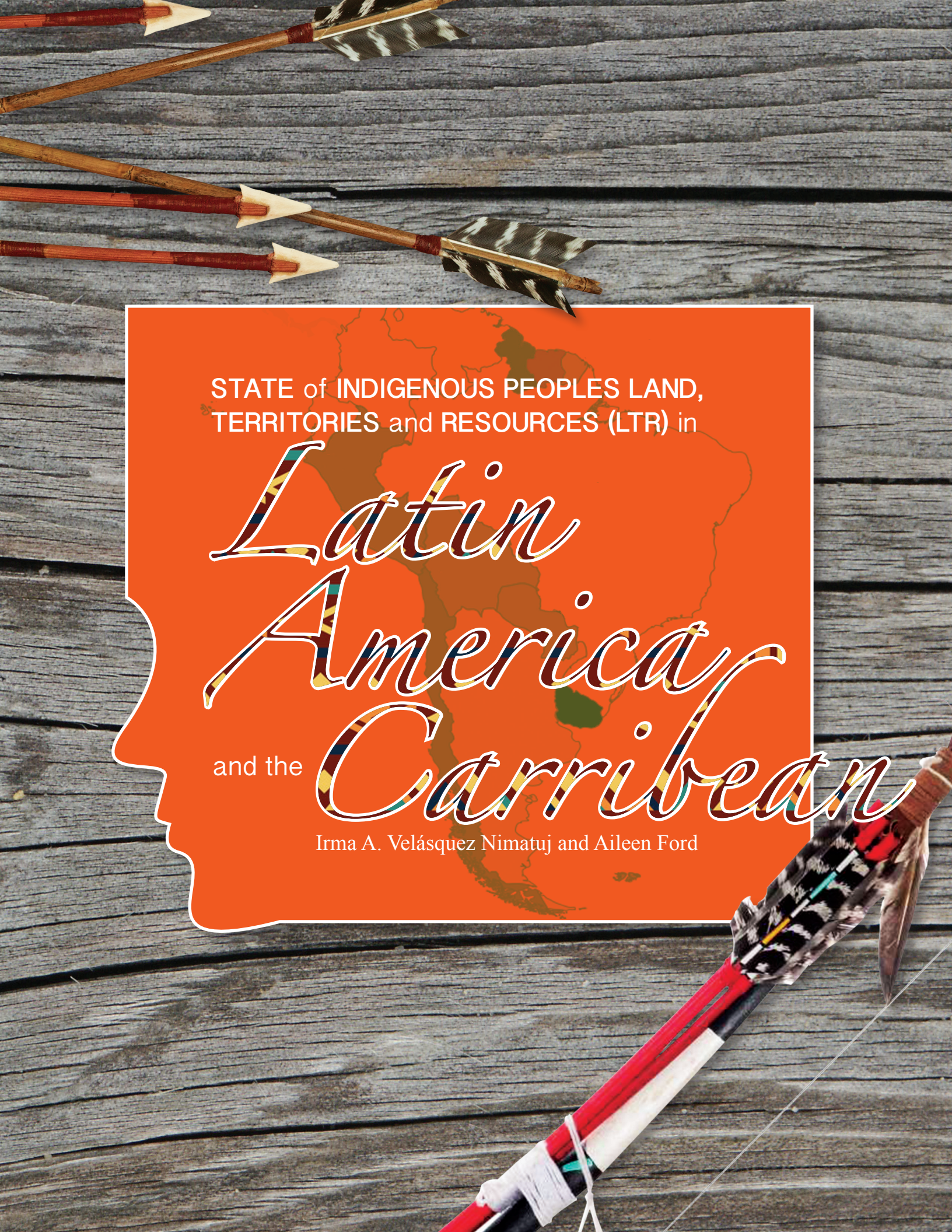

STATE of INDIGENOUS PEOPLES LAND, TERRITORIES and RESOURCES (LTR) in Latin America and the Carribean

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Executive Summary

This report presents aspects related to the status of the land, territories, and natural resources, or LTR, of the indigenous peoples of Latin America and the Caribbean (LAC). It begins by briefly reviewing the history of LTR tenure in the region from the Colony, which was crucial in shaping its evolution, through the 18th and 19th centuries, until the present. In general, the tenure of territories and natural resources in the region has been considerably unequal, marked by the concentration of land in few hands and the dispossession of indigenous lands, as well as multiple and diverse forms of indigenous resistance to defend them.

Building on this base, the report then provides information regarding the LTR of indigenous peoples legally recognized in the region and the state of their implementation through various demarcation, registration, and title mechanisms, among other legal and administrative processes, that vary from country to country. Based on the analysis of select case studies, the report affirms that the status of land tenure is varied but characterized in many places by high rates of insecurity and social conflict. It is evident that LAC is the region of the world that has most advanced toward the constitutional and legal recognition of indigenous peoples' rights to the LTR. Nevertheless, significant challenges remain at the regional level to close the gap between rights affirmed on paper—particularly related to implementing rights to prior consultation and free and informed consent in the context of the Indigenous and Tribal Peoples Convention 169 (1989) of the International Labour Organization (ILO)—and the reality of discrimination and exclusion that indigenous peoples continue to face under new forms of capitalist "development" that accumulate indigenous LTR legally or illegally.

Added to these challenges are the most urgent threats to indigenous peoples LTR. Among them, the report identifies conservation policies and the designation of UNESCO World Heritage sites that violate indigenous peoples' rights to access, use, manage, and control their LTR; the plunder of LTR by extractive industries; megaprojects for infrastructure and energy generation; the impacts of agroindustry, ranching, and large-scale monoculture activities; the criminalization of indigenous rights and environmental defenders; the theft of ancestral knowledge from indigenous peoples for commercialization; and animal and plant trafficking in indigenous territories. To highlight the consequences of these threats, the report includes brief case studies from Argentina, México, Brazil, Paraguay, Guatemala, Ecuador, and Colombia.

In response to this difficult situation, the report next summarized a few of the practices related to the status of sustainable management of traditional ways of life and resources, forms of knowledge, and indigenous institutions that play a preeminent role in their governance systems and good uses of their LTR. Given the intimate relationship that exists between many indigenous peoples and their LTR, they are among the first to protect the biodiversity of the ecosystems which they depend upon for survival and to confront the negative impacts of climate change in their territories. Along these lines, the report considers some of the many actions that indigenous peoples have taken to defend their LTR and their right to self-determination in accordance with their own political, sociocultural, economic, ethical, and religious systems, among others.

The report concludes that, throughout history, indigenous movements have mobilized, organized, and intervened before States and all possible international bodies alike to place on the table their demands for the recognition and compliance of their fundamental rights, including the right to their identity, autonomy, and the access, use, and control of their LTR based on their own governance systems and development aspirations. Finally, it offers some general recommendations based on the findings of its investigation to address the main challenges to the status of indigenous peoples' TTR in LAC.

Introduction : **Overview of Indigenous Peoples in Latin America and the Caribbean**

Based on the latest national census figures from 2010, approximately 40 to 50 million indigenous persons live in Latin American and Caribbean countries, representing between 7.8-8.3 per cent of the total population (The World Bank, 2015, p. 22; ECLAC, 2014). Over 80 percent of the indigenous population (approximately 34.4 million persons) reside in México, Perú, Guatemala, and Bolivia, while El Salvador and Costa Rica are home to the smallest absolute indigenous population with 14,865 and 104,143 indigenous persons, respectively, according to the latest national censuses (Ibid.). For their part, El Salvador, Brazil, Paraguay, Argentina, Uruguay, Costa Rica, and Venezuela have the smallest proportional populations of indigenous persons in the region; whereas in other countries, such as Bolivia and Guatemala, indigenous peoples are the majority population, although the exact figures vary considerably according to sources (Ibid.). See Map 1 below for the estimated indigenous population sizes for each country in Latin America where statistical data were available in 2010.

Indigenous peoples in Latin America

Source & elaboration: ECLAC, Guaranteeing indigenous people's rights in Latina America: progress in the past decade and remaining challenges.

At least 650 indigenous peoples have been officially recognized in the region (FAO, 2008: 8). According to the Economic Commission for Latin America and the Caribbean (ECLAC), in 2010, the largest number of these peoples lived in Brazil, Colombia, Perú, México, and Bolivia; an estimated 200 peoples lived in voluntary isolation; and more than 100 were in danger of physical or cultural existence in Brazil, Colombia, and Bolivia (see Map 1). Despite popular belief, almost half of all indigenous persons live in urban areas within the region (The World Bank, 2016). The Map 2 below shows The World Bank's (2015, p. 23) assessment of the relative distribution of indigenous populations in LAC based on its analysis of the latest national censuses.

Source: national censuses.

Map of federally recognized land bases for American Indians and Alaska Natives in the United States. High resolution map can be accessed at: http://i.imgur.com/GnMy5NV.gif?1

Source & elaboration: The World Bank. 2015. Indigenous Latin America in the Twenty-First Century. Washington, DC: World Bank. License: Creative Commons Attribution CC BY 3.0 IGO.

It is important, however, to interpret these official figures with a note of caution, for there are several reasons why it is difficult to obtain reliable and accurate data regarding the size and distribution of the indigenous populations in LAC. First, a considerable number of countries, including most of the Caribbean nations, do not employ statistical measures to recognize the existence of or to ascertain the size of their indigenous populations. Others may use inconsistent of inaccurate measures (such as being a native speaker of an indigenous language) that do not account for the complexity of indigenous identities. Second, national censuses often fail to account for newly arrived or transnational indigenous migrants residing in their territories, such as the case in Argentina (The World Bank, 2015, p. 18). Third, indigenous self-identification is a personal, fluid, and politicized process. Institutionalized racism, state-sponsored genocide, and social and economic exclusion, among other factors, have historically discouraged indigenous peoples from embracing their ethnic identity, resulting at times in forced assimilation and the blurring of lines between class and indigenous identities of campesinos, or peasants, in countries such as El Salvador, Nicaragua, Perú, or Bolivia, for example. Fourth, States in the region have historically manipulated official census figures and methods for political and discriminatory purposes. Regardless of these challenges, the greater visibility of indigenous voices and demands in the region over the past three decades has generally led to more individuals self-identifying as indigenous or indigenous-descendant in countries such as Venezuela, El Salvador, or Uruguay, among other places.

In every country, indigenous peoples represent a cultural, historical, scientific, medical, technological, spiritual, and artistic diversity regardless of their relative population size. To give a sense of this breadth, we mention just a few of the hundreds of indigenous peoples in the region. In Guatemala, the three principal indigenous peoples are the Maya, Xinka, and Garífuna. Among the Mayan peoples, the most populous linguistic and cultural groups are the Achi', Akateco, Awakateco, Chalchiteco, Ch'orti', Chuj, Itza', Ixil, Jacalteco, Kaqchikel, K'iche', Mam, Mopan, Poqomam, Poqomchi', Q'anjob'al, Q'eqchi', Sakapulteco, Sipakapense, Tektiteko, Tz'utujil, and Uspanteko (Parellada & Leiva Jacquelin, 2017, p. 127). The seven recognized indigenous peoples of Nicaragua are the Chorotega, Cacaopera or Matagalpa, Ocanxiu or Sutiaba, Nahoa or Náhuatl, Mískitu, Sumu-Mayangna, and the Rama (Ibid., p. 136). In Perú, the approximately 55 indigenous peoples are primarily of Quechua, Aymara and Asháninka origin, with the remaining 4.31 per cent of the indigenous population is made up of "51 or more different ethnic groups living in the Amazon forest across 1,786 communities" (Ibid., p. 212). Brazil, for its part, is the country with the largest number of indigenous peoples in Latina America. They live dispersed throughout the nation, although slightly less than half of the indigenous population lives in the Amazon region, mostly on "704 collective lands known as Indigenous Lands (TIs)" (Ibid., p. 233). The largest number of known indigenous peoples who live in isolation in South America reside in Brazil, primarily in the states of Amapá, Acre, Amazonas, Goiás, Maranhao, Mato Grosso, Pará, Rondônia, Roraima, and Tocantins (Ibid.). Despite centuries of colonization and dispossession, these and hundreds of other indigenous peoples have retained their own knowledge, traditions, and systems for the use, maintenance, and preservation of the LTR that they have occupied or used since time immemorial.

A

Brief history of the tenure of land, territories, and natural resources in LAC.

