

## Submission to The Expert Mechanism on the Rights of Indigenous Peoples

### Input for the Report on “The Right of Indigenous Peoples to their Traditional Economies”

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January 27, 2025

The Center for Gender & Refugee Studies (CGRS) is grateful for the opportunity to contribute this input to inform your report on “The Right of Indigenous Peoples to their Traditional Economies,” which will be presented at the Human Rights Council’s 60th session in September 2025.<sup>1</sup>

This submission draws upon the following resources, which provide analysis and information relevant to the call for input.

- CGRS, [Root Causes of Migration: Climate Disasters and Environmental Degradation in Honduran Asylum Claims: Expert Declaration by Donald Hernández Palma](#) (October 24, 2024). A copy of this resource is included in the Annex.
- Declaration of Donald Hernández Palma, Expert on Climate Disasters and Environmental Degradation in Honduras (Sep. 18, 2024) [hereinafter, Hernández declaration].<sup>2</sup> The document is not attached. However, it is available via this [link](#) for general research purposes and is also available upon request to advocates working on fear-of-return claims for Honduran nationals through [CGRS’s Technical Assistance Library](#).

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<sup>1</sup> Expert Mechanism on the Rights of Indigenous Peoples, *Call for Inputs: Report on “The right of Indigenous Peoples to their traditional economies,”* The Office of the High Commissioner for Human Rights (accessed on Nov. 20, 2024). <https://www.ohchr.org/en/calls-for-input/2025/call-inputs-report-right-indigenous-peoples-their-traditional-economies>. Question No. 3: “Examine the level of engagement of Indigenous institutions in governance and decision-making related to their traditional economies and natural resource management within relevant economic and environmental decision-making processes. Identify barriers to participation and develop strategies for enhancing Indigenous representation and influence in these processes.”

<sup>2</sup> Donald Hernández Palma is the Executive Director of the [Honduran Center for the Promotion of Community Development](#) (CEHPRODEC), a leading organization advocating for human rights and environmental protection in Honduras. As an agronomist and human rights attorney, he has worked on these issues for over three decades.

- CGRS, [Honduras: Climate Change, Human Rights Violations, and Forced Displacement](#) (December 20, 2023). A copy of this resource is included in the Annex.

Indigenous Peoples are a commonly recognized as vulnerable group, with their rights and interests often neglected. They are often excluded from decision-making processes, particularly in relation to development projects carried out on their lands. This submission focuses on the challenges faced by Indigenous Peoples in Honduras. Part I of this submission examines the obstacles that hinder Indigenous Peoples' autonomy and decision-making over issues that affect their territories. Part II presents recommendations to enhance Indigenous People's ability to engage meaningfully in decisions that impact their communities.

## **I. EXCLUSION OF INDIGENOUS PEOPLES FROM PARTICIPATION IN ECONOMIC AND NATURAL RESOURCE MANAGEMENT DECISION-MAKING ON THEIR LANDS IN HONDURAS**

According to the Hernández declaration, Indigenous Peoples in Honduras constitute about nine percent of its population. Some of the main Indigenous groups include *Lenca*, *Pech*, *Tawahka*, *Xicaque*, *Maya Ch'ortí*, *Miskito*, *Tolupan*, *Bay Creoles*, *Nahua*, and *Garífuna* Peoples, each of whom has distinctive traditions, language and beliefs. Indigenous Peoples have a special connection to their ancestral lands, which are integral to their social, cultural, political, and economic systems. Their identity is dependent on and deeply rooted in their surrounding ecosystems. These communities consider themselves the protectors of the land, water, and the natural resources.

While Honduran authorities have recognized this special relationship by designating several ancestral territories as national ecosystem reserves, Indigenous Peoples remain among the most neglected and oppressed groups in the country. They are often perceived as obstacles for extractive industries. State representatives and businesses frequently refer to Indigenous Peoples in derogatory terms such as "dumb Indians" (*indios tontos*) and "illiterates" (*analfabetas*). The extractive industries—including mining, monoculture agriculture and establishing hydroelectric development—are significantly harmful to the environment and heavily exploit the natural resources on Indigenous People's lands.

As a party to the International Labour Organization (ILO) Convention 169, Honduras is legally obligated to protect Indigenous Peoples' possession of their lands and to consult

them before permitting the exploitation of their natural resources.<sup>3</sup> However, despite this obligation, the process of prior consultation and consent from Indigenous Peoples is frequently disregarded when granting concessions for extractive activities on their ancestral territories.

