



BACKGROUND GUIDE

United Nations Permanent Forum on Indigenous Issues (UNPFII)

November 2024



CONTENTS

- I. Executive Board Letter
- II. Rules of Procedure
- III. Historical Context
- IV. Current Challenges
- V. Future Scenarios
- VI. Critical Issues
- VII. Indigenous Veto Powers
- VIII. Recognition of Sovereignty
- IX. Cultural and Educational Inclusion
- X. Future Challenges and Speculative Scenarios
- XI. Global Perspectives
- XII. Specific Initiatives
- XIII. Bibliography



Executive Board Letter

Greetings Delegates,

It is our high privilege and esteemed honor to welcome you to the UNPFII in SNISMUN₂₄. We hope you understand the significant role you play as a member in this influential committee and that our objective is primarily to ensure that you consider this an amazing learning experience which hones your leadership skills, while having fun all the way through. We look forward to having you in our committee and hope that you find this background guide helpful for your extensive research.

The content given in the background guide is a compilation of various credible sources, in addition to the knowledge of the Executive Board and does not, in any way, reflect the personal opinion of the members of the Executive Board. Further, please note that this background guide is designed to give you a description of the topics and the committee.

This guide is not intended to represent exhaustive research on every facet of the topics. We encourage and expect each delegate to fully explore other topics than the ones mentioned in the guide and be able to identify and analyze the intricacies of the issues. Lastly, please feel free to reach out to us and we will do our best to help you out. Good luck and godspeed.

Yours Sincerely,
The Executive Board

Alby Mathew - Co-Chairperson
Ritobrata Sarkar - Co-Chairperson
Ananya Sunder - Moderator

Rules of Procedure

Rules of procedure refers to the formal conduct delegates are expected to maintain during the conference.

It is essential to adhere to the rules and maintain decorum for the smooth flow of the committee.

For this conference, we will be adhering to the UNA-USA format of rules of procedure.

1. Begin formal session

How to raise it?

- The delegate of "your allotted country" puts forward a motion to begin the formal session.

2. Setting the Agenda

How to raise it?

- The delegate of "your allotted country" puts forward a motion to set the agenda as "Agenda of the committee"

3. Roll Call

How to raise it?

- The delegate of "your allotted country" raises a motion to begin a roll call.

When your allotted country is called upon during the roll call, you have two options either say "present and voting" or simply say "present".

(Note: If a delegate says, "present and voting", they cannot abstain from voting on the resolution at the end of committee.)

4. General Speaker's list

How to raise it?

- The delegate of "your allotted country" puts forward a motion to set the agenda as "Agenda of the committee"

Committee generally begins formal debate by starting the 'GSL' (General Speaker's list).

It serves the purpose of allowing a delegate to express their stance on the agenda. A GSL is non-exhaustive.

5. Moderated Caucus

How to raise it?

- The delegate of "your allotted country" raises a motion to suspend formal session/debate and move into a Moderated Caucus on "topic" for the time period of "x" minutes allotting "x" minute per speaker.

This motion can be raised when the committee wants to debate on a specific topic.

6. Substantive Chit

In case a delegate does not get recognized to speak, a delegate can send in your point through substantive chit.

Format of substantive chit:

Substantive chit

To: Executive board

From: Delegate of "your allocated country"

points

7. Unmoderated Caucus

This motion is proposed when delegates wish to discuss the status of the committee among themselves and further evaluate their next actions.

How to raise it?

- The delegate of "your allotted country" raises a motion to suspend formal debate and move into an unmoderated Caucus for the time period of "x" minutes.

Points

1) Point of Parliamentary Enquiry

This point is raised by a delegate to clarify anything regarding the rules of procedure or to know the status of the committee (For example: to know which delegate is speaking next/ if the EB is accepting more speakers)

How to raise it?

- The delegate of "your allocated country" raises a point of a parliamentary enquiry.

2) Point of Personal Privilege

This point is raised by a delegate to address a personal issue. (For example: to ask another delegate to repeat a point they made in their speech/to be excused from the committee)

How to raise it?

- The delegate of "your allocated country" raises a point of personal privilege

3) Point of Order

This point can be raised by a delegate to point out logical or factual inaccuracies in the speeches of other delegates.

How to raise it?

- The delegate of "your allocated country" raises a point of order, Factual inaccuracy/ Logical Fallacy (either one).

4) Point of Information

This is raised when a delegate wants to ask questions about another delegate's speech.

How to raise it?

- The delegate of "your allocated country" raises a point of information If you asked a question and are still not satisfied with the answer, you can raise a follow-up question right after the delegate answers.

5) Plea to follow up

How to raise it?

- The delegate of "your allocated country" wants to raise a follow-up question

(Note: This point can be denied if the Chairperson feels so).

