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Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: the rights of Indigenous Peoples to their traditional economies

Report of the Expert Mechanism on the Rights of Indigenous Peoples*

Summary

In the present report, the Expert Mechanism on the Rights of Indigenous Peoples examines Indigenous Peoples' traditional economies. Grounded in the key principles of self-determination, intergenerational equity, reciprocity, Indigenous Peoples' traditional knowledge and ecological stewardship, the report underscores the need for robust legal protections, recognition of Indigenous Peoples' governance systems and tenure rights, and the effective implementation of the principle of free, prior and informed consent. The report highlights the essential role of traditional economies in supporting food sovereignty, food security, biodiversity conservation and climate resilience. It also identifies persistent challenges, including legal and policy gaps, dispossession, gender-based exclusion and environmental degradation.

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I. Introduction

1. In September 2016, the Human Rights Council, in its resolution 33/25, amended and expanded the mandate of the Expert Mechanism on the Rights of Indigenous Peoples. The Council decided that the Expert Mechanism should identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples (hereinafter referred to as the Declaration), including through reports to the Human Rights Council.
2. Pursuant to paragraph 2 (b) of Human Rights Council resolution 33/25, the Expert Mechanism on the Rights of Indigenous Peoples decided, at its seventeenth session, to prepare a report on the rights of Indigenous Peoples to their traditional economies, in its effort to achieve the ends of the Declaration.
3. In support of the Expert Mechanism's work, the University of British Columbia hosted an international expert seminar in Vancouver, Canada, on 8 and 9 February 2024, on Indigenous Peoples' rights to their traditional economies, focusing on sustainable development, food security and climate change. The seminar examined cultural, economic and environmental dimensions of Indigenous Peoples' human rights, as reflected in the Declaration. The Expert Mechanism acknowledges the support of the University of British Columbia in organizing and sponsoring the seminar. The present report has been informed by the expert seminar and by inputs from Indigenous Peoples, States, national human rights institutions, civil society organizations, academics, and others.¹

II. Legal framework

4. The Declaration establishes a comprehensive legal framework for the promotion and protection of Indigenous Peoples' rights, including those related to traditional economies. It affirms the inherent right of Indigenous Peoples to make decisions according to their own laws, customs and traditions, through the institutions of their own choosing. This includes the right to determine how to meet their economic and social needs, and whether, when and how their lands, territories and resources should be developed.² Article 23 specifically states that Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to develop, administer and participate actively in the formulation and implementation of economic and social programmes that affect them.
5. Article 20 of the Declaration explicitly recognizes Indigenous Peoples' right to maintain and develop their political, economic and social systems, including their means of subsistence and development, and to engage freely in all their traditional and other economic activities. It affirms that Indigenous Peoples possess distinct economic systems rooted in traditional knowledge, practices and resources and have the right to sustain, strengthen and develop these systems in accordance with their cultures, traditions, values and aspirations.³ When deprived of their means of subsistence and development, this article provides that Indigenous Peoples are entitled to just and fair redress.
6. Article 25 affirms the right of Indigenous Peoples to maintain and strengthen their distinctive spiritual relationships with their traditionally owned, occupied or otherwise used lands, territories, waters, coastal seas and other resources, and to uphold their responsibilities to future generations. Article 26 further recognizes the right of Indigenous Peoples to own, use, develop and control these lands and resources, and imposes a duty on States to ensure legal recognition and protection of those rights conducted with due respect for the customs, traditions and land tenure systems of the Indigenous Peoples concerned.

¹ The presentations and submissions will be available at <https://www.ohchr.org/en/calls-for-input/2025/call-inputs-report-right-indigenous-peoples-their-traditional-economies>.

² See <https://quakerservice.ca/wp-content/uploads/2021/02/Backgrounder-on-self-determination-and-FPIC.pdf>.

³ See https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/emrip/sessions/session16/EMRIP-16-Concept_note_Panel-discussion-fishing-practices.pdf.

7. Article 29 affirms the right of Indigenous Peoples to conserve and protect the environment and the productive capacity of their lands, territories and resources, and States are required to establish and implement conservation and protection programmes for Indigenous Peoples without discrimination. This is an essential collective foundation for sustaining traditional economies and aligns with international environmental and human rights standards, and recognizes the critical role of Indigenous Peoples in biodiversity conservation, climate resilience and sustainable resource management.

8. Article 32 affirms the right of Indigenous Peoples to determine and develop priorities and strategies for the development or use of their lands, territories and other resources. It also provides that States are to consult and cooperate in good faith with Indigenous Peoples, through their own representative institutions, in order to obtain their free, prior and informed consent before adopting or implementing any project affecting those lands, territories or resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. If any adverse environmental, economic, social or cultural impact occurs, States are required to provide effective mechanisms for just and fair redress for any such activities and to take appropriate measures to mitigate these impacts. This procedural safeguard reinforces Indigenous Peoples' rights to self-determination and development and strengthens their ability to maintain and advance traditional economies free from external interference.

9. The Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization complements the Declaration by articulating obligations concerning Indigenous Peoples' rights to traditional economies. Articles 6 and 7 of the Convention require States to consult Indigenous Peoples on matters affecting their lives, lands and livelihoods, including through processes of free, prior and informed consent. Article 23 specifically acknowledges traditional and subsistence economies as vital to cultural continuity and economic self-reliance and obliges governments to support and promote these activities in cooperation with Indigenous Peoples. The Convention reinforces the right of Indigenous Peoples to determine their own development priorities and to retain control over their economic, social and cultural development.

10. Core international human rights treaties contain obligations relevant to the protection of Indigenous Peoples' traditional economies. The Human Rights Committee, in its general comment No. 23 (1994), interprets article 27 of the International Covenant on Civil and Political Rights as protecting cultural rights that include particular ways of life associated with land use, especially for Indigenous Peoples. This includes traditional activities such as fishing, hunting and residing in protected areas. The Committee has emphasized that enjoyment of these rights may necessitate positive legal measures of protection and measures to ensure the effective participation of Indigenous Peoples.⁴ It has also affirmed that the right to pursue traditional economic activities is integral to the survival and continued development of the cultural identity of Indigenous Peoples.⁵

11. The right of Indigenous Peoples to an adequate standard of living, along with the right to develop cultural heritage linked to subsistence activities and economic practices, is affirmed in articles 11 and 15 of the International Covenant on Economic, Social and Cultural Rights. In its general comment No. 26 (2022) on land and economic, social and cultural rights, the Committee on Economic, Social and Cultural Rights highlighted the essential role of land in the realization of these rights, particularly for Indigenous Peoples.⁶

12. The Committee on the Elimination of Discrimination against Women, in its general recommendation No. 39 (2022) on the rights of Indigenous women and girls, acknowledges their contributions to food production, food sovereignty and sustainable development. It calls for the protection of ancestral forms of farming and sources of livelihood and for the meaningful participation of Indigenous women in agrarian reform processes and the governance of natural resources.⁷ Similarly, under the principle of non-discrimination, the Committee on the Elimination of Racial Discrimination, in its general recommendation

⁴ [CCPR/C/21/Rev.1/Add.5](#), para. 7.

⁵ See the Committee's general comment No. 23 (1994) on the rights of minorities.

⁶ See paras. 10 and 11.

⁷ See paras. 58 and 59.

No. 23 (1997) on Indigenous Peoples, urges States to provide Indigenous Peoples with conditions conducive to sustainable economic and social development in accordance with their cultural characteristics.

13. The United Nations Framework Convention on Climate Change, and the Paris Agreement of 2015, recognize the role of Indigenous Peoples in addressing climate change, particularly considering traditional knowledge in both climate mitigation and adaptation efforts. Specifically, article 7 (5) of the Paris Agreement states that adaptation action should be guided by the best available science, and by traditional knowledge, and Indigenous knowledge systems. This recognition extends to Indigenous traditional economies, which are closely interlinked with sustainable practices and ecological stewardship.

