United Nations Human Rights Council

Background guide

SNISMUN 2025

Agenda: Deliberating upon the the impact of extractive industries on indigenous populations with special emphasis on land rights,cultural erasure and corporate complicity

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Letter from the Executive Board

Dear Delegates,

It is our great pleasure to welcome you to the United Nations Human Rights Council (UNHRC) at SNISMUN 2025. You will be part of a committee where we will be discussing the impact of extractive industry on indigenous people with a focus on corporate complicity, cultural erasure and land rights. As the representatives of various countries, you will work as a team in order to find solutions to this burning issue in the course of this two-day conference.

We created this background guide to assist you in your preparation. It will give you all the general information necessary to understand the agenda and a basis towards your further investigation.We hope that you will take your inquiry further than this guide and explore the issue in greater depth as well as offer your own thoughts and opinions to the discussion. We are glad to have you to be one of our members and be serving the Executive Board of the UNHRC. We are very excited about the discussions you will engage in at SNISMUN and the solutions you come up with to address this global challenge. Lastly, if you have any queries, do not hesitate to contact the Executive Board.

Sincerely,

Executive Board

Overview of the UN Human Rights Council

The United Nations Human Rights Council (UNHRC) is the principal intergovernmental body within the United Nations system responsible for promoting and protecting human rights worldwide. It was established by the UN General Assembly through Resolution 60/251 of 15 March 2006, replacing the former Commission on Human Rights, with the goal of strengthening the UN's capacity to address human rights violations in a fair, effective, and credible manner.

The Council is composed of 47 Member States elected by the General Assembly on the basis of equitable geographical distribution. Seats are allocated among regional groups: 13 for African States, 13 for Asia-Pacific States, 6 for Eastern European States, 8 for Latin American and Caribbean States, and 7 for Western European and other States. Members serve for three-year terms, with the principle of rotation and without immediate re-election after two consecutive terms.

The UNHRC functions as a forum for dialogue on thematic and country-specific human rights issues. It holds at least three regular sessions annually in Geneva, in addition to special sessions convened at the request of one-third of the members to address urgent human rights crises. The Council engages with governments, independent experts, NGOs, and other stakeholders, ensuring that human rights concerns are placed at the forefront of international discourse.

A central mechanism of the UNHRC is the Universal Periodic Review (UPR), which examines the human rights records of all UN Member States every four and a half years. This process fosters accountability and encourages governments to take corrective measures. In addition, the Council oversees Special Procedures, comprising independent experts, rapporteurs, and working groups mandated to report on specific human rights issues or situations in particular countries.

The UNHRC also coordinates with the Office of the High Commissioner for Human Rights (OHCHR) to provide technical assistance and capacity-building to states, ensuring that human rights obligations are translated into practice. Despite criticisms regarding politicization and selectivity, the UNHRC remains a vital body within the UN framework, functioning as the institutional guardian of international human rights norms and standards.

Mandate of the UN Human Rights Council

The **mandate of the UNHRC**, as established under **General Assembly Resolution 60/251**, is both broad and precise, encompassing the **promotion, protection, and mainstreaming of human rights in the UN system**. The mandate provisions, while widely recognized, also include niche and lesser-known mechanisms that deepen the Council's authority. Its mandate can be categorized as follows:

1. Promotion and Protection of Human Rights

- Address all human rights issues: civil, political, economic, social, and cultural rights, including the right to development.

- Ensure universal respect for human rights regardless of regional, cultural, or religious differences.

- Act on emerging human rights crises through special sessions and resolutions.

2. Universal Periodic Review (UPR)

- Review the human rights records of all UN Member States every four and a half years.

- Allow peer-review accountability, making even powerful states subject to examination.

- Provide recommendations and follow-up mechanisms to measure compliance.

3. Special Procedures System

- Establish and oversee thematic mandates (e.g., freedom of expression, arbitrary detention, extrajudicial executions).

- Create country-specific mandates for situations of gross violations (e.g., Myanmar, DPRK, Palestine).

- Empower Special Rapporteurs, Independent Experts, and Working Groups to investigate, monitor, and report on human rights concerns.

4. Complaint Procedure

- Provide individuals and NGOs with the right to submit communications about consistent patterns of gross and reliably attested human rights violations.

- Ensure confidentiality of submissions through the Working Group on Communications and the Working Group on Situations before action by the Council.

- Balance state sovereignty with accountability by allowing victims' voices to be heard at the UN level.

5. Advisory Role

- Receive input from the Human Rights Council Advisory Committee (the Council's "think tank"), which conducts research and proposes initiatives on human rights advancement.

- Commission studies, reports, and recommendations to fill gaps in international human rights law and policy.

6. Technical Assistance and Capacity-Building

- Provide advisory services, technical cooperation, and financial aid to Member States.

- Assist countries in strengthening national human rights institutions (NHRIs) and legal frameworks.

- Offer post-conflict assistance to rebuild institutions and promote reconciliation.

7. Mainstreaming Human Rights in the UN System

- Coordinate with other UN organs to ensure human rights considerations are integrated across peace, security, and development agendas.

- Strengthen collaboration with the Security Council, ECOSOC, and General Assembly.

- Appoint Independent Experts and Special Rapporteurs to advise on cross-cutting issues such as climate change and technology.

8.Technical Mandate Powers

- Ability to suspend membership rights of a Council Member committing gross and systematic violations (as seen in the suspension of Libya in 2011).

- Authority to refer situations indirectly to higher UN bodies, influencing decisions that may eventually reach the International Criminal Court (ICC).

- Capacity to initiate fact-finding missions, commissions of inquiry, and monitoring mechanisms, which serve as quasi-judicial investigatory processes.

- Provision to develop new human rights norms through its advisory and procedural innovations, such as the recognition of the right to a healthy environment in 2021.

- Establishment of confidential dialogues with states under scrutiny, offering them opportunities to engage without public condemnation.

- Ability to address collective rights and emerging human rights concerns, such as digital rights, indigenous peoples' rights, and business responsibilities in human rights.

9.Reservations in the Mandate

- Bound by principles of universality, impartiality, objectivity, and non-selectivity, though often accused of failing to uphold them.

- Restricted from direct enforcement measures; it can recommend but not compel compliance.

- Its decisions are politically binding rather than legally enforceable, relying heavily on state cooperation.

- Operates under the oversight of the UN General Assembly, which can modify or override its actions.

Introduction

Extractive industries encompass activities that remove natural resources from the earth, including mining of minerals and metals, oil and gas extraction, logging, and large-scale agriculture. These industries form the backbone of the global economy, providing essential raw materials for everything from mobile phones to renewable energy infrastructure. However, their operations frequently occur on lands traditionally inhabited by indigenous peoples, creating a fundamental tension between economic development and indigenous rights.

