



Indigenous Peoples of Abya Yala: Organizational process and international advocacy

Rodrigo de la Cruz

This material was made possible through support provided by the Office of Inclusive Development Hub, Bureau for Inclusive Growth, Partnerships, and Innovation, U.S. Agency for International Development, under the terms of Contract No.7200AA20CA00013. The opinions expressed herein are those of the authors and do not necessarily reflect the views of the U.S. Agency for International Development.

Presentation

The native Indigenous Peoples of Abya Yala, or as Latin America and the Caribbean are known, have had a history of denial of their fundamental rights since the very irruption into their ancestral territories, which later, denying the invasion, was said to be the "Encounter of Two Worlds", either by the Spanish or the Portuguese from 1492 onwards. This marked a before and after in their status of life and relationship with Mother Nature. It was imposed on them with the cross and the sword, a totally unknown form of political, institutional, cultural, religious and economic regime that severely affected their form of development, especially in terms of the use and enjoyment of customary natural resources. Their lands and territories were both dispossessed and titled in the name of the Crown. As a result, the original inhabitants were condemned to absolute marginalization and their destinies were agriculture, labor and other forms of exploitation.

History tells us that this irruption did not mean a meeting of Two Worlds, but a total invasion of these territories with forms of imposition that are well known and aberrant, which altered all the ways of life of the original Indigenous Peoples, and that their situation did not change with the creation of the new national States, once the Spanish and Portuguese colonies of Abya Yala were freed from their respective Crowns. With the newly constituted national States, the same regime of denial of rights to the native peoples continued.

"It was not only the war machine that helped the European occupation of the continent and the depopulation of its historical inhabitants, but also the burden of diseases that the Europeans brought with them, which severely decimated the native populations. In addition to the introduction of new diseases such as smallpox, measles, typhoid, yellow fever and malaria, they were subjected to forced labor and inhumane punishments. Denevan (1976) estimates that at the time of the first contacts with Europeans there were 57.3 million Indigenous People living throughout the continent, 47 million of whom lived in the countries now known as Latin America. However, it is estimated that 130 years later this population had decreased by 90% and that the Indigenous population of the Caribbean was almost exterminated in less than half a century".¹

¹ ECLAC. Indigenous Peoples in Latin America: Advances in the last decade and pending challenges for the guarantee of rights, p. 13.

1. Indigenous Peoples in Voluntary Isolation and Initial Contact.

While it is true that the situation of invasion, subjugation and exploitation of Indigenous Peoples has completely denied their rights during the time of the European colonies and later of the nation states, not all Indigenous Peoples were subjugated and alienated in this way. At present, there are peoples who, due to their own conditions, have remained in voluntary isolation. These are the so-called "uncontacted", "voluntary isolation" or "initial contact" peoples. According to the Coordinating Body of Indigenous Organizations of the Amazon Basin (COICA), there are around 60 Indigenous Peoples living in the Amazon Basin under these conditions, making use of their right to self-determination. The countries that concentrate these peoples, in descending order, are Brazil, Peru, Bolivia, Ecuador and Colombia.

In Peru and Ecuador, special legal protection conditions have been determined for these peoples. For example, their territories have been declared traditional habitat and intangibility, even guaranteed with constitutional rank, as is the case in Ecuador, where Article 57 states that,

"The territories of the peoples in voluntary isolation are of irreducible and intangible ancestral possession, and any type of extractive activity shall be forbidden in them. The State shall adopt measures to guarantee their lives, ensure respect for their self-determination and will to remain in isolation, and ensure the observance of their rights. The violation of these rights shall constitute the crime of ethnocide, which shall be typified by law".

In the Peruvian case, there is Law No. 28736 of 2006 for the Protection of Indigenous or Original Peoples in Isolation and Initial Contact. However, in its application, only two Indigenous reserves have been created in favor of the PIAs (Yavari Tapiche and Kakataibo North and South) in the Loreto, Ucayali and Huanuco regions. In fact, although there are five territorial reserves located between the regions of Cusco, Madre de Dios and Ucayali that were created for the protection of these peoples under Decree Law No. 22175, only three of these have been adapted to Indigenous reserves: Isconahua, Mashcopiro and Murunahua, the same that were created by D.S. No. 0007-2016-MC and that would be fulfilling their role for the protection of the PIAs.