The tenure of land, territories, and natural resources, hereinafter LTR, has as much to do with their access and distribution –in other words, their relative concentration– as with their use, management, and preservation. In LAC, it is critical to gain a rough idea of the history of the tenure of LTR before examining the complexities of their current state for indigenous peoples. The Colony determined developments in the tenure of LTR, which began at different times across the continent: in 1521 in México, when Hernán Cortés destroyed Tenochtitlan; in 1524 in Guatemala, when Pedro de Alvarado defeated the K'iche' kingdom; and in 1572 in Perú, following 40 years of conquest of the Inca empire. In the 16th century, the Viceroyalties of New Spain and New Castile or Perú were established, and in the 18th century, the Viceroyalties of New Granada and the Río de la Plata joined them. At the same time, the Viceroyalty of Brazil was also founded. The viceroyalties served to organize and manage the territories that Spain and Portugal came to occupy in Latin America and a viceroy –a military and civil commander– was appointed to lead each one. The viceroys were responsible for protecting indigenous peoples, distributing land, promoting colonization, and founding cities within the territory under their power. Over time, a hierarchical structure of colonial institutions and authorities developed to address the needs of the Crown, which arose due to the spread of colonial occupation in the region. Part of this process was the encomienda labor system, which consisted of granting indigenous peoples to conquerors, who became encomenderos. As such, they had the obligation to evangelize the indigenous people, who were then forced to pay in-kind or labor-based tributes to the encomenderos. The encomienda system, the allocation of land, and the delineation and concentration of indigenous peoples to pay tribute to encomenderos or in the "republics of Indians" gave rise to various forms of LTR tenure in LAC.

During the Colony, land distribution was divided into three categories, according to historical texts and Indian legislation: 1) royal land, or land held by the Crown (realengo); 2) communal land, or land for common use; and 3) land belonging to the private domain, or private land. Communal land was in turn split into jurisdictional land, privately-leased land, and corporative land. These last three categories were intended for public benefit in the form of churches, hospitals, and municipal buildings, among other amenities. Furthermore, some communal land was made up of ejidos intended solely for agricultural work or livestock, or to meet the needs of the cabildo (town council). The characteristic of this land is that it was used collectively and "legalized" in the colonization process, and the king acknowledged some indigenous peoples' ancestral possession rights. Some natives achieved this official acknowledgment by offering proof of possession in the form of ancient paintings, testimony from caciques (indigenous chiefs) and elders, or restored pre-Hispanic texts.

As for private land, this was split into individual land and family-owned land. Indigenous peoples could have communal land and private family-owned land, but it is important to keep in mind that the right to land possession was not the same as ownership. The former referred to the right to use the land and natural resources, and the latter meant recognition of possession by means of a "supporting title", which was legally valid. Throughout the 17th and 18th centuries, indigenous peoples in LAC gradually lost Crown-held land as it was appropriated and seized by the Spanish and Portuguese. Although on paper

the Crown reserved indigenous peoples' right to their territories, in practice, European settlers and governors dispossessed indigenous peoples of their land during the remainder of the colonial era through lies, tricks, and schemes such as "land composition". This legalized occupation of royal land jeopardized the natives' unoccupied Crown-held land, which became part of the royal domain and subject to occupation and plunder. To defend their LTR, indigenous peoples sought legal relief and primary land titles, and made agreements with the Crown for reassurance regarding their rights to their land. They used whatever legal mechanisms they could to fight for their LTR and increasingly sought to obtain the supporting titles of the land they possessed. However, in most cases, those who seized land were able to violate the rules.

Following independence in LAC in the 19th century, republican governments enacted laws and decrees to support liberal reform that helped to consolidate the system of haciendas (large landed estates, usually used for farming) and fincas (estates), and encouraged the integration of foreign businesses and immigrants from countries like England, the United States, and Germany to carry out infrastructure, mining, and agro-industrial projects, among others. To achieve these changes, the republics of LAC continued to dispossess indigenous peoples of their LTR, relegating them to marginal land or exploiting them as semi-enslaved laborers in fincas, ranches, or cities that were expanding with the arrival of migrants from rural areas. In general, land tenure was based on the concentration of large expanses of land (latifundios) in the hands of a few families or businesses (latifundistas), and the existence of a multitude of peasant and indigenous families with ever smaller plots of land (minifundios) who sold their labor to provide for their basic needs or to acquire more land, sometimes as tenant farmers living on the estates where they worked for mestizo, ladino, or foreign owners.

The extreme concentration of LTR in just a few hands and the exploitation of indigenous peoples –both legacies of the Colony that liberal reforms exacerbated– were crucial triggers of the revolutionary movements and armed conflicts that took place in LAC throughout the 20th century. For example, the Guatemalan Revolution of 1944 was the product of the feudal system of land tenure, and the country's internal armed conflict that officially lasted from 1960 to 1996 was rooted in the seizure of arable land, causing hardship for rural indigenous peoples. The Mexican Revolution, which began in 1910, was also the result of the extreme concentration of LTR and the exploitation of indigenous peoples, and the Bolivian Revolution of 1952 was an uprising against unfair control of land. Thanks to the struggles, interventions, and movements by indigenous peoples and popular sectors, from 1940 to 1980 there were attempts at land reform in Bolivia, Nicaragua, Guatemala, México, Chile, Perú, Cuba, and El Salvador, along with settlement processes in forests and jungles to satisfy the demands for land (Arruda, 2011). Attempts at reform varied in their intensity, duration, provisions, and impact on land distribution, but often resulted in counter-efforts by traditionally conservative sectors, namely oligarchic families who controlled the economy, landowners (including foreign companies from the United States), commanders of the armed forces, and certain factions within the Catholic Church. Nonetheless, these land reforms provided experiences and lessons that are relevant in understanding the situation of indigenous peoples in LAC today with respect to their LTR.

According to Van Dam (1999, p. 10), the tenure of LTR in LAC can be organized schematically into general categories: public (protected areas, national security, infrastructure, badlands, or untouchable land); private (latifundios, farming companies, small-scale producers, subsistence peasants, or speculative investors); communal (indigenous peasant communities, agricultural cooperatives or indigenous territories in varying states of legal recognition) or landless (laborers, pickers, small tenants, invaders, or large-scale investors who lease all the factors of production). Historically, fertile land has been seized, leaving

rural indigenous families with reduced or zero access to their ancestral LTR to meet their basic needs and causing social unrest. Since 1980, there have been profound changes in structures for the tenure of LTR in LAC (Ibid., p. 7). Beginning that year, governments in the region dismantled the land reform programs they implemented in previous decades to create land markets with titling mechanisms and modernized institutions in charge of land issues (e.g. land registries) (Lastarria-Cornhiel, 2011, p. 62). In keeping with the neoliberal ideology of the time, the official position was that these State actions would promote more efficient land use, greater legal security over property ownership, and a better redistribution of land due to the dynamics of the free market. As a result, there was a regional movement towards the subdivision of communal or associative land and territories. This pressure to go from collective to individual land facilitated the expansion of a land market under a neo-liberal regime.

Simultaneously, advancements in the legal framework related to indigenous LTR rights embraced what various researchers have called "neoliberal multiculturalism", a system of governance that recognizes on paper indigenous peoples' ethnic identity and cultural, political, and economic rights, including their right to self-determination and possession of their LTR. The mechanization and modernization of agriculture in Latin America have also affected, on the one hand, the use and preservation of LTR, and on the other, the working relationship between indigenous peoples and peasants who produce for themselves and local markets, and large landowners who focus on making profits in the international market. Furthermore, globalization has brought to the foreground once again the exploitation of raw materials in LAC for export to the world economy, jeopardizing the survival and self-determination of indigenous peoples by dispossessing them of their ancestral LTR. In practice, these developments have had a negative impact on indigenous peoples by enabling new privatizations and extractive projects by national or foreign companies on their LTR without their prior consultation or consent. For these and other reasons, in the last three decades, indigenous organizations, authorities, and social and political movements have exerted pressure on regional, national, and international scales to earn for themselves the recognition and implementation of their LTR rights.

At present, the realities and dynamics of access, use, and preservation are ever more country-specific within LAC. Just one example is from the Cauca in Colombia. There, the Indigenous Communities of the Cauca, the Regional Indigenous Board of the Cauca (CRIC for its Spanish acronym), the Association of Indigenous Councils of the Northern Cauca (ACIN for its Spanish acronym), and the National Indigenous Organization of Colombia (ONIC for its Spanish acronym) (2005), reported that, "… we have inherited a whole colonial tradition in which ownership of land continues to be a sign of social distinction, status and power. Land in Colombia is in the hands of the upper class, politicians, and lately, drug traffickers and paramilitaries." After years of dispossession of their LTR, racism, genocide, armed conflict, and what they call a failed agrarian reform, they argue that, "what really exists is a greater concentration of land ownership achieved through violence and by money laundering from drug trafficking" (Ibid.). The complex situation in Colombia is not an isolated case, but rather indicates some of the new and old challenges that indigenous and rural peoples encounter in LAC in the struggle for the recognition and control of their LTR in light of the expansion of militarization, transnational crime, and a capitalist, globalized, and rapacious economy that is destroying nature on an unthinkable scale. Given this context, this report presents various aspects of the current status of indigenous peoples' LTR in the region.

B

Information on the legally recognized LTR of indigenous peoples and their implementation status.

LAC is among the regions of the world that have made the greatest formal strides toward the constitutional and legal recognition of indigenous peoples' rights to their LTR, due in large part to indigenous proposals, activism, and leadership. However, there are still significant gaps in current national legal frameworks and challenges to fully implement and respect indigenous rights and autonomy over their LTR, particularly when these do not align with State or business interests. In total, 15 of the 25 countries that have ratified the ILO Convention No. 169 on indigenous and tribal peoples in independent countries are in LAC. Countries like Argentina, Chile, Colombia, Costa Rica, Ecuador, and Bolivia have reformed their political constitutions to incorporate international conventions and treaties on indigenous peoples' rights, and in several cases "even recognize the collective nature of indigenous people (an essential aspect of the right to land)" (Aylwin, 2014, p. 281; and 2007, p. 2). These reforms recognized the multicultural, plurinational, or pluriethnic nature of the State (e.g. Colombia, México, Perú, Bolivia, and Ecuador); the customary law of indigenous peoples (e.g. Colombia, México, Perú, and Ecuador); their rights to political representation (e.g. Colombia and Venezuela); and the right to self-governance or autonomy in different ways such as "reserves, indigenous territorial entities, indigenous territorial circumscriptions and municipalities" (e.g. Bolivia, Ecuador, Panamá, México, Perú, and Nicaragua) (Aylwin, 2014, p. 77). According to Feiring (n.d., p. 64), there are three kinds of self-governance or autonomy in LAC: regional, municipal, and territorial. An example of the first is the creation of the North and South Caribbean Coast Autonomous Regions in Nicaragua, the second is exemplified by the "indigenous municipalities" of Bolivia and Ecuador, and an example of the third is the "indigenous comarcas in Panamá, the indigenous reserves (resguardos) in Colombia, communal lands of origin in Bolivia, and communal titles and governance institutions in Nicaragua" (Ibid.). In Nicaragua, "21 collective land titles have been approved, recognizing that 30% of the country's territory is under the administration of communal/territorial indigenous governments" (Feiring, n.d., p. 63).

Despite these steps, States still need to work to close the gap between the recognition and implementation of indigenous peoples' rights to LTR in the region. The Food and Agriculture Organization of the United Nations (FAO) (2015) reports that "the greatest challenges facing Latin America and the Caribbean include creating common agendas between regional and national governments to promote the implementation of indigenous communities' territorial rights." Other challenges include effective regulations to implement the right to free, prior, and informed consultation as established in Convention No.169; a review of laws that are contradictory in several competent jurisdictions; and the political will or State resources to implement rights enshrined on paper. Some LAC countries' experiences regarding the state of the recognition and implementation of indigenous peoples' LTR are discussed below.