As the Hernández declaration indicates, Honduras has granted approximately 504 concessions to mining companies since 1998, often without transparency or the legally required consultation with Indigenous Peoples. Independent environmental assessments are rarely conducted: instead, companies frequently complete only an online form to obtain approval. When Indigenous Peoples file complaints about unlawful land concessions, their claims are mostly ignored or dismissed by judges and prosecutors. Moreover, more than 80% of these mining concessions violate the law, as documents have been altered or falsified in collaboration with State officials. As a result, many Indigenous communities have faced the abrupt and unjust takeover of their lands.

For example, Honduras granted a concession for the San Andrés gold mine in the Province of Copán, which devastated local Indigenous communities. These communities were completely excluded from any meaningful consultation; there were no environmental impact assessments or regulatory enforcement. Such neglect led to air and water pollution, causing serious health issues—such as respiratory, skin, and gastrointestinal conditions—among the Indigenous Peoples in the affected area. In addition to these health impacts, the mining activities depleted vital water sources, undermining local livelihoods. As a part of mining project activities, an ancestral cemetery was destroyed, further harming the community's cultural identity and connection to the land.

Similarly, Indigenous and local communities are not consulted regarding the establishment of hydroelectric plants. The construction of these plants often diverts rivers through channels or pipelines, drying up adjacent waterways relied upon by the local population. Once the plants are operational, people lose all access to water in the affected areas. These waterways are not only vital for daily survival; they also sustain ecosystems that nurture traditional medicinal plants and are sacred to Indigenous peoples. One such instance occurred when the Honduran government granted a concession to Desarrollos Energeticos, SA to build the Agua Zarca hydroelectric dam on the *Gualcarque* River, a site sacred to the

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<sup>3</sup> Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 15 & 17.  
[https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55\\_TYPE,P55\\_LANG,P55\\_DOCUMENT,P55\\_NODE:REV,en,C169,/Document](https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C169,/Document).

Indigenous Lenca community.<sup>4</sup> Neither the company nor any independent party conducted an environmental assessment or consulted with the Lenca community.

Unfortunately, in addition to being excluded from the decision-making process, Indigenous Peoples and land defenders who oppose the extractive industries in Honduras are in grave danger, risking torture, disappearance, or even assassination. In fact, Honduras remains one of the most dangerous places for land defenders.<sup>5</sup>

In the case of the Agua Zarca hydroelectric dam, hired attackers tortured and killed an Indigenous *Lenca* land defender who opposed the project threatening the sacred *Gualcarque* river. However, there was no investigation or prosecution of the crime.

The lack of public consultation with Indigenous Peoples, coupled with inadequate environmental monitoring and regulation enforcement, severely harms Indigenous communities and their ecosystems. This neglect exacerbates the already devastating impacts of climate change on these vulnerable populations.

## II. RECOMMENDATIONS

The absence of proper consultation with Indigenous Peoples and the exploitation of their ancestral lands without consent—documented in this submission and associated resources—exemplifies the broader pattern of vulnerabilities and discrimination against these communities. Indigenous Peoples often confront powerful economic interests, systemic corruption, impunity, and a lack of effective protection mechanisms. Drawing on the Honduran case, this submission urges the Expert Mechanism on the Rights of Indigenous Peoples to consider including in its report the following recommendations to address these challenges:

- Develop or rigorously enforce existing legal frameworks—aligned with international standards—to protect Indigenous Peoples’ rights to their ancestral lands.

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<sup>4</sup> Annie Bird, *The Agua Zarca Dam and Lenca Communities in Honduras*, Right Action (Sept, 20, 2013). [https://www.banktrack.org/download/the\\_agua\\_zarca\\_dam\\_and\\_lenca\\_communities\\_in\\_honduras/130920\\_eart\\_h\\_rights\\_rpt\\_130920\\_rioblanco\\_final.pdf](https://www.banktrack.org/download/the_agua_zarca_dam_and_lenca_communities_in_honduras/130920_eart_h_rights_rpt_130920_rioblanco_final.pdf).

<sup>5</sup> Graciela Martínez González, *‘Están Esperando que nos Rindamos’: Activistas que Defienden los Ríos de Honduras Sufren Acoso y Asesinatos [‘They Are Waiting for us to Give Up’: Activists Face Harassment and Killings In Campaign to Protect Rivers In Honduras]*, Amnesty International, (Jan. 27, 2024). <https://www.amnesty.org/es/latest/news/2024/01/activists-harassment-killings-protect-rivers-honduras/>.

- Establish or strengthen accountability mechanisms to ensure that breaches of Indigenous Peoples' rights result in appropriate legal and administrative action.
- Ensure transparency in development projects and guarantee meaningful participation of Indigenous communities.
- Ensure prior, voluntary and informed consent from Indigenous Peoples to development projects on their lands.
- Support Indigenous-led capacity building initiatives to ensure that Indigenous Peoples can direct, shape, and lead consultations over development projects on their lands.