

RIGHTS OF INDIGENOUS PEOPLES INTEREST GROUP NEWSLETTER

Interest Group Highlights

The Rights of Indigenous Peoples Interest Group (RIPIG) launched a webinar series reviewing the status of indigenous rights struggles in the Asia-Pacific. The series is conducted in collaboration with the Asia-Pacific Interest Group (APIG). The series is directed towards audiences unfamiliar with the Asia-Pacific, and is aimed at informing indigenous rights discourses that are often dominated by the Americas. The inaugural webinar was held EST 8pm November 12 and focused on Australia, New Zealand, and West Papua. Successive webinars in the series will look to other jurisdictions in the region.

Editorial

The global landscape for the rights of indigenous peoples remains a site of vibrant resilience and deep challenge. In these past months, we have witnessed reports of both legal recognitions and policy shifts pointing toward progress and the persistence of challenges and setbacks: land dispossessions, the forced displacement of communities (even under the guise of conservation efforts), reprisals against indigenous defenders... Indigenous peoples, who have safeguarded biodiversity for centuries, are consistently endangered by policies and practices that fail to respect their rights.

As the climate crisis intensifies, the impacts disproportionately affect indigenous communities, threatening their livelihoods, cultural heritage, and even their very existence. However, indigenous communities are not merely *affected* by crises; they are at the forefront of innovative efforts to *address* them. Across the globe, indigenous communities continue leading conservation efforts, acting as stewards of biodiversity, defending their ancestral territories and contributing irreplaceable cultural knowledge essential for both scientific advancement and climate adaptation. Their traditional practices—including sustainable agriculture, fire management, and understanding of local ecosystems—offer pathways for a more resilient and just future for all.

In this Winter Issue of our Newsletter, we offer a comprehensive overview of developments across multiple regions, highlighting the complex interplay of indigenous rights with environmental stewardship, cultural preservation, and systemic discrimination. The Newsletter, a descriptive and informative publication, involves the meticulous collection and systematization of a vast array of information, news reports, decisions, and pronouncements from journalistic sources, international organizations, and other relevant bodies. It is a collaborative effort between the

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Views contained in this publication are those of the authors in their personal capacity. The American Society of International Law and this Interest Group do not generally take positions on substantive issues, including those addressed in this periodical.



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American Society of International Law's Rights of Indigenous Peoples Interest Group and the Facts and Norms Institute (www.factsandnorms.com). In preparing it, I am grateful to the assistant editors and contributors who have assembled a wealth of information. Their tireless work ensures that our readers—scholars, practitioners, and advocates—remain informed and equipped to engage with the ongoing struggles in the realm of indigenous rights.

I hope these updates, reports, and analyses inspire reflection, dialogue, and renewed commitment to upholding the human rights of indigenous peoples worldwide. As we

reflect on 2024 and anticipate the year ahead, the task before us is to move beyond symbolism and rhetorical inclusion. We must press for the implementation of international declarations, the enforcement of judgments, and the translation of newly passed policies into tangible outcomes on the ground. Our collective efforts within the legal, academic, and advocacy communities can help ensure that indigenous voices are not just heard but heeded.

Sincerely,
Henrique Napoleão Alves
Editor

Indigenous Rights Developments

Jul 4, 2024: Google Translate added the Indigenous Tamazight language, primarily spoken in Morocco, Algeria, and Tunisia, to its platform. This development follows efforts by local organizations to preserve and promote the language.

Jul 8, 2024: Construction of a mega-prison in Ecuador faces opposition from a Huancavilca Indigenous community. The community, who have resided in the region for centuries, are the caretakers of a large dry forest spanning several provinces, including Santa Elena. The Ecuadorian Constitution grants them rights over these territories and mandates their conservation of its natural resources, which cannot be sold or seized.

Jul 8, 2024: Australia's Pharmaceutical Benefits Scheme, designed to ensure Indigenous Australians have access to free or discounted medicines, is not being accessed consistently across the country. This suggests a need for community-based solutions to address why many Indigenous Australians in areas with high rates of chronic conditions are not utilizing the program.

Jul 9, 2024: An ongoing initiative in Australia, the Remote Aboriginal Teacher Education program, in collaboration with the NT Department of Education, is exploring ways to encourage more Aboriginal people to become teachers. This program recognizes the vital cultural knowledge that Aboriginal teachers bring to schools and aims to combat racism and ensure Aboriginal students feel represented.

Jul 11, 2024: The Intergovernmental Panel on Climate Change (IPCC) recognizes the relevance of Aboriginal and Torres Strait Islander knowledge to climate action. A report presented at NAIDOC Week highlighted how this knowledge can aid Australia in tracking and coping with climate change. The IPCC's sixth assessment report specifically noted the importance of Indigenous fire management, Indigenous Ranger land management, and the concept of "cultural flows" in waterways for climate adaptation.

Jul 15, 2024: Indigenous groups in Honduras, including the Miskito people, are preparing to fight against rampant deforestation in their territory. They are demanding government action against the criminal organizations responsible.

Jul 20, 2024: Colombia's "La Paz Total" policy, which aims to engage in dialogue with all armed groups, has reportedly failed to stop the recruitment of children, particularly Indigenous minors, into the worsening armed conflict. Indigenous children are often targeted for their knowledge of the disputed territories and their political awareness.

Jul 26, 2024: A Canadian court has called on the federal and Ontario governments to provide compensation for the "dishonorable" neglect of a 174-year-old treaty leaving First Nations people impoverished while surrounding communities, industries, and government profited from the region's natural resources.