The state of the situation varies. On the one hand, there are countries –like El Salvador or Puerto Rico– where the recognition of indigenous identity has gained more momentum recently, so existing legislation on LTR is often expressed in terms of supporting rural residents, protecting the environment and promoting health, but not ethnicity. One example is that El Salvador has laws related to land access and conservation—e.g., Law on Natural Protected Areas (2005) and Basic Law on Agrarian Reform

(1980)—but neither mentions indigenous peoples nor their rights over their LTR. Another example is the prohibition of metal mining in El Salvador, a country that became, in March 2017, the first in the world to pass a law prohibiting all manner of mining activity on its soil due to environmental and health concerns (Natural, 2017). While El Salvador has not ratified Convention No. 169, it did vote in favor of the U.N. Declaration on the Rights of Indigenous Peoples in 2007, and in 2014, the Legislative Assembly made an addition to Article 63 of the country's Constitution which recognized the existence of indigenous peoples in El Salvador and committed the State to adopting policies that will maintain and develop their ethnic and cultural identity, cosmovision, values and spirituality (Lemus, 2014). Furthermore, the municipalities of Izalco and Nahuizalco passed ordinances in 2012 and 2011, respectively, to officially recognize the indigenous people who live there; guarantee them a series of rights to self-determination, communal lands, culture and protection from discrimination; and to recognize their communities' ancestral authorities as "legitimate and valid representatives of their interests before the City Council" (Hernández Moncada, 2017, pp. 145-146). According to Betty Pérez, Coordinator of the Salvadoran National Indigenous Council Coordinator (CCNIS for its Spanish acronym), as of 2016, State representatives in El Salvador had participated in advancing the elaboration of a National Plan of Indigenous Peoples around five main areas: strengthening internal indigenous structures; land, territory and autochthonous production systems; reforming the legal framework in accordance with international law on indigenous rights; intercultural policies for health, housing and education; and redirecting State institutions to adapt to the new relationship framework ("Presentan avances", 2016).

On the other hand, there are countries –like Brazil, Argentina, Paraguay, Chile, and Guatemala– where indigenous peoples remain excluded from decision-making and lack the necessary mechanisms to exercise their political or economic autonomy over their LTR in spite of the fact that Chile and Guatemala both have considerable indigenous populations (11 and 66 percent of their total population) (Aylwin, 2014, pp. 288-289). To date, in Guatemala, no agrarian code or agrarian law has been passed by Congress recognizing indigenous peoples' collective property, even though the Political Constitution of 1985 recognizes indigenous peoples and their communal property. The Agreement on Identity and Rights of Indigenous Peoples (AIDPI) that the Guatemalan State and the Guatemalan National Revolutionary Unity (URNG for its Spanish acronym) signed as part of the Peace Accords which went into effect in December 1996, ending 36 years of officially declared armed conflict. Among other things, the AIDPI upheld that the right to indigenous identity —which incorporates the cosmovision of indigenous peoples based on their harmonious relationship with other elements in the universe and the life-giving Mother Earth— requires the enjoyment of other rights such as to their own land; languages; political, legal and social systems and full participation in decision-making processes at all levels (URNG & Gobierno de la República, 1995). Despite the significance of Constitutional reforms and the AIDPI, the United Nations Development Programme concluded in a 2016 study that there were serious setbacks in implementing the AIDPI, especially regarding provisions related to land. "The issue of rights related to land is one of the important aspects that has not registered concrete advances beyond the approval of Law on Registration of Cadastral Information" (UNDP, 2016, p. 9). Although, over the period of 2013-2016, the budget for the Cadastral Information Registry, created by the above law, had been reduced from Q 216,240,000 to Q38,541,157 in 2016, thus limiting its institutional capacity (Ibid., pp. 33 & 36). Finally, as in other countries, the implementation of prior consultation in Guatemala in accordance with Convention No. 169 that does not infringe the rights of indigenous peoples has yet to be fully addressed.

According to López (2005), in México, "indigenous territories are represented by 803 municipalities in 20 states, occupying a total area of 28.9 million hectares, where the largest number of indigenous inhabitants are concentrated" (cited in Elías, 2016). The ejido is the most common land tenure organization, but it

is under threat by reforms to Article 27 of the Constitution of 1992, which opens communal land to land markets. Although there are indigenous municipalities and ejidos that still use their own customs and cargo systems, and promote the formation of broader structures, such as the ejido unions, "the concept of indigenous territory is virtually non-existent in national debate and legislation" (Ibid.). In 2001, the Mexican government passed a law that did not address territorial rights or the political representation underscored in the San Andrés Accords it had signed in 1996 with the Zapatista Army of National Liberation (EZLN) after two years of armed uprising by the EZLN (Wessendorf, 2011, p. 78). In 2009, the presidency publicized its "Program for the Development of Indigenous Peoples 2009-2012", which contains limitations in its conceptualization of the development of indigenous peoples, but does acknowledge that "these inhabitants lack a fair and equitable share of the benefits provided" by the nation's LTR (CDI, 2010, p. 27).

Instead of implementing indigenous peoples' rights to LTR, the government has authorized megaprojects in energy generation, mineral extraction, and tourism that do not consider the interests or opinions of indigenous peoples impacted by the pollution and destruction of the environment. Examples include the inauguration of a new biofuel plant in Chiapas in 2010; mining concessions for silver, iron, gold, and lead on the LTR of the Huichol, Chatino, Mixtec, Zapotec and Chontal peoples in the states of Jalisco, San Luis Potosí, Oaxaca, and Guerrero; and the La Parota dam, opposed by the Nahua population of Guerrero and others (Wessendorf, 2011, pp. 80-81). Although the Mexican government asserts that it recognizes the rights of indigenous peoples on paper, in practice, it promotes plans and projects for economic development that exploit these peoples' LTR, leaving them marginalized and impoverished, making their survival difficult.

Events in Honduras illustrate the consequences of a lack of free, prior, and informed consultation together with a militarization of society and pressure from foreign investors. In 2004, the Honduras Congress passed a property law (Decree No. 82-4000) recognizing the collective property of indigenous peoples and Afro-descendants, but the Garifuna people have claimed that the prior consultation conducted by the government for the law violates Convention No. 169 (OFRANEH, n.d.). Later in 2009, the same year as the U.S.-backed coup d'état against president-elect Manuel Zelaya, the Honduran Congress passed a water law allowing one year later the authorization of at least 40 concessions to businesses to provide electrical power and a series of hydroelectric plant constructions on the country's indigenous peoples' LTR without consulting them (MADJ, CEHPRODEC, CIPRODEH, COPINH, CDH, & ERIC-SJ, 2013, pp. 3-5). In 2010, Congress also approved the "National Plan 2010-2022", which affects indigenous peoples' LTR, without consulting them (Territorio Indígena y Gobernanza, n.d.). In 2013, for the first time, the Honduran government presented the Miskito, and other indigenous peoples from Miskitia, land titles giving them the authority to "manage their resources" and a commitment to "care for the environment" (The World Bank, 2013). It should be noted that the World Bank facilitated meetings between government officials and members of indigenous communities in Nicaragua and Colombia that had begun their own titling processes before Honduras, so they could discuss their experiences with Honduran representatives (Ibid.).

Nevertheless, the actions of the Honduran State, particularly from 2009 onwards, have triggered conflicts between the Lenca, Tolupan, Pech, Tawahka, Miskito, and Garifuna indigenous people, on one side; and entrepreneurs, police forces, and members of the Honduran army on the other –making Honduras the country with the highest number of murders of environmental defenders in the world in 2015 (TeleSur, 2016)-. One of the most publicized cases is that of Berta Cáceres, an indigenous Lenca leader from Honduras who was shot to death by assassins in her home in March of 2016 for her outspoken

role in the Civil Council of Popular and Indigenous Organizations of Honduras (COPINH) and the Lenca people's struggle against the Agua Zarco hydroelectric project on the Gualcarque River (Libros a la Calle, n.d., p. 30; Goldman Environmental Prize, 2015).

In South America, in Bolivia, indigenous peoples' communal land systems have been maintained in the Altiplano and Inter-andean valleys as well as in the lowlands, where there are indigenous territories that have been recognized by the State. Following action by indigenous peoples between 1993 and 1996, the National Institute for Agrarian Reform (INRA) in Bolivia recognized communal property and the creation and titles of indigenous territories as communal lands of origin (tierras comunitarias de origen, TCO), which the political constitution of 2009 suggests changing to TIOC (territories of original indigenous peasants) (INRA, 2013). The Bolivian State began to promote a significant land regularization process in the country, which has yielded some results. Between 1996 and 2009, for example, 53.16 percent (21,720,475 hectares) of all regularized or titled land in Bolivia was collective property belonging to indigenous peoples and peasants (Parellada & Betancur, 2010, pp. 44-45). Some aspects that facilitated these achievements were the new Land Policy (2006), changes to agrarian legislation and partnerships that indigenous peoples formed with the Bolivian government and international organizations (Ibid., p. 76). The Forest Peoples Programme, International Indigenous Forum on Biodiversity, and the Secretariat of the Convention on Biological Diversity (2016) point out that, due to changes in the Bolivian State's structure, indigenous governments have formed "in most of the country's municipalities, with concurrent competence to contribute to the protection of the environment, biodiversity, forest resources and wildlife according to their own rules and procedures, maintaining ecological balance and control of environmental pollution" (p. 37). However, the indigenous peoples of Bolivia have called attention to several remaining challenges – for example, the fact that land regularization has not kept up with demand, there is less progress in TCO titling in areas with a higher indigenous population in the Andean highlands, and the delay in the regularization process has enabled some timber companies to continue logging on recognized LTR. This has made it difficult for indigenous peoples to exert territorial control over their LTR, as titled TCOs are fragmented and discontinuous in various places (Aylwin, 2014, p. 290).

In Colombia, there are 102 indigenous peoples, more than 62 percent of which are at risk of physical or cultural extinction. From November 2016 to July 31, 2017, records show that in indigenous communities, there were 30 murders (and 10 in October 2017), 6 disappearances, 115 indigenous persons threatened, and another 3,490 were displaced. Since 1996, the Colombian government has issued 30 legally-enforceable decrees with no prior consultation of indigenous communities, and awarded 396 mining rights valid in indigenous territories. There are 678 applications for the "creation, expansion, and regularization of reserves, 77 percent of cases are at the application stage" (Contagio Radio, 2017). The former Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, reported that in 2007, there were "a total of 710 reserves occupying an area of 34 million hectares, equivalent to 29.8% of Colombian territory" (Aylwin, 2014, p. 292). According to Colombia's National Administrative Department of Statistics (DANE, s.f.), there are reserves and refuges of colonial origin belonging to 86 indigenous peoples who speak 64 languages (cited in Herrera Arango, 2015, p. 53). Colombia has fairly broad laws regulating consultation, but similar to other countries in the region, many infrastructure, power, and natural resources extraction projects have gone ahead despite complaints from indigenous peoples of inadequacies in the consultations conducted by the government. These complaints have given rise to rulings from the Constitutional Court recognizing that the State violated indigenous peoples' rights to their LTR without appropriate prior consultation and suspending highway, mining, and power connection projects between Panamá and Colombia until the results of duly conducted consultations are known (Aylwin, 2014, p. 293).

When discussing indigenous peoples' rights in Colombia, it is necessary to consider the impacts of the recent armed conflict –the longest in the history of the hemisphere-. This conflict left millions of people dead or displaced, women and girls raped, and deep physical and psychological wounds, particularly among the rural, indigenous and Afro-descendant populations. The conflict exacerbated previously existing land conflicts, benefitting non-indigenous parties in usurping ancestral LTR, and making it impossible to fully implement the indigenous peoples' rights set out in principle in the political constitution and legislative framework. In 2016, the government and FARC leaders signed peace agreements, but the long path to lasting peace is only beginning for the Colombian people. This will affect the indigenous populations and the future of their LTR. One of the difficulties is a lack of systematized and current data given the fact that Colombia has not carried out an agrarian census in over 40 years and, until 2018, its last national census took place in 2005 (Herrera Arango, 2015). Meanwhile, indigenous peoples continue to seek recognition of their LTR. The National Indigenous Organization of Colombia (ONIC) cited its Ministry of Territory to state that, as of August 2015, indigenous peoples had placed 828 solicitations before the Colombian Institute for Rural Development (INCODER) —403 related to constituting refuges, 288 expansions, 22 regulations (saneamiento), 69 restructurings, and 29 clarifications— without any resolutions despite most of these petitions having been in process for 24 years (Tobón, 2015). ONIC further highlighted that the status of LTR implementation is marked by indigenous reserves diminished in size, occupations by outside parties, communities that do not have State recognition of their collective property rights, and ancestral territories that have been incorporated into national reserves that now superimpose upon them the jurisdiction of national parks, etc. (Ibid.). A recent change occurred in 2015, when Colombian president Juan Manuel Santos dissolved INCODER to create six new institutions charged with "improving the country's rural competitivity in farming, livestock, and fishing aspects", in addition to expanding the Fund for Rural Microfinancing and strengthening the National Commission for Farming and Livestock Credit (Elpaís.com.co & Colprensa, 2015). The six new institutions are the: National Lands Agency, Rural Development Agency, Agency for Territorial Renewal, Superior Council on Land Use, Superior Council on Land Restitution, and Directorate for Rural Women in the Ministry of Agriculture (Ibid.).

