



Florida High Schools Model United Nations

FHSMUN 44

**GENERAL ASSEMBLY THIRD COMMITTEE (GA3)**

**RIGHTS OF INDIGENOUS PEOPLES**

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*“We the indigenous peoples **demand** recognition of our diverse cultures and our right to free determination, on the same terms as the international human rights pacts recognize all the peoples of the world. We **demand** that our contribution to the preservation of life of the planet, as well as our forms of sustainable development, be recognized and esteemed...”*

Rigoberta Menchú Tum, Nobel Peace Prize recipient 1992

## COMMITTEE BRIEF

### Introduction

As we approach the ten year mark of the implementation of the Sustainable Development Goals (SDGs) in 2025, that replaced the previous Millennium Development Goals (MDGs), it is time to take stock of what progress towards the MDGs/SDGs has been achieved as well as how inclusive this progress actually is.

While numerous member states have taken a variety of steps to enact the SDGs through a variety of measures, including, adopting laws and policies recognizing the rights of indigenous peoples; supporting indigenous peoples in their efforts to preserve their cultural heritage; strengthening the capacity of indigenous organizations to engage with national and international institutions to protect their rights - there is still far more work to be done. Despite the SDGs, indigenous people are still failed by an overtly bureaucratic UN system. Member states have adopted resolutions aimed at furthering the protection of indigenous peoples, but fail to adhere to the guidelines that they themselves voted upon. Indigenous peoples are still denied rights to their lands, territories and resources - thereby indirectly depriving them of their cultural heritage. Indigenous peoples are still actively discriminated against, and their state fails to provide them with basic services to education and healthcare. Moreso, and most troubling, member states fail to address the very root causes that led to the discrimination, and political marginalization that indigenous peoples face, and often use their experience of injustices as a political cover.

For far too long, world leaders, businesspeople, and the personnel of the UN System and related bodies, including the World Bank Group, have ignored the contributions, desires, needs, and legal and human rights of tens of millions of indigenous peoples. The United Nations General Assembly Third Committee (GA 3) must accelerate its crucial work with indigenous communities and continue to concentrate on building broader and deeper international partnerships between national governments, international organizations, indigenous communities, and all related civil society stakeholders. Promoting and protecting the human and legal rights of indigenous peoples requires a far more inclusive legal paradigm and open and full access to all societal institutions and centers of power for the world's indigenous peoples. Ensuring that indigenous peoples are not denied the rights to vote and to hold public office are also critical components of protecting and preserving the rights of indigenous peoples.

While delegates to the General Assembly Third Committee (GA 3) may explore many different aspects of indigenous rights, the UN System has primarily emphasized the following 4 areas: 1) the right to self-determination; 2) the right to participate in economic, legal, and political decision-making; 3) rights to lands, territories, and resources; and 4) rights to culture, including preservation of indigenous peoples' identities and languages.

## Scale of the Problem

According to widely accepted statistics, 5,000 out of the world's estimated 6,000 cultures are classified as indigenous, comprising at least 470 million people in over 90 countries.<sup>1</sup> While Indigenous peoples account for 6.2% of the global population, they are three times as likely to be living in extreme poverty compared to their non-indigenous counterparts.<sup>2</sup> Indigenous cultures are found in all regions of the world, from the Amazon to the Arctic Circle, from the Sahara to Siberia. Further complicating the issue is that there is no universally accepted or applied definition of indigenous peoples. The Inter-Parliamentary Union (IPU) asserts that "the United Nations does not define 'indigenous peoples', as it is impossible to capture the full range and diversity of indigenous peoples around the world."<sup>3</sup>

The UN System has crafted a series of working guidelines based upon the International Labour Organization's (ILO) Convention Concerning Indigenous and Tribal Peoples (ILO Convention No. 169 – 1989) that include: "self-identification as belonging to an indigenous people, nation, or community; a common ancestry and historical continuity with pre-colonial or pre-settler societies; a special relationship with ancestral lands, which often forms the basis of the cultural distinctiveness of indigenous peoples; distinct social, economic and political systems, as well as a distinct language, culture, beliefs and customary law; formation of non-dominant groups within society; and determination to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity...."<sup>4</sup>

*"Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."*<sup>5</sup>

## Self-Determination of Peoples and Territorial Integrity

The UN System and the broader international community have always confronted tensions between expressed desires for self-determination of various peoples and the desires of states to maintain their territorial integrity. Furthermore, the UN System, in order "to save succeeding generations from the scourge of war,"<sup>6</sup> consistently favors maintaining states as territorially intact rather than struggling to prevent and/or intervene in civil and international wars.

