***Structural Analysis of Cultural Systems***

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Expert Mechanism on the Rights of Indigenous Peoples

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Name of Speaker: Arnold GROH

Organisation: Structural Analysis of Cultural Systems

Item 3: Study and advice on constitutions, laws, legislation, policies, judicial decisions and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration.

**Translating Indigenous Peoples’ Rights into Action**

Thank you, Mr. Chairman / Madam Chairperson,

It is highly appreciated that EMRIP evaluates, with regard to Art. 38 UNDRIP the degree to which appropriate measures have been taken to achieve the goals of the Declaration. From our research institution’s perspective, we focus on the translation of Indigenous Peoples’ Rights into action, and we do so both during our research in the fields and by considering available documentation on Indigenous Peoples’ situations and conditions. In general, we can say that there have not been profound changes since the declaration has come into effect. We found land issues, be it by oil palm plantations penetrating into traditional Bagyeli territory in Cameroon, or by fraudulent land title issuance to a foreign investor in Peru, to the detriment of the Yagua community. Especially, violations of UNDRIP Art. 8.2a are widespread, according to which any action which has the aim or effect of depriving indigenous peoples of their integrity as distinct peoples, or of their cultural values or ethnic identities, is an infringement of Indigenous Peoples’ Rights. Be it settlers, military, tourists or other visitors – they commonly neglect the culturally specific ways of life. Those dominant invaders usually ignore the destabilising effects of their influence which they exert by their mere presence unless this takes place in an immersive, minimally-invasive way. Exercising Art. 11 - right to cultural revitalisation – is inhibited, as apparently, it is often even welcomed to push Indigenous Peoples into civilisation and globalisation, although they could give orientation as how to live in, with, and from nature without destroying it, and how to counteract global problems such as climate change. Yet, as a positive example, Woleai in the Pacific should be mentioned, where schooling takes place in a culturally specific way as specified in Art. 14 UNDRIP.

Thank you, Mr. Chairman / Madam Chairperson.