

UNESCO

TOPIC A:

The question of protecting Indigenous peoples and cultures

Introduction:

This research paper will address measures for the protection of Indigenous peoples and cultures, taking into consideration background information, major countries and peoples involved, historical events relevant in preserving indigenous cultures, as well as previous attempts made by the UN and possible solutions to keep indigenous peoples and cultures intact.



Definitions of Key Terms:

Indigenous Peoples:

Indigenous Peoples are distinct social and cultural groups that share collective ancestral ties to the lands and natural resources where they live, occupy or from which they have been displaced. The land and natural resources on which they depend are inextricably linked to their identities, cultures, livelihoods, as well as their physical and spiritual well-being.

Background Information:

There are between 370 and 500 million Indigenous Peoples worldwide, in over 90 countries. Although they make up just 5 percent of the population worldwide, they account for about 15 percent of the extreme poor. Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, indigenous peoples from around the world share common problems related to the protection of their rights as distinct peoples.

For centuries, since the time of their colonization, conquest or occupation, indigenous peoples have documented histories of resistance, interface or cooperation with states, in order to demonstrate their conviction and determination to survive with their distinct sovereign identities.

Indigenous Peoples suffer higher rates of poverty, homelessness and malnutrition. They have lower levels of literacy and less access to health services, further contributing to their poverty. Indigenous peoples also suffer from discrimination in terms of employment and income. According to the ILO, indigenous workers in Latin America make on average about half of what non-indigenous workers earn. Approximately 25-50 per cent of this income gap is “due to discrimination and non-observable characteristics, such as quality of schooling”.

In different parts of the world, differential progress is being made by indigenous peoples in their social and economic development, reflecting specific national legal and policy frameworks with regard to recognizing, respecting and promoting their rights. It is clear that the advancement of indigenous peoples' social and economic development depends on international and national recognition of their human rights.

Major Countries and Groups Involved in the Issue:¹

Australia: Aboriginal and Torres Strait Islander people make up 3.3% of the nation's population. Geographically, 62% of the Indigenous population live outside Australia's major cities, including 12% in areas classified as very remote. Official government targets set for 2018 in 2008, to solve the gap between Indigenous and non-Indigenous Australians in child mortality, employment, and reading and numeracy, as well as closing the gap in school attendance, were not met.

Canada: The majority of the 65,030 Inuit in Canada live in 51 communities in Inuit Nunangat. Through constitutionally protected agreements, Inuit representative organisations and governments co-manage, with the federal government. Inuit are represented at the national level by Inuit Tapiriit Kanatami (ITK) and at the international level by the Inuit Circumpolar Council-Canada.

New Zealand: Māori, the Indigenous people of Aotearoa, represent 15% of the 4.5 million population. The gap between Māori and non-Māori is pervasive: Māori life expectancy is 7.3 years less than non-Māori; household income is 78% of the national average; 45% of Māori leave upper secondary school with no qualifications and over 50% of the prison population is Māori. New Zealand endorsed the UN Declaration on the Rights of Indigenous Peoples in 2010 (UNDRIP).

Greenland: Kalaallit Nunaat (Greenland) has been a self-governing country within the Danish Realm since 1979. The population is 88% Greenlandic Inuit out of a total of 56,225 inhabitants (July 2019). Ethnographically, they consist of three major groups: the Kalaallit of West Greenland, the Tunumiit of Tunu (East Greenland) and the Inughuit/Avanersuarmit of the north. The Government of Greenland had a decisive influence over the Kingdom of Denmark's ratification of ILO Convention 169 in 1996, as Greenland has prioritised actions to establish the Indigenous Peoples' collective rights to land and resources in their territories.

Bolivia: According to the 2012 National Census, 41% of Bolivians over the age of 15 are of Indigenous origin although the 2017 projections from the National Statistics Institute (INE) indicate that this may now have increased to 48%. There are a total of 36 recognized indigenous peoples, including Aymara, Quechua, Chiquitano, Guaraní and Moxeño. Other minority groups include Afro-Bolivians, and small communities of Japanese and Europeans including Germans (Mennonites). Bolivia has ratified the main international human rights conventions and has been a signatory to ILO Convention 169 since 1991, with the UN Declaration on the Rights of Indigenous Peoples in full effect since the approval of Law in November 2007.

French Polynesia: French Polynesia is an old colony of France. Although France adopted the United Nations Declaration on the Rights of Indigenous Peoples, the Indigenous population of French Polynesia is struggling with problems such as the recognition of Polynesian languages, compensation for the social and health consequences of the French nuclear tests and the exploitation of natural resources.

