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Rights of Indigenous Peoples

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay, in accordance with Human Rights Council resolution [51/16](#).

* [A/79/150](#).



Report of the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay

Mobile Indigenous Peoples

Summary

In the present report, prepared pursuant to Human Rights Council resolution [51/16](#), the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay, considers the situation of mobile Indigenous Peoples, addressing the challenges they face to their legal recognition, land rights and mobility, including transboundary movement, as well as the challenges caused by the impact of armed conflict, and also considers the unique situation of Indigenous Peoples living in voluntary isolation and initial contact.

Report of the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay

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I. Introduction

1. The present report is submitted by the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay, pursuant to Human Rights Council resolution 51/16.¹ In the report, the Special Rapporteur considers the unique challenges faced by mobile Indigenous Peoples, such as pastoralists, herders, hunter-gatherers, seafarers and Indigenous Peoples living in voluntary isolation and initial contact, and outlines the initiatives undertaken by States, Indigenous Peoples and other stakeholders to recognize and respect their rights.

2. In the course of preparing the report, the Special Rapporteur issued a call for input to Member States, Indigenous Peoples' organizations, academics and non-governmental organizations. He expresses his gratitude for all those who provided written contributions, 53 in total, as well as 33 oral interventions from virtual consultations; the report also incorporates input from presentations during a side event at the twenty-third session of the Permanent Forum on Indigenous Issues, held in 2024, and from the outcome document of an expert seminar hosted by Russian Indigenous Peoples.² The Special Rapporteur also reviewed official United Nations documents and thematic studies and drew on information gathered during country visits.

II. Activities of the Special Rapporteur

3. Following the submission of his previous report (A/78/162) to the General Assembly, the Special Rapporteur carried out an official visit to Colombia. He participated in the annual meetings of the Permanent Forum, the Expert Mechanism on the Rights of Indigenous Peoples and the Conference of the Parties to the United Nations Framework Convention on Climate Change.

III. Mobile Indigenous Peoples

4. Mobile Indigenous Peoples are a distinct subset of Indigenous Peoples who self-identify as Indigenous under international law.³ Moving and changing residence strategically within extensive homelands, they typically occupy fragile ecosystems of high ecological value. Mobile peoples' lifestyles and livelihoods often depend on long-term cyclical patterns of subsistence, the use of common resources and management strategies that maintain biodiversity.⁴ They live on every continent and in all landscapes, including oceans, seas, rivers, mountains, grasslands, forests and deserts. The designation mobile Indigenous Peoples generally describes the specific subgroups of Indigenous Peoples mentioned below in terms that are sometimes used interchangeably.

5. The present report adopts the terminology "mobile" Indigenous Peoples over "nomad". Although "nomad" is still used and is being reclaimed as a form of

¹ The Special Rapporteur thanks the faculty and students at the University of Arizona for their assistance with the research, analysis and drafting. They bear no responsibility for the final content. He also wishes to thank the University of Oxford for organizing the virtual consultation and side event.

² Outcome document of the expert seminar on the nomadic and semi-nomadic Indigenous Peoples of the Russian Federation, Salekhard, Russian Federation, 9 and 10 March 2024.

³ See the non-exhaustive list of mobile Indigenous Peoples compiled by Yurta Association. Available at <http://www.nomadicpeople.org/about-nomads.html>.

⁴ World Alliance of Mobile Indigenous Peoples, see <https://wamipglobal.com/about-us/>; Argentina submission; Yurta Association submission.

empowerment, it may have negative connotations to a rootless population with no fixed identity, reflecting experiences of discrimination, marginalization and persecution.

6. The present report does not distinguish between pastoralists and herders. Pastoralists engage in the seasonal and regular movement of people with their livestock between geographical or climatic regions.⁵ Pastoralists and herders follow pasture and water over vast distances, year after year, taking advantage of seasonal variability to conserve and utilize resources to their fullest capacity. Not all pastoralists engage in transhumance (the seasonal droving of livestock), rather they may move herds short distances or follow irregular patterns of movement. Hunter-gatherers live by hunting, fishing and harvesting wild foods. Sea nomads and seafarers are marine-maritime-based Indigenous Peoples whose mobility spans over waters rather than lands. Sea nomads' subsistence livelihoods derive from sea and marine ecosystems, including spearfishing, gathering marine and forest products, and hunting coastal animals.

7. Many Indigenous Peoples living in voluntary isolation and initial contact move seasonally for sustenance, resources and rituals, reflecting deep material, social, cultural and spiritual ties to their territories. The physical and cultural survival of Indigenous Peoples living in voluntary isolation and initial contact is strongly linked to their territories. Indigenous Peoples living in voluntary isolation avoid external contact outside their communities,⁶ whereas Indigenous Peoples in initial contact are those who were previously living in isolation, before factors brought them into contact with the majority population. To identify the presence of Indigenous Peoples living in voluntary isolation and initial contact without exposing them to contact, specific studies must be carried out, which are scarce. The lack of data and studies is used to deny their presence and allow economic activities in their territories. While there are studies that indicate the presence of at least 40 Indigenous Peoples in voluntary isolation in Papua New Guinea,⁷ as well as some presence in India, Indonesia and Malaysia, among others,⁸ it is likely that a high number of Indigenous Peoples living in voluntary isolation and initial contact have not been identified. Their presence in Africa is not excluded, but reliable records are lacking. In America, "it is impossible to know how many indigenous peoples or persons remain in isolation, but some calculations refer to some 200 peoples and approximately 10,000 persons".⁹

IV. International law and policy framework

8. The present report examines the global situation of mobile Indigenous Peoples, incorporating and expanding upon previous findings, including those of the Permanent Forum;¹⁰ the Expert Mechanism;¹¹ the secretariat of the Convention on

⁵ United Nations Educational, Scientific and Cultural Organization (UNESCO), "Transhumance, the seasonal droving of livestock", 2023.

⁶ Those in voluntary isolation are also referred to as Indigenous Peoples in a natural condition; however, the present report uses in voluntary isolation.

⁷ See www.survivalinternational.org/articles/3122-questions-and-answers-uncontacted-papua.

⁸ See E/C.19/2007/12; and Survival International, "Indonesia: new 'catastrophic' footage shows uncontacted tribe near nickel mine", 30 October 2023.

⁹ Inter-American Commission on Human Rights, *Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for the Full Respect of their Human Rights* (2013).

¹⁰ See E/C.19/2013/5 E/C.19/2012/4.

¹¹ See A/HRC/EMRIP/2019/2/Rev.1.

Biological Diversity;¹² the International Organization for Migration;¹³ the secretariat of the United Nations Convention to Combat Desertification;¹⁴ and the United Nations Environment Programme.¹⁵ Recent United Nations initiatives to address the rights of mobile Peoples include the United Nations Educational, Scientific and Cultural Organization (UNESCO) inscribing the practice of transhumance on the Representative List of the Intangible Cultural Heritage of Humanity¹⁶ and the General Assembly declaring 2026 the International Year of Rangelands and Pastoralists¹⁷ and 2024 the International Year of Camelids.¹⁸

9. Mobile Indigenous Peoples are protected by international law applicable to all Indigenous Peoples, including the United Nations Declaration on the Rights of Indigenous Peoples, the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO), and other relevant international and regional norms and jurisprudence. Given their unique lifestyle, international standards must be interpreted and applied according to the specific needs of mobile Indigenous Peoples, as reflected in article 14 (1) of ILO Convention No. 169:

The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.

10. The right of transboundary mobile Indigenous Peoples to maintain and develop contacts, relations and cooperation across borders is protected by article 36 of the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 article 32, while article 6 of the Declaration addresses statelessness by affirming the right to nationality.

11. The rights of Indigenous Peoples living in voluntary isolation and initial contact are not specifically addressed in the United Nations Declaration on the Rights of Indigenous Peoples or in ILO Convention No. 169. The Office of the United Nations High Commissioner for Human Rights has, however, developed the Guidelines for the protection of Indigenous Peoples in isolation and initial contact of the Amazon region, Gran Chaco and the eastern region of Paraguay¹⁹ and prepared a summary of a working meeting on the rules of international law relating to the human rights of Indigenous Peoples in voluntary isolation and initial contact in the Amazon and Gran Chaco.²⁰ The Special Rapporteur further detailed the legal framework safeguarding the rights of Indigenous Peoples living in voluntary isolation and initial contact in an *amicus curiae*

¹² Secretariat of the Convention on Biological Diversity, *Pastoralism, Nature Conservation and Development: A Good Practice Guide* (Montreal, 2010).

¹³ International Organization for Migration (IOM) and Intergovernmental Authority on Development (IGAD) Centre For Pastoral Areas and Livestock Development, “Equipped to adapt? A review of climate hazards and pastoralists’ responses in the IGAD region”, March 2022; IOM and others, *Regional Policies and Response to Manage Pastoral Movements within the ECOWAS Region* (Abuja, 2019); IOM, *Pastoral Mobility in the Context of Climate Change in Mali* (Geneva, 2023).

¹⁴ United Nations Convention to Combat Desertification, *Global Land Outlook: Thematic Report on Rangelands and Pastoralism* (Bonn, 2024); and United Nations Convention to Combat Desertification, decision 26/COP.14.

¹⁵ See [UNEP/EA.4/Res.15](#).

¹⁶ UNESCO, decision 18.COM 8.b.14.

¹⁷ General Assembly resolution 76/253; and <https://www.iyrp.info/>.

¹⁸ General Assembly resolution 72/210.

¹⁹ Available at <https://acnudh.org/wp-content/uploads/2019/07/015-Directrices-de-Protecci%C3%B3n-para-los-Pueblos-Ind%C3%ADgenas-en-Aislamiento-y-en-Contacto-Inicial-de-la-Regi%C3%B3n-Amaz%C3%B3nica-el-Gran-Chaco-y-la-Regi%C3%B3n-Oriental-de-Paraguay.pdf>.

