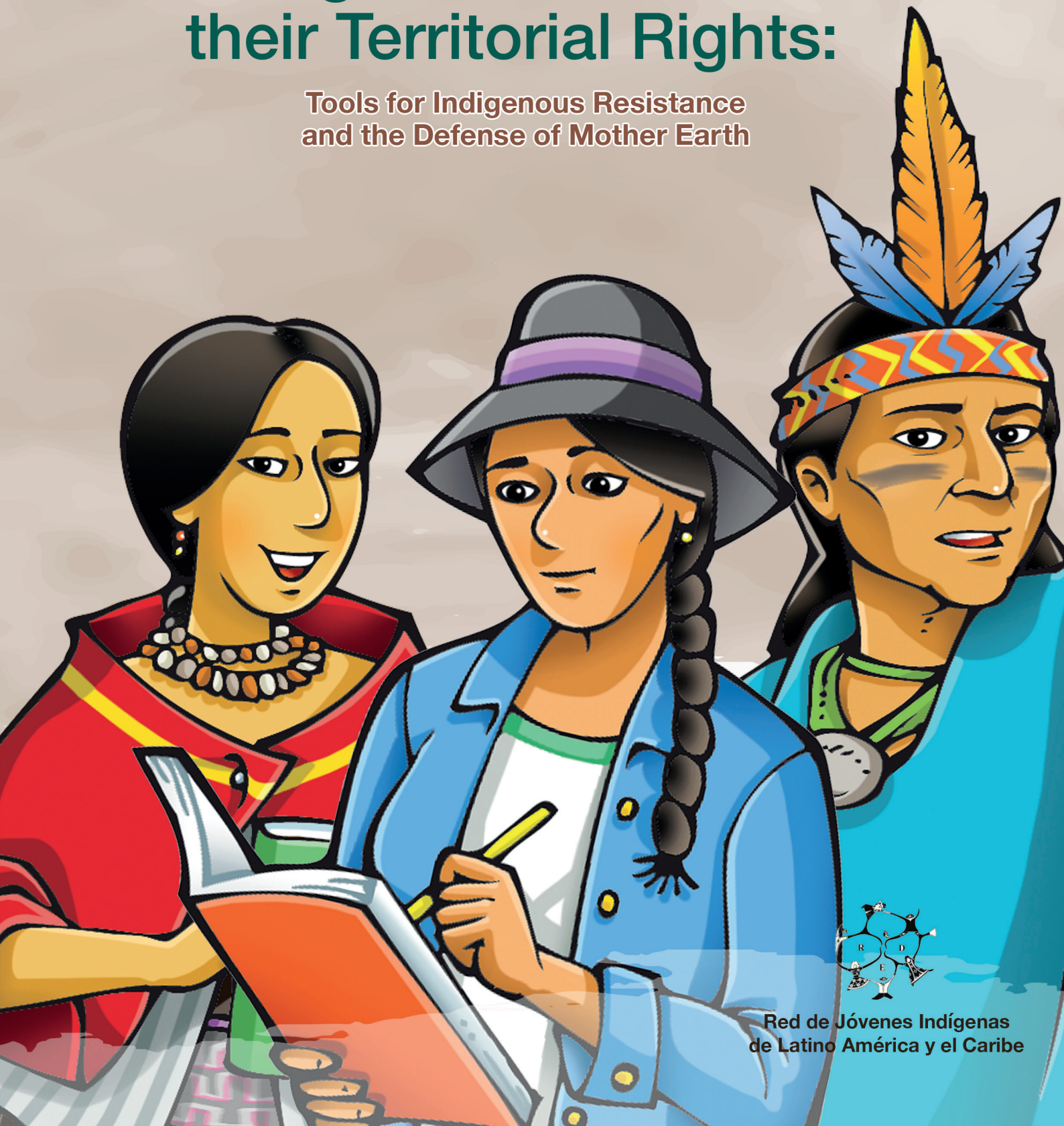
Handbook for Indigenous Youth on their Territorial Rights:

Tools for Indigenous Resistance and the Defense of Mother Earth



Red de Jóvenes Indígenas
de Latino América y el Caribe

Handbook for Indigenous Youth on their Territorial Rights:

Tools for Indigenous Resistance and the Defense of Mother Earth

Red de Jóvenes Indígenas de Latino América y el Caribe

With the support of:

NIA TERO

ILEPA

ELATIA TRAINING INSTITUTE

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Handbook for Indigenous Youth on Their Territorial Rights
Tools for Indigenous Resistance and the Defense of Mother Earth
2025

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Preface

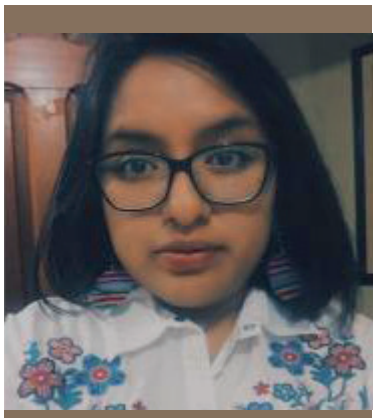
Elsa Stamatopoulou
Columbia University

By Elsa Stamatopoulou

The “Handbook for Indigenous Youth on their Territorial Rights: Tools for Indigenous Resistance and the Defense of Mother Earth” has two important elements. The first is to present the human rights of Indigenous Peoples, in particular, their territorial rights, as a minimum and central means of combating climate change. The second is the role of Indigenous youth in the defense of their territories. This publication comes at a crucial time. The crisis caused by Covid-19 has highlighted something that Indigenous Peoples have been saying for centuries: our health and the health of the planet are one and the same. Human activities that alter the balance in nature have irreversible consequences on global health, sustainable development, and the well-being of humanity. Respecting human rights, particularly the territorial rights of Indigenous Peoples, is a practical and essential way to address the global environmental crisis. Indigenous territories – forests, jungles and mountains – capture significant amounts of greenhouse gases. Indigenous territories protect much of the biodiversity on the planet. In other words, the fight against climate change, including the prevention of future pandemics, requires recognizing and respecting the territorial rights of Indigenous Peoples.

This Handbook, in a practical and accessible way, presents the most important human rights instruments for Indigenous Peoples. Through brief and structured descriptions, it becomes an essential tool to approach the legal international frameworks and mechanisms that protect Indigenous Peoples' rights. Furthermore, with this Handbook, we embark on a journey through key concepts, the historical developments of these regulations and mechanisms specific to Indigenous Peoples, the human rights instruments, the monitoring mechanism for those rights, and environmental regulations. Above all, it marks the beginning of a collective and challenging journey for the protection of human rights and life on Earth.

Welcome to the Handbook for Indigenous Youth on Territorial Rights!



By Kantuta Conde, Aymara from Bolivia, member of the Global Indigenous Youth Caucus and *Red de Jóvenes Indígenas de Latino América y el Caribe*

As you have noticed, we are living in crucial times for the well-being of Mother Earth. Today, our actions and messages—as youth—are urgent. That is why it is essential that you join this movement of young people working to protect the fundamental rights of Indigenous Peoples and life on Earth.

This Handbook is for you. It emerged from the collective experiences and needs of the Red de Jóvenes Indígenas de Latino America y el Caribe - Network of Indigenous Youth, who, in seeking to make an impact, have learned how complex and difficult it is to defend our territories and cultures. This Handbook, together with our encouragement and support, is here to accompany you in your various activities. Remember that you are the one who decides how to use this Handbook.

We want to introduce you to tools for the protection of human rights that safeguard Indigenous territories. In our view, protecting Indigenous territories is the most effective way to address the global environmental crisis.

Why this Handbook?

Indigenous Peoples have historically suffered constant attacks on our territories. The invasion by colonial powers in the 15th century was marked by the violent dispossession of Indigenous lands, backed by laws foreign to the peoples of Abya Yala. Later, the independence movements in the 19th century across Latin America were also characterized by the seizure of Indigenous territories, now justified by the laws of the new nation-states. Today, Indigenous Peoples and their youth continue to suffer the effects of this colonial history and dispossession—it is experienced and perceived as normal, even natural. Thus, as youth of Abya Yala, we have inherited the responsibility and duty to protect our territories. It is necessary to learn and share the tools used by our grandmothers and grandfathers for defending our lands.

Throughout this history, Indigenous youth have accompanied and led various forms of Indigenous territorial defense, and today continue to take on new and diverse actions to protect our lands. Indigenous youth have organized protests against invasions of our territories by extractive industries, expansion of agricultural frontiers, and infrastructure projects (dams, railroads, pipelines, etc.). As Indigenous youth, we are aware of the connection between territory and identity, and therefore, protecting our land is one of the main struggles for the strengthening of our peoples.

Autonomy and self-governance of Indigenous territories combat climate change. These territories great areas of the planet's remaining biodiversity, capture greenhouse gas emissions, and purify water and air. Traditional knowledge, passed on to future generations, is part of the solution to climate change. Today, in the face of the environmental crisis, the implementation of these rights is not only an act of social justice and historical reparation—it may be the most effective solution to stop the destruction of the planet.

Although laws have been used to justify the exploitation of Indigenous Peoples, in recent decades, their struggles have led to the creation or reform of laws to protect their rights. Internationally, these struggles have promoted the recognition and safeguarding of Indigenous territorial rights. Today, Indigenous youth walk a path built by the struggles of our grandmothers and grandfathers. We are now trained not only with traditional values and teachings, but also with technical and professional tools for the defense of our territories. As youth, we proudly take on the responsibility of strengthening the path of Indigenous Peoples for current and future generations.

Purpose

The adoption of international norms for the protection of the rights of Indigenous Peoples was not a gift; it is the result of the persistent and determined work of elder leaders. However, international norms on Indigenous issues have become a complex and organic system within international law. It is not easy to find a guide to help navigate the international legal framework relating to Indigenous Peoples.

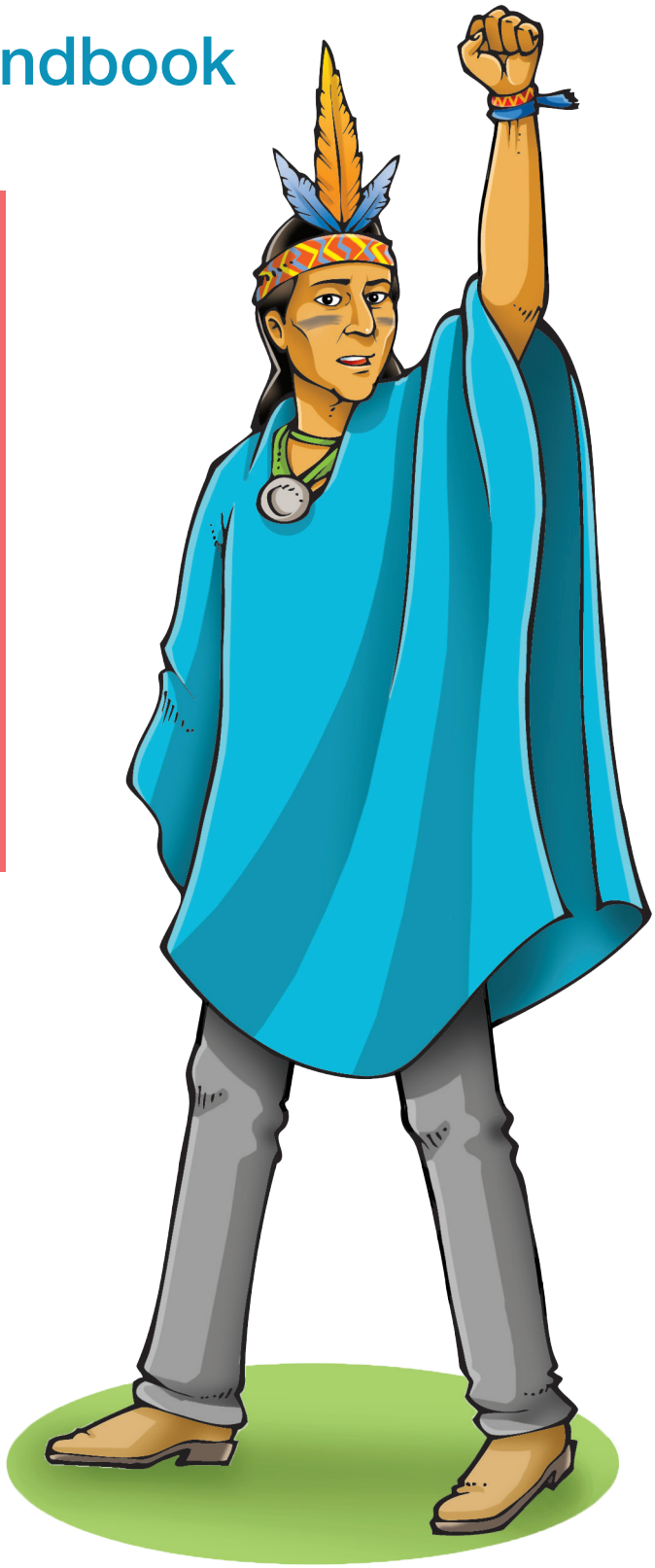
That is why this Handbook offers you an overview of international standards for the defense of Indigenous territories. We are confident that this information will support and inspire your work in defending Indigenous territories and Mother Earth.

We thank the young women who took the time to read and review this Handbook, particularly Dali Angel (FILAC), Paloma Costa (member of the UN Secretary-General's Youth Advisory Group on Climate Change), and Sara Cognuck González (UNICEF consultant).

How to use this Handbook

The Handbook for Indigenous Youth on Their Territorial Rights: Tools for Indigenous Resistance and the Defense of Mother Earth was created by Indigenous youth, for Indigenous and non-Indigenous youth. It aims to address the current precariousness of Indigenous Peoples' rights, especially those of Indigenous youth, in the defense of land and territory.

