rejected this term, arguing that it could pose a risk to national security, culminating in its removal from the draft. Another major issue was the designation of cultural and livelihood protected areas for Indigenous Peoples, covered in Sections 27–29 of said draft Act. These sections proposed an exemption from regulations on residence and the use of natural resources in these protected areas. However, concerns were raised that this could negatively impact national forests and natural resources, resulting in a postponement of the review. The next reading is scheduled to resume 5 February 2025.

The chair of the special parliamentary committee, Ms Piyarat, emphasized:

*This draft law is not designed to grant privileges to any specific group. Its core purpose is to ensure access to fundamental rights for ethnic and Indigenous communities, who have long faced systemic limitations. It also aims to empower ethnic and Indigenous groups by leveraging their unique cultural heritage, benefiting their livelihoods and fostering opportunities for cultural-based economic development in Thailand.<sup>5</sup>*

## **Royal Decree on Protected Areas (Sections 64 and 121): reinforcing and worsening existing problems**

On 29 November 2024, after passage of the Royal Decree on Protected Areas, over 2,000 people from various ethnic and Indigenous groups gathered in front of Chiang Mai City Hall and Mae Rim District Office during a mobile Cabinet meeting led by Prime Minister Paetongtarn Shinawatra. Under the banner of the “Assembly of Forest Communities”, the demonstrators were protesting against two new Royal Decrees.<sup>6</sup>

The protest stemmed from a Cabinet resolution on 15 November 2024 approving the issuing of two Royal Decrees: one under Section 64 of the National Parks Act B.E. 2562 (2019) and another under Section 121 of the Wildlife Conservation and Protection Act B.E. 2562 (2019). These decrees, proposed by the Ministry of Natural Resources and Environment, were seen as violating and restricting the rights of Indigenous

communities to reside in and utilize forest resources essential for their livelihoods.

Key concerns included:

- Limiting land ownership to no more than 20 rai (3.2 hectares) per family, which does not align with the actual needs of community members, nor does it correspond to the land they are currently using.
- Allowing land use for only 20 years, without any guarantees that communities will be able to continue residing and farming on the land afterwards.
- Revoking land rights for community members who have another plot of land situated outside designated protected areas.

The Protesters' Four Demands:

1. Halt the enforcement of the Royal Decrees under Sections 64 and 121 nationwide until the laws are revised.
2. Establish a participatory mechanism, such as a committee or working group, to gather input from affected communities in every national park and wildlife sanctuary. The government must conclude these consultations within 60 days to inform amendments to the two laws.
3. Revise the National Parks Act and the Wildlife Conservation and Protection Act through a process that includes the affected communities. The draft amendments must be submitted to the Cabinet 90 days prior to proceeding to Parliament.
4. Suspend the declaration of 23 new national parks and wildlife sanctuaries until the legal amendments are finalized unless the demarcation process, including recognition of community land and farmland, has been completed and agreed upon by all stakeholders.

On the day of the protest, Deputy Prime Minister Prasert Chanthararuangthong met with the demonstrators and signed an agreement acknowledging their four demands. He pledged to present them for Cabinet consideration.<sup>7</sup>

This event highlights the ongoing challenges faced by ethnic and Indigenous communities in Thailand, whose housing and land rights remain severely impacted by government forestry policies. The management of conservation areas continues to undermine their economic, social, and cultural rights, particularly land tenure security. Despite years of advocacy, progress on Indigenous land rights remains slow and inadequate.

## **Progress on the appeal against the coal mining concession in Kaberdin village, Omkoi District, Chiang Mai Province<sup>8</sup>**

Since 2022, residents of Kaberdin, Omkoi District, Chiang Mai, have been fighting against a lignite coal mining concession that is threatening their environment and way of life. The affected community filed a lawsuit with the Chiang Mai Administrative Court seeking to revoke the project's Environmental Impact Assessment (EIA) report. The court granted a temporary injunction preventing the company from using the EIA report in public hearings while the legal case is ongoing.

However, despite the injunction, the mining company has continued its efforts to advance the project, causing conflict and division within the community. Reports indicate that the company has lobbied local leaders to discourage opposition, spread misleading information to gain community support, offered financial incentives to village leaders, and promised monthly stipends to locals willing to partner with the company.

## **Community resistance and legal action**

In 2024, the Kaberdin community intensified its resistance on many fronts by collaborating with civil society networks to hold public awareness campaigns, training community leaders and youth to strengthen their advocacy, visiting affected communities in other regions to learn from their experiences of resisting multiple infrastructure projects, and joining a national coalition, the "People's Network for Mining Justice" to push for policy reforms.

In September 2024, the coalition filed a lawsuit with the Supreme Administrative Court demanding the revocation of Thailand's Second Mineral Management Master Plan on the grounds that it was developed without public participation. They also called for a new mineral zoning process to ensure that mining concessions do not harm local communities.

Further, on 7 December 2024, the Kaberdin community marked the 5<sup>th</sup> anniversary of its anti-mining movement with an event featuring scientific and legal discussions on the environmental and legal implications of coal mining, plus international case studies on environmental protection and Indigenous rights. At the event, the community presented three key demands:

1. Expedite the legal case to revoke the EIA report.
2. Remove Kaberdin from the Mineral Management Master Plan to prevent future mining projects.
3. Recognize community rights to manage land and natural resources independently.

The ongoing struggle in Kaberdin reflects the broader fight of Indigenous and ethnic communities in Thailand to defend their land, environment, and cultural heritage from state-backed development projects. Their activism highlights the urgent need for inclusive decision-making and policies that genuinely protect both people and nature.

## Notes and references

1. Ten groups are sometimes mentioned, with the Palaung also included in some official documents. The Department of Social Development and Welfare's 2002 Directory of Ethnic Communities in 20 northern and western provinces also includes the Mlabri and Padong.  
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2. Ministry of Social Development and Human Security. "Master Plan for Ethnic Groups Development in Thailand 2015–2017." Accessed 15 January 2025.  
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3. Composed of Moken, Moklen and Urak-rawoy.

4. Report of the Ton-Kla Indigenous Youth Network (TKN) in Thailand, 4–7 May 2024, Chiang Mai, Thailand.
5. Thairath. "Have rights, honor, pressure, GDP of the country, ethnic laws in the hands of Pheu Thai." Accessed 15 January 2025. [https://www.thairath.co.th/news/local/2837562?fbclid=IwY2xjawH9vTJleHRuA2FlbQIxMQABHZr\\_i0ZV7hLKzQH6JAI2IAzE4wHmnVq4aih2p8OvuOA4h95Efp7oEWwrdg\\_aem\\_OeY6GI-26E2dguCYVQ6r2Q](https://www.thairath.co.th/news/local/2837562?fbclid=IwY2xjawH9vTJleHRuA2FlbQIxMQABHZr_i0ZV7hLKzQH6JAI2IAzE4wHmnVq4aih2p8OvuOA4h95Efp7oEWwrdg_aem_OeY6GI-26E2dguCYVQ6r2Q)
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A grayscale outline map of the Americas, focusing on Central and South America and the Caribbean. The map shows the coastlines and internal borders of countries. A large area of Central America and the northern part of South America is shaded dark gray, while the rest of the continent and the Caribbean islands are white.

# Central and South America and the Caribbean

# Argentina



Argentina is a federal country comprising 23 provinces and one autonomous city (Buenos Aires, the capital) with a total population of 45,892,285 million people, according to the 2022 census data. This last census recorded 1,306,730 people in private households who self-recognized as Indigenous or descendants of Indigenous Peoples, accounting for 2.9% of the total population in this type of housing. In turn, the results of the census determined the existence of 58 Indigenous Peoples. Legally, they have specific constitutional rights at the federal level and in most provincial states. In addition, a set of international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), are in force, forming part of the body of constitutional law. ILO Convention 169 takes precedence over national laws (but does not form part of the body of constitutional law). It was ratified in 2000 and has been in force as an international treaty since 2001. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the American Declaration on the Rights of Indigenous Peoples are operative in Argentina with normative force.

## **Scaling up of a regulatory framework harmful to Indigenous rights**

The government administration in Argentina, which recently completed its first term in office in December 2024, has undertaken sweeping regulatory reforms across a wide range of sectors, some of which have had a significant impact on the rights of Indigenous Peoples. In just one year, institutions have been transformed, others abolished, all while a regulatory framework is being erected that favours large investments and unequivocally undermines Indigenous territorial rights.

Against this backdrop, the Incentive Regime for Large Investments (RIGI), envisaged as part of the Decree of Necessity and Urgency, has generated a debate as regards its scope. Its main objective is to favour investments by granting significant benefits, including tax exemptions. Forestry, tourism, infrastructure, mining, technology, steel, energy, oil and gas are all among the sectors covered.

Although its objectives promise benefits for broad sectors of the population, it is difficult to see what these could actually be given the situations already being experienced in provinces such as Catamarca, with the exploitation of lithium, and Neuquén, with hydrocarbon exploitation. At the same time, it is difficult to understand why such a convenient and generous scheme has been designed for investors, especially foreign ones.

The RIGI is clearly a regulatory scheme that is in breach of existing Indigenous rights. It does not contemplate the right to consultation, anticipates high-impact activities on Indigenous territories, and does not even refer to environmental rights and their impact, far less environmental liabilities and potential forms of remediation.

From a legal point of view, it may well end up in court, with uncertain results. At the political level, however, there needs to be resistance by means of alternative proposals that demonstrate that extractivism is neither a panacea nor the answer to the energy crisis and the lack of economic resources.

Moreover, and in the same vein of affecting the rights of Indigenous Peoples, specifically the right to legal status, a resolution has been issued with the aim of abolishing the National Registry of Indigenous Communities (RE.NA.CI). This registry was created in 1995 by means of Resolution 781, with Resolution 4811/96 then establishing the criteria for authorizing registration. The resolution repeals Resolution 4811/96, which was aimed at honouring constitutional commitments. Legal status has an impact on the relationship between the State and Indigenous Peoples. They are recognized as collective and political subjects and their legal status is of a public nature, which determines the State's conception of Indigenous Peoples and, at the same time, recognizes their identity, a right also recognized by the Constitution.

While respecting provincial autonomy, it is desirable that uniform criteria be established for granting legal status, ensuring that these are

in line with the standards set out in the international legal instruments in force and those established by the Inter-American Human Rights System. These criteria should never be regressive in terms of rights, and far less left to an imprecise interpretation – or to a discretionary decision of the provinces – as how to manage such legal status. It needs to be understood that we are referring to a relationship that is always traumatic – and cannot be healed through unilateral decisions – and to an identity that is always in dispute. And the national State has decided to render Indigenous Peoples yet more invisible. By abolishing the National Registry of Indigenous Communities, they are attempting to negate the communities, without understanding that they exist regardless of any administrative act.

Perhaps the most significant legal act in this regulatory barrage against Indigenous rights, at least in terms of its impact, is the repeal of the Indigenous Territorial Emergency Law. The Decree of Necessity and Urgency (DNU 1083/24) repealed DNU 805/21, a decree that had extended the emergency law on Indigenous community possession and property (Law 26,160 and its successive extensions). This law is of notable gravity for several reasons. Firstly, it materializes a public policy aimed at fulfilling a State obligation: respect for Indigenous territorial rights and, consequently, the collective titling of their lands. Secondly, by repealing this law, which not only ordered technico-legal cadastral surveys but additionally suspended evictions (26,160 had not had the desired effect and evictions had continued to take place under previous governments) it is anticipated that these could multiply, creating a situation of vulnerability, insecurity and suffering for the Indigenous communities that will only continue to deteriorate. Thirdly, the repeal creates considerable uncertainty since it raises doubts as to the outcomes of surveys currently underway but not yet completed, and even of those that have already been completed.

This legal act on the part of the administration reflects an ideological conception on the part of the State that is profoundly monocultural, exclusionary, racist and unequivocally associated with extractivism, an activity that needs the Indigenous territories in order to expand. There are obviously economic interests at play, along with business greed and benefits designed to be distributed to corporations, but this goes far beyond considerations of profit or gain.

It is a conception that considers Indigenous Peoples as an obstacle and their rights as a threat. An ideology that despises what is different and which takes consistent steps, through each of its government decisions, to undermine and eliminate the legitimate demands of Indigenous Peoples. Its aim is to cement a State matrix that is the result of a "Western society", one that understands the principles of freedom and equality restrictively, subjugating peoples and cultures.

## **The eventful evolution of institutionalism for Indigenous Peoples**

Since Law 23,302 of 1985, which created the National Institute of Indigenous Affairs (INAI), it has been considered important that a special national agency was able to bear witness to the policies that are essential and necessary to guarantee the rights contemplated in an increasingly robust regulatory framework.

INAI pursued varying policies, depending on how each government and its authorities wished to pursue its management. It was, however, becoming progressively delegitimized in the eyes of the Indigenous communities, either because it would not commit to public policies that could respond to their demands in any significant way or because it was unable to concretely achieve those policies in the face of other State agencies working in the opposite direction: undermining rather than respecting rights.

Under the current administration, the institutional framework designed to form a contact point with Indigenous Peoples faces worrying uncertainties and contradictions. Initially, INAI's dissolution was hinted at, then it was decided to move it from the Ministry of Justice and Human Rights (now simply the Ministry of Justice) to the Ministry of the Interior and now, in view of the dissolution of this latter, it is currently under the jurisdiction of the Deputy Head of Cabinet of the Interior, within the Office of the Chief of Cabinet Ministers. This subsumption of the organization can be seen as a process of gradually moving it down the hierarchy.

By means of Resolution 40/2024, the President of INAI resolved to create "the Federal Council of Indigenous Policies, made up of repre-

sentatives of the provincial government agencies with competence in Indigenous affairs". According to this resolution, its objectives include: "to become a permanent space for dialogue, meeting and collaboration between the provinces and the national government, in the coordinated formulation and implementation of public policies for Indigenous Peoples". It also convenes meetings of, among others, the representatives of the Indigenous Peoples as proposed by the Indigenous territorial organizations and by the Indigenous Participation Council (CPI), which has been maintained in spite of everything.

The question and dilemma that arises is whether the creation of another State body – which does not, according to said resolution, entail either the creation of a new structure or the allocation of additional budget – will result in policies being formulated with the participation of Indigenous Peoples rather than with them merely as recipients. Moreover, will this space be intended to guarantee the full exercise of already existing rights, or will it, by contrast, result in another scenario of absences, persecutions and harassment, disguised by a Federal Council and likely simply to raise false expectations among the Indigenous communities?

In order to focus on the situation of the provinces – given the federal regime of government in Argentina and the importance of provincial autonomy –, in January 2023, with the consensus of the Indigenous Confederation of Neuquén, the Neuquén legislature approved the Free, Prior and Informed Consultation procedure applicable to the province's Indigenous communities. This law is the first of its kind in the country. However, despite months passing since its enactment, it has yet to be implemented.

On 31 October 2024, a bill on Free, Prior and Informed Consultation, tabled by the executive, was approved in the legislature of Río Negro Province. This law departs significantly from the jurisprudential and normative standards established on the matter and suffers from one apparent flaw: it was not put out for consultation with the Indigenous communities and organizations, eliminating Indigenous Peoples from the very political participation that is supposed to be reflected in the right to consultation.

This alone is reason enough to maintain that the law enacted is contrary to the Constitution and international legal instruments in

force. In addition, its content violates the rights of Indigenous Peoples, restrictively interpreting consultation and limiting it to Indigenous communities with legal status, re-igniting an old discussion that should have been settled by now, namely that this process is merely declarative and in no way constitutive.

The search for tools with which to guarantee the right to Free, Prior and Informed Consultation is important and should be supported given that it is not a right that is easily implemented. This process requires the regulation of processes that are creative and not merely formal, and which allow for a dialogue with the communities, something that is always stated but also seemingly never implemented.

## Conclusion

From the very start of the government's term, actions have been taken to undermine the rights of Indigenous Peoples. The abolition of the National Institute against Discrimination, Xenophobia and Racism (INADI), and the restructuring of the National Institute of Indigenous Affairs (INAI), which resulted in the scrapping of internal departments, are just some of the decisions that were taken with the aim of weakening policies for Indigenous Peoples. And yet repealing the extension of the Indigenous Territorial Emergency Law was "the cherry on the cake" of a set of decisions that undermine their territorial rights and promote and facilitate evictions, thus intensifying territorial dispossession. At the time of writing (January 2025), the eviction of the Lof Paillako of the Mapuche people is about to take place in Los Alerces National Park, in Chubut Province. This judicial eviction is based precisely on the repeal of the emergency law.

To take another example, the abolition in practice of the National Registry of Indigenous Communities (RENACI) sends a message that, in future, the granting of legal status – and let us not forget that legal status is a constitutionally recognized right, not an obligation on Indigenous communities – will be restricted to the maximum. All this under the guise of a false federalism, a discourse that grants the provinces the power to manage everything related to status when, very often, these provinces either lack special bodies to implement this or have shown resistance to

granting it, precisely because of their denial of Indigenous rights.

One can but wonder what to expect in the future, especially given that this government is only in its first year in office, and it is likely that it will continue to maintain and magnify a State model that is clearly harmful to the rights and interests of Indigenous Peoples.

Official discourse leaves no room for doubt that the politico-legal scenario over the coming years will be one of implementing policies harmful to Indigenous Peoples and which will create negative conditions for the exercise of their rights. To repeal, for example, the emergency law and, with it, to set aside the suspension of evictions, is a clear sign of an unequivocal intention to appropriate Indigenous territories. The Incentive Regime for Large Investments (RIGI) is also an unquestionable demonstration of the future that is being pursued by this administration.

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# Bolivia



According to the Bolivia Population and Housing Census 2012, 41% of the Bolivian population over the age of 15 is of Indigenous origin, although projections from the National Institute of Statistics (INE) produced in 2017 indicate that this percentage is likely to be nearer 48%. Of the 36 recognized peoples in the country, the majority of those living in the Andes are Quechua (49.5%) and Aymara (40.6%), and they self-identify into 16 different nationalities. The major peoples in the Lowlands are the Chiquitano (3.6%), Guarani (2.5%) and Moxeño (1.4%) who, together with the remaining 2.4%, make up the 36 recognized Indigenous Peoples. To date, Indigenous Peoples have consolidated 25 million hectares as collective property under the status of Community Lands of Origin (TCO), representing 23% of the total area of the country. With the approval of Decree No. 727/10, the TCOs acquired the constitutional title of Peasant Native Indigenous Territory (*Territorio Indígena Originario Campesino - TIOC*). Bolivia has ratified the main international human rights conventions and has been a signatory of ILO Convention No. 169 since 1991. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) has been in full force since the approval of Law No. 3760 on 07 November 2007. With the new State Political Constitution in 2009, Bolivia adopted the name of Plurinational State.

## **Social conflicts over judicial elections and Evo Morales' decision to run for re-election**

Elections for the highest judicial authorities should have been held in October 2023 but have been successively postponed due to a lack of parliamentary consensus to approve the law needed to call for this process.<sup>1</sup> This has resulted in a serious institutional crisis since the six-year constitutional mandate of the magistrates expired on 31 December 2023. Faced with this situation, the judges of the Plurinational Constitutional Tribunal (TCP) themselves issued Declaration No. 0049/2023 extending the mandates of all judicial authorities until elec-

tions could be held.<sup>2</sup> Several magistrates nevertheless decided to step aside and vacate their posts as of January 2024 on the understanding that they no longer had the legitimacy to continue.

It was against this backdrop that the stand-off between legislators supporting the government of Luis Arce and those supporting former president Evo Morales deepened, preventing an agreement from being reached on an electoral process. The background was (and continues to be) the government's refusal to allow the former president to run for a further term in the next national elections in 2025, resulting in political polarization that resulted in conflict virtually all year long.

Since the start of 2024, former president Evo Morales has been mobilizing supportive social and political sectors to get the criminal proceedings against him dropped and to ensure that his candidacy is the only Movement Toward Socialism (MAS) candidacy recognized by the electoral body. Throughout the year, a wide range of protests were implemented, including a national road blockade between mid-October and the first week of November, which lasted 24 days.<sup>3</sup> Criminal proceedings are underway in which Morales is accused of statutory rape and human trafficking, due to allegedly having had at least two intimate relationships with minors of 14 and 15 years of age.<sup>4</sup> As a result, the Departmental Prosecutor's Office of Tarija issued an arrest warrant for the crime of "aggravated human trafficking".<sup>5</sup>

In a context of tensions due to roadblocks throughout the country and the legal actions against Evo Morales, *Radio Kawsachun Coca (RKC)* radio station reported that, on Sunday 27 October, the former president had suffered an attempt on his life, broadcasting several videos showing a chase and shooting at the vehicle in which he was travelling in the Tropic of Cochabamba-Chapare area. The former president was unharmed, but his driver was injured.<sup>6</sup> According to media linked to the former president, it was an assassination attempt carried out by agents linked to drug trafficking, with the likely acquiescence of the government of Luis Arce and his Minister of the Interior, Eduardo del Castillo. In contrast, both the government and the opposition claimed that it was a "self-imposed attack". The president undertook to conduct a thorough investigation, although no results have been made known to date.

The political crisis worsened with the paralysis of sessions in Parliament, as legislators sympathetic to the Arce government blocked the bill calling for judicial elections, demanding that Congress first adopt a resolution approving the extension of the judges whose terms had ex-

pired and the approval of several credit lines that required legislative approval. A political agreement reached between Evo Morales' MAS and the opposition resulted in a call for candidates, but this process was systematically interrupted by a series of injunctions and tutelage actions by candidates alleging that the lists presented by the Plurinational Legislative Assembly did not comply with the criteria for parity and inclusion of Indigenous candidates. This caused the Plurinational Constitutional Tribunal to annul the call for candidates for election to the Supreme Court of Justice in Beni and Pando, and to the Plurinational Constitutional Tribunal in Cochabamba, Tarija, Santa Cruz, Beni and Pando, leaving 28 candidates out of the competition. Finally, the process was held on 15 December with high participation and also very acceptable approval levels, unlike in the 2011 and 2017 processes. The most popular candidate for the Agro-Environmental Court was a lawyer from the Mojeño people, Rocío Vásquez Noza, who represents the Indigenous Peoples as well as the department of Beni on that body.<sup>7</sup>

Political conflicts were also fuelled by a worrying downturn in indicators of the Bolivian economy. Exports decreased markedly in 2024 due to a decline in income from the sale of gas to Brazil and Argentina, sales that previously accounted for almost 80% of revenue. This is because the wells, having been exploited for over 20 years now, are beginning to be exhausted. This situation was compounded by a decline in the once enormous international foreign exchange reserves, which have largely been used to finance a fuel subsidy, enabling the price at the pump to be maintained at USD 0.37 per litre since 2005.<sup>8</sup> This has resulted in a gradual decline in public sector investment in things such as public infrastructure and the financing of State-run universities, previously sustained by the extraordinary income the country was receiving from the sale of gas. This year, it has become common to see thousands of citizens standing in long lines to fill up with fuel, especially for trucks, buses and heavy machinery.

## **Attempted coup d'état**

On 26 June, then commander of the General Army, Juan José Zúñiga, staged a military uprising that was labelled by the government as an "attempted coup d'état". Zúñiga moved several units to Plaza Murillo, in La Paz, and entered the Palacio Quemado, an historic building and

former seat of the Executive.<sup>9</sup> There, and in front of a crowd that was not supportive of his actions, along with all political sectors of the country, he confronted President Luis Arce, who had dismissed him for press statements considered to represent a serious act of indiscipline. The crisis was resolved with the appointment of a new commander and the arrest of those who had led the movement, which the opposition and General Zúñiga himself labelled as a “self-imposed coup”, blaming the government for the attempt.<sup>10</sup>

## **Environmental catastrophe due to forest fires**

If 2023 was a year of crisis due to forest fires in eastern Bolivia,<sup>11</sup> 2024 literally witnessed an environmental catastrophe, the worst on record to date. The previous record stood in 2019, when more than five million hectares burned;<sup>12</sup> nonetheless, by the end of October 2024, when the first rains arrived, close to 12 million hectares had been affected.<sup>13</sup> According to the Director of the National Institute of Agrarian Reform (INRA), Eulogio Núñez, as of the first week of October, there had been 9.8 million hectares burned and affected by fires, 61% of which were concentrated in forested areas. Santa Cruz was reportedly the most affected department, with 68% of the fires, followed by Beni with 28% and La Paz with 3%.<sup>14</sup>

Unlike in previous years, the fires started early. In the eastern region of the country, intense heat, drought and low humidity usually occur between September and November, creating the ideal conditions for hot spots and for subsequent uncontrolled fires. During 2024, the crisis began in July in the Pantanal, the world's largest freshwater wetland of 158,000 km<sup>2</sup>, declared a Ramsar site and which also extends into Brazil and Paraguay.<sup>15</sup> The San Matías Natural Integrated Management Area (ANMI-SM) is a national protected area that protects the Pantanal ecosystem and other associated formations, as well as the Pantanal Indigenous Territory of the Chiquitano people.<sup>16</sup> The ANMI-SM was the area most affected by fires for the longest and most extensive period of time, almost across its entirety.

Another region affected was northern Chiquitanía, with vast areas damaged. Monte Verde saw 85% of its area (807,243 hectares) burned, Guarayos 72% (966,893) and Pantanal 63% (455,560).<sup>17</sup> In the case of

Monte Verde, the fires forced almost all of the communities to take refuge in the former Jesuit Mission at Concepción as the fire surrounded their hamlets and completely destroyed their crops.<sup>18</sup> According to information from community members, the fire entered via Bajo Paraguá, a territory further north, where the human settlement policies being promoted by the State on behalf of settler communities (self-identified as intercultural) prevented people from getting through to fight the fires, which subsequently burned out of control.<sup>19</sup>

On 30 September, after several mobilizations, with seven million hectares affected up to that point and the situation completely out of control, President Luis Arce issued a National Disaster Decree enabling international aid and more urgent and effective handling of the emergency.<sup>20</sup> Aid had already also been activated through multiple civil society groups, via whom international cooperation, as well as friendly governments from Spain, Brazil and the European Union itself, had facilitated the arrival of firefighting experts.<sup>21</sup> Particularly noteworthy were the Forest Fire Fighting Reinforcement Brigades (GFFF-BRIF) and the FAST team, made up of experts in fire analysis and emergency management from Spain. These brigades intervened in the serious fires in the Lomerío and Monte Verde territories of the Chiquitano people where, despite the efforts of these specialists, the event overwhelmed all capacity for action.<sup>22</sup>

Meanwhile, in the midst of the crisis, and in the context of a Class Action Suit filed by the Ombudsman, Pedro Calisaya, the Second Constitutional Court of the department of La Paz established “the unconstitutional state of affairs” due to multiple violations of the rights of Mother Earth, of biodiversity and of Indigenous Peoples in voluntary isolation, as rights-holders, in respect of public health, territory and self-determination.<sup>23</sup> Resolution 233/2024 established a three-month period for all respondent ministries, departmental and local authorities to establish concrete coordination measures to address the public health emergency of those affected. Calls for the Legislative Assembly to annul the so-called “Incendiary Package”,<sup>24</sup> regulations that only encourage fires and deforestation and whose repeal has been demanded by the Indigenous and environmental movement for almost a decade, went unheeded, however.<sup>25</sup>

The Special Rapporteur on Economic, Social, Cultural and Environmental Rights of the Inter-American Commission on Human Rights (IA-CHR) conducted a country visit from 9 to 11 December to evaluate the impacts of the forest fires and to analyse the State's response to this

crisis in the context of the climate emergency. One of the observations made by the Rapporteurship was that the regulatory framework in force in the country, the previously stated “Incendiary Package”, was partly responsible for the catastrophe.

The Rapporteurship emphasized that the main reason for the start and spread of forest fires in Bolivia had been the expansion of the agricultural frontier, induced by agricultural and livestock extractivism. The body established, at least preventively, that the crisis scenario had been exacerbated by the uncontrolled use of fire to convert forest into agricultural land, combined with an extraordinary period of drought and delays in adopting immediate measures, along with a lack of resources and adequate infrastructure for prevention and effective response.

In this context, the Rapporteurship suggested reforming the regulatory framework and replacing it with legislation that prioritizes environmental sustainability and the protection of human rights, in accordance with international standards. He also suggested that this reform should be aimed at preventing deforestation, promoting sustainable land use and strengthening monitoring, compliance and sanctions in order to avoid illegal practices. This process should be carried out with the participation, and drawing on the knowledge, of the affected communities, especially Indigenous Peoples.<sup>26</sup>

## **First Indigenous conservation area in the Amazon**

On 3 October, the Autonomous Indigenous Government of the Multiethnic Indigenous Territory (TIM) approved, by means of Law No. 003/2024, the creation of the Loma Santa Conservation Area, with an area of 198,765 hectares.<sup>27</sup> Loma Santa is the first conservation area established and defined by an Indigenous government, to be managed and administered through its traditional authorities and the Indigenous government itself, in accordance with its own rules and procedures. The purpose of this area is to protect the flora and fauna of the zone, as well as the connection with the headwaters of the rivers that cross the TIM communities, which are fundamental to the economic, social and cultural life of the five Indigenous Peoples that inhabit the area.

The Ministry of Environment and Water has registered Loma Santa as an Indigenous protected area, a category that forms part of the

subnational conservation areas, in light of the constitutional powers of the Indigenous governments to create this type of area. In Bolivia, Indigenous protected areas are considered a strategy contributing to the physical and political reconstitution of the territory, as well as an alternative form of control of vulnerable or ecologically important areas. These protected areas are fundamental to the life of the communities in the face of threats such as the plundering of resources, infrastructure works or extractive activities, where property titles are not sufficient to protect them.

## **Attempts to build a road in the Ñembi Guasu Guarání ancestral territory and conservation area**

For the past three years, a process of defence has been underway through the agro-environmental courts of this territory, located in the part of the Chaco bordering the Republic of Paraguay. Between 2013 and 2019, the State passed 81 administrative settlement resolutions for settler communities under its land distribution policy. When these communities began to clear their lands, large fires broke out, affecting more than 40% of the territory. In 2022, the Plurinational Agro-Environmental Court issued Order S1a 11/2022 confirming the Ecological Pause issued by a lower court. The purpose of this measure was to protect the biodiversity of the territory as a subject of rights, as well as to protect it as a transit area for segments of families in voluntary isolation from the Ayoreo people.<sup>28</sup>

This year, in coordination with the government of Alto Paraguay and the cattle-raising sectors of the municipalities of Roboré (Bolivia) and Bahía Negra (Paraguay), the Santa Cruz government began to energetically promote the opening of a road that would cross the Ñembi Guasu from north to south. This project would connect the Santa Cruz-Puerto Suárez bioceanic highway with its planned equivalent between the port of Santos, Brazil, and Iquique, Chile, crossing the Chaco Boreal and causing unprecedented environmental and socio-cultural impacts.<sup>29</sup> The entire organizational spectrum of the Guarání people, as well as the Ayoreo people in both countries, have rejected the road through the Ñembi Guasu.<sup>30</sup>

In response to this onslaught, between 3 and 5 December, a binational meeting was held in the town of Boquerón (Paraguayan Chaco), convened by organizations representing the Ayoreo people of Paraguay

and Bolivia. This historic event was an opportunity to discuss the overall situation of the Ayoreo people and expose the main threats to the great Chaco ecosystem due to infrastructure works and the uncontrolled deforestation of the region.<sup>31</sup>

The event emphatically rejected the attempt to build the road through the heart of the Ñembi Guasu because it would be lethal not only for the contacted Ayoreo people but especially for those living in voluntary isolation, for whom the Ñembi Guasu is a key ecosystem in their seasonal travel cycle. At the same time, a legal strategy and cross-border alliance was defined, in coordination with the Guaraní people of Charagua Iyambae in Bolivia, to defend this territory, as well as other areas of the Chaco that are being threatened by the promotion of infrastructure works and large-scale development.

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# Brazil



According to data from the 2022 demographic census, Brazil is home to 266 Indigenous Peoples, comprising a population of 1,693,535 individuals and representing approximately 0.83% of the total Brazilian population. These peoples communicate in 275 different languages. The northern region of Brazil is home to almost 45% of the Indigenous population, the state of Amazonas being the main region, with 490,000 Indigenous people. The rights of Indigenous Peoples are set out in a specific chapter of the 1988 Constitution (Title VIII, "Social Order", Chapter VIII, "On the Indians"), in addition to other provisions scattered throughout the constitutional text and an article in the transitional provisions. On 25 July 2002, Brazil ratified Convention 169 of the International Labour Organization (ILO).

Brazil's Indigenous Peoples faced historic challenges in 2024 but made significant advances in the struggle for their rights.

In addition to fighting for the demarcation of their territories, Indigenous Peoples were also notable protagonists in defending the environment, playing a crucial role in climate justice and global sustainability.

## **Progress in Indigenous policy: land demarcation, institutional action and political representation**

The regularization of Indigenous Lands in Brazil has been driven by coordination between Indigenous leaders, social movements and government agencies. Since the election of President Luiz Inácio Lula da Silva in 2022, the country has undergone a major restructuring of its Indigenous policy, marked by the creation of the Ministry of Indigenous Peoples and the appointment of Indigenous leaders to strategic positions. For the first time in history, the National Foundation of Indigenous Peoples (FUNAI) and the Ministry of Indigenous Peoples are under the leadership of Indigenous women: Joênia Wapichana and Sônia Guajajara respectively. This change reflects the current government's commitment to strengthening the participation of Indigenous Peoples in

the formulation and implementation of public policies aimed at guaranteeing their territorial, social and cultural rights.

The work of FUNAI and the Ministry of Indigenous Peoples has resulted in concrete progress, particularly in the resumption of land demarcation processes, which had been paralysed in recent years. Since 2023, the federal government has approved several Indigenous Lands, such as Aldeia Velha (Bahia), Cacique Fontoura (Mato Grosso), Acapuri de Cima (Amazonas), Potiguara de Monte-Mor (Paraíba) and Morro dos Cavalos (Santa Catarina), totalling more than 800,000 hectares of officially protected territory. These approvals are directly benefitting thousands of Indigenous people, guaranteeing greater territorial security and contributing to the preservation of the environment.

In addition to demarcation, FUNAI has intensified its coercive actions against illegal invasions, reinforcing the protection of lands still pending regularization. Some areas of the Amazon, such as the Piripkura (Mato Grosso) and Ituna-Itatá (Paraíba) Indigenous Lands, remain vulnerable to the illegal exploitation of natural resources. However, the restructuring of FUNAI has allowed for a more effective response to threats against these territories, including the expansion of protection operations and the strengthening of dialogue with Indigenous leaders to ensure greater legal security for the communities.

The Ministry of Indigenous Peoples, for its part, has played an essential role in the political coordination needed to guarantee the implementation of public policies aimed at Indigenous Peoples. Under the leadership of Sônia Guajajara, it has promoted sustainability programmes for Indigenous communities, guaranteeing technical and financial support for socioeconomic development initiatives aligned with environmental preservation and cultural appreciation. In addition, the Ministry has been directly involved in dialogue with the federal government to ensure that the Indigenous agenda is incorporated into national strategies for sustainable development and the fight against climate change.

Growing Indigenous representation has also been reflected in the national political scene. The 2024 municipal elections marked a breakthrough in the participation of Indigenous leaders in decision-making spaces, with a record number of candidates and representatives elected to legislative and executive positions. This movement demonstrates the growing strength of Indigenous Peoples' political coordination and their search for a greater role in the formulation of public policies that

guarantee their rights and interests. The presence of Indigenous people in Parliament and government bodies reinforces their struggle for territorial protection, guaranteed access to essential services and recognition of Indigenous cultures and traditions in Brazil.

Challenges do remain, however, that require continued commitment from the State and society to ensure that the rights of Indigenous Peoples are respected and that their lands are protected from external threats. Among these is the need to speed up the demarcation processes for several Indigenous territories: the Guyraroka Indigenous Land (Mato Grosso do Sul), which has been awaiting a judicial decision for more than 15 years, and the Tupinambá Indigenous Land of Olivença (Bahia), which faces strong opposition from rural producers and has not yet been fully recognized. In addition, Indigenous Lands in the Amazon, such as the Piripkura Indigenous Land (Mato Grosso) and the Ituna-Itatá Indigenous Land (Paraíba), remain vulnerable to illegal invasion as they have not yet received the necessary official protection. According to FUNAI, there are currently more than 240 Indigenous Lands at different stages of the regularization process, many of which face resistance from state governments and economic sectors interested in exploiting these areas.

The importance of legalizing Indigenous Lands goes beyond a territorial guarantee for Indigenous Peoples. Studies by the Socio-Environmental Institute show that regularized Indigenous Lands have significantly lower deforestation rates than unprotected territories. In addition, land legalization guarantees greater access to public health, education and sustainable development policies, strengthening the environmental and cultural preservation of these communities.

## **Challenges and advances in the defence of Indigenous rights**

The struggle for Indigenous rights continues to face major barriers, especially with the so-called Temporary Framework thesis, which seeks to restrict the recognition of Indigenous Lands to only those that were occupied prior to 5 October 1988. The Federal Supreme Court continues to debate this issue, while Indigenous leaders warn of the negative impacts of this interpretation.<sup>1</sup> Joênia Wapichana, president of FUNAI,

emphasizes: "This thesis ignores the history of forced evictions and the right of Indigenous Peoples to their traditional lands. We continue to resist and demand respect for our rights."

Despite the mobilization of Indigenous leaders, the decisions of the Superior Court of Justice have been criticized for disregarding the historical reality of Indigenous Peoples, ignoring centuries of violations of their territorial rights. This lack of respect for Indigenous claims and for the Brazilian Constitution itself has generated legal insecurity and increased land conflicts in the country.

## **Climate justice and the role of Indigenous Lands**

### **Drought, fire, illegal mining and agribusiness**

Extreme weather events in 2024 also exacerbated the situation in the Indigenous territories. A prolonged drought drastically lowered the level of rivers such as the Xingu, while fires devastated large areas of land such as Apyterewa and Karipuna, destroying more than 4,000 hectares of forest. These fires not only endanger the climate but also destroy traditional ways of life, forcing communities to look for alternatives outside of their territories.<sup>2</sup> Illegal mining has intensified the crisis in the Yanomami territories, contaminating rivers with mercury, as in the case of the Uraricoera River. This contamination has compromised access to drinking water and the health of thousands of Indigenous individuals, causing a public health crisis that has led to the collapse of health care centres. According to the Socio-Environmental Institute, mercury poisoning rates have increased dramatically, especially among children and pregnant women.

Despite the government's efforts to combat illegal mining, this activity persists due to weak surveillance and inspection policies. The environmental degradation and serious health situation facing the Yanomami and Guaraní-Kaiowá peoples underscores the urgent need to prioritize the protection of their territories, a vital strategy for climate justice and global sustainability.

The precarious state of health of these Indigenous communities is another reflection of the challenges they face. In 2024, the Yanomami and Guaraní-Kaiowá territories faced worrying situations. In the Yanomami territory, more than 570 children died due to malnutrition and diseases such as malaria and pneumonia, while mercury contami-

nation of rivers from illegal mining further exacerbated their living conditions. Among the Guaraní-Kaiowá, the Dourados Indigenous Reserve, one of the most densely populated reserves in the country, is an emblematic example of government neglect: more than 15,000 Indigenous people live on just 3,500 hectares, suffering from food insecurity, lack of access to drinking water and alarming rates of infant mortality.

According to reports from FUNAI and the Ministry of Health, 80% of children under five years of age in vulnerable territories suffered from severe malnutrition in 2024. This demonstrates the urgency of implementing effective public policies and reviving health centres in critical regions in order to improve the health and well-being of these Indigenous communities.

### **Climate justice and Indigenous Lands**

Indigenous Lands play a crucial role in mitigating climate change. Data from the Socio-Environmental Institute show that these areas are home to more than 25% of the world's preserved tropical forests, act as natural barriers to deforestation and store large amounts of carbon.<sup>3</sup> However, harmful activities such as illegal mining, burning and monoculture represent constant threats to these territories. The effective protection of Indigenous territories is an indispensable strategy for achieving the objectives of the Paris Agreement, as these lands are recognized as effective in mitigating climate change, as well as playing an irreplaceable role in environmental conservation.

The preservation of these territories is not only a constitutional right of the Indigenous Peoples but also a fundamental strategy for global sustainability.

In 2024, according to data from the Socio-Environmental Institute, more than 4,000 hectares of forest were destroyed in Indigenous territories, with serious impacts on the climate and local communities. Territories such as Apyterewa, in Pará, and Karipuna, in Rondônia, have suffered due to a loss of biodiversity, river pollution and the disruption to traditional ways of life. For Célia Xakriabá, a member of the federal parliament: "Indigenous Lands are living barriers against climate collapse." Protecting these essential areas is a fundamental strategy to guarantee the future of all, safeguarding environmental integrity and the sustainability of these ecosystems.

During the UN Biodiversity Conference of the Parties to the Convention on Biological Diversity (CBD COP16), held in 2024, Minister

Sônia Guajajara emphasized the importance of regulating the carbon credit market fairly and inclusively. She highlighted the need to ensure that Indigenous Peoples are protagonists in global climate negotiations, with an active voice and decision-making power. The proposal to allocate financial resources directly to Indigenous communities that protect their ancestral forests was widely discussed and debated at the conference. However, the implementation of this measure depends on the establishment of solid regulations that prioritize Indigenous rights and autonomy, ensuring that they are the main beneficiaries and managers of these resources.

## **Humanitarian crisis among the Yanomami people**

The humanitarian crisis facing the Yanomami people reveals the negligence of the State and the impacts of illegal mining, malnutrition and climate change. The contamination of rivers with mercury, caused by the uncontrolled advance of mining, has aggravated food and health insecurity, causing an alarming increase in cases of child illness and infant mortality. According to a report by the Oswaldo Cruz Foundation, 80% of Yanomami children show signs of severe malnutrition.<sup>4</sup> In addition, data from the National Institute for Spatial Research indicate that deforestation in the region has increased by 30% due to illegal mining, thus exacerbating the effects of climate change on the Yanomami territory.<sup>5</sup>

The Articulation of Indigenous Peoples of Brazil – APIB has denounced this situation as a true contemporary genocide, demanding urgent protection and assistance from the federal government and international organizations. The Ministry of Health reports that outbreaks of malaria and gastrointestinal diseases, caused by poor medical care, have doubled in the last two years, increasing the infant mortality rate yet more among the Yanomami.<sup>6</sup>

## **Violence against the Guarani-Kaiowá people and the impact of agribusiness**

Violence against the Guarani-Kaiowá, a direct consequence of the failure to demarcate their territories, has intensified due to increasing land

value and the unbridled expansion of agribusiness. Agência Brasil reveals that violence against the Guaraní-Kaiowá continues to be alarming.<sup>7</sup> Between 2022 and 2024, 38 murders of Indigenous people were recorded in Mato Grosso do Sul, most of them members of this people. In turn, recent reports indicate that the number may have been higher in 2024, with cases of armed attacks and killings in land disputes. One notable case was the murder of a young Guaraní-Kaiowá in the Ñande Ru Marangatu Indigenous Land in September 2024, thus reinforcing the vulnerability of this population in the context of the struggle for their territories.

In addition to physical violence, the indiscriminate use of pesticides on crops near the villages has caused serious environmental and health impacts for the Indigenous people. Studies by the Federal University of Grande Dourados indicate that 60% of the water samples collected in the Guaraní-Kaiowá communities showed alarming levels of pesticide contamination, thus polluting the water supply and increasing the incidence of diseases such as cancer and respiratory problems.<sup>8</sup>

This development model, coupled with environmental degradation and deforestation, further aggravates the effects of climate change, creating a cycle of destruction that is threatening both Indigenous communities and the national biodiversity. Indiscriminate pesticide spraying has directly affected soil fertility and local biodiversity, reducing sustainable agricultural production in Indigenous territories.

## **Indigenous youth and the future of the struggle for rights**

Indigenous youth participation in political and social movements has grown significantly in recent years. Today, 42% of the Indigenous population is under 18 years of age, and this new generation has positioned itself at the forefront of defending Indigenous rights, cultural revival and the occupation of previously inaccessible political and academic spaces. In the words of Txai Suruí, an Indigenous activist who represented Indigenous Peoples at COP26 (2021 UN Climate Change Conference): “We are occupying the place that has always been ours but which has historically been denied us. Our generation is no longer going to wait for rights to be guaranteed, we are going to take them.”

Despite the growing presence of Indigenous youth in Brazilian universities (according to data from the Ministry of Education, their presence has increased by 35% in the last decade), only 20% of Indigenous people between the ages of 18 and 24 are enrolled in higher education.<sup>9</sup> In addition, they face barriers such as a lack of Internet access, financial difficulties and the absence of student retention policies.

The economic crisis also has a direct impact on young people, increasing food insecurity and making it difficult to access formal jobs. The Brazilian Institute of Geography and Statistics (IBGE) reports that the unemployment rate among Indigenous youth is 12% higher than the national average.<sup>10</sup>

Combining tradition and modernity, many Indigenous youth have used social media as a tool of resistance, promoting awareness campaigns and digital engagement. This digital activism reinforces the reporting of rights violations and increases the visibility of the Indigenous struggle in Brazil and around the world.

## Conclusion

An analysis of the challenges facing and progress made by Indigenous Peoples in Brazil in 2024 highlights the complexity of issues related to territorial rights, environmental sustainability and political participation. The demarcation and protection of Indigenous Lands continues to be a core element of guaranteeing the constitutional rights of these peoples and preserving the environment as studies indicate that protected Indigenous territories have lower deforestation rates and greater biodiversity conservation.

Although institutional progress has been made, with the creation of the Ministry of Indigenous Peoples and the resumption of demarcation processes, for example, challenges still remain. The judicialization of territories, the Temporary Framework thesis, illegal invasions and violence against Indigenous communities all demonstrate the need for the State's continued commitment to guaranteeing these peoples' legal and territorial security.

From an environmental point of view, the correlation between the preservation of Indigenous Lands and climate change mitigation reinforces the importance of public policies that align territorial protection,

environmental monitoring and sustainable development models that respect Indigenous rights. In addition, strengthening the Indigenous presence in political and academic spaces can contribute to the formulation of more effective and inclusive strategies in environmental and social governance.

Against this backdrop, it is recommended that future public policies consider the following:

- Speed up land regularization processes, guaranteeing legal security for Indigenous communities.
- Strengthen environmental control policies, combating illegal practices such as deforestation and mining.
- Expand access to education and health care in Indigenous communities, with a view to greater social inclusion and economic development.
- Promote mechanisms for political and scientific participation, ensuring the incorporation of Indigenous knowledge and demands into national and international planning.
- Recognizing and valuing Indigenous Peoples as key players in environmental preservation and sustainable development is fundamental to building more effective public policies and meeting Brazil's climate and social commitments.

The role of Indigenous Peoples has been consolidated as an essential force in the struggle for rights and environmental sustainability. However, the same young people who are leading this resistance are also threatened by a lack of enforcement of their rights, especially with regard to land demarcation and environmental protection. Without concrete action by the State, these new leaders risk violence, marginalization and the loss of their territories.

To reverse this situation, it is essential that the State fulfil its role of guaranteeing the Indigenous rights established in the Constitution, promoting land regularization and protecting the territories from illegal invasions. It is also essential to strengthen environmental monitoring in order to prevent the advance of mining and deforestation, and to expand health and education policies in order to provide Indigenous communities with decent living conditions and cultural strengthening.

Indigenous participation in political decision-making spaces, both in Brazil and in international forums, must be expanded to ensure that

the voices of Indigenous Peoples are heard and respected. The future of Brazil's environment and cultural diversity is dependent upon recognizing and respecting the rights of Indigenous Peoples: guaranteeing their lands and ways of life also means protecting the environmental balance for all humanity.

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# Chile



Despite steady increases since the 1990s, Chile's Indigenous population has experienced no major changes since the 2017 census. At that time, 2,185,792 people self-identified as Indigenous, equivalent to 12.8% of the country's total population (17,076,076). The Mapuche were the most numerous (almost 1,800,000 individuals), followed by the Aymara (156,000) and the Diaguita (88,000).<sup>1</sup> A sustained increase in the urban Indigenous population over the rural is noteworthy, now accounting for 87.8% with only 12.2% living in rural areas.<sup>2</sup>

Law 19,253 of 1993 on the Promotion, Protection and Development of Indigenous Peoples, known as the "Indigenous Law", has not been amended to comply with current international standards on the rights of Indigenous Peoples, such as ILO Convention 169, ratified by Chile in 2008. In addition, Chile has adopted the UN Declaration on the Rights of Indigenous Peoples (2007) and the American Declaration on the Rights of Indigenous Peoples (2016).

## **Indigenous youth: contributions to and challenges in gaining recognition of their rights**

**C**hile's Indigenous youth play a fundamental role in creating appreciation and awareness of Indigenous identity and rights as native peoples. They nonetheless face strong discrimination due to their Indigenous origin, physical features and names.<sup>3</sup>

There are no recent official data or studies on the situation of Indigenous youth, who are estimated to represent 13.2% of young people in Chile.<sup>4</sup> Research into the nature and policies of Indigenous youth in Chile, entitled *Jóvenes y juventudes indígena en Chile: Vivencias y tensiones en el Chile contemporáneo* [Indigenous Youth in Chile: Tensions and experiences in contemporary Chile], produced by the National Youth Institute in collaboration with National Corporation of Indigenous Development (CONADI) and the Social Studies Department of the Pontificia Universidad Católica (DESUC), dates back to 2015.<sup>5</sup> Its main results showed that, in terms of socioeconomic conditions, Indigenous

youth are generally more disadvantaged than non-Indigenous youth in areas such as income, years of schooling, and health status. In turn, 75% of Indigenous youth live in urban areas for educational and employment reasons.

Despite facing a number of difficulties, Indigenous youth are making valuable contributions to the political, cultural, social and economic life of their peoples and the country in general. Their contributions include: claiming their territorial rights (demanding compliance with the rights established in international standards); strengthening their cultural identity (reviving their languages, promoting their cultural traditions such as music, dance and the arts, as well as their ancestral practices and crafts); and strengthening their community organizations. They are also noteworthy for their use of digital technologies (social and community media, etc.) in making their culture and demands more visible, sharing stories, music and Indigenous languages, and thus contributing to raising awareness about their struggles.

Many young people are playing a notable part in the struggle against projects that affect the environment such as mining, deforestation and the construction of large hydroelectric projects, which often have a direct impact on their territories. Ever more young Indigenous men and women are likewise gaining recognition in professional areas such as the social sciences, law and geography, putting their knowledge to good use by contributing to a strengthening of their territories.<sup>6</sup>

The challenges faced by Indigenous youth include a lack of economic opportunities in their territories and limited access to land. One of the main trends observed is that most young people, both men and women, are choosing to migrate to the cities in search of better educational and employment opportunities. Some do return to their territories but the disconnect from the land and the territory has become such that, upon inheriting land, many choose to parcel it up and sell it off. Some, however, decide to return and stay, facing multiple challenges in gaining access to the land and securing their right to it. This access is fundamental as land plays a crucial role in preserving their cultural identity and connection to traditions. Economic development based on food sovereignty is a means by which young people are seeking to strengthen their territorial autonomy and contribute to building a more just future.

There is only limited support available in such situations. Although the Agricultural Development Institute (INDAP) is a government programme that provides support to land users, access to its benefits is conditional on land ownership, meaning there is only limited assistance for those who have no access to land. In addition, there is no law guaranteeing the territorial rights of Indigenous youth, nor are there any financial bodies granting specific credit lines or budgets for them.

Despite these challenges, many young people remain hopeful and are continuing to embark on different economic activities with the goal of transforming their realities and strengthening their communities. The struggle for territorial autonomy continues to be one of the main motivations of Mapuche youth, who are seeking to defend their right to land and preserve their ancestral culture.

Despite the difficulties, many young people have decided to stay on their land and work hard to strengthen their communities. Through their efforts and actions, they are continuing to fight for a future in which their land and territorial rights are respected and in which they can guarantee their territorial autonomy. The struggle for food sovereignty and the strengthening of rural communities is, today, one of the main focal points of these young people, committed to the land, the territory and its culture.

## **Presidential Commission for Peace and Understanding**

During 2024, the Presidential Commission for Peace and Understanding, convened by President Gabriel Boric in June 2023 with the aim of laying the groundwork for a medium to long-term solution to the land demands of the Mapuche people and their communities, continued its work of attempting to reach an agreement with a view to generating political and legislative proposals that would enable progress towards its objective.

Throughout the year, the Commission met in various cities in the regions of Biobío, La Araucanía, Los Ríos and Los Lagos, in the traditional Mapuche territory in southern Chile. During these sessions, the Commission held hearings with representatives of Mapuche organiza-

tions, productive associations, civil society and local authorities. In addition, spaces for participation were opened, such as the Intercultural Dialogues (multi-stakeholder dialogue spaces held in 11 cities) and the Self-Convened Territorial Meetings aimed at Mapuche organizations.

Participation in these spaces was not particularly broad due to insufficient publicity, methodological shortcomings and a lack of the Mapuche organizations' confidence in the process. In spite of this, proposals emerged from the Self-Convened Territorial Meetings in relation to the need for constitutional recognition of Indigenous Peoples and the relevance of recognizing rights to the lands traditionally occupied by the Mapuche people, and these proposals were formally channelled to the Commission. For their part, a group of Mapuche organizations from different territories submitted a series of reports to the Commission containing the grounds that support their claims to their lands of traditional occupation, with a view to having these issues considered in the Commission's final proposals.

The Commission's discussions are focused on five main areas: Land and Territories; Institutional Structures; Justice and Recognition; Territorial Development; and Reparations for all victims. However, so far, the commissioners have not been able to reach agreement on these issues. In particular, there has been a failure to clearly define the recognition of, or reparation mechanisms for, lands of traditional occupation, which represent a very important part of the Mapuche people's territorial claims. This situation led the Commission to extend its operations, initially until the end of January 2025 and then until the end of April 2025, in order to reach the necessary agreements. These agreements are made more complex by the composition of the Commission, which includes the opposing interests of the Mapuche representatives, who are seeking to raise the level of recognition of their people's rights, and those of the representatives of the productive world and of the farmers who are descendants of settlers in the area, who question the land restitution policies.

These circumstances have resulted in a climate of uncertainty over the possibility of advancing towards the agreements necessary to build social peace in the south of Chile via recognition of the Mapuche people's rights and reparation for the process of dispossession of their legal lands and traditional occupation as a result of the State's actions. Moving towards structural agreements that can rebuild the social equi-

librium and the peaceful coexistence of all the actors inhabiting the territory is an opportunity that should not be missed. It is therefore necessary to seriously and structurally identify and resolve the conflicts related to the Mapuche's traditionally occupied lands, international standards on Indigenous Peoples, and the effective participation of all Mapuche sectors.

## **Challenges of Indigenous consultation on Protected Areas and Priority Sites Regulations**

Within the framework of the new law creating the Biodiversity and Protected Areas Service (SBAP) and the National System of Protected Areas (SNAP)<sup>7</sup> (hereinafter, the Biodiversity Law), at the end of 2024 the Ministry of the Environment (MMA) initiated a process of Indigenous consultation on the Protected Areas and Priority Sites Regulations,<sup>8</sup> in compliance with ILO Convention No. 169 and Supreme Decree (SD) No. 66 governing the consultation process in the country. Paradoxically, one month later, the Ministry of Social Development announced the start of an Indigenous consultation on Decree No. 66.<sup>9</sup> Both national consultation processes were therefore to be carried out in parallel.

The Biodiversity Law came into force in September 2023 after more than 10 years of consideration in Congress. Its initial text made no reference to Indigenous Peoples, ignoring their rights, their relationship with biodiversity and international standards on the matter. However, following various advocacy actions by Indigenous and civil society organizations, the MMA conducted a nationwide consultation between 2016 and 2017. This consultation resulted in the incorporation of important provisions that establish Indigenous Peoples' rights and responsibilities in the management of protected areas, ensuring their participation in decision-making.

Among these, the new Biodiversity Law requires Indigenous consultation before creating, modifying or declassifying protected areas (Arts. 65, 66); incorporates the category of Indigenous Peoples' Conservation Areas (Art. 62), including Law N° 20.249 of Coastal and Marine Spaces of Indigenous People (ECMPO) contemplates the possibility of reaching management agreements with Indigenous Peoples in State

Protected Areas (Art. 68); includes participation in the preparation and revision of management plans (Arts. 72 and 74); and requires Indigenous consultation when granting concessions (Art. 80).

Although the Biodiversity Law thus represents progress in the recognition of the rights of Indigenous Peoples, they still face the challenge of drafting good implementing regulations that will enable them to really exercise those rights. The barriers that the MMA will have to overcome are not insignificant. On the one hand, it will have to prevent the consultation of SD No. 66 from interfering with this process, for which it will be necessary to ensure greater coordination between ministries than has occurred so far. At the same time, almost 10 years after the consultation on the Biodiversity Law, and without the ministry having had a working agenda on these issues in the territories, it will need to provide adequate and sufficient information to resume a dialogue that is not new but most likely will have new participants. Last but not least, it will need to ensure that the consultation is carried out in an environment free from the intervention of industrial interests, which see the conservation and protection of biodiversity as a barrier and threat to development. This could already be seen in the first days of the consultation in the Magallanes Region, where the salmon industry unprecedently intervened in the consultations on the Management Plans for the Kawésqar National Park and Reserve.<sup>10</sup>

## **Attempts to modify the Law on Marine Coastal Areas for Indigenous Peoples and threats to defenders of the sea**

The Law on Marine Coastal Areas for Indigenous Peoples (ECMPO) seeks to recognize and protect the territorial rights of Indigenous Peoples over the coastline and the sea. Since its entry into force in 2008, it has been established as a mechanism for delivering the administration of a delimited marine space to a community or association of communities that have exercised customary use of that space, with the aim of preserving its uses and ensuring the conservation of the natural assets included therein and promoting the welfare of the communities.

Since then, this law has been used by various Indigenous Peoples to defend their territorial rights and protect coastal and marine spaces, which are increasingly being threatened by exogenous development models, extractivism and pollution. There are currently more than 100 ECMPO applications, across seven regions of the country, covering an area of more than 30,000 km<sup>2</sup>. However, with long processing times that exceed the legal deadlines, only some 13% of these applications have yet reached the end of the process. Political and administrative barriers arose as soon as the scope and impact this law would have on the reorganization and governance of Chile's marine and coastal areas began to become evident.

In April 2023, a bill was introduced to amend the ECMPO Law (Buletin No. 15.862-21), in order to "perfect its implementation". The attempt to modify this law seeks to curtail the rights acquired by Chile's coastal Indigenous communities and was promoted by "sectors linked to the indiscriminate exploitation of marine resources and endorsed by some politicians with clear economic interests that they disguise as 'development'".<sup>11</sup>

Last December, Chile's National Congress approved a specification in the Budget Law that halted the processing of new ECMPOs for a period of one year or automatically rejected pending applications if they had not been resolved within six months. Faced with this measure, which is in violation of their territorial rights and was approved without consultation, the Indigenous Peoples of the sea mobilized from north to south to defend the ECMPO Law. For its part, the Executive, a group of parliamentarians and a number of Indigenous organizations filed unconstitutionality appeals against the aforementioned specification. In addition, they participated in a hearing before the Constitutional Court where they pointed out the violations of their rights. As a result, in a historic ruling, the Constitutional Court declared the specification unconstitutional, stating that it affected the rights won by the native peoples. The Court established that governments cannot adopt decisions that diminish rights recognized by previous laws; that the right to participation had been violated since the affected peoples were not involved in the debate; and that budget rules were to be limited to financial matters only and not used to modify substantive aspects such as the protection of the ECMPO.<sup>12</sup>

Despite this, the disinformation campaign against ECMPO applications continues in the marine coastal territories, together with the constant intimidation of and threats to defenders of coastal spaces. The important contributions that these spaces make to the social, cultural and political development of the Indigenous Peoples and the country in general, such as contributions to the conservation of the country's common assets, to the food sovereignty of hundreds of communities and to the family, local and community economy of the Indigenous Peoples and Chile in general, are ignored.

## **Mining and the Indigenous Peoples of northern Chile**

Lithium mining in Chile, in the planning stages in the High Andean Salt Flats and already operational in the Atacama Salt Flats, has become a strategic State policy, driven by the growing global demand for a so-called energy transition. This exploitation has, however, generated tensions among the region's Indigenous Peoples, including the Lickanantay-Atacameño, Colla, Quechua and Aymara, as well as within their organizations, due to the challenges they face related to accessing water, degradation of the environment, and the effects on their ancestral territories.

Both metal and non-metal mining processes consume large amounts of water. In the case of lithium mining, it is the water itself that contains high concentrations of the salts used to obtain this element which, added to the arid conditions in which these communities already live, only accelerates the environmental degradation and endangers ecosystems and local economic activities, such as agriculture and livestock farming, which are fundamental to these communities.

The operation and lease contracts between the Chilean Economic Development Agency (CORFO) and the State-Owned Copper Company (CODELCO) for the exploitation of the Atacama Salt Flats, projected over the 2025-2030 and 2031-2060 periods, are currently in the process of Indigenous consultation. These contracts seek to expand the lithium extraction quota in the area, which could intensify the impacts on the Lickanantay-Atacameño people. At the same time, the Ministry

of Mining is consulting on the so-called Special Lithium Operating Contracts, which affect the Ascotán, Maricunga and Infieles salt flats, important territories for the Quechua and Colla peoples.

In addition to these challenges, there is only limited recognition of Indigenous rights in Chile, and there are regulations governing the application of instruments such as ILO Convention 169 in relation to Indigenous consultation. In domestic law, the Constitution does not provide for explicit recognition of these rights, and collective land rights are only guaranteed by way of interpretation through the right to property. This situation restricts the capacity of Indigenous Peoples to defend their territories from the expansion of mining projects.

For its part, the National Lithium Strategy states that it seeks to establish dialogue and participation with the Indigenous Peoples in whose territories the operations will take place, in addition to including environmental measures, such as the Protected Salt Flats Strategy. Although a benefit-sharing mechanism is included, especially in the Indigenous consultation on the Atacama Salt Flats, there is a lack of concrete and specific measures that would effectively improve the relationship between economic development and the rights of Indigenous Peoples. Such measures would include the effective exercise of Free, Prior and Informed Consent, in the form of the binding participation of communities in decisions on extractive projects, and State compensation mechanisms for Indigenous lands and territories that will be sacrificed for this energy transition.

Finally, it is essential to reinforce the regulatory frameworks in place in order to ensure the rights of the Indigenous Peoples of northern Chile who are being affected by lithium extraction, in addition to providing environmental, territorial and social compensation mechanisms that can guarantee full exercise of their rights, minimizing the impacts on these peoples.

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**José Aylwin, Lorena Arce, Valeska Caballero Huaiquifil, Juan Carlos Cayo, Oriana Mora, Hernando Silva and Karina Vargas** are members of the Observatorio Ciudadano (Citizens' Watch) ([www.observatorio.cl](http://www.observatorio.cl)), a human rights NGO based in Temuco and Santiago, Chile.

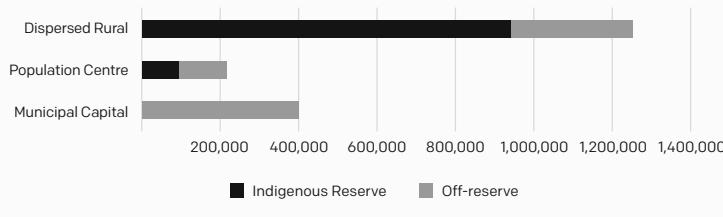
# Colombia



Updated demographic information projected to 2024 on the basis of the Colombia Population and housing Census 2018 indicates that there are 2,489,189 individuals who self-identify as belonging to one of the country's 115 Indigenous Peoples, or 4.7% of the total population.<sup>1</sup>

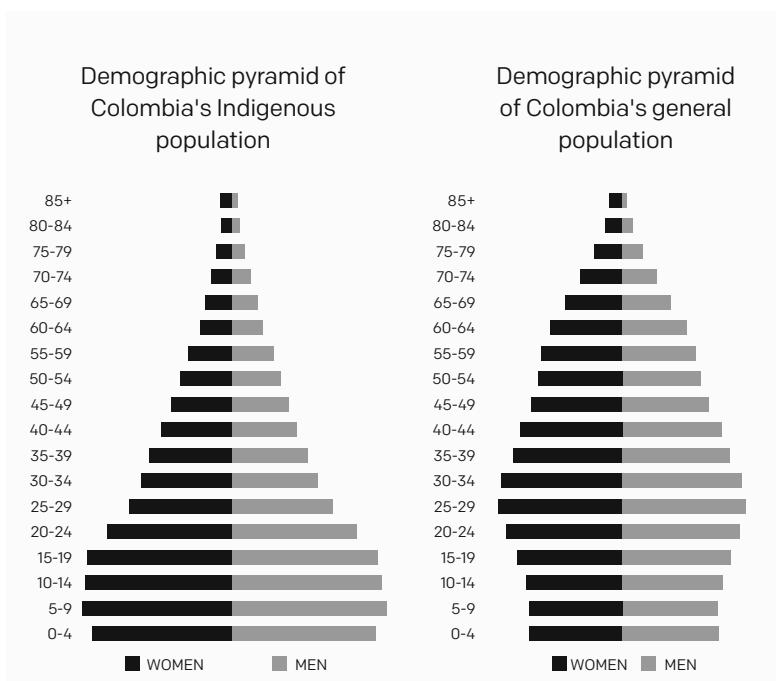
The geography of the Indigenous territories includes coastal regions on the Atlantic and Pacific oceans, areas of the Andean mountains, tropical forests in the north-western Amazon, the Orinoco plains, vast desert areas and island lands. Some 54.9% of the Indigenous population lives in dispersed rural areas or population centres located within 896 formal reserves<sup>2</sup> while 41.5% live in urban areas or population centres off-reserve.

#### Location of the Indigenous population on or off formal reserves, by type of area



Source: own work, based on DANE, 2018<sup>3</sup>

Although the dynamics of the Indigenous population vary significantly between the different peoples and regions, it is possible to note some general characteristics such as higher birth rates and lower life expectancy than the general population, as reflected in an Indigenous pyramid that is typical of young or growing populations and which is only now showing the first signs of declining birth rates.



Source: own work, based on DANE 2018, 2024

Although some peoples have very unique pyramids that differ markedly from the general trend, the typical structure indicates that the number of people in the 15-25 age range accounts for 20.6% of the total Indigenous population, or approximately 259,000 men and 254,000 women in 2024. This important segment corresponds to a generation that is facing multiple key issues for the survival of their societies and cultures, and which is taking on significant challenges both within their communities and in the face of the hegemonic society and global problems.

During 2024, Indigenous youth continued to make progress in their organizational processes and to strengthen their participation in multiple local and regional arenas, in national life and in the global destiny of their peoples.

## More than an intergenerational dialogue

There never used to exist any generational separation or breakdown in life cycles within the social order of most of Colombia's Indigenous Peoples. Children would participate in community life from a very early age, and their passage to adolescence and adulthood was not marked by psychological, social or political tensions that might determine the construction of their individual or social identity. This way of being and living in the world can still be seen among many peoples, especially those living in the geographic regions farthest from the centres of power, such as the Orinoco, Amazon and biogeographic Chocó.

The category of "youth" has, however, somehow arisen due to a performative pressure exerted by the dominant society through school and media, which highlights and emphasizes stereotypes, exclusions, conflicts and dilemmas specific to youth in the Western world. Unable to escape these rules, Indigenous youth are torn between a colonialist denial of their traditions and cultures and a reinterpretation of their roots, while at the same time suffering from a dual discrimination based, on the one hand, on their ethnic origin and belonging and, on the other, on the various ways in which young people are subordinate to the hegemonic society.

Without ignoring these challenges, Indigenous youth have been forging and disputing new spaces of encounter and participation that bridge the territorial problems of their communities, the urban scenarios in which many find themselves due to displacement, armed conflict and dispossession, and the global challenges facing humanity in the face of environmental, migratory and armed crises and the depredation of nature.

*(...) we consider that these mingas [cooperative work or coming together] that go beyond territorial borders will also allow us to have a broader and more global perspective (...) There are different social dynamics that go beyond the dynamics of our own uses and customs and, perhaps, with this knowledge that our brother peoples have from different corners of the world, we can also promote and give added strength to what the Indigenous Peoples of Colombia want, through their youth. (Jonatan Mueces, young man from the Pastos people, 2023)*

One such arena is the National Delegation of Indigenous Youth (*Delegación Nacional de Juventudes Indígenas*, DENAJI), which operates as part of the Permanent Roundtable for Consultation with Indigenous Peoples (*Mesa Permanente de Concertación*, MPC),<sup>4</sup> one of the main national-level bodies involved in the relationship between Indigenous Peoples and the Colombian State. The MPC is made up of five of the most representative organizations of the peoples from different regions of the country: *Organización Nacional Indígena de Colombia* (ONIC); *Organización Nacional de los Pueblos Indígenas de la Amazonía Colombiana* (OPIAC); *Autoridades Tradicionales Indígenas de Colombia - Gobierno Mayor*; *Autoridades Indígenas de Colombia-AICO Por la Pacha Mama*; and *Confederación Indígena Tayrona* (CIT).

One of DENAJI's tasks is to include a special chapter on Indigenous youth in the National Policy for Children and Adolescents 2019–2030 (PNIA) and draw up a roadmap for its implementation. It has also set itself the objective of influencing some of the country's most transcendental events, such as the implementation of the Ethnic Chapter of the 2016 Peace Agreement<sup>5</sup> signed between the State and the former FARC guerrilla, as well as the new dialogues with illegal armed actors envisaged in the "Total Peace" policy for a final solution to the armed conflict promoted by the current government.<sup>6</sup>

Other topics discussed by Indigenous youth in these arenas include educational models, job opportunities and migration to the cities. In the area of education, there are limitations to their accessing secondary and higher education due to geographic, economic and cultural barriers, despite the fact that there has been an increase in the number of young people accessing public universities and intercultural education programmes in recent decades.

In the labour market, young people in some regions – especially those who have been displaced from their territories as a result of the armed conflict or a precarious economic situation – face high rates of under- and unemployment, aggravated by discrimination or a lack of technical skills that prevent them from competing for jobs in urban areas on equal terms.

Faced with these problems, they have been working on their own innovative educational models, which include higher education programmes based on the principles of decolonized knowledge and practices, and work proposals such as green jobs, which better respond to their distinct aspirations and their desire to reconnect with their territories of origin.<sup>7</sup>

## The peoples' COP

During 2024, the national government redoubled its commitment to restructuring national priorities around the preservation of life – in its multiple manifestations but particularly in relation to biodiversity, water, forests and the transformation of the energy matrix – as the coordinating theme of the country's economic, social, political and communicational policies.

With this in mind, the country was fully engaged in hosting the 16<sup>th</sup> Conference of the Parties under the Convention on Biological Diversity (CBD COP 16), an international treaty adopted at the Earth Summit in Río de Janeiro in 1992. Under the slogan "Peace with Nature", COP16 was held in October 2024 in Cali, Colombia, and brought together the most diverse academic, economic, governmental and media sectors, together with the social organizations, who played a leading role in organizing the conference and ensuring its success.

Indigenous and Afro-descendant peoples from different regions actively participated in COP16. Months in advance, they prepared an agenda for their participation in the scientific, cultural and in-formative arenas open to the public (Green Zone), as well as in the official meetings, in which they took part as members of the Colombian delegation (Blue Zone).

By preparing for these events, Indigenous and Afro-descendant women and youth played an inspiring role, sharing ancestral knowledge and experiences of biodiversity conservation, but also presenting concrete proposals for protecting biological diversity, valuing ancestral resources and knowledge, de-fending their rights in the global dialogue of COP16 and the Convention on Biological Diversity, and contributing to the construction of a new and viable development model for all humankind.<sup>8</sup>

*It is imperative that the States Parties and humanity recognize and respect all forms of life in order to heal and restore harmony and balance as the essential core of global peace among the beings that inhabit Mother Earth. Finally, we, the Indigenous Peoples, native peoples and nationalities, call on the governments of the world to that threatens the existence of Mother Earth as our common home and that of humanity, in*

*order to advance in the construction of models that guarantee life and peace. (MPC-COP 16, 2024)<sup>9</sup>*

Undoubtedly, COP16 made significant global and national achievements, the following being particularly noteworthy:

1. Approval of the agreement for defining marine areas of special ecological importance in international waters and the commitment of all countries to implement mechanisms and actions to protect these areas once they are identified.
2. The creation of the Cali Fund (part of the Multilateral Mechanism) into which companies that use digital databases of genetic information must pay (1% of their income or 0.1% of their sales). This money will be distributed to the countries with the greatest biodiversity.
3. Recognition of the link between biodiversity and climate change to be formally presented and promoted at COP29.
4. The creation of a multi-donor fund for the protection of the biogeographic Chocó, shared between Panama, Colombia and Ecuador, along the Pacific corridor.
5. The definition of a preliminary financial roadmap and architecture that incorporates several strategies for financing biodiversity protection actions, linked to the indicators for meeting the CBD targets.
6. The approval of the first negotiation of a Global Action Plan on Biodiversity and Health that establishes the basis for coordinated work between health and the environment.

Of particular interest to the ethnic peoples and communities of Colombia and the world were the following COP16 achievements:

7. Approval of the Programme of Work with Indigenous Peoples and Local Communities for the implementation of Article 8j<sup>10</sup> and other related provisions of the Convention on Biological Diversity.
8. Approval to establish a subsidiary body of communities and Indigenous Peoples as a consultative body to the CBD.
9. Approval of the recognition of the contribution of Afro-des-

cendant peoples to biodiversity conser-vation within the fra-mework of the Convention on Biological Diversity.

During the COP, Indigenous youth participated in workshops, camps, academic and cultural events with the aim of making their positions known and introducing proposals to address the global chal-lenges for biodiversity conservation, counter the vulnerabilities associated with climate change, and expand their advocacy in global forums such as the COP and other multilateral mechanisms related to the environment.

*(...) on 21 October, the Indigenous Youth in Action for Biodiversi-ty Conservation and Climate Change Advocacy workshop was held with the purpose of forging a regional impact strategy for Indigenous youth and adolescents in their contribution to the preservation of Biodiversity; the Indigenous Youth and Adolescents in Action for Biodiversity Conservation Camp [was also held], where participants emphasized the importance of basing the implementation of the Kunming Montreal Global Framework on Biodiversity on the principle of intergenerational eq-uity. (FILAC, 2014)<sup>11</sup>*

## **Indigenous Peoples are now environmental authorities**

Since the enactment of Colombia's 1991 Political Constitution and ILO Convention 169, Colombia's Indigenous Peoples and organizations have been demanding that the State recognize them as envi-ronmental au-thorities in their territories based on their rights to autonomy and self-de-termination. However, since then, many of the decisions on environmen-tal matters, including the issuing of li-cences, permits and authorizations, have been in the hands of the Ministry of Environment and Sus-tainable Development, the National Authority of Environmental Licenses, and the Regional Autono-mous Corporations for Sustainable Development. Con-tradictions and tensions are often difficult to resolve with these bodies due to the unilateral imposition of their decisions, the weak governance in Indigenous territories, and the failure to implement consultation and Free, Prior and Informed Con-sent (FPIC), among other things.

This anomaly was addressed by the current government when a process of prior consultation of Indigenous Peoples was developed during the formulation of the National Development Plan 2022-2026. In this context, a series of commitments was made, including progress in guaranteeing their autonomous right to manage and control the natural resources existing on Indigenous territories. In order to comply with this obligation, the national government and the peoples' organizations agreed on the text of Presidential Decree 1275 of 2024: "Establishing the norms for the management of the Indigenous territories in environmental matters and the development of the environmental powers of the Indigenous authorities and their effective coordination with other authorities and/or entities".<sup>12</sup> With regard to this normative milestone, the Permanent Roundtable for Consultation with Indigenous Peoples stated:

*This important step forward not only reaffirms our commitment to the protection and defense of the territory but also strengthens the autonomy of the communities and their ways of life. This decree is a significant step towards recognition of and respect for our ancestral rights, guaranteeing the preservation of our natural and cultural environment for future generations. (MPC, 2024)*

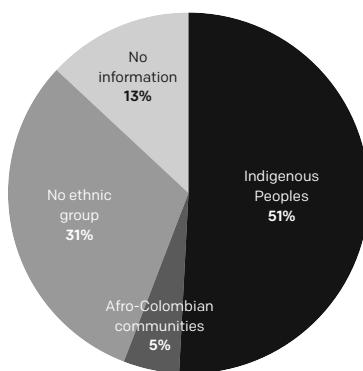
## **Total Peace and Indigenous youth**

Despite the efforts of the current government and broad sectors of society to achieve "Total Peace" and overcome the structural causes of the historical violence, one of the serious problems still facing young Indigenous Colombians is the constant anxiety caused by warring illegal armed actors in their territories.

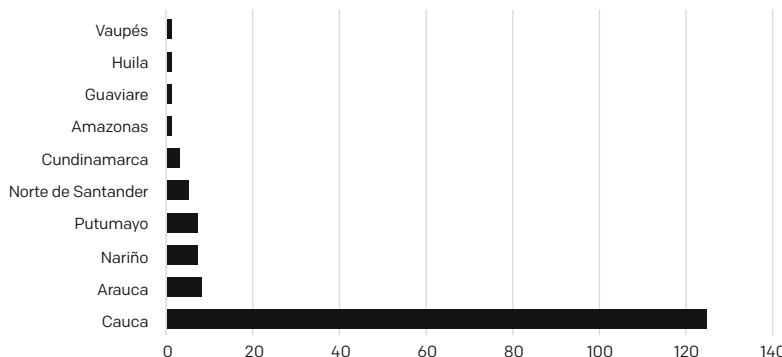
One of the most serious issues reported by the communities and human rights organizations is forced and "voluntary" recruitment by means of financial incentives. Armed groups with a presence across large parts of the country engage in systematic enlistment practices to fill the ranks of their militias with children and young people, especially Indigenous children from vulnerable rural sectors. According to the Ombudsman's Office.

*In the first half of 2024, the Ombudsman's Office recorded 159 cases of forced recruitment of children and adolescents in Colombia. Fifty-one percent of the total corresponded to children and adolescents from Indigenous Peoples; 31% to no ethnic group; 5% to Afro-Colombian communities; and 13% had no information available. Sixty-seven percent of all cases known to the national human rights body involve male and 33% female children and adolescents. (Ombudsman's Office, 2024)<sup>13</sup>*

Percentage of children and adolescents recruited by ethnic belonging -  
First Semester - 2024



Number of children and adolescents recruited by department  
- First Semester - 2024



Source: Authors' own work based on Ombudsman's Office, 2014

The department most affected by the phenomenon of Indigenous child and adolescent recruitment is Cauca, with 79% of all cases, followed by Arauca, Nariño, Putumayo and Norte de Santander, all of which have a high presence of Indigenous communities. The effects of such recruitment go far beyond the harm caused to individuals and their families. Faced with this type of situation, communities are forced to make decisions such as removing their children and young people from school, restricting their mobility, moving to another region, and abandoning productive areas or cultural and organizational activities. Violence, recruitment and forced displacement have also significantly affected the demographic stability of the communities, generating temporary and permanent population concentrations in urban areas, altering traditional structures and undermining traditional forms of government and authority, essential for the rights to collective territory and autonomy.