6) Chits

If a delegate wants to ask a question through chit, you can use this format:

POINT OF INFORMATION

TO: Delegate of "country you want to question"

VIA: Executive Board

FROM: Delegate of "your allotted country" * *state the question**

Resolution

Resolution contains all the solutions that the committee wants to introduce in the form of a formal document that will be discussed and put to vote in front of the committee. If passed, this acts as a set of suggestions and recommendations to those who agree with it on the issue at hand.

Sponsors are those who have majorly written the resolution, whose countries must agree with every clause, and who would be answering the questions based on the resolution. The number of sponsors is usually kept between 2 and 4, this will be informed to the committee on the day of the conference.

Signatories are those who would like to see the resolution discussed in front of the committee. A signatory does not necessarily agree with the resolution, just wants to see it be debated. A delegate can be a signatory to more than one resolution. Resolutions must have at least $\frac{1}{3}$ rd of the committee's strength as signatories to be able to present them to the committee.

An amendment to a resolution is in the form of an edit, addition, or deletion to the resolution that has been presented to the committee. This is usually sent to the chairs after the resolution has been discussed and through a motion, the committee is in an amendment session. If more than $\frac{1}{3}$ rd the number of a resolution's total number of operative clauses are accepted as amendments, the resolution will be scrapped. When an amendment is presented to the chairs, the sponsors of the resolution will be given the option to either accept it as friendly or unfriendly. A friendly amendment is automatically accepted, and the content that was aimed to be changed, added or deleted is done as such. An unfriendly amendment means that the committee will vote, to decide whether or not the change shall be made. This is done through a simple majority vote.

- 1) To introduce Resolution - the delegate of "your allotted country" would like to raise a motion to introduce *RESOLUTION NAME*
- 2) Amendments - the delegate of "your allotted country" would like to raise a motion to move into the amendment session for *RESOLUTION NAME*
- 3) To vote on the resolution - the delegate of "your allotted country" would like to raise a motion to table the *RESOLUTION NAME* for the voting procedure.

Resolution Format

(Name of resolution)

Sponsors:

Signatories:

Topic: XYZ

Committee name,

(Preambulatory Clauses)

1. Every preambulatory clause ends with a comma (,)

(Operative clauses)

1. Every Operative clause ends with a semicolon (;)
2. Every sub-clause to a resolution should end with a comma (,) till and unless it is the last sub- clause to the main clause, it shall end with a semicolon (;)
3. Every main clause before starting with a sub-clause should have a colon (:)
4. Full stop at the end of the resolution.

Voting

Voting is of 2 types, procedural and substantive. Procedural voting requires a simple majority, which is set at 50%+1 of committee strength. For example, if a committee has 100 people, the simple majority is set at 51 votes. Procedural Voting is used in cases such as voting upon motions. Substantive voting requires a 2/3rds majority. This is primarily used in voting upon a resolution. For example, if a committee has 100 members, the majority will be set at 67 votes.

Press Conference

The questions may range from matters of foreign policy, the agenda itself or controversial actions by the respective nations of the delegates, with the intended purpose being to test the depth of the research and knowledge of the delegates.

Historical Context

Colonialism and Forced Assimilation

Colonial powers, including the British, French, Spanish, and Portuguese empires, systematically dispossessed indigenous peoples of their ancestral lands, often through treaties that were either coerced or outright fraudulent. The Doctrine of Discovery, a legal concept used by European colonizers, justified the seizure of lands inhabited by indigenous peoples, arguing that non-Christian lands were "terra nullius" (nobody's land) and could be claimed by Christian rulers. This legal fiction laid the groundwork for centuries of exploitation and displacement.

Assimilation policies, such as the infamous residential school systems in Canada and the United States, sought to eradicate indigenous cultures and languages. These schools, often run by religious institutions, forcibly removed indigenous children from their families, subjecting them to physical and emotional abuse in an attempt to "civilize" them. The result was a profound loss of cultural identity, with generations of indigenous peoples estranged from their heritage.

Environmental Exploitation

The environmental exploitation of indigenous lands has been another dark chapter in this history. From the deforestation of the Amazon rainforest to the extraction of minerals and oil in Africa and Asia, indigenous lands have been ruthlessly exploited for economic gain. This exploitation has not only deprived indigenous peoples of their resources but has also led to the destruction of their environments, which are often sacred and central to their cultural and spiritual practices.

Current Challenges

In the contemporary era, the struggle for indigenous land rights has taken on new urgency in the context of climate change. The warming planet poses existential threats to many indigenous communities, particularly those living in low-lying islands and coastal regions. These communities face the grim prospect of losing their lands once again, not to colonial powers but to rising seas and environmental degradation.

Climate Change and Environmental Justice

Climate change has brought the issue of environmental justice to the forefront. Indigenous peoples, who contribute the least to global greenhouse gas emissions, are among the most vulnerable to its impacts. Rising sea levels threaten to submerge entire islands in the Pacific and Indian Oceans, forcing indigenous communities to relocate. The prospect of climate-induced displacement raises difficult questions about the rights of these communities to their ancestral lands and the responsibilities of the international community to protect them.