²⁰ See [A/HRC/39/17/Add.1](#).

brief to the Inter-American Court of Human Rights in the case of *Pueblos Indígenas Tagaeri y Taromenane vs. Ecuador*, underscoring States' obligations to adhere to the precautionary, no-contact and intangibility principles. The Indigenous Peoples living in voluntary isolation and initial contact are protected under article XXVI of the American Declaration on the Rights of Indigenous Peoples, and the Inter-American Commission on Human Rights has issued recommendations to address their rights.²¹

12. The African Union Policy Framework for Pastoralism in Africa: Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities, of 2010, recognizes the rights of pastoralists, without explicitly mentioning Indigenous Peoples. It emphasizes transboundary cooperation, pastoralist land-rights systems and the interface between customary and State institutions. Other multilateral initiatives in Africa include the Economic Community of West African States transhumance regulations of 1998 and 2003; the Nouakchott Declaration on Pastoralism: mobilizing jointly an ambitious effort to ensure pastoralism without borders, of 2013; the N'Djamena Declaration on the Contribution of Pastoral Livestock to the Security and Development of the Saharo-Sahelian Areas, of 2013; and the Intergovernmental Authority on Development Transhumance Protocol, of 2020.

13. The European Union policy on Indigenous Arctic People along with the European Union Interreg Northern Periphery and Arctic programme provide support for Sami and Inuit culture, livelihoods and entrepreneurship, as well as a framework for cross-border contacts and programmes.²²

14. At the non-State level, the Dana Declaration on Mobile Peoples and Conservation was adopted in 2002 by scientists and representatives of mobile Peoples to protect biodiversity while furthering respect for the rights of Indigenous Peoples and was followed by the Dana+20 Manifesto of Mobile Peoples in 2022. The Manifesto specifically called upon the United Nations to publish a report on the situation of mobile Indigenous Peoples with specific recommendations for upholding their rights.²³

15. The Dana Declaration contributed to the formation of the World Alliance of Mobile Indigenous Peoples in 2003, at the fifth World Parks Congress of the International Union for Conservation of Nature. The World Alliance advocates for the rights of pastoralists and other mobile Indigenous Peoples globally. Other relevant international grass-roots organizations include but are not limited to the Pastoralist Communication Initiative, the World Initiative for Sustainable Pastoralism, the League for Pastoral Peoples and Endogenous Livestock Development, the World Pastoralist Forum, ANDES, Saminuorra, the World Union of Indigenous Spiritual Practitioners and the International Working Group of Indigenous Peoples in Isolation and Initial Contact (GTI-PIACI).

²¹ Inter-American Commission on Human Rights, *Indigenous Peoples in Voluntary Isolation*.

²² EU Arctic Policy, 13 October 2021. Available at https://maritime-forum.ec.europa.eu/contents/eu-policy-indigenous-artic-people_en.

²³ See www.danadeclaration.org/dana-20-manifesto. See also Segovia Declaration of Nomadic and Transhumant Pastoralists (2007); Nyéléni Declaration of the International Forum for Agroecology (2015); Cancun Statement for the Promotion of Sustainable Pastoralism (2016); and Mera Declaration of Women Pastoralists (2010).

V. Current issues for mobile Indigenous Peoples

A. Legal recognition and political participation

16. Indigenous Peoples are protected by a legal framework that is distinct from the rights of minorities,²⁴ peasants²⁵ and “local communities”.²⁶ Nevertheless, some States have failed to affirm the Indigenous status of self-identifying mobile Indigenous Peoples, instead characterizing them as marginalized groups²⁷ or claiming that all nationals are indigenous to the country.²⁸ In some regions, Indigenous Peoples may not adopt the term for themselves due to a lack of familiarity with, or use of, the term in local languages.²⁹ Structural racism, racial discrimination and social exclusion are root causes of marginalization, as mobile Indigenous Peoples may be viewed as primitive, backward, unproductive or transient strangers with no attachment to the lands they are passing through.³⁰

17. As the African Commission on Human and Peoples’ Rights has noted: “The favouring of settled agriculture over hunting, gathering and nomadic cattle herding has been instrumental in both marginalizing and stigmatising some peoples and inspiring them to identify themselves as Indigenous groups. So too has the establishment of national parks and other projects that led to forced relocation of the inhabitants.”³¹

18. The Constitution of Botswana recognizes eight main tribes but excludes the Khoe-San hunter-gatherers.³² South Africa does not recognize the Khoe-San as Indigenous Peoples, but characterizes them as religious, cultural and linguistic communities whose language should be protected and promoted.³³ In the Democratic Republic of the Congo, although Act No. 22/030 of 15 July 2022 on the protection and promotion of the rights of Indigenous Pygmy Peoples guarantees “Pygmy” Indigenous Peoples access to public services and exercise of public power, Batwa hunter-gatherers are not represented in decision-making bodies, a2 participation is hindered by educational requirements and thresholds they are not able to meet. Rwanda categorizes the Batwa as “historically marginalized peoples”.³⁴ The Benet hunter-gatherers are not in the Third Schedule to the Constitution of Uganda, listing

²⁴ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly resolution 47/135, annex).

²⁵ United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (Human Rights Council resolution 39/12, annex).

²⁶ Dario José Mejía Montalvo, Chairperson of the Permanent Forum on Indigenous Issues, José Francisco Calí Tzay, Special Rapporteur on the Rights of Indigenous Peoples, and Sheryl Lightfoot, Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples, joint statement, Geneva, July 2023. See also Permanent Forum, Expert Mechanism and Special Rapporteur, outcome document of meeting held at Food and Agriculture Organization of the United Nations headquarters, Rome, 26 to 28 February 2024.

²⁷ Constitution of Kenya, art. 260.

²⁸ African Commission on Human and Peoples’ Rights, *Report of the African Commission on Human and Peoples’ Rights Working Group of Experts on Indigenous Populations/Communities* (Somerset, New Jersey, Transaction Publishers, 2005).

²⁹ Oxford University Collective for Pastoralist and Nomadic People submission.

³⁰ International Land Coalition submission; and Jeremie Gilbert, *Nomadic Peoples and Human Rights* (Routledge, 2014).

³¹ African Commission on Human and Peoples’ Rights, *Report of the African Commission on Human and Peoples’ Rights*, p. 92.

³² International Work Group for Indigenous Affairs, “Constitutional rights relevant for indigenous peoples in Botswana”, 28 March 2011.

³³ Constitution of South Africa, 1996. See also [CRC/C/ZAF/CO/3-6](#) and [CERD/C/ZAF/CO/9-11](#).

³⁴ Unrepresented Nations and Peoples Organization submission.

Indigenous communities as of February 1926 and are therefore denied associated benefits.³⁵

19. Although there is no policy framework to ensure implementation,³⁶ article 260 of the Constitution of Kenya provides for the full representation of “marginalized groups” defined as “an Indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or pastoral persons and communities, whether they are (i) nomadic; or (ii) a settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole;”.

20. In the Russian Federation, mobile Indigenous Peoples’ rights are protected by the regulation on the governance of national minorities, of 1822, and the Constitution’s recognition of “Indigenous small-numbered Peoples”. Indigenous small-numbered Peoples are defined as those residing in the traditional settlement areas of their ancestors, preserving their traditional lifestyle, economic activity and occupations, with a population totalling less than 50,000 members and identifying themselves as distinct peoples. This definition appears to limit Indigenous status to only those members who have preserved their traditional lifestyle and live in traditional settlement areas, which may be interpreted as excluding others, for example, those who use snowmobiles to herd. No criteria or mechanisms exist to keep records of Indigenous small-numbered Peoples and a federal law on reindeer herding remains pending, limiting their legal status and protection.³⁷

21. Article 108 of the Constitution of Norway provides that “The authorities of the state shall create conditions enabling the Sámi people to preserve and develop its language, culture and way of life.” The Sami are represented through the Sami Parliament that is democratically elected by Sami constituents and regulates all matters relating to the Sami in Norway.³⁸

22. The Maldhari Rural Action Group of India has organized a Pastoralist Parliament to strengthen pastoralists’ collective voice and support participation at every level of government.³⁹ The Constitution of India provides for the representation and protection of “Scheduled Tribes”. The Panchayat Act (1996) grants them rights over natural resources and local governance. India has recognized 75 communities as particularly vulnerable tribal groups, including the Shompen Indigenous Peoples living in voluntary isolation and initial contact.⁴⁰ The Van Gujjar pastoralists are classified as a backward caste in some states, without status as a Scheduled Tribe, they do not have access to social welfare schemes, nor are they represented in decision-making processes. Illiteracy, a lack of awareness about their rights, cultural and linguistic differences, along with structural racism and racial discrimination, prevent them from exercising their political agency.⁴¹

23. Although Argentina has not distinguished Indigenous pastoralists from non-Indigenous pastoralists, Law No. 3016 of the Province of Neuquén(2016)

³⁵ Minority Rights Group, Benet Mosop Community Association, Endorois Welfare Council, Ogiek Peoples’ Development Programme, Environnement ressources naturelles et développement, and Centre d’espoir pour les droits humains submission. See also [E/C.12/UGA/CO/1](#).

³⁶ Mainyoito Pastoralists Integrated Development Organization submission. See also [CCPR/C/KEN/CO/4](#).

³⁷ Outcome document of the expert seminar on the nomadic and semi-nomadic Indigenous Peoples of the Russian Federation, 9 and 10 March 2024.

³⁸ Sami Parliament of Norway submission.

³⁹ International Land Coalition submission.

⁴⁰ India, Ministry of Tribal Affairs, “Welfare of particularly vulnerable tribal groups”, 4 July 2019.