Since forced recruitment is one of the worst attacks on Indigenous children and youth in many communities, their participation in and advocacy on actions to prevent and contain this scourge is increasing. In fact, the youth of Cauca have joined several organizational processes of regional importance to overcome violence and "remove young people from the war":

*In the Southwest, they are joined by other young people's organizational processes, such as the Cauca Youth Peace Agenda, Caminando por la Paz (Walking for Peace) or the Cauca Departmental Youth Network. All seek to safeguard the rights of young people, their recognition as autonomous political subjects and their contributions to peacebuilding. Yiner tells us: "The objective is to remove young people from the war. To this end, they are demanding that the State recognize their participation and capacity to lead this effort. They know that art, culture and education are key to creating sensitivity and allowing the connection between mind, heart and feet on Mother Earth; when we move forward with Mother Earth we have a social empathy for the responsibility that is ours. In other words, individual, collective and territorial harmony is built in response to the siege of weapons." (Razón Pública, 2024)<sup>14</sup>*

This brief account of key moments for Colombia's Indigenous Peoples in 2024, as well as the increased participation and influence of Indige-

nous youth in matters that affect and interest not only their communities but also the country and the world, shows that an optimistic future lies ahead as the baton gets passed to the younger generation and, consequently, optimism also for the survival and strengthening of Colombia's Indigenous Peoples. Their remarkable resilience and ability to address major contemporary challenges without losing sight of their territories and cultures offers encouragement for the sustainability of ecosystems, advances in peace building, and the recognition of the collective rights of their peoples.

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# Costa Rica



The eight Indigenous Peoples that inhabit Costa Rica account for 2.4% of the country's population. Seven of them are of Chibchense origin: Huetar (in Quitirrisí and Zapatón), Maleku (in Guatuso), Bri bri (in Salitre, Cabagra, Talamanca Cabécar, Kékoldi), Cabécar (in Alto Chirripó, Tayni, Talamanca Cabécar, Telire and China Kichá, Bajo Chirripó, Nairi Awari and Ujarrás), Brunca (in Boruca and Curré), Ngöbe (in Abrojos Montezuma, Coto Brus and Conte Burica, Alto de San Antonio and Osa) and Brörán (in Térraba). The Chorotega in Matambú make up the eighth people and are of Mesoamerican origin. According to the 2010 National Census, just over 100,000 people are recognized as Indigenous in the country.<sup>1</sup>

Although the 24 Indigenous territories cover 7% (3,344 km<sup>2</sup>) of the national territory, a large part of this has been invaded by non-Indigenous occupants: 52.3% of the Bri bri area in Kékoldi, 53.1% in Boruca (Brunca territory), 56.4% in Térraba (Brörán people), 58.7% in Guatuso (Maleku people) and up to 88.4% in Zapatón (Huetar territory).<sup>2</sup>

Twenty percent (20%) of Costa Rica's population lives below the poverty line but, in the case of Indigenous Peoples, the figures are alarming: Cabécar, 94.3%; Ngöbe, 87%; Brörán, 85.0%; Bri bri, 70.8%; Brunca, 60.7%; Maleku, 44.3%; Chorotega, 35.5%; and Huetar, 34.2%.<sup>3</sup>

Costa Rica ratified ILO Convention 169 in 1993 and incorporated recognition of its multicultural character into the Political Constitution of the Republic. Even so, the Special Rapporteur on the Rights of Indigenous Peoples indicates that: "Although article 1 of the Constitution [...] stipulates that Costa Rica is a multi-ethnic and multicultural State, it does not recognize the existence of the Indigenous Peoples."<sup>4</sup>

Indigenous Law 6,172 of 1977 recognized the Indigenous organizations and established the legal status of Indigenous Peoples, together with mechanisms to prevent the appropriation of land by non-Indigenous persons and procedures and funds for expropriation and compensation. Nevertheless, this

law had still not been implemented by 20 December 2023.<sup>5</sup> Quite the contrary, the State has tolerated the invasion and dis-possession of Indigenous lands by local landowners and politi-cians. Indigenous organizations have been demanding regular-ization of the land for decades. The delay in the studies and the lack of political will to address the problem has led to a land re-covery movement that has been evicting squatters since 2011.

A regulation subsequent to the Indigenous Law imposed a concept on the Indigenous Peoples that is alien to their tradi-tional power structures: the Integral Development Associations (ADI). These bodies are under the supervision of the National Directorate for Community Development (DINADECO), an en-tity that does not have the capacity to understand Indigenous rights or to implement an intercultural approach. For the Spe-cial Rapporteur, Francisco Calí Tzay, "as imposed State institu-tions that report to the executive branch, [they] are not suited to guaranteeing representation for Indigenous Peoples, which have their own system of government."<sup>6</sup>

The Indigenous organizations that do enjoy legitimacy and act to defend their rights include the *Mesa Nacional Indígena de Costa Rica (MNICR)*, the *Frente Nacional de Pueblos Indígenas (FRENAPI)*, the *Red Indígena Bribri y Cabécar (RIBCA)*, the *Asociación Ngöbe del Pacífico*, the *Asociación Regional Aborigen del Diques (ARADIKES)*, the *Foro Nacional de Mujeres Indígenas de Costa Rica (INAMU)*, the *Movimiento Indígena Interuniversi-tario (MIIINTÜ)* and the *Coordinadora de Lucha Sur Sur (CLSS)*, a federation of Indigenous Peoples' organizations and peasant associations.

**N**umerous barriers to the self-determination of Indigenous Peo-ple still persisted in 2024. "The Ombudsman's Office has ex-posed the critical situation of the rights of Indigenous Peoples in Costa Rica, denouncing the constant exclusion, lack of visibility and discrimination, the result of the omissions and actions of public insti-tutions (...) Indigenous Peoples' access to justice is still pending since

there is a long road of ignorance, omissions and non-compliance on the path between legislative recognition and practical implementation.”<sup>7</sup>

The draft Law on the Autonomous Development of Indigenous Peoples of Costa Rica, tabled in 1994, reached its 30-year anniversary without being enacted by any administration. “Its outdatedness merits a new version that recognizes the rights enshrined in the Declaration on the Rights of Indigenous Peoples and ILO Convention 169.”<sup>8</sup> Among other examples of the violation of rights and lack of visibility of Indigenous Peoples is the fact that the National Institute of Statistics and Census has still not published any data on the Indigenous population, despite two years having passed since the 2022 Costa Rica census was published. The Costa Rican state is violating the rights of Indigenous Peoples by omitting to publish specific disaggregated data on the populations of and languages spoken in each of the 24 Indigenous territories. “The 2022 Census data relating to Indigenous Peoples cannot be found on any platform or in any consultable database.”<sup>9</sup>

Worth highlighting, however, is the notable exception of the State University Higher Education System (SESUE) and its coordinating constitutional body, the National Council of Vice-Chancellors (CONARE),<sup>10</sup> which celebrated its 50<sup>th</sup> anniversary in 2024. There is a real cultural sensitivity on the part of several state university faculties, and this is reflected in a solidarity with and commitment to the important territorial struggles of the Indigenous Peoples of Costa Rica.<sup>11</sup> This solidarity can be seen in the research and social action being undertaken by lecturers and students, in collaboration with Indigenous communities. The 2024 Declaration of the National Council of Vice-Chancellors (CONARE) was entitled “Public Universities with Indigenous Peoples”.<sup>12</sup>

## **Murder of Indigenous leader Sergio Rojas Ortiz: final judicial closure**

2024 also marked the enshrinement of historic impunity for the murderers of Indigenous individuals and environmentalists in Costa Rica. On 8 January, the Criminal Court of the First Judicial Circuit of the Southern Zone issued its final dismissal in favour of the two men charged with the murder of Indigenous leader and land recovery activist, Sergio Ro-

jas Ortiz, alleging that the evidence gathered did not meet the balance of probability necessary for a trial.<sup>13</sup>

The United Nations (UN) deeply regretted<sup>14</sup> the final judicial closure of the case that had been opened on the 2019 murder of Bri bri leader, Sergio Rojas Ortiz,<sup>15</sup> and expressed its concern at the lack of relevant and comprehensive application of the principles of intercultural access to justice in the investigations. It also stressed the urgency of triggering the necessary legal mechanisms to ensure that investigations are resumed as soon as possible to prevent the case from going unpunished.<sup>16</sup>

Indeed, the closure of the case has generated a sense of impunity within the Indigenous territories.<sup>17</sup> There was an upsurge in violence towards the recovered communities in southern Costa Rica: insults and verbal threats in Salitre and China Kichá, as well as criminal arson in Crún Shürin. During March and April, the Brörán population had to combat the intentional burning of some 200 hectares of forest, reforested area, pastures and crops on the recovered Crún Shürin farm.<sup>18</sup>

Paradoxically, in 2024, the Costa Rican government institutionalized 9 August, International Day of the World's Indigenous Peoples, as a national celebration. On this very day, the UN urged the State to get justice done and promptly resolve the murders of Indigenous leaders, as well as speed up the implementation of the recommendations of the Special Rapporteur on the Rights of Indigenous Peoples.<sup>19</sup>

## **Impunity for the murderer of Indigenous leader Jehry Rivera**

On 19 August, the second trial of the perpetrator of the murder of the leader of the Brörán people of Térraba, Jehry Rivera, began in the Criminal Court of Pérez Zeledón.<sup>20</sup> The confessed murderer of the Indigenous leader was originally convicted in 2023 before being released due to a mis-trial.<sup>21</sup> In this retrial, the prosecutor recounted how Jehry Rivera was struggling, with men holding him from behind, when he was shot three times in the back.<sup>22</sup> Nevertheless, the judges acquitted Juan Eduardo Varela Rojas of the crime of aggravated homicide, arguing that neither the statements nor evidence proved the case of either the Prosecutor's Office or the plaintiff.<sup>23</sup>

The Ombudsman's Office<sup>24</sup> vehemently called on the State to combat impunity and prevent the escalation of violence within Indigenous territories.<sup>25</sup> Outraged, more than 900 people and national and international organizations signed a public vote of censure against the Court for acquitting the confessed murderer.<sup>26</sup> According to Indigenous Ngöbe leader<sup>27</sup> Zeidy Brukwa:

*Here, those of us who defend the right to live well, to the land, to natural resources, to those who defend Mother Nature (...), can be assassinated and nothing happens in this country, a country that is a model of democracy at the international level.*<sup>28</sup>

The UN urged Costa Rica not to let the murders of Jehry Rivera and Sergio Rojas Ortiz go unpunished, regretting that the judicial processes had not led to the punishment of the material and intellectual authors of these crimes, and called on the country to urgently take the necessary action to prevent further acts of violence against the integrity of Indigenous Peoples and their territories.<sup>29</sup> Unfortunately, no action appears to be envisaged by the State in this regard.<sup>30</sup>

## **Costa Rican Indigenous youth: continuity of an absence<sup>31</sup>**

The scarcity of available information on Indigenous youth in Costa Rica confirms that "the continued absence of Indigenous youth from Costa Rican institutions is evident, regrettable and worrying".<sup>32</sup> In a study on Indigenous youth in Costa Rica,<sup>33</sup> the authors note:

*In more than 30 institutional contexts, there is no possibility of discussing the citizenship conditions of Indigenous youth since this population is not conceived of as such; the regulatory silence in this regard is a visible sign of the work that remains to be done to include Indigenous youth as active citizens in the youth of today's 21<sup>st</sup> century.*

*The predominant absence of Indigenous youth as a distinct element of the population is evidence of the poor effect that the focus on ethnicity and the critical discussions on raciality have had on the legislative framework on youth in Costa Rica.<sup>34</sup>*

They further note that laudable efforts such as the Public Youth Policies 2014-2019 and 2020-2024 have not been able to overcome this fact.<sup>35</sup>

The authors of this important exploratory study conclude "that much more state and inter-institutional work is needed to achieve conditions of youth citizenship that are truly favourable to the young Indigenous population of Costa Rica".<sup>36</sup> The research revealed:

*(...) a negative reality based on a sustained disregard for young Indigenous citizens; this demonstrates the urgency of expanding the margins of understanding of youth with a broader ethnic perspective. (...) To be a young Indigenous person is a condition that cannot continue to persist in the regulatory silence and continuity of its absence.<sup>37</sup>*

Two years after this publication, in July 2024, the Ombudsman's Office issued a special press release<sup>38</sup> stating that:

*Costa Rica has excluded Indigenous children from the National Policy for Children and Adolescents (2024-2036).<sup>39</sup> This represents a flagrant violation of the best interests of Indigenous children, their rights to equality and non-discrimination, and their rights to participation, survival and development, among others. The Ombudsman's Office has requested that the Constitutional Chamber declare the agreements of the Council for Children and Adolescents to be in violation of the law, and order the immediate implementation of a consultation process with the children and adolescents of the 24 Indigenous territories, thus guaranteeing the inclusion of their needs and aspirations into the National Policy for Children and Adolescents and in their action plans.*

## Intergenerational resilience on Talamanca Indigenous territories

A decade ago, a sharp increase was observed in the rate of suicide among young people in the Indigenous communities of Talamanca. “In 2014, in the canton of Talamanca, a cantonal emergency was declared due to the problem of suicide among the young population (...). Against this backdrop, research entitled *Psychosocial analysis and development of community actions to address and prevent suicide among Indigenous Bribri youth* was undertaken as a social action project of the University of Costa Rica.”<sup>40</sup> The main conclusion identifies a weakening of cultural identities and subjective construction in the Bribri Indigenous territory. The research also enabled us to conclude that linking and strengthening these cultural aspects would form a way of resisting and addressing this problem.

In this sense, the Talamanca Cantonal Commission to Address the Risk of Suicide responded with a valuable document<sup>41</sup> inspired by the stories and wisdom of the Bribri elders who wanted to contribute to the resilience of youth by valuing their culture. *Historias de resistencia Bribri* recounts the creation of the Bribri people according to their own world vision.

## Indigenous youth in university classrooms

On a more optimistic note, it is important to highlight the fact that, despite several factors of structural exclusion, the number of Indigenous students in Costa Rica's state universities continues to grow. The trend shows that the percentage of Indigenous women attending university (64.7%) is higher than that of Indigenous men (31.4%).<sup>42</sup> For a decade, the State University of Distance Education (UNED Costa Rica) has been offering, free of charge, the programme “Technician in Local Management for Indigenous Peoples”, based around the cultural, social and political relevance of an Indigenous perspective. Indigenous graduates of this programme become professionals with the leadership skills to foster social research within their own Indigenous communities and strengthen community initiatives of good governance and good living.<sup>43</sup>

The book *Voces Indígenas* is an inspiring compilation of life stories of Indigenous women and men, providing exemplary accounts of those who have decided to access distance higher education.<sup>44</sup>

Finally, it is important to mention the Jirondai Project, a project that has since 2005 been facilitating and accompanying artistic creation processes with Indigenous people of different generations, combining electronic music with ancestral songs and traditional music.<sup>45</sup> The Jirondai Project represents an immense contribution to the memory of culture, and acts as an amplifier of the voices of Indigenous artists.

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# Ecuador



According to the National Institute of Statistics and Census (INEC), the current population of Ecuador stands at 17,966,573.<sup>1</sup> There are 14 Indigenous nationalities in the country, accounting for some 1,301,887 people. They are grouped into different local, regional and national organizations and represent 7.7% of the total population. Indigenous nationalities and peoples live mainly in the Highlands (68.2%), followed by the Amazon (24.06%), and, to a lesser extent, along the coast, where only 7.56% live. The following Indigenous nationalities were included in the 2022 census: Tsáchila, Chachi, Epera, Awa, Kichwa, Shuar, Achuar, Shiwiar, Cofán, Siona, Secoya, Zápara, Andoa and Waorani. The Kichwa nationality accounts for the highest percentage of members (85.87%) and includes some 800,000 individuals nationwide. Despite the low percentages of most of the nationalities, however, all enjoy the same importance within the framework of a Plurinational State. In the highland provinces, such as Tungurahua and Pichincha, and in the Amazonian provinces of Napo and Morona Santiago, there is also a significant percentage of Indigenous people living in rural areas, ranging from 50,000 to 80,000 inhabitants. However, 17 years after the Constitution came into force, and more than two decades after ILO Convention 169 was ratified in the country, there are still no clear, specific public policies to prevent and neutralize the risk of the disappearance of these ancestral peoples.

The situation of Ecuador's Indigenous Peoples and nationalities has been directly affected by the country's negative political, economic and social situation. 2024 was a good year for the powerful economic and political elite – to which President Daniel Noboa belongs – but one of enormous social and economic decline for the vast majority of the popular sectors.<sup>2</sup> This was the result of the continuing and radical neoliberal economic and political model established since the administration of Lenín Moreno in 2017.<sup>3</sup>

Alongside an economic recession, this has meant that the economic and social rights of Indigenous Peoples have been severely af-

fected. Although there have been some positive macroeconomic factors, such as record migrant remittances (close to USD 5 billion),<sup>4</sup> loans from the International Monetary Fund (IMF) and rising oil prices, these resources have never been channelled into development or economic growth. Alongside this, external debt has increased considerably to USD 85 billion.<sup>5</sup>

According to Marco Flores, former Minister of the Economy, treasury revenues have been almost exclusively devoted to meeting the demands of foreign debt bondholders and the International Reserves, as part of the IMF requirements.<sup>6</sup> This has led to a paralysis in public investment and a lack of health, education and security infrastructure.<sup>7</sup>

This situation is compounded by the central government's debts to local governments and basic providers, for example in the health sector. Maintenance of the basic energy, hospital, school and road infrastructure has been neglected. The result is plain to see: not only did the economy not grow in 2024, it contracted. Current indicators are not only the worst since the pandemic but the most negative since the banking crisis of the late 1990s.<sup>8</sup>

It is against this backdrop that a circle of power with no social vision has been consolidated, one that favours business with the State and promotes the privatization of public goods and services under the tutelage of the IMF.

In the social sector, this disinvestment has resulted in a crisis in health and education. There are no medicines or basic supplies in hospitals and health centres, and more than 200,000 children have had to drop out of school. Another 100,000 young people have likewise been unable to access university.

In sum, this panorama reflects a total collapse in the State's capacity to provide basic services.<sup>9</sup> And this has been felt more severely in the rural sectors and among the Indigenous communities of the Highlands and the Amazon region, who depend greatly on such provision.

## **Economic and social crisis and violations of economic and social rights**

In such a scenario, the country's social outlook is discouraging: Low wages and labour market flexibility plus unemployment and underemployment affecting 70% of the population (the highest rate in the last

17 years), with 5.2 million people outside of the labour market. Although the Economic Survey of Latin America and the Caribbean 2024 by ECLAC states that there are social improvements in Latin America, the Ecuadorian reality contradicts this assessment.<sup>10</sup>

According to official figures from INEC, as of December 2024, income poverty had reached 28%, representing an increase of two percentage points over the previous year, and marking the highest level since the pandemic. Extreme poverty had also grown, from 9.8% in December 2023 to 12.7% just a year later.<sup>11</sup>

Currently, more than seven million Ecuadorians are living in poverty and, of these, 2.3 million are in extreme poverty, surviving on less than 70 cents a day. With the increase in VAT, these families have no margin for manoeuvre and are forced to reduce their consumption of food and essential goods. In the medium term, this situation could lead to a rise in child malnutrition and greater insecurity.<sup>12</sup>

In the case of Indigenous communities, extreme poverty affects between 80% and 90% of families in the highland Kichwa communities of Bolívar and Cotopaxi provinces, as well as several Shuar centres of population in Morona-Santiago in the Amazon.<sup>13</sup>

## **Security crisis, criminalization and racism**

Violence in Ecuador has reached a critical level. Two mayors of areas where mining activities are taking place have been murdered and the country has experienced 15 states of exception since 2021. In less than eight years, Ecuador has gone from being the second safest country in Latin America to one of the most violent in the world.<sup>14</sup>

In January 2024, the government declared the existence of an "internal armed conflict", its justification being the need to combat 22 Organized Crime Groups (OCGs). Alongside this, it continued to declare states of exception, which it describes as part of a "Phoenix Plan" the existence of which several human rights organizations have questioned. Despite the militarization, homicide numbers are not declining, and the truce seems more like a criminal withdrawal than a victory.

2024 marked Ecuador's second consecutive year of high rates of violence, with a homicide rate of 38.8 per 100,000 inhabitants. As for robberies, 61,504 cases were reported between January and November 2024 alone.<sup>15</sup> January 2025 became the most violent month in the

country's history, however, with more than 700 murders.<sup>16</sup>

According to reports from the Alliance of Organizations for Human Rights, the government has used states of exception to repress and criminalize specific groups under the pretext of security. One example of this are the Indigenous communities, historically marginalized, who are more vulnerable to an abuse of power. Such was the case of the arbitrary detention of Indigenous guards from the Kichwa community of San José de Wisuya, in Putumayo, Sucumbíos Province, in northern Amazonia. On 24 January 2024, these community members were arrested, without evidence or legal justification, and denied access to legal representation. The constitutional principle of the presumption of innocence and their Indigenous status, granted to them by the Constitution, were violated.<sup>17</sup>

Between 8 January and 20 February 2024, the Attorney General's Office (FGE) reported more than 10,000 arrests; however, only 5% (494 people) resulted in a legal process which, according to Human Rights Watch, suggests that the militarization of the country is prioritizing number of arrests over guaranteeing justice to justify the use of force and the purchase of repressive equipment.<sup>18</sup>

One emblematic case was that of Raúl X, an 18-year-old unjustly imprisoned in the Litoral Penitentiary. Accused without evidence, his story reveals how poverty and structural racism facilitate the criminalization of racialized youth, perpetuating State violence and mass incarceration.<sup>19</sup>

The most shocking case, however, was the disappearance, torture and death of Josué Arroyo, 14 years of age; Ismael Arroyo and Saúl Arboleda, 15 years of age; and Steven Medina, just 11 years of age. These Afro-Ecuadorian children and adolescents, who lived in the poor neighbourhood of Las Malvinas, in southern Guayaquil, were arbitrarily detained by 16 soldiers as they were returning home from playing football. They were subsequently taken to the military barracks where they were tortured and killed.<sup>20</sup>

On the very last day of 2024, an anthropological and DNA examination identified the charred bodies of the four boys detained by the military patrol the previous 8 December. After torturing and killing them, they had been doused in petrol and set on fire, their bodies subsequently thrown in the Taura River, 16 kilometres from their place of arrest in Guayaquil.<sup>21</sup> The news shocked the whole country because, only that very day, a judge had ordered the preventive detention of the 16 soldiers

in the patrol, accused of forced disappearance. Now the crime for which they will be prosecuted is that of extrajudicial execution.

According to the Confederation of Indigenous Nationalities of Ecuador (CONAIE):

*The case of the four children in Guayaquil is a chilling example of the systematic violence promoted by the State under the government of Daniel Noboa (...). Forced disappearances and extrajudicial executions are direct violations of human rights, barbaric acts perpetrated by a government that acts with indifference, laziness and cowardice, prioritizing electoral calculations and interests over the protection and welfare of the people (...). Daniel Noboa's silence in the face of this tragedy is unacceptable. Security policies have failed; organized crime, mafias and drug traffickers continue to operate with impunity. Meanwhile, the police and armed forces are perpetuating a cycle of violence that disproportionately affects vulnerable communities, victims of an abuse of power, racial discrimination and systematic abuse.<sup>22</sup>*

It is, however, important to remember that Noboa's decreed "internal war" is the legitimate result of a strategy to militarize public security, a strategy that was ratified by the people in the 21 April referendum. In that consultation, a majority of the population supported the nine questions regarding repressive responses to criminal violence. In other words, as Franklin Ramírez Gallegos, professor at the Latin American Faculty of Social Sciences (FLACSO), points out: "(...) there has been a certain social legitimization of these practices. Society somehow accepted this strategy of a 'Bukelization' [a reference to El Salvador's crackdown on gang warfare by President Bukele] of war, of punitive punishment and an iron fist."

## **The failed attempt to set up prisons in Indigenous Amazonian territories**

In the context of its "internal armed conflict", the Noboa government has scaled up the construction of maximum-security prisons, claiming

that this will clean up the penitentiary system dominated by drug cartels and organized crime. To this end, the government intended to build a maximum-security prison in the Kichwa territories of Pastaza, first in the San Jacinto Commune and then in the Association of the Kichwa People of Santa Clara.

In both cases, the organization of the Kichwa nationality of Pastaza rejected the government's intentions. In a press release dated 9 January 2024, the Pastaza Kikin Kichwa Runakuna (PAKKIRU) stated:

*(...) we reject the construction of the maximum-security prison in the province of Pastaza announced by the Ecuadorian government. We call for the formation of a civic front with social actors, prefect, mayors, parish councils, civil society and the nationalities of the province of Pastaza to jointly promote the defence of our province from the construction of the maximum-security prison.<sup>23</sup>*

In the same vein, through a press release dated 11 January 2024, the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE) reiterated its rejection of this project, considering that "it will only increase crime and insecurity rates" in the sector. José Esach, president of the organization, argued that this was not the promise made during the electoral campaign of now President Daniel Noboa. "Wasn't he going to build prisons on barges in the middle of the sea? Wasn't that it? I never heard: 'it is going to be built in the Ecuadorian Amazon'," he stated.<sup>24</sup>

The government subsequently attempted to establish the project in the canton of Santa Clara where it was again rejected by the population and local Indigenous organizations.<sup>25</sup> In no case, according to Luis Canelos, president of the Kichwa Nationality of Pastaza PAKKIRU, did the government inform or promote an adequate process of prior consultation regarding the prison project. On the contrary, it was the secrecy and lack of information that resulted in its rejection.

In June 2024, the Executive insisted on its proposal and signed a contract for USD 52 million with the company *Puentes y Calzadas Infraestructuras*, a subsidiary of the China Road and Bridge Corporation, to build the so-called Encuentro Prison in Santa Elena. With a capacity of 736 inmates, the project was 30% complete by October 2024. The

*Servicio Nacional de Atención Integral a Personas Adultas Privadas de la Libertad y a Adolescentes Infractores* (Prison Service/SNAI) subsequently awarded a contract for the construction of a similar centre in Archidona, also for 52 million and with a term of 300 days. The process was nonetheless handled behind closed doors, generating uncertainty and resulting in rejection by the population.<sup>26</sup>

Since August 2024, the inhabitants of Archidona and the Indigenous organizations have rejected the construction of the prison, denouncing the lack of prior consultation and the impact on local security. On 3 December, led by Mayor Amanda Grefa and the leaders of the Federation of Indigenous Organizations of Napo (FOIN), and with the support of PAKKIRU in Pastaza and CONFENIAE, protests and road blockades began that left the provinces of Napo, Orellana and Sucumbíos cut off for 15 days.

Among their concerns were the proximity of the prison to four schools with 4,000 children, an increase in extortion and violence, and the impact on tourism and commerce.

On 11 December, the National Assembly approved a resolution by 95 votes urging President Daniel Noboa to suspend the work. As we go to press, the government's decision to build the prison in Napo has been suspended indefinitely.

## **Repression and violence around the La Plata mining project in Palo Quemado**

The La Plata mining project, located in the Palo Quemado parish, has resulted in a conflict marked by State repression, the criminalization of protest and the use of paramilitaries to intimidate the population. Despite the constitutional obligation to conduct prior consultations, the mining company and the State have ignored this requirement and have tried to impose a "socialization" of the project without legitimacy.

Since 7 March, armed groups linked to the government have been denounced by peasants opposed to the mining. On 11 March, the paramilitary Raúl Bayas Villacrés, together with the *Confederación de Juntas de Defensa del Campesinado del Ecuador*, entered the area with his group, assaulted peasants and promoted the legal persecution of 72

community members, accusing them of “terrorism” with the support of the Attorney General’s Office.

On 18 March, a platoon of 500 police and military arrived in Palo Quemado to protect the mining facilities and ensure the “socialization” of the project at a meeting in which only 70 people participated, despite the fact that the community is home to 270 families. The militarization generated fear among the villagers, who denounced the presence of repressive forces as a violent provocation.<sup>27</sup>

On 19 March, the repression intensified with the establishment of four military checkpoints restricting the mobility of the community members. According to the Ecumenical Human Rights Commission (CEDHU), at least 15 peasants were injured, seven of them seriously, with burns and wounds caused by rubber bullets, pellets and tear gas.

On 26 March, State violence left one more person seriously injured: Mesías Robayo Masapanta, who was shot in the face with pellets that fractured his jaw and cheek bone.<sup>28</sup>

In the midst of the escalating violence, the Mayor of Sigchos, Oscar Monge, filed a protective action with precautionary measures to try and suspend the project’s environmental consultation. Judge Darwin Danilo Paredes admitted the case and ordered the provisional suspension of the consultation, in addition to the withdrawal of the National Police and the Armed Forces from the area.<sup>29</sup> Despite the court order, the government reacted with hostility. General Jaime Patricio Vela Erizo, Chief of the Joint Command of the Armed Forces, declared from the Government Palace that the protests in Palo Quemado were “terrorist acts”, justifying the repression against the peasants and ignoring the violations of human rights.<sup>30</sup>

The conflict in Palo Quemado is not an isolated case. In other regions, such as Zamora Chinchipe, Imbabura, Orellana and Pastaza, extractive companies have used similar tactics, including the use of paramilitary groups, to intimidate the population. These events reveal a systematic pattern of State and corporate repression against communities resisting mining and oil expansion.<sup>31</sup>

Despite the suspension of the environmental consultation and the order to withdraw the repressive forces, Daniel Noboa’s government is continuing to promote mining with the support of armed groups, criminalizing protest and violating the rights of the communities.

Leonidas Iza, president of CONAIE, warned:

*It is clear that Noboa and his government are not fighting insecurity. With 137 murders during the last Easter holiday, where was the President of the Republic? He is not trying to combat insecurity but rather to combat popular organizations, peasants and Indigenous people. Everything he does is aimed at consolidating the neoliberal project, which is inhumane and impoverishing (...) It would be no surprise if they were building [alleged] links with drug trafficking. They will surely do it. They have a fascist attitude.<sup>32</sup>*

It is in this context that Noboa is digging down on his authoritarian tendencies: he intervenes with powers, criminalizes adversaries and erodes the rule of law, all while acting more like a candidate than a president. He responds to an oligarchic tradition with a proclivity to authoritarianism, whereby politics is seen as an instrument of domination rather than of dialogue. He has been able to capitalize on the growing social demand for strong leadership, reflected in polls that indicate a preference for authoritarian government models. However, in a framework of Manichean manipulation between Correism and anti-Correism (supporters and opponents of former President Correa), there seems to be no way out of the economic, social, energy, political and security crises. Ecuador's immediate future poses complex challenges with a high likelihood of new cycles of social protest. The outcome of these will depend on the continuity or not of the neoliberal and authoritarian policies.

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# Guatemala



By the year 2023, the population of Guatemala is projected to reach 17.6 million,<sup>1</sup> of which 43.75% are Indigenous, belonging to the Mayan peoples (Achi', Akateco, Awakateco, Chalchiteco, Ch'orti', Chuj, Itza', Ixil, Jacalteco, Kaqchikel, K'iche', Mam, Mo'pan, Poqomam, Poqomchi', Q'anjob'al, Q'eqchi', Sakapulteco, Sipakapense, Tektiteko, Tz'utujil and Uspanteko), as well as the Garífuna, Xinka and Creole or Afro-descendant peoples.

The Political Constitution of the Republic of Guatemala recognizes the existence of Indigenous Peoples and defines the country as a multicultural society. Despite having ratified international agreements on the rights of Indigenous Peoples, however, in practice there is a wide social, economic and political gap between Indigenous and non-Indigenous peoples. For example, the State spends USD 0.4 per day on each Indigenous person and USD 0.9 per day on each non-Indigenous person.<sup>2</sup> In turn, poverty affects 75% of Indigenous and 36% of non-Indigenous people,<sup>3</sup> while chronic malnutrition affects 58% of Indigenous people compared to 38% of non-Indigenous people.<sup>4</sup> In terms of political participation, Indigenous people account for no more than 15% of members of parliament and high-ranking public officials.

Although the country has signed up to international instruments such as ILO Convention 169 (approved with constitutional status in 2010), the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the UN Food and Agriculture Organization's (FAO) Policy on Indigenous and Tribal Peoples, their implementation continues to present bureaucratic hurdles and legal barriers that hinder progress in the elimination of colonialism and discriminatory practices against Indigenous Peoples.

## The long process to defend democracy

**2**024 began with uncertainty surrounding the inauguration of the new governmental authorities (president and vice-president, members of Congress and municipal councils) that won the 2023 elections. The Public Prosecutor's Office continued its legal persecution of President-elect Bernardo Arévalo and his political party, *Movimiento Semilla* (Seed Movement), alleging fraud and other electoral crimes, the same arguments used by the so-called “*Pacto de Corruptos*” (Corrupt Pact), made up of a number of politicians, businessmen and public officials who have openly opposed the fight against impunity and corruption.

The popular, Indigenous, peasant, urban, academic and student sectors continued their mobilization to demand respect for the electoral results. Thanks to popular pressure, finally, and in the midst of a chaotic situation, the Congress of the Republic was able to swear in the new president in the early hours of 15 January, without the presence of the outgoing president.

Throughout the year, the new government continued to face attacks from the “*Pacto de Corruptos*”, with interests representing this group managing to block the implementation of any significant change in the fight against corruption, the main agenda item of the new administration. Despite pressure from the general public, constitutional reasons meant that it was not possible to remove the head of the Public Prosecutor's Office, nor was it possible to remove those judges accused of being anti-democratic. This gradually wore the government down and ended up limiting its capacity to meet its electoral promises.<sup>5</sup> In November, after a long process, the new Supreme Court of Justice and Court of Appeals were finally established.

The following can be cited as some of the main achievements of this first year of government: the construction of 11 health centres, the social voucher for 100,000 families, the rebuilding of 10,000 State-run schools, the peasant voucher, and the formulation of a National Youth Policy and National Irrigation Policy, albeit with little progress in overcoming social inequalities.<sup>6</sup>

Despite being a minority in the Congress of the Republic and being legally suspended, something that prevented it from being able to form working commissions, the governing *Movimiento Semilla* party

managed to establish alliances with the other parties that enabled the approval of 35 laws, among them the Competition Law, the Budget 2025, the election of Magistrates to the Supreme Court of Justice and Court of Appeals, the Priority Highway Infrastructure Law, the National Civil Police Law and a Law declaring the National Day of Indigenous Languages.<sup>7</sup>

## Situation of Indigenous youth

The ethnicity of the youth population is 39.9% Mayan, 1.1% Xinka, 0.2% Garífuna, 0.1% Afro-descendant and 58.6% non-Indigenous (*Ladinos*).<sup>8</sup> Indigenous youth seem to be showing an increased interest in their ethnic self-recognition, spurred on by a greater presence on social media. The situation of Indigenous youth is even more precarious due to the discrimination and structural racism prevalent in Guatemalan society. According to the Youth Survey 2023, prepared by the U.S. Agency for International Development (USAID) and World Vision, published in 2024, there are notable differences between the highest levels of education achieved by young people according to their ethnicity: primary stands at 42.2% among Indigenous and 17.2% among non-Indigenous; lower secondary, 25.6% among Indigenous and 29.4% among non-Indigenous; higher secondary, 23.2% among Indigenous and 42.4% among non-Indigenous; and university, 5.5% among Indigenous and 10.3% among non-Indigenous. These significant differences are also present in terms of access to health, technology and digital connectivity, reflecting the different socio-economic conditions of the two groups.<sup>9</sup>

Given the lack of opportunities in Guatemala, Indigenous youth have been forced to migrate to the country's urban centres or undertake long and risky journeys abroad, especially to the United States. Of these young migrants, 27.6% are Indigenous,<sup>10</sup> which has resulted in a loss of the social fabric, community ties, Indigenous cultural identity, native languages and ancestral knowledge, despite efforts made by migrant communities to preserve their identity and connection with the territory by supporting the development of their communities of origin.<sup>11</sup>

In turn, Indigenous youth become vulnerable to the pressures of consumer culture, gangs, drug trafficking, human trafficking and other forms of violence.

## **Farruko Pop's murder: discrimination against a young Indigenous artist**

On 25 May, the murder of Sebastián Pop, better known as *Farruko Pop*, a young Mayan Q'eqchi' man, 18 years of age, from the department of Izabal, was reported in Guatemala City. *Farruko Pop* had gained notoriety as a singer and creator of digital content for social media. His death has been linked to practices of discrimination and racism, since the perpetrators took advantage of his poor command of the Spanish language (he was often mocked for it), in addition to the fact that he was unaware of the risks of living in and travelling around the city. *Farruko Pop* faced ethnic prejudice and his aspiration to grow in the artistic world was played out against a backdrop of inequality, something common for Indigenous youth.<sup>12</sup> Like him, thousands of young Indigenous people see their dreams of becoming artists, professionals or athletes dashed, as they are quickly subjected to discrimination and racism, mocked for their names, the way they speak or the colour of their skin. The expression "you look like an Indian" is a widely used pejorative to disqualify the dreams of Indigenous youth.

## **Discrimination and violence against young Indigenous women**

Young Indigenous women feel safer and more integrated in their communities of origin but, outside, when they migrate for work or study, they face discrimination, racism and violence. In Guatemala City and other urban centres around the country, young Indigenous women are exploited in domestic jobs and tortilla factories, while men are employed in construction, private security and informal trade, where they work long hours, earning less than the minimum wage and without social security.<sup>13</sup> In the cities, young Indigenous women are not only exploited for labour but also suffer violence and are easy prey for organized mafias.

Young women are more vulnerable to sexual and domestic violence. Between July 2023 and June 2024, the Public Prosecutor's Office reported 47,871 complaints for crimes committed against women, while in 2023 there were 4,553 criminal sentences handed down such

crimes.<sup>14</sup> As a result of sexual violence, poverty and a patriarchal culture, Indigenous and non-Indigenous young women face problems of early pregnancy. Every day, 176 girls and adolescents between the ages of 10 and 19 become mothers<sup>15</sup> and this has a strong effect on their physical and mental health, as well as on their future employment, education and family.

## Youth policies and programmes

Both the government and cooperation agencies are designing different strategies to alleviate the problem and promote development options for young people. The Youth Survey 2023<sup>16</sup> is an effort to understand the situation of youth, their aspirations and needs, as an input for the design of policies and programmes that can contribute to their comprehensive development. At the same time, the National Institute of Statistics has published the Statistical Compendium with a Focus on Youth,<sup>17</sup> and the Ministry of Social Development has published an updated version of the National Youth Policy 2024-2040.

For their part, various social groups and non-governmental organizations are implementing projects in favour of youth. One of the main objectives is to increase opportunities for young people in education, political training, organization, self-management, economic alternatives and the fight against violence.<sup>18</sup> Through these efforts, it is hoped that young people will have better opportunities for decent jobs, improve their income, increase their social and political participation, take back ownership of their ancestral Indigenous culture and develop skills in different fields, such as art, culture and sports. It is hoped that, with better living conditions, young people will be less vulnerable to international migration and pressure from organized crime.

Among the commemorative activities for the International Day of the World's Indigenous Peoples, the Congress of the Republic implemented a process recognizing the young talent among Indigenous Peoples. On this occasion, they presented awards to five outstanding young Indigenous people from the country who had excelled at the national and international levels. Through their initiatives, these young people are contributing to the development, cultural revitalization and exercise of the rights of Indigenous Peoples.<sup>19</sup>

## Autonomy and political participation

The Youth Survey 2023<sup>20</sup> indicates that most young people make decisions about work, study, religion, marriage and political participation, although parental influence is still prevalent. Many young people, especially women, often take on the care of their parents or elderly and sick relatives.

During 2024, Indigenous youth participated in community and national politics. In many communities, young people have to fulfil the positions to which they are appointed (*kax kol*, in the K'iche' language). Increasingly, communities are choosing to appoint young people with a higher level of education to important positions (Indigenous mayors, secretaries). From these spaces, young people are involved in the struggle for the rights of Indigenous Peoples, such as the defence of territory, cultural preservation and their own organization.

At the national level, in the 2023-2024 political electoral process, young people played a leading role in defending democracy, participating in social protests, and making use of social media, which reflects an important generational change in the form of participation. Several Indigenous youth hold positions on municipal councils or in the civil service, and their participation could be greater still if barriers of discrimination, insecurity and education were overcome.

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# Guyana



Indigenous Peoples – or Amerindians as they are identified both collectively and in legislation – number some 78,500 in the Co-operative Republic of Guyana, or approximately 10.5% of the total population of 746,955 (2012 census).<sup>1</sup> They are the fourth largest ethnic group, East Indians being the largest (40%), followed by African Guyanese (29%) and self-identified “Mixed” (20%). The Chinese, Portuguese and Whites constitute tiny minorities. Amerindians refer to these non-Indigenous people as “coastlanders” since most of them are settled on the coast.

The Amerindians belong to nine Indigenous Nations, based on language. The Warao, Lokono Arawak and Carib (Kariña) live on or near the coast. The Akawaio, Arekuna, Patamona, Makushi, Wapichan and Wai Wai live in Villages<sup>2</sup> scattered throughout the interior. Amerindians form the majority of the population of the interior, in some regions constituting as much as 86% of the population. The forest resources/timber on government-titled Indigenous lands (Amerindian Village Lands) are fully under the managerial authority of the Amerindian title holders according to law, while minerals in the same lands ultimately remain under national government authority. In practice, the political administrations and technical agencies are negligent when enforcing the law. Two Amerindian Village Councils – Isseneru<sup>3</sup> and Chinese Landing<sup>4</sup> – have successfully appealed to the Inter-American Commission on Human Rights for precautionary measures against diminished human rights through continued illegal gold mining and environmental damage, albeit still with no effective government response. The poorly regulated and government-subsidised exploitation of these resources by multinationals, illegal miners and loggers is one of the challenges faced by Indigenous Peoples. Their primary concern is therefore to achieve full recognition and implementation of Indigenous land rights so that they can defend their ancestral territories from this unwanted exploitation.<sup>5, 6</sup>

The Independence Agreement from the United Kingdom (1965) included a land titling process. Recommendations regarding this process from the Amerindian Lands Commis-

sion (1967-1969) have never been fully taken up by successive governments. Requests made for collective district titles have been dismissed, resulting in the fragmentation of traditional territories into small areas under individual Village titles. The Preamble to the Constitution of Guyana recognises “the special place in our nation of the indigenous peoples” and recognises “their right as citizens to land and security and to their promulgation of policies for their communities”.<sup>7</sup> Guyana endorsed the UNDRIP in 2007 and, through its membership of the Organisation of American States (OAS), also the American Declaration on the Rights of Indigenous Peoples in 2016.

## The crushing effect of party-political ‘democratic centralism’

2024 was marked by the government’s ruthless use of the “money tap” to coerce all sectors of society to vote for the incumbent People’s Progressive Party (PPP) in 2025. Tactics include the outright bribery of communities of the Indigenous Amerindian Peoples through ‘gifts’ from various government funds. Villages that express open support for the government receive most of the broadcast amount; Villages that are not so enthusiastic receive much less or long-delayed “gifts”. The public relations company that prepares the daily government propaganda in Guyana seems to have calculated that the continued high rate of emigration of the East Indians who traditionally support the PPP means that other voters need to be secured. The 40,000 East Indian voters who have emigrated will need to be replaced by the entire voting population of Amerindians, also about 40,000, if everyone eligible can be persuaded to vote.<sup>8</sup>

Another side to this story is the open antagonism of the PPP leaders and their factually incorrect accusations against the only voluntary NGO supporting the Indigenous Peoples, the Amerindian Peoples Association (APA). What really annoys the government is that the APA is supported financially by international NGOs in Norway and the USA. Hence the PPP’s desire to have all foreign-funded NGOs government-regis-

tered and -monitored. It is not that the APA is at all political. On the contrary, the APA is extremely careful and consistent to be apolitical. It is a reliable supporter of embattled Amerindian communities. Its financial independence from the reach of the governing party is what really infuriates the PPP, especially in this election year when the Amerindian vote could be decisive.

“...without you asking, we are going to install a cassava mill and we will start it within 14 days right here to service these communities around here.” This statement by President Mohamed Irfaan Ali to the large Amerindian Village of Nappi exemplifies the domineering philosophy of the incumbent PPP government, in power since August 2020.<sup>9</sup> In 2024, the PPP confirmed its continued adherence to the principle of democratic centralism.

Without consultation, the government decided to allocate 26.5 % of the 2024 income from the sale of jurisdictional forest-carbon credits (equivalent to EUR 21.4 million) to 241 Amerindian Village and hinterland communities, almost the same amount as in 2023.<sup>10</sup> These credits, some of the 37.5 million purchased by oil company Hess Corporation from the government, include those attributable to and appropriated illegally by government from the titled lands of Amerindian Villages, some 2.3 million hectares of standing natural tropical rainforest.<sup>11, 12</sup>

Actual amounts disbursed in 2024 were around 90% of the 26.5%, suggesting that the government retained around 10% of the Amerindian share as an undeclared administrative charge, apparently not noticed by the National Toshao Council, the aggregation of elected Village leaders.

Villages with <500 people received up to EUR 71,000; 500 - <1000 people, EUR 114,000; and >1000 people, EUR 166,000. Villages can spend the money only as proposed in the government-specified Village Sustainability Plans, and these are strongly focused on infrastructure and agriculture.

## **The influx of unprecedented money into Amerindian communities in 2023 and 2024**

Together with other government-controlled funds (such as shares in the EUR 1.7 million in Presidential Grants), most Amerindian communities

have received more money than ever before. In the almost complete absence of forward planning, the government insistence on being the decision-maker has resulted in enormously expensive building of rural roads and airstrips of dubious quality and the supply of unsuitable agricultural equipment, in some cases.<sup>13</sup> In other cases, Villages have been able to acquire eco-tourist hostels and centres, obtain bees and beehives, and build shade houses for farms, for which there had not been capital available in past years.

There are numerous complaints about the quality of building work by inexperienced, unqualified and under-equipped but politically well-connected non-Amerindian coastlander contractors. There are even more complaints about the gigantic costs and long delays of even simple construction works. There is no national development strategy or master plan to rationalise this huge spending on infrastructural development. Amerindian protests about poor quality need constantly repeating to counter politically-connected contractors; some protests, like that of the Paruima villagers, succeeded.<sup>14</sup>

In spite of the extra money, as in every year for at least the last decade, the Auditor-General and/or Public Accounts Committee of the National Assembly pointed out the avoidable mismanagement of funds by the Ministry of Amerindian Affairs, including the failure to account for half the money in the Amerindian Purposes Fund.<sup>15,16</sup>

## **Building the human capacity of Amerindian youth**

There are several funds for human capacity building. Twenty percent of the scholarships for the Guyana Online Academy of Learning (GOAL) programme are allocated to Amerindians.<sup>17</sup> The GOAL programme should help to overcome the perennial problem of schoolteacher shortage in Amerindian areas, caused partly by the belief that teachers in Amerindian areas will be overlooked for promotion and partly by the shortage of suitable housing for teachers.

One-hundred and forty-one (141) Villages and communities have received close to EUR 2.85 million to construct information and communications technology (ICT) hubs to enable online courses to be received, with up to EUR 38,000 per hub for construction of a standardised building to accommodate 20 laptop computers loaded with Microsoft

Office software. One-hundred and forty-six (146) hubs were completed in 2024.<sup>18</sup> The internet connections have not been matched by improving or securing regular electric power in the remoter Villages. The government says it lacks money for solar power<sup>19</sup> in spite of long-running projects funded by the Inter-American Development Bank.<sup>20</sup>

In 2024, under the Youth Entrepreneurship and Apprenticeship Programme (YEAP), 124 youths were trained to sew school uniforms, 120 in repairing small farm engines, 110 in driving and maintaining the farm tractors supplied by government, 44 in management of small enterprises, 40 in rural crafts, and 44 in shade house construction and management – 482 in total.<sup>21, 22</sup>

However, during the several ministerial addresses to the National Toshao Council Conference (NTC) in August, much larger numbers were claimed. The Senior Minister for Finance claimed 380 youths had been trained under the Basic Needs Trust Fund, and 2,000 by the Board of Industrial Training, in total more than 5,000 Amerindian youths in diverse training programmes.<sup>23</sup>

## Amerindian land tenure

Arguments over Amerindian land tenure continue. The clear and simple land titling process prescribed in the Amerindian Act 2006 has been gradually complicated by the government to match the quite different conditions of the flat coastland. Accredited surveyors only come from the coastland, are unfamiliar with surveying in hilly and forested country and have difficulty when the names of locations and rivers actually used by Amerindians do not match the national Gazetteer of Guyana.

The ALT project manual (2017)<sup>24</sup> codified the procedure now required by the Guyana Lands and Surveys Commission and Land Registry. It is not clear if the Amerindian communities understand the procedure or if the surveyors actually use the procedure. The poor state of record-keeping in some Villages contributes to the confusion. In spite of Guyana's ratification of the Escazú regional agreement on access to information transparency,<sup>25</sup> it was difficult for some Villages to obtain copies of relevant documents from government agencies in 2024.

One bright spot is the accessible national online map of all categories of government-issued mining concessions.<sup>26, 27</sup> The APA map

shows how many titled Amerindian Villages are surrounded by cheaply-acquired, externally-owned “evergreen” mining concessions, making almost impossible the extension of Village Lands to accommodate demographic increases in population.

Self-governing Amerindian Districts would allow mutual adjustment of Village boundaries according to evolving farming needs without the intervention of the coastlander government, which has difficulty understanding the ecological rationale and spatial needs of traditional Amerindian rotational agriculture.

## **Gold mining**

Towards the end of the year, the long-running conflict flared up between Wapichan communities in southern Guyana and Brazilian gold miners once more.

An armed group of Brazilians kidnapped and robbed local miners, government staff and Wapichan workers at the GGMC sub-station (Bush Mouth) near Mazoa Mountain. Although Guyanese security forces recovered the individuals without harm, the kidnappers escaped to Brazil along a well-known track.<sup>28,29</sup> Wapichan communities are especially concerned about the pollution of water flowing off the mountain by sedimentation and, possibly, by contamination with methyl mercury from the amalgamation of the gold fragments.

At the other end of the country, in NW Guyana, the titled Carib Amerindian Village of Chinese Landing continued its battle with a non-Indigenous goldminer.<sup>30</sup>

With support from APA and with legal advice from the US-based lawyers of NGO Forest Peoples Programme, Chinese Landing requested precautionary measures against loss of and damage to the human rights of the villagers from the continued mining on titled Village Lands without Village agreement. The request was made to the OAS’ Inter-American Commission on Human Rights (IACHR) and was approved. In response, however, the government did not take the measures requested by the IACHR but instead issued an illegal Stop Mining order over the entire titled area.<sup>31</sup> In May 2024, we found that this Stop Mining order had cut Village livelihoods in half and forced most of the Village’s own miners to look for work in other parts of Guyana, thus

causing family and social disruption. The Toshao (elected chief) of Chinese Landing mentioned the community's hardship and appealed for a lifting of the Stop Mining order at the NTC Conference,<sup>32</sup> with no positive government response.

## Aftermath of the Mahdia dormitory fire

The terrible death of teenage girls in a dormitory fire at a secondary school for Amerindian children was covered in last year's report.<sup>33</sup> Like most Presidential Commissions of Inquiry in Guyana, the Mahdia investigation exonerated the authorities responsible and blamed the fire on alleged Amerindian behaviour patterns, without any witness evidence. Late in 2024, the local press reported that the devastated families had received only the most superficial grief counselling and no continued support. Instead, the government had followed a local custom of paying off the affected families with a token cash payment (EUR 23,750 per dead child) and, in effect, walking away from the tragedy.<sup>34, 35</sup> There were several reports during 2024 of secondary schools being rehabilitated or newly built but there was no mention of lessons learned from Mahdia about the need for fire-resistant materials, fire warning systems, or security measures other than locking the children into dormitories with no escape each night.

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# Mexico



According to data from the Census of Population and Housing 2020 of the National Institute of Statistics and Geography (INEGI), there are 126,014,024 people living in Mexico, of whom 23.2 million aged three years and above self-identify as Indigenous.<sup>1</sup>

These data reflect a downward trend in the number of speakers of an Indigenous language, with 7,345,645 people aged three years and above now reporting that they speak an Indigenous language. However, 87.2% of this population also speaks Spanish, while 11.8% is monolingual.

The country has 68 native languages, with Nahuatl remaining the most widely spoken (22.4%), followed by Mayan (10.5%) and Tseltal (8.0%). The languages with the lowest percentages are Totonac (3.5%), Ch'ol (3.5%) and Mazatec (3.2%).

Mexicans between 15 and 29 years of age are identified as young people. In terms of education, the population speaking an Indigenous language aged 15 years and above completes the equivalent of primary school. In this same age range, illiteracy is drastically higher, with a rate of 20.9% compared to those who do not speak a native language.

According to official figures, 60.5% of the Indigenous population start working at the age of 12.<sup>2</sup> During the first quarter of 2024, INEGI recorded 31,000,000 people between 15 and 29 years of age, representing 23.8% of the total population.

Despite INEGI's most recent update on the status of young people in Mexico, as of 2020, 25.6% of citizens who self-identified as Indigenous (23.2 million people) were between the ages of 15 and 29.<sup>3</sup> This demonstrates a lack of disaggregated data on the status of this sector, either by state or by Indigenous region.

Mexico voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 and has signed ILO Convention 169. At the national level, Article 2 of the Constitution recognizes and guarantees the right of Indigenous Peoples and Communities to self-determination and autonomy.<sup>4</sup>

## EZLN: 30 years on

**1** January 2024 marked the 30<sup>th</sup> anniversary of the armed uprising of the Zapatista National Liberation Army (EZLN) in the state of Chiapas, by which they made known the Declaration of the Lacandona Jungle to the world, a document in which they set out the reasons for their struggle.<sup>5</sup>

As a result of the negotiations between the EZLN, the Commission for Concord and Pacification, the National Intermediation Commission and the Mexican State, the San Andrés Larraínzar Accords on Indigenous Rights and Culture were signed in 1996. These Accords demanded, among other things, that the Federal Government recognize Indigenous Peoples in the Constitution, broaden their political representation, guarantee access to justice and promote cultural events. In addition, they established the need to ensure education and training, fulfilment of Indigenous Peoples' basic needs, the promotion and production of employment and the protection of Indigenous migrants.

Although the Accords consolidated the historic demands of the country's Indigenous Peoples, there was a failure to implement them, attributed to a lack of political will and also to legal technicalities, as the Federation considered that they contravened the Constitution. This prompted both the EZLN and the Mexican government to present counterproposals that neither side accepted.<sup>6</sup>

In 1999, the Zapatista movement promoted a national consultation to legitimize the Accords, drawing its inspiration from ILO Convention 169 on Indigenous and Tribal Peoples,<sup>7</sup> and in which more than 3.5 million people participated. However, to date, the San Andrés Accords have not been fulfilled and the political and economic pressure on the lands and territories of the Zapatista communities continues, including through the presence of organized crime and extractivist projects.

## Rights of Mexico's Indigenous Peoples and Communities

In September 2024, the Federal Legislative Branch approved a reform to the second article of the Mexican Constitution, with 492 votes in favour.

This reform recognizes the country's Indigenous Peoples and Communities as subjects of public law, endowing them with legal personality and their own assets. In addition, the reform addresses aspects such as the development of traditional medicine and midwifery care during pregnancy, childbirth and infancy, and the recognition of health practices and the knowledge of those who practise them.

It also establishes that they shall be subject to administrative or legislative consultations, as the case may be, and that their languages, cultures and identity must be preserved, protected, disseminated and studied. In the meantime, their members must be assisted and advised, from a gender-sensitive perspective, through interpreters, translators and experts specialized in Indigenous rights and legal pluralism, as well as linguistic and cultural diversity. Intercultural and multilingual education is also guaranteed at all levels, through programmes that promote their cultural heritage, free from discrimination and racism.<sup>8</sup>

## **Reform and omissions**

In studies on the subject, analysts and human rights centres pointed out various aspects that could help to improve the reform, especially in the context of the historic demands of the Indigenous communities, such as endowing them with true autonomy and legal personality. These demands remain subordinate to the constitutional framework, however, which upholds the "unity of the country", and which has been seen as continuing a sense of subordination to the Mexican State. They also indicated that the reform was not clear and should have amended the requirement to be subjects of public law.<sup>9</sup>

According to the amendments, Indigenous Peoples' self-determination has to be viewed in the light of the normative systems of the Constitution, which nonetheless details social, cultural and, especially, political and economic aspects from a very particular viewpoint. Another of the specific observations was in the area of finances since they are unable to freely exercise control over economic resources on the basis of budget lines and therefore remain under the tutelage of the different levels of government.<sup>10</sup>

At the same time, experts stressed that the amendments prevent Indigenous Peoples from making decisions over their territories and

natural resources. Although the reform recognizes that the communities are settled in a territorial area, it does not guarantee that they will be able to resolve conflicts in accordance with their own particular interests, habits and customs. In other words, it makes it impossible for them to defend themselves from the entry of extractivist projects or transnational companies, such as mining companies, that remove their natural resources via granted concessions. In the same way, the right to consultations is established, and this applies when they are of a legislative or administrative nature; however, it does not guarantee that they are carried out when the environment or the territory is affected.

An exhaustive analysis of other articles of the Constitution was also recommended, such as Article 127, as well as operational and economic resource laws, in order to ensure that Indigenous Peoples are granted true rights to political, social, financial self-determination and decision-making over their territories, together with natural resources.<sup>11</sup> Finally, although the reform was necessary, it has come late and raises doubts that truly profound change will be promoted by the Mexican State in order to implement it.<sup>12</sup>

## **Education, a pending issue**

Although access to education in Mexico is guaranteed in the third article of the Constitution, in reality, young people living in Indigenous communities are the one group that most lags behind in this area. This was identified by the National Council for the Evaluation of Social Development Policy in the 2024 Diagnostic Study on the Right to Education.

According to the study, there are 52.1 million children, adolescents and young people of school age in the country, pre-school, primary, middle school, high school and higher education included. Of this figure, 4.7% (2.2 million people between the ages of three and 24) claimed to be Indigenous language speakers. The same study indicates that 95.7% of children who speak an Indigenous language between the ages of 6 and 11 have primary education; 77.4% of adolescents between the ages of 12 and 14 are in secondary school; 44% of young people between the ages of 15 and 17 attend high school, and only 9.4% of young people between the ages of 18 and 24 years attend university. This document also points

out that the average schooling for Indigenous language speakers is 6.3 years, that 46.4% do not complete basic education, and that only a small percentage reach the upper secondary and higher education levels.<sup>13</sup>

In light of this situation, through its University Programme of Studies of Cultural Diversity and Interculturality (PUIC-UNAM) and its Scholarship System for Students Belonging to Indigenous and Afro-Mexican Peoples (SBEIA),<sup>14</sup> the National Autonomous University of Mexico (UNAM) supports high school and university students with scholarships to aid their studies. It also promotes academic and cultural activities that strengthen their professional training and identity processes.

In this context, during the August-December 2024 semester, 1,040 students who were enrolled at UNAM were benefiting from this scholarship, of which 608 were women and 432 men. In the case of university education, scholarships are most commonly awarded to students in the fields of medical surgery, law, instrumentation, psychology, accounting, economics, civil engineering, architecture, nursing, administration, dental surgery, and international relations.

Although access to this support for middle and higher education students who benefit from SBEIA is a visible achievement for students from at least 38 Indigenous Peoples, there is still a need to include young people from the remaining 30 of Mexico's 68 Indigenous Peoples. Of those enrolled at UNAM, the largest numbers come from the Nahua, Mixtec, Zapotec, Otomi, Mixe, Mazahua, Totonaca, Mazatec, Triqui, Amuzgo and Peninsular Maya peoples.

When analysing the data by ethnic affiliation and disaggregating by men and women, it is notable that the presence of men continues to be greater than that of women among some Indigenous Peoples, although the differences in the figures are not large. These include the Zapotecs, Tlapanecos, Triquis, Peninsular Maya, Chinantecs, Choles and Zoques. In addition, the scholarship recipients come from different states of the country; a total of 23 are registered, with Oaxaca being one of the most common places of origin.

It is worth highlighting the efforts of the Indigenous youth in achieving their professional training, in addition to the awards and recognitions they have obtained for their academic work. In 2024, 17 students received a distinction: three for academic achievement and five for winning competitions.

For the first semester of 2025, this UNAM system was providing scholarships to 1,040 students, 589 women and 451 men, corresponding to 37 Indigenous Peoples and Communities in the country. In this regard, 966 were at university level and 74 at high school level, from a total of 44 UNAM-sponsored establishments.

This shows that, despite the current living conditions, marginalization, low social development and poverty faced by the Indigenous Peoples of Mexico, the student sector of the young population is building a future through vocational training and higher secondary education.

As can be seen, the challenge for universities, the different levels of government and society as a whole is to contribute so that more and more young people from the 68 Indigenous Peoples of the country can crystallize these achievements through education.

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# Nicaragua



Nicaragua is home to seven Indigenous Peoples. The Chorotega (221,000), Cacaopera or Matagalpa (97,500), Ocanxiu or Sutiaba (49,000) and Nahoa or Nahuatl (20,000) live in the centre and north Pacific. In addition, the Caribbean (or Atlantic) coast is inhabited by the Miskitu (150,000), the Sumu or Mayangna (27,000) and the Rama (2,000). Other peoples who also enjoy collective rights, according to the Political Constitution of Nicaragua (1987), are the Afro-descendants, known as the Creole or Kriol (43,000) and Garífuna (2,500).

In 1979, the Sandinista National Liberation Front (FSLN) took power in Nicaragua and were later opposed by the U.S.-funded "Contra" armed front. Peasants from the Pacific and Indigenous Peoples from the Caribbean Coast participated in the Contras. In 1987, as a result of the friendly settlement of the conflict before the Inter-American Commission on Human Rights (IACtHR), and with the aim of ending Indigenous resistance, the FSLN created the North Caribbean Coast Autonomous Region (RACCN) and South Caribbean Coast Autonomous Region (RACCS), based on a Statute of Autonomy (Law No. 28). Through the Inter-American Court of Human Rights' (IACtHR's) judgment in the case of the Mayangna (Sumo) Community of Awas Tingni v. Nicaragua in 2001, Law No. 445 on the Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and of the Bocay, Coco, Indio and Maíz rivers, among others, was enacted. This law recognizes the communities' right to self-government and creates a procedure for the titling of territories. In 2005, the State began the titling process of the 23 Indigenous and Afro-descendant territories in the RACCN and RACCS, culminating in the delivery of property titles.

In 2007, Nicaragua voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and in 2010 ratified ILO Convention 169. In 2015, the Alliance of Indigenous and Afro-descendant Peoples of Nicaragua (APIAN) was formed.

## The reform of the Political Constitution of the Republic

**A**t the end of 2024, a reform to the Political Constitution of the Republic of Nicaragua was approved that vests all civilian and military State institutional power in the Presidency of the Republic and ends the administrative and political autonomy of the Autonomous Regions of the Caribbean Coast of Nicaragua (RACCS and RACCN). The reform establishes that the Presidency of the Republic will “coordinate” the regional bodies and proposes a constitutional law to regulate the autonomy or self-determination of Indigenous and Afro-descendant Peoples.<sup>1</sup> This reform thus institutionalizes the policy of internal colonization<sup>2</sup> that the State has been imposing on the Indigenous and Afro-descendant Peoples of the Autonomous Regions for the last decade, in contravention of the official policy of the autonomous regime based on the Political Constitution of Nicaragua in force thus far, developed by Law No. 28, in effect since 1987<sup>3</sup> and Law No. 445 in effect since 2003.<sup>4</sup> The reform dispossesses these peoples of their ownership of the natural resources in the territories, recognizing only their usufruct, in violation of international human rights law and the fundamental freedoms of Indigenous and Afro-descendant Peoples.<sup>5</sup>

## The situation of Indigenous youth

Amidst a climate of violence, dispossession and impunity, and in addition to having to fulfil their traditional roles, Nicaragua’s Indigenous youth are facing great challenges<sup>6</sup> due to invasions onto their lands by settlers, non-Indigenous individuals and/or groups linked to private companies and the government structures of the Sandinista National Liberation Front (FSLN), the political party currently in power. Such invasions not only result in a reduction in and loss of control of their traditional territories but also a lack of access to the forest for hunting and rivers for fishing, causing shortages of wild meat and, hence, protein intake. This situation is a driver of malnutrition, increased disease and higher levels of poverty.<sup>7</sup> The lack of access to land for planting or harvesting due to fear of violence – physical, psychological and gender/

sexual – caused by threats and massacres perpetrated by settlers in turn leads to forced displacement. In addition, this causes a loss of cultural identity and cohesion as Indigenous Peoples.<sup>8</sup>

## **Military training and political persecution**

Young people from Indigenous communities in the North Central Pacific of Nicaragua who work for State institutions report that they are afraid of being sanctioned and/or suspended from their jobs for raising their voices and claiming their rights to territory and communal autonomy. Worse still, during 2024, they were forced to attend military training, and even women who were breastfeeding or pregnant were forced to actively participate. Faced with this context, Indigenous youth are deserting their workplaces for fear of being recruited into compulsory military service, as was the case in the 1980s under the first Sandinista government.<sup>9</sup>

In addition, Indigenous leaders are having to go into hiding because of persecution by police authorities stationed in Indigenous communities. For example, on 22 July 2024, a young 24-year-old community leader reported: "Yesterday afternoon my mother called and told me that several police officers had arrived [at our house] without any reason or warrant, entered by force and searched everything, also mistreating the women in the house. They did the same at my grandfather's house and this is because some land traffickers are making false accusations against me for my defence of the land and my rights as an Indigenous person."<sup>10</sup>

The impunity with which the settlers are able to act stands in stark contrast, for example, with the prosecution of 33 Indigenous Mayangna leaders, defenders of their lands, by the State authorities.<sup>11</sup> The UN Working Group on Arbitrary Detention declared in 2024 that four forest rangers had been arbitrarily convicted and sentenced to life imprisonment.<sup>12</sup> This situation became all the more clear that same year during the oral and public trial of community forest rangers Rodrigo Bruno Arcángel (48 years old), Tony Bruno Smith (28 years old), Oliver Bruno Palacios (23 years old) and Evertz Bruno Palacios (18 years old), who appeared before the court chained and via videoconference from prison. Their relatives were not allowed access to the trial, nor was the defence

lawyer permitted to cross-examine witnesses. They were also deprived of the right to communicate freely and privately with their defence lawyer, who did not have access to the court files at any time during the proceedings.<sup>13</sup> Finally, on 5 February 2024, they were sentenced to 25 years in prison.<sup>14</sup> Meanwhile, the community members stated that the detention of these rangers was a reprisal for defending their territory and denouncing the invasion of settlers.<sup>15</sup> In addition, members of the National Police and the Nicaraguan Army used excessive force during their arrest, launching tear gas, assaulting and practically destroying the Bruno family home while they slept. They furthermore beat the women and children and threatened them with firearms without any search or arrest warrant issued by a competent authority.<sup>16</sup>

## **Murders of Indigenous youths**

Indigenous youth face violence at the hands of settlers acting with total impunity.<sup>17</sup> In the Mayangna Sauni As Territory (one of the 23 Indigenous territories of the Autonomous Regions of the Caribbean Coast) alone, 20 Indigenous youths were killed by settlers between 2020 and 2024.<sup>18</sup> Moreover, on 22 December 2024, a 26-year-old Mayangna Indigenous leader who was resisting the settlers' invasion was tortured and murdered, presumably by the settlers. As usual, the settlers accused of committing the crime are enjoying the protection of the authorities and members of the FSLN party since, despite several complaints, the State authorities have not taken any action thus far.<sup>19</sup> Several young Indigenous Miskito youths were also murdered by settlers in November 2024 and the Vice-President of the Government of the Mayangna Territory Sauni Arungka (Matumbak) also died in suspicious circumstances<sup>20</sup> without the case having been duly investigated or clarified by the corresponding authorities.<sup>21</sup>

## **Violence against Indigenous girls**

Uncertainty and violence in the midst of cultural differences that the settlers have imprinted on gender roles and power structures in Indigenous territories have a differentiated impact on the bodies of young

Indigenous women and girls: sexual harassment, kidnapping and unwanted pregnancies. As has been reported, this "represents a greater risk for young women, as seen in the recent case of a young Miskito woman from La Esperanza, near Francia Sirpi, who was kidnapped by settlers and has not been heard from since".<sup>22</sup> The community members point out that the kidnapping of Indigenous girls by settlers is carried out in order to perpetrate forced unions through physical, psychological and cultural violence, subjecting them to forced displacement – even migration to other countries – and thus exposing them to human trafficking, labour exploitation and sexual abuse. Some settlers also hope to settle on Indigenous lands by obtaining land rights through children conceived with Indigenous girls in such circumstances.<sup>23</sup>

Moreover, during 2024, two femicides were reported in the same week in the RACCN,<sup>24</sup> of Indigenous Miskito women aged 21 and 27 years, with another 29-year-old left with serious injuries.<sup>25</sup> One of the victims was a woman who was defending her land and the murder was perpetrated by settlers who then tried to dispose of the body in the Wawa River. Relatives of such victims report that the authorities do not carry out investigations or arrest those responsible and, in some cases, the authorities even refuse to receive their complaints and threaten them.<sup>26</sup> In the Afro-descendant community of Laguna de Perlas, in the RACCN, a 26-year-old woman also died in unclear circumstances.<sup>27</sup>

## Forced migration and resistance

There are many reported cases of Indigenous leaders who have been forced to migrate for reasons related to insecurity and violence in their communities. They also flee repression and political persecution, moving to nearby communities and cities or internationally to Costa Rica<sup>28</sup> and the United States. Once they feel safe abroad, as acts of resistance, some Indigenous women leaders raise their voices<sup>29</sup> and others endeavour to cope with exile from their own cosmovision.<sup>30</sup>

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# Panama



According to the 2023 census, eight Indigenous Peoples live in Panama: the Ngäbe, Bugle, Gunadule, Embera, Wounaan, Naso Tjér Di, Bribri, and Bokota. In total, there are 698,114 Indigenous inhabitants, representing 17.2% of the country's total population.<sup>1, 2, 3</sup> This demonstrates the multicultural and multilingual nature of Panama. According to the 2023 census,<sup>4</sup> there are 352,292 Indigenous women, representing 50.5% of the total Indigenous population, and 345,822 men, equivalent to 49.5% of the total Indigenous population.

These Indigenous Peoples are represented by the National Coordinating Body of Indigenous Peoples of Panama (COON- APIP), founded on 21 January 1991 with the aim of fighting for the rights of Indigenous Peoples, defending their territories and political advocacy.

In addition, there are national laws that promote the rights and governance of Indigenous Peoples. Among the main ones are the current National Constitution, which establishes several articles relating to the identity and governance of Indigenous Peoples; Law No. 41 of 1998, known as the General Environmental Law; the laws that gave rise to the *Comarcas*; Law No. 17 of 2016, establishing the protection of traditional medicinal knowledge; Law No. 37 of 2016, governing the right to consultation and Free, Prior and Informed Prior Consent (FPIC) of Indigenous Peoples; and Law No. 301 of 2022, establishing measures for the comprehensive development of Indigenous Peoples. However, these laws are not taken into account when addressing the problems of Indigenous Peoples.

Panama has not yet ratified ILO Convention 169 but did adopt the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007.<sup>5</sup> It also signed the Declaration on the Decade of Indigenous Languages aimed at strengthening mother tongues, with little effect on Indigenous territories.

The political situation in Panama was quite complex throughout 2024, marked by deep political fragmentation and high national debt. Panama's Indigenous Peoples still continue to face challenges, especially in terms of recognition, land rights and forced evictions.<sup>6</sup>

The Panamanian nation state lacks a comprehensive policy for the development of Indigenous Peoples.<sup>7</sup> The 5 May elections determined the direction of the country, in the midst of a crisis in demand and high levels of informal working and unemployment.<sup>8</sup>

In terms of development, Indigenous Peoples have worked to produce a Comprehensive Development Plan that seeks to improve their living conditions and ensure a more equitable distribution of resources.<sup>9, 10</sup> This plan, being undertaken by the National Council for Indigenous Development, includes strategies for the economic, social and political development of Indigenous communities. The programmes and projects are, nonetheless, implemented by government institutions.

The path to implementing this plan has been a difficult one and has resulted in distrust and a lack of collaboration on the part of the communities. The National Indigenous Peoples Development Plan Project for Panama is supported by the World Bank and other international organizations.

## Youth organizations and Indigenous women

Indigenous youth have always been active and eager to learn from the knowledge of their ancestors. Gaining more knowledge on how to deal with the current climate crisis is essential. As a Gunadule leader would say: "It's not our business because we didn't create it. And yet it affects us and we have to face up to it." In this context, Indigenous youth have become protagonists in fighting the climate crisis and protecting the environment.

Indigenous youth are not shirking from the situation and are taking up their roles in tackling the problem, drawing on their cultural values and ancestral knowledge. In addition, university-educated young people have turned to technology to understand and mitigate the increasingly unpredictable effects of climate change.

### **Kuna Youth Movement**

The Kuna Youth Movement (Movimiento de la Juventud Kuna - MJK) is a Guna youth organization that has been working voluntarily for the rights of youth, territory and life since the 1970s. In 2024, they undertook various activities focused on training youth in issues of national and global importance. MJK participates in the International Indian Treaty Council's Working Group on Fisheries and the UN Food and Agriculture Organization's (FAO) Small-Scale Fisheries Summit (SSF Summit), as well as the Committee on Fisheries (COFI).

### **Association of Kuna University Students**

Endorsed by the University of Panama, the Association of Kuna Students (Asociación de Estudiantes Kunas - AEKU) aims to strengthen and promote the culture of the Gunadule people, as well as to guide students in their professional careers. The AEKU currently comprises more than 60 young people from different faculties within the campus, and including young people from other universities, such as the *Universidad Especializada de las Américas (UDELAS)* and the *Universidad Tecnológica de Panamá (UTP)*.

### **Guna Youth Congress**

The purpose of the Guna Youth Congress is to strengthen culture, ancestral knowledge and leadership and to support community development. The Seventh Youth Congress was held in the community of As-wemullu from 18 to 20 August 2024.

In 2024, Guna youth participated in leadership training organized by the Mesoamerican Leadership School of the Mesoamerican Alliance of Peoples and Forests (AMPB).<sup>11</sup> This training has created a network of young leaders who are able to collaborate and support each other in community and cultural conservation projects.

The FSC Indigenous Foundation,<sup>12</sup> based in Panama, has supported technical work aimed at developing, analysing and adapting the internal regulations and other rules of the Guna Youth Congress through participatory workshops.

The Centre for Environmental and Human Development (CEND-AH)<sup>13</sup> has participated in the training of future young biologists, awakening their interest in marine biology. With support from the MarAlliance organization,<sup>14</sup> the training of youth in the scientific knowledge of Guna

Yala's marine life has improved. In addition, most of these projects are led by women, "guardians of the coral"<sup>15</sup>

Despite all this youth experience, however, there is little contact with the leadership of the general congresses. On the one hand, the youth themselves do not approach the comarca leadership but, on the other, the leadership also do not approach the youth.

Indigenous women's participation is vital in strengthening Indigenous identity. There are local, regional and national groups in the Indigenous territories. In the case of Guna Yala, comarca meetings have been established and the organization Red de Bundorgan Mujeres Guna Yala was created in 2018, driven by women from the comarca, as well as the organization Nis Bundor, created in 1991 to promote the rights of women and Indigenous Peoples.

There are other groups in the city, such as the National Coordinating Committee of Indigenous Women of Panama (CONAMUIP), which brings together most of the Indigenous women who are living outside of the villages.

## Mining and the role of Indigenous youth

The situation of mining in Panama was highly significant in 2024. The cessation of operations of Cobre Panamá, operated by Minera Panamá the 14<sup>th</sup> largest copper mine in the world in terms of production, and the largest in Central America, was a severe blow to the country's economy, just on the eve of 2024, an election year.

In 1997, Panama signed a contract with Minera Petaquilla S.A., granting it the concession of 12,955 hectares located in the province of Colón for 20 years.<sup>16</sup> The contract, signed under the administration of former President Ernesto Pérez Balladares, was approved by Law 9, published on 28 February 1997.

In 2008, the Environmental Advocacy Centre (CIAM), supported by other environmental organizations, filed a lawsuit against the contract, arguing that the concession had been awarded without public bidding, without consulting the Panamanian population and without any real environmental impact assessment.<sup>17</sup> In 2023, CIAM filed a further constitutional appeal before the Supreme Court of Justice, arguing that

there was no proper citizen consultation.<sup>18</sup>

Despite the lawsuit, in 2017, the Panamanian government granted an extension to Minera Panamá to continue operating Cobre Panamá for another 20 years.<sup>19</sup> The Supreme Court did declare the 1997 contract “unconstitutional”,<sup>20</sup> however, the mine did not cease operations due to a series of pleadings and interpretations by the authorities and the mining company.

Four years after the Court’s decision, in 2021, the ruling was finally published in the Official Gazette.<sup>21</sup> Under the presidency of Laurentino Cortizo, the government and the mining company therefore began negotiating a new contract.

Following the negotiation, in August 2023, the government and the mining company finally signed a new contract establishing the mining company’s minimum annual contributions to the State as USD 375 million, 10 times more than the amount of the initial agreement. On 20 October, the National Assembly passed the law approving the new contract<sup>22</sup> and President Cortizo enacted it, unleashing massive protests on the part of young people, environmentalists, teachers, workers and other unions from 22 October to 28 November, at which point the Supreme Court of Panama, in response to the lawsuits filed against the mining contract, declared Law 406 unconstitutional.<sup>23</sup>

Popular pressure came significantly from young people, including the Indigenous youth, the AEKU of the University of Panama, the MJK and the youth of the Guna General Congress, together with other Indigenous and environmental youth organizations, who have been active and prominent voices, using platforms to raise the profile of the struggle against the Cobre Panamá mine.

All these demonstrations by the Panamanian people were a key factor in the government and Congress approving an indefinite moratorium on metal mining, leaving it to the Supreme Court to resolve a series of unconstitutionality lawsuits that will establish the future of the mine.