Within the Inter-American System, there is a Report on Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas: recommendations for the full respect of their human rights, issued on December 30, 2013.

The IACHR, in paragraph 21 of the report, considers that one of the fundamental premises of respect for the rights of Indigenous Peoples in voluntary isolation is respect for non-contact and their choice to remain in isolation. The United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples has pointed out in this regard that "the principle of no

contact must be respected, which implies implementing a public policy that protects their vital spaces and preserves them from pressures from extractive companies, illegal logging, and unauthorized settlement in the area". The different threats to the rights of the peoples in asylum and initial contact have as a common cause contact, whether direct or indirect, with people outside their peoples. Direct physical aggression, incursions into their territories for the purpose of extracting natural resources, epidemics, food shortages, and the loss of their culture all presuppose contact. If unwanted contact is eliminated, most threats are eliminated and respect for the rights of such peoples is guaranteed. Therefore, in the Commission's view, it is essential that any effort to secure this respect be governed primarily by the principle of no contact, and that contact should occur only if it is encouraged by the peoples in isolation.

2. The process of participation of Indigenous Peoples on the international scene

The struggles for land restitution began in all countries in the mid-twentieth century, basically around the struggle for the return of land, which was totally usurped and another system of land tenure was established in the name of the crowns of Spain and Portugal. These actions gave rise to the creation of community organizations at the local level until reaching what we now have, macro-regional Indigenous organizations such as the Indigenous Forum of Abya Yala (FIAY), which brings together regional organizations such as the Indigenous Council of Central America (CICA) and in South America as the Coordinating Body of Indigenous Organizations of the Amazon Basin (COICA), among others.

It should be mentioned that the first forms of organization were at the community level or at the same time of entire peoples, organized above all for territorial rights, basic infrastructure, education, health, as well as recognition as peoples, non-discrimination and equal rights. In this process, these forms of local organization had to expand to the national and regional level as the Indigenous organizations already mentioned, claiming these rights already in the field of public policies so that they are embodied in national regulations. And it is these same organizations that have sought other spaces for the vindication of their rights, reaching the international level through the United Nations System, to the point of having the United Nations Declaration on the Rights of Indigenous Peoples (2007) and in the American sphere, the American Declaration on the Rights of Indigenous Peoples issued by the General Assembly of the Organization of American States (2016).

The American Declaration, like that of the UN, starts from the recognition of the urgent need to respect and promote the intrinsic rights of Indigenous Peoples, which derive from their political, economic and social structures and from their cultures, spiritual traditions, history and philosophy, especially the rights to their

lands, territories and resources; and also in the more substantive parts, as for example, in Article III, it is mentioned that 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.

The process of participation and influence that Indigenous Peoples have had in these two international organizations, the United Nations and the OAS, have been similar, but also with differences due to their own spheres, especially in terms of the jurisdictional nature of their binding decisions. Thus, when Indigenous Peoples have required judicial decisions, the most favorable instance has been the Inter-American Court of Human Rights, since several Indigenous Peoples in the region have decided to bring before it the violation of their rights, in particular the right to prior consultation, based on ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries, where this international instrument has been ratified.

There are emblematic cases such as the case of the Kichua Indigenous People of Sarayaku in Ecuador who, after a long process, obtained a judgment in their favor on June 27, 2012, for the Ecuadorian State to compensate the damages caused by the granting by the State of a permit to a private oil company to carry out oil exploration and exploitation activities in the Indigenous territory of this people in the 1990s, without prior consultation with them and without their consent. Thus, the oil exploration phases began, including the introduction of high explosives in several points of the Indigenous territory, thus creating an alleged situation of risk for the population (...).

Meanwhile, at the United Nations, in spaces such as the Permanent Forum on Indigenous Issues, global demands of Indigenous Peoples converge so that the UN System seeks answers to these demands.

