

Committee: Human Rights

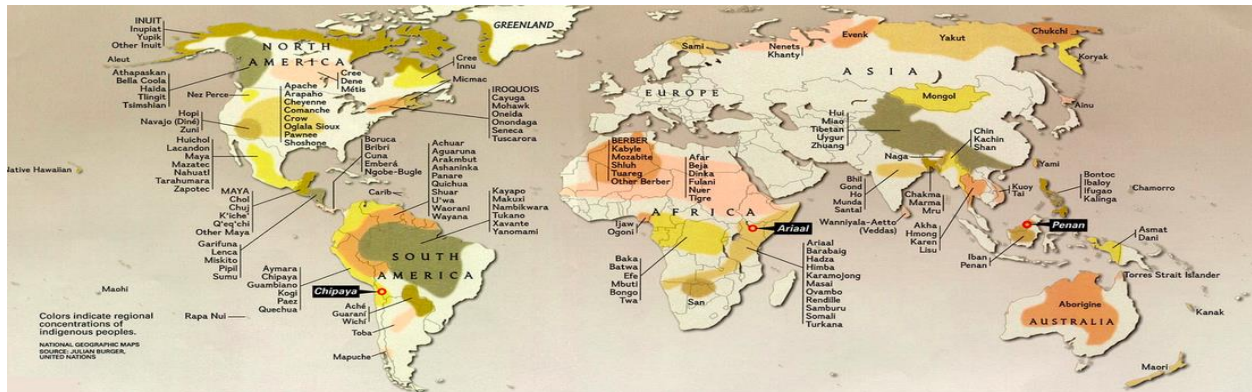
Issue: Respecting the rights of indigenous populations affected by infrastructural projects

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Background:

Indigenous populations are communities that live within, or are attached to, geographically distinct traditional habitats or ancestral territories, and who identify themselves as being part of a distinct cultural group, descended from groups present in the area before modern states were created and current borders defined. They generally maintain cultural and social identities, and social, economic, cultural and political institutions, separate from the mainstream or dominant society or culture but now they are prevented from controlling their territories due to domination and oppression by the jurisdiction of nation states. There are an estimated 370 million indigenous peoples living in more than 90 countries worldwide. They live from the Arctic to the South Pacific, in countries as diverse as Thailand, Finland, Australia, Russia, Brazil, and many others. Although they constitute only 5 percent of the world’s population, due to colonization and current development processes that have had a harmful impact on their communities. Indigenous people have been recognized as the most vulnerable, marginalized, and disadvantaged. Currently, they make up 15% of people living in poverty and 1/3 of people living in extreme poverty.



One of the key issues on the agenda of indigenous groups is the issue of land rights and control of resources their traditional habitats hold. Land is not solely an economic asset that allows indigenous groups access to natural resources, hunting, farming, or gathering. Land has a spiritual and cultural significance, forms a space to maintain and protect traditional institutions and structures to help exercise autonomy and self-determination. Control over land also allows indigenous peoples to protect the environment. International law (UNDRIP, ILO C107, and ILO C169) stipulates that indigenous groups have a right to territorial control of their homeland and to cultural practices that are connected to that territory.

Governments and corporations, however, try to take control of indigenous land, that land is wanted for a country’s “development” and “progress”. Indigenous peoples in many countries face relocation of their communities for projects that are supposed to bring economic advancement. Apart from the negative influence such relocation can have on the traditional way of life, connection to ancestors, and indigenous

collective identity, the new land they received brought damage to their community as it was not good for farming, too far from the forest, and eventually affecting fish migration and water quality. Fierce opposition to building of dams has caused confrontations between indigenous people on one side and officials and the company on the other.



As in many such similar cases around the world, indigenous people were threatened with murder and destruction of their property and in some cases treated as political opposition, which brings its own adverse consequences. Threats to the full realization of the **rights of indigenous peoples** have grown in recent years as a result of factors such as an economic globalization and climate change, which contribute to added pressures on natural resources, especially from resource intensive and resource extractive industries, leading to large-scale displacement and loss of livelihoods. Around 60 million indigenous people around the world depend almost entirely on forests for their survival; indigenous communities continue to be expelled from their **territories** under the pretext of large-scale infrastructure projects. Forced displacement of indigenous peoples from their traditional forests as a result of laws that favor the interests of commercial companies is a major factor in the impoverishment of these communities.