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Indigenous Rights Developments —continued from page 2

Jul 30, 2024: An investigation into the U.S. government's abusive boarding school system for Native American children has revealed that at least 973 children died. The investigation, commissioned by U.S. Interior Secretary Deb Haaland, uncovered marked and unmarked graves at 65 of the more than 400 schools established to forcibly assimilate Native American children.

Jul 31, 2024: A collaborative project called SWiP involving the Central University of Technology, the South African Centre for Digital Language Resources (Sadilar), Wikipedia, and the Pan South African Language Board (PanSALB), held a two-day workshop in June 2024. The project aims to promote South African Indigenous languages online, including their use on platforms such as Wikipedia.

Aug 2, 2024: Russian authorities labeled 55 organizations, including those advocating for the rights of Indigenous peoples and ethnic minorities, as "extremist organizations" linked to a so-called "Anti-Russian Separatist Movement."

Aug 2, 2024: A new study in Bundjalung Country is exploring ways for Indigenous Australians to have a greater role in conservation efforts.

Aug 3, 2024: At the Garma Festival, the Prime Minister of Australia announced a shift in government policy towards the economic empowerment of First Nations communities. This includes creating new jobs and prosperity for Indigenous communities through clean energy, defense, security, processing, and refining projects.

Aug 5, 2024: Researchers Samuel Ojo Oloruntoba and Zainab Monisola Olaitan advocate for the use of indigenous knowledge research methodologies in Africa, highlighting their importance in preserving indigenous knowledge.

Aug 8, 2024: Greenpeace has released five stories highlighting the crucial role of Indigenous Peoples in protecting environments in the Amazon, the Congo Basin, Papua, Indonesia, the Great Northern Forest, and Tonga.

Aug 9, 2024: *Conservation International's* staff writer Will McCarry highlighted the important role Indigenous peoples play in preserving the environment and protecting biodiversity, citing four examples of indigenous and local communities' efforts to preserve endangered species in Mexico, South Africa, Fiji, and Colombia.

Aug 9, 2024: An episode of the Africa Science Focus podcast discusses the potential and significance of indigenous knowledge in scientific research.

Aug 13, 2024: The construction of Amazon's headquarters in Cape Town, South Africa, reportedly threatens the heritage of the Khoi San people and risks the desecration of their ancestral lands.

Aug 13, 2024: The Zadié Sâdakâ international festival, held in Mekambo, Gabon, brought together minority groups from the Congo Basin region.

Aug 13, 2024: The Australian government has updated its science and research priorities with five key goals: transition to net zero, support healthy communities, elevate Aboriginal and Torres Strait Islander knowledge systems, protect Australia's environment, and build a secure nation. The third goal aims to recognize, respect, and celebrate First Nations knowledge systems as both a form of historical reparation and an opportunity for scientific advancement.

Aug 14, 2024: The World Health Organization reports that roughly 40% of pharmaceutical products draw from nature and traditional knowledge. However, Indigenous peoples see little financial benefit from this. In this context, the Australian government has committed to prioritizing the knowledge of Aboriginal and Torres Strait Islander people.

Aug 26, 2024: Indigenous advocates and experts convened in Bangkok to address the systemic exclusion and rights violations faced by Indigenous Peoples in Asia, which are exacerbated by restrictive laws, democratic backsliding, and militarization. Discussions highlighted bureaucratic hurdles, unimplemented international frameworks, and the economic exploitation of ancestral lands. Participants called for evidence-based advocacy to promote rights, legal protections, and increased political participation for Indigenous peoples.

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Indigenous Rights Developments —continued from page 3

Sept 2, 2024: Hajara Haman, Project Officer of the African Indigenous Women's Organization Central African Network (AIWO-CAN), discussed the challenges and opportunities of multilingualism and literacy in fostering understanding and peace in multilingual contexts.

Sept 4, 2024: The 2023 proposal for an Indigenous Voice to Parliament, the first attempt to add Indigenous recognition to the Australian Constitution, was ultimately unsuccessful.

Sept 6, 2024: Brazil's Ministry of Justice and Public Security authorized the demarcation of three new indigenous territories in the states of Pará and Mato Grosso. The lands are Apiaká do Pontal and Isolados, in Mato Grosso, and Maró and Cobra Grande, in Pará. The last demarcation by the Ministry of Justice took place in 2018.

Sept 10, 2024: The Arctic is warming four times faster than the global average due to climate change, creating environmental and cultural challenges for the region's indigenous communities. To address these challenges, it is recommended that European Union climate adaptation strategies incorporate Sámi knowledge, increase indigenous representation at international climate forums, and provide funding for Sámi-led initiatives.

Sept 11, 2024: A Native American group has asked the U.S. Supreme Court to block Rio Tinto and BHP from accessing land in Arizona needed to build one of the world's largest copper mines, citing a conflict between religious rights and energy transition goals.

Sept 12, 2024: Denmark returned a 300-year-old feathered cloak, considered an ancestor by the Tupinambá de Olivença people, to Brazil.

Sept 12, 2024: The Alliance of Indigenous Peoples and Local Communities for Conservation in Africa - West Africa branch held a workshop in Accra, Ghana, to discuss its participation in the implementation of the Africa Protected Areas Kigali Call to Action, alongside delegates from states and other civil society organizations.

Sept 18, 2024: Alfa Hisage, 19, was arrested during a 2019 protest against anti-Papuan racism in West Papua and reportedly suffered abuse and racial violence from police.