Law 406 on the mining contract, which renewed the exploitation of the Cobre Panamá mine, operated by Minera Panamá, a subsidiary of the Canadian company First Quantum Minerals, for a further 20 years, was therefore declared unconstitutional by the Supreme Court of Justice of Panama.<sup>24</sup> This decision led to the suspension of operations at the copper mine, which has had a significant impact on the country’s economy.<sup>25</sup>

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3. The Gunadule nation is divided into four territories. Gunayala Comarca (County) has a population of 31,323 inhabitants, of which 14,966 are men and 16,357 are women. These people have their own self-governed territory, which is guided by their own Gunayar Igardummadwala (Basic Law) and statute.  
The Guna de Madugandi Comarca, located in the east of Panama province, was created in 1996. It has a population of 5,993, being 2,942 men and 3,051 women. The Guna Comarca of Wargandi, located in the province of Darién, was recognized in 2000. It has a population of 2,336 people, of which 1,145 are men and 1,191 are women.  
The ancestral land of Dagargunyala, has only two communities living there: Bugguro (Púcuro) and Bai (Payá), located within the Darién National Park, in the province of Darién, bordering Colombia.  
Currently, some 80,996 Gunadule from Gunayala live outside the comarca, mainly in the capital and other cities in the country.  
The Embera-Wounaan nation share the same cultural characteristics, i.e., the Embera and Wounaan both share the same culture, clothing and ancestral customs; they only differ in their languages.  
Currently, most of the Embera live in the eastern part of the country, mainly in the Embera-Wounaan Comarca, created in 1983, and in scattered communities known as *Tierras Colectivas* (Collective Lands) in the province of Darién. There are 12,038 people living in the comarca and on the *Tierras Colectivas*, of whom 6,336 are men and 5,702 are women. The rest of the Embera population, approximately 39,619 people, live in other parts of the country.  
The Wounaan people reside mainly in the Emberá-Wounaan Comarca, located in the province of Darién and Panama. There are currently 2,069 people living in the Embera-Wounaan Comarca, being 990 women and 1,079 men. In addition, 8,565 Wounaan people live elsewhere in Panama.  
The majority of the Ngäbe population resides within the Ngäbe-Bugle Comarca, established in 1997. There are currently 207,540 people living in the region, of which 100,057 are men and 107,483 are women. A total of 237,338 Ngäbe people live elsewhere in Panama.  
The Bugle people also reside in the Ngäbe-Bugle Comarca, with a population of 12,027 people, 5,990 men and 6,037 women. In addition, 11,871 Bugle people live in other parts of Panama.  
The Naso Tjér Di Comarca, officially created on 04 December 2020, is located in the west of the country, bordering the province of Bocas del Toro, on the Costa Rican border. There are 5,568 Naso people living in Panama.  
The Bribri people are one of the minority groups found within the province of Bocas del Toro, on the border with Costa Rica. Their territory has not yet been recognized by the Panamanian government. There are currently 766 Bribri people living in Panama.
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# Paraguay



According to the results of the 2022 National Census, there are approximately 140,206 Indigenous inhabitants of Paraguay, representing 2.29% of the country's total population. These people identify as one of 19 recognized Indigenous Peoples, broken down into five linguistic families: Guaraní (including the Aché, Avá Guaraní, Mbya, Pai Tavytera, Guaraní Ñandeva and Western Guarani), Maskoy (with peoples such as Toba Maskoy, Enlhet Norte, Enxet Sur, Sanapaná, Angaité and Guaná), Mataco Mataguayo (Nivaclé, Maká, Manjui), Zamuco (Ayoreo, Ybyto-so, Tomarâho) and Guaicurú (Qom).

Chapter V of the 1992 National Constitution recognizes Indigenous Peoples as cultural groups pre-existing the formation of the Paraguayan State, guaranteeing them fundamental rights such as ethnic identity, community ownership of their lands, political participation and an education respectful of their specific cultural features.

In addition, Paraguay has a solid legal framework that supports Indigenous rights, having ratified the main international human rights instruments, both in the universal and Inter-American systems.

The Paraguayan State does not guarantee basic living conditions, particularly not in contexts of vulnerability, such as the lands and territories of traditional Indigenous occupation. The water crisis, still unanswered, only exacerbates the exclusion of the Indigenous population, affecting women, children and youth in particular.

Based on the outcomes of the work implemented in 2024, the "Zero Hunger" school lunch programme is not being followed to the letter, especially in the Chaco, one of the country's regions with the greatest number of Indigenous inhabitants.

Furthermore, the situation of Indigenous youth is facing great challenges in Paraguay. There is still a great deal of discrimination based on ethnic belonging. In addition, society as a whole has yet to eradicate customs contrary to the rights and dignity of the person, such as marked adult-centrism.

*[However], age discrimination is an insidious and often unaddressed problem in health, human rights, and development policy, affecting both older and younger populations around the world. On top of this, ageism often intersects with other forms of bias (such as racism and sexism) and affects individuals in ways that prevent them from reaching their full potential and contributing fully to their community.<sup>1</sup>*

## **Indigenous youth: challenges and issues<sup>2, 3, 4</sup>**

It is first and foremost difficult to clearly ascertain what public efforts are being aimed at this particular group in Paraguay since the underlying justification for government plans and programmes is generally expressed in broad and undifferentiated terms. This results in the needs of Indigenous adolescents and youth being overlooked.

According to the 2022 National Census, 38% of Indigenous people are under the age of 14, and a further 28.6% are between 15 and 30 years of age, meaning that the under-30s make up 67.1% of the total Indigenous population. Against this backdrop, the question arises as to what possibilities actually exist for the integral personal development of Indigenous adolescents and youth in the country, and what barriers they face?

The overriding factor to be considered in this regard has to be poverty, and the following figures help us assess the situation of Indigenous youth:

### **Poverty**

The percentage of the Indigenous population living in poverty in 2017 stood at 66.2%, almost three times the national average. In rural areas, where the majority of Indigenous people live, it is even higher, up to 68% of Indigenous individuals.<sup>5</sup>

Indigenous poverty affects women, children and adolescents disproportionately. 67.7% of women live in poverty, compared to 64.6% of men. By age range, children and adolescents aged 0 to 17 years are most affected since 73.7% of this population lives in poverty. This percentage is even higher (75.7%) in rural areas.<sup>6, 7</sup>

## **Access to water and school education**

At a meeting of Indigenous women in Presidente Hayes, the participants pointed out that those responsible for the school lunch programme had not even consulted<sup>8</sup> the local communities about their nutritional needs,<sup>9</sup> consequently distributing foods that were not traditionally consumed by their peoples and which demonstrated clear nutritional deficits.

In addition, according to several public complaints made by the communities, inconsistencies between the number of students to be covered (due to the fact that not all of them are recorded on the Unified Student Registry<sup>10</sup>) meant that the supplies that did arrive were insufficient and thus failed to reach many Indigenous students.

Structural exclusion and discrimination also emerged on 25 July 2024 when teachers at a school in Pozo Colorado decided to close the school due to lack of water in the community. Some 100 Indigenous children were left without classes,<sup>11</sup> and, consequently, without access to the food provided.

## **Drug and alcohol use**

Indigenous youth are expressing growing concern at the increasing use of drugs and alcohol in their communities, placing them at greater risk. Greater consumption has resulted in increased cases of domestic violence, aggression, exposure to danger, deaths on the roads, suicides and so on.

Community leaders, together with the families, often ask for awareness-raising sessions and action to address this situation but the State' prevention policies are virtually non-existent in the territory.

## **Uprooting**

In order to continue their primary or secondary education, many Indigenous youth have to leave their communities. Their parents or other relatives pay for their studies and board and lodging in guest houses offered by private institutions but these fees are not accessible to the vast majority of Indigenous families.

## Cases of violence and suicide

In addition, there are high rates of domestic violence and adolescent and youth suicide in the communities. So much so that the General Directorate of Health Surveillance reported<sup>12</sup> that, in 2021, 24 cases of Indigenous suicides were reported in the under 30s while only four were seen in those over 30.

In the year 2022, the situation was similar: of the 30 cases reported as Indigenous suicides, four were of people aged over 30 years and the remaining 26 were among Indigenous youths under this age.

## Teenage pregnancies

As regards teenage pregnancies, the General Directorate of Strategic Health Information reported that, in 2018, there were 71 cases of live births to Indigenous child mothers aged 10 to 14 years.<sup>13</sup>

When we talk about child mothers, we have to mention the cases of sexual abuse committed by at least 71 perpetrators – most of them likely adults. This issue absolutely has to receive special attention from the national child protection system.

In addition, the 2022 National Census revealed that 3.3% of these child mothers are aged 12 to 14, thus excluding them from education and limiting their participation in improving socioeconomic conditions.<sup>14</sup>

## Education and access to university or technical schools

The 4<sup>th</sup> National Population and Housing Census 2022 revealed that, among the Indigenous population aged 15 years and above, the average years of schooling received was 4.6. The records show that the urban Indigenous population is more educated than the rural, and that their illiteracy rate is 27.1% compared to a national average of 6%.

In participatory events, young people have expressed a feeling of being abandoned by the State since the system of higher education grants offered by the Paraguayan Indigenous Institute's programmes are of very limited scope. They only cover university students, ignoring

those who wish to train in technical or vocational courses, which do not form part of the formal higher education system.

This lack of access to training opportunities results in low levels of integration into the labour force. According to data from the 2022 National Census, the proportion of Indigenous population aged 10 years and over considered to be in employment is only 38.5%, while the proportion outside the labour force stands at 51.7%.

This means that a large proportion of the Indigenous population of working age does not have access to work and therefore cannot support themselves with their own income. The use of children in the labour force is a violation of their fundamental rights and a barrier to the sustainable development of communities but statistical data reflect that this is a reality for Indigenous families in Paraguay.

## Conclusion

Setting the statistical data to one side for a moment, and understanding then that basic survival conditions are not assured: at what point do we need to consider the life plans of Indigenous youth as a collective commitment of our country?

Focusing on Indigenous youth, we see that an individual's options for emotional, material and professional development, as a subject of rights in an Indigenous community, belonging to a people with its own cultural characteristics and traditional features and immersed in the reality of the country, are very few.

And yet even in such a highly adverse context, Indigenous youths show vigour, enthusiasm, and a critical and questioning capacity of their reality. They would be able to play a leading role in the longed-for social change, if the right conditions were created.

Beyond the mere statements of intent that form the basis of policy plans and programmes such as the National Plan for Indigenous Peoples, the public sector today thus has a fundamental duty to offer Indigenous youth effective policies, from a rights-based approach and involving intersectionality, interculturality, progressive autonomy and participation.

Only then will the life plans of Indigenous youth be achievable in Paraguay.

## Recommendations

1. Implement actions aimed at eliminating poverty among the communities of the 19 Indigenous Peoples in Paraguay, through appropriate policies and an intercultural approach.
2. Ensure the right to food, and the right of access to water and health.
3. Improve policies for young people's first jobs, professional and technical training, and access to higher education.
4. Draw up life plans in a participatory manner, together with Indigenous youth and adolescents, with respect for their gradual autonomy and the principle of the self-determination of peoples.

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# Peru



The Peruvian State recognizes 47 Indigenous languages, spoken by 55 different peoples. In the 2017 National Population Census, almost six million people (5,972,603) self-identified as belonging to an Indigenous or Native People, representing just over a quarter of the total population. Of these, 5,176,809 identified as Quechua and 548,292 as Aymara. The census population in the Amazonian region that self-identified as Asháninka, Awajún, Shipibo and other peoples totalled 197,667. Some 50,000 self-identified as belonging to other Indigenous or Native Peoples; however, census under-registration in the Amazon region is a known problem.

More than 20% of the national territory is covered by mining concessions, which overlap with 47.8% of the territory of the peasant communities. In the Peruvian Amazon, hydrocarbon concessions cover 75% of the region, affecting almost all villages. The overlapping of these concessions with communal territories, the enormous pressure from extractive industries and their polluting effects, the absence of land-use planning and the lack of effective prior consultation are all issues exacerbating the territorial and socio-environmental conflict in the country. Peru has signed and ratified ILO Convention 169 on Indigenous Peoples and voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007.

## **Declining public institutionality threatens Indigenous Peoples**

Over the last year, the democratic crisis that the country has been going through only exacerbated the dismal decline in the country's institutions. Following the repression, opportunism and political accommodation of President Dina Boluarte, the Executive granted the Congress of the Republic control of the State and Congress is now implementing an agenda that threatens Peru's ailing democracy. It represents a major threat to the Indigenous movement and its territories. Weeks prior to Eduardo Salhuana's election as current President of

Congress in July 2024, a series of investigations were published linking him to different illegal mining actors in Madre de Dios, the region he represents. Illegal mining has devastated this region, where the southern Indigenous Amazonian territories have seen trafficking in women, contract killings and social control all take place with total impunity in illegal economies linked to mining and drug trafficking. The accusations against Salhuana come not only from sectors critical of extractivism. In November, a representative of large mining capital referred to the President of Congress' links to illegal mining in a business forum,<sup>1</sup> and also pointed out that there was a multi-party coalition in the legislature promoting the interests of such activity.

In October 2023, Salhuana promoted a bill to build the Boca Manu - Boca Colorado highway,<sup>2</sup> a 96 kilometre long road that would endanger the territories of Indigenous Peoples in Isolation and Initial Contact (PI-ACI) as well as important Natural Protected Areas in the region. In April 2024, the Indigenous organization, ECA Amarakaeri, denounced such projects before the UN Permanent Forum on Indigenous Issues (UNP-FII)<sup>3</sup> given that they are being systematically promoted by the coalition of parliamentarians that control Congress. And, indeed, in October of last year, the Interethnic Association for the Development of the Peruvian Rainforest (AIDESEP) denounced the promotion of a bill of law to restrict the application of the jurisprudence of the Inter-American Court of Human Rights (IACtHR Court)<sup>4</sup> in Peru. Similarly, despite being rejected by Indigenous organizations, civil society, some public institutions and opposition congressmen/women, Law No. 31973, known as the Anti-Forest Law, was passed. According to the intercultural communication portal, Servindi, the law threatens the Amazon by making it easier to legalize the illegal deforestation that has occurred over the last 40 years.<sup>5</sup> In September, the "No to the Anti-Forest Law" campaign delivered more than 33,000 signatures to Congress demanding its repeal.<sup>6</sup>

The Congress of the Republic is not the only institution in clear decline, however. At the end of November, the Ombudsman's Office organized an event called the National Summit of Indigenous Peoples, which received severe criticism from different Indigenous institutions, such as the national Indigenous organization, AIDESEP, and others from civil society. The event was planned without prior coordination with the representative Indigenous organizations at the national and regional

levels. The event was also not attended by any high-level government authorities. It was particularly noteworthy that, during the days of the event, agenda items linked to a particular sector of politicians and businesspeople were addressed. As such, public officials were presented stating that Indigenous Peoples in Voluntary Isolation and Initial Contact do not exist.<sup>7</sup> The event also questioned the representativeness of recognized Indigenous organizations such as AIDESEP, among others.

To explain an event like this, you need to understand that the current Ombudsman, a former congressman with no history of human rights or related work, was elected by the Congress of the Republic in spite of rulings made to the contrary by the Judiciary.<sup>8</sup> Not surprisingly, the so-called summit played more of a political role than an executive or resolute one, which was how it was presented. This type of action acts as a warning sign with regard to the loss of space and allied institutions for defending and monitoring rights in the country.

In contrast, one of the more positive aspects of public institutions in Peru last year was the sentence handed down by the Judiciary to 10 of the 13 military personnel prosecuted in the so-called Manta and Vilca Case<sup>9</sup> for sexual violations during the internal armed conflict in Huancavelica. The ruling, coming more than 20 years after the complaint was filed, is in favour of nine Quechua-speaking women who suffered the attack when they were teenagers.

## **Awajún women denounce rape of children in state-run schools**

The terrible situation of Indigenous girls and boys exposed to sexual aggression in state-run schools made it into the international media in 2024. The case that came to light was that of Awajún children in the northern Amazon. This time, Rosemary Pioc, President of the Awajún and Wampís Women's Council, publicly denounced the situation on national radio, stating that between 2010 and 2024, 524 cases of sexual abuse had been registered in the province of Condorcanqui,<sup>10</sup> all of them reported to the authorities of the Ministry of Education and the Judiciary. The Indigenous leader explained that, of this total, only 121 teachers had been removed from the classroom and more than 100 of

the cases had been shelved. According to investigations, there have even been cases where the aggressors have infected the children with human immunodeficiency virus (HIV).<sup>11</sup>

The serious nature of the complaint became even more tragic after the Minister of Education declared that the acts denounced corresponded to "a cultural practice aimed at exercising a form of family building". These unfortunate utterances by the Minister were followed by similar words, this time from the Minister of Women and Vulnerable Populations. These outrageous and shameful statements provoked numerous responses from civil society and even the Congress of the Republic. The resignation of the Head of Education was called for and one congresswoman filed a criminal complaint against him. After an apology from the Head of the Education sector,<sup>12</sup> however, the incident was quietly dismissed.

The women of the Awajún Autonomous Territorial Government (GTAA) made a public announcement during their Third Congress,<sup>13</sup> in which they condemned the racist vision and prejudices of the national authorities, who frequently shift blame from the aggressor to the victim. At the initiative of the GTAA, an official territorial ordinance was issued that prohibits marriages and unions with minors, as well as engagements between students and teachers. Likewise, in view of the inoperability of the national justice system in cases such as that of the Awajún children, the GTAA has announced the drafting of an Awajún Code of Justice, Awajún Code of Community Coexistence and Awajún Code of Criminal Procedure to guarantee the administration of Indigenous justice in their territory.

## **The Indigenous movement in the face of advancing illegal economies**

The economic and political power of large illegal economies, mainly drug trafficking, logging and mining, is burgeoning. The power these economies wield can be seen in the organizational level of their structures, the bloodiness of their actions and the impunity that shields their crimes.

The complex and powerful apparatus behind these economies views Indigenous Peoples as an obstacle to their business. Since 2013,

35 Indigenous defenders have been killed as a result of these activities.<sup>14</sup> In July 2024, 24 days after disappearing, the body of Kakataibo leader Mariano Isacama Feliciano was found in the Ucayali region, showing clear signs of torture and a gunshot wound, thus putting this sad statistic back on the agenda. Isacama, a member of the Native Federation of Kakataibo Communities (FENACOKA), had been receiving death threats for a year prior to his murder due to his opposition to the opening of a road through the forest of the Kakataibo territory by drug traffickers. According to AIDESEP, he is the sixth Kakataibo leader to be killed by illegal loggers or drug traffickers.<sup>15</sup> Alongside the Kakataibo, the Shipibo, Asháninka and Kichwa are the ethnic groups with the highest number of murders due to illegal logging or drug trafficking. For its part, the Regional Organization AIDESEP Ucayali (ORAU), currently holds a register of 28 Indigenous leaders and rights defenders who are under threat in the regions of Huánuco, Pasco and Ucayali.<sup>16</sup> Peru's Ministry of Justice and Human Rights has initiated a Protection System but this has been severely criticized by civil society and Indigenous organizations. According to Global Witness, Peru is among the 10 most dangerous countries in Latin America for environmental leaders.<sup>17</sup>

And, meanwhile, the threats continue. A major year-long investigation by *Mongabay Latam*, in association with Earth Genome, detected 128 drug trafficking runways for illegal landings in six regions of the Peruvian Amazon. Of these, 31, or 25%, were in Atalaya province, territory of the Asháninka, Ashéninka, Yine and Kichwa peoples, among others.

AIDESEP's Vice-President, Miguel Guimaraes, pointed out that, in the absence of any intervention by the Peruvian State, the Indigenous Peoples have "no choice but to resort to increasingly dangerous forms of self-defence".<sup>18</sup>

To the north of the Amazon, illegal mining and logging are also a constant threat in the territory of the Autonomous Territorial Government of the Wampís Nation (GTANW). Thanks to its self-defence strategies, ranging from the exercise of autonomy through to Indigenous justice, the GTANW has patrolled rivers, expelled illegal miners and evicted illegal loggers and gold extractors from areas. In April 2024, GTANW arrested members of the Peruvian National Police (PNP) who were involved in illegal gold mining activities<sup>19</sup> and handed them over to the State authorities. In December, the GTANW's Socio-environmental

tal Control and Surveillance Group, known as "Charip", seized a large quantity of 16-calibre munitions, valued at 18,000 soles (more than USD 4,000), suspected of being linked to criminal structures involved in the illegal mining invasion.

## **Climate change, increasing forest fires and misguided public policies**

In terms of the impacts of climate change on Indigenous territories, the breathtaking increase in forest fires in the Andean zones, and even in the Amazonian territories, of Peru has raised alarms. Figures from the National Emergency Operations Centre (COEN) show that the growth has been massive: from 664 fires officially registered nationally in 2019, it had escalated to 2,164 fires by August 2024,<sup>20</sup> although Global Forest Watch puts it as high as 3,411. According to the Ministry of the Environment, there have been more than 39,000 of these disasters in the last 24 years.

This emergency situation is even occurring in the Amazon's tropical rainforests.<sup>21</sup> Global warming, in the form of seasons comprised of very hot days and less rainfall, generates the conditions and hot spots necessary for the occurrence of these disasters. Both authorities and specialists point to the main cause of these fires being human activity.

According to figures from the United Nations Children's Fund (UNICEF), some 243,000 children and adolescents are suffering the effects of forest fires in Peru.<sup>22</sup> In addition, 317 schools are reported to be at high risk from such fires and drought, and more than 20,000 hectares of crops have been damaged.

The consequences in 2024 were terrible. According to the National Institute of Civil Defence (INDECI), 20 people died as a result of fires and some 150 were injured. Between July and September, an estimated 5,000 hectares of forest were destroyed.<sup>23</sup> These fires also have consequences for the wildlife in these areas, where 4,347 injured animals have been identified, although the actual number killed or injured cannot be accurately determined.<sup>24</sup>

This is not the only impact, however. Specialists warn that forests devastated by fires become breeding grounds for illegal mining and

coca cultivation. And, although the anthropogenic causes of these disasters have been noted, the responsibility of the agricultural authorities has also been highlighted, as they should be adapting their public policies to climate change and promoting less risky practices in the face of the increasing hot spots in the Andean and Amazonian areas. Similarly, as AIDESEP pointed out in a September statement,<sup>25</sup> the approval of aggressive forestry policies, such as the so-called “Anti-Forest Law”, only increases the exposure to these disasters by promoting deforestation, forest degradation and by failing to contribute to a mitigation of global warming and climate change.

## **Indigenous youth and ownership of communications**

At some point at the end of the last century, the dominance of mass media and the technologization of communications could have represented a difficult gap for Indigenous Peoples (and not only at the grassroots level) to overcome. Now, however, any process of Indigenous struggle or resistance, strategy-building, political advocacy, preservation of memory or other similar political action finds a fundamental way of working in the field of communication, in dialogue with territorial principles and values.

In Peru and other areas of the Amazon, there are a series of deficits linked to factors such as infrastructure and accessibility (among others) that hinder a better and more consolidated use of communications tools. In spite of this, through inventiveness and commitment, and also through a freer and more autonomous concept of communications and how to use them Indigenous Peoples have overcome these limitations. The history of radio in the Indigenous movement is a case in point. In this sense, current experiences demonstrate the strategic role of radio, not only as a sound and information product but also, in its contemporary version, associated with audiovisual and network production.

Through its Directorate of Transport and Communications, the Autonomous Territorial Government of the Wampís Nation has been developing its School of Autonomous Communication since 2019. Here, young men and women are trained and apply their knowledge in a prac-

tical way through Radio Tuntui Wampís (FM 94.7), GTANW's own radio station that began broadcasting in 2018.<sup>26</sup> The Wampís youth who participate in this school are trained in radio and audiovisual production, in addition to acquiring skills in voice-over, scriptwriting, and other related activities aimed at creating a network of communicators.

This work of the Wampís youth takes place in coordination with the leadership training that is provided through the Sharian School of Leaders. One example of this associated training work can be seen in the video clip *Iñá Nunke* (Our Territory),<sup>27</sup> published in 2022, which has been viewed over 5,000 times. The production has had a significant international impact.

In the territory of the Kukama people, Radio Ucamara has produced a series of video clips with young people in the city of Nauta<sup>28</sup> combining musical production, political reflection and Indigenous knowledge. To date, the Kukama youth have produced around 20 video clips in which they address issues related to their own knowledge and language, the river, and the defence of their territory, among others. Successes such as "Kumarikira" (2013), with 135,000 views, or "Mauta" (2022), with more than 6,000, are produced using a process that the radio has been working on for more than 10 years and which, depending on the case, links children, young people, and the men and women elders of the Kukama people. The video clip format is thus coordinated with the work of the radio station, which includes not only news but also workshops for the recovery of the Kukama language and a political agenda for defending the territory against the extractive threats in the area.

In addition, around 80 young men and women from the Kichwa of the Tigre, the Quechua of the Pastaza, the Achuar of the Río Corrientes and the Kukama of the Marañón have made short documentaries with the aim of building capacity in order to form a network of Indigenous communicators that can be linked to the work of their Indigenous federations, grouped into the PUINAMUDT platform.<sup>29, 30</sup> The network continues to be consolidated, as the young people continue their training in technical communications skills as well as leadership. It should be noted that, as part of another production line, the short film "*Para remediar el daño: Vigilancia Indígena del Territorio*" [To remedy the damage: Indigenous Surveillance of the Territory] was released in 2024 and was selected for several film festivals. In December, it won the Public Prize at

the Masuku Nature & Environment Film Festival, held in France.

The efforts and products of these new communication practices tends to come from the Indigenous youth, probably linked to generational aspects in which they see opportunities for closer participation. In this light, we wish to highlight the production of videos<sup>31</sup> and a series of podcasts produced by AIDESEP<sup>32</sup> which offer an important variety of topics to reflect on the contemporary problems of the Indigenous movement in Peru, as well as the Indigenous initiatives aimed at overcoming them.

Hand in hand with political and territorial agendas but with the freshness offered by the dynamics of the new media, communication is being consolidated as a new tool for action and resistance among Indigenous youth.

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# Rapa Nui (Easter Island)



Rapa Nui is an island located in the middle of the Pacific Ocean, more than 3,700 kilometres off the coast of continental Chile, with an area of 16,628 hectares. It is inhabited by the Rapa Nui people, descendants of an age-old culture recognized for the creation of large megalithic structures known as Moai and for having developed a unique civilization. Rapa Nui is currently a territory annexed to the State of Chile, by virtue of a treaty signed by both nations on 9 September 1888 and known as the Agreement of Wills. This document establishes respect for the investiture of the Rapa Nui chiefs and reserves ownership of the land for the Rapa Nui people. However, the Chilean State is systematically failing to comply with this agreement, usurping the ownership of the land and committing major violations of the rights of its original inhabitants.

## The environmental crisis: a threat to cultural and ecological survival

The serious crisis being caused by plastic and microplastic pollution of the ocean represents an existential threat to the Rapa Nui people and their ecosystem. The island's geographical position, exposed to the South Pacific Ocean currents, makes it a recipient of large quantities of plastic waste, with concentrations up to 50 times higher than those recorded on the mainland coast. This situation not only has an impact on marine biodiversity and ecosystem health but also directly affects the daily life and cultural practices of the Rapa Nui people. Their identity is intrinsically linked to the sea, which represents an extension of their territory, and they have a strong spiritual and ancestral connection. For them, the sea is not only a source of food and resources but also of stories and spirituality.

It was against this backdrop that the Rapa Nui Pacific Summit 2024 was held under the title of "Protection of the Oceans and the Challenge of Plastic and Microplastic Pollution in the Region" a high-level international event organized by the Municipality of Rapa Nui, with the support of the UN System in Chile, the UN Environment Programme

and the Chilean Ministry of Foreign Affairs. It also had the support of all the representative organizations of the Rapa Nui people, such as the Council of Elders, the Rapa Nui Parliament, the Hōnui Territorial Assembly, *Koro Nui o te Vaikava* (Rapa Nui Sea Council), the Ma'u Henua Indigenous Community (administrator of the Rapa Nui National Park) and the Rapa Nui representatives of the Easter Island Development Commission.

The Summit brought together political and traditional leaders from various Pacific islands and coastal territories to promote action to address plastic and microplastic pollution in the Pacific, as well as to promote ocean conservation and protection. The importance of integrating scientific knowledge with ancestral knowledge in order to address climate change, pollution and ocean protection was highlighted. The event was attended by political authorities and representatives of the Indigenous Peoples of the Pacific.

This great event, which represented an example of Indigenous skill in international advocacy, concluded with a traditional ceremony and the signing of the Rapa Nui Summit Declaration by Pacific leaders. This document sends out an urgent call for action on the part of States and the international community. It urges the adoption of concrete measures to stop the plastic crisis, recognizes the invaluable contribution of Indigenous Peoples to the conservation and restoration of the oceans, and emphasizes the importance of Indigenous participation in decision-making on marine resource management. Furthermore, the importance of adopting the Kunming-Montreal Global Biodiversity Framework (KMGBF), as well as the Agreement under the UN Convention on the Law of the Sea (UNCLOS) on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ) is highlighted. This instrument is fundamental to the health of the ocean and its content places great value on coastal Indigenous Peoples. Finally, the Rapa Nui Summit Declaration was submitted as an official document to the 4th Session of the Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution, Including in the Marine Environment (INC-4) held in Ottawa, Canada, during the last week of April. This committee is currently working on a legally-binding international treaty to end plastic pollution, representing a crucial step in the environmental struggle of Indigenous Peoples.

## **Co-management of the marine protected area and the Rapa Nui cosmovision**

The existence of the Rapa Nui Marine Protected Area, the largest in Latin America, covering more than 72 million hectares of sea, is an important instrument for the conservation of marine biodiversity. The co-management of this area by the Rapa Nui people, through the *Koro Nui o te Vaikava*, together with the State of Chile, constitutes a relevant example of collaborative governance. In this context, an important step was taken in the care and administration of the sea of Rapa Nui when, in August, the Integrated Management Plan for the Rapa Nui Marine Protected Area was approved, following Indigenous consultation, by 86% of voters (500 in favour, 83 against). From the point of view of the Rapa Nui cosmovision and its origins, the plan envisages the Rapa Nui Marine Protected Area being managed under the principle of *Te Moana Tapu a Hotu Matu'a*, which combines the concepts of sacred sea with that of prohibition and respect. This approach will strengthen the Rapa Nui people's work and conservation of their sea.

## **Socio-economic challenges and the future for new generations**

The complex relationship with the only airline operating on the island has generated tensions due to changes in the conditions for obtaining airline tickets, affecting connectivity with the mainland and causing difficulties for the population in accessing basic services, such as specialist medical care and higher education. The Hōnui Territorial Assembly has expressed its discontent with this situation and the lack of guarantees from the State of Chile, which has failed to address this serious issue correctly. This problem is significantly affecting life in Rapa Nui since travel to the mainland is a necessity for the people, whether for medical emergencies, studies or other issues.

For Rapa Nui youth, one of the major difficulties they face is the lack of higher education institutions on Rapa Nui, which means they have to migrate to the mainland to continue their studies. This requires separation and uprooting from their families and cultural environment, with implications for their daily lives.

Nevertheless, the participation of young Rapa Nui women in international spaces such as COP16 in Cali, Colombia, where three young women addressed biodiversity and gender issues relevant to their people, demonstrates their commitment and leadership in the defence of their rights and the search for solutions to the challenges they are facing. In turn, the election of a young leader as president of the Ma'u Henua Indigenous Community (the largest Indigenous community in Chile and autonomous administrator of the Rapa Nui National Park) also represents a sign of renewal and empowerment of the future generations.

## **Rapa Nui and international law: an analysis of its relationship with UN resolutions on decolonization**

In August 2024, a group of Rapa Nui leaders sent a letter to the President of Chile with the intention of negotiating a relationship of self-government in free association between the Rapa Nui Nation and the Chilean State. This request, which represents a significant milestone, is based on principles of public international law enshrined in Article 73 of the UN Charter and in Resolutions No. 1514 and No. 1541 of the UN General Assembly.

The status of the Rapa Nui people, their relationship with the State of Chile and their historical demands for self-determination can be interpreted under the principles established in Resolutions 1514 (XV) and 1541 (XV) of the United Nations General Assembly, as well as Article 73 of the UN Charter. These regulations constitute the international framework for decolonization, underlining the inalienable right of all peoples to freely decide their political status, as well as to develop their economic, social and cultural future.

Resolution 1514 proclaims the need to put an end to colonialism in all its forms, while Resolution 1541 defines criteria for determining whether a territory is non-self-governing, including the options of independence, free association or integration with a sovereign state, always based on the freely expressed will of the people concerned.

In the case of Rapa Nui, annexation by Chile in 1888, through the Agreement of Wills, has generated controversy about its validity and legitimacy in terms of consent. The Rapa Nui people currently face sig-

nificant limitations in their capacity for self-government, particularly in the administration of their ancestral territory and natural resources, which raises questions about the Chilean State's compliance with its Article 73 obligations.

Given its unique cultural identity as an island people in the Pacific, Rapa Nui could be considered subject to the principles of decolonization. The lack of effective democratic consultation mechanisms through which to define its relationship to Chile contradicts the spirit of Resolutions 1514 and 1541, which requires that integration or association with a sovereign state reflect the freely expressed will of the people.

To address this situation, a process of dialogue between the Rapa Nui people and the State of Chile should be implemented that envisages: (1) full recognition of the Rapa Nui people's right to self-determination; (2) democratic evaluation of their political status under options such as free association or greater autonomy; and (3) strengthening of their self-government through effective control over their internal affairs and resources.

This analysis highlights that, from a perspective of historical justice and compliance with international law, the case of Rapa Nui represents an opportunity to advance the implementation of the principles of decolonization, in line with the aspirations and rights of its people.

On the other hand, and in accordance with the provisions of the Chilean Constitution (Article 126 bis), which states that Easter Island is a Special Territory of the Republic: "(..) The Government and Administration of these territories shall be governed by the special statutes established by the respective constitutional organic laws." The Easter Island Development Commission, an entity constituted under Law No. 19253, establishing norms on the Protection, Promotion and Development of the Indigenous People and creating the National Corporation for Indigenous Development (CONADI), is composed of five commissioners democratically elected by the Rapa Nui people, plus the President of the Rapa Nui Council of Elders. It is currently in negotiations with the Chilean government with the aim of working on a Special Statute of Autonomy for Rapa Nui, envisaging an Indigenous consultation on the matter in 2025.

## The case before the Inter-American Commission on Human Rights

Finally, it is worth noting the status of the Rapa Nui People's Case No. 14,626 before the Inter-American Commission on Human Rights (IA-CHR). This was a lawsuit filed in 2015 alleging the State of Chile's international responsibility for violating Article 21 in relation to Articles 1.1. and 2 of the American Convention on Human Rights due to violation of the Rapa Nui People's collective ownership of the territory and natural resources of Easter Island and their right to autonomy. Despite constant requests for recognition and autonomy of the Rapa Nui people for more than 125 years, a large part of their ancestral territory is currently managed and owned by the State, which has irreparably damaged the lifestyle and development of the Rapa Nui people.

On 27 July 2021, the IACHR issued its admissibility report on the petition presented and concluded: "To declare the present petition admissible in relation to Articles 4, 8, 12, 21 and 25 of the American Convention on Human Rights in connection with Articles 1.1 and 2 of said instrument."

Having been considered admissible, the complaint proceeded to the "merits stage", in which the alleged rights are analysed in relation to Inter-American System of Human Rights standards. At the conclusion of this stage, a report on the merits will be issued to determine whether or not there was a violation of the rights of the Rapa Nui people as alleged in the complaint. This stage is crucial, as it sets out the international legal process that seeks to settle the controversy between the Rapa Nui people and the State of Chile.

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# Suriname



The Indigenous Peoples of Suriname number approximately 20,344 people, or 3.8% of the total population of 541,638<sup>1</sup> (census 2012). The four most numerous Indigenous Peoples are the Kaliña (Carib), Lokono (Arawak), Trio (Tirio, Tareno) and Wayana. In addition, there are small settlements of other Amazonian Indigenous Peoples, mostly in the south of Suriname, including the Akoerio, Warao, Apalai, Wai-Wai, Okomoyana, Mawayana, Katuena, Tunayana, Pireuyana, Sikiyyana, Alama-yana, Maraso, Awayakule, Sirewu, Upuruy, Sarayana, Kasjoeyana, Murumuruyo, Kukuyana, Piyanakoto and Sakëta. The Kaliña and Lokono live mainly in the northern part of the country and are sometimes referred to as “lowland” Indigenous Peoples, whereas the Trio, Wayana and other Amazonian Peoples live in the south and are referred to as “highland” peoples.

The legislative system of Suriname, based on colonial legislation, does not recognize Indigenous or Tribal Peoples, and Suriname has no legislation governing Indigenous and Tribal Peoples’ land or other rights, in spite of various judgments of the Inter-American Court of Human Rights to develop and implement such legislation. This forms a major threat to the survival and well-being of Indigenous and Tribal Peoples, particularly given the strong focus that is being placed on Suriname’s many natural resources (including oil, bauxite, gold, water, forests and biodiversity). Suriname is one of the few countries in South America that has not ratified ILO Convention 169. It did vote in favor of adopting the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007.

## Legislative developments

The draft framework law<sup>2</sup> on the Collective Rights of Indigenous Peoples and Tribal Peoples in Suriname did not see any further (visible) progress in 2024, after initial discussions of an amended draft in the National Assembly (the unicameral parliament) in 2023. The government had announced in August 2023 that a revised version

would be submitted to Parliament after various political parties raised objections and questions on the draft in the first round of discussions. A year later, in August 2024, it was again stated that the draft would be submitted “within a few weeks” but, as of January 2025, this has not been done. In January 2025, Vice-President Ronnie Brunswijk was appointed to lead a team of ministers to pull this matter forward, saying that it would be submitted by the end of January 2025 and approved before the upcoming elections of May 2025.<sup>3,4</sup> VIDS, the Association of Indigenous Village Leaders in Suriname, has expressed its concern that a newly revised version of the draft law may be a watered-down version that is not up to international standards nor to the requirements of the various applicable judgments of the Inter-American Court of Human Rights, more particularly the Moiwana (2005)<sup>5</sup>, Saramaka (2007)<sup>6</sup> and Kaliña & Lokono cases (2015).<sup>7</sup>

An important court decision was taken by a cantonal court in Suriname during the year, in relation to an imminent issuing of land lease titles to facilitate the potential settlement of Mennonites in Suriname. Concerned communities and organizations started a short procedure against the State, which was suspected of providing land titles to intermediary organizations in order to facilitate Mennonite settlers within Indigenous and tribal territories. The judge, without referring specifically to Mennonites, condemned the State “...to, before taking a decision to grant third parties the right to land lease to engage in economic activities in the residential and hunting areas of indigenous peoples and/or tribal peoples, to include them in the decision-making process in order to obtain informed consent”.<sup>8</sup> The said concessions were therefore not issued. Through a private investor in the same area, however, at least seven Mennonite families coming from Bolivia settled there in December 2024, supposedly as employees of his pig farm.<sup>9,10</sup> The aforementioned judgment was later also quoted by VIDS to demand free, prior and informed consent (FPIC) for Indigenous communities in West Suriname before the State takes a decision to provide a mining concession to the Chinese aluminum mining company Chinalco (see below).

The Bureau of the Association of Saamaka Communities (VSG) and the 12 Los of the Saramaka tribal people of Suriname have requested, through their lawyer Nailah van Dijk, that the Constitutional Court of Suriname reviews a number of articles of existing laws for their potential conflict with the Constitution of Suriname and/or international

treaties binding upon everyone (in particular human rights treaties). The lawyer has requested the review of a number of articles in land policy and land issuing laws and in the Mining Decree of Suriname. If the Constitutional Court finds these articles to be in conflict with Suriname's international human rights obligations, the effect will be that these articles can no longer be applied, which would have an enormous impact on the current State's refusal to recognize and respect Indigenous and Tribal Peoples' collective property rights to land, as enshrined in, among others, judgments of the Inter-American Court of Human Rights. A date for delivering the Constitutional Court's findings has not been mentioned but is expected to take several months;<sup>11</sup> the court will first start a process of reviewing the admissibility of the request.<sup>12</sup>

Five Indigenous men who stood up against mining concessions and logging in Indigenous territories in May 2023 have been sentenced to eight years in prison. The men had set fire to trucks carrying logs and also raided the State-owned mining company Grassalco, which operates in the territory of the villages of Pikin Saron and Bigi Poika and prohibits villagers from entering or crossing the concession area en route to their agricultural plots. The judge did not consider the arguments of the defense lawyers that the men had acted in response to decades of discrimination, torture and a lack of protection and legal recourse under Surinamese law, which does not recognize Indigenous Peoples nor their right to collective ownership of their territories, in spite of judgments from the Inter-American Court of Human Rights. On the contrary, the public prosecutor and the judge argued that these men were guilty of 18 criminal crimes, exposing the increasing trend of criminalization of Indigenous Peoples in Suriname.<sup>13</sup> The defense lawyers have announced they will appeal the judgment.

## **Carbon trading by Suriname**

VIDS, the body for all Indigenous village leaders in Suriname, and KAM-POS Foundation (Kwinti, Aluku, Matawai, Paamaka, Okanisi, Saamaka), the coordination structure for Tribal Peoples in Suriname, have demanded an immediate halt to further steps by the Surinamese government to sell carbon credits without Indigenous and Tribal Peoples' consent and effective participation in policy development and implementation. In

July 2024, the government presented its “Suriname’s National Guidelines on Carbon Credit Development and Trading” and also announced the sale of Internationally Transferred Mitigation Outcomes (ITMOs)<sup>14</sup> under Article 6 of the Paris Agreement. The aforementioned National Guidelines also outlined a governance structure, benefit-sharing mechanism and future carbon sale projects, all without the informed consent of Indigenous and Tribal Peoples, who made their objections clear in a statement sent to the government in August 2024.<sup>15</sup> The Government of Suriname also erroneously announced the Green Climate Fund’s (GCF) imminent funding<sup>16</sup> of USD 80 million as financial compensation for “REDD+ results units” over the period 2018-2020. The announcement by the government was promptly corrected by the GCF, which said the information was incorrect and premature because Suriname had not even submitted a concept note that could, after a formal application, be assessed on all applicable criteria and policies of the GCF, including environmental and social safeguards.<sup>17</sup>

## **Chinalco mining in Indigenous territory**

Suriname, in particular the Indigenous communities of West Suriname, was taken by surprise<sup>18</sup> by the government’s announcement that it would sign a Memorandum of Understanding with the Chinese aluminum mining company Chinalco. The MOU was signed on Suriname’s Independence Day, 25 November 2024, and was met with immediate criticism from a range of civil society actors and independent experts,<sup>19,20</sup> including the Surinamese Association of Economists<sup>21,22</sup> who criticized the draft agreement on various grounds, including its economic, environmental and human rights impacts and disadvantages. VIDS,<sup>23</sup> as well as the Indigenous villages of West Suriname,<sup>24</sup> demanded an immediate halt to any further steps in relation to the intended mining activities. VIDS also issued an exhortation letter to the State citing a judgment of 2023 in which the judge had summoned the government to get the informed consent of the involved Indigenous and Tribal communities before deciding to issue a land title in their territories.<sup>25</sup> The Attorney-General of Suriname, who received this letter as the representative of the State, subsequently forwarded it to various Cabinet Ministers warning them not to undertake activities that could harm the government.<sup>26</sup> At

the time of writing this article, President Chan Santokhi had submitted the Chinalco deal to the National Assembly of Suriname for approval but it had not yet been tabled for public discussion.

In general, it can be concluded that the challenges and threats facing Indigenous and Tribal Peoples' rights in Suriname, and the environment in general, are fast increasing with the general elections coming up in May 2025 and a zealous government wanting to showcase "development achievements", at the expense of Indigenous and Tribal Peoples' rights, not to mention the vastly discriminatory situations such as widespread mercury and cyanide pollution of rivers and deep gaps in education and healthcare for the villages in the forested interior of Suriname.

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# Venezuela



Venezuela's Indigenous Peoples mainly inhabit the Amazon region, comprising the states of Amazonas, Bolívar and Delta Amacuro, in the south-east of the country. There are also Indigenous populations, although to a much lesser degree, in the states of Zulia, Apure, Lara, Guárico, Monagas and Sucre.

Most of these states are on the borders of the country and are more difficult to access, evidence of a historical process of territorial settlement that tended to expel the Indigenous Peoples from the central areas.

Comprising some 700,000 individuals, Indigenous Venezuelans represent approximately 3% of the total population, encompassing 51 peoples. However, the territories they inhabit cover almost 50% of the entire national territory.

As 2024 came to a close, their human rights situation was indicative of a perpetuation of several ongoing problems in this regard, due in particular to the worsening economic and social crisis in place since at least 2016.

All this is despite a broad set of laws that protect their rights, including those recognized in the Constitution of the Republic.

**C**urrent Venezuelan Indigenous problems are the result of a combination of deteriorating living conditions, including poor access to basic services such as health, food and education, and the harmful effects of illegal mining and other extractive activities on their territories. The latter relates primarily to the Indigenous Peoples living in the states of Amazonas and Bolívar.

In the case of Venezuela's non-Amazonian Indigenous Peoples, the absence of illegal mining does not exclude other extractive activities or illegal groups on their territories. For example, in the east of the country, peoples such as the Warao are affected by smuggling gangs, as is also the case in the state of Zulia (on the border with Colombia), where the Wayúu and Guajira populations live.

The common denominator is a resulting deterioration in their living conditions and, thus, in the effective exercise of their rights, despite the

efforts made by the Venezuelan State and the various civil society organizations, as well as the UN humanitarian aid system.

In the case of the Indigenous Peoples living in the states of Bolívar and Amazonas, illegal mining has caused environmental destruction, as well as a deterioration in and even loss of their ancestral territories due to the *de facto* control exercised by illegal armed groups. Many Indigenous leaders are the target of attacks, threats and harassment for this reason.

The widespread deterioration in living conditions has, in turn, led to the forced or involuntary recruitment of many Indigenous people, who end up involved in these illegal extractive activities. This situation affects not only those who have been forced to migrate to the mining camps to gain an income but also those who remain behind in the communities, where the dynamics have changed.

This latter occurs because, as Indigenous people migrate to the mines, fewer people are available in the communities to cultivate their traditional gardens or market their traditional produce. In addition, their governance structures become fragmented as a result of conflicting views over mining activity. Not only that but their capacity to face up to pressure from the external groups present on their territories or in the surrounding areas also decreases. This all affects the Indigenous Peoples' productive capacity over their lands, territories and resources, as well as their rights to autonomy and self-government.

It is nonetheless important to highlight that, despite the above, the national government is making efforts to gain more control over the areas affected by mining. These efforts are not always clear and are often contradictory in their actions. They have, however, managed to expel many illegal miners, partially recovering territorial control, as in the case of the large mining area located in the Yapacana National Park, in the state of Amazonas. Similar operations have also been carried out in other areas of this state, as well as in Bolívar state.

One of the weaknesses of these operations is that, because they are not constant over time and because the area is extremely large and difficult to access, their effects are not sustained or, in any case, are only sufficient to shift the problem from one area to another.

In this context, grassroots Indigenous movements have denounced this weakness and have proposed that the national government should strengthen territorial control via full recognition of Indigenous territorial

rights, which would include their demarcation. This latter is supported by scientific studies: those areas where Indigenous territories overlap with natural protected areas (ecological reserves, national parks, natural monuments) are much better preserved than those that do not.<sup>1</sup>

In addition, the State has also shown a greater propensity to include Indigenous Peoples as lead players in the formulation of its plans to combat climate change and other environmental policies envisaged in the different agreements to which it is a party. This can be seen, for example, in the National Climate Change Adaptation Plan (NCAAP), where the 2024 consultations included gender and Indigenous Peoples' perspectives as cross-cutting issues.

Although these efforts are still insufficient, they do mark a positive trend.

In addition, within the context of their humanitarian actions, organizations linked to the UN system have shown a greater propensity to comply with the obligatory application of prior consultation protocols, in line with the habits and customs of the Indigenous Peoples. Although there is still much work to be done in this regard, this too is good news.

In this sense, it is important to recognize the role of Indigenous and indigenist organizations that are currently fighting and working for the effective recognition of Indigenous rights. The case of the Regional Organization of Amazonian Indigenous Peoples (ORPIA) is perhaps the best example of an Indigenous organization since it brings together all the grassroots organizations of the different Indigenous Peoples living in the state of Amazonas. In the case of indigenist organizations, the Socio-environmental Working Group of the Amazon - Wataniba's role in supporting the production of prior consultation protocols and maps of sacred sites is noteworthy.

Despite their specific features, the problems facing Venezuela's Indigenous Peoples cannot be seen in isolation from the national context and, thus, to the extent that any progress can be made in improving the latter, their situation will tend to improve or will be in a better condition to do so. As long as internal and external confrontation persists, it will be more difficult to move in this direction.

In conclusion, although 2024 continued to be a difficult year for the human rights of Venezuela's Indigenous populations, progress could also be observed in the actions of the State and civil society organi-

zations, with a greater mobilization of Indigenous grassroots organizations in the defence of their rights and real exercise of those rights. There are still many threats and many challenges but complexity has also brought greater mobilization and organization, enabling us to report a less gloomy scenario than in recent years.

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# The Arctic

# Inuit Nunangat

The majority of the 70,545 Inuit (69%) in Canada live in 51 communities in Inuit Nunangat, the Inuit homeland encompassing the Inuvialuit Settlement Region in the Northwest Territories, Nunavut, Nunavik in northern Quebec and Nunatsiavut in northern Labrador.

Economic and social disparities continue to exist between Inuit and other Canadians. This includes much lower mean annual incomes, more people living in crowded homes, lower rates of education, food insecurity, higher unemployment, less access to medical services, lower life expectancy and an infant mortality rate three times the national average.<sup>1</sup>

Comprehensive Inuit-Crown land claims agreements shape the political contours of each of the four Inuit regions. Through these constitutionally protected agreements, Inuit representative organisations and governments co-manage, together with the federal government, 40% of Canada's land area and 72% of its coastline. Inuit are represented at the national level by Inuit Tapiriit Kanatami (ITK) and internationally by the Inuit Circumpolar Council Canada (ICC Canada). ITK's Board of Directors is made up of the leaders of the four regional Inuit representational organizations and governments: Inuvialuit Regional Corp., Nunavut Tunngavik Inc., Makivvik and the Nunatsiavut Government. In addition to voting members, the presidents of the ICC Canada, Pauktuutit Inuit Women of Canada, and the National Inuit Youth Council sit on the board as non-voting permanent participant representatives.

This is the first update on Inuit Nunangat in several years (since *The Indigenous World 2020*<sup>2</sup>) so, by necessity, it will cover several items that took place prior to last year but which are relevant to the current situation of Inuit. Among these are the impacts of COVID-19 and the passage of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* Act.

## COVID-19

All across the Arctic, Inuit communities shut down and cut themselves off from the rest of their respective countries. In most places, distance and isolation played an important role in preventing the worst ravages of the pandemic. Decisive action by community and regional leaders kept the COVID numbers low in Inuit Nunangat. Despite continuing infrastructure deficits, including limited access to medical facilities, Inuit exercised “health care sovereignty” in their communities, resulting in a rate of infection that was 2-3 times lower than in the southern parts of the country.<sup>3</sup> Throughout much of the pandemic, Inuit Tapiriit Kanatami (ITK) organized regular briefing calls that included all regional Inuit organizations, the Inuit Circumpolar Council (ICC) and others to update statistics and issues.

As the pandemic began to wind down, ITK issued a report on *The Digital Divide: Broadband Connectivity in Inuit Nunangat* that pointed out that the heavy reliance on online education and work during the pandemic had put Inuit at a serious disadvantage compared to the rest of the country due to the lack of broadband access in many communities.<sup>4</sup> In 2024, the Canadian Radio-Television Telecommunications Commission (CRTC) announced millions of dollars of funding for fibre optic cable links to several communities in Nunavut and Nunavik.

The COVID-19 pandemic clearly showed the advantage of Inuit-led health initiatives, a lesson that is being applied to the continuing scourge of tuberculosis across Inuit Nunangat where TB rates over the 2015–2019 period were 300 times higher than the rest of the country:

*These high rates of TB across Inuit Nunangat reflect the socio-economic disparities—like overcrowded housing, food insecurity, barriers to health care, and poverty—between Inuit and other populations in Canada and are the result of the ongoing impacts of colonization on health.<sup>5</sup>*

In March 2024, ITK and the federal government reinforced a pledge to eliminate TB in Inuit Nunangat by 2030.

## **UNDRIP Act Implementation and the Inuit-Crown Partnership Committee**

The UNDRIP Act became law in 2021 and the Government of Canada is committed to creating an action plan and making annual progress reports in cooperation with Inuit and other Indigenous Peoples. ITK contributed a number of recommendations to the action plan, including applying “an Inuit Nunangat approach … to implementing, monitoring, and assessing the Collaborative Modern Treaty Implementation Policy”. The government will also

*continue to actively engage in and support the Inuit-Crown Partnership Committee (ICPC) and utilize it as a primary mechanism for facilitating work on Inuit-specific actions for implementing the UN Declaration as well as for advancing shared Inuit-Crown priorities that will evolve on an ongoing basis subject to decision by Inuit Treaty Organizations and the Crown.<sup>6</sup>*

The ICPC, created in 2017, brings together Inuit leaders and Cabinet Ministers (and, once a year, the Prime Minister) to work on shared priorities. Inuit have consistently urged the government to take a “distinctions-based approach” to Inuit issues and move away from a “one-size-fits-all” approach to Indigenous issues in Canada. The ICPC’s 15 priority areas include land claims implementation; revitalization of Inuktitut, the Inuit language; education and early learning; health and wellness; environment and climate change; and housing and homelessness, to name but a few. By using the ICPC to deal with these issues, the government is supporting the implementation of the UNDRIP Act.

ITK has called on the government to be “more ambitious in meeting its statutory obligation of aligning Canada’s laws with the rights affirmed by the UN Declaration”. It joins other Indigenous Peoples’ organizations in calling for the establishment of an Indigenous human rights commission and tribunal.<sup>7</sup>

## **Inuit Nunangat a “distinct region”**

One of the main initiatives of the ICPC has been the creation of an Inuit Nunangat Policy, which creates a distinct region aimed at giving Inuit

a greater say in developments in their homeland. The policy is the first of its kind and is designed to guide the government in its engagement with Inuit, no matter where they live. ITK President Natan Obed said the policy is important because it recognizes Inuit self-determination and that they are distinct from other Indigenous Peoples in Canada. Obed pointed out that the policy recognizes Inuit Nunangat as “a distinct geographic, cultural and political region” and is important “due to geopolitical changes and threats to Canada’s Arctic sovereignty from other countries”.

A federal government Cabinet directive states, among other things, that the Inuit Nunangat Policy “is intended to help create socio-economic and cultural equity between Inuit and other Canadians”. It instructs all government departments and agencies “to drive cultural change within their organizations to implement the Inuit Nunangat Policy and help achieve this urgent objective”.<sup>8</sup>

## **Inuit Nunangat University**

Canada is the only Arctic state without a university in its Arctic territory. Inuit who want to go to university have had to move south and face many challenges living in unfamiliar urban centres. Planning for the Inuit Nunangat University is underway, spearheaded by ITK and its National Strategy on Inuit Education 2011. The ITK Board of Directors passed a resolution in 2017 supporting the development of a university and, in late 2024, the organization announced CAD \$50 million investment from the Mastercard Foundation, the largest private donation ever made to Inuit. Additional funding is being sought from the Canadian government and private donors. A charter, strategic direction and selection process for key work have been approved. The goal is to have the first cohort of students in their seats by 2030.<sup>9</sup>

## **Devolution in Nunavut**

2024 began with the formal signing of the *Nunavut Lands and Resources Devolution Agreement* between Nunavut Tunngavik Inc. and

the governments of Canada and Nunavut. The product of many years of negotiation, the devolution agreement gives Inuit decision-making power over public lands, non-renewable resources and freshwater as part of the largest land transfer in Canadian history. It was accompanied by a Human Resources Development Strategy that “will accelerate Inuit training, increase Inuit employment, and will lead to more jobs for Nunavut Inuit with the ability to decide the direction of development and conservation in Nunavut”.<sup>10</sup> Full transfer of responsibilities is scheduled to be completed by 1 April 2027, the 28<sup>th</sup> anniversary of the creation of the Nunavut Territory.

## New Arctic Foreign Policy

Canada updated its Arctic Foreign Policy in late 2024 because the North American Arctic is “no longer free from tension” amid increased geopolitical instability following Russia’s invasion of Ukraine, which has “shaken the foundations of international cooperation in the Arctic”. It commits the government to increased domestic and international collaboration in order to combat emerging foreign threats in the North.<sup>11</sup>

The policy will revive the role of Canada’s Arctic ambassador, which was eliminated in 2006 under the previous Conservative government. It will also open consulates in Nuuk, Greenland, and Anchorage, Alaska. Among other initiatives, Canada will “launch boundary negotiations with the United States regarding the Beaufort Sea and finalize the implementation of the boundary agreement between Canada and the Kingdom of Denmark regarding Tartupaluk (Hans Island).”<sup>12</sup> Inuit have long argued that Canadian sovereignty rests on Inuit historic use and occupation of the Arctic<sup>13</sup> and they were involved in developing the new policy. Inuit also have decades of experience working across borders with other Inuit in Alaska, Greenland, and Chukotka.

When the policy was announced, Conservative Party Leader Pierre Poilievre did not endear himself to Inuit and other northerners when he commented on social media on the government’s plans to appoint a new Arctic ambassador: “Arctic ambassador? To do diplomacy with who? Santa Claus?” ITK President Natan Obed called the comment “very concerning”.

## Reconciliation: Nunavik dog slaughter apology

In the 1950s and early 1960s, federal policies were designed to ensure that nomadic Inuit settled in communities in Nunavik, northern Quebec. During this period, federal police killed more than 1,000 Inuit sled dogs, which had been a vital means of transportation for hunters out on the land and sea ice. A report by a retired judge in 2010<sup>14</sup> found that Quebec provincial police officers had killed the animals “without any consideration for their importance to Inuit families”.<sup>15</sup>

The report found that the federal government, which had jurisdiction over Indigenous Peoples under Canada’s federal system, had failed to intervene or condemn the slaughter. In November, the Minister of Crown–Indigenous Relations and Northern Affairs apologized to Nunavik Inuit for the slaughter and the disruption to their way of life. The killing of the sled dogs took place at a time when Inuit children were also being taken from their families and sent to residential schools, often far from their home communities.

The Makivvik Corporation, which represents Inuit of the region, worked for many years to secure the official apology. Afterwards, the federal government announced CAD \$45 million in funding for “reconciliatory programming”.<sup>16</sup>

## Reconciliation in an uncertain future

Nine years after the release of the Truth and Reconciliation Commission Report, there was unease that a change in government could unravel a decade of (albeit sometimes slow and uneven) progress in the relationship between Indigenous Peoples and the Government of Canada. When Prime Minister Justin Trudeau announced in December that he would step down after the governing Liberal Party had selected a new leader in spring 2025, all the polls pointed to an easy victory by the opposition Conservative Party under populist leader, Pierre Poilievre.

When the Conservatives were last in power under Prime Minister Stephen Harper, relations with Inuit and other Indigenous Peoples were poor and Indigenous issues got very little time in Ottawa. ITK President Obed has said that given all the change since the Liberals came to power in 2015, a future government would be bound to honour agreements

to work to implement the recommendations in the TRC Report. "But you never really can tell."<sup>17</sup>

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John's academic background is in journalism, communications, history and political economy. He has taught graduate and undergraduate courses in journalism, public administration and polar issues in Canada and Germany. He currently lectures on Arctic Policy in the Northern Studies Programme at Carleton University.



# Kalaallit Nunaat (Greenland)



Kalaallit Nunaat (Greenland) has been a self-governing country since 1979 within the Kingdom of Denmark (or Danish Realm), which consists of Denmark, the Faroe Islands and Kalaallit Nunaat. The country is a 2 million km<sup>2</sup> island in the Arctic whose population is 88.9% Greenlandic Inuit out of a total of 56,562 inhabitants (May 2022).<sup>1</sup> The majority of Greenlandic Inuit refer to themselves as Kalaallit (Kalaaleq in singular). Approximately 17,000 Kalaallit live in Denmark.

Ethnographically, the Kalaallit consist of three major groups: the Kalaallit of West Greenland, who speak Kalaallisut (west Greenlandic); the Livit of Kangia (East Greenland), who speak Livi oraasia (east Greenlandic) and the Inughuit/Avangersuarmiut near Thule who speak Inuktun (north Greenlandic). Kalaallisut is the official language, which the majority of people speak, while the second official language of the country is Danish. The economy includes subsistence hunting, commercial fisheries, tourism, and emerging efforts to develop the mining industry. Greenland has a per capita GDP of approximately USD 52,500 (approximately 50% of the national budget is financed by Denmark through a block grant).

In 2009, the Act on Self-Government was inaugurated, giving the country further self-determination within the Kingdom of Denmark. Together with the Danish Constitution, the Self-Government Act articulates Greenland's constitutional position in the Kingdom of Denmark. The Self-Government Act recognizes the Greenlandic people as a people under international law with the right to self-determination.

Greenland's self-government consists of Inatsisartut (Parliament), an elected legislature of 31 elected members, and Naalakkersuisut (Government), which is responsible for overall public administration. The Government of Denmark, on behalf of the Kingdom, including Kalaallit Nunaat, voted in favor of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 and subsequent Danish governments have committed to its implementation. Greenland and Denmark jointly prepare reports regarding good practice on the implementation of Indigenous Peoples' rights, as described in the UNDRIP and oth-

er international human rights instruments. The Government of Greenland had a decisive influence over the Kingdom of Denmark's ratification of ILO Convention 169 in 1996, as Greenland has prioritized actions to establish Indigenous Peoples' collective rights to land and resources in their territories.

The Kalaallit Nunaat chapter of the Inuit Circumpolar Council (ICC KN) was established in 1980, coinciding with the founding of the ICC itself. The ICC was created to represent the collective interests of Inuit across Alaska, Canada, Kalaallit Nunaat, and Chukotka (Russia) and to strengthen Inuit unity on issues such as cultural preservation, environmental sustainability, and Indigenous rights. ICC Greenland represents Inuit interests in Kalaallit Nunaat, advocating for Indigenous rights, sustainability, and cultural preservation. It focuses on promoting Inuit self-determination, environmental stewardship, and the use of traditional knowledge in global decision-making. It also plays a key role in discussions on Arctic marine conservation and climate change impacts. The organization collaborates closely with communities, government, and international partners to amplify Inuit voices globally.

## Inuit youth advancement within Inuit Circumpolar Council

In 2024, ICC Greenland prioritized youth engagement through leadership programs and involvement in international forums. ICC initiated several key programs to advance Inuit youth leadership e.g. the Inuit Youth Engagement Program, launched in October 2024. This program aims to empower young Inuit aged 21-35 by enhancing their leadership skills and deepening their understanding of Inuit culture and global advocacy. Participants engage in online courses, workshops and seminars, and are paired with mentors from ICC's network to guide them through complex issues and opportunities. It is a two-year educational initiative bringing together 12 young Inuit from across the Arctic to collaborate on community advocacy. Selected from 179 applicants,

participants work online and in person, focusing on circumpolar and global issues with guidance from mentors in ICC's national offices. As a continuation of this, ICC plans to organize an "Inuit Youth Summit" (in 2026) aimed at creating a new generation of decision-makers and building organizational capacity and sustainability. This initiative underscores ICC's commitment to fostering youth leadership within the Arctic region.

One of the main challenges facing young people in Kalaallit Nunaat is the lack of education and/or not being affiliated with an education program of any sort. By the end of 2023, 5,088 or 69% of Greenlandic youth between the ages 16 and 25 were either in education or employment. 28% of this group was active in education at secondary school or at a level above primary school, while 42% were in employment. The proportion of this group who were neither active in education nor in employment thus amounted to 31% in 2023. The share has stagnated since 2016. In the same period, the share of young people in employment has increased by 3 percentage points, while young people in education have fallen by 2 percentage points.

While there is an acknowledgement that young people in Kalaallit Nunaat have difficulties "penetrating" the education system because it has a (colonial) Danish structure and much teaching takes place in Danish and because many of this group have to move from smaller settlements to bigger cities to get access to education, it still poses a problem with regard to empowering the next generation of Greenlanders to take over positions in Greenlandic society. Initiatives like the youth summits that ICC organizes provide an opportunity for Greenlandic youth to see the need for Arctic youth empowerment in a recognizable setting along with other young fellow Inuit from the Arctic.

## **Removal of Greenlandic children in Denmark**

In Denmark, the proportion of Greenlandic children being placed in care is approximately 7%, compared to 1% of ethnically Danish children. Greenlandic parents face the removal of their children by social services, often based on parenting competency tests conducted in Danish and with Danish/Western standards as a backdrop. Critics argue that these assessments fail to account of cultural and linguistic differences,

potentially leading to unjust child removals and leading to a disproportionate number of removals. The Institute for Human Rights and many other institutions working with Greenlanders in Denmark have called on municipalities to stop using these misleading tests on Greenlandic parents, as they are not adapted to Greenlandic language and culture. The situation has intensified discussions about systemic discrimination and the need for culturally-appropriate practices in child welfare assessments. In response to public outcry and protests in both Greenland and Denmark, some municipalities, such as Esbjerg, have ceased using these culturally-insensitive tests.

Additionally, the Danish Social and Housing Minister pledged to instruct municipalities to discontinue the use of non-culturally adapted psychological evaluations in cases involving Greenlandic families in the fall of 2024, upon strong appeal by Naalakkersuisut (the Government of Greenland). This problem was the subject of repeated media coverage in Denmark and internationally throughout 2024.<sup>2</sup>

## **Speaking Greenlandic in the Danish Parliament**

The Danish Parliament (Folketing) includes four North Atlantic mandates from each of the two territories, namely Faroe Islands and Greenland, reflecting their representation within the Kingdom of Denmark. The Members of Parliament from these two territories advocate for local interests and often highlight issues such as cultural rights, autonomy, and regional development.

One of the Greenlandic MPs, Aki-Matilda Høegh-Dam (born in 1996), representing the Siumut party, has been a prominent advocate for the use of the Greenlandic language (Kalaallisut) in the Danish Parliament. In May 2023, she delivered a seven-minute speech entirely in Greenlandic during a parliamentary debate, refusing to translate it into Danish. This act highlighted the lack of simultaneous interpretation services and sparked discussions about linguistic inclusion in the Folketing. In the past, the parliamentary leadership has required that speeches in Greenlandic be immediately translated by the speaker. However, in November 2024, the Folketing trialed simultaneous interpretation for the first time, allowing Høegh-Dam to speak in her native language without providing an immediate translation herself. This development marked a significant step towards accommodating linguistic diversity within the

Danish legislative process.

The ability to use Greenlandic in the Danish Parliament aligns with international commitments to Indigenous rights under ILO Convention No. 169 and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), particularly the following articles:

- ILO 169, Article 28: This article emphasizes that Indigenous Peoples have the right to use their languages in administrative, legal, and political processes. Allowing Greenlandic in the Folketing directly supports this provision by enabling Greenlandic-speaking MPs to fully participate in governance without linguistic barriers.
- UNDRIP, Article 13: It recognizes the right of Indigenous Peoples to use, revitalize, and develop their languages in political and legal contexts. The inclusion of Greenlandic in parliamentary debates fosters this principle, promoting linguistic and cultural preservation.
- UNDRIP, Article 19: This article mandates states to consult and cooperate with Indigenous Peoples through their representatives in matters affecting them. By enabling Greenlandic-speaking MPs to address parliament in their native language, it ensures better communication and authentic representation of Greenlandic concerns.

This step demonstrates a move towards respecting and implementing these international standards within the governance framework of the Kingdom of Denmark. It is also noteworthy that this change has been brought about by a young Greenlandic politician who has – among other things – been part of UNICEF Greenland's NAKUUSA program, the main purpose of which is to provide education on the UN Convention of the Rights of the Child and to involve children and youth in societal developments and decisions, including policy development.

## **Human Rights Council of Greenland (IPS)**

The IPS was established in 2013 based on the UN Paris Principles and it works to promote and protect human rights in Greenland. The council

consists of four permanent members representing advocacy organizations such as MIO (National Advocacy Center working for Children's Rights), Tilioq (National Advocacy Organization for People with Disabilities), the Elder Spokesperson, and the Chair of the Gender Equality Council, along with 10 members appointed by Inatsisartut (the Greenlandic Parliament) for a four-year term. IPS focuses on educating the public about their rights, advising authorities and NGOs, and encouraging Inatsisartut to ratify UN human rights conventions. The council does not have the legal authority to handle individual cases or complaints from citizens.

In 2024 IPS – in cooperation with the Danish Institute for Human Rights – launched digital teaching materials for public employees, civil society organizations, students and people on human rights in Greenland, including the role of the UNDRIP in Greenland. The teaching material consists of six interactive modules that bring users close to the history and importance of human rights in both an international context and in Greenland. IPS and the Danish Institute for Human Rights also jointly published a handbook titled *Menneskerettigheder* (Human Rights). This comprehensive guide aims to provide professionals and others engaged in human rights in Greenland with a foundational understanding of general human rights protections, as well as the rights specific to certain groups. The handbook seeks to enhance knowledge and awareness of human rights issues within the Greenlandic context.

## **"Nothing about us without us" – Foreign, Security, and Defense Policy of Kalaallit Nunaat**

In 2024, Naalakkersuisut (the Government of Greenland) made its first ever Foreign, Security, and Defense Policy for the period 2024-2033. The following elements of this strategy can be highlighted:

- Greenland asserts its right to self-determination and aims for greater international influence, ensuring that policies concerning the Arctic include its direct participation—summed up in the principle: "*Nothing about us without us*."
- The strategy prioritizes regional partnerships, especially with Arctic and North American neighbors (Canada, the U.S., and

- Iceland), to enhance trade, infrastructure, and diplomatic ties.
- Climate change is a central concern, requiring adaptation strategies for hunting, fishing, and infrastructure while leveraging Greenland's mineral and energy resources for the global green transition.
  - Greenland emphasizes peace and low tension in the Arctic, opposing militarization while strengthening its role in security cooperation through NATO, Denmark, and the U.S.
  - The strategy promotes Indigenous rights, human rights, and Greenland's independent cultural and economic identity while working within multilateral organizations such as the Arctic Council, the UN, and the EU.

Specifically on Indigenous Peoples and Human Rights, the strategy addresses the following areas:

- It explicitly frames Greenland as an Indigenous Arctic nation, prioritizing the well-being and self-determination of its people within all foreign, security, and defense policies.
- It highlights the ICC as a key organization in Arctic governance, advocating for stronger Indigenous representation in international forums.
- It commits to ensuring that Indigenous perspectives are central to Arctic Council policies, emphasizing cultural sustainability alongside environmental and economic development.
- It stresses Greenland's historical participation in the UNDRIP and ongoing human rights advocacy.
- It reinforces the need for Indigenous involvement in climate policy, recognizing how traditional ways of life – hunting, fishing, and land use – are disproportionately affected by global warming.
- It calls for increased international cooperation on social issues affecting Indigenous communities, such as education, healthcare, and gender equality.
- It wishes to expand freedom of movement for Inuit across national borders, particularly with Canada and Alaska.

- It promotes Indigenous economic empowerment as a key theme, including sustainable trade policies that respect traditional livelihoods while integrating Greenlandic industries into the global economy.

In this overall context, there is an ambition to seek stronger diplomatic representation at the UN with an aim to influence policies on decolonization, self-determination, and human rights. The strategy strongly opposes foreign interventions that disregard Indigenous governance and emphasizes that security measures in the Arctic must respect the rights and sovereignty of the Greenlandic people.

## **Threat to Greenlandic sovereignty**

On 23 December 2024, U.S. President-elect Donald Trump reiterated his intention for the U.S. to acquire Greenland, describing its ownership and control as “an absolute necessity” for national security and global freedom. This renewed proposal, similar to his 2019 idea, was promptly rejected by Greenland's Premier, Múte B. Egede, who stated, “Greenland is ours. We are not for sale and will never be for sale.” Denmark's government also dismissed the idea, emphasizing Greenland's autonomy and their unwillingness to engage in such discussions. In response to these developments, Denmark announced plans to bolster its defense presence in Greenland, aiming to enhance security and assert sovereignty over the Arctic territory.<sup>3</sup>

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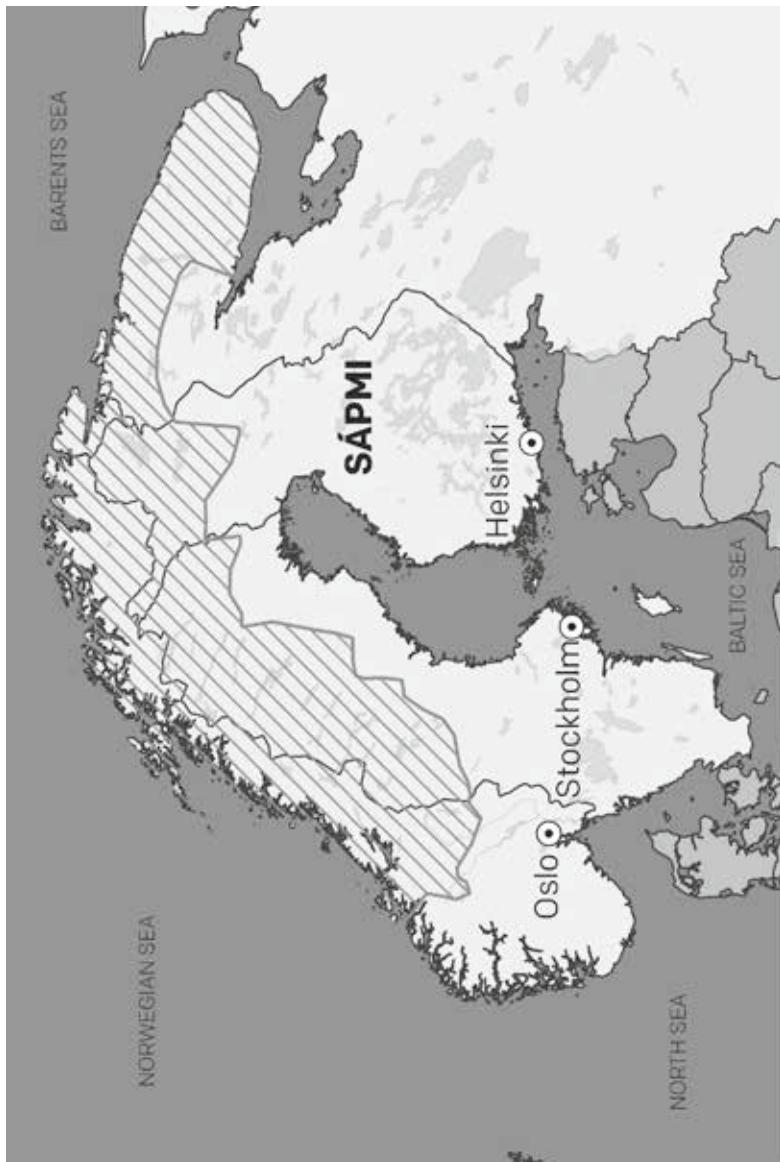
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# Sápmi



Sápmi<sup>1</sup> is the Sámi people's own name for their traditional territory. The Sámi people are the Indigenous people of the northern part of Finland, Norway, Sweden and large parts of the Kola Peninsula in Russia. Despite being separated by the borders of four states, the Sámi remain one people, bound by shared history, cultural and linguistic ties and a strong common identity.

There is no reliable information on the population of the Sámi people, as ethnicity is not registered in Finland, Norway, or Sweden. They are, however, estimated to number around 100,000 in total. Around 20,000 live in Sweden, out of a total population of approximately 10.5 million. Some 50,000–65,000 live in Norway, which has a total population of approximately 5.5 million. Around 8,000 live in Finland, which also has a total population of around 5.5 million. And some 2,000 live in Russia, which is a very small proportion of the total population of Russia.

All the Sámi languages are classified as endangered by UNESCO<sup>2</sup> but significant efforts are being made to preserve and revitalize them.

Traditionally, livelihoods such as reindeer herding, fishing, hunting, gathering, small-scale farming, and handicrafts are central to Sámi culture.

Politically, the Sámi people are represented by three Sámi parliaments, one in Sweden, one in Norway and one in Finland, while on the Russian side they are only organized into non-governmental organizations (NGOs). In 2000, the three Sámi parliaments established a joint council of representatives called the Sámi Parliamentary Council. The Sámi Parliamentary Council is not to be confused with the Saami Council, which is a central Sámi NGO representing nine large national Sámi associations (NGOs) in all four countries. There are also other important Sámi institutions, both regional and local, *inter alia*, the Sámi University of Applied Sciences, which is a research and higher education institution dedicated to the Sámi society's needs and where the Sámi language is mainly used throughout the academic system.

Sweden, Norway, and Finland voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in September 2007, while the Russian Federation abstained. However, in 2014, the Russian Federation voted in favour of the Outcome Document of the World Conference on Indigenous Peoples, which is considered an acknowledgement of the declaration. Norway ratified ILO Convention No. 169 in 1990, and there have been discussions in Sweden and Finland, without these resulting in ratification of the Convention. The Sámi people are acknowledged as either a people or an Indigenous people, or both, in the constitutions of Finland, Norway, and Sweden.

## Sámi youth organizations

In Sápmi, there are various Sámi youth organizations, including both politically independent organizations and organizations affiliated with Sámi political parties, as well as advocacy and student organizations.

The three largest independent youth organizations are Suoma Sámi Nuorat on the Finnish side, Noereh on the Norwegian side, and Sáminuorra on the Swedish side. All the three Sámi parliaments have youth councils and some of the Sámi organizations have their own youth committees.

Sámi youth have long organized and fought for their rights and traditional livelihoods through these efforts. Through various organizations and associations, meeting places are also created for young Sámi, who often live dispersed across the different countries.

Like other Indigenous Peoples, Sámi youth are engaged in work on climate change, the green transition, and other issues that affect them and their future. There are several initiatives on capacity and knowledge building for Sámi youth. Initiatives such as ReCap ASáp – Regaining capacity in a changing Sápmi,<sup>3</sup> Arctic Youth Conference (AYC)<sup>4</sup> and Sámi Youth Network<sup>5</sup> aim to bring together youth to build networks, capacities and skills.

Sámi youth organizations are quite active on the international stage, including at the UN Permanent Forum on Indigenous Issues, the

Arctic Council, and the EU.

One of the oldest and largest Sámi youth organizations is Sáminuorra, a politically independent organization for Sámi youth in Sweden. Sáminuorra was founded in 1963, initially as the youth wing of the Swedish Sámi Association but, since the 1970s, Sáminuorra has been an independent organization. Sáminuorra has played a pivotal role in shaping the Sámi community, with a strong focus on the future.

During 2024, Sáminuorra travelled across Sweden to inform the Swedish authorities and organizations about the challenges young Sámi face today. Among other efforts, they met with several of Sweden's ministers and participated in political forums to amplify the voices of Sámi youth, particularly in relation to the green energy transition.

