**Forum:** Human Right Council

**Issue:** Measures to protect the lands, rights, cultures, and traditions of indigenous communities

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Introduction

On the path to a greater and more interconnected community lies a common goal to promote protection, sustainability, and inclusivity. However, discrimination and threats against vulnerable groups remain, where their lands, rights, cultures, and traditions are continuously attacked and exploited by those exercising extreme power. According to the World Bank, indigenous people make up approximately 6% of the world’s population but also make up 19% of the world’s extreme-poverty population. Indigenous communities often face displacement, threats to land, and conflicts, which indicate an urgent need to address the security and protection of those indigenous communities in conflicted states.

Indigenous people are sociocultural groups with ancestral ties to the land they live in or have been displaced from. There is no standardized definition of the indigenous people as a single and straightforward definition would fail to compromise with the diversity of the indigenous people. Indigenous communities often have diverse cultural practices, languages, and lifestyles, including their own political and legal structures. Their communities are also closely connected with nature: physically and spiritually. The indigenous communities strive to preserve the natural environment, which they are helping with 80% of the Earth's biodiversity. Their ongoing efforts are essential to combat climate change.

Over the centuries, indigenous people have been colonized and homogenized, being forced to strip away from their unique culture and roots. The indigenous people's rights are still being violated under the rationale that it is an act of conservation. Their inaccessibility to their land and rights troubles them from their gain of freedom. There are no satisfactory provisions for indigenous people's resettlement when they have been displaced. Even if some return to their homeland, they are often accused of poaching or, worse, killed by the eco-guards. Being aware of the constant violations and aggression on indigenous communities, it is a responsibility to take measures to secure the indigenous people's rights, property, culture, and traditions.

Definition of Key Terms

Aboriginal

 Relating to the indigenous peoples of Australia or their languages.

Capital

A resource that is deployed to deliver the desired outcome. Capital includes the accumulated assets of a business that can be used to generate income for the business.

**Economic Growth**

Amount of goods and services produced by an economy. Economic growth is mainly associated with monetary values, such as growth in real national income and output.

**Exploitation**

The action of unfairly taking advantage of and benefiting from resources that do not belong to oneself. An exploitative relationship describes an unjust social relationship ruled by an imbalance of power or value.

**Indigenous People**

The inheritors and practitioners of unique cultures who originate or occur naturally in a particular place. There is no singularly authoritative definition of indigenous people as the identification is up to the indigenous people themselves.

Marginalization

Treatment of a person, group, or concept as insignificant or peripheral. Marginalization of certain groups within the community may lead to social unrest.

Self-determination

The process by which a group of people, usually possessing a certain degree of national consciousness, form their own state and choose their own government. Self-determination is considered an essential principle in people’s legal rights.

**Reservations**

Land set aside for occupation by North American Indians or Australian Aboriginal people.

Background

Europeans were the first to use the term “Indigenous” to differentiate the Indigenous peoples, European settlers, and Sub-Saharan African slaves of the Americas. Today, “Indigenous” persons are referred to as a group of first or original settlers on a land.

According to the UN, there are over 476 million indigenous people living in 90 countries across the world, accounting for 6.2% of the global population. Distributed in regions throughout the globe, the lifestyles, experiences, and numbers of Indigenous peoples may vary widely within a given region. Indigenous groups are known for their strong links to nature and their land, distinct languages, cultures, and beliefs. However, Indigenous groups face poor political representation, a lack of access to social services, discrimination, and trauma stemming from historic colonialism.

**The History of Indigenous Groups**

Thousands of years before Europeans began their global colonization, diverse groups of people had already inhabited the world’s continents. The history of more than 3,000 Indigenous African populations spans back thousands of years and include a diverse variety of cultures. Indigenous Egyptian and Nubian texts which dated back to around 3000 BC served as the earliest evidence of human life on the continent. Between 38,000 BC and 12,000 BC, the first nomads crossed the Bering Strait into North America. The initial settlers then migrated across the Americas, forming various and diverse tribes including Apache, Cherokee, Tainos, and Navajo tribes. Experiencing an agricultural revolution, the settlers soon began domesticating and cultivating crops. In Australia, the most distinct indigenous Aboriginals and the Torres Strait Islander peoples have likely existed for at least 45,000-50,000 years. By the time of European settlement in 1788, Aboriginal peoples had occupied, utilized, and adapted to the continent and its range of climates. Today, over 70% of the world’s indigenous people live in Asia. With the futile plains used to farm crops also serving as the foundation for the prosperity of many civilizations, the shared experiences of colonialism, epidemic diseases, and socio-economic disposition gravely affected the numbers of Asia’s indigenous people.