The Handbook offers clear, concise information in accessible language on the international mechanisms for young people, enabling them to fully participate in the defense of the territory and Mother Earth.



- **Chapter 1: Let's learn key concepts**
  The first chapter introduces several descriptions and definitions, such as Indigenous Peoples and youth, territorial identity, lands, territory, natural resources and the triple climate crisis.

- **Chapter 2: History of Indigenous Peoples' territorial rights**
  The second chapter provides a historical overview of legal conflicts and Indigenous Peoples' response to land defense in Abya Yala. It also presents the most important milestones in the recognition of human rights for Indigenous Peoples.

- **Chapter 3: International instruments on the territorial rights of Indigenous Peoples**
  The third chapter explains the international legal standards protecting the human rights of Indigenous Peoples, with particular attention to land and territorial rights.

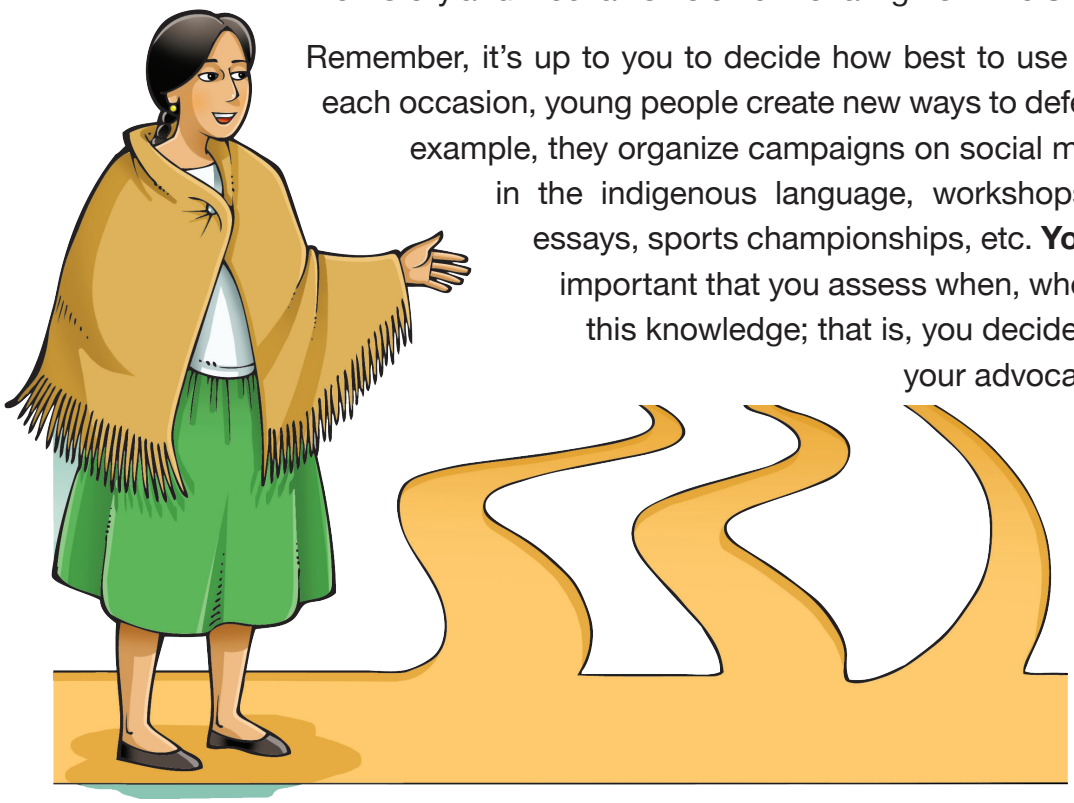
- **Chapter 4: International compliance system for Human Rights, including the territorial rights of Indigenous Peoples.**
  The fourth chapter focuses on the spaces for participation where Indigenous Peoples' voices are heard, particularly if they denounce the violations of their established rights.

- **Chapter 5: International Environmental Law Regulations**
  The fifth chapter presents the background, history, and implementation of declarations, conventions, plans, and other resources useful for engaging in climate action.

Some Practical Advice

Choose your pathway

The Handbook seeks to strengthen your knowledge and skills by describing the history and mechanisms of territorial rights in the United Nations system.



Remember, it's up to you to decide how best to use that information. On each occasion, young people create new ways to defend their territory; for example, they organize campaigns on social media, music festivals in the indigenous language, workshops, meetings, writing essays, sports championships, etc. **You are the actor**; it is important that you assess when, where and how to apply this knowledge; that is, you decide on the best path for your advocacy.

Maya youth in Guatemala create a mural to celebrate and reclaim their cultural identity.

Photograph: Red de Jóvenes Indígenas

Risk Management

It is very important that you analyze your social and political context. Unfortunately, defending Indigenous territories remains a highly dangerous task. The analysis, Front Line Defenders, published in 2022, recorded 358 killings of human rights activists in 2021. Of the total, almost 60% were defenders of land, the environment or Indigenous rights, and more than a quarter were members of an Indigenous Peoples (Front Line Defenders Global Analysis 2021, available at:

https://www.frontlinedefenders.org/sites/default/files/2021_global_analysis_-_final.pdf)

- **Ask yourself:** Are you putting yourself at risk? What safety measures should you consider before acting?
- **Remember:** You have the right to your physical and psychological integrity and to be protected in case of danger. Identify people and institutions, such as the Office of the High Commissioner for Human Rights in your country, to request protection if needed.

Intergenerational Dialogue

The guidance provided by our Elders is vital. They have passed down culture, language, territory, and traditional knowledge to us. Defending our territories has been fought for centuries. It is important to understand history so we can learn from both its successes and failures. As you learn about the resistance struggle of your people, you will be amazed and inspired by those stories. Remember, Indigenous youth work in coordination with and under the guidance of our Elders. It is our responsibility to honor their struggles, teachings, and legacy.

Photograph: Daniela Mazaquisa

Get Ready to Join Meetings

In this Handbook, we will introduce you to various human rights mechanisms (committees or forums). To participate in these, you must prepare before the meeting, influence the discussion and follow up on the results of the meeting.

- Research the mandate of each mechanism to understand what its functions are and what outcome you can expect from the mechanism.
- Study the mechanism documents and reflect on how those documents affect your reality and territory.
- Prepare the key messages that you want to convey to the mechanism.
- When you are participating in the meeting, remember to be cordial and communicate your key messages constructively.
- Finally, share the results of the mechanism with your friends, family, and community.

Expand Your Network

Changes are collaborative efforts; they require contributions from everyone. You will be surprised to learn that many people have been defending their territories in various parts of the world.

Connect with people—leaders, activists, academics, and young individuals—who have been defending Indigenous territories. You will learn from them and see that each one has a role and skills to address common issues.

Contact the **International Land Coalition (ILC)**. The ILC is a platform for local, regional, and international land advocacy organizations. The ILC provides scholarships to promote the participation and leadership of youth land defenders. The ILC Future Leaders Fellowship is a one-year program aimed at young land defenders of ILC member organizations. It equips youth with tools to develop leadership skills and drive change to achieve land governance.
https://www.landcoalition.org/es/

Keep Learning

You will find several sources of information that nurtured this Handbook, we invite you to explore them. We also remind you that you can find more materials on the Indigenous Youth Network website https://www.reddejovenesindigenas.com/projects-minimalist.

CHAPTER 1:

Let's Learn Key Concepts

Recognizing the knowledge, innovations, practices, institutions and values of Indigenous Peoples and local communities and ensuring their participation and inclusion in environmental governance often improves the quality of life for those peoples and communities, and the conservation, restoration and sustainable use of nature, which is important for society as a whole.

Summary for Policymakers of the IPBES Global Assessment Report on Biodiversity and Ecosystem Services, 2019

A first step in introducing land rights instruments is to compile key terms and definitions that help us understand Indigenous Peoples' land rights.

Indigenous Peoples

Several terms have been used to describe the descendants of pre-colonial peoples, such as Amerindian, native, aboriginal, autochthones, and others. Sometimes, these terms carry racist or stereotypical connotations, like savage, primitive, indio[1], and so on. In contrast, Indigenous Peoples prefer to identify themselves with their own names, such as Quechua, Yaqui, Kuna, Hopi, etc. The broad term "indigenous," used to refer to these groups, first emerged in Latin American academic circles and later in policy discussions.

The debate within the United Nations about a definition to refer to these groups began with the proposal of the "Study on the Problem of Discrimination against Indigenous Populations" commissioned by José R. Martínez Cobo in the 1980s. The study analyzes the following difficulties in establishing a definition:

- No single definition can capture the diversity of Indigenous Peoples across all continents. It is estimated that Indigenous Peoples represent more than five thousand different cultures worldwide.
- A concept cannot override the right to self-identification. Individually, each person has the right to self-identify as part of an Indigenous group. At the collective level, Indigenous People have the right to define the makeup of its members; that is, the group also recognizes that individual as one of its members.

During this discussion, the identification of Indigenous Peoples solely based on linguistic factors has posed several difficulties. There are different Indigenous Peoples share the same language or culture, while others have lost their language. In either case, Indigenous groups do not lose their collective Indigenous status.

Due to these complexities, the United Nations system has not established a definition of "Indigenous Peoples." Nevertheless, Martínez Cobo's study confirms that the absence of a formal definition does not hinder the protection of Indigenous Peoples as rights-holders. The study offers an open and working description, which facilitates the debate on the rights of Indigenous Peoples. Below is the quote from the study:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal

1. In the Andean context, Indianist thought reclaimed the term "Indio" as a symbol of pride and resistance against discrimination.

systems. (José R. Martínez Cobo, "Study on the Problem of Discrimination against Indigenous Peoples," Sub-Commission on the Prevention of Discrimination and Protection of Minorities, 1983.)

In summary, for the purposes of this Handbook,

- Indigenous Peoples are pre-colonial societies, and they wish to pass on their culture to future generations.
- They have their own cultural identity – religions, clothing, languages or traditional lifestyles.
- They preserve their traditional or ancestral organizational structures, including economic, political, cultural, social, institutional, and legal systems.

In international law, the term "peoples" refers to holders of collective rights, including the right to self-determination, which is protected at the highest level by international law. This right includes Indigenous Peoples' ability to decide their political future. In this context, Indigenous Peoples — regardless of their population size — do not seek minority rights but instead collective rights as peoples.

Indigenous Youth

It is estimated that there are 1.2 billion young people worldwide between the ages of 15 and 24, making up 16% of the world's population. Like the definition of "Indigenous Peoples," the United Nations does not establish an age range for defining "young." However, for statistical purposes, in the context of the International Year of Youth (1985), the United Nations defined young people as individuals aged 15 to 24.

Indigenous youth are shaped by their own cultures, traditional practices, and customary law. The experiences and roles of children, adolescents, and youth are integral parts of life in communities governed by Indigenous Peoples' systems of law. In these communities, each stage of life is associated with specific responsibilities, rights, and obligations defined by customary law. The transition between these stages is not only marked by age but also by other factors such as marital status, expertise in traditional knowledge, the provision of services to the community, and more.

Fourth National Youth Camp of CONAIE, Azuay, Molleturo, San Pedro de Yumate, Ecuador, 5–8 March 2020.

Photograph: CONAIE Youth – Indigenous Youth Network

Collective Rights

Collective rights are exercised by Indigenous Peoples as collective right-holders. Their collective rights include the right to identity, culture, territory, government, forms of legal administration, systems of economic, political, and spiritual life. In many countries, Indigenous Peoples have influenced legal reforms that recognize their status as collective right-holders. Examples such as Indigenous autonomies in Bolivia, the Kuna Region in Panama, Indigenous resguardos in Colombia, and American Indian reservations in the United States.

The collective rights of Indigenous Peoples are recognized in various international instruments, mainly in the United Nations Declaration on the Rights of Indigenous Peoples and International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples.

Territorial Identity

The cultural identity of Indigenous Peoples is strongly tied to their territory and environment, which is rooted in spiritual, material, and political relationships with the land. Therefore, territorial identity includes all the uses, representations, and meanings that the community and its members have traditionally constructed in relation to the territory where they live.

To strengthen the cultural identity of Indigenous youth, their connection to their territories shapes the way they live, dress, eat, and grow. However, when Indigenous youth leave their community, they often experience a break from their land and identity, with serious effects on their well-being.

Lands and Territories

From a human rights-based approach, the right to access land means that every individual has the ability to access, either through ownership or possession, to use, control, and/or transfer it. The right to access land refers to enjoying the surface of the land but does not include the exploitation of subsurface resources.

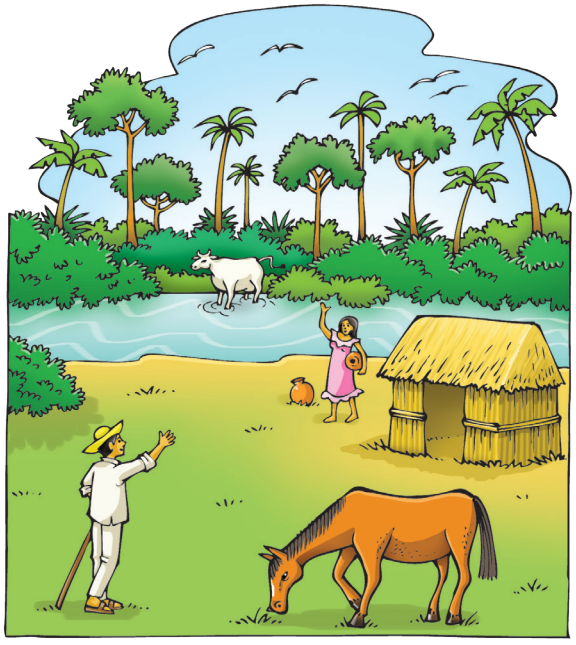
Territorial rights involve the control of entire areas, including land, water, airspace, and subsoil. In the case of Indigenous territorial rights, these are connected to their collective rights of property, self-determination, autonomy, self-government, customary law, cultural identity, and other related rights.