⁴¹ Van Gujjar Tribal Yuva Sanghatan submission; and [A/HRC/52/11](#). See also communication MYS 3/2023.

recognizes their mobility practices, including the designation of traditional passages that require permits for overnight stays, construction and grazing.⁴²

24. The Plurinational State of Bolivia has allocated 7 out of 130 seats in Parliament for mobile Indigenous Peoples.⁴³ The country's Constitution recognizes the rights of Indigenous Peoples living in voluntary isolation and initial contact to "maintain themselves in that condition, and to the legal definition and consolidation of the territory which they occupy and inhabit".⁴⁴ According to civil society organizations, there is evidence of the presence of at least 185 Indigenous Peoples living in voluntary isolation and initial contact in South America, 66 of which are recognized by States.⁴⁵ Ecuador has adopted measures to protect Indigenous Peoples living in voluntary isolation and initial contact, including a constitutional guarantee to "ensure respect for their self-determination and will to remain in isolation and ensure the observance of their rights" and a prohibition against extractive activities within their territories.⁴⁶ The country's Environmental Code further recognizes the rights of Indigenous Peoples living in voluntary isolation in protected areas.⁴⁷

25. Colombia adopted the national system for the prevention and protection of the rights of Indigenous Peoples in isolation or natural condition, which recognizes the intangibility of their territories and right to remain in isolation and without contact. However, it has not been fully implemented.⁴⁸ The absence of official data on Indigenous Peoples living in voluntary isolation and initial contact in Africa, Asia and the Pacific is the primary barrier to the adoption of appropriate legislation and policies to protect them.

26. Often, mobile Indigenous Peoples must adjust to colonial political structures in order to exercise their right to participation, despite the fact that these structures do not reflect their institutions and patterns of mobility, and that the structures often favour sedentarization or exclusion. Mobile Indigenous Peoples' political participation is often limited by barriers in obtaining identification and voter registration, which may be based on fixed residence requirements. Living in remote, isolated and inaccessible areas requires travelling long distances or through difficult terrain to participate in elections. There is often a lack of access to critical information concerning voter registration and the electoral process because of language barriers, particularly for elders.⁴⁹ High levels of illiteracy, inadequate economic empowerment, forced evictions and the denial of health services, all of which may be linked to mobility, can also limit political participation. In Scandinavian countries, voting in local elections is based on residence and where taxes are paid, yet Sami reindeer herders move across many municipalities. Establishing residence to vote in another municipality may affect children's rights, including education in the Sami language.⁵⁰

⁴² IPAF, NOA – INTA, Argentina submission.

⁴³ Maat for Peace, Egypt submission.

⁴⁴ Constitution of the Plurinational State of Bolivia, art. 31.

⁴⁵ International Working Group of Indigenous Peoples in Isolation and Initial Contact submission.

⁴⁶ Constitution of Ecuador, art. 57.

⁴⁷ Environmental Code of Ecuador, art. 48.

⁴⁸ Submission of the Office of the Ombudsperson, Colombia.

⁴⁹ International Foundation for Electoral Systems submission.

⁵⁰ Sami Parliament of Norway submission.

B. Mobility and the right to lands, territories, resources and marine areas

27. The lands and territories of mobile Indigenous Peoples are often vulnerable to appropriation because they are used seasonally or periodically, and they are sometimes shared with others. The mislabelling of Indigenous lands as empty, vacant, barren, unproductive or *terra nullius*⁵¹ was used to justify and legitimize acquisition during the colonial era. The private property view of land and permanent residence does not adequately consider the overlapping, shared, and seasonal use of resources and denies communal land governance.⁵² That approach resulted in restrictions on the movement of mobile Indigenous Peoples that continue to have an impact on their lives. For example, many Inuit in Canada were coerced into sedentarism and relocated to settlements. Those assimilationist policies forced them to rely on government allowances and to send their children to residential schools. While land claims settlements have given Inuit more control over their lives, they have yet to regain full autonomy over their lands.⁵³

28. International standards for Indigenous Peoples living in voluntary isolation and initial contact mandate the protection of their territories, including the creation of intangible zones and surrounding buffer areas and respect for mobility patterns. However, this protection is rare in areas of economic value. When intangible zones are recognized, their borders often do not align with the actual movement and transit areas of Indigenous Peoples in voluntary isolation. Similar issues occur with territories of Indigenous Peoples in initial contact, the boundaries of which are often delimited without considering their mobility patterns. As a result, Indigenous Peoples living in voluntary isolation and initial contact territory can be fragmented, their migratory routes interrupted, and possibilities of contact and conflict increased.

29. States have adopted measures to uphold international standards with respect to lands and territories of Indigenous Peoples in voluntary isolation and initial contact; however, a lack of financial and human resources has allowed private actors to operate with impunity on their territories.⁵⁴ Institutions dedicated to protecting Indigenous Peoples living in voluntary isolation and initial contact often lack resources, technical knowledge and political support, and may face conflicts of interest when authorizing economic activities in protected areas. In Peru, “intangible reserves”⁵⁵ have been recognized but are threatened by legislative changes.⁵⁶ Ecuador established an “intangible zone” within the Yasuni Biosphere Reserve to protect the Tagaeri and Taromenane Peoples. That zone does not, however, encompass their entire traditional territory or prevent energy extraction in surrounding areas. Oil activities are limiting the movement of the Tagaeri and Taromenane, thereby increasing the likelihood of contact and pushing them into areas occupied by Waorani Indigenous Peoples.⁵⁷

30. Owing to a prevailing tendency to recognize territorial claims based on permanent and settled land use, mobile Indigenous Peoples face eviction, forced urbanization and induced sedentarization, which result in the loss of culture and livelihoods and the fragmentation of families, social relations and governance.⁵⁸

⁵¹ See [A/HRC/36/46/Add.2](#).

⁵² International Land Coalition submission.

⁵³ Pauktuutit Inuit Women of Canada submission. See also [A/HRC/54/31/Add.2](#).

⁵⁴ International Working Group of Indigenous Peoples in Isolation and Initial Contact submission.

⁵⁵ Act No. 28736 on the Protection of Indigenous or Aboriginal Peoples Living in a Situation of Isolation or Initial Contact.

⁵⁶ Communication No. PER 1/2024.

⁵⁷ See [A/HRC/42/37/Add.1](#). See also communication No. ECU 7/2016.

⁵⁸ Outcome document of the expert seminar on the nomadic and semi-nomadic Indigenous Peoples of the Russian Federation, 9 and 10 March 2024. See also Sea Nomads Contact Group submission.

Article 10 of the United Nations Declaration on the Rights of Indigenous Peoples and article 16 (2) of ILO Convention No. 169 protect against forced removal and relocation without free prior and informed consent. Unrecognized or precarious land rights increase vulnerability to unlawful evictions and restrictions on mobility. Even where laws exist to protect against evictions,⁵³ safeguards are superseded by competing claims, as land tenure security is often embedded in sedentarist or agrarian-industrial ideals.⁵⁹

31. Indigenous Peoples who are mobile often struggle to have their communal land, territory and resource rights recognized, as their mobility is frequently overlooked by States when demarcating and titling lands or designing land management plans. When judicial remedies are available, the process is often too costly for mobile Indigenous Peoples to pursue legal action.⁶⁰ Compounding the high costs, courts have “individualized” remediation of collectively owned lands comprising shared resources by mobile Indigenous Peoples, because laws protect individual rights over mobile-based livelihoods.⁶¹

32. While mobile Indigenous Peoples’ land and resource rights are largely ignored, there are several examples of State recognition, including pastureland laws in Tajikistan and Uzbekistan;⁶² the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in India, of 2006; the Village Land Act, of 1999, and the Grazing-land and Animal Feed Resources Act, of 2010, in the United Republic of Tanzania; the Constitution of Ethiopia, of 1994, and Proclamation 31/1975;⁶³ and the Land Act (Cap. 227) of Uganda, of 1998.⁶⁴ National pastoral codes in Burkina Faso, Mali, Mauritania and the Niger serve to support and regulate pastoralism.⁶⁵ In Kenya, the Community Land Act of 2016, National Land Policy of 2009 and the Constitution of 2010 address land tenure security and the right to own and manage land communally.⁶⁶ State recognition of mobile Indigenous Peoples’ land rights is essential; however, laws are often disregarded by the government and communities are unable to assert them.

33. In section 9 of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security of the Food and Agriculture Organization of the United Nations (FAO), of 2022, States are urged to recognize and protect Indigenous customary land tenure and to meet their obligations under ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples.⁶⁷

34. The International Land Coalition has developed a toolkit for pastoralists and other mobile Indigenous Peoples⁶⁸ that identifies good practices, such as agreements between pasture user groups and local governments over pasturelands for herders in Kyrgyzstan and Mongolia.⁶⁹

⁵⁹ International Land Coalition submission.

⁶⁰ Mainyoito Pastoralists Integrated Development Organization submission.

⁶¹ Ringo W. Tenga, “The right to food and security of pastoral resource rights in the United Republic of Tanzania”, in *The Right to Food and Access to Natural Resources: Using Human Rights Arguments and Mechanisms to Improve Resource Access for the Rural Poor*, Lorenzo Catula, ed. (Rome, FAO, 2009), p. 51.

⁶² International Land Coalition submission.

⁶³ Mainyoito Pastoralists Integrated Development Organization submission.

⁶⁴ World Pastoralist Forum submission.

⁶⁵ International Land Coalition submission.

⁶⁶ Mainyoito Pastoralists Integrated Development Organization submission.

⁶⁷ FAO, *Voluntary Guideline on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (Rome, 2022).

⁶⁸ International Land Coalition, “ILC toolkit 3: diverse tenure systems”, 2019.

⁶⁹ International Land Coalition submission.