In Sweden, there are several large mining companies seeking to carry out more interventions in Sámi areas in the name of the green transition, with one of the largest being the state-owned mining company LKAB (Luossavaara-Kiirunavaara Aktiebolag). Sáminuorra contributed to mobilizing the support that led to the mining company winning the Swedish Greenwashing Prize in 2024.<sup>6</sup> In addition, Sáminuorra has advocated for implementing free, prior and informed consent in Sweden, particularly in relation to the EU's new mining regulation, the Critical Raw Materials Act. They also continue to advocate for ratification of ILO Convention No. 169 in Sweden and for a strengthening of the influence of the Sámi people in decisions that affect them.

## **The Fosen case and the prosecution of Sámi Youth Human Rights Defenders**

In February 2023, young Sámi and Norwegian human rights defenders staged a sit-in in the lobby of the Ministry of Petroleum and Energy to protest the handling of the Fosen ruling. The activists, led by the Norwegian Sámi Association's youth organization and the Norwegian organization Nature and Youth, refused to leave the lobby and demanded that the government apologize for the ongoing human rights violation and take action to ensure that it ceases.

The youth quickly gained significant attention from both the Sámi and Norwegian communities, as well as the media. After being detained

by the police during the night a few days later and released shortly after, they continued their protests outside the ministry's front door. Sámi youth from all over Sápmi travelled to Oslo to join the demonstrations, including youth from the Finnish and Swedish sides.

The protests gained momentum and the youth successfully blocked various ministries. During the demonstrations, some of the protesters were detained. After several days, the protests ended when the authorities finally issued an apology to the reindeer herders in Fosen and acknowledged that an ongoing human rights violation was taking place.

Although the authorities issued an apology, they still failed to implement sufficient measures to comply with the Supreme Court ruling. As a result, the young activists once again started protests in Oslo.

Eighteen of the human rights defenders were later fined for not complying with police orders. The activists refused to pay the fine and the case went to court.

The trial against the Fosen activists began in Oslo District Court on 12 March 2024. The question before the court was whether the activists had broken the law by failing to comply with the police's order to move. All 18 activists were acquitted by the District Court.<sup>7</sup> The majority of the court justified this by stating that the police's actions, orders and detentions, taken together, had violated the defendants' right to participate in peaceful assemblies and demonstrations under the Norwegian Constitution and Article 11 of the European Convention on Human Rights (ECHR). The court particularly emphasized that the demonstrations were directed against a human rights violation established in a ruling from the Supreme Court, as well as the fact that the demonstrations were addressing an issue of great importance for the Sámi people. The court also highlighted that the demonstrations were crucial in getting the government to apologize for the human rights violation.

The prosecutor decided to appeal the acquittal of 13 of the activists with the Court of Appeal. The trial began on 12 December 2024 and, in January 2025, it was made clear that the activists were being acquitted once again.<sup>8</sup>

A decisive minority in the Court of Appeal concluded that the authorities' combined measures against the defendants had constituted disproportionate interference with their right to freedom of assembly

under Article 11 of the ECHR.. In their overall assessment, the decisive minority placed significant emphasis on the background and purpose of the demonstration. As highlighted by the majority, such demonstrations are at the core of freedom of expression and assembly. This case was also clearly distinct from an ordinary civil disobedience case where protests are directed against a legally-made decision. In this case, the defendants were protesting at the state's failure to comply with a ruling from the Supreme Court of Norway.

In the decisive minority's view, the protest was a necessary reaction to the state's continued failure to support the Sámi people. It would thus be both unreasonable and disproportionate for the defendants to be fined for a peaceful demonstration that highlighted the state's failure to comply with a Supreme Court's ruling.

Despite the activists being acquitted in both the District Court and the Court of Appeal, the prosecution has now decided to appeal the acquittal to the Supreme Court. If the Supreme Court decides to take up the case, the activists will have to go through another round in court.

Regarding the Fosen case, Nord-Fosen Siida (reindeer herding community) had, as of March 2024, also reached an agreement with the authorities concerning financial compensation and new land for winter grazing. Although many are pleased that a solution has been negotiated for the reindeer herders in Fosen, the negotiations have faced criticism. In a January 2024 interview with Norway's national public broadcaster, NRK, Nord-Fosen Siida stated that they felt like they were "negotiating with a gun to their temple".<sup>9</sup>

## Sámi Children and Reindeer Herders vs. Finland

On 10 October 2024, the UN Committee on the Rights of the Child (CRC) and the UN Committee on Economic, Social and Cultural Rights (CESCR) issued three key decisions regarding Finland in individual complaint cases. Two involved the granting of an exploration permit, which the committee addressed collectively, while the third concerned an exploration reservation in the traditional Sámi area.

The CRC ruled that, after conducting a child rights-oriented impact assessment in line with Free, Prior, and Informed Consent (FPIC),

Finland must revise the mineral exploration project in the Kova-Labba Siida area in Eanodat (Enontekiö).<sup>10</sup> It also called on Finland to amend its legislation to require such assessments in development projects affecting Sámi children and to incorporate FPIC, ensuring Indigenous consent before activities that have an impact on their lands.

The CRC stressed that the Finnish government must protect the continuation of traditional Sámi reindeer herding for future generations, warning that any regulation must be cautious not to threaten Sámi cultural survival. This decision is particularly significant as it explicitly links Sámi children's rights with the right to traditional reindeer herding.

The CESCR ruled on a case also involving Kova-Labba Siida, whose members form part of the Käsvivarsi Reindeer Herders' Cooperative.<sup>11</sup>

The CESCR directed Finland to begin legally recognizing Indigenous land rights, including collective ownership, and to acknowledge the Sámi Siida as an interested party in legal matters affecting their territories. It strongly criticized Finland for undermining Sámi land rights, stating that the government had effectively nullified the recognition and enjoyment of the rights to traditional lands and resources.

In all three cases, Finland was found to have violated FPIC, and the committees communicated that Finland must take measures to prevent similar violations in the future.

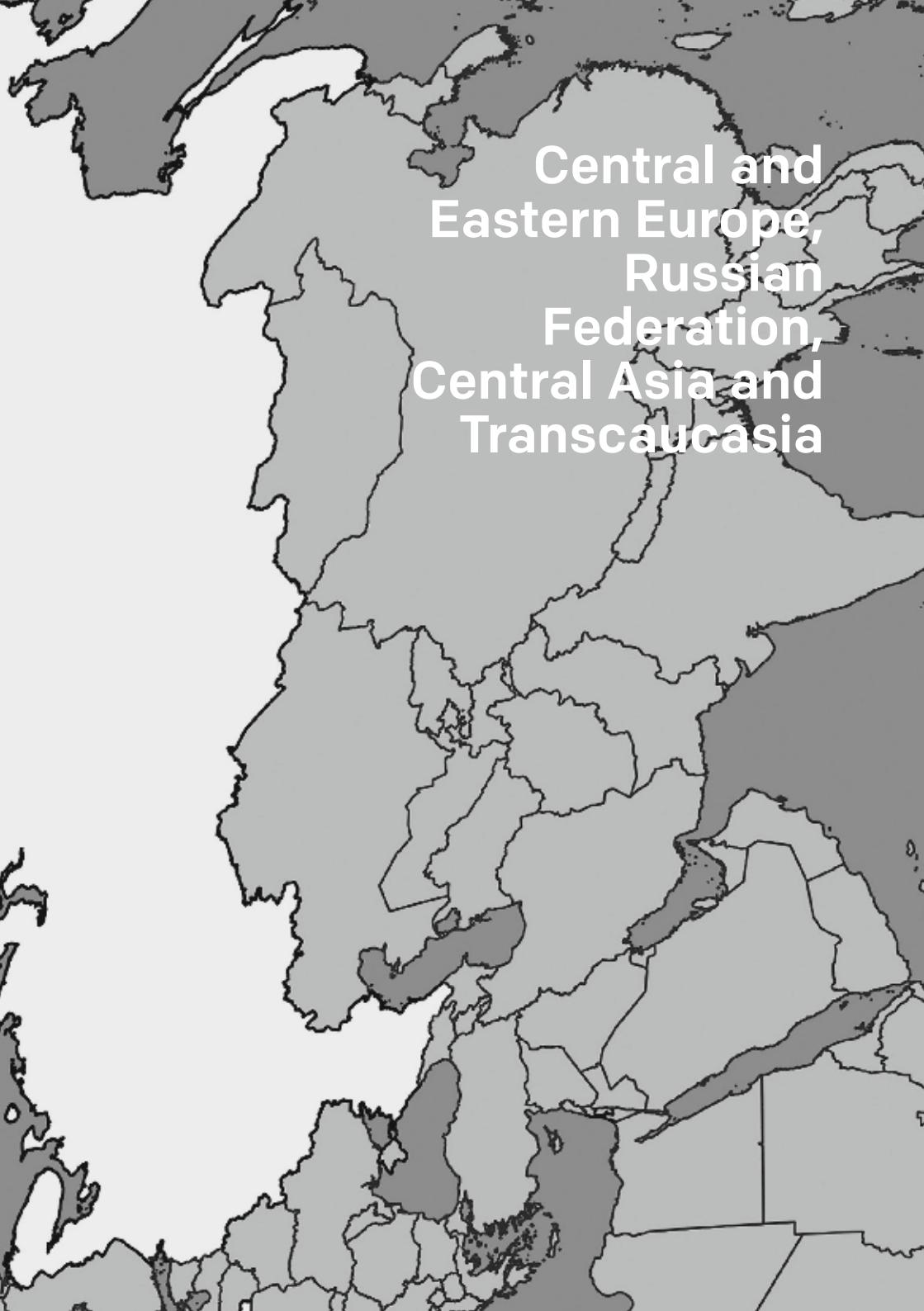
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A grayscale world map where the regions covered by the book are highlighted in various shades of gray. The highlighted areas include Central Europe, Eastern Europe, the Russian Federation, Central Asia, and Transcaucasia.

**Central and  
Eastern Europe,  
Russian  
Federation,  
Central Asia and  
Transcaucasia**

# Russia



Indigenous Peoples are not recognized by the Russian legislation as such; however, Article 67 of the current constitution guarantees the rights of “Indigenous Small-Numbered Peoples”. The 1999 Federal Act “On Guarantees of the Rights of the Indigenous Small-Numbered Peoples of the Russian Federation” specifies that Indigenous Small-Numbered Peoples are groups of less than 50,000 members, perpetuating some aspects of their traditional ways of life. According to this and two other framework laws that were enacted during the late 1990s, Indigenous Small-Numbered Peoples have rights to consultation and participation in specific cases. There is, however, no such concept as “Free, Prior and Informed Consent” enshrined in legislation. The last two decades have seen a steady erosion of this legal framework and a heavy re-centralization of Russia, including the abolition of several Indigenous autonomous territories.

Of the more than 160 peoples inhabiting the territory of contemporary Russia, 47 are officially recognized as Indigenous Small-Numbered Peoples, including 40 that are recognized as Indigenous Small-Numbered Peoples of the North, Siberia and the Far East. One more group, the Izhma Komi or Izvatas, is pursuing recognition, which continues to be denied. Together, Indigenous Small-Numbered Peoples number over 315,000, including some 265,000 that belong to Small-Numbered Peoples of the North, Siberia and the Far East, around 0.2% of Russia’s total population of over 147,000,000 (of which ethnic Russians account for approximately 72%).<sup>1</sup> Many other peoples, whose numbers exceed 50,000, such as the Sakha (Yakut) and Buryat of the Russian Far East, the Volga Tatars, Bashkirs and many groups populating the North Caucasus are not officially considered Indigenous Peoples, and their self-identification varies.

Since the Russian annexation of Crimea from Ukraine, several ethnic groups who self-identify as Indigenous have come under Russia’s effective control, even though Russia has not recognized this self-identification: the Crimean Tatars, the Krymchaks and the Karaim. In 2021, Verkhovna Rada, Ukraine’s

parliament, adopted the Law on Indigenous Peoples of Ukraine recognizing the three groups as Indigenous Peoples of Ukraine.<sup>2</sup>

Two-thirds of Indigenous Peoples are rural and depend on traditional subsistence strategies such as fishing, hunting and reindeer herding, although Russia on the whole is a highly urbanized country.

Civil society is affected by continually shrinking spaces as the country's secret police, the Federal Security Service (FSB), has gradually been gaining power. An array of repressive laws that seek to silence critics of the government has led many civil society organizations, including Indigenous Peoples' organizations, and independent media, to close down. Many human rights defenders, including some prominent Indigenous rights activists, have been prosecuted or forced to seek asylum abroad.

Russia's export revenues are largely generated from the sale of natural resources, often extracted from territories traditionally inhabited or used by Indigenous Peoples. The country's development strategy is largely geared towards further increasing the exploitation of the Arctic's natural resources, resulting in negative consequences for the state of Indigenous Peoples' human rights and limiting opportunities for their effective protection.

Russia has neither ratified ILO Convention 169 nor endorsed the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The country inherited its membership of the major UN Covenants and Conventions from the Soviet Union: the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Convention on the Rights of the Child (CRC). Russia has ratified the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM); however, in October 2023 President Putin signed a decree stipulating Russia's exit from this.

## Fewer channels for Indigenous Peoples to influence decision-making

In February, a group of parliamentarians submitted a bill that proposes establishing model rules to guide the establishment and operation of regional (at the local level) councils of representatives of Indigenous Small-Numbered Peoples.<sup>3</sup> In one form or another, all regions in Russia with Indigenous Small-Numbered Peoples have such councils, whose members are unpaid. The responsibilities of the councils, their structure and make-up differ greatly from region to region but, everywhere where they exist, they are tasked with representing the Indigenous Peoples of their respective regions before authorities and economic entities that operate in areas inhabited by Indigenous Peoples. For example, the councils represent communities when new projects are considered or when issues of compensation for losses incurred by Indigenous Small-Numbered Peoples as a result of environmental damages to their ancestral territories are being considered. It is this representative function that makes it important for the government to bring their establishment and principles of operation under control as overly independent councils may cause obstacles to the implementation of the government's agenda.

Meanwhile, the government's efforts to silence independent voices have also reached the mechanism of public environmental oversight. Until recently, one of the few remaining mechanisms that Indigenous communities could use to stop or delay projects on their land was through environmental expertise. The law allowed for public environmental impact assessments to be carried out alongside state environmental impact assessments, in which non-profit public organizations could participate.

The new version of the Law on Environmental Expertise,<sup>4</sup> which came into effect in September 2024, restricts the possibility of carrying out public environmental impact assessments to organisations who have experts amongst their ranks who have undergone mandatory state certification and are included on Rosprirodnadzor's (Russian environmental watchdog) register. This new mechanism will allow state agencies to deny accreditation to those experts who have proven themselves to be too "independent", thus weakening yet another channel for Indigenous communities to defend their rights.

This situation is further exacerbated by the fact that lawmakers want to leave it up to the regions to decide whether public hearings are required for urban development projects. This right was originally given to the regions in 2022 as a temporary measure to support the construction industry in the context of international sanctions imposed on Russia following the invasion of Ukraine. This law was due to expire in 2025. In December 2024, the State Duma Committee on Ownership, Land and Property Relations approved amendments that make these norms indefinite at the second reading. According to the text of the amendments to the Urban Planning Code (UPC), the regions of the Russian Federation will be able, at their discretion, to establish cases in which public hearings will not be required for the preparation of draft general plans, as well as for amendments thereto. It is proposed that this same right be extended to territory planning and land rezoning projects adopted by municipalities. In addition, entities may have the right not to hold public hearings when preparing draft land-use and development rules (LUP) and projects that provide for amendments thereto. Indigenous Peoples' right to participate in public hearings during environmental and ethnological expertise will thus be left to the discretion of regional and municipal officials.<sup>5</sup>

While legislative work is underway to curtail the mechanisms by which Indigenous Peoples could influence decision-making on issues affecting their lives, the number and the scope of environmental pollution in Russia has been growing in recent years,<sup>6</sup> including in areas populated by Indigenous Peoples.

## **Continued pressure on Indigenous organizations**

During 2024, the Russian government continued its pressure on the last remaining civil society organizations and networks, including those focusing on Indigenous Peoples' rights. On 25 July 2024, the Russian Ministry of Justice published a list of 55 "extremist organizations" which, the Ministry claims, are "structural subdivisions" of the "Anti-Russian Separatist Movement". The list was published following a Supreme Court ruling on 7 June that declared the "Anti-Russian Separatist Movement" an extremist organization. Many independent experts agree that the "Anti-Russian Separatist Movement" is a fictitious entity<sup>7</sup>

invented by the Russian authorities to provide a pretext for prosecuting organizations it claims are members.

Aborigen Forum (AF), a network of independent Indigenous rights activists and experts, appears first on the list, immediately followed by the International Committee of Indigenous Peoples of Russia (ICIPR), a network of Indigenous activists from Russia who were forced into political exile, many of whom are former members of AF. The declaration of an organization as extremist effectively converts it into a criminal entity.

Just a few months later, on 22 November 2024, the Supreme Court declared the Free Nations of Post Russia Forum, along with 172 organizations that form its “structural branches”, an international terrorist organization. While the ruling itself did not specify which organizations it considers members of the Forum, the gap was filled by the FSB, which published the full list on its website on 10 January 2025. The list includes a mix of very different organizations, ranging from little-known regional secessionist groups to larger organizations in exile and well-respected Indigenous Peoples’ rights networks. AF and ICIPR were included on the list.

According to the Russian Criminal Code, organizing and participating in a terrorist organization is punishable with a prison sentence of up to 20 years, along with a hefty fine.

The news that the Russian government is making allegations to include two reputable Indigenous Peoples’ rights organizations on the list was met with astonishment by the international Indigenous Peoples’ rights community. A long list of Indigenous Peoples’ organizations, human rights organizations, and activists condemned<sup>8, 9</sup> this act of criminalization of Indigenous Peoples’ rights organizations and their legitimate demands for respect of Indigenous Peoples’ rights in accordance with internationally recognized human rights standards. At the time of writing, there has been no response from the Russian government to the international community’s condemnation.

## **The report of the UN Special Rapporteur**

On 13 September 2024, the UN Special Rapporteur on the situation of human rights in the Russian Federation, Mariana Katzarova, presented her report<sup>10</sup> at the 57<sup>th</sup> session of the Human Rights Council. Ms Katzaro-

va was denied entry into Russia and compiled the report by speaking to political groups, activists and lawyers.

The report devotes significant space to the situation of Indigenous Peoples in Russia and paints a very bleak picture of the human rights situation in Russia in general, and the situation of Indigenous Peoples' rights in particular. Among many issues, the report highlights the devastating impact that Russia's war on Ukraine has had on Indigenous Small-Numbered Peoples, including the fact that Indigenous Peoples and ethnic minorities have been disproportionately mobilized to fight against Ukraine. It notes that "as a result, some small-numbered groups may face extinction from war casualties".

The report criticizes the government-imposed new requirements for Indigenous individuals to be able to access social and economic benefits mandated by law. It also draws attention to the Russian government's efforts to silence Indigenous Peoples' organizations that are critical of the government and calls out the cases of reprisals against organizations that cooperate with international human rights mechanisms.

In its recommendations, the Special Rapporteur calls for the Russian government to ensure respect for the rights of the Indigenous Peoples of the Russian Federation, especially their rights to lands, natural resources and cultural practices, and to eliminate all forms of discrimination and violence against them; and to end all forms of intimidation and reprisals against individuals and civil society organizations that seek to cooperate with the UN.

Russia does not recognize Ms Katzarova's mandate and her report at the 57<sup>th</sup> session received little attention in the government-controlled media in Russia. Since there was no formal reaction to the report from the government's spokespersons, it seems that the decision by the Russian government was to ignore it.

## Notes and references

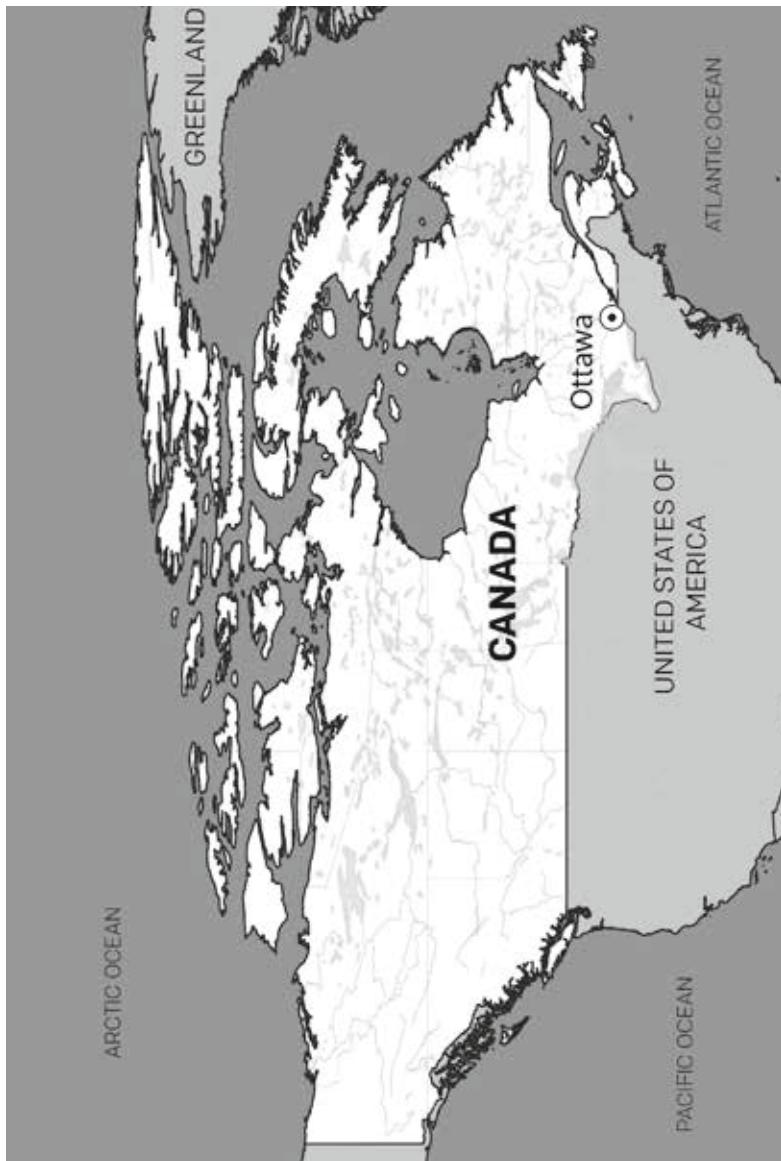
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*Due to the sensitivity of the issues covered in this article, IWGIA prefers to keep the author(s) anonymous.*

**North  
America**

# Canada



The contemporary Indigenous rights and governance framework is diverse in Canada. The *Constitution Act* of 1982, as well as the *Charter of Rights and Freedoms*, explicitly recognize Aboriginal and Treaty rights and three groups of Aboriginal Peoples (commonly referred to as Indigenous Peoples): Indians (First Nations), Inuit, and Métis. Each group of Indigenous people are equally diverse: First Nations are governed by the 1876 *Indian Act*, with over 630 “reserves” and more than 60 languages; Inuit live in Inuit Nunangat (Inuit homelands), spread across four regions and land claim agreements: Nunavik (northern Québec), Nunatsiavut (northern Labrador), Nunavut and the Inuvialuit Settlement Region (the Northwest Territories); and Métis, who emerged as a distinct Indigenous people in the historic Northwest and now encompass Manitoba, Saskatchewan and Alberta and extend into parts of Ontario, British Columbia, the Northwest Territories, and the northern United States. Over half of these populations now reside in urban centres. First Nations, Inuit, and Métis are represented by a number of representative organizations regionally, provincially and nationally, including but not limited to, the Assembly of First Nations, the Inuit Tapiriit Kanatami, and the Métis National Council.

Although the Canadian government originally voted against the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, it has since changed its approach, being one of the first countries in the world to adopt the UNDRIP into federal law. The *United Nations Declaration on the Rights of Indigenous Peoples Act* was adopted into law in June 2021, acknowledging, in the preamble, that the UNDRIP provides a framework for reconciliation, justice, and peace, and denouncing the doctrines of discovery and *terra nullius* as “...racist, scientifically false, legally invalid, morally condemnable and socially unjust”. The federal government released its 2023-2028 Action Plan implementing this in 2023, and ensuring federal laws are consistent with the declaration. A similar act, albeit

two years earlier in 2019, was adopted in the province of British Columbia, with an Action Plan being released in 2022. Despite relatively strong rights protections, First Nations, Inuit, and Métis citizens, governments and organizations continue to wrestle with the historical and structural legacy of colonization, systemic discrimination, and forced assimilation. These legacies may be further exacerbated by an imminent election, with opinion polls shifting away from the governing Liberals towards the Conservative Party of Canada, which could threaten to halt, or even reverse, much of the progress made on the transformation of key programs, laws, and policies.

## Introduction

2024 represented another tumultuous year for those living in Canada: a horrific wildfire season in Western Canada devastated the National Park and town of Jasper,<sup>1</sup> amongst other extreme weather events across the country; rising political instability due to the re-election of Donald Trump threatening tariffs and a return to American nationalism; mounting anti-immigration sentiment; and increasing income inequality. It was not all negative for Indigenous Peoples, however, as the Supreme Court of Canada (SCC) released multiple landmark cases related to Indigenous rights and Treaty interpretation; the Independent Special Interlocutor, Kimberley Murray, released her final report on the situation of unmarked graves;<sup>2</sup> following advocacy from Indigenous Peoples, Premier Wab Kinew committed resources to search for the remains of First Nations women in a Winnipeg-area landfill;<sup>3</sup> and Parks Canada released its first Indigenous Stewardship Policy, a step towards addressing the ingrained colonialism of the Canadian conservation movement.<sup>4</sup>

Indigenous Peoples and non-indigenous peoples alike, were distraught at the sudden passing of prominent Indigenous leaders, including Grand Chief Cathy Merrick of the Assembly of Manitoba Chiefs<sup>5</sup> and Justice Murray Sinclair. Justice Sinclair was the first Indigenous judge

in Manitoba and second in Canada, the Head Commissioner of the Truth and Reconciliation Commission into Canada's Indian Residential Institutions, and a federal senator from 2016-2021. He will be remembered as a leader who foundationally changed the trajectory of state-Indigenous relations in Canada.<sup>6</sup>

The biggest surprise occurred in federal politics. Scandals faced the governing Liberals, and their leader, Prime Minister Justin Trudeau, throughout the year, leading to growing discontentment (and vitriolic attacks against Trudeau) from provincial premiers, and a clear desire by opposition parties to call an election, including the leader of the New Democratic Party (NDP), Jagmeet Singh. The nail in the coffin came from former Deputy Prime Minister and Finance Minister, Chrystia Freeland, when she resigned suddenly due to "...costly political gimmicks, which we can ill afford and which make Canadians doubt that we recognize the gravity of the moment."<sup>7</sup> Early in 2025, Trudeau announced his resignation and received approval from the Governor General to prorogue Parliament in late March 2025.

## **Long-term Reform of the First Nations Child and Family Services Program**

At the tail end of 2023 and beginning of 2024, the details of the *First Nations Child and Family Services (FNCFS), Jordan's Principle, and Trout and Kith Class Settlement Agreement* were finalized, providing CAD 23.3 billion for First Nations children affected by the racist child welfare system. At the same time, negotiations for the long-term reform of the FNCFS Program ("Long-term Reform") had been taking place, as First Nation leaders rejected the original CAD 19.807 billion over five years and pushed for more. In July 2024, the Assembly of First Nations (AFN), alongside the Chiefs of Ontario (COO), Nishnawbe Aski Nation (NAN), and the Government of Canada, announced the outcome of a closed negotiation process, a draft Agreement offering CAD 47.8 billion over 10 years to reform the FNCFS Program.<sup>8</sup>

The amount was celebrated by many as it represented a significant increase in the initial offer and committed to ensuring stable, predictable, and flexible funding for the needs of First Nations chil-

dren and families. The draft agreement was presented to the First Nations-in-Assembly in Montreal at the Annual General Assembly, and included: funding for prevention, First Nations representative services, post-majority support services, operations, protection, maintenance and care, and capital. Approximately two-thirds of the funding outlined in the draft agreement was to be provided directly to First Nations, with flexibility to allocate these resources to address the highest areas of need. Although enthusiastic, leaders were skeptical and required several months of review before the agreement could be put to an assembly to seek approval. Two camps emerged and travelled across the country to raise awareness and discuss concerns with the final agreement.<sup>9</sup> Those against the draft agreement, including the First Nations Child & Family Caring Society, led by Dr. Cindy Blackstock, who supported the original Canadian Human Rights Tribunal discrimination submission, raised concerns with the draft agreement related to the role of the AFN, COO, and NAN; funding levels, structure, and sustainability, including what would happen after the 10-year windows; alternative dispute mechanisms, and appropriate governance structures consistent with the UNDRIP.<sup>10</sup>

A second assembly was organized to discuss the concerns and provide opportunities for the First Nations-in-Assembly to respond. The Special Chief's Assembly took place from 16-18 October 2024 in Calgary. From the outset, the atmosphere was tense and competitive as competing resolutions were contained in the on-time resolutions package: one to support the adoption of the draft agreement; and several others rejecting the draft agreement and sending it back to the negotiation table with further instructions. Despite several attempts to convene consensus-building sessions to find an appropriate landing point, the resolutions went to a vote and, on 17 October 2024, the First Nations-in-Assembly voted to reject the CAD 47.8 billion draft Final Agreement. Resolutions #60/2024, Addressing Long-term Reform of the First Nations Child and Family Services Program and Jordan's Principle,<sup>11</sup> and #61/2024, Meaningful Consultation on Long-term Reform of First Nations Child and Family Services<sup>12</sup> now guide the direction of negotiations on Long-term Reform, including the creation of a new National Children's Chiefs Commission and new legal teams. In early 2025, Canada informed the AFN that they do not have a mandate

for further national-level negotiations but will support regional discussions with COO and NAN for an Ontario-specific agreement based on the draft agreement's terms. Discussions are now taking place to determine whether additional litigation is required.

## A review of consequential cases

First Nations, Inuit, and Métis made significant progress through advocacy and litigation throughout the year. Supporting this trend, the Supreme Court of Canada rendered several impactful decisions related to Indigenous land rights, self-government, and redress.

In February 2024, the British Columbia Court of Appeal (BCCA) rendered a decision in *Thomas v. Rio Tinto Alcan Inc.*<sup>13</sup> The Saik'uz First Nation and the Stellat'en First Nation (the Nechako Nations) launched a claim against Rio Tinto Alcan based on the impacts of the company's operation of the Kenney Dam. Rio Tinto Alcan defended itself against this claim based on statutory authority. The BCCA concluded that this defence applied since the province of British Columbia had enacted an unambiguous statutory regime to allow the operation of the dam. Notwithstanding this disappointing aspect of the decision, the Court recognized that the Nechako Nations have an existing Aboriginal right to fish for food, ceremonial and social purposes. The Court went on to declare that the federal and provincial governments have an ongoing fiduciary duty to protect the Nechako Nations' right to fish and to ensure that the management of the dam is consistent with the Nechako Nations' rights. This element of the decision demonstrates the potential utility of judicial declarations and the Crown's ongoing responsibility to protect Indigenous rights from harm.

In March 2024, the SCC considered whether the Vuntut Gwitchin First Nation's (VGFN) electoral residency requirement unjustifiably infringed the Canadian *Charter of Rights and Freedoms*. This requirement, which was instituted under the VGFN's constitution, restricted eligibility for Chief and Council positions to individuals residing on VGFN lands. This residency requirement was challenged by an individual under the Section 15(1) equality clause of the Charter. The SCC released its decision, determining that while the charter does apply to the VGFN, and

the residency requirement is an infringement of the charter, it is saved by section 25 of the charter.<sup>14</sup> The purpose of this section is to protect the distinctive elements of Indigenous societies that may conflict with individual rights and freedoms. This decision helps provide clarity about the limitations of the charter in restricting decisions made by Indigenous governments pursuant to their inherent right to self-government.

In April 2024, the SCC rendered its decision in *Shot Both Sides v Canada*: a case that stems from the Blood Tribe's claim that Canada had failed to provide the amount of reserve lands that were promised under Treaty #7.<sup>15</sup> The decision upheld the Federal Court of Appeal's decision that the Blood Tribe's claim was statute-barred due to the passage of time. The decision went on, however, to order declaratory relief "given the longevity and magnitude of the Crown's dishonourable conduct". Declaratory relief was a positive outcome that may spur the Crown to enter into meaningful negotiations with the Blood Tribe. At the same time, this decision highlights the continued difficulties faced by First Nations in seeking access to justice for historical grievances.

2024 also witnessed continued progress towards a resolution of the claims related to the Robinson-Huron and Robinson-Superior Treaties. These Treaties contain an augmentation clause stipulating that Treaty annuity payments would be increased over time if the Crown could do so without incurring a loss. Despite this clause, annuity payments have been frozen at CAD 4 since 1875. The Robinson-Superior and Robinson-Huron First Nations brought claims in 2001 and 2014 alleging that the Crown had breached the augmentation clause of the Treaties by failing to increase the annuity payments.

While the Robinson-Huron First Nations reached a CAD 10 billion settlement agreement with the provincial and federal governments in 2023, the Robinson-Superior First Nations proceeded to litigation at the SCC. In July 2024, the SCC issued its long-awaited decision in *Ontario v Restoule*, concluding that Canada had dishonourably breached its Treaty obligations to the Robinson-Superior Treaty signatories by failing to consider whether it could augment the treaty annuity payments.<sup>16</sup> The Court described this failure as a "mockery of the Crown's treaty promise to the Anishinaabe of the upper Great Lakes". In arriving at this decision, the Court set the stage for rigorous negotiations between Canada, Ontario and the claimant First Nations by setting a deadline of 27 January 2025 to reach a negotiated settlement.<sup>17</sup>

## Affirming First Nations title

In April 2024, the Government of British Columbia passed the *Haida Nation Recognition Act*,<sup>18</sup> which recognizes the Aboriginal title of the Haida Nation over Haida Gwaii. This was the first time that a province in Canada had legislatively recognized Aboriginal title. The legislative recognition of Aboriginal title is a historic victory for the Haida Nation and demonstrates a clear alternative to costly and prolonged litigation.

In June 2024, the Tsilhqot'in Nation celebrated the 10-year anniversary of the Supreme Court of Canada's decision to recognize the Tsilhqot'in Nation's title to 1,700 km<sup>2</sup> of its lands. In celebrating this anniversary, Nits'il?in (Chief) Joe Alphonse noted:

*Aboriginal Title is about far more than land – it is about regaining the strength that our ancestors enjoyed prior to colonization. It is about rebuilding our Nation in all areas of life and becoming a self-determining Nation once again. Through partnerships, we are making transformative change in all areas, such as governance, communities, and language.*

The anniversary celebration was accompanied by the renewal of the Gwets'en Nilt'i Pathway Agreement, which advances cooperation between British Columbia and the Tsilhqot'in Nation on governance and improving the lives of Tsilhqot'in Nation members.<sup>19</sup>

In contrast to the successes of the Tsilhqot'in Nation and Haida Nation, the Government of Canada made no perceptible progress in 2024 on its commitment to withdraw the Comprehensive Land Claims and Inherent Right to Self-Government Policies. These policies, which were unilaterally imposed and are premised on the extinguishment of Aboriginal rights and title, have been widely rejected by First Nations. The successful recognition of the Haida Nation's title stands in sharp contrast to the Government of Canada's failure to reform its laws and policies.

In December 2024, the Government of Canada announced interim improvements to the Additions to Reserve (ATR) Policy, which is the only policy mechanism available in Canada enabling First Nations to add lands to their reserves. These interim changes remove several administrative barriers to the addition of land to reserves but fall well short

of the policy re-design sought by First Nations. Over the course of the year, only 17 ATR proposals were approved across the country. This is a continuation of the over half-decade decline in the approval of ATRs and a troubling indication of the Government of Canada's commitment to Indigenous land restitution.

## **Path forward**

The general outlook for 2025 is one of considerable uncertainty. Despite notable successes through the courts, legislative and policy progress at the federal level languished. The sharp contrast between progress on these two fronts will likely continue to grow in 2025. The proroguing of Parliament and the upcoming federal election has killed a number of bills and studies directly relevant to the priorities of First Nations, Inuit, and Métis. It is unclear whether these will be reintroduced in a new session of Parliament or whether the pressure to hold a federal election will thrust the implementation of Canada's legal obligations to the UNDRIP into another period of ambiguity. This is further threatened by the policy approach of the Conservative Party of Canada (CPC) which, based on opinion polling, appears likely to form the next government. The CPC's approach to Indigenous issues threatens to halt or even reverse much of the progress made on the transformation of key programs, laws, and policies.

## **Notes and references**

1. The full extent of the wildfire in Jasper National Park can be found here: <https://parks.canada.ca/pn-np/ab/jasper/visit/feu-alert-fire/feudeforet-jasper-wildfire>. More about the severity of the event here: <https://www.nationalobserver.com/2024/07/29/opinion/jasper-and-great-sadness>
2. The Final Report, as well as the Executive Summary, can be found here: <https://osi-bis.ca/report/final-report-october-2024-2/>
3. The official announcement by Premier Kineew can be found here: <https://news.gov.mb.ca/news/index.html?item=65698>
4. More about the Indigenous Stewardship Policy found here: <https://parks.canada.ca/agence-agency/aa-ia/politique-policy/complete>
5. Grand Chief Cathy Merrick was a formidable advocate for First Nations, more here: <https://www.cbc.ca/news/canada/manitoba/cathy-merrick-mko-news-conference-1.7316313>

6. The loss of Justice Sinclair is substantial. An official obituary can be found here <https://sincmurr.com/2024/11/06/official-obituary-for-the-honourable-murray-sinclair-1951-2024>, alongside many notable tributes, including from the Governor General (<https://www.gg.ca/en/media/news/2024/eulogy-honourable-murray-sinclair>); Prime Minister Trudeau (<https://www.pm.gc.ca/en/news/speeches/2024/11/10/prime-ministers-remarks-paying-tribute-murray-sinclair>) and National Chief Woodhouse-Nepinak (<https://afn.ca/all-news/press-releases/assembly-of-first-nations-afn-national-chief-cindy-woodhouse-nepinak-joins-in-mourning-for-justice-calvin-murray-sinclair/>), among many others.
7. For Minister Freeland's resignation letter, see here:
8. For the Draft Agreement, see here: <https://afn.brynder.com/m/5b1f4b4db156231/original/Final-Agreement-on-Long-Term-Reform-of-the-First-Nations-Child-and-Family-Services-Program.pdf>
9. The Assembly of First Nations prepared a Summary of Regional Engagement Sessions, found here: <https://afn.brynder.com/m/22ffd86a7cc729c3/original/Draft-AFN-Regional-Engagement-Summary.pdf>
10. Many of the concerns of the First Nations Caring Society can be found here: [https://fncaresociety.com/sites/default/files/2024-08/WEB\\_FSA%20Report%20Card\\_EN\\_0.pdf](https://fncaresociety.com/sites/default/files/2024-08/WEB_FSA%20Report%20Card_EN_0.pdf)
11. Resolution 60/2024, Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle, can be found here: <https://afn.brynder.com/m/1d8134439b372274/original/60-2024-Addressing-Long-Term-Reform-of-the-First-Nations-Child-and-Family-Services-Program-and-Jordan-s-Principle.pdf>
12. Resolution 61/2024, Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services, can be found here: <https://afn.brynder.com/m/60b02db3a0692a05/original/61-2024-Meaningful-Consultation-on-Long-Term-Reform-of-First-Nations-Child-and-Family-Services.pdf>
13. For a more detailed overview of the decision, see here: In Brief: Thomas v. Rio Tinto Alcan Inc., 2024 BCCA 62
14. The Case-in-Brief, prepared by the Supreme Court of Canada, can be found here: <https://www.scc-csc.ca/judgments-jugements/cb/2024/39856/>
15. The Case-in-Brief, prepared by the Supreme Court of Canada, can be found here: <https://www.scc-csc.ca/judgments-jugements/cb/2024/40153/>
16. The Case-in-Brief, prepared by the Supreme Court of Canada, can be found here: <https://www.scc-csc.ca/judgments-jugements/cb/2024/40024/>
17. A full update on the status of the negotiations can be found here: <https://afn.ca/all-news/bulletins/assembly-of-first-nations-afn-bulletin-update-on-canadas-mandate-on-long-term-reform-of-first-nations-child-and-family-services/>. First Nations rejected the Government of Canada's settlement offer in January 2025, setting the stage for further litigation.
18. For further background on the Haida Nation Recognition Act, and reactions from Indigenous leaders in British Columbia, see here: <https://news.gov.bc.ca/releases/2024IRR0020-000610>
19. For more about this important anniversary, refer to: <https://iwgia.org/en/news/5543-t%C5%9Dilhqot%E2%80%99in-naton-10-year-anniversary-aboriginal-title.html>

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# United States of America



The number of Indigenous people in the United States of America is estimated at between 3.3 and 8.8 million,<sup>1</sup> of which around 20% live in American Indian areas or Alaska Native villages. Indigenous Peoples in the United States are more commonly referred to as Native groups. The state with the largest Native population is California; the place with the largest Native population is New York City.

With some exceptions, official status as American Indian or Alaska Native is conferred on members of federally-recognized tribes. Five hundred and seventy-four Native American tribal entities were recognized as American Indian or Alaska Native tribes by the United States in January 2024,<sup>2</sup> and most of these have recognized national homelands. Federally-recognized Native nations are inherently sovereign nations but their sovereignty is legally curbed by being unilaterally defined as wards of the federal government. The federal government mandates tribal consultation for many issues but has plenary authority over Indigenous nations. Many Native nations have specific treaty rights and the federal government has assumed responsibility for Native peoples through its guardianship, although those responsibilities are often underfunded. There are also State-recognized and non-recognized American Indian tribes but these are not officially Native nations in the eyes of the federal government. While socio-economic indicators vary widely across different regions, the poverty rate for those who identify as American Indian or Alaska Native is around 22-24%.<sup>3</sup>

The United States announced in 2010 that it would support the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as moral guidance, after voting against it in 2007. The United States has not ratified ILO Convention No. 169.

All American Indians born within the territory claimed by the United States have been American citizens since 1924; they are also citizens of their own nations.

In October 2024, President Joe Biden (D) apologized for the boarding school policies of the United States during the era of forced assimilation.<sup>4</sup> This apology followed the publication of the second and final volume of the Federal Indian Boarding School Investigative Report in July.<sup>5</sup> The report issued eight recommendations, one of which was an apology. The apology was welcomed; some people saw its timing right before the election as suspect.

## Native children

After the U.S. Supreme Court defended the Indian Child Welfare Act (ICWA) in 2023, new challenges against the act were introduced in 2024. A case in Minnesota is currently challenging ICWA and the Minnesota Indian Family Preservation Act (MIFPA) as supposedly enacting racial discrimination. ICWA and state laws specify that Native children should preferentially be fostered and adopted by Native people and gives tribes rights to intervene in adoption proceedings (see *The Indigenous World 2022*). Native children are over-represented in foster care, especially in states with the largest relative Native population. In Montana, where about 10% of children are Native, Native children make up 30% of the foster child population. In South Dakota, with a similar percentage of Native children, Native children make up over 70% of the state's foster child population. One solution that states are turning to is to make it easier for relatives to foster children without having to qualify as foster parents. In November, the Center for Native American Youth released a report which indicates that youth who feel they have cultural knowledge are four times more likely to see themselves as capable of making a difference in their lives and communities.<sup>6</sup>

## Mining

In October, the Bureau of Land Management gave final approval to the Thacker Pass lithium mine in Nevada (see *The Indigenous World 2024*), and the Department of Energy finalized a USD \$2.2 billion loan to the project. In December, Lithium Americas Corp. announced a joint ven-

ture with General Motors to develop the mine, which is located on ancestral Shoshone and Paiute territory.

Over 120 lithium mining projects are in various stages of development, the majority in Nevada. In November, the Hualapai Tribe received a restraining order and a preliminary injunction against the further development of one lithium project that threatens the Ha'Kwamwe' sacred site in Arizona.<sup>7</sup> A federal court siding with a tribe to stop a development project on religious grounds is a significant development.

However, in March, the U.S. Court of Appeals for the Ninth Circuit ruled in a very close decision (6-5) that the destruction of Oak Flat, a sacred place for the Apache, would not constitute a substantial burden for their religion.<sup>8</sup> Oak Flat lies on top of the planned Resolution Copper mine in Arizona (see *The Indigenous World 2024*). In June, the court declined to re-hear the case. Apache Stronghold, the organization trying to defend the place, then petitioned the Supreme Court to hear the case. The petition has gained support from the Mennonite Church, the Catholic bishops, and many other religious organizations. Some of them are hoping for a precedent that could be applied in other instances. In November, the Supreme Court declined to hear a separate case against the mine, allowing the potential further pollution of waterways in the area.

## **Energy**

In November, Wisconsin issued permits for a reroute of the Enbridge Line 5 pipeline around the Bad River reservation, where the pipeline has been illegally trespassing (see *The Indigenous World 2024*). The Bad River Band of the Lake Superior Tribe of Chippewa Indians and environmental groups are challenging these permits. The permits were issued three days after Enbridge Line 6 leaked some 70,000 gallons of oil in Wisconsin.

In October, the Standing Rock Sioux Tribe filed a new lawsuit against the continued operation of the Dakota Access Pipeline (see *The Indigenous World 2017, 2022*). The pipeline has been operating without a permit. The new suit is also based on new information that came to light because of an ongoing lawsuit by the pipeline company against Greenpeace for supporting protests in 2016.

In December, a federal judge decided that Enel Green must dismantle a wind farm built on Osage Nation mineral estate lands in Oklahoma. While the company leased the land, it did not get a mining lease from the Osage Nation. The Osage argued that the construction of the foundations to the 84 wind turbines constitute mining, and the judge agreed. The 84 turbines, providing renewable energy for around 50,000 homes, need to be dismantled within a year.

A different dismantling was accomplished in California and Oregon, where the last of four hydroelectric power dams on the Klamath River were removed in August, after more than a year of work (see *The Indigenous World 2024*). A month later, spawning salmon were observed upstream. In February, the Klamath, Yurok, and Karuk tribes came to an agreement on water allocation to the Klamath River with the Klamath Water Users Association (KWUA), representing the irrigation farmers in the Klamath Basin. By June, however, the KWUA was asking the Ninth Circuit Court of Appeals to decide that releasing water to the river system under the Endangered Species Act should be ignored in favor of holding back water for irrigation. The Yurok tribe strongly objected. The tribes want to allocate their portion of water to flow in the river to protect the salmon while the irrigation farmers want to prevent water being allocated to instream flows and instead use it for their fields.

On the Columbia and Snake Rivers in Washington, Oregon, and Idaho, federal agencies said they would revisit a 2020 study of hydropower dams. The Nez Perce, Umatilla, Warm Springs, and Yakama tribes had agreed to a ten-year litigation pause in December 2023. In June, a new study on the impact of the dams on river tribes was published.<sup>9</sup> The Biden administration was leaning toward the breaching of four dams on the Snake River.

## **Alaska**

In February, a new opinion by the solicitor of the Department of the Interior came to the conclusion that Alaska Native tribes have sovereignty over allotments owned by individual Alaska Natives. The opinion gives tribes jurisdiction over these parcels. There are over 17,000 such allotments in Alaska. The state of Alaska is beginning a legal process to challenge the opinion.

In June, a federal judge ruled that the federal government can take land into trust for federally-recognized Alaska Native tribes.<sup>10</sup> The state of Alaska had previously sued against this possibility (see *The Indigenous World 2019, 2024*). In August, the state appealed the decision. Land-in-trust status is under tribal law and is shielded from state taxation.

In November, the Biden administration approved a land transfer that would make it possible to build a road from King Cove to Cold Bay, through the Izembek National Wildlife Refuge. Many tribes had opposed this road, while the mostly Native people of King Cove supported it. The road would give emergency access to the runway in Cold Bay.

In the fall, the last remaining residents of Newtok moved to Mertarvik, a new village site (see *The Indigenous World 2013*). Newtok is the first of many Alaska Native villages that need to be evacuated because of the effects of climate change. The next villages will probably be Kivalina and Napapiak. However, Kivalina's new village site is susceptible to the same climate crisis effects that are destroying the original village.

By December, it also became clear that the incoming Trump administration intends to rename Mount Denali back to Mount McKinley. The state of Alaska had changed the name to Denali (its Koyukon name) in 1975, and the Obama administration had followed suit in 2015. Denali is the highest mountain in North America, and restoring it to a Native name has been symbolically highly significant – as will be a reversion.

## Land

In June, Governor Newsom of California announced a pursuit of the return over 2,800 acres of land to the Shasta Indian Nation. These lands had been inundated by the Klamath River dams (see above). California also returned 417 acres to the Agua Caliente Band of Cahuilla Indians and 40 acres to the Fort Independence Indian Community. In November, the Wiyot Tribe also received 357 acres of its ancestral lands back.

In July, President Biden signed a law to return 1,600 acres of land in Iowa from the U.S. Army Corps of Engineers to the Winnebago Tribe of Nebraska. The tribe had fought for the return ever since the Corps took the land in an eminent domain action in the 1970s.

In August, the federal government approved a land-into-trust request from the Osage Nation for over 40,000 acres of land in Oklahoma. The Osage Nation had bought the land in 2016. The tribe signed the final agreement in November and is now running the property as the Osage Nation Ranch. As trust land, the tribe now has jurisdiction and sovereignty over this territory. This is the second largest successful land-into-trust application in history so far.

## **Health**

In January, the state of South Dakota released new data for Native health.<sup>11</sup> Between 2017 and 2021, 50% of Native people in the state died before age 58. The median age at death for white people in the state was 80. Suicide death rates were 2.6 times higher among American Indians, alcohol related death rates seven times higher. Deaths related to pregnancy were four times higher among American Indians in the state. Most of the tribal lands in the state are maternity care deserts, without access to midwife, physician, or health facility to provide healthcare to pregnant women.

While the Indian Health Service (IHS) remains underfunded, in October, the Centers for Medicare and Medicaid Services announced that, for the first time ever, Medicaid and the Children’s Health Insurance Program would cover traditional health care practices at IHS facilities.

Because IHS clinics cannot provide all services, many Native people are referred to outside providers. While these services should be covered by IHS programs, the costs are often assigned to individuals. A new report published in December found that Native communities are disproportionately impacted by medical debt collection, which leads to lower credit ratings overall.<sup>12</sup>

## **Politics**

With a change to a renewed Trump administration, many of the policies, protocols, and collaborations between tribes and federal agencies are now in question. In November, the National Park Service issued a

director's order to strengthen consultations, for example. Such consultations were often ignored during the first Trump administration (2017–2021). The incoming Secretary of the Interior, Doug Burgum, has been Governor of North Dakota and has, in general, good relations with tribes although a heavy focus on removing regulations on fossil fuel extraction. The incoming Secretary of Homeland Security is Kristi Noem, Governor of South Dakota. All tribal governments in the state banned her from entering their territories in May. She had alleged that tribal governments profit from Mexican drug cartels.

In December, the White House Tribal Nations Summit took place, and issued a detailed progress report.<sup>13</sup> The first Trump administration had previously suspended these summits, so their future is again in question.

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# The Pacific



# Aotearoa (New Zealand)



Māori, the Indigenous people of Aotearoa, represent 17.8% of the 5 million population. The gap between Māori and non-Māori is pervasive: Māori life expectancy is 7 to 8 years less than non-Māori; 28% of Māori leave upper secondary school with no qualifications, over 52% of the prison population is Māori,<sup>1</sup> and 19% of Māori children live in households that experience material hardship compared with 8% of non-Māori.<sup>2</sup>

Te Tiriti o Waitangi (the Treaty of Waitangi) was signed between the British Crown and Māori in 1840. There is a Māori-language version (Te Tiriti), which most Māori signatories signed, and an English-language version (the Treaty). Te Tiriti granted a right of governance to the British over their subjects, promised that Māori would retain *tino rangatiratanga* (self-determination or full authority) over their lands, resources and other treasures and conferred the rights of British citizens on Māori. Te Tiriti has limited legal status, however; accordingly, protection of Māori rights is largely dependent upon political will and ad hoc recognition of Te Tiriti.

Aotearoa voted against the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) before endorsing it in 2010. Aotearoa has not ratified ILO Convention 169.

## Regression of rights regarding youth

In 2024, the right-leaning coalition government comprising: the National Party, ACT and New Zealand First, pursued a regressive agenda regarding Māori rights.<sup>3</sup> As discussed below, this regressive agenda has impacted Māori youth as well as Māori more broadly, including in their access to health, welfare, in state care and land and treaty rights. Positively, however, Māori children and youth have been prominent in Māori resistance efforts against this agenda.

## Treaty rights threatened

In November 2024, the coalition government introduced the *Principles of the Treaty of Waitangi Bill*.<sup>4</sup> In the absence of any actual realisation of

Te Tiriti o Waitangi, the principles of the Treaty have become an important tool for Māori within the state legal system. Treaty principles such as partnership (which includes a duty to consult with Māori), active protection of Māori interests guaranteed under the Treaty and good governance have been developed by courts and the Waitangi Tribunal since 1975. The Bill seeks to codify three statutory “principles” that are not reflective of Te Tiriti and provides that only those statutory principles be used in the interpretation of enactments.<sup>5</sup> This legislation threatens even the limited recognition of Te Tiriti currently available within the state system. In an urgent report, the Waitangi Tribunal (a permanent commission of inquiry responsible for assessing Crown conduct against the principles of the Treaty of Waitangi)<sup>6</sup> found that, if enacted, the Principles of the Treaty of Waitangi Bill will be the worst and most comprehensive breach of Te Tiriti o Waitangi in modern times.<sup>7</sup>

## Māori unified in resistance

A series of national *hui* (meetings) initiated by Kīngi Tūheitia (the late Māori king) to promote a unified Māori response to the coalition governments agenda began on 18 January 2024.<sup>8</sup>

In November 2024, the biggest *hīkoi* (protest march) and national protest in Aotearoa’s history occurred. The *hīkoi* began at Cape Reinga in the far north and culminated in a 50,000-strong protest at parliament.<sup>9</sup> Organisers Toitū Te Tiriti explained that the *hīkoi* was “to demonstrate the beginning of a unified Aotearoa response to the Government’s assault on *Tangata Whenua* (Māori) and Te Tiriti o Waitangi”. They explain that: “This is Generation Tiriti standing up and protecting the rights of all of our *mokopuna* (grandchildren). We will be affirming the *mana* (authority) of Te Tiriti o Waitangi as enduring and everlasting.”<sup>10</sup>

A strong demonstration of the empowerment of Māori youth and the *kohanga reo* (language nests) generation occurred when Aotearoa’s youngest Member of Parliament (MP), Hana-Rawhiti Maipi-Clarke, tore up the Principles of the Treaty of Waitangi Bill in parliament and performed a *haka* (ceremonial dance) denouncing it. Hana-Rawhiti Maipi-Clarke was named the 2024 “young politician of the year” by Time Magazine.<sup>11</sup>

## Māori children disconnected in care

In May 2024, legislation to repeal a section of child welfare legislation (section 7AA of the *Oranga Tamariki Act 1989*) was introduced<sup>12</sup> Section 7AA placed duties on the Chief Executive of Oranga Tamariki, including to: reduce disparities for Māori children in state care; and have regard to the *mana* (honour) and the *whakapapa* (genealogy) of Māori children and *whanaungatanga* (kinship) responsibilities of their *whānau* (family), *hapū* (extended family) and *iwi* (nation) in its work.<sup>13</sup> This provision placed a positive duty on the Chief Executive in respect of Māori children in care connected to their Māori identity and its removal would directly affect Māori youth in, or at risk of going into, state care.

The move to repeal section 7AA is especially concerning because the alienation of survivors of abuse in state care from their Māori identity was highlighted by the Royal Commission of Inquiry into Abuse in Care. The 2024 report found that Māori survivors, in particular, suffered a disconnection from their cultural identity and a sense of disconnection from their *whakapapa*. This disconnection was one of the most damaging impacts survivors experienced: impacting their sense of self, and their emotional, mental, and spiritual wellbeing.<sup>14</sup>

The Waitangi Tribunal inquiry into the proposed repeal of section 7AA found that there was a lack of proper consultation with Māori and a risk of negative outcomes for Māori children and urged the government to pause and reconsider the repeal.<sup>15</sup> The Bill is likely to have its second reading in 2025 as the select committee recommended by a majority that it be passed, despite the opposition parties expressing strong objection.<sup>16</sup>

## Māori Health Authority disestablished

In February 2024, legislation to disestablish Te Aka Whai Ora, the Māori Health Authority, was passed.<sup>17</sup> Te Aka Whai Ora was established in 2022 to improve the health outcomes and meet the needs of Māori. The Waitangi Tribunal found that Māori did not agree with the Crown action to disestablish Te Aka Whai Ora and were denied the right to self-determine what is best for them.<sup>18</sup> The Tribunal found breaches of the principles of the Treaty, including *tino rangatiratanga*, partnership and good government. It criticised the policy process the Crown had followed to disestablish Te Aka Whai Ora for being a departure from conventional

and responsible policymaking, stating that the policy process “fell well short of a Tiriti/Treaty consistent process”.<sup>19</sup>

## Māori land rights further threatened

In September 2024, *The Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill*<sup>20</sup> was introduced to overturn decisions under the *Marine and Coastal Area (Takutai Moana) Act 2011* and tighten the test for customary marine title in the common marine and coastal area (formerly foreshore and seabed). The Bill introduces definitions to the test that would be very difficult to meet. The Waitangi Tribunal issued a highly critical report on the proposed amendments stating that “at present, the Crown’s actions are such a gross breach of the Treaty that, if it proceeds, these amendments would be an illegitimate exercise of *kāwanatanga* (government)”, and cautioned the Crown “that on the strength of the evidence we have received to proceed now on its current course will significantly endanger the Māori–Crown relationship”.<sup>21</sup> The Bill is currently before the justice select committee.

## Private law win for Māori

In 2024, a significant High Court decision was issued on the long-running Wakatū dispute. In 2017, the Supreme Court held that the Crown owed fiduciary duties to the customary owners of land located at the top of the South Island. Issues of liability, loss and remedy were referred back to the High Court.<sup>22</sup> The High Court found that the Crown had breached fiduciary duties in not honouring terms to reserve a portion of land for the customary owners and reserve *papakāinga* (traditional villages), *urupā* (burial grounds) and *wāhi tapu* (sacred sites).<sup>23</sup> Interim findings were made that the Crown holds certain land on trust for the benefit of the customary owners and these claims were not barred by the Limitation Act 1950 because a statutory exception applies to claims for the recovery of trust property.<sup>24</sup> The Court also held that the plaintiff was entitled to compensation; however, a claim for cultural loss compensation was declined as a novel claim, not previously recognised in the common law.<sup>25</sup> This decision is notable as the Crown has been held liable under private law. The Crown has appealed the decision.

## Māori rights featured in Universal Periodic Review

The human rights situation of Māori was the subject of sustained attention during Aotearoa New Zealand's fourth UN Human Rights Council Universal Periodic Review. Recommendations from states included that New Zealand address social inequalities experienced by Māori in education, employment, social services, and justice,<sup>26</sup> develop and implement new policies to address societal and systemic discrimination.<sup>27</sup>

A number of recommendations concerning Māori youth were made, including: increasing efforts to address the disproportionately high number of young Māori in prison and improve their detention conditions,<sup>28</sup> addressing the conditions of poverty and related vulnerabilities suffered by Māori children,<sup>29</sup> and designing specific educational policies and programmes that guarantee the schooling of Māori children with equal rights and opportunities to those of the rest of the population.<sup>30</sup> These recommendations were supported by Aotearoa New Zealand. However, a recommendation to provide the necessary reparations to Māori in the face of the state's negligence in relation to children in its care and the intergenerational damage caused by the physical, psychological, and sexual abuse inflicted was only noted but not supported.<sup>31</sup>

Further recommendations included that Aotearoa New Zealand "determine and implement, in consultation and agreement with the Māori, the appropriate constitutional processes to recognize, respect and give effect to the Treaty of Waitangi"<sup>32</sup> and "continue the process of developing the national action plan relating to the implementation of the commitments and principles enshrined in the United Nations Declaration on the Rights of Indigenous Peoples".<sup>33</sup> Unsurprisingly, given the current government's agenda, these recommendations were only noted. In many instances, the recommendations echoed those of previous cycles with progress towards implementation stalled or digressing.

## Additional developments

Positively, in 2024, *Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill*,<sup>34</sup> a collective redress package between the *iwi* of Taranaki and the Crown to see *Taranaki Maunga* (mountains of Taranaki) gain legal personhood and the implementation of a co-gov-

ernance arrangement to manage the national park, was introduced and is at second reading stage.

## Future outlook

The conservative coalition government has two more years left in its current term. It is an apprehensive time for many, with a raft of legislative moves to override and diminish Māori rights. However, it is clear that Māori and their allies will continue to act in order to protect and restore their rights. The rise of young Māori leaders and the *kohanga reo* generation show this resistance will continue through the current coalition government's term and beyond.<sup>35</sup>

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# Australia



As of June 2021, there were 984,000 Aboriginal and Torres Strait Islander people, representing 3.8% of the total Australian population.<sup>1</sup> The most recent available data from the Australian Bureau of Statistics indicates that, among Indigenous Australians, 41% (401,700) live in major cities and 15% (150,900) live in remote and very remote areas combined. The proportion of the total population who were Indigenous increased with remoteness, from 2.2% in major cities to 30% in remote and very remote areas.<sup>2</sup>

The age structure of the Aboriginal and Torres Strait Islander population is younger than the non-Indigenous population, with both the proportion of young people being larger and the proportion of older people being smaller. This is due to higher birth rates and lower life expectancy in the Aboriginal and Torres Strait Islander population compared with that of the non-Indigenous population. One-third (33.1%) of Aboriginal and Torres Strait Islander people are under the age of 15 years compared to 17.9% of non-Indigenous People in the same age group. Only 5.4% of the Aboriginal and Torres Strait Islander population are 65 years and over compared with 17.2% of the non-Indigenous population.<sup>3</sup> Aboriginal and Torres Strait Islander peoples are vastly over-represented in the Australian criminal justice system, with 2,481 prisoners per 100,000 Indigenous People – 15 times greater than for the non-Indigenous population.<sup>4</sup>

There are 3,338 Aboriginal and Torres Strait Islander corporations registered under the federal *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act), including 258 registered native title bodies corporate.<sup>5</sup> This does not include a large number of businesses run by Aboriginal and Torres Strait Islander people, of which there are more than 12,500.<sup>6</sup>

There is currently no reference to Aboriginal and Torres Strait Islander peoples in the national Constitution. Initially Australia voted against the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 but formally endorsed it in 2009.<sup>7</sup>

The Indigenous Peoples of Australia continue to be disadvantaged by current and developing legislation and policies. A major factor has been the ongoing trauma associated with the loss of the referendum in 2023 to establish an “Aboriginal and Torres Strait Islander Voice” in the Federal Parliament.<sup>8</sup> This loss has implanted the fact in the minds of many Indigenous Peoples that Australia remains a country that predominantly continues to hold racist stereotypes and views about its Indigenous Peoples.<sup>9</sup> The Voice to Parliament Referendum’s failure significantly affected youth advocacy and representation.<sup>10, 11, 12, 13</sup> Several other pieces of legislation have had negative impacts on Indigenous young people.<sup>14, 15</sup>

Current positive developments include the progress in negotiating treaties between individual states and Indigenous Peoples. Additionally, the impactful work undertaken by oversight bodies such as the Federal Productivity Commission<sup>16</sup> and the NSW Ombudsman’s Office,<sup>17</sup> which identify and respond to areas of disadvantage for Indigenous children and young people.

The key to change and improved outcomes is Indigenous Peoples’ role in designing, leading, implementing and evaluating policies and programs that are culturally responsive and safe.

## Closing the Gap

The National Agreement on Closing the Gap is an initiative by the Australian government with the objective of overcoming the inequalities experienced by Aboriginal and Torres Strait Islander people.<sup>18</sup> Progress against the targets in the National Agreement is being monitored by the Productivity Commission (PC) and this oversight will help all parties to the Closing the Gap Agreement understand how their efforts are contributing to progress over the ten-year span of the National Agreement.<sup>19</sup>

Over the past year, there has been a continuing slide in the outcomes achieved by Closing the Gap. This was highlighted by the public release of PC’s report on 7 February 2024, which was handed to the Joint Council on Closing the Gap on 24 January 2024.<sup>20</sup> This is the PC’s first review of progress on the National Agreement on Closing the Gap. The key message of this report is that fundamental changes are required to deliver on the Agreement.

The PC also released a scathing final report with four major recommendations aimed at driving meaningful progress. Governments must genuinely share decision-making power with Indigenous Peoples, emphasising power-sharing through stronger partnerships and recognising the expertise of Aboriginal Community-Controlled Organisations. Supporting Indigenous Data Sovereignty is required, ensuring that Indigenous communities have ownership and control over their data in order to inform culturally relevant solutions.

The report calls for a fundamental overhaul of entrenched government systems and cultures that hinder progress, urging government departments to utilise evidence-based transformation strategies. To ensure accountability, governments need to establish additional independent oversight mechanisms, embed obligations into major inter-governmental agreements, and report transparently on their progress. Without significant action, the Agreement risks failing to close the gap in life outcomes between Indigenous and non-Indigenous Australians.<sup>21</sup>

## **Closing the Gap Targets – criminal justice system**

An ongoing upturn in the number of Indigenous people who had been incarcerated during 2024 continued. Each jurisdiction has its own method of collating incarceration rates, but we have focused on the results related to NSW – the largest jurisdiction in Australia. The NSW Bureau of Crime Statistics and Research has collated detailed data related to the incarceration of Indigenous adults and young people.

A matter of long-standing and justified public concern is the over-representation of Indigenous Australians in custody. According to the latest figures, the Aboriginal imprisonment rate in NSW (the State having the largest population in Australia) is nearly 10 times the non-Aboriginal imprisonment rate.<sup>22</sup> Aboriginal people are disproportionately represented at every stage of the criminal justice system. Constituting only 3.4% of the adult NSW population, and 6.2% of the population in the age range 10-17 years, they comprise over 30% of the population in adult prisons and 50% of the youth detention population. There are three Closing the Gap Targets that relate to crime and justice.<sup>23</sup>

- Closing the Gap Target 10 – Provides that Aboriginal and Torres Strait Islander adults are not over-represented in the criminal justice system.<sup>24</sup> In 2024, the number of incarcerated Aboriginal and Torres Strait Islander people increased by 15% (15,871), accounting for 36% of the national prison population.<sup>25</sup> “In March 2024 there were 3,841 Aboriginal adults in custody, the highest number ever recorded. The recent increase is solely due to the remand population. In March 2024, the number of Aboriginal people held on remand in NSW alone was the highest on record (1,763), up 27.5% since March 2022.”<sup>26</sup>
- Closing the Gap Target 11 – Provides that Aboriginal and Torres Strait Islander young people are not over-represented in the criminal justice system.<sup>27</sup> “In March 2024 there were 148 Aboriginal young people in detention, which is 66.4% of the youth detention population (a new record). Currently, 78.4% of Aboriginal young people in detention are on remand. In March 2024, there were 116 Aboriginal young people on remand (up 35 or 43.2% since March 2022). More than half of the Aboriginal youth remand population are in detention for break and enter (29.3%) or car theft (22.4%).”<sup>28</sup>
- Closing the Gap Target 13 – “Aims to reduce the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children by at least 50%, as progress towards zero.”<sup>29</sup> In December 2024, 2 in 3 (67%) Aboriginal and Torres Strait Islander people who reported experiencing violence in the last 12-months had experienced domestic and family violence. Family violence accounted for 72% of assault hospitalisations.<sup>30</sup>

## Raising the age of criminal responsibility

While some states have made progress, others have faced opposition to the national campaign to raise the age of criminal responsibility from 10 to 14 years across all states and territories of Australia. Australia’s peak medical and legal bodies have welcomed the findings and recommendations of the Australian Human Rights Commission report on

Youth Justice, which includes raising the minimum age of criminal responsibility from 10 to 14 years.<sup>31</sup>

Reform in this area is especially relevant to Indigenous children and young people given that Aboriginal youth in Western Australia are almost 50 times more likely to be in youth detention than non-Indigenous children. Data published by the Australian Institute for Health and Welfare reveals that 49% of young people in detention are Indigenous, compared to their prevalence (5.8%) in the population of Australian youth aged 10-17.<sup>32</sup>

Numerous experts, including the United Nations, child welfare groups, medical experts, human rights lawyers, and advocates, argue that the minimum age of criminal responsibility should be raised to at least 14 to better align with international standards and protect the unique rights of children.<sup>33</sup>

The state of Victoria raised the age of criminal responsibility from 10 to 12 in 2024.<sup>34</sup> The Australian Capital Territory (ACT) has committed to raising the age to 14 through a staged process.<sup>35</sup> Tasmania has raised the minimum age of detention to 14 but the age of criminal responsibility remains at 10.<sup>36</sup> NSW, Queensland and Western Australia have made no commitment to increase the age of criminal responsibility.<sup>37, 38, 39</sup>

## **Establishment of the National Commission for Aboriginal and Torres Strait Islander Children and Young People**

A key achievement in 2024 was the establishment of the National Commission for Aboriginal and Torres Strait Islander Children and Young People. The aim of this national commission is to support better outcomes for Indigenous children, young people, and their families. This commission is independent and will be officially operational from 13 January 2025. The commissioner's role is to champion Indigenous children's strengths, sense of hope, and ideas for change.<sup>40</sup> A budget of 5.9 million dollars has been set aside over two years to establish an interim National Commissioner for Aboriginal and Torres Strait Islander Children and Young People. The interim National Commissioner will work in partnership with Indigenous Peoples and communities, states and

territories, and other stakeholders, to design the specific powers, roles, and functions of the legislated independent National Commissioner. The National Commissioner will work to protect and promote the rights, interests, and well-being of First Nations children and young people.<sup>41</sup>

Several states and territories across Australia have specifically appointed Aboriginal and Torres Strait Islander Children and Young People's Commissioners, including Victoria, South Australia, and the Australian Capital Territory. The inaugural Aboriginal and Torres Strait Islander Children and Young Peoples Commissioner for the Australian Capital Territory began her role in February 2024.<sup>42</sup> Western Australia has a Commissioner for Children and Young People, with a mandate that includes a strong focus on Aboriginal children.

## Progress on treaties

After the failed Voice to Parliament Referendum, most states and territories in Australia began to develop treaties. There are various levels of progress being made in these treaties or treaty processes, as outlined below.

**New South Wales (NSW)** is Australia's first state. It was here that the original failure to recognise Indigenous Peoples' sovereignty was made. NSW has the largest population of Indigenous Peoples in the country but is yet to take formal steps towards a treaty. NSW continues to trail behind other jurisdictions on Treaty, with the Minns Labor Government taking backwards steps on their election promise after the failed Voice Referendum. A planned 12-month Treaty consultation process was set to begin before the middle of the year, 2024.<sup>43</sup>

**Tasmania** is the state with the smallest number of Indigenous Peoples in Australia with limited progress being made in Treaty negotiations. A draft Lutruwita (Tasmania) Treaty Bill 2023 was submitted by the "Tuylupa Tunapri" to the Tasmanian government, requesting the establishment of a Treaty and Truth-telling Commission, and for a finalised Treaty Bill to be tabled in parliament by 30 June 2024. In August 2024, Tasmanian Indigenous people and supporters set up a camp outside the state's Parliament House, refusing to move until the government committed to Treaty legislation.<sup>44</sup>

In April 2024 the **Northern Territory** Labour government held Treaty symposiums in both Darwin and Alice Springs in April to plot a pathway forward towards establishing a Treaty. In August 2024, there was a change of Government in the Northern Territory, and the new administration has not announced any policies on advancing the treaty processes.<sup>45</sup>

The **Australian Capital Territory (ACT)** has made no progress on the development of a Treaty since its February 2023 announcement that it would set up an Aboriginal and Torres Strait Islander Eminent Panel for Community Engagement and Healing in the ACT as the first step in developing a treaty. Since that time, nothing further has been heard about the Aboriginal and Torres Strait Islander Eminent Panel.<sup>46</sup>

As of April 2024, no dedicated treaty talks or processes were underway in **Western Australia (WA)**.<sup>47</sup>

The Path to Treaty in **Queensland** has been marked by incredible success and formidable barriers. The Queensland Government passed the Path to Treaty Act in 2023. The 16 September 2024 marked the formal opening of the Truth-telling and Healing inquiry.<sup>48</sup>

**Victoria** has made the most progress of all the states in developing a treaty, with eight years of engagement. Victoria has twice passed legislation, developed policies, and made commitments across every level of government. Victoria's Treaty is about putting practical frameworks in place to implement better policies and make sure Indigenous Peoples have a say in decisions that impact their own lives.<sup>49</sup>

## Indigenous Cultural and Intellectual Property Rights

In July 2024, the Australian Law Council published a new legislative framework to protect Indigenous Cultural and Intellectual Property Rights, recognising the importance of Indigenous cultural heritage. The framework addresses the limitation of current laws, which often conflict with Indigenous customary laws, particularly communal ownership and oral traditions. The legislation aligns with international standards such as the UNDRIP, aiming to ensure self-determination and communal recognition of both tangible and intangible cultural heritage.

Key components of the framework include a constitutional basis for protections, covering categories such as artistic ownership, tradi-

tional knowledge, and cultural property. It emphasises that international standards for the rights and recognition of Indigenous Peoples' intellectual property remain unmet in Australia.<sup>50</sup>

In a letter to the Australian government in April, the UN Committee on the Elimination of Racial Discrimination outlined serious concerns it had with Australia's governments in relation to Indigenous cultural heritage issues.<sup>51</sup> It expressed deep concerns with WA laws that do not protect Aboriginal cultural heritage, leaving it vulnerable to further destruction by mining and development. As of 2023, WA had passed laws that further encroach on the rights of Indigenous Peoples under the UN charter. This was in response to the 2023 destruction of Aboriginal sites by Rio Tinto<sup>52</sup> and aims to minimise the responsibilities of mining companies and developers.

## Policies, programmes and events impacting Indigenous youth

It is fundamental that Indigenous youth have a voice at all levels of society and determine their own needs and futures. There are various youth initiatives across the country, and the following are some examples.

The National Aboriginal Community Controlled Health Organisation held a conference on 2 December 2024, which was an opportunity for Aboriginal and Torres Strait Islander youth aged 18-26 to be heard. This conference began in 2019 and has been held in 2022, 2023, 2024 and allows youth to learn about informing policy, influencing change, and providing pathways for voices to be heard.<sup>53</sup>

The 2024 AIATSIS Summit Youth Forum drew together young native title holders, advocates, and others to discuss the experiences of Indigenous youth. Lilly-Rae Jones and Latoya-Sharnae Jones hosted this forum. The forum took place from 4–6 June 2024.<sup>54</sup>

The South Australian Commissioner for Aboriginal Children and Young People hosted the OUR SAAY Public Speaking Competition for Indigenous school children aged 3-18.<sup>55</sup>

The National Indigenous Youth Education Coalition and other non-Government organisations are scaling up efforts to support Indigenous-led initiatives focusing on education, mental health, and self-determination.<sup>56</sup>

Initiatives such as the Indigenous Knowledge Systems Programs in schools aim to incorporate traditional ecological knowledge into mainstream education, offering a brighter and more inclusive future for the youth.<sup>57, 58</sup>

A new pilot culturally safe training and employment program creating pathways for Aboriginal young people into new employment was rolled out by the Department of Human Services, which aims to reduce the over-representation of Aboriginal Youth in the Justice System.<sup>59</sup>

## International engagement

Indigenous representatives from Australia participated in the UN Permanent Forum on Indigenous Issues (UNPFII) and other global platforms in 2024. These events focused on issues such as Free, Prior, and Informed Consent, and Indigenous rights in relation to extractive industries. Youth involvement is growing as organisations emphasise inter-generational equity.<sup>60</sup>

The 17th Session of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) in Geneva discussed the ongoing crisis of Indigenous child removals in Australia. Advocate Hannah McGlade and Commissioner April Lawrie expressed the need for self-determination and the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle. EMRIP has called for Australia to prioritise self-determination and align its laws with international standards to improve outcomes for Indigenous children and communities.<sup>61</sup>

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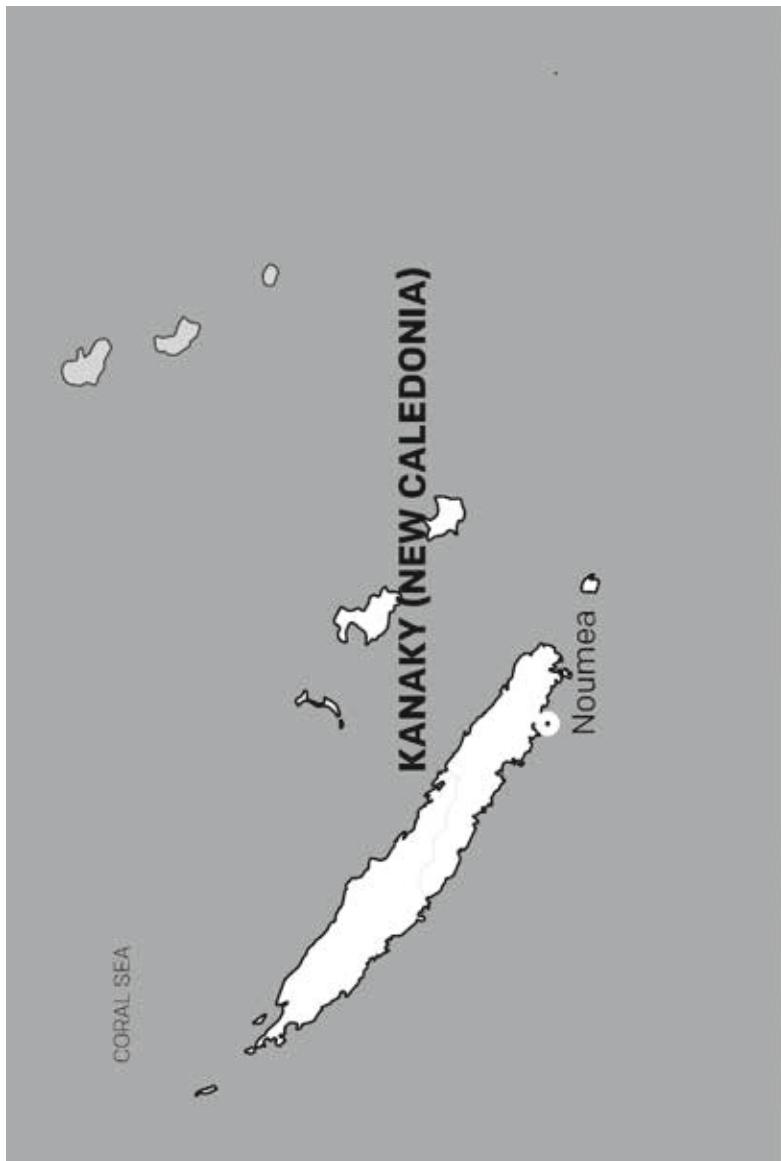
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# Kanaky (New Caledonia)



Kanaky (New Caledonia) is an overseas country and territory of the French Republic located 2,000 km off the north-east coast of Australia. France took possession of Kanaky in 1853. Kanaky is on the UN list of territories to be decolonized (Non-Self-Governing Territories).<sup>1</sup> This Melanesian territory had been occupied for thousands of years by the Kanak Indigenous people, who had developed their own culture and institutions. Together with French Polynesia and Wallis and Futuna, Kanaky is one of three French collectivities in the Pacific. From 1887 until 1946, as Indigenous subjects of the French Empire, the Kanaks were subject to the *Code de L'Indigénat (Indigenous Code)*, which excluded them from political or public engagement, established reservations and restricted their freedom of movement.<sup>2</sup> In 1946, the Kanak were granted French citizenship. As French citizens, they are able to participate in political elections including municipal, territorial and also provincial, legislative, presidential and European elections.