Uncontacted peoples

Uncontacted peoples, also referred to as isolated people or lost tribes, are communities who live, or have lived, either by choice (people living in voluntary isolation) or by circumstance, without significant or first contact with greater civilization. Few people have remained totally uncontacted by modern civilization.

Indigenous rights activists call for such groups to be left alone, stating that contact will interfere with their right to self-determination. In addition, isolated tribes may lack immunity to common diseases, which can kill a large percentage of their people after contact.

<https://www.survivalinternational.org/films/uncontacted-intro>

Time-line events

The **medieval chronicles** talk about the colonization of Eastern Europe by German invaders, many tribes were enslaved or exterminated as for instance the Pruzzen, which are only remembered because of the name of the Kingdom of Prussia.

In **1494** the world was divided between Portugal and Spain that were the first European powers to build colonial empires. The colonization of territories and peoples worldwide followed, essentially framing the concept of indigenous, or colonized peoples, by this conquest.

During the **19th century**, the North America continent was colonized step-by-step leading to a progressive reduction of the areas populated by the so called “Red-skins”. In a short time, their culture was destroyed.

At the Berlin Africa Conference of **1884-1885**, the colonialist European powers met to discuss the future of territories and peoples in Africa under their rule. The Final Act of the Conference was the first international document where the protection of indigenous populations was discussed.

The demand for a unique protection of indigenous stems from the era of colonization characterized by slavery, genocide, and racism against indigenous people and the struggles that emerged from it and that led to destitution, low socioeconomic and political status, academic underachievement, substance abuse, prostitution, and other issues experienced by indigenous people across the world.

When the League of Nations was established in **1920**, Article 22 of its Covenant took it as the European countries’ duty to promote the well-being and development of indigenous peoples who resided in remote territories under the European colonial control.

In **1923** and **1925** indigenous leaders submitted their complaints to the League of Nations. Neither of them were provided an audience as the League considered the cases to be of domestic nature, but both got a chance to expose their situation to the world.

In **1949**, the UN had the first debate on indigenous issues when Bolivia proposed to establish a sub-commission of the Economic and Social Council (ECOSOC) to do a research on the conditions of indigenous populations in the Americas. The Resolution was one important step forward as it shifted the understanding of indigenous from a geographical conception of “territories” to a sociological one of “populations” and “peoples.”

In **1953**, the International Labor Organization (ILO) surveyed indigenous groups worldwide and later published another study about indigenous peoples. It was a major publication on the compulsory labor systems in rural areas in Asia and Latin America that documented for the first time coercion and abuse that were used to recruit indigenous peoples.

In **1970**, at the UN General Assembly, the principle of self-determination of all peoples was reinforced by the Declaration on Principles of International Law.

In **1978**, the rights of indigenous peoples were endorsed by the World Conference to Combat Racism and Discrimination.

In **1982**, the UN Working Group on Indigenous Populations (WGIP) was founded within the structure of the UN. WGIP aimed to set standards to oppose the continued colonization of indigenous peoples.

A General Assembly Resolution established in **1985** a UN Voluntary Fund for Indigenous Populations to assist their representatives taking part in WGIP, helping them in bringing evidence and shaping their arguments. It gave an opportunity to draft the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). However, it was not until **1994** that the Commission on Human Rights established a Working Group on the Draft Declaration.

On **29 June 2006**, the United Nations Human Rights Council adopted the Declaration on the Rights of Indigenous Peoples.

On **13 September 2007**, the Declaration on the Rights of Indigenous Peoples was adopted by a majority of 144 states in favour, 4 votes against (Australia, Canada, New Zealand and the United States) and 11 abstentions (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine).



Current Situation:

The 2007 UN Declaration on the Rights of Indigenous Peoples together with other international human rights instruments, have played a key role in international efforts to realize indigenous peoples' rights. In the DRIP, the right to development serves as the basis for ensuring that indigenous peoples are able to pursue their own development priorities and meaningfully participate in decision making at all stages of the development process. States have the primary responsibility to ensure the realization of the right to development for all persons without discrimination. However, indigenous peoples often suffer disproportionately from loss of livelihoods, food insecurity, poverty, poor health and displacement from their traditional lands. In many States, indigenous land rights are not recognized or inadequately recognized further hindering their enjoyment of the right to development. Climate change, biodiversity loss, exclusionary environmental conservation, and large development projects pose growing threats to indigenous peoples rights. The right to development framework, which is rooted inter alia in the principles of international cooperation, transparency, non-discrimination, self-determination, participation and accountability, can help ensure that the human rights of indigenous peoples are not negatively affected by development efforts.