The Convention on Biological Diversity, in its Glossary of Relevant Key Terms and Concepts within the Context of Article 8(j) and Related Provisions (2019), defines the following terms

- Traditional territories: lands and waters traditionally occupied or used by Indigenous Peoples and local communities.

- Territories and areas conserved by Indigenous Peoples and local communities (ICCAs): Territories and areas conserved by Indigenous Peoples and local communities are natural or modified ecosystems that contain important biodiversity values, ecological services, and cultural values that are voluntarily conserved by Indigenous Peoples and local communities, both sedentary and nomadic, through customary laws and other effective means. Areas conserved by Indigenous Peoples and local communities could be recognized as protected or conserved areas, subject to their "prior and informed consent," or "free, prior and informed consent," or "approval and participation" or request, depending on national circumstances.
- Sacred [Indigenous] site: may refer to a place, object, building, area or natural feature or area considered by national governments or indigenous communities to be of particular importance, in accordance with the customs of an indigenous or local community by reason of its religious or spiritual significance.

Indigenous youth have a strong connection to land and territory because of this close link with their cultural identity. From the Indigenous holistic approach, territorial rights include the living space, whose health is essential for the balanced life of all beings, including spiritual ones.



Natural Resources

Natural resources include all the elements found in nature that fulfill human needs, such as water, oil, minerals, trees, animals, flora, and fauna.

Territorial rights ensure Indigenous Peoples access to and use of resources within their territories through participation in their management, use, and conservation.

Traditional Knowledge

According to the Convention on Biological Diversity's Glossary of Relevant Key Terms and Concepts within the Context of Article 8(j) and Related Provisions, traditional knowledge is the knowledge, innovations and practices of Indigenous Peoples and local communities involving traditional lifestyles relevant to the conservation and sustainable use of biological diversity.

Free, Prior and Informed Consent

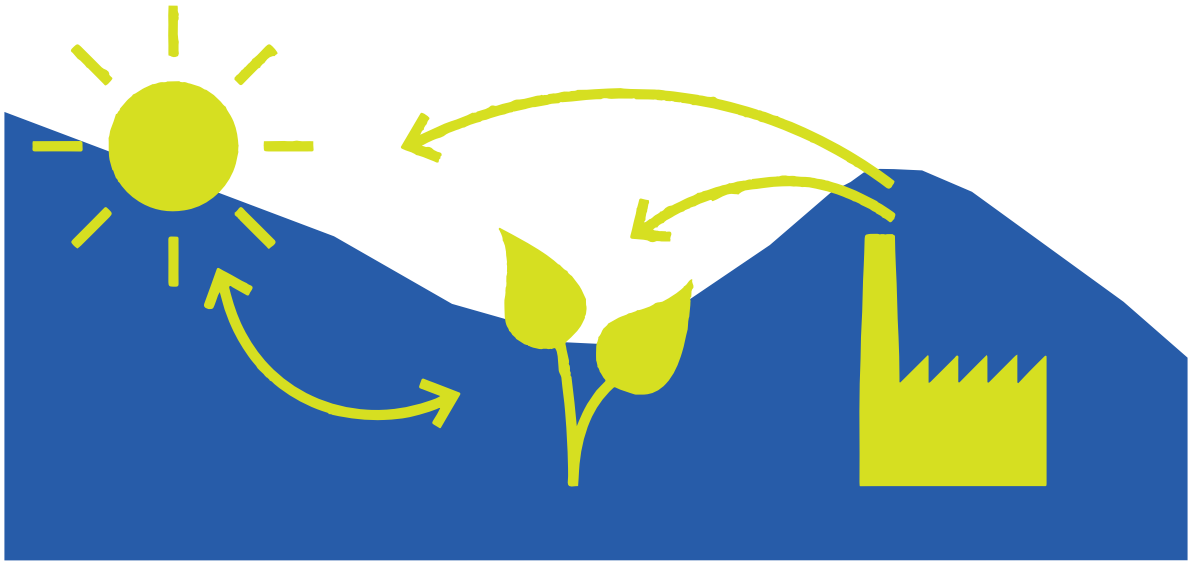
In recognition of their ownership of territories, Indigenous Peoples have the right to be consulted. Governments should consult to obtain their free, prior and informed consent. Consultation and consent are not only relevant to territorial matters but also apply to any administrative or legislative measures that impact Indigenous Peoples, such as infrastructure projects, development plans, or extractive activities that could affect natural resources.

In the context of access to traditional knowledge, the Convention on Biological Diversity, in Glossary of Relevant Key Terms and Concepts within the Context of Article 8(j) and Related Provisions, describes:

- *Free* means that Indigenous Peoples are not pressured, intimidated, manipulated, or unduly influenced, and that they consent without coercion.
- *Prior* means that consent or approval is sought in advance of any authorization to access traditional knowledge, respecting customary decision-making processes in accordance with national legislation and timelines established by Indigenous Peoples.
- *Informed* means that information is provided that covers relevant aspects such as: the intended purpose of the access, its duration and scope; a preliminary assessment of the likely economic, social, cultural and environmental effects, including possible risks; the personnel who would be involved in the execution of the access; the procedures that could lead to the access and benefit-sharing agreements.
- *Consent or approval* means that Indigenous Peoples, who are the holders of traditional knowledge, agree to give a potential user access to their traditional knowledge. This includes the right to withhold their consent or approval.

Triple Planetary Crisis

The triple planetary crisis refers to the interconnected challenges of climate change, pollution, and the loss of biodiversity. These three major threats to human existence require coordinated and articulated solutions.



Climate change Biodiversity Loss Pollution

Climate Change

Climate change is the long-term modification of temperature and weather patterns, often recognized by the variability and effects on the planet's ecosystems. Climate change is primarily caused by industry, energy consumption, agriculture, and infrastructure that release greenhouse gases into the atmosphere. Climate change is identified by statistical evidence and is linked to water shortages, forest fires, sea level rise, and biodiversity loss, among other issues.

Pollution

Pollution is the presence of harmful substances in the environment, particularly in the air, water, and land, that cause damage to the environment and humans. Air pollution affects everyone and has various health effects depending on exposure time and age. The highest sources of air pollution are road transport, businesses, and fossil fuel-burning plants.

In relation to pollution reduction, the 2030 Agenda for Sustainable Development includes the following goals:

- Target 3.9.1: substantial reduction in deaths and illnesses from air pollution.
- Target 7.1.2: ensure access to clean energy in households.
- Target 11.6.2: reduce the environmental impact of cities by improving air quality.

Water pollution is one of the main indicators of the effects of climate change, as floods can contaminate water sanitation points or drinking water sources.

Sustainable Development Goal 6 establishes: Ensuring the availability and sustainable management of water and sanitation for all. Goal 6.3 therein seeks to improve water quality by reducing pollution, eliminating discharge and minimizing the release of chemicals and hazardous materials, halving the proportion of untreated wastewater, and substantially increasing recycling and safe reuse globally. Goal 6.B proposes supporting and strengthening the participation of local communities in improving water and sanitation management.

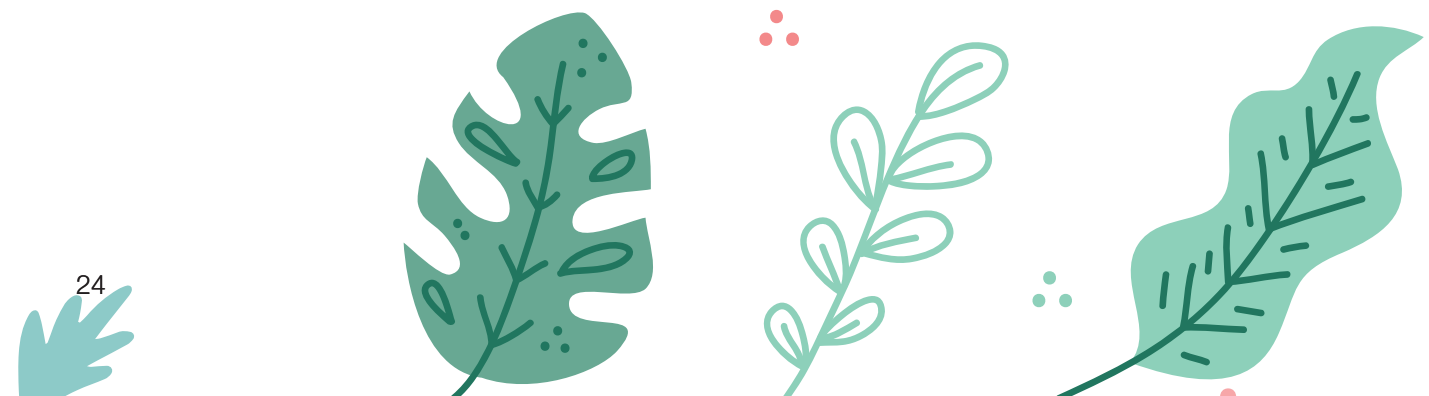
Loss of Biodiversity

Biodiversity loss is the decline in the genetic variety of species and ecosystems that make up all life on Earth. All living things are interconnected and have developed through natural processes that today form the basis of ecosystems. The Convention on Biological Diversity defines biological diversity as the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species, and of ecosystems.

Mitigation Actions

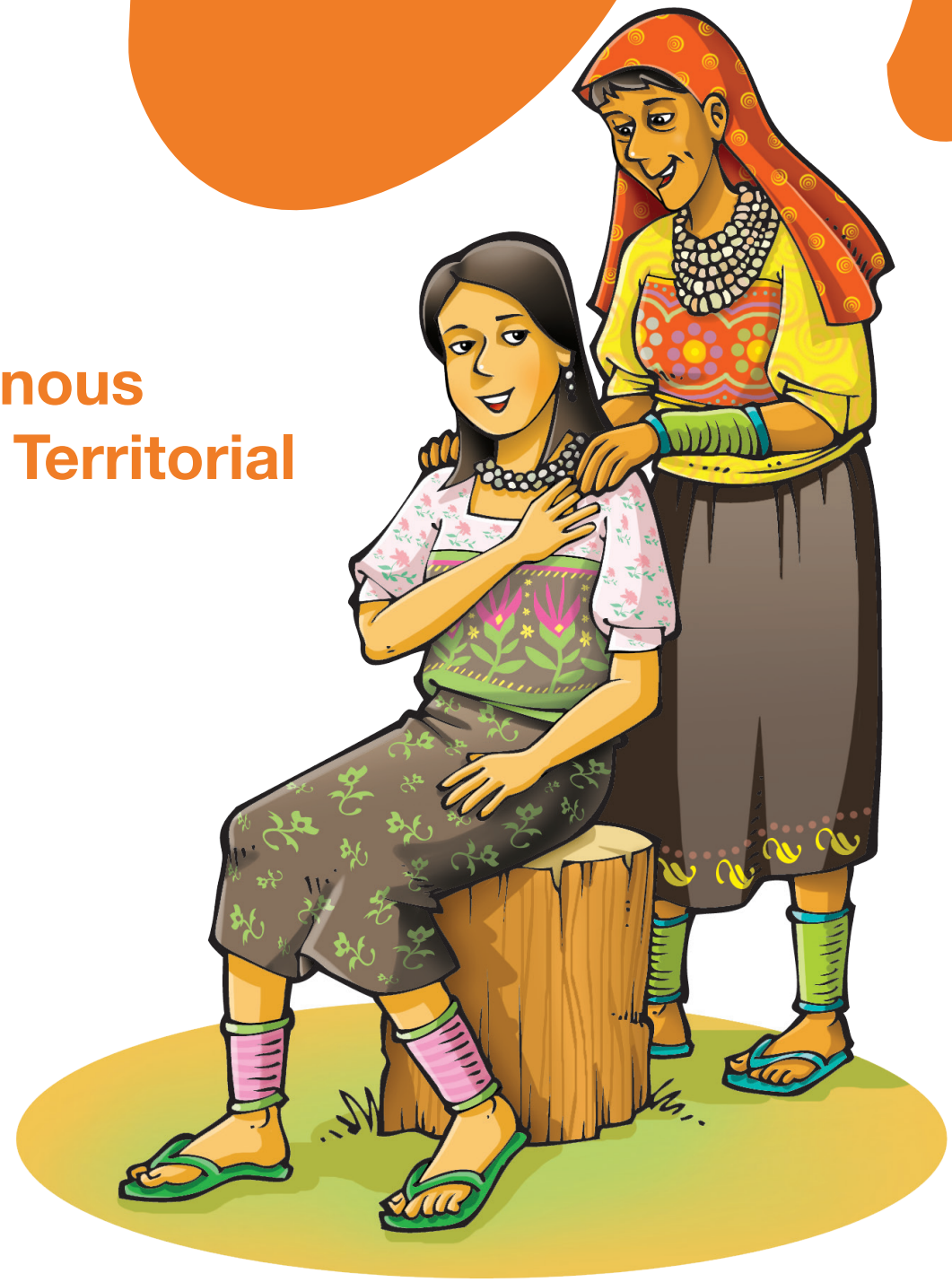
Mitigation actions to address climate change involve efforts to reduce greenhouse gas emissions that each country has undertaken within the framework of the Paris Agreements. Countries implement projects and programs aimed at mitigation at the local level, supported by international funds that also aimed at capacity development at the local level. The engagement and participation of Indigenous youth in these efforts are critical, so that, at the local level, they are informed and involved in mitigation initiatives.

For the development of mitigation actions, international cooperation support is important, both for efforts to reduce greenhouse gases and for reporting on the progrees of each country.