1. Climate change and conservation

35. Movement restrictions reduce the adaptive capacity and resilience of mobile Indigenous Peoples, as they depend directly on their land, territories and marine areas for survival.⁷⁰ Heat, fire and droughts caused by climate change destroy natural resources, heightening levels of poverty and food insecurity and threatening the restoration of grasslands, meadows, valleys and aquifers. During periods of drought, there is little water for human consumption, livestock feed and crop cultivation. These factors has caused the loss of subsistence practices, food shortages and malnutrition among mobile Indigenous Peoples.⁷¹ Internal conflicts further undermine their resilience to climate change as they cannot move in search of water and pastures.⁷²

36. Pastoralists are sometimes accused of driving climate change by promoting environmental degradation,⁷³ however it is well established⁷⁴ that seasonal and periodic livestock grazing benefits the environment. Unlike industrial livestock production, pastoralism allows rangelands to regenerate, reducing wildfires, supporting the heterogeneity of plants and enhancing carbon sequestration.⁷⁵ Restrictions on movement increase the concentration of livestock and lead to land degradation and a lack of productivity. Animal movement improves soil moisture, fertility and microbiodiversity.⁷⁶ Pastoralists are also keepers of animal genetic resources through the rearing of adaptable breeds for the future and livestock at risk of extinction.⁷⁷

37. Fulani pastoralists of Guinea, Mali, the Niger, Nigeria and Senegal are particularly impacted by the adverse effects of climate change. As a survival mechanism, they leave their lands for months and bring cattle to where they find food and water. Climate adaptation mobility-based strategies are used to manage cattle herds, including through the diversification of food sources and differentiated labour division.⁷⁸

38. Over the past 80 years, the average temperature in the Mongolian highlands has increased by 2.25 degrees, 2.5 times the world average, while precipitation has decreased by 8 per cent. These conditions are killing herders' livestock and threatening their livelihoods.⁷⁹ In the Amazon, climate change is causing extreme temperatures, severe droughts and floods, as well as the disappearance of species. Indigenous Peoples living in voluntary isolation and initial contact are the most vulnerable, as they fully depend on local resources for their survival.⁸⁰ In 2015, the Special Rapporteur on the rights of Indigenous Peoples expressed concern over this situation.⁸¹

39. As the Special Rapporteur noted in his report to the Human Rights Council on the theme of green finance,⁸² mobile Indigenous Peoples are particularly at risk from

⁷⁰ International Land Coalition submission.

⁷¹ Submission from Mexico.

⁷² Mainyoto Pastoralists Integrated Development Organization submission.

⁷³ Ibid.; and University of Shizuoka (Japan) submission.

⁷⁴ Barron J. Orr and others, *Scientific Conceptual Framework for Land Degradation Neutrality: A Report of the Science and Policy Interface* (Bonn, United Nations Convention to Combat Desertification, 2019); and United Nations Decade on Ecosystem Restoration, challenge 5 on communities.

⁷⁵ International Land Coalition submission.

⁷⁶ Van Gujjar Tribal Yuva Sanghatan submission.

⁷⁷ International Land Coalition submission.

⁷⁸ World Pastoralist Forum submission.

⁷⁹ Permanent Forum side event on mobile Indigenous Peoples and the Dana Declaration, 19 April, 2024.

⁸⁰ International Working Group of Indigenous Peoples in Isolation and Initial Contact submission.

⁸¹ Communication No. BRA 9/2015.

⁸² [A/HRC/54/31](#).

the green transition, as Governments and foreign investors assume that their lands are empty. Wind and solar farms and the mining of energy transition minerals are imposed on mobile Peoples' lands without their consent, such as the mega hydropower dams in Ethiopia⁸³ and the Olkaria Geothermal and Lake Turkana wind power projects in Kenya,⁸⁴ the Alcazar Energy solar photovoltaic farm in Jordan⁸⁵ and the Zarafshan wind power plant in Uzbekistan.⁸⁶ In Norway, litigation is under way and tensions are rising over new wind power and mining projects on Sami territories,⁸⁷ despite the Committee on the Elimination of Racial Discrimination urging the Government to stop the construction of wind farms, and a 2021 finding of the Supreme Court that the Government violated Sami rights by permitting wind farms.⁸⁸ In his report on green finance, the Special Rapporteur further warned of the risk of harm caused by unregulated carbon markets on Indigenous Peoples' rights. In Colombia, recently contacted Nükak people signed a 100-year carbon credit contract with exclusivity and irrevocability clauses favouring a private company, without fully understanding its implications and lacking institutional support.⁸⁹

40. Exclusionary forms of conservation continue to be forced on mobile Indigenous Peoples, leading to the loss of access to lands, territories, resources and marine areas, involuntary resettlement, poverty and cultural loss. "Fortress conservation" principles assume that Indigenous Peoples are incapable of caring for and protecting lands and waters and therefore cause biodiversity loss and environmental degradation.⁹⁰ To the contrary, studies show that Indigenous Peoples are the best conservators of nature.⁹¹ For example, the use of sea and coastal resources practised by the Moken sea people of Myanmar and Thailand has prevented environmental degradation. They move between seas and islands and are not confined to specific jurisdictions or citizenships.

41. In Nepal, mobility is a distinct aspect of the Chepang Indigenous Peoples' identity. They depend on common property and solely live from the lands, forests and waterways that surround them. In 1971, the Chitwan National Park was established on Chepang lands without their free, prior and informed consent. Since then, they have been subjected to forced evictions, the destruction of their homes, ill-treatment and torture.⁹²

42. More than 6,000 Batwa hunter-gatherers have been evicted from their lands by the creation of the Kahuzi-Biega National Park in the Democratic Republic of Congo, without warning, compensation, reparations or resettlement options. They live as squatters depending on non-Batwa host communities.⁹³ Their case is pending before the African Commission on Human and Peoples' Rights.⁹⁴

43. In the United Republic of Tanzania, over 45 per cent of lands are State-owned conservation areas, including the Ngorongoro Conservation Area, which attract over 600,000 tourists annually. A recent legal change prohibits human settlement in

⁸³ Communication No. ETH 3/2011.

⁸⁴ Mainyoito Pastoralists Integrated Development Organization submission.

⁸⁵ Oxford University Collective for Pastoralist and Nomadic People submission.

⁸⁶ Ibid.

⁸⁷ Sami Parliament of Norway submission.

⁸⁸ International Work Group for Indigenous Affairs, "Sami activists demand removal of wind turbines in Fosen", 14 October 2023.

⁸⁹ See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/20240315-sr-ipeoples-oem-statement-colombia.pdf>.

⁹⁰ Sonam Mahalwal and Asmita Kabra, "The slow violence of fortress conservation creates conditions for socially unjust 'voluntary' relocation", *Biological Conservation*, vol. 286 (October 2023).

⁹¹ Siham Drissi, "Indigenous Peoples and the nature they protect", United Nations Environment Programme, 8 June 2020.

⁹² Communication No. NPL 3/2020.

⁹³ Communication No. COD 1/2018.

⁹⁴ Minority Rights Group and others, joint submission.

Ngorongoro, leading to the forced eviction of nearly 100,000 Indigenous Peoples, mostly Maasai pastoralists who conserve and protect the grasslands through cattle-herding.⁹⁵ The Wildlife Conservation Act of 2009 grants the State control over wildlife resources and the Strategic Plan for the Implementation of the Land Laws of 1999 privatizes pastoralists' land, allowing for the creation of wildlife management regimes and hunting blocks in pastoralist areas, which has encouraged investment in trophy hunting and other tourism ventures, leading to violence, killing and criminalization of Maasai pastoralists.⁹⁶

44. In Uganda, Mt. Elgon National Park was created without seeking the free, prior and informed consent of the Benet Mosopisyek pastoralists, despite judicial recognition of their lands. To date, the Government has failed to provide the Benet with adequate compensation, settlement solutions, or other forms of protection and passed a law on conservation and sustainable management of wildlife without consulting them.⁹⁷

45. After the Kenya Vision 2030 national development plan for afforestation identified pastoralists and foragers as the main cause of deforestation, the Government reportedly conducted forced evictions and set fire to houses in a protected area established on the lands of the Samburu cattle-herders and the Dorobo bee and plant foragers.⁹⁸ Ogiek hunter-gatherers were forcibly removed from their lands after forest rangers burned their homes and schools, contrary to the ruling of the African Court of Human and Peoples Rights affirming their land ownership.⁹⁹ The African Commission on Human and Peoples' Rights also recognized the Endorois pastoralists' rights to lands, benefit-sharing and compensation, after they were evicted to create Lake Bogoria Game Reserve without any consultation or compensation and against their objections.¹⁰⁰

46. The Forest (Conservation) Act of India, of 1980, has increased the number of protected areas and failed to recognize the rights of pastoralists.¹⁰¹ The Van Gujjars of Uttarakhand semi-mobile pastoralists engage in rotational grazing and seasonal migration of buffaloes. They struggle to maintain their mobility since their forced eviction from Rajaji National Park and sometimes abandon transhumance in order to sustain claims to lands. The Van Gujjar Tribal Youth Sangathan has revived a customary afforestation practice, planting native tree species beneficial for pastoralism. The trees protect the soil from erosion, conserve biodiversity and provide livestock fodder.¹⁰²

2. Extractive industries and other commercial activities

47. Mobile Indigenous Peoples have had their lands and waterways confiscated for large-scale projects, extractive activities, commercial agriculture and so-called "development" projects.¹⁰³ In many circumstances, they are not included in decision-making, nor do they have access to grievance mechanisms, compensation or benefit-sharing. Processes for securing free, prior and informed consent are often absent, not followed properly, or consent may be coerced.¹⁰⁴ Those who resist extractive projects

⁹⁵ Communication No. COD 1/2018.