In Brazil, where over 200 indigenous peoples represent 0.4 percent of the total population, extensive processes have been promoted for the demarcation and registration of indigenous peoples' LTR. By 2011, the Brazilian State had recognized "672 [indigenous lands], occupying an area of 110,387,058 hectares and representing 13% of the total area of Brazil, 396 of which –or 97,405,142 hectares– had been fully demarcated," and most of this land was located in the Legal Amazon (Amazônia Legal), "an area comprising 9 Amazonian states" (Aylwin, 2014, p. 291). However, demarcations have not halted land invasions by hacienda owners, farmers, timber businesses, and other national and international companies that violate the implementation of indigenous peoples' LTR and jeopardize the survival of the estimated 70 uncontacted peoples who live in the Amazon. Liebgott (2010) notes that, in accordance with the Brazilian constitution, indigenous land is legally owned by the Union, giving rise to government funding of at least 426 mining and water exploitation, timber, and agro-industrial projects that affected Brazilian indigenous peoples' LTR by 2010 (cited in Aylwin, 2014, p. 291). In the first decade of the 21st century, the Initiative for the Regional Integration of South America (IIRSA) was promulgated, which would implement infrastructure and communication projects in Amazonian countries, including Brazil, to complement the economic structural adjustment plan promoted in the region by neoliberal think tanks and politicians, particularly from (or trained in) the United States. After 2010, the Union of South American Nations (USAN) took control of IIRSA projects through the South American Infrastructure and Planning Council (COSIPLAN) (Porto-Gonçalves, 2017). Altogether, "there are 544 projects that total 130 billion dollars in investment. Of the 31 priority projects, 14 directly affect the Amazon. All of

these cases are energy, transportation, and communication projects, such as hydroelectric dams, roads, waterways, railroad networks, canals, ports, airports, and the laying of communication cables" (Ibid.).

Amid the recent impeachment and removal from office of former president Dilma Rousseff in August of 2016, Victoria Tauli-Corpus, the current Special Rapporteur on the Rights of Indigenous Peoples, has commented on the "worrying regression in the protection of indigenous people's rights" in Brazil, stating that its early progress in implementing indigenous land rights is threatened by the current administration in power (Hill, 2017; Griffin, 2017). Indeed, the conservative government led by president Michel Temer has approved deep budget cuts for key agencies involved in the implementation of indigenous LTR rights and compliance with international human rights and climate change law. A notable example is that of the National Indian Foundation (Funai for its Portuguese acronym) whose budget fell by almost half in 2017, forcing it to close dozens of offices nationwide and three bases that work to protect isolated or recently contacted indigenous tribes, while other bases are "barely functioning" (Phillips, 2017). Furthermore, the government has supported rollbacks in environmental protections, changes in the law to make mining easier in certain parts of the Amazon, and in 2017, Temer signed the so-called "1988 cut-off date", a plan which could result in the dismissal of 90 percent of on-going indigenous land claims and the legitimization of ranchers' and wealthy farmers' claims to indigenous LTR, even though "[h]undreds of indigenous territories around Brazil are awaiting demarcation" (Griffin, 2017). These actions led to protests by indigenous peoples such as Brazil's Association of Indigenous Peoples, who were among more than 29 indigenous and civil society organizations that signed a letter to the United Nations (Associação dos Povos Indígenas do Brasil [APIB], et al., 2017) denouncing that:

> FUNAI and other important organisms for the implementation of indigenous rights are suffering intense dismantlement, as are the specific policies achieved in the last 30 years, for example, those related to land demarcation, protections for voluntarily isolated peoples, differentiated access to health and bilingual, intercultural and differentiated education. Bill proposals that seek to prejudge and discriminate even more against indigenous peoples (like the one that condemns infanticide as if it were a common and generalized practice solely among indigenous persons) go hand in hand with proposed legislative changes to diminish indigenous peoples' control over their lands and territories, all of this without any free, prior and informed consultation process. (p. 2)

Thus, the current situation in Brazil is critical yet fluid. A more positive note is that, also in 2017, the Brazilian Supreme Court issued a ruling in favor of the Nambikwara and Pareci tribes, and against the Mato Grosso do Sul state that was seeking monetary compensation, ordering the state to respect the demarcation of the traditionally occupied Nambikwara and Pareci lands (Griffin, 2017). Afterward, Eliseu Lopes, a Guarani leader from Mato Grosso do Sul, responded that, "'The land conflict is already killing us. Imagine what it would be like if the proposal were approved,' he said. 'It would legitimise the violence against us. The vote doesn't solve all our problems, but it gives us some breathing space'" (Ibid.).

C

Threats to indigenous peoples' LTR and consequences. Overview of some cases.

1. Conservation policies and designation of World Heritage Sites by UNESCO that violate indigenous peoples' right to LTR.

In LAC, the Special Rapporteur on Indigenous Peoples' Rights has noted violations of indigenous peoples' rights in the name of environmental conservation in Argentina, Chile, Ecuador, Honduras, and México, although there may be more cases in other countries in the region. Some of the factors that facilitate these violations are the lack of recognition of indigenous peoples' collective property, the declaration of reserve areas or World Heritage Sites without consulting the indigenous peoples who live there and without studying the impacts of these decisions on their LTR and living conditions, contradictory rules and laws, and the inability to enforce existing legislation. There are many consequences of a one-sided application of conservation policies and the designation of UNESCO World Heritage Sites that fail to honor indigenous peoples' rights to their LTR. These include forced displacement, marginalization, worsened poverty, food insecurity, extrajudicial killings, the separation of indigenous peoples from sacred sites, and denial of access to the official legal system to obtain judicial relief (Tauli-Corpuz, 2016, p. 18).

Case 1: Quebrada de Humahuaca, Argentina.

UNESCO declared the Quebrada de Humahuaca, in the province of Jujuy, Argentina, a World Heritage Site in 2003. A notable increase in tourism was recorded as a result, which increased the value of the LTR of neighboring indigenous peoples (Tauli-Corpuz, 2016, p. 21). The provincial government of Jujuy sold land titles to foreign investors, who dispossessed the Omaguaca, Tilkara "Wilkiphujo" and Qulla peoples of their land; these peoples' sources of water were also depleted (Ibid.). Representatives of the people and indigenous organizations reported the lack of consultation regarding projects in mining (with the company Aguilar SN) and tourism created by the government in the region, in addition to pollution in the Río Grande due to "sewage, tailings, and waste from nearby landfills" affecting the indigenous peoples that live in the Quebrada (Anaya, 2012, pp. 49-51). The communities mentioned are unable to participate in managing the Quebrada site and received no benefits from the income generated by tourists. One solution recommended by the UN to the national government of Argentina, the provincial government of Jujuy, and UNESCO authorities is to strengthen indigenous peoples' participation in the site's management and administration so that they may "retain their traditional and subsistence activities within the Quebrada de Humahuaca" (Ibid., p. 36).

2. Dispossession of LTR by extractive companies.

Governments of countries like México, Bolivia, Venezuela, Ecuador, Perú, Brazil, Guatemala and Chile have supported mineral, oil, and timber-extracting industries – along with other raw materials – in the name of economic development (Los Pueblos Indígenas, 2007, p. 2). Both conservative and progressive governments in Latin America have made extraction a key focus of their development plans in the 21st century, according to the Uruguayan ecologist Eduardo Gudynas, although they address the issue differently (Andrés, 2016). Conservative governments – such as those of Guatemala, México, Perú, and Argentina – tend to view the exploitation of natural resources as being in line with the norms of the free market, and therefore leave operations in the hands of transnational companies with headquarters in places like Canada or the United States. In the case of Perú, Richard Chase Smith, from the Institute of Common Good in Perú, notes that "15% [of the Peruvian Amazon] was under concession to mining companies, and by 2010 this had reached 75%, with 5,812 concessions and a loss of 1.5 million hectares of Amazonian rainforest" (ESC, 2013, p. 12). Most of these concessions were in the hands of foreign transnational companies, affecting indigenous communities in the Amazon, which organized themselves and joined others in the National Confederation of Peruvian Communities Affected by Mining (CONACAMI).

On the other hand, progressive governments –such as those in Ecuador, Bolivia, and Venezuela– consider the exploitation of LTR a tool in improving populations' living conditions, and therefore defend the State's role in extracting resources and obtaining foreign currency from businesses to fight poverty and undertake social action (Andrés, 2016). For example, several of these countries have strong State mining companies, such as Codelco in Chile, Comibol in Bolivia, CVG and CVG Minervan in Venezuela, and Enami in Ecuador (ESC, 2013, p. 12). With respect to the oil industry, major state companies in México (Pemex), Brazil (Petrobras), and Venezuela (PDVSA) have played a key role in the economy of these countries, although they have also been the focus of corruption scandals and subject to criticism. The reversion to economies dependent on the exportation of raw materials has enabled Latin America to receive a significant percentage of the world's direct foreign investment and mining exploitation projects. For example, the region accounted for 30 percent of global direct foreign investment in mining in 2013, and saw between 30 and 40 percent of the world's projects in the gold and silver. As for copper, ECLAC (2015) notes that the region received more than 50 percent of projects globally, Perú and Chile being especially prominent (cited in Carvajal, 2016, p. 14).

In general, extractive companies' activities have had serious consequences for indigenous peoples, their LTR, and the environment. Indigenous peoples' quality of life has been diminished due to forced displacement from their territories by private companies and the State, pollution in and the disappearance of their water sources, and the destruction of their forests, animals, and crops. For example, oil exploitation in Ecuador, Perú, and Bolivia has led to the pollution and destruction of the environment, as 30 percent of the Ecuadorian jungle has been polluted by approximately 300 open oil wells belonging to transnational companies, as shown by the Chevron-Texaco case (C. de la Cal, 2007). Two indigenous peoples, the Tetete and Sansahuari have gone extinct, as a result of the Chevron operations, and the Cofán, Siona, and Siekopai peoples fled as a result of pollution that jeopardized their survival (Serrano, 2013). In Bolivia, while a discussion on a water law that would protect and regulate the population's water use has been postponed, a Law on Mining and Metallurgy has been passed allowing mining operations in "headwaters, rivers and lakes, and in original indigenous communities and protected areas, by simply justifying an economic need" (OCMAL, 2017, p. 15). As a result, mining is one of the main causes of the water crisis experienced by indigenous communities and the current social unrest, as shown in Map

3. In addition to legal extraction, there is also illegal extraction – a product of the State's weak stance on enforcing environmental protection and corruption laws – which exploits the biodiversity of ecosystems for profit. According to data from The World Bank, 19 percent of indigenous territory in LAC is subject to legal and illegal mining, even though most of these territories are recognized (Nikolau, 2016).

Latin America and the Caribbean: conflicts due to mining and hydrocarbon extraction projects in indigenous territories 2010-2013.

Source & elaboration: ECLAC, based on the registry of extractive industry projects in indigenous territories, Support Project for the United Nations Special Rapporteur on Indigenous Peoples, University of Arizona. Cited in Altomonte and Sánchez, 2016, p. 226. Note: The boundaries and names that figure on this map do not imply support or official acceptance by the United Nations.

Case 2: Wixárika (Huichol) people in México.

The Wixárika (or Huichol, to use the Spanish name) people number about 44,000 and live in central western México, in the states of Jalisco, Nayarit, Durango, and Zacatecas (Redacción, 2017). The semi-desert of the northwestern part of the state of San Luis Potosí known as Wirikuta is a sacred place for the Wixárika and an integral part of their cosmogonic worldview, being the origin of creation and the home of the Cerro Quemado volcano, where they believe the sun was born (Vilchez, 2014). Each year, Wixárika communities go on a pilgrimage to Wirikuta, making the same journey as their spiritual ancestors and performing a ritual in which they consume the peyote cacti that grow in this area of San Luis Potosí to achieve another level of spiritual communication and vision (Schroedel, 2015). Wirikuta represents a "fundamental, material, and cultural aspect that forms the basis of Huichol identity. Destroying Wirikuta would mean destroying the Huichol people" (Ibid.). Aside from its cultural and spiritual importance for the Wixárika, Wirikuta is home to a high biodiversity of different species of cacti, golden eagles, and endemic flora and fauna that are at risk of extinction. Furthermore, Wirikuta is an area rich in deposits of gold, silver, and other minerals.