3. Reference of the struggle of Indigenous Peoples for their rights: the case of the Guna Indigenous People of Panama.

The vindication of the rights of Indigenous Peoples has been accompanied by a process of struggle with its own realities in each of the countries, all of them very important. On this occasion, we will make particular mention of the organizational processes and the struggle of the Guna people of Panama for the recognition of their autonomy and as Indigenous Peoples with guaranteed territorial rights.

The history of the Guna Indigenous People or better known as Kunas, which is a border people between Panama and Colombia, like other Indigenous Peoples of Abya Yala, has been affected by extractive activities in their territories and the denial of their individual and collective rights.

In Law 59 of December 31, 1907, the National Assembly approved the civilization of the Indigenous Guna population enunciating in the spirit of the Law that, "the reduction to civilized life of the savage tribes existing in the country will be attempted by all peaceful means. a) Missionaries and school teachers will be the civilizing agents; b) the government will grant land to settlers, that is, non-Indigenous; c) the government will give farm implements, seeds, animals to the Indigenous and settlers..." (La Estrella de Panamá, 2024), is part of what the first and second articles of this Law, which is one of the main antecedents of the Dule Revolution of 1925, imposed.

This historical event highlights the dangers and threats of forced westernization, as well as the need for resistance. Currently, Panamanian historical memory registers this event as an unjustified massacre in which a population was repressed for having customs different from those of those who were part of the *status quo* after the formation of the Republic.

"What really happened in February 1925, its causes and background, indicates that the Gunas, far from being violent by nature, rebelled only after years of mistreatment and peaceful resistance. Fortunately, the rebellion ended with an agreement that still endures between the government and the Indians," says American writer James Howe, author of *The Dule Revolution: A 20th Century Indigenous Rebellion* (Gold Museum Bulletin Number 56 in 2016).

With the "Gunas Revolution", we refer to the bloody conflict of February 1925 between the Gunas, of the then San Blas, and the colonial police agents encamped in several communities.

The "uncivilized" Indian was seen as a threat to the country and there was a need to quickly integrate the Indigenous into "national life" which implied destabilizing and disintegrating the Indigenous Peoples in order to incorporate them as anonymous groups without history into the Panamanian global citizenship, which inevitably resulted in their impoverishment and alienation.

From the moment of its outbreak, the Guna Revolution was considered as a simple and plain "barbarism of the uncivilized". Panamanian historians and essayists did not bother to identify the real content of the 1925 uprising: "The Gunas have killed the whites because they are barbarians, lacking in civilization..." were the insistent cries of the "civilized". On February 26, 1925, appeared in the Panamanian press: "22 police officers were cruelly murdered", with the subtitle, "The Indians of San Blas demonstrated barbarism". (In *Así lo vi lo y así me lo contaron Datos de la Revolución Guna*. Version of the *sagladummad Inakeliginya* and gunas who lived the Revolution of 1925).

To narrate the entire process of the struggle for the autonomy of this Indigenous people would be truly worthy, however, due to time constraints, reference has only been made to the most significant issues of this historical feat, and how three

laws of autonomy were achieved that would mark to this day the right to autonomy of an Indigenous People that is an example throughout Abya Yala. These laws are:

- After this conflict, the Panamanian government recognized the Indigenous territories with Law 59 of 1930, which created the San Blas Reserve, and later Law 2 of 1938, which created the San Blas Region.
- With Law 16 of 1953, the administrative and legal status is approved, recognizing the Organic Charter as the Indigenous form of government, and recognizing the authority of the Guna General Congress and the figure of the *Sagladummagan*.

The right to autonomy of the Guna Indigenous People was enshrined long before the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (2007) and the ratification by the Panamanian State of ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries.

4. Process of unity of Indigenous peoples vis-à-vis international organizations. The case of the Indigenous Forum of Abya Yala (FIAY).

The organization of the Indigenous peoples of Abya Yala began strongly throughout the region in the 1970s, basically for the vindication of their rights.