⁹⁶ Communication No. TZA 2/2019.

⁹⁷ Communication No. UGA 1/2024.

⁹⁸ University of Shizuoka, Japan submission.

⁹⁹ Communication Nos. KEN 4/2023; KEN 3/2020; KEN 2/2016.

¹⁰⁰ Communication No. KEN 2/2021.

¹⁰¹ International Land Coalition, "The pastoralist parliament in India: amplifying community voices", 31 August 2021; and [CERD/C/IND/CO/19](#).

¹⁰² Van Gujjar Tribal Yuva Sangathan submission.

¹⁰³ Inisiasi Masyarakat Adat submission.

¹⁰⁴ International Land Coalition submission.

may be subject to intimidation, criminalization, violence, detention, enforced disappearance and extrajudicial killings. In the case of Indigenous Peoples in voluntary isolation, it should be presumed that consent is not given.

48. In Kenya, Tullow Oil is preparing to extract and export crude oil, contaminating watering holes frequented by mobile Indigenous Peoples and their livestock.¹⁰⁵ The East African Crude Oil Pipeline, a megaproject of Uganda and the United Republic of Tanzania, is having detrimental effects on Maasai pastoralists and Akie hunter-gatherers in the area. Although consultations with affected villages were initiated, there is no formal structure to enable their participation.¹⁰⁶

49. In the Amazon, there was a 300 per cent increase in mining activity between 2015 and 2021.¹⁰⁷ Legal and illegal mining, logging and agro-industries are threatening the physical and cultural survival of Indigenous Peoples living in voluntary isolation and initial contact, including the Yanomami in Brazil,¹⁰⁸ the Yuri and Passe' and Jiw in Colombia,¹⁰⁹ the Ayoreo in Bolivia (Plurinational State of)¹¹⁰ and Paraguay,¹¹¹ the Pacahuara, Toromona, Esse Ejja in the Plurinational State of Bolivia, and the Dugakaeri and Taromenane in Ecuador.¹¹² The Camisea gas project in Peru is causing serious impacts to the health, lives, cultures and territories of Indigenous Peoples living in voluntary isolation and initial contact.¹¹³ In West Papua (Indonesia) and the Andaman Islands (India), the mobility of Indigenous Peoples living in isolation is threatened by a lack of recognition¹¹⁴ of their rights and the impacts of mining, commercial and tourism infrastructure.

50. In Mongolia, mining is harming herder's livelihoods, livestock, traditional knowledge, water quality, pastures, sacred sites and cultural practices. Mining chemicals are contaminating lands and waters, including the grasslands where livestock feed.¹¹⁵ Mining dust sticks to sheep, preventing herders from selling their cashmere wool.¹¹⁶ Although herders have rights to pasture usage and can address disputes within local administrative frameworks, they cannot raise claims against mining companies.¹¹⁷ The Committee on Economic, Social and Cultural Rights expressed concern that mobile herders' rights were infringed by mining activities in their territory without their free, prior and informed consent, nor adequate compensation.¹¹⁸

51. In South America, sea nomads inhabit biodiverse coastal areas that they have helped to conserve for generations. Even with the creation of a natural reserve, the fragile ecosystem where they live is threatened by the environmental impact of fish

¹⁰⁵ Northumbria University submission.

¹⁰⁶ Pilot Light Development Organization submission; Communication No. UGA 2/2023.

¹⁰⁷ Secoya Indigenous Organization of Peru, Siekopai Nation of Ecuador, A'i Cofán de Sinangoe Community, Santa Cruz de Piñuña Blanco Reservation (Po Piyuya) of the Ziobain Pueblo, Ceibo Alliance Foundation, and Amazon Frontlines submission, joint submission.

¹⁰⁸ Communication No. BRA 3/2021.

¹⁰⁹ See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/20240315-sr-ipeoples-oem-statement-colombia.pdf>.

¹¹⁰ See A/HRC/11/11.

¹¹¹ See CCPR/C/PRY/CO/4.

¹¹² International Working Group of Indigenous Peoples in Isolation and Initial Contact submission.

¹¹³ Communication No. PER 4/2012.

¹¹⁴ A/HRC/52/8.

¹¹⁵ Virtual consultation on the situation of mobile Indigenous Peoples, organized by the University of Oxford and the University of Arizona, 19 March 2024.

¹¹⁶ Permanent Forum side event on mobile Indigenous Peoples and the Dana Declaration, 19 April 2024.

¹¹⁷ University of Oxford joint submission.

¹¹⁸ E/C.12/MNG/CO/4.

farming. The sea nomads have urged the State to recategorize the natural reserve to restrict commercial activities, these requests have not been heeded.¹¹⁹

52. The Committee on the Elimination of Racial Discrimination has expressed concern for the Tsimane Indigenous Peoples of the Plurinational State of Bolivia, whose cultural and economic survival is at risk due to the expansion of economic activities in their territories. Those activities are proceeding despite the establishment of comprehensive protection zones to safeguard them.¹²⁰

53. In Sweden, the largest producer of iron ore in Europe, mining projects are expanding despite concerns expressed by the Special Rapporteur.¹²¹ The Sami lost their appeal in the contested Gallok mine case at the Supreme Administrative Court on 25 June 2024.

54. The Government of India has developed two megaprojects – the “Holistic Development of Great Nicobar Island” and the “Sustainable Development of Little Andaman Island - Vision Document”, which will threaten the survival of the Shompen and Sentinelese hunter-gatherers living in voluntary isolation.¹²²

3. Tourism

55. In Jordan, tourism sites frequently exploit, dispossess and displace Bedouin herders, while using their cultural heritage for commercial gain. Petra, home to the Bedouin for approximately 500 years, is Jordan’s most visited tourist site. Following its designation as a UNESCO World Heritage site, the Bedouin were removed from the area and voluntarily resettled; however, replacement housing was inadequate, without space for animals, and the compensation was insufficient to replace lost livelihoods.¹²³

56. In Brazil, Guaraní Indigenous Peoples are losing access to their lands owing to the construction of the Maraey luxury resort in a coastal wetland biological reserve. The Guaraní word “Maraey” was appropriated for commercial use without their permission. The Guaraní fear for their lives, as waters are polluted by construction, despite two rulings of the Supreme Court to protect their lands.¹²⁴

57. Many sea people constantly move from place to place in boats, living almost entirely on the water and relying on fishing for their livelihoods. The coral reefs and mangroves frequented by sea people are increasingly the target of commercial activities and tourism projects that are developed without sufficient waste management systems, affecting biodiversity and fish stocks and closing off access to critical marine areas. Indigenous knowledge of the sea is being exploited for commercial purposes, and subsistence fishers are pressured to gather resources for distant consumers. This has led to the Moken being perceived as the source of coastal degradation, especially where protected areas have been created.¹²⁵ Some seafaring people whose livelihoods have been eroded are gradually settling on coasts and small islands, and developing land-based livelihoods. On land, they encounter discrimination, cultural differences, social problems and difficulty in accessing resources.

¹¹⁹ Alan Friedlander and others, *Kawésqar: Conocimiento Tradicional, Biodiversidad y Recomendaciones de Conservación. Informe de la Expedición Nacional Geographic Pristine Seas y los Pueblos Kawésqar y Yagán* (2021).

¹²⁰ CERD/C/BOL/CO/21-24, para. 33.

¹²¹ Communication No. SWE 2/2022.

¹²² Communication CERD/EWUAP/106thsession/2022/MJ/CS/KS.

¹²³ Northumberland University submission.

¹²⁴ Grenoble Management School submission.

¹²⁵ Sea Nomads Contact Group submission.

58. In Mongolia, the nomadic motifs of Mongolian herders are celebrated in tourism and nationalist imagery without their consent.¹²⁶

59. Wildlife corridors gazetted in Uganda for the tourism industry have caused human-wildlife conflicts in pastoralist communities and destroyed community property, with no compensation provided.¹²⁷

C. Freedom of movement and the right to security

1. Transboundary and stateless mobile Indigenous Peoples

60. Transboundary mobile Indigenous Peoples have inherent mobility rights based on historical patterns of movement between and across borders that predate the formation of nation States. With the demarcation of national boundaries, mobile Indigenous Peoples found themselves separated by borders and divided between States, subjecting them to immigration restrictions and cutting off access to rangelands, forests and marine areas. They are often categorized as migrants after crossing into another State's territory. Tension between States creates further instability, forcing migration across borders and increasing the risk of exposure to armed conflict, human smuggling and drug trafficking.¹²⁸ A lack of understanding about mobility has created statelessness among mobile Indigenous Peoples and the failure to recognize their multinationality limits the exercise of their fundamental rights.

61. The Sami reindeer herders of Finland, Norway, the Russian Federation and Sweden were highly reliant on long-distance mobility before state borders were created, thereby hindering their mobility. Infrastructure projects, extractive industries and tourism activities have led to the loss and fragmentation of pasture lands, restricting movement, reproductive levels and overall reindeer survival.¹²⁹ Norway and Sweden have been negotiating a new convention on reindeer herding across borders since the last one expired in 2005.

62. Pastoralists in Africa, like the Fulani, rely upon cross-border seasonal movement to preserve social ties with relatives.¹³⁰ The Maasai in Kenya, who cross into the United Republic of Tanzania to visit family, have had livestock confiscated by the Government.¹³¹ Traditionally moving across the region following clouds during times of drought, they are now stopped by border patrols, which undermines their resilience to climate change and their governance of lands and resources.¹³²

63. Inuit Indigenous Peoples in Nunavut, Canada, who keep family ties in the United States and Greenland, experience difficulties maintaining these connections, as well as cross-border employment, education and trade. The Arctic and Northern Policy Framework commits Canada to reducing mobility barriers for Inuit across the Canada-Greenland boundary and the Canada-Alaska border. The Inuit in Greenland and Canada proposed establishing a marine protected area managed by Inuit in both countries. A free travel zone will allow hunting and reconnect families.¹³³ The Government of Canada is also working on mobility issues through the Inuit-Crown

¹²⁶ University of Oxford joint submission.