CHAPTER 2:

History of Indigenous Peoples' Territorial Rights



We have recovered our values and returned to the ayllus, to our Aymara government, so that Aymara thought is recognized. In this way, we – Aymara – know that the ayllu is the core. It is the origin of social, political and economic organization.

Ramón Conde, Aymara Nation of Bolivia

The Colonial History of Dispossession in Abya Yala

The arrival of Europeans in Abya Yala was marked by violence against Indigenous Peoples, the invasion of their territories and the enforcement of forced labor. This period was rooted in the belief of European superiority over Indigenous Peoples, who were labeled as savages.

During the period of formation of the national republics in Abya Yala, the situation for Indigenous Peoples remained unchanged. The new republics continued to uphold relations of superiority and racism against Indigenous Peoples within national borders. Indigenous lands and territories were declared as state-owned lands, often under systems of individual ownership, destroying the collective nature of Indigenous territories.

Agrarian reforms in Latin America:

- In Peru, the Agrarian Reform of 1969 modernized the land market by shifting from diverse agriculture to monoculture, without respecting the agricultural cycles of Indigenous Peoples. These cycles, based on rotation, allow land to rest and production to occur, preventing overexploitation.
- In Bolivia, the 1953 Agrarian Reform granted land to peasants with the slogan, “The land belongs to those who work it.” The aim was to boost agricultural production and commercialization of the agricultural industry, encouraging cooperative farming.
- In Ecuador, by 1960, haciendas still existed in the Andean region. The Agrarian Reform laws of 1964 and 1973, supported by the Ley de Comunas, promoted an accelerated land market with access to credits and individual land titles.

The agrarian reforms were developed under a policy of integration or homogenization. They aimed to change Indigenous identity into a national identity by reclassifying Indigenous Peoples as peasants, through forced schooling and the imposition of non-Indigenous languages and values.

Itinerary of International Indigenous Milestones

1923 – Chief Deskaheh's Journey

Chief Deskaheh, leader of the Haudenosaunee people in Canada, attempted to appear at the headquarters of the League of Nations, the precursor to the United Nations, and became the first Indigenous person to demand recognition of Indigenous Peoples' rights and respect for "being able to live under Indigenous laws in their territory and professing their own faith." Deskaheh was not allowed to enter or speak at the League of Nations; however, he started a movement that inspired future generations.

1924 – Leader Tahupōtiki Wiremu Rātana's Journey

The Māori religious leader Tahupōtiki Wiremu Rātana traveled to Geneva to denounce the violation of the Treaty of Waitangi of 1840. The treaty, an agreement between the British Crown and the Māori people, recognizes Māori ownership of their land based on the founding principles of New Zealand. Confronted with the breach of this agreement, Rātana and his delegation tried to file a complaint with the League of Nations in Geneva; however, they were not even allowed to enter the headquarters.

1945 – Creation of the United Nations Organization

With the adoption of the Charter of the United Nations in 1945, the organization was established to maintain international peace and security, respect the principles of equal rights and self-determination for peoples, protect human rights, and serve as a center that coordinates efforts toward common purposes.

1957 – Convention No. 107 of the International Labour Organization

The International Labour Organization (ILO) adopted the Indigenous and Tribal Populations Convention No. 107 as the first international legal instrument on the rights of Indigenous Peoples. This Convention, grounded in an assimilationist approach, describes Indigenous populations as if they were at a less advanced stage, aiming to protect them through progressive integration into the national community by replacing their own cultures.

1972 – Start of the Study of the Problem of Discrimination against Indigenous Populations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, established by the United Nations Economic and Social Council, decided to carry out the Study of the Problem of Discrimination against Indigenous Populations. The objective was to highlight the situation of Indigenous Peoples, including the discrimination they encounter. This report includes historical, economic, and sociological elements, with a primary focus on an extensive legal analysis of Indigenous Peoples' situation. The preliminary report also recommends taking measures to eliminate forms of discrimination

and to preserve Indigenous cultures in order to strengthen their identity as collectives.

1977 – International NGO Conference on Discrimination against Indigenous Peoples in the Americas

The first International NGO Conference on Discrimination against Indigenous Peoples in the Americas took place at the Palais des Nations, the headquarters of the United Nations offices in Geneva. The conference, through the Indigenous participants, emphasized the critical situation their peoples are facing.

1981 – International NGO Conference on Indigenous Peoples and Land

The International NGO Conference on Indigenous Peoples and Land, held in Geneva from September 1 to 18, 1981, continued the work initiated by the 1977 Conference. The 1981 Conference focused on the following committees:

- Indigenous Peoples' rights to their lands, international agreements and treaties, agrarian reform, and land tenure systems.
- Indigenous philosophy and the land.
- Transnational corporations and their effects on Indigenous Peoples' resources and lands.
- The impact of the concentration of nuclear weapons on the lands and lives of Indigenous Peoples.

1982 to 1984 – Study on the Problem of Discrimination against Indigenous Populations

The Study on the Problem of Discrimination against Indigenous Populations was presented at three sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1982, 1983, and 1984. The study, commissioned to José R. Martínez Cobo, benefited from the valuable contributions of Augusto Willemsen Díaz. The final report played an important role in highlighting relevant information about the critical situation of Indigenous Peoples, including the debate on the term "Indigenous Peoples."

Martínez Cobo's study examined the difficulties in developing a definitive definition and concluded that it is neither possible nor desirable to establish one. In this regard, the United Nations system has not adopted a definition of "Indigenous Peoples." However, the study provides a working description that is open to including elements that may not have been considered during its initial development.

1982 – Working Group on Indigenous Populations

On May 7, 1982, the Economic and Social Council approved Resolution 1982/34, which authorizes the Sub-Commission on the Promotion and Protection of Human Rights to establish a Working Group on Indigenous Populations. This Working Group was created to examine the facts related to promoting and protecting the human rights and fundamental freedoms of Indigenous populations and to monitor changes in the norms relating to Indigenous Peoples' rights. The Working Group adjusted its rules to allow Indigenous organizations to participate, and their presence steadily increased as the Working Group's focus expanded.

This Working Group considered the development of an international instrument

on the rights of Indigenous Peoples. Within the hierarchy of the United Nations bodies, this group was positioned lower than other human rights entities; however, Indigenous Peoples' participation and leadership have helped establish several mechanisms to ensure their presence at the United Nations.

1985 – United Nations Voluntary Fund for Indigenous Populations

The United Nations Voluntary Fund for Indigenous Populations was established in 1985 with the goal of encouraging Indigenous representatives to participate in the meetings of the Working Group. It is important to note that the operation and regulation of the Voluntary Fund involve a Board of Trustees that advises the Secretary-General, through the United Nations High Commissioner for Human Rights, on the use of the Voluntary Fund.

This Fund has expanded its mandate, enabling Indigenous participation in the following areas:

- 1985 – United Nations Working Group on Indigenous Populations.
- 2001 – Permanent Forum on Indigenous Issues.
- 2008 – Expert Mechanism on the Rights of Indigenous Peoples.
- 2010 – Meetings of the Human Rights Council and the human rights treaty bodies.
- 2015 – Meetings of United Nations bodies on matters concerning them during the 70th and 71st sessions of the General Assembly.
- 2019 – United Nations Forum on Business and Human Rights and the Conference of the Parties to the United Nations Framework Convention on Climate Change.

1989 – Convention No. 169 of the International Labour Organization

Indigenous Peoples criticized the assimilationist approach of ILO Convention No. 107. In 1989, the ILO adopted the Convention on Indigenous and Tribal Peoples No. 169, which ensures several Indigenous Peoples' rights. Convention 169 is one of the most important instruments because it represents a shift toward recognizing the cultural integrity of Indigenous Peoples, their control over territories, and their traditional institutions. This includes rights to protect ways of life, promote economic development, and maintain their languages, identities, and religions. It was adopted at the 76th session, on June 27, 1989, and entered into force on September 5, 1991. Several countries in Latin America have ratified it.

The purpose of this instrument, which contains 44 articles, is to guarantee indigenous rights to their lands, territories, waters, and resources, as well as to protect their social, cultural, religious, and spiritual values and practices. One of the most important issues is the right to consultation, ensuring their ability to decide how they develop and improve their living conditions. This same instrument also affirms the rights of Indigenous Peoples and, in a cross-cutting manner, includes protections against gender discrimination and non-discrimination.

1990 – Convention on the Rights of the Child

The Convention on the Rights of the Child entered into force on September 2, 1990, establishing obligations for States to ensure that children can exercise their rights. The Convention, in Article 30, recognizes the linguistic needs of children from Indigenous groups to facilitate access to information.

1992 – Earth Summit

The United Nations Conference on Environment and Development, known as the Earth Summit, took place in Rio de Janeiro, Brazil, in June 1992.

The Conference adopted:

- The Rio Declaration and its 27 universal principles.
- Agenda 21 as a strategy to achieve sustainable development.
- The Declaration on the Principles of the Management, Conservation and Sustainable Development of Forests of All Types.

The Conference also adopted treaties on environmental issues, known as the Rio Conventions:

- The United Nations Framework Convention on Climate Change (in force since 1994).
- The Convention on Biological Diversity (in force since 1993), which in Article 8 (j) affirms the obligation to respect, preserve and maintain the knowledge, innovations and practices of Indigenous Peoples.
- The Convention to Combat Desertification (in force since 1996).

1993 – International Year for the World's Indigenous People

The year 1993 was proclaimed the International Year of the World's Indigenous People, to foster a new relationship between Indigenous Peoples, States and the international community based on mutual respect and understanding. The United Nations General Assembly reopened the Voluntary Fund, expanding Indigenous participation to the activities scheduled for the celebration of the International Year.

1995 to 2004 – First International Decade of the World's Indigenous People

General Assembly Resolution 48/163 of December 21, 1993, approved the International Decade of the World's Indigenous People, covering the years 1995 to 2004. The goal of the Decade was to enhance international cooperation to improve the situation of Indigenous Peoples concerning human rights, health, education, and the environment.

In the Decade celebration, the importance of establishing a permanent body for Indigenous Peoples within the United Nations system was acknowledged. This demand led to the creation of the Permanent Forum on Indigenous Issues, aimed at ensuring Indigenous Peoples' participation and promoting international cooperation to develop programs and projects for Indigenous Peoples.

1998 – Working Group on Article 8 (j) and Related Provisions

At its fourth meeting, the Conference of the Parties to the Convention on Biological Diversity established the Working Group on Article 8 (j) and related provisions. Its mandate is to advise the Conference of the Parties on the implementation of Article 8(j) and related provisions and to strengthen international cooperation between Indigenous Peoples and local communities.

2000 – United Nations Permanent Forum on Indigenous Issues

The United Nations Permanent Forum on Indigenous Issues was established in 2000 as an advisory body to the Economic and

Social Council, aimed at analyzing specific issues related to Indigenous Peoples.

2001 – Special Rapporteur on the Rights of Indigenous Peoples

The Commission on Human Rights decided to appoint Rodolfo Stavenhagen as Special Rapporteur on the rights of Indigenous Peoples. His mandate was renewed in 2004, serving two terms (2001-2008). The Human Rights Council, which replaced the Commission on Human Rights, is responsible for renewing and extending the mandate of the Special Rapporteur. Currently, Mr. Albert K. Barume has been appointed Special Rapporteur on the rights of Indigenous Peoples since December 2024.

2004 – Convention on Biological Diversity Voluntary Fund

The Conference of the Parties to the Convention on Biological Diversity, at its seventh meeting, established the Voluntary Fund to facilitate the participation of representatives of Indigenous Peoples and local communities in meetings under the Convention on Biological Diversity.

2005 – Kyoto Protocol

The Kyoto Protocol is a treaty under the United Nations Framework Convention on Climate Change. It has been applied since February 2005 and aims to limit and reduce greenhouse gas emissions from industrialized countries under the principle of "common but differentiated responsibilities". The States-Parties that approved it are required to submit reports on their efforts to meet the established goals.

An adaptation fund was established to support climate change adaptation efforts. It focuses on programs and projects in developing countries that have ratified the Kyoto Protocol. Since 2015, the Paris Agreement has provided a broader framework involving all countries through nationally determined contributions, but the Kyoto Protocol remains a significant milestone in international climate governance.

2005 to 2015 – Second International Decade of the World's Indigenous Populations

The Second International Decade of the World's Indigenous Populations, from 2005 to 2015, was proclaimed by the General Assembly in Resolution 59/174 to enhance international cooperation in support of Indigenous Peoples.

Within this framework, the Trust Fund for the Second Decade was established to support local projects in the areas of culture, education, health, human rights, environment and socioeconomic development. The Permanent Forum, within its remit, recommended the evaluation of the small grants program for this decade. The Trust Fund provided financial support to 151 projects.

2006 – Global Indigenous Youth Caucus

Indigenous youth have participated since the first session of the Permanent Forum on Indigenous Issues, working to coordinate their efforts. Indigenous youth formally established the Global Indigenous Youth Caucus (GIYC) in 2006. It was recognized by the Permanent Forum as a working group in 2008. In 2014, within the framework of the

World Conference on Indigenous Peoples, the GIYC strengthened its organizational structure and successfully brought together Indigenous youth from the seven socio-cultural regions of the world. During the Permanent Forum sessions, the GIYC meets daily to discuss collective positions, statements, and recommendations directed to the Permanent Forum. In recent years, the GIYC has increased its collaboration with FAO, the Expert Mechanism on the Rights of Indigenous Peoples, and climate change forums.

2007 – United Nations Declaration on the Rights of Indigenous Peoples

After 20 years of sustained advocacy and effort, the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) on September 13, 2007. With 144 votes in favor, 11 abstentions, and 4 votes against. Since then, countries that initially voted against or abstained have reversed their stance by adhering to the Declaration, creating a global consensus on the basic rights and freedoms of Indigenous Peoples. The negotiation of UNDRIP included representatives from Indigenous organizations who, through their stories of injustice and resistance, transformed international law.

