PAMUN XVIII RESEARCH REPORT— MEASURES TO STRENGTHEN THE RIGHTS OF THE INDIGENOUS PEOPLE

Introduction of Topic

As per article 1 of the Universal Declaration of Human Rights (UDHR), "all human beings are born free and equal in dignity and rights". Although true in principle, the ideas set forth by the UDHR are yet to be fully recognized in the context of indigenous peoples. Indigenous peoples in the 21st century face a variety of challenges and are often denied many of the basic human rights. The rights of the indigenous peoples are also vital to the success of the Sustainable Development Goals (SDGs), seeing as indigenous peoples are mentioned in both SDG 2 (Zero Hunger) and SDG 4 (Education). However, the rights of indigenous peoples can be related to many more sustainable development goals, including goal 1 (No Poverty), goal 6 (Clean Water and Sanitation), goal 5 (Gender Equality), and more.

Definition of Key Terms

Indigenous People

Considering the diversity of indigenous peoples, many attempts have been made to describe indigenous peoples. As such, there are no general agreements on the definition. However, the most common is the "working definition" formulated by Special rapporteur to the Sub-Commission, José Martínez Cobo in his study of the Problem of Discrimination against indigenous Populations, conducted in 1986. The definition is as follows:

"Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems."

Although "indigenous" is the most widely used generic term for such peoples, other terms are used throughout the world, including: aboriginal people, native people, autochthonous people, first peoples, etc. All these can be used interchangeably.

Human Rights

The United Nations defines human rights as follows: "Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. These rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more". Everyone is entitled to these rights, without discrimination. In the context of this issue, rights granted to indigenous peoples can be separated into two groups: human rights that are granted to the individual or collective rights to indigenous peoples as a whole, such as their right to education in their own language and to maintain their ancestral traditions.

Major Countries and Organisations Involved

United Nations Permanent Forum on Indigenous Issues (UNPFII or PFII)

The UNPFII is the UN's central coordinating body for matters relating to the rights and concerns of indigenous peoples. The forum is an advisory board to the Economic and Social Council (ECOSOC), to whom it submits recommendations and expert advice. It also submits these to various other programmes, funds and agencies of the UN System. It discusses issues related to social development, culture, environment, education, health and human rights. In addition, it raises awareness and promotes the integration and coordination of activities related to indigenous issues within the UN system, and prepares and disseminates information on these issues.

Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

EMRIP was established by the Human Rights Council in 2007 under resolution 6/36. Its mandate was later amended by the Human Rights Council, and it currently "provides the Human Rights Council with expertise and advice on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples, and assists Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfillment of the rights of indigenous peoples"

International Labor Organization (ILO)

The ILO is a specialized UN agency part of the United Nations Development Group (UNDP) that deals with labor problems, particularly international labor standards, social protection, and work opportunities for all. The ILO's Decent Work Agenda "serves as a framework for indigenous and tribal peoples' empowerment", promoting the message that "access to decent work enables indigenous women and men to harness their potential as change agents in poverty reduction, sustainable development and climate change action."

World Bank

The World Bank is an international financial institution that provides loans to countries for capital projects. Its stated goal is the reduction of poverty, which its Articles of Agreement define as commitments to the promotion of foreign investment and international trade and to the facilitation of capital investment. With regards to indigenous peoples, the World Bank seeks to "deepen its understanding of Indigenous Peoples' priorities, needs, and issues through direct dialogue with indigenous peoples' organizations at global, regional, and national levels, through analytical studies, and the implementation of projects and programs that involve participation of indigenous peoples."

United States of America

As one of the four countries that voted against the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (see "Previous Attempts to solve the Issue" for a short summary of UNDRIP), the United States' indigenous population accounts for approximately 1.01% of its population, with the distribution of native Americans spread out unevenly between the 50 states.

Australia

As one of the four countries that voted against UNDRIP, Australia's indigenous population accounts for approximately 2.8% of its total population, with the highest concentration of indigenous people in the Northern territory. Indigenous Australians face a variety of challenges in contemporary society, from lower life expectancy, reduced educational opportunities, and a higher chance of developing substance abuse.