The case of the Carteret Islands in Papua New Guinea is a stark example. The islanders have been forced to leave their homes due to rising sea levels, becoming some of the world's first climate refugees. This situation raises critical legal questions: What rights do climate refugees have? How should their sovereignty and cultural identity be preserved when their lands are no longer habitable? The United Nations Convention on the Law of the Sea (UNCLOS) does not yet provide clear protections for such scenarios, leaving these communities in a legal limbo.

Assimilation and Cultural Survival

Assimilation remains a potent threat to indigenous cultures. In many parts of the world, indigenous peoples are still pressured to abandon their languages, customs, and spiritual practices in favor of the dominant culture. This pressure can be subtle, such as through educational policies that prioritize the national language over indigenous ones, or overt, such as the ongoing land seizures in Brazil's Amazon region, where indigenous tribes are forced to integrate into mainstream society or face violence.

Moreover, the encroachment of modernity on indigenous lands often leads to cultural erosion. Traditional practices tied to the land, such as hunting, fishing, and farming, are disrupted by development projects, resource extraction, and tourism. This loss of traditional knowledge is not just a cultural tragedy but also a blow to global biodiversity, as indigenous practices have long been recognized as sustainable and harmonious with nature.

Legal Battles and International Law

The legal framework surrounding indigenous land rights is complex and often inadequate. While the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) represents a significant step forward, its implementation remains inconsistent. Article 26 of UNDRIP, which affirms the right of indigenous peoples to the lands, territories, and resources they have traditionally owned or otherwise occupied or used, is frequently at odds with state sovereignty and economic interests.

Legal maxims such as "Ubi jus ibi remedium" (Where there is a right, there is a remedy) and "Nemo dat quod non habet" (No one gives what they do not have) are often cited in indigenous land claims cases. However, these principles are frequently overlooked or undermined by national courts, which tend to favor state and corporate interests over indigenous rights. The International Court of Justice (ICJ) has seldom ruled directly on indigenous issues, but its opinions on related matters, such as the right to self-determination, have implications for indigenous land rights.

In the case of the Western Sahara Advisory Opinion (1975), the ICJ acknowledged the importance of considering the historical ties of peoples to their lands, a principle that can be extended to indigenous land rights. However, this recognition has yet to translate into concrete legal protections for indigenous communities facing similar struggles.

Critical Issues

As climate change accelerates and geopolitical tensions rise, the future of indigenous land rights and resource management will become increasingly fraught with challenges. These challenges will require innovative legal, political, and social solutions to ensure that indigenous peoples are not further marginalized.

Drowning Islands and Climate Refugees

The prospect of entire islands drowning due to climate change is no longer a distant threat but a present reality. The Pacific and Indian Ocean nations, home to many indigenous communities, face the loss of their territories, cultures, and identities. This raises unprecedented legal and ethical questions: How will the international community respond to the displacement of entire peoples? What rights will these climate refugees have? Will they be granted new lands, or will they be forced to assimilate into other cultures, further eroding their identities?

One potential scenario involves islanders from the Pacific seeking refuge in neighboring countries such as Australia or even China. How these countries respond will be critical. Will they respect the sovereignty and cultural rights of these displaced peoples, or will they impose their own legal and social frameworks, leading to further assimilation and loss of identity? The precedent set by the Marshall Islands, where the U.S. military tested nuclear weapons, forcing the relocation of indigenous communities, offers a cautionary tale of the potential pitfalls of such relocations.

Territorial Arrangements and Remedial Secession

In response to the challenges of climate change and ongoing conflicts over land rights, there may be calls for new territorial arrangements. Remedial secession, the right of a group to secede from a state when fundamental rights are being violated, could become a more prominent legal argument in cases where indigenous peoples' lands are threatened by environmental destruction or state-sponsored development projects.

The case of South Sudan, which gained independence after decades of conflict and marginalization, provides a precedent for such a solution. However, the success of secession depends on international recognition and support, which is often influenced by geopolitical interests rather than the principles of justice and self-determination.

Assimilation vs. Cultural Preservation

As indigenous communities face the dual pressures of climate change and globalization, the tension between assimilation and cultural preservation will intensify. States may continue to push for assimilation as a way to integrate indigenous peoples into the national economy and society. However, this approach risks further eroding indigenous cultures and identities, which are already under threat.

Conversely, there may be renewed efforts to preserve and revitalize indigenous cultures through education, legal protections, and the promotion of indigenous languages and traditions. The challenge will be to balance these efforts with the need to adapt to a rapidly changing world, where economic and environmental pressures are reshaping societies.