Indigenous peoples represent approximately 5% of the global population—around 476 million people—yet they safeguard 80% of the world's biodiversity and occupy territories that contain the majority of the planet's remaining natural resources. These communities maintain distinct cultural identities, languages, social institutions, and spiritual relationships with their ancestral lands that often span thousands of years. Their vulnerability stems from historical marginalisation, limited political representation, and economic disadvantage, making them disproportionately affected by extractive operations.

The agenda's focus on linking extractive activities to land rights violations and cultural erasure reflects a growing recognition that indigenous peoples face systematic dispossession of their territories and cultural destruction through industrial development. This occurs through multiple mechanisms: direct displacement from ancestral lands, contamination of water sources and food systems, destruction of sacred sites, disruption of traditional economic activities, and forced assimilation into market economies. The scale of this impact is staggering—research indicates that indigenous peoples are affected in at least 34% of all documented environmental conflicts worldwide, with more than three-quarters of these conflicts caused by extractive industries.

For Model United Nations simulations, this topic intersects critically with sustainable development, human rights, and international cooperation. It challenges delegates to grapple with competing priorities: the global need for natural resources to fuel economic growth and address climate change versus the fundamental rights of indigenous peoples to maintain their territories, cultures, and self-determination. The committee objectives encourage substantive debate on balancing economic imperatives with indigenous protections, requiring delegates to navigate complex legal frameworks, examine corporate accountability mechanisms, and propose innovative solutions that respect both development needs and indigenous sovereignty.

Historical Background and Regional Context

Colonial Foundations and Modern Continuities

The relationship between extractive industries and indigenous peoples cannot be understood without examining its colonial origins. European colonisation from the 15th century onwards established extractive economic models designed to transfer wealth from colonised territories to metropolitan centres. Colonial powers systematically dispossessed indigenous peoples of their lands to access gold, silver, rubber, and other valuable resources. The encomienda and hacienda systems in Latin America, the plantation economies of North America and the Caribbean, and the mining concessions across Africa established legal and institutional frameworks that prioritised resource extraction over indigenous rights.

These colonial extractive models shared several characteristics that persist today: the legal fiction that indigenous lands were "vacant" or "underutilised," the granting of extensive concessions to private companies with minimal indigenous consultation, and the use of state violence to suppress indigenous resistance. The

doctrine of discovery and terra nullius provided legal justifications for land appropriation that continue to influence contemporary property law and resource governance.

The post-colonial period has witnessed the evolution from direct colonial exploitation to multinational corporate extraction, but many of the underlying power dynamics remain unchanged. Modern extractive operations often involve partnerships between multinational corporations and post-colonial states, with limited meaningful participation by indigenous communities. The resource curse theory explains how extractive wealth frequently leads to increased inequality, corruption, and conflict in indigenous areas, as local populations bear environmental and social costs while benefits flow to external actors.

Timeline of Indigenous Resistance and Rights Recognition

Indigenous resistance to extractive operations has evolved from localised uprisings to sophisticated international advocacy movements. Early resistance often took the form of armed conflict, such as the Indian Wars in North America, the Mapuche resistance in Chile, and various uprisings across colonial Africa and Asia. However, the 20th century witnessed a shift towards legal and political strategies as indigenous movements gained international recognition.

The decolonisation movements of the mid-20th century created new opportunities for indigenous rights advocacy. The establishment of the United Nations provided a forum for indigenous peoples to articulate their grievances and seek international support. The 1960s and 1970s saw the emergence of pan-indigenous organisations like the International Indian Treaty Council and the World Council of Indigenous Peoples, which began to frame indigenous issues in human rights terms.

Key milestones in this evolution include the 1975 American Indian Self-Determination Act, the 1989 ILO Convention 169, and the 2007 UN

Declaration on the Rights of Indigenous Peoples. Each represents a progressive recognition of indigenous peoples as distinct political entities with inherent rights rather than merely marginalised minorities requiring protection.

Regional Contexts and Variations

Global Distribution of Indigenous Peoples' Conflicts with Extractive Industries

The Americas: Epicentre of Contemporary Conflicts

The Americas host some of the world's most significant conflicts between extractive industries and indigenous peoples. Latin America presents a particularly complex landscape, where countries rich in natural resources grapple with implementing progressive constitutional frameworks while accommodating powerful extractive sectors.

Brazil's Amazon serves as a crucial case study in the dynamics of extractive pressure on indigenous territories. The region contains approximately 385 indigenous groups living on 2.4 million square kilometres, representing about 23% of the Amazon basin. Despite constitutional protections and international recognition, indigenous territories face increasing pressure from illegal mining, logging, and cattle ranching. Under the Bolsonaro administration (2019-2022), deforestation in indigenous territories increased by 129%, leading to the release of 96 million metric tons of carbon dioxide. The contrast with the current Lula administration demonstrates how political leadership directly affects indigenous protection, with recent policies leading to a 42% decrease in deforestation in indigenous lands.

North America presents different but equally significant challenges. The Standing Rock protests of 2016-2017 against the Dakota Access Pipeline exemplified how indigenous treaty rights collide with energy infrastructure development. The

protests, which drew global attention and solidarity, highlighted the ongoing relevance of 19th-century treaties and the challenges indigenous nations face in asserting sovereignty over their traditional territories.

Peru and Colombia face particular challenges with uncontacted or voluntarily isolated indigenous peoples. Recent cases before the Inter-American Court of Human Rights demonstrate how extractive operations threaten the survival of groups like the Mashco Piro, Yora, and Amahuaca peoples, who maintain voluntary isolation as a survival strategy.

Africa: Resource Curse and Institutional Weakness

Africa's experience with extractive industries reflects the continent's colonial legacy and contemporary governance challenges. The Niger Delta in Nigeria represents one of the most documented cases of extractive industry impacts on indigenous communities. Since Royal Dutch Shell began operations in 1958, an estimated $30 billion worth of oil has been extracted from Ogoni lands, while the 550,000 Ogoni people have received minimal economic benefits and suffered severe environmental degradation.

The execution of Ken Saro-Wiwa and eight other Ogoni leaders in 1995 internationalised the conflict and established important precedents for corporate accountability. The subsequent litigation against Shell, which resulted in a $15.5 million settlement in 2009, demonstrated both the possibilities and limitations of using international legal mechanisms to address corporate human rights violations.

Central Africa faces different challenges, particularly around conflict minerals in the Democratic Republic of Congo, where indigenous Pygmy communities are marginalised in struggles over mineral resources that fuel global electronics industries. The absence of strong legal frameworks protecting indigenous

rights—only one African country, the Central African Republic, has ratified ILO Convention 169—exacerbates these challenges.

