

Fulfilling the Rights of all Indigenous Peoples for Posterity

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Fulfilling the Rights of all Indigenous Peoples for Posterity

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Abstract

Indigenous Peoples play a key role in the Sustainable Development agenda. Their indigenous practices, traditional knowledge and ways of life are fundamental for sound environmental governance and combating climate change. Despite the key role they play in the Sustainable Development agenda, Indigenous Peoples have for many years experienced inequality and exclusion threatening their cultural survival and vital knowledge systems. It has therefore become necessary to fulfill the rights of all Indigenous Peoples for Sustainable Development. This paper critically discusses the need to fulfill the rights of all Indigenous Peoples. The paper asserts that fulfilling the rights of all Indigenous Peoples is key in fostering Sustainable Development. The paper critically examines the role of Indigenous Peoples in the Sustainable Development agenda. It further explores the progress made towards fulfilling the rights of Indigenous Peoples while also highlighting some of the human rights violations being experienced by Indigenous Peoples. The paper also proposes measures towards fulfilling the rights of all Indigenous Peoples for posterity.

1.0 Introduction

Indigenous Peoples have been identified as distinct social and cultural groups that share collective ancestral ties to the lands and natural resources where they live, occupy or from which they have been displaced¹. Indigenous Peoples have also been defined as people who inhabited a land before it was conquered by colonial societies and who consider themselves distinct from the societies currently governing those territories². In addition, Indigenous Peoples have also been described as those having a historical continuity with

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¹ World Bank Group., 'Indigenous Peoples' Available at <https://www.worldbank.org/en/topic/indigenouspeoples#:~:text=Indigenous%20Peoples%20are%20distinct%20social,which%20they%20have%20been%20displaced> (Accessed on 11/08/2024)

² The Rights of Indigenous Peoples., Available at <http://hrlibrary.umn.edu/edumat/studyguides/indigenous.html> (Accessed on 11/08/2024)

pre-invasion and pre-colonial societies that developed on their territories, and consider themselves distinct from other sectors of societies now prevailing in those territories, or parts of them³. It has been noted that Indigenous Peoples currently form non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories and ethnic identity, as the basis of their continued existence in accordance with their own cultural patterns, social institutions and legal systems⁴.

According to the United Nations, the most appropriate approach is to identify, rather than define Indigenous Peoples⁵. This approach is based on the fundamental criterion of self-identification as underlined in a number of global and regional human rights instruments⁶. The United Nations sets out the criteria for identifying Indigenous Peoples based on certain factors including self-identification as Indigenous Peoples at the individual level and accepted by the community as their member; historical continuity with pre-colonial and/or pre-settler societies; distinct economic, social, or political systems; strong link to territories and surrounding natural resources; distinct language, culture and beliefs; and the resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities⁷. It has also been noted that the land and natural resources on which Indigenous Peoples depend are inextricably linked to their identities, cultures, livelihoods, as well as their physical and spiritual well-being⁸. Indigenous Peoples also subscribe to their customary leaders and organizations for governance with these institutions being distinct or separate from those of the mainstream society or culture⁹. Another key feature of Indigenous Peoples is that

³ Ibid

⁴ Ibid

⁵ United Nations., 'Who are Indigenous Peoples?' Available at https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf (Accessed on 11/08/2024)

⁶ Ibid

⁷ Ibid

⁸ World Bank Group., 'Indigenous Peoples' Op Cit

⁹ Ibid

they still maintain a language distinct from the official language or languages of the country or region in which they reside¹⁰.

Indigenous Peoples play a key role in the Sustainable Development agenda¹¹. They are at the heart of environmental conservation efforts throughout the world since conserving biodiversity relies on the knowledge, innovations and practices of those who live in direct contact with nature¹². Indigenous Peoples have been identified as crucial agents of change, whose livelihood practices, traditional knowledge and ways of life are fundamental for sound environmental governance, combating climate change and realizing the ambitious vision of the United Nation's 2030 Agenda for Sustainable Development¹³.

Despite their key role in the Sustainable Development agenda, the rights of Indigenous Peoples are often violated¹⁴. Indigenous Peoples have for many years experienced inequality and exclusion threatening their cultural survival and vital knowledge systems¹⁵. In light of these challenges, it is imperative to fulfill the rights of all Indigenous Peoples for posterity.

