



INDIGENOUS PEOPLES INDIGENOUS VOICES

Fact Sheet

## Half-Day Discussion On Central and South America and the Caribbean

*Issues related to indigenous peoples in Central, South America and The Caribbean will be the focus of a half-day discussion on 20 May as part of the Tenth Session of the UN Permanent Forum on Indigenous Issues (UNPFII), to be held at UN Headquarters in New York. The discussion will focus on identifying the issues, challenges and positive measures of cooperation to improve the situation of indigenous peoples in the region.*

### **Indigenous peoples in Central, South America and the Caribbean: challenges and issues**

In recent years, indigenous peoples' organizations from throughout the region have become more politically involved in proposing **new concepts of democracy** as well as obtaining political representation in accordance with their customary laws and authorities, as recognized in the UN Declaration on the Rights of Indigenous Peoples.

Since the 1990's, the indigenous peoples' movements have strongly advocated for the transformation of the region's democracies, based on expanded concepts of citizenship and the **construction of plurinational** states. There is the understanding that a pluralist democracy means not just respecting individual rights but also collective identities based on socio-cultural differences.

In recent years, indigenous peoples have advanced **their own development models and concepts and practices of living well** (for example sumak kawsay, suma qamaña, laman laka, gawis ay biag), based on restorative philosophies underpinned by indigenous peoples' cosmologies, philosophies, values, cultures and identities. These concepts emphasize an alternative to the dominant development paradigms that are based on the ever-increasing growth consumption. These new development models have also become an inspiration for social movements across the globe.

While major challenges remain in harmonizing legislation to implement indigenous peoples' rights in order to achieve practical results on the ground, there are some positive examples of good practices where indigenous peoples' rights have been recognized.

- **Self-determination and collective rights.** Although the majority of indigenous peoples were politically marginalized, indigenous communities became the



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central focus for cultural expression, indigenous achievement and existence as well as their quest for self-determination. As a result, the indigenous movement in Nicaragua achieved the recognition of the North Atlantic Autonomous Region (RAAN) as a form of government during the 1987 Political Constitution of the State.

- **Plurinational States.** In some States, indigenous peoples' rights are enshrined in national legislation and constitutions such as Ecuador (2008) and Bolivia (2009), where the concepts of "Plurinational State" and "living well" were included. However, indigenous peoples still face certain challenges when it comes to demanding their rights and shaping their own future.
- **Right to land.** In October 2007, the Chief Justice in Belize decided that lands that were taken from the Maya peoples by the government should be returned. The Chief Justice quoted Article 26 of the UN Declaration on the Rights of Indigenous Peoples, which confirms that indigenous peoples have the right to their lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired.
- **Indigenous women.** The *Continental Network of Indigenous Women of the Americas*, which recently met in **Mexico** (2011), highlighted the particular situation of indigenous women in the region, including the fact that their issues have not been taken into consideration by states and UN agencies. In this regard, UNWOMEN must include the specific situation of indigenous women in its mandate, in its design and implementation of policies that should be accompanied by an adequate budget.

While there has been some progress to improve conditions and increase the recognition of indigenous peoples' rights in law and policy, in litigation, national dialogue and enhanced leadership opportunities, the full compliance and accommodation of indigenous rights remains elusive, which is outlined below:

- **Criminalization of protest.** Indigenous peoples are frequently detained due to the criminalization of social protest activities. One of the most serious shortcomings in human rights protection in recent years has been the trend towards the use of legislation and the justice system to criminalize social protest activities especially in instances where indigenous organizations and movements have made particular demands in defence of their rights.
  - **Climate change threatens the existence of indigenous peoples.** For indigenous peoples in the region, climate change is a potential threat to their existence and a major challenge to human rights and equality. Indigenous peoples have pointed out that climate change is not just an environmental issue, but one that has severe socio-economic implications which impacts on their livelihoods.
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- **Exploitation of natural resources in indigenous territory.** Although many States have passed or are in the process of passing legislation that recognize the right of indigenous peoples to participate in the projects that are implemented in their territories, in many cases the principle of free, prior and informed consent has not been adequately reflected in legislation and further, is not practiced at the local, regional and national levels.

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**For more information** on the tenth session of the United Nations Permanent Forum on Indigenous Issues, please see [www.un.org/indigenous](http://www.un.org/indigenous).