2007 – Expert Mechanism on the Rights of Indigenous Peoples

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) is a subsidiary body of the Human Rights Council, which provides thematic advice through studies on the rights of Indigenous Peoples. Each year, it holds a meeting in which representatives of States, Indigenous Peoples, civil society, intergovernmental organizations and academia participate.

The studies undertaken by EMRIP offer guidance and promote understanding of the scope and application of the rights of Indigenous Peoples, taking into account the principles of self-determination, prior, free, and informed consent, and good practices. EMRIP also suggests measures for States in the implementation and protection of the rights of Indigenous Peoples.

2014 – World Conference on Indigenous Peoples

Held from 22 to 24 September 2014, the World Conference of Indigenous Peoples was held to analyze their situation and the scope of the United Nations Declaration on the Rights of Indigenous Peoples. In addition to the opening and closing of the Conference, work was carried out in three round tables: (i) action by the United Nations system for the implementation of the rights of Indigenous Peoples; (ii) implementation of the rights of Indigenous Peoples at the national and local levels; and (iii) lands, territories and resources of Indigenous Peoples. The outcome of the Conference was captured in the Outcome Document, which includes action-oriented commitments.

The third roundtable on Indigenous Peoples' lands, territories and resources highlighted the close relationship that exists between them and their lands, territories and resources, as the cornerstone of their collective survival and development. Despite the recognition of several rights of the Declaration, there is still a lack of implementation of those rights.

Continued threats to the security of their territories deepen poverty, marginalization and conflicts.

2015 – Paris Agreement

The Paris Agreement is an international treaty on climate change, approved on December 12, 2015, and became mandatory in 2016. The goal is to limit the rise in global temperatures. It was signed by 195 countries and, by 2021, ratified by 189, with the purpose of reducing greenhouse gas emissions, especially carbon dioxide (CO2), to slow global warming.

2030 Agenda for Sustainable Development

In 2025, the United Nations adopted the 2030 Agenda for Sustainable Development, which includes 17 Sustainable Development Goals aimed at ending poverty by implementing strategies that improve health and education, reduce inequality, and stimulate economic growth—all while addressing the effects of climate change and working to conserve biodiversity. The 2030 Agenda for Sustainable Development emphasizes the importance of inclusivity and recognizes the contributions of Indigenous Peoples to achieving sustainable development.

2015 – Local Communities and Indigenous Peoples Platform

The Conference of the Parties to the Framework Convention on Climate Change, at its 21st meeting, decided to establish a Local Communities and Indigenous Peoples Platform (LCIPP). It serves as a platform for the exchange of experiences and best practices on mitigation and adaptation in a holistic and integrated manner. It recognizes the need to strengthen the knowledge, technologies, practices and efforts of local communities and Indigenous Peoples to address climate change.

2019 – International Year of Indigenous Languages

In 2019, the United Nations declared the International Year of Indigenous Languages, recognizing that language is the main means of preserving the culture and identity of Indigenous Peoples. Indigenous languages ensure the transmission of traditional knowledge and help maintain the continuity of Indigenous Peoples. For Indigenous youth, the International Year of Indigenous Languages was an opportunity to revitalize our identity and consciousness, especially in the face of challenges like migration, seeking education or work, and racism.

2022 to 2032 – International Decade of Indigenous Languages

The United Nations General Assembly, through Resolution A/RES/135, declared the International Decade of Indigenous Languages from 2022 to 2032, building on the International Year of Indigenous Languages. The Decade aims to safeguard the rights of Indigenous Peoples to preserve, revitalize, and promote their languages, while incorporating linguistic diversity and multilingualism into sustainable development efforts. It offers a unique opportunity to collaborate on policy development, foster a global dialogue with genuine multi-stakeholder engagement, and take necessary steps for the use, preservation, revitalization, and promotion of Indigenous languages worldwide. (UNESCO, from the IDIL 2022-2032).

TIMELINE: MILESTONES IN TERRITORIAL RIGHTS

1923 Chief Deskaheh traveled to the League of Nations.

1924 Māori leader T.W. Rātana travelled to the League of Nations.

1945 Creation of the United Nations.

1957 ILO Convention No. 107 was adopted.

1972 Start of the Study on the Problem of Discrimination against Indigenous Populations.

1998 Establishment of the Working Group on Article 8(j) and related provisions of the Convention on Biological Diversity.

2000 Establishment of the United Nations Permanent Forum on Indigenous Issues.

United Nations Permanent Forum on Indigenous Issues

2001 Dr. Rodolfo Stavenhagen was appointed as the first Special Rapporteur on the rights of Indigenous Peoples.

2005 a 2015 Second International Decade of the World's Indigenous People.

2006 Establishment of the Global Indigenous Youth Caucus.

AT THE INTERNATIONAL LEVEL

1977

International NGO Conference on Discrimination against Indigenous Peoples in the Americas.

1982

Establishment of the Working Group on Indigenous Populations.

1989

ILO Convention No. 169 was adopted.

1992

Earth Summit.

1993

International Year of the World's Indigenous People.

1995 a 2004

First International Decade of the World's Indigenous People.

2007

Adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

2007

Establishment of the Expert Mechanism on the Rights of Indigenous Peoples.

2014

World Conference on Indigenous Peoples.

2015

Paris Agreement and the Local Communities and Indigenous Peoples Platform.

2019

International Year of Indigenous Languages.

2022 a 2032

International Decade of Indigenous Languages.

2022-2032 | DECENIO INTERNACIONAL DE LAS
Lenguas Indígenas

CHAPTER 3:

International Instruments on the Territorial Rights of Indigenous Peoples

By human rights of Indigenous Peoples, we refer, first and foremost, to all the human rights that Indigenous Peoples share with the rest of the population, universal human rights. We are also talking about collective rights that have not been recognized in public policies, nor in legal practice in national and international discourse. We are talking about the rights of individuals who identify as Indigenous, and of the rights of lindigenous communities, of Indigenous Peoples, as collective right-holders of law and rights.

Rodolfo Stavenhagen, 2010

Indigenous youth have learned from our grandparents about the fundamental connection between our well-being and our territories. For many Indigenous Peoples, Mother Earth or Mother Nature is sacred. Maintaining a spiritual and respectful relationship with our territories is essential because they sustain our cultural identity and, at the same time, offer us the essentials for life: clean water and air, housing, food and medicine. Our grandparents, in teaching us the value of our territories, have also passed on the obligation to protect them; a struggle that began more than five centuries ago.

A human rights approach to the protection of the territorial rights of Indigenous Peoples recognizes that securing their territories also means safeguarding fundamental rights, such as health, culture, education, access to drinking water, and more.

A non-discriminatory approach means that all people, regardless of their age, gender, identity, religion, economic condition or any other characteristic, are entitled to fundamental rights and freedoms guaranteed. In this sense, Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination.

International Human Rights Instruments

Eleanor Roosevelt holding a poster of the Universal Declaration of Human Rights, Lake Success, New York, November 1949. *Source: FDR Presidential Library & Museum*

By safeguarding their territorial rights, several key human rights of Indigenous Peoples are protected, including the rights to life, development, identity, food, education, and property, among others.

What are human rights? Human rights are a set of basic and minimum rights that all people have. They are indivisible, meaning all rights are connected and cannot be chosen to be denied. They are inalienable, which means they cannot be taken away or transferred.

The first international instrument is the Universal Declaration of Human Rights (1948), which ensures minimum guarantees for every person, including Indigenous Peoples. Beginning in 1966, the States began incorporating human rights into international treaties, creating binding obligations to protect human rights.

There are nine core international human rights treaties:

1. International Covenant on Civil and Political Rights (in force since 1976)
2. International Covenant on Economic, Social and Cultural Rights (in force since 1976)
3. International Convention on the Elimination of All Forms of Racial Discrimination (in force since 1969)
4. Convention on the Elimination of All Forms of Discrimination against Women (in force since 1981)
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in force since 1987)
6. Convention on the Rights of the Child (in force since 1990)
7. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (in force since 2003)
8. International Convention for the Protection of All Persons from Enforced Disappearance (in force since 2010)
9. International Convention on the Rights of Persons with Disabilities (in force since 2008)

The Convention on the Rights of the Child is the only one of the nine international treaties that explicitly refers to the rights of Indigenous children. Article 19(d) of this Convention establishes the right of access to information, ensuring that the media pay particular attention to the linguistic needs of Indigenous children.

The Human Rights Committee, which is mandated to monitor the implementation of the International Covenant on Civil and Political Rights, has interpreted Article 27 of the Covenant to affirm that culture manifests itself in many forms, including traditional way of life associated with the use of land and natural resources, especially for Indigenous Peoples[2].

Indigenous Peoples have the right to enjoy, both collectively and individually, all human rights and fundamental freedoms recognized in the Universal Declaration of Human Rights and in international human rights treaties (Article 2, United Nations Declaration on the Rights of Indigenous Peoples).

Indigenous youth must know and use the mechanisms available to protect and fulfill our rights, including the protection of our territories.

2. General Comment No. 23 of the Human Rights Committee.

INTERNATIONAL HUMAN RIGHTS TREATIES

1. International Covenant on Civil and Political Rights (in force since 1976)

2. International Covenant on Economic, Social and Cultural Rights (in force since 1976)

3. International Convention on the Elimination of All Forms of Racial Discrimination (in force since 1969)

4. Convention on the Elimination of All Forms of Discrimination against Women (in force since 1981)

5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in force since 1987)

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9. International Convention on the Rights of Persons with Disabilities (in force since 2008)

International Labour Organization Indigenous and Tribal Peoples Convention No. 169

Headquarters of the International Labour Organization (ILO), Geneva, Switzerland. Photograph: BiiJii.

Background: Convention No. 107 (1957) was the first attempt to protect the working conditions of Indigenous Peoples against forced labor and also addresses their relationship with lands, health and education. However, Convention No. 107 adopted an assimilationist approach. As a result, its revision led to the adoption of Convention No. 169.

Convention No. 169 has been ratified by 24 countries[3]. It contains 44 articles organized into 10 sections or parts. The Convention affirms the right of Indigenous Peoples to participate in decision-making related to the formulation, implementation, and evaluation of development programs (Article 7). Convention 169 calls on States to protect Indigenous rights and recognize their integral connection with their territories. In addition, it upholds compliance with the rights of Indigenous Peoples to access equitable and fair employment opportunities (Articles 20-23), to health care (Article 25) and to education (Article 27), including education in their own language (Article 28).

Regarding territorial rights, Article 7.4 of the Convention No. 169 requires that governments, in cooperation with the Indigenous Peoples concerned, shall take measures to protect and preserve the environment of their territories. Convention No. 169 emphasizes Part II on land, specifically

3. As of the date of publication of this work, August 2022, the countries that have ratified ILO Convention No. 169 are: Argentina, Bolivia (Plurinational State of), Brazil, Central African Republic, Chile, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Germany, Guatemala, Honduras, Luxembourg, Mexico, Nepal, Netherlands, Nicaragua, Norway, Paraguay, Peru, Spain and Venezuela (Bolivarian Republic of).

Articles 13 to 19, which recognize the special importance of Indigenous Peoples' cultures and spiritual values in relation to their territories, as stated in Article 13. Article 14 establishes the obligation to recognize the right of ownership and possession of the Indigenous Peoples over the lands they traditionally occupy. Convention No. 169 also recognizes Indigenous Peoples' rights over their natural resources. If the State owns minerals and subsurface resources, it must consult Indigenous Peoples before authorizing prospecting or exploitation (Article 15). The Convention guarantees protection from relocation and, in exceptional cases, the right to consent is guaranteed for resettlement (Article 16), the modalities of transferring land rights among members of the Indigenous Peoples (Article 17), sanctions for unauthorized intrusions into their territories (Article 18) and access to land and agrarian programs (Article 19).

Convention No. 169 outlines the minimum international standards of Indigenous Peoples' rights. Indigenous youth can use this Convention to build social justice and peace, and contribute significantly to the fight against climate change.

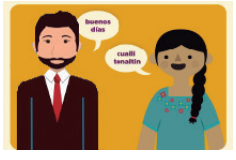
CONVENTION NO. 169

Cooperation with Indigenous Peoples to protect and preserve their environment (Article 7.4)

Cultural and spiritual values of the relationship between Indigenous Peoples and their territories (Article 13).

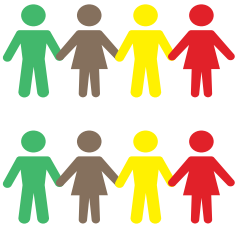
Ownership and possession of the lands that Indigenous Peoples traditionally occupy (Article 14)

Consultation before authorizing prospecting or exploitation of mineral resources and the subsoil (Article 15)



Right not to be transferred. When relocation is considered necessary and exceptional, such relocation shall take place only with their free and informed consent (Article 16)

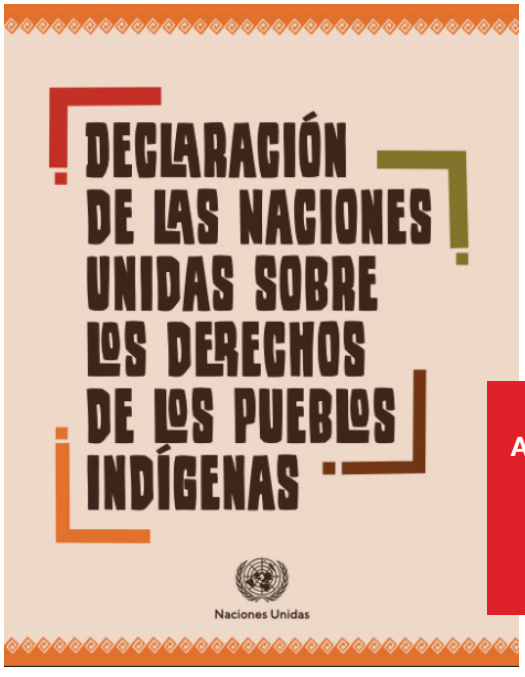
Modalities of transmission of land rights between members of the Indigenous Peoples (Article 17),



Sanctions for unauthorized intrusions into their territories (Article 18)

Benefit from agrarian programs (Article 19).

