

Chair Report

Forum: JGA3

Issue: The question of protection of indigenous people from discrimination

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Introduction:

With more than 476 million indigenous people residing across 90 countries worldwide, discrimination against indigenous people is still an ongoing issue both historically and in the present day. Indigenous people have often faced discrimination and marginalization; in the form of physical violence, economic exploitation, cultural assimilation, dispossession of land, and the denial of basic rights and services.

The discriminatory practices committed against indigenous people have had detrimental impacts not only on their physical lifestyle but on their cultural heritage, contributing to population decline and the endangerment of native languages. This issue has been since recognized by **DESA (United Nations Department of Economic and Social Affairs)**, with indigenous people classified as arguably among the most disadvantaged and vulnerable groups of people in the world. Despite international committees recognizing the issue at hand, special measures are yet to be enforced to protect the rights of indigenous people, with continuous violence and injustices being committed.

Definition of Key Terms:

Indigenous People

Indigenous describes any group of people that are native to a specific region, have inhabited, or existed in a land from the earliest times or from before the arrival of colonists.

Discrimination

The unjust or prejudicial treatment of different categories of people, especially on the grounds of ethnicity, age, sex, or disability.

Marginalization

The treatment of a person, group, or concept as insignificant or peripheral.

Cultural Preservation

The act or process of keeping something valued alive, intact, or free from damage. Refers to using deliberate and well-designed methodologies, to maintain cultural heritage from the past for the benefit of the present and future generations.

Forced Assimilation

The process in which the government forces a group of people to adopt the language, identity, social norms, religion, ideology, etc, of a more established and dominant culture.

Cultural Institutions

Institutions with a recognized mission to preserve, interpret, and disseminate knowledge related to the arts, sciences, and environment; and supporting initiatives aimed at educating and informing the public about related facets of culture, history, science, and the environment.

Background Information:

With over 6.2% of indigenous people accounting for the global population. There are more than 5,000 distinct groups, and yet the discrimination committed against them is alarmingly evident. As a result of standing up and defending their rights to territories, and resources, violence against indigenous people have significantly increased over the past decade. Their rights are not being protected or advocated for, thus leading to the endangerment of cultures and heritage. Indigenous people are continuously being displaced, consequently due to these conflicts and human rights violations.

Lack of acknowledgement of their rights to territories, and resources is the primary issue Indigenous people face. Due to population transfers, large-scale development projects, land grabs, etc. many communities have been marginalized and ostracized. This is further exacerbated by the deterioration of the environment, the absence of investments in indigenous communities' infrastructure and social services, as well as their limited access to markets and financing. Extensive hunger, inadequate academic performance, health issues, rising poverty, high levels of unemployment, and the deterioration of social structures and cultural institutions are all the result of this negligence. With **Reem Alsalem**, UN Special Rapporteur on violence against indigenous women stating that this violence "is rooted in historic and unequal patriarchal power structures, racism, exclusion, and marginalization enabled by a legacy of colonialism."

The United Nations Working Group on Indigenous Populations was established in 1982 in response to the growing anti-indigenous prejudice, and it was this group that articulated the requirements and needs of indigenous people in the '**landmark Declaration on the Rights of Indigenous Peoples**' that the UN General Assembly endorsed in September 2007.

Additionally, the UN issued the **Durban Declaration** in 2001, which recognizes the fundamental freedoms and human rights of indigenous peoples, in order to guarantee international initiatives to protect them. Among other things, it emphasizes the right to self-determination, the freedom to choose their political status and pursue economic, social, and cultural development, the right to maintain and revitalize cultural traditions and customs, the right to their own lands, territories, resources, etc.

Indigenous peoples' discrimination is considered to be racial discrimination, as according to the **Committee on the Elimination of Racial Discrimination**. Non-discrimination, according to this interpretation, entails offering opportunities for economic and social advancement, meaningful involvement, and rights to lands, territories, and resources as well as protecting components of indigenous cultural identity and language. Therefore, it is prominently evident that countries must ensure initiatives are being taken to promote awareness against the discrimination of indigenous people, as well as enforcing laws, and protecting them against prejudice, and violence.

