

## SIDE EVENT

### A STATE PATH FOR THE INDIGENOUS LAND SITUATION

#### UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES 2024

##### 1. Objectives of the Side Event

This Side Event provides an opportunity to generate a space for dialogue and feedback that allows for the exchange of experiences, best practices and challenges related to the role of the State in the indigenous land issue. Additionally, it seeks to promote acknowledgement of dialogue, peace and understanding mechanisms for intercultural and legal conflicts in relation to indigenous lands, presenting, among others, the experience and work of the Chilean Presidential Commission for Peace and Understanding.

Specific objectives include:

- Recognizing and valuing the contributions of a dialogue and peace process in addressing a solution to conflicts related to indigenous lands.
- Facilitating a feedback space with international experiences.
- Introducing the Chilean Presidential Commission for Peace and Understanding.

##### 2. Background

Within the framework of the United Nations Declaration on the Rights of Indigenous Peoples, the International Labor Organization's Convention 169 on Indigenous and Tribal Peoples (ILO Convention No. 169) and other applicable international and regional human rights instruments, there is recognition of the right of Indigenous Peoples to their lands, territories and natural resources, all of which form the basis of their collective identity and their physical, economic and cultural survival.

As noted by the UN Permanent Forum on Indigenous Issues and the UN Special Rapporteur on the rights of Indigenous Peoples<sup>1</sup>, the loss of land, as well as restrictions on access to their lands and resources has made it increasingly difficult for indigenous societies to practice and maintain their indigenous knowledge systems<sup>2</sup>.

At the regional level, the jurisprudence of the Inter-American Court of Human Rights has explained that it is necessary to materialize the territorial rights of indigenous peoples through the adoption of the necessary legislative and administrative measures to create an effective mechanism for delimitation and demarcation that recognizes such rights in practice. It is thus understood that guarantees regarding lands and territories are a necessary condition for the effective exercise of all rights inherent to indigenous peoples.

With these guidelines in mind, on June 24, 2023, the "Presidential Commission for Peace and Understanding" was announced and formed in Chile, with the purpose of collaborating with the President of the Republic in the analysis and generation of proposals to solve the indigenous land issue, specifically

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<sup>1</sup> A/HRC/51/28

<sup>2</sup> E/C.19/2014/2

focused on the Mapuche People. The creation of this Commission implies the recognition that, the land claim is at the origin of the political and historical problems between the State of Chile and the Mapuche People, noting that the limitations of the current institutional framework in this matter have tensioned the coexistence between Mapuche communities and various private and public actors.

Situations such as the one described above, challenge the States to seek agreements that allow them to adapt and improve the current institutional framework, taking the necessary measures to give full recognition to the rights of Indigenous Peoples and to comply with their international human rights obligations.

This Side Event is an invitation to reflect on the challenges and opportunities for States to respond to indigenous land issues, generating an opportunity for feedback on various experiences, good practices and pending challenges.

### 3. Venue

Conference Room No. 11 of the United Nations Headquarters, New York.

### 4. Date

Wednesday, April 17, 2024, from 10:00 am to 11:15 am (1 hour 15 minutes duration).

### 5. Agenda Description

Time	Activity	Duration	Person
10:00 – 10:05	Opening Greetings	5 minutes	Francisca Gallegos, Undersecretary of Social Services of the Ministry of Social Development of Chile
10:05 -10:10	Opening Greetings	5 minutes	Individual designated by the Embassy of Canada
10:10 - 10:15	Opening Greetings	5 minutes	Individual designated by the Embassy of Colombia
10:15 - 10:20	Opening Greetings	5 minutes	Carlos Llancaqueo, President of Aitue Foundation.
10:20 -10:40	Presentation of CPPYE Chile: Progress and Challenges	20 minutes	Presentation by commissioner Gloria Callupe and Executive Secretary, Víctor Ramos of the Chilean Presidential Commission for Peace and Understanding
10:40 - 10:50	Comments on Presentation	10 minutes	Hernán Coronado, regional specialist on Latin American indigenous people, International Labour Organization.
10:50 - 11:10	Questions and Answers	20 minutes	
11:10 - 11:15	Closing Remarks	5 minutes	Patsilí Toledo Vergara, lawyer, PhD in law, and academic. Chilean candidate to CEDAW.