The Indigenous Kanak People, estimated at 60,000 in 1853, had fallen to 27,000 by 1920.<sup>3</sup> At the turn of the 1970s, an influx of new groups turned the Indigenous population into a demographic minority (41% of the population). The New Caledonia National Statistics Office reported in its 2019 census that the population of New Caledonia stood at 271,407, where 41.2% of the archipelago's inhabitants identify as Kanak, 24.1% as European and 8.3% as Wallisians and Futunians. The rest of the population is divided between Tahitian, Indonesian, Vietnamese, Ni-vanuatu, other Asian, and other "communities".<sup>4</sup>

Kanaky is a member of the *groupe du Fer de lance mélanesien* [Melanesian Spearhead Group], an alliance of Melanesian countries comprising the Solomon Islands, Papua New Guinea, Vanuatu, Fiji, Indonesia (associate member) and the Kanak and Socialist National Liberation Front (FLNKS), officially created in March 1988 in Port Vila.<sup>5</sup>

The first Indigenous intellectuals of the 1960s-70s reversed the stigma of the word "Canaque", making it a symbol of identity and political pride under the initial English spelling of Kanak. The 1998 Nouméa Accord,<sup>6</sup> the agreement laying out

the official process to self-determination, independence, and full sovereignty, officially recognized this terminology.

Most New Caledonian administrations do not disaggregate data by ethnicity, making it difficult to obtain reliable socio-economic indicators on the situation of the Kanak in Kanaky society. However, the Kanak are disproportionately represented in the prison system,<sup>7</sup> and account for approximately 80% of the inmates of the country's only prison, with Oceanians as a whole (Kanak, Wallisians and Futunians, Polynesians, *Ni-Vanuatu*) making up 90% despite accounting for less than 50% of the population.

The wealth gap is much more pronounced than in France: in the Nouméa metropolitan area, the poorest 10% of households earn, on average, 13 times less than the richest 10%, whereas this ratio is 5 to 1 in metropolitan France.<sup>8</sup> According to a recent study conducted in the Northern Province, Kanak People in a similar situation (same age, sex and qualifications) earn an average 32% less than non-Kanak people.<sup>9</sup>

## The imposition of the third referendum

UN resolution 66 (I)<sup>10</sup> included Kanaky on the list of Non-Self-Governing Territories drawn up by the UN from 1946 to 1947.<sup>11</sup> Following General Assembly resolution 41/41 of 2 December 1986, Kanaky was reinstated on this list in 1988 and considered a Non-Self-Governing Territory within the meaning of the UN Charter. In resolution 41/41,<sup>12</sup> the General Assembly affirmed the inalienable right of the people of Kanaky to self-determination and independence in accordance with the provisions of resolution 1514 (XV).<sup>13</sup> The Nouméa Accord<sup>14</sup> provides for the transfer of powers and, *inter alia*, the evolution of the political organization of Kanaky and process leading to self-determination, independence, and full sovereignty. Two referendums on New Caledonia's accession to full sovereignty were organized in 2018 and 2020. Although Kanak organizations and authorities repeatedly called for the postponement of the 3<sup>rd</sup> referendum, the French government maintained the date

in 2023, which was marked by the absence of Kanak voters. With an abstention rate of 56.13%, given that Kanak people represent 44% of the population,<sup>15</sup> this resulted in a win for the “no” vote for the third time. This decisive stage in the region’s process of self-determination was marked by a feeling of deep frustration among the Kanak people.

## **The French government’s attempt to suppress recognition of Kanak Indigenous rights and bury the Nouméa Accord**

Article 5 of the Nouméa Accord<sup>16</sup> stipulates that, until the Territory moves towards full sovereignty, the achievements and the institutional framework established by the Accord shall apply irreversibly. However, after the “no” vote in the 3rd referendum, a new draft agreement known as the “Martyr Project”<sup>17</sup> was drawn up by the French government. The aim of this agreement was to remove the territory of New Caledonia from the list of territories to be decolonized and to extinguish the rights recognized to the Kanak People in the Nouméa Accord and in the Organic Law of 1999.<sup>18</sup> The “Martyr Project” was drafted without any consultation of the Kanaks and without the Free, Prior and Informed Consent (FPIC) of the customary institutions, including the Customary Senate.

The draft agreement erased all the provisions of the Nouméa Accord recognizing Kanak Indigenous institutions (article 1.2), customary law (article 1.2), customary lands (article 1.4), civil courts with customary assessors (article 1.4) and any reference to the Kanak identity (article 1). Furthermore, the draft also called into question the composition of the electoral bodies, which had been frozen under the Nouméa Accord. Under such conditions, all Kanak stakeholders would withdraw from the process of dialogue on the future status of the Territory, as intended by the French government. The status of this draft agreement, while seemingly abandoned, remains unclear.

## **Reform of the electoral body forced through**

One of the cornerstones of the self-determination process initiated with the Nouméa Accord was the freezing of the electoral body so that

Kanaks would not suffer the negative effects of a colonial settlement policy and would not become a minority in their own Territory. Faced with the impasse in the dialogue process on a comprehensive political agreement in January 2024, the Minister of the Interior presented two Bills to the Council of Ministers: one aimed at unfreezing the Kanaky electorate – which was frozen in 1998 following the constitutional reform of 23 February 2007 – and another aimed at postponing the Kanaky provincial elections. These two Bills were drafted, negotiated, and adopted without any participation, consultation, or FPIC of the Kanak People or their customary institutions.

A New Caledonian Member of Parliament, an anti-independence representative, Nicolas Metzdorf, was appointed rapporteur for the Bill concerning the electorate, illustrating the partiality of the French government.<sup>19</sup> On 14 May 2024, the Bill was adopted by the National Assembly, which introduced a new article 77-1 into the 1958 Constitution, opening up the electorate to all natives and people with at least 10 years' residence in Kanaky. This would add 25,000 people to the electorate. On 2 April 2024, the French Senate approved the Bill at its first reading, while the French Congress was expected to adopt the law in June 2024.

However, on 12 June 2024, the French President announced that the reform would not be submitted to the Congress of Versailles because of the serious violent unrest these proposed Bills and decisions had sparked.<sup>20</sup>

## **Discriminatory, excessive, disproportionate and lethal use of force, executions of Kanak human rights defenders during May 2024 protests**

Since 21 February 2024, tens of thousands of Kanak demonstrators have mobilized on several occasions in a peaceful and non-violent manner to denounce the reform of the electoral body, the burial of the Nouméa Accord and the organizational modalities of the 3<sup>rd</sup> referendum. The situation deteriorated on 13 and 14 May 2024, the days on which the National Assembly examined and adopted the Bill to modify the electorate. However, the French government's stance exacerbated feelings of marginalization and frustration among part of the Kanak population, leading to riots that lasted several weeks. Numerous calls

for calm were made by the Kanak customary authorities. Instead of opening dialogue, the French government militarized the entire island. Seven thousand (7,000) soldiers were deployed from the New Caledonia Pacific Marine Infantry Regiment, soldiers from the French army, police officers and gendarmes, members of the National Gendarmerie Intervention Group (GIGN), several companies of Companies for Republican Security (CRS) and Search, Assistance, Intervention, Deterrence (RAID), and several armoured vehicles, and armed anti-independence militias joined in. The result was excessive use of force, violence towards Kanak rights defenders and denial of fundamental rights such as freedom of expression, assembly, and movement.<sup>21</sup>

The report of the Customary Senate to the 142<sup>nd</sup> Human Rights Committee<sup>22</sup> concluded that the seriousness of the violations committed by France since the beginning of 2024 could not be justified. Under the French government, the Indigenous Kanak People of Kanaky suffer general discrimination and violations in the exercise of their rights to political participation and public life and to FPIC in decisions concerning their rights and interests. The report notes that the following violations took place:

- Existence of widespread and persistent practices of racial discrimination, as illustrated by economic and social indicators;
- Repeated outbreaks of racial hatred and violence, racist propaganda or calls for racial intolerance by individuals, groups or organizations, including elected officials or other state authorities;
- Discrimination and incitement to racial hatred encouraged and/or tolerated by the State and its agents on New Caledonian territory;
- Passage of discriminatory laws;
- Policy of segregation or *de facto* exclusion of members of a group from political, economic, social and cultural life;
- Policies or practice of impunity with regard to: a) acts of violence targeting members of a group on the basis of their race committed by State authorities or private actors; c) [sic] the creation and organization of militias or extremist political groups advocating racist ideas;
- Extrajudicial executions, violence and rape perpetrated by the

- forces of law and order;
- Arbitrary arrests;
- Detention in inhuman and degrading conditions;
- Denial of the right to a fair trial and infringement of the presumption of innocence; and
- Illegal intervention by law enforcement agencies on customary land.<sup>23</sup>

## **Criminalization of Kanak human rights defenders, arbitrary arrests and detentions**

On 15 May 2024, by means of two decrees, No. 2024-436 and No. 2024-437, a state of emergency was declared in Kanaky. These decrees allowed searches without the intervention of a judge, house arrests, the banning of the TikTok social media app and a large number of arbitrary arrests and detentions.<sup>24</sup> On 19 June 2024, 11 Kanak human rights defenders from the *Cellule de Coordination des Actions de Terrain* (CCAT) were arrested and placed under investigation by the Nouméa gendarmerie and the anti-terrorist unit. They were charged with organized crime and criminal conspiracy. On 22 June, seven of these activists were deported to mainland France.<sup>25</sup> These arrests revived tensions in the region and, to date, there has been no political response to the crisis from the French government, apart from the repressive treatment of a movement for decolonization and the defence of the rights of Indigenous Peoples.<sup>26</sup>

## **Concluding observations of the report of the 142<sup>nd</sup> session of the Human Rights Committee on the sixth periodic report of France**

On 4 November 2024, the Human Rights Committee, a committee of independent experts responsible for supervising the application of the International Covenant on Civil and Political Rights (ICCPR), ratified by France on 4 November 1980, once again denounced the violations of the human rights of the Kanak People and also called the French State to order in its concluding observations of 7 November 2024.<sup>27</sup>

In particular, the Committee expressed its concerns at the way in which the third referendum in New Caledonia had been organized, held as it was during the COVID-19 pandemic and a period of customary mourning. In addition, the Committee recommended that France should facilitate and expedite the realization of the right of the Kanak Indigenous People to self-determination by cooperating fully with the Committee of 24, in accordance with UN Charter and UN General Assembly Resolution 1514 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples.<sup>28</sup> Further, it stated that France should consult the Indigenous Kanak People in order to obtain their FPIC before adopting any measure relating to the process of self-determination and to respect the principle of constitutional irreversibility set out in Article 5 of the Nouméa Accord, which guarantees the integrity of the decolonization process.

The Committee reminded France, which signed the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, that it must ensure the effective participation of Indigenous Peoples in political life in its overseas territories and guarantee respect for the right of Indigenous Peoples to be consulted with a view to obtaining their FPIC prior to the adoption of any legislative measure or project likely to have an impact on the enjoyment of their rights.

In addition, the Committee expressed its concern at the transfer to metropolitan France of the Indigenous rights defenders of the CCAT and their continued detention on remand and called on France to use non-custodial measures as an alternative to detention on remand. It expressed its concern at the persistence of the over-representation of Indigenous Kanak People in the territory's prisons and called for specific measures to be taken to remedy this and to meet their specific needs, including the use of alternative measures to enable Indigenous convicts to serve their sentences in their communities.

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# Papua New Guinea



Papua New Guinea (PNG) is a country in Oceania that covers an area of 462,840 km<sup>2</sup>, and the eastern half of the Island of New Guinea and nearby islands. According to the National Statistics Office, as of 2021, it had a population of approximately 11.78 million across 22 provinces.<sup>1</sup> Bougainville Island, which geographically forms part of the Solomon Islands but politically and administratively falls under PNG, became a self-governing region in 2004. The Papua New Guineans of Papua New Guinea are the original inhabitants, with distinct culture, histories and identities and a strong connection to the land, which is regarded as the source of life, identity, and spirituality. There are over 840 languages spoken in the country<sup>2</sup> and PNG is considered the most culturally and linguistically diverse country in the world.

PNG is rich in natural resources such as gold, copper, silver, oil, gas, and timber, which make up the majority of the nation's economy. Its key international exports include natural gas, gold, copper, palm oil, nickel, crude petroleum, lumber, refined petroleum, fish and coffee.<sup>3</sup> The nation is facing many challenges, including an estimated 39.9% of the population living below the poverty line.<sup>4</sup> Further, only an estimated 20.9% of the population has access to electricity.<sup>5</sup> There are also issues around corruption and environment degradation, and violence is a problem, in particular gender-based violence.<sup>7</sup>

Climate change is significantly affecting PNG, impacting its Indigenous population and the country's development and well-being. The country is facing rising sea levels, coastal and land erosion, saltwater intrusion, coral bleaching, extreme weather events, and health issues, affecting Indigenous communities' lives, livelihoods, food security, health, and culture. Despite these challenges, PNG continues to contribute to global greenhouse gas emissions, primarily from deforestation, land-use change, and the energy sector, with land use, land-use change, and forestry accounting for approximately 70% of its emissions. PNG also emits carbon dioxide from the energy sector, mainly from the combustion of fossil fuels for electricity generation, which accounts for 80% of the total installed electricity capacity.<sup>8</sup>

The Government of PNG was absent from the vote on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in September 2007 and has not taken any action to change this. Furthermore, PNG did not ratify the International Labour Organization's Convention Number 169 (ILO169).

The year 2024 was a pivotal one for Indigenous youth in Papua New Guinea (PNG). As the country navigates the complexities of modernity and tradition, the role of Indigenous youth has become increasingly significant. As reported in *The Indigenous World 2024*,<sup>9</sup> multiple persistent threats remain relevant for Indigenous communities in PNG, including land disputes, resource extraction, limited access to services, discrimination, and violence. These interconnected issues have a profound intergenerational impact. This report aims to provide an overview of the main activities, decisions, and updates related to Indigenous Peoples' rights in PNG throughout 2024, with a particular focus on the contributions and challenges faced by Indigenous youth.

## Legislative changes affecting Indigenous Peoples

In 2024, several legislative changes impacted Indigenous communities in PNG. Notably, the government introduced amendments to the Land Act,<sup>10</sup> aimed at providing better protection for Indigenous land rights. These amendments have been welcomed by many Indigenous groups, as they offer stronger legal frameworks to prevent land grabbing and ensure that land-use decisions involve the Free, Prior, and Informed Consent (FPIC) of Indigenous communities.

Additionally, new regulations were implemented to control the activities of the extractive industries. These regulations mandate that companies operating in Indigenous territories must adhere to stricter environmental standards and engage in meaningful consultations with Indigenous communities. This move is seen as a positive step towards safeguarding the environmental and cultural heritage of Indigenous lands.

## Good policies, programmes and practices

Several initiatives have been launched to support Indigenous youth in PNG. One notable programme is the Urban Youth Empowerment Project, which focuses on providing education and vocational training to young people in remote Indigenous communities. This initiative has helped bridge the gap between traditional knowledge and modern skills, enabling youth to contribute more effectively to their communities while also pursuing personal development. Non-governmental organizations (NGOs) have also played a crucial role in supporting Indigenous youth as the PNG Indigenous Youth Network has been instrumental in organizing workshops and seminars that promote leadership skills, cultural preservation, and environmental stewardship among young people. These efforts have empowered youth to take active roles in their communities and advocate for their rights on national and international platforms.

## National and local events

Throughout 2024, several significant events highlighted the contributions of Indigenous youth in PNG. The NCD Indigenous Youth Summit and Expo 2024, held in Port Moresby,<sup>11</sup> brought together young leaders from across the country to discuss issues such as climate change, cultural preservation, and economic development. The summit provided a platform for youth to share their experiences, learn from each other, and develop strategies for addressing common challenges.

At the local level, various cultural festivals celebrated the rich heritage of Indigenous communities. These events not only showcased traditional dance, music, and crafts but also provided opportunities for intergenerational dialogue. Elders and youth came together to exchange knowledge and strengthen their cultural bonds, reinforcing the importance of preserving Indigenous traditions.

## International processes and Indigenous involvement

PNG's Indigenous youth have also been active participants in international processes. In 2024, representatives from PNG attended the UN

Permanent Forum on Indigenous Issues (UNPFII),<sup>12</sup> where they highlighted the unique challenges facing Indigenous youth in their country. Their participation underscored the importance of including youth voices in global discussions on Indigenous rights and sustainable development. Moreover, PNG hosted a visit from the UN Special Rapporteur on the Rights of Indigenous Peoples. During this visit, Indigenous youth had the opportunity to engage directly with the Special Rapporteur, sharing their concerns and aspirations. This interaction not only raised awareness about the situation in PNG but also strengthened the youth's capacity to advocate for their rights at the international level.

## **Role of Indigenous women and youth**

Indigenous women and youth have been at the forefront of many initiatives aimed at promoting social and economic development in PNG. Women, in particular, have played a crucial role in preserving traditional knowledge and practices, while also advocating for gender equality and women's rights. Youth, on the other hand, have been instrumental in driving innovation and change within their communities. One notable example is the establishment of the Indigenous Women's and Youth Cooperative, which focuses on sustainable agriculture and handicrafts. This cooperative has provided economic opportunities for women and youth, enabling them to generate an income while preserving their cultural heritage. The success of this initiative has inspired similar projects in other Indigenous communities across PNG.

## **General outlook**

Looking ahead, the outlook for Indigenous youth in PNG is both promising and challenging. On the positive side, there is growing recognition of the importance of youth participation in decision-making processes. The government and various stakeholders are increasingly involving young people in policy discussions, ensuring that their voices are heard and their perspectives considered. However, challenges remain. Climate change continues to pose a significant threat to the livelihoods

of Indigenous communities, particularly those dependent on natural resources. Additionally, the migration of youth to urban areas in search of better opportunities remains a concern, as it can lead to a loss of cultural identity and traditional knowledge. To address these challenges, it is crucial to strengthen intergenerational dialogue and collaboration. Elders and youth must work together to find solutions that balance the preservation of cultural heritage with the demands of modern life. By fostering mutual respect and understanding, Indigenous communities can build a resilient future that honours their traditions while embracing progress.

The year 2024 has demonstrated the vital role of Indigenous youth in shaping the future of PNG. Through their active participation in local, national, and international arenas, they have shown that they are not only the leaders of tomorrow but also the changemakers of today. By strengthening traditions and embracing innovation, Indigenous youth are paving the way for a brighter and more inclusive future for all. This comprehensive overview highlights the key developments and contributions of Indigenous youth in PNG throughout 2024.

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# PART 2

## **International Processes and Initiatives**

# African Commission on Human and Peoples' Rights (ACHPR)

The African Commission on Human and Peoples' Rights (ACHPR, or the Commission) was established in accordance with Article 30 of the African Charter on Human and Peoples' Rights (the African Charter) with a mandate to promote and protect human and peoples' rights on the African continent. It was officially inaugurated on 2 November 1987 and is the premier human rights monitoring body of the African Union (AU). In 2001, the ACHPR established a Working Group on Indigenous Populations/Communities in Africa (WGIP), marking a milestone in the promotion and protection of the rights of Indigenous Peoples in Africa.

In 2003, the WGIP produced a comprehensive report on Indigenous Peoples in Africa which, among other things, sets out common characteristics that can be used to identify Indigenous communities in Africa. The report was adopted by the ACHPR in 2003 and was subsequently endorsed by the AU in 2005. The report therefore represents the official position of the ACHPR, as well as that of the AU, on the concept and rights of Indigenous Peoples in Africa. The 2003 report serves as the basis for constructive engagement between the ACHPR and various stakeholders based in the continent and elsewhere, including states, national human rights institutions, NGOs, Indigenous communities and their organizations.

The participation of Indigenous Peoples' representatives in the sessions of the ACHPR as well as in the various activities of the WGIP, which include sensitization seminars, country visits, information activities and research, has also played a crucial role in ensuring and maintaining this vital engagement and dialogue for many years.

In 2020, at the 66th Ordinary Session of the ACHPR, the mandate of the WGIP was expanded to include the rights of minorities, with the following amended name: “Working Group on Indigenous Populations/Communities and Minorities in Africa” (WGIPM).<sup>1</sup>

In 2024, the Commission undertook several activities aimed at the promotion and protection of human and peoples’ rights, including the rights of Indigenous Peoples, on the continent. In this regard, the ACHPR held four (4) Ordinary Sessions and one (1) Extraordinary Session at which it considered and/or adopted, among others, Periodic State Reports, Concluding Observations; resolutions, communications, and promotion mission reports pertinent to, *inter alia*, the rights of Indigenous Peoples. Moreover, during inter-session periods, the ACHPR conducted a number of activities including organizing meetings and issuing urgent appeals that are aimed at safeguarding and advancing the rights of Indigenous Peoples in Africa.

## **State Reports and Concluding Observations**

In accordance with Article 62 of the African Charter on Human and Peoples’ Rights (the African Charter), which requires States Parties to submit a status report every two years, three (3) States Parties, namely Mozambique, Burkina Faso, and Angola were reviewed by the Commission. During the examination of these State Reports, the Chairperson of the Working Group on Indigenous Populations/Communities and Minorities (WGIPM), Commissioner Dr. Litha Musyimi-Ogana, posed questions relating to the situation of Indigenous Peoples in the respective countries under consideration.

None of the countries whose reports were reviewed expressly recognize the existence of Indigenous communities within their territories. For instance, the report on Angola makes mention of the various measures put in place by the government to facilitate access to education and promote cultural rights for the San community but falls short of

recognizing the community as Indigenous. According to the report, a National Directorate of Communities and Traditional Institutions was established by means of Presidential Decree No. 35/18, under the Ministry of Culture and Tourism, "to coordinate public policies for minority groups". One of the priority actions of the Directorate includes providing support to "traditional communities, especially the Khoi-San and minority ethnic groups in the Provinces of Namibe, Huíla and Cuando Cubango". The Report further notes that the government earmarks funds in its annual budget for the study and monitoring of traditional communities, particularly the Khoi-San and other minority ethnic groups.<sup>2</sup>

The report on Mozambique, on the other hand openly admits a lack of disaggregated data on vulnerable and marginalized people as a limitation of the report, thus hindering the state's efforts to draw up human rights compliant policies.<sup>3</sup>

In the year under review, the ACHPR also adopted three Concluding Observations and Recommendations on the State Reports of Eritrea, Uganda and Mozambique.

In line with its good practice of allowing special mechanism mandate holders to pose questions related to their mandate during examination of State Reports, Concluding Observations include sections on each of the thematic issues. Accordingly, the Concluding Observations on the Combined 2<sup>nd</sup> and 3<sup>rd</sup> Periodic Reports of the State of Eritrea, issued in March 2024, note that both the report of the State of Eritrea and its subsequent written replies do not provide substantial information on or respond to matters related to the rights of Indigenous Peoples although there are at least four Indigenous communities in Eritrea.<sup>4</sup> On the basis of this observation, the Commission recommended that the Government of Eritrea:<sup>5</sup>

- i. Provide statistics on Indigenous populations and communities in its next report;
- ii. Ratify ILO Convention 169 on Indigenous and Tribal Peoples of 1989;
- iii. Pursue its measures to ensure the effective participation of all communities in decision-making bodies, including through the introduction of quotas;
- iv. Take targeted measures to protect ancestral lands, including

- through the issuance of a collective title deed that can stand up in court; and
- v. Strengthen and improve access for all communities to essential services such as education and health.

In the Concluding Observations on the Combined 6<sup>th</sup> to 8<sup>th</sup> Periodic Reports of the Republic of Uganda, the Commission took note of the establishment of the national Indigenous People's Reference Committee, as well as the parliamentary representation of Indigenous Peoples such as the Ethur and the Batwa. The Commission also expressed concern at the failure of the Ugandan delegation to provide response to questions raised in relation to the rights of Indigenous Peoples in the country. In view of the foregoing, the Commission recommended that the Government of Uganda:<sup>6</sup>

- i. Provide statistics on Indigenous populations and communities in its next report;
- ii. Ensure the enforcement of the 2005 Consent judgement of the domestic Court, which recognized the Mosopisyek people as Indigenous occupants of Mount Elgon, as well as the implementation of the Commission's recommendation in this regard;
- iii. Redouble its efforts to implement the recommendations of the National Dialogue on the Impact of Extractive Industries on Indigenous Communities held in Kampala, Uganda from 27 to 28 November 2018;
- iv. Ratify ILO Convention 169 on Indigenous and Tribal Peoples of 1989;
- v. Pursue its measures to ensure the effective participation of all communities in decision-making bodies, including through the introduction of quotas;
- vi. Take targeted measures to protect ancestral lands, including through the issuance of a collective title deed that can stand up in court;
- vii. Strengthen and improve access for all communities to essential services such as education and health;
- viii. Ensure the full registration of voters, according to Article 59 of the Constitution, including marginalized and Indigenous communities; and

- ix. Ensure the full protection of the rights of Indigenous communities, women, children and other vulnerable groups in the context of business/extractive corporations' activities.

## Tanzania Mission Report

At its 81<sup>st</sup> Ordinary Session held from 17 October to 6 November 2024, the Commission adopted its long overdue country mission report on Tanzania.<sup>7</sup> It will be recalled that the Commission undertook a promotion mission to the United Republic of Tanzania from 23 to 28 January 2023 following reports of the forcible eviction of the Masaai community from their ancestral land in the Loliondo Game Controlled Area and Ngorongoro Conservation Area.

The adoption of the report was deferred several times by the Commission to allow time to fully incorporate the comprehensive comments made by members of the Commission on the draft report. Even at the time of writing this article, the Tanzania report is yet to be made public as the Secretariat is still in the process of finalizing it.

## Communications

The Commission considered and gave decisions on a total of thirty-three (33) individual human rights complaints, also known as Communications. Nineteen (19) of them were on admissibility and fourteen (14) on the merits. Since these decisions have not yet been published, it is difficult to tell if any of these decisions relate to or are relevant to the rights of Indigenous Peoples.

At its 81<sup>st</sup> Ordinary Session, the Commission received an update from the Commissioner Rapporteur regarding the status of implementation of the African Court Judgment in Application 006/12 - African Commission on Human and Peoples' Rights v. Republic of Kenya, commonly known as the Ogiek Case.<sup>8</sup>

No follow-up seems to have been made by the Commission on the status of implementation of its 2010 Endorois decision. Fourteen years after the decision was issued, no tangible progress has been made in its implementation and momentum in monitoring progress has apparently died down both on the part of the Commission and other stakeholders, including the applicants.

## **Urgent Appeals**

### **Urgent Appeal to the Government of the Democratic Republic of Congo (DRC)**

On 19 January 2024, the Chairperson of the WGIPM sent an Urgent Letter of Appeal to the Government of DRC following reports of violence against and eviction of members of the Batwa Indigenous population from the Kahuzi-Biega National Park. The Chairperson called for the cessation of violence and evictions in order to limit the irreparable damage that may be caused to the lives, livelihoods, bodily integrity, family life, safety and security of vulnerable members of Indigenous communities, including women, children and the elderly.<sup>9</sup>

### **Urgent Appeal to Her Excellency Samia Suluhu Hassan, President of the United Republic of Tanzania<sup>10</sup>**

In August 2024, the Chairperson of the WGIPM received reports of the forced relocation of members of the Masaai community from their ancestral lands in Endulen Village in Ngorongoro Conservation Area (NCA), within the vicinity of the UNESCO World Heritage Site. According to the reports, the government premised the relocations on the purported increase in the number of people and livestock in Endulen Village putting pressure on the biodiversity of that conservation area. The reports alleged that, in the process of relocating the community, their rights to education, healthcare and culture have been violated.

In response, the Chairperson of the WGIPM, jointly with the Country Rapporteur for the Human Rights Situation in the United Republic of Tanzania, Commissioner Ourveena Geereesha Topsy-Sonoo, sent a Letter of Urgent Appeal to the President of the United Republic of Tanzania, Her Excellency Samia Suluhu Hassan expressing concern at the reported relocations of the Masaai community, which are not in conformity with Tanzania's regional and international human rights obligations, and calling on the Government of Tanzania to ensure that no relocation takes place without the free, prior and informed consent of the Indigenous Peoples concerned and only after agreement on just and fair compensation and, where possible, with the option to return. The Urgent Appeal further called for the implementation of the Resolution on Indigenous Populations/Communities in Africa, and the implementation of the Resolution on the Recognition and Protection of the Right

of Participation, Governance and Use of Natural Resources by Indigenous and Local Populations in Africa.

A few weeks after issuing the Urgent Appeal, the Commission received positive feedback informing it of the decision by the Government of Tanzania to reinstate social services and lift restrictions against residents of the Ngorongoro Conservation Area. Encouraged by this commendable development, the Commission wrote a Letter of Commendation on 19 September 2024 to Her Excellency President Samia Suluhu Hassan applauding her government for restoring social services, including health, education and water services, in the Ngorongoro Conservation Area. The Government of Tanzania was also commended for the directive to hold local government elections within the Ngorongoro Conservation Area, and the lifting of all forms of restrictions imposed on the residents of the Conservation Area.

On 1 December 2024, President Suluhu Hassan met and had constructive discussions with leaders of the Masaai community living in the NCA. During the meeting, the President announced the government's decision to create two commissions. The first to assess the land issue/conflict in the NCA and the second to look into the voluntary relocation of the residents from the NCA. The commissions were formally constituted on 23 December 2024.

## **Meetings**

### **Follow-up Meeting on the Validation of the Study on the Impact of COVID-19 on Indigenous Peoples in Africa**

From 14 to 15 March 2024, the WGIPM held a Follow-up Meeting on the Validation of the Study on the Impact of COVID-19 on Indigenous Peoples in Africa, in Freetown, Sierra Leone. The Follow-up Meeting was held to enrich and refine the Study, and to further formulate evidence-based policy recommendations to enhance Indigenous communities' resilience in future public health emergencies.<sup>11</sup>

### **Consultation with the Khoi-San Delegation at the Social Cohesion and Cultural Exchange Event**

On the sidelines of the Social Cohesion and Cultural Exchange Event convened on 12 September 2024 by the African Kingdoms Diaspora

Alliances in Nongoma, KwaZulu-Natal, Republic of South Africa, the Chairperson of the WGIPM held consultations with the Khoi-San delegation from the Western Cape, South Africa, who shared their frustrations and disappointment at the treatment of their ancestral shrine in Cape Town as its existence is under threat if a plan to build low-cost Reconstruction and Development Programme (RDP) houses on the land is approved by the Western Cape Government and the City of Cape Town. The Khoi-San delegation expressed their concern based on various initiatives of the Western Cape Government that are posing a threat to their ancestral connection to the Oude Molen Eco Village, as they have the effect of destroying their heritage. They called for the protection and preservation of their ancestral heritage.<sup>12</sup>

## **Press Statement on the International Day of the World’s Indigenous Peoples<sup>13</sup>**

On the occasion of the International Day of the World’s Indigenous Peoples, celebrated internationally every year on 9 August, the Commission issued a press statement. In the Press Statement, the Commission noted that, despite the strides made to date, Indigenous Peoples in different parts of the world continue to face evictions, displacements, and exploitation of their territories, and highlighted that the urgency of promoting and protecting their rights as distinct peoples could not be more timely. Further underscoring the persistence of different circumstances that render Indigenous Peoples vulnerable and disadvantaged, the Commission noted with concern many incidents of forced evictions against Indigenous Peoples and expressed its concern in the light of reports depicting Indigenous Peoples’ limited access to basic services, including education and health.

The Commission called upon States Parties to the African Charter to strive towards the implementation of its Resolution on the Recognition and Protection of the Right of Participation, Governance and Use of Natural Resources by Indigenous and Local Populations in Africa and reiterated the importance of access to natural resources by Indigenous and local populations in Africa. The Commission also highlighted the dependency of Indigenous Peoples on the ecological environment and called upon States to respect that dependency in the execution of

development projects relating to housing, agriculture, tourism and activities of extractive industries that may impact on the environments in which Indigenous Peoples live. In addition to that, the Commission urged States Parties to exercise necessary caution and consideration in the development and implementation of laws and policies that adversely impact the environment and to avoid harm to the survival and livelihood of Indigenous Peoples.

## **Resolutions<sup>14</sup>**

The Commission adopted a total of 37 Resolutions in the year 2024. While one is directly related to the work of the WGIPM, renewing the mandate of some of its members,<sup>15</sup> others have indirect relevance to the rights of Indigenous Peoples. To mention but a few, Resolution on Promoting the Use of Indigenous and Local Languages as a Medium for Learning and Communication in the Implementation of the African Continental Free Trade Area;<sup>16</sup> a Resolution on the Need to Take Measures to Reduce Forced Internal Displacement in Africa;<sup>17</sup> and a Resolution on the Development of Guidelines on the Protection of the Rights of Workers in the Informal Economy Sector in Africa.<sup>18</sup>

## **Recommendations**

In her Inter-Session Report to the Commission, the Chairperson of the WGIPM made the following recommendations to States Parties:<sup>19</sup>

- To ratify or accede to the 1989 ILO Convention on Indigenous and Tribal Peoples (ILO Convention 169) and other relevant regional and international instruments;
- To seek inspiration and guidance from the United Nations Declaration on the Rights of Indigenous Peoples in dealing with matters relating to Indigenous Peoples;
- Based on the criteria for identification of Indigenous Peoples as established by the African Commission, States should endeavour to recognize the concept of “Indigenous Peoples”, identify and map Indigenous Peoples within their territories,

- and obtain and maintain up-to-date data relevant to their welfare; and
- To take appropriate measures to address all forms of discrimination, exclusion and marginalization of Indigenous Peoples within their territories, and protect them against forced evictions by recognizing and protecting their dependence on natural resources and land for survival and existence.

## **Advanced Human Rights Course on Indigenous Peoples' Rights in Africa<sup>20</sup>**

The annual Advanced Human Rights Course on Indigenous Peoples Rights in Africa took place from 18 to 22 November 2024 at the University of Pretoria, South Africa. A total of 56 participants attended the course, both virtually and in person. The participants hailed from 15 African states, as well participants from Asia, Europe and the Middle East. Various topics on Indigenous issues were presented by resource persons, including a member of the WGIPM. Participants also made presentations in groups on the situation of Indigenous Peoples in their respective sub-regions. The course is run by the Centre for Human Rights of the University of Pretoria in collaboration with IWGIA.

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# Association of Southeast Asian Nations (ASEAN)

The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967 with the signing of the ASEAN Declaration (Bangkok Declaration) by its founding fathers, five of the now ten Member States: Indonesia, Malaysia, Philippines, Singapore, and Thailand. The other five Member States joined later: Brunei Darussalam on 7 January 1984, followed by Viet Nam on 28 July 1995, Lao PDR and Myanmar on 23 July 1997, and Cambodia on 30 April 1999. The roadmap was endorsed<sup>1</sup> by ASEAN for Timor Leste to join<sup>2</sup> to become its 11<sup>th</sup> member. The ASEAN Secretariat Building is located in Jakarta, Indonesia. It serves as the headquarters for the ASEAN Secretariat.

The ASEAN Charter was adopted in November 2007 and came into force in December 2008. It is the legally binding agreement among Member States that provides ASEAN with a legal status and institutional framework.

ASEAN's fundamental principles, more commonly known as the "ASEAN Way", are founded on non-interference, respect for sovereignty and decision-making by consensus. Although lauded by the ASEAN Member States (AMS), this principle has been considered a major challenge in moving things forward, particularly within the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC).

Despite having around 100 million people identifying as Indigenous in Southeast Asia,<sup>3</sup> the term Indigenous Peoples is a "sensitive" topic within the AMS. As such, issues involving Indigenous Peoples' Human Rights Defenders (IPHRDs) rarely make it to the discussion table. However, the ASEAN Human Rights Dialogue has been initiated, inviting different stakeholders and fostering an openness among the AMS to discuss human rights issues in the region.

## 6<sup>th</sup> ASEAN Human Rights Dialogue

**A**s part of its priority programme 2024, the AICHR convened the 6<sup>th</sup> ASEAN Human Rights Dialogue<sup>4</sup> on 5 November 2024. The dialogue was organized in the wake of the previous dialogues in 2013, 2014, 2021, 2022, and 2023 and the implementation of the ASEAN Leaders' Declaration on The ASEAN Human Rights Dialogue<sup>5</sup> that was adopted at the 4<sup>3rd</sup> ASEAN Summit in 2023. The dialogue functions as a collaborative platform for discussion on human rights themes among ASEAN Member States (AMS), fostering an exchange of progress and challenges in a spirit of openness, constructive engagement, and mutual understanding. There were two primary purposes for the dialogue in 2024: to provide an opportunity for AMS and AICHR to discuss best practice in promoting and protecting human rights and ways of overcoming the challenges facing the enjoyment of human rights; and to share AMS' experiences of ratification, reservation, and implementation of international instruments on human rights and priorities for possible ratification of accession to human rights treaties.

The dialogue was a closed meeting conducted exclusively in person. It brought together representatives from AMS, AICHR, the National Human Rights institutions (NHRIs), and relevant civil society organizations (CSOs) affiliated to AICHR/ASEAN.

Among the CSO representatives, the Asia Indigenous Peoples Pact (AIPP), as an Indigenous Peoples organization, was given the opportunity to deliver an oral intervention during the "Session on Stakeholders' Views". They had a maximum of three minutes to comment on the Dialogue process or to provide additional information related to the country briefing on human rights.

AIPP's statement<sup>6</sup> during the oral intervention emphasized the urgent need to recognize, promote, and protect the rights of Indigenous Peoples within the ASEAN community pillar. The discussion encouraged a reaffirmation of the rights to Free, Prior, and Informed Consent (FPIC) and self-determination of Indigenous Peoples. These principles are essential not only for empowering Indigenous communities but also for ensuring the protection of their lands, territories, and resources. Indigenous Peoples have continued to advocate for the recognition of Indigenous Peoples in ASEAN even though only two out of 10 AMS

reported<sup>7</sup> or used the term Indigenous Peoples in their country intervention during the Dialogue. It is positive that the AMS is open for dialogue on human rights concerns in the region, allowing questions from the AICHR or other state representatives; however, the principle of non-interference still limits actions.

## **ASEAN Declaration on a Safe, Clean, Healthy and Sustainable Environment**

The initiative to have an ASEAN Declaration on a Safe, Clean, Healthy and Sustainable Environment (ADER) is a collaborative effort among ASEAN Member States, AICHR, and CSOs. The AICHR is considered the primary driver of the ADER discussions, supported by strong advocacy from regional and international stakeholders. The declaration is a reflection of ASEAN's intent to balance economic development with environmental sustainability and human rights. The ADER working group was formed through a process facilitated by the AICHR, in collaboration with various ASEAN bodies, CSOs, and experts. However, the formation of the working group faced several challenges such as: a) a lack of inclusivity, with no Indigenous Peoples' organizations represented despite their direct stake in environmental governance; b) limited access to information – drafts of the declaration were not widely shared in a timely or accessible manner, resulting in c) limited opportunities for meaningful feedback and d) representation imbalances (over 20 members were involved but there was no representation specifically for Indigenous Peoples). The working group has made significant progress, with the draft ADER nearing completion as of mid-2024. However, calls for greater inclusivity, transparency, and adherence to international standards remain ongoing. Indigenous Peoples and other stakeholders continue to advocate for revisions to the draft and a more participatory approach to future processes. Malaysia AICHR representatives aim to finalize the draft of the Declaration in 2025, and plan for more inclusiveness and acceptance by the AMS.

Initially, the declaration was named the "ASEAN Declaration on Environmental Rights (ADER)" but was later renamed the "ASEAN Declaration on a Safe, Clean, Healthy and Sustainable Environment". A col-

lective letter of reflection<sup>8</sup> on the draft Declaration from 20 – 21 April 2024 was submitted by the Indigenous Peoples of Southeast Asia<sup>9</sup> to the ASEAN Environmental Rights Working Group (AER WG), underscoring their exclusion from the drafting process of the ADER. The letter stresses that environmental rights are intertwined with their identity, culture, and spirituality, emphasizing their indispensable role as stewards of the environment. While acknowledging references to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and Indigenous Peoples' rights to FPIC in the draft ADER, the letter criticizes the absence of Indigenous representation from the AER WG and highlights how this contradicts international frameworks and commitments such as the UNDRIP, Kunming-Montreal Global Biodiversity Framework, Cancún Agreement, and Paris Agreement.

The letter identifies critical challenges being faced by Indigenous Peoples, including violations of human rights, land exploitation, and exclusion from decision-making processes. The Indigenous Peoples' demands for non-negotiables in ADER include explicit recognition of the term "Indigenous Peoples", respect for their land and FPIC rights, and protection of Indigenous Environmental Human Rights Defenders. They requested a more inclusive process for implementing and monitoring environmental policies in ASEAN, aligning with the principles of meaningful participation and Indigenous self-determination.

In addition, on 8 November 2024, the AICHR convened a Regional Dialogue and Consultation on Advancing the Development of Environmental Rights in ASEAN<sup>10</sup> at the ASEAN Secretariat in Jakarta. The event provided a platform for AICHR, ASEAN sectoral bodies, national agencies, CSOs, and other stakeholders to discuss current and future environmental challenges in the region. Over 60 participants, including representatives from AICHR, ASEAN Senior Officials on Environment (ASOEN), ASEAN Working Groups, and various forums, shared their experiences of implementing environmental agreements and ASEAN Community Vision 2025's cross-sectoral collaborations. The dialogue reaffirmed the critical link between environmental protection and human rights, addressing issues such as transboundary impacts, accountability, public participation, and access to justice while emphasizing the role of multi-stakeholder platforms and business sector responsibilities. Participants expressed support for progressing the

draft ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment. AIPP was given an opportunity to speak as a panellist in the session on SDGs and Environmental Rights: Access to Information, Public Participation and Decision-Making on Environmental Matters. It highlighted Indigenous Peoples' issues, the importance of recognition of their rights, including rights to land, territories and resources, self-determination and inclusion in decision-making. The role of youth was also highlighted, encouraging their greater participation, including Indigenous youth.

## **Indigenous Peoples and ASEAN engagement in the 6<sup>th</sup> United Nations Responsible Business and Human Rights Forum (UNRBHR), Asia-Pacific**

During the UNRBHR, AICHR and the Southeast Asia National Human Rights Institutions Forum (SEANF) convened a regional workshop, sharing good practices and effective remedies for migrant workers in business and human rights in ASEAN.<sup>11</sup> The workshop served as a platform for dialogue and learning among NHRIs and AICHR partners about business and human/environmental rights, enhancing the promotion and protection of human rights as a shared responsibility of all stakeholders. A preliminary study on corporate human rights conducted in AMS with NHRIs was conducted and presented at the workshop. Indigenous Peoples were invited as an Observer to the workshop.

AIPP coordinated an Indigenous Peoples' caucus and consolidated efforts of engagement in the 6<sup>th</sup> UN Responsible Business and Human Rights, Asia-Pacific from 24 to 27 September 2024 in Bangkok, Thailand. The theme of the forum was Bridging Gaps and Accelerating Access. The Indigenous Peoples' caucus delivered a joint statement<sup>12</sup> during the closing session of the Forum calling upon states, businesses, investors and financial institutions, and the UN agencies to recognize Indigenous Peoples' rights to self-determination, Indigenous knowledge, and traditional practices as enshrined in the UNDRIP and the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) General Recommendation 39; that businesses, regardless of state recognition, should respect the rights of Indige-

nous Peoples and obtain FPIC in all business operations on Indigenous Peoples' lands and territories; that investors and financial institutions should establish and implement effective social and environmental safeguards in line with Indigenous Peoples' rights for any projects on Indigenous lands, territories, waters and resources; and that UN agencies should make concerted efforts, through the formation of a UN System-wide Action Plan (UN-SWAP), in consultation with Indigenous Peoples, and the establishment of an Inter-Agency Support Group (IASG) on Indigenous Peoples at the Asia-Pacific regional level, to ensure that regional and country programming is responsive to the needs and priorities of Indigenous Peoples. The Indigenous Peoples' caucus nominated Indigenous youth from Thailand to deliver a joint statement highlighting the following core demands: ensure Indigenous Peoples' rights to FPIC in all processes related to business operations and development activities on their lands and territories, including coastal and marine spaces; recognize and respect Indigenous Peoples' rights, values, knowledge, cosmovision, and practices and incorporate them into climate mitigation and adaptation strategies and actions; and ensure that climate actions, including energy transition initiatives, fully respect Indigenous Peoples' rights, including those of Indigenous women and youth, and are inclusive and equitable, benefitting their communities. Also to ensure that such actions do not result in any form of human rights violations, loss of livelihoods, cultural heritage or biodiversity.

During the Pre-Forum sessions, in collaboration with the Coalition for Human Rights in Development, Zero Tolerance Initiative, Right Energy Partnership with Indigenous Peoples, Indigenous Peoples' Rights International, Asia Indigenous People's Network on Extractive Industries and Energy, Indigenous Peoples Human Rights Defenders Network and Lawyers' Association for Human Rights of Nepalese Indigenous Peoples, AIPP hosted a session entitled "Remedying the Harm: Indigenous Peoples' Perspectives on Access to Remedies and Justice".<sup>13</sup> The session shared regional analysis outlining existing remedies, and highlighted cases from Nepal, Indonesia, Philippines and Malaysia showcasing the realities on the ground, emerging Indigenous community concerns, and civil society efforts to hold state, corporate, and financial actors accountable for harm and to seek redress and remedy. The private sector also shared experiences of handling grievance mechanisms in Japan.

Indigenous communities across the region continue to face displacement, environmental damage, and human rights violations due to state-backed and private sector projects exploiting economic, food, energy, and climate crises. These include rare earth mining, large-scale dams marketed as “green energy” and agribusiness ventures, often encroaching on Indigenous territories. Accountability is hindered by mixed public-private financing, opaque responsibilities, and global resource destinations. Framed as national security priorities, these projects subject Indigenous communities and their allies to retaliation, including Strategic Lawsuits against Public Participation (SLAPP), false charges, and violence. Impacts often extend across borders, compelling affected communities to prove claims for redress. In response, Indigenous Peoples Human Rights Defenders and their allies are using domestic frameworks (including human rights commissions) and international mechanisms such as financial institution accountability and lawsuits against parent companies.

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# Convention on Biological Diversity (CBD)

The Convention on Biological Diversity (CBD)<sup>1</sup> is an international treaty under the UN, adopted in 1992. The CBD has three overall objectives: to conserve biodiversity, promote its sustainable use, and ensure the equitable sharing of the benefits arising from the utilization of genetic resources (Art. 1). The CBD recognizes the importance of traditional knowledge (Art. 8j) and customary sustainable use of biological resources (Art. 10c) for the achievement of its objectives. There are 196 Parties to the CBD.<sup>2</sup>

The CBD has developed programmes of work<sup>3</sup> on thematic issues such as marine, agricultural and forest biodiversity, and on cross-cutting issues such as traditional knowledge, access to genetic resources, and protected areas. All the programmes of work have a direct impact on Indigenous Peoples' rights and territories.

The International Indigenous Forum on Biodiversity (IIFB)<sup>4</sup> was established in 1996 during the 3<sup>rd</sup> Conference of the Parties (COP 3) as the Indigenous Peoples' caucus in the CBD processes. Since then, the IIFB has worked as a coordination mechanism to facilitate Indigenous participation in, and advocacy at, the CBD through preparatory meetings, capacity-building activities, and other interventions. The IIFB has managed to get many of the CBD's programmes of work to consider Indigenous Peoples' traditional knowledge, as well as their customary use of biodiversity and effective participation.

In 2010, the 10<sup>th</sup> meeting of the Conference of the Parties (COP 10)<sup>5</sup> adopted the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity<sup>6</sup> and the Strategic Plan for Biodiversity 2011-2020, which included the 20 Aichi Biodiversity Targets to halt the global loss

of biodiversity by 2020.<sup>7</sup> Concluded in 2020, none of these Targets were met.

In 2022, at the 15<sup>th</sup> meeting of the Conference of the Parties (COP 15), the Kunming-Montreal Global Biodiversity Framework (KMGBF)<sup>8</sup> was adopted after a long and postponed negotiation process. The KMGBF consists of four long-term Goals to be achieved by 2050 and 23 action-oriented Targets to be completed by 2030. Overall, the purpose of the KMGBF is to steer the world's efforts towards halting and reversing the ongoing global loss of biodiversity by 2030 and ensure a "*world living in harmony with nature*" by 2050. The KMGBF acknowledges in an unprecedented manner the important contributions and roles of Indigenous Peoples in the conservation and sustainable use of biodiversity and obligates CBD Parties to a human rights-based implementation of the Framework. Indigenous Peoples are explicitly mentioned in two paragraphs of the KMGBF, especially Section C; in one of the four Goals (Goal C); and in seven of the 23 Targets (Targets 1, 3, 5, 9, 19, 21 and 22).<sup>9</sup>

**F**ollowing the adoption of the Kunming-Montreal Global Biodiversity Framework (KMGBF) at the 15<sup>th</sup> meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD COP 15) in 2022,<sup>10</sup> multiple processes were initiated of significant importance to Indigenous Peoples to ensure the effective implementation of the KMGBF.

The KMGBF as contained in the annex to Decision 15/4<sup>11</sup> was adopted at COP 15, in conjunction with other crucial decisions, to support the implementation of the Framework. These include, *inter alia*, Decision 15/5<sup>12</sup> on the monitoring framework for the KMGBF; Decision 15/6<sup>13</sup> on the mechanisms for planning, monitoring, reporting and review (PMRR); Decision 15/7<sup>14</sup> on resource mobilization; and Decision 15/9<sup>15</sup> on digital sequence information on genetic resources. In 2024, the process of advancing these decisions continued conjointly with the implementation of the KMGBF, which all CBD Parties committed to initiating following COP 15, and also other crucial issues to be developed ahead of COP 16 held in October in Cali, Colombia.

## Key events leading up to COP 16

### The monitoring framework and indicators of the KMGBF

At COP 15, Decision 15/5<sup>16</sup> adopted the monitoring framework of the KMGBF comprising a set of indicators for tracking the progress towards the Goals and Targets of the KMGBF. The indicators in the monitoring framework were incomplete, and a missing headline indicator for Target 22<sup>17</sup> was identified as one of the critical gaps. To ensure the further development and operationalization of the monitoring framework, Decision 15/5 established the Ad Hoc Technical Expert Group (AHTEG) on Indicators with a time-bound mandate to provide technical advice and guidance on the remaining and unresolved issues.<sup>18</sup> Decision 15/5 further invited the Ad Hoc Open-ended Working Group on Article 8(j) and related provisions<sup>19</sup> to: "continue the development and operationalization of indicators related to traditional knowledge and Indigenous Peoples and local communities, and to report on this work to the Conference of the Parties".<sup>20</sup>

The indicators under Article 8(j) and related provisions include:

- a. *Linguistic diversity;*
- b. *Land-use change and land tenure in the traditional territories of Indigenous and local communities;*
- c. *Trends in the practice of traditional occupations;*
- d. *The full and effective participation of Indigenous and local communities.*

The AHTEG on Indicators met a total of four times in 2023.<sup>21</sup> In 2024, the AHTEG met twice<sup>22</sup> in advance of the 26th meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-26).

Prior to the 6<sup>th</sup> meeting of the AHTEG in March 2024, an Expert Workshop on the Traditional Knowledge Indicators took place in Cambridge, UK. The workshop was organized as a response to recommendations from the 12<sup>th</sup> meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and related provisions,<sup>23</sup> and proposed ways of highlighting the relevance of the traditional knowledge indicators for the Goals and Targets of the KMGBF, and the potential disaggregation of headline indicators.<sup>24</sup>

The expert workshop brought together over 30 participants, including members of the AHTEG on Indicators, Indigenous experts on indicators from the International Indigenous Forum on Biodiversity (IIFB) and expert individuals and organizations working on the development and use of traditional knowledge indicators. These included the Indigenous Navigator,<sup>25</sup> the International Partnership for the Satoyama Initiative, the International Land Coalition, One World Analytics, University of Michigan, University of Melbourne, the International Labour Organization (ILO), the Food and Agriculture Organization of the United Nations (FAO), LandMark and Group on Earth Observations Biodiversity Observation Network (GEO BON). Experts discussed methodological, technical and practical considerations on how the traditional knowledge indicators can be integrated into the monitoring framework, and how these can contribute towards strengthening local, national and global data platforms and statistics relevant for Indigenous Peoples and local communities.

### **The 26<sup>th</sup> meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-26)**

At SBSTTA-26, held in Nairobi from 13-18 May 2024, further developments were made on advancing the monitoring framework and indicators. The scientific and technical review of the four traditional knowledge indicators<sup>26</sup> underlined that these comprise a holistic suite of indicators to monitor the Goals and Targets of the KMGBF and the new proposed Programme of Work on Article 8(j). The four indicators contribute to operationalizing KMGBF Section C,<sup>27</sup> are cross-cutting in nature, and crucial for applying the whole-of-government and whole-of-society approach. Furthermore, it was concluded that the traditional knowledge indicator on land-use change and land tenure meets the criteria for a headline indicator.<sup>28</sup> SBSTTA-26<sup>29</sup> made the recommendation to add a headline indicator for Target 22 on land-use change and land tenure in the traditional territories of Indigenous Peoples and local communities.

### **The 4<sup>th</sup> and 5<sup>th</sup> meeting of the Subsidiary Body on Implementation (SBI-4 and SBI-5)**

SBI-4<sup>30</sup> was held in Nairobi from 21-29 May and discussed important elements such as direct access to financing and the contributions of non-market-based approaches, including community-based natural

resource management under the agenda item on resource mobilization.<sup>31</sup> Furthermore, SBI-4 made key recommendations on the mechanisms for planning, monitoring, reporting and review<sup>32</sup> including, *inter alia*, on the template for the 7<sup>th</sup> and 8<sup>th</sup> national reports due by 28 February 2026 and 30 June 2029, respectively, and on the global review to be conducted by COP 17 and COP 19, which will assess the collective progress towards the KMGBF.

In Decision 15/6,<sup>33</sup> countries committed to submitting their National Biodiversity Strategies and Action Plans (NBSAPs) by COP 16. At SBI-5,<sup>34</sup> held prior to COP 16 from 16-18 October 2024 in Cali, Colombia, which adopted the recommendation<sup>35</sup> containing the review of progress in national target setting and NBSAPs, it was noted that only 31 countries had submitted their updated NBSAPs. Parties that had submitted national targets were also listed and reached a total of 103.

### **TRUA – World Summit on Traditional Knowledge Related to Biodiversity**

From 26-29 August 2024, more than 150 leaders of Indigenous Peoples from all seven socio-cultural regions and government representatives met in Bogotá, Colombia at the World Summit on Traditional Knowledge related to Biodiversity, TRUA<sup>36</sup> in preparation for COP 16. The summit was jointly organized by the IIFB, the Ministry of Environment and Sustainable Development of Colombia, the *Mesa Permanente de Concertación con los Pueblos y Organizaciones Indígenas de Colombia* (MPC) and the Indigenous Women's Biodiversity Network (IWBN), in collaboration with the Secretariat of the Convention on Biological Diversity, the International Union for Conservation of Nature (IUCN), and the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean (FILAC). The overall objective of the TRUA Summit was to leverage the focus on traditional knowledge and Indigenous Peoples' and local communities' contributions to the KMGBF and the Paris Agreement.

The summit resulted in important recommendations<sup>37</sup> for consideration by the Parties to the CBD at COP 16 on the following:

- **Implementation** - The important roles and contributions of Indigenous Peoples and local communities as custodians of biodiversity and as partners in the conservation, restoration and sustainable use of biodiversity must be recognized when

implementing the KMGBF, pursuant to Section C of the KMG-BF. Furthermore, to respect, document and preserve the traditional knowledge associated with biodiversity, innovations, worldviews, values and practices of Indigenous Peoples and local communities with their Free, Prior, and Informed Consent (FPIC).

- **Subsidiary Body on Article 8(j)** – The establishment of a Subsidiary Body on Article 8(j) (SB8j) at COP16 to *inter alia*, promote the full implementation of Article 8(j), to ensure the full, active and effective participation of Indigenous Peoples and guidance on the implementation of Target 3.<sup>38</sup> Creating a high-level institutional space will ensure that the CBD meets its objectives and the effective implementation of the KMGBF.
- **New Programme of Work on Article 8(j)** – Decision 15/10<sup>39</sup> of COP 15 decided to develop a new Programme of Work on Article 8(j) and other provisions related to Indigenous Peoples and local communities. The TRUA Summit recommended the new Programme of Work on Article 8(j) be adopted at COP16.
- **Synergies between the Convention on Biological Diversity and the UN Framework Convention on Climate Change (UN-FCCC)** – To promote a holistic view of biodiversity loss and climate change impacts; and increase the visibility of Indigenous Peoples and local communities and their role in the conservation of biodiversity and climate action.

## **The 16<sup>th</sup> meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 16)**

COP 16 was held from 21 October to 1 November 2024 in Cali, Colombia. Two weeks of intense negotiations resulted in major victories for Indigenous Peoples and their rights. The meeting, which ran over time until the early hours of 2 November, was suspended due to a loss of quorum. Crucial elements, including the agenda items on the monitoring framework,<sup>40</sup> resource mobilization<sup>41</sup> and the planning, monitoring, reporting and review (PMRR),<sup>42</sup> had to be postponed until the resumed COP 16.2 in Rome 25-27 February 2025.<sup>43</sup>

## **Article 8(j)**

The agenda item on Article 8(j) and related provisions was by far the most important issue for Indigenous Peoples on the agenda for COP 16. The item was divided into five sub-items and subsequently adopted as five separate COP-decisions.<sup>44</sup> The historic decision to establish a permanent Subsidiary Body on Article 8(j)-SB8(j)<sup>45</sup> was made at the plenary on 31 October 2024 after major and consistent efforts by the IIFB. Issues related to Article 8(j) had thus far been addressed in the Ad Hoc Open-ended Working Group on 8(j) which, despite being an ad hoc temporary body, had existed for more than 20 years. The decision to create the SB8(j) as a permanent advisory body to the COP alongside the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and the Subsidiary Body on Implementation (SBI) of the CBD underpins the crucial contributions of Indigenous Peoples to the conservation and sustainable use of biodiversity.<sup>46</sup>

Another key victory for the IIFB and Indigenous Peoples at COP 16 was the adoption of the new Programme of Work on Article 8(j)<sup>47</sup> to 2030. It contains eight elements and specific tasks. These elements are:

1. Conservation and restoration;
2. Sustainable use of biodiversity;
3. Sharing of benefits from the utilization of genetic resources and digital sequence information on genetic resources, as well as traditional knowledge associated with genetic resources;
4. Knowledge and culture;
5. Strengthening implementation and monitoring progress;
6. Full and effective participation of Indigenous Peoples and local communities;
7. Human rights-based approach;
8. Access, including direct access, to funding for Indigenous Peoples and local communities for the conservation, restoration and sustainable use of biodiversity.

A decision recognizing the contributions of people of African descent, comprising collectives embodying traditional lifestyles, in the conservation and sustainable use of biodiversity was also adopted.<sup>48</sup>

## **Digital sequence information on genetic resources**

The COP also adopted a decision on digital sequence information (DSI)

on genetic resources,<sup>49</sup> which operationalized the multilateral mechanisms for fair and equitable sharing of the benefits from the use of DSI, by establishing the Cali Fund. The decision acknowledged the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and recognized Indigenous Peoples' vital role in the conservation and sustainable use of genetic resources. This voluntary fund will enable large companies who commercially benefit from the use of DSI to contribute 1% of their profits or 0.1% of their revenue. At least half of the funds mobilized through the Cali Fund should support Indigenous Peoples and local communities through either government authorities or direct payments through institutions identified by Indigenous Peoples and local communities.<sup>50</sup>

### The monitoring framework and indicators

Ahead of COP 16, the draft decision on the monitoring framework was taken from SBSTTA-26 recommendation 26/1.<sup>51</sup> During COP 16 negotiations, important progress was made to update the monitoring framework and complete the indicators. The traditional knowledge indicator on land-use change and land tenure was included as headline indicator for Target 22 in the draft decision,<sup>52</sup> thus enabling monitoring of the security of land tenure of Indigenous Peoples and land-use change on their traditional lands and territories. When adopted, it will be mandatory for Parties to the CBD to monitor the status of implementation of these indicators in national reports. Furthermore, the draft decision recognizes the contributions of community-based monitoring and information systems for providing grounded data and information on local outcomes as complementary to national and global statistics and satellite information.<sup>53</sup>

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# European Union Engagement with Indigenous Issues

The European Union (EU) is a political and economic union of 27 Member States. Its legislative and executive powers are divided between the EU main institutions: the European Parliament (co-legislative authority), the Council of the European Union (co-legislative and executive authority) and the European Commission (executive authority). In addition, the EU has its own diplomatic service, the European External Action Service (with EU Delegations throughout the world).

The EU maintains trade relations with the whole world and is the biggest donor of development aid. Aside from the influence within the territory of its Member States and its influence in international organisations, the EU also has a global impact, being an international key player in the area of human rights, development, and control of corporate and environmental issues.

The EU is part of the international process of promotion and protection of Indigenous Peoples' rights. Five EU Member States have ratified ILO Convention No 169<sup>1</sup> and the EU supported the adoption of the UNDRIP in 2007 as well as the Outcome Document of the World Conference on Indigenous Peoples in 2014.

In recent years, the EU has moved from a relatively passive position regarding recognition of Indigenous Peoples' rights to much more active involvement in ensuring the effectiveness of these rights in its policies.

## European legislative developments in the protection of the rights of Indigenous Peoples

**S**ince the European elections took place in mid-2024, European institutions have had to conclude, sometimes with some urgency, a number of ongoing legislative processes.

Following on from the adoption of the *European Union Deforestation Regulation (EUDR)*<sup>2</sup> in 2023, the EU this year finalized the *Corporate Sustainability Due Diligence Directive (CSDDD)*.<sup>3</sup> These new European regulations aim to strengthen requirements for companies to integrate human rights and environmental protection standards into their operations and supply chains.<sup>4</sup>

The CSDDD requires very large European companies and those operating in the EU to identify, prevent, mitigate and remedy the negative impacts of their activities on human rights and the environment. This framework explicitly includes considerations relating to the rights of Indigenous Peoples, notably with regard to their right to Free, Prior and Informed Consent (FPIC), and provides for the possibility of legal recourse on the part of victims against companies failing to meet their obligations.

The EUDR aims to reduce the EU's impact on global deforestation by restricting imports of products associated with forest destruction, such as palm oil, soy and timber. It requires companies to conduct due diligence on their supply chains to ensure that certain commodities they import to the EU have not led to deforestation and that they have been produced lawfully. In December 2024, the European Union decided on a 12-month additional phasing-in period, making the law applicable on 30 December 2025 for large and medium companies, and 30 June 2026 for micro and small enterprises.

The application of this legislation is likely to open up new options for Indigenous Peoples to address human rights and environmental abuses caused by larger companies by creating mechanisms for legal redress and remedies and increasing vigilance over supply chains to better document violations of Indigenous Peoples' rights.<sup>5</sup>

Moreover, the emergence of such regional legislation could have a significant impact on the evolution of UN legislation on the subject by modifying the position of the EU and its 27 Member States on the need

to more actively support the creation of a binding UN international treaty on business and human rights. Indeed, during the negotiations surrounding the CSDDD directive and the EUDR regulation, political groups and lobbies opposed to these initiatives argued that these obligations would penalize European companies / the European market compared to other companies not subject to these human rights obligations. The European Parliament has called on Member States and the Commission to take action in this area, and it is not too far-fetched to assume that these same political groups and lobbies would welcome the creation of an international treaty putting all companies on an equal footing this time round.

## **Young defenders of Indigenous Peoples' rights and European institutions**

Bound by its treaties to protect and apply its commitments and those of its Member States, the EU has adopted policies and mechanisms designed to protect and promote human rights in its political relations, trade agreements and allocation of funds, and has set up various strategic human rights instruments for more targeted action. The effectiveness of these mechanisms relies heavily on collaboration between the EU and local civil societies, and the European institutions draw on their network of almost 140 delegations spread around the world.

These delegations act as the EU's external representation and can be viewed as embassies. Delegations are in constant contact with the authorities in host countries, as well as with civil society. A human rights focal point is present within each delegation to gather testimonies from human rights defenders, support their action, report on the situation in their country and monitor the impact of European actions.

Given that young people are largely excluded from decision-making processes that have an impact on them, despite the fact that they represent almost a third of the world's population and 90% of them live in developing countries, particularly in Africa where three-quarters of the population are under 35, the EU has recognized the need to adapt its system to promote the inclusion of young people, making this a priority in the Council Conclusions on Youth in external action,<sup>6</sup> the Euro-

pean Consensus on Development<sup>7</sup> and in the EU Action Plan on Human Rights and Democracy 2020-2024.<sup>8</sup>

In 2022, the EU adopted a Youth Action Plan (YAP) in EU external action 2022 - 2027 entitled "Promoting meaningful youth participation and empowerment in EU external action for sustainable development, equality and peace"<sup>9</sup> to include and support young advocates.

The Action Plan includes mandatory consultations of youth organizations as part of the implementation of the main European financing instrument for human rights and development aid, the *Neighbourhood, Development and International Cooperation Instrument - Global Europe (NDICI-Global Europe)* and the creation of country roadmaps for EU engagement with civil society, integrating a youth perspective and ensuring that youth organizations participate in a meaningful way.

The EU has also created a €10 million Youth Empowerment Fund,<sup>10</sup> which will provide direct financial support for youth-led initiatives in partner countries, focused on implementing sustainable development goals at local level.

The EU is also encouraging the creation of youth advisory structures to provide advice to EU Delegations throughout the world. These structures were under development by 2024 are expected to be in place in most partner countries by 2027.

In addition to human rights focal points, more and more EU Delegations are setting up youth focal points to facilitate access to EU processes and grants for young rights defenders.<sup>11</sup>

This willingness of European institutions to include young people in their actions represents a real opportunity for young representatives of Indigenous Peoples wishing to collaborate with or receive support from the EU. This new European priority should greatly facilitate their approach and their inclusion in the process of allocating European funds, or the inclusion of their issues on the agenda of negotiations between their country and the European Union.

Nevertheless, even if this system has a real desire for inclusion, it should be noted that, in practice, it may suffer from a lack of practical measures enabling the systematic inclusion of young representatives of Indigenous Peoples in the mechanisms put in place. Indeed, young representatives are likely to face the same difficulties as their elders when it comes to working with EU Delegations, as the obstacles to the

participation of Indigenous Peoples are multiple and structural. In particular, the fact that European delegations are located in national capitals, and only work in the national languages of the countries and in English, makes it difficult for Indigenous Peoples' organizations to participate due to the fact that they are often small in size and with few funds at their disposal. This tends to favour the representation of the largest local civil society organizations, in which Indigenous Peoples are not always properly included.

In terms of a lack of systematic support measures, the effectiveness of the inclusion of Indigenous Peoples is likely to vary widely from one delegation to another, depending on national contexts and each delegation's commitment to finding ways of supporting the participation of Indigenous Peoples' representatives.

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# Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) is a subsidiary body of the Human Rights Council, composed of seven independent members each representing one of the seven Indigenous socio-cultural regions: Africa; Asia; the Arctic; Central and Eastern Europe, the Russian Federation, Central Asia, and Transcaucasia; Central and South America and the Caribbean; North America; and the Pacific.

Resolution 33/25, adopted by the Human Rights Council in 2016<sup>1</sup> amended EMRIP's mandate to provide expertise and advice on the rights of Indigenous Peoples, as set out in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Additionally, EMRIP assists Member States, upon request, in implementing the provisions of UNDRIP through technical assistance, dialogue facilitation, and the promotion, protection, and fulfillment of Indigenous Peoples' rights. To further the implementation of UNDRIP, EMRIP conducts thematic studies on specific rights, undertakes country engagement missions, and provides expertise to national initiatives related to Indigenous Peoples' rights.

## EMRIP's activities in 2024

**D**espite financial constraints, EMRIP continued its work in 2024 through its annual session and coordination meetings with other Indigenous mechanisms. The annual intersessional seminar, a key opportunity for experts and Indigenous Peoples to share relevant information, had to be canceled due to liquidity issues. However, the Asia

Indigenous Peoples Pact, with financial support from the Christensen Fund, organized a meeting in Chiang Mai, Thailand, in mid-December 2024. This meeting contributed valuable input to EMRIP's study.

## 17<sup>th</sup> annual session

EMRIP held its 17<sup>th</sup> annual session from 8-12 July 2024, featuring three panel discussions:

1. The International Decade of Indigenous Languages (2022-2032);
2. The Rights of Indigenous Peoples in Post-Conflict Situations, Peace Negotiations, Agreements, and Accords; and
3. Enhancing the Participation of Indigenous Peoples in the United Nations.

The session saw record participation, with over 600 registered attendees and 32 side events addressing a wide range of Indigenous rights issues. Contributions to the thematic report, entitled *Study: Constitutions, laws, legislation, policies, judicial decisions, and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples*, were well received.

EMRIP also actively continued its cooperation with other relevant mechanisms to enhance Indigenous Peoples' rights in accordance with the UNDRIP. EMRIP took part in the 23<sup>rd</sup> session of the Permanent Forum on Indigenous Issues in April 2024 and engaged in the human rights dialogue with the Special Rapporteur on the rights of Indigenous Peoples, as well as an annual review of progress on the implementation of CEDAW's general recommendation No 39 (2002) on the rights of Indigenous women and girls.<sup>2</sup> EMRIP held an interactive dialogue with the Human Rights Council at its 57<sup>th</sup> session in September 2024.<sup>3</sup> EMRIP also engaged in the first and second intersessional meetings of the Human Rights Council on concrete ways to enhance the participation of Indigenous Peoples in the work of the Human Rights Council in July and October.<sup>4, 5</sup> Jointly working with other UN Indigenous rights' mechanisms, EMRIP contributed to an outcome document seeking to ensure that Indigenous Peoples are not conflated with local communities.<sup>6</sup>

EMRIP Experts participated in several meetings, in March, July and November 2024, of the Global Task Force for Making a Decade of Action for Indigenous Languages, as advisors or members of its Steering Committee.<sup>7</sup> Among other key events, EMRIP Experts engaged with: the high-level event commemorating the 10<sup>th</sup> anniversary of the adoption of the Outcome Document of the World Conference on Indigenous Peoples;<sup>8</sup> the UN Secretary General's Panel on Critical Energy Transition Minerals to explore synergies in their work; UNESCO Expert meeting on Indigenous Peoples and the Media; the UN Biodiversity Summit (COP 16) in Cali, Colombia;<sup>9</sup> a panel on "Land Rights of Indigenous Peoples in the context of large-scale land acquisition" at the 13<sup>th</sup> UN Forum on Business and Human Rights; and the international seminar on peace processes organized by the Presidential Commission for Peace and Understanding of Chile. The Chair of EMRIP was also present at the High-Level opening of the FAO Science and Innovation Forum.<sup>10</sup>

## **Thematic study adopted**

At its 17<sup>th</sup> session, EMRIP adopted its study entitled "Constitutions, laws, legislation, policies, judicial decisions and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration". The study was submitted to the Human Rights Council at its 57<sup>th</sup> session.<sup>11</sup>

The study highlighted the legal significance of the UNDRIP in several key areas, such as the expression of Member States' obligations to promote and respect human rights under the United Nations Charter where compliance is expected; how the UNDRIP places a moral obligation on States to act in accordance with fundamental human rights; its role as a mandatory and relevant consideration in judicial review and an aid to statutory interpretation; and its influence on the development of general principles of international laws and customary international law. The study also provided examples of recent initiatives demonstrating how Member States, in collaboration with Indigenous Peoples, could achieve the ends of the UNDRIP.

The study concludes with Expert Mechanism Advice No. 17 whereby EMRIP proposes several actions and measures for States, Indigenous

Peoples and other key stakeholders. These actions include implementing constitutional and other legal reforms, as well as judicial actions to recognize and enforce the rights of Indigenous Peoples as outlined in the UNDRIP at the local level. EMRIP also recommends transforming broader legal structures in key areas and establishing monitoring bodies that can help build political momentum to advance the rights of Indigenous Peoples across society. Additionally, Indigenous Peoples are encouraged to continue strengthening their own institutional capacity and expertise regarding their rights as affirmed in the Declaration and to focus on how to enforce these rights at the national, regional and international levels, including through participation in lawmaking and legislative initiatives.

## **Implementation of EMRIP's country engagement mandate**

In 2024, EMRIP maintained its dialogues with requesters and Member States to advance the country engagement missions. From 6-15 March 2024, EMRIP undertook a visit to Norway, aiming to provide technical advice and guidance on the rights of Norway's Indigenous Saami People, as requested by the Saami Council in collaboration with Saami Parliament.<sup>12</sup> This was the fifth country visit undertaken by EMRIP.

The purpose of EMRIP's country engagement with Norway was to provide technical advice and guidance regarding the interrelated rights of the Saami people, with specific focus on their rights to lands, territories and resources, and culture. This engagement aimed to assist the Saami people, their organizations, and representative institutions, as well as the State of Norway, in implementing domestic legislation, administrative measures and policies, and enforcing judicial decisions, and ensuring consistency with international human rights standards, including those affirmed in the UNDRIP. Furthermore, the advice was intended to encompass guidance on the impacts on the Saami people's rights to lands and livelihoods, culture, and the environment, as well as measures for implementing court decisions and ensuring the implementation of the Saami people's right to Free, Prior and Informed Consent (FPIC) in domestic legislation and policies.

During its mission, the EMRIP delegation travelled to Karasjok

and Tana in the Northern Sámi area and Oslo, where it met with the requesters, government officials, representatives from Sámi communities, reindeer herders, Sea Sámi organizations, private companies, the Norwegian Human Rights Institution, NGOs, and others. The delegation also visited Fosen wind industrial area in the Southern Sámi area, as well as a planned mining site at Repparfjord in the Sea Sámi area.<sup>13</sup>

Following its country visit to Australia in 2023, in April 2024 EMRIP published an advisory note on the contemporary removal of Aboriginal children in Australia.<sup>14</sup> EMRIP reiterated concerns raised by other UN mechanisms that Indigenous children face a higher risk of being removed from their families and placed in alternative care facilities that are not culturally appropriate and engender the risks of abuse. This also has prolonged impacts of intergenerational trauma on Indigenous children. EMRIP advised the Government of Australia to implement relevant measures to further the self-determination of Indigenous Peoples, combat forced assimilation and discrimination, and protect children from being deprived of a family environment.<sup>15</sup>

## **Building relationships with other mechanisms**

In paragraph 10 of its resolution 33/25, the Human Rights Council decided that, within its mandate, EMRIP should coordinate its work and further strengthen its participation, engagement and cooperation, as appropriate, with other Indigenous rights mechanisms.<sup>16</sup> During its 17<sup>th</sup> session, EMRIP had both an interactive dialogue and a closed coordination meeting with the UN Permanent Forum on Indigenous Issues and the Special Rapporteur on the rights of Indigenous Peoples, which the UN Voluntary Fund for Indigenous Peoples also joined.

## **International Decade of Indigenous Languages**

During its 17<sup>th</sup> session, EMRIP dedicated an agenda item to continuing the discussion on the International Decade of Indigenous Languages. It proposed that the Human Rights Council should encourage States to engage in fruitful and sustained dialogue with Indigenous Peoples, scholars, civil society, and other public and private actors in order to

adopt and implement the Global Action Plan of the International Decade of Indigenous Languages,<sup>17</sup> taking into account the broad spectrum of human rights implicated in the promotion and fulfilment of Indigenous Peoples' language right. It was noted that special focus should be placed on the synchronization of those mechanisms with the aim of converting the constitutional recognition of Indigenous Peoples' languages into practical support to language communities, including language planning, appropriate funding for community-led activities, documentation, revitalization and education.

EMRIP also proposed that UNESCO allocate funding, establish an internal mechanism composed by and of Indigenous Peoples, and hold an annual session on the achievements of the International Decade of Indigenous Languages. The Human Rights Council could also consider advancing a convention on Indigenous Peoples' languages.

## **The rights of Indigenous Peoples in post-conflict situations and peace negotiations, agreements, and accords**

EMRIP held a panel discussion during its 17<sup>th</sup> session on the rights of Indigenous Peoples in post-conflict situations and peace negotiations, agreements and accords. It highlighted that peace agreements and other constructive arrangements were pivotal in resolving conflicts, and that any military use of Indigenous lands or territories by the States must undertake effective consultations and appropriate procedures.

EMRIP called upon the Human Rights Council to urge the States to include representatives of Indigenous Peoples fully in all pillars of transitional justice processes, fully implement existing peace agreements, accords and other agreements concluded between themselves and Indigenous Peoples, and engage Indigenous Peoples meaningfully as partners rather than beneficiaries in peace agreements and negotiations and any constructive arrangement processes.

EMRIP proposed that the Council encourage UN bodies, specialized agencies, and programmes to monitor conflict areas and provide capacity-building for Indigenous institutions and representatives on effective participation in national dialogues, transitional justice processes, peace negotiations, and agreements.

EMRIP also proposed that the Council urge States to end conflicts on Indigenous Peoples' land and territories, establish appropriate arbitration mechanisms in partnership with Indigenous Peoples, and address claims regarding violations of agreements. The methods of conflict resolution should incorporate Indigenous approaches and laws and the UNDRIP, along with other international human rights law, should serve as guide for conflict resolution mechanisms.<sup>18</sup>

## **Enhancing the participation of Indigenous Peoples in the UN**

The panel discussion on enhancing the participation of Indigenous Peoples in the UN at EMRIP's 17th session focused on the accreditation criteria and modalities for Indigenous Peoples' participation in the activities of the Council.

