

Guiding principles of indigenous peoples' autonomy and self- governance rights

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4 Pillars:

1. The right to self-determination is a human right. Self-government is an expression of self-determination and indigenous autonomy.
2. It is the State's duty to respect, protect and fulfill human rights.
3. The autonomy and self-government of indigenous peoples require the State's recognition, with the incorporation of these rights in national legislation.
4. The concepts and scope of recognition are the result of mutual understanding and agreement between States and indigenous peoples.

1. The right to self-determination is a human right. Self-government is an expression of self-determination and indigenous autonomy

Founding Principles

Article 3

- Indigenous 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.

Article 4

- Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- **United Nations Declaration on the Rights of Indigenous Peoples**

Operating Principle

- The right to self-determination is a fundamental right, inalienable in nature, i.e., it cannot be waived. It therefore generates obligations for States.
- Its effectiveness is crucial for indigenous peoples to enjoy all the collective and individual human rights to which they are entitled.

2. It is the State's duty to respect, protect and fulfill human rights

Founding Principles

- States assume obligations and duties under international law to respect, protect and fulfill human rights.
- The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights.
- The obligation to protect requires States to protect individuals and groups, as well as indigenous peoples, against human rights abuses.
- The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights.

Operating Principle

- The exercise of autonomy and self-government must be guaranteed.
- Articles 4 and 34 of the United Nations Declaration on the Rights of Indigenous Peoples establish that indigenous peoples have the right to possess the means for financing their autonomous functions.
- Without supplanting their decision, States must deploy measures that respect and support the priorities and proposals of indigenous peoples. Collective territorial assets are the basis for the development of indigenous peoples.
- Autonomy and self-governance must be ensured because the ability of indigenous peoples to control and use their lands, territories, and natural resources rely on these rights.

3. States' recognition, with the incorporation of these rights in national legislation

Founding Principles

- The rights to self-determination, autonomy, and self-government must be expressly incorporated into the Constitution and relevant legislation. Ensuring the participation of subjects in decision-making processes, through adequate recognition.
- Complying with international standards.
- Avoiding the imposition of state frameworks for the recognition of autonomy and self-government, which when done inadequately, has often resulted in what could be termed "fragmented autonomies" (*Tauli Corpuz, 2020*).

Operating Principle

- International standards and human rights establish that consultation and consent of indigenous peoples and communities must be free, prior, informed, culturally appropriate, and obtained in an adequate manner. Take the steps to "close the gap" (*R. Stavenhagen, 2003*). Stop the "regression in the implementation of indigenous peoples' rights" (*Antonia Urrejola, 2019*).

4. Recognition results from mutual understanding and agreement between States and indigenous peoples

Founding Principles

- Recognition policies of indigenous peoples' rights to self-determination, autonomy, and self-government must be based on their own interpretation and initiatives to exercise them.

Operating Principle

- The perspective of indigenous peoples and communities must be incorporated when designing, drafting, and approving the legal, regulatory, and administrative measures necessary to make them effective, as intercultural understanding is required.

Thank you for your attention