Asia-Pacific: Development Pressures and Biodiversity Hotspots

The Asia-Pacific region faces intense development pressures due to rapid economic growth, large populations, and significant natural resource endowments. Indonesia and Malaysia have experienced extensive deforestation and biodiversity loss through palm oil plantations and logging operations that affect indigenous communities like the Penan in Borneo.

Australia presents a unique case as a developed country with significant indigenous populations and extensive mining operations. The recognition of Aboriginal land rights through native title legislation has created frameworks for negotiation between indigenous communities and mining companies, though implementation remains challenging.

Europe and the Arctic: Climate Change and Traditional Livelihoods

The Arctic regions of Europe face distinct challenges as climate change accelerates and demand for critical minerals increases. The Sami people, who span Norway, Sweden, Finland, and Russia, practice traditional reindeer herding that conflicts with mining, forestry, and renewable energy development.

Recent conflicts over mining operations in Sweden, particularly the Gállok/Kallak iron ore project, highlight tensions between climate goals and indigenous rights. While extractive operations may contribute to renewable energy infrastructure, they often undermine the traditional livelihoods and cultural practices of Arctic indigenous peoples.

International Legal Frameworks

Foundation Instruments and Their Evolution

The international legal framework governing indigenous peoples' rights in the context of extractive industries has evolved significantly over the past century, reflecting a changing understanding of indigenous peoples' status and rights. This evolution represents a shift from assimilationist policies that viewed indigenous peoples as obstacles to development toward participatory approaches that recognise their rights to self-determination and cultural integrity.

ILO Convention 169: The Cornerstone of Indigenous Rights Law

The International Labour Organization Convention 169 on Indigenous and Tribal Peoples (1989) stands as the only binding international treaty specifically dedicated to indigenous peoples' rights. Convention 169 replaced the earlier ILO Convention 107 (1957), which embodied an assimilationist philosophy that sought to integrate indigenous peoples into dominant societies.

Convention 169 establishes several fundamental principles that directly address extractive industry impacts. Article 6 requires governments to consult indigenous peoples "through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly". Article 7 grants indigenous peoples "the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use".

Crucially, Article 15 addresses natural resources, stating that indigenous peoples' rights "to the natural resources pertaining to their lands shall be specially safeguarded" and that they "shall wherever possible participate in the benefits of

such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities". However, the Convention stops short of granting indigenous peoples ownership rights over subsurface resources, which remain under state sovereignty.

Despite its significance, Convention 169 has been ratified by only 24 countries as of 2024, limiting its direct legal impact. Notably, major extractive industry destinations like the United States, Canada, Australia, and Russia have not ratified the Convention, while several Latin American countries with significant indigenous populations—including Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guatemala, Mexico, and Peru—have ratified it.

UN Declaration on the Rights of Indigenous Peoples: Aspirational Framework

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007, represents the most comprehensive international instrument on indigenous peoples' rights. Unlike Convention 169, UNDRIP is not legally binding, but it has gained recognition as an authoritative interpretation of existing human rights law as applied to indigenous peoples.

Article 32 of UNDRIP specifically addresses extractive industries, requiring states to "consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilisation or exploitation of mineral, water or other resources".

The Declaration's emphasis on Free, Prior, and Informed Consent (FPIC) represents a significant advancement beyond mere consultation requirements. FPIC implies that indigenous peoples have the right to say "no" to projects

affecting their territories, challenging the traditional presumption that extractive development serves the "public interest".

UNDRIP gained near-universal acceptance following initial opposition from the United States, Canada, Australia, and New Zealand—all countries with significant settler populations and extractive industries. These countries have since endorsed the Declaration, though with varying interpretations of its legal significance.

Regional Human Rights Systems

Inter-American System: Leading Jurisprudence

The Inter-American human rights system, comprising the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights, has developed the most extensive jurisprudence on indigenous peoples' rights in the context of extractive industries.

The Mayagna (Sumo) Awas Tingni Community v. Nicaragua case (2001) established the foundational principle that indigenous peoples possess collective property rights to their traditional territories, even without formal state recognition. This precedent has been built upon in subsequent cases addressing extractive industries.

Recent landmark decisions demonstrate the system's evolution. In 2023, the Court ruled against Guatemala in the Q'eqchi' case, finding that the state violated indigenous rights by permitting Canadian company Hudbay to develop the Fenix nickel mine without proper consultation or consent. The Court ordered an immediate halt to all mining activities and required Guatemala to award land titles to the affected community within six months.

The 2024 ruling against Colombia in the U'wa case represents another significant precedent. The Court found Colombia responsible for multiple human rights

violations, including access to a healthy environment, self-determination, and children's rights, resulting from oil and gas operations in U'wa territory without free, prior, and informed consent. These cases demonstrate the regional system's willingness to prioritise indigenous rights over extractive industry interests.

African System: Limited but Growing Recognition

The African human rights system has been less active in addressing indigenous-extractive industry conflicts, partly due to the continental organisation's emphasis on post-colonial state sovereignty and the controversial nature of "indigenous" identity in Africa. However, recent developments suggest growing recognition of these issues.

The Endorois Welfare Council v. Kenya case before the African Commission established important precedents regarding indigenous peoples' rights to traditional territories affected by development projects. While not specifically addressing extractive industries, the decision recognised indigenous peoples' collective ownership of traditional lands and their right to benefit from natural resource exploitation.

European System: Arctic and Sami Rights

European human rights institutions have primarily addressed indigenous issues through the lens of minority rights rather than collective indigenous rights. However, recent cases involving Sami reindeer herders in Scandinavia have begun to establish important precedents regarding traditional livelihood protection in the context of extractive development.

Emerging Frameworks and Corporate Accountability

UN Guiding Principles on Business and Human Rights

The UN Guiding Principles on Business and Human Rights (2011) established the international framework for corporate accountability regarding human rights impacts, including those affecting indigenous peoples. The Guiding Principles rest on three pillars: the state duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy for victims of human rights abuses. Principle 12 requires companies to conduct human rights due diligence to identify, prevent, mitigate, and account for adverse human rights impacts. For indigenous peoples, this includes assessing impacts on collective rights, traditional territories, and cultural practices. Several extractive industry companies have developed specific policies on indigenous peoples' rights based on these principles.

OECD Guidelines and Investment Treaties

The Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises provide recommendations for responsible business conduct, including specific provisions on indigenous peoples' rights. The Guidelines are not legally binding but create accountability mechanisms through National Contact Points that can investigate complaints and facilitate mediation. Bilateral Investment Treaties (BITs) and trade agreements increasingly include provisions related to indigenous peoples' rights and environmental protection. However, these agreements also contain investor-state dispute settlement mechanisms that can be used by companies to challenge indigenous protection measures as barriers to investment.