In its 2023 proposals submission to the Human Rights Council, EMRIP appreciated the Council's decision to convene two intersessional meetings to address the issues of venues of participation, participation modalities, accreditation criteria and an accreditation mechanism, to be concluded by February 2025. EMRIP further appreciated the appointment of the State and Indigenous co-facilitators to provide assistance during the intersessional meetings on concrete ways to enhance the participation of Indigenous Peoples in the work of the Council. Finally, it encouraged the Council, based on the intersessional deliverables, to draft and adopt a resolution on enhancing the participation of Indigenous Peoples in the Council's work.<sup>19</sup>

## **Prospects for EMRIP's future and continuing work**

In 2025, EMRIP will be preparing a study on "Indigenous Peoples' right to data, including data collection and disaggregation", and a report on "The right of Indigenous Peoples to their traditional economies". To that end, in February 2024, the University of British Columbia held a seminar on Indigenous Peoples' right to traditional economies, sustainable development and food security in an age of climate change, in support of EMRIP's ongoing work and its forthcoming report on the topic.

The issue of intimidation and reprisals against Indigenous human rights defenders remains an issue of concern for EMRIP, including during its 17<sup>th</sup> session. EMRIP has strongly condemned any form of intimidation or reprisals against individuals and groups who participate in the session or cooperate with the UN in the field of human rights. EMRIP is committed to maintaining an environment of respect, dialogue, and understanding. EMRIP aims to strengthen its work in this regard, providing more information and developing some guidance.<sup>20</sup>

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# Food and Agriculture Organization of the United Nations (FAO) and Indigenous Peoples

The Food and Agriculture Organization (FAO) is a UN Specialized Agency leading global efforts to defeat hunger and malnutrition through normative work and technical programmes. Founded in 1945, FAO aims for food security, ensuring everyone has access to high-quality food for a healthy life. With over 194 members and offices in 130+ countries, FAO recognizes Indigenous Peoples as key partners, not just beneficiaries, in achieving the Sustainable Development Goals (SDGs).

FAO's engagement with Indigenous Peoples has evolved over time. In 2004, it adopted the Right to Food Guidelines, emphasizing Indigenous Peoples' land and resource rights.

The 2010 FAO Policy on Indigenous and Tribal Peoples, developed with Indigenous leaders, placed Free, Prior, and Informed Consent (FPIC) at the core of FAO's work. Since then, FAO has expanded its focus on Indigenous food systems, governance, and climate resilience.

## Key Milestones

- **2013 & 2021:** Publications on Indigenous Peoples' food systems and sustainability.
- **2014:** Establishment of the FAO Indigenous Peoples' Unit (PSUI) and a joint work plan prioritizing youth, women, food systems, governance, and climate action.
- **2020:** Launch of the Global-Hub on Indigenous Peoples' Food Systems, endorsed by FAO Members.
- **2021:** The White/Wiphala Paper on Indigenous Peo-

ples' Food Systems became a key reference for the UN Food Systems Summit, where Indigenous food systems were recognized as "game-changers" for sustainability.

- **2023:** FAO and the Global-Hub, together with the Indigenous Peoples' Food systems Coalition, presented a proposal to the Committee on World Food Security (CFS) to integrate Indigenous Peoples' food and knowledge systems into the **CFS Multi-Year Programme of Work 2024-2027**.
- **2027:** For the first time in the history of CFS and FAO, the **CFS Programme of Work** includes a dedicated agenda item on Indigenous Peoples' food and knowledge systems. This process presents an historic opportunity, as the **High-Level Panel of Experts on Food Security and Nutrition (HLPE-FSN)** begins recruiting a drafting committee of experts to develop a technical report on Indigenous Peoples. The report will be presented to CFS in **2026** to launch formal discussions.

By 2025, FAO's Global-Hub will include 37 organizations and contribute to Indigenous food system research in the Pacific and Amazon regions. The UN Global Indigenous Youth Forum (UNGIYF) in late 2025 will be a key moment for launching new reports and initiatives.

FAO continues to champion Indigenous Peoples' food and knowledge systems as models of sustainability, biodiversity protection, and climate resilience – essential for transforming global food systems and influencing policy discussions.

## **Indigenous Youth leading the discussions on Indigenous Peoples' food and knowledge systems and climate change**

In 2025, the FAO Indigenous Peoples Unit (FAO PSUI) will enhance its collaboration with Indigenous Youth, building on the momentum from the 2023 2<sup>nd</sup> session of the UN Global Indigenous Youth Forum (UNGIYF) and preparing the upcoming 3<sup>rd</sup> session of the UNGIYF that will take place in the last quarter of 2025.

In several global fora throughout the year, FAO facilitated spaces for Indigenous Youth to share the outcomes from the 2<sup>nd</sup> session of the UNGIYF and make policy recommendations based on the 2023 Indigenous Youth Rome Declaration on Safeguarding Seven Generations in times of Food, Social, and Ecological Crisis.<sup>1</sup>

In April 2024, FAO participated in the 23<sup>rd</sup> Session of the UN Permanent Forum on Indigenous Issues (UNPFII) focused on "Enhancing Indigenous Peoples' right to self-determination in the context of the United Nations Declaration on the Rights of Indigenous Peoples: emphasizing the voices of Indigenous youth". Besides hosting two side events on Indigenous Youth, FAO organized a dedicated session with the UNPFII experts and UN organizations to share the outcomes of the 2023 2<sup>nd</sup> session of the UNGIYF. FAO Indigenous Peoples' Unit specifically asked at this special session to have the Rome Declaration loaded into the UNPFII/UNDESA web page in order to enhance coordination between the UNPFII, UN and Indigenous Youth and advance youth discussions in global fora.

In October, the FAO Indigenous Peoples' Unit worked with the Global Indigenous Youth Caucus (GIYC) to engage their delegation in the 2024 meeting of the Global-Hub on Indigenous Peoples' Food Systems. At this annual meeting of the Global-Hub on Indigenous Peoples' Food Systems, the Indigenous Youth delegation contributed to the discussions on Indigenous Peoples' Biocentric restoration and the connections between biodiversity and culinary traditions of Indigenous Peoples. One of the key topics of discussion with the Indigenous Youth delegation and the Global-Hub was the impacts of ultra-processed foods on Indigenous Peoples' wellness. This topic emerged as a key priority with a call to action for further research to better understand the impacts from the 2023 UNGIYF.

To follow through on this request, a drafting committee of the Global-Hub and task force of Indigenous Youth are delving into a research process and collective paper on the impacts of ultra-processed foods on the health and wellbeing of Indigenous Peoples and their food and knowledge systems. This topic and report will be a priority discussion during the UNGIYF in 2025.

*"Ultra-processed food is negatively impacting the dietary habits of tribal and Indigenous Peoples. It has led to commercialization of crops, pressure on and exploitation of land, and has also caused health problems. Awareness campaigns to sensitize people should be raised," stated Seemran Rashmi Bansingh, an Indigenous Youth leader from India.*

The Global-Hub annual meeting took place in FAO headquarters in Rome, during World Food Week, thereby coinciding with the World Food Forum (WFF), the Science and Innovation Forum, the Investment Forum and the High-Level Rome Water Dialogue on WASAG – The Global Framework on Water Scarcity in Agriculture. The Indigenous Youth delegation spoke at more than 22 events, building on their previous work of launching the global campaign, "My Food Vision..."<sup>2</sup> and the outcomes of the biennial UN Global Indigenous Youth Forum and providing feedback on their regional priorities for the 2025-2026 Global Youth Action Plan.

"It is important for non-Indigenous people to make efforts in the building of just and right relations with Indigenous Peoples. This will also make space for Indigenous Peoples' knowledge, creativity and innovation," explained Daryl Kootenay, North America regional focal point for the GIYC.

The 2024 GIYC Delegation comprised the current co-chairs and regional focal points of the GIYC, and Indigenous Youth delegates who attended the 2023 UNGIYF. Each of the seven socio-cultural regions had two representatives, and the Indigenous Youth leaders came from 14 different Indigenous Peoples' groups and 14 different countries.

Judy Kipkenda, one of the current co-chairs of the GIYC, was selected and honored as a World Food Day<sup>3</sup> Hero for her work with Indigenous Women and Youth on Indigenous Peoples' food systems,

seed banks and sustainable farming in Kenya. Kipkenda emphasized throughout World Food Week, and in the different fora, the importance of Indigenous Youth leadership in the transformation of food systems, "Our efforts show a strong commitment to food that respects and integrates our rich cultural heritage and Indigenous Peoples' knowledge."

To close out the week, Indigenous Youth organized a main stage event on the margins of the World Food Forum, where they delivered key priorities and messages towards the 2025 3<sup>rd</sup> Session of the UNGIYF. FAO Director-General, Dr. Qu Dongyu, attended this event with Indigenous Youth, acknowledging in his closing remarks that: "This Declaration is not just a paper document. It is a call to action that reflects the collective wisdom of Indigenous Youth globally. Because you are the young generation to carry the baton to the future."

FAO and Indigenous Youth also worked together during the year in other forums, including the 4<sup>th</sup> Pacific Climate Change Conference in Samoa; the COP 16 Convention on Biological Diversity (CBD) in Colombia; and the 16th session of the Conference of the Parties (COP16) to the UN Convention to Combat Desertification (UNCCD) in Saudi Arabia.

FAO actively participated in the 4<sup>th</sup> Pacific Climate Change Conference in Samoa and supported a delegation of Indigenous Youth leaders from the Pacific to contribute with key messages from the 2030 Indigenous Youth Rome Declaration to the conference.

In November, during the CBD COP 16 in Cali, Colombia, together with Indigenous Youth leaders, FAO celebrated the adoption of the new Programme of Work on Article 8(j) and the creation of a Subsidiary Body to support the effective participation of Indigenous Peoples in the Convention. Groundbreaking initiatives were unveiled by FAO in partnership with Costa Rica, Ecuador, Peru, Colombia, and Indigenous Peoples' representatives at COP 16, and the importance was emphasized of Indigenous Youth participating in these initiatives to restore degraded ecosystems by putting Indigenous Peoples' cosmogony, knowledge systems and traditional practices at the center.

During the UNCDD COP 16 in Riyadh, Saudi Arabia, the FAO Indigenous Peoples' Unit coordinated with Indigenous Youth from North and West Africa who are leading efforts in their region to combat desertification and maintain mobile livelihoods.

Across every socio-cultural region, Indigenous Youth are mobilizing for the present and future of their food and knowledge systems, the protection and restoration of biodiversity, their land and water rights, and adaptations in the face of climate change for the future of their cultures as Indigenous Peoples. FAO is dedicated to working alongside the young Indigenous leaders around the world to achieve the futures they are striving for and to support their voices being heard in different fora.

## **Indigenous Peoples' Biocentric Restoration**

As part of the UN Decade on Restoration, in 2018 the FAO Indigenous Peoples' Unit and Indigenous Peoples' organizations jointly developed a methodology called "Indigenous Peoples' Biocentric Restoration", rooted in the cosmogony and food and knowledge systems of Indigenous Peoples in order to restore degraded ecosystems and reinforce the inter- and intra- generational transmission of knowledge.

The Indigenous Peoples' Biocentric Restoration programme provides an alternative vision to restoration, away from existing conventional anthropocentric approaches to restoring degraded lands.

The programme started as a series of small pilots with Indigenous Peoples to restore the loss of memory of their territories and re-establish emblematic ecosystems through the beliefs and practices encapsulated within Indigenous Peoples' cosmogonies and spirituality.

What started as a pilot project in Northeast India, Thailand, Peru and Ecuador is now becoming a global programme, with different countries incorporating the approach. Currently, the global programme has ongoing efforts in, Bolivia, Costa Rica, Brazil, Ecuador, India, and Peru. The initiative has grown to the point of becoming a national plan, officially launched by the President of Costa Rica, and a regional plan in Bolivia and Peru. Recently, the initiative has also attracted more interest from Brazil and Colombia, and the momentum continues to build with Nepal, India, and Kenya.

The programme integrates nature, ecosystems, and biodiversity with belief systems, while respecting the individual, collective, and customary rights of Indigenous Peoples and supporting the continuation of their ancestral food systems.

The approach is innovative because it places Indigenous Peoples as drivers at the center of all the restoration efforts whilst reaffirming their role as custodians of biodiversity. One of the most profound learning experiences during programme implementation has been the need for elders and youth to recover the lost memory of those territories together, not only honoring the wisdom of elders but also ensuring that future generations inherit the necessary knowledge to maintain those ecosystems. Once again, Indigenous Youth and Indigenous Women are central to this work on restoration.

## **A think tank dedicated to Indigenous Peoples' Food and Knowledge Systems: The Global-Hub**

Although the Global-Hub on Indigenous Peoples' Food Systems was created in 2018 at the High-Level Expert Seminar on Indigenous Food Systems, its adoption by FAO Members in 2020 at the Committee on Agriculture (COAG) marked an inflexion point for its relevance.

Ever since 2018, the Global-Hub has been coordinating processes of co-creation of knowledge and evidence-building on Indigenous Peoples' food systems with the objective of making policy recommendations.

In October 2024, the Global-Hub convened its second in-person meeting, bringing together more than 50 experts. Following this meeting, five institutions expressed an interest in joining the Global-Hub, bringing the total number to 37 member institutions and three collaborators, including three global networks.

The meeting agreed to open a stream of work to support the work of the High-Level Panel of Experts on Food Security and Nutrition (HLPE-FSN) in its upcoming report on "Preserving, strengthening and promoting Indigenous Peoples' food and knowledge systems and traditional practices for sustainable food systems". In addition, four new drafting committees have been established, adding to the five existing ones. One of these is composed of the Global-Hub and a task force of Indigenous Youth, which will be delving into a research process and collective paper on the impacts of ultra-processed foods on the health and wellbeing of Indigenous Peoples and their food and knowledge systems, as previously mentioned.

The Global-Hub meeting also resulted in the creation of a dedicated Pacific Research Network that brings together Indigenous Youth, leaders of Pacific food security initiatives, research centers, and universities in the Pacific region to organize views and voices from Indigenous Peoples across the Pacific Ocean, leveraging Indigenous Peoples' food and knowledge systems in the Pacific.

The Global-Hub on Indigenous Peoples' Food Systems will be releasing several publications on Indigenous Peoples' food systems in 2025 and 2026.

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# Global Indigenous Youth Caucus (GIYC)

*"Deseamos la pervivencia de los saberes ancestrales que tienen que ver con el cuidado de la Madre Tierra, la paz, el derecho a la vida, y las garantías de vivir con dignidad"*

*"We wish for the continuation of our ancestral knowledge that is related to the protection of Mother Earth, peace, the right to life and guarantees of living with dignity"*

— **Cristina Bautista, Young Nasa from Colombia**

**F**rom the heart of our land and territories to the UN rooms and halls of global decision-making, we, Indigenous Youth, are fighting for our rights as Indigenous Peoples. Our voices are increasingly being heard as we contribute to the protection of Mother Earth. Nonetheless, it is crucial to remember that international forums have not been opened without the strength and work of those behind us.

In this context, Indigenous Youth are participating more actively not only because it is our right but because we have fought for those spaces. This is demonstrated by our proactive and solution-oriented approach to collective dialogue. Indigenous Youth fosters solutions that efficiently rethink and address the global challenges, such as the triple planetary crisis, sovereignty and food security.

## Role of the Global Indigenous Youth Caucus in the international Indigenous Peoples' movement

The Global Indigenous Youth Caucus (GIYC)<sup>1</sup> is the only Indigenous Youth-led constituency of the United Nations Major Group for Children and Youth.<sup>2</sup> The GIYC is a distinctive space because it gathers Indigenous Youth together globally, from each of the seven socio-cultural regions. GIYC promotes collective participation in various international forums to create a unified movement. Recognized by the UN Perma-

nent Forum on Indigenous Issues (UNPFII), the GIYC collaborates with key mechanisms such as the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the Special Rapporteur on the Rights of Indigenous Peoples to promote Indigenous Youth rights.

Many Indigenous Youth delegates face challenges in understanding the international mechanisms and methods of work, including language barriers and legal jargon. In response, Indigenous Youth have begun recording their experiences and developing their own training materials, such as manuals<sup>3</sup> and tools tailored for Indigenous Youth. GIYC serves as a school, providing a space for capacity-building, mentoring, empowerment and inter- and intra-generational dialogue. It enables us to share knowledge and experience with newcomers, strengthen the Indigenous Youth movement, work in solidarity and hold the UN system accountable. Through this platform, the GIYC ensures the continuity of leadership of the Indigenous Peoples and engagement in global decision-making processes.

## **Indigenous Youth at the UNPFII**

In April 2024, the 23<sup>rd</sup> Session of the UNPFII centered its annual theme on “Enhancing Indigenous Peoples’ right to self-determination in the context of the United Nations Declaration on the Rights of Indigenous Peoples: emphasizing the voices of Indigenous Youth”. The theme promoted the views and experience of youth. It was a recognition that Indigenous Youth must be involved if we are to create a more just and sustainable future. Indigenous Youth are active, loud and, together, form a dynamic movement; and we are demanding a seat at the table.

The thematic session allowed for a high level of participation of Indigenous Youth. They participated through their youth-led organizations, as part of the delegation of Indigenous organizations, and even within Member State delegations.

The GIYC was at the heart of this movement. As a general practice, a day before the UNPFII, we organized a preparatory session to strategize and unite. Every day during the UNPFII, we held early meetings to agree on draft recommendations for the consideration of the UNPFII, which were delivered during the plenary sessions. These statements

ensured that our demands were clear, realistic and action-oriented. As a democratic body, the GIYC also demonstrated its commitment to youth leadership by electing new representatives, including three co-chairs and around 24 regional focal points, ensuring that the diverse voices of Indigenous Youth worldwide were well-represented.

By addressing the 2024 theme of the session, the UNPFII marked an important step in amplifying the voices of Indigenous Youth and reaffirming the right to self-determination. High-level Indigenous leaders, such as Bolivia's Vice-President, Mr. David Choquehuanca, and Brazil's Minister of Indigenous Peoples, Ms Sonia Guajajara, stood alongside the voices of Indigenous Youth, signaling a growing recognition of Indigenous governance and the urgent need for self-determined futures.

During the session, the GIYC was very active. We spoke about the importance of Indigenous Knowledge, intergenerational leadership, and the cultural foundations of autonomy – values that are not just abstract ideas but the very fabric of our lives. We pushed for strong recommendations on the revitalization of Indigenous Languages, political participation, and culturally relevant education, addressing the systemic barriers that Indigenous Youth face every single day.

In the report of the 23<sup>rd</sup> session, the UNPFII highlighted the growing leadership of Indigenous Youth in tackling the pressing challenges of our time. In this spirit, the Forum welcomed the *Indigenous Youth Rome Declaration 2023 on Safeguarding Seven Generations in Times of Food, Social, and Ecological Crisis*,<sup>4</sup> a powerful statement emerging from the second UN Global Indigenous Youth Forum, co-organized by the Food and Agriculture Organization (FAO) and the GIYC.

Recognizing that real change must be rooted in the voices of Indigenous Youth from all corners of the world, the UNPFII recommended that the FAO create a space to engage directly with communities by holding regional consultations across the seven Indigenous socio-cultural regions, as regional preparatory dialogues.<sup>5</sup> These discussions, set to take place before the third UN Global Indigenous Youth Forum in 2025, will be an opportunity to deepen Indigenous Youth participation in shaping global policies and influence in decision-making at the highest levels. Additionally, the GIYC emphasized the need for greater Indigenous Youth representation in global decision-making across the UN system. Acknowledging the critical role young Indigenous leaders play

in shaping the future, the UNPFII called on UN entities to strengthen and expand opportunities for their engagement across all UN processes. Particularly, the GIYC indicated the importance of creating an Advisory Group to the UNPFII, co-coordinated with the GIYC to strengthen an intergenerational exchange within UNPFII. Finally, the GIYC recommended the creation of initiatives that go beyond symbolic inclusion, advocating for capacity building programs and knowledge exchange platforms that empower Indigenous Youth across the UN system to ensure we have a direct voice in shaping policies that impact our communities and the world.

While these discussions were important, much work remains to translate commitments into tangible action. A year has passed, and Indigenous Youth are still fighting against discrimination, political exclusion, and threats to their mental well-being. Education systems remain underfunded, and culturally appropriate learning spaces are not yet fully met. Additionally, the lack of environmental measures directly linked to Indigenous Youth advocacy is a missed opportunity, as Indigenous Youth are at the forefront of climate action and biodiversity conservation.

## **Strengthening food sovereignty: Indigenous Youth contribution**

The 2024 World Food Forum (WFF), held at FAO headquarters from 14–18 October, brought together global leaders and experts in food systems. Among the highlights was the participation of the GIYC,<sup>6</sup> Indigenous Youth who engaged in speaking sessions, youth assemblies, and discussions at the Global-Hub on Indigenous Peoples' food systems, located in the NOMAD Indigenous FoodLab. The GIYC delegation included representatives from 14 countries and diverse Indigenous communities worldwide.

The GIYC participated and collaborated in the work of the Youth Policy Board of the WFF. The roundtable discussions with the Youth Policy Board aimed to gather input from diverse youth leaders, helping shape and guide the priorities and strategies for the Global Youth Action Plan 2025–2026, putting Indigenous Youth at the center with the cre-

ation of an intergenerational Indigenous Knowledge campaign. These conversations provided a platform for young people to share their perspectives, experiences, and innovative ideas, ensuring that the upcoming action plan is inclusive, effective, and responsive to the needs and aspirations of youth worldwide. Finally, one of the GIYC co-chairs was recognized as a World Food Hero<sup>7</sup> for her work with Indigenous Women and Youth on Indigenous Peoples' food systems.

## **Indigenous Youth engagement in biodiversity conservation**

The GIYC and the *Red de Juventudes Indígenas de América Latina y el Caribe*<sup>8</sup> organized the "Training Workshop: Indigenous Youth as Guardians of Biodiversity". The workshop provided information on the Kunming-Montreal Global Biodiversity Framework (KMGBF) and created a space in preparation for the 16<sup>th</sup> meeting of the Conference of the Parties of the Convention on Biological Diversity (COP16). The workshop brought together 186 Indigenous Youth from 30 countries. The workshop was attended by Ms Susana Muhamad González, Minister of Environment and Sustainable Development of Colombia; Ms Sonia Guajajara, Minister of Indigenous Peoples of Brazil and Mr. David Cooper, Deputy Executive Secretary of the Convention on Biological Diversity. This workshop led to the creation of a policy paper that was presented to the COP16 presidency and the International Indigenous Forum on Biodiversity.

The KMGBF emphasizes the crucial role of Indigenous Peoples in the conservation, restoration and sustainable use of biological diversity.<sup>9</sup> From the perspective of Indigenous Youth, its implementation must respect and preserve Indigenous Knowledge related to biodiversity, innovations, worldview, values and practices, ensuring Free, Prior and Informed Consent.

In this context, Indigenous Youth have emerged as important voices in the promotion of self-determination and the conservation of biodiversity in our territories, being clear that the strengthening and transmission of Indigenous Knowledge is positively related to the protection and conservation of the territory and its ecosystems, which in turn fa-

vors health, due to the existence of an intrinsic relationship between all the elements existing in our territories.

At COP16, in Cali, three Indigenous Youth were presented as "ad-hoc ambassadors" for the World Coalition for Peace with Nature by the COP16 presidency,<sup>10</sup> one of them a member of *Red de Jóvenes Indígenas de América Latina y el Caribe*. These young ambassadors will amplify efforts to protect nature, providing fresh insights and energy to the cause.

## Conclusion

Indigenous Youth are not waiting for the world to catch up. Through the GIYC and various Indigenous Youth organizations, we are ensuring that Indigenous voices remain central in global policy discussions. From advocating for climate justice to securing land rights, Indigenous Youth are leading the change for transformative change. As we continue to push for the collective right to self-determination and meaningful inclusion, we are shaping the future of global decision-making and ensuring our rightful place in the movement for a just and sustainable world.

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# IFAD's Engagement with Indigenous Peoples

The Indigenous Peoples' Forum at IFAD (IPFI) was established in 2011 as a permanent process of consultation and dialogue between representatives of Indigenous Peoples' institutions and organizations, IFAD and governments. The global meeting of the Forum convenes every second February in conjunction with IFAD's Governing Council, the Fund's main decision-making body. A series of regional consultations lead up to each global meeting, ensuring that the Forum reflects the diversity of perspectives and recommendations gathered from Indigenous Peoples around the world. The overall process is guided by a steering committee (SC) composed of representatives of Indigenous Peoples' Organizations from the different regions, representatives of Indigenous youth, the Indigenous Peoples Assistance Facility (IPAF) Board, the UN Permanent Forum on Indigenous Issues (UNPFI) and IFAD.

A unique process within the UN system, the Forum aims to improve IFAD's accountability, enhancing its development effectiveness for Indigenous Peoples. The Global Forum process, including its preparatory processes, enables participants to assess IFAD's engagement with Indigenous Peoples, consult on rural development and poverty reduction, and promote the direct and effective participation of Indigenous Peoples' organizations in IFAD's operations at the country, regional and international levels. These activities help IFAD to implement its Policy on Engagement with Indigenous Peoples and translate the policy's principles into action on the ground.

In 2024, in preparation for the Seventh Global Meeting of the Indigenous Peoples' Forum at IFAD (IPFI), taking place in February 2025, 11 regional and subregional consultation meetings were held in Africa, Asia, Latin America and the Caribbean, and the Pacific.<sup>1</sup> The sessions provided a space for IFAD to update Indigenous Peoples' Organizations (IPOs) and Indigenous Peoples' communities and their representatives about the work conducted over the past two years, reflect on progress since the last IPFI global meeting, and engage in dialogue on the 2025 Forum's overall theme, "*Indigenous Peoples' right to self-determination: a pathway for food security and sovereignty*".

## The regional and subregional consultations

The format of the 2024 regional and subregional consultation sessions combined in-person and virtual formats to maximize participation. The sessions brought together over 450 participants from more than 70 countries, including representatives from IPOs and Indigenous Peoples' communities, partners implementing the Indigenous Peoples Assistance Facility (IPAF) small grants, participants from IFAD-funded projects, and representatives from IFAD, the UN Permanent Forum on Indigenous Issues, government representatives, and development partners. The meetings were organized by regional IPOs in collaboration with IFAD country offices, IFAD staff and the IPFI Steering Committee.

The objectives of the regional and subregional consultation meetings were to: (i) Exchange experiences and good practices on the main theme of the Forum; (ii) Share knowledge on and evidence of Indigenous Peoples' right to self-determination and the exercise of this right to enhance food security and sovereignty; (iii) Identify opportunities for strengthening good practices and finding sustainable solutions to the challenges that Indigenous Peoples face in the recognition and exercise of their right to self-determination that IFAD can support; (iv) Analyse and formulate action-oriented recommendations on the theme of the Forum.

The sessions also contributed to: assessing the progress in implementation of the IFAD Policy on Engagement with Indigenous Peoples adopted in 2009 (updated in 2022), including the implementation of the regional action plans adopted at the IPFI Sixth Global Meeting (2023);

and preparing the regional participation in the IPFI Seventh Global Meeting, including identifying different regional and subregional issues and related recommendations, and selecting delegates for the global meeting.

Main lessons learned common to all regions included:

- **The role of self-determination:** Indigenous Peoples emphasized the importance of self-determination as a cornerstone for addressing systemic issues such as land tenure insecurity, governance, and the preservation of traditional livelihoods. Ensuring this right strengthens their ability to make decisions over their resources and future development.
- **Intergenerational knowledge and leadership:** Indigenous knowledge, passed down the generations, was highlighted as vital for climate resilience and sustainable practices. Women and youth play crucial roles as leaders, innovators, and custodians of this knowledge, driving community initiatives that balance tradition and modern challenges.
- **Collaboration with external partners:** Effective partnerships between IFAD, governments and IPOs are pivotal. Transparent and inclusive approaches have led to better project outcomes; however, there is still a need to simplify access to funding for Indigenous Peoples and to ensure that they are more directly involved in shaping and implementing initiatives that impact their communities.
- **Cultural sustainability as resilience:** The integration of cultural practices in food production, conservation, and governance models enhances community resilience. These systems provide not only food security but also social cohesion and identity preservation.

Several recommendations common to all regions were also made to IFAD, such as:

- **Strengthening Free, Prior and Informed Consent (FPIC):** Systematically implement FPIC across all project stages to ensure that Indigenous Peoples' voices are respected and their consent obtained before initiating projects. This includes en-

- hancing monitoring mechanisms to verify compliance.
- **Facilitating direct access to funding:** Streamline funding processes to reduce bureaucratic barriers. IPOs, especially those led by women and youth, should have equitable access to financial resources for capacity-building and community-driven initiatives.
  - **Integrating climate adaptation and traditional knowledge:** Support projects that merge traditional practices with modern climate adaptation strategies. This includes agroecology, reforestation and community-led biodiversity conservation efforts.
  - **Enhancing country and regional platforms for dialogue:** Create or strengthen platforms at both the country and regional levels to enable continuous and constructive dialogue between Indigenous communities, governments and development partners. These platforms should focus on exchanging best practices and addressing context specific challenges.
  - **Promoting long-term investments in food sovereignty:** Prioritize funding projects that promote sustainable food systems based on Indigenous knowledge. This includes support for seed banks, agroforestry, and the preservation of traditional crops.
  - **Capacity development for Indigenous leadership:** Invest in training programs that allow governance, advocacy and technical capacities to be developed among Indigenous Peoples. This should include tailored support for Indigenous women and youth to amplify their roles within their communities and beyond.
  - **Monitoring and evaluating impact:** Establish participatory mechanisms to evaluate the social, economic and environmental impacts of IFAD-funded projects. Indigenous Peoples must be actively involved in this process to ensure accountability and continuous improvement.

## Opportunities and challenges

The regional consultations that took place in each region emphasized opportunities and challenges associated with the role Indigenous youth play in their communities.

In Africa, a recommendation was made to Indigenous Peoples' constituencies to enhance Indigenous women and youth participation in rural development initiatives, recognizing their roles in food security and leadership, and ensuring that a portion of project funding directly benefits them.

Similarly, in the Pacific, the involvement of youth and women in knowledge preservation and transmission was recommended, including highlighting the role that Indigenous communities themselves can play in terms of empowerment, by training women and youth in sustainable living practices, empowering them to become self-sufficient and environmentally conscious.

In Asia, one day of the consultation was dedicated to a field visit, which included visiting rotational agriculture fields, a meal of diverse traditional foods, and discussion and sharing with the Indigenous Kui Youth Camp, who showcased the role of youth in the transmission of traditional agricultural knowledge, including through dance performance. In addition, the discussions in Asia brought up the importance of advocating for equal employment opportunities for youth and women in the communities and the possibility of encouraging their self-employment, always within the community, through capacity building (including financial literacy, value enterprise, and micro-enterprise support). Ensuring access to justice for youth, women, and children was also identified as a challenge.

In Latin America and the Caribbean, the regional consultations were organized by the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean (FILAC) in partnership with the *Red de Jóvenes Indígenas* (Indigenous Youth Network) and the *Organización Nacional Indígena de Colombia* (National Indigenous Organization of Colombia). Special attention was therefore given to youth engagement and participation. Among the main issues raised were an agreement on the importance of strengthening intergenerational dialogue and the participation of youth and women, the need to improve access to resources for youth and women and the importance of collecting gender- and age-disaggregated data. A recommendation to IFAD included creating internship programs for Indigenous youth.

## **Grant financing, partnerships and advocacy in support of Indigenous youth**

In 2024, an IFAD grant was approved to provide additional resources for the IFAD/Slow Food initiative “Enhancing Indigenous Youth and Women Capacities to Protect and Promote Their Communities’ Food Heritage”. The project involves members of the Slow Food Indigenous Peoples’ Network in the Philippines, Indonesia, and Kyrgyzstan and aims to empower Indigenous youth and women leaders by building their leadership skills to safeguard and promote their food heritage through training, events and grassroots projects, thus strengthening Indigenous Peoples’ commercialization and marketing techniques. This grant builds on the achievements of successful initiatives such as the Slow Food Participatory Guarantee Systems (PGSs) and Earth Markets, which emphasize the value of agroecology and food heritage.

In June 2024, IFAD supported the Indigenous Partnership (TIP) fellowship to organize a meeting aimed at deepening the understanding of Indigenous Peoples’ perspectives on global initiatives in food systems, biodiversity, climate change, nutrition, and nature-based livelihoods. It also explored strategies to connect global IPs’ advocacy with grassroots youth networks.

In September 2024, in preparation for the UN Conference of the Parties to the Convention on Biological Diversity (COP 16), IFAD’s biodiversity team held a strategic meeting with representatives of the Indigenous Youth Network to ensure their voices were included in global biodiversity discussions. The meeting was aimed at aligning priorities, sharing insights on biodiversity conservation, and exploring how Indigenous knowledge intersects with innovative practices for ecosystem preservation. Participants discussed key topics such as sustainable resource management, intergenerational knowledge transfer, and the role of Indigenous youth in shaping biodiversity and climate resilience policies. This collaborative effort highlights IFAD’s commitment to amplifying Indigenous voices and perspectives and fostering inclusive dialogue ahead of important international negotiations.

IFAD also engaged in several advocacy initiatives related to Indigenous youth. For example, in August 2024, for the International Day of the World’s Indigenous Peoples, IFAD launched a social media video to

celebrate and honour Indigenous Peoples' contributions to sustainable development and climate resilience. The video highlighted the vital role Indigenous communities play in preserving biodiversity, safeguarding traditional knowledge, and building resilient food systems. Through powerful visuals and stories from Indigenous leaders and youth, the video emphasized IFAD's commitment to supporting Indigenous-driven solutions for a more sustainable future.

During the UNPFII, IFAD co-organized an official side event with ILC and Slow Food focused on "Youth & Women Protecting Indigenous Lands & Food Systems" and, during Slow Food Terra Madre Salone del Gusto in Turin in September 2024, IFAD hosted two events focusing on youth: (i) Indigenous Women and Youth on the Front Line, Reshaping the Future; and (ii) The Role of Indigenous Youth in Coffee Cultivation: Experiences from the Philippines, Thailand, and Mexico.

## Notes and references

1. For more on the regional meetings see: <https://www.ifad.org/en/w/events/regional-meetings-ahead-of-the-global-meeting-of-the-indigenous-peoples-forum-at-ifad>

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# Indigenous Peoples' Advocacy at the UN Framework Convention on Climate Change (UNFCCC)

The UN Framework Convention on Climate Change (UNFCCC) is an international treaty adopted at the Earth Summit in Rio in 1992 to tackle climate change. In 2015, the Parties to the UNFCCC adopted the Paris Agreement, a universal agreement to reduce global greenhouse gas emissions. The goal of the Paris Agreement is to hold "...the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C..." (Art. 2a).<sup>1</sup>

The UNFCCC has progressively recognized that achieving sustainable development requires the active participation of all sectors of society. Nine "constituencies" are therefore recognized as the main channels through which non-state actors' participation is facilitated in UN activities related to climate change and sustainable development.

Indigenous Peoples constitute one of these major groups and thereby exercise an influential role in global climate negotiations. The Indigenous Peoples' constituency is organized in the International Indigenous Peoples' Forum on Climate Change (IIPFCC), which serves as a mechanism for identifying priorities and developing common positions and statements of Indigenous Peoples. The IIPFCC also facilitates effective lobbying and advocacy work by Indigenous Peoples at UNFCCC meetings and sessions.

The Local Communities and Indigenous Peoples Platform (“the Platform”) under the UNFCCC has been gradually operationalized over the last eight years since its establishment in 2015. Beginning with an agreement on the Platform’s functions and purpose in 2018, progress advanced with the creation of a Facilitative Working Group (FWG) – the first constituted body under the UNFCCC with equal representation between Indigenous Peoples and Member States that allows Indigenous Peoples to self-select their representatives. The FWG underwent a review in 2024, adopting a third, three-year Workplan at the 29th Conference of the Parties (COP 29).<sup>2</sup>

The Platform has raised expectations of Indigenous Peoples, who, given the non-recognition of their nationhood – predominantly by Member States – are trapped between the convention state/non-state binary and, therefore, not fully accommodated within the legal framework of this mechanism. Indigenous Peoples’ inherent, collective right to self-determination as Peoples, reaffirmed in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), necessitates a space at the negotiation table alongside Member States. As it is still early days for the Platform, at least in UN terms, it remains to be seen whether the influence and direct participation of Indigenous Peoples at the UNFCCC will be elevated above that of civil society.

## Introduction

From 11 to 23 November, Azerbaijan hosted and presided over the 29<sup>th</sup> Conference of the Parties (COP 29) in Baku. As the first COP in the Caucasus, the Azerbaijani Presidency saw the COP as an opportunity to “Enhance Ambition, Enable Action”, delivering the means of implementation (i.e. climate finance) required to keep the 1.5°C temperature rise target in reach: a target that is no longer achievable.<sup>3</sup> In particular, the session was heralded as a “Finance COP”, as Parties were set to finalize a new international climate finance target, called

the New Collective Quantified Goal on Climate Finance (NCQG), to build on the USD 100 billion dollar fund agreed at COP 15 in 2009.

Despite these outward commitments, the choice of Azerbaijan raised significant concerns amidst new calls for boycotting. The third petrostate in a row to hold the Presidency (following Egypt and the United Arab Emirates) and, perhaps, the first authoritarian government, concerned participants both with regard to the silencing of human rights defenders as well as the continued role of the fossil fuel industry in muzzling ambition. Separate reports highlighted the Chief Executive Officer leveraging his position to sign oil and gas deals,<sup>4</sup> while a growing number of fossil fuel executives, more than 1,750 in total, participated in the event.<sup>5</sup> This support, regrettably, reinforces the global trend toward fossil fuel development. The previous year's Production Gap Report (2023) demonstrated how the world's existing production of fossil fuels, not even future projects, far exceeds safe production levels for maintaining global warming under 1.5°C.<sup>6</sup>

To cap it all, the impacts of climate change continue to accelerate, affecting all corners of the globe. Such impacts, unfortunately, are only set to continue as the action committed by States in their Nationally Determined Contributions (NDCs) – the mechanism under the Paris Agreement to develop medium-term, country-driven climate action – is far from sufficient. The 2024 NDC Synthesis Report, produced by the UNFCCC Secretariat, confirmed that the full implementation of current NDCs, including their conditional elements, will increase emissions by 5.9% by 2030, rather than decrease them.<sup>7</sup> The implications of these findings are outlined in the UN Environment Program's (UNEP) 2024 Emissions Gap Report, indicating that we are on track for global warming of up to 2.6°C by the end of the century.<sup>8</sup> Indigenous Peoples from all seven socio-cultural regions showed up in Baku to highlight the implications of this trajectory and to push for just, equitable, and decolonial responses to address the intersecting causes and repercussions of this crisis.

## **COP 29: “In Solidarity for a Green World”?**

COP 29 was markedly smaller than COP 28 in Dubai, yet was still the second largest COP in history, with over 56,000 Indigenous Peoples'

representatives, Party representatives, government leaders, media, and civil society in attendance.<sup>9</sup> Reports showed that preparations for the session involved peculiar steps to reduce congestion and ensure a smooth event: moving parliamentary elections, closing schools and universities for the duration of the COP, and mandating the majority of workers to work from home.<sup>10</sup> However, eyebrows were raised when President Ilham Aliyev used the tradition of the World Leaders Climate Action Summit, which kicked off the COP, to describe oil and gas as “a gift from God” and to criticize Western media for fake news when they chose to focus on the country’s emissions profile (hint, it involves a lot of oil and gas) and not its new climate plan.

While the over 1,750 fossil fuels lobbyists and executives likely celebrated this statement, Indigenous Peoples were largely skeptical about it. Despite a slight reduction compared to COP 28, this delegation represented eight times the number of Indigenous Peoples’ delegates. Accordingly, although the representation and presence of Indigenous Peoples remains powerful, we continue to struggle to translate this advocacy into widespread adoption of COP decision texts.

The second-fastest decision in COP history happened during the opening plenary of COP 29 when the Parties, much to their own surprise, found themselves adopting the rules governing Party carbon trading under Article 6.2, as well as the recommendations from the Supervisory Body on methodologies and removals and a sustainable development tool under Article 6.4, which includes a reference to respecting the rights of Indigenous Peoples and considering their knowledge, sciences and practices in its operation.<sup>11</sup> Indigenous Peoples were disappointed with the speed of adoption of these decisions, largely due to the institutional barriers to participating meaningfully in the Supervisory Body meetings, as well as the potential impacts that carbon markets pose for Indigenous Peoples’ Lands, Waters, and territories. Commonly, carbon markets have led to evictions, dispossession of lands, and other rights violations, as well as environmental degradation.<sup>12</sup> When Indigenous Peoples have used a rights-based approach, they have been able to derive some benefit from these schemes. The concept of carbon markets is concerning for many, as they question whether a fictive commodity undermines the climate ambition of the Paris Agreement by allowing large emitters to “offset” rather than reducing emissions.

The International Indigenous Peoples' Forum on Climate Change (IIP-FCC) has joined others in calling carbon markets a “false solution” for this reason.<sup>13</sup> Despite the adoption at COP 29, the Supervisory Body will continue its work, offering additional opportunities for Indigenous Peoples to influence the direction of the carbon market mechanism. Attention will be equally directed towards leveraging the independent grievance mechanism and the sustainable development tool to assist in the protection of Indigenous rights.

In contrast to the rapid conclusion of Article 6.2, and after nearly two years of technical negotiations, negotiations on the NCQG were fraught with disagreements. Nations in the Global South were adamant that, in order to adapt to the impacts of climate change, address loss and damage, and transition to low-carbon economies, they needed USD 1.3 trillion a year, drawn exclusively from the Global North. The Global North, unfortunately, was uncomfortable with this framing and flexed its geopolitical muscles to push for a wider contribution pool, to include other countries such as China. The final stages of the NCQG were concluded in back rooms and presented to the Plenary as a take it or leave it deal: *“\$300 billion annually by 2035 (Paragraph 8), and secure efforts of all actors to scale up finance to developing countries from public and private sources to the amount of US\$1.3 trillion per year by 2035 (Paragraph 7)”*. The deal also erased all references to human rights and the rights of Indigenous Peoples, leaving one small reference to the inclusion and extension of benefits to Indigenous Peoples – as part of “vulnerable groups”. The decision was eventually gavelled, despite objections by India and Nigeria (which were conveniently ignored by the Presidency).<sup>14</sup>

Negotiations on the continuation of the Global Goal on Adaptation experienced similar challenges, with disagreements on scope and ambition, but were eventually adopted to launch the Baku Adaptation Roadmap, including references to the importance of including Indigenous Peoples' knowledge. The rest of the negotiations, however, were not as successful, as a surprising number of negotiations were punted until SB 63 in June 2025. The disagreement on the placement of “means of implementation” within the Global Stocktake (GST) text at COP 28, and an unwillingness to discuss language on “transitioning away from fossil fuels in energy systems, in a just, orderly, and equitable

manner” pushed the negotiations to June 2025 on the UAE Dialogue and follow-up on the GST. Negotiations on the Just Transition Work Programme, the second review of the Standing Committee on Finance, and review of the Adaptation Committee were also pushed until 2025.

## **Indigenous Peoples: growing representation in the UNFCCC**

Amongst challenging negotiations at Baku, the year offered steps forward for Indigenous Peoples. The continued mandate of the Facilitative Working Group (FWG) and the third three-year Workplan of the Local Communities and Indigenous Peoples Platform (“the Platform”) were adopted at COP 29, alongside the continued presence of Indigenous Peoples in COP discussions. While not to the extent of COP 28, the COP 29 Presidency was receptive to the realities of Indigenous Peoples, creating space to continue relationship development with the new High-Level Champion, Nigar Arpadarai, and maintaining the longstanding practice of the COP President Dialogue with Indigenous Peoples from the seven UN socio-cultural regions.

In this line, the Presidency provided limited support for the Indigenous Peoples Pavilion. Located in the Blue Zone, the Pavilion (funded with support from a wide variety of allies) returned to a central location of the exhibition hall. It was slightly smaller than in previous years but continued to operate as a home base for Indigenous Peoples. Throughout the 11 days of programming, the Pavilion held 65 events organized by Indigenous organizations and representatives from the seven socio-cultural regions of the UN, representing hundreds of Indigenous Nations and tens of thousands of Indigenous citizens.<sup>15</sup>

Following the official launch at COP 28, the International Indigenous Youth Forum on Climate Change (“Indigenous Youth Forum”), a working group of the IIPFCC dedicated to creating space and supporting Indigenous youth from the seven regions, hosted their General Assembly at COP 29. The Assembly was designed to identify their yearly objectives. Approximately 70 Indigenous youth from all seven regions gathered, marking a key milestone in consolidating the structure, defining key priorities ahead of COP 30, and reiterating the Forum’s connec-

tion to the Indigenous Caucus. The Indigenous Youth Forum also identified several key priorities for COP 30, including: specialized training to support youth in understanding negotiation topics; intergenerational and intersectoral dialogue to support the exchange of knowledge and experiences between generations; the creation of safe and accessible spaces to work and meet; and an urgent need for dedicated funding to support Indigenous youth's meaningful participation from each region in negotiations.

## **Local Communities and Indigenous Peoples Platform**

2024 marked the conclusion of the second Workplan of the Platform, requiring the FWG to prepare a report with recommendations and a draft third three-year Workplan. This report represented the main input to the negotiations on the review of the FWG and the adoption of the updated Workplan. In preparation for each FWG meeting, the UNFCCC Secretariat continued the tradition of hosting "Informal Dialogues with Contributors", supporting the participation of Indigenous delegates.

Over four days from 29 May to 1 June in Bonn, Germany, the 11<sup>th</sup> meeting of the FWG (FWG 11) was held. Members were required to elect new Co-Chairs and Vice-Chairs (two Indigenous representatives and two state representatives, respectively) for a one-year term.<sup>16</sup> Following this election, the meeting opened with a review of each activity and small group discussions to finalize their implementation and prepare for the draft third Workplan. The outcome of the meeting was summarized in the Co-Chairs Summary,<sup>17</sup> committing to the development of common messages for the FWG's work, ongoing collaboration with bodies outside the convention, such as the Intergovernmental Panel on Climate Change, and exploring additional participatory and innovative approaches in order to provide more time for contributors to input to the various agenda items.

Following the conclusion of FWG 11, the negotiations began. The major controversial item for Indigenous Peoples was the potential addition of three seats for local community representatives, and three corresponding seats for Party representatives, relegating Indigenous

Peoples to a minority on the body. The negotiations ended by closing the consideration of their addition, much to the satisfaction of Indigenous Peoples. The rest of the negotiations went relatively smoothly, but much to our surprise, a cadre of new Parties (Saudi Arabia and Indonesia) joined during the final hours to challenge a proposal made by the USA to have the FWG also report to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) by raising concerns with the anticipated budget. Once the USA had retracted its proposal, the FWG decision was concluded and forwarded to COP 29 for final adoption. At COP 29, the decision was officially adopted, supporting the implementation of the third three-year Workplan (now called the Baku Workplan), beginning in earnest during June 2025.<sup>18</sup>

FWG 12 took place in Baku, Azerbaijan, from 5-8 November. Following a ceremonial opening, the meeting was launched by the COP President, Mukhtar Babayev, and transitioned into a discussion about the conclusion of the Workplan. The meeting followed a similar approach to that of FWG 11 but was slow due to the transition period between the second and third Workplan. The Co-Chairs prepared a summary of decisions based on the discussions.<sup>19</sup> At COP 29, the final activities of the second Workplan took place. The fourth annual gathering of Indigenous knowledge keepers carried momentum from previous gatherings, and 20 from all regions travelled to Baku to discuss their experiences, teachings, and reflections.<sup>20</sup> The session included a full-day preparatory meeting followed by a second meeting with Party, constituted bodies, and NGO delegates. A similar approach was taken with the Indigenous youth roundtable,<sup>21</sup> moderated by Asami Segundo (Asia), Faith Nataya (Africa), and Samuel Womiswor (Pacific), creating a safe space for Indigenous youth, through regional roundtables, to share what is happening in their territories and communicate their experience to other Indigenous youth, as well as to focus on creating recommendations to improve Indigenous youth engagement in climate policies and actions. Two days later, participants presented these recommendations to Parties and relevant constituted bodies. Other activities of the Platform, including a multi-stakeholder open dialogue and an event on Indigenous curriculum, were also held.

## COP 30: moving back to Brazil

Without a doubt, Indigenous Peoples continue to make progress, increasing their presence and creating unique spaces in colonial institutions that were built on their exclusion, despite frustration at decisions not adequately reflecting their advocacy. The Platform continues to be one such space. Looking forward, Indigenous Peoples will bring these perspectives to Brazil, COP 30, where a supportive government has committed to amplifying the role of Indigenous Peoples within the event and negotiations.<sup>22</sup> Although this support is key to strengthening Indigenous Peoples' international advocacy, it is abundantly clear that the leadership of Indigenous Peoples occurs on our territories in partnership with our knowledge keepers, women, youth, and gender-diverse relatives, rather than at the COP. Through these vital partnerships and collective action, as well as additional regional-based funding, Indigenous Peoples can continue pushing for transformative, decolonial, and just change in the face of status quo incrementalism at the UNFCCC.

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15. Information and description of each event was promoted on a dedicated website: <https://www.iippccpavilion.org/cop29-programme>.
16. Cathryn Eatock (representing the United Nations Indigenous sociocultural region of Pacific) and Walter Gutierrez (representing the United Nations regional group of Latin America and the Caribbean (GRULAC)) were elected as Co-Chairs, and Graeme Reed (representing the United Nations Indigenous sociocultural region of North America) and Agrafena Kotova (representing the United Nations regional group of Latin America and the Caribbean (GRULAC)) were elected as Vice Co-Chairs.
17. A full set of outcomes from FWG 11 can be found here: [https://lcipp.unfccc.int/sites/default/files/2024-08/Co-Chairs%20Summary%20Note%20of%20Decisions%20from%20the%20FWG\\_11\\_Final\\_.pdf](https://lcipp.unfccc.int/sites/default/files/2024-08/Co-Chairs%20Summary%20Note%20of%20Decisions%20from%20the%20FWG_11_Final_.pdf)
18. LCIPP Decision: and Baku Workplan: [https://lcipp.unfccc.int/sites/default/files/2024-12/Baku\\_Workplan\\_of\\_the\\_Local\\_Communities\\_and\\_Indigenous\\_Peoples\\_Platform.pdf](https://lcipp.unfccc.int/sites/default/files/2024-12/Baku_Workplan_of_the_Local_Communities_and_Indigenous_Peoples_Platform.pdf)
19. A full set of outcomes from FWG 12 can be found in the Co-Chairs' note: [https://lcipp.unfccc.int/sites/default/files/2024-11/Co-Chairs%20Summary\\_Note\\_of\\_Decisions\\_from\\_the%20FWG\\_12\\_Clean.pdf](https://lcipp.unfccc.int/sites/default/files/2024-11/Co-Chairs%20Summary_Note_of_Decisions_from_the%20FWG_12_Clean.pdf)
20. For more about the organization of the Annual Knowledge Holders Gathering, see here: <https://lcipp.unfccc.int/events/lcip-annual-gathering-knowledge-holders-part-i-exchange-amongst-knowledge-holders-coordination>. Several days in advance of the gathering, the Co-Leads, Ms. Cathy Eatock and Dr. Graeme Reed, released a summary of the Third Annual Gathering hosted in Dubai: <https://lcipp.unfccc.int/sites/default/files/2024-11/Third%20Annual%20Gathering%20of%20Knowledge%20Holders%20at%20COP%2028-Co-Leads%20Summary%20Report.pdf>
21. For more about the organization of the Youth Roundtable, see here: <https://lcipp.unfccc.int/events/lcip-annual-youth-round-table-part-i-exchange-amongst-indigenous-youth-and-youth-local-communities-0>. Several days in advance of the roundtable, the Co-Leads released a summary of the Annual Roundtable hosted in Dubai: [https://lcipp.unfccc.int/sites/default/files/2024-11/Annual%20Youth%20Round%20Table%20at%20COP%2028\\_Co-Leads%20Summary.pdf](https://lcipp.unfccc.int/sites/default/files/2024-11/Annual%20Youth%20Round%20Table%20at%20COP%2028_Co-Leads%20Summary.pdf)
22. Minister of Indigenous Peoples of Brazil, Sonia Guajajara, provided closing remarks at the 12th Facilitative Working Group Meeting in Baku. Her remarks can be found here: <https://unfccc.int/event/12th-meeting-of-the-facilitative-working-group-of-the-local-communities-and-indigenous-peoples-0>

**Graeme Reed** has mixed Anishinaabe (Great Lakes-Wiikwemkoong Unceded Territory), English, German, and Scottish ancestry. He works at the Assembly of First Nations leading their involvement in federal and international climate policy, including as outgoing Indigenous North American Representative of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform (LCIPP). He holds a PhD from the University of Guelph.

**Maria José Andrade Cerdá** is from the Kichwa community of Serena, in the Ecuadorian Amazon. She was one of the founders of the International Indigenous Youth Forum on Climate Change, having majored in International Relations with a minor in Anthropology. She is strongly engaged in women's empowerment projects, as well as youth groups, belonging to the first Indigenous women-led guard in the Napo Province, and Runa Yachay: a community school led by Indigenous youth. She is currently leading the Economic and Community Development file as a Council Member of CONFENIAE.

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**Stefan Thorsell** is Climate Advisor at the International Work Group for Indigenous Affairs (IWGIA). In partnership with Indigenous Peoples' representatives, he engages in international climate advocacy at the UNFCCC. In addition to co-authoring articles on Indigenous Peoples' rights, he has published research on the peace process in Colombia.

**Rosario Carmona** is a Programme Consultant on Climate at the International Work Group for Indigenous Affairs (IWGIA). She is also a painter and anthropologist, holds a PhD from the University of Bonn, and has diplomas in Indigenous Peoples' Rights and Political Ecology.

# Indigenous Summit: Just Transition – Indigenous Peoples' Perspectives, Knowledge, and Lived Experiences

The global transition to a green economy is accelerating, driven by the urgent need to reduce carbon emissions and combat climate change. This transition is not occurring in a vacuum, however; it has profound implications for Indigenous Peoples, whose lands and livelihoods are increasingly targeted for resource extraction and renewable energy projects. Renewable energy, electric vehicles, and “green” mining are being promoted as solutions to the climate crisis. But if history repeats itself, these industries will expand at the expense of Indigenous lands, rights, and sovereignty.

The Just Transition: Indigenous Peoples’ Perspectives, Knowledge and Lived Experiences Summit (the summit from hereon) was a response to this challenge. On 8-10 October 2024, in Geneva, Switzerland, Indigenous delegations from all seven socio-cultural regions came together to address the pressing question: How do we ensure the green economy does not become another chapter of exploitation but instead a turning point for justice?

Indigenous voices have often been excluded from the high-level negotiations that determine how resources are extracted and who benefits. For the industrial modern world, the green economy is a golden opportunity—for Indigenous Peoples, it is yet another existential threat wrapped in sustainability slogans.

This summit marked a historic milestone as the first Indigenous-led gathering on reshaping the green economy. For the first time, Indigenous Peoples came together to set the agenda, define priorities, draw lines and engage directly with global stakeholders on their own terms. And, this time, they entered the discussion as recognized partners and rightsholders.

## The moment of truth: Why this summit was critical

The concept of a just transition, broadly defined, aims to ensure that the shift away from fossil fuels does not exacerbate social inequalities. Yet, for Indigenous communities, the reality is that the green transition often mirrors past injustices. The mining of lithium, nickel, and cobalt—key materials for battery production—has led to land dispossession, environmental degradation, and the violation of Indigenous rights. Renewable energy infrastructure, including large-scale solar and wind farms, has been developed on Indigenous territories without adequate consultation or consent.

The summit became a defining moment—a test of whether the green economy can break from the past patterns or will be yet another expansion into re-discovered Indigenous lands. This summit marked a critical turning point by shifting the conversation from one of recognition to one of concrete demands. Indigenous Peoples articulated a clear position: any transition that disregards Indigenous rights cannot be considered just—the position supported by international legal frameworks, including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which enshrines the principle of Free, Prior, and Informed Consent (FPIC) as a legal and ethical obligation.

## Summit goals and achievements

The summit set out three core objectives:

1. To consolidate the Indigenous movement on a just transition into a strong, unified network that spans continents and strengthens international alliances.
2. To provide a venue for direct engagement between Indigenous Peoples, global institutions and major actors shaping the green economy, including:
  - The Initiative for Responsible Mining Assurance (IRMA);
  - The Global Battery Alliance (GBA) and key corporate players;
  - World Economic Forum (WEF); and

- UN agencies, international human rights and environmental coalitions.
3. To articulate a policy framework that centers Indigenous governance and consent in all transition-related projects.

These objectives were met with notable success. Dialogues with WEF, IRMA, GBA, and UN bodies signaled a shift from superficial engagement to substantive discussions. While these discussions remain ongoing, the summit established an essential precedent: Indigenous Peoples must not only be consulted but integrated into decision-making processes at all levels.

## **Key results: A seat at the table and Outcome Document**

The summit was driven by a clear intention: to ensure that Indigenous Peoples not only secure a seat at the table but play a leading role in shaping a just transition. This requires moving beyond mere consultation and toward genuine leadership, where Indigenous knowledge and rights serve as foundational pillars in the green economy's future.

A major achievement of the summit was the adoption of an Outcome Document, which outlines key principles and policy recommendations, and – if implemented – could reshape the structure of the emerging green economy.

These include:

- **Legal enforcement of FPIC:** Existing mechanisms for obtaining Indigenous consent are often circumvented or weakened through corporate and governmental loopholes. The document calls for binding legal frameworks that make FPIC a prerequisite for all extractive and energy projects affecting Indigenous lands and territories.
- **Indigenous-led governance models:** Rather than treating Indigenous participation as a procedural formality, the document advocates for Indigenous governance structures to be embedded within regulatory and decision-making frameworks.

- **Economic equity in resource projects:** The document rejects the dominant economic model in which Indigenous communities bear the environmental and social costs of extraction while receiving minimal economic benefits. Instead, it proposes revenue-sharing mechanisms and direct Indigenous ownership of energy and mining projects.
- **Recognition of Indigenous knowledge systems:** The green transition must integrate Indigenous knowledge into climate adaptation and sustainability policies.

## **Challenges and contradictions in the green transition**

A central argument of the summit was that the green economy, as currently structured, does not inherently resolve the systemic issues of resource extraction. While it aims to reduce reliance on fossil fuels, it still operates within a profit-driven paradigm that prioritizes resource extraction over environmental sustainability and social equity. The contradiction is clear: a transition intended to mitigate environmental harm is, in many cases, reproducing it.

The summit's discussions highlighted case studies where Indigenous communities have successfully resisted exploitative projects while promoting alternative models of development. For instance, Indigenous-owned renewable energy initiatives or projects developed in collaboration with Indigenous leaders, have provided viable models for responsible extraction. These examples underscore that the green transition is not inherently exploitative but that its current trajectory is deeply flawed.

## **Moving forward: Institutional accountability and Indigenous leadership**

The summit was not a conclusion but a strategic intervention in an ongoing struggle. Key action points moving forward include:

- **Strengthening Indigenous legal strategies:** Indigenous Peoples will pursue stronger legal frameworks at national and international levels.
- **Expanding Indigenous economic models:** Community-led renewable energy projects and ethical resource governance initiatives will be prioritized to demonstrate alternatives to extractive practices.
- **Ensuring institutional accountability:** Future engagement with global institutions will focus on holding actors accountable for their commitments to Indigenous rights. This includes advocating for compliance mechanisms that enforce ethical standards in the mining and energy sectors.

## **Conclusion: A transition without justice is not sustainable**

The summit made one fact unmistakably clear: a just transition cannot be defined solely by environmental metrics; it must be evaluated in terms of social and political justice. A green economy that perpetuates land dispossession, weakens Indigenous sovereignty, and prioritizes profit over rights is not a true transition—it is merely a continuation of existing power structures under a new name.

As the global community moves forward, there is an urgent need to shift from superficial commitments to enforceable and bold policies. A just transition cannot be reduced to a mere adjustment of energy systems; it must be a structural transformation that confronts and corrects the historical and ongoing injustices faced by Indigenous Peoples.

The summit was a step toward this goal but its success will ultimately be measured by the extent to which global institutions and governments are willing to rebalance control and recognize Indigenous leadership. Without this shift, the promise of a green future will remain fundamentally compromised. The path forward depends on what we do next.

Thanks to the summit, we are ready.

## Indigenous Peoples' principles for a just transition

1. **Right to Life:** This includes the physical and spiritual integrity of Indigenous Peoples, guaranteeing their present and future existence.
2. **Right to Self-determination and Sovereignty of Indigenous Peoples:** A just transition must be based on the recognition, respect, and full implementation of the inherent rights of Indigenous Peoples as affirmed in international instruments, including the UNDRIP and others, as a minimum standard. The right of self-determination is inherent and is the prerequisite to the enjoyment of all other rights. This includes, among other things, the right to FPIC prior to the approval of any project, the right to participate in decisions affecting our rights, cultural rights, and the rights to lands, waters, air, ice, territories, and resources traditionally used, possessed, or acquired, as well as the right to determine our own priorities for the governance, development, management, protection, and use of our lands, waters, air, ice, and intangible and tangible resources. By virtue of the right of self-determination, Indigenous Peoples freely determine their own political, social, and economic development, future, and rights to equitable benefit-sharing.
3. **Decolonization:** For Indigenous Peoples, a just transition rejects the Doctrine of Discovery and the continued imposition of colonial and extractive resource exploitation, false solutions, military occupation, and activities that threaten our mental, spiritual, reproductive, intergenerational, and physical health, biodiversity, natural ecosystems, cultures, values, and plant and animal relatives. A just transition must be carried out in the context of the decolonization of our lands and ways of life, taking into account all the ways that Indigenous Peoples have experienced and continue to suffer from different forms of colonization, genocide, and the creation of conflict, as a basis for rejecting false solutions and forced choices.
4. **Reparations, Land Back, and Full Restoration of Lands, Territories, Waters, and Biodiversity:** A just transition must ensure the return, recognition, and respect of Indigenous lands, terri-

tories, and waters, as well as the protection of all Indigenous natural resources, ecosystems, and other means of livelihood. This must begin with the unrestricted access, restoration, recognition, and respect of our rights to our ancestral lands, territories, and waters, and other resources that were taken without our consent during the colonization process. It also includes respect for our inherent sovereignty and the full, unqualified implementation of our rights, including but not limited to Indigenous land tenure, Indigenous economies, jurisdiction, languages, Indigenous food systems, health, cultures, spirituality, natural world responsibilities, biodiversity, ways of knowing, and ways of life.

5. **Respect for Indigenous Peoples' Ways of Life:** A just transition must guarantee our food sovereignty, Indigenous economies, Indigenous science, technologies, and innovations, lived experiences, jurisdiction, languages, cultures, spirituality, responsibilities to the natural world, biodiversity, knowledge systems, and all forms of life. This includes respect for Indigenous Peoples' knowledge, beliefs, and ancestral practices of protecting our ecosystems and food systems, and upholding our sacred responsibilities to our peoples, families and future generations. Safeguards and protection of our Indigenous intellectual property rights must be guaranteed. For safeguards and protection, a mechanism must be established to promote, protect, and preserve Indigenous Peoples' knowledge, and initiate a process to establish an institution for the documentation of Indigenous Peoples' knowledge of food systems, ethno-medicine and ethno-plants.
6. **Transparency and Accountability:** A just transition must include and reflect the input and effective participation of Indigenous Peoples, including youth, women, elders, knowledge-holders, persons with disabilities, and active practitioners of Indigenous Peoples' ways of life, addressing the multiple and intersectional levels of impacts. This includes the opportunity for active and effective negotiations, based on free, prior and informed consent regarding all projects, from design to implementation, monitoring, and evaluation, on and affecting

Indigenous Peoples' lands, territories, resources, and waters. A just transition cannot rely on false solutions such as carbon trading or offsets. It must ensure full transparency in funding sources and accountability, and ensure direct engagement with Indigenous Peoples. Accountability must be established based on evidence and the effective participation of Indigenous Peoples.

7. **Historical Reparations:** A just transition must guarantee historical (economic and non-economic) reparations for the damages caused, following the standards established by human rights courts and bodies, and as determined by the pre-existing Indigenous nations and peoples when demanding such reparations.
8. **Full Protection of Indigenous Peoples:** End the criminalization of Indigenous Peoples' human rights and environmental defenders, and cultural practitioners, including but not limited to extrajudicial killings, torture, imprisonment, surveillance, and other threats of harassment, intimidation, and reprisals with impunity, including the policing and militarization of Indigenous Peoples' territories. Those who engage in these acts must be held accountable.
9. **Recognition of Indigenous Peoples' Roles and Responsibilities:** A just transition must be based on recognition of our role and responsibility as caretakers, stewards, and guardians of our traditional lands, rangelands, forests, deserts, savannas, waters, air, ice, territories, and resources, our Indigenous laws and protocols, and the spiritual, cultural, historic and ongoing relationships we have with the plants, animals, elements, lands, ice, and waters that give us life and identity.
10. **Maintaining 1.5 degrees:** A just transition must contribute to the actual reduction, aversion, or prevention of climate change based on a path to maintain no more than a 1.5-degree temperature increase, and include direct access to financing for Indigenous Peoples' own projects for climate change aversion and mitigation, adaptation, resilience, and direct access payments for loss and damage.
11. **Rights-based Approach to Supply Chains:** Just transition projects and activities throughout supply chains must not

cause harm to Indigenous Peoples, other peoples, ecosystems, or sacred sites. This includes assessing the impacts of the full length of supply chains (from raw materials to end-use projects to waste). This includes rejecting false solutions such as carbon trading or carbon offsets when such market schemes trade off benefits for one people to the detriment of another people's lands, territories, and resources. State and private actors must also ensure full transparency regarding the sources of funding and investors in these projects, and the expected financial returns for investors, funders and intermediary organizations.

More information on the summit can be found here:  
[www.indigenoussummit.org](http://www.indigenoussummit.org)

*This article was written by **Rodion Sulyandziga**, Chairperson of the Just Transition - Indigenous Peoples' Perspectives, Knowledge and Lived Experiences Summit and the Indigenous Peoples Global Coordinating Committee (IPGCC).*



# Intersections of Age, Disability, and Indigeneity: Amplifying the Voices of Indigenous Persons and Youth with Disabilities

As disability rates continue to rise, Indigenous communities worldwide face profound challenges. An estimated 54 million Indigenous individuals live with disabilities, including 28 million Indigenous women. In the Asia-Pacific region alone, 45 million Indigenous persons with disabilities experience extreme poverty and vulnerability, exacerbated by inadequate services, natural disasters, and climate crises.

Indigenous persons with disabilities are frequently denied autonomy and the ability to exercise their individual and collective rights. They must navigate the tension between asserting these rights and the societal norms that marginalize them.

Conventional disability frameworks often fail to acknowledge Indigenous collective rights and cultural identities. Rooted in colonial perspectives, these frameworks emphasize individual deficits rather than structural barriers, resulting in policies that disregard Indigenous values, social customs, and traditional knowledge systems.

This article highlights the need for inclusive and culturally sensitive approaches that recognize the intersection of Indigeneity and disability, ensuring that Indigenous persons with disabilities can exercise self-determination and cultural autonomy.

## The voices of Indigenous persons with disabilities

*Our ultimate vision is a world where Indigenous youth are deeply connected to their roots, empowered to achieve their goals, and committed to life. We believe in their power and, together, we strive to end preventable deaths by suicide in our communities.* – Finding Our Power Together<sup>1</sup>

*As Indigenous youth with disabilities, we struggle to make our voices heard. We are often invisible, yet our participation is crucial.*<sup>2</sup> – Deepika Lama

*We no longer want to be invisible among the invisible.* – Siana Leão Guajajara<sup>3</sup>

## Challenges faced by Indigenous persons with disabilities

Indigenous Peoples are not a homogenous group, nor are Indigenous persons with disabilities. They include women, girls, youth, children, the elderly, and LGBTIQ+ individuals. Globally, 1.3 billion people (16% of the world's population) live with disabilities, of whom more than 54 million are Indigenous.

Indigenous persons with disabilities experience multiple layers of discrimination based both on their Indigenous identity and their disability. These intersecting forms of discrimination limit their access to justice, development programs, education, employment, healthcare, transport, and other essential services. Factors such as poverty, marginalization, and invisibility further prevent them from advocating for their rights.

Despite these barriers, Indigenous persons with disabilities continue to assert their rights through various international legal frameworks, including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), ILO Convention No. 169, the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its General Recommendation 39 on the Rights of Indigenous Women and Girls, and the Convention on the Rights of the Child (CRC).

## Advocacy and achievements in 2024

In 2024, Indigenous persons with disabilities engaged in advocacy, training, research, and networking efforts to amplify their voices. Key developments include:

- **The Report on Indigenous Persons with Disabilities (A/HR/C57/27)<sup>4</sup>** by the UN Special Rapporteur on the rights of Indigenous Peoples, published in September 2024, highlighting global challenges faced by Indigenous persons with disabilities.
- **The Scoping Study on Climate Change and Sexual and Reproductive Health and Rights (SRHR),<sup>5</sup>** conducted by the Asian-Pacific Resource & Research Centre for Women (ARROW) and National Indigenous Disabled Women Association-Nepal (NIDWAN), launched in February 2024.
- **Symposium on Intersectionality, Indigeneity, and Disability Climate Justice<sup>6</sup>** held at Harvard Law School and Padma Kanya Multiple Campus (PKMC), Tribhuvan University.
- **Publication in The Lancet Planetary Health: Advancing disability-inclusive climate research and action, climate justice, and climate-resilient development,<sup>7</sup>** which includes issues of Indigenous persons with disabilities.
- **Funding Trend Analysis on Indigenous Peoples' Philanthropy<sup>8</sup>** (2024), launched by International Funders for Indigenous Peoples (IFIP) and Archipel Research and Consulting, highlighting the inclusion of Indigenous persons with disabilities in philanthropy.
- **Gender Equality and Disability Inclusion Guidelines to Address the Specific Needs of Women and Girls with Disabilities<sup>9</sup>** by the Asian Development Bank (May 2024), featuring a section on Indigenous women and girls with disabilities.

## Strengthening global advocacy

Significant advocacy events in 2024 amplified the voices of Indigenous persons with disabilities:

- **First National Symposium on Women and Girls with Disabilities** (March 2024), where 120 intergenerational participants called for an end to tokenism and exclusion.
- **Asia-Pacific Regional Convening of Indigenous Women and Girls with Disabilities** (March 2024), leading to the creation of The Asia-Pacific Indigenous Women and Girls with Disabilities Network.
- **National and Sub-National Civil Society Consultations on Beijing +30** (September 2024) in Nepal, leading to the *Asia-Pacific Declaration of Women and Girls with Disabilities: Beijing +30*.
- **Statements at the 55<sup>th</sup> Session of the Human Rights Council** (March 2024) and the **17<sup>th</sup> Conference of State Parties to the UN CRPD (COSP17)** (June 2024), where Indigenous persons with disabilities shared their concerns on climate crises and humanitarian emergencies.
- **Global Disability Summit 2025 Consultative Webinar** (December 2024), the first event dedicated to Indigenous persons with disabilities in global disability discussions.
- **Just Transition: Indigenous Peoples' Perspectives, Knowledge and Lived Experiences** (October 2024, Switzerland), where Indigenous leaders, including persons with disabilities, contributed to the *Indigenous Peoples' Principles and Protocols for Just Transition*.
- **Participation in UNFCCC COP 29** (November 2024), where discussions on climate change, SRHR, and Indigenous persons with disabilities were held.
- **Intervention at the 56<sup>th</sup> session of the Human Rights Council** (July 2024), highlighting climate crises, Indigenous knowledge systems, and disability rights.

## **Indigenous youth with disabilities: challenges and opportunities**

Key Facts:

- 220 million youth with disabilities worldwide are marginalized, especially from education and employment.

- 98% of children with disabilities in developing countries do not attend school; 99% of girls with disabilities are illiterate.
- 30% of street youth have a disability.
- Asia and the Pacific is home to 60% of the world's youth population.

Indigenous youth with disabilities face additional barriers due to discrimination, social stigma, and lack of recognition. Many struggle to access education, healthcare, employment, and social participation. Their experiences remain largely undocumented and overlooked in both Indigenous and disability movements.

## Perspectives from Indigenous youth with disabilities

*Despite International Youth Day highlighting youth issues, there are no dedicated global studies on Indigenous youth with disabilities. Our voices remain unheard, and we lack collective organization. – Indigenous Young Woman with Disability, Nepal*

*The system does not recognize Indigenous youth with disabilities within youth, Indigenous, or disability movements. Our identities are blurred, and our voices remain unheard. – Indigenous Young Woman with Disability, Canada*

*Our intersectional identities are not acknowledged, making us invisible in policy discussions and program planning. – Indigenous Young Man with Disability, Kenya*

## Conclusion

Indigenous youth with disabilities bring invaluable cultural, traditional, and modern knowledge. It is imperative to create inclusive spaces that enable them to participate meaningfully in their communities. Ensuring their rights requires recognizing their unique identities and addressing systemic barriers. True inclusion and respect for diversity will empower Indigenous persons with disabilities to contribute fully to society, reinforcing the principles of equity and justice.

## Notes and references

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# Sustainable Development Goals (SDGs) and Indigenous Peoples

Indigenous Peoples have been engaging in relevant processes on sustainable development since the Earth Summit (Rio Conference) in 1992. The main advocacy agenda issues for Indigenous Peoples in these processes are respect for, protection and fulfilment of the rights of Indigenous Peoples as affirmed by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP),<sup>1</sup> as well as the full and effective participation of Indigenous Peoples in the development, implementation, monitoring and review of action plans and programmes on sustainable development at all levels.

The main coordination mechanism of Indigenous Peoples in the sustainable development process is the Indigenous Peoples' Major Group for Sustainable Development (IPMG),<sup>2</sup> which is currently coordinated by Tebtebba Foundation (Indigenous Peoples' International Centre for Policy Research and Education)<sup>3</sup> and the International Indian Treaty Council (IITC),<sup>4</sup> both of which also act as the facilitators/co-convenors and Organizing Partners (OPs) accredited by UN Department of Economic and Social Affairs (UNDESA)<sup>5</sup> as part of the nine recognized Major Groups that can officially participate in the SDG processes at the global level.

## High-Level Political Forum (HLPF) 2024

The theme for the High-Level Political Forum (HLPF) 2024 was “*Reinforcing the 2030 Agenda and eradicating poverty in times of multiple crises: the effective delivery of sustainable, resilient, and innovative solutions*”.<sup>6</sup> The HLPF 2024 conducted in-depth reviews

of the following goals: **Goal 1:** No poverty; **Goal 2:** Zero hunger; **Goal 13:** Climate action; **Goal 16:** Peace, justice and strong institutions; and **Goal 17:** Partnerships for the goals. Thirty-six countries presented their **Voluntary National Reviews (VNRs)**, sharing their progress on the 2030 Agenda: Armenia, Austria, Azerbaijan, Belize, Brazil, Chad, Colombia, Congo (Republic of the), Costa Rica, Ecuador, Equatorial Guinea, Eritrea, Georgia, Guinea, Honduras, Kenya, Lao People's Democratic Republic, Libya, Mauritania, Mauritius, Mexico, Namibia, Nepal, Oman, Palau, Peru, Samoa, Sierra Leone, Solomon Islands, South Sudan, Spain, Syrian Arab Republic, Uganda, Vanuatu, Yemen, and Zimbabwe.

In the HLPF, the Indigenous Peoples' Major Group for Sustainable Development (IPMG) was able to facilitate the participation of eight Indigenous Peoples' representatives coming from one of the VNR countries. Participating Indigenous Peoples stated that the VNR reports of their respective countries did not fully reflect the realities on the ground, particularly for many Indigenous Peoples. They are excluded from decision-making on matters affecting them and development policies and projects continue to be imposed on their territories, resulting in displacements and further marginalization of the affected Indigenous communities. The statements<sup>7</sup> delivered by Indigenous Peoples' representatives who attended the HLPF emphasized the impacts on Indigenous Peoples of continuing and increasing conflicts in the Sub-Saharan region, the affected communities who are at the forefront of combatting the impacts of climate change, and the imposition of climate solutions that do not address the root causes of climate change or the injustices wrought upon Indigenous Peoples. Indigenous Peoples further called on States to ensure that Indigenous Peoples' involvement in decision-making processes and the implementation of the right to Free, Prior, and Informed Consent (FPIC) is imperative to ensure that development interventions are aligned with the self-determined development of Indigenous Peoples.

The increasing reprisals and shrinking space for civil society engagement at the country level and even in some global events is alarming. Even so, civil society and marginalized groups, including Indigenous Peoples, persist in their efforts to achieve sustainable development. The report<sup>8</sup> of the Special Rapporteur on Human Rights Defenders particularly highlights the contributions made by human rights defenders in achieving the SDGs. This is very timely as it provides States with concrete examples of how human rights defenders are key contributors and

partners in the achievement of the SDGs. The IPMG made a submission that referred particularly to the contribution of Indigenous Peoples to **SDG 7** through Indigenous Peoples-led renewable energy initiatives and the enhanced data disaggregation of Indigenous Peoples' data-related initiatives, such as the Indigenous Navigator.<sup>9</sup>

Prior to the HLPF, Indigenous Peoples' engagement in the regional preparatory processes for the HLPF, particularly in the Asia and Pacific region, was sustained and the IPMG continued to play a key role in the VNR Task Group of the Major Groups and other Stakeholders (MGoS). This was particularly the case when coordinating the drafting of the civil society statement for Palau, Samoa, Solomon Islands, and Vanuatu.

In the 2024 VNR Synthesis Report,<sup>10</sup> only Vanuatu made specific mention of Indigenous Peoples, particularly "how Indigenous practices are being woven into disaster preparedness and environmental management, contributing to national resilience building efforts".<sup>11</sup> Vanuatu likewise mentioned collaboration with key institutions such as the Mal-vatumauri (National Council of Chiefs) in ensuring that traditional knowledge complements contemporary strategies for addressing environmental challenges. The report mentions how the continuing unevenness of the institutionalization of the SDGs among countries and the gap in data disaggregation, particularly on race, ethnicity, and disability "continue to undermine accuracy and inclusiveness of SDG monitoring".<sup>12</sup>

Inclusive participation in the SDG process remains a challenge, especially for Indigenous Peoples. Multi-stakeholder platforms, public private partnerships, and consultations with civil society are increasing but there is still a big gap in terms of deeper engagement with the people and communities, including Indigenous Peoples. This is not only in the review of the country's implementation of the SDGs but more importantly how their needs and priorities are reflected in the state's development priorities and programmes and their involvement in decision-making processes affecting them.