It's no denying that the arrival of European powers brought along economic prosperity and extensive population growth even with its high labor demands severely diminishing Indigenous numbers around the world. Native societies were also heavily influenced by the arrival of Christianity and Westernization as demographics and lifestyles and cultures began to shift.

**Why Indigenous Peoples are being Displaced**

The presence of indigenous peoples in resource-rich areas may lead them to be affected by conflict and violence further triggering displacement. For example, in Colombia, the production of illegal drugs together with the exploitation of gold, oil, emeralds, coca, coal, and fine woods in territories these natives inhabited have led to their displacement. Not having sufficient resources, themselves or weapons, indigenous peoples usually leave their lands unprotected and potentially setting the stage for displacement. In addition, displacement also results from militarization, where military influence extends to the civil lives of indigenous peoples.

With their connection to the natural world and how dependent they are on ecosystems particularly prone to disasters such as floods, droughts, and heatwaves, indigenous peoples are amongst those most prone to the consequences of climate change. Indigenous groups risk the consequence of being driven from their lands by storms, erosion, fisheries, wildfires, sea-level rise, etc.

Economic activities such as energy projects and the extraction of minerals, gases, oil, and water by companies that don’t recognize the rights of Indigenous peoples also result in displacement. Displacement and forcible evictions of people have occurred over dam construction projects in Brazil, Peru, Cambodia, Laos, Malaysia, Uganda, and many more.

Throughout the 21st century, the “dispersal” that began with European invasions continues through the gentrification of city suburbs where Indigenous peoples inhabit. According to Oxford languages, gentrification is the process whereby the character of a poor urban area is changed by wealthier people moving in, improving housing, and attracting new businesses, often displacing current inhabitants in the process. For example, faced with gentrification and associated rental and ownership price hikes, the urban indigenous populations of Australia continue to relocate into the outer suburbs where cheaper housing is located. Gentrification only brings more problems: family and community supported structures are scattered reducing communication and mobility which also leads to half of the access to basic services and needs.

**Consequences of Displacing Indigenous Peoples**

Indigenous knowledge and ancestral practices have helped many communities prevent the risk of disaster displacement for thousands of years. For example, after the 2004 Asian Tsunami, a plethora of research concluded that the Moken communities of Surin Island in Thailand, the Simeulueans in Indonesia, and many island populations of Nadaman and Nicobar successfully predicted the tsunami and employed traditional strategies to survive it. Indigenous knowledge of how to predict, prevent, and cope with droughts has also been useful in addressing internal displacement via disaster risk reduction and preparedness.

Having to suffer the consequences of climate change even though Indigenous peoples are amongst those that have contributed least to it, native people have come up with adaptation strategies such as changing planting times, using new technologies, and modifying the number of livestock they rear when combatting the issue of reduction in resources available. New cultivation techniques, employing vaccines, pesticides, and modifying crop compositions have also proved useful. Proving how useful ancestral practices can be to all, Peru in April 2018 became the first country in South America to pass a climate change law that acknowledged the voices of Indigenous people and their adaptation strategies.

The world currently relies on a very small set of stable crops. Wheat, rice, potatoes, and maize represent 50% of our daily calories consumed. The native crops of indigenous peoples such as quinoa, orca, and moringa, the food systems of indigenous peoples can help the rest of humanity expand their narrow food base. In addition, Indigenous peoples hold 80% of the world’s biodiversity. Preserving biodiversity is essential for food security and nutrition. Living naturally sustainable lives that contribute little to global warming, indigenous peoples preserve these spaces, helping to uphold the biodiversity of the plants and animals in nature.

**Major Parties Involved**

**Australia**

Australia has well-known persistent efforts in protecting indigenous communities’ rights, with a range of laws to secure indigenous heritage. The Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act) has enabled the Australian Government to directly protect the indigenous people’s properties and cultures when under threat or when the state laws have failed. The Act also enables Aboriginal or Torres Strait Islander individuals for an emergency or a longer-term declaration for specific protections. Australia initiated another act called the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), which helps acknowledge the heritage value of indigenous, historical, and natural places.

**Canada**

With one of the largest Indigenous populations, Canada has well-developed systems and institutions that successfully protect the rights of indigenous people. 59 Aboriginal Financial Institutions (AFIs) across Canada offer financial services and support for Indigenous businesses. The AFIs mainly focus on promoting entrepreneurship in Indigenous communities, helping them to maintain stability in the nation’s market. By doing so, the AFI enables the indigenous communities to gain a stronger base to survive in the constantly threatened environment. Seeking reconciliation, Canada’s Recognition of Rights discussion tables also prioritized the needs of the indigenous people and provided the indigenous people with improved rights, respect, and cooperation.