New Zealand

As one of the four countries that voted against UNDRIP, New Zealand's indigenous population accounts for approximately 14.9% of its total population, the highest amongst the member states that voted against UNDRIP. Like indigenous Australians, Māori people in New Zealand face various socioeconomic challenges, including higher suicide rates, higher unemployment rates, and Māori people make up almost 50% of the prison population, despite only comprising 14.9% of the overall population.

Canada

As one of the four countries that voted against UNDRIP, Canada's indigenous population accounts for approximately 4.9% percent of its total population. Throughout history, indigenous Canadians faced forced assimilation, and today indigenous Canadians still face problems such as a lower quality of education, inadequate housing and living conditions, and a higher death rate amongst children as a result of unintentional injury. In May 2016, Canada officially removed its objector status to UNDRIP, making it the only country to do so.

Asia

In addition to the four countries that voted against UNDRIP, there are other regions of the world that have a large population of indigenous people. Asia, for example, contains 70% of the world's indigenous population according to figures from the International Work Group for Indigenous Affairs (IWGIA). The most substantial populations of indigenous populations exist in India, which constitutionally recognizes a range of "Scheduled Tribes" within its borders. These tribes constitute about 200 million people. Moreover, large numbers of indigenous people live in Southeast Asia, with over 50 million indigenous people living in Indonesia alone.

South America

Indigenous peoples in South America number approximately 32 million, with the most notable in Peru, where 45% of people are indigenous, and Bolivia, where 62% of people are indigenous. In South America, indigenous peoples are classified as those residing there in the Pre-Columbian Era, in contrast to those of European descent who arrived in the Post-Columbian Era.

Timeline of Events

Date	Description of event
1981	Martínez Cobo Study
1982	Working Group on Indigenous Populations (WGIP) established
5 September 1991	Indigenous and Tribal Peoples Convention held by ILO in Geneva
14 December 1992	UN General Assembly proclaims 1993 as the International Year of the World's Indigenous People through resolution 47/75
1993	International Year of the World's Indigenous People
14-25 June 1993	World Conference on Human Rights held by the UN in Vienna
25 June 1993	Adoption of the Vienna Declaration and Programme of Action (VDPA)
1995-2004	International Decade of the World's Indigenous People, launched by the General Assembly resolution 48/163
28 July 2000	Establishment of the United Nations Permanent Forum on Indigenous Issues (UNPFII or PFII) based on the recommendations of the VDPA
2001	Commission on Human Rights appoints a Special Rapporteur on the rights of indigenous peoples

2005-2014	Second International Decade of the World's Indigenous People, launched by General Assembly resolution 59/174 and 60/142
13 September 2007	Adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) by the General Assembly
14 December 2007	Expert Mechanism on the Rights of Indigenous Peoples established by the Human Rights Council under resolution 6/36
22-23 September 2014	World Conference on Indigenous Peoples (WCIP) held in New York

Relevant UN Treaties and Events

Martínez Cobo Study, 1981 (see appendix VI)

Indigenous and Tribal Peoples Convention, Geneva, 85 September 1991 (see appendix VII)

International Year of the World's Indigenous People, 1993, 14 December 1992, (**A/RES/47/75**) (see appendix VIII)

World Conference on Human Rights, Vienna, 14-25 June 1993

Vienna Declaration and Programme of Action (VDPA), 25 June 1993, (see appendix V)

International Decade of the World's Indigenous People, 18 February 1994 (**A/RES/48/163**) (see appendix IX)

Establishment of a Permanent Forum on Indigenous Issues, 28 July 2000, **(ECOSOC Resolution 2000/22 - E/2000/23 (Part I))** (see appendix III)

Draft Programme of Action for the Second International Decade of the World's Indigenous People, 18 August 2005, (**A/60/270**) (see appendix X)

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 13 September 2007 **(A/RES/61/295)** (see appendix I)

Expert mechanism on the rights of indigenous peoples, 14 December 2007, (**Resolution 6/36**) (see appendix XI)

World Conference on Indigenous Peoples (WCIP), New York, 22 September 2014

Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, 25 September 2014, (**A/RES/69/2**) (see appendix XII)