Sovereignty and Self-Determination

The future will also see continued struggles over sovereignty and self-determination. Indigenous peoples will likely push for greater autonomy and control over their lands and resources, challenging the authority of the state. This could lead to the establishment of more autonomous indigenous regions, similar to Nunavut in Canada or the Sámi Parliament in Norway.

However, these efforts will face significant resistance from states that view such autonomy as a threat to national unity and economic interests. The challenge will be to find legal and political solutions that respect the rights of indigenous peoples while maintaining the integrity of the state.

Indigenous Veto Power

The concept of granting indigenous communities veto power over resource extraction and development projects represents a profound challenge to the established economic and political order. It is a demand not just for recognition, but for real, actionable control over territories that have long been exploited under the guise of national development and corporate interests. This demand is not merely a symbolic assertion of rights but a call for a radical restructuring of the power dynamics that govern land use and resource management.

Legal Basis and Interpretation

Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is the cornerstone of this demand, affirming the right of indigenous peoples to free, prior, and informed consent before any project affecting their lands can proceed. The language of the article is clear yet strategically ambiguous, allowing for interpretations that range from mere consultation to an outright veto. This ambiguity serves as a double-edged sword: while it empowers indigenous communities to assert control, it also provides states and corporations with legal leeway to circumvent or dilute this power. The question remains whether international law, with its inherent state-centric bias, can genuinely accommodate a principle that so fundamentally disrupts the status quo.

Case Study: The Dakota Access Pipeline

The battle over the Dakota Access Pipeline (DAPL) epitomizes the friction between indigenous rights and national energy policies. The Standing Rock Sioux Tribe's opposition to the pipeline, which they argued would threaten their water supply and sacred sites, was grounded in their assertion of rights under UNDRIP, particularly Article 32. However, the U.S. government's dismissal of these concerns, despite global outcry, highlights the limitations of international legal frameworks in the face of entrenched state interests. The eventual temporary halt of the project, only to be later resumed, underscores the precarious nature of indigenous veto power in practice—a power that is acknowledged but not respected, conceded but not enshrined.

Recognition of Sovereignty

The recognition of indigenous nations as sovereign entities within the borders of modern states is a proposition that challenges the very foundations of the Westphalian system of state sovereignty. It is a notion fraught with legal, political, and existential dilemmas, for it questions not only the integrity of state boundaries but also the legitimacy of the states themselves—entities often built on the very lands they are now asked to cede control over.

International Law and Self-Determination

The right to self-determination, as enshrined in the International Covenant on Civil and Political Rights (ICCPR), provides a legal foundation for indigenous aspirations for greater autonomy. Yet, the application of this principle to indigenous peoples remains contentious. Self-determination in the context of decolonization is widely recognized, but when applied to indigenous nations within established states, it raises questions about the balance between collective rights and state sovereignty. The international community, wary of setting precedents that could destabilize the global order, has often preferred to interpret self-determination as internal autonomy rather than full sovereignty. This cautious approach, while politically expedient, falls short of addressing the profound injustices that indigenous peoples continue to face.

Comparative Example: Sámi People of Norway

The Sámi people of Norway offer a comparative example of how indigenous sovereignty can be recognized within a state framework, though with significant limitations. The establishment of the Sámi Parliament in 1989 marked a milestone in the recognition of indigenous governance. However, the scope of its authority is largely advisory, with limited legislative power. While the Sámi Parliament can influence decisions affecting their lands and culture, ultimate control remains with the Norwegian government. This arrangement, while a step forward, illustrates the challenges of balancing indigenous sovereignty with state authority. It also raises the question of whether such limited autonomy can truly be considered sovereignty, or if it is merely a concession that allows the state to maintain the appearance of inclusivity while retaining ultimate control.

Cultural and Educational Inclusion

The mandate to include indigenous knowledge in national curricula and scientific research is more than an educational reform; it is an ideological challenge to the hegemony of Western knowledge systems. This mandate calls for a paradigm shift in how knowledge is defined, valued, and transmitted—a shift that not only recognizes the validity of indigenous epistemologies but also demands their integration into the fabric of national identity.

Cultural Preservation and Practical Challenges

Incorporating indigenous languages, practices, and worldviews into government and business sectors is a bold assertion of cultural preservation. It is a recognition that indigenous cultures are not relics of the past but living traditions with valuable contributions to make to contemporary society. Yet, this integration faces significant resistance. States and institutions, often rooted in Western-centric models of education and governance, may view such inclusion as impractical or even threatening to national cohesion. The argument often centers on the perceived incompatibility of indigenous knowledge systems with modern scientific and economic practices—a perception that, in itself, reveals the deep-seated biases that continue to marginalize indigenous voices.

Legal Support and Implementation

Article 14 of UNDRIP affirms the right of indigenous peoples to establish and control their educational systems and institutions. This provision, however, is often undermined by national educational policies that prioritize standardized curricula over cultural diversity. The challenge lies in moving beyond tokenistic inclusion—such as the occasional teaching of indigenous history or language in schools—to a genuine integration of indigenous perspectives into all aspects of education and research. This would require not only a legal commitment but also a fundamental shift in how knowledge is conceptualized and valued at the state level. The failure to make this shift perpetuates the colonial legacy of intellectual domination and cultural erasure.