Enforcement Mechanisms and Implementation Challenges

International Monitoring Bodies

Several international bodies monitor implementation of indigenous peoples' rights in relation to extractive industries. The UN Special Rapporteur on the Rights of Indigenous Peoples conducts country visits, investigates complaints, and reports on implementation of international standards. The UN Permanent Forum on Indigenous Issues provides policy recommendations and promotes coordination among UN agencies.

The ILO Committee of Experts on the Application of Conventions and Recommendations monitors implementation of Convention 169, reviewing government reports and communications from employers' and workers' organisations. However, the Committee lacks enforcement powers and relies on moral and political pressure.

National Implementation Gaps

Despite extensive international frameworks, implementation at the national level remains highly inconsistent. Many countries lack specific legislation implementing international standards, while others have laws that conflict with international obligations. Even where appropriate legal frameworks exist, enforcement is often weak due to limited institutional capacity, corruption, or political unwillingness to constrain extractive industries.

The gap between law and practice is particularly pronounced regarding FPIC, where many governments interpret the requirement as consultation rather than consent. This interpretation allows projects to proceed despite indigenous opposition, undermining the fundamental purpose of the FPIC requirement.

Case Studies: Patterns of Dispossession and Resistance

Standing Rock Sioux Tribe vs Dakota Access Pipeline (United States)

The Standing Rock protests of 2016-2017 represented the largest gathering of Native Americans in over a century and brought global attention to indigenous peoples' ongoing struggles for territorial sovereignty and environmental protection. The conflict arose when Energy Transfer Partners proposed constructing the 1,172-mile Dakota Access Pipeline to transport crude oil from North Dakota's Bakken formation to Illinois, with the pipeline crossing under the Missouri River less than a mile from the Standing Rock Reservation.

Legal and Cultural Foundations of the Conflict

The Standing Rock Sioux Tribe's opposition rested on multiple legal and cultural grounds. Treaty rights formed the primary legal basis, with the tribe arguing that the pipeline violated Article II of the 1868 Fort Laramie Treaty, which guaranteed the "undisturbed use and occupation" of reservation lands. The tribe also contended that the pipeline route crossed traditional territories ceded under the 1851 Treaty of Fort Laramie, where the Sioux retained hunting and fishing rights. Sacred site protection provided another crucial dimension of the conflict. The pipeline's route passed near burial sites and other culturally significant locations, including the confluence of the Cannonball and Missouri Rivers, known as Mni Sose, which holds deep spiritual significance for the Sioux. The destruction of these sites during construction represented not merely property damage but cultural desecration that threatened the spiritual foundations of Sioux identity. Environmental concerns centred on the risk of oil spills contaminating the Missouri River, which provides drinking water for the reservation and millions of downstream users. The tribe's environmental impact concerns proved

prescient—the pipeline has experienced multiple spills since becoming operational, including a 383,000-gallon spill in North Dakota in 2019.

Resistance Strategies and Government Response

The Standing Rock resistance employed diverse strategies combining legal challenges, direct action, and international advocacy. The Sacred Stone Camp, established in April 2016, grew to house thousands of protesters, known as "water protectors," representing over 100 indigenous nations. This unprecedented intertribal solidarity demonstrated the broader significance of the conflict beyond the immediate parties.

The use of social media and the hashtag #NoDAPL globalised the conflict, attracting support from environmental groups, celebrities, and international indigenous rights advocates. Live-streamed footage of police violence against protesters, including the use of attack dogs and water cannons in freezing temperatures, generated international outrage and brought scrutiny to law enforcement tactics.

The Obama administration's response evolved from initial neutrality to active intervention. In September 2016, three federal agencies requested Energy Transfer Partners voluntarily halt construction, and in December 2016, the Army Corps of Engineers denied the permit for the lake crossing pending further environmental review. However, these actions were reversed within days of President Trump's inauguration in January 2017, demonstrating how indigenous rights remain vulnerable to political changes.

Outcomes and Continuing Significance

The pipeline became operational in June 2017 despite ongoing legal challenges. However, the Standing Rock protests achieved several significant outcomes

beyond the immediate conflict. The mobilisation strengthened intertribal solidarity and inspired indigenous rights movements globally. The conflict also elevated FPIC as a policy issue, with several states and financial institutions adopting policies requiring indigenous consultation for infrastructure projects.

The legal precedents established remain significant. Ongoing litigation continues to challenge the pipeline's permits, with courts requiring the Army Corps of Engineers to conduct a comprehensive environmental impact statement. The case demonstrates both the possibilities and limitations of using legal strategies to protect indigenous rights in the face of determined government and corporate action.

Yanomami People and Illegal Mining (Brazil)

The Yanomami Indigenous Territory in the Brazilian Amazon represents one of the largest indigenous territories in the world, covering 96,650 square kilometres across the states of Roraima and Amazonas. Home to approximately 27,000 Yanomami people living in some 300 villages, the territory faces severe pressure from illegal gold mining that threatens both the community's physical survival and cultural integrity.

Historical Context and Contemporary Pressures

The Yanomami territory was officially demarcated in 1992 following a long campaign by indigenous rights advocates and anthropologists. However, the region's rich gold deposits have attracted illegal miners (garimpeiros) since the 1980s, creating ongoing conflicts between indigenous communities and extractive interests.

Under the Bolsonaro administration (2019-2022), illegal mining activities intensified dramatically as environmental enforcement was weakened and mining

interests received tacit government support. Illegal miners destroyed around 200 hectares of forest (approximately 200 football fields) in the first quarter of 2021 alone. Between 2019 and 2021, deforestation rose by 195% in Yanomami territory.

Health and Environmental Impacts

The consequences of illegal mining for Yanomami communities have been catastrophic. Water pollution from mercury used in gold extraction has contaminated rivers and fish, the primary protein source for many Yanomami communities. Food security has been severely compromised as mining operations destroy hunting grounds and contaminate traditional food sources.

The health impacts are particularly severe for children. Between 2018 and 2021, 570 Yanomami children died from preventable causes, with malnutrition being a primary factor. The mortality rate among Yanomami children under five is significantly higher than the national average, reflecting the cumulative impact of environmental degradation, food insecurity, and limited healthcare access.

Cultural disruption occurs through multiple mechanisms. Mining operations destroy sacred sites and traditional territories, while the presence of outsiders introduces diseases and social problems to isolated communities. The monetisation of traditional territories through illegal mining also disrupts traditional social structures and governance systems.

Government Response and Policy Changes

The election of Luiz Inácio Lula da Silva in 2022 marked a dramatic shift in government policy toward illegal mining in indigenous territories. In January 2023, the new administration declared a medical emergency in Yanomami territory and launched "Operation Rastrear" to remove illegal miners and restore environmental protection.

The enforcement operations have achieved significant results. Deforestation in Brazilian Amazon indigenous territories decreased by 42% between August 2023 and March 2024, reaching the lowest level since 2018. The Apyterewa Indigenous Territory, which had been the most deforested for four consecutive years, did not appear in rankings of most deforested areas for four months following enforcement operations.