Thus, the FIAY has stated that it is an instance of articulation of Networks of Indigenous Peoples' Organizations of Abya Yala, which promotes dialogue, understanding and influences public policies to ensure the protection and exercise of the collective rights of Indigenous peoples at the international, regional and national levels, especially linked to the defense of Mother Nature.

In the Abya Yala region there are 826 Indigenous peoples, according to information from ECLAC². The countries with the largest number of Indigenous Peoples are Brazil (305), Colombia (102), Mexico (78) and Peru (85) respectively. El Salvador, with three Indigenous Peoples, and Uruguay, with two, are the countries with the lowest number of Indigenous peoples. This specialized agency of the United Nations estimated that the Indigenous population in 2010 was 44.8 million people and represented 8.3% of the total population of Latin America. Mexico (17 million), Peru (7 million), Bolivia (6 million) and Guatemala (5.8 million) are the countries with the largest Indigenous populations.

² ECLAC: "Indigenous peoples in Latin America. Advances in the last decade and pending challenges for the guarantee of their rights". November 2014.

The regional organizations that are articulated in the FIAY are the following:

For South America:

- Coordination of Indigenous Organizations of the Amazon Basin COICA
- Andean Coordinating Committee of Indigenous Organizations CAOI

For Mesoamerica:

- Indigenous Council of Central America CICA
- Indigenous Council of Central America CIMA

Latin America:

- Continental Network of Indigenous Women of the Americas ECMIA
- Network of Indigenous Women in Biodiversity REMIB

The FIAY is an instance of coordination and articulation of networks and organizations of Indigenous peoples in Latin America, constituted with the purpose of following up and coordinating Indigenous participation in international processes that include in their agendas issues related to the rights of indigenous peoples.

An important precedent for FIAY is the construction by Mesoamerican Indigenous networks of the Mesoamerican Indigenous Agenda for the Defense of Mother Earth (2009), which included a position on climate change, REDD+, biodiversity, traditional knowledge and protected areas, among others.

The process of articulation of FIAY began at the II Latin American Summit on Climate Change and its Impact on Indigenous Peoples held in Peru (Lima, January 25-26, 2010) where the organizations agreed to establish the Abya Yala Indigenous Forum on Climate Change (FIAYCC) as a space to follow up on the issue.

The FIAYCC held its first meeting in Costa Rica (San José, March 29-31, 2010) with the objective of building the work path on participation and advocacy in the climate change negotiations (COP-16) that took place in Mexico (November 29-December 11) and to advance in the consolidation of the Forum. At this COP, for example, the Cancun Environmental and Social Safeguards were adopted, which are the recognition of a set of internationally standardized rights of Indigenous Peoples and are binding for REDD+ projects in Indigenous territories.

At the next meeting in Panama (November 2011), the organizations analyzed and agreed to broaden the agenda of the FIAYCC and move towards a space for monitoring environmental issues, natural resources, climate change, biodiversity, traditional knowledge and protected areas, among others.

In the following years, the networks and organizations of the FIAY participated in the dialogue with the World Bank in the framework of the reforms of the Environmental and Social Safeguards and the process promoted by the United

Nations for the First World Conference of Indigenous Peoples (2014). At the same time, they have continued to participate in the negotiations for a new climate agreement and the Conferences of Parties to the Convention on Biological Diversity (CBD) up to the present day, with important achievements that also include participation in other bodies such as the United Nations Permanent Forum on Indigenous Issues and at the regional level in the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean (Indigenous Fund).

The current Regional Coordinator or Senior Advisor is Brother Amadeo Martínez, of the Maya Indigenous People of the Republic of El Salvador.

- **Complaints to the OAS and the UN and advocacy processes**

The process of participation of Indigenous Peoples in the global arena has materialized through Indigenous actions in both the United Nations and Inter-American systems.