Future Challenges and Speculative Scenarios

The future of indigenous land rights and resource management in the age of climate change is shrouded in uncertainty, shaped by forces that are both visible and hidden. The challenges ahead will test the resilience of indigenous communities, the flexibility of legal frameworks, and the moral integrity of the international community.

The Mystery of Sovereignty and Identity

As climate change threatens to render some indigenous lands uninhabitable, particularly in low-lying island nations, the question of sovereignty takes on a new dimension. What happens when a people lose their physical homeland but retain their cultural identity? Can sovereignty be exercised in exile, or does it require a territorial base? These questions, which straddle the line between law and philosophy, are likely to become increasingly relevant as environmental displacement becomes more common. The case of the Kiribati government's purchase of land in Fiji as a potential refuge for its people raises intriguing possibilities about the future of statehood and sovereignty in a climate-impacted world.

The Enigma of Resource Control

The struggle for control over resources on indigenous lands is another area ripe for complex legal and political battles. As states and corporations continue to eye these resources with increasing intensity, indigenous communities may find themselves at the center of conflicts that are as much about power and control as they are about environmental sustainability. The potential for covert operations, strategic alliances, and even proxy conflicts cannot be discounted. The precedent of the Ogoni people in Nigeria, whose lands were devastated by oil extraction despite their resistance, serves as a cautionary tale of the lengths to which states and corporations might go to secure valuable resources.

The Paradox of Assimilation and Resistance

The tension between assimilation and resistance will likely intensify as indigenous communities navigate the pressures of globalization and climate change. On one hand, the push for assimilation may come under the guise of integration into the global economy, with promises of development and modernity. On the other hand, the very survival of indigenous cultures may depend on their ability to resist these pressures and assert their unique identities. This paradox—where the forces that threaten to destroy indigenous cultures also drive their resurgence—creates a dynamic and unpredictable landscape. The future of indigenous rights will be shaped by how these communities navigate this complex terrain, balancing the need for adaptation with the imperative of cultural preservation.

Global Perspectives

Reparations and Environmental Justice

Example: The Inuit Circumpolar Council's ongoing battle for reparations due to climate change impacts in the Arctic demonstrates how environmental degradation intersects with historical injustices.

Law: Article 28 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) asserts the right of indigenous peoples to redress for lands taken without their free, prior, and informed consent, either through restitution or, when not possible, just compensation.

Case Study: The Awas Tingni Community in Nicaragua successfully argued before the Inter-American Court of Human Rights that their land rights had been violated, resulting in a landmark ruling that set a precedent for indigenous land claims across Latin America.

Quote: James Anaya, former UN Special Rapporteur on the Rights of Indigenous Peoples, remarked, "Reparations are not merely about compensation; they are about restoring dignity, culture, and the right to a future that honors the past."

Statistics: A 2020 study by the World Resources Institute found that securing indigenous land rights could reduce deforestation rates by 50%, emphasizing the environmental benefits of recognizing indigenous claims.

Unspoken Factor: The often-overlooked impact of psychological trauma and intergenerational pain caused by historical land dispossession must be addressed in reparations discussions. Such trauma affects the ability of indigenous communities to engage fully in resource management and environmental stewardship.

Indigenous Control Over Water and Land Use

Example: The Klamath River Basin dispute in the United States, where indigenous tribes successfully fought for water rights, serves as a key example of indigenous control over natural resources challenging state and federal interests.

Law: Article 10 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) implicitly supports indigenous water rights, emphasizing the right of all peoples to freely dispose of their natural wealth and resources.

Case Study: The landmark case of *Delgamuukw v. British Columbia* (1997) in Canada recognized the constitutional protection of indigenous land rights, setting a precedent for the recognition of indigenous claims to both land and water resources.

Quote: Chief Wilton Littlechild, a prominent Cree leader, stated, "Water is life; control over water resources is not just about rights, but about survival and self-determination for indigenous peoples."

Statistics: Research by the United Nations University Institute for Water, Environment and Health found that indigenous-managed lands cover approximately 22% of the world's land surface and coincide with areas that hold 80% of global biodiversity.

Unspoken Factor: The spiritual significance of water in indigenous cultures often goes unrecognized in legal frameworks, which primarily view water as an economic resource. This disconnect can lead to conflicts when indigenous communities seek to protect water bodies from exploitation.

Autonomous Zones and Legal Systems

Example: The autonomous governance model of the Zapatista territories in Chiapas, Mexico, where indigenous communities have established their legal and economic systems, exemplifies the potential and challenges of indigenous autonomy.