International Dimensions and Accountability

The Yanomami case has attracted international attention and legal action. International Criminal Court prosecutors have opened preliminary examinations into whether the Bolsonaro administration's policies constituted crimes against humanity through the systematic attack on indigenous populations. The case raises important questions about state responsibility for failing to protect indigenous peoples from third-party harm.

Corporate accountability remains limited, as most illegal mining operations are informal and difficult to trace through supply chains. However, some international gold buyers have implemented stricter due diligence procedures to avoid purchasing illegally extracted gold from indigenous territories.

Ogoni People and Shell Oil Operations (Nigeria)

The Ogoni crisis in Nigeria's Niger Delta represents one of the most documented cases of extractive industry impacts on indigenous communities and established important precedents for corporate accountability and international solidarity. The conflict between the Ogoni people and Royal Dutch Shell became internationalised following the 1995 execution of Ken Saro-Wiwa and eight other community leaders.

Resource Extraction and Environmental Degradation

Royal Dutch Shell discovered oil in Ogoniland in 1958 and has since extracted an estimated $30 billion worth of crude oil from the region. However, the 550,000 Ogoni people, who are primarily farmers and fishermen, have received minimal economic benefits from oil extraction while bearing severe environmental costs.
Environmental degradation in Ogoniland has been extensive and well-documented. Uncontrolled oil spills have created puddles of crude oil the size of football fields across the landscape. Farmland that was once fertile has been contaminated by oil spills and acid rain from gas flaring. Virtually all fish and wildlife have disappeared from formerly productive ecosystems.
A 2011 United Nations Environment Programme assessment found that the environmental contamination in Ogoniland would require 25-30 years and $1 billion to remediate. The assessment documented groundwater contamination extending far beyond previously recognised areas and identified numerous sites requiring immediate intervention to protect public health.

Resistance Movement and Internationalisation

The Movement for the Survival of the Ogoni People (MOSOP), founded in 1990 under Ken Saro-Wiwa's leadership, developed innovative strategies combining nonviolent resistance with international advocacy. MOSOP's 1990 Ogoni Bill of Rights demanded political autonomy, economic justice, and environmental protection.
The January 1993 demonstration marked a crucial turning point, as approximately 300,000 Ogoni—more than half the population—participated in peaceful protests demanding environmental cleanup, revenue sharing, and political autonomy. The scale of participation demonstrated broad community support for MOSOP's agenda and attracted international attention to the conflict.

Ken Saro-Wiwa's international advocacy proved crucial to globalising the conflict. His writings, including speeches at the United Nations and articles in international media, framed Ogoni grievances in terms of environmental racism, cultural genocide, and corporate accountability. His nomination for the Nobel Peace Prize and receipt of the Goldman Environmental Prize elevated the conflict's international profile.

State Violence and International Response

The Nigerian government's response to Ogoni protests involved systematic repression coordinated with Shell's operations. The military established a task force in Ogoniland that conducted extrajudicial killings, torture, and widespread human rights abuses. Amnesty International documented how Shell provided financial and logistical support to military operations against Ogoni communities. The execution of the Ogoni Nine on November 10, 1995, following a flawed trial before a military tribunal, generated international outrage and transformed the conflict into a global symbol of corporate impunity. The executions led to Nigeria's suspension from the Commonwealth and prompted international sanctions.

Legal Accountability and Corporate Responsibility

The Wiwa v. Royal Dutch Shell litigation in United States federal courts established important precedents for corporate accountability under international law. Filed in 1996 under the Alien Tort Statute, the case alleged Shell's complicity in human rights abuses including extrajudicial killing, torture, and crimes against humanity.

The $15.5 million settlement reached in 2009, while Shell denied liability, represented a significant victory for corporate accountability advocates and

provided compensation to victims' families. The case demonstrated the potential for using international legal mechanisms to hold multinational corporations accountable for human rights violations committed in their operations.

Contemporary Significance and Ongoing Challenges

The Ogoni case has influenced international corporate accountability standards, contributing to the development of the UN Guiding Principles on Business and Human Rights and various industry initiatives on responsible sourcing. However, environmental restoration in Ogoniland remains incomplete despite multiple commitments by Shell and the Nigerian government.

Mapuche Conflict with Forestry Companies (Chile)

The Mapuche conflict in Chile represents one of the longest-running indigenous land disputes in the Americas, with contemporary tensions focusing on the expansion of industrial forestry plantations in traditional Mapuche territory. The conflict has escalated significantly since the late 1990s, leading to the Chilean government declaring states of emergency and deploying military forces in Mapuche regions.

Historical Foundations and Contemporary Dispossession

The contemporary conflict has deep historical roots in the Chilean state's occupation of Mapuche territory (Wallmapu) in the late 19th century. Following military campaigns known as the "Pacification of the Araucanía" (1861-1883), the Chilean state reduced Mapuche territory from 10 million hectares to approximately 500,000 hectares through a system of "reduction" that concentrated Mapuche families on small reserves.

The military dictatorship period (1973-1990) intensified Mapuche land dispossession through the implementation of Decree Law 701, which provided subsidies and incentives for forestry plantations. This legislation enabled forestry companies to acquire extensive Mapuche territories at subsidised prices, often through connections to the Pinochet regime.

Contemporary forestry expansion involves three major corporations—Forestal Arauco, Compañía Manufacturera de Papeles y Cartones (CMPC), and MASISA—which control over 1.7 million hectares of plantations, primarily in regions with significant Mapuche populations. These plantations cover an area three times greater than officially recognised indigenous lands in the same regions.

Environmental and Cultural Impacts

Monoculture forestry plantations have fundamentally altered Mapuche territorial landscapes and disrupted traditional land use practices. Pine and eucalyptus plantations consume significant water resources, leading to the depletion of springs and streams that Mapuche communities depend upon for domestic use and traditional ceremonies.

Biodiversity loss has been extensive, as plantations replace native forests that provided traditional medicines, foods, and materials for Mapuche cultural practices. The loss of native species undermines traditional ecological knowledge and disrupts the spiritual relationships between Mapuche people and their territorial landscapes.

Soil degradation and erosion have increased due to intensive forestry practices and the use of heavy machinery. Chemical inputs including pesticides and fertilisers have contaminated water sources and affected human and animal health in Mapuche communities.

Resistance Strategies and State Response

Mapuche resistance has employed diverse strategies ranging from legal challenges and political advocacy to direct action and territorial recovery. The Coordinadora Arauco-Malleco (CAM), founded in 1998, has used direct action including arson attacks on forestry equipment and facilities to pressure for land return.

Territorial recovery actions involve Mapuche communities occupying and reclaiming lands they consider ancestral territory, often backed by historical documentation of original ownership. These actions challenge the legitimacy of current property arrangements and assert Mapuche territorial sovereignty.

