



Economic and Social Council

Distr.: General
December 2026

Original: Language

Commission on the Status of Women

Seventy-first session

8-19 March 2027

Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”

Statement submitted by the Indian Law Resource Center, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.

Statement

LAND, BODY AND SOVEREIGNTY:

Indigenous Women's Economic Empowerment and Environmental Justice in the Implementation of the 2030 Agenda

The achievement of gender equality and the empowerment of Indigenous women and girls in the United States must be understood in relation to Indigenous peoples' rights to self-determination, to self-government, and to their lands, territories and resources, principles clearly stated in the UN Declaration on the Rights of Indigenous Peoples ("UNDRIP").^[1]

Indigenous women's economic security is shaped not only by access to employment, education and financial resources, but also by the security of Indigenous lands, the strengthening of Tribal Nations' self-governance, access to justice, environmental health, and the ability of Indigenous peoples to determine their own development priorities. This interconnected approach is essential to implementation of the 2030 Agenda for Sustainable Development.

Impoverishment, environmental degradation and intentional destruction, climate change, gender inequality, violence and the continuing consequences of land dispossession do not operate independently in the lives of Indigenous women. Policies that address these issues in isolation risk responding to their consequences without addressing their structural or root causes.

For Indigenous women, gender equality and economic empowerment require more than increased participation in existing economic systems, which are often mere artifacts of colonialism. What is required is the full realization of Indigenous peoples' rights; protection of lands, territories

and resources; strong and adequately resourced Indigenous governments and supporting organizations; Indigenous women's bodily autonomy and safety; and the full and effective participation of Indigenous women in political, economic, environmental and community decision-making.

Dispossession, Gender Equality and Sustainable Development

The legal, economic, environmental and social consequences of the widespread dispossession of Indigenous people's lands harm Indigenous communities in the United States today. UNDRIP recognizes the historic injustices resulting from colonization and land theft and expressly connects those injustices with their ability to exercise their right to development in accordance with their own needs and interests.[2]

U.S. federal Indian law similarly reflects a history in which Indigenous rights to lands were recognized while simultaneously being subjected to extensive federal control. In *Johnson v. M'Intosh*, the U.S. Supreme Court articulated the discovery doctrine within domestic federal Indian law, recognizing Indigenous land rights while asserting the United States' exclusive authority under that doctrine to extinguish those rights.[3] Later laws further diminished Tribal land bases and disrupted Indigenous governments and economies.[4]

Colonial processes also imposed patriarchal legal, religious, economic and social systems that displaced Indigenous women from their significant political roles. The dispossession of Indigenous lands, weakening of Indigenous governmental institutions, restructuring of Indigenous economies and displacement of Indigenous women's authority are interrelated historical developments.

Potawatomi scholar Robin Wall Kimmerer has used the concept of a “Wendigo economy,” drawing upon Anishinaabe teachings about the destructive consequences of consumption without reciprocal responsibility.[5] Applied to sustainable development, this framework raises an important question: whether economic development can genuinely be considered sustainable when its benefits depend upon continued extraction from Indigenous lands while environmental, health, cultural and economic burdens are borne disproportionately by Indigenous communities.

Economic growth and Indigenous economic empowerment cannot be presumed to be synonymous, nor can it be assumed that Indigenous women wish to participate in replicating colonial capitalist systems that have only ever sought to eradicate them as Indigenous peoples from their own lands.

Indigenous Land Rights and Economic Empowerment

Indigenous Peoples’ rights to lands in the U.S. operate within a complex framework of treaties, federal statutes and judicial doctrines. At the same time, federal law has historically distinguished among forms of Indigenous title and the legal protections afforded to each. In *Tee-Hit-Ton Indians v. United States*, for example, the Supreme Court rejected a Fifth Amendment compensation claim involving timber taken from lands claimed pursuant to original Indian title absent recognized title.[7] Such doctrines illustrate the significant distance that can exist between Indigenous Peoples’ relationships to their traditional lands and the protection those relationships receive under domestic property law.