**International Labor Convention (ILO)**

The ILO, a specialized agency of the United Nations that establishes global labor standards, is one of the organizations that support and protect indigenous communities. In 1989, the ILO held the Indigenous and Tribal people Convention—known as the ILO Convention 169, or simply C169. Being the only international treaty that only deals with the rights of the indigenous people, it addresses measures to protect the right of the indigenous people over their land, resources, businesses, cultural practices, and languages. Even more, the ILO periodically requests member states who have signed the resolution of C169 to report their status respective to the objectives in C169.

**The International Work Group for Indigenous Affairs (IWGIA)**

The IWGIA is a global human rights organization founded in 1968, aiming to tackle indigenous people's difficulties. They aim to make the world a place where the indigenous people can fully enjoy their internationally recognized rights. The IWGIA works with indigenous communities all around the globe, from Latin America and Asia to Russia and Africa. IWGIA is notable for the fact that they publish an annual yearbook updating and bringing insights into the progress and developments in indigenous communities regarding their rights and freedom.

**United Nations Permanent Forum on Indigenous Issues (UNPFII)**

The UNPFII is an advisory body to the Economic and Social Council, especially established to counter issues with development, culture, the environment, education, health, and rights of the indigenous people. The UNPFII holds an annual meeting for 10 days in New York, cooperating with the members of the Forum, Member States, and the UN system to discuss the problems that arise and seek the most effective and beneficial solution that is applicable.

Timeline of Events

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| Date | Description of event |
| 1492 | The year Christopher Columbus and other European colonizers “discovered” the Americas.  |
| April 5th, 1838 | Trail of Tears – President Andrew Jackson ordered the Native Cherokee off their tribal land against a ruling by the U.S. Supreme Court. The trail the Indigenous peoples took became known as the Trail of Tears.  |
| 1869 | The Aboriginal Protection Act established and made Victoria the first colony in Australia to regulate the lives of Aboriginals. This Act gave powers to the Board for the Protection of Aborigines to even regulate residence areas, employment, marriage, and the social life of Aboriginals.  |
| 1876 | The Canadian Parliament passed the Indian Act, a legislation that imposed strict control over the lives of Indigenous people. People were forced to live on reserves and not allowed to leave while children were forcibly taken from their homes and put into residential schools that stripped them of their culture, language, and identity.  |
| November 15th,1884 | The Berlin Conference was held between major western powers of the world to end confusion over the control of Africa. The new map of the continent superimposed over 1,000 indigenous cultures and regions of Africa. Independence would only return to Africa by the 1950s.  |
| August 9th, 1982 | On this day, the first meeting of the United Nations Working Group on Indigenous Populations (WGIP) took place. This day is also now celebrated as the International Day of the World’s Indigenous Peoples. |
| 1997 | The Indigenous Peoples of Africa Co-Coordinating Committee (IPACC) was founded in 1997. This committee serves as one of the main transnational network organizations recognized as a representative of African indigenous peoples for governmental situations and the UN.  |
| 2002 | At the World Summit on Sustainable Development in Durban, South Africa, indigenous peoples of the world including Africa joined together at a conference to cover measures needed to cover the interests of indigenous people in the developed world. |
| September 13th, 2007 | On this day, The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly. This declaration established a universal framework of minimum standards for human rights needed and living standards for Indigenous people around the world. |

Previous Attempts to Resolve the Issue

The United Nations has worked towards the issue of discrimination against indigenous peoples since the first Decade to Combat Racism and Racial Discrimination in 1973-1982. These concerns have even led to the establishment in 1982 of the United Nations Working Group on Indigenous Populations. The UN acknowledges the right of indigenous peoples to be free and equal, their right to self-determination, their right to practice and revitalize cultural traditions and customs, their right to lands, etc. The UN has even developed three mechanisms for combating discrimination against Indigenous peoples:

* The Permanent Forum on Indigenous Issues was created to raise awareness and advise the UN on indigenous people-related issues within the UN system.
* The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people works towards gathering and exchanging information on alleged violations of human rights.
* The Expert Mechanism on the Rights of Indigenous Peoples provides the Human Rights Council with expertise on the rights of indigenous peoples.