The Chilean state response has involved extensive militarisation of Mapuche regions and the application of anti-terrorism legislation against Mapuche activists. Special police forces (GOPE) regularly conduct operations in Mapuche communities, creating a climate of intimidation and fear.

Legal Framework and International Dimensions

Chile ratified ILO Convention 169 in 2008, creating legal obligations to consult indigenous peoples regarding projects affecting their territories. However, implementation has been limited, with the government often conducting consultations after decisions have been made or interpreting the consultation requirement narrowly.

The Indigenous Law 19.253 (1993) established mechanisms for land purchase and return to Mapuche communities, but the process has been slow and inadequate compared to the scale of historical dispossession. Between 1994 and 2014, the government purchased approximately 670,000 hectares for indigenous communities, a fraction of historically lost territories.

International advocacy has increased pressure on the Chilean government, with United Nations human rights mechanisms criticising the use of anti-terrorism

legislation against Mapuche activists and calling for meaningful implementation of indigenous rights. The Inter-American Commission on Human Rights has also expressed concern about excessive use of force and discrimination against Mapuche people.

Recent Developments and Peace Processes

The administration of Gabriel Boric (2022-present) has attempted to establish new dialogue processes with Mapuche organisations. In 2023, the government created a Presidential Commission for Peace and Understanding, which delivered recommendations in 2024 including constitutional recognition of indigenous peoples and new institutional arrangements for territorial negotiations. However, violence has continued to escalate, with attacks on forestry operations, agricultural estates, and even small farmers and civilians. The expansion of violence beyond forestry companies to include other rural residents has complicated efforts to build broader social support for peaceful resolution.

Sami Reindeer Herders vs Mining Operations (Scandinavia)

The Sami people represent Europe's only recognised indigenous population, with approximately 80,000 individuals distributed across northern Norway, Sweden, Finland, and Russia in a region collectively known as Sápmi. Traditional Sami reindeer herding faces increasing pressure from mining operations seeking critical minerals for renewable energy infrastructure, creating tensions between climate goals and indigenous rights.

Traditional Reindeer Herding and Cultural Significance

Sami reindeer herding dates back over a millennium and represents far more than an economic activity—it constitutes the foundation of Sami cultural identity,

social organisation, and spiritual beliefs. The herding system involves seasonal migrations between summer and winter pastures across vast territories that cross national borders.

The Siida system organises herding communities around extended family groups with collective rights to specific territories and shared responsibilities for herd management. This traditional governance system allocates grazing rights, coordinates migrations, and maintains ecological knowledge essential for sustainable resource management.

Reindeer serve multiple functions in Sami culture beyond economic utility. They provide meat, milk, hides for clothing and shelter, and antlers for tools and crafts. Reindeer also feature prominently in Sami mythology, traditional songs (joik), and spiritual practices that connect Sami people to their ancestral landscapes.

Mining Pressures and the Gállok/Kallak Case

The Gállok (Kallak) iron ore project in Jokkmokk, Sweden, exemplifies contemporary conflicts between Sami herding and extractive development. The proposed mine, operated by British company Beowulf Mining, would extract iron ore for European steel production in an area crucial for winter reindeer grazing. Environmental impacts of the proposed mine include habitat destruction, noise pollution, and infrastructure development that would fragment traditional migration routes. Mining operations would occur in the middle of winter grazing areas essential for reindeer survival during the harsh Arctic winter.

Cultural impacts extend beyond immediate environmental effects. The mining area overlaps with the Laponia World Heritage Site, recognised by UNESCO for its outstanding universal value as a cultural landscape shaped by Sami reindeer herding. Mining operations would fundamentally alter this landscape and undermine the basis for World Heritage designation.

Legal Challenges and Rights Recognition

Swedish courts have generally favoured mining interests over Sami rights, despite Sweden's ratification of ILO Convention 169. In 2024, Sweden's highest administrative court ruled in favour of the government's decision to grant mining permits, though environmental approvals remain pending.

International law provides stronger protection for Sami rights. The 1998 Aarhus Convention guarantees indigenous peoples' right to participate in environmental decision-making, while ILO Convention 169 requires free, prior, and informed consent for projects affecting indigenous territories. However, Swedish authorities have failed to secure genuine Sami consent for the project.

Norwegian precedents provide more encouraging examples. In 2021, the Norwegian Supreme Court ruled that wind turbines in Fosen violated Sami reindeer herders' rights, ordering the project's modification despite its contribution to climate goals. This landmark decision established that renewable energy projects cannot override indigenous rights.

Climate Change and Critical Minerals Dilemma

The Sami case illustrates broader tensions between climate action and indigenous rights. Arctic regions contain significant deposits of rare earth elements, lithium, and other critical minerals essential for renewable energy infrastructure, but extracting these resources often conflicts with indigenous land use and cultural practices.

Arctic climate change is occurring twice as fast as the global average, already disrupting traditional reindeer herding through unpredictable weather patterns, ice formation, and changing vegetation. Indigenous communities thus face the paradox of climate change impacts threatening their traditional livelihoods while climate solutions may also undermine their territorial rights.

The Arctic Council has recognised these tensions and developed guidelines for meaningful engagement of indigenous peoples in resource development decisions. However, implementation remains inconsistent across Arctic states.

Economic and Socio-Political Dimensions

Resource Curse Theory and Indigenous Territories

The resource curse hypothesis provides a crucial analytical framework for understanding how extractive industries affect indigenous territories differently than other regions. Classical resource curse theory suggests that countries with abundant natural resources often experience slower economic growth, higher inequality, increased corruption, and greater propensity for conflict than resource-poor nations. However, when applied to indigenous territories, the resource curse manifests in particularly acute forms due to the intersection of resource wealth with historical marginalisation and contemporary power imbalances.

Indigenous territories experience a distinctive version of the resource curse where external actors—multinational corporations and national governments—capture most benefits from resource extraction while indigenous communities bear disproportionate costs. This dynamic reflects what scholars term "internal colonialism," where extractive relationships parallel those between colonial metropoles and colonies, but occur within contemporary nation-states.

The institutional mechanisms that perpetuate this dynamic include legal frameworks that grant subsurface resource rights to states rather than surface inhabitants, environmental and social impact assessment procedures that inadequately account for indigenous cultural values, and benefit-sharing arrangements that provide minimal compensation for extensive territorial

disruption. These institutional arrangements systematically channel resource wealth away from indigenous communities while concentrating environmental and social costs within their territories.

Corporate-Indigenous Power Dynamics

Multinational corporations operating in indigenous territories possess significant structural advantages in negotiations with indigenous communities. These advantages include superior financial resources, technical expertise, legal capacity, and political connections that enable companies to influence government policies and regulatory frameworks.