14. The Convention on Biological Diversity recognizes Indigenous Peoples' traditional knowledge as essential to the conservation and sustainable use of biological diversity. This recognition is articulated in the preamble and articles 8 (j), 10 (c), 17.2 and 18.4 of the Convention, as well as in articles 5–7 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity. The Kunming-Montreal Global Biodiversity Framework, particularly in its targets 5, 9 and 22, reinforces the protection of customary sustainable use of biodiversity, including wild species, for the benefit of Indigenous Peoples. It promotes equitable, inclusive and gender-responsive participation in biodiversity governance, respecting Indigenous Peoples' rights to lands, territories, resources and knowledge systems.⁸ These commitments support Indigenous traditional economies, which are often based on the sustainable management of biodiversity, land, forests and water.

15. The adoption in 2024 of the programme of work on article 8 (j)⁹ and related provisions of the Convention on Biological Diversity further strengthens the implementation of these principles. It ensures that Indigenous Peoples' traditional knowledge systems and economic practices continue to contribute meaningfully to global biodiversity conservation while supporting the livelihoods and self-determination of Indigenous Peoples.¹⁰ Collectively, these legal and policy frameworks affirm that Indigenous Peoples' traditional economies are critical not only to local livelihoods but also to global sustainability and environmental resilience.

16. The 2030 Agenda for Sustainable Development provides a key legal and policy framework recognizing Indigenous Peoples as partners and stakeholders in global development. The Sustainable Development Goals make explicit reference to Indigenous Peoples in areas such as land tenure, poverty reduction, education, food security, health, economic empowerment and environmental sustainability.¹¹ ¹² The 2030 Agenda's commitment to inclusion, participation and equality aligns with the Declaration by affirming the importance of Indigenous Peoples' rights to self-determination, cultural integrity, and control over lands, resources and development priorities, which are fundamental elements to ensure protection and advancement of their traditional economies. Indigenous perspectives on the Sustainable Development Goals provide avenues to advance the 2030 Agenda in alignment with the Declaration.¹³

17. At the regional level, the American Declaration on the Rights of Indigenous Peoples includes clear provisions supporting traditional economies. Article 29 affirms that Indigenous Peoples have the right to determine their own political, social and cultural priorities in accordance with their world view. It further guarantees the enjoyment of their own means of subsistence and development and their right to freely engage in all economic activities.

18. While the African Charter on Human and Peoples' Rights does not explicitly refer to traditional economies, article 22 thereof affirms the right of all peoples to economic, social

⁸ See <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>.

⁹ See <https://www.cbd.int/traditional/doc/cbd-8j-brochure-en.pdf>.

¹⁰ Ibid.

¹¹ General Assembly resolution 70/1.

¹² Submission by Mexico.

¹³ Presentations by Ogbonna Chidiebere and Dominic O'Sullivan at the expert seminar held in Vancouver, Canada, in February 2024.

and cultural development with respect for their freedom and identity and in equitable enjoyment of the common heritage of humanity. This provision is understood to encompass Indigenous Peoples. In the landmark *Endorois* case,¹⁴ the African Commission on Human and Peoples' Rights confirmed that Indigenous traditional economies, land tenure systems and resource governance practices are essential elements of broader economic, social and cultural development. The ruling affirmed Indigenous Peoples' rights under the African Charter on Human and Peoples' Rights and their entitlement to full and effective protection of their traditional livelihoods.

19. Self-determination affirms the right of Indigenous Peoples to freely pursue their economic, social and cultural development in accordance with their values, governance systems and customary laws. Intergenerational equity reflects the responsibility to ensure that economic practices sustain the well-being of future generations, maintaining the continuity of knowledge, identity and livelihoods.¹⁵ Reciprocity, a foundational concept in many Indigenous world views, emphasizes mutual responsibility and balance – between individuals, communities and the natural world. Ecological stewardship underscores the vital role of Indigenous Peoples as custodians of lands, waters and biodiversity, whose traditional economies are rooted in sustainable and regenerative relationships with the environment.¹⁶ These principles collectively shape the present report's approach to the legal, policy and human rights dimensions of Indigenous traditional economies.

20. Traditional economies are both systems of heritage, and living, adaptive institutions. Rooted in Indigenous Peoples' traditional knowledge, cultural values, and relationships with land, these economies encompass practices such as hunting, fishing, herding, gathering and small-scale agriculture. They sustain communities through principles of balance, reciprocity and sustainability, while also serving as dynamic systems that evolve in response to environmental, social and economic change. Far from being static or outdated, Indigenous Peoples' traditional economies reflect the resilience and innovation of Indigenous Peoples, who continue to revitalize and adapt their economic practices in ways that affirm their rights, cultures and self-determined development.¹⁷

III. Challenges to Indigenous Peoples' traditional economies

21. Despite the recognition of Indigenous Peoples' rights in international legal instruments, significant barriers remain to the full realization of their traditional economies. A lack of political will, inadequate implementation of legal protections, insufficient remedy and support measures, and continued marginalization within the national development agenda contribute to the erosion of traditional economies and livelihoods.¹⁸ These challenges manifest themselves in multiple, overlapping ways. The sections that follow address three interrelated but distinct dimensions. First, the denial or weakening of self-determination, which limits Indigenous Peoples' ability to govern their economic systems and institutions. Second, the non-recognition of land, territory and resource rights, which undermines the material foundations of traditional economies. Third, non-alignment with free, prior and informed consent, which erodes safeguards essential for protecting Indigenous Peoples' economic existence.

¹⁴ See <https://www.escri-net.org/caselaw/2010/centre-minority-rights-development-kenya-and-minority-rights-group-international-behalf/>.

¹⁵ See [A/42/427](#); see also United Nations Declaration on the Rights of Indigenous Peoples, arts. 25 and 29.

¹⁶ See [E/2005/43-E/C.19/2005/9](#); see also Robin Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge and the Teachings of Plants* (Milkweed Editions, 2013).

¹⁷ Department of Economic and Social Affairs, Policy Brief No. 101: Challenges and opportunities for Indigenous Peoples' sustainability, 2021; and Food and Agriculture Organization of the United Nations, Alliance of Biodiversity International and CIAT, *Indigenous Peoples' Food Systems: Insights on Sustainability and Resilience from the Front Line of Climate Change* (Rome, 2021), available from <https://www.fao.org/in-action/kore/publications/publications-details/en/c/1414665/>.

¹⁸ Inputs from participants at the expert seminar held in Vancouver in February 2024.

A. Key role of the right to self-determination

22. The Declaration affirms that self-determination is a foundational right, indispensable to the enjoyment of all other rights, including those related to land, culture and development.¹⁹ Traditional economies are integral to the exercise of Indigenous Peoples' right to self-determination, as affirmed in article 3 thereof. They reflect systems of governance, knowledge and production rooted in Indigenous laws, customs and world views.

23. Indigenous Peoples' traditional institutions, which serve as representative bodies grounded in customary governance and collective decision-making, have historically played a critical role in managing lands and economies.²⁰ Yet, their exclusion from formal governance frameworks limits Indigenous Peoples' ability to advocate for their rights, protect their territories and sustain their traditional economies. In States where Indigenous self-determination is not recognized or weakly protected, Indigenous institutions are undermined, limiting their autonomy over economic and cultural practices.²¹

24. In Kenya, it has been reported that the Ogiek people continue to face exclusion from decision-making processes. Their council of elders, a central authority in managing economic activities, lacks formal State recognition. Governance remains centralized in the legislative, judicial and executive branches. Indigenous governing institutions are sidelined. This results in failure by national politics and legal frameworks to adequately protect the socioeconomic and environmental rights of the Ogiek, thereby undermining both their traditional economies, and their capacity to respond to climate change and biodiversity loss.²²

25. In New Zealand, the Treaty of Waitangi guaranteed to Māori *tino rangatiratanga* or a right to self-determination, however the limited legal status restricts the return of land and the ability to restore cultural practices, including fishing and agriculture.²³ In South Africa, the Traditional and Khoisan Leadership Act 2021 recognizes the Khoikhoi and San people, empowering their traditional leaders with decision-making powers over communal land and affirming their self-governance.²⁴

26. According to several non-governmental organizations, India denies the distinct legal status of Indigenous Peoples, asserting that all citizens are "Indigenous" to the country. This position, motivated in part by concerns over resource control and political autonomy, creates a significant gap between the formal endorsement by India of the Declaration and its practical implementation.²⁵ The absence of legal recognition severely limits the realization of Indigenous Peoples' rights to land, governance and traditional livelihoods.