The United Nations Declaration on the Rights of Indigenous Peoples is the result of a long process of participation and advocacy that began with the United Nations Working Group on Indigenous Populations (1982-1993), which reached consensus on basic principles that were subsequently translated into a draft that was approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in July 1994. This draft was subsequently discussed by the "Intersessional Working Group of the Commission on Human Rights" (2005-2006) and it was finally in the United Nations General Assembly that the Declaration was adopted (2006-2007).³

Marcial Arias, an Indigenous leader of the Guna Indigenous People of Panama, who has been an architect of the process for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, said:

"The Declaration confirms the right of Indigenous Peoples to self-determination and recognizes survival rights and rights to lands, territories and resources. It also recognizes that Indigenous Peoples have been deprived of their means and means of development and that they are entitled to just and fair redress. These principles were not easy to negotiate with the International Community, it took more than 20 years, where different generations of Indigenous leaders from around the world participated.

And another element that must be emphasized is the acceptance of the term Indigenous Peoples, which is inherent in the recognition of collective rights.

³ CONAIE - GIZ. The UN and the Rights of Indigenous Peoples. Quito, 2008.

Therefore, we cannot accept the use of another term when referring to our Indigenous communities and nations as original peoples, which is currently intended to be a group of Indigenous brothers and countries. The International Community has already reached a consensus on the use of Indigenous peoples. And the scope of the Declaration is for Indigenous Peoples".

According to the actions of the IAYF and its regional member organizations, relations with international and regional organizations have been mainly as follows:

- United Nations System: UN Permanent Forum on Indigenous Issues, United Nations Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CBD), World Bank, IFAD/FAO, among others.
- Regional scope: Indigenous Fund and Central American Integration System.

What have been FIAY's main proposals to these international and regional bodies?

Governed by its Strategic Plan, the proposals have focused on:

- **Indigenous rights:** Recognition, respect and application of the rights of Indigenous Peoples by the national States of the region. In this case, for example, mention could be made of the lobbying and advocacy of Indigenous Peoples' organizations according to their degree of action in each of the countries for the ratification of ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989), which, among other things, recognizes their category as indigenous peoples (Art. 1) and their right to consultation and participation (Art. 6).⁴
- **Indigenous territories:** Promote the security of Indigenous Peoples' collective territories and the ability to manage their own territory and natural resources. These rights are recognized by ILO Convention 169 (Art. 7) and are part of this international instrument for which the Indigenous Peoples have deployed most of their actions and have even ensured that in countries such as Ecuador and Colombia the territorial rights of Indigenous Peoples are guaranteed by the Constitutions of the Republics. Without exception in any country, the Indigenous Peoples of the region have undertaken de facto and de jure actions for the recognition of this fundamental right to lands and territories.

⁴ Of the countries that have ratified this Convention in the region, we have: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, Guatemala, Honduras and Mexico,

- **Environment, Natural Resources, Biodiversity and Climate Change:** Promote the recovery, recognition and protection of the rights and traditional knowledge of Indigenous Peoples in environmental, natural resources, biodiversity and climate change policies and plans. Within the framework of these rights, advocacy actions correspond mainly to the international sphere, such as those embodied in the Convention on Biological Diversity (CBD), which recognizes the special dependence of Indigenous Peoples on biodiversity and therefore its conservation; as well as in the Paris Agreement on Climate Change, which recognizes the importance of traditional knowledge for mitigation and adaptation to climate change and has created a Platform on Traditional Knowledge Exchange. Within the CBD, it is worth noting that, for example, Indigenous Peoples' Organizations, such as FIAY and its regional networks, have played a leading role in the adoption of the new Kunming-Montreal Global Biodiversity Framework (December 2022), where Target 3 recognizes the important contribution of Indigenous peoples to biodiversity conservation.
- **Indigenous economy:** Promote the development of the Indigenous economy and the consolidation of the Plans for Life and Good Living of Indigenous Peoples. Colombia and Ecuador are the leading countries in Latin America and the Caribbean in the process of building life plans for Indigenous peoples. Indigenous organizations such as the Organization of Indigenous Peoples of the Colombian Amazon (OPIAC) and the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE) have made their respective states create programs specifically aimed at Amazonian Indigenous Peoples, such as the Amazonian Indigenous Vision Pillar Program (PIVA) and the Pro-Amazon Program respectively, which have developed direct actions such as life plans for Indigenous Peoples. On the other hand, the Constitutions of Ecuador and Bolivia have included among their principles the strategic state vision based on Sumak Kausay or Buen Vivir, which have been principles proposed directly by Indigenous Peoples' organizations. OPIAC and CONFENIAE are grassroots organizations of FIAY.
- **Dialogue and advocacy:** Develop political, technical and legal proposals and positions for dialogue and advocacy with States and international organizations. However, as FIAY and its regional networks in Latin America and the Caribbean, it is worth highlighting its leading advocacy before the World Bank, which with its active participation has developed and adopted the Environmental and Social Safeguards for the financing of investment projects (2017). These Safeguards incorporate a specific one for Indigenous Peoples and Local Communities, the SAS7 and it