Main Issues

Land Eviction

One of the largest issues facing indigenous peoples is the forced removal from their ancestral lands by governments. As defined by the Office of the United Nations High Commissioner for Human Rights (OHCHR), a forced eviction is "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection". Reasons for forced evictions vary, ranging from urban and rural development projects, conservation efforts, to a desire by the government to extract the natural resources from a particular area. The complete summary of forced evictions and a list containing some of the many situations that can lead to forced evictions can be found on pages 3-4 of appendix IV. Forced eviction from their lands infringes upon indigenous people's right to free and informed consent and often brings with it many unintended consequences for them. Among these consequences are a loss of language, a reduction in family values, sense of identity and belonging, a loss of traditional knowledge and an increase in alcoholism, substance abuse and violence. Forced evictions are often the root cause of many of the other issues that indigenous peoples are faced with, as elaborated further in this section. It is to be noted that although forced evictions are sometimes legal and necessary, in the context of the eviction of indigenous peoples, the circumstances under which indigenous peoples are evicted almost always constitute a violation of international humanitarian law. An elaborate discussion of the legality of evictions and the obligations of governments in situations like these can be found in a report by the OHRHC, linked in appendix IV.

Land Exploitation

Another issue that indigenous people face is the exploitation of their land for commercial, agricultural or other purposes, such as mining for natural resources. The problem is compounded by the fact that indigenous people may not have a legally binding title to their land, preventing them from fighting for their land in court. Land exploitation is particularly damaging to indigenous people since they rely heavily on their land and surrounding environment for their livelihood. In addition, their land provides them with the connection to their cultural heritage. Therefore, when their land is taken, or used for other purposes, they lose part of their cultural heritage and identity. In regions such as North and South America, mining and logging pose a serious threat to indigenous populations, severely depleting and impoverishing the land for agricultural use by indigenous people, as well as destroying sacred sites and upsetting the ecological balance present in these lands. In addition, climate change in recent years has had a profound

impact on indigenous groups, despite the fact that indigenous peoples contribute very little to climate change as compared to others groups of people.

Discrimination from state

Article 2 of UNDRIP states that "Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity". Despite this provision, discrimination by governments towards indigenous peoples is another one of the largest issues that indigenous people face. Discrimination towards indigenous peoples can take many forms, and can have severe consequences that contribute to other issues. Some of the many ways in which indigenous peoples are discriminated against include: withholding citizenship, declaring indigenous practices illegal and punishable by law, lack of recognition by states, lack of political representation, lack of ability to defend themselves against legislation that negatively impacts them, lack of enforcement of existing laws to protect indigenous peoples, exploitation of intellectual property without compensation as a result of indigenous peoples not having easy access to patents and other methods through which their stories, culture and artwork can become their intellectual property, a disproportionately small percentage of government funding directed towards the betterment of indigenous society, and the non-existence of public support for indigenous peoples, due to neglect by civil society and a dearth of political will to address the urgent issues facing indigenous peoples.

In addition to the issues listed above, indigenous people are often stripped of their right to make decisions regarding their status and other issues concerning them. Because of this, their concerns and opinions may not be equally heard or addressed, and they are further excluded from society and future decision-making processes.
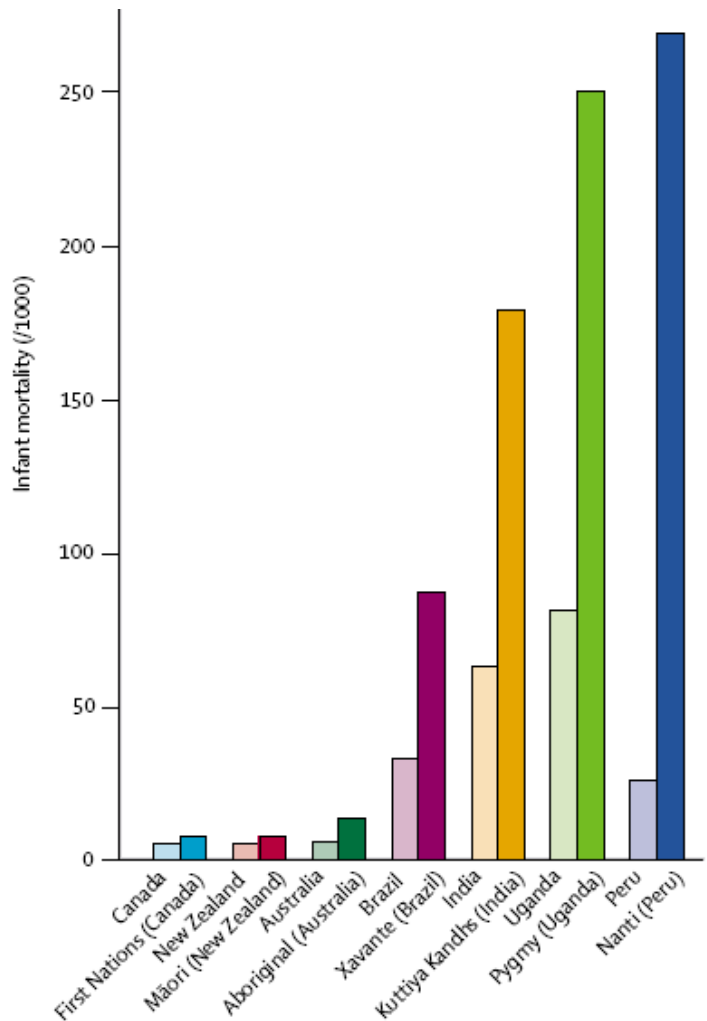
Social Issues