27. The broader failure to uphold Indigenous Peoples' right to self-determination, including through the recognition of traditional institutions and the implementation of free, prior and informed consent, weakens economic rights and erodes traditional economies. This exclusion is particularly acute for Indigenous women, who are frequently absent from decision-making spaces and remain underrepresented in leadership roles. The lack of disaggregated data further perpetuates their invisibility, leading to policies that neither reflect their perspectives nor support their knowledge systems and livelihoods.²⁶ Ensuring inclusive, gender-responsive governance is thus central to realizing the economic dimensions of Indigenous self-determination.

¹⁹ A/HRC/48/75, para. 14.

²⁰ See <https://www.cell.com/action/showPdf?pii=S2590-3322%2820%2930250-5>.

²¹ Ibid.

²² Submission by the Ogiek people of Kenya.

²³ See <https://iwgia.org/en/aotearoa-new-zealand.html>.

²⁴ International Work Group for Indigenous Affairs, *The Indigenous World 2021*, p. 135.

²⁵ See https://upr-info.org/sites/default/files/documents/2017-05/js46_upr27_ind_e_main.pdf.

²⁶ Food and Agriculture Organization of the United Nations, *The White/Wiphala Paper on Indigenous Food Systems* (Rome, 2021).

B. Non-recognition of the right to lands, territories and natural resources

28. Secure access to lands, territories and natural resources is central to Indigenous Peoples' traditional economies. As affirmed in articles 25 and 26 of the Declaration, Indigenous Peoples have the right to own, use, develop and control their traditional territories, and States have a duty to recognize and protect these rights.²⁷ These rights obligate States to demarcate Indigenous lands, protect them from encroachment, and respect Indigenous Peoples' authority to manage them in accordance with their own laws, customs and governance systems.

29. The spiritual relationship to land is inseparable from Indigenous economic life, as traditional activities such as hunting, fishing, herding, and gathering plants, medicines and foods are not only subsistence practices but also expressions of cultural identity, knowledge and continuity.²⁸ Land is therefore not solely a material asset, but a defining element of Indigenous world views, connecting communities to their ancestors and with responsibilities to future generations.²⁹ Unlike market-based models of land tenure, Indigenous land rights are collective, relational and intergenerational, carrying with them enduring obligations of stewardship and care.³⁰

30. Despite widespread recognition of Indigenous Peoples' land rights in international and regional instruments, these rights remain under persistent threat. Indigenous Peoples continue to experience forced physical or economic displacement, land appropriation by extractive industries, restrictions imposed by conservation initiatives, and the expansion of large-scale agricultural developments. Such incursions lead to the erosion of economic security, disruption of traditional livelihoods, and the weakening of governance systems rooted in customary law. The loss of land and resources undermines sociocultural cohesion and human dignity, with far-reaching impacts including increased poverty, food and water insecurity, adverse health outcomes, and the breakdown of intergenerational knowledge transmission and spiritual practices.³¹

31. The failure to recognize and implement Indigenous Peoples' rights to land and self-determination fundamentally limits their access to traditional lands and territories, threatening the ability for them to sustain their economies.³² Large-scale commercial and industrial investments, such as deforestation, mining, infrastructure, and monoculture plantations, significantly alter ecosystems and deprive Indigenous Peoples of the environmental conditions necessary for their livelihoods. In the absence of legal recognition or formal land tenure, Indigenous Peoples' land rights remain vulnerable to encroachment, undermining their autonomy, resilience and long-term sustainability.³³

32. The impacts of land dispossession are particularly acute for Indigenous women, who often have restricted access to land titles despite their central role in sustaining traditional economies. Legal protection should ensure equal rights to land, water, forests, fisheries, aquaculture and other resources, and guard against discrimination and dispossession.³⁴

33. In the Chittagong Hill Tracts, in Bangladesh, Indigenous Peoples have reportedly faced systematic land dispossession, lost livelihoods, and displacement from their ancestral territories, due to large-scale development projects by State and non-State actors.³⁵ In

²⁷ See <https://www.ifad.org/digital-toolbox/indigenous-peoples-food-systems/assets/files/Indigenous-Peoplesfoodsystems.pdf>.

²⁸ Committee on Economic, Social and Cultural Rights, general comment No. 26 (2022), para. 16.

²⁹ A/HRC/45/38, p. 3.

³⁰ Ibid; and presentation by Priscilla Settee at the expert seminar held in Vancouver in February 2024.

³¹ International Work Group for Indigenous Affairs, *The Indigenous World 2024*.

³² International Fund for Agricultural Development (IFAD), Sustainable and resilient Indigenous Peoples' food systems for improved nutrition (2022), available at https://www.ifad.org/documents/48415603/49750745/indigenous-peoples-foodsystem_toolbox.pdf/3d8867a9-1e0d-394e-e004-4ac2307e77b4?t=1726642208311.

³³ See https://iwgia.org/images/publications/0693_fact_sheet_land_grabbing-pr.pdf.

³⁴ Committee on the Elimination of Discrimination against Women, general recommendation No. 34 (2016), para. 59.

³⁵ Submission by the Unrepresented Nations and Peoples Organization.

Cambodia, economic land concessions for monoculture plantations have led to mass evictions, disrupting traditional livelihoods and biodiversity.³⁶ This displacement marginalizes Indigenous farmers and can lead to forced reliance on wage labour in plantations or factories.

34. In Honduras, the Government granted a concession for the San Andrés gold mine in the province of Copán, without prior consultation with Indigenous Peoples and without conducting adequate environmental assessments. Reports indicate that insufficient regulatory oversight has resulted in significant air and water pollution, adversely impacting on the health of surrounding Indigenous Peoples. Moreover, mining activities have depleted critical water sources, further undermining traditional livelihoods and exacerbating socioeconomic vulnerabilities.³⁷ Open-pit mining has similarly led to fragmented ecosystems and contamination of Indigenous Peoples' key waterways in Argentina, affecting their health, food security and economic well-being.³⁸

35. In Viet Nam, the State's refusal to recognize the Khmer Krom as Indigenous Peoples has facilitated appropriation of their ancestral lands and denied them access to traditional livelihoods. This lack of recognition has contributed to heightened levels of poverty and social marginalization.³⁹ Similarly, in Libya, the Amazigh remain legally unrecognized as Indigenous Peoples, a status that restricts their economic rights and limits access to land-based livelihoods essential to their cultural and economic survival.⁴⁰

36. The recognition and protection of Indigenous Peoples' rights to their lands, territories and resources are not only matters of justice but critical pathways to poverty reduction, cultural revitalization and sustainable development.⁴¹ Upholding these rights, including the right to self-determination, is essential to enabling Indigenous Peoples to maintain traditional livelihoods, sustain their economies and contribute meaningfully to global environmental stewardship.⁴²

C. Non-compliance with free, prior and informed consent

37. Free, prior and informed consent is a safeguard that operationalizes the right to self-determination and is essential for the protection of Indigenous economies. It encompasses the interrelated rights to consultation, participation, and control over lands, territories and resources. Enshrined in several articles of the Declaration (particularly arts. 10, 19, 28, 29 and 32), free, prior and informed consent ensures that Indigenous Peoples can meaningfully participate in decisions that affect their livelihoods, cultures and environments. Free, prior and informed consent is not fulfilled unless all its elements, including timeliness, informed decision-making, freedom from coercion, and the ability to say no, are fully respected.⁴³

38. The obligation to obtain free, prior and informed consent has been affirmed by the human rights treaty bodies and regional human rights mechanisms as a core component of State responsibilities.⁴⁴ It applies not only to individual projects but also to broader legislative and policy measures that have a disproportionate impact on Indigenous Peoples. A purposive interpretation of the relevant articles of the Declaration and related international instruments confirms that the duty to consult arises when Indigenous-specific interests, such as traditional

³⁶ IFAD, Country technical note on Indigenous Peoples' issues: Cambodia.