This natural and cultural wealth has been the focus of conflicts between the Wixárika people and various transnational mining companies – mainly from Canada – that pursue economic exploitation interests that threaten the survival of Wirikuta and the Wixárika. In 2010, for example, the government granted 22 concessions to the Canadian company First Majestic Silver Corp for 6,326 hectares, 70 percent of which is located within the Wirikuta Reserve, where it is illegal to perform polluting activities. In 2011, the government awarded another concession for 59,678 hectares within the Wirikuta Natural Protected Area –almost half their whole territory– to the Canadian company Revolution Resources for the Universo megaproject (Schroedel, 2015; Vértiz de la Fuente, 2014). These actions entail pollution risks for the water sources used by the Wixárika and other local peoples, and may destroy the sacred sites of Wirikuta and the Cerro Quemado through surface silver and gold mining (Redacción, 2012). Consequently, the Wixárika people began a path of mobilization, awareness raising, advocacy, and lobbying around the world to get the Mexican government to revoke the mining concessions granted and respect the Pact for the Preservation and Development of the Wixárika Culture, signed on April 28, 2008, and the San Luis Potosí state government's Natural Protected Area Management Plan, which stresses "sustainable use of natural resources to guarantee a fair share for the Huichol people must be ensured, and it is prohibited to dump polluting waste and alter the landscape and surface and underground watercourses (Proceso 1805)" (Vértiz de la Fuente, 2014). To this day, the Wixárika complain that local and federal officials did not conduct a prior consultation in accordance with Convention No. 169; and by awarding concessions specifically for the purposes of mining, "they have not properly taken into account the environmental or cultural value of the Wirikuta region" (Redacción, 2012). For them, defending Wirikuta and their LTR is a fight for the region's biological and energetic balance, and the preservation of the whole planet (Schroedel, 2015).

3. Infrastructure and power generation megaprojects.

The construction of roads, electrical networks, hydroelectric plants, and other structures and facilities transforms indigenous peoples' LTR which are the basis of their social organization, economy, and spiritual beliefs. These projects are funded by States and/or financial bodies such as the World Bank, the Inter-American Development Bank, and the International Monetary Fund, and use the rhetoric of economic growth that will enhance national well-being. They are often controversial and can lead to conflict and divisions among indigenous peoples who hold different visions of their social and economic development. One such example of the complex impacts of megaprojects is the National Park and Indigenous Territory Isiboro Sécure (Tipnis for its Spanish acronym), located in the Bolivian departments of Cochabamba and Beni. In 2017, president Evo Morales approved Law 969 to revoke the intangible status of the Tipnis affirmed in the previous Law 180, thus allowing the construction project of a highway to connect these two departments to move toward its conclusion amidst divided opinions over the approximately 600 hectares of woods in the Tipnis that would be cut down to do so (Telma Jemio, 2017a). On the one hand, indigenous and non-indigenous supporters of the project claimed it would open up new economic opportunities and projects to improve the lives of residents in the Tipnis; while on the other hand, other indigenous peoples and their allies questioned whether such a development model would actually benefit those impacted by the highway, what kind of environmental degradation the deforestation might cause, and the validity of the consultation process that the Morales administration undertook to obtain consent to revoke Law 180, which had been one of the outcomes of the VIII indigenous march from Trinidad to La Paz in 2011 that faced State repression (Ibid.; Telma Jemio, 2017b).

One of the results of this on-going issue is a leadership division among the indigenous persons of the Tipnis who are in favor of and against the highway. In 2017, the two groups held parallel meetings to discuss and declare their positions regarding the infrastructure project. In the end, the group opposed to the highway called for unity to prevent its completion and elected an "organic" group of leadership for the Subcentral Tipnis not responsive to the government, including a new vice-president, Cecilia Moyoviri, from San Ramoncito community. In Moyoviri's words, those opposed would not allow the government to triumph. "The government is very clever", she said, "but we will not tire of fighting. We will continue defending the Tipnis, the world's lungs. We are fighting for Bolivia's lungs, so that one day her grandchildren may go and see the millenary trees" (Telma Jemio, 2017b). Though each case is different, in general terms, indigenous peoples ultimately benefit least from these mega development projects, although they often must deal with the harmful impacts on their autonomy, livelihoods, and use of their LTR, as the following example highlights.

Case 3: Belo Monte dam in Brazil.

The Brazilian government is in the last phase of building the Belo Monte hydroelectric dam in the Xingu River in the Amazon. Belo Monte is part of the Growth Acceleration Program, which will consist in building several dams and roads in the Amazon (Survival International, 2017a). Upon completion, Belo Monte will be the third largest dam in the world –larger than the Three Gorges dam in China in both size and volume-. It will cost at least $13 billion and have a production capacity of 11,233 MW (International Rivers, n.d.; Cultural Survival, n.d.). Despite its potential benefits, it is estimated that the dam will displace at least 20,000 indigenous persons along the Xingu River in the state of Pará; it jeopardizes the territories, water sources, and fish stocks that sustain the local peoples, such as the Kayapo, Arara,

Yudjá, Araweté, Kayapo, Asurini, and Parakanã peoples, and threatens the well-being of other uncontacted peoples by destroying their territories and introducing new illnesses against which they have no immune defenses (International Rivers, n.d.; Survival International, 2017a). As a result, peoples such as the Kayapo have been opposed to the dam for thirty years, as they are concerned that the approval of the project will open the door to many more dams in other Amazonian rivers such as the Tapajós, the Teles Pires, and the Araguaia-Tocantins, which will transform the rainforest and their LTR (International Rivers, n.d.). At the end of 2016, the Inter-American Commission on Human Rights agreed to consider a complaint claiming that the Brazilian government and Norte Energia, the owner of the dam, failed to take measures to protect the indigenous communities affected by the environmental impacts (Watts, 2016). Local and international organizations have called for the project license to be suspended as indigenous peoples were not consulted and studies on the environmental impact are incomplete (Survival International, 2017a).

4. Impacts of agro-industry, livestock, and large-scale monocultures.

Monoculture plantations of crops such as soybean, African oil palm, bananas, and sugar cane are clearing vast expanses of forest territory, polluting water sources through the use of agrochemicals, decreasing biodiversity, and harming the long-term health of the land and peoples who depend on the land for survival. The concentration of large tracts of land to produce biofuels and exportable crops, the impacts on soil quality, erosion, and genetically modified seeds, among other aspects, have and will continue to transform lives and ecosystems. These transformations in land use often involve the legal and/or illegal transfer of indigenous LTR –particularly the most fertile lands and plentiful sources of water– to private landowners or companies by the means of deception, armed conflict, or State terrorism, among other mechanisms, and they also often benefit the private interests of traditional elites, the army, or national and transnational companies. This situation is occurring in countries like Guatemala, Nicaragua, Colombia, Brazil, and Paraguay. As the case below shows, these violations of indigenous rights to LTR have the potential to jeopardize the physical and cultural survival of indigenous peoples, especially those who remain in voluntary isolation in Latin America.

Case 4: The Ayoreo-Totobiegosode people in Paraguay.

The indigenous Ayoreo are the last uncontacted people in the south of the American continent outside the Amazon (Guereña, 2017, p. 56). The Totobiegosode are the most isolated subgroup among the Ayoreo people, and they live in the Chaco, a large expanse of forest that extends from Paraguay to Bolivia and Argentina (Survival International, 2017b). The Ayoreo-Totobiegosode have maintained an autonomous lifestyle and hunt animals, sow and harvest plants and wild honey, and use forest materials to build houses and make clothes and tools. However, the Ayoreo-Totobiegosode have been threatened by outside forces, most recently the growth of the cattle frontier in western Paraguay and the destruction of forests that support the people. In 1979 and 1986, for example, members of the U.S. fundamentalist organization New Tribes Mission (NTM) organized “manhunts” to forcibly expel Ayoreo-Totobiegosode people from the forest (Survival International, 2017b). Several Ayoreo-Totobiegosode died from disease during these incidents following initial contact.

The Chaco area of Paraguay, where the Ayoreo-Totobiegosode people live, has the highest rates of deforestation in the world (Hansen et al., 2013). This is because, despite the suspension of their licenses, three companies, including Yaguarete Porá from Brazil, have appropriated the LTR of the Ayoreo-Totobiegosode people. Currently, one of the greatest threats is Yaguarete Porá's plan to deforest the heart of Ayoreo territory to introduce thousands of heads of livestock, leaving a small section as a private natural reserve (Survival International, 2017b, see video "Uncontacted Chaco"). For these reasons, contacted Ayoreo-Totobiegosode members have organized themselves for over two decades to avoid further dispossession of their LTR. According to Tagüide Picanerai, spokesman for the Totobiegosode community, they hope to recover and preserve the territories that have been stolen from them (EFE, 2016). In 2016, the IACHR ordered injunctive relief and asked the Paraguayan State to curb tree felling in the Chaco to "avoid the continuity of deforestation in recognized territory and prevent third parties from entering this land, one of the last untouched areas of the Paraguayan Chaco" (Ibid.; IACHR, 2016). The government and the Ayoreo-Totobiegosode have begun to engage in dialogue on how to protect their territory through land titling and regularization, but to date have not come to any agreements (PIA, 2017). This case shows that uncontacted indigenous peoples' LTR in LAC are particularly vulnerable to exploitation and theft by third parties fueled by economic interests or religious fundamentalism, but also some of the different ways in which indigenous peoples in the region have articulated their demands before the public and international bodies in an attempt to defend their lives and LTR.

5. Criminalization of the defenders of indigenous peoples' LTR.

In LAC, there is an alarming trend of criminalization and violence against indigenous rights activists and environmental defenders. Across the region, men and women who uphold indigenous peoples' right to political, social, and economic self-determination in the context of the management, use, and preservation of their LTR live under surveillance, suffering harassment, threats, intimidation, attacks, and arbitrary detention by private stakeholders or authorities with the complicity of the State. In 2015, there were more than 185 documented cases of murdered environmental defenders worldwide, 40 percent of whom were indigenous persons, and 60 percent of cases took place in Latin America; while in 2016, at least 200 defenders were murdered (Herrera, 2017). In Brazil alone, 50 environmental defenders were murdered in 2015, the highest number in any country in the world for that year (Nikolau, 2016). Other common tactics include the malicious use of lawsuits and unfounded criminal procedures against indigenous defenders that Canadian, U.S., and European transnational companies have frequently filed and funded to hinder or forestall these leaders' activism and advocacy.

Here were present several illustrative cases of criminalization. Firstly that of Abelino Chub Caal from the Mayan Q'eqchi' people of Guatemala. Chub is a member of the Guillermo Toriello Foundation, which has supported 29 communities from the Sierra Santa Cruz, Izabal department, whose lands and well-being have been threatened by mining activities, particularly by the Guatemalan Nickel Company (CGN) (Frontline Defenders, n.d.). For his work, Chub has been in prison for months, facing charges of "aggravated misappropriation, arson, coercion, unlawful association, and illegal assembly of armed persons" (Velásquez, 2017). In a personal letter dated June 18, 2017, he argued that, "my imprisonment [spelling mistake in original Spanish quote] is proof of the state authorities' inability to solve the social unrest" (cited in Frontline Defenders, n.d.). Chub's imprisonment offers a glimpse into the repression

faced by many other indigenous defenders across Guatemala, such as that of 18 Mayan Q'eqchi families from the Semuy community of the Cahabón municipality in Alta Verapaz department. They were violently removed from their lands, homes and attacked by private security guards and gang leaders hired by the Trece Aguas company in November 2017, according to a statement by the Committee for Peasant Unity (CUC for its Spanish acronym) (2017). The attack left one person dead, another seriously injured, and six people missing, demonstrating that the defense of indigenous LTR can be a matter of life or death (Ibid.).