In addition to the many issues that indigenous peoples face collectively, there are also many issues that indigenous individuals face on a day-to-day basis. It is important to note that these issues are

not independent of one another or of any of the other issues mentioned in this section. In fact, many of the issues facing indigenous peoples cause or are caused by other issues that they face.

Healthcare

According to estimates by the World Health Organisation (WHO), 80% of the indigenous population in developing countries rely on traditional healing systems as their primary source of care. Part of this is due to many indigenous groups's belief in traditional medicinal practices as opposed to modern advancements in medical technology, but a large contributor to this reliance on traditional healing systems may be their lack of access to basic healthcare services. As written in the UNPFII Report of the Inter-Agency Support Group on Indigenous Issues on its 2004 session (E/C.19/2005/2), "Children born into indigenous families often live in remote areas where governments do not invest in basic social services. Consequently, indigenous youth and children have limited or no access to

Graph: Infant mortality per 1000 in indigenous communities versus the overall population

Source: World Health Organization, Lancet Series on Indigenous Health, Vol. 367, June 2006, p2022

health care [...]." (E/C.19/2005/2, Annex III, Item 13). The WHO also reports that indigenous individuals around the world are much more likely to have certain diseases and that infant mortality in certain countries is much higher among indigenous individuals. For example, in some regions of Australia, the Aboriginal and Torres Strait Islanders have a diabetes prevalence rate as high as 26%, which is six times higher than in the general population. Moreover, the prevalence of infant mortality in indigenous vs. non-indigenous communities can be seen in the graph above. The graph clearly shows a significantly higher infant mortality rate in indigenous communities from a range of different regions of the world.

Education

Indigenous peoples also generally receive a lower level of education, if any at all, than their non-indigenous counterparts. Given that mainstream education is often of a higher quality than the education available in indigenous communities, indigenous families face a dilemma: send their children to below-average schools where they may find indigenous teachers who teach their language, culture, history, and traditions, or send their children to better schools which will provide them the means to advance their social and economic status, but which may not respect or teach their culture, traditions, and history. Take Australia for example. For aboriginal Australians, while schools in their area may respect their history and traditions, the Indigenous educational provision throughout Australia's remote areas is replete with instances of neglect, infrastructural shortfalls, and systemic underfunding. However, the situation of Australia's indigenous is no better in mainstream educational systems. Education that does not allow for learning in one's own language and that is not inclusive of one's social, cultural, and economic values is not empowering; it is disempowering. Education for Australia's indigenous youth can supplant local societal structures and cause deep intergenerational divisions; education that is unconnected to one's daily life in a remote indigenous community can seem utterly pointless. As such, sending indigenous youth to mainstream educational is almost no better than sending them to underfunded indigenous educational systems. All of this contributes to higher dropout rates among indigenous youth. As such, indigenous youth in mainstream education systems may receive a lower quality of education than other students despite being in the same system. Given that, indigenous youth suffer from a lack of quality education, a major contributor to many of the other issues in this section.

Housing

Indigenous people generally live in below-average living conditions. Houses are often overcrowded, easily damaged by adverse weather, not easily accessible by seniors and people with disabilities, remote and isolated from other communities, and often do not have basic infrastructure such as water, electricity, and sanitation. In addition, obtaining insurance may also be a difficult task, meaning that many indigenous people may face difficulty rebuilding their homes after a natural disaster.