³⁷ Submission by Center for Gender and Refugee Studies.

³⁸ Submission by Interamerican Association for Environmental Defense.

³⁹ Submission by the Unrepresented Nations and Peoples Organization.

⁴⁰ Submission by Khalifa Ihler Institute.

⁴¹ IFAD Policy on Engagement with Indigenous Peoples: 2022 update, document EB 2022/137/R.6.

⁴² See <https://www.wri.org/insights/indigenous-land-rights-how-far-have-we-come-and-how-far-do-we-have-go>.

⁴³ A/HRC/39/62, para. 14.

⁴⁴ Committee on Economic, Social and Cultural Rights, general comment No. 26 (2022); Committee on the Elimination of Racial Discrimination, general recommendation No. 23 (1997); and *Poma Poma v. Peru* (CCPR/C/95/D/1457/2006), para. 7.6.

land tenure, subsistence practices or cultural rights are affected, even where broader societal interests may also be at stake.⁴⁵

39. Free, prior and informed consent includes a process of good-faith engagement designed to reach agreement and includes the informed participation of Indigenous Peoples' representative institutions. When implemented effectively, free, prior and informed consent enables Indigenous Peoples to safeguard their economic systems, secure control over development priorities, and assert their rights to lands, resources and territories.⁴⁶

40. The Expert Mechanism has underscored the need to ensure Indigenous participation in economic decision-making, while respecting free, prior and informed consent.⁴⁷ Several States have developed legal and institutional frameworks to support the implementation of free, prior and informed consent.

41. In practice, the realization of free, prior and informed consent remains inconsistent and frequently undermined. In the Bastar region of central India, extractive industries and militarization have impacted the traditional economies and governance systems of the Adivasis. Despite legal protections under the Forest Rights Act of 2006, the right to free, prior and informed consent for development projects on Adivasi Indigenous lands has not been respected. The 2023 amendment to the Forest Conservation Act has further enabled widespread land acquisition for mining, infrastructure, and security developments without Adivasi consent.⁴⁸ Similarly, in Morocco, according to the information received, mining concessions granted in regions such as Habous, Taroudant, Azilal and Quarzazate have proceeded without respecting free, prior and informed consent, leading to land dispossession, displacement and economic marginalization, eroding Amazigh livelihoods and traditional ways of life.⁴⁹

42. In Colombia, a 30-year REDD+ project was signed between Amazon Carbon SAS and the legal representative of the Nukak reserve without proper consultation with the Mauro Manu Council of Authorities, the legitimate decision-making body of the community. This violation of free, prior and informed consent triggered internal divisions, undermining local self-governance, and restricted the community's autonomy in managing its lands and resources. Although the Council revoked the contract in December 2023, the company has continued to promote the project, prompting the Nukak to file a constitutional action to defend their collective rights.⁵⁰

43. The denial of free, prior and informed consent not only violates international standards but also results in the destruction of traditional economies and the associated traditional knowledge systems of Indigenous Peoples. When Indigenous Peoples are excluded from decision-making, their rights to development, subsistence and environmental stewardship are undermined, and the long-term sustainability of their territories is put at risk.

44. Free, prior and informed consent also functions as a remedial mechanism. The Inter-American Court of Human Rights and the African Commission on Human and Peoples' Rights have both affirmed that where Indigenous Peoples have been deprived of their lands without consent, they are entitled to restitution or, where that is not possible, to lands of equal quality and area.⁵¹ Ensuring compliance with free, prior and informed consent is therefore not only a measure of prevention, but also a vital tool for reparation, justice and the revitalization of Indigenous economies.

⁴⁵ [A/HRC/12/34](#), para. 43. See also Amnesty International, "Public participation in decision-making: How do States inform, consult with and obtain free, prior and informed consent from rights holders – Guide for Researchers".

⁴⁶ [A/HRC/39/62](#), para. 18.

⁴⁷ See [A/HRC/39/62](#).

⁴⁸ Submission by International Solidarity for Academic Freedom in India.

⁴⁹ International Work Group for Indigenous Affairs, *The Indigenous World 2024*.

⁵⁰ Submission by Office of the United Nations High Commissioner for Human Rights – Colombia.

⁵¹ Committee on Economic, Social and Cultural Rights, general comment No. 26 (2022).

IV. Traditional economies and realization of food sovereignty

45. For Indigenous Peoples, food sovereignty is a central expression of self-determination, encompassing the right to define and control food systems in accordance with cultural values, Indigenous Peoples' traditional knowledge and local ecological conditions.⁵² Food sovereignty has been defined as “the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems”.⁵³ This definition affirms the relationship between food, land, culture and governance, emphasizing seed preservation, community-based farming and biocultural knowledge as critical components of food systems.

46. Traditional economies provide the foundation for Indigenous food sovereignty. Customary subsistence practices, including fishing, herding, hunting, gathering and small-scale farming, are adapted to diverse ecosystems and sustained through Indigenous Peoples' traditional knowledge systems.⁵⁴ These practices ensure both food security and cultural survival. For example, Inuit marine hunting, Sami reindeer herding, Amazonian agroforestry, and fisheries in the San Andrés Archipelago in the Caribbean are not only economic activities, but integral to social structures, Indigenous Peoples' traditional knowledge, environmental *kaitiaki* (stewardship) and intergenerational identity. The right to hunting, fishing and customary subsistence practices is inextricably linked to economic well-being and the right to food sovereignty.⁵⁵

47. Indigenous women play a central role in sustaining food sovereignty, as custodians of seeds, biodiversity, Indigenous Peoples' traditional knowledge and natural resource management.⁵⁶ However, systemic discrimination, social exclusion, land dispossession, environmental degradation and the undervaluing of their economic contributions threaten their rights and livelihoods.⁵⁷ These challenges reflect broader pressures on Indigenous Peoples, including land alienation, extractive industries, and the expansion of monoculture and cash crop economies.⁵⁸ When Indigenous Peoples lose access to their lands, they are also deprived of culturally rooted food systems, undermining economic self-determination, ecological resilience, and sovereignty.⁵⁹ Failure to recognize and support the special role of women in the traditional economies, including as custodians of Indigenous Peoples' traditional knowledge, language and family values, may lead to their migration from traditional lands and degradations of traditional occupations.⁶⁰

48. In Brazil, the construction of the Belo Monte hydroelectric dam has had severe consequences for Indigenous fishing communities along the Volta Grande do Xingu River. According to data from the country's Socio-Environmental Institute, fish represent approximately 70 per cent of the local Indigenous diet and 50 per cent of monthly income. A reported 77 per cent decline in fish populations has resulted in increased reliance on State social benefits, reduced food security, and the disruption of culturally embedded livelihoods.⁶¹ The Indigenous Peoples of Kamchatka in the Russian Far East have introduced a programme to saturate the regional market with fish caught by Indigenous communities, reorienting industrial fish producers to export markets.⁶²

49. In Namibia, a 99-year lease was approved in 2019 for a Chinese company to cultivate tobacco on 10,000 hectares in the east of the Caprivi Zipfel region, despite strong local opposition citing environmental and food security concerns. The project proceeded after a

⁵² Food and Agriculture Organization of the United Nations, *The White/Wiphala Paper on Indigenous Food Systems*.

⁵³ [La Via Campesina, Declaration of Nyéléni](#), February 2007.

⁵⁴ Presentation by Miguel González at the expert seminar held in Vancouver in February 2024.

⁵⁵ Presentation by Andrei Metelitsa at the expert seminar held in Vancouver in February 2024.

⁵⁶ Submission by Continental Network of Indigenous Women of the Americas.