The second case is that of the Xinka people from Jutiapa, Santa Rosa, and Jalapa departments in Guatemala. After years of historic State-enforced racism, discrimination, and assimilation, the Xinka people have made efforts to recover their ethnic identity, language, spirituality, and culture (Pueblo Xinka, 2017). In recent years, they have organized to defend their water sources and land from incursions by the "El Escobal" project of the Minera San Rafael. As a result, their leaders have received threats, intimidation and other pressures, leading to uncertainty for the future, fear, and resolve among community members. With banners saying "Sí a la vida, no a la minería, pueblo Xinka" ("Yes to life, no to mining, Xinka people"), the Xinca have set up camp outside the Constitutional Court of Guatemala to urge this body to definitively suspend the mining project (Ramos, 2017). The experience of the Xinka is part of a long tradition of resistance by indigenous peoples, specifically the Mayan peoples, in Guatemala to oppose the theft and exploitation of their natural resources for commercial gain in places such as San Miguel Ixtahuacán, San Marcos department and Huehuetenango department where 28 community consultations at the departmental level have rejected mineral extraction activities, and 7 Mayan women currently have arrest warrants issued for their role in the resistance movement in Santa Eulalia (García, 2018). In January of 2017, a group of indigenous, rural, mestiza, and urban women human rights and environmental defenders from Escuintla, Alta Verapaz, Izabal, El Quiché, Sololá, Quetzaltenango, and other regions in Guatemala came together to demand, among other things, that "the national and international companies withdraw from the territories, that they take responsibility for the damages caused during their imposition, this is only 'reparation' mechanism for women 'victims' of the abuses by these corporate industries" (Mujeres en Riesgo Político por la Defensa del Territorio Cuerpo-Tierra, 2017). They ended by saying that, "as women defenders, we fight to maintain our bodies territories dignified in the web of life, because as you heal, I heal, and as I heal, you heal; it is the reciprocity of healing" (Ibid.).

D

Practices and the state of sustainable management of traditional livelihoods and resources, self-knowledge and indigenous institutions.

Indigenous peoples are stewards of complex ecosystems and a wide range of natural resources in LAC, including water sources, forests, arable land, jungles, mountains, amphibians, birds, mammals, herbs, mineral deposits, and others. For example, the Rivas department, located in the Pacific southern region of Nicaragua, is home to four indigenous groups of Nicarao, descendants of the Nahuátl and Chorotega ethnic groups of México and Guatemala, with an estimated population in 2005 of 11,113 people (Serra & Juárez, n.d., p. 9). The area has timber resources and tourist attractions. To manage their forests, the Nicarao people have rangers who fight fires, illegal felling, and out-of-season hunting. Forest management is also closely linked to their traditional knowledge, practices, and lifeways. In this regard, the differential role of Nicarao women is particularly notable, as they grow trees, vegetables, and medicinal plants to cure illnesses, preserve and develop their culture, and provide food security for their families and communities.

Likewise, the Zenú women of Colombia use their critical knowledge of natural resources cultural practices in the meaningful space of the front yard, or patio, which survives despite the fragmentation of their ancestral territories over the past three centuries. The Zenú de San Andrés de Sotavento reserve is located in the Caribbean region of Colombia, and although the Zenú people possessed a land title for 83,000 hectares of land dating from the Colonial era, their territory underwent a series of fragmentations, first at the hands of the Spanish State and then later by the newly established and strengthened Colombian State in the republican era (Álvarez, 2005, p. 91). Zenú women interact in three fundamental ways with the biodiversity in which they live to contribute to the survival and well-being of their people: 1.) the zenú front yard with raising small animals, fruits, and vegetables that help attain food security and involve children in learning activities; 2.) dozens of wild and cultivated medicinal plants that support the indigenous health system; and 3.) wild palm for the production of cultural materials such as construction goods, dyes, ornamentation, firewood, and artisanal creations incorporating centuries-old patterns (Ibid., pp. 92-96). Such practices are vital contributions toward sustainable agriculture with organic composting, seed selection for greater biodiversity, auto-consumption rather than market dependency, and support for bee populations, among other aspects. They also help maintain, reproduce, and transmit zenú identity and culture to future generations.

In Brazil, starting in 1960, and in particular from 1990 onwards, there have been conflicts between two territorial models: on the one hand, the "Andean-Amazonian world", organized ancestrally and historically around rivers, the rainforest, the soil, and várzea seasonal floodplain forests; and on the other hand, the model organized around "roads/dry land, prepared to explore soil and subsoil, destroy forests and várzea floodplains, and spoil rivers by polluting their waters and reducing animal life…" (Porto-Gonçalves, 2017). The expansion of monocultures, livestock, timber extraction, narcotrafficking, and the exploration of new natural resources such as natural gas and petroleum in the Amazon have introduced new space-time configurations and consumption behaviors in which "the time of competitiveness and the accumulation of capital produces a spatiotemporal disconnection between matter and energy and configures a subordination of space (with all its bio-geophysical cycles) to the abstract clock-time of capital" (Ibid.). This rapacious dynamic of capitalist development jeopardizes ancestral knowledge regarding harvesting, hunting, fishing, planting seeds, healing, building, and art of contacted and/or displaced peoples, including those at risk of extinction in the Amazon, thus impacting the cultural, spiritual, and intellectual diversity of more than 200 ethnic groups, indigenous peoples and nationalities.

One response to this situation has been the mobilization of the Huni Kuĩ and other indigenous peoples who live in the Amazon along the Perú-Brazil border near the Brazilian state of Acre. Since 1983, the Huni Kuĩ have achieved the demarcation and legal recognition of three Indigenous Kaxinawá Lands where, as of 2012, 32 villages belonging to these territories with a population of 2,622 people (Sales Kaxinawá, 2012, p. 59). In 1996, the Forestry Agents (AAFI for their Portuguese acronym) began work to raise consciousness within communities about LTR management and to undertake demarcation campaigns of indigenous lands. From these collective efforts, the Huni Kuĩ created their own Territorial and Environmental Management Plan containing aerial maps, descriptions of the diverse natural resources in their territory, their relationship with their surroundings, and guidelines for good governance practices (Melgaço Ramalho & Gavazzi, 2012). As AAFI Josias Mana Kaxinawá (2012, p. 53) said, through steps like creating the Plan, "We are taking care of the hunting, fishing, and other important resources for our survival and for a better quality of life. We are also diversifying our way of producing food, like, for example, the production of fruits, vegetables, and the raising of wild and domesticated animals within the villages. We are studying and understanding the environmental and indigenous legislation for the defense of our land and to contribute to the improvement of our country" (Ibid.). Over the past decade, the Huni Kuĩ have also built organizational alliances by, among other actions, participating in bi-national meetings with representatives of indigenous lands from Brazil (Jordão, Baixo Jordão, Seringal

Independência, Kaxinawá from Rio Humaitá, Kampa and Isolados from Rio Envira, Kaxinawá/Ashaninka from Rio Breu, and Apolima Arara) and Perú (Comunidades Nativas Oori e Koshireni); indigenous organizations from Perú (Aconadiyshi, ORAU, AIDESEP) and Brazil (AKARIB, AARIB, AMAAIAC); and representatives of the Perú's Ministry of Culture and National Service of State-Protected Natural Areas (SERNANP for its Spanish acronym) to share experiences and create ideas for broader territorial management, food and physical security, biodiversity actions, and defense strategies against incursions by extractive companies, illicit economic activities on their LTR, and the mistreatment of uncontacted and recently contacted indigenous peoples, to name just a few topics (P. Ochoa, 2016). In October 2016, leaders of these indigenous groups met to formulate a bi-national management plan integrating the communities of the Yurúa, Breu, and Amonya Rivers of the region and declared that:

We express our rejection of the threat represented primarily by illegal logging, narcotrafficking and the imposition of petroleum lots, forest concessions and the exploitation of other resources, as well as by road projects to our territories and the territorial Corridor. In this regard, we commit ourselves to strengthening our alliance to face these threats and we demand that the authorities of Perú and Brazil comply with the application of national laws and international instruments that guarantee our individual and collective rights, and environmental protection. (Ibid.)

Indigenous social and political structures and decision-making bodies are crucial for the sustainable management of LTR within communities that, despite outside pressure, conserve natural resources and attempt to use them in a responsible manner. As Serra and Juárez (n.d.) mention, indigenous peoples "possess great creativity, knowledge, and skills that allow them to survive and manage their natural resources, based on family and communal organization that they have been able to coordinate at a regional level in networks and associations of indigenous peoples to impact public policy" (p. 18). These indigenous organizations include councils of elders, as in the case of the Tawahka people in Honduras ("united in the Indigenous Tawahka Federation of Honduras") and the Térraba people in Costa Rica; general assemblies, as in the Mayan Kaqkichel Chajoma' Chiwatutuy community in Chuarrancho in Guatemala (Indigenous Community of Chuarrancho, 2017); agrarian, water, and social development committees; associations of indigenous women; and local organizations such as the 48 Cantons (48 Cantones) of the Mayan K'ichee' people from Totonicapán, Guatemala, which help to establish the norms and rules governing access, use and reforestation of the María Tecún communal forest (Elías, 2016, pp. 22 & 24).

Another example is the clearly defined institutional processes and actors that govern the collective management of natural resources in five Mayan Q'eqchi' communities –Blue Creek, Blanco, Setal, Plan Grande Quehueche, and Plan Grande Tatín– of the Río Sarstún zone in the northeast of Guatemala. There, community members have established clear and defined limits of who can access and use their LTR, forms of reciprocity that earn benefits to communal LTR, prohibitions against using forest resources other than for specific reasons, collective agreements regarding the rules of management that all community members can participate in adapting to changing circumstances, supervision, proportional sanctions for infractions, and mechanisms for conflict resolution that do not rely on the State (Tally, n.d., pp. 52-55). The ultimate authority in these Q'eqchi' communities' local organization is the Assembly, a participative and relatively egalitarian body where both men and women can speak and make decisions during public debates to arrive at a consensus. Groups of elders and members of the community development committees, or COCODES, form an important secondary level of authority that inform, convoke meetings, and council the Assembly as well as intervene in the resolution of conflicts over LTR. Finally, community members are a third key actor in the decision-making process (Ibid., p. 51). In general, communal tenure of lands and collective goods is an institution going back thousands of years in indigenous societies which promotes the sustainable management of natural resources and

territories under the protection of the peoples' own territorial governments (Elías, 2016). The Convention on Biological Diversity (CBD), among other international instruments, supports these indigenous institutions, affirming the need to respect knowledge and management practices unique to indigenous peoples.

While keeping in mind the differences among the indigenous peoples of LAC, and the fact that a sizeable portion of the indigenous population today lives in urban areas, their relationship with their LTR is still generally full-fledged. Their beliefs recognize that the Mother Earth, natural resources, and territories provide life and sustenance to animals and people, who in turn must protect and foster them to survive. This interconnection fosters a relationship of respect, gratitude, and care between humans and their environment, as well as an appreciation of LTR for their role in the spiritual and physical lives of those responsible for looking after them and enjoying them. For indigenous people, therefore, their LTR are not simply a source of raw materials to exploit for personal profit or economic gain in keeping with the capitalist market sensibility, but rather they play a deep role related to their ethical values, community relations, knowledge forms, identity expressions, and sense of being and belonging in the world. "This knowledge is accumulative and represents generations of experience, observations, and constant experimentation expressed in stories, songs, proverbs, dance, myths, beliefs, rituals, laws, [and] local languages" (Serra & Juárez, n.d., p. 3).

According to the many local indigenous beliefs and forms of knowledge, human beings do not own the environment but make up a part of it, and the common good of the community is a priority over individual desires. Consequently, the principles of reciprocity, mutual support, and redistribution should prevail over accumulating property and resources. Furthermore, the principles of balance and harmony influence decisions about LTR management, which is participative instead of representative and revolves around dialogue and consensus. Health care systems and medicinal treatments reflect ancient LTR knowledge based on restoring balance between a person's body, mind, community, and nature – but also with respect to ancestors and spirits. By the same token, midwives, folk healers, bonesetters, spiritual guides, and indigenous priests apply their knowledge of natural resources to practice traditional and holistic medicine that, without access to their ancestral LTR, would undergo transformations or disappear altogether (Deruyterre, 2003, p. 7). Despite this, governments in the region have supported the invasion of LTR, affecting indigenous peoples' sustainable management efforts and traditional livelihoods (Ibid.). An increasing number of studies show that territories in LAC where indigenous people have control over their land rights exhibit higher rates of conservation than adjacent areas ("Indigenous peoples'", 2016). Thus, out of respect for their human and collective rights, indigenous peoples should determine the management of their own LTR, which is closely linked to biodiversity in LAC.