United Nations Declaration on the Rights of Indigenous Peoples



Adopted by the United Nations General Assembly on 13 September 2007

The adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 marked a global milestone in the recognition of the rights, aspirations and demands of Indigenous Peoples.

On September 13, 2007, after more than 20 years of intense negotiations, the General Assembly of the United Nations adopted UNDRIP[4]. The drafting process began in 1982 in the Working Group on Indigenous Populations. Negotiations were long and complex, particularly on issues related to self-determination, territories, and free, prior and informed consent.

UNDRIP recognizes both collective and individual rights that complement each other. These include rights related to culture, health, education, traditional institutions, property and more. Two key cross cutting principles are highlighted: the right to non-discrimination and the right to self determination. The right to non discrimination affirms that Indigenous Peoples and individuals are free and equal to all other peoples (Article 2). The right to self determination ensures that Indigenous Peoples have the freedom to determine their political status and to pursue their economic, social and cultural development (Article 3).

In this context, UNDRIP does not create new rights; rather, it contextualized human rights to realities and contexts of Indigenous Peoples. It recognizes that their rights are individual and collective. Like all peoples[5], Indigenous Peoples have the right to define their collective future.

Territorial rights under UNDRIP

UNDRIP contains several articles directly related to the protection of territories of Indigenous Peoples:

- States shall establish effective mechanisms for the prevention and redress of any act that has the purpose or consequence of dispossessing them of their lands, territories or resources (Article 8.2.b).
- Indigenous Peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous Peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return (Article 10).
- Indigenous Peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources (Article 25).

3. The General Assembly voted: 144 in favor, 4 against (Australia, Canada, New Zealand and the United States) and 11 abstentions (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia—the only country in the Latin American region that abstained—Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine). As a result of indigenous pressure at the national level, the four countries that voted against have changed their position to add their names to the Declaration.

5. In the sense, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in their first articles, both state: “all peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

- Indigenous Peoples have the right to the lands, territories and resources they have traditionally owned, occupied, used or acquired (Article 26.1).

- Indigenous Peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other habitual occupation or use, as well as those which they have otherwise acquired (Article 26.2).

- States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall duly respect the customs, traditions and land tenure systems of Indigenous Peoples (Article 26.3).

- States shall establish and implement, in conjunction with the Indigenous Peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous Peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous Peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous Peoples shall have the right to participate in this process (Article 27).

- Indigenous Peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent (Article 28.1).

- Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress (Article 28.2).

- Indigenous Peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination. (Article 29.1).

- States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous Peoples without their free, prior and informed consent (Article 29.2).

- Military activities shall not take place in the lands or territories of Indigenous Peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the Indigenous Peoples concerned. States shall undertake effective consultations with the Indigenous Peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities (Article 30).

- Indigenous peoples have the right to determine and develop priorities and

strategies for the development or use of their lands or territories and other resources (Article 32.1).

- States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources (Article 32.2).

These articles establish clear principles for how States and Indigenous Peoples should engage within a human rights framework. UNDRIP connects cultural and property rights with territorial rights, showing that Indigenous cultural continuity depends on control, possession and ownership of their territories. It also recognizes Indigenous rights over traditionally occupied lands, even when not officially recognized by the State. In cases of dispossession, UNDRIP requests restitution and other forms of reparation.

The rights affirmed in UNDRIP, along with the other human rights instruments discussed in this chapter, represent a significant step forward at the international level. Yet, there remains a wide gap between what is recognized globally and the daily realities of Indigenous Peoples. Indigenous youth are key agents of change. Our survival, as individuals, as peoples, and as part of Nature—depends on our collective efforts to make these rights a reality.

THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES IS A GLOBAL CONSENSUS ON THE MINIMUM RIGHTS OF INDIGENOUS PEOPLES

Effective mechanisms for the prevention and compensation of dispossession of their territories (Article 8.2.b).

Indigenous Peoples shall not be forcibly removed from their lands or territories (Article 10).

The right to maintain and strengthen their spiritual relationship with their territories (Article 25).

The right to the lands, territories and resources they have traditionally owned, occupied, used or acquired (Article 26).

The right to the conservation and protection of the environment and the productive capacity of their territories (Article 29).

The right to determine their priorities and strategies for the development or use of their territories (Articles 32).

CHAPTER 4:

International System for Protecting Human Rights, including the Territorial Rights of Indigenous Peoples

We cannot talk about traditional knowledge without talking about the right to land, territories and resources; for us, it is based on ecosystem and language.

Hindou Oumarou Ibrahim, Mbororo community in Chad.

Within the United Nations system, international human rights law has established mechanisms and committees to monitor the implementation of human rights. These bodies have specific mandates and focus areas, including Indigenous Peoples' rights. Indigenous Peoples can contribute to the monitoring and protection of their rights, especially territorial rights, within the framework of each mechanism.

In this chapter, we introduce:

- Human Rights Treaty Bodies
- Special Procedures
- United Nations Mechanisms specifically addressing Indigenous Peoples' rights.

Human Rights Treaty Bodies

Palais Wilson in Geneva, Switzerland, headquarters of the Office of the United Nations High Commissioner for Human Rights.

Photograph: Romano1246

Human rights treaty bodies are independent committees of experts that monitor how countries are implementing the international treaties they have signed. Each body is responsible for one specific treaty.

Table 1: Summary of Treaty Bodies

Committee overseeing the implementation of the Treaty	Human Rights Treaties under the supervision of the committee	Mechanism by which the State accepts the competence of the committee to examine individual complaints	Investigation mechanism
Committee on the Elimination of Racial Discrimination (CERD)	International Convention on the Elimination of All Forms of Racial Discrimination (in force since 1969)	State will have to express a declaration to accept the competence, in accordance with Article 14 of said Convention	No
Committee on Economic, Social and Cultural Rights (CESCR)	International Covenant on Economic, Social and Cultural Rights (in force since 1976)	An optional protocol to the International Covenant on Economic, Social and Cultural Rights	Yes
Human Rights Committee (CCPR)	International Covenant on Civil and Political Rights (in force since 1976) and its optional protocols	Optional Protocol to the International Covenant on Civil and Political Rights	No
Committee on the Elimination of Discrimination against Women (CEDAW)	Convention on the Elimination of All Forms of Discrimination against Women (in force since 1979) and its Optional Protocol (in force since 1981)	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	Yes
Committee Against Torture (CAT)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in force since 1987)	State-Party will have to express a declaration to accept the competence, in accordance with Article 22 of said Convention	Yes

Committee overseeing the implementation of the Treaty	Human Rights Treaties under the supervision of the committee	Mechanism by which the State accepts the competence of the committee to examine individual complaints	Investigation mechanism
Comité de los Derechos del Niño (CRC)	Convención sobre los Derechos del Niño (en vigor desde 1990)	- Protocolo Facultativo sobre Venta de Niños, Prostitución Infantil y Utilización de Niños en la Pornografía. - Protocolo facultativo sobre la participación de niños en los conflictos armados. - Protocolo facultativo relativo al procedimiento de comunicaciones.	No
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (in force since 2003)	Not in force. Ten express declarations by States Parties under Article 77 of that Convention are necessary to establish the mechanism.	No
Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)	Optional Protocol to the Convention against Torture (OPCAT) (in force since 2006) * Mandate: to visit places of detention in States Parties to prevent torture and other cruel, inhuman or degrading treatment or punishment.	It has no individual grievance mechanism.	No
Committee on the Rights of Persons with Disabilities (CRPD)	International Convention on the Rights of Persons with Disabilities (in force since 2008)	Optional Protocol to the Convention on the Rights of Persons with Disabilities	Yes
Committee on Enforced Disappearances (CED)	International Convention for the Protection of All Persons from Enforced Disappearance (in force since 2010)	State-Party will have to express a declaration to accept the competence, in accordance with Article 31 of said Convention	Yes

What do these committees do?

Each human rights treaty creates a committee of independent experts that monitors how States are following the obligations under the treaty.

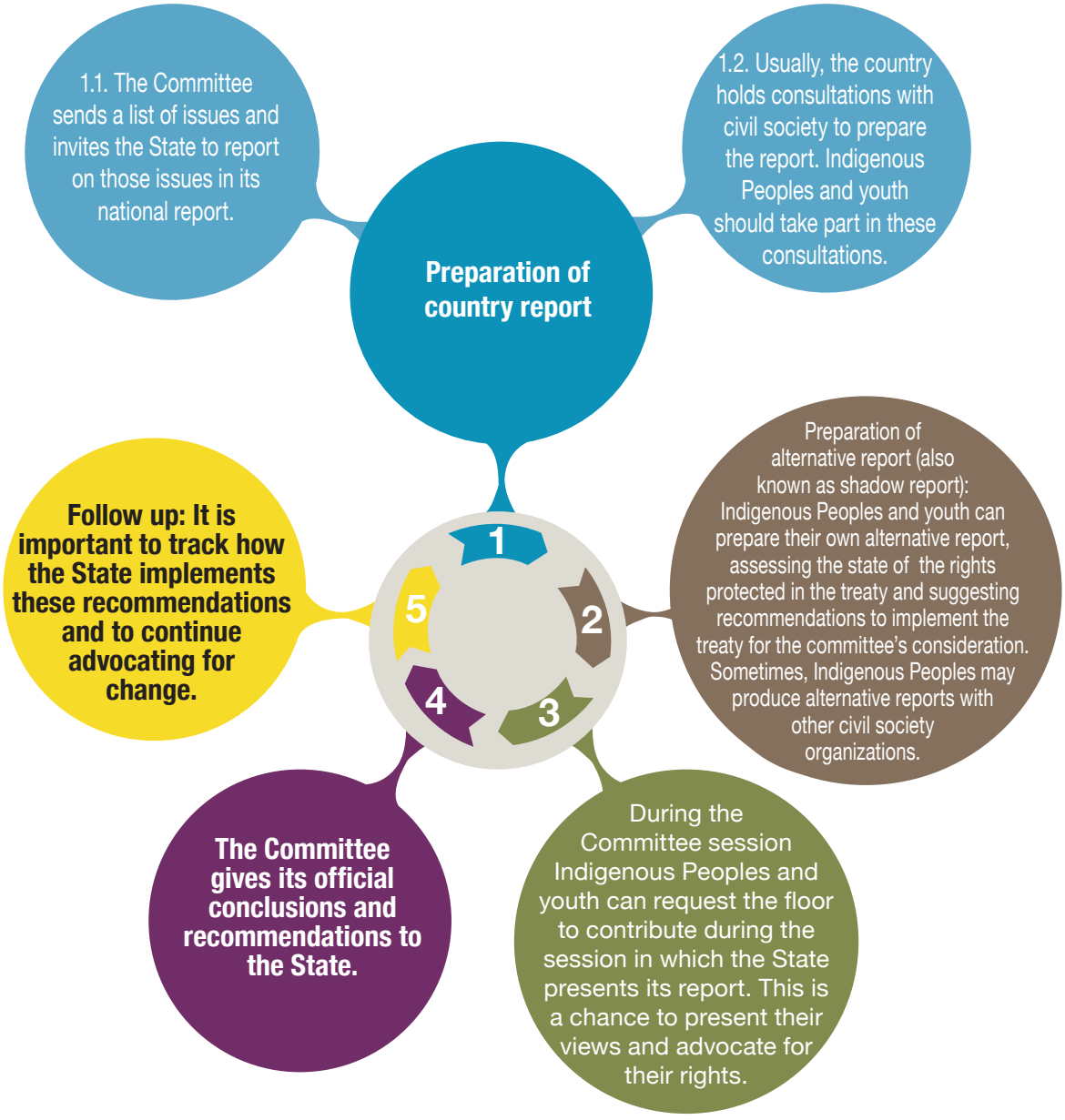
These committees can:

- Examine periodic reports from governments
- Issue general recommendations or comments to guide how rights should be implemented

If a country has also accepted the optional protocol associated with the treaty, the committee can:

- Examine complaints from individuals or groups who claim their rights were violated
- Investigate serious or widespread human rights violationsV

How can Indigenous Peoples and youth participate?



Upon ratifying or acceding a human rights treaty, a State accepts the responsibility and obligations set out in the treaty. To monitor the progress on the implementation of that treaty, the State should submit reports, usually every 3 to 5 years, to the respective committee or treaty body.

Indigenous Peoples and youth can submit alternative or shadow reports to share additional information, especially to reflect the full reality and gaps in the implementation of the treaty. These reports often include real-life examples. During the report review session, the committee considers the State's report and inputs from alternative or shadow reports. The information is critical for the committee, which - at the end of the session - issues recommendations to help the State to improve the implementation of the treaty.

While these committees have been working for several years, Indigenous Peoples have submitted alternative reports very recently. Indigenous youth are encouraged to participate and submit alternative reports to draw the committee's attention to the specific situation of Indigenous youth and Indigenous territories' human rights. The recommendations from these treaty bodies or committees provide concrete guidance for improving the implementation of the treaty. Indigenous youth can use the recommendations as key tools to protect their human rights, including territorial rights.

General Observations and Comments

The committees, when interpreting the treaty under their mandate, prepare and adopt General Comments or General Observations on specific issues to guide the implementation of the treaty's obligations. These General Observations or Comments are important because they clarify the scope of the specific articles within the treaties.