⁵⁷ Ibid.

⁵⁸ IFAD, Sustainable and resilient Indigenous Peoples' food systems for improved nutrition.

⁵⁹ Food and Agriculture Organization of the United Nations, *The White/Wiphala Paper on Indigenous Food Systems*.

⁶⁰ Submission by Union KMNSOYUZ and Young Karelia Center.

⁶¹ Submission by Interamerican Association for Environmental Defense.

⁶² Presentation by Andrei Metelitsa at the expert seminar held in Vancouver in February 2024.

five-year delay, reportedly undermining the food sovereignty of Zambezian communities and disrupting Indigenous agricultural systems.⁶³

50. The degradation of ecosystems, compounded by climate change and biodiversity loss, intensifies threats to Indigenous food systems. These environmental crises are further exacerbated by discriminatory legal frameworks that fail to recognize Indigenous Peoples' rights to practise traditional economies, including fishing, hunting, harvesting and small-scale farming.⁶⁴ The lack of legal protection for these practices makes it increasingly difficult for Indigenous Peoples to assert their rights to food sovereignty. Furthermore, the failure of States to recognize the unique impacts of climate change on Indigenous Peoples exacerbates food insecurity and undermines Indigenous Peoples' right to traditional economies.⁶⁵

51. Land grabs, jurisdictional disputes over territorial and maritime boundaries, and resource exploitation deepen vulnerabilities to displacement and food insecurity.⁶⁶ The absence of legal recognition of ancestral land and coastal territories leaves Indigenous Peoples exposed to conflict and exclusion. In Costa Rica, Indigenous Peoples often seek land restitution without State support, while in Honduras and Nicaragua, illegal encroachment by non-Indigenous settlers on collective lands remains a persistent barrier to food sovereignty and territorial integrity.⁶⁷ Land grabs for the purpose of commercial development can also become sites of militarization, as in Barbuda.⁶⁸

52. In Colombia, the Wayuu people in La Guajira reportedly face structural marginalization, with limited access to essential services, education, economic opportunities and land tenure protections. Weak institutional frameworks for managing resources and protecting intellectual property further threaten their traditional economies and sustainable practices.⁶⁹

53. In Uganda, Indigenous Peoples reliant on small-scale agriculture, hunting and gathering face severe climate-related disruptions to their traditional economies. Food insecurity is exacerbated by landlessness and restricted access to forests and other resources. For example, the Batwa people living near conservation areas report that subsistence activities such as hunting and gathering have been criminalized or restricted through permit systems, undermining both livelihoods and cultural survival.⁷⁰

54. In Papua New Guinea, rising sea levels, coastal erosion, saltwater intrusion, coral bleaching and extreme weather events are endangering Indigenous food systems. These environmental changes threaten food security, health and cultural practices, making it increasingly difficult for Indigenous communities to maintain their livelihoods and ways of life.⁷¹

V. Indigenous knowledge generation and preservation through traditional economies

55. Indigenous Peoples' traditional knowledge has been defined as "a systematic way of thinking and knowing that is elaborated and applied to phenomena across biological, physical, cultural and linguistic systems".⁷² This body of knowledge is dynamic and is generated

⁶³ Submission by the Unrepresented Nations and Peoples Organization.

⁶⁴ Danish Institute for Human Rights, *Indigenous Peoples' Customary Fishing Rights* (Copenhagen, 2023).

⁶⁵ Presentation by Donald Nicholls at the expert seminar held in Vancouver in February 2024.

⁶⁶ Presentation by Miguel González at the expert seminar held in Vancouver in February 2024.

⁶⁷ Ibid.

⁶⁸ Submission by Barbuda Land Rights and Resources Committee.

⁶⁹ Submission by Universidad de Investigación y Desarrollo and Universidad del Valle.

⁷⁰ Ibid.

⁷¹ International Work Group for Indigenous Affairs, *The Indigenous World 2024*.

⁷² Working definition provided by Indigenous Peoples of the Arctic Council, in the "Ottawa traditional knowledge principles".

through extensive and multigenerational observation and adaptation, and continues to evolve in response to environmental, social and technological change.

56. A defining characteristic of Indigenous Peoples' traditional knowledge is its collective nature.⁷³ The intergenerational transmission of Indigenous Peoples' traditional knowledge is vital not only for cultural continuity, but also to the survival and resilience of Indigenous Peoples and their economies.⁷⁴ This intergenerational transfer is often facilitated through economic practices, such as the sustainable stewardship of fish by Indigenous Peoples in Canada and in Alaska, United States of America, which prioritizes communal harvesting and sharing.⁷⁵

57. The Declaration affirms the right of Indigenous Peoples to maintain, control, protect and develop their traditional knowledge systems, cultural expressions, and innovations.⁷⁶ Subsistence-based activities such as fishing, herding, gathering, farming, weaving and crafting are not only economic practices but also vital expressions of culture, and of Indigenous Peoples' traditional knowledge and self-determination. These activities embed teachings about land stewardship, governance and spirituality. At the same time, Indigenous Peoples continuously innovate knowledge within these economies, adapting tools, techniques and management strategies in response to environmental, political and social change. Indigenous entrepreneurs and businesses have demonstrated great resilience and have much to offer regarding knowledge, innovation and environmental impact.⁷⁷ Therefore, the term traditional economies does not refer to ancient practices or tools, but to livelihoods and occupations that are essential for sustaining distinct cultures and ways of life, which continue to evolve in response to contemporary needs and contexts.

58. Traditional economies and Indigenous Peoples' knowledge systems are mutually reinforcing. Economic activities rooted in customary law and ecological relationships serve as primary mechanisms for generating, preserving and transmitting knowledge across generations. Indigenous women, in particular, hold complex and well-developed knowledge systems related to biodiversity, resource management and food security. This knowledge is often shared through oral storytelling, songs, ritual, ceremony and apprenticeship, reinforcing cultural identity and practical sustainability.⁷⁸

59. Furthermore, traditional economies predicated on respect for the natural world, collectivism and adaptability structure Indigenous governance systems and diplomatic knowledge.⁷⁹ Barter systems, such as those utilized by Indigenous Peoples in Colombia, support sustainable coexistence between Indigenous Peoples.⁸⁰ Food is used as a currency in trade and diplomacy for Cree Nations in Manitoba, Canada, and is tied intricately to knowledge and identity.⁸¹ Métis governance and its emphasis on democracy, discipline and adaptability are similarly derived from traditional economic knowledge and practices.⁸²

60. In Canada, positive steps have been taken to uphold Indigenous Peoples' traditional knowledge systems through the action plan for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act of 2021.⁸³ This includes commitments to cooperate with First Nations, Inuit and Métis peoples to protect cultural heritage, support knowledge transmission, and review intellectual property laws to ensure alignment with the Declaration.⁸⁴

⁷³ *State of the World's Indigenous Peoples* (United Nations publication, Sales No. 09.VI.13), p. 64.

⁷⁴ *Ibid.*

⁷⁵ Presentations by Bob Chamberlain and Laureli Ivanoff at the expert seminar held in Vancouver in February 2024.

⁷⁶ United Nations Declaration on the Rights of Indigenous Peoples, arts. 11 and 31.

⁷⁷ See <https://www.weforum.org/stories/2022/08/how-indigenous-peoples-are-reshaping-modern-economies/>.

⁷⁸ Presentation by Elifuraha Laltaika at the expert seminar held in Vancouver in February 2024.

⁷⁹ Presentation by Carlos Chex at the expert seminar held in Vancouver in February 2024.

⁸⁰ Submission by Colombia.

⁸¹ Presentation by Tabitha Robin (Martens) at the expert seminar held in Vancouver in February 2024.

⁸² Submission by Métis National Council.

⁸³ Submission by Canada.