This paper critically discusses the need to fulfill the rights of all Indigenous Peoples. The paper asserts that fulfilling the rights of all Indigenous Peoples is key in fostering Sustainable Development. The paper critically examines the role of Indigenous Peoples

¹⁰ Ibid

¹¹ United Nations Environment Programme., 'Environmental Rule of Law: Tracking Progress and Charting Future Directions.' Available at https://wedocs.unep.org/bitstream/handle/20.500.11822/43943/Environmental_rule_of_law_progress.pdf?sequence=3 (Accessed on 11/08/2024)

¹² Ibid

¹³ International Labour Organization., 'Sustainable Development Goals: Indigenous Peoples in Focus' Available at https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/@ifp_skills/documents/publication/wcms_503715.pdf (Accessed on 11/08/2024)

¹⁴ World Bank Group., 'Indigenous Peoples' Op Cit

¹⁵ Ibid

in the Sustainable Development agenda. It further explores the progress made towards fulfilling the rights of Indigenous Peoples while also highlighting some of the human rights violations being experienced by Indigenous Peoples. The paper also proposes measures towards fulfilling the rights of all Indigenous Peoples for posterity.

2.0 The Role of Indigenous Peoples in Sustainable Development

Indigenous Peoples are key in conserving biodiversity due to their indigenous knowledge, innovations and practices and being in direct contact with nature¹⁶. It has been pointed out that while indigenous peoples make up less than 5 per cent of the world's total population, they wield enormous influence over the well-being of the natural resources on which all humanity depends¹⁷. Indigenous Peoples apply traditional methods of land management and food production in areas such as farming, fishing, pastoralism, and forest conservation which have evolved over centuries and which have often proven their sustainability and resilience in the face of global environmental challenges¹⁸. It has been noted that Indigenous Peoples' knowledge systems and languages contribute directly to biological and cultural diversity, poverty eradication, conflict management, food security and ecosystem health, and serve as the foundation of the resilience of indigenous communities to the impact of climate change among other environmental challenges¹⁹.

Indigenous Peoples are custodians of indigenous knowledge including Traditional Ecological Knowledge (TEK) which is fundamental in fostering Sustainable Development²⁰. Indigenous Peoples offer alternative knowledge and perspectives based

¹⁶ United Nations Environment Programme., 'Environmental Rule of Law: Tracking Progress and Charting Future Directions.' Op Cit

¹⁷ International Institute for Sustainable Development., 'No Sustainable Development without Indigenous Peoples' Available at <https://sdg.iisd.org/commentary/guest-articles/no-sustainable-development-without-indigenous-peoples/> (Accessed on 11/08/2024)

¹⁸ Ibid

¹⁹ Ibid

²⁰ Muigua. K., 'Revisiting the Place of Indigenous Knowledge in the Sustainable Development Agenda' Available at <https://kmco.co.ke/wp-content/uploads/2020/09/Revisiting-the-Place-of-Indigenous-Knowledge-in-the-Sustainable-Development-Agenda-Kariuki-Muigua-September-2020.pdf> (Accessed on 11/08/2024)

on their own locally developed practices in relation to the use of natural resources²¹. Indigenous knowledge has been defined as the local knowledge that is unique to a culture or society²².

TEK has been defined as knowledge and practices passed from generation to generation informed by cultural memories, sensitivity to change, and values that include reciprocity²³. It has been noted that TEK is inseparable from a culture's spiritual and social fabric, offering irreplaceable ecocultural knowledge that can be thousands of years old and incorporates values, such as kinship with nature and reciprocity which can help conserve biodiversity and restore ecosystems²⁴. TEK has also been identified as the ongoing accumulation of knowledge, practice and belief about relationships between humanity and nature in a specific ecosystem that is acquired by Indigenous Peoples over long periods of time through direct contact with the environment²⁵. TEK is often handed down among generations and is utilized for sustaining livelihoods and conserving the environment²⁶. It includes the relationships between people, plants, animals, natural phenomena, landscapes, and timing of events for activities including farming, hunting and gathering, fishing, and forestry²⁷.