Information asymmetries further disadvantage indigenous communities in corporate negotiations. Companies possess detailed geological surveys, market analyses, and technical assessments of proposed projects, while indigenous communities often lack access to independent technical expertise or legal representation. This information gap undermines meaningful consultation and informed consent processes.

Corporate social responsibility (CSR) initiatives have emerged as one mechanism for addressing these power imbalances, with many extractive companies developing specific policies on indigenous peoples' rights. However, critics argue that voluntary CSR measures are inadequate substitutes for binding legal obligations and effective government regulation. The Shell case in Nigeria demonstrates how companies can maintain extensive CSR programmes while simultaneously engaging in practices that violate indigenous rights.

Government Roles and Competing Obligations

National governments face complex and often contradictory pressures regarding extractive development in indigenous territories. Economic incentives include

revenue generation through taxation and royalties, foreign exchange earnings from resource exports, employment creation, and infrastructure development. These economic benefits create powerful constituencies supporting extractive development, including labour unions, business associations, and regional governments dependent on resource revenues.

Political incentives also favour extractive development in many contexts. Resource revenues can fund government programmes, subsidies, and patronage networks essential for political survival in developing countries. International financial institutions and donor countries often pressure developing nations to exploit natural resources to service external debt and fund development programmes.

However, governments also face legal obligations to protect indigenous peoples' rights under international law. These obligations include duties to consult indigenous communities regarding projects affecting their territories, to obtain free, prior, and informed consent in certain circumstances, and to protect indigenous peoples from discrimination and violence. The tension between economic incentives and legal obligations creates policy contradictions that often disadvantage indigenous communities.

Conflict Dynamics and Violence

Armed conflict frequently accompanies extractive development in indigenous territories, with violence directed against indigenous communities, environmental defenders, and occasionally extractive operations themselves. Global data indicates that indigenous peoples and environmental defenders face disproportionate risks of assassination, intimidation, and criminalisation in contexts involving extractive industries.

The Standing Rock protests demonstrated how conflicts over extractive development can escalate rapidly, drawing international attention and solidarity while provoking increasingly repressive government responses. The use of military-style policing tactics against nonviolent protesters highlighted the extent to which states will deploy violence to protect extractive investments.

In Latin America, the criminalisation of indigenous protest has become a systematic strategy for suppressing resistance to extractive development. Governments routinely charge indigenous activists with terrorism, sedition, or other serious crimes for participating in protests or territorial defence actions. Chile's application of anti-terrorism legislation against Mapuche activists exemplifies this strategy.

Corporate security arrangements also contribute to conflict escalation. Extractive companies frequently employ private security firms or coordinate with state security forces in ways that increase tensions with local communities. The Ogoni case demonstrates how corporate-state security partnerships can lead to systematic human rights violations.

Economic Benefits versus Costs Analysis

Benefit distribution from extractive projects typically follows highly skewed patterns that favour external actors over indigenous communities. Standard economic analyses of extractive projects focus on national-level impacts such as GDP growth, export revenues, and employment creation, while inadequately accounting for local-level costs borne by indigenous communities.

Direct employment from extractive projects often provides limited benefits to indigenous communities due to skill requirements, cultural barriers, and geographic mobility demands that conflict with traditional livelihoods. Many

extractive operations employ primarily non-indigenous workers, either from urban areas within the same country or from abroad, limiting local employment benefits. Indirect economic effects can be particularly harmful to indigenous communities. Extractive development often triggers in-migration of non-indigenous workers and service providers, driving up local prices, straining infrastructure, and creating social tensions. Environmental degradation can undermine traditional economic activities such as agriculture, fishing, and tourism that provide sustainable livelihoods for indigenous communities.

Compensation mechanisms vary widely in scope and effectiveness. Some jurisdictions require impact and benefit agreements between companies and indigenous communities, while others rely on general taxation and public spending to distribute benefits. However, research indicates that most compensation schemes provide inadequate compensation for territorial and cultural losses while failing to ensure sustainable long-term benefits for affected communities.

Gender Dimensions and Intersectional Impacts

Indigenous women face particular vulnerabilities in contexts involving extractive development. Traditional gender roles often assign women primary responsibilities for food production, water collection, and childcare, making them especially vulnerable to environmental contamination and ecosystem disruption. In many indigenous societies, women also serve as guardians of cultural knowledge and traditional practices that are threatened by extractive development.

Gender-based violence increases significantly in areas with extractive operations, particularly during construction phases that bring large numbers of male workers to previously isolated communities. The establishment of "man camps" for

extractive workers has been associated with increased rates of sexual assault, domestic violence, and human trafficking affecting indigenous women.
Economic marginalisation of indigenous women often deepens through extractive development as traditional subsistence activities are disrupted while new employment opportunities favour men. Women may lose access to traditional food sources, medicinal plants, and economic activities while gaining limited access to wage employment in extractive operations.
However, indigenous women have also emerged as prominent leaders in resistance movements against extractive development. From Ken Saro-Wiwa's daughter in Nigeria to Mapuche women leaders in Chile, women have often provided crucial leadership in organising communities and articulating alternative development visions.

Environmental and Health Impacts

Ecosystem Degradation and Biodiversity Loss

Indigenous territories encompass approximately 25% of the world's terrestrial surface while harbouring 80% of global biodiversity, making environmental impacts of extractive industries in these areas particularly significant for global conservation. The concentration of biodiversity in indigenous territories reflects millennia of sustainable management practices that have maintained ecological integrity while supporting human livelihoods.
Deforestation represents one of the most visible and measurable impacts of extractive development in indigenous territories. In the Brazilian Amazon, research documented a 129% increase in deforestation within indigenous territories between 2013 and 2021, releasing an estimated 96 million metric tons of carbon dioxide into the atmosphere. However, this increase occurred primarily

during periods of weakened environmental enforcement, demonstrating the crucial role of government policy in protecting indigenous territories.

Mining operations create particularly severe and long-lasting environmental impacts. Open-pit mining destroys entire ecosystems and creates permanent alterations to landscapes that are irreversible on human timescales. Underground mining can contaminate groundwater systems with heavy metals and acidic drainage that persists for decades or centuries after operations cease. The Yanomami territory exemplifies these impacts, where illegal gold mining has contaminated river systems with mercury used in gold processing.

Oil and gas extraction creates different but equally significant environmental impacts. Pipeline construction fragments forests and creates corridors for further deforestation and development. Oil spills can contaminate vast areas of land and water, as documented extensively in Ogoniland, where decades of oil operations have left legacy contamination requiring 25-30 years and $1 billion to remediate.

Water Contamination and Scarcity

Water resources are fundamental to indigenous peoples' survival, cultural practices, and spiritual beliefs, making contamination particularly devastating for affected communities. Many indigenous cultures view water bodies as sacred entities with inherent rights rather than mere resources for human exploitation. Contamination thus represents not only environmental degradation but cultural desecration.