⁸⁴ *Ibid.*

61. Indigenous women are central to the conservation of seeds, traditional farming systems, and sustainable land management. Their expertise in selecting plant varieties based on soil, climate and seasonal cycles supports ecosystem resilience and food sovereignty. Among the Jumma people in Bangladesh and the Tikuna in Colombia, women sustain traditional practices such as *jhum*⁸⁵ and *chagra* farming, transmitting knowledge through oral traditions, observation and intergenerational apprenticeship.⁸⁶ Despite their critical role, the traditional knowledge held by Indigenous women remains undervalued and insufficiently protected.⁸⁷

62. Indigenous Peoples' traditional knowledge is not static, it is actively applied and adapted through everyday economic activities. Among the Wayuu people of La Guajira, Colombia, artisanal marine fishing serves as a site of knowledge transmission, where elders teach children to navigate coastal waters, to repair boats and to craft fishing nets, embedding environmental knowledge in practice.⁸⁸

63. Pastoralist and herding communities likewise draw upon generations of environmental observation to guide economic decisions. The Maasai in East Africa use vegetation changes to predict drought,⁸⁹ while Sami reindeer herders observe reindeer behaviour and snow conditions to guide migration routes. These practices exemplify the integration of environmental monitoring, risk management and traditional knowledge in sustaining livelihoods and adapting to changing conditions.

64. The survival of Indigenous Peoples' traditional knowledge systems is deeply dependent on their application within traditional economies. Ceremonies, storytelling and apprenticeship embedded in traditional economies function not only as cultural expressions but also as effective systems of knowledge transmission to younger generations. Through these practical, lived experiences, Indigenous Peoples preserve their cultural heritage, adapt to contemporary challenges and reaffirm their self-determination.

VI. Sustainable development and environmental and natural resource management

65. From an Indigenous perspective, sustainable development is not merely a policy framework, but a lived practice rooted in principles of balance, respect and intergenerational responsibility. The Human Rights Council Advisory Committee has underscored that achieving sustainability across social, economic and environmental dimensions inherently promotes and protects human rights for all.⁹⁰

66. For generations, Indigenous Peoples have maintained the planet's ecological integrity through ancestral knowledge and customary systems of responsible resource management.⁹¹ Indigenous world views emphasize reciprocity with all living beings, including animals, plants and ecosystems,⁹² shaping economies grounded in care, regeneration and shared responsibility.⁹³ Forest-dependent Indigenous Peoples, for example, uphold the principle of "taking only what is needed" to ensure the regenerative capacity of natural systems for future generations.⁹⁴

⁸⁵ Presentation by Bablu Chakma at the expert seminar held in Vancouver in February 2024.

⁸⁶ Food and Agriculture Organization of the United Nations, Alliance of Biodiversity International and CIAT, Indigenous Peoples' Food Systems: Insights on Sustainability and Resilience from the Front Line of Climate Change, p. 58.

⁸⁷ Submission by Continental Network of Indigenous Women of the Americas.

⁸⁸ Submission by Universidad de Investigación y Desarrollo and Universidad del Valle.

⁸⁹ Presentation by Elifuraha Laltaika at the expert seminar held in Vancouver in February 2024.

⁹⁰ A/HRC/41/50, para. 1.

⁹¹ A/77/238, para. 4.

⁹² See <https://kogod.american.edu/news/indigenous-wisdom-and-circular-economy-when-indigenous-relational-economy-theory-meets-western-sustainability-and-circular-economies?>.

⁹³ Ibid.

⁹⁴ Presentation by Minnie Degawan at the expert seminar held in Vancouver in February 2024.

67. In the Amazon basin, the last intact forests are found primarily in Indigenous Peoples' territories, where traditional economic practices such as forest management, shifting cultivation and agroforestry sustain both ecosystem health and cultural resilience. The Tikuna, Cocama and Yagua peoples in the Colombian Amazon, for instance, practice *chagra*, an intergenerational, rotational farming system that reflects both food sovereignty and biodiversity.⁹⁵

68. Among the Elmolo people of Kenya, fisheries are not only vital to subsistence but are central to their identity, rituals, and life cycle ceremonies, from birth to marriage to death.⁹⁶ However, as with many Indigenous Peoples globally, their relationship to land and water has been undermined by colonial dispossession and lack of legal recognition, threatening the continuation of these systems.⁹⁷

69. In Chile, the Ministerial Committee for Indigenous Development and Promotion supports Indigenous-led sustainable initiatives that integrate economic, sociocultural and environmental priorities. Operating under a sociocultural protocol that respects free, prior and informed consent, the Committee has supported more than 200 projects since 2016, benefiting the Antay, Aymara, Lickan, Mapuche and Rapa Nui peoples. Notably, in 2024, about 60 per cent of the projects implemented were led by Indigenous women, marking significant progress in supporting Indigenous women's economic autonomy and leadership.⁹⁸

70. In Norway, the International Centre for Reindeer Husbandry under the Ministry of Local Government and Regional Development promotes sustainable reindeer husbandry as a means of preserving Sami knowledge and livelihoods. Through its Reindeer Herding and Resilience Programme, it supports the Sami people in sustaining their economies while adapting to environmental change.⁹⁹

71. Despite their contributions to sustainability, Indigenous Peoples increasingly face profound threats from climate change, biodiversity loss and unsustainable development. Many rely directly on ecosystems for food, water, medicine and cultural practices. The disruption of ecological functions, such as shifts in species distributions, loss of endemic biodiversity, and degradation of seascapes and landscapes, pose existential challenges.¹⁰⁰ These risks are exacerbated by large-scale conservation and climate change mitigation projects, including carbon credit markets and renewable energy projects,¹⁰¹ which are frequently implemented without respecting Indigenous Peoples' right to free, prior and informed consent.

VII. Traditional economies and cultural heritage

72. Rooted in Indigenous Peoples' governance systems, kinship structures and reciprocal relationships with land and ecosystems, traditional economies actively shape, preserve and renew intangible cultural heritage. Indigenous cultural heritage encompasses both tangible and intangible elements of self-determination.

73. The United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention for the Safeguarding of the Intangible Cultural Heritage, of 2003, affirms the importance of Indigenous Peoples in safeguarding and transmitting living heritage. Article 2 (1) of the Convention defines intangible cultural heritage as knowledge and

⁹⁵ Food and Agriculture Organization of the United Nations, Alliance of Biodiversity International and CIAT, Indigenous Peoples' Food Systems: Insights on Sustainability and Resilience from the Front Line of Climate Change.

⁹⁶ Presentation by Brigitte Feiring at the expert seminar held in Vancouver in February 2024.

⁹⁷ Ibid.

⁹⁸ Submission by Chile.

⁹⁹ Submission by Norway.

¹⁰⁰ Presentation by Richard Asaba Bagonza at the expert seminar held in Vancouver in February 2024.

¹⁰¹ Department of Economic and Social Affairs, Policy Brief No. 101: Challenges and opportunities for Indigenous Peoples' sustainability, 2021.

practices continuously recreated through interaction with nature, history and community.¹⁰² Traditional economies evolve in response to environmental adaptation, community governance and lived experience, thereby ensuring the continuity of cultural identity and resilience.

74. Indigenous economic practices such as fishing, hunting, gathering, herding, agroforestry and farming embody cultural meaning, ecological knowledge and spiritual connection. A prominent example is Sami reindeer herding, which remains a cornerstone of Sami culture across Arctic regions of Finland, Norway the Russian Federation and Sweden. More than just a livelihood, the herding cycle is deeply interwoven with rituals, seasonal gatherings and oral traditions. The *yoik*, a traditional form of Sami singing and storytelling, preserves linguistic heritage and recounts herding ways of life. Reindeer products hold cultural and spiritual value, with antlers and hides used to create culturally significant items.¹⁰³

75. Despite its deep cultural significance, reindeer husbandry across the Arctic faces mounting threats from land encroachment and industrial development. Expanding infrastructure, including roads, pipelines, power lines, hydropower, mining, and wind farms, along with military activities and leisure housing construction, increasingly disrupts traditional herding grounds and migration routes.¹⁰⁴ These encroachments threaten not only the economic viability of reindeer herding but also the transmission of cultural knowledge, spiritual practices and Indigenous identity. Protecting traditional economies is therefore essential not only for Indigenous economic autonomy but for the survival of distinct cultural heritage systems.