E

The state of biodiversity in indigenous territories of LAC.

Latin America and the Caribbean are home to a wealth of ecological and cultural diversity of indigenous peoples who represent 8-10 percent of the total population. Almost all the existing kinds of biomes are found in LAC– e.g., lakes, mangroves, deserts and xeric shrublands, temperate coniferous forests, and tropic and subtropical moist broadleaf forests, among others – as are 6 of the world's biodiversity "hotspots" and 6 of the 17 "megadiverse" countries: México, Brazil, Colombia, Ecuador, Perú, and Venezuela (UNEP-WCMC, 2016, p. ii; Barragán Alvarado, 2008, p. 7; Ibarra, 2015). Generally speaking, the region represents over 40 percent of global biodiversity despite covering just 15 percent of the

Earth's total land area (Ibid.). For a country-level perspective, México's "megadiverse" classification is due to the fact that its territory contains "at least 10% of all the planet's terrestrial diversity" (CONABIO, 1998, p. 82). According to México's National Commission for the Knowledge and Use of Biodiversity (CONABIO for its Spanish acronym) (n.d.), it is also the country in the Ameircan continent, along with Brazil, with the largest number of plant diversity centers; contains portions of three biodiversity hotspots; has three of the planet's wilderness areas; and is among the top five nations in terms of numbers and diversity of reptiles, amphibians, mammals, and vascular plants (citing Llorente-Bousquets & Ocegueda, 2009).

According to a study by the World Wide Fund for Nature (Charity, Dudley, Oliveira, & Stolton, 2016), "[t]he Amazon is the world's largest rainforest and river system, containing a tenth of the world's species; over 2,000 new species of plants and vertebrates have been described since 1999" (p. 10). In addition, the Amazon – which forms part of 8 South American countries and one overseas territory – holds 17-20 percent of the world's freshwater and stores 10 percent of the globe's carbon such that, if even a fraction were released into the atmoshpere, it would contribute significantly to global warming (Ibid., p. 11). While the United Nations Environment Programme World Conservation Monitoring Centre (UNEP-WCMC, 2016) reports that the region "currently retains much of its biodiversity", it points out that biodiversity continues to decline due to the pressures of habitat loss for agriculture and livestock grazing, urban growth, "land degradation and land use change; climate change; land-based pollution; unsustainable use of natural resources and invasive alien species (pp. 14 & 15).

In LAC, "in many geographical areas, the territories with the greatest biological diversity coincide with areas inhabited by indigenous people" (Zúñiga García-Falcés, 2006, p. 2). For example, (Vázquez, 2011) points out that the indigenous territories of México, "have the greatest proportion of high-biodiversity ecosystems (medium deciduous jungle, high evergreen jungle, mesophilous mountain forest, pine-oak forest, and low deciduous jungle)"; and over the centuries, indigenous peoples have developed medicinal knowledge and governance systems for using and managing forests, jungles, and species, that have preserved and diversified them in the long-term. In the case of Brazil, Barragán Alvarado (2008) highlights that, "38.4% of areas considered priorities for the conservation and sustainable use of biodiversity in the Amazon are indigenous lands (p. 20). In Honduras, the Río Plátano Biosphere Reserve located within the indigenous Mosquitia area, is part of the Greater Mosquitia Ecosystem, "one of the last great wilderness regions in Central America", that "contains the largest intact rainforest north of the Amazon", wetlands, lagoons, mangroves, and the world's second largest coral reef (UNDP, 2012, p. 4). There, indigenous and other local groups have collaborated to undertake the "integrated management" of the reserve, establishing a forest guard program that "develops ecological guidelines and zoning for the Mesoamerican corridor, including rules for hunting, fishing, forestry and agriculture" (Equator Initiative, 2017). Furthermore, the International Union for Conservation of Nature (IUCN, 2016) recently presented the results of a mapping study of Central America's indigenous populations, protected areas, and natural ecosystems that showed the "instinsic relationship and the overlap that exists among forests, land and marine natural resources, protected areas and the indigenous peoples who have ancestrally inhabited and occupied those important spaces." In response, Mark Rivas, a representative of the Miskito territories in the North Caribbean Coast Autonomous Region (RACN) of Nicaragua said that the map, "confirms and reaffirms once again that we, the indigenous peoples, are the best caretakers of the forests" (cited in Alianza Mesoamericana, 2016).

Indeed, the Forest Peoples Programme, the International Indigenous Forum on Biodiversity, and the Secretariat of the Convention on Biological Diversity (2016) have highlighted the important contributions of indigenous peoples and local communities in LAC to protect global biodiversity and meet the specific goals of the Strategic Plan for Biodiversity, adopted by the Conference of the Parties to the Convention

for Biological Diversity as part of the United Nations Decade on Biodiversity (2011-2020). Indigenous peoples in LAC have taken concrete actions such as helping to form the International Indigenous Forum on Biodiversity (IIFB) to intervene in international environmental and policy debates, place pressure on governments, and articulate their positions and proposals through strengthened alliances; and they have also established regional networks of indigenous organizations such as the Indigenous Women's Biodiversity Network from Latin America and the Caribbean "to make their voices heard and to present their proposals in key decision-making arenas at international, regional and national levels" from the perspective and experiences of indigenous peoples and women (Ibid., pp. 29 & 32). Other specific actions include the Misak people of Colombia systematizing their oral traditions into a Life Plan as "a political strategy to ensure the existence of community life and spirituality linked to Mother Nature and countervailing the country's own laws and regulations" (Ibid., p. 47). In a text by Liliana Pechene, coordinator Plan de Salvaguarda of the Misak people, and Jeremias Tunubala, ex-governor of the Misak people, they declare that, "We, the Misak People, based on our Plan de Vida, protect life in our territory. We safeguard the moors, which are sacred places, and plant trees to safeguard water sources, manage watersheds and riverbanks and avoid their contamination. Similarly, we restrict research activity and the collection of resources within our territories" as a means, among other goals, to defend the Mother Earth's right to live (Ibid.). Given indigenous peoples' active role as defenders, therefore, "…the most effective way to protect the region's ecosystems and their biodiversity is by providing support to those peoples who have traditionally been their stewards" (Ibid., p. 14).

F

The impact of climate change and potential solutions.

Indigenous peoples of LAC are among the first to feel the impacts of climate change and deal with State environmental conservation measures, due to their reliance on environmental resources and their close relationship with high-biodiversity areas. (El cambio climático, 2009). The impacts of climate change in LAC are numerous and becoming more severe, particularly for rural and indigenous populations. The hurricane season is longer and more destructive for vulnerable populations on the coasts of México, in parts of Central America, and in the Caribbean. Sea levels have risen in the Caribbean, affecting the coasts and agriculture in islands that report more meters of erosion each year. Furthermore, certain reefs have seen up to 50 percent of corals die as a result of bleaching caused by CO2 absorption and an increase in water temperatures, damaging or killing the biodiversity that depends on them (Elbers, 2011, p. 197). In some cities, such as Mexico City and Guatemala City, aquifers are drying up, whereas in the countryside, landslides caused by torrential rain are destroying homes, crops, and human lives (Mejía, 2017; Flores, 2017). Livestock and the soybean and agro-fuel industries continue to cause massive deforestation of the Amazon in countries like Perú, Brazil, and Argentina. These economic activities reduce the connectivity of biodiversity areas, contribute to depleting rivers that sustain the surrounding ecosystem and indigenous communities , and increase the level of carbon dioxide in the atmosphere. Likewise, they destroy forests that indigenous peoples depend on for their animals and medicinal plants, and the materials they need to build housing and make clothes and tools. Without these forests, indigenous peoples are unable to maintain their traditional economic activities, produce handicrafts or perform spiritual rituals, among other aspects of their cosmovision and culture. In addition to tree felling, the Amazon, northeastern Brazil, parts of Central America, and the Caribbean are subject to severe droughts that cause fires, like in eastern Brazil in 2005 (Quinteros & Pachon, 2017; n.d.). These fires are forecast to occur more frequently

insofar as the eastern half of the Amazon becomes a savannah in the coming decades (Elbers, 2011, p. 197). The case of the Wayuu people, numerically the largest group in northern Colombia and north-eastern Venezuela, is particularly dire. Due to pollution from activity by the Cerrejón mining company, the construction of the El Cercado dam, and a drought that has lasted three years in the Colombian department of La Guajira where they live, the Wayuu people are experiencing an extreme shortage of water (Quinteros & Pachon, 2017). As a result, between January and June 2017, 17 children were recorded to have died from undernourishment in La Guajira, although the true figure may be higher (Ibid.). Although the administration of the Colombian president Juan Manuel Santos is sending food aid to La Guajira, the Wayuu people have made it clear that "they don't want to be given food, but rather the basic conditions that will allow them to provide for their families" (Ibid.).

In México, Guatemala, parts of Honduras, and El Salvador, legal or illegal felling of native forests has contributed to the disappearance of species of birds, amphibians, and insects, which affects the ecosystems' regeneration and adaptation capacity. Higher temperatures have led to the displacement of mountain ecosystems. Meanwhile, "the indigenous peoples of regions of Central America, South America, and the Caribbean are moving their agricultural activities and settlements to new places that are less prone to adverse weather conditions" (El cambio climático, 2009, p. 2). In countries like México, Guatemala, Perú, and others, the destruction or theft of LTR have forced indigenous families to migrate to cities and other countries to seek food security and better work opportunities. Despite the opportunities they may offer, these human movements can also cause ruptures in the systems by which indigenous peoples use and manage LTR, and new forms of marginalization, discrimination, and even exploitation against indigenous peoples in urban centers or abroad.

One of the solutions implemented by governments in the region has been to designate protected areas within their national land and sea territories. A study by the International Union for Conservation of Nature (IUCN, 2011) confirms the existence of "1,949 protected areas in Latin America, with a protected land area of more than 211 million hectares, or 10.4% of the total land area of the 22 countries. Meanwhile, the protected sea area reaches almost 29 million hectares, which accounts for 2.1%." Many of these areas were created within or beside the LTR of indigenous peoples, although the overlap varies from country to country, causing distinct conflicts between indigenous peoples and the administration of protected areas across the region. Barragán Alvarado (2008) asserts that:

Some are total, meaning that the protected area fully covers an indigenous territory, as is the case for example in the Isiboro Sécure National Park and Indigenous Territory (TIPNIS) in Bolivia, the Puinawai Natural Reserve in Colombia, or the Lauca National Park in Chile, where 99% of the surface area belongs to the indigenous people; in other cases, there are partial overlaps. (p. 22)

Despite the benefits for biodiversity that these areas may promote (Elbers, 2011, p. 198), academic research and the Office of the United Nations High Commissioner for Human Rights have noted that, for the most part, conservation policies in LAC have followed a Western model in which the State is responsible for protecting and managing LTR, whereas people are considered threats to protected spaces, which is why there has been no consideration for indigenous peoples, who have been expelled from their ancestral LTR, violating their rights in the name of environmental conservation (Barragán Alvarado, 2008, p. 11; "Indigenous peoples'", 2016). Other programs that seek to reduce emissions from deforestation and degradation that violate indigenous peoples' territorial autonomy and self-governance in LAC include "REDD, carbon emissions trading, the Socio Bosque and Socio Páramo programs in Ecuador, Probosque in Chile, [and] BankC2 in Colombia" (Chaski Warmi Abyayala, 2016). Suspend "all climate change adaptation or mitigation programs or projects, which violate our territorial rights and our right to autonomy, such as the REDD projects and carbon market programs" (Chaski Warmi Abyayala, 2016).

One solution would be to honor (and not just on paper) indigenous peoples' collective rights to LTR, and respect their right to autonomy and self-determination through participation in designating and managing protected areas in order to foster, with their ancestral knowledge and use and management systems, long-term biodiversity in the region (Barragán Alvarado, 2008, p. 19).