Major Parties involved and their views:

United Nations Permanent Forum on Indigenous Issues (UNPFII)

The UN's primary coordinating organization for issues pertaining to the concerns and rights of indigenous peoples around the world is the **Permanent Forum on Indigenous Issues**. This forum was established by resolution on 28th July, 2000.

International Labor Organization (ILO)

ILO Convention 169, often known as C169, is a convention that was adopted by the International Labour Organization in 1989. It is a predecessor to the Declaration on the Rights of Indigenous Peoples and is the primary legally binding international agreement pertaining to indigenous and tribal peoples.

Office of the United Nations High Commissioner for Human Rights (OHCHR):

It oversees and supports indigenous peoples' activities across the country to recognize indigenous peoples' communities as legal entities, and apply for collective land titles, as prescribed by domestic legislation, in partnership with the ILO and other development partners. Additionally, OHCHR actively

promotes legislative change at a national level and offers legal analysis and professional guidance on pertinent laws and policies.

Timeline of Relevant Events:

Date	Description
1982	<p>Establishment of the ‘United Nations Working Group on Indigenous Populations’</p> <p>The concern for the ongoing discrimination against Indigenous people led the UN (United Nations) to establish the ‘United Nations Working Group on Indigenous Populations’ in order to help promote protection, and preserve their basic human rights.</p>
1983	<p>Aboriginal Child Placement Principle: State and Territory review</p> <p>The NT welfare legislation includes the Aboriginal Child Placement Principle, which was created primarily as a result of the work done by Aboriginal and Islander Child Care Agencies ("AICCAs") in the 1970s, to guarantee that Indigenous children are placed with Indigenous families during adoption.</p>
1989	<p>Indigenous and Tribal Peoples Convention</p> <p>An Indigenous and Tribal Peoples Convention were initiated by the International Labor Organization in 1989. It is a legally binding international instrument relating to indigenous and tribal peoples.</p>
2001	<p>The Durban Declaration</p> <p>This declaration emphasized many issues Indigenous people faced and endorsed implementations to ensure their protection, as well as acknowledging the fundamental human rights of Indigenous people.</p>
2016	<p>ILO (International Labour Organization) Programme</p> <p>The ILO initiative ensures that every household that is willing to engage in unskilled manual labor will receive at least 100 days of paid employment</p>
	<p>annually. It offers up to 50 additional days of paid work per household of a scheduled tribe living in a forest area.</p>

Related UN Treaties and Events

- **2007** The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) ○ Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
(Article 5) ○ Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. (Article 8)
- **2019** Inter-Agency Support Group on Indigenous Issues, Annual meeting
- **2007** 6th Session of the Permanent Forum on Indigenous Issues, New York, 14 – 25 2007. Special theme of the session: ‘Lands, territories and resources’
- **2018** 11th session of the Expert Mechanism on the Rights of Indigenous Peoples (Palais des Nations, Geneva, 8-13 July)
- **2020** United Nations Permanent Forum on Indigenous Issues, 19th session

Previous Attempts to solve the issue

Attempts to solve the issue of discrimination against Indigenous people have both been through international initiatives, and organizations. As prominently seen, OHCHR has been a major contributor to assisting and protecting their fundamental rights through various regional activities, campaigns, and legislations. The OHCHR actively participated in the Inter-Agency Support Group (IASG) on Indigenous Issues, particularly in the endeavor to put the UN system-wide action plan on the rights of Indigenous Peoples into practice. As well as developing treaties, and enforcing laws that require States to establish and implement processes in *"recognizing and adjudicating indigenous peoples' rights in relation to their lands, territories, and resources"* (Article 27)

Possible Solutions

The enforcement of stricter laws, and legislations to protect the rights of Indigenous people will help to reduce violent practices, and prejudices against them. Initiatives also need to be taken, in accordance with regional and domestic applications of Indigenous people; and increasing the incorporation of Indigenous rights into domestic legal systems. The protection of Indigenous people, actively preventing conflicts and preserving their cultural heritage all depend on solutions like assessing the situation of indigenous peoples in countries, conducting thematic studies, interacting with governments, indigenous peoples, and others about claims of violations of these rights, as well as promoting good practices to limit prejudice and discrimination.

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