Sept 18, 2024: According to HRW, the Indonesian government's response to protests against anti-Papuan racism in 2019 revealed systemic discrimination and human rights abuses against Indigenous Papuans, including acts of torture and extrajudicial killings by security forces.

Sept 23, 2024: A coalition of organizations is urging the European Union to classify Malaysia's Sarawak state as "high risk" under its anti-deforestation law due to rampant deforestation of ancient rainforests and indigenous rights violations. Sarawak's policies facilitate the expansion of timber and palm oil plantations, often at the expense of indigenous land rights.

Sept 24, 2024: The UK Foreign Secretary, David Lammy, is urged to address the forced displacement of the Chagossian people from the Chagos Islands. Over 50 years ago, the Chagossian population was expelled to allow the U.S. to build a military base.

Sept 26, 2024: A diplomatic row between Mexico and Spain has resurfaced after Mexico's president-elect, Claudia Sheinbaum, refused to invite King Felipe to her inauguration, citing his failure to apologize for crimes committed against Mexico's Indigenous people during the colonization period.

Oct 3, 2024: In her opening speech at the International Forum of UNESCO Chairs and Partners, President Sahle-Work Zewde of Ethiopia emphasized the importance of African indigenous knowledge and its application.

Oct 9, 2024: British Columbia, Canada, is rewriting its laws to share power with Indigenous nations over a vast territory. This follows B.C.'s 2019 adoption of the UN Declaration on the Rights of Indigenous Peoples. This could impact land management decisions, including leasing and licenses for forestry, mining, and construction.

Oct 11, 2024: Indigenous Kanak leaders from New Caledonia are advocating for decolonization at the United Nations, citing violations of the Nouméa Accord by France. They protest systemic marginalization, exploitation of their lands, and racial discrimination, emphasizing their unique connection to the land and their right to self-determination.

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Indigenous Rights Developments —continued from page 4

Oct 11, 2024: The Australian government's proposed AI guardrails highlight the importance of Indigenous data sovereignty, as the AI industry and governments have largely ignored Indigenous people in the development and regulation of these technologies. AI developers and governments need to consult with Indigenous communities to ensure ethical AI behavior, which avoids misappropriation of cultural knowledge and artwork.

Oct 14, 2024: In Australia, while the 2023 proposal for an Indigenous Voice to Parliament was unsuccessful, research following the referendum showed that 87% of Australians believe First Nations people should determine their way of life and 64% think the disadvantages they face warrant extra government attention.

Oct 16, 2024: The Australian government launched the First Nations Digital Inclusion Plan, aiming for equal digital inclusion by 2026 for Aboriginal and Torres Strait Islander people, which will contribute to economic empowerment. The plan focuses on access to telecommunication services, affordability, and the ability to use technology.

Oct 16, 2024: Nnimmo Bassey, Director of the Health of Mother Earth Foundation (HOMEF), argues that indigenous communities' practices, like sustainable agriculture and preservation of native seeds and biodiversity, are essential for a food-secure future in Africa.

Oct 16, 2024: A British Council report, "Publishing Futures", found increased interest in publishing books in indigenous languages and increased consumption of digital audiobooks in those languages across several African nations.

Oct 17, 2024: Lack of birth certificates for the Baka and Bagyieli peoples of Cameroon is reportedly hindering their access to jobs, education, and healthcare.

Oct 17, 2024: The Peruvian government is auctioning off pristine Indigenous reserves for fossil fuel projects, leading campaigners to warn of a "silent genocide."

Oct 17, 2024: The Roundtable on Sustainable Palm Oil (RSPO) found that PT Inecda, a subsidiary of Samsung C&T, violated its standards by clearing forests in Sumatra, Indonesia, for palm oil plantations without consulting the Talang Parit Indigenous community. The RSPO ruled that Inecda failed to obtain free, prior, and informed consent and did not follow required grievance procedures.

Oct 18, 2024: Indigenous communities globally are increasingly seeking legal support from the United Nations against green energy projects that threaten their lands and cultures. Finland was found to have violated the Sámi's rights by issuing mineral exploration permits without their consent or impact assessments.

Oct 21, 2024: Anti-censorship advocates and Penguin Random House condemned a Texas county for reclassifying a non-fiction account of European settlers' colonization of Indigenous Americans as fiction.

Oct 25, 2024: A 3D seismic survey by Shell off the coast of the Dwesa-Cwebe Nature Reserve in South Africa reportedly threatens the livelihood of local communities who rely on the ocean, leading to a legal dispute in the Constitutional Court.

Oct 30, 2024: Conservation efforts in several regions of Africa have reportedly led to the displacement of indigenous populations, such as the Baka people of Cameroon, the Batwa people of the Democratic Republic of Congo, and the Maasai people of Tanzania.

Oct 31, 2024: South Africa hosted a meeting in Ulundi to discuss and recognize standards for traditional indigenous knowledge, aiming to integrate it with modern science.

Nov 1, 2024: Indonesia's Supreme Court rejected an appeal by the Awyu Indigenous community to revoke a permit for a palm oil concession on their ancestral rainforest in Papua, citing that it was filed too late. The court decision has been criticized due to the potential environmental impacts of the concession.



Indigenous Rights Developments —continued from page 5

Nov 3, 2024: the world's largest biodiversity summit, COP16, concluded with first ever agreement on recognizing people of Africa descent and Indigenous Peoples as key stewards in conservation efforts.

Nov 4, 2024: Federal police in Brazil have formally charged the alleged mastermind behind the murders of journalist and Indigenous expert Dom Phillips and Bruno Pereira in the Amazon, accusing him of arming and funding the criminal group responsible. The police's final report identified nine individuals involved in the killings.