Other

Aside from the social issues listed above, in comparison with non-indigenous people, indigenous people in certain countries have a lower average income, a higher rate of unemployment, a drastically lower life expectancy, a higher suicide rate, higher rate of alcoholism and substance abuse, and make up a disproportionate percentage of the prison population.

Previous Attempts to solve the Issue

International Year and International Decades of the World's Indigenous People

As discussed previously, the UN General Assembly established 1993 as the International Year of the World's Indigenous People and 1995-2004 and 2005-2014 as the first and second International Decades of the World's Indigenous People, respectively. Through this, greater attention was brought to the issues that face Indigenous people and more was done to combat those issues. Moreover, specialized UN agencies worked with indigenous people worldwide to promote and protect their rights, as well as to implement projects on health, education, housing, employment, development, and the environment, all to promote the protection of indigenous peoples and their traditional customs, values and practices. Moreover, international cooperation between different countries, NGOs and UN agencies was a key driver of the second decade, helping develop action oriented programs, specific projects, increased technical assistance, and relevant standard setting activities.

UNPFII

As mentioned previously, the UNPFII was established in 2000 and seeks to advance the cause of indigenous rights. Since then, the forum has held 17 sessions, and since 2008, has adopted a method through which one year focuses on a specific theme related to indigenous issues, and the next year focuses on reviewing the implementation of the recommendations set out in the previous year.

UNDRIP

In addition, UNDRIP was adopted by the General Assembly in 2007, reflecting the international community's commitment to the protection of indigenous people's rights both as individuals and as groups. The main themes of the article can be broken down into four main groups: the right to self-determination, the right to be recognized as distinct peoples, the right to free, prior, and informed consent, and the right to be free of discrimination. It was created and adopted based on the recommendations of the VDPA, as well as in response to violence and abuse of indigenous peoples, and sets out aspirations for how the UN wants indigenous peoples to be treated. Since the document is a resolution, it is not legally binding but the large support it received at the time of voting reflects the power it has to bring about change for indigenous peoples and the changing opinions of governments worldwide towards indigenous peoples. The complete document can be found in appendix I, and a summary can be found in pages 12-21 of appendix II.

Possible Solutions

In this year's PAMUN conference, delegates are expected to write specialized clauses, which should later amount to a coherent resolution with each of them addressing a specific aspect of the topic. When writing their clauses, delegates are to focus on a specific aspect or a "specialized topic" of the general issue that are outlined by 'major issues' and 'possible solutions' of this report. During your conference, chairs will deliver their delegates with more specific instructions. However, please keep in mind

that these ideas do not in any way set restrictions for debate. Moreover, each solutions have both its benefits and disadvantages that delegates should thoroughly consider.

Combatting Land Eviction and Exploitation

In order to combat land eviction and exploitation of indigenous populations, the first step would be for governments to formally recognize indigenous peoples as legitimate groups if they do not already do so. After this, communication lines between indigenous peoples and authorities would need to be set up in order to allow both sides to express their views and opinions on issues pertaining to indigenous peoples. Through this, an agreement can be reached that is accepted by both indigenous peoples as well as the government. Moreover, given that indigenous people's land is often used for commercial purposes such as extracting natural resources or urban development, it is in the governments' best interests to negotiate peacefully with indigenous peoples to reach an acceptable solution, therefore avoiding unnecessary wastage of time, effort, and resources.

Reducing Discrimination

As is the case with land eviction and exploitation, it is necessary to open a forum where indigenous people can express their grievances to the government, ideally a specific branch of the government created to address indigenous issues and promote the betterment of indigenous people. The most important steps in combatting discrimination would be to recognize indigenous peoples as legitimate groups and to grant them equal status in all aspects of society. Other important developments, such as improving social conditions can be made with greater ease if discrimination is reduced and indigenous peoples are treated as equals.

