



# Indigenous Peoples in Latin America: Identity and Territory

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# Outline

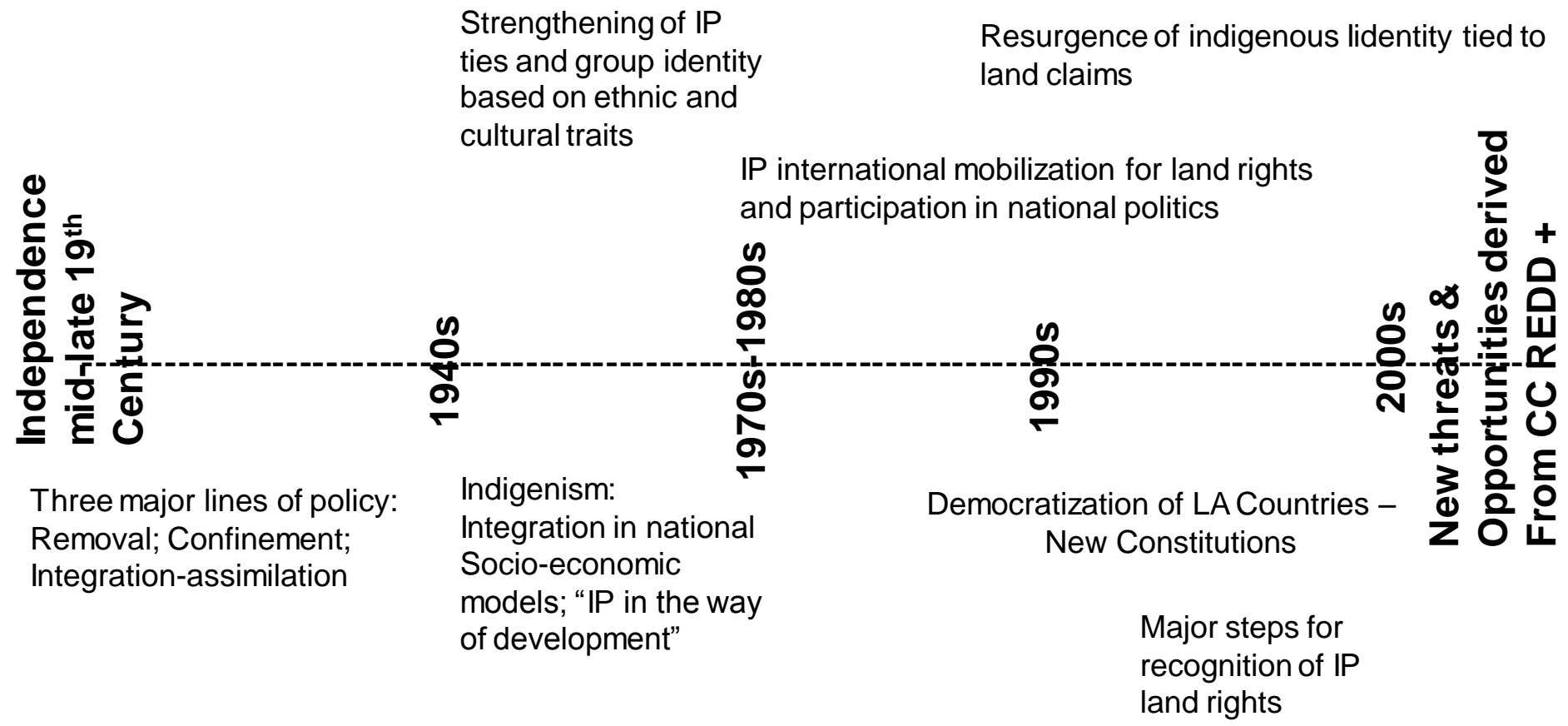
- **Overview of Latin American Indigenous Peoples**
- **International instruments for Indigenous Peoples' rights**
- **Key Indigenous peoples rights**
- **Examples of “Land Titling – Demarcation” processes**

# Overview

- Statistics vary from 28 to 43 million indigenous peoples, divide into some 400 ethnic groups.



