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# Indigenous Peoples of Abya Yala: Organizational process and international advocacy

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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 have had a history of denial of their fundamental rights since the European invasion itself with the so-called "Encounter of Two Worlds".



With this, a system was imposed that was totally unknown in the institutional political regime, in the cultural and religious aspects, and in the economic aspects in terms of their form of development, especially in terms of the use and enjoyment of customary natural resources. Their lands and territories were violently dispossessed and passed on to the Crown. Their situation did not change with the creation of the new national States either, because the same regime of denial of rights to the native peoples continued.

Faced with this situation, the Indigenous Peoples began a process of vindication of their rights that was consolidated in the mid-twentieth century, basically around the struggle for the return of land. These efforts obviously gave rise to the creation of organizations from the local level to what we now have, the 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, the Coordinating Body of Indigenous Organizations of the Amazon Basin (COICA), among others.

# 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 very specific realities in each country. By way of reference, the struggle of the Guna Indigenous People of Panama for recognition of their autonomy as Indigenous Peoples and with guaranteed territorial rights stands out.

The trigger: Law 59 of December 31, 1907, approved the civilization of these people, which stated, "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; among others.

"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. The Guna Revolution, considered as a simple and plain "barbarism of the uncivilized", was born there, but from this conflict the government of Panama:

The Indigenous territories were recognized with Law 59 of 1930, and later with Law 2 of 1938, the Comarca of San Blas was created, and with Law 16 of 1953 the administrative and legal status was approved, recognizing the Organic Charter as the Indigenous form of government, and the authority of *the* Guna General Congress was recognized, among others.





**Organizational process of Indigenous Peoples in their relationship with international organizations. The case of the Indigenous Forum of Abya Yala (FIAY).**

# THE INDIGENOUS POPULATION IN ABYA YALA

In the Abya Yala region, there are 826 Indigenous Peoples, according to ECLAC. 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 Population (*ECLAC: "Indigenous Peoples in Latin America. Advances in the last decade and pending challenges for the guarantee of their rights". November 2014*).





Foro Indígena de Abya Yala

# FIAY MEMBER ORGANIZATIONS

## South America:

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

## Mesoamerica:

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

## Latin America:

- Continental Women's Liaison
- Network of Indigenous Women in Biodiversity REMIB



# FIAY'S STRATEGIC AXES

**Strengthening and Capacity Building of the Abya Yala Indigenous Forum**

**Education and Training of Indigenous Human Resources of Organizations**

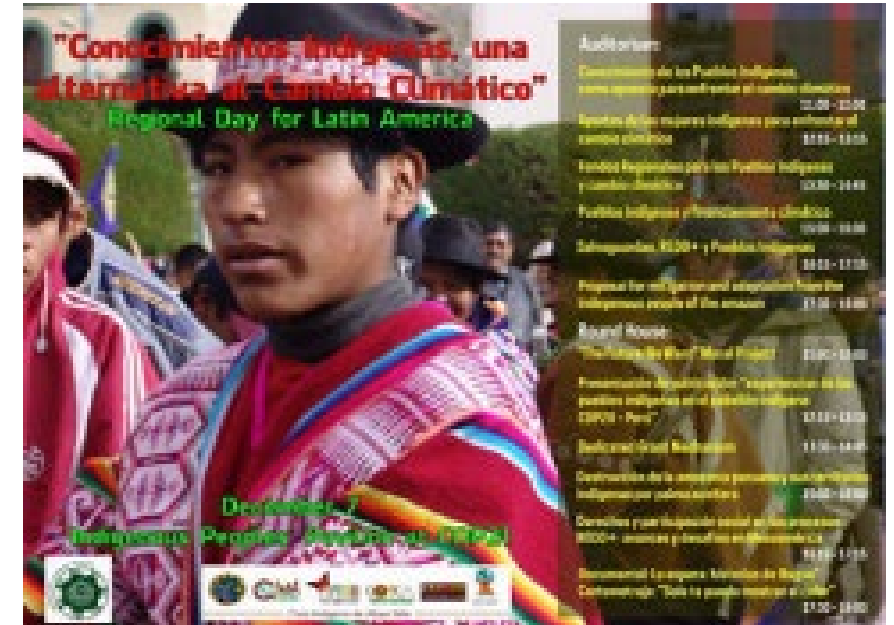
**Preparation of Proposals and Political Positioning at National, Regional and International Levels.**