 In addition, the General Assembly has also passed numerous resolutions and has had numerous conferences on the issue of safeguarding the rights and cultures of indigenous peoples including:

* 76/148 Rights of Indigenous Peoples, 28 November 2022 (A/77/460)
* World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance: Declaration and Program of Action
* 74/135 Rights of Indigenous Peoples, 23 January 2022 (A/RES/74/135)

Many nations have also implemented governmental policies related to indigenous people. From policies of the past refusing Indigenous peoples basic rights or actions to new policies of today ensuring that Indigenous people globally are respected for their identities and lifestyles, some of them include:

* Australia’s NSW Land Rights Act of 1983 acknowledges and states that the Land in the State of New South Wales was traditionally owned and occupied by Aborigines, the land is of spiritual, cultural, and economic importance to the natives, and how it’s accepted as a result of past government decisions, the land set aside for Aborigines has been progressively reduced without compensation.
* In 1996, the World-Wide Fund for Nature-International (WWF) adopted a Statement of Principles on Indigenous Peoples and Conservation which stood for the recognition of Indigenous rights and their rights to land ownership.
* Adopted by the UN General Assembly in 2007, the UN Declaration on the rights of Indigenous peoples (UNDRIP) provides minimum requirements for engaging with Indigenous people.
* Some other policies adopted by UNESCO include the UNESCO Policy on Engaging with Indigenous Peoples, FAO Policy on Indigenous and tribal peoples, IFAD Engagement with indigenous peoples, and UNDP and indigenous peoples: a policy of engagement.

Possible Solutions

Numerous solutions have the potential to address the violence on indigenous communities, protect the indigenous people’s land, culture, and rights, and ultimately improve their living standards. Immediate measures should be taken to address this issue; hence, these possible solutions could suit solving the issue.

* To tackle the issues regarding indigenous people’s protections and rights, the first area to be addressed must be the current standards of living for indigenous communities. Without a strong basis in the fundamental factors of life, it is highly troublesome to establish and implement any kind of solution. Only by securing the basic needs of the indigenous people, further challenges that the indigenous people face would reduce. Increasing access and improving the quality of basic healthcare, education, and industrial services will aid the well-being of the indigenous communities. These things should be taken into account for any solutions to be implemented to address the issue, especially in these vulnerable times with the COVID-19 pandemic and natural hazards in the indigenous inhabitant areas. Through the support of the nation’s government or local funding organizations, a direct provision of goods and services to indigenous people’s households would be beneficial.
* Raising awareness is a crucial step in addressing the security and protection of indigenous communities. Although raising awareness is a suitable solution to almost all kinds of problems, in this issue of securing indigenous land, culture, and rights, the public’s attention and awareness are crucial. Raising awareness will allow a community to act for an improved living for the indigenous people in many aspects. The local government, organizations, or branches of the United Nations (i.e. UNPFII, ILO, etc.) could also offer support in raising awareness through campaigns. The more public and global awareness there is, the more opportunities individuals have the opportunity to gain freedom of rights, thus allowing them to be better protected in this threatening and rapidly changing society.
* The lands of the indigenous people are also an uprising issue. At the present time, many of the indigenous territories are being constantly exploited by those seeking for resources. Considering this, input from external organizations is needed. Non-Governmental Organizations (NGOs) that work specifically on preserving the lands and resources of the indigenous people such as the Forest Peoples Programme could cooperate with the nation’s government to enforce and strengthen the security of the indigenous people’s land rights.
* Indigenous people play a key role in conserving global biodiversity, so it is essential that the world recognizes how the indigenous people help to conserve natural life, especially in these times where there is immense biodiversity loss. This recognition can be done in multiple ways. In terms of legislative level, the policies or laws could consider the traditional mechanism of the indigenous people in conserving natural life. In terms of societal level, raising awareness and educating the youths about the indigenous people’s efforts in biodiversity loss may work.
* Keeping in mind that laws and policies are one of the most effective ways in securing one’s rights, governments could implement and adopt policies related to the indigenous people’s rights and protections. For example, portions of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) could be implemented. From the UNDRIP, governments could specifically focus on adopting laws and policies revolving around: maintaining the indigenous communities’ distinct cultural identities, making them live free from discrimination and the threat of genocides, and providing protected access to their lands and resources that are essential in their ways of life.
* Another major issue is the conflict between policy and practice. Though the policies may address solving issues of the indigenous people’s rights and culture, the practices may not be the case. There needs to be a way to bridge the gap between policy and practice. Governments, institutions, and organizations should be reflective about their policy implementations. They may make an annual or bi-annual report of their progress and statistics to reflect on. Also, since policies may not ensure a fully long-term implementation, they should be revisited once in a while to make sure that the policies are not disregarded and the indigenous people are not afflicted.

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