VIII. State recognition of Indigenous traditional economies: progress and gaps

76. Recognition of Indigenous traditional economies by States has progressed in recent years, particularly through legal reforms and policy frameworks that affirm rights to land, self-governance, and cultural practices. However, significant gaps persist in implementation, legal protection and institutional support, which continue to undermine Indigenous Peoples' economic autonomy and cultural integrity.

A. Progress

77. Several countries, including Bolivia (Plurinational State of), Canada, Colombia, Mexico and Paraguay, have adopted constitutional and legislative frameworks that recognize traditional economies. These legal instruments affirm Indigenous Peoples' rights to land, self-government and resource management, establishing a foundation for their economic sustainability. For instance, the Constitution of Colombia upholds Indigenous cultural and linguistic diversity, and territorial rights. In Norway, the Finnmark Act acknowledges Sami cultural practices and traditional livelihoods. In Paraguay, Indigenous Peoples Acts No. 904/1981 and No. 919/1996 provide for Indigenous Peoples' participation in national economic, social, political and cultural life.¹⁰⁵

78. In Canada, the action plan to implement the United Nations Declaration on the Rights of Indigenous Peoples Act of 2021 supports Indigenous self-determination and economic participation. Priorities include natural resource governance, economic reconciliation, Indigenous women's entrepreneurship, and cultural heritage protection. The plan reinforces

¹⁰² See the media kit on the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, available at <https://ich.unesco.org/doc/src/18440-EN.pdf>.

¹⁰³ See <https://www.laits.utexas.edu/sami/diehtu/siida/herding/herding-sw.htm>. See also "What role does reindeer herding play in Sami culture?", available at <https://www.valofinland.com/what-role-does-reindeer-herding-play-in-sami-culture/>.

¹⁰⁴ International Centre for Reindeer Husbandry, "Loss of pastures", available at <https://reindeerherding.org/loss-of-pastures>.

¹⁰⁵ Submissions by Canada, Colombia, Mexico, Norway and Paraguay.

free, prior and informed consent in resource development, promotes legislative reform in areas such as fisheries and aquaculture, and enhances safety and inclusion measures for Indigenous women, girls and gender-diverse persons in economic development.¹⁰⁶

79. In Chile, Law No. 19,253 establishes the legal framework for Indigenous recognition and development, including provisions for the National Corporation for Indigenous Development. Article 23 enables the creation of an Indigenous Development Fund, article 26 designates Indigenous development areas for coordinated government support, and article 37 allows Indigenous associations to undertake economic activities such as farming, herding and fishing and to operate related services such as marketing centres and technical support units. Additionally, Law No. 20,249 protects marine-based economies through the Marine Coastal Space of Native Peoples framework.¹⁰⁷

80. In Colombia, the Government institutionalized Indigenous participation in the formulation of its National Action Plan (for 2022–2026) through the Permanent Roundtable for Consultation, resulting in 231 agreements and in 29 Indigenous-specific provisions in Law No. 2294 of 2023.¹⁰⁸

81. In the Philippines, the Indigenous Peoples' Rights Act of 1997 mandates free, prior and informed consent as a legal prerequisite for any project affecting ancestral domains, and recognizes territorial rights through the issuance of Certificates of Ancestral Domain Title.¹⁰⁹ These measures provide critical legal safeguards for traditional economies and self-governance.

82. The Constitution of Ecuador guarantees protection from discrimination and affirms Indigenous rights to cultural identity, traditions and territories. Complementary policies include socioeconomic support for agriculture, livestock, artisanal work, fishing, mining and tourism, alongside labour inclusion initiatives. Institutional support is provided by the Secretariat for the Management and Development of Peoples and Nationalities, the National Agenda for Equal Rights (2021–2025), and a 10-year plan to revitalize Indigenous languages under the International Decade of Indigenous Languages.¹¹⁰

83. In El Salvador, article 63 (2) of the Constitution affirms Indigenous cultural identity and world views. The Culture Law, along with 12 municipal ordinances, strengthens these rights and supports sustainable economic initiatives based on ancestral knowledge and spirituality.¹¹¹

84. The Constitution of Mexico recognizes Indigenous self-governance and traditional economic systems. A constitutional amendment to article 2, in 2024, further reinforced Indigenous rights to agriculture, fishing and handicrafts.¹¹² The National Council of Indigenous Peoples advises the National Institute of Indigenous Peoples, ensuring that Indigenous perspectives are integrated into federal decision-making on land, natural resources, climate change and economic sovereignty.¹¹³

B. Gaps

85. In many countries, legal frameworks remain absent or inadequate to fully protect Indigenous Peoples' rights to land and traditional economies. Where legal protections do exist, implementation is frequently inconsistent or weak. The absence of formal recognition of traditional tenure systems further marginalizes Indigenous Peoples and exacerbates vulnerability to land appropriation, displacement, and economic marginalization.

¹⁰⁶ Submission by Canada.

¹⁰⁷ Submission by Chile.

¹⁰⁸ Submission by Defensoría del Pueblo.

¹⁰⁹ See <https://ncip.gov.ph/wp-content/uploads/2020/09/ncip-ao-no-3-s-2012-fpic.pdf>.

¹¹⁰ Submission by Ecuador.

¹¹¹ Submission by El Salvador.

¹¹² Submission by National Human Rights Commission, Mexico.

¹¹³ Submission by Mexico.

86. While international and regional mechanisms, including the African Commission on Human and Peoples' Rights, the inter-American human rights system and the United Nations treaty bodies, have affirmed Indigenous rights, the lack of domestic implementation and enforcement by States undermines their effectiveness.

87. In Argentina, the repeal of Law No. 26.160 in December 2024 removed critical protections against forced evictions, exposing Indigenous communities to heightened displacement and loss of livelihood. This had provided a temporary suspension of evictions pending completion of territorial surveys.¹¹⁴

88. In Canada, section 35 of the Constitution, treaties, and judicial decisions affirm the rights of First Nations to hunt, fish and gather. However, these rights are often undermined by State inaction or inadequate enforcement. For example, the Manitoba Natural Resources Transfer Act of 1930 affirms these rights, but practical barriers continue to impede their existence, creating a persistent gap between recognition and realization.¹¹⁵

89. The Constitution of Colombia protects Indigenous territories, known as *resguardos*, under article 329. Yet, widespread encroachment, forced displacement and environmental degradation persist. Threats to sustainability come from large-scale cattle ranching, agriculture, illegal crops and extractive industries. According to the Defensoría del Pueblo, 106 *resguardos* overlap with oil blocks, with 84 entirely covered by extractive concessions, particularly in the areas of Caquetá, Vichada and Putumayo.¹¹⁶

90. In Guatemala, the dismantling of agrarian institutions has impeded Indigenous Peoples' access to land. The dissolution of the Secretariat of Agrarian Affairs in 2020 disrupted land conflict mediation and agrarian policy development, weakening institutional continuity and Indigenous land governance.¹¹⁷

91. In New Zealand, Māori rights guaranteed under the Treaty of Waitangi continue to be eroded through legislation prioritizing State and corporate interests. The Fast-track Approvals Act 2024 and the amendment to the Marine and Coastal Area (Takutai Moana) Act 2011 undermine Māori customary resource governance.¹¹⁸ The *rāhui*, an Indigenous conservation mechanism, lacks legal standing, diminishing the effectiveness of Māori *kaitiakitanga* (guardianship).¹¹⁹

92. In the Philippines, the Indigenous Peoples' Rights Act of 1997 recognizes ancestral domain rights but suffers from chronic underimplementation. Challenges include insufficient financial resources, limited technical capacity and weak institutional support, all of which undermine Indigenous Peoples' traditional governance and sustainable economic development.¹²⁰

93. In the Russian Federation, the Constitution and federal and subnational laws as well as Constitutional Court decisions recognize Indigenous Peoples' rights to traditional nature use, land, water, wildlife and other natural resources, but enforcement mechanisms are lacking, for example regarding traditional fishing – as regards the priority choice of fishing grounds, time periods, and types and volume of resources extracted, as well as gratuitous use.¹²¹

94. Article 22 of the African Charter on Human and Peoples' Rights guarantees economic, social and cultural development. In 2017, the African Court on Human and Peoples' Rights ruled in favour of the Ogiek of Kenya, recognizing their rights to the Mau Forest and affirming their role as environmental stewards. However, despite the reparations judgment

¹¹⁴ Submission by Interamerican Association for Environmental Defense.