# Overview



# International Instruments for the Protection of Indigenous Peoples Rights

**ILO Convention 169 of 1989, is the most important international legal framework concerning indigenous peoples rights:**

Requires ratifying states to identify indigenous lands and guarantee the effective protection of rights of ownership and possession; to safeguard indigenous rights to participate in the management and conservation of resources; to consult with IP over mineral or subsoil resources.



# International Instruments for the Protection of Indigenous Peoples Rights

## The UN Declaration on the Rights of Indigenous Peoples, October 2007

Establishes the rights of IP to the protection of their culture and identity and the rights to their traditional lands and resources, as well as rights to education, employment, health, the practice of their own religion and the use of their own languages.



# Key Indigenous Peoples Rights

**Self-determination:** Freedom to determine their political status and to pursue their economic, social, and cultural development.

**Land rights:** rights to their lands, territories, and resources which their have traditionally owned, occupied or otherwise used or acquired.

**Consultation:** rights to be consulted previously to the approval of any project affecting their lands, territories, and natural resources.

**Self-definition:** rights to determine their own identity or membership in accordance to their customs and traditions

# Self-Definition

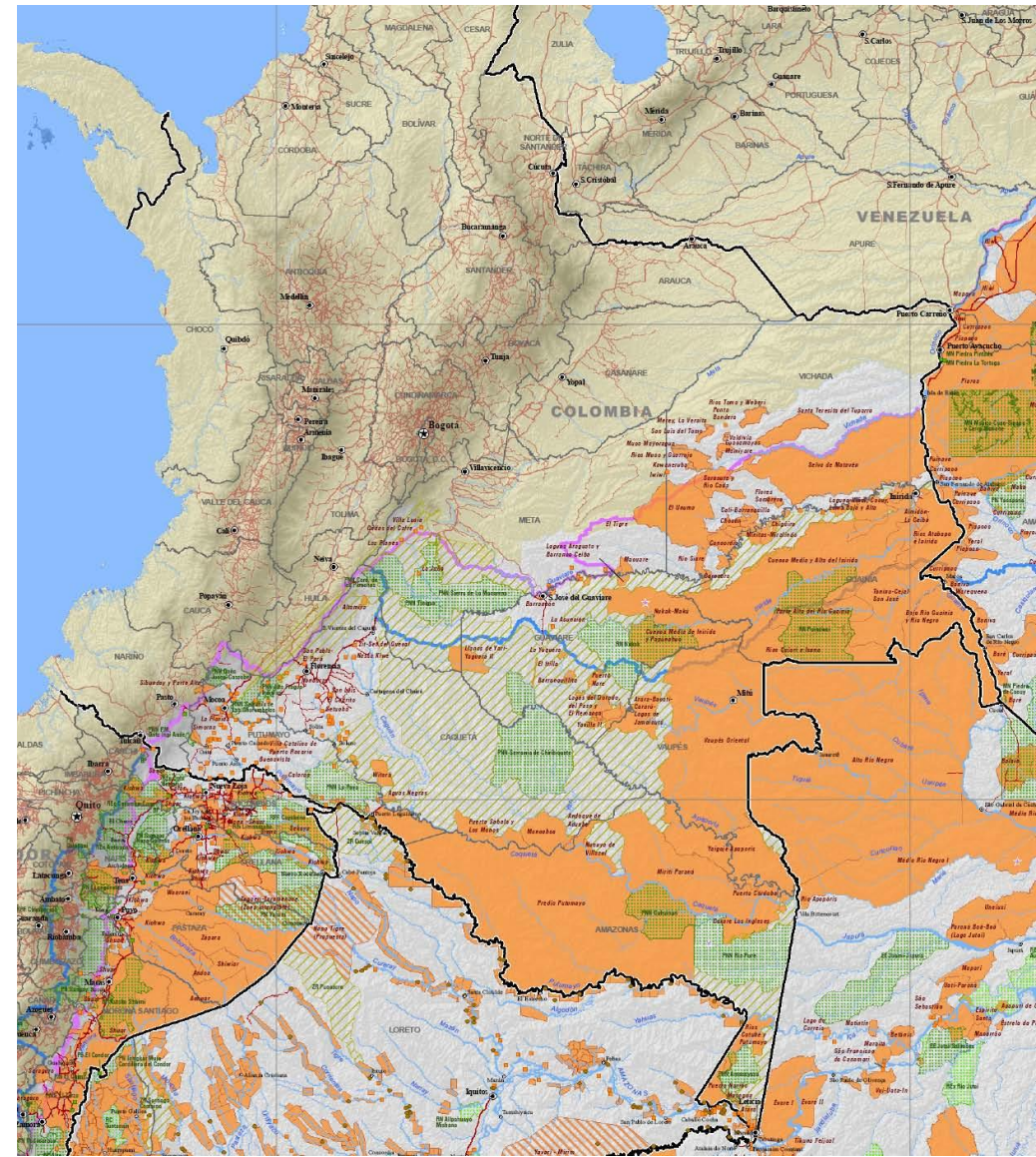
- No single and formal definition of “Indigenous Peoples.”
- The ILO Convention indicates self-definition as the fundamental criterion for determining what and who is indigenous.
- Historical experience of vulnerability to disruption, dislocation, or exploitation
- Retain some or all of their own social, cultural and political institutions.
- Self-definition and recognition by their own group.