¹²⁷ World Pastoralist Forum submission.

¹²⁸ Bedouin of Jordan submission; Permanent Forum side event on mobile Indigenous Peoples and the Dana Declaration, 19 April 2024; Missionary Council for Indigenous Peoples (CIMI) submission.

¹²⁹ [A/HRC/18/35/Add.2](#).

¹³⁰ Wageningen University and Research Centre submission.

¹³¹ Mainyoito Pastoralists Integrated Development Organization submission. See also Communication Nos. TZA 2/2013; TZA 1/2014; TZA 2/2019.

¹³² Permanent Forum side event on mobile Indigenous Peoples and the Dana Declaration, 19 April 2024.

¹³³ [A/HRC/54/31/Add.1](#).

Partnership Committee and the action plan for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act, which includes measures to amend Canada's right of entry provision and work and study permits to address "the impacts of colonialism on Indigenous groups affected by international borders".¹³⁴

64. In Algeria, Chad and Morocco, transborder Bedouin camel herders sustain themselves with camel milk and meat and live in tents made of camel hair. States have interfered with their mobility by encouraging assimilation into urban areas, causing the destruction of physical environments. The Bedouin are targets for drug smuggling because of their history of movement and ability to navigate borders, and Bedouin youth who may lack economic opportunities are at particular risk of being targeted. Transborder Bedouin living between Jordan and the Syrian Arab Republic are affected by movement restrictions, including those caused by conflict.¹³⁵

65. Indigenous Peoples living in voluntary isolation and initial contact transboundary communities live across Brazil, Colombia, Ecuador, Paraguay, Peru and Venezuela (Bolivarian Republic of), with territories often spanning several national borders.¹³⁶ The Ayoreo, who live in isolation between Paraguay and the Plurinational State of Bolivia, regularly cross borders to access salt pans. Similarly, the Mashco Piro move between Brazil and Peru. Despite measures by some States, such as Brazil, Ecuador and Peru, which have established corridors to protect their territories and support mobility, Indigenous Peoples living in voluntary isolation and initial contact living along borders remain vulnerable to armed conflict, mining, logging, drug trafficking and militarization.¹³⁷ In this context, the Government of Brazil, the United Nations Children's Fund (UNICEF) and the Indigenous Council of the Federal State of Roraima launched the "Life Plan for the Warao, E'ñepa and Ka'riña Original Indigenous Peoples from Venezuela living in Brazil".¹³⁸

66. The Badau seafaring peoples who live across the maritime borders of Indonesia, Malaysia and the Philippines do not have a fixed nationality. Stateless sea nomads are denied access to government programmes and may be viewed negatively by States owing to the inability to locate and tax them.¹³⁹ Bajau Laut seafarer students in Malaysia were detained after a demonstration calling for improved access to water. The detentions followed an eviction of Indigenous Bajau Laut People in Semporna, Sabah (Malaysia).¹⁴⁰

67. In Latin America, several initiatives have been adopted to protect and recognize mobile transnational Indigenous Peoples. States members of the Southern Common Market (MERCOSUR)¹⁴¹ established a Technical Commission for Dialogue with Transboundary Indigenous Peoples to gather information and strengthen cooperation in order to address their needs.¹⁴² In 2019, Costa Rica adopted Law 9710, drafted in consultation with the Ngäbe-Buglé Peoples to recognize their transnational nature and

¹³⁴ Canada submission; see also <https://www.justice.gc.ca/eng/declaration/ap-pa/index.html>.

¹³⁵ University of Northumberland submission.

¹³⁶ Secoya Indigenous Organization and others, joint submission.

¹³⁷ Indigenous Programme of the Spanish Agency of International Cooperation for Development of the Ministry of Foreign Affairs submission; Permanent Forum side event on mobile Indigenous Peoples and the Dana Declaration, 19 April 2024.

¹³⁸ United Nations Children's Fund (UNICEF), "Life Plan reveals future perspectives for Venezuela's indigenous people", 2 August 2023.

¹³⁹ International Land Coalition submission.

¹⁴⁰ Amnesty International, "Stop crackdown on Bajau Laut people", 22 June 2024; and [A/HRC/42/47/Add.2](#).

¹⁴¹ Argentina, Brazil, Paraguay and Uruguay.

¹⁴² Paraguay submission.

right to nationality.¹⁴³ The Constitution of Colombia recognizes the right to citizenship for members of Indigenous Peoples who share bordering territories.¹⁴⁴ Nevertheless, statelessness significantly affects transborder Indigenous Peoples owing to restrictions on access to civil registration and the constant threat of forced displacement.¹⁴⁵

68. In West Africa, pastoralists are offered International Transhumance Certificates to ease their border movements but remain controlled by protocols in host countries. Several bilateral treaties allow the free movement of mobile Indigenous Peoples between States, including the Treaty of friendship and good-neighbourliness signed by France and the Libyan Arab Jamahiriya in 1955; the Stromstad Treaty signed by Norway and Sweden in 1751; and the Anglo-Ethiopian treaty of 1897, which granted reserved grazing rights for mobile Peoples across the Ethiopian-Somali border.¹⁴⁶ In 2019, Kenya and Uganda signed a memorandum of understanding in which they recognized the importance of cross-border pastoralist mobility.¹⁴⁷

2. Mobile Indigenous Peoples impacted by armed conflict and militarization

69. Indigenous Peoples are victims of internal and international armed conflicts, especially when resisting the occupation or exploitation of their lands and resources for military purposes.¹⁴⁸ Cross-border tensions and violence can expose mobile Indigenous Peoples to discrimination and harassment from border security forces, along with related human rights violations.

70. Mobile Indigenous Peoples are affected by refugee crises caused by armed conflict. An influx of people fleeing wars in neighbouring Somalia and South Sudan has created natural resource scarcity for mobile Indigenous Peoples in Kenya, after refugee camps were built on their lands. Similarly, Syrian refugees crossing the border into Jordan exert pressure on lands where there is no clear delimitation or titling of Bedouin territories. The added demand for pasture lands, along with the impact of climate change and drought, is reducing areas suitable for grazing and sustainable use.¹⁴⁹

71. Palestinian Bedouins have been subject to generations of militarized violence since the first Arab-Israeli war. Before 1948, some 65,000 to 100,000 Bedouins lived in the Naqab desert. After 1948, Israel confiscated Bedouin lands to create military zones, reducing their population to 11,000, as most were expelled and forced to flee to Gaza and the West Bank, and to Egypt and Jordan.¹⁵⁰ Bedouin Indigenous Peoples within Israel and the Occupied West Bank are subject to forced displacement, arbitrary detention and exposure to armed conflicts.¹⁵¹ On 8 May 2024, Israeli police units conducted their largest demolition project of Palestinian homes in years, destroying 47 homes and forcefully evicting over 300 Palestinian Bedouin residents in the unrecognized Bedouin village of Wadi al-Khalil in the Naqab.¹⁵²

¹⁴³ See A/HRC/51/28/Add.1.

¹⁴⁴ Constitution of Colombia, art. 96.

¹⁴⁵ See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/20240315-sr-ipeoples-oem-statement-colombia.pdf>.

¹⁴⁶ Jeremie Gilbert, "Human rights approach to nomadic peoples' land rights", *Human Rights Law Review*, vol. 7, No. 4 (2007).

¹⁴⁷ International Work Group for Indigenous Affairs, "Indigenous world 2020: Uganda", 11 May 2020.

¹⁴⁸ See A/HRC/EMRIP/2023/2.

¹⁴⁹ Mafraq Youth Association Team Group – Pastoral Holdings Project, Jordan submission.

¹⁵⁰ International Work Group for Indigenous Affairs, "The indigenous world 2023: Israel", 30 March 2023.

¹⁵¹ Communication No. ISR 3/2022; A/78/545; A/HRC/18/35/Add.1.

¹⁵² Amnesty International, "Israel/OPT: over 300 Palestinian-Bedouin face forced evictions following mass home demolitions in Negev/Naqab", 9 May 2024.

72. The implementation of military laws and policies in Egyptian Bedouin communities is resulting in arbitrary detention, torture and extrajudicial killings.¹⁵³ The Sinai Bedouins experienced mass displacement after the military allegedly destroyed their homes and lands, and travel outside of Sinai is only allowed with a permit. After thousands of Sinai Bedouins protested their displacement and the denial of return to their lands, they were arrested and tried in ad hoc military courts, without counsel or the right to appeal. Children face the brunt of the conflict, when schools are attacked or used as military bases, and are recruited by the army and militias.¹⁵⁴

73. The Batwa mobile Indigenous Peoples in Rwanda have not been included in the reparations and commemorations of the 1994 genocide, despite suffering significant physical and psychological harm. Batwa families lack access to government funding for genocide survivors, which provides education, health care and employment opportunities.¹⁵⁵

74. The Karamojong pastoralists of Uganda have experienced decades of militarized violence, resulting in widespread changes to their pastoral livelihood, including emigration, sedentarization and the loss of livestock.¹⁵⁶

75. The armed conflict in Colombia has increased threats against transboundary mobile Indigenous Peoples, causing food insecurity, health vulnerabilities and sexual violence.¹⁵⁷ Along the border of Colombia and Peru, drug traffickers are cultivating coca fields in Indigenous territories so as to avoid law enforcement. Almost half of coca plantations are located in special management zones, such as national parks, with 10 per cent in Indigenous territories.¹⁵⁸ Indigenous Peoples in initial contact, such as the Nükak and Hitnü, are particularly vulnerable, despite being among those that the Constitutional Court considers as being at risk of extinction.¹⁵⁹

D. Economic, social and cultural rights

76. Mobile Indigenous Peoples face barriers to the enjoyment of their economic and social rights when their identity and lifestyles are not recognized and respected, including their access to education, employment and health care.¹⁶⁰ These inequities are rooted in socioeconomic marginalization, cultural and resource alienation, environmental degradation, exclusion from political participation, and poor policy responses.¹⁶¹

77. States generally centralize education and health-care facilities in towns and cities. Where there is a lack of mobile schooling and health care it is difficult or impossible for mobile Indigenous Peoples to meet their needs, especially for those living in remote areas.¹⁶² With the expansion of cities, mobile Indigenous Peoples'

¹⁵³ Justice House, submission to Expert Mechanism, January 2023. Available at https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/emrip/seminars/undrip/emrip-ipos-ngos/Justice_House.pdf.