Indigenous Peoples play a key role in fostering Sustainable Development through TEK among other indigenous knowledge systems and practices²⁸. The United Nations Environment Programme (UNEP) recognizes the importance of Indigenous Peoples' participation as well as the valuable inputs that these holders of indigenous knowledge

²¹ Ibid

²² Ibid

²³ Traditional Ecological Knowledge Hub., 'What is TEK?' Available at <https://tek.forestry.oregonstate.edu/what-tek> (Accessed on 11/08/2024)

²⁴ Ibid

²⁵ Indigenous Knowledge and Traditional Ecological Knowledge., Available at <https://www.nps.gov/subjects/tek/description.htm> (Accessed on 11/08/2024)

²⁶ Ibid

²⁷ Ibid

²⁸ Muigua. K., 'Revisiting the Place of Indigenous Knowledge in the Sustainable Development Agenda' Op Cit

- gained through trans-generational experiences, observations, and transmission - can contribute to sustainable management and development of ecosystems²⁹. For example, it has been pointed out that forests managed by Indigenous Peoples and local communities are at least as effective at maintaining forest cover as those under stricter and more formal protection regimes³⁰. Further, in Africa, indigenous knowledge systems such as using animal dung as manure, sighting of the new moon before planting, rain-making rituals, and planting of trees to serve as shades have played a key role conserving the environment and enhancing the resilience of communities in the wake of environmental threats such as Climate Change and its impacts including drought and water scarcity³¹. Communities in Africa have for many centuries utilized TEK to address environmental issues such as water scarcity, water pollution, land pollution, soil erosion, protection of forests, curbing overfishing, deforestation, and management of other natural resources³².

Indigenous Peoples therefore play a key role in the Sustainable Development agenda. For many centuries, Indigenous Peoples all over the globe have utilized traditional knowledge of their local environment not only to sustain themselves but also to maintain their cultural identity³³. In addition, their awareness of traditional food sources and the fundamental connection between food systems and healthy landscapes can help to promote diets that are diverse and sustainable³⁴. Indigenous knowledge can offer valuable responses to climate change, food insecurity, water scarcity, and health concerns

²⁹ United Nations Environment Programme., 'Indigenous peoples and their Communities' Available at <https://www.unep.org/civil-society-engagement/major-groups-modalities/major-group-categories/indigenous-peoples-and> (Accessed on 11/08/2024)

³⁰ United Nations Environment Programme., 'Environmental Rule of Law: Tracking Progress and Charting Future Directions.' Op Cit

³¹ Egeruoh-Adindu. I., 'Leveraging Indigenous Knowledge for Effective Environmental Governance in West Africa.' Available at <https://www.scirp.org/journal/paperinformation?paperid=121949#:~:text=Indigenous%20knowledge%20systems%20such%20as,effective%20in%20promoting%20environmental%20sustainability> (Accessed on 11/08/2024)

³² Ibid

³³ Sinthumule. N., 'Traditional Ecological Knowledge and its Role in Biodiversity Conservation: A Systematic Review', *Frontiers in Environmental Science*, Volume 11 (2023)

³⁴ International Institute for Sustainable Development., 'No Sustainable Development without Indigenous Peoples' Op Cit

among other key issues under the Sustainable Development Agenda³⁵. Indigenous knowledge offers tremendous opportunities in areas such as land management, soil and water conservation, protecting forests and wetlands, and scientific, technological and medical research³⁶. On this basis, it has been argued that there can be no Sustainable Development without Indigenous Peoples³⁷.

The role of Indigenous Peoples in Sustainable Development is recognized under the *Rio Declaration on Environment and Development*³⁸. The Declaration acknowledges that Indigenous Peoples and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices³⁹. The Rio Declaration urges all countries to recognize and duly support the identity, culture and interests of Indigenous Peoples and enable their effective participation in the achievement of Sustainable Development⁴⁰.

Indigenous Peoples are therefore crucial agents in the quest towards Sustainable Development. It is therefore important to fulfill the rights of all Indigenous Peoples for posterity.

3.0 Protecting the Rights of Indigenous Peoples: Challenges and Prospects

Indigenous peoples all over the world continue to face a range of human rights abuses. It has been noted that implementation of the rights of Indigenous Peoples is an ideal that is

³⁵ United Nations., 'Traditional Knowledge – An Answer to the Most Pressing Global Problems?' Available at <https://www.un.org/development/desa/en/news/social/permanent-forum-on-indigenous-issues-2019.html> (Accessed on 11/08/2024)

³⁶ Ibid

³⁷ International Institute for Sustainable Development., 'No Sustainable Development without Indigenous Peoples' Op Cit

³⁸ United Nations General Assembly., 'Report of the United Nations Conference on Environment and Development: Rio Declaration on Environment and Development.' A/CONF. 151/26 (Vol.1)

³⁹ Ibid, principle 22

⁴⁰ Ibid

far from being realized⁴¹. The most common human rights challenges for Indigenous Peoples stem from pressures on their lands, territories and resources as a result of activities associated with development and the extraction of natural resources⁴². Further, their cultures continue to be threatened, and the protection and promotion of their human rights is yet to be realized⁴³.

