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GA 4: Special Political and Decolonisation (SPECPOL)

# Research Report

Topic 3: Concerned about the rights of individuals living in indigenous communities



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## Introduction:

Indigenous people live all around the world, from the scalding deserts in Northern Africa to the freezing tundra in the Arctic. They uphold distinct and unique traditions and culture, practise their own religions, and speak a combined 2800 languages. There exists large cultural diversity between indigenous peoples, but they often have to fight to preserve their culture. Indigenous people often face discrimination rooted in the colonial era. In many countries, they also face systemic racism, which results in them being less likely to receive justice, good and equal opportunities, and education. They and their rights are not recognised by many governments, and in such cases, they need to fight for their recognition, justice and rights to the ownership of their land. These struggles are often ignored, suppressed or in the worst case met by violence.

## Definition of Key Terms:

**Indigenous people:** There is no official United Nations definition for what makes a people 'indigenous'. It is a hard-to-define and multifaceted term, but there are some basic concepts of what indigenous people are. Indigenous people are the people that inhabited an area when the now dominant ethnic group arrived. They form a minority group with culture, beliefs, language and structure of society that are different from the now dominant culture. It is also a matter of self-identification: the indigenous people and individuals have to self-identify as indigenous.<sup>1</sup>

**Indigenous Community:** An indigenous community has customs, structures, and a culture distinct from the society around them. They have strong ties to the lands they inhabit, having lived on them far longer than the majority ethnic groups. Due to their minority status, the indigenous communities often face different threats, such as oppression and discrimination.

**Indigenous people/s:** In this report, it is important to note the difference between indigenous people and indigenous peoples. Indigenous people means all the indigenous individuals, while indigenous peoples denote different indigenous groups.

**Systemic racism:** Racism itself is the belief that some groups of people are superior to others based on old and unscientific concepts of race. Systemic racism means that racism pertains to the entirety of a society and its structure, affecting not only how individuals treat each other but also state institutions such as the judicial system. It manifests as unfair laws, regulations and prejudices and means that the group being discriminated against receives unfair and unjust treatment in areas such as healthcare, education, and the political process.

**Segregation:** Segregation is the sorting and separation of people based on race in everyday settings. A form of discrimination, it can be present in various areas such as swimming pools and housing, with certain areas of these being reserved for a certain group of people.

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<sup>1</sup> [Who are indigenous peoples?](#)

## Background Information:

There are 5000 indigenous peoples in the world totalling 476 million people, 6,2% of the world population. They are scattered in small communities around the world, and 40% of the world's 7000 languages are spoken by indigenous people.<sup>2</sup> Indigenous people are present on all continents permanently inhabited by humans, but they are unevenly distributed: Europe has only one indigenous people, the Sámi in Northern Europe,<sup>3</sup> while 70% of the world's indigenous peoples live in Asia.

Indigenous people are at an especially high risk of poverty. They account for 15% of the extremely poor in the world, and their life expectancy is up to 20 years lower than the non-indigenous population. Indigenous people are less likely to receive adequate education, with a vast majority of them working in the grey economy.<sup>4</sup> A root cause of these issues is discrimination, and indigenous people often face structural racism.<sup>5</sup> Many governments around the world show little regard to indigenous people, and their rights to practise their culture, speak their language and their right to their traditional land are often disregarded. Governments may even refuse to recognise the existence of indigenous communities. In many cases, indigenous people have extremely limited opportunities to participate in decision making that involves them, and to make their voices heard. Their capability to protest against decisions is also limited, and often ignored or in extreme cases suppressed. Often neglected, people living in indigenous communities also often have limited access to government services, such as healthcare and the justice system. In some any areas, indigenous people also face forced assimilation and forced sterilisation.<sup>6</sup>

One of the most prominent issues indigenous communities faces is that of the right to the land they live on. The indigenous land is of high importance to the indigenous communities, as it holds spiritual and cultural importance and is often a core part of the community's identity. Land disputes often have their origins in the colonial era, when in many areas, indigenous people saw their lands dramatically reduced as new settlers took over their traditional land. In many cases, such as in North America, reservations were created, and the indigenous people were relocated to areas far smaller than their original lands. Progress has been made in many countries, but land rights disputes continue to be one of the biggest issues for the rights of indigenous communities and the individuals living in them. Many governments do not recognise indigenous communities' rights to their land, and the consent, protests and opinions of indigenous communities are seldom considered when making decisions regarding indigenous land.<sup>7</sup>

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<sup>2</sup> <https://stories.undp.org/10-things-we-all-should-know-about-indigenous-people>

<sup>3</sup> [The Sámi in Finland - Samediggi](#)

<sup>4</sup> <https://stories.undp.org/10-things-we-all-should-know-about-indigenous-people>

<sup>5</sup> [Social determinants of health: Indigenous experiences with racism and its impacts](#)

<sup>6</sup> <https://www.un.org/en/chronicle/article/discrimination-against-indigenous-peoples-latin-america>

<sup>7</sup> <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/04/Indigenous-Peoples-Collective-Rights-to-Lands>

