Substance

Indigenous Peoples

In identifying what constitute and indigenous population ‘the relevant factors to consider are the presence of priority in time with respect to the occupation and use of a specific territory; a voluntary perpetuation of cultural distinctiveness, which may include aspects of language, social organisation, religion and spiritual values, modes of production, laws and institutions; self-identification as well as recognition by other groups, or by State authorities that they are a distinct collectivity; and an experience of subjugation, marginalisation, dispossession, exclusion or discrimination, whether or not these conditions persist’ (*African Commission on Human and Peoples’ Rights v Kenya,* application 006/2012, Judgement, 26 May 2017, para 107).