In addition, it has also been noted that Indigenous Peoples often have much in common with other neglected segments of societies⁴⁴. For example, Indigenous Peoples often face challenges such as lack of political representation and participation, economic marginalization and poverty, lack of access to social services and discrimination⁴⁵. Further, Indigenous Peoples continue to suffer from high levels of land insecurity, social dislocation and violence while defending their traditional lands⁴⁶. It is also estimated that Indigenous Peoples make up 15 per cent of the world's poorest people⁴⁷.

Indigenous Peoples all over the world share a common history of injustices⁴⁸. Such injustices include murder, torture, and enslavement⁴⁹. Indigenous Peoples have also been denied the right to participate in governing processes⁵⁰. Further, historical injustices including conquest and colonization have attempted to steal the dignity and identity of Indigenous Peoples, as well as the fundamental right of self-determination⁵¹.

⁴¹ The Office of the United Nations High Commissioner for Human Rights., 'Indigenous Peoples and the United Nations Human Rights System' Available at <https://www.ohchr.org/sites/default/files/Documents/Publications/fs9Rev.2.pdf> (Accessed on 12.08/2024)

⁴² Ibid

⁴³ Ibid

⁴⁴ United Nations., 'Who are Indigenous Peoples?' Op Cit

⁴⁵ Ibid

⁴⁶ International Institute for Sustainable Development., 'No Sustainable Development without Indigenous Peoples' Op Cit

⁴⁷ Ibid

⁴⁸ The Rights of Indigenous Peoples., Op Cit

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Ibid

Another key human right challenge being experienced by Indigenous Peoples is lack of quality education⁵². It has been noted that in most countries, the approach towards education for Indigenous Peoples is not only inappropriate, but it also threatens their very existence⁵³. For example, education policies and systems have often been used as a means to systemically discriminate against Indigenous Peoples, assimilate them (and at times “civilize” them) into the broader society, therefore destroying their culture, languages, identity and rights, and displacing them of their lands, territories and natural resources⁵⁴. It is therefore imperative to embrace the participation of Indigenous Peoples in education systems, policies and curricula in order to fulfill their rights⁵⁵.

Indigenous Peoples all over the world are therefore experiencing several human right abuses. Indigenous Peoples often lack formal recognition over their lands, territories and natural resources; receive little public investments in basic services such as health, education, water and sanitation, and infrastructure; and face multiple barriers to participate fully in the formal economy, enjoy access to justice, and participate in political processes and decision making⁵⁶. It has been noted that this legacy of inequality and exclusion has made Indigenous Peoples all over the world more vulnerable to the impacts of climate change and natural hazards⁵⁷. In light of these challenges, it has become increasingly necessary to fulfill the rights of all indigenous peoples for posterity.

There has been progress towards recognizing the rights of all Indigenous Peoples through global and regional human rights instruments. At the global level, the *International Covenant on Civil and Political Rights (ICCPR)*⁵⁸, recognizes the right of all

⁵² World Economic Forum., ‘Indigenous Peoples have a Right to Quality Education: But so far, we have failed them’ Available at <https://www.weforum.org/agenda/2016/08/indigenous-people-have-a-right-to-quality-education-but-so-far-we-ve-failed-them/> (Accessed on 12/08/2024)

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ World Bank Group., ‘Indigenous Peoples’ Op Cit

⁵⁷ Ibid

⁵⁸ International Covenant on Civil and Political Rights., UNTS, Vol 999, p. 171, 16 December 1966,

peoples to self-determination. The ICCPR notes that by virtue of the right to self-determination, all peoples shall freely determine their political status and freely pursue their economic, social and cultural development⁵⁹. This right is also enshrined under the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*⁶⁰ which also provides that all peoples have the right of self-determination and that by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development⁶¹. The right to self-determination is a fundamental right for all Indigenous Peoples⁶². Self-determination has been described as an ongoing process of ensuring that peoples are able to make decisions about matters that affect their lives⁶³. It includes the right of all peoples to freely determine their political status, and economic, social and cultural development⁶⁴. In addition, the outcomes of self-determining processes must correspond to the free and voluntary choice of the people concerned⁶⁵. It is therefore necessary to implement the ICCPR and the ICESCR in order to fulfill the right of all Indigenous Peoples to self-determination.