Some of the most involved countries

TAIWAN: Storage of nuclear waste on the Orchid Island in Taiwan. The Island is a home to the indigenous group Dao. Since the 1970s, the government has been storing nuclear waste on the island without ever informing or consulting the Dao. The nuclear waste dumpsite was mis-represented to them as a fish-canning factory to help local people receive additional income and improve infrastructure and electricity. The protests against the dumpsite started in 1988 when the Dao discovered what was stored on their land. Although the government has promised to remove the waste and provide a compensation, especially for the increase of the liver, stomach, and other types of cancer rate and birth defects among local people. The nuclear waste is still stored in the Island while consultations were conducted with the Paiwan indigenous people in yet another poor area of Taiwan about relocating it to their land for a compensation.

USA-CANADA-RUSSIA: Standing Rock Sioux pipeline battle that saw a Native American community standing against an oil company and its backers who used threats and violence against them. The First Nations in Canada are experiencing similar threats from oil extraction companies that are supported by the government. Kinder Morgan's Trans Mountain project is one case in point. In January 2017, an oil pipeline spilled 200,000 liters on aboriginal land in Saskatchewan. It is not the first incident in Canada, and certainly not the first in the world. Oil spills pollute the environment: rivers, lakes, and the earth – on indigenous lands used by indigenous groups. Not that far away are Russia's indigenous groups in the North of the country that have been countering the expansion of oil and gas extraction to their lands for years.

FINLAND: Sami people of Finland are being affected by mineral extraction and the development of renewable energy projects and it is not only about the abuse of indigenous rights to their ancestors' land and resources. This is also about the environment in the territories they inhabit.

CAMEROON: in Cameroon, anti-poaching "eco-guards" destroyed property of the hunter-gatherer Baka people, used violence against them, and denied access of the Baka to their ancestral lands.

INDIA-NEPAL-KENYA: in India, an indigenous group was evicted from the Kanha tiger reserve to allegedly protect tigers. Despite the evidence that people can live peacefully with tigers and that

indigenous people have been protectors of wildlife and wilderness for centuries. Similar cases can be found in Nepal, Kenya, and many other places.

BRAZIL: deforestation in indigenous reserves demarcated in the Amazon increased 32 percent in August 2016 to July 2017, compared to the previous period. “They are destroying our culture, our consciousness and our economy by destroying our forests, which we defend because they are our life and our wisdom,” protested Almir Narayamoga Suruí, a leader of the Suruí people in the September Seven TI, where nearly 1,400 indigenous people live, in northwestern Brazil. The destruction is caused by loggers and “garimpeiros” or informal miners of gold and diamonds that have invaded the Suruí land since the beginning of 2016. The new Brazilian government led by Bolsonaro regarded indigenous communities as impediments to the development of areas that were rich in minerals or that could be turned into farmland. Rather than respecting their autonomy, it sought to force their integration into the wider society.

Possible solutions:

- *Include indigenous people in discussions of land use*
Without land, indigenous peoples have no livelihood, no identity, no means of survival. In this context, states need to respect the principle of free, prior and informed consent. Indigenous peoples need to be consulted about use of their land and included in development processes. Companies need to take this on board too and conduct proper due diligence prior to embarking on, and during, investment projects.
- *Encourage the state to fulfil wider rights*
There is a human right to education, and a human right to an adequate standard of living – and there is also a right to development: the right to be included in development processes. The right to development includes the fulfilment of civil, political, economic, social and cultural rights and freedoms. States bear the duty to bear the burden for creating conditions favorable to a people’s development.
- *Learn from stories of progress*
Notwithstanding the dire situation for many peoples there are also some incredibly inspiring stories. From Peru there is the story of the Achuar people in the north who have come together to defend their territory and implement their own vision for self government. For over 15 years they have successfully resisted the efforts of various oil companies and the government to explore for oil on their territory.
- *Apply the law to ensure land rights are protected*
Laws on land rights are often good, but they are universally flouted. Brazil’s an example – all Indian tribes in Brazil should have had their land protected in law by 1993 according to the constitution, but dozens are still waiting

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