## **Engagement of the IPMG in the lead-up to the Summit of the Future**

The IPMG has been engaging in the negotiations of the outcome document for the Summit of the Future, particularly in the Pact for the Future

and partly in the Global Digital Compact. In the final adopted text of the Pact,<sup>13</sup> the following references to Indigenous Peoples were made:

*"Science, Technology, Innovation and Digital Cooperation: ACTION 32. WE WILL PROTECT, BUILD ON AND COMPLEMENT INDIGENOUS, TRADITIONAL AND LOCAL KNOWLEDGE. We recognize the need for science, technology and innovation to be adapted and made relevant to local needs and circumstances, including for local communities, traditional Afrodescendent populations, and Indigenous Peoples, in line with the principle of free, prior and informed consent, as appropriate. We decide to:*

*(a) Foster synergies between science and technology and traditional, local, Afrodescendent and Indigenous knowledge, systems, practices and capacities.*

*Transforming Global Governance: ACTION 55. WE WILL STRENGTHEN OUR PARTNERSHIPS TO DELIVER ON EXISTING COMMITMENTS AND ADDRESS NEW AND EMERGING CHALLENGES. We recognize the importance of the United Nations engagement with national parliaments and relevant stakeholders, while preserving the intergovernmental character of the Organization. The challenges we face require cooperation not only across borders but also across the whole of society. Our efforts must involve Governments as well as parliaments, the United Nations system and other international institutions, local authorities, Indigenous Peoples, civil society, business and the private sector, faith-based organizations, the scientific and academic communities, and all people to ensure an effective response to our common challenges.*

*(Annex I: Global Digital Compact) Digital Literacy and Skills: We commit by 2030 to*

*(c) Target and tailor capacity-building for women and girls, children and youth, as well as older persons, persons with disabilities, migrants, refugees and internally displaced persons, Indigenous Peoples and those in vulnerable situations, and ensure their meaningful engagement in the design and implementation of programmes (SDGs 5 and 10);*

(d) *Develop and undertake national digital inclusion surveys with data disaggregated by income, sex, age, race, ethnicity, migration status, disability and geographical location and other characteristics relevant in national contexts, to identify learning gaps and inform priorities in specific contexts (SDGs 5 and 10);*

*(Annex II: Declaration on Future Generations) Commitments:*

*(16) Recognize, respect, promote and protect the rights of Indigenous Peoples, their territories, lands and ecosystems, while safeguarding their traditions, spiritual beliefs and ancestral knowledge, strengthen their distinct political, legal, economic social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State; and ensure their right to participation in decision-making in matters which would affect their rights, as determined by law and in accordance with international human rights obligations.”*

IPMG Critique on **Action 55**: The text emphasizes its intergovernmental nature and makes mention of meaningful participation in relevant UN processes and ongoing dialogue and exchange of information but does not mention the strengthening of partnerships and recognizing the roles and contributions each plays in addressing common challenges.

While culture was also mentioned in the Pact for the Future, it still does not reflect the recommendation made by Indigenous Peoples on culture to be recognized as the fourth pillar of sustainable development.

Post Summit of the Future, there is still no clarity on the direction of the Pact for the Future and its annexes and how it complements the current implementation of the Sustainable Development Goals.

## **Engagement with the Major Groups and other Stakeholders (MGoS) and the wider civil society in the negotiations**

Participation of the MGoS and other civil society organizations was limited to some in-person but mostly virtual consultations only with the

co-facilitators of the Pact for the Future, Global Digital Compact, and the Declaration on Future Generations. The MGoS were not included in the informal dialogues when the texts were being negotiated by States, the States' reasoning being that the space for civil society is the Civil Society Conference that was held in Nairobi last May 2024.<sup>14</sup> This event was highly criticized by many civil society organizations as it became an excuse by the States not to engage civil society in the informal dialogues, and the Impact Coalitions established were seen as a duplication of already existing processes for partnership and engagement with civil society. The recent draft of the Pact for the Future and its annexes was not made available during the Civil Society Conference, and it was already late in the process as the negotiations on the text had already undergone several consultations with States and major revisions to the text. Only the co-facilitators of the outcome documents being negotiated and some States funding the event in Nairobi attended. There were few Indigenous Peoples' representatives in the conference and the MGoS had to raise funds to be able to fund civil society representatives from other regions. It was not clear how the recommendations from the Nairobi Conference were integrated into the drafts of the Pact for the Future or its annexes.

The whole process of producing the Pact for the Future seems to have been more of a distraction to the more important task at hand, which is ensuring that the implementation of the SDGs is on track given that the majority of the goals are not and are further regressing as an impact of, *inter alia*, the COVID-19 pandemic and increasing conflicts.

The Liquidity Crisis in the UN<sup>15</sup> has also greatly impacted the participation of Indigenous Peoples and civil society in general as those interested in participating in relevant sustainable development processes often have to fundraise on their own to be able to participate.

## **Advocating for the recognition of Indigenous Peoples' initiatives in collecting, managing, and utilizing their own data**

Indigenous Peoples have been consistently calling for the recognition of citizen-generated data, including Indigenous Peoples' own data, to supplement and complement reports from States to UN agencies on

the implementation of the SDGs as well as on States' international human rights obligations. One promising initiative to advance Indigenous Peoples' data-related initiatives is the Collaborative on Citizen Data initiative.<sup>16</sup> This is a multi-stakeholder collaborative of countries and regional and international agencies aimed at establishing a platform for collaboration and exchange of experiences and to advance the work on citizens' contributions of data to address the critical data gaps, especially for groups suffering from marginalization. The IPMG and Indigenous Peoples' representatives participated in the Expert Group meeting held by this initiative in July 2024 and proposed recommendations in relation to the recognition of Indigenous Peoples' data-related initiatives and ensuring data sovereignty for Indigenous Peoples. Engagement of the IPMG in this initiative will be maintained to ensure that data from Indigenous Peoples will be recognized in order to strengthen the visibility of the challenges Indigenous Peoples face and their important contributions to sustainable development.

## High-Level Political Forum (HLPF) 2025

The theme of the HLPF 2025 is "*Advancing sustainable, inclusive, science- and evidence-based solutions for the 2030 Agenda for Sustainable Development and its Sustainable Development Goals for leaving no one behind*".<sup>17</sup> The HLPF will conduct in-depth reviews of five SDGs: **SDG 3** - Ensure healthy lives and promote well-being for all at all ages; **SDG 5** - Achieve gender equality and empower all women and girls; **SDG 8** - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; **SDG 14** - Conserve and sustainably use the oceans, seas and marine resources for sustainable development; and **SDG 17** - Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development.

The following countries will also present their VNRs: Angola, Bahamas, Bangladesh, Belarus, Bhutan, Bulgaria, Czech Republic, Dominican Republic, El Salvador, Eswatini, Ethiopia, Finland, Gambia (Republic of the), Germany, Ghana, Guatemala, India, Indonesia, Iraq, Israel, Japan, Jordan, Kazakhstan, Kyrgyz Republic, Lesotho, Malaysia, Malta, Micronesia (Federated States of), Nigeria, Papua New Guinea, Philippines, Qatar, Saint Lucia, Seychelles, South Africa, State of Palestine, Sudan, Suriname, and Thailand.

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# The Green Climate Fund (GCF) and the Fund for Responding to Loss and Damage (FRLD) and the Engagement of Indigenous Peoples

United Nations Climate funds are financial mechanisms established under the United Nations Framework Convention on Climate Change (UNFCCC) and related agreements to support so-called developing countries to mitigate climate change, adapt to its effects, and transition to low-carbon, climate-resilient economies. Indigenous Peoples have encountered many barriers to accessing these funds and therefore advocate to ensure direct access and better implementation of their projects.

The Green Climate Fund (GCF), established under the UNFCCC in 2010 and operational since 2015, is the world's largest climate fund. It supports developing countries to achieve their Nationally Determined Contributions (NDCs) and pursue low-emission climate-resilient pathways.<sup>1</sup> The GCF's primary mandate is supporting the Paris Agreement's 1.5°C temperature goal which is now, unfortunately, widely considered unachievable. The GCF receives financial contributions from so-called developed countries (UNFCCC Annex-1) as well as from public, non-public and alternative sources.<sup>2</sup>

The GCF's Initial Resource Mobilization (2014) raised USD 10.3 billion in pledges, with USD 7.2 billion available for commitments. The first replenishment (GCF-1, 2020-2023) raised USD 10 billion, with USD 9.9 billion received and invested across

100+ countries.<sup>3</sup> The second replenishment (GCF-2, 2024–2027), launched in July 2022, had received USD 12.8 billion in pledges as of December 2024.<sup>4</sup>

The GCF Board consists of 24 members equally representing Annex-1 and Non-Annex 1 Countries, with four Active Observers (AOs) from civil society and private sector organizations (PSOs) serving two-year terms (maximum two consecutive terms). The AOs represent the GCF Observer Network (CSO Network) of Civil Society Organizations (CSOs), Indigenous Peoples, and local communities.

Although the GCF has not recognized Indigenous Peoples as a distinct observer constituency, despite this being an established UNFCCC practice, it has implemented an Indigenous Peoples’ Advisory Group (IPAG) that was operationalized in 2022 and a stand-alone Indigenous Peoples’ Policy. Besides engaging in the CSO Network, Indigenous Peoples advocate through the Indigenous Peoples’ Advocacy Team (IPAT).

The Fund for responding to Loss and Damage (FRLD) was formally launched at the 27<sup>th</sup> Conference of the Parties (COP27) to the UNFCCC in 2022 and further operationalized at COP28 in 2023. It aims to support developing countries to address the irreversible impacts of climate change, particularly those that exceed the scope of adaptation efforts—such as extreme weather events, desertification, and rising sea levels.

While the FRLD marks a significant milestone in global climate finance, ensuring direct access for Indigenous Peoples remains a major challenge. The FRLD Board will likely adopt the “access modality”, “decision-making structure”, and other policies from existing climate finance mechanisms such as the GCF. However, these mechanisms often have complex eligibility requirements and government-controlled funding channels. The FRLD provides financial support through grants and concessional financing, with the World Bank serving as its interim Secretariat and host for the first four years. Indigenous Peoples and many other actors are, however, advocating for a more independent governance structure to ensure equitable and effective fund distribution.

As of 23 January 2025, the FRLD had received pledges totalling USD 741 million from 27 contributors.<sup>5</sup> In December 2024, the Board of the FRLD selected its Executive Director. However, the FRLD has yet to establish its full Secretariat and operational structures, including comprehensive social and environmental policies, allocation criteria, and long-term fund mobilization strategies. Estimates for loss and damage in developing countries suggested a need for USD 116-435 billion in 2020, with projections indicating that this could rise significantly by 2030, potentially reaching USD 200-400 billion annually, underscoring the urgent need for increased funding commitments and clearer implementation frameworks.

## Overview

**A**s of 31 December 2024, the GCF had – through its Board – approved a total of 286 projects with project investment commitments amounting to USD 15.9 billion. Of this total, the GCF is currently implementing USD 12.9 billion, with projects officially considered under implementation once the Funded Activity Agreement (FAA) with the Accredited Entity (AE) becomes effective. As of the same date, the GCF had disbursed USD 5.2 billion. The GCF estimates that these projects will help 1 billion people to improve their climate resilience and will contribute to preventing the emission of 3.1 billion tonnes of CO<sub>2</sub> equivalent.<sup>6</sup>

In terms of project scale, micro- and small-scale projects constitute less than half of the portfolio (11% and 35%), while medium and large-scale projects account for 36% and 18%, respectively. Notably, the large-scale project portfolio decreased by 1% from 2023-2024. The size of a project is important, given that larger projects pose a higher risk of negative impacts on nature and human rights.

In terms of financial instruments, the project investment amount comprises 42% grants, 41% loans, 11% equity, 3% results-based payment, and 3% guarantees.<sup>7</sup> Between 2023 and 2024, grants and loans increased by 1%, while equity and guarantees decreased by 1%. The high proportion of loan-based investments in the GCF portfolio raises

concerns, as it contradicts Paragraph 9.4 of the Paris Agreement, which emphasizes the need for scaled-up financial resources that are primarily grant-based, particularly for developing countries.

Across GCF result areas, a significant amount is being invested in the “livelihood of people and communities”. However, there is no data available on how these investments have included Indigenous Peoples’ climate-friendly lifeways. This is followed by investments in “health, food and water security”, “ecosystem and ecosystem services”, “infrastructure and built environment”, “energy generation and access”, and “forest and land use”. Notably, most interventions on forest and land use, as well as energy generation across the world, have had negative impacts on Indigenous Peoples.

Among the eight GCF result areas, the lowest investment is directed to “transport” and “building, cities, industries and appliances”. By investment theme, 57% of funding goes towards adaptation and 43% towards mitigation in grant-equivalent terms. In nominal terms, however, adaptation constitutes 46% and mitigation 54% of the portfolio. In terms of access modality, 76% of funds are accessed by international AEs, 15% by national Direct Access Entities (DAEs), and 9% by regional DAEs.

These figures show the GCF’s emphasis on quantifiable project impacts, primarily measured in terms of tonnes of CO<sub>2</sub> equivalent mitigated and the number of people increasing their resilience. However, the fund remains heavily accessed by international AEs, limiting opportunities for direct access by national and regional entities. Beyond these quantitative metrics, it is equally important to enhance direct access and ensure available data on the projects’ social, cultural, economic, and ecological impacts, with special emphasis on the well-being of Indigenous Peoples and communities. The Strategic Plan for the GCF (2024-2027) provides a foundation for maximizing positive social and cultural outcomes, including for Indigenous Peoples. In addition, the REDD+ policy approved in 2024 provides some provisions for safeguarding Indigenous Peoples’ rights within GCF-funded projects.

## **GCF Policy for the results-based payments for REDD+**

The GCF adopted its policy for results-based payments for REDD+ at its 40<sup>th</sup> Board meeting, held on 21-24 October 2024. Paragraph (a) of

the policy defines the integration of a REDD+ results-based payment funding modality into the regular project and programming activity cycle of GCF. It also establishes specific requirements for results-based payments for REDD+, criteria for assessing proposals for results-based payments for REDD+, and additional elements of the standard project and programming activity cycle that apply to results-based payments for REDD+.<sup>8</sup>

Specific requirements for results-based payments for REDD+ include, among other elements, reinvestment of the proceeds in REDD+ activities in line with the Paris Agreement and Cancún Safeguards. It also requires compliance with the relevant GCF policies. Furthermore, a distinction is made between (i) payment for emission reductions (ERs) resulting from underlying activities and (ii) the reinvestment of the proceeds. The activities undertaken in the past and leading to the REDD+ results for which the result-based payments are requested have been implemented in a manner consistent with the relevant GCF policies. For the reinvestment of the proceeds, full compliance with the GCF policies is required—the relevant GCF policies list includes the Indigenous Peoples' Policy.

The criteria for assessing proposals for the results-based payments for REDD+ contain the provisions that the proposal must meet the UNFCCC criteria as defined in UNFCCC Decision 9/CP19. The Warsaw Framework for REDD+ should be in place and made publicly available on the Lima REDD+ Information Hub, with the Safeguard Information System (SIS) being one of the four elements of the Warsaw Framework for REDD+. In order to maintain integrity and ensure compliance with GCF policies, the GCF has implemented an Independent Redress Mechanism (IRM), which provides recourse to those affected or who may be affected by GCF projects or programmes and also accepts requests for reconsideration of funding proposals that have been denied by the GCF Board.<sup>9</sup>

## **GCF Independent Redress Mechanism (IRM)**

In 2024, the GCF terminated the FAA for the Nicaraguan project "Bio-CLIMA: Integrated climate action to reduce deforestation and strengthen resilience in BOSAWÁS and Rio San Juan Biospheres"

(FP146<sup>10</sup>) due to non-compliance-with GCF policies and procedures on environmental and social safeguards (ESS). This project was approved in 2020 and aimed to reduce deforestation in the UNESCO-designated Bosawás and Rio San Juan Biosphere Reserves in the Caribbean Region of Nicaragua.

The IRM received a complaint in 2023 and thereby undertook a thorough investigation and submitted its findings to the Board. The complaint documented repeated attacks against Indigenous Peoples and heightened concerns that implementation of the project may fuel further violence against Indigenous Peoples. The GCF Secretariat also undertook a thorough investigation and assessment process, as well as actions to address the instances of non-compliance with GCF policies and procedures, which constituted legal breaches to the relevant legal agreements between GCF and the AE.

## **Indigenous Peoples' Advisory Group (IPAG)**

In 2024, the IPAG of the GCF held its two meetings (IPAG-4 and IPAG-5) in Songdo, South Korea, aimed at strengthening Indigenous Peoples' access to climate finance and ensuring that their knowledge and priorities are recognized, supported, and safeguarded in GCF operations.

IPAG-4, held from 5-8 February, focused on addressing barriers to direct access for Indigenous communities. IPAG members engaged with various GCF divisions, identifying key challenges and opportunities while making recommendations to shape ongoing discussions on equitable climate finance.<sup>11</sup>

Building on these efforts, IPAG-5, from 26-29 August, delved deeper into the implementation of the GCF Indigenous Peoples' Policy. Discussions focused on, among other items, annual performance reports (APRs) and strategizing ways of enhancing Indigenous Peoples' participation within the GCF's project portfolio. A major focus was ensuring that Indigenous knowledge systems and rights were not only acknowledged but actively incorporated into funding mechanisms and climate action initiatives.<sup>12</sup>

Through these meetings, the IPAG reminds GCF of its commitment to fostering a more inclusive and equitable climate finance framework, one that respects and promotes the rights, knowledge, and leadership of Indigenous Peoples in addressing the global climate crisis.

## Fund for responding to Loss and Damage (FRLD)

Through decisions 2/CP.27 and 2/CMA.4, the Conference of the Parties (COP) and the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA) established new funding arrangements for assisting developing countries that are particularly vulnerable to the adverse effects of climate change when responding to loss and damage. As part of these arrangements, the Parties to these Conferences created the Fund for responding to Loss and Damage (FRLD), designed to address both economic and non-economic impacts associated with climate change, including extreme weather events and slow onset events.<sup>13</sup> At its 28<sup>th</sup> and 5<sup>th</sup> sessions, respectively, the COP and CMA operationalized the FRLD as an entity of the Financial Mechanism of the Convention that would also serve the Paris Agreement. The FRLD is accountable to and functions under the guidance of both the COP and the CMA.<sup>14</sup> For key decision-making, the FRLD has a Board of 26 members comprising 12 from UNFCCC Annex-1 Countries and another 14 from Non-Annex Countries.<sup>15</sup>

In 2024, the FRLD Board held four meetings: the first Board meeting (B1) was held from 30 April-2 May in Abu Dhabi, United Arab Emirates; followed by B2 from 9-12 July in Songdo, South Korea; B3 from 18-20 September in Baku, Azerbaijan; and B4 from 2-5 December in Manila, the Philippines.

During the FRLD Board meetings, several important decisions were taken to lay the foundation for the FRLD's work. Jean-Christophe Donnellier from France and Richard Sherman from South Africa were elected as the Board Co-Chairs. At B3, the Board elected Ibrahima Cheikh Dieng as its first Executive Director for a four-year term beginning 1 November 2024. The Board also decided to establish the FRLD as a financial intermediary fund (FIF) hosted by the World Bank.

The Board and the World Bank exchanged their views on the conditions for establishing a FIF, including on how to ensure that the most vulnerable people on the frontline of climate impacts can access support from the fund, including through direct access to its resources.<sup>16</sup> The Board also approved key documentation enabling the World Bank to act as interim trustee and host of the FRLD's Secretariat. During B2, the Board selected the Philippines as its host country. Moving forward, the Co-Chairs of the Board signed the Trustee Agreement, the Secre-

tariat Hosting Agreement with the World Bank, and the Host Country Agreement with the Republic of the Philippines. As of December 2024, a total of USD 745 million had been pledged to the FRLD by 27 contributors.<sup>17</sup>

Thus far, the FRLD has launched work on access modalities; financial instruments, modalities, and facilities; ensuring the active participation of observers in Board meetings and related proceedings; and arrangements for establishing and operationalizing the annual High-Level Dialogue on Coordination and Complementarity. These dialogues were established by the COP and CMA – through decisions 1/CP.28 and 5/CMA.5, annex II, paragraphs 11-16 – and are co-hosted by the FRLD and the UN Secretary-General. They play a crucial role in strengthening collaboration among stakeholders. A key outcome is the formulation of recommendations to expand and improve existing funding mechanisms while also exploring new approaches to address loss and damage effectively.

Key issues for Indigenous Peoples in the FRLD include direct access to funding, a dedicated seat as an active observer, full and effective participation in Board meetings and related proceedings, development of an Indigenous Peoples' Policy and other safeguard measures, and broader participation in activities on the ground.

## **Going forward**

Establishing direct access channels for Indigenous Peoples and their organizations is crucial to securing funding from the GCF and the FRLD without intermediaries. Efforts to achieve this are already underway.

For the past few years, the Nepal Federation of Indigenous Nationalities (NEFIN), in partnership with the International Work Group for Indigenous Affairs (IWGIA), the Indigenous Peoples' International Centre for Policy Research and Education (Tebtebba Foundation), the Centre for the Autonomy and Development of Indigenous Peoples (CADPI), the Pastoralists Indigenous Non-Governmental Organizations' Forum (PINGO's Forum), and numerous other civil society organizations within the GCF CSO Network, has consistently advocated for placing human rights and Indigenous Peoples' rights at the heart of GCF policies and operations. Maintaining this momentum is key as the GCF embarks on its 2024-2027 strategic plan.

In the context of the FRLD, IWGIA, NEFIN, and other Indigenous Peoples' organizations and representatives have long advocated for placing Indigenous rights at the centre of climate finance, including within the FRLD, even before its establishment. Their efforts have been pivotal in promoting a more inclusive and equitable approach to climate finance, ensuring that Indigenous communities – who suffer irreversible tangible and intangible losses and damages – have direct access to funding and decision-making processes. As the FRLD moves towards full operationalization in the coming years, continued advocacy will be essential to shaping its governance, ensuring transparent and direct funding mechanisms, and securing the recognition of Indigenous knowledge and leadership in addressing loss and damage.

Sustained advocacy, strong partnerships, and active engagement, alongside the effective implementation of Indigenous Peoples' policies and safeguards, are essential to ensuring that funding is distributed fairly and appropriately. Without these efforts, these climate funds risk replicating existing barriers in climate finance, limiting Indigenous participation and, therefore, failing to meet their objectives.

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# The Indigenous Navigator: Self-Determined Development

The Indigenous Navigator<sup>1</sup> is an online portal providing access to a set of tools developed for and by Indigenous Peoples. By using the Indigenous Navigator, Indigenous organizations and communities, duty bearers, NGOs, journalists and others can access the national and community surveys that are used to collect data on the situation of Indigenous Peoples. The data collected in the surveys can be used to advocate for Indigenous Peoples' rights and to systematically monitor the level of recognition and implementation of these rights. By documenting and reporting their own situations, Indigenous Peoples can enhance their access to justice and development.

The Indigenous Navigator framework encompasses over 150 structure, process, and outcome indicators monitoring central aspects of Indigenous Peoples' civil, political, social, economic, and cultural rights and fundamental freedoms as enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), ILO Convention 169 (ILOC169) and other relevant human rights instruments. In addition, the framework enables monitoring of the Outcome Document of the World Conference on Indigenous Peoples (WCIP) and the Sustainable Development Goals (SDGs).

The Indigenous Navigator, initiated in 2014, has been developed and carried forward by a consortium consisting of the Asia Indigenous Peoples Pact (AIPP), Forest Peoples Programme (FPP), International Work Group for Indigenous Affairs (IWGIA), Tebtebba – Indigenous Peoples' International Centre for Policy Research and Education (Tebtebba), Danish Institute for Human Rights (DIHR) and the International Labour Organization (ILO). This consortium works in partnership with the European Commission and the Nordic Council of Ministers.

## Monitoring the implementation of Indigenous Peoples' rights

The Indigenous Navigator continues to be a strong tool for Indigenous communities and allied partner organizations across the globe in terms of collecting disaggregated data on the situation of Indigenous Peoples at the national and community level. The data, collected consistently, reveals an implementation gap in their collective rights as Indigenous Peoples<sup>2</sup> and in the reality experienced by Indigenous Peoples in their communities. Currently, data collection is ongoing in 29 UN member states in the Arctic, Asia, Africa and Latin America.<sup>3</sup>

Data collection using the Indigenous Navigator tools continued in 2024. A total of 92 new community surveys had been created by the end of 2024. Of these, 52 were published in the global portal. This brings the total number of publicly available community surveys to 272. In addition, six national surveys were completed and uploaded to the global portal, bringing the total number of publicly available national surveys to 28.<sup>4</sup> By comparing the national surveys and community surveys, it is possible to identify implementation gaps between the Indigenous rights a country has committed to uphold and how effectively these commitments are being met in practice. As the comparable data across countries and regions are being gathered through the Indigenous Navigator, the global situation of Indigenous Peoples is thus documented and used to advocate for respect of their rights.

## Evolving to address emerging needs

Ten years after its inception in 2014, the Indigenous Navigator framework and tools continue to be used by Indigenous communities and partner organizations around world. However, the Indigenous Navigator tools are also being expanded and diversified with new modules<sup>5</sup> to cover specific details on critical emerging thematic areas identified as priorities within the international Indigenous Peoples' movement.

Throughout 2024, the development of two specialized modules to collect data on Indigenous Peoples' rights in relation to climate change

and human rights and environmental due diligence<sup>6</sup> was completed. The modules have been developed in close consultation with Indigenous Peoples and their representatives and thus informed by their experiences. The new modules continue to use the Office of the High Commissioner for Human Rights' (OHCHR) human rights indicator methodology<sup>7</sup> to facilitate a human rights-based monitoring. Extra attention has been given to the development of these modules to facilitate the collection of gender-disaggregated data.

A third specialized module on biodiversity will be completed in 2025 and has benefitted from extensive consultations with Indigenous Peoples' organizations. This module will be closely tied to the upcoming monitoring of relevant targets under the Kunming-Montreal Global Biodiversity Framework (KMGBF)<sup>8</sup> in addition to related human rights and Indigenous rights frameworks. These new surveys will be fully integrated and available in the global portal in 2025.

## **Continued international engagement**

The Indigenous Navigator partners have broadened the network and acceptance of the Indigenous Navigator through engagement and targeted interventions by sharing the framework and tools with a wider audience in international meetings that are key to Indigenous Peoples' rights. These included the UN Permanent Forum on Indigenous Issues (UNPFII), the High-level Political Forum on Sustainable Development (HLPF), the Conference of the Parties (COP) to the UN Framework Convention on Climate Change (UNFCCC), the Conference of the Parties (COP) to the UN Convention on Biological Diversity (CBD) and its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA). The Indigenous Navigator has supported the participation of Indigenous representatives in these international events and organized a series of side events where partners and Indigenous Peoples' representatives have presented project outcomes as well as their perspective on the use of the Indigenous Navigator's tools on the ground. As part of this, the Indigenous representatives engaged in important conversations concerning the role of data generation in the context of Indigenous Peoples' rights.

In February, Asia Indigenous Peoples Pact (AIPP) and Indigenous Navigator partner organizations from Nepal, Bangladesh, Cambodia, Malaysia and Thailand, participated in the 11<sup>th</sup> Asia-Pacific Forum on Sustainable Development (APFSD) in Bangkok, Thailand.<sup>9</sup> The event was organized by the UN Economic and Social Commission for Asia and the Pacific (ESCAP). During the Forum, Indigenous Peoples' Rights International (IPRI),<sup>10</sup> Tebtebba and AIPP jointly organized a side event on *"Advancing a Sustainable, Rights-Based Development to Achieve the 2030 Agenda for Sustainable Development"*. The side event highlighted Indigenous Peoples-led data governance, Indigenous Navigator data and monitoring the implementation of the Sustainable Development Goals (SDGs) at the ground level and was presented by Indigenous representatives who are using the Indigenous Navigator.<sup>11</sup>

In April, IWGIA organized the side event *"Enhancing Indigenous Peoples' Right to Self Determination: Data and Information from the Indigenous Navigator on Autonomy, Customary Law, and Indigenous Peoples' Own Institutions"* at the 23<sup>rd</sup> session of the UN Permanent Forum on Indigenous Issues (UNPFII) in New York. The objective of the side event was to provide a platform for exploring the effective realization of self-determination through the exercise of autonomy, respect for customary law, and the strengthening of Indigenous institutions. The event presented Indigenous Navigator data monitoring of self-determination, highlighting experiences from Indigenous Peoples' representatives from the Arctic, South America, Africa, and Asia. The panellists discussed how to address challenges and explore strategies for enhancing the recognition of Indigenous communities' self-determination and self-government according to their values and traditions.

The Indigenous Navigator Steering Committee submitted a statement on the future work of the UNPFII, which resulted in a recommendation in the UNPFII's report on the 23<sup>rd</sup> session. In its report, the Permanent Forum:

*welcomes the progress made in the development of community-based tools to monitor the implementation of the Declaration, the outcome document of the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development and encourages collaboration and contributions from Governments, the agencies of the United Nations*

*system, indigenous peoples and civil society organizations to the Indigenous Navigator framework and other tools in order to strengthen community-based monitoring of global commitments made under the Declaration, the World Conference and the Sustainable Development Goals.<sup>12</sup>*

Further, the UNPFII recommended expanding the use of the Indigenous Navigator tools to monitor UNDRIP implementation, and the commitments made at the World Conference on Indigenous Peoples (WCIP), the SDGs, and also encouraging donors to continue supporting this invaluable data collection tool.<sup>13</sup>

In May, Forest Peoples Programme (FPP) organized a side event at the 26<sup>th</sup> meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 26) under the UN Convention on Biological Diversity (CBD), in Kenya. The event focused on indicators in the monitoring framework of the KMGBF, which was a key discussion point at SBSTTA 26. The event was not exclusively on the Indigenous Navigator but more broadly on Indigenous-led monitoring and information systems, featuring the Indigenous Navigator and several other Indigenous-led initiatives. During SBSTTA 26, significant advocacy work was done to ensure recognition of the Indigenous Navigator as a key monitoring system for the KMGBF.<sup>14</sup> This resulted in the Indigenous Navigator being featured prominently in several documents and in the recommendations that were taken to COP16 on how to implement the proposed monitoring framework.<sup>15</sup>

In July, through the Indigenous Peoples Major Group for Sustainable Development (IPMG), the Indigenous Navigator supported the participation of six Indigenous representatives from Kenya, Belize, Nepal, Philippines, and Burkina Faso in the HLPF. They participated and intervened in the Expert Group Meeting on Collaborative Citizen Data where they recommended the recognition of community-generated data initiatives such as the Indigenous Navigator.

In October, Indigenous Navigator partners attended CBD COP16 in Cali, Colombia. FPP hosted a workshop on the Indigenous Navigator's Biodiversity Module.<sup>16</sup> The workshop and consultation with Indigenous representatives from Africa, Asia, and Latin and South America was aimed at enhancing community-based monitoring of the KMGBF. The

workshop brought together Indigenous leaders, biodiversity experts, and human rights advocates to discuss and refine the draft Biodiversity Module. This module is designed to support a Human Rights-Based Approach and enhance Indigenous Peoples' programmes for collecting, analysing, and utilizing data that reflects their knowledge systems and priorities. The workshop aimed to develop a robust and responsive set of surveys (national and community) that will be instrumental in monitoring the implementation of the KMGBF and recognizing the contributions and rights of Indigenous Peoples.

In November, in collaboration with DIHR, AIPP organized a side event at the UNFCCC COP29 in Baku, Azerbaijan.<sup>17</sup> The purpose of this side event was to introduce the new Climate Change Module and gather input for it from Indigenous Peoples and their organizations from different regions. A representative from DIHR presented the development of the module and outlined the scope of climate change policies, the scope of climate change-related projects, and the two climate change surveys—national and community surveys—as well as the survey methodology, its domains, and other key aspects. It was also mentioned that the surveys could be used in various ways, including reporting to UN human rights bodies (such as the Universal Periodic Reviews, Treaty Bodies, and Special Procedures), or advocating for policy changes such as adaptation plans, National Determined Contributions, carbon credit policies, and green energy policies. Additionally, the relevance for sub-national dialogues on issues affecting Indigenous territories and for raising awareness of State human rights obligations toward Indigenous Peoples in the context of climate change was highlighted. Participants at the event shared their observations and suggestions, which subsequently contributed to the finalization of the module. Several participants also showed an interest in applying the survey within their Indigenous communities once it is finalized and accessible.<sup>18</sup>

In November, in collaboration with the Indigenous Navigator partner in Colombia, Fundación Arte+, DIHR organized a workshop entitled "*Alliances for improving the availability, quality and use of data on Indigenous Peoples in Colombia*" in Bogotá, Colombia.<sup>19</sup> The workshop was attended by 27 participants from the national Statistical Office of Colombia, Indigenous Peoples' organizations, and other representatives. The workshop provided a space for dialogue and interaction and for ex-

ploring possible complementarities between existing data from official sources and the data generated by Indigenous Peoples themselves. The dialogue set out both to discuss the importance of citizen-generated data and to reflect collectively on ways to facilitate a more participatory production of official data on Indigenous Peoples in Colombia. The workshop concluded with a roadmap, establishing key actions to improve the collection, use, and protection of data in Indigenous communities. It highlighted the importance of coordination between institutions, universities, Indigenous organizations, and local and international allies. It further proposed the creation of roundtable discussions to harmonize data collection methodologies, strengthen the capacity of Indigenous Peoples to manage their data, and ensure the return of information to the communities. Furthermore, it called for the inclusion of more Indigenous Peoples in these processes.<sup>20</sup>

## **Community-led projects, fostering sustainable and self-determined growth**

The Indigenous Navigator provides a small grants facility to support target Indigenous communities to define and design projects addressing the concrete needs that have been identified through an analysis of the results of the community surveys. These projects are based on the Indigenous communities' own cultural values, traditional knowledge, and their visions for their own self-determined development. In 2023 and 2024, 39 small grant project proposals were developed by Indigenous communities, providing their solutions to the most pressing issues. In most cases, the projects are being implemented by the communities themselves. On a few occasions, the communities manage to obtain additional funds to co-fund projects, supported by the Indigenous Navigator. The projects focus on themes related to legal recognition; health and wellbeing; education, language and culture; income, production and food sovereignty; governance, leadership and institution; land tenure, environmental protection and access to natural resources; empowerment of women; empowerment of youth.

## Notes and references

1. See the Indigenous Navigator: <https://indigenousnavigator.org/>
2. Berger, David Nathaniel. "The Indigenous Navigator: Self-Determined Development" in The Indigenous World 2024, edited by Dwayne Mamo, pp 617-624. Copenhagen, Denmark: International Work Group for Indigenous Affairs (IWGIA), 2024. <https://iwgia.org/en/the-indigenous-navigator-self-determined-development/5412-iw-2024-in.html>
3. Argentina, Bangladesh, Bolivia, Brazil, Cambodia, Cameroon, Chile, Colombia, Ecuador, Finland, Guyana, Honduras, India, Japan, Kenya, Malaysia, Mexico, Myanmar, Nepal, Norway, Paraguay, Peru, Philippines, South Africa, Suriname, Sweden, Tanzania, Thailand, and Uganda.
4. Indigenous Navigator: <https://indigenousnavigator.org/index-explorer>
5. Each of the new modules consist of a national-level and a community-level survey.
6. Indigenous Navigator mid-term narrative report, January 2025. Prepared by DIHR. Unpublished.
7. United Nations Office of the High Commissioner for Human Rights. Human Rights Indicators: A Guide for Measurement and Implementation. <https://www.ohchr.org/en/publications/policy-and-methodological-publications/human-rights-indicators-guide-measurement-and>
8. UN Doc. CBD/COP/DEC/15/4, (19 December 2022): <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>
9. Indigenous Navigator mid-term narrative report, January 2025. Prepared by AIPP. Unpublished.
10. Economic and Social Commission for Asia and the Pacific. <https://www.unescap.org/>
11. Indigenous Navigator mid-term narrative report, January 2025. Prepared by AIPP. Unpublished.
12. United Nations Permanent Forum on Indigenous Issues. Report on the twenty-third session (15–26 April 2024) <https://documents.un.org/doc/undoc/gen/n24/121/40/pdf/n2412140.pdf>
13. *Ibid* and UN Permanent Forum on Indigenous Issues Highlights Indigenous Navigator with Key Recommendations <https://indigenousnavigator.org/news/un-permanent-forum-on-indigenous-issues-highlights-indigenous-navigator-with-key>
14. Indigenous Navigator annual narrative report, July 2024. Prepared by FPP. Unpublished.
15. The revised guidance on the Monitoring Framework mentions the Indigenous Navigator no less than 16 times as a monitoring tool that is essential to recognizing the roles and contributions of Indigenous Peoples: CBD, 16<sup>th</sup> Conference of the Parties to the CBD, Revised guidance on using the indicators of the monitoring framework of the Kunming-Montreal Global Biodiversity Framework, October 2024. <https://www.cbd.int/doc/c/80af/1256/4f0e7bc3a3263b61bc9c5093/cop-16-inf-03-en.pdf> See further: CBD, Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity, Joint programme of work on the links between biological and cultural diversity: review and update of the four adopted traditional knowledge indicators, November 2023. <https://www.cbd.int/doc/c/6cef/033f/90b2d461ecac9b1b93626b74/wg8j-12-06-rev1-en.pdf>; UN Doc. CBD/SBSTTA/26/INF/11, (24 April 2024): <https://www.cbd.int/>

doc/c/283e/eb7c/6a953a1e098b6c46e0f3be8d/sbstta-26-inf-11-en.pdf; UN Doc. CBD/SBSTTA/26/2, (30 March 2024): <https://www.cbd.int/doc/c/d140/f363/5a2af2b9b67c9e69b645fb84/sbstta-26-02-en.pdf>

16. See: Indigenous Navigator Consortium Joins COP16, in Calí, Colombia and Hosts Biodiversity Module Workshop <https://indigenousnavigator.org/news/press-release-indigenous-navigator-cop16>
17. See: Indigenous Navigator Consortium introduces climate change module at COP29 <https://indigenousnavigator.org/news/press-release-indigenous-navigator-cop16>
18. Indigenous Navigator mid-term narrative report, January 2025. Prepared by AIPP. Unpublished.
19. The Indigenous Navigator and Official Data: A Commitment to Dialogue and Interaction through Citizen Science: <https://indigenousnavigator.org/news/the-indigenous-navigator-and-official-data-a-commitment-to-dialogue-and-interaction-through>
20. Indigenous Navigator mid-term narrative report, January 2025. Prepared by DIHR. Unpublished.

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# The work of the UN Treaty Bodies and Indigenous Peoples' Rights

The treaty bodies<sup>1</sup> are the committees of independent experts in charge of monitoring the implementation by state parties of the rights protected in international human rights treaties. There are nine core international human rights treaties that deal with civil and political rights; economic, social and cultural rights; racial discrimination; torture; discrimination against women; child rights; migrant workers' rights; persons with disabilities; and enforced disappearances. The main functions of the treaty bodies are to examine periodic reports submitted by state parties, adopt concluding observations and consider individual complaints. Concluding observations contain a review of both positive and negative aspects of a State's implementation of the provisions of a treaty and recommendations for improvement. Treaty bodies also adopt general comments, which are interpretations of the provisions of the treaties. So far, the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Rights of the Child (CRC) have adopted general comments specifically addressing Indigenous Peoples' rights. This article contains a non-exhaustive overview of references made by treaty bodies in their concluding observations, general comments and views to Indigenous Peoples or to groups who otherwise self-identify as Indigenous Peoples, with a specific focus on five treaty bodies: CERD, the Committee on Economic, Social and Cultural Rights (CESCR), the Human Rights Committee (CCPR), CEDAW and the CRC.<sup>2</sup>

## The work of the UN treaty bodies and Indigenous Peoples' rights

In 2024, the treaty bodies adopted 145 concluding observations, and 103 lists of issues and lists of issues prior to reporting. Under its Early-Warning Measures and Urgent Procedures (EWUP), CERD sent 14 communications, including 10 Indigenous rights-related communications. The committees also adopted two new general recommendations as well as decisions, views, and opinions on four individual communications related to the violations of the rights of Indigenous Peoples and individuals.

### **Summary of concluding observations addressed to the state parties under review**

#### **Rights to self-identification and self-determination**

The CCPR underlined the States' failure to recognize the collective rights and legal personality of Indigenous Peoples in Suriname,<sup>3</sup> Indonesia,<sup>4</sup> Namibia,<sup>5</sup> and Chile.<sup>6</sup> CESCR and CEDAW underlined challenges related to the recognition of Indigenous Peoples' identity in Indonesia and expressed concern over New Zealand's<sup>7</sup> withdrawal of support for the UNDRIP. CERD expressed concerns at challenges related to: self-identification in Kenya,<sup>8</sup> recognition of Indigenous Peoples as subjects of public law in Mexico<sup>9</sup> and implementation of Indigenous Peoples' collective rights in Ecuador.<sup>10</sup> Finally, CERD underlined challenges related to the constitutional recognition of Indigenous Peoples' right to self-determination in Mexico and in obtaining autonomous status in Bolivia.<sup>11</sup> The CCPR expressed concerns over France's lack of progress on dealing with self-determination in French Polynesia<sup>12</sup> and New Caledonia's<sup>13</sup> organization of the third referendum without the Free, Prior, and Informed Consent (FPIC) of Indigenous Peoples.

The CCPR called upon: Namibia to recognize certain communities as Indigenous Peoples; Suriname to enact legislation recognizing the legal personality and collective rights of Indigenous Peoples; Chile to ensure constitutional recognition of the existence and rights of Indigenous Peoples; and Indonesia to establish a legislative and policy

framework recognizing and protecting the rights of all communities that self-identify as Indigenous Peoples. CERD and CRC recommended: that Mexico<sup>14</sup> adopt constitutional reforms to recognize Indigenous Peoples as rights holders and subjects of public law; and that Ecuador enact legislation and adopt regulations to codify the collective rights of Indigenous Peoples. CEDAW called upon Chile<sup>15</sup> to recognize Indigenous Peoples in the Constitution and New Zealand to ensure its laws and policies are aligned with UNDRIP. The CCPR recommended that France accelerate the realization of Indigenous Peoples' right to self-determination in New Caledonia and French Polynesia. CERD urged Mexico to ensure that constitutional amendments concerning the collective rights of Indigenous Peoples to self-determination and lands comply with international standards and recommended that Bolivia adapt its institutional framework to guarantee the rights to self-determination and self-governance of Indigenous Peoples.

## **Rights to lands, territories and natural resources**

The CCPR pointed out the lack of progress made to: amend the Amerindian Act and recognize Indigenous lands in Guyana,<sup>16</sup> and to adopt the draft Indigenous and Tribal Peoples' Collective Rights Act in Suriname. The CCPR underlined that laws enacted to protect land rights are inadequately enforced in India<sup>17</sup> while CERD pointed out the lack of recognition and protection of Indigenous lands in Mexico and lack of security of land tenure in Ecuador. CERD and CESCR underlined challenges, including the slow of process of land restitution, in Kenya and in registering, demarcating and titling Indigenous lands in Bolivia, Kenya, Venezuela,<sup>18</sup> Honduras<sup>19</sup> and Indonesia.<sup>20</sup> The CCPR, CERD and CESCR underlined patterns of: land dispossession in Honduras, Indonesia, and Kenya; and forced evictions and displacement in Indonesia, Kenya, Honduras, and Ecuador.

CCPR, CERD and CESCR underlined the threats/adverse impact caused by extractive projects (Honduras, Bolivia, Ecuador, India, Sweden,<sup>21</sup> Guyana, Mexico, Venezuela), deforestation (Honduras, India, Indonesia), agricultural activities (Bolivia), and wind power (Sweden) on the rights/lands/livelihoods/ways of life of Indigenous Peoples. Both CCPR and CESCR expressed concerns over laws to ease environmental

assessment requirements for businesses licences and mining permits in Indonesia, the limitations of the Swedish legal system to hold businesses accountable for human rights abuses abroad, and the absence of a human rights due diligence framework in Honduras and Indonesia. CERD expressed serious concerns about the lack of social or environmental impact studies carried out in Venezuela and Ecuador, while CESCR and the CCPR noted substandard environmental assessments in Honduras and a lack of environment assessments of mining activities in Guyana.

Guatemala,<sup>22</sup> Honduras, Mexico, Guyana, India, Bolivia, Indonesia, Venezuela, and Ecuador were recommended to guarantee the protection and recognition of Indigenous Peoples' collective rights to their lands. CCPR called upon Suriname to expedite the adoption of a draft law on the collective rights of Indigenous and tribal peoples and asked Guyana to expedite revisions to the Amerindian Act 2006 to recognize and protect Indigenous Peoples' land rights. CESCR called upon Indonesia to enact the Indigenous Peoples' Rights bill in order to simplify the process for recognizing Indigenous Peoples' lands, while CCPR called upon Indonesia to protect the right of Indigenous Peoples to dispose of their lands. CERD asked Venezuela to protect the rights of Indigenous Peoples to enjoy their own means of subsistence. The CRC called upon the Russian Federation<sup>23</sup> to facilitate Indigenous Peoples' access to wildlife and fishing. CERD recommended that Bolivia and Ecuador protect and guarantee the physical and cultural survival of Indigenous Peoples in voluntary isolation.

CCPR, CESCR, and CERD called upon states parties to: ensure that Indigenous Peoples are not dispossessed of their lands (Honduras, Kenya); demarcate (Guyana, Suriname, Bolivia, Venezuela), title or register (Guyana, Honduras, Bolivia, Venezuela, Kenya) Indigenous Peoples' land; and ensure access to justice/remedies for land disputes (Kenya, India, Indonesia), including land restitution (Namibia, Suriname, Ecuador, Kenya). The CCPR, CESCR, and CERD also recommended that Honduras, Suriname, and Kenya implement lands-related judgements and decisions of commissions and courts.<sup>24</sup> The CESCR, CCPR, and CRC recommended that evictions and displacements be prevented in Paraguay,<sup>25</sup> Indonesia, Venezuela and Kenya; ensure that relocations are preceded by consultation/FPIC of Indigenous Peoples (Indonesia, Kenya, Venezuela, India, Honduras) and that victims are provided with

redress (Paraguay, Indonesia) including land restitution/compensation (India, Honduras, Indonesia, Kenya).

CERD, CESCR and CCPR recommended that states parties: ensure that business entities operating in their jurisdiction exercise human rights due diligence to prevent, identify and/or mitigate risks of human rights violations in Guyana, Mexico, Ecuador, Indonesia, and Honduras; conduct independent studies on the social/environmental/human rights impact of exploitation projects on affected communities in Sweden, Bolivia, Venezuela, Mexico, Ecuador, Honduras, Indonesia and Guyana; protect Indigenous rights/traditional ways of life/livelihoods in Venezuela, Mexico and Sweden; ensure access to remedies/compensation in Sweden, Honduras, Indonesia, Bolivia, and Mexico; and ensure that Indigenous Peoples obtain project benefits in Honduras, Bolivia, and Mexico.

## **Rights to consultation and FPIC**

CCPR, CERD and CESCR underlined the failure of states parties to consult Indigenous Peoples and/or obtain their FPIC prior to: the granting of business licences/extractive or development projects in Honduras, Guyana, Namibia, Suriname, India, Bolivia, Ecuador, Mexico and Venezuela; dispossessions/evictions/displacements in Indonesia, Kenya and Venezuela; the adoption of legislative or administrative measures in France, Venezuela, Chile, Honduras, and Suriname. CCPR and CERD emphasized that consultation processes to obtain FPIC in Honduras, Mexico, and Bolivia do not meet international human rights standards. CCPR expressed concern over the delay in adopting a law on consultation and FPIC in Ecuador.

The CESCR, CCPR, and CERD recommended ensuring the right to consultation in order to obtain the FPIC of Indigenous Peoples before: granting licences for business activities in Indonesia, Honduras, Namibia, Guyana, Bolivia, Venezuela, Mexico and Ecuador; adopting or taking any legislative or administrative measures affecting Indigenous rights/lands in Indonesia, France, India, Sweden, Ecuador, Chile, Guyana and Bolivia; displacement/dispossession in Honduras and Kenya; and the militarization of Indigenous Peoples' lands in Venezuela. The CCPR, CERD and CESCR further recommended the repeal or amend-

ment of legislation that excludes the participation of Indigenous Peoples from decision-making processes in Indonesia and Honduras; the development/adoption of laws/legislation ensuring the right to consultation, with a view to obtaining the FPIC of Indigenous Peoples prior to any legislative or administrative measures affecting their rights in Honduras, Suriname, Kenya, Bolivia, Venezuela, Ecuador and Mexico; and the establishment of mechanisms guaranteeing consultation and FPIC in Chile, Honduras, Ecuador and Kenya.

## Civil and political rights, access to justice

CCPR, CERD and CEDAW expressed concerns over allegations of excessive use of force and violence by law enforcement officials in Venezuela, Mexico, India, Bolivia, Honduras, Brazil,<sup>26</sup> France and Ecuador; the militarization of Indigenous territories in Venezuela, Mexico and Ecuador; and reports of restrictions of freedom of movement and assembly in Ecuador and Chile during states of emergencies/exception. Both Committees expressed concern at allegations of summary executions or extrajudicial killings (India, Indonesia, Ecuador); arbitrary detentions (Indonesia, India, Venezuela, Mexico, Ecuador); and torture and ill-treatment (India, Venezuela, Indonesia, Mexico, Ecuador). The CCPR underlined gross/grave human rights abuses in Timor-Leste, Aceh and Papua; and in Suriname during the de facto military regime (1980–1991) and its failure to provide reparations.

Both CCPR and CERD highlighted the criminalization of Indigenous human rights defenders in Ecuador, Honduras and Indonesia; allegations of: acts of violence/attacks in Ecuador, Honduras, Venezuela, and Mexico; killings in Ecuador and Honduras; threats or harassment in Ecuador, Honduras, Venezuela, Mexico, Bolivia, and Indonesia; arbitrary/unlawful detentions and improper abuse/use of judicial proceedings against human rights defenders in Venezuela, Bolivia, France, and Ecuador; and reprisals in Indonesia and Ecuador.

Both CCPR and CERD underlined challenges related to access to justice in Guyana, Honduras, Surinam, Kenya, Bolivia, Venezuela, Mexico and Ecuador; lack of: adequate intercultural perspective within the Mexican judicial system, adequate coordination between the ordinary justice system and the Indigenous justice system in Ecuador, and rec-

ognition of the procedures of the Indigenous justice system in the ordinary justice system in Bolivia, as well as limited progress made towards the adoption of the law on special Indigenous courts in Venezuela and the bill on the implementation of Indigenous justice in Ecuador. CCPR further underlined the overrepresentation of Indigenous Peoples in prisons in New Caledonia and Chile.

CESCR and CERD recommended that Indonesia and Ecuador prevent or cease the deployment of military forces in development/extrac-  
tive projects. CERD and CCPR recommended Venezuela, Mexico, and India investigate all allegations of abuse committed by military forces. CCPR called upon Chile to ensure that measures imposed during a state of emergency are proportionate and strictly necessary and asked India to ensure that its counter-terrorism legislation complies fully with the principles of legal certainty, predictability, necessity, and proportionality. CERD requested that Ecuador ensure its regulations governing states of emergency comply with the principles of legality, necessity and proportionality. CCPR requested that France ensure all alleged cases of excessive use of force during the demonstrations in New Caledonia be investigated and prosecuted and that victims receive reparations. CCPR called for State accountability, including investigation and reparations for past serious human rights violations in Suriname and India.

CERD and CCPR recommended Bolivia, Venezuela and Ecuador adopt laws and policies to protect human rights defenders. CESCR recommended that states parties ensure Indigenous human rights defenders are not criminalized for carrying out their work in Indonesia. States parties were advised to: adopt programmes/policies to prevent criminalization/violence or threats against Indigenous human rights defenders and to guarantee their protection (Mexico, Venezuela, Bolivia, Ecuador, Honduras); investigate all cases of intimidation/violence/reprisals/use of force (Honduras, Mexico, Venezuela, Bolivia, Ecuador, Indonesia); address the disproportionate abuse/arbitrary use of criminal proceedings (Bolivia, Ecuador); ensure that perpetrators are brought to justice (Honduras, Mexico, Ecuador, Indonesia, Venezuela); and ensure remedies/reparation for victims (Honduras, Mexico, Ecuador, Venezuela).

CCPR called upon Honduras, Indonesia, Ecuador, and Guyana to guarantee access to justice for Indigenous Peoples, including the provision of legal services in Indigenous languages or through the use of interpreters (Honduras, Ecuador) and urged Suriname to decentralize the

judicial system with a particular emphasis on addressing challenges faced by Indigenous Peoples. CERD called upon Mexico, Ecuador, and Venezuela to incorporate an intercultural perspective into the justice system and increase the availability of interpreters and legal counsel with knowledge of Indigenous cultures, and advised Mexico, Ecuador, and Venezuela to recognize Indigenous justice systems. CERD also recommended the adoption of the Organic Act on the Implementation of Indigenous Justice in Ecuador and a law on special Indigenous courts in Venezuela and called for coordination between the Indigenous and State justice systems in Bolivia and Mexico. CERD further called upon Ecuador and Venezuela, respectively, to adopt “differentiated measures” taking “into account the cultural and religious practices of” Indigenous persons deprived of liberty, while CCPR called upon France to use alternative measures that enable Indigenous persons to serve criminal sentences in their community.

## **Rights to equality, non-discrimination and participation**

The Committees underlined multiple forms of discrimination faced by Indigenous Peoples in Mexico, Guatemala, Honduras, Namibia, Venezuela, Bolivia, and Ecuador; high levels of poverty in Mexico, Guatemala, Venezuela, and Ecuador; as well as challenges related to access to: education in Mexico, Namibia, Venezuela, and Bolivia; employment/labour market in Mexico, Namibia, Venezuela, Bolivia, and Ecuador; and health services in Mexico, Namibia, Venezuela, Bolivia, Indonesia and Ecuador. The Committees further underlined the lack of inclusion/low level of Indigenous participation/representation in political life and public affairs in Namibia, Suriname, France, Mexico, and Ecuador. CERD highlighted the adoption of some special regulations restricting Indigenous political participation in Venezuela.

CERD recommended that Mexico and Bolivia develop and implement guidelines to combat structural and institutional racism; that Mexico, Venezuela, and Ecuador develop guidelines/policies to combat racial discrimination/stereotypes; while CCPR recommended that Honduras ensure its legislative and policy framework prohibits intersectional discrimination against Indigenous Peoples. Both CRC and

CERD urged Guatemala to strengthen legislation and adopt measures to combat racism and discrimination and asked Venezuela to ensure that the policies adopted to eliminate racial discrimination are implemented. CERD and CCPR called upon Namibia, Suriname, Ecuador, Mexico, Ecuador, Venezuela and France to guarantee the right of Indigenous Peoples to participate in the conduct of public affairs and political life and/or ensure Indigenous participation in political/decision-making positions/structures, governance structures, public administration and representative institutions. CERD recommended that Venezuela repeal all legal provisions that restrict the right to political participation of Indigenous Peoples. Finally, CCPR called upon Suriname to recognize the traditional authorities of Indigenous Peoples and asked Namibia to review the process and criteria for the recognition of traditional chiefs under the Traditional Authorities Act.

## **Intersectional discrimination and the rights of Indigenous children**

The CRC expressed concerns over: multiple and intersecting forms of discrimination faced by Indigenous children in Argentina,<sup>27</sup> Mexico,<sup>28</sup> Republic of Congo (Congo),<sup>29</sup> Paraguay, and Guatemala; the lack of policies to protect Indigenous children in Argentina; limited progress in recognizing the rights of Indigenous children in Guatemala; high levels of poverty in Argentina, Guatemala, and Paraguay; and limited access to food (Argentina, Paraguay), healthcare (Guatemala, Argentina, Paraguay), and education (Argentina, Congo, Guatemala), plus violence and sexual abuse (Paraguay, Mexico).

Recalling its General comment No. 11 (2009) on Indigenous children and their rights under the Convention, the CRC recommended that Paraguay and Argentina guarantee the rights of Indigenous children to their lands and that Argentina and Paraguay develop a national action plan to protect and promote the rights of Indigenous children. South Africa<sup>30</sup> was advised to re-enact the Traditional and Khoi-San Leadership Act. The CRC also requested that Mexico, Paraguay and Guatemala guarantee consultation and the free, prior and informed participation of Indigenous children before adopting and implementing any legislative or administrative measures that may affect them.

Mexico, Namibia, Congo, and Paraguay were urged to take actions and/or enact laws/policies/regulations to combat/eliminate all forms of discrimination against Indigenous children. The CRC called upon states parties to eliminate poverty and food insecurity (Paraguay, Congo Argentina) and ensure access to housing/decent standard of living (Namibia, Paraguay, Russian Federation), food and nutrition (Russian Federation, Guatemala), birth registration (Argentina, Namibia, Guatemala, Paraguay, Congo), education (Paraguay, Congo, Russian Federation), in particular multilingual/bilingual education (Namibia, Guatemala, Argentina, Paraguay), and adequate/culturally sensitive healthcare facilities and services (Argentina, Namibia, Guatemala, Paraguay, Russian Federation). CRC recommended that Paraguay, Argentina, and Congo eliminate vulnerabilities to violence and exploitation and asked Congo to investigate/prosecute the sexual abuse and killings of Indigenous children.

CRC requested that the Russian Federation, Guatemala, and Mexico establish a regulatory framework for businesses operating in the country to ensure that their activities do not negatively affect the rights of Indigenous children, including their rights to: consultation and FPIC; lands; cultural and linguistic identity; and heritage. Mexico, Guatemala, Paraguay and the Russian Federation were further advised to require companies to undertake assessments and provide public disclosure of the environmental, health-related and children's rights impacts of their activities.

## **Intersectional discrimination and the rights of Indigenous girls and women**

CEDAW underlined restrictions related to: land ownership and property control in the Central African Republic,<sup>31</sup> land titles in Chile and Nicaragua,<sup>32</sup> and the planned adoption of the "Marco Temporal" in Brazil; as well as forced evictions/removals in Canada,<sup>33</sup> Chile, Brazil, and Nicaragua. CEDAW pointed out the environmental degradation caused by: mining projects in Canada, Chile, Central African Republic, and Nicaragua; agribusiness in Chile; and deforestation in Central African Republic and Nicaragua and the impacts on the traditional ways/lifestyle/livelihoods of Indigenous women and girls. CEDAW further pointed out

that mining, logging, and cattle ranching were occurring on Indigenous lands without consultation or the FPIC of Indigenous women or adequate benefit-sharing in Nicaragua and Brazil.

CERD underlined the multiple and intersecting forms of discrimination faced by Indigenous women and girls in Mexico, Venezuela, and Bolivia in relation to land (Kenya) and access to employment, education, and healthcare (Mexico, Venezuela). CEDAW underlined the ongoing gender-based discrimination in Canada caused by the status provisions of the Indian Act, as well as the intersecting forms of discrimination faced by Indigenous women in Canada, Chile, Japan,<sup>34</sup> Rwanda,<sup>35</sup> Brazil, Central African Republic, and Nicaragua and their limited access to: education (Malaysia,<sup>36</sup> Japan, Brazil, Nicaragua), employment (Japan, Malaysia, Canada, Brazil, Nicaragua), health and culturally appropriate health services (Japan, Malaysia, Brazil, Nicaragua, New Zealand, Malaysia). The Committees also expressed concern at forced sterilizations (Canada), obstetric violence (Chile, Bolivia), and high maternal mortality (Bolivia, Brazil, Nicaragua). CEDAW further underlined the underrepresentation of Indigenous women in decision-making positions (Nicaragua, Malaysia) and political and public life (Rwanda, Malaysia, Japan, Canada, Chile, Nicaragua), and the overrepresentation of Indigenous women in the penitentiary system (Canada, Chile, New Zealand).

CCPR and CERD raised concerns about violence/sexual violence faced by Indigenous women in Mexico, Venezuela, and India, while CEDAW underlined the prevalence of violence and gender-based violence in Brazil, Canada, Chile, New Zealand, and Nicaragua; killings of Indigenous women/human rights defenders in Brazil and Nicaragua; excessive use of force by State agents in Chile and Nicaragua; criminalization, attacks, reprisals and threats in Nicaragua, Canada, Chile, Nicaragua, and Brazil; and limited access to justice in Malaysia, Rwanda, Brazil, and Chile. CEDAW underlined the ongoing impacts of intergenerational trauma caused by the Indian Residential School System and the lack of action aimed at addressing the root, systemic causes of violence against Indigenous women and girls in Canada.

Drawing on its General recommendation No. 39 (2022) on the rights of Indigenous women and girls, CEDAW recommended that Chile eliminate discriminatory norms/customs that limit access to land ownership and recognize Indigenous women's collective and individual land tenure and ownership; that the Central African Republic ensure access

to land ownership and property; that New Zealand protect the rights of Indigenous women to maintain their spiritual relationship with their lands; and that Brazil ensure demarcation of Indigenous territories without any temporal restrictions. CEDAW recommended protecting Indigenous women from forced evictions (Brazil) and providing reparations for victims (Nicaragua, Brazil). CERD advised Kenya to ensure respect for women's rights in both formal and customary land-tenure systems.

CEDAW recommended that Chile, Brazil, Nicaragua, New Zealand, and Canada ensure/obtain the FPIC of Indigenous women in relation to extractive activities/projects/decisions affecting their lands; ensure that projects for the exploitation of natural resources be subject to environmental impact assessments (Nicaragua), benefit-sharing (Nicaragua, Chile, Canada) and compensation (Brazil). The Central African Republic was asked to apply due diligence to hold extractive industries accountable for violations of Indigenous women's human rights, and that Canada ensure its companies operating domestically and abroad are held accountable for human rights violations.

CERD recommended that Mexico and Venezuela combat the multiple forms of discrimination experienced by Indigenous women and that Mexico, Venezuela, and Bolivia ensure access to education, employment and healthcare. States parties were urged to take measures/affirmative actions to ensure equal representation of Indigenous women in all areas where they are underrepresented or face discrimination (Central African Republic, Canada, Chile, Malaysia) particularly in decision-making positions in political and public life (Malaysia, Brazil, Chile, Nicaragua, Japan, New Zealand, Ecuador). CEDAW recommended that Nicaragua, Chile, New Zealand, Malaysia, and Japan address intersecting forms of discrimination faced by Indigenous women and girls; that Canada amend the Indian Act to remove legal provisions that do not recognize the equal rights of women and men to transmit their Indian status to their children; and that Rwanda address inequalities faced by Batwa women. States parties were called upon to ensure access to: housing, social and economic benefits (New Zealand), justice (Chile, New Zealand, Brazil), employment and/or economic opportunities (New Zealand, Brazil, Malaysia), healthcare (New Zealand, Japan, Malaysia, Brazil, and Nicaragua) and education (Canada, Chile, Malaysia, Brazil, Nicaragua); and prevent/counter maternal mortality (Brazil, Bolivia); ensure access to abortion (Guyana); address obstetric violence (Chile,

Bolivia) and forced sterilization (Canada, Mexico,); and incorporate Indigenous practices into the healthcare system (Brazil).

CEDAW and CERD recommended that states parties protect Indigenous women and girls from gender-based violence (New Zealand, Nicaragua, Venezuela, Mexico); punish/sanction perpetrators (Canada, Nicaragua); and provide access to justice or remedies (Canada, Nicaragua). Canada was asked to investigate the correlation between the legacy of residential schools and high rates of violence against Indigenous women and ensure reparations. CEDAW and CERD recommended that Bolivia prevent harassment and violence; that Brazil protect Indigenous women human rights defenders from threats, attacks, killings, and criminalization. Chile and Bolivia were advised to investigate all acts of violence/excessive use of force against women environmental human rights defenders and to prosecute and punish perpetrators. CEDAW called upon Canada to develop mechanisms to prevent the criminalization of Indigenous women human rights defenders.

## **Other general activities of the treaty bodies relevant to the rights of Indigenous Peoples**

### **General comments and General recommendations**

CEDAW adopted General recommendation No. 40 on the equal and inclusive representation of women in decision-making systems,<sup>37</sup> which specifically acknowledges the intersectional discrimination faced by Indigenous women and the value of their traditional knowledge. The Committee identified seven pillars of equal and inclusive representation of women in decision-making systems and the corresponding obligations of States and provided recommendations for achieving gender parity and inclusion in decision-making at all levels, including within the UN system. Section V of the General recommendation contains a number of recommendations addressed to states parties to achieve the equal and inclusive representation of women in decision-making systems.

CERD adopted General recommendation No. 37 on racial discrimination in the enjoyment of the right to health,<sup>38</sup> drawing attention to Indigenous Peoples' definition of health, and encouraging the integration of spirituality, traditional medicine, and biodiversity, all closely tied to the right to self-determination. The General recommendation recog-

nizes the intersecting identities of Indigenous women and girls, which exacerbate barriers to accessing reproductive health, and the need to provide culturally appropriate, gender-sensitive, and geographically accessible healthcare in Indigenous languages, without discriminating against traditional knowledge, healers, and practices. Section V of the General recommendation contains a large number of recommendations addressing the rights of Indigenous Peoples.<sup>39</sup>

The CRC is drafting General comment No. 27 on children's rights to access justice and effective remedies.<sup>40</sup> CESCR is developing a General comment on sustainable development and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).<sup>41</sup> CERD and the Committee on Migrant Workers (CMW) are currently working on a Joint General comment/recommendation on State Parties' Obligations on Public Policies for Addressing and Eradicating Xenophobia and its impact on the rights of migrants, their families, and other non-citizens affected by racial discrimination.<sup>42</sup>

## Individual complaints

The CRC, CESCR, CCPR, and CEDAW all issued views on individual complaints relating to Indigenous Peoples' rights in 2024.

*Kova-Labba Siida v. Finland*,<sup>43</sup> is a decision of the CRC involving Sámi reindeer herder children. The children alleged that their right to culture was threatened by mining, tourism, wind farms and other outside activities conducted within their traditional territory. The Committee found that by granting exploration permits without ensuring effective participation, consultation and prior impact assessments, the State party had violated the authors' rights under articles 8, 27 and 30, in conjunction with the non-discrimination provision, article 2.1 of the Convention on the Rights of the Child.

In a CESCR case<sup>44</sup> of the same name, the authors raised similar concerns over mineral exploration and the creation of a reservation on Sámi traditional territory. The Committee held Finland in violation of ICESCR article 15(1)(a) (culture), read alone and in conjunction with articles 1 (self-determination), article 2(2) (non-discrimination) and article 11 (standard of living). The Committee recalled that land is closely linked with the right to self-determination and that self-determination is the

fundamental premise of the right to consultation and consent.<sup>45</sup> The Committee issued specific recommendations for Finland to review the exploration permits and the reservation “based on an adequate process for free, prior and informed consent, accompanied by an independent assessment of the impact on their rights.” General recommendations included a promise of non-repetition, the creation of legal protections to enshrine FPIC, provisions to ensure environmental, social, and cultural impact assessments, and the legal recognition of Indigenous Peoples’ rights to their traditional lands, including through collective ownership.

In *Jovsset Ante Sara v. Norway*,<sup>46</sup> the CCPR found that the State party had violated a Sámi reindeer herder’s right to culture under article 27 of the International Covenant on Civil and Political Rights by ordering him to cull his reindeer herd under the 2007 Reindeer Husbandry Act. The Committee noted that reindeer husbandry was covered by the protections of article 27 as an essential element of the culture of a community, a way of life closely associated with their traditional lands, territories, and resources and tied to their physical and cultural survival.

CEDAW issued a decision in the case of *Maria Elena Carbajal Cepe-dá et al. v. Peru*<sup>47</sup> filed by Indigenous women who alleged they had been subjected to forced sterilization in the 1990s. The Committee found Peru in violation of article 2 (non-discrimination) read in conjunction with articles 3, 10(h), 12, 14 and 24 of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee further found that the State party did not sufficiently investigate and punish those responsible and did not implement measures for the authors to obtain reparations. It made specific recommendations for the State to provide the authors with financial compensation and psychological assistance and to investigate the incidents and punish those responsible. More generally, it urged Peru to investigate all acts of forced sterilization, implement a reparation programme, and ensure a legal framework adequate to diligently addressing investigations and reparation processes.

## **Early-Warning Measures and Urgent Action Procedures (EWUP)**

Under its EWUP, CERD considered 10 Indigenous rights-related cases.<sup>48</sup> The letters concerned: Australia’s 2023 restoration of the 1972 Western

Australian Government's Aboriginal Cultural Heritage Act;<sup>49</sup> updates on the situation of Indigenous Peoples in the Chittagong Hill Tracts in Bangladesh;<sup>50</sup> land rights of the Bagyeli Indigenous Peoples in Cameroon;<sup>51</sup> criminalization of First Nations members opposing pipeline projects in Canada;<sup>52</sup> the impacts of the Canadian-owned Line 5 pipeline on Indigenous Peoples in the United States and Canada;<sup>53</sup> updates to Canada's drafting of the distinctions-based Indigenous health legislation;<sup>54</sup> the construction of the Thirty Meter Telescope and its impact on the Mauna Kea sacred site in USA;<sup>55</sup> the Apache Indigenous Peoples' opposition to a mining project and its impacts on the Oak Flat sacred site in USA;<sup>56</sup> the construction of a French-owned power plant in French Guyana, resulting in the deforestation of the Kali'na Indigenous Peoples' lands, police violence and criminalization;<sup>57</sup> Guyana's granting of mining concessions on the lands of the Wapichan and the Chinese Landing Carib Indigenous People;<sup>58</sup> and the impact of seaport development on the Nama Indigenous Peoples in Namibia.<sup>59</sup>

## Notes and references

1. For more information on the treaty bodies and their work: <https://www.ohchr.org/EN/HRBodies/Pages/Overview.aspx>
2. Due to word limits, the activities of the Committee against Torture (CAT), Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), Committee on Migrant Workers (CMW), Committee on the Rights of Persons with Disabilities (CRPD) and Committee on Enforced Disappearances (CED) were not included.
3. CCPR/C/SUR/CO/4, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FSUR%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FSUR%2FCO%2F4&Lang=en)
4. E/C.12/IDN/CO/2, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FIDN%2FCO%2F2&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FIDN%2FCO%2F2&Lang=en)
5. CCPR/C/NAM/CO/3, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FNAM%2FCO%2F3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FNAM%2FCO%2F3&Lang=en)
6. See references to constitutional amendment process in CCPR/C/CHL/CO/7, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FCHL%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FCHL%2FCO%2F7&Lang=en)
7. CEDAW/C/New Zealand/CO/9, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FNewZealandL%2FCO%2F9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FNewZealandL%2FCO%2F9&Lang=en)
8. CERD/C/KEN/CO/8-9, 31, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKEN%2FCO%2F8-9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FKEN%2FCO%2F8-9&Lang=en)

9. CERD/C/MEX/CO/22-24, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FMEX%2FCO%2F22-24&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FMEX%2FCO%2F22-24&Lang=en)
10. CERD/C/ECU/CO/25, 23, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FECU%2FCO%2F25&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FECU%2FCO%2F25&Lang=en)
11. CERD/C/BOL/CO/21-24, <https://docs.un.org/en/CERD/C/BOL/CO/21-24>
12. CCPR/C/FRA/CO/6, <https://docs.un.org/en/CCPR/C/FRA/CO/6>
13. Ibid
14. CRC/C/MEX/CO/6-7, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FMEX%2FCO%2F6-7&Lang=en;](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FMEX%2FCO%2F6-7&Lang=en)
15. CEDAW/C/CHL/CO/8, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%25FC%252FCHL%252FCO%252F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%25FC%252FCHL%252FCO%252F8&Lang=en)
16. CCPR/C/GUY/CO/3, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FGUY%2FCO%2F3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FGUY%2FCO%2F3&Lang=en)
17. CCPR/C/IND/CO/4, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FIND%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FIND%2FCO%2F4&Lang=en)
18. CERD/C/VEN/CO/22-24, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FVEN%2FCO%2F22-24&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FVEN%2FCO%2F22-24&Lang=en)
19. CCPR/C/HND/CO/3, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FHND%2FCO%2F3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FHND%2FCO%2F3&Lang=en), E/C.12/HND/CO/3, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FHND%2FCO%2F3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FHND%2FCO%2F3&Lang=en)
20. E/C.12/IDN/CO/2, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FIDN%2FCO%2F2&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FIDN%2FCO%2F2&Lang=en).
21. E/C.12/SWE/CO/7, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FSWE%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FSWE%2FCO%2F7&Lang=en)
22. CRC/C/GTM/CO/7, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGTM%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGTM%2FCO%2F7&Lang=en)
23. CRC/C/RUS/CO/6-7, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FRUS%2FCO%2F6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FRUS%2FCO%2F6-7&Lang=en)
24. CCPR called upon Honduras and Suriname to ensure the full implementation of the judgements of the Inter-American Court of Human Rights regarding the rights of Indigenous and tribal peoples. CESCR called upon Honduras to ensure implementation of all judicial decisions, in particular the amparo ruling in favour of the Tolupán Indigenous People in Yoro. CERD recommended that Kenya fully implement the African Commission and Court on Human and Peoples' Rights and High Court decisions regarding the rights of the Endorois, Ogiek and Sengwer peoples.
25. CRC/C/PRY/CO/4-6, <https://docs.un.org/en/CRC/C/PRY/CO/4-6>
26. CEDAW/C/BRA/CO/8-9, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FBRA%2FCO%2F8-9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FBRA%2FCO%2F8-9&Lang=en).
27. CRC/C/ARG/CO/7, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/)

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- 29.** CRC/C/COG/CO/5-6, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCOG%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCOG%2FCO%2F5-6&Lang=en)
- 30.** CRC/C/ZAF/CO/3-6, <https://docs.un.org/en/crc/c/zaf/co/3-6>
- 31.** CEDAW/C/CAF/CO/6, <https://docs.un.org/en/CEDAW/C/CAF/CO/6>
- 32.** CEDAW/C/NIC/CO/7-10, <https://docs.un.org/en/CEDAW/C/NIC/CO/7-10>
- 33.** CEDAW/C/CAN/CO/10, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCAN%2FCO%2F10&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCAN%2FCO%2F10&Lang=en)
- 34.** CEDAW/C/JPN/CO/9, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FJPN%2FCO%2F9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FJPN%2FCO%2F9&Lang=en)
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- 36.** CEDAW/C/MYS/CO/6, <https://docs.un.org/en/CEDAW/C/MYS/CO/6>
- 37.** CEDAW/C/GC/40, <https://documents.un.org/doc/undoc/gen/h24/324/40/pdf/n2432440.pdf>
- 38.** CERD/C/GC/37, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-37-2024-racial>
- 39.** The General recommendation notably calls upon states parties to: refrain from prohibiting or impeding access to traditional medicine and practice; adopting discriminatory laws and practices in sexual and reproductive health; conducting activities that cause disproportionate environmental damage or expropriate Indigenous Peoples' lands and displacing them without their prior, free and informed consent; installing waste disposal sites or other environmental hazards on Indigenous Peoples' territories and imposing restrictions on the permanent rights of Indigenous Peoples, endangering their self-determination, traditional livelihoods and cultural rights, in accordance with the standards of the UNDRIP. The General recommendations also called upon states parties to ensure that a sufficient number of health professionals provide services to Indigenous Peoples, and that the State party set up benchmarks for monitoring progress in key areas of Indigenous disadvantage, co-design with Indigenous Peoples culturally acceptable and gender-sensitive preventive, curative and palliative health services, adopt and implement well-resourced policies that aim to improve the socioeconomic situation of Indigenous Peoples and to address the deep-rooted discrimination, including special measures.
- 40.** The Comment will examine various mechanisms and how they interact and complement each other, including customary, tribal, and Indigenous justice systems. The Comment seeks to provide guidance on empowering children as rights holders, including child human rights defenders and children involved in the justice process. It will address the procedural rights of children, including legal standing, legal aid, the right to be heard and accompanied, and the right to interpretation and translation. A core objective of the Comment is to identify the practical, legal, social and cultural barriers for children seeking access to justice. Para 1 discusses the background need for the comment.

Para 10 discusses the scope of the guidance the general comment will provide.  
Para 13 discusses the procedural legal rights of children and their families.

Para 17 discusses some core aims of the general comment. (CRC/C/GC/27) OHCHR. "Committee on the Rights of the Child. Concept Note: Children's Rights to Access to Justice and Effective Remedies." <https://www.ohchr.org/en/documents/general-comments-and-recommendations/draft-general-comment-no-27-childrens-rights-access>

41. The Comment will explore the following themes: natural resources and responsible governance; environmental degradation and biodiversity loss; climate change and economic and social and cultural rights; gender equality; marginalized groups and intersectionality; Indigenous Peoples, peasants and rural workers; private actors; international cooperation, extra-territorial obligations and transboundary impacts; remedies and accountability; and the interrelationship between sustainable development and the Covenant. <https://www.ohchr.org/en/treaty-bodies/cescr/general-comment-sustainable-development-and-international-covenant-economic-social-and-cultural>
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45. As explained by the Committee, states parties to the CESCR are required to take measures to recognize and protect the rights of Indigenous Peoples to own, develop, control and use their communal lands, territories and resources and to ensure their effective participation in decision-making processes that may affect their way of life, in particular their right to land, based on the principle of their free, prior and informed consent, so as not to endanger the very survival of the community.
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# UN Educational, Scientific and Cultural Organization (UNESCO) World Heritage Convention

The Convention Concerning the Protection of the World Cultural and Natural Heritage ("World Heritage Convention") was adopted by UNESCO's General Conference in 1972. With 196 States Parties, it is today one of the most widely ratified multilateral treaties. Its main purpose is the identification and collective protection of cultural and natural heritage sites of "Outstanding Universal Value" (OUV). The Convention embodies the idea that some places are so special and important that their protection is not only the responsibility of the states in which they are located but also a duty of the international community as a whole.

The implementation of the Convention is governed by the World Heritage Committee (WHC), consisting of 21 States Parties. The WHC keeps a list of the sites it considers to be of OUV ("World Heritage List") and monitors the conservation of these sites to ensure that they are adequately protected and safeguarded for future generations. Sites can only be listed following a formal nomination by the State Party in whose territory they are situated, and are classified as either "natural," "cultural," or "mixed" World Heritage sites.

Many World Heritage sites overlap with Indigenous Peoples' territories. Although most of these are classified as purely "natural sites", without recognition of Indigenous cultural aspects, there are also some that are listed for their Indigenous cultural values or interlinkages between nature and Indigenous

culture. The WHC is supported by a Secretariat (the UNESCO World Heritage Centre) and three Advisory Bodies that provide technical evaluations of World Heritage nominations and help monitor the state of conservation of World Heritage sites: the International Union for Conservation of Nature (IUCN), the International Council on Monuments and Sites (ICOMOS), and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).