*The United Nations Declaration on the Rights of Indigenous Peoples*⁶⁶ further recognizes the urgent need to respect and promote the inherent rights of Indigenous Peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources⁶⁷. The Declaration also recognizes that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable

⁵⁹ Ibid, article 1

⁶⁰ International Covenant on Economic, Social and Cultural Rights., UNTS, Vol 993, p. 3, 16, December 1966,

⁶¹ Ibid, article 1

⁶² Australian Human Rights Commission., 'Self-Determination and Indigenous Peoples' Available at <https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/self-determination-and-indigenous> (Accessed on 12/08/2024)

⁶³ Ibid

⁶⁴ Ibid

⁶⁵ Ibid

⁶⁶ The United Nations Declaration on the Rights of Indigenous Peoples., Available at https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf (Accessed on 12/08/2024)

⁶⁷ Ibid

development and proper management of the environment and natural resources⁶⁸. The Declaration stipulates that all Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, and international human rights law⁶⁹. The Declaration also recognizes that Indigenous Peoples are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity⁷⁰. It also stipulates the right of Indigenous Peoples to self-determination⁷¹. By virtue of the right to self-determination, Indigenous Peoples shall freely determine their political status and freely pursue their economic, social and cultural development⁷².

The United Nations Declaration on the Rights of Indigenous Peoples sets out a broad range of core human rights and freedoms that all Indigenous Peoples are entitled to. These include: the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions⁷³; the right to a nationality⁷⁴; the rights to life, physical and mental integrity, liberty and security of person⁷⁵; the right not to be subjected to forced assimilation or destruction of their culture⁷⁶; the right not be forcibly removed from their lands or territories⁷⁷; the right of all Indigenous Peoples to practise and revitalize their cultural traditions and customs⁷⁸; the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions,

⁶⁸ Ibid

⁶⁹ Ibid, article 1

⁷⁰ Ibid, article 2

⁷¹ Ibid, article 3

⁷² Ibid

⁷³ Ibid, article 5

⁷⁴ Ibid, article 6

⁷⁵ Ibid, article 7

⁷⁶ Ibid, article 8

⁷⁷ Ibid, article 10

⁷⁸ Ibid, article 11

philosophies, writing systems and literatures⁷⁹; the right of Indigenous Peoples to establish and control their educational systems and institutions⁸⁰; and the right to participate in decision making processes⁸¹.

The United Nations Declaration on the Rights of Indigenous Peoples therefore provides a global framework for advancing the rights of all Indigenous Peoples. It captures fundamental rights and freedoms of Indigenous Peoples and provides crucial guidance towards fulfilling these rights and freedoms. It is imperative to implement this Declaration in order to fulfill the rights of all Indigenous Peoples.

Fulfilling the rights of Indigenous Peoples is also a key priority in Africa. The continent has a large population of Indigenous Peoples mostly nomadic and semi-nomadic pastoralists and hunter-gatherers⁸². It has been noted that Indigenous Peoples in Africa are faced with multiple challenges, including the dispossession of their lands, territories and resources, forced assimilation into the way of life of the dominant groups, marginalization, poverty and illiteracy. The *African Charter on Human and Peoples' Rights*⁸³ provides a framework for fulfilling the rights of Indigenous Peoples' in Africa. It sets out fundamental rights for all peoples in Africa including the right to equality, the right to dignity, protection against discrimination, right to self-determination, and the promotion of cultural development and identity⁸⁴. It is important to implement these rights in order to fulfill the rights of all Indigenous Peoples in Africa.