Nov 12, 2024: The 2025 agenda for the African Mining Indaba conference included a commitment to collaborate with Indigenous peoples affected by mining, with their representatives scheduled to participate.

Nov 13, 2024: A webinar, hosted by ESI Africa and other organizations, discussed how indigenous knowledge can be applied to create and ensure water security.

Nov 13, 2024: The Treaty Principles Bill in New Zealand has sparked protests due to concerns about it undermining the constitutional framework, as it attempts to negate recognized rights and curtail its application in a modern setting, highlighting a similar debate being played out in Canada and Australia.

Nov 20, 2024: A town council in Canada's Yukon territory is in a bureaucratic standstill because its members are refusing to swear a mandatory oath of allegiance to King Charles, citing the Crown's strained relations with Indigenous peoples in the region.

Nov 21, 2024: At the COP29, Pacific scholars urged world leaders to improve the allocation of climate finance to support people living in small island nations, also highlighting climate adaptation strategies based on Indigenous knowledge and local practices, including the traditional building techniques which produce more flexible houses, easier to rebuild, and coastal protections against sea-level rise and beach erosion.

Nov 26, 2024: A report by Survival International claims that the Hongana Manyawa people of Halmahera Island, Indonesia, face an imminent risk of genocide due to nickel mining, which is disrupting their way of life and exposing them to disease. The organization calls for the recognition of their territory and a ban on mining.

Nov 28, 2024: The Australian Human Rights Commission launched the National Anti-racism Framework, aimed at addressing the historical and contemporary legacy of racism against Indigenous people, including incorporating the United Nations Declaration on the Rights of Indigenous Peoples into Australian laws.

Nov 29, 2024: New Caledonia is reportedly divided over independence. Recent riots have exposed economic and political divides, especially among the Indigenous Kanak population. Three referendums have failed to resolve the issue, and tensions continue over voting reforms.

Dec 7, 2024: Mayan universities in Guatemala are working to preserve and transmit indigenous knowledge through higher education, seeking to validate these forms of knowledge through recognized degrees. ■



Recommendations from UN Treaty Bodies

Aug 28, 2024: The UN Human Rights Committee recommended that Suriname expedite the establishment of a national human rights institution in line with the Paris Principles. It called for comprehensive anti-discrimination laws, improved access to justice, recognition of indigenous and tribal peoples' collective rights, meaningful participation of these communities in public affairs, and full implementation of judgments from the Inter-American Court of Human Rights regarding indigenous rights (UN Doc. CCPR/C/SUR/CO/4).

Sep 2, 2024: The UN Human Rights Committee called on India to adopt comprehensive reforms to eradicate violence against women and harmful practices, including marital rape and "honour crimes." It also urged India to protect indigenous and tribal peoples' land rights, obtain their free, prior, and informed consent for development projects, and ensure effective implementation of laws preventing discrimination (UN Doc. CCPR/C/IND/CO/4).

Oct 23, 2024: The UN Committee on the Elimination of Racial Discrimination recommended that the United Kingdom of Great Britain and Northern Ireland ratify key international human rights instruments still outstanding, strengthen measures to ensure equality and non-discrimination, protect the rights of migrant workers and indigenous peoples, and guarantee economic, social, and cultural rights for all (UN Doc. CERD/C/GBR/CO/24-26).

Oct 28, 2024: The UN Committee on the Rights of the Child recommended Mexico strengthen efforts to eliminate discrimination against indigenous, Afro-Mexican, and other marginalized children, improve data collection, address child marriage and sexual violence, ensure culturally sensitive health services (including in rural and indigenous areas), and secure children's participation in matters affecting them (UN Doc. CRC/C/MEX/CO/6-7).

Nov 11, 2024: The UN Committee on the Rights of the Child urged Israel to ensure that its education system promotes understanding, peace, and tolerance, and does not become militarized. It recommended addressing discrimination affecting indigenous and minority children and ensuring Palestinian children have access to education that respects their cultural identity (UN Doc. CRC/C/ISR/CO/5-6).

Nov 12, 2024: The UN Committee on the Rights of the Child made comprehensive recommendations to Argentina, calling for urgent measures to protect children's rights in areas such as resource allocation, non-discrimination (especially regarding indigenous and disabled children), education, health, nutrition, environmental safety, and the standard of living, as well as ensuring children's participation and addressing child justice issues (UN Doc. CRC/C/ARG/CO/7).

Nov 18, 2024: The UN Committee on the Elimination of Racial Discrimination encouraged Ukraine to consider ratifying international human rights treaties not yet ratified, in particular those protecting migrant workers and indigenous peoples. It urged Ukraine to take steps to ensure equality and non-discrimination and to strengthen protections against racial discrimination (UN Doc. CERD/C/UKR/CO/22-23).

Nov 21, 2024: The UN Committee on the Rights of Persons with Disabilities recommended Denmark to further develop and implement comprehensive and effective action plans on violence prevention and response across the country, in close consultation with and with the active involvement of persons with disabilities, including indigenous women and girls with disabilities, through their representative organizations (UN Doc. CRPD/C/DNK/CO/2-3).



UN Statements and Reports

Jul 11, 2024: The UN Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay, urged Brazil's Supreme Court and Senate to safeguard Indigenous Peoples' territorial rights. He called for the suspension of a law that could deprive them of their traditional lands and expressed concern over the re-discussion of the "Marco Temporal" ("Temporal Framework") doctrine, emphasizing the need to uphold international human rights standards.