Mercury contamination from artisanal and small-scale gold mining affects indigenous communities worldwide but is particularly severe in Amazon regions. Mercury bioaccumulates in fish, the primary protein source for many indigenous communities, creating chronic exposure pathways that cause neurological damage, developmental disorders, and reproductive health problems. Studies in Yanomami

communities have documented mercury levels in children that exceed World Health Organization safety guidelines by significant margins.

Industrial chemicals from large-scale mining and oil operations create different contamination profiles. Heavy metals including lead, arsenic, and cadmium can leach from mining operations into groundwater and surface water systems, creating long-term exposure risks. Petroleum products from oil operations contain numerous toxic compounds including benzene and other carcinogens that pose serious health risks.

Water scarcity results from extractive operations that consume large volumes of water for processing or contaminate available supplies. Forestry plantations of water-intensive species like eucalyptus can deplete local water tables and reduce stream flows, affecting both drinking water availability and ecosystem health. Mining operations often require enormous volumes of water for ore processing, potentially depleting aquifers that indigenous communities depend upon.

Health Consequences and Vulnerable Populations

Direct health impacts from extractive operations affect indigenous communities through multiple pathways including air pollution, water contamination, noise pollution, and exposure to toxic chemicals. These impacts are often cumulative and interact with pre-existing health vulnerabilities in indigenous communities, including limited access to healthcare services and higher baseline rates of certain diseases.

Children face particular vulnerabilities due to their higher exposure to environmental contaminants relative to body weight and their developmental susceptibility to toxic substances. The Yanomami case starkly illustrates these vulnerabilities—570 children died from preventable causes between 2018 and 2021, with malnutrition linked to environmental degradation being a primary

factor. Child mortality rates in Yanomami communities significantly exceed national averages, reflecting the cumulative impact of environmental degradation on community health.

Pregnant women face specific risks from environmental contamination that can affect both maternal and foetal health. Mercury exposure during pregnancy can cause cognitive impairment and developmental delays in children, while other environmental contaminants can increase risks of pregnancy complications and birth defects. The impacts on women are particularly significant given their roles in many indigenous societies as primary caregivers and guardians of traditional knowledge.

Elderly populations may be especially vulnerable to environmental health impacts due to age-related physiological changes and potential lifetime cumulative exposures. However, elderly community members also often serve as cultural knowledge holders whose expertise is crucial for understanding environmental changes and their implications. The loss of elders due to environmental health impacts thus represents both individual tragedy and cultural impoverishment.

Climate Change Intersections

Indigenous territories serve as crucial carbon sinks that help mitigate global climate change. Forests in indigenous-managed territories in the Amazon remove approximately 460 million metric tons of carbon per year, making their protection essential for global climate goals. Extractive development that destroys these carbon sinks thus contributes to accelerating climate change.

Arctic indigenous communities face particular challenges from climate change impacts that interact with extractive development pressures. Rising temperatures are already disrupting traditional reindeer herding patterns and ice-dependent hunting and fishing practices. Simultaneously, melting Arctic ice is opening new

areas to mining and oil extraction, creating additional pressures on indigenous territories.

Extreme weather events linked to climate change increasingly threaten indigenous communities whose traditional livelihoods depend on predictable seasonal patterns. Droughts, floods, and storms can destroy traditional food sources and damage infrastructure in indigenous communities, while also facilitating extractive operations by exposing previously inaccessible mineral deposits or transportation routes.

The intersection of extractive development and climate change creates feedback loops that amplify both environmental and social impacts. Extractive operations contribute to climate change through greenhouse gas emissions and ecosystem destruction, while climate change increases vulnerability of indigenous communities to extractive impacts by undermining traditional adaptation strategies and support systems.

Sustainable Alternatives and Ecological Restoration

Indigenous-managed conservation has emerged as one of the most effective strategies for protecting biodiversity and ecosystem services while supporting indigenous livelihoods. Research consistently demonstrates that indigenous territories have lower deforestation rates and better biodiversity conservation outcomes than other protected area categories. Indigenous communities achieved these outcomes through traditional management systems that maintain ecological integrity while providing sustainable resource use.

Ecological restoration programmes in former extractive sites can provide opportunities for indigenous communities to participate in environmental rehabilitation while generating sustainable livelihoods. In Brazil, government programmes now employ indigenous communities to monitor and restore

degraded areas in their territories, providing both environmental benefits and economic opportunities.

Renewable energy development presents complex challenges and opportunities for indigenous communities. While renewable energy is essential for addressing climate change, many renewable energy projects—including wind farms, solar installations, and critical mineral mining—affect indigenous territories. The challenge lies in developing renewable energy systems that respect indigenous rights and provide genuine benefits to affected communities.

Traditional ecological knowledge offers valuable insights for developing sustainable alternatives to destructive extractive practices. Indigenous communities have developed sophisticated understanding of ecosystem management, sustainable harvesting practices, and climate adaptation strategies over centuries or millennia. Integrating this knowledge with contemporary conservation science can produce more effective and culturally appropriate environmental management approaches.

QARMA (Questions a resolution must answer)

1. How does the resolution define "Free, Prior, and Informed Consent (FPIC)" in the context of extractive projects, moving beyond mere consultation to a robust, binding standard?
2. What specific criteria will the resolution establish to identify "corporate complicity" in human rights abuses against indigenous peoples?
3. How does the resolution define "cultural erasure" to encompass not just physical displacement but also the destruction of sacred sites, disruption of traditional practices, and loss of intergenerational knowledge?
4. What guiding principles (e.g., the UN Declaration on the Rights of Indigenous Peoples - UNDRIP, the "Do No Harm" principle, the Right to Redress) form the core foundation of the proposed measures?

5. What mandatory steps must states take to formally recognize, demarcate, and legally protect the collective land titles and territorial rights of indigenous peoples *before* permitting any extractive activity?
6. What specific mechanisms will the resolution propose to ensure indigenous communities have the legal and financial capacity to challenge land concessions and defend their rights in national and international courts?
7. How will the resolution strengthen the requirement for independent, transparent, and culturally-appropriate Environmental and Social Impact Assessments (ESIAs) that are co-designed and co-evaluated with indigenous communities?
8. What safeguards will be put in place to prevent the forced relocation of indigenous populations, and what constitutes adequate and culturally acceptable compensation if relocation is absolutely necessary and consented to?
9. What protocols will the resolution mandate for the identification, protection, and exclusion of sacred sites, burial grounds, and areas of critical cultural significance from extractive operations?
10. How will the resolution ensure that extractive projects do not disrupt traditional livelihoods (hunting, fishing, gathering, pastoralism) and instead contribute to their preservation and sustainable development?