Law: Article 4 of UNDRIP supports the right of indigenous peoples to autonomy or self-government in matters relating to their internal and local affairs, including the means to finance their autonomous functions.

Case Study: The Nunavut Land Claims Agreement in Canada, which led to the creation of the Nunavut territory, illustrates the complexities of establishing autonomous indigenous zones within existing state borders.

Quote: Sákéj Henderson, a Mi'kmaq legal scholar, noted, "Indigenous autonomy is not a threat to state sovereignty; it is a redefinition of it, where diverse systems of governance can coexist and enrich one another."

Statistics: A report by the Canadian government in 2018 indicated that Nunavut's economy grew by 13.3% between 2016 and 2017, highlighting the potential economic benefits of indigenous autonomy.

Unspoken Factor: The challenge of integrating traditional indigenous governance structures with modern legal systems often goes unaddressed, leading to tension and misunderstandings between indigenous and state authorities. These challenges are exacerbated by the lack of resources and institutional support for autonomous indigenous governance.

Indigenous-Led Policies and National Security

Example: The Sami Parliament in Finland, which exercises authority over cultural and linguistic matters, serves as an example of indigenous-led governance within a state framework.

Law: Article 27 of the International Covenant on Civil and Political Rights (ICCPR) recognizes the rights of minorities, including indigenous peoples, to enjoy their culture, profess their religion, and use their language, providing a legal basis for indigenous-led policies.

Case Study: The conflict between the Mapuche people and the Chilean government over land rights and self-determination underscores the potential for indigenous-led policies to challenge national security frameworks.

Quote: Victoria Tauli-Corpuz, former UN Special Rapporteur on the Rights of Indigenous Peoples, observed, "Security for indigenous peoples is not just about physical safety; it is about securing their rights, lands, and futures in the face of external pressures."

Statistics: A 2021 report by the International Work Group for Indigenous Affairs (IWGIA) highlighted that 40% of the world's conflicts involve indigenous peoples, often centered on land and resource rights.

Unspoken Factor: The potential for indigenous-led border control to create micro-conflicts with state authorities is rarely discussed, yet it poses a significant risk to both national security and indigenous sovereignty. The absence of clear legal frameworks for such scenarios could lead to escalating tensions and even violence.

Potential Bloc Divisions

Example: The divide between Bolivia, with its strong indigenous-majority government, and Canada, which faces ongoing challenges in reconciling with its indigenous populations, exemplifies the potential for deep international divisions.

Law: The principle of non-intervention, as outlined in Article 2(4) of the UN Charter, may be invoked by states resistant to external pressure on indigenous rights issues, potentially leading to conflicts within international forums like the United Nations.

Case Study: The differing responses to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) among settler-colonial states, with countries like Australia initially opposing it, highlight the geopolitical divisions that indigenous rights can engender.

Quote: Rodolfo Stavenhagen, a renowned sociologist and former UN Special Rapporteur on the Rights of Indigenous Peoples, stated, "Indigenous rights are the litmus test for the international community's commitment to human rights; where there is division, there is failure."

Statistics: According to the United Nations Permanent Forum on Indigenous Issues (UNPFII), 90 countries have yet to fully implement the provisions of UNDRIP, reflecting significant global disparities in the recognition of indigenous rights.

Unspoken Factor: The role of multinational corporations in exacerbating or mitigating these bloc divisions is often overlooked. Corporations that engage in resource extraction on indigenous lands may align with state interests to resist indigenous claims, while others may support indigenous rights to bolster their corporate social responsibility profiles

Specific Initiatives

1. Yolngu Boy's Initiative - Aboriginal Land Rights

Proponent: Galarrwuy Yunupingu, Yolngu Leader, Australia.

Details: Galarrwuy Yunupingu proposed strengthening Aboriginal land rights by extending the Northern Territory Land Rights Act to cover areas beyond the Northern Territory, enabling indigenous communities across Australia to gain legal ownership and control over their ancestral lands.

Special Aspects: The initiative focused on not just land ownership but also resource control, granting indigenous people a say in resource extraction and land management.

Impact on Communities: It would have empowered Aboriginal communities to protect sacred sites and manage natural resources, potentially leading to economic self-sufficiency.

Implementation Challenges: Political resistance from the Australian government and opposition from powerful mining and agricultural interests have stalled the expansion of these land rights.

2. Te Awa Tupua (Whanganui River) Act

Proponent: New Zealand Government, in collaboration with Whanganui Iwi.

Details: This legislation recognized the Whanganui River as a legal person with rights and interests, reflecting the Maori belief that the river is an ancestor.

Special Aspects: The Act was groundbreaking in incorporating indigenous spiritual beliefs into modern law, granting the river the same legal rights as a human being.

Impact on Communities: It provided the Whanganui Iwi with a legal mechanism to protect the river from exploitation and pollution, aligning environmental protection with cultural preservation.

Implementation Challenges: The complexity of enforcing the river's legal rights and the need to balance them

with existing property and commercial interests has slowed full implementation.