Jul 16, 2024: The UN Special Rapporteur José Francisco Calí Tzay presented a report on Mobile Indigenous Peoples, addressing challenges to their legal recognition, land rights, mobility, and the impact of armed conflict. The report advocated for specific protections, including recognizing their unique legal status and mobility patterns, securing communal land tenure and resource rights, ensuring free, prior, and informed consent for all projects, establishing intangible zones for those in voluntary isolation, facilitating cross-border mobility, guaranteeing access to culturally appropriate services, ending forced displacement, and ensuring accountability for human rights violations.

Jul 22, 2024: UN Special Rapporteur José Francisco Calí Tzay presented a report on Indigenous persons with disabilities, highlighting the intersectional discrimination they face. The report called for specific measures to address systemic barriers, including collecting disaggregated data, adopting inclusive legislation, ensuring access to health, education, and justice, guaranteeing their participation in decision-making, mitigating environmental impacts, promoting Indigenous-led initiatives, and urging businesses to respect their rights.

Aug 8, 2023: UN Special Rapporteur Calí Tzay urged states to support the leadership and empowerment of Indigenous youth, particularly young women and girls, for their self-determination and involvement in the green transition. He emphasized the threats they face and the need for their meaningful participation in decision-making.

Aug 20, 2024: UN experts expressed concern over the French Parliament's adoption of a bill dismantling aspects of the Nouméa Accord, which threatens the rights of the Kanak Indigenous Peoples in New Caledonia. They criticized the lack of consultation and free, prior, and informed consent, the violence against Kanak protestors, and the presence of settler militias, urging France to uphold the Accord and guarantee Kanak rights until full sovereignty is achieved.

Aug 28, 2024: UN independent human rights experts expressed alarm about Viet Nam's discriminatory misuse of counter-terrorism law against Montagnard Indigenous Peoples and Christian minorities. They cited a mass trial lacking due process, torture of detainees, the arbitrary designation of a human rights group as a terrorist organization, and a broader pattern of repression against Montagnards. The experts urged Viet Nam to uphold human rights and address the root causes of violence.

Sept 12, 2023: During the SDG summit, UN human rights experts called for urgent changes to accelerate progress on the Sustainable Development Goals. They emphasized that lack of progress stems from racism, discrimination, and human rights violations and urged a shift towards a people-centered, human rights approach, focusing on the most vulnerable populations and ensuring their participation in decision-making.

Sept 18, 2024: UN experts welcomed the UN Secretary-General's Panel on Critical Energy Transition Minerals' emphasis on human rights but stressed that all actions related to critical minerals must respect all human rights norms. They highlighted the risks of human rights violations in the sector, recalled states' obligations to protect the environment and Indigenous Peoples' rights, and emphasized businesses' responsibility to respect human rights throughout the value chain.



UN Statements and Reports *—continued from page 8*

Sept 24, 2024: UN experts warned of the irreparable harm to Indigenous Sasak Peoples' rights from the Mandalika tourism project in Indonesia and called for its suspension pending an investigation into human rights concerns, including forced evictions and inadequate compensation. They also requested that the Asian Infrastructure Investment Bank suspend its loan disbursement. The experts further expressed alarm over militarization and excessive force by security services ahead of the MotoGP race, urging respect for Indigenous rights, free, prior, and informed consent, and compliance with international standards.

Sept 25, 2024: Assistant Secretary-General for Human Rights, Ilze Brands Kehris, addressed the Human Rights Council, emphasizing that while the UN Declaration on the Rights of Indigenous Peoples is a critical instrument, more efforts are needed for its full realization. She highlighted challenges such as violations of free, prior, and informed consent, inadequate recognition of land rights and self-governance, and stressed the need for comprehensive legal and policy reforms developed and monitored in collaboration with Indigenous Peoples. She further underscored the importance of implementing judicial decisions and respecting agreements with Indigenous Peoples to achieve the Declaration's goals.

Oct 10, 2024: While commending the Mauritius/UK agreement on Chagos Archipelago sovereignty as a positive step, UN experts stressed that a final treaty must prioritize Chagossian rights, including the right to return to all islands, including Diego Garcia, and reparations. They urged meaningful Chagossian participation in negotiations and decision-making concerning their homeland.

Oct 17, 2024: UN human rights experts called on Tanzania to end the escalating human rights violations against opposition members, civil society, journalists, Indigenous Peoples, and human rights defenders ahead of elections. They expressed alarm over rising abductions, killings, restrictions on freedom of expression, and the arbitrary deregistration of voters in the Ngorongoro Conservation Area. The experts urged the government to restore rights, engage in dialogue with the Maasai people, ensure adherence to the rule of law, adhere to court decisions, and allow all villagers to register to vote.

Nov 7, 2024: The UN Human Rights Committee published findings on Ecuador and France, among other countries. With respect to Ecuador, the Committee expressed alarm over frequent states of emergency disproportionately affecting vulnerable groups, including Indigenous communities. With regards to France, the Committee voiced concerns over restrictions on peaceful assembly, including excessive force during demonstrations, particularly in New Caledonia.

Nov 8, 2024: The UN Special Rapporteur on the situation of human rights defenders, Mary Lawlor, expressed concern about the criminalization, arbitrary detention and long sentences for indigenous defenders in Mexico. She highlighted cases where defenders were wrongly accused and sentenced for their work protecting their communities. She urged authorities to revoke the sentences and release the defenders immediately.