UNDRIP adopts a substantially broader understanding. Article 26 recognizes Indigenous Peoples’ rights to the lands, territories and resources which they have traditionally owned, occupied,

used or acquired, as well as rights to own, use, develop and control those lands, territories and resources.[8]

For purposes of Indigenous women's economic empowerment, land cannot be understood solely as property or commodity. Lands and waters sustain housing, food systems, subsistence practices, employment, natural resources, traditional medicines, cultural and spiritual practices, government revenues, community infrastructure and the intergenerational transmission of knowledge. Indigenous relationships with lands and waters may also incorporate reciprocal obligations to other persons, communities, living beings and future generations that cannot readily be assigned monetary value.

The deprivation or degradation of Indigenous lands can therefore create forms of economic deprivation that conventional measures of individual employment and income do not fully capture.

Increasing an Indigenous woman's income, employment opportunities, education, or access to capital is important. Such measures alone, however, cannot fully achieve economic empowerment where her Nation continues to experience degradation or loss of lands and natural resources, inadequate infrastructure, constraints upon governmental authority, or disruption of traditional and community economies.

Climate and Environmental Policies Must Respect Indigenous Authority

The CSW71 review theme provides an opportunity to reconsider how Indigenous women are situated within climate change, environmental and disaster risk reduction policies and programmes.

Indigenous women are rights-holders, leaders, knowledge-holders and decisionmakers. They are not simply a vulnerable population requiring protection from environmental change. The

relevant inquiry must therefore include the question of who possesses authority over lands, waters and resources affected by environmental and climate decisions.

UNDRIP recognizes Indigenous Peoples' right to participate in decision-making in matters affecting their rights through representatives chosen by themselves, together with the right to maintain and develop Indigenous decision-making institutions.[9] It also calls upon States to consult and cooperate in good faith with Indigenous Peoples through their representative institutions to obtain their free, prior and informed consent before approving projects affecting their lands, territories or other resources, particularly in connection with the development, utilization or exploitation of mineral, water and other resources.[10]

These provisions should be implemented within UNDRIP's broader framework of self-determination. Consultation and participation must not operate as substitutes for recognition of underlying Indigenous rights. Climate resilience must include support for Indigenous Peoples' capacity to govern, protect and make decisions concerning their lands, resources and communities.

Land, Environmental Health and Bodily Autonomy

The relationship between land and body provides an additional framework for understanding the intersection of the CSW71 priority and review themes.

Environmental degradation can affect physical wellbeing, food and water security, economic stability, cultural practices and bodily autonomy simultaneously. Resource extraction can diminish access to traditional foods and medicines, harm water quality, compromise housing and community infrastructure, and disrupt relationships between communities and their lands.

Development and extractive projects may also produce rapid demographic and economic changes, placing severe demands upon transportation, housing, healthcare, emergency services and justice institutions.

Environmental and development impact assessments should consider cumulative consequences for both land and community, including water, food security, traditional economies, health, housing, community infrastructure, cultural continuity, safety and Indigenous governmental capacity.

The central point is not that every form of environmental harm and every form of harm experienced by Indigenous women is identical. Rather, the legal and economic structures governing the exploitation of Indigenous lands can also affect the conditions necessary for Indigenous women's economic security, personal autonomy and community wellbeing.

Tribal Sovereignty, Access to Justice and Economic Security

The governmental authority and institutional capacity of Tribal Nations are critical to Indigenous women's equality and economic security.

Access to justice should also be understood as a component of economic infrastructure. A woman's ability to maintain employment, secure housing, preserve financial stability and support family wellbeing may be significantly affected when she is unable effectively to enforce legal rights or obtain appropriate remedies. Indigenous women may additionally encounter overlapping Tribal, federal and state institutions.

Investments in tribal courts and other Indigenous justice institutions are investments in effective self-government, community stability, and the institutional conditions necessary for meaningful economic participation.

Strengthening Indigenous women's economic empowerment requires strengthening the institutions through which Indigenous nations govern their lands and communities.

Indigenous Women's Leadership

Indigenous women exercise leadership in the protection of lands and waters, government, justice, economic development, cultural continuity and community wellbeing. Effective implementation of the 2030 Agenda must avoid defining Indigenous women principally through disparities and harms.