Addressing Social Issues

In order to address issues surrounding healthcare, education and housing, government funding of these programs would need to be increased to provide indigenous peoples with these basic rights. In addition, a task force within the government would need to be set up to head programs and handle funds in a way that is responsible and beneficial to indigenous people. For more complicated issues such as income inequality and higher unemployment rates, long term programs that seek to provide jobs to indigenous peoples would need to be set up, which would reduce unemployment rates amongst indigenous peoples and increase overall incomes. Regarding substance abuse and a disproportionate prison population, social welfare programs would need to be set up in order to reduce the number of indigenous people who are forced to turn to illegal activities due to either circumstance or necessity.

Strengthening Educational Systems

Although educational systems do in fact fall under social issues, it is important to consider the profound impact that education can have on one's social and economic status. A quality education is absolutely essential to not just the individual's success, but the success of the community at large. As such,

it is imperative that governments direct more funding and resources towards improving education, especially in remote areas where indigenous people are likely to live. Moreover, it is recommended that governments establish specific departments to manage and direct funds for education. Such departments would be responsible for improving education in a way that is both responsible and financially sound, and following up on measures to improve education.

Strengthening the UNPFII

As the UNPFII currently stands, it is an advisory board to ECOSOC, and submits recommendations to it, as well as to other relevant UN agencies and programs. Moreover, it prepares and spreads information pertaining to indigenous people to various UN agencies, and holds discussions on indigenous issues. Given that close to 4.9% of the world's population is indigenous, it is in the UN's best interests to strengthen the UNPFII and give it the power to not just submit recommendations to ECOSOC, but instead have the ability to influence change in the policies of member nations. As such, the UNPFII's mandate should be expanded to encompass the aforementioned responsibilities. Furthermore, it may also be beneficial to include the UNPFII as a committee with comparable powers to other UN committees, such as the Human Rights Council, or the Disarmament Committee, to name a few.

Gaining greater visibility and awareness

Moreover, it is important to bring indigenous issues to the attention of the general population. Through this, progress made towards granting indigenous rights will be expedited due to pressure on both governments as well as the UN and its agencies to act. This can be done in a variety of ways. Public awareness campaigns can bring local issues to the attention of non-indigenous peoples, and UN action can bring attention on a global scale to indigenous peoples as a whole. Adding indigenous rights as a sustainable development goal (or its equivalent predecessor) would prioritize the issue and bring about more change and faster. Moreover, holding further debates in the Security Council would produce more legally binding resolutions that states are obliged to abide by, and would greatly improve the situation of indigenous peoples worldwide.

Upholding the Responsibility to Protect (R2P or RtoP)

The R2P is a global political commitment, which was endorsed by all member nations at the 2005 World Summit. The central principle of the R2P is based on the underlying premise that sovereignty entails a responsibility to protect all populations from mass atrocity crimes and human rights violations. This is based on a respect for the norms and principles of international law. With regards to indigenous peoples, upholding this responsibility entails the complete protection of indigenous peoples from all threats, both internal as well as external. Through upholding this responsibility, member nations proclaim their sovereignty over indigenous territories, while also maintaining their commitment to protect indigenous peoples and their rights

For Further Inquiry

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Appendix or Appendices

I. United Nations Declaration on the Rights of Indigenous Peoples < https://un-docs.org/en/A/RES/61/295>

II. United Nations Declaration on the Rights of Indigenous Peoples for indigenous adolescents < http://files.unicef.org/policyanalysis/rights/files/HRBAP_UN_Rights_Indig_Peoples.pdf>

III. Resolutions and decisions adopted by the Economic and Social Council at its substantive session of 2000 < http://www.un.org/documents/ecosoc/dec/2000/edec2000-inf2-add2.pdf>

IV. Forced Evictions < https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>

V. Vienna Declaration and Program of Action < https://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf>

VI. Martínez Cobo Study <https://www.un.org/development/desa/indigenouspeoples/publications/2014/09/martinez-cobo-study/>

VII. C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169) < http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID,P12100_LANG_CODE:312314,en:NO>

VIII. International Year of the World's Indigenous People, 1993 < http://www.un.org/documents/ga/res/47/a47r075.htm>

IX. International Decade of the World's Indigenous People <

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/48/163>

X. Draft Programme of Action for the Second International Decade of the World's Indigenous People <

https://undocs.org/A/60/270>

XI. Expert Mechanism on the Rights of Indigenous Peoples < http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_36.pdf>

XII. Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples < https://undocs.org/A/RES/69/2>