Nov 11, 2024: UN experts emphasized that States must prioritize effective climate action and sufficient finance in accordance with human rights at COP29. They highlighted the inadequacy of current climate action and called for urgent action to phase out fossil fuels, while ensuring that frontline communities, especially vulnerable populations (including indigenous peoples), are protected from the negative impacts of climate change.

Nov 11, 2024: The UN Special Rapporteur on contemporary forms of slavery, Tomoya Obokata, began a visit to Australia to examine the government's efforts to combat slavery, particularly as it affects vulnerable groups, including Indigenous Peoples, migrants, asylum seekers and people with disabilities.

Nov 21, 2024: UN experts stated that plastic pollution is a global threat to human rights and that the legally binding global instrument on plastic pollution must secure accountability in all stages of the plastic cycle. They emphasized the need to include explicit references to human rights, the right to information, the right to development, and the right to a clean and healthy environment in the treaty, as well as transparency, prevention, and accountability, including contributions from plastic producers to a global fund.



UN Statements and Reports *—continued from page 9*

Nov 21, 2024: The UN expert on the right to development, Surya Deva, concluded a visit to Honduras and urged the government to implement an alternative model of development through participatory approaches, inclusive policies, improving rule of law, and fostering responsible business conduct. He stressed the need to protect Indigenous Peoples and environmental human rights defenders, provide land deeds to Indigenous Peoples, and ensure free, prior and informed consent for projects.

Nov 29, 2024: The UN Special Rapporteur in the field of cultural rights, Alexandra Xanthaki, urged Lao PDR to prioritize cultural rights and avoid sacrificing cultural diversity in the name of economic development. She expressed concern over assimilation policies, village relocations, and the government's refusal to acknowledge ethnic minorities, stressing the need for free, prior and informed consent for relocation and adequate consultation with communities.

Dec 5, 2024: The UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera, stated that the climate crisis has radically impacted the basic human rights of the people of Vanuatu and that the international community must urgently meet its mitigation and finance obligations to Vanuatu and other most affected countries. She emphasized the compounding human rights impacts of climate change on health, food, housing, education, infrastructure, cultural heritage, and ecosystems. She underscored the role of the International Court of Justice in clarifying States' climate change obligations and the need for climate-related support to prioritize community-led initiatives grounded in Indigenous knowledge. ■

Recommendations, Statements, and Reports from Regional Bodies

AFRICA

Jul 18, 2024: The African Union published a report titled "Continental Artificial Intelligence Strategy – Harnessing AI for Africa's Development and Prosperity." The report acknowledged that AI can misrepresent Indigenous knowledge and practices, potentially leading to marginalization, cultural erosion, and exploitation. The report recommended developing AI for the benefit of vulnerable communities, investing in language processing for Indigenous African languages, and creating policies for cultural preservation.

Jul 30, 2024: The African Commission on Human and Peoples' Rights (ACHPR) published a 2022 decision recognizing the Democratic Republic of Congo's violation of the Batwa people's rights. The violations occurred when the Indigenous people were removed from their ancestral land to create a national park. The Commission ordered Congo to comply with several recommendations, including establishing a mechanism for demarcating and titling Batwa territory, reintegrating them into their ancestral lands, and removing non-Batwa from the territory.

Aug 9, 2024: The ACHPR released a press statement for the International Day of the World's Indigenous Peoples. While recognizing efforts by the African Union, United Nations, and civil society in promoting Indigenous rights, the Commission expressed concern over forceful evictions, lack of access to basic services, and other violations. The Commission urged States to implement its Resolution on the Recognition and Protection of the Right of Participation, Governance, and Use of Natural Resources by Indigenous and Local Populations in Africa, and to exercise caution when developing laws and policies that could affect Indigenous peoples' environments.

Aug 31, 2024: The Commissioner for Health, Humanitarian Affairs, and Social Development of the African Union Commission, H.E. Amb. Minata Samate Cessouma, issued an Official Statement on African Traditional Medicine Day, recognizing the importance of Indigenous therapies and the need to involve Indigenous knowledge holders in policymaking.

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Recommendations, Statements, and Reports from Regional Bodies —continued from page 10

Sept 20, 2024: The Transforming Knowledge for Africa's Future International Forum, convened by the African Union Commission and UNESCO, took place in Ethiopia from September 30 to October 2, 2024. Panels included "Embracing Diversity for Africa's Future: Integrating Indigenous Philosophies in African Education" and "Putting African Indigenous Knowledge to Work for the Future of Africa," held on October 2nd and 3rd, respectively.

Oct 14, 2024: The ACHPR issued a Request for Expressions of Interest for an individual consultancy to conduct a study on the impacts of climate change on Indigenous people in Africa, financed by the European Union.

Oct 15, 2024: The African Union held an event to commemorate *the International Day of Rural Women* with the theme "Empowering Women Living in Rural Areas through Education and Access to Technology: Bridging the Gap for Inclusive and Sustainable Agri-Food Systems in Africa." The commemoration recognized the role of rural women, including indigenous women, in "enhancing agricultural and rural development, improving food security, and eradicating rural poverty."

Oct 25, 2024: The Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV in Africa presented its Intersession Activity Report during the 81st Ordinary Session of the ACHPR, covering June 3 to October 17, 2024. Among the activities reported was the continuation of a Study on the Impact of COVID-19 on Indigenous Peoples in Africa and the nexus between HIV/AIDS and COVID-19.