addresses and recognizes the right of Indigenous Peoples to Free, Prior and Informed Consent.

- With the same World Bank, as a result of its dialogue and advocacy, a Programmatic Agreement for Capacity Building and Training of Indigenous Peoples on REDD+ was established, which has been implemented with the NGO Sotxil of Guatemala, in the period 2019 - 2023.
- **Indigenous women and youth:** Promote the participation of Indigenous women and youth in international, regional and sub-regional processes. The actions of Indigenous peoples in pursuit of gender equity are growing and proof of this is that in the same organizational sphere and as regional networks of FIAY itself, there is the Network of Indigenous Women for Biodiversity (RMIB-LAC) and the Continental Network of Indigenous Women of the Americas (ECMIA). With these networks and the organizations of FIAY and others, today, for example, all the programs and projects of bilateral and multilateral cooperation agencies incorporate a gender perspective and equal participation in decision-making bodies. It should be noted, for example, that UNDP in 2021, created a Gender Unit with the objective of accelerating the processes of gender equality and women's empowerment in UNDP programs.
- **Extractive activities:** Mega-projects (mining, dams, oil, agrofuels and infrastructure) and in all of them, the recognition of the right to prior consultation and free, prior and informed consent. In this area, Indigenous peoples in general live in a situation of total harassment by extractive activities in their territories. In South America, for example, by an agreement of the 12 governments of the region in 2000, an intervention strategy was created called the Initiative for the Regional Integration of South America (IIRSA), whose plan was to intervene with mega-projects called integration in terms of infrastructure, transportation, telecommunications, energy, among others, and with this, to build road axes connecting the Atlantic with the Pacific. The IRSA did not include the rights to prior consultation and much less FPIC, so actions such as those of the Coordinating Committee of the Organizations of the Amazon Basin (COICA), were directed to the Bank of Brazil to incorporate the rights to consultation and participation of Indigenous peoples in accordance with ILO Convention 169. The Bank of Brazil together with the IDB were the largest investors in the promotion of megaprojects in South America and many of these megaprojects have directly affected the territories of Indigenous Peoples.

To better illustrate the proposals, they are placed in the following table:

Scope of action	Instances	Claims or proposals
<p align="center">United Nations System Agencies</p>	<p align="center">Permanent Forum</p>	<p>- Follow-up on the annual agenda of the Permanent Forum and in particular compliance with the UN Declaration on the Rights of Indigenous Peoples with emphasis on the Right to Free, Prior and Informed Consent.</p>
	<p align="center">UNFCCC</p>	<p>- REDD+ - Carbon contracts and credits - National conditions determined according to the Paris Agreement - Platform on Traditional Knowledge. In all of them, the central proposal is the recognition of the fundamental rights to prior consultation and free, prior and informed consent in their respective action plans.</p>
	<p align="center">CBD</p>	<p>- New Kunming-Montreal Global Biodiversity Framework, in terms of goals and targets related to Indigenous Peoples. - Working Group on Art. 8j Nagoya Protocol on Access to GRs and TKTs - Digital Sequences of Information on Genetic Resources (DSI) Each of these practical actions is related to FPIC, especially when it comes to Indigenous territories and traditional knowledge.</p>
	<p align="center">World Bank</p>	<p>- Operational Policy Review BM PO4.10 - Coordinated development with the participation of regional IYFF organizations for the adoption of the new Environmental and Social Safeguards, and in particular on SAS.7, related to Indigenous Peoples. - <u>Forest Carbon Partnership Facility (FCPF)</u>, a process for addressing REDD+ issues with an Indigenous focus, in which a series of courses and diploma courses have been held.</p>
	<p align="center">IFAD/FAO</p>	<p>Guarantee of Indigenous Peoples' Food Systems and recognition of Traditional Knowledge associated with agrobiodiversity, in addition to the recognition of Free, Prior and Informed Consent.</p>
<p align="center">Regional spaces</p>	<p align="center">Indigenous Fund</p>	<p>Follow-up on regional public policies for Indigenous peoples. FIAY is a relevant actor in the training of Indigenous peoples. It has promoted higher</p>