Indigenous women's environmental leadership should not be reduced to stakeholder participation. Indigenous women are rights-holders and decision-makers within their Nations and communities.

Their effective participation must include meaningful influence and authority in institutions and decisions affecting Indigenous lands, economies, communities and future generations. This approach is consistent with UNDRIP's recognition of Indigenous Peoples' rights to participate in decision-making through their own representatives and institutions.[16]

Recommendations

To advance gender equality and the empowerment of Indigenous women and girls in implementation of the 2030 Agenda, Member States, United Nations entities and other relevant actors should:

1. Recognize Indigenous women's economic empowerment within the broader framework of Indigenous Peoples' right to self-determination, including their rights to self-government and their lands, territories and resources.

2. Integrate Indigenous land and resource rights into strategies addressing gender equality and poverty, recognizing the relationships among land security, environmental health, community economic security and women's wellbeing.
3. Apply broader measures of Indigenous women's economic wellbeing, including housing, food and water security, community infrastructure, environmental health, access to justice, traditional and subsistence economies, and cultural continuity.
4. Respect Indigenous Peoples' substantive rights and governmental authority in climate, environmental, disaster risk reduction and development policies and programmes, ensuring that consultation mechanisms do not become procedural substitutes for Indigenous rights.
5. Provide adequate, sustained and accessible resources to Indigenous governments and institutions, including Tribal justice systems, environmental programmes, climate adaptation, infrastructure, housing, emergency preparedness and Indigenous-led economic development.
6. Promote the full, effective and meaningful participation of Indigenous women in decision-making, including within Indigenous governments, justice institutions, environmental governance, economic development and relevant national and international processes.
7. Assess the cumulative impacts of extractive and development projects, including consequences for Indigenous lands and waters, traditional food systems, economies, health, infrastructure, cultural continuity and community wellbeing.
8. Support Indigenous-defined approaches to sustainable development and economic wellbeing, recognizing that increases in national economic activity derived from Indigenous territories do not necessarily constitute development for the Indigenous Peoples concerned.

9. Address legal and structural barriers that constrain Indigenous governments' ability to protect their lands, citizens and communities, consistent with Indigenous Peoples' rights and States' applicable obligations.

10. Recognize access to justice as integral to women's economic empowerment and strengthen and adequately resource Indigenous justice institutions accordingly.

[1] United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, arts. 3, 4, 25-26, U.N. Doc. A/RES/61/295 (Sept. 13, 2007).

[2] *Id.*, pmbl.; see also *id.* arts. 3, 20, 23, 32.

[3] *Johnson v. M'Intosh*, 21 U.S. (8 Wheat.) 543 (1823).

[4] See *County of Yakima v. Confederated Tribes & Bands of the Yakima Indian Nation*, 502 U.S. 251, 253-54 (1992); General Allotment Act of 1887, ch. 119, 24 Stat. 388.

[5] Robin Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge and the Teachings of Plants* 307, 376 (2013).

[6] 18 U.S.C. § 1151.

[7] *Tee-Hit-Ton Indians v. United States*, 348 U.S. 272 (1955).

[8] G.A. Res. 61/295, *supra* note 1, art. 26; see also *id.* art. 25.

[9] *Id.* art. 18; see also *id.* arts. 3-5.

[10] *Id.* art. 32(2); see also *id.* art. 19.

[11] *Lyng v. Northwest Indian Cemetery Protective Ass'n*, 485 U.S. 439 (1988).

[12] *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978).

[13] Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, § 904, 127 Stat. 54, 120-23; Violence Against Women Act Reauthorization Act of 2022, Pub. L. No. 117-103, div. W, tit. VIII, 136 Stat. 49.

[14] 18 U.S.C. §§ 1151, 1153.

[15] See Robin Wall Kimmerer, *Braiding Sweetgrass* (2013); Anne Sisson Runyan, *Indigenous Women's Resistance at the Start and End of the Nuclear Fuel Chain*, 98 *International Affairs* 1149 (2022).

[16] G.A. Res. 61/295, *supra* note 1, art. 18.