¹⁵⁴ Minority Rights Group and others, joint submission.

¹⁵⁵ Unrepresented Nations and Peoples Organization submission.

¹⁵⁶ Tufts University submission.

¹⁵⁷ International Working Group of Indigenous Peoples in Isolation and Initial Contact submission.

¹⁵⁸ Secoya Indigenous Organization and others, joint submission.

¹⁵⁹ Constitutional Court of Colombia, Orders No. 004 of 2009, 266 of 2017 and 351 of 2019.

¹⁶⁰ Gilbert, *Nomadic Peoples and Human Rights*.

¹⁶¹ Chundankuzhiyil Ulahannan Thresia and others, "The health of indigenous populations in South Asia: a critical review in a critical time", *International Journal of Social Determinants of Health and Health Services*, vol. 52, No. 1 (January 2022).

¹⁶² Rahma Hassan, Karuti Kanyinga and Iben Nathan, "No option but to settle! The Community Land Act, devolution and pastoralism in Samburu County, Kenya", *Nomadic Peoples*, vol. 27, No. 2 (2023); and Mafraq Youth Association Team Group submission.

lands are reduced, forcing many families to modify their identity and resettle. Since they do not have the economic resources to acquire property, settlements often arise on the outskirts of cities, where they lack basic services and infrastructure.¹⁶³

78. As mobile Indigenous Peoples increasingly migrate to urban areas in search of education and employment, their specific needs and rights are often overlooked.¹⁶⁴ They may experience difficulties in adjusting to new environments, including language barriers, culture shock, the lack of access to communal lands and traditional foods, a culturally inappropriate curriculum, racism and discrimination, as well as disconnection from their community.¹⁶⁵

79. In Latin America, although accurate statistical data are scarce, transnational Indigenous Peoples face significant challenges in gaining access to culturally appropriate health and education services, as well as electricity, gas and the Internet. In addition, they experience high unemployment and violations of their labour rights, and are often forced to work in informal economies.¹⁶⁶

80. In Colombia, mobile Indigenous Peoples in initial contact have been displaced from their ancestral territories to urban centres as a result of armed conflict and economic exploitation of their lands. This forced urbanization has occurred without policies that adequately consider their territorial, cultural and linguistic needs, creating significant barriers for them to gain access to basic services.¹⁶⁷

81. Young mobile Indigenous Peoples are increasingly moving to cities or other countries in search of new opportunities owing to the combined effects of discrimination, a lack of access to basic resources and services, and incentives to pursue alternative livelihoods.¹⁶⁸ When young persons leave their communities, it affects the transmission of culture and generational renewal. In the Peruvian highlands, young herders are leaving for urban areas, losing their traditional lifeways and endangering their safety.¹⁶⁹

82. For mobile Indigenous Peoples, access to health-care services, including primary health care, maternal care and emergency medical assistance is often limited in remote areas because of distance, cost, poor infrastructure and institutional discrimination.¹⁷⁰ Mobile Indigenous Peoples in Kenya must walk long distances to reach health facilities, which are often ill-equipped.¹⁷¹ Owing to their mobility and distance from urban areas, during the coronavirus disease (COVID-19) pandemic, the Bedouin of Jordan suffered from significant delays in the delivery of health and preventive services.¹⁷²

83. Mobile lifestyles provide an important and affordable source of nutrition. This is particularly true for Indigenous Peoples living in voluntary isolation and initial contact. Displaced mobile communities may suffer high levels of malnutrition when they are prevented from accessing their hunting, gathering and fishing grounds, as

¹⁶³ Mexico, Secretary of External Relations submission.

¹⁶⁴ A/76/202.

¹⁶⁵ Ibid.; and submission from Canada.

¹⁶⁶ Secoya Indigenous Organization and others, joint submission.

¹⁶⁷ See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/20240315-sr-ipeoples-oem-statement-colombia.pdf>.

¹⁶⁸ International Land Coalition submission.

¹⁶⁹ Permanent Forum side event on mobile Indigenous Peoples and the Dana Declaration, 19 April 2024.

¹⁷⁰ Thresia and others, "The health of indigenous populations in South Asia".

¹⁷¹ Mainyoto Pastoralists Integrated Development Organization submission.

¹⁷² Mafrag Youth Association Team Group submission.

well as forest resources.¹⁷³ Their displacement can lead to humanitarian crises.¹⁷⁴ In Africa, pastoralism offers sustainably produced animal products, while contributing to national and global economies. The African Union estimates that the 268 million pastoralists in Africa contribute in the range of 10 per cent to 44 per cent to the national gross domestic product (GDP) of African countries.¹⁷⁵

84. Education opportunities for mobile Indigenous Peoples are limited by linguistic differences, inadequate infrastructure, culturally disconnected curricula, low enrolment and poor-quality education. Geographic isolation compounds these challenges. Their mobile lifestyle is often blamed, instead of the inability or unwillingness of governments to meet their needs.¹⁷⁶ For example, only 50.1 per cent of Inuit living in Inuit Nunangat (Canada) have attained the high school diploma required to attend college or university. In remote locations, education programmes are few, the cost of living is high and there is a lack of housing.¹⁷⁷ The failure of Finland, Norway, the Russian Federation and Sweden to include information about Sami culture in education curricula has bred anti-Sami violence and racism.¹⁷⁸

85. Ogiek, Sengwer and Endorois school-age children face poor-quality education, a shortage of teachers, evictions from their ancestral lands, teenage pregnancies, early marriages and a lack of learning materials. Children must sometimes walk up to 30 km to attend school. Many drop out owing to the distances and dangers involved in walking to school, such as encounters with wild animals and sexual assaults.¹⁷⁹

86. Inuit Indigenous Peoples living in Inuit Nunangat experience employment rates of 47.9 per cent, compared with 89.9 per cent for their non-Indigenous counterparts. Barriers to employment include low education levels, insufficient training, fewer employment opportunities, family responsibilities, a lack of childcare and limited access to appropriate and affordable housing. Many Inuit are not involved in the wage economy but participate in land-based activities such as hunting, fishing and gathering, which are integral to their livelihoods, cultural identity, nutrition and food security.¹⁸⁰

87. The Van Gujjar pastoralists of India often lack alternative livelihood options that are compatible with their skills. Limited access to education and vocational training further hinders their ability to explore income-generating activities other than pastoralism.¹⁸¹

88. In Kenya, Maasai pastoralists face challenges to their livelihoods that arise from the depletion of rangelands, poor infrastructure, inadequate marketing, processing and storage facilities, poor inspection-grading-certification, a lack of quality control, undeveloped export markets, low demand for meat, high inflation, exploitation by middlemen and increasing poverty.¹⁸² Land privatization in the rangelands around Nairobi has allowed individual pastoralists to sell land, causing them to abandon

¹⁷³ Rainforest Foundation, “Severe human rights abuses reported in and around Salonga National Park, Democratic Republic of Congo”, May 2019.

¹⁷⁴ Comisión Interamericana de Derechos Humanos, “CIDH y REDESCA: Brasil debe garantizar la supervivencia del Pueblo Yanomami”, 8 February 2023.

¹⁷⁵ International Land Coalition submission.

¹⁷⁶ African Commission on Human and Peoples’ Rights, *Report of the African Commission on Human and Peoples’ Rights*, p. 55.

¹⁷⁷ Submission from Canada, citing 2021 census.

¹⁷⁸ Permanent Forum side event on mobile Indigenous Peoples and the Dana Declaration, 19 April 2024. See also [A/HRC/18/35/Add.2](#).

¹⁷⁹ Minority Rights Group and others, joint submission.

¹⁸⁰ Submission from Canada, citing 2021 census.

¹⁸¹ Van Gujjar Tribal Yuva Sanghatan submission.

¹⁸² Pilot Light Development Organization submission.

pastoralism altogether in favour of wage labour or other economic ventures that may be deemed to be more profitable.¹⁸³

89. A lack of support for livestock development and pastoralism is contributing to an increase in poverty among the Maasai. Challenges includes the high prevalence of disease due to decreased mobility of livestock and the depletion of forests that hold livestock medicines, poor disease control, the absence of pro-pastoralist policies, remoteness from markets, poor infrastructure and banditry.¹⁸⁴ Community-based organizations are filling the support gap, leading projects to benefit their communities. For example, the Pilot Light Development Organization (PILIDO), together with other organizations, are enabling Maasai women to own and manage their own grinding mills and receive training in land laws, agriculture, public health and business administration.¹⁸⁵

90. Dynamic Agro-Pastoralist Development Organization, a Ugandan organization, is helping to set up socioeconomic projects and register and demarcate pastoralists' lands in Karamoja.¹⁸⁶ South Africa has implemented programmes in national parks to employ the Khoe-San and use their specialized skills.¹⁸⁷ Indian pastoralists engage in reciprocal agreements with farmers to provide fertilizing manure from their livestock in exchange for permission to graze and income.¹⁸⁸ Herders in Argentina create employment and foster local development by producing consumer goods and trading such products as meat, milk, wool fibres and hides.¹⁸⁹ Morocco supports camel herding by drilling wells and establishing portable water stations where camels graze, thereby integrating camel herders into the local economy.¹⁹⁰

VI. Conclusions and recommendations

91. Mobile Indigenous Peoples experience multiple and systemic forms of discrimination and human rights violations on the basis of negative stereotypes about their mobile lifestyles, therefore their rights are often not protected under States' legal and policy frameworks.