3. Nunavut Agreement - Inuit Self-Governance

Proponent: Inuit Tapiriit Kanatami and the Canadian Government.

Details: The 1993 Nunavut Agreement led to the creation of the Nunavut Territory, providing Inuit people with a form of self-governance, control over natural resources, and significant land ownership.

Special Aspects: This agreement was one of the most comprehensive land claims agreements in Canadian history, merging traditional Inuit governance with modern political structures.

Impact on Communities: It provided Inuit communities with the ability to preserve their culture and influence economic development in the region.

Implementation Challenges: High costs, logistical difficulties, and limited economic opportunities in the Arctic region have hindered the full realization of self-governance and economic self-sufficiency.

4. Indigenous and Tribal Peoples Convention, 1989 (ILO Convention 169)

Proponent: International Labour Organization (ILO).

Details: ILO Convention 169 is the only legally binding international treaty that specifically addresses indigenous and tribal peoples' rights, including land rights, self-governance, and cultural preservation.

Special Aspects: It emphasizes the rights of indigenous peoples to participate in decisions affecting their lands, lives, and livelihoods, and requires governments to consult them before undertaking projects on their land.

Impact on Communities: Where implemented, it has strengthened indigenous land tenure and provided a framework for protecting cultural and environmental interests.

Implementation Challenges: Many countries, including key players like the United States, Canada, and Australia, have not ratified the convention, limiting its global impact.

5. RED+ Indigenous Forests

Proponent: United Nations Framework Convention on Climate Change (UNFCCC).

Details: The REDD+ (Reducing Emissions from Deforestation and Forest Degradation) initiative includes specific provisions for the inclusion of indigenous peoples in forest management and carbon credit schemes.

Special Aspects: The program acknowledges the critical role of indigenous peoples in forest conservation and aims to financially reward their efforts in reducing carbon emissions through sustainable forest management.

Impact on Communities: It offers a potential income stream for indigenous communities and supports their traditional knowledge in forest conservation.

Implementation Challenges: Complexities in ensuring fair benefit-sharing, as well as corruption and lack of clear land tenure, have hindered effective implementation.

6. Free, Prior, and Informed Consent (FPIC) Framework

Proponent: United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Details: FPIC is a principle that requires states and corporations to obtain consent from indigenous peoples before initiating projects on their lands.

Special Aspects: It empowers indigenous communities to veto or shape projects that affect their land and resources.

Impact on Communities: This framework has the potential to prevent exploitative practices and ensure that indigenous communities benefit from development projects.

Implementation Challenges: The principle is often ignored or inadequately enforced, especially in countries with weak legal systems or where there is significant economic pressure to exploit resources.

7. Indigenous Protected Areas (IPA) in Australia

Proponent: Australian Government, in partnership with Indigenous communities.

Details: IPAs are areas of land and sea where traditional owners have entered into voluntary agreements with the Australian Government to promote biodiversity conservation.

Special Aspects: IPAs integrate traditional ecological knowledge with modern conservation practices, creating a model of co-management.

Impact on Communities: They provide employment opportunities, preserve cultural sites, and contribute to the conservation of biodiversity.

Implementation Challenges: Funding limitations and conflicts with other land uses, such as mining and agriculture, have limited the expansion of IPAs.

8. Forest Rights Act (FRA) of 2006 in India

Proponent: Indian Government, following advocacy from tribal rights groups.

Details: The FRA recognizes the rights of forest-dwelling communities to land and other resources, correcting historical injustices faced by these communities.

Special Aspects: It provides legal recognition of the rights of tribal and other traditional forest dwellers to land and resources, and offers protection against eviction.

Impact on Communities: The act has the potential to empower millions of indigenous people by securing their land rights and ensuring sustainable livelihoods.

Implementation Challenges: Implementation has been inconsistent, with many communities still lacking recognition of their rights due to bureaucratic hurdles and opposition from forest departments.

9. Chilean Constitutional Reform on Indigenous Rights

Proponent: Indigenous leaders and the Chilean Government.

Details: The ongoing Chilean constitutional reform process includes proposals to enshrine the rights of indigenous peoples, recognizing their autonomy and land rights.

Special Aspects: This reform is seen as a significant step toward addressing long-standing grievances of the Mapuche and other indigenous groups in Chile.

Impact on Communities: If passed, it would grant indigenous communities greater autonomy and control over their ancestral lands, and potentially lead to more equitable development policies.

Implementation Challenges: The process has been contentious, with significant political opposition and fears that it could lead to national disunity.

10. Canada's Truth and Reconciliation Commission (TRC) Calls to Action

Proponent: Canada's Truth and Reconciliation Commission.

Details: The TRC issued 94 Calls to Action aimed at addressing the legacy of residential schools and advancing reconciliation with indigenous peoples, including land restitution and legal reforms.