The horrors unleashed in the brutal wars in the former Yugoslavia and the continued occupation of Western Sahara are but two of many

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<sup>1</sup> United Nations. "Indigenous Peoples." Accessed September 2021.  
<https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples#:~:text=There%20are%20over%20476%20million,the%20world's%20estimated%207%2C000%20languages>

<sup>2</sup> Ibid.

<sup>3</sup> Inter-Parliamentary Union (IPU), "Implementing the UN Declaration on the Rights of Indigenous Peoples" Handbook for Parliamentarians No. 23 2014 p. 11.

<sup>4</sup> IPU, "Implementing the UN Declaration on the Rights of Indigenous Peoples" 2014 pp. 11-12.

<sup>5</sup> United Nations. "Declaration on the Rights of Indigenous Peoples." Accessed September 2021

<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

<sup>6</sup> Preamble to the United Nations Charter, 1945.

prospective reminders that self-determination of peoples is not always accomplished peacefully. “During the drafting of the UN Declaration the concerns of States regarding sovereignty, territorial integrity and the threat of secession were resolved by the inclusion of Article 46(1),” which clearly contradicts any professed right to “dismember or impair totally or in part, the territorial integrity or political unity of sovereign and independent States.”<sup>7</sup> Delegates to the General Assembly Third Committee may wish to examine relevant documents, including the Baguio Declaration of April 1999, to more clearly reflect on the prevailing sentiments of many indigenous peoples.<sup>8</sup>

*“Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.”<sup>9</sup>*

### **Barriers to Land Management and Participation in Decision-Making**

Indigenous peoples are all too frequently excluded from economic and political decision-making, often because of a lack of vital legal documents and rights. Many indigenous people are never provided with birth, marriage, or death certificates, creating huge obstacles to their disposition, disposal, and inheritance of property. Susan Crate, in studying the Sakha community of Russia, notes that “Russia’s indigenous peoples lack land claims and resource rights, as well as the political experience necessary to secure them.”<sup>10</sup> Demarcating indigenous lands and granting indigenous peoples legal titles to their lands, as the Brazilian government began doing in 1988 under constant political pressure from indigenous communities in Amazonia<sup>11</sup>, will ensure that indigenous communities have the necessary opportunities for economic and political decision-making that is essential to sustainable development. Governments need to examine their current constitutional and legislative regimes to determine whether these regimes discriminate against indigenous communities as well as the relevant executive, judicial, and parliamentary representation of indigenous peoples.

While Australia considered a potential constitutional referendum in 2017 to repeal two “race provisions” in its constitution, including “one that allows the states to ban people from voting based on their race,” this act did not go through.<sup>12</sup> Delegates to the General Assembly Third Committee may also wish to consider whether or not to encourage states to consider reserving a minimum number or percentage of seats in local, provincial, and national legislative bodies for representatives from indigenous communities. Corporations must analyze their patterns of interaction with indigenous communities and determine the most effective ways to integrate this dynamic, vibrant, and frequently cost-effective form of knowledge into their business operations.

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<sup>7</sup> Inter-Parliamentary Union (IPU), “Implementing the UN Declaration on the Rights of Indigenous Peoples” Handbook for Parliamentarians No. 23 2014 p. 15.

<sup>8</sup> Conference on Indigenous Peoples’ Self-Determination and the Nation-State in Asia, *The Baguio Declaration* April 1999.

<sup>9</sup> United Nations. “Declaration on the Rights of Indigenous Peoples.” Accessed September 2021

<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

<sup>10</sup> Susan A. Crate, “Investigating Local Definitions of Sustainability in the Arctic: Insights from Post-Soviet Sakha Villages” *Arctic* Vol. 59, No. 3 September 2006 p. 296.

<sup>11</sup> Paul E. Little, “Indigenous Peoples and Sustainable Development Subprojects in Brazilian Amazonia: The Challenges of Interculturality” *Law and Policy* Vol. 27, No. 3 July 2005 pp. 452-43.

<sup>12</sup> Marie McInerney, “Australia eyes indigenous recognition vote” *BBC News* December 12, 2014.