Indigenous communities are often located in remote and rural but resource-rich areas. These attract both private and government enterprises, and mining, logging, plantations, and dams often force indigenous communities to relocate from their traditional land. Mining contracts in indigenous lands are awarded to companies without consent of the indigenous communities due to deliberate lack of indigenous recognition and government corruption, which is a big threat to indigenous communities, present in all aspects of daily life in many areas.<sup>8</sup> Illegal logging, mining and other activity is also a big issue, with the central government often being too weak or corrupt to act. It is important to note that while resource extraction is one of the biggest threats to indigenous communities, they seldom see any profits from resources extracted from their lands. In Canada, a gas pipeline is being constructed through indigenous lands without the consent of the indigenous communities, and protesters are being suppressed by the government.<sup>9</sup>

Climate change is a large and growing threat to indigenous communities and their rights. Traditionally maintaining a balance with the nature around them in order to guarantee sufficiency of resources, indigenous people are very vulnerable to the diminishing of resources climate change brings with it. Evident in areas such as the Sahel in Africa, climate change and less resources polarise different groups as thousands have died in resource conflicts over water, livestock, crops, and land. The effects of climate change on indigenous people are further exacerbated by the systemic racism they face, as lack of education and poor living conditions both make them more vulnerable to climate change and prevent them from taking action to protect their resources and rights. Furthermore, there is a lack of understanding, acceptance, and accommodation of indigenous customs from the governments when making decisions. Indigenous communities have rich knowledge of the ecosystems around them and have long traditions about effective use of resources. Indigenous communities thus play a key role in the UN's fight against climate change, as indigenous lands cover 80% of the world's biodiversity.<sup>10</sup>

Indigenous segregation has its roots in the colonial era, when the indigenous population was often resettled to remote areas assigned for that purpose, called reservations in North America and reserves in Australia. This system separated the indigenous and settler populations, a separation which persists in many cases today. This segregation has continued even in modern urban areas, such as in Australia where around half the indigenous population lives in urban areas. Urban indigenous populations tend to concentrate in poorer neighbourhoods separated from the richer majority-populated ones, creating increased segregation. These poorer, more indigenous-populated neighbourhoods tend to receive worse service and less attention from local authorities, which worsen their living conditions compared to the other neighbourhoods. Segregation in cities also alienates the indigenous communities from the

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<sup>8</sup> [Impact of corruption on indigenous people](#)

<sup>9</sup> [Canada: Construction of pipeline on Indigenous territory endangers land defenders - Amnesty International](#)

<sup>10</sup> [Indigenous peoples and resource conflicts in the Sahel and in the Congo Basin :](#)

majority of the population, which creates more tension and less understanding between the groups.<sup>11</sup>

As a result of the discrimination, they face indigenous people often face violence, including sexual and domestic violence. Indigenous women and girls are especially at risk. Indigenous people are also often affected by military conflict, especially conflicts about resources on their lands.<sup>12</sup> In extreme cases, conflicts with indigenous people may evolve into outright warfare. Such is the case in Myanmar, where the Karen people (along with many others) have been locked in conflict with the government since 1949 in what has become the world's longest civil war.<sup>13</sup>

### Major Countries and Organisations involved:

**United Nations Permanent Forum on Indigenous Issues (UNPFII):** Established in 2000, the UNPFII is the main UN body focused on indigenous issues and rights. It is an advisory body to the Economic and Social Council (ECOSOC). It releases information and gives advice on indigenous people. It also raises awareness and advocates for the United Nations Declaration of the Rights of Indigenous Peoples. It is of importance due to it acting as the voice of the indigenous people at the United Nations.<sup>14</sup>

**The International Labour Organization (ILO):** Founded in 1919, ILO is a UN agency concerned with issues regarding labour. ILO has done extensive work on rights of indigenous peoples since 1957, when it established the Indigenous and Tribal Populations Convention, 1957.<sup>15</sup> This convention was later revised in 1989 and replaced by the current Indigenous and Tribal Peoples Convention. Unlike the United Nations Declaration of the Rights of Indigenous Peoples, this convention is legally binding. It has been ratified by 23 countries.<sup>16</sup>

**The People's Republic of China:** While indigenous people live in many countries all around the world, China hosts the largest indigenous population of any country. Of the over a hundred minority groups that have sought recognition, China has recognised 55, which total 125 million people (8,9% of the population). Indigenous people are often mistreated and neglected in China. Their rights are often being violated, especially in the eastern parts of the country, where the Tibetan and Uighur people face increasing violence from the state.<sup>17,18</sup>

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<sup>11</sup> [The urban and regional segregation of indigenous Australians: Out of sight, out of mind? 2008](#)

<sup>12</sup> [A/HRC/50/26](#)

<sup>13</sup> ['Humans are for the grave': Karen face Myanmar military violence | Conflict | Al Jazeera](#)

<sup>14</sup> [Permanent Forum | United Nations For Indigenous Peoples](#)

<sup>15</sup> [C107 - Indigenous and Tribal Populations Convention, 1957 \(No. 107\)](#)

<sup>16</sup> [Indigenous and tribal peoples](#)

<sup>17</sup> [World Directory of Minorities and Indigenous Peoples - China](#)

<sup>18</sup> [Chart: Where the World's Indigenous People Live | Statista](#)

## Relevant UN Resolutions:

This section outlines a number of existing UN resolutions that display relevance to the topic at hand, and as such, are integral to understanding the actions taken by the UN in the past. These resolutions have either had a direct effect on the course of history of the issue or outline some of the values of the UN that may be relevant.