⁷⁹ Ibid, article 13

⁸⁰ Ibid, article 14

⁸¹ Ibid, article 18

⁸² United Nations., 'Indigenous Peoples in the African Region' Available at https://www.un.org/esa/socdev/unpfii/documents/2013/Media/Fact%20Sheet_Africa_%20UNPFII-12.pdf (Accessed on 12/08/2024)

⁸³ African Union., 'African Charter on Human and Peoples' Rights' Available at https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf (Accessed on 12/08/2024)

⁸⁴ Ibid

The African Commission on Human and Peoples' Rights is also a key institution in promoting the rights of Indigenous Peoples in Africa. In one of its landmark decisions, the Commission found that the eviction of the Endorois, an Indigenous Community in Kenya, from their ancestral land around Lake Bogoria to establish a game reserve violated their rights to culture, property, religion, and the right of access to natural resources and development⁸⁵. The Commission called for the recognition of ownership of ancestral land by the Endorois community and its restitution to the community⁸⁶. It also upheld the right of Indigenous Peoples in Africa to utilize natural resources including ancestral land for development⁸⁷. This decision is vital in fulfilling the rights of all Indigenous Peoples in Africa to property, to culture, to the free disposition of natural resources, and to development⁸⁸.

Despite the foregoing efforts, the rights of Indigenous Peoples continue to be threatened at national, regional, and global levels. It has been noted that the aspirations of the United Nations Declaration on the Rights of Indigenous Peoples are far from being universally fulfilled⁸⁹. Indigenous Peoples in many parts of the world continue to be systematically discriminated and silenced with their rights being violated. It is therefore necessary to fulfill the rights of all Indigenous Peoples for posterity.

4.0 Conclusion

It is vital to fulfill the rights of all Indigenous Peoples for posterity. Indigenous Peoples play a fundamental role in fostering Sustainable Development. They have been described

⁸⁵ Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya, 276/2003, African Commission on Human and Peoples' Rights, 4 February 2010,

⁸⁶ Ibid

⁸⁷ Ibid

⁸⁸ Claridge. L., 'Landmark Ruling Provides Major Victory to Kenya's Indigenous Endorois.' Available at <https://www.refworld.org/pdfid/4ca571e42.pdf> (Accessed on 12/08/2024)

⁸⁹ The United Nations Declaration on the Rights of Indigenous Peoples: A Manual for National Human Rights Institutions., Available at <https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/UNDRIPManualForNHRIs.pdf> (Accessed on 12/08/2024)

as crucial agents of change, whose livelihood practices, traditional knowledge and ways of life are fundamental for sound environmental governance, combating climate change and realizing the ambitious vision of the United Nation's 2030 Agenda for Sustainable Development⁹⁰. Indigenous Peoples are custodians of indigenous knowledge including TEK which plays a prominent role in environmental conservation and addressing environmental challenges including climate change, water scarcity, water pollution, land pollution, soil erosion, overfishing, and deforestation⁹¹. Despite their key role in fostering Sustainable Development, Indigenous Peoples all over the world share a common history of injustices and human rights abuses⁹². It is therefore necessary to fulfill the rights of all Indigenous Peoples for posterity.

In order to actualize this goal, it is imperative to improve security of land tenure for Indigenous Peoples⁹³. It has been pointed out that much of the land occupied by Indigenous Peoples is under customary ownership, yet governments in most countries recognize only a fraction of this land as formally or legally belonging to Indigenous Peoples⁹⁴. In addition, even in cases where Indigenous territories and lands are recognized, protection of boundaries or use and exploitation of natural resources is often inadequate⁹⁵. It is therefore necessary for all countries to recognize and uphold land rights of all Indigenous Peoples. This includes upholding the principle of Free, Prior and Informed Consent of Indigenous Peoples in instances where development and relocation is necessary and ensuring just and fair compensation and, where possible, with the option of returning to their ancestral lands⁹⁶.

⁹⁰ International Labour Organization., 'Sustainable Development Goals: Indigenous Peoples in Focus' Op Cit

⁹¹ Egeruoh-Adindu. I., 'Leveraging Indigenous Knowledge for Effective Environmental Governance in West Africa.' Op Cit

⁹² The Rights of Indigenous Peoples., Op Cit

⁹³ World Bank Group., 'Indigenous Peoples' Op Cit

⁹⁴ Ibid

⁹⁵ Ibid

⁹⁶ The United Nations Declaration on the Rights of Indigenous Peoples., Article 10