One of the most significant examples for Indigenous Peoples and their territories is General Comment No. 23 of the Human Rights Committee. In this document, the Committee, which monitors the implementation of the International Covenant on Civil and Political Rights, stated that Article 27 of the Covenant as recognizing that culture can manifests in many forms, including ways of life are closely associated with the use of land resources, particularly in the case of Indigenous Peoples.

Another example is the General Recommendation No. 39 on the rights of Indigenous women and girls of the Committee on the Elimination of Discrimination against Women. This document includes a section to the rights to land, territories and natural resources, in the context of Articles 13 and 14 of the Convention on the Elimination of All Forms of Discrimination against Women.

Individual Complaints

Any victim, or another person or organization on their behalf, with the victim's consent, may submit a complaint of the violation of human rights protected by international treaties. Consent is not a requirement when the victim is in a situation that prevents them from submitting the complaint directly, such as in cases of arbitrary detention or enforced disappearance.

To file a complaint, the State in question must meet two conditions:

1. It must have been ratified or acceded to the treaty that is claimed to have been in breach.
2. It must have accepted the competence or authority of the committee that receives the complaint.

Depending on the specific committee, the State may accept the committee's competence by ratifying the treaty's optional protocol or by issuing a formal declaration, as requested by the treaty.

Realizar investigaciones de casos concretos

Some committees (see Table 1) are authorized to carry out investigations when they receive reliable information about serious or systematic violations of human rights.

Universal Periodic Review

Geneva, Switzerland, 21 May 2012. The Ecuadorian delegation presents its Universal Periodic Review (UPR) before the United Nations in Geneva.

Photograph by Fernanda LeMarie – Ministry of Foreign Affairs, Trade and Integration

The Universal Periodic Review (UPR) is a mechanism of the United Nations Human Rights Council through which each UN Member State presents the measures it has taken to implement and comply with its human rights obligations. States, members of the Human Rights Council, evaluate and adopt the UPR report and recommendations to the State under review.

Countries submit their periodic review based on:

- the Charter of the United Nations;
- the Universal Declaration of Human Rights;
- the international human rights treaties to which a State is a party; and
- voluntary pledges and commitments made by the State, including those made when presenting its candidacy for membership in the Human Rights Council.

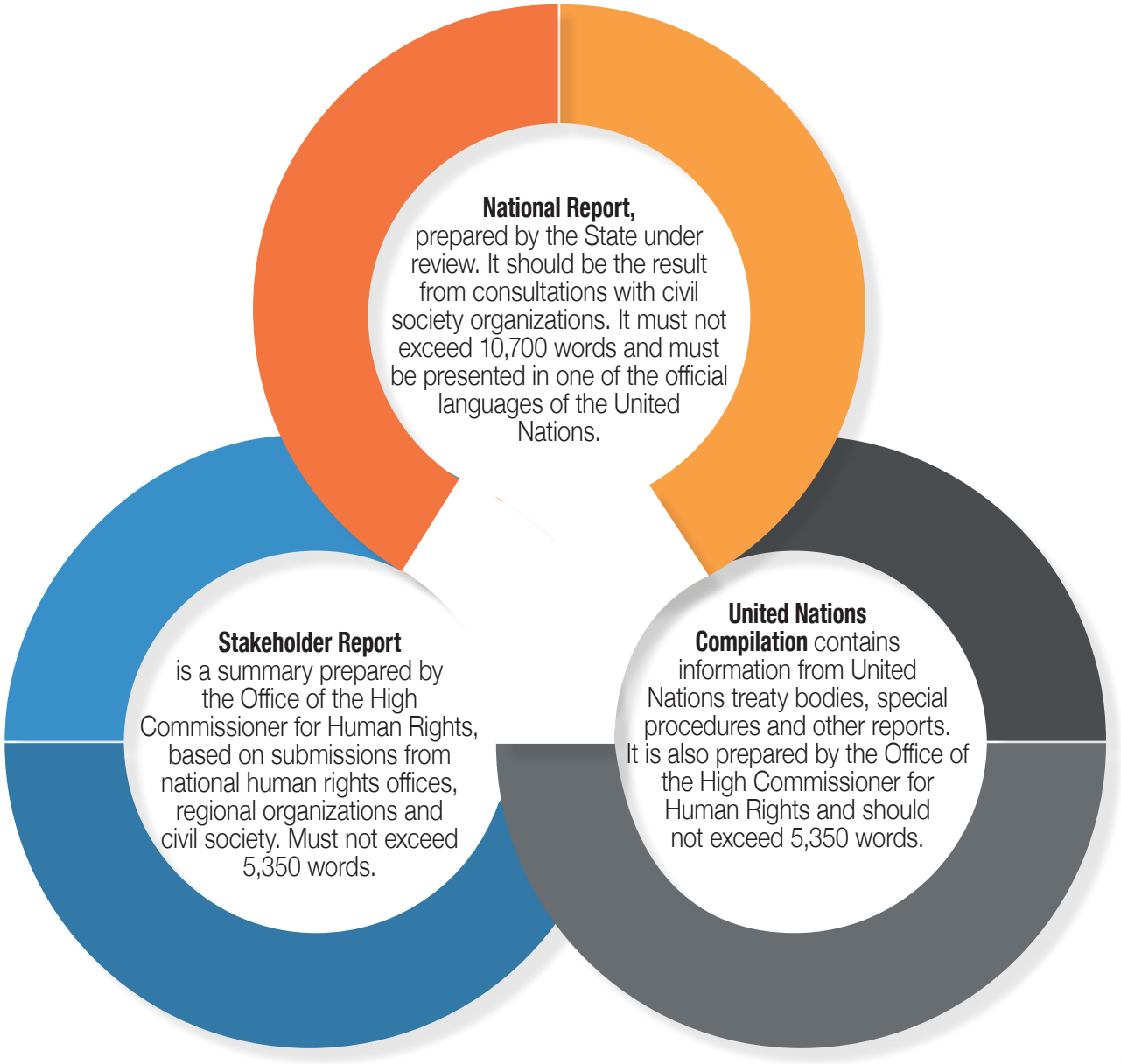
The UPR is an intergovernmental mechanism, meaning the debate takes place between governments. The State under review presents its report to the 47 Member States of the Human Rights Council.

As in the treaty bodies, the UPR has rarely addressed the territorial rights of Indigenous

Peoples and the situation of Indigenous youth. However, despite being an intergovernmental process, UPR established opportunities for the participation of Indigenous Peoples, including Indigenous youth:

- Participating in national consultations during the preparation of the State's national report.
- Providing information for the summary of the human rights status prepared by the United Nations High Commissioner for Human Rights.
- Attending the State's review in the Universal Periodic Review Working Group, but not participating in the interactive dialogue.
- Attending the session of the Human Rights Council where the final report on a State is adopted.
- Submitting written or oral statements under the specific agenda item of the Human Rights Council.
- Disseminating, promoting and demanding the implementation of the recommendations of the UPR at the national and local levels.

Key Documents of the UPR



Specific Mechanisms for Indigenous Peoples in the United Nations Systems

United Nations Permanent Forum on Indigenous Issues

Ida Ristiinná Hætta Ophaug, a young Saami woman from Kautokeino, Norway, delivers a statement on behalf of the Global Indigenous Youth Caucus during the session of the United Nations Permanent Forum on Indigenous Issues held in New York City on May 11, 2016.

Photographer: Indigenous Youth Network – Latin America and the Caribbean

The Permanent Forum on Indigenous Issues is an advisory body to the United Nations Economic and Social Council (ECOSOC). Its tasks include:

- Providing expert advice and recommendations on Indigenous issues to ECOSOC, as well as to United Nations programs, funds and agencies, through ECOSOC.
- Increasing awareness and promoting the integration and coordination of activities related to indigenous issues within the United Nations system.
- Preparing and disseminating information on Indigenous issues.

Additionally, the United Nations Declaration on the Rights of Indigenous Peoples, in Article 42, establishes that the Permanent Forum promotes respect for and full application of its provisions and ensures their effectiveness.

The Permanent Forum holds annual sessions lasting ten days, featuring participation by Indigenous Peoples' organizations, States, United Nations agencies, programs and funds, non-governmental and international

cooperation bodies. During its session, the Forum discusses the areas of its mandate: environment, economic and social development, human rights, culture, education, and health. The session also addresses a main theme defined by the members of the Permanent Forum.

In the sessions of the Permanent Forum, Indigenous Peoples, State delegates, and United Nations agencies engage with members of the Permanent Forum on the agenda items of the meeting. After two weeks of work, the Permanent Forum issued a report containing the recommendations for the consideration of ECOSOC. These recommendations are important because they call United Nations agencies, programs, and funds to work on the specific issues addressed in the session. Through these recommendations, several UN bodies have advanced the recognition of the rights of Indigenous Peoples, including their territorial rights.

Youth participating in the Permanent Forum sessions are organized in the Global Indigenous Youth Caucus (GIYC). The GIYC serves as a space for coordination, dialogue and solidarity among Indigenous youth at the global level. Within the Forum session, the GIYC develops joint statements and positions that express the concerns and priorities of Indigenous youth.

Expert Mechanism on the Rights of Indigenous Peoples

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) is an advisory body to the Human Rights Council. Established in 2007, its mandate was expanded in 2016. EMRIP is composed of seven independent experts from the seven socio-cultural regions of Indigenous Peoples. EMRIP members are appointed by the Human Rights Council.

The EMRIP holds a five-day session annually. During these sessions, EMRIP adopts studies related to the rights of Indigenous Peoples, many of which help the interpretation of the United Nations Declaration on the Rights of Indigenous Peoples. These studies serve as tools to support the implementation of the Declaration at the national level. Delegates from States, Indigenous Peoples, civil society, intergovernmental organizations and academia participate in its annual sessions.

Following the expansion of its mandate in 2016, EMRIP also provides technical assistance and advice, upon request from States and/or Indigenous Peoples, in areas of:

- development of national laws and policies relating to the rights of Indigenous Peoples;
- implementation of the recommendations of the Universal Periodic Review and the treaty bodies;
- facilitating dialogue, when agreed by all parties, to support the realization of the Declaration;
- Identifying, disseminating, and promoting good practices to achieve the purposes of the Declaration, including through reports to the Human Rights Council.

Kantuta Conde, an Aymara youth from the Plurinational State of Bolivia, delivers a statement of the Indigenous Youth Network during the session of the Expert Mechanism on the Rights of Indigenous Peoples, held on 14 July 2021.

Photograph: Red de Jóvenes Indígenas – Latino América y el Caribe

Special Rapporteur on the Rights of Indigenous Peoples

As part of its special procedures, the Human Rights Council establishes mechanisms to report and advise on human rights in a specific thematic area or a specific country. Among the different special procedures, the Human Rights Council established the Special Rapporteur on the Rights of Indigenous Peoples. It is requested

1. To examine ways and means of overcoming existing obstacles to the full and effective protection of the rights of Indigenous Peoples, and to identify, exchange and promote best practices;
2. To gather, request, receive and exchange information and communications from all relevant sources, including Governments, Indigenous Peoples and their communities and organizations, including Indigenous women's organizations, on alleged violations and abuses of the rights of Indigenous Peoples;
3. To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations and abuses of the rights of Indigenous Peoples;
4. To work in close cooperation and coordination with other special procedures and subsidiary organs of the Human Rights Council, in particular with the Expert Mechanism on the Rights of Indigenous Peoples, relevant United Nations bodies, the treaty bodies, and regional human rights organizations;
5. To enhance engagement with and participate in the annual sessions of the Permanent Forum on Indigenous Issues and of the Expert Mechanism on the Rights of Indigenous Peoples to ensure complementarity between their work;
6. To develop a regular cooperative dialogue with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies, funds and programmes, and with Indigenous Peoples, national human rights institutions, non-governmental organizations and other regional or subregional international institutions, including on possibilities for technical cooperation at the request of Governments;
7. To promote the United Nations Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of Indigenous Peoples.

In carrying out these different activities, the Special Rapporteur is also requested to pay special attention to the human rights and fundamental freedoms of, inter alia, Indigenous children, women, young persons, older persons, persons with disabilities and persons in vulnerable situations.

To carry out his work, the Special Rapporteur has three main tools:

- Country visits, when a State invites the Special Rapporteur to analyze the situation of the rights of Indigenous Peoples in the country. The Special Rapporteur meets with government officials and representatives of Indigenous Peoples during his visit. At the conclusion of the meeting, the Rapporteur presented his recommendations to the Human Rights Council. Indigenous Peoples, including indigenous youth, should prepare for such a visit. To the extent possible, meet with him to present his perspectives regarding the situation and possible violations of his rights, including the status of indigenous territories.
- Annual thematic reports, through which the Rapporteur analyzes a specific theme to, through that analysis, support the implementation of the standards of the United Nations Declaration on the Rights of Indigenous Peoples to that specific theme.

Communications, through which the Special Rapporteur communicates officially with the State in the face of allegations of violations of the rights of Indigenous Peoples.

The Special Rapporteur on the Rights of Indigenous Peoples is an independent expert appointed by the Human Rights Council. Currently, the Special Rapporteur is Dr Albert K. Barume, a national of the Democratic Republic of Congo. Dr. Barume was among the first lawyers to work on Indigenous Peoples' rights in Africa.

CHAPTER 5:

International Environmental Law Regulations

Indigenous Peoples, especially Indigenous Youth, must be the leaders of climate action, not victims of climate change policies.

Archana Soreng, Member of the Youth Climate Change Advisory Group

Indigenous Peoples are directly affected by climate change. These impacts often force young people to leave their territories and cultures. In many cases, Indigenous women and girls take on the role of protecting their territories and their natural environments, using mainly traditional knowledge and practices. Indigenous territories, rich in biodiversity, are essential in fighting climate change as their forests and flora absorb carbon emissions.