**Implementation, Monitoring and Reform of the Legal Framework on the Rights of Abya Yala's Indigenous Peoples**

**Territoriality, Biodiversity and Protected Areas**

**Climate Change and Indigenous Peoples**

**Megaprojects (Mining, Dams, Petroleum, Agrofuels and Infrastructure)**





# POLITICAL STAKES

## International Climate Change Agenda:

- Global Indigenous Committee
- REDD+ FCPF/WB
- UN/REDD
- COPs-CC

## 2. Convention on Biological Diversity

- COPs-CDB
- Working Group 8J Traditional Knowledge
- Nagoya Protocol
- International Indigenous Forum on Biodiversity - IIFB

## 3. Dialogue with Southern and Mesoamerican Regional Bodies

- Central American Integration System
- Mercosur
- Andean Community - CAN
- Amazon Cooperation Treaty Organization (ACTO)

## 4. International Union for Conservation of Nature - IUCN

- Protected areas and Indigenous territories
- Policies on global biodiversity conservation
- Direct participation of the Indigenous Peoples in the Governance Committee

## United Nations

- Working Group on the Declaration on the Rights of Indigenous Peoples
- Permanent Forum on Indigenous Issues
- Expert Mechanism on the Rights of Indigenous Peoples
- Special Rapporteur on Indigenous Peoples and Ethnic Minorities



# SPECIFIC POLICY HOLDINGS

## 1. Dialogue Indigenous Peoples and World Bank

- Operational Policy Review BM PO4.10
- Construction of new Environmental and Social Safeguards - SSA-7 on Indigenous Peoples, with basic inclusion of FPIC
- Organizational Strengthening FIAY
- **Forest Carbon Partnership Facility FCPF** - Training programs for Indigenous Peoples with Sotxil of Guatemala

## 2. FAO - Latin American and Global Regional Dialogue

- International Fund for Agricultural Development (IFAD), which adopts policies on Indigenous Food Systems.
- Addressing projects for Indigenous Peoples with cultural relevance and taking into account FPIC on their traditional knowledge and wisdom.



# COMPLAINTS TO THE OAS AND THE UN AND THEIR ADVOCACY PROCESS

The United Nations Declaration on the Rights of Indigenous Peoples was discussed in the United Nations Working Group on Indigenous Populations (1982-1993), where a consensus was reached on basic principles, and then the draft itself was approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in July 1994. It was subsequently discussed in the "Intersessional Working Group of the Commission on Human Rights" (2005-2006) and finally the Declaration was approved by the United Nations General Assembly (2006-2007).

This part of the class features a presentation by an Indigenous leader of the Guna Indigenous People of Panama, Marcial Arias, who has been instrumental in the process for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

American Declaration on the Rights of Indigenous Peoples(Adopted at the second plenary session, held on June 14, 2016).






# CURRENT SITUATION OF INDIGENOUS PEOPLES

- Recognition as culturally differentiated peoples and that the national States themselves incorporate their pluriethnic and pluricultural character. In this sense, their fundamental right is that of autonomy and self-determination, and these have in some way materialized in secondary legislation, as in the cases of Nicaragua, Mexico and Panama.
- The right to lands, territories and respect for their use and enjoyment of natural resources. This right is recognized in the vast majority of countries in the region.
- Prior consultation and free, prior and informed consent. Here it could be said that, although it is true that there is no clearly defined 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), education (differentiated).
- Economy and self-development.
- Legal plurality and the administration of self-justice.
- Among others.

On the other side, however, according to ECLAC (2014), in general terms, Indigenous children have alarming poverty indicators in Latin America, well above those observed for non-Indigenous children and for other age groups. According to ECLAC/UNICEF (2012), for the period 2000-2005 about 63% of children in the region suffered from some type of deprivation, a situation that was more pressing for Indigenous children, with 88%.



What has been the organizational process of Indigenous Peoples in your country and have their demands been recognized, such as what, for example?

What comments can you make regarding the participation of Indigenous women in the organizational processes of Indigenous Peoples and their contribution to the realization of their rights?

In the relationship between Indigenous Peoples and national States, how is the recognition of autonomy and self-determination of Indigenous Peoples in your country?

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# Thanks you