		diplomas for Indigenous youth with the Carlos III and Rey Juan Carlos Universities of Spain.
	SICA	Public policies of Indigenous Peoples in Central America.
	IUCN	National Systems of Protected Areas and Indigenous Territories. Their relationship, overlapping, co-administration and free, prior and informed consent for the security of Indigenous Peoples' territories. ⁵

In general terms, these are the international organizations with which the Indigenous peoples organized in the FIAY have had relations.

5. Current situation as Indigenous Peoples

The demands of Indigenous Peoples in terms of their recognized rights have evolved at the level of public policy and regulatory frameworks, but above all in the relationship with the nation state and a slight improvement in the socioeconomic situation.

The relationship between Indigenous Peoples and nation states has acquired specific nuances in the countries of the region. However, there is a generalized trend towards the recognition of some of the Indigenous claims that have been translated into so-called third generation rights, which can be summarized as follows:

- The recognition of Indigenous Peoples as culturally differentiated peoples and the recognition by national States of their pluri-ethnic and pluricultural nature. In this sense, their fundamental right to autonomy and self-determination has in some way materialized with secondary norms, as mentioned in the cases of Nicaragua and Mexico. In the case of Nicaragua, this right was materialized for the Indigenous Peoples of the Caribbean Coast or Atlantic Coast who achieved their autonomy from the central government of the country in 1987. The process itself took 3 years to bring to fruition the Autonomy Statute of the Atlantic Coast Regions of Nicaragua (Autonomy Law). The Autonomy Law recognizes the differences of the Indigenous Peoples of the Caribbean Coast and gives them the space to make decisions to meet the specific needs of their cultures based on their needs, which are different from those of the rest of the country. As for Mexico, its own current Constitution in its Article 2 prescribes that, The Nation has a pluricultural composition originally sustained in its Indigenous Peoples, and further recognizes the right of

⁵ IUCN is included, as it is a mixed public-private body, and above all, it guides global and regional policies on national conservation systems.

Indigenous peoples to self-determination and consequently, to autonomy, among others, to decide their internal forms of coexistence and social, economic, political and cultural organization.

- The right to lands, territories and respect for the use and enjoyment of natural resources. This right has been recognized in most countries in the region.
- Free, prior and informed consultation. Although it is true that there is no legislation in the region, most countries have ratified ILO Convention 169, which recognizes this fundamental right of Indigenous Peoples.
- New and unique forms of relationships in the field of health (recognition of intercultural health) and education (differentiated).
- Economy and self-development.
- Legal plurality and the administration of justice, among others.

Although progress has been made in the political and institutional spheres, the situation remains critical in the socioeconomic, health and poverty areas, which in many cases is extreme.

According to ECLAC, Indigenous children have alarming poverty indicators in Latin America that are much higher than those observed for non-Indigenous children and for other age groups. For the period 2000-2005, nearly 63% of children in the region suffered from some type of deprivation, a situation that was more pressing for Indigenous children, with 88% (ECLAC/UNICEF (2012)). These figures express not only a flagrant violation of children's rights in light of international standards; they also entail a high cost for society in terms of human capital and social inclusion. Considering that Indigenous Peoples still have young population structures, the deep gaps imply critical situations for their physical and cultural survival (ECLAC, 2014).

Right to free, prior and **informed** **consultation** and **consent**