The overall order that these resolutions are listed in generally, but not necessarily, correspond to the importance of the resolutions and relevance to the topic at hand respectively. Each instance of a UN resolution also includes the title of the resolution and the date it was passed, followed by a short outline of the resolution as a whole, and why it is relevant to this topic.

- General Assembly resolution 61/295, adopted on the 13th of September 2007, “United Nations Declaration of the Rights of Indigenous Peoples”<sup>19</sup>

This UN resolution addresses the root of the issue and is hugely relevant, as it outlines and emphasises how Indigenous people have the same privilege of access to human rights as any else, and addresses the issue through a variety of clauses that are worthwhile to take a look at for this issue as a whole.

- General Assembly resolution 217 A (III), adopted on the 10th of December 1948, “Universal Declaration of Human Rights”<sup>20</sup>

This resolution acts as a good reference point on the issue as a whole, since a variety of the arguments used are based on this resolution, as well as the entire resolution on the rights of indigenous people.

- International Labour Organisation Convention 169, 1989, “Indigenous and Tribal Peoples Convention”<sup>21</sup>

This ILO Convention has been a forerunner for indigenous rights, with the first version being drafted already in 1957, 60 years before the General Assembly’s equivalent. Unlike the United Nations Declaration of the Rights of Indigenous Peoples, this convention is legally binding. It has been ratified by 23 countries, notably the majority of the continent of South America, Mexico, Spain, Germany, Denmark and Norway.<sup>22</sup>

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<sup>19</sup> [General Assembly, United Nations Declaration of the Rights of Indigenous Peoples, UN resolution 61/295](#)

<sup>20</sup> [General Assembly, Universal Declaration of Human Rights, UN resolution 217A](#)

<sup>21</sup> [Indigenous and tribal peoples](#)

<sup>22</sup> [Ratifications of ILO conventions](#)

## Previous Attempts to Solve the Issue:

There have been a variety of attempts to address the issue of the violation of rights of indigenous communities around the world. One approach has been through the development of international legal instruments and human rights standards that recognize and protect the rights of indigenous people. For example, the United Nations Declaration on the Rights of Indigenous Peoples, which was adopted by the UN General Assembly in 2007, sets out the rights of indigenous peoples and the standards for their protection.

Another approach has been through the use of national laws and policies to recognize and protect the rights of indigenous communities. This can include measures such as the recognition of indigenous land rights, the establishment of indigenous representative bodies, and the inclusion of indigenous perspectives in decision-making processes. In addition to legal and policy measures, there have also been efforts to address the issue of indigenous rights through education and awareness-raising initiatives. These can include educational programs, media campaigns, and other efforts to increase understanding and support for the rights of indigenous people.

## Possible Solutions:

This section is for direct use by delegates, summarising the different approaches that can be taken to solving this issue regarding indigenous people within multiple perspectives. These are merely suggestions and are meant to serve as general guiding solutions that delegates are free to expand on for the upcoming committee sessions.

The broadest way in which indigenous rights can be protected is through international treaties. Although some already exist, strengthened and more binding treaties help improve the situation and act as forums for cooperation on the matter. On a national level, implementing laws and policy to protect indigenous groups helps cement the status and rights of indigenous people in the legal systems of the countries. A major obstacle is getting member states to ratify the treaties and implementing laws, as some countries show little regard to indigenous peoples and wish to continue to exploit their lands. Recognition is also a problem, as countries may ratify treaties and make laws but not recognise indigenous groups in their area, thus not applying said laws to protect them.

Another possible solution would be through various campaigns to raise awareness, such as demonstrations, public events, and education programs. These measures would help to increase the level of understanding and support for indigenous people and the issues they face. It would also be possible to solve this issue by raising international support for indigenous communities, such as general fundraising, technical assistance, human rights monitoring, or otherwise raising assistance for the communities to help them protect and promote their rights.

Countries could also combat systemic racism and make sure that indigenous people have a voice by renewing outdated jurisdiction and making sure that indigenous people receive just treatment. They could involve indigenous people in the decision-making process by asking for their opinions and consent in issues regarding them and their land, and by respecting their opinions. Laws specifically regarding indigenous peoples and their rights could also be considered.

Countries should also refrain from committing acts of genocide, oppression, or otherwise significant violations of the fundamental human rights against the members of indigenous communities in order to protect their rights.

In many countries, even those committed to protecting indigenous rights, illegal activities continue to threaten indigenous people. Discrimination and illegal resource extraction continue to be problems even when outlawed, and as such more law enforcement is needed to protect indigenous people. Corruption and weak governance also increase illegal activities.

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