Oct 25, 2024: The Working Group on Indigenous Populations/Communities and Minorities in Africa presented its Intersession Activity Report at the 81st Ordinary Session of the ACHPR, covering June 3 to October 17, 2024. The Working Group's activities included communications with Tanzania regarding the human rights situation of the Maasai people; attendance at events such as the Social Cohesion and Cultural Exchange Event convened by the African Kingdoms Diaspora Alliances, consultations with Indigenous peoples' delegations; issuing press statements; participating in events; and monitoring country situations. The Group also issued recommendations to State Parties and other stakeholders.

Nov 6, 2024: In a Keynote Address to the General Assembly of the African Coalition for Corporate Accountability, Solomon Ayele Dersso, Chairperson of the Working Group on Extractive Industries, Environment, and Human Rights of the ACHPR, acknowledged the impact of climate change and climate response measures on Indigenous communities, which include loss of Indigenous knowledge and language, and eviction from homes due to carbon markets. He also highlighted the connection between climate change and corporate businesses and the role of the African Human Rights System in addressing climate change-related human rights issues.

Nov 6, 2024: The ACHPR adopted a Resolution on the Protection and Promotion of the Rights of Communities Discriminated by Work and Descent in Africa (ACHPR/Res. 619 (LXXXI) 2024). As such, the Commission has committed itself to conducting a continental study about communities discriminated against based on work and descent, which will be carried out by the Working Group on Indigenous Populations/Communities and Minorities in Africa.

Nov 6, 2024: The ACHPR adopted a Resolution in preparation for the AU Theme for 2025, "Justice for Africans and People of African Descent through Reparations." Through Resolution ACHPR/Res. 616 (LXXXI), it established consultations on Afro-Descendants, Indigenous/Ethnic Ancestry, and Integration, ahead of the 83rd Ordinary Session and the AU Theme of the Year 2025 on Reparations and the African Union 6th Region.

Nov 6, 2024: The ACHPR adopted its Resolution on Promoting the Use of Indigenous and Local Languages as a Medium for Learning and Communication in the Implementation of the African Continental Free Trade Area (ACFTA). The Resolution, adopted during the Commission's 81st Ordinary Session, urged States to enhance the use of indigenous languages in national curriculums, ensure access to ACFTA documents in local languages, prioritize the promotion and preservation of indigenous languages, allocate resources for documenting and disseminating these languages, encourage collaboration with indigenous language speakers and communities, and support translation efforts and awareness campaigns.

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Nov 6, 2024: The ACHPR adopted a Resolution to renew the mandates of Commissioners Litha Musyimi-Ogana, Marie Louise Abomo, Solomon Ayele Dersso; Dr. Pag-Yendu M. Yentcharé; Ms. Hawe Hamman Bouba and Mr. Samuel Tilahun Tessema as members of the Working Group on Indigenous Populations/Communities and Minorities in Africa for a period of two years.

Nov 12, 2024: Following a Compliance Hearing by the African Court on Human and Peoples' Rights, the Republic of Kenya was given a three-month deadline to report on the measures taken to comply with the judgment of Application No. 006/2012, which ordered Kenya to ensure the Ogiek people's access to their ancestral lands and guarantee their land rights. The Applicant informed the Court that the Ogiek continued to suffer evictions even after the judgment on the merits.

AMERICAS

Jul 9, 2024: The Inter-American Commission on Human Rights (IACHR) held a hearing on the right to health of the Yanomami indigenous people in the subnational state of Amazonas. The IACHR expressed regret at the State's absence and reiterated that lack of state protection has created a public health crisis.

Jul 11, 2024: The IACHR held a hearing on indigenous peoples of the Northern Caribbean Coast and violations of religious freedom. The IACHR regretted Nicaragua's absence at the hearing and lack of interest in the human rights situation in its territory.

Aug 28, 2024: The IACHR approved the admissibility of the case of Luis Cruz Cho Tut, a Q'eqchi' Indigenous leader from the San Juan Chamelco Community. In its analysis of the merits, the Commission will consider allegations that the incrimination of Cruz Cho Tut was based on his indigenous identity.

Aug 21, 2024: The IACHR has issued a follow-up and expansion resolution, 53/2024, regarding precautionary measures for the Siona Indigenous People of the Gonzaya (Buenavista) and Po Piyuya (Santa Cruz de Piñuña Blanco) territories in Putumayo, Colombia. While acknowledging

some actions taken by the Colombian state, the IACHR emphasizes that significant risks persist for the Siona communities due to the continued presence and actions of armed groups, including threats, attacks, and displacement. The resolution expands the existing protective measures to include human rights defender L.M.E.V., who has been working on the case, citing ongoing threats and attacks against her. The IACHR is urging the Colombian government to reinforce protection measures, engage in continued dialogue with the Siona representatives, and implement culturally appropriate solutions, particularly in response to the ongoing violence. The Commission calls for concrete actions to ensure the safety and security of the Siona people and their ability to live on their ancestral lands without fear.

Oct 17, 2024: The IACHR and the High Commissioner for Human Rights expressed deep concern over increased violence against Indigenous Peoples in Brazil, especially in the states of Bahia, Paraná, and Mato Grosso do Sul, amid efforts to defend their territorial rights. Recent attacks, by private actors and police, have led to the forced displacement of communities and the deaths of community members, including leaders from the Pataxó Hã-Hã-Hãe and Guaraní Kaiowá peoples.

Oct 17, 2024: In commemoration of the *International Day of the Girl*, the IACHR urged States in the region to take concrete measures to prevent and eradicate sexual violence against indigenous girls and adolescents. These measures should incorporate gender, age, and intercultural approaches, addressing multiple structural factors that increase their vulnerability to violence. The Commission emphasized that indigenous girls and adolescents must be fully included in the design and implementation of these measures.

