

Are there reasons to celebrate the International Day of Worlds' Indigenous Peoples in Latin America?

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Daniel Cerqueira

9 of August should have been a date to reflect on the moral debt that the countries of Latin America accumulate, year after year, with their indigenous peoples. [Español](#)



An aerial view of a village called Irotatheri as Yanomami Indians stand at the main courtyard in Venezuela's Amazon region. (AP Photo/Ariana Cubillos)

In 1994, the UN General Assembly elected on 9 August as the [International Day of the World's Indigenous Peoples](#). Since then, heads of state and high authorities follow the ritual initiated by the UN and participate in solemnities to render homage to the indigenous peoples. International agencies carry out special sessions and its specialized committees issue press releases to remember the rights of indigenous peoples. Although this tradition has been repeated for several years in the countries of Latin America, there are not many reasons to celebrate this year.

So far this year, the region has seen the loss of Berta Cáceres, a Lenca indigenous and founder of the Civic Council of Popular Organizations and Indigenous People of Honduras (COPINH is its acronym in Spanish), who was brutally murdered on 3 March 2016. While the international community was still expressing its indignation, [Nelson García](#) and [Lesbia Yaneth Urquía](#), both members of COPINH, joined the list of indigenous and environmental activists killed in Honduras.

According to figures from [Global Witness](#), 180 territory defenders were murdered last year, 112 of those were from Latin America. In Brazil alone there have been 50 murders, with several of the victims belonging to indigenous peoples. The resurgence of the agrarian conflicts in the center-west of the country and the impunity enjoyed by the landowners who occupy indigenous territories has generated a context of generalized violence, especially at the expense of the Guarani Kaiowa people. According to the [Conselho Indigenista Missionário](#), 400 indigenous people have been killed in the last 12 years in the state of Mato Grosso do Sul. There, the Guarani Kaiowá are victims of an ethnocide sponsored by landowners with broad representation in the National

Congress. The power of the so-called “*ruralista* bench” has increased following the parliamentary suspension of Dilma Rousseff. If Michel Temer is ratified by the Federal Senate as President of the Republic, it is envisioned an even more pernicious policy than with the current repression against communities that claim their ancestral territories.

2016 accumulates other dark episodes for the indigenous peoples of the region. It is worth mentioning, for instance, [oil leakages over the Marañón river](#) in Peru; the beginning of works of the pharaonic [Belo Monte](#) Hydroelectric Dam in Brazil; the adoption, by presidential decree, of the [Zona de Desarrollo Estratégico Nacional Arco Minero del Orinoco](#), and the disfranchisement of the [indigenous peoples representatives from the Amazonas](#) State in the National Assembly of Venezuela.

In Mexico, 2015 seemed to culminate with good news for the Mayan people. In November of last year, the Supreme Court of Justice had protected the right of several Mayan communities to be consulted prior to the authorization of the planting of transgenic soybeans in the Yucatan Peninsula. In the latest “consultation meetings” held on 30 June and 1 July in Hopelchen and Tenabo, State of Campeche, the authorities in charge of the consultation process enabled more than 100 non-indigenous farmers to participate, promoting tensions between the beneficiaries of the judgment and people favorable to the transgenic soybeans. Since the first meetings, the federal authorities have been keen in promoting the use of genetically modified soy, having even delivered a “base folder” printed in Mayan with pamphlets that explain “the benefits of improved soybeans”. This is not the first time that a ruling that benefits indigenous people becomes a joke in Mexico. The same fortune was reserved to the [Tribu Yaqui](#), equally protected by the Supreme Court, but this has not changed the situation of deprivation from their ancestral territory.

In the Inter-American Human Rights System, one of the main reasons to celebrate the 9 of August of 2016 was the adoption of the report: [Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities](#). This document expands the standards of the IAHRS in respect of prior, free and informed consultation; sets parameters on development projects that require the consent; and clarifies the content of the right of indigenous peoples to participate in the benefits of the projects carried out in its territory, pursuant to Article 15.2 of the ILO Convention 169.

This year has also witnessed the adoption of the [American Declaration on the Rights of Indigenous People](#). After 17 years of comings and goings in the political bodies of the OAS, the Declaration was finally adopted during the General Assembly held in the Dominican Republic. Although the conclusion of the process deserves to be celebrated, some experts believe that there are setbacks in relation to the standards of the ILO Convention 169 and the Declaration on the Rights of the Indigenous Peoples of the UN. [Bartolomé Clavero](#) and [Nancy Yáñez](#) have argued that while the consent is a principle linked to the right of self-determination in the UN Declaration, the same appears as a subsidiary principle to the right of participation in the American Declaration. The authors also point out that the American Declaration does not require the consent of indigenous peoples in cases of spill of toxic waste or dangerous substances in their territories, which itself is referred to in Article 29.2 of the UN Declaration. For both, article 25.5 of the American Declaration is one of the most worrying ones, as it conditions the recognition of the forms of property, possession and ownership of land and Indigenous territories to what is established in the internal legal systems of States.

Given the increase of violence against indigenous peoples and their leaders in Brazil and Honduras, the judicial Pyrrhic victories in Mexico, the environmental disasters and the advance of mega projects in the territory of several peoples in the region, and an American Declaration that goes backwards in some aspects, the question is whether the 9 August 2016 should be a date to celebrate or to reflect on the moral debt that the countries of Latin America accumulate, year after year, with their indigenous peoples.

The original Spanish version of this article was [previously published](#) in the [Due Process of Law Foundation's](#) blog.



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