¹¹⁵ Submission by Manitoba Keewatinowi Okimakanak Inc.

¹¹⁶ Submission by Defensoría del Pueblo, Colombia.

¹¹⁷ Submission by Human Rights and Indigenous Peoples' Ombudsman Office, Guatemala.

¹¹⁸ Submission by Karearea Institute for Change.

¹¹⁹ Presentation by Kiri Toki at the expert seminar held in Vancouver in February 2024.

¹²⁰ Presentation by Minnie Degawan at the expert seminar held in Vancouver in February 2024.

¹²¹ Submission by KMNSOYUZ and Young Karelia Centre.

in 2022, enforcement remains incomplete, and the Ogiek continue to face evictions, impeding their ability to sustain traditional livelihoods.¹²²

IX. Recommendations

95. States should legally recognize and promote Indigenous Peoples' traditional economies by adopting comprehensive legal and policy frameworks aligned with international standards, including the United Nations Declaration on the Rights of Indigenous Peoples, the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and other core human rights treaties. These frameworks should guarantee Indigenous Peoples' rights to lands, territories, resources, and self-governed economic systems rooted in traditional knowledge of Indigenous Peoples.

96. States should adopt and strengthen legal frameworks that explicitly recognize and protect Indigenous Peoples' rights to their lands, territories and resources, as well as their governance systems. This includes ensuring the full and effective implementation of free, prior and informed consent in accordance with international human rights standards. Such measures are essential to uphold Indigenous Peoples' self-determined economic systems and to safeguard their cultural integrity, livelihoods and contributions to sustainable development.

97. States should support the continuity and evolution of Indigenous Peoples' traditional economies by formally recognizing customary land tenure systems, Indigenous Peoples' traditional governance institutions and Indigenous resource management practices. Legal security of tenure and respect for Indigenous decision-making are essential for sustaining traditional economies and advancing self-determined development. In doing so, States should avoid adopting restrictive definitions that confine traditional economic activities to certain tools or methods. Instead, they should recognize that traditional economies may incorporate modern technologies and innovations in ways that reflect Indigenous values, knowledge systems and ecological stewardship.

98. States should adopt mandatory safeguards to prevent illegal appropriation, forced evictions, physical or economic displacement, and encroachment by industries. These should include the full and effective implementation of free, prior and informed consent in all legislative, administrative and development decisions affecting Indigenous Peoples. Independent oversight, transparent reporting and accessible grievance mechanisms should be established.

99. Indigenous economic priorities should be integrated into national development plans. States should allocate dedicated public funding and technical assistance, supported by strong enforcement, regular monitoring, and access to judicial and administrative remedies.

100. Economic policies should be co-designed with Indigenous Peoples, uphold Indigenous self-governance, build institutional capacity, and incorporate Indigenous Peoples' traditional knowledge systems and economic models.

101. Traditional economies should be fully integrated into national and global development agendas, including the Sustainable Development Goals, with particular attention to poverty eradication, food security, health and climate change.

102. States should legally recognize and protect Indigenous Peoples' collective rights to lands, territories and resources. Traditional economic activities such as fishing, herding, farming, weaving, crafts, medicine and seed preservation must be safeguarded from discrimination, displacement and climate change impacts. Indigenous representatives should be meaningfully involved in designing, implementing and monitoring relevant policies and programmes.

¹²² Submission by the Ogiek people of Kenya.

103. States should adopt targeted measures to protect and support the traditional livelihoods of Indigenous women, including access to land and resources, targeted funding, technical support, and participation in agrarian reforms and natural resource governance.

104. Efforts to sustain traditional economies should include intergenerational knowledge transmission through apprenticeship, education, and culturally appropriate training. Special attention should be paid to the roles of Indigenous youth and women.

105. States and international organizations should support and strengthen Indigenous Peoples' governance structures, and ensure their full, effective and informed participation in decision-making at all levels. Management, co-management and other participatory frameworks should be designed and implemented in ways that respect Indigenous self-determination and empower Indigenous Peoples to shape the economic policies and decisions that affect their lands, livelihoods and traditional economies.

106. States should promote the economic self-sufficiency and resilience of Indigenous Peoples by ensuring equitable access to land, markets, services and financial systems. Economic support measures should be designed in partnership with Indigenous Peoples to strengthen Indigenous-led enterprises, cooperatives and trade networks, and ensure access to relevant sources of public and private financing, including climate finance and investment mechanisms that respect Indigenous values, systems and priorities.

107. States should adopt legal and policy measures to protect Indigenous Peoples' traditional knowledge systems, including benefit-sharing agreements, free, prior and informed consent protocols, and collective intellectual property protections. States should stimulate the private sector to develop corporate policies respecting international standards on the rights of Indigenous Peoples. Indigenous Peoples' traditional knowledge should be formally integrated into national environmental, agricultural and economic policies and strategies.

108. States, the private sector and multilateral financial institutions should dedicate funding for Indigenous economic development, including support for community-based enterprises, capacity-building, research, and a culturally appropriate global fund to protect Indigenous food systems and biodiversity.

109. States should recognize and protect Indigenous Peoples' rights to maintain and strengthen traditional economic practices without fear of criminalization or persecution. Indigenous Peoples' traditional knowledge systems must be respected as equal and distinct frameworks for understanding and responding to climate change and biodiversity loss, and for environmental governance, and should be supported in shaping related policies and decision-making processes.

110. United Nations bodies and agencies should ensure the meaningful integration of Indigenous traditional economies into global sustainability frameworks. These efforts respect Indigenous Peoples' right to self-determined development and the inclusion of their economic systems within global policy dialogues.

111. Indigenous Peoples should strengthen traditional economies by revitalizing customary governance systems, enhancing collective resource management and advancing food sovereignty.

112. Indigenous Peoples should continue advocating for the recognition and inclusion of their economic systems in national, regional and international agendas, with a focus on securing land tenure and on meaningful participation in decision-making processes.

113. Indigenous Peoples should leverage digital platforms to promote traditional economies, enhance global visibility and build resilience. Technology can support knowledge-sharing, cultural preservation, financial inclusion and data sovereignty.

114. States, in partnership with Indigenous Peoples, should co-develop monitoring frameworks using Indigenous methodologies and culturally relevant indicators. These should assess the vitality of traditional economies – including land access, biodiversity stewardship, intergenerational knowledge transfer, and women's participation – and

inform national reporting obligations under sustainable development, biodiversity and climate frameworks.

115. States should consider creating cross-sectoral platforms to ensure policy coherence across ministries (e.g. of the environment, the economy, agriculture and education) in relation to Indigenous rights and traditional economies. Coordination is necessary to prevent conflicting policies and to uphold Indigenous Peoples' holistic approaches to sustainability.

116. States should establish permanent Indigenous-led governance and co-management bodies within biodiversity conservation, food security and climate policy institutions. These bodies must have decision-making authority and be adequately resourced to uphold Indigenous Peoples' traditional governance systems, support ecological stewardship, and ensure full and effective participation in environmental decision-making at all levels.

117. Legal frameworks should be strengthened to protect Indigenous data sovereignty, collective intellectual property and Indigenous Peoples' traditional knowledge. This includes culturally grounded consent protocols, benefit-sharing mechanisms, and safeguards against misappropriation in research, conservation, and commercial activities.

118. Support should be provided for Indigenous-led regional platforms and networks that enable the exchange of knowledge, economic strategies and legal innovations across borders.