Indigenous communities often view land ownership and stewardship very differently from national governments and both domestic and transnational corporations (TNCs). Susan Crate argues that “indigenous discourses on sustainable management, founded on the complex relationships between land, nature, animals, subsistence practices, and their cyclical and spiritual aspects, have historically challenged Western scientific approaches that focus on the environmental management of discrete resources.”<sup>12</sup> When these concepts of land stewardships and resource extraction clash, indigenous communities often bear the brunt of governmental and corporate ire. In Nigeria, 9 Ogoni activists who challenged the right of the Nigerian government and Royal Dutch Shell to extract oil resources without Ogoni participation were hanged in 1995; Royal Dutch Shell announced that it would pay \$15.5 million USD in a settlement, without admitting any wrongdoing, just a few days before a trial was set to commence in June 2009 in New York.<sup>13</sup> The Achuar people of Ecuador know all too well the potentially devastating impact of oil extraction, especially when local communities are not included. In the late 1970s, ConocoPhillips exploited important oil deposits in northern Ecuador in such a manner that residents and scientists have described the area as resembling Chernobyl, the site of the Ukrainian nuclear disaster.<sup>14</sup> The Achuar have vowed to resist any further oil development and extraction activities in northern Ecuador and are striving to maintain an eco-lodge that will provide sustainable economic and human development.

At the international level, the United Nations Declaration on the Rights of Indigenous Peoples was adopted in September 2007. Governments recognized that indigenous peoples have legal rights to their ancestral lands, both as individual and collective rights, and that indigenous communities have rights to self-government and self-determination as well as to equitable benefit sharing from the conservation and/or use of their lands. These rights must be protected at the national and local levels, too, or they will come to be seen as highly polished but ultimately unfulfilled promises.

### **Atoning for Past Wrongs and Preventing Future Abuses**

Often stemming from their previous marginalization, indigenous communities have been attacked and forcibly relocated in many countries around the world. In Guatemala, prosecutors recently moved to vacate the immunity of a legislator and one-time advisor to the new president Jimmy Morales because of allegations that the legislator in question was tied directly to the Guatemalan civil war (1954-1996) and the massacres of indigenous Mayan communities.<sup>15</sup> Government documents assert that the Peruvian government of disgraced former President Alberto Fujimori undertook a program of forced and/or involuntary sterilization of 200,000+ indigenous women and 16,000+ indigenous men in the 1990s<sup>16</sup> but efforts at public prosecution were abandoned

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<sup>12</sup> Susan A. Crate, “Investigating Local Definitions of Sustainability in the Arctic” *Arctic* Vol. 59, No. 3 September 2006 p. 295.

<sup>13</sup> Jad Mouawad, “Shell to Pay \$15.5 Million to Settle Nigerian Case” *New York Times* June 8, 2009.

<sup>14</sup> Michael Voss, “Ecuador tribes vow to fight oil threat” *BBC News* March 3, 2005.

<sup>15</sup> *Associated Press*, “Uncertainty in Guatemala as New President Takes Office” January 14, 2016.

<sup>16</sup> *BBC News*, “Mass sterilisation scandal shocks Peru” July 24, 2002.

In January 2014.<sup>17</sup> Governments that have committed systematic violations of the human rights of indigenous peoples need to publicly acknowledge and atone for these abuses, including through monetary compensation where appropriate.

### **UN System Actions**

The UN System strives to address the rights and concerns of indigenous peoples through multiple channels and entities. The UN System has emphasized indigenous participation in development projects since the introduction of the Bruntland Report in 1987 and this emphasis was broadened and deepened at the 1992 UN Conference on Environment and Development (UNCED) hosted in Rio de Janeiro, Brazil. In 1995, the UN System and many national governments reaffirmed these emphases at the World Summit on Social Development (WSSD) in Copenhagen, Denmark. In July 2000, the UN established the Permanent Forum on Indigenous Issues (UNPFII) under the direction of the Department of Economic and Social Affairs (DESA). The General Assembly called for the Second International Decade of the World's Indigenous Peoples to occur between 2005 and 2014 (A/RES/59/174) and the General Assembly hosted a High Level Plenary Session in September 2014 that was named the UN World Conference on Indigenous Peoples.