Special Aspects: The Calls to Action are comprehensive, covering education, health, justice, and economic development, with a strong focus on respecting indigenous rights.

Impact on Communities: Full implementation could lead to significant improvements in the relationship between the Canadian state and indigenous peoples, fostering healing and justice.

Implementation Challenges: Progress has been slow, with many of the Calls to Action still unmet, largely due to political resistance, funding issues, and the complexity of systemic changes.

11. Philippine Indigenous Peoples' Rights Act (IPRA) of 1997

Proponent: The Philippine Congress, with advocacy from indigenous groups.

Details: IPRA is a comprehensive law recognizing the rights of indigenous cultural communities and indigenous peoples in the Philippines, including their rights to ancestral domains.

Special Aspects: The act provides for the delineation of ancestral lands and empowers indigenous communities to manage their resources and protect their cultural heritage.

Impact on Communities: IPRA has empowered many indigenous communities to reclaim their lands and assert their cultural identity, contributing to their social and economic development.

Implementation Challenges: Implementation has been hindered by conflicting interests, particularly from mining and logging companies, and by bureaucratic inefficiencies.

12. Ecuador's Rights of Nature and Indigenous Rights

Proponent: Ecuadorian Government and indigenous leaders.

Details: Ecuador's 2008 Constitution was the first in the world to recognize the Rights of Nature, a concept rooted in indigenous beliefs, alongside strong protections for indigenous peoples.

Special Aspects: This legal framework recognizes nature as having rights, paralleling the rights of indigenous peoples to live in harmony with their environment.

Impact on Communities: It has provided indigenous communities with a powerful legal tool to challenge environmental degradation and defend their territories against extractive industries.

Implementation Challenges: Enforcement has been inconsistent, with economic pressures from oil and mining industries often overriding constitutional protections.

13. The Indigenous Peoples' Health Plan in Brazil

Proponent: Brazilian Ministry of Health and indigenous health organizations.

Details: This plan was designed to address the unique health needs of Brazil's indigenous populations, incorporating traditional knowledge and practices into the healthcare system.

Special Aspects: The plan emphasizes culturally appropriate healthcare, integrating traditional medicine with modern healthcare services.

Impact on Communities: It aims to improve health outcomes among indigenous populations, who often suffer from poor access to healthcare and higher rates of disease.

Implementation Challenges: Political instability and underfunding have hampered the plan's implementation, with indigenous health services often under-resourced and neglected

Questions A Resolution Must Answer

1. How can indigenous land rights be protected in the face of climate change?
2. What role should indigenous communities play in global climate change mitigation efforts?
3. How can traditional indigenous knowledge be integrated into modern resource management practices?
4. What legal frameworks are needed to ensure indigenous sovereignty over their lands and resources?
5. How can the international community address the potential displacement of indigenous peoples due to climate change?

Bibliography

- Anaya, J. (2004). *Indigenous Peoples in International Law*. Oxford University Press.
- Awas Tingni Community v. Nicaragua. (2001). Inter-American Court of Human Rights.
- Coates, K. (2004). *A Global History of Indigenous Peoples: Struggle and Survival*. Palgrave Macmillan.
- Delgamuukw v. British Columbia. (1997). Supreme Court of Canada.
- Government of Australia. (2021). *Indigenous Protected Areas Program Documentation*.
- Government of Canada. (2015). *Truth and Reconciliation Commission Calls to Action*.
- Government of Ecuador. (2008). *Constitution of Ecuador*.
- Government of India. (2006). *The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act*.
- Government of New Zealand. (2017). *Te Awa Tupua (Whanganui River Claims Settlement) Act*.
- Government of the Philippines. (1997). *Indigenous Peoples' Rights Act*.
- International Labour Organization. (1989). *Indigenous and Tribal Peoples Convention (No. 169)*.
- International Work Group for Indigenous Affairs (IWGIA). (2021). *The Indigenous World 2021*.
- Littlechild, W. (2019). *Address to the United Nations Permanent Forum on Indigenous Issues*.
- Tauli-Corpuz, V., & Enkiwe-Abayao, L. (2018). *Sustaining and Enhancing the Momentum for Innovation and Learning around the FPIC*. UNDP.
- United Nations. (1966). *International Covenant on Civil and Political Rights*.

United Nations. (1966). International Covenant on Economic, Social and Cultural Rights.

United Nations. (2007). United Nations Declaration on the Rights of Indigenous Peoples.

United Nations Framework Convention on Climate Change. (2021). REDD+ Web Platform.

United Nations Permanent Forum on Indigenous Issues. (2021). State of the World's Indigenous Peoples.

World Resources Institute. (2020). Indigenous Peoples and Local Communities Land Rights and Deforestation Rates.

Yunupingu, G. (2016). "Rom Watangu" - The Law of the Land. The Monthly



**GOOD LUCK TO ALL
DELEGATES!**