In 2017, Indigenous delegates attending the 41st session of the WHC created the International Indigenous Peoples' Forum on World Heritage (IIPFWH) as a platform dedicated to strategizing and advocating towards full respect for Indigenous Peoples' rights within World Heritage processes.<sup>1</sup> While the IIPFWH does not fulfil any official functions, the WHC has recognized it as an "important reflection platform on the involvement of Indigenous Peoples in the identification, conservation and management of World Heritage properties".<sup>2</sup>

## **International Expert Workshop on Recognizing and Respecting Indigenous Peoples' Heritage Values in World Heritage sites, Geneva, 17-19 January 2024**

**O**n 17-19 January 2024, with the assistance of IWGIA, the IIPFWH organized an expert workshop on recognition and respect for the heritage values of Indigenous Peoples within the framework of the World Heritage Convention. The workshop brought together Indigenous Peoples' representatives and experts from the seven Indigenous socio-cultural regions, officials from UNESCO and the WHC's Advisory Bodies, the three UN mechanisms on Indigenous Peoples (Special Rapporteur, Expert Mechanism, Permanent Forum), the UN Special Rapporteur in the field of cultural rights, other experts in World Heritage, human rights, and Indigenous Peoples' issues, and some government representatives. Financial support for the expert workshop was provided by the Australian government, UNESCO's World Heritage Fund, and IWGIA.

The workshop responded to concerns raised by the UN mechanisms on Indigenous Peoples about the nature-culture divide in the implementation of the World Heritage Convention and the frequent classification of World Heritage sites in Indigenous Peoples' territories as purely "natural sites", without recognizing Indigenous Peoples' relationship to the land and cultural values in the OUV (i.e. as part of the heritage values for which sites are inscribed on the World Heritage List). For instance, the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calf Tzay, remarked in 2022 that the distinction between cultural and natural World Heritage sites was "highly problematic where Indigenous Peoples' territories and heritage are concerned" considering that "for Indigenous Peoples, cultural and natural values are inseparably interwoven and should be managed and protected in a holistic manner".<sup>3</sup> The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) observed in 2015 that

*the protection of world heritage can undermine Indigenous Peoples' relationship with their traditional lands, territories and resources, as well as their livelihoods and cultural heritage, especially in sites where the natural values are deemed to be of outstanding universal value but the cultural values of Indigenous Peoples are not taken into account.<sup>4</sup>*

The EMRIP recommended that "the WHC should adopt changes to the criteria and regulations for the assessment of 'outstanding universal value' so as to ensure that the values assigned to World Heritage sites by Indigenous Peoples are fully and consistently recognized as part of their OUV".<sup>5</sup>

The theme of the expert workshop was connected to a 2023 ICO-MOS resolution entitled "Recognizing Indigenous Peoples' Values and Interconnections between Culture and Nature in the Outstanding Universal Value of World Heritage Sites".<sup>6</sup> The resolution acknowledges that many World Heritage sites in Indigenous Peoples' territories were designated without meaningful Indigenous participation and failed to reflect their cultural context, their relationship to land, and the links between nature and Indigenous culture, with significant negative effects

on Indigenous rights, traditions, livelihoods, and cultural heritage. It calls on ICOMOS to advocate for reforms to World Heritage processes and to work with the other Advisory Bodies and the IIPFWH to develop options for changes to the criteria for assessing OUV.

The main purpose of the expert workshop was to develop recommendations from Indigenous experts on measures to enable and support more consistent and appropriate recognition of Indigenous Peoples' heritage values and relationship to the land in the OUV and management of World Heritage sites. The results of the expert workshop were to be compiled in an outcome document containing recommendations for the consideration of the WHC, States Parties, UNESCO, the Advisory Bodies, and others, to be submitted to the WHC at its 46<sup>th</sup> session in July 2024 and presented in relevant UN and other international forums.

The WHC officially welcomed the (planned) expert workshop in a decision passed at its extended 45<sup>th</sup> session in Riyadh in September 2023.<sup>7</sup> It invited States Parties to contribute financially to the workshop and requested the World Heritage Centre to report on the workshop at its 46<sup>th</sup> session.

### **Outcome Document of the Geneva expert workshop**

The final day of the expert workshop was dedicated to discussing the Outcome Document and the key elements of the recommendations contained therein. The representatives of the World Heritage Centre and the Advisory Bodies decided not to participate in these discussions as the Outcome Document was supposed to reflect the collective view of the Indigenous experts at the workshop rather than those of UNESCO or the Advisory Bodies. At the end of the discussions, a drafting committee of six persons was tasked with developing a consolidated draft of the Outcome Document for the review and feedback of the workshop participants (including UNESCO and the Advisory Bodies) and subsequent submission to the WHC's 46<sup>th</sup> session. The Outcome Document resulting from this process was finalized by the drafting group at the beginning of May 2024 but, as of the time of writing, the IIPFWH Secretariat has not submitted it to UNESCO nor has it been published. It contains a series of recommendations under seven themes:

1. Refining the interpretation of the concept of Outstanding Universal Value so that it accommodates and is respectful of Indigenous Peoples' values and perspectives, in consistency with the international community's commitment to the protection of cultural diversity.
2. Making changes to the natural criteria to help overcome the Eurocentric nature-culture divide in the implementation of the World Heritage Convention.
3. Ensuring that the implementation of the World Heritage Convention is consistent with a human rights-based approach.
4. Ensuring that Indigenous Peoples' right to free, prior, and informed consent is operationalized in the processes of the World Heritage Convention in a systematic, consistent, and constant manner, in accordance with international standards and obligations.
5. Ensuring the direct and meaningful participation of Indigenous Peoples in all World Heritage Convention processes affecting Indigenous Peoples.
6. Establishing independent grievance/redress mechanisms at the UNESCO/WHC level to help remedy injustices suffered by Indigenous Peoples in World Heritage sites and World Heritage processes.
7. Developing capacity building programmes to support the effective participation of Indigenous Peoples in World Heritage processes and increase understanding of Indigenous Peoples' status, rights, and heritage within the World Heritage system.<sup>8</sup>

## **IIPFWH meeting, Geneva, 20 January 2024**

On the day after the Geneva expert workshop, there was a meeting of the IIPFWH to discuss the way forward for the IIPFWH and the possibility of establishing a voluntary fund for Indigenous Peoples' participation in the World Heritage Convention. One main topic of discussion was the advantages and disadvantages of incorporating the IIPFWH as a legal entity. There were highly divergent views on that issue and there was agreement that more discussion was necessary. A new interim steering

committee for the IIPFWH was appointed, as well as a technical committee. Chrissy Grant from Australia was reappointed as IIPFWH Chairperson and Lance Syme, also from Australia, was appointed as the new interim IIPFWH Secretariat (a role that had previously been played by the Indigenous Peoples of Africa Co-ordinating Committee (IPACC)). It was also decided that terms of reference would be developed for the steering committee and the secretariat.

## **Joint UNESCO/ICOMOS/IUCN Advisory mission to the Ngorongoro Conservation Area (NCA), Tanzania, 4-9 February 2024**

From 4-9 February 2024, at the invitation of the Tanzanian government, a joint UNESCO/ICOMOS/IUCN Advisory mission was undertaken to advise on the ongoing review of the NCA's Multiple Land-Use Model management system (MLUM), the resettlement of Indigenous communities that is being implemented as a result of the review, and matters related to human rights concerns raised regarding the resettlement scheme.<sup>9</sup> While the Tanzanian government claims that all relocations are "voluntary", the government has heavily reduced basic social and medical services in the NCA and continues to constrict Maasai livelihoods as a means of exerting pressure on the Maasai to relocate.<sup>10</sup> The World Heritage Centre and the Advisory Bodies have received numerous letters and reports in recent years, from civil society organizations and international human rights mechanisms alike, raising concerns about forced evictions of Maasai from the NCA and serious human rights abuses in and around the World Heritage site.<sup>11</sup> Regrettably, this comes after UNESCO, the WHC and the Advisory Bodies have for many years been identifying the livelihood activities and growing population of the NCA's pastoralist residents as a major threat to the OUV of the site and repeatedly encouraging Tanzania to promote the "voluntary resettlement" of the Indigenous communities.<sup>12</sup>

Although the Advisory mission was mandated to meet with Indigenous community representatives, it was reportedly fully controlled by the Tanzanian government and conducted in a non-participatory and non-transparent fashion. The Maasai community in the NCA was nei-

ther clearly informed of the mission nor properly consulted, and there were extensive complaints that the mission members did not meet with legitimate representatives of the Maasai.<sup>13</sup> Indigenous organizations have therefore demanded that a new, genuinely transparent and participatory mission be conducted. They have also insisted that the report of the February 2024 mission remain unpublished due to its lack of legitimacy.<sup>14</sup>

## **46<sup>th</sup> Session of the WHC, New Delhi, 21-31 July 2024**

Given that the WHC in 2023 had welcomed the Geneva expert workshop and requested a report for its 46<sup>th</sup> session, the workshop was referenced in several of UNESCO's working documents for the session.<sup>15</sup> The World Heritage Centre's report on its activities, published on 7 June, notes that it participated in the workshop alongside the Advisory Bodies and that the workshop's main objective was "to discuss Indigenous Peoples' concerns about the lack of recognition, respect and protection of Indigenous Peoples' heritage and values in many World Heritage properties".<sup>16</sup> With respect of the results of the workshop, the report states that the workshop's outcome document was still being finalized, that it was expected to contain a series of recommendations under seven themes, and that it would hopefully provide a basis for working collaboratively to bring about change both at the international level and on the ground.<sup>17</sup>

A later working document, published on 15 July, recommended that the WHC urge the IIPFWH to release the outcome document promptly, emphasizing the need for a human rights-based approach under the World Heritage Convention.<sup>18</sup> The document draws attention to the many reports of human rights violations in and around World Heritage sites, including allegations of forced evictions, and recommends that the WHC encourage States Parties to actively investigate any allegations and strengthen their efforts to adopt a rights-based approach in line with the 2015 World Heritage and Sustainable Development Policy, the UNDRIP, and the International Bill of Human Rights. The document warns that "it is increasingly clear that the credibility of the World Heritage Convention and of individual World Heritage properties relies on the implementation of rights-based approaches".<sup>19</sup>

On the opening day of the session, IIPFWH Chairperson Chrissy Grant was invited to deliver a 5-minute verbal report on the findings of the Geneva expert workshop from the podium.<sup>20</sup> This symbolic gesture contrasted sharply with the lack of a meaningful role accorded to Indigenous organizations for the remainder of the session. As in previous years, Indigenous organizations and other observers were only allowed to speak after decisions had already been adopted, rendering their interventions meaningless to the decision-making process. The WHC completely ignored a “Declaration of Principles” passed by the General Assembly of States Parties in 2021, which commits the WHC to encouraging interventions from observers, including Indigenous Peoples’ representatives, before decisions are adopted.<sup>21</sup>

#### **Decision 46 COM 7**

Highly significant for the promotion of respect for Indigenous Peoples' rights in the implementation of the Convention was the WHC's adoption of Decision 46 COM 7,<sup>22</sup> in which it recalls the obligations of States Parties to

*ensure that the management of their World Heritage properties should follow a human rights-based approach in line with international human rights standards and norms... [and] ensure the full participation of all right-holders and stakeholders and in particular Indigenous Peoples including through the provision of Free, Prior and Informed Consent on issues related to World Heritage properties that affect Indigenous Peoples.*

The decision also

*strongly condemns all forms of human rights violations against Indigenous Peoples and local communities, including forced evictions, and reiterates that such violations are unacceptable within the framework of the World Heritage Convention, urges the States Parties concerned to urgently investigate allegations where such violations have been reported, and calls upon States Parties to ensure equitable, inclusive and participatory governance mechanisms ensuring full respect of hu-*

*man rights, including the rights of Indigenous Peoples, as an integral part of the management of World Heritage properties.*

Furthermore, the decision

*[a]cknowledges that historically for some World Heritage properties, OUV has been defined without the meaningful or sufficient participation of the Indigenous Peoples concerned and may not have taken into account their perspectives, including their relationship with the land and the interconnectedness of nature and culture and that this may have significant negative impacts on the rights, practices, traditions, livelihoods and heritage of concerned Indigenous Peoples.*

The decision also takes note of the international expert workshop held in Geneva in January 2024 with the participation of the Advisory Bodies and the World Heritage Centre and “invites the IIPFWH to make available the outcome document at the earliest opportunity”.

### **Noteworthy decisions on specific World Heritage sites**

As usual, the WHC adopted many decisions on World Heritage sites in Indigenous Peoples’ territories. Among the particularly noteworthy ones was the decision on the World Heritage sites in the Democratic Republic of the Congo (DRC), which expresses concern over reported human rights abuses against Indigenous Peoples and local communities during law enforcement operations. It urges the DRC to strengthen protections, implement a national code of conduct for eco-guards, establish a grievance mechanism, and adopt a rights-based management approach.<sup>23</sup> A separate decision on Kahuzi-Biega National Park (KBNP) reiterates these concerns and calls for the implementation of the recommendations of the “Commission of Inquiry into Alleged Violations Committed by ICCN [Congolese Institute for Nature Conservation] Personnel in the KBNP” and the 2019 “Bukavu Dialogue” to improve relations with Batwa communities.<sup>24</sup>

The decision on the Laponian Area (Sweden) expresses concern about the potential impacts of the proposed Kallak Mine on Sámi reindeer herding and the OUV of the Laponian Area. The decision requests

that Sweden “ensure that any further consideration of mining permits guarantees the FPIC of the Sámi indigenous peoples, in accordance with international norms and standards”.<sup>25</sup>

The decision on the Ngorongoro Conservation Area<sup>26</sup> acknowledges ongoing complaints from local communities about inadequate consultation during the February 2024 UNESCO/ICOMOS/IUCN Advisory mission. While noting that a report on the mission’s preliminary findings was being finalized, the decision stresses that further on-site engagement was required and requests that Tanzania invite a new Reactive Monitoring mission to ensure that all views and concerns on the review of the MLUM and the voluntary resettlement scheme are heard. Regarding the NCA’s management system, it expresses the WHC’s view “that the continued implementation of a MLUM, that is developed in consultation with stakeholders and rightsholders, and ensures a clear human rights based approach, is appropriate in principle”, noting that Tanzania’s own 2020 MLUM review<sup>27</sup> states that maintaining a MLUM has “more advantages economically, socially, culturally, politically and internally than... changing NCA to other protected area category”.<sup>28</sup> The decision emphasizes the need for effective consultation with all stakeholders and rightsholders, including those who oppose relocation, in going forward.

A controversial incident occurred immediately after the WHC’s adoption of the NCA decision. As the IIPFWH was preparing to read a statement on the decision – which had already been sent to the World Heritage Centre for translation purposes – a senior representative of the Centre demanded the removal of a sentence objecting to the issuance of any report on the February 2024 mission due to its lack of legitimacy. The IIPFWH complied under the threat of being silenced but later sent a formal protest to UNESCO denouncing the act as censorship and coercion.

## **African Commission on Human and Peoples’ Rights (ACHPR) Decision on Kahuzi-Biega National Park (KBNP)**

In late July 2024, the ACHPR published an historic decision in favour of the Batwa Indigenous People of the KBNP,<sup>29</sup> who were forcibly evicted

from their ancestral land when the park was created in the 1970s without being given compensation or other land to live on. The decision had already been adopted by the ACHPR in 2022 but its publication was delayed by months. It has been fully endorsed by the African Union.<sup>30</sup>

In its decision, the African Commission found that the DRC government had violated at least 10 articles of the African Charter, to which the DRC is a signatory and party. These include the rights to life, property, natural resources, development, religion, and culture. The decision recognizes Batwa as the best guardians of biodiversity and calls for their return to their ancestral land. It requests that the DRC take several steps to provide restitution and redress for the rights violated and harm suffered, including the reintegration of the Batwa into their ancestral territory, the granting of collective titles over their ancestral lands, and the rescinding of all laws, ordinances or other measures that prohibit the presence of the Batwa on their ancestral lands and their traditional use and enjoyment.

The ruling contains several references to the World Heritage Convention and explicitly recognizes the social, cultural, and other contributions of the Batwa to the heritage of humanity. It also recognizes that “fortress conservation” – a conservation model based on creating strict protected areas that exclude people – has failed to achieve environmental objectives and thus opens the door to other, better conservation practices.

## Notes and references

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27. The MLUM Review is appended to Tanzania's 2024 SOC report, available at <https://whc.unesco.org/document/205623>
28. The report of the World Heritage Centre and the Advisory Bodies additionally states that "Any option which would include abolishing the MLUM approach... and would require the relocation of all residents from the property, would mark a dramatic and highly concerning change in the management of the property. Furthermore, such an option would be in contradiction with the State Party's position that relocation is entirely voluntary, as it is apparent that there are residents who opposed to relocation". Doc. WHC/24/46.COM/7B.Add.4, p. 26.
29. Decision on Communication 588/15 (Minority Rights Group and ERND Institute on behalf of the Batwa of Kahuzi-Biega National Park v. DRC), available at <https://minorityrights.org/batwa-ruling/>
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# UN Environment Programme – Core Human Rights Principles for Private Conservation Organizations and Funders

At the 16<sup>th</sup> Conference of the Parties (COP16) to the Convention on Biological Diversity (CBD), held in Cali, Colombia from 21 October to 1 November 2024, the UN Environment Programme (UNEP) launched a set of ten “Core Human Rights Principles for Private Conservation Organizations and Funders”.<sup>1</sup> The Core Principles are meant to guide private actors toward a human rights-based approach to conservation, fostering more inclusive and equitable practices that protect and promote the rights of Indigenous Peoples and others in conservation.

The Core Principles respond to a perceived “lack of a clear understanding of how relevant human rights norms and standards apply to private conservation organizations and funders”.<sup>2</sup> Although States are the primary duty-bearers under international human rights law, private conservation organizations and funders are crucial in driving conservation efforts and have contributed in many ways to the long history of human rights violations and abuses caused by or linked with the creation and administration of protected areas and other conservation initiatives. Conservation organizations such as World Wildlife Fund (WWF), the Wildlife Conservation Society, or The Nature Conservancy channel huge amounts of money in financial and technical support from donors in wealthy nations to protected areas around the world. In many cases, private conservation

organizations also manage or co-manage protected areas directly. However, despite their significant role and influence, a common understanding of the human rights responsibilities of private conservation actors has been largely lacking. Moreover, they often receive far less scrutiny than governments.<sup>3</sup>

While primarily aimed at private conservation organizations and funders, the Core Principles offer guidance for all actors and stakeholders, including governments, on how to centre human rights in conservation efforts and contribute to achieving the goals and targets of the Kunming-Montreal Global Biodiversity Framework (KMGBF),<sup>4</sup> which is to be implemented and acted upon through a human rights-based approach.<sup>5</sup>

## Background<sup>6</sup>

There is widespread recognition today of the importance of respecting, protecting, and fulfilling human rights – particularly the rights of Indigenous Peoples – in conservation efforts. Already in 2003, the IUCN World Parks Congress, the most important global forum for setting international standards and guidelines for protected areas, announced a “New Paradigm for Protected Areas” that emphasized the need to respect the rights of Indigenous Peoples and local communities in biodiversity conservation.<sup>7</sup> This important shift in the approach to conservation was adopted in response to growing public opinion that conventional protected area models wrongly excluded or marginalized Indigenous Peoples and other rights-holders from their governance and management. In 2004, the Conference of the Parties to the CBD (COP) adopted a decision stating that “the establishment, management and monitoring of protected areas should take place with the full and effective participation of, and full respect for the rights of, Indigenous and local communities consistent with national law and applicable international obligations.”<sup>8</sup> In 2009, the International Union for Conservation of Nature (IUCN) and seven other major conservation organizations launched the Conservation Initiative on Human Rights (CIHR),<sup>9</sup> committing to respect and promote human rights within the scope of their

conservation programmes and not to contribute to infringements of human rights while pursuing their mission. In addition, many conservation organizations have adopted specific commitments to respect human rights, including in particular the rights of Indigenous Peoples.<sup>10</sup>

Most recently, at COP15 in December 2022, the Parties to the CBD reaffirmed their commitment to a human rights-based approach to conservation when they adopted the Kunming-Montreal Global Biodiversity Framework (KMGBF). The KMGBF, which calls for the designation of at least 30% of the planet's land and sea areas for conservation by 2030, recognizes the "important roles and contributions of Indigenous Peoples and local communities as custodians of biodiversity and partners in the conservation, restoration and sustainable use" and underlines the importance of ensuring that their rights are respected and given effect to in the implementation of the Framework.<sup>11</sup>

However, despite these commitments, human rights violations and abuses continue to occur frequently in the creation and administration of protected areas and other conservation initiatives. Indigenous Peoples and other populations and communities in situations of vulnerability and marginalization are particularly affected, as rights violations intersect with historical patterns of exclusion and discrimination.

In 2016, the then UN Special Rapporteur on the rights of Indigenous Peoples, Victoria Tauli-Corpuz, reported that, since 2001, she and her predecessors had "received numerous allegations of large-scale violations of the rights of Indigenous Peoples in the context of conservation measures," with the effects of forced displacement from protected areas including "marginalization, poverty, loss of livelihoods, food insecurity, extrajudicial killings, and disrupted links with spiritual sites and denial of access to justice and remedy."<sup>12</sup>

In early 2019, BuzzFeed News and the Kathmandu Post began publishing a series of articles drawing attention to alleged human rights abuses by eco-guards in protected areas supported by the World Wildlife Fund (WWF) in Africa and Asia.<sup>13</sup> An independent expert panel commissioned by WWF to review allegations that it was involved in the abuses found no evidence that WWF officials were intentionally encouraging the human rights abuses but concluded that WWF, until recently, had not taken adequate steps to fulfill its responsibility to prevent, respond to, and remedy alleged human rights abuses.<sup>14</sup> Similar

investigations carried out around the same time by the UNDP Social and Environmental Compliance Unit and the U.S. Department of the Interior found evidence of major human rights abuses in protected areas supported by conservation organizations, as well as a lack of effective oversight by the funders, including international organizations such as UN Development Programme (UNDP) and government agencies such as the U.S. Fish and Wildlife Service.<sup>15</sup>

In 2022, the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay, reported that “Indigenous Peoples across the globe have overall not seen a concrete improvement in the realization of their rights in the context of conservation initiatives” since the 2016 report by his predecessor.<sup>16</sup> He observed that “the exclusionary approach to protecting biodiversity known as ‘fortress conservation’ continued to prevail and had led to violent evictions, militarized violence and the dispossession of the lands of Indigenous Peoples, who are the best stewards of nature.”<sup>17</sup>

## **UNEP’s initiative to clarify norms in conservation and human rights**

To help remedy this situation, in 2022 UNEP started an initiative to clarify the human rights standards that conservation organizations and funders should apply. This was based on the following assessment:

*An important part of the problem appears to be the lack of widespread understanding of the relevant human rights norms by conservation organizations and conservation funders... Conservation organizations do not seem to share a common view of the applicable norms, and funders of conservation projects fail to ensure that their support does not inadvertently contribute to human rights abuses. It seems evident that there is a need for clear human rights guidance for both conservation organizations and major funders of conservation.*<sup>18</sup>

Between 2022 and 2024, UNEP convened a series of meetings that brought together representatives of Indigenous Peoples, rights-based

organizations, conservation organizations, funders, and human rights experts. The former UN Special Rapporteur on human rights and the environment, Professor John H. Knox, was asked to develop a draft of human rights principles for conservation organizations and conservation funders that was then discussed and refined through multi-stakeholder workshops, consultations, and calls for contributions.<sup>19</sup>

This process resulted in a set of ten “Core Human Rights Principles for Private Conservation Organizations and Funders” that was published by UNEP in October 2024 and launched at the 16th Conference of the Parties (COP16) to the CBD in Cali, Colombia. The principles have already been supported by numerous organizations and individuals, including the UN Special Rapporteur on the rights of Indigenous Peoples, the UN Special Rapporteur on the human right to a clean, healthy and sustainable environment, IUCN, The Nature Conservancy, and many Indigenous Peoples’ organizations and human rights organizations.<sup>20</sup>

## **Core Human Rights Principles for Private Conservation Organizations and Funders**

As the Core Principles themselves make clear, they are not meant to create new rights or duties but rather “to reflect and clarify the existing human rights norms and standards applicable to conservation”.<sup>21</sup> The Core Principles emphasize that every private conservation organization and funder has a responsibility to respect internationally-recognized human rights, including those affirmed in the International Bill of Human Rights, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), ILO Convention 169, the UN Guiding Principles on Business and Human Rights (UNGPs), the UN Declaration on Human Rights Defenders, the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, and other relevant human rights instruments.

Drawing on the UNGPs, the first of the ten Core Principles states that every conservation organization and funder should adopt a high-level policy commitment to meet its responsibility to respect human rights, embed that commitment in its operational activities, and take effective measures to implement it in accordance with the other Core Principles.

The second principle addresses the rights of Indigenous Peoples and provides, *inter alia*, that every conservation organization and funder should ensure that it respects the rights of Indigenous Peoples, including their right to self-determination, their rights to their traditional lands, territories, and resources, and their rights to their Indigenous knowledge. It further states that conservation organizations and funders should never undertake or support actions that adversely affect the rights of Indigenous Peoples without their Free, Prior, and Informed Consent (FPIC) and without ensuring that they fairly and equitably share in the benefits from activities relating to their lands, territories, or resources. It also states that they should support Indigenous Peoples in exercising and advancing the realization of their rights, including where possible by providing direct funding to support their own initiatives for conservation.

The third principle states, more generally, that every conservation organization and funder should respect the rights of all communities, groups, and individuals, in particular those who may be at heightened risk of vulnerability or marginalization.

The remaining principles are more specific, again drawing on the UNGPs. Among other things, they state that every conservation organization and funder should:

- establish and implement a human rights due diligence process so that it may prevent, mitigate, and remedy any potential or actual adverse human rights impacts of its activities and relationships. Financial or other support for conservation activities should be provided only to recipients that have the capacity to meet their own responsibility to respect human rights and are effectively taking steps to fulfil that responsibility (Principle Four).
- as part of its due diligence process, engage in meaningful and inclusive consultation with those who may be adversely affected by its activities or relationships from the earliest stages (Principle Five).
- prevent potential adverse human rights impacts that it may cause or to which it may contribute and immediately cease

- any actual adverse impacts (Principle Six).
- provide for the effective remediation of adverse human rights impacts that it causes or to which it contributes and establish, participate in, or facilitate access to an effective and independent grievance mechanism to this end (Principle Seven).
- protect against adverse human rights impacts that result from or are linked to its relationships with governments, business enterprises, intermediaries, and others and exercise any leverage it has to prevent and mitigate such adverse human rights impacts. If recipients of financial or other support fail to effectively address human rights violations or abuses to which they contribute, the conservation organization or funder should restrict or terminate its support (Principle Eight).
- condition its support for anti-poaching and other law enforcement activities on compliance by those activities with international human rights norms and standards and restrict or terminate its support if the activities fail to comply with human rights standards (Principle Nine).
- report regularly and publicly on how it identifies, assesses, monitors, and addresses its potential and actual human rights impacts, including on the rights of Indigenous Peoples (Principle Ten).<sup>22</sup>

## Notes and references

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2. Ibid., p. 1.
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5. Patricia Kamei-Mbote, "Foreword," in UNEP, *Core Human Rights Principles*.

6. Much of this background information is taken from UNEP's Concept Note for the "Workshop on Clarifying Norms in Conservation and Human Rights" at NYU Law School on 9-10 April 2024.
7. Durban Accord and Action Plan, adopted at the V<sup>th</sup> IUCN World Parks Congress (8-17 September 2003). Available at <https://portals.iucn.org/library/sites/library/files/documents/2005-007.pdf>
8. UN Doc. UNEP/CBD/COP/DEC/VII/28 (13 April 2004), para. 22.
9. See <http://www.thecahr.org/about>. In addition to IUCN, the members of the CIHR are Birdlife International, Conservation International, Fauna and Flora International, The Nature Conservancy, Wetlands International, Wildlife Conservation Society, and World Wildlife Fund.
10. For example, the WWF had already adopted a "Statement of Principles on Indigenous Peoples and Conservation" in 1996 (reaffirmed and updated in 2008) in which it endorsed the (draft) UN Declaration on the Rights of Indigenous Peoples.
11. UN Doc. CBD/COP/DEC/15/4 (19 December 2022).
12. UN Doc. A/71/229 (29 July 2016), "Report of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, Victoria Tauli-Corpuz," para. 51.
13. See *The Indigenous World 2020*, pp. 307 and 727; and *The Indigenous World 2022*, p. 789.
14. The report of the independent expert panel, entitled "Embedding Human Rights in Nature Conservation: From Intent to Action," is available at [https://wwf.panda.org/wwf\\_news/wwf\\_independent\\_review\\_/](https://wwf.panda.org/wwf_news/wwf_independent_review_/)
15. See John H. Knox, "Dismantling the Fortress: Reforming International Conservation," 49 Harvard International Law Review (forthcoming 2025), <https://journals.law.harvard.edu/elr/>
16. UN Doc. A/77/238 (19 July 2022), "Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay – Protected areas and indigenous peoples' rights: the obligations of States and international organizations," para. 18.
17. Ibid., para. 20.
18. UNEP, "Concept Note: Workshop on Clarifying Norms in Conservation and Human Rights, New York, 9-10 April 2024."
19. Ibid. and Patricia Kamei-Mbote, "Foreword".
20. See UNEP, *Core Human Rights Principles*, pp. 28-29.
21. Ibid., p. 2.
22. For details see Ibid. and John H. Knox, "Dismantling the Fortress".

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# UN Permanent Forum on Indigenous Issues (UNPFII)

The UN Permanent Forum on Indigenous Issues (UNPFII) is an expert body under the UN Economic and Social Council (ECOSOC). Its mandate includes advising ECOSOC and UN agencies on Indigenous issues, raising awareness of these concerns, coordinating related activities across the UN system, and promoting the implementation and effectiveness of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Established in 2000, the UNPFII comprises 16 independent experts serving three-year terms, with the possibility of one re-election or re-appointment. Eight members are nominated by governments and elected by ECOSOC based on the UN's regional groupings, while the other eight are nominated by Indigenous Peoples' organizations and appointed by the ECOSOC President. These represent seven socio-cultural regions globally, with one seat rotating among Asia, Africa, and Central and South America and the Caribbean.

The UNPFII addresses Indigenous Peoples' issues across thematic areas such as culture, economic and social development, education, environment, health, and human rights. It convenes annually for 10 working days, offering a platform for direct dialogue among Indigenous Peoples, Forum members, Member States, the UN system, academics, NGOs, and other stakeholders. The Forum produces a report containing recommendations and draft decisions, which it submits to ECOSOC.

## Twenty-third Session of the UNPFII

The UNPFII took place in-person from 15-26 April 2024.<sup>1</sup> The special theme of the 23<sup>rd</sup> session was “Enhancing Indigenous Peoples’ right to self-determination in the context of the United Nations Declaration on the Rights of Indigenous Peoples: emphasizing the voices of Indigenous youth”.

The report of the session<sup>2</sup> highlighted that the right to self-determination and autonomy is vital for empowering Indigenous Peoples politically, socially, culturally, and economically. It enables them to shape their future according to their values and norms. States must advance this right to help Indigenous Peoples safeguard and fully exercise their rights, including decision-making over their people, lands, territories, and resources, as outlined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The UNPFII urged Member States to prioritize Indigenous Peoples in decision-making processes that impact their communities, lands, territories, and resources. States must also uphold and promote this right in all laws, policies, programs, and funding decisions that affect Indigenous Peoples.

The UNPFII underscored the importance of Indigenous languages and cultural practices in self-determination, urging stronger measures to protect them from erosion and destruction. It highlighted the critical role of Indigenous women and elders in sustaining cultural traditions and called for mechanisms to empower Indigenous women and ensure their equal participation in decision-making. Additionally, the Forum expressed concern over the harmful effects of climate change and resource extraction on Indigenous lands, urging support for Indigenous-led initiatives to address these impacts and emphasizing the need for Indigenous self-governance in managing natural resources.

The UNPFII also emphasized the critical role of Indigenous youth in advancing self-determination, integrating Indigenous knowledge into policymaking, and addressing barriers such as discrimination, marginalization, and high suicide rates. It called for tailored educational and leadership programs, investments in bilingual and culturally-relevant education, and mechanisms to support Indigenous youth’s political participation. It also addressed threats to Indigenous Peoples in voluntary isolation, including dispossession, deforestation, and violence, and urged stronger protections and research efforts.

The UNPFII decided on the special theme of “Implementing the United Nations Declaration on the Rights of Indigenous Peoples within United Nations Member States and the United Nations system, including identifying good practices and addressing challenges” for their session in 2025.

## **International Day of the World’s Indigenous Peoples 2024**

The International Day of the World’s Indigenous Peoples is celebrated annually on 9 August. In 2024, the Department of Economic and Social Affairs organized a commemorative event with the theme: “Protecting the Rights of Indigenous Peoples in Voluntary Isolation and Initial Contact”.<sup>3</sup> Participants included Indigenous Peoples’ organizations, United Nations entities, Member States, civil society, relevant stakeholders, and the public. The event featured video messages from the UN Secretary-General and Chairperson of the UNPFII. This was followed by a panel discussion with six speakers and included a traditional opening ceremony.

## **Summit of the Future**

The Summit of the Future,<sup>4</sup> held from 22-23 September, was aimed at addressing global governance challenges, strengthening international cooperation, and restoring trust in the multilateral system. Key outcomes included the adoption of the Pact for the Future,<sup>5</sup> which incorporates the Global Digital Compact and the Declaration for Future Generations. These frameworks emphasize integrating Indigenous Peoples' knowledge, rights, and participation into global efforts to address challenges and achieve the Sustainable Development Goals (SDGs).

Key points related to Indigenous Peoples:

### **1. Pact for the Future:**

- **Action 32:** Commitment to protect and enhance Indigenous, traditional, and local knowledge.

- **Action 56:** Adapting science, technology, and innovation to local and Indigenous contexts with free, prior, and informed consent.
  - **Actions 55 and 83:** Strengthening partnerships across governments, parliaments, and various sectors, including Indigenous Peoples, to address emerging challenges.
- 2. Global Digital Compact:**
- Commitment to tailored capacity-building and meaningful engagement of Indigenous Peoples in digital programs by 2030.
- 3. Declaration on Future Generations:**
- Recognition and protection of Indigenous rights, territories, ecosystems, traditions, and institutions while ensuring their full participation in decisions affecting their rights.

The Summit highlighted Indigenous Peoples as crucial actors in achieving global goals due to their ancestral knowledge, sustainable practices, and role in preserving ecosystems and biodiversity. It stressed the need to include Indigenous perspectives in the post-2030 Agenda in order to address future risks and opportunities effectively.

### ***Expert Group Meeting (EGM) - The rights of Indigenous Peoples, including those in voluntary isolation and initial contact, in the context of the extraction of critical minerals***

At its 23<sup>rd</sup> session, held from 15-26 April 2024, the UNPFII recommended that the Economic and Social Council authorize a three-day international expert group meeting on the theme “The Rights of Indigenous Peoples, including those in voluntary isolation and initial contact, in the context of the extraction of critical minerals”. The Council endorsed this theme through Decision 2024/332 and requested that the outcomes of the meeting be reported to the UNPFII at its 24<sup>th</sup> session.

The meeting, held virtually from 2-4 December 2024, was organized by the Indigenous Peoples and Development Branch /Secretariat of the Permanent Forum on Indigenous Issues (IPDB/SPFII) of the Di-

vision for Inclusive Social Development within the Department of Economic and Social Affairs.<sup>6</sup> It brought together members of the UNPFII, Indigenous and non-indigenous experts, as well as participants from Indigenous Peoples' organizations, academia, non-governmental organizations, intergovernmental organizations, and observers.

Experts at the meeting noted that the extraction of critical minerals poses significant, multifaceted challenges for Indigenous Peoples, especially those in voluntary isolation or initial contact. These activities often result in environmental damage, land dispossession, human rights violations, and harm to cultural, spiritual, and social systems. The consequences exacerbate social and economic inequalities, disrupt livelihoods, and threaten global sustainability. A truly just transition to renewable energy requires centering and respecting Indigenous Peoples and their rights.

Key recommendations included:

**1. Regulations and Support for Indigenous Women in Mining:**

- Implement strict regulations and education campaigns to reduce mercury exposure, particularly in artisanal and small-scale mining.
- Provide Indigenous women with protective equipment, training, and safer mercury-free alternatives.

**2. Engagement in International Mechanisms:**

- Urge the Minamata Convention on Mercury to create mechanisms ensuring Indigenous participation and establish a permanent ad hoc Indigenous committee within the Forum on Business and Human Rights.
- Strengthen UNODC collaboration with Indigenous Peoples in order to combat environmental crimes through participatory strategies.

**3. Inclusive Multistakeholder Platforms:**

- Facilitate UN-led forums where Indigenous Peoples, states, corporations, and organizations can discuss and address the impacts of critical mineral extraction.
- Develop actionable solutions informed by Indigenous knowledge and priorities.

These recommendations emphasize the safeguarding of Indigenous rights and a fostering of meaningful participation in order to mitigate the adverse effects of mineral extraction and promote a just green energy transition.

Key recommendations for protecting Indigenous Peoples in Voluntary Isolation and Initial Contact (PIACI):

**1. Central Principles:**

- Uphold human rights, environmental sustainability, and health in extractive industries, prioritizing PIACI protection.

**2. Territorial Protection:**

- Safeguard PIACI territories, prevent forced contact, and legally recognize their lands.
- Declare PIACI territories as permanently protected, prohibiting all extractive activities.
- Include “biocultural territorial corridors” in national development plans and create “buffer zones” around PIACI territories.

**3. Legal and Policy Measures:**

- Establish territories as no-mining zones.
- Form working groups to define PIACI and PICI territories with cultural sensitivity and no-contact principles.
- Integrate critical mineral exploration studies to mitigate risks to Indigenous lands.

**4. Collaboration and Governance:**

- Convene high-level meetings among governments, Indigenous Peoples, and international bodies to harmonize protection policies and protocols.
- Engage UN forums to address PIACI rights and develop collaborative solutions.

**5. Community Involvement:**

- Respect self-determination, involving Indigenous Peoples in protection measures and ensuring they are informed in their own languages.

**6. Health and Safety:**

- Tailor health care to PIACI needs, respecting cultural practices and safeguarding their territories.
- Prepare contingency plans for contact situations and health crises, such as outbreaks of illness.

## 7. Monitoring and Enforcement:

- Develop safeguards and monitoring systems with Indigenous participation.
- Ensure that national and international mechanisms uphold protections and address challenges effectively.

This framework aims to preserve PIACI's autonomy, cultural heritage, and well-being while balancing environmental and developmental priorities.

## Members of the UNPFII – 2023-2025

The members of the UNPFII from 1 January 2023 to 31 December 2025 are as follows: Mr. Vital Bambanze (Burundi), Ms Tove Søvndahl Gant (Denmark), Mr. Ali Hajilari (Islamic Republic of Iran), Mr. Keith M. Harper (United States of America), Ms Hindou Oumarou Ibrahim (Chad), Ms Aluki Kotierk (Canada), Ms Li Nan (China), Mr. Suleiman Mamutov (Ukraine), Mr. Bornface Museke Mate (Namibia), Ms Hannah McGlade (Australia), Mr. Darío José Mejía Montalvo (Colombia), Ms Naw Ei Ei Min (Myanmar), Ms Hanieh Moghani (Islamic Republic of Iran), Mr. Rodrigo Eduardo Pail-lalef Monnard (Chile), Mr. Geoffrey Roth (United States), Ms Valentina Vyacheslavovna Sovkina (Russian Federation). More information on the members can be found online.<sup>7</sup>

## Notes and references

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*This article was written by the **Indigenous Peoples and Development Branch/Secretariat of the Permanent Forum on Indigenous Issues (IPDB/SPFII)**.*



# UN Special Rapporteur on Environmental Defenders under the Aarhus Convention

The mandate of the UN Special Rapporteur on Environmental Defenders is established under the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention).<sup>1</sup> The Aarhus Convention is an international instrument on environmental democracy, open for accession to any UN Member State. There are currently 47 Parties, including 46 States and the European Union.<sup>2</sup>

In October 2021, the Meeting of the Parties to the Aarhus Convention adopted, by consensus, Decision VII/9<sup>3</sup> establishing a rapid response mechanism in the form of a Special Rapporteur on Environmental Defenders to deal with cases related to article 3(8) of the Convention. Article 3(8) imposes a legally binding obligation on Aarhus Parties to ensure that environmental defenders are not penalized, persecuted or harassed for exercising their rights under the Convention.

The role of the Special Rapporteur is to take measures to protect environmental defenders experiencing (or at imminent threat of experiencing) such persecution, penalization or harassment. It is the first mechanism specifically safeguarding environmental defenders to be established within a legally binding framework either under the UN system or other inter-governmental structure.

Within the territory of Aarhus Parties, the Special Rapporteur can deal with cases of penalization, persecution or harassment by any public or private actor. Outside this territory (for instance in Latin America, Asia-Pacific, or Africa), the Special

Rapporteur can deal with cases of penalization, persecution or harassment by a State entity or a State-owned company of an Aarhus Party; or by private companies headquartered in an Aarhus Party.

Anyone can submit a complaint to the Special Rapporteur, either on their own behalf or on behalf of a victim. There is a complaint form available on the Special Rapporteur's webpage, which must be submitted, together with any supporting evidence, in order to refer the matter to the mandate.<sup>4</sup>

The Special Rapporteur is elected for a term of four years, spanning over the inter-sessional period between two Meetings of the Parties to the Aarhus Convention, and is eligible for re-election once.

**O**n 24 June 2022, Michel Forst was elected, by consensus, as the first Special Rapporteur on Environmental Defenders (hereafter, Special Rapporteur) at the third extraordinary session of the Meeting of the Parties to the Aarhus Convention. His current term runs until the next Meeting of the Parties, scheduled to take place from 17–20 November 2025. In 2024, the Special Rapporteur conducted various activities aimed at strengthening the protection of environmental defenders. He engaged in numerous protection and prevention activities, including dealing with complaints; conducting thematic work on environmental protests and civil disobedience; organizing consultations with environmental defenders; undertaking visits to several Aarhus Parties; participating in international events; and providing inputs to relevant legislative and policy frameworks.

## Complaints

The Special Rapporteur can receive complaints on alleged violations of article 3(8) of the Aarhus Convention. Any member of the public can submit a complaint to the Special Rapporteur, either on their own behalf, or on behalf of a victim with their consent. The submission of a

complaint is confidential, and complainants are not required to have exhausted domestic remedies before submitting a complaint. Dealing with these complaints constitutes the core work of the rapid response mechanism and therefore of the Special Rapporteur's mandate.

Between 1 January and 31 December 2024, the Special Rapporteur received 55 complaints. As of 31 December 2024, 16 of the 75 complaints that the Special Rapporteur had received since his election were publicly accessible on his webpage.<sup>5</sup> These 16 complaints highlight various challenges, threats and attacks that environmental defenders face in their efforts to promote a clean, healthy and sustainable environment, including:

- Verbal and physical threats and attacks, online and offline intimidation and other forms of harassment by private individuals, companies, or the authorities, including dismissal from employment.
- Disproportionate use of force by law enforcement, civil and criminal proceedings, sometimes amounting to strategic lawsuits against public participation (SLAPPs), arrests, strict bail conditions, and imprisonment.

These various forms of penalization, persecution or harassment resulted from various efforts by environmental defenders to protect the environment, including organization of or participation in environmental protests and civil disobedience;<sup>6</sup> advocacy and awareness raising;<sup>7</sup> strategic litigation;<sup>8</sup> or journalism.<sup>9</sup>

The Special Rapporteur has various diplomatic, legal, and media tools at his disposal to offer protection to the environmental defenders that are the object of the complaints he receives. The tools he uses depend on the particular situation. Each complaint is considered on a case-by-case basis. However, as a general rule, the first step in dealing with a complaint is for the Special Rapporteur to send a letter of allegation to the government and/or company concerned by the allegations.

In 2024, the Special Rapporteur carried out various activities in the context of complaints' follow-up, in addition to his engagement with Parties and his letters of allegations. This included, for instance, visits, observation of/participation in trials, or public statements. For example:

- On 22-23 February 2024, the Special Rapporteur went to the Tarn region of France to observe, gather information and engage with civil society representatives and the authorities, in the context of protests against the construction of the A69 highway. Following his visit, he released a public statement<sup>10</sup> regarding the worrying situation on the ground and requested that the French authorities take immediate measures to protect environmental defenders.
- On 4-5 July 2024, the Special Rapporteur travelled to London to observe the trial of an environmental defender who faced up to 10 years in prison for “conspiracy to cause a public nuisance” because of his involvement in a Zoom meeting that was discussing the organization of a peaceful environmental protest. The Special Rapporteur issued two statements: first, to express his concerns regarding the criminal prosecution of this environmental defender ahead of the trial,<sup>11</sup> and, second, following conviction, to strongly condemn the four-year prison sentence imposed on him.<sup>12</sup>
- On 31 October 2024, the Special Rapporteur issued a statement<sup>13</sup> expressing his serious concerns regarding the criminal prosecution and lengthy pre-trial detention of an environmental defender in Azerbaijan and requesting the possibility of visiting him in prison, on the occasion of a visit to Baku for the 29<sup>th</sup> Conference of the Parties (COP29) to the UN Framework Convention on Climate Change (UNFCCC).

## **Position Paper on State repression of environmental protest and civil disobedience**

On 28 February 2024, the Special Rapporteur released a position paper on *State repression of environmental protest and civil disobedience: a major threat to human rights and democracy*.<sup>14</sup> The position paper provides an overview of the Special Rapporteur’s observations on the trend towards repression and criminalization of peaceful environmental protest and civil disobedience, particularly used by young environmental activists, identified during his visits to various European countries that are Parties to the Aarhus Convention. The position paper explains that this trend spans at least four dimensions: the media and political dis-

course, legislation and policy, law enforcement, and the courts, and provides a snapshot of the main issues for each of these dimensions, illustrated by examples drawn from various countries. The position paper concludes with calls for action to States to address the root causes of environmental mobilization and to call for fundamental change in how they respond to environmental protest and civil disobedience.

## **Regional consultations**

In 2024, the Special Rapporteur held four regional consultations with environmental defenders, forming part of a series of consultations that he is conducting in various regions. The main objectives of these consultations are to raise awareness of the mandate of the Special Rapporteur to ensure that it is known by those who may need its protection, to inform the work of the Special Rapporteur by identifying and discussing key threats, challenges and priority protection concerns for environmental defenders, and to enhance the dialogue between the Special Rapporteur and environmental defenders. In 2024, these consultations took place in Almaty, with environmental defenders from Central Asia (March 2024); in Belgrade with environmental defenders from Eastern and South-Eastern Europe and the Caucasus (May 2024); in Lomé with environmental defenders from Western and Central Africa (September 2024); and in Bogotá with environmental defenders from Latin America and the Caribbean (September 2024).

## **Country visits**

From 5-9 February 2024, the Special Rapporteur conducted his first official country visit, to Cyprus, at the invitation of the Minister of Agriculture, Rural Development and Environment.<sup>15</sup> During his visit, the Special Rapporteur met with Ministers, senior government officials, members of Parliament, and environmental defenders, including NGOs, grassroot organizations, activists, and journalists, to raise awareness of his mandate and discuss the challenges faced by environmental defenders in Cyprus.

In addition to this official country visit, the Special Rapporteur travelled to several countries at the invitation of NGOs, universities, and other civil society actors, in order to meet with environmental defenders.

This included Belgium, Brazil, France, Romania, Slovakia, Switzerland, and the United Kingdom. On these occasions, and whenever possible, the Special Rapporteur also met with government representatives of these countries to raise awareness of his mandate and to discuss the challenges faced by environmental defenders.

## **International events**

In addition to his country visits, the Special Rapporteur also participated in several international forums in 2024, including New York Climate Week in September; the 16<sup>th</sup> Conference of the Parties to the Convention on Biological Diversity (CBD COP16) in Cali (Colombia) in October; and the 29<sup>th</sup> Conference of the Parties to the UNFCCC (COP 29) in Baku in November.

During these events, the Special Rapporteur devoted his efforts to promoting the safe participation of environmental defenders in international forums related to the environment, including through his engagement with various stakeholders and his participation in multiple public events. Prior to COP29, the Special Rapporteur, along with international and regional human rights experts, issued a joint statement<sup>16</sup> urging States, particularly Azerbaijan, as the host of COP29, to demonstrate leadership in protecting environmental defenders and ensuring their safe participation in the conference.

## **Inputs to relevant policy frameworks**

As part of the prevention component of his mandate, and with a view to contributing to the strengthening of the legal recognition and protection of environmental defenders, the Special Rapporteur provided inputs to several relevant policy frameworks in 2024. In February, the Special Rapporteur issued a statement<sup>17</sup> supporting the adoption of the European Union Corporate Sustainability Due Diligence Directive (CS-DDD), following inputs he had provided earlier to the draft text.<sup>18</sup> In May, the Special Rapporteur provided his inputs to the proposed Council of Europe Framework Convention on Artificial Intelligence and human rights, democracy and the rule of law, in a statement<sup>19</sup> urging Member States to take into account four key points to strengthen safeguards for the protection of the environment and environmental defenders in the

draft text. Finally, the Special Rapporteur contributed to the drafting of, and endorsed, the Core Human Rights Principles for Private Conservation Organizations and Funders,<sup>20</sup> launched in December 2024.

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# UN Special Rapporteur on the Rights of Indigenous Peoples

The Special Rapporteur on the Rights of Indigenous Peoples is one of the 59 “Special Procedures” of the United Nations Human Rights Council. The Special Procedures are independent human rights experts with mandates to assess, report and advise on human rights from a thematic or country-specific perspective.

The Special Rapporteur has a mandate to promote the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and relevant international human rights instruments; to examine ways and means of overcoming existing obstacles to the full and effective protection of the rights of Indigenous Peoples; to promote best practices; to gather and exchange information from all relevant sources on violations of the human rights of Indigenous Peoples; and to formulate recommendations and proposals on measures and activities to prevent and remedy violations of those rights.<sup>1</sup>

Mr. José Francisco Calí Tzay served as the Special Rapporteur on the Rights of Indigenous Peoples from 1 May 2020 to 30 October 2024. He is a Maya Kaqchikel from Guatemala, and he was the first Indigenous person to serve as a member and president of the Committee on the Elimination of Racial Discrimination.

On 9 November 2024, Dr. Albert Kwokwo Barume was appointed Special Rapporteur on the Rights of Indigenous Peoples, assuming the mandate as of 1 January 2025. Albert Barume is from the Democratic Republic of Congo and a former Chairperson of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), as well as former Expert on Indigenous Peoples' issues for the African Commission on Human and Peoples' Rights. He is the first person from Africa to hold this mandate.

## 2024 thematic studies

### **Report on Indigenous persons with disabilities<sup>2</sup> (A/HRC/57/47)**

This report by the Special Rapporteur on the Rights of Indigenous Peoples, José Francisco Calí Tzay, examines the challenges faced by Indigenous persons with disabilities, emphasizing the compounded discrimination arising from their Indigenous identity and disability status, including racism, societal and cultural exclusion, and inadequate access to healthcare, education, and employment opportunities.

Indigenous persons with disabilities often face heightened discrimination due to structural racism and colonial legacies, which have disrupted traditional ways of life and imposed narratives that dismiss Indigenous perspectives on their health and capacities. The report underscores how inaccessible services and cultural misalignments exacerbate their marginalization, particularly in areas like access to healthcare and education, often physically remote, unaffordable, or culturally inappropriate.

The impacts of climate change and environmental degradation are acutely felt by Indigenous persons with disabilities, whose health and livelihoods are disproportionately affected. Extractive industries, pollution, and natural disasters exacerbate health challenges, leading to higher rates of impairments within Indigenous Peoples.

Indigenous women with disabilities are particularly vulnerable, facing increased risks of violence, limited access to education, and restricted healthcare. This is the result of intersectional discrimination based on gender, ethnicity, and disability.

Despite these challenges, the report identifies promising practices. It highlights Indigenous-led initiatives, State-supported programs, and community-driven solutions aimed at integrating culturally-appropriate services and fostering the empowerment of Indigenous persons with disabilities. Examples include inclusive education platforms, advocacy organizations, and policies that incorporate Indigenous perspectives into disability support systems.

The report concludes with recommendations for states, businesses, and international bodies. This comprehensive approach aims to uphold the rights of Indigenous persons with disabilities and ensure their

full and effective participation in society. It calls for the collection of disaggregated data, the development of inclusive laws and policies, and the implementation of culturally-relevant health and education systems. It emphasizes the importance of securing the Free, Prior, and Informed Consent (FPIC) of Indigenous Peoples in all decisions affecting their lives and lands. It also advocates for empowering Indigenous-led organizations and addressing the disproportionate impact of environmental degradation on these populations.

### **Report on mobile Indigenous Peoples<sup>3</sup>**

This report by the Special Rapporteur on the Rights of Indigenous Peoples, José Francisco Calí Tzay, examines the challenges faced by mobile Indigenous Peoples, including pastoralists, herders, hunter-gatherers, and sea-based communities, as well as Indigenous Peoples living in voluntary isolation and initial contact. It explores issues related to legal recognition, land rights, mobility, and the impact of armed conflict and environmental changes.

Mobile Indigenous Peoples maintain distinct lifestyles often dependent on movement across fragile ecosystems. They face systemic challenges due to the mislabeling of their lands as unproductive, exclusion from decision-making processes, and efforts to assimilate them into sedentary lifestyles. The report emphasizes the need for their legal recognition and the protection of their lands and resources to preserve their cultural identities and subsistence practices.

The report also highlights the unique vulnerabilities of Indigenous Peoples living in voluntary isolation and initial contact. These communities face threats from extractive industries, logging, and infrastructure projects. These disrupt their territories and increase risks of unwanted contact, which can lead to conflict or health crises.

Climate change poses significant threats to mobile Indigenous Peoples, by disrupting their traditional mobility patterns and access to resources. Conservation efforts and development projects often fail to include Indigenous perspectives, leading to forced evictions and the destruction of livelihoods. The report draws attention to exclusionary conservation practices and calls for recognition of Indigenous Peoples as stewards of biodiversity.

The recommendations stress the importance of adopting policies to secure land tenure, ensure the right to FPIC, and address the impact of climate change and green transitions on Indigenous territories. Inter-

national cooperation and the inclusion of Indigenous Peoples in decision-making processes are essential for safeguarding their rights.

## Country visit: Colombia<sup>4</sup>

The Special Rapporteur on the Rights of Indigenous Peoples, José Francisco Calí Tzay, visited Colombia from 5–15 March 2024, at the invitation of the government. He presented his findings in his country visit report to the Human Rights Council, during its 57<sup>th</sup> Session, in September 2024.

The report highlights significant progress in legal recognition, the inclusion of an ethnic chapter in the 2016 Peace Agreement and the adoption of the National Development Plan 2022–2026, which includes Indigenous priorities. However, implementation of these frameworks remains slow, and Indigenous Peoples continue to face threats from armed groups, forced displacement, environmental degradation, and inadequate access to culturally-appropriate public services.

Particular attention is given to Indigenous Peoples at risk of physical and cultural extinction, including smaller groups and those living in voluntary isolation. Challenges include land rights violations, lack of consultation on development projects, and the adverse impacts of climate change and extractive industries. The report also discusses issues faced by Indigenous women and LGBTI+ individuals, who encounter intersectional discrimination and violence.

Recommendations include enacting laws to guarantee Indigenous rights, implementing peace agreement provisions, ensuring FPIC for projects affecting Indigenous territories, and strengthening mechanisms for the protection and participation of Indigenous Peoples and leaders. The report underscores the need for culturally-sensitive approaches to public policy and development to preserve Indigenous heritage and to promote sustainable and inclusive progress.

## Communications and press releases

During 2024, the Special Rapporteur on the Rights of Indigenous Peoples, José Francisco Calí Tzay, jointly with other mandate holders of the

Human Rights Council, sent 90 communications to Member States and other actors in response to information received on alleged violations of the human rights of Indigenous Peoples. These communications on cases are included in the special procedures' joint communications report, submitted to the UN Human Rights Council, and publicly available online in the special procedures communications database.<sup>6</sup>

As an example, in communications sent to Nicaragua and five non-state actors, from March 2024, the Special Rapporteur and other mandate holders expressed concern over the information received in relation to alleged violations of the rights of Indigenous Peoples, including the rights to land, territory and resources, consultation and FPIC, upon the adoption and implementation of the "Bio-CLIMA" reforestation project.<sup>7</sup> Similarly, in communications sent to Nepal, China, the Republic of Korea and 17 non-state actors, in June 2024, the Special Rapporteur joined various mandate holders in expressing concern at the allegations of serious, ongoing threats of displacement of the Indigenous Peoples and violations of their human rights due to the construction of the Kathmandu-Terai/Madhesh Fast Track Road Project.<sup>8</sup>

During 2024, in conjunction with other mandate holders, the Special Rapporteur also issued a number of press releases on cases of urgency or special relevance.<sup>9</sup> For example, he publicly warned against legal reforms that threatened the right to the lands, territories and resources of Indigenous Peoples and voiced concern about development projects impacting Indigenous Peoples' rights. He issued three different press releases concerning situations affecting Indigenous Peoples or individuals in the context of electoral processes. The Special Rapporteur also issued warnings at the use of anti-terrorism laws against Indigenous Peoples, as well as at the persecution suffered by Indigenous Peoples' Human Rights Defenders.

## **Collaboration with UN specialized entities, regional human rights bodies and other activities**

The Special Rapporteur continued to strengthen the mandate's collaboration with the UN Permanent Forum on Indigenous Issues (UNPFII) and the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). In January 2024, he participated in the international Expert

Group Meeting (EGM) organized by the UN Department of Economic and Social Affairs (UNDESA) on the theme “Indigenous Peoples in a Greening Economy,” held in Boulder, Colorado, USA.

In February 2024, the Special Rapporteur, EMRIP, and UNPFII co-organized a workshop in Rome, Italy, to foster constructive dialogue among UN mechanisms on Indigenous Peoples’ rights, Indigenous representatives, and UN agencies. The workshop served as a platform to exchange perspectives on the risks associated with integrating Indigenous Peoples’ rights with groups that do not hold the same legal status under international law. It culminated in the adoption of an outcome document containing key recommendations for action.<sup>10</sup>

The Special Rapporteur also actively engaged in the annual sessions and coordination meetings of UNPFII and EMRIP, holding bilateral discussions with Indigenous delegations and government representatives on issues relevant to his mandate.

Continuing his commitment to advancing Indigenous Peoples’ rights and implementation of the UNDRIP, the Special Rapporteur engaged with the broader UN system in various impactful ways. In January 2024, he participated in the Expert Workshop on Recognizing and Respecting Indigenous Peoples’ Heritage Values in World Heritage Sites, held in Geneva and organized by the International Indigenous Peoples Forum on World Heritage (IIPFWH). He collaborated with the UN Environment Programme (UNEP) providing feedback on the *Core Human Rights Principles for Private Conservation Organizations and Funders*. In June 2024, he provided technical support on terminology to the Committee on World Food Security (CFS) at the UN Food and Agriculture Organization (FAO). In August 2024, he took part in an event on Business, Human Rights and Indigenous Peoples organized by the OHCHR in Costa Rica. He also participated in strategic and collaboration meetings with other relevant agencies, including the Convention on Biological Diversity (CBD), World Bank, International Labour Organization (ILO), UN Educational, Scientific and Cultural Organization (UNESCO) and FAO.

## Other activities

In January 2024, he presented expert testimony before the Colombian Constitutional Court in case T-9.312.858 on “Climate Change Manage-

ment, Indigenous Peoples' Rights, and Impact Assessment in REDD+ Projects." In February 2024, he participated in a high-level dialogue involving the International Working Group on Indigenous Peoples Living in Voluntary Isolation and Initial Contact (GTI-PIACI), international organizations, Indigenous organizations, and the Colombian State to promote an international technical assistance network supporting policies for the protection of the rights of Indigenous Peoples in voluntary isolation and initial contact. In August 2024, the Special Rapporteur took part in a conference organized by the Organization of American States (OAS) on the role of Indigenous Peoples in protecting the environment.

In 2024, he undertook academic visits to Mexico, Colombia, New Zealand, the Philippines, and Costa Rica, engaging in meaningful exchanges with various Indigenous Peoples, government authorities, and representatives of the international community.

Additionally, the Special Rapporteur delivered speeches at over 65 workshops and conferences organized by international organizations, Indigenous Peoples, NGOs, and academic institutions in 13 different countries. He also provided technical assistance to corporations to help align their policies with the UNDRIP and human rights standards. For instance, he participated in meetings with the International Council on Mining and Metals (ICMM) to provide feedback on their position statement on Indigenous Peoples and with the Integrity Council for the Voluntary Carbon Market (ICVCM) to offer guidance on their approach to protecting Indigenous Peoples' human rights.

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# World Intellectual Property Organization (WIPO)

Indigenous Peoples have rights over their traditional knowledge, traditional cultural expressions and genetic resources, including associated intellectual property rights, as recognized in Article 31 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>1</sup> The term “traditional knowledge” generally refers to technical know-how, skills and practices developed, utilized and passed down within a community’s traditional context. Examples include medicinal, agricultural and ecological knowledge, as well as methods for doing things such as weaving and house construction.<sup>2</sup> “Traditional cultural expressions” are the myriad forms in which traditional culture is expressed, including music, dance, stories, art, ceremonies, designs and symbols.<sup>3</sup> “Genetic resources” are defined as genetic material of actual or potential value found in plants, animals or micro-organisms. Examples include medicinal plants, agricultural crops and animal breeds.<sup>4</sup>

Conventional intellectual property laws are woefully inadequate in protecting these rights. Indigenous Peoples’ intangible cultural heritage, ranging in forms from textile designs to traditional songs, medicinal plant knowledge and environmental conservation, is often treated as being in the “public domain”, and misappropriation by those within the pharmaceutical, fashion and film industries, among others, is widespread and ongoing.

The World Intellectual Property Organization (WIPO), a UN agency with 193 Member States, provides a forum for negotiating new international intellectual property laws. In 2000, WIPO Member States established the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional

Knowledge and Folklore (IGC). Since 2010, the IGC has conducted formal, text-based negotiations to develop legal instruments for the protection of traditional knowledge, traditional cultural expressions and genetic resources. Indigenous Peoples participate in the IGC as observers and participate collectively through an *ad hoc* Indigenous Caucus averaging around 25 to 30 people per session. In 2024, WIPO adopted two new treaties with provisions relevant to Indigenous Peoples.

## Overview

Background information on the IGC and Indigenous Peoples' participation therein can be found in prior editions of *The Indigenous World*.<sup>5</sup> In landmark developments in 2024, WIPO Member States adopted two new international intellectual property treaties relevant to the protection of Indigenous Peoples' rights: the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge and the Riyadh Design Law Treaty. The WIPO IGC continued its work, holding a stocktaking session on genetic resources and continuing text-based negotiations on legal instruments for the protection of traditional knowledge and traditional cultural expressions.<sup>6</sup> WIPO awarded its annual Photography Prize for Indigenous Youth, highlighting the creativity of Indigenous youth and the important role they play in preserving and protecting Indigenous cultures.

### **WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge**

The first major development in 2024 took place at WIPO headquarters in Geneva from 13–24 May. At a two-week diplomatic conference agreed by the WIPO General Assembly in 2022, over two decades of deliberations by the IGC – and intense and persistent advocacy from Indigenous Peoples from around the world – culminated in Member States adopting an historic new treaty.<sup>7</sup> The WIPO Treaty on Intellectual Property, Ge-

netic Resources and Associated Traditional Knowledge is a landmark accomplishment, as it is the first WIPO treaty to reference Indigenous Peoples and their rights.<sup>8</sup>

Significantly, the preamble to the treaty, which was adopted by WIPO Member States by consensus, acknowledges the UNDRIP and the “commitment to achieving the ends set forth therein”. It also affirms that “best efforts should be made to include Indigenous Peoples” in the treaty’s implementation. Article 6 provides that information systems (databases) on genetic resources and associated traditional knowledge, as well as appropriate safeguards, be established and developed in consultation with Indigenous Peoples. The treaty also provides, in Article 10, that the Assembly established to address the application and operation of the treaty “shall encourage the effective participation of representatives from Indigenous Peoples” and invite parties “to consider financial arrangements for participation of Indigenous Peoples”.

The key operative provision of the treaty is a mandatory disclosure requirement in Article 3, requiring patent applicants to disclose the country of origin of genetic resources and/or Indigenous Peoples providing associated traditional knowledge when a patent application is submitted for an invention “based on” such genetic resources and/or associated traditional knowledge. If the patent applicant does not know the country of origin or the Indigenous Peoples providing the traditional knowledge, they are required to disclose the source from which the genetic resources and/or traditional knowledge were obtained. If they do not know the source, they are required to make a declaration to that effect. While the scope of the disclosure requirement is limited to patent applications, Article 8 of the treaty requires review of the treaty four years following its entry into force, with the possibility of extending the disclosure requirement to other areas of intellectual property and of including derivatives and other issues arising from new and emerging technologies.

Although the treaty does not create new affirmative legal protections for genetic resources or associated traditional knowledge, it takes an historic step forward by mandating transparency – through requiring disclosure of information on use of genetic resources and/or associated traditional knowledge – that can support implementation of legal protections developed in other contexts, such as the Convention on Bio-

logical Diversity and the Nagoya Protocol, relevant national and regional laws and, ultimately, the traditional knowledge instrument currently under negotiation in the IGC.<sup>9</sup>

Participation at the diplomatic conference was in person only, and a key concern for Indigenous Peoples leading up to the conference was ensuring full and effective Indigenous participation. In recognition of the necessity of Indigenous participation for the legitimacy of the process, WIPO Member States in 2023 had approved funding for up to 14 representatives of Indigenous Peoples to attend as well as local communities (two representatives from each of the seven socio-cultural regions of the UN Permanent Forum on Indigenous Issues), and some 40 individuals in total therefore participated in the Indigenous Caucus. As with sessions of the IGC, the WIPO Secretariat supported the Caucus' participation, providing a meeting room as well as funding interpretation, translation, and other logistical support through the Indigenous Peoples' Centre for Documentation, Research and Information (Docip). As in the IGC negotiations, the Caucus developed text proposals and was able to select representatives and actively engage in all conference working methodologies.

As of December 2024, 38 Member States had signed up to the treaty and one country, Malawi, had ratified it. The treaty will enter into force three months following ratification or accession by 15 parties.<sup>10</sup>

## Riyadh Design Law Treaty

In 2022, the WIPO General Assembly also approved a second diplomatic conference, on a proposed Design Law Treaty. This diplomatic conference took place in Riyadh, Saudi Arabia, 11-22 November 2024, and resulted in the Riyadh Design Law Treaty, which was adopted by WIPO Member States by consensus.<sup>11</sup>

While the Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge aims to increase transparency in the patent application process, the Design Law Treaty aims to streamline and harmonize the process by which applicants apply for design protection, making it easier and less expensive to secure intellectual property protection for industrial designs. WIPO defines “industrial designs” as

“the ornamental or aesthetic aspect of an article”, and examples include designs for furniture, fashion, and jewelry, as well as things like the shape and appearance of the iPhone.<sup>12</sup>

The Design Law Treaty streamlines registration by establishing a “closed list” of what a Member State party can require in its design applications. The issue of concern for Indigenous Peoples and many Member States was whether this closed list would include disclosure of a design’s utilization of traditional knowledge, traditional cultural expressions or genetic resources. Following intensive negotiation on the issue, disclosure of traditional knowledge and traditional cultural expressions was included in Article 4(2) of the treaty as one of the indications or elements that may be required in a design application. While genetic resources are not expressly mentioned, under Article 4(2) parties may still require disclosure related to genetic resources if relevant to the registration of the industrial design under national law.

There was no Indigenous Caucus at the Design Law Treaty diplomatic conference and no funding for Indigenous participation. As of December 2024, 18 WIPO Member States had signed the treaty but, as yet, there are no ratifications. The treaty will come into force three months following ratification or accession by 15 parties.<sup>13</sup>

## **IGC 48 and IGC 49**

In addition to the two diplomatic conferences, WIPO also held two IGC sessions during 2024. The sessions were held back-to-back on 29 November (IGC 48) and from 2-6 December 2024 (IGC 49).<sup>14</sup> Approximately 25 to 30 Indigenous representatives participated in the sessions, via in-person and virtual participation. Due to the complete depletion of the WIPO Voluntary Fund, no Indigenous representatives were funded to attend either of the sessions.

### **IGC 48**

IGC 48 was a one-day session held to take stock of the progress made during the May 2024 diplomatic conference on genetic resources and associated traditional knowledge. As the diplomatic conference successfully concluded with the adoption of the new Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge,

IGC 48 was a short session consisting mostly of statements by Member States celebrating this achievement. The WIPO Secretariat organized an Indigenous Caucus meeting the day prior to the session. During the session, the Caucus delivered an intervention urging all Member States to sign and ratify the new treaty.

### **IGC 49**

IGC 49 marked the IGC's resumption of negotiations on legal instruments for the protection of traditional knowledge and traditional cultural expressions. There are two official texts presently under negotiation at the IGC – one on traditional knowledge and one on traditional cultural expressions.<sup>15</sup> In addition, the former IGC Chair, Lilyclaire Bellamy, prepared an unofficial "Chair's Text", which addresses protections for traditional knowledge and traditional cultural expressions in a single instrument.<sup>16</sup>

Under the methodology adopted for the session, the Committee reviewed every article of each of the two official texts, and Member States offered any text proposals they wanted for inclusion. Supporters of this working methodology described it as an inclusive process capturing diverse views and positions, while others complained that it was contrary to the IGC's mandate as it widened instead of narrowing gaps in positions. In the end, Member States did not reach agreement on forwarding the revised texts as the basis for further negotiations at the next IGC session. At IGC 50, negotiations will begin with the same texts that were the starting texts for IGC 49. Notably, there was also a push by some Member States for the "Chair's Text" be used as the basis for negotiations at IGC 50.

In another development of note, the Russian Federation submitted a proposal for reviewing the Non-Governmental Organizations admitted as Observers to the IGC, seeking to require them to submit documentation confirming their existence in the jurisdiction of a Member State.<sup>17</sup> Various Indigenous representatives and Member States expressed concerns and Member States postponed discussion of the proposal to IGC 50.

The WIPO Secretariat organized an Indigenous Caucus meeting the day prior to the session, and the Caucus met daily throughout, including in meetings with the IGC Chair and Co-Chair and Regional Groups. An Indigenous Panel entitled "Intellectual Property and Traditional Medical Systems: A Path to Protection" was held the opening day of the session.

## WIPO Photography Prize for Indigenous Youth

Recognizing the power of Indigenous photography, WIPO has instituted an annual Photography Prize for Indigenous Youth.<sup>18</sup> In its third iteration, the 2024 Photography Prize was themed *Indigenous Peoples' Ways of Healing and Well-Being: Honoring Our Ancestors' Wisdom and Knowledge*. Indigenous youth aged 18-35 years submitted photographs portraying the interconnection between Indigenous Peoples' lifestyles, beliefs and cultures and their health and well-being. Information on the 2024 prize winners and photos are available on the WIPO website.<sup>19</sup>

## Looking forward

Negotiations on traditional knowledge and traditional cultural expressions will continue at IGC 50, 3-7 March 2025, and IGC 51, 30 May - 5 June 2025.<sup>20</sup> IGC 51 will also include a stock take of progress made by the IGC and negotiation of the proposed 2026-2027 IGC mandate and work program for consideration by the WIPO General Assembly.

## Notes and references

1. "Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions." G.A. Res. 61/295, annex, UN Declaration on the Rights of Indigenous Peoples (13 September 2007), art. 31(1).
2. "Traditional Knowledge." WIPO, <https://www.wipo.int/tk/en/tk/>. Because the term "traditional knowledge" can be somewhat misleading, as it implies antiquity, many Indigenous activists, in their international advocacy in multilateral processes, prefer to refer simply to the "knowledge of Indigenous Peoples" or "Indigenous knowledge". In the WIPO negotiations, Indigenous representatives emphasize that traditional knowledge is not confined to ancient knowledge but includes new and evolving Indigenous knowledge.
3. "Traditional Cultural Expressions." WIPO, <https://www.wipo.int/tk/en/folklore/>.
4. "Genetic Resources." WIPO, <https://www.wipo.int/tk/en/genetic/>. Genetic resources found in nature are not creations of the mind and thus are not

intellectual property. Intellectual property issues are, however, associated with genetic resources, for example in the case of inventions utilizing genetic resources or where traditional knowledge is associated with the use of genetic resources.

5. See The Indigenous World 2019, April 2019, at 651-658; The Indigenous World 2020, April 2020, at 770-776; The Indigenous World 2021, April 2021, at 805-813; The Indigenous World 2022, April 2022, at 830-837; The Indigenous World 2023, April 2023, at 703-711; and The Indigenous World 2024, April 2024, at 669-677.
6. The IGC operates under two-year mandates, renewed biennially by the WIPO General Assembly. The 2024-2025 mandate directs the IGC to continue its work on the protection of genetic resources, traditional knowledge and traditional cultural expressions with the aim of finalizing agreements on international legal instruments to ensure protection of traditional knowledge and traditional cultural expressions, while continuing to discuss intellectual property issues concerning genetic resources as they relate to the IGC's mandate. See <https://www.wipo.int/documents/d/igc/docs-en-igc-mandate-2024-2025.pdf>.
7. The 2022 General Assembly decision and preparatory meetings for the diplomatic conference are discussed in The Indigenous World 2024, April 2024, at 672-674.
8. The treaty text is available at [https://www.wipo.int/edocs/mdocs/tk/en/gratk\\_dc/gratk\\_dc\\_7.pdf](https://www.wipo.int/edocs/mdocs/tk/en/gratk_dc/gratk_dc_7.pdf). Additional background and related information is available at <https://www.wipo.int/en/web/traditional-knowledge/wipo-treaty-on-ip-gr-and-associated-tk>.
9. Under Article 7, the treaty is to be implemented "in a mutually supportive manner" with other relevant international agreements. The WIPO Traditional Knowledge Division maintains a database of various national and regional laws, treaties and regulations on the protection of traditional knowledge, traditional cultural expressions and genetic resources. See [https://www.wipo.int/tk/en/legal\\_texts/](https://www.wipo.int/tk/en/legal_texts/).
10. An active list of signatories and ratifications/accessions is available at <https://www.wipo.int/export/sites/www/treaties/en/docs/pdf/gratk.pdf>. For more information on legal aspects following adoption of the treaty see <https://www.wipo.int/export/sites/www/tk/en/docs/faqs-gratk-treaty.pdf>.
11. The treaty text and associated regulations are available at DLT/DC/26.
12. See <https://www.wipo.int/en/web/designs/faq-industrial-designs>.
13. An active list of signatories and ratifications/accessions is available at <https://www.wipo.int/export/sites/www/treaties/en/docs/pdf/rdlt.pdf>.
14. Recordings of the sessions are available on the WIPO Webcast (<https://webcast.wipo.int/home>) and all session documents are available at [https://www.wipo.int/meetings/en/topic.jsp?group\\_id=110](https://www.wipo.int/meetings/en/topic.jsp?group_id=110).
15. The official texts are available at WIPO/GRTKF/IC/49/4 and WIPO/GRTKF/IC/49/.
16. The Chair's text is available at [wipo\\_grtkf\\_ic\\_47\\_chairs\\_text.pdf](wipo_grtkf_ic_47_chairs_text.pdf).
17. See WIPO/GRTKF/IC/49/.
18. See <https://www.wipo.int/web/wipo-magazine/articles/photography-indigenous-cultures-and-climate-action-42552>.
19. See Winners unveiled for the WIPO Photography Prize for Indigenous Youth 2024.
20. See <https://www.wipo.int/documents/d/igc/docs-en-igc-provisional-schedule-2025.pdf>.

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# PART 3

## **General Information**

# About IWGIA

IWGIA is a non-governmental human rights organisation promoting and defending Indigenous Peoples' collective and individual rights. We have supported our partners in this fight for more than 57 years. We work through a global network of Indigenous Peoples' organisations and international human rights bodies. We promote recognition, respect and implementation of Indigenous Peoples' rights, including the right to self-determination by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development.

We believe that Indigenous Peoples as rights holders are powerful agents of change. Our partnership with their organisations and institutions is at the centre of all our work. Together with allies, and in solidarity with Indigenous Peoples, our core ambition is that Indigenous Peoples' rights to land, territories and resources and their self-determined development are promoted, respected and protected.

We foster change by:

- **Documenting** the situation of Indigenous Peoples and the human rights violations they experience, thus contributing to knowledge and awareness of their circumstances and promoting respect for their individual and collective rights;
- **Advocating** for change from decision-makers at local, national and international levels, including active engagement in international networks; and
- **Supporting the empowerment** of Indigenous Peoples and their own organisations to act in order to claim and exercise their rights and to amplify the Indigenous Peoples' movements at local, national and international levels.

## Our mission

We promote and defend Indigenous Peoples' rights.

## Our vision

A world where Indigenous Peoples everywhere fully enjoy their internationally recognised rights.

## How to get involved

You can follow our work by signing up for our newsletter: <http://eepurl.com/dsPkNP> or by following us on Facebook, Instagram and LinkedIn – just search for us @IWGIA.

If you are interested in supporting us, please find various options on our support page: <https://www.iwgia.org/en/get-involved>



# IWGIA Publications 2024

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**Videos**

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Nükak Baka'. Genuine People

To remedy the damage: Indigenous Surveillance of the Territory

IWGIA Indigenous World 2024 launch event at UN Permanent Forum  
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IWGIA speaks with Indigenous youth about the climate crisis

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## Report

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Written by Ricardo Verдум

ISBN 978-87-93961-67-8



The book you have in your hands is the unique result of a collaborative effort between Indigenous and non-Indigenous activists and scholars who voluntarily report on the situation of Indigenous Peoples' rights year after year. We thank them and celebrate the bonds and sense of community that result from the close cooperation needed to make this one-of-a kind documentation tool available.

For 39 consecutive years IWGIA has published *The Indigenous World* in collaboration with this community of authors. This 2025 edition serves to document developments Indigenous Peoples have experienced throughout 2024 and includes a special focus on Indigenous youth.

The 75 national, regional and international reports in this edition give a comprehensive update on the current state of Indigenous Peoples' rights worldwide.

IWGIA publishes this book with the intent that it is used as a documentation tool and inspiration to promote and defend the rights of Indigenous Peoples, their struggles, worldview and resilience.

***"The Indigenous World is an important resource especially for Indigenous youths to learn about the Indigenous movement worldwide, building on the years of documented knowledge and in-depth insights gathered by our own Indigenous leaders, activists and researchers."***

— Junia Anilik, Head of Programmes, Partners of Community Organizations in Sabah (PACOS Trust) & Author of the Malaysia chapter

***The Indigenous World is one of the key records of the achievements of the Indigenous Peoples' movement and the fight for the recognition of our rights. We hope these pages help strengthen the powerful voices of Indigenous Peoples, particularly Indigenous youth, as they contribute to a new path towards Sumaqamaña (well-being) and social justice.***

— Kantuta Conde, Co-chair, Global Indigenous Youth Caucus (GIYC) & Author of the Global Indigenous Youth Caucus (GIYC) chapter