UN Treaties / Historical Events:

In 1982 the Working Group on Indigenous Populations was established as one of 6 working groups overseen by the Sub-Commission on the Promotion and Protection of Human Rights. In 1994, the First declaration on Indigenous rights approved. Later, on the 29th of June in 2006, the United Nations Human Rights Council adopted the Declaration of the Rights of Indigenous Peoples. Following this on September 13th in 2007, the Declaration on the Rights of Indigenous Peoples adopted was voted on, resulting in 144 states in favour, 4

¹ IWGIA- International Work Group for Indigenous Affairs
<https://iwgia.org/en/>

votes against (Australia, New Zealand, United States, Canada), 11 abstentions (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine). ²

A relevant UN treaty is the International Convention on the Elimination of All Forms of Racial Discrimination, which entered into force January 4th in 1969, with 69 signatories and 182 parties ³, including: Australia, Austria, Belgium, Canada, Chad, Czech Republic, Finland, France, Germany, Lebanon, New Zealand, Norway, Singapore, Switzerland, Turkey, United Arab Emirates, United Kingdom, and United States of America.

Main Issues:

Violence and Abuse

Indigenous people across the world on a day-to-day basis face violence and abuse. They are deprived of land and land rights, and often forced to relocate. They are abused by means of violence and authority by military forces, as well as from other abusers.

Forced Assimilation

Peoples of indigenous groups often lose culture by forced assimilation, and the failure to accept different communities. Forced assimilation can be carried out by violence, or laws.

Violence against women

According to the UN, indigenous women are more likely to be raped. It is estimated that more than one in every three indigenous women are raped at least one during their lifetime.

Systemic racism

According to complaints, many indigenous peoples frequently experience questioning by the police when not necessary, the attitudes of authoritative figures (teachers to students, government office receptionists etc.). These kinds of racism could lead to more extreme forms, such as murder and rape. However, often these cases are difficult to prove, or are not documented by the authorities.

Criminalization of protest

Indigenous people lack the right to protest due to the criminalization. Legislation and the justice system is used to penalize political activities, and demands made by indigenous organisations, even when done through legitimate means.

("Human Rights".)

² "United Nations Declaration on the Rights of Indigenous Peoples" United Nations Department of Economic and Social Affairs - Indigenous Peoples

³ "International Convention on the Elimination of All Forms of Racial Discrimination." *United Nations Treaty Collection*, United Nations, 1969, treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-2&chapter=4&clang=_en.

Relevant UN Resolutions:

Resolution adopted by the General Assembly on 13 September 2007, A/61/L.67 and Add.1, 61/295 United Nations Declaration on the Rights of Indigenous Peoples⁴

This resolution declares the UN articles on rights for indigenous peoples, providing a clear representation of what has been achieved / what is missing for indigenous rights.

Convention on the Prevention and Punishment of the Crime of Genocide

Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948 Entry into force: 12 January 1951, in accordance with article XIII

Particularly of Article II ⁵

This resolution provides useful definition of genocide (Article II) which is a means through which indigenous people could be targeted. This resolution represents punishment when genocide has been committed. More specific to this question, it represents the UN's attempt to protect and prevent when the safety of nationalities, ethnic groups etc. are in question.

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, G.A. res. 47/135, annex, 47 U.N. GAOR Supp. (No. 49) at 210, U.N. Doc. A/47/49 (1993) ⁶

The declaration reinforces the actions states must take in order to protect these minorities, and allow them to fulfill their human rights, as previously declared in the by the United Nations.

Possible Solutions:

As all issues discussed here at MUN, there is no one solution to solve everything, however, in our opinion, as impartial moderators of the debate have come up with some possible solutions that the International Community could consider in resolving the issue of protecting Indigenous peoples and cultures.

A possible solution to tackle this issue might be to involve indigenous peoples at a higher level in discussions of land use since without land, indigenous peoples have no livelihood, no identity and no means of survival. In this context, states need to respect the principle of free, prior and informed

⁴ United Nations. *United Nations Declaration on the Rights of Indigenous Peoples*. 2007, www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

⁵ United Nations. *Convention on the Prevention and Punishment of the Crime of Genocide*. 1951, www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

⁶ United Nations. *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, G.A. res. 47/135, annex, 47 U.N. GAOR Supp. (No. 49) at 210, U.N. Doc. A/47/49 (1993)*. 1993, hrlibrary.umn.edu/instree/d5drm.htm.

consent. Indigenous peoples need to be consulted about use of their land and included in development processes, and should also be taken into account by companies which make efforts during investment projects in order to ensure respect and tolerance of indigenous heritage and traditions.

Furthermore, since there is a human right to education, to an adequate standard of living and also a right to development which includes the fulfillment of civil, political, economic, social and cultural rights and freedoms that States have the duty to accomplish, it might be effective create a NGO (Non-Governmental Organization) controlled by the United Nations, as a supervision commission, in every negotiations between states and Indigenous peoples in order to prevent systematic racism.

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