Our Elders have taught us to take care of Mother Earth and defend our territories. This chapter provides information on different instruments in environmental agreements that are useful for Indigenous Peoples. With the teachings and guidance of our Elders, Indigenous youth are taking action to confront the current climate crisis.

United Nations Framework Convention on Climate Change

CMNUCC
Convención Marco de las Naciones Unidas sobre el Cambio Climático

The United Nations Framework Convention on Climate Change (UNFCCC) entered into force on March 21, 1994. Currently, 198 countries have ratified it. The Convention's objective is to stabilize greenhouse gas concentrations at a level that prevents dangerous anthropogenic (human-caused) interference with the climate system. The Convention states that these levels should be stabilized in a time frame sufficient to allow ecosystems to adapt naturally to climate change.

Kyoto Protocol

The Kyoto Protocol, adopted under UNFCCC, entered into force in February 2005 and remained in force until 2020, with the aim of reducing greenhouse gas emissions in industrialized countries and countries with economies in transition. It was based on the principle of "common but differentiated responsibilities and respective capacities." In its first period, it sought to reduce emissions by 5% from 2008 to 2012. Also within this process is the Doha Amendment, which is an extension of the Kyoto Protocol, which entered into force on December 31, 2020, agreed at the 18th session of the Conference of the Parties (COP 18). Following the Doha Amendment, the Protocol sought to reduce emissions by 18% between 2013 and 2020. The Kyoto Protocol laid the foundation for what became the Paris Agreement.

The Paris Agreement

The Paris Agreement, adopted at COP 21 in Paris in 2015, is global in nature to respond to climate change, with the long-term goal of keeping the increase in average global temperature below 2°C above pre-industrial levels and preferably limiting the increase to 1.5°C, compared to pre-industrial levels. The Agreement encourages countries to build their capacity to respond to climate change and, the economic funds are aimed at improving and strengthening those capacities both locally and nationally. This instrument was adopted in 2016, on International Earth Day, on April 22. As of August 2020, 193 States Parties out of the 197 that make up the UNFCCC had joined.

The Agreement is implemented in five-year cycles, with each cycle aiming for more ambitious actions. In 2020, countries submitted their climate action plans, known as nationally determined contributions (NDCs). Each State Party reported its strategies and actions to reduce greenhouse gas emissions and to be able to build resilience to adapt to rising temperatures.

In the preamble, the Paris Agreement recognizes that climate change affects all humanity. It calls on Parties to respect, promote and take into account their respective obligations regarding human rights, the right to health, the rights of Indigenous Peoples, local communities, migrants, children, persons with disabilities and persons in vulnerable situations and the right to development; as well as gender equality, women's empowerment and intergenerational equity.

The Paris Agreement states, in Article 7.5, that Parties recognize that adaptation work should be undertaken through a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and that such work should be based on and inspired by the best available scientific information and, where appropriate, traditional knowledge, Indigenous Peoples' knowledge and local knowledge systems, with a view to integrating adaptation into relevant socio-economic and environmental policies and measures, where appropriate.

The Paris Agreement, through these references, recognizes the contributions of Indigenous Peoples and the significant role of Indigenous youth in climate change mitigation and adaptation actions that promote actions based on their traditional knowledge to continue protecting their natural territory. This is why this Handbook recognizes Indigenous youth as the key actors in putting these instruments into action.

Facilitating Working Group of the Platform of Local Communities and Indigenous Peoples

Roxana Borda, Quechua from Peru, participating in COP26, held from 31 October to 12 November in Glasgow, Scotland.

Photograph: Roxana Borda

COP 21, in 2015, Parties recognized the importance of strengthening the knowledge, technologies, practices and efforts of local communities and Indigenous Peoples related to addressing and responding to climate change. To support this, a platform was established to exchange experiences and best practices on mitigation and adaptation in a holistic and integrated manner.

The Local Communities and Indigenous Peoples Platform has three main areas:

- Knowledge: promoting the exchange of experiences and good practices to address climate change in a holistic way.
- Capacity for participation: developing the capacity for participation.
- Climate Change Policies and Actions: Bring together diverse forms of knowledge to design and implement climate change policies and actions.

In 2018, COP 24 established the Platform Facilitator Working Group to make the Platform more operational. The Group is composed of half representatives of the Parties and half representatives of Indigenous Peoples' organizations.

Convention on Biological Diversity

Convention on Biological Diversity

The Convention on Biological Diversity (CBD) entered into force on December 29, 1993, and— as of August 2022—there are 196 countries Party to the Convention.

The objectives of the CBD are:

- the protection of biodiversity,
- the sustainable use of its components, and
- the fair and equitable sharing of the benefits arising from the utilization of genetic resources.

Biological diversity refers to the variety and richness of life on Earth at all levels: ecosystems, species, and genetic resources. For Indigenous Peoples, all beings are part of a harmonious whole connected as the community of life. Grandmothers teach us ways to relate to all living beings through attitudes, responsibilities, and rituals. It is our responsibility to care for and protect the beauty, culture, and knowledge of Mother Earth.

Indigenous territories are areas where the largest areas of biodiversity are found. Knowledge, transmitted from generation to generation, consists of practices that protect and maintain biodiversity. This knowledge can provide information on several areas, such as the use of medicinal plants for pharmaceutical purposes, adaptation to and mitigation of the effects of climate change, and guidance in the development of conservation management policies, among other things.

Article 8 (j) of the CBD provides for the respect, preservation and maintenance of the knowledge, innovations and practices of Indigenous Peoples and local communities that involve traditional lifestyles relevant to the conservation and sustainable use of biological biodiversity. In addition, it promotes their wider use of that knowledge, with the approval and participation of those who possess such knowledge, innovations, and practices, and encourages the benefits derived from the use of such knowledge and innovations to be shared equitably.

Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities

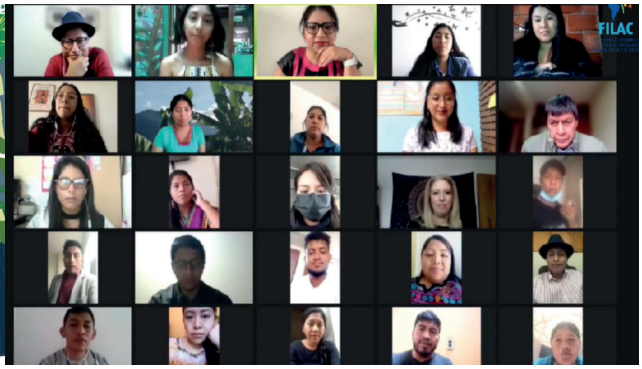
In November 2024, COP16 established the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities to support the implementation of Article 8 (j) and other provisions of the Convention.

The Subsidiary Body replaced the Working Group on Article 8 (j) and Related Provisions of the Convention. Since its establishment in 1998, the Working Group has produced several instruments for the protection of traditional knowledge and the contributions of Indigenous Peoples that reflect the efforts made for its conservation. These include:

- Akwé: Kon guidelines for conducting cultural, environmental and social impact assessments.
- Tkarihwaié:ri Code of Ethical Conduct for the development of codes of ethical conduct regarding traditional knowledge.
- Mo'otz Kuxtal Voluntary Guidelines for the development of appropriate mechanisms, legislation or other initiatives for free, prior and informed consent to access to traditional knowledge.
- Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge.

The Nagoya Protocol on Access to Genetic Resources and Benefit-sharing

The Nagoya Protocol is an international treaty that complements the CBD by establishing more specific guidance for the third objective of the Convention: the fair and equitable sharing of the benefits derived from the use of genetic resources. The Protocol entered into force in 2014 and has 137 country Parties as of August 2022. The Nagoya Protocol provides protection for access to and use of traditional knowledge associated with genetic resources. These safeguards include prior informed consent, equitable benefit sharing, consideration of customary law, and local protocols.



Flyer and photograph from the "Online Workshop on the Convention on Biological Diversity and Indigenous Youth", organized by the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean, in coordination with the Indigenous Youth Network and the Secretariat of the Convention on Biological Diversity, held on 25 January and 1 February 2022.

Photograph: Red de Jóvenes Indígenas – Latino América y el Caribe

United Nations Convention to Combat Desertification

The United Nations Convention to Combat Desertification (UNCCD) entered into force in 1996. The Convention is an international treaty that links the environment and sustainable soil management to combat desertification and drought. The UNCCD highlights the role played by women in these efforts.

The objectives of the Convention seek to improve living conditions in the face of land desertification:

- To combat desertification and mitigate the effects of drought in countries affected by severe drought or desertification, particularly in Africa, through international cooperation and partnership.
- Increased productivity of their land.
- Rehabilitation, conservation, and sustainable use of land and water resources.

Desertification disrupts the productive cycle of Indigenous Peoples' lands, which responds to their holistic relationship with Mother Nature. Elders recall that in the past, the rainy season brought food production, accompanied by favorable weather, music, and celebrations to cherish this relationship. Now, however, the productive cycle is affected by climate change, including the lack of rain during planting times.

Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean

The Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, also known as the Escazú Agreement, entered into force in 2021. Its objectives are:

- To guarantee the rights of access to environmental information.
- To ensure public participation in environmental decision-making processes and access to justice in environmental matters.

- To promote capacity building and strengthening.
- To protect the rights of every person, including the present and future generations, to live in a healthy environment.
- To ensure enjoying a healthy environment and access to sustainable development.
    - To promote cooperation and capacity-building measures between countries.
    - To ensure the participation of the population in general.

The agreement promotes the inclusion of groups historically excluded from environmental processes, including Indigenous Peoples, Indigenous women and Indigenous youth. It also provides for the protection of the human rights of environmental defenders, who are often leaders of Indigenous Peoples, including Indigenous youth. It is important to include the participation of Indigenous youth in the monitoring of this instrument through information and communication about the process and the different actions carried out under this framework.

Each country should submit reports that are clear, easy to understand, and accessible to the general public. These should be widely disseminated through appropriate means and channels on information about the state of the environment and natural resources, national, legal, and environmental actions and progress in the implementation of the right to information.

Article 7 of the Escazú Agreement refers to public participation in environmental decision-making processes. It states that each country must adapt the methods of participation, considering social, economic, cultural, geographical, and gender characteristics. Each country will have to promote the recognition of local knowledge, foster dialogue, and interact with different visions and knowledge systems in the consultation processes.

For Indigenous youth, the reference to education and training in Article 10 is important because they play a key role in disseminating environmental rights in their own local languages. Support for capacity development from the local experience of Indigenous youth must be an immediate action.

Final Recommendations

The protection of Indigenous territories is fundamental to addressing the environmental crisis and guaranteeing the human rights of Indigenous Peoples. The effects of climate change primarily affect Indigenous Peoples, who suffer from floods, droughts and the loss of medicinal plants and crops. Despite being the first victims of changing temperatures, Indigenous territories play an important role in climate change mitigation and adaptation. It is the forests, rivers, lakes, plains and mountains within Indigenous territories that continue to conserve biodiversity and absorb greenhouse gas emissions.

The effects of climate change directly affect the forms of production, food, and the lives of the population in general, but it is the Indigenous youth who face the climate change crisis most harshly because they are forced to migrate and leave their lands and territories. Those who, mainly Indigenous women and girls, face the reality that Mother Nature is changing. Indigenous youth carry energy with them, continue living and seeking the most harmonious ways of relating to Mother Nature through cultural identity, spirituality and the strength for the defense of their lands and territories, waters and resources.

The direct involvement of Indigenous youth is essential for the defense and future of Indigenous Peoples. This Handbook is intended to inspire and raise awareness, with the goal of fostering full, effective and informed participation of Indigenous youth. It is important to understand the relevant international instruments and mechanisms and, grounded in local and national experiences, to engage with those international mechanisms from the perspective of Indigenous knowledge. Indigenous youth are at the forefront, leading efforts to ensure meaningful participation of Indigenous Peoples at all levels.

The Indigenous Youth Network of Latin America and the Caribbean is a platform created by Indigenous youth. This handbook is born from the knowledge and experience of our members in international spaces. Our goal is to share the knowledge we have gained to support new and emerging youth leaders who want to participate in protecting Mother Earth. May this serve as a tool to advance on the path of defending our lands and territories.

Resources

Instrumentos internacionales

- Universal Declaration of Human Rights
  https://www.un.org/en/about-us/universal-declaration-of-human-rights
- International Covenant on Civil and Political Rights
  https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights
- International Covenant on Economic, Social and Cultural Rights
  https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights
- International Convention on the Elimination of All Forms of Racial Discrimination
  https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial
- Convention on the Elimination of All Forms of Discrimination against Women
  https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
  https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading
- Convention on the Rights of the Child
  https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
  https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers
- International Convention for the Protection of All Persons from Enforced Disappearance
  https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced
- Convention on the Rights of Persons with Disabilities
  https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd
- Indigenous and Tribal Peoples Convention, 1989 (No. 169)
  https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312314
- United Nations Declaration on the Rights of Indigenous Peoples
  https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Participation and monitoring mechanisms for Indigenous Peoples

- Human Rights Treaty Bodies
  https://www.ohchr.org/en/treaty-bodies
- United Nations Permanent Forum on Indigenous Issues
  https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2.html
- Expert Mechanism on the Rights of Indigenous Peoples
  https://www.ohchr.org/en/hrc-subsidiaries/expert-mechanism-on-indigenous-peoples

Materials and publications

- Remember that you can find more materials and publications on the Indigenous Youth Network webpage
  https://www.reddejovenesindigenas.com
- Climate Action Toolkit for Young Activists, UNICEF
  https://www.unicef.org/lac/paquete-herramientas-accion-climatica
- Tools from the International Land Coalition
  https://www.landcoalition.org/es/explore/our-work/indigenous-peoples/

Red de Jóvenes Indígenas de Latino América y el Caribe

Con el apoyo de:

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