92. Land insecurity remains at the heart of all inequalities for mobile Indigenous Peoples, including their lack of participation in decision-making processes. Increasing their participation not only requires that customary land tenure rights be secured, but also that mobility not be seen as problematic or subject to the control of other land users. Mobile Indigenous Peoples are rarely guaranteed political representation, which makes it difficult for them to engage in decision-making at the national, regional and local levels. Most States have failed to recognize their identity, Indigenous knowledge, governance institutions, legal systems, collective land administration and food systems in constitutions, laws and policies. Barriers to participation in political, social and economic life have a negative impact on mobile Indigenous Peoples' ability to access basic

¹⁸³ Joint submission from the School of Disaster Management and Humanitarian Assistance, Masinde Muliro University of Science and Technology, Kenya, and from the Human Rights programme at the Edinburgh Law School at the University of Edinburgh. See also [A/HRC/4/32/Add.3](#).

¹⁸⁴ Pilot Light Development Organization submission.

¹⁸⁵ Ibid.

¹⁸⁶ World Pastoralist Forum submission.

¹⁸⁷ African Commission on Human and Peoples' Rights, *Report of the African Commission on Human and Peoples' Rights*.

¹⁸⁸ International Land Coalition submission.

¹⁸⁹ IPAF, NOA – INTA Argentina submission.

¹⁹⁰ Permanent Forum side event on mobile Indigenous Peoples and the Dana Declaration, 19 April 2024.

services such as education, health care and housing, which are not always compatible with their mobile lifestyles.

93. When States fail to recognize the collective identity, territorial rights and governance structures of mobile Indigenous Peoples, their lands are vulnerable to expropriation and exploitation, thereby violating their rights to self-determination, self-government and autonomy, among others. The ability of mobile Indigenous Peoples to travel throughout their territory is critical to their cultural identity, livelihoods, food security and physical survival. Those who defend their lands may be subjected to arbitrary detention, ill-treatment, extrajudicial killings and enforced disappearances. In many cases, the perpetrators operate with impunity and there is no restitution or reparations for the loss of lands, territories and resources.

94. Security of land tenure for mobile Indigenous Peoples is a key factor in enabling biodiversity conservation, sustainable land management and ecosystem restoration and in combating desertification. Mobile resource use, including hunting, gathering, rotational forest fallows, transhumance, herding and land-sharing, more often enhances rather than diminishes biodiversity and ecosystem resilience. As seasonal variability and unpredictability are exacerbated by climate change, the need for flexible mobility is critical.

95. Special attention should be paid to the situation of transboundary mobile Indigenous Peoples whose ancestral territories span national borders, as they encounter discrimination, displacement, a lack of recognition, restricted movement and limited access to basic services. The right to citizenship of sea nomads is particularly complicated and often denied by land-bordered States. Cross-border tensions can expose mobile Indigenous Peoples to armed conflicts, harassment from border security forces and other human rights abuses. Indigenous Peoples living in voluntary isolation and initial contact also face great challenges, including the risk of extinction, that require targeted responses by States.

96. The Special Rapporteur makes the following recommendations to be implemented in cooperation, coordination and with the participation of mobile Indigenous Peoples.

97. The Special Rapporteur recommends that States:

(a) Recognize mobile Indigenous Peoples' unique legal status. In the case of Indigenous Peoples living in voluntary isolation and initial contact, such recognition should include their unique legal status and recognition processes should employ non-invasive methodologies, sufficient resources and respect for precautionary and no-contact principles;

(b) Adopt appropriate measures to guarantee the rights to consultation and to free, prior and informed consent before adopting any legislation, policy or project that may impact mobile Indigenous Peoples; particular attention should be given to the participation of Indigenous women;

(c) Provide adequate resources to guarantee mobile Indigenous Peoples' full political participation, at all levels, by recognizing their institutions, legal systems, knowledge and patterns of mobility; and avoid imposing political structures that favour sedentarization and undermine Indigenous governance;

(d) Eliminate barriers to voting by reviewing and revising documentation and identification criteria for voter registration, regardless of residence, so as to accommodate the specific needs of mobile Indigenous Peoples, by making voter

information available in Indigenous languages, hiring Indigenous poll workers and providing adequate accommodations for voting in remote areas;

(e) Provide security of land tenure that recognizes and supports communally held and collective systems of land management and different forms of mobility; and adopt legal frameworks, in consultation with mobile Indigenous Peoples, that recognize and protect shared use resources and management systems;

(f) Review the criteria for land titling and demarcations so as to adjust to the specific needs of mobile Indigenous Peoples; provide training to officials who oversee titling and demarcation processes on the rights of mobile Indigenous Peoples;

(g) Establish intangible zones for Indigenous Peoples living in voluntary isolation and initial contact, where outsider access and economic activity are forbidden, as well as buffer zones surrounding them, where economic activity and access are permitted with protection measures;

(h) Provide restitution for land dispossession and displacement through the return of lands, and where not possible, the provision of alternative lands, or fair and equitable compensation;

(i) Ensure full and fair compensation for environmental damage caused by megaprojects and other activities;

(j) Enact laws, policies and other safeguards, in compliance with international law, to protect against forced eviction and induced sedentarization, including through the provision of access to effective judicial recourse, restitution and fair compensation;

(k) Consult and obtain free, prior and informed consent before adopting and implementing any projects that may affect mobile Indigenous Peoples;

(l) Ensure that mobile Indigenous Peoples have the right to self-manage or co-manage communal lands within national parks, heritage sites and other protected areas; and support Indigenous-led conservation and tourism projects;

(m) Design and implement, in consultation with mobile Indigenous Peoples, measures to protect marine ecosystems that accommodate the cultural needs and migration routes of sea nomads;

(n) Design long-term projects in consultation with Indigenous Peoples to protect mobile ways of life and integrate them into States' development plans;

(o) Develop climate adaptation strategies that enhance the resilience of mobile Indigenous Peoples, taking into account their dependency on natural resources;

(p) Adopt a moratorium on the carbon market until the establishment of regulations in accordance with international legal standards on mobile Indigenous Peoples' rights; those regulations should govern the trading of carbon credits, thereby ensuring transparency and accountability in certification and implementation;

(q) Strengthen legal protections for mobile Indigenous Peoples against arbitrary detention, extrajudicial killings and enforced disappearances and ensure accountability for these violations;

(r) Harmonize national laws to protect the rights of mobile Indigenous Peoples who move across borders, recognizing their multinationality and collective rights to lands, territories and resources;

(s) Address statelessness among mobile Indigenous Peoples by ensuring access to civil registration and plurinational citizenship, among other measures;

(t) Facilitate and expedite bilateral and multilateral agreements to ensure the mobility of Indigenous Peoples across borders;

(u) Develop strategies to mitigate the impact of inter-State and interstate conflicts on mobile Indigenous Peoples, including measures to ensure protection from armed conflict, human smuggling, drug trafficking, child military recruitment, forced displacement and harassment by border security forces;

(v) Adopt transitional justice and post-conflict policies that engage mobile Indigenous Peoples, that reflect their concepts of justice and reconciliation and that ensure accountability for violations suffered;

(w) Collect data disaggregated by gender, age and disability so as to safeguard the rights of mobile Indigenous Peoples and to inform the development of appropriate legislation, policies and services;

(x) Address infrastructure gaps in remote areas by providing culturally appropriate mobile schooling and medical services, without requiring settlement in fixed locations and regardless of nationality or stateless status;

(y) Adopt policies in consultation with mobile Indigenous Peoples that address their specific needs, reflecting cultural and territorial requirements to prevent socioeconomic marginalization;

(z) Develop a comprehensive approach to education that includes equitable access, infrastructure investment and tailored technology;

(aa) Provide targeted support for those migrating to or forcibly relocated to urban areas, including language assistance, culturally relevant education, access to traditional foods and measures to combat discrimination;

(bb) Support sustainable livelihoods by protecting and promoting mobile Indigenous Peoples' practices and knowledge and creating economic opportunities that are aligned with their skills and cultural heritage.

98. The Special Rapporteur recommends that the United Nations and regional and intergovernmental bodies:

(a) Update the guidelines for the protection of Indigenous Peoples in isolation and initial contact in order to expand the geographical focus and to address the specific situation of Indigenous Peoples in initial contact;

(b) Update the African Union Policy Framework for Pastoralism of 2010 to reflect contemporary challenges including climate change, fortress conservation and armed conflict;

(c) Encourage international and regional cooperation to uphold the rights of mobile Indigenous Peoples, through the sharing of best practices and supporting cross-border mobility and access to fundamental rights.

99. The Special Rapporteur recommends that the private sector:

(a) Adopt policies and guidelines on mobile Indigenous Peoples' rights that are consistent with international human rights standards;

(b) Follow human rights due diligence processes aimed at identifying, preventing, mitigating and redressing the actual or potential impact on mobile Indigenous Peoples' human rights, including through the implementation of measures to prevent and redress harm;

(c) **Ensure that mobile Indigenous Peoples are correctly identified and recognized, based on the principle of self-identification, in order to secure their free, prior and informed consent before adopting projects that may affect their lands, territories, resources and livelihoods;**

(d) **Adapt existing and future carbon crediting and certification schemes in order to comply with international legal standards on mobile Indigenous Peoples' rights.**