Oct 30, 2024: The IACHR has granted precautionary measures to Steadman Fagot Muller, a Miskito indigenous leader in Nicaragua, due to concerns about his safety and well-being. Fagot Muller, who previously held a public position, was reportedly arrested by the Nicaraguan Army on September 14, 2024, after publicly criticizing government policies concerning indigenous peoples and report-

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ing on alleged invasions of indigenous territories. Despite a press release from the Army stating he was transferred to the National Police for alleged ties to organized crime, the IACHR emphasizes that the state failed to provide information on his whereabouts, condition, or legal status. The IACHR is urging Nicaragua to take immediate action to locate Fagot Muller, ensure his safety, disclose his conditions of detention including legal representation, enable healthcare, and guarantee his ability to continue his human rights work free from harassment. The IACHR also asks for an investigation into the circumstances surrounding his arrest.

Nov 13, 2024: The IACHR held a follow-up session with regards to the precautionary measures in favor of Bruno Araújo Pereira, Dom Phillips and 11 members of the “Union of Indigenous Peoples of the Javari Valley” (“União dos Povos Indígenas do Vale do Javari”). The IACHR recognized progress in protecting beneficiaries and investigating the murders of Bruno Araújo and Dom Phillips. It encouraged parties to expand dialogue and transparency, while recalling indigenous peoples’ territorial rights.

Nov 15, 2024: The IACHR held a hearing on the situation of the A’i Cofán, Andwas, Shuar, Siekopai, Siona, and Wampis indigenous peoples. The IACHR appreciated the participation of members of transboundary indigenous peoples and acknowledged the threats they face due to economic interests. It reiterated its commitment to monitoring, protecting these communities, and promoting inclusive and sustainable policies.

Nov 21, 2024: In the Judgment of the *Huilcamán Paillama et al. v. Chile Case*, the Inter-American Court of Human Rights declared Chile responsible for the human rights violations committed during the criminal proceedings against 135 members of the Mapuche Indigenous people between 1989 and 1992, in the context of the actions undertaken by the organization Consejo de Todas las Tierras.

Dec 4, 2024: The IACHR presented Case No. 13,572 of Peru on November 1, 2024, for the violation of rights against the Mashco Piro, Yora, and Amahuaca Indigenous peoples in voluntary isolation and initial contact. These indigenous peoples, inhabiting territorial reserves in Peru, have been impacted by logging, mining, and illegal logging, despite the State’s formal recognition of their territorial rights.

Dec 4, 2024: The IACHR expressed concern over recent administrative measures in Argentina that may undermine the protection of indigenous peoples’ territorial rights. The IACHR calls on the State to uphold its international obligations regarding the rights of Indigenous peoples when adopting administrative measures and legal provisions related to their legal personality and land titling.

EUROPE

Sept 5, 2024: During a conference in Kyiv, Dmytro Lubinets, Commissioner for Human Rights of the Verkhovna Rada of Ukraine, presented a Special Report for Human Rights regarding the situation of national minorities and Indigenous peoples’ rights in the context of the armed conflict between Russia and Ukraine.

Nov 4, 2024: The European Youth Centre Budapest, along with the Unrepresented Nations and Peoples Organization Youth and the Unrepresented Nations and Peoples Organization, held a six-day study session titled “Achieving Justice through our Youth Minorities: Building Capacity to work together for a fairer future.” The event aimed to increase the capacity of minority, indigenous, and autochthonous youth activists and NGO representatives.

Nov 20, 2024: The 80th plenary meeting of the Committee of Experts of the European Charter for Regional or Minority Languages was held between November 18th and 20th, 2024. Discussions included the adoption of the seventh evaluation report on the application of the Charter by Cyprus, the role of new media in protecting regional and minority languages, the presentation of an indigenous languages’ digital inclusion project by the

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Motorola and Lenovo Foundation, and the presentation of Romani language textbooks by the Romani Language Initiative of the European Roma Institute for Arts and Culture, with the support of the Council of Europe.

Dec 10, 2024: A recent ruling by the European Court of Human Rights in *F.M. and Others v. Russia* highlights the critical link between gender, migration, and vulnerability to trafficking and exploitation, often experienced by marginalized communities. While the case focused on female migrant workers from Kazakhstan and Uzbekistan, the court's reasoning acknowledged that discrimination against women is frequently compounded by factors such as ethnicity/race, indigenous or minority status, among others, echoing concerns raised by the CEDAW Committee.

The **18th Polar Law Symposium** will be held in Nuuk, Greenland, on 22nd – 24th October 2025. Around 100 participants are expected to attend, including leading experts in Arctic and Antarctic law and policy; government representatives from Greenland and elsewhere; and graduate students in law and social science from Ilisimatusarfik and other universities. Many of the polar law scholars are also delegates on international fora, including the Arctic Council's bodies and the Antarctic Treaty System. The agreed keynote speakers for 18 PLS are Sara Olsvig, Chair, Inuit Circumpolar Council International, and Alan Hemmings, Professor and expert in the Antarctic Treaty System. For more information, please visit the website <https://uk.uni.gl/events/indigenous-rights-autonomy-empowerment-environment/> or email Rachael Lorna Johnstone at: rlj@unak.is. ■

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Texts

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The Talking Rights blog is a scholarly blog focused on publishing high quality and topical pieces in the field of human rights and public international law, based at the Institute for Human Rights at Åbo Akademi University. The editors are looking forward to receiving blog posts on issues related to the rights of indigenous peoples. Guidelines for authors: <https://talkingrights.org/guideline-for-authors/>

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