The UN System also created the Expert Mechanism on the Rights of Indigenous Peoples, the post of Special Rapporteur on the Rights of Indigenous Peoples, and a variety of Specialized Agencies maintain indigenous peoples' for a, including the International Fund for Agriculture and Development's (IFAD) Indigenous Peoples' Forum. IFAD's Indigenous Peoples Assistance Facility doles out \$10,000-\$30,000 grants for small grassroots sustainable projects; with assistance from the World Bank and the governments of Canada, Finland, Italy, and Norway, the Indigenous Peoples Assistance Facility financed 73 sustainable development projects in 47 countries in the period 2007-08.<sup>18</sup> Ensuring that these programs and funds are well-financed is absolutely critical to promoting their centrality as well as their long-term viability.

### **Conclusion**

The need to include all relevant development partners in any sustainable development program might seem self-evident but the current state of development cooperation indicates that the international community has a long way to go to actually achieving this level of participation. Many governments have taken steps in the right direction and are working more closely with indigenous peoples than previously but progress remains uneven, and at times halting. The UN System and its development

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<sup>17</sup> *Amnesty International*, "Indigenous Peoples" 2016. Found at: <https://www.amnesty.org/en/what-we-do/indigenous-peoples/>

<sup>18</sup> Economic and Social Council (ECOSOC), "Recognizing poverty's diversity, turning indigenous peoples' uniqueness into asset for economic development will help meet their needs" HR/4987 May 26, 2009.

partners must build upon recent successes in integrating indigenous knowledge (IK) into sustainable development initiatives in order to have any chance of meeting the stated Sustainable Development Goals (SDGs) and their associated development benchmarks and targets. Delegates to the United Nations General Assembly Third Committee (GA 3) will play a vital role in ensuring that the rights of indigenous peoples are preserved, protected, and properly implemented.



## RESOURCE REVIEW

[UN General Assembly \(UNGA\), “Rights of Indigenous Peoples” \(A/RES/70/232\) December 23, 2015.](#)

Adopted on December 23, 2015, this resolution emphasized the importance of respecting and promoting the rights of indigenous peoples and recognized their unique cultural, social, economic, and political circumstances. This resolution reaffirmed the UN Declaration on the Rights of Indigenous Peoples and urged member states to take necessary measures to implement this resolution. This resolution also recognized the need to include indigenous peoples in matters that impact them, and called for the development of national plans and strategies to realize their rights.

[UN General Assembly \(UNGA\), “United Nations Declaration on the Rights of Indigenous Peoples” \(A/RES/61/295\) September 13, 2007.](#)

Adopted on September 13, 2007, this declaration recognized and affirmed the collective and individual rights of indigenous peoples, including their rights to self-determination, lands, territories, resources, language, culture, and development. This resolution also recognized the need for states to consult and cooperate in good faith with indigenous peoples in order to obtain their free, prior, and informed consent before adopting measures that impact them. While this is not necessarily legally binding, it is a significant step in the promotion and protection of the rights of indigenous peoples.

[UN General Assembly \(UNGA\), “Universal realization of the rights of peoples to self-determination” \(A/RES/57/197\) December 18, 2002](#)

Adopted on December 18, 2002, this resolution calls for the universal realization of the right of peoples to self determination.

[International Labour Organization \(ILO\) Convention No. 169](#)

Adopted in 1989, this international treaty that aims to protect the rights of indigenous and tribal peoples by recognizing their right to their lands, territories, resources, and maintain their cultural identity.

### **Guiding Questions:**

Does your country have any recognized indigenous peoples? How does your government interact with these indigenous peoples? Do indigenous peoples have full legal and political rights in your country? How effectively are indigenous peoples represented in your legislative and other governmental bodies?

What is the current economic status of these indigenous peoples? Does your government provide any financial assistance, including reparations for past wrongs, to indigenous peoples in your country?

Are there any current sustainable development projects underway in your country that impact indigenous communities? When, how, and to what extent are these indigenous peoples included in the decision-making and implementation processes? Did your government vote in favor of adopting the UN Declaration of the Rights of Indigenous Peoples (UNDRIP) in 2007? If not, has your government since altered or changed its policies and/or stances on UNDRIP? How might the UN System most effectively pursue universal adherence and support?

Is your government currently working with the UN System, World Bank Group, and/or non-governmental organizations (NGOs) to effectively design and implement sustainable development projects that include, and provide tangible benefits to, indigenous communities? If not, does your government plan to do so in the near future?