# Indigenous Peoples in Colombia

- They represent only 2% of the total population.
- Around 30 million hectares of the country constitute indigenous territories or *Resguardo*, (510 indigenous lands).
- Law 30, 1988 recognized indigenous land, broaden their area, and established resguardos in the Amazon.
- The 1991 constitution recognizes the collective title and inalienable, indivisible and infeasible character of indigenous lands and provide the same constitutional guarantees of protection that private property enjoys.



# Land Titling Process, Colombia

STEP	DESCRIPTION
Request of land titling or extension of the <i>resguardo</i> to INCORA,	Local authority – <i>cabildo</i> - or indigenous organization present request with basic information on the community
Studies	Socio-economic and legal studies of the tenure conditions of the area requested
Clarification and adjudication	Identification and clarification of property rights. INCORA buy or expropriate land.
Previous Concept	INCORA presents concept of the formation of the <i>resguardo</i> to the Ministry of Interior, which will give a concept of recognition in 30 days
Provision of land titles	Resolution of the establishment of the <i>resguardo</i>



# Indigenous Peoples in Brazil

- Indigenous lands - Terras indigenas
- 170 groups, aprox. 300-400,000 (2% ). Approx. 50 “uncontacted” groups.
- 401 Indigenous Lands totaling 20.84% of the Legal Amazon.
- Of these, 65% had the process of delimitation completed.
- Law 6001 of 19th December 1973, known as the Indian Statute, recognizes the permanent leasehold on lands that are traditionally occupied by indigenous communities. With the promulgation of the Federal Constitution in 1988 the leasehold was guaranteed to indigenous communities.

# Land Demarcation Process, Brazil

STEP	DESCRIPTION
Identification	FUNAI - Constitution of the Technical Group (GT), field studies and elaboration of proposal for demarcation.
Delimitation	Publication of proposal and analyses of contesting claims, and presentation of report to Ministry of Justice
Demarcation	Definition of indigenous land to demarcate, analysis of costs, and implementation
Approval	Enactment of federal decree that confirms the demarcation of the land
Registry	Registration of the indigenous land
Expulsion of non-indigenous	Actions to remove and relocate non-indigenous peoples from the demarcated land, payment of compensation

# THANK YOU