In sum, climate change jeopardizes life itself as we know it on Earth. It delivers a heavy blow to indigenous peoples and their LTR, compromising their physical survival, socio-economic autonomy, and cultural and spiritual growth. According to a pre-sessional document for the Permanent Forum on Indigenous Issues, "climate change exacerbates the difficulties already [faced] by vulnerable indigenous communities, such as political marginalization, discrimination, and unemployment" (El cambio climático, 2009, p. 1). Firstly, changes in precipitation, soil degradation, and landslides, among other factors, limit their ability to grow crops and hunt to cover their basic nutritional requirements or buy the products they need to live at the market. Secondly, the destruction of reef, forest, jungle, and other habitats kills off the fauna and flora used by indigenous peoples in their traditional diet, often pushing displacing them to search for other sources of livelihood or work opportunities in urban centers, leading to migration and a new disjuncture in their bonds and identity as indigenous peoples. Thirdly, climate change affects key elements – hills, caves, rivers, animals, and plants – that give meaning and content to indigenous peoples' cosmovision and distinctive relationships with the Earth, their ancestors, other human beings, and their place in the universe.

G

Actions by indigenous people in defence of their LTR and the development of self-determination, achievements, and lessons learned.

In the evaluation of ECLAC (2006), in the last two decades of the 20th century in LAC, "intervention by indigenous movements as political stakeholders is one of the most notable phenomena in the region and in the world, and has had sustained effects on democracies in Latin American countries. In fact, through their organizations and activities, indigenous peoples have managed to place their complaints for recognition at the heart of public debate and have demanded new statutes that guarantee their existence and rights" (cited in Altomonte & Sánchez, 2016, pp. 223-224). In this context, indigenous peoples and peasants have mobilized themselves to take action in defense of their LTR and the development of their self-determination.

In Nicaragua, the Rural Workers' Association (ATC) is a union and farmers' organization founded by landless peasants, which since 1978 "has brought together agricultural workers regardless of political color, sex, religious and professional beliefs, and in general all agricultural workers in Nicaragua" (Gloobal, n.d.). ATC exists to "defend the interests of laborers, semi-proletarians, the employed, the unemployed, rural plotholders (parceleros), and peasants generally who fight against all forms of exploitation, discrimination, and plundering [spelling mistake in original Spanish quote] of natural and human resources in Nicaraguan society" (Ibid.). Therefore, cooperatives, movements by women and young people, unions, and others who are part of the ATC marched against CAFTA in 2005; they have taken part in public debates on the environment; in coordination with the Labor Ministry, they have dealt with the Mixed Commissions on Work Safety and Hygiene in the banana, coffee, tobacco, and rice

industries; they have called for the implementation of a comprehensive agrarian reform in Nicaragua with production systems that do not pollute or destroy the environment; they have promoted national organizations to support food sovereignty as an alternative to famine and chronic undernourishment in the country; and have carried out yearly meetings among cooperatives to create strategies to address a range of issues such as "the environment, irrigation systems, agro-industrialization, and a cooperative assessment that will be highly beneficial for thousands of affiliates in this sector…" ("Marcha contra", 2005; "Logros en Salud", 2005; "La Soberania Alimentaria", 2006; "La Reforma Agraria", 2006; Gloobal, n.d.). In this way, the ATC works to "promote the cultural, technical, professional, and political enrichment of its members through all forms of education and participation in fights to sustain and enhance the standard of living and development of the rural population" (Gloobal, n.d.). Today, the ATC is raising its voice on food sovereignty and agro-ecological issues through membership in the Latin American Coordination of Rural Organizations (CLOC) and La Vía Campesina, "an example of connections between continents with almost 20 years of relentless commitment to the social struggle, and which represents rural movements by workers, indigenous people and Afro-descendants in the whole of Latin America" (K. Hoyt, personal communication, November 28, 2017; CLOC, 2017).

In Guatemala, there are many struggles to defend indigenous peoples' LTR that are not covered by the media. According to an end-of-year summary by Cabanas (2017 & 2018), the media did not consider "the Cahabón community consultation, the sit-in by the Xinca people at Minera San Rafael, the marches for legal pluralism or the national strikes and permanent mobilizations convened by CODECA, the Popular and Social Assembly (ASP), and other organizations". In October 2017, the Association of Mayan Lawyers and Notaries (ANMAG) embarked on a "territorial demarcation" process along with members of the Q'eqchi' community from Sekonon, in the San Pedro Carchá municipality, Alta Verapaz, in order to "1) precisely define the territory of the community of Sekonon, and 2) initiate proceedings to register it at the General Registry of Property" in accordance with the law (ANMAG, 2017, p. 2). On October 31st, 2017, the association supported the Maya Ch'orti' indigenous councils, representatives of the residents of Jocotán, in the department of Chiquimula, in arguing at a public hearing at the Constitutional Court in defense of a judgment granting recognition and ownership of 635 caballerías, or 28,651.2 hectares, of ancestral land to the Ch'orti' people, against the company Tres Niñas S.A. and the municipality of Jocotán, Chiquimula (Ibid., pp. 4-5).

At the end of November 2017, members of the Altiplano Rural Workers' Committee (CCDA) planted themselves in front of the Presidential House in Guatemala City to protest the dispossession of their historic land from several peasant and indigenous communities in the department of Alta Verapaz. They asked the president Jimmy Morales to fulfill the agreements signed between the Guatemalan State and 44 communities between 2015 and 2017 regarding possession of land by these communities and a commitment not to dispossess them, promises that have not been kept, which has created conflicts for dispossessed families (Bonilla, 2017). Along with protestors from Alta Verapaz, other peasants from Escuintla, Santa Rosa, Petén, and Quiché traveled to the capital to express their condemnation of the State dispossessions. The protest blocked traffic in the historic center of the city, where placards and signs could be seen bearing slogans and messages like "Here to defend and recover our territories and natural resources" (Tercero & Ávila, 2017).

On November 30th, 2017, a total of 22 organized communities from Champerico, in the department of Retalhuleu on the country's southern coast, declared themselves in a permanent protest in defense of their region's water and biodiversity, taking on the sugar cane industry and authorities colluding with the private sector, to reject the monoculture model that uses up water resources necessary for life. "In Guatemala, there are experts, former heads of the Tax Administration Superintendence (SAT),

entrepreneurs, factory employees, and international organizations like the Economic Commission for Latin America and the Caribbean (ECLAC), that claim that the sugar industry is a full-blown cartel that exploits the weakness of the State, a 'collusive oligopoly' because several companies act as one to gain a competitive edge in the market" (Laborador, Villagrán, Sánchez, & Alvarado, 2017). Since 1983, seven families have controlled 88 percent of ground sugar cane production in the country, with almost complete impunity for harming the environment and ignoring the rights of peoples affected by their operations (Ibid.). This explains why the inhabitants of Champerico claim that sugar factories do not respect water sources that are drying up, such as the Río Bolas and local lakes. They denounced the discrimination and repression by the State of members of the COCODES – community development committees – who were criminalized, and they took a stand against the Water Law, which had been approved by a body of Congress at the time, because it favored sugar companies at the expense of LTR and the lives of peoples on the southern coast. As one member of the Champerico movement put it at a public meeting, "water, ladies and gentlemen, cannot be sold, it is to be defended. And that's what we're doing. Without water, we cannot live" (Acciones de comunidades, 2017).

H

Recommendations.

1. If they have not done so already, States should formally recognize the existence of indigenous peoples within their boundaries and their collective rights to common goods and lands; reform their political constitutions to affirm the multi-ethnic, multi-cultural, or multi-national nature of the State; and continue to harmonize their national legal frameworks with binding international instruments for indigenous collective and individual rights, such as Convention No. 169, which countries such as Panamá and El Salvador have not yet ratified.

2. Collect and systematize up-to-date demographic information about the indigenous populations of LAC countries based on the principle of self-identification; and conduct national agrarian censuses (censos agropecuarios) to have a more complete sense of the status of LTR rights, characteristics, and tenure across the region. A current challenge in the region is the dearth of reliable census data available in a channelized rather than dispersed way across multiple agen cies and ministries. Agrarian censuses should analyze and present data on LTR disaggregated by ethnic self-identification, geographic location, gender identity, etc. to serve as a tool to facilitate indigenous peoples' advocacy and craft policies and laws that better integrate their voices, priorities, and needs, especially those of indigenous women.

3. States should implement indigenous peoples' rights to their LTR through specific action plans, mechanisms, and budget allocations. This effort should include the participatory design of protocols to carry out free, prior, and informed consultations based on regional best practices and in accordance with Convention No. 169 to avoid further violating indigenous peoples' rights. To date, few countries have created specific laws, regulations, or institutions to conduct prior consultations and, among those that have, such as Colombia, Perú, and Bolivia, the results have been mixed. As a result, some indigenous organizations involved in consultation processes in places such as Perú or Guatemala have become disillusioned, others decry the State's refusal to respect their consultation's decision when it goes against powerful economic interests, and the overall lack of clear guidelines has only added to conflicts over LTR.

4. End the alarming trend of criminalization, harassment, and violence against indigenous rights and environmental defenders in LAC. States must cease the practice of forcibly removing indigenous communities from their LTR through the systematic use of assault, rape, murder, and intimidation, or lending security forces to commit these actions on behalf of wealthy landowners or influential companies. Furthermore, States must investigate these crimes and hold accountable those responsible for killing indigenous activists for their work promoting indigenous sovereignty, defending LTR rights, and denouncing exploitative corporate operations, government corruption, or illicit economic activities that harm their LTR, among other activities.

5. Support and strengthen indigenous institutions, ancestral authorities, and governance systems within local communities to protect and responsibly manage indigenous LTR. One of the most effective ways to preserve the region's ecosystems, habitats, genetic diversity, etc. is to enhance indigenous peoples' political, juridical, economic, and cultural autonomy over their own lives and LTR.

6. Conduct a thorough review of applicable agrarian and environmental legislation in countries in the region to address regulatory anachronisms, contradictions, and/or overlapping jurisdictions among authorities responsible for managing indigenous LTR—i.e., indigenous authorities, municipal or departmental governments, and ministries of national governments, etc. Contradictions and overlapping occur in many places, such as the Amazon basin, where approximately 40 percent of overlapping occurs between indigenous peoples' LTR and protected areas; in the South Caribbean Coast Autonomous Region of Nicaragua, where the territories of the Rama-Kriol people overlap with areas protected by the Ministry for the Environment and jurisdictional boundaries of regional and municipal governments; and, finally, there is the case of the Omaguaca, Tilkara "Wilkiphujo", and Qulla communities, whose natural resources and territories the Argentinian State expropriated when UNESCO declared the Quebrada de Humahuaca, in the province of Jujuy, a World Heritage Site in 2003.

7. Any plans to designate natural parks, protected natural areas, or World Heritage Sites that include, overlap, or affect indigenous LTR should come from and for indigenous peoples, or at the very least, should involve them from the very beginning in the design and approval process respecting their right to prior, free, and informed consultation. Indigenous peoples should be the principal if not the sole guardians of the protected areas that include or overlap with their LTR, having a say in the implementation of any management systems, environmental impact assessments, and access to natural and cultural sites by outside visitors (i.e., tourism). The benefits generated from protected areas or World Heritage Sites must be fairly and equitably distributed to indigenous peoples.

8. States should furthermore promote indigenous protected areas rather than displacing and removing them, criminalizing those who attempt to access or use their LTR and forcing others into situations of socioeconomic marginalization or forced migration. This shift in nature conservation implies the fortification of indigenous internal governance systems, authorities, socio-political autonomy, and economic self-determination based on their own integral development values, goals, and priorities.

9. Indigenous peoples, and especially women, must have a prominent place at the table during any international negotiation processes related to climate change reduction mechanisms, regulations, treaties, agreements, or incentives. Given that indigenous peoples are among the first to feel the negative impacts of climate change and are leaders in the fight against it by

using their accumulated knowledge and conservation practices, they must be active players in any international climate change solutions.

10. All climate change adaption or mitigation programs or projects that are found to violate indigenous peoples' autonomy or rights over their LTR in the name of conservation must be suspended while they are reevaluated and appropriately modified with the input and proposals of indigenous peoples to respect their human dignity and territorial rights. Alternative development strategies should also be proposed based on indigenous age-old practices and knowledge systems to conserve and manage Mother Nature's resources responsibly while respecting their self-determination as peoples.

11. Formally recognize and support the multiple roles indigenous women play in managing indigenous ancestral LTR, preserving biodiversity, defending lifeways and territorial autonomy, exercising leadership positions, and developing knowledge and new practices related to cultural survival (as midwives, healers, spiritual guides, spokeswomen, political representatives, etc.) and the fight against climate change. Promote greater representation and effective participation of indigenous women within their communities, all levels of the State, academia, civil society, as well as women's access to education and funding for female-led projects related to their LTR.

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