Further, there is need to embrace the participation of Indigenous Peoples in governance⁹⁷. It has been observed that Indigenous Peoples have often been denied the right to participate in governing processes⁹⁸. This often results in laws and policies that are detrimental to their economic, social, cultural, and spiritual well-being further undermining achievement of their fundamental rights and freedoms⁹⁹. A lack of mechanisms that ensure inclusive, participatory and representative decision-making at all levels by Indigenous Peoples is contributing to the perpetuation of injustices and human rights violations¹⁰⁰. The United Nations Declaration on the Rights of Indigenous Peoples acknowledges that Indigenous Peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions¹⁰¹. The participation of Indigenous Peoples in governance is vital in fulfilling their right to self-determination by ensuring that they are able to freely determine their political status and economic, social and cultural development¹⁰². It is therefore imperative to give Indigenous Peoples a voice in governance in order to effectively fulfill their rights including the right to self-determination.

The right to quality education is also a key priority for Indigenous Peoples¹⁰³. Actualizing the right to education for Indigenous Peoples is vital in ensuring the preservation of indigenous knowledge, sound environmental conservation through TEK, and ensuring that indigenous knowledge is passed down to future generations for posterity¹⁰⁴. Despite

⁹⁷ Ibid

⁹⁸ The Rights of Indigenous Peoples., Op Cit

⁹⁹ Ibid

¹⁰⁰ International Labour Organization., 'Sustainable Development Goals: Indigenous Peoples in Focus' Op Cit

¹⁰¹ The United Nations Declaration on the Rights of Indigenous Peoples., article 18

¹⁰² Australian Human Rights Commission., 'Self-Determination and Indigenous Peoples' Op Cit

¹⁰³ United Nations., 'Indigenous Peoples' Right to Education' Available at <https://www.un.org/es/events/indigenousday/pdf/Backgrounder%20Indigenous%20Day%202016.pdf> (Accessed on 12/08/2024)

¹⁰⁴ Ibid

the importance of the right to education for Indigenous Peoples, it has been noted that education systems, policies, and curricula in most countries threatening the existence of Indigenous Peoples by being discriminatory, and seeking to assimilate them into the broader society¹⁰⁵. This approach towards education threatens the culture, languages, identity and rights of Indigenous Peoples¹⁰⁶. It is therefore imperative to foster the right to quality education for all Indigenous Peoples. In order to achieve this goal, education systems, policies, and curricula should be aligned to the needs of Indigenous Peoples by being well-resourced, culturally sensitive, and in conformity to their learning needs, languages, priorities and aspirations, and delivered through culturally appropriate teaching strategies, and in culturally appropriate forums¹⁰⁷.

It is also necessary to preserve indigenous knowledge including TEK¹⁰⁸. It is important for governments to support cultural preservation through investing in efforts to preserve and transmit indigenous knowledge to future generations¹⁰⁹. This is essential in ensuring that indigenous knowledge is not lost and can be passed to future generations for utilization in ecological conservation among other areas¹¹⁰. The United Nations notes that indigenous and traditional knowledge is at the core of the identity, culture, languages, heritage and livelihoods of Indigenous Peoples and its transmission from one generation to the next must be protected, preserved and encouraged¹¹¹. Governments should therefore invest in preserving and transmission of indigenous knowledge through strengthening indigenous education and documenting oral traditions and cultural

¹⁰⁵ World Economic Forum., 'Indigenous Peoples have a Right to Quality Education: But so far, we have failed them' Op Cit

¹⁰⁶ Ibid

¹⁰⁷ Ibid

¹⁰⁸ Latief. A., 'Harnessing Indigenous Knowledge for Climate Change Resilience in Africa' Available at https://www.linkedin.com/pulse/harnessing-indigenous-knowledge-climate-change-africa-aatifahlatief/?utm_source=share&utm_medium=member_android&utm_campaign=share_via (Accessed on 12/08/2024)

¹⁰⁹ Ibid

¹¹⁰ Ibid

¹¹¹ United Nations., 'Indigenous People's Traditional Knowledge Must Be Preserved, Valued Globally, Speakers Stress as Permanent Forum Opens Annual Session' Available at <https://press.un.org/en/2019/hr5431.doc.htm> (Accessed on 12/08/2024)

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practices in order to effectively fulfill the rights of all Indigenous Peoples now and in the future¹¹².

Fulfilling the rights of all Indigenous Peoples for posterity is a key agenda in the quest towards Sustainable Development. It is therefore necessary for all countries to realize this goal.

¹¹² Ibid

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